

SCHOOL-BASED DECISION MAKING

Gallatin County Lower Elementary

BYLAWS

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Gallatin County Lower Elementary

**SCHOOL-BASED DECISION MAKING COUNCIL
BYLAWS**

Learn Together, Love Together, Lead Together

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Gallatin County Lower Elementary
COUNCIL BYLAWS

I. COMPOSITION AND TERMS

A. COMPOSITION OF THE COUNCIL

The council will consist of the principal, three teacher members, and two parent members. If the minority enrollment at the school was eight percent or higher on the October 1 preceding the start of a new council term, the council will also include at least one minority member.

B. TERMS

Terms of council members will be one year, beginning July 1 and ending June 30 of the following year. Teachers and parent council members are allowed to seek re-election to serve consecutive terms as long as they are eligible. New council members are encouraged to attend and observe council meetings between the time they are elected and the July meeting when their term starts.

C. LEAVE OF ABSENCE

Leave of absence from the council will not be granted.

II. ELIGIBILITY AND ELECTIONS

A. TEACHER ELECTIONS

1. *All certified teachers who work in the school ("School" means an elementary or secondary educational institution that is under the administrative control of a principal and is not a program or part of another school. The term "school" does not include district-operated schools that are: 1. Exclusively vocational-technical, special education, or preschool programs; 2. Instructional programs operated in institutions or schools outside of the district; or 3. Alternative schools designed to provide services to at-risk populations with unique needs) are allowed to run for teacher council member and vote in the election.*
2. *To be elected to the council, a teacher must meet the KRS 160.345(1) definition of a teacher: "any person for whom certification is required as a basis of employment in the public schools of the state with the exception of principals and assistant principals..."*

3. Eligible teachers may include classroom teachers, counselors, library media specialists, and other teachers, whether assigned only to our school or serving as itinerant staff.
4. *Teachers will be elected by a majority of the teachers assigned to the school in an election conducted by teachers.*
5. *Teachers in the school will follow the Gallatin County Teacher Election Procedure(see Appendix).*
6. Teachers in the school will elect teacher chairs to run the election.
7. The elections will take place no later than May 1st.
8. The teacher election chairs will notify the current council and the school community of those elected not later than five school days after the election.

B. PARENT ELECTIONS

1. Role of Parent-Teacher Organization

The parent-teacher organization of the school will develop procedures for and conduct the election. If no parent-teacher organization exists, a group of parents will be formed for this purpose and will run the election.

2. Parent Qualifications

A “parent” means a parent, stepparent, or foster parent. Guardians also qualify as parents if the student lives with them and they have a court order giving them legal custody. A parent council member must be the parent of a student pre-registered to attend the school during the parent's term of council service. Three groups of people may not serve on the council as parent representatives:

- a. *Employees of Gallatin County Lower Elementary or their relatives (mother, father, brother, sister, son, daughter, husband, wife).*
- b. *Employees in the district administrative offices or their relatives (mother, father, brother, sister, son, daughter, husband, wife).*
- c. *Members of the Board of Education or their spouses.*

3. Parent Elections

The parent elections will take place no later than May 1st. The parents of all children pre-registered to attend the school during the next year may participate in the parent election. The parent-teacher organization or, if none exists, the group of parents formed for this purpose will determine how the election will be run. The principal will assist the parent organization in notifying parents of the election schedule. The parent organization will notify the current council and the school community of those elected no later than five school days after the election.

C. MINORITY REPRESENTATION

1. *A minority parent and a minority teacher will be elected, if the council formed (including the principal) after both teacher and parent elections does not have a minority member, and the school had eight percent or greater enrollment of minority students as of the previous October 1.*
2. *Minority members must be American Indian; Alaskan native; African American; Hispanic, including persons of Mexican, Puerto Rican, Cuban, and Central or South American origin; Pacific Islander; or other ethnic group underrepresented in the school.*
3. *The principal will be responsible for organizing the minority parent and teacher elections as follows:*

PARENT ELECTION

- a. *Following the general elections, if a minority member was not elected, the principal will organize a special election to elect a minority parent to the council.*
- b. *This election will be organized as soon as possible after the regular elections.*
- c. *The principal will notify all parents of the date, time, and location of the election. The notice will call for nominations of minority parents for the ballot.*
- d. *Minority parents must meet the qualifications for parent members as outlined in subsection B.*
- e. *At the election, parents may nominate additional minority candidates.*
- f. *The candidate receiving the most votes will be elected. In the event of a tie vote, a run-off will be held.*

TEACHER ELECTION

- a. *Following the general elections, if a minority member was not elected, the principal will call a meeting of all teachers in the school.*
- b. *This meeting will be called within seven school days after the regular elections.*
- c. *The teachers will elect one minority teacher to serve as an additional teacher member on the council.*
- d. *If there are no minority teachers who are members of the faculty an additional non-minority teacher will be elected.*
- e. *If there are minority teachers on the faculty, but they decline to serve, then no additional teacher will be elected and the seat will remain vacant.*
- f. *The election will be conducted using the procedures listed in subsection A of this section.*

D. VACANCIES DURING A TERM OF OFFICE

1. Notice of Vacancy

When either a teacher or parent vacancy occurs in the middle of a term, a new member will be elected to complete that term. The principal will post a notice in the faculty workroom and in a place readily accessible to parents stating that there is a vacancy and including the text of this subsection of the bylaws. The principal will also communicate this information to the parent-teacher organization. These steps will be taken within five school days after the principal learns of the vacancy.

2. Election to Fill a Teacher Member Vacancy

As soon as possible, after the announcement of the vacancy, Teacher Election Chair(s) will *use the procedures established to conduct a teacher election to fill the vacancy.*

3. Election to Fill a Parent Member Vacancy

The parent-teacher organization will call for an election to be held as soon as possible after the vacancy occurs. *The procedures described in subsection B of this section will be used.*

4. Election to Replace a Minority Parent Member

The principal will implement the procedures described in subsection C of this section.

