

Assignment One

Legislation, Schools, and Professional and Ethical Behaviour

by

Alan Hubbard

S326012

for

Dr Terry McClafferty

ETL302 Secondary Schooling Operations and Practices

Word Count: 2117

Table 1. Northern Territory Education Objectives, Strategic Planning and Framework, and School Policies and Reports.

Education Act 2015 (NT) - Objects	Education Regulation 2015 (NT)	NT Dept of Ed. Strategy 21-25	NT Dept of Ed. Annual Report 20-21	Darwin High School Strategic Plan 21-23	DHS School Annual Report 2020
Provide education programs that are appropriate for all children and young persons	Whether the student is an Australian citizen or permanent resident; whether the student is living independently (p.5)	All children and students engage, grow and achieve. (p.9)	Differentiated support – tailored, evidence-based strategies support our schools. (p.9)	Excellence in Teaching and Learning – Develop Persona Learning Plans and, Evidence-based strategies (p.7)	Intensive English Units – designed to meet low literacy students to prepare them for further education, training or employment. (p.4)
Ensure that education programs are responsive to the individual needs of children and young persons			Quality Teaching – children and students are engaged in learning. (p.9)		Unique courses and VET used to increase NTCET completions and early completion (p.14)
Facilitate the effective transition of young persons to employment or further education through the flexible delivery to them of education programs	Standard curriculum program (p.6) – EYLF, AC, NTCET and VET.	Focus on retention, participation and completion of Secondary Ed. Follow and support students beyond transition from school. (p.19)	NTCET, VET and Employment Pathways Program (p.17)	Offer academic, vocational and employment pathways through a broad curriculum (p.6)	VET completion and enrolment ranges from Cert I – VI. Approx. 95% of students had identified pathways after Year 12 graduation. (p.36-38)
Facilitate the operation of schools as safe and supportive learning environments		Create a safe environment in which children and young people belong and will make learning more relevant. (p.16)		Mission – provide a safe learning environment based on mutual respect. (p.4)	Responded to COVID-19 by increased online communication tools. (p.7)
Provide for the involvement of parents and communities in the governance of Government schools	Part 5. Parent and community involvement in Government schools (p.8)	10 Remote schools on community led pathways and 37 Local Engagement committees established in remote schools (p.7)	Culture: value working together. (p.9)	Embed strategies that connect staff, students parents and community. (p/9)	Our Community - School board includes eight parent representatives (p.7-8)

1. Education Acts and Departmental Strategic Plans

Table 1 maps the application of the Education Act NT 2015 (NT) to the Darwin High School Strategic plan and Annual Report, including other relevant Regulations and Acts that affect the school's culture and performance. The Objects of Teacher Registration Act NT 2004 (NT) were not included in the table as the two Objects: register persons as teachers in the Territory; and facilitate the continuing competence of teachers, and quality teaching and educational leadership, in the Territory, are relevant to all areas of the Education Act and Darwin High School operations.

Darwin High School is an Independent Public School, located near the Darwin CBD. In 2020, 1248 students were enrolled between Years 10 and 12 and in their Secondary Intensive English Unit (SIEU). Darwin High has a high ICSEA value (68) for a secondary Government school in the Darwin Region. Darwin High has a higher enrolment of girls (52%) to boys (48%) and low number of Indigenous students (5%). (ACARA, 2022)

Darwin High is an Independent Public School, which affords them a School Board, rather than a School Council, and greater autonomy in their conduct of delivering education.

Darwin High School has a distinct focus on teacher excellence, development and engagement, which varies somewhat from the Education Act NT 2015 (NT) and Department of Education (NT) (2021) This language suggests that Darwin High places significant emphasis on teacher professionalism and conduct, whilst also ensuring that teachers are well supported in their practice. This is supported with evidence through the school survey, published in the Darwin High Strategic Plan, where 67% of staff reported that “the school cares about my wellbeing” and 92% reported that “I feel safe at this school”. Further, the Strategic Plan has placed targets on these Key Performance Indicators to increase to 76% and 95%, respectively, by 2023. (Darwin High School, 2020-a).

