

The pathway to and from Permission to Teach for instrumental music teachers (and others): 2003-2017

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Abstract

The Victorian Institute of Teaching (the Institute) was established 1 January 2003, following the consultation and planning work of the Ministerial Advisory Council for the Victorian Institute of Teaching (MACVIT) in 2001-2002. Across Australia, each State and Territory established similar semi-government authorities invested with teacher registration and other responsibilities. The re-establishment of these groups followed a hiatus of about one decade when teacher registration boards had been previously closed. This paper focuses on the 'permission to teach' (PTT) aspect of the Institute's role, with a specific reference to the impact on instrumental music teachers working in Victorian schools.

Key words: deemed, qualifications, permission to teach, registration, Victoria

Introduction

The Victorian Institute of Teaching (the Institute) was established 1 January 2003, following the consultation and planning work of the Ministerial Advisory Council for the Victorian Institute of Teaching (MACVIT) in 2001-2002. Many stakeholders were involved during these two years and numerous meetings facilitated across the State. Following the closure of teacher registration boards in each State and Territory in the early 1990s, the re-establishment of similar authorities with more broad ranging powers, in addition to teacher registration, began to emerge a decade later. Each jurisdiction developed a registration category of permission to teach with a relevant policy and regulations.

Background

The Victorian Institute's broad purpose was to register teachers, discipline teachers and approve initial teacher education programs, prepared by higher education providers. As part of the promotion to win over individual teachers (who had previously been registered 'for life' and at

no financial cost through the different teacher registration boards, closed in 1992) it was promoted that the Institute would exist to support the work of teachers. However when teachers took stop-work action and the Institute did not make a public media statement, it was slowly revealed that the notion of support was never part of its purpose. This aspect was clarified by the King Review (2008), however, the clear lack of support identified by teachers (interpreted as pay and working conditions) did not cement a positive relationship from the outset.

From the beginning, the decision was made to register all teachers in Victoria, whether currently teaching or on approved leave. This was not the case in other jurisdictions. To enable this process to occur a grandfather clause was operative for a short window in late 2002. The status given to teachers at this time was called 'deemed' and came into effect when teachers paid their registration fee of \$60 in April 2003, dated 31 December 2002. For those who were employed (teaching or on leave), schools submitted teacher's names. Teachers provided a copy of their identity and in government schools, the initial police check was paid by the Education

Department. Schools were only able to state whether a teacher was qualified or not (if they had this information). Specific qualifications were not required. Therefore it was possible to only identify an employee as 'deemed registered' or 'deemed PTT' (permission to teach).

If a teacher was not working in a school during the grandfather window (i.e., retired, non teaching), they could complete one day of voluntary work in a school, and the principal wrote a letter stating that their service was satisfactory. As no qualifications were no included, they could be granted deemed registration.

Instrumental Music Teachers (IMTs) who were solely government employed (based in regions) had their details processed by their base school. However those who also worked in the non-government and Catholic sectors had to submit their identity to each school, resulting in separate registrations recorded in the same name.

Permission to Teach

Permission to teach (PTT) was set as one grant of five years (2003-2007), giving those who did not hold a teaching qualification time to complete one. The category was to be phased out by the end of 2008 and this fact was known from 2003. All teachers working in schools in Victoria would be qualified with a teaching qualification. A renewal grant was available for three years and the applicant was required to show evidence of being enrolled in an initial teacher education program. As the King Review (2008) ran over the proposed conclusion date (submitted to Parliament March 2008, released to the public August 2008), a second grant of five years was given to all PTT applicants, taking them to 2012. PTT was never intended as enduring, however through circumstances it had become that way. The phasing out provision was ignored by IMTs (in particular) and the subsequent five grant strengthened the continuing nature of this registration category for these people.

Permission to teach was designed for a fixed short term: for a specified period, for a specified purpose,

for a specified place. It accommodated a wide range of people who were performing a teaching role in a school, for example, instrumental music teachers, sport coaches, artists in schools, vocational education and training teachers where industry experience was required, exchange teachers, three-year trained primary teachers, casual relief teachers, supply and demand initiatives, religious education (volunteers), school chaplains, technology, and languages other than English. Not all of these examples remained within the initial PTT policy and over time religious education, chaplains and sport coaches have been removed.

The school name and registration dates appeared on their registration card. The category required that people present an annual statement form every 12 months, pay a fee for processing, then the annual registration fee. The category of deemed PTT was for one year and renewed with the annual continuation form, providing the teacher maintained their conditions. If a teacher changed schools, then they were no longer eligible for deemed PTT (VIT, 2015, p. 28). Instrumental music teachers employed in government schools, and as a condition of their employment can be moved between schools on a yearly basis, were directly affected by this regulation.

