

EDUCATION AMENDMENT BILL

EXPLANATORY NOTE

THIS Bill provides for amendments to the Education Act 1914.

Clause 1 relates to the Short Title.

Clause 2 amends section 35 of the Education Act 1914 so as to authorise the use by Education Boards of cheque-signing machines. A similar provision appears in section 6 (2) of the Municipal Corporations Amendment Act 1959.

Clause 3 amplifies the provisions now contained in section 58 of the Education Act 1914 relating to the suspension and expulsion of pupils. The clause makes specific provision for the enlistment of the services of the Senior Inspector of Primary Schools or the Senior Inspector of Post-primary Schools, as appropriate, in making arrangements for the continued education of pupils under 15 years of age who have been suspended from school attendance. A similar provision appears in clause 123 of the Education Bill of 1960.

Clause 4 amends the provisions now contained in section 12 of the Education Amendment Act 1924 and section 12 of the Education Amendment Act 1952 so as to provide that a technical school established under an Education Board may obtain its own Board, before the three years under Education Board control at present required, where the Education Board and the Committee of Management of the school agree to that course.

Clause 5 amends section 8 of the Education Amendment Act 1948 so as to authorise any Board controlling a secondary school, a technical school, or a combined school to establish an Imprest Account.

Hon. Mr Tennent

EDUCATION AMENDMENT

ANALYSIS

Title	3. Suspension and expulsion of pupils
1. Short Title	4. Change in control of technical school
2. Signing of cheques by Education Boards	5. Boards may establish Imprest Accounts

A BILL INTITULED

An Act to amend the Education Act 1914

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

1. **Short Title**—This Act may be cited as the Education Amendment Act 1961, and shall be read together with and deemed part of the Education Act 1914 (hereinafter referred to as the principal Act).

10 2. **Signing of cheques by Education Boards**—Section 35 of the principal Act is hereby amended by adding the following proviso:

15 “Provided that it shall be lawful, with the prior consent in writing of the Audit Office and subject to such conditions as the Audit Office prescribes, for any money to be paid

by the Board by cheque issued by means of a cheque-writing machine, and every such cheque issued by means of such a machine and bearing a facsimile of the signatures of the persons authorised pursuant to the provisions of this section to sign and countersign cheques shall be deemed to have been duly signed and countersigned in accordance with the provisions of this section.” 5

3. Suspension and expulsion of pupils—(1) The principal Act is hereby amended by repealing section 58, and substituting the following section: 10

“58. (1) It shall be lawful for the Head Teacher or Principal of any public school, Maori School, secondary school, technical school, or combined school to suspend from attendance any child who, from gross misconduct or incorrigible disobedience, may be considered an injurious or dangerous example to other pupils, or whose attendance at school is likely for any serious cause to have a detrimental effect upon that child or upon the other pupils: 15

“Provided that no such suspension of a pupil under fifteen years of age shall be for a period exceeding one week, except where extended as hereafter provided in this section. 20

“(2) Where any pupil under the age of fifteen years is suspended from attendance under subsection (1) of this section, the following provisions shall apply:

“(a) The Head Teacher or Principal shall immediately notify the parents or guardian of the pupil and the School Committee or Committee of Management (if any) of the school of the suspension and the reasons therefor, and shall forward forthwith to the Board or governing body of the school a full report of the suspension: 25 30

“(b) The Board or governing body on receiving the report may, after such inquiry as it considers necessary, either reinstate the pupil, or extend the term of suspension for such period as it deems fit: 35

“(c) The Board or governing body may depute any one or more of its members to receive reports of suspensions on its behalf; and any member or members so deputed may reinstate a pupil or extend the term of a suspension as if the member or members were the Board or governing body itself, but any action so taken shall be subject to confirmation by resolution of the Board or governing body at its next meeting: 40

