

INFORMATION FOR PARENTS

Suspension, exclusion and expulsion of a student from a state and state integrated school

You have been told by the school that your child has been suspended. This information sheet gives you some information. You may also want to refer to the legislation and rules about stand-downs, suspensions, exclusions and expulsions, available from the principal.

If your child faces disciplinary action from the school, you may feel devastated or angry at the school or your child. You may want to support your child no matter what, or you may want the school to punish your child.

It is always important to hear both sides of the story and work with the school and your child to get your child back to school again.

Stay Calm

**Talk to your child
about what happened**

**Think about your child's
behaviour then go and
talk to the principal**

Suspension: Frequently asked questions

What is a suspension?

A suspension is the formal removal of a student from a school by the principal until the board decides the outcome at a suspension meeting. At this meeting, the board may decide to:

- » lift the suspension without conditions, or
- » lift the suspension with reasonable conditions imposed, or
- » extend the suspension with reasonable conditions imposed, or
- » exclude or expel the student.

Can a student be suspended just for breaking a school rule?

The principal cannot automatically suspend a student because they have broken a school rule or behaved badly. The principal has to consider the circumstances of each situation and be satisfied that the situation warrants suspending the student.

The principal must act fairly.

Who can suspend a student from school?

A student can only be suspended by the principal of the school or a person with the delegated authority of the board to act as principal (**Section 80(1) of the Education and Training Act 2020**).

What are the reasons for a student being suspended?

The principal has to be satisfied on reasonable grounds that:

- » the student's gross misconduct (serious misbehaviour) is a harmful or dangerous example to other students at the school (**Section 80(1)(a) of the Education and Training Act 2020**), or
- » the student's continual disobedience is a harmful or dangerous example to other students at the school (**Section 80(1)(a) of the Education and Training Act 2020**), or
- » because of the student's behaviour, it is likely that the student, or other students at the school, will be seriously harmed if the student is not suspended (**Section 80(1)(b) of the Education and Training Act 2020**).

Can one student be suspended for an 'incident' while another student receives a different outcome for the same incident?

When a principal decides that a student should be suspended, the principal has to consider the evidence and all the circumstances. Two students may appear to have committed the same actions during an incident, but when the principal takes everything into consideration, it may be fair to treat each student differently.

If my child has been suspended, what happens next?

The board (or a committee of the board) must meet to decide the outcome of the suspension within seven school days. Your child cannot attend school again until the board has made its decision. Your child may be required to go to school for guidance and counselling during the suspension period (**Section 80(3) of the Education and Training Act 2020**). Your child may be able to go to school during the suspension period for specific activities or classes if you ask the principal and the principal considers your request is reasonable (**Section 80(3) of the Education and Training Act 2020**). You may ask about making arrangements for your child to meet a particular requirement for a course of study, or to sit an examination.

You may ask the school or the Ministry of Education for a copy of the Education (Stand-down, Suspension, Exclusion and Expulsion) Rules 1999. The rules are on the Ministry website at: <https://education.govt.nz/school/managing-and-supporting-students/student-behaviour-help-and-guidance/stand-downs-suspensions-exclusions-and-expulsions-guidelines/appendices/appendix-2-education-rules-1999/>

These rules contain detailed information about stand-downs and suspensions.

What do I need to know about the meeting of the board?

The suspension meeting has to be held within seven school days of the date of the suspension (or within ten calendar days if the suspension took place within seven school days of the end of the term) (**Section 81(5) of the Education and Training Act 2020**). The principal will let you know in writing about the time and place of the meeting. The principal will send you the following papers at least 48 hours before the meeting:

- » The procedures for meetings that are held to decide on suspensions.¹
- » A copy of the principal's report to the board about the suspension.

- » Copies of any other material about the suspension that is to be presented at the meeting
- » The suspension options available to the board (**Section 81(1) of the Education and Training Act 2020**) and possible outcomes of these options.

You and your child, and your representatives, may attend the meeting and any of you may speak at the meeting. You should try to plan what you are going to say beforehand (**Section 85 of the Education and Training Act 2020**).

How can I attend the suspension meeting?

Meetings are usually face to face but if you're not able to meet in person you can ask the board of trustees for a meeting by telephone or skype instead. You must send this request in writing to the board as soon as you find out about the suspension – email or text is fine for this.

The board may refuse your request if they receive it too late (ie on the day of the suspension meeting) or if the school doesn't have the technology available to meet with you remotely.

What happens at the meeting?

The board will receive the principal's report. You will then be asked to give the board any information you believe the board should consider in making its decision. Your child and any representatives you take with you may also give the board information. Please note that most boards like to meet the young person involved and hear their side of the story.

After all the material has been presented and discussed,² everyone who is not a board member will leave the meeting (including the principal),³ unless the board allows everyone to stay. The board will then decide the outcome of the suspension.⁴

A decision must be made in good faith and without bias or prejudice. This means that the meeting must be run in such a way that:

- » both sides are heard
- » parties have open minds, with no pre-conceived decisions
- » parties do not follow an inflexible rule or policy
- » the board takes into account relevant factors only
- » the board reaches a decision that is reasonable, fair and based on the facts
- » principles of natural justice must be followed.

¹ If you do not attend the meeting it will proceed without you.

² If new information is presented about your child during the meeting, you may ask the board to adjourn the meeting so that you can consider this new information.

³ The principal is a board member, but is considered a non-board member when the time comes for the board to decide what course of action to take.

⁴ Although the board will give you the decision at the meeting, they will still inform you in writing about what was decided and the reasons for the decision.

After the meeting, can my child return to the school?

If the suspension is lifted without conditions, **YES**.

