1. School association instructions

1.1 Status of Instructions

These instructions are issued by the Secretary, Department of Education.

The instructions will be updated as necessary, and schools will be notified of any changes.

Feedback on any aspect of the instructions is welcome.

1.2 Special Circumstances

Where a school experiences special circumstances that may require a departure from any part of these instructions, such arrangements may only be implemented in consultation with the Learning Service General Manager.

Where changed arrangements require amendments to the constitution, these changes must also be approved by the Minister.

1.3 Departmental Policy

School Associations are required to act in accordance with Department of Education policies.

Links to the policies relevant to the operation of School Associations and School Communities can be found at the end of this document.

1.4 Incorporation

School groups may choose to become Incorporated Associations. If the School Association or any committee of the School Association intends to engage in any commercial or trading activities it must be incorporated. This process involves legislation additional to the requirements of the Education Act 1994.

The Associations Incorporation Act 1964 and associated amendments, legislation and regulations create the framework for Incorporated Associations registration in Tasmania.
Comprehensive information and supporting resources on incorporation are available.

Costs connected with incorporation are found at http://www.consumer.tas.gov.au/business_affairs/incorporated_associations/requirements

There is no conflict to school groups that incorporate in complying with both the requirements of the Associations Incorporation Act 1964 and the Education Act 1994.

The model constitution for incorporated School Associations provided on the Department of Education website meets the requirements of the Associations Incorporation Act 1964.

2. School associations and their committees

2.1 School Associations

School Associations are made up of parents, students, staff and members of the broader community.

2.2 School Association Committees

The School Association Committee administers and manages the vast range of operations and activities that may be undertaken by a School Association. It is elected by the groups that form the School Association - the parents, students and staff. Members of the broader community may also be appointed to the Committee of the School Association, often for the special expertise that they can bring to the Association.

School Associations are only created upon approval of a constitution submitted to the Minister for Education.

The following extract from the amended Education Act 1994, describes the processes for the establishment of a School Association.

Division 2 - School associations

26. School associations
1. A State school must have a school association established under this Division.
2. A State school is to submit to the Minister a draft constitution of the proposed school association.
3. The Minister is to establish a school association for a State school if satisfied that the draft constitution is appropriate.
4. Any change to the constitution of a school association must have the prior approval of the Minister.
5. The Minister, if satisfied that it is necessary to do so, may abolish a school association.

2.3 School Associations: Functions and Powers

School Associations carry responsibilities set out in Sections 27, 28 and 29 of the Education Act 1994:

Functions of school associations

Section 27. A school association has the following functions:

1. to participate in the formulation and development of -
   1. a set of beliefs, values and priorities for the school; and
   2. the school policies and code of conduct;
2. to provide advice and recommendations to the principal in relation to the general operations and management of the school;
3. to participate on the selection panel in respect of any advertised permanent vacancy for the position of principal;
4. to foster cooperation among teachers, students, members of the school association, parents and the community;
5. to provide advice and recommendations to the Secretary on any matter relating to policy;
6. to approve the school budget;
7. any other function the Minister determines.

Powers of school associations

Section 28.

1. A school association has the following powers:
   1. to carry out trading activities not relating to education for the benefit of the school;
   2. to provide, or assist in the provision of, financial or other resources or services for the benefit of the school.
2. A school association may do anything necessary or convenient to perform its functions.
3. A school association must exercise its powers in accordance with any instructions issued by the Secretary.

Annual report

Section 29. A school association is to provide to the principal and the school community once in every 12 months a report of its activities for the period to which the report relates.

NOTE: In the legislation, "Secretary" means the Secretary of the Department.

