Safety and Security Directorate

Information for School Personnel and School Community Members.

Suspension and Expulsion of School Students ~Procedures~

Revised Policy 2005
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Introduction

During 2004, the policy, Suspension and Expulsion of School Students – Procedures underwent revision following an extensive process of consultation. The revision of the procedures reflect changes recommended by Professor Andrew Gonczi in his report Measuring and Reporting on Discipline and Student Suspensions in NSW Government Schools (2002). The revised procedures were launched by the Premier and the Minister for Education and Training on 3 August 2004.

This information has been provided to assist principals to inform school staff and community members about the procedures. A range of materials has been provided to enable a flexible approach to introducing the procedures. The materials are:

- a Powerpoint presentation that can be downloaded separately
- a sample article for the school newsletter.
- a script for the Powerpoint presentation that may be used as a handout.
- answers to frequently asked questions
- an information brochure that can be copied back to back. This is a locked document and can be downloaded separately. Phone numbers and names can be inserted on the back page.

Conducting a meeting of school staff and/or community members ensures that accurate information is provided on the purpose of suspension and expulsion; the procedures involved with suspension and expulsion; support available from the school and region and the rights and responsibilities of all concerned. The meeting should articulate where suspension and expulsion fit within the school’s student welfare and student discipline policies.

Assistance in conducting a meeting as well as general matters concerning suspension and expulsion is available from the student welfare consultant and other regionally based support staff such as the student services officer.
Sample Article

Sample article explaining the basic elements of the suspension and expulsion procedures for inclusion in a school newsletter.

SUSPENSION AND EXPULSION OF SCHOOL STUDENTS – PROCEDURES.

Schools must be places where students and teachers feel safe and can concentrate on the important task of learning. This happens best when there are standards of behaviour that everyone understands and follows and where students, staff and community members respect each other.

When students misbehave they disrupt their own learning and that of other students. Misbehaviour may be dealt with in a number of ways. For less serious misbehaviour the issues may be resolved by talking through the problem. In some cases the student may need additional support from school personnel or from regional office support staff. For more serious misbehaviour or ongoing problems, it may be necessary to suspend a student from the school for a time. In more extreme cases it may be necessary to expel a student from the school completely.

Suspension or expulsion from school is a very serious matter. Only a small number of students will ever be suspended or expelled from school. Suspension means that students are not allowed to return to school for a period of time. The purpose of suspension is to allow students time to think about and accept responsibility for their behaviour. It also allows the school time to make a plan to assist the student to improve their behaviour. This is more effective when parent(s) or carer(s) work with the school to help solve the problem.

Principals may impose a short suspension of up to and including 4 school days, or in more serious cases a long suspension of up to and including 20 school days.

Expulsion means that a student is removed permanently from the school they attend. When students are expelled from a particular school for misbehaviour another educational placement will be found for them.

Students and parent(s) or carer(s) may appeal against any decision to suspend or expel. They may appeal because they feel the decision was unfair, or because the procedures were not followed correctly. Appeals will normally be made to the school education director. Further information about suspension, expulsion and how to appeal can be obtained from the principal or from the regional office on telephone number______.

The policy Suspension and Expulsion of School Students – Procedures has recently been revised. A copy of the procedures can be obtained from the Departments “Our Policies” website, or by following the following link:

Handout and Script
Suspension and Expulsion of School Students - Procedures

Revised Policy
2005 – Information for Staff and Community Members.

Gonczi Report - Purpose
- Professor Andrew Gonczi was commissioned in 2001 to conduct a review of suspension and expulsion to:
  - Analyse suspension data collected by DET and report on ways to improve the collection, analysis and reporting of data
  - Examine the relationship between student welfare and discipline policies and the imposition of suspension.

