

GENERAL ENROLMENT PROCEDURES

Implementation document for the Enrolment of Students in NSW Government Schools policy

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1 Introduction

This document supports the Enrolment of students in NSW Government schools policy to provide information on the entitlements, requirements and procedures to enrol students in NSW Government schools.

This document should be read in conjunction with the policy and the additional implementation procedures that support enrolment, and information located on the enrolment web page. All references to legislation are to NSW legislation unless otherwise indicated.

The Application to enrol in a NSW Government school form has been translated in many community languages and is available on the department website.

1.1 Definitions

In these procedures:

Child of compulsory school-age is of or above the age of 6 and below the minimum school leaving age. The minimum school leaving age is 17 years; or the age at which the child completes Year 10 of secondary school and complies with the conditions set out in section 21B of the Education Act 1990.

Census school is the school in which the student is enrolled.

Disability is as defined in section 4 of the Disability Discrimination Act 1992.

Eligibility to attend a school depends on a number of factors which are listed in section 2.

An **enrolment panel** is a group of persons who consider enrolment applications in certain circumstances.

Enrolment panels consist of:

- member of the executive staff (as chairperson)
- teaching staff member/s
- school community member/s (nominated by the school's parent organisation).

An enrolment panel may consist of different members in select circumstances such as schools with a single teaching principal.

Enrolment panels consider:

- **non-local enrolment applications**, only where demand for non-local places exceeds the number of non-local places available, see section 9.4
- **adult enrolment applications**, in all circumstances, see section 10.3
- **applications for unique school settings**, in accordance with the specific school's assessment and placement procedures, see section 5.1.

Employee is a person that carries out work in any capacity, consistent with the definition of worker under section 7 of the Work Health and Safety Act 2011.

Enrolment register is the electronic system recording the enrolments of all students at a school.

Entitlement to enrol refers to the right of an eligible student to enrol at the local school.

Host school is the school that a student attends for a specific time or purpose while enrolled at a census school.

Local intake areas are designated by the Secretary, NSW Department of Education so that all compulsory school-age children in the state will be eligible to attend a government school. A child is entitled to enrol at the **local school** that the student is eligible to attend if his or her home is within that school's intake area.

Parent includes a guardian or other person having the custody or care of a child.

Relevant law includes legislation and legal principles that relate to the information it is set out next to, however this is not exhaustive.

Health and safety risks to schools arising from a child or young person's history of violent behaviour are concerns about a child or young person's health or behaviour that may pose a risk to the student, other students or staff. This includes but is not limited to:

- any behaviour that seriously interferes with the physical or psychological health, safety and wellbeing of staff, students and/or others at the school site
- seriously inappropriate sexual behaviour that could cause physical or psychological harm to the reasonable person
- a history of violent behaviour, suspension or expulsion, illegal drugs, weapons, threats, intimidation or other incidents
- a history of violence towards animals
- any history of the student displaying anti-social or extremist behaviour, and
- other examples of violent behaviour are listed in section 3.1 of the Management of health and safety risks posed to schools by a student's violent behaviour guidelines (PDF 748 KB).

Safety welfare or wellbeing concerns are child protection concerns for a child or young person that may include any one or more of the following circumstances:

- the child or young person's basic physical or psychological needs are not being met or are at risk of not being met
- the parents or other caregivers have not arranged and are unable or unwilling to arrange for the child or young person to receive necessary medical care
- the parents or other caregivers have not arranged and are unable or unwilling to arrange for a child or young person of compulsory school age to receive an education in accordance with the Education Act
- the child or young person has been, or is at risk of being, physically or sexually abused or ill-treated. This includes children or young people who have engaged in or been subject to problematic or harmful sexualised behaviour
- the child or young person is living in a household where there have been incidents of domestic violence and, as a consequence, the child or young person is at risk of serious physical or psychological harm
- a parent or other caregiver has behaved in such a way towards the child or young person that the child or young person has suffered or is at risk of suffering serious psychological harm.

Note: Physical or sexual abuse may include an assault and can exist despite the fact that consent has been given.

1.2 Legislative context

The Education Act 1990 governs enrolment in a NSW Government school. This is complemented by anti-discrimination legislation. In addition, the duty of care and work health safety, privacy and child protection legislation apply to enrolment in a NSW Government school.

Relevant law: Education

Education Act 1990 principles, rights and obligations:

- s4(a) – every child has the right to an education
- s4(c) and (d) and s34– the State has a duty to ensure students receive high quality education through the provision of public education. A parent may enrol a child at any NSW Government school, if they are eligible to attend and the school can accommodate them. A child is entitled to be enrolled at the government school that is designated for the intake area in which the child’s home is situated. The Secretary, Department of Education must designate intake areas for schools so that each school-age child in the state is eligible to attend a government school
- s4(b), s21B and s22 - education of a child is primarily the responsibility of the parents. It is the duty of a parent to ensure a child of compulsory school age is enrolled and attends a government school, registered non-government school or be registered for home schooling.

Relevant law: Anti-discrimination

The anti-discrimination objective in the Enrolment of students in NSW Government schools policy accords with the purpose of the following Acts, to recognise human rights, control unlawful discrimination against persons on the basis of race, gender, religion, sex, age, ethnicity, language background, disability, caring responsibilities, sexual orientation, transgender or marital or domestic status and support the principles of multiculturalism.

