

# Suspension, exclusion and expulsion of students procedure

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

To assist with user friendliness, you can also read and download an [interactive version of this procedure \(PDF 1.3MB\)](#).

## Overview

This document outlines the procedures for take-home, suspension, exclusion and expulsion of students from Department for Education schools. It guides school leaders in the targeted use of take-homes, suspensions, exclusions and expulsions to support safe and positive behaviour in schools.

## Scope

This procedure is mandatory for all South Australian public schools. Preschools, early childhood services and Out of School Hours Care are not in scope for this procedure.

This procedure does not include details about the Chief Executive's authority to direct that a child be enrolled in a specified school (see Section 62, *Education and Children's Services Act 2019*).

The need for the Chief Executive to consider an enrolment direction to a particular school due to a child's behaviour will be rare and only in circumstances where a child's behaviour poses an unmanageable risk to the health, safety and welfare of that child and/or members of that child's school community. If the Principal believes that it is appropriate in the particular circumstances for the Chief Executive to consider exercising their power, they can seek advice and support from their Education Director and contact the Partnerships, Schools and Preschools division at [education.partnershipsschoolsandpreschoolsdivision@sa.gov.au](mailto:education.partnershipsschoolsandpreschoolsdivision@sa.gov.au).



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# 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 Regulations 2020* (the Regulations). In this procedure we use the terms student, children and young people. We also use the term [parent or carer](#).

## Guiding principles

Children and young people's behaviours span a continuum including positive behaviours, low-level and developmentally appropriate transgressions, behaviours that challenge and raise concern, and complex and unsafe behaviours. Complex and unsafe behaviours require intensive and individualised behaviour interventions, in addition to targeted and universal strategies.

The intended goal of any behaviour intervention, including take-homes, suspensions, exclusions and expulsions is to restore a safe and supportive environment for all students and staff.

The [behaviour support policy \(PDF 165KB\)](#) 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 staff working with children, parents or carers and community to understand the wider context and purpose of children's behaviour.

Take-homes, suspensions, exclusions and expulsions:

- are not designed to punish
- are most effective when they are used as a part of broader site-wide approaches and commitment to supporting positive behaviours and safe inclusion for all
- must be used in a targeted way to meet the 7 core functions of the [behaviour support policy PDF 165KB](#)
- must be used as a last resort to meet the behaviour support policy's goal of safe inclusion for all students
- 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 and continues through the process of suspension and exclusion. This includes facilitating the student's participation in extracurricular activities following a suspension or exclusion.

## Equity and inclusion

Australia is signatory to the [United Nations Convention on the Rights of the Child](#) and [United Nations Convention on the Rights of Persons with Disabilities](#), and [United Nations Declaration on the Rights of Indigenous People](#) (UNDRIP). The department is committed to ensuring its policies and procedures support equity and inclusion.

This requires consideration regarding how to best support priority groups, including Aboriginal students, students in care and students with disability, as well as other vulnerable students (for example, students with refugee experiences) who are at higher risk of exclusionary responses.

Decision making about take-home, suspension, exclusion and expulsion must be responsive to the unique needs of children and young people and should only be considered following the implementation of tailored and developmentally appropriate strategies and supports. Examples of tailored strategies and supports include:

- adjustments to support participation to share their views and perspectives
- personalised plans that are actively implemented and monitored to help children and young people meet learning and behaviour expectations, for example, [behaviour support plan](#) and [One Plan](#)
- support and advocacy to help students and their parents or carers understand and contribute to planning and decision making, including, support persons, interpreters, Bilingual School Services Officer or Community Liaison Officer
- development of classroom environments that promote a sense of inclusion and responsiveness to the language and culture of the student
- input from specialist staff, including [Student Support Services](#), Aboriginal Education staff, inclusion staff.

## Students with disability

Educators have obligations under the [Disability Standards for Education 2005 \(cth\)](#) to support the access and participation of students with disability. These obligations include:

- making reasonable adjustments which allow students with disability to participate and learn on the same basis as students without disability
- consulting regularly with students, their parents or carers to identify barriers, to make the most appropriate reasonable adjustments and address concerns as they arise.

## Aboriginal learners

Within the department, there are a number of policies, strategies and frameworks that contribute to ensuring all Aboriginal children and young people are successful learners and highly skilled for their future. Combined, they define how we will go about improving educational outcomes for Aboriginal children and young people and create a culturally safe and responsive education system. Our work to support Aboriginal children and young people is guided by:

- [Aboriginal Education Strategy \(PDF 6.6 MB\)](#) (2019 – 2029) which commits us to holding high expectations for Aboriginal students and the system
- [Culturally Responsive Framework \(PDF 6.6 MB\)](#) (2022) which outlines the skills for employees to build cultural responsiveness
- [Stretch Reconciliation Action Plan \(PDF 9.7MB\)](#) (2023 – 2026) which promotes relationships, respect and reconciliation opportunities

- National Agreement on [Closing the Gap](#) (2020), which establishes targets to measure progress in the outcomes experienced by Aboriginal people and priority reforms to change the way we work with Aboriginal people.

## Children and young people in care

The [Children in Care service](#) and [trauma responsive practice](#) support schools to meet the needs of children and young people in care.

The [Charter of Rights for Children and Young People in Care \(PDF 643KB\)](#) has been endorsed by the department. It outlines the rights of children in care to participate in decision making and receive extra support for inclusion in education.

The [Joint Plan of Action](#) with the Department for Child Protection (DCP) outlines priorities and actions for improving educational outcomes for children in care. It includes a commitment to reducing exclusionary behaviour responses for children in care.

Early communication with the DCP case worker can support schools to respond to the unique needs of children in care. This includes consideration of the potential impact of exclusionary behaviour responses on the stability of a child's placement with their foster or kinship carer.

## Legislative framework

The [Education and Children's Services Act 2019 \(PDF 758KB\)](#) (the Act) and [Education and Children's Services Regulations 2020 \(PDF 387KB\)](#) (the Regulations) provide the legal basis for the use of suspensions, exclusions and expulsions in public schools.

The legislation provides the:

- circumstances when suspensions, exclusions and expulsions can be used\*
- information that must be considered in the decision to suspend, exclude or expel
- maximum length of suspensions, exclusions and expulsion
- process for appeals against exclusions and expulsions.

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.

\* Under Regulation 39(6), the Principal cannot use suspension, exclusion or expulsion to enforce the school dress code (uniform). The Principal may take other appropriate school based behaviour support [actions](#) to address intentional and persistent breaches of the school dress code. Refer to [School dress code administrative instructions](#).

## Authorisations

Principals must make suspension, exclusion and expulsion decisions personally. They cannot authorise another staff member to make these decisions, unless it can be demonstrated that the Principal cannot personally make the decision.

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
- when the Principal is sick or away unexpectedly
- when the decision needs to be made quickly, for example, the decision needs to be made on the day of the incident and the Principal is unavailable
- when the Principal has a conflict of interest, for example, the student is a family member.

If the Principal authorises other staff members to make these decisions on their behalf, they must consider the staff members leadership level, experience and knowledge of this procedure. Authorisations must be documented using the online [Authorisations form](#) to record:

- the date the authorisation was given
- expected review date (12 months from the day the authorisation was given)
- names and roles of authorised staff
- reasons for the authorisation
- how the staff member(s) will keep the Principal informed about decisions, for example, in-person or by email.
- The authorisation must be reviewed and updated annually.

## Behaviour incidents outside of school hours or off school grounds

The Principal may (but is not required to) suspend, exclude or expel students for behaviours that happen outside of school hours or off school grounds where there is a reasonable connection between the student's behaviour, the school community and school relationships. This may include behaviour:

- that happen on the way to and from school
- when the student is wearing the school uniform or is representing the school, for example school camps, sporting carnivals or on the school bus
- in person or online towards another student or school staff, at home or in the community, for example, threatening, harassing or bullying behaviour
- during camps or excursions that are provided by external agencies under authority of the school.



## Behaviour that is being investigated by police

In certain situations, South Australia police might approach schools to let them know they are investigating matters. Alternatively, the school may report to or seek advice from the police about behaviour that may be illegal.

