

**SCHOOL COUNCIL CONSTITUTION**

**FOR**

**SUNNYBANK HILLS STATE SCHOOL**

**PRINCIPAL: Geoff Mill**

**DATE: May 2014**

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## **Preamble**

The *Education (General Provisions) Act 2006 (Qld)* (the "Act") provides for the establishment and operation of school councils for State schools with the object of improving student learning outcomes.

The Act states that school councils must have a constitution. The Chief Executive has prepared this model constitution, including elements required under the Act, as well as additional matters.

The Chief Executive may establish a school council for a State school by notice in the gazette.

## **Functions and powers**

### **1 Name of School Council**

The name of the school council is the Sunnybank Hills State School Council.

### **2 Functions of School Council**

- 2.1 The school council has the following functions for guiding the broad strategic direction of the school:
  - a) monitoring the school's strategic direction;
  - b) approving plans and policies of the school of a strategic nature and other documents affecting strategic matters, including the annual estimate of revenue and expenditure for the school;
  - c) monitoring the implementation of the plans, policies and other documents mentioned above; and
  - d) advising the school's principal about strategic matters.
- 2.2 The school council must perform its functions in a way that achieves the best learning outcomes for the school's students.
- 2.3 The school council must have regard to the documents listed in Schedule 1 in performing its functions.
- 2.4 The school council may only perform its functions in relation to the school for which it is established.
- 2.5 The school council may not:
  - a) interfere with the management by the school's principal of the day-to-day operations of the school and its curriculum; or
  - b) make operational decisions about the use of teaching or learning resources at the school; or
  - c) make decisions about the individual teaching style used, or to be used, at the school; or
  - d) make a decision that is contrary to law or a written policy of the department; or
  - e) have control of funds; or
  - f) enter into contracts; or
  - g) acquire, hold, dispose of or deal with property; or

h) sue or be sued.

2.6 For the avoidance of doubt, the school council is not part of the department, is not a body corporate and does not have a separate legal identity.

## **Starting up**

### **3 Establishment of School Council**

3.1 The school council is established by the Chief Executive by placing a notice establishing the school council in the gazette.

3.2 For detail regarding initial establishment of a school council, refer to Schedule 2.

## **Membership and Officers**

### **4 Members of the School Council**

4.1 The school council must have at least 6 and not more than 15 members comprising:

- a) the principal as an official member;
- b) the president of the Parents and Citizens' Association (if one exists) as an official member;
- c) at least 1 elected parent member and the same number of elected staff members;
- d) not more than 2 appointed members;

### **5 Official Members**

5.1 The school council's official members are:

- a) the principal; and
- b) the president of the Parents and Citizens' Association.

5.2 The president of the Parents and Citizens' Association may appoint another Parents and Citizens' Association member (the "alternative Parents and Citizens' Association member") to attend meetings of the school council when the president cannot attend the meetings, provided that:

- a) the president is permitted to appoint an alternative Parents and Citizens' Association member under the Parents and Citizens' Association's constitution;
- b) the alternative Parents and Citizens' Association member is not an elected member or appointed member of the school council; and
- c) the president gives notice to the chairperson as set out in clause 5.3.

5.3 If the president of the Parents and Citizens' Association has appointed an alternative Parents and Citizens' Association member, the president must give the chairperson written notice of:

- a) the alternative Parents and Citizens' Association member's name and address; and
- b) the date on which the alternative Parents and Citizens' Association member's appointment starts and ends.

- 5.4 The notice must be given to the chairperson at least two days before the day of the first meeting after the alternative Parents and Citizens' Association member's appointment starts.
- 5.5 Despite start and end dates stated in the notice, the president may attend any meeting in the place of and instead of the alternative Parents and Citizens' Association member.
- 5.6 When attending a meeting of the council, the alternative Parents and Citizens' Association member has the same rights and duties as the president.
- 5.7 If the president revokes the appointment of an alternative Parents and Citizens' Association member, the president must give the chairperson written notice of the date of the revocation at least two days before the day of the next meeting following revocation.