Gonczi Report – Recommendations
- The categories of short suspension should be revised. An annual report to be made by school education directors on short suspension trends.
- Long suspensions should continue to be reported to the public in modified categories. The categories of violence and weapons should be redefined.
- Provision of exemplars and case studies to assist principals in categorisation of suspensions to ensure greater consistency.

Important Context Statements
- 4.0.4
  In implementing these procedures, the principal must ensure that no student is discriminated against on the basis of:
    - Race, including colour, nationality, descent and ethnic, ethno-religious or national origin
    - Sex
    - Marital status
    - Disability, including HIV/AIDS
    - Homosexuality
    - Transgender, or
    - Age.

A review of the processes for gathering and reporting on data relating to suspension and expulsion of school students was conducted by Professor Andrew Gonczi and Associate Professor Geoffrey Riordan from the University of Technology Sydney. Their report was released in September 2002.

Professor Gonczi’s report recommended that reporting of suspension data should focus on long suspension and expulsion as these were indicative of more serious behaviour issues. The report found inconsistencies in interpretation of the suspension policy and in recording the reasons for suspension.

This context statement outlines the requirements of state and federal anti-discrimination legislation. All Departmental policies must conform with this and other legislation.
**Important Context Statements**

- **4.0.5**
The principal must also ensure that the implementation of these procedures takes into account factors such as the age, individual needs, any disability and developmental level of students.

- **5.0.4**
  Procedural fairness
  - The right to be heard
  - The right to a fair and impartial decision

**Suspension is not a punishment. It fits within the options available to schools for managing discipline and behaviour issues.** This will be documented in the schools discipline policy. Except in the most serious cases, suspension will occur only after a range of other discipline and support options have been implemented. The suspension / expulsion procedures can apply outside of the school grounds and outside of school hours where there is a clear and close relationship between the incident and the school.

**Types of Suspension (6)**

1. Short Suspension – up to and including 4 school days
2. Long Suspension – up to and including 20 school days.

- If the principal wishes to impose more than 2 long suspensions on a student within any 12 month period, approval must be sought from the school education director.

**Grounds for Suspension**

**Short Suspension** (6.2)

1. Continued Disobedience
   - Refusal to obey teacher instructions
   - Defiance
   - Disrupting other students
   - Minor criminal behaviour related to the school
   - Use of alcohol or persistent use of tobacco

**In most cases suspension in this category will only occur after a range of discipline and support options have been implemented.** The student and parent(s) or carer(s) will have received a formal written caution that suspension may be considered if the unacceptable behaviour were to continue.
Grounds for Suspension

Short Suspension (6.2)
2. Aggressive Behaviour
   Including but not limited to:
   - hostile behaviour to students, members of staff or other persons (including verbal abuse and abuse transmitted electronically such as by email or SMS text messages)

Grounds for Suspension

Long Suspension (6.3)

- Physical violence
  - Which results in pain or injury, or which seriously interferes with the safety and well being of other students and staff.

In some cases where a student has been suspended for a major incident involving physical violence, it may be necessary to conduct a risk assessment to ensure the safety of students and staff when the student returns from suspension. Refer to paragraphs 7.3.10 and 7.3.11

A prohibited weapon is one that is listed on Schedule one of the *Weapons Prohibition Act* (1998). Most firearms and knives are not prohibited weapons (there may be valid reasons to possess them – eg employment).

Under legislation it is an offence to carry a knife without having reasonable cause to do so.

Alcohol and tobacco are not illegal substances (it is illegal to supply them to underage persons)
Students who supply prescription drugs to other students at school are also to be suspended.
In the past, most weapons related suspensions have occurred for the reasons listed in this category.

The school discipline policy and these procedures can apply outside of school hours and outside of the school grounds where there is a clear and close relationship between the incident and the school. This is regardless of any action taken by another agency such as NSW police.