The application process for a grant of PTT to teach in a school was a vicious circle. The Institute required evidence of employment. However on applying to a school (responding to a job advertisement), the school required evidence of registration. The implementation process of the PTT policy was particularly frustrating for those wishing to participate in instrumental music teaching in schools. Most often these people were pre-service teachers and music graduates in protean careers (professional musicians) and others with non-music occupations wanting to teach instrumental music.

Because of the number of applications for PTT from the same individuals, it became clear to the Institute that IMT employment was more transient than most. To remedy the situation (from about 2004) the Institute gave applying IMTs a

global grant of five years, with no school name attached, so they could apply for teaching positions throughout Victoria as they were registered. The PTT category was being used for a purpose that was never intended and IMTs did not belong in this category.

The Institute was the subject of a Government review in 2007-2008, conducted by King, King and Associates (2008). The Department of Education and Early Childhood Development (DEECD) did not accept the King recommendation of establishing a para-professional registration category or different categories of PTT registration (teaching area specific). The acknowledged reasoning to support this category was that many would not obtain a teaching qualification (as was the goal).

Review of Permission to Teach policy 2007 (September 2010)

The review of the PTT policy 2007 was in response to recent amendments to the Education and Training Reform Act 2006, following the King Review (2008) and the DEECD response (July 2009) to that review. Consultations occurred in August-September 2010. In the previous year an instructor class category had been included in the non-government school award and a para-professional category in the government teacher award, prior to that. With changes to pay levels for unqualified teachers (including IMTs) on the government award, these teachers were transferred into the para-professional class. When this occurred, the term instrumental music instructor (IMI) came into common usage.

The Council of the Victorian Institute of Teaching (the governing body) adopted the Permission to Teach policy 2011 on 13 October 2010, implemented from 1 January 2011. This policy replaced the Permission to Teach policy 2007 and was to be reviewed in 2013.

At the time of the review there were about 4000 PTT category registered in the teaching areas mentioned earlier in this paper - and a desire of the Institute to reduce this number towards

phasing out the category as originally planned. The people involved in these areas were consistently employed and did not meet the original criteria for the establishment of PTT. The sheer number of IMIs (2217) with between 30 and 60 'musicians' employed in the very large non-government schools, together with a concern expressed by Principals that these people were doing less work per day than education support staff - teaching five to six individual students daily (studio music environment) - was also a strong influence for change. It was also reported during the consultation sessions that there were a large number of PTT employed by the Victorian School of Languages and 100 sport coaches (Permission to Teach Policy Review, 10 September 2010).

It was much easier to make a case that instrumental music and sport could be classified as co-curricula, and taught by instructors, than other teaching areas that were taught by PTT classified personnel. Principle 2 in the 2010 consultation material focussed on the duties to be undertaken by a teacher. The important points stated in this principle were:

- responsible for the delivery and assessment of a formal curriculum to more than one student at a time.
- a person employed in instrumental music, voice production, speech and drama, choral music would not normally be considered to be undertaking a duties of a teacher.
- a school could make a case that a position (e.g. instrumental music) required PTT because the 'subject' formed part of a formal and compulsory curriculum and the person would be considered to be undertaking a duties of a teacher.

(Paull, 2010, unpagged)

The change to the PTT policy finally reflected the initial goal of 2008 - to phase out this registration category.

1.1.1 An application for permission to teach is required where the following criteria apply:

where the engagement of a person is for the delivery and/or assessment of student participation in an educational program; and the educational program is part of a curriculum that

is authorised by the Victorian Curriculum Assessment Authority (e.g. VELS, VCE, VCAL); or

is authorised by the International Baccalaureate Organization; or

in a non-government school, is authorised and reviewed by the Victorian Registration & Qualification Authority and is approved as the educational program of the school by the school's governing body;

1.1.3 Sports Coaches, Instrumental Music Instructors, and other instructors whose duties relate to co-curricular or extra-curricular programs are not considered to be undertaking the duties of a teacher.

(Permission to Teach policy, 2011)

Issues

Repercussions followed that the Institute did not anticipate. It could be argued that the decision was made in haste and certainly was not the most appropriate to solve the immediate problem. The inclusion of the final decision in Principle 2 of the consultation material regarding the status of instrumental music teachers holding PTT signalled that consultation was for the purpose of informing those in attendance. Delivery of a formal curriculum to more than one student at a time directly impacted the required individual lesson for Victorian Certificate of Education (VCE) Music Performance students.