## **6 Elected Parent Members**

- 6.1 To be eligible for election as an elected parent member, a person must:
- a) not be an official member;
  - b) not have been convicted of an indictable offence, unless the Minister gives approval under the Act;
  - c) attend a meeting called for the purpose of electing parent members;
  - d) be the parent of a child attending the school; and
  - e) submit a nomination in accordance with the election procedures described at Schedule 3.
- 6.2 A person is eligible to vote for an elected parent member if that person is eligible to be elected as an elected parent member.
- 6.3 Each elected parent member holds office for a term, not longer than two years, determined by the school council prior to conducting the election for that member.

## **7 Elected Staff Members**

- 7.1 To be eligible for election as an elected staff member, a person must:
- a) not be an official member;
  - b) not have been convicted of an indictable offence, unless the Minister gives approval under the Act;
  - c) attend a meeting called for the purpose of electing staff members;
  - d) be a member of staff of the school; and
  - e) submit a nomination in accordance with the election procedures described at Schedule 3.
- 7.2 A person is eligible to vote for an elected staff member if that person is eligible to be elected as an elected staff member.
- 7.3 When 2 or more staff members are included in the composition of the school council, this must include 1 teaching staff member and 1 non-teaching staff member.

7.4 Each elected staff member holds office for a term, not longer than two years, determined by the school council prior to conducting the election for that member.

## **8 Term of Office for First Elected Members**

8.1 Notwithstanding clauses 6.3, 7.4, and subject to clause 4.1, the following number of the council's first elected members may hold office for a term of not longer than 3 years:

- a) if one-half of the number of the first elected members is an even number, then one-half of the number of the first elected members;
- b) if one-half of the number of the first elected members is an odd number, then the whole number next higher than one-half of the number of the first elected members.

## **9 Appointed Members**

9.1 To be eligible for appointment as an appointed member, a person must:

- a) not already be a member of the school council;
- b) not have been convicted of an indictable offence, unless the Minister gives approval under the Act;
- c) have knowledge and experience that would assist the school council to perform its functions; and
- d) reflect the local community context.

9.2 The official and elected members present at a meeting of the school council may decide:

- a) who is to be asked to become an appointed member; or
- b) to seek nominations from persons wishing to become an appointed member, before deciding who is to be asked to become an appointed member.

9.3 A person becomes an appointed member of the school council if:

- a) the school council asks the person to become an appointed member;
- b) the person agrees to become an appointed member; and
- c) the school council makes a decision to appoint the person at a school council meeting.

9.4 Each appointed member holds office for a term, not longer than two years, determined by the school council prior to deciding to appoint a person as an appointed member.

## **10 Dispute Resolution**

10.1 The school council must endeavour to work together, with their community and with their school, in an open and collaborative manner.

10.2 If a dispute arises, the chairperson should lead a process acting as a facilitator to resolve the dispute through mediation.

10.3 If the chairperson is involved in the dispute, the principal should lead the dispute resolution process.

10.4 If both the principal and the chairperson are involved in the dispute, a written request for mediation should be submitted to the principal's supervisor.

## **11 Vacancies**

11.1 The office of an elected or appointed member becomes vacant if the member:

- a) dies; or
- b) resigns the member's office by signed notice of resignation:
  - i) for the school council 's chairperson – given to the school principal's supervisor; or
  - ii) for another school council member – given to the school council 's chairperson; or
- c) is absent from 3 consecutive meetings of the school council, of which the member has been given notice, without the school council's leave and without reasonable excuse; or
- d) stops being eligible, under the Act or this constitution, for election or appointment to the office.

11.2 If a vacancy occurs in the office of an elected or appointed member during the currency of the member's term of office, another person must be elected or appointed to fill the vacancy for the remainder of the vacating member's term.

11.3 If the office of an elected or appointed member of a school council is vacant and, because of the vacancy, the membership does not comply with clause 4, the school council is taken to be validly constituted until the earlier of the following:

- a) the day the vacancy is filled;
- b) the expiry of 3 months after the day the vacancy arose.

## **12 Chairperson**

12.1 The school council must elect one of the members as chairperson.

12.2 To be eligible for election as the chairperson, a person must:

- a) be a member of the school council;
- b) not be the principal.

