

## INSTITUTE OF TEACHERS BILL

**Bill introduced and read a first time.**

### **Second Reading**

**Dr ANDREW REFSHAUGE** (Marrickville—Deputy Premier, Minister for Education and Training, and Minister for Aboriginal Affairs) [9.53 p.m.]: I move:

That this bill be now read a second time.

In bringing the Institute of Teachers Bill to the House, I acknowledge the detailed and constructive advice from stakeholders. While not all wishes could be fully met, this is a good piece of policy, a major reform and a very good bill. We would not have reached this stage if it were not for the committed input and constructive criticisms of individuals and representatives of the Professional Teaching Council, the Primary and Secondary Principals Associations in the government sector, the Catholic Education Commission, the Association of Independent Schools, the Teachers Federation, the Independent Education Union and parent organisations. An institute to represent the professional interests of teachers will have both significant and positive impacts on the profession, and most importantly on the quality of learning for our children. In particular, an Institute of Teachers will provide an objective means to articulate professional standards; support the career-long development of teachers; assure both the profession and the community of the quality of teacher education programs; accredit and recognise the high quality teaching that exists in schools; support and improve teaching; and raise the quality of student learning outcomes.

In June 2002 my predecessor established the Interim Committee for a NSW Institute of Teachers, chaired by Professor Alan Hayes, Dean of the Australian Centre for Educational Studies at Macquarie University. The Committee reported to me in July 2003. The cornerstone of the committee's work is the development of a framework of professional standards. A draft of these standards has been in the public domain since 2003. In the near future, the draft standards will be subject to a comprehensive validation study by the University of New England, involving 7,000 teachers from different sectors across the State. A New South Wales Institute of Teachers is needed to assure the ongoing quality of the professional skills and capacities of teachers. This can be achieved through professional teaching standards linked to a teacher's professional development for the entirety of their career.

I now turn to the detail of the Institute of Teachers Bill. In part 1, preliminary, one will find the definitions. There are three key definitions that are fundamental to this bill. They are "teach", "teacher" and "accredited". This bill breaks new ground in defining the terms "teach" and "teacher" for the purposes of teacher accreditation. The bill defines "teach" as undertaking duties that include, but are not limited to, the direct delivery of courses of study that are designed to implement the curriculum, as determined by the Board of Studies under the Education Act 1990, combined with the responsibility for assessing student performance, progress and participation in such courses. It is critical to make clear that this definition does not extend to people with particular skills who assist schools and teachers in specialist areas. Examples might be people who tutor music or coach sporting teams, visiting artists, school chaplains, work place assessors of higher school certificate vocational education and training courses, or people who work in schools offering courses in, for example, study skills and so on. Those people will not be required to be accredited but are able to apply if they meet the requirements.

The Government has no problem with schools employing these people to enrich the educational experience of students and would want to encourage their participation in schools. But they are not required to be accredited as teachers for the purpose of this bill. This definition is important because it draws a distinction between those who are teachers who should be accredited and those for whom this legislation is not intended. However, in its specificity it is capable of including teachers such as school librarians, itinerant support teachers, and casual and temporary teachers who are essential to supporting and maintaining

learning in schools. A "teacher" is quite simply a person who is, or is to be employed to undertake the delivery of a course of study designed to implement the board curriculum and assess students' participation in those courses. This does not, of course, preclude them undertaking other duties that are part of daily school life or teaching activities in addition to the delivery of board-determined courses. I will direct the institute to monitor the application of these terms after the first year of its operation.

"Accredited" is the formal acknowledgement that a person has satisfied the requirements of the professional standards for which they have made application. There are four career stages at which people can be accredited. Two are mandatory: graduate teacher and professional competence. The two higher levels of professional accomplishment and professional leadership are voluntary. Responsibility for approving those with authority to accredit schools in Government schools is vested in the Director-General. The Minister will have that responsibility for non-government schools. Along with this power to approve comes the power to suspend or revoke the approval of a body or person to accredit teachers if they fail to uphold the standards.

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Part 2 of the bill outlines the constitution and functions of the institute. The institute will be responsible for advising the Minister on matters as set out in part 2, division 1, clause 7. These cover the development, function and application of the professional teaching standards. In that role the institute will ensure the standards are fairly and consistently applied and the processes for accrediting teachers are supported and monitored. In monitoring the application of the standards the institute will work closely with the Board of Studies. It will not create an inspectorial system replicating the work of the board, nor will it replicate the recently introduced mandatory reporting requirements in non-government schools. It will rely on its capacity to share information with the Board of Studies and to identify and monitor patterns of accreditation decisions within and across schools.

This process of information sharing should ensure that schools or school systems will not bear compliance costs arising from the institute's monitoring processes. Additionally, the Minister is responsible for approving the persons or bodies who provide initial and continuing teacher education courses and programs, and those who provide professional development courses in accordance with the requirements of the professional teaching standards. The institute will limit its involvement with professional development to courses supporting the accreditation of teachers.

