Butler Primary School Board
TERMS OF REFERENCE 2011

1. NAME
The name of the Board is the Butler Primary School Board.

2. DEFINITIONS
In these terms of reference:
"Board" means "Board" 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 Sch*ool 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 Butler Primary School

"School Education Act" means the *School Education Act 1999*.

"school fund" means the General Purposes Fund and a fund referred to in section 110 of the School Education Act, as defined in section 4 of the *School Education Act*; and

"student" means student enrolled at the school.

3. PURPOSE
3.1 The Board is formed 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. POWERS AND DUTIES OF THE BOARD
4.1 The Board has the following powers and duties:
4.1.1 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;

4.1.2 to determine in consultation with students, their parents and staff a dress code for students when they are attending or representing the school;
4.1.3 to promote the school in the community;

4.1.4 to approve:
• charges and contributions for the provision of certain materials, services and facilities under section 99(4) of the *School Education Act*;

• extra cost optional components of educational programmes, under section 100(3) of the *School Education Act*;

• items to be supplied by a student for use in an educational programme, under section 108(2) of the *School Education Act*; and

• any agreements or arrangements for advertising or sponsorship in relation to the school under section 216(5) of the *School Education Act*;

4.1.5 to provide advice to the principal of the school on:
• a general policy concerning the use in school activities of prayers, songs and material based on religious, spiritual or moral values being used in a school activity as part of religious education; and

• the implementation of special religious education under section 69(2) of the *School Education Act;*

4.1.6 to do all things necessary or convenient to be done for or in connection with the carrying out of its functions.

4.2 The Board cannot
4.2.1 intervene in the control or management of the school
4.2.2 intervene in the educational instruction of students
4.2.3 exercise authority over teaching staff or other persons employed at the school
4.2.4 intervene in the management or operation of a school fund.

5. MEMBERSHIP OF THE BOARD
a) The School Education Act provides for the following categories of membership:
i) parents;
ii) members of the general community;
iii) staff of the school; and
iv) students.

b) The Board is to determine its composition:
i) having regard to the nature of the student population of the school and the social, cultural, lingual, economic or geographic factors that may be relevant to the school;
ii) having regard to the functions of the Board and any changes in those functions; and
iii) with a view to including members of the general community, and staff of the school, and allocating a membership position to a member of an association referred to in section 149 of the *School Education Act*.

c) The number of members of the Board shall be at least five but not more than 15, but shall otherwise be determined by the Board.

d) The chair of the Board is to be elected annually by, and from, its members. At the first meeting of the year
(i) The Chair is declared vacant
(ii) Nominations are called for
(iii) Voting is via a show of hands.

e) The principal is automatically a member of the Board.

f) The Parents and Citizens' Association may nominate one of its members to be a member of the Board in the parent or community membership category as is relevant to the nominee.

g) Parents and members of the general community must form the majority of the members of the Board.

h) There must be at least one parent member of the Board.

i) 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.

6. APPOINTMENT AND ELECTION OF MEMBERS

a) The principal of the school will invite nominations from suitably qualified persons to fill vacancies occurring and, except in the case of the general community membership category, will conduct elections where the number of nominees is greater than the vacancies available.

b) The general parent community will be afforded the opportunity to gather information about the nominees prior to the election of representatives. This could occur through written information or through a public presentation process by nominees or a combination of approaches.

c) 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 *School Education Act*, or if neither parent's name and address has been so provided, each person who is responsible for the student.

d) 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.

e) Eligible to vote in the category of student membership is each student enrolled at the school at the date of the notice of the election, who is 15 years old or more or who will reach 15 years old during the calendar year.

f) A person may not vote in respect of more than one category referred to in rules (b), (c), (d) (above).

g) In the category of general community membership positions, the Board may appoint suitably qualified members of the general community from the list of nominees.

h) The Director General may, from time to time, specify standards or requirements in relation to the conduct of elections.

i) The Director General may inquire into any matter affecting an election or appointment of a member of the Board and, if any irregularity has occurred, may declare the results of an election or appointment invalid or order an election or appointment or a new election or appointment to be conducted.

j) A member of the Board (other than the principal) shall hold office for a term not exceeding three years as determined by the Board and may be reappointed more than once.

