



AUSTRALIAN PARENTS COUNCIL Inc.

The national federation of organisations representing parents of students attending non-government schools to achieve choice, quality, equity and voice

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Fairness and the funding of schooling in Australia

Introduction

The terms of reference for the Review of Funding for Schooling in Australia state that its purpose is to provide recommendations to the Minister directed towards achieving a funding system for the period beyond 2012 which is transparent, fair, financially sustainable and effective in promoting excellent educational outcomes for all Australian students. The Australian Parents Council (APC) supports a system for the funding of schooling which pursues those goals.

The Hon Julia Gillard MP said on 15 April 2010 that the review of funding arrangements would encompass all Australian schools and the funding of all schools from all sources. The APC therefore hopes that the states and territories will be providing up to date details of their schooling expenditure such as to permit the review to achieve its stated purpose. Without free and full disclosure of schooling expenditure by the states and territories it is unlikely that transparency and financial sustainability in school funding can be appropriately addressed.

This paper addresses the question of fairness in school funding and proposes a framework for the funding of schooling that APC believes would be fair and provide consistency across the schooling sectors. The proposed framework is based on:

- a socio economic number for each school derived from a mechanism consistent across the schooling sectors with agreement by education authorities as to its fairness and reliability;
- a four year cycle for updating the socio economic number;
- the allocation of a basic per capita funding entitlement for every student supplemented by additional funding based upon socio-economic need where necessary, with additional funding targeted to address the specific educational disadvantage experienced by some student cohorts; and
- States and Territories making available for scrutiny the total up to date costs of educating a student in a government school, including their expenditure on schools and schooling directed through portfolios other than their departments of education and the private input of parents.

Fairness

APC has consistently addressed the issue of fairness in the funding of schooling in terms of 'equity' and the issue of fairness is here considered in that broader concept. The Macquarie Dictionary (2nd Revised Edition) defines equity as the quality of being: (1) fair and impartial; and (2) fair and just. The Organisation for Economic Co-operation and Development (OECD) describes equity in education as having two dimensions: fairness and inclusion.

The consideration of funding for schooling within a framework that includes a combination of those elements is a useful and valid way to seek to position a future Australian model for the funding of schooling:

- **Fairness**, *making sure that personal and social circumstances are not an obstacle to achieving educational potential* (OECD definition);
- **Inclusion**, *ensuring a minimum standard of education for all, e.g. everyone should be able to read, write and do simple arithmetic* (OECD);
- **Impartiality**, *not being biased or prejudiced in favour of a person, group, side, etc.* (Macquarie Dictionary); and
- **Justice**, *the quality of being just – acting equitably in accordance with prevailing social and/or moral values* (Macquarie Dictionary).

A difficulty in achieving widespread acknowledgement of fairness in a funding model according to the above criteria lies in the ideological divide that has marked the schooling funding debate in Australia across a number of decades. What one policy maker or one organisation may perceive to be fair, inclusive, impartial and just may be perceived very differently by those positioned elsewhere on the ideological spectrum. Any funding model for schooling in Australia will therefore be prone to criticism.

One aspect of fairness now embedded in current Australian funding arrangements for schooling and supported by government policy over the years, is that every student should and does share in public funds available for schooling. However this situation is not universally supported across the nation.

A major concern of those who advocate decreased funding or no funding for non-government schools concerns the increased share of Federal Government per capita recurrent funding being provided to students attending non-government schools *vis a vis* the Federal Government's per capita recurrent funding levels for students attending government schools.

Table 1 below shows that in 1978-79, 61 per cent of federal per capita recurrent funding was provided to the 79 per cent of students attending government schools while 39 per cent of that funding was provided to the 21 per cent of students attending non-government schools. By 2007-08 those proportions stood at 31 per cent (or \$2.5 billion) for the 66 per cent of students attending government schools and 69 per cent (or \$5.5 billion) for the 34 per cent of students attending non-government schools.

