

IN THE FAIR WORK COMMISSION

Matter no: AM2018/9

Applicant: Independent Education Union of Australia

Fair Work Act 2009 s.158 – Application to Vary a Modern Award

STATEMENT OF LARRY GRUMLEY

I, Larry Grumley, of [REDACTED], in the State of New South Wales say:

1. I hold the following qualifications:

- a. Bachelor of Science Education, Drake University Iowa 1970-74;
- b. Diploma of Education, Drake University 1970-74; and
- c. Master of Arts (Hons – Edu), Edinboro University, Pennsylvania 1981-83.

2. My previous experience is:

- a. 1974-77, as a teacher in the Department of Education, Macquarie Boys High School;
- b. 1977-83, as a teacher in Wattsburg School District Seneca HS (USA);
- c. 1984-1995, as a teacher for Our Lady of Mercy College, Parramatta;
- d. 1989-1990, as a teacher at Granville TAFE (part-time);
- e. 1989-92, as a lecturer for the University of Western Sydney;
- f. 1996, until present as a Teacher and English Coordinator for Catherine McAuley High School, Westmead;
- g. 2004 to 2009- Supervisor of Marking for Higher School Certificate for the Board of Studies, Teaching and Educational Standards NSW (**BOSTES**), 2006 to 2016 - I was a member of BOSTES, which was the governing board of teaching in NSW. It was responsible for the accreditation of teachers, professional learning, professional teaching standards, teaching degree accreditation, school curriculum,

examinations, and school registration in NSW. As part of that I Chaired the Rules Committee for five years and was a member for two; also Chaired the VETEC Committee and the LOTE BSS and was a member of the Accreditation Committee.

3. I am currently employed as the English Coordinator at Catherine McAuley High School, Westmead. The *NSW and ACT Catholic Systemic Schools Enterprise Agreement 2017* applies to my employment and I am classified on the top step of the teaching scale, called Proficient Teacher Level 5, and receive an allowance as Coordinator 2.
4. Catherine McAuley is a non-selective Years 7-12 girls' school operated by Catholic Education Diocese of Parramatta (**the CEDP**). The school is located on a site adjoining Parramatta Marist High School, a boys' school also conducted by the Diocese.
5. I currently sit on the Curriculum Committee of the NSW Education Standards Authority (**NESA**), with the approval of my employer. NESA sets and monitors quality of teaching, learning and assessment of school standards. It is responsible for the school curriculum, accreditation of teachers and teaching qualifications, as well as school registration. NESA replaced BOSTES, which had performed a similar role, in 2017.
6. My role as English Co-ordinator involves the co-ordination of 13 teachers who are responsible for at least one English course within the school. English classes at the school include eight Year 7 classes, eight Year 8 classes, eight Year 9 classes, eight Year 10 classes, eight two-unit classes in Year 11 with two Extension classes, and two English Studies classes (ATAR and non-ATAR), and seven two-unit classes in Year 12, with Extension 1 and Extension 2, and one Studies class.
7. English Studies is designed for those students who need to develop skills in using the English language effectively – it is more practical- workplace English often for less academic students or those who are choosing a non-tertiary pathway. The course equips students to participate in more satisfying learning. It assists them to meet the requirements of two mandated units of English and to achieve English

language outcomes to support their study at Stage 6. This Course has a common core with the ATAR based Advanced and Standard which adds complexity and time to the scheduling of assessments and tasks which now have to bridge three unique courses - which has had the consequence that there is no course for the weaker students or ones who do not perform well under rigid exam conditions.

8. Extension 1 is designed for students undertaking English Advanced who choose to study at a more critical level with a much more diverse spectrum of literature – in context, content and style. They enjoy engaging with complex levels of conceptualisation and seek the opportunity to work in increasingly independent ways. Extension 2 requires the production of a major work much like Visual Art. However, it is a condition that students also have to take the Extension 1 course even though the skills are very different. This is the distinction between critical and creative composition. This creates a more challenging and diverse 4 unit/ extension course, which is labour intensive as even with ‘only’ four candidates, they are each a class unto themselves, with works as diverse as a critical study of Chinese satirists to a non-linear post-modern short story around cultural differences.