The Principal should communicate with the police about:

- who is responsible for notifying parents or carers
- consideration around safety planning for any students affected by the behaviour of concern
- responses in line with this procedure and other department procedures, for example, [sexual behaviour in children and young people procedure \(PDF 529KB\)](#)

The Principal may (but is not required to) suspend, exclude or expel a student for behaviour that is being investigated by the police. The Principal must believe on reasonable grounds that the student has acted illegally and there is a reasonable connection between the student's behaviour, the school community and school relationships.

The suspension, exclusion or expulsion:

- may happen while the matter is being investigated by police
- is valid even where police do not proceed with charges or where a finding of guilt is not made by a court
- may, in some instances, 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.

## Suspended or excluded students on school grounds without permission

If a suspended or excluded student enters and remains on school grounds without the Principal's written permission, they are committing an offence. It is also an offence if anyone encourages or helps the student to be on school grounds while suspended or excluded.

If a suspended or excluded student is on school grounds without permission and there are immediate and serious safety concerns for the student, other students, staff and the wider school community, the Principal should call 000.

If there are no immediate and serious safety concerns, appropriate steps may include:

- contacting the student's parents or carers and advising that the student cannot be on school grounds
- if the parents or carers cannot be contacted or refuse to collect the student, contact emergency contact persons, and requesting they collect the student
- if the parents, carers and emergency contacts have been exhausted seek advice from the police assistance line - phone 131 444.

The Principal should advise their Education Director if the incident impacts safety and operations of the school.

## Other students or staff affected by the behaviour

If there were other students or staff affected by the behaviour, the Principal must ensure an appropriate response is provided to all involved.

For students, this must include:

- a check on the wellbeing of individual students
- contacting parents or carers of students affected by the behaviour.

Other considerations may include:

- any safety and support plans that may be required for the student,
- consultation with the [Social Work Incident Support Service](#).

For staff, this must include a check on the wellbeing of individual staff.

Other considerations may include:

- a site level debrief
- provision of [Employee Assistance Program](#) information
- [Employee Psychology Services](#) if you are concerned about the impact of the student's behaviour on staff, phone 8226 0744.

Principals can also access the [Manager Assist Program](#) to seek advice about supporting staff.

## Legislative limits for suspension and exclusion

The Act outlines that a student cannot be suspended or excluded above certain limits without the authorisation of the Chief Executive or their delegate. This power is delegated to the Education Director (or persons acting in this role) in relation to the school to which the student is being suspended or excluded - [Instrument of Delegation \(PDF 138KB\)](#). This applies where a student is:

- suspended for more than 15 school days in a calendar year,
- suspended on more than 4 separate occasions in a calendar year,
- excluded for more than 20 weeks in a calendar year.

Principals must record the authorisation from their Education Director to exceed these limits for suspension or exclusion. Refer to [Appendix 1 \(PDF 156KB\)](#): Legislative limits for suspension or exclusion – Recording Education Director approval

## Documenting decisions and keeping records

Principals, in collaboration with school staff, have a responsibility to document and keep records about student behaviour. Record keeping responsibilities are mandated in the department's [information and records management for schools and preschools procedure \(PDF 187KB\)](#) in line with legislative requirements under the [State Records Act 1997 \(SA\)](#).

In line with this procedure, principals must keep records of:

- the reasons for their decisions, including the length of a suspension, exclusion or expulsion
- the information and evidence they have relied on, including the factors that have weighed on their decision, see [factors that must be considered](#) in each section of this procedure
- relevant procedural requirements that have been met.

Records about student behaviour must be stored in the department's education management systems (see [departmental Business Systems \(PDF 187KB\)](#)) or a student's physical file, or both.

## System level reporting requirements

All take-homes, suspensions, exclusions and expulsions must be accurately entered throughout the school year in the department's education management systems. Refer to [Appendix 2 \(PDF 68.4KB\)](#) 'system level requirements for reporting behaviour'.

## Levels of response to behaviour

Take-homes, suspensions, exclusions and expulsions are system level responses that must be used in accordance with this procedure and [Behaviour support policy \(PDF 165KB\)](#). They are used when other school-based behaviour support strategies have not ensured safety or supported the continuation of teaching and learning.

The Principal must use their professional judgement to determine the least exclusionary response to the behaviour based on the unique circumstances of the student, behaviour and context. Responses do not have to escalate. For example, a student who has had a certain number of suspensions, does not automatically move to an exclusion response. Every behaviour incident requires the Principal to decide the most appropriate response.

Take-home Same day only	Suspension 1-5 days	Exclusion 4-10 weeks	Expulsion (over 16 yrs.) 6-18 months or 1-5 years
<p>Take-homes are used by schools to respond to student behaviour emergencies.</p> <p>They are used when a child or young person's behaviour is putting the safety of self or others at risk and cannot be safely managed on-site.</p> <p>Take-homes must not be extended beyond the remainder of the school day.</p> <p>The principal may collect more information following a behaviour emergency and decide that further action is required after the take-home.</p> <p>This may include school-based behaviour support actions or a system level response, in line with the requirements of this procedure.</p>	<p>Suspensions are short term responses.</p> <p>They are used in response to behaviour that endangers safety or interferes with teaching and learning.</p> <p>Principals decide how many days are needed from 1 to 5 days to plan and provide necessary supports for the student's safe and positive reconnection.</p> <p>This includes:</p> <ul style="list-style-type: none"> <li>• further assessment</li> <li>• identifying and resourcing the required supports.</li> <li>• engaging with other services or agencies if relevant.</li> </ul> <p>Principals must determine whether this is a standalone suspension or a suspension pending directions.</p>	<p>Exclusions are longer term responses.</p> <p>They are used in response to serious behaviour that endangers safety or persistently interferes with teaching and learning.</p> <p>The seriousness and impact of the behaviour means it is not possible to plan for the student's safe return to school within a 1 to 5 day suspension.</p> <p>Principals decide how many weeks are needed from 4 to 10 weeks to plan and provide necessary supports for the student's safe and positive reconnection.</p> <p>This includes:</p> <ul style="list-style-type: none"> <li>• further assessment</li> <li>• identifying and resourcing the required support</li> <li>• engaging with other services or agencies if relevant</li> <li>• developing an alternative learning program for students to learn skills to be safe at school.</li> </ul>	<p>Expulsions are a rare occurrence and the most serious response that may be given.</p> <p>They are used in response to behaviour that poses an unmanageable risk to the health, safety and welfare of members of the school community.</p> <p>The behaviour is of such magnitude that it is not possible to plan for the student's safe return to school within a 4 to 10-week exclusion.</p> <p>When expelling from a particular school principals decide how many months are needed (from 6 to 18 months).</p> <p>When expelling from all government schools the Chief Executive decides how long is needed (from 12 months to 5 years).</p>

## Take-home

Take-homes are not set by the Act or the Regulations.

Take-homes are used by schools to respond to student behaviour emergencies. A behaviour emergency is when a student's behaviour is putting the safety of themselves or others at risk, and the student cannot be supported to safely remain on-site.

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 or carer for support.

Take-homes must not be extended beyond the remainder of the school day.

The Principal may collect more information following a behaviour emergency and decide that further action is required after the take-home.

This may include school-based behaviour support actions or a system level response, in line with the requirements of this procedure.

Schools must have clearly documented local processes outlining the use of take homes. Information about take-homes must also be available to parents and carers.

See [Appendix 3 \(PDF 103KB\)](#) for a checklist to help you consider all the requirements in this procedure about take-home.

## 1. Collect information about the behaviour

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 must 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 at the time of the incident. In these situations, the observations and reports of staff may be used to inform a take-home decision.

Information about the incident must 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 discuss what happened when they are calm.

Consider other reporting requirements, for example, a critical incident report, an injury report or a mandatory notification.

If there were [other students or staff affected by the behaviour](#), the Principal must ensure an appropriate response is provided to all involved.

## 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 behaviour of concern that is unsafe, severe and prolonged
- reasonable efforts have been made to intervene in the behaviour and support the student (including strategies that are documented in any personalised plans), without success
- the student remains too angry, upset or distressed to safely remain at school.

