

# SCHOOL-BASED DECISION-MAKING Bylaws



## NOTES ON USING THIS SAMPLE DOCUMENT

**Bylaws** spell out how your **SBDM council operates**.

Policies are about how your school operates.

### **LEGAL REQUIREMENTS FOR BYLAWS:**

This sample document addresses the SBDM Law (KRS 160.345), other relevant education laws, and the Kentucky Open Meetings Laws (KRS 61.800).

There is not a requirement to include specific language in your bylaws.

The **purpose** of bylaws is to:

- ensure the law is followed,
- establish fair and inclusive procedures,
- provide a guide for making decisions, and
- communicate the council process to shareholders.

*Italicized text* in this document addresses legal requirements; however, the council chooses what to include in the bylaws. This sample also includes KASC best-practice advice, but no school is the same, so the council should decide what to include to serve the purpose of their bylaws.

KASC advises councils to review bylaws on a rotating basis each year to ensure they reflect current practice and to get new members up to speed. As a KASC member, you have access to our sample bylaws in the [Members Only](#) section of our website.

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*Breathitt Elementary*  
**COUNCIL BYLAWS**  
*Believe. Achieve. Succeed.*

**I. COMPOSITION AND TERMS**

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**A. COMPOSITION OF THE COUNCIL**

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

[Composition must remain the same but can be doubled or tripled as provided in the bylaws. KASC does not recommend a tripled composition because of the difficulty gathering a quorum except under very limited circumstances.]

**B. TERMS**

**1-year option:** 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.*

**2-year option:** Terms of council members will be two years, beginning July 1 and ending June 30. Election of the council members will be staggered with two teachers and one parent elected in even number years and one teacher and one parent elected in odd number years. *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 from the council will not be granted.

**II. ELIGIBILITY AND ELECTIONS**

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**A. TEACHER ELECTIONS**

1. *All certified teachers who work in the school are allowed to run for teacher council member and vote in the election.*
2. *To be elected to the council, a teacher must meet the KRS 160.345(1) definition of a teacher: “any person for whom certification is required as a basis of employment in the public schools of the state with the exception of principals and assistant principals...”*
3. Eligible teachers may include classroom teachers, counselors, library media specialists, and other teachers, whether assigned only to our school or serving as itinerant staff.
4. *Teachers will be elected by a majority of the teachers assigned to the school in an election conducted by teachers.*
5. *Teachers in the school will write procedures for teacher elections. (See the [KASC Election Kit](#) for resources.)*
6. Teachers in the school will elect teacher chairs to run the election.
7. The elections will take place no later than May 1st <<or insert your own date>>.
8. The teacher election chairs will notify the principal of those elected not later than five school days after the election. The principal will communicate this information to the current council and the school community.

## **B. PARENT ELECTIONS**

### **1. Role of Parent-Teacher Organization**

*The parent-teacher organization of the school will develop procedures for and conduct the election. If no parent-teacher organization exists, a group of parents will be formed for this purpose and will run the election. (See the [KASC Election Kit](#) for resources.)*

### **2. Parent Qualifications**

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

- a. Employees of [name of school] or their relatives (mother, father, brother, sister, son, daughter, husband, wife).*
- b. Employees in the district administrative offices or their relatives (mother, father, brother, sister, son, daughter, husband, wife).*
- c. Members of the Board of Education or their spouses.*

### **3. Parent Elections**

*The parent elections will take place no later than May 1st <<or insert your own date>>. The parents of all children pre-registered to attend the school during the next year may participate in the parent election. The parent-teacher organization or, if none exists, the group of parents formed for this purpose will determine how the election will be run. The principal will assist the parent organization in notifying parents of the election schedule. The parent organization will notify the principal of those elected not later than five school days after the election. The principal will communicate this information to the current council and the school community.*

## **C. MINORITY REPRESENTATION**

- 1. A minority parent and a minority teacher will be elected, if the council formed (including the principal) after both teacher and parent elections does not have a minority member, and the school had eight percent or greater enrollment of minority students as of the previous October 1.*
- 2. Minority members must 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 MINORITY ELECTION**

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

## **TEACHER MINORITY ELECTION**

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

## **D. VACANCIES DURING A TERM OF OFFICE**

### **1. Notice of Vacancy**

When either a teacher or parent vacancy occurs in the middle of a term, a new member will be elected to complete that term. The principal will notify staff and parents that there is a vacancy and including the text of this subsection of the bylaws. The principal will also communicate this information to the parent-teacher organization. These steps will be taken within as soon as possible after the principal learns of the vacancy.

