



Pikeville Elementary School
School Based Decision Making
By-Laws

SBDM COUNCIL BYLAWS

TABLE OF CONTENTS

Mission Statement.....	1
Composition and Terms.....	1
Eligibility and Elections.....	2
Council Requirements.....	4
Standards of Conduct.....	5
Removal of Members.....	5
Meetings.....	6
Agendas.....	7
Records.....	8
Council Officers and Duties.....	8
Committees.....	9
Decision-Making.....	9
Attachments.....	11
<i>Attachment A:</i> Suggestions for Teacher Election from KASC	12
<i>Attachment B:</i> Permission to be Notified by Email.....	14
<i>Attachment C:</i> KACC Open Meetings Law	15
<i>Attachment D:</i> SBDM Records Retention Schedule.....	16
<i>Attachment E:</i> Principal Selection Policy.....	17
<i>Attachment F:</i> Committee Policy.....	20
<i>Attachment G:</i> Consultation Policy.....	23
<i>Attachment H:</i> Pikeville Independent Board Policy on Appeals of Council Decisions.....	26
<i>Attachment I:</i> SBDM Law (KRS 160.345).....	28



School Based Decision Making By-Laws

Pikeville Elementary School

Mission Statement

The mission of Pikeville Elementary School, working in the best interest of children, is to ensure that we teach all students to our fullest potential and develop lifelong learners through a competent and professional staff using innovative teaching strategies and an involved community working together.

I. COMPOSITION AND TERMS

A. COMPOSITION OF THE COUNCIL

The council will consist of the principal, two primary teacher members, two intermediate teacher members, one special area teacher (i.e. special education, special resource, or special class teacher), and three 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.

C. LEAVE OF ABSENCE

Leave of absence for a council member will not be granted.

II. ELIGIBILITY AND ELECTIONS

A. TEACHER ELECTIONS

- a. All certified teachers who work in the building are allowed to run for teacher council member and vote in the election.
- b. 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, assistant principals, and head teachers."
- c. Teachers may nominate themselves or another teacher.
- d. Teachers will be elected from each of the following areas:
 - 2 teachers from the primary levels
 - 2 teachers from the intermediate levels
 - 1 special area teacher (i.e. special education, special resource, or special class teacher)
- e. Nominations shall be made in writing to the Election Chairperson no later than five (5) days before the election.
- f. The Election Chairperson shall prepare a ballot containing the names of all qualified teachers nominated.
- g. Teachers will be elected by a majority of teachers in an election conducted by teachers
- h. The Election Chairperson shall chair and oversee the meeting to elect teacher members of the council.
- i. Balloting will continue until five (5) teachers have been elected.
- j. Annual elections for the following year's term shall be held prior to ending of the school year on a date set by the principal.

B. PARENT ELECTIONS

1. Role of Parent-Teacher Organization
The school's largest parent-teacher organization will develop procedures for and conduct the election. If no parent-teacher organization exists, the largest group of parents formed for this purpose 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 will 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 Pikeville Elementary School or their relatives (mother, father, brother, sister, son, daughter, husband, wife, aunt, uncle, son-in-law, or daughter-in-law).
 - b. Employees in the district administrative offices or their relatives (mother, father, brother, sister, son, daughter, husband, wife, aunt, uncle, son-in-law, or daughter-in-law).
 - c. Members of the Board of Education or their spouses.
3. Parent Elections
The parent elections for the next school year will take place prior to the end of the school year on a date(s) set by the Parent-Teacher Organization. The parents of all children pre-registered to attend the school during the next year may vote. The parent-teacher organization will determine how the election will be run. The principal will assist the parent-teacher organization in notifying parents of the election schedule. The parent-teacher organization will notify the current council of those elected not later than five school days after the election.

C. MINORITY REPRESENTATION

1. A minority parent and an additional 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 for this ballot must meet the qualifications for parent members as outlined in subsection B above.
- 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 building.
- 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.
- 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 president of the parent-teacher organization. These steps will be taken within one school day 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, the Teacher Election Chair(s) selected the previous spring, will use the procedures established to conduct a teacher election to fill the vacancy.

3. Election to Fill a Parent Member Vacancy

The president of the parent-teacher organization will call 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 an Additional 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 (30) 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 (120) 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 (30) days after they are elected. 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

KRS 160.380(10) 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.

F. YOUR DUTY UNDER THE LAW, AND MANAGING PUBLIC RECORDS

All council members will sign a form saying they have received and read the two documents: *Your Duty Under the Law*, and *Managing Public Records*.

