Investigation into the decision making process

of boards of trustees

relating to the suspension, exclusion and expulsion of

students in

New Zealand schools.

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Abstract

This study investigated the decision making processes used by boards of trustees in schools across a range of deciles in a region of New Zealand. The research is framed by two objectives: to gain a broader insight and understanding of the processes used by boards of trustees when making decisions in order to inform a more robust governance system for schools that better responds to the development needs of school board members and educational needs of students; and to explore the ways i.e. skills, knowledge and experience used, in which decisions are made by principals and boards of trustees to stand-down, suspend, exclude and expel students in low/high decile schooling contexts in New Zealand. The inquiry is positioned within a critical educational paradigm, employs a mixed method approach incorporating a case study and survey, and uses a thematic analysis approach to identify themes. The research questions that guide this study are: what factors are the enablers or barriers that influence the decision making process of discipline committees?; how does the current support offered to boards of trustees empower them to make qualified decisions about continuing suspensions or excluding students or are there gaps in the support offered? And; what impact, if any, does the socio-economic area of a school have on the degree of knowledge and capability applied by its trustees when deciding to suspend or exclude/expel students?

Data suggest school boards that have followed a sound process incorporating principles of natural justice and that have used quality documentation positively influence the outcome of a discipline committee meeting. The gaps in the current support offered to boards could be addressed by key stakeholders like the Ministry of Education and the New Zealand School Trustees Association committing resources to professional development for board of trustee members. It is often boards of low decile schools that lack confidence in their capability when making decisions about continuing suspensions, excluding and expelling students however, they also believe they are the right people to make that decision.

Abbreviations

MoE: Ministry of Education

BoT: Board of Trustees

ERO: Education Review Office

NZSTA: New Zealand School Trustees Association

PB4L: Positive Behaviour for Learning

SRI: Suspension Reduction Initiative

NAG: National Administration Guidelines

GSE: Group Special Education

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1. Setting the scene

1.1 Introduction

"**200 pupils suspended for over a month**", "**Problem pupils costly to kick out**", "**Call for curbs on school exclusions**". These are headlines in The Dominion Post newspaper (Wellington, New Zealand) for April 6th, May 5th, 2011 and February 16th, 2012, however they could easily be a headline in any newspaper in any given year. The concern over the suspension, exclusion and expulsion of children and teenagers from our schooling system continues to drive efforts at a national level to find ways to help students stay in the New Zealand school system. The first article describes how nearly 200 students have effectively been expelled from school since 2009, 13 of these children were primary school age and had been out of school for over a month with one student apparently lost to the education system altogether. This concern is shared by the Principal Youth Court Judge Andrew Becroft in an interview he gave in September, 2009 (Newton, 2009) where he linked the appearance of young people in the Youth Court to their absence from school. More recently in July this year Mills (2012) referred to Judge Becroft's call again for schools to do more to keep students in school. The impact on families is another concern as a fourth headline reads "**Tough on the family too, says mother**" (Fisher, 2011). This headline and attendant comments illustrate how potentially devastating this phenomenon is on the lives and families of school age students. Each of the nearly 200 students mentioned above who is not at school, represents a young person who has or is experiencing an interruption to their schooling or the complete absence of it. It is also indicative of a family under pressure to manage their child and provide care for them if they are under age 14.

Statistics from the New Zealand Ministry of Education's (MoE) website 'Education Counts' (Ministry of Education, 2010c) show that there appears to have been a slight but steady increase in the numbers of students excluded nationally (although not in 2008) and in the Wellington region since 2007. While these exclusion figures are sobering, we need also to consider the impact of stand-downs and suspensions on students' schooling as they can have a significant effect on their achievement, or lack

thereof. Statistics show that the vast majority of these students come from lower decile schools and that the majority are male and Māori or Pasifika.

Grounds for suspension or expulsion are contained under section 14(1) of the Education Act 1989 and Education Act Amendment 1999. The principal has the responsibility of deciding if and when to stand-down a student based on section 14(1) of the Act, and in conjunction with that school's discipline policy. However, it is the responsibility of a Board of Trustees (BoT) or a designated committee to decide on the continuation of suspension or ultimately to impose an exclusion or expulsion onto the student.

In this chapter I will set the scene for this research study by reviewing the historical and present situation with regard to stand-downs, suspensions, exclusions and expulsions in New Zealand schools and present the rationale and benefits for undertaking research on this topic.

1.2 The context of this study

There has been no identifiable research into how boards of trustees in New Zealand schools interpret their role of governance in relation to the discipline process they are asked to participate in after a student is suspended. Nor it appears, has any research been undertaken that looks at how they make their decisions and what support they draw on when making those decisions. Cathy Wylie (2007, 2009) has researched the place and impact of Tomorrow's Schools in New Zealand over the last 20 years and has completed some work on the capability of boards of trustees in schools. However, this research study aims to focus more on how boards of trustees make discipline decisions and whether or not they feel empowered and consider they have the expertise to make the decisions they do, rather than the wider question of capability per se.

The lack of research literature available to the researcher has meant that the review of literature on the subject of boards of trustees, how they govern and how they make decisions relating to discipline is shorter in this study than would normally be expected in research studies. Background information that would be identified in a literature

review has been incorporated into this introductory chapter to provide a context for the study.

1.2.1 The historical context

In 1989 the Labour government implemented a new policy that led to the decentralised governance and administration of state schools. This approach instigated by the Department of Education and introduced by the Minister of Education (David Lange) for the Labour government, was called Tomorrow's Schools (1988). It placed the governance and decision making responsibilities into the hands of parents and community representatives who formed boards of trustees. How this relationship works in practice is that of a partnership between school boards of trustees and the Crown. Section 63 (a) and (b) of the Education Act 1989, says "A school charter has effect as an undertaking by the board to the Minister, to take all reasonable steps (not inconsistent with any enactment, or the general law of New Zealand) to ensure that -

(a) the school is managed, organised, conducted, and administered for the purposes set out in the school charter; and

(b) the school, and its students and community, achieve the aims and objectives set out in the school charter" (p. 126).

Boards of trustees, in collaboration with the teachers, develop their charter as referred to in Section 63 and from that the strategic goals are defined. Boards of trustees in the make-up of their membership are designed to reflect the community within which they are situated. In reality this means they may reflect the (lower socio-economic or a higher socio-economic) demographics of a local school community given that the trustees are usually but not exclusively drawn from the community surrounding the school. Boards of trustees are the final decision making body within their school community who determine whether a suspended student is able to be reinstated at their school or not (Education Act, 1989). Their collective ability to make this decision relies heavily on their capacity to understand the issues involved, stay impartial but supportive of the principal, follow a process that conforms to the principles of natural justice and place the needs of the student at the centre of this process.

1.2.2 The current situation with Boards of Trustees

In 1991, slight changes to the membership of Bot meant that now it is not compulsory to have a student trustee and there can be between three and seven parent and community trustees. A report written by Wylie (2007) into the effectiveness of New Zealand boards (as cited by Cole, 2010) observed that "Principals of high-decile schools are more likely to think their board is on top of the task than Principals of low-decile schools." and "Lower-decile schools have some problems with board membership capability but not with membership commitment" (p. 7). The ethnic make-up of parent trustees on BoT is now beginning to more accurately reflect some of the different ethnicities in New Zealand as can be seen in Table 1.1 (Ministry of Education, 2010c) below.

Table 1.1: Ethnic representations of boards

Parent Trustee	Māori		Pasifika		Euro/Pakeha		Total Board no.s excl Asian/Other/unspecified
	Female	Male	Female	Male	Female	Male	
1997	1721	1128	309	216	8737	9136	17873
2006	1846	1183	371	267	7094	7338	19035
2010	1916	1057	418	286	6060	6387	17860
Totals on Boards at 2006	3029		638		14432		
Board numbers at 2006 as % of Total	**15.91%**		**3.35%**		**75.81%**		
Total population numbers at 2006	565329		265974		2609592		
% of total Population by ethnicity	**14.64%**		**6.89%**		**67.60%**		

These numbers are based on the 2006 census population numbers. The 2011 census was postponed due to the Christchurch earthquake.

Table 1.2 serves to illustrate the spread of trustee membership numbers. For a decile 1 school, 36% report fewer numbers while 42% report an increase in numbers. It is not

possible to make a distinction between rural, urban or city locales to identify why this spread has occurred, as it has.

Table 1.2: Number and proportion of schools with fewer, the same number or more candidates than 2007 by decile

Decile	Fewer		More		Same	
	N	%	N	%	N	%
1	71	36%	82	42%	43	22%
2	83	42%	68	34%	47	24%
3	86	40%	71	33%	58	27%
4	88	42%	69	33%	52	25%
5	111	48%	66	29%	53	23%
6	108	46%	82	35%	46	19%
7	90	43%	72	34%	48	23%
8	93	42%	77	35%	53	24%
9	96	43%	85	38%	40	18%
10	87	40%	88	41%	40	19%
Grand Total	913	42%	760	35%	480	22%

Table 1.2 (Ministry of Education, 2010c) shows an overall drop of 42% in total numbers standing as of September 2010. Extrapolated data from the MoE, Education Counts website shows that there were 17,477 trustees, 1,109 fewer than after the 2007 triennial elections. It is interesting to note the drop in Board member numbers from 19,035 in 2006 to 17,860 in 2010, there has been a slight reversal to these figures during 2011 with total trustee member numbers at 18,831 at 1 December, 2011. It will be interesting to see if the BoT elections due in March/April 2013 continue the overall downward trend of lower numbers standing for Board election, as this could have significant implications for Trustee workloads, capability and resilience.

1.2.3 What is meant by capability

The multi-dimensional nature of capability needs to be defined for use in this context. The requirement for task-specific expertise, is a key element of capability according to Robinson, Hohepa and Lloyd (2009). Robinson earlier has said

> *While considerable technical expertise is required to design the means to achieve specific goals, far less is required to set goals, for the latter is seen as a matter of preference and common sense, rather than technical expertise. Hence, the reasoning goes, the limited expertise of lay trustees is relatively unproblematic, for it is the managers' and not the trustees' job to determine how to achieve policy objectives (Robinson, Ward, & Timperley, 2003, p. 265).*

In her paper on effectiveness of school boards, Wylie (2007) refers to a small study completed by Robinson, et al. (2003) where the confidence a board chair had in their ability to respond to a set of scenarios depicting educational-related governance tasks did not match their ability in performing them. This was related to capability with the term being used in a similar context as I have used it, i.e. the governance task of participation on a discipline committee.

In the context of this study I am using the following definition of capability "Leadership capability is a combination of knowledge, understanding, attitudes, skills and personal qualities that enables a person to perform to a high standard in a given leadership role or context" (Brisbane Department of Education and Training, 2012). The combination of knowledge, understanding attitudes, skills and personal qualities that enable a person to perform to a high standard as it relates to each member's understanding of the law; specifically their understanding of natural justice and the provisions of Sections 13 and 14 of the Education Act 1989 and how they apply these concepts in the context of a discipline hearing is one of the foci of this study. I am also looking at board's knowledge of, and appreciation for, the many ways student support might be offered both in and out of the school environment. In addition, I am using capability in this context to determine a board member's ability to remain objective when viewing a case and their relationship management skills when part of a potentially highly charged emotional meeting.

1.2.4 The introduction of stand-downs and changes to suspensions

Nine years after the Education Act (Education Act, 1989), the Education Amendment Act (Education Amendment Act, 1998) was introduced and provided the option of

stand-downs as a tool for principals to use before the serious step of suspending a student was made. Prior to this amendment principals could suspend students for a specified or unspecified period and only principals could lift a suspension. A specified period was from one to three days (Department of Education, 1988) after which the student would automatically return to school but could only be given once a calendar year, whereas unspecified suspensions could be for any time period and could mean that in some cases the student did not return to that school. The amendment allowed for a principal to stand a student down from attendance at school for between 1 and 5 days several times but not so the student would exceed 10 days exclusion from school due to stand-down in any one year. The amendment also allowed boards to lift suspensions with or without conditions attached, where previously this had not been the case. According to Youth Law's David Fleming (1999), the changes to the law increased the flexibility offered to schools in addressing behaviour requiring temporary removal of students as they "could lead to a reduction in the unnecessary imposition of longer suspensions"(p. 2). He goes on to say

> *However there is also an alarming potential for the changes to increase the time spent out of school by students, not only because of the new time periods introduced, but also because the changes in language have led some principals to argue that stand-downs will be less serious than suspensions, and should not be subject to formal reporting processes or to any form of review (Fleming, 1999, p.2-3).*

1.2.5 The current situation related to exclusions from school

Prior to 2009 the MoE gave particular attention to the area of student absence from school. While the Ministry acknowledged that "the major responsibility for addressing student engagement lies with school boards" (Ministry of Education, 2005, p. 1) they did acknowledge a need for the Government to support schools to keep students at school. While truancy is not a guaranteed precursor to suspension, exclusion or expulsion it can act as a predictor in the sense that most suspended students have first had a significant and on-going history of absence from school (McElrea, 1997).

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In a report to the MoE from its own research unit on Attendance, Absence and Truancy, (Ministry of Education, 2005) the data showed a trend of higher absences in low decile schools and especially amongst Māori and Pasifika students in year 9-15 in state co-educational schools. A student participation report (Ministry of Education, 2010c), with statistics from 2009, comments that while stand-down rates have fallen for the third year in a row, suspensions exclusions and expulsions have increased.

Alarmingly Māori and Pasifika students continue to be stood-down, suspended, excluded and expelled more than any other ethnic group as can be seen in Figure 1.1 from this report illustrated below. This is an alarming statistic considering they represent only 22% and 14% respectively of the total school population (Education Counts, 2012).
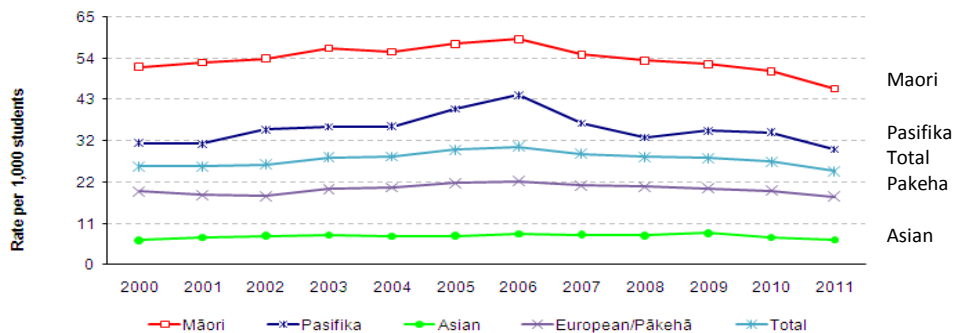
Figure 1.1: Age-standardised stand-down rates by ethnic group (2000 to 2011)

Figure 1.1 (Ministry of Education, 2012b) shows schools are standing-down more Māori students than any other ethnic group. In 2011, the age-standardised stand-down rate for Māori was 1.5 times higher than Pasifika, and 2.6 times as high as European/Pākehā, and while the figures are slowly declining there is still a significant difference between Māori and Pasifika and the other groups identified. The stand-down rate for Asian students is the lowest of all ethnic groups. There were 17,553 stand-downs received by 13,723 different students in 2011, with 46.1% of them Māori.
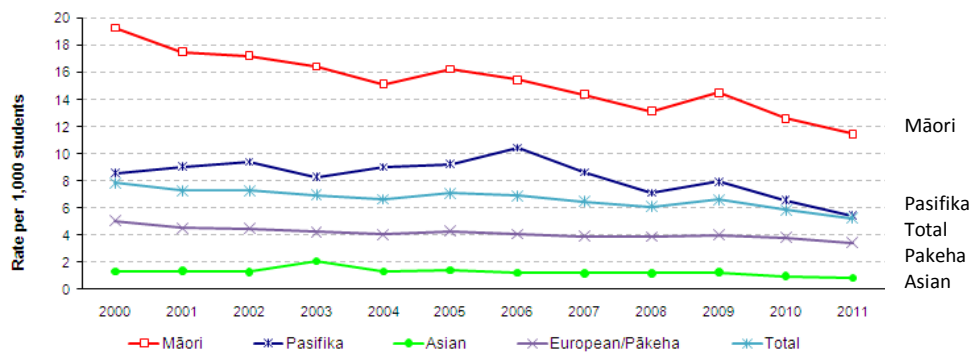
Figure 1.2: Age-standardised suspension rates by ethnic group (2000 to 2011)

Figure 1.2 (Ministry of Education, 2012b) indicates a more significant drop in Māori suspension rates and a more subtle drop in suspension rates for all ethnicities; however Māori and Pasifika students still top the table as schools are suspending more Māori students than any other ethnic group. In 2011, the age-standardised suspension rate for Māori students was over twice as high as for Pasifika students and 3.4 times as high as for European/Pākehā. There were 3,748 suspensions in 2011 received by 3,449 different students.
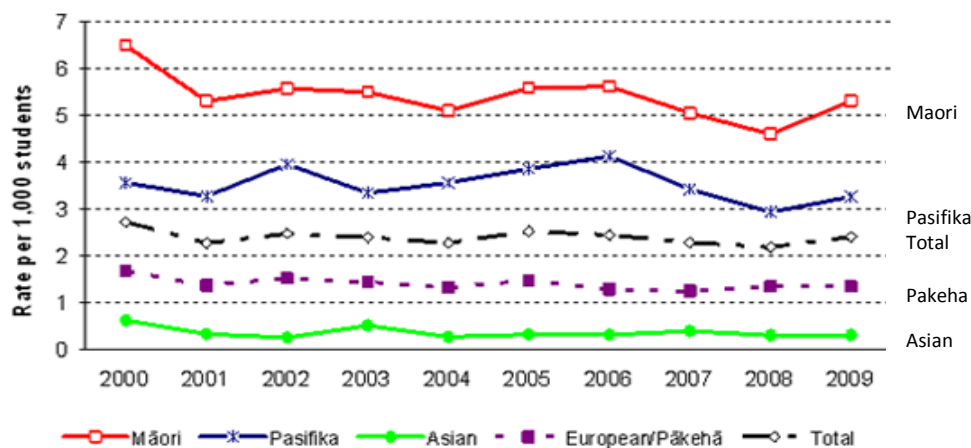
Figure 1.3: Age-standardised exclusion rates by ethnic group (2000 to 2009)

No update to the 2009 exclusion graph shown in figure 1.3 (Ministry of Education, 2012b) above, was available from the Education Counts website using 2011 data. The 2009 data used in figure 1.3 shows that if you are Māori then you were four times more likely to be excluded than if you were Pakeha or Asian, and two and a half times more likely if you were Pasifika.
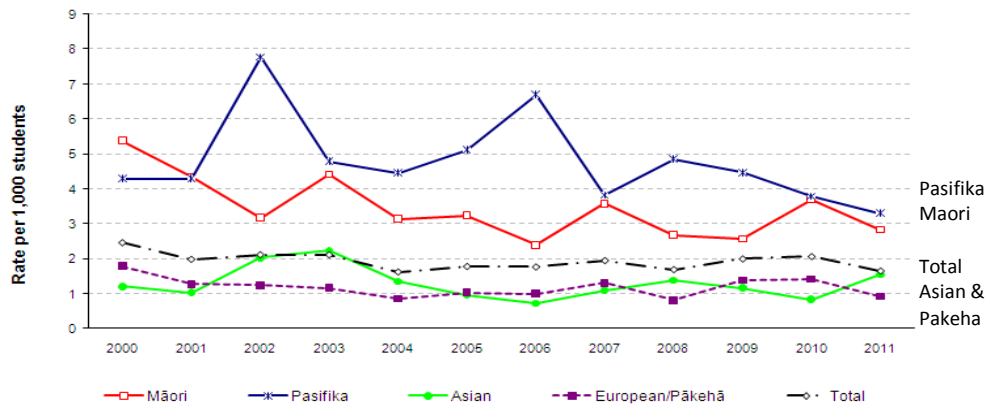
Figure 1.4: Age-standardised expulsion rates by ethnic group (2000 to 2011) (Ministry of Education, 2012b)

Apart from in 2000, figure 1.4 shows that Pasifika students have consistently been expelled more than any of the other ethnicities, but Māori are still more likely to be expelled. This statistical variation may be explained in that more Māori leave school before they turn 17 meaning they are not able to be expelled.

1.2.6 Initiatives designed to help schools

One of the approaches designed to provide support to schools dealing with significant student absence was the Suspension Reduction Initiative (SRI) launched in 2001 by the MoE and was designed to cover a 15 year period. In 2003 it was incorporated into a new initiative called the Student Engagement Initiative (SEI). The focus of the SEI was to develop a more cohesive set of responses that targeted improved attendance, reduced non-enrolments and worked to reduce suspensions, exclusions and exemptions from schools. It also looked to define best practice and identify ways to improve policy and procedures for schools.

In 2010 the Minister of Education approved a further range of initiatives designed to improve student attendance and engagement in schools (Ministry of Education, 2011). These later initiatives fall into two categories. One aimed at improving the electronic capability of schools to gather data on attendance and report to parents along with improving the re-enrolment of students who leave one school district; and the other aimed at reducing suspensions, exclusions and exemptions from school through a new programme called Positive Behaviour for Learning (PB4L), (Ministry of Education,

2012a) . This initiative was launched in 2011 across New Zealand and it is built on the following foundations:

- That positive behaviour can be learnt and difficult and disruptive behaviour can be unlearnt.
- It moves away from seeing individual students as a 'problem', and towards proactively changing the environment around them to support positive behaviour.
- It recognises that punitive and exclusionary approaches to discipline do not bring about long-term and sustainable changes in behaviour.
- It supports the national application of a small number of evidence-based programmes and frameworks that we know work.
- It recognises that there are no quick fixes. It takes a long-term view to ensure that changes in behaviour are sustained.

This programme is directed to increasing the ability and capacity of teachers in schools to deal with behaviour that may result in suspension and involves parents in the process when their child is identified with behaviour issues.

1.3 Support for Boards

The majority members of boards of trustees are parents and community representatives who are interested in and care about the education of children (their own as well as others), but who are often not qualified professional educators themselves. Given the cross section of governance responsibilities they have: curriculum; personnel; health and safety; finance and property; legislation requirements; strategic goal setting and self-review; it was clear that boards needed some kind of administrative and legal support. Three providers offer key support to boards and even though they do not preclude boards from accessing help and support from other places, it was intended that these providers be the first port of call for boards that need help. The providers are New Zealand School Trustees Association (NZSTA), The Education Review Office (ERO) and the MoE. ERO and the MoE are both

funded by central government while the NZSTA is funded by subscriptions paid by member schools.

1.3.1 New Zealand School Trustees Association

The NZSTA was established in 1989 following the introduction of the Tomorrow's Schools policy and is one of the bodies that provide support, advice and professional development to school boards of trustees. Since 1990 member boards of trustees have 'owned' and controlled NZSTA, through a governing council/board elected by the membership. (NZSTA About, 2011) The NZSTA represents the views of, and supports and provides services to member boards of trustees and their key areas of activity are:

- Representation to central government and other agencies of the views of member boards of trustees
- Production of number of publications such as a monthly magazine (STAnews), and other written material, including the NZSTA Trustee Handbook, An Introduction to Trusteeship (A Guide for School Trustees) and various employment and governance related publications
- Provision of 'added value' services for member boards of trustees
- The provision of support, training and professional development for boards of trustees

Also provided, under contract with the MoE:

- Provision of an expert personnel/industrial relations advisory service to boards of trustees
- Provision of 0800 helpdesk facilities, on all aspects of trusteeship
- Emergency Staffing Scheme (ESS)

1.3.2 Education Review Office

The second organisation is the ERO (2012) whose primary responsibility is to carry out different types of reviews including of educational institutions and then report to boards, managers of Early Childhood Education (ECE) providers and the Government on the quality of the education provided by individual centres and schools. These

reviews are conducted every three years or so. Depending on how well a school or centre is operating, may occur more or less often. A component of an ERO review includes ERO looking at how well a board functions; the quality of its self-review processes and how well the board trustees can articulate where the school is at in terms of the assessment data and achievement of the students. As part of recent changes to how ERO itself operates, it can now give more direction to boards on how to improve its processes and systems by working alongside boards and facilitating engagement with other organisations that can provide specialist advice, support and development.

1.3.3 Ministry of Education

The third organisation involved with schools whose main role is to develop strategic policy, develop, implement and review legislation, undertake education research and analysis, and monitor education sector capability and viability is the MoE. The Ministry offers specialist support people (SAF workers) to help principals and boards meet their responsibilities for sound governance and management. They also contract specialist education providers to work with schools identified by ERO as needing additional support.

