GUIDELINES FOR
exemption from attendance
NSW CATHOLIC SYSTEMIC SCHOOLS

CATHOLIC EDUCATION OFFICE SYDNEY
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1. Exemption from Attendance at School

1.1 General Principles

1.1.1 This section applies to students of compulsory school age who are enrolled at school where an exemption is sought from the legal requirement to attend school. See section 2 for exemptions from enrolment at school.

1.1.2 It is the duty of the State to ensure that every child receives an education of the highest quality and it is the duty of parents to comply with the compulsory education requirements of the Education Act 1990.

1.1.3 Certificates of Exemption from the compulsory education requirements of the Act may be granted by a delegated officer (as identified in 1.1.10 below) 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 and that alternatives to exemption have been considered. For example, in some cases, application for Distance Education may be more appropriate than seeking an exemption from school attendance.

1.1.4 Procedural fairness must be accorded to an applicant for an exemption.

1.1.5 Generally, Certificates of Exemption should not be approved in the case of students who have been the subject of a Community Services report or Child Wellbeing Unit report and for whom unresolved issues concerning a risk of harm remain. A risk assessment should be conducted to identify and manage the issues.

1.1.6 Where the delegate is aware of existing child protection concerns, (including where it may be in the child’s best interests to grant the exemption) the designated Catholic Education Office personnel should be consulted.

1.1.7 Applications for exemption from school attendance must be made in writing (Refer to Appendices). In exceptional circumstances, an oral request can be made to the school principal, seeking assistance in completing an application for exemption from school attendance.

1.1.8 In the case of students of compulsory school age who are enrolled in a school, applications for exemption from school attendance must be submitted in advance.

1.1.9 Exemptions from school attendance cannot be granted retrospectively under these Guidelines.
1.1.10 Under Section 25 of the *Education Act 1990*, the Minister may grant a Certificate of Exemption. This power is delegated, subject to these Guidelines, to:

- The Executive Director of Catholic Schools, in relation to granting of an exemption from school attendance totalling up to 50 days in a 12 month period
- Principals, in relation to granting of an exemption from school attendance for periods totalling up to 50 days in a 12 month period for any one student.

**Delegates cannot delegate this power.**

The power to exempt students in Catholic systemic schools for periods more than 50 days in a 12 month period currently remains with the Minister. Applications should be forwarded through the Catholic Education Office to the Catholic Education Commission, NSW.

1.1.11 A delegate can refer the granting of an exemption to a more senior delegate where they identify circumstances that may make this more appropriate but cannot delegate this power to a less senior delegate.

1.1.12 Exemption from school attendance should only be granted where conditions exist which make it necessary or desirable in the view of the Minister or delegate, that a Certificate of Exemption be granted.

1.1.13 If there is any case where there are circumstances that may not be considered by these Guidelines, and there appears to be an arguable interest of the child in the granting of an exemption but that such an exemption would appear to be prevented by these Guidelines, the case should be referred to the Executive Director of Catholic Schools through the designated CEO officer for consideration.

1.1.14 A delegate can cancel the Certificate of Exemption where they identify circumstances that they believe warrant this action. For example, where the conditions attached to the exemption are not being met.

1.1.15 If an applicant wishes to appeal against a decision made by the delegate, the appeal would go to the delegate above the decision maker.

1.1.16 In these Guidelines, the term ‘parent’ or ‘parents’ includes any person or persons having the custody or care of the child.

### 1.2 Reasons for Granting Full Day Exemptions from Attendance at School

1.2.1 Principals and the Executive Director of Catholic Schools may grant exemptions due to:

- exceptional domestic circumstances, including but not limited to participation in family holidays during school term subject to being satisfied that this is in the best educational interests of the child
- other exceptional circumstances such as health of the student where sick leave or alternative enrolment is not appropriate
- employment in the entertainment industry or participation in elite sporting events for short periods of time i.e. for one or two days, and at short notice.

**For any other matter, the principal must consult a senior officer of the Diocese.**

1.2.2 The attendance register must indicate full day exemptions with the code **M**.
1.3 Reasons for Granting Part Day Exemptions from Attendance at School

1.3.1 Section 25 (2A) of the *Education Act 1990* gives the Minister the power to grant a certificate of exemption from the requirement to attend a school during the times specified in the certificate.

1.3.2 From time-to-time students of compulsory school age may participate in school-based individual student programs which include programs that incorporate behaviour management plans to reengage students with education. In such cases, the parent’s agreement to their child’s participation in the program, by signature, constitutes an application for part day attendance at school. It is not necessary to complete a separate application for exemption from attendance at school form.

1.3.3 Students of compulsory school age participating in such programs may be granted full or part day exemptions for periods of time not exceeding the equivalent number of full school days provided for within the delegate’s power.

1.3.4 Participation in such alternative education programs must be approved by the Executive Director of Catholic Schools through the designated CEO officer, prior to exemption being granted.

1.3.5 The attendance register must indicate part day exemptions with the code M.

1.4 Conditions Attached to Exemptions from Attendance at School

1.4.1 Certificates of Exemption issued by the Executive Director of Catholic Schools and Principals must:

- include the specific conditions that apply to the exemption
- state that the exemption may be cancelled if these conditions cease to apply
- specify a period for which the exemption had been granted.