G. PERMISSION LETTER TO RECEIVE EMAIL NOTIFICATION

Council members who choose to receive notification of special called meetings by email will sign a

permission letter that will be kept in the school office. (See sample in Attachment B)

IV. STANDARDS OF CONDUCT

A. 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 from council meetings will resign.

B. CONFLICT OF INTEREST

No one may serve on a school council who has a conflict of interest pursuant to KRS 45A [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

No member of the council will intentionally engage in a pattern of practice which is detrimental to the successful implementation of or which circumvents the school-based decision making process.

V. REMOVAL OF MEMBERS

A member who violates the standards of conduct 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 to decide whether removal is warranted.

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 Attachment C)
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. At the first council meeting on or after July 1st each year, the council will designate a regular meeting time and place.
2. The council will meet monthly August through May and on an as needed basis during June and July.
3. The principal will post a copy of the regular meeting schedule on the school calendar 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. Any meeting not at the regular meeting time or place is a special meeting.
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 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 can be made ONLY by hand, fax, US mail, or email. To receive email notification, a written request must be on file at the school. (See Attachment B) The notice will arrive at least 24 hours before the time set for the meeting. At the first meeting of each new term there will be an agenda item asking which members want to be notified about special meetings via email. The responses will be recorded in the minutes.
 - c. Posting Of Notice The notice will be posted 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 Attachment C)
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 no later than ten school days before a scheduled meeting.

B. PRELIMINARY AGENDA

The chairperson will prepare a preliminary agenda, marked as such, to be posted in the teacher's lounge and posted in a place readily accessible to all parents and distributed to all council members at least five (5) school days before each regularly scheduled council meeting. Each preliminary agenda will include the following items:

1. Opening Business
 - a. Approval of the Agenda
 - b. Approval of the minutes of the previous meeting
 - c. Good News Report(s)
 - d. Public Comment
2. School Improvement Planning Report
3. Budget Report
4. Program Review Report(s)
5. Other Committee Reports
6. Bylaw or Policy Report or Review
7. New Business
8. List of items submitted but not on the agenda and their disposition (as needed)

C. APPROVAL OF AGENDA

At the beginning of each regular council meeting, the council will approve an agenda for the meeting.

Items on the preliminary agenda may be added, deleted, or modified at this time.

VIII. RECORDS

A. LIBRARY COPIES

At least one notebook of council records will be maintained by the council secretary and made available in the school library as part of normal library operations. This notebook will contain copies of the council bylaws, all council policies, council minutes for the current year, the current council budget, and the current School Improvement Plan.

B. OPEN RECORDS REQUESTS

The principal will be the official records custodian and will make the notebooks of council bylaws, policies, minutes, budgets, current SIP, and other 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. OFFICE COPIES

All council records will be maintained in the school office in accordance with the State Archives Records Retention Schedule (725 KAR 1:030). (See Attachment D)

IX. COUNCIL OFFICERS AND DUTIES

A. CHAIRPERSON

The principal will serve as the chairperson of the council. The chairperson will preside at all council meetings and carry out all other specific council duties as assigned by 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 Chair.
 - b. Arrange training for the council on an agreed upon date/time in the event that a new principal must be hired including:
 - Calling a special meeting for the training on the agreed upon date/time
 - Inviting the superintendent (or designee) to attend the training
 - Ensuring that all council members, the superintendent (or designee), and the trainer have a copy of the Principal Selection Policy.
 - c. Become the liaison to the superintendent (or designee) when he/she becomes the chair of the council in the event that a new principal must be hired. (See Attachment E).

C. RECORDER

1. **The chairperson shall appoint a secretary who may or may not be a voting member of the council.**
2. **The duties of the secretary shall be to prepare an agenda for all meetings; give public notice of all meetings; record the yeas and nays on all votes; keep the minutes of the meetings;**

prepare and distribute the minutes of all meetings; and, serve as correspondent between the council and all other individuals, groups or agencies.

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 Attachment F)

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 take action.

