

Submission

to the

Senate Legal and Constitutional Affairs Committee Inquiry into Current and Proposed Sexual Consent Laws in Australia

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Introduction

The Australian Education Union ("AEU") makes this submission on behalf of its 198,000 members employed in public early childhood centres; schools; vocational, technical, and further education and training providers, as teachers, educational leaders, education assistants or support staff across Australia. The gender composition of the public education sector is approximately 77% women¹.

The AEU views gender equity as fundamental to a just society. We believe that the critical factor in achieving gender equity is systematic commitment to cultural change. It is from this basis that we have long upheld a call for federal and state and territory governments to develop comprehensive and fully resourced cross government Gender Equity policy, including the development of whole of school Gender Equity strategies.

Australia has a domestic violence problem, and it is imperative that education systems are equipped with the resources to identify and respond appropriately to family, domestic and sexual violence. Current management of family and domestic violence places an enormous burden on educational leaders and staff to respond within severely constrained resources, and often with limited training or support.

Education institutions are trusted hubs in the community, as places where children and families attend and interact. In the early childhood and primary setting, a teacher is usually in direct contact with a parent or caregiver on multiple occasions in a week. Public education plays a central role in the physical, emotional, social, and cognitive development of children and young people to provide the knowledge and skills required to develop and maintain non-violent, respectful, and equitable relationships.

As such, public education is uniquely placed to be part of addressing the pervasive nature of gendered violence, harassment, and abuse. We recognise that educators have a role to play at all levels of prevention, intervention, response, and recovery.

Public education institutions are also workplaces that employ thousands of people across Australia. It is fundamental that these are respectful and culturally safe workplaces for all, and that every employee has the right to be safe from gendered violence and sexual harassment whilst at work.

In November of 2022, the Senate referred an inquiry into Current and Proposed Sexual Consent Laws in Australia to the Legal and Constitutional Affairs References Committee. The AEU, as the voice of the profession, is best placed to provide evidence and actionable recommendations relating to education. As such, this submission will address the following term of reference:

f. impact of consent laws on consent education;

This submission will provide an overview of past and current implementation of Respectful Relationships Education (RRE) in Australia, recognising that consent education is a fundamental element of RRE yet not the sum of it.

It is essential to explicitly state that teaching the law is not consent education – consuming facts also does not constitute teaching and learning. Knowing the law, or awareness raising is vastly inadequate.

¹ https://www.aitsl.edu.au/research/australian-teacher-workforce-data/atwdreports

This submission will detail the barriers to success of RRE and point to positive examples. It draws on the experience of AEU members across Australia as evidence. Additionally, it uses research evidence to support the need for a comprehensive whole of school RRE approach, inclusive of consent education, that is nationally mandated and fully resourced from additional funding sources.

Respectful Relationships Education is a fundamental element of primary prevention of violence against women and children, with amplified education when embedded in a whole of government and community change strategy.

Why we must teach consent

Violence and harassment against women is at crisis level in Australia. The statistics are alarming. On average, one woman a week is killed by her current or former partner. 1 in 4 women have experienced violence from a partner since the age of fifteen. 23% of women aged 18 years and over have experienced sexual assault in their lifetime². 4% of women who experienced sexual assault in their lifetime². 4% of women who experienced sexual assault in the last ten years the most recent incident occurred at work³.

Violence against women is overwhelming perpetrated by men⁴. Moreover, the majority of violence against male victims was perpetrated by men. Therefore, understanding the gendered dynamics of violence in Australia is central to informing an effective and multi-faceted response.

Gender inequality is inextricably bound to the prevalence of violence against women. This inequality arises as a product of social, cultural, political, and economic factors, and is expressed in our structures, systems, and policies. International evidence points to the specific gendered drivers identified as the most common predictors of prevalence and persistent violence against women:

These drivers being:

- 1. Condoning of violence against women.
- 2. Men's control of decision-making and limits to women's independence in public and private life.
- 3. Rigid gender stereotyping and domain forms of masculinity.
- 4. Male peer relations and cultures of masculinity that emphasise aggression, dominance, and control⁵.

Whilst the statistics are horrifying, violence against women is preventable, not inevitable in Australia. It is a complex social problem, and subsequently the approach to prevent such violence must be multi-faceted. It needs to include policy and legislative reform, broad organisational and institutional strategies to drive change in social norms. This will require commitment to whole of government and whole of community social change.

The AEU welcomes the Federal Government's commitment to legislative reform, as evidenced by this inquiry, and its recent legislation of the full 55 recommendations of the landmark

² Sexual Violence - Victimisation | Australian Bureau of Statistics (abs.gov.au), https://www.abs.gov.au/articles/sexual-violence-victimisation

³ https://www.aihw.gov.au/reports/domestic-violence/family-domestic-and-sexual-violence#common

⁴ Our Watch. (2021). Change the story: A shared framework for the primary prevention of violence against women in Australia (2nd ed.). Melbourne, Australia: Our Watch.

⁵ ibid

Respect@Work Report⁶. These are essential steps towards achieving gender equality and will help prevent violence against women.

The AEU welcomes the commitment from the Federal Government to table the ratification of International Labour Organisation Convention 190 in Federal Parliament. This convention recognises every worker's fundamental right to be free from all forms of violence and harassment at work, including gender-based violence and harassment⁷. Tabling this convention in parliament is an important step to make workplaces healthy, safe, and respectful for all Australians.

Equally fundamental, is the need for a specific strategy focussing on the gendered drivers of violence. Pre-eminent international evidence supports a primary prevention approach. Primary prevention addresses the underlying drivers of gendered violence, by shifting the systems, structures, attitudes, norms, practices, and power imbalances that drive the violence. The provision of consent education as embedded with a whole school approach to respectful relationships education, is a crucial element of primary prevention.

It is much more than Consent Education Curriculum

Consent education is far more than understanding the law or legislative frameworks. Any model that reduces consent education to an awareness raising exercise through a singular modular curriculum unit is a waste of resources.

Curriculum is often represented as what, why, how, and when students should learn. The Australian Curriculum formalises this content into a program of studies from Foundation to year 10^8 . It follows the Early Years Learning Framework and precedes the relevant senior secondary framework in each jurisdiction. It is underpinned by content, yet is as much about skills and concepts. Therefore, the outcomes of curriculum processes should be about the capacities developed and an understanding of the skills specific to fields of knowledge as well as the knowledge gained, and the connections between these.