12.3 The chairperson holds office for the term of one year, with the option of being re-elected.

12.4 The school council must elect the chairperson in accordance with the guidelines at Schedule 3.

## **13 Secretary**

13.1 The council must elect one of the members as secretary of the school council.

13.2 To be eligible for election as the secretary, a person must:

- a) be a member of the school council;
- b) not be the principal.



13.3 The school council must elect the secretary in accordance with the guidelines at Schedule 3.

## **14 Disclosure of interest**

14.1 This section applies to a member of the school council (the interested member) if:

- a) the interested member has a direct or indirect financial interest in an issue being considered, or about to be considered, by the school council; and
- b) the interest could conflict with the proper performance of the interested member's duties when considering the issue.

14.2 As soon as practicable after the relevant facts come to the interested member's knowledge, the interested member must disclose the nature of the interest to a meeting of the school council.

14.3 Unless the school council otherwise directs, the interested member must not:

- a) be present when the school council considers the issue; or
- b) take part in a decision of the school council about the issue.

14.4 No interested member may be present when the school council is considering whether the interested member can be a party to considerations.

14.5 If a member is not present at a school council meeting due to their disclosure of interest, and because of this absence the school council is one person less than required to meet the quorum requirements, quorum is deemed to have been met.

14.6 A disclosure under clause 14.2 must be recorded in the school council's minutes.

## **15 Disclosure of indictable offence**

15.1 If a person is convicted of an indictable offence while a member of a school council, the person must give written notice to the principal of the conviction within 7 days after the conviction.

15.2 If an elected member or appointed member is convicted of an indictable offence, then that member's office becomes vacant in accordance with clause 11.1d).

## **16 Comply with Code of Conduct**

16.1 School council members must comply with the Code of Conduct approved by the Chief Executive.

## **17 Conduct of business**

17.1 Subject to this constitution and the Act, the school council may conduct its business, including its meetings, in the way it considers appropriate.

17.2 However, the school council may only make decisions about how it will carry out its functions if it does so at a school council meeting at which a quorum is present.

## **18 Time and place of meetings**

18.1 A school council must meet at least twice in each semester.

18.2 School council meetings are at the times and places the school council decides.

18.3 However, a school council's chairperson:

- a) may call a meeting at any time; and
- b) must call a meeting if asked, in writing, to do so by the Minister, the chief executive, principal or at least the number of its members required to form a quorum for the school council.

18.4 The chairperson must, where possible, give written notice of the time and place of a meeting of the school council to each of the members at least 7 days before the day of the meeting.

18.5 A member who is permitted by the school council to take part in such a meeting is taken to be present at the meeting.

18.6 The school council may decide that any meeting or part of a meeting may be closed to observers.

## **19 Quorum**

19.1 A quorum for a school council is the number equal to two-thirds of the number of its members or, if two-thirds is not a whole number, the next highest whole number.

19.2 If the quorum is not present within 30 minutes after the advertised starting time of a school council meeting, the meeting must be adjourned to a time and place decided by the chairperson and notified to the members of the school council in accordance with clause 18.4

## **20 Presiding at meetings**

20.1 The school council's chairperson must preside at all council meetings at which the chairperson is present.

20.2 If the chairperson is absent from a school council meeting, another school council member chosen by the school council members present must preside.

20.3 An alternative Parents and Citizens' Association member may not preside at a meeting, unless they are the elected chairperson under clause 20.2.

## **21 Conduct of meetings**

- 21.1 A question at a school council meeting, other than a question about an amendment of the school council's constitution, must be decided by a majority of the votes of the school council members present.
- 21.2 Each member present at a school council meeting has a vote on each question to be decided and, if the votes are equal, the member presiding has a casting vote.
- 21.3 A member present at a school council meeting who abstains from voting is taken to have voted for the negative.
- 21.4 A school council may hold meetings, or allow its members to take part in its meetings, by telephone, web-conference or another form of communication that allows reasonably contemporaneous and continuous communication between the members taking part in the meeting.
- 21.5 A school council member who takes part in a school council meeting under section 21.4 is taken to be present at the meeting.
- 21.6 Unless the school council members present at a meeting decide otherwise, the order of business at a school council meeting is:
- a) Apologies;
  - b) Confirmation of minutes of previous meeting;
  - c) Business arising from minutes of previous meeting;
  - d) Correspondence;
  - e) Business arising from the correspondence;
  - f) Reports;
  - g) Motions on notice;
  - h) General business;
  - i) Next meeting.