In considering if an immediate suspension is warranted, considerations such as: safety of students and staff; merit and circumstances of the particular case; factors such as age, individual needs, disability and developmental level of students will need to be considered. The rules of procedural fairness still apply when considering immediate suspension.
Suspension and Safety

7.3.10
- Where a student is returning from suspension following an incident that involves violence or weapons, the principal must undertake a risk assessment if he or she believes the return of the student will pose a risk to staff, students or other persons. This should be completed before the final day for resolution of the suspension.
- The student should not be re-admitted until the issues have been addressed. Support from regional office may be needed.

Expulsion from School (8)

- Principals have authority to expel a student from school for:
  1. Misbehaviour of a student of any age (8.2)
  2. Unsatisfactory participation in learning of a post compulsory age student. (8.4)
- The Minister may refuse enrolment to all other government schools if a student has been expelled for extreme misbehaviour (8.3)

Expulsion for Misbehaviour (8.2)

- Students must be given an opportunity respond to any allegations prior to any decision being made by the principal.
- The principal, school education director or nominee and parent(s) or carer(s) will work together to find a suitable alternative placement
- The new placement should be finalised within 10 school days of the confirmation of the expulsion.

Expulsion for Unsatisfactory Participation (8.4)

- This is generally for a documented pattern of non-satisfactory completion, non-serious attempts to meet course objectives or non-compliance with BOS requirements for the award of a SC or HSC.
- Student must be of post compulsory school age (15)
- Must be at least one formal written warning, and an improvement program developed

The risk assessment will identify how the risk can be managed. If the issues cannot be addressed or resolved before the final day of the suspension the school education director must be notified. The school education director will work with the principal to determine how the issues can be resolved.

The gravity of the circumstances require that particular emphasis be given to procedural fairness. Under the Education Act (1990) the Minister has the power to suspend or expel a student. This power is delegated to principals only. No other member of staff has this delegation.

If a student is expelled for misbehaviour from a particular school, only a regional director can give approval for the student to return to that school.

The ACE manual provides guidance on developing improvement programs.
Procedural Fairness

Principals must ensure that they have followed the principles of Procedural Fairness in implementing these procedures. There are 2 essential elements:
1. The right to be heard
2. The right to a fair and impartial decision

What is procedurally fair will depend on the circumstances – eg, young students, students with disabilities and students with a poor understanding of English may need additional support to ensure the right to be heard is adhered to. In ensuring the right to a fair and impartial decision it is good practice to have someone other than the principal investigate the incident.

The formal disciplinary meeting where the allegations are put to the student and an opportunity given to consider and respond to the allegations is an important component of procedural fairness.

The role of the observer in long suspension / expulsion is defined in the appendices. Having an observer present protects the rights of students and staff members. A observer does not take part in the meeting.

Provision of written notification is an important process in ensuring requirements of *The Education Act (1990)* are adhered to, particularly relating to attendance and duty of care.
Resolving the Suspension

- For long and short suspensions the principal will hold a resolution meeting with parent(s) or carer(s) to determine how the issues will be resolved.
- This must occur before the final day of the suspension.
- If parent(s) or carer(s) require an interpreter the school will make arrangements.
- Parent(s) or carer(s) may bring a support person if they wish.

A support person provides advice and support to the parent. They do not take part in the meeting.

If it is not possible to resolve a suspension before the final date of the suspension (for example because of safety concerns), the school education director must be informed.

Most appeals occur because of procedural issues. The most common reason is failure to have a formal disciplinary meeting prior to the decision being made.

If an appeal or a component of an appeal is upheld, the person determining the appeal will decide what action is appropriate.

Appeals (10)

- Students, parent(s) or carer(s) may appeal against suspension and expulsion decisions if they feel that:
  1. Correct procedures have not been followed
  2. An unfair decision has been reached.

Appeals can be made to:

- School Education Director against the decision of a school principal to suspend or expel a student from a particular school
- Regional Director against the decision of a School Education Director.
Frequently Asked Questions
Suspension and Expulsion of School Students - Procedures

Frequently Asked Questions

This section lists some commonly asked questions associated with the procedures and provides relevant points to answer the questions. The material is intended to be used as an awareness raising activity.

