

FIRST THEY CAME FOR THE UNSCHOOLERS: A Faircloughian Critical Discourse Analysis of Queensland Home Education Policies

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Abstract

Increasing numbers of Australian parents, like me, are choosing to home educate. US estimates suggest, within home educated populations, 5 per cent of home education cohorts (Riley, 2018) follow an unschooling, or self-directed education (SDE), approach. In the past, these parents registered with the government department; however, policy changes made in Queensland in May 2018 make registration almost impossible for unschoolers and discriminate against families whose registration was based on a philosophy such as SDE. In this paper, I use Fairclough's (2003) Critical Discourse Analysis as a tool to interrogate how changes to the Queensland Education Act (2006) in May 2018 privilege a curriculum centric approach to education by requiring families to report on their child's 'progress' in relation to schooled children's levels. I argue these changes privilege the needs of bureaucrats who are invested in presenting a 'school' view of education. Fairclough (2003) would describe this policy change as a change to the social order that privileges the discourse of education over the real education occurring in families that choose to follow an SDE philosophy. By undertaking a Faircloughian Discourse Analysis, the paper analyses the policy shifts in Queensland's Education Act in regard to home educators. The concluding section of the paper suggests these changes may affect registration rates among SDE families or unschoolers which has both practical and philosophical effects. Practically, the changes affect family support and benefits payments because registration is required to access government support payments. Philosophically, there are wider cultural and social impacts by legitimating government overreach and further entrenching school models of education.

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Introduction

In Australia, as in many countries around the world (cf. Donnelly, 2016) it is legal to home educate. Unlike the UK (Morton, 2010) or parts of the USA (Watson, 2018), in Australia, the legal status of home education requires parents to register their intention with their state or territory's education department (English, 2015). Australian home education is managed and governed by each state and territory independently of each other, or the federal government. As a result, families in each state and territory in Australia are subject to different rules and requirements to apply for, maintain, or challenge issues related to their legal right to home education. It may be that these, in some cases onerous, rules and requirements create the conditions of possibilities for families to decide not to register with their state or territory; estimates of non-compliance with registration legislation range from around 50 per cent of children who are legally registered (Roy, 2016) to more than 12,000 unregistered children (Townsend, 2012).

In this paper, I focus on conditions in Queensland, Australia's third largest state by population. The state has seen a tripling of the home education registrations in the previous five years (cf. Caldwell, 2019; Horn, 2019; The State of Queensland Department of Education, 2019). Currently, the legal home education population consists of 3232 children (Queensland Government Data, 2019), and, if Roy's (2016) estimations are correct, that would mean there are a further ~1,600 children who are not legally registered as is required by law. However, the numbers are likely to be even higher; Townsend (2012) estimated 12,000 unregistered children in 2012, if the numbers of unregistered home educators have also seen a threefold increase, the number of unregistered families could be as high as 36,000. As a home educator myself, I have anecdotal conversations with home educators which suggest a large number of families are not registered but are actively home educating.

Unlike some other states and territories, Queensland is unique. First, it has not consulted with its home education population in around 15 years. Other large states, such as Australia's most populous state, New South Wales, held an inquiry into home education in 2014 (New South Wales Parliament, 2014). This inquiry gave home educators a voice, even if the report ignored much of the community's concerns (Gribble, Crow, Watson & English, 2014). In the second largest state by population, Victoria, the body through which home education families register, the Victorian Registration and Qualifications Authority (VQRA), works closely with families and the home education community to maintain links and ensure practices are in line with community expectations and requirements (Victorian Registration and Qualifications Authority [VQRA], 2019).

In Queensland, however, the last phase of consultation with the home education community was in 2003 when the premier requested an inquiry (Queensland Parliamentary Library, Queensland Government, 2004). Part 5 of the Queensland Education (General Provisions) Act (2006) was developed based on those consultations and dealt with home education, legislating the process for registration. No such input from families has been sought since. Families are not consulted in any of the decisions made by the Home Education Unit (HEU), the section of the education department legally tasked with managing families who home educate. There is some recourse for families who feel they have been subjected to an inappropriate decision, through the Act; however, it is legalistic and, if the family feels the department's decision was upheld wrongly, they must fight the department at the Queensland Civil and Administrative Tribunal² (cf. Department of Education: Procedure, 2018).

² The Queensland Civil and Appeals Tribunal is tasked with “actively resolv[ing] disputes” (Queensland Civil and Administrative Tribunal [QCAT], 2017a). They are involved when the matter in question is between a member of the community and an administrator of the Queensland Government. In the event of a dispute between the government and a community member, “QCAT plays a key role ... through reviewing administrative decisions made by government decision-makers” (QCAT, 2017b, ¶1).

