

# **NSW Youth Parliament 2024**

## **Education (Equal Opportunities) Youth Act 2024**

### **Education and Training Committee**



NSW Youth Parliament

## Education (Equal Opportunities) Youth Act 2024

**Lead Sponsor:** The Hon. Olivia Blayney, Youth Member for Willoughby  
*Youth Minister for Education and Training*

**Sponsors:** Sahithi Upadrasta, Youth Member for Riverstone  
Luka Miletic, Youth Member for Rockdale  
The Hon. Matthew Hayes, Deputy Youth Premier, Youth Member for Wahroonga

**Lead Refuter:** The Hon. Vivian Nguyen, Youth Member for Bankstown  
*Shadow Youth Minister for Education and Training*

**Refuters:** Anne Oliver, Youth Member for Blue Mountains  
Sophia Britton, Youth Member for Campbelltown  
Johnson Tang, Youth Member for Epping  
Jakob Zaleski, Youth Member for North Shore

**Crossbench:** Sunny Morris, Youth Member for Summer Hill

### Summary of Debate

On Tuesday 9 July 2024, the Education and Training Committee debated their Youth Bill, *Education (Equal Opportunities) Bill 2024*, on the floor of the Legislative Assembly; presided over by The Hon. Greg Warren, Parliamentary Secretary to the Deputy Premier, Parliamentary Secretary for Education and Early Learning, Parliamentary Secretary for Western Sydney, and MP for Campbelltown.

### Results of the Vote

The results of the amendments were 36 Ayes, 22 Noes, and 2 Abstentions. As such, the amendments were resolved in the affirmative.

The results of the vote on the Bill were 46 Ayes, 9 Noes, and 5 Abstention. As such, the Bill was passed.

The Education (Equal Opportunities) Youth Act 2024 (NSW) was **passed in its amended form**.

## Explanatory Notes

This explanatory note relates this Bill as introduced into Parliament.

### Summary

The object of this Bill is to provide equitable opportunities for NSW students by addressing current behavioural policies and introducing new measures to combat suspensions and the impact of school exclusionary practices.

This Bill comes at a time where educational inequity in NSW is limiting the opportunities for young people, holding them back and perpetuating cycles of systemic oppression. Schools must consider the connection between student and holistic behavioural policy to sustainably effect change.

This Bill aims to support students by promoting equitable solutions to an inequitable status quo, allowing all students to thrive through the creation of more targeted behavioural and school policies.

Overall, this Bill will ease inequity between students based on behavioural policy, increase ability for students to thrive despite circumstantial hindrances, and produce a new generation of equipped and supported young people.

### Overview of provisions

**Part 1** of the act outlines the title, commencement, how it relates to other acts or laws, the objects of the act and the definitions.

**Part 2** amends current behavioural policies with reference to root causes of bad behaviour and tools to mitigate it, providing considerations for neurodiverse students to access support systems. The policy critically adopts mandatory Professional Development sessions to disperse new training on behavioural management, focusing on the rehabilitation of students rather than punitive and ineffective means.

**Part 3** establishes the Alternative Suspension program, which shall be released statewide and is to be funded by the NSW Government, ensuring availability to all students. The program itself will be run in regional community centres and run by eligible organisations (of which the Y NSW falls under). Students will be recommended to the program and will attend educational and wellbeing programs provided for students which shall address underlying behavioural concerns. After engaging with the program, students will be provided continued support by the school through regular check-in points. This program mirrors that of the existing Alternative Suspension program run by the Y, which in turn is based off the program initiated in Quebec, which has over 20 years of successful research and data. The Canadian National Trial of the program concluded with 67.4% of participants willing to work on improving their behaviour, 63.3% of parents reporting a noticeable improvement, and 39.4% with improvement in their academic performance.

**Part 4** introduces further opportunities to further address inequities through extracurricular programs and Student Support Officers. This creates longer term, sustainable means of managing student behaviour in schools, as well as giving students the means to thrive in future opportunities.

