

 Procedure

Exemptions from compulsory schooling and compulsory participation

Audience

All state and non-state schools

Implementation Date: 14/06/2018

Version: 4.1

Purpose

This procedure outlines the processes for applying for, granting and cancelling an exemption from compulsory schooling and the compulsory participation phase.

Overview

An [exemption](#) from compulsory schooling or the compulsory participation phase is available when a child or a young person [cannot attend or it would be unreasonable in all the circumstances](#) to require them to attend school or participate in an *eligible option for a period of more than 10 consecutive school days*.

An 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 or a combination of eligible options.

There are [circumstances where an exemption may or may not be granted, or is not required](#).

Exemptions should be applied for, and a decision made on the application by the decision maker, prior to the proposed exemption period. In exceptional circumstances – where it is not known if the duration of the circumstance will exceed 10 consecutive school days (such as the child or young person becoming ill) – the exemption application does not need to be submitted or approved in advance.

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](#).

Where an application for exemption has not been made or has not been granted by the decision maker, If the child or young person is enrolled in a school, their absence from school will be recorded in accordance with the [Roll marking in state schools](#) procedure. If the child or young person is not enrolled in any school or not participating full-time in an eligible option, processes outlined in the [Managing student absences and enforcing enrolment and attendance at state schools](#) procedure may be undertaken.

If a student has been granted an exemption from compulsory schooling or compulsory participation, and the student did not receive education during that time from any educational provider, there will be no deduction in their [remaining allocation](#) of state education.

Compulsory Schooling

A parent may apply for an exemption from compulsory schooling for their child.

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 all state schools
- excluded from a state school or certain state schools, during the time reasonably required to enrol the student in another state school (which is not affected by the exclusion) or non-state school, or to provisionally register or register for home education
- prevented from attending because they are subject to a direction given, or declaration, order or requirement made, under an Act or other law about an infectious or contagious disease or condition
- there is an application for enrolment pending at a state school and the applicant has not received notice of the decision on the application
- an apprentice or trainee under the *Further Education and Training Act 2014* (Qld).

Cancellation of exemption

Cancellation of an exemption from compulsory schooling may occur when:

- the grounds for the original exemption no longer apply to the child; or
- a condition of the exemption has been contravened.

No liability for prosecution for failure to attend or enrol

Parents of compulsory school-aged children will not be liable for prosecution in relation to failure to enrol or attend until:

- 14 days after an exemption decision is made and notice has been given to the applicant; or
- the exemption application lapses.

Compulsory Participation Phase

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 (unless the decision maker is satisfied it would be inappropriate in all the circumstances to require the signed consent of the parent, e.g. the young person is living independently of their parents).

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:

- participating full time in an apprenticeship or traineeship under the *Further Education and Training Act 2014* (Qld) (eligible option)
- provisionally registered, or registered for home education
- engaged in paid employment for at least 25 hours per week
- enrolled in a non-departmental employment skills development program and attending the entity for the program (eligible option)
- undertaking activities under Commonwealth law.

Cancellation of exemption

There is no legislative provision for the cancellation of an exemption from compulsory participation.

No liability for prosecution for failure to participate

If an application is made before the young person starts their compulsory participation phase, the parent of a young person will not be liable for prosecution in relation to failure to participate until:

- 14 days after an exemption decision is made and notice has been given to the applicant; or
- the exemption application lapses.

If an application for exemption from compulsory participation is made while an existing exemption is in place, the existing exemption continues to apply until 14 days after the decision maker gives the decision notice, or until the new application lapses.

Responsibilities

Principals (state schools)

- as delegates of the Chief Executive, determine if an exemption is the best option in meeting a student's educational and other needs, and approve or cancel exemptions as appropriate, for students enrolled in their school.

Principals (non-state schools)

- determine if an exemption is the best option in meeting a student's educational and other needs, and approve or cancel exemptions as appropriate for students enrolled in their school.
- may only approve applications for exemption that are for up to and including 110 school days in a calendar year and that do not cause the total period of exemptions granted in the year to exceed 110 school days.

Manager, Office of Non-state Education

- as delegate of the Chief Executive, approve or cancel exemptions as appropriate for a student enrolled in a non-state school that is for more than 110 school days or that would cause the total period of exemptions granted to exceed 110 school days in a calendar year.