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The second aspect around home education that makes Queensland unique is the three conditions the Act places on parents. The Act stipulates: (1) the child must be seen to be receiving a *high quality education*, (2) the parent must report on the child's progress using an *approved* [departmental provided, written] *report format* (The Queensland Government: Home Education, 2018a) and (3) the parent must inform the department of changes to the registration requirements (The State of Queensland, The Education (General Provisions) Act, 2006).

Significantly, while these points are enshrined in legalisation, what they mean and look like in practice are not specified. Rather, what it means to receive a *high quality education* and the appearance of the *approved report format* are an interpretation made by the Home Education Unit (HEU). These interpretations are also subject to change, and their lack of stipulation in the Act means they are determined by the particular bureaucrat who oversees the report or the application by the family.

With regards to the format, the 'suggested' report format provided by the department has changed recently and is now more 'rigorous.' The new, suggested format is sent out to parents, via email, several months before the registration is due for renewal and a report is due; the format requires parents to develop a report and plan for the next year using references to the curriculum on a specified planning layout. A summary of the report format is also provided online for parents who are thinking about applying for home education (Queensland Government: Education, 2019). The report can be downloaded from the website of the Department of Education (<http://ppr.det.qld.gov.au/education/learning/Procedure%20Attachments/Home%20Education%20in%20Queensland/reporting.DOC>).

In May 2018, a major change to the Act passed parliament without consultation with, or notification to affected families. No details were sent to home educating families. This change removed parents' ability to register and report with an educational philosophy, meaning that an educational program must be produced by families stipulating learning across subject areas that teachers use in their planning (Queensland Government: Education, 2019a). While the department states that no one way is preferable and parents are able to choose their own format for the program, a program must now accompany the registration application (Queensland Government: Education, 2019a). Similarly, a school-like report must be posted to the department reporting on progress; this report requires parents to show how the child has improved in three subjects. The two subjects, regardless of year level or ability, on which parents must report are mathematics/numeracy and English/literacy. Parents are free to choose another subject to report (Queensland Government: Education, 2019). This change impacts on parents whose application, and registration, was submitted prior to 2018 and was based on a philosophy. It may be that these parents have registered with a Self-Directed Education (SDE) plan but, as a result of the changes, are no longer able to report using the department's required format. As such, its effects will be felt most keenly in families who may be using alternative approaches to home education, specifically those following SDE or unschool approach.

In this paper, I suggest that the Minister's decision to remove references to *philosophy* of education and to require parents to produce a *report* in the *approved form* which provides 'evidence' of that learning discriminates against families who take a SDE approach. I suggest that, at a community level, these changes produce an acceptable or dominant discourse of education that may construct schooling as the dominant means of education ignoring all other conceptualisations of education.

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Unschooling as a philosophy of home education

Unschooling, as noted by Gray and Riley (2013), is difficult to formally define because it is, by its nature, informal, ad hoc, and determined by the individuals in an unschooling relationship. They cite the work of Kirschner (2008) to argue parents facilitate self-regulation, self-understanding, and intrinsic motivations in their children. In her PhD study, Kirschner (2008) argued that, while it looks like a *laisse-faire* approach, what parents do is to “temper their children’s agency with a range of preference-shaping practices and pragmatic considerations” (p. 296). She argued, in line with Cox (1995) and Levinson and Holland (1996), that unschoolers challenge “rationalization and standardization in education” while “creating alternative process for producing educated persons” (Kirschner, 2008, p.394).

Families who unschool are not only choosing an education pathway but also a lifestyle. Ricci (2011) noted this lifestyle is overwhelmingly concerned with agency. He stated that, in the main, it is acceptable to do things to children that would be unacceptable if they were done to adults and is disrespectful of children’s agency. However, unschooling can be an antidote to this disrespect. He stated unschooling is characterised by a belief that “all learners should be empowered and have a substantive say in what, when, where, and how they learn” (Ricci, 2011, pp. 45-46). Further, he argued learners

should not have to give up control over their own learning simply
because they decide to enter a school ... [and] should decide whether
they would like to remain in a formal school or whether they would
prefer to opt out. (p. 46)

As such, the learner should be in control of their learning at all times and should be able to make the choices about where, when, what, and how they learn to meet their learning needs and intentions. This idea was taken up by Romero (2018) in their definition of critical

unschooling. Quoting from Gray and Riley (2013), Romero (2018) argued critical unschooling

builds upon the practice of traditional unschooling by calling upon parents, educators, and community members to recognize formal systems of western education as ideological state apparatuses and instruments of colonial reorganization.(p. 68)

Romero (2018) argued that the vantage point afforded by this approach funnels learning towards a critical conception of the voices of vulnerable and marginalised communities. Further, it “educates by, for, and through human rights in a learner-centered fashion” that ensures children “create knowledge that affirms their interests, ignites their passions, and addresses their most pressing concerns” (pp. 68-69).