1.4 Describing this study

In this section I will present the research project on which this thesis is based, give reasons for its significance both to me and the wider educational community and comment as to how I originally became interested in doing the study.

1.4.1 Research objectives

In section 1.2 of this chapter discussing the context of the study and the capability of boards, I referred to an observation that suggests that the capability of boards in some communities considered socio-economically lower is still an issue. This issue needs to be addressed through greater resourcing and professional development (Cole, 2010) however, capability does not appear to be an issue for BoT in schools situated in higher socio-economic areas. Further to Cole's comments, Robinson et al. (2009) also note

that "low-decile schools find it much harder to attract onto their boards the same level of expertise as mid- and high-decile schools, and there is some evidence that fewer trustees in low-decile schools have a proper grasp of their governance role"(p. 64). This leads to the first objective of this study which is;

1. To gain a broader insight and understanding of the processes used by boards of trustees when making decisions in order to inform a more robust governance system for schools that better responds to the development needs of school board members and educational needs of students.

Following on from this objective is the next step of understanding how Boards make decisions about suspensions, exclusions and expulsions (SEE) given that fundamental to student achievement is their participation in education and to receive this they need to be physically at school. So, it is of interest to explore whether or not New Zealand's system of Tomorrows Schools with its board of trustee structure, enhances the educational opportunities of all its students or contributes to the marginalisation in education of some students (like those who attend a school located in a lower socio-economic area). In other words, does where a student is schooled and the capability of the board, have a bearing on the process students go through when a discipline proceeding is required? This questions leads to the second objective of this study;

2. To explore the ways i.e. skills, knowledge and experience used, in which decisions are made by principals and boards of trustees to stand-down, suspend, exclude and expel students in low/high decile schooling contexts in New Zealand.

1.4.2 Research question

Both these objectives are reflected in the research question which is

What factors influence the ways in which boards of trustees in schools make decisions about suspending, excluding and expelling students?

There are three sub questions related to this and they are;

1. What factors are the enablers or barriers that influence the decision making process of discipline committees?

2. How does the current support offered to boards of trustees empower them to make qualified decisions about continuing suspensions or excluding students or are there gaps in the support offered? And;

3. What impact, if any, does the socio-economic area of a school have on the degree of knowledge and capability applied by its trustees when deciding to suspend or exclude/expel students?

1.4.3 Rationale for and benefits of this study

Helping boards of trustees keep children in class and learning is the simple answer to non-engagement and reduction of suspension and exclusion numbers however, while simple, it is not easy. It would be expected that the majority of board members would agree with keeping children in class and learning so they can contribute productively as adults to their society and economy. One of the key goals of the Ministry for Education is that "Every young person has the skills and qualifications to contribute to their and New Zealand's future" (Ministry of Education, 2010d, p. 17). It is clearly acknowledged by the Secretary of Education that we appear to be failing one fifth of our children who leave school without a qualification, (Ministry of Education, 2010a) and it could be argued that it is these children who are reflected in the statistics mentioned earlier.

The Universal Declaration of Human Rights, Article 26 and the Human Rights Act (1993) guarantee the right to free education and the Education Act (1989) guarantees that if you are between the ages of 5 and 19, your education at a primary or secondary school in New Zealand is free, and that if you are aged between 6 and 16 attendance at school is compulsory. It is widely accepted that education offers employment opportunities that improve the life chances of those who receive it (Biddulph, Biddulph, & Biddulph, 2003; McBride, 2012; Robinson, et al., 2009).

Children are arguably the most vulnerable sector of our society with their parents and/or caregivers the ones responsible for making decisions and providing or withholding from children what they need to ensure success in life. Parents, school

authorities and students are often at odds with each other as they try to operate in what is a complex and at times confusing environment with what can appear to them to be shifting standards and changing rules. While plenty of attention is being given to the statistics related to absence from school and suggestions made by the media that the MoE needs to do more, not much focus has been given to the group of people who make the decision to suspend, exclude or expel those students in the first place. School boards of trustees are the ones who make these decisions on a weekly basis across the country. While guidelines from the MoE, and NZSTA help-lines are available to guide them as they make these decisions, I could identify no research to determine if these mechanisms are easily accessed, helpful, or ignored.

It is hoped that through this research, policy-makers and deliverers of professional development might gain (valuable) insights in how to ensure the process by which boards of trustees make decisions regarding suspending, excluding and expelling students and their capacity, capability and competence is robust and effective irrespective of the socio-economic locale of schools.

1.4.4 Delimitations of the study

There are more than 250 boards of trustees of schools in the Wellington region alone, with more than a thousand across the country thus making the potential scale of the research more extensive than was practicable for me to undertake for a masters' level study. There are three delimitations with regard to the study:

1. Choice of participants

I made the decision to reduce the potential field of survey participants to those only from the Wellington region as defined by the MoE, making my catchment approximately 250 to 265 schools to help me keep the data collection and analysis manageable. Schools can have anywhere between five and seven parent or community representatives on their boards which would have given me a potential survey pool of around 1250 to 1800 individual respondents. I anticipated that I could expect to receive anywhere up to 250 or more completed surveys.

I further decided to limit the participants in the focus group section to boards of trustees who operate in a decile 1-3 school or a decile 8-10 school as I considered this would give me the greatest range of capability and experience. I was expecting to be able to choose from a number of schools but eventually chose from those who responded to my request. Even though it is difficult to identify what a representative sample might be in the qualitative component of a study like mine, four of the five interviews I conducted involved either a full board or a board chair, was from a mix of schools and did represent the decile ranges I was most interested in, the fifth interview was with a principal of a low decile secondary school.

2. Use of documentation

Initially I had intended to ask for a copy of each school's discipline policy and procedures at the time of the interview to compare each schools view of behaviour management, but on reflection I realised that these will be heavily based on the guidelines produced by the MoE and would not necessarily add value or insight into the processes used by each of the participating schools. However, the philosophy of a school's approach to addressing discipline issues at their school is apparent in the discipline policies received and will be commented on in relation to schools represented in the focus groups and interviews.

3. Ethical Issues

The survey was anonymous and sent via email to all schools in the Wellington region according to the contact information that had been given to the MoE. The survey itself was developed using the Qualtrix[1] programme which allows people to complete the survey completely anonymously. The request for participation in the focus group was embedded in the survey and required the respondent to reply to me via email. At no

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[1] Qualtrix is an online software survey tool designed to enable researchers to create, collect and analyse survey data

time have I been able to contact any survey participant. My ethics application was approved by the Victoria University Ethics Committee 12th August, 2011.

1.4.5 My role as a researcher

I have been employed as a full time primary school teacher since January 2004 and teach in a decile 1a[2] contributing primary school. The school has a majority of Pasifika and Māori students, and is in a low socio-economic area near Wellington. I was the elected staff Trustee on the BoT from April 2007 until relinquishing my position in February 2010, I was reappointed to the board from February this year.

During my first time as a board trustee, two boys had suspension processes put in place due to inappropriate behaviour choices on their part. One of these boys was suspended from school on two separate occasions. I was not part of the disciplinary committee that met to discuss what should happen as a result of the principal suspending this boy the first time although I was part of the committee the second time he was suspended. It is also pertinent to note that there was a different person in the role of board chairperson for the disciplinary process involving the second boy. I was also part of the disciplinary committee that met concerning the second boy.

1.4.6 My reflections

What I observed of the process regarding both suspending the first boy and his return to school and what subsequently happened the second time he was suspended, led me to think about the inconsistency of the process implemented. This included the difficulties that appeared to be present for the family and the boy as they attempted to speak about what had led to the situation and how they wanted to support him to change his behaviour following the suspension. This was coupled with a lack of knowledge on the part of the board members surrounding how to best integrate the student back into the school programme without a repeat of the behaviour that resulted in the suspension in the first place. The very high expectations placed on non-teaching participants by the system to 'get it right' regarding the

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[2] Deciles numbers reflect the socio-economic area of the community a school draws its students from. They range from 1a, 1b, 1c, 2, 3, 4 up to 10. 1a signifies the absolute lowest socio-economic area in the country.

conditions surrounding return to school with potentially no direction from the key professional (the principal) skilled in behavioural interventions made this a difficult decision to make.

This observation, along with the lack of a non-judiciary based review system i.e. not involving courts or judges, available for recourse if the student or his/her family considered they were 'wronged' in that the principles of natural justice were not followed, lead me to question how decisions are made and the type of help boards receive or need to better prepare them for decision-making such as this.

1.5 The structure of this thesis

In this introductory chapter I have given the context and imperative for looking at how decisions are made by BoT when confronted with a student whose behaviour has been such that a disciplinary process has been enacted. I have shown what has led me to want to investigate this issue and talked about some of the possible implications of discipline processes. In the following chapter I will review as broad a range of literature as I could locate relating to boards of trustees and their responsibilities in a New Zealand context with some reference to what happens overseas. Chapter 4 will cover the methodology I chose and describe the scope of my research and the research theory and approach that underpins it. In Chapters 5 and 6 I will show the findings from the research and present an analysis based on the research questions and identify themes. The final chapter will discuss how these themes link back to the literature and what, if anything, this means for BoT in New Zealand.

1.6 Chapter summary

It is apparent from the dearth of research and comment available that it is timely to conduct research into how boards of trustees make decisions about suspending, excluding and expelling students from schools. This is especially important given that students will continue to make poor choices about their behaviour and that schools will continue to need to make decisions about how to deal with that behaviour, ultimately involving boards in the outcomes of those decisions. By not having a judicial review system in place to give parents recall or relief, and given that the Ombudsman can only recommend boards and or principals review decisions and processes and not

compel them to do so (Littlewood, 2008) shows that knowing how decisions are made, at least allows a critical light to be trained on the participants and brings some degree of transparency to the process.

2. Literature Review

2.1 Introduction

The search for relevant literature on BoT and how they operate was problematic in the sense that the guidelines for how they are to function, responsibilities they are to meet legislatively and their terms of governance are prescribed by the MoE and fairly standardised across the country. When making decisions about suspending, excluding or expelling students the guidelines provided by the MoE set out a clear process, based heavily on the principles of natural justice that need to be followed by BoTs. However, while the process BoTs need to follow is clearly outlined, how the process is applied can be subjective, ambiguous and potentially lacking in transparency. My search terms to create the parameters for identifying the literature I wanted to search for were: governance; boards of trustees; capability; suspension; inclusion; expulsion; and exclusion, tomorrow's schools; natural justice; behaviour; and restorative practices.

Some of the most significant pieces of research undertaken in New Zealand over the past decade has been the work overseen and initiated by Alton-Lee (2003) in the Best Evidence Synthesis Iterations. Two particularly relevant are the syntheses by Biddulph, Biddulph and Biddulph (2003) looking at community and family influences at a student level where student behaviour and the conditions that promote quality learning are identified, and the follow-on work on school leadership and student outcomes by Robinson et al. (2009). In their foreword to this latter work, the NZSTA suggested that a new challenge for educational outcomes in New Zealand was emerging and that it was to "match the gains made in developing school leadership i.e. principals and school leaders with a similar development of the capacity and capability of boards of trustees"(Robinson, et al., 2009, p. 15). They suggested that there needed to be a balance between the two groups' needs to ensure the New Zealand model of self-management for schools continues and that robust and effective governance is provided to schools. Alton-Lee (Robinson, et al., 2009) addressed her comments in her foreword to the key overall mission goal of the Ministry "To raise educational achievement and reduce disparity. Our goal is to build a world-leading education system that equips all New Zealanders with the knowledge, skill, and values to be

successful citizens in the twenty-first century" (p. 31). She went on to say that "What happens in education matters for the well-being and success of our children and our society, and it can strengthen or undermine citizenship and social cohesion" (p. 31).

In addition, Alton-Lee referred to Professor Henry Levin in the 2008 Distinguished Lecture of the American Educational Research Association where she drew on his comments related to "how improving educational justice improves other valued outcomes such as health and lower criminal activity, providing returns to taxpayers that exceed the costs" (2009, p. 31). This comment supports later comments made by Judge Becroft (McBride, 2012) when he spoke of the correlation between failing in education and increased likelihood of involvement in crime.

Alton-Lee went on to discuss how during the initial stages of the Best Evidence Synthesis (BES) development,

> *Stakeholders expressed the concern that a BES could not get to grips with the real-life problems faced every day by school leaders. So, partly in response to this concern and working in collaboration with the New Zealand School Trustees Association and the University of Auckland's Faculty of Law, we commissioned an analysis of New Zealand court cases involving schools. That analysis highlights the critical importance of leaders' skills in managing constructive problem talk, building relational trust, and ensuring that pedagogical purposes are integrated into administrative processes (2009, p.33).*

A possible implication of these comments also referred to by the NZSTA, are that developing the capability of Board Trustees should be part of the continued focus on developing the leadership capability of all school leaders not just school principals.

As I was finishing my search of available literature I became increasingly aware that how individual boards interpret those guidelines and apply them in given situations has not been researched or commented on by the research community in any great depth. This speaks of individual Boards capacity to make governance decisions that line up with their mandate to improve student achievement and provide a safe educational environment for those at school.

2.2 Governance in New Zealand

New Zealand's system of school, parent and community led management of state and state integrated schools is recognised by educational researchers (Cole, 2010; Wylie, 2002, 2009) as still being one of the most democratic and participative models of governance when compared to Australia, America, Canada and the United Kingdom, all of which have parents involved to some degree in partnership with central agencies to oversee the provision of education, but not quite as formally or to such an extent of governance.

2.2.1 The theory behind Tomorrow's Schools

New Zealand researchers have suggested that the theoretical basis for the introduction of the educational reforms lies in instrumental rationality. One of the key notions underlying instrumental rationality is that matters of value should be separated from matters of fact. The former suggests what is good or better and prescribe how the world should be while the latter describes the 'real' world which can be rationally scrutinised and legitimised (Coxon, Jenkins, Marshall, & Massey, 1994, p. 13). These authors further comment that instrumental rationality does not allow for matters of value being open to rational scrutiny or justification like matters of fact. Fragmentation of knowledge, where a great deal is known about a small very specific area by a few 'experts' who are not able to see the wider picture, or readily understand the values that have been separated from factual areas of knowledge, is another notion underlying instrumental rationality. Values determine to which uses knowledge is applied, and how new knowledge is researched and then who controls that knowledge. It is clear that there is a responsibility on those who determine the values to be the ones who know best, however it appears in New Zealand that these decisions are being made by policy makers as directed by the Minister, and boards are required by law to carry them out. Coxon et al. (1994) stress the importance for the use of critical theory to expose hidden assumptions when looking at situations like the one described above involving policy making.

A national survey conducted in 1999 by NZCER showed that trustees were disappointed with being excluded from policy development in the areas that affected their schools (Wylie, 2002). This implies that they are not the ones who are determining the creation, application or ownership of knowledge related to the governance of their schools in respect to locally identified needs. However, in a recent NZCER 2010 survey of Primary and Intermediate schools, (Wylie & Hodgen, 2010), Trustees identified "Providing strategic direction for the school is the key element in their role for most trustees, a perception that has increased since 2007." Potentially this shows a shift in their understanding of their governance role to one of implementation of policy along with acceptance of the policy development role of the MoE. Boards of trustees are given wide discretion[3] with respect to the law but, as will be elaborated on in the section on legal implications, there are numerous restrictions on them. The Education Act 1989 in Section 75 sets out the rights and responsibilities of boards "except to the extent that any enactment or the general law of New Zealand provides otherwise, a school's Board has complete discretion to control the management of the school as it sees fit"(p. 142) . With respect to a principal, Section 76 similarly outlines the responsibilities of the principal, who "shall comply with the Board's general policy directions" and "has complete discretion to manage as the principal thinks fit the school's day to day administration." The term "except to the extent that…" (Education Act, 1989, p. 143) constrains the power a board may exercise and so shows the control still exercised by central government.

2.2.2 The role of Central Government

Nash (as cited in Barrington, 1998) suggests that while funding is controlled centrally, having placed policy development into the hands of local boards has meant that the Ministry has been able to shift educational problems away from itself to boards. From this it appears the Ministry expects boards to be responsible and accountable for issues like student achievement and improving attendance (perhaps removing

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[3] Schools are treated as a special entity under the law.

attention from itself,) which have confounded professional educationalists in central government roles for years. In her paper '*Lay governance of New Zealand's schools: an educational, democratic, or managerialist experiment?*', Wylie (2002) suggests an underlying assumption of ERO's review questions on effective governance and its role in student achievement is that "a board can best support student achievement by both supporting and monitoring the work of school staff – that support cannot be given well if it is not derived from a process of being informed about the work of educators and its effects" (p. 10). This comment points us back to the response of trustees in a survey where they identified capability and expertise gaps, with strategic and legal skills being the biggest gap (Wylie, 2007). New Zealand trustees are not alone in feeling this way as surveys of parent governors in the United Kingdom found many feeling professionally inadequate in their role on governing boards of schools lacking in competence and resentful of the increased workload policy making requires (Burkhardt, 1991).

The ERO completed a report in 2007 that summarised findings related to governance reports of 673 schools over 5 years from 2002 to 2007. These reports showed that 13 – 17% of schools reviewed were not performing satisfactorily. Following supplementary reviews of those underperforming schools it was shown that 44% of those schools were still underperforming. This raises the question of where they were underperforming and what is being done to improve their situation; could this underperformance be in the areas of strategic planning and legal knowledge as previously identified by Wylie (2007)?

2.3 The effects of stand-downs, suspensions, exclusions and expulsions on students

It is difficult to argue that any form of exclusion from school does not have serious and far reaching implications and consequences for students and their families. But, as many researchers comment (Collin, 2001; Hemphill & Hargreaves, 2009; Varnham, 2004) principals and boards of trustees must tread a fine line between their responsibilities to a recalcitrant student and the wider school population of which that student is a member. There is a duty of care requirement in that schools owe a duty of care to all its students, not just those facing discipline over behaviour; and they are

tasked with ensuring a physically and emotionally safe educational environment as outlined by the National Administration Guidelines (NAGS) and the National Educational Goals (NEGS) (Varnham, 2004) for the whole school community including teaching and administrative staff.

According to Hemphill and Hargreaves (2009) the effects of suspension on students who have been excluded from school for a period of time, almost without exception, are detrimental academically, emotionally and socially. Overton's (1995) findings also supports this statement and he goes on to say that many students experience hatred of school, feelings of isolation, alienation and boredom, they lose friends, feel victimised and put down and, for primary aged students, the feelings of sadness, anger and of being 'bad' children convey the apparent hopelessness they feel. Students who are excluded from secondary schools in New Zealand, according to Galloway and Barrett (1984), are also most likely to come from disadvantaged backgrounds whose families are dealing with multiple issues, suffer from health problems and have difficulties with literacy and often numeracy. These students are the ones least able to use their time constructively without supervision.

Evidence from Australia, the United Kingdom and New Zealand (Howard, 2004; Ministry of Education, 2005) show that delays in placing an excluded student into a new school result in significant disadvantages to their academic progress and often result in their dropping out of the schooling system altogether. According to research conducted by Partington (1997) there is little evidence to show that suspension improves behaviour and performance of students and this is especially the case for students who come from families whose view of school is negative. Many of those Partington interviewed were indigenous students and, given the over representation of our own indigenous students in stand-down, suspension and exclusion figures in New Zealand, a correlation can be made between the Australian outcomes of suspension and our own.

There is also long term economic and social costs involved with students not being educated properly. Judge McElrea (1997) in a paper titled 'Win, Win' Solutions to School Conflict, outlined the significant and on-going costs to society and the economy

of an excess in unskilled workers. Each one would probably need an unemployment benefit of some kind, presumably for an extended period of time. There are the additional costs, if they have children, of additional benefits, plus if they start engaging in criminal activity there are the significant costs involved in law enforcement, courts, prisons and welfare homes, not to mention impacts on victims and additional costs occurring there from lost productivity. Australian researchers also reinforce the likelihood of negative outcomes, as Hemphill and Hargreaves (2009) have suggested, that suspension increases the risk for students who are suspended of "worsening academic problems, school disengagement and drop-out, participation in crime and delinquency, and alcohol and drug use"(p. 52). They are also removed from the one place they may be accessing support through learning or behavioural interventions – school, along with missing out on the positive influences of their peers.

It appears that suspension is neither a deterrent to future misdemeanours nor a solution to addressing problems that got the student to that point in the first place. Time out of school will just leave the student more behind in their work, enhancing the likelihood of them developing more challenging behaviours than before, and exacerbate the feelings described above. Permanent exclusion of a student from their school as Hayden (as cited by Collin, 2001) asserts "provides one of the entry points for a marginalised way of life, including state dependency, poverty, poor housing, debt and criminal involvement." (p. 20). Research in Australia (Hemphill & Hargreaves, 2009) showed that, rather than students and staff feeling more secure and safe at school, the opposite was the case. They reported feeling less secure at school, felt the school climate to be less than positive, and for those schools who regularly use suspension as a means of behaviour control – poorer academic results. There is also the often forgotten impact on the community, where students excluded from schools, bored and disaffected start to engage in criminal activity around their community.

2.4 Legal implications and restrictions

The Education Act 1989 (New Zealand Government, 1989, s16-19) contains explicit provisions about suspension, exclusion and expulsion of students from state or state-integrated schools. As has been mentioned earlier, a principal has the power to stand-

down and a board to suspend exclude or expel students if satisfied that reasonable grounds exist for it to take such action (see Appendix A). There have not been many cases where litigation in the courts has been involved in a challenge to school's actions however it is at the hearing stage when Community Law Centres have often become involved (Taylor & Fairgray, 2005). It may be that the lack of litigation by parents asking for formal involvement by the courts relates more to the time and cost involved in initiating the process than a lack of need to do so.

Where the courts have been involved it has often related to the school's decision to suspend or expel a student and in these instances the courts have been willing to intervene and set aside the action (Elliott, 2008). Usually it appears courts are reluctant to interfere with decisions made by schools as they recognise schools operate in a unique environment with administrators and teachers having special expertise. While schools do have the power to make decisions of this nature they are still bound by two constraints in that they must have a lawful basis for taking the action, and the principles of natural justice must be obeyed.

The New Zealand Bill of Rights Act (New Zealand Bill of Rights Act, 1990) does have implicit restrictions that mean it would be extremely difficult for a parent or student to challenge a decision using its statutes. This is because where there is a provision in another Act i.e. the Education Act 1989, which being inconsistent with the Bill of Rights Act, makes the action justified. The board's ability to control and manage its school is a fundamental entitlement under the Education Act and no court has as yet challenged this entitlement. Elliot (2008) goes on to say that "in practice, this places a great responsibility on educational leaders to ensure that their decisions are made in a fair and just way, especially where there are significant consequences for those affected by the decisions" (p.1). Where legal challenges have been made they have been brought by an application for judicial review on the basis that the principles of natural justice were not followed. Section 27 of the New Zealand Bill of Rights Act stipulates the Right to Justice Statue under which all boards of trustees and principals must operate and adhere to as being that:

(1) Every person has the right to the observance of the principles of natural justice by any tribunal or other public authority which has the power to make a determination in respect of that person's rights, obligations, or interest protected or recognised by law.

(2) Every person whose rights, obligations, or interests protected by law have been affected by a determination of any tribunal or other public authority has the right to apply, in accordance with law, for judicial review of that determination.

Elliot (2008) also outlines the applicable principles of law that relate to judicial review and they are:

(1) That the court does not substitute its view on the merits of the case.

(2) That the court looks to see the applicable statutory law has been complied with.

(3) That the court exercises a supervisory role to see that procedural fairness, or natural justice, has been observed.

(4) There is a subsidiary rule of natural justice which is to the effect that the decisions made must be based upon the correct facts. (p.8).

As mentioned earlier where there have been challenges of decisions made by boards, courts have been willing to intervene to set aside decisions where they contravene points 3 and 4 above, but there is clearly a reluctance to interfere with the special expertise that administrators and teachers have when operating in such a unique environment.

To clarify responsibilities of boards, compliance with the requirements of natural justice as outlined by Elliot (2008) would include:

(1) Carrying out a thorough investigation.

(2) Notifying the affected party of the allegations.

(3) Providing the opportunity to be heard.

(4) Providing the opportunity to have representation.

(5) Providing the opportunity to comment on all matters that are to be considered.

(6) Keeping an open mind until the person has been heard.

