

## 2.3 EXEMPTION POLICY STATEMENT (KINDERGARTEN)

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### INTRODUCTION

The Education Act required all students of compulsory school age to be enrolled in and attend school (unless registered for home schooling).

An exemption is a defence from prosecution for a parent when their child is not meeting the requirements to be enrolled in and attend school.

At Lindfield Montessori School, where the parents of a student of compulsory school age seeks an exemption from attendance at school or an exemption from enrolment, the Principal will process the parent's application in accordance with the guidelines from NSW Department of Education.

The Principal may exercise the Minister's delegation under Section 25 of the *Education Act* in relation to granting and cancelling a certificate of exemption from being enrolled and attending school in certain prescribed circumstances.

### EXEMPTIONS FROM ATTENDANCE

- Exemptions from attendance can be approved for part or whole days. They can be approved for individual days or for multiple consecutive days for a defined period of time. Principals have the authority to grant exemptions from attendance for periods of up to 100 days.
- Principals may grant exemptions due to
  - Exceptional circumstances (including the health of a student where sick leave or alternative enrolment is not appropriate)
  - The child being prevented from attending school because of a Principal's direction under the Public Health Act 2010

### EXEMPTIONS FROM ENROLMENT

- The Principal may grant exemptions on behalf of the Minister due to:
  - **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 but 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 that the child should be involved in a transition-to-school program as a condition of their exemption.*
- The **health, learning or social need 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.*

Applications for the above exemptions from enrolment can be processed by the School and do not need external approval.

## PROCEDURES

- Applications for fewer than 100 days in a year will be considered by the Principal. Reasons for which an exemption from attendance may be considered include where a child's health does not allow them to be at school, or the school is unable to meet the medical, health and safety requirements of the child.
- Applications for over 100 days in a year will be sent to the Minister's delegate at the Student Welfare Directorate, NSW Department of Education and Communities.
- The Principal will monitor the accumulation of exemptions from attendance through diarised alerts.
- If an accumulation nears 100 days, the Principal will send a letter to the parent or guardian informing them that the exemption period of 100 days is approaching and action that needs to be taken as a result.
- For most exemptions, parents can submit an application by completing an '*Application for Exemption from Attendance/Enrolment*' form available from the School. This must be made in writing and in advance. Documentation may be required to support the application such as reports and recommendations from medical professionals / specialists, e.g., Neurologists, paediatrician, psychologist, GP etc. Parents may seek assistance from the Principal when completing forms.
- The Principal will consider the application in accordance with the criteria in the guidelines from the NSW Department of Education and Communities.
- Where the application is supported, the Principal will provide the original exemption certificate to the parent/s/guardian/s.

- Where the application is not supported, the Directress will notify the parents in writing of the unsuccessful outcome.
- Procedural fairness must be accorded to an applicant. If the Principal is considering refusing granting an exemption, the parent should be given the opportunity to respond to the delegate's concerns before a final decision is made. This opportunity will be offered to the parent in writing.
- If an applicant wishes to appeal against a decision made by the Principal, the Grievance Policy will apply, or the applicant may apply to the Minister's delegate.
- The parent is not required to apply for an Exemption in cases of the child being prevented from attending School because of a direction made under the Public Health Act 2010. The Principal may grant a Certificate of Exemption for the period determined by relevant authorities under this Act.
- A Principal can cancel the Certificate of Exemption where they identify circumstances that they believe warrants this action. For example, where the conditions attached to the exemptions are not being met or cease to apply.

### **Issuing Certificates of Exemption from Attendance or Enrolment at the School**

- 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, including hours of program participation if a part day exemption period applies.
- The original Certificate of Exemption will be provided to the parents.
- Copies of the application and Exemption Certificate or notification are kept in the student's file for seven years.
- The Minister's delegation and copies of exemption certificates are to be filed in the attendance records by the Principal.

*Relevant Regulation: Education Act 1990 Section 25*

| <b>POLICY REVIEWED</b> | <b>MODIFICATIONS</b>              | <b>NEXT REVIEW DATE</b> |
|------------------------|-----------------------------------|-------------------------|
| August 2021            | Checked regulations, updated copy | 2023                    |
| May 2023               | Updated procedures                | 2024                    |



# Application for Exemption from Enrolment at Lindfield Montessori School

## PART A: TO BE COMPLETED BY THE STUDENT'S PARENT/CARER(S)

**Student Details**

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

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

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

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

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

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

**Reason for application for exemption:**

Please tick:  ✓

**A** Age, where a child turns 6 on or after 1 October in a school year and

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| is engaged in full time preschool education at an accredited preschool for the remainder of that school year <b>OR</b> |  |
| is engaged in a full or part-time accredited preschool program for students with disabilities*                         |  |

**B** The health, learning or social needs or disability of a child

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| where the child would benefit from continuation of an individual program supported by medical specialists due to health, learning or social needs, or disability* no longer than six months after the child's sixth birthday |  |
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Please provide more detail about the reason for the application for exemption here:

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\*Please attach any additional evidence, e.g., health care plan, medical advice etc. For both categories requiring evidence, the child must have a transition to school plan attached to this application and be attending school full time no later than 6 months after turning 6.





## 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 from enrolment at school, under the *Education Act 1990*. I understand that if the exemption is granted:

- 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: \_\_\_ / \_\_\_ / \_\_\_\_



**PART B: TO BE COMPLETED BY THE MINISTER'S DELEGATE**

**To be completed by the independent school principal as the Minister's Delegate**

Following consideration of this application for exemption from enrolment, I am/am not (delete whichever does not apply) satisfied that conditions exist that make it necessary and/or desirable for \_\_\_\_\_(name of student) be exempt from enrolment at school.

I recommend that a Certificate of Exemption be (Please tick one box ):

Granted

Not granted

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

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

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

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

**Note: The delegate is requested to provide a Certificate of Exemption if exemption is granted.**