

## Requirements related to the Student Behaviour in Public Schools policy

### ***Mandated requirements to implement the documented whole school plan to support positive student behaviour.***

The [Student Behaviour in Public Schools](#) policy and procedures outline the requirements of schools in providing every student with the educational support the student needs to learn and maintain positive behaviour and good standing at school.

Further mandated requirements specific to the areas below are provided for schools to meet their obligations under the *Student Behaviour in Public Schools* policy and procedures. The mandated requirements are to be implemented within a framework of restorative practice, the key principles of which are:

- Positive interpersonal relationships are a major influence on behaviour.
- A culture of care supports all individuals in the school community.
- Cultural receptiveness and responsiveness is key to creating learning communities of mutual respect and inclusion.
- A restorative approach leads to individuals taking responsibility for their behaviour.

In this document, 'the principal will...' means that it is the principal's responsibility, as site manager, to manage its implementation. It does not mean the principal must personally undertake the duty.

In accordance with the *Student Behaviour* procedures, a parent is 'a person or persons who at law have responsibility for the care, welfare and development of the child, whether long term or day to day'.

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## WITHDRAWAL OF A STUDENT FROM CLASSES, BREAKS OR OTHER SCHOOL ACTIVITIES

A school administrator (see [Regulation 127](#) for details of offices prescribed to be school administrators) may withdraw a student from classes, breaks or other school activities as part of a school's planned behaviour support response. Applied as close as possible to the time of the breach of school discipline, withdrawal is used for the purpose of providing an opportunity to:

- calm, in circumstances where the student has become unable to self-regulate;
- reflect on and learn from the incident, including engaging in restorative processes;
- evaluate prior behaviour support and negotiate and plan adjustments that may be required; and/or
- continue a learning activity in a less stimulating environment.

### **Guidance**

Withdrawal is distinct from regular classroom management strategies such as moving a student to a buddy class, a sensory space at the back of the room or the library, or the office of a school administrator. Similarly, teacher decisions in the context of their daily classroom management, such as asking a student to remain behind at the start of a break to briefly discuss their progress or actions, should not be construed as withdrawal.

Withdrawal is distinct from protective isolation. Protective isolation is a restrictive practice involving the isolation of a student from other students for the purpose of managing the student's emotional or physiological state in circumstances where that state is posing imminent risk of harm to self or others. Department requirements for using protective isolation are covered in this document.

### **Relevant legislation**

Regulation 41 of the [School Education Regulations 2000](#) provides for withdrawal:

- sub regulation 41(1) provides the types of withdrawal; and
- sub regulation 41(2) provides time limits on withdrawal.

### **Department requirements**

When a student is withdrawn, the school administrator will:

- provide oral or written advice to the parent that day or as soon as possible thereafter about the withdrawal. SMS (messageyouTMschools and Outreach+) notification is sufficient to satisfy this requirement;
- ensure that location and supervision arrangements account for duty of care at all times;
- ensure the student is provided the opportunity to complete assignments or assessments to fulfil course requirements; and
- create a record for each student withdrawn detailing:
  - reason for the withdrawal;
  - date, time and duration of the withdrawal; and
  - notification of parent.

Additional requirements include:

- Withdrawal must not affect the student's attendance. The principal will continue to provide accommodation, supervision and appropriate educational instruction for students who are withdrawn during school hours. This includes where a student is withdrawn from significant school events that occur during school hours, such as camps, excursions or sports carnivals.
- Withdrawal should have the minimal possible impact on a student's academic progress.
- Any alteration of breaks must consider student needs, such as hydration, nutrition and toileting.

**Guidance**

Principals are advised to stipulate in the documented whole school behaviour plan the person or class of persons who are authorised to withdraw a student. Alternatively, any other written record will suffice.

These requirements relate to the application of withdrawal as a disciplinary consequence in response to a breach of school discipline that has already occurred. Such a withdrawal must be proportionate to the breach and part of a balance of measures to support the student, to focus on the harm caused and to achieve better behaviour.

The principal also has powers not governed by the [Student Behaviour in Public Schools](#) policy that relate to management of likely future risks. Principals should consult the [Risk and Business Continuity Management](#) policy for risk management procedures.

It is recommended that withdrawal is not referred to as 'in-school suspension'. The term suspension is specifically used when referring to suspending a student from attendance at school. Students who are withdrawn are to be recorded in the school's information management system as having an attendance (W code) during the period of withdrawal from classes.

## SUSPENSION OF A STUDENT FROM ATTENDING SCHOOL

The principal may suspend a student from attendance at school as part of a school's behaviour support plan. Suspension of attendance may be for the whole or part of each day during the suspension period.

Suspension is used when the breach of school discipline causes significant disruption to the student, other students or staff, and is for the purpose of providing an opportunity:

- for the student, other students and staff to calm and recover;
- for all to reflect on and learn from the incident, including participating in restorative processes;
- for the school to evaluate existing behaviour support plans, meet with any internal or external stakeholders, seek advice on how better to support the student, and put in place any adjustments to plans, resources, staff or strategies that may be required; and/or
- for the parent to meet with the school to discuss how to improve coordination between school and home to help the student behave appropriately at school.

Notwithstanding the above, suspension is to be understood as a severe sanction, reserved for use in severe circumstances.

### Relevant legislation

Section 88 of the [School Education Act 1999](#) defines attendance for the purposes of suspension.

#### **Guidance**

All absences from school reduce a student's capacity to maximise opportunities for learning. Principals should exercise due care in imposing periods of suspension and be mindful of the cumulative educational disadvantage risked by multiple absences.

Section 90 of the [School Education Act 1999](#) and Regulations 43-46 of the [School Education Regulations 2000](#) provide the rules for imposing a suspension:

- sub regulation 43(1)(a) provides the maximum allowable period of suspension for a breach of school discipline;
- sub regulation 43(1)(b) provides the maximum allowable period of suspension for a serious breach of school discipline;
- sub regulation 44(1) provides the rules for imposing a suspension for a breach of school discipline;
- sub regulation 44(2) provides the rules for imposing a suspension for a serious breach of school discipline;
- regulation 45 provides consultation and planning requirements to prevent further suspensions; and
- regulation 46 provides the requirements for the provision of educational instruction for students who are on suspension.

## Department requirements

### Decision to suspend

1. Only the principal has authority in the school to make a decision to suspend a student. This authority cannot be passed to another member of staff, except to a school administrator in circumstances where the principal is unable to exercise the suspension. This temporary transfer of power is required to be authorised in writing, either prior to the circumstances arising or at the time, before the school administrator may exercise the power to suspend. Where the principal is unable to provide this written authorisation, it may be provided by the Director of Education.

#### **Guidance**

To meet requirement 1 above, principals are advised to stipulate in the documented whole school behaviour plan the person or class of persons who are authorised to suspend when the principal is unable to do so.

2. Where the breach of school discipline is considered by the principal to be a serious breach, the principal will:
  - assign a provisional suspension period;
  - shorten or lengthen this period, subject to Regulation 43(1)(b) upon completion of an investigation into the incident; and
  - consider applying a loss of good standing.
- 2(a) An automatic suspension and loss of good standing will be applied to any student who:
  - attacks or initiates a fight with another student; or
  - records/publishes/uploads to social media a video of fighting or bullying involving students of a government school.

#### **Guidance**

A loss of good standing in a school is a sanction imposed as a result of a serious breach of discipline, whereby the student will not be permitted to participate in specific school events. Where a loss of good standing has been imposed, the principal will continue to provide supervision and appropriate educational instruction to students not permitted to take part in school events.

A student's good standing can be re-instated over such a period decided by the principal and should be outlined in the student's re-entry plan or behaviour support plan.

3. The principal will provide the student and parent a reasonable opportunity to provide reasons against the decision to suspend and/or the length of the suspension.
  - For breaches of school discipline, this will occur orally or in writing prior to the principal's suspension decision.
  - For serious breaches of school discipline, this will occur in writing as soon as practicable after the provisional suspension decision.
  - The principal will make a record of any reasons given against the decision to suspend or length of suspension, and in conveying their final decision will explain how any relevant reasons were taken into consideration.
  - For an opportunity to respond to be deemed reasonable, the principal will take into consideration any language, cultural, medical or mental health factors and availability of the parent.

### **Guidance**

Provide the parent and student access to support such as:

- [an interpreter](#);
- support person;
- Aboriginal and Islander Education Officer; or
- representatives from other agencies.

Discuss the reasons for the suspension with the student and parent so they understand why it is happening and what needs to change. Refer to the [Family-School Partnership Framework](#) to promote and guide partnership building.

4. An alternative strategy to suspension will be considered by the principal where:
  - the principal has reason to believe the student will be exposed to serious safety risks (e.g. physical or sexual abuse, exposure to drugs, crime or domestic violence, homelessness) outside of the school and reasonable measures to mitigate these risks to the student cannot be arranged; or
  - the student is considered by the principal to be at risk of suicide or serious non-suicidal self-injury and the principal is not satisfied there are arrangements for sufficient supervision/care for the student outside of the school.In such circumstances, the record should state the degree of seriousness of the breach and that the strategy was used in lieu of suspension due to exceptional circumstances.
5. The principal will not allow a suspended student to leave the school grounds before an agreement has been reached with the student's parent for how the student will get home. This must occur on every occasion, as it involves a transfer of duty of care from the school to the parent. Where it has not been possible to reach such an agreement, and the student is continuing to pose a risk to staff, students or property, the principal should consider calling the police to request that the student be removed.
6. Where a parent is not able to pick the student up and asks that the student be allowed to walk home, the principal will not allow the student into the community if the student is in an escalated state such that risk of harm to the student, community members or property is reasonably foreseeable. The principal will take reasonable measures to calm the student before the student leaves the school grounds without a parent.