5. Election to Replace a Minority Teacher Member

The principal will implement the procedures described in subsection C of this section.

III. COUNCIL REQUIREMENTS

A. TRAINING FOR NEW MEMBERS

A member elected for the first time will complete a minimum of six hours of training in the process of school-based decision making no later than thirty days after the start of his or her term. He or she can get that training any time between the date elected and the 30-day deadline. A person endorsed by the Kentucky Department of Education must provide this training.

B. TRAINING FOR EXPERIENCED MEMBERS

A member elected who has served on a council previously will complete at least three hours of training in the process of school-based decision making no later than one-hundred-twenty days after the start of his or her term. This training may be obtained up to a year before the 120-day deadline. A person endorsed by the Kentucky Department of Education must provide this training. Experienced members may get training credit by attending any of the approved SBDM training workshops offered by endorsed trainers.

C. TRAINING FOR MID-YEAR VACANCIES

Members who are elected to fill a vacant position in the middle of the year will complete the required training no more than thirty days after they are elected. If they have never been on a council before, they must get six hours of training; if they have been on a council, they must get three hours of training. A person endorsed by the Kentucky Department of Education must provide this training.

D. TRAINING REPORTING

By November 1st each year, the principal will ensure that names, addresses, and the training completed of each council member are reported to the Kentucky Department of Education.

E. BACKGROUND CHECK FOR PARENT MEMBERS

The law requires that *parent school council representatives must submit to a criminal fingerprint background check by the Kentucky State Police and the Federal Bureau of Investigation. The results of the background check are sent to the school district superintendent. The law also requires that parent school council members submit a letter from the Cabinet for Health and Family Services stating the member has no findings of substantiated child abuse or neglect through a background check of child abuse and neglect records.*

F. DOCUMENTATION FOR PROOF OF RECEIPT

Within sixty days of the beginning of their term all council members will receive two documents: Your Duty Under the Law and Managing Public Records All council members will sign a Proof of Receipt form and return it to the principal (or designee).

G. REQUEST TO RECEIVE EMAIL NOTIFICATION

The Open Meetings Law requires *council members who choose to receive notification of special called meetings by email to file a written request which includes their email address. The request will be kept on file in the school.*

IV. STANDARDS OF CONDUCT

A. MEETING ATTENDANCE

Members of the council will attend all council meetings. If a member is unable to attend a meeting, he or she will notify the Chair of the Council. If a member is unable to attend on a consistent basis,

the Chair of the Council will contact the member to consult and to discuss the possibility of resignation. A member who has three unexcused absences, as determined by the Council Chair, will be asked to resign.

B. CONFLICT OF INTEREST

No one may serve on a school council who has a conflict of interest pursuant to KRS 45A per KRS 160.345(2)(a). A member who discovers a business or financial interest (not covered by KRS 45A), which may cause the appearance of impropriety, should refrain from participating in any discussions or decisions involving those interests.

C. ONGOING ELIGIBILITY

Any member who ceases to be eligible to serve on the council will resign.

D. IMPROPER MEETING

Council members will not meet to discuss council business in a group that constitutes a quorum without following the procedures for scheduling a meeting of the full council in accordance with the Open Meetings Law and described in Section VI of these bylaws.

E. INTENTIONAL INTERFERENCE WITH SCHOOL-BASED DECISION MAKING

The SBDM law states that *no member of the council “shall intentionally engage in a pattern of practice which is detrimental to the successful implementation of or which circumvents the intent of school-based decision making.”*

V. REMOVAL OF MEMBERS

A member who violates the standards of conduct in the previous section (Section IV) and does not submit a written letter of resignation to the council could be reprimanded or removed in one of the following ways:

A. COMMISSIONER’S RECOMMENDATION

The Commissioner of Education can recommend removal for immorality, misconduct in office, incompetence, and willful neglect of duty or nonfeasance. The local board of education then holds a hearing into the charges.

B. OFFICE OF EDUCATION ACCOUNTABILITY

The Office of Education Accountability (OEA) can investigate claims of intentional interference with school-based decision-making. If the OEA cannot resolve the issue, it is forwarded to the Kentucky Board of Education, which holds a hearing to determine whether the charges are valid. The first time the Kentucky Board finds a person guilty of such interference, the person will receive a reprimand. The second time, the person can be removed from office.

VI. MEETINGS

A. ALL MEETINGS

1. *Council meetings will comply with the requirements of the Open Meetings Law. (See Appendix Attachment: Open Meetings Law Basics.)*
2. *Council meetings will be open to the public unless the council goes into closed session under the provisions of the Open Meetings Law as outlined in subsection D of this section.*

B. REGULAR MEETINGS

1. *The council chair will call the first council meeting of each new term. At this first meeting each year, the council will designate a regular meeting date, time, and place.*
2. *The principal (or designee) will post a copy of the regular meeting schedule in the teachers' workroom, near teacher's mailbox, and in a place regularly accessible to parents. He or she will use any other methods deemed appropriate to make the schedule readily available to the public.*

C. SPECIAL MEETINGS

1. *All meetings which are not regular scheduled meetings are special meetings. This includes rescheduled regular meetings.*
2. *A special meeting of the council may be called by the chairperson or by a majority of council members.*
3. *Any special meeting of the council will comply with the requirements of the Open Meetings Law; therefore, the following steps will be taken:*
 - a. Written Notice *The person or persons calling the meeting will prepare and sign a written notice that states the date, time, and place of the special meeting and an agenda for the meeting. Only issues listed on that agenda may be discussed at the*

special meeting. Items may be subtracted from that agenda before approval of the agenda at the meeting but they cannot be added or revised.

