



Exemptions from compulsory schooling and compulsory participation procedure

Version: 5.0 | Version effective: 22/01/2024

Audience

All state and non-state schools

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 may be considered 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 circumstances where the child or young person becomes ill and it is not known if the duration of the illness will exceed 10 consecutive school days, the exemption application does not need to be submitted or approved in advance.

Responsibilities

Applicants

- Discuss with the school or regional office whether an application for exemption from compulsory schooling or compulsory is appropriate.

- Ensure supporting documentation and evidence are attached to the application.
- Advise the decision maker if circumstances change and an exemption is no longer required.

State school delegates

- determine if an exemption is the best option in meeting a student's educational and other needs, and assess and make decisions on 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 assess and make decisions on 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, assess and make decisions on 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 delegates

- as delegates of the Chief Executive, assess and make decisions on 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, assess and make decisions on exemptions for those students who are provisionally registered, or registered, for home education

Regional Directors

- as delegates of the Chief Executive, regional directors internally review exemption decisions made by state school principals.

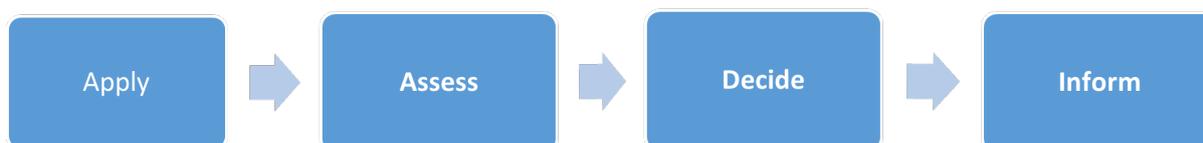
Executive Director, External Relations and Research

- 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, Disability, Inclusion and Student Services

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

Process



Applying for an exemption from compulsory schooling and participation 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 state school delegates.

Assessing an application and making a decision

1. State school delegates determine whether the circumstances are [appropriate for an exemption](#).
2. State school delegates consider applications and supporting documents, including compatibility with human rights (and may use the [Human rights impact assessment: decision-making exemplar](#)) to inform decisions about whether or not to grant an exemption.
3. State school delegates [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. State school delegates ensure the applicant has access to copies of all the information considered in decision making.
5. State school delegates decide to:
 - grant an exemption; or
 - grant an exemption with conditions; or
 - grant an exemption for a lesser period than applied for; or
 - grant an exemption partially (only available for the compulsory participation phase); or
 - refuse to grant an exemption.
6. State school delegates document the decision-making process, keeping in mind that all exemption decisions can be reviewed.

Informing applicant and recording details

1. State school delegates, 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:
 - [granting an exemption from compulsory schooling with conditions or for a lesser period](#)
 - [granting an exemption from the compulsory participation phase in part, with conditions or for a lesser period](#)
 - [not granting an exemption from compulsory schooling](#)
 - [not granting an exemption from the compulsory participation phase](#).
2. Schools record details of the student's exemption in [OneSchool's exemption register](#), including the date the student's exemption is due to expire. The exemption register will identify the student as absent, with an absence reason "Z" for the duration of the exemption. The student's enrolment status will remain as A - Active.

3. State school delegates, where appropriate, 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.
4. State school delegates end the exemption in OneSchool if written notification (e.g. email) from parent is received advising that they no longer require an exemption because their situation has changed and student will attend school.
5. Where an application for exemption has not been granted, the student's absence from school is recorded in accordance with the [Roll marking in state schools procedure](#).

Cancelling an exemption from compulsory schooling

1. State school delegates give applicant a [show cause notice](#) if there is cause to reasonably believe that grounds exist to cancel the exemption for the student.
2. State school delegates consider any response to the show cause notice. If there are still grounds for cancellation and it is believed that cancellation is warranted, consider compatibility with human rights (and may use the [Human rights impact assessment: decision-making exemplar](#)), and 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:
 - can provide the applicant with additional time for requesting a review
 - gathers information about the decision after receiving a written submission from an applicant
 - 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
 - considers the decision regarding the application for an exemption from compulsory schooling or the compulsory participation phase, including compatibility with human rights (and may use the [Human rights impact assessment: decision-making exemplar](#)), and either:
 - confirms the decision; or
 - amends the decision; or
 - substitutes the original decision with another decision.
 - 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.
 - notifies school and/or regional office staff 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, or who are provisionally registered or registered for home education](#) 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):
 - the day the exemption is granted
 - the name of the student/young person to whom the exemption relates
 - the day the exemption expires
 - any conditions on which the exemption is granted
 - 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
 - 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 each exemption decision 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

