



Te Tāhuhu o  
te Mātauranga  
Ministry of Education

# Legislative guide

for principals and school  
boards on stand downs,  
suspensions, exclusions  
and expulsions



New Zealand  
Government  
Te Kāwanatanga  
o Aotearoa

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# The Education and Training Act 2020

## Sections 79-89 of the Act provide the framework for stand downs, suspensions, exclusions and expulsions.

However, they need to be considered in the context of the broader philosophy of education, as expressed in other sections of the Act. The main references are:

### a. Right to education

Section 33 of the Act states that every domestic student is entitled to free enrolment and free education at any State school or charter school from the age of five until the end of the year in which they turn 19. This is subject to provisions arising from approved enrolment schemes and integration agreements.

### b. Right to counselling

Section 103(a) requires all principals of State schools or the person responsible for teaching and learning at a charter school to take all reasonable steps to ensure that all students get good guidance and counselling.

### c. Obligation to parents

Section 103(c) requires all principals of State schools or the person responsible for teaching and learning at a charter school to take all reasonable steps to ensure that parents are told of matters which, in the principal or person responsible for teaching and learning at a charter school's opinion, are preventing or slowing the student's progress through school or are harming the student's relationships with teachers or other students.

## Section 89 of the Act enables the Secretary for Education to make rules.

- (1)** The Secretary may make rules (which must be consistent with this Act) regulating the practice and procedure to be followed by boards, sponsors, principals, persons responsible for teaching and learning in charter schools, students, parents of students, and other persons under sections 80 to 88, including (without limitation) rules—
  - (a)** setting out procedural requirements to be followed when a proposed stand-down, suspension, exclusion, or expulsion is to be considered or decided:
  - (b)** specifying who should be consulted about the circumstances of a stand-down, suspension, exclusion, or expulsion:
  - (c)** setting out the steps to be taken by the principal (or person responsible for teaching and learning in a charter school) and board (or sponsor), respectively, when a student has been stood down, suspended, excluded, or expelled:

- (d)** specifying the notices to be given when a decision not to lift a suspension, or a decision to extend a suspension or expel a student, is made and the particulars to be set out in each notice:
  - (e)** specifying time limits within which specified things are to be done and the reports that are to be produced and the persons who are to produce them:
  - (f)** providing reasonable measures (which must not be inconsistent with the Privacy Act 2020) to protect the privacy of individuals:
  - (g)** providing for any other matters that the Secretary considers desirable in the interests of natural justice.
- (2)** Before making any rules under this section, the Secretary must—
  - (a)** publish in the Gazette, and on an Internet site maintained by or on behalf of the Ministry, a notice of the Secretary's intention to make the rules; and
  - (b)** give interested persons reasonable time (as specified in the notice) to make submissions on the proposed rules; and
  - (c)** consult the persons and groups that the Secretary thinks fit.
- (3)** Rules under this section are secondary legislation (see [Part 3](#) of the Legislation Act 2019 for publication requirements).

# Education (Stand-down, Suspension, Exclusion and Expulsion) Rules 1999

Sections 79-89 of the Education and Training Act 2020 are highlighted in boxes with these Rules.

## Rules

### Rule 1: Title and commencement –

- (1) These rules may be cited as the Education (Stand-down, Suspension, Exclusion and Expulsion) Rules 1999.
- (2) These rules come into force on 12 July 1999.

### Rule 2: Interpretation –

- (1) In these rules, –
  - › **Act** means the Education and Training Act 2020:
  - › **board** has the meaning given to it by rule 3:
  - › **given** has the meaning given to it by rule 4:
  - › **Ministry** has the meaning given in section 10(1) of the Act:
  - › **parent**, in relation to any person, means a person who is the person’s mother, father, or guardian:
  - › **reconsideration meeting** means a meeting to reconsider the action a board took under section 81 or section 83 of the Act:
  - › **Secretary** means the chief executive of the Ministry:
  - › **stand-down meeting** means a meeting to discuss a stand-down:
  - › **suspension meeting** means a meeting held under section 85 of the Act.
- (2) Words defined in the Act have the same meanings in these rules.

#### Section 79 Education and Training Act 2020

**79.** Application of sections 80-89 - Sections 80-89 (and any rules made under section 89) apply only in relation to domestic students at a State school or a charter school.

