SCHOOL BASED DECISION MAKING COUNCIL BY-LAWS

District_____Nelson County_____School_____New Haven_____

COUNCIL POLICY TYPE (Check One) POLICY NUMBER

(*) By-Laws (Council Operational Policies) KRS 160.345 (2) (d)

( ) Function (School Operational Policies)

BY-LAW TOPIC DESCRIPTION

Agendas

The school council and each of its committees shall determine the frequency of and agenda for their meetings.

You should also note that KRS 61.823 (3), part of the Open Meetings Law, says: Discussion and action at the special meeting shall be limited to items listed on the agenda in the notice.

BY-LAW STATEMENT

Meetings

1. Deciding who will take minutes for this meeting.
2. Reviewing, amending, and approving agenda for this meeting.
3. Providing opportunity for public comment.
4. Reviewing, amending, and approving minutes of previous meeting.
5. Receiving reports from committees.

Submitting Agenda Items. Anyone may submit items for inclusion on the agenda to the principal.

Preliminary Agenda. The principal shall prepare a preliminary agenda for the council meeting, including all items that he or she believes need council attention at that session.

Final Agenda. Setting the final agenda shall be the first order of business at each council meeting. At special meetings, the council may not add items to the agenda listed in the special meeting notice, but may subtract items if it chooses.

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COUNCIL POLICY TYPE (Check One) POLICY NUMBER

(*) By-Laws (Council Operational Policies) KRS 160.345 (2) (d)

( ) Function (School Operational Policies)

BY-LAW TOPIC DESCRIPTION

Calling Meetings

The school council and each of its committees shall determine the frequency of and agenda for their meetings while adhering to the requirements of the Open Meetings Law as stated in the KRS statute.

BY-LAW STATEMENT

Regular Meetings

At the first meeting of each council term, the council shall select a regular meeting date in each month through July of the next calendar year. The principal shall notify the local news media of the meeting dates and times.

Special Meetings

If the council needs to meet before its next regular meeting, the principal may call a special meeting. A special meeting may also be called by a majority of members of the council. Once the decision is made to call a special meeting, the following steps must be taken:

1. Content of Written Notice. The person or persons calling the meeting must prepare a written notice that states the date, time, and place of the special meeting. No issue not listed on that agenda could legally be discussed at the special meeting.

2. Delivery of Notice. The person or persons calling the meeting must arrange for the notice to be delivered to every council member and to local media organizations. The delivery can be made by hand, facsimile machine, e-mail, or mail, but the method must be one that allows the notice to arrive at least 24 hours before the time set for the meeting.

SCHOOL BASED DECISION MAKING COUNCIL BY-LAWS

District_____Nelson County_____School_____New Haven_____

COUNCIL POLICY TYPE (Check One) POLICY NUMBER

(*) By-Laws (Council Operational Policies)

( ) Function (School Operational Policies)

BY-LAW TOPIC DESCRIPTION

Consensus

No Kentucky law requires councils to operate by consensus.

Many people strongly recommend this decision-making process, and KASC agrees with that recommendation.

BY-LAW STATEMENT

1. The council will assign new issues to an appropriate committee, which will be responsible for researching the issue, gathering input, and developing a formal proposal with broad support. The council will act without a committee recommendation on issues that have urgent time deadlines or very limited impact on the school.
2. When the committee brings the council a proposal, the council shall discuss it in enough detail to be sure that all members fully understand it and have had an opportunity to provide input.
3. People who are not members of the council may show that they want to comment or to ask questions by raising their hands, and the chair will call upon them to speak. When a significant number of persons wish to speak or when discussion of an issue has taken more than half an hour, the chair may set limits on the number of persons who may speak and the length of time each may speak.
4. If discussion reveals substantial concerns or unclear points in a proposal, the council's normal practice will be to return it to a committee for further work, taking up any subsequent committee recommendation as a new proposal when it is received. The council will only attempt to decide significant revisions without first asking a committee to address the issue in cases where action is urgently needed.