## Background

### Introduction

Recent policy changes by the recent NSW Government changed and adapted existing suspension and expulsion policies by increasing the days a student may be suspended without notice to 10 days, with extensions possible for up to 45 days without notifying the Director or Educational Leadership (NSW Department of Education, 2007). By removing the maximum cap on the number of suspensions given annually by a school, students in Years 3 - 12 can be suspended for up to 45 days - which only exacerbates existing issues as students are increasingly disenfranchised from educational opportunities. Existing behavioural policy tracking programs such as the Government's shift to PBL (Positive Behaviour for Learning) have a teacher-centric approach and focus on de-escalating existing behaviour placing the onus of behavioural policy on classroom teachers and ensuring that struggling students are pushed to the wayside (NSW Department of Education, 2024a).

Shown to negatively impact school belonging, academic achievement and student engagement, these exclusionary policies indicate that suspension policies may precipitate 'problem' behaviours - thus introducing long-term risks such as poor educational outcomes and earlier school leaving (Graham et al., 2022). The ineffective nature of existing policies is outlined by the 2020 public hearing by the Royal Commission which show that a disproportionate number of disabled students face disciplinary action for 'behavioural' related issues, under which suspensions are weaponised to keep students out of school, exacerbating cycles of enforced truancy (Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability, n.d).

Popularist deficit thinking emphasises the culpability of the student, placing students who display complex behaviours as 'direct threats' to their peers and teachers - pathologising and then systematically punishing students (Down et al., 2024). Such discourse only serves to further justify school exclusion policies, which have been shown through census data to be disproportionately linked to minority groups thus exacerbating social inequity within schools.

Data from 2022 shows that 50,774 suspensions in NSW between Terms 1 to 3 alone (NSW Department of Education, 2024b). Of that number, strong correlations were made between students in the rural and lower SES areas and suspension rates. Students in Sydney's richest suburbs were shown to have amongst the lowest suspension rates, whilst lower SES and rural areas in North-West NSW were consistently more likely, with 7.8% of students receiving a suspension. Students who identified as having disability remarks show that 10% of students faced a suspension, with 8.6% receiving a short suspension and 3.5% receiving a long suspension. Equally, despite accounting for only 9% of all government school enrolments, Indigenous students consist of ~25% of all students suspended. All this data reflects statistics before the passing of the 2023 Bill, which only increased the limits and grounds for suspension.

Rehabilitation of behavioural policy in conjecture with school behaviour policy have seen increased support, both from Government in their PBL policy changes and in schools nationwide. Punitive means have been seen to objectively see less results, with students more likely to recommit offences and less likely to improve behaviour.

### Equity in schools

It is agreed upon that equity in all other facets of life is imperative so that individuals can fully participate and thrive in society; the same can and should be said about educational equity. Equity in education is the provision of "equal learning opportunities to all students" (OECD 2018 pg22).

When considering the diapason of low socioeconomic status (SES) schools throughout New South Wales, SES directly correlates to a student's achievement at school alongside their social and mental development. In the 2015 OECD study, PISA outlined the strong correlation between both students' and schools' SES characteristics. The disparity between the average low SES student and the average high SES student is 91 achievement points on the PISA scale. Furthermore, in low SES schools, issues of student truancy, skipping class, disrespect for teachers, alcohol usage and bullying are significantly higher than in SES advantaged schools. Rural and regional areas in NSW are more prone to high levels of poverty when compared to metropolitan areas (National Rural Health Alliance (Australia), 2013). This is attributed primarily to the rising cost of education, and insufficient funding (Lee et al, 2020).

Although the federal 'Closing the Gap' initiative extends to the education of Aboriginal and Torres Strait Islander people, there are still significant discrepancies between average outcomes. In 2021, the national apparent retention rate for First Nations students from Year 7 - 12 was 59% (Education Outcomes for Young People, 2021). The baseline proportion of First Nations students that have attained a Year 12 certificate or equivalent was 68%, well below the target trajectory proportion of 74.1%. Around 18% of the gap in performance in numeracy and approximately 21% of the gap between First Nations and non-First Nations 15-year-olds were attributed to poorer school attendance, with an average 65% attendance rate for Year 10 (Education of First Nations People, 2023). This means that First Nations students are not only spending large periods of time out of class due to suspension but are truanting to avoid school.

