

HILLARYS PRIMARY SCHOOL

School Board Constitution

1. Introduction

The Constitution of the School Board should be read in conjunction with the provisions of the Education Act 1999 and the School Education Regulation 2000 as a final translation. The regulatory framework shall take precedence, should an inconsistency or conflict occur between this constitution and said documents. In the first instance, referral back to the “Model Terms of Reference for Unincorporated Councils” will occur.

2. Name

The name of the Board is the Hillarys Primary School Board.

3. Definitions

In this constitution:

“**Constitution**” means these rules that will apply to the Board and members.

“**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*.

“**Educational program**” means an organised set of learning activities designed to enable a student to develop knowledge, understanding, skills and attitudes relevant to the student’s individual needs as defined in section 4 of the *School Education Act*.

“**Minister**” means the Minister responsible for administering the *School Education Act*.

“**Parent**” as defined in section 4 of the *School Education Act 1999* is the person who is named in the school register as a parent of a student.

“**School**” means Hillarys Primary School.

“**School Education Act**” means the *School Education Act 1999* and

“**Student**” means student enrolled at Hillarys Primary School.

4. Purpose

The Hillarys Primary School Board is formed with the purpose of enabling parents, staff and members of the wider community to engage in activities that will advance the effectiveness of the school and the interests of the students.

5. Function and Powers of the Board

The functions and powers of the Board are:

- a. Take part in establishing and reviewing the school’s objectives, priorities and general policy direction,

- b. To ratify the School Business Plan,
- c. Take part in evaluating the extent to which the objectives, priorities and policies described in the School Business Plan are achieved,
- d. Review the financial arrangements to fund the priorities and objectives including:
 - I. The School Budget,
 - II. Regular financial updates,
 - III. School Audit Reports,
- e. Promote the school in the community,
- f. Take part in formulating the School Code of Conduct for students,
- g. Take part in consultation with parents and teachers, the formulation of the School Dress Code,
- h. Take part in discussions related to religious instruction,
- i. Approve the school's Contributions and Charges Schedule, including cost optional components of the education program, at least two months prior to the conclusion of the school year,
- j. Approve the Principal's determination regarding booklists,
- k. Approve sponsorship and advertising arrangements,
- l. The Board Chair will assist in the selection of a Principal, should a vacancy arise.

6. Limits of Function

- a. Manage the day to day running of the school (for example, staff management, and student assignment to classes);
- b. Discuss individual issues relating to teachers, staff or parents;
- c. Represent specific interest groups, or permit special interests to dominate the agenda of the Board;
- d. Intervene in the educational instruction of students;
- e. Borrow money or obtain funds;
- f. Purchase property; or
- g. Performance manage the principal or any other Department of Education employee.

7. Membership

The category of membership and process of election to the Board are:

- a. The Board will have six (6) parent representatives elected from the parent body for a period of three years. Elections/Nominations will be called for, by the Principal, in term 3 or 4 of the third year of the Boards induction. Parents will self nominate to the Board with elections held when required should a premature vacancy arise. The P&C is eligible to nominate a P&C representative to stand alongside other nominees in the final vote. Current Board members can seek re-election through this process. Nominations will be called for through an Expression of Interest. 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)(l) of the *School Education Act*, or if neither parent's name and address has been so provided, each person who is responsible for the student.
- b. The Board will have four (4) staff representatives (plus the Principal) elected for a period of three years. The Principal is automatically part of the Board. Representatives should, as much as possible, include a broad representation. Nominations will be called for through an Expression of Interest. Eligible to vote in the category of staff membership positions is each person to whom section 235(1) of the *School Education Act* applies and whose usual place of work is at the school.
- c. A person may not vote in respect of more than one category referred to in rules (a), (b) above.
- d. Any member appointed or elected to a casual vacancy in the Board shall hold office for the balance of the term of the member of the Board whose seat on the Board has become vacant.
- e. The Board will seek to have up to two community representatives.
- f. Members of the wider community will be invited to serve on the Board for up to a period of three years, or for such a period, or in relation to such matters, as determined by the Board where that person's experience, skills and qualifications would enable him or her to make a contribution to

the Board's functions. The Principal and Board Chair will identify suitable candidates and manage the invitation process.

