

OLDHAM COUNTY BOARD OF EDUCATION POLICY

SCHOOL BASED DECISION MAKING

1070

References: KRS 61.805; KRS 61.810; KRS 61.815; KRS 158.6455; KRS 160.340; KRS 160.345; OAG 93-91; OAG 94-69

1070.01 POLICY OVERVIEW

This policy is pursuant to KRS 160.345 and provides the process for involving professional staff members, and parents of a school in the school based decision-making process, hereinafter referred to as SBDM, to meet educational goals established in KRS 158.645 and KRS 158.6451(2). The Board believes that school-based decision making can be effective and that those making the decision(s) are responsible for achievement of higher student learning and other goals of education in Kentucky and Oldham County. The school council shall have six (6) members, unless additional members are required to comply with minority representation requirements under KRS 160.345(2) (b.) (2). Councils will include the principal, who will serve as chairman, three teachers and two parents, and minority representatives as required. The term of office for school council members shall be one year unless a different term is set by council policy, and shall begin on July 1 and end on June 30. Parent members must submit to a state and national finger-print supported criminal history background check by the Kentucky State Police and the Federal Bureau of Investigation. All parent members must provide a letter from the Cabinet for Health and Family Services verifying that the parent does not have substantiated findings of child abuse or neglect against the parent.

1070.02 DEFINITIONS

Acting Principal:

An individual (who possesses the proper certification to serve as principal) appointed by the Superintendent to serve as principal if there is a period of time between the effective date of final service of the previous principal and the selection of the new principal or in the event of temporary disability or any incapacity of the principal. Principal in this policy shall include acting principal unless otherwise stipulated.

Classified Staff:

In this policy, classified staff are classified positions assigned to a specific school. Bus drivers, maintenance staff, and other classified staff assigned to the district at large are not eligible to vote or serve on a school council as a classified staff member KRS 160.345(2)(a).

Confer:

Confer means that the principal will consult with the council on the process used to review the Superintendent's recommended applicants prior to reporting his/her recommendation to the Superintendent on employment of new staff members.

Consensus:

All members of the council present at the meeting accept the action under consideration and agree to support it.

Parent:

A parent, stepparent, foster parent, or a person having legal custody (pursuant to court order) of any student assigned to a school by the school district is eligible to serve as a parent member on a school council. Any person serving as a parent member of a school council shall not be an employee or a relative of an employee of the school in which that parent serves or employee of the district administrative offices or a board member or spouse of a board member.

Parent Teacher Organization Member:

Parent Teacher Organization member means the parent of a child enrolled in the school who is a member of the Parent Teacher Organization at that school.

Section 1 – Definition

1. An "A1" school means a school under administrative control of a principal or head teacher and eligible to establish a school-based decision-making council. An A1 school is not a program operated by or as a part of another school.

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2. An “A2” school means a district operated, totally vocational-technical school, where the membership is counted in other schools.
3. An “A3” school means a district operated, totally special education school.
4. An “A4” school means a district operated, totally preschool program. (e.g., Headstart, Kentucky Education Reform Act (KERA) Preschool, or Parent and Child Education (PACE).
5. An “A5” school means an alternative school which is a district operated and district-controlled facility with no definable attendance boundaries that is designed to provide services to at-risk populations with unique needs. Its population composition and characteristics change frequently and are controlled by the local school district student assignment practices and policies (i.e., the local district personnel have input with regard to the identification of students receiving services provided by the A5 school opposed to unconditionally accepting court ordered placements). Students enrolled in A5 schools typically include:
 - a. Actual dropouts returning to an alternate educational environment;
 - b. Potential or probable dropouts;
 - c. Drug abusers;
 - d. Physically abused students;
 - e. Discipline problem students;
 - f. Nontraditional students (e.g. emotional/psychological)
6. An “A6” school means a district operated instructional program in a non-district operated institution or school.

Teacher:

For the purpose of this policy, “teacher” means any person for whom certification is required as a basis of employment in the school district with the exception of principals, associate principals, and assistant principals.

Two-Thirds:

“Two-Thirds majority” means 2/3 of the actual certified staff members, full and part-Majority time.