- b. Delivery Of Notice The person or persons calling the meeting will arrange for the *written notice to be delivered to every council member and to any media organization that has made a written request to be notified of council meetings. The delivery must be made by hand, fax, US mail, or email. To receive email notification, council members must have a written request on file at the school. The notice must arrive at least 24 hours before the time set for the meeting.*
- c. Posting Of Notice The person or persons calling the meeting will *post a notice conspicuously at the school and also at the building where the meeting will be held if the meeting will not be held at the school. These copies will be posted as soon as possible after the meeting is called but definitely no less than 24 hours before the meeting will be held.*

D. CLOSED SESSIONS

The council may go into closed session *only to discuss hiring personnel, the school's emergency plan, or actual or pending litigation.* The following procedures will be followed to go into a closed session:

1. *A motion will be made and a vote taken that the council go into closed session to discuss individual applicants for hiring under KRS 61.810(1)(f), or the school's emergency plan under KRS 61.810(1)(k) and (m); KRS 61.878(1)(m); and KRS 158.162(2), or litigation under KRS 61.810(1)(c). (See Appendix Attachment: Open Meetings Law Basics)*
2. *The motion and results of the vote including the statute number allowing the closed session will be recorded in the council minutes.*
3. *People who have relevant or needed knowledge or information may be invited into a council closed session by a consensus of the council.*
4. *Only the topic announced in the open session motion may be discussed in the closed session.*
5. *No council action may be taken in a closed session.*
6. *The council will return to open session to make any decisions.*
7. *The decisions will be recorded in the council minutes.*

E. PUBLIC INPUT

1. *Every agenda will include a public comment item.*
2. *Public input may be informal with the chairperson calling on persons who wish to speak.*

3. If more than several people wish to speak, the chairperson will have the option of setting time limits for speakers based on the time allotted for this item, the number wishing to speak, and any extra time left on the agenda; or if the agenda will run over, by consensus of the members present to continue.

VII. AGENDAS

A. AGENDA REQUESTS

Anyone may submit items for inclusion on the agenda to the chairperson. Items must be submitted in writing no later than ten school days before a scheduled meeting.

B. PRELIMINARY AGENDA

The chairperson will prepare a preliminary agenda to be sent electronically to staff and posted in a place readily accessible to all parents and distributed to all council members at least two school days before each regularly scheduled council meeting.

C. APPROVAL OF AGENDA

At the beginning of each council meeting, the council will approve an agenda for the meeting. At regular council meetings, items on the preliminary agenda may be added, deleted, or modified. At special meetings, items on the agenda may be deleted but not added or modified.

VIII. RECORDS

A. PUBLIC COPIES

A public inspection binder(s) of council records will be maintained by the council secretary and made available. This binder(s) will contain up-to-date copies of the following council records:

- Council bylaws
- Council policies
- Council minutes for the current year
- Council annual budget
- School improvement plan

B. OPEN RECORDS REQUESTS

The principal will be the official Custodian of the Records and will make the council records available in response to written requests. A fee set by the Board of Education may be charged to

cover copying costs other than staff time to make the copies in accord with the provisions of the Open Records Law. Persons who want copies of documents in the council binder will give the principal a written request.

C. OFFICIAL COPIES

All council records will be maintained in accordance with the State Archives Records Retention Schedule. (See Appendix Attachment: Records Retention Schedule Basics)

IX. DUTIES OF COUNCIL OFFICERS AND MEMBERS

A. CHAIRPERSON

1. *The principal will serve as the chairperson of the council.*
2. The duties of the council chairperson will be to:
 - a. Preside at and conduct all school council meetings.
 - b. Compile the preliminary agenda for council meetings.
 - c. State when a consensus is present for the record.
 - d. *Serve as the official Custodian of the Records in accordance with the state's Records Retention Schedule. (See Appendix Attachment: Records Retention Schedule Basics.)*
 - e. Coordinate standing and ad hoc committees.
 - f. Carry out any additional responsibilities or duties as stated in these bylaws.

B. VICE-CHAIRPERSON

1. The vice-chairperson will be chosen by consensus from within the council membership.
2. The duties of the vice-chair will be to:
 - a. Preside over council meetings in the absence of the chairperson.
 - b. In the event a new principal must be hired, become the liaison to the superintendent (or designee) when he/she becomes the chair of the council. (See Appendix Attachment: Principal Selection Policy.)

C. SECRETARY

1. The council will select a secretary for the council at the first meeting each year. The secretary does not have to be a member of the council but must be willing to perform the duties of the office.
2. The duties of the secretary will be to:
 - a. *Take minutes at each council meeting that include:*

- 1) Date and times meeting began and ended.
 - 2) Names of members present.
 - 3) *Record of motions made and final decisions made.*
 - 4) Names of people giving reports and name of committee they represent if applicable.
 - 5) Summary of people responsible for work and deadlines if applicable.
 - 6) Attachments of documents revised or adopted.
- b. Type and distribute the draft minutes and send to the staff, parent representatives, and superintendent. This will be done within five school days after each meeting.
 - c. Maintain and keep up-to-date all documents in the public inspection binder(s).

D. MEMBER

1. Teacher and parent council members will represent the shareholders that elected them.
2. The duties of council members will be to:
 - a. Be familiar with and adhere to the mission of the school and council.
 - b. Attend all council meetings.
 - c. Bring necessary documents/materials to meetings.
 - d. Keep the focus of discussions and decisions on students and the improvement of student achievement.
 - e. Encourage/request opinions from the shareholders who elected them.
 - f. *Provide input by consulting with the principal during the hiring of staff.* (See Appendix Attachment: Consultation Policy)
 - g. *Participate in the process and hiring of a new principal if that process becomes necessary.* (See Appendix Attachment: Principal Selection Policy)
 - h. Maintain confidentiality related to closed council sessions.
 - i. Support, promote, and communicate council decisions and actions.

X. COMMITTEES

A. USE OF COMMITTEES

Committees will be used to support and to accomplish tasks of the council.

B. COMMITTEES POLICY

The council will adopt a committee policy to *facilitate the participation of interested persons*. As required by SBDM law, the policy will *include the number of committees, their jurisdiction, their*

composition, and the process for membership selection. (See Appendix Attachment: Committees Policy)

XI. DECISION-MAKING

A. QUORUM

A majority (more than half) of the members, including at least one parent member, will constitute a quorum. *A quorum must be present for the council to make any decisions or take any action.*

B. COUNCIL DECISIONS

Student needs and the school's and council's vision, as well as the overall mission of specific programs, will guide decision-making. When possible, decisions will be based on applicable data. When making decisions, the council will give priority to improvement plan goals and strategies.

