

# SCHOOL-BASED DECISION MAKING

# BYLAWS

EDYTHE J. HAYES MIDDLE SCHOOL  
260 Richardson Place  
Lexington, Kentucky 40509

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**EDYTHE J. HAYES MIDDLE SCHOOL  
LEXINGTON, KENTUCKY**

**SCHOOL-BASED DECISION MAKING COUNCIL  
BYLAWS**

**MISSION STATEMENT:** The Edythe J. Hayes Middle School School-Based Decision Making Council will strive to set policy designed to enhance student achievement by maintaining high academic standards, a safe and orderly environment, and high student and staff morale.

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**I. PURPOSE OF BYLAWS**

The purpose of these bylaws is to provide the Edythe J. Hayes Middle School Council with a set of rules under which to function.

**II. MEETINGS**

A. All Meetings

1. Council meetings must comply with the requirements of the Open Meetings Law.
2. Council meetings shall be open to the public unless the council goes into closed session under the provisions of the Open Meetings Law.

B. Regular Meetings

1. At the first council meeting on or after July 1 each year, the council shall designate a regular meeting time and place.
2. The principal or designee shall post a copy of the regular meeting schedule in a public area, which is accessible to all stakeholders. The principal or designee shall also make the regular meeting schedule available to callers to the school office and on the school website.

C. Special Meetings

1. Any meeting not at the regular meeting time or place is a special called meeting.
2. A special called meeting of the council may be called by the chairperson or by a majority of council members.
3. Any special called meeting of the council must comply with the requirements of the Open Meetings Law. The following steps must be taken:
  - a. WRITTEN NOTICE. The person or persons calling the meeting must prepare and sign a written notice that states the date, time, and place of the special called meeting and an agenda for the meeting. Issues not listed on that agenda cannot legally be discussed at the special called meeting.
  - b. DELIVERY OF NOTICE. The person or persons calling the meeting must arrange for the written notice to be delivered to every council member and to any media organization that has asked to be notified of council meetings. The delivery can be made by email, hand, facsimile machine or mail, but the method must be one that allows the notice to arrive at least 24 hours before the time set for the meeting.
  - c. POSTING OF NOTICES. The notice must be posted in a public area 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 should be posted as soon as possible after the meeting is called, but definitely no less than 24 hours before the meeting will be held.

**III. AGENDA**

A. Agenda Requests

Anyone may submit items for inclusion on the agenda to the chairperson in advance of the SBDM meeting, using the approved form. The chairperson will maintain a complete file of those items.

B. Preliminary Agenda

The chairperson shall prepare a preliminary agenda in advance of each regular meeting including all items that the chairperson believes need council attention at that session. Each preliminary agenda will include the following items:

1. Approving minutes of previous meeting
2. Approving agenda for this meeting
3. Public Comment(s)

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- a. This agenda item is reserved for public concerns not already on the agenda.
  - b. The chairperson may set 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.
4. Financial Report
  5. Reports from other committees
  6. Following the agenda shall be a list of items submitted but not included on the agenda, with an indication of how the chairperson has dealt with or proposes to deal with the item.

### C. Distribution of Preliminary Agenda

One week before the meeting, the council secretary shall distribute the agenda to other council members and make it available to other interested persons.

### D. Approval of Agenda

At the beginning of each regular council meeting, the council shall approve an agenda for the meeting. The agenda may be the same as or different from the preliminary agenda.

### E. Special Called Meeting Agenda

1. For special called meetings, the chairperson or the persons calling the meeting shall prepare the agenda and distribute and post it as required by the Open Meetings Law.
2. In accordance with the Open Meetings Law, items may be subtracted from but not added to the agenda of a special called meeting.

## **IV. COMPOSITION AND TERMS**

### A. Composition of the Council

The council shall consist of the principal, three teacher members, and two parent members. If the minority enrollment at the school was eight percent (8%) or higher on the October 1 preceding the start of a new council term, the council shall also include at least one minority member.

### B. Terms

Terms of council members shall be for one year, beginning July 1 and ending on June 30 of the following year. Teachers and parent council members are eligible to run for re-election.

### C. Leave of Absence

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

### D. Student Participation

Student participation will be encouraged.

## **V. ELECTIONS**

### A. Teacher Elections

#### *1. Conducting of Elections*

Teachers must be elected by a majority of teachers in an election conducted by teachers. At a March faculty meeting called by the Principal, two teachers shall volunteer on a first come-first serve basis to serve as Teacher Election Chairs. Teacher Election Chairs may not run for the council during the time they serve as chairs. The principal shall give the names to the council of the Teacher Election Chairs for the spring elections no later than an April council meeting. The names will be recorded in the minutes.