## 3. Plan for the take-home

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

- that the student has been issued a take-home in response to a behaviour emergency
- of any information the school has about the events leading up to the behaviour emergency
- what has been done to support the student
- the plan to reconnect the student on the next school day.
- The Principal should share the [information for parents and carers about take-homes \(PDF 73.1KB\)](#) fact sheet with the parents or carers.

## 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.

Schools must inform the student's parents or carers of the plan to reconnect the student back to learning. This may include an informal check in with school staff or a short reconnection meeting to discuss:

- any other information that has been obtained by the parents or carers, school or others about what happened
- any follow up actions needed to support the student.
- For Aboriginal students it is recommended that Aboriginal site-based staff are involved to ensure [cultural safety](#).

If a student is showing frequent behaviours of concern (for example, 3 incidents in 2-weeks) that are unsafe, severe and prolonged, and require a take-home response, principals must refer to and follow the [reconnection after suspension](#) process to ensure:

- supports for the student's learning, wellbeing, and behaviour needs are explored
- a behaviour support plan with learning and behaviour goals is developed or updated
- consideration has been given to what other services and expertise might be needed to inform behaviour support planning such as a [Behaviour Support Educator](#) and [Aboriginal Education Services](#)
- consideration has been given to what other knowledge, training or expertise staff may require such as trauma or cultural awareness training.

## 5. Take-home appeals

There is no formal appeal process for the use of take-homes. The department's [complaints management process](#) applies.

# Suspension

The legal authority to suspend students from school is in section 76 of the Act.

Suspensions are short term responses to behaviour that endangers safety or interferes with teaching and learning. The Principal decides how many days are needed (from 1 to 5 days) to plan and provide necessary supports for the student's safe and positive reconnection.

This includes:

- further assessment
- identifying and resourcing the required supports
- engaging with other services or agencies if relevant.

The Principal must refer to relevant [policies and procedures](#) for specific behaviours, for example, sexual behaviour, assault, drugs, and bullying.

## Suspension length

Public holidays, school holidays, school closure days, pupil free days and weekends are not considered 'school days' and are not counted in the length of the 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, one suspension can be followed by another suspension without the student returning to school. The suspension procedures must be followed for each suspension.

If a suspension follows a take-home, the first day of the suspension is usually the first school day after the take-home. The day of the take-home is not counted in the suspension days.

See [Appendix 4 \(PDF 107KB\)](#) for a checklist to help you consider all the requirements in this procedure about suspension.

## 1. Collect information about the behaviour

The Principal is responsible for collecting, documenting and considering the information about the behaviour.

They may ask school staff to collect and document information on their behalf.

If the Principal believes that a student has acted illegally, they should seek and follow police advice (phone 131 444) about:

- any restrictions on interviews about the behaviour
- handling of evidence.

Refer to supporting information [Advice for schools about seeking police assistance \(610KB\)](#).

## Take reasonable steps

School staff must take reasonable steps to collect:

- information from students, staff and parent or carer witnesses
- documentation of the behaviour, including screenshots, emails, written records, and video footage
- information from the student who has engaged in the behaviour of concern
- any information that provides a thorough understanding of the situation.
- When collecting information from the student, key considerations include:
  - your body language, tone of voice and proximity to the student
  - the student's communication needs, for example, using developmentally appropriate options such as drawing
  - using restorative questions
  - making adjustments for students with disability
  - using culturally responsive approaches
  - using trauma informed approaches
  - translation support for students who have English as an additional language
  - being flexible about when and how a student shares their perspective about the behaviour, for example, if they are too distressed at the time, provide alternatives, such as a phone call when they are at home
- a support person for the student, including other staff who may be able to support, for example, Student Wellbeing Leader. For Aboriginal students it is recommended that Aboriginal site-based staff are involved to ensure [cultural safety](#).
- Consider other reporting requirements, for example, a critical incident report, an injury report or a mandatory notification.

If there were [other students or staff affected by the behaviour](#), the Principal must ensure an appropriate response is provided to all involved.

## 2. Decide if a suspension is appropriate

### 2.1 Legal grounds

When deciding if suspension is an appropriate response the principal must believe on reasonable grounds that:

- the student has threatened or perpetrated violence; or
- 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); or



- the student has acted illegally\*; or
- the student has interfered with the ability of a teacher to teach or of a student to learn; or
- 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; or
- the student shows persistent and wilful inattention or indifference to schoolwork\*\*.

\* This ground should only be used in exceptional circumstances for students under 10 years of age given that the age of criminal responsibility is 10 years and over.

\*\* This ground should not be used where the inattention or indifference may be connected to a student's disability.

## 2.2 Factors that must be considered

When deciding whether to suspend a student whose behaviour has met the grounds for suspension, the Regulations require that the Principal must also consider the following factors:

- the severity and frequency of the misbehaviour of the student; and
- the student's prior record of behaviour and response to previous consequences (if any); and
- if relevant, any adjustments that have been made to support the participation of that student, or students with disability generally, at the school; and
- any other relevant matter, identified by the department to include:
  - the student's age, stage of development and level of understanding
  - whether any personalised plans the student has, for example, One Plan or behaviour support plan, are being actively implemented and monitored
  - if the decision is safe in the student's circumstances
  - whether the student is at higher risk of exclusionary responses, and if so, whether the school should provide extra help to support their access and inclusion
  - whether the decision is likely to prevent future behaviours of concern
  - whether the intended outcomes can be reasonably achieved using a different response
  - if the response will impact on the student's ability to complete and achieve their South Australian Certificate of Education (SACE) or other academic achievement or pathway.

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.

Principals may, but are not required to, suspend a student for [behaviour that is being investigated by the police](#).

## 2.3 Check the student's suspension records

Principals must record authorisation from their Education Director to exceed the suspension limit. See

[Appendix 1 \(PDF 162KB\)](#) for how to record Education Director approval.

## 2.4. Document the suspension decision

The Principal must document:

- the reasons for suspending the student
- the reasons for the suspension length for example, why a 5-day suspension is necessary rather than 1 or 2 days
- the information and evidence they relied on including the factors that have weighed on their decision (see 2.2 [factors that must be considered](#)).

See supporting tool [Decision-making record \(DOC 77.1\)](#).

## 2.5 Communicate the suspension decision

The Principal must make sure that the suspension decision is communicated by a person who can explain the decision to the student, parents or carers. Consideration should be given to parents or carers who require this information to be translated into a language other than English.

Communication with parents or carers must be verbal by phone or face to face, as soon as possible after the decision is made. In addition, for [children in care](#) the Department for Child Protection (DCP) case worker must be notified as the legal guardian.

In some situations, the Principal may need to use other communication methods to share information with parents or carers. For example, a text message if multiple attempts to contact the parent or carer by phone have been unsuccessful.

Inform parents or carers about the following:

- the reasons for the decision, this can include legal grounds for suspension, events that led up to the decision, any supports provided to the student, and length of the suspension
- that the student cannot be on school grounds during the suspension, or whether the student will be given written permission to be on school grounds during the suspension
- any conditions during the suspension, for example, what days the student will attend another location within the school for an alternative learning program
- that a 'notice of suspension from school' and [information for parents or carers about suspension \(PDF 80.1KB\)](#) fact sheet will be provided.
- that a reconnection meeting will be held during the suspension and before the student's return to class
- what to expect at the reconnection meeting, including who will be involved (consider seeking parent or carer consent for the attendance of Student Support Services or [Aboriginal Education Services](#), if relevant)
- their rights to bring a support person or advocate to the reconnection meeting, or that the school can provide a school-based advocate if needed. See also [support people and advocates at](#)

[reconnection meetings and directions conferences](#) and [school-based advocates](#).

- that a staff member will connect with the student, parents or carers during the suspension, for example by making a phone call home (required for suspensions of 4 or 5 days).

Where all reasonable attempts to notify parents or carers of the decision have been unsuccessful, make sure the attempts have been recorded on the student's physical and electronic file along with the written notice of the suspension. Three attempts in 2 days is considered reasonable.

