

# **CONSTITUTION OF BORONIA PARK PUBLIC SCHOOL COUNCIL**

June 2019

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## 1. Name

- 1.1. The name of the School Council will be Boronia Park Public School Council (hereinafter called 'The Council').

## 2. Definitions

- 2.1. "BUDGET PLAN" means a general outline of anticipated income and expenditure for the financial year.
- 2.2. "COMMUNITY MEMBER" means any person appointed to the Council from local government/business/industry or a particular section of the local community (which was previously unrepresented through the Elected Parent Members).
- 2.3. "CONSTITUENCY" means the whole body of voters who are eligible to elect their representatives on Council; a Parent Constituency comprising the Parent Community and a Staff Constituency comprising the School Staff (see Sections 2.9 & 2.14).
- 2.4. "COUNCIL" means the Boronia Park Public School Council.
- 2.5. "COUNCILLOR" means an Elected/Community Member, the Executive Member of the Council or the President of the P&C (or the identified alternative executive member).
- 2.6. "ELECTED MEMBER" means any person on the Council elected by the relevant constituency to represent the School Staff or the Parent Constituency.
- 2.7. "EXECUTIVE MEMBER" means the Principal of Boronia Park Public School.
- 2.8. "PARENT" means the parent, guardian or any person who has actual care of a student(s) enrolled at Boronia Park Public School.
- 2.9. "PARENT COMMUNITY" means all parents of students enrolled at Boronia Park Public School.
- 2.10. "PARENT MEMBER" means any parent elected to the Council as well as the President of the P&C (or the identified alternative executive member from that Association).

- 2.11. "PARENT ORGANISATION" means Boronia Park Public School Parents and Citizens Association Incorporated.
- 2.12. "QUORUM" means the minimum number of persons required to attend a meeting before any business can be transacted.
- 2.13. "SCHOOL COMMUNITY" means the School Staff, Parents, and local community of Boronia Park Public School acting for the maximum benefit of students.
- 2.14. "SCHOOL STAFF" means persons employed at Boronia Park Public School by the NSW Department of Education.
- 2.15. SPECIAL GENERAL MEETING means a meeting called under Section 12 to decide on constitutionally specified issues relating to the roles, membership or operation of the Council.
- 2.16. "STUDENT" means any student enrolled at Boronia Park Public School.

### **3. Aim, Principles and Objectives**

- 3.1. The aim of the Council is to enable formal participation by the school community in the planning and direction of school activities and to provide a forum for the representatives of staff, parents and community to work together to set future goals and directions for the school.
- 3.2. The Council will, in its deliberations and decisions, be guided by the following principles:
  - 3.2.1. A spirit of co-operation based on a partnership which seeks to achieve the best possible outcomes for the students;
  - 3.2.2. Members will accurately reflect the views of their constituency in debate and decision making;
  - 3.2.3. Where possible, decisions of the Council should be achieved by consensus;
  - 3.2.4. Due weight should be given to the professional expertise and experience of the school staff on issues relating to the educational program of the school;
  - 3.2.5. The Council shall not seek to direct school staff in matters for which school staff are professionally responsible. These matters

include: the employment, appointment (except as described in section 4) and efficiency of school staff, the day to day running of the school and the implementation of relevant Council policies (see Section 4 for the formal statements on accountability).

3.3. The Objectives of the Council are to:

- 3.3.1. determine collaboratively the goals or mission of the school;
- 3.3.2. determine collaboratively general school policies;
- 3.3.3. encourage parent and community participation in the curriculum and other educational issues at the school;
- 3.3.4. assess the school's financial needs and collaboratively oversee the budget plan for the school;
- 3.3.5. promote the educational, physical and well being of all students;
- 3.3.6. promote the positive image and interests of the school to the wider community.

## 4. Roles

- 4.1. The Council is accountable to the constituencies from which it is drawn.
- 4.2. The Principal is accountable for the total management of the school and for the implementation of the general policies and priorities determined by the Council.
- 4.3. The Principal remains accountable under the Public Finance and Audit Act for the management of school finances including, where appropriate, the execution of all contracts.
- 4.4. Within the context of relevant legislation and the published educational policies and priorities of the NSW Government and the Department of Education, the Council will:
  - 4.4.1. Assist the Department officer to develop a profile for the positions of incoming Principal or any merit selected positions for publication in advertisements.
  - 4.4.2. Have representation on the interviewing panel for the selection of an incoming Principal and other merit selected positions.