Relative:

As used in this policy, “relative” means father, mother, brother, sister, husband, wife, son, daughter, aunt, uncle, son-in-law and daughter-in-law.

1070.03 INITIATION OF SCHOOL BASED DECISION MAKING:

The Kentucky Education Reform Act mandates implementation of SBDM in every school in Kentucky by July 1, 1996. At least one school in each local district is mandated to implement SBDM by June 30, 1991. The Board has the authority to adopt policy to initiate SBDM in all schools in 1991/92. However, the Board’s goal is to comply with state law and continue to improve the effectiveness of the instructional program in Oldham County Schools. In the absence of a local district policy mandating SBDM, the Kentucky Education Reform Act provides the opportunity for any individual school faculty to vote their intention to initiate SBDM prior to July 1, 1996. This section stipulates the initiation process for Oldham County Schools.

1. Process for conducting a faculty vote:

- a. Each Oldham County school faculty will conduct a vote in regard to initiation of SBDM and may conduct such a vote in subsequent years prior to March 1 for the upcoming school year.
- b. Written notice of a vote on SBDM shall be provided by the principal at least two weeks prior to a faculty vote on SBDM. The notice shall be provided to each certified staff member in the school, including any part-time or itinerant staff member —can vote at only one school. The notice shall be placed in the staff member’s school mailbox stating when and where the balloting is planned to consider SBDM.

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- c. Voting shall be by secret ballot. The principal shall be responsible to prepare ballots. Ballots shall be counted by three (3) teachers elected by the faculty for said purpose.
- d. The teachers elected to count the votes shall report the results orally to the assembled faculty and submit a written report of the tally to the principal. A two-thirds majority in favor of SBDM is required to initiate SBDM. The principal shall report the results of the vote to the Superintendent, Board and the Division of School Based Decision Making.

2. Process for faculty vote on alternative composition of school council:

Each faculty voting to initiate SBDM must approve by a 2/3 majority the alternative composition of the school council outlined in this policy or the school council shall be composed as prescribed in KRS 160.345. Prior notice to the faculty from the principal, of at least two (2) days, for this vote on SBDM shall be required. The faculty may conduct a vote for the alternate composition of the council as prescribed in this policy in subsequent years prior to March 5 for the upcoming school year.

3. Application Procedure for exemption from the district SBDM composition of the school council to implement an alternate composition of the school council.

- a. Intent to establish a local school alternate SBDM council shall be supported by a petition signed by at least 50% of the certified staff of the school and 25% of the parents eligible for membership on the proposed council. Upon receipt of said intent the Principal shall check the supporting petition to assure that sufficient valid signatures have been obtained. Upon verification of the validity of the intent to request an exception, the Principal shall prepare an application requesting an exception.
- b. The application for an exception shall describe proposed membership, process for nomination and election of council members, organization, duties and responsibilities of the alternative school council.
- c. The application shall provide documented evidence that the proposed model was developed by representatives of parents, students, certified personnel, classified personnel, and administrators of the school.
- d. The application shall be signed by at least 2/3 of the faculty of the school indicating their approval of the request for an exception. 701 KAR 5:100 requires the Board to be a transmittal agent only and does not have the right to delay or deny a school's request.

1070.04 FORMATION OF THE SCHOOL COUNCIL:

1. Process for conducting the election of certified staff:

- a. Written notice shall be provided by the school principal, pursuant to this policy as to the nomination process and eligibility, for election to the school council. The notice shall state when and where school council elections will occur. The notice shall be provided at least two weeks prior to the school council election. The ballots shall be counted and reported to the principal by the teachers designated to count the votes in section 1070.03. The principal will count the ballots and report the results to the staff and the Superintendent.
- b. Any certified staff member, except the principal, associate principal, or assistant principal, is eligible for election as a teacher member of the school council. An itinerant teacher may not be elected to serve on more than one school council.
- c. Nomination for candidacy for a teacher position on the school council shall require a nomination petition signed by a member of the eligible certified staff.
- d. Balloting for teacher-classified seats on the school council shall be by secret ballot. The vote shall be conducted in a faculty meeting following notice as provided in section a. Teachers may vote for not more than three (3) candidates. All three teachers must receive a majority of the votes. Each teacher may vote three (3) times. Tie votes require a new vote.
- e. After July 14, 2022, elections for certified staff may be conducted over more than one day and may be conducted by electronic means.