The unschooling research notes the current turn in educational administration against Romero’s (2018) critical unschooling and towards accountability and control. This work argues that this style of education management is the antithesis of unschooling movement (cf. Jordan, Hall, Tansky & Lancaster, 2016). Rolstad and Kesson (2013) note unschool researchers are, “pointedly uninterested in measuring traditional academic outcomes in conventional ways” because their interest is in “documenting how the lives of children and families are enriched and expanded by an unschooling lifestyle” (p.28). As such, any research that suggests it can measure the effectiveness of unschooling is missing the point. Rolstad and Kesson (2013) also note that unschooling exists on the edge of educational research and, as such, many in the established educational community are unaware of its existence. Many of us who are employed in traditional academic settings will have stories of peers’ reactions to our work, ranging from mildly cynical to outright antagonistic.

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Researchers argue unschoolers are successfully agentic and autonomous learners and living freely. In her study, Sherman (2017) found that “the highly autonomous nature of unschooling plays a significant role in motivation” (p. 95) beyond learning and into life more broadly. She argued unschoolers were highly intrinsically motivated and their educational approach stemmed from this motivation, because it encouraged them to set goals and to determine the activities required to achieve outcomes. As such, unschooling is about learning for life not learning for an outcome or certification. This definition also suggests unschoolers are highly successful at developing the motivational skills that serve them throughout their lives.

Other studies have described the learning motivation in unschool communities. Levin-Gutierrez (2015) argued that unschooling has significant educational benefits for learners in terms of intrinsic motivation. Riley’s (2018) study of intrinsic motivation used Ryan and Deci’s (cf. 1985) Cognitive Evaluation Theory to explore social and environmental factors, such as those associated with unschooling. For Ryan and Deci (1985) intrinsic motivation is associated with an activity that is performed for the satisfaction it brings the doer. “When an individual is intrinsically motivated, he or she is energized and passionate about the task being performed, and after it is done, feels a sense of satisfaction or fulfillment” (Riley, 2018, p. 55).

In another branch of the literature, the feelings of satisfaction and fulfilment were the focus of studies of mental health measures among home educators and unschoolers. In one study of home education, Green-Hennessy (2014) argued that unschoolers in particular, but home educators more generally, had mental health disorders connected to dissatisfaction with their unschool experiences. They were said to be dissatisfied because they lacked access to socialisation opportunities. She argued this community was less likely than their schooled

peers to feel they were adequately socialised. This failure to be adequately socialised, she argued, created mental health consequences such as feeling less connected that led to them abusing drugs and alcohol (Green-Hennessy, 2014). Acknowledging the lack of data, she argued, somewhat problematically, that non-religious home educators are an at-risk group (Green-Hennessy, 2014). However, as this study utilised only National Survey on Drug Use and Health (NSDUH) data from 2002-2011 and combined the data, the accounts were incomplete, did not specifically focus on unschooling and the data were not comparing mental health and drug and alcohol use in the home educated versus the mainstream schooled population. As such, her interpretations of the data were outside the remit of the data collection instrument. In addition, the NSDUH survey had a response rate between ~70% and ~77% and was specifically concerned with religiosity; it was also an outlier, with several studies finding the opposite is true.

Defining unschoolers as a *secular permissive group* in relation to behavioural risk profiles for substance abuse, Hodge, Salas-Wright and Vaughn (2017) found, with the exception of marijuana, unschooled youth were “no more likely ... to use substances” which they contend is due to “unschoolers’ contention that providing a permissive environment that emphasizes adolescents’ autonomy fosters independent, capable individuals who can make appropriate choices” (p.283). Unlike the Green-Hennessy (2014) study, the Hodge et al. (2017) study found that the ways unschool families approached autonomy and agency insulated children from problems and meant they were more capable, and strong enough to make appropriate choices for their lives. Autonomy and agency were connected with Riley’s (2018) findings about motivation and connection to tasks they were undertaking and also to Rolstad and Kesson’s (2013) work on how families are enriched, and worked together, in an unschool lifestyle that promoted harmony and happiness. Similarly, as Ricci (2011) notes,

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unschoolers are empowered so it may be that this sense of empowerment insulates them, as

Hodge, Salas-Wright and Vaughn (2017) suggest, to avoid negative experiences with drugs and alcohol.