C. COUNCIL RESPONSIBILITIES

1. The council will make no decisions on issues that are not under their jurisdiction.
2. *The following issues are under the purview of the School-Based Decision Making Council:*
 - a. *School Improvement Planning*
 - b. *School Safety Plan*
 - c. *K-3 Program (Elementary)*
 - d. *Assessment Data Analysis*
 - e. *Achievement Gap Targets*
 - f. *Professional Development*
 - g. *Spending on textbooks/instructional resources, student support, and staff (including determination of the number of persons to be employed in each job classification)*
 - h. *Consultation before the principal selects people to be hired (See Appendix Attachment: Consultation Policy)*
 - i. *Selection of a new principal (See Appendix Attachment: Principal Selection Policy)*
 - j. *Adopting policies in the following areas:*
 - 1) *Alignment with State Standards*
 - 2) *College-Level Courses (Secondary)*
 - 3) *Committees*
 - 4) *Consultation*
 - 5) *Curriculum*
 - 6) *Discipline, Classroom Management, and School Safety*

- 7) *Emergency Management Plan*
- 8) *Enhancing Student Achievement*
- 9) *Extracurricular Programs*
- 10) *Instructional and Non-Instructional Staff Time Assignment*
- 11) *Instructional Practices*
- 12) *Parent Engagement (Title 1 Schools)*
- 13) *Program Appraisal*
- 14) *School Day and Week Schedule*
- 15) *School Space Use*
- 16) *Student Assignment*
- 17) *Technology Use (including an Acceptable Use Policy/Form)*
- 18) *Wellness (K-5 schools and F/R meal schools)*
- 19) *Writing*
- 20) Other: Policies not required by law but considered best practice and/or requested by the local district.

k. Following are activities in which councils should not be involved:

- 1) Run the school on a day-to-day basis
- 2) Break state/federal laws, risk lawsuits, or break contracts
- 3) Risk health or safety of students or staff
- 4) Spend money they don't have
- 5) Make decisions outside the areas of responsibility listed above

D. CONSENSUS

- 1. The council will operate by consensus decision-making using the following procedures:
 - a. Only decisions that have an immediate deadline or will have very limited impact on the school will be made without a committee recommendation.
 - b. All council members who choose to do so will be given a chance for input on issues requiring a consensus decision.
 - c. If council input and discussion reveal significant concerns or ambiguities related to an issue, the council's normal practice will be to give or return the issue to a committee for further work. Exceptions may be made for urgent timelines or pressing concerns.
- 2. After council input and discussion, any member may make a motion to accept a proposal. If the proposal being considered is in writing, the motion may be made verbally and then seconded. If the proposal has not been presented in writing or the member making the motion wants to propose one or more amendments, he or she will write down the motion

and read it to the council. After a second the member will give the written motion to the secretary for inclusion in the minutes.

3. The chair will then ask if there is further discussion.
4. When that discussion is complete, the chair will test for consensus by asking if there is consensus for approval of the motion. Any member who is not willing to support the motion is obligated to say so at this time. Members who support the motion will indicate by word or other sign that they believe there is now a consensus.
5. If no member states unwillingness to support, the chair will direct the secretary to record that consensus has been reached and the motion has passed.

E. CONSENSUS FAILURE

1. Council voting will be done only when the council must have a decision, consensus has failed, and one or more of the following conditions exist:
 - a. When the council will otherwise be unable to meet a legal deadline by which the council is required to have made a decision, or
 - b. When the council has failed to reach consensus at a second meeting for that purpose.
2. At the first meeting where an issue is discussed, if the chair tests for consensus but consensus is not reached, the council may postpone further consideration until the next meeting or continue to discuss the issue. After consensus has failed twice on a proposal in one meeting, the chair may direct that the proposal be taken up again at the next meeting unless one of the conditions for voting listed in this section applies.
3. If the council takes up an issue at a second meeting and is still unable to reach consensus, the council will consider alternative steps, including but not limited to:
 - a. Asking a committee to bring the council a new proposal on the issue.
 - b. Doing nothing and dropping the issue.
 - c. Voting.

F. ADOPTION/REVISION OF POLICIES

1. Policies are defined as written documents outlining procedures, rules, guidelines, or processes concerning how a particular issue will be handled. When applicable, policies may also provide timelines and general criteria.
2. To be officially adopted or revised, a policy will have a reading at two different council meetings.
3. Adopted policies are binding until the council amends them.
4. Council policies will be reviewed regularly and revised as needed.

G. BYLAWS AMENDMENT

The council may amend these bylaws as needed. All motions to amend the bylaws of the council will be submitted in writing. No decision on a motion to amend the bylaws will be made until after the topic has been on the agenda for two meetings and has had two readings.

H. APPEALS OF COUNCIL DECISIONS

The District Board of Education has established a process for appeals of council decisions. (See Appendix Attachment: Appeal of Council Decisions Policy)

XII. APPENDIX ATTACHMENTS

APPEALS OF COUNCIL DECISIONS (Board Policy)

OPEN MEETINGS LAW BASICS (KASC)

RECORDS RETENTION SCHEDULE BASICS (State Archives)

SCHOOL BASED DECISION MAKING (SBDM) LAW (KRS 160.345)

COMMITTEES POLICY (School Policy)

CONSULTATION POLICY (School Policy)

PRINCIPAL SELECTION POLICY (School Policy)

TEACHER ELECTION PROCEDURE (School Procedure)

APPENDIX

Board Policy on Appeals of Council Decisions

ADMINISTRATION

02.42411

Appeal of Decisions

ELIGIBILITY PROCESS

Any resident of the District or a parent, student or employee of the school may appeal council decisions. Appealing a decision made by a school council shall include the following procedure:

1. An appeal must be filed within ten (10) working days following a council decision.
2. An appeal on a decision made by a school council must first be reviewed by the school council, which shall make a timely response to the appealing party.
3. If the matter is not satisfactorily resolved by the council, the appeal may then be submitted in writing to the Superintendent.
4. If, within ten (10) calendar days, the matter is not satisfactorily resolved by the Superintendent, the appealing party may, within twenty (20) calendar days, appeal to the Board. The Board shall afford the affected parties an opportunity to be heard within thirty (30) calendar days of the appeal to the Board.
5. The Board shall issue a final written decision on the appeal with its rationale no later than sixty (60) calendar days from the date of the presentation to the Board.
6. At any point in the process the Board may direct a review and report on the issues, but shall not extend its decision beyond sixty (60) calendar days from the date of the presentation to the Board without the agreement of the affected parties.

