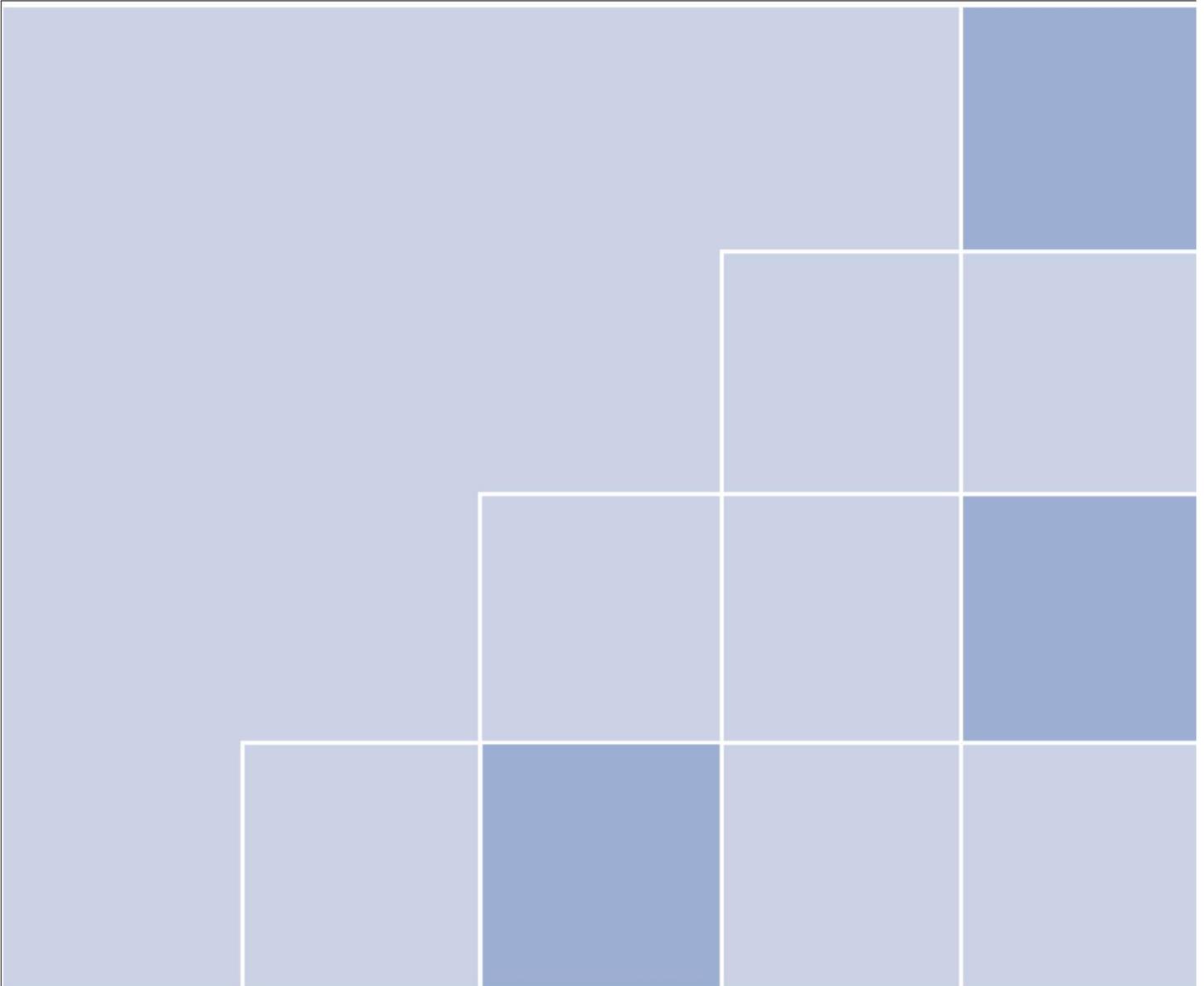




School Board Manual



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PART 1 - INTRODUCTION

1.1 Introduction

This manual contains information to inform school board members and the community about the roles and responsibilities associated with school boards and general information about school board operations. The manual will be especially useful to those who are on a board for the first time.

1.2 Education Act 2004

The *Education Act 2004* (the Act) requires that each public school is to have a school board as a way of sharing authority and responsibility with the local school community. School boards are based on two principles:

- school communities should have decision-making responsibilities and should be able to determine their own educational policies, and
- decision-making at the school level should involve Directorate staff, the school community, including parents, carers and students.

1.3 School boards

The Act requires that a school board be established for each public school. The Act describes the functions of school boards, including their role in principal selection, the constitution of school boards, the proceedings of board meetings, and the responsibilities associated with financial and reporting requirements.

The school board is responsible for the school's strategic direction. Operational matters are the responsibility of the principal.

School boards must observe Directorate directions and ACT Government priorities and all legislative obligations.

1.4 Description of the manual

This manual informs current and potential school board members, as well as the community about the roles and responsibilities associated with membership of the school board and provides them with general information about school board matters.

Parts 1-6 of this manual provide an explanation of the legislative requirements relating to school boards, including their composition, functions and processes. Part 7 provides guidance to board members in fulfilling their legislative obligations.

This manual should be read in conjunction with the Act, a copy of which can be found at www.legislation.act.gov.au.

PART 2 - FUNCTIONS OF SCHOOL BOARDS

2.1 Introduction

The school board is a formal mechanism for parents, carers, staff and students to participate in school decision-making.

Section 39(1) of the Act details the functions of a school board of a public school:

- to establish strategic direction and priorities for the school
- to monitor and review school performance and to report on it to the Director-General, parents of students at the school and staff
- to develop, maintain and review curriculum for the school
- to develop and review education policies at the school
- to establish budgetary policies for the school and approve the school budget
- to establish policies for the efficient and effective use of school assets and the management of financial risk
- to develop relationships between the school and the community and between the school and community organisations
- to make recommendations to the Director-General on issues affecting the school and to give effect to the Director-General's directions
- to encourage parent participation in their children's learning, and
- to exercise any other function given to the school board under the Act or any other Territory law.

Further information and guidance on the functions of school boards is provided in [Part 7 - Guidelines](#).

2.2 New schools

Section 20 of the Act requires the Minister to establish public schools. Section 38 requires a school board to be established for each public school. Principals appointed to new schools should consider the timing of the formation of the school board to ensure that the following important functions occur prior to the opening of the school:

- establish strategic direction and priorities for the school
- develop curriculum for the school
- develop education policies at the school
- establish budgetary policies for the school and approve the school budget
- establish policies for the efficient and effective use of school assets and the management of financial risk, and
- develop relationships between the school and the community and between the school and community organisations.

It is recommended that the school board of a new school be established in the term prior to opening to ensure that decisions regarding the establishment of the school are made in consultation with constituent groups.

Planning and Performance Branch can provide advice and assist principals of new schools to establish a new school board.

2.3 Closed schools

Section 20 of the Act provides for the closure of public schools. The school board of a public school is disestablished while the school is closed. The appointments to the school board end when the school is closed even if the term of appointment has not been completed.

2.4 Changing the Name of an ACT Public School

Under section 20 (4) of the Education Act 2004 the Minister for Education and Training may name, and change the name of a public school or a school-related institution.

A submission to name, or change the name of a school, is made by the school board to the relevant School Network Leader. The request is forwarded to the Minister for Education and Training through the Directorate's Director General.

2.5 Director-General directions

The Director-General may give written direction to a school board, either generally or in relation to a specific issue. The school board must give effect to the Director-General's directions.

2.6 Legal protection

School board members are protected from liability under section 49A of the Act if they perform their functions honestly. Considering the context in which directorate staff perform their duties may assist school board members.

The Directorate is guided in decision-making by a range of legislation which sets out the need for efficient administration, transparency, accountability and recognises the expectations and rights of students, parents and carers, and community members. Legislation includes that relating to privacy, freedom of information, financial accountability and ethical conduct. More information about obligations of school board members is provided in [Part 10 - Appendices](#).

School board members can seek advice from the principal of their school in the first instance. The Principal may then seek advice from the relevant area of the Directorate.

2.7 Principal's responsibilities

The principal is responsible for:

- acting as the school board executive officer ensuring school board decisions are implemented and being responsible for the administrative functions of the school board
- making sure the school follows the procedures laid down by legislation and regulations
- informing the school board of directorate policies and priorities
- ensuring an annual budget is prepared in line with those priorities, and

- signing the school's half-yearly financial statements to certify they are correct (the school board chairperson also signs an accompanying statement that he/she has seen them).

In accordance with section 45 of the Act, the principal must not be appointed Chairperson or Deputy Chairperson of the school board.

2.8 Communication

Communication between the school community and the school board is an important aspect of the school's operation. The deliberations and decisions of the school board should be communicated to all members of the school community on a regular basis. This may be achieved through the school's newsletter or website, and as a regular agenda item at meetings of students, parents, carers or staff. School board members are responsible for raising community issues relating to school board functions at meetings. Meeting processes should be adhered to in fulfilling this responsibility.

2.9 Principal selection

The Act prescribes that the members of the school board must nominate a member to be part of a selection panel established by the Director-General to make a recommendation about the appointment of a principal to the school.

When the position of principal becomes vacant, the school board will be contacted by the Directorate to provide a nomination. The school board member serving on the selection panel will receive selection panel training. This includes training in the principles of merit selection, equity and diversity, the application of consistent standards throughout the selection process, the use of evidence-based decision-making, objectivity, accountability and integrity.

PART 3 - ROLES AND RESPONSIBILITIES

3.1 Introduction

The election and appointment of members of the school board as well as the effective operation of school boards requires involvement from the following:

Assistant Returning Officer is responsible for coordinating school board elections to ensure they are conducted in a fair and legitimate manner. The Assistant Returning Officer should not be an existing member of the school board or a nominee for election.

Director-General is responsible for giving direction to the school board and overseeing the requirements for ACT Public School education. The Director-General is the Returning Officer for all school board elections. The Director-General may delegate this power.

Finance and Corporate Support Branch of the Directorate can provide advice on financial responsibilities of the school board and matters such as contracts and procurement.

Parents and Citizens Association membership is prescribed in the constitution of the association. Membership is usually open to all parents and carers of students enrolled at the school (including teachers who are also parents or carers of students enrolled at the school) and adult persons residing in the area who seek membership.

A fact sheet developed by the ACT Council of Parents and Citizens Associations regarding the responsibilities of P&C representatives on school boards is available at <http://www.schoolparents.canberra.net.au/Information%20Sheets.htm>

Planning and Performance Branch of the Directorate has responsibility for support, advice and the administration of school board elections and other school board matters. The Planning and Performance Branch can also provide clarification on issues relating to the school board manual.

Principal is responsible for implementing the Director-General's directions, schools' educational programs and administrative functions of the school. The principal must not be appointed chairperson or deputy chairperson.

Returning Officer has delegation from the Director-General to make appointments to the school board and to make decisions in relation to school board matters.

School Board assists the principal to develop and oversee the strategic direction and priorities for the school.

School Board Chairperson has a responsibility to work in partnership with the principal, other school board members and the school community to implement the Director-General's directions for the benefit and improvement of the school. The chairperson must not be the principal of the school or a member of staff of the school.

School Board Network is run by the Planning and Performance Branch and School Network Leaders to support school board chairpersons (or a representative) in their leadership role of school boards.

Schools Network Leaders in the Directorate are responsible for the oversight and support of principals in public schools.

Scrutineer is appointed to observe processes conducted by the Assistant Returning Officer such as the drawing of nominee positions on the ballot paper or the counting of ballot papers. Scrutineers are entitled to:

- enter and leave the scrutiny area at any time
- observe the counting of ballot papers, and
- object to the admission or rejection of a ballot paper.

Scrutineers are not entitled to:

- handle any ballot papers, or
- disclose any knowledge gained concerning the vote of a person.

Staff members are eligible to be nominated and selected as a member of the school board provided they are a member of staff of the school. Staff members must not be appointed chairperson or deputy chairperson.

Students are defined as enrolled and attending the school or participating in an educational program conducted by the school for a minimum of 12 hours per week.

3.2 Resources

Information available to assist school board members includes:

- the Annual School Board Report of the previous year
- the *Education Act 2004*
- *Every chance to learn; Curriculum framework for ACT schools, Preschool to year 10 students*
- the school development plan
- the school budget for the current year
- school board minutes from the previous year, and
- *Feedback* (ACT Council of Parents and Citizens Associations' newsletter).

3.3 School Board Network

The School Board Network is the peak body for School Board Chairs (or a representative) and principals in ACT public schools. School Board Network meetings are held in terms three and four and focus on issues of relevance to school board chairs and principals such as the strategic direction of the Directorate. For information about the School Board Network members should speak to the school principal.

A member of the School Board Network is elected to a position on the Government Schools Education Council (GSEC), a ministerial council responsible for reporting to the Minister about public education issues.

PART 4 - COMPOSITION OF SCHOOL BOARDS

4.1 Categories of schools

The Act prescribes the composition of boards of schools in general and boards of other categories of schools, including schools in special circumstances and school-related institutions. Schools may require a school board with a different composition to reflect their unique structure.

4.1.1 Schools in special circumstances

The Director-General has the authority (under section 43 of the Act) to declare a school to be a school to which special circumstances apply via a Disallowable Instrument. The Birrigai Outdoor School, Black Mountain School, Telopea Park School, the Woden School and the University of Canberra Schools (Kaleen and Lake Ginninderra) are schools to which special circumstances apply.

4.1.2 School-related institutions

The Minister has the authority (under section 43 of the Act) to establish school-related institutions. The Early Childhood Schools and Murrumbidgee Education and Training Centre are designated school-related institutions in a Disallowable Instrument.

The composition of these school boards is detailed in the relevant disallowable instrument published at <http://www.legislation.act.gov.au/di/current/e.asp>. More information about schools in special circumstances and school-related institutions is available from the Planning and Performance Branch.

4.2 Composition of boards

The following information refers to general school boards, as opposed to those identified above. The school board of a general school consists of:

- the principal of the school;
- one appointed member (appointed by the Returning Officer);
- two staff members (elected by staff of the school and appointed by the Returning Officer);
- three parents and citizens members (elected by the parents and citizens association of the school and appointed by the Returning Officer);
- a maximum of two board appointed members (if any); and
- two student members at high schools and colleges (elected by the students at the school and appointed by the Returning Officer).

4.2.1 Principal

The *principal* is responsible for the day-to-day operation of the school and is accountable to the Directorate. The principal is a member of the school board for the duration of the term of appointment as principal. The position of principal on the school board does not require an election or appointment by the Returning Officer. In the absence of the principal, the acting principal fills the position of principal on the school board.

The principal is the conduit between the school, the school board and the Directorate. The principal is responsible for ensuring that decisions made by the school board are acted upon and that effective mechanisms for communication between the school community and school board are established and maintained.

The principal may **not** be elected as chairperson or deputy chairperson of the school board.

4.2.2 Appointed member

The Act provides for the Returning Officer to appoint a member to each school board, known as the *appointed member*. This role is to present an independent view to the school board, not to act as the agent of the Directorate. The appointed member is appointed without election. The appointed member does not have reporting responsibilities to the Directorate.

The Planning and Performance Branch coordinates expressions of interest from a wide range of private and public sector organisations for allocation as appointed members to school boards.

Consultation with individual principals regarding the skills and interests of the potential appointed member takes place prior to appointment. The principal may seek to appoint members of the broader community with a particular skill set (e.g. financial management) as appointed members to enhance and improve the operation of the school board. This process ensures that the requirements of the school board are met.

The appointed member is usually external to the school community. The appointed member's term is for the prescribed period (no longer than 24 months). An appointed member may be eligible for reappointment following consultation with the principal regarding skills required by the school board.

The appointed member may be elected as chairperson or deputy chairperson of the school board.

4.2.3 Staff members

Staff members appointed to the school board represent the views and interests of all staff, teaching and non-teaching, employed at the school. Staff members must ensure issues and priorities discussed at school board meetings are communicated to all staff on a regular basis.

Staff members of the school are eligible to nominate and vote for the positions. The staff members' term is for the prescribed period (no longer than 24 months). A staff member must **not** be elected as chairperson or deputy chairperson of the school board.

