



# School Board Terms of Reference 2021



## OVERVIEW

Southern Grove Primary School was granted Independent Public School status to commence in 2018. This Terms of Reference was developed in 2018 to ensure a consistent approach by the Southern Grove School Board members. It should be read in conjunction with the Code of Conduct document for Board members also developed in 2018. The Terms of Reference will be reviewed in second semester each year to ensure it reflects the directions of the School Board and Southern Grove Primary School.

## 1 DEFINITIONS

In this document the following terms have the following meanings:

- “Act” means the School Education Act 1999;
- “Board” means “Council” as defined in the School Education Act 1999;
- “Director General” means the Chief Executive Officer of the Department of Education as defined in section 229 of the School Education Act;
- “Minister” means the Minister responsible for administering the School Education Act;
- “Parent” means parent as defined in section 4 of the Act who is named in the school register

## 2 NAME

The name of the board of Southern Grove Primary School established pursuant to section 125 of the Act is “Southern Grove Primary School Board.”

## 3 PURPOSE

The Board is formed in accordance with the Act with the fundamental purpose of enabling parents and members of the community to engage in activities that are in the best interests of students and will enhance the education provided by the school.

## 4 FUNCTIONS OF THE BOARD

The functions of the Board will be as permitted by the Act and the Regulations.

### 4.1 The functions of the Board are:

a) To take part in:

- establishing, and reviewing from time to time, the school’s objectives, priorities and general policy directions;
- the planning of financial arrangements necessary to fund those objectives, priorities and directions;
- evaluating the school’s performance in achieving them; and
- formulating codes of conduct for students at the school.

- b) To promote the school positively in the community.
- c) To determine, in consultation with students, their parents and staff of the school, a dress code for students when they are attending or representing the school.
- d) To consult with the Principal on:
  - any general policy concerning the use in school activities of prayers, songs and materials based on religious, spiritual or moral values: sections 68(2)(b) and 70(a); and;
  - the implementation of special religious education: sections 69(2) and 70(b).
- e) To approve:
  - a) any charge or contribution: sections 99(3) and (4);
  - b) the costs to be paid for participation in an extra cost optional component of the school's educational programme: sections 100(1) and (3);
  - c) the items that are to be supplied to a student for the student's personal use in the school's educational programme: sections 108(1) and (2); and
  - e) any agreement or arrangement for advertising or sponsorship entered into by the Principal: sections 216(5) and (6).
- f) If the Board is incorporated it may:
  - a) obtain funds for the benefit of the school;
  - b) employ persons (other than staff); and
  - c) manage and operate facilities at the school, such as a canteen, a swimming pool, residential accommodation for students, a school farm or horticultural centre.

#### 4.2 The Board cannot:

- a) intervene in the control or management of the school;
- b) intervene in the educational instruction of students;
- c) exercise authority over teaching staff or other persons employed at the school; and
- d) intervene in the management or operation of a school fund.

### **5 MEMBERSHIP OF THE SCHOOL BOARD**

The *School Education Act* provides for the following categories of membership:

- a) parents;
- b) members of the general community;
- c) staff of the school; and
- d) students

#### 5.1 The Board will comprise of up to fifteen (15) members of whom:

- a) seven (7) are to be parents
- b) up to two (2) are to be community members
- c) a minimum of three (3) are to be members of the teaching staff of the school, one of whom must be the Principal of the school.

5.2 The Chairperson of the Board is to be elected by and from its members at the first meeting held by the Board in each calendar year.

5.3 The Chairperson will hold that position until the conclusion of the first meeting held in the year following the year in which he or she was elected or at the expiration of his or her term of office, whichever is the earlier.

5.4 The Board may co-opt a member of the local community to be a member of the Board for such period, or in relation to such matters, as determined by the Board where that person's experience, skills or qualifications would enable him or her to make a contribution to the Board's functions.

5.5 A person co-opted as a member of the Board will not have a right to vote.

## **6 APPOINTMENTS AND ELECTION OF MEMBERS**

6.1 The Principal will invite nominations from suitably qualified persons to fill vacancies occurring in the categories referred to in Rule 5.1.

6.2 Invitations for nomination for parent members must be sought in writing addressed to all parents of children attending the school.

6.3 Invitations for nomination for staff members must be sought in such manner as the Principal considers appropriate, provided that the same method is used for all members of the staff

6.4 Invitations for nominations for parent members will be sought by November of each year, should a position be vacant.

6.5 People wishing to nominate must do so within fourteen (14) days of nominations being sought.

6.6 Where the number of nominees is greater than the vacancies available for a category of member the Principal must conduct elections to fill the vacancies for that category of member.

6.7 Where a vote is to be conducted each nominee may put forward submissions in favour of his or her nomination, which the Principal must distribute to those entitled to vote for the category for which he or she has nominated, provided that those submissions do not exceed 500 words, together with notice of the election.

6.8 Those eligible to vote in the category of parent membership positions is each parent whose name and address has been provided to the school under section 16(1)(b)(ii)(I) of the Act or, if neither parent's name and address has been so provided, each person who is responsible for the student.

6.9 Those eligible to vote in the category of staff membership positions is each person to whom section 235(1) of the Act applies and whose usual place of work is at the school.

6.10 Voting must be conducted within fourteen (14) days of the closing of nominations.

6.11 A person may not vote in respect of more than one category referred to in Rules 5.1(a) and (b).

## **7 TERM OF OFFICE**

7.1 Subject to Rule 7.3 a parent member of the Board shall hold office for one, two or three years following the year in which he or she was nominated or was elected.