BASIS FOR REVIEW

The Board will determine whether the issue on appeal falls within the authority granted to the council by [KRS 160.345](#).

Actions that fall within the statutory authority of the council will be reviewed on appeal based on whether the council action raises liability and/or health and safety concerns, exceeds budgetary limitations, conflicts with contractual obligations, or was otherwise unlawful under state or federal law.

Actions that fall within the authority of the Board will be reviewed on appeal based on whether the council action lacks educational merit, is inconsistent with District goals, violates District policy, exceeds the authority of the council, raises liability and/or health and safety concerns, exceeds budgetary limitations, conflicts with contractual obligations, or is otherwise unlawful under state or federal law.

BOARD ACTION

When the appeal issue falls within statutory council authority, the Board shall either (1) affirm the council decision or (2) refer the appeal back to the council with documentation of its concerns and suggestions.

When the appeal issue falls within the authority of the Board to decide, the Board shall either (1) uphold the council decision or (2) reverse any council action found to violate any of the review standards.

REFERENCE:

[KRS 160.345](#)

Adopted/Amended: 7/26/2004

Order #: 0127426

OPEN MEETINGS LAW BASICS FOR COUNCILS FROM KASC

Kentucky's Open Meetings Law protects the right of the general public to know what public agencies are doing.
It applies to councils and their committees.

THE OPEN MEETINGS LAW APPLIES TO EVERY PUBLIC AGENCY, INCLUDING:

1. Bodies created pursuant to statute (councils and maybe committees).
2. Entities appointed by public agencies (definitely committees).
3. A variety of other types of entities.

THE OPEN MEETINGS LAW APPLIES WHENEVER:

1. A majority is present.
2. Public business is discussed (even if no action taken).

REGULAR MEETINGS:

1. are held at dates and times on a regular meeting schedule.
1. are listed on a regular meeting schedule that is "available to the public." (There are many ways to make the schedule available.)

SPECIAL MEETINGS:

1. are held at dates or times not on regular meeting schedule.
 1. are called by chairperson or majority.
 2. require a written notice that states date, time, place, and agenda (agenda cannot be added to during meeting).
 3. require that the notice be:
 - sent to all members by fax, mail, email* or hand delivery 24 hours in advance.
 - posted at your location and meeting location 24 hours in advance.
 - sent to media by fax, mail, email* or hand delivery 24 hours in advance if they have asked to receive it.
- ⇒ **To receive e-mail notification, a written request must be on file at the school*

OPEN SESSION

1. Every part of every regular meeting and every special meeting must be open to the public,
2. Except for those parts when a closed session is allowed and properly called.
3. All council and committee decisions must be made in open session.

CLOSED SESSION

1. A closed session is allowed:
 - to discuss actual or potential litigation under KRS 61.810(1)(c).
 - to discuss appointment of individuals under KRS 61.810(1)(f).
 - to discuss the school's emergency plan under KRS 61.810(1)(k) and (m); KRS 61.878(1)(m); and KRS 158.162(2).
 - for other reasons that apply to other agencies but don't come up for councils.
2. A closed session must be called by:
 - announcing a need for closed session and
 - providing general description of issue to be considered and
 - identifying statutory section that allows it and
 - obtaining a motion to go into closed session and
 - obtaining a majority vote.
3. During a closed session, the council or committee can only discuss the issue described.
4. The council or committee must return to open session before taking any action.

MINUTES

1. Must describe motion and outcome (description of discussion is optional).
2. Need to be approved (after any needed amendments) at next meeting.
3. Must be available to public immediately after next meeting.

SBDM RECORDS RETENTION SCHEDULE BASICS

This handout has been adapted from requirements set in a much longer document. The original comes from the State Archives and Records Commission's Public Records Division. You can download the original document from

<http://kdla.ky.gov/records/recretentionschedules/Documents/Local%20Records%20Schedules/PublicSchoolDistrictRecordsRetentionSchedule.pdf> Updated March: 2017, Kentucky Dept. of Library and Archives

RECORDS TO BE KEPT PERMANENTLY
Annual Financial Audit Report
Annual School Report
Budget Allocation to Council
Official Correspondence
School Council By-laws
SBDM Council Minutes
SBDM Council Committee Minutes
SBDM Council Policy
RECORDS TO BE KEPT 5 YEARS
Request for Waiver of Board Policy — 5 years, then destroy
School Council Policy Appeals — 5 years, then destroy
Annual Transformation Plan (CSIP) — 5 years, then destroy
RECORDS TO BE KEPT 3 YEARS
Budget Expenditure Report (3 years AND destroy after audit)
Request for Professional Development — 3 years, then destroy
Parent Council Member Election Records — 3 years, then destroy
Teacher Council Member Election Records — 3 years, then destroy
Council Member Training Record File — 3 years, then destroy
RECORDS TO BE KEPT 2 YEARS OR LESS
Routine Correspondence — <u>2 year requirement</u>
SBDM Council/Committee Meeting Notification – <u>1 year requirement, then destroy</u>

THE SCHOOL-BASED DECISION MAKING (SBDM) (KRS 160.345)

This is the complete text of the Kentucky statute that defines school councils.

