



Education &  
Communities

*Public Schools NSW*

# *Exemption from School Procedures*

*School Attendance  
Policy  
PD 2005 0259*

Learning and Engagement Directorate 2015

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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. 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. For example, it may be in the student's best interests and be more appropriate to access Distance Education.
- 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 the Child Wellbeing Unit or 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.
- 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 Director, Student Engagement and Interagency Partnerships must be consulted prior to approval being granted.
- 1.1.6. 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, to:

The Secretary, Department of Education and Communities, Deputy Secretary, Education and Communities with the responsibility for Schools, Executive Director (Schools), Director (Schools) and principals provided certain conditions are met.

<https://detwww.det.nsw.edu.au/admiserv/admipolp/delegate/index.htm>

Powers – Exemption from Attendance at School	Delegates (Note: Delegates cannot delegate)
Exemption from school attendance for students engaged in employment in approved entertainment industry activities up to 100 days in a twelve month period for any one student.	Director (Schools)* Principal <i>Note: In large scale productions or for long term commitments to such a production the application should be referred to the Director, Student Engagement and Interagency Partnerships</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 any one student.	Director (Schools)* Principal
Exemption from school attendance totalling up to 100 days in a twelve month period for any one student.	Director (Schools)* Principal
Exemption from school attendance totalling 100 days or more in a twelve month period for any one student.	Executive Director (Schools)
<b>For periods exceeding the delegate’s authority the application should be referred to the next most senior delegate.</b>	
Powers – Exemption from Enrolment at School	Delegates (Note: Delegates cannot delegate)
Exemption from enrolment - Age	Deputy Secretary, Education and Communities with the responsibility for Schools and Executive Director (Schools)
Exemption from enrolment - Health, learning or social needs or disability	
Exemption from enrolment - Completion of Education under Special Circumstances	Executive Director (Schools), Director (Schools)* and secondary principal

\* In most instances the Director (Schools) referred to above will be Director, Public Schools NSW however a Director, Educational Services is also permitted to grant exemption under this power.

### 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 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 delegate, the appeal would go to the next more senior 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 (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 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. 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 Executive Director (Schools). The Executive Director (Schools) should discuss the case with the Director, Student Engagement and Interagency Partnerships 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.
- 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

### 2.1. Reasons for granting full day exemptions from attendance at school

- 2.1.1. Principals, Directors, Public Schools and Executive Directors (Schools) 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 direction under the [Public Health Act 2010](#). (*The parent is not required to complete an application for exemption*)
- employment in the entertainment industry – refer to [children's employment](#)
- participation in elite arts or elite sporting events

**For any other matter not covered by the above points, the delegate must consult the next most senior delegate in their reporting line.**

**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](#).

2.1.2. 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 delegate 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 the entertainment industry, 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. (Appendices A and E)
- 2.2.3. Students may participate in school based programs including behaviour management transition plans\*. An *Application for Part Day Exemption* should be completed. (Appendices B and F)
- 2.2.4. 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. (Appendices B and F)
- 2.2.5. 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.
- 2.2.6. Participation in such school programs must be approved by the Director, Public Schools NSW. Principals should submit the transition plan to restore the child to full-time attendance to the Learning and Engagement Officer for recommendation who will forward it to the Director, Public Schools NSW.

2.2.7. The attendance register must indicate part day exemptions with the code P/M.

**Note:** Students accessing [Links to Learning Programs](#) for part of a school day or part of the school week should not be exempt from attendance at school. Principals should use the school business symbol B on the [Attendance Register](#) as an explanation of the student's absence.

- \* For school programs associated with behaviour management or health care plans it is not necessary to complete a separate *Application for Exemption from Attendance/Enrolment at School*.

### 3. Exemption from Enrolment at School

#### 3.1. Reasons for granting exemptions from enrolment at school

3.1.1. The Deputy Secretary, Education and Communities with the responsibility for Schools and Executive Director (Schools) may grant such exemptions 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. Secondary Principals, Director, Public Schools and Executive Director (Schools) may grant exemptions to students from the requirement to be enrolled in school provided approval has been given 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. See the [Procedures on the Completion of Education in Special Circumstances](#) (Intranet) for further information. Such exemptions will 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 and Communities (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 (Appendix C), 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.

