

## KAPINARA PRIMARY SCHOOL

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*Kindness, Consideration  
and Service for Others*

### SCHOOL BOARD TERMS OF REFERENCE

These terms of reference are to be read in conjunction with the provisions of the *School Education Act 1999 (WA)* ('the Act') and the School Education Regulations 2000 ('The Regulations') as amended from time to time (including without limitation, Part 3 Divisions 8 of the Act and Part 6 of the Regulations). To the extent of any conflict or inconsistency between these terms of reference and the Act or the Regulations, the Act or the Regulations shall prevail.

#### NAME

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

#### DEFINITIONS

In these terms of reference

- 'Board' means 'Council' as defined in the Act
- 'School' means Kapinara Primary School
- 'Student' means a student enrolled in the School
- 'Parent' is the person who is named in the school register as a parent of a student as defined in section 4 of the Act.
- 'Department' means the Department of Education.
- 'Director General' means the Chief Executive Officer of the Department of Education as defined in section 229 of the Act.
- 'Minister' means the Minister responsible for administering the Act.
- 'Principal' means the principal of Kapinara Primary School.
- Business Plan is the long term plan that outlines strategies to achieve student improvement targets.

#### PURPOSE

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

#### FUNCTIONS AND POWERS OF THE BOARD

a) The Board duties include but are not limited to:

1. Making recommendations towards and endorsing if appropriate the following:
  - The School's objectives, priorities and directions detailed in the School's Business Plan;
  - The planning of financial arrangements necessary to fund those objectives priorities and directions;
  - Annually evaluating the school's performance against the Business Plan and making changes if necessary; and
  - Codes of conduct for students and parents at the school.
2. Endorse recommendations from consultation with students, their parents and staff on appropriate dress code for students when they are attending or representing the school;
3. Promoting the School in the community;

4. Approving where appropriate:
  - charges and contributions for the provision of certain materials, services and facilities under section 99(4) of the Act;
  - extra cost optional components of educational programs under section 100(3) of the Act;
  - items to be supplied by a student for use in an education program under section 108(2) of the Act;
  - any agreements or arrangements for sponsoring in relation to the school under section 216(5) of the Act and
  - any other issues that the Board considers appropriate.
5. Providing advice and recommendations to the Principal on:
  - A general policy concerning the use in school activities of prayers, songs and materials based on religions, spiritual or moral values being used in a school activity as part of religious education; and
  - The implementation of special religious education under section 69(2) of the Act.
6. With the approval of the Minister or Director General, as the Minister's delegate to:
  - Take part in the selection of but not appointment of, the Principal or any other member of teaching staff under section 129(2) of the Act.
7. Reporting formally to the school community at least once per calendar year.
8. Reviewing the Kapinara School Board's Terms of Reference and Code of Conduct when necessary.

b) The Board will not:

1. Intervene in the day to day management of the school;
2. Intervene in the educational instruction of students;
3. Exercise authority over teaching staff or other persons employed at the school; and
4. Intervene in the management or operation of a school fund.

## **APPOINTMENT AND ELECTION OF MEMBERS**

- a) The Board or Principal will invite nominations from suitably qualified persons to fill vacancies occurring and, except in the case of the general community membership category, will conduct elections where the number of nominations is greater than the vacancies available. Nominees will be invited in a manner that encourages membership that reflects the needs of the board and the school's community in regard to social and cultural background, gender balance and the skills of the board.
- b) Eligibility to vote in the category of parent membership positions. Each parent whose name and address has been provided to the school under section 16(1)(b)(ii)(1) of the Act or if neither parent's name and address has been so provided, each person who is responsible for the student
- c) Eligibility to vote in the category of staff membership positions. Each person to whom section 235(1) of the Act applies and whose usual place of work is at the school.
- d) A person may not vote in respect of more than one category referred to in rules (b) and (c), (above).
- e) In the category of general community membership positions, the Board may appoint suitably qualified members of the general community from the list of nominees.
- f) The Director General may, from time to time, specify standards or requirements in relation to the conduct of elections.
- g) The Director General may inquire into any matter affecting an election or appointment of a member of the Board and, if any irregularity has occurred, may declare the results of an election or appointment invalid or order an election or appointment or a new election or appointment to be conducted.
- h) The Board shall consist of up to 12 members and the Board shall use its best endeavours to ensure at all times the membership of the Board will be comprised as follows:
  - 5 parents/guardians of enrolled students
  - 3 staff
  - The Principal
  - General community representatives (if required by the Board) and

- The Board may choose to appoint an ex officio secretary to assist with the communications of the Board.
- i) The Chair of the Board is to be elected by, and from, its members. The Board may elect a Deputy Chair who may assume the duties of the Chair if the Chair so requests or in the absence of the Chair.
- j) Each Board member will sign the Code of Conduct at the beginning of their term of office.
- k) Elected Board members will serve a term of no more than three years. They may seek re-election for one additional term of three years.
- l) Community members will be invited to become members based on a resolution of the Board. Community representatives will serve a term of no longer than three years, subject to a resolution of the Board.
- m) Elections for Board membership will be held within two Board meetings of a Board position becoming vacant. The Chair and Principal will give staff and/or parents notification of the call for nomination by placing notices on appropriate notice boards within the school, through the school newsletter, website and/or through other means to encourage nominations from a wide cross-section of the parent/staff community.
- n) The office of a member of the Board becomes vacant if the member:
  - a) Becomes ineligible to hold office as a member
  - b) Resigns by written notice delivered to the Board or
  - c) Is removed from office by the Director General or Executive Directors as delegates of the Director General
- o) Subject to paragraph p) below the Board may remove a person as a member of the Board on the grounds that the person:
  - Has neglected his or her duty as a member;
  - Has breached the Code of Conduct or is incompetent;
  - Is incapacitated or otherwise unable to perform his or her duties (other than temporarily);
  - Is no longer considered to be a fit and proper person to represent the school and/or Board; or
  - Has been absent without leave or reasonable excuse for three consecutive meetings of which the member had notice.
- p) The Board must not remove a person as a member unless the person has been given reasonable opportunity to show that he or she should not be removed from office.
- q) A decision of the Board to remove a person from office is to be made by resolution of a majority comprising enough of the members for their number to be at least two thirds of the number of offices, whether vacant or not.
- r) The Director General, or Executive Directors as delegates of the Director General, may remove a person as a member of the Board on the grounds that the continuation of the person as a member would be detrimental to the interests of the Board.