DEFINITIONS (SECTION 1)	
DEFINITION OF MINORITY (1)(a)	For the purpose of this section: "Minority" means American Indian; Alaskan native; African-American; Hispanic, including persons of Mexican, Puerto Rican, Cuban, and Central or South American origin; Pacific islander; or other ethnic group underrepresented in the school;
DEFINITION OF SCHOOL (1)(b)	"School" means an elementary or secondary educational institution that is under the administrative control of a principal and is not a program or part of another school. The term "school" does not include district-operated schools that are: <ol style="list-style-type: none"> 1. Exclusively vocational-technical, special education, or preschool programs; 2. Instructional programs operated in institutions or schools outside of the district; or 3. Alternative schools designed to provide services to at-risk populations with unique needs;
DEFINITION OF TEACHER (1)(c)	"Teacher" means any person for whom certification is required as a basis of employment in the public schools of the state, with the exception of principals and assistant principals.
DEFINITION OF PARENT (1)(d)	"Parent" means: <ol style="list-style-type: none"> 1. A parent, stepparent, or foster parent of a student; or 2. A person who has legal custody of a student pursuant to a court order and with whom the student resides.
MAIN SBDM RULES (SECTION 2)	
REPORTING TO THE BOARD (2) (OPENING PARAGRAPH)	Each local board of education shall adopt a policy for implementing school-based decision making in the district which shall include, but not be limited to, a description of how the district's policies, including those developed pursuant to KRS 160.340, have been amended to allow the professional staff members of a school to be involved in the decision-making process as they work to meet educational Goals established in KRS 158.645 and 158.6451. The policy may include a requirement that each school council make an annual report at a public meeting of the board describing the school's progress in meeting the educational Goals set forth in KRS 158.6451 and district Goals established by the board. The policy shall also address and comply with the following:
COUNCIL MEMBERS (2)(a)	Except as provided in paragraph (b)2 of this subsection, each participating school shall form a school council composed of two (2) parents, three (3) teachers, and the principal or administrator. The membership of the council may be increased, but it may be increased only proportionately. A parent representative on the council shall not be an employee or a relative of an employee of the school in which that parent serves, nor shall the parent representative be an employee or a relative of an employee in the district administrative offices. A parent representative shall not be a local board member or a board member's spouse. None of the members shall have a conflict of interest pursuant to KRS Chapter 45A, except the salary paid to district employees;
REGULAR ELECTIONS (2)(b)1	The teacher representatives shall be elected for one (1) year terms by a majority of the teachers. A teacher elected to a school council shall not be involuntarily transferred during his or her term of office. The parent representatives shall be elected for one (1) year terms. The parent members shall be elected by the parents of students pre-registered to attend the school during the term of office in an election conducted by the parent and teacher organization of the school or, if none exists, the largest organization of parents formed for this purpose. A school council, once elected, may adopt a policy setting different terms of office for parent and teacher members subsequently elected. The principal shall be the chair of the school council.

MINORITY MEMBER ELECTIONS (2)(b)2	<p>School councils in schools having eight percent (8%) or more minority students enrolled, as determined by the enrollment on the preceding October 1, shall have at least one (1) minority member. If the council formed under paragraph (a) of this subsection does not have a minority member, the principal, in a timely manner, shall be responsible for carrying out the following:</p> <p>Organizing a special election to elect an additional member. The principal shall call for nominations and shall notify the parents of the students of the date, time, and location of the election to elect a minority parent to the council by ballot; and allowing the teachers in the building to select one (1) minority teacher to serve as a teacher member on the council. If there are no minority teachers who are members of the faculty, an additional teacher member shall be elected by a majority of all teachers. Term limitations shall not apply for a minority teacher member who is the only minority on faculty;</p>
POLICY TO ENHANCE ACHIEVEMENT (2)(c)1	<p>The school council shall have the responsibility to set school policy consistent with district board policy which shall provide an environment to enhance the students' achievement and help the school meet the Goals established by KRS 158.645 and 158.6451. The principal shall be the primary administrator and the instructional leader of the school, and with the assistance of the total school staff, shall administer the policies established by the school council and the local board.</p>
COMMITTEES POLICY (2)(c)2	<p>If a school council establishes committees, it shall adopt a policy to facilitate the participation of interested persons, including, but not limited to, classified employees and parents. The policy shall include the number of committees, their jurisdiction, composition, and the process for membership selection.</p>
AGENDA (2)(d)	<p>The school council and each of its committees shall determine the frequency of and agenda for their meetings. Matters relating to formation of school councils that are not provided for by this section shall be addressed by local board policy.</p>
MEETINGS (2)(e)	<p>The meetings of the school council shall be open to the public and all interested persons may attend. However, the exceptions to open meetings provided in KRS 61.810 shall apply.</p>
STAFFING (NUMBER OF PERSONS EMPLOYED) (2)(f)	<p>After receiving notification of the funds available for the school from the local board, the school council shall determine, within the parameters of the total available funds, the number of persons to be employed in each job classification at the school. The council may make personnel decisions on vacancies occurring after the school council is formed but shall not have the authority to recommend transfers or dismissals.</p>
TEXTBOOKS, INSTRUCTIONAL MATERIALS, AND STUDENT SUPPORT SERVICES (2)(g)	<p>The school council shall determine which textbooks, instructional materials, and student support services shall be provided in the school. Subject to available resources, the local board shall allocate an appropriation to each school that is adequate to meet the school's needs related to instructional materials and school-based student support services, as determined by the school council. The school council shall consult with the school media librarian on the maintenance of the school library media center, including the purchase of instructional materials, information technology, and equipment.</p>
HIRING (2)(h)	<p>1. From a list of qualified applicants submitted by the local superintendent, the principal at the participating school shall select personnel to fill vacancies, after consultation with the school council, consistent with paragraph (i) 11 of this subsection. The superintendent shall provide additional applicants to the principal upon request when qualified applicants are available. The superintendent may forward to the school council the names of qualified applicants who have pending certification from the Education Professional Standards Board based on recent completion of preparation requirements, out-of-state preparation, or alternative routes to certification pursuant to KRS 161.028 and 161.048. Requests for transfer shall conform to any employer-employee bargained contract which is in effect.</p>

