

Suspension, exclusion and expulsion of students procedure

This is a mandated procedure under the operational policy framework. Any edits to this page must follow the process outlined on the [creating, updating and deleting operational policies](#) page.

Overview

This procedure outlines the procedures for suspension, exclusion and expulsion of students from attendance in department. It guides school leaders in the targeted use of suspensions, exclusions and expulsions to support safe and positive behaviour in schools.

Scope

This procedure is mandatory for all SA public schools. Suspensions, exclusions and expulsions cannot be used in preschools, early childhood services and Out of School Hours Care (OSHC).

Detail

The purpose of the procedure is to make sure that the use of take-homes, suspensions, exclusions and expulsions across public schools is effective, consistent and fair.

The procedure helps schools to make sure the use of suspensions, exclusions and expulsions complies with the legislative authority provided by the Education and *Children's Services Act 2019* (the Act) and Education and Children's Services Regulation 2020 (the Regulations).

Principles

The [behaviour support policy](#) recognises that children's behaviour is purposeful, happens in the context of their environment, and is learnt over time. The policy identifies the importance of departmental staff working with parents and children to:

- understand the context and purpose of children's behaviour
- influence the factors that help children to learn and practice positive behaviours.

The use of suspensions, exclusions and expulsions is guided by the following additional principles:

- Suspensions and exclusions are most effective when they are used as a part of broader intervention strategies to support safe and positive behaviours.
- Suspensions, exclusions and expulsions must be used in a targeted way to meet one of the 7 functions of the [behaviour support policy](#). Suspensions, exclusions and expulsions are not designed to punish.
- Suspensions, exclusions and expulsions should be used as a last resort to meet the behaviour support policy's goal of safe inclusion for all children.
- Suspensions, exclusions and expulsions must be done in a way that is procedurally fair.
- The process of restoring the relationship between a student and the school community starts from the time a behaviour incident occurs. It continues through the process of suspension and exclusion.
- Special measures should be taken to support the inclusion of students who are at higher risk of suspension, exclusion and expulsion (including Aboriginal students, students in care, and students with disabilities).

Response levels

This guide should be read along with the [behaviour support policy](#) and the school's local behaviour support policy. Principals, in consultation with school staff, support services and inter-agency staff should use their professional judgement to determine the appropriate level and response strategy for the situation.

Factors to consider in deciding a level of response

- Severity of behaviour – consider the impact of behaviour on:
 - the safety and wellbeing of self and others
 - the learning program and
 - the wider community.
- Frequency of the behaviour or similar previous behaviour – schools are encouraged to implement:
 - classroom and school consequences to behaviour prior to the use of suspension and exclusions
 - educative and supportive responses aimed at developing responsible behaviour
 - education for students to understand the different consequences for behaviour.
- Age – a student’s chronological age and stage of development affects their level of understanding of behaviour and its consequences.
- Disability, trauma, mental health – risk of exclusion from learning may be increased for:
 - Aboriginal students
 - students who have been abused or neglected (including students in care)
 - students have experienced developmental trauma and
 - students with a disability.
- Extent of adjustments that have been made for inclusion. The Disability Standards in Education require schools and education systems to ensure students with disability are able to access and participate in education on the same basis as other students.
- Repeated behaviour patterns – schools are encouraged to examine possible triggers or trends in a student’s behaviour and provide opportunities and support for students to experience success.
- Consistency of approach. Consequences will be consistent with the school and department Behaviour Support Policy to reinforce positive behaviour, while still taking into account individual needs.

Levels of response

Responses to student behaviour may increase as the behaviour becomes more concerning:

- Educator responses in the classroom, including the loss of privileges and natural consequences
- leader responses across the school, including the use of suspension and exclusion to support safety
- organisational responses across the department to negotiate other learning options away from school.

Legal authority

The Act and the Regulations provide the legal authority for the use of suspensions, exclusions and expulsions in public schools. The legislation provides:

- the circumstances when suspensions, exclusions and expulsions can be used
- the information that must be considered in the decision to suspend, exclude or expel
- the length of suspensions, exclusions and expulsions
- how appeals against exclusions and expulsions must be carried out.

Delegations

The Act sets out who has the authority to make decisions in relation to suspensions, exclusions and expulsions.

The principal of a school can make decisions to:

- suspend students (including suspensions pending a directions conference)
- exclude students (including extension of an exclusion)
- expel students from a particular school.

The Chief Executive can make decisions to expel a student from all government schools.

Principals must make suspension, exclusion and expulsion decisions personally and cannot delegate these decisions to another staff member unless it can be demonstrated that they cannot make the decision personally. This may be the case:

- in schools with a very large number of enrolments
- in multi-campus schools
- when the principal is off-site and uncontactable for extended periods of time (including during air travel)
- when the principal is sick or away unexpectedly
- when the decision needs to be made frequently. For example, suspensions (including suspensions pending directions) occur much more often than exclusions and expulsions
- When the decision needs to be made quickly. For example, decisions about suspensions (including suspensions pending directions) need to be made on the day of the incident.

If the principal authorises other staff members to make these decisions on their behalf:

- The authorisation must be in writing and reviewed annually
- The staff members must be a part of the school leadership team or have a behaviour support role at the school
- The staff member making the decision must document why the decision could not be made personally by the principal.