- 4.4.3. Determine collaboratively the mission, goals and general school policies.
  - 4.4.4. Identify and make recommendations to the Principal on the school community educational needs and priorities.
  - 4.4.5. Assess and make recommendations to the Principal on the financial needs of the school.
  - 4.4.6. Assess the needs of the school with respect to services such as buildings and grounds, school transport, starting and finishing times.
  - 4.4.7. Determine collaboratively, the community use of the school's facilities.
  - 4.4.8. Evaluate policies relating to student welfare, e.g school uniform and fair discipline code.
  - 4.4.9. Promote parent and community awareness of the school and its activities and support appropriate involvement by the community in school activities.
  - 4.4.10. Access resources at all levels of Government to further the aims and objectives of the school.
  - 4.4.11. Participate in the review of the school's performance and contribute to the Annual Report to the Department of Education and the school community.
  - 4.4.12. Work cooperatively and collaboratively with the P&C to achieve mutually desirable outcomes.
- 4.5. The roles given in 4.4.1 to 4.4.11 are the only roles to be undertaken by the School Council. Any additional roles can only be assumed by the Council through amendment to the Constitution (see Section 12). These are currently the roles undertaken by the School Council. They are to be reviewed every five years or as needed by the School Council.

## **5. Membership and Composition**

5.1. The composition of the Council will be as follows:

5.1.1. The Executive Member.

5.1.2. The President (or their delegate) of the Boronia Park Public School Parents and Citizens Association (P&C) (One year term).

- 5.1.3. Three (3) Parent Members elected from and by the parent constituency (2 year term).
- 5.1.4. Three (3) School Staff Members elected from and by the teaching and non- teaching staff.
- 5.1.5. At least one (1) Boronia Park Community Member may be appointed on the recommendation of the School Council as required. (Two year term)
- 5.2. Executive Member. The Principal of the School is automatically the Executive Member.
- 5.3. The President of the Boronia Park Public School P&C is automatically a member of the School Council and appointed annually at the P&C AGM.
- 5.4. Elected members. A member of the school staff may not be a parent member on the Council. At least two (2) school staff members must be teachers.
- 5.5. Community Members. A currently employed member of a school staff or a parent of a child at Boronia Park Public School cannot be a community member on the Council except to provide for unrepresented minorities. A community member may only be removed by the relevant School Education Director in accordance with Section 16.2.2.
- 5.6. Advisors. Council may co-opt other members of the community to assist the Council for a specific purpose and for a specific period. Such positions are advisory and do not have voting rights on the Council.

## **6. Tenure of Council**

- 6.1. Subject to section 6.2 below, the term of office for Elected or Community Members shall be two (2) years, commencing at the first meeting after the elections conducted.
- 6.2. Elected parent members of the Council are eligible to nominate for a second term of two years (up to but no more than four years in total).
- 6.3. Before the elections to be conducted at the P&C meeting for the parent representatives, the members of Council will determine which parents and staff members have served a two or four year term. The Council shall ensure

that in any one year no more than two (2) parent members and one (1) staff member are replaced to ensure smooth transition for each year of Council's operations. The decision as to who shall resign shall be made at the Council meeting.

Note: Prior to elections the Council shall review all current members tenure to ensure that in any one year no more than two (2) parent members and one (1) staff member are replaced, ensuring the seamless continuity of Council's operations.

6.4. The Council will inform the P&C Executive in writing which parent positions are vacant at the beginning of Term 3.

6.5. Community Members may hold office for no more than two consecutive terms, i.e. four (4) years.

## **7. Election of Councillors**

7.1. Elections for members to represent the school staff and parent community will take place in Term 4 at the P&C Annual General Meeting.

7.2. Method of election for representatives of the school staff to the Council:

7.2.1. No person shall vote in more than one constituency.

7.2.2. The school staff are responsible for the election of Staff Members to the Council.

7.2.3. Each nominee must be proposed and seconded by members of the school staff.

7.3. Method of election for representatives of the parent community to Council:

7.3.1. The parent community through the P&C is responsible for the election of Parent Members on the Council.

7.3.2. Election procedures will be advertised in the school newsletter, giving at least four weeks' notice to the parent community.

7.3.3. Nominations for parent representatives are to be submitted to the P&C executive by the advertised closing date as an expression of interest.

7.3.4. Each nominee must be proposed and seconded by members of the parent constituency.

7.3.4.1. Any election for Parent Members will take place in the following manner:

- 7.3.4.1.1. All nominees will be given the opportunity to provide a statement of no more than 100 words to members of the Parent Constituency.
- 7.3.4.1.2. All members of the school community are eligible to vote. Everyone has one vote for their preferred candidate.
- 7.3.4.1.3. The conduct of elections for vacancies of parent representatives on the Council is based on a simple majority.
- 7.3.4.1.4. The P&C Executive will record all nominated candidates for the parent representative position on council. If necessary, the order of statements by candidates will be determined by a draw conducted by the Executive of the P&C.
- 7.3.4.1.5. All members of the school community will be invited to vote at the Annual General Meeting of the P&C. The vote will be conducted by secret ballot at the Annual General Meeting of the P&C. Persons not in attendance at the meeting will not be eligible to vote.
- 7.3.4.1.6. The votes will be counted by the Executive of the P&C and the successful nominees will be confirmed at the Annual General Meeting of the P&C.
- 7.3.4.1.7. The results of the ballot will be published in the school newsletter.

