



NZSTA
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Student Representative Handbook

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1. The nuts and bolts: getting started



1.1 When are student representative elections held?

Student representatives are elected annually in September. In order to fit the election in with school holidays, most years the board needs to set the election date and appoint a returning officer at a meeting in July, with the process beginning towards the end of August.

1.2 When do I “take office”?

That depends on how you were elected:

- If you were the only person nominated and there was no election (ie, you were elected unopposed) you are officially the student representative seven days after nominations closed
- If there was an election you will take office seven days after the voting closed

1.3 What about the student representative who was on the board before me?

They go out of office the day before you take office.

Some scenarios might help here:

Sam is the student representative at Kapai High School. The election date has been set and nominations closed on Friday 7 September. Jenny was the only student nominated so she is elected unopposed. At Kapai High School the board meeting is usually the second Tuesday of the month. On 11 September both Sam and Jenny arrive at the board meeting. Because it is less than seven days after Jenny was elected, at this meeting Sam is still the student representative. Jenny can certainly be at the meeting (any student can be at a board meeting while it is open to the public) and most boards will grant her “speaking rights” as the student representative elect, but Sam still holds the student representative’s vote.

At Okay College Rachel is the student representative. There has been more than one nomination and an election has been held. Voting closed at noon on 14 September (the election date). The election timeline requires that votes are not counted and the result declared until the sixth day after voting closes to allow for postal voting. The votes are counted on 20 September and Wiremu is declared elected. It so happens that board meetings at Okay College are held on the third Thursday of the month, the day after the result is declared. At the board meeting on Thursday 21 September both Rachel and Wiremu arrive at the meeting. At this meeting Wiremu is welcomed as the new student representative. He carries the vote and has the automatic right to participate. For Rachel to speak she will have to be granted a speaking right and she will not have a vote.

1.4 Why can't the outgoing student representative stay on the board until the end of the year?

Often the view is "it would be good to have their experience and support". Putting aside the fact that many outgoing student representatives are focusing on exams and finishing school, so may be quite relieved not to have to worry about board work, there are a couple of possibilities here.

Some boards choose to use their power to co-opt, and co-opt the outgoing student representatives on for the remainder of the year. This option is easier for state schools, which have "space" for a co-opted trustee, than for state integrated schools which are limited in their powers to co-opt by having proprietor appointees on the board. A co-opted trustee has the same rights as any other trustee, including a voting right.

Alternatively, the outgoing student representative can be at the board meeting as a member of the public and can be granted a speaking right. In theory, they could even remain in the "public excluded" part of the meeting if they had an important contribution to make. However they would not have a vote.

1.5 So how long am I student representative for?

You are the student representative for a year (until the next September elections). However, if before then you:

- miss three board meetings in a row without prior leave, or
- leave school, or
- are excluded or expelled from your school, then you automatically lose your position

Sections 103 and 103A of the Education Act 1989 have some other things that could lead to you being ineligible to be a trustee, including being convicted of an offence punishable by imprisonment and not having completed your "time". For example, you are convicted for drink driving and lose your licence for six months. Obviously, you also have the freedom to resign at any time.

1.6 I heard you get paid for board meetings - is that true?

Yes. As a trustee you are entitled to the same payment that other board members are paid. These payments are tax free up to an annual maximum of \$605 for a trustee.

1.7 How often are board meetings held and what do I have to do for them?

Many questions about trusteeship can be answered “depends on the board” and this is one of them.

On average, most boards meet every month usually at a regular time and place. Schedule 6, clause 40(1) of the Education Act 1989 requires a board to hold a meeting no later than 3 months after its previous meeting.

Many boards have committees which may meet as frequently as monthly or as required. Committees should be governance focused and not be set up to do management work.

Some boards agenda a time for a student representative's report (while this is optional, we have included a section on this). Others just expect the student representative to contribute to the discussion like any other trustee.

1.8 What is the “board of trustees”?

The board may be seen as one person made up of many parts. In fact, it is one “legal person”. This means that legal and business transactions are made by the “board” as a legal entity, not by any individuals. The “board” continues to exist even when its membership changes.

1.9 What is delegating?

No one person or group has the power to act on behalf of the board unless the board has given the person or group the power to do so. Delegation is where the board transfers its powers to a person or group. This is most commonly done by setting up committees of the board or delegating tasks or responsibilities to school staff (like the principal). Committees can now consist of non-trustees but must include at least one trustee. There must be a written record of board delegations. Schedule 6, clause 17 of the Education Act 1989 allows boards to delegate.

