

# Trigg County Primary SBDM Council Bylaws

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## **Article I**

### **Purpose of the Council**

#### **Mission Statement**

The missions of the site-based decision making will be to structure and encourage the education of students by fostering overall student achievement.

The SBDM Council of Trigg County Primary School is formed to accomplish the KERA goals and NCLB.

#### **Purpose**

The purpose of the by-laws is to provide the Council with an established set of rules and procedures under which to function.

## **Article II**

### **Membership**

#### **A. Composition**

The council shall consist of the principal, one more teacher than parent member. One member must be a minority defined by KRS. (8% of school minority)

#### **B. Qualifications for Membership**

1. All Members No one may serve on the council who has a legal conflict of interest as defined by KRS 45A.340. Current and past council members who continue to meet the other requirements of this section are eligible to be elected to additional terms unless they are removed from office under the provisions stated in Section E, below.
2. Teacher Members To serve as a teacher member of the council, one must hold a position at the school that requires a state certificate and one must not hold the position of principal, assistant principal, or head teacher.

3. Parent Members To serve as a parent member of the council, one must be the parent, step-parent, or legal guardian of a child who will be enrolled at the school during one's term of office. One must not be a district employee, a relative of a district employee, a member of the district school board, or the spouse of a district school board member.

## C. Elections

1. Parent representatives conduct their own elections. Annual elections shall be conducted each May by the school's largest parent organization. Parents shall determine the procedures for their parent elections. The process that teachers may use to elect their representatives may address the following areas: nomination; preparation of ballot; elections; and absentee ballots. A representative of the parent organization shall notify the principal in writing of the two parents elected within 24 hours of the final vote, and shall deliver all election materials, including the written procedures, to the principal the next business day after the election.
2. Teacher representatives conduct their own elections. Annual elections shall be conducted each May for the purpose of electing three teacher council members. Teachers shall determine the procedures for their teacher elections. The process that teachers may use to elect their representatives may address the following areas: nomination; preparation of ballot; elections; and absentee ballots. A representative of the teachers shall notify the principal in writing of the three teachers elected within 24 hours of the final vote, and shall deliver all election materials, including the written procedures, to the principal the next business day after the election.
3. School council representatives can serve an unlimited number of terms as long as they continue to meet the eligibility requirements and are elected annually by their constituency.

## A. Standard of Conduct for Council Members

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

2. Conflict of Interest NO member shall enter into any business dealing that creates a conflict of interest under KRS Chapter 45A, and any member who discovers the existence of such a conflict of interest shall resign.
3. Teacher Departure A teacher member who ceases to be assigned to the school before his or her term is completed shall resign.
4. Student Departure A parent member whose child ceases to attend the school before his or her term is completed shall resign.
5. Improper Meeting No combination of 4 or more members of the council shall meet to discuss council business without following the procedures for scheduling a meeting of the full council listed in Article V below.
6. Criminal Conduct Any member of the council who is convicted of a misdemeanor or a felony during his or her terms of office shall resign.

## **E. Removal of Members**

A member who has violated any of the standards of conduct and who does not submit a written resignation from the council shall be subject to removal using the following procedure.

1. Motion A motion to remove the member shall be made by a member of the council, stating the actions that justify removal and identifying the standards of conduct violated by those actions.
2. Second If the motion is seconded, the member whose removal has been moved shall be given a chance to explain why removal is not justified. If the motion is not seconded, no further actions shall be taken on the motion.
3. Defense The member whose removal has been moved shall be permitted to present any type of defense he or she desires. Other persons wishing to address the issue may also speak, but the person whose removal is being considered will be allowed to speak last.
4. Decision The council shall vote on whether removal is justified. If there are four votes for removal, the member shall be removed. If there are fewer than four votes for removal, the motion shall fail. This provision for voting is an exception to use of consensus called for in Article VI, Section F.

## **F. Method for Filling Vacancies**

If a member of the council resigns or is removed from office, a replacement shall be selected in a special election held not more than one month after the vacancy occurs, using the procedure stated in Trigg County Board Policy. The person

elected in the special election shall serve until July 1 and be eligible for re-election to a full term.

## **G. Terms**

The terms of parent and teacher members shall begin on July 1 and end on June 30 of the next year. Between the date of the elections and July 1, members-elect are urged to attend all council meetings. Members are eligible for re-election to consecutive terms. **Members can serve an unlimited number of terms as long as they continue to meet the eligibility requirements and are elected annually by their constituency.**

## **Article III Officers of the Council**

### **A. Chair**

The chair will be elected by the council. He or she shall have all the responsibilities specified in these by-laws and shall also be responsible for maintaining a file of all correspondence addressed to the council. The chair may remove items from that file, either to discard them or to file them elsewhere, only after they have been brought and presented at a regular council meeting.