### Rule 3: “Board”

In these rules, “Board” means a board constituted under subpart 5 of Part 3 of the Act

#### **Rule 4: “Given” –**

- (1)** Any document that these rules require to be given must be given by the method in subclause (2) that, in the opinion of the person giving the document, is most likely to ensure that the document reaches the person for whom it is intended.
- (2)** The methods by which a document may be given are –
  - (a)** Personally delivering it to the person; or
  - (b)** Posting it to a usual address of the person; or
  - (c)** Sending it to the person by fax or some other electronic means; or
  - (d)** Providing it to the person in a manner approved by the person.
- (3)** A document posted under subclause (2)(b) is deemed to have been delivered to the person at the time it would have been delivered in the ordinary course of post. For the purposes of proving delivery, –
  - (a)** It is sufficient to prove that the document was properly addressed; and
  - (b)** The document is presumed, in the absence of proof to the contrary, to have been posted on the day on which it was dated.
- (4)** A document sent under subclause (2)(c) is deemed in the absence of proof to the contrary, to have been delivered on the day after the day on which it was sent, and it is sufficient proof of sending that a correct machine-generated acknowledgement of receipt exists.

#### **Rule 5: Purpose of rules –**

- (1)** These rules regulate the practice and procedure to be followed under sections 80 to 88 of the Act, –
  - (a)** In relation to State schools, by boards, principals, students, parents of students, and other persons.
  - (b)** In relation to charter schools, by sponsors, persons responsible for teaching and learning at the school, students, parents of students, and other persons.

#### **Section 78 Education and Training Act 2020**

**78. Purpose –** The purpose of sections 79 to 89 relating to the standing-down, suspension, exclusion, or expulsion of a domestic student from a State school or charter school is to –

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

## **Rule 6: “Standing-down,” “suspension,” “exclusion,” “expulsion” –**

- (1) The processes dealt with in sections 80 to 88 of the Act are –
- (a) standing-down, which is the process described in sections 80, 84(1), and 88(1) of the Act:
  - (b) suspension, which is the process described in sections 80(1) and (3), 81(1) to (5), 83(1)(a) and (b), 83(2) to (5), 84, 85, 86, and 88(2) and (3) of the Act:
  - (c) exclusion, which is the process described in sections 81(1)(c), (6) and (7), 82, 86, 87(1) and (2), and 88(3) of the Act.
  - (d) expulsion, which is the process described in sections 83(1)(c), 86(2)(b), 87 and 88(3) of the Act.
- (2) The practices and procedures dealt with in these rules are in rules 8 to 21.

## **Rule 7: Principles applying to processes, practices, and procedures –**

Every participant in the process, practices, and procedures dealt with in sections 80 to 88 of the Act and these rules should be guided by the following principles:

- (a) The need for every participant to understand the processes, practices, and procedures:
- (b) The need for every participant to treat every other participant with respect, which includes recognising and respecting New Zealand’s cultural diversity:
- (c) The need to recognise the unique position of Māori:
- (d) The need for every participant to recognise that the board or sponsor has a responsibility to maintain a safe and effective learning environment at the student’s school.

## Stand-downs and suspensions, and notices about them

### Section 80 Education and Training Act 2020

**80.** Principals of State schools or persons responsible for teaching and learning in charter schools may stand-down or suspend students –

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



## Section 88 Education and Training Act 2020

### **88.** Notice requirements for stand-downs, suspensions, exclusions, and expulsions –

- (1)** Immediately after a student is stood-down under section 80, the principal or person responsible for teaching and learning in a charter school must tell the Secretary and a parent of the student –
  - (a)** That the student has been stood down; and
  - (b)** The reasons for the decision of the principal or person responsible for teaching and learning in a charter school; and
  - (c)** The period for which the student has been stood down.
- (2)** Immediately after a student is suspended under section 80, the principal or person responsible for teaching and learning in a charter school must tell the board or sponsor, the Secretary, and a parent of the student –
  - (a)** That the student has been suspended; and
  - (b)** The reasons for the decision of the principal or person responsible for teaching and learning in a charter school.
- (3)** Immediately after the principal or person responsible for teaching and learning in a charter school or the board or sponsor lifts a suspension, extends a suspension excludes a student, or expels a student, the principal or person responsible for teaching and learning in a charter school or the board or sponsor must tell the Secretary and a parent of the student –
  - (a)** That the suspension has been lifted or extended, and the period of the extension (if any), or that the student has been excluded or expelled; and
  - (b)** The reasons for the decision of –
    - (a)** The principal; or
    - (b)** The person responsible for teaching and learning in a charter school; or
    - (c)** The board; or
    - (d)** The sponsor.
- (4)** Nothing in this section requires the board or sponsor to tell a parent of a student about an action taken under this section if the student has turned 20 years.

