

GUIDELINES FOR
completion
of education
under special
circumstances

NSW CATHOLIC SYSTEMIC SCHOOLS

CATHOLIC EDUCATION OFFICE SYDNEY



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1. General Principles

- 1.1 It is the duty of the State to ensure that every child receives an education of the highest quality and it is the duty of parents and caregivers to comply with the compulsory education requirements of the *Education Act 1990*.
- 1.2 A child between the age of 6 and 17 may leave school only after they have completed Year 10 of secondary education. One of the ways of completing Year 10 of secondary education is to complete education through a special circumstance approved by the Minister for Education and Training.
- 1.3 **Completion of Year 10 of Secondary education is defined as:**
- 1.3.1 Completion of Year 10 through secondary school or home schooling;
or
- 1.3.2 Completion of a course of education provided by the TAFE NSW Commission and approved by the Minister for Education and Training as the equivalent of Year 10 of secondary education in NSW; or
- 1.3.3 outside of NSW, completion of the equivalent of Year 10 of secondary education in this State.
- 1.3.4 Completion of Year 10 outside these circumstances is defined as a 'Special Circumstance' for the purpose of these guidelines. **Approval of Completion of Education under Special Circumstances** may be granted by a delegated officer (as identified in section 2 below) subject to the guidelines that follow.
- 1.4 **Approval of Completion of Education under Special Circumstances** may be granted by a delegated officer (as identified in 2.1 below) subject to the guidelines that follow.

2. Delegation of authority to grant Approval of Completion of Education under Special Circumstances

- 2.1 Under Section 21B 5(d) of the *Education Act 1990*, the Minister may grant **Approval of Completion of Education under Special Circumstances**. This power is delegated, subject to these guidelines, to the following officers in the NSW Department of Education and Training:
- The Deputy Director-General, Schools
 - General Manager Access and Equity
 - DEC Regional Directors.
- 2.2 TAFE NSW Institute Directors should approve any program that includes a TAFE delivery component.
- 2.3 In addition, the Director-General is delegated the authority to exercise the Minister's powers under Section 21B 5(d) without limitation.

3. Reasons for granting Approval of Completion of Education under Special Circumstances

3.1 The Minister's Delegate may grant approval if he or she is satisfied that:

3.1.1 the applicant has demonstrated that he or she could not complete Year 10 of secondary education by any of the means set out in section 1.3;

3.1.2 the program of education that has been undertaken by the young person, including the outcomes that have been achieved, amounts to an adequate basis for regarding the student's school education as complete in the special circumstances

4. Process prior to granting Approval of Completion of Education under Special Circumstances

4.1 It is not possible to specify all the potential cases for which approval to complete education in special circumstances may be warranted. Generally, given the range of options for completion of education that exists in the Act, it should be regarded as a rarely exercised power. It is important that any such decision takes into account the objects of the *Education Act 1990*, and in particular the duty of the State to ensure every child receives an education of the highest quality. It should also take into account the objects of the *Children and Young Persons (Care and Protection) Act 1997*, so as to ensure a child is not subject to educational neglect. Moreover, it is not possible to use this power to allow a child not to be educated. (If there are circumstances that warranted such a decision, that case should be dealt with as an 'Exemption' from the requirements of the Act under section 25).

4.2 Approval for special circumstance completion of secondary education is granted only when the relevant education, equivalent to the completion of Year 10 secondary education, is finished. Where practicable the student and his or her parents or caregivers should be made aware in advance of what the student needs to do for his or her education to be approved under 21B (5) (d).

4.3 Where a young person has undertaken and completed education in circumstances not otherwise covered by the Act, the following process will apply. The student will provide to the delegated officer:

- a statement of detailed evidence of each individual subject or course studied and completed and the result or grade achieved;
- the original certificate of any educational qualification achieved as a result of this course of study; and
- a statement of record of attendance during the period of study.

4.4 An applicant is to be provided:

- information regarding how decisions are made about applications under 21B (5)(d) and the consequences that flow from those decisions; and
- an opportunity to prove to the delegate that the student has completed his or her education as a 'special circumstance' in accordance with Section 21B 5(d) of the *Education Act 1990*

The delegate who makes the decision must be impartial and unbiased.