2.4 Responsibilities of School Association Committees and Their Members

- The School Association Committee is accountable to the School Association, the Secretary of the Department of Education and to the Minister for Education.
- The role of members of the School Association Committee is to:
  - provide support for the achievement of optimal learning outcomes by students of the school
  - carry out the functions required by the Education Act 1994, which include:
    - involvement in the development and review of school policies
    - providing advice and recommendations to the principal and/or Secretary as necessary
    - participation on the selection panel for any advertised permanent vacancy for the position of principal
    - approving the school budget
  - participate in the School Improvement Review process
  - ensure effective communication with the whole school community on matters of importance to the community
  - facilitate the operations of the School Association.
- In carrying out their roles, members of the School Association Committee will
  - consult widely with the school community in developing school policies and related arrangements
  - follow the School Association Committee’s standing orders
o use subcommittees to ensure well-informed advice, collaborative decision-making and broad involvement of the school community in School Association activities
o consider the views and needs of the whole school community.

- Members of School Association Committees should observe the following protocols:
  o confidentiality in relation to discussions of sensitive matters that take place in the course of their committee duties
  o orderly conduct of meetings and unity of the School Association Committee in the public arena
  o declaration of any conflict of interest when it arises
  o respect for the decisions of the School Association Committee (community structures and procedures should provide for situations where differences of opinion occur)
  o respect for the principal as education leader and manager of the school when implementing policies

- Meetings of School Association Committees should be open to all members of the School Association to attend as observers. Closed meetings of the School Association Committee should be held rarely and only for special reasons.

### 2.5 School Association Subcommittees and Working Groups

Depending on the size and other circumstances of the school, the most efficient means of operation for the School Association Committee may be to carry out much of its work through standing subcommittees and fixed-term working groups. All subgroups of the School Association whose members undertake voluntary activities on behalf of the school must be linked to the School Association committee in either of these two ways unless their activity is run directly by the school itself, and not by the School Association.

Both types of groups may be formed from members from the School Community. They will operate according to documented terms of reference that detail the tasks required and clarify the powers and responsibilities of the committee or working group.

It may be efficient for some schools to establish subcommittees of their committees and/or working groups. For example, a committee that oversees all commercial activities of the School Association might
establish subcommittees to deal with the routine tasks of each particular operation (canteen, farm, etc).

An effective committee system minimises the number of full School Association meetings required each year.

**Standing subcommittees**

These subcommittees exist continuously in conjunction with the School Association Committee. They may serve a number of functions such as:

- Fundraising
- Financial Planning
- Running commercial activities

A member of the School Association Committee is appointed as responsible for the interests of each standing committee.

**Fixed-term working groups**

Issues that require discussion, development or planning can usefully be referred to a fixed-term working group.

A member of the School Association Committee is appointed as responsible for the interests of each fixed-term working group.

These groups will often benefit from the services of expertise of members from the general community. Often the tasks they perform are more suited to a small group.

Both subcommittees and working groups will operate according to terms of reference that clearly detail the tasks required and clarify their powers and responsibilities.

It may be efficient for subcommittees and/or working groups to establish subgroups themselves for example, to deal with the routine tasks of each particular operation (canteen, farm, etc).

Each School Association will make appropriate arrangements to establish a parent forum, or provide for the continuation of a current parent forum, for their School Community.
3. Selecting school associations from school communities

School Associations elect their committee from amongst their members.

3.1 The Register of Members of the School Association

For voting purposes, the members of the School Association must be listed on a register.

Most School Associations will take the most simple path of informing potential members – principal, parents, staff and students – that their names will be on the register of members of the School Association unless they notify otherwise. This will generally be communicated through introductory or start-of-year letters and/or in school newsletters.

Using this strategy, the School Association register can be considered to be a combination of the existing lists of parents, staff and students that are held by a school, deleting any members who choose not to belong, and with the addition of a list of community members as appropriate.

The register is the responsibility of the secretary of the School Association and requires annual updating before School Association Committee elections.

3.2 Categories of Membership

Members of School Associations fall into various categories. It is important to define these categories (as follows), because they constitute the formal electorate who vote for members of the School Association Committee.

principal - ex officio— the principal is a member simply because of the fact that he or she is the principal;

school staff - a person who is a member of the permanent teaching/non-teaching staff employed on a full-time or part-time basis
at the school or as a person who is a member of the temporary teaching/non-teaching staff employed on a full-time basis at the school;

**parent** - a guardian or other person having the care or control of a child attending the school;

**broader community** - a person who does not have children at the school but who has been formally accepted by the School Association Committee for membership of the School Association;

**student** - a student attending the college or school.

For the purpose of School Association Committee elections and School Association membership, relief teachers and temporary part-time employees are either from the 'parents' or 'broader community' categories, depending on whether they have children attending the school.