Multicultural NSW Act 2000

Education Act 1990, s34(5)

NSW Anti-Discrimination Act 1977

NSW Disability Inclusion Act 2014

Age Discrimination Act 2004 (Cth)

Australian Human Rights Commission Act 1986 (Cth)

Disability Discrimination Act 1992 (Cth)

Disability Standards for Education 2005 (Cth)

Racial Discrimination Act 1975 (Cth)

Sex Discrimination Act 1984 (Cth)

Relevant law: Other

The following legislation applies to sections of this document and the Enrolment of students in NSW Government schools policy, such as enrolment data and safety concerns in enrolment.

Children and Young Persons (Care and Protection) Act 1998

Health Records and Information Privacy Act 2002

Privacy and Personal Information Protection Act 1998

State Records Act 1998

Work Health and Safety Act 2011

Education Services for Overseas Students Act 2000 and the National Code of Practice 2007

Public Health Act 2010

2 Entitlement to enrol

Compulsory school aged students are entitled to enrol at the local school that the student is eligible to attend if their home is within that school's local intake area. Parents may apply to enrol their child in the school of their choice. However, acceptance is subject to the child being eligible to attend the school and the school being able to accommodate the child.

Parents may enrol a child if they turn 5 years of age on or before 31 July in that year. Students identified as gifted and talented, who are aged 4 years or older at 31 January of the year of enrolment may only be enrolled in accordance with the High Potential and Gifted Education policy.

Schools require an Authority to Enrol for each temporary resident and international student enrolment which is issued by DE International and the Temporary Resident Program.

Eligibility

Eligibility to attend a school may depend on:

- the kind of school, for example infants, primary, secondary, composite or schools for specific purposes
- gender, for example single sex schools
- age
- residency status – visa category and subclass, for example temporary residents are eligible for enrolment for the period of a current visa and only when fees are paid, if no exemption applies.

The Secretary, NSW Department of Education designates local intake areas as developed by School Infrastructure NSW in consultation with the principal, school community and Director, Educational Leadership. The School Finder tool provides information about school intake areas to assist parents in determining their child's local school. The areas identified in School Finder are subject to change.

Changes to a local intake area might result in a family with a child/children currently enrolled and in attendance at the school as local students consequently residing outside the local intake area. These families will retain the entitlement to enrol siblings at the school. This does not apply to families with a child/children currently enrolled at the school as a non-local when the intake area was changed.

Exceptions to the entitlement to enrol at the local school are:

- where a student is directed by the Secretary, NSW Department of Education to enrol in a particular school or type of school, due to an identified risk
- where the Minister refuses enrolment of a student if the student has been expelled from a government school or is of the opinion that there is other sufficient reason to do so.

Relevant law

Education Act 1990, s26H and s34

Reasonable adjustments are made to enable students with disability to apply for enrolment on the same basis as students without a disability. Further information is available from Disability, Learning and Support.

Relevant law

Disability Standards for Education 2005 (Cth), Part 4 - formulated under the Disability Discrimination Act 1992

Reasonable support is provided to enable students from language backgrounds other than English, in particular those learning English as an Additional Language/Dialect (EAL/D), to apply for enrolment on the same basis as students from English speaking backgrounds.

Relevant law

Education Act 1990, s6

Multicultural NSW Act 2000 Part 1, s3

2.1 Residential address check

Under the Education Act 1990, principals may require proof of address to their satisfaction in order to establish a child's entitlement to enrol in the school. However, any requests for proof of address must be reasonable in the circumstances.

Schools that are at or nearing their local enrolment buffer as calculated in accordance with sections 9.1 and 9.2 will use the following 100-point residential address check to determine the student's entitlement to enrol at the school.

Document showing the full name of the child's parent	Points
1. Only one of (that is, no additional points for additional documents) <ul style="list-style-type: none"> 1.1. Council rates notice 1.2. Lease agreement through a registered real estate agent for a period of at least 6 months or rental board bond receipt 1.3. Exchanged contract of sale with settlement to occur within the applicable school year 	40
2. Any of the following <ul style="list-style-type: none"> 2.1. Private rental agreement for a period of at least 6 months 2.2. Centrelink payment showing home address 2.3. Electoral roll statement 	20 each
3. Any of the following documents <ul style="list-style-type: none"> 3.1. Electricity or gas bill showing the service* 3.2. Water bill showing the service address* 3.3. Telephone or internet bill showing the service address* 3.4. Drivers licence or government issued ID showing home address** 3.5. Home building or home contents insurance showing the service address 3.6. Motor vehicle registration or compulsory third-party insurance policy showing home address 3.7. Statutory declaration stating the child's residential address, how long they have lived there and any supporting information or documentation of this. 	15 each

*up to three months old.

**that is current or has expired within the last 3 months.

Where a parent is able to give good reasons why they are unable to present documents, or in exceptional circumstances, principals may waive or vary the 100-point residential address check requirements when assessing a child's entitlement to enrol at the school. If this is to occur, principals are required to seek the approval of the Director, Educational Leadership.

Schools must note the requirements for the collection, use, disclosure and storage of personal and health information as outlined in the Application to enrol in a NSW Government school form. If a school keeps copies of the documents presented as part of the 100-point residential address check then measures need to be in place to store the documents securely, limit access to the documents, use the information only for the purpose for which it is collected or as otherwise permitted or required by law, and not collect information that is not necessary.