Yet, teachers understand that learning occurs within and beyond the mandated formal program of studies and classroom activities.

A report commissioned by UNESCO International Bureau of Education explains:

Unintended learning (such as through the 'hidden' curriculum) can occur anywhere – inside or outside the classroom – and is largely 'uncontrolled'. It can emanate from, for example, the ethos or culture of the school, from unintended features of the intended curriculum (such as gender or cultural bias), from relationships between students and teachers and between students themselves, from societal power structures and existing social arrangements and patterns, from economic, political, social and cultural relationships in the broader society, and, at the broadest level, from how students understand the way things are in their world. If, for

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(http://australiancurriculum.edu.au/about-the-australian-curriculum/) of the Australian Curriculum website.
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⁶ Australian Human Rights Commission, Respect@Work: Sexual Harassment National Inquiry Report (2020) https://humanrights.gov.au/our-work/sex-discrimination/publications/respectwork-sexual-harassment-nationalinquiry-report-2020

 $^{^7\} https://www.news.com.au/finance/work/at-work/albanese-announces-plan-to-tackle-sexual-harassment-violence-at-work/news-story/6f201e94ba191c0dede46d60394b17ad$

⁸ "© Australian Curriculum, Assessment and Reporting Authority (**ACARA**) 2010 to present, unless otherwise indicated. This material was downloaded from the Australian Curriculum website

^{(&}lt;u>www.australiancurriculum.edu.au</u>) (**Website**) (accessed [insert date]) and [was][was not] modified. The material is licensed under <u>CC BY 4.0</u> (<u>https://creativecommons.org/licenses/by/4.0</u>). Version updates are tracked in the 'Curriculum version history' section on the 'About the Australian Curriculum' page

example, students see only male teachers in positions of superior authority in their school, they may conclude that positions of power are reserved for men, or that women have a diminished capacity for leadership⁹.

This speaks to the totality of a student's experience and learning within education institutions. Beyond the formal program of studies and classroom activities, learning occurs in the playground during recess, or whilst eating lunch, or participating in extra curricula activities such as performing arts, and sport, and broader civic activities such as assemblies and student voice initiatives.

Curriculum is not solely a singular modular unit of content delivered at a mandated point at prescribed schooling levels. It is inclusive of the processes and culture in which it is developed, implemented, and evaluated.

Ultimately, curriculum is the outcome of the complex interaction between educational institutions and society. Schooling is one of the sources of personal and educational development, alongside the family and affinity groups, the local community, the mass media, and work. Schooling's unique contribution lies in its formal program of studies, together with the experience of living and working within a broad and inclusive social environment.

As far as schools are concerned, to deliver effective and sustained change, consent education curriculum must be embedded within an evidence-based comprehensive whole of school RRE approach that is nationally mandated and fully resourced from additional funding sources.

The History of Respectful Relationships Education in Australia

Public education institutions are well placed to implement an evidence-based, comprehensive whole of school approach. This includes the inclusion of specific curriculum initiatives designed to teach students the underlying beliefs and attitudes that lead to gender-based discrimination and violence. In 2015, RRE was incorporated into the Australian Curriculum through the Health and Physical Education learning area and seven General Capabilities relevant to RRE. The level and impact of coordination, accountability for, and access to RRE policy responses across the Commonwealth, State and Territory governments is best described as piecemeal and has been drawn out over a long period of time.

Common barriers to the effective implementation of a whole of school RRE program include:

- Diverse approach to delivery.
- Low level of funding commitment, focus and investment in a whole of school RRE in school program:
 - Lack of teaching and learning support materials.
 - Insufficient professional learning provided to teachers to develop confidence and expertise in delivery.
 - Absence of resources to support disclosures.
- Limited mandate to the delivery of respectful relationships education content that specifically addresses the drivers of violence against women and their children.
- No support for evaluation.

⁹ What Makes A Quality Curriculum <u>https://unesdoc.unesco.org/ark:/48223/pf0000243975</u>

The Impact of School Funding on curriculum delivery

This inconsistency is not merely a lack of commitment from state and territory education departments; it is intrinsically linked to the decades long failure of federal, state, and territory governments to properly fund public schools. This funding shortfall is demonstrated by reference to the Schooling Resource Standard (SRS) benchmark for assessing equitable school funding: the SRS – a funding benchmark introduced in the 2011 Review of Funding for Schooling known as the 'Gonski Report' – provides an estimate of the minimum public funding a school needs to meet its students' minimal educational needs.¹⁰ Current bilateral federal, state and territory funding agreements , have failed to provide the funding required to meet the minimum 100% of the SRS in public education.

This has a direct impact on the work of teachers, educational leaders, and education support workers, and it threatens the capacity for delivery of RRE as intended in curriculum documents.

Good Intentions are only a Good Start

In 2019 Western Australia introduced a Respectful Relationships Teaching Support Program. The program aims to give teachers the skills to support students to build relationships characterised by non-violence, equality, mutual respect, and trust. It is led by the Department of Communities via an external provider, and uses a whole of school approach and supported school staff in WA public schools to deliver Respectful Relationships material within the context of the Australian curriculum. The pilot program included 20 schools: 12 primary and 8 secondary settings. In 2022, the WA state government committed to expanding the program with an additional \$2.7 million. The extent of the implementation of the program and its capacity to successfully drive change is varied and conditional on several factors. First and foremost, it depends on the resources of an individual school to implement the full program. Every public school student in WA misses out on \$1,807 of the minimum funding they need every year.

This funding shortfall significantly constrains the capacity of a school to implement a consent teaching and learning program. Let alone, a complex and transformative whole-of school RRE model.

The WA Department of Communities and Department of Education provide some funding to enable a school's teaching staff to attend the RRSTP workshops and support its implementation at a school level. Individual schools can also request for further ongoing support in the form of face-to face workshops, phone support and a school visit¹¹. This highlights the inbuilt underfunding of the program. Further to this, apart from the initial support provided, there is no follow professional learning available to staff regarding RRTSP. However, we do know that due to one line budget constraints in WA, schools do not always have the flexibility to fund any PL, let alone resources and or employing specialist teachers. Thus, the program's success is totally dependent on having a properly resourced school, including staff to manage the program that can support its implementation of a whole-school approach. Additionally, WA has the added challenge of accessibility. Distance makes the provisions of face-to-face professional development costly and inaccessible for many. Concurrently, many school communities do not have adequate or reliable internet connections.