4.1.4. For Certificates issued by delegates above Principal a copy of the signed *Certificate of Exemption* will be retained by local Educational Services personnel.



## 5. Appendices

- A. [Application for Exemption from Attendance/Enrolment at School](#)
- B. [Application for Part Day Exemption \(Short Term Alternative Education Program\)](#)
- C. [Certificate of Exemption from Attendance/Enrolment at School](#)
- D. Information on exemption from attendance at school for employment in the entertainment industry
- E. Information on exemption from attendance at school for elite arts and accredited elite sports programs
- F. Information for part day exemption (Short Term Alternative Education Program)
- G. Information on completing Year 10 through a full time apprenticeship or traineeship
- H. Example letter – Declining an Application for a Certificate of Exemption

## A: APPLICATION FOR EXEMPTION FROM ATTENDANCE/ENROLMENT AT SCHOOL



Education &  
Communities

Public Schools NSW

**NOTE:** **PART A** is to be **completed by the student's parent** and returned to their child's school principal.

If exemption is sought for more than one student, separate applications must be made for each student.

### PART A STUDENT DETAILS

Family name: \_\_\_\_\_ Given name(s): \_\_\_\_\_

Age: \_\_\_\_\_ Date of birth: \_\_\_\_ (dd) / \_\_\_\_ (mm) / \_\_\_\_\_ (year)

Student Registration Number (SRN): \_\_\_\_\_

Student's address: \_\_\_\_\_

\_\_\_\_\_ Postcode: \_\_\_\_\_

School name: \_\_\_\_\_

Dates of exemption applied for: \_\_\_\_ / \_\_\_\_ / \_\_\_\_ to \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Number of School Days: \_\_\_\_\_

### REASON FOR APPLICATION FOR EXEMPTION (Please tick one )

#### FROM ATTENDANCE

- Exceptional circumstance
- Employment in entertainment industry
- Participation in elite sporting event including for short periods of time i.e. for one or two days, and at short notice.
- Participation in elite arts program

#### FROM ENROLMENT

- Enrolment at school
  - Age, where a child turns six years in October or later in a school year and is engaged in full time preschool education at an accredited preschool for the remainder of the 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, 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
  - Participation in a full time apprenticeship or traineeship.

Please provide more detail about the reason for the application for exemption here:

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**DETAILS OF PRIOR/CURRENT EXEMPTIONS (If applicable)**

Date of prior/current exemption from: \_\_\_\_ / \_\_\_\_ / \_\_\_\_ to: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Number of school days: \_\_\_\_\_

Copy of Certificate of Exemption attached (Please tick ):  Yes  No

**PARENT DETAILS**

Family name: \_\_\_\_\_ Given name(s) \_\_\_\_\_

Address: \_\_\_\_\_

Postcode: \_\_\_\_\_

Telephone number: \_\_\_\_\_ Relationship to student: \_\_\_\_\_

As the parent of the above mentioned student, I hereby apply for a Certificate of Exemption under the Education Act 1990.

I understand that if the exemption is granted:

- I am responsible for his/her supervision during the period of exemption
- the exemption is limited to the period indicated
- the exemption is subject to the conditions listed on the Certificate of Exemption
- the exemption may be cancelled at any time.

I declare the information provided in this application for a Certificate of Exemption is to the best of my knowledge and belief accurate and complete. I recognise that should statements in this application later prove to be false or misleading any decision made as a result of this application may be reversed. I further recognise that a failure to comply with any condition set out in the exemption may result in the exemption being revoked.

Signature of applicant/s: \_\_\_\_\_ Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

**PRIVACY STATEMENT**

The Department of Education and Communities is subject to the Privacy and Personal Information Protection Act 1998. The information that you provide will be used to process your child's application for an exemption from the requirement to enrol at and/or attend school.

It will only be used or disclosed for the following purposes.

- General student administration relating to the education and welfare of the student
- Communication with students and parents
- To ensure the health, safety and welfare of students, staff and visitors to the school
- State and National reporting purposes
- For any other purpose required by law.