#### *2. Date of Election*

Teacher Election Chairs shall hold the teacher elections for the following year before the last school day for teachers. The Chairs shall notify teachers of the date, place and time of the teacher elections at least five school days before the election.

#### *3. Teacher Qualifications*

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Teacher members must hold a minimum .5 position at the school that requires a state certificate and must not hold the position of principal, assistant principal or head teacher.

### 4. *Nominations*

Any teacher may nominate himself, herself, or another teacher for the office of teacher member by submitting the name to the Teacher Election Chairs at least five school days in advance of the teacher election. The Chairs shall ask each teacher who is nominated by another person if he/she is willing to serve on the council if elected.

### 5. *Ballot*

The Teacher Election Chairs shall prepare a ballot that lists the names of those nominated, willing, and eligible to serve and distribute that sample ballot to all teachers at the school on the day of the scheduled election.

### 6. *Voting*

All teachers shall convene at the place and time designated by the Teacher Election Chairs. The Chairs shall collect the ballots and count them in the room, announcing the results before the teachers adjourn. Any person or persons receiving a majority on this ballot shall serve as a council member in the coming year. Teachers must be elected by a simple majority,  $\frac{1}{2}$  plus one, of the total ballots cast.

### 7. *Procedure if a Majority Is Not Received*

If fewer candidates receive a majority of votes than the number needed to fill the open seats, the person getting the smallest number of votes shall be removed from the ballot, and the teachers shall vote again for the number of persons needed to fill the remaining vacancies. Any person receiving a majority of votes shall be deemed elected. This process of removing one name shall be repeated as many times as necessary to elect candidates by majority to all open positions.

## B. Parent Elections

### 1. *Role of Parent-Teacher-Student Organization (PTSA)*

The school's largest PTSA organization shall develop procedures for and conduct the election.

The PTSA shall provide notice of this meeting to all parents.

### 2. *Parent qualifications*

A parent council member shall be a parent, stepparent, foster parent, or a person who has legal custody of a student pursuant to a court order and with whom the student resides. A parent council member shall be a 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. People who work at Edythe J. Hayes Middle School or their relatives (mother, father, brother, sister, son, daughter, husband, wife, aunt, uncle, son-in-law, or daughter-in-law).

b. People who work at the Fayette County 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 Fayette County Board of Education or their spouses.

### 3. *Parent Elections*

The parent elections shall take place no later than May 1<sup>st</sup>. The parents of all children pre-registered to attend the school during the next year may vote. The parent-teacher organization shall determine how the election will be run. The school shall assist the PTSA organization in notifying parents of the election schedule. The PTSA organization shall notify the current council of those elected not later than 10 days after the elections.

## C. Minority Representatives

1. After both teacher and parent elections, if the council formed, including the principal, does not have a minority member, and the school had eight percent

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(8%) or greater enrollment of minority students as of the previous October 1, a minority parent and an additional teacher shall be elected.

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. Parent minority members must meet the qualifications for parent members listed above, and teacher minority members must meet the teacher qualifications listed above.
3. The principal shall be responsible for organizing the minority parent and teacher elections as follows:
  - a. Following the general elections, the principal shall organize a special election to elect a minority parent to the council by ballot. This election shall be organized no sooner than ten (10) and no later than twenty (20) days after whichever election (teacher or parent) came last. The principal shall notify all parents of the date, time, and location of the election. The notice shall call for nominations of minority parents for the ballot. At the election, parents may nominate additional minority candidates. The candidate receiving the most votes will be elected. In the event of a tie vote, a run-off will be held between the people who were tied.
  - b. Following the general elections, the Principal shall call a meeting of all teachers in the building. This meeting shall be called within seven (7) days after whichever election (teacher or parent) came last. The teachers shall 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. The election shall be conducted using the procedures listed in Section V A of these Bylaws.

### 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 shall be elected to complete that term. The secretary shall post a notice in a place readily accessible to parents and staff stating that there is a vacancy and including the text of this subsection of the bylaws. The principal shall also communicate this information to the president of the parent-teacher organization. These steps shall be taken within 30 school days after the principal learns of the vacancy.

#### 2. *Election to Fill a Teacher Member Vacancy*

Nominations shall be submitted to the Teacher Election Chairs (elected the previous spring) within five school days after the vacancy occurs, and the election shall be held two school days after that, following the procedure described in the teacher election section of these bylaws.