4.5 Applications for **Approval of Completion of Education under Special Circumstances** must be made in writing with relevant documentary evidence provided.

5. **Conditions attached to Approval of Completion of Education under Special Circumstances**

5.1 The original of the approval of completion of education under special circumstances will be provided to the parents or caregivers of the student or to the student if he or she is living independently.

5.2 The delegate should retain a signed copy of the Approval of Completion of Education under Special Circumstances in the delegate's official records.

6. **Completion of Education by completion of an apprenticeship or traineeship**

6.1 The Minister has granted approval under section 21B (5) (d) for completion of an apprenticeship or traineeship subject to the permission outlined below to be a special circumstance for the completion of education.

6.2 The following requirements must be met for permission to be granted to a student to undertake an apprenticeship or traineeship as the completion of their education:

6.2.1 The principal considers that, in all the circumstances, the student is a suitable candidate to complete his or her education through an apprenticeship or traineeship.

6.2.2 The Student gives permission for this to occur.

6.2.3 The principal has sighted a full time apprenticeship or traineeship contract signed by the employer and a summary training plan authorised by the Registered Training Organisation.

- 6.2.4 The employer agrees to notify the Catholic Education Office (through the principal) if the apprenticeship or traineeship is abandoned or cancelled before the student turns 17. If the student does not complete the apprenticeship or traineeship, he or she will not have completed Year 10 and will be legally required to do so under another pathway of the Act (for example by returning to school or seeking enrolment in TAFE NSW).
- 6.2.5 The apprenticeship or traineeship is subsequently approved by the Commissioner for Vocational Training, State Training Services as suitable for the young person and that the training contract attains a registered' status following the probationary period. (Where approval is granted by the principal and the Commissioner subsequently notifies the student of his or her decision not to approve of the contract following the probationary period, the approval, and the exemption from compulsory schooling, ceases from that point to operate. and the student's parents must take other steps to comply with their compulsory schooling obligations).
- 6.3 Where a student wishes to complete their education by undertaking an apprenticeship or traineeship, the student and his or her parent or caregiver should speak initially with the principal of the school at which the student is currently enrolled. At this meeting the reasons for undertaking the apprenticeship or traineeship should be discussed. The parent or caregiver and the student should be advised that should the training arrangement cease, the young person must still satisfy compulsory schooling requirements. Only if the principal is satisfied that the applicants understand the requirements and the conditions should he or she give permission for the process.
- 6.4 The Minister has delegated to secondary principals the power to grant a certificate of exemption from attending school under section 25 for the sole purpose of completing their education through undertaking an apprenticeship or traineeship. If the principal grants permission to the student to undertake the apprenticeship or traineeship, he or she should also grant a certificate of exemption from schooling subject to the completion of the contract of training.
- 6.5 In such cases. The secondary principal can approve the student's *Application for Exemption from Enrolment at School*, to continue education as a full time contracted apprentice or trainee. (Please note: Exemptions cannot be granted retrospectively). See *Guidelines for Exemption from Attendance at NSW Catholic Systemic Schools* (section 2.2.2.).
- 6.6 Where a student has completed the apprenticeship or traineeship for which he or she has been given the permission required by 6.2 above, he or she will have completed year 10 of secondary education for the purpose of section 21B (5) of the Education Act.

Options available in the Education Act

1. Approval to complete Year 10 through a TAFE Certificate II as a Year 10 equivalent

Section 21B (5)b Compulsory school age – “*The completion of Year 10 of secondary education is: the completion of a course provided by the TAFE Commission that is approved by the Minister as the equivalent of Year 10 of secondary education in this State*”.

- a. Eligible **students must have completed Year 9** and be at least 15 years of age, the minimum age for enrolment at TAFE.
- b. The acceptable equivalents to year 10 are AQF II vocational Certificates delivered by TAFE - not by other registered training organisations (RTOs).
- c. Qualifications being offered as equivalent to Year 10 vary according to TAFE Institutes' capacity and facilities. Young people who apply to transfer need written approval from the relevant school and TAFE staff that an appropriately supported AQF vocational Certificate II is available, and that this is the best option for the student. Informed agreement by the student and parent/ caregiver is also required.

