TANUNDA LUTHERAN SCHOOL

TANUNDA LUTHERAN SCHOOL INCORPORATED

CONSTITUTION

2013
CONTENTS

1. Name

2. Interpretation

3. The Association
   3.1 Object or Purpose
   3.2 Confessional Basis
   3.3 Relationships
   3.4 Officers and Administration
   3.5 Membership
   3.6 General Meetings
   3.7 Dissolution
   3.8 Alterations to Constitution and Bylaws

4. The School
   4.1 Confessional Basis
   4.2 Object or Purpose

5. The School Board
   5.1 Object or Purpose
   5.2 Membership
   5.3 Duties
   5.4 Duties of Officers
   5.5 The Executive Committee
   5.6 The Finance Committee
   5.7 Sub Committees
   5.8 Auxiliaries

6. Administration
   6.1 The Principal
   6.2 School Pastor
   6.3 Business Manager
   6.4 Staff
   6.5 Enrolment of Students

7. Public Officer and Seal Holders
1. NAME

The name of the incorporated association is TANUNDA LUTHERAN SCHOOL INCORPORATED.

2. INTERPRETATION

In this Constitution and the By-laws made thereunder, unless the context or subject matter otherwise requires:

a) 'the Church' means: Lutheran Church of Australia Incorporated.

b) 'the District' means: Lutheran Church of Australia, South Australia and Northern Territory District Incorporated.

c) 'the Association' means: Tanunda Lutheran School Association.

d) 'a Member Congregation' means: a congregation listed on the register of Member Congregations.

e) 'the School' means: Tanunda Lutheran School Incorporated.

f) 'the Board' means: the School Board provided for in this Constitution.

g) 'the LSA' means: the Lutheran Schools Association of South Australia, Northern Territory and Western Australia Incorporated.

h) 'consultant' means: non-voting member.

i) 'the Act' means the Associations Incorporation Act, 1985 (SA).

3. THE ASSOCIATION

3.1 Object or purpose

Its Objects are to:

a) Implement in conjunction with other relevant bodies, the stated object of the Church: 'to establish and maintain schools and other institutions and to foster all other means whereby the members of the congregations receive Christian education'.

b) Specifically to serve as an agency for Lutheran congregations of the Barossa Valley and surrounding areas, which provides Christian education by establishing and maintaining a Lutheran School.

3.2 Confessional Basis

a) The Association hold to the Confession of the Church and declare that they:

i. Accept without reservation the Holy Scriptures of the Old and New Testaments, as a whole and in all their parts, as the divinely inspired, written and inerrant Word of God, and as the only infallible source and norm for all matters of faith, doctrine and life.
ii. Acknowledge and accept as true expositions of the Word of God and as their own Confession all the Symbolical Books of the Evangelical Lutheran Church contained in the Book of Concord of 1580, namely, the three Ecumenical Creeds: the Apostles' Creed, the Nicene Creed and the Athanasian Creed; the Unaltered Augsburg Confession; the Apology of the Augsburg Confession; the Smalcald Articles; the Small Catechism of Luther; the Large Catechism of Luther; and the Formula of Concord.

b) The Church requires that all who teach in or administer the affairs of the School shall carry out their responsibilities and duties in accordance with this Confession.

3.3 Relationships

a) The Association, the Board and the School as an agency of the Association, accept the Constitution and By-laws of the Church and District, and shall act in accordance with their requirements. Any proposed amendments, alterations, additions or repeals to the Constitution and By-laws of the School shall be submitted to the Church Council of the District through the LSA Director for approval.

b) The Association and the School shall cooperate with the relevant officials, boards and committees of the Church and of the District and the LSA, and report as required.

c) The School, as a school within the State of South Australia shall satisfy the legislative requirements of the State and of the Commonwealth of Australia in so far as they are not contrary to the Confessions and religious principles of the Church.