Here are some examples of when boards delegate their powers:

Example 1

A board may want to build a new building at the school. The board could have regular meetings and run the process as a group, but this may waste a lot of time. Instead, the board could delegate or give the power to run the project to a smaller committee

of the board or even to one person who has construction project experience. (But this does not mean that the committee or person can decide to run a sports day on behalf of the board. Their power is restricted to this one area.)

Example 2

A board may wish to write a letter to a funding group or business to ask for a grant for sports equipment. They could delegate this power to one board member, so that they could write the letter and send it on behalf of the board, instead of waiting for the board to approve the letter at the next meeting. (But this does not mean that the board member now has the power to write any letter they like on behalf of the board.)

1.10 Are there any limits to the committees I can be on?

The short answer to this is no.

The longer answer is that there are a variety of opinions as to which committees student representatives should participate on. Most arguments centre around committees with personnel functions and the student behaviour management committee. In fact, we have included a whole section considering those arguments. Finance committees can also be on the challenging side. In the opinion of NZSTA, student representatives have as much to contribute on any committee as any other trustee.

2. Meeting procedure



2.1 Agenda

The agenda and other reports, including unconfirmed minutes, must be available at least two working days before the meeting.

2.2 Apologies

Apologies may be received from people who cannot be present. If a trustee is likely to miss three consecutive meetings they should request "prior leave" or else they will automatically be off the board. An apology does not count as prior leave.

2.3 Quorum

For a board meeting to take place there must be more than half the trustees currently holding office present. This means that whenever you get more than half the current trustees together they can, by majority vote, make decisions.

This is relevant when you have low attendance at a board meeting or urgently need to make a decision between regular meetings. Unless the board has delegated its power to a committee or person a quorum is needed for decisions to be made.

Meetings can now be held by means of audio, audio and visual, or electronic communication, provided that all of the trustees who wish to participate have access to the technology needed to participate in the meeting, and a quorum of members can simultaneously communicate with each other throughout the meeting.

2.4 The principal's report and other reports

The basic rule is that unless indicated otherwise through the agenda and/ or different coloured paper, the board reports are all publicly available information, and you can discuss the contents with the people you are supposed to be representing (the students) before the meeting. In practice though, many principals do not indicate clearly what information will be reported/discussed with the public excluded, (otherwise known as being "in committee") and so it pays to be cautious, particularly with information that relates to staffing.

Example

If Mr Hyde has told all his classes this week he has resigned, he has made the information public himself, so it's probably safe to mention, but, if it is the first you've heard that Mrs Hartnell has requested study leave for next year, it would be better to keep quiet until it is officially public knowledge.

2.5 Student representative report

Some boards have a time for a student representative's report. NZSTA believes this is not necessary as regardless of how you became a trustee, once you are around the board table you are an equal member of the board. Parent representatives are not required to present a report and we believe neither should the student representative, unless specifically asked to on a particular topic. Remember, the board's business is governance, not day-to-day management issues.

Board meetings usually have enough to cover without you making up a report for the sake of it – so if there is nothing to report – don't. But if you have a view on a topic then don't be afraid to express it.

2.6 Resolutions of the board

Basically this is how board decisions are recorded. A motion is moved, seconded, discussed, and then put to the vote.

For a motion to be put to the vote it must have a seconder unless the mover is the chair. Where there is a tie the chair gets a casting vote (a second vote to break the tie.)

Now, while that is the formal process, in practice most of the discussion takes place before the motion is worded. The board decides what it wants the resolution to be and then the chair asks "who wants to move that? – thanks Marie, seconder? – thanks Merv, everyone agreed? OK next item of business". If it is something you have been promoting, put up your hand to move or second it.

Just for the record, abstentions do not count when deciding if a motion is carried or not. For instance, if in voting for the above motion there were three in favour, two against, and two abstentions, the motion is carried, even though three is not a majority of the trustees

present. Basically, an abstention means I'm not sure or don't care either way. It means you are sitting on the fence.

Where there is no physical meeting of board members, resolutions can be signed or assented to in writing, but must be signed/assented to by all members to be valid.

2.7 Who can attend a meeting?

Board meetings are open to the public but they are not public meetings. Sounds like a contradiction in terms doesn't it?