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2. Process for the election of parent council members:

- a. Each principal shall provide written notice to the governing board of the parent teacher association or organization of this policy on SBDM.
- b. The election of parent council members shall be conducted by the Parent Teacher Organization at the school. Notice of the day and meeting at which the election of parent council members will take place shall be disseminated by the Parent Teacher Organization at least two weeks prior to the election meeting when the election is scheduled shall receive a secret ballot to be completed and deposited in a ballot box at said meeting. Any unable to attend the meeting may vote at the school on the day of the meeting between the hours of 7:30 A.M. and 4:00 P.M. The ballots shall be counted by at least three (3) members of the Parent Teacher Organization board of directors appointed by the president who are not candidates. The president of the Parent Teacher Organization shall notify the principal in writing of the parents elected to serve on the school council.
- c. Parent members on a school council shall be the legal parent/guardian of a resident student(s) in the school's attendance area and not be an employee or relative of an employee of the school in which that parent serves, an employee of the district administrative offices, or a board member of spouse of a board member. KRS 160.345(2)(a).
- d. The President of the Parent Teacher Association or organization shall post the nomination procedure at least one month prior to the deadline for receipt of nomination forms. The president shall include the names of all candidates properly nominated on the ballot for the election. Parents eligible to vote may vote for not more than two candidates. The two nominees receiving the highest number of votes shall be declared elected.
- e. After July 14, 2022, parent elections may be conducted over more than one day and may be conducted via electronic means.

3. Campaigning by candidates for council membership shall be conducted within the following guidelines:

- a. Certified staff candidates may post campaign information in the teacher workroom (lounge) of the school, distribute printed material in the faculty mailboxes at the school, and the principal shall provide time at faculty meeting(s) for candidates to orally present their qualifications and motives for council service to the faculty.
- b. Parent candidates may post campaign information in a parent work area designated by the principal. Other campaigning is restricted to the PTA/O newsletter and personal appearance at a special meeting called for the purpose of providing time for candidates to orally present their qualifications and motives for council service to the parents.
- c. Any campaign literature or material shall be paid for by the candidate. No school funds may be expended for any expense related to campaign material for any candidate for the school council.

4. If an A2-A6 school is serving students from multiple A1 schools, then the A2-A6 school must enter SBDM under the auspices of the school council at one of its A1 sites or create its own school council. The Board will determine the SBDM council assignment/arrangements for all district A2-A6 school sites.

5. The Board shall maintain liability insurance that covers all school council members.

1070.05 ALLOCATION OF FUNDS AVAILABLE TO EACH SCHOOL:

Each school shall be entitled to designate expenditure of an allocation based on regulations of the Kentucky Board of Education formula for allocation of school district funds to each school council. The Board of Education shall provide notice to school councils of a tentative allocation by March 1 and notice of an updated allocation by May 1 of each year for funds and positions identified for the next budget year in accordance with this administrative regulation.

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1070.06 SCHOOL BUDGET ADMINISTRATION, INCLUDING DISCRETIONARY FUNDS; ACTIVITY AND OTHER SCHOOL FUNDS; FUNDS FOR MAINTENANCE, SUPPLIES, EQUIPMENT; ACCOUNTING AND AUDITING:

1. Each school shall prepare a school budget pursuant to Board policy based on the allocation from the Board. Each department, grade level or sub-committee in the school shall have the opportunity to prepare and submit their funding request to the principal. The principal shall submit and recommend a draft budget within the allocation level approved by the Board for the council's consideration by April 15 of the preceding year. The principal shall recommend approval of the annual school budget by the council on or before May 15th.
 - a. Each school will be responsible for funding the travel costs incurred by their voluntary participation in initiatives, programs and recognitions that occur at the direction or recommendation of the Principal, staff or SBDM council.
2. Expenditure of funds allocated to school councils shall be pursuant to all fiscal policies of the Board.
3. Accounting for funds shall be pursuant to all fiscal and audit policies of the Board.

