

MINISTERIAL INSTRUCTION

NO 13 FOR HOME EDUCATION

Statement

This Ministerial Instruction sets out the processes associated with the assessment, approval and monitoring of a home education program.

Date published: July 2017

Ministerial Instruction No 13 for Home Education

I, Jeremy Rockliff, being the Minister for Education and Training, make the following instruction, pursuant to Section 7 of the *Education Act 2016*.

1. Purpose

1.1 The purpose of this Ministerial Instruction is to set out the processes associated with the assessment, approval and monitoring of a home education program.

2. Scope

This Instruction comes into effect on 10 July 2017.

3. Instructions

3.1 Application for approval of a proposed home education program

3.1.1 An application for approval of a proposed home education program for each child or youth must include:

- a. identification that confirms the name of the child, date of birth and parents' names.
This may include:
 - i. a certified copy of a birth certificate; or
 - ii. an extract of birth/passport with a Medicare card on which each child is listed.
- b. the place of residence of the child;
 - i. an applicant parent must be able to demonstrate that their and their child's main place of residence is within Tasmania.
 - ii. If intending to travel, either nationally or internationally, there must be a demonstrated intent to return to Tasmania to reside in this State.
- c. a copy of any family court parenting orders (if in existence) for each child where the orders differ for the children.
- d. evidence of parental relationship to each child.

3.1.2. Where possible, both parents should consent to the home education for that child. Where a signature or consent cannot be obtained, then the applicant should provide an explanation to the Registrar.

3.1.3. An applicant may be required by the Registrar, to provide copies of reports for medical/health issues that impact on a child's education.

3.1.4. The Registrar may require documented evidence of any information provided by the applicant parent.

3.1.5. If an application includes the part-time attendance of a child at one school, then the home educator must provide to the enrolling School, all necessary information as outlined in *Ministerial Instruction No 1 for Enrolment of a School-Aged Child or Youth*.

3.2 Commencement of home education program prior to final registration

3.2.1. Upon receipt of a new application for approval of a proposed home education program from an applicant parent, the Registrar is to seek information from a Registration Officer and two THEAC Council members about the appropriateness of the program to enable the Registrar to authorise the commencement of that program on a provisional basis.

3.2.2. The purpose of provisional registration is to enable the parent to begin to deliver the home education program in order for a Registration Officer to undertake a home education assessment for the purposes of preparing a report as required under section 86 of the Act for the Registrar.

3.2.3. Approval from the Registrar for provisional registration constitutes a reason for the child to be excused from daily attendance at school pursuant to section 19 of the Act.

3.3 Carrying out home education assessment

3.3.1. Prior to carrying out a home education assessment, the Registration Officer or the Registrar's Office, on behalf of a Registration Officer, will arrange for a date and time for which the home education assessment is to occur.

3.3.2. Confirmation of these arrangements may be verbal or in writing including email.

3.3.3. A home education assessment is to be arranged and confirmed no later than 4 weeks prior to the home education assessment occurring.

3.3.4. A Registration Officer must not enter or remain in the premises without the consent of the home educator or the applicant parent. Further, a Registration Officer must not coerce or force entrance onto premises.

3.3.5. During the home education assessment, the child is expected to be present unless prior approval is received from the Registrar.

3.3.6. If a home education assessment cannot be conducted within the child's home, then other arrangements may be sought by the parent, including meeting at the Registrar's Office.

For example, if travelling when an assessment is due, then technology such as Skype or Facetime may be used. If such technology is used, it may only be used for this assessment, and the next assessment must be conducted within the child's residence in Tasmania, unless prior approval is sought from the Registrar.

3.4 Significant amendments to approved home education program

3.4.1 The following types of amendments to a home education program are determined to be a significant amendment:

- a. a change to the home educator (person named in an approved Home Education program as the parent who provides Home Education to a child under that program), i.e. parenting separation, person deceased;

- b. significant variation to the pedagogy as identified in guidelines issued by the Registrar; or
- c. enrolment of child to attend school on a part-time basis.

