

Version  
as at 1 October 2024



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

(SR 1999/202)

Pursuant to section 18AA of the Education Act 1989, the Secretary of Education makes the following rules.

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#### Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

**These rules are administered by the Ministry of Education.**

*Monitoring of extended suspensions*

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*Excluded students**[Revoked]**School register**[Revoked]***Rules****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.

**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 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.

Rule 2(1) **Act**: amended, on 1 October 2024 by section 77 of the Education and Training Amendment Act 2024 (2024 No 40).

Rule 2(1) **Ministry**: amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

Rule 2(1) **reconsideration meeting**: amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

Rule 2(1) **suspension meeting**: amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

### 3 Board

In these rules, **board** means a board constituted under subpart 5 of Part 3 of the Act.

Rule 3: replaced, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

### 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.

### 5 Purpose of rules

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.

Rule 5: replaced, on 1 October 2024, by section 77 of the Education and Training Amendment Act 2024 (2024 No 40).

### 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 6(1): amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).
- Rule 6(1)(a): amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).
- Rule 6(1)(b): amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).
- Rule 6(1)(c): amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).
- Rule 6(1)(d): amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

## 7 Principles applying to processes, practices, and procedures

Every participant in the processes, 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 Maori:
- (d) the need for every participant to be guided by the charter of the student's school:
- (e) 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.

Rule 7: amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

Rule 7(e): amended, on 1 October 2024, by section 77 of the Education and Training Amendment Act 2024 (2024 No 40).

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

Text boxes: revoked, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

**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 8: amended, on 1 October 2024, by section 77 of the Education and Training Amendment Act 2024 (2024 No 40).

Rule 8: amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

**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 9: amended, on 1 October 2024, by section 77 of the Education and Training Amendment Act 2024 (2024 No 40).

**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 10: amended, on 1 October 2024, by section 77 of the Education and Training Amendment Act 2024 (2024 No 40).

Rule 10: amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

**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 11(1): amended, on 1 October 2024, by section 77 of the Education and Training Amendment Act 2024 (2024 No 40).

Rule 11(2): amended, on 1 October 2024, by section 77 of the Education and Training Amendment Act 2024 (2024 No 40).

Rule 11(2)(b): amended, on 1 October 2024, by section 77 of the Education and Training Amendment Act 2024 (2024 No 40.)

## 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—

- (a) ensure that the stand-down is withdrawn; and
- (b) 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 12: amended, on 1 October 2024, by section 77 of the Education and Training Amendment Act 2024 (2024 No 40).

Rule 12: amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

Rule 12(b): amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

## 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.

Rule 13: amended, on 1 October 2024, by section 77 of the Education and Training Amendment Act 2024 (2024 No 40).

Rule 13: amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

### *Suspension meetings*

Text box: revoked, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

## 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 14 heading: replaced, on 1 October 2024, by section 77 of the Education and Training Amendment Act 2024 (2024 No 40).

Rule 14: amended, on 1 October 2024, by section 77 of the Education and Training Amendment Act 2024 (2024 No 40).

## **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 15(1): amended, on 1 October 2024, by section 77 of the Education and Training Amendment Act 2024 (2024 No 40).

Rule 15(1)(b): amended, on 1 October 2024, by section 77 of the Education and Training Amendment Act 2024 (2024 No 40).

Rule 15(2): amended, on 1 October 2024, by section 77 of the Education and Training Amendment Act 2024 (2024 No 40).

Rule 15(2)(a): amended, on 1 October 2024, by section 77 of the Education and Training Amendment Act 2024 (2024 No 40).

Rule 15(2)(c): amended, on 1 October 2024, by section 77 of the Education and Training Amendment Act 2024 (2024 No 40).

Rule 15(2)(c): amended, on 1 December 2020, by section 217 of the Privacy Act 2020 (2020 No 31).

Rule 15(2)(c)(i): amended, on 1 October 2024, by section 77 of the Education and Training Amendment Act 2024 (2024 No 40).