Regional Directors, Director Regional Services, Principal Advisor Education Services and Principal Advisor Regional Services

- monitor regional records of student exemptions
- as delegates of the Chief Executive, approve or cancel exemptions for students who are not currently enrolled at any state or non-state school and not provisionally registered, or not registered, for home education
- as delegates of the Chief Executive, approve or cancel exemptions for those students who are provisionally registered, or registered, for home education
- as delegates of the Chief Executive, regional directors internally review exemption decisions made by state school principals.

Executive Director, Portfolio Services and External Relations

- as delegate of the Chief Executive, internally review exemption decisions made by non-state school principals and the Manager, Office of Non-State Education.

Assistant Director-General, State Schools

- as delegate of the Chief Executive, internally review exemption decisions made by a regional officer.

Process

For students enrolled in a state school:

Applying for exemption

1. Schools provide the [information sheet](#) and [application form](#) to an applicant (parent/student) seeking an exemption.
2. The applicant provides the completed application form and any attachments to the principal.

Assessing an application and making a decision

1. Principals determine whether the circumstances are [appropriate for an exemption](#).
2. Principals consider applications and supporting documents to inform decisions about whether or not to grant an exemption.
3. Principals [request further information from the applicant](#) if necessary, ensuring a reasonable timeframe (at least 10 school days) is stated in which the additional information is to be provided. An extension of this timeframe may be granted.
4. Principals ensure the applicant has access to copies of all the information considered in decision making.
5. Principals decide to:
 - a. grant an exemption; or
 - b. grant an exemption with conditions; or
 - c. grant an exemption for a lesser period than applied for; or
 - d. grant an exemption partially (only available for the compulsory participation phase); or
 - e. refuse to grant an exemption.

6. Principals document the decision-making process, keeping in mind that all exemption decisions can be reviewed.

Informing applicant and recording details

1. Principals, as soon as practicable, inform the applicant about the exemption decision using Part B of the application form and, if necessary, the appropriate information notice:
 - a. [granting an exemption from compulsory schooling with conditions or for a lesser period](#)
 - b. [granting an exemption from the compulsory participation phase in part, with conditions or for a lesser period](#)
 - c. [not granting an exemption from compulsory schooling](#)
 - d. [not granting an exemption from the compulsory participation phase](#).
2. Schools record details of the student's exemption in OneSchool including the date the student's exemption is due to expire.
3. Principals follow-up with parents before a student's exemption is due to expire to discuss their child's future educational program or whether a further exemption is required.

Cancelling an exemption from compulsory schooling

1. Principals give applicant a [show cause notice](#) if there is cause to reasonably believe that grounds exist to cancel the exemption for the student.
2. Principals consider any response to the show cause notice and if there are still grounds for cancellation and it is believed that cancellation is warranted, provide the applicant with an [information notice](#) about the decision to cancel the exemption.

Internal review of exemption decisions

1. Applicants may seek a review of an exemption decision by making a submission within 30 school days of becoming aware of the decision – refer to the [information sheet](#).
2. The officer reviewing the decision:
 - a. can provide the applicant with additional time for requesting a review
 - b. gathers information about the decision after receiving a written submission from an applicant
 - c. ensures the applicant is provided with **all** the information considered by the decision maker – if necessary, providing any material not previously given to the applicant and inviting another submission from the applicant – before making a final decision
 - d. considers the decision regarding the application for an exemption from compulsory schooling or the compulsory participation phase and either:
 - confirms the decision or
 - amends the decision or
 - substitutes the original decision with another decision.
 - e. provides the applicant (parent/student) with written advice in the form of an [information notice](#) as soon as is practicable (but no longer than 40 school days), outlining:
 - the decision
 - reasons for the decision and

- the applicant's right to apply to the Queensland Civil and Administrative Tribunal for an external review of the decision.
- f. notifies school and/or regional officers of the decision as soon as is practicable.

