

MT. STERLING ELEMENTARY SBDM COUNCIL BYLAWS

Article I Purpose

The purpose of the Mt. Sterling Elementary School Council is to address the academic, social and emotional needs of our students in order to set school policy that will enhance student achievement and help each student meet the goals established by the school council, consistent with state law. The school council will assess, monitor, and evaluate the policies and programs of Mt. Sterling Elementary School.

A. Code of Ethics

Code of ethics for a school council is a set of professional standards to follow as they work as a team, as they make decisions affecting the school, and more specifically the children served by the school.

B. Development

A code of ethics shall be adopted by the first school council at Mt. Sterling Elementary and shall be reviewed annually by each council thereafter and amended as needed. A written code of ethics shall be included in the SBDM policies.

C. Commitment

Each council member and recording secretary shall read and show by his/her signature a commitment to the code of ethics.

Article II Mission

The mission at MSE is to successfully educate the whole child in a safe, secure, and loving environment. We will strive to develop the child's ability to become a lifelong learner and productive citizen. We will emphasize effective communication, problem solving, creativity, respect for cultural diversity, and self-discipline. To accomplish this mission, we will utilize the talents of our staff, students, parents and community.

Article III Definitions

"Teacher" For the purpose of policies relating to SBDM, "teacher" is defined as all certified staff assigned to the school, including itinerant teachers, except the Principal and the Assistant Principal.

"Classified Employee" Classified personnel are all those employees who hold positions not requiring teacher certification.

"Parent" "Parent" means: 1. A parent, stepparent, or foster parent of a student; or 2. A person who has legal custody of a student pursuant to a court order and with whom the student resides.

"Minority" 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.

"SBDM" School Based Decision-Making is defined as a system of decentralized education leadership, providing a balance between school level and district level decision making, authority, responsibility, and accountability; and ensuring that the needs of the students and the school community are met in the most effective way.

"District" Mt. Sterling Elementary School's boundary.

"Quorum" Two-thirds of the members, including at least one parent member and one teacher member, constitute a quorum.

"By-Laws"

A council's by-laws explain how the council will go about its business. They address the procedures that will be followed in such areas as selecting members, calling meetings, and making decisions. By-laws are sometimes referred to as council operating policies.

"Policies"

A policy is a written document outlining common procedures, rules, guidelines, or processes concerning how a particular issue will be handled. When applicable, policies often provide common criteria and timelines.

"Nonfeasance" Omissions to do what ought to be done.

Article IV Membership

A. Composition

1. The school council shall consist of the principal, three teacher members, and two parent members.
2. If a school has 8 percent minority enrollment, as determined by the enrollment on the preceding October 1, and there is no minority elected in the initial election, a special election shall be conducted by the principal to elect a minority member to serve on the school council.
3. In the event a special election is needed, the teachers shall elect a minority teacher from the school's staff. If there are no minority teachers on staff at the school, the teachers shall elect a non-minority teacher to represent the interests of the minority students in the school. Procedures for election of the teacher representative shall be the same as the procedures for election of the other three teacher members of the council.
4. Although there is no provision in KRS 160.345 for additional school council members, the school council does not wish to exclude any constituency in the school from participation in all council meetings. Therefore the support staff may conduct an election for a support staff representative to attend all council meetings as a non-voting member.

B. Requirements for Membership

1. **All Members:** New members (those with less than one year of service) must complete six hours of training from a Kentucky Department of Education endorsed trainer no later than 30 days after the start of their term. Experienced members (those with more than one year of service) must complete three hours of training from a Kentucky Department of Education endorsed training provider each year no later than 120 days after the start of their term. 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. In the event the council must select a principal, the council is required by law to obtain training in the recruitment and interviewing prior to beginning the principal selection process.
2. **Teacher Members:** Teacher council members must possess certification required for their position as a basis for employment in Kentucky public schools. Itinerant teachers may nominate, serve, and vote in our school. Counselors may serve as teacher council members. Principals or assistant principals may not serve as teacher council members, or vote in teacher elections.
3. **Parent Members:** The legal definition of parent (KRS 160.345 1.c.) allows biological parents, stepparents, foster parents, or persons who have court ordered legal custody to be nominated or to vote. According to the law, parents who are nominated or who wish to vote must have a child attend our school next year, the parents of that child would be eligible to be nominated, or vote in the election for the next year's school council. Parents of 4th graders who are exiting our school need to be nominated or vote in the intermediate school election.