B. VISION & MISSION

Student needs and the school'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

The council will make no decisions on issues that are not under their jurisdiction by law. The following issues are under the purview of the School-Based Decision Making Council:

1. School Improvement Planning
2. School Safety Plan
3. Ungraded Primary Program (Elementary)
4. Assessment Data Analysis, including results of Program Reviews
5. Achievement Gap Targets
6. Professional Development
7. Spending on textbooks, instructional materials, student support, and staff (including determination of the number of persons to be employed in each job classification)
8. Consultation before the principal selects people to be hired (See Attachment G)
9. Selection of a new principal (See Attachment E)
10. Adopting policies in the following areas: (See SBDM Policy Manual)
 - a. Alignment with State Standards
 - b. Committees
 - c. Consultation
 - d. Curriculum
 - e. Discipline, Classroom Management and School Safety
 - f. Emergency Plan
 - g. Enhancing Student Achievement
 - h. Extracurricular Programs
 - i. Instructional and Non-Instructional Staff Time Assignment
 - j. Instructional Practices
 - k. Parent Engagement (Title 1 Schools)

- l. Program Appraisal
- m. School Day and Week Schedule
- n. School Space Use
- o. Student Assignment
- p. Technology Use
- q. Wellness ((P-5 schools & all schools participating in Free & Reduced Lunch)
- r. Writing
- s. OTHER: Policies not required by law but considered best practice and/or recommended by the local district. 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. Arriving at a consensus will be the primary method of decision making.
- 2. In the event a consensus cannot be reached, a motion will be received and voted on. A motion must receive a majority vote of the eligible members of the council present.
- 3. Any member of the Council may abstain on any vote taken by the Council.
- 4. Any member of the council who has a direct or personal conflict of interest in the outcome of any issue before the council must abstain from any discussion of the issue or from any votes taken on the issue.

E. BYLAWS AMENDMENT

The Council may amend these bylaws as needed.

Procedure

- A proposed amendment to these by-laws must first be presented to the Council who may refer it to an appropriate committee for consideration.
- After the first step is completed, the procedure of the adoption of an amendment shall be the same as for any other issue or motion.

Adoption

Amendments will be adopted according to the guidelines for decision making.

F. ADOPTION OF POLICIES

- 1. Policies are defined as written documents that establish rules, procedures, guidelines, standards, or principles to guide decision-making in various situations.
- 2. To be officially adopted, a policy will have a reading at two different council meetings.
- 3. Adopted policies are binding until the council amends them.

G. APPEALS OF COUNCIL DECISIONS

The District Board of Education has established a process of appeals of council decisions. (See Attachment H)

These bylaws shall become effective immediately upon adoption by the council and shall remain in effect until amended or rescinded according to these by-laws.

Upon adoption by the council, these bylaws shall rescind any/all by-laws adopted prior to this date.

Date

Secretary

XII. ATTACHMENTS

- A. TEACHER ELECTION SUGGESTIONS
- B. PERMISSION LETTER TO RECEIVE EMAIL NOTIFICATION
- C. OPEN MEETINGS LAW OVERVIEW
- D. RECORDS RETENTION SCHEDULE
- E. PRINCIPAL SELECTION POLICY
- F. COMMITTEES POLICY
- G. CONSULTATION POLICY
- H. BOARD POLICY ON APPEALS OF COUNCIL DECISIONS
- I. KRS 160.345 (SCHOOL-BASED DECISION MAKING LAW)

Pikeville Elementary School Site Based Decision Making Council

Suggestions for Teacher Elections (Attachment A)

Teacher representatives to the council are elected by the teachers, following election procedures set by the teachers. Here is a set of steps which **can be adapted to fit individual schools**.

STEP 1: TEACHER ELECTION CHAIRS

At the March faculty meeting, the teachers present should select two Teacher Election Chairs from among the teachers who do not intend to run for the council that year. Teachers should be told that the selected chairs will be totally responsible for running the election and that the election must be held by May 1st. The current teacher council members should give the names of the teachers selected to be Election Chairs to the council no later than the April council meeting. The names should be recorded in the minutes.

STEP 2: PREPARING FOR THE ELECTION

- a. The Election Chairs should notify the teachers that by April 1st any teacher who is willing and able to run should give them a signed letter of intent simply saying they want to run.
- b. The notice *should* include the deadline for turning in the letter of intent, and *could* include the following information:
 - By law, teacher council members must hold a position at the school that requires a state certificate but not the position of principal, assistant principal, or head teacher, and they must be elected by a majority of the teachers.
 - A teacher who has never served on a council before will be considered a new member and must obtain 6 hours of training no later than 30 days after the start of his or her term.
 - A teacher who has previously served on any school council will be considered an experienced member and must receive 3 hours of training no later than 120 days after the start of his or her term.
 - Elected council members should plan to attend all regularly scheduled council meetings as well as any special called meetings.