#### 7.3.5. Appointment of Community Members

- 7.3.5.1. The council may nominate a Community Member to the council. No more than one Community Member can sit on the Council in any one term.
- 7.3.5.2. The School Council will recommend names of people from the community to the School Education Director for approval.

## 8. Council Office Bearers

8.1. The School Council will have the following office bearers:



- 8.1.1. President to be an elected parent member or an appointed community member other than a member of school staff.
  - 8.1.2. Secretary to be an Elected Member or an appointed Community Member.
  - 8.1.3. Executive Member is the School Principal (or Relieving Principal In the absence of the Principal).
- 8.2. Office bearers will be elected at the first meeting of the newly constituted Council following the Annual General Meeting of the P&C.
- 8.3. Roles and Responsibilities.
- 8.3.1. President:
    - 8.3.1.1. convenes and chairs the meetings;
    - 8.3.1.2. chairs the meetings in accordance with the agreed standing orders (see Appendix 1);
    - 8.3.1.3. prepares the School Council section of the annual report in consultation with the Executive Member and Secretary ;
    - 8.3.1.4. acts as the official spokesperson for the School Council.
  - 8.3.2. Secretary:
    - 8.3.2.1. prepares and circulates the minutes of each meeting;
    - 8.3.2.2. prepares the agenda for the meetings in accordance with Section 9.4;
    - 8.3.2.3. conducts correspondence;
    - 8.3.2.4. maintains the official records of the Council;
    - 8.3.2.5. is responsible for any media release in consultation with the President and Executive Member;
    - 8.3.2.6. Is responsible for giving notice of meetings within the due time (see Section 9.4.1).
  - 8.3.3. Executive Member
    - 8.3.3.1. is responsible for the implementation of the general policies and priorities determined by Council:

- 8.3.3.2. is responsible for negotiating all contracts on behalf of the Council;
- 8.3.3.3. is responsible in consultation with the President for the management of finance and the preparation of financial reports to the Council.
- 8.3.4. Elected Members:
  - 8.3.4.1. will seek and convey and raise questions and issues raised by school community members to members of the School Council;
  - 8.3.4.2. will convey the decisions of the Council to their respective constituencies;
  - 8.3.4.3. will be responsible for liaison between the Council and their respective constituencies.
  - 8.3.4.4. Community Members appointed on the recommendation of the School Council (see Section 7.3) will have roles determined by the Council as the need arises. Their roles will be reviewed at the first Council meeting following Council elections.

## **9. Council Meetings**

### 9.1. Frequency

- 9.1.1. The Council will meet twice a term and the dates will be determined by the Council at the beginning of each year.
- 9.1.2. The date, venue and time of Council meetings will be advertised in the School's weekly newsletter at least seven (7) days prior to the meeting (see Section 9.4.1).

### 9.2. Quorum

- 9.2.1. A quorum for Council meetings will be 5 voting Members of the Council and must include the Executive Member and a representative from each constituency.
- 9.2.2. If the quorum is not reached, matters on the Agenda may be discussed but no decisions will be taken.

### 9.3. Attendance

- 9.3.1. Councillors are to attend all meetings, where possible.
- 9.3.2. If a Councillor is unable to attend a meeting an apology should be forwarded to that meeting.
- 9.3.3. Should an Elected Member resign or transfer out of the school community a replacement should be found in accordance with Section 15.
- 9.3.4. A record of attendance by all Councillors will be kept and noted in the minutes of each meeting.
- 9.3.5. In the absence of the President of the Council a chairperson will be elected by the Council for that meeting.
- 9.3.6. Temporary vacancy. If a Councillor finds, for any reason, that he/she will be unavailable for more than three consecutive Council meetings, they must notify the President in writing and seek leave of absence for those meetings. The procedures for Temporary Vacancies should be implemented as per section 15.

### 9.4. Agenda

- 9.4.1. The meeting Agenda will be published and circulated to the members.
- 9.4.2. Items for the Agenda must come from the constituencies through a Councillor to the Secretary for inclusion on the Agenda.
- 9.4.3. Items on the Agenda not dealt with at the meeting will automatically be added to the Agenda for the next meeting.

### 9.5. Minutes

- 9.5.1. Minutes will be prepared by the Secretary and circulated to all Councillors.
- 9.5.2. Minutes of past meetings of the Council will be kept at the School by the Executive Member and made available on request (see Section 13).