3.5 Enrolment at school for part-time attendance by home educated child

3.5.1. If an application for approval of a proposed home education program (or application to amend an approved home education program) includes the part-time enrolment and attendance of a child at one school, then the applicant parent (or home educator) must provide to the enrolling School, all necessary information as outlined in *Ministerial Instruction No 1 Enrolment of a school-aged Child or Youth* to enable that child to be enrolled correctly at that School.

3.5.2. An application (or application for amendment) that includes part-time enrolment at a school, must be accompanied by the in-principle approval (obtained in writing) given by the enrolling school principal.

3.6 Revocation of approval of home education program

3.6.1. In determining whether a home education program is not being provided to a sufficient extent following a report from a Registration Officer, the Registrar is to:

- a. Consider any evidence that the child was not progressing in accordance with the expectations for that child;
- b. Seek a report from a second Registration Officer;
- c. Seek advice from the Tasmanian Home Education Advisory Council, prior to making a decision to revoke approval of a home education program;
- d. Consider offering the parents the opportunity to attend a meeting with the Registrar to discuss the issue/s prior to making a final decision.

3.6.2 The Registrar is expected to comply with all procedural fairness requirements and ensure that the parents are provided with all relevant information and given an opportunity to respond at every relevant point in the process prior to a final decision being made.

3.7 Ceasing home education

3.7.1. If a home educator chooses to cease the delivery of home education, or fails to apply for the approval of a new program within the time specified in Section 67(2) of the Act, the child must immediately be enrolled in, and attend school.

3.7.2. The parent must notify the Registrar in writing to advise of their decision to cease home education and what school the child is enrolled at and attending.

4. Instructions in relation to assessment of applications submitted prior to 10 July 2017

4.1 Home education applications not yet determined at 10 July 2017

4.1.1. If an application and home education summary and program was submitted to the Tasmanian Home Education Advisory Council prior to 10 July 2017, however a decision on the issuing of 'provisional registration' had not yet been made by THEAC, the application and home education summary and program will then be dealt with by the Registrar under sections 67, 68 and 69 of the *Education Act 2016*..

4.1.2. If on 10 July 2017, the Tasmanian Home Education Advisory Council has made a decision that a home education summary and program should be approved by the Minister, but the Minister had not yet approved the plan, then the Registrar is to approve the plan in place of the Minister on the same terms as those recommended by THEAC.

4.2 Provisional registration issued before 10 July 2017

4.2.1. If an application and home education summary and program was submitted to the Tasmanian Home Education Advisory Council prior to 10 July 2017, and issued with a 'provisional registration' by THEAC, the provisional registration will continue until such time dealt with under sections 67, 68 and 69 of the *Education Act 2016*; and

4.2.2. The application and proposed home education program will then be dealt with in accordance with sections 67, 68 and 69 of the *Education Act 2016*.

4.3 Full registration

4.3.1. Schedule 5, Savings and Transitional Provisions of the *Education Act 2016* provides that a home education summary and program approved by the Minister for Education and Training before 10 July 2017 continues in force according to the terms of its approval by the Minister; and is taken to be an approved learning program.

A home education summary and program approved by the Minister for Education Act and Training before 10 July 2017 is considered as having 'full registration' (as it was then known as) under the home education arrangements prior to the *Education Act 2016*.

3 Definitions

As per the *Education Act 2016*.

4 Details

Minister Authorisation	Jeremy Rockliff
Date authorised	10 July 2017
Contact Officer Business Unit	Office of the Education Registrar
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Date document was last reviewed	10 July 2017
TRIM Reference Number	DOC/17/103556
Key Words	HOME EDUCATION,

Table 1: Details of document authorisation

Please refer to the online version (Doc ID: TASED-1797567314-8201) located in the Department's Document Centre to ensure this is the most recent copy.

5 History of Changes

Effective date	Last update date	Policy version no	Notes
10 July 2017	-	1	New Education Act 2016.

Table 2: History of document changes