### **B. Custodian of Records**

The principal shall also be the official custodian of council records.

### **C. Vice-Chair**

A vice-chair shall be elected by the council from among its members at its first meeting each year. The vice-chair shall preside at any council meeting that the chair is unable to attend.

## **D. Secretary**

A secretary shall be selected by the council at its first meeting each year. The secretary does not have to be a member of the council, but must be willing to perform the duties of the office. The secretary shall perform the duties specified in Article VII below.

## **Article IV Committees**

### **A. Purpose**

Standing and ad hoc committees are established to gain input from all stakeholders including certified and classified staff, parents, students, and community members. Standing and ad hoc committees shall serve as a school council resource for gathering data and information and making recommendations to the school council.

### **B. Appointment of Committees**

Standing school council committees are included in the Committee Policy and can only be dissolved by amending the policy.

Ad hoc committees are formed and dissolved by the school council as needed.

## **Article V Functions**

### **A. Required Functions**

The council shall:

1. Determine within the parameters of the total available funds, the number of persons to be employed in each job classification at the school.
2. Determine which textbooks shall be used at the school.
3. Determine which instructional materials shall be used at the school.

4. Determine what student support services shall be provided in the school.
5. Select a new principal for the school, when that position becomes vacant, from a list of applicants submitted by the superintendent at the council's request. (SB226)
6. Consult with the principal before the principal selects persons to be hired to fill other positions at the school. Consultation shall include the following:
  - a. The principal shall inform the council of a vacancy and at which time the council will decide if that vacancy shall be filled.
  - b. The SBDM and a teacher from each team involved, when appropriate, shall review all applications submitted by the superintendent.
  - c. An interviewing committee shall consist of the principal, member of SBDM, parent, and teacher from a team/teams or related area. In the event of multiple hiring a representative group will be selected from the teams where vacancies occur.
  - d. The committee shall conduct its interviews in a manner of its own choosing. Each applicant, interviewing for the same position, must be asked the same questions.
  - e. The principal shall report their recommendations to the council.
  - f. The principal shall consider the discussion and any specific recommendations and make the final selection.
  - g. Either the principal alone or the committee by consensus may ask the superintendent to provide additional names for consideration for any vacancy.

**7. Adopt policies to be implemented by the principal in the following areas:**

- a. Determination of curriculum, including needs assessment and curriculum development;
- b. Assignment of all instructional and non-instructional staff time;
- c. Assignment of students to classes and programs within the school;
- d. Determination of the schedule of the school day and week, subject to the beginning and ending times of the school day and school calendar year as established by the local board;
- e. Determination of use of school space during the school day;
- f. Planning and resolution of issues regarding instructional practices;
- g. Selection and implementation of discipline and classroom management techniques, including responsibilities of the student, parent, teacher, counselor, and principal;
- h. Selection of extracurricular programs and determination of policies relating to student participation based on academic qualifications and attendance requirement, program evaluation and supervision;



- i. Procedures for determining alignment with state standards, technology utilization, and program evaluation. Council policy on this issue must be consistent with district board policy.
- j. Other issues necessary to provide an environment to enhance students' achievement and meet the goals established by KRS 158.645 and 6451. If the council makes a policy that fits this area but not any of the areas listed in items a-h above, that policy must be consistent with district board policy.
- k. Consultation (See 6 a-g)
- l. Committees
- m. Wellness

## **B. Disallowed Activities**

The council shall not:

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

## **Article VI Schedule of Meetings**

### **A. Regular Meeting**

The first meeting shall be set by the principal. The SBDM Council shall set the meetings scheduled thereafter. The secretary shall notify the local news media of the meetings scheduled for the year. The meetings will last no longer than two hours.

## **B. Special Meetings**

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

1. Written Notice; Contents The person or persons calling the meeting must prepare and sign a written notice that states the date, time and place of the special meeting and the agenda for the meeting. No issue not listed on that agenda, can legally be discussed at the special meeting.
2. Delivery of Notice the person or persons calling the meeting must arrange for the notice to be delivered to every council member and to any media organization that has asked to be notified of council meetings. The delivery can be made by hand, e-mail, fax 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 meetings.
3. Posting of Notice The notice must be posted conspicuously at the school, and also at the building where the meeting will be held if the meeting will not be held at the school. These copies must be posted as soon as possible after the meeting is called, and definitely not less than 24 hours before the meeting will be held.

## **Article VII Conduct of Meetings**

### **A. Quorum**

No council decisions can be taken unless three members of the council are present. One of those members present must be a parent member.