### **Recording the decision**

7. The principal will:
  - enter the suspension into the school's information management system as soon as practicable following the decision to suspend;
  - enter a report into the [Online Incident Notification System](#) (OINS) for any incident:
    - deemed by the principal to have involved a serious breach of school discipline;
    - involving a notifiable incident as defined in the [Emergency and Critical Incident Management](#) policy; and
  - record all absences due to suspension as authorised absences using the Z code.

### **Requirements in addition to those stipulated in Regulations 43-46**

8. The principal will take reasonable measures to minimise the number of days any one student is suspended during the course of a school year. Where repeated suspension is not proving effective as a strategy to reduce the severity or frequency of breaches of school discipline by a student, the principal will consider other strategies that may be more successful.
9. The principal will not consider the reaching of a specified number of days of suspension to be an automatic trigger for exclusion.

10. For the purpose of calculating suspension periods, the principal will consider each day the school is open for business as counting for a whole day within the student's suspension period. This requirement applies irrespective of the student's normal level of attendance on that day, including where:
  - the student would normally be absent from school that day due to a Notice of Arrangements or placement in an off-site program; or
  - the suspension applied is for only part of the school day.

### **Guidance**

The purpose of this requirement is to prevent the stretching of suspension periods to a greater number of days based on attendance expectations. It is not intended to mean that a student who is sent home at lunch time for the remainder of the school day should have a whole day suspension recorded.

11. The principal will consider multiple breaches in the course of an incident or connected series of incidents to be taken as one overall breach for the purposes of considering the case for, and duration of, a suspension;
12. The principal will not apply suspension for reasons associated with:
  - attendance;
  - an incident occurring outside of school, except where the principal can establish a reasonable nexus between the incident and the school; or
  - dress code.
13. The principal will not apply a suspension period that exceeds the number of days remaining in the school term. For purposes of accurately reflecting the severity of the student's breach of school discipline, the principal may express in the record of the suspension decision the length of suspension that would otherwise have been applied.
14. The principal will not extend suspension periods into the following school term.
15. In circumstances where the time left in the school term is insufficient reasonably to investigate an incident and reach a decision on a suspension, the principal may make the decision at the beginning of the next school term.
16. The principal will consider the possible impact of suspension for a student who is undertaking Vocational Education and Training (VET) delivered to secondary students or workplace learning external to the school. Where there is a stipulated requirement for a number of hours to be completed in a course or workplace learning environment, the principal will take measures to mitigate any suspension preventing the student completing the requirement. This may include stipulating a suspension condition that permits the student to attend the required setting or program.
17. When considering appropriate measures for international students, the principal will note that the decision to suspend may impact on the student's visa conditions. Such visa conditions can include the student:
  - attending 80 per cent of classes; and
  - making satisfactory progress.Where a suspension may impact on a student's visa conditions, the principal will consider whether alternative measures are appropriate.

### **The principal's responsibilities during and immediately following the suspension period**

18. The principal will conduct any required meetings in preparation for re-entry prior to the completion of the suspension period. The focus of the re-entry meeting is on restoring the harm to both the victim and the school community, the accountability of the offender and the impact on the individual's good standing in the school.

19. Where a student comes onto school grounds without permission during a period of suspension, the principal will:
  - ascertain the reason for the attendance and offer the student assistance when the reason for attendance is genuine;
  - where the student does not supply a genuine reason, be supportive and discuss calmly with the student the need to honour the suspension decision and leave the school grounds;
  - make reasonable attempts to notify a parent to collect the student in circumstances where the student refuses to leave school grounds; and
  - notify the police if the student is acting in a way that poses a threat to self, staff, other students or property.
20. For a student who commits a breach of school discipline while on suspension, the principal may apply an extension to the suspension period, subject to Regulation 43.
  - Where the maximum period of suspension is already in place, the principal will consider alternative disciplinary sanctions for that breach, to be served following the student's return to school, provided the sanction does not further limit the student's attendance. This does not apply in the event of a recommendation for exclusion.
  - A suspension under Regulation 43(1)(a) may not be extended to a suspension under Regulation 43(1)(b), except where the breach committed during the suspension period can reasonably be considered by the principal to be a serious breach.
21. The principal will provide learning activities for the student to complete during the period of suspension where the suspension period is for three (3) or more consecutive days or totals more than five (5) days in the school year (this is not dependent upon the parent or student asking for work to be provided).

The principal will:

  - provide work that is a genuine learning activity designed to assist the student, as much as possible, to maintain their learning during the enforced absence;
  - provide any required remedial support upon the student's return should the student have difficulty with a learning activity; and
  - not require staff to supervise the student whilst on suspension, except where the student attends the school site. The principal may ask teaching and/or administration staff to maintain a reasonable level of phone or digital contact with the student or the student's parent during school hours whilst the student is suspended, for the purpose of discussing the student's progress on the learning activity.
22. Where the period of suspension is less than that stipulated above, the principal will make reasonable endeavours to ensure the student keeps up with their classwork and maintains continuity of learning.
23. If a student accumulates eight (8) suspensions or 20 days of suspension in a calendar year, whichever comes first, the principal will, if they have not already done so:
  - inform the Director of Education and Principal, School of Special Educational Needs: Behaviour and Engagement as part of a case management approach; and
  - work with Regional Education Office and Statewide Services staff, the student's parent and relevant agencies to formally review all aspects of the student's situation and jointly develop or improve personalised behaviour support.

## **Appendix A: Categories of suspension**

The principal will consider multiple breaches in the course of an incident or connected series of incidents to be taken as one overall breach for the purposes of considering the case for and duration of a suspension.

### **Category 1: Physical aggression toward staff**

Aggressive physical contact committed intentionally against staff.

### **Category 2: Abuse, threats, harassment or intimidation of staff**

Verbal or non-verbal actions that are abusive, harassing, intimidating or threatening, including stalking, sexual harassment, sexual innuendo and manipulation.

### **Category 3: Physical aggression toward students**

Aggressive physical contact committed intentionally against another student.

### **Category 4: Abuse, threats, harassment or intimidation of students**

Verbal or non-verbal actions that are abusive, harassing, intimidating or threatening, including stalking, sexual harassment, sexual innuendo and manipulation.

### **Category 5: Damage to or theft of property**

Direct or indirect damage to, or theft of, property.

### **Category 6: Violation of Code of Conduct or school/classroom rules**

This covers student misconduct not addressed in any of the other categories that violate the school's Code of Conduct.

### **Category 7: Possession, use or supply of substances with restricted sale**

This category covers use or supply of substances such as cigarettes, alcohol and prescribed medicines, that are not in themselves illegal, but the sale of which may be restricted to persons over 18.

### **Category 8: Possession, use or supply of illegal substance(s) or objects**

The substances referred to in this category are those that are illegal under the Criminal Code. This includes weapons and illegal drugs.

### **Category 9: Other**

### **Category 0: E-breaches**

Breaches under the [Students Online](#) policy or personal use of mobile electronic devices requirements. Includes breaches of an Acceptable Use Agreement; Appropriate Use of Online Services Agreement; and recording, distributing or uploading of inappropriate images or messages of students, parents or staff with reasonable nexus to the school.

## **DETENTION OF A STUDENT AFTER SCHOOL**

A member of teaching staff may detain a student after school, for a time period approved by the principal, in response to a breach of school discipline. Detention, applied as close as possible to the day of the breach of discipline, allows the school to provide timely support to the student to assist the student to achieve desired behaviour and to help the student to catch up on any work missed as a result of the breach.

### **Relevant legislation**

Regulation 42 provides the rules for imposing detention.

### **Department requirements**

1. The principal will ensure that the school's duty of care responsibilities toward the student are met.
2. A record kept for each student detained must detail:
  - name of the teacher imposing the detention;
  - reason for the detention;
  - date, time and duration of the detention, including principal's approval of the duration;
  - contact with parent, including arrangement for the student to safely leave the school premises; and
  - how the detention time was used; and
  - school's planned follow-up behaviour support.
3. Staff will act to ensure a restorative approach is implemented that focuses on:
  - student accountability for the harm and impact of the actions on the school community; and
  - opportunities for the student to re-establish their good standing within the school community.

## EXCLUSION OF A STUDENT FROM ATTENDING SCHOOL

**Please note: Information and resources about the exclusion process and templates can now be accessed from the [Exclusions Hub](#).**

The principal may recommend to the Director General that a student be excluded from attending the school as part of a school's behaviour support plan. Only the Director General may exclude a student. Exclusion may be temporary or permanent.

An exclusion order is the most extreme sanction that can be applied to a student in a public school and as such should be reserved for the most serious breaches of school discipline. The Department continues to have responsibility for providing an education for any student who is excluded.

In considering a recommendation for exclusion the Director General will closely scrutinise the following:

- the responses and strategies the school has put in place to deal with the student's behaviour;
- the student has committed an act so extreme that its impact prevents the school from re-establishing a safe, caring and supportive environment for the student; or
- aggressive physical contact committed intentionally by a student against school staff (\*exception for students with a disability).