Curriculum Changes

9. A significant change has been the introduction of outcomes-based syllabi as the result of NESA directives. Every syllabus specifies outcomes to be achieved by students. For example, in the syllabus for the stage 6 English Advanced course there are 9 unique outcomes, 9 ‘experiences’, values and attitudes, stage outcomes all linked around ‘making meaning through language’. One content dot point – 11.4 – asks for the student to ‘analyse, explain, and generalise about the relationship between imagination and cultural forms and ideas.’ This is a very specific yet abstract outcome, which is difficult to teach, let alone assess. It is very different from previous syllabus content and requirements. The detailed nature of these outcomes as well as the very theoretical or abstract nature of some outcomes has fundamentally changed the work of English teaching. It is much more complex and requires the teacher to utilise new and different skills such as current and historical critical literary and artistic theory – from post-colonial to postmodern, modernist, Marxist, feminist theory to mention only a few.

10. Assessment must be designed to test specifically whether students have achieved the specified outcomes and a marking scale developed based on achievement of the outcomes. Also it is broken into both formative and summative assessments which are unique and each reported separately. In the past an essay, for example, would be marked holistically and given a mark of 14/20; now individual outcomes will be marked separately, and the total mark added up to give a total out of 20. In years 10-12 the assessment also has external significance.
11. The requirement to assess achievement of outcomes requires each assessment task to be precisely constructed, as the full range of outcomes must be assessed. This applies in relation to the various types or genres of texts and forms of assessment including writing, speaking, listening even multimodal, which must be used. If a student in a senior class misses an assessment task because of absence, an alternative task assessing the same outcomes must be set; if a number of students are absent and are all unable to complete the alternative task on the same day, then more than one alternative assessment task equivalent to the one which was missed will need to be scheduled. If a student still misses a mandatory assessment for an acceptable reason, for example a medical certificate is provided, and is unable to undertake an alternative assessment, then I must provide an estimate mark based on strict criteria.
12. I must be able to justify this estimate to the Assistant Principal Teaching and Learning. I am also accountable to parents and on one occasion attended an interview with a parent and the parent's solicitor to explain how the estimate was reached. In the past I would not have been required to be accountable for the marks which I gave to the same extent. Data collection is a massive part of this process, looking at all applicable past marks to estimate the grade. In formal assessments it must be consistent with the cohort and the student's prior work.
13. There is constant change to and amendment or clarification of the syllabi. The new Stage 6 syllabus in English has updates and amendments to the nature of assessment, to the booklist. This determines what can be taught in Year 12 but also what 'cannot' be taught in Year 11. I am still receiving updates for the courses presently running – one came 12 November 2018 which made alterations to a course (Studies) already being taught which meant our assessment schedule had to be

changed. Sometimes important changes in content of Year 11 and 12 courses can be missed in the plethora of information. There are weekly NESA updates which must be read to keep abreast and this then has to be communicated to my staff.

14. NESA requirements and school and system objectives are that students are encouraged to use technology, utilising the skills of a computer consultant, to assist students in the use of computers. Use of technology can be time-consuming. The need to ensure students get sufficient exposure to computers and technology sometimes means that I will remove one or two students from the class to allow them to work on computers. However, I must supervise these students and meet their requests for assistance while still teaching the rest of the class. Misuse of a device, which is a common occurrence at every school, often takes hours of time to both to clarify the issue but also to help those affected if it is a bullying matter; find the offenders and deal with the issue.
15. Teachers are also expected to utilise computers for administrative tasks. All our reports and files are now on computer and teachers often need to work outside usual school hours because of difficulty in accessing computers during normal school time. There is constant pressure to produce reports in a short time frame after assessment tasks have been completed, notwithstanding difficulties which may exist for teachers in accessing computers, system failures and lack of trouble shooting expertise if computers, printers, and technology fail or crash, which occurs frequently in most schools. Our school has sixty teachers using two printing machines. Lots of teaching resources are now online, which if there is a failure, can cause significant difficulties for teachers in delivering content. The need to use or be conversant with Google Drive, Google Spreadsheets, Google classroom, are only a few of the online resources we need to keep up-to-date with. OneNote, Publisher, Garage Band have all been applications we were made to understand but then within two years the school moved to others and no longer supported these.
16. In addition to NESA requirements, each school must meet system/diocesan requirements. The CEDP operates as the registration and accreditation authority (TAA) for its schools on behalf of NESA and conducts school reviews to ensure compliance with both bodies of criteria. In my experience there has been a significant increase in the amount of work involved in school reviews. For example,

