



Attendance

In NSW you are legally required to attend school from the age of 6 until completing Year 10 or turning 17 (whichever occurs earliest). During the time between finishing Year 10 and turning 17, you must either be fulltime in school, in approved education or training (eg TAFE, traineeship, apprenticeship) in fulltime paid employment or in a combination of work, education and/or training.

School Rules and Discipline

Each school has its own rules set out in its discipline policy. These rules should cover students' rights and responsibilities, including expected standards of behaviour and what will happen if rules are broken. Punishments for breaking rules may include:

- having privileges taken away (such as stopping you going on an excursion);
- time out from class (being sent out of the classroom or to the principal's office);
- detention.

Corporal (physical) punishment is not allowed in any NSW school, public or private.

Suspension and Expulsion in Public Schools

In serious cases of misbehaviour public school principals have the authority to suspend or expel a student. When making a decision about whether to suspend or expel you, principals must apply the rules of procedural fairness. This means that you have the right to be heard (to tell your side of the story), the right to a fair decision, and for the decision to be without bias or discrimination.

Suspension

If you are suspended you will not be allowed to attend school for a particular number of days. Suspensions can be short (up to and including 4 school days) or long (up to and including 20

school days) in more serious cases. Principals are expected to immediately suspend a student who:

- is physically violent causing pain or injury, or creates a serious risk to the safety and wellbeing of students or staff;
- has a weapon, or knife (without reasonable cause);
- has illegal drugs.

You can also be suspended for continuous disobedience, persistent misbehaviour, aggressive behaviour, or serious criminal behaviour related to the school.

Expulsion

Expulsion means permanent removal of a student from a school, usually for serious misbehaviour. The school must try to make alternative arrangements for the continuing education of an expelled student who is of compulsory schooling age. Only in very extreme circumstances can a student be barred from all public schools; however it can be difficult to enrol at a new school if you have been expelled.

You can appeal a decision to suspend or expel on the basis that the process, or the decision itself, is unfair. Appeals should be made in writing to the appropriate officer within the Department of Education and Training – written information about appealing must be provided by the principal at the time of the suspension or expulsion decision. You can also complain to the NSW Ombudsman if you think that you have been unfairly suspended or expelled, and seek legal advice (see Help points on the back of this page).

Private Schools

Private schooling is based on an agreement (contract) between the school and the fee-payer (usually parents). This agreement should set out the circumstances in which a student can be suspended or expelled. It can usually be argued that there is an implied term in the contract that a student will not be unreasonably suspended or expelled.

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Bullying

Bullying is treating a person in an on-going offensive, intimidating or frightening way. It happens when one person, or group of people, repeatedly verbally, physically or psychologically harms another person. Bullying can take many forms (some of which are criminal offences or unlawful discrimination) including:

- name-calling, teasing, insults or threats;
- hitting, punching, spitting, kicking or pushing;
- making threatening or obscene gestures;
- stealing, hiding or damaging belongings;
- spreading rumours, or writing hurtful notes, graffiti, text messages, emails or internet posts;
- deliberately excluding someone from a group or activity;
- forcing someone to hand over money or food, or do other things they don't want to do.

Everyone has the right to safety, dignity and respect. Schools have a duty to provide a safe environment for students and must implement an anti-bullying plan. If your school doesn't adequately respond to bullying you can complain to the Department of NSW Education and Training and seek legal advice (see Help points).

If you are being bullied remember that you don't have to tolerate it, or go through it alone. Talking with a friend or adult you trust can help. If you ever feel that you are in danger – physically or emotionally – go to a safe place, tell a teacher, school counsellor or another adult, or call the police.

Discrimination

All students have equal rights to education, without suffering discrimination due to factors such as disability, race, gender, pregnancy or sexual preference. Schools must take all reasonable steps to prevent discrimination. For more information, see the month of December - Human Rights and Discrimination.

HELP POINTS

National Children's and Youth Law Centre

02 9385 9588

Advice by email on www.lawstuff.org.au

Kids' Help Line

24 hour telephone and online counselling service - **1800 55 1800**

www.kidshelp.com.au

Bullying. No Way!

www.bullyingnoway.com.au

Shoalcoast Community Legal Centre

www.shoalcoast.org.au

4422 9529 (*Shoalhaven*)

1800 229 529 (*Eurobodalla and Bega Valley*)

Department of Education and Training

www.det.nsw.edu.au

02 9561 8000

NSW Ombudsman

www.ombo.nsw.gov.au

1800 451 524

LawAccess NSW

www.lawaccess.nsw.gov.au

1300 888 529

Legal Aid NSW

Nowra office 4422 4351