

GUIDELINES FOR
**exemption from
attendance**

NSW CATHOLIC SYSTEMIC SCHOOLS



Sydney Catholic Schools

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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 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* 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. For example, it may be in the student's best interests and be more appropriate to access Distance Education.
- 1.1.4 *Certificates of Exemption* should not be approved where the student has been the subject of contact with the Child Wellbeing Unit or a Community Services (Family and Community Services) report 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.
- 1.1.5 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 Sydney Catholic Schools personnel (Regional Student WellBeing Education Coordinator) should be consulted.
- 1.1.6 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.
- 1.1.7 Exemptions from school attendance cannot be granted retrospectively under these Guidelines.
- 1.1.8 In these Guidelines, the term 'parent' or 'parents' includes any person or persons having the custody or care of the child.

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 Guidelines, to:
- The Executive Director of Sydney Catholic Schools, in relation to granting of an exemption from school attendance totalling up to 100 days in a 12 month period
 - Principals, in relation to granting of an exemption from school attendance for periods totalling up to 100 days in a 12 month period for any one student.

Powers -Exemption from Attendance at School	Delegates (Note Delegates cannot delegate this power)
Exemption from school attendance for students engaged in employment in approved entertainment industry activities up to 100 days in a twelve month period for anyone student.	Principal <i>Note: In large scale productions or for long term commitments to such a production the application should be referred to the Executive Director via Education Officer: Compliance</i>
Exemption from school attendance for students participating in elite arts or elite sporting events up to 100 days in a twelve month period for anyone student.	Principal
Exemption from school attendance totalling up to 100 days in a twelve month period for anyone student.	Principal Education Officer: Compliance
Exemption from school attendance totalling 100 days or more in a twelve month period for anyone student.	Education Minister: (Note: The power to exempt students in Catholic systemic schools for periods more than 100 days in a 12 month period currently remains with the Minister. Applications should be forwarded through the Sydney Catholic Schools (<i>Education Officer: Compliance</i>) to the Catholic Education Commission, NSW.
For periods exceeding the delegate's authority the application should be referred to the next most senior delegate.	
Powers -Exemption from Enrolment at School	Delegates (Note Delegates cannot delegate this power)
Exemption from enrolment -Age	Executive Director via Education Officer : Compliance
Exemption from enrolment -Health, learning or social needs or disability	
Exemption from enrolment -Completion of Education under Special Circumstances	Secondary Principal

1.3. General principles

- 1.3.1. Procedural fairness must be accorded to an applicant. If the delegate is considering refusing granting an exemption, the parent should be given an opportunity to respond to the delegates 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 delegate, the appeal would go to the next more senior delegate. (Regional Consultant)
- 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 (Appendix A). Parents can seek assistance from the principal or delegate when completing an *Application for Exemption from Attendance /Enrolment at School*.
- 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 section 42D of the [Public Health Act 1991](#) . The principal may grant a *Certificate of Exemption* for the period determined by the medical officer of health.
- 1.3.5. A delegate can refer the granting of an exemption to a more senior delegate where they identify circumstances that may make this more appropriate.
- 1.3.6. 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 Regional Consultant. The Regional Consultant should discuss the case with the Education Officer: Compliance prior to an exemption being granted.
- 1.3.7. A delegate 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. (e.g. Passed end date)
- 1.3.8. 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

Reasons for Granting Full /Part Day Exemptions from Attendance at School

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

- 2.1 exceptional domestic circumstances, subject to being satisfied that this is in the best educational interests of the child. (Excluding holidays/travel: See section 2.3.7)

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 and [Attendance Register](#).
- 2.2 other exceptional circumstances such as health of the student where sick leave or alternative enrolment is not appropriate
- 2.3 a child being prevented from attending school because of a direction under [section 42D of the Public Health Act 1991](#). The principal may grant a

Certificate of Exemption for the period determined by the medical officer of health. *(The parent is not required to complete an application for exemption)*

- 2.4 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.
- 2.5 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 i.e. 100 days. Close monitoring of exemption periods is necessary so that the approval period is not exceeded.
- 2.6 Students participating in school based programs including behaviour management transition plans¹. **An Application for Part Day Exemption** should be completed. (FORM A7)
- 2.7 Participation in such school programs must be approved by Regional Consultant. Principals should submit the transition plan to restore the child to full-time attendance to the Regional Student Well-Being Coordinator for recommendation who will forward it to the Regional Consultant
- 2.8 employment in the entertainment industry.
- 2.9 participation in elite arts or sporting events for short periods of time i.e. for one or two days, and at short notice. It does not include regular training/coaching schedule.

For students participating in elite arts or elite sporting programs who are required to attend regular activities/training during school time an *Application for Exemption from Attendance/Enrolment at School* must be completed and submitted to the principal for approval prior to commencing the program. It must meet the "Elite" Definition and be supported by the State or National Sporting body

- 2.10 Employment in the entertainment industry or participation in elite sporting events for longer periods of time i.e. longer periods where a tutor is provided.
- 2.11 There are very few circumstances that would warrant an exemption

For any other matter, the principal must consult the Education Officer: Compliance of the Diocese.