(7) Delineating between the investigator and the decision maker.

(8) Taking only relevant considerations into account, and not taking irrelevant considerations into account.

(9) Reaching a decision which is available on the evidence before the decision maker.

(10) Providing reasons for the decision to the affected party.(p. 25)

Point 7 above presents a departure from normal judiciary process in that a member of the judiciary would normally excuse themselves from a case if they had any connection with the case however, board of trustee members are elected onto a board precisely because of their connections with a school. Because of this connection the relationship between a board and the principal of the school is based on trust and confidence. They are subject to a good faith requirement to support their principal along with safeguarding the interests of school. Inherent in this situation is the difficulty of hearing the case of a suspended student and giving support to the principal along with giving the student a fair hearing and responding to the evidence impartially. Taylor and Fairgray (2005) suggest their experience is one where too often boards do not give students a hearing that conforms to the principles of natural justice as they try to provide their principals with support and that Bot ability to adhere to this principle is often compromised.

2.5 Alternative Responses/Approaches to SSEE

2.5.1 Introduction

In direct contrast to a legal response are a number of alternative approaches that offer a potentially more inclusive and supportive form of discipline response to outright

suspension. Restorative conferencing and Positive Behaviour for Learning are the two referred to in this section and one or the other are already being utilised within the discipline approaches of all of the schools interviewed. One of these alternative approaches to SSEE that has had a long tradition in New Zealand and is restorative conferencing. More recently the process has been incorporated as a family group conference for use by the then Department of Social Welfare and, according to Drewery and Winslade (2003), its use in dealing with issues between young people and their families, and latterly youth justice issues, has mandated hui-like practices into law.

2.5.2 Restorative conferencing

The interest in restorative conferencing in an educational context has to some extent paralleled the rise in interest in restorative type interventions for students who would ordinarily be stood-down or suspended for their behaviour. The rise in numbers of suspensions and concern about how this affected young offenders along with high rates of truancy and concern about school discipline in general was spoken about publicly by Judge McElrea among others in 1996. This led to two projects funded by the MoE in 1999-2000 as part of the Suspension Reduction Initiative (SRI) that looked to develop a restorative justice conferencing approach for schools. The intention of the researchers was to keep students in school (Drewery & Winslade, 2003) as around this time numbers of students suspended (especially Māori male students) was rising exponentially throughout the country (although about to peak, see figure 1.2, at 2000). The first project looked at conferencing and the second at restorative practices however due to the size and broadness of the aims, further work was not able to be carried out on these two projects following the initial project completion.

Restorative justice in schools is different to a justice model where crime, according to Zehr, is viewed as an interpersonal conflict between an offender and their victim or the violation of one person by another that needs to be addressed (as cited by Drewery & Winslade, 2003). In the school context the central goal of restorative justice is the restoration of relationships whereby the relationships between the young person and those affected, the school community and self are healed and relationships restored.

This approach is counter to a punitive approach where the applying of a punishment – (suspension) to address the impacts of the students' actions is the objective. Those who advocate restorative justice argue that "the response to crime must begin where the problem begins, within relationships" (Drewery & Winslade, 2003, p. 5). There is the additional issue that excluding students from school does little to prevent further instances of serious misconduct nor does it offer any opportunity for the victim (where the action has been against another student) to be part of the process in the sense that their point of view is heard.

While it appears there has not been a systematic introduction of restorative conferencing into New Zealand schools there has been a wide variety of similar processes put to use in schools and there is still a strong interest in pursuing some kind of restorative conferencing. Recently leadership at my school attended a three day conference on Restorative Justice Practices in schools and a recently published book by Meyer aimed at school leadership (Meyer & Evans, 2012) shows that interest in this approach is growing. What may be required is a greater working collaboration between the different agencies (Group Special Education, RTLB, Social Workers in Schools and possibly Youth Law) working with children at risk of suspension in schools and for central government to allocate funding in future years to develop a greater understanding of the benefits of this approach.

The challenge for boards, as identified by Varnham (2005), is to adapt restorative practices and procedures within their own schools and to use the processes in such a way as to help the recalcitrant student to take responsibility, be accountable and successfully return to and stay at school. All without a repeat of earlier behaviour while at the same time making sure the wronged person's grievances have been addressed and they feel safe and supported in a secure learning environment.

2.5.3 Positive Behaviour for Learning

The Ministry for Education in collaboration with other Education Sector providers launched the 'Positive Behaviour for Learning Action Plan' in April, 2010 (Ministry of Education, 2012a) which will operate over five years from 2010 through 2014. This

plan reflects the priorities for action agreed by over 150 people who attended Taumata Whanonga – from evidence to action, a summit held to share current research and practice evidence in 2009. There were six themes upon which the plan is based and these are to:

- provide support early
- use programmes that have been proven to work across ages, needs and the primary and secondary sector
- improve teacher education and professional development
- develop support for programmes, including evaluation and continual improvement
- get it right for Māori
- improve interagency collaboration for the most challenging students

This initiative is being aimed at schools that are decile 1-3 with one of its success criteria being that suspension and exclusion figures will be reduced.

2.6 Chapter summary

From the literature we can see that there appears to be a gap in our knowledge of how boards of trustees in New Zealand schools make decisions about suspending, excluding and expelling students. It is hoped that the proposed research will answer the question: What factors influence the ways in which boards of trustees in schools make decisions about suspending, excluding and expelling students?; the attendant three sub questions related to this which are; what factors are the enablers or barriers that influence the decision making process of discipline committees?; how does the current support offered to boards of trustees empower them to make qualified decisions about continuing suspensions or excluding students or are there gaps in the support offered?; and, what impact if any, does the socio-economic area of a school have on the degree of knowledge and capability applied by its trustees when deciding to suspend or exclude/expel students? The following section on methodology will describe how I intend to answer these questions.

3. Research Methodology and Design of Study

3.1 Introduction

This study investigates the decision making of boards of trustees in the context of a disciplinary hearing process in a sample of state and state-integrated schools in the Wellington region. It explores the connections between the socio-economic context boards exist in and their perceptions of their own capability to make informed decisions. It also questions whether the support they receive enhances their knowledge and confidence or has little perceived benefit to them when they make decisions to suspend, exclude or expel a student. The study is positioned within a critical education theory paradigm. The researcher will attempt to deconstruct the perceptions and lived experiences of the participants across the socio-economic mix of participant boards and interviewees to answer the overarching research question of the study: What factors influence the ways in which boards of trustees in schools make decisions about suspending, excluding and expelling students?

In this chapter the use of a critical educational theory paradigm within which critical educational research is conducted will be described and justified. The choice of a mixed methods research design explains incorporating a case study and survey along with a review of policy documents. The process for gathering data will be explained and the questions asked in the focus groups, interviews and survey outlined. The use of thematic analysis as the preferred method to analyse the data collected will be described, with credibility, dependability and trustworthiness of the study addressed.

3.2 Research approaches

In addressing the question of what is the most appropriate methodology to employ to fulfil the objectives of this study, it was apparent that there were three key methodological approaches to consider: a positivist paradigm, an interpretivist paradigm with its sub-theory of constructivism, and a critical educational research paradigm. When contemplating which of the three was most appropriate the decision rested on which research approach or approaches best allowed the researcher to

answer the research questions. In the next section the three paradigms will be addressed in relation to appropriateness and fit for the study and the choice of the selected methodology justified.

3.2.1 Research paradigms

Generally speaking a positivist paradigm is useful for scientific exploration in the field of natural science where a hypothesis is being tested or developed and where cause-and-effect or concomitant relationships are being investigated. The use of empirical testing or of testing against empirical evidence would be incorporated in the study and the researcher would be separate from the reality i.e. able to be completely objective and detached (Cohen, Manion, & Morrison, 2007). According to Cohen et al., (2007, p. 26) positivism aims for a scientific research approach where objectivity, measurability, predictability, controllability and the ascription of causality, among others, are the goals. The ontological (the study of what we know or rather what we think we know) and epistemological (the study of how we achieve knowledge or rather how we think we achieve knowledge) (Freimuth, 2009) assumptions underpinning a positivist paradigm attract criticism in that reality does not just exist outside human comprehension of it. It is constructed by humans as we interpret our experiences and construct theories about ourselves and our world and then act on them. Using this paradigm to frame research looking at how decisions are made would preclude the researcher entering the reality of the participants thus making it very difficult to understand how decisions were arrived at and what factors impacted the process.

In contrast, the interpretivist or constructivist paradigm has according to Mertens (2005) as its basic tenet that reality is socially constructed. It developed from the study of interpretive understanding and meaning called hermeneutics. Constructivism in the words of Cohen et al. (2007) has as its core endeavour to understand the subjective world of human experience and " the interpretive paradigms strives to understand and interpret the world in terms of its actors" (p. 26). This paradigm posits that people's behaviour can only be understood by:

The researcher sharing their frame of reference: understanding of individuals' interpretations of the world around them has to come from the inside, not the outside. Social science is thus seen as a subjective undertaking rather than an objective undertaking, as a means of dealing with the direct experience of people in specific contexts" (Cohen, et al., 2007, p. 19).

The specific context of this study is the Board of Trustee discipline committees decision-making. Emphasised in the constructivist paradigm is the precept that researchers should try to understand the multidimensional world of lived experience from the viewpoint of those who live it and acknowledge that a researcher's values cannot be independent from the research (Mertens, 2005).

A third paradigm is critical educational research , which has been variously described as orientational research (Johnson & Christensen, 2008) and the transformative paradigm (Mertens, 2005). The use of this paradigm allows a researcher to directly address the political aspects of research by "confronting social oppression at whatever levels it occurs. Thus transformative researchers go beyond the issue of the powerful sharing power with the powerless and relinquish control of the research to the marginalized groups."(Mertens, 2005, pp. 16-17) According to Johnson and Christensen (2008), critical theory research or orientational research "focuses on collecting information to help a researcher advance a specific ideological or political position or orientation that he or she believes will improve some part of our society" (p. 13). Mertens (2005) posits that critical theory is one approach that fits under the transformative canopy among others, but for the purposes of this study I will be using the term critical theory in the same way as Johnson and Christensen (2008).

This type of research also aims to give a voice and increase power to those disadvantaged in society. Johnson and Christensen (2008) suggest that researchers in this type of research are concerned with issues like social discrimination and inequitable distribution of power and wealth in society. Mertens (2005) adds that a number of influences such as social, economic, cultural, political, ethnicity and gender, along with disability are stressed by this paradigm in the social construction of reality. A further emphasis is placed on that which seems "real" may instead only appear that

way because of historical situations and applications of knowledge. What this means for this study is that there needs to be a critical examination of the influences at play in discipline committees to identify any that are biased against some boards over others or some underlying ideologies that work against fairness and equity in decision making.

Therefore, in light of the previous discussion, a research approach that allows a researcher to answer their research questions and aids in providing evidence to contribute to creating solutions designed to improve some part of society (Johnson & Christensen, 2008) is the goal. Cohen et al. (2007) add that through the critical research paradigm the interpretive is subsumed and "*praxis* – action that is informed by reflection with the aim to emancipate" (p. 28) is incorporated.

This research will be conducted in the context of a critical/transformational research paradigm where the aims are both to understand the phenomena of decision making used by boards and possibly suggest potential ways to transform the process to make it more equitable. There will also be elements of an interpretivist/constructionist paradigm evident as trustees on boards collectively make decisions so understanding how these participants make their decisions necessitates its inclusion. Critical theory researchers, as are all researchers, are ideological to some degree but they specifically make their ideology and political agendas explicit, as this researcher has shown in choosing this paradigm to frame the research and in the fuller exposition of critical theory in section 3.3.

3.2.2 The context

The decision making process of BoT is the context for this study. Knowing the context is important to understanding and a critical research paradigm acknowledges this importance. Its intention is not only to give an account of what is happening in a particular context but to see a society based on equality and democracy realised for all its people (Cohen, et al., 2007). It will also be essential that I ensure the integrity of the process is retained (Cohen, et al., 2007). I therefore need to be careful to understand and view participant responses from their perspective (as much as I am able given that

meaning-making and understanding is a subjective process) so I am able to draw conclusions as to how boards make their decisions.

3.3 Methodology

The methodology I will use is a mixed research design as described by Johnson and Christensen (2008). This allows for the application of both quantitative (survey) and qualitative (case study) choices for data gathering. They suggest the combination of both makes use of the best elements of each, which is essentially "to mix research methods or procedures in a way that the resulting mixture or combination has complementary strengths and non-overlapping weaknesses." (Johnson & Christensen, 2008, p. 51). A well designed research question was an important factor in deciding whether a case study was suitable (Yin, 2003). Mutch (2005) suggests that the choice of a research design is influenced by the research question and that the question itself indicates how to collect data and the choice of tools to be used. The qualitative component, the case study, has the dominant status with respect to the emphasis in the mixed research paradigm and will be preceded by the quantitative component – the survey and a review of each school's policy on discipline.

3.3.1 Case study

For this study the unique strength of a case study was its ability to deal with a range of evidence from documents, interviews, and observations thus allowing for a broader range of information being collected the value of which is espoused by Johnson and Christensen (2008).

A case study also provides a specific and unique instance of real people in a real situation enabling readers to understand either an abstract idea or a process in greater depth. "Using case studies for research purposes" says Yin (2003, p. 1) "remains one of the most challenging of all social science endeavours." Case studies are one of the preferred strategies according to Yin, (2003) when a 'how' or 'why' question is being asked, when the researcher has little or no control over events and when the focus is on a contemporary phenomenon in a real life context as mine is. In choosing an embedded single case design for my research study I allowed for my supposition that

contextual conditions do have a bearing on the phenomenon being explained and explored.

A case study allows a researcher to focus on the case as a holistic entity that exists in a real life context. It is a detailed account and analysis of one or more cases and has a primarily qualitative focus. According to Stake (1995) there are three kinds of case studies; intrinsic, instrumental and collective case studies.

- Intrinsic case studies are used when a researcher wants to understand a specific case in depth. The goal is to understand the inner workings of the case as well as the case as a holistic entity. The difficulty with a single case is that generalising findings is problematic.

- Instrumental case studies are used when a researcher wants to understand something more general than that offered by the particular case so they can draw conclusions that can be applied beyond a particular case. In this design the researcher is usually interested in how or why a phenomenon operates as it does. This type of case study is popular as it allows the researcher to extend and generalise their findings.

- Collective case studies are used when a researcher wants to study multiple research cases in one research study to gain deeper insights and when resources are limited. There is the added advantage with the collective case study that the findings are more likely able to be generalised and replication can be used to give confidence in the findings.

The case study design that I chose was the instrumental case study even though elements of it appear more like a collective case study. When I looked at the process of decision making boards used, rather than the full functioning of the board, this allowed me to better understand the decision making processes employed by boards of trustees when they were involved in a discipline process. Although my single case actually involved five units; I was intending to engage four boards in the study, the optimal choice for this research was a single case embedded design.

The diagram illustrated in figure 3.1 taken from Yin (2003), offers an explanation of a single case embedded study design where each board is an embedded unit within the case study.
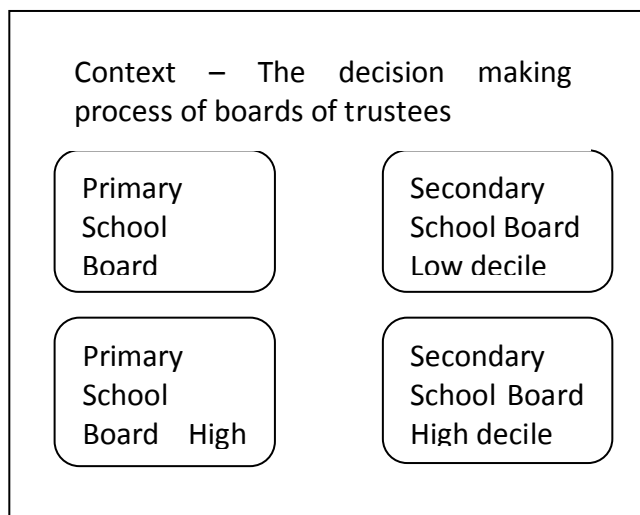
Figure 3.1: Single case embedded study

According to Cohen et al, (2007) the use of critical theory in case study research offers rich potential given that it is the study of real people engaged in a real activity or situation. My intention was to use critical theory in educational research in this study and to apply thematic analysis to analyse the data and identify themes.

3.3.2 Critical theory

Critical theory allows us to look at the social world around us and deconstruct it so we can gain new insights and understanding. Following this deconstruction and the formulation of new insights and understandings we can then start to change those things in society that Coxon et al. (1994) suggest have previously been regarded as natural or a given. Things like effectively withdrawing the right of students to school by suspending, excluding and expelling them or those students from different ethnic backgrounds or experiencing economic disadvantage will underachieve. The possibility of challenging and critiquing social structures that promote social inequalities (Denzin & Lincoln, 2000) and contribute to oppression of the marginalised makes the use of critical theory especially relevant to this study. As Coxon et al., (1994) advocate "The

idea of 'givenness' in social life is rejected in critical theory. Nothing significant in human society is accepted as 'natural'."(p. 12) If you accept things as the way things are or should be, then there is no possibility of changing them and for this researcher that meant the continued and unchallenged use by boards of suspension, exclusion and expulsion to deal with students difficult behaviour.

A central theme in critical theory espoused by a number of researchers (Cooper & White, 2007; Coxon, et al., 1994; Swann & Pratt, 2003; Wink, 2000) is the transformation of unequal social relations, identifying which dominant groups in society have power relations of dominance and subordination over others and then challenging or questioning the beliefs and practices that maintain and reproduce them. As an educator, like the authors (Coxon, et al., 1994), I am challenged to be one whose practice, in all components of my role as a teacher, is informed by critical theory. This will help me reflect on my practice, my institution and the broader social and educational context of which I am a part, and to contribute to emancipatory change for those who are marginalised by socio-economic, gender or ethnic differences. It is the emancipatory attributes of critical theory that are particularly applicable to this study. So, in light of my first research objective which is 'to inform a more robust governance system for schools', my role as a researcher was more as one who actively brings my own values and experiences to the research rather than as an objective commentator describing what is happening. The conclusions or outcomes of the study will at least be used to inform my own practice in my current role as a staff trustee.

3.3.3 Research tools used

Using a case study utilising focus group questions, a survey and a review of school policy documents, my aim was to determine how boards of trustees make decisions related to the suspension, exclusion and expulsion of students from schools in New Zealand. The heavier burden of research design came from the qualitative approach where a case study of four school boards gave me an opportunity for greater insight and understanding of the responses I received from the survey. A mixed method research approach using survey (quantitative) and case study (qualitative) research tools allowed me to utilise both qualitative and quantitative approaches to search for

patterns and themes related to how boards of trustees in different decile contexts decide to suspend or exclude students. A survey was sent to schools in the Wellington region (as far north as Otaki and as far east as Masterton) with the idea of seeing whether or not a relationship was present between numbers of students excluded and the decile rating of a school. I emailed the URL for the survey to all the email addresses provided by the MoE for the schools in the Wellington region to be received by/or passed on to the principal and their board chair telling them about the study, the potential benefits for their boards and encouraged them to participate and then to forward the email on to their staff trustee and board members.

It was hoped that the combination of survey questions asked would elicit responses that would identify those schools with students suspended or excluded from school over the longest period of a trustee's membership; along with the schools with the highest numbers of suspensions and exclusions to see if there was any correlation of school decile to numbers of students excluded. The results of the survey will be more fully discussed in the next section related to the analysis of the data collected.

3.3.4 About the case study

This single case study was originally intended to involve four schools (four units of analysis), one primary and one secondary from a low decile area and one primary and one secondary from a high decile area. Each of the schools boards involved was to participate in a focus group meeting at their own school. The combined data from the four focus group meetings was to be analysed for patterns or themes that may have emerged and was to be compared to the data extracted from the survey to look for matches.

In the event it transpired that only two boards were prepared to participate in the focus group discussion and two board chairs and one secondary school principal agreed to be interviewed individually. Two other individuals (a principal and a board chair) were going to participate but difficulty in organising times to meet meant that following up on their offers was not feasible especially given that the data collection process took a much longer period of time than I had anticipated.

Having no control over who would be a participant in the case study certainly underscored Yin's (2003) earlier comment in section 3.3.1 but I was fortunate in that the participants did provide a cross-section of schools and socio-economic backgrounds that I had hoped for. Another of the distinguishing features of case studies is that they recognise that human systems, like boards of trustees have an integrity and completeness to them that allow the researcher to observe effects in real contexts and report on the complexity of the interactions and relationships that take place (Cohen, et al., 2007), so the inclusion of two board chairs and a principal able to be interviewed on their own, provided an additional opportunity to delve more deeply into the intra-board relationships.

3.4 Participants

While it would be preferable to collect data from across the country to get the widest spread of information it is not feasible given the size of the research project. Data was only collected from state and state-integrated schools in the Wellington region and focus group questioning of the four boards of trustees identified for participation in the case study.

3.4.1 Introducing the case study participants

The participants in the case study consisted of three individuals (two board chairs and one principal) and two full boards. The first of the board chairs was a woman from a single sex state, decile 9, integrated secondary school called Northside. She has been on the Board for a number of years and took on the role of Board Chair about three years ago. She has sat on a number of discipline committees in the role of a parent trustee and a chair, giving her a sound base of experience for commenting on the discipline processes she has participated in. The second board chair was from a single sex (male) state, decile 10, secondary school called Southside in Wellington. He has been on the BoT for four years and has been part of a discipline committee hearing cases for around five boys each year over the past four years. The principal was from a decile 1 co-educational secondary school (Cityside) located in a northern suburb. The two full boards of trustees were also both from a northern suburb and consisted of

Westside, a decile 3 co-ed intermediate state school. One of the board members was also currently sitting on the board of Cityside school, which gave him the opportunity to comment from both positions i.e. board member of a secondary school and of an intermediate school. The second board was from Eastside, a decile 1a co-ed contributing primary state school (the researcher's own school). The members of this board had all participated in at least one disciplinary committee meeting and two of the members were also trustees on the local secondary school (also decile 1a).

3.4.2 The survey respondents

The survey was sent to the school principal or other person identified by the MoE in their database with a request to forward the survey on to the board chair.

The survey drew respondents from a range of decile and year groups, as well as a range of positions on boards. The following table in figure 3.2 shows the distribution of
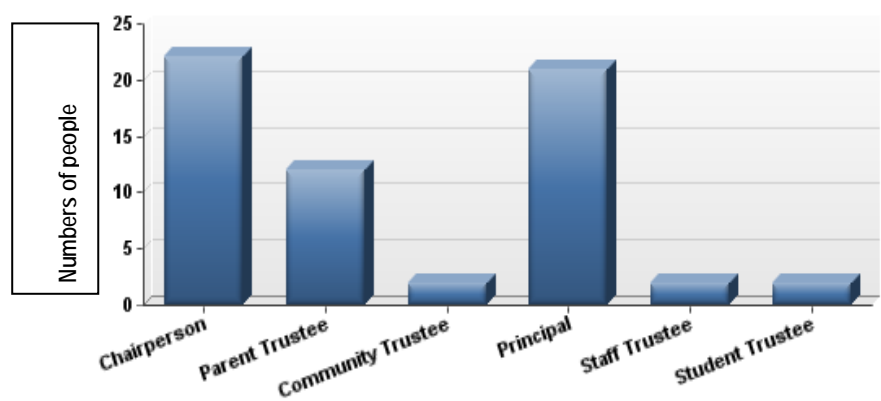
respondents:

Figure 3.2: Distribution of respondents

3.5 Research Design

3.5.1 Survey

The intention was to send a 30 question anonymous survey to all of the schools in the Wellington region. While this seemed a relatively simple process the reality was quite different. Many schools did not respond at all to my request, some who did said they were too busy to be involved at this time, or they said they had never had to suspend,

exclude or expel a student so didn't even attempt the survey; some did not have a working email, or the one they had given the MoE was out of date. A number said they would pass the details on but for the largest proportion of recipients, I had no feedback one way or another as to whether or not the link to the survey was passed on or just deleted. In a later discussion I had with a principal (personal communication, September, 2011) we discussed this situation and he told me that schools get a 'huge number' of surveys and questionnaires from the MoE and they are really 'surveyed out'. So without the compulsion of compliance on my side I could understand why so many did not respond and their lack of enthusiasm or willingness to complete my survey was less a reflection on my research request or survey quality and more about their workload.