The institute will be led by a chairperson who will be a respected educator. There will be a Board of Governance and a Quality Teacher Council. The chairperson will chair both those bodies. The board will be responsible for overseeing the operations of the institute, and monitoring its management, performance and governance. The principal source of advice to the institute on professional matters that impact on the profession of teaching, will be the Quality Teaching Council. The council will comprise 21 members, including the institute's chairperson. Ten members will be teachers who are elected. The institute will prepare a roll of teachers, and the 10 elected members will be drawn from that roll, and elected by teachers. The election will be conducted by the Electoral Commission. Electoral colleges will be established so that the interests of all teachers are fairly represented. Initially, these colleges will allow for the election of seven government school teachers, including a principal of a government high school and a principal of a government primary school. Two teachers will be elected from amongst teachers working within Catholic schools and one from independent schools.

These distributions reflect the proportions of students within each sector. Regulations will be drafted to bring these intentions into effect. Establishing these colleges in regulation will allow changes to the number of people to be elected from each sector should there be a change in the enrolment share. The remaining 10 members of the council will be appointed by the Minister and will include nominees from the teacher unions, the Board of Studies, government and non-government schools, teacher education providers, the Professional Teachers Council, parents and the community. The chief executive officer will be responsible for the operations of the institute. The roll of teachers will include an electoral list as well as a list of accredited teachers. The electoral list is to exist for only one purpose. That is to allow for the

conduct of the elections of council members. Being on the roll will have no bearing upon whether an existing teacher is able to be employed or not.

Part 4 of the bill addresses the accreditation of teachers against the professional standards at four levels. Teacher accreditation authorities are those persons or bodies in New South Wales vested with the authority to accredit teachers against the professional standards. In government schools the Director-General of Education will approve people such as school principals and regional directors to undertake this role. These accrediting authorities should be people in a position, generally at school level, who are able to make their decisions based on first hand information and observations.

In non-government schools the accrediting authority will be persons or bodies approved by the Minister. Examples might be individual principals, school authorities or representatives of particular school systems. In the first instance all registered and provisionally registered schools will be the accreditation authorities unless they advise the Minister otherwise. The Minister and director-general will have discretion in approving different authorities to undertake accreditation at each level if such arrangements are more effective at a school or within a system of schools. The institute will advise and assist teachers in schools that may not be approved or have the capacity to accredit teachers at some levels to access an appropriate accreditation authority.

Part 4, division 2, clause 21 deals with the rights and responsibilities of those accrediting teachers at a school level. It covers the ability to both accredit teachers employed at the school or seeking employment at the school. Once a teacher is accredited, accreditation has force in any school. However, that accreditation may be revoked by the authority in any school at which that teacher is employed at the time of the revocation. All accredited teachers must pay a fee to the institute. It is a condition of the accreditation that the fee is paid. Refusal or failure to accredit, or revocation of accreditation may be subject to a full merit review by the Administrative Decisions Tribunal. Given that the institute is to have no industrial function, it is appropriate that an accreditation decision is seen as an "administrative" decision.

A person will not need to be accredited until they are employed. This means accreditation authorities will only be required to consider the accreditation of a successful candidate for employment. The role of the institute to advise and monitor the application of accreditation will ensure fair, valid and consistent decisions are made for teachers wherever they teach in the State. It will also ensure that accreditation will not be used unfairly or in ways in which it is not intended.

Part 4 division 3 deals with new scheme teachers. These are people who have never been employed to teach in New South Wales before 1 January 2005 and who will be employed to teach for the first time after that date. New scheme teachers are also existing teachers who return to teaching after an absence of five or more years following commencement of this Act. These teachers will be required to undergo a modified accreditation process to ensure their knowledge of curriculum and assessment is current. There are specific provisions, however, to enable continuation of existing pathways into teaching including early entry for graduates.

The definition of new scheme teachers is intended to separate them from teachers in the existing work force. Existing teachers are not required to be accredited but they can volunteer to be accredited. They will not pay fees unless they are accredited. They are eligible to vote for elected members of the Quality Teaching Council. Clause 29 states that new scheme teachers must not be employed unless they are either provisionally or conditionally accredited. Conditionally accredited teachers must be under the on-site supervision of another teacher who is neither provisionally nor conditionally accredited. This does not mean that they can teach only with a supervisor in the room. It means that there must be someone at the school with responsibility for oversighting their teaching.

Provisional accreditation is available to those who have met the requirements specified in the professional teaching standards for entry to teaching. In most cases that means the person has full teaching qualifications, that is, has completed an approved teacher education course and reached graduate teacher level. Provisionally accredited teachers will also be required to

reach professional competence level within three years of being granted their provisional accreditation if they are employed on a full-time basis. Specific provisions are made in the bill for casual or temporary teachers to achieve professional competence.