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

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

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

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

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

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

### **5. Election to Replace a Minority Teacher Member**

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

## **III. COUNCIL REQUIREMENTS**

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### **A. TRAINING FOR NEW MEMBERS**

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

### **B. TRAINING FOR EXPERIENCED MEMBERS**

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

**C. TRAINING FOR MID-YEAR VACANCIES**

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

**D. TRAINING REPORTING**

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

**E. BACKGROUND CHECK FOR PARENT MEMBERS**

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

**F. DOCUMENTATION FOR PROOF OF RECEIPT**

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

**G. REQUEST TO RECEIVE EMAIL NOTIFICATION**

The Open Meetings Law requires *council members who choose to receive notification of special called meetings by email to file a written request which includes their email address. The request will be kept on file in the school. (See SBDM Resources on [Members Only](#) for a [sample email notification form.](#))*

**IV. STANDARDS OF CONDUCT**

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**A. MEETING ATTENDANCE**

Members of the council will attend all council meetings. If a member is unable to attend a meeting, he or she will notify the Chair of the Council. If a member is unable to attend on a consistent basis, the Chair of the Council will contact the member to consult and to discuss the possibility of resignation. A member who has three unexcused absences, as determined by the Council Chair, will be asked to resign.

**B. CONFLICT OF INTEREST**

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

**c. ONGOING ELIGIBILITY**

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

**D. IMPROPER MEETING**

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

**E. INTENTIONAL INTERFERENCE WITH SCHOOL-BASED DECISION MAKING**

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

**V. REMOVAL OF MEMBERS**

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

**A. COMMISSIONER’S RECOMMENDATION**

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

**B. KENTUCKY BOARD OF EDUCATION**

*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**

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**A. ALL MEETINGS**

1. *Council meetings will comply with the requirements of the Open Meetings Law. ([See SBDM Resources on Members Only for Open Meetings Law Basics.](#))*
2. *Council meetings will be open to the public unless the council goes into closed session under the provisions of the Open Meetings Law as outlined in subsection D of this section.*

**B. REGULAR MEETINGS**

1. *The council chair will call the first council meeting of each new term. At this first meeting each year, the council will designate a regular meeting date, time, and place. ([Agenda News, emailed to SBDM each month, includes suggested agenda items. Past Agenda News docs are available on Members Only.](#))*
2. *The principal (or designee) will post the regular meeting schedule in a place readily accessible to staff and parents and share that information with the media, as requested.*
3. *He or she will use any other methods deemed appropriate to make the schedule readily available to the public.*

## C. SPECIAL MEETINGS

1. *All meetings which are not regular scheduled meetings are special meetings. This includes rescheduled regular meetings.*
2. *A special meeting of the council may be called by the chair or by a majority of council members.*
3. *Any special meeting of the council will comply with the requirements of the Open Meetings Law; therefore, the following steps will be taken:*
  - a. Written Notice *The person or persons calling the meeting will prepare and sign a written notice that states the date, time, and place of the special meeting and an agenda for the meeting. Only issues listed on that agenda may be discussed at the special meeting. Items may be subtracted from that agenda before approval of the agenda at the meeting but cannot be added or revised.*
  - b. Delivery of Notice *The person or persons calling the meeting will arrange for the written notice to be delivered to every council member and to any media organization that has made a written request to be notified of council meetings. The delivery must be made by hand, fax, US mail, or email. To receive email notification, council members must have a written request on file at the school. (See SBDM Resources on [Members Only](#) for a [sample email notification form](#).) The notice must arrive at least 24 hours before the time set for the meeting.*
  - c. Posting of Notice *The person or persons calling the meeting will post a notice conspicuously at the school and also at the building where the meeting will be held if the meeting will not be held at the school. These copies will be posted as soon as possible after the meeting is called but no less than 24 hours before the meeting will be held. Notice will also be posted in a place readily accessible to staff and parents and distributed to all council members.*

## 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 SBDM Resources on [Members Only](#) for [Open Meetings Law Basics](#).)
2. The motion and results of the vote *including the statute number allowing the closed session* will be recorded in the council minutes.
3. People who have relevant or needed knowledge or information may be invited into a council closed session by a consensus of the council.
4. *Only the topic announced in the open session motion may be discussed in the closed session.*
5. *No council action may be taken in a closed session.*
6. *The council will return to open session to make any decisions.*
7. The decisions will be recorded in the council minutes.