1070.07 ASSESSMENT OF INDIVIDUAL STUDENT PROGRESS:

The Board shall approve a continuous assessment plan for Board goals and goals of Commonwealth for student learning. The SBDM Councils shall review the State Assessment Report. This review must identify the existence of any achievement gaps between various groups of students. An achievement gap is defined by a substantive performance difference on each of the tested areas by grade level of the State Assessment Report. The various groups considered must include comparisons of males and females, students with and without disabilities, minorities and non-minorities, students with and without limited English proficiency, and students eligible for free and reduced lunch and those students who are not eligible for free and reduced lunch. Each school shall meet all provisions of the district continuous assessment plan. The school council may adopt policies for additional assessment as may be deemed necessary at the school level. Individual reports of pupil progress shall meet all requirements of Board policy and may be supplemented as deemed necessary by the council. Timelines are as stated in 1070.08, number nine (9).

1070.08 SCHOOL IMPROVEMENT PLANS: KRS 160.345(3)(c)

The purpose of this policy is to facilitate the development and adoption of School Improvement Plans by schools.

1. The superintendent shall develop procedures to implement this policy. These procedures shall address appropriate training of staff and parents and facilitate central office assistance to school level planning committees and councils upon request.
2. Each school council or school planning committee (for any school without an SBDM Council) shall appoint two representatives (one parent if possible) to serve on the district committee coordinating the school and district planning process. The purpose of this committee is to promote communication among school councils/committees and district administrators and the school board and support good planning practices. Councils from each school can take the place of a separate district planning committee.
3. Each school council/committee will be responsible for developing its school's Improvement plan. In an SBDM school, the school council shall organize a planning process. In a non-SBDM school, a school committee composed of teachers, parents and the principal shall organize the planning process.
4. By December 20 of each year, each SBDM Council or Improvement Planning Committee shall develop, revise, or affirm as appropriate, an Improvement Plan to serve as the guide to attain school goals/desired outcomes for the following school year. This plan shall be submitted to the superintendent for review and forwarded to the school board for comment and advice. In January or February, the board will review progress on current year plans including revisions made.

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5. By November, each SBDM Council will review student data as a part of their need's assessment in preparation for the annual progress report to inform the board of the status of the attainment of the goals listed in the School Improvement Plan. As part of the meeting at which student data is reviewed, the SBDM council, every other year beginning with December 2002, shall set targets for eliminating achievement gaps, as defined in 1070.07. These targets must be agreed upon with the Superintendent prior to being adopted by the Board. The date of the annual progress report will be set by the Board for January or February.
6. The School Improvement Plan will include a comprehensive needs assessment, goals/desired outcomes stated in measurable terms, descriptions of activities, timelines, persons responsible for the activities, resources needed, sources of funds, evaluation criteria, and procedures for communicating the planning process and results with the school's stakeholder groups. Each school shall review the current Board goals prior to development of the School Improvement Plan.
7. The Plan shall address needs related to the current Kentucky Program of Studies, Core Content for Assessment, and Kentucky Core Academic Standards.
8. Each SBDM Council or School Improvement Planning Committee shall submit a written annual report to parents, the community, the superintendent and the Board regarding assessment of individual student progress toward achieving the goals/desired outcomes for the year, and any other information required as part of the annual School Report Card.
9. By August 1 of each year, each SBDM Council shall review and update its school safety plan, in accordance with the criteria set forth in KRS 158.445(1). The updated report shall be approved and signed by the principal. This Plan shall be prepared for use in the next school year and submitted in support of a school safety grant.

1070.09 PROFESSIONAL DEVELOPMENT PLANS:

1. All school staff shall complete all staff development activities required in the approved school professional development plan.
2. The Superintendent's designee in charge of Professional Development shall provide guidance and work with the school council in developing professional development activities pursuant to professional development plans approved by the school council. School councils should be involved in determining specific needs at each school.