Teacher Election Suggestions (continued)

- c. The Election Chairs should set the date, time, and place for the election as soon as possible to give teachers ample notice. The Election Chairs should notify teachers of the upcoming election and post signs to remind them of the particulars. For example, a sign could read:

Notification of Elections for SBDM Teacher Representatives. The election will be held on *(date)* at *(time)* in the *(place)*.

- d. At least five school days before the scheduled election, the Election Chairs should prepare a sample ballot that includes the following:
 - The date, time, and place of the election.
 - An alphabetical list of the teachers who are running for election.
 - A reminder that attendance by everyone is important since a teacher must have a majority vote of the teachers in the school to be elected.

STEP 3: THE ELECTION

- a. Each teacher who comes to the election meeting should be given a ballot listing the same names as those on the sample ballot. They should be told the election rules (see b and c below). The teachers should be told to vote for no more than the number of seats that are vacant.
- b. The Election Chairs should collect the ballots and count them in the room, announcing the results before the teachers adjourn. Any person receiving a majority vote on this ballot will serve as a council member in the coming year.
- c. If not enough candidates receive majority votes then a run-off election should be held to fill the remaining council seats. This should be done during this same election meeting. The Election Chairs should remove from the ballot the name of any person already elected with a majority vote and using the amended ballot the teachers should vote again. If, after the next vote, not enough candidates receive majority votes then the name of the person who received the fewest votes should be removed from the ballot and, using this amended ballot, the teachers should vote again for the number of persons needed to fill the remaining vacancies. Any person receiving a majority of votes should be deemed elected. This process of removing the bottom vote-getter should be repeated as many times as necessary to elect candidates by majority to all open positions.

STEP 4: THE LAST STEP

A good relationship-building idea is for the Teacher Election Chairs to invite the new council members to attend the May council meeting to be introduced.

Note: Any person who is certified for their position in a public school in Kentucky can vote in the teacher elections with the exception of principals, assistant principals and head teachers.

Permission to be Notified by Email
Attachment B

Date: _____

Dear Council Secretary and Council Chairperson,

Kentucky law allows public agencies to use email notification for special meetings, please notify me by email of special meetings for the Pikeville Elementary School Council.

You can use this email address:

If you have any questions, please feel free to contact me at _____

Thank you,

Signature

.....

Kentucky Revised Statute 61.823
(excerpt with related language about email in bold-underline)

Section 1.

- (3) The public agency shall provide written notice of the special meeting. The notice shall consist of the date, time, and place of the special meeting and the agenda. Discussions and action at the meeting shall be limited to items listed on the agenda in the notice.
- (4) (a) As soon as possible, written notice shall be delivered personally, transmitted by facsimile machine, or mailed to every member of the public agency as well as each media organization which has filed a written request, including a mailing address, to receive notice of special meetings. The notice shall be calculated so that it shall be received at least twenty-four (24) hours before the special meeting. The public agency may periodically, but no more often than once in a calendar year, inform media organizations that they will have to submit a new written request or no longer receive written notice of special meetings until a new written request is filed.
- (b) **A public agency may satisfy the requirements of paragraph (a) of this subsection by transmitting the written notice by electronic mail to public agency members and media organizations that have filed a written request with the public agency indicating their preference to receive electronic mail notification in lieu of notice by personal delivery, facsimile machine, or mail. The written request shall include the electronic mail address or addresses of the agency member or media organization.**

KASC OPEN MEETINGS LAW BASICS

Attachment C

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.

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.

4. A majority is present.

636072184. Public business is discussed (even if no action taken).

1. are held at dates and times on a regular meeting schedule.

636072312. are listed on a regular meeting schedule that is "available to the public." (There are many ways to make the schedule available.)

1. are held at dates or times not on regular meeting schedule.

636072440. are called by chairperson or majority.

636072441. require a written notice that states date, time, place, and agenda (agenda cannot be added to during meeting).

636072442. 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*

636072568. Every part of every regular meeting and every special meeting must be open to the public,
636072569. Except for those parts when a closed session is allowed and properly called.
636072570. All council and committee decisions must be made in open 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:

1. announcing a need for closed session and
2. providing general description of issue to be considered and
3. identifying statutory section that allows it and
4. obtaining a motion to go into closed session and
5. 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.