A member of the school staff (other than relief or temporary part-time staff) who also has children at that school can only stand for the School Association Committee as a staff member. However, a school staff member whose children attend another school is eligible to stand both as a parent member at the school his or her children attend, and as a school staff member at the school at which he or she works.

Student representation is required in Colleges, and at the discretion of the School Association Committee, the details of membership of the School Association Committee by high school and primary school students may be defined.

### 3.3 Size and Composition of School Association Committees

#### Size

The size of a School Association Committee depends on the size of a school.

#### Representation on the School Association Committee

School Association Committees function best when they consist of a broad cross-section of the school community.
The following categories of the School Association must be represented on a School Association Committee:

- principal (ex officio member)
- parents
- school staff
- college students (for colleges and other schools with college students)

Representation of the following categories is optional on School Association Committees:

- students in high, district high and primary schools (but highly recommended for School Association Committees of high schools and district high schools)
- members from the broader community (but strongly encouraged).

The following instructions apply to the proportions in which categories must be represented in School Association Committees:

- the total number of parent and community members must not be less than the total number of school staff members, including the principal. Students are extra to these numbers.
- the number of parent members must not be less than the number of community Members.

### 3.4 Selection Processes

School Association Committees are formal bodies of legal significance. Formal processes for determining membership are therefore required. The two processes are:

- election
- appointment

Election is the preferred process and should be used wherever possible to ensure that all members of the School Association have the opportunity to be considered for membership of the School Association Committee.
4. School association committee elections

To elect the members of a School Association Committee, each membership category conducts a separate ballot to elect their members.

There are several processes by which this can happen, and those available to each School Association will be detailed in its constitution. Such processes may include:

- All categories of membership (see section 3.2) are elected at the annual general meeting of the School Association.

OR

- Each membership category conducts a separate ballot to elect their members (perhaps at a separate meeting or using other processes).

OR

- Membership categories may require individuals elected or appointed to other positions to also assume category membership of their School Association Committee.

OR

- A combination of the above processes.

It is important that all members of the School Association are encouraged to vote in School Association Committee elections, to ensure that their Association Committee represents the interests of all sectors of the school community.

Members of a School Association can expect members of their School Association Committee to act in the best interests of the school as they represent their school community in their activities and decision-making.

4.1 Who Votes... For Whom?
Only registered members of the School Association are automatically eligible to participate in School Association Committee elections.

Each membership category elects its own members to represent that category on the Association Committee (school staff elect school staff representatives, parents elect parent representatives, etc).

Nominations for each category are proposed and seconded by members of that category.

SRC election results or other student selection processes may be used for the election of school student members to Association Committees.

It may be appropriate to directly appoint members of the broader community to the School Association Committee (see section 6).

4.2 Frequency and Timing of Elections

Elections must be held annually, at a time that is most appropriate to the school’s cycle of planning and activities.

4.3 Terms of Election of School Association Committee Members

Parent, staff and community members are elected for a two-year term, with half retiring each year. School Associations may prefer to specify that student members serve a one year term.

Current members of the Association Committee are eligible for re-election.

4.4 Method of Election of School Association Committee Members

Election of members may be by show of hands, formal ballot or other suitable method.

4.5 Election Procedures
Appointment of Returning Officer

A returning officer must be appointed to manage election procedures. The principal will appoint the returning officer where he or she is not that officer. (Often the School Executive Officer or the Administrative Officer will fill this role.)