3 Exemption from enrolment

A Certificate of Exemption from enrolment may be granted by the Secretary, NSW Department of Education, Deputy Secretary or Executive Director, School Performance, if existing conditions make it necessary or desirable. Secondary principals may grant a Certificate of Exemption from enrolment for students who have completed Year 9 and are approved to undertake a full-time apprenticeship or traineeship. There are specific [Exemption from School – Procedures \(PDF 1220 KB\)](#), which include reasons for and conditions of an exemption.

Relevant law

[Education Act 1990, Part 5, s25](#)

The authority held by the Minister in accordance with this section has been [delegated](#) (staff only) to a number of positions within the department dependent upon the type of exemption.

4 Enrolment

4.1 NSW Government school

Parents may seek to enrol their child directly at their local public school by completing the [Application to enrol in a NSW Government school form](#). Translated enrolment forms are also available.

Principals can seek any information they consider to be of assistance in determining if a student is a local enrolment, see [Legal Issues Bulletin Number 43](#) for further information.

Parents seeking to enrol their child in a school other than their local public school should contact the school to determine availability of places and selection criteria if demand exceeds availability.

The school will notify parents of the result of their application.

Further information for parents is available on the [Enrolment website](#).

4.2 NSW Government preschool

Applications for enrolment in NSW Government preschools are made by completing the [Application to enrol in a NSW Government preschool \(PDF 751 KB\)](#), in accordance with the [Department Preschool Enrolment Procedures \(PDF 154 KB\)](#).

4.2.1 Early intervention classes

Application to attend an early intervention class is not covered in these procedures. Information is available on the [Early Childhood website](#). Enrolment occurs after the application process.

4.3 International students

International students may submit an application to enrol to DE International in accordance with the [International students' enrolment programs](#).

International students must submit an application to enrol to DE International and are assessed against departmental and legislative requirements for eligibility. Students must have a student visa issued by the Department of Immigration and Border Protection and an Authority to Enrol (ATE) issued by DE International to enrol.

Schools enrolling international students must comply with the legislative requirements and policies outlined in the [Eligibility and Procedures for the Enrolment of International Students in NSW Government Schools \(PDF 2.1 MB\)](#) handbook (intranet only).

4.4 Temporary residents

Temporary residents must submit an application to the Temporary Residents Program to enrol in a NSW Government school in accordance with the [Enrolment of non-Australian Citizens Procedures and eligibility \(PDF 309 KB\)](#).

Relevant Law

[Education Services for Overseas Students \(ESOS\) and the National Code of Practice 2007](#)

Temporary residents may be enrolled at a school if the school can accommodate the enrolment. If a school is at capacity, temporary residents must be referred to the next available school/s with capacity.

International students and temporary residents seeking to enrol from another NSW Government school, a non-government school or from outside NSW must be referred to DE International and the Temporary Resident Program. Prior to enrolment, these students require an Authority to Enrol (ATE) and payment of fees (if applicable).

4.5 Exchange students

The decision to enrol international students and secondary exchange students in NSW Government schools is made by the principal and is based on a number of factors including enrolment capacity.

Registered Secondary Exchange Organisations apply to [DE International](#) for an Acceptance Advice of Secondary Exchange Student (AASES) for each secondary exchange student. Enrolment conditions are found on the DE International website.

If an exchange student is seeking to enrolment in another school, Registered Secondary Exchange Organisations must provide the receiving school with a completed Acceptance Advice of Secondary Exchange Student (AASES) form and inform DE International before the enrolment takes place.

5 Enrolment in the census school

A student should be enrolled in one school only, that being the census school. However, a student may need to attend an additional school for a specific time or purpose, being the host school (see 5.1 and 5.2 for examples). This requires coordination between the census and host schools for compliance with the [School Attendance policy](#).

Relevant law

[Education Act 1990, Part 5](#)

The student remains enrolled in the census school and the census school should maintain the student's name on an attendance register, with a record of the student's attendance at the host school.

It is the responsibility of the principal or delegate of the census school to liaise with the host school so legal obligations to keep an attendance register are satisfied and that all students from the census school attending the host school are recorded on this register.

Attendance records for host and census schools as well as special circumstance registers for attendance at specialist schools and programs are kept in accordance with the [Student Attendance in Government Schools Procedures 2015 \(PDF 457 KB\)](#).

5.1 Attendance at unique school settings and programs

A student may be enrolled at a census school and attend a specialist school or program at a host school for a period of time or part-time. Examples include:

- support classes for students with behaviour disorders and/or emotional disturbance
- hospital schools and students visiting Stewart House or the Royal Far West School
- Saturday School of Community Languages
- TAFE facilities if participating in the Vocational Education Training (VET) program
- distance education
- virtual schools
- education and training units such as schools located in a Juvenile Justice Centre.

Students who require intensive levels of support may be enrolled at a School for Specific Purpose (SSP) as their census school. Enrolment is subject to an initial assessment and placement panel procedures.

5.2 Short term attendance

There may be circumstances that require a student enrolled in a census school to attend a host school for a short period of time. An example is where parents are visiting a locality for a brief period or an integration program.

Students are not required to enrol and are considered as short-term attendees for:

- a period less than one term, or
- a placement less than 2.5 days per week.

Short-term attendance may be necessary where there is a dispute between parents about enrolment. Further guidance is provided in the [Family Law Guidelines](#) and the [Student Attendance in Government Schools Procedures 2015 \(PDF 457 KB\)](#), section 15.

