



ANALYSIS

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1976, No. 70

An Act to amend the Education Act 1964

[7 December 1976]

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. Short Title—This Act may be cited as the Education Amendment Act (No. 2) 1976, and shall be read together with and deemed part of the Education Act 1964 (hereinafter referred to as the principal Act).

2. New Part IVA—(1) The principal Act is hereby amended by repealing section 130, and substituting the following Part:

“PART IVA

“SUSPENSION AND EXPULSION OF PUPILS

“130. Suspension of pupils—(1) The Principal of a State primary school or secondary school may, in accordance with this Part of this Act, suspend any pupil from attendance at the school.

“(2) No pupil shall be suspended from attendance at a school unless, in the opinion of the Principal,—

“(a) By reason of his gross misconduct or incorrigible disobedience, the pupil is an injurious or dangerous example to other pupils attending the school; or

“(b) The continued attendance of the pupil at the school is likely to have a seriously detrimental effect on himself or other pupils.

“(3) At the time he suspends a pupil from attendance at a school pursuant to subsection (1) of this section, a Principal may authorise the pupil to return to the school after the expiration of a specified period of suspension not exceeding 3 days; and after the expiration of that period of suspension the pupil may resume attendance at the school:

“Provided that where a pupil is suspended from a school for a second or subsequent time in one school year the Principal shall not so authorise the pupil.

“(4) The period of suspension of a pupil authorised to return to a school after the expiration of a specified period of days shall be calculated so as to exclude the day on which he was suspended, and any day on which he would not be required to attend the school even if not suspended.

“(5) Notwithstanding any other provision in this Act (other than subsection (6) of this section), for so long as a pupil is suspended from attendance at a school he shall be neither required nor permitted to attend it.

“(6) Notwithstanding subsection (5) of this section, for the purposes of section 193A of this Act, a pupil suspended from attendance at a school under this Part of this Act whose name remains on the register of that school shall be deemed to continue to attend that school:

“Provided that the duty of the Principal of the school to give guidance and counselling to the pupil shall be limited to the giving of such guidance and counselling as may, in the opinion of the Principal, be reasonable and practicable in the circumstances.

“130A. **Notification of suspension**—A Principal who suspends a pupil from attendance at a school shall immediately, by the most rapid practicable means open to him,—

“(a) Except in the case of a pupil who has attained the age of 20 years, notify the parents or guardian of the pupil of the circumstances and, if he has authorised the pupil to return to the school after

the expiration of a specified period of suspension pursuant to section 130 (3) of this Act, the duration of the suspension:

“(b) Notify the School Committee or Committee of Management (if any), and the appropriate Regional Superintendent of Education, of the circumstances and, if he has authorised the pupil to return to the school after the expiration of a specified period of suspension pursuant to section 130 (3) of this Act, the duration of the suspension:

“(c) Forward to the Board or governing body of the school a full report on the circumstances and, if he has authorised the pupil to return to the school after the expiration of a specified period of suspension pursuant to section 130 (3) of this Act, the duration of the suspension.

“130B. **Suspension for specified period**—(1) This section applies to a pupil suspended from attendance at a school who has been authorised to return to the school after a specified period of suspension pursuant to section 130 (3) of this Act.

“(2) The parents or guardian of such a pupil may, at any time after the suspension, request a meeting with the Principal to discuss it; and may also request that an Inspector of Schools be present at the meeting.

“(3) Where the parents or guardian of such a pupil request a meeting with the Principal, he shall at the earliest practicable time inform the appropriate Regional Superintendent of Education of that fact, and of whether he or the parents or guardian wishes an Inspector of Schools to be present; and the Principal shall make himself available for the purpose of the meeting as soon as may be practicable for himself, the parents or guardian, and an Inspector of Schools to attend:

“Provided that the Principal shall not be obliged to make himself available to meet the pupil’s parents on more than one occasion in respect of one suspension.

“(4) If requested by the Principal or parents or guardian of the pupil an Inspector of Schools shall attend the meeting, and in any case an Inspector of Schools may attend the meeting; and if an Inspector of Schools attends the meeting he shall be entitled to speak.

“(5) The suspension of such a pupil may, at any time before the pupil is authorised to resume attendance at the school, be lifted by the Principal, or by the Board or governing body of the school.