Previous comments notwithstanding the survey does still provide a more quantitative measure of the responses from schools in the Wellington region but is not a 'pure' quantitative tool, as there are qualitative questions asked that allow for a personal comment from respondents. As mentioned in the paragraph above, of the 243 schools in the Wellington region to which I attempted to send the survey, 31 schools had no email addresses identified by the MoE and an additional 25 schools had email accounts that bounced back my survey invitation with addressee not found. In effect this meant that the survey entered approximately 187 school email boxes giving a potential respondent pool of approximately 1100 trustees; I received 79 responses.

The final version of the survey in Appendix C was constructed using the Qualtrics survey tool, was proofed and edited by a statistician from the Department of Statistics and was trialled by a previous board chair who had stepped down from the position and would not be completing the actual survey. The survey was then emailed to each school for dissemination to the principal, board chair and members for completion.

3.5.2 Case study - focus group

The final question in this survey provided an opportunity for potential participants for the focus groups to express their willingness to be involved. The final question asked if the respondent would be prepared to be part of a focus group. They were asked to

reply to my Victoria University of Wellington email address where I was able to follow up with them about their participation. I did not expect this to take too long as I had broadened the catchment to cover schools in the decile 1-3 range and schools in the 8-10 range. Each of the four participating schools was to be asked if I could have some time in their next board meeting for the discussion. These boards would discuss in greater detail their experiences of being a part of a disciplinary committee and what, if anything, they would like to see happen to improve the process and potential outcomes for children and themselves.

The plan was that four schools would provide the basis of the case study with two schools from low decile areas and two from high decile areas with one each from schools represented in each of the decile areas. The questions outlined in appendix D are the actual questions I asked of the participants, additional questions were only asked when I needed to more completely understand what they were saying. In the end I only asked the questions in Appendix D as most interviews took around 45 minutes and I was conscious that I had said they would only take 20-25 minutes. Having said that it was my perception that my interviewees would have been happy to continue talking as they all appeared interested in sharing their views and passionate about their respective roles on the board.

3.5.3 Policy review

The Effective Governance booklet (Ministry of Education, 2010b) recommends that schools have a school discipline policy that allows the professional teaching staff to develop a set of responsibilities and consequences in accordance with the policy for how the school will deal with discipline issues. My intention was to review the discipline policies from each of the focus group schools who volunteered to be part of the case study, the two board chairs and the principal and compare them. As expected the documents were based on the Ministry guidelines but they did vary with respect to how they incorporated the schools values. A fuller discussion of this will be included in the findings section.

3.6 Ethics

Research should follow ethical principles as often researchers are in positions of power; they collect personal information and record views and opinions from their participants creating potential issues related to trust and integrity (Mutch, 2005). How data is collected and disseminated is as much related to the methodology chosen as to the ethical requirements of conducting educational research. Stake (2003) asserts that "Qualitative researchers are guests in the private spaces of the world. Their manners should be good and their code of ethics strict."(p. 154). Cohen et al. (2007) comment that "one has to consider how the research purposes, contents, methods, reporting and outcomes abide by ethical principles and practices." (p. 51).

In this study I knew the full board of my own school, the chair of the intermediate school, the staff trustee of one of the board chairs interviewed and the rest were unknown to me until I met them in the focus groups and interview situation. Initially I was concerned that my presence might influence conversation in some way but the reality was somewhat different. All the participants appeared interested in the research and about sharing and being part of the study. I have sought to undertake all that I said I would, to each of the participants. In addition, to meet the requirements of the ethics approval process of Victoria University and to ensure I abided by the notion of informed consent I adapted the following procedures from Mutch (2005) as a good ethical process to follow:

1. Informed consent: the participants know what the study is about and how the research will be disseminated.

2. Voluntary participation: Participants are free to be involved in all or part of the research or not.

3. Right to withdraw: Freedom to withdraw without consequences.

4. Confidentiality: Participants know that what they share will remain confidential to the researcher and be stored in a secure manner.

5. Anonymity: Researcher must ensure that individuals, groups and places cannot be identified even to the extent of using pseudonyms when necessary.

6. Privacy: Questions asked will only be related to the research and no personal questions will be asked at all.

7. Participant safety: Participants should understand the consequences of participation and know where to go if they have any problems about the conduct of the researcher

8. Researcher safety: The researcher should take care to protect themselves from people or places that might be physically or emotionally harmful

In an effort to be scrupulous with regard to behaving ethically all transcripts were sent to the interviewees and focus group participants for their approval of content before any data was used in this thesis. The methodology and tools selected for this study were submitted for approval to the Victoria University of Wellington Human Ethics Committee with approval granted in August 2011. No research was undertaken until after the approval was received. Appendices D and E contain the consent and information sheets for participants.

3.7 Data Analysis

Case study researchers, according to Johnson and Christensen (2008), tend to be pragmatic and they recommend that a researcher take an eclectic approach and use any data that will help them understand a case and answer the research question. So my approach involved examining and reporting on each of the participants in the focus groups and searching through the survey responses for data to support the findings from the interviews and focus group discussion. My goal was then to complete a simplified version of a cross-case analysis using thematic analysis to look for any similarities or patterns or conversely differences present in the data and report this in the context of themes. These themes were then be related back to the findings from the research literature where appropriate. The survey was also analysed to look for similarities and differences similarly to the case study. I had thought that with a potential survey response pool in excess of 1000 that a verbal coding tool like NVIVO would be needed to help with identification of themes. However, it transpired that only 73 surveys were returned making the use of NVIVO redundant as the Qualtrix tool enabled me to group data. I was able to use the coding process developed for

analysing the qualitative data from the case study and apply it to the qualitative responses in the survey. This will be discussed in the next section related to thematic analysis.

3.7.1 Thematic analysis

According to Braun and Clarke (2006) thematic analysis is "a method for identifying, analysing and reporting patterns (themes) within data." (p. 79). This makes it particularly well suited to case study research given the amount of rich data that accrue from focus groups and interviews.

The qualitative data was gathered from the following sources;

- The recorded responses from the two focus groups
- The recorded responses from the three interviews
- The responses elicited from the open questions in the survey.

A benefit of thematic analysis according to Braun and Clarke (2006) is its flexibility along with ease of application across a range of theoretical and epistemological approaches. Braun and Clarke (2006) go on to say that "through its theoretical freedom thematic analysis provides a flexible and useful research tool, which can potentially provide a rich and detailed, yet complex account of data." (p. 78). This is useful when analysing data gathered from a case study as the data set is a rich collection of transcribed and recorded information. To analyse text using a thematic approach, Mutch (2005) suggests that one needs to have an open mind and allow the text to reveal its contents asking what are the key messages, how are words used and what are the themes that emerge? Although describing themes as 'emerging' does not account for the active role a researcher plays in the identification of patterns/themes, as they carefully think about the data and create links to what they understand (Braun & Clarke, 2006). These authors further comment that thematic analysis can work to both reflect reality and to unravel the surface of reality making it very compatible with a critical theory approach. To elaborate on the nature of a theme Braun and Clarke (2006) attribute it as "capturing something important about the data in relation to the research question, and represents some level of patterned response or meaning within

the data set"(p. 82). This patterned response or meaning within the data set requires the use of coding which clusters data and allows a researcher to identify a theme. What is meant by coding and what is meant by a 'theme' along with what determines its importance and size, is discussed next.

Prevalence in and across data sets does not necessarily determine the importance of a theme; researcher judgement is necessary and this should link back to the overall research question. As the data was read and re-read specific features of the data became heightened to the researcher and they formed the initial set of codes against which the data was continuously assessed. In the phases of thematic analysis described by Braun and Clarke (2006, p. 87) this covered phases one and two.

1. Familiarising yourself with your data: I had transcripts of all the interviews and focus groups along with the qualitative comments from the survey.

2. Generating initial codes: as I coded manually, I wrote notes on the texts and cut and pasted excerpts according to the codes I developed.

3. Searching for themes: here the analysis was refocused at the broader level of themes where the coded data was collated into four themes.

4. Reviewing themes: the themes themselves were reviewed in relation to the coded extracts and to the whole data set using a latent thematic analysis which seeks to identify particular forms and features.

5. Defining and naming themes: clarifying the names of the themes so they told a coherent 'story' through the analysis.

6. Producing the report: this culminates in the chapters on findings and on emerging themes.

Braun and Clarke (2006) suggest that there are two primary ways by which themes within data can be identified; inductive or theoretical. The approach used in this study is an inductive one as the themes identified are data driven in that they are strongly linked to the data and not to the researcher's theoretical interest in the area nor are they being fitted into a pre-existing coding frame. However as various researchers assert, researchers cannot completely free themselves of their theoretical and

epistemological viewpoints (Braun & Clarke, 2006; Cohen, et al., 2007; Johnson & Christensen, 2008; Mutch, 2005). Most researchers have already applied some degree of thematic analysis at a deeper level to examine the covert ideas and assumptions that shape the semantic content of the data and then from there choose codes to facilitate identifying themes "Thus for latent thematic analysis, the development of the themes themselves involves interpretive work and the analysis that is produced is not just description, but is already theorised." (Braun & Clarke, 2006, p. 84).

3.8 Credibility, Dependability and Trustworthiness

There are three parts to the research design in this study; a qualitative component in the form of a case study, a quantitative component being the survey, and a document analysis. Reliability in quantitative research concerns notions of dependability, consistency and replicability over time, over the tools used and over the groups of respondents, in essence this means that, according to Cohen et al. (2007), if the study were to be carried out on a similar set of respondents, in a similar context then similar results would be found. The spread of respondents in the survey makes it likely that if the survey carried out in this study were to be replicated, similar results could be expected.

Qualitative research requires validity more than reliability with maximising validity the goal of this study. According to Cohen et al. (2007) more recently validity has taken a broader range of forms than just addressing accuracy of measurement. Validity might also be addressed through depth and richness of the data gathered, the participants approached and honesty and objectivity of the researcher. Blumenfeld–Jones (as cited by Cohen, et al., 2007, p. 134) refers to this as 'fidelity'. "Fidelity requires the researcher to be as honest as possible to the self-reporting of the researched." Maxwell (as cited by Cohen, et al., 2007) argues for the notion of authenticity to replace positivist notions of validity and that it is the meanings that are attached to the accounts people give rather than to the method used that provide the validity. The findings must accurately reflect or describe the situation being researched, the data should support this outcome, and this provides the evidence of validity.

Credibility has been equated with internal validity by Guba and Lincoln (as cited by Mertens, 2005) who also go on to include the category of authenticity for qualitative research like Maxwell. Lincoln (as cited by Mertens, 2005) added a number of criteria for quality that have emerged from the critical theory paradigm (she prefers not to use the term critical theory paradigm as she considers critical theory as one of the theories that fits within what she calls a transformative paradigm) with these being:

- **Credibility** – as it parallels internal validity

  Triangulation between sources of data contributes to determining credibility.

- **Transferability** – as it parallels external validity

  The researcher has provided as rich a description of the case as possible to enable the reader to determine the degree of similarity between this study and their own context.

- **Dependability** – as it parallels reliability

  Detailing each step in the research process and sending transcriptions to participants for checking addressed dependability in this study.

- **Confirmability** – as it parallels objectivity

  In this study the data can be traced to its original source and the logic used to interpret the data is explained in Chapters Four and Five.

- **Authenticity**

  Is about the researcher presenting a balanced view of all the perspectives, values and beliefs and answers the question. Has the researcher been fair in presenting views? Studies emanating from this research should answer this question so my adherence to this criterion is for future researchers to decide.

- **Emancipatory**

  Community – requires the researcher to know the community well enough to be able to link the research to them and their actions. *Attention to Voice* whereby the researcher gives a voice to those who cannot speak for themselves and actively seeks out to include the marginalized was a focus of this study. An additional requirement was that the researcher needed to have a *critical reflexivity* – a heightened self-awareness for personal transformation and critical subjectivity. The researcher also acknowledged those who

participated in the study, crediting the quality of this study to their involvement. (adapted from Mertens, 2005, pp. 253-259)

To provide for trustworthiness in this research the use of triangulation mentioned in the criteria above needs to be specifically addressed. Using triangulation, the survey data was analysed along with the results of the focus groups, and a review of the policy documents related to discipline in each of the schools to contribute to the trustworthiness of the findings. Triangulation allows for convergence and corroboration of the results from the different methods utilised in the research.

3.9 Chapter summary

In this chapter justification for the use of a mixed method approach incorporating a case study, survey and document analysis has been provided along with a full explanation for how the study was conducted and exposition of how the research meets quality criteria for mixed method research was outlined.

In chapter four the aforementioned thematic analysis strategy consisting of providing a comprehensive description of the process those boards take and the perceptions of the board members of the process and the situation that come to their minds when they make their decision will be presented. This will be accompanied with an identification of themes which emerged across the four units of analysis i.e. the two boards, board chairs and the principal. The themes that emerged will be presented with explanation and discussion. As Johnson and Christensen (2008) suggest "cases are seen as holistic entities that have parts and that act or operate in their environments."(p. 406). So for my research the four boards represented in the case study and the lone principal are intended to be indicative of how boards of trustees might make their decisions. This approach should provide a better understanding of how boards of trustees might generally make decisions about excluding students from school along with drawing conclusions about possible impacts decile ratings may have on this process.

4. Findings

4.1 Introduction

The aim of this chapter is to provide a synopsis of the data that came from the qualitative process involving the focus groups and to include the key data in the form of qualitative comments provided by respondents in the survey. In the next section table 4.1 will provide a means of identifying the source of a quote. Pseudonyms will be used to protect privacy. Quantitative data from the full survey will be included where this will further highlight the importance of particular elements of support or practice of boards that is pertinent to answering my overall research question.

The survey will be treated somewhat differently to how a researcher would normally report results in as much as true quantitative data is reported showing a standard deviation to provide reliability of the results, and validity is ensured by the range of responses provided, as I discussed in the previous chapter. Due to the low response rate of schools and variability and lack of a range of boards responding, has meant that it is not possible to use the data to definitively suggest a particular response was representative of school boards in any way. Therefore, although in the survey I asked for information that would allow me to filter responses so I could respond to my research questions specifically through targeting particular decile school responses, the raw data presented in this part of the chapter will be indicative only of schools that as closely as possible match the make-up of the focus group interviewees so as to be comparing like with like in terms of their background and context. So to ensure that the survey data is used reliably the survey analysis has been used to provide a degree of triangulation of the data. Comments included will be quoted from survey respondents who closely match the context of the focus group interviewees so some degree of corroboration or refutation of their comments can be made.

In the previous chapter I gave a broad overview of the participants (the five units of analysis) forming the case study, which were the two boards, two board chairs and the principal. The data I gathered from the five focus group interviews, based around 6 questions I asked each participant will then be presented and commented on in

relation to the three research sub questions with some discussion included as chapter 5 will include discussion of the themes that I have identified as a result of the thematic analysis process I undertook.

Boards of trustees, as mentioned previously, are democratically elected members of a school community who are not employed by the school; with the exception of the principal and staff trustee who have full voting rights and the board secretary who sits on the board and who can contribute to discussions but cannot vote. School boards of trustees have a governance role as opposed to a management/administrative role where the principal and their management team look after the day to day running of the school. What this means is that boards essentially set the strategic direction of a school, create the charter that the school will operate under in terms of its priorities, and take responsibility for setting the achievement goals for the school in collaboration with the principal and the senior management team. While the principal and teachers deal with the day to day discipline of students the board becomes directly involved when a student is suspended by a principal.

While originally it was intended to have four focus groups representing high and low decile schools and a mix of schools the lack of willing participants meant I had to modify my data collection to make use of those who did agree to become involved. This meant the participants in the focus groups who were part of the case study were now a collection of three individuals along with two full boards of trustees. Table 4.1 describes the focus group, interview participants and survey respondents and their school, decile ratings and position held. Pseudonyms will be used to protect identity of school and participant/respondent.

Table 4.1: Key of participants and respondents

Key to	Decile rating		School	Focus Group (FG) Interview (I)	Survey (S)	Decile Rating	Position on BoT
Board Chair	BC	9	Northside	I	S	Low decile (1-3) - LD	BC
Principal	P	10	Southside	I			BC
Staff Trustee	ST	1	Cityside	I		High decile (8-10) - HD	P
Parent or Community Trustee	PCT	1a	East side	FG			Full board
		3	Westside	FG			Full board

The responses the focus group questions elicited have been clustered together under each research sub-question. Focus group questions one and two fit under the first research sub-question; three and four under research sub question two and five and six under research sub-question three:

1. What factors are the enablers or barriers that influence the decision making process of discipline committees?
2. How does the current support offered to boards of trustees empower them to make qualified decisions about continuing suspensions or excluding students or are there gaps in the support offered? And;
3. What impact, if any, does the socio-economic area a school is situated in have on the degree of knowledge and capability applied by trustees when deciding to suspend or exclude/expel students?

Each research sub-question will show the responses from both the focus group interviews and the survey responses both quantitative and qualitative where relevant. The following pie graph shows the spread of responses from the survey.

The graph in figure 4.1 shows that chairpersons and principals followed by parent trustees were the most frequent responders to the survey. The following graph shows the decile rating of the respondents.
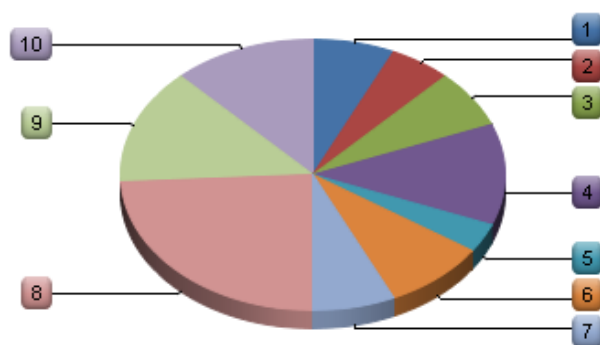
Figure 4.1: Responses according to school decile

The numbers 1 – 10 on the graph represent the decile rating of the schools who responded to the survey. Nearly half of the respondents came from decile 8-10 schools with less than a quarter from decile 1-3 schools. This finding is surprising given that it is the low decile schools that more often have to make decisions about suspending or excluding students.

4.2 Research question one - What factors are the enablers or barriers that influence the decision making process of discipline committees?

With this question I was interested in finding out how well the process outlined in the MoE guidelines for principals and boards met their needs for direction. Were the guidelines sufficiently flexible to enable the principal and board to make a decision and, if due to conditions not being met, were further decisions to suspend or exclude students able to be made with sufficient ease? In chapter one I outlined the objectives of this research with objective one being:

To gain a broader insight and understanding of the processes used by boards of trustees when making decisions in order to inform a more robust governance system

for schools that better responds to the development needs of school board members and educational needs of students.

4.2.1. The enablers

The term 'enablers' as referred to in this section identifies the inputs that allow board members to make their decisions with some ease. They cluster around the perception regarding the directions in the guidelines, and their ease of use as they are applied in a discipline situation. The following comment was made that:

> *I think it's a very easy process; basically, the parents rely on us to make a decision, and basically what we're supposed to look at is the circumstances, and then you would look to see where this fits in with the grounds for suspension, so… we've got, you know, continued disobedience, [or being a harmful example to others] … So you choose in between those two, and that's probably very easy, I don't have any difficulty in making that decision. Leading up to that point is the hard part, yeah. (I,LD,P)*

In commenting in this way the principal is referring to what transpires on a day to day basis with the student/s in question as their behaviour often escalates until they are brought before the principal who suspends them, prior to the discipline committee meeting to decide whether or not to continue the suspension or take a harder line such as to exclude or expel.

For the board at Eastside the accuracy of the process put in place by the principal (according to the guidelines laid down by the MoE) leading up to the disciplinary meeting was considered to be the most enabling part of the process of suspending or excluding a student. Alongside that board members also commented:

> *That it really depends how well that's been [put together], in terms of a trail of paperwork, the investigation that starts from day one, what were the measures that were put in place leading up to the second offence, then the third, all the way to that [disciplinary] meeting.(FG,LD,PCT)*

The interview with the chair of Southside secondary school opened with him talking about the approach his school takes with the boys who present with behaviour problems. He discussed the paternalistic approach the senior management team take and the way that he knows an enormous amount of effort has been put in by senior staff to help the boys get back on track before they are brought before the board. He credits the pastoral approach taken by the school for the relatively low incidence of disciplinary board hearings. He went on to say:

> *We certainly have a lot of trust in the process, and in the investigation of the incident that got us there, and all the incidents previously, because very rarely do we see a situation where there's just one incident – usually, the boys coming in front of us have got a pretty long history, and there's just been one thing that's tipped them over the edge. (I,HD,BC)*

The Chair continued to speak about something he found personally helpful (he credited it as being a deciding factor), and that was to consider the social group that the student belonged to. He suggests that it is the social combination of some boys that creates the conditions for their misbehaviour. He spoke of a couple of cases where he felt that the best option was to exclude the student as he describes in the following excerpt:

> *I can think of some cases where that was just a situation where a student had just built a reputation with their friends as someone who was just constantly disruptive in class, and that had been their expectation, he had to live up to it, and nothing Bill (not his real name) could do would deter him; so I reached the conclusion that, for that boy, the only possible hope was for him to go to another school and start again, and not paint himself as the troublemaker in the class. So yeah, a lot of decisions we've made, that social context, and a break from that, has been pretty important in that decision. (I,HD,BC)*

This response appears to be a departure from the other respondents in so far as he has used his own judgement and perception of what has contributed to a situation leading up to a discipline committee meeting rather than relying on the collective decision making process that a board enacts as part of the disciplinary process.

For the board of Westside, the school having its policies in place was most important. They said that if there was a problem with the policy they would bring it to the attention of the principal to deal with but as yet (in this board's time) there has not been any necessity to apply the process outlined in the policy. I am assuming that the policy being referred to by the board is based on the guidelines issued by the MoE. Copies of the discipline policies I obtained from each of the represented schools referred to the guidelines from MoE along with a separate discipline process that was implemented by teachers during teaching and non-teaching times during the school day. Later in this section the review of discipline policies obtained from each of the schools is discussed. What was alluded to by members of Westside was the notion that difficult students are moved on with a quiet word in the ear:

> *Well, quite often, with parents, not at this school, another school I was at, we knew, who started going down that line, and it's a case of, if this happens again, these are the steps that we'll be following, the parents up and move them to another school anyway, I think it gives them a chance of a fresh start, I guess. (FG,LD,PCT)*

The comment was also made by some board members that this also allowed the student and family another six months or so respite from the attention of the 'system' before that student possibly starting playing up again. One could potentially infer that the school was simply passing off its problem for someone else to deal with. What was agreed was that the type of offence or level of the act that a student committed does allow for a more clear-cut process to be used, and they all agreed that in that instance the Ministry's guidelines and the Act itself provided a framework for how the board's discipline committee was to deal with what had occurred.

The final comment from the board chair of Northside was similar to other responses and shows that the guidelines produced by the MoE are quite robust in providing an initial process for the principal and then the board to follow as can be seen here:

> *Well, I think it's quite easy, having a format to follow, so, you know, there are quite strong guidelines about suspension and expulsion, and how it should be managed; even in terms of what the principal has to do, 'cause she's got to get*

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the documents to the parents and all that sort of thing, so I think having a process to follow is very good. (I,HD,BC)

The chair also mentioned that this process is a good one for new board members and those who have not been on a disciplinary committee before as it makes it easier for them too.

