

ENROLMENTS, ATTENDANCE AND PARTICIPATION

BACKGROUND

In August 2018, the ACT Government released the *Future of Education: An ACT Education Strategy for the next ten years*. Through the Future of Education strategy, one of the first actions under the foundation of ‘systems supporting learning’ is to review and amend the *Education Act 2004* (the Act), to strengthen equity, student agency, access, and inclusion.

The fifth phase of amendments to the *Education Act 2004* (the Act), which forms the *Education Amendment Bill 2024* (the Bill), relates predominantly to enrolment, participation and attendance provisions as well as clarifying the requirements for distance education in the Act.

Amendments to the Act will ensure that the ACT has legislation that reflects the principles of its education system: providing excellence and equity in education to all ACT children and young people. The purpose of this phase is to ensure that updates relating to enrolments, attendance and participation will keep the Act up to date with the requirements of a modern educational environment, and to ensure that parents/carers and school staff have greater clarity around their obligations.

PROPOSED AMENDMENTS TO THE EDUCATION ACT FOR ALL SCHOOLS (GOVERNMENT AND NON-GOVERNMENT)

Enrolments

Review the definition of ‘student’

The term student is not currently defined in several sections within the Act where the term is used. Given the different types of education available and the various ways education can be delivered, it is proposed to add a new definition of a student, to be used across all sections of the Act:

A student is an individual who is enrolled in a government or non-government school or approved learning program.

Clarify the meaning of ‘the right to choose a suitable educational environment’

Parents and carers have a right to choose whether they wish to enrol their child in either a government or non-government educational setting or register for home education. Parents and carers are not able to choose a specific government school because priority enrolment areas are necessary to ensure all children and young people can be guaranteed a place at their local school.

It is proposed to include an additional statement clarifying this section of the Act:

Choosing a suitable educational environment means a parent or carer has the right to choose to enrol their child in either the government or non-government school sector, or have their child registered for home education or distance education.

Attendance

Clarify what is considered a ‘reasonable excuse’ in different sections of the Act

Currently a ‘reasonable excuse’ is referred to in several sections of the Act, however there is no definition of what is considered a reasonable excuse for these sections. Clarifying this would recognise the difference between what is considered reasonable excuse in different circumstances –

for example for a student being absent from school or a parent failing to comply with an information or compliance notice.

Clarify the application of information notices and compliance notices for NSW residents enrolled in ACT schools

Currently the section in the Act on information notices relates to “if a child lives in the ACT”, whereas the section on compliance notices refers to sections 10A, 10D and 14D, which can also apply to NSW students.

It is proposed to resolve this inconsistency in the Act and clearly outline that these sections also apply to NSW residents enrolled in ACT schools.

Review the definition of ‘attendance’

There are circumstances where attendance looks different for students and does not require attendance at a physical school. It is proposed to add a new definition of attendance:

Attendance requires enrolled children to attend school or an approved education course on every day, and during the times on every day, when the school is open for attendance or in line with authorised flexible learning program requirements or other approved school activities.

Clarify attendance requirements for education providers other than a school

Section 10A Child of compulsory education age - school attendance currently refers to the requirements associated with a child who is of compulsory education age and enrolled at a government or non-government school but does not extend to approved education courses.

It is proposed to expand this section to also include attendance at an approved education course to ensure consistency. This will mean that these education providers will also be required to keep registers of attendance similar to the expectations of schools.

Enable flexible attendance requirements

There may be occasions when a student is demonstrating disruptive or potentially unsafe behaviour requiring additional supports and interventions to enable regular attendance at school. Flexible attendance requirements could be used to support continued engagement in education to the maximum extent possible while these supports and/or interventions can be put in place. This may look like requiring a student to be kept home on a part-time or full-time basis for a limited time.

Flexible attendance requirements would aim to prevent behaviours from escalating to the point of requiring suspension. It would also enable a school to adjust the location where they learn (for example in another learning space on the school grounds) for a limited period of time, if learning from home presents a risk to their safety and wellbeing.

Review procedures to encourage attendance at schools

Principals of government and non-government schools are required to develop procedures encouraging students to attend school regularly and to help parents to encourage their children to attend school regularly. When the procedures are unsuccessful, the Act states that the principal of the school may, by written notice, require the student’s parents and the child or young person to meet with an Authorised Person to discuss their situation.

It is proposed to review the kind of person or service that is best placed to support a student to return to school.

Require confirmation of a student's next education enrolment destination

To ensure all children and young people in the ACT stay connected with education, it is essential that we are aware of students moving between schools, home education and other education providers.

It is proposed to require parents to provide next enrolment information when unenrolling a child. This would mean it is an offence not to provide this information.

Review the application of exemption certificates

Currently, a child or the child's parents or carers may apply to the Director General for an exemption certificate exempting the child from the requirement to be enrolled at an education provider or registered for home education or the full-time participation requirement. However, there are occasions where a child may only need to be exempt on a part time basis and attend an education provider on reduced hours to the full-time requirement, but there is no provision for this in the Act.

It is proposed to update the Act to reflect the option of part-time exemption.

PROPOSED AMENDMENTS TO THE EDUCATION ACT FOR GOVERNMENT SCHOOLS ONLY

Enrolments

Outline the age and enrolment requirements for government preschool

In the ACT, your child must be enrolled in compulsory education no later than 10 school term days after the day the child turns 6 years old, when they have reached compulsory education age.

Where a child turns 6 during their preschool year, they would not be meeting compulsory education requirements. In order to prevent this situation arising, it is proposed to include in the Act clear guidance for school staff, parents and carers about age and enrolment requirements in government preschools. This will ensure students meet compulsory education requirements once they turn 6, noting that preschool enrolment is not compulsory.

Clarify the concept of priority enrolment area for a government school

A priority enrolment area is the designated area surrounding an ACT government school from which the school accepts its core intake of students. The permanent residential address of a student determines their priority enrolment area when enrolling in an ACT government school, although exceptions can apply, such as for family court orders.

It is proposed to include this definition of priority enrolment area in the Act and to clarify that a student enrolling in a government school must attend a school in their priority enrolment area unless they have been granted an exception.

Clarify the definition of educational courses

The Director-General may approve educational courses for students enrolled at a government school that may be provided to the student at a place other than the school, however there is no clear definition of what an 'educational course' is in this context and how it differs from education provided off-site, for example an excursion.

It is proposed to define the types of courses that meet the definition of an approved education course in the Act and at the same time, define the requirements that an education course provider needs to meet to gain approval.