Formal decision by consensus

1. Two-thirds of the members of the council, including at least one parent member and one teacher member, constitute a quorum. A quorum must be present for the council to take action.
2. Any member may make a motion to accept a proposal for a first reading. When the proposal is in writing, the motion to adopt may be made verbally. If the proposal is not in writing or if the person making the motion wants to propose one or more amendments, he or she shall write down the motion, read it to the council, and hand the written motion to the secretary for inclusion in the minutes.
3. The chair shall then ask if there is further discussion.
4. When the chair believes that discussion is complete, the chair shall ask if there is consensus. Any member who is not willing to support the motion is obligated to say so at this time. Members who support the motion shall indicate by voting or other sign that they believe there is now a consensus.
5. If no member states unwillingness to support, the chair shall direct the secretary to record that consensus has been reached and the motion has passed.
6. After a motion is accepted for a first reading, it shall be considered again at the next regular council meeting, or at a special meeting if necessary. If it is approved at that second meeting, the secretary shall note that it has been officially adopted as a council decision. There shall be no vote after the first reading unless the council has declared an emergency.

SCHOOL BASED DECISION MAKING COUNCIL BY-LAWS

District_____Nelson County_____School_____New Haven_____

COUNCIL POLICY TYPE (Check One) POLICY NUMBER

(*) By-Laws (Council Operational Policies)

( ) Function (School Operational Policies)

BY-LAW TOPIC DESCRIPTION

Consensus Failures

No Kentucky law requires councils to operate by consensus, but KASC and many others strongly recommend its use.

BY-LAW STATEMENT

1. When a motion for consensus fails, the council may continue to discuss the issue until two more motions for consensus have been made and have failed.
2. If two further motions on the same issue at the same meeting fail, the chair shall direct that the proposal be taken up again at the next meeting. If the issue is filling a vacancy other than principal, the chair may instead ask each member to make a final comment on the issue and then declare that consultation has been completed at the first meeting.
3. If the council takes up an issue at a second meeting and is still unable to reach consensus, the council shall consider alternative steps, including but not limited to:
    - Asking a committee to bring the council a new proposal on the issue.
    - Scheduling a fact-finding session, at which all members of the school community are invited to present factual information about the issue and such information is recorded on a flip chart. Opinions without specific factual basis are not recorded, because the point of this session is to get a common focus on the knowledge base for deciding the issue. After the fact-finding session, the council may take the issue up again to attempt consensus, or it may choose by vote to try one of the other options listed in this subsection.
    - Seeking the help of a trained mediator to find a consensus solution to the issue.

- Considering the matter again at the next meeting, and if consensus there fails, decide the matter by majority vote.

4. The council will only make decisions by vote:
    - When the council will otherwise be unable to meet a legal deadline by which the council is required to have made a decision, or
    - When the council has agreed at a second meeting about an issue to discuss it at a third meeting and decide by majority vote if consensus fails them (as allowed under provision 3-d above)
5. If the council cannot agree on what further steps will be taken, and the issue does not meet the requirements for voting, the chair shall announce that no action will be taken on the issue, and the secretary shall note that announcement in the minutes.

SCHOOL BASED DECISION MAKING COUNCIL BY-LAWS

District_____Nelson County_____School_____New Haven_____

COUNCIL POLICY TYPE (Check One) POLICY NUMBER

(*) By-Laws (Council Operational Policies) KRS 61.835

( ) Function (School Operational Policies)

BY-LAWS TOPIC DESCRIPTION

Minutes

The minutes of actions taken at every meeting of the council / council committee shall be promptly recorded and records shall be open to public inspection at reasonable times no later than immediately following the next meeting of the body.

BY-LAWS STATEMENT

First Draft Minutes**.** The secretary shall take minutes that state accurately each motion made and the action taken on it by the council.