Take-home

Take-homes are not set by the Act or Regulations. Take-homes are used by schools to respond to student behaviour emergencies. Behaviour emergencies are when students are displaying extreme behaviours or emotional responses that continue for extended periods of time even with staff support.

In these situations, the principal may arrange for a student to go home for the remainder of the school day and return the student to the care of their parent for support. Take-homes must not be extended beyond the remainder of the school day.

Where a student is demonstrating behaviour emergencies on a regular basis (for example, 3 in a 3 week period), principals should seek specialist advice (such as from Student Support Services or Aboriginal Education services) to:

- make sure supports for the student's learning and behaviour needs are explored
- develop or update SMARTAR (specific, measurable, attainable, relevant, timely, agreed upon and reviewed) goals in the behaviour support plan to meet the student's behaviour and learning needs.

Take-homes can only be used in a school:

- where the school community has approved their use as part of the school's responses to behaviours of concern and
- documented their use in the school's local behaviour support policy.

Step 1 – collect information to assess the behaviour incident

In behaviour emergencies, school staff may not have time to collect all the available information about the incident before the principal makes a decision to use a take-home. Efforts should be made to find out from the student what is happening for them, noting that they may be too upset or distressed to talk about it. In these situations, the observations and reports of staff may be used to inform a take-home decision.

Information about the incident should continue to be collected after the take-home has been issued to:

- understand the event
- develop ways to support the student in future
- support the student to provide their account of what happened when they are feeling more calm and safe.

Step 2 – decide if a take-home is appropriate

The principal may decide to issue a take-home in response to a behaviour emergency when:

- a student is showing behaviours of concern that are unsafe, severe and prolonged
- reasonable efforts have been made to intervene in the behaviours and support the student without success
- the student remains too angry, upset or distressed to safely remain at school.

Step 3 – plan for the take-home period

If a take-home is needed, the school will contact the parents to organise for an adult to collect the student. If the parents are not available, the school will use the emergency contacts for the student. The parents will be advised:

- that the student has been issued a take-home in response to a behaviour emergency
- of any information that the school has about the events leading up to the behaviour emergency
- what has been done to support the student and
- the reconnection plans for the student the next day.

Step 4 – reconnection after take-home

Students who experience a take-home due to a behaviour emergency must be given a “fresh start” the next morning and welcomed back to the school community.

Before the start of the next school day, schools must inform the student’s parents of the plan to reconnect the student back to learning.

Reconnection meetings between the student’s parents, teacher, student wellbeing leader or school leader will include:

- any additional information that has been obtained by the parents, school or others about what happened
- any follow up actions that are required to support the student during the day
- behaviour support planning with SMARTAR goals that needs to happen for the student, including with departmental staff (for example, Student Support Services or Aboriginal Education) and other professionals to prevent future behaviour emergencies.

If a parent cannot attend a reconnection meeting before the student returns the next school day:

- the student returns to school on an alternative program until the meeting is held or
- a different way of negotiating the behaviour support plan for the student is agreed.

If a parent refuses to attend a reconnection meeting, the school can make decisions about the student’s learning program and behaviour support in their absence.

Step 5 – take-home appeals

There is no formal appeal process for the use of take-homes. The [raising a complaint with the Department for Education](#) process applies.

Suspension

The legal authority to suspend students from school is in section 76 of the Act. Suspensions are short-term responses to student behaviours of concern that impact on the safety and learning of others.

Step 1 – collect information to assess the behaviour incident

The principal is responsible for collecting and considering the information about the behaviour incident. They may ask school staff to collect information on their behalf. School staff must take reasonable steps to collect the information available about a behaviour incident, including:

- reports from students, parents and staff witnesses
- documentation about the behaviour, including screenshots, emails, written records, video footage
- a report by the student who has engaged in the behaviour of concern
- any information that provides a thorough understanding of the situation.

If the principal believes that a student has acted illegally, they should seek and follow police advice about:

- any restrictions on interviews about the incident or
- handling of evidence.

Step 2 – decide if a suspension is appropriate

The principal must consider whether:

- legal grounds for the use of suspension have been met
- use of suspension is appropriate based on:
 - the circumstances of the incident
 - the circumstances of students involved
 - the response of the student who has engaged in behaviours of concern and
 - any other relevant factor.

Grounds for suspension

The principal may suspend a student from attendance at the school if they believe on reasonable grounds that:

- the student has threatened or perpetrated violence
- the student has acted in a way that threatens the safety or wellbeing of a student, member of staff or other person associated with the school (including by sexually harassing, racially vilifying, verbally abusing or bullying that person).
- the student has acted illegally
- the student has interfered with the ability of a teacher to teach or of a student to learn
- the student has acted in a way that threatens the good order of the school by persistently contravening or failing to comply with rules applying within the school about behaviour
- the student shows persistent and wilful inattention or indifference to school work.

Principals may suspend students for behaviours that happen outside of school hours and off school grounds where there is a reasonable connection between the student's behaviour, the school community and school relationships. This may include:

- behaviours that happen on the way to and from school
- where the student is wearing the school uniform or is representing the school, for example school camps, sporting carnivals or on the school bus
- bullying and cyberbullying of school community members, at home or in the community
- where the school has care and control of the student.

