

Education (School Boards of Schools in Special Circumstances) Black Mountain School Determination 2010

Disallowable instrument DI2010–37

made under the

Education Act 2004, section 43

EXPLANATORY STATEMENT

Introduction and purpose

This instrument provides for the composition of school boards of the Black Mountain School, a school in special circumstances under section 43 of the *Education Act 2004* (the Act).

Legal authority

Section 43(5) of the Act states that the Chief Executive of the Department of Education and Training (the Chief Executive) may determine:

- the composition of the board
- the members who are required to be present at a meeting of the board; and
- the members who may not vote at a meeting of the board.

Section 43 subsection 6 of the Act requires the determination of the board to be made only with the Minister's written approval. The Minister approved the composition of the board on 29 January 2010.

Section 43 subsection 7 of the Act requires the Chief Executive to consult with the parents of the school about the composition of the board, if practical. Consultation took place with the Black Mountain School board and the Black Mountain School community in relation to the composition of the board.

Summary of determination

1. Composition

Principal

The principal must be a member of a school board established at an ACT public school.

Appointed member

The appointed member is a person from outside the school community.

Staff members

The two staff members appointed to the board are employed as members of staff at the school and elected by the staff at the school. Staff at the school includes teachers, administrative staff and any other employees of the school.

Parents and citizens members

The three parents and citizens members appointed to the board must be elected by the parents and citizens association of the school, however, they need not be a member of the association.

Board appointed members

The board may appoint one or more members to the board for a term (not longer than 12 months) to be decided by the school board. The board appointed members are non-voting members. This position may be filled by people with particular skills or experience; however the appointment is at the discretion of the board.

Student members

The board may appoint two student members to the board (not longer than 12 months) to be decided by the school board. The board appointed members are non-voting members.

2. Quorum

This is to ensure that business is not carried out without the principal or a staff member and a parent and citizen member being present. Decisions made by an inquorate meeting may be invalid.

3. Voting rights

All members of the board have equal voting rights, except the board appointed and student members, who are non-voting members. The chair has the casting vote as per section 48 of the Act.

4. Period of appointment

All members except the board appointed and student members are appointed for the prescribed period, as defined in section 37 of the Act. The board appointed and student members are appointed to the board for a term decided by the board, but no longer than 12 months.