

SUSPENSION PROCESS

CHECKLIST

Schools are required to follow very strict processes when dealing with a suspension. The checklist below is for parents to use to help decide whether the process has been fair.

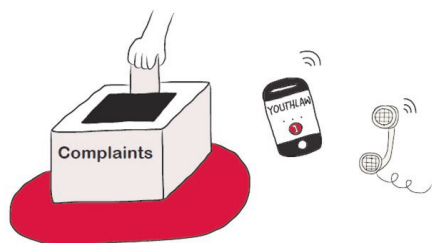
- I was clearly notified of the grounds for the suspension.
- I was told that I had the right to a representative at the suspension hearing.
- The suspension hearing was held within 7 school days of my child being removed from school.
- I was given all information that the Board would consider at least 48 hours before the suspension hearing.
- The Board gave me and my child a chance to speak at the suspension hearing, and genuinely considered what we said.
- My child and I had an opportunity to respond to all the claims against my child.
- The Board only considered things that were relevant to the reasons for the suspension.
- I have been informed in writing of all important decisions.

CHALLENGING A DECISION

If you disagree with the school's decision or feel that a student has been treated unfairly, the best option is to talk to the school to try to resolve the issue.

If this doesn't work, there are other options open to you such as complaining to the Ombudsman.

Contact YouthLaw so that we can discuss your options with you.



YouthLaw

Free legal help throughout Aotearoa

YouthLaw provides free legal help for young people under the age of 25. We have special expertise in the area of education law, and can give advice on school disciplinary processes. If you know a young person who needs assistance, please get in touch with us.

Visit our website:
www.youthlaw.co.nz

Contact YouthLaw
for further free help or advice:

Free phone: **0800 UTHLAW**
(0800 884 529)

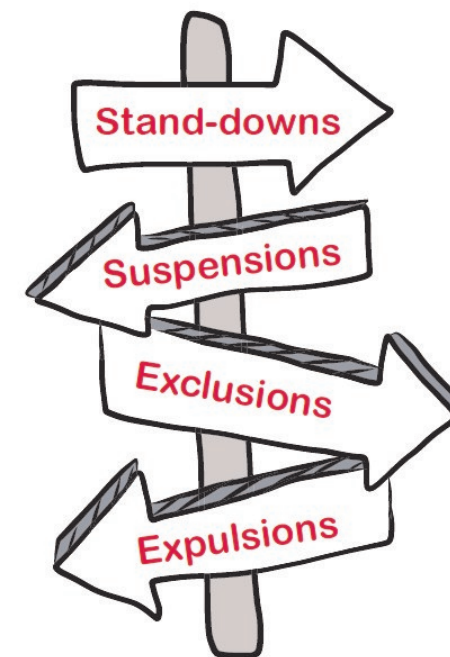
Email: info@youthlaw.co.nz



SCHOOL DISCIPLINARY PROCEDURES

Stand-downs, Suspensions,
Exclusions and Expulsions

*A guide for parents and
supporters of young people*



THE RIGHT TO EDUCATION

All New Zealand citizens and residents between the ages of 5 and 19 have the right to a free education. This right is protected by the Education Act 1989 and international conventions.

Because of this, a school cannot simply remove a student from education. They may do so only if they have good reasons, and follow the correct process.

There are four possible measures available to a school to remove a student from education. These are:

- Standing the student down
- Suspending the student
- Excluding the student (if under 16)
- Expelling the student (if 16 and over)

This information brochure is designed to give parents a basic overview of what to expect if one of these steps is taken by the school.

GROUNDINGS FOR REMOVAL

There are three grounds upon which a student can be removed from school. These are:

- Gross misconduct that is a harmful or dangerous example to other students. This must be a very serious one-off incident;
- Continual disobedience that is a harmful or dangerous example to other students. This must be an established pattern of disobedience, *not* a one-off event;
- A student is likely to be seriously harmed if the student is not removed.

STAND-DOWNS

A stand-down is where the principal decides to remove the student from school for a fixed number of days. At the end of the stand-down period, the student returns to school. This is automatic, and the school cannot put conditions on the student's return.

A student can only be stood down for a maximum of 5 days per school term, and up to 10 days per year.

The student's parents must be notified as soon as practical after the student has been stood down. They should be given written notification of the reasons for the stand-down.

A parent or student can request to meet with the principal to talk about the stand-down. The student may be allowed to attend school for certain classes or activities, but this decision is up to the principal.

SUSPENSION

A suspension is where the principal decides to remove the student from school until the Board of Trustees can meet to decide what will happen next.

The student's parents must be notified as soon as practical after the student has been suspended, and given the time and location of the suspension hearing.



In most cases, the Board have to hold the suspension hearing within 7 school days. The exception is where this would include the school holidays - then the hearing must be held within 10 calendar days. The student, their parents and any representatives are entitled to attend.

At least 48 hours before the hearing, the student's parents must be given all the information that the Board of Trustees will consider at the suspension hearing.

There are four options available to a Board of

Trustees at a suspension hearing:

- Allow the student to return to school without conditions;
- Allow the student to return to school on reasonable conditions;
- Extend the suspension on any reasonable conditions which help the student's return to school;
- Exclude or expel the student (depending on their age). The student is removed from the school permanently, and is not allowed to go back.

In making their decision, the Board of Trustees must follow a fair process and consider what parents and students say about these options. A student should only be removed from school as a last resort, if no other course of action is practical.

EXCLUSIONS

The Board of Trustees can decide to exclude a student who is **under 16 years old**. Before making this decision they have to consider all possible options that will allow the student to stay in school.

If a student has been excluded, the Principal must try to arrange for the student's enrolment in another school within 10 school days.

If the Principal isn't successful in this, the Ministry of Education may find another school, or direct the student to enrol in Correspondence school. In rare cases, they may direct the student back into their old school.

EXPULSIONS

The Board of Trustees can decide to expel a student who is **at least 16 years old**.

If a student has been expelled, there is no obligation on the principal or the Ministry of Education to find them another school.