

5th October, 2016

Public Consultation: Bringing Education into the 21st Century

Feedback from MAPSSS

MAPSSS notes with satisfaction that the Education Act and the Education Regulatory Act provide a step in the right direction in bringing education into the 21st century. However, MAPSSS also notes the need to expand on certain marked improvements and firmly believes that these are necessary and should be included in the final version to be presented to Parliament. Embracing these suggestions will ensure that the new laws will be an improved version of the current draft, especially where the role and input of parents are concerned.

As a general comment on the proposed amendments, one cannot but note that parents are not being considered as equal partners in the education process of their children but rather at the receiving end of the process. While it is understood that there are certain cases where school management and educators may not be finding enough cooperation from parents, the same can be said with respect to feedback being received by parents from the school management team and educators. In various schools and classes, parents do not feel they are being given due importance and involvement with respect to their role as parents/guardians. Parents find it difficult to discuss certain fragile issues and unfortunate situations that their children are encountering in school and within the classroom scenario. Parents' reluctance to discuss these concerns particularly emerges from the fear of repercussions, labelling, bullying and non-transparent dealing of the situation and in dealing with the child's needs. By allowing Parents to be an equal Partner with other educational bodies, the law would truly be acting *in the best interest of the child* and this would undoubtedly phase out the *laissez-faire* approach.

Article 6 (1) e of the Education Act (Duties of parents) obliges parents “*to cooperate fully and with due respect with the head of school and staff of the school*”. Article 9 (Duties of schools) does not specify an equivalent obligation of educators with respect to parents. While it mentions the need “*to consult and engage in dialogue to identify the needs of educators, learners and parents*”, more emphasis should be made on the obligation of schools to cooperate fully with parents and the spirit of this article 9(i) should be reflected in the whole legislation. Various other articles such as article 9(a) on the accomplishment of the education strategy also fail to include parents as strategic partners.

With regards to article 9(d) on the role of schools “*to promote high standards of learning and teaching in collaboration with educators, learners and parents’ committees in a spirit of collective responsibility*”, the role of school councils should have been highlighted as important in achieving this duty. Indeed, the Act should have specified the roles of school councils. With regards to School Councils, this legislative advancement was the right occasion, in our opinion, to also take on board the proposals made by MAPSSS in the document “The Role of School Councils” which we submitted to the Minister in 2014. MAPSSS notes that LEGAL NOTICE 135 of 1993 on School Council Regulations was last amended in 2007, which falls short from reaching a holistic approach. Unless the proposed progress in the Education Act is reflected in the School Council Regulations and other related subsidiary legislation and vice-versa, parents and educational entities cannot be true partners. While MAPSSS understands that article 6 of the School Council Regulations deals with Contact with Parents – “6.1. *The Council, together with the Head of school, shall study ways and means of increasing parent participation and contribution*”, the proposed changes in the main framework legislation fails to promote parental participation in educational bodies. The only clear reference to School Councils in the Act itself is in article 27(1). However, this article only specifies that each state school shall have a school council composed of parents and educators. It does not specify the “*functions, duties, powers and procedures*” but leaves their specification to be established separately by the Minister “*from time to time by means of regulations*”. As a clear example, the

subsequent article 28 (Good behaviour and discipline in schools) should have clearly identified a role of the school council to be played in this regard. School councils can help the School Management Team to adopt clear procedures of conduct and discipline within a school. Unless the role of School Councils is clearly specified and upgraded in this legislation, a unique occasion will have been lost to promote their role from the current perception which is mainly limited to a fund raising and head nodding role.

One also cannot refrain from commenting on the gender used throughout the document (“*he*” rather than “*she*”) when both genders should have been used throughout.

The Law should show clearly that parents are considered as direct stakeholders in the education system, especially since the law lists specific obligations on parents. Mutual respect and cooperation between parents and every educational entity should follow discussions in understanding the context of what the child is going through. Ensuring an equal partnership with parents facilitates the overall educational achievement in the best interest of the child. This ensures flexibility to accommodate the needs of the individual to ensure a truly child-centred education and not a one size fits all.

Regarding article 51 (13) of the Education Act, MAPSSS is concerned on the consequences of having a decision of the Board for Educational Matters executed while an appeal is pending. In our opinion, such a decision should not be executed before an appeal is decided since if a decision by the Administrative Review Tribunal reverses a decision taken by the Board, the consequences on the student may be substantial.

With respect to Part IV (Home Schooling), we believe it is right to include a provision for home schooling which may be necessary in certain specific cases as outlined in article 31 (2). However, this should be done with the appropriate checks and balances which ensure that the student receiving home schooling is progressing at least at par with students of his/her age. We understand that this may be addressed through the regulations mentioned in article 34.

MAPSSS notes that the parts of the Acts which specify the setting up of important bodies such as the Commission for General Education, the Board for Educational Matters and the College Board fail to specify clearly that at least one member should be exclusively a parents' representative. In our opinion, if parents are to be considered as playing an important indispensable role in the education of their children, their role in the composition of such important bodies which play a crucial part in the implementation of the various provisions of the Acts should be clearly specified.

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