1. Must describe motion and outcome (description of discussion is optional).

636072728. Need to be approved (after any needed amendments) at next meeting.

636072729. Must be available to public immediately after next meeting.

SBDM RECORDS RETENTION SCHEDULE BASICS

Attachment D

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/retentionschedules/Documents/Local%20Records%20Schedules/PublicSchoolDistrictRecordsRetentionSchedule.pdf> Updated April 2016, 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 — 2 year requirement
SBDM Council/Committee Meeting Notification – 1 year requirement, then destroy

Attachment E
PRINCIPAL SELECTION POLICY
Pikeville Elementary School
School Based Decision Making Council Policy



PREPARATION

When the council learns that the school needs to hire a principal, they will:

1. Meet with the superintendent, or designee, (who will replace the principal as chair of the council) and review the Best Practices for Principal Selection document available on the Kentucky Association of School Councils website..
2. Select a trainer of their choice to deliver training in recruitment and interviewing techniques. The council *Vice-Chair (or designee) will arrange for this training on a date agreed upon by the council and call a special meeting of the council for this purpose with "Principal Selection Training" as the agenda.
3. Distribute copies of this policy to all members before the scheduled training and send a copy to the trainer who will be providing the selection training.

*The council may want to elect a Vice-Chairperson (if none exists) to act as a liaison and contact person with the Chair (superintendent) during this process.

SELECTION PROCESS

The council will:

1. Design and carry out processes to get stakeholder input on what traits will make the best leader for this school. Stakeholder input will involve but not be limited to faculty and staff, parents, and students (where appropriate).
2. Call a special meeting of the council and meet in open session to:
 - a. Discuss the process and the timeline for receiving applications, and other steps in the hiring process.

- b. Develop a set of criteria for a strong candidate using the stakeholder input plus council members' ideas. The council will aim for a list of about 10 criteria. These criteria will not discriminate based on race, ethnicity, gender, marriage or family status, religion, political affiliation, disability, or age.
 - c. Use the criteria they have developed to write standard interview questions that fit those criteria and which will be asked of all candidates in in-person interviews.
 - d. Decide on other methods to use to gather information about the candidates. The methods may include (but not be limited to) some or all of the following: applications and résumés, references, applicant portfolios, open forums, and written responses to hypothetical work-related challenges.
3. Call a special meeting of the council and meet in closed session to:
 - a. Review all applications and written references and select applicants to interview.
 - b. Determine if information in the written applications and résumés points to any specialized questions that should be asked of a particular applicant and develop those questions if necessary.
 4. Schedule interviews with each applicant who has been selected to be interviewed.
 5. Conduct each interview in a special called meeting in closed session during which:
 - a. All the standardized questions will be asked in the same order for every candidate.
 - b. Any specialized or follow-up questions will be asked after the standardized questions.
 - c. A discussion will be held immediately following each interview about how well the applicant meets the criteria.
 6. Hold closed session discussion of the merits of all applicants and work toward consensus on the final selection.
 7. If the council is not satisfied with any of the candidates, the council should discuss the option of having an interim principal appointed by the superintendent until a suitable applicant is found.
 8. Keep all closed session discussion confidential.

SELECTION OF THE NEW PRINCIPAL

After all information is gathered, the council will:

1. Meet in open session to vote for the final selection of a new principal.
2. Ask the superintendent to complete the hiring process.

POLICY EVALUATION

This policy shall become effective immediately upon adoption by the council and shall remain in effect until amended or rescinded according to council by-laws.

Upon adoption by the council, this policy shall rescind any/all policy/policies pertaining to the formation of council committees adopted prior to this date.

We will evaluate the effectiveness of this policy through our school improvement planning process.

Date Adopted: 9/21/2017

Date Reviewed or Revised: _____

9/21/2017
Date

Joy Hoader
Secretary

Kautjan
Principal

Attachment F

COMMITTEE POLICY Pikeville Elementary School School Based Decision Making Council Policy



NAMES AND JURISDICTIONS OF STANDING COMMITTEES

There will be three SBDM standing committees with the following names and jurisdictions:

- A. School Climate Committee (PRIDE Committee) - Responsible for reviewing and developing policies relating to discipline, classroom management, and school safety.
- B. Curriculum Committee - Responsible for reviewing and developing policies pertaining to improvement planning and instructional practices in the school.
- C. Budget Committee - Responsible for assisting the principal in developing school budgets from various perspectives.

These committees will meet a minimum of one time per semester.