Information about the student will need to be shared in accordance with section 6 of these procedures, even though the student is not being enrolled.

5.3 Flexible attendance

A student may be enrolled in the census school and attend only part-time, in particular circumstances such as:

- students in Years 11 and 12 who choose the HSC Pathways option to accumulate units towards their HSC over several years
- students who undertake some of their studies external to the school, such as VET courses
- trial or HSC examinations
- students on behaviour trials
- students with disability involved in post-school transition planning.

6 Transfer of enrolment information

Students are entitled to enrol in their [local school](#) or may apply to enrol in a non-local school. The assistance of the school counsellor/psychologist or year advisor from both the existing and new schools may be required to establish the appropriate year and level of study. The transfer of enrolment information is to support the enrolment needs of the student. The student's parent or carer may be requested to provide information or documentation to facilitate any risk assessment or management, or management plans and proof of guardianship.

Students enrolling in a new school outside of normal enrolment periods (e.g., other than when a student enrolls in Year 7 or moves from Year 10 into Year 11 at the beginning of the school year) may have additional support needs.

The principal must seek relevant general school information about the student (staff only), including from the school the student was previously attending, and notify the school counsellor of the enrolment. The school counsellor must seek relevant information from the counsellor working with the non-government school and take the action identified in section of the School Counsellor Manual.

The principal must provide the school counsellor with information they have obtained from the non-government school so the counsellor can assess that information in the context of information they may have obtained from the counsellor working with the non-government school.

The learning and support or student welfare teams must assess the information obtained, identify needs and develop strategies to support the student, where required.

School counsellors should also refer to Section 2.1.2 of the School Counsellor Manual for other action that may need to be taken by them concerning the enrolment of students with a history of violence.

Information sharing guidance (PDF 128 KB) has been developed by the three education sectors in NSW. Enrolment information should be shared as soon as possible after a student applies to enrol in another school to ensure appropriate and timely support, including a risk assessment is carried out if required.

6.1 Enrolling from a NSW Government school

The transfer of enrolment information between NSW Government schools is permitted by parental consent obtained on the enrolment application form. Principals can access enrolment information on the enrolment register. The parent of the student changing schools is required to update enrolment information.

Student information can be shared between NSW Government schools without further parental consent, where consistent with the provisions of the Privacy and Personal Information Protection Act 1998 and the Health Records and Information Privacy Act 2002. These Acts enable the transfer of information about a student between government schools where lawfully authorised or required under an Act (such as the Work Health and Safety Act 2011) or any other law, including the duty of care.

Further, the department's Privacy Code of Practice, permits information sharing between government schools on a number of bases including where it is considered necessary to promote and maintain a disciplined learning environment.

Information is required to be shared by principals of primary schools and secondary schools in accordance with additional implementation procedures which support enrolment such as the High school enrolment website. Such information is used by principals to make decisions about requirements for additional support such as development of learning and support strategies.

Relevant law

Privacy and Personal Information Protection Act 1998

Health Records and Information Privacy Act 2002

6.2 Enrolling from a NSW non-government school

When a student from a non-government school is enrolling in a NSW Government school there are four ways information can be shared between government and non-government schools in NSW:

- any information by consent of parents (or students' consent of over 18 years or older)
- information relevant to the safety, welfare and wellbeing of students under the age of 18, under Chapter 16A of the Children and Young Persons (Care and Protection) Act 1998, in accordance with the [Child Protection: Responding to and reporting students at risk of harm](#) policy
- information relevant to the assessment and management of health and safety risks to schools arising from a student of any age who has a history of violent behaviour under Part 5A of the Education Act 1990
- where an exception to relevant privacy legislation applies, such as a medical or other emergency or where disclosure is ordered by a court.

Relevant law

[Children and Young Persons \(Care and Protection\) Act 1998](#)

[Education Act 1990, Part 5A](#)

[Privacy and Personal Information Protection Act 1998](#)

[Health Records and Information Protection Act 2002](#)

6.3 enrolling from a school outside NSW

The [Interstate Student Data Transfer Note](#) is a national system for the transfer of student data between schools when students move from one state to another. Parental consent is required before student information can be exchanged. The type of information that may be exchanged includes:

- attendance
- health care needs
- areas of interest and/or talent
- support needs
- progress in specific learning areas
- pastoral care
- behaviour management.

Government schools are required to use the Interstate Student Data Transfer Note and Protocol for use by government schools jointly developed and agreed by the Australian Government, State and Territory Education Authorities, the Independent and Catholic education sectors through the Standing Council on School Education and Early Childhood.

For students transferring from New Zealand, it is standard practice that a request for student information will be made to the previous school.

6.4 Enrolling from a NSW Government preschool or early intervention class

Enrolment in a departmental preschool or early intervention class does not guarantee enrolment into kindergarten in the school in which the class is located. An [Application to enrol in a NSW Government school](#) is required to be completed and submitted to the school in accordance with these procedures.

Student information and documentation from the preschool can be shared with parental consent and where consistent with the [Education and Care Services National Regulations](#).

7 Safety and wellbeing concerns in enrolment

7.1 Legal requirements

The department has a duty of care to take reasonable steps to protect students from foreseeable risk of harm and to do what is reasonably practical to ensure the health and safety of students, staff and visitors to its sites.

Departmental staff have legal obligations to identify and report child protection concerns that arise during the course of or from their work. Departmental staff may also have an important role in taking appropriate action in response to child protection concerns in partnership with the Department of Communities and Justice and other government and non-government organisations.