4.2.2. The barriers

In addressing the presence or otherwise of barriers to making decisions about suspending and excluding it might be expected that participants respond in relation to the process however, all of the people interviewed referred to the impact on the student, their parents and to the other children and teachers involved. Clearly it is the personal impact the decisions made that weighed most heavily on the committees and the student is clearly the focus. This is where the process becomes personal; as one Chair went on to describe:

… I'm very conscious that for the student, they're coming up before the board, and we're the big bad wolf, and they're feeling very vulnerable, because they have obviously done something that's brought them before the board, and I imagine they're thinking oh, my future might depend on this, whether I stay at school or not. I think I really feel for the student, and also for the parents, because it's no reflection on the parents, but the parents often feel very exposed and very vulnerable too. And I think often, we get some really strong people coming in to speak for the student, they might be friends of the family, and I think it's probably very overwhelming for the students and their families, I think that's the most difficult thing about it. (I,HD,BC)

From the perspective of the principal initially, it is responding in a just and fair manner followed by the reality of the paperwork, especially given that this is the responsibility of the principal and not the board:

Probably being just, and being fair, yeah and that's probably the thing that weighs on - actually fitting it into the right category; and then the next hard part is, – the next hard part is all the paperwork there, that's the bit that you're

dealing with families of those children (no matter what they've done, they're still children), and when you go to suspend in some schools, it's still very much a final process; with us, we consider it just a problem-solving process, so for us, that kind of issue is alleviated somewhat by the concept that our discipline committee's main aim is to keep kids at school – that's it's goal, keep kids at school. But obviously, there comes a time when that's too difficult, too dangerous, and our board has made some exclusions.(I,LD,P)

The board from Westside (one of the low decile schools) suggested that the background of the parents could be one of the barriers to making decisions as they suggest it is hard to make a decision that could permanently affect a child's schooling while not knowing if the parents actually understand what is happening i.e.:

Well, I find it quite difficult when the parents themselves are very, how can you say, unaware of the process, and it's very daunting that they're sitting in front of a board, and they aren't skilled or educated enough to know what's going on; they're there to support their child. (FG,LD,PCT)

The board member who shared this view also commented that about 30% of the parents who have come before a disciplinary committee or full board have asked for the principal not to be present. He said they have opened up, as 'school management' have not been watching and then he has felt they have really been able to get to what is really going on. The board spoke of the tension between what is presented to the board from the school's side and the fuller picture they often prefer, which includes the parent's perspective and the provision of some information available that they haven't been privy to previously that would help give them a fuller picture.

The board chair of Westside commented on the importance of having a staff trustee present to provide a more holistic view of the child at school. Once a principal has explained the results of the investigation they must then leave the room, at this point there is potential for parents to paint a completely contrasting view of what happened, which can run completely counter to the principals description of what took place. Having the staff trustee present on the discipline committee can help ensure that the reality of the situation is kept in the forefront of the discussion. He gave an example of

such a situation, which actually occurred in the school of one of the individual board chairs I interviewed, he explained:

The principal left the room; the parents then did a presentation about how they saw the situation was, and [the staff trustee] was still there, and they put such a spin on it that the board was thinking oh, this is all good, this is all tickety-boo, and then [he] put up his hand and gave all these other examples of what this kid was doing in the class, which the parents weren't able to put a spin on, and so that's another situation where asking the principal to leave… I mean, you're always going to have the principal on the board, and you should always have the teacher rep, which will give a little more grassroots feedback to the situation. (FG,LD,BC)

The data clearly shows the personal impact on board members involved in a disciplinary hearing as one could infer from the example given above that it must be difficult for an empathetic person to remain objective, not get caught up in the pleas of family and others while at the same time remembering that they have other students and staff at the school for whom they are also responsible. For the Chair of Southside secondary it was the parents who made the situation difficult and were themselves potential barriers to making a sound decision as he illustrated from the following example:

The most difficult thing about the process is, when we have parents who either don't accept that there's a problem, or parents who appear to be quite a significant part of the problem themselves. And you really feel bad for the boys, in that situation, because you think, well, actually, what hope have you got. That doesn't happen very often, but there have certainly been one or two cases in the past year. Mostly, you know, the parents are incredibly contrite, and devastated that their child has let themself and the parents down and quite prepared to say, ok, if going to another school's the way it has to be, that's the way it has to be. So the ones that come along and tell us that we can't possibly be right about their son having done this, or that it's another boy's fault and their boy just gets blamed for it, you know, they say some really bizarre things, and you just think

> *what? So yeah, that's… I think those ones worry me a lot, because you sort of think, well, actually, maybe we'd be better off keeping them here, because at least school management knows them.(I,HD,BC)*

The comment from the chair of Eastside was the only one to explicitly refer to the role of governance and some of the difficulties inherent in the role for a board to consider alongside the impact on the child:

> *The thing for me that was the most important… was that you're holding some pretty heavy things in your hand, when you're making that decision; the impact on the child and the family is huge, and you have to somehow kind of reconcile that with the fact that you've got a governance role in the school, that you've got staff and other students that are all affected – so how do you weigh up all of those different things? But, you know, going through my head is all the statistics about the kids that struggle later in life, or the kids who are going through the courts when they were in their teens, and what the statistics say about those kids, which is that almost all of them have been excluded. (FG,LD,BC)*

This demonstrates awareness by boards of the current debates in the media suggesting a correlation between young people being suspended, excluded or expelled and criminal activity.

Only four staff trustees were part of this research, two were present on the two boards interviewed and two completed the survey. At least one of the survey respondents was also on a board interviewed, however I am unable to identify if the fourth person was a survey respondent only or also on the board. Nevertheless the perspective of a staff trustee in this process is unique in that they can be a participant on the discipline committee whereas the principal cannot. This gives them a view of both the management and governance roles at play in a discipline process and it is due perhaps to this dual role that a staff trustee spoke about one of the hardest things for a board being their tendency to…:

> *Err on the side of returning the child to school, because that's a safer, easier option, in some ways than having to make the hard decisions. (FG,LD,ST)*

It is clear that there is a difference between the perspective of a community or parent trustee and that of a staff trustee. The staff trustee went on to say:

And sometimes, as a staff member, it's hard to convey everything that's underneath it, in a short disciplinary session, and how much do you include, and how much do you not include, [about the history of the child] and often with… certainly in our recent case, there was just so much behind it [the lead up to the suspension] that there is just no way that you can impart all those things that have happened. And also, what resources we had to meet that student's needs, when he was returned to school – I think that's a challenge for boards, knowing that. And not having to be… when they set the conditions, they don't necessarily know what conditions can be set, and they don't know the resources available for those conditions, and so there's a real gap between what the board might put in place, and what actually we can do. (FG,LD,ST)

This last comment speaks to the board's capability and knowledge about appropriate and helpful conditions that could be put in place for the return of a student. The consensus in the discussion was that these things have a degree of complexity around how they work in practice. The staff trustee commented further:

So on the night, you create all these different conditions that make sense, and then it comes to the staff going so, what does that actually mean? How are we meant to work that? So that's definitely one that's tricky. (FG,LD,ST)

This also speaks of a potential disconnect between board members as parents who identify strongly with the family of the child and of their desire to keep the child in school, and of the professionals who are dealing daily with the behaviour of the student that brought them before the board in the first place.

4.2.3. Section Summary:

Clearly the process prescribed by the MoE is helpful and gives sufficient support initially to allow for natural justice to be enacted through a fair process followed rigorously. It appears that for those interviewed the steps are outlined clearly and are easy to follow. Possibly those impacts that can act as barriers seem to be more about

the personal consequences upon the student and their family although rather than barriers these impacts are more indicative of one of the better features of the process and that is that the student and their future is kept in the forefront of the minds of the discipline committee as they make their decision.

4.3 Research question two - How does the current support offered to boards of trustees empower them to make qualified decisions about continuing suspensions or excluding students or are there gaps in the support offered?

This question is concerned with the expertise board members have to be able to set meaningful conditions for the return of a student and/or make decisions about extending a suspension or excluding a student during a discipline committee meeting. In asking this question I was endeavouring to determine how much support, outside the board members' own resources they can access and to what extent it actually helps them with making a decision.

4.3.1. The support

There was agreement that the documentation from the principal about the incident/s was helpful along with a list provided by the principal of types of conditions that could be put in place. The fact that each time there is a specificity to a particular student can make it a little more difficult but as one board trustee commented:

> *But the other thing I'd say about that, you know, is that's the toughest part of the process, … and I know this whole thing around conditions is a bit about whether you return or not, but it is one that I still feel ok about. (FG,LD,PCT)*

The board chair of Southside credits the Ministry guidelines, the words of the Act along with a board member who is an experienced lawyer for the support he receives. The input from the lawyer as well as his experience with discipline committees in his own area of work, have given him the skills to be able to look carefully at the criteria and match it appropriately to the situation, for instance:

> *So in particular, it's the dangerous example to other students, which we find very helpful, because that means that people who constantly disrupt the discipline of*

the school can be excluded, because of the harm or the danger that they create
for the other boys in the school. (I,HD,BC)

One board felt it was often the students themselves and their family who empowered them to make a decision. The family would say "yes we're having problems here" and that would allow the board to say "okay let's look at this and together decide what our options are". There was acknowledgement that usually the school management would already have had the parents in for a talk before it got to the discipline committee stage.

4.3.2. The survey

The results from the survey supported the comments from the focus group participants and in addition also suggested the following as detailed in figure 4.2 would be helpful (these came from the options provided in the survey):
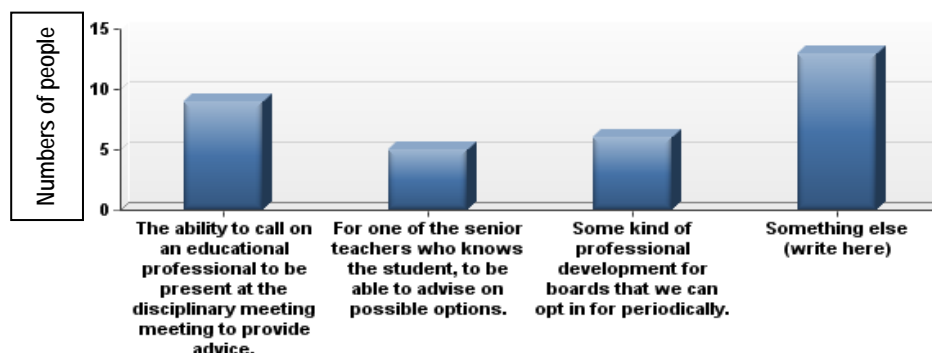
Figure 4.2: Respondent options chosen

The 'something else' was covered in a qualitative component added to the survey whereby respondents were given an opportunity to add their own comments. Comments supporting and adding to the views of the focus group participants consisted of those in the above table (figure 4.2) along with the comment 'all of the above', as well as the following written comments:

Something else:

- External and neutral support that is strongly strength based and focused on the needs of the child.

- The ability to call on educational professional for advice when needed - not necessarily to attend the meeting

- If we don't feel the whole story is being told, BoT has deferred judgement. We have other teachers present when necessary.

- Our board has a legal professional heading up the disciplinary meetings, who is able to obtain assistance

For a number of the survey respondents being able to access help from a range of support people and agencies was helpful. Under the heading called 'Other' (noted below in pink in the graph figure 4.3), principals, educational professional support people such as Group Special Education (GSE) and Resource Teachers of Learning and Behaviour (RTLB), Wellington Wairarapa School Trustees Association (WWSTA) were included, along with the indicated support people and agencies;
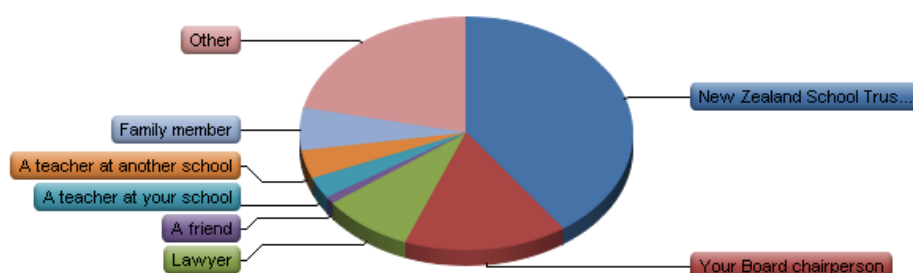
Figure 4.3: Support accessed

The MoE and principals featured most often in the other category with RTLB's and GSE being the next preferred option for advice.

4.3.3 The Gaps

With regard to gaps in support there were a number of suggestions made in the discussion with both full boards of trustees and with the two chairs. First was in terms of setting further conditions after previous ones were not met, and the pressure this consequently put on the classroom teacher to manage the returning student's behaviour. This comment from a trustee refers to this difficulty:

What resources we had to meet that student's needs, when he was returned to school – I think that's a challenge for boards, knowing that. And not having to be... when they set the conditions, they don't necessarily know what conditions can be set, and they don't know the resources available for those conditions, and so there's a real gap between what the board might put in place, and what actually we can do.(FG,LD,ST)

While this view appears to be more related to the staff trustee's perception of gaps than that of the board's the principal also agreed and suggested the following in support of the staff trustee:

That thing about boards being well enough equipped to know what are helpful, appropriate conditions to put in place, for return or whatever, is a... there's actually a bit of complexity around how that works in practice. (FG,LD,P)

Second was a desire to have the opportunity of sharing with others who have also had to make hard calls about students' suspension, exclusion or expulsion from school. The statistics relating to post-school experiences of people who have had a fragmented education through being suspended or excluded from school and then balancing that future reality against the immediate needs of the other children at the school obviously weighs heavily on the minds of some trustees as they make their decisions.

The chair of Northside secondary has participated in seven or eight disciplinary committee hearings and given that experience, she is in a strong place to suggest things that might help those on boards to come to a decision. One of the suggestions she made was that the MoE run regular sessions for staff and new trustees as they join the board at different times of the year (depending on vacancies arising) she considered it very important that everyone knew what the process was that needs to be followed by the principal. She recognises that they cannot work with the best interests of the student if the process hasn't been followed carefully i.e. like the documentation needing to be given to the parents in a timely manner so they have had the chance to read it and understand what it means for their child. Parents also understanding that they can bring support people to a disciplinary meeting, who can speak on their behalf, important especially where English is a second language.

There was universal agreement across focus group participants that can be summed up in the following extract:

There's no specific training for boards on how to deal with that behaviour before the crisis time – I'm wondering whether some training beforehand, or during the training doing some case studies – just getting a feel of it, rather than just, this. And it's stressful, so some prior training would be good, and some up-skilling to deal with that before the event, would be good. And an understanding of what happens in other places as well. (FG,LD,PCT)

It appears that the reality of having to make these very serious decisions that could have a potentially far reaching effect on a young life also drove the observation about wanting to know about what happens in other places as well. This is more about not feeling so isolated, but about sharing with others who have also had to make hard calls about student's possible exclusion or expulsion from school and of knowing how important the decision is and that it should be made by trustees. A community trustee summed it up when they said:

I think that that's part of the nature of that very difficult decision-making process, and I think it is really good and important to have BoT involved in that process. (FG,LD,PCT)

The chair of Southside appreciated that his school was very fortunate to have a significant pool of professional parents to draw from, his professional life in the Tertiary world and the support he has received from other board members has meant that he has not felt it necessary to attend any Ministry or board of trustee training sessions dealing with these issues to date, but he reflected that:

As I've been thinking about it, I've thought, boy, some schools, that don't have our advantages, in terms of the parent group, must find this really difficult. And even in our group, I find that I have to coach people about how to… how the sessions that we have with the parents and the student should go. It is pretty crucial that they went to some training sessions before they launched into too much of this. (I,HD,BC)

A suggestion mooted by the board of Westside they thought would be helpful and which was similar to the comment made earlier in this section about knowing what happens elsewhere, was to be able to look back at earlier decisions or conditions that may have been applied and checking that they were following a similar rationale when applying new conditions and/or sanctions like suspension or exclusion. In essence this was to ensure that they would be comfortable that the decision they had come to was a balanced and fair one that they had been able to calibrate how they were making that decision. A board chair described it as follows:

> *I think, if I was in that position too, I think what I would look to be provided with would be information in a decision made prior to that, on how that incident was treated earlier – so some way of calibrating what your reaction might be, as an input into your praxis; so if someone smoked pot at school, then someone else smoked pot at school, sure it's a separate incident, but the way we treated this, to some degree it's got to be meted out in a similar and fair manner to the other one. Not the same child, different children, but a similar situation. I'd see it as an input, rather than a formula you would find; just as an input, as a way of calibrating and checking how you, as a board, were approaching that kind of incident.(FG,LD,BC)*

The principal took a slightly different approach as he considered it in light of the fact that he makes the initial decision as to whether or not to stand down or suspend a student. He is guided both by his own investigation and by the National Administration Guidelines (NAG's). In that regard the provisions outlined in NAG 5 determine both his approach and when he presents the situation to the BoT he knows that they are required to:

(a) provide a safe physical and emotional environment for students; and

(b) comply in full with any legislation currently in force or that may be developed to ensure the safety of students and employees.

4.3.4. Section summary:

Boards of trustees appear to rely predominately on the support offered through the guidelines provided by the MoE, their professional education support people and the support from organisations like NZSTA along with the experience and support of principals and members of their own boards. Where they see a need is for the provision of training or workshops to help prepare boards for the times when they are required to participate in a discipline committee meeting and to be aware of what constitutes workable and responsive conditions for students' return to school.

4.4 Research question three - What impact, if any, does the socio-economic area of a school have on the degree of knowledge and capability applied by its trustees when deciding to suspend or exclude/expel students?

One of the driving forces behind researching the decision making of boards of trustees around a discipline issue was that I was not convinced that parent and community trustees of lower decile schools, no matter how well meaning they were, had sufficient knowledge and understanding to decide how a student should be returned to school with conditions or if they should be returned at all. This last research question cuts to the heart of that query by asking the participants and survey respondents of both lower and higher decile schools whether they think they are well enough equipped to make these decisions or not. A number of researchers and journalists (Chisholm, 2010; Cole, 2010; Wylie, 2007) have suggested that the socio-economic locale of a board does have an impact on its collective ability to make sound governance decisions. While technically this thesis is about how trustees make decisions about suspending and excluding/expelling students I have also become interested in boards perceptions of the expectations held of them in general by the Ministry, so I have allowed for some latitude in response to this final question.

4.4.1 About the expectations

The principal I interviewed chose to consider this question in a discipline context where he felt that the expectations of Trustees in terms of their responsibilities to the

student i.e. keeping them in school; were about right. He talked about the bottom line being that **if** the student is kept in school, then will this cause a problem in terms of the safety of the other children and the staff. So he knows that when they are considering this they are thinking about their own child/ren at school and given that there is often a whanau connection between the student, their family and the board there is the awareness of a bigger picture and the board has a greater understanding of the implications for the child long term. As the principal says:

> *I don't think that there's anything there that would get in the way of our decision-making process, and I think our board have got their hearts in the right place and understand why they're there; they understand that there is… that they're not there as a person with a big stick, they're there to solve a problem.   That's something we have developed over time. (I,LD,P)*

'Developing over time' is a key statement here given that the board of this principal's school comes from a lower socio-economic area than either of the other chairs' boards and they share members with the Westside board just down the road. In addition, to help the board make its decision and help them also to come up with ideas for conditions which the discipline committee might want or need to impose, the school has a guidance counsellor who puts together a report which is:

> *A summary of various feelings from the teachers and the dean, and from that there comes various ideas for the board to consider. (I,LD,P)*

In many ways this helps ameliorate possible shortcomings in terms of knowledge about conditions that his board might have had in deciding what the appropriate conditions are for a student's return to school, and consequently making the return of the student is a successful one. However, guidance counsellors are often onsite at a secondary school but this is not the case in a primary or intermediate school environment. The board chair at Eastside observed that:

> *Because this is a matter of kids' future, that members of the community are the best people to be the gatekeepers of some of those decisions. To help the BoT return kids to school? 'Cause that's the end goal, right? We want to return kids to school. We don't' want exclusions, we don't want suspensions. So when we*

get to points like this, the whole point is, where's the support to make sure this happens? (FG,LD,BC)

4.4.2 The perceptions

In addition to the above discussion it appears that the board's perception was that often help did not come for the student with behaviour issues until something like a suspension occurred and actually had to occur, before any help was available from external agencies. Trustees understand that the job they do is huge, one trustee observed that it was a big responsibility not just in relation to being on a discipline committee but with the need to know how to manage finances and property management along with the rest of the requirements for good governance. The trustee went on to say:

That's why it's hard to get, you know, a good calibre, and to get trustees for schools. Some of them might come on, and then they realise that it's too hard, and the time constraints. (FG,LD,PCT)

His board chair added:

Yeah, we've had that, too. We've had that on this board, and once again, talking about Cityside, he was saying, the people on his board, you know, high decile schools, capable people – you know this, you'd know this from your school. (FG,LD,BC)

Some researchers and journalists have commented (Chisholm, 2010; Wylie, 2009) that high decile schools are more likely to have professional people like lawyers, human resource advisors, economists and accountants on their boards and in contrast lower decile schools are more likely to have non-professional people on their boards. The perception of one trustee from Westside put it:

We've got just us. I just hope we never have to do down this road. (FG,LD,PCT)

The board chair from Northside secondary school spoke of the expectations held of boards not only in discipline matters but across the gamut of responsibilities that boards have; she spoke of the commitment required as the following extract shows:

I think the Ministry expects a lot of trustees; I mean, they used to have a whole education department to run what we do now, what trustees do now. I think, with low decile schools, where parents are just working unbelievable hours, I don't know how they… it's difficult for them to get parents, sometimes, onto boards." "It is a big commitment, being on the board, and it's an even bigger commitment, being the chair; I can't believe what a big step up it's been. Having said that, it's the best way to be informed about what's going on in the school, because I'm contacting the principal probably two or three times a week. But I think the Ministry expects a lot of trustees; and I'd have to say, especially in the areas where poverty's greater, I think that has to be the case; and the fact that people are… may not be available, because they're working more. (I,HD,BC)

Her observation is the reality I live with at my own school where we have found it very difficult to attract parent and community trustees and have had to co-opt people onto the board at times just to get a functioning board, representative of our school community. Another observation she made was that often the trustees in her school have already been on the board of a primary school so that by the time they get on the board of a secondary school they have already had some experience, at least in the operating context of a board if not necessarily participation on a discipline committee.

4.4.3. The survey

The question in the survey relating to knowledge and capability to enable a decision about suspending or excluding a student asked for a text response. Of the 46 responses included, 42 respondents felt they had the knowledge and understanding needed (or knew who to ask) to make an informed decision to suspend or exclude a student. This included using their own judgement and past experience, valuing the collective knowledge and understanding of the discipline committee and of the remaining four, two said they had little confidence and the last two felt that not enough cross-sharing of information left them feeling that it would be difficult to make quality decisions with one high decile respondent commenting:

The MOE should provide more guidance as to 'sentencing guidelines'. We are also aware that the current situation means that there is no transparency or consistency of approach between schools. This is designed to reflect the local communities' views (tomorrows schools), but leads to inconsistence & lack of transparency for victims & perpetrators. (S, BC)

and a second low decile respondent saying:

Often we are not informed of the student's past misdemeanours from other schools, or if they are in CYFS care. (S,BC)

4.4.4 Section summary

While the majority of trustees from high decile boards appeared to be confident with the level of knowledge they had, it appears some trustees interviewed from low decile boards are not as confident with their level of knowledge. The data from the focus groups and interviews showed that trustees felt the expectations of the ministry were high, although none suggested expectations should be reduced more that support should be increased. According to low decile boards interviewed, the help offered to boards and schools was not accessible early enough to really help the student whose behaviour was deteriorating and this left them often feeling discomfort with the process.

4.5 The Policy Documents

Each of the schools represented in this research was asked for a copy of their discipline policy so a comparison could be made of the documents. However, each of the policies was very similar and used the MoE guidelines as their basis. The only difference being that Cityside included reference to restorative conferencing as the approach to use to facilitate the return of a student and to acknowledge the impact on any other individual hurt by that student. No policy document was provided by Westside Intermediate despite being asked several times.

4.6 Chapter summary

The results from both the focus group interviews and the survey are somewhat inconclusive in determining whether or not coming from a lower socio-economic area definitively creates challenges for boards of trustees. It appears most boards wrestle with the process involved in making discipline decisions and recognise that it often involves very complicated situations. However the perceptions of participants interviewed suggests that it is more difficult for lower decile boards to understand the nuances of the law and their governance responsibilities mainly because they often do not have a base of professional working parents to draw on. It also appears they are not necessarily as comfortable to take what a principal posits as the best way forward for the students as boards with professional people on them, given they may not be able to critique the proposal in the way a professional person may be able to.

5. Emerging Themes

5.1 Introduction

In this chapter I will identify themes that emerged as I analysed and coded the data from the interviews and the survey. As discussed in my methodology chapter the process that I used to identify the themes was based on thematic analysis. The context for identifying the themes was the overall aim of this research study which was to focus on how boards of trustees make discipline decisions and whether or not they feel empowered and consider they have the expertise to make the decisions they do. When analysing and reporting on the findings in the previous chapter a clustering of themes emerged which led to the creation of the following four propositions;

1. That values drive and influence the decision making of boards of trustees
2. That good documentation leads to sound decisions
3. That a school's approach to discipline influences board decisions
4. That the capability of boards needs to be developed for consistent and fair decision making to benefit all students.

These four propositions will frame the discussion in this chapter and will include connections to the literature review along with narrative outlining what I found from the data, how that aligns with the way things have been and what the implications for this might be.