The information will be stored securely. You may access or correct any personal information by contacting the school. If you have a concern or complaint about the way your personal information has been collected, used, or disclosed, you should contact the school.

**PART B EMPLOYER'S DETAILS (in the case of employment in the entertainment industry)**

**To be completed by the employer.**

Name of company/corporation: \_\_\_\_\_

Contact person: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_ Postcode : \_\_\_\_\_

Telephone number: \_\_\_\_\_ Facsimile: \_\_\_\_\_

Email address: \_\_\_\_\_

(Please attach and tick )

1. Detailed itinerary/work schedule for the period of exemption sought:  Yes  No

2. Evidence of tutor's teaching qualifications (supplied by employer):  Yes  No

Employer's signature: \_\_\_\_\_

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

**PART C PARTICIPATION IN ACCREDITED ELITE ARTS, ELITE SPORTS OR ENTERTAINMENT INDUSTRY**

**To be completed by the applicant**

Name of accredited elite arts, elite sport program or entertainment industry performance:

\_\_\_\_\_

**A** Dates of exemption applied for: \_\_\_\_ / \_\_\_\_ / \_\_\_\_ to: \_\_\_\_ / \_\_\_\_ / \_\_\_\_ (if block)

Number of school days: \_\_\_\_\_

**B** Individual dates applied for: \_\_\_\_\_

Number of school days: \_\_\_\_\_

**C** Hours of exemption (if partial exemption, e.g. 9:00am – 11:30am) \_\_\_\_\_

From \_\_\_\_ / \_\_\_\_ / \_\_\_\_ to: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

**REASON FOR APPLICATION FOR EXEMPTION (Please tick ):**

Training for elite sport  Elite sport event or tour  Elite arts program  Entertainment industry

Please provide more detail about the reason for the application for exemption here:

\_\_\_\_\_

**Note:** A schedule of participation, training or tour itinerary from the organiser, arts or sporting body (E.g. Australian Institute of Sport) must be attached with contact names and numbers.

**PART D PRINCIPAL'S RECOMMENDATION (in the case of employment in the entertainment industry or participation in elite arts or elite sports 100 days and over)**

**To be completed by the principal (If the Principal elects to set tuition requirements as a condition of absence from school)**

The tutor has consulted the school in the planning and development of this student's educational program. (Please tick ):  Yes  No

COMMENT: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I recommend/do not recommend that a Certificate of Exemption be granted (Delete which does not apply)

To \_\_\_\_\_ for the period \_\_\_\_/\_\_\_\_/\_\_\_\_ to \_\_\_\_/\_\_\_\_/\_\_\_\_  
(Name of student)

Principal's name: \_\_\_\_\_ Telephone number: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

**PART E INVESTIGATING OFFICER'S RECOMMENDATION**

**To be completed where further investigation has been necessary. Investigating officer for principal approval will be a member of the school executive. For the Director it will be a member of the local Educational Services team or principal.**

**RECOMMENDATION**

Following consideration of this application I am satisfied that conditions exist/do not exist (Delete which does not apply) that make it necessary and/or desirable for \_\_\_\_\_ (name of student) to be exempt from attendance/enrolment at school.

I recommend that a Certificate of Exemption be: (Please tick ):  granted  declined.

1. Specific reasons for recommendation **not to grant** a Certificate of Exemption.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

2. Suggested conditions applying to recommendation **to grant a Certificate of Exemption.**

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Investigating officer name: \_\_\_\_\_ Position: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

**PART F PRINCIPAL'S RECOMMENDATION when referring to Director, Public Schools NSW (attach to Application for Exemption and forward to next most senior delegate)**

**To be completed by the principal of the school and forwarded to the Executive Director for consideration:**

- **for exemption from enrolment not covered under the 'Completion of Education in Special Circumstances (apprenticeships/traineeships)'**
- **where the exemption from attendance period requested exceeds 100 school days.**

I recommend that this application from attendance at school is (Please tick 

*Granted*

*Declined*

Please provide more detail here (if required):

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Principal's name (please print): \_\_\_\_\_ Telephone number: \_\_\_\_\_

Signature of principal: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

**Note: Please complete the Certificate of Exemption from Attendance/Enrolment at School if exemption is granted (Refer to Appendix C).**

**PART G DELEGATE'S RECOMMENDATION: To be completed for ALL applications**

**(Delete that which does not apply)**

Following consideration of this application I am / am not satisfied that conditions exist that make it necessary or desirable that \_\_\_\_\_ (name of student) be exempt from attendance/enrolment at school.