#### 3. *Election to Fill a Parent Member Vacancy*

The president of the PTSA organization shall call an election to be held not less than ten or more than twenty school days after the vacancy occurs. The procedures described in Section V B of these bylaws will be used.

#### 4. *Election to Replace a Minority Parent Member*

The principal shall implement the procedure described in Section V C of these bylaws.

#### 5. *Election to Replace an Additional Teacher Member*

The principal shall implement the procedure described in Section V C of these bylaws.

#### 6. *Vacancies Occurring During Summer Months*

If a vacancy occurs after the end of the school year, an election shall be held no later than 30 school days after opening day to fill that vacancy.

## VI. COUNCIL TRAINING

### A. New Members

Members elected for the first time shall complete a minimum of six hours of training in the process of school-based decision making no later than 30 days after the start of their terms. They can get that training any time between the date they are elected and the 30-day deadline. This training must be provided by a person endorsed by the Kentucky Department of Education to provide new member training.

### B. Veteran Members

Members who have served on a council before shall complete at least three hours of training in the process of school-based decision making no later than 120 days after the start of their terms. They can get that training up to one year before the 120-day deadline. This training must be provided by a person endorsed by the Kentucky Department of Education to provide experienced member training.

### C. Mid-Year Vacancies

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

### D. Reporting

Immediately following SBDM elections, the principal or designee shall give the superintendent or designee the names and addresses of each council member and verify that the required training has been completed. The superintendent will forward that information to the Department of Education.

## VII. STANDARDS OF CONDUCT AND REMOVAL OF MEMBERS

### A. Standards of Conduct

#### 1. *Attendance*

Members of the council shall attend all council meetings. If a member is unable to attend a meeting, he/she shall 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 with the member and to take appropriate action. If a member has three (3) unexcused absences from the regular meetings, he/she shall resign or shall be subject to removal if the member fails or refuses to resign by the council.

#### 2. *Conflict of Interest*

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

#### 3. *Ongoing Eligibility*

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

#### 4. *Improper Meeting*

Council members shall 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 II of these bylaws.

#### 5. *Intentional Interference with School-Based Decision Making*

No member of the council shall intentionally engage in a pattern of practice which is detrimental to the successful implementation of or circumvents the intent of school-based decision making to allow the professional staff members of a school and parents to be involved in the decision making process in working toward meeting the educational goals of the Kentucky Education Reform Act or to exercise the powers granted to councils by state law.



B. 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:

1. *Commissioner's Recommendation*

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

2. *Office of Education Accountability*

The Office of Education Accountability 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.

**VIII. COUNCIL OFFICERS**

A. Chairperson

The principal may serve as the chairperson of the council, or may defer that responsibility to the council. The council shall then elect its chair from its members by a majority vote.

The chairperson shall preside at all meetings. The chairperson will work with the council, directing the affairs of the council, including monitoring committee progress.

The chairperson will prepare the preliminary agenda for all regular meetings.

B. Vice Chairperson

The vice-chairperson shall be chosen by consensus from within the council membership. The vice-chairperson shall act as chairperson in the absence of the chairperson.

C. Secretary

1. The chairperson may appoint a secretary.
2. The duties of the secretary shall be to:
  - a. Give public notice of all regular meetings;
  - b. Take minutes for each council meeting which include an accurate record of all actions and votes taken;
  - c. Within 7 days after each meeting, type, copy, and distribute the draft minutes of council meetings to each member of the council;
  - d. Post a copy of the approved minutes in the library, e-mail a copy to the faculty and staff, and post on the school website.
  - e. Compile copies of the final approved minutes in two notebooks for each school year. These will be kept on permanent file in the EJHMS library and in the school office and copies will be sent to the President of the PTSA and to the superintendent or designee. In accordance with the Open Meetings Law, minutes taken at a council meeting shall be open to public inspection at reasonable times no later than immediately following the next meeting of the council after the meeting at which the minutes were taken;
  - f. Compile copies of the final approved minutes in two notebooks for each school year. These will serve as correspondent between the council and other individuals, groups, or agencies as directed by the council.

**IX. OPEN RECORDS**

A. Library Copies

The school librarian shall make the notebooks of minutes available to library patrons as part of normal library operations.

B. Office Copies

The principal, as official records custodian, shall make the notebooks of minutes and other council records available in accord with the provisions of the Open Records Law. Persons who want copies of documents in the council binder shall give the principal a written request. The fee for copies shall be 25 cents per page.