<p>HIRING (2)(h) continued</p>	<p>2. a. i. If the vacancy to be filled is the position of principal, the outgoing principal shall not serve on the council during the principal selection process. The superintendent or the superintendent's designee shall serve as the chair of the council for the purpose of the hiring process and shall have voting rights during the selection process.</p> <p>ii. Except as provided in subdivision b. of this subparagraph, the council shall have access to the applications of all persons certified for the position. The principal shall be elected on a majority vote of the membership of the council. No principal who has been previously removed from a position in the district for cause may be considered for appointment as principal. The school council shall receive training in recruitment and interviewing techniques prior to carrying out the process of selecting a principal. The council shall select the trainer to deliver the training;</p> <p>b. An alternative principal selection process may be used by the school council as follows:</p> <p>i. Prior to a meeting called to select a principal, all school council members shall receive informational materials regarding Kentucky open records and open meetings laws and sign a nondisclosure agreement forbidding the sharing of information shared and discussions held in the closed session;</p> <p>ii. The superintendent shall convene the school council and move into closed session as provided in KRS 61.810(1)(f) to confidentially recommend a candidate;</p> <p>iii. The council shall have the option to interview the recommended candidate while in closed session; and</p> <p>iv. After any discussion, at the conclusion of the closed session, the council shall decide, in a public meeting by majority vote of the membership of the council, whether to accept or reject the recommended principal candidate;</p> <p>c. If the recommended candidate is selected, and the recommended candidate accepts the offer, the name of the candidate shall be made public during the next meeting in open session;</p> <p>d .i. If the recommended candidate is not accepted by the school council under subdivision b. of this subparagraph, then the process set forth in subdivision a. of this subparagraph shall apply.</p> <p>ii. The confidentially recommended candidate's name and the discussions of the closed session shall remain confidential under KRS 61.810(1)(f), and any documents used or generated during the closed meeting shall not be subject to an open records request as provided in KRS 61.878(1)(i) and (j).</p> <p>iii. A recommended candidate who believes a violation of this subdivision has occurred may file a written complaint with the Kentucky Board of Education.</p> <p>iv. A school council member who is found to have disclosed confidential information regarding the proceeding of the closed session shall be subject to removal from the school council by the Kentucky Board of Education under subsection (9)(e) of this section;</p> <p>3. Personnel decisions made at the school level under the authority of subparagraphs 1. and 2. of this paragraph shall be binding on the superintendent who completes the hiring process.</p> <p>4. Applicants subsequently employed shall provide evidence that they are certified prior to assuming the duties of a position in accordance with KRS 161.020.</p> <p>5. Notwithstanding other provisions of this paragraph, if the applicant is the spouse of the superintendent and the applicant meets the service requirements of subsection (2)(e) of</p>
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	KRS 160.380, the applicant shall be employed only upon the recommendation of the principal and the approval of a majority vote of the school council.
MOST POLICY RESPONSIBILITIES (2)(i)	<p>The school council shall adopt a policy to be implemented by the principal in the following additional areas:</p> <ol style="list-style-type: none"> 1. Determination of curriculum, including needs assessment, curriculum development, and responsibilities <i>under KRS 158.6453(19)</i>; 2. Assignment of all instructional and non-instructional staff time; 3. Assignment of students to classes and programs within the school; 4. Determination of the schedule of the school day and week, subject to the beginning and ending times of the school day and school calendar year as established by the local board; 5. Determination of use of school space during the school day related to improving classroom teaching and learning; 6. Planning and resolution of issues regarding instructional practices; 7. Selection and implementation of discipline and classroom management techniques as a part of a comprehensive school safety plan, including responsibilities of the student, parent, teacher, counselor, and principal; 8. Selection of extracurricular programs and determination of policies relating to student participation based on academic qualifications and attendance requirements, program evaluation, and supervision; 9. Adoption of an emergency plan as required in KRS 158.162; 10. Procedures, consistent with local school board policy, for determining alignment with state standards, technology utilization, and program appraisal; and 11. Procedures to assist the council with consultation in the selection of personnel by the principal, including but not limited to, meetings, timelines, interviews, review of written applications, and review of references. Procedures shall address situations in which members of the council are not available for consultation.

	<p>Each school council shall annually review data as shown on state and local student assessments required under KRS 158.6453. The data shall include, but not be limited to, information on performance levels of all students tested, and information on the performance of students disaggregated by race, gender, disability, and participation in the federal free and reduced price lunch program. After completing the review of data, each school council, with the involvement of parents, faculty and staff, shall develop and adopt a plan to ensure that each student makes progress toward meeting the Goals set forth in KRS 158.645 and 158.6451(1)(b) by April 1 of each year and submit the plan to the superintendent and local board of education for review as described in KRS 160.340. The Kentucky Department of Education shall provide each school council the data needed to complete the review required by this paragraph no later than October 1 of each year. If a school does not have a council, the review shall be completed by the principal with the involvement of parents, faculty, and staff.</p>
ISSUES FOR SCHOOL BOARD SBDM POLICY (SECTION 3)	
<p>The policies adopted by the local board to implement school-based decision making shall also address the following:</p> <p>(a) School budget and administration, including: discretionary funds; activity and other school funds; funds for maintenance, supplies, and equipment; and procedures for authorizing reimbursement for training and other expenses;</p>	

- (b) Assessment of individual student progress, including testing and reporting of student progress to students, parents, the school district, the community, and the state;
- (c) School improvement plans, including the form and function of strategic planning and its relationship to district planning, as well as the school safety plan and requests for funding from the Center for School Safety under KRS 158.446;
- (d) Professional development plans developed pursuant to KRS 156.095;
- (e) Parent, citizen, and community participation including the relationship of the council with other groups;
- (f) Cooperation and collaboration within the district, with other districts, and with other public and private agencies;
- (g) Requirements for waiver of district policies;
- (h) Requirements for record keeping by the school council; and
- (i) A process for appealing a decision made by a school council.

