

Submission

to

Senate Employment, Workplace Relations and Education
References Committee

Inquiry into Commonwealth Funding for Schools

Submission no: 23

Received: 24/06/2004

Submitter: Mr Bonnor
President

Organisation: NSW Secondary Principals' Council

Address: 37 Gumnut Road
CHERRYBROOK NSW 2126

Phone: 02 9980 6129

Fax: 02 9945 0021

Email: chris.bonnor@det.nsw.edu.au



Introduction

This submission argues that the manner in which private schools are permitted to operate in Australia has created a total landscape of schools in which substantial advantages accrue to private schools and disadvantages accrue to government schools. This situation has been allowed to develop because neither the federal government nor the state governments have actively considered:

1. the conditions under which publicly-funded private schools should be allowed to receive public funds; and
2. the long term impact on public schools of establishing a private sector which is able to operate under a significantly different set of conditions.

There has been little attempt to investigate the need for a sufficiently public charter commitment from private schools in exchange for public funds. As OECD Education Director Barry McGaw and others have demonstrated, Australia is at odds with other OECD countries in the extent to which publicly-funded private schools are able to combine private resources with government funding to achieve a substantial advantage over the public system.

The reality is worse than that depicted by McGaw because the operation of private schools is bound by far fewer rules and constraints in comparison with public schools. It is this difference in operation, as much as funding inequities, which is impacting on public schools. Publicly-funded private schools, by default or by design, can avoid catering for students from low income families, indigenous Australians, students with disabilities, students from one-parent families and students whose families may not profess a religious faith.

The consequence has been to create a public school system which disproportionately caters for these groups and, in the process, caters for young people and communities which are marginalized. This situation will be accentuated if funds to existing 'wealthy' private schools are simply redistributed to 'low fee' private schools, without any change in the way these schools operate. It will simply create and advantage more private schools at the higher end of what is an already uneven playing field.

Relevance of this submission to the Inquiry Terms of Reference

Marginalised schools and school systems have a greatly reduced capacity to meet, for each of their enrolled students, current and future school needs and to achieve the Adelaide Declaration (1999) on National Goals for Schooling in the Twenty-First Century.

This is particularly the case in relation to two sections of the Adelaide Declaration:

1. Schooling should **“develop fully the talents and capacities of all students”** (Adelaide Declaration 1) and students should be able to **“attain the skills of numeracy and English literacy; such that, every student should be numerate, able to read, write, spell and communicate at an appropriate level”** (Adelaide Declaration 2.2) Schools catering for a more marginalized population are less able to achieve these outcomes for their students. This is partly because their enrolment profile no longer reflects the full range of students, restricting the access of each student to the role modeling, learning, experience and opportunities found in all sections of the community.

2. the vast differences in resourcing and school operation means that schooling is not **“socially just”** (Adelaide Declaration 2.2) – in particular public schools have a reduced capacity to ensure that **“the learning outcomes of educationally disadvantaged students improve and, over time, match those of other students”** (Adelaide Declaration 3.2). Under current arrangements linked to the funding and operation of schools it is not possible to say that **“all students have access to the high quality education necessary to enable the completion of school education to Year 12 or its vocational equivalent”** (Adelaide Declaration 3.6).

Different rules for different schools – the impact

The table below illustrates differences in operational practice/requirements/obligations on various schools which are publicly funded. The New Zealand example is included to illustrate a system in which all schools which receive public funds are bound by the same operational rules. Full integration of private schools on the New Zealand model is not recommended in this submission.

The information provided for systemic schools and “independent” schools in NSW is incomplete as information for these schools is more difficult to obtain. This is part of the problem.

The features chosen reflect many of the features of schools which, funding aside, are mentioned in focus group research of parents who make a choice of private schooling. The reasons variously include discipline, uniform, teachers, school appearance etc.

Feature of school operation	NSW public secondary schools	Systemic schools and ‘independent’ schools in NSW	New Zealand state schools, which include govt & integrated schools (see below)
Enrolling students	Must enrol any student, without a history of violence, living in drawing area	Usually no obligation to enrol.	Government schools are zoned. Integrated Catholic schools cannot enrol more than 5% non-Catholics
Suspension of students	Must adhere to a strict policy which includes detailed provisions for procedural fairness	Practice varies – no publicly available policies and procedures	As for NSW. Both government and integrated schools follow the same rules.
Expulsion of students	Only after exhaustive procedures (above) are followed.		Decided by the school board
Discrimination on basis of sexuality, disability, gender or age	Anti-Discriminate Act (1977) applies to public schools.	Appropriate sections of the Act do not apply ‘to, or in respect of, a private educational authority’	Not permitted by legislation.
Appointment of staff	By DET according to state-wide procedures. Limited local selection of executive staff. Schools can appoint temporary teachers	Usually school-based decision	By schools/boards following interview. Both government and integrated schools follow the same rules.

