Exemptions from Compulsory Schooling and Compulsory Participation

Version Number
3.3

Implementation Date
30/04/2014

Scope
All state and non-state schools.

Purpose
An exemption from compulsory schooling or the compulsory participation phase is available when a child or a young person cannot attend school or participate in an eligible option for a period of more than 10 consecutive school days.

This procedure outlines the process for applying for an exemption from compulsory schooling and compulsory participation phase.

Overview
The exemption excuses parents from their legal obligation to ensure that their child:

- of compulsory school age is enrolled at or attends a school, or
- in the compulsory participation phase, is participating full-time in an eligible option.

In the following circumstances, a parent of a child who is of compulsory school age is automatically relieved of their legal obligations and an exemption is not required where the child is:

- undertaking activities under Commonwealth law
- provisionally registered or registered for home education
- suspended from school
- excluded from a state school or certain state schools, during the time reasonably required to enrol the student in another state or non-state school or to provisionally register for home education
- prevented from attending because they are subject to direction or declaration in relation to an infectious or contagious disease or condition
- there is an application for enrolment pending at a state school
- an apprentice or trainee under the Vocational Education, Training and Employment Act 2000 (VETE Act).

In the following circumstances, a parent of a young person in the compulsory participation phase is automatically relieved of their legal obligations and an exemption is not required where the young person is:
• suspended from school
• excluded from all state schools
• excluded from a state school or certain state schools, during the time reasonably required to enrol the student in another state or non-state school or to provisionally register for home education
• prevented from attending because they are subject to direction or declaration in relation to an infectious or contagious disease or condition
• there is an application for enrolment pending at a state school
• an apprentice or trainee under the VETE Act 2000
• engaged in full-time work (25 hours per week or more)
• under an employment exemption to work part-time (15-25 hours a week), or unpaid
• enrolled in a non-departmental employment skills program
• undertaking activities under Commonwealth law
• provisionally registered or registered for home education.

Once the student or their parent has been notified of the outcome of their request for an exemption, they have the right to request a review of the decision.

Cancellation of an exemption from compulsory schooling may occur when:
• the ground for the issue of the exemption no longer applies to the child, or
• a condition of the exemption has been contravened.

A parent may apply for an exemption from compulsory schooling for their child. Either a parent or a young person may apply for an exemption from the compulsory participation phase. Applications for exemption must include signed consent of a parent.

A decision maker may decide to:
• grant an exemption without conditions, or
• grant an exemption with conditions, or
• grant an exemption for a lesser period than applied for or the full period applied for, or
• grant an exemption partially (only available for compulsory participation phase), or
• refuse to grant an exemption.

Situations where exemptions may apply include, but are not limited to:
• illness
• family reasons
• cultural or religious reasons.

Parents will not be liable for prosecution in relation to failure to enrol or attend:
• while an application for exemption is being processed
• for a period of 14 days after an exemption decision is made
• until the exemption application lapses.

Responsibilities

Principals (state schools) are responsible for determining if an exemption is the best option in meeting a student's educational and other needs, and approving exemptions for students enrolled in their school.

Manager, Office of Non-State Education is responsible for approving exemptions for students enrolled in a non-state school.

Principal Advisor Education Services, Principal Advisor Regional Services, Director Regional Services are responsible for monitoring regional records of students exemptions and approving exemptions for students who are not currently enrolled at any state or non-state
school.

**Regional Directors** are responsible for monitoring regional records of student exemptions and approving, where appropriate, exemptions for students who are not currently enrolled at any state or non-state school.

**Process**

**For students enrolled in a state school, Principals (state schools):**

- provide the information sheet and **approved form to an applicant (student or their parent) seeking an exemption**
- consider applications and supporting documents to inform decisions about whether or not to grant an exemption
- ensure the applicant has access to copies of all information used in decision making
- request further information from the applicant (**Form 3**) if necessary, ensuring a timeframe is stated in which the additional information is to be provided. An extension of this timeframe may be granted.
- document the decision-making process, keeping in mind that all exemption decisions can be reviewed
- as soon as practicable, inform the applicant (parent/student) about the exemption decision using the appropriate form letter template:
  - granting an exemption from compulsory schooling (**Form 4**)
  - granting an exemption from the compulsory participation phase (**Form 5**)
  - refusing an exemption from compulsory schooling (**Form 6**)
  - refusing an exemption from compulsory participation phase (**Form 7**).
- record details of the student’s exemption in OneSchool including the date the student’s exemption is due to expire
- follow-up with parents when a student’s exemption is due to expire to discuss their child’s future educational program
- follow processes for cancelling exemptions from compulsory schooling:
  - give applicant (student or their parent) a **show cause notice** if there is cause to reasonably believe that grounds exist to cancel the exemption for the student
  - consider any response to the show cause notice and provide the applicant with an **information notice** about the decision to cancel the exemption, if there are still grounds for cancellation and it is believed that cancellation is warranted.

**For children and young people NOT enrolled in any state or non-state school in Queensland, Regional Directors, Principal Advisors Education Services, Principal Advisors Regional Services, or Directors Regional Services:**

- follow the same processes above as for students enrolled in a state school
- open a student learning account with the Queensland Studies Authority (QSA) for a young person in the compulsory participation phase, in line with the Management of Student Accounts (QSA Learning Accounts) procedure
- contact the parent and/or student each term (either by telephone or in writing) and ascertain whether:
  - circumstances that led to the granting of the exemption still apply
  - conditions placed on exemption are being met
  - arrangements have been made to resume compulsory schooling or compulsory participation once the exemption period expires.
- follow the same processes for cancelling exemptions above as for students enrolled in a state school.