8. Cessation or Termination Of Membership

- a. The office of a member of the Board becomes vacant if the member:
 - I. becomes ineligible to hold office as a member;
 - II. resigns by written notice delivered to the Board; or
 - III. is removed from office by the Director General or delegate.
- b. 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.
- c. The Board may remove a person as a member of the Board on the grounds that the person:
 - I. has neglected his or her duty as a member;
 - II. has misbehaved or is incompetent;
 - III. is suffering from mental or physical incapacity, other than temporary illness, impairing the performance of his or her function as a member; or
 - IV. has been absent, without leave or reasonable excuse, from three consecutive meetings of which the member has had notice.
- d. 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.
- e. 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 and Proceedings of the Board

- a. The Board will determine the frequency of meetings by vote of the Board with a minimum requirement of one meeting per term.
- b. The Chairperson of the Board will be elected by vote of the Board for a term of one calendar year.
- c. Minutes at Board Meetings will be managed by an ex-officio secretary, where possible.
- d. The Principal will convene meetings in consultation with the Board chair, providing a minimum of fourteen (14) days notice, where possible.
- e. Minutes of meetings, the agenda and relevant documentation will be provided at least seven (7) days prior to the meeting, where possible. Items for the agenda must be communicated to the Principal ten (10) working days prior to the meeting, where possible.
- f. The Board will determine decisions by a vote. All decisions must be agreed to by an absolute majority of all members who are eligible to vote, even if not present. Co-opted members do not have a vote.
- g. Notices must be communicated in writing and may include email. The proposed resolution and any associated documents must be forwarded to all Board members who will be asked to respond within 3 days. Any Board member may request the Board meet to discuss the proposed resolution and the Board Chair will comply with any such request. If a meeting is not called and following the closure of the 3 days, the Board Chair will tabulate the responses with any Board member who has not voted, deemed to have voted against the motion. Any such resolution should be ratified at the following Board Meeting.
- h. The Board may appoint committees composed of staff, parents, community members and appropriate experts to address its business. A member of the Board will be required to serve on each committee. Any committee will have written terms of reference, a specific timeline for task completion and will provide the Board with relevant reports and recommendations.
- i. The Board shall have the power to co-opt parents, staff, community members and appropriate experts to the Boards to assist with specific tasks to be achieved in a specific timeline.
- j. Board members are expected to comply with the Code of Conduct for the School Board.

- k. The Board is to hold each calendar year at least one meeting that is open to the public, 14 days' notice of which has been given to parents and in which a report is presented on the performance of the Board's functions.
- l. The Board may decide to close to members of the public a meeting or part of the meeting if it deals with any of the following:
 - I. a matter affecting a person who is employed at the school;
 - II. the personal affairs of any person;
 - III. 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;
 - IV. legal advice obtained, or which may be obtained, by the Board and which relates to a matter to be discussed at the meeting;
 - V. a matter that, if disclosed, would reveal:
 - a. information that has a commercial value to a person and that is held by, or is about, a person other than the Board; or
 - b. 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.
- m. 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.
- n. The chair is not to convene a meeting if the purposes of the proposed meeting are not relevant to the Board's functions.
- o. A meeting convened is to deal only with matters relevant to the purposes set out in the notice received by the chair.
- p. Each Board member, including the chairperson, is entitled to one vote only.
- q. Subject to these rules, the procedure and order of business to be followed at a meeting shall be determined by the Board.

10. Disputes and Mediation

- a. Refer Model Terms of Reference for Unincorporated Councils

11. Allocated Duties

The Board allocates the following duties:

- a. The Principal will co-ordinate the correspondence of the Board in consultation with the Board Chair.
- b. The Principal and Board Chair will ensure that full and correct minutes of meetings are kept and communicated to the wider community.
- c. The Principal and Board Chair will manage all other publications made for the distribution to the wider community.
- d. The Principal shall have custody of all documents, records and registers of the Board.
- e. The Principal and Chair will support the induction of Board members including addressing the Code of Conduct and Conflict of Interest.

12. Reviews

The Board will review annually:

- a. School Board Constitution
- b. Code of Conduct
- c. School Board Performance

13. 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.