Relevant law

Work Health and Safety Act 2011 section 19 establishes the department's legal obligations to students, staff and visitors.

The duty of care owed by the department through its staff to students arises directly from the special relationship between teachers and students.

Relevant law

Education Act 1990, ss4(b), 21B, 22, 26H and 34

Children and Young Persons (Care and Protection) Act 1998

To manage the concurrent legal requirements where there are safety, welfare or wellbeing concerns, it is reasonable that principals obtain information relevant to assessing any risks arising from a student's previous behaviours. Collectively these concerns may include any issue concerning the health, safety, welfare or wellbeing of students and staff that may impact on school related activities.

Where these concerns exist about prospective students they should only be enrolled when adequate safeguards and supports are in place. The Management of health and safety risks posed to schools by a student's violent behaviour guidelines (PDF 748 KB) should be used to identify and implement adequate safeguards. Principals notify the Director, Educational Leadership if there are any concerns.

DE International conducts the risk assessment for international students, including information on student behaviour. If the initial assessment by DE International shows no concerns, the principal is sent a placement request which includes the student's school reports and all relevant information for the enrolment.

For all enrolments, this includes consideration of whether there are **health and safety risks arising from a student's history of violent behaviour and/or safety, welfare or wellbeing concerns**, where the student is at risk of harm from a serious health condition, has a history of anti-social or extremist behaviour or has engaged or been subject to problematic or harmful sexualised behaviour.

To assist in this process, schools must send out the student information request to previous schools, seeking information relevant to the assessment and management of risks posed to a student or by his or her behaviour to the student, other students and/or staff. This form is to be completed and, in government schools, signed by the principal or executive from the previous school. If appropriate, a referral letter should be requested from the former school counsellor to the new school counsellor. Along with information from the enrolment form and other school documentation, this form will assist in identifying any issues or concerns that require follow up. This information should be kept in a secure area and access limited to department staff requiring information.

7.2 Information on student behaviour

Principals who identify safety concerns for a prospective student are able to collect relevant information for a risk assessment and to develop a management strategy, from the following sources:

- The Application to enrol in a NSW Government school form containing information relating to a student's history, including special circumstances (such as being in out of home care, subject to bullying by others or living apart from parental supervision), potential risks of harm, suspension, expulsion and violence issues. The form gives parents the opportunity to provide schools with information to facilitate a supportive and safe transition to school, which may include planning for personalised learning and support or other strategies to meet students' needs. This information is entered and stored on the enrolment register.
- Response to a request for student background form (WORD 32.5 KB) used for information exchange between schools. Principals must have 'reasonable grounds' for making requests, such as the identification of safety concerns from the enrolment application form or in discussions with the student, parents or other professionals. The text in this form cannot be amended for legal purposes and the form must be treated as a confidential communication and only disclosed to third parties for a lawful purpose and stored securely.
- information from organisations other than schools (for example, a health care professional working with the student)
- court orders and other relevant documents provided on enrolment, and
- student counselling records to assist principals with the enrolment of a student with a history of violence. Principals assist the prompt exchange of information between school counsellors/psychologists about students with a history of violence. This will facilitate the advice a school counsellor/psychologist is required to provide the principal in relation to the enrolment application.

Collection, use and disclosure of information obtained about students with safety or wellbeing concerns should be done in accordance with the Legal Issues Bulletin Number 40.

Relevant law

Education Act 1990, Part 5A Division 2

7.3 Welfare concerns and frequent change in schools

The most vulnerable children and young people may change address or schools frequently and risk of harm can escalate in a new situation where they are not known and may have no support networks. Where there are ongoing concerns about the safety, welfare, wellbeing of a child or young person leaving a school, the principal should forward related papers under a confidential file cover to the principal at the new school, if identified.

It is important that communication occurs with the Child Wellbeing Unit in any cases where concerns are held for the safety, welfare or wellbeing of an enrolling or newly enrolled student, and with the Department of Communities and Justice where there are concerns about suspected risk of significant harm.

7.4 Students where enrolment history is uncertain

In enrolling a student, the department may need to conduct additional enquiries particularly where a student has been absent from the NSW system for a period of time, their enrolment background is unclear or where the student has been overseas, and records are unavailable. If there are any concerns about this issue, please liaise with the Director, Educational Leadership and/or Health and Safety Directorate on 1800 811 523.

7.5 Assessing enrolment applications

All enrolment applications for students with safety concerns require the following:

- The principal considers the enrolment application, information and documentation provided by the previous school(s) and explores strategies to accommodate the student. If the principal determines there may be grounds to decline the enrolment of the student on the basis of a [risk assessment](#) the Director, Educational Leadership must be consulted prior to any decision being made.
- The principal must also consult with the Director, Educational Leadership where applicants have declined to sign the Consent to access documents or Declaration of accuracy sections on page 13 of the application, or when attempts to gain information from previous schools or other agencies have been unsuccessful. Consultation with the Director, Educational Leadership must occur before making any decision and/or providing the applicant with a decision.

The principal's certification on the [enrolment form \(PDF 768 KB\)](#) confirms that the department procedures for processing an application to enrol have been followed including consideration of wellbeing and safety concerns and that a risk assessment has been undertaken for applicants identified as a potential risk. This does not certify the accuracy of the information on the enrolment applications, nor does it guarantee that no student with a history of violence has been enrolled.

