Attendance Matters – Guidelines for implementing an effective attendance management plan

Appendix 1: *Updated to reflect Education and Training Act 2020*

**Legislation, regulations, guidelines and advice**

**The Education and Training Act 2020 (the Act)**

The Act sets out requirements for students, parents, boards and principals.

**Domestic students aged between 6 and 16 years must be enrolled at a registered school:**

*Every student who is not a foreign student is required to be enrolled at a registered school at all times during the period beginning on the student’s sixth birthday and ending on the student’s 16th birthday (Section 35).*

**Students of registered schools required to attend whenever schools are open:**

*Every student of a registered school (other than a correspondence school) who is required by Section 35 of this Act to be enrolled at a registered school, or who is aged 5 years and is enrolled at a registered school, shall attend the school whenever it is open (Section 36).*

**Parents are responsible for their child’s regular attendance at school:**

*A parent of a student commits an offence if the student while enrolled at a registered school, does not attend the school as required…*

*A person who commits an offence against subsection (1) is liable on conviction to a fine not exceeding $30 for every school day on which the offence occurs… A fine imposed for an offence against subsection (1) may not exceed $300 for a first offence or $3,000 for a second or subsequent offence* (Section 244).

*In proceedings under section… 244, the burden of proving any of the following matters in relation to a student is on a parent of the student:*

*(a) the enrolment of the student at a school*

*(b) the student’s attendance at a school*

*(c) the student' exemption from enrolment or attendance at a school* (Section 247).

**Boards must ensure attendance of students:**

*A board of a State school must, by any means it thinks fit, take all reasonable steps to ensure the attendance of students enrolled at its school.* (Section 48 (1)).

*For the purposes of complying with subsection (1), the board may appoint an attendance officer for the schools it administers.* (Section 48 (2)).

**Principals must ensure that they have evidence of enrolment and attendance:**

*Principals must be able to provide proof of the matter stated:*

*a) the enrolment of the student at a school*

*c) the student’s attendance at the school during any period* (Section 246).

**Attendance Regulations 1951**

The Education (School Attendance) Regulations 1951 require all schools to ensure:

* *accurate keeping of an admission register and a register of daily attendance for all students attending his school (Regulation 3)*
* *assistant teachers on the staff of a school shall assist in keeping the said registers and in making up summaries of attendances for each week and each term (Regulation 4)*
* *the attendance of pupils in every school shall be recorded every morning and every afternoon in the register of daily attendance (Regulation 8),*

**“We expect our kids to be here, and we want them to want to be here. It’s as simple as that.”**

 ***Principal***

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**Advice**

**Non-attendance of students under the age of six**

Five year olds who are enrolled are legally required to attend, although parents can still un-enrol them until they turn 6.