For students enrolled in non-state schools:

For applications not exceeding 110 school days

Follow the same processes as for students enrolled in a state school with the following changes:

1. Principals determine if the student will continue to be enrolled at the non-state school for the exemption period.
2. If the student is not continuing enrolment at the non-state school for the whole exemption period, schools provide the [information sheet](#) and [Application for Exemption for child or young person NOT enrolled in any Queensland school](#) to the applicant (parent/student) seeking an exemption, or advise the applicant to contact the department's regional office relevant to where the applicant resides.
3. If approval of the application would not cause the total period of exemptions granted to exceed 110 school days in the year, principals proceed with the assessment and decision making process.
4. If granting the exemption, principals inform the applicant (parent/student) about the exemption decision as soon as practicable, making sure that the exemption documentation includes the following information, as required under s.190(2) (compulsory schooling) and s.249(2) (compulsory participation) of the *Education (General Provisions) Act 2006 (Qld)*:
 - a. the day the exemption is granted
 - b. the name of the student/young person to whom the exemption relates
 - c. the day the exemption expires
 - d. any conditions on which the exemption is granted
 - e. whether the principal has granted any other exemptions for the student in the year in which the exemption is granted and, if so, the period of each exemption
 - f. for students in the compulsory participation phase only – whether it is a full or partial exemption and, if it is partial, the extent to which the person is excused from participation.
5. If refusing to grant an exemption, principals give the applicant an information notice about the decision for either [compulsory schooling](#) or [compulsory participation](#) as soon as practicable.
6. Schools record details of the exemption in the school's exemptions register, to be retained for at least five years from the day the decision was made, and, for each approved application, include the information required under s.190(2) or s.249(2).
7. Principals provide information about exemption decisions upon receipt of a notice from the Director-General.

For applications exceeding 110 school days

1. If the approval of the application would cause the total period of exemptions granted to exceed 110 school days in the year, principals complete Part B of the [Application for Exemption for more than 110 school days for a child or young person enrolled at a Queensland non-state school](#) and forward it to the Manager, Office of Non-State Education for the following actions.
2. The Manager, Office of Non-State Education:

- a. considers [applications](#) and supporting documents to inform decisions about whether or not to grant an exemption
- b. [requests further information from the applicant](#) if necessary, ensuring a reasonable timeframe (at least 10 school days) is stated in which the additional information is to be provided. An extension of this timeframe may be granted
- c. if the principal of the non-state school has recommended to refuse the exemption, forwards a copy of the application to the parent or young person to allow them the opportunity to provide further information to support their application
- d. documents the decision-making process, keeping in mind that all exemption decisions can be reviewed
- e. informs the applicant (parent/student) in writing, as soon as practicable, regarding the exemption decision and advises the non-state school principal
- f. contacts the applicant (parent/student) each term (either by telephone or in writing) and ascertains whether:
 - circumstances that led to the granting of the exemption still apply
 - conditions placed on exemption are being met (if applicable)
 - arrangements have been made to resume compulsory schooling or compulsory participation once the exemption period expires
 - a further exemption may be required
- g. follows the same processes for cancelling exemptions from compulsory schooling as for students enrolled in a state school.

For children and young people NOT enrolled in any state or non-state school in Queensland:

Follow the same processes as for students enrolled in a state school with the following changes:

1. Regional office staff provide the [information sheet](#) and [application form](#) to an applicant (parent/student) seeking an exemption.
2. Regional Directors, Principal Advisors Education Services, Principal Advisors Regional Services, or Directors Regional Services assess and approve applications, inform applicants and record details.
3. When appropriate, regional office staff open a [student learning account](#) with the Queensland Curriculum and Assessment Authority (QCAA) for a young person in the compulsory participation phase.
4. Regional office staff contact the applicant (parent/student) each term (either by telephone or in writing) and ascertain whether:
 - a. circumstances that led to the granting of the exemption still apply
 - b. conditions placed on exemption are being met (if applicable)
 - c. arrangements have been made to resume compulsory schooling or compulsory participation once the exemption period expires
 - d. a further exemption may be required.
5. Regional Directors, Principal Advisors Education Services, Principal Advisors Regional Services, or Directors Regional Services follow processes for cancelling exemptions from compulsory schooling.

