SCHOOL-BASED DECISION MAKING

SOUTH OLDHAM MIDDLE SCHOOL

BYLAWS

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SOUTH OLDHAM MIDDLE SCHOOL
SCHOOL-BASED DECISION MAKING COUNCIL
BYLAWS

TABLE OF CONTENTS

I. COMPOSITION & TERM……..5
   A. Composition of the Council
   B. Terms
   C. Leave of Absence
II. ELIGIBILITY & ELECTIONS……5-7
   A. Teacher Elections
   B. Parent Elections
   C. Minority Representation
   D. Vacancies During a Term of Office
III. COUNCIL REQUIREMENTS……7-8
   A. Training for New Members
   B. Training for Experienced Members
   C. Training for Mid-year Vacancies
   D. Training Reporting
   E. Background Check for Parent Members
   F. Documentation of Proof of Receipt
   G. Request to Receive Email Notification
IV. STANDARDS OF CONDUCT……9
   A. Meeting Attendance
   B. Conflict of Interest
   C. Ongoing Eligibility
   D. Improper Meeting
   E. Intentional Interference with School-Based Decision Making
V. REMOVAL OF MEMBERS……9
   A. Commissioner's Recommendation
   B. Office of Educational Accountability

VI. MEETINGS……..9-11
A. All Meeting
B. Regular Meetings
C. Special Meetings
D. Closed Sessions
E. Public Input
VII. AGENDAS……..11
A. Agenda Requests
B. Preliminary Agenda
C. Approval of Agenda

VIII. RECORDS……11-12
A. Public Copies
B. Open Records Requests
C. Official Copies
IX. Duties of Council Officers and Members……12-13
A. Chairperson
B. Vice-Chairperson
C. Secretary
D. Members
X. COMMITTEES……13
A. Use of Committees
B. Committees Policy
XI. DECISION MAKING……13-16
A. Quorum
B. Council Decisions
C. Council Responsibilities
D. Consensus
E. Consensus Failure
F. Adoption/Revision of Policies
G. Bylaws Amendment
H. Appeals of Council Decisions
XII. ATTACHMENTS……16
APPEALS OF COUNCIL DECISIONS (Your Board Policy)
COMMITTEES POLICY (Your School Policy)
CONSULTATION POLICY (Your School Policy)
OPEN MEETINGS LAW BASICS (KASC)
PRINCIPAL SELECTION POLICY (Your School Policy)
RECORDS RETENTION SCHEDULE BASICS (State Archives)
SCHOOL-BASED DECISION MAKING (SBDM) LAW (KRS 160.345)

SOUTH OLDHAM MIDDLE SCHOOL
COUNCIL BYLAWS

I. COMPOSITION AND TERMS

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.

B. TERMS

Terms of council members will be two years, 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. New council members are encouraged to attend and observe council meetings between the time they are elected and the July meeting when their term starts.

C. LEAVE OF ABSENCE

Leave of absence from the council will not be granted.

II. ELIGIBILITY AND ELECTIONS

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.
6. Teachers in the school will elect teacher chairs to run the election.
7. The elections will take place no later than May 1st.
8. The teacher election chairs will notify the current council and the school community of those elected no later than five school days after the election.

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.

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 u) 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 SOMS 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. The parents of all children preregistered 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 current council and the school community of those elected no later than five school days after the election.

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 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:

   PARENT 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) At the election, parents may nominate additional minority candidates.
f) The candidate receiving the most votes will be elected. In the event of a tie vote, a run-off will be held.

TEACHER 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 within seven school days after the regular elections.
c) The teachers will elect one minority teacher to serve as an additional teacher member on the council.
d) If there are no minority teachers who are members of the faculty, an additional nonminority 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 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 parent-teacher organization. These steps will be taken within five school days 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 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 a Minority Teacher Member
   The principal will implement the procedures described in subsection C of this section.

III. COUNCIL REQUIREMENTS

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.

IV. STANDARDS OF CONDUCT

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

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. OFFICE OF EDUCATION ACCOUNTABILITY

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

A. ALL MEETINGS

1. Council meetings will comply with the requirements of the Open Meetings Law. (See Appendix Attachment: 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.
2. The principal (or designee) will post a copy of the regular meeting schedule in the teachers' workroom and in a place regularly accessible to parents. 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 chairperson 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 they 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 CD Resource folder Request to Receive Email Notification sample 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 definitely no less than 24 hours before the meeting will be held.

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)(0, or the school's emergency plan under KRS and (m); KRS 61.878(1)(m); and KRS 158.162(2), or litigation under KRS (See Appendix Attachment: 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 chairperson calling on persons who wish to speak.
3. Each person will be given a two minute time limit to comment.
4. Public comment will be taken under advisement and no action will be taken during the meeting. A letter will be sent to those making comment describing the action taken by the council.
5. 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.

VII. AGENDAS

A. AGENDA REQUESTS

Anyone may submit items for inclusion on the agenda to the chairperson. Items must be submitted in writing no later than ten school days before a scheduled meeting.

B. PRELIMINARY AGENDA

The chairperson will prepare a preliminary agenda, marked as such, to be posted in the teacher's lounge and posted in a place readily accessible to all parents and distributed to all council members at least five school days before each regularly scheduled council meeting. (See CD Resource folder for sample of a council agenda outline recommended by KASC.)

