

Special Education in Ethics Implementation Procedures

Department of Education policies and/or procedures should be read in conjunction with all other Department policies.

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Definitions

Special religious education is education in the beliefs and practices of an approved religious persuasion by authorised representatives of that persuasion.

General religious education is education about the world’s major religions, what people believe and how that belief affects their lives. It is taught mainly through the school curriculum.

Special education in ethics is education in ethical decision making, action and reflection within a secular framework, based on a branch of philosophy.

Special education in ethics

Background

Section 32 of the Education Act 1990 requires that ‘in every government school, time is to be allowed for the religious education of children of any religious persuasion’.

The Education Act 1990 has been amended to allow special education in ethics as an option for children whose parents have withdrawn them from special religious education.

These implementation procedures consider:

- recommendations 1 – 5 of the report, NSW Ethics Course Trial, Final Report (2010), which were adopted by the government in November 2010
- Section 33A of the Education Act 1990

- recommendations of the Final Report from the Inquiry into Education Amendment (Ethics Classes Repeal) Bill 2011.

These procedures should be read in conjunction with the Religious Education Implementation Procedures, to which they are related. The provision of special education in ethics is not government funded.

Parent/caregiver rights

The right to special education in ethics

Parents/caregivers in public schools have the right to have their children attend special education in ethics classes, where authorised teachers are available.

The right to religious education

Parents/caregivers in public schools have the right to have their children receive instruction in their religious persuasion, where authorised teachers of that persuasion are available.

The right of choice

Parents/caregivers also have the right to choose to exempt their children from attending either special religious education or special education in ethics and for them to be provided with meaningful activities. This is done at the time of enrolment through the enrolment form or by writing to the principal at any time during the school year seeking exemption.

The right to information

Parents/caregivers have the right to know how special education in ethics will be organised each year and which approved providers will deliver it. They also have the right to know what special religious education options are available.

Responsibilities for special education in ethics

Responsibilities of schools

Provision of special education in ethics

Principals are to provide special education in ethics where:

- a parent/caregiver requests it; and
- authorised representatives of approved providers are available.

Teaching special education in ethics

Special education in ethics is delivered by providers that have the approval of the Minister for Education for that purpose. A list of approved providers is available at <https://education.nsw.gov.au/curriculum/religion-and-ethics/about-religion-and-ethics>

Persons authorised by approved providers teach special education in ethics. While on duty, members of a school's staff do not teach special education in ethics.

Timing of special education in ethics

Special education in ethics is held during the time set aside for special religious education. This time is decided by agreement between the principal and the representatives of approved special religious education and special education in ethics providers. If no special religious education providers are available, special education in ethics may still be delivered.

Information for parents/caregivers

Where an approved provider of special education in ethics advises the school that it is able to offer classes in that school during the time set aside for special religious education, the principal is to inform the school community on

enrolment as well as via the school website and school newsletter.

Where special education in ethics is being introduced to a school community or to a new class for the first time, parents/caregivers of students who are not attending special religious education classes are to be provided with a letter.

Parents/caregivers are advised how special education in ethics classes are organised, including details of the approved provider that will be providing special education in ethics for particular classes or year groups.

Parents/caregivers are advised of any changed organisation, the availability of any new special education in ethics classes, and the options for special religious education classes.

This information is to be provided to parents/caregivers through enrolment information, the school website and the school newsletter.

Enrolment in special education in ethics

Parents/caregivers may only enrol their children in special education in ethics if the child has been exempted from special religious education.

Where a parent/caregiver requests special education in ethics and it is not currently available in the school, the school will provide the parent/caregiver with the names and contact details of approved providers of special education in ethics. It is the responsibility of the parent/caregiver to follow up with a provider.

Students are to continue in the same arrangement each year, unless a parent/caregiver has requested a change.

Students attending special education in ethics

Special education in ethics classes are located in a separate physical space from special religious education classes, and in a separate space from other students who have been exempted from special religious education. When insufficient special education in ethics teachers or accommodation are available, the school's policy on minimal supervision operates.

