

## PROCEDURE 19: Student Stand-Down, Suspension, Exclusion and Expulsion

Each school board member is expected to comply with all general legislation. The removal of a child by stand-down, suspension and/or exclusion is an option of last resort available to schools when other interventions have been tried and failed or in circumstances where it is believed that student safety may be compromised. Such circumstances would typically include one or more of the following:

- continual disobedience (regularly or deliberately disregarding rules or refusing to follow instructions), which is harmful or dangerous to staff and/or other students
- gross misconduct (serious misbehaviour) which is harmful or dangerous to staff and/or other students
- behaviour that risks serious harm if the student remains at school

### Procedure:

1. Conduct investigation relating to the incident.
2. Interview with student(s) and parents/caregivers
3. Send stand-down or suspension letter home.
4. Student and parents/caregivers to meet with Board of Trustees to determine outcome as per the Ministry of Education guidelines.
5. Contact MoE including submitting relevant information into the ENROL system.

### Requirements:

When considering the option of stand-down, suspension and/or exclusion, Whareorino School will follow all legislative requirements as set out in the following documents and/or including verbal advice or direction from the Ministry:

1. MoE Guidelines for principals and Boards of Trustees on Stand-Down, Suspension, Exclusion, and Expulsion legal options and duties PART I dated Dec 2009 *and*
2. MoE Good Practice Guidelines for principals and boards of trustees for managing behaviour that may or may not lead to stand-downs, suspensions, exclusions and expulsions Part II dated Dec 2009.
3. Sections 78 - 89 of the Education and Training Act, sections as they apply:

Education and Training Act 2020 Sections 78 – 89 principals may stand-down or suspend students

(1) The principal of a State school may stand-down or suspend a student if satisfied on reasonable grounds that—

- (a) the student's gross misconduct or continual disobedience is a harmful or dangerous example to other students at the school; or
- (b) 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 stood-down or suspended.

(2) A stand-down may be for 1 or more specified periods, and—

- (a) the period or periods may not exceed 5 school days in any one term;
- (b) a student may be stood-down more than once in the same year but for not more than 10 school days in total in that year;
- (c) in calculating the period of a stand-down, the day on which the student was stood-down, and any day on which the student would not have had to attend school in any event, must not be counted;
- (d) the principal may lift the stand-down at any time before it is due to expire.

(3) If a student has been stood-down or suspended, the following provisions apply in relation to the student's attendance at the school:

- (a) the principal may require the student to attend the school if the principal reasonably considers the student's attendance is appropriate for the purposes of section 17A:

- (b) the principal must allow the student to attend the school if the student's parents request that the student be permitted to attend the school and the principal considers the request is reasonable:
- (c) otherwise the student does not have to, and is not permitted to, attend the school while stood-down or suspended.

## **Sections 78 – 89 Education and Training Act 2020 [Education and Training Act 2020 sections 78-89](#)**

### **Purpose of sections 79 to 89**

The purpose of [sections 79 to 89](#) relating to the standing-down, suspension, exclusion, or expulsion of a domestic student from a State school is to—

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

### **Application of sections 80 to 89**

[Sections 80 to 89](#) (and any rules made under [section 89](#)) apply only in relation to domestic students at a State school.

### **Principals of State schools may stand down or suspend students**

- (1) The principal of a State school may stand down or suspend a student if satisfied on reasonable grounds that—
  - (a) the student's gross misconduct or continual disobedience is a harmful or dangerous example to other students at the school; or
  - (b) because of the student's behaviour, it is likely that the student, or other students at the school, would be seriously harmed if the student were not stood down or suspended.
- (2) A stand-down may be for 1 or more specified periods, and—
  - (a) the period or periods may not exceed 5 school days in any one term:
  - (b) a student may be stood down more than once in the same year but for not more than 10 school days in total in that year:
  - (c) in calculating the period of a stand-down, the day on which the student was stood down, and any day on which the student would not have had to attend school in any event, may not be counted:
  - (d) the principal may lift the stand-down before it is due to expire.
- (3) If a student has been stood down or suspended, the following provisions apply in relation to the student's attendance at the school:
  - (a) the principal may require the student to attend the school if the principal reasonably considers that the student's attendance is appropriate for the purposes of [section 84](#):
  - (b) the principal must allow the student to attend the school if a parent of the student requests that the student be permitted to attend the school and the principal considers the request is reasonable:
  - (c) otherwise the student does not have to, and is not permitted to, attend the school while stood down or suspended.