**For students enrolled in non-state schools, the Manager, Office of Non-State Education:**

- considers applications and supporting documents to inform decisions about whether or not to grant an exemption
• request further information from the applicant (Form 3) if necessary, ensuring a timeframe is stated in which the additional information is to be provided. An extension of this timeframe may be granted.
• If the principal of the non-state school has declined to recommend that the exemption be granted, a copy of the application is forwarded to the parent or young person to allow them the opportunity to provide further information to support their application
• documents the decision-making process, keeping in mind that all exemption decisions can be reviewed
• as soon as practicable, informs the applicant (parent/student) in writing regarding the exemption decision.
• follows the same processes for cancelling exemptions above as for students enrolled in a state school.

Online Resources

Forms

• Form 1 - Application for exemption for a child/young person enrolled in a state school or a child/young person not enrolled at any Queensland school
• Form 2 – Application for exemption for a student at a non-state school
• Form 3: Letter requesting further information
• Form 4 - Information Notice - Granting exemption from compulsory schooling
• Form 5 - Information Notice – Granting exemption from compulsory participation phase
• Form 6 - Information Notice - Not granting exemption from compulsory schooling
• Form 7 - Information Notice - Not granting exemption from compulsory participation
• Form 8 - Show cause notice re cancellation of exemption from compulsory schooling
• Form 9 - Information Notice – Cancelling exemption from compulsory schooling
• Form 10 - Information Notice – Review of a decision regarding an exemption

Supporting documents

• Information for parents/students – Exemptions from compulsory schooling and compulsory participation
• Information Sheet – Internal reviews against decisions regarding exemptions from compulsory schooling and compulsory participation phase
• Processes for considering internal reviews of decisions regarding exemptions

Review Date

14/07/2016

Definitions

Compulsory school age (Education (General Provisions) Act 2006 section 9)

A child is of compulsory school age if the child is at least 6 years and 6 months, and less than 16 years.

However, a child is no longer of compulsory school age if the child has completed year 10.

Compulsory participation phase (Education (General Provisions) Act 2006 section 231)

A young person’s compulsory participation phase starts when s/he stops being of compulsory school age (i.e. turns 16 or completes Year 10 whichever comes first) and ends when the person:

• gains a Senior Certificate, Certificate III or Certificate IV or
• has participated in eligible options for 2 years after the person stopped being of compulsory school age or
  • turns 17.

Eligible option (Education (General Provisions) Act section 232)
An eligible option is a recognised education or training program or course, offered by a recognised provider, which will enable a young person to gain a senior certificate and/or a Certificate III or IV. Eligible options and providers are listed in the following table:

<table>
<thead>
<tr>
<th>Eligible Option</th>
<th>Provider</th>
</tr>
</thead>
<tbody>
<tr>
<td>An educational program provided under the Education (General Provisions) Act</td>
<td>a State school</td>
</tr>
<tr>
<td>(Qld)</td>
<td></td>
</tr>
<tr>
<td>An educational program provided under the Education (Accreditation of Non-State</td>
<td>a non-State school</td>
</tr>
<tr>
<td>Schools) Act 2001 (Qld)</td>
<td></td>
</tr>
<tr>
<td>A higher education course under the Higher Education (General Provisions) Act</td>
<td>a university or non-university provider</td>
</tr>
<tr>
<td>2008 (Qld)</td>
<td></td>
</tr>
<tr>
<td>A course of vocational education and training provided under the Vocational</td>
<td>a TAFE institute or registered training</td>
</tr>
<tr>
<td>Education, Training and Employment Act 2000 (Qld)</td>
<td>organisation</td>
</tr>
<tr>
<td>An apprenticeship or traineeship under the Vocational Education, Training and</td>
<td>a registered training organisation</td>
</tr>
<tr>
<td>Employment Act 2000 (Qld)</td>
<td></td>
</tr>
<tr>
<td>A departmental employment skills development program under the Vocational</td>
<td>the VETE chief executive</td>
</tr>
<tr>
<td>Education, Training and Employment (VETE) Act 2000 (Qld)</td>
<td></td>
</tr>
</tbody>
</table>

Authority

• Education (General Provisions) Act 2006 (Qld), Chapter 9 Part 1, Part 3, Part 4, Chapter 10 Parts 1-5, and Section 426
• Child Employment Act 2006 (Qld)
• Child Employment Regulation 2006 (Qld)
• Vocational Education, Training and Employment (VETE) Act 2000 (Qld), Chapter 3A

Related Policy Instruments

• Management of Student Accounts (QSA Learning Accounts)
• Allocation of State Education
• Managing Student Absences and Enforcing Enrolment and Attendance at State Schools
• Flexible Arrangements for School Students
• Roll Marking in State Schools
• Enrolment in State Primary, Secondary and Special Schools

Attachments

• Form 1: Application for Exemption from Compulsory Schooling or Compulsory Participation
• Form 10: Information Notice - Review of a Decision Regarding an Exemption
• Form 2 Application for Exemption for a student at a non-state school
• Form 3: Letter requesting further information
• Form 4: Information Notice - Granting Exemption from Compulsory Schooling
• Form 5: Information Notice - Granting Exemption from Compulsory Participation
For information on exemptions for students enrolled in non-state schools:

Executive Services Officer
Office of Non-State Education
Phone: (07) 3224 5536
Email: OfficeOfNonStateEducation@dete.qld.gov.au

For general information, please contact your closest regional office.

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