Studies have looked at the use of unschooling with vulnerable populations, such as those in foster care. A study by Jacomet (2018) looked at the use of unschooling to ameliorate the educational and social disadvantages of children in foster care. This study argued groups involved in managing foster care should leverage unschooling on behalf of the fostered population to strategically prepare them for emancipation and the responsibilities of adulthood for which many in the fostered population were woefully unprepared (Jacomet, 2018). The success of unschooling was due to its flexibility to address the “specific needs of each and every foster child and the particulars of their unique predicament” (Jacomet, 2018, p. 269). In a similar study of children in out-of-home-care in Australia, another name for foster care, Gribble and English (2016) found that the advantages of flexibility of time and the responsiveness to the child’s needs meant that these children experienced significant advantages when they were taken out of school and home educated. In addition, as young people in out-of-home care often experience significant educational disadvantages, the flexibility of home education meant time can be allocated to respond to the child’s social and emotional needs, while remediating educational disadvantages.

Similarly, in their study of unschoolers in India, De Wit, Eagles and Regeer (2017) found unschooling to be restorative to children with mental health disorders. They argued experiences of anxiety and stress were reduced in India’s unschooled population. They also suggest there were significant advantages for children to be unschooled, especially those who are vulnerable to anxiety in the highly competitive schooling systems in South and South East Asia. The findings of the De Wit et al. (2017) study align with the work on control and

agency (cf. Riley, 2018; Rolstad & Keeson, 2013; Ricci, 2011) because they argue unschooling facilitated feelings of safety and control over their lives. They are also empowered (Hodge, Salas-Wright & Vaughn, 2017) to choose the learning approach that suits their needs and this choice may ameliorate the issues with anxiety.

As such, the research is overwhelming positive about unschooling and suggests it has many educational, life, and mental health advantages. These research papers suggest unschooling should take its place in a suite of educational choices that are made to benefit the individual child and that there is little evidence of it negatively affecting children's education. Further, in the main, unschooling is seen to be more effective than mainstream schools, with many advantages for this group of children ranging from intrinsic motivation to learn and be agentive, to lower rates of drug and alcohol abuse, better mental health outcomes in relation to anxiety and depression, and unschooling can act as an antidote to the highly disrespectful and damaging approach of mainstream schools and the impact these schools have on children's experiences of learning and living in the world as individuals. As such, this research suggests departments of education in Australia should embrace its choice among the home education population.

The actual numbers of home educators in Australia are unknown and, due to legislative and regulatory factors, unknowable. The lack of data seems to stem from the various education departments collecting and publishing limited details and releasing different data sets for different periods at different times. There is also the further complication of the many parents who choose not to register their children for home education (cf. Townsend, 2012). In the USA, this lack of data is due to the legal approach to registration; not all states require registration with authorities before a home education family begins their journey (cf. Isenberg, 2007). However, the registered home education population

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is growing and, in Queensland, where this study is based, there were over 3,000 students legally home educating in 2018.

There is no way of knowing how many within the 3,000 home education families are choosing to unschool. In the USA, Riley (2018) estimated approximately 12% of the home education population are unschooling. Applying that figure to the Queensland data would place the number of unschoolers in Queensland at around 360 students who are legally registered and counted among the >3,000 home educators on the Department of Education's datasets.

As noted above, the laws governing home education were quietly changed in May 2018. These laws now make it more difficult to legally home educate using a philosophy rather than an educational plan that lays out the exact teaching and learning goals and activities a child is to undertake throughout the year. The law change was to "omit...or philosophy" from home education legislation. This change meant that, where parents had previously had a choice to provide either a plan "or a philosophy", now they are only allowed to submit a plan because the option to submit a philosophy had been omitted. As such, parents can no longer approach their home education outside of schooling discourses and are no longer allowed to register their children through SDE. Instead, they must register and report against the Australian Curriculum documents using a proforma provided by the department and the legislation now proscribes any report that does not include a teaching and learning plan for the child for the coming home education period.

This study is concerned with policy. There are a few policy studies in home education (cf. Mayberry, Knowles, Ray & Marlow, 1995; Van Galen & Pitman, 1991), however, these studies have not explored how changes to education policy privilege dominant discourses of education and affect unschoolers. Discourse is a common approach in educational research

(cf. Taylor, 2004), and is employed to explore how different policies, especially concerned with neoliberalism, affect students' experiences in education.