### **Rule 8: No imposed absences –**

A principal or person responsible for teaching and learning in a charter school who wants a student to absent himself or herself from school for disciplinary reasons, or who wants a parent to remove a student from school for disciplinary reasons, may bring about the absence or the removal only by standing-down or suspending the student under section 80(1) of the Act.

### **Rule 9: Information about stand-downs or suspensions –**

A principal or person responsible for teaching and learning in a charter school who has stood-down or suspended a student must ensure that the student and a parent of the student are, as soon as practicable, given the information on stand-downs or suspensions provided by the Ministry for the purpose.

### **Rule 10: Information for Ministry –**

A principal or person responsible for teaching and learning in a charter school telling the Secretary about a stand-down or suspension must ensure that the Secretary is given the information about the stand-down or suspension, under section 88(1) or (2) of the Act, in the form that the Secretary requests.

### **Rule 11: Stand-down meeting –**

- (1) A principal or person responsible for teaching and learning in a charter school who has stood down a student may cause a stand-down meeting to be arranged.
- (2) A principal or person responsible for teaching and learning in a charter school who, having stood-down a student is asked by the student or a parent of the student for a stand-down meeting –
  - (a) Must cause such a meeting to be arranged; and
  - (b) Must take steps to be available for the meeting as soon as is practicable for the student, the parent, and the principal or person responsible for teaching and learning in a charter school.

### **Rule 12: Stand-down may be withdrawn –**

As a consequence of a stand-down meeting, the principal or person responsible for teaching and learning in a charter school may be satisfied that reasonable grounds for the stand-down did not exist under section 80(1) of the Act. In that case, the principal or person responsible for teaching and learning in a charter school must –

- (1) Ensure that the stand-down is withdrawn; and
- (2) Ensure that the student, and anyone told of the stand-down under section 88(1) of the Act, is told that the stand-down has been withdrawn.

### **Rule 13: Attendance at school –**

In exercising the discretion under section 80(3)(a), the principal or person responsible for teaching and learning in a charter school must take into account, for the purposes of section 84(2) to (3), that an appropriate educational programme for the student may include the need for the student –

- (a) To fulfil course requirements for a qualification;
- (b) To sit an examination.

## Suspension meetings

### Section 85 Education and Training Act 2020

#### 85. Who may attend meeting concerning suspension -

- (1) If a student has been suspended from a State school or charter school, the student, a parent of the student, and their representatives are entitled to attend at least 1 meeting of the board or sponsor and speak at that meeting, and to have their views considered by the board or sponsor before it decides whether to lift or extend the suspension or exclude or expel the student.
- (2) Instead of attending and speaking at a meeting of the board or sponsor in person, the student, a parent of the student, and their representatives may attend and speak by way of telephone or video link.
- (3) However, a telephone conference or video link may be used only if the student and a parent of the student have requested it to be used.

### Rule 14: Suspension report -

A principal or person responsible for teaching and learning in a charter school who has suspended a student must ensure that a report that contains all information relevant to the suspension is written for the board or sponsor (as the case may be).

### Rule 15: Information about suspension meeting -

- (1) The board or sponsor must ensure that a student who has been suspended, and the student's parents, are given the following as soon as practicable after the suspension:
  - (a) Written notice of the time and place of the suspension meeting; and
  - (b) Written information about the statutory options available to the board or sponsor to deal with the suspension at the suspension meeting.
- (2) The board or sponsor must ensure that the following material is given in writing, to the student and the student's parents within the time described in subclause (3):
  - (a) Information on the procedures the board or sponsor follows at suspension meetings; and
  - (b) Advice that the student and the student's parents may attend the meeting and speak at it about the suspension; and
  - (c) Those parts of the following that, in the board's or sponsor's opinion, it would have no ground to withhold if the student made a request for the following under the Privacy Act 2020:
    - i. The report of the principal or person responsible for teaching and learning in a charter school to the board or sponsor on the suspension; and
    - ii. Any other material about the suspension to be presented by the principal or person responsible for teaching and learning in a charter school or the board or sponsor at the meeting.