1.4.2 The original Certificate of Exemption will be provided to the parents.

1.4.3 A copy of the Certificate of Exemption must be attached to the student’s record.

1.4.4 The delegate should retain a copy of the signed Certificate of Exemption in the delegate’s official records.
2. **Exemption from Enrolment at School**

2.1 **General Principles**

2.1.1 This section applies to children of compulsory school age where an exemption is sought from the legal requirement to enrol at and attend school. Exemptions from the requirement placed on enrolled students to attend school are dealt with in section 1.

2.1.2 It is the duty of the State to ensure that every child receives an education of the highest quality and it is the duty of parents to comply with the compulsory education requirements of the *Education Act 1990*.

2.1.3 In the case of parents of children of compulsory school age seeking authority not to enrol, this must be considered as an application for exemption from school enrolment. Under Section 25 of the *Education Act 1990*, the Minister may grant a certificate of exemption.

2.1.4 Applications for exemption from enrolment at school must be made in writing. In exceptional circumstances, an oral request can be made to the school principal, seeking assistance on completing an application for exemption from school enrolment.

2.1.5 Procedural fairness will be accorded to an applicant for an exemption. If the delegate is considering refusing to grant 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.

2.1.6 Under Section 25 of the *Education Act 1990*, the Minister may grant a Certificate of Exemption from enrolment at school. This power is delegated, subject to these Guidelines, to the Executive Director of Catholic Schools, in relation to granting an exemption from enrolment at school totalling up to 50 days in a twelve month period.

2.1.7 The power to exempt students in Catholic systemic schools for periods more than 50 days in a 12 month period currently remains with the Minister. Applications should be forwarded through the Catholic Education Office to the Catholic Education Commission, NSW.

2.1.8 The Director-General of the NSW Department of Education and Communities is delegated the power to exercise all the Minister’s powers under Section 25 without limitation.

2.1.9 Exemption from enrolment should only be granted where conditions exist which make it necessary or desirable in the view of the Minister or delegate that a Certificate of Exemption be granted.

2.1.10 If there is any case, where there are circumstances that may not be considered by these Guidelines and an exemption appears to be in the best interests of the child, the case should be referred to the Director-General for consideration. This may be done through the Catholic Education Office.
2.2 Reasons for Granting Exemptions from Enrolment at School

2.2.1 The Executive Director of Catholic Schools may grant such exemptions (for up to 50 days in a 12-month period) due to:

- **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
  - participation in 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.

- **the health 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.

Where children are expected to enrol in Kindergarten following the period of exemption from enrolment, they may be involved in a transition-to-school program as a condition of their exemption.

The delegate may, for the purpose of establishing a child’s eligibility for an exemption based on full time preschool attendance, require proof of enrolment or participation in the preschool.

The delegate may, for the purpose of establishing a child’s eligibility for an exemption on the ground of health or disability, require a statement in support of the exemption from the child’s medical specialist.

2.2.2 Under section 21B of the Education Act, Secondary Principals and the Executive Director of Catholic Schools may grant exemptions to students of compulsory school age from the requirement to be enrolled in school, provided they have completed Year 9 of secondary education and approval has been given to their entering a **full time apprenticeship or traineeship** before they have completed Year 10. See section 6 of the *Guidelines on the Completion of Education in Special Circumstances* for further information. Such exemptions will only be granted to a student where the:

- principal considers that, in all the circumstances, 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 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 Catholic Education Office (through the Principal) if the apprenticeship or traineeship is abandoned before the student turns 17. If the student does not complete the apprenticeship or traineeship, he or she will not have completed Year 10 and will be legally required to do so under another pathway of the Act (for example by returning to school or seeking enrolment in TAFE NSW);
the apprenticeship or traineeship is subsequently 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 from compulsory schooling cease from that point to operate, and the student’s parents must take steps to comply with their compulsory schooling obligations).

Refer to CEO Form 1.2: Checklist for Approval of a Student to Complete Year 10 of Secondary Education by undertaking a full-time apprenticeship or traineeship.

2.3 Conditions Attached to Exemptions from Enrolment at School

2.3.1 Certificates of Exemption from enrolment must:
- include any specific conditions that apply to the exemption;
- state that the exemption may be cancelled if any such conditions are not met;
- specify a period for which the exemption had been granted.

2.3.2 The original Certificates of Exemption will be provided to the parents.

2.3.3 A copy of the Certificate of Exemption will be provided to the school on subsequent enrolment and must be attached to the student’s record card.

2.3.4 A copy of the signed Certificate of Exemption will be retained by designated Catholic Education Office Sydney personnel.
3. Example Letter: Declining an Application for a Certificate of Exemption

<insert date>

< Insert parent address >

Dear <Insert parents name/s >

You recently applied for a Certificate of Exemption for <name of student / child> from <school attendance – enrolment in a school>. Certificates of Exemption may be granted when it has been clearly demonstrated by the applicant that an exemption is necessary or desirable and that alternatives to exemption have been considered. Further, the exemption must be in the student’s best interests in the short and long term.

Your application has been considered to assess its merit and a recommendation made to me as the delegated officer. On closer examination of your application I find there are insufficient reasons to grant an exemption at this time.

I am not satisfied that an exemption from <attendance / enrolment> is in <name of student / child’s> best interest. I encourage you to contact <name and title of personnel/student welfare consultant/disability programs consultant/district guidance officer/school counselor/principal> to make an appointment to discuss this application further. They may be contacted on <insert telephone number>.

You have the right to appeal this decision if you consider that correct procedures have not been followed or that an unfair decision has been made. You may wish to contact the <Regional Consultant at the Catholic Education Office> on <insert telephone number> to discuss the appeal procedures.

Yours sincerely,

Signature of Principal