## 2.6 Prepare the notice

The principal must:

- record the accurate code and populate a 'notice of suspension', see Appendix 12
- include a clear personalised description of the behaviour of concern in the 'free text' box on the notice
- provide the notice to parents or carers through one or more of the following methods: in-person, by email with read receipt or by registered mail.
- include a copy of the information for parents or carers about suspension fact sheet.

Copies of the signed 'notice' must be stored in [Departmental Business Systems \(PDF 187KB\)](#) or the student's physical file, or both.

## 3. Plan for the suspension

### Connecting with students who are suspended from school

Connecting with a student through a suspension absence provides an opportunity to support their sense of belonging, check on wellbeing, and support their readiness for the reconnection meeting.

For suspension of 4 or 5 days the Principal must:

- work with leadership or other staff to decide who is best placed to take responsibility for making contact with the student
- consider staff roles and capacity when deciding who will take on this responsibility
- decide the most suitable method of communicating and connecting with a student depending on their age and specific needs

Suspensions are recorded as an absence. Schools may choose to provide schoolwork or learning tasks for a student during the suspension. The school should decide if this is appropriate based on the best interests of the student.

### Suspended students on school grounds with permission

In general, a suspended student is [not permitted to be on school grounds](#).

However, there may be situations when a Principal determines that a student is permitted to be onsite. This may occur 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 (see [Appendix 2 \(PDF 68.4KB\)](#) for system level reporting requirements about recording behaviour and attendance codes)
- is using a non-school service that is located on the same premises
- needs to attend school for an educational assessment.

The written permission should state any conditions of the suspended student's attendance on school grounds including:

- time and days the student can be onsite
- where the student is permitted to be, for example, a specific building
- which staff are responsible for supervising the student
- details of the alternative learning program.

During this time, the student cannot participate in their usual learning program.

## 4. Reconnection after suspension

During the suspension and before the student's scheduled return to school, a reconnection meeting must be held.

Reconnection meetings are important processes designed to:

- work with the student, parents or carers and other key adults to understand the student's context and support positive behaviour change
- repair and restore relationships that have been harmed by behaviours of concern
- reinforce expectations and identify any necessary supports
- At the reconnection meeting, a behaviour support plan with learning and behaviour goals is negotiated between the student, parents or carers and school staff. Where required, departmental staff or other professionals may also take part. For example, a [Behaviour Support Educator](#) or [Aboriginal Education Services](#).

If a parent or carer cannot attend a reconnection meeting before the student returns to school, either:

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

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

A suspended student may only enrol at another school at the end of their suspension and after negotiation between the principals of the current and proposed schools. The behaviour support plan with learning and behaviour goals is negotiated between the 2 schools, the student and the student's parents

or carers.

## Prepare for the reconnection meeting

A date and time for the reconnection meeting must be arranged prior to the student's return to make sure there is time for information to be passed on to relevant staff about agreed actions.

The Principal must consider:

- what other service and expertise might be needed to inform behaviour support planning, for example, [Behaviour Support Educator](#), and other external professionals.
- the location of the reconnection meeting
- what needs to be done to help the student, and their parents or carers to meaningfully participate, for example, any specific adjustments, culturally responsive and trauma informed approaches, support persons, or interpreting services. For Aboriginal students it is recommended that Aboriginal site-based staff are involved to ensure [cultural safety](#)
- what information and documents are required, for example, any relevant information, a One Plan, behaviour support plan, or recent educational or health assessments.

It is also recommended that [Aboriginal Education Services](#) and the [EALD Cultural and Bilingual support team](#) also be consulted when working with Aboriginal and culturally and linguistically diverse students. The [Children in Care service](#) is available to support and provide consultancy to schools working with children in care.

## At the reconnection meeting

See [Appendix 8 \(DOC 39KB\)](#) for a template to guide and record the reconnection meeting.

Provide opportunities in the meeting to discuss:

- the behaviour of concern
- the student's perspective on what happened and what they believe needs to be done to make things right
- supports, if any, that have been in place and what is working or not working
- the perspective of the parents or carers about the behaviours of concern
- behaviour expectations in line with local school and department policies
- existing school supports and strategies available to the student to help them meet behaviour expectations
- any other tailored supports and strategies that may be needed to support the student to meet expected behaviours, for example, [Inclusive Education Support Program](#) or a referral to [Student Support Services](#)
- a behaviour support plan with learning and behaviour goals (this may be a standalone plan or incorporated into a student's existing personalised plans, for example, One Plan)

- any agreed support to be provided by parents or carers, and other department staff
- other support programs or services the student and parents or carers may have been accessing outside of the school.

### After the reconnection meeting

- Attach any documents including reconnection meeting notes to the student's physical and electronic file.
- Share information and plans with relevant staff to ensure adjustments, tailored supports and strategies are implemented and monitored across the school.

It is recommended that a suitable staff member is identified to check in with the student after their reconnection to monitor progress.

## 5. Suspension appeals

There is no formal appeal process for the use of suspensions in the Act. The department's [complaints management 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 behaviour that endangers safety or persistently interferes with teaching and learning. The seriousness and impact of the behaviour means it is not possible to plan for the student's safe return to school within a 1 to 5-day suspension.

The Principal decides how many weeks are needed from 4 to 10 weeks to plan and provide necessary supports for the student's safe and positive reconnection.

This includes:

- further assessment
- identifying and resourcing the required support
- engaging with other services or agencies if relevant
- developing an alternative learning program for students to learn skills to be safe at school.

The Principal must refer to relevant [policies and procedures](#) for specific behaviours, for example, sexual behaviour, assault, drugs, and bullying.

## Exclusion length

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

- between 4 and 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 10-week term.

Exclusions are counted in consecutive weeks, not school weeks. This means that if an exclusion goes across the school holidays, the weeks of the school holidays must be included in the exclusion. Where possible, exclusion over school holidays should be avoided to allow students to have a 'fresh start' each term.

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

- the Principal should consult with their Education Director,
- the December to January school holidays must be counted in the weeks of exclusion
- an alternative learning program and staff support of that program must be provided during the school term but is not required during the holiday period.

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

- may happen if the student has not participated in their alternative learning program or the goals of the exclusion have not been met
- Must not take the total exclusion period beyond 10 consecutive weeks (or until the end of the school term in which the exclusion occurs, whichever is greater). For example, a 6-week exclusion may be extended by up to 4 weeks, but a 10-week exclusion cannot be extended.

If the Principal decides to extend an exclusion, they must communicate with the student, parents or carers about their decision and provide details of the extension and reconnection plan.

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, one exclusion can be followed by another exclusion without the student returning to school.

The exclusion procedure must be followed for each exclusion. This means that a student will be suspended pending directions at the conclusion of the current exclusion, and a Directions Conference held to address the new behaviour incident.

See [Appendix 5 \(PDF 187 KB\)](#) for a checklist to help you consider all the requirements in this procedure about exclusion.

## 1. Collect information about 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.

If the principal believes that a student has acted illegally, they should seek and follow police advice (131 444) about:

- any restrictions on interviews about the incident or
- handling of evidence.
- Refer to supporting information [advice for schools about seeking police assistance \(DOCX 610 KB\)](#).

### Take reasonable steps

School staff must take reasonable steps to collect:

- information from students, staff, and parent or carer witnesses
- documentation of the behaviour, including screenshots, emails, written records, and video footage
- information from the student who has engaged in the behaviour of concern
- any information that provides a thorough understanding of the situation.
- When collecting information from the student, key considerations include:
  - your body language, tone of voice and proximity to the student
  - the student's communication needs, for example, using developmentally appropriate options such as drawing
  - using restorative questions
  - making adjustments for students with disability
  - using culturally responsive approaches
  - using trauma informed approaches
  - translation support for students who have English as an additional language



- being flexible about when and how a student shares their perspective about the behaviour, for example, if they are too distressed at the time, provide alternatives, such as a phone call when they are at home
- a support person for the student, including other staff who may be able to support, for example, Student Wellbeing Leader or Aboriginal site-based staff. For Aboriginal students it is recommended that Aboriginal site-based staff are involved to ensure [cultural safety](#).