there is an expectation that documentation is much more dictated, it must be delivered in one format, for example a word document, even when the school requires it be on a google doc. As part of the documentation for the review, the teaching staff must show specifically how these goals are being achieved across the school, issues for each student performance at the HSC as well. I write these reports following extensive consultation with staff in my department, which, as well as being a complex analytical task, is very time-consuming. Teachers in each KLA in the school prepare similar documents. A crucial change in the school review process has been the requirement for self-evaluation and reflection on paper, reflection is always valuable but in the past this did not have to be documented, now the 'document' can take hours to fill out which takes away time to be able to actually act on the reflection. Even when a review is positive, there are always issues identified which required further attention by staff. As a consequence, the performance of teachers is constantly being monitored and they are asked to adjust and improve in order to meet the increased level and range of expectations by the school and system. One example was a Standard English class who performed 75% above the state average as a group and 18 of 24 (75%) were in the top 10%, where the state average was 5.1%, yet a detailed plan was written to improve the results for the next year.

Professional Development

17. There has been a radical change in the number of things that a teacher is now required to do, which I would not have had to do 25 years ago, or even 10 years ago. A good example of this is the completion of professional development for maintenance of accreditation. NESAs now requires a Proficient teacher to complete 100 hours of professional development over five years, of which 50 hours must be accredited by NESAs. The majority of this professional development is completed outside of school time/work hours whereas in previous years most professional development was done during school time. In past years I might have attended a conference, or marked the HSC, when they came up, but now teachers are required to consistently undertake these activities and do them during their own time. These types of activities would previously have amounted to approximately 5-10 hours during the year.

19. In addition to the increased amount of professional development in teachers' own time, there has also been an increase in the overall amount of professional

development being undertaken by teachers in my department and school. Within the CEDP there are professional development courses that early career teachers are required by CEDP to attend. This is an additional two to four days of compulsory professional development during the year. This has a flow-on effect on teacher workload and tasks, including setting out all of the lessons for the time they are away and having their classes interrupted during their absence. This is an entirely new system which has been introduced within the last 10 years and reflects the expectation of employers that early career teachers will attain the expected competencies and skills as early as possible in their teaching career.

Changes in Schools

20. Parents now have very high expectations from schools compared to 10 years ago. Parents are much more aware of media reports about the ranking of schools based on NAPLAN or HSC results and are very focussed on the ATAR that they expect their child to achieve. Parents often pressure teachers to make a student sit a particular course to maximise a student's mark even when the teacher considers this course will have the contrary result. Parents more often now query marks their child has received. For example, in term 3 of 2018 I received enquiries from 13 parents concerning their daughter's Year 12 reports just completed, all of these were about the validity of the mark, while the concerns about the mark were unmeritorious this level of justification is increasing.
21. Teachers are more obliged to have ongoing contact with parents. My email address is now available to all parents. If a parent writes me an email I am required to respond to the email in a timely manner. I may also need to call them as well. This type of accessibility and engagement did not exist ten years ago. Emails add a new emotional toll on teachers. Parents are increasingly sending emails that are demanding of answers, and question teachers' professionalism. The amount of time and angst in dealing with these types of enquiries and complaints is new to teaching and this is incredibly daunting and stressful for new/younger staff especially.
22. Individual schools are also demanding more participation in and organisation of extracurricular activities. When interviewing a teacher 15 or more years ago for a position in my English department, their extra-curricular activities would have been