3.4 Officers and Administration

a) The Association shall:
   i. Elect annually from its voting members a Chairperson and such other officers and sub-committees as may be required; these shall serve for a term of one (1) year but shall be eligible for re-election.
   ii. Have a Vice Chairperson and Secretary who shall also be the Vice Chairperson and Secretary of the Board as elected by the Board from the members of the Board.
   iii. Have an Executive consisting of the members of the Board Executive;
   iv. Have all the powers conferred by section 25 of the Act.

b) The Board
   i. The government of the School shall be entrusted to a committee known as the Tanunda Lutheran School Board.
   ii. The Board shall be elected annually by the Association.

c) The Principal

   The day to day management of the School shall be entrusted to the Principal, who shall be appointed by the School Board.

d) Finance
i. All financial commitments of the School, whether capital or recurrent, shall be the ultimate responsibility of the Association.

ii. Government funding may be accepted provided that the conditions of acceptance do not conflict with the Confessional Basis of the School and the religious principles of the Church.

iii. The School shall be a non-profit organisation.

iv. The School shall be accountable to State and Commonwealth Governments for the use of any financial assistance offered and accepted.

v. All moneys and properties received and derived in connection with the School shall be applied solely to the purposes of the School.

vi. A schedule of fees payable for enrolment at the School shall be determined each year by the Association on the recommendation of the Board.

vii. All incidental fund-raising activities on behalf of the School shall be conducted only with the approval of the Board through the Principal.

viii. The Board shall be responsible for ensuring that accurate and proper accounts and records of the financial transactions of the School are maintained.

ix. The financial year of the School shall commence on the first of January.

3.5 Membership

a) The Member Congregations of the Association shall be congregations of the Church that:
   i. Accept the Constitution of the School.
   ii. Regard the School as an integral part of their educational program and ministry.
   iii. Contribute financially to the School.

b) The Association shall keep a Register of Member Congregations.

c) Any congregation of the Church may apply to join the Association, and shall be accepted as a member congregation following approval by the Association.

d) The Member Congregations shall be represented at meetings of the Association by delegates as elected annually by the respective Member Congregations. The number of delegates to be elected by each Member Congregation shall be specified in the By-Laws.

e) In the event of a projected withdrawal of a Member Congregation from the Association, a peaceful dismissal may be given after the following steps have been taken:
i. Notice of the intended withdrawal shall be given by the Member Congregation to the Association.

ii. Decision to grant a peaceful dismissal shall require a two-thirds (2/3) majority vote of those present and entitled to vote at a duly convened meeting of the Association, the quorum for such a meeting being one third (1/3) of those entitled to vote.

f) The Member Congregations are entitled to be represented at meetings of the Association by up to three (3) delegates plus one (1) for each fifty (50) communicant members or part thereof, and their Pastor(s).

g) Delegates to the Association shall be elected at a duly called meeting of their Member Congregation, and shall serve for a one (1) year term, commencing on the first of January.

h) Retiring delegates shall be eligible for re-election.

i) The elected delegates and the Pastor(s) of each member Congregation and the Principal of the School shall be the voting members of the Association

3.6 General Meetings

a) The Association shall hold its Annual Election Meeting in the month of December to transact the following business:

i. Receive the annual reports of the Chairperson of the Board and the Principal and reports of any committees or auxiliaries as requested and required.

ii. Receive an interim report on the financial affairs of the School.

iii. Adopt the budget and schedule of fees for the following year.

iv. Review any relevant policies of the School and revise them as is deemed necessary.

v. Appoint an accredited Auditor.

vi. Elect the members of the School Board and the Chairperson of the Board who shall also be the Chairperson of the Association.

vii. Attend to any other business as required.

b) In the month of May the Association shall hold the Annual General Meeting at which it shall:

i. Receive the audited statements.

ii. Receive the annual report from the Principal.

iii. Receive an interim report from the Chairperson of the Board.

iv. Attend to any other business as required.

c) Special meetings of the Association may be called by the Chairperson, and shall be called at the request of the Executive or of the School Board or of at least ten (10) voting members of the Association.

d) Notice of meetings of the Association shall be given as follows:

i. For regular meetings, at least twenty-eight (28) days.