Parent council members cannot be employed in or be related to someone who is employed at Mt. Sterling Elementary School or in the district administrative offices. For legal purposes the following are considered relatives: father, mother, brother, sister, husband, wife, son, daughter, aunt, uncle, son-in-law, and daughter-in-law. Parent members cannot be a board member's spouse, nor can they have a business interest in the school.

C. TEACHER ELECTIONS

1. Teacher Qualifications

- a. All certified teachers in the building are allowed to vote in the teacher election.
- b. To be elected to the council, a teacher must hold a position at the school that requires certification but may not hold the position of principal, assistant principal or head teacher.
- c. Teachers will be elected by a majority of teachers in an election conducted by teachers.

2. Teacher Election Chair(s)

At one of the regularly called March faculty meetings, the teacher representatives of the council will request that teacher elections be included on the agenda. At this meeting the teachers present will select the Teacher Election Chair(s) to run the teacher elections. The Chair(s) will be chosen from among those teachers who do not intend to run for the council that year. The teacher representatives of the council will give the name(s) of the selected Teacher Election Chair(s) to the council no later than the April council meeting. The name(s) will be recorded in the minutes.

3. Teacher Election Chair(s) Responsibilities

- a. The Teacher Election Chair(s) will hold the teacher election before May 1st. The Chair(s) will be responsible for running the election including setting procedures to be followed and notifying the teachers of the date, place, and time of the teacher elections.
- b. Upon request, the council may provide the Teacher Election Chair(s) with guidelines to help formulate the procedures for the election. (See Attachment A)

D. PARENT ELECTIONS

1. Role of Parent-Teacher Organization

The school's largest parent-teacher organization will develop procedures for and conduct the election. If no parent-teacher organization exists, the largest group of parents formed for this purpose will run the election.

2. Parent Qualifications

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

- a. Employees of Mt. Sterling Elementary School or their relatives (mother, father, brother, sister, son, daughter, husband, wife, aunt, uncle, son-in-law, or daughter-in-law).
- b. Employees in the district administrative offices or their relatives (mother, father, brother, sister, son, daughter, husband, wife, aunt, uncle, son-in-law, or daughter-in-law).
- c. Members of the Board of Education or their spouses.

3. Parent Elections

The parent elections will take place no later than May 1st. The parents of all children pre-registered to attend the school during the next year may vote. The parent-teacher organization will determine how the election will be run. The principal will assist the parent-teacher organization in notifying parents of the election schedule. The parent-teacher organization will notify the current council of those elected not later than five school days after the election. Members-elect are invited and encouraged to attend the council meetings held before their terms begin on July 1.

E. MINORITY REPRESENTATION

1. A minority parent and an additional teacher will be elected, if the council formed (including the principal) after both teacher and parent elections does not have a minority member, and the school had eight percent or greater enrollment of minority students as of the previous October 1.
2. Minority members must be American Indian; Alaskan native; African American; Hispanic, including persons of Mexican, Puerto Rican, Cuban, and Central or South American origin; Pacific Islander; or other ethnic group underrepresented in the school.
3. The principal will be responsible for organizing the minority parent and teacher elections as follows:
 - 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. This election will be organized no sooner than ten and no later than twenty school days after the election (teacher or parent) which came last. 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. Minority parents for this ballot must meet the qualifications for parent members as outlined in subsection B of this section. 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.
 - b. Following the general elections, if a minority member was not elected, the Principal will call a meeting of all teachers in the building. This meeting will be called within seven school days after whichever election (teacher or parent) came last. The teachers will elect one minority teacher to serve as an additional teacher member on the council. If there are no minority teachers who are members of the faculty an additional non-minority teacher will be elected. If there are minority teachers on the faculty, but they decline to serve, then no additional teacher will be elected. The election will be conducted using the procedures listed in subsection A of this section.

