

What if I think the school has breached my child's rights?

If you think that the school is treating your child unfairly or is not meeting its obligations, the easiest and most effective way of dealing with the problem is to talk to someone at the school about it. You can make an appointment with the principal to discuss your concerns, or write a formal letter of complaint.

If talking to the principal does not help with your concerns, you can also communicate directly with the school Board of Trustees. To complain to the Board of Trustees formally, you should put your complaint into writing and make sure that the Board Chairperson receives it.

If you are unable to resolve the problem by talking to the school, you might need to get help from somewhere else.

Start by **calling YouthLaw**. We have experience in education law, and can give advice on the best steps to take.

Depending on the specific issue, we might direct you to one of the following organisations:

- The **Ministry of Education**, for general issues with schools;
- The **Education Review Office**, if the problem is affecting a group of students;
- The **Human Rights Commission**, if there has been illegal discrimination;
- The **Ombudsman**, if you believe that the school has made a decision wrongly.

As a last resort, it may also be possible to have a decision reviewed by the High Court.



YouthLaw provides free legal help for young people under the age of 25. We have special expertise in education law. If you know a young person who needs assistance, please get in touch with us.

Visit our website:
www.youthlaw.co.nz

Contact YouthLaw for further free help or advice:

Free phone: 0800 UTHLAW
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Rights at School

A guide for parents and supporters of young people



Enrolment, attendance and fees

All New Zealand citizens and residents between the ages of 5 and 19 have the right to a free education. This right is protected by national and international law. It is also compulsory for children to attend school from the age of 6. Your child can leave school after their 16th birthday.

Public schools are funded by the government. However schools will usually ask parents to pay a school donation to help cover their costs. Public schools cannot require donations as a condition of educating your child.

If your child is under 19 and lives within a geographical area specified by the school (the school 'zone'), then that school has to enrol them (unless they have been excluded or expelled). If your child does not live in zone, their enrolment will be decided by ballot.

Students who have to be enrolled must attend school whenever it is open. If your child is not enrolled or not attending school, this is an offence against the Education Act. You can be fined up to \$3,000.

If your child is not attending school because they are unwell, you should notify the school. If you want to keep them out of school for any other reason, you need to get permission from the school principal in advance.

Extra curricular

If an activity or item is a part of the core education curriculum (like seeing a play students will be assessed on, or a school report), then your child has a right to be included. They must be allowed to participate or receive the item, whether or not you pay any donation.

There is no right to extra-curricular activities or items that are not part of the core curriculum, such as camps, involvement in sports teams, the school ball or the yearbook. The school can exclude students from these if you do not pay for them, or for other reasons, for example as discipline. The school must not discriminate against students on illegal grounds such as sex, religion,

race or disability. The law is unclear on whether schools can exclude your child from these extra-curricular things because you have not paid the school fees. Many schools have policies which do so.

Uniform and stationery

If a school has rules about school uniform, then your child must wear the uniform when they are at school or on school trips (when required). Your child can be punished at school for not wearing the correct uniform. However they cannot be sent home for this reason.

If your child has genuine religious reasons for wanting to wear the uniform differently, you and your child should discuss this with the school. It is against the law for a school to discriminate against students on the grounds of religious belief.

The school is allowed to have a deal with just one uniform supplier. However the agreement shouldn't be secretive. The school also needs to consider how the deal is affecting uniform prices. If you think a single supplier is making the uniform unnecessarily expensive, you can complain to the Board of Trustees.

A public school cannot require you to buy specific brands of stationery for your child to use at school. The school might have recommended stationery packs. However if you can find basically the same items elsewhere, you can buy those instead.

If you can't afford a school uniform or stationery, this should not hold back your child's education. You can apply to Work and Income New Zealand for a benefit.

Rules and discipline

Schools have quite a lot of discretion around the rules they make. However they cannot make rules or enforce punishments that are cruel or degrading, are against the law, or unreasonably discriminate against certain people.

Property rights

A teacher can confiscate property that they believe that it is a threat to safety, or is unhelpful for the learning environment. Depending on what the property is, the teacher could get rid of it or pass it onto another agency (such as the police, if it is illegal). Otherwise, the teacher can hold onto the property for a reasonable period. Usually this should only be the school day.

If a teacher believes that your child has an item that they think is an immediate threat to anyone's physical or emotional safety, they may be allowed to search for it. They can only do this if your child has already refused to hand over the item.



The teacher can ask your child to remove their outer clothing (like a jumper), and can search your child's bag. The teacher who does the search should be the same gender as the student, and should do the search in front of them. Another teacher should be present as a witness, but no one else should be around. The confiscation rules above apply to anything they find.

Bullying

The school must provide a safe physical and emotional environment for students. This means that if there is bullying going on, they have to do something about it.

If you believe your child is being bullied at school, it is important to let the school know. They will not be able to do anything if they are not aware there is a problem.

The school is also required to let you as parents know about anything that is affecting your child's education. This means that if the school knows that your child is being bullied, they should let you know. This will not extend to situations where the school has been made aware of the bullying confidentially, such as if your child has told a school counsellor.

