

# **Spencer County Middle School**

## **SBDM Bylaws**

**3/21/2017**

# SPENCER COUNTY MIDDLE SCHOOL

## SBDM Council Bylaws

### **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.

#### **B. TERMS**

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.

#### **C. LEAVE OF ABSENCE**

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

### **II. ELIGIBILITY AND ELECTIONS**

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#### **A. TEACHER ELECTIONS**

- a. All certified teachers who work in the building are allowed to run for teacher council member and vote in the election.
- b. 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, assistant principals, and head teachers."
- c. Other than classroom teachers, eligible teachers include, for example, counselors, library media specialists, and other related arts teachers, whether assigned only to our school or serving as itinerant teachers.
- d. Teachers in the building will elect **2 certified staff members to oversee the election process.**
- e. **Election Process:**
  1. **Nominating Committee shall meet with faculty to explain the process.**
  2. **Teacher Nominating Forms will be available for 10 school days before election.**
  3. **Nominations shall close 3 days before the election.**
  4. **Teachers may nominate themselves or another teacher, but the nominated teacher must accept the nomination before name is placed on Ballot.**
  5. **Nominees may submit a brief candidate profile to the nominating committee, who shall distribute to staff prior to the election.**
  6. **The Nominating Committee shall prepare the ballot containing the name of all nominated teachers in Alphabetical order.**

7. The Nominating Committee shall chair and oversee the meeting to elect teachers to the council.
8. Elections shall be by secret ballot; the nominee shall receive 50 % + 1 of, certified staff [assigned to the building] votes to be elected.
9. Balloting for representatives shall be as follows:
  - a) Each teacher present shall cast one vote for the candidates of his or her choice.
  - b) If one candidate wins by a majority of the vote, the remaining two candidates receiving the highest number of votes will be candidates in a runoff election that shall follow immediately. The winner of the runoff election shall be elected to the school council.
  - c) If no candidate receives a majority of the vote, the two candidates receiving the highest number of the votes will be candidates in a runoff election that shall follow immediately. The winner of the runoff election shall be elected to the school council.
  - d) Once a candidate has been elected, that person's name will be removed from the slate of candidates.
  - e) A new election will then be held with the remaining candidates using the same procedure as outlined above. This election process shall continue until all three-teacher representatives to the school council have been elected.
  - f) The elections will take place no later than June 1.

## B. PARENT ELECTIONS

### 1. Role of Parent-Teacher Organization

The Spencer County Parent Teacher Student 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 SCMS 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 what is stated in PTSO Bylaws. 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.

## C. 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:

### 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 for this ballot must meet the qualifications for parent members as outlined in subsection B above.
- 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 building.
- b. The teachers will elect one minority teacher to serve as an additional teacher member on the council.
- c. If there are no minority teachers who are members of the faculty an additional non-minority teacher will be elected.
- d. If there are minority teachers on the faculty, but they decline to serve, then no additional teacher will be elected.
- e. 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 president of 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, the Teacher Election Chair(s) selected the previous spring, 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 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 an Additional 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 (30) 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 (120) 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 (30) days after they are elected. A person endorsed by the Kentucky Department of Education must provide this training.

#### **D. TRAINING REPORTING**

By November 1<sup>st</sup> 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

KRS 160.380(10) 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.

## F. YOUR DUTY UNDER THE LAW, AND MANAGING PUBLIC RECORDS

All council members will sign a form saying they have received and read the two documents: *Your Duty Under the Law*, and *Managing Public Records*.

## IV. STANDARDS OF CONDUCT

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### A. 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.

### B. CONFLICT OF INTEREST

No one may serve on a school council who has a conflict of interest pursuant to KRS 45A [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.

## V. REMOVAL OF MEMBERS

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

### 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 to decide whether removal is warranted.

## 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

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### A. ALL MEETINGS

1. Council meetings will comply with the requirements of the Open Meetings Law.
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. At the first council meeting on or after July 1<sup>st</sup> each year, the council will designate a regular meeting time and place.
2. The principal will post a copy of the regular meeting schedule in a place regularly accessible to parents. He or she will use any other methods deemed appropriate to make the schedule readily available to all stakeholders.

### C. SPECIAL MEETINGS

1. Any meeting not at the regular meeting time or place is a special meeting.
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 at the meeting but they cannot be added or revised.
  - b. Posting Of Notice The notice will 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 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)(f), or the school's emergency plan under 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 Attachment C)
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. 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**

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#### A. AGENDA REQUESTS

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

#### B. PRELIMINARY AGENDA

The chairperson will prepare a preliminary agenda.

#### C. APPROVAL OF AGENDA

At the beginning of each regular council meeting, the council will approve an agenda for the meeting. Items on the preliminary agenda may be added, deleted, or modified at this time.

### **VIII. RECORDS**

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#### A. OPEN RECORDS REQUESTS

The principal will be the official records custodian and will make the notebooks of council bylaws, policies, minutes, budgets, current SIP, and other 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.

## B. OFFICE COPIES

All council records will be maintained in the school office in accordance with the State Archives Records Retention Schedule (725 KAR 1:030).

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

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### A. CHAIRPERSON

The principal will serve as the chairperson of the council. The chairperson will preside at all council meetings and carry out all other specific council duties as assigned by these bylaws.

### B. RECORDER

1. The chairperson of the council will appoint a recorder for the council. The recorder will not be a member of the council.
2. The duties of the recorder will be to:
  - a. Take minutes at each council meeting that include an accurate record of all motions made and all decisions or actions taken. Maintain and up-date all documents in the public notebook in the office.
  - b. Type, copy, 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 parents. This will be done within five school days after each meeting.
  - c. Make copies of the final approved minutes for the notebooks in 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.

## **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. DECISION-MAKING**

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### **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 take action.

### **B. VISION & MISSION**

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**

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. Assessment Data Analysis, including results of Program Reviews
4. Achievement Gap Targets
5. Professional Development
6. Spending on textbooks, instructional materials, student support, and staff (including determination of the number of persons to be employed in each job classification)
7. Consultation before the principal selects people to be hired
8. Selection of a new principal
9. 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. Emergency Plan
  - h. Enhancing Student Achievement
  - i. Extracurricular Programs
  - j. Instructional and Non-Instructional Staff Time Assignment
  - k. Instructional Practices
  - l. Parent Engagement (Title 1 Schools)
  - m. Program Appraisal
  - n. School Day and Week Schedule
  - o. School Space Use
  - p. Student Assignment
  - q. Technology Use
  - r. Writing
  - s. OTHER: Policies not required by law but considered best practice and/or recommended by the local district. 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. 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.

#### 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 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.
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 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.

## 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 of appeals of council decisions.

Adopted: 10/14/99  
Reviewed: 12/14/00  
12/18/01  
09/26/06  
08/28/08  
Revised 02/19/15