The terms co-curricula and extra-curricula were no longer interchangeable. For many years, the term extra-curricula was common, but the introduction of the term co-curricula was for a purpose. Co-curricula implied part of the educational program of a school (school production, school concerts, soirées which may contribute to a students' assessment). Extra-curricula now had a different definition.

The policy ignored the fact that in some schools

it was requirement that all students who chose elective class music must learn an instrument. Classroom music was taught by both fully registered and PTT persons and was an educational program that was part of an authorised curriculum. Instrumental music lessons were part of an educational program. The lessons included the need for a teacher to be knowledgeable about pedagogy, styles of learning, scope and sequence, approaches to assessment and to write reports and attend parent-teacher interviews.

Schools promote themselves through the number of concerts presented each year and they require students to learn an instrument and contribute to those events and it is part of their assessment. Instrumental music lessons were part of an educational program.

The policy did not take into account that there were two types of 'teacher' involved in instrumental music teaching - IMTs - qualified teachers with full registration and IMIs - without a teaching qualification and PTT registration. It implied that anyone teaching instrumental music was an instructor and that no such person needed to be a registered teacher, a working with children check (WWCC) was needed.

There was anecdotal evidence from education stakeholders that instrumental music teachers 'en masse' in government schools were being described as 'instructors' when many were still employed on the teaching award (with and without a teaching qualification). Only the position could be described as 'an instructor', not the employed person.

As the Institute became established it encouraged unqualified instrumental music teaching personnel to gain a teaching qualification. Over 10 years a number did complete an initial teacher education program with teaching methods of classroom music and instrumental music. This was at considerable debt and now seen as a total waste.

Although there had been an early trend in government schools to offer new employment to teachers on the education support (ES) award as school librarians, student welfare coordinators

and in work education, the policy opened the floodgates to offer new employment on the ES award to both IMIs/IMTs (qualified or unqualified, fully registered or WWCC) using the terms 'instructor' and 'tutor'. Qualifications became irrelevant. Previously ongoing employed instrumental music teachers on the teacher award who took retirement at 54/11 and recommenced their old job were employed on the ES award and sometimes on yearly contracts. This did not occur for teachers of other subjects. Government school principals also used the casual relief teacher (CRT) payment as a standard process, when a maximum of six weeks is permitted.

The immediate concern was that any IMI/IMT employed on the ES award or the non- government instructor class was performing the duties of a teacher and was in breach of the Act. The Institute administers part 2.6 of the *Education and Training Reform Act 2006* (the Act):

Education and Training Reform Act 2006 (the Act)

S. 2.6.1 definition of teacher amended by No. 14/2013 s. 8.

"teacher"?

(a) means a person who, in a school, undertakes duties that include the delivery of an educational program or the assessment of student participation in an educational program; and

(b) includes a person employed as the principal or the head of a school whether or not that person undertakes the duties of a teacher if the person has been employed as a teacher in any school, whether the school was within or outside of Australia, prior to being employed as the principal or the head of a school; and

(c) does not include a teacher's aide, an assistant teacher or a student teacher;

(Parliament of Victoria, 2006)

The relevant section of the ES award reads:

An Education Support position supports the educational services being provided to students, but must not include duties of teaching as defined in clause 2.6.1 of the Education and Training Reform Act 2006 (Vic) or its successor. Supervision of students cannot be required except where it is an integral part of the employee's position or

involves supervision of students individually or in small groups, in controlled circumstances, where the responsibility for students remains clearly with a teacher.

(<http://www.education.vic.gov.au/hrweb/Documents/VGSA-2013.pdf>)

Review of Permission to Teach policy 2011 (March 2015)

This review commenced in March 2015 and was very quietly advertised on the Institute website, with submissions due in April 2015. The policy review discussion paper quoted 1033 PTT registered persons (VIT, 2015, p. 3), 166 in the subject area of instrumental music (VIT, 2015, p. 20) and zero for sports coaching (VIT, 2015, p. 21). The reduction in PTT numbers was well on the way to phasing out this registration category. Classroom music and instrumental music teachers used their term one holidays to write extensive submissions. Teachers responded to the discussion paper and gave detailed specific examples of failings of the 2011 policy. The issues emanating from January 2011 were still very current. The Institute promised respondents progress reports and this did not happen. I wrote to the project officers throughout 2015 requesting reports, and was advised that the submissions were being reviewed. The Institute noted in the discussion paper