The discourses of education and how they position and construct truths

A cursory look at the literature demonstrates the many benefits of unschooling, and the discussion of the outcomes suggests children are happy, autonomous, engaged life-long learners, consistent with the philosophy of parenting in which many parents who choose to unschool are basing their lifestyle (cf. English, 2013; 2015). However, the current trend in education is towards a more authoritarian and top-down approach prescribing what is and is not counted as education (cf. Lingard, 2013). Further, these trends are drawn from neo-liberal educational discourses that count education as a series of measurable and knowable qualities that can be understood using standardised instruments of assessment (cf. Lingard, 2013)

In this paper, I use Fairclough's CDA to analyse the Act, its change and the explanatory notes that are drawn from Hansard. In what follows, I will suggest the possible implications of this change for the families it affects. Fairclough's work is significant because it is concerned with more than "describing discourse practices" instead, it is attempting to show "how discourse is shaped by relations of power and ideologies" (Fairclough, 1992, p. 12) so it is able to peer into the ways people's agency is affected by discourse practices. This approach would accord with SDE as both Fairclough, and the research into SDE, are concerned with agency (cf. Ricci, 2011 for an excellent discussion of agency among unschoolers). Further, it attempts to show "the constructive effects discourse has upon social identities, social relations and systems of knowledge and belief" (Fairclough, 1992, p. 12). As such, the use of Fairclough's approach to CDA may be able to assist in the exploration of how policy discourses impact the social identities, relationships between families and the department and the systems of knowledge and belief in the wider community. It may also

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allow us to better see the relations of power and ideology contained in policies such as the change that removed “or philosophy” and potentially changed the relationship between home educators using an unschool approach and the department with which the law says these families must register. As such, its emphasis on power and agency make it an excellent fit with research into unschooling.

Fairclough’s work is commonly used in policy studies. In one study from 2004, Taylor used the approach to explore the multiple and competing discourses of policy texts and the implications for democratising education. As such, it has been used in studies that have argued for a more democratic and child centred approach to education.

Fairclough (cf. 1992; 1995; 2003) argued that policies were written to provide a ‘fact based’, ‘values heavy’ construction of the way of the world. He argued that there had been a change in that the law was increasingly left to smaller, consensus setting “specialist committees” leading to a decline in “substantive public debate in policy meetings, the media and so on” (Fairclough, 1995, p. 79). The change in Queensland education policy reflects this idea with the lack of community consultation.

Fairclough (2003) highlighted the ways that policy often presents an order (cf. Fairclough, 2003), or the way of the world as “simply given, an unquestionable and inevitable horizon” that is “untouchable ... essential rather than contingent and without time depth” (p. 98). For him, the function of this order worked to “portray particular policies as made inevitable by the way the world is now” (Fairclough, 2003, p. 99). Under this regime, the measure of success is a policy’s ability to assist with the smooth running of bureaucracies. The question shifts from community benefit to: does this policy change make bureaucrats’ lives easier and their jobs more automated? While policy is frequently framed as having a

benefit to the community, it may not really benefit anyone except the bureaucrats who implement the policy (Fairclough, 2003).

As will be seen in the following text, the change to the Act in May 2018 may benefit the bureaucrats charged with managing the home education registration and report process. Further, the change may create a situation where the impact on the home education community may be negative, especially those who follow SDE.

How the Education (General Provisions) Act constructs education and what it means for unschoolers

The Queensland Education (General Provision) Act (2006) defines home education as education in the home under the principal tutelage of a parent. If a parent chooses, they can ask a registered teacher to undertake the teaching (Queensland Government: Education, 2019). Note here the use of the words tutelage and teaching, which imply a ‘doing to’ not a ‘doing with’ approach. It may be that learning is seen as the end product of a process of inputs which students are to endure in their lives (cf. Postman and Weingartner, 1981 for an excellent dissection of this approach). A registered teacher is one who is registered with the Queensland College of Teachers. To be registered as a teacher in Queensland, teachers must have completed a recognised degree, currently, the degree is a four-year bachelor’s degree or equivalent (such as a specialist degree plus a diploma or a Master’s degree) and, if they are a recent graduate, satisfied the college they have sufficient literacy and numeracy skills to be a teacher.

Prior to this change in legislation, the Education (General Provisions) Act (2006) determined the legal framework for education in Queensland. It was in effect until May 2018. Clause 208 of the 2006 Act mandated the procedural requirements for registration as a home

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education family and, as such, determined home educators' legal requirements. This Clause created the following conditions:

- (1) An application for registration of a child for home education must be—
 - (a) made to the chief executive; and
 - (b) in the approved form; and
 - (c) accompanied by—
 - (i) evidence, satisfactory to the chief executive, that—
 - (A) the child is eligible for registration for home education; and
 - (B) the applicant is a parent of the child; and
 - (ii) a **summary of the educational program** to be used, **or learning philosophy to be followed** [emphasis added], for the home education; and (iii) any other documents, identified in the approved form, the chief executive reasonably requires to decide the application.
- (2) Information in, or accompanying, the application must, if the approved form requires, be verified by a statutory declaration.
- (3) An application under this section may relate to only 1 child.