Consider other reporting requirements, for example, a critical incident report, an injury report or a mandatory notification.

If there were [other students or staff affected by the behaviour](#), the Principal must ensure an appropriate response is provided to those involved.

## 2. Decide if an exclusion might be appropriate

### 2.1. Legal grounds

When deciding if a suspension pending directions (considering exclusion) is an appropriate response, the Principal must believe on reasonable grounds that:

- the student has threatened or perpetrated violence; or
- 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); or
- the student has acted illegally\*; or
- the student has interfered with the ability of a teacher to teach or of a student to learn; or
- 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.

\* This ground should only be used in exceptional circumstances for students under 10 years of age given that the age of criminal responsibility is 10 years and over.

### 2.2. Factors that must be considered

- When deciding whether to exclude a student whose behaviour has met the grounds for exclusion, the Regulations require that the Principal must also consider the following factors:
- the severity and frequency of the misbehaviour of the student; and
- the student's prior record of behaviour and response to previous consequences (if any); and
- if relevant, any adjustments that have been made to support the participation of that student, or students with disability generally, at the school; and
- any other relevant matter, identified by the department to include:
  - the student's age and stage of development and level of understanding

- whether any personalised plans the student may have, for example, One Plan or behaviour support plan are being actively implemented and monitored
- if the decision is safe in the student's circumstances
- whether the student is at higher risk of exclusionary responses and if so whether the school should provide extra help to support their access and inclusion
- whether the decision is likely to prevent future behaviours of concerns
- whether the intended outcomes can be reasonably achieved using a different response
- if the response will impact on the students ability to complete and achieve their SACE or other academic achievement or pathway.

The Principal may exclude students for [behaviours that happen outside of school hours or off school grounds](#) where there is a reasonable connection between the student's behaviour, the school community and school relationships.

The Principal may, but is not required to, exclude a student for [behaviour that is being investigated by the police](#).

## 2.3 Check the student's suspension and exclusion records

The Principal must record authorisation from their Education Director to exceed the suspension or exclusion limits, this includes suspension pending directions. See [Appendix 1 \(PDF 156KB\)](#) for how to record Education Director approval.

## 2.4. Document the decision to suspend pending directions

The Principal must document:

- the reasons for issuing a suspension and considering exclusion
- the information and evidence they relied on, including the factors that have weighed on their decision, factors that must be considered.

See supporting tool [Decision-making record \(DOC 77.1KB\)](#).

## 2.5. Communicate the decision - suspension pending directions (considering exclusion)

The Principal cannot exclude a student from attendance at school unless the student has first been suspended for between 1 and 5 consecutive school days (suspension pending directions). If exclusion is decided, the suspension days are not included in the exclusion length.

The Principal must make sure that the suspension pending directions (considering exclusion) decision is communicated by a person who can explain the decision to the student and their parents or carers. Consideration should be given to parents or carers who require this information to be translated into a language other than English.

Communication with parents or carers must be verbal by phone or face to face, as soon as possible after the

decision is made. In addition, for [children in care](#) the DCP case worker must be notified as the legal guardian.

Inform parents or carers about the following:

- the reasons for the decision, this can include legal grounds for exclusion, events that led up to the decision, any supports provided to the student, and length of the suspension pending directions
- that the student cannot be on school grounds during the suspension pending directions, or whether the student will be given written permission to be on school grounds
- any conditions during the suspension pending directions, for example, what days the student will attend a specific location within the school for an alternative learning program, if relevant
- that a 'notice of Directions Conference – Principal considering exclusion from school' and [information for parents and carers about exclusion \(PDF 88.6KB\)](#) fact sheet will be provided
- that a Directions Conference will be held within the 5-day suspension pending directions
- what to expect at the Directions Conference including who will be involved (consider seeking consent from the parent or carer for attendance of a [Behaviour Support Educator](#), or [Aboriginal Education Services](#), if relevant)
- their rights to bring a support person or advocate to the Directions Conference, or that the school can provide a school-based advocate if needed. See also [support people and advocates at reconnection meetings and directions conferences](#) and [school-based advocates](#)
- that a staff member will connect with the student, parents or carers during the suspension pending directions, for example by phone (required for suspensions of 4 or 5 days). See [connecting with students who are suspended from school](#).

Where all reasonable attempts to notify parents or carers of the decision have been unsuccessful, make sure the attempts have been recorded on the student's physical and electronic file along with the written notice of the suspension. Three attempts in 2 days is considered reasonable.

## 2.6. Prepare the notice

The Principal must:

- record the accurate code and populate a 'notice of Directions Conference – Principal considering exclusion', see appendix 13.
- include a clear personalised description of the behaviours of concern in the 'free text' box on the notice
- provide the notice to parents or carers through one or more of the following methods: in-person, by email with read receipt or by registered mail
- include a copy of the [information for parents or carers about exclusion \(PDF 88.6KB\)](#) fact sheet.
- Copies of the signed 'notice' must be stored in [departmental Business Systems \(PDF 187KB\)](#) or the student's physical file, or both.

## 2.7. Prepare for the Directions Conference

During the 5-day suspension (and before a decision is made about exclusion), the Principal must hold a Directions Conference with:

- the student
- their parents or carers and
- school staff.

The Principal must consider:

- what other service and expertise might be needed to inform behaviour support planning, for example, a [Behaviour Support Educator](#), [Aboriginal Education Services](#) or other external professionals
- possible options for an alternative learning program (if an exclusion is decided at the Directions Conference), see [Learning Centres](#) (metro) and Country in Lieu Funding (regional)
- what needs to be done to help the student, and their parents or carers meaningfully participate, for example, any specific adjustments, culturally responsive and trauma informed approaches, support persons, or interpreting services
- what information and documents are required, for example, a One Plan, behaviour support plan, or recent educational or health assessments
- who will record the discussion and agreements at the meeting.

Alternative ways to hold the Directions Conference may be considered by the Principal.

## 2.8. At the Directions Conference

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

- hear the concerns about the behaviour
- respond to the concerns
- provide any other 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.

The decision to exclude is generally made at the end of the Directions Conference, after all the information and factors have been considered. This includes the length between 4 and 10 calendar weeks or the remainder of a school term.

If the Principal decides to exclude the student, the participants of the meeting can then [plan for the exclusion](#).

If the Principal decides not to exclude the student, the process for [reconnection after suspension](#) is followed.

## 2.9. Document the exclusion decision

The Principal must document:

- the reasons for excluding the student
- the reasons for the exclusion length, for example, why a 10 week exclusion is necessary rather than 4 or 6 weeks
- the information and evidence they relied on, including the factors that have weighed on their decision, (see 2.2 [factors that must be considered](#)).

See supporting tool [Decision-making record \(PDF 77.1KB\)](#).

## 2.10. Communicate the exclusion decision

The decision to exclude the student must be made and communicated before the end of the 5-day suspension pending directions.

The Principal responsible for the exclusion decision must make sure the decision is communicated by a person who can explain the decision to the student and their parents or carers. Consideration should be given to parents or carers who require this information to be translated into a language other than English.

The Principal must explain the right to appeal to the student and their parents or carers and provide the following:

- 'notice of exclusion from school' see Appendix 14
- 'appeal against exclusion from a school' see [Appendix 20 \(DOCX 61 KB\)](#).

Copies of the signed 'notice' must be stored in [Departmental business systems \(PDF 187KB\)](#) or the student's physical file, or both.

## 2.11. Prepare the notice

The Principal must:

- record the accurate code and populate a 'notice of exclusion from school', see Appendix 14
- include a clear personalised description of the behaviours of concern in the 'free text' box on the notice
- provide the notice to parents or carers in-person, by email with read receipt or by registered mail
- provide the 'appeal against exclusion from a school' to the parents or carers, see [Appendix 20 \(DOCX 61 KB\)](#).

# 3. Plan for the exclusion

## Connecting with students who are excluded from school

Connecting with a student through an exclusion (see [weekly monitoring](#)) provides an opportunity to support their sense of belonging, check on wellbeing and support their readiness for the reconnection meeting.