- 5 “(d) In any case where the Board or governing body (or any member or members thereof deputed to act on its behalf) extends the term of suspension of a pupil for any reason, other than to allow time to complete inquiries in the matter, it shall immediately notify the appropriate Senior Inspector of the suspension and the reasons for its extension:
- 10 “(e) Where the suspended pupil is enrolled at a Maori school, the Senior Inspector to be notified in accordance with paragraph (d) of this subsection shall be the Senior Inspector of Maori Schools, and where the suspended pupil is enrolled at a secondary school or technical school or combined school or in the secondary department of a district high school, the Senior Inspector to be so notified shall be the Senior Inspector of Post-primary Schools for the area if he can be reached without delay, but in every other case he shall be the Senior Inspector of Primary Schools for the district:
- 20 “(f) The Senior Inspector shall first endeavour to have the suspended pupil re-established in some suitable school, which school may, subject to the agreement of the Board or governing body, be the school from which the pupil was suspended, or it may be some other school providing education of the same kind which the pupil can conveniently attend, or a Correspondence School established under this Act:
- 30 “(g) The Senior Inspector, in any case where he is unable to make suitable arrangements in accordance with paragraph (f) of this subsection for the education of a suspended pupil who has attained the age of fourteen years and has completed the work of form two, shall recommend to the Director of Education that the pupil be granted a certificate of exemption from the obligation to be enrolled as a pupil of any school:
- 35 “(h) The Director, on receiving any such recommendation from the Senior Inspector of Schools, shall, if he considers that the circumstances so warrant, grant to the pupil a certificate of exemption from the obligation to be enrolled as a pupil of any school:
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- “(i) The name of every suspended pupil shall remain on the register of the school from which he is suspended until he has been placed at some other school, or has been enrolled with a Correspondence School established under this Act, or has been granted by the Director exemption from the obligation to be enrolled as a pupil of any school. 5
- “(3) Where any pupil fifteen years of age or over is suspended from attendance under subsection (1) of this section, the following provisions shall apply: 10
- “(a) The Head Teacher or Principal shall immediately notify the parents or guardian of the pupil and the School Committee or Committee of Management (if any) of the school of the suspension and the reasons therefor, and shall forward forthwith to the Board or governing body of the school a full report of the suspension: 15
- “(b) The Board or governing body on receiving the report shall thereupon investigate the matter; and, after such consultation with Senior Inspectors and Child Welfare Officers as it considers necessary in any case, may direct that the pupil be reinstated, or it may expel the child. 20
- “(4) The Head Teacher or Principal of any public school, Maori School, secondary school, technical school, or combined school may suspend from attendance any child for want of cleanliness, or any child who may be likely to communicate any contagious disease; and in any such case the following provision shall apply: 25
- “(a) The Head Teacher or Principal shall forthwith report to the parents or guardian of the pupil and to the School Committee or Committee of Management (if any) of the school and to the Board or governing body of the school the action taken by him and the reasons therefor: 30 35
- “(b) The Board or governing body shall thereupon investigate the matter and may direct the child to be reinstated or forbid his attendance until the cause of complaint has been remedied or no longer exists:

“(c) Where a child has been forbidden to attend school for want of cleanliness, it shall be a defence in any proceedings under section 62 of this Act only if the parent satisfies the Court that the child was not absent from school for a longer period than was necessary in order to remove the cause for which he was so forbidden to attend school.”

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(2) Section 4 of the Education Amendment Act 1926 is hereby consequentially repealed.

10 **4. Change in control of technical school**—Section 12 of the Education Amendment Act 1924, as amended by section 12 of the Education Amendment Act 1952, is hereby further amended by inserting after subsection (2), the following subsection:

15 “(2A) Notwithstanding anything in subsection (2) of this section, at any time before the expiry of three years from the date on which any technical school is established, the Minister may, on the joint application of the controlling authority of the school and of the special committee or any
20 other committee of the school to which powers have been delegated by the controlling authority, by written notice to the controlling authority of the school, give any direction that he could have given under subsection (2) of this section.”

25 **5. Boards may establish Imprest Accounts**—Section 8 of the Education Amendment Act 1948 is hereby amended by omitting from subsection (1) the words “Notwithstanding the provisions of section thirty-five of the principal Act, any Education Board”, and substituting the words “Notwithstanding anything to the contrary in the principal Act or any other
30 Act, any Education Board, and any Board controlling a secondary school, a technical school, or a combined school”.