

# Attendance & Parental Obligation under the Education Act (2006)

## **COMPULSORY SCHOOLING**

**Compulsory School Age** means *if the child is less than 16 or completes Year 10, whichever is sooner.*

Two sections of the legislation governing schooling in Queensland (the *Education (General Provisions) Act 2006*) help us understand compulsory schooling:

1. the definition of compulsory school age
2. the parents' obligations

Chapter 9 of the *Education (General Provisions) Act 2006* is about Compulsory schooling. Part 1 Division 1 explains the **parents' obligations**. Section 176 "Obligation of each parent" of the legislation states:

- "Each parent of a child who is of compulsory school age must –
  - ensure the child is enrolled at a State school or non-State school; and
  - ensure the child attends the State school or non-State school, on every school day, for the educational program in which the child is enrolled; unless the parent has a reasonable excuse."

At Shailer Park State High School, student attendance is a high priority. We know that students who attend regularly are more likely to be successful and safe at school. To improve our attendance procedures, we inform parents / caregivers about any unexplained absences and lateness for their child through mobile phone messages (SMS).

There are many advantages for both parents and the school to improve attendance, they include:

- Improved ability to reach parents.
- Faster communication.
- Personal, confidential and discreet.

It is important that you keep the school up to date with your most recent active mobile phone number to enable us to keep you informed.

### **What is Compulsory Schooling?**

Two sections of the legislation governing schooling in Queensland (the *Education (General Provisions) Act 2006*) help us understand compulsory schooling, they include the definition of compulsory school age and the parents' obligations.

### **The compulsory schooling requirements do not apply for:**

- a child who may carry on an activity other than attending a State or non-State school under a law of the Commonwealth
- a child who is provisionally registered, or registered, for home education, or if an application has been made for registration of the child for home education and the applicant has not been given notice of the decision on the application (s199)
- a child who is excluded from all state schools (s200(1)(a))
- a child who is excluded from a particular state school during the time reasonably required after the exclusion for the child's parent to arrange the child's enrolment with another state or non-state school or to provisionally register or register the child for home education (s200 (1)(b))
- a child who is excluded from particular state school/s during the time reasonably required after the exclusion, for the child's parent to arrange the child's enrolment with a state school not affected by the exclusion or a non-state school; or to provisionally register or register the child for home education
- a child for whom an application for enrolment at a state school has been made and the applicant has not been given notice of the decision on the application (s203)

- a child who is, or for whom an arrangement has been made for the child to become an apprentice or trainee under the VETE Act (s204).

**The compulsory attendance obligations do not apply for:**

- a child who is suspended from a state school at which the child is enrolled, while the child is suspended and the child's access to an educational program under sections 286(2) or 291 has not been arranged (s200(2)(a))
- a child who is suspended from a non-state school at which the child is enrolled, while the child is suspended
- a child who, for not more than 10 consecutive school days, is too ill to attend the state school or non-state school at which they are enrolled (s201)
- a child who is prevented from attending school because of a direction, declaration, order or requirement made under an Act or other law about an infectious or contagious disease (s202)
- a child for whom an application for enrolment at a state school has been made (s203).

**Parent Obligations**

Section 176 "Obligation of each parent" of the legislation states:

- (1) "Each parent of a child who is of compulsory school age must –
  - (a) ensure the child is enrolled at a State school or non-State school; and
  - (b) ensure the child attends the State school or non-State school, on every school day, for the educational program in which the child is enrolled; unless the parent has a reasonable excuse."
  
- (2) "Without limiting subsection (1), it is a reasonable excuse for a parent (the **relevant parent**) that –
  - (a) The child lives with another parent and the relevant parent believes, on reasonable grounds, that the other parent is complying with subsection (1); or
  - (b) In all the circumstances, the relevant parent is not reasonably able to control the child's behaviour to the extent necessary to comply with subsection (1)."

Young people who are past the compulsory school age may be in the compulsory participation phase. For clarification of this see *What is meant by the compulsory participation phase?*

**MANAGING and RECORDING ABSENCES**

**Text Messages (SMS)**

An SMS text message will be automatically sent to the mobile phone of parents explaining that our records show that your child is absent from school.

Parents can then reply using SMS, by phoning the school office on 3451 2766 or by sending a note with the child on return. If your child is absent and a reason has not been provided, then parents will continue to receive a SMS message until a reason has been given.

**Late Arrivals & Early Departures**

Occasionally a message will be sent where a child is at school but has not followed the correct procedures. Students who arrive late, must report to the Absentee Office. A student who is late and does not sign in through the Absentee Office will be marked absent the whole school day. A SMS message will be sent to the parents stating the child is absent. All students must have a note, SMS message or phone call explaining the reason the child is late.