Factors that must be considered in a suspension decision

In deciding whether to suspend a student whose behaviour has met the grounds for suspension, a principal must consider:

- the severity and frequency of the misbehaviour of the student
- if relevant, the student's prior record of behaviour and response to previous consequences
- if relevant, what adjustments have been made to support the participation of that student, or students with a disability generally, at the school and
- any other relevant matter, which may include:
 - if the student is at higher risk of exclusionary responses and special measures should be provided to support their inclusion
 - if the suspension is likely to prevent future behaviours of concerns
 - if the suspension is safe in the student's circumstances
 - if the suspension helps the school to meet a function of the behaviour support policy
 - if the intended outcomes can be achieved using a different consequence.

Student behaviours that may be illegal

If a principal believes that a student has acted illegally, they must report the student's behaviour to the police. Phone 131 444.

Illegal behaviours include:

- assaults – go to the [Assault – site responsibilities procedure](#)
- drug-related behaviour – go to the [Alcohol, tobacco and other drugs incident management procedure](#).

A principal may suspend a student for behaviours that are being investigated by the South Australian Police (SAPOL). The principal must believe on reasonable grounds that the student has acted illegally.

The suspension:

- may happen while the matter is being investigated by SAPOL
- is valid even where SAPOL does not proceed with charges or where a finding of guilt is not made by a court
- may be made some time after the original incident if the information that causes the principal to form a reasonable belief has only recently been discovered.

Communication of suspension decision

The principal must make sure that the suspension decision is communicated by a person who can explain the decision to the student and their parents. A Notice of suspension from school must be generated and given to the student and parents through 1 or more of the following notification methods:

- letter given to parent
- e-mail with read receipt
- home visit.

Verbal notice of suspensions should also be provided by telephone. As an example, 3 phone call attempts over 2 days is considered reasonable notice.

Where all reasonable attempts to notify parents of the suspension have been exhausted and unsuccessful, make sure the attempts have been recorded on the student's file along with the written notice of the suspension.

Suspension length

Suspension from school means that the student does not attend school for a set period between 1 and 5 school days (or equivalent for part-time students). Public holidays, school holidays, school closure days, pupil free days and weekends are not "school days". The principal decides the length of a suspension.

Suspensions may happen sequentially if a new behaviour incident (that meets the grounds for suspension) happens while the student is already suspended. In this situation, 1 suspension period can be followed by another suspension period without the student returning to school. The suspension procedures must be followed for each suspension.

A student cannot be suspended for:

- more than 15 school days within a school year or
- suspended more than 4 separate occasions within a school year without the approval of the Chief Executive or their delegate.

Step 3 – plan for the suspension period

School staff must work with:

- the student
- their parents and
- others within the department (for example, Student Support Services and Aboriginal Education staff) and external professionals as required to make arrangements for the student during the suspension period.

Suspensions are recorded as an absence. Therefore, schools are not required to (but may choose to) provide school work or learning tasks for a student during the suspension period. The school should decide if this is appropriate based on the best interests of the student.

A suspended student may only enter or stay on school grounds during the period of suspension with the written approval of the principal. Some situations this may occur include when the student:

- helps siblings travel to and from school
- has been provided with an alternative learning program in a specific part of the school
- is using a non-school service that is located on the same premises.

If a suspended student enters and stays on school grounds while they are suspended without the principal's written permission, they are committing an offence. This offence has a maximum penalty of \$200. It's also an offence if anyone encourages or helps the student to be on school grounds while suspended.

Principals can contact their education director for support about this situation.

Step 4 – reconnection after suspension

During the suspension period (and before the student's scheduled return to school), a reconnection meeting must be held. The purpose of this meeting is to help the student to reconnect to their peers, staff and learning.

At the reconnection meeting, a behaviour support plan with SMARTAR goals is negotiated between:

- the student
- parents
- school staff, departmental staff (for example, from Student Support Services or Aboriginal Education) and other professionals as required.

A decision to refer the student to support services within the department and externally may be made at the meeting.

A suspended student may enrol at another school only at the end of their suspension period and after negotiation between the principals of the current and proposed schools. The behaviour support plan with SMARTAR goals is negotiated between the two schools, the student and the student's parents.

If a parent cannot attend a reconnection meeting before the student returns to school:

- the student returns to school on an alternative program until the meeting is held, or
- a different way of negotiating the behaviour support plan for the student is decided.

If a parent refuses to attend a reconnection meeting, the school can make decisions about the student's learning program and behaviour support in their absence.

Step 5 – suspension appeals

There is no formal appeal process for the use of suspensions in the Act. The [raising a complaint with the Department for Education](#) process applies.

Exclusion

The legal authority to exclude students from school is in section 77 of the Act. Exclusions are longer-term responses to serious student behaviours that impact on the safety and learning of others.

Step 1 – collect information to assess the behaviour incident

The principal is responsible for collecting and considering the information about the behaviour incident. They may ask school staff to collect information on their behalf.

School staff must take reasonable steps to collect the information that is available about a behaviour incident, including:

- reports from students, parents and staff witnesses
- documentation about the behaviour, including screenshots, emails, written records, video footage
- a report by the student who has engaged in the behaviour of concern
- any information that provides a thorough understanding of the situation.

If a principal believes a student has acted illegally, they should seek and follow police advice about:

- any restrictions on interviews about the incident or
- handling of evidence.

