

Division 6

46. Term used: home educator

In this Division —

home educator means a parent who is registered under section 48.

47. Registration as child's home educator, application for

(1) A parent of a child of compulsory school age who wishes to be registered as the child's home educator is to apply to the chief executive officer and provide the following information to the extent that he or she is asked to do so —

(a) the child's date of birth; and

(b) the names and usual place of residence of —

(i) the child; and

(ii) the child's parents; and

(c) the place at which the educational programme will primarily be delivered if different from the child's usual place of residence; and

(d) where applicable, the name of the school at which the child is enrolled or was last enrolled; and

(e) any other information prescribed by the regulations.

(2) The chief executive officer may require documentary evidence to be provided in support of any information supplied by the applicant.

(3) An application may relate to more than one child.

(4) Subject to subsection (5), an application is to be made by the last Friday in February in the first year for which the parent wishes to be registered as the child's home educator.

(5) If a child is enrolled in a school for a particular year and a parent of the child wishes to be registered as the child's home educator in that year, the application is to be made within 14 days after the last day on which the child was recorded as —

(a) attending, or participating in an educational programme of, the school at which the child was enrolled; or

(b) otherwise complying with section 23.

48. Registration of home educator, CEO's functions as to

(1) On receipt of a completed application under section 47(1) and the documentary evidence required under section 47(2) the chief executive officer is to —

(a) register the parent as the child's home educator; and

(b) issue the parent with a certificate of registration.

(2) A child's home educator is responsible for the child's educational programme from the day set out in the certificate as the day of registration in respect of the child.

(3) The registration of a home educator in respect of a child has effect indefinitely unless the registration is cancelled under section 53.

49. Home educator to inform CEO of certain matters

A child's home educator is to inform the chief executive officer —

- (a) of any change to the details provided in the application under section 47(1); or
- (b) if the child is enrolled at a school, as soon as is practicable after the change or the enrolment.

50. Home education moderators, appointment of

(1) The chief executive officer —

(a) may appoint persons who have such experience, skills or qualifications as the chief executive officer considers appropriate to enable them to effectively evaluate the educational programmes of children whose education is being provided under this Division and to evaluate the educational progress of those children; and

(b) is to provide to a person so appointed (a *home education moderator*) a certificate stating that the person is appointed for the purposes of this section.

(2) A home education moderator must produce the certificate referred to in subsection (1)(b) whenever asked to do so by a person in charge of any premises being visited by the moderator under an arrangement referred to in section 51.

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(b) is to provide to a person so appointed (a *home education moderator*) a certificate stating that the person is appointed for the purposes of this section.

(2) A home education moderator must produce the certificate referred to in subsection (1)(b) whenever asked to do so by a person in charge of any premises being visited by the moderator under an arrangement referred to in section 51.

51. Evaluation of child's educational programme and progress, when required etc.

(1) A child's home educator is to arrange with the chief executive officer for an evaluation to be made of the child's educational programme and educational progress —

- (a) within 3 months of the day of the home educator's registration in respect of the child; and
- (b) at least once in each 12 month period following that registration.

- (2) A home educator is to give the chief executive officer at least 21 days' notice of an evaluation that is required to be made under subsection (1)(a) or (b).
- (3) An evaluation is to be made —
- (a) at the time that is agreed between the home educator and the home education moderator; and
 - (b) at the place that is the usual place for the child's educational programme to be undertaken unless the home educator objects, in which case the evaluation is to be made at the place that is agreed between the home educator and the home education moderator.
- (4) Following an evaluation, the home education moderator is to prepare a report about the child's educational programme and educational progress and provide a copy of the report to the home educator and to the chief executive officer.

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- (3) An evaluation is to be made —
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- (4) Following an evaluation, the home education moderator is to prepare a report about the child's educational programme and educational progress and provide a copy of the report to the home educator and to the chief executive officer.

52 . CEO may notify home educator of concern and require evaluation

- (1) If the chief executive officer has a concern about a child's educational progress, the chief executive officer may —
- (a) give the child's home educator written notice of the concern and the reasons for the concern; and
 - (b) arrange for an evaluation to be made on 7 days' notice to the home educator for the purpose of ascertaining whether the concern has been adequately addressed.
- (2) An evaluation under subsection (1) is to be made —
- (a) within the notice period or as soon as possible after the expiry of the notice period, but otherwise at the time that is agreed between the home educator and the home education moderator; and

(b) at the place that is the usual place for the child's educational programme to be undertaken unless the home educator objects, in which case the evaluation is to be made at the place that is agreed between the home educator and the home education moderator.

(3) Following an evaluation under subsection (1), the home education moderator is to prepare a report about whether the concern has been adequately addressed and provide a copy of the report to the home educator and to the chief executive officer.

53 . Cancelling s. 48 registration, CEO's functions as to

(1) The chief executive officer may cancel a home educator's registration under section 48 in respect of a child if —

(a) in the opinion of the chief executive officer, the child's educational progress is not satisfactory;
or

(b) the home educator has not arranged an evaluation required under section 51(1)(a) or (b) in respect of the child; or

(c) the home educator does not agree to an evaluation required under section 52(1)(b) in respect of the child from occurring in accordance with section 52(2); or

(d) a home education moderator has been hindered or obstructed in an evaluation required under section 51(1)(a) or (b) or section 52(1)(b); or

(e) the home educator has not complied with section 49 in respect of the child.

(2) Before deciding under subsection (1)(a) that a child's educational progress is not satisfactory the chief executive officer may take into account —

(a) the outline of curriculum and assessment in schools established under the [School Curriculum and Standards Authority Act 1997](#) ;

(b) the effect of the physical learning environment on the child's educational progress;

(c) any other matter which, in the opinion of the chief executive officer, is relevant to the child's education.

(3) If the chief executive officer decides to cancel a home educator's registration the chief executive officer is to give written notice to the home educator of the decision and written reasons for the decision.

(4) The notice must set out a cancellation period that is —

(a) at least until 1 January in the year following the year in which the cancellation takes effect; and

(b) not longer than 12 months from the day on which the cancellation takes effect.

(5) A decision that a home educator's registration be cancelled is not to be given effect to —

(a) until the time for applying under section 54(1) has passed; and

(b) if an application is made under section 54(1), until it has been determined.

54 . Review of s. 53 decision

- (1) A child's home educator may apply in writing to the Minister for a review of the chief executive officer's decision to cancel the home educator's registration in respect of the child.
- (2) The application is to be made within 14 days after the applicant received written notice of the decision.
- (3) Where an application is made under subsection (1), the Minister is to refer the matter to a Home Education Advisory Panel which is to examine the matter and report to the Minister with its recommendation.
- (4) A Home Education Advisory Panel is to give the applicant the opportunity to be heard.
- (5) The Minister is to give a copy of the report of the Home Education Advisory Panel to the applicant.
- (6) The Minister after considering the report may confirm, vary or reverse the chief executive officer's decision and is to give written notice to the applicant of the Minister's decision and written reasons for that decision.
- (7) In this section —

Home Education Advisory Panel means an advisory panel under section 241 established for the purposes of subsection (3) of this section.