Rule 15(2)(c)(ii): amended, on 1 October 2024, by section 77 of the Education and Training Amendment Act 2024 (2024 No 40).

## 16 Adjourments 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 16(1): replaced, on 1 October 2024, by section 77 of the Education and Training Amendment Act 2024 (2024 No 40).

Rule 16(3): amended, on 1 October 2024, by section 77 of the Education and Training Amendment Act 2024 (2024 No 40).

## 17 Board's or sponsor'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, any 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.  
Rule 17 heading: replaced, on 1 October 2024, by section 77 of the Education and Training Amendment Act 2024 (2024 No 40).  
Rule 17(1): amended, on 1 October 2024, by section 77 of the Education and Training Amendment Act 2024 (2024 No 40).  
Rule 17(2): amended, on 1 October 2024, by section 77 of the Education and Training Amendment Act 2024 (2024 No 40).  
Rule 17(2)(a): amended, on 1 October 2024, by section 77 of the Education and Training Amendment Act 2024 (2024 No 40).  
Rule 17(2)(b): amended, on 1 October 2024, by section 77 of the Education and Training Amendment Act 2024 (2024 No 40).  
Rule 17(3): amended, on 1 October 2024, by section 77 of the Education and Training Amendment Act 2024 (2024 No 40).  
Rule 17(4): amended, on 1 October 2024, by section 77 of the Education and Training Amendment Act 2024 (2024 No 40).

#### *Monitoring of extended suspensions*

Text boxes: revoked, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

### **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 or sponsor 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 18 heading: amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

Rule 18(1): amended, on 1 October 2024, by section 77 of the Education and Training Amendment Act 2024 (2024 No 40).

Rule 18(1): amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

Rule 18(2): amended, on 1 October 2024, by section 77 of the Education and Training Amendment Act 2024 (2024 No 40).

Rule 18(3): amended, on 1 October 2024, by section 77 of the Education and Training Amendment Act 2024 (2024 No 40).

**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 19(1): amended, on 1 October 2024, by section 77 of the Education and Training Amendment Act 2024 (2024 No 40).

Rule 19(1): amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

**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 20(1): amended, on 1 October 2024, by section 77 of the Education and Training Amendment Act 2024 (2024 No 40).

Rule 20(2): amended, on 1 October 2024, by section 77 of the Education and Training Amendment Act 2024 (2024 No 40).

Rule 20(2)(a): amended, on 1 October 2024, by section 77 of the Education and Training Amendment Act 2024 (2024 No 40).

Rule 20(2)(c): amended, on 1 October 2024, by section 77 of the Education and Training Amendment Act 2024 (2024 No 40).

Rule 20(2)(c): amended, on 1 December 2020, by section 217 of the Privacy Act 2020 (2020 No 31).

Rule 20(2)(c)(i): amended, on 1 October 2024, by section 77 of the Education and Training Amendment Act 2024 (2024 No 40).

Rule 20(2)(c)(ii): amended, on 1 October 2024, by section 77 of the Education and Training Amendment Act 2024 (2024 No 40).

## **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 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.

Rule 21: amended, on 1 October 2024, by section 77 of the Education and Training Amendment Act 2024 (2024 No 40).

Rule 21: amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

### *Excluded students*

*[Revoked]*

Heading: revoked, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

Text box: revoked, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

### *School register*

*[Revoked]*

Heading: revoked, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

Text box: revoked, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

Dated at Wellington on 16th day of June 1999.

Howard Fancy,  
Secretary of Education.

Issued under the authority of the Legislation Act 2019  
Date of notification in *Gazette*: 17 June 1999.

## Notes

### **1** *General*

This is a consolidation of the Education (Stand-down, Suspension, Exclusion, and Expulsion) Rules 1999 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

### **2** *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

### **3** *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

### **4** *Amendments incorporated in this consolidation*

Education and Training Amendment Act 2024 (2024 No 40): section 77

Education and Training Act 2020 (2020 No 38): section 668

Privacy Act 2020 (2020 No 31): section 217