Whilst the wellbeing and safety is not explicitly detailed in Education Act NT 2015 (NT), teacher wellbeing directly affects their professionalism and ability to deliver quality education and content to students. This also supports the Department of Education Strategy, “build and expert education workforce. By placing focus and expectation on the staff at Darwin High, teachers and staff understand the expectation of their practice. This also supports parents and community engagement by presenting the expectations of their workforce within the school strategic outlook. (Department of Education (NT), 2021).

Darwin High coordinates a Secondary Intensive English Unit, that promotes students through a structured program that places students based on English proficiency. As they begin to complete the program, students are transitioned into mainstream classes with a gradual release of support, until they are able to complete mainstream courses independent of SIEU. This course offers enrolment across the curriculum so that students can continue to experience and develop, whilst improving their English language literacy. Other subjects include Mathematics, Health, Science, Information Technology and Personal Learning Plan.

Darwin High School has a strong focus to high academic excellence, with 13 of the Top 20 NTCET Awards going to students from Darwin High. However, this focus is not at the cost of alternative and flexible learning delivery modes and outcomes. This includes Vocational Education and Training (VET), where 115 students completed VET Units of Competency in 2020. Additionally, 29 Year 12 students and one Year 11 student used alternative courses, such as VET, to complete their NTCET.

Darwin High has actively sought to increase its, historically low, Indigenous enrolments, which suggests that they have identified that the school is not fully meeting the requirements to engage with and teach Indigenous students and communities. According to the Darwin High Annual Performance Report in 2020, whilst enrolments have increased for the school, the enrolments of Aboriginal and Torres Strait Islander students has decreased. In

order to investigate strategies to improve Indigenous enrolments, an Aboriginal and Torres Strait Islander Advisory Committee of the School Board was established. This advisory committee meets the Education Act Object that requires schools to provide involvement of parents and communities. Further, this committee will also be able to provide advice on other cultural matters, specific to Aboriginal and Torres Strait Islander students, providing a culturally inclusive and safe working and learning environment. (Darwin High School, 2020-b).

Darwin High also reports A-E Grade data and NTCET and VET competition rates, through the School Strategic Plan and Annual Report. This data also shows that Darwin High performs above the Northern Territory average for literacy and numeracy. This continues in grade data for Stage 2 results when compared with all Northern Territory Stage 2 grade results. This active monitoring and publishing of school data supports the Education NT Strategy 2021-2025, p.23. (Department of Education (NT), 2021).

Darwin High has sought to meet specific needs of their school community through the Secondary Intensive English Units (SIEU). These units are likely in response to the high number of English as an Additional Language or Dialect (EAL/D) students, whom have diverse linguistic and cultural backgrounds. These units are unique to Darwin High and to meet the diversity of students have a diverse staff with experience from African, Southeast Asian and other nations. (Darwin High School, 2020-c.)

The series of units are graduated, so that students are prepared for entry to mainstream education, enrolment to VET courses or exit from the education system and entry to the workforce. Whilst the facilitation of this course package is unique to Darwin High, the aims are broad to meet individual needs. Further, this concept could be applied to other contexts where students entering Australian schooling at the secondary level, may not have the

requisite English literacy and numeracy skills to appropriately engage with the content.

(Darwin High School, 2020-c.)

Darwin High seeks to specifically meet the Education Act 2015 (NT) Object – facilitate effective transition to employment, through the School-Based Apprenticeships or Traineeship (SBAT). This program specifically prepares students for employment by furthering VET courses and qualifications, and by allowing students entry to the workforce for a limited period, whilst continuing their education. By allowing and facilitating students' part-time entry into the workforce, students are able to continue their education, without academic penalty, and are able to begin to experience working life after their secondary education is concluded.

2. Teacher Registration Acts and Regulations

Scenario

Miss Brooks is a secondary school teacher, specialising in English and History. She graduated her bachelor's degree in 2020 and has been employed at a Northern Territory school since January 2021. She has applied for full registration in January 2022.

During application for provisional registration, she was required to submit documents that prove her identity, working with children check and academic transcript. As the degree qualification was completed by an Australian University, there is no requirement to submit English proficiency results, because graduation requires students pass Literacy and Numeracy Test for Initial Teacher Education.