Name and position of delegate: \_\_\_\_\_

Signature of delegate: \_\_\_\_\_

Date: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_ Notification to applicant: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

**Note: Please complete the Certificate of Exemption from Attendance/Enrolment at School if exemption is granted (Appendix C).**

## B: Application for Part Day Exemption (Short Term Alternative Educational Program)

<b>School:</b>	<b>Student:</b>	<b>ATSI:</b> yes/ no	<b>Grade:</b>	<b>DOB:</b> : / /
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The focus of the plan should be to return the student to full time attendance. Anticipated date of return to full time attendance:    /    /

Refer to *Exemption from School - Procedures 2.2* when completing this application.

Name of Program/s	Summary / outline of program

Where the part day exemption is to support the student’s transition to school, a learning and support plan must be attached. Students may be required to complete additional school work if they are not in attendance for at least 5 hours per day. Where the part day exemption is part of a health care plan the principal must ensure consultation with health professionals responsible for the health of the child.

WEEK (max 5 wks)	MON		TUES		WED		THURS		FRI		TOTAL HRS	
	ATTEND	EXEMPT	ATTEND	EXEMPT	ATTEND	EXEMPT	ATTEND	EXEMPT	ATTEND	EXEMPT	ATTEND	EXEMPT
<i>Example Week 1</i>	<i>9am- 11am</i>	<i>11am- 3pm</i>	<i>9-3pm</i>	<i>N/A</i>	<i>9-11am</i>	<i>11am- 3pm</i>	<i>9-12pm</i>	<i>12pm- 3pm</i>	<i>9-12pm</i>	<i>12pm- 3pm</i>	<i>15</i>	<i>14</i>

School staff supporting plan:	Period of Exemption: From    /    /    to    /    /
Learning Support Team Coordinator:	Last date student attended whole day:    /    /
School case manager:	Review date of this plan: (max 5 wks):    /    /
OoHC: yes/no    Support Class:    IN1    IN2    ED    BD    A    MC	Funding Support: yes/no    Recent suspension: yes/no

Agreement: \_\_\_\_\_ Date:    /    /  
Principal/Delegate
School Case manage
Parent/Caseworker

To be forwarded to the local education office for LEO recommendation and Director (Schools) approval:	
Recommended / Not recommended	Approved / Not approved
_____ Comments: _____	_____ Comments: _____
<b>Learning &amp; Engagement Officer</b>	<b>Director (Schools)</b>
When transition plan approved by the Director (Schools) the principal will then issue a <i>Certificate of Exemption</i> . The original Certificate is provided to the parent and a copy placed in the student’s file. Attach a copy of this plan to the Certificate.	



# C: Certificate of Exemption from Attendance/Enrolment at School under Section 25 of the *Education Act 1990*



Education & Communities

Public Schools NSW

The student whose details appear below has been granted an exemption from school for the period indicated.

- exemption from attendance**  
or  
 **exemption from enrolment**

## STUDENT DETAILS

Family name: \_\_\_\_\_ Given name(s): \_\_\_\_\_

Student Registration Number (SRN) (if applicable): \_\_\_\_\_

Date of birth: \_\_\_\_ (dd) / \_\_\_\_ (mm) / \_\_\_\_\_ (year)

Address: \_\_\_\_\_

Postcode: \_\_\_\_\_

School name: \_\_\_\_\_ School's telephone number: \_\_\_\_\_

Date of exemption from: \_\_\_\_ / \_\_\_\_ / \_\_\_\_ to: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Reason for the exemption:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Conditions of the exemption (note: for a part day exemption the hours of program participation must be specified, including the transition plan to have the student attend school full time).