For neurodivergent and disabled students in NSW schools, there are various policies which focus on the various needs of these students; however, these policies have not been restructured or overhauled, beyond amendments, for close to 20 years. Therefore, new research and several dramatic changes in the Diagnostic and Statistical Manual of Mental Changes (DSM) are not incorporated into the writing nor the practice of these policies. Across the education system, families are forced to take on significant advocacy work for their children to achieve satisfactory outcomes. A 2023 survey conducted by the Children and Young People with Disability Australia (CYDA) found that 72% of students were reported to have an Individual Learning Plan (ILP) in place, but either did not accurately measure their needs or were not being implemented sufficiently (Dickinson et al., 2023). This results in the educational needs of students not being met, impairing their academic and social abilities, which ultimately leads to behavioural issues within the classroom and further suspensions.

### **Future steps**

Co-curricular activities encompass a broad range of activities that add to a student's education outside of the traditional learning experience and have generally been shown to increase the happiness and educational horizons of children.

Students residing in low socioeconomic areas frequently face disparities in their access to co-curricular activities when compared to their peers coming from higher socioeconomic areas. Barriers ranging from financial restraints to resource allocations in school, can hinder a student's ability to attend and benefit from extracurricular activities. In all of Australia, the average parent spends a sum of \$1859 per year on their kids after school activities (The Money Saving Zone, 2020). ABS records that 30% of households are of low socioeconomic status. These same disadvantages are applied to Indigenous and rural students.

Furthermore, recent attempts by the NSW government to grant students \$250 vouchers have largely been ineffective in granting access for special activities specifically to low SES students. Although they were widely supported and effective cost of living measures, they did not precipitate long term access to activities. This is largely due to many of these programs

costing thousands of dollars per year to be spent continuously, especially sports programs which require large amounts of expensive equipment.

### **Alternative Suspension programs**

With suspensions increasingly being found to be ineffective, understanding how to reduce its negative effects will benefit not only the students themselves, but also their families, schools, and the broader community (Hemphill et al., 2017). For educators, managing disruptive behaviours can be overwhelming, and a catalyst in driving them to leave the profession altogether. The proposed Y NSW Alternative Suspension program offers a constructive alternative by integrating mindfulness, social skills training, and group counselling.

Based on a program developed by the YMCAs of Quebec in 1999 to provide a supportive environment for suspended students, the program aims to address the potential impact of unsupervised time on juvenile delinquency. The National Trial of the program concluded with 67.4% of participants willing to work on improving their behaviour, 63.3% of parents reporting a noticeable improvement, and 39.4% with improvement in their academic performance (National Crime Prevention Centre, 2013). The program has expanded to over 30 communities in Canada, France, Dublin, and the United Kingdom, with more than 20,000 students who have taken part and annual referrals for a further 3,000 young individuals, extending the reach and impact of the initiative (YMCAs of Québec, 2023).

By putting disengaged students in an environment to address the underlying issues contributing to students' behaviour, the Y NSW Alternative Suspension program seeks to increase its participants' resilience and ability to persevere in education, reducing the number of repeat suspensions (the Y NSW, n.d.). The pilot program in NSW run in Western Sydney and the Central Coast from February 2023 to April 2024 achieved similar success, and a significant level of demand. "During the first 18 weeks, the program received 64 referrals of young people aged between 12 and 18 years, with an average age of 13.6 years" (Education Today, 2023). Moreover, the Y NSW reported 85% of its participants learnt new coping, anger management, and communication skills, and 94% of the cohort of participants returning to school upon completion of the program (News of the Area, 2024).