Basically, it means that the only people with an automatic right to speak at a meeting are the people with a voting right, ie, elected, co-opted, and appointed trustees, and the principal.

Everybody else who wishes to speak must ask for the permission of the board. The board can receive reports from the staff, or receive a proposal which a group of students has brought to the board for consideration, but it is under no obligation to do so.

If a board gives someone speaking rights it is usually for a set period of time, preferably at the start of a meeting, so that the board receives the information but is free to run the agenda without interruption.

2.8 Public excluded business

This is when a board excludes the public from a meeting or portion of a meeting. It is commonly referred to as "going into committee" but is correctly titled "public excluded business" (PEB).

There are normally only three main reasons a board can choose to exclude the public:

- personnel issues (employment issues including staff appointments, industrial issues, restructuring, and appraisals)
- privacy of an individual (letters of complaint, student behaviour management issues)
- financial sensitivity of other parties (e.g comparing tenders/quotes)

As the student representative, you are not a member of the public and cannot be excluded purely because you are a student. Having said that, there may be times when you feel uncomfortable and may choose to pull out of a section of a meeting.

Not all board members are great at keeping public excluded business confidential and it does "put the board at risk" if that information gets talked about where it shouldn't. Just because you may be the youngest person on the board does not mean that you cannot keep information confidential and it should not be assumed by the rest of the board that you are the weakest link.

There is one significant difference, though, between you and most other trustees and that is that you are at school every day. Unlike even the staff representative you are likely to be hearing student comments, particularly if the issue is one of a teacher's competency, and you are going to have to keep your mouth SHUT. Many student representatives can and do, but it is worth thinking through your personal strengths and weaknesses when deciding to stay in a meeting.

If your board is dealing with an issue that involves a staff member it is worth thinking about the effect that may have on you in your life as a student. In some cases, it may be more comfortable for you to not be involved in making decisions about staff, in others it may be vital that the students' views are represented.

The trick is to find the level of involvement that best suits you. It is also useful to remember that if you exclude yourself you can still be informed by the other trustees of what was covered and what decisions were made.

There are occasions when you must leave a board meeting. They are:

- when the discussion is about you as an individual student at the school; or
- when you have a pecuniary interest, i.e. you may lose or gain money as a result of a board decision, or
- when you have any interest that may reasonably be regarded as likely to influence you in carrying out your duties and responsibilities as a trustee

3. Governance and management



Student representatives usually have a lot of energy when it comes to the topic of making things better at their school. One of the hardest things to get your head around could be what is called the governance/management split.

As a student by day you are attending school where the principal is the day-to-day manager of the school. After school you are a member of the board of trustees responsible for the school's governance. Governance is about the big picture – strategic direction, target setting and policy. Management is about the details – procedures and annual plans for putting that strategy into action to head towards those targets.

The principal is accountable to the board, so if the “stakeholders” (be they students, parents, or staff) are unhappy with something that is going on at the school, and have exhausted the appropriate concerns and complaints channels, then they can bring a concern or complaint to the board. The key here is that they have to have followed the procedures first, so that management has had an opportunity to put it right (or refuse to) before the board considers it.

Governance and management are not two boxes where some things fit in the governance box and other things fit in the management box. In reality, it is a continuum and different boards not only sit at different points on the continuum but can also be at different points in terms of different areas. For instance, one board's governance framework could be quite “hands-on” in terms of property-related decisions, but its appointments policy might delegate responsibility for almost all staff appointments to the principal.

If something is going wrong in your school or it is not being run the way the board's governance framework requires, then the board can get into management detail. Ideally, such involvement will not be needed if the board is receiving good information from the principal and has indicated the direction it wants the school to head.

3.1 Student representative and the principal

The relationship between the principal and the student representative is slightly unusual. As a board member the student representative is a member of the employing body (in common language the board is the principal's boss). On a day-to-day basis, however, they are still a student and can be expected to act in line with school rules.

In practice this can lead to some awkward moments. The student representative should try to act on a "no surprises" basis with the principal. In other words, if there is a matter you want put on the agenda for a board meeting it is only fair that the principal knows what it is. However, as long as you have followed a good process and the issue you want discussed is a "governance issue", you do not need the principal's agreement to raise the matter.

3.2 Student representative and the board chair

When it comes to trusteeship your main communication with the board should be through the board chair. In particular, if you would like something included on the agenda, or if you want clarification about an issue, they are the person to talk to.