**General Issues**

1. **What is the purpose of suspension?**
   
   Suspension allows the student time to think about and accept responsibility for what he or she has done. A long suspension allows time for the school to plan an intervention to help the student participate more effectively in their education. It also allows the school, the student and the parents or carers the opportunity to co-operate and provide support.

2. **What is the purpose of expulsion?**
   
   Expulsion for misbehaviour provides a student with the option of a fresh start at a new school. Where the impact of an incident of misbehaviour has been significant, or the behaviour of a student has become so entrenched, it is often in the best interests of the school and the student for them to enrol at another school.

3. **Who decides whether a student should be suspended or expelled?**
   
   The principal has the authority to impose two long (or more with approval from the SED) and two short (or more provided SED is notified) suspensions on a student in any 12 month period. The principal has the authority to expel a student from the school on the grounds of misbehaviour, or unsatisfactory participation in learning if a student is of post-compulsory age. Only the Minister for Education and Training can decide that an expelled student should not be permitted to enrol in all or any government schools.

4. **Who has the authority to suspend or expel a student from school?**
   
   The principal may delegate the authority to investigate allegations (this is good practice when possible), but the principal must make the decision to suspend or expel. If the principal is absent, the person acting in the principal's position becomes responsible for the decision.

5. **Does the school discipline policy override the Departmental policies and procedures?**
   
   No.

**Suspension**

6. **Can students be suspended if they come to school affected by alcohol, drink alcohol at school or bring alcohol to school?**
   
   Alcohol related incidents may be seen by the principal as a safety or welfare risk for the student, as well as others. A principal may choose to suspend a student if it is believed the circumstances warrant it. The principal may decide that due to a student's level of intoxication, they are not well enough to attend school that day. Refer to *Guidelines for Managing Drug Related Incidents in Schools* for guidance on supporting students with alcohol issues.
7. Can a student be suspended for verbal abuse of a teacher?

A principal may decide that a particular incident of verbal abuse is so serious as to warrant a suspension. Repeated incidents of less serious verbal abuse may also result in the suspension of a student following a formal written caution and discussion with parents / carers.

8. Should students be suspended for smoking?

Smoking is prohibited in schools. Most schools have a system of counselling and parent contact which occurs if a student is caught smoking at school. This is usually accompanied by a written warning that subsequent smoking will be regarded as continued disobedience and may lead to suspension.

9. What constitutes serious behaviour?

This is a matter to be determined by the principal based on the circumstances of each individual incident. In line with Government policy, students who are perpetrator violence resulting in injury or pain, use or possess a suspected illegal substance or use or possess a prohibited weapon, firearm or knife (without reasonable cause) are to be suspended.

10. Would there be a reason to suspend a student for a one-off case of insolence?

It is possible that a student's insolence is such that suspension could be considered, especially if the insolence involves a threat of violence. However suspension will generally only occur following warnings, support to the student and notice to parents.

11. What are some examples of student action that could constitute criminal behaviour?

Assaults which result in physical injury or sexual assault; possession of suspected illegal drugs; substantial property damage or theft. If the principal considers a student's behaviour is criminal, it must be reported to the police.

12. What must a principal do in cases of violent behaviour?

Violent behaviour must be reported immediately as a serious incident to the School Safety and Response Hotline (1300 363 778). Violent behaviour resulting in injury or pain will result in the immediate suspension of the student. Serious incident reporting procedures must be followed. The police may need to be informed.

Expulsion

13. What are some examples of student action that could result in expulsion?

A decision to expel a student from a particular school may result from:

- the failure of a post compulsory age student to meet minimum standards of participation, ie not completing required work, particularly assessment tasks. At least one formal caution that this action is possible, with an improvement program put in place is required before proceeding with expulsion.
- serious incidents of misbehaviour such as violence, serious threats of violence or extensive property damage.