## **22 Minutes and records**

- 22.1 The school council must record particulars of all proceedings at meetings of the school council including:
- a) the names of the members present at each meeting of the school council; and
  - b) the names of any persons who are not members present at each meeting of the school council; and
  - c) the names of any members voting against a resolution carried at a school council meeting and any members abstaining from voting who wish to have their dissent or abstention recorded in the minutes of that meeting.
- 22.2 The minutes of each school council meeting must be submitted for confirmation at the next school council meeting.

22.3 A copy of the minutes of each meeting must be distributed to all members of the school council as soon as possible after the meeting.

22.4 The school council is a public authority for the purposes of the *Public Records Act 2002 (Qld)* and must deal with the school council's records (including all documents created or acquired in the course of the school council carrying out its functions) in accordance with that act and the Department of Education, Training and Employment's policy document "General Retention and Disposal Schedule for Administrative Records".

### **23 Attendance by proxy**

23.1 A member of a school council for a state school may not attend a meeting of the school council by proxy.

23.2 However, the principal may attend up to 2 meetings in each year by proxy.

23.3 An alternative Parents and Citizens' Association member appointed under clause 5.2 is not a proxy for the purposes of this clause 23.

### **Miscellaneous matters**

### **24 Amendments to the Constitution**

24.1 A school council may prepare and adopt an amendment to this constitution.

24.2 An amendment to this constitution has no effect unless it is approved by the Chief Executive or delegate authorised in writing by the Chief Executive.

24.3 Notice of a meeting to consider a proposed amendment must be given at least 30 days before the school council meeting to:

- a) the school council members;
- b) the parents and citizens' association (if one exists);
- c) the school's staff (including, for example, by displaying the proposed amendment in a staff room);
- d) the school's students (including, for example, by publishing the proposed amendment in the school's newsletter).

24.4 The amendment is required to be adopted by at least the quorum for the school council.

24.5 A proposed amendment must have regard to:

- a) providing for a membership that:
  - i) allows adequate representation by parents, staff, students and other members of the school community; and
  - ii) takes into account the demographics of the school community;
- b) providing for the school council to perform its functions in an effective and fair way;
- c) being adequate, clear and appropriate; and
- d) being consistent with the Act and otherwise lawful.

## **25 Application of laws**

25.1 The members of the school council must comply with all applicable laws.

25.2 For the application of the *Criminal Law (Rehabilitation of Offenders) Act 1986 (Qld)*, section 9A, to the office of an elected staff member, elected parent member or appointed member, of a school council, a person is taken to apply for the office if the person:

- a) consents to be appointed as an appointed member (whether or not the school council has decided to appoint the person); or
- b) stands for election as an elected member.

25.3 A school council is a public authority under the *Public Records Act 2002*.

25.4 For the application of the *Public Sector Ethics Act 1994 (Qld)*:

- a) a school council is a public sector entity; and
- b) a member of the school council is a public official of the entity;
- c) the Chief Executive is the chief executive officer of the entity; and
- d) a reference to the entity's annual report is a reference to the Department of Education, Training and Employment's annual report.

## **26 Dissolution of the School Council**

26.1 A school council is dissolved:

- a) if the school for which it was established is closed;
- b) if the Minister gives the school council a notice stating that the school council is dissolved;
- c) if the Chief Executive publishes a notice in the gazette stating that the school council is dissolved; or
- d) in other circumstances prescribed under the Regulation.

26.2 On dissolution, the members of the school council go out of office immediately before the dissolution.

26.3 As soon as practicable after the dissolution of the school council, the school's principal must ensure the school council's records, including all documents held by the school council that it has created or acquired in the course of performing its functions are given to the Chief Executive.