The school liaises with the TAFE NSW Institute School Leaving Age contact person to negotiate the transfer.

1: Completing Year 10 through a TAFE Certificate II as a Year 10 equivalent	
<ol style="list-style-type: none">1. Principal considers it is in the student's best interest to complete Year 10 through a TAFE Certificate II as a Year 10 equivalent.2. School provides advice, counselling, information and relevant forms to student and parents3. Student and Parent/Caregiver complete<ul style="list-style-type: none">- Section A of TAFE issued form for <i>Approval to undertake the equivalent of Year 10 of secondary education at TAFE NSW</i>4. Principal completes<ul style="list-style-type: none">- Section B of TAFE issued form for <i>Approval to undertake the equivalent of Year 10 of secondary education at TAFE NSW</i>- and signs page 15. The school liaises with the TAFE NSW Institute School Leaving Age contact (see appended list) to negotiate the transfer.6. The policy and approval process for students wishing to attend TAFE to complete a course equivalent to Year 10 is available at: https://www.det.nsw.edu.au/policies/student_admin/enrolment/pathways/PD20090401.shtml?query=pathways7. The student completing the AQF Certificate II has discharged their obligation to complete Year 10 but must remain in education, training or employment until they turn 17	<p>Forms:</p> <ul style="list-style-type: none"><input type="checkbox"/> TAFE issued Form - Approval to undertake the equivalent of Year 10 of secondary education at TAFE NSW <p>The following URL will lead you to the form to use for students transferring from TAFE – but it needs to be negotiated with the TAFE Institute SLA contact listed above.</p> <p>https://www.det.nsw.edu.au/policies/student_admin/enrolment/pathways/implementation_1_PD20090401.shtml</p>

Options available in the Education Act

2. Approval of a Year 10 student to Complete Year 10 of a Secondary Education by undertaking a Full-time Apprenticeship or Traineeship.

Section 21B (5) d Compulsory school age - *“The completion of Year 10 of secondary education is: the completion of education in any special circumstances approved by the Minister”.*

- a. The Minister allowed the category of full-time apprenticeship or traineeship to be considered as a special circumstance. (This statement refers only to this special circumstance). Use of the category was agreed to be rare.
- b. Eligible students must have completed Year 9. The minimum age of 15 does not apply to apprentices and trainees.
- c. In non-government schools, approval has been delegated to school principals. Principals cannot delegate this power.
- d. Approval depends on the student holding a registered apprenticeship or traineeship employment contract. The student approval process for apprentices and trainees involves a collaborative process between school principal, employer, RTO staff, students and care-givers and the Commissioner for Vocational Training.

2. Completion of education in Special Circumstances apprenticeship/traineeship

The school uses Checklist [I.1] to complete the steps involved to exempt a student from schooling to undertake a full-time registered apprenticeship or traineeship, in brief:

1. The student has completed Year 9 and has been offered a full time apprenticeship/traineeship.
2. The parent/s complete and sign **Form A.4** an *Application for Exemption from Enrolment at School (Form A.4 Part A)*
3. **Form A.4 Part B Employer Agreement** is completed and signed by the employer.
4. The principal considers that, in all circumstances, the student is a suitable candidate to complete his or her education through an apprenticeship or traineeship, so completes and signs **Form A.4 Part C**.
5. The principal issues a *Certificate of Exemption from Enrolment at School under Section 25 of the Education Act 1990 (Form C.3)*
6. Copies of signed **Form A.4** [Parts A, B and C] are distributed to all parties.
7. The student’s destination is entered into the Enrolment Register (SAS 2000) and the student is removed from the school roll.