While other staff members may assist in completing the certification, only the principal may sign it. It is expected that the principal oversees any risk assessment conducted and the development of any subsequent management plan associated with the enrolment of a student with safety concerns.

Where any health and safety risks arising from a student's history of violent behaviour are identified, please contact the Health and Safety Directorate on 1800 811 523 for advice.

Where any child protection concerns are identified including a student has engaged in problematic or harmful sexualised behaviours or been subjected to or otherwise affected by those behaviours please contact the [Child Wellbeing Unit](#) for advice.

Concerns about a student's wellbeing (for example if they have been previously subjected to bullying behaviour) should be discussed with the learning and support teacher with planning undertaken as necessary for the students' learning and support.

8 Refusal of enrolment

A principal may refuse to enrol a student with documented violent behaviour when risk mitigation strategies or adjustments are not possible to manage the risk. This is subject to compliance with the requirement to conduct a risk assessment, in accordance with the [Guidelines for the Management of Health and Safety Risks Posed to Schools by a Student's Violent Behaviour \(PDF 748 KB\)](#), and consultation with the Director, Educational Leadership. Any decision to refuse enrolment at a particular school should not be interpreted as a refusal to enrol in any government school or facility.

In most cases schools will be able to develop the appropriate management plans and strategies to enrol the student without compromising the safety of other students or staff. While it is expected that the vast majority of enrolment applications will be accepted at the local level, the Secretary, Department of Education has the authority to direct the enrolment of a student at a particular school appropriate to the student's needs.

The Minister may refuse the admission of a child to all or any government schools if the child has been expelled from any government school. Refer to the [Student Behaviour Procedures Kindergarten to Year 12 \(PDF 513 KB\)](#).

9 Managing enrolments in schools

A student is entitled to enrol at the local school that the student is eligible to attend if their home is within that school's local intake area. Parents may apply to enrol their child in the school of their choice. Acceptance is subject to the child being eligible to attend and the school can accommodate the child.

9.1 Enrolment cap

An enrolment cap for a school is established centrally, based on available permanent accommodation.

Demountable classrooms are not usually counted towards the enrolment cap unless new or replacement accommodation is under construction. No additional accommodation (permanent or demountable) will be provided to cater for increased enrolments resulting from non-local enrolments retained otherwise.

In schools with support classes, the enrolment cap accounts for lower student-teacher ratios in disability and learning support classes.

The enrolment cap for selective schools is set in accordance with the Selective High School and Opportunity Class Placement policy.

9.2 Local enrolment buffer

Within the enrolment cap, a number of enrolment places (the buffer) must be set aside for the enrolment of local students arriving throughout the year.

The size of the buffer will differ in each school based on historical data, enrolment fluctuations and on the number of families moving into or out of the area. For example, in the case of secondary schools, the number of local area students exiting an Intensive English High School or Intensive English Centre should be taken into account, where appropriate.

The size of the local enrolment buffer is set locally by the principal and approved by the Director, Educational Leadership. It is reviewed annually and set in time for assessing applications for the following year's enrolment intake.

Places in the local enrolment buffer are not to be offered to non-local students.

9.3 Multi-campus colleges

Multi-campus college agreements should have enrolment provisions for schools in their collegiate group. This should be communicated to the community for transparency and reviewed when the collegiate agreement is reviewed.

9.4 Non-local enrolment

Non-local enrolment applications are only considered by schools that can accommodate the child below the set local enrolment buffer level. In determining whether the school can accommodate a child the principal considers:

- the child's age
- the type of school
- the resources of the school
- the existing number of permanent classrooms and other facilities at the school.

Except for enrolments at the commencement of the school year, schools that have not reached their local enrolment buffer level should only accommodate non-local enrolments into classes with available places.

In schools where demand for non-local enrolment exceeds the number of available places below the enrolment buffer, the school must develop non-local enrolment criteria and establish an enrolment panel to consider and make decisions on all non-local enrolment applications.

When the school's enrolment level is close to the local enrolment buffer, the principal is required to inform the principal of the child's local school when considering the non-local enrolment application, and to seek approval of the Director, Educational Leadership before making an offer to enrol the child.

Relevant law

Education Act 1990, ss 34(1), (5) and (6)

Disability Standards for Education 2005 (Cth)

9.4.1 Application

Non-local enrolment applications include the Application to enrol in a NSW Government school and a non-local enrolment application form. The non-local enrolment application form is developed by the school and requires the applicant to address the selection criteria and provide supporting documentation. A template has been provided in the Appendix.

Parents of students seeking enrolment for Year 7 at a non-local high school may do so during the Expression of interest - Placement in Year 7 in a NSW Government school process. The process for Year 6 students is coordinated by primary schools during Term 1 each year.

9.4.2 Criteria

Criteria for the enrolment of non-local students should be developed by the principal after consultation with the school community. The principal may establish a panel consistent with section 9.4.3 to determine and prioritise the criteria.

Criteria for non-local enrolment applications must be documented and cannot be unlawfully discriminatory. Criteria may include:

- siblings already enrolled at the school
- proximity and access to the school
- access to single-sex education
- medical reasons
- safety and supervision of the student before and after school
- availability of subjects or combinations of subjects
- compassionate circumstances
- structure and organisation of the school
- recent change in the local intake area boundaries.

Criteria must not include student ability, performance or achievement. Priority should be given to siblings of currently enrolled students, where possible.

