

GUIDELINES FOR EXEMPTIONS FROM ATTENDANCE AND ENROLMENT FOR INDEPENDENT SCHOOLS

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THIS GUIDE IS A SUMMARY OF RELEVANT REQUIREMENTS SET OUT IN THE DEPARTMENT OF EDUCATION AND COMMUNITIES (LEARNING AND ENGAGEMENT DIRECTORATE) 2015 PUBLICATION, *“EXEMPTION FROM SCHOOL - PROCEDURES”*.

1. EXEMPTION FROM SCHOOL

1.1 INTRODUCTION

- 1.1.1. A child may be exempt from being enrolled at and attending school if the Minister or delegate is satisfied that conditions exist which make it necessary or desirable that a Certificate should be granted. A Certificate of Exemption may be given subject to conditions and limited to a period specified in the certificate.
- 1.1.2. A Certificate of Exemption must only be granted when it has been clearly demonstrated by the applicant that an exemption is in the student's best interests in the short and long term. Alternatives to exemption should have been fully explored.
- 1.1.3. In these Procedures the term 'parent' or 'parents' includes any person or persons having the custody or care of a child.
- 1.1.4. A Certificate of Exemption should not be approved where the student has been the subject of contact with a child protection report to Family and Community Services* and/or there are unresolved issues concerning a risk of harm. Prior to granting a Certificate of Exemption a risk assessment should be completed to identify and manage risks.

**Note: now called Department of Communities and Justice.*

- 1.1.5. If parents request authority not to enrol their child, this must be considered an application for exemption from enrolment.

1.2 AUTHORITY TO GRANT EXEMPTIONS

- 1.2.1 Under Section 25 of the Education Act 1990, the Minister may grant a Certificate of Exemption. This power is delegated, subject to these Procedures, as outlined in the following table:

Powers: Exemption from Attendance at School	Delegates (Note: Delegates cannot delegate)
Student engaged in employment in approved entertainment industry activities	Principal Full or part days Up to 100 days in a twelve month period for any one student More than 100 days in a twelve-month period for any one student School-based procedures
Student participating in elite arts or elite sporting events* * Refers to national/international sports events, elite programs run by national and international organisations, talent identification programs run by NSW Dept Sport and Recreation	
Exceptional circumstances (including the health of the student where sick leave or alternative enrolment is not appropriate)	
Powers: Exemption from Enrolment at School	Delegates (Note: Delegates cannot delegate)
Exemption from enrolment - Age	Principal School-based procedures
Exemption from enrolment - Health, learning or social needs or disability	
Exemption from enrolment - Completion of Education under Special Circumstances - for apprenticeships and traineeships only	

Exemption from enrolment - Completion of Education under Special Circumstances- <u>not</u> an apprenticeship or traineeship	Please go to the NESAs website here .
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1.3 GENERAL PRINCIPLES

- 1.3.1. Procedural fairness must be accorded to an applicant. If the principal is considering refusing granting an exemption, the parent should be given an opportunity to respond to the delegate's concerns before a final decision is made. This opportunity should be offered to the parent in writing.
- 1.3.2. If an applicant wishes to appeal against a decision made by a principal, the school's complaints and grievances policies and procedures would apply and/or the applicant may appeal to the Minister's Delegate.
- 1.3.3. For most exemptions, parents make an application by completing an Application for Exemption from Attendance/Enrolment at School. This must be made in writing and in advance. Parents may seek assistance from the principal when completing forms.
- 1.3.4. The parent is not required to apply for an exemption in cases of the child being prevented from attending school because of a direction under the Public Health Act 2010. The principal may grant a Certificate of Exemption for the period determined by relevant authorities under this Act.
- 1.3.5. If there is any case where there are circumstances that may not be considered by these Procedures and an exemption appears to be in the best interest of the child, the case should be referred to the AISNSW Regulation Team prior to an exemption being granted.
- 1.3.6. A principal can cancel the Certificate of Exemption where they identify circumstances that they believe warrants this action. For example, where the conditions attached to the exemption are not being met or cease to apply.
- 1.3.7. Schools are to retain copies of all documentation relating to the exemption in the student's file until the student reaches the age of 25, or for 7 years, whichever is greater, and then destroy.

2. EXEMPTION FROM ATTENDANCE AT SCHOOL

2.1 REASONS FOR GRANTING FULL DAY EXEMPTIONS FROM ATTENDANCE AT SCHOOL

- 2.1.1. Principals may grant exemptions due to:
 - exceptional circumstances (including the health of the student where sick leave or alternative enrolment is not appropriate)
 - the child being prevented from attending school because of a principal's direction under the Public Health Act 2010. (Note that in the case of an outbreak of a vaccine-preventable disease, the school is required to advise an unvaccinated student not to attend until advised to do so. The parent is not required to complete an application for exemption)
 - employment in the entertainment industry
 - participation in elite arts or elite sporting events (i.e. national/international sports events, elite programs run by national and international organisations, talent identification programs run by NSW Dept Sport and Recreation).