¹⁰ Gonski D. AC (Chair), Review of Funding for Schooling, December 2011, accessible <u>here</u>.
¹¹ https://www.wa.gov.au/organisation/department-of-communities/respectful-relationships-teaching-support-program

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AEU members of the SSTUWA working in schools that participated in this pilot program have captured their experiences. This is attached in a table at appendix 1. The data collected demonstrates the frustration that members have experienced with the program implementation.

The compounding impact of underfunding and limited policy platform is not unique to WA and is replicated across Australia.

Big Words, Unclear Outcomes

NSW is the home of the 'Teach Us Consent' campaign led by Chantal Contos. As a result of this grassroots campaign, the NSW parliament voted in October 2021 to reinvigorate its consent education.

In NSW, the Child Protection and RRE are required to be taught in every stage of learning from Kindergarten to Year 10 through the Health and Physical Education learning area as part of Personal Development. Mandatory curriculum content is delivered for Year 11 and/or 12 students through the Life Ready course. Life Ready is a 25-hour (minimum) school-based program. Professional learning includes a 30-minute online recording for senior executives and two-hour online module for teachers. Schools have flexibility in models of delivery including through timetabled lessons, seminar programs or camps.

The RRE program in NSW provides only limited support for teachers to confidently deliver the curriculum and no face-to-face professional learning or external professional support to assist with disclosures and violence-related trauma.

This approach to consent education has not changed since 2019.

AEU members have raised concerns that consent education exists within the PDHPE curriculum: resulting in delivery within lessons and an approach that is more one-off or short-term and isolates the learning from the context of the students' lives both within and outside the school setting. It risks a compartmentalisation of knowledge, and a compliance-based expectation, which limits the capacity for real cultural and social change across a whole school setting.

The weakness of positioning and resourcing consent education as a discrete curriculum module within one subject area has been exposed with the breadth and severity of the current teacher shortage crisis.

In NSW, a survey of over 18,000 teachers found that the average full-time teacher is working 55 hours per week during term time, with over 43 hours per week at school on average and a further 11 hours per week at home. Multiple studies have shown that escalating workload has been the number one issue for teachers for many years. In NSW alone, significant teacher shortages exist in key subject areas and in particular geographic locations, and it is projected that by 2030 11,000 new teachers are required just to meet the number of public school enrolments.

The teacher shortage crisis amplifies the impact of inadequate funding, focus, and lack of investment in the implementation of effective consent education, with schools forced to prioritise resources and teachers against curriculum areas. Put simply, there are less appropriately qualified, trained, and supported teachers available in schools to deliver consent education in line with best practices principles. A model of consent education delivery that relies on a singular expert teacher in a singular curriculum stream is vastly inadequate for the aims of primary prevention consent education.

Student Engagement Matters

The importance of student engagement and voice in learning consent education cannot be understated.

'The Respectful Relationships Education in Australia: National Stocktake and Gap Analysis of Respectful Relationships Education Material and Resources' written by The Monash Gender and Family Violence Prevention Centre and commissioned by the Australian Government Department of Education in 2021 makes several important recommendations regarding consent education in Australia¹². It identifies the importance of student engagement and voice in consent education:

'A growing body of research has demonstrated the importance of student engagement in the development of teaching and learning resources in RRE. Research and student activism have shown that what is currently being used and taught in sexuality and relationships education does not meet the needs of young people.

The state government of South Australia mandated the Keeping Safe: Child Protection Curriculum (CPC) in all Department for Education sites for children and young people from age 3 to year 12. The curriculum includes one full day training (required to be completed prior to implementation) by teachers and online resources and sits within the EYLF and Health and Physical Education learning area. The curriculum materials were updated in 2021 to review consent and online safety topics 'to strengthen concepts at an age and developmentally appropriate level'. In line with the updates to the Australian Curriculum, the Department for Education has updated face-to-face and online training. A review is currently underway with teachers invited to contribute.

AEU members in South Australia consider the CPC as comprehensive in content yet having limited efficacy in student engagement. They report spending additional hours of work resource to improve student engagement. This highlights tension CPC curriculum, and in particular its consent components, meeting the needs of educators and similarly meeting those of students.

In 2021, a student led walk-out protest named Call4Action highlighted that students believed the sex education content did not apply to more contemporary issues, particularly around the normalisation of pornography and nude image sharing¹³. The students alleged there was minimal discussion of these issues. A variety of female students from a range of public schools, and private schools, have also reported very little support when experiencing sexist verbal, online and physical harassment, pointing to the real-life implications of insufficient sexual violence education.

Many schools in South Australia also teach the SHINESA Programme in addition to CPC¹⁴. This resource covers consent education in relative depth and breadth. This is a voluntary programme, that is solely resourced by individual schools and their staff. It relies on the goodwill and commitment of principals and teachers. This is characteristic of the diverse approach to delivery of consent education across Australia.

¹² Pfitzner, N., Stewart, R., Ollis, D., Allen, K.-A., Fitz-Gibbon, K., & Flynn, A. (2022). Respectful Relationships Education in Australia: National Stocktake and Gap Analysis of Respectful Relationships Education Material and Resources Final Report (Version 1). Monash University. https://doi.org/10.26180/21099592.v1

¹³ https://www.adelaidenow.com.au/news/south-australia/growing-list-of-social-and-political-influencers-backingadelaide-high-girls-sex-harassment-protest/news-story/f9658d24ceccd03a5bce98e633ec0e88 ¹⁴ https://shinesa.org.au/educators-and-schools/

Transparency and Accountability Means Visibility

There have been similar incidences of student activism in the Northern Territory¹⁵. The students' allegations echo that of their peers in South Australia:

- inadequate provision of consent education in schools,
- an under resourced education system incapable of responding with a trauma-informed approach to allegations and incidences of gender-based violence and harassment.

Schools in the Northern Territory are required to teach the Australian curriculum, and this includes the RRE component. However, the approach of this curriculum delivery is determined at a local school level. Each individual school has the authority to decide the teaching and learning resources it uses to deliver the curriculum. The capacity for a school to approach curriculum as contextual to their own community is not inherently problematic and indeed allows scope for consideration of complex cultural needs provided there is transparency and accountability: both in terms of the output of curriculum delivery and for the Northern Territory Department of Education to fully resource.