This list is not exhaustive; the Director General will consider each recommendation on its merits.

### **Guidance**

\*A principal may recommend exclusion for a student with a diagnosed disability provided that they are satisfied that the breach of school discipline pursuant to section 91(a) is not a symptom or manifestation of the student's disability.

Exclusion is used when the breach of school discipline causes extreme disruption to the good order and proper management of the school, in the context where:

- Ongoing breaches have occurred; and
- Intensive support has been provided by the school to the student, including:
  - Multiple cycles of planning, implementing and evaluating behaviour support in an attempt to help the student successfully to meet behaviour requirements; and
  - Effective case coordination by the school, including taking advice from regional and statewide services behaviour and engagement support staff, as well as any appropriate external agencies;
- The existing school environment is clearly contributing to the student's difficulties in achieving desired behaviour, and the principal has taken all reasonable measures to change this environment; and
- In the context of all of the above, the principal, having taken advice and considered all options, considers that it is in the best interests of the student to move to an identified educational program or setting; but the parent(s) and student are not willing to undertake this move.

## Relevant legislation

Sections 91-96 of the [School Education Act 1999](#) provide for exclusion of attendance:

- Section 91 provides the grounds on which an exclusion recommendation may be made;
- Section 92 provides the procedure for exclusion of students of compulsory school age;
- Section 93 provides the procedure for appointing a panel to hear evidence relating to the recommendation;
- Section 94 provides the range of orders that the Director General may make;
- Section 223 provides the right of a person who is aggrieved by an exclusion decision to request that the Minister review the procedure by which the decision was made;
- Section 95 provides the principal's power to exclude from attendance a student at the school who is enrolled under Section 81 (post-compulsory enrolment); and
- Section 96 provides the right of a student who has been excluded by a principal under Section 95 to request that the Director General review the procedure by which the decision was made.

Section 81 of the [School Education Act 1999](#) provides for post-compulsory enrolment.

## Issues to consider

To make a case for exclusion, the principal will account for the following:

1. Did the student commit the breach?
  - Is the breach a ground for exclusion under s91 of the *School Education Act 1999*?
  - Is there a dispute or any doubt as to what actually happened?
  - Is there a dispute or any doubt as to the identification of who committed the act?
  - Has any dispute or doubt been given due consideration and dealt with reasonably?
2. If part 1 is satisfied, then how culpable was the student in committing the breach?
  - Was the offending action an accident, for example, the intent of the student and the circumstances leading to the incident?
  - Did any disability or developmental status of the student play a part in the actions?
  - If another person was the victim of the student's actions, did the other person's actions demonstrate or imply consent (e.g. the victim was fighting with the student)?
  - Any other relevant issues relating to the incident including but not limited to:
    - Was the student provoked?
    - Were the student's actions taken under duress?
    - Were the actions taken in an emergency?
    - Were the actions taken in self-defence?
    - Does a view of the student's intent need to take into account any social, cultural, lingual, economic or geographical factors, or learning disability?
3. If parts 1 and 2 have been satisfied, was the breach serious enough to justify exclusion?
  - Were the student's actions reasonably foreseeable?
  - Did the school take reasonable measures to prevent or mitigate the likelihood of these actions occurring (i) prior to; and (ii) at the time of the breach?
  - For acts of verbal aggression, how reasonable was it to conclude that the student was likely to act on the threats (e.g. records showing that the student acts on threats)?
  - Is there evidence demonstrating the seriousness of the incident (e.g. emergency procedures required; police required; police report made; police identifier number provided; charges pressed)?
  - Is there evidence of significant impact of the incident(s) on:
    - staff: The extent of the injury, including psychological, to the staff member, the opinion of the school staff member who was subject to the physical contact; or
    - students (e.g. hospitalisation, absences, evidence of decrease in performance or achievement, ongoing medical attention or counselling needed subsequent to the incident)?
  - For damage to property, what are the costs of repair and/or the level of impact on the school of the repair process in the present, or as a result of past incidents?

- For disruption over time to the educational instruction of other students, what is the amount of instructional time lost, number and frequency of incidents, demonstrated impact on student achievement?
4. If parts 1, 2 and 3 have been satisfied, then has the school taken sufficient prior measures in relation to the student to avert or mitigate such incidents?
- Is the school's practice aligned with legislation and system strategy and policy?
  - Is the breach part of a pattern of behaviour breaches?
1. Do school records show awareness by the school of the pattern?
2. Do school records show sufficient measures to intervene into the pattern?
- Do school records demonstrate multiple attempts by the school to adjust behaviour support to meet the student's behaviour needs?
  - Has the school accessed Regional Office and Statewide Services support for behaviour and engagement to assist with this student?
1. Has the school made sufficient attempts to implement this support?
- Has the principal allocated a reasonable level of resourcing to support the student's behaviour needs, including seeking any available supplementary resourcing where school resources have become strained?
  - Have the student and parent(s) been given reasonable opportunity to be involved in the planning, provision, monitoring and review of behaviour support?
  - Has the school engaged in case coordination about the student's behaviour and engagement with any relevant external agencies or practitioners who are involved with the student?
  - Has the school sufficiently considered and adjusted behaviour support for any social, cultural, lingual, economic or geographic factors, or learning difficulties?

### Quality assurance of the public record

Student Support Services Directorate will review the documentation and prepare a briefing on the case for the Director General. Consideration will be given to:

- the substance of the case (whether the record shows that parts 1, 2, 3 and 4 of the considerations for exclusion have been satisfied; and
- whether the procedure has been fair and compliant with legislation and policy, including:
  1. Was the procedure for considering the principal's recommendation to exclude compliant with all applicable requirements of the *School Education Act 1999* and principles of integrity in administrative decision making, including:
    - The principal notified the parent(s) of all grounds and reasons for the recommendation;
    - Fair opportunity was given to the parent(s) to understand and respond to the school's case;
    - The panel was made up of people with such experience, skills, attributes or qualifications that were appropriate to consider the recommendation; and
    - The panel's recommendation is based on consideration of all relevant factors and the disregarding of all irrelevant factors.
  2. Does the record of panel proceedings account for how the panel, through its deliberations, arrived at its findings after:
    - Weighing up the evidence, including dealing with any competing or doubtful evidence?
    - Taking into consideration any relevant social, cultural, lingual, economic or geographic factors, or learning difficulties that may be relevant to the breach?
    - Declaring and appropriately mitigating any conflict of interest, including potential or perceived conflict?

## Department requirements

### Requirements when considering a recommendation to exclude

1. A principal will only consider recommending exclusion based on verbal threats by a student where it can be shown that there is cause to have reasonable belief that the student will act on these threats (e.g. school records show that a student has in the past tended to follow up on threats made).
2. Except in circumstances of intentionally aggressive physical contact causing injury or harm by a student against staff or a one-off serious incident, the principal will only consider recommending exclusion when there has been a prior meeting with the student and parent(s) at which the possibility of exclusion has been raised (Appendix A: Notification of Risk of Exclusion Recommendation). A plan arising from this prior meeting that is designed to assist the student to achieve desired behaviour and thereby avert a recommendation for exclusion must have been given a reasonable opportunity to be successful.
3. Before making a recommendation for exclusion, the principal will inform the Director of Education that a recommendation is being considered and take into consideration any advice provided by the Director of Education or Assistant Director of Education.
4. In any discussions prior to a decision to recommend, the principal will avoid giving messages that appear to coerce a parent to move the student out of the school. This does not prevent supportive exploration of alternative settings or programs in which the parent may choose to make free and informed decisions about future placement.
5. The principal will not, on the basis of a student's behaviour needs, use methods to enforce the departure of a student that are alternative to exclusion (e.g. telling a parent that the student is not welcome to enrol in a following year).
6. If an exclusion recommendation is made near the end of a school term, all reasonable efforts will be made to convene the panel before the last day of school. School staff are not required to undertake work during the school holidays. Where a panel cannot be convened in time, it will be convened as soon as possible after the commencement of the next term. Where it has been possible to convene the panel, the 10-day procedure will be completed during the school holidays.

### Requirements in making a recommendation to exclude

7. Upon making a decision to recommend exclusion of a student, the principal will:
  - notify the Director of Education in writing (Appendix B: Notification to Director of Education);
  - notify the Director of Education if the student has a diagnosed disability, or if in the absence of a diagnosis, the school has been making adjustments on the basis of a belief that the student has a disability;
  - write to the parent(s), informing them:
    - of the specific grounds for the recommendation, using the wording of Section 91 of the [School Education Act 1999](#);
    - that a School Discipline Advisory Panel (or a Disabilities Advisory Panel, as appropriate) will be convened to hear from the school, the parent(s) and the student and then provide a recommendation to the Director General;
    - that assistance will be available, if required, to facilitate their attendance at the panel; and
    - of their right to:
      - present information to the panel;
      - respond to the information provided in the School Exclusion Report, which will be provided to them at least 24 hours before the panel meeting;
      - have a support person at the panel meeting; and

- under [Regulation 43\(1\)\(c\)](#), suspend the student from school for such additional time that a total of 10 school days are available for the procedure (e.g. if a decision to recommend exclusion is made on day 5 of a 10 day suspension, the principal will add a 5 day suspension to bring the total remaining days up to 10);
- prepare a School Exclusion Report and submit this report to the Director of Education at least 48 hours prior to the panel meeting; and
- attend the panel meeting and present the school's case for exclusion.