- (3) The material must be given to the student and the student's parents at a time that enables it to reach them at least 48 hours before the meeting (or within a shorter time agreed by all the parties).

## **Rule 16. Adjournments to consider new information –**

- (1) The board or sponsor must allow an adjournment in a suspension meeting if any of the following asks the board or sponsor to do so because the person making the request needs time to consider new information:
  - (a) The student or a parent of the student:
  - (b) Any board member or governing member of the sponsor.
- (2) In subclause (1), new information means information –
  - (a) That is referred to at the suspension meeting; and
  - (b) That is either –
    - i. Information that was not given, under rule 15, to the person making the request; or
    - ii. Information that is new to the person making the request for some other reason.
- (3) In deciding on the period of the adjournment the board or sponsor must have regard to the amount of time that the person making the request needs, in the person's particular circumstances, to consider the information.

## **Rule 17. Board's decision –**

- (1) Before deciding at a suspension meeting whether to lift or extend the suspension or exclude or expel the student, the board or sponsor must–
  - (a) Have due regard for each circumstance relevant to the suspension; and
  - (b) Consider each statutory option available to it.
- (2) The board or sponsor may –
  - (a) Require the principal or person responsible for teaching and learning in a charter school, the student, the student's parents, and representative of the student, and any representative of the parents to withdraw from the meeting while the board or sponsor makes its decision; or
  - (b) Ask the principal or person responsible for teaching and learning in a charter school, the student, the student's parents, and any representatives of the student and the parents to stay at the meeting while the board or sponsor makes its decision.
- (3) Before making its decision, the board or sponsor may try to get all the parties at the meeting to agree on what the decision should be.
- (4) The board or sponsor must record its decision, and the reasons for it, in writing.

## Monitoring of extended suspensions

### Section 81 Education and Training Act 2020

**81.** Powers of a State school board and charter school sponsor when suspended students aged under 16 years –

- (1)** If a student aged under 16 years has been suspended from a State school or charter school, the school's board or the sponsor may –
  - (a)** Lift the suspension before it expires, either unconditionally or subject to any reasonable conditions the board wants to make;
  - (b)** Extend the suspension conditionally for a reasonable period determined by the board when extending the suspension, in which case subsection (2) applies;
  - (c)** If the circumstances of the case justify the most serious response, exclude the student from the school by extending the suspension and requiring the student to be enrolled at another school.
- (2)** If the board or sponsor extends a suspension conditionally, the board or sponsor must impose reasonable conditions aimed at facilitating the return of the student to school and must take appropriate steps to facilitate the return of the student to school.
- (3)** If a student fails to comply with any condition imposed under this section in respect of the lifting or extension of his or her suspension, the principal or person responsible for teaching and learning in a charter school may request the board or sponsor to reconsider the action it took under this section
- (4)** If subsection (3) applies, the board or sponsor may confirm or reverse its earlier decisions or may modify its earlier decisions by taking any action specified in subsection (1).
- (5)** If the board or sponsor has not sooner lifted or extended it or excluded the student under subsection (1)(c), the suspension of a student ceases to have effect –
  - (a)** At the close of the seventh school day after the day of the suspension; or
  - (b)** If the suspension occurs within 7 school days before the end of a term, at the close of the tenth calendar day after the day of the suspension.
- (6)** If the board or sponsor excludes the student under subsection (1)(c), the principal or person responsible for teaching and learning in a charter school must try to arrange for the student to attend another school that is suitable and that the student can reasonably conveniently attend.
- (7)** If the principal or person responsible for teaching and learning in a charter school is unable, by the tenth school day after the day of the board's or sponsor's decision to exclude a student, to arrange for the student to attend another school, the principal or person responsible for teaching and learning in a charter school must tell the Secretary what steps the principal or person responsible for teaching and learning in a charter school took in trying to do so.