5.2 Proposition 1: That values drive and influence the decision making of boards of trustees

5.2.1 Introduction

The intention of this proposition is to show how values contribute to the way trustees make their decisions. Their personal paradigm of decision making emerges from an internal values structure that influences what circumstances and situations they include or disregard when making a decision. During the data analysis phase of this thesis a recurring theme related to a number of values emerged. The values I identified

as predominant are integrity, empathy and respect. Each of these values contributes to the ways in which trustees approach their role on discipline committees and defines how they operate in response to situations they are dealing with.

Being a member of a BoT requires time, energy and commitment and while trustees opt into the role in a voluntary capacity the trustee only receives a small financial gratuity of $55 for each board meeting up to a maximum of ten meetings in one year. A number of Trustees spoke of the commitment required to belong to a BoT and one board chair spoke about the significant step-up it was from being a sitting member to the role of the chair. Time and energy are characteristic of the commitment and values that each trustee brings with them to the position.

The identification of the values described in the previous paragraph has been based on the process whereby the data was read repeatedly, codes designed for analysing the data and then data sets collated that conformed to or matched the created codes. The coded data that produced the three core values identified came primarily from the comments made during the interviews and also from comments made in the text response component of the survey.

5.2.2 The place of integrity

One of the strongest drivers of all the participants interviewed, which was also representative of survey respondents, appeared to be the desire to keep children in school which reflects their integrity about their role as a trustee. Integrity as defined by Thorsborne (as cited by Barker, 2003) includes a range of attributes which could be described as the quality of possessing and steadfastly adhering to high moral principles or professional standards, essentially that is doing what you say you will do and doing it to the best of your ability. This quality is shown in how the boards of trustees and individuals responded to the families and to the students they meet during the course of their discipline processes. One board chair likened it to holding a set of scales in your hand where on one side the onus was on the board to do the best by the student as they could, and the other being aware of all the other students in the school. The

principal I interviewed, while not a parent or community trustee suggested that his board approached their role in a similar way to the board of Eastside

The concept that our discipline committee's main aim is to keep kids at school – that's its goal, keep kids at school. But obviously, there comes a time when that's too difficult, too dangerous, and our board has made some exclusions. (I,LD, P)

These illustrate boards adhering to a high moral standard. These boards view exclusion as a last resort and not to be considered before significant interventions have already been implemented by the school. They are cognisant of the multiple responsibilities that need to be addressed. In contrast the following comment illustrates how a different board sees its role as being the final step after a long process of unsuccessful behaviour interventions that often result in exclusion being considered:

We certainly haven't excluded everybody that comes in front of the board, but usually, when we do have them in front of the board, there's a very serious case for exclusion being considered. (I,HD,BC)

The current guidelines do not offer a prescriptive response for principals or trustees to follow. This flexibility allows for variations in response to applying sanctions and conditions making the process more situationally responsive. All of the participants were clear about what they did not want to happen, they were committed to working within the parameters provided for boards of trustees and one participant expressed their view as:

I don't want to see if x, then y, in a school environment, 'cause you look at the people you've got; we need to look to find solutions to the issues that are behind the problems that come up, rather than deal with the person, 'cause sometimes that person, whatever they're up to, is actually just the victim of circumstances. So yes, we do hold people to account, but I would not like to see us if you put a tag on it that means four days' stand-down, or one day, or whatever, I wouldn't like to see that – I think we make our own decisions within our community.(I,LD,P)

The final comment in the paragraph above, about making our own decisions within our community, underscores the key idea that keeping kids in school is not just a general

idea but a personal one; it's about keeping 'our' kids in 'our' school. I perceived a strong sense of understanding that the student at the centre of a discipline situation is often in that position due to a raft of factors outside their control. Judge Becroft (McBride, 2012) recently observed that poverty, family dysfunction and a lack of good role models to name three of the ten he quotes, have all contributed to young people ending up in prison. He asserts that a commitment by government to reducing the economic divide between rich and poor, and addressing these social issues would have real spinoffs for reducing numbers of young people in prisons in future. To illustrate this further the following point was made by a principal:

> *I think our board have got their hearts in the right place and understand why they're there; they understand that there is… that they're not there as a person with a big stick, they're there to solve a problem. (I,LD,P)*

This was a view held by all those interviewed, supported by survey respondents - the idea that board trustees are there to solve problems, that keeping children in school is a moral imperative for ensuring that child's future and that only in exceptional situations should a child be excluded or expelled. One survey respondent was explicit in remarking about the place values and principles had when they made decisions and recognised their subjectivity:

> *[Decision-making] Is always based on my values and principles but who is to say they are right? (S, BC)*

5.2.3 The place of empathy

During the analysis of the data one of the most admirable attributes to emerge was the presence was of empathy and honesty in all participants responses to questions asked of them. Seeing beyond the difficult child and the faces of the family, their reflections about the process showed their commitment to doing the very best they could for the child at the centre of the discipline process. This empathy is inherent in their approach and response and can be seen in the following extracts from participants interviewed:

> *We work together with family; we don't have secrets from families. (I, LD, P)*

And*:*

> *Our aim is that we're a mercy school, our aim is always to get the student back to school, hopefully at Northside, with conditions –often we get a recommendation from the principal, and it might be… it might be it's time the student moved to a different school, so we've got to think of that limit, but also we've got to think of the student and their family… a compassion thing, really. And so that… that helps me quite a lot, because it's always at the back of my mind - I'm always thinking, what's the best we can do? (I, LD, BC)*

Another example of empathy can be seen in the following extract, and while it appears at first glance to be somewhat personal, one cannot help but sympathise with the view:

> *When you first talked about understanding where these boys end up, and what experiences they had – now, that was the clear part that I could relate to, and understanding my own upbringing and stuff like that, how I was treated by certain groups, and there was no mercy and I had to stand on my own two feet, and I wish that people would give me a chance. And that was probably the telling factor for me – having to understand that part from the kid's point of view. (FG, LD, PCT)*

Being open and honest regarding on-going issues in the community that matter to people, is also very important and this is acknowledged by the principal who commented:

> *… Whanau, that's actually keeping them up-to-date and informed, believing that we can solve issues and promote issues with people, rather than against them. (I, LD, P)*

This shows that operating empathetically and with transparency is very important and is a characteristic of the boards I interviewed.

However, while characteristic of the participants of boards interviewed for this study, this does not appear to be the case for all schools. Being cognisant of the evidence a committee has against their child was not the experience of two families as was

illustrated in a paper by Taylor and Fairgray (2005). Here they cite two cases; the first where almost nothing was known about the evidence but a decision was made and in the second case, the evidence that was presented to the board was disputed, but the family were not given an opportunity to be heard before the final decision was made to exclude their child.

5.2.4 The place of respect

One aspect of respect in this context includes the willingness to actively listen to what a person has to say so you show that you are hearing them and are more able to acknowledge their point of view, even if you do not agree with it. Being an active listener is one of the ways we can show that we value another person and respect them. Being heard, as outlined by Elliot (2008) is one of the requirements for natural justice to be done. Being an active listener was one of the points a board trustee made when talking about the need to find out all the facts before making a decision. The trustee was intentional about how he sought to put families at ease, i.e. letting them know that they do not have to have the principal present in the room in the stressful situation of a discipline hearing as the following extract shows:

> So they're [the family] speaking directly to you as a community member, not as the management, which I still [am][sic] because I'm finding through practice about 30% actually say for the principal not to be in the room, and then what happens is they just open up to you, because they feel they haven't got the management watching. Yeah 30% have said no, like they have to speak to the board, have really opened up, and then you get into what's really going on. (FG, LD, PCT)

The implication here could be that the presence of parent and community trustees without the school management present allowed for a more free-flowing discussion about the circumstances surrounding the transgression. In the particular board interview that elicited this comment it was not clear whether or not the staff trustee was present so it is hard to establish exactly what was meant by the term 'management' in that context.

Another aspect of respect shown that was characteristic of the boards surveyed and interviewed was the willingness to actively engage in a dialogue about the next course of action. One trustee described this process in this way:

Often it's the student themselves, and the family. The family say yes, we're having problems here, and that's why we might need to look at it and perhaps another opportunity, like giving the student and that family an opportunity to come to the decision as well as you. The combination of them being there, you being there, and talking, yeah, and putting what's on the table. You could be doing this, this, this, and this – here are our options. (FG, LD, PCT)

In contrast to the observations of Taylor and Fairgray (2005) where they suggest their experience is one where too often boards do not give students a hearing that conforms to the principles of natural justice, for this board member, showing respect by treating the family as equals, listening and engaging fully with them without just making a judgement is not compromising those principles but supporting and strengthening them.

The final aspect of respect is that which is inherent in the approach of the school and the teachers. This view was shared by all the participants interviewed and was specifically discussed by a number of the principals surveyed which is summarised by the following quote:

Quality teaching engages students with their own learning and diminishes difficult behaviour. Everyone needs to be treated with respect to develop self worth. (S, P)

The approaches that a school takes and the focus it has on managing behaviour will be discussed in proposition three but suffice to say where a student is experiencing success in the classroom environment, has quality relationships with their peers and adults around them they are significantly more likely to make positive behaviour choices rather than negative ones.

5.3 Proposition 2: That good documentation leads to sound decisions

5.3.1 Introduction

The intention behind this proposition is to show that the quality of the documentation provided by the principal or other senior school managers is fundamental to the ability of Trustees on discipline committees to be able to make robust decisions regarding the consequences a student might receive. A fair and comprehensive paper trail that outlines facts and includes only recent and relevant behavioural events related to the incident is crucial. Without this groundwork being prepared competently and professionally a fair, reasonable and defensible outcome may not be arrived at by a discipline committee.

5.3.2 Safeguarding the discipline process

All the boards and individuals I interviewed without exception were aware that they needed quality, factual information to inform their decision making. This information related not only to the incident itself but also to any collection of infringements that led up to the final incident that brought a student before the discipline committee. Trustees identified the following steps and information they needed to be able to make a sound decision:

- a thorough investigation by either the principal or someone they trusted from the senior management team;
- all the people involved or who contributed to the incident identified;
- what conditions were met or not met;
- what has happened for that particular student regarding meetings held with parents over time and/or with outside agencies.

One trustee observed that the information relating to the incident had to be relevant and match with historical data before being presented to the board, this was particularly important should there be a review later as a board would need to be able to produce a full and complete set of documents as this extract shows:

If you have that student prior to their exclusion, and you find out that the conditions put on them by the management of the college, or through other processes with other support agencies, have not fulfilled the conditions, so you've got to get that relevant data and information, and that information and history's got to be in front of the board to know what's going on, because if you do a review, later on, then you find that information, I wouldn't want to be that person excluded when that information says there's a different picture – I'd feel uncomfortable with that. (FG, LD, PCT)

The process being referred to in the extract above relates to the natural justice principle of law. Natural justice necessitates that anyone who is charged with breaking a law, in this case a school rule or rules, is entitled to know the details of the 'charge' that has been brought against them, to have an opportunity to be able to respond to the 'charge' and to have an unbiased person or group make the final decision about what is to happen to them (Education Act, 1989). Essentially these three conditions must be met for a fair outcome to be arrived at.

Principals universally commented in the survey that when conditions are placed on students to compel them to improve their behaviour so they are able to stay at school, they need to be conditions that are reasonable, come with some degree of support from both the school and the family and are within the ability of the student to meet. The following quotes from two principals surveyed encapsulate this view:

That there is whanau support for both child and family to help manage behaviour. That there is a clear plan in place to support their return that is agreed upon by the whanau and child. (I, P)

and

Success of intervention, rigour of future intervention including appropriate levels of funding support for specific help. What timeframe would be most appropriate in order for the student to make a successful transition back to school. (S, P)

An earlier comment made by a Trustee regarding feeling uncomfortable about making decisions without having good information reflects the feelings of all the trustees and

principal interviewed. This illustrates their awareness of the long lasting impact on students of their decisions and that they do not want to be left feeling guilt or regret over a decision made based on poor information. This response shows the trustees interviewed in this study want to be seen as 'fair' and to act honourably when discharging their responsibilities in a discipline situation. However, this is not always the case and there have been boards that have not followed the process outlined by the MoE or observed the requirements for natural justice that has resulted in the exclusion or expulsion of students without reasonable grounds (Taylor & Fairgray, 2005). Recent comments made by Mills (2012) also refer to the exclusion and expulsion of students illegally from schools and that there is nothing they or their parents can do about it.

5.3.3 Safeguarding the principles of natural justice

One of the criticisms made of boards of trustees in recent times is that some boards often fail to adhere sufficiently to the principles of natural justice (Taylor & Fairgray, 2005) or are too quick to move a student on from their school. At the recent New Zealand School Trustee Association's Annual Conference Judge Becroft was quoted (McBride, 2012) as saying "*A problem pupil removed is a problem solved for that school, but not for our communities. It's simply relocated*." Implicit in this statement is a strong encouragement for boards to keep difficult children in their own school and work through the issues until a resolution is found. The Judge suggests that no problems are being solved by simply moving difficult students on to other schools. Therefore, it is incumbent upon boards, where they are excluding or expelling students, to ensure their decisions can stand up to scrutiny from both their own members and students' families, as well as outside agencies who may become involved.

Natural justice requires that decisions are made based on fact and not hearsay and those boards are legislatively required to act fairly in the circumstances. While at times it may be difficult for school professionals to gather information from all aggrieved parties there is a requirement on them to do so. The MoE in an extract from its

guidelines for dealing with suspensions, exclusions and expulsions (Appendix H) sets out the responsibilities for boards which are summarised as follows:

- The rules already incorporate the principles of natural justice. Following the process carefully will help you to act, and be seen to act, fairly.
- Parts of the process are very flexible. A board has a lot of discretion in its decision making but needs to base any decisions on fact.
- Records must adequately explain a board's decision so that others can see what they did and why.
- Procedures do not need to be elaborate; the focus is a prompt, considered and fair resolution of problems.

5.3.4 Gathering the evidence

While the guidelines above appear to provide a succinct and manageable approach to support boards making these decisions, a trustee recognised the difficulty for school professionals as shown in the following quote:

So a difficulty in that is that sometimes there can be added information that they haven't been privy to, the person who's done the investigating in the school, or the principal beforehand, and that can make it quite difficult. (FG, LD, PCT)

In the situation referred to by the trustee above, the principal was asked to depart the hearing leaving the family with the board; in that instance additional information was presented that potentially altered the outcome but which the principal was unaware of. When discipline committees hear information that they then use to make a decision but where the principal has no opportunity to verify that information difficulties may arise and natural justice can be compromised. There is potential for inappropriate conditions to be applied, for teachers and other students or victims to feel vulnerable or unsafe especially if the additional information provided was not true and there is a breakdown of trust between the board and the principal. So it is vital that 'all the facts' are established so that 'acting fairly' can be seen to be done, however it is clear from the observation of the trustee that it is not always possible to obtain all the facts. A board receiving information through a third party, either the

initial investigator or the principal, or the family themselves, places themselves in the difficult position of then having to judge the authenticity of the information before using it to inform their decision. An additional complication is the degree of complexity that can occur in an investigation where there are multiple students involved, a situation a trustee from a different board acknowledged when he remarked:

…this relates to some of the complexities, I would have thought, it would be difficult in a situation where the evidence is possibly ambiguous or unreliable – just thinking of an example of that in a school where it's… so, the accusations are potentially hearsay, so it's a student's view against another student's view, and I would imagine that would be quite difficult and complex, and very difficult to actually work your way through, and very prone to, I think, making poor judgements around what you can and can't believe, as opposed to, say, the incident that's directly evidenced by the staff themselves. (FG, LD, BC)

5.3.5 Following the guidelines

The Ministry guidelines clearly detail what a board should do regarding gathering evidence and are helpful and safeguard the process if they are followed. Where the guidelines are not followed it can become particularly difficult and may penalise students and their families especially in situations when it comes to them not being able to read and or collate a response because they did not receive evidential information in a timely manner or where they are not able to be present or not invited to be present at the meeting. This can put a student and their family at a disadvantage while they are especially vulnerable. The opportunity to process the contents of a complaint against their child and the time to reflect on their response to it and know they will have an opportunity to speak to the complaint, are crucial to a fair hearing, and this consideration was central to the process as one board chair interviewed remarked:

When they come along to the meeting and we check that the parents have received the documentation in good time, in a timely manner, and they've had a chance to read it and think about it; I mean, if they just get it an hour before the

meeting, and they come along and that sort of thing, we can't work with the best interests of the student. (I, LD, BC)

5.3.6 Avoiding a judicial review

Where the discipline committee has not given the family sufficient time for them to fully process the contents of an allegation before the meeting begins, they leave themselves open for an appeal through the courts for a judicial review (Elliott, 2008). Requests for judicial reviews have not been common practice in New Zealand to date but there have been some instances where they have been undertaken (Littlewood, 2008). While the court is very aware that schools are unique environments, with unique circumstances and populated with individuals who are not necessarily familiar or comfortable with dealing with lawyers, this will not prevent them from possibly facing review from the courts if there has been obvious failure to provide for natural justice. In the view of one of the board chairs interviewed, (FG, HD, BC) a school discipline process is a quasi-judicial one and therefore needs to follow a set process to work properly.

Recently, following the publication of the comments made by Judge Becroft (McBride, 2012), the Youth Law Tino Rangatiratanga legal education co-ordinator (Mills, 2012) renewed calls for an independent tribunal needed for protection of problem pupils. This could be seen as evidence of increasing public or legal interest in the ways by which boards make decisions to continue suspensions, exclude or expel students with the implication being their processes need to be robust, fair and open to scrutiny.

5.4 Proposition 3: That a school's approach to discipline influences board decisions

5.4.1 Introduction

As mentioned in section 1.2.1, related to the role of school boards of trustees, it is the responsibility of boards to set the strategic direction of a school, create the school charter in collaboration with the school management and staff and set the annual goals. While this is essentially a top down process given that the MoE has to sign off the final of the charter with the board, the intention behind this proposition is to show

that there is also a bottom up influence operating. This influence is reflected in how a school board frames up its discipline policy, manages discipline problems within its policy and procedures and responds to the feedback received from the school teachers on the effectiveness of the approach. If a board sees their role as the final arbiter between school and family and expect that the school will have made multiple interventions, had parent meetings and then come to them as the final step, then this might make the board more likely to carry on a suspension or exclude/expel a student. However, if the board sees their role as one of partnership with the school and they see themselves as part of the problem solving process then they may be more likely to engage with the family, student and teachers more proactively to ensure change occurs. This view is supported by comments made by the principal at Cityside secondary who asserted that his board saw their role as one of partnership with parents and this was also the view of one of the parent trustees at Westside Intermediate. Every situation is unique and boards are encouraged to take individual circumstances into account when making decisions. How a board responds to the actual practices of a school will be illustrated in the following sections so it is prudent to start with each of the school's view and progress to the board's view.

5.4.2 A secondary school's view

A significant body of research exists to show the connection between learning difficulties, socio-economic status and poor behaviour on student outcomes (Alton-Lee, 2003; Biddulph, et al., 2003; Davies, 2004; Meyer & Evans, 2006) and the impact quality teaching and sound classroom management practices can have to redress the balance. Understanding this research has led two of the schools in this study to develop a response that allows them to address students' behavioural and relational issues before they spiral out of control.

Both Cityside and Northside secondary schools have incorporated restorative practices into their school programmes. Cityside Secondary has also spent two or three years specifically implementing a substantial programme of staff development whereby they have deliberately focussed on development of teachers' ability to provide learning

programmes that are learner orientated, targeted to needs and which engage students. The principal explained this as follows:

What we said was, we have to actually improve the capacity of our staff to actually manage that behaviour, so we did a whole lot of stuff about teaching and learning, basically, through our PD … and basically, for two or three years, we looked at making learning more exciting, making it less wooden, not just p38, you know. (I, LD, P)

In addition to developing the capacity of their teachers to improve classroom behaviour and learning, Cityside have also created an onsite activity type centre that provides a place for students who are struggling with behaviour and learning and allows them to re-orient themselves to the regimen of school and then when deemed ready by school leadership, return to the classroom. The initiative is described in this extract:

The activity centre exists for kids who are having trouble at school at the moment and the school's got to their wits' end, but they haven't quite got to the disciplinary end-point of the board, … when you go into the alternative school you're unlikely to come back to a school; when you go to the activity centre, you're expected to come back. (I, LD, P)

This initiative allows the school and the board a fall-back position whereby there is an alternative to exclusion and a way by which conditions may be applied and monitored that supports the student to turn their own behaviour around.

Northside Secondary has employed an educational psychologist with particular strengths in restorative practices. There is a greater emphasis on working with the student rather than the teachers but the desire for a better outcome for students is the same as the following extract shows:

The counsellor also runs a restorative justice programme; this counsellor we've got at the moment, she's keen to see restorative justice put back into place at the school, so…. It means that at least in the school, they're trying to work with the kids. It might mean we've just been lucky… but you know, generally we do have a

> *low rate of people coming before the board, and I think that's something… that shows that things are being handled within the school, I hope. (I, HD, BC)*

Restorative practices were also included as part of the Teacher professional development programme introduced at Cityside Secondary. Reviews of research by Varnham (2005) suggests that punitive responses have little long term effect and that there is a growing body of evidence to suggest that there is "success of restorative justice practices in keeping students in school and keeping schools safe" (p. 100). The connection between the two programmes was described in this way by the principal interviewed:

> *Talking about how you can actually defuse situations, and that, coupled with our move into restorative practices – it is basically do something minor, get alongside them, do something before it happens, use your expertise as a professional, have your toolkit ready, but just recognise that you are the one in control. And the thing that really sent the signal for us loud and clear is that it's really the teachers, it's not the kids … we also introduced restorative practices proper, and gave them another set of tools, so the number of times learning in the classroom was interruptible, five years ago, was very frequent; now, it's a lot less frequent, and it's probably related to competency of the teacher, you know, getting back to the suspension and removal, it's not good to do that, to push a kid back. No, and you've got to, if they're… and often our communities, there's not anywhere else for the kids to go, so the intent to keep them in school is best for them. (I, LD, P)*

The board chair of Southside Secondary referred to the pastoral care process in place at his school and his reliance on the school leadership team to do what was necessary to redress the behaviour of obdurate boys before they needed to be suspended and appear before a discipline committee. In contrast to the practices of both the other secondary schools where exclusion or expulsion was a last resort, Southside has established a reciprocal arrangement between principals of other city secondary schools whereby they agreed where possible to take each other's excluded students and he described it as:

The way in which principals cooperate to accept boys who have been excluded from other schools, and give them another chance, I think is very good. Its quid pro quo – we agree to take theirs, in the same circumstances. (I, HD, BC)

Possibly knowing that a student is going to find a place quickly with the opportunity for a second chance may contribute to the greater willingness of this board chair and his discipline committee to resort to exclusion earlier than any of the other schools interviewed. However even the board chair of Southside acknowledged that keeping a student with behaviour problems at their own school could be preferable to excluding them simply because he will have had significant input from the associate principal and would be well known to that person.

Of concern to the principal of Cityside was his perception that being a low decile school meant that many parents had little option but to send their child to a school that was close geographically to where they lived. He stated it in the following way:

Often our communities, there's not anywhere else for the kids to go, so the intent to keep them in school is best for them. (I, LD, P)

5.4.3 A primary school's view

This study found that the situation in a primary school is similar to that of a secondary school with respect to Teachers being able to operate effective behaviour management and teaching practices in the classroom, but slightly different when you look at the students. Secondary students, for the most part have had the opportunity to develop their self-reflective and self-evaluative skills for use in considering the impact of their behaviour on themselves and others, whereas primary school children are still learning this skill. This has meant that restorative practices, up until recently, have mainly been operating in secondary schools, however this situation is changing.

Eastside Primary has tended to look to external support agencies for support when a situation has not been able to be managed by an in-school response. They describe components of this support in the extract as:

The Ministry in supporting that particular student with all there is to offer within the education system, he had the intensive wrap-around service, he had the behaviour initiative – 3% of New Zealand had that, he was on that. (FG, LD, ST)

Primarily developed for lower decile schools is the Positive Behaviour for Learning Initiative (PB4L) (Ministry of Education, 2012a) which is aimed at improving a school's capability and capacity in dealing with student's with difficult behaviour with the resultant aim of reducing suspensions and exclusions in schools. Both Eastside and Westside schools are currently involved with this initiative although at different stages of the programme.