### **Guidance**

The principal is not required to provide a right of reply on the decision to make a recommendation for exclusion. The parent and student should have received a right of reply in relation to the suspension. The right of reply for the exclusion recommendation is provided by the panel procedure.

With the exception of intentionally aggressive physical contact causing injury or harm by a student against staff resulting in a police report identifier number being issued, the principal is not required to make a decision on the day of an incident. The principal should take several days to support the school's recovery of the incident, take advice, and consider the case. It is recommended that, wherever possible, a decision either way is made by Day 5 of the student's suspension period. If the decision is not to recommend, this leaves time for meeting with the student and parent as well as to make plans and ready resources and strategies to support the student's successful re-engagement in the school.

For a template of letter informing parents of recommendation for exclusion, see Appendix C: Letter to parent of compulsory age student – Notification of recommendation for exclusion.

8. Examine the case for exclusion, giving consideration to documents put before the panel and any verbal evidence provided by the school, parent(s) and/or student.
  - a. appoint an executive officer to coordinate the exclusion process and support the student and parent (s) and the operations of the panel;
  - b. appoint a School Discipline Advisory Panel or Disabilities Advisory Panel (as appropriate under s92(3) of the Act) to consider the recommendation for exclusion;
  - c. prepare a report for the Director General which outlines whether:
    - i. the school, prior to the recommendation, has sufficiently accessed regional support available to assist with the student; and
    - ii. the school has made reasonable attempts to implement any support.

### Requirements in giving consideration to the recommendation to exclude

In compliance with Section 92 of the Act, the recommendation will be heard by a panel, appointed by the Director of Education under delegation from the Minister, which will:

9. Examine the case for exclusion, giving consideration to documents put before the panel and any verbal evidence provided by the school, parent(s) and/or student.
10. Make a recommendation to the Director General, limited to:
  - a. Whether the panel is satisfied that the procedure was compliant with requirements;
  - b. Whether the grounds for exclusion were established;
  - c. Whether the circumstances surrounding these grounds warrant exclusion; and
  - d. Where the recommendation is exclusion, any additional advice for the Director General pertinent to the Director General's decision under Section 94 of the Act.

### **Guidance**

The Director General is not bound by any recommendations made by the panel or the Director of Education and may confirm, vary or disagree with these recommendations.

The panel may note for the attention of the Director General and Director of Education any significant concerns, arising from the information put before the panel, that the panel may have with the practice of school, region or statewide services staff.

The panel may provide advice for the Director of Education's consideration on future support and education needs for the student. This advice carries no legal status and should appear separately from the panel's recommendation to the Director General.

11. If the Executive Officer becomes aware that the process may not be completed within the 10 day period, the Director of Education will:
  - a. gain approval for an extension to the suspension from the Deputy Director General, Schools;
  - b. notify the parent of the need to extend the suspension period providing an opportunity for them to respond; and
  - c. advise the principal of the extension to suspension.
12. In the event of an extension, the principal will enter the extension to suspension for purposes under Regulation 43(1)(d) into the school's information management system.

### **Guidance**

For extension to the suspension notification template, see Appendix E: Notification of Delay in Exclusion Process.

### **Requirements following the panel meeting**

13. The Director of Education will:
  - a. review the panel's report and recommendation and prepare a briefing for the Director General providing the region's view of the case for exclusion; and
  - b. no later than close of business on Day 8 of the 10-day procedure, submit the Exclusion File containing the Panel Report, Director of Education's briefing, School Exclusion Report and other relevant documents to the Student Support Services Directorate.
14. The Student Support Services Directorate, will review all documents and provide advice to the Director General whether:
  - a. there are any breaches in legislation, policy or procedure;
  - b. the panel has taken into account all relevant considerations and disregarded all irrelevant considerations in reaching its conclusion;
  - c. the panel's recommendation to the Director General is reasonably supported by evidence presented and deliberations conducted;
  - d. there is any additional information that the Director General is advised to consider; and
  - e. the case poses any risks to the Director General or the Minister for Education, and how these risks will be mitigated.

### **Guidance**

For templates of documents related to the panel process, see Support Materials, Recommendation for Exclusion, see:

- Appendix F: Confidentiality / Conflict of Interest Statement for Panel Members;
- Appendix G: Panel Report Overview;
- Appendix H: Exclusion File Cover Report;
- Appendix J: Confirmation to Director General of Placement of Student Following Exclusion Order, and
- Appendix P: Template Letter to Post-Compulsory Student: Notification of Exclusion.

### The Director General's decision

15. To reach a decision on the recommendation, the Director General will:

- consider the panel report and other documentation; and
- seek and/or consider any additional information, as required.

### Where the Director General has determined that a student is not to be excluded

16. The Director of Education will appoint a Case Manager, who will:

- meet with the parent and the student on the first school day after the Director General's decision to discuss the outcome;
- meet with the principal of the school to discuss the outcome;
- facilitate the student's return to school at the earliest reasonable time, taking into consideration any time needed by the school for planning and preparation to reduce risk to the student, other students and staff;
- identify and ensure coordination of support to the school and student, as appropriate, from the region and Statewide Services;
- develop a plan for the monitoring and review by the region of the student's reengagement with the school;
- confirm the student's return to school to the Director General and the Director of Education within 10 working days of the decision being made ([Appendix J: Confirmation to Director General of Placement of Student Following Exclusion Order](#)); and
- monitor and review the student's progress at the school.

### Requirements after an exclusion order has been made

17. The student and parents may request a review of the process leading to the Director General's decision. This request for a review must be made in writing to the Minister for Education by the student and/ or parents within 14 days of the receipt of the Director General's letter. The Minister may authorise an independent review of the process.
18. The principal will continue to maintain the enrolment of a student who has been excluded. The principal will not remove the student from the school register unless Section 21 of the *School Education Act 1999* has been satisfied.
19. While a student who has been excluded remains enrolled at the school, the principal must meet responsibilities for reporting of the student's attendance and achievement.
20. In the absence of a specific order by the Director General under Section 94, the Director of Education will assume responsibility for identifying an appropriate educational placement and program of a student who has been excluded.
21. For students who are excluded, the Director of Education is responsible for case coordinating placement and support for the student. This includes case coordination with Statewide Services and any other internal or external stakeholders to support a successful transition and re-engagement for the student.
22. The Director of Education must nominate a Case Manager to provide parents and the student with assistance to comply with the orders made by the Director General. The Case Manager will:
- meet with the parent and the student on the day after the Director General's decision to discuss the order;

- discuss the educational placement with the parent and the student that has either been ordered by the Director General or is to be negotiated by the Case Manager;
- facilitate the enrolment of the student in another public school or educational program;
- provide information and support to the principal at the new placement about the student's previous behaviour and the future support for the student;
- provide advice about the resources available to the new placement to facilitate the student's engagement;
- inform the Director General and the Director of Education on the progress of the placement within 10 working days of the exclusion order being made (Appendix J: Confirmation to Director General of Placement of Student Following Exclusion Order); and
- report to Student Support Services Directorate each subsequent school term on the placement and progress of the student, until the student completes the compulsory years of schooling.

### **Guidance**

Exclusion is a prevention of attendance: it does not cease a student's enrolment at the school until the student is enrolled elsewhere. While the student remains enrolled, the principal retains responsibility to maintain records of the student's attendance, even though this will be at another site or program. For attendance records:

- In a secondary school the principal may create a new timetable subject in SIS called Exclusion and place the student in that subject; and
- In a primary school the principal may create a new form called Exclusion and place the student in that form.

Once the student is placed in the new subject/form group, the principal may:

- make an arrangement to regularly receive attendance data for the student from a staff member from the new site or program; and
- use the Y attendance code through the school diary to record the student's attendance at the site or program.

This procedure will:

- enable the student to be retained on the school's roll until such time as one of the conditions for removing the student from the roll (section 21 of the Act) have been met; and
- will not affect the school's attendance data since Y means not required to attend.

23. The principal may at any time submit a briefing to the Director General making a case as to why an exclusion order should be revoked or amended (Section 94(3) of the Act).
  - a. The principal will:
    - i. Notify the parent(s) and student of the intention to seek variation to the order;
    - ii. Provide the parent(s) and student reasonable opportunity to say why the variation request should not be made;
    - iii. Take into consideration any relevant objections raised by the parent(s) or student;
    - iv. Prepare the briefing to the Director General; and
    - v. Submit the briefing through the Director of Education.
  - b. The Director of Education will provide a view on the request, and then provide these documents to the Student Support Services Directorate, for the Director General's consideration;
  - c. The Student Support Services Directorate will provide the Director General with the documents and any additional information that may be pertinent.

### **Guidance**

This may be used in the instance of a time limited exclusion order, where the principal is aware that the student has not engaged in behaviour support and/or transition strategies to an extent that would warrant a return to normal attendance at the school.

24. The Director General will inform in writing the parent(s), principal, and Director of Education, once a decision regarding the exclusion order has been made.
25. The Director of Education will take responsibility for implementing any decision by the Director General to vary an exclusion order.