Step 2 – decide if an exclusion is appropriate

The principal must consider whether the:

- legal grounds for the use of exclusion have been met

- use of exclusion is appropriate based on:
 - the circumstances of the incident
 - the circumstances of the students involved
 - the response of the student who has engaged in behaviours of concern and
 - any other relevant factor.

Suspension pending directions

A principal cannot exclude a student from attendance at a school unless the student has first been suspended from attendance at the school for no more than 5 consecutive school days. The principal must issue a Suspension Pending Directions notice to inform the student and their parents that exclusion is being considered.

During this 5 day period, a Directions Conference to discuss the behaviour and the appropriate next steps must be arranged with:

- the student
- their parents and
- relevant professionals

Principals should consider what specialist advice and services they may need to inform the discussion and planning at the Directions Conference. Student Support Services, Aboriginal Education staff and other department and external professionals can specialist provide advice and information about:

- Positive behaviour supports
- disability and inclusive education supports
- culturally respectful and culturally informed responses
- trauma informed practices.

At the Directions Conference, the student (and their parents) must be provided with an opportunity to:

- Hear the concerns about their behaviour
- respond to the concerns
- provide any additional information that they would like the principal to consider when deciding if an exclusion should happen
- discuss how they would like to repair the harm that may have been caused by the behaviour.

If the principal decides to exclude the student, they must provide a written Notice of exclusion from school outlining:

- the grounds for the exclusion
- the exclusion period and
- a date for the reconnection meeting prior to the student's return to school
- the student's rights to appeal the exclusion decision.

The participants of the meeting must then make plans for the exclusion period.

If the principal decides not to exclude the student, the process for reconnection after suspension is followed.

Grounds for exclusion

The principal may exclude a student from attendance at the school if they believe on reasonable grounds that:

- the student has threatened or perpetrated violence
- the student has acted in a way that threatens the safety or wellbeing of a student, member of staff or other person associated with the school (including by sexually harassing, racially vilifying, verbally abusing or bullying that person)
- the student has acted illegally
- the student has persistently interfered with the ability of a teacher to teach students or of a student to learn
- the student has acted in a way that threatens the good order of the school by persistently contravening or failing to comply with rules applying within the school about behaviour.

Principals may exclude students for behaviours that happen outside of school hours and off school grounds where there is a reasonable connection between the student's behaviour, the school community and school relationships. This may include:

- behaviours that happen on the way to and from school
- where the student is wearing the school uniform or is representing the school, for example school camps, sporting carnivals or on the school bus
- bullying and cyberbullying of school community members, at home or in the community
- where the school has care and control of the student.

Factors that must be considered in an exclusion decision

In deciding whether to exclude a student whose behaviour has met the grounds for exclusion, a principal must consider:

- the severity and frequency of the misbehaviour of the student
- if relevant, the student's prior record of behaviour and response to previous consequences
- if relevant, the extent to which adjustments have been made to support the participation of that student, or students with a disability generally, at the school; and
- any other relevant matter, which may include:
 - if the student is at higher risk of exclusionary responses and special measures should be provided to support their inclusion
 - if the exclusion decision is likely to prevent future behaviours of concerns
 - if the exclusion decision is safe in the student's circumstances
 - if the exclusion decision helps the school to meet a function of the Behaviour Support Policy
 - if the intended outcomes can be achieved using a different consequence.

Behaviours that may be illegal

Principals must report student behaviours that may be illegal to the police. Phone 131 444.

Illegal behaviours include:

- assaults – go to the [Assault – site responsibilities procedure](#)
- drug related behaviour – go to the [Alcohol, tobacco and other drugs incident management procedure](#).

A principal's decision to exclude a student for acting illegally:

- may happen while the matter is being investigated by SAPOL
- is valid even where SAPOL does not proceed with charges or where a finding of guilt is not made by a court
- may be made some time after the original incident if the information that causes the principal to form a reasonable belief has only recently been discovered.

Communication of an exclusion decision

The principal responsible for the exclusion decision must make sure it is communicated by a person who can explain the decision to the student and their parents. A Notice of exclusion from school must be given to the student and parents through 1 or more of the following notification methods:

- letter given to parent
- letter via registered post
- e-mail with read receipt
- home visit.

Where all reasonable attempts to notify parents of the exclusion have been exhausted and unsuccessful, make sure the attempts have been recorded on the student's file along with the written notice of the exclusion.

Exclusion length

Exclusion from school means that the student does not attend school for a set period:

- ranging from 4 to 10 weeks, or
- for the remainder of a term. If an exclusion is for the remainder of a school term, it may be less than 4 weeks or more than 10 weeks, for example:
 - a student can be excluded for 2 weeks if the exclusion starts in week 8 and is for the remainder of the term
 - in the event of a 12 week term, where the student is suspended pending directions for 5 days and excluded for the 11 weeks remaining in the term.

The length of an exclusion is decided by the principal.

Exclusion periods are counted as calendar weeks, not school weeks. This means that if an exclusion goes across a school holiday period, the weeks of the school holidays must be included in the exclusion period. Where possible, exclusion over a school holiday period should be avoided to allow students to have a "fresh start" each term.

In exceptional circumstances, an exclusion period may carry over into a new year. In these circumstances:

- approval must be sought from Education Director
- the December – January school holiday period must be counted in the weeks of exclusion
- an alternative learning program and staff support of that program must be provided throughout the exclusion period.