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

The Principal must follow the [Attendance at school procedure \(PDF 593KB\)](#) in situations where a student is not attending or engaging in their alternative learning program, weekly check-ins or mid-exclusion review meeting.

## Excluded students on school grounds with permission

In general, an excluded student is [not permitted to be on school grounds](#).

However, there may be situations when a Principal determines that a student is permitted to be onsite. This may occur 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 (see [Appendix 2 \(PDF 68.4KB\)](#) (PDF 116 KB) for system level reporting requirements about recording behaviour and attendance codes)
- is using a non-school service that is located on the same premises
- needs to attend school for an educational assessment.

The written permission should state any conditions of the excluded student's attendance on school grounds including the:

- time and days the student can be onsite
- where the student is permitted to be, for example, a specific building
- which staff are responsible for supervising the student
- details of the alternative learning program.

During this time, the student cannot participate in their usual learning program.

## Alternative learning programs

Alternative learning programs may include:

- placement at another school, including consideration of Open Access College. These placements are negotiated between principals and may be escalated to the Education Director for assistance if a suitable school placement cannot be negotiated
- placement at a Learning Centre, see supporting information [Learning Centres \(PDF 261KB\)](#)
- a program in an identified part of the enrolled school
- a learning program at home.

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 must include the details of the supports that will be provided to the student to help them be successful in their learning while excluded. No learning program is required during school holidays. In setting up an alternative placement at a different school, the school of enrolment is responsible for arranging supports with the new school including a behaviour support plan for the student.

## Weekly monitoring

During the exclusion, there must be weekly monitoring of the student's progress, for example by phone, face to face or video link up.

The Principal must:

- work with leadership or other staff to decide who is best placed to take responsibility for making contact with the student during an exclusion
- consider staff roles and capacity when deciding who will take on this responsibility
- decide the most suitable method of communicating and connecting with a student depending on their age and specific needs.

## Mid-exclusion review

A mid-exclusion review must be held to review the student's progress against the identified learning and behaviour goals and update the behaviour support plan with new strategies and goals if the current ones are not effective.

The Principal must record details about weekly monitoring and the mid-exclusion review meeting in the student's physical or electronic file, or both.

## 4. Reconnection after exclusion

Before the student's scheduled return to school, a reconnection meeting must be held.

Principals must refer to and follow the [reconnection after suspension](#) process.

An excluded student may enrol at another government school only at the end of their exclusion and after negotiation between the Principals of the current and proposed schools. The behaviour support plan with learning and behaviour goals is negotiated between the 2 schools, the student, parents or carers.

## 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. Refer to [appeals](#).

# Expulsion

The legal authority to expel students from school is in sections 78 and 79 of the Act.

Expulsions are a rare occurrence and the most serious response that may be given. They are used in response to behaviour that poses an unmanageable risk to the health, safety and welfare of members of the school community. The behaviour is of such magnitude that it is not possible to plan for the student's safe return to school within a 4 to 10-week exclusion.

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 or older can be expelled.

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

When expelling from a particular school, the Principal decides how many months are needed (from 6 to 18 months). When expelling from all government schools, the Chief Executive decides how long is needed (from 12 months to 5 years).

The Principal must refer to relevant [policies and procedures](#) for specific behaviours. For example, sexual behaviour, assault, drugs, and bullying.

## Expulsion length

A student cannot be expelled unless they have first been suspended from attendance at the school for a period not exceeding:

- 20 consecutive school days (in the case of expulsion from a particular school)
- 30 consecutive school days (in the case of expulsion from all government schools).

The Principal may expel a student who is above compulsory school age from a particular school (the student may not attend at that school) for:

- the remainder of the semester or year, or not less than 6 consecutive months for not less than:
- not more than 18 consecutive months.

The Chief Executive may expel a student who is above compulsory school age from all government schools (the student may not attend at any government school) for:

- not less than 12 consecutive months
- not more than 5 consecutive years.

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

See [Appendix 6 \(PDF 148KB\)](#) for a checklist to help you consider all the requirements in this procedure about expulsion.

## 1. Collect information about the behaviour

The Principal is responsible for collecting and considering the information about the behaviour. They may



ask school staff to collect information on their behalf.

If the Principal believes that a student has acted illegally, they should seek and follow police advice (phone 131 444) about:

- any restrictions on interviews about the incident or
- handling of evidence.
- See supporting information [Advice for schools about seeking police assistance \(DOC 610KB\)](#).

## Take reasonable steps

School staff must take reasonable steps to collect:

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

When collecting information from the student, key considerations include:

- your body language, tone of voice and proximity to the student
- the student's communication needs, for example, using developmentally appropriate options such as drawing
- using restorative questions
- making adjustments for students with disability
- using culturally responsive approaches
- using trauma informed approaches
- translation support for students who have English as an additional language
- being flexible about when and how a student shares their perspective about the behaviour, for example, if they are too distressed at the time, provide alternatives, such as a phone call when they are at home
- a support person for the student, including other staff who may be able to support, for example, Student Wellbeing Leader or Aboriginal staff. For Aboriginal students it is recommended that Aboriginal site-based staff are involved to ensure [cultural safety](#).

Consider other reporting requirements, for example, a critical incident report, an injury report or a mandatory notification.

If there were [other students or staff affected by the behaviour](#), the Principal must ensure an appropriate response is provided to those involved.

## 2. Decide if an expulsion might be appropriate

### 2.1 Legal grounds

When deciding if a suspension pending directions (considering expulsion) is an appropriate response, the Principal must believe on reasonable grounds that:

- the student has threatened or perpetrated violence; or
- 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); or
- the student has acted illegally; or
- 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 specified period.

This can happen if the Chief Executive believes on reasonable grounds that:

- the student has threatened or perpetrated violence; or
- 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); or
- the student has acted illegally.

### 2.2 Factors that must be considered

- When deciding whether to expel a student whose behaviour has met the grounds for expulsion, the Regulations require that the Principal or the Chief Executive must also consider the following factors:
- the severity and frequency of the misbehaviour of the student; and
- the student's prior record of behaviour and response to previous consequences; and
- if relevant, how much adjustments have been made to support the participation of that student, or students with disability generally, at the school; and
- any other relevant matter identified by the department to include:
  - the student's age and stage of development and level of understanding
  - whether any personalised plans the student may have for example, a One Plan or behaviour support plan are being actively implemented and monitored
  - if the decision is safe in the student's circumstances
  - whether the student is at higher risk of exclusionary responses and if so whether the school

- should provide extra help to support their access and inclusion
- whether the intended outcomes can be reasonably achieved using a different response
- if the response will impact on the students ability to complete and achieve their South Australian Academic Certificate of Education (SACE) or other academic achievement or pathway
- whether the student's behaviour can be safely managed in another school.

The Principal may expel 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.

The Principal may, but is not required to, expel a student for [behaviours that are being investigated by the police](#).

## 2.3 Document the decision to suspend pending directions

The Principal must document:

- the reasons for issuing a suspension and considering expulsion
- the information and evidence they relied, on including the factors that have weighed on their decision, see [factors that must be considered](#).

See supporting tool [Decision-making record \(DOC 77KB\)](#).

## 2.4 Communicate the decision – suspension pending directions - Principal considering expulsion

The Principal must make sure that the suspension pending directions (considering expulsion) decision is communicated by a person who can explain the decision to the student and their parents or carers. Consideration should be given to parents or carers who require this information to be translated into a language other than English.

Communication with parents or carers must be verbal by phone or face to face, as soon as possible after the decision is made. In addition, for [children in care](#) the DCP case worker must be notified as the legal guardian.

Inform parents or carers about the following:

- the reasons for the decision, this can include legal grounds for expulsion, events that led up to the decision, any supports provided to the student, and length of the suspension pending directions
- that the student cannot be on school grounds during the suspension pending directions
- that a 'notice of Directions Conference – Principal considering expulsion from a school' (Appendix 15) or 'notice of Directions Conference – Principal considering expulsion from all government schools' (Appendix 16) and [information for parents or carers about expulsion \(PDF 88KB\)](#) fact sheet will be provided
- that a Directions Conference will be held within the 20-day suspension period in the case of

expulsion from a particular school, or 30-day suspension period in the case of expulsion from all government schools

- what to expect at the Directions Conference including that departmental staff or other professionals will be attending
- their rights to have a support person or advocate attend the directions conference. This may be a school-based advocate if needed. See [support people and advocates at reconnection meetings and directions conferences](#) and [school-based advocates](#)
- that a staff member will connect with the student, parents or carers during the suspension pending directions, for example by phone (required).