Ad Hoc Committees

The Council may also establish ad hoc committees by:

- A. Writing a committee charge that includes a provision for the committee to dissolve when its work is done.
- B. Deciding how many members the committee needs and what groups need to be represented.
- C. Deciding whether to seek volunteer sign-ups, to appoint members immediately, or to designate someone to make the appointments.

STANDING COMMITTEE COMPOSITION AND MEMBERSHIP SELECTION

The membership for all standing committees shall be determined as follows:

- A. One (1) Special Ed Teacher
- B. One (1) Special Class/Special Resource Teacher
- C. One (1) Kindergarten Teacher
- D. One (1) First Grade Teacher
- E. One (1) Second Grade Teacher
- F. One (1) Third Grade Teacher
- G. One (1) Fourth Grade Teacher
- H. One (1) Fifth Grade Teacher
- I. One (1) Sixth Grade Teacher
- J. 2 Parents: 1 Primary and 1 intermediate
- K. 1 Classified staff member

Selection of Members

- A. The teacher members of the standing committees will be selected by their groups or grade level teachers.
- B. The parent members must be the parent of a student currently enrolled in the school. Parent members will be approved by the SBDM council.
- C. The classified staff members of the standing committees will be selected by classified staff.
- D. Other members may be added to standing committees as necessary to meet the responsibilities of the committee.
- E. Minority members, community members, additional parents, staff and other concerned adults will be invited and encouraged to actively participate as non-voting members of our committees via PTA meetings and/or other forms of communication (email, notes, principal's newsletter).

OPERATING RULES FOR ALL COMMITTEES

All committees established by the SBDM council are public agencies subject to Kentucky's Open Meetings Law. To comply with that law, each committee will:

- 1. Establish a regular meeting schedule at its first meeting of each school year and make that schedule available to the public by posting it in a place convenient to the public.
- 2. Hold meetings that are not on the regular schedule only after following these special meeting procedures:
 - a. The committee chair or a majority of members decide the date, time, place, and agenda.
 - b. Those who make the decision to have the meeting put the date, time, place, and agenda in a written notice, which they will post in a place convenient to the public at least 24 hours before the meeting.
 - c. Notice of a special meeting will be hand-delivered, faxed, *emailed, or sent by text or by US mail to all members of the committee early enough so that they will receive it 24 hours before the meeting.

- d. If any media organization has asked for notice of special meetings, those calling the meeting will hand-deliver, fax, *email, or send by US mail copies of the written notice to the agency requesting the notice.

*Those wishing to receive notification by email must have a request in writing on file at the school.

3. Take minutes of the actions and decisions made by the committee at every meeting.
4. Review the minutes of each meeting at the next meeting and, after making any needed corrections, approve those minutes.
5. Make committee minutes for each meeting available to the council and to any interested party after final approval.
6. Ensure that the principal receives an official copy to be kept with school records as required by Kentucky's Archive rules.

Passed by Council on September 21, 2017

POLICY EVALUATION (Committee Policy)

This policy shall become effective immediately upon adoption by the council and shall remain in effect until amended or rescinded according to council by-laws.

Upon adoption by the council, this policy shall rescind any/all policy/policies pertaining to the formation of council committees adopted prior to this date.

We will evaluate the effectiveness of this policy through our school improvement planning process.

Date Adopted: 9/21/17

Date Reviewed or Revised: _____

9-21-17
Date

Jay Loader
Secretary

Robert J. Jara
Principal

ATTACHMENT G

CONSULTATION POLICY Pikeville Elementary School School Based Decision Making Council Policy



INTERVIEW COMMITTEE

For each vacancy that occurs at Pikeville Elementary School, an Ad Hoc Committee will screen applicants, conduct interviews, and make a recommendation to the Council. The committee membership shall include an administrator, at least one parent, and teachers. If the vacancy is at a grade level, the remaining grade level teachers will serve on the committee. If the position is a school-wide position, the policy will be as follows:

- For recovery hiring the recommendation committee shall consist of: one first grade teacher, one second grade teacher, one third grade teacher, all Intervention Committee members (i.e. existing intervention), one parent, and one administrator.
- Should a new position be created the Site Based Council shall create an ad hoc committee to assist in the hiring process.
- For special education hiring the recommendation committee will consist of: All remaining special education teachers, one intermediate teacher, one primary teacher, one parent, and one administrator.
- For special class positions such as physical education, art, music, librarian and technology the hiring recommendation committee will consist of: two primary teachers from different grade levels, two intermediate teachers from different grade levels, all remaining special class teachers, one parent, one administrator.
- For administrative/support personnel such as assistant principal and guidance counselor, the hiring recommendation committee will consist of: one teacher per grade level, one special class/special resource teacher, one special education teacher, all additional administrators and one parent.
- For kindergarten aides, the committee will consist of: kindergarten teachers, one parent and one administrator.
- Hiring committee structure for special education instructional assistants will be the same as special education teacher hiring.
- For additional classified staffing hires, the hiring recommendation committee will consist of:

two primary teachers, two intermediate teachers, one classified representative, one parent, one administrator and one special teacher.