An exclusion may be extended if the principal considers it appropriate. An extension of an exclusion:

- May happen if the student has not completed their alternative learning program or met their learning goals during the exclusion period.

- May be considered if the student has engaged in persistent, low-level behaviours that breach the school behaviour policy while on the alternative learning program. If a student engages in a new serious incident, the principal should consider issuing a new exclusion for that incident.
- Must not take the total exclusion period beyond 10 consecutive weeks (or until the period remaining in the school term in which the exclusion occurs, whichever is longer).
 - this means that an exclusion for 6 weeks may be extended by 4 weeks to be a total exclusion period of 10 weeks
 - an exclusion of 10 weeks cannot be extended for a further 10 weeks.

Exclusions may occur sequentially if a new behaviour incident happens (that meets the grounds for exclusion) while the student is already excluded. In this situation, 1 exclusion period can be followed by another exclusion period without the student returning to school. The exclusion procedures must be followed for each exclusion.

A student must not be excluded for more than 20 weeks in any calendar year without the authorisation of the Chief Executive or their delegate.

Step 3 – plan for the exclusion period

Exclusions are recorded as an alternative learning program. Therefore, schools must provide work and learning goals to be completed during the exclusion period for students who are of compulsory education age (16 years old and younger). Schools may choose to provide school work for excluded students who are above compulsory education age (17 years and older), particularly to make sure that SACE outcomes are not jeopardised by the exclusion.

Alternative learning programs may include:

- an alternative placement at another school. These placements are negotiated between principals and may be escalated to the Education Director for assistance if a suitable school placement cannot be negotiated.
- an alternative placement at a learning centre.
- an alternative program in an identified part of the enrolled school. In this situation, the principal:
 - gives written permission for the student to be on school grounds and
 - states any conditions, for example:
 - being located in a specific part of the school
 - a specific building or
 - under the supervision of a particular staff member. During this time, the student cannot participate in their usual mainstream learning program.

If an exclusion period includes a school holiday period, learning tasks should be provided during this period. These tasks may be simpler than the student's alternative learning program during the school term.

A decision for a student to complete their alternative learning program at home should only be made if:

- the decision is safe for the student based on their family and community circumstances
- the student has the necessary materials to complete their learning program at home
- the school can provide the level of support required
- there is no other viable option.

The alternative learning program will include the details of the supports that will be provided to the student to help them be successful in their learning while excluded. In setting up an alternative placement at a different school, the originating school is responsible for arranging supports with the new school including a behaviour support plan for the student.

During the exclusion period, there must be weekly monitoring of the student's progress. A mid-exclusion review should be held to:

- review the student's progress against the identified SMARTAR learning and behaviour goals
- update the behaviour support plan with new strategies and goals if the current ones are not effective.

An excluded student may only enter or stay on school grounds during the period of exclusion with the written approval of the principal. Some situations this may occur include when the student:

- helps siblings travel to and from school
- has been provided with an alternative learning program in a specific part of the school
- is using a non-school service that is located on the same premises.

If an excluded student enters and stays on school grounds without permission while they are excluded, they are committing an offence, along with anyone who encourages or helps them. This offence has a maximum penalty of \$200.

Principals can contact their Education Director for support about this situation.

Step 4 – reconnection after exclusion

Before the student's scheduled return to school, a reconnection meeting must be held. At the reconnection meeting the student's progress is reviewed, including whether the learning tasks or goals have been achieved.

- If the student has been successful in their alternative learning program, they are able to reconnect with their usual learning program at the school.
- If the student has not been successful in their alternative learning program, the exclusion may be extended (see "exclusion length").
- The behaviour support plan with SMARTAR goals is developed or updated between the student, parents, school staff, departmental staff (for example, Student Support Services or Aboriginal Education) and other professionals to support the student's reconnection to their peers, staff and learning.
- If this has not happened already, it may also be decided at the meeting to refer the student to relevant support services within the department and externally.

An excluded student may enrol at another government school only at the end of their exclusion period and after negotiation between the principals of the current and proposed schools. The behaviour support plan with SMARTAR goals is negotiated between the two schools, the student and the student's family.

If a parent cannot attend a reconnection meeting before the student returns to school:

- the student returns to school on an alternative program until the meeting is held, or
- a different way of negotiating the behaviour support plan for the student is agreed.

If a parent refuses to attend a reconnection meeting, the school is able to make decisions about the student's learning program and behaviour support in their absence.

Step 5 – exclusion appeals

The legal authority for appeals against a decision to exclude is in section 80 of the Act. The department's complaints management process does not apply.

Expulsion

The legal authority to expel students from school is in section 78 and 79 of the Act. Expulsion from school is the most serious consequence that may be given. It must be reserved for the most serious behaviours that jeopardise the safety of the school community. The Act limits the use of expulsions to students who are above compulsory school age. This means that only students who are aged 16 years and older can be expelled.

A student who is above compulsory school age may be expelled from a particular school, or from all government schools.

Step 1 – collect information to assess the behaviour incident

The principal is responsible for collecting and considering the information about the behaviour incident. They may ask school staff to collect information on their behalf.

School staff must take reasonable steps to collect the information that is available about a behaviour incident, including:

- reports from students, parents and staff witnesses
- documentation about the behaviour, including screenshots, emails, written records, video footage
- report by the student who has engaged in the behaviour of concern
- any information that provides a thorough understanding of the situation.