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**Schedule 1 Amendment to the Suspension and Expulsion Procedures 2023**  
**19**

*I certify that this public Bill, which originated in the Youth Legislative Assembly, has finally passed the Youth Legislative Assembly of New South Wales.*

*Hamani Tanginoa, Youth Voice Coordinator*



**NSW Youth Parliament**

# **Education (Equal Opportunities) Youth Act 2024**

Act no. 1, 2024

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## **A Bill for**

An Act to provide equitable educational opportunities through alternative suspension and teaching methods; and for other purposes.

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*I have examined this Bill and find it to correspond in all respects with the Bill as finally passed by the Youth Legislative Assembly.*

*Joshua Shaw, Youth Governor of the NSW Youth Parliament*



The Youth Legislature of New South Wales enacts—

## Part 1 Preliminary

### 1 Name of the Act

This Act is the *Education (Equal Opportunities) Act 2024*.

### 2 Commencement

The Act commences on the date that is 90 days after the date of assent in this Act.

### 3 Relationship to other Acts or laws

This Act prevails to the extent of an inconsistency with another Act or law.

### 4 Objects

The objects of this Act are to—

- (a) promote the state-wide adoption of a sustainable Alternative Suspension program,
- (b) enforce the idea of rehabilitation in school behaviour policy,
- (c) emphasise the need for earlier intervention and prevention of future suspensions, and
- (d) foster an increasingly equitable educational sphere, with emphasis on the social development, inclusion, and empowerment of students.

### 5 Definitions

In this Act—

**Alternative Suspension** is a rehabilitative program which encourages school perseverance by helping youth identify what motivates them, build the tools they need to overcome the challenges they're facing, and ultimately have success when they go back to school.

**behavioural policy** means direction and guidance on supporting and managing safe, responsible, and respectful student behaviour in NSW public schools.

**equity in education** means the provision of equal learning opportunities for all students.

**Indigenous** means to the First Nations people of Australia.

**low socio-economic status** is based on the socio-economic status value derived from the *Australian Bureau of Statistics' Socio-Economic Indexes for Areas* and scores in the bottom 25% of the population are considered low socio-economic status.

**rural** is considered as all communities that are not within an urban area according to the *Rural, Remote and Metropolitan Area classifications*.

**School Support System** integrates multiple sources of information to develop a support plan that is directed at increasing student performance and is founded on proven practice.

**school suspension** is where the school asks a student not to attend school for a period.

**student communities** are the body of students in a further and higher education, considered as a whole.

**Student Support Officers** are those who work within the school community to enhance the learning and wellbeing outcomes of students in partnership with the wellbeing team and the School Counselling Service.

**Note**— The *Interpretation Act 1987* also contains definitions and other provisions that affect the interpretation of this Bill.

## Part 2 Behavioural Policy

### 6 Reform of current behavioural policies

- (1) The Minister administering the *Education Act 1990* shall direct the Department to undertake a review of all current behavioural policies.
- (2) The review shall take a view to amend behavioural practice, in particular—
  - (a) the prevention and intervention of bad behaviour,
  - (b) tools to address root causes of student behaviour, and
  - (c) reform of the current suspension policy to an Alternative Suspension program model.

### 7 Aims of reformed behavioural policy

The aims of the reformed behavioural policy are to ensure that bad behaviour in students is decreased and that levels of student engagement within the school environment is increased.

### 8 Considerations of neurodiverse students in rehabilitation policies

- (1) Schools must provide opportunities for neurodiverse students to meet with school counsellors and can provide meetings with any students upon request.
- (2) Mandatory professional development sessions are to be provided to school staff to emphasise the support needs of neurodiverse students, with the aims of them flourishing in the high school environment.