Table 1: Proportions of Federal Government per capita recurrent funding allocated to students attending government and non-government schools

| | 1978-79 | | 2007-08 | |
|------------------------|-------------------|-------------------|-------------------|-------------------|
| | % School Students | % Federal Funding | % School Students | % Federal Funding |
| Government schools | 79 | 61 | 66 | 31 |
| Non-government schools | 21 | 39 | 34 | 69 |

Table 2 shows that in 1978-79 the States and Territories expended 95 per cent, of a total of \$3.09 billion, on the 79 per cent of students attending government schools, while spending 5 per cent on the 21 per cent of students attending non-government schools. In 2007-08, 93 per cent of total State and Territory funding, amounting to \$28.4 billion, was spent on the 66 per cent of students

attending government schools while 7 per cent, or \$2.1 billion, was spent on the 34 % of students attending non-government schools.

Table 2: Proportions of State and Territory Governments per capita recurrent funding allocated to students attending government and non-government schools

| | 1978-79 | | 2007-08 | |
|------------------------|-------------------|-----------------|-------------------|-----------------|
| | % School Students | % S & T Funding | % School Students | % S & T Funding |
| Government schools | 79 | 95 | 66 | 93 |
| Non-government schools | 21 | 5 | 34 | 7 |

On the surface, the increase in the proportion of Federal Government funding for schooling directed towards students attending non-government schools appears to be generous, however when viewed in the light of the small decrease in the proportion of state and territory funding directed towards students attending government schools, despite the significant decrease in the government sector's share of school enrolments, the situation looks very different.

The point of all this is that any funding model must include accurate funding information derived from all sources that takes into account the policies that underpin the funding decisions taken by both levels of government. Public perceptions about the funding of schooling must be informed by full and transparent information to prevent the spreading of misinformation.

While APC is positioned within the non-government school sector the organisation is a strong advocate for the provision of free, high quality public schooling in Australia. Every endeavour has been made in the development of this paper to consider the issues from a perspective that values the delivery of quality, well resourced schooling in both the government and non-government sectors.

International covenants

A unique aspect of schooling in Australia lies in the fact that every school student is funded by Federal, State and Territory governments, regardless of whether the school that they attend is operated by State or Territory governments or by autonomous non-government not for profit organisations. About one third of Australia's school students are currently enrolled in non-government schools.

The freedom of parents to choose non-government schools is enshrined in international covenants to which Australia is a signatory. These endorse everyone's right to education, directed towards the development of the whole human personality. They recognise the prior right of parents to choose the kind of education that shall be given to their children and freedom in matters of religion and belief.

The relevant text taken from the four international covenants is contained in Annexure A to this paper.

Funding parental choice of school in Australia

For the past 40 years, state and territory governments have supported parental choice of school by providing in addition to 'free and secular' schooling for every child enrolled in a government school a variable level of recurrent *per capita* and other funding support for every student enrolled in a registered non-government school. The federal government also provides recurrent per capita and other funding for students attending government schools.

For some 80 years prior to the mid 1960s there was no government funding for students attending non-government schools. Policies now recognise that every parent contributes through direct and indirect taxation to the cost of schooling and is therefore entitled for their children to share in public funds available for schooling. This has enabled many parents to choose schools they consider most suitable for their children without being subjected to undue financial hardship if their choice is for their child to attend a non-government school.

Variable per capita recurrent funding levels allocated by the Australian government for students enrolled in non-government schools range from 13.7 % to 70% of a derived average cost to governments to educate a student in a government school. That derived cost for calculation of the 2010 funding levels for non-government school students was the final 2009 Average Government School Recurrent Cost (AGSRC) - \$8,380 per primary student and \$10,646 per secondary student. However, according to the 2008 Australian National Report on Schooling in Australia (ANR), actual average recurrent expenditure per government school student for 2008 (one year earlier) was \$12,639.

Taking into account levels of per capita recurrent assistance from the states and territories the average combined Commonwealth and State per capita government recurrent funding for students attending non-government schools in 2007-08 was \$6,607, some 52% of 2008 average recurrent expenditure on students attending government schools. Non-government school parents make up the balance of funding requirements for their children's schools including the greatest percentage of capital requirements (not including funding from the Building the Education Revolution economic stimulus program) through fees and fundraising.

The ANR for 2008 records total per capita recurrent expenditure across all non-government schools, Catholic and independent, including all public funding and private income, at \$10,893 per student (demonstrating private input to recurrent expenditure of more than \$4,000 per non-government school student).

Funding levels

The variation in *per capita* recurrent funding levels paid by governments for students attending a non-government school is a result of governments introducing a mechanism to estimate the capacity of those parents who choose a non-government school for their children to contribute to the cost of their children's schooling. In recent years the Socio Economic Status (SES) Index has been the measure used by the Australian and most State and Territory governments to determine levels of funding for non-government school students.