F. Principal Role in SBDM Elections

Other than an organizational role in minority elections, principals are not given a role by statute in school council elections. Principals can assist the teachers or parents if requested to do so with logistics such as opening the building, providing space in the building, and assisting PTO and teachers with communicating meeting times and dates of the elections. Principals should not be involved in setting or monitoring election procedures, nominations, balloting or counting votes. The principal is the custodian of records for the school, and must keep the official records from the parent and teacher elections for at least three years. By November 1 of each year, the principal through the local superintendent shall forward to the Department of Education the names and addresses of each council member and verify that the required training has been completed.

G. VACANCIES DURING A TERM OF OFFICE

1. Notice of Vacancy

When either a teacher or parent vacancy occurs in the middle of a term, a new member will be elected to complete that term. The principal will post a notice in the faculty workroom and in a place readily accessible to parents stating that there is a vacancy and including the text of this subsection of the bylaws. The principal will also communicate this information to the president of the parent-teacher organization. These steps will be taken within one school day after the principal learns of the vacancy.

2. Election to Fill a Teacher Member Vacancy

Within ten school days of the vacancy, the Teacher Election Chair(s) selected the previous March, will use the procedures established to conduct a teacher election to fill the vacancy.

3. Election to Fill a Parent Member Vacancy

The president of the parent-teacher organization will call an election to be held not less than ten or more than twenty school days after the vacancy occurs. The procedures described in subsection B of this section will be used.

4. Election to Replace a Minority Parent Member

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

5. Election to Replace an Additional Teacher Member

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

6. Principal Vacancy

The Superintendent shall appoint an administrator to fill the vacancy in the principal/administrator position as soon as feasible after notice of vacancy is given. The appointed administrator shall serve as chair of the council until the position is permanently filled.

Article V Council Officers

A. Election of Officers

1. Officers shall include Chair, Vice Chair, and an appointed Secretary.
2. The vice chair of the school council shall be elected each July by the council members and shall serve for one year. Re-election is permitted.
3. If a vice chair resigns his or her position, the Vice Chair can be elected by consensus.
4. A motion to seek an alternative model allowing a council member other than the principal to serve as chair may be made by any council member at any regular meeting. A majority vote of the full council is required before an alternative model can be sought by the school council. A faculty vote must then be conducted, and the motion must pass by 2/3 in order to proceed with the model.

B. Chair

The principal or designee shall be the chairperson of the school council. Duties of the chair include:

- Conducting school council meetings
- Compiling and distributing the agenda for the council records
- Stating when a consensus is present for the record
- Coordinating standing and ad hoc committees
- Carrying out any additional responsibilities as stated in the by-laws
- Maintaining a file of all correspondence addressed to the school council (these records may only be discarded after having been brought to two council meetings)

C. Vice-Chair

Duties of the vice chair shall include:

- Presiding over council meetings in the absence of the chair.
- Being the council contact person and liaison for the superintendent (or designee) during the principal selection process.

D. Secretary

A council secretary shall be appointed by the principal to keep minutes of all council meetings and to maintain council records. The secretary's responsibilities shall include:

- Take minutes at each council meeting that include an accurate record of all motions made and all decisions or actions taken.

- Serving as official custodian of council records and all council records will be maintained in the school office in accordance with the State Archives Records Retention Schedule (725 KAR 1:030).
- Type, copy, and distribute the draft minutes, marked as such, to each member of the council and post a copy in the teacher's lounge and in a place readily accessible to all parents. This will be done within five school days after each meeting.
- Make copies of the final approved minutes for the notebooks in the library and the office and send copies to all council members, the president of the parent-teacher organization, and the superintendent. This will be done within five school days following the meeting at which the minutes were approved.