C. APPROVAL OF AGENDA

At the beginning of each council meeting, the council will approve an agenda for the meeting. At regular council meetings, items on the preliminary agenda may be added, deleted, or modified. At special meetings, items on the agenda may be deleted but not added or modified.

VIII. RECORDS

A. PUBLIC COPIES

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

1. Council bylaws
2. Council policies
3. Council minutes for the current year
4. Council annual budget

5. School improvement plan

B. 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. A fee set by the Board of Education may be charged to cover copying costs other than staff time to make the copies in accord with the provisions of the Open Records Law. Persons who want copies of documents in the council binder will give the principal a written request.

C. OFFICIAL COPIES

All council records will be maintained in accordance with the State Archives Records Retention Schedule. (See Appendix Attachment: Records Retention Schedule Basics)

IX. DUTIES OF COUNCIL OFFICERS AND MEMBERS

A. CHAIRPERSON

1. The principal will serve as the chairperson of the council.
2. The duties of the council chairperson 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. (See Appendix Attachment: Records Retention Schedule Basics.)
    e) Coordinate standing and ad hoc committees.
    f) Carry out any additional responsibilities or duties as stated in these bylaws.

B. VICE-CHAIRPERSON

1. The vice-chairperson will be chosen by consensus from within the council membership.
2. The duties of the vice-chair will be to:
    a) Preside over council meetings in the absence of the chairperson.
    b) In the event a new principal must be hired, become the liaison to the superintendent (or designee) when he/she becomes the chair of the council. (See Appendix Attachment: Principal Selection Policy.)

C. RECORDING SECRETARY

1. The chairperson of the council will appoint a recording secretary for the council. The recording secretary will not be a member of the council.
2. The duties of the recording 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 if 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 the teacher's

lounge and in a place readily accessible to all parents. This will be done within five school days after each meeting.

c) Make copies of the final approved minutes for the public inspection and official copies binders.
d) Send copies to all 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 documents in the public inspection binder(s).

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 mission of the school and council.
    b) Attend all council meetings.
    c) Bring necessary documents/materials to meetings.
    d) Keep the focus of discussions and decisions on students and the improvement of student achievement.
    e) Encourage/request opinions from the shareholders who elected them.
    f) Provide input by consulting with the principal during the hiring of staff. (See Appendix Attachment: Consultation Policy)
    g) Participate in the process and hiring of a new principal if that process becomes necessary. (See Appendix Attachment: Principal Selection Policy)
    h) Maintain confidentiality related to closed council sessions.
    i) Support, promote, and communicate council decisions and actions.

X. 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 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. (See Appendix Attachment: Committees Policy)

XI. DECISION-MAKING

A. QUORUM

A majority (more than half) of the members, including at least one parent member, 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 and council'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.
2. The following issues are under the purview of the School-Based Decision Making Council:
    a) School Improvement Planning
    b) School Safety Plan
    c) K-3 Program (Elementary)
    d) Assessment Data Analysis
    e) Achievement Gap Targets
    f) Professional Development
    g) Spending on textbooks/instructional resources, student support, and staff (including determination of the number of persons to be employed in each job classification)
    h) Consultation before the principal selects people to be hired (See Appendix Attachment: Consultation Policy)
    i) Selection of a new principal (See Appendix Attachment: Principal Selection Policy)
    j) Adopting policies in the following areas:
        (1) Alignment with State Standards
        (2) College-Level Courses (Secondary)
        (3) Committees
        (4) Consultation
        (5) Curriculum
        (6) Discipline, Classroom Management, and School Safety
        (7) Emergency Management Plan
        (8) Enhancing Student Achievement
        (9) Extracurricular Programs
        (10) Instructional and Non-Instructional Staff Time Assignment
        (11)Instructional Practices
        (12) Parent and Family Engagement (Title 1 Schools and best practice for others)
        (13) Program Appraisal
        (14) School Day and Week Schedule
        (15) School Space Use
        (16) Student Assignment
        (17) Technology Use (including an Acceptable Use Policy/Form)
        (18) Wellness (K-5 Schools and best practice for secondary) 19)
        (19) Writing
        (20) Other: Policies not required by law but considered best practice and/or requested by the local district.
    k) Following are activities in which councils should not be involved:
        (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 listed above

D. 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 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. CONSENSUS FAILURE

1. 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.
2. 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.

3. 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. ADOPTION/REVISION OF POLICIES

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 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.

H. APPEALS OF COUNCIL DECISIONS

The District Board of Education has established a process for appeals of council decisions. (See Appendix Attachment: Appeal of Council Decisions Policy)

XII. APPENDIX ATTACHMENTS

APPEALS OF COUNCIL DECISIONS (Your Board Policy)
COMMITTEES POLICY (Your School Policy)
CONSULTATION POLICY (Your School Policy)
OPEN MEETINGS LAW BASICS (KASC)
PRINCIPAL SELECTION POLICY (Your School Policy)
RECORDS RETENTION SCHEDULE BASICS (State Archives)
SCHOOL BASED DECISION MAKING (SBDM) LAW (KRS 160.345)