Broadly speaking, the SES Index collects a range of financial data from census collection districts to calculate a socio-economic profile of the people who reside within them. The census collection districts from which the students attending a non-government school are drawn are identified and the school is then allocated a SES Score which determines the level of government funding for those students.

In previous times the level of funding provided by governments to students attending non-government schools was determined partially by a measure of the resources available to the school they attended. There is currently some indication that a preferred option for some school administrators and policy makers would be a return to a measure which incorporates, at least in part, some elements of a school's resources to determine the level of funding attracted by students attending the school.

There is also a push by some government school proponents for all of the discretionary and capital funding available to a non-government school to be taken into account in determining the eligibility for public funding of students attending that school.

How in such a scenario one might appropriately provide for the comparison of the discretionary and capital funds available to a non-government school with the discretionary and capital funds states and territories have at their disposal is not readily apparent. State and Territory governments determine schooling budgets, but technically their discretionary funding and capital resources comprise the full extent of the state or territory's financial resources.

The notion of 'the full resources available to a school' is further complicated by the differences between government and non-government schooling authorities in respect of insurance, depreciation and financial accruals. While non-government schools are required to insure capital assets, governments self insure. Non-government schools are required to depreciate their assets, governments are not, and so on.

Additional Needs

In addition to the provision of free public schooling and per capita funding support for non-government schooling, the Australian and State and Territory Governments also provide additional funding for schooling in both sectors which is targeted at addressing the additional schooling needs of particular cohorts of students. The allocation of additional funding has been inconsistent between jurisdictions, mostly inadequate and arguably limited in its effectiveness as a result.

The funding of students with disabilities is an example of the worst attributes of the current arrangements in respect of government funding that is targeted to particular learning needs. Despite making constant attempts across the past twenty years the Australian and State and Territory Governments have been unable to reach agreement on a common set of definitions by which to classify the various types and levels of disability experienced by students, leading to a situation where the recognition and funding of students with particular disabilities varies significantly between jurisdictions and between the schooling sectors.

In some cases a student with a high level disability may attract total additional government funding of greater than \$60,000 if they attend a government school, but be eligible to receive up to only about \$5,000 in additional funding should they attend a non-government school, even though students attending that non-government school may be able to receive the highest level of *per capita* government recurrent funding. This situation places financial pressure on families to meet the additional schooling needs of their child with a disability should they want to choose a non-government school for their child. In many cases the child's parents and the school share the additional costs, but that situation requires the school to shift funding from mainstream students to students with disabilities.

The APC is also concerned that the current allocation of large sums for targeted funding to the states and territories through National Partnership Agreements (NPAs) may leave the non-government sector without access to an appropriate share of the funding available for forms of disadvantage. Under this system non-government school authorities are required to negotiate their share of the funding available under a NPA with the relevant State or Territory Minister for Education. Some State and Territory Education Ministers perceive themselves essentially to be primarily responsible for government schools and in such circumstances non-government authorities are required to negotiate with someone with whom they are perceived to be 'in competition'.

A potential downside of parental choice

APC is cognisant of the differing views and difficulties associated with extension of parental choice of schools.

The OECD has found that: "Choice may stimulate quality but with risks for equity: There are quality arguments to be made in favour of creating a degree of choice as a vehicle for stimulating improvement ... OECD work confirms that better educated, middle-class parents are more likely to avail themselves of choice opportunities and send their children to what they perceive to be the best school, widening the gaps between the sought-after schools and the rest. Across countries, greater choice in school systems is associated with larger differences in the social composition of different schools."

It will therefore be a challenge to develop a new funding model for schooling that continues to facilitate parental choice while ensuring that the social and/or economic status of parents does not unreasonably deny them the capacity to exercise choice.

Most states have declared their intention to permit and encourage more autonomy in the government school sector and this will need to be aligned with appropriate additional funding to ensure equity, transparency and sustainability.

A Funding Framework

APC Principles

APC's position on funding equity for schooling is based in the following principles:

- Parents are the primary educators of their children.
- Parents have the right to choose the type of schooling that best suits their children.
- Governments are obliged to support parents' capacity to exercise their right to choice of schooling.
- All students have a right to access and receive a quality education to enable them to attain their potential.
- All students have the right to an equitable share of government funding for their schooling.
- The student, not the school, must be the focus for the allocation of government funds for schooling.