A decision to deny enrolment to all or any government school for a student who has been expelled from a particular school can only be made by the Minister. Action of this kind is rare and usually results from extreme acts of physical violence.
14. Can poor attendance become grounds for expulsion of post-compulsory age students?

Students of post-compulsory age may be expelled for non-satisfactory participation. Repetitive absences may contribute to non-satisfactory participation through failure to complete set work. The principal must have provided a written warning and an opportunity for the student to improve their participation.

15. If a student is to be expelled from a particular school, how long do students, parent or carers have to respond before the action occurs?

They have seven school days.

16. Who is responsible for finding an alternative school in cases of expulsion from a particular school?

Where the expulsion is because of misbehaviour, the principal in conjunction with regional staff and parent(s) or carer(s) will arrange a place at another school or alternative educational facility appropriate to the needs of the student. This must happen within 10 school days. Where the expulsion is due to unsatisfactory participation by a student of post-compulsory age, the responsibility for finding a new school or alternate placement lies with the student and their parent(s) or carer(s).

17. In the case of expulsion from a particular school, can another appropriate school refuse to take the student because he or she has a record of violence?

This may not be a sufficient reason for a principal to refuse to enrol a student. A risk assessment would need to be completed identifying potential issues and the support that may be needed to ensure the safety of other students and members of staff. Refer to Occupational Health and Safety requirements.

**Length of Suspensions and Expulsion**

18. How long is a suspension?

- a short suspension is up to and including four days (not automatically 4 days)
- a long suspension is up to and including twenty days (not automatically 20 days)

19. Does a suspension have to be four days (short) or twenty days (long)?

Not if the suspension can be resolved satisfactorily in a shorter period. The length of a suspension is determined by the need to resolve the issue satisfactorily and also to ensure the safety and welfare of the student, staff and other students in the class or school. The aim should be to return the student to school in the shortest possible time.

20. How soon can a suspended student return to school?

Students may return to school sooner, subject to agreement being reached between the school, the student and parents or carers.

21. What does a 'twelve month period' mean?

A twelve month period is not a calendar year (ie always January to December only). It is any period of twelve months from the date a student was suspended.
22. Can a student who is expelled from a particular school re-enrol at that school if they are a local student?

If a student is expelled for unsatisfactory participation, re-enrolment would be at the discretion of the principal. If a student is expelled for misbehaviour, re-enrolment can only occur with the approval of the regional director.

**Discipline Interviews and Suspension Resolution Meetings**

23. Does the principal have to conduct the meeting with parents?

The principal is responsible for making the decision to suspend a student and for convening a meeting to discuss the basis on which the suspension can be resolved. The actual meeting could be conducted by a senior member of the executive such as a deputy principal.

24. What if the student, parents or carers feel they need support in meetings with the school?

Parents and carers can have a support person present. The parents or carers make these arrangements. Students may also choose to have an appropriate observer of their choosing present at disciplinary interviews about long suspension or expulsion.

25. Can a principal refuse to accept a particular support person?

The support person is not an advocate. Their role is to support the parent, not to represent the parent or student, therefore principals should, wherever possible, accept the family's choice of support person.

26. Who would be an appropriate observer?

Usually this would be a person who is trusted by the student. In some cases this might be a member of their cultural group. Principals should allow reasonable latitude. An observer is not an advocate for the student but an observer of the process.

27. Who might the principal consider to be an inappropriate observer?

A principal would need good reasons to consider an observer to be inappropriate. A principal may believe a particular observer could be abusive, misleading or inflammatory. Some employees of the Department could be put into a position of conflicting loyalties if they were to act as an observer. Procedural fairness requires an absence of bias and the absence of a perception of bias.

28. Why should a student have an observer present when being interviewed if a decision has not yet been made about a long suspension?

