

South Australia

Education and Children's Services (Exclusionary Discipline) Amendment Regulations 2025

under the *Education and Children's Services Act 2019*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Education and Children's Services (Exclusionary Discipline) Amendment Regulations 2025*.

2—Commencement

These regulations come into operation on the day on which the *Education and Children's Services (Inclusive Education) Amendment Act 2025* comes into operation.

Part 2—Amendment of *Education and Children's Services Regulations 2020*

3—Amendment of regulation 4—Application of regulations to non-Government schools

Regulation 4(1)—after paragraph (g) insert:

- (ga) regulation 26;

4—Amendment of regulation 26—Determination to suspend, exclude or expel a student

- (1) Regulation 26—after paragraph (b) insert:

- (ba) the particular needs of the student; and
- (bb) the age of the student and the particular effects that suspension, exclusion or expulsion (as the case requires) may have on the student because of their age; and

- (bc) whether there is any individual behaviour plan for the student in place and whether the plan is being implemented; and
- (2) Regulation 26(c)—delete "if relevant," and substitute:
 - whether the student has a disability, and if so,
- (3) Regulation 26—after paragraph (c) insert:
 - (ca) whether there are any reasonable alternatives to suspending, excluding or expelling the student (as the case requires) available in the circumstances; and
- (4) Regulation 26—after its present contents as amended by this regulation (now to be designated as subregulation (1)) insert:
 - (2) Pursuant to section 81C of the Act, a person must, in determining whether to suspend, exclude or expel a student (as the case requires) from a non-Government school, have regard to the matters set out in subregulation (1).

Editorial note—

As required by section 10AA(2) of the *Legislative Instruments Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on
No of 2025