### 9 Professional development sessions to introduce behavioural policy

- (1) The criteria and characteristics of teacher development days shall be updated to support and disperse new training on intervention-style behavioural management.
- (2) Professional development sessions should be in reference to the updated behavioural policies, focusing on the rehabilitation of students.
- (3) Professional development sessions should be in reference to the considerations for neurodiverse students.
- (4) Professional development sessions will be accredited by NESA.
- (5) The sessions shall integrate the management of—
  - (a) neurodivergent students,
  - (b) Aboriginal and Torres Strait Islander students,
  - (c) non-English speaking students,
  - (d) low socioeconomic student behaviour management into already established management into already established mandatory clauses, and
  - (e) students experiencing severe family disruption such as divorce or sudden severe injury.
- (6) Professional development sessions surrounding stakeholders shall be inclusive of cognitive and learning disabilities, supporting collaboration with learning support officers within the classroom.

**10 Amendment of the Suspension and Expulsion Procedures 2023**

Amend as in Schedule 1.

**11 School record keeping and reporting**

Schools shall be required to record and submit suspension records to the Department annually.

**12 Dedicated support programs**

(1) Schools must arrange dedicated support programs to students who show requisite need, working with both teachers and students.

(2) This measure shall inform teaching practices and in class behaviour, to mitigate student misconduct.

(3) School support programs shall be made in tandem with students and is to continue for a minimum of one school term with renewals on a semester basis as required.

(4) Programs shall outline clear markers for the students to achieve, with criteria for future renewals of the program after the one term minimum.

(5) Programs must clarify whether the leadership program will be part of the schools, the Y Alternative Suspension program, or an external program.

(6) A student fitting the term “requisite needs” must mean that a student has—

(a) been disrupting in class affecting the learning of other students for whatever reason,

(b) 2 or more out of class punishments, and

(c) an inability to follow classroom instruction.

## **Part 3 Alternative Suspension program**

### **Division 1 Establishment**

**13 Introduction of Alternative Suspension program**

This Act shall introduce an Alternative Suspension program, which shall be released statewide with the aim to—

(a) prevent and to intervene patterns of bad behaviour in students,

(b) decrease violent behaviour in students, and

(c) increase the number of diagnoses and referrals for students by child psychiatrists.

**14 Model of the program**

The program is to be conducted in accordance with the model of YMCA Alternative Suspension Quebec.

**15 Purpose of the program**

(1) The program will provide an educational and wellbeing program for students over suspension periods.

(2) The program will prove a series of tailored sessions to address the underlying behavioural concerns.

**16 When the program takes effect**

(1) Where a student is required to be suspended the program shall take effect.



- (2) Students must attend the program in person throughout the duration of their suspension.
- (3) Students will complete their schoolwork throughout this program.

**17 Reflection of the program on school records**

Participation in the program shall not be counted as a suspension on student records, rather be recorded as an out of school program.

## **Division 2 Operation of the program**

**18 Funding for the Alternative Suspension program**

The Government shall fund and support the continued running and expansion of the program, ensuring availability to all NSW students.

**19 Selection of locations to participate in the program**

- (1) The Alternative Suspension program shall run on a needs-based basis, sites will be selected if the community is recorded with high suspension rates and communities of need.
- (2) Each centre shall be conducted within regional community centres with ease of access from public transport, such as buses, where possible.

**20 Selection criteria**

The Minister shall select organisations to run the program based on an eligibility criterion of—

- (a) the capacity to host program across the state, and
- (b) the existing measures for interaction between the program and the organisation relating to wellbeing and holistic support for students.

**21 Staffing of Alternative Suspension sites**

- (1) Centres are to be run by youth workers, with a minimum of 2 workers per centre.
- (2) Centres must maintain contact with child psychologists, with urgency given to student's recommended through program for diagnosis.

**22 Evaluation**

- (1) Programs must write reports each year by either year advisors of school principals to the department.
- (2) The report must outline a summary of the effectiveness and outcomes of the support program.
- (3) All students and teachers involved in the program shall be able to contribute to the evaluation process.

## **Division 3 Post Alternative Suspension program**

**23 Post-program student reintegration processes**

- (1) Students are to be provided with continued support for students through return to school.
- (2) School teachers are to be made aware of—
  - (a) the student's attendance in the program, and
  - (b) any points of concern such as, but not limited to—

- (i) behavioural needs and triggers, or
- (ii) required learning provisions.