### **B. Attendance at Meetings**

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

## C. Closed Sessions

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

1. Announcement: Contents An announcement must be made in open session. The announcement must state that the council needs to discuss business involving a topic that the law allows to be discussed in closed session. The announcement must state the general nature of business that needs to be discussed in closed session and identify the specific section of the law that allows the session to be closed.
2. Motion A motion must be made and passed by a majority of members present to go into closed session to discuss that business.
  - a. During the closed session, only the business stated in the announcement can be discussed, and no final decision can be made. After full discussion, the council must return to open meeting and make any official decision needed on the matter, and the decision must be recorded in the minutes of the open session.

## D. Materials To Be Brought To Council Meetings

1. By the Chairperson To every council meeting, the chairperson shall bring:
  - a. The folder containing all items submitted for inclusion on the agenda, and
  - b. The folder containing all correspondence addressed to the council that he or she has received.
2. By the Secretary The secretary shall maintain and present, upon request, copies of the council's by-laws, policies, annual budget, monthly spending reports, and minutes

## E. Agenda

1. Preliminary Anyone may submit items for inclusion on the agenda to the chairperson and he or she shall maintain a complete file of those items. Twenty-four hours before each regular council meeting, the chairperson shall prepare a preliminary agenda for the council meeting, including all items that he or she believes need council attention at that session. The agenda shall include review of the minutes of the previous meeting.

The preliminary agenda shall be emailed to all staff and delivered to each member of the council via email, fax, hand delivery, or mail as long as the method allows the notice to arrive at least 24 hours before the time set for the meetings.

## **F. Discussion of Agenda Items**

Each item on the agenda shall be fully discussed by the council before any decisions are made. Other persons attending the meeting may show that they want to comment or to ask questions by raising their hand, and the chair may call upon them to speak. An individual wishing to speak may have five minutes. When five or more people wish to speak on an issue, they may have the total of twenty-five minutes.

Each person or group must sign in, stating their name and issue to be discussed.

It is required that persons wanting to speak to notify the council in writing at least one week prior to the meeting.

## **G. Consensus Decisions**

This council shall operate by the consensus procedure stated in this paragraph. After discussion of each issue, the chair or any member of the council may suggest the presence of consensus. The person making the suggestion shall explain in one or more sentences what he or she thinks the consensus is. The chair shall then ask whether any member has any significant disagreement with that statement. If no one disagrees, the decision shall be deemed made. If any member disagrees, the discussion shall continue until a suggestion of consensus is made that draws no disagreement or until a third suggest of consensus fails.

## **H. Failure to Reach Consensus**

When the third suggestion of consensus fails, the chair shall direct that the issue be taken up again at the next meeting, unless one of the following exceptions applies:

1. If the issue is the selection of a new principal, the council shall vote, and if any candidate receives four votes, that person shall be selected.
2. A majority vote shall be taken if the issue meets any of the following standards.
  - a. it involves the number of persons to be employed, the textbooks to be acquired, or the budget.

- b. the federal or state government or the district board of education has set a deadline for making the decision; or
- c. that deadline will occur before the next regular meeting of the council, or
- d. the members of the council cannot agree by consensus to try to solve the question at a special meeting.

## **I. Policy Development**

The council shall adopt policy at the second reading. Policy can be proposed by council members or committee chairs after respective groups have had an opportunity for input (i.e. staff, students, and/or parent groups meeting called for that purpose.) Policy shall be amended or deleted after the second council reading.

## **Article VIII**

### **Minutes and Other Council Records**

#### **A. Minutes to be kept and approved**

The secretary shall keep minutes of each council meeting. The minutes shall state accurately each council decision taken. If the decision was to adopt a written statement of policy or a written statement of some other decision, the entire text of that statement shall be attached to the minutes. The minutes shall be reviewed and approved by the council at its next meeting. Immediately after the meeting at which they are reviewed and approved, any member of the public is entitled to inspect them.

#### **A. Distribution of Council Documents**

The secretary shall make copies of the council's by-laws, policies, annual budget, monthly spending reports, or minutes. Those copies shall be distributed as follows:

1. One shall be sent to the district superintendent.
2. One shall be kept in a binder in the school office in a visible place where they can be reviewed by all interested persons at any time that the office is open.

## **B. Other Council Records**

If anyone asks to see council records that are not in the binder, the principal, as official records custodian shall make them available within three business days after the request unless the records are subject to a specific exception of the Open Records Law.

## **C. Fees to Reproduce Records**

There will be a charge of 10 cents per copy made.

## **Article IX Amendment to By-Laws/Appeals**

All motions to amend the by-laws of the council shall be submitted in writing. No decision on a motion to amend the by-laws shall be made until after the topic has appeared once in the preliminary agenda for council meetings.

Appeals are made in accordance with the Kentucky School District Board of Education policy.