

INSTRUMENT OF  
GOVERNMENT / MANAGEMENT  
OF  
(NAME OF GOVERNMENT-ASSISTED SCHOOL)

(SCHOOL LOGO – OPTIONAL)

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# INSTRUMENT OF GOVERNMENT / MANAGEMENT OF GOVERNMENT ASSISTED SCHOOL

## PART ONE -CONSTITUTION

### MEMBERSHIP OF THE BOARD OF GOVERNORS/MANAGERS

1. Under the provisions of Section 53(1) & (2) and Section 54(1) & (2) of the Education Act 1996 (hereinafter referred to as the ACT), and the Rules and Regulations made under the ACT, the Board of Governors/managers (hereinafter referred to as the BOARD) of \_\_\_\_\_ (Name of School/Institution) (hereinafter referred to as the INSTITUTION) shall be constituted as follows:
  - 1.1 A Chairman who shall be appointed by the Managing Authority who is the owner (hereinafter referred to as the AUTHORITY).
  - 1.2. The AUTHORITY shall be represented by at least three (3) but not more than six (6) members who shall represent the interest of the AUTHORITY.
  - 1.3. Three (3) persons representing the former pupils of the INSTITUTION who will be appointed by the AUTHORITY; Provided that:
    - 1.3.1. Where there exists in the State/City in which the INSTITUTION is located an officially registered Old Boys'/Former Pupils' Association, the appointments shall be made from a list of not fewer than six (6) nominees submitted by the relevant Old Boys'/ Former Pupils' Association;
    - 1.3.2. Such nominations shall be made by, and from among members of the Old Boys'/Former Pupils' Associations who were former pupils of the INSTITUTION;
    - 1.3.3. If no such Old Boys'/Former Pupils' Association exists, or in the event of the absence of nominations from the Old Boys'/Former Pupils' Association, the AUTHORITY shall exercise its discretion and appoint the said representatives from among former pupils of the INSTITUTION;
    - 1.3.4. In the event that no former pupils are available, the AUTHORITY shall appoint former pupils of institutions under its jurisdiction;
  - 1 3.5 Persons appointed to represent the former pupils of the INSTITUTION shall have attained the age of twenty-one (21) years.
- 1.4. Not more than three (3) representatives of the parents of current pupils of the INSTITUTION, who shall be appointed by the AUTHORITY from among a list of not fewer than six (6) nominees submitted by the Parent-Teacher Association of the INSTITUTION; Provided that:

- 1.4.1. Where the INSTITUTION has no officially constituted Parent-Teacher Association, the representatives shall be appointed by the AUTHORITY.
- 1.5. Three (3) members appointed by the Minister of Education, (wherever possible).
- 1.6. None of the following categories of persons shall be appointed members of the BOARD:
  - 1.6.1. Any member of the approved staff of the INSTITUTION, the sole exception being those who represent the Trustees of the AUTHORITY.
  - 1.6.2. Any officer of the Ministry of Education except those appointed under 1.5.
  - 1.6.3. Any person carrying on, or having a substantial interest in any business in the course of which food, equipment, or other materials are supplied to the INSTITUTION.

#### **PERIOD OF TENURE IN OFFICE**

2. Each member of the BOARD, including the Chairman, shall hold office for a period of three (3) years from the date of his/her appointment; provided that:
  - 2.1. When the BOARD is first constituted, the tenure of membership of all members, the sole exception being the Chairman who shall serve for a full three (3) year term, shall be determined by lot as follows:
    - 2.1.1. One-third of the members shall hold office for one (1) year only;
    - 2.1.2. One-third of the members shall hold office for two (2) years only;
    - 2.1.3. One-third of the members shall hold office for the full three (3)-year term.
  - 2.2. Members of the BOARD may be reappointed to the BOARD upon the expiry of their respective terms of office.