APC believes that equity in funding for schooling must in the first instance be considered in terms of the right of parental choice of schooling for their children and focused upon the educational needs of students. The needs of schools or systems are nonetheless important for a number of reasons, but are a matter for consideration at a 'secondary' level.

APC Position on the Funding of Schooling

APC principles require funding policies which provide for the equitable treatment of every Australian child in relation to the funding of schooling, regardless of school chosen.

An equitable funding model for schooling would: (i) acknowledge the right of all students to a basic funding entitlement allocated to the school of choice; and (ii) provide additional funding based on the educational needs of students and the school community.

Such a model is in keeping with the principles of the APC and is based on the concept of schooling needs - the schooling needs that all children have, plus the special schooling needs applicable to

some children because of special personal circumstances. The student, not the school, must be the focus for the allocation of funding. The student, not the school, should also be the focus for determining differentiated *per capita* funding levels for all students.

It is the view of APC that the SES funding model has for the most part been a useful model for the allocation of funding for non-government school students, although the calculation of the AGSRC as a benchmark for the allocation of funding leaves much to be desired. The deficiencies experienced within the SES model have primarily resulted from it never having been resourced to a level that enabled its full and proper implementation. The utility of a fully resourced SES funding model applied across the government and non-government schooling sectors should therefore be investigated as a key element of the review of funding for schooling.

The APC notes endeavours by the Australian Curriculum, Assessment and Reporting Authority (ACARA) to find the most accurate methodology to ascertain a consistent socio-economic number for all schools. We note that ACARA is utilising the Index of Community Socio-Educational Advantage (ICSEA) to identify schools serving similar student populations in the expectation that the ICSEA better measures key factors that correlate with NAPLAN scores than more general measures of socio-economic status.

According to ACARA, ICSEA uses Australian Bureau of Statistics (ABS) and school data to create an index that best predicts performance on NAPLAN tests. The variables that make up ICSEA include direct parent data, including education and occupation, as well as whether a school is in a regional or remote area and the proportion of Indigenous students enrolled at the school.

At the time of writing there is widespread controversy about the accuracy, transparency and relevance of the ICSEA. It has been noted that ICSEA is being developed by ACARA with the principal purpose of achieving correlation with student performance in NAPLAN testing. The SES Index on the other hand was developed specifically to inform the funding of schooling.

It is essential for any new funding mechanism that it be absolutely defensible and that there is cross-jurisdiction agreement about the accuracy of socio-economic numbers for schools as they pertain to funding schooling. At the time of writing ICSEA fails to meet those criteria and unless the uncertainties about ICSEA can be cleared up soon it is APC's opinion that the SES model should be retained as the best measure of socio economic status for the purpose of determining funding for schooling.

First Step

A critical undertaking for the review of funding for schooling is to identify the real, up to date average per capita cost of delivering government schooling in Australia. Once this cost is investigated, understood and agreed across the states and territories it can be adopted as a reference point for future funding.

Thus the first step in the implementation of the APC's preferred funding framework requires an investigation and calculation of the total actual average cost of educating a child in a government school at primary, junior secondary and senior secondary levels.

For this purpose all relevant and appropriate government schooling costs should be included. The total average cost of educating a child in a government school is an appropriate benchmark for calculating funding allocations in respect of both the basic entitlement and the additional educational needs component.

With every school in Australia now having a SES score and with work progressing towards every school having an ICSEA score, the real average total cost of educating a child in a government school could be the benchmark for calculation of a basic funding entitlement and additional needs funding, with the latter being calculated according to the cost of funding additional educational need.

Current total expenditures relevant to the year of funding allocation must be available if an appropriate basic funding entitlement is to be determined. For 2011, for example, these must now be well above the 2008 recurrent per capita cost and even so may be insufficient to address the national goals for schooling.

The September 2004 draft report 'Resourcing the National Goals for Schooling' prepared by the Schools Resourcing Taskforce Secretariat for the Ministerial Council on Education Employment Training and Youth Affairs (MCEETYA) was the outcome of a project aimed to advise ministers on the future amount of the school resources required by the government school sector to deliver part of the then National Goals for Schooling.