3.3 Student representative and school staff

Be aware that you are now a member of the employing body. NO – you can't threaten to have staff sacked! But when there is restructuring or redeployment (reduction of staff numbers) and staff are under some stress it is worth remembering that any thoughts or opinions you might have about staff members are probably best kept to yourself or saved for a board meeting.

On the other hand, be aware of any attempts by staff to bring pressure to bear on you to vote the way they want you to vote.

In your role as a trustee you may want to gain access to resources at the school such as Ministry of Education publications, or NZSTA publications. Remember to be polite and go through the same channels as other trustees to gain access to these resources. You do have the same rights to use the school resources as other trustees.

3.3 Student representative and other students

Basically your relationship with other students stays the same but there are a few areas where you might need to think how being a trustee impacts:

- Student representatives tend to be fairly concerned about the wellbeing of their fellow students. It kind of goes with the territory. At times they want to be involved in setting up projects like student advocacy to assist students dealing with student behaviour management issues at various levels. While you can promote such an idea at the board level, in terms of day-to-day involvement you need to be "hands-off".

- The final judge in any student behaviour management process is the board of trustees and you are a member of that board. If you have already been involved at an earlier stage you cannot be impartial when it comes to the board and will not be able to take part in the discussion or decision making
- Be cautious when students are complaining about teachers, services, etc. In these circumstances the problem is more likely to be something you say being misunderstood. Remind people of the proper concerns and complaints process. At times there could be pressure on you to raise a complaint with the board, e.g. the drinks machines have all been removed, before there has been any time for the school "management" to respond with an explanation to student requests to put them back. Resist that pressure!
- Sometimes competing loyalties can make it hard to decide if something is serious enough to override other values and talk to the principal or board chair about. If you are seriously concerned that something going on is a threat to the health or safety of other students, and/or staff, then tell someone who can do something about it
- Representation is a difficult process. It can often feel like your presence on the board is token and that you have not achieved anything much. Because strategic plans tend to be written up to three years in advance you could manage to get something included and end up leaving school before it is achieved. Your presence does have value though. Be prepared for board meetings. Ask other students what they think about agenda items so you can make a contribution when the item comes up. If you have a student council, work with them on issues that require board knowledge and approval. We know keeping a record can be a pain, but it also helps you see what you have achieved, and lets an incoming student representative see where you have got to on an issue



4. Effective representation



One of the challenges of being a trustee, and this goes for all trustees, is wondering if you have actually achieved a positive difference.

Here are a few suggestions which might help:

- Over the December break take some time to read the strategic plan and review workplan for the year ahead. That way, when students suggest ideas you will have a reasonable idea of any chances of successfully promoting that issue

For instance, a number of students are commenting that every time they have gone to use the library computers they are either “down” or very slow. If you know that improving ICT and upgrading the library is two years down the track in the property plan, you already know it is unlikely that this problem will be fixed any time soon, as the board has other priorities for this year. By the same token, though, you also know how you can raise the issue with the board, e.g., “I know that we have planned for it for next year but is the board aware that some students are complaining about ICT access in the library?” (Note: It would be a good idea to talk to the principal first if you are going to say something like this – that no surprises rule!)

- As school is gearing up at the beginning of the year, play the politician and introduce yourself around a bit, particularly with junior classes. Utilise networks that already exist in your school, e.g. student council, house meetings, and peer support programmes, to get a feel for what other students are thinking about your school. It is amazing how you start to notice common themes. Some of those themes will be management issues, e.g. timetabling hiccups, classroom ventilation. Others will actually have a strategic focus
- At each board meeting note anything that is discussed which is deferred for decision to the next meeting. Use the networks you developed at the beginning of the year to get an idea of what students think about that issue and contribute that at the next meeting

This is actually one of the most effective ways of creating a sense that having a student representative gives the students a voice. Firstly, most of those students will come back to you and ask what happened, and secondly, they then tell their friends who often want to contribute the next time. Naturally you should be talking to students at all year levels

- Don't expect to win them all. Don't be discouraged if people talk down to you or ignore you. Be careful with your language, e.g. say many students (not all the students) would like to see xyz happen. And keep notes so your successor can see what you have been up to and where you have got to on incomplete projects
- Do celebrate your successes and make sure the student body hears about them!