In the Northern Territory (NT) Respectful Relationships Education is included in Social Emotional Learning (SEL) which combines resources from the Victorian Department of Education and Training 'Resilience, Rights and Respectful Relationships' learning materials and NT SEL Supplementary Resources. There is no mandated expectation for schools to adopt NT SEL and even the schools that do are more likely to run them as stand-alone 'SEL sessions' once a week rather than taking a more integrated, cross-curricular approach. There is minimal dedicated support for the delivery of an RRE program including limited intensive professional learning programs for teachers delivering the curriculum or ongoing support to respond to disclosures and violence-related trauma. There is also a distinct lack of consideration by the Northern Territory Department of Education to implement this curriculum using a whole school approach to deliver cultural change across the entire school culture or a focus on addressing the drivers of gender-based violence.

Anecdotally, AEU members in the Northern Territory report that RRE is not currently a priority in schools. This is not a reflection of the commitment and capacity of education employees, but rather demonstrates the impact of an insufficient policy platform coupled with chronic underfunding and appropriate resourcing of public schools.

Evaluation Isn't an After Thought, it's as essential as Design and Implementation

In 2017 and 2018 the Queensland Department of Education (DoE) participated in the Our Watch Respectful Relationships in Primary Schools pilot program. The program was funded until June 2019 and included ten schools from Southeast QLD who self-identified through the program's EOI process. The program focused predominately on Year 1 and 2 engaging 348 staff and 2,213 students. The program adopted a whole school focus including whole school briefings, surveys, and activities as well as professional development across whole school and two full days of professional development for teachers delivering the curriculum.

Since the initial pilot program, and despite the RRE program being available to all schools, the lack of funding allocated to the implementation resulted in few schools running the program. The Queensland Government acknowledged the shortfalls in the implementation of RRE and has since put together a Respectful Relationships Education Advisory Group to provide advice and

¹⁵ <u>https://www.abc.net.au/news/2021-08-28/darwin-students-walkout-awareness-sexual-assault-consent/100415020</u>

guidance on best practice approaches to embedding RRE in Queensland state schools. Qld DoE worked closely with Victoria's principal and policy advisors. There appears to be an understanding that Victoria is much further along in its consent education journey and as such offers the opportunity for Queensland to learn from their implementation.

The resulting outcome of this evaluation is the Queensland DoE has a 'Respectful Relationships Education Teacher Relief Scheme (TRS) funding' program. This is a \$15 million investment by Queensland Treasury with its purpose being:

'To provide an opportunity for Qld state schools to release classroom teachers to build school and teacher capability to deliver Respectful Relationships Education (RRE).'

Schools do not need to apply for funding, instead they will receive it in April 2023, 2024, 2025. The amount of TRS days allocated is dependent on the school size, i.e. number of teaching staff.

The professional development element of the funding is intended to build school and teacher RRE capacity, it includes online self-paced modules, on-demand recordings and live webinars, face-to-face meetings and workshops. In addition, the funding also provides eight Principal Advisors, spread across each of Queensland's DoE regions, tasked with providing tailored support in implementing a whole-school approach to RRE, as well as engaging families and external service providers.

Anecdotally, AEU members in Queensland schools are reporting there is a general take up of the whole-school approach to RRE, including one in which a team of teachers have formed a RRE committee, and deliver PD to staff on the student free days in 2023. However, this is solely dependent on committed individuals and schools, this is a limitation of an encouragement approach rather than a whole-of-system mandate.

It also demonstrates a level of disconnect between policy aims of the Queensland Government and the practically of what is prioritised at the school and regional level. RRE is prioritised by the DoE, yet teachers and school leaders are measured on continued improvement in NAPLAN and reduction of student disciplinary absences. These are easily measurable and quantifiable data sets, whereas outcomes from consent education are significantly more complex to measure. DoE are considering measures relating to the attitudes and thinking of students, including the selfrecognition of biases, and that practical skills are learned and practiced to call out racism, misogyny, and disrespect.

Whilst RRE is only encouraged, and not mandated, and equally not funded for long-term sustained implementation, the success will be localised and rely on the commitment and goodwill of individual teachers, school leaders, and schools.

Respectful Relationships Education in the Victorian setting

In 2015 Victoria established Australia's first Royal Commission into Family Violence. The Commission included 800 community conversations, 25 days of public hearings, and nearly 1,000 written submissions. The Commission made 227 recommendations to reduce the impact of family violence in the community. One of those recommendations was to mandate the introduction of respectful relationships education into every Victorian Government school by 31st March 2021¹⁶.

¹⁶ <u>https://www.vic.gov.au/family-violence-recommendations/mandate-introduction-respectful-relationships-education-every</u>

Victoria is effectively implementing evidence–based delivery of primary prevention RRE through the following core elements:

- Address drivers of gender-based violence
- Have a long-term vision, approach and funding
- Take a whole school approach.
- Establish mechanisms for collaboration and coordinated effort.
- Ensure integrated evaluation and continual improvement.
- Provide resources and support for teachers and use age-appropriate, interactive, and participatory curriculum.

Addressing family and domestic violence requires complementary action across a range of policy areas from health, housing, and employment to education.¹⁷ Positive interdependence and mutual reinforcement can be achieved through complementary measures in each policy portfolio area. This demonstrates that a strong policy platform and architecture is fundamental to this success of any consent education initiative. It is upon this basis; rich learning can be drawn from the Victoria experience.

What can be learnt from the Victoria's experience with RRE?

The Victorian Government introduced Respectful Relationships Education into all Victorian Schools, from Foundation to Year 12 in 2016. The program is mandated and is implemented via a whole school approach, delivering curriculum which examines what healthy and respectful relationships look like in a range of contexts. It also addresses unhealthy and disrespectful relationships, including violence in relationships and is aimed at 'embedding a culture of respect and equality across the entire school community' whilst addressing personal and social emotional capabilities from the Victorian Curriculum¹⁸.

The curriculum is designed to promote respect and gender equality and helps students learn about boundaries in healthy relationships, including consent. It provides teachers with the resources and tools they need to create a safe learning environment for their students and provides content, including non-mandated scripts to assist with teaching students¹⁹.

The 2020-21 Victorian State Budget provided a \$37.5 million investment to continue the Respectful Relationships program for a further four years, building on the \$44.6 million invested by the State Government since the commencement of the program²⁰

The initiative has been implemented in and across Victorian schools in a staged implementation approach. As of March 2021, all Victorian Government schools were delivering Respectful Relationships implemented via a whole school approach which acquits recommendation 189 of the Royal Commission into Family Violence.