The formal disciplinary interview will be held only in cases where the allegations are such that a suspension is likely to be considered. The inclusion of an observer at this stage when a long suspension is being considered provides an important element of procedural fairness, particularly if an appeal against the suspension is subsequently made.

29. What if parents or carers are unable to attend a suspension resolution meeting?

The inability or unwillingness of parents or carers to attend a suspension resolution meeting should not prevent the school from resolving the suspension. Where a particular circumstance means that the student is unlikely to be back at school before the concluding date of the suspension, the school education director must be notified and alternative steps taken to resolve the suspension and enable the student to return to school.
30. What if there are no parents?

The school should endeavour to identify a carer. If the student is living independently the principal must deal directly with the student.

31. What happens if the student, parents or carers do not feel confident about speaking English?

The principal should be sensitive to this and arrange for an interpreter to be present. This can be arranged by telephoning the Telephone Interpreter Service on 131 450. Translated suspension documents are available on the DET website at:


For enquiries about translation of documents regarding suspension and expulsion, contact the Multicultural Programs Unit on 9244 5306.

32. What constitutes an opportunity to respond?

It is essential that a reasonable person would consider that a student has been treated fairly throughout the process. Generally a student should be given enough time, free from duress, to consider what has been stated or written by the principal and to respond orally, or in writing.

Procedural Issues

33. Is it necessary to impose a short suspension before a long suspension?

No. Some serious misbehaviour may warrant an immediate long suspension, eg physical violence, use or possession of a prohibited weapon.

34. Is it necessary to impose a long suspension before expulsion?

Expulsion applies only to the most serious incidents. During the process of expulsion the student must be placed on a long suspension. Students who are being expelled because of unsatisfactory participation are not placed on a long suspension.

35. Does a principal need the approval of the school education director once two suspensions have been made in any 12 months period?

After two short suspensions the school education director must be informed about every short suspension of an individual student. After two long suspensions the approval of the school education director is necessary.

36. When can a suspended student be sent home?

A student should not be sent home before the end of a school day unless the parent or caregiver has been informed and agrees. Generally arrangements should be made for the collection of the student from school.

37. To avoid making a suspension, can the parent be asked to take the student home?

No. Principals should rely on strategies available under the school or departmental student welfare and discipline policy. In some alternative educational settings as part of a structured behaviour management plan parents, may take students home for the remainder of a school day without a suspension to assist in maintaining the student in the setting. This must be approved by the principal.
38. When is a school counsellor's report required?

It is required for long suspensions and expulsions. In some cases this may be a proforma report, but in others a more thorough report and assessment may be required. The school counsellor should be involved as part of the school's student welfare procedures and is a part of the learning support team.

**Police Involvement**

39. When must a principal call the police?

The principal must call the police if a student engages in criminal behaviour, which could include possession of a prohibited weapon or a suspected illegal substance and violence. The principal may call the police if a student's behaviour is threatening other students or staff, or if a student who has been expelled or suspended refuses to leave the premises.

40. If the police are called to a matter involving a student, what must the school do?

The principal should proceed with the disciplinary process regardless of any action taken by the police.

**Drugs and Suspension**

41. How will the school know if a substance is an illegal drug?

Under arrangements made with NSW Police the substance will generally be identified within 48 hours of the material being handed to the Police by the school principal. NSW Police will hold the substance pending any legal action.

42. What if the student tells the principal that the substance is not an illegal substance and the police analysis proves the student to be correct?

Whether or not the substance proves to be illegal, the principal's decision is based on whether or not the substance is being passed as an illegal substance.

43. Is a school able to suspend a student who has used alcohol or tobacco under the illegal drugs category?

Alcohol and tobacco are not illegal substances. The law makes it illegal to sell alcohol or tobacco to a person under the age of 18. Possession, or use, by a person under 18 years is not an offence. These matters should be covered by a school's student welfare policy. Suspension may occur if the problem persists and cannot be managed in any other way.

