



Exemption from compulsory school attendance – rules, application and supervision

Background

Policy area objective

The aim of compulsory school attendance is to entitle every child to free education in the public education system.

How the current regulatory framework helps achieve this objective

All children who are domiciled in Sweden have a constitutional right to education, from the pre-school class until completion of compulsory school. This right is matched by the obligation to attend school for pupils who are registered as residents of Sweden. This audit concerns the system that allows for departures from the main principle requiring pupils to attend school, for extensive leave of absence, consent to complete compulsory education in a way other than that prescribed in the Education Act, and when compulsory school attendance ceases to apply because of an extended stay abroad.

The current provisions, adopted in 2010, draw from older legislation, even if certain adjustments have been made. Families are now considerably more mobile than previously, both with regard to holiday travel and temporary employment abroad. Today, the provisions are being used in situations for which they were probably not intended when they were formulated.

Issues

What we audit

The Swedish National Audit Office examines leave of absence, consent to complete compulsory education in a way other than that prescribed in the Education Act and when compulsory school attendance ceases to apply because of an extended stay abroad. The purpose is to examine whether the Government and central government agencies have ensured that the existing regulatory framework and its application function in accordance with the legislator's intentions.

Questions

- Is exemption from compulsory school attendance clearly regulated in the Education Act?
- Does the Swedish Schools Inspectorate conduct appropriate supervision of these provisions?

- Has the National Agency for Education produced sufficient support for the municipalities to interpret the legislation?

Conclusions

The conclusion of the Swedish National Audit Office is that the regulatory framework is not applied in accordance with the intentions of the legislator. All three provisions are unclear with regard to what is required for a decision, which means that decision-makers have difficulties in determining how they are to make decisions, and what decisions are to be made. This leads to great variation both between and within municipalities when applying the legislation. The Swedish Schools Inspectorate has not conducted any supervision with regard to the way in which the provisions are applied, and the National Agency for Education has not produced sufficient support and guidance for any provision.

Recommendations

The Swedish National Audit Office recommends that

- the Government takes the initiative to amend the Education Act with regard to the provisions discussed here, in order to clarify their purpose. Any review should take into account the following aspects:
 - How long leave should a school principal be able to approve
 - Whether an option for a truancy penalty should be introduced into the Education Act
 - Whether the provision on extended stays abroad should only apply to the children of public employees who are stationed abroad.
- The Swedish Schools Inspectorate is to supervise the way in which municipalities work on cases related to completing compulsory education in a way other than that prescribed in the Education Act. The Swedish Schools Inspectorate should also consider whether leave of absence, and termination of compulsory school attendance because of an extended stay abroad should be inspected in some way.
- The National Agency for Education is to produce support and guidance to clarify what applies for leave, consent to complete compulsory education in a way other than that prescribed and when compulsory school attendance should actually cease to apply.

Method

The Swedish NAO has compiled material from the municipalities with regard to decisions taken on consent to completing compulsory education in a way other than that prescribed. Information has also been collected with regard to leave of absence and extended stays abroad. Twelve municipalities have been interviewed with regard to how they produce background material and the way in which decisions are taken regarding these provisions. Twelve files were examined at the Swedish Schools Inspectorate, and a number of officials at the Ministry of Education and Research, the National Agency for Education, the Swedish Schools Inspectorate and the Swedish

Association of Local Authorities and Regions (SALAR) were interviewed. Legal texts, preparatory documents and other legal sources were studied.

Grounds for assessment

The grounds for the assessment are formulated on the basis of what is considered to be the intention of the Education Act's provisions, on the Administrative Procedure Act and the Instrument of Government regarding the requirement for impartiality and the equality of all people before the law with regard to public decision-making. In addition, the instructions of the Swedish Schools Inspectorate and the National Agency of Education are used.