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

As the parent of the above mentioned student, I am responsible for his/her supervision during the period of exemption.

I understand that this exemption is limited to the period indicated. I understand that this exemption is subject to the conditions listed and the exemption may be cancelled at any time.

Name of parent: \_\_\_\_\_ Signature \_\_\_\_\_

Name and position of delegate: \_\_\_\_\_

Signature of delegate: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

**This certificate has been issued without alteration and must be produced when requested by police or other authorised attendance officers.**

## **D: Information on Exemption from Attendance at School for Employment in the Entertainment Industry**

Refer to the [Children's Guardian Website](#)

### **EDUCATIONAL PROGRAM**

1. An appropriate educational program must be provided by the student's school.  
The principal is responsible for ensuring that an appropriate educational program is provided for the student.
2. The educational program must be compatible with the program being undertaken at the student's school. It must be suitable for the age, maturity and ability of the student.

### **EDUCATIONAL PROGRAM (If the Principal elects to set tuition requirements as a condition of absence from school)**

1. Appropriate, regular and efficient instruction must be provided for all approved applicants.
2. The tutor must consult with the principal of the school at which the student is enrolled in the planning and development of the educational program meeting the learning and support needs of the student.
3. The educational program must be compatible with the program being undertaken at the student's school and be comprehensive, balanced and sequential.
4. There should be sufficient print and non-print resources to meet the demands of the program.

### **TUTORS**

1. Tutors must provide evidence that they hold appropriate teaching qualifications recognised by the New South Wales Department of Education and Communities (eg Bachelor of Education, Diploma of Teaching/ Education).
2. The efficiency of tutors and effectiveness of their instruction may be assessed by the investigating officer during visits to the place of employment.

### **PERIODS OF INSTRUCTION**

1. Sufficient hours of instruction must be provided to ensure that the requirements of the teaching/learning program are being met. In general, there should be a minimum of 2 hours and an average of 4 hours instruction each school day.
  2. Where possible, disjointed tutoring should be avoided.
  3. Instruction shall only occur between 7:00 am and 7:00 pm on school days.
  4. Instruction shall not occur during weekends or school holidays.
-

5. The tutor must ensure that adequate meal and rest breaks are provided during the period of instruction.

## **PLACES OF INSTRUCTION**

1. A suitable area with adequate lighting, ventilation and space must be provided for instruction.
2. Furnishings should be suitable for the purpose of instruction.
3. During periods of instruction, this area is to be for the exclusive use of the student or other students away from distraction.

## **RECORDS**

1. The tutor must complete a register of daily activities. It will include details of:
  - instruction taken from the educational program
  - the days on which instruction occurred
  - the length of the instruction periods.
2. The register must be available for inspection when requested by an investigating officer.
3. The tutor must evaluate the student's progress regularly and maintain appropriate records.
4. All records of the student's study, educational progress and actual work must be provided to the student's school at regular intervals.

**Note: A Certificate of Exemption may be cancelled at any time if the conditions are not being met.**

## **E: Information on Exemption from Attendance at School for Accredited Elite Sports Programs and Elite Arts Programs**

### **ACCREDITED ELITE SPORTS PROGRAMS**

1. 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 Department of Sport and Recreation.
2. Where programs run for more than 5 school days, applicants should be provided with an educational program under this section. See the requirements below.

### **ELITE ARTS PROGRAM PARTICIPATION**

1. 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 DEC offers.
2. Where a principal is unsure if a program meets the definition they should contact [The Arts Unit](#)

### **EDUCATIONAL PROGRAM**

1. An appropriate educational program must be provided by the student's school.
2. The principal is responsible for ensuring that an appropriate educational program is provided for the student.
3. The educational program must be compatible with the program being undertaken at the student's school. It must be suitable for the age, maturity and ability of the student.

### **PERIODS OF INSTRUCTION**

1. The student must be able to engage in sufficient hours to ensure that the requirements of the teaching/learning program are being met. In general, the student should engage with the educational program for an average of 2 hours instruction each school day.
2. The student will not undertake the educational program during weekends or school holidays.
3. Adequate meal and rest breaks should be undertaken by the student during their engagement with the educational program.