**Study Programs**

44. When is a study program required?

It must be developed for all students on long suspension. Students are expected to follow the program.
45. If a student does not complete the study program can this effect their return to, school?

The study program is intended to support the student and provide continuity for their education. The purpose of suspension is to allow time to plan more effective intervention once the student returns to school. Non-completion of the program should not interfere with moves to return the student to school.

**Appeals**

46. Can the student, parents or carers appeal against decisions to suspend or expel a student?

Appeals can be made about suspensions, expulsions or recommendations for expulsion. The appeal must state whether an unfair decision has been made or that correct procedures have not been followed.

47. If the student, parents or caregiver decide to appeal can the student return to school in the meantime?

The principal's decision remains in force despite the possibility of an appeal.

48. Under what circumstances might a principal decide copies of statements should be withheld?

The principal might be concerned about intimidation or retaliation against those who provided the statements or are mentioned in them. Full details of allegations or summaries of statements should be provided to parents.

49. Who hears the appeal?

Usually it would be heard by the school education director. If he or she has been so involved in any part of the process to cause concern about their impartiality, then the appeal would be heard by another school education director or regional director. The person hearing the appeal ensures that the appellants have received all the appropriate material, reviews all relevant material, discusses relevant matters as necessary and keeps people informed.

50. How much time does a student, parent or caregiver have to lodge an appeal?

While no time limit is prescribed, it is in the student's interests to lodge the appeal as quickly as possible. The process will then be completed within 20 school days.

51. What support is available to students, parents or carers if they decide to, appeal?

The school education area office will provide a staff member (not the school education director) to help parents understand the process and to check that parents have the information and papers they need. The staff member will also help identify other support, such as interpreters.

52. What happens if an appeal is upheld?

The person hearing the appeal will determine the appropriate further actions such as removing the record of suspension or providing guidance in the implementation of the procedures.
53. Over what period should a principal ensure all student welfare strategies have been applied and documented?

Each case will be different and the action needs to be appropriate to the individual circumstances of the case. The support program must be a genuine attempt to positively impact on the misbehaviour of the student. In most cases the nature of the support program provided to a student will have been documented and records will be available. Where a student has a long history of behaviour difficulty, the principal would decide how much documentation is necessary to make a fair and reasonable case.

**Procedural Fairness**

54. What are the important elements of procedural fairness?

Procedural fairness is generally understood to include:

1. The right to be heard
2. The right to a fair and impartial decision

Detailed information on procedural fairness is contained in Appendix 2 of the procedures. Particular emphasis should be paid to procedural fairness in cases where long suspension or expulsion is a possible outcome. An observer of the student’s choice should be offered in the formal disciplinary meeting, and where possible, the functions of investigation and decision making should be carried out by different people.

56. How would a student, parent or caregiver know if the decision was fair or properly made?

As part of the notification about suspension the school provides information relating to how and why the decision was made. If a student, parent or caregiver has doubts or questions the regional office will explain the process and appeal rights.

57. What access do students, parents or carers have to documentation?

Parents have a right to a copy of *Suspension and Expulsion of School Students - Procedures*, the school's discipline code and information about appeal rights. In addition procedural fairness requires that students, parent(s) or carer(s) should be provided with details of all allegations and statements in relation to the incident. However if the principal judges that it is not appropriate to provide full copies of statements then details should be provided.

**Students with Disabilities**

58. How do the procedures protect students with disabilities?

To ensure that students with disabilities are not discriminated against, a decision to suspend a student with a disability should be based on the following considerations:

- the degree of intentionality involved in the misbehaviour
- the nature and extent of the support strategies applied to modify the behaviour and failure to change the student's behaviour despite a considerable period of intervention
- an unacceptable risk to the safety of others (as determined by the risk management / assessment process)
- the developmental level of students and their individual needs.

The principal must ensure the involvement of all appropriate personnel, both in the school system and externally.