ii. For special meetings, at least seven (7) days.

e) The agenda for any meeting shall be available to voting members at least seven (7) days prior to the meeting. Proposals may be placed on the agenda by:
i. Member Congregations, presented in writing to the Board.
ii. The Executive.
iii. The Board.

f) In addition to the specific provisions concerning a quorum laid down in the Constitution (3.8a)) a quorum of one third (1/3) of all voting members shall be required for the transaction of business.

g) Unless otherwise stipulated a simple majority shall decide the question, and in the event of an equality of votes, the Chairperson shall in addition to a deliberative vote, have a casting vote, or may refer the question for further discussion.

h) Unless otherwise stipulated, the Chairperson shall ordinarily decide the manner of voting, whether by show of hands or by ballot, but the meeting may itself decide by resolution the manner of voting to be adopted.

i) Meetings shall be conducted as far as possible in accordance with the rules for the transacting of business adopted by the Church.

3.7 Dissolution

a) Any decision for dissolution shall be made according to the following procedure:
   i. Notice of a proposal to dissolve shall be given to the voting members of the Association.
   ii. The decision shall be made only after the relevant education authority of the District has been consulted.

b) At least thirty (30) days written notice of a meeting, specifying the intention to dissolve as a special resolution, shall be given to all voting members of the Association.

c) The resolution must be passed, at a duly constituted meeting, by a majority of not less than three quarters (3/4) of the voting members of the Association.

d) The decision shall not become operative until the sanction of the Church Council of the District has been obtained.

e) The use or disposal of the real and personal estate of the School may be determined by the Association at its final meeting. Where no direction is given, the real and personal estate of the School shall be transferred to the District absolutely.

3.8 Alterations to Constitution and By-laws

a) The Association shall have power to amend, alter, add to or repeal these rules, except as herein after provided, and subject to 3.3.a):

   i. Proposals to amend, alter, add to or repeal any of these rules may be made by the Association or School Board.

   ii. Any such proposals shall first be discussed by the School Board at a duly called meeting and be submitted to a meeting of the Association.
iii. The quorum for such a meeting of the Association shall be one third (1/3) of all the voting members of the Association.

iv. A two-thirds (2/3) majority vote of those present and entitled to vote at the meeting of the Association in favour of the proposals submitted is required for the proposal(s) to be adopted.

v. Any alterations to these rules, adopted by the Association, shall be forwarded to the appropriate District authority for approval.

vi. In the case of proposals relating to the alteration of By-laws, a simple majority vote of those present and entitled to vote at the meeting of the Association voting in favour of the proposal(s) is required for the proposal(s) to be adopted.

b) Note 3.2, 3.3 a), and 3.8.a) iii shall be considered fundamental and shall not be amended, altered, added to or repealed so as to alter their intent and meaning.

4. THE SCHOOL

4.1 Confessional Basis

a) The School holds to the Confession of the Church and declares that they:

i. Accept without reservation the Holy Scriptures of the Old and New Testaments, as a whole and in all their parts, as the divinely inspired, written and inerrant Word of God, and as the only infallible source and norm for all matters of faith, doctrine and life

ii. Acknowledge and accept as true expositions of the Word of God and as their own Confession all the Symbolical Books of the Evangelical Lutheran Church contained in the Book of Concord of 1580, namely, the three Ecumenical Creeds: the Apostles’ Creed, the Nicene Creed and the Athanasian Creed; the Unaltered Augsburg Confession; the Apology of the Augsburg Confession; the Smalcald Articles; the Small Catechism of Luther; the Large Catechism of Luther; and the Formula of Concord.

b) The Church requires that all who teach in or administer the affairs of the School shall carry out their responsibilities and duties in accordance with this Confession.