5.4.4 A board's view

As discussed in Proposition one some trustees appear to apply personal philosophies concerning keeping or moving students from school. Boards interviewed in this study operated collaboratively and appeared to share similar philosophical positions in that when sharing about what they took into account in a discipline hearing, no disagreements were aired. Regular reviews of policies and procedures by the board means they should be familiar with how their school deals with difficult behaviour (Ministry of Education, 2010b) and they would also be part of any professional development programme undertaken by school teams for initiatives like Restorative Practice before they would be introduced into the school.

Each board represented in this study to a lesser or greater degree agreed that keeping students in school was paramount. The principal of Cityside when interviewed framed the board and school response in terms of 'engagement' and 'involving whanau' (wider family) as part of a collaborative approach between school and board as this extract illustrates:

Engagement as a critical factor within the school, and that's not just learning, but engaging with the school, engaging with the community – other things, other factors of engagement … whanau, that's actually keeping them up-to-date and informed, believing that we can solve issues and promote issues with people, rather than against them; and hauora, which is basically saying that if we look

after the health of each student, including ourselves, then that will have a big impact. (I, LD, P)

Having engagement as a focus gives a board a mandate to look at alternative responses to suspension, exclusion and expulsion and it is this mandate that has allowed board discipline committees to advocate for in-school responses rather than removal, as the board chair of Northside posits:

We're a Catholic school, we do always have to keep that in mind; our aim is that we're a Mercy school, our aim is always to get the student back to school … so often we get a recommendation from the principal, and it might be… it might be it's time the student moved to a different school, so we've got to think of that limit, but also we've got to think of the student and their family… a compassion thing. (I, HD, BC)

Given the reciprocal nature of the board - school relationship, while the principal at Northside on this occasion was suggesting exclusion, on another occasion she decided that a student with difficult behaviour would be handled within the school. This was a point of pride for her board chair who spoke about the fact that in her school she knew that the teachers and management were trying to work with the students and their families with the shared aim of getting the students back to school (I, BC).

This view was supported in comments made by a number or board chairs in the survey when asked "what conditions do you take into consideration before you return a suspended student to school?" A number of these comments can be summarised in the following extract:

Demonstrated support for student by family or other caregivers at the disciplinary meeting. … Other avenues for support within school which have not yet been explored, eg counselling. Outside agencies for support which haven't yet had effect, eg medication, counselling. Degree and frequency of previous disciplinary incidents. (S, BC)

This extract shows that a range of avenues needs to be explored before the final decision is taken to exclude a student from school. Where this decision has finally been

made it has been the potential impact on other students at school that has eventually swayed the decision towards removal as can be seen in the next three extracts:

That was my biggest worry – having this kid with this behaviour is going to influence 100 other kids in the school. Now, the decision that I'm going to agree to is to save this kid from going to court, or leaving this kid in a school that's going to affect 100 others; (FG, LD, PCT)

The principal would meet with the parents, and hopefully, if they've got the support from the parents, it would never even come to that case. If the parent just refuses to take it, and says oh no, not my son John, then sometimes, you do have to go down that road; (FG, LD, PCT)

Will the maintenance of this student at the school cause a problem, in terms of the safety of our children, or our staff? But obviously, there comes a time when that's too difficult, too dangerous, and our board has made some exclusions. (I, LD, P)

The above comments show once again that it is only as a last resort that the boards interviewed would exclude a student and then it would appear only to ensure safety of other students and staff in the school. This view was also supported by the survey results and depicted in the following graphs, figures 5.1 and 5.2:
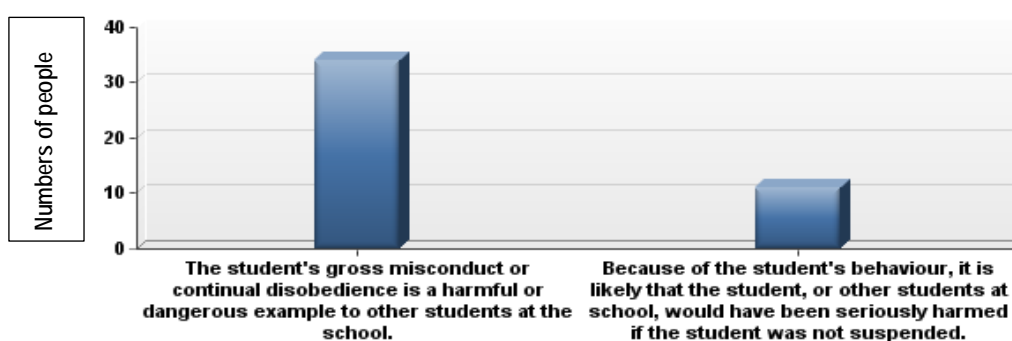

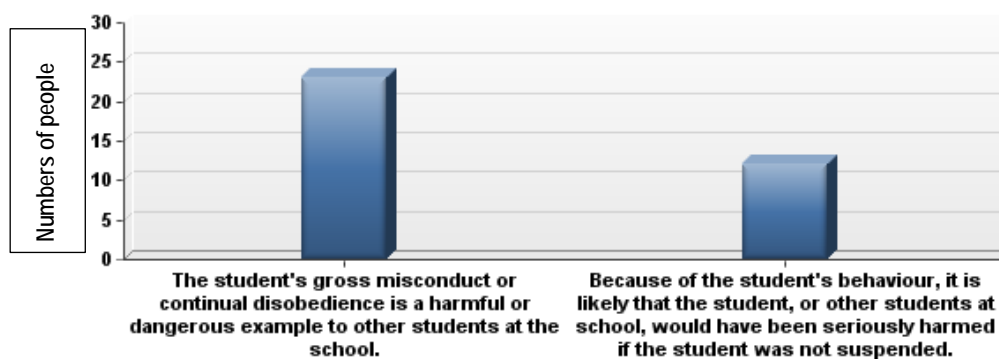**Figure 5.1: Reason for Suspension**

Figure 5.2: Reason for Exclusion

For the majority of suspensions and exclusions the reason given was that the student's gross misconduct or continual disobedience was a harmful or dangerous example to other students and the issue of 'harmful or dangerous example' was the reason chosen more often across the spectrum for both suspension and exclusion situations, than the possibility of 'serious harm' to other students.

5.5 Proposition 4: That the capability of boards needs to be developed to ensure consistent and fair decision making for the benefit of all students

5.5.1 Introduction

This proposition is the crux of the whole thesis; all boards identified some need for development across the full range of responsibilities they carry from property and finance to personnel issues, health and safety to discipline, but this varied across decile and school level. However, the scope of this thesis does not allow for a full review of board capability. Nevertheless this thesis will provide a limited response to the wider capability issues raised by lower decile boards as their perceived lack of capability was applicable to all the roles they perform. The higher decile boards interviewed and surveyed did not report feeling any inadequacies regarding their levels of knowledge and understanding as they referred to being able to access any advice needed from either their board members or members of their school community with relative ease.

What did surface via both survey and interviews is that some boards of trustees identified feeling uncomfortable making decisions in isolation – an issue related to consistency across schools and the country, they felt they lacked knowledge in areas related to conditions - both setting them and reviewing them, and they described

feeling a lack of confidence with how to respond after the conditions were broken. In contrast other trustees, spread across deciles were quite comfortable with the level of knowledge they had, perhaps due to having had experience with conducting discipline committee hearings.

The analysis of the responses to questions regarding confidence and knowledge in the interviews and survey revealed three distinct areas of concern as well as a more generic concern about general capability. These were pre-crisis – before any incident occurred, mid-crisis – during the discipline committee hearing of a student and post-crisis – what happened following the discipline committee hearing. These three concerns will be addressed first and then the general concerns about capability discussed.

5.5.2 Pre-crisis concerns

"By failing to prepare you are preparing to fail" Benjamin Franklin (Maxwell, 2007). This quote typifies the concerns of a number or trustees interviewed and surveyed as they recognise that the more prepared they are to deal with behaviour situations before they arise, the better the position they will be in and the greater the feeling of confidence they will have in the effectiveness of those decisions. In articulating these concerns the participants appear to be alluding to their sense of self-efficacy. Bandura (1997) described self-efficacy as one's belief in one's ability to succeed in specific situations. One's sense of self-efficacy can play a major role in how one approaches goals, tasks, and challenges and the greater the sense of self-efficacy the more likely a person is to see a difficult task as a challenge to be mastered. The perception of the two board chairs interviewed was that they were well prepared to deal with the requirements of discipline hearings and if they felt they needed help were confident that they could access appropriate help via either membership of their own board or through contacts they had as the following extracts illustrate:

> *We have a very significant pool of professional parents to draw on, but many times, as I've been thinking about it, I've thought, boy, some schools, that don't have our advantages, in terms of the parent group, must find this really difficult.*

… but this is quite an important area, and people who don't have my sort of background, I would imagine that it would be pretty crucial that they went to some training sessions before they launched into too much of this. (I, HD, BC)

After several years' experience on the Discipline Committee I feel I have the knowledge and understanding to make the right decision. (S, BC)

In the introduction to this chapter, both survey and interview data revealed that many board trustees felt uncomfortable making decisions in isolation from other schools, however many reported that the level of support that being part of a committee brings was very valuable and provided a degree of safety and objectivity. This shows the collective nature of boards and reflects the views of both interview and survey respondents:

We have a subcommittee – it's not just me on my own, so we have… the fact that we've got three or four hopefully wise heads looking at it together.(I, HD, BC)

I don't feel that I necessarily have the knowledge or understanding on my own, but we put a discipline committee in place as and when needed and we work together to reach a decision. (S, BC)

In contrast the low decile full board focus groups interviewed were explicit in recognising their gaps and specific in identifying what they thought would address that gap as is evidenced in this extract:

There's no specific training for boards on how to deal with that behaviour before the crisis time – I'm wondering whether some training beforehand, or during the training doing some case studies – just getting a feel of it, rather than just, this. Yeah, and it's stressful, so some prior training would be good, and some up skilling to deal with that before that event, would be good. And an understanding of what happens in other places, as well. (FG, LD, PCT)

It is of interest to note that Robinson (et. al, 2003), Wylie (2007) and Cole (2010) all suggest that principals of low decile schools were more likely to think that their boards did not have sufficient capability to perform governance tasks, and that some trustees lacked a clear understanding of their governance role. However, it appears that

trustees of low decile schools are aware of their lack of capability in some areas and are looking for solutions to bridge the gap. Trustees in high decile schools are also interested in seeing how other boards of trustees manage the discipline process in contrast to themselves. What this view suggests is that for fairness there should be some group that reviews and analyses decisions to ensure that schools across the range of deciles and locations apply a consistent approach in terms of sanctions applied to students. This view is one strongly advocated by those involved with providing legal advice (Elliott, 2008; Fleming, 1999; Hemphill & Hargreaves, 2009; Littlewood, 2008; Mills, 2012) where they argue for a neutral review board available for parents to seek appeal or redress of decisions made by boards of trustees regarding their child.

5.5.3 Mid-crisis concerns

The concerns aired by boards interviewed and surveyed in this study during the process of a discipline committee hearing centred around two distinct aspects. The first related to the conditions placed on students who were suspended and the second, to the support boards considered they needed. One school trustee in a focus group spoke about the difficulty the board faced when expected to set conditions for a student's return when they do not know what resources are available in the school. Often they are not cognisant about what conditions are appropriate for the particular student or what the professionals in school are able to enact. The two extracts below illustrate the difficulties boards face at this point in the process:

> *'Cause there's a lot of support in the first instance, but when you come back for a repeat performance, and the wording of the conditions, that's when everything got really murky. (FG, LD, PCT)*

> *Where it becomes tricky is where you've had the conditions, went away, the conditions were broken, or the conditions were not met, and then coming back to the board again, and going through it all over again. (FG, LD, ST)*

Survey respondents consistently referred to the need for family and whanau support along with the student taking responsibility for the actions being in place as paramount

before boards lifted a suspension. The preparedness of the school and the provision of a scaffolded return were next in importance to the family/whanau support:

That there is whanau support for both child and family to help manage behaviour. That there is a clear plan in place to support their return that is agreed upon by the whanau and child. That the Transition Plan back into school, includes the scaffolding to be done to ensure the successful return of the student. (S, BC, P)

Where the whanau and school are not in the position described in the previous extract, difficulties often arise and this has been the case for one of the focus group boards where they described the following situation:

Oh, ok, a kid's been suspended – these are the conditions, and how are we, the Ministry, going to support the professionals, and the board, and the whanau – what do we need to access, to make sure these conditions are in place, are supported,- and are successful, so that we don't have to come back here like we did two times, three times. So what I'm more interested in is, what is the support to help the BoT return kids to school?... So when we get to points like this, the whole point is, where's the support to make sure this happens? (FG, LD, P, BC)

One of the inherent difficulties in the process for suspension, exclusion and expulsion put in place by the MoE is that by its very nature it is designed to be flexible and responsive to individual school and community needs (Ministry of Education, 1999). As mentioned previously, trustees do not necessarily want a one size fits all approach but they do appear to be after some kind of mechanism that allows for them to check that they are being fair and in-line or operating in accordance with what other schools have done in similar situations. One of the focus groups referred to this as a 'calibration' process where a check is performed to see if alignment is present. Many schools have not had to suspend or exclude any students so suddenly finding themselves in a position like this could leave them exposed to more angst than necessary than if an external advice process was in place.

5.5.4 Post-crisis concerns

Although this section is headed post-crisis concerns it could equally be titled 'where to next' as many of the interview and survey participants had clear views about what they would like to see in place both to prepare them for discipline situations when they arise as well as putting in place a wider variety of systems to support them than currently exist. The following extracts support this observation:

> *Got to have an advisory service. Particularly to see whether or not the school is providing adequate support for a particular student, and what it can do to do that, I think that would be really good. (FG, LD, BC)*

> *Like a support person, who would help with your calibration thing, well, this is what this school did in this situation, a wee bit like this, so outside eyes, someone who's identified as being a specialist. To have somebody that you could go to at times like this, would know who you were and where you were coming from, and would be able to guide you who to go to next.   (FG, LD, BC)*

In these last two extracts the participants referred to 'a specialist' and 'advisory service' being available for support and advice, as at times suspending a student can allow for other services to be engaged. Group Special Education (GSE) is one such service but there is a specific process to engage with before any intervention can be implemented and their resources are more aimed at in-school support than advice to boards. Engaging with GSE happens following a school request and is usually a response by a school following on-going behavioural occurrences; it probably will not be much use to a school dealing with a one-off gross misbehaviour incident. The New Zealand School Trustees Association (NZSTA) also provides support and guidance for boards but it appears not all boards access their support or are fully conversant with what is on offer. The following extract provides evidence that boards are not always clear where support is provided from and shows that NZSTA need to be more explicit in their promotion of what they can offer to boards:

> *The conditions… there has been… and there has been one recently, actually, something run by the Ministry or STAR, I think it was the Ministry, actually, something on disciplinary matters. (I, HD, BC)*

> *But I think the Ministry expects a lot of trustees; and I'd have to say, especially in the areas where poverty's greater, I think that has to be the case; and the fact that people are… may not be available, because they're working more, I think we've been a little bit lucky in secondary school, in that most trustees in our secondary school seem to have already been on the board of a primary school; so by the time parents come onto the board of a secondary school, they've had experience. (I, HD, BC)*

The last comment in the extract above shows that if a trustee has been on a board at a primary school then they are more likely to understand and have knowledge about the way a BoT operates when they enter a board at secondary school level. NZSTA offers professional development to a member of NZSTA which they can access over a three year period. Discipline procedures are offered at level three in the 'map' of development. It would be interesting to know if the course content is specifically tailored to meet primary or secondary schools (as their needs are very different) or if it is more generic in design.

5.5.5 General concerns

As mentioned previously while not the major focus of this study, a lack of confidence in the general capability of trustees by both trustees and principals does have a cascading effect across all the roles a trustee performs. Wylie suggested that "those who most needed help were least likely to seek it, or seek it too late." (2009, p. 13). She goes on to say that NZCER surveys "show an increasing desire on the part of principals -and boards- to have more advice and support, to have meaningful discussions focused on the school's goals, progress and issues." Further to this she also states that the Audit Office has recently criticised the MoE for its lack of support for boards of trustees (Wylie, 2009, p. 20) . In light of these comments it is not surprising that the low decile

boards interviewed were also looking for greater support to help them meet the requirements of their role as trustees as the following comments illustrate:

Well, not just this, but with finances, and management, everything; so… but that's why it's hard to get, you know, a good calibre, and to get trustees for schools. Some of them might come on, and then they realise that it's too hard, and the time constraints… (FG,LD, PCT)

I think the Ministry expects a lot of trustees; I mean, they used to have a whole education department to run what we do now, what trustees do now. I think, with low decile schools, where parents are just working unbelievable hours, I don't know how they… it's difficult for them to get parents, sometimes, onto boards. (I, HD, BC)

Knowing a trustee was going to receive on-going and targeted support may make a difference to recruitment of new board members for low decile boards and reverse the apparent trend of a reduction in nominations for positions on boards, an experience felt for the first time by one high decile school board chair:

We've got a parent rep vacancy at the moment, and we invited nominations earlier in the year – the lady finished in July – and there were no nominations, so this is the first time that it's happened that I remember. (I, HD, BC)

Nationally board membership numbers show a gradual but definite decline over the past 14 years with numbers of trustees in 1997 recorded as 22103 and in 2011 as 18831. It would appear that retaining trained and capable trustees would be important if succession planning fails to improve numbers of trustees coming on to boards in the future. It would seem especially important to retain trustees who have had experience with discipline processes and who understand the very difficult demands being part of a discipline process makes on them.

5.6 Chapter summary

The first proposition has shown that the trustees on School boards interviewed and surveyed in this study are people who are values driven and who exhibit an array of

quality attributes characterised by professionalism, conscientiousness and a high degree of caring. There is a collective understanding evident from both focus group and interview participants as well as survey respondents that they have a significant responsibility towards ensuring the best and fairest outcome for students who appear before a disciplinary committee and they appear to be well equipped to make those decisions. The second proposition showed that while some board trustees may be qualified lawyers many are just ordinary people doing their best for the schools they govern. Nichol (2012) relates comments from Ombudsman David McGee when he commented on the situation at Hutt Valley High earlier this year *"trustees were often "lay persons" who were not experts in the education sector. But they were tasked with making major disciplinary decisions that could have lasting effects on pupils and their families."* What this current research study shows is that the Trustees interviewed understood the importance of good documentation. They showed they have a sound appreciation for providing for the principles of natural justice within the disciplinary processes they led, and there is a keenly felt awareness of the impact their decision making has on students coming before them.

The comments in proposition three illustrate board responses to school approaches, and show that significant reliance is placed on the principal and school to create the environment within which difficult behaviour from students is managed. From my observations it appears that it is the principal and board chair who set the tone and expectation during discipline committee hearings and that everyone present is concerned with keeping a student in school until it is too difficult and dangerous for other students for the suspended student to return. The survey, focus group and interview data represented in proposition four shows that high decile boards feel relatively comfortable with their level of capability, whereas low decile boards were aware they had gaps in their capability but wanted them addressed. Both high and low decile boards have concerns about making discipline decisions in isolation and would prefer to compare their decisions and check for consistency with other boards that have had to deal with similar situations. Some boards wrestled with how to apply appropriate conditions and they agreed that additional support from external agencies in this area would be helpful. It appears from the data that many low decile boards are

now looking to for specific advice and support so they can meet the requirements of their role as trustees.

6. Conclusion

6.1 Introduction

This final chapter begins with a review of the background and purpose for this study. A review of the research objectives and the research questions used to frame the enquiry will then be discussed along with the limitations and strengths of the theory and methodology used in the study. A summary of the findings and the limitations for the study will be outlined and addressed. The implications for key stakeholders and suggestions for future research will conclude the chapter.

6.2 Background and purpose

This research investigated how suspension, exclusion and expulsion decisions are made by board of trustee discipline committees in a sample of state and state-integrated schools in the Wellington region. Interest in the topic was aroused following the researcher's participation in a disciplinary hearing and subsequent reflections about the apparent lack of rigour in the process and the vulnerability of the student. There is very little research available that looks at how boards of trustees conduct their business and less about how they deal with discipline issues. With the increasing focus on student achievement and MoE initiatives aimed at reducing poor behaviour in schools, it is timely that a more in-depth enquiry into the ways decisions about suspending and excluding students are made.

6.3 The research objectives and questions answered

Literature reviewed in Chapter 2 explored a number of areas including aspects related to the Law, effects of stand-downs, suspensions, exclusions and expulsions (SSEE) on students, governance in New Zealand schools and alternative approaches to SSEE. Issues relating to capability and the need for good process were apparent throughout the literature and highlighted the paucity of research that specifically addresses functioning of boards in general and discipline committees in particular. Developing

capability for all boards is an issue for the MoE and the Education Review Office but it appears to be a greater need for boards of low decile schools.

There were two objectives to the study. They were:

1. To gain a broader insight and understanding of the processes used by boards of trustees when making decisions in order to inform a more robust governance system for schools that better responds to the development needs of school board members and educational needs of students.

2. To explore the ways i.e. skills, knowledge and experience used, in which decisions are made by principals and boards of trustees to stand-down, suspend, exclude and expel students in low/high decile schooling contexts in New Zealand.

These objectives were synthesised into the following overarching research question which was "*What factors influence the ways in which boards of trustees in schools make decisions about suspending, excluding and expelling students?*" The three sub questions related to this were;

1. What factors are the enablers or barriers that influence the decision making process of discipline committees?

2. How does the current support offered to boards of trustees empower them to make qualified decisions about continuing suspensions or excluding students or are there gaps in the support offered? And;

3. What impact, if any, does the socio-economic area of a school have on the degree of knowledge and capability applied by its trustees when deciding to suspend or exclude/expel students?

The findings in this study showed that board of trustee members are strongly driven by values and for the majority of participants in this study, committed to keeping children in school. For all participants in this study, finding solutions to address discipline situations that have the best perceived outcome for the students was a priority. The process outlined by the MoE was considered by all to be an enabler in that it provided a clear and concise pathway for discipline committees to follow and ensured that principles of natural justice were able to be met. Depending on the background and

perceived capability of some trustees, there were times when a trustee utilised their own personal judgement.

Maintaining a degree of objectivity and the ability to separate themselves personally from the impact of their decision on the student appeared to be the most significant barrier influencing the decision to continue a suspension, exclude or suspend a student. Appropriate knowledge about suitable conditions to apply to a student's return to maximise a successful reintegration were also deemed barriers where there was a lack of confidence that this knowledge was present.

Trustees in this study looked initially to the principal then the board chair for support and guidance when participating in a discipline committee hearing. At times the families in collaboration with the trustees were able to establish conditions that would help redirect a student's behaviour and this provision of mutual support was recognised as empowering for both. At times external agencies were used to support boards where specialist expertise was needed to implement specific conditions.

When there was failure by a student to keep to conditions, this highlighted the gaps for trustees as they saw the impacts on classroom teachers as they were tasked with managing the deteriorating behaviour. Operating in isolation from other boards of trustees was considered detrimental to good decision making as there was no opportunity to evaluate their decision against decisions made by other boards in similar situations. Training sessions that allowed trustees to prepare for participation in a discipline committee and the opportunity to go through different scenarios or case studies to up-skill themselves prior to being involved in a discipline committee meeting were identified as a way to bridge gaps in readiness and capability.

The majority of Trustees, irrespective of socio-economic area, considered that the expectation of their role in governance of a school in relation to discipline was about right. Community and parent representatives are the best people to make discipline decisions possibly because of their distance from the classroom and their perspective as parents with children in that school. What did differ however was the relationship between the confidence a board had to make a decision and the depth of professional people available on the board to evaluate and critique the components of the decision.

High decile board members expressed confidence that they could make sound decisions and were assured in their ability to access whatever help they needed in contrast to low decile board members who either struggled with the responsibility or hoped they wouldn't ever be called on to make a decision.

6.4 Implications for Stakeholders

6.4.1 Ministry of Education

The MoE's "*Guidance for Principals and Boards of Trustees on Stand-downs, Suspensions, Exclusions, and Expulsions*" (1999) provides a comprehensive process for boards to follow. Nevertheless there remain a number of issues that according to the participants and respondents in this study need to be addressed. The need for development in the area of up-skilling of knowledge around relevant and manageable conditions and the opportunity to work through difficulties philosophically and practically before being involved in a discipline situation was requested from school board of trustee participants in this study. Trustees suggested that the point at which Group Special Education becomes involved is often too late and appears to them to be contingent on a stand-down or suspension occurring rather than when significant difficulties are not able to be contained by the teaching staff of a school or Resource Teachers of Learning and Behaviour. That specialist advisors be made available who can be called on by a discipline committee as needed to offer suggestions and advice on 'where to next' for boards facing repeated appearances of difficult students before their discipline committees.