Parents who wish to collect a child, must sign the child out and phone the office to arrange for the child to be waiting in the office at the nominated time.

**Phone the Absentee Office on 3451 2766 to record all absences, late arrivals and early departures.**

## **PARTICIPATING in “LEARNING” or “EARNING”**

A young person’s **compulsory participation phase** starts when s/he stops being of compulsory school age (i.e. turns 16 or completes Year 10 whichever comes first) and ends when the person –

- gains a Senior Certificate, 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.

Participation here refers only to the enrolment of a young person in the compulsory participation phase with a provider in a relevant program or course and compliance with the provider’s attendance requirements.

Section 239 of the *Education (General Provisions) Act 2006* sets out parents’ obligation to ensure participation:

- (1) “Each parent of a young person in the compulsory participation phase must ensure the young person is participating full-time in an eligible option, unless the parent has a reasonable excuse.
- (2) Without limiting subsection (1), it is a reasonable excuse for a parent (the **relevant parent**) that –
  - (a) The young person lives with another parent and the relevant parent believes, on reasonable grounds, the other parent is ensuring the young person participates full-time in an eligible option; or
  - (b) In all the circumstances, the relevant parent is not reasonably able to control the young person’s behaviour to the extent necessary to ensure the young person participates full-time in an eligible option.”

### **Table of Eligible Options (Compulsory Participation)**

As per S232 of the *Education (General Provisions) Act 2006*, in the following table, each of the options listed is an **eligible** option and the entity stated opposite is the **provider** for the option.

#### **232 Eligible options and providers**

In the following table, each of the options listed is an **eligible option** and the entity stated opposite is the **provider** for the option

<b>ELIGIBLE OPTION</b>	<b>PROVIDER</b>
an educational program provided under this Act	a State school
an educational program provided under the <i>Education (Accreditation of Non-State Schools) Act 2001</i>	a non-State school
a higher education course under the <i>Higher Education (General Provisions) Act 2003</i>	a university or non-university provider
a course of vocational education and training provided under the VETE Act	a TAFE institute or registered training organisation
an apprenticeship or traineeship under the VETE Act	a registered training organisation
a departmental employment skills development program under the VETE Act	the VETE chief executive

### Part 3 Participation in an apprenticeship or traineeship

#### 238 Participation in an apprenticeship of traineeship

- (1) This section applies to a young person who is an apprentice or trainee under the VETE Act.
- (2) The person is taken to be participating full-time in an apprenticeship or traineeship under the VETE Act.

#### 240 Exceptions to obligation

- (1) Section 239(1) does not apply to the extent provided under an exemption in force under chapter 10 part 5.
- (2) Section 239(1) does not apply if –
  - (a) the young person is in paid employment for at least 25 hours each week; or
  - (b) the young person is in paid employment for less than 25 hours each week, or unpaid employment, under an employment exemption.
- (3) Section 239(1) does not apply if the young person is enrolled with an entity providing a non-departmental employment skills development program and attending the entity for the program.
- (4) Section 239(1) does not apply to the extent of any inconsistency with a law of the Commonwealth under which a young person in the compulsory participation phase may carry on an activity other than participating full-time in an eligible option.
- (5) Section 239(1) does not apply if the young person is provisionally registered, or registered, for home education under chapter 9, part 5.
- (6) In this section –

**Employment exemption** means an employment exemption in force under the VETE Act, chapter 5, part 3, division 5A.

#### WHAT is MEANT by “PARENT”?

A “parent” is defined in the legislation governing schooling in Queensland (the *Education (General Provisions) Act 2006*):

##### Section 10 “Meaning of parent

- (1) A **parent**, of a child, is any of the following persons –
  - (a) the child’s mother;
  - (b) the child’s father;
  - (c) a person who exercises parental responsibility for the child.
- (2) However, a person standing in the place of a parent of a child on a temporary basis is not a parent of the child.
- (3) A parent of an Aboriginal child includes a person who, under Aboriginal tradition, is regarded as a parent of the child.
- (4) A parent of a Torres Strait Islander child includes a person who, under Island custom, is regarded as a parent of the child.
- (5) Despite subsections (1), (3) and (4), if –
  - (a) a person is granted guardianship of a child under the *Child Protection Act 1999*, or
  - (b) a person otherwise exercises parental responsibility for a child under a decision or order of a federal court or a court of a State;then a reference in this Act to a parent of a child is a reference only to a person mentioned in paragraph (a) or (b).

## MANAGING AND RECOVERING ABSENCES

### Process for Persistent Truancy or Absenteeism for Children of Compulsory School Age

The Principal will exercise discretion on a case by case basis of the appropriate point of intervention to be considered and adopted.