## **MEETINGS AND PROCEEDINGS OF THE BOARD**

- a) The Board will determine the number of meetings for each year.
- b) There will be a minimum of one Board meeting per term.
- c) The Chair of the Board will convene Board meetings in accordance with the directions of the Board by giving 14 days notice of the venue, date and time of meetings unless otherwise agreed by the majority of board members.
- d) Minutes of the preceding meeting will be circulated no later than 14 days after a meeting and tabled at the commencement of each meeting.
- e) Notice of business to be discussed and supporting documentation will be provided no later than 7 days before a Board meeting.
- f) Meetings of the Board are generally open to the public.
- g) The Board is to hold each calendar year, at least one meeting that is open to the public. 14 days notice of which has been given to parents and in which a report is presented on the performance of the Board's functions.
- h) The Board may decide to close to members of the public a meeting or part of the meeting on the grounds set out in rule 8.6 unless the meeting is the annual public meeting or a special meeting called under regulation 118 of the Regulations.

- i) The Board may decide to close to members of the public a meeting or part of the meeting if it deals with any of the following:
  1. A matter affecting a person who is employed at the school;
  2. The personal affairs of any person;
  3. A contract entered into, or which may be entered into, by the school and which relates to a matter to be discussed at the meeting;
  4. Legal advice obtained, or which may be obtained, by the Board and which relates to a matter to be discussed at the meeting.
  5. A matter that if disclosed, would reveal:
    - Information that has a commercial value to a person and that is held by, or is about, a person other than the Board; or
    - Information about the business, professional, commercial or financial affairs of a person and that is held by, or is about, a person other than the Board; or
  6. Information which is the subject of a direction given under section 23(1a) of the Parliamentary Commissioner Act 1971.
- j) A decision to close a meeting or part of the meeting and the reason for the decision is to be recorded in the minutes of the meeting.
- k) The Chair is to convene a special meeting if the purposes of the proposed meeting is called for in notice to the Chair, and provided by a least 20 families of students at the school. The meeting convened is only to deal with purposes set out in the notice received by the chair.
- l) The Chair is not to convene a meeting if the purposes of the proposed meeting are not relevant to the Board's functions.
- m) Each Board member including the Chair is entitled to one vote only.
- n) A decision of the Board does not have effect unless it has been made by an absolute majority.
- o) An absolute majority means a majority comprising enough of the members of the Board for their number to be more than 50 per cent of the number of offices whether vacant or not.
- p) In the event that the Board breaches the Act, or the conduct of the Board is incompetent, inadequate or improper, the Minister may give written notice to the Board requiring that the situation be remedied.
- q) If the Minister is of the opinion that a Board has not complied with such a notice, the Minister may dismiss the Board.
- r) Instead of a meeting, any Board Member may submit any proposed resolution to the Board for vote by notice. Notice must be communicated in writing and may include email. The proposing Board member must notify the Chair accordingly, and the Chair must give each Board Member notice describing the proposed resolution, together with adequate documentation in connection with the proposal in order for Board Members to make a decision. Each Board Member must communicate his/her vote by notice to the Chair and each other Board Member within 48 hours (voting period) after receipt of the Chair's notice of the proposed resolution. Any Board member may, by notifying all Board Members within the voting period, request that the proposed resolution is to be decided at a meeting duly called for that purpose (and if such a meeting is requested, the Chair must call such a meeting). If a meeting is not requested then at the expiration of the voting period, the Chair must give each Board Member a confirmation notice tabulating the votes on the proposed resolution and stating the results of the vote. Any Board member failing to communicate its vote in a timely manner during the voting period is deemed to have voted against the proposal. Any resolution by notice will be ratified at the following Board meeting.
- s) The Principal is to provide the Board with such support services as it may reasonably require.

## COMMITTEES

- a) The Board may appoint a committee composed of staff, parents, community members or appropriate experts to address its business, but at least one Board member is required to serve on each committee.
- b) The duties of a committee appointed by the Board will be clearly defined and stated in writing.
- c) In all cases a committee makes its recommendations to the Board.
- d) Where appropriate, a specific date shall be set for completion of tasks assigned to the committee and if appropriate a date set for dissolving the committee.
- e) Membership should include those with relevant skills and where possible be balanced to represent the interests of the community and/or Board.

## **DUTIES TO BE ALLOCATED**

The Board allocated the following member or members the following duties:

- a) The Chair, Principal and Ex Officio member will coordinate the correspondence of the Board.
- b) The Chair will ensure that full and correct minutes of the meetings and proceeding of the Board are kept.
- c) The Principal will have full custody of all books, documents, records and registers of the Board.