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.

7. CESSATION OR TERMINATION OF MEMBERSHIP

7.1 The office of a member of the Board becomes vacant if the member:
7.1.1 becomes ineligible to hold office as a member;
7.1.2 resigns by written notice delivered to the Board; or
7.1.3 is removed from office by the Director General of Education or his delegate.

7.2 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.

7.3 The Board may remove a person as a member of the Board on the grounds that the person:
7.3.1 has neglected his or her duty as a member;
7.3.2 has misbehaved or is incompetent;
7.3.3 is suffering from mental or physical incapacity, other than temporary illness, impairing the performance of his or her function as a member; or
7.3.4 has been absent, without leave or reasonable excuse, from three consecutive meetings of which the member has had notice.

7.4 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.

7.5 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.

8. MEETINGS AND PROCEEDINGS OF THE BOARD

8.1 The Board will determine the number of meetings for each year.

8.2 The Chairperson of the Board is to convene Board meetings in accordance with the directions of the Board in relation to the venue and time of meeting and giving notice of the meeting.

8.3 Meetings of the Board are generally to be open to the public.

8.4 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.

8.5 The Board may decide to close to members of the public a meeting or part of the meeting on the grounds set out in rule 8.6 unless the meeting is the annual public meeting or a special meeting called under regulation 118 of the *School Education Regulations 2000*.

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

8.6.1 a matter affecting a person who is employed at the school;
8.6.2 the personal affairs of any person;
8.6.3 a contract entered into, or which may be entered into, by the Board and which relates to a matter to be discussed at the meeting;
8.6.4 legal advice obtained, or which may be obtained, by the Board and which relates to a matter to be discussed at the meeting;
8.6.5 a matter that if disclosed, would reveal –
(i) information that has a commercial value to a person and that is held by, or is about, a person other than the Board; or
(ii) 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;
8.6.6 information which is the subject of a direction given under section 23(1a) of the *Parliamentary Commissioner Act 1971*.

8.7 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.

8.8 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.

8.9 The chairperson is not to convene a meeting under rule 8.8 if the purposes of the proposed meeting are not relevant to the Board's functions.

8.10 A meeting convened under rule 8.8 is to deal only with matters relevant to the purposes set out in the notice received by the chairperson.

8.11 The quorum for a Board meeting to proceed is five.

8.12 Each Board member, including the chairperson, is entitled to one vote only.

8.13 Decisions of the Board are to be made by consensus. When consensus cannot be reached, the decision is to be held over until the following meeting, re-examined for consensus then, if required, put to the vote.

8.14 A decision which has been put to the vote does not have effect unless it has been made by an absolute majority.

8.15 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.

8.16 Subject to these rules, the procedure and order of business to be followed at a meeting shall be determined by members of the Board present at the meeting.

9. FAILURE TO ACT PROPERLY

9.1 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 require that the situation be remedied.

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

10. COMMITTEES OF THE BOARD

10.1 The Board is empowered to appoint such Committees, as it deems necessary.

10.2 Membership of Committees is not confined to members of the Board, but at least one Board member is required to serve on each Committee.

10.3 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.

10.4 In all cases a Committee makes its recommendations to the Board.

11. DUTIES TO BE ALLOCATED

11.1 The Board is to allocate to a member or members the following duties:
11.1.1 co-ordinate the correspondence of the Board;
11.1.2 ensure that full and correct minutes of the meetings and proceedings of the Board are kept; and
11.1.3 have custody of all books, documents, records and registers of the Board.

8 These are not a legal requirement, but information is included here for advice.