(The State of Queensland, The Education, General Provisions Act, 2006)

However, in 2018, two weeks after a new appointee was made the Director General of the Department of Education, the Act was amended through parliament. Significantly, this change is the only one that has been made to the Act since 2006. The change stated:

122 Amendment of s 208 (Procedural requirements for application)

Section 208(1)(c)(ii), ‘, or learning philosophy to be followed,’—

omit. (The State of Queensland, Queensland Government, 2018)

As such, the rights of parents to follow a learning philosophy for their registration and reporting as a home education family was omitted meaning it is no longer possible to legally register as an unschool family. The only information on this change, available in explanatory notes, states:

Educational program - a parent is currently required to provide a summary of the educational program to be used, or learning philosophy to be followed, when applying for their child to be registered for home education. However, **an application that provides a learning philosophy without an educational program summary is generally insufficient to provide the Director-General with enough information to make an informed decision about the quality of the education program being proposed** for the child. In determining the quality of the home education to be delivered, it is important that the **Director-General is able to review a summary of the proposed educational program, which sets out the number and extent of subject areas and takes into account the child's age, ability, aptitude and development**. The Bill therefore removes the option of providing a learning philosophy.

...

Clause 122 amends section 208 of the EGPA to require applications for registration for home education to be accompanied by a summary of the educational program to be used. **An application relying only on a learning philosophy will no longer be accepted** [emphasis added]. (personal correspondence, Queensland Parliamentary Library, 2019)

As the explanatory notes suggest, these changes were made to satisfy the Director-General that the educational program proposed is adequate. The explanatory notes emphasise

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the provision of a program that will be approved by the Director-General only when s/he are satisfied that there is link to the subjects outlined in the national curriculum documents.

Anecdotally, these changes have impacted significantly on families. Discussions with families in home education groups suggest there has been an increase in the numbers required to submit further information or having their application rejected. Further, these families, who previously registered through the education department as unschoolers, or as following SDE, are increasingly finding their reports rejected. The report is usually first flagged as a “show cause,” which means parents must provide more information on their child’s achievement and, in particular, progress (Department of Education: Procedure, 2018). If this information is not adequate, the department can cancel registration and threaten families with a fine (see Roberts, 2011 for a discussion of what happens when the department prosecutes families for failing to send their children to school). As such, the legal change may have a significant impact on families who are unschooling.

The impact on unschool families

The discourse in the explanatory notes, particularly its focus on school subjects, constructs education as synonymous with school, measured by outcomes that show progress over a period of time. If parents are unable to report in such a fashion, they are positioned by the legislation as failing to provide a *high quality education*. The object of education is thus discursively constructed as a school-like program with measurable and defined outcomes and where reports are issued, in approved formats, measuring outcomes. As noted in the literature, outcomes and measurement instruments are not the focus of unschoolers whose attention is the enrichment of families’ lives through an unschool lifestyle (Rolstad & Kesson, 2013). The change to the legislation is thus inconsistent with an unschool family’s

lifestyle. Interestingly, teachers in Queensland are not required to show progress over any time period, even though home educators are.

As noted above, for Fairclough (2003), policy presents an order as the way the world is now. The lack of consultation with the home education suggests how power and ideology (cf. Fairclough, 1992) are embedded in policies and their impacts on families, and in particular children, are ignored. The government did not consult with either home education families or the peak body representing them, The Home Education Association Inc. The lack of consultation suggests that the department, and by extension schools, are the only ones who are able to construct a discourse of learning and possess the means to educate. The ideological link between schools and learning suggests that there is a discourse of education in Queensland that sees only those who are educated in school as being educated. This definition of schools as the pinnacle of education can also be seen in the explanatory notes whereby *the Director-General* must be able to cite *the proposed educational program* comprising *the number and extent of subject areas* studied in schools, while stipulating *the child's age, ability, aptitude, and development* in line with an Individual Learning Plan (ILP) produced for teachers.

Further, they suggest the power of the department, through the legislative arm available to the Minister of Education, to not only define education but to affect individual family's choices. In spite of the parents' legal rights to home education, enshrined in every education legislation document in Australia, and the long history of choice in Australia privileging private education, this change appears to constrain parents' choices and behaviours, regardless of their rights. Anecdotal increases in failing of reports and the increase in 'show cause' notifications suggest there is a major power imbalance between the department and the families (cf. Dingwell, 2018). As noted above, the families whose

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applications are rejected have to seek a review through the Home education Unit or, if they are not satisfied with that review, go to the Queensland Civil and Administrative Tribunal.