4.2.4 Parents and citizens members

The *parents and citizens members* appointed to the school board represent the views and interests of members of the parents and citizens association of the school.

Membership of the parents and citizens association of the school is prescribed in the constitution of the association. Membership is usually open to all parents and carers of students enrolled at the school (including staff who are also parents or carers of students enrolled at the school) and adult persons residing in the area who seek membership.

Parents and citizens members appointed to the school board must ensure that issues and priorities discussed at school board meetings are communicated to members of the parents and citizens association of the school.

As a result of the amalgamation of preschools and schools, preschool parents and carers are members of the school community with which the preschool has amalgamated and are eligible to nominate for a parent and citizen member position on the school board.

Parents and citizens members of the school are eligible to nominate and vote for the positions. The parents and citizens member's term is for the prescribed period (no longer than 24 months). A parents and citizens member may be elected as chairperson or deputy chairperson of the school board.

4.2.5 Board appointed members

The school board may appoint no more than two people as *board appointed members* of the school board for a term (not longer than 12 months) decided by the school board. Board appointed members are non-voting members.

The school board may wish to appoint particular members of the school community as board appointed members to ensure that the unique features of the school are represented. Board appointed members should create balance to the school board and should not be used to provide additional representation from a particular element of the school community.

As board appointed members are non-voting members of the school board, they are **not** eligible for election as chairperson or deputy chairperson of the school board.

4.2.6 Student members (prescribed schools)

The *student members* appointed to the school board represent the views and interests of students of schools identified as prescribed schools. Prescribed schools are usually limited to schools that include high school and college students. A list of prescribed schools is at [Appendix 19](#).

Student members must ensure that issues and priorities discussed at school board meetings are communicated to students enrolled at the school.

Student members attending school or participating in an educational program conducted by the school for a minimum of 12 hours per week are eligible to nominate and vote for the positions. The student member's term is for the prescribed period (no longer than 24 months).

A student member may be elected as chairperson or deputy chairperson of the school board, with support from the other members of the school board including the counter-signing of all documents and reports if the student is not yet 18 years of age.

4.3 Election of school board chairperson and deputy chairperson

The Act prescribes that the members of the school board must elect:

- a member to be chairperson, and
- another member to be deputy chairperson.

The members of the school board must not appoint the principal of the school or a member of staff of the school to be chairperson or deputy chairperson of the school board.

A chairperson or deputy chairperson must be elected:

- when a new public school is established, at the first meeting of the new school's board;
- when an existing chairperson or deputy chairperson resigns from his or her position, either as chairperson or deputy chairperson, or as a member of the school board; or
- when an existing chairperson or deputy chairperson's term as a member of the school board expires.

A school board may choose to conduct an election of the chairperson and deputy chairperson on an annual basis. The term of appointment of the chairperson or deputy chairperson should be clarified before nominations are received. The school board must notify the Returning Officer in writing of the election of a member as chairperson or deputy chairperson.

The election of the chairperson or deputy chairperson should be conducted by the continuing chairperson or deputy chairperson. If both positions are to be filled, the election should be conducted by the principal or a staff member.

The election should be conducted by calling for nominations for the vacant position on the school board. Nominees are required to accept the nomination before voting commences. If only one nominee is received for the position, that person can be declared elected to that position. The election process must be recorded in the meeting minutes. If more than one nominee is received for one position voting must be conducted.

Voting should be carried out by secret ballot. Each voting member of the school board should indicate their preferred nominee for the position on paper. The person with the most votes will be declared elected to that position. If the votes are tied, the result is to be decided by lot. The person conducting the election will conduct the lot. The voting process and any issues must be recorded in the meeting minutes.

PART 5 - ELECTIONS

5.1 Introduction

The Act states that school board members are to be appointed. Before appointments can occur, some positions will require an election. The election process to be followed by schools is outlined below.

5.2 Eligibility for school board positions

The following information relates to general school boards. Planning and Performance Branch can advise schools in special circumstances and school-related institutions in relation to eligibility for school board positions.

Staff members	A person is eligible to be elected to the position of staff member if the person is currently employed as a member of staff of the school. (This includes teaching and non-teaching staff of the school)
Student members (Prescribed schools only - high schools and colleges)	A person is eligible to be elected to the position of student member if the person is a current student at the school and attends classes or participates in an education program conducted by the school for at least 12 hours per week.
Parents and Citizens Association members	A person is eligible to be elected as a Parents and Citizens member if the person is a member of the Parents and Citizens Association of the school (prescribed in the constitution of the association). Membership is usually open to all parents and carers of students enrolled at the school (including teachers who are also parents or carers of students enrolled at the school) and adult persons residing in the area who seek membership.

5.3 Returning Officer

The Director-General is the Returning Officer for all school board elections. The Director-General may delegate this power. The role of a Returning Officer is to appoint persons to school boards, to end appointments in accordance with the Act and to resolve disputes arising from election processes and school board operations. Any issues in relation to school board elections must be provided **in writing** to the Returning Officer within 14 days of the conclusion of the election by contacting Planning and Performance Branch by phone: 02 6205 9185, email: DETGovernance@act.gov.au or fax: 02 6205 8353.

Only the Returning Officer has the authority to appoint a person to a school board, and only when the appointment has occurred does the term of the member's appointment commence. The results of an election should not be made public until after an appointment has been made by a Returning Officer and the result has been notified to Planning and Performance Branch.

5.4 Assistant Returning Officer

Each school must have at least one Assistant Returning Officer who is responsible for coordinating the election process. The principal, in consultation with the school board

chairperson should select an Assistant Returning Officer and provide Planning and Performance Branch with that person's contact details before the end of each school year. This enables Planning and Performance Branch to assist schools to prepare for school board elections by providing information about positions that may be expiring in the following year as well as information about training activities in relation to school board elections.

The Assistant Returning Officer must **not** be a current member of the school board (including the principal), or a person intending to stand, or standing for an upcoming election.

The Assistant Returning Officer may be a member of staff, a member of the school community or a student (a student Assistant Returning Officer should be provided with appropriate support from school staff).

5.5 School board elections – what are they and why do we need them?

A school board election is an approved process for the selection of representatives to the school board. School board elections are based on best practice election principles to ensure fair and democratic processes are followed.

5.5.1 Staggered appointments

To ensure that there is continuity of corporate knowledge on school boards, it is recommended that appointments to the school board be staggered. School board positions can be identified as 12 month or full term appointments so that a large number of school board appointments do not end at the same time. This also avoids the requirement for the Assistant Returning Officer to conduct elections for all positions at one time.

The decision to stagger school board appointments is made by the Assistant Returning Officer in consultation with the principal and school board chair. For example, if two *staff member* positions on the school board are vacant, a decision may be made to create one position for 12 months and the other for the full term of appointment (up to two years).

The school community must be informed of the decision to stagger the appointment of school board positions. Information to the school community must clearly identify the position and whether the position is available for a 12 month or full term of appointment. Nominees are required to nominate for the 12 month or full term appointment. Nominee, ballot and return forms must be adjusted to ensure that the term of appointment is clearly identified.

5.6 Elections

5.6.1 Election procedures

The Assistant Returning Officer for each school is responsible for conducting school board elections. Before the end of the school year, the Assistant Returning Officer, in consultation with the principal, is required to determine whether the appointment of any school board members are due to expire on 31 March of the following year.

Planning and Performance Branch provides advice to principals before the end of each school year in relation to positions on the school board that are due to expire on 31 March of the following year. If vacancies on the school board are due to occur the Assistant Returning Officer must prepare the school community for an election.

The Assistant Returning Officer is strongly encouraged to attend one of the school board election training sessions conducted by Planning and Performance Branch in December and February of each year to assist them in preparation for elections. The dates for school board election training are provided to principals before the end of each school year.

Planning and Performance Branch will advise schools of election dates to ensure the legislative requirement to complete all school board appointments by the end of March each year is met. Dates for each stage of the election process are provided to principals by the end of each school year.

The Assistant Returning Officer is required to follow the election procedures detailed below to ensure consistency in all public schools across the ACT. Assistance and advice is available from Planning and Performance Branch.

5.6.2 Notice of election

The notice of election and call for nominations must be communicated to the school community in advance of the election period. This should include displaying information on school notice boards, in school newsletters, on the school's website, and through other means as appropriate, such as email.

The notice of election should provide information about the roles and responsibilities of school board members and the contact details of the Assistant Returning Officer for further enquiries.

5.6.3 Election dates

The Act requires all school board appointments to commence on 1 April in the year of election. As a result of this requirement, dates associated with school board elections are set by Planning and Performance Branch and provided to principals by the end of each school year for the following year. Templates have been created for each stage of the election process. They are provided in the appendices to this manual and referred to below.

5.6.4 Call for nominations

The Assistant Returning Officer must call for nominations from each relevant sector of the school community requiring an election. The nomination period must be 14 days.

Best practice requires the call for nominations to state:

- which positions on the school board are vacant;
- the eligibility criteria for each position;
- details of how nominations may be lodged;
- the date and time for the opening and closing of the nomination period;

- details of the draw for positions on the ballot paper;
- details of how and when voting is to be conducted; and
- the time and date for declaration of nominations.

The *Nominee Form* at [Appendix 10](#) must be prepared by the Assistant Returning Officer and made available to the school community. The form contains guidance for the Assistant Returning Officer in calling for nominations. The Assistant Returning Officer is required to inform the school community of the dates, times and location of the lodgement of nominations. Nominations may not be accepted after the advertised closing date and time for nominations. The *Nominee Form* includes a statement to confirm that the nominee agrees to the nomination and appointment to the position on the school board.

5.6.5 Invalid nominations

To be valid, a nomination must be:

- received by the Assistant Returning Officer within the nomination period;
- signed by the nominee;
- submitted to the Assistant Returning Officer using the *Nominee Form* at [Appendix 10](#);
- legible; and
- completed by a nominee who fulfils the eligibility requirements.

If the Assistant Returning Officer determines that a nomination is not valid the Assistant Returning Officer must attempt to contact the nominee as soon as practicable and inform him/her that the nomination is not valid. If the nomination can be validated within the nomination period, the nominee must be informed in order for him/her to do so.

Invalid nominations or issues arising from the nomination period must be recorded on the *Return Form* at [Appendix 11](#) and submitted to the Returning Officer within 14 days of the conclusion of the election.

5.6.6 Security

All nominations, valid and invalid, must be kept by the Assistant Returning Officer in a secure location until the end of the dispute period or resolution of any dispute, whichever is the latter.

5.6.7 Declaration of nominations

The Assistant Returning Officer will declare the nominations as soon as practicable after the closure of the two week nomination period. Nominations will not be made public until after the time of declaration of nominations. The purpose of the period between the close of nominations and the declaration of nominations is to allow the Assistant Returning Officer to determine whether an election is required.

5.6.8 Withdrawal of nomination

Nominations may be withdrawn at any time after nomination until appointment by the Returning Officer. In the event of the withdrawal of a single nominee for a position on the school board, the election will need to be conducted again.

The Assistant Returning Officer is required to inform the school community about the procedures for the withdrawal of nominations.

5.6.9 Unopposed election

If the number of nominees validly nominated is less than or equal to the number required to be elected, all nominated nominees are to be declared elected unopposed.

5.6.10 Need for an election

If the number of nominees nominated is greater than the number required to be elected, the Assistant Returning Officer must conduct an election.

5.6.11 Unfilled positions

If, following an election a position remains unfilled the school community should be informed of the vacancy and a fresh election conducted. Planning and Performance Branch must be informed of the unfilled position and the anticipated timeframe of the fresh election.

The Assistant Returning Officer is responsible for drawing the names of nominees for positions on the ballot paper. The Assistant Returning Officer decides on the date, time and location, preferably within business hours, to draw the names of nominees.

Nominees may appoint a scrutineer to observe this process. If a scrutineer is appointed, they must be available at the time nominated by the Assistant Returning Officer.

The *Scrutineer Appointment Form* at [Appendix 13](#) must be used. This form must be forwarded to the Returning Officer with the *Return Form – Election Results and Casual Vacancy Form* at [Appendix 11](#). Nomination forms for scrutineers must be received by the Assistant Returning Officer at the close of the nomination period.

The names of valid nominees must be placed on separate pieces of paper, folded and placed into a container. The Assistant Returning Officer then draws a name out of the container and records the name of the nominee against positions on the ballot paper starting at position one.

5.6.12 Commencement of voting

The timeframes for each phase of general school board elections are at [Appendix 2](#). These timeframes must be adhered to ensure that legislative requirements are met. The mandatory dates for school board elections are provided to principals before the end of each school year.

The Assistant Returning Officer will advise the school community of the relevant dates and information about the lodgement of votes. Votes will not be accepted after the close of voting. Voting is to commence one week after nominations close and must be completed within one week of the opening of voting.

5.6.13 Information on ballot paper

The ballot paper must contain the following:

- the name of the school;
- electoral group (Parents and Citizens Association, staff or students);
- voting instructions;
- number of positions to be elected;
- names of nominees; and
- voting square printed beside name of nominee.

The *ballot paper* is provided at [Appendix 8](#).

5.6.14 Voting guidelines

The voting system that is used in school board elections is the ‘first past the post’ system. A separate ballot paper is required for each type of position, for example staff, student or parents and citizens. All voting must be conducted by following the procedures outlined in this manual using the *ballot paper* at [Appendix 8](#). Confidentiality must be maintained at all times. A public show of hands for the election of positions to the school board is **not** permitted. Proxy voting is **not** permitted.

When the vote is completed, the ballot paper must be placed in the envelope provided, sealed and the declaration signed. The envelope must then be returned to the Assistant Returning Officer in the method stated prior to the election and within the stipulated time frame. Schools should provide a secure ballot box in the front office. Any ballot paper received before or after the declared voting period will not be accepted or counted.

5.6.15 Validity of votes

The Assistant Returning Officer is required to decide whether a vote is valid or invalid.

A vote is considered as invalid if any of the following issues occur:

- the ballot paper is not in the voting envelope;
- the declaration on the envelope is not signed by the voter;
- the ballot paper identifies the voter;
- there is more than one vote on the ballot paper;
- there is no mark on the ballot paper; or
- the voting envelope is received outside the voting period.

Information about invalid votes must be included in the *Return Form - Election Results and Casual Vacancy* at [Appendix 11](#).

5.6.16 Process for election of one position

If there is only one position to be filled, the following procedures must be followed. Voters may select one person on the ballot paper by placing a tick or cross in the square beside the preferred nominee.

5.6.17 Process for election for more than one nominee

If there is more than one vacant position for the same position type (e.g student member), it is recommended that the positions be staggered (see 5.5.1). Voters are required to indicate their preference for a nominated position on the ballot paper by placing a in one square beside one name. Voters may only vote for one nominee.

The Assistant Returning Officer will count the votes of each nominee. The nominee receiving the greatest number of votes is elected. If there is a second vacant position, the nominee receiving the second greatest number of votes is elected to the second position. In the event of equal votes the Assistant Returning Officer will determine the issue by 'lot'. Determining the successful nominee by 'lot' involves the Assistant Returning Officer using an accepted 'lot' technique such as 'drawing a name out of a hat', 'drawing straws' or a 'coin toss'.

5.6.18 Counting votes

The Assistant Returning Officer is responsible for all steps in the counting of votes. If a scrutineer is appointed, they must observe only and must not participate in the counting of votes. The following steps in the counting of votes must be followed:

1. The Assistant Returning Officer decides on the date, time and location, preferably in business hours, to count the votes. If a scrutineer is appointed, they must be available at the time nominated by the Assistant Returning Officer.
2. No nominee in the election may attend the counting of votes.
3. Using a large table, the name of each nominee is placed on a piece of paper. A separate sheet is prepared for 'invalid' votes.
4. Each ballot paper is removed from the envelope, checked for validity, and valid votes placed face up next to the nominee's name. For more information about invalid votes see [5.6.17 Invalid Votes](#).
5. Once all ballot papers are removed from envelopes and placed next to a nominee's name, they are to be checked and turned over.
6. The votes for each nominee are to be counted, turned face up and a post-it note with the count placed on top. Under no circumstances may a ballot paper be marked by the Assistant Returning Officer.
7. The votes are to be double checked and the post-it-note ticked to indicate that this has been completed.