1070.10 PARENT, CITIZEN AND COMMUNITY PARTICIPATION, AND THE RELATIONSHIP OF THE COUNCIL WITH OTHER GROUPS:

1. The principal shall keep minutes of all council meetings, provide notice and agendas to all council members and the press and maintain such evidence as may be necessary to document that school council meetings meet the requirements of KRS 61.805, KRS 61.801 and KRS 61.815 (open meetings law).
2. The council shall approve an annual schedule of meetings. KRS 160.345(2)(e).
3. Cooperative efforts shall be maintained between the school council and other school councils in Oldham County. The council shall cooperate with the board of education, the school's parent teacher organization, and other community groups in support of the educational goals and policies of the school district, the school and the state.

1070.11 COOPERATION AND COLLABORATION WITHIN THE DISTRICT, WITH OTHER DISTRICTS, AND WITH OTHER PUBLIC AND PRIVATE AGENCIES

1. The Board, through the Superintendent's designee in charge of Professional Development, will work with school councils to offer yearly training sessions for new and experienced council members. Additionally, the district will hold an annual meeting of all school council members to update them regarding district goals and objectives and to foster cooperation among councils.
2. First term school council members are required to receive a minimum of six (6) hours training in the process of school-based decision making from a trainer approved by the Kentucky Department of

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Education. This instruction is to include training on the authority, duties and responsibilities of councils and council members and shall occur within the first thirty (30) days after beginning the service year for which they are elected.

3. School council members who have served on a school council for the previous year are required to complete three (3) hours of training in the process of school-based decision making no later than 120 days after beginning the service year for which they are elected to serve.

1070.12 REQUIREMENTS FOR WAIVER OF DISTRICT POLICIES

1. A school council may request waiver of Board policy. Such request shall be submitted by the principal to the Superintendent. The Superintendent shall present the request to the Board with a recommendation to approve or deny the request. The council shall have the opportunity to address the Board directly to support the request. The decision to approve or deny the request shall include but not be limited to consideration of the following:
 - a. the legality of waiving Board policy;
 - b. if district goals will be supported by approval of the requested waiver;
 - c. if student outcomes will be improved and;
 - d. if district uniformity is required in the circumstances under consideration;
2. Requests for waiver of Board policies will be presented to the Board by the Superintendent within four (4) weeks after receipt of same. The Board shall rule on the request within forty (40) calendar days from the meeting when the Board received a recommendation from the Superintendent.
3. The Board shall provide written notice to the council of their decision on the waiver request and note reasons for denial if the request is not approved.

1070.13 REQUIREMENTS FOR RECORD KEEPING BY THE SCHOOL COUNCIL:

All provisions of Board policy in regard to minutes and other documents of Board meetings shall be applicable to the school council.

1070.14 PROCESS FOR APPEAL OF SCHOOL COUNCIL DECISION:

1. Appeals of decisions of the council may be made by any, student attending the school, parent of a student attending the school or employee of the school.
2. Prior to being appealed, the issue must first be presented in writing to the council for reconsideration. Issues for council consideration shall be delivered to the principal who shall bring the matter before the council at its next regular meeting. If the matter is not satisfactorily resolved within ten (10) school days from the date the issue is presented for recommendation to the council, an appeal may be submitted in writing to the Superintendent.
3. If, within ten (10) school days of receiving the appeal, the Superintendent has not been able to satisfactorily resolve it, the appeal may be submitted in writing to the Board. The Board shall act on the appeal within forty (40) school days of the Board meeting when the appeal was made. The decision of the Board shall be final.
4. Notice of the Board's decision shall be made in writing to the person filing the appeal. If the appeal is denied, the notice shall include the reason for denial.

1070.15 COUNCIL AUTHORITY

1. The council is a policy and decision-making body. The council shall adopt policies, which provide an environment that enhances student achievement and helps the school meet goals established by KRS 158.645 and KRS 158.6451. Outside of a legally called council meeting, no council member other than the principal, has decision making or administrative authority conferred by office on the council. The principal is the school's primary administrator and instructional leader.
2. In the development and application of school policies as permitted by statute, schools operating under SBDM shall comply with all laws prohibiting discrimination based on age, race, sex, color, religion, national origin, political affiliation, marital status or disability.

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3. SBDM councils have the authority to set school policy consistent with Board of Education policy. All SBDM policies shall be reviewed by the school district attorney prior to implementation for compliance with the law, concern for liability, concern for health and safety of students, available financial resources, or contractual obligations.