### Exclusion of post-compulsory students

1. The following relates to students who are enrolled under section 81 of the Act. This does not include students who have turned 18 years of age in the course of continuing full time enrolment toward Year 12 completion.
2. Section 95 of the School Education Act 1999 provides the grounds under which the principal may exclude a post-compulsory student from attending the school.
3. Prior to making a decision to exclude a student, the principal will:
  - a. investigate the circumstances in which the behaviour/incident occurred;
  - b. notify the student that exclusion is being considered and why; and
  - c. give the student reasonable opportunity to show why the exclusion should not proceed.
4. The principal will take into consideration:
  - d. the outcomes of the school investigation;
  - e. the impact of the offending behaviour on other students and staff;
  - f. the student's responsiveness to previous behaviour support plans and strategies;
  - g. the ongoing ability of school staff to manage the student's behaviour and education program; and
  - h. any information provided by the student.
5. If the principal decides to exclude a student from attending school, the principal will inform the following parties, in writing, as soon as the decision is made:
  - i. the student, being sure to inform the student of the student's right under Section 96 of the Act to request a review of the fairness and appropriateness of the procedures used by the principal in reaching the decision; and
  - j. the Director of Education, through a School Exclusion Report, containing:
    - the grounds for exclusion (using the wording from Section 95 of the Act);
    - the school's evidence that the grounds have been established;
    - a record of the student's account of the behaviour/incident;
    - the procedure by which the decision was reached;
    - how any social, cultural, lingual, economic or geographic factors, or learning difficulties have been appropriately taken into consideration;
    - any expert advice taken by the principal in relation to any of these considerations;
    - the prior support provided to the student to prevent the risk of exclusion; and
    - a record of the student's behaviour, attendance and academic performance.

**Guidance**

For a template of the principal's letter informing a student beyond compulsory age of exclusion from school, see Appendix P: Letter to Post-Compulsory Student - Notification of Exclusion.

A student beyond compulsory age can request a review of the fairness and appropriateness of the procedures used by the principal in reaching the decision (Section 96 of the Act). This request must be made in writing to the Director General within **seven days** of the student receiving the principal's exclusion letter. The Director General will refer the matter to a School Discipline Advisory Panel and, having considered the panel's advice, notify the student and principal whether the principal's decision has been confirmed, varied or reversed.

## PHYSICAL RESTRAINT OF A STUDENT

The principal will ensure that physical restraint of a student is only used:

- in circumstances where a student's emotional or behavioural state prevents other strategies to maintain the good order of the learning environment from being successful;
- where that emotional or behavioural state poses imminent risk of harm to self or others, or risks significant damage to property; and
- for the minimum amount of time needed for the student to recover an emotional or behavioural state whereby less restrictive strategies may be successful.

### Relevant legislation

Regulation 38(c) of the [School Education Regulations 2000](#) provides the power of a staff member to restrain a student, and the limitations on that power.

### Department requirements

- The principal will apply the principles detailed in Section 3.2 of the [Student Behaviour procedures](#).
- The principal will attempt less restrictive strategies before attempting physical restraint.
- As far as is possible in the circumstances, the principal will give consideration to:
  - the safety and wellbeing of the student, including the risk of the restraint causing physical or psychological harm;
  - any medical or psychological conditions that increase the likelihood that physical restraint will be harmful to the student;
  - the most appropriate method of restraint in the circumstances;
  - the likely response of the student; and
  - the safety of staff members and other students.
- The principal will provide appropriate support to the student, staff, other students and parents as required after the restraint.
- If disciplinary sanction is being considered following an incident, the principal will take into account that applying physical restraint to a student who is in a state of extreme escalation is likely to cause the student to struggle to be free, and thereby make physical contact with staff.
- The principal will keep a record for each instance of physical restraint, which includes:
  - date, time, location and duration of the physical restraint;
  - name of student and name(s) of staff member(s) involved;
  - reason for the physical restraint;
  - alternative strategies attempted prior to application of physical restraint;
  - follow-up support provided;
  - details of contact with the parent;
  - a statement by the staff member(s) involved; and
  - whenever possible, a statement by the student involved.
- A report will be lodged via the [Online Incident Notification System](#) as soon as practicable after the incident.

A principal will only authorise a plan to apply physical restraint as an ongoing strategy for a student when the documented plan:

- involves a hierarchy of planned, less restrictive responses;
- provides information about the use and type of restraint;
- defines the situations in which restraint will, and will not, be considered;
- is developed and reviewed in regular consultation with appropriate student support services, such as the School Psychology Service and Schools of Special Educational Need, as well as any participating external agencies or practitioners;
- has been developed in consultation with and agreed by parent;

- includes consideration of how to minimise embarrassment for the student and mitigate the risk of distress to other students who witness the restraint;
- identifies the staff who are willing and able to apply the physical restraint; and
- identifies when and how often the plan will be reviewed.

The principal will take reasonable measures to:

- ensure staff who apply restraint are appropriately informed and skilled; and
- make available assistance to staff involved in the application of restraint.

The principal will monitor the effectiveness of physical restraint as part of the behaviour support strategy.

## PROTECTIVE ISOLATION OF A STUDENT FOR PURPOSES OF MANAGING RISK OF HARM

Protective isolation is:

- a restrictive practice;
- a planned strategy;
- the involuntary isolation of a student from others within a school;
- used for the purpose of managing a student's emotional or behavioural state;
- implemented when the student's emotional or behavioural state poses an imminent risk of harm to self or others; and
- used only when other, less restrictive strategies have proven unsuccessful.

Protective isolation is not:

- to be used for punishment or discipline, coercion, retaliation, convenience or respite;
- to be used as a routine school safety measure;
- withdrawal (Regulation 41 of the [School Education Regulations 2000](#));
- detention of a student after school (Regulation 42 of the Regulations); nor
- voluntary, such as when a student elects to go to a safe area for the purposes of calming.

### Relevant legislation

Regulation 38(a) and 38(c) of the [School Education Regulations 2000](#) provide that a school staff member may take reasonable action:

- to manage or care for a student; or
- to prevent or restrain a person who places at risk the safety of self or others.

The [Disability Discrimination Act 1992](#) provides protection against discrimination based on disability (including imputed disability). The [Disability Standards for Education 2005](#) make more explicit the obligations of education providers and the rights of people with disabilities in relation to education and training.

### Department requirements

#### Requirements when considering introducing a protective isolation strategy for a student

When considering whether to introduce protective isolation as a planned behaviour support strategy for a student, the principal will consult with:

- appropriate student support services, including as a minimum the lead school psychologist and the principal or nominee of the relevant School of Special Educational Needs;
- any relevant external agencies involved with the student;
- the student's parent; and
- the student.

Protective isolation will only be considered for a student when the principal:

- is satisfied that other, less restrictive strategies have been attempted for a reasonable period of time;
- is satisfied that background information, contributing factors, information from current/former school staff, parent advice, and the advice of student support services and relevant external agencies has been considered;
- has records demonstrating that alternative, less restrictive strategies have proven unsuccessful;
- is satisfied that the room or other space to be used for protective isolation is safe ([Attachment 3](#)); and
- is satisfied that staff are appropriately trained to implement the strategy safely.

### Requirements for gaining approval to implement a protective isolation strategy

Prior to implementing a protective isolation strategy for a student, the principal will:

- document a personalised behaviour support plan for the student which details:
  - how the use of protective isolation has been informed by functional behaviour assessment and is linked to escalation profiling;
  - consideration of any developmental, medical or mental health concerns;
  - where protective isolation fits within a hierarchy of planned, preventative and least restrictive responses;
  - situations in which protective isolation will, and will not, be used;
  - information about the location(s) that will be used for protective isolation;
  - the strategy for moving the student safely to the location;
  - strategies for teaching and supporting self-regulation and co-regulation skills;
  - achievable goals for protective isolation;
  - risk management planning;
  - assistance to be provided to staff involved in the application of protective isolation;
  - advice provided by student support services and relevant external agencies; and
  - advice and approval provided by the parent.
- gain written approval of the Director of Education to implement a protective isolation strategy with the student ([Attachment 1](#)).

The Director of Education will, as soon as practicable after endorsing a plan involving a protective isolation strategy, provide the Director, Student Support Services with a scanned copy of the plan and [Attachment 1](#) (signed) in PDF format.

### Requirements for review and re-authorisation of a protective isolation strategy

The principal will review the personalised behaviour support plan for the student each school term:

- in light of an assessment of data relating to use and impact of the protective isolation strategy;
- in consultation with appropriate student support services, including as a minimum the Lead School Psychologist and the principal or nominee of the relevant School of Special Educational Needs; and
- in consultation and with the agreement of the parent(s).

The principal will submit the reviewed plan with an accompanying report ([Attachment 5](#)) to the Director of Education for re-approval in order for the strategy to be continued into the next school term.

Where there is a planned change of location for the strategy, or the site has in some way been modified, the principal will gain the Director of Education's endorsement.

### Requirements relating to implementation of the approved protective isolation strategy

The principal:

- may delegate the power to initiate protective isolation to a school administrator;
- will implement the protective isolation strategy in such a way as to minimise or prevent physical or psychological harm to the student;
- will follow protocols for physical handling and escorting a student to the protective isolation location;
- will monitor the student at all times;
- will use protective isolation only for the minimum period required to assist the student to regain an emotional or physical state that:
  - will permit behavioural assistance through less restrictive measures; or
  - is no longer presenting an imminent risk to the safety of self or others;

- will provide the student regular opportunities to communicate needs, such as hydration or toileting, and/or readiness to return to less restrictive measures;
- where they judge that protective isolation worsens the student's state, and physical or emotional harm is considered likely, will initiate action that prevents harm to the student; and
- will provide appropriate support to the student, the student's parent, staff and other students following the period of protective isolation.