4.2 Object or Purpose

a) The School, as an integral part of the ministry of the Church, shall be established to offer Christian education to children in the Church and in the community and serve as an arm of mission outreach for the Church.

b) Its Objects are to:

i. Provide students with a comprehensive program of education that is conducive to the development of their talents and skills for responsible Christian living and service.

ii. Encourage students to strive for excellence in learning according to individual ability.

iii. Help students value themselves as persons created in the image of God, redeemed by Christ, and made members of His body, the church, and to express their new life in Christ in their relationship with God and others.
iv. Include as a core part of the program, a Christian Studies curriculum which has been developed deliberately and consciously from the perspective of confessional Lutheranism.

v. Provide an alternative to a secularist, humanistic philosophy and practice of education.

vi. Promote the spiritual life and development of the school community through regular worship, study of the Scriptures and pastoral care.

vii. Assist parents in the fulfilment of their God-given responsibilities to their children.

viii. Assist the State in providing it with responsible citizens equipped to contribute positively to the community.

5. THE SCHOOL BOARD

5.1 Object or Purpose:

a) Its objects are to:
   i. Provide the Governance framework of the school in conjunction with the school Principal, in accordance with the Associations Incorporation Act (1985 SA).
   ii. Manage the school budgets and finances in a sustainable manner.
   iii. To meet the vision and mission and policy statements of the school.

b) The Board shall comprise such members which include:
   i. Delegates of Member Congregations.
   ii. School community representatives.
   iii. A Parents and Friends Association representative.
   v. The Principal.
   vi. The School Pastor.
   vii. The Business Manager.
   viii. Other consultants, as required.

c) The Board:
   i. Shall not include School employees or their spouses.
   ii. Shall not include parents, children or siblings of employees.
   iii. Shall not include delegates who have been previously employed by the School.
   iv. Shall fill casual vacancies until the next Annual Election Meeting.
   v. Shall meet regularly, and at least eight (8) times per year.
   vi. The quorum for Board meetings shall be a simple majority of the voting members of the Board.
   vii. Any member of the Board, absent for three (3) consecutive meetings without reasonable excuses, forfeits the right to remain on the Board.
   viii. Shall have the right and powers to acquire, accept, hold, dispose of, lease, let, mortgage, or otherwise deal with real and personal property, and any estate or interest in real and personal property, and to give guarantees as may be deemed necessary for the effective promotion of the School.
   ix. Shall be accountable to the Association and under its direction.
   x. The duties of the Board shall be as determined by the Association from time to time.
   xi. May co-operate or affiliate with other bodies, always provided that the Objects of the School are upheld.
5.2 Membership

a) The Board shall comprise:
   i. The Chairperson of the Association who shall also be the Chairperson of the Board.
   ii. Five representatives who shall be delegates of Member Congregations;
   iii. A Pastor nominated by the Pastors of the Member Congregations as a consultant.
   iv. A representative of the Parents and Friends Association elected by the Board from nominations received from the Parents and Friends Association.
   v. A Chairperson of the Finance Committee elected by the Board;
   vi. Two representatives of the general school community who may also be members of a Member Congregation and who shall be elected by the Board.
   vii. If five delegate positions are not filled after the annual election meeting, the Board may elect to appoint one additional representative of the general school community.
   viii. The Principal, ex officio as a non voting member.
   ix. The Business Manager as a consultant;
   x. Other consultants required by the Board from time to time.

b) From its own membership the Board shall elect annually a Vice Chairperson and a Secretary:
   i. The Vice Chairperson shall be a member of a Member Congregation.
   ii. Should the Board not be able to fill the position of Secretary from among its membership it may appoint a Minute Secretary. All elected and appointed members shall have the right to vote at Board meetings, unless prevented from doing so by these rules and excluding the Minute Secretary.