For any other matter not covered by the above points, the principal should contact the AISNSW Regulation Team on (02) 9299 2845 or regulations@aisnsw.edu.au.

Note: Students travelling during school terms are not to be exempt. If the principal accepts the reason, then leave is granted and the 'L' code should be used, consistent with the implementation of National Standards for Student Attendance Data Reporting

- 2.1.2. The attendance register must indicate full day exemptions with the code 'M'.

2.2 REASONS FOR GRANTING PART DAY EXEMPTIONS FROM ATTENDANCE AT SCHOOL

- 2.2.1. The Education Act 1990 gives the Minister or principal the power to grant a Certificate of Exemption from the requirement to attend school during the times specified in the Certificate.
- 2.2.2. For students participating in elite arts or elite sporting programs (i.e. national or international sports events, camps run by national or international sports organisations, national sports squads and talent identification programs run by the NSW Department of Sport and Recreation) who are required to attend regular activities/training during school time the appropriate application must be completed and submitted to the principal for approval prior to commencing the program.
- 2.2.3. For part day exemption due to the requirements of a health care plan, the principal should seek the parents' consent to obtain information from health professionals responsible for the health care of the child and prepare forms relating to exemption from attendance.
- 2.2.4. Students participating in school programs may be granted part day exemptions for periods of time not exceeding the equivalent number of full school days. Close monitoring of exemption periods is necessary so that the approval period is not exceeded.
- 2.2.4. Participation in such school programs must be approved by the principal.
- 2.2.5. The attendance register must indicate part day exemptions with the code P/M.

3. EXEMPTION FROM ENROLMENT AT SCHOOL

3.1 REASONS FOR GRANTING EXEMPTIONS FROM ENROLMENT AT SCHOOL

- 3.1.1. The Principal may grant such exemptions on behalf of the Minister due to:
 - a) age, where a child turns six years on or after 1 October or later in a school year and is engaged in:
 - full time preschool education at an accredited preschool for the remainder of that school year
 - full or part-time accredited preschool programs for students with disabilities leading to enrolment and full-time attendance at a government or registered non-government school not later than six months after the child's sixth birthday

Note: The delegate will require proof of enrolment or participation in the preschool and the child should be involved in a transition-to-school program as a condition of their exemption

- b) the health, learning or social needs or disability of a child necessitating the continuation of an individual program supported by medical specialists not longer than six months after the child's sixth birthday.

Note: The delegate will require a statement in support of the exemption from the child's medical specialist and the child should be involved in a transition-to-school program as a condition of their exemption

- 3.1.2. Principals may grant exemptions to students from the requirement to be enrolled in school provided approval has been given by the Commissioner for Vocational Education, State Training Services, to their entering a full time apprenticeship or traineeship. This applies to students who have completed year 9 and before they have completed Year 10. Such exemptions should only be granted where the:
 - principal considers that the student is a suitable candidate to complete his or her education through an apprenticeship or traineeship
 - student's parents give permission for this to occur
 - principal has sighted a full time apprenticeship or traineeship contract signed by the employer and a summary training plan authorised by the Registered Training Organisation
 - employer agrees to notify the Department of Education (through the Principal) if the apprenticeship or traineeship is abandoned before the student turns 17

- apprenticeship or traineeship is approved by the Commissioner for Vocational Training, State Training Services as suitable for the young person and the training contract attains 'registered' status following the probationary period. Where approval is granted by the principal and the Commissioner subsequently notifies the student of his or her decision not to approve the contract following the probationary period the approval and the exemption will be cancelled. The student's parents must then take steps to comply with their compulsory schooling obligations.

Note: if the student does not complete the apprenticeship or traineeship, he or she will not have completed Year 10. They will be legally required to complete Year 10 under another pathway of the Education Act (1990), for example, by returning to school or seeking enrolment in TAFE NSW.

4. ISSUING CERTIFICATES OF EXEMPTION FROM ATTENDANCE OR ENROLMENT AT SCHOOL

- 4.1.1. On approval, a Certificate of Exemption must be issued and:
 - include any specific conditions that apply to the exemption
 - state that the exemption may be cancelled if any such conditions are not met or cease to apply
 - specify dates for which the exemption has been granted, including hours of program participation if a part day exemption period applies.
- 4.1.2. The original Certificate of Exemption will be provided to the parents.
- 4.1.3. A copy placed in the student's file. For exemption from enrolment, a copy of the Certificate of Exemption will be provided to the school on subsequent enrolment and must be placed in the student's file.

RESOURCES AND TEMPLATES

The [AISNSW Resource Centre](#) has a range of resources designed to support schools in relation to exemptions from attendance and enrolment.