5. Question of balance: student behaviour management committees and personnel issues



5.1 Student behaviour management committee: should I be on it?

A lot of people assume that student representatives shouldn't be on a board's student behaviour management committee, but when asked why, they have no answer.

NZSTA believes that yes, you should be on the committee.

Why?

There are a number of reasons why you should be on the committee. These include:

- We frequently use the analogy of a suspension meeting being a bit like a court with the principal acting as "prosecutor", the family "defending", and the board acting as "jury". In New Zealand a jury is philosophically a "jury of your peers". Having the student representative involved means that one of the suspended student's peers is involved in the decision-making process
- Boards who have their student representatives involved often comment on the relevance and quality of the questions they ask. Perhaps because the student representative is perceived as a peer, the suspended student often responds to them in a different way that can give the rest of the board a clearer sense of what could be a positive outcome
- Boards tend to perceive their student representative as being pretty tough, but the suspended student is usually more receptive to the student representative than if a parent representative says the same thing
- The student representative's involvement has a positive impact on the school student community as a whole. The student body tends to have a higher level of respect for the process and a stronger belief that it is fair and responsive to different circumstances
- Student representatives can keep details confidential as well as other trustees can

Some student representatives are reluctant to be involved as they are concerned about "retribution". When this was raised at one NZSTA conference, several experienced student representatives commented that they hadn't found this to be a problem, mainly because the majority of the cases they had dealt with had been junior students. They were also confident that if they were at all concerned about being on the committee at a suspension meeting for a particular student they could withdraw.

If you want to understand the stand-down or suspension process then read the booklet

called "Guidelines for Principals and Boards of Trustees on Stand-downs, Suspensions, Exclusions, and Expulsions". This is a Ministry of Education publication and we recommend that every trustee who is involved in a suspension meeting should read this booklet at least twice before the hearing.

5.2 Personnel issues

Appointments

Most boards are only directly involved with the appointment of senior management team members and possibly heads of departments.

Here are two stories which we think illustrate why it can be good for you to be involved.

The chair of a board in the process of appointing a new principal was facilitating a board discussion about the questions that would be asked at the interview. There was an unspoken assumption that the student representative would not be involved. Towards the end of the discussion the student representative asked, "Will I be asking any questions?" After a moment's silence the chair said, "Oh I suppose we could give you a couple of questions," at which point the student representative responded that she had been thinking about it and prepared a couple she thought could be good if they would like to hear them. Not only were they good questions – they were important questions from a student perspective that the rest of the board had not even thought of.

The other story comes from a conversation about student representative elections where the board secretary commented that the board had found it invaluable to have the student representative on their appointments committee for senior management team members. In one particular instance a candidate who was strong on paper had not been selected due to the way he reacted to the student representative at an interview. The board was looking for someone who could work in a positive way with students and didn't believe his tone and lack of respect for the student representative were good signs.

The flip side of this coin is that you may already know a staff member who is applying for another position in the school. In that case you may have to judge for yourself whether you feel comfortable being involved.

Staff discipline

The student representative's possible involvement in staff discipline issues seems to worry boards. As discussed in the section about public excluded meetings, the board's main concern about the student representative being involved in staff discipline issues is confidentiality. That is true for any board member, regardless of age or position, who discusses confidential board matters with others. A breach of confidentiality puts the board at risk of being taken to the employment tribunal, and the trustee risks being personally involved in court action.

Some board members also worry whether the student representative is old enough to handle any stress involved. But (unless you have an actual conflict of interest) the choice is yours and, like any trustee, you can withdraw. If that is the case, make sure the board keeps you up to date on where a staffing issue is at.

A useful exercise to give you an understanding of the process that is followed if a particular teacher or support staff member is causing concern, is for you to ask the chair, or a trustee on a personnel committee, to sit down with you and go through the competence and conduct sections of the employment agreements. As student representative, you will gain a better understanding of what the board can and cannot do when there is a staff competence or conduct issue.

You may be surprised how proactive the board can be without students hearing about it. For example, as a student you may feel that nothing can be done about a "bad" teacher, but as a trustee you may find that the board is already ensuring the teacher receives extra support to get up to speed.

If you know what the processes can be, and are, followed by the board you can inform other students (without telling them confidential details). If a student comes to you about a staff member you can't tell them anything you may know as trustee about that person's employment situation, but you can tell the student how to share their concerns or complain; in short, how the system works.



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