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¹⁷ Chappell, L., & Curtin, J. (2013). Does Federalism Matter? Evaluating State Architecture and Family and Domestic Violence Policy in Australia and New Zealand. *Publius*, *43*(1), 24–43, 25

 ¹⁸Victorian Government, 2022. Respectful Relationships available at: https://www.vic.gov.au/respectful-relationships
 ¹⁹ ibid

²⁰ Australian Government, 2021. National Plan to Reduce Violence Against Women and Their Children. *Respectful Relationships*. Accessed at: <u>https://plan4womenssafety.dss.gov.au/initiative/respectful-</u>

relationships/#:~:text=This%20builds%20on%20the%20%2444.6,school%20approach%20to%20Respectful%20Rel ationships

The curriculum has been generally well received by Australian Education Union Victorian Branch members, especially given that it provides them with resources and strategies, including teaching and learning materials, they can use when addressing issues of gender, consent, and healthy and unhealthy behaviours, and assists in helping to create an environment where students feel safe.

Parents reaction to the Respectful Relationships pilot program has, anecdotally, been positive with some parents indicating that they felt there was a gap in schools that needed to be filled in gendered-based violence prevention, including family and domestic violence²¹.

The voices of teachers, through their union the AEU Victoria Branch, have been influential in the creation and revision of curriculum and associated materials. This ongoing consultation has enabled timely identification of teaching needs in relation to curriculum, professional learning, and resources, to ensure the meeting of student, teacher, and wider community needs.

On a broader level, Respectful Relationships has enabled conversations and behaviours related to safety and respect to continue outside of the classroom and into the workplace with positive implications for occupational health and safety. Further, since the program's initiation there has been an observable increase in school staff proactively identifying and seeking support for health and safety issues, including gendered based violence and harassment. While causes for this trend have not yet been analysed, the relationship is worthy of further exploration to examine the potential impacts of the curriculum on employee awareness and action.

Promisingly, in Victoria, a commitment to update current resources has been made to ensure there are more inclusive gender and sexual diversity examples, 'as well as other intersectional considerations and consultation related to resource revision has occurred with the AEU Victorian Branch and its teacher, principal, and support staff members²². There has also been consultation with various stakeholders that include the LGBTQIA+ community, parents, and students. Further, the Department of Education are updating additional materials and resources to ensure that F-10 curriculum explicitly teaches consent in an age-appropriate way and ensures materials are updated to include an understanding of affirmative consent and address the changing understandings and language related to gender and relationships.

Across the country, in relation to gender equity, consent and respectful relationships, there is a concern that the professional learning, development and support that is available for school staff is not adequate²³However, criticism from Victoria within the public system does not consistently echo this. The type of professional learning that is available to Victorian teachers is generally considered to be good but departmental communication regarding how and where to access this, could be improved.

As Victoria is the jurisdiction that has gone the furthest with mandating and resourcing a comprehensive RRE, several important learnings can be drawn from the experiences of teachers. For Victorian teachers, and those across the country, time to manage updating professional skills and learning, along with improved communication relating to accessing coaching materials and how to engage with departmental and other school based external supports, such as professional

²¹ Our Watch & Victorian State Government, 2016. Respectful Relationships Education in Schools: The Beginnings of Change – Final Evaluation Report.

 ²² Pfitzner, N., Stewart, R., Ollis, D., Allen, K.-A., Fitz-Gibbon, K., & Flynn, A. (2022). Respectful Relationships Education in Australia: National Stocktake and Gap Analysis of Respectful Relationships Education Material and Resources Final Report (Version 1). Monash University. https://doi.org/10.26180/21099592.v1.
 ²³ ibid

learning networks, where knowledge and best practice can be shared, remains a challenge and therefore clear and regular communications with schools is recommended.

A broadening of the curriculum, in response to departmental consultation with the profession through the AEU Victorian branch, is occurring in Victoria. Recognising and responding to the voice of the profession through the union has shown to be purposeful and useful in the Victorian context and this, along with further considerations of intersectionality, cultural background and affirmative consent are recommended as areas of exploration. Regular revisions of any curricula in this area, so that materials reflect up to date terminology and issues, is also crucial if Respectful Relationships curricula is to remain contemporary and meaningful.

Lastly, Victoria has shown that the funding of a whole school, system-wide program can result in a program that is generally well regarded by the profession and broader community and has important impact on the knowledge and understanding of students, provided it is responsive to ever evolving changes in the areas of gender equity and consent education.

Research backs up the experience of AEU Members

The AEU points to two substantial research reports that confirm and support the experience of AEU members working in public education.

The ground-breaking report 'Respectful Relationships Education in Australia: National Stocktake and Gap Analysis of Respectful Relationships Education Material and Resources Final Report (2022)' by Monash university reviewed Respectful Relationships curricula across Australia and included a gap analysis of existing Respectful Relationship education materials and delivery²⁴. The analysis covered four main areas: 'the need for a sustainable whole school approach', 'high quality teaching and learning materials', 'professional development and training' and 'monitoring and evaluation'.

The report's gap analysis, identifies four areas as being crucial to ensuring a whole school approach, which is regarded as best practice when teaching Respectful Relationships, including having dedicated staff to support delivery of material; incorporating greater collaboration across areas; having more coordination at the policy level; and having improved engagement with parents and guardians.²⁵

The report's analysis, indicates several areas for immediate curriculum revision across the country, including the need to transcend heterosexual and cisgender relations between men and women and provide examples that are much more transformative in connection with gender and sexuality. The importance of culturally diverse curriculum is also recognised as necessary, along with providing a voice for young people in the development of curricula and embedding trauma-informed approaches.

Our Watch is recognised as the leading national organisation for the prevention of violence against women and their children. Since their creation in 2013, they have worked to embed gender equality and prevent violence across the diversity of where Australians live, learn, work, and socialise. With a strong evidence base, Our Watch has developed tools and resources, professional development, policy, and monitoring and evaluation on effective primary prevention. AEU members attest to these RRE resources and related professional development as

²⁴ ibid

²⁵ ibid

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being of the highest quality, and genuinely supporting and enabling teachers to confidently deliver curriculum.

The second edition of 'Change the story: A shared framework for the primary prevention of violence against women in Australia' produced by Our Watch is a detailed evidence-based framework to inform and guide an effective, coordinated, appropriately resourced and truly national approach to prevention of violence against women and children²⁶. This framework confirms the experiences of AEU members working in public education, and reiterates their recommendations related to the design, implementation, and evaluation of RRE.