<p>Student exposed to a communicable disease(e.g. German measles), but is either not vaccinated or not showing symptoms and/or Teacher is pregnant and/or unvaccinated students/teacher are in the class</p>	<p>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 section 42D of the Public Health Act 1991. The principal may grant a <i>Certificate of Exemption</i> for the period determined by the medical officer of health.</p> <p>Principal to inform the Regional Consultant.</p> <p>CODE M</p> <p>Notifiable Diseases</p>
<p>Elite Sport</p>	<p>Accredited elite sports programs include national and international sports organisations which run camps for athletes and national sports squads in which students have been selected to participate. They also include talent identification programs run by the New South Wales Sports and Recreation Includes competition Events.</p> <p>For students participating in elite arts or elite sporting programs who are required to attend regular activities/training during school time an <i>Application for Exemption from Attendance at School</i> must be completed and submitted to the principal for approval prior to commencing the program. It must meet the “Elite” Definition and be supported by the State or National Sporting body</p> <p>Exemption from school attendance for students participating in elite arts or elite sporting events up to 100 days in a twelve month period for anyone student.</p> <p>Where programs run for more than 5 school days, applicants should be provided with an educational program under this section. It does not include regular training/coaching schedule.</p> <p>Code M or Pa/M</p>
<p>Elite Arts</p>	<p>Elite Arts is defined as an opportunity for a student to participate in an event or program that is beyond the gifted and talented opportunities that CEO offers. Where a principal is unsure if a program meets the definition they should contact Education Officer: Compliance.</p> <p>Exemption from school attendance for students participating in elite arts or elite sporting events up to 100 days in a twelve month period for anyone student.</p> <p>For students participating in elite arts or elite sporting programs who are required to attend regular activities/training during school time an <i>Application for Exemption from Attendance at School</i> must be completed and submitted to the principal for approval prior to commencing the program. It must meet the “Elite” Criteria. This does not include regular classes/tuition and is usually of program is limited in time and a ‘one-off’</p> <p>Code M or Pa/M</p>

- 2.12 The attendance register must indicate full day exemptions with the code **M**.
The attendance register must indicate part day exemptions with the code P/M.

3 Exemption from Enrolment at School

- 3.1.1 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.
- 3.1.2 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.
- 3.1.3 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.
- 3.1.4 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.
- 3.1.5 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 Sydney Catholic Schools**, in relation to granting of an exemption from enrolment at school totalling up to 100 days in a twelve month period.
- 3.1.6 The power to exempt students in Catholic systemic schools for periods more than 100 days in a 12 month period currently remains with the Minister. Applications should be forwarded through the Sydney Catholic Schools (Via Education Officer: Compliance) to the Catholic Education Commission, NSW
- 3.1.7 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.
- 3.1.8 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 Education Officer: Compliance. This may be done through the Sydney Catholic Schools.

3.2 Reasons for Granting Exemptions from Enrolment at School

3.2.1 The Executive Director of Sydney Catholic Schools may grant such exemptions (for up to 100 days in a 12-month period) 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
 - 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.

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 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.

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

3.2.2 Under section 21B of the Education Act, Secondary Principals and the Executive Director of Sydney 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 5 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;

- The 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 Sydney Catholic Schools (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.*

4 Conditions Attached to Exemptions from Attendance at School

- 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.
- 4.2 Examples of conditions for lengthy exemptions may include (but not limited to): completion of set tasks, loss of marks due to missed assessments, alternative assessments, assessment of the student to ascertain which grade to return to etc...
- 4.3 The original *Certificate of Exemption* will be provided to the parents.
- 4.4 A copy of the *Certificate of Exemption* must be attached to the student's record.
- 4.5 The delegate should retain a copy of the signed *Certificate of Exemption* in the delegate's official records.

5. Summary of Forms

All forms are available through the CEO, Sydney Intranet to be downloaded.

Reason	Form Code	Title
Holiday/Travel greater than 10 days	A1	Application A1_ Application for leave
	C1	Cert. C1_Certificate for extended leave
	D1	Letter L1 Declining an Application for Extended Leave
Exemption from Attendance at school <ul style="list-style-type: none"> • Exceptional circumstances • Employment in entertainment industry • Participation in elite arts/sporting event 	A2	Application A2_ Application for exemption from Attendance at school
	C2	Cert. C2_Certificate for Exemption from Attendance at school
	D2	Letter L2 Declining an Application for Exemption
	I1	Info.I1 Exempt.Employ_ Entertainment
	I2	Info.I2 Exempt. Participation in Elite Arts or Sports Programs
Exemption from Enrolment at School (For reasons other than employment/traineeship/apprenticeship)	A3	Application A3_ Application for exemption from Attendance at school
	C3	Cert. C3_Certificate for Exemption from Attendance at school
	D3	Letter L3 Declining an Application for Exemption

Reason	Form Code	Title
<p>Application for Exemption from</p> <p>for a student in Year 10 who wishes to leave school to complete a TAFE Certificate II as a Year 10 equivalent)</p>	A4	Application A4: Application for approval to undertake the equivalent of Year 10 of secondary education at TAFE NSW
	C3	Cert.C3_Cert.exempt from Enrolment.
	I3	Info3_Compulsory_att_req_Yr10
	I4	Info I3_Checklist. attendance requirements Yr10
<p>Enrolment at School for the purpose of completion of education by completion of a full time apprenticeship or traineeship commencing in Year 10</p>	A5	Form A5: Application for Exemption from Enrolment at School
	C3	Cert.C3_Cert.exempt from Enrolment.
	I3	Info3_Compulsory_att_req_Yr10
	I4	Info I4_Checklist. attendance requirements Yr10
<p>Notice of intention to undertake full-time employment and/or training (for students under the age of 17 who have completed Year 10 of Secondary Education)</p>	A6	Application.A.6_Notice of intention.full employment (Inclusive of the Certificate)
	I3	Info3_Compulsory_att_req_Yr10
	I4	Info I4_Checklist. attendance requirements Yr10
<p>Part Day/Time Exemption (Short Term Alternative Education Program)</p>	A7	Application A7_ Part Day/Time Exemption (Short Term Alternative Education Program
	C2	Cert. C2_Certificate for Exemption from Attendance at school