Definitions

<p>Compulsory participation phase (<i>Education (General Provisions) Act 2006</i> (Qld) s.231)</p>	<p>A young person's compulsory participation phase starts when the person stops being of compulsory school age (i.e. turns 16 or completes Year 10 whichever comes first) and ends when the person:</p> <ul style="list-style-type: none"> • gains a Certificate of Achievement, Senior Statement, 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.
<p>Compulsory school age (<i>Education (General Provisions) Act 2006</i> (Qld) s.9)</p>	<p>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.</p>
<p>Eligible Option (<i>Education (General Provisions) Act 2006</i> (Qld) s.232)</p>	<p>Eligible options and providers are listed in the table below.</p>

Eligible Option	Provider
<p>An educational program provided under the Education (General Provisions) Act 2006 (Qld)</p>	<p>a State school</p>
<p>An educational program provided under the Education (Accreditation of Non-State Schools) Act 2017 (Qld)</p>	<p>a non-State school</p>
<p>A course of study under the Tertiary Education Quality and Standards Agency Act 2011 (Cwlth)</p>	<p>a registered higher education provider</p>
<p>A Vocational Education and Training (VET) course under the National Vocational Education and Training Regulator Act 2011 (Cwlth)</p>	<p>a registered training organisation</p>
<p>An apprenticeship or traineeship under the Further Education and Training Act 2014 (Qld)</p>	<p>a registered training organisation</p>
<p>A departmental employment skills development program under the Further Education and Training Act 2014 (Qld)</p>	<p>the chief executive administering the <i>Further Education and Training Act 2014</i> (Qld)</p>

Legislation

- [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 2016 \(Qld\)](#)
- [Further Education and Training Act 2014 \(Qld\)](#)

Delegations/Authorisations

- [Delegation of Director-General's Powers under Education \(General Provisions\) Act 2006 \(Qld\)](#)
Chapter 9 Part 3 – Exemption from compliance with compulsory schooling requirement
Chapter 15 Internal and external reviews

Related policies

- Nil

Related procedures

- [Allocation of state education](#)
- [Enrolment in state primary, secondary and special schools](#)
- [Flexible arrangements for school students](#)
- [Management of contagious conditions](#)
- [Managing student absences and enforcing enrolment and attendance at state schools](#)
- [Roll marking in state schools](#)

Supporting information/websites

Forms

- [Application for exemption for a child or young person enrolled in a Queensland state school](#)
- [Application for exemption for a child or young person NOT enrolled at any Queensland school](#)
- [Application for exemption for more than 110 school days for a student at a non-state school](#)
- [Information Notice – Cancelling exemption from compulsory schooling](#)
- [Information Notice – Granting exemption from compulsory participation phase in part, with conditions, or for a lesser period](#)
- [Information Notice - Granting exemption from compulsory schooling with conditions or for a lesser period](#)
- [Information Notice - Not granting exemption from compulsory participation](#)
- [Information Notice - Not granting exemption from compulsory schooling](#)
- [Internal review decision notice regarding an exemption from compulsory schooling or compulsory participation](#)

- [Letter requesting further information regarding application for exemption](#)
- [Show cause notice - Cancellation of exemption from compulsory schooling](#)

Supporting documents

- [Information sheet – Circumstances where an exemption may or may not be granted or is not required](#)
- [Information sheet – Exemptions from compulsory schooling and compulsory participation](#)
- [Information sheet – Internal reviews of decisions regarding exemptions from compulsory schooling and compulsory participation phase](#)

Online materials

- [Every day counts](#)
- [Student learning accounts](#)

Contact

For information on exemptions for students enrolled in non-state schools:

- Executive Services Officer
Office of Non-state Education
Phone: (07) 3513 6743
Email: OfficeofNonStateEducation@qed.qld.gov.au

For general information, please contact your [closest regional office](#).

Review date

17/01/2021

Superseded versions

Previous seven years shown. Minor version updates not included.

- 1.0 SMS-PR-030: Exemptions from compulsory schooling and compulsory participation
- 2.0 SMS-PR-030: Exemptions from compulsory schooling and compulsory participation
- 3.0 Exemptions from compulsory schooling and compulsory participation
- 4.0 Exemptions from compulsory schooling and compulsory participation

Creative Commons Licence