## X. COMMITTEES

### A. Use of Committees

Committees will be used to support and to accomplish tasks of the council. The council chairperson shall include committee reports on the preliminary agenda for all regular meetings.

### B. Committee Structure and Jurisdiction

The council shall adopt a committee policy to facilitate the participation of interested persons.

The policy shall include the number of committees, their jurisdiction, composition, and the process for membership selection.

## XI. DECISION MAKING

### A. Quorum

Two-thirds (half plus one) of the members, including at least one parent, shall constitute a quorum. A quorum must be present for the council to take action.

### B. Abstentions

1. Any member of the council may abstain on any vote taken by the council.
2. 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, from the consensus process, or from any vote taken on the issue.

### C. Adoption of Policies

1. Policies are written documents that establish rules, procedures, guidelines, standards, or principles to guide decision-making in various situations.
2. To be officially adopted, a policy must be approved at two readings held at two different council meetings. A second reading may be waived by majority vote of the council.
3. Adopted policies are binding until the council amends them.

### D. Consensus

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

3. *Formal Decision by Consensus*
  - a. After the consideration described above, any member may make a motion to accept a proposal for a first reading. If the proposal being considered is in writing, the motion may be made verbally. If the proposal has not been presented in writing or the member making the motion wants to propose one or more amendments, he or she shall write down the motion, read it to the council, and hand the written motion to the secretary for inclusion in the minutes.
  - b. The chair shall then ask if there is further discussion.
  - c. When the chair believes that discussion is complete, the chair shall ask if there is consensus. Any member who is not willing to support the motion is obligated to say so at this time. Members who support the motion shall indicate by word or other sign that they believe there is now a consensus.
  - d. If no member states unwillingness to support, the chair shall direct the secretary to record that consensus has been reached and the motion has passed.
  - e. After a policy is accepted for a first reading, it shall be considered again at the next regular council meeting, or at a special meeting if necessary. If it is approved at that second meeting, the secretary shall note that it has been officially adopted as a council decision.

4. *Consensus Failure*

- a. When the chair tests for consensus but consensus is not reached, the council may postpone further consideration until the next meeting or continue to discuss the issue.
- b. After testing for consensus on a proposal three times in one meeting, the chair may direct that the proposal be taken up again at the next meeting. If the issue is filling a vacancy other than principal, the chair may instead ask each member to make a final comment on the issue and then declare that consultation has been completed.
- c. If the council takes up an issue at a second meeting and is still unable to reach consensus, the council shall consider alternative steps, including but not limited to:
  - 1) Asking a committee to bring the council a new proposal on the issue.
  - 2) Scheduling a fact-finding session, at which all members of the school community are invited to present factual information about the issue and such information is recorded where all can see. Opinions without specific factual basis are not recorded because the point of the session is to get a common focus on the knowledge base for deciding the issues. After the fact-finding session, the council may take the issue up again to attempt consensus, or it may choose by vote to try one of the other options listed in this subsection.
  - 3) Seeking the help of a trained mediator to find a consensus solution to the issue.
  - 4) Considering the matter again at the next meeting, and if consensus there fails, decide the matter by majority vote.
  - 5) If majority vote cannot be reached, the issue will be taken to the faculty for a majority vote.
- d. The council will only make decisions by vote:
  - 1) When the council will otherwise be unable to meet a legal deadline by which the council is required to have made a decision, or
  - 2) When the council has agreed at a second meeting to discuss the proposal at a third meeting and decide by majority vote if consensus fails (as allowed under provision c. 4) and 5) above).

E. Appeals of Council Decisions

1. *Request*  
For a person (s) to appeal a decision of the council or file a grievance he/she must first request in writing an opportunity to be heard and shall include information about the grievance issue.
2. *Schedule*  
The council shall schedule a hearing within thirty (30) working days from the date the request is received. The person appealing shall be informed of the hearing by registered letter.
3. *Hearing*  
The person appealing may be represented by legal council and may call witnesses as long as the testimony is germane to the issue.
4. *Decision*  
The council shall consider the merits of the complaint, make a decision, and respond in writing to the complaint.
5. *Report*  
A copy of the written grievance or appeal, and a written reply by the council shall be provided to the superintendent or designee within ten (10) days of the council's decision.

**XII. COMMUNICATION**

A. Open Communication

1. The council will strive for open communication between the school council, parents, faculty, and the community.
2. Suggestions or concerns may be voiced to council members, called in to the office, or placed in a suggestion box to be located in the teachers' workroom.

**XIII. AMENDMENTS**

These by-laws may be amended after a first and second reading at two consecutive council meetings by majority vote of the school council.