## E. PUBLIC INPUT

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

3. The chair 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**

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### **A. AGENDA REQUESTS**

Anyone may submit items to the chair for inclusion on the agenda. For inclusion on the agenda, proposed items must meet these requirements:

- Be submitted in writing
- Be within the authority of the school council
- Be received by the chair at least a week before the council meeting

### **B. PRELIMINARY AGENDA**

The chair will prepare a preliminary agenda, marked as such, to be posted in a place readily accessible to staff and parents and distributed to all council members before each regularly scheduled council meeting.

### **C. APPROVAL OF AGENDA**

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

*Regular council meetings — items on the preliminary agenda may be added, deleted, or modified.*

*Special meetings — items on the agenda may be deleted but not added or modified.*

## **VIII. MINUTES AND RECORDS**

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### **A. MINUTES**

*Minutes will be kept at all council and committee meetings. At a minimum, minutes will include motions and decisions made and be reviewed and approved by the end of the next meeting.*

### **B. PUBLIC COPIES**

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

- Council bylaws
- Council policies
- Council minutes for the current year
- Council annual budget
- Latest student achievement report
- School improvement plan

### **C. OPEN RECORDS REQUESTS**

*The principal will be the official Custodian of the Records and will make the council records available in response to written requests. As allowed by the Open Records Law, a fee set by the Board of Education may be charged to cover printing/copying costs other than staff time.*

#### **D. RETENTION OF RECORDS**

*All council records will be maintained in accordance with the State Archives Records Retention Schedule.*

*(See SBDM Resources on [Members Only](#) for [Records Retention](#) summary.)*

## **IX. DUTIES OF COUNCIL OFFICERS AND MEMBERS**

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### **A. CHAIR**

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

### **B. VICE-CHAIR**

1. The vice-chair will be chosen by the council from within the council membership.
2. The vice-chair will preside over council meetings in the absence of the chair.

### **C. SECRETARY**

1. The chair of the council will appoint a secretary for the council. The secretary will not be a member of the council.
2. The duties of the secretary will be to:
  - a. *Take minutes at each council meeting that include:*
    - 1) Date and times meeting began and ended.
    - 2) Names of members present.
    - 3) *Record of motions made and final decisions made.*
    - 4) Names of people giving reports and name of committee they represent if applicable.
    - 5) Summary of people responsible for work and deadlines as applicable.
    - 6) Attachments of documents revised or adopted.
  - b. Type and distribute the draft minutes, marked as such, to each member of the council and post a copy in a place readily accessible to all staff and parents. This will be done within five school days after each meeting.
  - c. File the final, approved minutes in the public inspection binder (or electronic folder).
  - d. Send copies to all final minutes to council members, the president of the parent-teacher organization, the SBDM coordinator, and the superintendent. This will be done within five school days following the meeting at which the minutes were approved.
  - e. Maintain and keep up-to-date all official documents available for public inspection.

### **D. MEMBERS**

1. Teacher and parent council members will represent the shareholders that elected them.
2. The duties of council members will be to:
  - a. Be familiar with and adhere to the school mission.
  - b. Attend all council meetings.
  - c. Bring necessary documents/materials to meetings.
  - d. Keep the focus of discussions and decisions on students and improving student achievement.
  - e. Follow the norms outlined in the Discussion Guidelines below.
  - f. Encourage/request opinions from the shareholders who elected them.

- g. *Provide input by consulting with the principal during the hiring of staff.*
- h. *Participate in consultation with the superintendent on hiring of a new principal and in other situations required by law.*
- i. *Maintain confidentiality from closed council sessions and sensitive information related to hiring.*
- j. Support, promote, and communicate council decisions and actions.