#### **RESIGNATIONS**

- 2.3. The Chairman may resign by signifying in writing to the AUTHORITY his/her intention to do so.
- 2.4. A member of the BOARD may resign by signifying in writing to the Chairman of the BOARD his/her intention to do so.

#### **FILLING VACANCIES ON THE BOARD**

- 2.5. Appointments to vacancies on the BOARD as a result of resignations or deaths of BOARD members shall be only for the duration of the unexpired portion of the term of the member who is being replaced.

2.5.1 Such appointments shall be made by the same AUTHORITY who made the original appointment.

### **SECRETARY OF THE BOARD**

3. The Head Teacher of the INSTITUTION shall be the Secretary of the BOARD. He/she shall not, however, be a member of the BOARD.
  - 3.1 The Head Teacher shall, unless otherwise directed by the BOARD, attend all meetings of the BOARD for the purpose of advising it on matters pertaining to the INSTITUTION under his/her jurisdiction.
  - 3.2. The Head Teacher shall upon request of the BOARD make available to it at its meetings all relevant information he/she has knowledge of pertaining to the INSTITUTION.

### **RESPONSIBILITIES OF THE BOARD**

4. The BOARD shall be collectively responsible for the proper government/management of the INSTITUTION in accordance with the provisions of the ACT, and the Rules and Regulations made under the ACT, and the directives given, and provisions made in any other written law applicable hereto, and in accordance with the provisions of this Instrument of Government/Management (hereinafter referred to as INSTRUMENT) of the INSTITUTION.
  - 4.1 It shall observe all the conditions and limitations imposed on the INSTITUTION in connection with the payment of grant-in-aid, or any capital grants, which have been made pursuant to Part XI 124, 125 of the ACT.
  - 4.2 It shall administer all private funds derived from the canteen, bookshop, and all other sources derived from the use of the school property owned by the AUTHORITY
    - 4.2.1 Such funds shall remain in the INSTITUTION to be used solely to help meet the costs of the proper maintenance and improvements in the INSTITUTION, and to promote the welfare of its students.
    - 4.2.2 The operation of these private funds shall be by the Secretary with the approval of the BOARD whose Chairman as well as one of the representatives of the Authority (1.2) shall also be signatories of the account set up especially to administer such private funds
  - 4.3. It shall provide a forum for, and service the welfare and general progress of the INSTITUTION;
  - 4.4. It shall assist and complement the efforts of the INSTITUTION in meeting the material requirements and needs of its pupils in the field of education;
  - 4.5. It shall promote the welfare of the teaching, and non-teaching staff of the INSTITUTION;
  - 4.6. It shall give support to the efforts of the teaching staff to improve the overall standard of education of the pupils of the INSTITUTION;

- 4.7. It shall create an optimum school environment which shall promote the total human development of the pupils of the INSTITUTION in the spiritual, intellectual, emotional, social and physical dimensions.
- 4.8. Members of the BOARD shall not interfere directly in matters pertaining to the internal discipline/running of the INSTITUTION.
- 4.9. The BOARD shall not in any way, without the prior written approval of the AUTHORITY, alter the existing name, type, or essential character, of the INSTITUTION.

## **PART TWO - PROCEEDING OF BOARD MEETINGS**

### **QUORUM**

5. The Quorum for a meeting of the BOARD shall be not less than one third of the total number of members as provided for in article 1 of this INSTRUMENT.
  - 5.1. In the absence of a quorum at any meeting of the BOARD, no business, other than that of adjourning the meeting, shall be transacted.

### **ABSENTEES FROM BOARD MEETINGS**

6. Any member of the BOARD, the sole exception to this provision being the Chairman of the BOARD, who absents himself/herself from three consecutive meetings of the BOARD without having given prior notice to the BOARD, shall be deemed to have automatically ceased to be a member of the BOARD.

### **VALIDITY OF PROCEEDINGS OF THE BOARD**

7. Proceedings of the BOARD shall not be invalidated by virtue of there being unfilled vacancies on the BOARD, or by any defect in the election, appointment or qualification of any particular BOARD member.