TIMELINE, APPLICATIONS/REFERENCES, and CRITERIA/INTERVIEW QUESTIONS

- As close as possible to the closing of the position, the committee shall determine the criteria for a strong candidate and develop interview questions/scoring guide to be used during the interview process.
- Within one week of receiving a list of qualified applicants from the superintendent, the committee shall review all applications and references and shall select candidates to be interviewed.
- Within one week of the committee's selection, the principal shall schedule an interview with each candidate.

INTERVIEWS

The following procedures will be followed during scheduled closed session interviews:

1. All the standardized questions will be asked of each candidate in the same order.
2. Following the standardized questions, specialized questions (if any) and follow-up questions (if any) will be asked.
3. Following the interviews, committee members will discuss how well each candidate meets the criteria and any other input requested by the principal, which may include a prioritized list.

CONSULTATION WITH THE COUNCIL

Within one week after the interviews are complete, the committee chairperson shall make a report to the Council. The report of the committee chairperson will be given in closed session at which time the Council will provide additional input.

If the principal schedules a meeting for consultation and a quorum is not achieved, the principal shall consult with those council members present and contact the remaining members individually for consultation.

SELECTION OF THE PERSON TO BE HIRED

After considering the council's comments, the principal shall select the person he or she believes will contribute the most to the success of the school. The principal shall notify the superintendent of the choice to fill the vacancy. The superintendent shall complete the hiring process.

EXTRA-DUTY ASSIGNMENTS AND POSITIONS

Extra-duty assignments and positions include paid or unpaid duties beyond the instructional day or beyond the contract days of a teacher. When only persons currently working at our school will be considered, the principal will make the assignment following our policy on Instructional and Non-Instructional Staff Time Assignment. When persons currently not working at our school will be considered, this policy on consultation will be followed by the principal, the council, and the ad hoc Interview Committee appointed by the principal.

Passed by Council on September 21, 2017

POLICY EVALUATION (Consultation Policy)

This policy shall become effective immediately upon adoption by the council and shall remain in effect until amended or rescinded according to council by-laws.

Upon adoption by the council, this policy shall rescind any/all policy/policies pertaining to the filling of vacancies and consultation adopted prior to this date.

We will evaluate the effectiveness of this policy through our school improvement planning process.

Date Adopted: 9/21/17

Date Reviewed or Revised: _____

Date Reviewed or Revised: _____

9/21/17
Date

Joy Hoader
Secretary

Robert Jaa
Principal

Pikeville Independent Board Policy on Appeals of Council Decisions (Attachment H)

ADMINISTRATION

02.42411

Eligibility Process

Any resident of the District or a parent, student or employee of the school may appeal council decisions. Exception: Extra curricular activities grievances are governed by policy 09.4281. 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

Related Policy:

09.4281

Adopted/Amended: 8/24/2004

Order #: 535

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

This is the complete text of the Kentucky statute that defines school councils. New text resulting from the 2016 legislative session is italicized and underlined.
(Attachment I)

DEFINITION OF MINORITY (1)(a)	<p>For the purpose of this section:</p> <p>"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;</p>
DEFINITION OF SCHOOL (1)(b)	<p>"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:</p> <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)	<p>"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.</p>
DEFINITION OF PARENT (1)(d)	<p>"Parent" means:</p> <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.
REPORTING TO THE BOARD (2) (OPENING PARAGRAPH)	<p>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:</p>
COUNCIL MEMBERS (2)(a)	<p>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;</p>
REGULAR ELECTIONS (2)(b)1	<p>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.</p>