INSURANCE AND ADDITIONAL AUTHORITY (SECTION 4)

In addition to the authority granted to the school council in this section, the local board may grant to the school council any other authority permitted by law. The board shall make available liability insurance coverage for the protection of all members of the school council from liability arising in the course of pursuing their duties as members of the council.

ABOLISHING A COUNCIL (SECTION 5)

All schools shall implement school-based decision making in accordance with this section and with the policy adopted by the local board pursuant to this section. Upon favorable vote of a majority of the faculty at the school and a majority of at least twenty-five (25) voting parents of students enrolled in the school, a school meeting its goal as determined by the Department of Education pursuant to KRS 158.6455 may apply to the Kentucky Board of Education for exemption from the requirement to implement school-based decision making, and the state board shall grant the exemption. The voting by the parents on the matter of exemption from implementing school-based decision making shall be in an election conducted by the parent and teacher organization of the school or, if none exists, the largest organization of parents formed for this purpose. Notwithstanding the provisions of this section, a local school district shall not be required to implement school-based decision making if the local school district contains only one (1) school.

COUNCIL TRAINING (SECTION 6)

The Department of Education shall provide professional development activities to assist schools in implementing school-based decision-making. School council members elected for the first time shall complete a minimum of six (6) clock hours of training in the process of school-based decision making, no later than thirty (30) days after the beginning of the service year for which they are elected to serve. School council members who have served on a school council at least one (1) year shall complete a minimum of three (3) clock hours of training in the process of school-based decision making no later than one hundred twenty (120) days after the beginning of the service year for which they are elected to serve. Experienced members may participate in the training for new members to fulfill their training requirement. School council training required under this subsection shall be conducted by trainers endorsed by the Department of Education. By November 1 of each year, the principal through the local superintendent shall forward to the Department of Education the names and addresses of each council member and verify that the training has been completed. School council members elected to fill a vacancy shall complete the applicable training within thirty (30) days of their election.

ALTERNATIVE MODELS (SECTION 7)

A school that chooses to have school-based decision making but would like to be exempt from the administrative structure set forth by this section may develop a model for implementing school-based decision making including, but not limited to, a description of the membership, organization, duties, and responsibilities of a school council. The school shall submit the model through the local board of education to the commissioner of education and the Kentucky Board of Education, which shall have final authority for approval. The application for approval of the model shall show evidence that it has been developed by representatives of the parents, students, certified personnel, and the administrators of the school and that two-thirds (2/3) of the faculty have agreed to the model.

ALLOCATIONS AND PROFESSIONAL DEVELOPMENT (SECTION 8)

The Kentucky Board of Education, upon recommendation of the commissioner of education, shall adopt by administrative regulation a formula by which school district funds shall be allocated to each school council. Included in the school council formula shall be an allocation for professional development that is at least sixty-five percent (65%) of the district's per pupil state allocation for professional development for each student in average daily attendance in the school. The school council shall plan professional development in compliance with requirements specified in KRS 156.095, except as provided in KRS 158.649. School councils of small schools shall be encouraged to work with other school councils to maximize professional development opportunities.

INTERFERENCE WITH THE COUNCIL (SECTION 9)

(a) No board member, superintendent of schools, district employee, or member of a school council shall intentionally engage in a pattern of practice which is detrimental to the successful implementation of or circumvents the intent of school-based decision making to allow the professional staff members of a school and parents to be involved in the decision-making process in working toward meeting the educational Goals established in KRS 158.645 and 158.6451 or to make decisions in areas of policy assigned to a school council pursuant to paragraph (i) of subsection (2) of this section.

(b) An affected party who believes a violation of this subsection has occurred may file a written complaint with the Office of Education Accountability. The office shall investigate the complaint and resolve the conflict, if possible, or forward the matter to the Kentucky Board of Education.

(c) The Kentucky Board of Education shall conduct a hearing in accordance with KRS Chapter 13B for complaints referred by the Office of Education Accountability.

(d) If the state board determines a violation has occurred, the party shall be subject to reprimand. A second violation of this subsection may be grounds for removing a superintendent, a member of a school council, or school board member from office or grounds for dismissal of an employee for misconduct in office or willful neglect of duty.

(e) Notwithstanding paragraph (d) of this subsection and KRS 7.410(2)(c), if the state board determines a violation of the confidentiality requirements set forth in subsection (2)(h)2. of this section by a school council member has occurred, the state board shall remove the member from the school council, and the member shall be permanently prohibited from serving on any school council in the district.

COUNCIL ACCOUNTABILITY (SECTION 10)

Notwithstanding subsections (1) to (9) of this section, a school's right to establish or maintain a school-based decision making council and the powers, duties, and authority granted to a school council may be rescinded or the school council's role may be advisory if the commissioner of education or the Kentucky Board of Education takes action under KRS 160.346.

WELLNESS POLICY (SECTION 11)

Each school council of a school containing grades K-5 or any combination thereof, or if there is no school council, the principal, shall develop and implement a wellness policy that includes moderate to vigorous physical activity each day and encourages healthy choices among students. The policy may permit physical activity to be considered part of the instructional day, not to exceed thirty (30) minutes per day, or one hundred and fifty (150) minutes per week. Each school council, or if there is no school council, the principal, shall adopt an assessment tool to determine each child's level of physical activity on an annual basis. The council or principal may utilize an existing assessment program. The Kentucky Department of Education shall make available a list of available resources to carry out the provisions of this subsection. The department shall report to the Legislative Research Commission no later than November 1 of each year on how the schools are providing physical activity under this subsection and on the types of physical activity being provided. The policy developed by the school council or principal shall comply with provisions required by federal law, state law, or local board policy.

DISCRETIONARY AUTHORITY (SECTION 12)

Discretionary authority exercised under subsection (2)(h)2.b. of this section shall not violate provisions of any employer-employee bargained contract existing between the district and its employees.