## **27 Subcommittees**

27.1 A school council must not establish a committee or subcommittee.

## **SCHEDULE 1**

DOCUMENTS TO WHICH THE SCHOOL COUNCIL MUST HAVE REGARD FOR THE PURPOSES OF CARRYING OUT ITS FUNCTIONS UNDER CLAUSE 2.3

- Quadrennial School Plan
- Annual Implementation Plans, including the school budget
- Workplace reform proposals, where relevant
- School Responsible Behaviour Management Plan
- Other documents relevant to the school's strategic direction

## **SCHEDULE 2**

### **ESTABLISHING A SCHOOL COUNCIL**

#### **Initial Constitution**

1. The principal must prepare a draft constitution.
2. In preparing the draft constitution, the principal:
  - must consult with:
    - the parents of children attending the school; and
    - the school's staff and students; and
  - may consult with other appropriate entities.
3. In preparing the draft constitution, the principal must have regard to this model constitution.
4. A draft constitution must:
  - provide for a membership that—
    - allow adequate representation by parents, staff, students and other members of the school community; and
    - take into account the demographics of the school community;
  - provide for the school council to perform its functions in an effective and fair way;
  - be adequate, clear and appropriate; and
  - be consistent with the Act and otherwise lawful.
5. If a Parents and Citizens' Association exists for the school, the president of the Parents and Citizens' Association must, under the Parents and Citizens' Association's constitution call a special meeting of the Parents and Citizens' Association to approve the draft constitution by secret ballot.
6. The principal must call the following meetings for approving the draft constitution by secret ballot:
  - if there is no Parents and Citizens' Association formed for the school—a meeting of the parents of children attending the school (the parent meeting);
  - a meeting of the school's staff (the staff meeting).
7. The draft constitution has no effect unless it is approved by the Chief Executive or delegate authorised in writing by the Chief Executive.

#### **Initial membership**

8. On its establishment, the school council consists only of its official members.
9. However, a school council consisting only of its official members may only perform the functions necessary for the election of the school council's elected members.

10. As soon as practicable after a school council is established, its official members must, under the school council's constitution, organise the election of the school council's elected members.
11. The term of office for elected or appointed members must not exceed two years. However, the following number of the council's first elected members may hold office for a term of not longer than 3 years:
  - a. if one-half of the number of the first elected members is an even number, then one-half of the number of the first elected members;
  - b. if one-half of the number of the first elected members is an odd number, then the whole number next higher than one-half of the number of the first elected members.
12. The written notice of the results of the first election for the school council must show clearly which of the elected offices are to be held for a term other than 2 years and this detail must be recorded.
13. After the election, the school council, as constituted by its official members and elected members, may appoint the council's appointed members.



## **SCHEDULE 3**

### **Staff and Parent Election Procedures**

- For staff and parent elections, the official members must appoint a returning officer for the election.
- The returning officer must give public notice (e.g. school newsletter) of the holding of an election not less than 28 days before the date of the election.
- The notice must name the date of the election and the final date for the receipt of nominations.
- The final date for receipt of nominations must not be less than 14 days after the date of giving of the public notice and not less than 14 days prior to the date of the election.
- Also, the notice must name the meeting venue at which the election is to be conducted, the day or days on which the meeting is to be held, and the start and end times for the meeting, including any time when the meeting is to be adjourned.
- After the final date for receipt of nominations, the returning officer must, without unreasonable delay, prepare voting papers by setting out the names of the candidates in an order determined by lot.
- At the meeting at which the election is to be conducted, the returning officer must give a voting paper to every person entitled to vote at the election.
- The returning officer must record the name of each person to whom a voting paper is given at the meeting at which the election is conducted.
- Each voter must deposit their completed voting paper into a sealed ballot box before leaving the meeting.
- The returning officer must take such steps as considered necessary to ensure that only persons entitled to vote at an election have voted and that the secrecy of the ballot is preserved.
- If there are fewer nominations than required elected members, then the nominees are elected