### **Powers of State school board when suspended students aged under 16 years**

- (1) If a student aged under 16 years has been suspended from a State school, the school's board may—

- (a) lift the suspension before it expires, either unconditionally or subject to any reasonable conditions the board wants to make:
  - (b) extend the suspension conditionally for a reasonable period determined by the board when extending the suspension, in which case subsection (2) applies:
  - (c) if the circumstances of the case justify the most serious response, exclude the student from the school by extending the suspension and requiring the student to be enrolled at another school.
- (2) If the board extends a suspension conditionally, the board must impose reasonable conditions aimed at facilitating the return of the student to school and must take appropriate steps to facilitate the return of the student to school.
  - (3) If a student fails to comply with any condition imposed under this section in respect of the lifting or extension of their suspension, the principal may request the board to reconsider the action it took under this section.
  - (4) If subsection (3) applies, the board may confirm or reverse its earlier decisions or may modify its earlier decisions by taking any action specified in subsection (1).
  - (5) If the board has not sooner lifted or extended it or excluded the student under subsection (1)(c), the suspension of the student ceases to have effect—
    - (a) at the close of the seventh school day after the day of the suspension; or
    - (b) if the suspension occurs within 7 school days before the end of a term, at the close of the tenth calendar day after the day of the suspension.
  - (6) If the board excludes the student under subsection (1)(c), the principal must try to arrange for the student to attend another school that is suitable and that the student can reasonably conveniently attend.
  - (7) If the principal is unable, by the tenth school day after the day of the board’s decision to exclude a student, to arrange for the student to attend another school, the principal must tell the Secretary what steps the principal took in trying to do so.

**Secretary’s powers when excluded students aged under 16 years**

- (1) If the Secretary is satisfied that the board of a State school has excluded a student aged under 16 years from the school under [section 81\(1\)\(c\)](#), and that the principal has not arranged for the student to attend another school, the Secretary must,—
  - (a) if satisfied that it is appropriate for the student to return to the school from which the student has been excluded, lift the exclusion; or
  - (b) arrange for and, if necessary, direct the board of any other State school (other than a State integrated school) to enrol the student at the other school; or
  - (c) direct a parent of the student to enrol the student at a distance school.
- (2) The Secretary may not lift an exclusion under subsection (1)(a) or give a direction under subsection (1)(b) unless the Secretary has made all reasonable attempts to consult—
  - (a) the student; and
  - (b) a parent of the student; and
  - (c) the board; and
  - (d) any other person or organisation that, in the Secretary’s opinion, may be interested in, or able to advise on or help with, the student’s education or welfare.
- (3) If the board of a school from which the student has been excluded also controls another school, the Secretary (in exercising the power conferred by subsection (1)(b)) may direct the board to enrol the student at that other school.

- (4) A board must comply with a direction under subsection (1)(b), and the direction overrides any enrolment scheme the school may have in place.

**Related Website:**

- [Education and Training Act 2020 sections 78-89](#)
- Ministry of Education Guideline: [Part One: Legal options and duties](#)
- Ministry of Education Guideline: [Part Two: Good practice](#)

**Related Documentation:**

- MoE Suspension Legal PART I
- MoE Suspension Good Practice PART II
- Education and Training Act 2020
- Stand-down letter
- Suspension letter



PRINCIPAL

Dated: February 1, 2022