considered as an adjunct to their primary teaching ability. I may have asked some simple questions about their interests, and whether they could assist in the school's extra-curricular activities. Now it is a requirement of the interview process and is part of the process to determine who will be hired. It is no longer a question of a professional teacher doing their job well as an English teacher. They are asked - 'Could you be a house patron? Could you be a debate coordinator? Could you help with Mercy in Action Group?' and a whole range of other extra-curricular activities. These activities are usually very valid in their aims. However, they are typically asked of young teachers as a way of testing their commitment to the life of the school. These types of activities take hours after school of teachers' time and taking time during their lunch or after school, even weekends. This type of expectation has burgeoned over the last 5 to 10 years.

23. Ten years ago, 50% of staff were involved in a sport, however over the last 8 years or so the school has removed sport periods for seniors, and it remains mandatory only for Years 7-10. The school has replaced this with lessons meaning the teacher now has to prepare and teach more lessons. Where the Thursday afternoon used to involve sport, during which time a teacher might have been able to do paper/catch-up work, now almost all teachers have class during that time.

24. Alongside these broader changes are the introductions of Working with Children Checks, anaphylaxis and epi pen training, fire training, first aid and CPR training, WHS training and other matters, working with diversity students, Child protection updates, Canberra Disability Standards for Educator's Training – the last, for example, involved over a dozen scenarios online and then answering questions about what was the correct course of action. These all are required as part of maintaining accreditation. Another example of change is the increasing monitoring of phones and mobile devices of students. While students are not meant to access these during school time there is often misbehaviour which needs to be managed by the classroom teacher. A teacher now has to be alert to all the potential issues with respect to each of their student having access to these devices at all times. These include cyber bullying behaviours between students, as well as the use of recording and access to inappropriate material.

Documentation

26. In our school we maintain a DIN (Diversity is Normal) Folder, of which every school would have its own iteration. This is essentially folder for students with a range of special needs, including those with epilepsy, autism, anxiety, depression, or even family difficulties. Over the last 10 years, I am now required to look through the DIN file and identify every student within my classes that has been determined to have learning needs, or other ‘special’ circumstances.
27. I currently have six such students in just one of my year 8 classes. I am required to complete a written record for what I have done to accommodate the student’s learning and my evaluations of its success. Ten years ago, this was not a requirement. This includes adjustments for assessment and class tasks. For example, instead of requiring a student to give a speech, I may provide the choice of three assessment options from which she can then choose; she may then decide to do a story board or a computer presentation. I now have to record this teaching/learning strategy into her DIN folder. This type of action can take up to 30 minutes for each student – thus in my present class that is 3 hours of work that did not exist ten years ago. It can also take longer if the assessment requires significant adjustment, including the provision of a ‘reader or writer’ for a student who needs assistance. There may also be the need for separate supervision or a ‘clean’ computer for students who cannot write for an extended time – this all has to be arranged by the teacher. These can take up to an hour to arrange for a single assessment.
28. Within our diocese there are a number of students with special needs, and this number is definitely growing. This process of identification occurs through standardised testing like PAT-R. The CEDP allocates assistance and funding accordingly. The great irony is that many times the students that present with ‘needs’ from those standardised tests in fact become able students without assistance, and sometimes students that ‘pass’ those tests have greater need. In 2018, I had a student in my year 8 class who could barely structure a sentence fluently, yet could pass all the standardised tests. It took me a term and a half to put through all the paper work to get that student access to special support, simply

because she was not flagged by the standardised testing systems. Teachers still need to identify these learning difficulties and make provision for these imbalances in the system, which requires greater attention to students' abilities and more nuanced delivery of teaching. If a child is not identified as needing additional needs, I have to take complete responsibility for delivering differentiation content and assessment to that child having specific regard to their learning needs and capabilities without any of the traditional support I could access. Once again, these new problems bring added difficulties of increased and more complex administration.