Where all reasonable attempts to notify parents or carers of the decision have been unsuccessful, make sure the attempts have been recorded on the student's physical and electronic file along with the written notice of the suspension. 3 attempts in 2 days is considered reasonable.

## 2.5 Prepare the notice

The Principal must record the accurate code and populate one of the following:

- 'notice of Directions Conference – Principal considering expulsion from a school' (Appendix 15)
- 'notice of Directions Conference – Principal considering expulsion from all government schools' (Appendix 16).
- The 'notice' must include a clear personalised description of the behaviour of concern in the 'free text' box.

The Principal must provide:

- the relevant notice to parents or carers in-person or by email with read receipt or by registered mail.
- a copy of the [information for parents or carers about expulsion \(PDF 88KB\)](#) fact sheet.

Copies of the signed 'notice' must be stored in [Departmental Business Systems \(PDF 187KB\)](#) or the student's physical file, or both.

## 2.6 Prepare for the Directions Conference

During the suspension, and before a decision is made about expulsion, the Principal must:

- consult with their Education Director
- arrange a Directions Conference with:
  - the student
  - their parents or carers
  - Student Support Services or [Aboriginal Education Services](#)
  - any other relevant support services.

Staff from Student Support Services or [Aboriginal Education Services](#) **must attend** the Directions Conference

if expulsion is being considered for Aboriginal students, students in care and students with disability.

- Given the need for Conditions for Learning to brief the Chief Executive if the Principal proceeds with recommending expulsion from all government schools, the Principal must arrange the Directions Conference as early as possible.

The Principal must consider:

- alternative enrolment or further vocational or education pathway options (required for students who are of [compulsory education age](#), that is 16 years of age only)
- what needs to be done to help the student and their parents or carers to meaningfully participate in the Directions Conference, for example, any specific adjustments, culturally responsive and trauma informed approaches, support persons or interpreting service
- information and documents required, for example One Plan, behaviour support plan and recent educational and health assessments
- who will record the discussion and agreements at the meeting.

## 2.7 At the Directions Conference

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

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

The decision to move to expulsion, and the length, is generally made at the Directions Conference.

If an expulsion is decided, the Principal must work with their Education Director to provide Conditions for Learning with information and documentation to brief the Chief Executive of the Principal's:

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

The Chief Executive may expel a student who is above the compulsory school age (16 years or older) from all government schools for between 12 months and 5 years:

- on the recommendation of the Principal of the school where the student is enrolled
- if they believe on reasonable grounds the behaviour has met the grounds for expulsion.

If the Principal decides to expel the student from a particular school refer to [expulsion from a particular school](#).

If the Chief Executive decides to expel the student from all government schools refer to [expulsion from all government schools](#).

If the principal decides not to expel the student, the process for exclusion (starting from [communication of](#)

[an exclusion decision](#)) or [reconnection after suspension](#) is followed.

## 2.8 Document the expulsion decision

The Principal must document:

- the reasons for expelling the student
- the reasons for the expulsion length, for example, why an 18-month expulsion is necessary rather than 6 months
- the information and evidence they relied on, including the factors that have weighed on their decision, see [factors that must be considered](#).

See supporting tool [Decision-making record \(DOC 77KB\)](#).

## 2.9 Communicate the expulsion decision

The decision must be made and communicated before the end of the suspension pending directions.

The Principal responsible for the expulsion decision must make sure the decision is communicated by a person who can explain the decision to the student, parents or carers. Consideration should be given to parents or carers who require this information to be translated into a language other than English.

The Principal must explain the right to appeal to the student, parents or carers and provide the relevant notice and appeal form (see prepare the notice below).

## 2.10 Prepare the Notice

The Principal must record the accurate code and populate one of the following:

- 'notice of expulsion from a school' (Appendix 17)
- 'notice of intention to recommend expulsion from all government schools' (Appendix 18)
- 'notice of exclusion from school' (Appendix 14) if the Principal decided not to expel the student, but rather exclude them.

The notice must include:

- a clear personalised description of the behaviour of concern in the 'free text' box on the notice
- an alternative learning program (mandatory for students who are of [compulsory education age](#) that is 16 years of age)
- any requirements that must be met before the student may apply to return to the school.

The Principal must:

- provide the relevant notice to parents or carers through one or more of the following methods: in-person, by email with read receipt or by registered mail
- include the form to 'appeal against expulsion from a school' ([Appendix 21 \(DOC 60KB\)](#)) or 'appeal against expulsion from all government schools' ([Appendix 22 \(DOC 60KB\)](#)) or 'appeal against exclusion from school' ([Appendix 20 \(DOC 60KB\)](#))

- also provide the 'notice of intention to recommend expulsion from all government schools' (Appendix 18) to the Chief Executive. The Principal does this through their Education Director and Conditions for Learning.

Copies of the signed 'notice' must be stored in [departmental business systems \(PDF 187KB\)](#) or the student's physical file, or both.

### 3. Plan for the expulsion

#### Expulsion from a particular school

A student who has been expelled from a particular school who is of [compulsory education age](#) (16 years of age) must be offered options that let them 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.

The Principal is not required to offer education options for a student who is over the [compulsory education age](#) (17 years of age or over) but may, if appropriate, refer the student to vocational and further education pathways.

A student may contact the Principal about the possibility of returning to school. Contact must be made at least 8 weeks prior to the expulsion end date. The Principal may end the enrolment of a student if contact is not made within this timeframe and the student is 17 years of age or over.

The Principal may end the enrolment of a student who is expelled and is 18 years of age or over at the time of the expulsion decision.

If there are known concerns about the safety or wellbeing of the student, the school must make reasonable attempts (for example, 3 attempts in 2-weeks) to refer the student to community support services before ending the enrolment.

#### Expulsion from all government schools

Following a decision by the Chief Executive to expel a student from all government schools, a student who is 16 years of age or older will have their enrolment ended.

The Chief Executive will issue a 'notice of expulsion from all government schools' (Appendix 19).

The Principal must provide students of compulsory education age (16 years of age only) with information about options to meet their compulsory education requirements.

## Expelled students on school grounds with permission

In general, an expelled student is [not permitted to be on school grounds](#).

However, there may be situations when a principal determines that a student is permitted to be onsite. This may occur 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 (see [Appendix 2 \(DOC 68.4KB\)](#) for system level reporting requirements about recording behaviour and attendance codes)
- is using a non-school service that is located on the same premises
- needs to attend school for an educational assessment.

The written permission must state any conditions of the excluded student's attendance on school grounds including the:

- time and days the student can be onsite,
- where the student is permitted to be, for example, a specific building
- which staff are responsible for supervising the student
- details of the alternative learning program.

For students expelled from all government schools, written permission must be provided by the Chief Executive or the Principal of the school.

During this time, the student cannot participate in their usual learning program.

## 4. Reconnection after expulsion

Reconnection is only an option for a student who is expelled from a particular school.

The student can contact their Principal to discuss the possibility of a return to school.

The Principal must consider the length of the expulsion and the age of the student when deciding whether the student can return. If the Principal determines that the student can return, a reconnection meeting is arranged by the school.

At the reconnection meeting the student's progress is reviewed, including what they have done to:

- engage in learning opportunities while expelled
- restore and repair the harm that may have resulted from their behaviour

Principals must refer to and follow the [reconnection after suspension](#) process.

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

## Adult education pathways

Students aged 18 years or over can seek to enrol at a government adult education setting at the end of an



expulsion. For further information refer to the [Adult Enrolment Policy \(PDF 189KB\)](#).

## 5. Expulsion appeals

The legal authority for appeals against a decision to expel is in section 80 of the Act. The department's complaints management process does not apply. Refer to [appeals](#).