8. The nominee receiving the greatest number of votes is the successful nominee. Information about the successful nominee must not be made public until the appointment is made by the Returning Officer and the result has been notified by Planning and Performance Branch.
9. In the event of equal votes the Assistant Returning Officer will determine the issue by 'lot'. Determining the successful nominee by 'lot' involves the Assistant Returning Officer using an accepted technique such as 'drawing a name out of a hat', 'drawing straws' or a 'coin toss'.
10. Results are to be transferred to the *Return Form - Election Results and Casual Vacancy* at [Appendix 11](#).
11. All ballot papers for each position are to be placed into an envelope and sealed. The name of the position, the election date and disposal date are to be detailed on the front of the envelope and stored in a secure location at the school.
12. In accordance with the School Management Records Disposal Schedule, ballot papers are to be disposed of six months after the Returning Officer has made the appointments to the school board.
13. The completed *Return Form - Election Results and Casual Vacancy* at [Appendix 11](#) is to be forwarded to the Returning Officer for the appointment of successful nominees to the school board. This must be completed within five days of the conclusion of the election.
14. The Returning Officer will declare the results of the election and inform the principal in writing within 14 days of the election.
15. The principal can then inform the school community of the results of the election within seven days of receipt of notification of the election by the Returning Officer.

5.6.19 Eligibility to vote

The Act details eligibility requirements for voting in school board elections. Refer to [Appendix 18](#) for these requirements. Each eligible person may only vote once in the election to which they are entitled to vote.

5.6.20 Staff members

A person is eligible to vote in the election of a staff member if they are a member of staff of the school. This includes teaching and administrative staff both full time, part time and casual staff members.

5.6.21 Student members

A person is eligible to vote in the election for a student member if they are a student at the school and attends classes or participates in an education program conducted by the school for a minimum of 12 hours per week.

5.6.22 Parents and Citizens members

A person is eligible to vote in the election of a Parents and Citizens member if they are a member of the school's Parents and Citizens Association. Membership is prescribed in the constitution of the association. Membership is usually open to all parents and carers of students enrolled at the school (including teachers who are also parents or carers of students enrolled at the school) and adult persons residing in the area who seek membership. Where more than one member of the same family is a member of the Parents and Citizens each person is eligible to vote.

5.6.23 Scrutiny

Each nominee may appoint a Scrutineer to observe the Assistant Returning Officer counting votes on the ballot paper. Scrutiny commences as soon as practicable after close of voting. The Assistant Returning Officer decides on the date, time and location, preferably in business hours, to count the votes.

Nominees may appoint a scrutineer to observe this process. If a scrutineer is appointed, they must be available at the time nominated by the Assistant Returning Officer.

The *Scrutineer Appointment Form* at [Appendix 13](#) must be used. This form must be forwarded to the Returning Officer with the *Election Results and Casual Vacancy Form* at [Appendix 11](#). Nomination forms for scrutineers must be received by the Assistant Returning Officer at the close of the nomination period.

5.7 Declaration of results to Returning Officer

Within five days of counting the vote, the Assistant Returning Officer must complete the *Return Form – Election Results and Casual Vacancy* at [Appendix 11](#) advising the Returning Officer of:

- the results of the election (including any nominee who was elected unopposed);
- the number of votes received by each nominee;
- details of any other issues arising when conducting the school board election; and
- details of scrutineers.

Announcement of the election results must not occur until the Returning Officer has appointed the elected members (refer to [section 5.9](#)). Planning and Performance Branch will inform the principal of appointments made by the Returning Officer. The Returning Officer will make the declaration as soon as possible and within 14 days of being notified of the result.

The principal must inform the school community of the appointment of school board members once the Returning Officer has appointed the elected members and as soon as possible and within seven days of being notified.

5.7.1 Decision by Returning Officer on disputes

In the event of a dispute the Assistant Returning Officer must detail the issue in the *Return Form – Election Results and Casual Vacancy* at [Appendix 11](#). The issue will be considered by the Returning Officer who will declare one of the following:

- the election void and that a fresh election must be held;
- that the election result was incorrect and that a different nominee is to be appointed; or
- that the original election result is correct.

The decision by the Returning Officer will be provided to the principal within 14 days of being notified of the result. If a fresh election must be held it should be conducted as soon as possible in order to meet the legislative requirements for the appointment of members to school boards.

Any issues in relation to school board elections must be provided **in writing** to the Returning Officer within 14 days of the conclusion of the election by contacting Planning and Performance Branch by phone: 02 6205 9185, email: DETGovernance@act.gov.au or fax: 02 6205 8353.

5.7.2 Destruction of ballot papers

The Assistant Returning Officer must ensure that all ballot papers are kept in a secure location at the school until the end of the dispute period of 14 days, or resolution of any dispute, whichever is the latter. Election papers must be destroyed six months after the expiration of the dispute period and after the result of the election is declared.

5.8 Ending of Appointments

The resignation or ending of an appointment of a school board member creates a casual vacancy for the remainder of the term of appointment. The Returning Officer must be informed in writing within five days if a member of a school board resigns, even if the resignation occurs within three months of the ending of the term of appointment.

The Assistant Returning Officer must provide information about the resignation of a school board member to Planning and Performance Branch. The Returning Officer will confirm the ending of an appointment in writing to the principal and the school board member within 14 days of receiving information of the resignation from the Assistant Returning Officer.

Section 44 of the Act requires the Returning Officer to end the appointment of a member of the school board if:

- the member ceases to be eligible to be appointed or elected to the position;
- for staff members, the appointed member is no longer a member of staff;
- for student members, the appointed member is no longer a student at the school;
- for parents and citizens members, the appointed member is no longer a member of the school's P&C Association;
- the member (other than the principal) is absent from three consecutive meetings of the school board without reasonable excuse or leave given by the school board; or

- the member fails to disclose a material conflict of interest without reasonable excuse.

The Returning Officer may also end the appointment of a member of the school board for misbehaviour or physical or mental incapacity.

The Assistant Returning Officer or the principal must provide information about the issue that may lead to the ending of the appointment of a school board member to Planning and Performance Branch. The Returning Officer will confirm the ending of an appointment in writing to the principal and the school board member within 14 days of receiving information about the issue.

The ending of an appointment of a school board member creates a casual vacancy for the remainder of the term of appointment. The procedures for filling a casual vacancy detailed in this manual must be followed. Planning and Performance Branch is able to provide advice in relation to issues that may lead to the ending of the appointment of a school board member.

5.9 Period of appointment

The term of office of a member of a school board, other than the principal, begins on whichever is the later:

- 1 April in the year of the member's election or appointment by the Returning Officer; or
- the date of the member's election or appointment.

It is a legislative requirement that the term of office ends on 31 March at least 12 months, and not more than 24 months, after the beginning of the term. For the purposes of continuity, it is good practice for school boards to elect half the board each year for a term of 24 months so that the school is not required to conduct elections for a full complement of school board members at one time.

5.9.1 Casual vacancies

The filling of all casual vacancies shall be for the remainder of the term of office that has been vacated only.

Where a casual vacancy occurs, the position shall be filled by:

- declaring elected the unsuccessful nominee from any previous election for that position who received the highest number of votes, if the position was filled by an election. The Assistant Returning Officer should contact the unsuccessful nominee to confirm interest in filling the casual vacancy before advising the Returning Officer of the result; or
- if there were two or more unsuccessful nominees tied with the highest number of votes, the Assistant Returning Officer should decide the winning nominee by lot.

Where the position was filled by an unopposed election, or there are no unsuccessful nominees from the election or a previous election who are available to fill the vacancy, the

position is to be filled by a fresh election. The Assistant Returning Officer is required to conduct the election to fill a casual vacancy.

Where a casual vacancy occurs less than three months prior to the end of the term of office including the Christmas holiday period, the position may remain vacant at the discretion of the school board. Should the school board wish to fill a position of less than three months duration, the school board may appoint a person to that position for the balance of the term of office. This appointment is known as an 'acting appointment'. Planning and Performance Branch is available to provide assistance and advice in relation to filling casual vacancies.

All election results must be sent to the Returning Officer by completing *Return Form – Election Results and Casual Vacancy* at [Appendix 11](#), within five days of the conclusion of the election. The Returning Officer will make the declaration as soon as possible and within 14 days of being notified of the result.

Any issues in relation to casual vacancies must be provided **in writing** to the Returning Officer within 14 days of the conclusion of the election by contacting Planning and Performance Branch by phone: 02 6205 9185, email: DETGovernance@act.gov.au or fax: 02 6205 8353.

5.9.2 Acting appointments

The school board may appoint a person to act as a member of the school board while the office remains vacant if:

- an elected member of a school board is absent, or is expected to be absent from the ACT;
- a person is unable through illness or other cause to attend meetings of the school board; or
- a person ceases to hold office as an elected member of a school board three months or less before the end of his or her term of office.

Acting appointments do not require appointment by the Returning Officer. The Assistant Returning Officer needs to notify Planning and Performance Branch of any acting appointments by completing the *Acting Appointment form* at [Appendix 13](#). The appointment of acting school board members must be detailed in the minutes of the school board meeting.

The acting appointment must be consistent with the eligibility criteria for the appointment of school board members to that position (for example, if the vacancy is created by the absence of a student member, the acting appointment must be a student of the school). The selection of a school board member for an acting appointment must be an appropriate representative of the school community and ensure suitable balance and expertise on the school board.

Planning and Performance Branch is available to provide assistance and advice in relation to acting appointments.

PART 6 - MEETING PROCEDURES

6.1 Conduct of school board members

School board members are expected to observe requirements for high standards of behaviour and ethical conduct to ensure that school boards are accountable, and engage in effective decision-making.

A code of conduct provides the board with an ethical framework for the decisions, actions and behaviour of its members. All school board members are required to agree to and sign the *Code of Conduct* form at [Appendix 14](#) by 31 May in the year of appointment to the school board. The signed code of conduct form is to be kept on an official school board file.

Issues that cannot be resolved by the school board can be referred to the relevant School Network Leader for assistance. Issues requiring independent consideration can be provided **in writing** to the Returning Officer by contacting Planning and Performance Branch by phone: 02 6205 9185, email: DETGovernance@act.gov.au or fax: 02 6205 8353.

6.2 Confidential student data

In fulfilling the responsibility for monitoring and reviewing school performance, school board members will be provided with confidential information and data.

To ensure confidentiality in the use of student data, school board members are required to sign the *Code of Practice-Acceptable Use of Student Achievement Data* form at [Appendix 15](#) by 31 May in the year of appointment. The form is to be directed to the Educational Performance section and a copy is to be kept on an official school board file.

6.3 Conflict of interest

A conflict of interest is a situation arising from the conflict between the performance of public duty and private or personal interests. A conflict of interest can range from minor to severe. All school board members are required to agree to and sign the *Conflict of Interest Declaration* at [Appendix 16](#) by 31 May in the year of appointment to the school board. The signed conflict of interest declaration is to be kept on an official school board file.

A conflict of interest may arise from:

- other board membership or employment;
- professional or business interests and associations;
- investment interests; and/or
- family relationships.

Examples of a conflict of interest in relation to a school board member are:

1. John is a *staff member* appointed to a school board. He is an Outdoor Education teacher and is the teacher in charge of an overseas excursion. As overseas excursions require school board approval, John presents a proposal to the school board. John has a conflict of interest as he would like the overseas excursion to be approved by the school board. John should declare that he is the teacher in charge of the overseas excursion and that he has a conflict of interest in relation to the decision related to approval of the excursion by the board. John should not

participate in further discussion about the overseas excursion or vote in relation to the approval of the excursion.

2. Margaret is a *parents and citizen's member* appointed to the school board. Margaret's partner Stephen owns a company that supplies shade shelters to schools. When the school board decides to install a shade shelter in the playground, Margaret tells Stephen about the plan. Stephen submits a quote for the job. Margaret has a conflict of interest and must declare that her partner is Stephen. Margaret should not participate in the discussion about the selection of a tender or vote in relation to selection of a tender.

The following checklist provides examples of situations that may represent a conflict of interest for a school board member. If a school board member has responded in the affirmative to any of the following situations, a conflict of interest may exist and must be declared to the school board.

Situation	Check
Are you are parent/carer of a child at the school and discussions of the school board relate to your child?	<input type="checkbox"/>
Are you are staff member employed at the school and discussions of the school board relate to your class/programs that you are involved in?	<input type="checkbox"/>
Are you an employee of the Education and Training Directorate and discussions of the school board relate to programs/activities that you administer?	<input type="checkbox"/>
Do you or a family member/friend have involvement in a company or organisation that may be associated in any way with the school?	<input type="checkbox"/>
Have you accepted a gift, offer or suggestion in relation to your role as a school board member?	<input type="checkbox"/>
Are you associated with any other commercial or community organisation that may support or sponsor the school in any way?	<input type="checkbox"/>

A school board member has a duty to declare any private interest that may impinge upon on a board decision. When an issue arises, the school board member must, as soon as practicable disclose full and accurate details of the interest or issue to the school board. To achieve this, it is recommended that notifications of conflict of interest are a standing item in the template for the agenda and minutes of school board meetings. All details of the declaration must be recorded in the meeting minutes.

A conflict of interest exists if:

- any member has a direct or indirect interest in an issue being considered by the school board; and
- the interest could conflict with the proper exercise of the member's functions in relation to the school board's consideration of the issue.

A conflict of interest may be managed by:

- the member not taking any part in the discussion of the board relating to the interest or issue;
- the member not voting on the matter;
- requiring the member to be absent from the meeting when the discussion or vote is taking place; and/or
- the member not receiving any relevant board papers in relation to the issue.

The school board should make a decision as to how to manage the conflict of interest and record reasons for that decision in the meeting minutes. If the quorum is lost the meeting cannot continue and needs to either be adjourned until a quorum is obtained or the issue in question carried over to the next meeting.

Section 49 of the [Education Act 2004](#) (the Act) provides information about disclosures of interest by members of school boards. Teachers and public servants also have specific responsibilities in relation to conflicts of interest.

6.4 Statement to Director-General

Within 14 calendar days after the end of each financial year (14 July), the current chairperson of the school board must provide the Director-General with a statement of any disclosure of interest, by completing the *Disclosure of Interest Statement* at [Appendix 17](#), in relation to the school board during the previous financial year even if there is a nil return.

The statement must be directed to Planning and Performance Branch to prepare documents for consideration by the Director-General and a copy is to be kept on an official school board file.

6.5 Meetings

Sections 47 and 48 of the Act set out the procedures for the running of school board meetings including time, place and calling of meetings. Planning and Performance Branch is able to provide support and advice in the running of school board meetings.

6.6 Attendance at meetings

School board meetings should only be attended by members appointed to the school board by the Returning Officer or by the school board. Due to issues of confidentiality, other people should not attend school board meetings unless invited to do so by the principal or chairperson. Invitations to school board meetings must only be made following consultation with the school board and must be included in the agenda of the meeting.

Additional people should attend the school board meeting to which they have been invited only for the agenda item of relevance to them. The name and purpose for which the person has attended the school board meeting must be included in the minutes of the meeting.

The meeting place and time must be agreed upon by all school board members and must enable meetings to maintain confidentiality. Conducting school board meetings in public places is not advisable due to issues of confidentiality. A meeting can be conducted in any

way that allows members to take part, e.g. in person, by phone, by closed-circuit TV or Skype. A member who takes part in a meeting using electronic or telephonic communication is considered to be present at the meeting.

6.7 Calling of meetings

The chairperson:

- may at any time call a meeting of the school board; and
- must call a meeting if asked by the Minister, the Director-General or three members of the school board.

If the chairperson is not available to call a meeting for any reason, the deputy chairperson or the principal of the school may call a meeting of the school board.

6.8 Frequency of meetings

School boards are required under the Act to meet a minimum of **four** times per year. In order to meet the monthly financial management requirements of school boards it is recommended that at least two meetings per term are conducted.