29. The requirement for a teacher to account for student's mental health is becoming increasingly difficult as increased understanding of issues around mental health and the growing number of diagnoses increasing in schools. Teachers face these complications in their practice with very little support. I have a student in one of my classes who has depression, however I am not privy to whether she is seeing her psychiatrist, as I am not allowed to have that information, nor seek any guidance from other professionals on how to best approach the student due to 'privacy considerations. This makes it complicated in my management of her sitting the HSC. In most of her exams she is 'tuning out' and simply not writing answers, and while it appears to me that this is a symptom of her condition I am nevertheless meant to have a grade for her in relation to her peers. The grade must be zero because she failed to write a single word on the paper, yet I am still required to somehow rank her within the class. I am left in an extremely difficult position of not knowing how such actions will affect her mental health. I have to work very hard at my management of my relationships with these students, and how I approach their workloads and assessments. It is extremely complex and stressful trying to manage these students who present with conditions outside my expertise or understanding.
30. This problem is related with the constant and growing social expectation for students to receive and finish Year 12 and attain an ATAR. This results in students being allowed to elect higher level English or Standard English where they have an unrealistic prospect for success. Yet as their classroom teacher I am required to provide them with the pathway to succeed as students, while simultaneously maintaining the appropriate academic standards, while having regard to their mental

health as young people. Aspirational parents and high expectations from schools compound these problems significantly. Managing these issues in the class makes it difficult to push the top performing students to their best, and requires complex interpersonal skills.

Teaching Methodologies and Pedagogy

31. Entry to the school is not selective so we have students who achieve in the top 1% of the state as well as students at the polar end of the spectrum. Further, there is a wide range of physical abilities and related needs. Only some classes are streamed, so there is a very wide range of ability within the one class. When this occurs, teachers need to cater for a wide range of abilities by offering different options to students or offering, for example, a novel at different levels. Our proximity to Westmead Children's Hospital means we have students undergoing treatment before or after school or someone in their family is in care. We have students in remission from cancer or at Redbank House – all of these require time to understand and be able to adjust classroom practice and expectations so they can not only manage but thrive. It can be life altering for both student and staff but the cost is of teacher time and emotional well-being.
32. The levels of differentiation are considerable within my school and have led to some unintended consequences in the area of assessments, leading to increased challenges for teachers. Students have not changed significantly in terms of their academic ability: once the complexities of the kind of personal issues discussed above are put to one side the best student now is probably no better than a student 10 years ago, and the weakest probably is not any weaker. What has shifted a great deal is the idea of assessments. In previous years one assessment was set, which had 20 right or wrong answers. The entire class would take this test. Some students may have received 15 out of 20, others 10, and others 4. Now, there is an increased move to differentiate assessments to allow the students to achieve at their 'own' level – so everyone can get to 20.
33. Differentiation requires me to consider the number of different kinds of assessment I provide to the students of varying capabilities within my classroom. I need to determine the ranges of ability and which students fall within them. I then provide

varied assessments. In English this starts from the beginning of a unit as in reading a novel I may need to teach six different set texts within one classroom, with differentiated tasks and assessments. This allows those individual students to grow and learn at appropriate rates and to demonstrate their achievement in accordance with the requirements.