Requirements for record keeping when a protective isolation strategy has been used

The principal will create a record ([Attachment 4](#)) for each instance of protective isolation, which includes:

- student's name;
- date, time, location and duration of the protective isolation;
- reason for the protective isolation;
- behavioural observations of the student before, during and following protective isolation;
- details of contact with the student's parent;
- details of the follow-up support provided;
- a statement by the staff member/s involved; and
- a written or verbal statement by the student involved.

The principal will make a critical incident report in the [Online Incident Notification System](#) (OINS) indicating that a protective isolation strategy has been used, as soon as practicable after the protective isolation has been applied (note that by instruction from the Director General, this is an official reporting requirement of schools).

The principal will monitor and assess school data and determine whether adjustments to the student's personalised behaviour support plan are required. Where the principal plans to change an aspect of the protective isolation strategy, the principal will consult the Director of Education as to whether updated approval will be required.

The principal will plan adjustments that support a student who has an approved protective isolation strategy to attend and participate in:

- a major school celebratory event, such as their graduation ceremony; and
- significant school events such as camps, sports carnivals, school performances or socials.

These adjustments will consider the good order of the school and safety of all participants.

When a protective isolation strategy is required as an emergency one-off measure

In an emergency situation, a principal may use protective isolation for a student who does not have a documented behaviour support plan containing a protective isolation strategy that has been approved by the Director of Education.

The principal will only make such use when it is:

- necessary;
- reasonable;
- proportionate; and
- implemented with the minimum force necessary to prevent injury and maintain safety for all concerned.

As soon as practicable afterwards, the principal will:

- notify the parent of the reasons for, and duration of, the protective isolation;
- notify the Director of Education of details relating to the protective isolation; and
- seek assistance from appropriate student support services, such as the School Psychology Service and Schools of Special Educational Needs, and relevant external agencies.

### Protective isolation rooms

A protective isolation room is one kind of specialised space in which a protective isolation strategy may be used. The principal will:

- involve [Capital Works and Maintenance](#) in any construction work on the room, even where the school is self-funding the construction, to ensure that the construction meets the Department's building and safety requirements;
- make any modifications to the room that may be required;
- prior to use of the room, receive the Director of Education's endorsement that the room is safe ([Attachment 2](#));
- at least every 12 months, seek a building safety check and updated endorsement of the room from the Director of Education, who may seek advice from Capital Works and Maintenance;
- only consider a room to be a protective isolation room for the period of time in which an approved strategy ([Attachment 1](#)) for a student is in effect. At the point at which the school has no current plans involving an approved protective isolation strategy, the principal will decommission the room ensuring it presents no risk to safety; and
- after any period in which a room has ceased to be a protective isolation room, and where a new plan involving a protective isolation strategy is being submitted for approval, seek new endorsement by the Director of Education for the room.

### **Guidance**

Considerations when implementing protective isolation include:

- having recording sheets available outside/near the protective isolation location to enable staff members to record observations whenever a student is in protective isolation ([Attachment 4](#));
- prior to using protective isolation with a student, providing the student with clear guidance as to the types of responses that will lead to the period of protective isolation ending;
- the degree to which the student can engage with adults is indicative of a decrease in risk; and
- in the initial stages of implementation, fortnightly reviews of the strategy with key stakeholders are recommended.

The school's supporting statement to accompany [Attachment 1](#) should include:

- information about the student and relevant family history;
- information regarding parental involvement and consultation;
- a description of the events and issues leading up to the application, such as the number of critical incidents, less restrictive strategies attempted and their outcome;
- information about how individual planning fits into whole school planning;
- evidence of consultation with student support services and relevant external agencies;
- other supporting documentation; and
- evidence of a clear decision making process.

[Attachment 6](#) provides a comparison of protective isolation and withdrawal strategies.

**Attachment 1: Application for approval of a protective isolation strategy with a particular student**

School	
Contact details	
Student name	
Student date of birth	
Principal	
Lead school psychologist	
School of Special Educational Need (if relevant)	
Director of Education	

**Documents included in application**

School statement (including supporting documents)	<input type="checkbox"/>
School (whole school) behaviour support plan	<input type="checkbox"/>
Student personalised behaviour support plan (including risk management)	<input type="checkbox"/>

Approval for the use of a protective isolation strategy for the student is requested for **one term**.

**Approvals**

<p>_____ Click or tap to enter a date.</p> <p>Principal</p>
<p>_____ Click or tap to enter a date.</p> <p>Principal SSEN (if relevant)</p>
<p>_____ Click or tap to enter a date.</p> <p>Lead school psychologist</p>
<p>I have reviewed the plans and location am satisfied:</p> <p><input type="checkbox"/> that the use of protective isolation for the student named above is warranted; and</p> <p><input type="checkbox"/> with the physical safety of the location(s) to be used for the protective isolation.</p> <p>_____ Click or tap to enter a date.</p> <p>Director of Education</p>
<p><b>Expiry and next review date:</b> Click or tap to enter a date.</p>
<p><b>An electronic copy of this is to be forwarded to the Director, Student Support Services</b></p>

**Attachment 2: Application for construction or modification of a protective isolation room for a particular student**

School	
Contact details	
Student name	
Student date of birth	
Principal	
Lead school psychologist	
School of Special Educational Need (if relevant)	
Director of Education	

**Approvals**

<p>_____</p> <p>Principal</p>	<p>Click or tap to enter a date.</p>
<p>_____</p> <p>Principal SSEN (if relevant)</p>	<p>Click or tap to enter a date.</p>
<p>_____</p> <p>Lead school psychologist</p>	<p>Click or tap to enter a date.</p>
<p>I have reviewed the plans for a proposed protective isolation room for the student named above and provide approval for this application to be forwarded to Capital Works and Maintenance for site assessment.</p>	
<p>_____</p> <p>Director of Education</p>	<p>Click or tap to enter a date.</p>
<p>The facilities at the above school have been constructed and/or modified and meet relevant building and safety requirements.</p>	
<p>_____</p> <p>Capital Works and Maintenance</p>	<p>Click or tap to enter a date.</p>
<p><b>Expiry and next review date:</b></p>	<p>Click or tap to enter a date.</p>

### **Attachment 3: Safety requirements for a protective isolation area in a school**

#### **Physical requirements**

The principal will take reasonable steps to address foreseeable risks associated with using an area for the purpose of protective isolation.

Minimum requirements:

- an area of adequate size in which the student can be observed at all times;
- adequate light, ventilation and/or air conditioning;
- an area protected from sun and rain;
- a safe environment free from furniture, fittings, fixtures, sharp objects, surfaces or other items that could be a source of harm to the student or others;
- any equipment that remains in place must meet Australian Safety Standards;
- the area can be externally secured without reliance on a key to allow rapid entry/exit (for example, a door that can be secured into the ground or latched to the wall to reduce the risk of accidental closure);
- the area can be secured when not in use to minimise risk of accidental enclosure (i.e. locked open or closed); and
- new school administrators are to be advised of previous approval and modifications to a room.

Approval to use an area for the purpose of protective isolation is particular to the student whose plan has been approved by the Director of Education.

**Attachment 4: Protective isolation use report**  
*(to be used for each instance of protective isolation)*

Student			
Staff involved			
Date	Click or tap to enter a date.	Parent informed	Yes <input type="checkbox"/> No <input type="checkbox"/>
Time protective isolation commenced		Time protective isolation ceased	
Time in protective isolation		Entered in OINS	Yes <input type="checkbox"/> No <input type="checkbox"/>
Comments	<i>Insert comments</i>		

Antecedents  (What triggered the escalation in the student's behavioural or emotional state?)	
Action as a result of the escalation	
De-escalation strategies used	
Reasons for protective isolation	
Outcome of protective isolation	

\_\_\_\_\_  
Principal

Click or tap to enter a date.

**Attachment 5: Application for approval of an extension to a protective isolation strategy with a particular student**

School	
Contact details	
Student name	
Student date of birth	
Principal	
Lead school psychologist	
School of Special Educational Need (if relevant)	
Director of Education	

**Documents included in application**

Summary of progress since last review	<input type="checkbox"/>
Frequency data	<input type="checkbox"/>
Other relevant documentation (optional)	<input type="checkbox"/>

**Approvals**

_____	Click or tap to enter a date.
Principal	
_____	Click or tap to enter a date.
Principal SSEN (if relevant)	
_____	Click or tap to enter a date.
Lead school psychologist	
<p>I have reviewed the plans and location, and continue to be satisfied:</p> <p><input type="checkbox"/> that the use of protective isolation for the student named above is warranted; and</p> <p><input type="checkbox"/> with the physical safety of the location(s) to be used for the protective isolation.</p>	
_____	Click or tap to enter a date.
Director of Education	
<b>Expiry and next review date:</b>	Click or tap to enter a date.