Successful Respectful Relationships Education: Capacity and Commitment

For the delivery of successful RRE and consent education curriculum initiatives, governments must ensure that there is a clear mandate and commitment from all jurisdictions, and that the full cost of implementation is funded by government in addition to existing school funding arrangements. The Victorian example demonstrates this.

Any future curriculum initiatives, such as consent education and/or emotional literacy programs, must be accompanied by properly resourced whole of setting/sector approach that create a culture of equity and model respectful relationships. Furthermore, for any such curriculum initiative to have efficacy it must be embedded as one element of a whole school approach. A whole school approach goes beyond the classroom and a single learning area or subject, it means addressing the curriculum across all subjects or learning areas, school policy and practice, school culture and ethos, the working conditions and culture experienced by staff and the relationships modelled to students by their school community including staff, parents, and community groups.

A comprehensive whole school approach considers the following six domains:

- 1. School leadership and commitment.
- 2. Professional learning strategy.
- 3. Teaching and learning.
- 4. Community partnerships.
- 5. Support for staff and students.
- 6. School culture and environment.

A knowledge and understanding of gender equity and gender-based discrimination as pertinent to education is critical to bringing about a culture of change. This discrimination intersects with and is compounded by disadvantages related to race, culture, ethnicity, Aboriginality, sexuality, age, and disability. Thus, professional development that addresses the construction of gender, its intersection with other forms of discrimination and the impact this has on teaching and learning is key for educational leaders and educators alike. This must include the concepts of both unconscious bias, that is, internalised beliefs about masculinity and femininity that inadvertently privilege one group over another, but also conscious discrimination, whereby some men and boys use their advantage in the wider society to the disadvantage of women and girls.

Consent education must address the importance of digital literacy and equipping young people with the tools and confidence to be active bystanders and engage respectfully in the online space. This implicitly implicates educational institutions to do this work, which raises the question: who will be doing this? How will this be resourced? The underlying assumption is that all young

²⁶ Our Watch. (2021). Change the story: A shared framework for the primary prevention of violence against women in Australia (2nd ed.). Melbourne, Australia: Our Watch.

people have equity of access to digital devices and the internet. The experiences of teachers with online learning through the COVID-19 pandemic has highlighted this vast disparity in access to the online space.

To be effective and contribute to making change, teachers must be actively engaged from the planning through to implementation and evaluation phases of a national consent education strategy. Education policies should support teacher professional judgment and let teachers teach and leaders lead. Schools and the system operate best on shared values and a common responsibility. For this to occur the system bureaucracy must be closely connected to the culture of public schools. The location of decision making should relate to what is best for student learning across the system. Judgements about the location of decision making will be based on an approach that ensures appropriate systemic resources while allowing each school the flexibility necessary to cater for its unique student community.

Regarding engagement from the profession, surveys of AEU members increasingly find that teachers feel their professional voices are silenced in discussions on teaching and learning, and that there is no opportunity to influence or contribute to educational policy design. This is coupled with excessive workloads from increased administrative and data expectations. This is not unique to one jurisdiction, but rather is replicated across all in Australia. School leaders and teachers deserve the professional courtesy to participate in PD that builds an in-depth understanding of the purpose of consent education, the gendered drivers of violence against women, and the rationale behind a primary prevention approach.

Recognising that violence against women is a complex social problem, ending it will require broad engagement across institutions and organisations. Public education is a sector with potentially high efficacy in primary prevention, as a setting in which social norms, organisational practices and institutional structures are brought to life across all communities in Australia. Concurrently, it presents a challenge: as RRE is an active strategy for change, and thus will collide with existing community attitudes and norms.

Primary prevention underpins all strategies to end violence against women and children and other individuals and groups impacted by gender-based violence in all its forms and aims to do so by stopping it before it starts. It is foreseeable that there is a risk of resistance, ranging from denial to backlash. Therefore, it is imperative funding for RRE includes a proactive plan to address resistance. This plan must include:

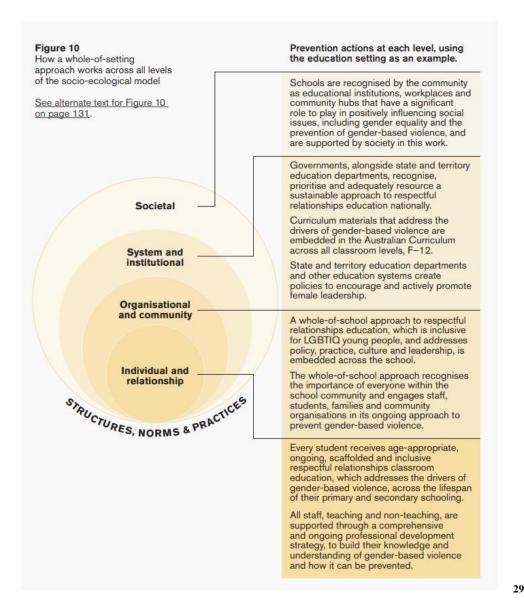
- Resourcing and integration of strategies to respond to all forms of resistance (individual, community, collective, organisational, institutional, structural, and systemic).
- Promotion of forms of masculinity that are not dependent on harmful social norms, or takes a false and narrow view that risks presenting all men as bad and all women as victims ²⁷.
- Develop, implement, and evaluate specific strategies to address backlash and resistance from individual men or groups of men.
- Use legislative, policy and other levers to ensure effective consequences and penalties (both legal and institutional) for backlash and resistance²⁸.

Individual school leaders and teachers must be supported and resourced to manage this resistance.

²⁷ Cahill, H. 2016. 'Why can't we talk to our children about gender-based violence and teach them what a 'respectful relationship' actually looks like without activating a gender war?' The Conversation. Accessed at:

https://www.sbs.com.au/topics/voices/family/article/2016/10/20/why-are-respectful-relationships-lessons-childrenso-controversial

²⁸ Our Watch. (2021). Change the story: A shared framework for the primary prevention of violence against women in Australia (2nd ed.). Melbourne, Australia: Our Watch.



An Intersectional and Gender Transformative Approach

Intersecting structures and systems of privilege and oppression mean that women with the least power and access to resources bear the greatest consequences of gender inequity. First Nations women, women of colour, LGBTQIA+ women, migrant women, disabled women, older, or those living outside metropolitan regions are subject to compounding discrimination in the community and in the workplace. This increases their exposure to gender-based violence and harassment.

Gender inequity can never be separated from these other injustices.

The intersection between drivers of gendered violence and other forms of oppression, discrimination, and disadvantage must be understood, and central to design and implementation of all consent policy. This includes consent education.