### **VOTING AT BOARD MEETINGS**

8. All issues discussed at meetings of the BOARD shall be decided by a majority vote of members present.
  - 8.1. If there is an equal division of votes, the Chairman of the meeting shall have a second, or casting, vote, provided that he/she shall always in this instance vote in such a manner as to preserve the status duo.

### **FREQUENCY OF MEETINGS OF THE BOARD**

9. The BOARD shall hold an ordinary meeting at least once in every four (4) months.
  - 9 1 Additional meetings of the BOARD may be called at such times as deemed necessary by the CHAIRMAN of the BOARD, or upon the written request of any five (5) members of the BOARD.

- 9.2 Special meetings of the BOARD shall be called if required by either the AUTHORITY or the Registrar of Schools (hereinafter referred to as the REGISTRAR)

### **ORDINARY MEETINGS**

10. Ordinary meetings of the BOARD shall be convened by the Secretary of the BOARD in consultation with the Chairman. The Secretary shall give each member of the BOARD not less than fourteen (14) days written notice of the meeting. Together with the notice for meeting he/she shall send to each BOARD member the agenda for the forthcoming meeting.

### **ITEMS NOT INCLUDED IN THE AGENDA**

11. The BOARD shall take no decisions on matters not specifically included in the agenda of the meeting.
- 11.1. The Chairman of the BOARD may, however, on grounds of urgency, allow discussion of topics not included in the agenda, but any decisions taken shall not be deemed binding unless they are confirmed at the next meeting of the BOARD.

### **SECRET BALLOTING**

12. A secret ballot shall be taken at meetings of the BOARD if any BOARD member present so requests.

### **MINUTES OF BOARD MEETINGS**

13. The minutes of all proceedings of the BOARD, shall be (a) recorded and kept (b) distributed to the members not later than 30 days after the meeting.
- 13.1. Minutes of committees or subcommittees which the BOARD authorises to be established shall be recorded and kept. A copy shall be submitted to the Chairman and Secretary of the BOARD.

### **CHAIRING BOARD MEETINGS**

14. The Chairman of the BOARD shall preside at all meetings of the BOARD.
- 14.1 In the event that the Chairman is unable to attend a BOARD meeting he shall appoint a member of the BOARD to chair the meeting on his behalf.

### **LANGUAGE**

15. Notices convening meetings of the BOARD, and all minutes maintained in accordance with Article 13 of this INSTRUMENT, shall be in Bahasa Malaysia and English, and the case of INSTITUTIONS using vernacular languages, in those languages as the case may be.

### **COPIES TO THE REGISTRAR AND THE AUTHORITY**

16. A copy of every notice of meeting of the BOARD, and two (2) copies of the minutes of the proceedings thereof shall be sent to the AUTHORITY and to the REGISTRAR OF SCHOOLS.

## **NON-BOARD MEMBERS ATTENDING BOARD MEETINGS**

- 17 The REGISTRAR OF SCHOOLS may attend and participate in any meeting of the BOARD, but shall not have the power to vote\_
18. The AUTHORITY, or its representatives, may attend and participate in any meeting of the BOARD, but shall not have the power to vote.

## **PROCEDURAL RULES**

19. Subject to the provisions of this INSTRUMENT, and any Rules and Regulations at present in force, or made under the ACT, the BOARD may from time to time make such rules of procedure that it deems necessary.

## **PART THREE**

### **THE APPOINTMENT OF HEAD TEACHER AND THAT OF DEPUTY HEAD TEACHER/ SENIOR ASSISTANT**

#### **THE PRINCIPLE OF MAXIMUM CONSULTATION**

20. In all matters pertaining to the appointment, and transfer, of the Head Teacher, and that of the Deputy Head Teacher/Senior Assistant, who are not members of the Archdiocese/Diocese/Congregation, the principle of maximum consultation shall always prevail between the AUTHORITY and the MINISTER.
  - 20.1. Not less than six months before the retirement of the Head Teacher the BOARD shall inform the AUTHORITY.