6.9 Quorum

For a general school board, business may be carried out at a meeting of the school board only if **three or more** members are present, and at least one of the members present is a staff member and at least one member present is a parents and citizens member.

For schools in special circumstances or school-related institutions, the quorum is defined in relation to the composition of the board and is detailed in the disallowable instrument at <http://www.legislation.act.gov.au/di/current/e.asp>.

6.10 Casting vote

The Act prescribes that a question is to be decided by a majority of votes of the members present but, if the votes are equal, the member presiding has a casting vote. The member presiding is the school board chairperson.

In the absence of the school board chairperson, the deputy chairperson is considered to be the member presiding in the event of a question to be decided. In the absence of the chairperson and deputy chairperson the member elected to preside by the members present has the casting vote.

The principal and staff member/s are **not** eligible to preside at a meeting of the school board.

6.11 Minutes

A school board must keep minutes of its meetings and may conduct its proceedings as it considers appropriate. The chairperson must sign the minutes of each school board meeting as a true and accurate record after confirmation by the members of the school board.

Members of the school board should receive minutes of the meeting within **one week** of the school board meeting. School board members are encouraged to provide information about decisions of the school board to their constituent group as appropriate. The minutes can be distributed electronically and made available in hard copy at the following meeting of the school board.

Section 48(10) of the Act requires school boards to keep minutes of its board meetings. The objects of the *Freedom of Information Act 1989 (ACT)* (FOI Act) extends the right of the Australian community to access information, by making available to the public, information about the operations of agencies. Any member of the public has a legally enforceable right to make a request under the FOI Act, for any information in the possession of the school board. This right is subject to the exemptions set out in the FOI Act.

6.12 Finance report

A finance report must be tabled at each meeting by the principal. The minutes must indicate that the report has been tabled and discussed. A finance report should also be provided to all members of the school board on a monthly basis to ensure that the school board is able to fulfil its responsibilities for monitoring the financial wellbeing of the school. The finance report may be distributed electronically for this purpose.

School board members with a concern in relation to the finance report should discuss the concern at the next meeting of the school board. All changes to the school budget must be agreed by the school board first. All changes should have a proposer and seconder and should be minuted.

Support for school board financial matters can be provided by the Finance and Corporate Support Branch of the Directorate.

6.13 Agenda for meeting

At least **one week** before each school board meeting, members of the school board should receive an agenda and other relevant business papers to enable members to prepare for the meeting. This is the task of the school business manager who provides secretariat support for the school board. The agenda is prepared in consultation with the principal and school board chairperson.

The agenda usually contains the following items:

- attendance/apologies;
- declaration of conflict of interest;
- minutes of previous meeting;
- business arising;
- correspondence;
- reports – for example Principal, Parents and Citizens Association, Student Representative Council, Finance, or other sub-committees; and
- general business.

6.14 Balance of business at meetings

School board meetings provide a forum for discussions in relation to strategic issues affecting the school. Strategic responsibilities are detailed in the introduction of this manual in [Part 2 – Functions of School Boards](#). School board meetings must minimise discussions of operational matters. Operational matters are the responsibility of the school principal and may also be discussed at meetings of the school Parents and Citizens Association. The school board chairperson has a responsibility to ensure that school board members understand the matters to be discussed at meetings of the board and to refer other issues to the appropriate forum.

Any member of the school board is entitled to move that the agenda be altered if it is appropriate. Any changes to the meeting agenda must be proposed to the secretariat (who is usually the school's business manager) at least 72 hours before the meeting.

The secretariat is required to consult with the school board chairperson and the principal in relation to the proposed changes to the meeting agenda. Approved changes to the agenda must be provided to school board members at least 24 hours before the meeting.

6.15 School board chair

The elected chairperson of the school board works in partnership with the principal to lead the school board and the school. The chairperson must be an elected member of the board and may be a P&C member, appointed member or student member. If a student member is elected as school board chair and is **not** 18 years of age, all documents and reports must be counter-signed by another school board member who is 18 years of age or older.

The chairperson presides at all meetings of the school board. If the chairperson is absent, the deputy chairperson must preside. If the chairperson and deputy chairperson are both absent, a school board member is chosen by the members present to preside for that meeting only. The principal and staff member/s are **not** eligible to preside at a meeting of the school board.

The presiding member of the school board meeting is responsible for all functions associated with the role of elected school board chairperson, including signing the financial report and minutes, presiding in the event of a question to be decided and chairing the meeting. School board chairs have an important leadership role for the school board and the community and must be aware of their responsibilities in:

- inducting new school board members;
- ensuring that all school board members understand their roles and responsibilities; and
- communicating effectively with the school community regarding activities and decisions of the board.

Training for appointed school board chairs is conducted by Planning and Performance Branch on an annual basis. School board chairs or a representative are invited to attend the School Board Network held in terms three and four. Information about all school board training activities is provided to principals.

6.16 Non-voting members

A non-voting member or board appointed member of the school board is a member appointed by the school board to ensure that the unique features of the school are represented.

No more than two people can be appointed as board appointed members for a term not longer than 12 months. Board appointed members are able to be fully involved in school board discussions but are unable to vote on matters to be decided.

6.17 Decision-making

At a meeting of the school board, each member (other than a non-voting member) has a vote on each matter to be decided. Any matter to be decided must be discussed fully at a meeting of the school board and be recorded in the minutes of the meeting.

While school board members must represent their constituent group, they must act in accordance with their roles and responsibilities as school board members and should vote according to the board's principles.

The elected chairperson or the school board member presiding over the meeting is required to conduct a vote of a matter to be decided. Decision-making at school board meetings is usually conducted by a show of hands. In the event of a tied vote the chairperson has the casting vote.

6.18 Voting responsibilities

All school board members must vote in accordance of the best interests of the school.

Any issues of significance requiring decision making by the school board must be included on the agenda of a school board meeting by the member wishing to discuss the issue. Sufficient time must be allocated at the school board meeting to allow discussion of the issue. If consultation is required, voting on the issue must not occur at this meeting.

Following discussion of the issue at the school board meeting, and where consultation is required, members must discuss the impact of the issue on their constituents and the school community before the matter is decided. Members must vote in accordance with the views of their constituents and school community.

Voting on the issue to be decided should be scheduled to occur at a meeting of the school board or at a special meeting called by the chairperson specifically to decide on the matter.

6.19 Valid resolution

A resolution of the school board may be needed if a decision must be made by the school board between scheduled meetings and a special meeting cannot be called. A resolution is valid, even though a decision has not been made at a meeting of the school board if:

- all members (other than the non-voting members) agree in writing, to the proposed resolution. This may occur by email or other form of correspondence; and

- notice of the resolution is provided to all school board members.

The matter of the resolution must be placed on the agenda of the next school board meeting and details of the resolution included in the minutes.

6.20 Secretariat support

The school is responsible for providing secretariat support to the school board. Secretariat support is usually provided through the school's business manager. In the event the business manager is elected to the school board the school is still responsible for providing secretariat support. Secretariat support includes:

- notification of meeting details to school board members;
- receipt of correspondence;
- calling for agenda items;
- preparation of the agenda;
- preparation and clarification of financial statements;
- distribution of the agenda and any required documentation at least one week before the meeting;
- receipt of apologies for school board meetings;
- confirmation of meeting location;
- recording attendances and minutes of the school board meeting;
- preparation and distribution of minutes within one week of the meeting; and
- electronic distribution of finance reports on a monthly basis.

The secretariat is **not** an appointed member of the school board and must not participate in discussions or vote on any issues. The secretariat may however provide advice to the school board if requested to do so. Confidentiality of information discussed at school board meeting must be observed by the secretariat.

6.21 Sub-committees

School boards are required under the Act to meet a minimum of **four** times per year. School boards may not attend to all business on the agenda at one meeting and may leave some business to be acted upon between meetings.

Sub-committees may be set up to deal with ongoing school board business as well as matters relating to correspondence, finance or curriculum. A working party may be set up to carry out a specific task such as writing a response to a discussion paper or a submission to fund a project.

A sub-committee of the school board must consist of at least one school board member. All of the other members of the group may be drawn from other areas of the school community. The subcommittee may take advice from the school community or relevant stakeholders. All activities and decisions of the sub-committee must be recorded and presented to the school board for deliberation and voting on the matter to be decided.

PART 7 - GUIDELINES FOR SCHOOL BOARDS

7.1 Introduction

The Directorate has developed this manual to assist school board members to comply with the requirements of the Act and to gain an understanding of their roles and responsibilities.

For more information about these requirements, all school board members are invited to attend an annual training session conducted by Planning and Performance Branch. Information about training for school board members is provided to principals by the end of each school year.

7.2 Proposals from the school community

The school board is able to receive proposals and suggestions in writing from individuals or groups within the school community. Correspondence is attended to by the school board at each meeting. Decisions made by the school board are included in the minutes of school board meetings which are available to the school community on request.

School board members should regularly consult with constituents within the school community to determine issues of concern that may be raised at school board meetings.

7.3 Annual Report

The Act prescribes that school boards must approve an annual report on the school board's operations during the year. This report is to be finalised by 1 March each year, and submitted to the relevant School Network Leader. A summary of the report is to be made available to the school community.

The purpose of the Annual School Board Report is to:

- provide information about school performance;
- celebrate school achievements;
- record progress against the objectives in the school plan; and
- provide information about the school to central office.

The Annual School Board Report is an important element of the Directorate's information system. The report provides evidence that school goals and system commitments are being met, and Australian Government requirements are being achieved. The report also demonstrates school accountability to the community.

The Australian Government requires a copy of the Annual School Board Report to be available for the school community in hard copy and on the school's website by 15 March in any calendar year. It is the responsibility of the principal and the school board chairperson to provide a summary (or a full copy) of the annual report to the school community 14 days after approving the annual report.

7.4 Functions of school boards

7.4.1 Strategic directions and priorities

The *School Excellence Initiative* establishes over-arching principles associated with high quality educational practices. It provides school communities with a conceptual framework for continuous improvement. The initiative identifies 'student achievement and learning' as its central focus and is supported by quality professional practices including, evidence-based decision-making, systems thinking and planning, quality assured governance and community partnerships.

The *School Improvement Framework* is the evaluative tool for the *School Excellence Initiative*. It provides schools with guidance (and related tools) for implementation of a three-year school review cycle, and as such helps to support schools as they: monitor student achievement, improve educational practices, measure performance within the school domains, and make judgements about the reliability and validity of these measures to plan for improvement.

In the first year of the school review cycle, the principal will advise and seek input from the school board on the management and implementation of the review process. The school board has a monitoring role in the review year and school board or community members may be involved in the school's review committee, sometimes known as the school improvement committee. At this time, the school also assesses its performance against the four domains of schooling:

1. learning and teaching;
2. leadership and management;
3. student environment; and
4. community involvement.

The principal, along with the school board, uses the information gathered during the review to document goals and priorities for the school for the next three years in a strategic plan, recognising that there may be amendments to the plan as new priorities emerge. The principal, along with the school board, prepares the Annual School Board Report, describing the school's priorities and indicating the priorities for the following year.

In the second year of the cycle, schools monitor their progress against their agreed strategic goals and priorities and provide updates to their school board. The school continues to determine, if appropriate, new or emerging priorities. The school can adjust the plan with approval from the school board, but implementation of the strategic priorities and monitoring of the process by the school and the school board continues.

In the third year of review, the principal, along with the school improvement committee, prepares a school self-assessment report focussing on the assessment of performance, achievements and the development and delivery of curriculum. The school board approves the school's self-assessment report.

A panel external to the school validates the school in light of the self-assessment report and the associated analysis of the collected data. The panel provides a report to the school and

the school board. This report becomes part of the information used by the school to advise the next round of strategic priorities and is a key component of the ongoing review process. The principal and the school board work together to prepare the Annual School Board Report, including the outcomes of the external validation process and outlines the priorities for improvement for the following year.

7.4.2 School performance

The role of the school board is to monitor and review school performance and contribute to the writing of the Annual School Board Report. There are 13 measures that are reported on by each school in this report (refer to the *Reporting to the Community on School Programs and Performance policy* at: http://www.det.act.gov.au/publications_and_policies/policy_a-z). The Annual School Board Report includes a summary of the annual implementation of the school strategic plan with the school's achievements highlighted under the four domains of schooling.

The school board, working in partnership with the principal and representing the community of their school, is informed about the operations of their school. The school board is required to discuss and approve policies developed by the school and monitor the development and implementation of the school's curriculum. The school board has access to school performance data to approve the school's budget and monitor financial statements.

The principal is responsible for drafting the Annual School Board Report to highlight the operations of the school. The draft is tabled at a school board meeting where comment is invited from school board members. A copy of the final report is sent to the relevant School Network Leader for verification. If there are no changes required by the School Network Leader, the principal and the school board chairperson sign the report within the approved timeframe.

7.4.3 Curriculum

School boards must ensure that the school is implementing the curriculum requirements decided by the Director-General. School boards should also determine priority learning areas for students at the school.

The school board should be aware of current legislative requirements for participation of student in formal education and training. These requirements should be reflected in the curriculum documentation of the school.

7.4.4 P-10 curriculum

The school board has an important function to oversee the school curriculum. This involves ensuring that national and Directorate priorities are implemented. Teaching and learning issues specific to the school community must be addressed by the school board overseeing the allocation of resources and providing guidance on priorities for teaching and learning.

This can be achieved by ensuring that the following items are addressed:

Requirement	Check
Is the curriculum meeting ACT and national requirements?	<input type="checkbox"/>
Are the principles that guide the school's curriculum available to the school community?	<input type="checkbox"/>
Is there evidence of differentiation to meet the needs of students requiring additional support and those requiring extension?	<input type="checkbox"/>
Are there a variety of teaching and assessment strategies designed to address the individual needs of students?	<input type="checkbox"/>
Are there relevant and accessible resources?	<input type="checkbox"/>
Is there a process to evaluate, on a regular basis, curriculum programs and to use this evidence to refine programs?	<input type="checkbox"/>
Do curriculum documents provide guidance to teachers so that they can deliver quality programs?	<input type="checkbox"/>
Are all requirements of year 10 certification met?	<input type="checkbox"/>
Are there opportunities for student access to vocational learning?	<input type="checkbox"/>
Are changes to the school's curriculum discussed and approved by the school board?	<input type="checkbox"/>

7.4.5 Years 11-12 curriculum

The years 11 and 12 curriculum requires the school board to have an understanding of certification processes and requirements for successful student transition to work or further study. The school board chairperson should sign all proposals for the development of type one courses, as well as minor variations and course proposals before forwarding them to the Board of Senior Secondary Studies for consideration by an accreditation panel.

A type one course is developed by the college for its own use. Approval of a type one course must be provided by the school board chairperson and the principal. The course can only be used by other colleges if accredited.

Teaching and learning issues specific to the school community must be addressed by the school board overseeing the allocation of resources and providing guidance on priorities for teaching and learning.

This can be achieved by ensuring that the following items are addressed:

Requirement	Check
Is the curriculum meeting ACT and national requirements?	<input type="checkbox"/>
Are there a variety of teaching and assessment strategies designed to address the individual needs of students?	<input type="checkbox"/>
Are there relevant and accessible resources?	<input type="checkbox"/>

Is there a process to evaluate, on a regular basis, curriculum programs and to use this evidence to refine programs?	<input type="checkbox"/>
Do curriculum documents provide guidance to teachers so that they can deliver quality programs?	<input type="checkbox"/>
Are there opportunities for student access to vocational learning?	<input type="checkbox"/>
Is information about the curriculum available to the school community?	<input type="checkbox"/>
Are changes to the school's curriculum discussed and approved by the school board?	<input type="checkbox"/>

The school board must ensure that the following information in relation to individual courses is provided to the school community:

- the name and type of course (tertiary, accredited, vocational or recreational);
- course location;
- course delivery including any partnership activities with other educational authorities for example Canberra Institute of Technology and Australian National University;
- how the course fits into the educational program;
- the broad outcomes or aims and objectives;
- any pre-requisites for enrolment;
- details of content area including implementation and review at classroom level;
- special resources required;
- opportunities for flexible learning;
- opportunities for additional accreditation or work placement;
- opportunities for mentoring by relevant business associations;
- any additional costs associated with the course;
- assessment methods;
- clear processes of appeal;
- course evaluation procedures;
- contact details to seek more information about the course; and
- the year developed, the year of last review and the date of next review.

