



Your Rights at School: Expulsions

PRIVATE SCHOOLS

What can I do if I am expelled from a private or non-government school?

Independent schools have greater freedom in excluding students as they are not regulated by the government.

Make sure you get a copy of school's disciplinary procedures. The school may have an internal procedure for challenging exclusion.

Is there anything else I can do?

You might be able to challenge your suspension or expulsion in court. The law in this area is unclear, but if you weren't allowed to tell your side of the story or if you were suspended or expelled for something very minor you might like to talk to a lawyer to see if you can challenge the exclusion.

If you think you were expelled or suspended because of your gender, race/nationality, religious or political belief, disability or some other characteristics you may be able to challenge your exclusion through the Equal Opportunity Commission or the Human Rights and Equal Opportunity Commission on the ground that you were discriminated against. It may be a good idea to get help from a lawyer.

If I am expelled what must the school do?

If you are 15 or older the school must provide you with information on options for continuing your education.

If you are less than 15 years old the Principal must help you enrol in another school.

Can I be prevented from attending another school?

In extreme cases, where your misbehaviour was very serious the Director of School Education can prevent you from attending other state schools. You will have to be provided with alternative arrangements.

The Director must give your parents the opportunity to be heard before preventing you from attending other state schools.

What if I am still not happy?

You can contact the Ombudsman, who is independent of government and can investigate decisions made by government schools or officials. The Ombudsman can recommend that different action be taken.

Outline why you do not agree with the expulsion, the process that was used or what the school did to help you.

Your complaint should be in writing, to Level 3/459 Collins St (South Tower), Melbourne 3000 or fax 9614 0246. Phone 9613 6222 or 1800 806 314.

GOVERNMENT OR STATE SCHOOLS

Can I be thrown out of a state school?

Yes, you can be excluded for a short period of time (suspended) or permanently (expelled). Only the principal has the power to expel you.

What can I get expelled for?

You can get expelled if you do any of the things that can get you suspended **and** if your behaviour is so serious that suspension is not enough. See our pamphlet about suspensions.

Young Peoples Legal Rights Centre
Inc No A0041616E
ABN 12 794 935 230

www.youthlaw.asn.au

Tel 9611 2412 Fax 9620 3622 Email info@youthlaw.asn.au
At Frontyard, 19 King Street, Melbourne VIC 3000

What must the school do before expelling me?

The school must give you and your parent(s) the chance to explain why you shouldn't be expelled.

What information should the school provide to me?

Within 24 hours of being expelled you and your parent(s) have to be provided with:

- the date from which you are expelled;
- the reason for your expulsion; and
- details of how to appeal the expulsion.

What if I don't agree with the expulsion?

Within 5 days of getting the notice of expulsion, your parent(s) should write to the principal saying that you want the decision to be looked at again or reviewed.

This letter should include why you do not agree with the expulsion and also whether you want to present arguments in person during the review process.

What arguments can I present against my expulsion?

Some examples of arguments against expulsion are:

- You didn't do what you are accused of doing or that the complaint against you is exaggerated.
- Other students who behaved in the same way were not expelled.
- Your behaviour is not so serious as to justify expulsion.
- The problem is unlikely to reoccur.

There can be other arguments.

Your age and any disability you may have must be taken into account in your favour.

What will happen next?

The principal will forward your application to the Expulsion Review Panel. The Panel is made up of 2 or 3 people, appointed by the School Council, from both within the school community and outside. The Panel will hold a hearing within 5 school days after sending the letter where you and your parents can explain why you should not be expelled. You can bring another person to the hearing, such as a

lawyer, but only if they are not getting paid to be there.

What can the Panel do?

The Panel can either confirm your expulsion or recommend that you be allowed to go back to school.

What if the Principal doesn't agree with the Panel?

If the Principal doesn't accept the recommendation that you be allowed to go back to school, s/he must immediately refer the matter to the Director of School Education who will appoint a person to investigate the case and determine whether you can go back to school.

What can I do if I don't agree with the Panel?

Your parent can write to the Director of School Education within 10 days of being told that the Panel confirmed your expulsion.

Your parent can argue that the proper process for expelling you was not followed or that the principal shouldn't have expelled you in the first place.

The Director of School Education will appoint a person to investigate and will decide whether or not you should be readmitted back to school.

Can I challenge the decision of the Director of School Education?

You might be able to challenge the decision in court. You will probably need a lawyer to help you.