

APPENDIX B. NOTICE OF CONCERN AND CANCELLATION

A.1. NOTICE OF CONCERN

Under the provisions in section 52 of the *School Education Act 1999* the Director of Education may give the home educator a written notice of a concern and the reasons for the concern and arrange for an evaluation to be made for the purpose of ascertaining whether the concern has been adequately addressed.

At the evaluation the home educator will be asked to demonstrate that the concern/s have been adequately addressed within a set timeframe.

The effect of the physical learning environment is a factor to be considered in relation to the child's educational progress. The layout, ambience and the materials provided by the home educator contributes to a setting conducive to learning. The physical learning environment may include:

- a workspace including desks and chairs and areas for quiet study and group/project activities;
- a range of learning resources, kits and numeracy and literacy materials;
- technology such as computers and the internet; and
- accessible supplies.

An evaluation occurring as a result of a notice of concern will be made at the usual place for the child's educational program unless the home educator objects, in which case the evaluation is to be made at a place that is agreed between the home educator and the Home Education Moderator.

A.2. CANCELLATION

The Director of Education may request the Director General to consider the cancellation of a home educator's registration on the grounds provided in section 53 of the *School Education Act 1999*.

Unsatisfactory educational progress

One of the grounds for cancellation of a home education registration is unsatisfactory educational progress (s 53(1)(a)). Before deciding whether a child's educational progress is not satisfactory, the Director of Education should exercise discretion and take into account:

- whether the child's educational progress is appropriate according to the *Western Australian Curriculum*;
- the effect of the physical learning environment on the child's educational progress; and
- any other matter that is considered by the Director of Education to be relevant to the child's education.

Decision to cancel

Written notice of the Director General's or Deputy Director General, Schools decision to cancel is provided to the home educator and includes:

- reasons for the cancellation;

- the cancellation period; and
- information regarding applying for a review of the decision to cancel the home educator's registration.

The cancellation of a home educator's registration does not take effect until 14 days has passed after the home educator has received the written notice of the decision to cancel, or if an application is lodged for a review of the decision, until the outcome of the review has been made known.

The Minister will accept a written application for a review of the decision to cancel a home educator's registration within 14 days of the home educator receiving the written notice of the decision to cancel.