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. <u>ii. Except as provided in subdivision b. of this subparagraph,</u> 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><u>b. If a school council is in a county school district in a county with a consolidated local government adopted under KRS Chapter 67C, then an alternative principal selection process may be used as follows: 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; 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; iii. The council shall have the option to interview the recommended candidate while in closed session; and 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;</u></p> <p><u>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;</u></p> <p><u>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. 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). iii. A recommended candidate who believes a violation of this subdivision has occurred may file a written complaint with the Kentucky Board of Education. 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;</u></p> <p>3. Personnel decisions made at the school level under the authority of subparagraphs 1., 2., and 4. of this paragraph shall be binding on the superintendent who completes the hiring process.</p> <p>4. If the vacancy for the position of principal occurs in a school that has an index score that places it in the lowest one-third (1/3) of all schools below the assistance line and the school has completed a scholastic audit under KRS 158.6455 that includes findings of lack of effectiveness of the principal and school council, the superintendent shall appoint the principal after consulting with the school council.</p> <p>5. 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>6. 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 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.</p>
<p>MOST POLICY</p>	<p>The school council shall adopt a policy to be implemented by the principal in the following</p>

RESPONSIBILITIES (2)(i)	<p>additional areas:</p> <ol style="list-style-type: none"> 1. Determination of curriculum, including needs assessment, curriculum development, and responsibilities under KRS 158.6453(7); 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; 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.
----------------------------	--

TEST ANALYSIS AND PLANNING (2)(j)	<p>Each school council shall annually review data as shown on state and local student assessments and program 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 November 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>
--------------------------------------	---

<p>The policies adopted by the local board to implement school-based decision making shall also address the following:</p> <ol style="list-style-type: none"> (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; (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.

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.

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.

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.

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.

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.

(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.

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.

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 exercised under this section by a school council of a county school district in a county with a consolidated local government adopted under KRS Chapter 67C shall not violate provisions of any employer-employee bargained contract existing between the district and its employees.

(7) Program Reviews	Beginning in the 2011-2012 academic year, the Kentucky assessment program shall include program reviews and program audits for arts and humanities, practical living skills and career studies, and the writing programs. The results of the program reviews and audits of arts and humanities, practical living skills and career studies, and writing required under this subsection shall be included in the accountability system as required by KRS 158.6455.
(a) Arts and humanities (b) Practical living skills and career studies	Each school-based decision making council shall analyze the findings from program reviews for its school and determine how it will address program recommendations to improve the program for students.
(c) Writing	<p>2. Each school-based decision making council, or if there is no school council, a committee appointed by the principal, shall adopt policies that determine the writing program for its school and submit it to the Department of Education for review and comment. The writing program shall incorporate a variety of language resources, technological tools, and multiple opportunities for students to develop complex communication skills for a variety of purposes.</p> <p>3. Writing portfolios, consisting of samples of individual student work that represent the interests and growth of the student over time, shall be a required part of any writing program in primary through grade twelve (12). Portfolios shall be part of the required criteria for the program review and audit process relating to the writing program under this paragraph. Individual student scores on portfolios shall not be included in the accountability system.</p> <p>4. A writing portfolio shall be maintained for each student and follow each student from grade to grade and to any school in which the student may enroll.</p> <p>5. A school's policies for the writing program shall address the use of the portfolio for determining a student's performance in:</p> <ul style="list-style-type: none"> a. Communication; b. Grading procedures and feedback to students regarding their writing and communication skills; c. The responsibility for review of the portfolios and feedback to students; and d. Other policies to improve the quality of an individual student's writing and communications skills.

GOALS FOR STUDENTS

Since 1893, Kentucky's **CONSTITUTION** has specified that the General Assembly shall, by appropriate legislation, provide for an efficient system of common schools.

Kentucky's **GENERAL ASSEMBLY** defined the Goals for student learning in KRS 158.6451(b), the second section of KERA:

1. *Use basic communication and mathematics skills for purposes and situations they will encounter throughout their lives;*
2. *Apply core concepts and principles from mathematics, the sciences, the arts, the humanities, social studies, and practical living studies to situations they will encounter throughout their lives;*
3. *Become self-sufficient individuals of good character exhibiting the qualities of altruism, citizenship, courtesy, hard work, honesty, human worth, justice, knowledge, patriotism, respect, responsibility, and self-discipline;*
4. *Become responsible members of a family, work group, or community, including demonstrating effectiveness in community service;*
5. *Think and solve problems in school situations and in a variety of situations they will encounter in life;*

6. Connect and integrate experiences and new knowledge from all subject matter fields with what they have previously learned and build on past learning experiences to acquire new information through various media sources; and

7. Express their creative talents and interests in visual arts, music, dance and dramatic ar