

Australian Capital Territory

Education (School Boards of School-Related Institutions) Early Childhood Schools Determination 2012

Disallowable instrument DI2012–41

made under the

Education Act 2004, section 43

EXPLANATORY STATEMENT

Introduction and purpose

This instrument provides for the composition of school boards of Early Childhood Schools, as school-related institutions under section 43 of the *Education Act 2004* (the Act).

Legal authority

Section 20 subsection 3 of the Act states that the Minister may establish school-related institutions. The Early Childhood Schools were established as school-related institutions by the Minister for Education and Training on 31 March 2009.

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 boards on 18 January 2012.

Section 43 subsection 7 of the Act requires the Director-General to consult with the parents of the school about the composition of the board, if practical. The composition of the boards of the Early Childhood Schools was discussed and endorsed with the Early Childhood School communities and the broader ACT community from 21 October to 2 December 2011.

Section 43 subsection 2 of the Act states that the Director-General of the Education and Training Directorate must determine the composition of the board of a school-related institution.

Summary of determination

1. Composition

Principal

The principal must be a member of a school board established at an ACT public school. The principal does not need to be appointed to the school board. In accordance with section 45 subsection 3 of the Act, the school board must not appoint the principal of the school to be the chairperson of the board.

Appointed member

The *appointed member* is a person external to the school community and appointed by the Director-General.

Staff members

The two *staff members* are persons employed as members of staff at the school and elected by the staff at the school and appointed by the Director-General. Staff at the school includes teachers, administrative staff and any other employees of the school. In accordance with section 45 subsection 3 of the Act, the school board must not appoint a member of staff to be the chairperson of the board.

Parents and citizens members

The three *parents and citizens members* must be elected by the parents and citizens association of the school and appointed by the Director-General.

Board appointed members

The board may appoint up to two *board appointed members* for a term (not longer than 12 months) to be decided by the school board. The board appointed members are non-voting members. These positions may be filled by a person with particular skills or experience; however the appointment is at the discretion of the board.

2. Quorum

In accordance with section 48 subsection 4 of the Act, 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 of the members present is a *parents and citizens member*. This is to ensure that business is not carried out without a staff member and a parent and citizen member being present. Decisions made at an inquorate meeting may be invalid.

3. Voting rights

All members of the board have equal voting rights, except the board appointed members (if any) who are non-voting members. In the event of equal votes, the member presiding has a casting vote in accordance with section 48 (subsection 6) of the Act.

4. Period of appointment

All members except the board appointed members (if any) are appointed for the prescribed period, as defined in section 37 of the Act. The board appointed members (if any) are appointed to the board for a term decided by the board, but no longer than 12 months in accordance with section 41 (subsection 6) of the Act.