Expulsions are extremely serious responses to serious behaviour. Schools must find out as much information as possible to make sure that they have a clear understanding of the incident.

If the principal believes the student has acted illegally, the principal should seek and follow police advice about:

- any restrictions on interviews about the incident
- or handling of evidence.

Step 2 – decide if an expulsion is appropriate

The decision to expel a student must consider if:

- legal grounds for the use of expulsion have been met
- the use of expulsion is appropriate based on the:
 - the circumstances of the incident
 - the circumstances students involved
 - the response of the student who has engaged in behaviours of concern and
 - any other relevant factor.

Suspension pending directions

A student cannot be expelled unless they have first been:

- suspended from attendance at the school for a period no more than 20 consecutive school days (in the case of expulsion from a particular school)
- suspended from attendance at the school for a period no more than 30 consecutive school days (in the case of expulsion from all government schools).

The principal must issue a Suspension Pending Directions notice to inform the student and their parents that expulsion is being considered.

During the suspension period (and before a decision is made about expulsion), the principal must arrange a Directions Conference with:

- the student
- their parents, and
- the relevant professionals from within the school, department (for example, Student Support Services or Aboriginal Education staff), and externally to discuss the behaviour and the appropriate next steps.

The principal must seek advice about a possible expulsion from their Education Director.

The principal must invite Student Support Services, Aboriginal Education staff or relevant support services to the Directions Conferences where expulsion is being considered. Staff from Student Support Services or Aboriginal Education must attend the Directions Conference if expulsion is being considered for Aboriginal students, students in care and student with a disability.

At the Directions Conference, the student (and their parents and carers) must be provided with an opportunity to:

- hear the concerns about their behaviour
- respond to the concerns
- provide any additional information that they would like the principal to consider when deciding if an exclusion should happen
- discuss how they would like to repair the harm that may have been caused by the behaviour.

If the principal decides to expel the student from the school, they must give a written Notice of expulsion from a school to the student and parents outlining:

- the grounds for the expulsion
- the expulsion length
- any requirements that must be met before the student may apply to return to the school and
- the student's rights to appeal the expulsion decision.

If the principal decides to recommend to the Chief Executive that the student be expelled from all government schools, they must give a written Notice of intention to recommend expulsion from all government schools to the student and their parents outlining the:

- grounds for the expulsion recommendation
- the recommended expulsion length and
- the student's rights to appeal the expulsion decision

If the principal decides not proceed with an expulsion, the process for exclusion or reconnection after suspension is followed.

If an expulsion is pursued, the principal must work with their Education Director to brief the Chief Executive of:

- the principal's decision to expel the student from a particular school, or
- the principal's recommendation to the Chief Executive for the student to be expelled from all government schools.

Grounds for expulsion

The principal of a school may expel a student who is above the compulsory school age (16 years or older) from attendance at the school for a set period if the principal believes any of the below with reasonable grounds that:

- the student has threatened or perpetrated violence
- the student has acted in a way that threatens the safety or wellbeing of a student, member of staff or other person associated with the school (including by sexually harassing, racially vilifying, verbally abusing or bullying that person)
- the student has acted illegally
- the student has persistently interfered with the ability of a teacher to teach students or of a student to learn.

The Chief Executive may, on the recommendation of the principal of the school where the student is enrolled, expel a student who is above the compulsory school age (16 years or older) from all government schools for a set period. This can happen if the Chief Executive believes any of the below with reasonable grounds that:

- the student has threatened or perpetrated violence
- the student has acted in a way that threatens the safety or wellbeing of a student, member of staff or other person associated with the school (including by sexually harassing, racially vilifying, verbally abusing or abusing that person)
- the student has acted illegally.

Students may be expelled for behaviours that happen outside of school hours and off school premises where there is a reasonable connection between the student's behaviour, the school community and school relationships. This may include:

- behaviours that happen on the way to and from school
- where the student is wearing the school uniform or is representing the school, for example school camps, sporting carnivals or on the school bus
- bullying and cyberbullying of school community members, at home or in the community
- where the school has care and control of the student.

Factors that must be considered in an expulsion decision

In deciding whether to expel a student whose behaviour has met the grounds for expulsion, a principal or the Chief Executive must consider:

- the severity and frequency of the misbehaviour of the student
- if relevant, the student's prior record of behaviour and response to previous consequences
- if relevant, how much adjustments have been made to support the participation of that student, or students with a disability generally, at the school, and

- any other relevant matter, which may include:
 - if the student is a student who is at higher risk of exclusionary responses and special measures should be provided to support their inclusion
 - if the intended outcomes can be reasonably achieved using a different consequence
 - whether the student's behaviour can be safely managed in another school.

Behaviours that may be illegal

Principals must report student behaviours that may be illegal to the police. Phone 131 444.

Illegal behaviours include:

- assaults – go to the [Assault – site responsibilities procedure](#)
- drug related behaviour – go to the [Alcohol, tobacco and other drugs incident management procedure](#).

A decision to expel a student for acting illegally:

- may happen while the matter is being investigated by SAPOL
- is valid even where SAPOL does not proceed with charges or where a finding of guilt is not made by a court
- may be made some time after the original incident if the information that causes the principal or Chief Executive to form a reasonable belief has only recently been discovered.

Expulsion length

The decision to expel a student from a particular school removes a student from enrolment at that school for:

- a minimum of 6 consecutive months or the remainder of the semester or year during which the student is expelled or
- a maximum of 18 consecutive months.