E. Council Members

Duties of the council members include:

- Knowing and adhering to the mission, philosophy, and goals of Mt. Sterling Elementary School
- Attending all council meetings, both regular and special
- Encouraging and requesting opinions from their constituencies.
- Supporting, promoting, and communicating council decisions.
- Seeking information independently and as needed about issues brought before the school council, and bringing that information to council.

Article VI Committees

A. USE OF COMMITTEES

Committees will be used to support and to accomplish tasks of the council.

B. COMMITTEES POLICY

The council will adopt a committees policy to facilitate the participation of interested persons. The policy will include the number of committees, their jurisdiction, their composition, and the process for membership selection.

Article VII Schedule of Meetings

A. Types

1. Regular meetings held on a set day and at a set time.
2. Special meeting scheduled, as they are needed in between regularly scheduled meetings.

B. Schedule of Regular Meetings

At the July meeting the SBDM will establish a consistent meeting schedule that specifies the meeting location, time and date. The principal shall post a copy of the schedule in the teacher's lounge and on the SBDM bulletin board and he or she shall notify the local news media at least one week in advance of each meeting.

C. Schedule of Special Meetings

If the council needs to meet before its next regular meeting, the principal 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. Content of 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 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 only by hand, US mail, fax machine, or email, but the method must be one that allows the notice to arrive at least 24 hours before the time set for the meeting. Email notification can be sent only to those with a written request on file.

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.

4. At the first meeting of each new term there will be an agenda item asking which members want to be notified about special meetings via email. The responses will be recorded in the minutes.

Article VIII Conduct of Meetings

A. Agenda

Each Regular and Special Meeting shall operate by an agenda. Anyone may submit items for inclusion on the agenda to the chairperson. Items must be submitted no later than ten school days before a scheduled meeting. The agenda shall be approved by the council at the beginning of the meeting. Items on the preliminary agenda may be added, deleted, or modified at this time. However, the Open Meetings Law does not allow items to be added to an agenda for a Special Meeting. The agenda for the regular meetings shall be written and disseminated within twenty-four hours prior to the meeting. The agenda for a regular meeting will be disseminated to all the teachers and officer of the PTO. Teacher and officers of the PTO shall be informed of special meetings by the most convenient method.

B. Discussion of Agenda Items

Each agenda item may be discussed by the school council before a decision is made. Each council member may be given an opportunity to express his or her opinion on these items. Other persons attending the meeting may be recognized by the chairperson and may address the council only during the time designated by the Chair. Those who are in attendance at the council meetings shall be provided an opportunity to discuss issues under consideration by the council by the following procedures:

1. Every agenda will include a public comment item.
2. Public input may be informal with the chairperson calling on persons who wish to speak.
3. If more than several people wish to speak, the chairperson will have the option of setting time limits for speakers based on the time allotted for this item, the number wishing to speak, and any extra time left on the agenda; or if the agenda will run over, by consensus of the members present to continue.

D. Quorum

Two-thirds of the members, including at least one parent member and one teacher member, constitute a quorum.

E. Minutes

1. Minutes shall be kept for each meeting of the school council.
2. The minutes shall reflect an accurate record of actions and votes taken at the council meeting.

3. If the action taken was the adoption of a policy, the entire text of the policy shall be attached to the copy of the minutes kept on file in the library for public inspection and filed in the council's policy manual.
4. The minutes of the school council shall not be official until they are reviewed and approved by the council.
5. A preliminary copy of the minutes marked as draft for all council meetings will be provided to all council members and certified and classified staff within 72 hours of the adjournment of the meeting. If revisions are necessary, an updated copy of the minutes will be available.
6. The principal or designee will forward an official copy of the minutes to the superintendent and SBDM District Coordinator, and keep an official copy on file in the school.
7. A copy of the official minutes will be posted on the SBDM bulletin board in the foyer by the chairperson.