If the suspension is lifted with reasonable conditions, **YES**.

If the suspension is extended with reasonable conditions for a reasonable period, **THE STUDENT WILL RETURN TO SCHOOL ONCE EITHER THE CONDITIONS ARE MET OR THE EXTENDED SUSPENSION EXPIRES (WHICHEVER OCCURS FIRST)**.

If your child is excluded or expelled, **NO**.

Getting your child back to school Many schools have a plan to get students back into a normal school routine. You can help by:

- » working with the school
- » agreeing to a shared plan
- » checking the plan is working
- » having ongoing discussions with the school.

What happens if the suspension is extended?

Your child cannot attend the school during the extended suspension period unless you ask the principal and the principal considers your request is reasonable (**Section 80(3) of the Education and Training Act 2020**).

Your child will need to meet the conditions imposed by the board (which are to help your child return to the school). Your child will be provided with an appropriate educational programme by the school (**Section 84(2) of the Education and Training Act 2020**). If the suspension is extended for more than four weeks, your child's progress will be monitored by the principal and reported to the board at its regular meetings. You will get a copy of each of the principal's reports.

If the board asks your child to meet reasonable conditions, and your child does not meet these conditions, then the principal can ask the board to meet again (**Section 81(3) of the Education and Training Act 2020**). This reconsideration meeting will follow the same procedures as the first meeting.

Exclusion and expulsion: Frequently asked questions

What happens if my child is excluded (students under 16)?

- » Your child can no longer attend the school from which s/he was excluded.
- » The principal has to try to arrange for your child to attend another school within 10 school days (**Section 81(7) of the Education and Training Act 2020**).
- » The principal must inform the Ministry of Education if your child is not enrolled at another school after the 10 school days.
- » If the principal cannot arrange for your child to be enrolled at another school, the Ministry will help to find another school for your child to attend (**Section 82(1-4) of the Education and Training Act 2020**). You should be aware, however, that this process may take some time.
- » Alternatively, you may try to enrol your child in another school. While your child is excluded, the boards of other state schools may refuse to enrol him or her (**Section 87(2) of the Education and Training Act 2020**). (The Ministry can also direct another state school to enrol a student who is currently excluded.)

What happens if my child is expelled (students 16 and over)?

- » Your child cannot attend the school from which s/he was expelled.
- » The principal does not have to try to find another school for your child to attend, but will tell the Ministry of Education if your child wants to continue schooling.
- » If your child is expelled from school, the boards of other state schools may refuse to enrol your child (**Section 87(2) of the Education and Training Act 2020**). However, the Ministry may help you in finding another school for your child. The Ministry can also direct another state school to enrol a student who is currently expelled.
- » Alternatively, you may try to enrol your child in another school. Schools do not have to accept a student expelled from another school.

What is the purpose of the legislation on stand-downs, suspensions and exclusions?

The purpose of the legislation is to:

- » ensure that individual cases are dealt with in accordance with the principles of natural justice
- » provide a range of responses for cases of varying degrees of seriousness
- » minimise the disruption to a student's attendance at school
- » facilitate the return of the student to school, when that is appropriate.

Where can you go if you would like some guidance and advice?

Parent Legal Information Line for School Issues (PLINFO)

PO Box 24005, Wellington 6142
Tel: 0800 499 488
Email: info@ywclc.org.nz
Web: www.wclc.org.nz

YouthLaw Aotearoa (nationwide)

Tel: 0800 884 529
Email: nzyouthlaw@gmail.com
Web: www.youthlaw.co.nz

Commissioner for Children

PO Box 5610, Wellington 6145
Tel: 0800 2244 53
Email: advice@occ.org.nz
Web: www.occ.org.nz

Community Law Centres

Web: www.communitylaw.org.nz

Citizens Advice Bureau

Tel: 0800 367 222
Web: www.cab.org.nz

Also consider people who know your child well and can speak for them, such as a coach, teacher aide or guidance counsellor.

Please note: it may be better not to ask a school staff member or member of the school's board of trustees, as they may not be able to speak on your child's behalf.

MINISTRY OF EDUCATION		www.education.govt.nz
Tai Tokerau	Tel: 09 436 8900	Email: enquiries.whangarei@education.govt.nz
Auckland	Tel: 09 632 9400	Email: enquiries.auckland@education.govt.nz
Waikato	Tel: 07 850 8880	Email: enquiries.hamilton@education.govt.nz
Bay of Plenty/Wairariki	Tel: 07 349 7399	Email: enquiries.BoP-Wairariki@education.govt.nz
Hawke's Bay/Tairāwhiti	Tel: 06 833 6730	Email: enquiries.napier@education.govt.nz
Taranaki, Whanganui, Manawatu	Tel: 06 349 6300	Email: enquiries.wanganui@education.govt.nz
Wellington area	Tel: 04 463 8699	Email: enquiries.lowerhutt@education.govt.nz
Nelson, Marlborough, West Coast area	Tel: 03 546 3470	Email: enquiries.nelson@education.govt.nz
Canterbury	Tel: 03 378 7300	Email: enquiries.christchurch@education.govt.nz
Otago/Southland	Tel: 03 471 5200	Email: enquiries.dunedin@education.govt.nz

You may also contact:

Human Rights Commission

Infoline: 0800 496 877
Email: infoline@hrc.co.nz
Text: 0210 236 4253
Web: www.hrc.co.nz

Office of the Ombudsman

PO Box 10152, Wellington 6143
New Zealand-wide answer phone
Tel: 0800 802 602

Complaints

Email: info@ombudsmen.parliament.nz
Web: www.ombudsmen.parliament.nz