Information about students

Student information is confidential and teachers of special education in ethics are only to be given:

- the names of the students in their class
- any special information, such as disability or special needs, which might affect the health, behaviour or performance of particular students.

Information about lesson content

The principal is not responsible for, and does not disseminate details of, lesson content for special education in ethics, but will provide the name and contact details of the approved provider or their local representative. They may also refer parents/caregivers to the approved provider's website.

Student behaviour management

Principals and teachers retain duty of care for students and intervene in cases where it is necessary to maintain good order and conduct. The principal pursues such cases with the representative of the approved provider.

Class teachers are not required to attend classes in special education in ethics, but may, with the agreement of the teacher of special education in ethics, assist with behaviour management or remain in the classroom.

Availability of classrooms

Principals should make every effort to find appropriate space for all special religious education and special education in ethics classes.

Complaints

Principals who have received complaints concerning alleged teaching inefficiency or inappropriate lesson content take appropriate steps and notify the representative of the approved provider that authorised the teacher.

If a principal receives allegations of improper behaviour or other complaints of a serious nature it is managed in accordance with the Department's policies and procedures. The principal must refer allegations of a child protection nature to the Department's Employee Performance and Conduct Directorate.

School special education in ethics coordinator

Where appropriate, a member of staff is appointed as the school's special education in ethics coordinator. Duties of the coordinator include:

- arranging meetings early in Term 4 between the school and representatives of the approved providers to organise special education in ethics for the following year.
- liaising with special education in ethics teachers to:
 - familiarise them with the procedures and operations of the school, especially at the beginning of the year.
 - advise them of any variations of school routine affecting special education in ethics.
- maintaining special education in ethics records, including:
 - an up-to-date list of the authorised special education in ethics teachers from the approved providers.
 - a list of the names of students in each class for special education in ethics teachers .
- advising parents/caregivers of arrangements for special education in ethics classes for the next year and ongoing information about any changes as they occur.

Responsibilities of providers

Approval to deliver special education in ethics

Providers must have the approval of the Minister for Education to deliver special education in ethics.

Persuasions wishing to obtain approval should contact the executive officer of the NSW Department of Education Consultative Committee of Special Education in Ethics at SEEdcontact@det.nsw.edu.au.

Authorisation to teach special education in ethics

The authorisation of personnel to teach special education in ethics is the sole responsibility of each individual approved provider.

An approved provider is not to authorise any person as a special education in ethics teacher who has not signed a prohibited employment declaration or who has a criminal conviction for one or more of the following:

- a crime against a minor
- violence
- sexual assault
- the provision of prohibited drugs.

Paid employees of approved providers must undergo a Working with Children Check.

Volunteers providing special education in ethics in NSW public schools must complete a declaration that they are not a person prohibited from undertaking child-related employment. This includes anyone under the age of 18 who may volunteer to teach special education in ethics.

Every approved provider must provide annually to the Department, a written assurance that they have procedures in place to ensure compliance with the requirements of the Commission for Children and Young People Act 1998. These assurances are to be sent to:

The Executive Officer

NSW Department of Education

Locked Bag 53

DARLINGHURST NSW 1300

Recruitment, training and support

It is the responsibility of each approved provider to provide sufficient special education in ethics teachers.

It is the responsibility of an approved provider of special education in ethics to recruit, train and authorise teachers of special education in ethics.

The provider must ensure that the school is informed of the names and contact details of its local representatives and authorised teachers.

The provider must ensure that all special education in ethics teachers are provided with a name badge to be worn at all times when on a school site.

The representative of a special education in ethics provider should inform the principal when there are insufficient authorised teachers available.

Lesson content

It is the responsibility of an approved provider to:

- authorise the materials and pedagogy used by special education in ethics teachers.
- provide an annual assurance to the NSW Department of Education that authorised teachers are only using materials and pedagogy authorised by the provider.
- make lesson content accessible on a website or at least provide a program outline and curriculum scope and sequence documents.
- provide information about the content of lessons when requested by parents/caregivers/principals.