F. Open Sessions

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

G. Closed Sessions

When Closed Sessions Are Allowed

A closed session is a portion of regular or special meetings 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).

H. Required Announcement

The chair or another council member must make an announcement in open session. The announcement must state:

1. That the council needs to discuss business involving a topic that the law allows to be discussed in closed session,
2. The general nature of business that needs to be discussed in closed session, and
3. The specific section of the law that allows the session to be closed (KRS 61.810(1)(c), or KS 61.810(1)(f), described above.

I. Required Motion and Vote

The chair or another member of the council must make a motion to go into closed session to discuss the business mentioned in the announcement, and a majority of members must vote for that motion and the vote must be recorded in the minutes.

J. Conduct of the Closed Session

During the closed session, only the business stated in the announcement can be discussed, and no final decision can be made.

K. Return to Open Session

After full discussion, the council must return to open session and make any official decision needed on the matter, and the decision must be recorded in the minutes of the open session.

Article IX Council Governance

A. QUORUM

Two-thirds of the members, including at least one parent member and one teacher member, constitute a quorum.

B. COUNCIL RESPONSIBILITIES

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

1. School Improvement Planning
2. School Safety Plan
3. Ungraded Primary Program (Elementary)
4. Assessment Data Analysis, including results of Program Reviews
5. Achievement Gap Targets
6. Professional Development
7. Spending on textbooks, instructional materials, student support, and staff (including determination of the number of persons to be employed in each job classification)
8. Consultation before the principal selects people to be hired (See Attachment F)
9. Selection of a new principal (See Attachment D)
10. Adopting policies in the following areas: (See SBDM Policy Manual)
 - a. Alignment with State Standards
 - b. College-Level Courses (Secondary)
 - c. Committees
 - d. Consultation
 - e. Curriculum
 - f. Discipline, Classroom Management and School Safety
 - g. Enhancing Student Achievement
 - h. Extracurricular Programs
 - i. Instructional and Non-Instructional Staff Time Assignment
 - j. Instructional Practices
 - k. Parent Engagement (Title 1 Schools)
 - l. Program Appraisal
 - m. School Day and Week Schedule
 - n. School Space Use
 - o. Student Assignment
 - p. Technology Use
 - q. Wellness (Primary to Grade 5)
 - r. Writing
 - s. OTHER: Policies not required by law but considered best practice and/or recommended by the local district.

C. CONSENSUS

1. The council will operate by consensus decision-making using the following procedures:
 - 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. 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, read it to the council, and hand the written motion to the recorder 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 recorder to record that consensus has been reached and the motion has passed.

D. CONSENSUS FAILURE

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.

1. 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 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 unless one of the conditions for voting applies.
2. 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.

E. ADOPTION OF POLICIES

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

F. BYLAWS AMENDMENT

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.

G. APPEALS OF COUNCIL DECISIONS

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

Article X Appeals

The Montgomery County Board of Education sets the rules for, how a person may appeal a council decision. Persons considering appeals in the future should check the most recent board policy to learn exact procedures.

Article XI Removal of Council Members

A member who violates the standards of conduct and does not submit a written resignation from the council could be reprimanded or removed. There are two ways that could happen:

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

2. The Office of Education Accountability can investigate claims of intentional interference with school-based decision making. If 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.

Article XII Fiscal Management

A. Budgeting Process

All funds expended by the school shall be included in an annual budget. This applies to funds appropriated for a specific function like instructional materials as well as total school funds appropriated by the Board of Education. The council shall approve all budgets.

B. Monitoring

A monthly report shall be provided to the council by the principal showing as a minimum amount budgeted; amounts spent, and balance by line item. The report shall be approved by the council.

XIII Amendments

Amendments to Council By-Laws

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

Date Adopted: 5-21-2012