Provisional accreditation ceases at the end of the period, or sooner, if the person is accredited at the level of professional competence by an accrediting authority. Conditional accreditation, similarly, relates to new scheme teachers and is for people who have completed a degree in a relevant area but do not hold a teaching qualification or who have completed a substantial part of a teacher education degree. Conditional accreditation also applies to transition scheme teachers. New teachers who are conditionally accredited teachers will be required to undertake further professional development or teacher education on the advice of the institute. They will have four years from the date of their conditional accreditation to meet the terms of their accreditation and to obtain accreditation at professional competence level if they are employed on a full-time basis. The provisional and conditional accreditation pathways into teaching are intended to facilitate entry into teaching rather than to present unnecessary barriers into the profession. There is a capacity to recognise existing skills and prior experiences of conditionally accredited teachers.

Teachers should achieve, as a minimum, a degree or tertiary equivalent as well as appropriate education credentials. The institute will support and advise accreditation authorities on the combination of tertiary study, experience and professional development required for equivalence to a recognised educational qualification. Accreditation authorities will heed the advice of the institute, which will have responsibility for ensuring consistently high standards in the application of conditional accreditation. The institute will work with universities and other higher education institutions to ensure combinations of tertiary study, professional development and work experience can be recognised formally by those institutions. Clause 32 allows our new scheme teachers who are either provisionally accredited or conditionally accredited to seek accreditation at the level of professional competence at any time.

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Clause 33 permits revocation of the provisional or conditional accreditation of new scheme teachers if the accreditation authority is satisfied the person has failed to comply with the conditions of their accreditation. If a new scheme teacher is refused accreditation at professional competence level or has their provisional or conditional accreditation revoked, they may seek to undertake the accreditation again within the same or a subsequent school but within the relevant period. Any teacher can have their accreditation revoked for serious offences that make them unsuitable to be teachers. Division 4 deals with the mandatory accreditation of transition scheme teachers. It deals with concerns about a small number of people who are currently employed as teachers in a school but at the time of commencement of this legislation either do not hold a teaching qualification or do not hold a degree or a teaching qualification prescribed by the regulations.

Under clause 35, transition scheme teachers must not be employed in schools unless they are conditionally accredited and working under on-site supervision whilst they complete a degree relevant to their teaching. The person must pursue that degree at reasonable pace; if not, their conditional accreditation will cease after seven years. Clause 38 deals with the revocation of the accreditation of transition scheme teachers. Part 4, division 5, clause 39 covers the voluntary accreditation of teachers and applies to teachers who are not either new scheme or transition scheme teachers. These teachers may apply to the accreditation authority at the levels of professional competence, professional accomplishment or professional leadership. The higher levels of professional accomplishment and leadership will apply to a small minority of teachers in schools. The experiences required to attain these levels will be available only to teachers who have extensive experience across a range of teaching contexts and who have demonstrated high level expertise across all elements of the standards.

Accreditation at the level of professional leadership will comprise, by definition, a very small proportion of teachers. The processes for accreditation at the higher levels will reflect the significance of the status associated with these levels. The processes will be rigorous and involve a high level of moderation by the Institute of Teachers. The institute will provide

teachers with detailed information about the requirements for meeting accreditation at these levels. This will ensure that only those teachers who have the appropriate capacities, skills, knowledge and expertise will apply for accreditation at these levels. Application for accreditation at these levels may require the support of the principal or representative from the accreditation authority.

Clause 40 deals with the accreditation at higher levels of new and transition scheme teachers. Teachers in both schemes may apply for accreditation at the levels of professional accomplishment and professional leadership. In all cases, the revocation of accreditation at the professional competence standard also means revocation of accreditation at the higher levels. Accredited teachers will pay an annual fee. The institute will be empowered to accept fees paid by teachers. There will also be application fees at the higher levels.

I want to draw attention to schedule 4, clause 4.1, which amends the Education Act 1990, and specifically to the clause relating to the registration of non-government schools. The amendment recognises a clear distinction between the responsibility of the institute for setting standards and accrediting teachers and the responsibilities of the Board of Studies for assuring the quality of teaching through the registration of non-government schools. The amendment also recognises the practical need for the board to have discretion to make holistic judgements about the capacities, skills and experience of a school's staff to deliver the curriculum. In doing so, the board will have regard to requirements for teacher accreditation as specified under this Act as well as other pertinent factors.

I want to assure non-government school authorities that discretion will be applied in decisions about school registration arising from inadvertent or isolated breaches of teacher accreditation requirements. This includes one-off breaches that may occur in emergency school staffing circumstances or where teachers face loss of accreditation for refusal to pay their fees. Further, while accreditation sets professional requirements, schools and school systems can continue to set additional employment requirements over and above those outlined for accreditation. Our State has a long tradition of excellence and leadership in education. The Institute of Teachers will nurture the profession of teaching and build on the magnificent quality of education our children receive in each and every school in New South Wales. I commend this bill to the House.

**Debate adjourned on motion by Ms Jillian Skinner.**