It calculated a National Schools Resourcing Standard (NRS) based on an analysis of the base costs of schooling in a number of schools with a homogeneous student profile. They found that even for those so called 'vanilla' schools, their NRS need was considerably higher than the actual recurrent expenditure per government school student for the 2003 year. The report said that total additional expenditure required to meet their NRS for the range of factors examined was an additional \$2.4 billion per annum in 2003 prices. A range of factors including disability had not been costed. MCEETYA discontinued the work.

Procedures to arrive at a valid total average cost of educating a child in a government school should be put in train immediately. Evidence indicates that the current derived figure, the AGSRC, is moving further away from actual government school recurrent cost to the point that it is currently little more than a notional figure derived with a primary focus on accommodating government budgets, rather than ascertaining the real cost of schooling.

The Review panel needs to negotiate an agreement with governments for the adoption of a consistent, comparable and agreed formula for calculating and reporting total, actual, average government school per pupil costs which include, in full, all the elements of government school cost, including private income in the government schooling sector and expenditure both from within and outside education budgets.

The calculation should omit the notional user cost of capital. This is not a real cost borne by state and territory systems, is not used by all states in reporting expenditure on schooling and it really only serves to obscure the real cost of schooling. Notional user cost of capital is simply an economic term referring to the opportunity cost of having spent money on the capital assets of schools rather than on some other need.

Since it is imperative that past schooling costs will continue to be used to provide a basis for calculating future funding levels it is critical that data on expenditure be as up to date as it is possible to achieve. The time lapse that currently exists between the years used as the basis for calculating funding entitlements and the years in which those funding entitlements are applied is very unsatisfactory in this day and age.

Contractual arrangements

Any funding model for schooling in Australia must be uniform in its application across all States and Territories. It is impossible to achieve equity in the funding of schooling without achieving consistency.

The Australian and State and Territory Governments must enter into some form of cost sharing contractual arrangements to provide uniform and adequate public funding for all Australian school students.

The Australian Government must continue to fund schooling directly. Withdrawal of the Commonwealth's 40 years of support for school education would, in our view, herald a return to the bunker mentality in the states and territories, with an inevitable decline in the level of support for diversity and choice, which the non-government sector has promoted and achieved over the years, and a diminution in the level of national co-operation on policy and outcomes which a small population country such as ours needs to promote.

Parents/families the missing factor in funding improved school education outcomes

Despite an increased body of evidence that demonstrates the capacity of the parent/family factor to improve the outcomes of schooling it continues to be an area that is largely unacknowledged and certainly very under-resourced.

Parent/family attitudes to education, especially in the early years, are critical to children's learning success. Schools, being the compulsory and long term education focus for parents and families, are the fundamental point of outreach, both before and during the compulsory schooling years.

The APC urges consideration of establishing an annual pool of funds totalling at least the equivalent of one teaching assistant's salary for every school to be made available to school communities on application for projects and programs to engage parents in active participation in their children's schooling in accordance with the National Framework for Family School Partnerships. Our research and research overseas has shown that a particularly successful strategy in disadvantaged schools for the engagement of parents with their child's school education has been the employment of a parent-school liaison officer. Other strategies have also proved successful but these need to be ongoing and adequately resourced if they are to be embedded in school operations.

Funding government school students

1. There should be a basic funding entitlement for government school students linked to an agreed average per pupil cost at an equivalent level of schooling and provided to the parents' school of choice.
2. Additional educational need should be calculated on a per capita basis in respect of particular forms of educational need, weighted by the number of children experiencing the particular need in a school, and paid to the school in addition to the basic per capita funding amount. In assessing these needs the student, not the school, should be the focus.
3. Levels of additional funding required to address particular educational needs of individual students should in future be calculated on a per capita basis using State and Commonwealth information on funding identified forms of educational need – indigenoussness, low socioeconomic status, non-English speaking background, remoteness and so on. Multiple educational needs should attract multiple payments on the basis of information supplied by schools.

The National Education Agreement provides Australian government funding for government school education through SPPs to the states for recurrent and other targeted funding. Agreement should be reached about the level of Australian Government direct funding for government school education.

Research should be continued to arrive at specific amounts attributable to specific forms of particular educational need on a per capita basis and these should be consistent across state and territory jurisdictions.