Instrumental Music Instruction and Sport Coaching are two examples of co-curricular and extra-curricular programs since they do not involve the delivery of an approved curriculum, such as AusVELS or the VCE. (VIT, 2015, p. 26)

Although IMTs made more submissions than any other group to the 2015 PTT review (Victorian Instrumental Music Coordinators, 12 February 2016), it was revealed in March 2016 that the Institute (in the new policy) had cemented its view against instrumental music as a legitimate curriculum subject; their primary justification being that it was non-compulsory (Victorian Instrumental Music Coordinators, March 2016). This included VCE Music Performance as it was not stated in the study design that an instrumental specialist

teacher is required for students' individual lessons. The decision stunned teachers of all disciplines, as it had potential to flow on to other 'subjects'. The resulting new policy had been put to the Institute Council in December 2015 and February 2016. On both occasions the Australian Education Union (AEU) members of the Council voted against the policy. The Minister of Education ordered the Institute to meet with the AEU to address issues not considered in formulating the new policy. This was not successful. Action escalated in early March 2016 when it was learned that the new policy would be returned to the Institute Council for a final time at the March meeting (when their three year term concluded).

Impact

A call to action was made to all instrumental music teachers employed in government schools, irrespective of award or local payroll, to reverse what was a crisis in instrumental music education. With less than two weeks before the next vote, a letter-writing campaign took place (posted, with a one dollar stamp on the envelope and across the Labour Day long weekend) to the Minister of Education. Letters were also sent to the Institute Council, as teachers had learned that they had never seen the submissions and were unaware of the specific cases that had been cited, and to local Members of Parliament. Form letters, to be varied to personal circumstances, were distributed to instrumental music teachers, classroom music teachers, teachers of other disciplines and AEU school sub-branches.

The Minister for Education ordered a further review and consultation after receiving hundreds of letters (School Music Action Group, 2016). The AEU Victorian Branch President was now involved with Institute meetings. Department of Education & Training Instrumental Music Region Coordinators met with the Institute Chair and Manager of Regulatory Services with actual examples of how the planned policy decision of instrumental music as a non-subject would impact on teachers. As time

moved on, instrumental music teachers learned that an Institute employee had stated that the policy decisions of 2011 and 2016 were wrong, those who were employed as IMIs/IMTs were actually teaching (Personal communication, December 2016).

The Minister for Education approved the rewritten policy on 28 June 2017, valid from 1 October 2017. On 15 August 2017 the *Permission to Teacher Policy 2017* together with accompanying letter was distributed by email to those who had contributed to the review in March-April 2015. Reference to the co-curricula or extra-curricula classification of instrumental music and that instructors are not considered to be undertaking the duties of a teacher had been removed – there is no reference to instrumental music at all. Qualifications and employment matters reside with the employing school. A section of the letter from Melanie Saba, CEO is below:

Central to the 2017 PTT policy is the principle that whenever a person is undertaking the duties of a teacher such as delivering the curriculum, assessing student outcomes in an educational program and being responsible for a class, then that individual must hold teacher registration or permission to teach. This applies to Instrumental Music teachers who undertake the duties of a teacher, regardless of the number of students being taught or whether the curriculum is an elective. (Melanie Saba)

The 2017 policy highlights an anomaly in that IMIs now have a WWCC as they had to relinquish PTT after the release of the 2011 policy. They are unlikely to reapply for PTT under Principles 1 and 4 of the new policy, although they continue to teach.

Principle 1:

PTT is an 'alternative authorisation to teach' and exists:

- (a) To address a workforce shortage; or
- (b) As a pathway to teacher registration

Principle 4:

Holders of PTT are expected to progress towards teacher registration unless explicitly exempt.

(VIT, 2017, section 5)

Conclusion

From the time the Institute was established in 2003, the changes to the 2011 PTT policy and subsequent implementation has been less than satisfactory for people with continuous employment, in particular for IMTs whose employment conditions can be varied on an annual basis. The notion of all teachers in Victorian schools being fully qualified was always a good one. The relationship between teachers and the Institute has been tenuous from the beginning and a shift that targeted instrumental music teachers and the subject of instrumental music was not positive.

There remains a major concern that the Institute and Department of Education and Training believe that instrumental music teachers do not teach a curriculum (Personal communication, June 2017). Instrumental music teachers were advised to use the designated curriculum, the *Victorian Curriculum* (2015) and write an instrumental music curriculum relevant to each school. The Arts includes the subject Music, and instrumental music is part of Music.

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