7.4.6 Education policies

An important function of the school board is to oversee and approve school policies and procedures. School policies and procedures must be consistent with any relevant Directorate policy and should refer to the policy. If a Directorate policy does not meet the needs of the school community, a school-based **procedure** should be developed.

When developing policy, schools may use various documents to inform the process. These include:

- the *Education Act 2004*;
- Directorate policies and procedures;
- Directorate Strategic Plan;
- the school's vision statement; and
- the school development plan.

A policy should be brief and concise. It should include the outcomes in relation to the issue, the rationale that links the policy to the school's vision and an overview of the procedures that must be followed to implement the policy.

The policy must be developed in collaboration with the school community and any stakeholders that may be affected by the policy. The draft policy must be made available for a consultation period of six weeks and stakeholders must be invited to provide input that may inform the final draft policy. Methods for consultation will vary depending on the subject matter. The draft policy should be made available electronically, including the school's website.

Any supporting documents or procedures must be provided as an attachment to the policy and not as part of the policy to ensure that the policy is succinct. The policy must include the date of development and review dates consistent with best practice principles for policy development. Following consultation, the draft policy must be provided to the school board for discussion and approval.

For more information about policy development, please contact Planning and Performance Branch.

7.4.7 Financial matters

The Act requires the school board to take responsibility for approving budgets, approving half-yearly financial statements, accountability for how voluntary financial contributions have been or will be spent and for any funds held in reserve. The school board is required to report on these items in their annual report.

Section 50(2) of the Act states that the school board must approve the budget before the date decided by the Director-General. The date decided by the Director-General is 30 November of each year. Approval of the budget by the school board is required so that the school has authority to commit expenditure from 1 January of the following year. The budget must be ratified by the school board at the first meeting of the following year.

In consultation with the principal, the school board should identify school development needs and set priorities for expenditure. Many school boards set up a finance sub-committee, which, in conjunction with the principal, prepares a budget to implement the priorities identified by the school board.

At each meeting of the school board, a finance report which lists income and expenditure must be tabled. Any amendment to the budget must be submitted to the school board for approval. Fourteen days after approving the budget for a year, the school board must make a summary of the budget available to the school community.

Funds collected by the Parents and Citizens Association and donated to the school board must be recorded in the School's Annual Financial Statement (which forms part of the Annual School Board Report).

Any funds made available to the school or expended by the Parents and Citizens Association on behalf of the school should be spent according to the priorities of the school board.

Voluntary contributions should not be collected by the Parents and Citizens Association. They are school income and should be receipted directly into the school management account.

7.4.8 School Chaplaincy

Should a school board identify a need to appoint a chaplain, the principal in conjunction with the school board, has responsibility for the implementation of a chaplaincy program in a school.

The school board:

- in consultation with the school community, is responsible for identifying the need to appoint a chaplain;
- selects the chaplaincy committee; and
- endorses the appointment of a chaplain.

7.4.9 Overseas School Excursions

School boards are required to approve proposals for overseas excursions in accordance with the functions of school boards detailed in Section 39 (1) of the *Education Act 2004* (the Act). The school board is also responsible for ensuring that mechanisms are in place to fund students who may require financial assistance to attend planned overseas excursions.

The school board should consider all financial aspects of the overseas excursion before approving a proposal to ensure that access and participation in overseas excursions is not prevented for reasons of disability or financial disadvantage. School boards may explore a number of fund raising activities or existing budgetary sources to support students. The decision to provide financial support to a student is at the discretion of the school board and principal and must be considered on a case by case basis.

7.4.10 Developing relationships

Corporate Sponsorship

The Directorate has a responsibility to the community to ensure that any sponsorship arrangements are transparent and accountable.

The Directorate's *Corporate Sponsorship* policy at:

http://www.det.act.gov.au/publications_and_policies/policy_a-z provides procedures for public schools and central office units entering into sponsorship arrangements.

Sponsorship is defined as the negotiated provision of funds, goods or services to schools and central office units in exchange for advertising, publicity or other benefits, in return for negotiated and approved (by an appropriate Directorate representative) benefits.

Partnerships with the community

Community-based partnerships are important to the social and economic sustainability of the ACT. Organisations supporting children and young people involved in community activities contribute to the smooth functioning of the ACT community. Organisational sponsorship or support extends to young people's involvement in many areas such as sport, science, community services, career education, culture, volunteering and the arts.

Partnerships between public schools and the community are invaluable and continue to provide high quality learning and achievement opportunities for our students. The Directorate's partnership programs continue to connect and add value to our students' learning and achievement, their environment, leadership and management and most importantly to the community as a whole.

It is important to remember that your school makes up a significant part of your local community. Community groups, including individuals, local businesses and government, are often interested in investing in and working with you because the Directorate (including public schools and central office units) provides a hub for further connections within the community.

Working in partnership with the community can improve learning outcomes for students, as they are exposed to a wider range of experiences and opportunities.

Some benefits of working with your community include:

- encouraging parents and carers as partners in education;
- enhancing the visibility and reputation of your school;
- contributing to feelings of school pride;
- offering the opportunity to run specialist programs, such as languages, music and the arts across schools;
- encouraging continuity of learning between the early, middle and later years;
- creating pathways for students to enter further education, training or employment;
- enhancing the provision of resources and facilities (e.g. sharing of the school hall, sports centres, information technology);
- fostering a collaborative working environment;
- encouraging community involvement in school events and activities;
- building networks within and beyond the school community which strive to develop a culture of enterprise;
- initiating and maintaining partnerships with businesses and community agencies; and
- developing students' knowledge of their community and a sense of belonging to it.

7.4.11 Recommendations to the Director-General

Section 39(h) of the Act provides for the school board to make recommendations to the Director-General on issues affecting the school and to give effect to the Director-General's directions. Recommendations to the Director-General should be made through the relevant School Network Leader.

School boards may make recommendations to the Director-General on issues affecting the school that cannot be addressed through other channels. Effective communication on issues is the essence of good governance and school boards are empowered to make recommendations they deem appropriate.

School boards should also satisfy themselves that processes and procedures are in place to give effect to the Director-General's directions. School boards should ensure that any directives from the Director-General are listed as agenda items and should satisfy themselves that action has been taken in an appropriate and timely manner to give effect to any directions.

Recommendations to the Director-General should be discussed with the principal and school board chairperson and endorsed before referral to the relevant School Network Leader. The principal should seek advice from Planning and Performance Branch in relation to the submission of a recommendation to the Director-General from the school board that has not been endorsed by the principal and school board chairperson.

The submission of a complaint from the school board must comply with the requirements of the Directorate's *Complaints Resolution* policy at:
http://www.det.act.gov.au/publications_and_policies/policy_a-z.

7.4.12 Encourage parent participation in children's learning

School boards have a responsibility to encourage parent and carer participation in their children's learning. The school board works in partnership with the principal to achieve this objective. School boards should encourage the provision of information to the school community that encourages participation in the education of students. This might include the use of the school's newsletter, handbooks or manuals, the school's internet/intranet site or library resources to publish the required information.

Consultation procedures may include meetings or information sessions for targeted groups or agenda items for the Parents and Citizens Association.

7.5 National Assessment Program – Literacy and Numeracy (NAPLAN)

In 2008 the National Assessment Program – Literacy and Numeracy (NAPLAN) was introduced in all Australian schools. Students in years 3, 5, 7 and 9 from all states and territories participate in the tests in their own schools in May of each year. The results from these tests provide an important measure of how Australian schools and students are performing in the areas of reading, writing, spelling, grammar and punctuation and numeracy. The results from the assessment program will be used for individual student reporting to parents, school reporting to their communities, and aggregate reporting by states and territories against national standards.

Principals may provide overall school NAPLAN results to their boards for deliberation. Copies made available for discussion at school board meetings should be accounted for at the conclusion of the meeting and destroyed using 'confidential waste' guidelines. Information on these guidelines can be found at
<http://www.territoryrecords.act.gov.au/guidelines>.

The school board should not have access to individual class results. It is important that current school board members fully understand the program objectives and the need for confidentiality in the use of data.

NAPLAN results provide the public school system with:

- information about ACT student achievement in relation to reporting against proficiency levels in reading, writing, spelling, grammar and punctuation and numeracy;
- comparative analysis of ACT results in relation to the performance of states and territories;
- data about the performance of different categories of students across the system; and
- standardised data on low-performing students which is used for resource targeting.

NAPLAN results provide schools with:

- year level data on literacy and numeracy strands assessed;
- value added data, which highlights the progress of students within the school; and
- data on the achievement of different categories of students.

NAPLAN results provide teachers with:

- diagnostic information about the achievement of individual students in the class;
- information about individual and/or group student achievement to inform the planning of learning activities;
- affirmation of their professional judgement from an 'outside' or independent source; and
- individual student reports, which link assessment items to profile levels.

NAPLAN results provide parents with an individual student report with information on their child's achievements.

7.5.1 Confidentiality

Data from the NAPLAN is confidential to the individual who has been assessed. Principals are responsible for ensuring that staff and school board members are familiar with the relevant information related to confidentiality and security of NAPLAN materials and data as identified through the national protocols. Within the ACT, these protocols are detailed in the *National Assessment Program Literacy and Numeracy School Administration Handbook*. School board members must operate within the parameters outlined in these documents. The parameters are in accordance with the Information Privacy Principles of the *Privacy Act 1988* (Cwlth).

To ensure this confidentiality, school board members are required to sign the *Code of Practice-Acceptable Use of Student Achievement Data* at [Appendix 15](#).

Principals and staff who have access to the data are governed by the *Public Sector Management Act 1994* and the *Public Sector Management Standards (Standard 4 Ethics)*, and relevant national protocols in their use of the assessment data to make comparisons, promote programs or school achievement in either a written or oral form.

7.5.2 School Board's access to data

Within this framework of confidentiality, the principal may provide the school board with information that will assist in the development and review of the curriculum. The data that is available for this purpose must not identify individual students or teachers.

PART 8 - FREQUENTLY ASKED QUESTIONS

Frequently Asked Questions

Q How often does the school board meet?

A The school board must meet **four** times a year, but it can meet more often if it so chooses (*Education Act 2004* section 47(2)).

Q When does the school board meet?

A It meets at the times determined by the board as a whole (*Education Act 2004* section 47(1)).

Q How long is a term of appointment to the school board?

A Members are elected from the date of their appointment for a period of at least 12 months and not more than 24 months (*Education Act 2004* section 37). The general practice is to elect people for a period of 24 months, with half the board elected each year. This provides greater continuity of knowledge and skills on boards.

Q Who can vote at the meetings?

A All members (other than non-voting members) of school boards have a vote on each question to be decided at meetings (*Education Act 2004* section 48(6)).

Non-voting members are:

- School board appointed members in general schools
- co-opted members in schools in special circumstances and school-related institutions.

Q Who has the casting vote?

A If the votes are equal, the member acting as chairperson has the casting vote (*Education Act 2004* section 48(6)).

Q What is the quorum for meetings?

A A quorum for a general school board meeting is **three** members, being:

- a staff member
- a parents and citizens member, and
- one other member.

In schools in special circumstances and school related-institutions a quorum may be constituted differently. More information about these school boards is detailed in the relevant disallowable instrument published at:

<http://www.legislation.act.gov.au/di/current/e.asp>.

Q Can both parents of a child at the school nominate for the school board?

A Yes.

Q Can both parents in a household vote at a school election?

A Yes.

Q Are visitors welcome to attend school board meetings as observers?

A School board members are appointed by the Returning Officer or by the school board. Due to the confidential nature of discussions visitors should not attend as observers. Visitors to a school board meeting must be invited and will usually attend for the agenda item that is relevant to them.

Q Can the school board declare itself a 'closed' meeting?

A In the event of the need to conduct a confidential discussion, the school board can declare itself a closed meeting or to be closed for a specific agenda specific item. This means that visitors cannot be invited to attend that meeting or for that agenda item. The agenda must provide information about a closed meeting or a closed agenda item.

Q Following the amalgamation of preschools and primary schools in 2008, are schools required to have a preschool representative on the school board?

A Each school is implementing the requirement for the amalgamation of preschool and primary school governance structures in a way that suits the local school community. Principals are encouraged to manage the amalgamation in the most appropriate way.

Parents and carers of preschool children are members of the school Parents and Citizen's Association and are able to nominate for election as Parents and Citizen's members of the school board.

PART 9 - PRACTICAL HINTS FOR SCHOOL BOARD MEMBERS

9.1 Have confidence

Ask questions whenever you are uncertain or need more information. You need to understand an issue in order to make decisions about it. There is no such thing as a silly question. Often there is collective relief when a question has been asked and further explanations are given. It also contributes to more useful discussion about the issue.

9.2 Be sensitive

Remember that all decisions made should be made in the best interests of the students and the school. You also need to be aware of and acknowledge the professionalism of the staff.

9.3 Talk with the community

Be aware of the community's views and keep them informed about the issues that are being discussed. It is important to listen to the views of school community members and encourage discussion about both school and current education issues. At least one member of the school board should attend every Parents and Citizens Association meeting as it provides an appropriate and useful way of communicating with the school community.

9.4 Talk to the principal and other school board members

Establish contact with the school and become as knowledgeable about it as possible. Get a 'feel' for your school by being involved in what happens there and by communicating with the school on a regular basis. For appointed members who are not part of the school community, it is useful to request an electronic version of the school newsletter.

9.5 Be prepared for the meeting

Read the agenda papers and minutes before the meeting. The requirements for early distribution of these papers ensures that you can discuss issues with others (for example, other community members) prior to the school board meeting.

9.6 Take your budget responsibilities seriously

The school board is responsible for sound financial management of school funds. Ask questions about the monthly financial statements so that you understand how the school's finances are allocated in order to achieve strategic goals.

9.7 Maintain confidentiality

While school board procedures should be as open as possible, there are times when information must remain confidential. It is for this reason that all school board members must sign a statement of confidentiality and act ethically at all times.

9.8 Be familiar with ACT educational issues

Take note of any publicity about current educational topics. Ask the principal about these if they seem relevant to your school. Principals usually include information about Directorate activities in their report.

9.9 Be familiar with school and Directorate policy

Schools have a range of policies, which should be available to the school community. The school board performs an important function in approving the development or review of school policy and the endorsement of policies for implementation in the school community. The school board should be familiar with any related Directorate policies and the processes for policy management in the Directorate.