Typed Minutes. The secretary shall:

1. prepare a typed copy of the minutes
2. attach copies of any policy, budget, by-law, amendment, or other document approved by the council.
3. send copies to each member of the council.
4. post a copy in a public place.
5. place the original in the official binder of council minutes.

Approval of Minutes. At its next meeting, the council shall review the minutes. If amendments are needed, they shall be recorded in the minutes of that next meeting. After amendments, the council shall approve the minutes, which will then become available for public inspection.

Open Records

The school office is open from 8:00 a.m. until 3:00 p.m. each school day. During those hours, any person who wishes to see the binder of council documents kept there may do so immediately. Persons who want copies of documents in the binder or to see or get copies of documents that are not kept there shall give the principal a written statement of the items they wish to see. The principal, as official records custodian shall make the documents available within three business days after the request unless the records are subject to a specific exception of the Open Records Law.

SCHOOL BASED DECISION MAKING COUNCIL BY-LAWS

District_____Nelson County_____School_____New Haven_____

COUNCIL POLICY TYPE (Check One) POLICY NUMBER

(*) By-Laws (Council Operational Policies)KRS 156.132 (1), KRS 160.345 (9)

( ) Function (School Operational Policies)

BY-LAW TOPIC DESCRIPTION

Standards of Conduct and Removal of Members

(a) No board member, superintendent of schools, district employee, or member of a school council shall intentionally engage in a pattern or practice which is detrimental to the successful implementation of or circumvents the intent of school-based decision making. This allows 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 State Board for Elementary and Secondary Education.

(c) The State Board for Elementary and Secondary Education shall establish by administrative regulation a hearing process 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 or school board member from office or ground for dismissal of an employee for misconduct in office or willful neglect of duty.

The chief state school officer shall recommend by written charges to the proper school authorities having immediate jurisdiction, the removal of any superintendent of schools, principal, teacher, member of a school council, or other public school officer as to whom he has reason to believe is guilty of immorality, misconduct in office, in competency, willful neglect of duty, or malfeasance. In the case of a member of a school council, the written

charges shall be provided to the local board of education.

BY-LAW STATEMENT

Attendance. Members of the council shall attend all council meetings unless the absence is excused. Absences may be excused by consensus of the council for good cause. A member who has three unexcused absences from council meetings may be asked to resign.

Conflict of Interest. No member shall enter into any business dealing that creates a conflict of interest under KRS 45A.340, and any member who discovers the existence of such a conflict of interest shall resign.

Ongoing Eligibility. Any member who ceases to be eligible to serve on the council shall resign. Examples include teachers who transfer to other schools, parents whose children transfer to other schools, and any other change that makes a person ineligible for their position.

Improper Meeting. No combination of one half or more of the members of the council shall meet to discuss council business without following the procedures for scheduling a meeting of that full council listed elsewhere in these by-laws.

Intentional Interference with School-Based Decision Making. No member of the 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 of the Kentucky Education Reform Act or to exercise the powers granted to councils by state law.

SCHOOL BASED DECISION MAKING COUNCIL BY-LAWS

District_____Nelson County_____School_____New Haven_____

COUNCIL POLICY TYPE (Check One) POLICY NUMBER

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SCHOOL BASED DECISION MAKING COUNCIL BY-LAWS

District_____Nelson County_____School_____New Haven_____

COUNCIL POLICY TYPE (Check One) POLICY NUMBER

(*) By-Laws (Council Operational Policies) KRS 61.810 (1)

( ) Function (School Operational Policies)

BY-LAW TOPIC DESCRIPTION

Holding Open and Closed Sessions

All meetings of a quorum of the members of any public agency at which any public business is discussed or at which any action is taken by the agency, shall be public meetings, open to the public, except the following:

© Discussion of proposed or pending litigation against or on behalf of the public agency…

(f) Discussions or hearings which might lead to the appointment, discipline, or dismissal of an individual employee, member, or student without restricting the employee's member's or student's right to a public hearing if requested. This exception shall not be interpreted to permit.