## **X. COMMITTEES**

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### **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*.

## **XI. DISCUSSION GUIDELINES**

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### **A. GOALS**

- For discussion — ensure inclusion of all voices and treat everyone with dignity and respect
- For these guidelines — provide a common understanding of the norms for meaningful discussion

### **B. GUIDELINES**

- Only one subject/question/motion can be considered at a time
- Informal discussion of a subject is permitted even without a motion
- Only one person may speak at a time
- Each member protects the right of others to express differing views
- Other members listen attentively when someone is speaking
- The chair or secretary restates the motion before consensus/vote
- The chair announces the result of consensus/vote: "The motion passes/fails"

**(KASC Note:** Guidelines are based on parliamentary procedures (most widely-known as Robert's Rules of Order) that KASC sees as most applicable for school council work. More Parliamentary Procedure information is available in the [Tools](#) section of the [SBDM Organizer](#), on the KASC website.)

## **XII. DECISION-MAKING**

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### **A. QUORUM**

A majority of the members will constitute a quorum. *A quorum must be present for the council to make any decisions or take any action.*

### **B. COUNCIL DECISIONS**

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

### **C. COUNCIL RESPONSIBILITIES**

1. The council will make no decisions on issues that are not under their jurisdiction. For the most up-to-date list of responsibilities, see [KASC's What Councils Do](#) or the [SBDM law, KRS 160.345](#).
2. Councils should not:
  - 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

### **D. CONSENSUS**

1. The council will operate by consensus decision-making following these guidelines:
  - a. Only decisions that have an immediate deadline or will have very limited impact on the school will be made without a committee recommendation.
  - b. All council members who choose to do so will be given a chance for input on issues requiring a consensus decision.
  - c. If council input and discussion reveal significant concerns or ambiguities related to an issue, the council's normal practice will be to give or return the issue to a committee for further work. Exceptions may be made for urgent timelines or pressing concerns.
2. After council input and discussion, any member may make a motion to accept a proposal. If the proposal being considered is in writing, the motion may be made verbally and then seconded. If the proposal has not been presented in writing or the member making the motion wants to propose one or more amendments, he or she will write down the motion and read it to the council. After a second the member will give the written motion to the secretary for inclusion in the minutes.
3. The chair will then ask if there is further discussion.
4. When that discussion is complete, the chair will test for consensus by asking if there is consensus for approval of the motion. Any member who is not willing to support the motion is obligated to say so at this time. Members who support the motion will indicate by word or other sign that they believe there is now a consensus.
5. If no member states unwillingness to support, the chair will direct the secretary to record that consensus has been reached and the motion has passed.

### **E. VOTING AND CONSENSUS FAILURE**

1. *Council voting is required by law to go into closed session.*
2. With the exception of closed sessions, council voting will be done only when the council must have a decision, consensus has failed, and one or more of the following conditions exist:
  - a. When the council will otherwise be unable to meet a legal deadline by which the council is required to have made a decision, or
  - b. When the council has failed to reach consensus at a second meeting for that purpose.
3. At the first meeting where an issue is discussed, if the chair tests for consensus but consensus is not reached, the council may postpone further consideration until the next meeting or continue to discuss the issue. After consensus has failed twice on a proposal in one meeting, the chair may direct that the proposal be taken up again at the next meeting unless one of the conditions for voting listed in this section applies.

4. If the council takes up an issue at a second meeting and is still unable to reach consensus, the council will consider alternative steps, including but not limited to:
  - a. Asking a committee to bring the council a new proposal on the issue.
  - b. Doing nothing and dropping the issue.
  - c. Voting.

#### **F. POLICIES — ADOPTION/REVISION**

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

#### **G. BYLAWS — ADOPTION/REVISION**

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

#### **H. WAIVER OF POLICY**

The school council may, through the normal decision-making process, waive SBDM bylaws and policies at any regular or special meeting when the school council determines there are unusual circumstances which necessitate the change. The effective date and duration of the waiver will be determined and recorded in the minutes in each instance when a waiver is used. *(A federal or state legal requirement may not be waived.)*

#### **I. APPEALS OF COUNCIL DECISIONS**

*The District Board of Education has established a process for appeals of council decisions.*

[<<Link to your local board of education policies. >>]