Dismissal of staff	Done by the DET after a lengthy school-based process of review of 'efficiency'		By schools/boards following program. Both government and integrated schools follow the same rules.
School uniforms	New draft policy in NSW makes uniforms 'compulsory'except for anyone who doesn't want to comply.	School-based decisions.	Both government and integrated schools follow the same rules. Enforcement has a legal basis.
Fees and contributions	DET will only support fees only for elective subjects as long as there are no-cost alternatives.	School or system decisions	Government and integrated schools follow the same rules but integrated schools collect additional 'attendance dues'.
Properties and maintenance	Some global budget provision but mainly centrally controlled and organised.	Varies, usually school-organised.	Grant for schools includes maintenance, but the property in integrated schools is owned by the school authority.

Note: All but 5% of 'private' schools in New Zealand are fully integrated into the state system and are regarded as state schools. Under the Private Schools Conditional Integration Act (1975) any school can apply to become an integrated school and the state then funds the operation of the school, with the land and buildings owned by the school authority.

The significance of this submission being made by an organisation of secondary principals lies in the fact that principals live with these differences every school day and they work within substantial restrictions on the way they operate, in contrast to the relatively few restrictions placed on principals of neighbouring publicly-funded private schools.

This is illustrated by frequent ill-disguised 'dumping' of unwanted students from private schools into public schools, often without any evidence of procedural fairness and regardless of how many years the parents of the students paid high fees to those schools. While the incidence of this practice seems to have declined in recent years it still illustrates the lack of fairness in existing frameworks.

It should be acknowledged that there is a great divergence of practice amongst private schools. This is illustrated in "Suspension and expulsion from Non-government Schools in NSW", a report by Andrew Gonczi and Geoff Riordan, reported in the *Sydney Morning Herald*, April 3rd, 2004. The report shows that while suspension rates between systemic Catholic and 'independent' schools are similar, expulsion rates vary considerably.

- Systemic Catholic schools expel 19.4% of students found with illegal drugs while independent schools expel 29.3% of such students.
- For violence the comparative figures are 4.5 and 9.8%
- For prohibited weapons the figures are 9.0 and 26.8%
- For persistent disobedience 3.0 and 4.9%
- For criminal behaviour 7.5 and 19.5%

Equivalent figures are not available for government schools as these are collected differently.

It could be argued that, if substantial convergence of practice has to take place in the operation of public and private schools, then government schools and systems also have to change. However, this is more difficult because public schools cannot move too far away from their existing and legislated public obligations. These include and arise out of, in most states and jurisdictions:

- the need to grant unconditional enrolment to any student in a given area, regardless of any background, disability, previous school history;
- the provision of what amounts to a curriculum guarantee to students, regardless of location; and

- linked with the above, the provision of adequate resources for learning, including suitably qualified teaching staff.

Some of the features and much of the character of public schools is determined by their requirement to meet such obligations. Some features, such as inclusiveness, are admired by public education advocates and supportive parents and communities. However, many families choose private schools to actively avoid a public education system in which:

- schools have to enrol everyone and they include the very students that some families (with the means to do so) pay money to avoid;
- schools often cannot enforce school uniforms because some people won't comply and aren't required to comply;
- schools cannot pressure their parents to pay a small financial contribution. Some can't afford it, so no one has to pay; and
- schools can't redirect their most disruptive students because there is usually nowhere else for them to go.

Moves to level the playing field

Few of the existing accountability structures and processes established by state, territory and federal governments impact at all significantly on the operation of private schools.

Using its grants to private schools as a lever, even NSW now has new, if deficient, legislation in place which places additional accountabilities on any school receiving public funds. Victoria has foreshadowed that non-government schools need to be far more accountable for the public money they receive. Other states are even further down this road.

In NSW the Government established the (Grimshaw) Review of Non-Government Schools in 2001. Most recommendations from the first report are now embodied in legislation which details requirements for registration of a non-government school, including provisions for:

- professional standards for teachers;
- adequate educational facilities;
- a safe and supportive environment (including student welfare and child protection provision);
- a discipline policy based on procedural fairness; and
- annual reporting.

From the outset, the NSW Secondary Principals Council (NSWSPC) has believed that the recommendations and legislation didn't go nearly far enough. The Council originally argued that funding should go to those schools and systems with the greatest socio-economic need **and** the highest level of compliance with:

- anti-discrimination and other social legislation;
- procedural fairness in managing student behaviour/discipline matters;
- educational and financial accountability;
- agreed processes for managing parental and student complaints and allegations;
- provision for low achieving students and those with special needs; and
- public reporting on educational programs, value added outcomes and student welfare.