KRS 61.815, also part of the Open Meetings Law, says,

(a) Notice shall be given in regular open meeting of the general nature of the business to be discussed in closed session, the reason for the closed session, and the specific provision of KRS 61.810 authorizing the closed session;
(b) Closed sessions may be held only after a motion is made and carried by majority vote in open, public session;
(c) No final action may be taken at a closed session; and
(d) No matters may be discussed at a closed session other than those publicly announced prior to convening the closed session.

BY-LAW STATEMENT

Open Sessions

Anyone who wants to attend a council meeting may do so, except for those portions that are conducted as closed sessions.

Closed Sessions

A closed session is a portion of a regular or special meeting of the council during which the members meet in private. Within the realm of council responsibilities, the allowed subjects at closed meetings are proposed or pending litigation by or against the council, allowed by KRS 61.810 (1) (c), or selection of a new principal or other new staff member, allowed by KRS 61.810 (1) (f).

Required Announcement. The chair or another council member must make an announcement in open session. The announcement must state:

(a) The council needs to discuss business involving a topic that the law allows to be discussed in closed session.
(b) The general nature of business that needs to be discussed in closed session, and
(c) The specific section of the law that allows the session to be closed (KRS 61.810 (1) (c), or KRS 61.810 (1) (f), described above).

Required Motion And Vote. The chair or another member of the council must make a motion to go into closed session to discuss the business mentioned in the announcement, and a majority of members must vote for that motion.

Conduct of The Closed Session. During the closed session, only the business stated in the announcement can be discussed, and no final decision can be made.

Return to Open Session. After full discussion, the council must return to open session and make any official decision needed on the matter, and the decision must be recorded in the minutes of the open session.

SCHOOL BASED DECISION MAKING COUNCIL BY-LAW

District_____Nelson County_____School_____New Haven_____

COUNCIL POLICY TYPE (Check One) POLICY NUMBER

(*) By-Laws (Council Operational Policies)

( ) Function (School Operational Policies)

POLICY TOPIC DESCRIPTION

SBDM Membership Requirements

Policy Statement

Composition

1. **The school council shall consist of the principal, three teacher members, and two parent members.**
2. **If the school reaches 8 percent or more minority student enrollment, as determined by the enrolment on the proceeding October 1, and there is no minority elected in the initial elections, a special election shall be conducted by the principal to elect a minority parent to serve on the school council.**
3. **In the event a special election is needed; the teachers shall elect a minority teacher from the school's staff. If there are no minority teachers on staff at the school the teachers shall elect an additional teacher.**
4. **If there is a minority teacher on staff and he or she does not wish to serve on the council, the seat shall remain vacant until filled by a minority teacher.**
5. **Although there is no provision in KRS 160.345 for**

additional school council members, the school council does not wish to exclude any constituency in the school from participation in all council meetings. Therefore, the support staff of the school (office, cafeteria, custodians, and instructional assistants) may conduct an election for a support staff representative to attend all council meetings as ex officio members.

Membership Requirements

1. **All Members: No one may serve on the school council who has a legal conflict of interest as designated by KRS 45A.340 except the salary paid to district employees. Per KRS 160.345 (6) new members (those with less than one year of service) must complete six (6) clock hours of training from a Kentucky Department of Education endorsed trainer no later than 30 days after the beginning of the service year for which they are elected. Experienced members (those with more than one year of service) must complete three (3) clock hours of training from a Kentucky Department of Education endorsed training provider trainer no later than 120 days after the beginning of the service year for which they are elected.**

2. **Teacher Members: Teacher council members must possess certification required for their position as basis for employment in Kentucky public schools. Itinerant teachers may nominate, serve, and vote in our school.**

   Principals or assistant principals may not serve as teacher council members.