## **10. Council Meeting Procedures**

- 10.1. Formal meeting procedures will apply. (see Appendix 1).
- 10.2. Decisions will be taken by consensus if possible (see Section 3.2). In the absence of consensus, a vote will be taken. A motion will be carried if the vote is by a majority of one.
- 10.3. Members of the school community are welcome to attend all Council meetings as observers.
- 10.4. Visiting members of the school community to council meetings will not have voting rights.

## **11. Annual General Meeting (AGM)**

- 11.1. The AGM will be held in each year on the first meeting following the election of parent representatives.
- 11.2. Notice of the AGM will be given in the School newsletter prior to the meeting.
- 11.3. The main business of the AGM is to elect Council office bearers.

## **12. Special General Meetings**

- 12.1. A Special General Meeting is a meeting of the members of the Constituencies of the Council.

- 12.2. All members of the constituencies are eligible to vote at a properly convened Special General Meeting.
- 12.3. A Special General Meeting of the Constituencies may be called by:
  - 12.3.1. A majority decision of Council.
  - 12.3.2. A requisition in writing of at least 50 parents from the parent constituency or 51% of the staff constituency.
- 12.4. Any requisition to conduct a special general meeting must:
  - 12.4.1. State the purpose of the meeting to be called.
  - 12.4.2. Contain any resolutions to be considered by the meeting. Only these resolutions may be considered at the Special General Meeting.
  - 12.4.3. Must be signed by the persons making the requisition.
  - 12.4.4. Must be lodged with the secretary.
- 12.5. Where there is a proposed resolution contained in the requisition for a Special General Meeting:
  - 12.5.1. recommending amendments to the Constitution.
  - 12.5.2. recommending dismissal of the Council.
  - 12.5.3. recommending the removal of a Member(s).

Then such a resolution shall require a 66% majority of those present and eligible to vote at the special meeting.
- 12.6. Where the School Council fails to call a Special General Meeting within 30 school days of a requisition being lodged with the Secretary, then any member signing the requisition may call a Special General Meeting.
- 12.7. Any Special Meeting called under clause 12.4 must be held within 60 days of the original requisition being lodged with the secretary.

- 12.8. Any Special General Meeting called under clause 12.4 shall be called by giving 21 days' notice to the Constituencies via the school newsletter and shall be conducted according to the rules of this constitution.

### **13. Council Records**

- 13.1. Original Council records including the Constitution, Minutes, correspondence, and financial reports will be retained by the Executive Member within the School for 5 years.
- 13.2. Copies of the above records will be made available to interested parties by the President or Executive Member.

### **14. Overseeing the Budget**

- 14.1. The Council, in overseeing the School budget plan will take account of all funds available to the School from government, parent and community sources.

### **15. Casual Vacancies**

- 15.1. If a councillor is unable to attend three consecutive meetings in a year, or is absent from four council meetings in a calendar year, a replacement council member may be sought. If that person is a member of the parent constituency the P&C Executive will be asked to nominate a temporary member of the School Council until an election for the vacant position is conducted according to 7.3.
- 15.2. If a councillor who is a member of the staff constituency is absent for three consecutive council meetings in a year, or is absent from four council meetings in a calendar year, the School Executive shall be asked to find a replacement member of the Council.
- 15.3. Where the absent Councillor was an office bearer of the School Council that position will be filled from the existing Council Members by election at the first Council meeting after the vacancy occurs.

## **16. Resolution of Disputes**

- 16.1. Where matters occur which cannot be resolved by established Council procedures, the School Education Director shall resolve the matter in dispute.

## **APPENDIX 1**

### *STANDING ORDERS FOR THE CONDUCT OF ALL MEETINGS OF THE BORONIA PARK PUBLIC SCHOOL COUNCIL*

#### **The order of business**

1. Apologies.
2. Endorsement of Minutes from the previous meeting after amendments are considered.
3. Business arising from the Minutes of the previous meeting.
4. Items notified to the Secretary prior to the meeting.
5. General Business.

#### **Conduct of the meeting**

1. Meetings will, in general, run for no more than two hours from the published starting time.
2. Councillors may seek leave to extend the meeting beyond that time. Council may vote to extend the meeting time.
3. If the President is not available by the appointed time, the Executive Member will call the meeting to order and ask that a Chairperson be elected for that meeting.
4. If a quorum is present, the meeting will proceed (refer to 9.2).
5. If a quorum is not present discussion of items on the published Agenda is possible, but no formal motions relating to the business will be accepted.
6. If the meeting proceeds as normal, motions relating to the items of business are debated and then resolved by consensus or by a vote.
7. To be passed, the vote for the motion must be at least a majority of one taken from the pool of eligible voting members present.
8. Voting will be by simple show of hands.
9. The number of votes for and against any motion will be recorded.
10. Abstentions will be counted against the motion unless they arise from a declared conflict of interest.
11. A member is bound to inform the meeting when he or she becomes aware of a potential conflict of interest during the course of any debate and before the vote on that issue is taken.