### **PLACES OF INSTRUCTION**

1. A suitable area with adequate lighting, ventilation and space must be provided for the student while they are engaged with the educational program.
2. Furnishings should be suitable for the purpose of undertaking the educational program.
3. This area should be free from distraction.

## **F: Information for Part Day Exemption (Short Term Alternative Education Program)**

1. Students of compulsory school age may participate in school based individual student programs that incorporate behaviour management transition plans or health care plans to reengage students with education. An *Application for Part Day Exemption* is to be completed.
2. It is not necessary to complete a separate '*Application for Exemption from Attendance/Enrolment at School*'.
3. Students participating in such programs may be granted part day exemptions for periods of time not exceeding the equivalent number of full school days provided for within the delegate's power. A full school day totals 6 hours.
4. Participation in such alternative education programs must be approved by the Director (Schools) prior to the exemption being granted by the delegate.
5. The attendance register for schools using OASIS or compliant third party systems must indicate part day exemptions with the code PM. Schools using SALM ebs4 will record time in attendance.
6. If the student is not in attendance at school for at least 5 hours a day, further school-based work should be provided to the student.

### **Steps for schools in completing an 'Application for Part Day Exemption'**

- I. Complete the Application for Part Day Exemption prior to implementing the plan
- II. Complete the relevant school plan (If relevant, including behaviour, transition, health)
- III. Scan and forward both documents to the Learning and Engagement Officer for recommendation and Director (Schools) for consideration.
- IV. On receipt of the Director (Schools) signed part day exemption plan, complete the Certificate of Exemption.
- V. Provide the original to the parent
- VI. Place a copy of the Certificate in the student's file
- VII. The delegate should retain a copy of the signed Certificate of Exemption in the delegate's official records

## **G: Information on completing Year 10 through a Full time Apprenticeship or Traineeship**

A student under 17 who has not completed Year 10 of secondary schooling must remain enrolled at school **or** apply to transfer to TAFE **or** gain a full time apprenticeship or traineeship.

Students wishing to complete Year 10 by entering a full time apprenticeship or traineeship must obtain an *Exemption from Attendance/Enrolment* at school.

### **Steps to gain an exemption under these circumstances**

1. The student has completed year 9 and has been offered a full time apprenticeship/traineeship
2. The parent completes an Application for Exemption from Attendance/Enrolment at School
3. A condition of exemption will be that if the student does not complete the apprenticeship or traineeship, he or she will not have completed year 10 and will be required to return to school or seek enrolment in TAFE
4. The principal considers that the student is a suitable candidate to complete his or her education through an apprenticeship or traineeship
5. The principal photocopies and records sighting a full time apprenticeship or traineeship contract signed by the employer and a summary training plan authorized by the Registered Training Organisation
6. The employer agrees to notify DEC in writing (through the principal) if the apprenticeship or traineeship is abandoned or cancelled before the student turns 17
7. The principal advises the parent and student that the apprenticeship or traineeship must subsequently be approved by the Commissioner for Vocational Training, State Training Services as suitable for the young person and that the contract attains a 'registered' status following the probationary period.
8. 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 education ceases to operate and the student's parents must take other steps to comply with their compulsory schooling obligations.
9. The principal issues a Certificate of Attendance/Enrolment from School under Section 25 of the *Education Act 1990*
10. The student is removed from the attendance register
11. All documentation related to the exemption including copies of sighted apprenticeship or traineeship documents should be held in the student's file.

## H: Example Letter - Declining an Application for a Certificate of Exemption

Correspondence Name

Correspondence Address

Student SRN:

Dear Correspondence Name

You recently applied for a Certificate of Exemption for Student Name from attendance/enrolment at 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.

I have carefully considered your application and I am not satisfied that an exemption from attendance / enrolment is in Student Name's best interest. My reasons for declining your application are:

.....

If you need further advice on this matter or would like to discuss my decision, please contact the school on office telephone number to make an appointment.

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.

Yours sincerely,

Delegate Name

Position Title

Insert date