3. **Parent Members: Parent council members must be the parent, step parent or foster parent of a child who is pre-registered to attend the school during the term of office they are seeking. Legal guardians may serve as parent members if the pre-registered child lives with them. Parent council members may not be the father, mother, brother, sister, husband, wife, son, daughter, aunt, uncle, son-in-law or daughter-in law of someone employed by the school district.**

Elections

1. **Parent Members**

   a. **The New Haven School PTO shall call a meeting of the organization by June 1 for the purpose of electing two (2) parent SBDM members to the council. Nominations shall be made in writing and submitted to the PTO at**

	the determined time. **b. The PTO shall provide notice of the election to the parents.** **c. The PTO shall prepare a ballot containing the names of all qualified parents nominated. The elections shall be by secret ballot and shall be facilitated by the PTO who shall report the results to the principal and council. The two parents who receive the most votes will be elected to serve on the SBDM Council.** **2. Teacher Members** **a. The SBDM Vice Chair shall be responsible for** **1) Disseminating nomination forms** **2) Processing and reporting results of nominations** **3) Counting votes and reporting the results to the faculty and principal** **b. All teachers assigned to the school shall have an opportunity to participate in the annual selection of teacher representatives. A nomination form shall be disseminated to all teachers by June 1. Teachers may nominate themselves and up to three (3) other teachers. The SBDM Vice Chair shall check with each nominee to get approval for placing his/her name on the ballot.** **c. The election shall be completed by June 1. The teacher members that receive the three highest number of votes will be elected to serve on the SBDM Council.** **3. Term Limits: No term limits shall be imposed on school council members who are nominated and elected to consecutive one-year terms.**
Removal of Member	**1. Per KRS 156.132, the chief state school officer may recommend removal of a school council member whom he has reason to believe is guilty of immorality, misconduct in office, incompetence, willful neglect of duty, or nonfeasance.** **2. A member of a school council may be removed from the council for cause, after an opportunity for hearing before the local board, by a vote of 4/5 of the membership of the board of education after the recommendation of the chief state**

	school officer pursuant to KRS 156.132. Written notices setting out the charges for removal shall be spread on the minutes of the board and given to the member of the school council. KRS 160.347
Filling Vacancies	**If a member of the council resigns or is removed from office another member shall be elected in a special election held not more than one month after the vacancy occurs. The person elected in the special election shall serve the remainder of the term until June 30th, and be eligible for re-election.**
Terms of Office	**The terms of parent and teacher members shall begin on July 1 and end on June 30. Between the date of the elections and July 1, members-elect are expected to attend all council meetings.**

SCHOOL BASED DECISION MAKING COUNCIL BY-LAWS

District_____Nelson County_____School_____New Haven_____

COUNCIL POLICY TYPE (Check One) POLICY NUMBER

(*) By-Laws (Council Operational Policies) KRS 160.345

( ) Function (School Operational Policies)

BY-LAW TOPIC DESCRIPTION
Council Responsibilities

The SBDM Law requires councils to perform most of the functions listed below.

- Safety planning, required by KRS 158.445
- Organizing the primary school required by KRS 158.031

BY-LAW STATEMENT

1. Determine of curriculum, including needs assessment and curriculum development.
2. Approve 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.
3. Present the use of school space during the school day.
4. Plan and resolve of issues regarding instructional practices.
5. Determine discipline and classroom management techniques.
6. Approve extracurricular programs and policies relating to student participation based on academic qualifications, student attendance requirements.
7. Determine procedures for alignment with state standards, technology utilization, and program appraisal. Council policy on this issue must be consistent with board policy.
8. Determine procedures for the council with regards to consultation in the selection of personnel.
9. Facilitate participation of interested persons, including, but not limited to, classified employees and parents and shall include the number of committees, their jurisdiction, composition, and the process for membership selection.
10. Address other issues to provide an environment to enhance students' achievement and to meet the goals set by KRS 158.645 and 6451. If the council makes a policy that fits this area but not any of the areas listed in 1-11 above, that policy must be consistent with board policy.