PART 10 - APPENDICES

<u>Appendix 1</u>	Glossary of Terms
<u>Appendix 2</u>	School Board Election Timeframe
<u>Appendix 3</u>	Obligations of School Board members
<u>Appendix 4</u>	School Board Election – Assistant Returning Officer Form
<u>Appendix 5</u>	School Board Election – Appointed Member Expression of Interest
<u>Appendix 6</u>	General School Board Election – Ballot Envelope
<u>Appendix 7</u>	General School Board Election – Ballot Introduction Sheet
<u>Appendix 8</u>	General School Board Election – Ballot paper
<u>Appendix 9</u>	General School Board Election – Membership Record Form
<u>Appendix 10</u>	General School Board Election – Nominee Form
<u>Appendix 11</u>	General School Board Election – Return Form
<u>Appendix 12</u>	General School Board Election – Scrutineer Appointment Form
<u>Appendix 13</u>	Acting Appointment Form
<u>Appendix 14</u>	Code of Conduct Form
<u>Appendix 15</u>	Code of Practice - Acceptable Use of Student Achievement Data
<u>Appendix 16</u>	Conflict of Interest Declaration
<u>Appendix 17</u>	Disclosure of Interest Statement
<u>Appendix 18</u>	Extract from <i>Education Act 2004</i> – Part 3.2 Establishment and Operation of Government Schools Extract from <i>Education Act 2004</i> – Part 3.4 School Boards of Government Schools
<u>Appendix 19</u>	Schedule 1 Schools with Student Board Members Act s 41(2)(f)

10.1 Glossary of Terms

- **Annual Board Report** is a requirement of the Act the board's operations during the year. The report is approved by the board and provides evidence that school goals and system commitments are being achieved, and Australian Government requirements are being met.
- **Appointment of members** occurs when the Returning Officer, within 14 days of the election, appoints the elected members.
- **Conflict of interest** is a situation arising from the conflict between the performance of public duty and private or personal interests. A conflict of interest can range from minor to severe.
- **Disputes** are issues that cannot be resolved by the board. All disputes in relation to school board elections should be referred to the Returning Officer.
- **Education Act 2004 (the Act)** details the requirements of education and training in the ACT and can be found at www.legislation.act.gov.au.
- **Ending of appointments** or resignations from an appointment of a school board member creates a casual vacancy for the remainder of the term of appointment.
- **Every Chance to Learn** is the curriculum framework for ACT schools - Preschool to Year 10 students. This information is available at: http://www.det.act.gov.au/teaching_and_learning/curriculum_programs
- **First past the post** is also known as simple majority voting, first past the post voting requires voters to place a tick or a cross against the name of the nominee they support. The winning nominee secures a higher total of votes than any other nominee.
- **Half-year** means a period of six months ending on either 30 June or 31 December.
- **LBOTE** is language background other than English.
- **Legal protection** means that board members who act in good faith are not civilly liable for acts or omissions done in the exercise of their functions as a board member
- **Lot** is a technique used by the Assistant Returning Officer in the event of equal votes. Determining the successful nominee by 'lot' involves the Assistant Returning

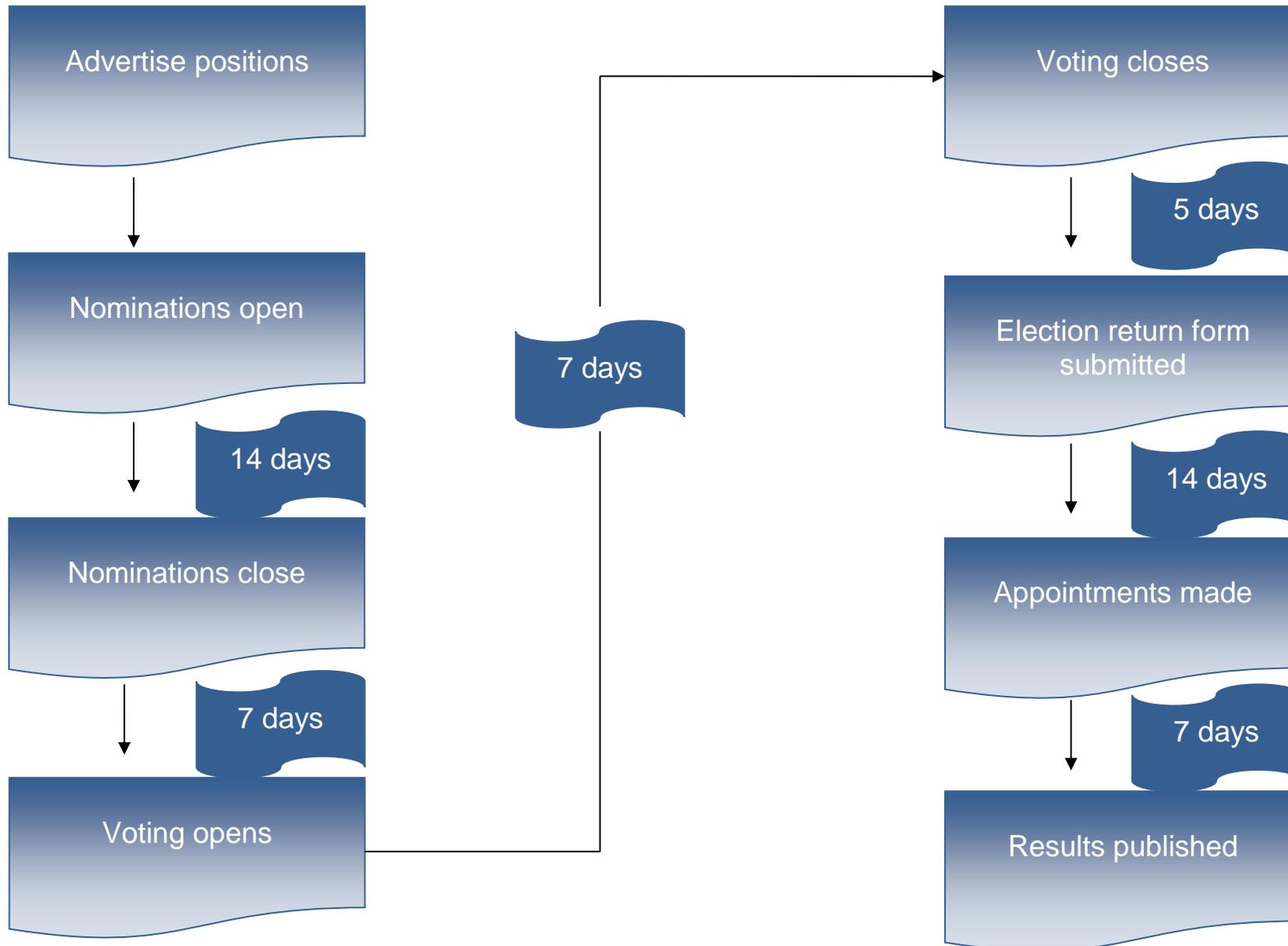
Officer using an accepted technique such as ‘drawing a name out of a hat’, ‘drawing straws’ or a ‘coin toss’.

- **Money** means money allocated to the school by the Director-General or received by the school.
- **National Assessment Program – Literacy and Numeracy (NAPLAN)** results provide information about ACT student achievements in relation to reporting against proficiency levels in reading, writing, spelling, grammar, punctuation and numeracy.
- **Prescribed period** means the term of office beginning on either 1 April in the year of the members’ election or appointment and ending at the end of March within 12 months and not more than 24 months after the beginning of that period. The prescribed period is the remaining time prescribed to that position regardless of when the person was appointed to it. This means that if the person is elected during the prescribed period, they can only complete the rest of that period.
- **Public Sector Management Act 1994** provides the legislative framework for the majority of employees in the ACT Public Service. The *Public Sector Management Act 1994* (Act) sets out service-wide employment conditions and values. This is available at: <http://www.cmd.act.gov.au/governance/public/working>
- **Regulations** mean rules and administrative codes issued by governmental agencies at all levels, municipal, county, state and federal. While not laws they have the force of law, since they are adopted under authority granted by statutes, and often include penalties for violations.
- **School** means a public school as defined in the act. Preschools are included as part of primary schools.
- **School Board** means the board that is established under Chapter 3 of the Act to assist the principal to develop and maintain the strategic direction and priorities for the school.
- **School Improvement Framework** provides ACT public schools with a structure for raising quality, achieving excellence and delivering better schools for better futures. This is available at:
http://www.det.act.gov.au/publications_and_policies/publications_a-z
- **Scrutiny** is the observation of an election process. A scrutineer may be appointed by nominees to observe the process of the Assistant Returning Officer drawing the names of nominees for positioning on the ballot paper and to observe the process of the Assistant Returning Officer counting votes.
- **Student** means a person who participates in educational activities conducted by the school for a minimum of 12 hours per week.

- ***School Excellence Initiative*** provides school communities with a framework for student achievement and continuous learning improvements.

10.2 School Board Election Time Frame

Appendix 2



10.3 Obligations of School Board members

Appendix 3

Obligations of School Board members	
Question	Answer
Insurance	
What type of insurance cover is there for school board members whilst they are participating as members of school boards?	<p>All members of a School Board are covered under the following insurances:</p> <p>Public Liability Directors' and Officers' Personal Accident</p> <p>In relation to public liability, teaching staff are currently covered under the Directorate's Insurance arrangements. Teaching staff who are engaged in the position of School Board members are still acting as teachers in this capacity and therefore, still covered by the same public liability insurance as when they are working as teachers in school hours.</p> <p>In addition to public liability, teaching staff are covered by wrongful decisions made by directors and officers of school boards under the Education and Training Directorate, Directors' and Officers' Liability policy.</p> <p>Personal accident provides cover for volunteers but excludes benefits which can be recovered elsewhere, for example, Medicare. Personal accident cover is not Workers' Compensation insurance.</p> <p>Volunteers may wish to consider their own additional insurance cover as the Directorate's insurance cover does not include the following: clothes, personal effects or other property volunteers own or are responsible for.</p> <p>For a member of a school board who is not an ACT Government employee, it is recommended that they complete a Volunteer's Nomination Form - https://index.det.act.gov.au/information/pdf/pol_wwchyp-part4.pdf</p> <p>For further information relating to insurance arrangements for volunteers, please refer to the following document - http://www.det.act.gov.au/data/assets/pdf_file/0018/19521/pol_WwChYP-part3.pdf</p>
What is the procedure if a member of the school board has an accident or injury	In the event of a school board member suffering an accident or injury in the performance of his/her duties, the Directorate's internal policy for Injury Prevention and Management Policy should be followed. Directorate staff can access this policy at

<p>whilst performing duties for the Board?</p>	<p>https://index.det.act.gov.au/resources/pdf/InjuryPreventionManagement.pdf. Please note, all accidents and incidents must be reported to the Directorate’s Injury Management team within 48 hours of the event. For further information Directorate staff should refer to OH&S guidance materials - https://index.det.act.gov.au/information/guidance_material.html#ohs</p> <p>School board members who are not Directorate staff should contact the principal for assistance.</p> <p>In the event of a work related accident/incident or circumstance that did or could have resulted in an accident or incident (for example, property damage, harm to environment, theft or security issue) Government employees are directed to the ACT Government Accident/Incident Report (AIR) http://www.cmd.act.gov.au/data/assets/pdf_file/0007/117439/accrepform.pdf</p> <p>If involved in an accident or injury, third party participants (volunteers, contractors, visitors) are required to completed an Accident/Incident Report form http://www.cmd.act.gov.au/governance/public/wpsafety</p>
<p>If a school board meeting is held “off site”, i.e. not on or within the school premises, who does a board member contact if they injure themselves?</p>	<p>If a member is injured during their performance of their school board duties ‘off site’ the notification process is exactly the same and an Accident/Incident Form should be completed.</p> <p>As the incident has occurred ‘off site’ the individual may also choose to pursue a civil action against other parties if the injury resulted from a failure in their duty of care. To this extent it is important to ensure that if the meeting is held off site that the venue/host has appropriate and adequate public liability insurance.</p>
<p>Insurance definitions</p>	<p>Public liability insurance protects the insured from medical, legal and any subsequent damages arising from a claim made by a member of the public arising from an accident or incident occurring on your property.</p> <p>Incident includes any circumstance which may subsequently give rise to a claim.</p> <p>Insurance claim relates to a claimant who has completed an insurance claim form, submitted the form to the insurance company including the demand for compensation which may or may not involve legal proceedings.</p>

<p>Taking of minutes, confidentiality and privacy</p>	
<p>Can minutes of the school board meetings include individual student information or data and are they subject to Freedom of Information (FOI) requests?</p>	<p>The Directorate’s ‘Code of Conduct for School Boards’ should be adhered to at all times. Minute-takers of school board meetings need to be aware of the importance of confidentiality and privacy when recording personal information in minutes. As the school board meeting minutes are subject to FOI requests, the composition of decisions and discussion should be to the point, without bias or embellishment and as true to the proceedings as possible. Minute-takers must:</p> <ul style="list-style-type: none"> not broadcast any information on achievement which could aid in the production of information comparing individual students or ranking schools ii) not use student achievement information publicly to promote schools, teachers or principals, and iii) ensure that information about student achievement is not misused.
<p>I am a member of a school board and the CEO of a computer company. Do I need to declare this information and is this recorded in the minutes?</p>	<p>Yes. This information must be recorded especially if your company has a financial interest in any issue being considered by the board. In a situation where the board discusses a financial issue in which you have an interest, you must not be present when the board considers the issue, or take part in a decision of the board on the issue.</p>

PART 11 - FORMS



School Board Elections

11.1 Assistant Returning Officer details

File Ref: /

To: Planning and Performance Branch

Fax: **02 6205 8353**

From:

School:

Phone:

Date:

Total pages (including coversheet):

This fax is to be completed and returned to Planning and Performance Branch on the fax number above.

If more than one Assistant Returning Officer has been appointed, please provide their contact details. Please note that the Principal should not be appointed as Assistant Returning Officer.

The Education and Training Directorate is collecting the information on this form to enable it to manage elections for school boards. This is authorised by section 41 of the *Education Act 2004*. This information is not usually disclosed to any third parties.

Assistant Returning Officer contact details (please print):

(1) Name:

Email address:.....

Phone no:.....

(2) Name:

Email address:.....

Phone no:.....



School Board Elections

11.2 Expression of Interest – Appointed Member

An exciting opportunity exists to engage with a school community. Becoming a member of a school board provides the opportunity to contribute to decision making in the best interest of staff and students. Members of the school board engage with school and community issues and are involved in many interesting aspects of school administration and other formal functions.

The Education and Training Directorate is seeking people to fill the position of *appointed member* on ACT public school boards. The appointed member is usually someone from outside the immediate school community, interested in and committed to public education. The appointed member is not a parent or carer of a child at the school, or a school staff member.

All ACT public schools are required to have a school board. The school board is responsible for the school's strategic direction, its budget, curriculum and related issues. General school boards consist of: the school principal; two staff members; three parent and citizen members and an appointed member. Colleges and high schools also have two student members.

The term of appointed is no longer than 24 months.

If you are interested in becoming an appointed member on a school board, please complete the nomination form below and return it to:

Planning and Performance Branch
Fax: 02 6205 8353

Or

Email: DET.Governance@act.gov.au

If you have any questions, feel free to contact Planning and Performance Branch on 02 6205 8229 or at DET.Governance@act.gov.au.

The Education and Training Directorate is collecting the information on this form to facilitate the appointment of *appointed members* to ACT government school boards. This is authorised by section 41 of the *Education Act 2004* (ACT). This information will not be disclosed without your consent.

Nomination for the position of *appointed member* on an ACT public school board

First name:..... Surname:.....

Email:.....

Mailing address:.....

.....Post code.....

Please tell us why you would like to be on a school board, any background information about yourself relevant to your expression of interest and specific skills that you would bring to this role:

.....
.....
.....
.....
.....

Please tick the following boxes to indicate your preferred school and location. We will endeavour to comply with your request:

I would prefer a:	Early childhood school	<input type="checkbox"/>
	Primary school	<input type="checkbox"/>
	High school	<input type="checkbox"/>
	College	<input type="checkbox"/>
I would prefer a school/college in:	North/Gungahlin	<input type="checkbox"/>
	Belconnen	<input type="checkbox"/>
	South/Weston	<input type="checkbox"/>
	Tuggeranong	<input type="checkbox"/>

Signature:..... Date:.....

The Education and Training Directorate is collecting the information on this form to facilitate the appointment of *appointed members* to ACT government school boards. This is authorised by section 41 of the *Education Act 2004* (ACT). This information will not be disclosed without your consent.



School Board Elections

11.3 Information to be included on the ballot paper envelope

1. Complete your ballot paper.
2. Place the ballot paper inside this envelope and seal it.
3. Sign the declaration in the space provided.
4. Return this envelope to the Assistant Returning Officer at your school's front office.

You must sign this declaration or your vote will not be counted.

I declare that I am eligible to vote and have not voted previously in this election.

Sign here:.....

School Board Elections

11.4 Instructions for completing ballot paper

School

Name of school:

Please read the following instructions carefully. Failure to complete a valid ballot paper may result in your vote not being counted.

Process for election:

Voters may select **one** person on the ballot paper by placing a tick or cross in the square beside the preferred nominee.

The Assistant Returning Officer will count the votes of each nominee. The nominee/s receiving the greatest number of votes is elected. In the event of equal votes the Assistant Returning Officer will determine the issue by lot.

The voting system being used in this election is the 'first past the post' system.

Submitting your vote

Once you have completed the ballot paper, place your ballot paper in the envelope provided and return it to the Assistant Returning Officer at school name by no later than **(insert time and date e.g. 5 March 2012)**. Any ballot paper received before or after the declared voting period will not be counted.