Only specialist schools, for example sports or performing arts high schools, may include student ability, performance or achievement in the school's specialisation within the criteria for non-local enrolment.

It should be made clear what priority is given to each of the criteria.

The criteria should be made available to the school community and parents who are interested in enrolling their children. Schools ensure that information about selection criteria, the choice of courses or programs available is accessible in a way that enables the student and parents to make informed choices.

9.4.3 Enrolment panel

The composition of the enrolment panel is determined locally and will consist of one executive staff member to chair the panel and at least one teaching staff member nominated by the principal and one school community member nominated by the school's parent organisation. Applicants for non-local enrolment must be advised that the panel will include a school community member and all panel members should be asked to confirm they have no conflict of interest when considering the application.

It is preferable that the principal is not the chair or the executive member on the panel so that appeals in the first instance can be considered by the principal.

Some schools may be unable to create a full panel due to issues such as remote location and/or staff consists of a single teaching principal. The principal will determine the most equitable method of assessing enrolment applications in partnership with the Director, Educational Leadership.

The panel considers non-local enrolment applications in a timely manner. In considering applications, the panel assesses only the information and supporting documentation presented on the non-local enrolment application form, available from the school.

The decision made by the panel must take into account the enrolment cap and the buffer retained for local students arriving later in the year. The panel records all decisions and keeps minutes of meetings which are to be available on request by the principal and Director, Educational Leadership.

The chairperson ensures that the established criteria are applied equitably to all applicants. The school will notify parents of the result of their application. Parents may request a written explanation of the decisions of the panel.

9.4.4 Waiting list

A waiting list may be created for non-local students who are not offered enrolment. Any waiting list created will remain valid during the current intake period only. The waiting list is determined by the enrolment panel. Parents are advised in writing if their child is to be placed on a waiting list and his or her position on it. The length of the waiting list should reflect realistic expectations of potential vacancies.

9.4.5 Appeals

Unsuccessful non-local applicants may appeal against the decision of the enrolment panel. The appeal is made in writing to the principal and sets out the grounds of the appeal. If necessary, the principal should provide or arrange assistance, such as an interpreter, to enable the appeal to be set out in writing.

The purpose of the appeal is to determine whether the stated criteria have been applied equitably. If the principal is not on the enrolment panel, the principal considers the appeal and makes a determination. Otherwise, the appeal may be determined by the Director, Educational Leadership.

The parent should be advised of the outcome in writing. If the matter is not resolved at the school level, the final level of appeal is to the Director, Educational Leadership.

10 Adult enrolment

NSW Government schools provide education for compulsory school aged children. The education of adults is provided primarily by TAFE NSW, the Adult and Community Education sector and other education providers.

Adults do not have a legal entitlement to be enrolled in schools. However, principals may accept adult enrolments for purposes of receiving instruction usually leading to the award of the HSC.

Relevant law

Education Act 1990, s34(7)

Adult enrolment of full fee-paying overseas students and temporary residents is managed by DE International.

A person employed in the NSW Teaching Service may not be enrolled as a student.

Applications to enter into study at an educational training unit in a Juvenile Justice Centre may be subject to different requirements.

10.1 Adult enrolment application

10.1.1 Higher School Certificate

An adult may be enrolled in a NSW Government school to complete Stage 6 schooling where there are no alternative options for adult education available. A principal may accept an enrolment application for an adult to attend a Stage 6 school program in order to complete the HSC, upon consultation with the enrolment panel.

10.1.2 Other than Higher School Certificate

An adult may be enrolled in a NSW Government school to a course of study not leading to the HSC in exceptional circumstances. Exceptional circumstances include remote rural areas where the government school is the only available education facility. A principal may accept such an enrolment application, upon endorsement by the Director, Educational Leadership.

10.2 Application

An Application to enrol in a NSW Government school form is submitted to the principal along with the following:

- proof of age and identity, including any previous names
- contact details for 2 character referees
- a statement that they have no history of behaviour that would indicate they pose a safety risk to others in the school environment and a working with children check clearance obtained from the Office of the Children's Guardian
- evidence of current or recent studies, where applicable.

10.3 Enrolment panel

The principal establishes an enrolment panel to interview the applicant, contact referees, consider the application and associated documentation. The panel should include:

- member of the executive as convener
- student welfare officer or relevant year advisor
- parent association representative.

It is preferable that the principal is not a member of the panel so that any appeal in the first instance can be considered by the principal.

Some schools may be unable to create a full panel due to issues such as remote location and/or staff consists of a single teaching principal. The principal will determine the most equitable method of assessing enrolment applications in partnership with the Director, Educational Leadership.

10.3.1 Interview

The enrolment panel interviews the applicant to:

- assess the suitability of the applicant by the following criteria:
 - available alternatives
 - commitment to education
 - academic readiness
 - capacity to integrate successfully in school
 - any risk they may pose to safety
 - child protection issues.
- explain the nature of the school programs, rules and culture and establish the applicant's willingness to comply with school policies and procedures
- discuss support needs, such as the appointment of a mentor, regular monitoring of progress or assistance from the school counsellor/psychologist or other learning support staff
- where referees are not appropriate request alternative referees
- if relevant, seek agreement from the applicant for the panel to access information from government agencies, health professionals or other relevant bodies.

The enrolment panel will inform the applicant that they may be accompanied by a support person, if required.