There is an opportunity for the Ministry to clarify the role of the NZSTA in being the major provider of support and guidance so expectations are levelled at the appropriate agency and therefore able to be met. According to Taylor and Fairgray (2005) there are a number of school boards whose discipline processes do not meet the requirements for natural justice so some form of quality control offered by the Ministry to ensure that good process has been followed is necessary. This initiative could be followed up with professional development for those boards whose processes are found to be

lacking and would contribute to building capability of those boards when making discipline decisions concerning students who have been suspended.

6.4.2 New Zealand School Trustees Association

Given the confusion present in the boards interviewed in this study about which agency to contact for support with discipline situations and which agency should be providing on-going training and development, it would seem there is a need for NZSTA to better advertise or market their role to school BoT. When the researcher started this thesis by searching the literature and then identified the agencies involved to help schools conducting discipline hearings, there was no specialised training in requirements on boards when conducting a discipline process. This situation appears to have changed over the past 12 months with a specialised course entitled 'The Boards Right to Discipline' now available and at last check (July, 2012), fully subscribed and with a waiting list.

As with the MoE there are opportunities for the NZSTA to further enhance the professional development offered by addressing the suggestion by Bot for inclusion of case studies or scenario preparation into their courses. This could help trustees (especially low decile trustees) develop the skills and knowledge needed to have confidence in their decisions and to know they have done their best for their students thus building their capability and confidence.

6.4.3 The law

One of the unique attributes of the board of trustee system of educational governance in New Zealand is its subtle separation from legislative and legal interference apart from what was needed to create its modus operandi originally. Conversely the difficulty for parents when the discipline process fails to deliver natural justice, and the lack of any agency that can compel a board to review its decision in light of conflicting evidence is one of the weaknesses of the current system. A number of representatives from the legal system have suggested that an independent review board be created to give parents and students the opportunity to be heard where they feel they have been

misrepresented, that a BoT has pre-determined an outcome or they have not received a fair hearing.

6.4.4 School boards of trustees

The implication for boards of trustees is simple, if they need help they need to ask for it and not stop asking until they receive it in sufficiently supportive quantities to ensure confidence in their ability to make sound decisions. The task of governing a school and running a discipline committee hearing is both complex and emotively fraught, but, significantly for the concept of Tomorrows Schools and the Bot structure, not one of the trustees I interviewed thought the decisions made concerning continuing a suspension, excluding or expelling students should be placed elsewhere.

6.5 The limitations of this study

There were a number of limitations to this study mostly related to how the research was undertaken rather than the choice of a research design. The research was conducted in the context of a critical/transformational research paradigm and the methodology chosen was a mixed method approach using a qualitative case study and quantitative survey (with aspects of a qualitative approach embedded in the survey). The data were analysed using a thematic analysis approach along with an analysis of school discipline policy documents. Upon reflection, collecting the participants for the focus groups via the survey was severely limiting given that the survey was just a Wellington sample and not a National sample and provided such a limited response. Specifically targeting boards of trustees who had been involved in the discipline process across a range of deciles would have provided the opportunity for transferability across boards rather than the mix of individuals and boards in the case study that precluded any transferability being able to be made.

One of the boards involved as a focus group was my own school and I could have unintentionally guided the conversation through my previous experiences and relationship with the board members. Mitigating that outcome was the data from the other board focus group and the data from the interviews with the board chairs and the principal that aligned with the data from my own board. Triangulating the focus

group interviews with the individual interviews and the survey results gave a measure of credibility and authenticity to the findings (Guba and Lincoln as cited by Mertens, 2005).

The themes identified in Chapter 5 were drawn from both data sets at different time periods using thematic analysis which helps to alleviate any bias through constant reviewing of the data (Braun & Clarke, 2006).

6.6 Future research

This research looked only at boards of trustees and how they made decisions related to continuing suspensions, excluding or expelling students. To better understand the impact of the decision making process on students and their family further study that includes them would be useful to see if their perceptions of a quality process match those of the trustees. Given the contribution that the MoE makes to the process and the New Zealand School Trustee Association it could be pertinent to also interview both of these organisations about their views and perceptions of issues raised by participants in this study.

6.7 Final words

In September, 1998 Dyer (1998) wrote about receiving $550 a year for commitment and participation on a BoT, an amount unchanged since then. Often many trustees do not even realise they are entitled to this gratuity and in the words of Gerald Young, board chair of Epsom Girls Grammar interviewed by North and South's Donna Chisholm (2010, p.57):

Young laughingly refers to the trustees' role as "slave labour". "When I first went on the board, the secretary said, 'Sign this for your pay.' I said, 'Oh, I didn't realise we got paid!' and she said, 'Yeah, you get $50.' I said, '$50 an hour?' She said, 'No, $50 a meeting' I said, 'well, gee, you keep it. I wouldn't want anyone to think I was doing this for $50 a meeting.'"

His comment encapsulates the commitment and selflessness of parents and community trustees as they quietly and determinedly work to ensure the best

outcomes in education for our children. Their integrity, drive and determination to keep children in school are one of the successes of Tomorrow Schools and needs to be applauded and resourced appropriately. I hope that one of the influences this research has is to contribute to the argument for the building of capability of school boards of trustees to ensure their ability to make sound decisions across the gamut of their responsibilities well into the future.

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Appendices

Appendix A: What the Act says

Grounds for suspension or expulsion under section 14(1) of the Education Act 1989 and Education Act Amendment 1999.

Standing-down, suspension, exclusion, and expulsion of students

12 July 1999, by section 7 of the Education Amendment Act (No 2) 1998 (1998 No 118).

14   Principal may stand-down or suspend students

(1) The principal of a State school may stand-down or suspend a student if satisfied on reasonable grounds that—

(a) the student's gross misconduct or continual disobedience is a harmful or dangerous example to other students at the school; or

(b) because of the student's behaviour, it is likely that the student, or other students at the school, will be seriously harmed if the student is not stood-down or suspended.

(2) A stand-down may be for 1 or more specified periods, and—

(a) the period or periods may not exceed 5 school days in any one term:

(b) a student may be stood-down more than once in the same year but for not more than 10 school days in total in that year:

(c) in calculating the period of a stand-down, the day on which the student was stood-down, and any day on which the student would not have had to attend school in any event, must not be counted:

(d) the principal may lift the stand-down at any time before it is due to expire.

Appendix B: Definitions

Suspension means the formal removal of a student from school until the board of trustees decides the outcome at a suspension meeting.

Stand-down means the formal removal of a student from school for a specified period. Stand-downs of a particular student can total no more than five school days in a term or 10 school days in a year.

Exclusion means the formal removal of a student from the school and the requirement that the student enrol elsewhere.

Expulsion means the formal removal of a student from the school.

Appendix C: Survey questions via VUW Qualtrix

This survey on Stand-down, suspensions, exclusions and expulsions will be sent to all schools in the Wellington Region. The School secretary will be asked to forward the survey to all board members who have current email addresses.

Stand-down, suspensions, exclusions and expulsions

*** Dear Participant, Thank you for taking the time to complete this survey. Your experience, knowledge and understanding of the disciplinary process Boards of Trustees need to go through when excluding a student from school will provide valuable insights into how the current system works and how it might be improved. This research is intended to ensure greater support for Boards of Trustees and the students they are responsible for. All contributions will be kept confidential and there is no obligation to take the survey. Once again thank you for your time. Lynda Broadbent MEd Student

Q1 1. Every school has a decile rating. Please indicate the decile rating of your school

❍ 1 (1)

❍ 2 (2)

❍ 3 (3)

❍ 4 (4)

❍ 5 (5)

❍ 6 (6)

❍ 7 (7)

❍ 8 (8)

❍ 9 (9)

❍ 10 (10)

Q2 2. What is your position on the Board of Trustees?

❍ Chairperson (1)

❍ Parent Trustee (2)

❍ Community Trustee (3)

❍ Principal (4)

❍ Staff Trustee (5)

Q3 3. How long have you been a member of a board of trustees? One term is equivalent to three years.

❍ One term (1)

❍ Two terms (2)

❍ More than two terms (3)

Q4 4. For Principals only. Have you ever stood-down or suspended a student?

❑ Yes, I have stood-down a student (1)

❑ No, I have not had to suspend a student (2)

❑ Yes, I have suspended a student (3)

Q5 5. For Principals only. If you answered yes to Q4 please indicate how many times.

❍ 1 to 3 (1)

❍ 4 to 6 (2)

❍ More than 6 (3)

Q6 6. All participants except Principals. Have you been a member of a disciplinary committee at any school, that has continued or extended a suspension or excluded or expelled a student?

❍ Yes (1)

❍ No (2)

❍ Not applicable (3)

Q7 7. All participants except Principals If you answered yes to the previous question, please indicate how many times you participated in a disciplinary committee hearing.

❍ 1 to 3 (1)

❍ 4 to 6 (2)

❍ More than 6 (3)

❍ Not applicable (4)

Q8 8. Which of the following reason/s appeared as the most common reason for the suspension/s you were involved in?

❑ The student's behaviour was harmful or dangerous to other students at the school (1)

❑ The student's continual disobedience is harmful or dangerous to other students at the school (2)

❑ Because of the student's behaviour, it is likely that the student, or other students at school, would have been seriously harmed if the student was not suspended (3)

❑ Not applicable (4)

Q9 9. Which of the following reason/s appeared as the most common reason for the exclusion/s or expulsion/s you were involved in?

❑ The student's behaviour was harmful of dangerous to other students at the school (1)

❑ The student's continual disobedience is harmful or dangerous to other students at the school (2)

❑ Because of the student's behaviour, it is likely that the student, or other students at school, would have been seriously harmed if the student was not suspended (3)

❑ Not applicable (4)

Q10 10. All Participants Is it common practice in your school for a student to be represented and/or heard in the decision- making process involving his/her suspension, exclusion or expulsion?

❍ Yes (1)

❍ No (2)

❍ Not applicable (3)

Q11 11. Principals only On average how many behaviour interventions (time out of class, phone calls home etc) did students who were suspended receive before you made the decision to stand down or suspend them?

❍ 1-3 (1)

❍ 4-6 (2)

❍ more than 6 (3)

Q12 12. All Participants What things do you take into consideration before you return a suspended student to school?

Q13 13. Is it common practice for you to apply conditions to a students' return to school

❑ Sometimes (1)

❑ Often (2)

❑ Always (3)

❑ Never (4)

Q14 14. If you answered 'Never' for the previous question please move on to question 15If you answered sometimes, often or always please indicate which of the following best describes how the student is supported to help them meet the conditions.

❑ The student and the teacher (1)

❑ The student, the teacher and the SENCo (2)

❑ The student and the SENCo/Assistant/Deputy Principal/HoD (3)

❑ The student, their parents and the teacher (4)

❑ The student, their parents and the SENCo/Assistant/Deputy Principal/HoD (5)

❑ The student and their parents (6)

Q15 15. Where do you go to access help and advice if you need it?

❍ New Zealand School Trustees Association (NZSTA) (1)

❍ Your Board Chairperson (2)

❍ Lawyer (3)

❍ A friend (4)

❍ One of the teachers at your school (5)

❍ A teacher at another school (6)

❍ Family member (7)

Q16 16. Please rank the following help and advice providers from least used to most used

	Always (1)	Mostly (2)	Sometimes (3)	Hardly at all (4)	Never (5)
NZSTA (1)	❏	❏	❏	❏	❏
Board Chairperson (2)	❏	❏	❏	❏	❏
Lawyer (3)	❏	❏	❏	❏	❏
A friend (4)	❏	❏	❏	❏	❏
Teacher at your school (5)	❏	❏	❏	❏	❏
Teacher at another school (6)	❏	❏	❏	❏	❏

Q17 17. Does your school have a Zero Tolerance Policy of any kind related to discipline and behaviour management?

❍ Yes (1)
❍ No (2)
❍ Not sure (3)

Q18 18. If you answered yes then does your school's policy on zero tolerance depend on the type of offense, i.e. do you support zero tolerance for some offenses but not others?

❍ Yes (1)
❍ No (2)
❍ Not sure (3)

Q19 19. If you answered yes what offences attract the zero tolerance approach?

Q20 20. Where do you think discipline problems start? Is it any of the following?

○ The problem is usually of the students own making (1)

○ The problem is the Teacher's lack of class discipline (2)

○ The problem is the way we organise our school day (3)

○ The problem is with what is going on at home (4)

○ All of the above (5)

○ The problem is something else (6)

Q21 21. If your answer to question 20. was 'something else', please explain

Q22 22. How would you describe your beliefs about dealing with difficult or challenging student behaviour

❑ You need to be firm and always punish a students infraction so all students know the boundaries (1)

❑ Every situation is different so you must treat each situation separately (2)

❑ Really difficult children to teach should go to alternative schooling (3)

❑ There should be an adult who can be assigned to really difficult children for periods of time if needed (4)

Q23 23. Do you believe that schools with student discipline problems should be separately funded by the Ministry to implement prevention and intervention programmes and strategies or not?

○ Yes they should be separately funded by the Ministry (1)

○ Yes they should be funded but should share the cost with the Ministry (2)

○ No there should be no additional funding (3)

Q24 24. Please include anything else you think is important that hasn't been covered in the questions above.

Q25 If you would like to be contacted about participating in a focus group to talk about some of the issues raised in this survey in more depth, then please copy and paste the following email address into an email and send mailto:stirlilynd1@myvuw.ac.nz

Appendix D: Focus group questions

As follow-up to the survey the following questions will be asked of a group of BoT members from 4 schools selected from Decile 1or 2 and 9 or 10

1. What did you find least difficult about the process of deciding whether to suspend or exclude a student?
2. What did you find most difficult about the process of deciding whether to suspend or exclude a student?
3. Who or what helped you most to come to a decision regarding the student?
4. What would you like to see happen or be provided for you to help you make decisions in the future?
5. Do you think the Ministry (or government) expect too much of trustees, not enough or are expectations about right?
6. If you answered that too much is expected or not enough is expected please elaborate.

Appendix E: Information Sheet (Survey only)

VICTORIA UNIVERSITY OF WELLINGTON
Te Whare Wānanga o te Ūpoko o te Ika a Māui

FACULTY OF EDUCATION

Information sheet for Board of Trustees Chairperson

Research project: An investigation into how Boards of Trustees make decisions about standing-down, suspending, excluding and expelling students.

Researcher: Lynda Broadbent: Faculty of Education, Victoria University of Wellington.

Researcher background:

I am a Masters student in Education Policy and Implementation at Victoria University of Wellington. As part of this degree I am undertaking a research project leading to a thesis. The project I am undertaking is an investigation into the decision making process of Boards of Trustees relating to the stand-down, suspension, exclusion and expulsion of students in New Zealand Primary and Secondary schools.

Invitation to participate:

Part of the research I am conducting will include an anonymous online survey. I am inviting you and the members of your school Board of Trustees to participate in an online survey to look at how decisions are made about excluding students from school for short or extended periods of time. The survey allows me to collect the data via an anonymous online link. The survey questions are included as a word attachment to this message.

Should you decide to take part your participation in this survey will contribute to our understanding of how Boards of Trustees operate in this area as there is very little research available in New Zealand that has looked at this area.

Research approval

EPOL 594 – Med. Thesis in Education

This research has been assessed and approved by Victoria University Faculty of Education Ethics Committee. The thesis will be submitted for marking to the School of Education Policy and Implementation and deposited in the University Library. It is intended that one or more articles may be submitted for publication in scholarly journals.

Your rights:

Data collected from the survey will form part of my research project and will be written into a thesis on an anonymous basis so it will not be possible for anyone who completed a survey to be identified personally. Only grouped responses will be presented in this report. All material collected will be kept confidential. No other person besides me and my supervisor, Dr Kate Thornton, will see the surveys. Surveys will be kept safely by me in a secure file and destroyed by file deletion and/or shredding five years after the end of the project.

Any concerns:

If participants have any questions or concerns about ethical aspects of the research to contact Dr Allison Kirkman, Chair of the Human Ethics Committee, Victoria University of Wellington (Allison.Kirkman@vuw.ac.nz, Phone: 463 9500)

If you have any questions or would like to receive further information about the project, please contact me or my supervisor, Dr Kate Thornton.

Lynda Broadbent   Dr Kate Thornton

stirlilynd1@myvuw.ac.nz   kate.thornton@vuw.ac.nz ,

Phone: 04 236 5335   Phone: 463 9776

What you do now:

Please indicate your consent for your Board to be contacted with an invitation to participate by replying to this email or cutting and pasting the email message below into a email to your board members, alternatively I can send the email message and survey link below in a separate email back to you, which your school or Board secretary can then forward on to your members.

EPOL 594 – Med. Thesis in Education

Regards,

Lynda Broadbent

Email message to be sent to...:

To Board of Trustee Members

You are each invited to participate in an anonymous survey that explores how we make decisions regarding the stand-down, suspension, exclusion and expulsion of students at our school. Participation in this survey is optional and your responses will not be able to be identified.

The aim of this research study is to investigate the decision making process of Boards of Trustees relating to the stand-down, suspension, exclusion and expulsion of students in New Zealand Primary and Secondary schools. Results of this survey will be included in a thesis and may be part of a publication. The researcher's hope is that it will contribute to the development of better and more targeted support for Boards of Trustees who at times have to make these difficult decisions.

To complete this survey please click on the link below. The survey should take approximately 10 minutes to complete and survey responses must be received by 9 September to be included in the research study.

http://vuw.qualtrics.com/SE/?SID=SV_3eLT67ixwWO7yBK

VICTORIA UNIVERSITY OF WELLINGTON
Te Whare Wānanga o te Ūpoko o te Ika a Māui

FACULTY OF EDUCATION

Information sheet for Board of Trustees Chairperson

Research project: An investigation into how Boards of Trustees make decisions about standing-down, suspending, excluding and expelling students.

Researcher: Lynda Broadbent: Faculty of Education, Victoria University of Wellington.

Researcher background:

I am a Masters student in Educational Policy at Victoria University of Wellington. As part of this degree I am undertaking a research project leading to a thesis. The project I am undertaking is an investigation into the decision making process of Boards of Trustees relating to the stand-down, suspension, exclusion and expulsion of students in New Zealand Primary and Secondary schools.

Invitation to participate:

There are two parts to this research, an anonymous online survey followed by a focus group discussion. I am inviting you and your Board of Trustee members to participate in an online survey to look at how decisions are made about excluding students from school for short or extended periods of time. The survey allows me to collect the data via an anonymous online link. The 25 survey questions are included (in word format) as an attachment to this message.

The second part to the research uses a focus group discussion that will only involve those school Board of Trustees who are in the decile 1-3 or 8-10 range and who **choose** to take part. Should you decide to take part your participation will give me an opportunity to explore more deeply participants' perceptions of how the support

offered by The Ministry and others contributes to the ease or otherwise of this process and how relevant it is to their needs.

Questions to be asked:

The questions to be asked during the focus group discussion are below but may include additional questions to ensure I get clarity of meaning or include questions from within the group to each other:

1. What did you find least difficult about the process of deciding whether to suspend or exclude a student?
2. What did you find most difficult about the process of deciding whether to suspend or exclude a student?
3. Who or what helped you most to come to a decision regarding the student?
4. What would you like to see happen or be provided for you to help you make decisions in the future?
5. Do you think the Ministry (or government) expect too much of trustees, not enough or are expectations about right?
6. If you answered that too much is expected or not enough is expected please elaborate.

I am inviting you as a member of a school Board of Trustees to participate in the survey and focus group as there is very little research available in New Zealand that looks at how Boards of Trustees operate in this area however, if you only want to do the survey and not the focus group that is perfectly all right.

Research approval:

This research has been assessed and approved by Victoria University Faculty of Education Ethics Committee. The thesis will be submitted for marking to the School of Education Policy and Implementation and deposited in the University Library. It is intended that one or more articles may be submitted for publication in scholarly journals.

Your rights:

Should any participants feel the need to withdraw from the focus group section of the project, they may do so without question at any time before the data is analysed. Data collected from both the survey and the focus groups discussions will form the basis of my research project and will be written into a thesis on an anonymous basis so it will not be possible for anyone to be identified personally. Only grouped responses will be presented in this report. All material collected will be kept confidential. No other person besides me, a transcriber, (if I use one) and my supervisor, Dr Kate Thornton, will see the surveys or transcripts of discussions. Surveys and transcripts will be kept safely by me in a secure file and destroyed by file deletion and/or shredding five years after the end of the project.

Any concerns:

If participants have any questions or concerns about ethical aspects of the research to contact Dr Allison Kirkman, Chair of the Human Ethics Committee, Victoria University of Wellington (Allison.Kirkman@vuw.ac.nz, Phone: 463 5676)

If you have any questions or would like to receive further information about the project, please contact me or my supervisor, Dr Kate Thornton.

Lynda Broadbent   Dr Kate Thornton

stirlilynd1@myvuw.ac.nz   kate.thornton@vuw.ac.nz ,

Phone: 04 236 5335   Phone: 463 9776

What you do now:

Please indicate your consent for your Board to be contacted with an invitation to participate by replying to this email or cutting and pasting the email message below into a email to your board members, alternatively I can send the email message and survey link below in a separate email back to you, which your school or Board secretary can then forward on to your members.

Regards,

Lynda Broadbent

Appendix G: Consent Form

VICTORIA UNIVERSITY OF WELLINGTON
Te Whare Wānanga o te Ūpoko o te Ika a Māui

CONSENT TO PARTICIPATION IN FOCUS GROUP RESEARCH

Project Title: An investigation into how Boards of trustees make decisions about standing-down, suspending, excluding and expelling students.

- ☐ I have been given and have understood an explanation of this research project. I have had an opportunity to ask questions and have them answered to my satisfaction.

- ☐ I agree to participate in the focus group and for the discussion to be taped.

- ☐ I understand that consent is given for the data to be gathered for the purpose of a thesis.

- ☐ I understand that I may withdraw myself, or any information I have provided, from this project before analysis of the focus group data is complete, and without having to give reasons or without penalty of any sort.

- ☐ I understand that any information I provide will be kept confidential to the researcher, the supervisor and the person who may transcribe the tape recordings of the interview, the published results will not use my name, and that no opinions will be attributed to me in any way that will identify me.

- ☐ I understand that the tape recording of interviews will be electronically wiped after five years from the end of the project and that transcripts will be kept safely by me in a secure file and destroyed by file deletion and/or shredding five years after the end of the project.

- ☐ I understand that I will have an opportunity to check the transcripts of the interview before publication via hard copy or electronically via email.

- ☐ I understand that the data I provide will not be used for any other purpose or released to others without my written consent.

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☐ I would like to receive a summary of the completed results of this research via

_____

This research has been assessed and approved by Victoria University Faculty of Education Ethics Committee.

Signed:

_____

Name of Board of Trustee member:

_____

Role on Board:

_____

School Name:

_____

Date: _____/_____/_____

Appendix H: Extract from 'Guidance for Principals and Boards of Trustees on Stand-downs, Suspensions, Exclusions, and Expulsions'

Natural Justice

You should consider all of the circumstances, and weigh up all of the factors before you make a decision.

1. The legislation requires you to follow the principles of natural justice – which means you must act fairly in the circumstances. Common expectations are that a person will have adequate notice of a situation that may affect them, they will have an opportunity to be heard and respond, and that a decision will be made by an unbiased decision maker. The stand-down and suspension processes will help you apply the principles of natural justice. You will find advice about those principles throughout the Guidelines. For the moment, note that:
   a. the Rules already incorporate the principles of natural justice. For example, they already establish procedures for giving adequate notice and having an opportunity to be heard. Following the process carefully will help you to act, and be seen to act, fairly.
   b. parts of the process are very flexible; you have a lot of discretion about your decisions. Whatever decisions you make, they should be based on all of the facts, in their proper context and making allowance for individual circumstances. *Good decision-making will help you act fairly*.
   c. records must adequately explain your decision. They do not have to be complicated, but must set out your conclusions on all the main issues. They must be clear and complete, showing what you did and why. Keeping full and accurate records will help you to act fairly and show others that you did.
   d. your procedures do not need to be elaborate. The principles of natural justice have to be applied in schools by busy teachers, principals and board members. *The emphasis is on a prompt, considered and fair resolution of problems*.