# 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 the student and their parents or carers when the decision is made to exclude, extend an exclusion or expel a student. The student and parents or carers must be given the appropriate appeal form.

An appeal must not impact or change the placement of a student in an alternative learning program during the appeal process, for example, placement at a learning centre. If the exclusion decision is overturned, the student returns to their enrolling school. If the exclusion decision remains in place following the appeal process, the student continues in their alternative learning program placement.

## Persons who can appeal (the appellant)

- An appellant can be:
- the student
- the student's parents or carers
- another adult acting at the request of the student or the student's parents or carers

## 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 of exclusion or expulsion, for example, the time is longer than the school reasonably requires to plan and provide necessary supports for the student's safe and positive reconnection
- inappropriate 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 or carers being advised of an exclusion decision, or a decision to extend an exclusion
- 10 school days of the student and parents or carers 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 in lodging the appeal.

Appeals must be lodged with the relevant authority:

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

## Appeals process (exclusion)

See the 'appeals checklist' ([Appendix 11 \(PDF 83.5KB\)](#)).

The Education Director must:

- respond to the appellant with a 'notice of receipt of request to appeal against exclusion' ([Appendix 23 \(DOCX 74 KB\)](#)) as soon as possible
- advise the Principal that an appeal has been lodged, including the specified grounds for appeal
- in line with section 80 of the Act:
  - make sure the appeal is heard and the appellant is notified of the appeal outcome within 2 weeks of the date the appeal is lodged (the 2-week timeframe must be met even when it falls within school holidays)
  - check whether the Principal, as the person who made the original decision, has made the optional decision to put the exclusion on hold until the appeal is determined (noting that an exclusion cannot be put on hold if it would create a danger to a person or property or to allow a danger to person or property to continue).

## Decisions about appeals against exclusion

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

- an Education Director (panel chair)
- a Principal of a school (not being the Principal who made the decision to exclude 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. This includes behaviour support, disability support, trauma informed practice and cultural knowledge.

In appeals for Aboriginal students, students in care or students with disability:

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

The student or their parents or carers 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:

- department staff, such as Student Support Services and [Aboriginal Education Services](#)
- 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.

The decision of the appeal panel must be made:

- by a majority of the members on the panel
- within the 2-week timeframe for the appellant to be advised of the outcome of the appeal. That is, within 2 weeks of the request for an appeal being lodged.

## Decisions about appeals against expulsion

An appeal against the 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 against exclusion, exclusion extension or expulsion may be to:

- uphold the decision, and its terms and conditions
- uphold the decision, and change the terms and conditions
- make recommendations about the actions to be taken
- overturn the decision and make an alternative decision
- make any decision that the relevant authority thinks appropriate.
- The relevant authority (or panel chair) for the appeal decision must communicate the appeal outcomes to the student and their parents or carers. The Education Director must provide the 'notice of appeal outcome' ([Appendix 24 \(PDF 76.7KB\)](#)).

Where a decision is made to overturn an exclusion or expulsion, it is the responsibility of the relevant Education Director to:

- help the school, student and parents or carers to negotiate the reconnection
- support the school during the process.

## Appeal documents

All documents relevant to the appeal must be given to the enrolling school to be stored in the student's physical and electronic file.

# Roles and responsibilities

## Chief Executive

Responsible for appeals against the decision of a Principal to expel a student above compulsory school age from a particular school.

Responsible for decisions to expel a student above compulsory school age from all government schools.

## Education Director

Support schools within their portfolio to follow the procedures. Support principals to negotiate alternative learning placements for students who have been excluded or expelled from a particular school, including dispute resolution between schools.

Execute their delegated powers to approve decisions about suspensions and exclusions that will exceed legislative limits, where appropriate [Instrument of Delegation \(PDF 138KB\)](#).

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 that any suspension, exclusion and expulsion in their school is done in accordance with the procedure.

Make decisions regarding suspensions, exclusions, extension of exclusions, and expulsions of students from their school.

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

## Engagement and Wellbeing directorate

Responsible for the development and updating of the procedure.

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

## Student Support Services (SSS)

Provide specialist advice and services to support the promotion of positive behaviour for children and young people in department settings. Model and coach behaviour interventions and strategies within department settings and provide practical support to educators and support staff.

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 department education, early childhood and care services. This may occur through attendance at Directions Conferences, reconnection meetings and appeal panels.

## Behaviour Support Educator

Support school leadership with advice regarding this procedure and the development of alternative programs for students who have been excluded. This could be in the form of:

- a consultation prior to a Directions Conference (no consent required)
- attendance and support at a Directions Conference or reconnection meeting (consent required).

Attendance of a Behaviour Support Educator (BSE) may be dependent on capacity, with priority given to Aboriginal learners, students with disability and children in care.

The BSE will promote and model restorative practice and can use this approach when attending Directions Conferences or reconnection meetings. Emphasis is on early intervention, and schools do not need to wait until a suspension or exclusion is being considered to consult with a BSE.

## Children in Care service (SSS)

The [Children in Care service](#) is a team of specialist education social workers who provide support and advice regarding suspensions and exclusions for children in care. This may include working with the Department for Child Protection and the team around the child to provide a trauma informed lens on reconnection meetings, Directions Conferences and the child's transitions between sites.

## EALD Cultural and Bilingual support team

The [EALD Cultural and Bilingual support team](#) works collaboratively with schools, students and parents or carers through the suspension and exclusion processes to ensure culturally sensitive support. This includes support for reconnection meetings or Directions Conferences and follow up conversations and phone calls as needed.

## Aboriginal Education Services

[Aboriginal Education Services](#) provide culturally inclusive and responsive practice and program advice to sites to prevent and reduce the use of exclusionary responses with Aboriginal children and young people.

# Definitions

## behaviour support plan

A [behaviour support plan](#) is used in education and care settings when a child or young person needs support with complex or unsafe behaviour, to ensure their positive and safe inclusion.

## compulsory education age

A child who is 16 years of age but under the age of 17 years.

## cultural safety

Cultural safety Is an environment which is spiritually, socially, emotionally and physically safe for people, where there is no assault, challenge or denial of their identity, of who they are and what they need. See the [Culturally Responsive Framework \(PDF 6.7MB\)](#).

## Directions Conference

A Directions Conference is held when the Principal is considering exclusion or expulsion of a student. The focus is to decide (in collaboration with the student, their parents or carers and relevant others) whether an exclusion or expulsion is appropriate, and the strategies to support the student's learning or behaviour goals. The conference may or may not result in exclusion or expulsion.

## parent or carer

Parent or carer refers to adults responsible for the student. It includes the student's stepparent, guardian or a person with legal responsibility for the student.

Children and young people in care may live in family-based care (with foster or kinship carers) or residential care (with a team of rotating staff providing care). The term 'carer' as used in this procedure refers to both.

If DCP is the legal guardian, the DCP case worker must be notified/provided with information.

## Principal

Principal refers to the Principal of a school or authorised staff member.

## reconnection meeting

A reconnection meeting is held before the end of take home (frequent), suspension, exclusion and expulsion to decide what supports are needed to help the student to safely and positively reconnect with the school, their peers, school staff and learning.

# Supporting information

## Related legislation

[Disability Standards for Education 2005 \(Cth\)](#)

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

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

## Related policies

[Alcohol, tobacco and other drugs incident management procedure \(PDF 349KB\)](#)

[Assault – site responsibilities procedure \(PDF 238KB\)](#)

[Attendance at school procedure \(PDF 593KB\)](#)

[Behaviour support policy \(PDF 165KB\)](#)

[Critical incidents, injury and hazard reporting](#)

[Complaint management policy \(PDF 263KB\)](#)

[Information sharing guidelines \(ISG\) in education](#)

[Responding to online safety incidents in South Australian Schools procedure \(PDF 401KB\)](#)

[Responding to students who threaten or use violence to promote a political, religious or ideological position](#)

[School and preschool enrolment policy \(PDF 711KB\)](#)

[School dress code administrative instructions](#)

[Sexual behaviour in children and young people procedure and guideline \(PDF 1.7MB\)](#)

[Transfer procedure \(PDF 268KB\)](#)

[Work health and safety policy](#)

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