7.2 Subject to Rule 7.3 a staff member of the Board (other than the Principal) shall hold office for a term of one year following the year in which he or she was nominated or was elected.

7.3 A member of the Board who is elected or appointed to fill a casual vacancy holds office for the residual period of his or her predecessor's term of office.

## **8 CESSATION OR TERMINATION OF A MEMBERSHIP**

8.1 The office of a member of the Board becomes vacant if the member:

- a) becomes ineligible to hold office as a member;
- b) resigns by written notice delivered to the Board; or
- c) is removed from office by the Director General or delegate.

8.2 The Director General, or Executive Directors as delegates of the Director General, may remove a person as a member of the Board on the grounds that the continuation of the person as a member would be detrimental to the interests of the Board.

8.3 The Board may remove a person as a member of the Board on the grounds that the person:

- a) has neglected his or her duty as a member;
- b) has misbehaved or is incompetent;
- c) is suffering from mental or physical incapacity, other than temporary illness, impairing the performance of his or her function as a member; or
- d) has been absent, without leave or reasonable excuse, from three consecutive meetings of which the member has had notice.

8.4 The Board must not remove a person as a member unless the person has been given a reasonable opportunity to show that he or she should not be removed from office.

8.5 A decision of the Board to remove a person from office is to be made by resolution of a majority comprising enough of the members for their number to be at least two thirds of the number of offices, whether vacant or not.

## **9 MEETINGS**

9.1 Meetings of the Board will be held on Tuesday night of weeks 3 and 7 during the school year.

9.2 If for legitimate reason a majority of the members of the Board have agreed in writing not to hold the meeting on the day on which the meeting otherwise would have been held, then the meeting is to be held as soon as practicable after that day.

9.3 The Chairperson of the Board is to convene Board meetings by giving at least seven (7) days written notice of the meeting.

9.4 At the same time as giving notice, the Chairperson must give to the members such information and documentation as may be required to enable the members to be fully informed on the matters to be addressed at the meeting.

9.5 The Chairperson is to convene a special meeting of the Board if the meeting is called for in a notice to the chairperson setting out the purposes of the proposed meeting, that is provided by at least 20 families of students at the school or at least half the number of families of students at the school, whichever is the lesser number of families.

9.6 The Chairperson is not to convene a meeting if the purposes of the proposed meeting are not relevant to the Board's functions.

9.7 The Board may decide to close to members of the public to a meeting or part of the meeting if it deals with any of the following:

- a) a matter affecting a person who is employed at the school.
- b) the personal affairs of any person.
- c) a contract entered into, or which may be entered into, by the school and which relates to a matter to be discussed at the meeting.
- d) legal advice obtained, or which may be obtained, by the Board and which relates to a matter to be discussed at the meeting.
- e) a matter that, if disclosed, would reveal:
  - information that has a commercial value to a person and that is held by, or is about, a person other than the Board; or
  - information about the business, professional, commercial or financial affairs of a person and that is held by, or is about, a person other than the Board.
- f) information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971.
- g) A decision to close a meeting or part of the meeting and the reason for the decision are to be recorded in the minutes of the meeting.

## **10 PROCEEDINGS OF THE BOARD**

10.1 Meetings of the Board are to be presided over by the Chairperson or, in his or her absence, by a member of the Board elected by the members of the Board present at that meeting.

10.2 The Business Manager or a nominated member of Southern Grove Primary School will take minutes for each meeting of the Board.

10.3 Each Board member, including the Chairperson, is entitled to one vote only.

10.4 The quorum for the purposes of a meeting will be six members, of who two must be parent members and two must be staff members.

10.5 A decision of the Board does not have effect unless it has been made by an absolute majority.

10.6 An absolute majority means a majority comprising enough of the members of the Board for their number to be more than 50% of the number of offices whether vacant or not pursuant to Regulation 119.

10.7 At each meeting the Principal shall provide an overview and update on the implementation by the school of the priorities that have been set by the school for that year.

## **11 FAILURE TO ACT PROPERLY**

11.1 In the event that the Board breaches the School Education Act, or the conduct of the Board is incompetent, inadequate or improper, the Minister may give written notice to the Board requiring that the situation be remedied.

11.2 If the Minister is of the opinion that a Board has not complied with such a notice, the Minister may dismiss the Board.

## **12 COMMITTEES OF THE BOARD**

12.1 The Board is empowered to appoint such committees, as it deems necessary.

12.2 Membership of committees is not confined to members of the Board but at least one Board member may be required to serve on each Committee if deemed necessary.

12.3 The duties of any committee shall be clearly defined by the Board and, where appropriate, a specific date shall be set for the completion of the tasks assigned to the committee.

12.4 In all cases a committee makes its recommendations to the Board.

### **13 DUTIES TO BE ALLOCATED**

The Board is to allocate to a member or members the following duties:

- a) coordinate the correspondence of the Board;
- b) ensure that full and correct minutes of the meetings and proceedings of the Board are kept; and
- c) have custody of all books, documents, records and registers of the Board.

### **14 QUORUM**

A quorum will be more than 50 per cent of the members of the Board but decisions must still be made with an absolute majority pursuant to Rule 10.6.

### **15 ANNUAL PUBLIC MEETING**

The annual public meeting pursuant to Regulation 117 is to be held on the second last meeting to be held during the school year.