²⁹ ibid

Educators have raised concerns with the pre-dominance of heteronormative and outdated examples, along with a lack of issues and examples connected with intersectionality and sensitivity to the diversity of cultural backgrounds within the current RRE curriculum materials and training. Other stakeholders have also drawn attention to these issues. An absence of discussion related to sex for pleasure has also been raised, along with a noted absence of content that deals with sexualised imagery and messages; and a lack of examples related to affirmative consent. There are also concerns related to appropriate and up to date terminology, especially given that knowledge and terminology in this area is ever evolving and carries varied and different understandings and meanings for different people. Certainly, more consultation with the LGBTIQIA+ community is needed³⁰.

To remedy this in future RRE, the AEU support an intersectional and gender transformative approach:

Global evidence shows a gender transformative approach that works to shift harmful gender norms and redress power disparities among women and men is a fundamental component of effective violence prevention programming³¹.

This approach seeks to transform the harmful gender roles, norms, practices that exist between men and women. It challenges unequal power relations, by recognising the interactions between the intersecting structures and systems of privilege and power, and beyond recognition it works to transform these dynamics.

Cultural Safety and Inclusivity of First Nations Communities

It is imperative that any consent education strategy is culturally safe and inclusive of Aboriginal and Torres Strait Islander communities, cultures, and languages. Aboriginal and Torres Strait Islander women experience rates of violence 34 times higher than that of other women in Australia. This results in increased rates of hospitalisation and death. Family violence has various negative health impacts and long-term consequences for women and children.

This is compounded further for Aboriginal and Torres Strait Islander women as they are less likely to seek support and report family violence because of judgment, discrimination, shame, or fear. For Aboriginal and Torres Strait Islander children, family violence is the key driver for them being placed in out-of-home-care, and 88% of Aboriginal children in care have experienced family violence³². Society will only eliminate the intergenerational disadvantage and discrimination of Aboriginal and Torres Strait Islander people by addressing family violence as a priority, through a separate and dedicated plan. This must be fully resourced, evidence-based, and with a clearly articulated strategy that is driven by the views and expertise of Aboriginal and Torres Strait Islander women and frontline services who have direct knowledge of how to address violence affecting First Nations communities.

³⁰ Pfitzner, N., Stewart, R., Ollis, D., Allen, K.-A., Fitz-Gibbon, K., & Flynn, A. (2022). Respectful Relationships Education in Australia: National Stocktake and Gap Analysis of Respectful Relationships Education Material and Resources Final Report (Version 1). Monash University. https://doi.org/10.26180/21099592.v1.

³¹ Care International. (2018). Promising approaches for the prevention of violence against women and girls; Greene, M. E., & Levack, A. (2010). Synchronising gender strategies: A cooperative model for improving reproductive health and transforming gender relations. Interagency Gender Working Group.

³² Australian Institute of Health and Welfare, Australian Government, Family, domestic and sexual violence in Australia: continuing the national story (2019).

Education Institutions are workplaces

Gender inequality is the root of the social conditions that drive violence against women. This inequality results from the inherent power imbalances expressed in our attitudes, cultural and social norms, structures, systems, and policies. Therefore, a consent education strategy cannot be blind to education institutions as a workplace itself. Educational institutions are part of our community and are workplaces themselves: the vast majority of employees are women.

The education and training sector is highly feminised, with over 75% of employees being women³³. As such, this is a workforce that is not immune to the impacts of gendered assumptions and discrimination that is experienced and amplified within feminised industries. This extends to the gender pay gap, levels of insecure employment through rolling fixed term contracts, access to promotion positions, and the superannuation gap. Without structural and systematic responses to these issues, governments replicate the structural and systemic gender inequality driving violence against women and children and do so in highly visible and influential public institutions in the community.

Given most educators are women, it can be expected that some will be victim-survivors themselves. This means they will need additional support to deliver these programs including the opportunity to safely opt out if they choose.

Any national plan for RRE must include a strategy to address the matter of sexual harassment and gendered violence in the workplace, as educators are predominantly women and therefore are subject to this in their workplaces. Surveys of AEU members working in jurisdictions across Australia, have repeatedly highlighted the levels of gendered violence experienced by educators in the workplace. The perpetrators of this violence include students, colleagues, parents, managers, and other employees that attend education settings.

That educators will experience violence, in all its forms, has become a normalised part of the job. This violence is witnessed by children and young people in education settings. This surely is a definitional example of condoning and downplaying violence against women, which is a gendered driver of violence.

The experiences of the AEU's members indicates that educational institutions are not resourced to respond to these incidents and are often categorised solely as general student behaviour management rather than an understanding or acknowledge of these incidents as gendered violence.

Educational institutions are expected to play an active role in ending violence against women and children, particularly in primary prevention through the delivery of education programmes. It is in those same settings children and young people are regularly exposed to violence against the education workforce, mostly women and if this behaviour is tolerated, serves to perpetuate the underlying social conditions driving the violence and diminishes any efforts to prevent through consent education.

It is foreseeable that the delivery of consent education will result in disclosures from students. Thus, it is imperative that education systems are equipped with the resources to identify and respond appropriately to family, domestic, and sexual violence. Current management of family and domestic violence places an enormous burden on educational leaders and staff to respond within current resourcing constraints, and often with limited training or support.

³³ https://www.aitsl.edu.au/research/australian-teacher-workforce-data/atwdreports

Any new or expanded consent education has the potential for significant workload implications for teachers. This can be avoided by fully resourcing and supporting the true cost of implementing a whole-of-setting consent education.

Summary and AEU Recommendations

There is currently a great disparity in the design and implementation of consent education approaches, the methods of delivery and their fundamental inclusion with RRE across the different jurisdictions in Australia. Poor approaches include those that are:

- Well-intentioned but do not yield results.
- Well-designed but poorly implemented.
- Poorly constructed and/or
- Insufficiently funded for implementation or evaluation.

Whilst all states and territories have implemented some form of RRE program in schools, as mandated under the Australian Curriculum. There is a significant opportunity to build on existing work, close gaps in current system design and implementation and learn from the success of the Victorian RRE model.

There is a significant need for an evidence-based comprehensive whole of school approach that is nationally mandated and fully resourced from additional funding sources, such as Respectful Relationships Education of which Consent Education is one key element.