11.5 Ballot Paper



School name
board election year

Place a tick or a cross against the name of the ONE (1) candidate for whom you wish to vote

Election of staff representatives

<input type="checkbox"/>	_____



School name
board election year

Place a tick or a cross against the name of the ONE (1) candidate for whom you wish to vote

Election of parent and citizen representatives

<input type="checkbox"/>	_____



School name
board election year

Place a tick or a cross against the name of the ONE (1) candidate for whom you wish to vote

Election of student representatives

<input type="checkbox"/>	_____

11.6 General School Board Membership Record

School name:.....

This form must be completed and returned to the Returning Officer by fax to 02 6205 8353 by no later than 30 April each year.

Position name	Member name	Date of most recent appointment	C – Chairperson DC – Deputy Chairperson
Principal		<i>Not applicable</i>	<i>Not applicable</i>
Staff member 1			<i>Not applicable</i>
Staff member 2			<i>Not applicable</i>
Appointed member			
P&C member 1			
P&C member 2			
P&C member 3			
Student member 1 (High school or college)			

Student member 2 (High school or college)			
Board appointed member 1 (Optional)			
Board appointed member 2 (Optional)			

Principal:

School Board Chairperson:

Date: / /

Date: / /

General School Board Elections

11.7 Nominee Form

Please use this form to nominate for a position on your school board.

School

School name

Assistant Returning Officer

Ph

Name of position	No. of vacancies	Eligibility criteria
Staff members		A member of the staff of the school
Parents and citizens members		A member of the school community
Student members		A student at the school who attends classes for at least 12 hours per week.

Nomination

I, _____ am nominating for the position of _____ on the school board. If elected I will undertake the duties of the position.

Signature:

Date:

The Education and Training Directorate is collecting the information on this form to enable it to conduct elections for school boards. This is authorised by section 41 of the *Education Act 2004*. This information will be disclosed to the school community to enable eligible voters to elect a nominee of their choice.

Lodgement

Nominations are to be submitted to the school's front office between **(insert time and date e.g. 11:00 am 6 February 2012)** and **(insert time and date e.g. 11:00 am 20 February 2012)**. Nominations must be submitted during school business hours: 00:00am to 00:00pm, Monday to Friday.

You can submit your nomination by:

- hand delivery to the *school name* front office
- email to
- fax to
- mail to ARO, c/- *school name* front office

The names of all nominees will be announced on (insert date e.g. 24 February, 2012).

If an election is required, the voting period will be from **(insert time and date e.g. 11:00am, 27 February 2012 to 11:00 am, 5 March 2012)**.

General School Board Elections

11.8 Return Form – Election Results and Casual Vacancy

This form is to be completed by the school's Assistant Returning Officer and sent to the Returning Officer. A copy should be retained on the school board file. Please complete all fields. Write 'N/A' if necessary.

<p>The completed form should be sent to</p> <p>Planning and Performance Branch Education and Training Directorate GPO Box 158 CANBERRA ACT 2601</p> <p>Email: DETGovernance@act.gov.au Fax: 02 6205 8353</p>	 <p>If you need assistance please call</p> <p>02 6205 8229</p>
--	---

School

School name:		
	Date opened	Date closed
Nomination period:	11:00 am, 7 February 2013	11:00 am, 21 February 2013
Voting period:	11:00 am, 28 February 2013	11:00 am, 7 March 2013

Staff Members

Number of vacant positions to be filled by the election:		
Nominees (Please fill out title e.g. Mr, Mrs, Dr, Ms etc and name of nominee/s)	Votes received	
<i>Insert additional rows as necessary</i>		
Total		

Results:	
1	is elected to the position of staff member on the school board
2	is elected to the position of staff member on the school board

Note: if an election was not required, please write 'N/A' in the 'Votes received' column.

Parents and Citizens Members

Number of vacant positions to be filled by the election:		
Nominees (Please fill out title e.g. Mr, Mrs, Dr, Ms etc and name of nominee/s)	Votes received	

<i>Insert additional rows as necessary</i>	
Total	

Results:	
1	is elected to the position of parents and citizens member on the school board
2	is elected to the position of parents and citizens member on the school board
3	is elected to the position of parents and citizens member on the school board
	<i>Insert additional rows as necessary</i>

Note: if an election was not required, please write 'N/A' in the 'Votes received' column.

Student Members

Number of vacant positions to be filled by the election:		
Nominees (Please fill out title e.g. Mr, Mrs, Dr, Ms etc and name of nominee/s)		Votes received
	<i>Insert additional rows as necessary</i>	
Total		

Results:	
1	is elected to the position of student member on the school board
2	is elected to the position of student member on the school board
	<i>Insert additional rows as necessary</i>

Note: if an election was not required, please write 'N/A' in the 'Votes received' column.

Casual Vacancy

Position filled (*staff member,
parent and citizen member,
student member.*) _____

Name of person who has
vacated the position: _____

Name of person elected to
position: _____

Term of office to end on:

31 March _____

Position filled by (please select)

Unsuccessful candidate from
previous election

or

New election conducted to fill
position

Assistant Returning Officer

Issues arising:

--

Declaration:

I declare that this information is being returned to the Returning Officer within **five days** after the conclusion of the election.

I further declare that the election process was conducted in accordance with the *Education Act 2004*, and the procedures laid out in the Education and Training Directorate's *School Board Manual*.

Assistant Returning Officer

Signed: _____ Date: _____

Name: _____

General School Board Elections

11.9 Scrutineer appointment form

Please use this form to nominate a scrutineer to attend the tallying of the votes.

School

School name _____

Assistant Returning Officer _____

Ph _____

Nominee

I hereby appoint _____

to act as my scrutineer for the school board election for which I am a nominee.

The Education and Training Directorate is collecting the information on this form to enable it to manage elections for school boards. This is authorised by section 41 of the *Education Act 2004*. This information is not usually disclosed to any third parties.

Signature of nominee: _____

Date: _____

Name of nominee: _____

Scrutineer

I acknowledge that I am entitled to:

- enter and leave the scrutiny area at any time
- observe the counting of ballot papers
- object to the admission or rejection of a ballot paper.

I also undertake not to:

- handle any ballot papers
- disclose any knowledge gained concerning the vote of a person.

The Education and Training Directorate is collecting the information on this form to enable it to manage elections for school boards. This is authorised by section 41 of the *Education Act 2004*. This information is not usually disclosed to any third parties.

Signature of scrutineer: _____

Date: _____

Name of scrutineer: _____

General School Board Elections

11.10 Acting Appointment

This form is to be completed by the school’s Assistant Returning Officer and sent to the Returning Officer when a temporary vacancy has been filled on the school board due to an appointed member being absent for an extended period of time e.g. absent from the ACT or through illness.

A copy should be retained on the school board file. Please complete all fields.

<p>The completed form should be sent to</p> <p>Planning and Performance Branch Education and Training Directorate GPO Box 158 CANBERRA ACT 2601</p> <p>Email: DETGovernance@act.gov.au</p> <p>Fax: 02 6205 8353</p>	 <p>If you need assistance please call 02 6205 8229</p>
---	--

School

School name _____

Assistant Returning Officer	Phone
_____	_____

Details

Position filled (*staff member, parent and citizen member, student member.*) _____

Name of person who has temporarily vacated the position: _____

Name of person elected to temporarily fill the position: _____

Term of acting appointment to end on: (insert date) _____

Position filled by (please select):

Unsuccessful candidate from
previous election

or

New election conducted to fill
position

**PLEASE ATTACH A COPY OF THE COMPLETED RETURN FORM (FROM THE RELEVANT ELECTION)
WHEN YOU SUBMIT THIS FORM**

Assistant Returning Officer

I declare that this information is being returned to the Returning Officer within **five days** after the conclusion of the election.

I further declare that the election process was conducted in accordance with the *Education Act 2004*, and the procedures laid out in the Education and Training Directorate's *School Board Manual*.

Signed: _____ Date: _____

11.11 Code of Conduct

This form is to be completed and signed by the appointed school board member by 31 May in the year of appointment and signed by the School Board Chair. The completed form is to be placed on the official school board file. Please complete all fields.



If you need assistance please call
02 6205 8229

School

School name _____

Principal	Phone
-----------	-------

Details

By signing this agreement, the school board member:

- 1) acknowledges their role and responsibilities in relation to the school board
- 2) agrees to maintain confidentiality, act professionally and with integrity whilst a member on the school board, and
- 3) agrees not to disclose information obtained from the school or as a result of the school board.

I declare that I have read and understand the Code of Conduct for school boards and agree to abide by the Code.

Name: _____

Signature: _____ Date: _____

School Board Chairperson

Name: _____

Signature: _____ Date: _____

Appendix 15

11.12 Code of Practice: Acceptable Use of Student Achievement Data

Purpose

The Director-General is responsible to the Minister for the operation of public schools. The Director-General, in establishing procedures to ensure acceptable use of student data, directs the school board members to sign this code of practice prior to reviewing data for the purpose of monitoring and reviewing school performance.

Principals are responsible for ensuring that staff and school board members are familiar with the relevant information related to confidentiality and security of all student assessment materials and data as identified through territory guidelines and national protocols. Board members must operate within the parameters outlined in this code of practice. The parameters are in accord with the Information Privacy Principles of the *Privacy Act 1988* (Cwlth). School Board members must sign this Code of Practice.

Within the ACT, the National Assessment Program Literacy and Numeracy (NAPLAN) protocols are written in the *National Assessment Program Literacy and Numeracy School Administration Handbook*.

Mandatory procedures

Student achievement data will not be used to:

- i) compare individual students
- ii) assess teacher performance
- iii) compare individual teachers
- iv) make positive or negative comparisons about the relative performance of schools
- v) compare public and non government schools.

It is acceptable to:

- i) collect and use student achievement data in ways which support the teaching and learning practices in the school and to ensure that information about student achievement is used to improve learning outcomes for students
- ii) inform parents about the purposes of data collection and to provide information relating to their child's achievement
- iii) report to the school community about individual school performance.

School board members will:

- i) not broadcast any information on achievement which could aid in the production of information comparing individual students or ranking schools
- ii) not use student achievement information publicly to promote schools, teachers or principals
- iii) ensure that information about student achievement is not misused.

I declare that I have read and understood this *Code of Practice* and agree to abide by it.

Surname _____ Given name(s) _____

School _____

Signature _____ Date _____

The Education and Training Directorate is collecting the information on this form to enable it to manage student data.

This declaration is to be returned to: The Senior Manager, Educational Performance Section. Education and Training Directorate Fax: (02) 6205 8353 **by 31 May in the year of appointment.** A copy should be retained on the official school board file.



11.13 Conflict of Interest Declaration

This form is to be completed and signed by the appointed school board member, signed by the School board chair. The completed form is to be placed on the official school board file. Please complete all fields.

<p>The completed form should be sent to</p> <p>Planning and Performance Branch Education and Training Directorate GPO Box 158 CANBERRA ACT 2601</p> <p>Email: DETGovernance@act.gov.au Fax: 02 6205 8353</p>	 <p>If you need assistance please call</p> <p>02 6205 8229</p>
---	---

School

School name _____

Principal _____ **Phone** _____

Details

I, _____, declare that, to the best of my knowledge, I do not have any conflict of interest that could arise from my appointment to the - _____ School board. Should an actual or potential conflict of interest arise, I agree to disclose this immediately to the School Board Chairperson or Principal.

Signature: _____ Date: _____

School Board Chairperson

I declare that this information is being returned to the School Board Chairperson by 31 May in the year of appointment.

Signed: _____ Date: _____

Name: _____

11.14 Disclosure of Interest Statement

For the attention and action of School Board Chairs:

In accordance with Section 49 (5) of the *Education Act 2004*, “the School Board Chairperson must provide a statement of any disclosure of interest by any board member in relation to the school board during the financial year within 14 days after the end of the financial year”.

For more information about disclosures of interest and templates for school board meetings, please see the school board page on the Directorate’s web site at: http://www.det.act.gov.au/school_education/school_boards

Current School Board Chairs are asked to seek the assistance of the Principal or Business Manager to check the minutes of all school board meetings held in the financial year. Any disclosures of interest by any board member during this period are to be recorded in the table below for the information of the Director-General of the Directorate.

This form is to be completed and signed, even if there is a nil response, by the current School Board Chair and scan and email or fax to Corporate Planning and Review section by 14 July.

A copy should be retained on the school board file. Please complete all fields.

<p>The completed form should be sent to</p> <p>Corporate Planning and Review Education and Training Directorate GPO Box 158 CANBERRA ACT 2601</p> <p>Email: DETGovernance@act.gov.au Fax: 02 6205 8353</p>	 <p>If you need assistance please call</p> <p>02 6205 8229</p>
---	---

School

School name

Principal

Phone

Details

Name of Board member	Details of disclosure of Interest	Date of disclosure of interest

--	--	--

School Board Chairperson

I declare that this information is being returned to the Director-General by 14 July.

Signed: _____ Date: _____

Name: _____

PART 12 - LEGISLATION

12.1 Establishment and operation of government schools

Part 3.2

20 Establishing government schools etc

- (1) The Minister may establish government schools and preschools (**government schools**).
- (2) The Minister may decide the kinds of government schools to be established and the educational level or levels for the schools.
- (3) The Minister may establish school-related educational institutions and services (**school-related institutions**).

Example of school-related institution

Murrumbidgee Education and Training Centre

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

- (4) The Minister may name, and change the name of, a government school or school-related institution.
- (5) Before making a decision to close or amalgamate a government school, the Minister must take the following steps:
 - (a) tell the school community that the Minister is considering closing or amalgamating the school and the reasons why;
 - (b) obtain a report from the committee established under section 20A to use in consultation with the school community under paragraph (c) that—
 - (i) comprehensively assesses the impacts of closing or amalgamating the school on the school community; and

Note For what impacts must be assessed, see s 20B.
 - (ii) identifies alternatives to closing or amalgamating the school;
 - (c) consult with the school community for at least 6 months on the educational, economic, environmental and social impacts of, and identifying alternatives to, closing or amalgamating the school;

Note For how the Minister must undertake consultation, see s 20A.
 - (d) publish in a daily newspaper—
 - (i) notice of a proposal to close or amalgamate the school; and
 - (ii) details of where a copy of the report mentioned in paragraph (b) can be obtained;

Example
a website operated by the administrative unit responsible for this Act

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).
 - (e) give written notice of the matters mentioned in paragraph (d) to—
 - (i) the parents and citizens association; and
 - (ii) the chairperson of the school board; and
 - (iii) the principal of the school.
- (6) Not less than 12 months after telling the school community that the Minister is considering closing or amalgamating the school, the Minister must—

- (a) publish notice of the final decision in a daily newspaper; and
 - (b) give written notice of the decision to—
 - (i) a parent of each student at the school; and
 - (ii) each member of the school’s parents and citizens association; and
 - (iii) each member of the school board; and
 - (iv) the principal and each teacher at the school; and
 - (c) explain to the school community the reasons for the final decision and how the following have been taken into account in making the final decision:
 - (i) the school community’s views;
 - (ii) the relevant general principles of this Act under section 7;
 - (iii) the principles on which chapter 3 is based under section 18.
- (7) The consultation must be done in a way that gives effect to the following principles:
- (a) consultation should focus on access to, and the provision of, quality educational opportunities;
 - (b) consultation should be open, equitable, respectful and transparent;
 - (c) consultation should lead to sustainable decisions by involving effective community engagement;
 - (d) without limiting paragraph (c), consultation should ensure that—
 - (i) relevant information is provided in a timely, equitable and accessible way to enable maximum community participation in debate about the proposal; and
 - (ii) opportunities are provided for feedback about the proposal, especially from families and other people with significant interest in the proposal;
 - (e) consultation should include seeking the views of school boards that are likely to be affected by the proposal.
- (8) The Minister must not close or amalgamate a government school before the later of—
- (a) 6 months after the final decision was made; and
 - (b) the end of the school year in which the final decision was made.
- (9) In this section:

school community, in relation to a school that is proposed to be closed or amalgamated, means the members of the community affected by closing or amalgamating the school, including students at the school, students’ families, the school board, the principal and teachers at the school and the local community.