As such, there is an ideological element to the change. This ideological element is one that privileges a school meaning of education at the exclusion of all other definitions or understandings of the notion of being educated. This definition of education that omits a philosophy defines education as replicating a school approach. This privileging of the school approach can be seen in the reporting proforma the department requires parents use, that stipulates *progress* be outlined, further entrenching the conflation of ‘educated’ with ‘schooled.’ This approach is the antithesis of the unschool philosophy (cf. Cox, 1995; Rolstad & Kesson, 2013) and makes unschooling legally impossible in Queensland. The use of the term *high quality education* in the Act was always problematic, however, the change to the legislation removing philosophy from its relationship with *high quality education* has made this ideological emphasis on school definitions of education even more sharp. In addition, the *approved report format* requires parents to develop a report and plan for the next year using references to the curriculum on a specified planning layout. As such, it mimics the work of teachers more so than the experience of home educators. It also approaches education as a list of inputs, rather than a relationship between learner and their world, consistent with unschooling approaches (cf. Ricci, 2011; Gray & Riley, 2013; Sherman, 2017).

Parents’ reports must include a plan for the following year that aligns their child’s experiences with the eight Key Learning Areas³ enshrined in national curriculum documents and, to some extent, the content descriptors⁴ in the national curriculum. As such, the ideology

³ KLAS or Key Learning Areas are the eight disciplinary knowledge and skills split into learning areas. The eight learning areas are English/literacy, Mathematics/numeracy, Technology, The Arts, Science, Humanities and Social Sciences/HASS, Health and Physical Education (HPE) and Languages (Australian Curriculum, Assessment and Reporting Authority (ACARA), nda)

is totally inconsistent with the unschool approach which relies on the parents and the child negotiating and managing the experiences in line with the requirements of their individual family's journey (cf. Rolstad & Kesson, 2013). The legislative change constrains families to use a school style plan unsupportive of "the highly autonomous nature of unschooling" (Sherman, 2017, p. 95). Parents will have less flexibility to approach education that allows their children to decide "whether they would like to remain in a formal school or whether they would prefer to opt out" (Ricci, 2011, p.46) because they are constrained by a formal program against which their child is assessed.

In addition, the emphasis on progress in the reports, on which parents are required to report in the *approved report format*, is problematic. It is totally inconsistent with unschoolers' beliefs that education exists everywhere and in all things (cf. Gray & Riley, 2013). The report's emphasis is on outcomes and measuring improvements over the home education period is totally inconsistent with the philosophy of unschooling (Kirschner, 2008). Unschoolers see education as synonymous with family life (Rolstad & Kesson, 2013), it is responsive to the place and time in which it is experienced. Providing a plan, drafted in response to national curriculum content descriptors, organised around KLAs, graded on an A-E scale and mapped on an *approved format* that demonstrates what the department defines as a *high quality education* is anathema to this approach.

The impact of these changes and their oppositional nature to unschoolers' beliefs and 'approaches' such as there can be a way of describing their approaches (cf. Gray & Riley, 2013), suggest, as Fairclough (1992) would argue, the bureaucracy is privileged over the agency of the parents they are purportedly serving. Thus, it may be that the change to the

[¶] Content descriptors are described by ACARA (ndb), as "what young people will learn" they are "achievement standards [that] describe the depth of understanding and the sophistication of knowledge and skill expected of students at the end of each year level or band of years in their schooling" (¶ 4) in relation to specific KLAs.

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legislation has a constructive effect “upon social identities, social relations and systems of knowledge and belief” (Fairclough, 1992, p. 12). The social identities of those families who unschool are established as deviant from the identities of true educators and, as such become unwelcome in an educational setting and sense; they are unable to meet the departmental requirements to produce what counts as education and, as such, are deviating from the required discourse the department uses to position education.

In addition, the social relations reveal the power imbalance between the education department and the unschoolers. This change tips the power towards the department who now more strictly define education in terms of a school approach, the omission of the philosophy in the new Act constructs curriculum, assessment of progress and school outcomes as the dominant discourse because this change privileges the department and their needs to easily and quickly monitor programs and progress according to the school approaches with which most of the bureaucrats would be familiar. This approach is, as Rolstad and Kesson (2013) note, the antithesis of the unschool philosophy in which parents are likely to be driven by enriching their children’s and families’ lives and expanding horizons in line with natural experiences, learning, and lifestyle rather than measurement as it is traditionally and conventionally applied in schools.

The systems of knowledge and belief that are enshrined in this legislation are that education can only be found in the approach of schools. The omission of “or philosophy” in the Act changed what practices are relied upon to define education and what practices count as education. The practices that define education occur in school like settings, are input based with measurable outcomes. These changes define education along a narrow band of practices that are seen in curriculum documents, have key learning areas, are measured through

progress and can be aligned with KLAs, content descriptors and assessment in a traditional sense.