Impediment

Whilst a working with children check was held by Miss Brooks throughout her competition of the degree and is still current, she is also required to apply for a National Police Check within three months of applying for teacher registration. As this was completed

in December 2020, she is not required to complete another National Police Check, because the requirements, by the NT Teacher Registration Board, are that this check must be no older than two and a half years.

Key information required for her application for provisional to full registration is evidence showing at least 180 days of effective service as a teacher, which can be provided by the school she has been working at. She must also provide evidence of professional development of 20 hours, as is required by the TRB annually for all teachers. She must also provide evidence to a school panel of three teachers with full registration, displaying how and when she has applied the seven Australian Professional Standards for Teachers.

This is finally completed with an endorsement by the school principal or his/her delegate who confirms that the applicant has completed the required service and met the Teacher Standards to a suitable level, in accordance with the panel's assessment.

By completing the above measures, that support an application of provisional to full registration, Miss Brooks is able to demonstrate that she complies with the Teacher Registration Act 2004 (NT) and Teacher Registration Regulation 2004 (NT).

Resolution

As many people travel and live overseas, including teachers that will also register to teach in overseas countries, applying for an overseas criminal history check may be necessary. The TRB NT forms provide reference and a link to the Department of Immigrations and Citizenship which will not specifically apply to Australian citizens that have lived and worked overseas.

Specifically, teacher applications to the TRB NT, where a person has lived overseas for 12 months or more, within the last 10 years or since that person has turned 18. For example, an applicant lived in Brazil eight years ago for two years and was 23 years old at the time,

must apply for an overseas criminal history check. If the application was under the age of 18, they would not require a check.

Providing an International Police Check can be difficult, due to geography and language that will likely impede an application. One method for completing the check is to apply through Australia Post, which can complete international police checks in over 190 countries. This can be completed digitally online, provided the required documents can be supplied in the correct file formats. Alternatively, this can also be completed in-person. Australia Post can also facilitate National Police Checks in support of teacher registration. (Australia Post, n.d.)

3. Criminal Code of States and Territories

Case 1.

A male teacher, 39 years old, began a sexual relationship with a 13-year-old female student, after she disclosed to him that she had been sexually abused as a child, whilst he was teaching her in dance in Darwin. The sexual relationship, between the man and student lasted four months. The teacher was apprehended by police, after a search was conducted at his house, when he was suspected of having intercourse with the student. She was found in the boot of his car by police.

During an appeal by the Crown, a psychologist described the man as emotionally fragile due to a nine-year relationship that had ended in Perth, a subsequent one-year relationship and had not had any relationship for three years prior to the sexual predation of the student. Further, the man had become familiar with the family, by joining bible study and when he was invited to the student's home for meals and visits outside of school hours and related business.

The man was convicted of Criminal Code s 127(1) & (2) Maintaining a sexual relationship with a child under the age of 16 years in circumstances of aggravation, which carries a maximum penalty of 20 years imprisonment.

The man was initially sentenced to four years jail, suspended after two years. However, this was increased after the Crown appealed the initial sentencing, to five years jail, suspended after three years was served. The appeal was based on the description that the man was not predatory, however the Crown argued that the manner in which the relationship was initiated was predatory. The appeal judges agreed with the Crown's argument and increased the sentence.

Recommendation.

Whilst parents were able to identify and report suspected inappropriate relationship, this was actively built through trust over a period by the perpetrator. Further, this relationship should have been monitored closely by the school leadership, due to the potential for misconduct as the relationship was developed within the school and continued beyond school business. The teacher was also in an emotionally vulnerable state, which could have been identified and mitigated by school staff, through support.

Case 2.

Monica Young committed inappropriate and sexual acts with a 14-year-old male student. She began privately messaging the boy during COVID lockdowns, which led to inappropriate messages of an intimate and sexual nature. She pushed the student to make inappropriate physical contact at school by challenging his ego. This type of predatory and abusive behaviour continued, culminating in her performing oral sex on the boy and taking him to a carpark to have sexual intercourse in her car.

The parents discovered the relationship by seeing messages with images from Young and when they saw her and the boy in Young's car together.

