



## Governance support resources

### Suspensions—guidelines for imposing conditions

- A suspension meeting is one of the board's most challenging tasks. The board must place the student at the centre of its thinking and aim for an outcome that minimally disrupts the student's education. It must also meet its legal obligation to ensure the health and safety of staff and students
- Any conditions imposed must comply with legislation, and not breach the natural justice requirement that the board, as decision maker, must act fairly and in an unbiased way
- The boards must act within the requirements of the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993
- Many boards keep a folder of resources for suspension meetings of locally available courses and organisations. It can be helpful if the board or delegated student behaviour management committee finds out before the meeting about upcoming courses and organisations that could assist the student and form the basis of a condition
- NZSTA Advisory and Support Centre (0800 782 435) welcomes contact by boards before, during or after their suspension meeting for advice about conditions they are thinking about imposing on a suspended student
- The board should aim to organise the suspension meeting by day 4 or 5 (since the suspension). This will give the board more time to consider its options and take advice.
- When a suspension is either lifted or extended with conditions, the duration of the conditions must only be for such period that is either reasonably necessary to facilitate the student's full integration into school, or their full return to school
- During the initial suspension and if a student's suspension is extended with conditions, the principal must take all reasonable steps to ensure that an appropriate educational programme is provided to the student (section 84, Education & Training Act 2020)
- Where a suspension has been either extended or lifted with conditions, and the conditions have not been complied with, the board can, at the principal's request, hold a reconsideration meeting. The board then has the following options: confirm or reverse its earlier decision, lift the suspension with or without conditions, extend it further with conditions, or exclude/expel the student (section 83(3), Education & Training Act 2020)

### Some general guidelines on conditions

- The conditions must be aimed at facilitating the student's return to school (section 81, Education & Training Act 2020) Conditions which are purely punitive, such as a paying a fine for misbehaviour, would not be seen as facilitating the student's return to school

- The conditions must be reasonable. This means:
  - o Relevant to the reason the student was excluded
  - o Clear to understand – not open to misinterpretation
  - o Set for a reasonable duration
  - o Achievable by the student – within the student’s power to achieve
- The following types of conditions are not reasonable and could be open to challenge:
  - o Conditions which rely solely on the action of an external agency
  - o conditions which are outside the developmental or behavioural capacity of the student to meet
  - o A vague and open-ended condition e.g. requiring the student to “behave at all times at school” or “undergo counselling”

## Examples of unfair or potentially illegal conditions that could be open to challenge

**The following conditions are unreasonable because they are outside the student’s capacity and / or control, outside the board’s jurisdiction or breach the student’s legal rights:**

- Requiring the student to reduce their working hours outside school
- Extending a suspension until the student has had a psychological assessment, or has been provided with additional Teacher Aide hours

**Note:** In a **separate** decision from the one imposing student-appropriate conditions the board could direct the principal to ensure the student receives an assessment, and to report to the board on additional teacher aide hours required

- Preventing the student from attending school unless accompanied by their caregiver or psychologist
- Requiring the student’s caregiver to collect them from school if their behaviour becomes disruptive, when requested to do so by the school (this would risk breaching the student’s right to an education)
- Requiring a student with psychological / behavioural issues to manage their behaviour in accordance with the standards in their behavioural management plan
- Excluding a student from participation in certain activities which are part of the curriculum or a prerequisite for completion of the NCEA curriculum
- Requiring a student to make a public apology for certain behaviour (this would risk breaching the student’s right to have conditions attached to their suspension kept confidential)

## Secondary, and possibly intermediate-level students

**Appropriate conditions could include:**

- Attending at least X counselling sessions or courses with nominated agencies, to be arranged by the principal, with the aim of helping the student deal with problems such as drug abuse and anger management. If travel or availability is an issue the board could explore a condition around the student’s participation in an online course option, to be arranged by the principal.
- Abstaining from alcohol and / or use of illegal drugs and agreeing to weekly drug tests for a specified period of time
- Excluding the student from sports and other activities such as school trips and special tournaments (which are not part of the curriculum) for a specified period of time
- Requiring the students to sign behaviour contracts. These should be aimed at reinforcing positive behavior but can spell out the consequences for the student if they fail to follow the contract, e.g. withdrawal of privileges.

## Primary level students

Finding conditions that are within the capabilities of a primary level student to meet can be challenging for a board. Conditions need to take account of the student's developmental level. **Some examples for the board to consider:**

- The student participates in a medical or behavioural assessment that is arranged by the principal
- The student participates / works with named adults in the drawing up of their own Independent Educational Plan (IEP) and/or Behavioural Management Plan
- The student attends an anger management course or meets with a mentor a minimum number of times (e.g. the Big Buddy organisation offers carefully matched mentors). The condition would require the principal to organise this

## Is there any other governance role for the board in a suspension meeting?

The board is sometimes concerned and frustrated during suspension meetings about circumstances at the school outside the student's control that it believes may have contributed in some way to the student's suspension. To address those concerns, and quite separate from decisions about conditions etc. in relation to the suspension, the board or student behavior management committee can consider decisions that recommend the board take certain actions e.g.:

- The board will prioritise in its workplan a review of its policy expectations of the principal around school procedures dealing with the managing of challenging student behaviour
- The board will require the principal to report to the board on levels of staff resourcing and training in relation to responding to and managing students' behaviour

## Further Information

### NZSTA website:

- [Effective student behaviour management - the board's role](#)
- [NZSTA Governance Framework](#) - Student behaviour management committee terms of reference (C2.2)
- [Governance Support resource](#) - Principles of natural justice

### Ministry of Education:

- [Guidelines for principals and boards of trustees on stand-downs, suspensions, exclusions and expulsions](#)
- [Suspension conditions](#)



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For further advice please contact the *Advisory and Support Centre* on

**0800 782 435, option 1** or

[govadvice@nzsta.org.nz](mailto:govadvice@nzsta.org.nz)