Other Responsibilities. The council shall also:

1. Consult with the principal regarding the number of persons to be employed in each job classification at the school.
2. Determine which textbooks shall be used at the school.
3. Determine which instructional materials shall be used at the school.
4. Determine what student support services shall be provided in the school.
5. Determine the professional development to be paid for out of the council's allocation.
6. Adopt a school improvement plan that meets the requirements set in board policy.
7. Determine the organization of our upgraded primary program.
8. Select of a new principal for the school.
9. Consult with the principal regarding recommendations to the superintendent to fill school vacancies.
10. Annually review CATS data on the students' performance and adopt a plan to ensure that each student makes progress toward Kentucky's Learner Goals.
11. Carry out any other responsibilities assigned to the council by board policy or state law.

Limitations. The council shall not:

1. Recommend the transfer or dismissal of any member of the school staff.
2. Violate federal or state law or regulations.
3. Take any action that unreasonably risks the health or safety of students, staff, or others.
4. Take any action that exposes the council or district to unreasonable risk of legal liability.
5. Authorize any purchase that exceeds the financial resources available to it.
6. Take any action that violates contractual obligations already made by the district or the council to personnel and other providers of goods and services.
7. Exceed the responsibilities given to the council by state law or board policy.

SCHOOL BASED DECISION MAKING COUNCIL BY-LAWS

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COUNCIL POLICY TYPE (Check One) POLICY NUMBER

(*) By-Laws (Council Operational Policies) KRS 160.345 (3) (6)

( ) Function (School Operational Policies)

BY-LAW TOPIC DESCRIPTION

SBDM Training

The policy adopted by the local board to implement school-based decision making shall also address the following: (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;

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 thirty (30) days after the beginning of the service year for which they are elected to serve. By November 1st 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 required training has been completed. School council training required under this subsection shall be conducted by trainers endorsed by the Department of Education, and school council members shall complete the required training no later than thirty (30) days after the beginning of the service year for which they are elected to serve. School council members elected to fill a vacancy shall complete the applicable training within thirty (30) days of their election.

BY-LAW STATEMENT

New Members. Members elected for the first time shall complete at least six hours of training in the process of school-based decision making no later than 30 days after the start of their terms. They can get that training anytime between the date they are elected and the 30 day deadline. A person endorsed by the Kentucky Department of Education for new member training must provide this training.

Veteran Members. Members who have served on a council before shall complete at least three hours of training in the process of school-based decision making no later than 30 days after the start of their terms. A person endorsed by the Kentucky Department of Education for experienced member training must provide this training.

Mid-Year Vacancies. Members who are elected to fill a vacant position in the middle of the year shall complete the required training no more than 30 days after they are elected, from a person with appropriate endorsement from the Kentucky Department of Education.

Reimbursements. Requests to be reimbursed for training costs shall be made according to board policy requirements.

Reporting. By November 1st each year, the principal shall give the superintendent the names and addresses of each council member and verify that the required training has been completed. The superintendent will forward that information to the Department of Education.

SCHOOL BASED DECISION MAKING COUNCIL BY-LAWS

District_____Nelson County_____School_____New Haven_____

COUNCIL POLICY TYPE (Check One) POLICY NUMBER

(*) By-Laws (Council Operational Policies) KRS 160.345 (2) (d)

( ) Function (School Operational Policies)

BY-LAW TOPIC DESCRIPTION

SBDM Committee Structure / Standing SBDM Committees

BY-LAW STATEMENT

The New Haven SBDM Council shall have three "Standing SBDM Committees". The committee structure is reflective of the Standard and Indicators for School Improvement (SISI) document. The three standing committees are Academic Performance, Learning Environment, and Efficiency. Committees will meet as necessary, however most committee work will be completed through Ad Hoc Committees.

The charges for each committee are as follows:

1. Academic Performance

Curriculum, Assessment, and Instruction

2. Learning Environment

Culture, Family / Community

3. Efficiency

Professional Development, Budgeting / Operations, Planning