### **Post Ballot Procedures**

- Each candidate may appoint by written notice to the returning officer, one scrutineer for the examination of the voting papers received by the returning officer, to be present when the returning officer opens the ballot box containing the voting papers on the day of the election.
- A notice of an appointment of a scrutineer by a candidate must be received by the returning officer not less than 5 days prior to the day of the election.
- No election is invalid by reason of the failure of any candidate to appoint a scrutineer or the failure of a person appointed as a scrutineer to carry out the duties of a scrutineer.
- After the meeting at which the election was conducted and on the day of the election, the returning officer must, in the presence of the scrutineers but not the candidates, and with the aid of any assistants who are not candidates, open the ballot box containing the voting papers.
- If, in examining a voting paper, the returning officer forms the opinion that the intention of the voter cannot with certainty be ascertained, the voting paper must be rejected by the returning officer and no votes on that voting paper may be counted.
- If, in examining a voting paper, the returning officer forms the opinion that a vote is indicated on other than a voting paper in the form approved by the returning officer, the vote must not be counted.
- If, in examining the voting papers, the returning officer forms the opinion that:

- i) the number of voting papers in the ballot box is not equal to the number of persons who have been recorded as having voted in the election; or
- ii) any voting paper has been altered or otherwise interfered with after being placed in the ballot box and prior to the ballot box being opened by the returning officer or at the returning officer's instruction,

the returning officer must declare the ballot to be invalid and make arrangements for the holding of another ballot to determine the result in the election.

- After examining the voting papers, the returning officer must ascertain the number of votes received by each candidate.
- The candidate who receives, or the candidates who receive more votes than any other candidates in the election must be declared by the returning officer to have won the election.
- Where two or more candidates have received an equal number of votes, the returning officer must determine by lot which of the candidates is to be declared elected.

### **Declaration of Result**

- When the returning officer has determined which of the candidates is to be declared elected, he or she must prepare, sign and date a written statement, which may be countersigned by any scrutineers who are present, containing the numbers in words as well as figures of the votes for each candidate and declaring the result of the election.

*No election is invalid by reason of:*

- any formal error or defect in any declaration made, or in giving public notice under this constitution
- the giving of any such public notice being out of time
- any delay in holding the election at the time appointed
- any inadvertent failure to give to any person entitled to vote at the election any notice or ballot paper
- any other error or defect of a purely formal nature, which is not relevant to the outcome of the election.

### **Election of Office Procedure**

- Members must self-nominate in person at the relevant meeting.
- If there is only one nomination for a position, the nominee will be elected to the relevant office.
- If there is more than one nomination for a position, the nominee who receives the majority of the votes will be elected to the relevant office.
- Voting is held by a show of hands.

**SCHEDULE 4**

**Nomination for Sunnybank Hills State School Council Elected Member for 2014**

**Name:** .....

**Address:** .....

.....Postcode .....

**Phone:**.....**Mobile:**.....

**Email:**.....

Elected Position	Eligibility	Nomination (please X)
Staff	All persons on staff at the school, with the exception of the principal	
Parent	All parents of current children at the school, with the exception of the P&C president	

I agree to be bound by the constitution of the school council. I agree to work within the boundaries of the *Education (General Provisions) Act 2006*. I agree to be bound by the Code of Conduct for School Councils. I hereby state that I have not been convicted of an indictable offence.

**Signature:** .....

**Date:** .....

Please return this nomination form by *[insert closing date and time for nominations]*. This can be done by:

- delivering to the school front desk during school hours
- e-mail to *[insert e-mail address of returning officer]*
- fax to *[insert fax number]*
- mail to Returning Officer, c/- *[school name and address]*

A person is ineligible to be an elected parent member, elected staff member or appointed member of a school council if the person has been convicted of an indictable offence, unless the Minister gives approval, in accordance with the *Education (General Provision) Act 2006* for that person to be elected or appointed to the council.

**If you have any queries regarding the school council election process, please contact the principal.**

Returning Officer Use Date received: ...../...../.....
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## SCHEDULE 5

### Possible School Council composition (Min 6; Max 15)

For primary schools

Member type	Min				SHSS 2014											Max
	1	1	1	1												
Principal	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
P&C president	*	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Parent*(voted by parents) (min.1)	2	1	2	2	2	3	3	3	4	4	4	5	5	5	6	6
Staff*(voted by staff) (min. 1)	2	1	2	2	2	3	3	3	4	4	4	5	5	5	6	6
Appointed members *(max. 2)	1	2	0	1	2	0	1	2	0	1	2	0	1	2	0	1
<b>TOTAL</b>	<b>6</b>	<b>6</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>14</b>	<b>15</b>