Forms:

- A.4** *Application for Exemption from Enrolment at School*
- I.1** *Checklist for Approval of a Year 10 Student to Complete Year 10 of a Secondary Education by Undertaking a Fulltime Apprenticeship or Traineeship*
- C.3** *Certificate of Exemption from Enrolment at School under Section 25 of the Education Act 1990.*

Options available in the Education Act

3. Guidelines for students who are under 17 and have completed Year 10 intending to undertake full-time employment and / or training

Section 21B (5) d Compulsory school age -

Students who have completed Year 10 but who are under 17 years of age have the choice of continuing their study with a registered training organisation, seeking full-time paid employment or a combination of study, training and paid employment, such as a registered Apprenticeship or traineeship.

After they complete Year 10 and until they turn 17 years of age, students have the following options. They may also be in:

- full-time further education and training (e.g. TAFE, traineeship, apprenticeship);
- full-time, paid employment of an average of 25 hours per week; or
- a combination of both of the above.

3. Completion of education/training to age 17 – apprenticeship/traineeship or other	
<ol style="list-style-type: none">1. The student has complete Year 10 but has not turned 17 years of age and wishes to leave school to enrol full-time study at TAFE or another RTO; undertake a combination of full-time work and study through an Apprenticeship/Traineeship; or participate in full-time work.2. The parent/s complete and sign Form A.5 Notice of intention to undertake full-time employment and/or training for students under the age of 17 who have completed Year 10 of Secondary Education.3. A completed and signed Training Plan Proposal is to be attached to this application if the student is undertaking a full-time combination of approved education or training and paid work (Apprenticeship/Traineeship)4. The principal considers that, in all circumstances, the student is a suitable candidate to leave school and their notified intentions meet the requirements of the Education Act, so completes and signs Form A.5.5. The student's destination is entered into the Enrolment Register (SAS 2000) and the student is removed from the school roll.	<p>Forms:</p> <ul style="list-style-type: none"><input type="checkbox"/> A.5 Notice of intention to undertake full-time employment and/or training for students under the age of 17 who have completed Year 10 of Secondary Education

Checklist for: Approval of a Student to Complete Year 10 of a Secondary Education

Form I.4

(by undertaking a full-time apprenticeship or traineeship)

A student under the age of 17 who has not completed Year 10 must remain at school unless he/she has an exemption from schooling.

In order for students who have not completed Year 10 to do so by entering an apprenticeship or traineeship, if they wish to leave school while undertaking the apprenticeship or traineeship, they must obtain an exemption from schooling.

This Principal's checklist outlines the steps involved in this process - **all must be met**

Step	Yes/No
1. The student has completed Year 9 and has been offered a full-time apprenticeship or traineeship	
2. The parents completed an <i>Application for Exemption from Enrolment at School</i> (Form A.4)	
3. The principal considers that, in all circumstances, the student is a suitable candidate to complete his/her education through an apprenticeship or traineeship	
4. The student's parents give written permission for this to occur - ie have submitted an <i>Application for Exemption from Enrolment at School</i> (Form A.4)	
5. The principal has recorded the sighting of a full-time apprenticeship or traineeship contract, signed by the employer and a Training Plan Proposal authorised by the Registered Training Organisation (eg a photocopy placed in the student's file)	
6. The employer agrees to notify the principal in writing if the apprenticeship or traineeship is abandoned or cancelled before the student's 17 th birthday.	
7. The principal advises the parent and student that if the apprenticeship/traineeship ceases before the student turns 17 he or she will not have completed Year 10 and will be legally required to do so under another pathway of the Act (for example, returning to school or TAFE)	
8. The principal advises the parent and student that: <ul style="list-style-type: none"> ▪ The apprenticeship or traineeship must subsequently be approved by the Vocational Training, State Training Services as suitable for the young person and that the training contract attains a <i>registered</i> status following the probationary period. ▪ Where approval is granted by the principal and the Commissioner subsequently notifies the student of her/his decision not to approve the contract following the probationary period, the approval and the exemption from compulsory education ceases to operate and the student's parents must take other steps to comply with the student's compulsory schooling obligations 	
9. The principal issues a <i>Certificate of Exemption from Enrolment</i> (Form C.3)	
10. The student is removed from the school roll	