5.3 Duties

The Board shall:

a) Promote the School and foster interest in it among Member Congregations of the Association and in the community.

b) Develop and implement policies, programs and projects in accordance with the Objects of this Constitution.

c) Have oversight of the general administration of the School.

d) Be responsible for providing staff adequate for the needs of the School and to that end advise the Association from time to time of the staffing needs of the School.

e) Appoint the Principal according to church policies and inform the Association of any such appointment.

f) Appoint teachers and other staff in accordance with Church policies.

g) Be concerned with the livelihood and general well-being of the staff.

h) Encourage and assist in the academic and theological professional development of the Principal and teachers.

i) Have oversight of the activities of School auxiliary bodies.

j) Recommend annually to the Association an independent, accredited Auditor for appointment.

k) Submit a recommended schedule of fees and the annual School budget to the Association for adoption.

l) Submit reports to regular meetings of the Association.
m) Receive regular reports from the Principal.

n) Inform the Association of, and seek approval if required, for major projects and expenditure in excess of the recurrent budget.

o) Conduct its meetings, where applicable, in accordance with the rules for transacting business adopted by the Church.

5.4 **Duties of Officers**

a) The Chairperson shall:
   i. Preside at meetings of the Board and the Association;
   ii. Maintain liaison on behalf of the Board with the District education authority, the Association, the Principal, and the staff, and so assist in carrying out the Objects of the School;
   iv. Ensure that the decisions of the Board and the Association are carried out and generally complied with and advise and encourage all who hold office;
   v. In consultation with the Principal ensure that an agenda is prepared for meetings of the Board and the Association.

b) The Vice Chairperson shall:
   i. Serve as Chairperson when the Chairperson is unable to act, or when requested to do so by the Chairperson.
   ii. Assist the Chairperson and carry out other duties specifically assigned.
   iii. Act as Chairperson when the office of Chairperson is vacant.

c) The Secretary shall:
   i. Keep an accurate record of all meetings and proceedings of the Board and Association.

5.5 **The Executive Committee**

a) The Board may have an Executive committee comprising the Chairperson, Vice Chairperson and the Chairperson of the Finance Committee; the Principal and Business Manager shall serve as a consultants.

b) The Executive Committee shall:
   i. Act for the Board and the Association, if required, between regular meetings of the Board and the Association;
   ii. Carry out other duties as directed by the Board and the Association from time to time.

c) The Executive Committee is at all times responsible to the Board.

5.6 **The Finance Committee**

a) Shall act on behalf of the Board to provide direct oversight, guidance and support to the school budgetary management;

b) Shall consist of the appointed Chairperson of the Finance Committee, the Business Manager, and the Principal.

c) The Board may appoint other members to this committee, as deemed necessary.

5.7 **Sub Committees**
a) The Board may appoint sub committees from time to time which may include persons who are not members of the Board, to perform specified tasks.
b) When appointing sub committees the Board shall appoint a convenor, from its own membership, and provide specific terms of reference.
c) A sub-committee shall at all times be responsible to the Board and submit any report and/or recommendations to the Board for its consideration as required. On completion of the tasks assigned the sub committee shall be deemed to no longer exist.

5.8 **Auxiliaries**

a) Auxiliary bodies are bodies specifically constituted to involve the parents and other School related communities for the welfare of the School.
b) Auxiliary bodies may exist only by the consent of the Board.

6. **ADMINISTRATION**

6.1 **The Principal**

The Principal, in addition to general duties as a teacher, shall:

a) Be responsible for the organisation and administration of the School and its educational program;
b) Ensure that the School is effectively implementing its Objects;
c) Ensure that the educational requirements of the Church and of the State are effectively fulfilled in the School;
d) Ensure that regular meetings of staff are held;
e) Ensure that a program of academic and theological professional development of teachers is implemented;
f) Attend all meetings of the Association and Board, submit regular reports to the Association and the Board, and assist the Association and the Board in the fulfilment of their duties;
g) Attend to Board and Association correspondence unless delegated to another person;
h) Be responsible for the enrolment of students in accordance with the policy of the Church and within the guidelines laid down by the Board;
i) Submit items for the agenda of Association and Board meetings;
j) Actively support the ministry of the Pastor in the School;
k) Foster regular communication between the School and Member Congregations.
l) Foster good school family communication with School Principal and Board led school community forums held twice a year in alignment with Association meetings.