Tasks of Returning Officer

The returning officer must:

- publicise the election, particularly the nomination and election procedures;
- call for nominations;
- where a ballot is required:
  - publicise the list of candidates (this may include candidate profiles);
  - make arrangements for the proper counting of votes, and for the proper declaration of the poll
  - other tasks as required from the selected method/procedure for election.
- where a ballot is not required (because the number of nominations is equal to or is less than the number of vacancies):
  - declare the nominees elected - where vacancies still remain, issue a further call for nominations; and
  - declare any further nominees elected (but where the nominations are greater than the number of vacancies, hold a ballot for the remaining positions).
- where vacancies still remain:
  - advise the Association Committee to appoint members to fill these vacancies.

Counting of Votes

Votes must be counted by the returning officer plus one other person.

5. Casual vacancies information for school associations

The options for filling a casual vacancy are:
• The returning officer determines the candidate who was runner-up in the last election for that vacancy (depends on timeframe, candidate’s willingness to assume membership, etc)

• The returning officer approaches the relevant category of the School Association (for example, for the parent category, the returning officer would approach the parent body or, where no formal parent body exists, advertise for nominations for the vacancy,)

Should neither of the above options provide a member, the Association Committee may take other steps to appoint an individual from the appropriate category to fill the vacancy.

6. Appointment to the school association committee

Subject to the School Association's constitution, the School Association Committee may directly appoint people to the Committee:

• to fill a casual vacancy;
• to fill a permanent vacancy (as a result of insufficient nominations at a School Association Committee election), and
• where, in the case of members recruited from the broader community, election procedures are impractical.

In such instances:

• the School Association Committee nominates and votes on the appointment
• no more than one-third of all School Association Committee members will be appointed. The Minister must be advised where this is not the case.

7. Operations of school association committees

7.1 Office Bearers
E lecting Office Bearers and School Association Committee Representatives

At the first meeting following the election of the School Association Committee, office bearers must be elected and representatives of each standing committee must be elected or appointed. Election processes will be chaired by the principal.

- Office bearers of the Association Committee will include a chairperson, deputy chairperson, treasurer and a secretary. The chairperson of the Association Committee must be a parent or a community member and may not be an employee of the Department of Education.
- For incorporated School Associations, the Associations Incorporation Act 1964 requires one office bearer (the principal is recommended) be appointed as the public officer.
- Where the duties of the treasurer of a School Association are minor, it may be agreed that they are undertaken by the secretary. However, most School Association Committees will probably choose to appoint a treasurer to share the workload around members of the Committee.
- Association Committees may wish to nominate the principal as the executive officer (ie. the officer who provides information for the Association Committee on school matters).

7.2 School Association Committee Meetings

Frequency

Meetings must be held regularly, with a minimum number of four a year. Time and place should be established by the School Association Committee. Special Association Committee meetings are held at the request of the chairperson or a specified number of members.

Attendance

Regular attendance is vital for the effective working of a School Association Committee. A quorum and a process to deal with prolonged absenteeism of a member is required.

Standing Orders

School Association Committees are formal bodies and a standard meeting procedure is required. Association Committees may wish to
document procedures simply and briefly as Standing Orders (rules under which the meetings will operate).

**Agenda**

An agenda, together with any papers relating to issues requiring decisions, must be circulated before a meeting.

**Minutes**

Minutes must be kept and made available to the School Association at a central school location. The minutes must record every decision made by the School Association Committee. It is helpful if the minutes note the action to be taken as a result of any decision, and who is responsible for seeing that the action is taken.

**7.3 Observers**

Meetings must be open to the School Association and general community to attend as observers. Observers have no right to speak unless it is granted by the chairperson. Meetings, or a part of a meeting, may only be closed to observers by a majority vote of Association Committee members. A closed meeting should happen very rarely.

**7.4 Voting Rights of School Association Committee Members**

Where consensus cannot be achieved, each member is entitled to one vote. The chairperson may have a casting vote.

Members must disclose any relevant financial or other interest they have on an issue and, where appropriate, refrain from voting on that issue.

**7.5 School Association Sub-committees and Working Groups**

School Association Committees may form sub-committees as required and may draw on members from the School Association and the broader community. These sub-committees may have an ongoing role
as an standing committee, or merely need to be formed as a working group that exists over the duration of a project.