The decision to expel a student from all government schools removes a student from enrolment within the department for a period of:

- not less than 12 consecutive months (unless the expulsion is for the remainder of the school year) and
- not more than 5 years.

School fees are not refundable for students who have been expelled.

Step 3 – plan for the expulsion period from a particular school

A student who has been expelled from a particular school who is of compulsory education age (16 years old) must be offered options that let them to meet their compulsory education requirements.

This may include:

- An alternative enrolment at another school if the student's behaviours can be safely managed in a school environment. These enrolments are negotiated between principals and may be escalated to the Education Director for assistance. A student who is expelled from a particular school cannot enrol at another government school outside of this process
- an enrolment at Open Access College
- referral to vocational and further education pathways, for example TAFE.

If an expelled student enters and stays on school grounds while expelled, they are committing an offence, along with anyone who encourages or helps them in this behaviour. This offence has a maximum penalty of \$200.

Principals can contact SAPOL and their Education Director for support about this situation.

An expelled student may only enter or stay on school grounds during the period of expulsion with the written approval of the principal or Chief Executive.

Communication of expulsion decision

The person responsible for the expulsion decision must make sure that the decision is communicated to the student and parents by a person who can explain the decision. A Notice of expulsion must be given to the student and their parents through 1 or more of the following notification methods:

- letter given to parent
- letter via registered post
- e-mail with read receipt
- home visit.

Where all reasonable attempts to notify parents of the expulsion have been exhausted and unsuccessful, make sure the attempts have been recorded on the student's file along with the written notice of the expulsion.

Step 4 – reconnection after expulsion

If an expelled student wants to return to school after their expulsion from a particular school, they must contact the school principal to schedule a reconnection meeting. At the reconnection meeting, the student's progress is reviewed, including:

- what they have done to engaged in learning opportunities while expelled
- what they have done to restore and repair harm that may have resulted from their behaviour

If the principal decides the student is able to return to the school:

- a behaviour support plan with SMARTAR goals is developed between the student, parents, school staff, departmental staff (for example, Student Support Services or Aboriginal Education staff) and other professionals to support the student's reconnection to their peers, staff and learning

- if this has not happened already, it may also be decided at the meeting to refer the student to relevant support services within the department and externally.

A student who has been expelled cannot return to school before a reconnection meeting is held.

Step 5 – expulsion appeals

The legal authority for appeals against a decision to exclude is in section 80 of the Act. The department's complaints management process does not apply.

Appeal against exclusion or expulsion

The legal authority for appeals against the decision to exclude or expel a student from school is in section 80 of the Act. The decision to suspend a student cannot be appealed.

An explanation of the appeal process must be provided to students and their parents when the decision is made to exclude, extend an exclusion or expel a student from a particular school, or to expel a student from all government schools. The student and parents must be given the appropriate appeal form.

Who can appeal?

Appeals may be lodged by:

- a student
- the student's parents
- another adult acting at the request of the student or the student's parents.

How to appeal?

Appeals must be lodged with:

- The Education Director, as chair of appeal panels for a decision by a principal to exclude the student from school or to extend an exclusion
- the Chief Executive for a decision by a principal to expel the student from a school
- the Minister for Education for a decision by a Chief Executive to expel the student from all government schools and Department for Education facilities.

Grounds for an appeal

An appeal can be lodged on the following grounds:

- error of fact (for example, the student did not behave as alleged)
- error of process (for example, the school did not conduct a Directions Conference)
- inappropriate length or conditions of exclusion or expulsion (for example, the alternative program does not provide enough learning supports).

Timeframes for appeals

Appeals must be lodged within:

- 5 school days of the student and their parents being advised of an exclusion decision, or a decision to extend an exclusion
- 10 school days of the student and parents being advised of an expulsion decision.

The relevant authority may allow an appeal that was lodged outside of these timeframes to be heard if there was an appropriate reason for the delay.

The person who made the original decision being appealed against may put the decision on hold until the appeal is heard. The hold cannot be granted if it would create or maintain a danger to another person or property.

Decisions about appeals against exclusion

An appeal against a decision to exclude a student will be considered by an appeal panel of:

- An employee of the Department for Education (for example, Education Director - chair)
- a principal of a school (not being the principal who made the decision to exclude or expel the student)
- a person with experience in the administration of equal opportunity matters.

Where possible, the third panel member (with experience in the administration of equal opportunity matters) should have expertise in an area related to the behaviour incident or the student's circumstances (including behaviour support, disability support, trauma informed practice, cultural knowledge).

In appeals for Aboriginal students, students in care or students with a disability, the third panel member must have expertise in an area related to the behaviour incident or the student's circumstances (including behaviour support, disability support, trauma informed practice, cultural knowledge). Student Support Services and Aboriginal Education staff are best placed to contribute to appeal panels for Aboriginal students, students in care or students with a disability.

The decision of the appeal panel must be made by a majority of the members on the panel.

The student or their parents can provide any information they want to have considered by the appeal panel. They may also identify key people who can provide additional information to the appeal panel, including:

- departmental staff, such as Student Support Services and Aboriginal Education staff
- external professionals working with the student or family, including advocates
- a family member, community member, elder or kin who is able to provide relevant information and advice.