More recently the NSWSPC has gone further, arguing that any publicly-funded school should be required to take its share of students who have quantifiable degrees of disadvantage.

Instead of an unregulated approach to enrolment practices in such schools, funds should be tied to the extent to which the schools take in students who:

- are very poor attenders;
- have diagnosed physical or mental disabilities; or
- have been suspended from other schools, including government schools.

Obviously there are practical considerations but a movement in this direction would be a far cry from the current unrestricted right of these schools to recruit and 'de-recruit' students at will, aided by scholarship practices and schemes which have a distinct predatory element.

In a similar way, moves in NSW by Grimshaw to address staffing issues fell well short of what is needed to create a fair system. The NSW Act is solely concerned with teacher qualifications and conduct. It is unacceptable to public school principals that the staffing of schools in receipt of public funds should operate under different rules. In some states, government schools have an almost totally assigned teaching staff while a school in the same suburb or town, which might be 80% publicly-funded, is allowed substantial or total discretion to hire and fire. This is exacerbated by the ill-disguised poaching of staff which sees good teachers enticed by higher salaries and other packaged advantages into employment in private schools.

While the federal government has recently tied some school practice to funding, none of the requirements has the potential to impact on schools in any way towards creating a more fair competitive environment.

What is needed

Serious consideration need to be given to linking the provision of public funds to changes to the purpose, curriculum and practice of private schools. In effect these schools must be required to develop and implement a public charter in their purpose, curriculum and operation.

Although it is increasingly being cited by Brian Caldwell and others, the concept of a public charter is elusive and ill-defined. Caldwell identifies a set of values which he believes determines a 'public' identity: choice, equity, access, efficiency, economic growth and harmony¹. Alan Reid and Pat Thomson say that curriculum lies at the heart of the education enterprise and should therefore be a key focus of public conversations about education².

Yet it isn't enough for a school to parade acceptable values or even a democratic curriculum to lay a claim to public funds. There are many private schools which do outstanding work in social justice and use the same curriculum taught in public schools. However, there is much more that distinguishes one school from another and public from private. The differences include the legal and regulatory frameworks, the culture of schools and the way in which they operate. Any school which receives public funds must subscribe to a sufficiently broad public charter. A school is far more likely to have a public charter when its values, curriculum and operation both reflect and implement standards that the community holds in such high regard that they are defined in law or regulation.

¹ Caldwell, Brian "A New Vision for Public Schools in Australia" *Principal Matters*, February 2004

² Reid, A & Thomson, P (2003) (Eds) *Rethinking Public Education: Towards a Public Curriculum*. Australian Curriculum Studies Association. Brisbane: Post Pressed

A public charter needs to embrace everything about a school: curriculum implementation, management practice, enrolment of students, student welfare, employment of staff, compliance with all legislation and regulations and much more. If the community values certain ideas and practice enough to see them enshrined in legislation or regulation, then these must be binding on all schools that receive public funds.

The concept of a public charter needs to touch policy and practice throughout the school, even embracing areas such as student discipline and standards of student dress. While they could seem trivial, it is differences in practice in matters such as these which contribute to the uneven playing field in the competition between schools. If school practice in areas such as these is left unequal then further funding for private providers will continue to marginalize government schools and the communities they serve, in the process making a mockery out of the Adelaide Declaration.

Recommendations

1. Private schools should not be established or publicly funded unless:
 - a. they employ qualified teaching staff;
 - b. they meet the same accountability standards as public schools; and
 - c. they substantially operate under the same rules and practice as public schools.
2. The operation of a school be accepted as embracing the frameworks, rules and procedures which govern the day-to-day functioning of schools, including curriculum implementation, management practice, enrolment of students, student welfare, discipline and presentation, employment of staff, and compliance with all legislation and regulations.
3. The current Senate Employment, Workplace Relations and Education References Committee Inquiry into Commonwealth funding for schools consider research and findings on:
 - a. the concept of a public charter for any school receiving public funds,
 - b. the operation of private schools which have been integrated into state systems overseas; and
 - c. ways in which the operation of public schools can change to make them more competitive, while retaining existing public charter obligations.
4. As an alternative to 3 above, the same research be undertaken by a MCEETYA task force as a priority, to report back to the 2005 MCEETYA meeting.
5. In the interim, that any school receiving public funds must accept that its values, curriculum and operation both reflect and implement standards that the community holds in such high regard that they are defined in law or regulation and which underpin the operation of existing public schools.

Chris Bonnor
President
NSW Secondary Principals' Council
June 24th, 2004.