10.4 Conditions

The principal may establish conditions of enrolment such as an agreement between the principal and the student. This may include expectations of the student, assistance provided by the school to the student, dates for review, a process for resolving any disagreements and a termination clause.

Principals should seek advice from Legal Services before providing and entering into an agreement.

10.5 Determination

In determining whether an application is accepted or declined the panel considers:

- the applicant's interview
- the referees' reports
- any relevant information held by the department
- relevant information from government agencies, health professionals or other relevant bodies with regard to potential risks to health and safety in the school
- Working with Children Check clearance.

10.6 Communication

Written notice of the determination should be provided to the applicant. An unsuccessful applicant is to be provided the following information:

- reasons for declining the application
- alternative education options, including TAFE NSW
- contact numbers for relevant advice and support
- availability of an appeal of the determination, made in writing to the principal.

10.7 Termination

Principals may terminate the enrolment of an adult on the following grounds:

- lack of commitment to education
- lack of academic readiness
- demonstrated incapacity to integrate successfully
- demonstrated risk to the welfare, health or safety of staff or students including the adult student
- proof that documentation submitted as part of the application to enrol was false or misleading
- non-compliance with conditions of enrolment.

Termination of adult enrolment will follow procedural fairness principles. Any termination will be in writing and occur in accordance with the agreement between the principal and the adult student.

11 Enrolment data

Enrolment data is recorded about each enrolled student to comply with legislation, for administrative purposes and resourcing, accountability and reporting requirements.

The principal maintains a register of the enrolments at the school on the electronic enrolments register prescribed by the department. The register of enrolments includes the following student information:

- name, date of birth and address
- name and contact telephone number of parent(s)
- date of enrolment
- leaving date and destination (where applicable)
- previous school (where applicable)
- any other information as required by the department or Minister.

The enrolment register is kept for State Archives. Student information is provided by the parent on the [Application to enrol in a NSW Government school form](#) and the [Application to enrol in a NSW Government preschool form](#).

DE International records and maintains data on international students, temporary residents and exchange students.

School staff will comply with Privacy and Personal Information Protection Act 1998 (NSW). Information provided will be used to process applications for enrolment and associated purposes, the information will be stored securely.

School staff will comply with records retention and disposal requirements under 3.0.4 and 3.0.5 of the [Functional Retention and Disposal Authority FA387 \(PDF 193 KB\)](#).

Relevant law

[Education Act 1990, s24](#)

[Privacy and Personal Information Protection Act 1998](#)

[Education Services for Overseas Students \(ESOS\) and the National Code of Practice 2007](#)

[Health Records and Information Privacy Act 2002](#)

[State Records Act 1998](#)

11.1 Resourcing, accountability and reporting

An enrolment return is an online submission of a school's enrolment data to the Human Resources Directorate. It occurs each February and forms the basis for the calculation of schools' staffing entitlements and resource allocation. An enrolment return for international students is also submitted to DE International in February each year, which determines disbursements to schools and meets Commonwealth reporting obligations.

Principals have an obligation to ensure that the enrolment information on the return is complete and supported by adequate enrolment and attendance documentation to meet accountability and audit requirements.

Principals are responsible for certifying the accuracy of the school enrolment return and must ensure that the students included in the return are those:

- present on the day of the completion of the return
- although absent from the school on the day, have had some attendance in the current year and have not informed the school that they are leaving
- although absent from school on the day, advice in writing has been received from the parent, or formal record of parent interview, to state that the student will be returning before the conclusion of term one.

Other enrolment information, including age/grade, language other than English spoken at home, English language proficiency, disability, visa category and subclass and Aboriginal and Torres Strait Islander data, provides data for resourcing of specific programs, legislative requirements, obtaining Commonwealth funding and national reporting.

Student enrolment information and the enrolment returns are subject to regular review as part of the school audit process.

12 Additional implementation procedures

There are additional policies and procedures relating to enrolment, such as:

- [Preschool class fees in Government schools](#)
- [Distance Education Enrolment Procedures \(PDF 345 KB\)](#)
- [Enrolment of Non-Australian Citizens – Procedures and Eligibility \(PDF 309 KB\)](#)
- [Proof of Identity and Residency Status \(PDF 586 KB\)](#)
- [Selective High School and Opportunity Class Placement policy](#)
- [Year 6 to Year 7 transition](#)
- [High Potential and Gifted Education policy](#)
- Procedures for particular circumstances, such as distance education, virtual secondary school, students with a disability accessing specialist support classes, transgender students, intensive English centres and schools, temporary residents, international students and students with a history of violence.

Additional information, relevant forms, and resources, are located on the department's [Going to a public school website](#).

13 Appendix

School name

Application for non-local enrolment

Student Information

Family Name: _____ Date of Birth: ___/___/___

Given Name(s): _____ Gender: _____

Address: _____

Suburb: _____ Postcode: _____

Home Phone: _____ Work Phone: _____

Mobile Phone: _____

Parent/carer name: _____

Relationship to student: _____

Current school: _____

Current scholastic year (K-12): _____

Non-local school placement request

Proposed scholastic year (K-12): _____ Proposed date for enrolment: ___/___/___

Please provide reasons for your application for non-local enrolment, based on the school's selection criteria [published at <insert URL of web page listing the selection criteria for non-local enrolment>], and attach supporting documentation:

Signature of parent/carer: _____

Date: ___/___/___

School use only

Date received: ___/___/___ Places available: _____

Parents advised on: ___/___/___

Designated local school: _____

Notes: _____