The inclusion of specific consent education curriculum initiatives designed to teach students the underlying beliefs and attitudes that lead to gender-based discrimination and violence is a fundamental element of primary prevention of violence against women and children. However, such initiatives must be embedded with properly resourced RRE and whole of workplace strategies that create a culture of equity and model respectful relationships.

Effective curriculum development can only occur if teachers are involved in properly resourced planning, implementation, and evaluation of programs. Therefore, proper resourcing for such curriculum initiatives includes training for teachers, appropriate resources and time release for teachers and other staff, provision of school counsellors and training and support for educational workplace leaders to implement whole of workplace approaches.

To achieve its aims of prevention of violence against women, effective consent education must:

- Provide age-appropriate curriculum guidance for all year levels with time to prepare and deliver the curriculum;
- Ensure all teachers receive accredited, face-to-face professional learning to support the delivery of curriculum (professional learning strategy);
- Reflect the intersection of gender, class, Aboriginality, race, culture, disability, and sexuality and how they impact on students, educators and the broader Australian society;
- Be inclusive of Aboriginal and Torres Strait Islander communities, cultures, and languages;
- Resource ongoing support for teacher and educational institutions to respond effectively to disclosures;
- Support collaboration with parents/caregivers to engage with the curriculum;

- Enable coordination of violence prevention and women's organisations to support educational institutions and teachers in primary prevention of gender-based violence and to promote gender equality;
- Reinforce messaging through collaborative community partnerships with local government, sporting clubs, local workplaces, and other community organisations;
- Gather evidence from the school community to evaluate and monitor the impacts of and tailor programs to the individual needs of the education setting;
- Address the drivers of violence against women; and
- Take a whole education institute approach including gender equality assessment, gender equality policy and promoting gender equality in curriculum planning.



School	Aware of School	Is the school currently	How has it been	Comments
	involvement	running programs	implemented	
Community College (980) *	2 staff members attended- 1 since left college	Not running any programs	No implementation yet	My colleague and I have been asking for approximately 4 years to implement it, to no avail. Our Health teachers would address aspects of this in their programs.
Secondary college (1013)	Rep not aware of involvement	Member says that nothing is running at the school that they are aware of	Nothing known	Nothing known
primary school (964)	Contacted with no response	Nothing known	Nothing known	Phone call from SSTUWA to delegate with was first they had heard about program
Primary School (932)	Contacted with no response	?	?	
Secondary College (986)	Contacted with no response	?	?	
Primary School (977)	Contacted with no response	?	?	
Primary School (1040)	Nothing known of initiative	No	No	Comment doesn't know about it. Principal response "We were involved in an initial trial PL n session at school some years ago but the program seemed to have no momentum"

School	Aware of School	Is the school currently	How has it been	Comments
	involvement	running programs	implemented	
Education Support Centre. (1032)	New Principal in 2023	The team put together some resources and shared information at a staff meeting however, all three members have now left the school and I wouldn't think it was at a sustainable point to be something that is 'up and running' at ESC.	Not up and running – personnel involved left the school	
Primary College (988)	Contacted with no response	?	?	
College (1035)	Contacted with no response	?	?	
Primary School (1044)	Mental Health Co- ordinator), the school principal and two other staff members attended the professional learning sessions provided by Starick. Following this I facilitated professional learning for our entire staff using the WA Respectful Relationships E- learning modules. Discussions followed as a whole staff to determine how, as educators, we can advocate against	We have embedded RRTSP into our overall wellbeing strategy into the School Business Plan and the Partnership and Community Engagement Operation Plan.	At the primary level we have focused on the value of respect. Programs and tools utilised include – Zones of Regulation, Act Belong Commit, Be You initiative and the Australian Wellbeing Framework. We have strengthened implementation of lessons with regard to stereotypes and gender equity into Health programming for all year levels.	

stereotypes and promote	Introduced annual
gender equity.	recognition of White Ribbon
	Day.
RRTSP strategies were then	2021 – Implemented a
embedded into our overall	whole school activity about
wellbeing strategy in the	gender stereotypes in
School Business Plan and	buddy class sessions in
the Partnership and	connection with planned
Community Engagement	Wellbeing Week activities
Operation Plan.	and White Ribbon Day.
	2021 – Promoted the 16
Following this process, we	Days in WA campaign to
hosted @30 educators from	stop violence against
rural areas attending the	women. Campaign
RRTSP professional learning	messages were posted for
in Perth for a morning tea to	each of the 16 days to the
share with them how we	school community via social
returned to our school to	media.
implement strategies	In 2023, we are introducing
following the training that	another program,
they were currently	URSTRONG Friendology 101
receiving.	in response to students
	experiencing difficulties
	resolving conflict with
	friends and determining the
	difference between
	disagreements with friends
	and bullying behaviours.
	This extends on the overall
	theme of developing
	respectful relationships.

School	Aware of School	Is the school currently	How has it been	Comments
	involvement	running programs	implemented	
Primary School (930)	Contacted with no response	?	?	
Primary School (1028)	I am aware of our school's involvement (Rep)	our school is currently running programmes across all year levels around Respectful Relationships	It has been implemented through support from Curtin University and upskilling key staff who continue to work with other staff. (<i>Curtin</i> University are reviewing the program but were not involved in the delivery according to program information)	Our current Health documents within the school reflect this also

School	Aware of School	Is the school currently	How has it been	Comments
	involvement	running programs	implemented	
Senior High School (911)	 A staff member went to the RRTSP PD with the Principal and Student Services Manager at the time. Both of the latter were uninterested and passed the duties to this staff member. The team received limited support at school to implement any of the ideas. 	The school developed a Respectful Relationships team (committee) to include this training	 Nothing has been done since the last PD session, where the staff member presented what the school was doing: A Respect Wall. 	
Primary School (958)	Contacted with no response			
Senior High School (979)	Contacted with no response			
Secondary College (933)	Union Rep had no awareness			
High School (928)	Contacted with no response			
Primary School (936)	Contacted with no response			

School	Aware of School	Is the school currently	How has it been	Comments
	involvement	running programs	implemented	
Primary School. (977)	Primary School is certainly involved in the program. The school was one of the first cohorts to be involved and has attended all the modules including the final PL in third term last year. Principal attended the PL and have overseen the implementation since she arrived at the school in July of 2021	Integrated planning is evident across all year levels which is inclusive of RRTSP, protective behaviours and other Health learning area outcomes.	We have a curriculum committee that lead the implementation of the program and they have given clear communication and expectations to staff.	Comment from the Principal " I've been very impressed with the content and the explicit support it gives students at home and at school."