

# Exemptions from compulsory schooling and compulsory participation

## Information for parents and students

### *What is an exemption and why do I need it?*

Every parent of a child of compulsory school age or young person in the compulsory participation phase has a legal obligation to ensure their child is enrolled at and attending school or participating in an eligible option.

Parents can apply for an exemption from this obligation when their child cannot (or it would be unreasonable in all the circumstances) attend school or participate in an eligible option for a period of more than 10 consecutive school days.

For information on situations where an exemption may be granted, please refer to [Circumstances where an exemption is not required, and where an exemption may or may not be granted information sheet](#).

If your child is exempted from compulsory schooling, or the young person is exempted from compulsory participation, you are excused from your obligation in relation to compulsory schooling or compulsory participation for the period of the exemption.

The school principal is not responsible for providing an educational program to your child during the approved exemption period; however they may provide advice on other educational options available.

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

### *Who decides to grant or not grant an exemption?*

- **For state school students:**

Decisions about exemptions are made by the principal, head of campus, or head of school of the school the student attends.

- **For non-state school students:**

Non-state school principals have the authority to approve exemptions of up to and including 110 school days in a calendar year that do not cause the total period of exemptions granted in the year to exceed 110 school days.

Any exemption application for a period of more than 110 school days or that would cause the total period of exemptions granted in a year to exceed 110 school days is decided by the Manager, Office of Non-state Education.

If the student is not continuing enrolment at the non-state school for the whole exemption period, the process for students not enrolled at any state or non-state school should be followed.

- **For children who are not enrolled in any state or non-state Queensland school, or for those who are provisionally registered or registered for home education:**

Decisions about exemptions for children who are not enrolled in any state or non-state school, or who are provisionally registered or registered for home education, are made by either the Regional Director, Principal Advisor Education Services, Principal Advisor Regional Services, Director Regional Services, of the Department of Education region in which the child resides.

## ***Applying for an exemption***

A parent may apply for an exemption from compulsory schooling for their child. Either a parent or a young person may apply for an exemption from the compulsory participation phase.

You are encouraged to discuss with the school or region whether an application for exemption is a suitable option. The school or region can provide you with an application form for an exemption. It is important that supporting documentation and evidence are attached to the application.

For a young person in 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).

When a decision about the exemption has been made, you will be informed in writing whether or not the exemption has been granted and if any conditions have been imposed. If you are not satisfied with the decision made, you can make a submission for the decision to be reviewed.

Parents of compulsory school-aged children will not be liable for prosecution for failing to comply with their legal obligation in relation to compulsory schooling 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 is made before the young person starts their compulsory participation phase, the parent of a young person will not be liable for prosecution for failing to comply with their legal obligation in relation to compulsory participation 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.

## ***Cancellation of exemption***

If an exemption has been granted and you no longer wish to continue with the exemption, you need to advise the school or region (whichever granted the exemption) in writing (e.g. email) and ensure that your child is enrolled in and attending school, or participating full time in an eligible option. For example, if you have been granted an exemption by the school principal because your child is in hospital but you would like your child to participate in the [hospital education program](#) while they are there, you need to advise the principal in writing so they can end the exemption and record your child's absence from school appropriately.

The decision maker may also cancel an exemption from compulsory schooling when:

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

However, there is no legislative provision for the decision maker to cancel an exemption from compulsory participation.

## **SECTION 185 of the EDUCATION (GENERAL PROVISIONS) ACT 2006**

### **185 Chief executive/Principal may grant exemption:**

- (1) The chief executive may grant an exemption for a child if the chief executive is reasonably satisfied—
  - (a) the child can not attend a State school or non-State school; or
  - (b) it would be unreasonable in all the circumstances to require the child to attend a State school or non-State school.
- (2) The chief executive may grant the exemption for a stated or indefinite period.
- (3) Despite subsection (1), the chief executive may not grant an exemption from compliance with [section 176](#) (1)(b) for a child under this section if—
  - (a) the child is enrolled at a non-State school; and
  - (b) the period of the exemption would not, if it were granted, cause the total of the periods of exemptions granted under this section or [section 185A](#) for the child to be more than 110 school days in a year.