The appeal panel may seek out information and advice from anyone who is able to help the panel make its decision.

Decisions about appeals against expulsion

An appeal against a principal's decision to expel a student from a particular school will be decided by the Chief Executive.

An appeal against the Chief Executive's decision to expel a student from all government schools will be decided by the Minister for Education.

Appeal outcomes

The outcome of an appeal may be:

- to uphold the decision, and its terms and conditions
- to uphold the decision, and change the terms and conditions
- to make recommendations about the actions to be taken
- to overturn the decision and make an alternative decision
- make any decision that the relevant authority thinks appropriate.

The relevant authority for the appeal decision (or panel chair) must communicate this outcome to the student and their family.

Where a decision is made to overturn an exclusion or expulsion, it is the responsibility of the relevant Education Director to assist the school, student, and parents to negotiate the reconnection process and to support the school during this process.

Definitions

directions conference

A directions conference is held when a principal is considering exclusion or expulsion of a student. The focus of the conference is to decide (in collaboration with the student, their parents and relevant support services staff) what whether an exclusion or expulsion is appropriate, and the strategies will be used to support the student's learning or behaviour goals. The conference may or may not result in exclusion or expulsion.

parent

Parent refers to a person responsible for the student. It includes the student's step-parent, guardian or a person with legal responsibility for the student.

reconnection meeting

A reconnection meeting is held after the completion of take home, suspension, and exclusion periods to decide what supports will be provided to help the student safely and positively reconnect with the school, their peers, school staff and learning.

SMARTAR goals

The SMARTAR model is used to develop goals that are specific, measurable, attainable, relevant, timely, agreed upon and reviewed. A SMARTAR goal is a structured statement that identifies the progress a student makes in a specific area of learning or behaviour. EDi has a [SMARTAR sample \(PDF, 211.0 KB\)](#) that contains sample aims and goals.

special measures

Approaches that increase equity so that those that experience higher rates of exclusion from learning can access similar opportunities to others in their community. For Aboriginal students, students with disability and students in care who experience, special measures may include having:

- modified learning plans, tools, learning environments, resources that help them to meet learning and behaviour expectations
- additional support, guidance, time to complete learning and behaviour goals and expectations
- differentiated curriculum and teaching practices
- additional support and advocacy to help them and their families understand and contribute to learning plans and decisions
- additional input from specialist staff (including Student Support Services or Aboriginal Education staff).

Roles and responsibilities

Chief Executive

Review the decision of a principal to expel a student above compulsory school age from a particular school.
Make decisions to expel a student above compulsory school age from all government schools.

Education director

Support schools within their portfolio follow the procedures.

Support principals to negotiate alternative learning placements for student who have been excluded or expelled from a particular school, including dispute resolution between schools.

Support principals and schools to manage complex situations where the expulsion of a student is considered.

Chair appeal panels where an appeal has been lodged against a decision to exclude a student or extend an exclusion of a student.

Principal

Make sure any suspension, exclusion and expulsion in their school is done in line with the procedures.

Make decisions regarding the suspension, exclusion, extension of exclusions, and expulsions of students from their school.

Make recommendations to the Chief Executive about the expulsion of a student from all government schools.

Engagement and Wellbeing directorate

Develop and update the procedures.

Provide policy advice to specialist staff supporting school leaders to apply the procedures fairly, consistently and accurately.

Student support services

Provide specialist advice and services to support the promotion of positive behaviours for children and young people in departmental settings.

Provide specialist advice and services to support targeted and intensive behaviour interventions for children and young people who require support to be safely included in departmental education, early childhood and care services. This may occur through attendance at directions conferences, reconnection meetings, and appeal panels.

Model and coach behavioural interventions and strategies within departmental settings and provide practical support to educators and support staff.

Aboriginal Education

Provide a strengthened Aboriginal focus to service delivery to improve outcomes in education and wellbeing for Aboriginal children, young people and their families.

Provide specialist advice and services to support culturally respectful and culturally informed decisions with Aboriginal children and young people in departmental settings.

Supporting information

[Flowcharts for take-home, suspension, exclusion, expulsion and appeals \(DOCX, 579.6 KB\)](#)

Related legislation

[Disability Standards for Education 2005](#)

[Education and Children's Services Act 2019](#)

[Education and Children's Services Regulations 2020](#)

Related policies

[Alcohol, tobacco and other drugs incident management procedure](#)

[Assault – site responsibilities procedure](#)

[Behaviour support policy](#)

[Complaint management policy](#)

Record history

Published date: June 2020

Approvals

OP number: OP191

Status: approved

Version: 1.3

Policy sponsor: director, engagement and wellbeing

Responsible executive director: executive director, early years and child development division

Approved by: director, engagement and wellbeing

Approval date: 1 July 2020

Review Date: 1 July 2023

Revision record

Version: 1.3

Approved by: director, engagement and wellbeing

Approved date: 1 July 2020

Review date: 1 July 2023

Amendment(s): updates to align with the requirements of the Education and Children's Services Act 2019.

Version: 1.2

Approved date: 1 March 2020

Review date: 1 July 2020

Amendment(s): Organisation and position titles; web links; use of template; CE Circulars presented as procedure or practice guidance.

Version: 1.1

Published date: June 2013

Contact

Engagement and Wellbeing directorate

Phone: 8226 2069

Email: education.engagementandwellbeing@sa.gov.au