## Section 83 Education and Training Act 2020

**83.** Powers of State school board and charter school sponsor when suspended students aged 16 years or over –

- (1)** If a student aged 16 years or over has been suspended from a State school or charter school, the school's board or sponsor may –
  - (a)** Lift the suspension before it expires, either unconditionally or subject to any reasonable conditions it wants to make; or
  - (b)** Extend the suspension conditionally for a reasonable period determined by the board or sponsor when extending the suspension, in which case subsection (2) applies; or
  - (c)** Expel the student.
- (2)** If the board or sponsor extends a suspension conditionally, the board or sponsor must impose reasonable conditions aimed at facilitating the return of the student to school and must take steps to facilitate the return of the student to school.
- (3)** If a student fails to comply with any condition imposed under this section in respect of the lifting or extension of their suspension, the principal or person responsible for teaching and learning in a charter school may request the board or sponsor to reconsider the action it took under this section.
- (4)** If subsection (3) applies, the board or sponsor may confirm or reverse its earlier decisions or may modify its earlier decisions by taking any action specified subsection (1).
- (5)** If the board or sponsor has not sooner lifted or extended it or expelled the student under subsection (1)(c), the suspension of a student ceases to have effect –
  - (a)** At the close of the seventh school day after the day of the suspension; or
  - (b)** If the suspension occurs within 7 school days before the end of a term, at the close of the tenth calendar day after the day of the suspension.

### **Rule 18: Extended suspension under any of sections 81(1)(b), 81(3), 83(1)(b), or 83(3) of the Act –**

- (1)** This rule applies when a Board extends a suspension under any of sections 81(1)(b) or (3) or 83(1)(b) or (3) of the Act for a period of 4 weeks or more.
- (2)** The board or sponsor must monitor the progress of the suspended student by ensuring that it receives, at each regular board meeting or meeting of the sponsor after the suspension, a written report on whether the student is meeting the conditions imposed and progressing with any educational programme provided.
- (3)** The principal or person responsible for teaching and learning in a charter school must ensure that the student and a parent of the student are given a copy of any such report as soon as practicable.

### **Rule 19: Student failing to comply with conditions –**

- (1) If the board or sponsor agrees to a request made by the principal or person responsible for teaching and learning in a charter school under section 81(3) or 83(3) of the Act, the board or sponsor must hold a reconsideration meeting about the student's case.
- (2) The meeting must be held –
  - (a) Within 7 school days of the request; or
  - (b) If the request is made within 7 school days of the end of term, within 10 calendar days of the request.

### **Rule 20: Information about reconsideration meeting –**

- (1) The board or sponsor must ensure that a student who has been suspended, and a parent of the student, are given written notice of the time and place of the reconsideration meeting as soon as practicable after the board or sponsor decides to hold the meeting.
- (2) The board or sponsor must ensure that the following material is given, in writing, to the student and the parent within the time described in subclause (3):
  - (a) Information on the procedures the board or sponsor follows at reconsideration meetings; and
  - (b) Advice that the student and a parent of the student may attend the meeting and speak at it about the reconsideration of the suspension; and
  - (c) Those parts of the following that, in the board's or sponsor's opinion, it would have no ground to withhold if the student made a request for the following under the Privacy Act 2020:
    - i. The report of the principal or person responsible for teaching and learning in a charter school to the board or sponsor on the reconsideration of the suspension; and
    - ii. Any other material about the reconsideration of the suspension to be presented by the principal or person responsible for teaching and learning in a charter school or the board or sponsor at the meeting.
- (3) The material must be given to the student and the parent at a time that enables it to reach them at least 48 hours before the meeting (or within a shorter time agreed by all the parties).

### **Rule 21. Information for Ministry –**

As soon as practicable after the board or sponsor has made a decision on its reconsideration of the suspension under section 81(3) or section 83(3) of the Act, the principal or person responsible for teaching and learning in a charter school must ensure that the Secretary is given the information about the decision, under section 88(3) of the Act, in the form that the Secretary requests.

## Guidance and educational programmes

### Section 84 Education and Training Act 2020

**84.** Duties of principals or persons responsible for teaching and learning when students stood-down or suspended from State schools or charter schools –

- (1)** When a student is stood down or suspended from a State school or charter school, the principal or person responsible for teaching and learning in a charter school must take all reasonable steps to ensure that the student has the guidance and counselling that are reasonable and practicable in all the circumstances of the stand-down or suspension.
- (2)** If a student's suspension is subject to conditions, the principal or person responsible for teaching and learning in a charter school must take all reasonable steps to ensure that an appropriate educational programme is provided to the student.
- (3)** The purpose of the programme referred to in subsection (2) is to facilitate the return of a student to school and to minimise the educational disadvantages that occur from absence from school.