Examples—local community

residents, local businesses

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

12.2 School boards of government schools

Division 3.4.1 Interpretation

37 Definitions for pt 3.4

In this part:

half-year means a period of 6 months ending on 30 June or 31 December.

money, of a school, means money allocated to the school by the Director General or otherwise received by the school.

Examples of money otherwise received

voluntary financial contributions, other donations and sponsorships

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

parents and citizens association, of a school, means

- (a) the entity declared under section 40 (Declaration of parents and citizens associations in certain circumstances) to be the parents and citizens association of the school; or
- (b) if there is no declaration under that section for the school—the parents and citizens association incorporated under the *Associations Incorporation Act 1991* or the *Associations Incorporation Act 1953* (repealed) in relation to the school.

prescribed period, for a term of office of a member of a school board (other than the principal), means the period—

- (a) beginning on whichever of the following is later:
 - (i) 1 April in the year of the member's election or appointment;
 - (ii) the date of the member's election or appointment; and
- (b) ending at the end of the March at least 12 months, and not more than 24 months, after the beginning of the period.

school means a government school, but does not include a preschool.

small school means a school (other than a school-related institution) where fewer than 4 teachers are employed.

student means a student who attends classes at a school for at least 12 hours per week.

Division 3.4.2 Establishment and membership

38 Establishment of school boards

A school board is established for each government school.

Note Section 146 (Preschools) deals with opportunities for parents of children at preschools to participate in the conduct of the preschool.

39 Functions of school boards etc

- (1) The functions of the school board of a government school are—
 - (a) to establish strategic direction and priorities for the school; and
 - (b) to monitor and review school performance and to report on it to the Director General, parents of students at the school and staff; and
 - (c) to develop, maintain and review curriculum for the school; and
 - (d) to develop and review education policies at the school; and
 - (e) to establish budgetary policies for the school and approve the school budget; and
 - (f) to establish policies for the efficient and effective use of school assets and the management of financial risk; and

- (g) to develop relationships between the school and the community and between the school and community organisations; and
 - (h) to make recommendations to the Director General on issues affecting the school; and
 - (i) to encourage parent participation in their children’s learning; and
 - (j) to exercise any other function given to the board under this Act or any other Territory law.
- (2) The Director General may give written directions to the school board about the exercise of its functions, either generally or in relation to a particular issue.
 - (3) The Director General must, in an annual report under the *Annual Reports (Government Agencies) Act 2004* for a financial year, include particulars of any direction given by the Director General under this section in that financial year to a particular school board and not to school boards generally.
 - (4) The school board must give effect to the Director General’s directions.
 - (5) The Director General is not required—
 - (a) to accept, or act in accordance with, a recommendation of the school board; or
 - (b) to carry out a policy decided by the school board.

40 Declaration of parents and citizens associations in certain circumstances

- (1) If there is a dispute about the entity that should be the parents and citizens association of a government school, the Director General must call a meeting of parents of students at the school and interested members of the community to discuss the entity to be the representative of the parents and community.
- (2) If, in the Director General’s opinion, it is appropriate in the circumstances to do so, the chief executive may call a meeting of parents of students at a government school and interested members of the community to discuss the entity to be the representative of the parents and community.
- (3) The Director General may, after considering the outcome of a meeting under subsection (1) or (2) in relation to a government school, recommend to the Minister the entity to be the representative of the parents and community.
- (4) After receiving a recommendation under subsection (3), the Minister may, in writing, declare an entity to be the parents and citizens association of a government school.
- (5) A declaration under subsection (4) is a notifiable instrument.

Note A notifiable instrument must be notified under the Legislation Act.

41 Composition of school boards generally

- (1) This section applies to a school board of a government school other than—
 - (a) a small school or a school-related institution; or
 - (b) a school to which section 43 (Composition of school boards of school-related institutions and other schools in special circumstances) applies.
- (2) The school board of a government school consists of—
 - (a) the principal of the school; and
 - (b) 1 member (the **appointed member**) appointed by the Director General as the appointed member; and
 - (c) 2 members (the **staff members**) elected by staff of the school and appointed by the Director General; and
 - (d) 3 members (the **parents and citizens members**) elected by the parents and citizens association of the school and appointed by the Director General; and

- (e) the members (the **board appointed members**) (if any) appointed by the board under subsection (6); and
- (f) for a school prescribed under the regulations—2 members (the **student members**) elected by the students at the school and appointed by the Director General.

Note 1 For the making of appointments (including acting appointments), see the Legislation Act, pt 19.3.

Note 2 In particular, a person may be appointed for a particular provision of a law (see Legislation Act, s 7 (3)) and an appointment may be made by naming a person or nominating the occupant of a position (see s 207).

- (3) A person is eligible to be elected or appointed as a staff member only if the person is employed as a member of the staff of the school.
- (4) A person is eligible to be elected or appointed a student member only if the person is a student at the school.
- (5) The appointed member, staff members, parent and citizens members and student members are appointed for the prescribed period.
- (6) The school board may appoint 1 or more people to be members of the board for a term (not longer than 12 months) decided by the school board.
- (7) The school board must not make an appointment under subsection (6) if there would be more than 2 board appointed members at the same time.

42 Composition of school boards of small schools

- (1) This section applies to a school board of a small school other than a school to which section 43 (Composition of school boards of school-related institutions and other schools in special circumstances) applies.
- (2) The school board of a small school consists of—
 - (a) the principal of the school; and
 - (b) 1 member (the **appointed member**) appointed by the Director General as the appointed member; and
 - (c) 1 member (the **staff member**) appointed by the Director General as the staff member; and
 - (d) 2 members (the **parents and citizens members**) elected by the parents and citizens association of the school and appointed by the Director General; and
 - (e) the members (the **board appointed member**) (if any) appointed by the board under subsection (6).

Note 1 For the making of appointments (including acting appointments), see the Legislation Act, pt 19.3.

Note 2 In particular, a person may be appointed for a particular provision of a law (see Legislation Act, s 7 (3)) and an appointment may be made by naming a person or nominating the occupant of a position (see s 207).

- (3) A person is eligible to be appointed as the staff member only if the person is employed as a member of the staff of the school.
- (4) The staff member is to be appointed in a way prescribed under the regulations.
- (5) The appointed member, staff member and parent and citizen members are appointed for the prescribed period.
- (6) The school board may appoint 1 or more people to be members of the board for a term (not longer than 12 months) decided by the school board.
- (7) The school board must not make an appointment under subsection (6) if there would be more than 2 board appointed members at the same time.

43 Composition of school boards of school-related institutions and other schools in special circumstances

- (1) This section applies to a school that is—
 - (a) a school-related institution; or
 - (b) declared, in writing, by the Director General to be a school to which special circumstances apply.
- (2) If the school is a school-related institution, the Director General must, if practical, determine the composition of the school board of the school.

Example

It may not be practical to establish a school board for a school-related institution with fewer than 3 staff.

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

- (3) Subsection (2) does not prevent the Director General from determining the composition of a single school board for 2 or more institutions.
- (4) If the Director General makes a determination under subsection (2) for the school, the chief executive may also determine—
 - (a) the members who are required to be present at a meeting of the board; and
 - (b) the members who may not vote at a meeting of the board.
- (5) If the school is a school to which special circumstances apply, the Director General may determine the following:
 - (a) the composition of the school board of the school;
 - (b) the members who are required to be present at a meeting of the board;
 - (c) the members who may not vote at a meeting of the board.
- (6) The Director General may make a determination under subsection (2), (4) or (5) only with the Minister's written approval.
- (7) Before making the determination the Director General must, if practical, consult with the parents of students at the school, at a general meeting of the parents, about the composition of the board.
- (8) In deciding whether or not to give the approval, the Minister must have regard to—
 - (a) the need for the principal of the school to be a member of the board; and
 - (b) the need for the Director General to be represented on the board; and
 - (c) whether staff of the school and students at the school have been consulted about the composition of the board; and
 - (d) any comments made by the staff and students at the school about the composition of the board; and
 - (e) the administrative needs, educational or related objectives, and any special characteristics of the school.
- (9) The Director General may appoint a person in accordance with the determination to be a member of the board of the school.

Note 1 For the making of appointments (including acting appointments); see Legislation Act, pt 19.3.

Note 2 In particular, an appointment may be made by naming a person or nominating the occupant of a position (see s 207).

- (10) A member of the board is appointed for the term stated in the instrument making or evidencing the appointment.
- (11) A determination under subsection (2), (4) or (5) must be in writing and is a disallowable instrument.

Note A disallowable instrument must be notified, and presented to the Legislative Assembly, under the Legislation Act.

44 Ending of appointment of members of school board

- (1) The Director General must end the appointment of a member of the school board of a government school if the member ceases to be eligible to be appointed or elected to the position.
- (2) The Director General must end the appointment of a member of the school board of a government school, other than the principal of the school, if—
 - (a) the member is absent from 3 consecutive meetings of the board without reasonable excuse or leave given by the board; or
 - (b) contravenes section 49 (Disclosure of interests by members of school boards) without reasonable excuse.
- (3) The Director General may end the appointment of a member of the school board of a government school, other than the principal at the school, for misbehaviour or physical or mental incapacity.

Note A person's appointment also ends if the person resigns (see Legislation Act, s 210).

45 Chairperson and deputy chairperson of school boards

- (1) The members of the school board of a government school must, whenever necessary, elect—
 - (a) a member to be chairperson; and
 - (b) another member to be deputy chairperson.
- (2) The school board must tell the Director General of the election of a member as chairperson or deputy chairperson.
- (3) The members of the school board must not appoint the principal of the school or a member of staff of the school to be chairperson of the board.

46 School boards to take part in selection of school principals

The members of the school board of a government school must, whenever necessary, nominate a member of the board as a member of any selection panel established by the Director General to make recommendations to the Director General about the appointment of the principal for the school.

Division 3.4.3 Proceedings of school boards

47 Time and place of meetings of school boards

- (1) The school board of a government school meets at the times and places it decides.
- (2) However, the school board must meet at least 4 times a year.
- (3) The chairperson—
 - (a) may at any time call a meeting of the school board; and
 - (b) must call a meeting if asked by the Minister, the Director General or 3 members of the board.
- (4) If the chairperson is not available to call a meeting for any reason, the deputy chairperson or the principal of the school may call a meeting of the school board.

48 Procedures governing proceedings of school boards

- (1) The chairperson of the school board of a government school presides at all meetings of the board at which the chairperson is present.
- (2) If the chairperson is absent, the deputy chairperson presides.
- (3) If the chairperson and deputy chairperson are both absent, the member chosen by the members present presides.
- (4) Business may be carried out at a meeting of the school board only if 3 or more members are present and—
 - (a) for the school board of a school other than a school to which section 43 (Composition of school boards of school-related institutions and other schools in special circumstances) applies—at least 1 of the members present is a staff member and at least 1 of the members present is a parents and citizens association member; or
 - (b) for the school board of a school to which section 43 applies—the members (if any) who are required, under the determination under section 43 (4) or (5) applying to the school, to be present at a meeting of the school board are present.
- (5) At a meeting of the school board each member (other than a nonvoting member) has a vote on each question to be decided.
- (6) A question is to be decided by a majority of the votes of the members present and voting but, if the votes are equal, the member presiding has a casting vote.
- (7) The school board may hold meetings, or allow members to take part in meetings, by telephone, closed-circuit television or another form of communication.
- (8) A member who takes part in a meeting under subsection (7) is taken to be present at the meeting.
- (9) A resolution of the school board is a valid resolution, even though it is not passed at a meeting of the board, if—
 - (a) all members (other than the non-voting members) agree, in writing, to the proposed resolution; and
 - (b) notice of the resolution is given under procedures decided by the school board.
- (10) The school board must keep minutes of its meetings.
- (11) The school board may conduct its proceedings (including its meetings) as it otherwise considers appropriate.
- (12) In this section:
non-voting member means—
 - (a) for the school board of a school other than a school to which section 43 applies—a board appointed member; or
 - (b) for the school board of a school to which section 43 applies—a member who, under the determination under section 43 (4) or (5) applying to the school, may not vote at a meeting of the school board.

49 Disclosure of interests by members of school boards

- (1) This section applies to a member of a school board if—
 - (a) the member has a direct or indirect financial interest in an issue being considered, or about to be considered, by the board; and
 - (b) the interest could conflict with the proper exercise of the member's functions in relation to the board's consideration of the issue.
- (2) As soon as practicable after the relevant facts come to the member's knowledge, the member must disclose the nature of the interest to a meeting of the school board.

- (3) The disclosure must be recorded in the school board's minutes and, unless the board otherwise decides, the member (the *first member*) must not—
 - (a) be present when the board considers the issue; or
 - (b) take part in a decision of the board on the issue.
- (4) Any other member who also has a direct or indirect financial interest in the issue must not—
 - (a) be present when the school board is considering its decision under subsection (3) in relation to the first member; or
 - (b) take part in making the decision.
- (5) Within 14 days after the end of each financial year, the chairperson of the school board must give the Director General a statement of any disclosure of interest made under this section in relation to the school board during the financial year.

49A Protection of members of school boards

- (1) A person who is, or has been, a member of a school board of a government school is not civilly liable for an act or omission done honestly in the exercise of a function under this Act.
- (2) Any liability that would, apart from subsection (1), attach to a person attaches to the Territory.

Division 3.4.4 Financial matters

50 School boards to approve budgets

- (1) The school board of a government school must approve a budget for each year.
- (2) The school board must approve the budget before the date decided by the Director General.
- (3) The budget may only be approved by the school board if it is in the form, and based on the accounting or other policies or practices, (if any) required by the Director General.
- (4) The Director General may ask the school board to approve a budget for a part of a year.
- (5) The school board must comply with the request.
- (6) If the school board approves the budget, money of the school may be spent in accordance with the budget.

51 Application of money of school

The school board of a government school may approve the spending of money of the school only in payment or discharge of the costs of, or liabilities incurred by, the school.

52 School boards to approve financial statement and report

- (1) As soon as practicable after the end of each half-year (but not later than the date decided by the Director General), the school board of a government school must approve a financial statement for the half-year, in a form approved by the Director General or as the chief executive directs.
- (2) As soon as practicable after the end of each year (but not later than the date decided by the Director General), the school board of a government school must approve an annual report on the board's operations during the year.
- (3) The annual report must include—
 - (a) the financial statements approved under subsection (1) for each half-year; and
 - (b) a statement of how voluntary contributions made to the school have been or will be spent; and

- (c) if a school board is holding funds in reserve—a statement setting out the purposes for which the funds are being held and the amount being held for each of those purposes.

Note If a form is approved under s 154 for a statement under par (c), the form must be used.

- (4) The school board must give a copy of each report approved under this section to the chief executive.
- (5) The Director General may issue guidelines about what is, or is not, holding funds in reserve.

53 School boards to make available summaries of budget and annual report

- (1) Not later than 14 days after approving the budget for a year, the school board of a government school must make a summary of the budget available to parents of students at the school and to the staff and students of the school.
- (2) Not later than 14 days after approving the annual report for a year, the school board of a government school must make a summary of the report available to parents of students at the school and to the staff and students of the school.

12.3 Schedule 1 Schools with student board members—Act, s 41 (2) (f)**Part 1.1 Schools**

column 1 item	column 2 school
1	Alfred Deakin High School
2	Amaroo School
3	Belconnen High School
4	Black Mountain School
5	Calwell High School
6	Campbell High School
7	Canberra High School
8	Caroline Chisholm School
9	Gold Creek School
10	Kingsford Smith School
11	Lanyon High School
12	Lyneham High School
13	Melba Copland Secondary School
14	Melrose High School
15	Namadgi School
16	Stromlo High School
17	Telopea Park School
18	The Woden School
19	University of Canberra High School Kaleen
20	Wanniassa School

Part 1.2 Colleges

column 1 item	column 2 school
1	Canberra College
2	Dickson College
3	Erindale College
4	Gungahlin College
5	Hawker College
6	Lake Tuggeranong College
7	Narrabundah College
8	University of Canberra Secondary College Lake Ginninderra