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

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:

- considers [applications](#) and supporting documents, including compatibility with human rights (and may use the [Human rights impact assessment: decision-making exemplar](#)), to inform decisions about whether or not to grant an exemption
- [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.
- 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
- documents the decision-making process, keeping in mind that all exemption decisions can be reviewed
- informs the applicant (parent/student) in writing, as soon as practicable, regarding the exemption decision and advises the non-state school principal
- 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
- 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, or who are provisionally registered or registered for home education:

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 delegates assess and make a decision on applications, including compatibility with human rights (and may use the [Human rights impact assessment: decision-making exemplar](#)), inform applicants and record details.
3. When appropriate (i.e. in the 12 months before a student turns 16 or in the 12 months before they complete Year 10, or after this time in the case of an interstate or overseas transfer student), 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:
 - 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.
5. Regional delegates monitor regional records of student exemptions.
 6. Regional delegates follow processes for cancelling exemptions from compulsory schooling.
 7. Where an application for exemption has not been made or has not been granted by the regional delegate, processes outlined in the [Managing student absences and enforcing enrolment and attendance at state schools](#) procedure may be undertaken.

Definitions

Term	Definition
Compulsory participation phase	<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>See (Education (General Provisions) Act 2006 (Qld) s.231)</p>
Compulsory school age	<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>See (Education (General Provisions) Act 2006 (Qld) s.9)</p>
Eligible Option	<p>Eligible options (Education (General Provisions) Act 2006 (Qld) s.232) and providers are listed below.</p> <p>Eligible option: An educational program provided under the Education (General Provisions) Act 2006 (Qld) Provider: a State school</p> <p>Eligible option: An educational program provided under the Education (Accreditation of Non-State Schools) Act 2017 (Qld) Provider: a non-State school</p> <p>Eligible option: A course of study under the Tertiary Education Quality and Standards Agency Act 2011 (Cwlth) Provider: a registered higher education provider</p> <p>Eligible option: A Vocational Education and Training (VET) course under the National Vocational Education and Training Regulator Act 2011 (Cwlth) Provider: a registered training organisation</p>

Term	Definition
	<p>Eligible option: An apprenticeship or traineeship under the Further Education and Training Act 2014 (Qld)</p> <p>Provider: a registered training organisation</p> <p>Eligible option: A departmental employment skills development program under the Further Education and Training Act 2014 (Qld)</p> <p>Provider: the chief executive administering the <i>Further Education and Training Act 2014 (Qld)</i></p>
Regional delegates	<ul style="list-style-type: none"> • Regional Director • Principal Advisor (Education Services) • Principal Advisor (Regional Services) • Director – Education Services, Darling Downs South West Region • Principal Advisor – Regional Improvement, Darling Downs South West Region • Director, Regional Services
State school delegates	<ul style="list-style-type: none"> • Principal • Head of Campus • Head of School

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

Policies and procedures in this group

- Nil

Supporting information for this procedure

- [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, or who are provisionally registered or registered for home education](#)
- [Application for exemption for more than 110 school days for a student at a non-state school](#)
- [Human rights impact assessment: decision-making exemplar](#)
- [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](#)
- [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](#)
- [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](#)

Other resources

- [Allocation of state education procedure](#)
- [Enrolment in state primary, secondary and special schools procedure](#)
- [Flexible arrangements involving an alternative education provider procedure](#)
- [Management of contagious conditions procedure](#)
- [Managing student absences and enforcing enrolment and attendance at state schools procedure](#)
- [Roll marking in state schools procedure](#)
- [Every day counts](#)
- [Student learning accounts](#)

Contact

For general enquiries and information on exemptions for students enrolled in state schools, please contact your [closest regional office](#)

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

Executive Services Officer

Office of Non-state Education

Phone: (07) 3513 6743

Email: OfficeofNonStateEducation@qed.qld.gov.au

Review date

22/01/2027

Superseded versions

Previous seven years shown. Minor version updates not included.

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