## Excluded students

### Section 82 Education and Training Act 2020

**82.** Secretary's powers when excluded students aged under 16 years–

- (1)** If the Secretary is satisfied that the board of a State School or sponsor has excluded a student aged under 16 years from the school under section 81(1)(c), and that the principal or person responsible for teaching and learning in a charter school has not arranged for the student to attend another school, the Secretary must, –
  - (a)** If satisfied that it is appropriate for the student to return to the school from which the student has been excluded, lift the exclusion; or
  - (b)** Arrange for and, if necessary, direct the following to enrol the student at the other school:
    - (i)** the board of any other State school (other than a State integrated school);
    - (ii)** the sponsor of any other charter school.
  - (c)** Direct a parent of the student to enrol the student at a distance school.



- (2)** The Secretary may not lift an exclusion under subsection (1)(a) or give a direction under subsection (1)(b) unless the Secretary has made all reasonable attempts to consult –
- (a)** the student; and
  - (b)** a parent of the student; and
  - (c)** the board or sponsor; and
  - (d)** any other person or organisation that, in the Secretary's opinion, may be interested in, or able to advise on or help with, the student's education or welfare.
- (3)** If the board or sponsor of a school from which the student has been excluded also controls another school, the Secretary (in exercising the power conferred by subsection (1)(b)) may direct the board or sponsor to enrol the student at that other school.
- (4)** A board or sponsor must comply with a direction under subsection (1)(b), and the direction overrides any enrolment scheme the school may have in place.

## School register

### Section 86 Education and Training Act 2020

#### **86.** Effect of suspension on school register –

- (1)** The name of a student aged under 16 years who has been suspended from a State school or a charter school under section 80 or excluded from a State school or charter school under section 81(1)(c) must stay on the school's register until the earliest of the following days:
- (a)** The day the student is enrolled at another registered school:
  - (b)** The day the student is given an exemption under section 38 or 39.
- (2)** The name of a student who has turned 16 and is suspended from a State school or charter school under section 80 must stay on the register of the school until the earliest of the following days:
- (a)** The day on which the student is enrolled at another registered school:
  - (b)** The day on which the student is expelled from the school:
  - (c)** The day on which the student leaves school:
  - (d)** 1 January after the student's 19th birthday.
- (3)** Subsection (2) applies to a student aged under 16 years when suspended from a State school or charter school under section 80 or, who is excluded from a State school or charter school under section 81(1)(c), and turns 16 while subject to the suspension or exclusion.

## Section 87 Education and Training Act 2020

### 87. Re-enrolment of excluded or expelled student –

- (1)** The board of a State school or a sponsor from which a student has ever been excluded or expelled may refuse to enrol the student at the school (unless, in the case of an exclusion, the Secretary has lifted the exclusion under section 82(1)(a)).
- (2)** Subject to section 82(1)(b), the board of a State school or a sponsor may refuse to enrol a student who is for the time being excluded or expelled (whether under section 81 or 83) from another State school or another charter school.
- (3)** The Secretary may, in the case of a student who has turned 16 years, direct the board of another State school (other than a State integrated school) to enrol a student at the school if –
  - (a)** The student has been expelled from a State school under section 83; and
  - (b)** The Secretary has made all reasonable attempts to consult –
    - i.** the student; and
    - ii.** a parent of the student; and
    - iii.** the board; and
    - iv.** any other person or organisation that, in the Secretary's opinion, may be interested in, or able to advise on or help with, the student's education or welfare.
- (3A)** The Secretary may, in the case of a student who has turned 16 years, direct the sponsor of another charter school to enrol a student at the charter school if –
  - (c)** the student has been expelled from a charter school under section 83; and
  - (d)** the Secretary has made all reasonable attempts to consult–
    - i.** the student; and
    - ii.** a parent of the student; and
    - iii.** the sponsor; and
    - iv.** any other person or organisation that, in the Secretary's opinion, may be interested in, or able to advise on or help with, the student's education or welfare.
- (4)** A board or sponsor must comply with a direction under subsection (3) and the direction overrides any enrolment scheme the school may have in place.



**Te Tāhuhu o  
te Mātauranga**  
Ministry of Education

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He mea tārai e mātou te mātauranga  
kia rangatira ai, kia mana taurite ai ōna huanga.

We shape an education system that delivers  
equitable and excellent outcomes.

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**New Zealand  
Government**  
Te Kāwanatanga  
o Aotearoa