The change to the legislation also presents a social order as a given and as both unquestionable and untouchable. Its presentation without consultation with the affected communities, or their representative body, the Home Education Association Inc, portrays this policy as inevitable and the “way the world is now” (Fairclough, 2003, p. 99). The explanatory notes state that the applications that are presented with a philosophy, but without a program, are “generally insufficient” because they do not provide “the Director-General with enough information to make an informed decision about the quality of the education program being proposed for the child” (personal correspondence, Queensland Parliamentary Library, 2019). As such, these explanatory notes present an unquestionable social order, one that privileges the needs of the department, the Director-General, and their representatives who assess applications based on their experience in schools, above the communities who are engaged in home education.

Further, the emphasis on the “summary of the proposed educational program, which sets out the number and extent of subject areas and takes into account the child’s age, ability, aptitude and development” suggests the social order is defined by school and is untouchable. The change entrenches the role of the Director-General as the one who decides what counts as education, it is s/he who decides *the way the world is now*, to quote Fairclough (2003), and who have the power to determine what practices are, or are not education. They determine that an “educational program” is to be set out in the *approved format* and linked with curriculum documents, specifying the subject areas to be studied, how they will be studied and how these choices are considered in relation to the child’s unique circumstances. Further,

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the Director General's needs are enshrined in legislation, amending previous Acts of parliament, and determine what is and is not acceptable.

As Fairclough (2003) notes, the effect of policy changes in late capitalism is to remove the link between governments working for the wider good and benefit of the community, particular the sub-set of the community the policy affects, and the ways that policy benefits the smooth running of bureaucracies such as the Home Education Unit of the Education Department. The policy only needs be useful to the bureaucrat tasked with implementing it. In this case, the usefulness of a policy is determined by the bureaucrat tasked with reviewing the registration and the reports home educators must, by law, produce. It may be that the Director-General and the bureaucrats, who work for the Home Education Unit, struggle with identifying and understanding the ways that a philosophy is enacted in education. It may also be that, due to a lack of experience as a home educator, bureaucrats may not know that home education is not undertaken in the same way as school is enacted, even in families that practice a school-at-home approach. It may be those who work for the section dealing with home education are former teachers with limited exposure to other approaches to education, even to non-mainstream schools, or to education in a denotative sense. Education appears synonymous with schools.

Discussion

This change to the Act appears to move the discourse away from home education to home school; the focus is on a school approach which ignores broader ideas about education. The impact of this policy change is already being felt and its impacts are threefold. First, it defines education purely in relation to schools in Queensland, potentially restricting what it means to be well educated. Second, it causes stress and tension for families, especially as more and more families are finding themselves unschooling precisely because the school

system in this state is unable to meet their children's needs. Many of these families are unschooling not because it was an ideological belief they chose, but because it was the only method that worked and, as such, it chose them (cf. English, 2015). Anecdotal reports suggest a large percentage of these families are 'accidental home educators' in the sense that their child was removed or excluded from schools (cf. English, 2013). In many cases, families report meeting with principals who offered them the home education paperwork and suggested a school was no place for their child.

Third, it may have an impact on the poverty experienced in families. The payment of benefits in Australia relies on all children being in school or legally registered for home education. Otherwise, parents must be in paid work or engaged in what are called "mutual obligations" to maintain their benefits support payments during school hours as the government assumes school attendance for all children (cf. Australian Government: Guides to Social Policy Law, 2018). Failure to register these children leads to the family not being paid benefits to which they are legally entitled. This impact on benefits payments may drive families into poverty, as parents have to choose between what is best for their children's mental health, by not sending them to school where many have experienced stress that drove them to home education in the first place, or paying for food, rent, and electric.

Discourse analyses of policies governing home education are important because they highlight the disparity in power and ideology between government and families. The lack of consultation before making the change to the Act governing education in Queensland, and the impact of the change on those families who are unschooling, shows how bureaucrats in the state are ideologically wedded to schools rather than home education which is supposed to be the focus of the HEU. The lack of consultation also highlights how bureaucrats in Queensland's department of education exercise their power over the community they serve.

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Further, it sets up a system of social identities where parents who unschool may be perceived sceptically and with cynicism within the wider community. Similarly, families who are engaged with mainstream school measured by traditional academic outcomes through conventional educational measurement techniques may perceive those who do not support mainstream educational approaches as deviant. The effect of this policy change is that it may drive SDE and unschool families underground and may impact negatively on their experiences of disadvantage and poverty. Finally, the change establishes systems of knowledge and belief in relation to education as one that is only understood in relation to mainstream schools. All parents who do not follow a mainstream school approach are viewed as deviant and their approaches are not condoned in Queensland. The effects may not be felt for school families until the department implements the same approach with non-state school accreditation. In that event, other families such as those whose children attend a Steiner, Montessori, Democratic or International Baccalaureate school may be affected. First, they came for the unschoolers, and I did not speak out because I wasn't an unschooler...

Ethics

Ethical clearance was not required for this study because it deals with data that is available in the public domain.

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