**Summary of progress since last review**

*Include a statement about the effect of the intervention and improvement in engagement*

**Frequency data of protective isolation**

Date	Duration	Reason	Outcome
Click or tap to enter a date.			
Click or tap to enter a date.			
Click or tap to enter a date.			
Click or tap to enter a date.			
Click or tap to enter a date.			
Click or tap to enter a date.			
Click or tap to enter a date.			
Click or tap to enter a date.			
<u>Reason for protective isolation:</u> 1 = Placed at risk the safety of a person/self 2 = Imminent property damage 3 = Both 1 and 2		<u>Outcome of protective isolation e.g.:</u> 1 = De-escalated and returned to class 2 = De-escalated then re-escalated 3 = Terminated seclusion strategy	

**Attach any supporting documentation**

## Attachment 6: Comparison of protective isolation and withdrawal

Withdrawal	Protective isolation
Decision by school administrator	Decision by principal; approved by the Director of Education
Voluntary or involuntary	Involuntary
With or near other students	Isolated from others
May occur at any appropriate location in the school	Occurs in a designated location in the school, approved by the Director of Education
Unlocked space	Exit is prevented by physical, mechanical or implied means
May be a routine school measure	Used only as a last resort and is <i>not</i> a routine measure
Applied in response to a breach of school discipline	Applied to manage a student's emotional or behavioural state when this state poses an imminent risk of harm to self or others
<p>Opportunity for:</p> <ul style="list-style-type: none"> <li>• student to calm,</li> <li>• student to reflect on and learn from incident</li> <li>• behaviour support strategies to be implemented</li> <li>• student to continue with learning activity</li> <li>• student to participate in planning more personalised behaviour support</li> </ul>	<p>Student's emotional or behavioural state prevents:</p> <ul style="list-style-type: none"> <li>• continuing with learning activity</li> <li>• reflection</li> <li>• cooperation</li> </ul> <p>Opportunity for student to calm</p>
Supervision must satisfy duty of care	Student is monitored at all times and observations are documented
Parent consultation required	Parent consultation required
Does <i>not</i> require Director of Education approval	Does require Director of Education approval
School level documentation	School level documentation AND recorded on OINS

## PERSONAL USE OF MOBILE ELECTRONIC DEVICES

The [Student Mobile Phones in Public Schools](#) policy became effective on 3 February 2020. The *Student Mobile Phones in Public Schools* policy bans students from using mobile phones from the time they enter school grounds to the conclusion of the school day. This includes smart watches and listening accessories, such as headphones and earbuds.

Mobile Electronic Devices (MEDs) include a range of devices including, but not limited to smartphones, tablets and laptops. The Department of Education supports the use of personal MEDs for school work. Many schools have a Bring Your Own Device policy or similar that supports bringing personal MEDs to school. Students will tend to use such devices at school for personal use as well as school use.

The principal will include any school rules about personal use of MEDs in the school's documented whole school behaviour support plan. A breach of school rules relating to personal use of MEDs may be dealt with as a breach of school discipline.

For online services provided by the Department of Education, consistent with the *Students Online* policy, a breach of:

- an Acceptable Use Agreement; or
  - the Appropriate Use of Online Services agreement;
- may be dealt with under the Student Behaviour policy as a breach of school discipline.

### Relevant legislation

Division 5 of the [School Education Regulations 2000](#) defines the principal's powers in regard to breaches of school discipline by students.

Regulation 71 of the Regulations specifies the circumstances under which a student's property can be confiscated.

School administrators should be aware that some activities of this nature are offences under the *Criminal Code Act Compilation Act 1913*, depending on the age of the student (Section 29 of that Act).

### Department requirements

The principal will ensure that any rules relating to personal use of MEDs for telecommunications:

- minimise disruption to the normal school routine;
- minimise interference with a student's learning or the learning of others;
- promote practices that involve courtesy, consideration and respect for others;
- identify places and/or times where any special conditions apply (such as at assemblies, camps and excursions, extra-curricular activities, in the library); and
- indicate the conditions under which or processes whereby any exemption to rules may occur, e.g. where there is an urgent need to contact parent(s).

The principal will ensure any rules related to personal use of MEDs for audio or visual recording should:

- identify any banned spaces (e.g. changing rooms, toilets, swimming pools);
- clarify permission requirements; and
- stipulate the consequences for any student who uses an MED to record a breach of school discipline (e.g. fighting, drug or alcohol use, inappropriate contact, wilful damage to school property).

The principal will follow the procedures detailed in the [Child Protection of Department of Education Sites](#) policy and procedures when concerns about the welfare of a student arise in the context of dealing with personal use of MEDs, or where the principal is made aware that a recording that contains sexually explicit material involving minors.

Students may be found to be involved in distributing or uploading inappropriate and/or illegal images or videos of students, parents or staff. This includes material that is violent, pornographic, racist, sexist, inflammatory, threatening, hateful, obscene or abusive in nature, or which promotes or encourages illegal activities. In such circumstances, the principal will:

- promptly address the online publication of inappropriate material about staff or students by:
  - reporting it to the relevant webmaster or authorities;
  - if it involves another school, reporting it to the principal of that school;
  - keeping a record of the nature and location of the inappropriate material; and
  - hiding/removing/deleting it whenever possible;
- treat the distribution or uploading as a serious breach of school discipline by the student and:
  - apply an automatic suspension period, and shorten or lengthen this period, subject to Regulation 43(1)(b), upon completion of an investigation into the incident; and
  - introduce a loss of good standing whereby the student will not be permitted to participate in non-curricular school events.;
- make a report via the Online Incident Notification System as soon as practicable;
- communicate with, and offer support to, school staff, students and others as required; and
- report any illegal activity to the police.

#### ***Recommended information and resources***

The national [Bullying. No Way!](#) website provides learning and teaching activities and advice to prevent and manage bullying, including cyberbullying.

The Office of the [eSafety](#) Commissioner protects Australian children when they experience cyberbullying by administering a complaints scheme and deals with complaints about prohibited online content.

## WEAPONS IN SCHOOLS

The principal will have a clear plan for dealing with weapons on the school site, which:

- prioritises the safety of all members of the school community;
- reduces the risk of weapon-related incidents in schools;
- facilitates fair and just intervention by school staff for weapon-related incidents; and
- supports students, parent and school personnel following weapon-related incidents.

Students are not to be in possession of weapons on the school site or at any school activity. A student who is aware of a weapon on the school site or school activity, must bring this information to the attention of school staff.

Incidents involving weapons must be dealt with as a serious breach of school discipline and students suspended immediately under Regulation 44(2) of the [School Education Regulations 2000](#).

### Relevant legislation

Under the [Weapons Act 1999](#) it is an offence to:

- carry, possess, purchase, supply or manufacture a prohibited weapon;
- carry or possess a controlled weapon without a lawful reason to do so – defence is not a lawful excuse;
- carry an article with the intention of using it to injure or threaten any person; and
- sell or supply a controlled weapon to a person under the age of 18 years, except if it is to be used in the course of a sporting or recreational activity.

The principal's powers relating to prohibiting and regulating things that are weapons or may be used as weapons are specified in Regulation 70.

The principal's powers relating to confiscating property from students are specified in Regulation 71.

### Definitions

A *weapon* is 'anything serving as an instrument for making or repelling an attack'<sup>1</sup>:

- *Prohibited weapons* are any item that has no purpose other than as a weapon, such as spray weapons, butterfly, flick or switch blades, crossbows, batons, knuckle dusters and hydro gel blasters.
- *Controlled weapons* include those used in the practice of a martial art, act, sport, or similar discipline, such as imitation firearms, swords, machetes or spear guns or throwing stars.
- *Firearm* includes any lethal firearm and any other weapon of any description from which any shot, bullet or other missile can be discharged or propelled, such as handguns, paintball guns and gel blasters.

### Department requirements

The principal will:

- develop, monitor and review plans for addressing identified risks ([Risk and Business Continuity Management](#) policy) and critical incidents ([Emergency and Critical Incident Management](#) policy) that involve weapons;
- contact police immediately if a weapon deemed to be prohibited or controlled is found on school site or during school activities;
- on a case by case basis, determine whether a student will be permitted to carry a ceremonial or religious observance implement on the school site or during school activities;

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<sup>1</sup> *Macquarie Dictionary. The Macquarie Library, 2003.*

- where a student is found to be carrying a weapon for the purpose of self-protection or self-defence, provide assistance and support to the student to promote more appropriate means of dealing with the threat perceived by the student;
- make a report via the Online Incident Notification System as soon as practicable;
- communicate with, and offer support to, school staff, students and others as required;
- have clear procedures for dealing with weapons on the school site and at off-site school activities as part of the whole school behaviour support plan; and
- inform staff, parents and school community members of requirements relating to weapons on the school site and at off-site school activities.

Where there is 'reasonable suspicion' or it is known that a student is in possession of a weapon, school staff will:

- assess the level of risk to the student and others;
- report the matter immediately to the principal; and
- ask the student to accompany a member of school staff to the school office or another predetermined safe location where the principal or nominee, together with a witness, will request that the student hand over the weapon.

If the student declines to hand over the item which is likely to cause harm, the principal will, if deemed appropriate after considering the safety of other students and staff:

- inform the student's parent of the situation;
- give the parent an opportunity to speak with the student on the telephone or to attend the school to speak with the student; and
- ensure the student is supervised by a member of school staff and the witness.

If the student continues to decline to hand over the item, the principal will:

- inform the police that the school holds a reasonable suspicion that the student possesses a controlled or prohibited weapon.

