

**TO: QTU REPRESENTATIVES**

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# QIRC makes another bad decision

The Queensland Industrial Relations Commission (QIRC) issued a direction yesterday afternoon that the moratorium on the implementation and conduct of the NAPLAN tests not occur. This decision has been made on the back of similarly bad decisions in the EB6 dispute

In releasing his statement, Deputy President Bloomfield indicated that the *"public interest dictated that he issued the direction that the proposed moratorium not happen"*.

In providing his reasons for this direction, the Deputy President indicated that he believed that the proposed moratorium would have an *"adverse impact on the students"* and a *"significant impact on the longitudinal assessment of the educational progress of those students through their schooling"*.

Additionally, he accused the QTU and AEU of making students the *"proverbial prawn in the sandwich"* in relation to this issue and that the AEU and the QTU *"should never have contemplated using innocent and vulnerable students in such a way"*.

The Deputy President stated that implementing the moratorium *"belies their professed professional concern about the negative impact which adverse media coverage of a limited number of schools might have."*

The Deputy President made no comment on the failure of the Federal Government to take action to resolve the dispute.

It is evident that in making these statements the Deputy President has failed to appreciate the impact the stigmatisation of schools has on students and school communities.

Essentially by making these statements, the Deputy President has provided the federal and state governments the imprimatur to continue to misuse the NAPLAN data as they like. This is in direct contradiction to the statements made by the Queensland Government on page 23 of the Flying Start green paper, whereby they indicated that they are responsible for *"(making) sure the public reporting of the performance of Queensland schools is transparent and fair, and reflects the full picture of schools' circumstances"*. (To remind the state government of this **"commitment"**, go to <http://deta.qld.gov.au/aflyingstart/community.html>).

It is unfortunate that the Deputy President has chosen to make these comments. It is evident that the only organisations prepared to protect the best interests of students and schools in Australia are the teacher unions and their members.

## A national and professional issue

As this is a national campaign, the QTU attended a meeting of the Australian Education Union (AEU) Executive on Monday, 12 April 2010. At this meeting it was reported that despite publicly stating that she would do what was necessary to resolve the dispute, the Deputy Prime Minister had failed to meet with the AEU to discuss its concerns over the My School website and how the issues might be resolved.

In consideration of the intransigence of the federal government, the AEU Executive determined to place a professional moratorium on the implementation of the 2010 NAPLAN tests until such time as the issues raised with relation to the My School website were resolved.

Accordingly, the QTU issued the following directive on the same day:

*All QTU members are hereby directed to place a moratorium on the implementation of the 2010 NAPLAN tests until such time as the federal government negotiate with the AEU acceptable changes to the My School website and provide guarantees against the development of league tables.*

The QTU maintains that the issue of the My School website is a professional issue and as such remedies to this issue cannot be provided by the QIRC.

The My School website is inherently flawed for the following reasons:

- a) the misuse of the NAPLAN results on the website and the labelling of schools as below or above average by highlighting NAPLAN results in red and green, which results in the stigmatisation of schools;
- b) the use of the ICSEA index to determine statistically similar schools that results in inappropriate comparisons between significantly different schools;
- c) the potential for the creation of league tables by the media and profit-making businesses that are both damaging and misleading; and
- d) the failure of the site to include "rich information" about schools, such as extra curricular activities, other curriculum success and the Year 12 outcomes, that would provide fairer and more comprehensive information for parents.

The QTU has been very clear that the moratorium on NAPLAN is not about being afraid of the test or the data that the test generates, but rather ensuring the protection of schools and students by fixing the My School site and preventing the data being used for league tables.

DET has maintained that the moratorium is industrial action and as such should not proceed.

### QIRC decision

In reviewing the submissions of the QTU and DET, the QIRC has formed the view that despite the professional issues within the campaign the QTU should remove the moratorium. This direction echoes the one-sided decisions made by the QIRC in the EB6 campaign last year.

### What happens next?

**QTU Executive will meet next Tuesday afternoon to consider the QTU's response to the Commission's direction. QTU Senior Officers will be recommending to Executive that we proceed with the moratorium on the 2010 NAPLAN tests, however the final decision will rest with the QTU Executive and the Australian Education Union.**

Before determining what action to take with respect to the Commission's direction, the QTU Executive will consider the:

- national nature of this campaign;
- continued intransigence of the federal government in refusing to meet with the Australian Education Union to resolve the issue; and
- detrimental effects the My School website will have on schools should it remain in its current form.

The Department has started contacting principals to try to establish contingency arrangements and intimidate teachers. Part of that discussion has been to threaten to dock the pay of principals and teachers observing the moratorium. The QTU is pursuing this issue with DET and the Minister. It is outrageous that the Queensland Government is threatening to dock pay for teachers teaching their class.

### What is the effect of a moratorium?

The effect of this moratorium is that the NAPLAN tests will not proceed until the federal government meets with the AEU in an endeavour to resolve the issues with the My School website that have been raised by the profession. Student preparation for the 2010 NAPLAN tests should continue so that students are not disadvantaged should the federal government finally negotiate an agreement.

Non-cooperation via a moratorium will involve action by all members:

1. *in the weeks and days leading up to the tests;*
2. *on the actual scheduled test days; and*
3. *in the days following.*

The following list is a guide only and not meant to be an exhaustive list.

#### Pre-Test

- No distribution of or use of test administration booklet.
- No distribution of official notification letters to parents.
- No physical preparation of test rooms, school hall etc.
- No creation of supervision rosters for tests.
- No booking of additional casual teachers, aides, volunteers or outside supervisors to administer tests.
- No staff meetings to plan and discuss the implementation of the tests.
- Leave boxes unopened and all test material untouched.

#### Scheduled days

- Leave boxes unopened and all test material untouched.
- No member is to supervise or administer the tests.
- No support teachers, principals, specialist teachers (e.g. teacher librarians, guidance officers etc.) are to implement the tests.
- No use of teachers' non-contact time to supervise tests or to assist in the supervision of the tests.
- No split classes (or taking additional students) to free up others to administer tests.
- No employing of additional casual teachers, aides, office staff or outside personnel to administer tests.
- No use of volunteers to administer tests.
- No supervision of someone else's classes (e.g. non-member) who is implementing the test.

#### In the days following

- Leave boxes unopened.
- No paperwork or administrative tasks relating to the tests should be completed.
- No "catch-up" days for absent students.
- No return of test materials, documents or administrative paperwork.

***In summary, in the lead-up to, on the actual days and in the days following, members are to teach their normal classes and undertake their regular activities and duties.***

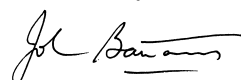
### Conclusion

The issues in this campaign remain professional issues and the AEU and the QTU have determined that if the federal government will not act to protect our schools from the potentially damaging effects of the misuse of the data on the My School website, we will.

The Union remains hopeful that the Deputy Prime Minister will meet with the AEU in order to discuss and resolve these issues.

In the meantime, the QTU Executive will meet to consider the QTU's response to the direction of the QIRC. Members will be advised of Executive's decision in coming days.

Authorised by:



John Battams  
General Secretary