6.2 **School Pastor**

Under the supervision of the Principal the Pastor shall:

a) Encourage and contribute to the worship and devotional life of the School.
b) Serve as a resource person for the theological development of staff.
c) Assist in implementing the Christian Studies curriculum, as requested.
d) Assist the Principal in ensuring that the School as an agency for Christian education is effectively linked to the life and work of the Member Congregations of the Association.
e) Minister to the whole School community, and delegate where appropriate through other pastors or a Pastoral Care Coordinator.
f) Serve as spiritual counsellor to the Principal and staff as required.
6.3 **Business Manager**

The Business Manager, being subject to the authority of the Principal in the administration of the School, shall:

a) Keep an accurate record of all receipts and payments and of the assets and liabilities of the School.
b) Pay promptly all wages and salaries, accounts, and other financial obligations of the School authorised by the Board.
c) Prepare progress reports as required on the finances of the School for the meetings of the Board and the Association.
d) Submit regular financial statements as required and an annual audited financial statement and balance sheet to the Board for examination and presentation to the Association.
e) Prepare such other financial returns as may be required from time to time;
f) Attend all meetings of, and submit regular reports to, the Association and the Board, and assist the Association and the Board in the fulfilment of their duties;
g) Report to the Finance Committee.
h) Perform other duties as specified from time to time by the Principal.

6.4 **The Staff**

a) The Principal / Deputy Principal / Acting Principal should:

i. Be an active member of the Church.

ii. Uphold the teachings of the Church and model the Christian lifestyle;

iii. Be committed to the principles of Lutheran education.

iv. Be a registered and skilled teacher.

v. Have completed or undertaken to complete within an agreed period of time the necessary theological studies as prescribed by the Church in its Staffing Policy.

b) The Teaching Staff should:

i. Be active members of the Church but if appropriate staff is not available be active Christians in other denominations.

ii. Be willing to uphold the teachings of the Church and model the Christian lifestyle.

iii. Have a commitment to the principles of Lutheran education.

iv. Be registered and skilled teachers. Complete the necessary theological studies as prescribed by the Church in its Staffing Policy.

c) Other Staff

i. Should be active members of the Church, but if appropriate staff are not available for appointment, active Christians of other denominations may be appointed.

ii. Shall model the Christian lifestyle.

iii. Shall support the ethos of the School.

iv. The Pastor shall assist with the pastoral oversight of the School, exercising this ministry to the School and its community with and through the Principal and the teachers.

v. Any action to suspend, dismiss or terminate the services of staff shall be taken in accordance with the current policies and procedures of the Church and State.
6.5 **Enrolment of Students**

The following provisions shall apply in reference to the enrolment of students.

- **a)** All applications for enrolment shall be directed to the Principal.
- **b)** The Principal shall ensure that enrolment interviews are conducted.
- **c)** Applications shall be accepted by the Principal in accordance with the policy of the Church and within guidelines laid down by the Board.
- **d)** When an application for enrolment is made the parents shall give an undertaking to support actively the Objects of the School.
- **e)** The students shall be enrolled in the manner determined by the Association.
- **f)** Within the context of Christian ministry a student who manifestly violates Christian conduct and/or seriously disrupts school life and work and refuses to respond positively to admonition and encouragement may be expelled from the School.

7. **PUBLIC OFFICER AND SEAL HOLDERS**

- **a)** The Principal shall serve as the Public Officer.
- **b)** The Chairperson, Vice Chairperson and the Chairperson of the Finance committee shall be Seal holders who shall hold office at the discretion of the Association and have power to act only when authorised by the Association.
- **c)** All documents requiring the affixing of the Seal shall be signed by at least two (2) Seal holders.
- **d)** The Seal of the Association shall be kept in a secure place at the School.

Accepted by the Association on: **11th September 2013**

Signed: [Signature] Chairperson

Signed: [Signature] Secretary

Accepted by the Lutheran Schools Association on: **26 September 2013**

Signed: [Signature] Director

Accepted by the Lutheran Church of Australia, South Australia and Northern Territory District Incorporated, on **3rd of May 1913**

Signed: [Signature] President

[Signature] Executive Secretary