#### **PRESERVING THE ESSENTIAL IDENTITY OF THE INSTITUTION**

- 21 In all matters pertaining to the appointment of the Head Teacher and Deputy Head Teacher/Senior Assistant, the BOARD shall recommend the appointment of persons who will by word and example at all times actively foster and maintain the ideals and traditions which constitute the essential identity of the INSTITUTION.

## **PART FOUR - PROPERTY AND PREMISES**

### **LEGAL TITLE**

22. The legal title of the land upon which the INSTITUTION stands remains vested in the name of the AUTHORITY.

### **REPAIRS AND MAINTENANCE**

23. The BOARD shall ensure the proper maintenance of the buildings and grounds of the INSTITUTION, and for this purpose it shall regularly inspect the premises

of the INSTITUTION, and ensure that such repairs and maintenance that are deemed necessary are undertaken in accordance with the Rules and Regulations currently in force, or made under the ACT; Provided that:

24. All modifications, major repairs and extensions to existing property and premises shall not be undertaken without the written consent of the AUTHORITY.

- 24.1. In all matters pertaining to modifications, major repairs and extensions to existing properties and premises, the AUTHORITY may refuse to consent to these if it deems these to be incompatible with the character, ideals, traditions and essential identity of the INSTITUTION.

## **EDUCATIONAL BUILDINGS AND FACILITIES**

25. The BOARD shall be responsible only for those educational buildings and facilities located within the premises of the INSTITUTION which are listed in the Schedule of this INSTRUMENT.

- 25.1. Any use, even of a temporary nature, by the INSTITUTION of other non-educational buildings and facilities, or any part thereof, must be governed by a legally binding agreement drawn up between the AUTHORITY and the BOARD.

## **USE OF THE PREMISES OF THE INSTITUTION AFTER SCHOOL HOURS**

26. Subject to the provisions of any written law or regulations, the BOARD shall, with the agreement of the AUTHORITY, determine the use to which the premises of the INSTITUTION may be put to outside designated school hours; Provided that

- 26.1 The AUTHORITY, or any organization officially sponsored or recognised by it, which has been using the buildings facilities and equipment of the INSTITUTION before the date this INSTRUMENT came into force, shall continue to enjoy such use without limitation or restrictions.

- 26.2 The AUTHORITY may refuse to allow the use of the premises of the INSTITUTION for any purpose which in its absolute discretion it deems as incompatible with the character, ideals, traditions and essential identity of the INSTITUTION

- 26.3 For the purpose of this INSTRUMENT, the premises of the INSTITUTION is defined as those educational buildings and facilities listed in the Schedule of this INSTRUMENT.

## **PART FIVE**

### **AMENDMENT OF INSTRUMENT OF GOVERNMENT MANAGEMENT**

27. Amendments to this INSTRUMENT shall only be made in accordance with the following procedures:

- 27.1 The amendments are made by resolution of the BOARD;



27.2. Not less than three (3) months notice shall be given in writing to all parties concerned giving details of the proposed amendments, and the reasons for them;

27.3 The proposed amendments will be discussed and voted on at a meeting of the BOARD specially convened for this purpose;

27.4 The proposed amendments must be supported by not less than a vote of two-thirds of the total number of persons who constitute the membership of the BOARD as defined in Article 1 of this INSTRUMENT.

28. No amendments to this INSTRUMENT shall have any effect unless;

28.1 It is first approved by the AUTHORITY.

28.2. It is subsequently approved by the REGISTRAR.

.....

Chairman

Board of Governors/Managers

.....

Date

Approved by

.....

MISSION AUTHORITY

## **THE SCHEDULE**

29. The INSTITUTION as defined in this INSTRUMENT comprises the following buildings and facilities:

1.

2.

3.

4.

5.

etc.