**24 Check-in points**

- (1) Schools must provide ‘check-in points’ to both the organisation in which the student attended and the student’s parents throughout the students return.
- (2) The school and teachers are to work with the student to keep the school environment healthy and welcoming to students post attendance within the program.
- (3) Checkpoints must encompass—
  - (a) Alternative Suspension program attendance
  - (b) classroom effort, being either—
    - i. low effort, by being disobedient
    - ii. moderate effort, by being reluctantly compliant, or
    - iii. high effort, being attentive, and
  - (c) social behaviour across friendships, classroom interactions and extracurricular activities.

## **Part 4 Helping students thrive through further opportunities**

### **Division 1 Extracurricular programs for students**

**25 Extracurricular programs**

- (1) The Department shall work with schools on a catchment level to introduce extracurricular programs for students.
- (2) Extracurricular programs must include local cultural groups throughout the schools to promote cultural education and build community with students returning from the Alternative Suspension Program.
- (3) Local community clubs and programs may be used by schools to promote the wellbeing of students returning from the Alternative Suspension program.

**26 Sporting teams**

- (1) The Department shall create sporting teams on a catchment level basis.
- (2) The sporting teams will be made up of students from different schools in the same catchment.
- (3) Practice spaces and resources must be made available by the schools involved.

**27 Creative and performing arts opportunities**

- (1) The Department shall create opportunities for students within creative and performing arts.
- (2) These opportunities will be available for students on a catchment level.
- (3) Opportunities for students include, but are not limited to—

- (a) bands,
- (b) drama ensembles,
- (c) choirs.

**28 Additional opportunities**

- (1) Academically inclined extracurriculars shall also be available to students including debating and public speaking opportunities.
- (2) These opportunities will be provided contextually.

## **Division 2 Student Support Officers**

**29 Student support officers to be introduced to every school**

Every school shall have at least 1 Student Support Officer.

**30 Role of student support officer**

The role of the student support officer is to—

- (a) enable student autonomy in the school environment,
- (b) support students within—
  - (a) social issues and social development,
  - (b) development of soft skills such as organisations and resilience, and
  - (c) behavioural management, and to
- (c) formulate support programs between students and the school, working with students to help with self-monitoring.

**31 Venues for student support officers**

Student support officers shall be available to students by either—

- (a) self-referral,
- (b) teacher referral, or
- (c) referral through the program.

**32 Measures to enforce compliance**

- (3) There must be clear outlines of processes for self-referral, teacher referral and program referral to student support officers within official school behavioural policy booklets to ensure consistency between students, teachers, and program administrators in procedural understanding.
- (4) Clear communication channels for students to contact student support officers directly for assistance must be established, including to schedule appointments.
- (5) There shall be a system to monitor referrals and track accessibility of student support officers within catchments, with regular reporting to identify gaps or issues in compliance.
- (6) Accountability measures for non-compliance may be implemented by the Minister such as third parties to collate data into reports that provide an overview of results against a set of

mental health standards and recommendations to the Department on how to respond when referrals are not honoured.

- (7) A feedback mechanism shall be created where students and staff can report difficulties encountered in accessing student support officers to allow for continuous improvement and corrective action.

## **Schedule 1      Amendment to the Suspension and Expulsion Procedures 2023**

section 10

### **[1]      Amendment of the Suspension and Expulsion Procedures 2023**

- (1) Duration of a Suspension can be decided by Principal's with consideration of appropriate timing to implement support systems of students.
- (2) Duration of for students in Years 7-12 can be up to 5 consecutive days
- (3) If more time is deemed necessary, student's may be suspended an added 5 days, making a maximum total suspension time of 10 consecutive school days.
- (4) Should additional suspension time be considered by the school, applications must be made to the Department of Education to ensure that the student is able to continue their education and receive necessary student support throughout the duration of their suspension.

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