34. However, this type of teaching brings greater difficulties when approaching reporting, where I need to give a grade to that student. This leaves me in a dilemma trying to determine what the grade of a student with a differentiated assessment should be. For example, if I give the 'weaker' student a test where they can get 20 out of 20 in a differentiated assessment, how do then I report versus the student who got 20 out of 20 in the original or more difficult task? Almost always it is left to me to talk to parents to explain why 20/20 does not mean they get an A. In this task I am rarely supported by the school which again adds to the complexity of needed with parents and in determining grades for mandatory reports.
35. For example, one of the students within my year 8 class in 2017 was a poor student academically, and also quite aggressive in terms of her behaviour. Due to that aggressive behaviour she was suspended for two weeks. Prior to her suspension, I knew she would be out of my class for the next five days, I decided to set modified work to both further assess her ability and to look for improvement – I first gave her Year 7 work. However, she could only get 20-25% on that material. I then went to Stage 3 (Year 6) material. Such a decision required new skills on my part to start accessing teaching methods and resources that are beyond our department resources. I had to access material from other schools which had Year 5 and 6 material, yet she struggled – achieving at a 40% level. The student did not get above 50% until I provided her with Stage 2 - Year 3 work. Now if I give that student Year 3 work, and grade it in terms of A-E, she would get a C or a D. The student thus achieved at a Stage 2 level and yet her report is in relation to Stage 4 – Year 8. This was not the case 10 years ago and adds to the workload and complexity of the modern classroom – also I spent 5 to 10 hours finding appropriate resources.
36. The difficulty for me as a teacher is how I grade this students' performance come report time. Because she has completed assessments that achieved a C or D, I know that differentiation applied to her assessment is closer to an E in terms of Year 8

performance. I will then provide a student with an E grade because they have not met the Year 8 outcomes. This causes anxiety to the student and their parents. It is considerably difficult to explain to a parent my decision making giving their child a modified assessment when I still have to judge them on the standards of Year 8. Finding the student's level, and allowing her to work at that level, allows her to continue to learn and progress in a way that she would not if she simply kept failing Year 8 work that is far beyond her; on the other hand I still must assess her against the outcomes she should be at to provide a meaningful grade. The State sets the standards that need to be maintained in the final report to maintain consistency and fairness across the classroom. This is an entirely new skill which teachers must implement in the classroom; in large part, it is self-taught. The teacher stress is exacerbated by the parent's desire for their child to succeed but tempered by the fact they do not understand the student has to be graded on Stage outcomes set by the state.

37. Project based learning (PBL) is increasingly being used as a teaching methodology. This requires the organisation of classes into different groups where the group is required to deliver an outcome. This requires additional teaching behavioural management; that is, trying to attend to 6 groups of 5 in a lesson rather than guiding one class. 6 groups mean that I as the teacher only have approximately 10 minutes with each group, which is not much depending on the quality and length of the project.
38. A great deal of the project-based learning is IT based, so I now face the challenge of behavioural management where I need to cut short teaching time to attend to other students in other groups who are being poorly behaved and using technology including their mobile phones inappropriately. I need to be able to monitor each of the students and at the same time let them work independently. The CEDP are now requiring that project-based learning is delivered in the classroom, as well as its implementation be recorded and evaluated. For next year every Key Learning Area has to implement one in Year 7. Project based learning modules now include: Project 21 which is delivered in Year 7 around technology devices, the English Maths Stage 4 (EM4) which is the CEDP requirement; literacy and numeracy initiatives from federal government also fall within project-based workings. This all needs to be documented, reported in written form and evaluated.

Standardised Testing

39. I am required to show that I have analysed data for PAT-R (Progressive Reading Tests in Reading) and ALWELL (Academic Assessment named after Robert Alwell) testing. Both of which are a form of Literacy/Numeracy testing of students. Essentially, I look at the students' results and determine how each of my students performed against my own expectations and assessment of them. I notice where a student either surpasses or fails to meet those expectations.

40. It takes significant time to go through and break down the various outcomes of data into a projected mark, the mark received, the differentiation between the two, the differentiation across my class, what worked or did not work, and to create meaningful links from the data to my planning and implementation of teaching/learning strategies and plans, and how I should 'assess' in order to 'value add' – lifting students test results year to year. This is an entirely new feature of teaching with no equivalent to any work done by teachers 10 or 20 years ago.

41. Parents also receive the results of the standardised testing. I receive many comments from parents who try interpreting these results themselves, which I now have to clarify and explain, including the fact that they are multiple choice tests which do not indicate expertise in writing extended analytical essays. Most parents assume tests like these are all done by the same people and are linked to the HSC, they are not, and I spend a great deal of time trying to explain this. Often many parents work thus the calls are most often after or before school hours to accommodate their schedule – once again time demanded by the present system.

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LARRY GRUMLY