Monica Young was sentenced to four years and nine months jail, with a non-parole period of two years and five months. The maximum penalty in NSW under s 66c(3) – sexual intercourse with a child between 14 and 16 years is 10 years in jail.

During court proceedings, Monica Young claimed, “the lines had been blurred” and being “overwhelmed” by her workload due to COVID procedures and being allocated subject beyond her specialisation. This isolation and the nature of her relationship with her, then, fiancée, may have encouraged her to seek another relationship, however, due to lockdowns it was unlikely that she would have been able to establish any meaningful relationships. This would have also applied to her relationships with other school staff members.

Recommendation.

Senior school staff should also have made efforts to monitor a new teacher's performance, behaviour and ability to cope with the workload in unique and unplanned situations. Whilst the behaviour was never in any doubt about its morality, some of the circumstances could have been identified and mitigated or avoided, by other school staff through support options. However, it is likely due to the situations, many other areas were suffering staffing shortages and overload.

References:

- ABC News. (July 01, 2021). *Teacher Monica Elizabeth Young jailed for raping 14yo boy at Western Sydney school*. Retrieved from <https://www.abc.net.au/young-jailed-for-raping-14-yo-boy>
- ABC News. (April 12, 2010). *Teacher pleads guilty to sex with 13yo student*. Retrieved from <https://www.abc.net.au/teacher-pleads-guilty-to-sex-with-student>
- ABC News. (June 17, 2010). *Teacher's jail term increased for sex with student*. Retrieved from <https://www.abc.net.au/teachers-jail-term-increased>
- The Advertiser. (July 07, 2021). *NSW teacher jailed for sex with young teen*. Retrieved from <https://www.cessnockadvertiser.com.au/nsw-teacher-jailed-for-sex-with-young-teen/>
- Australia Post. (n.d.) *International Police Check*. Retrieved from <https://auspost.com.au/policechecksinternational>
- Australian Curriculum, Assessment and Reporting Authority [ACARA]. (2022). *School Profile | My School*. Retrieved from <https://www.myschool.edu.au/school/40337>
- Daily Mail Australia. (July 10, 2021). *From scoring a measly 44...* Retrieved from <https://www.dailymail.co.uk/Monica-Young-bullied-scored-just-44-HSC>
- Darwin High School. (2020-b). *Annual Performance Report*. Retrieved from <https://darwinhigh.nt.edu.au/about/>
- Darwin High School. (2020-c). *2022 Curriculum Handbook*. Retrieved from <https://darwinhigh.nt.edu.au/subjects/>
- Darwin High School. (2020-a). *Strategic Plan 2020 – 2023*. Retrieved from https://darwinhigh.nt.edu.au/DHS_Strategic_Plan.pdf
- Department of Education (NT). (2021-a). *Education NT Strategy 2021-2025*. Retrieved from <https://education.nt.gov.au/statistics-research-and-strategies/education-nt-strategy>

Department of Education (NT). (2021-b). *Annual Report 2020-2021*. Retrieved from

<https://education.nt.gov.au/annual-report-2020-21>

Education Act 2015 (NT). <https://legislation.nt.gov.au/EDUCATION-ACT-2015>

Education Regulations 2015 (NT). https://legislation.nt.gov.au/Education_Regulations-2015

Herald Sun. (April 13, 2010). *Darwin teacher had sex with girl, 13*. Retrieved from

<https://www.heraldsun.com.au/teacher-had-sex-with-girl>

Judicial Commission of New South Wales. (2022). Sexual offences against children.

Sentencing Bench Book. Retrieved from

https://www.judcom.nsw.gov.au/sexual_offences_against_children

News.com.au. (July 07, 2021). *Sydney sex teacher Monica Young jailed for assaulting teen student*. Retrieved from <https://www.news.com.au/teacher-monica-young-jailed>

R v Hitanaya. (2010) NTCCA 03. Retrieved from <https://supremecourt.nt.gov.au/NTCCA3-R-v-Hitanaya>

Teacher Registration Act 2004 (NT). <https://legislation.nt.gov.au/TeacherRegistration2004>

Teacher Registration Regulation 2004 (NT).

<https://parliament.nt.gov.au/TeacherRegistrationRegulations>