1070.16 SUGGESTED FORMAT OF COUNCIL MEETINGS

1. Regular Meetings
The Council shall annually approve a schedule of regular meetings.
2. Special Meetings
Special meetings may be called by the principal or on request of three members of the Council. Each member of the Council shall have timely notice of each meeting and the nature, object and purpose for which it is called.
3. Minutes
The principal shall be present at the meetings of the Council and he/she or his/her recording designee shall record in a book provided for that purpose all its official proceedings which shall be a public record open to inspection.
4. Meetings Open to the Public
The meetings of the Council at which any public business is discussed or at which any action is taken by the Council are declared to be public meetings, open to the public at all times, except for discussion of proposed or pending litigation against or on behalf of the Council, to allow the principal to confer with the council on recommendations for employment, or to allow the council to deliberate on the selection of a principal.
5. Requirements for conducting closed sessions shall be as follows:
 - a. Closed sessions may be held only upon request of the chair or three (3) members of the Council.
 - b. Notice shall be given in regular open meetings of the general nature of the business to be discussed in closed session and the reason for the closed session.
 - c. No final action may be taken at a close session.
 - d. No matters may be discussed at a closed session other than those publicly announced prior to convening the closed session.
6. Appearing before the Council
 - a. Any person or group desiring to appear before the Council is subject to the following:
 - b. **Unscheduled Appearance** – The Council will designate a portion of the last regular meeting in each calendar quarter to hear public comment on policies of the Council. Concerns about individual staff members shall be expressed privately to the principal. The period of time designated for said public comment is to be determined by the Council.
 - c. **Appearance for Specific Policy** -- Any person(s) wishing to present a matter to the Council, other than an appearance pursuant to subsection (a) of this policy, must register with the principal no later than noon on the fifth working day preceding the next regularly scheduled Council meeting. The principal may grant exceptions to this registration requirement as the agenda permits. The subject of the representation shall be stated at this time.
 - d. Materials intended for consideration by the Council shall be left with the principal at the time of registration. No materials are to be distributed directly to Council members or to others in attendance at the meeting.
 - e. Any group appearing before the Council shall select a spokesperson who shall address the Council. Other members of the groups may do so with the permission of the principal.
 - f. Presentations shall be subject to a time limit set by the Council.
 - g. The Council may reserve the right to limit or terminate discussion on any subject introduced by an individual or group.

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1070.17 STAFFING/PERSONNEL AS RELATED TO SCHOOL COUNCILS

1. After receiving notification of the financial allocation from the Board, the Council shall determine, within the funds allocated, the number of persons to be employed in the school in each job classification. The council shall not have the authority to recommend transfers or dismissals.
2. For all positions other than a principal vacancy, the principal shall select candidates to interview from the pool of applicants who have completed the on-line application procedures. After consultation with the council, the principal shall select personnel to fill vacancies in the school.
3. When a vacancy exists in 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. The council shall have access to the applications of all persons certified for the position. The principal shall be selected by the superintendent after conferring with the council. Each member of the council shall sign a nondisclosure agreement prohibiting the disclosure of information shared during consultation. A vacancy is created in the position of principal by the resignation, removal, transfer, retirement, or death of the current principal. The Council shall receive training in the hiring process.
4. In the event of a vacancy in the position of principal, the Superintendent shall appoint an acting principal until the new principal is selected. The acting principal shall not participate in the selection process but shall serve as chairperson for any other matters considered by the Council until the new principal is selected.
5. When a new school is created, the Superintendent shall appoint the school's first principal.

1070.18 EXEMPTION

1. Petition – Teachers of a school who no longer wish to remain under SBDM shall present a written petition to the principal signed by a minimum of fifty percent (50%) of the teachers, indicating their desire for a vote on the matter.
2. Voting Procedure for Exemption – Schools can apply for exemption from SBDM if they meet their goal established by KDE pursuant to KRS 158.6455, and the majority of the faculty vote favorably for exemption, and a majority of at least 25 parents of students in the school vote favorably for exemption. The parent vote shall be conducted by the Parent-Teacher Organization. In the event the school is not meeting its goal, it MUST return to the SBDM form of governance.