Each sub-committee or working group must appoint a secretary to convene meetings and keep minutes.

A quorum for a committee or working group is one-half of the members plus one.

The School Association Committee representative is responsible for reporting back to the Association Committee on the activities of the sub-committee or working group, and seeking decisions from the Association Committee as necessary.

The Association Committee may request advice or make proposals to the committees or working groups regarding activities, etc.

7.6 Reporting

Reporting is an important way of ensuring effective communication within School Associations.

**Required reporting activities are:**

**School to School Association:**

The principal must provide to the School Association Committee:

- school financial reports (at least quarterly)
- the school budget for approval
- the annual report of the school
- other information that will allow the School Association Committee to carry out its functions effectively

**School Association to School:**

The Association Committee must provide to the school principal an annual report of the activities of the School Association.

**Within the School Association:**

Members of the School Association committee who represent constituent groups, committees and/or working groups must regularly report to those groups on the activities of the Association Committee.
They must report regularly to the Association Committee on the activities of the groups they represent.

### 7.7 Annual General Meetings of the School Association

The annual general meeting must be held in the same month each year. A specified quorum is required before proceeding with mandatory business.

Mandatory business involves:

- confirming minutes of the preceding annual general meeting and any special general meetings;
- receiving and, if approved, ratifying the annual School Association's report;
- receiving and ratifying the annual school report;
- receiving other relevant reports; and
- announcing the results of the election of School Association Committee members (whether the election is held prior to or at the AGM itself), including the status of appointment to positions yet to be resolved.

Where voting on any matter is required:

- voting by proxy is not allowed, and
- each member is entitled to vote.

The annual general meeting may deal with special business if notice of that business is given to School Association members in accordance with the requirements of the constitution of that School Association.

### 7.8 Special General Meetings of the School Association

A School Association Committee must convene a special general meeting:

- on the written request of not less than 10% of the registered members of the School Association
- if the Association Committee itself decides to convene such a meeting.
Registered members must be notified of the time, date, place and purpose of any special general meeting.

A quorum must be specified in the constitution.

At a special general meeting:

- the business is confined to the purpose for which the meeting is convened and to the items of business of which notice has been duly given
- each member of the School Community is entitled to vote
- voting by proxy is not allowed.

8. Alterations to the school association constitution

Alterations may be proposed by anyone who is a registered member of the School Association. The proposed alteration must be presented in writing to the School Association Committee for consideration.

Voting on alterations should take place either at the annual general meeting of the School Association or at a special general meeting of the School Association, following appropriate publicity and discussion on the issue. If it is to succeed, an alteration needs a three-quarters majority vote of those present at the meeting.

The Minister, through the General Manager, must be notified of any alteration. The alteration cannot proceed without the Minister's endorsement.

9. Disputes information for school associations

Where a dispute occurs that involves the School Association Committee, conflict resolution processes must be followed (resources are available). Disputes that are still not able to be resolved must be referred to the General Manager.
10. Winding up school associations

Members of the School Association may resolve at a general meeting that the School Association be voluntarily wound up.

The Minister may wind up a School Association.

The assets of the School Association must be given to the school, or where the school no longer exists, to the Minister, who will apply them for the purposes of public education in the State, usually directing them towards the new/alternative school or schools that students will attend.

IMPORTANT NOTE: School Associations do not need model rules in addition to their constitution if they follow the model constitution, however all School Associations should ensure that their constitutions comply with their own individual situations.

Policy for school associations

School Associations are required to act in accordance with Department of Education policies.

Policies that may be important to School Association activities:

- Purchasing/Procurement - the school staff can provide information about purchasing principles and processes as well as government contracts that associations are to use.
- Banking - please contact the Manager Business Development for information on this policy. Telephone 6233 7090; fax 6233 6520 or email rob.dalton@education.tas.gov.au

Other Department of Education policy and procedures that School Associations may find useful include Risk Management (including risk management for special events) and Insurance. For further information contact Armin Howald, Senior Consultant (Risk Management); phone 6233 7290; email: armin.howald@education.tas.gov.au