School staff should *not* undertake a personal search of the student.

If the student does not have the item which is likely to cause harm on their person, the principal will:

- ask the student to open their bags and to cooperate with the search of the student's property, including their bag/s and locker.

If the student refuses to make their property (e.g. bag) available for search, the principal will:

- inform the student's parent of the situation; and
- seek permission from the parent for a search of the student's property to be conducted.

If the student and the parent refuse to give permission for the student's property to be searched, the principal will:

- seize the property if it is judged to be safe to do so;
- if seized, label and securely store the property in the presence of a witness;
- contact the police immediately if there is significant risk; and
- inform the police that the school holds a reasonable suspicion that the student possesses a controlled or prohibited weapon.

School staff who find, or are given, a weapon should:

- label it with the date, time and location where the item was obtained, and the names of all school personnel who have had contact with it; and
- provide it to the principal.

The principal will:

- securely store the item;
- confirm the labelling of the weapon;
- accept responsibility for its containment prior to handing it over to police or, if appropriate, returning it to the student's parent; and
- maintain a written record of names of all students, school staff, parents, police (if involved) and other individuals involved in the incident.

***For further information***

[Keeping Our Workplace Safe](#) is a resource to assist principals to plan, respond, recover and review following incidents of workplace violence.

The Australian government's [Student Wellbeing Hub](#) is an online one-stop shop that provides school communities with a range of safe school strategies and resources which are underpinned by the [Australian Student Wellbeing Framework](#).

## BREACHES OF DISCIPLINE BY STUDENTS SUSPECTED OF BEING INTOXICATED

The possession or use of illegal substances by students at school is not acceptable under any circumstances.

Being intoxicated does not excuse a breach of school discipline by a student. However, a breach of school discipline committed by an intoxicated student must be dealt with only after the safety and wellbeing of the student has been secured.

Student intoxication on school sites or at school off-site activities is unacceptable. Staff will respond swiftly and consistently wherever a student is reasonably suspected of being intoxicated.

These requirements relate to school disciplinary considerations only and are not a complete guide for dealing with drugs or alcohol use by students. Drug and alcohol use by students will be responded to through health and education frameworks and the school behaviour plan. In circumstances where school staff have reasonable grounds for belief that a student is intoxicated, the immediate priority will be the health and welfare of the student. A follow up priority is support and education for the student.

It is the responsibility of the principal to report relevant matters to the police.

### Relevant legislation

Sections 63(b) and (c) of the [School Education Act 1999](#) describe the principal's functions regarding ensuring the safety and welfare of students.

Section 119 of the Act and Regulation 69 of the [School Education Regulations 2000](#) define steps that can be taken to maintain the good order of school premises.

Regulation 71 of the *Regulations* prescribes the circumstances under which property can be confiscated from students and by whom.

### Department requirements

The principal will:

- as part of the school's documented whole school behaviour support plan, develop, monitor and review a plan for addressing identified risks ([Risk and Business Continuity Management](#) policy) and critical incidents ([Emergency and Critical Incident Management](#) policy) relating to suspected intoxication of students on school sites and at off-site school activities;
- implement the requirements of the [Student Health Care](#) policy and procedures in relation to suspected intoxication of students on school sites and at off-site school activities and act on any breach of school discipline;
- follow the procedures detailed in the [Child Protection in Department of Education Sites](#) policy and procedures when there are concerns about the welfare of a student;
- not inhibit students from seeking assistance for another student who is intoxicated and in need of medical treatment, or at risk of harm to themselves or others (this will not impact on any responsibility of the principal to refer matters to the police);
- be cautious in judgment, as a student's presentation may be impacted by a range of individual and environmental factors, including disability, illness or injury, which may manifest in similar ways to intoxication; and
- consider possession, supply or sale of restricted or illegal substances by students on school sites or at off-site school activities to be breaches of school discipline (this can include supply or sale by a student that occurs outside the school, where this contributes to a student presenting intoxicated at school or at an off-site school activity).

In the event that there is a breach of school discipline involving a student who is reasonably believed to be intoxicated, the principal will:

- not apply disciplinary sanction for the breach until the immediate requirements relating to the student's health and welfare have been satisfied; and
- where applying a suspension, only release the student into the care of an adult.

Where an arrangement for this transfer of care has not been reached with the parent, the principal will not release a student into the community. The principal will either keep the student under supervision at school, or have the student conveyed to a medical facility.

Staff will be mindful that intoxication may make the student's behaviour volatile and unpredictable. Staff will take care not to provoke a response that places the student or staff at risk of injury.

Staff will:

- remain calm; try to be friendly and non-judgmental; avoid transferring anxiety;
- tell the student they are concerned about their safety;
- keep their distance and ensure the student knows what they are going to do before they approach or touch them;
- stand to the side of the student when speaking to ensure they feel less threatened;
- try to avoid talking to the student in front of other students, to avoid embarrassment; and
- try to find a caring friend of the student – intoxicated people are likely to listen more to a familiar voice.

Staff will not:

- confront the student;
- argue with the student;
- try to physically restrain the student (unless this is needed as a last resort where other strategies have failed and risk of harm to self or others is judged to be imminent);
- allow the student to leave the school site on their own; or
- leave the student alone.

### **Guidance**

If there is immediate risk, the school should:

- advise the parent of the situation, request they collect the student and encourage them to seek medical assistance;
- arrange for care of the student on the school site until such time that a parent or person authorised by the parent can collect the student; and
- call an ambulance if there is significant concern for the student's health, or if the student is posing a risk to self or others and the parent declines or is unable to immediately collect the student.

### **For further information**

The [School Drug Education and Road Aware](#) strategy provides professional learning and support materials to assist school communities to develop effective drug and alcohol programs.

The [Australian Professional Standards for Teachers](#) identifies competencies for teachers, including creating and maintaining supportive and safe learning environments, and engaging professionally with colleagues, parents and the community.

## BEHAVIOUR AND ATTENDANCE

The only basis for enforcing absence from school on behaviour grounds for a student in the compulsory years of schooling is suspension (Section 90 of the [School Education Act 1999](#) and Regulations 43-46) or exclusion (Sections 91-94 of the Act).

All absences from school reduce students' capacity to maximise opportunities for learning. Multiple absences can translate into cumulative educational disadvantage, which in turn tends to increase the likelihood that the student will experience difficulties meeting behavioural expectations at school.

Principals will exercise due care in attending simultaneously to behaviour and attendance needs as part of a set of strategies that aim to engage a student in school.

### Relevant legislation

Sections 22-29 of the [School Education Act 1999](#) and Regulations 21-23 of the [School Education Regulations 2000](#) provide legislative requirements related to attendance.

- Section 23 provides the requirement for a student to attend full-time;
- Section 24 provides for arrangements for the student to satisfy attendance requirements while attending a place outside of the school (this includes attending an engagement centre or alternative learning setting);
- Section 25 provides the circumstances under which a student may be excused from attendance;
- Section 26 provides powers in the event that doubtful reasons are given for non-attendance;
- Section 27 provides circumstances in which a principal may require the non-attendance of a student.

Regulation 26 requires that the minimum hours of instruction in a primary or secondary school be:

- a) at least 25 hours and 50 minutes instruction during each week in which the school is open for instruction; and
- b) at least 4 hours and 10 minutes instruction during each day in which the school is open for instruction.

### Department requirements

- The principal will support and encourage full-time attendance in education for every student in the compulsory years of schooling.
- The principal will take care to not enforce, coerce or encourage the student to attend less than full-time.
- With the exception of suspension and exclusion, the principal will use no practice which, on the basis of student behaviour, applies a restriction to a student's full-time attendance.
- The principal will not send a student home on behavioural grounds during the school day, except where a suspension has been applied.
- Any modified timetable or alternative program, designed for a student in primary or secondary schooling to support behaviour, must satisfy both of the requirements of Regulation 26.
- The principal will not consider Section 23(1)(a)(ii) to be a basis to send a student home from school on behavioural grounds.
- The principal will not allow a Section 24 agreement on the grounds of behaviour to involve the student studying at home.
- The principal will support the student to return immediately to full-time attendance upon the completion of a period of suspension. The return will not be subject to conditions (e.g. expectation that a parent attends a meeting).

## BEHAVIOUR AND DISABILITY

Some forms of disability may involve symptoms or manifestations over which the student has little control, but which may look like inappropriate behaviour. When considering their response to a breach of school discipline, principals need to be satisfied that the breach of school discipline was not a symptom or manifestation of the student's disability.

### Relevant legislation

[Disability Discrimination Act 1992](#) [Cth]

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

[Equal Opportunity Act 1984](#) [WA]

### Department requirements

The principal will plan and implement reasonable adjustments to assist a student with disability to achieve desired behaviour.

Where a student's actions breach school discipline, and these actions are the symptom or manifestation of a disability, the principal will not:

- on the basis of the student's disability, treat the student in a way that is different from other students such that this different treatment causes disadvantage to the student; or
- apply a standard that is intended to apply to all students, when, due to the student's disability, that standard is reasonably likely to cause greater disadvantage to the student than it would to other students.

In determining whether a student's actions are a symptom or manifestation of a disability, the principal will seek advice from suitably qualified persons. This may include the school psychologist, lead school psychologist and/or the relevant School of Special Educational Needs.