Funding non-government school students

1. The basic funding entitlement for students attending non-government schools should be set at a percentage of the total real recurrent cost of educating a student in a government school at an equivalent level of schooling ranging from 20% to 80% depending on an agreed socio economic profile score, allocated and paid to the school of choice or the relevant non-government schooling authority.
2. Levels of funding for additional educational need should be commensurate with those that apply in the government schooling sector as per paragraph 2 immediately above.
3. Levels of additional funding required to address particular educational needs of individual students should also be commensurate with those that apply in the government schooling sector as per paragraph 3 immediately above. This additional funding, sourced from the Australian government, should be allocated for payment to the non-government school authorities for distribution and monitoring of outcomes.

Supplementation of funding

Both the basic funding entitlement and the educational needs component of funding for both schooling sectors should be supplemented each year in line with movements in actual government school per pupil cost. This will always be necessary, but particularly if average government school cost calculations lag some eighteen months behind the period funded.

Stability and Predictability

Any new funding scheme must deliver stability and predictability so that effective planning and continuity of educational offering by schools can be maintained. Predictability will require time cycles of say four years. The guarantee of no reduction in funding for school students must be maintained.

Targeted Equity Programs

Additional targeted Australian Government program funding to address particular issues and schooling improvements identified by governments should be maintained. The APC is of the view that the non-government school sector share of such funding should be calculated and paid to the appropriate non-government school authorities for distribution according to the project rules and aims. Payment of monies via state and territory governments with the expectation of fairness and consistency of allocation for non-government school student needs does not appear to be feasible without specific direction of dollar share.

Major funding increases should be provided for children with disabilities adopting as a benchmark the average government school recurrent cost for educating a child with disabilities which has been calculated to be approximately three times the cost of educating a mainstream student. Recent reports from New South Wales and ACT have provided much information on students with disabilities and their needs.

The APC believes that the funding framework presented in this paper is fair and inclusive because it recognises the entitlement of all students to excellent education and to a share in government funds

available for school education. It facilitates parental choice within and across the schooling sectors. It demands funding improvement across the sectors which has been shown to be required if national goals are to be met and calls for transparency and truth in calculations of schooling costs.

The framework is reasonably impartial because, while acknowledging the major responsibility of the States and Territories for government schooling it also recognises parents' right to choose other than government schooling for their children and acknowledges religious freedom.

It is undoubtedly just because prevailing social and moral values acknowledge and support the dual system of schooling.

Conclusion

Any changed funding mechanism for schooling should reflect the Commonwealth's major priorities for schooling reform through a framework for funding, accountability and improvement that is consistent across all schools, regardless of state or sector for:

- a. raising the quality of teaching in Australian schools;
- b. prioritising improvements in the levels of parental engagement with the schooling of their children, starting from very early childhood;
- c. ensuring that all students are benefiting from the schooling they receive, especially in disadvantaged communities; and
- d. improving the transparency and accountability of schools and school systems at all levels.

The APC would be happy to speak to this paper with the Review Committee.



Ian Dalton
EXECUTIVE DIRECTOR

15 December 2010

**International Covenants to which Australia is a Signatory
(extracts from Covenants relevant to this paper)**

The Universal Declaration of Human Rights, Article 26:

- (1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.
- (2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.
- (3) Parents have a prior right to choose the kind of education that shall be given to their children.'

Article 5 of the Declaration on the Elimination of All Forms on Intolerance and Discrimination Based on Religion and Belief:

1. The parents or, as the case may be, the legal guardians of the child have the right to organize the life within the family in accordance with their religion or belief and bearing in mind the moral education in which they believe the child should be brought up.
2. Every child shall enjoy the right to have access to education in the matter of religion or belief in accordance with the wishes of his parents or, as the case may be, legal guardians, and shall not be compelled to receive teaching on religion or belief against the wishes of his parents or legal guardians, the best interests of the child being the guiding principle.

The United Nations Covenant on Economic, Social and Cultural Rights, Article 13:

1. The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.
3. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions.
4. No part of this article shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph 1 of this article and to the requirement that the education given in such institutions shall conform to such minimum standards as may be laid down by the State'.

International Covenant on Civil and Political Rights (ICCPR), Article 18:

1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or adopt a religion or belief of his choice, and freedom, either

individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

2. No one shall be subject to coercion which would impair his freedom to have or adopt a religion or belief of his choice.
3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.
4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.