“130c. **Suspension of pupil under 15 for unspecified period**—(1) This section applies to a pupil suspended from attendance at a school who has not attained the age of 15 years and to whom section 130B of this Act does not apply:

“Provided that a pupil to whom this section applies who while suspended from attendance at a school attains the age of 15 years shall thereafter be dealt with pursuant to section 130D of this Act, and this section shall cease to apply to him.

“(2) After considering the report forwarded to it pursuant to section 130A of this Act concerning a pupil to whom this section applies, and making such inquiries as it thinks fit, the Board or governing body may lift the suspension, subject to such conditions (if any) as it thinks fit, or may extend it until such date as it thinks fit.

“(3) If, after the expiration of 7 days from the date of the suspension from attendance at school of a pupil to whom this section applies, the Board or governing body of that school has neither lifted nor extended the suspension, the suspension shall be deemed to have been lifted.

“(4) Any suspension from attendance at a school extended pursuant to subsection (2) of this section shall continue in force accordingly and may from time to time, while in force, be further extended in the same manner.

“(5) If the suspension from attendance at a school of a pupil to whom this section applies is extended pursuant to subsection (2) of this section, the Board or governing body concerned, or member or committee thereof, as the case may be, shall forthwith advise the appropriate Regional Superintendent of Education.

“(6) Upon being informed pursuant to subsection (5) of this section of the suspension of a pupil, the Regional Superintendent of Education shall endeavour to have the pupil re-established at some suitable school that he can conveniently attend:

“Provided that the pupil shall not be re-established at the school from which he was suspended without the agreement of its Board or governing body.

“(7) If the Regional Superintendent of Education is unable to establish a suspended pupil in a suitable school,

he shall so inform the Director-General who may require the pupil to be enrolled in a correspondence school established under this Act.

“(8) The name of every pupil to whom this section applies shall remain on the register of the school until he has been enrolled at some other school or a correspondence school, or granted by the Director-General exemption from the obligation to be enrolled as a pupil of any school, or until, after having attained the age of 15 years, he is expelled or leaves school.

“130D. **Suspension of pupil over 15 for unspecified period**—(1) This section applies to a pupil who is suspended from attendance at a school and to whom neither section 130B nor section 130C of this Act applies.

“(2) The Board or governing body of the school concerned may, in the light of the matters contained in the report forwarded to it pursuant to section 130A of this Act, and after such consultation as it thinks fit with the District Senior Inspectors of secondary schools and social workers of the Department of Social Welfare, direct that a pupil to whom this section applies be either reinstated (unconditionally or subject to such conditions as it thinks fit to impose) or expelled; and the pupil shall be reinstated or expelled accordingly.

“(3) Until he is reinstated, leaves school, enrolls at another school, attains the age of 20 years, or is expelled, whichever may be the soonest, a pupil to whom this section applies shall continue to be suspended from attendance at the school from attendance at which he was suspended, but his name shall remain on the register of the school.

“130E. **Delegation of powers of Boards and governing bodies**—Any Board or governing body of a school may by resolution delegate to a member or committee of members all or any of its powers under sections 130B, 130C, and 130D of this Act; and the exercise of any such power by any such member or committee shall be deemed to be its exercise by the Board or governing body:

“Provided that the Board or governing body may by resolution at its next meeting reverse or modify the exercise of any such power by such a member or committee; and the exercise as so reversed or modified shall take effect from the date of the resolution.

“130F. Suspension or expulsion of pupils from private schools—(1) Immediately after the suspension from attendance at or expulsion from a private school of any pupil who has not attained the age of 15 years, the Principal or head teacher shall notify the Education Board of the district in which the school is situated of the suspension or expulsion and the circumstances that led to it.

“(2) Except in the case of a pupil suspended from attendance at a school who is within a reasonable time reinstated, upon so being notified the Education Board shall either arrange for the pupil to be enrolled at some other school that he may conveniently attend, or notify the Director-General that it has not been able to do so.

“(3) If the Director-General, having so been notified, is satisfied that the pupil cannot be enrolled at any other school that he may conveniently attend, he may require that the pupil be enrolled with a correspondence school established under this Act.”

(2) The following enactments are hereby consequentially repealed:

- (a) Section 5 of the Education Amendment Act 1969;
- (b) Section 9 (2) of the Education Amendment Act 1975.

This Act is administered in the Department of Education.
