

# School Council By-Laws

## *Sixth District Elementary School*

### ARTICLE I: PURPOSE

The purpose of these by-laws is to provide the council with a set of operational guidelines with which to function effectively.

### ARTICLE II: MISSION

The mission of the Sixth District School SBDM Council is to set school policy and make decisions that will provide an environment to improve student achievement, and which will enable the teachers to positively impact the educational process.

### ARTICLE III: MEMBERSHIP

#### **A. SCHOOL COUNCIL COMPOSITION**

The school council shall consist of the principal, three teacher members, and two parent members. The principal shall serve as the chairperson.

If the school's total minority enrollment is eight percent (8%) or more as of the preceding October 1, there must be at least one minority member serving on council. (Please refer to the portion of these by-laws dealing with the election of council members for procedures to be followed if a minority council member is not elected during the election process).

#### **B. REQUIREMENTS FOR MEMBERSHIP**

All Members: No one may serve on the school council who has a business interest in the school as designated by KRS 45A.340. New members (those with less than one year of service) must complete six (6) hours of training from a Kentucky Department of Education endorsed training provider. Experienced members (those with at least one year of council service) must complete three (3) hours of training from a Kentucky Department of Education endorsed training provider each year. In the event the council must select a principal, the council is required by law to obtain training in the recruitment and interviewing of candidates prior to beginning the principal selection process.

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, nor vote in teacher elections.

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 "pre-registered to attend" the school for next year. Parent council members cannot be employed in, or be related to, someone who is employed in the school or in the district administrative offices. An Attorney General's Opinion [OAG 90-102] says that "relative" as used in this section should have the same definition found in KRS 160.180 and KRS 160.380 that applies to school boards. This means that a parent who is a "*father, mother, brother,*

*sister, husband, wife, son, daughter, aunt, uncle, son-in-law or daughter-in-law*" of someone who works at the school or in the district administrative offices could not be a parent council member. Parent members cannot be a board member or a board member's spouse, nor can they have a business interest in the school.

## C. ELECTIONS

Parent Members: Parents conduct their own elections as per KRS 160.345. Annual elections of parent member(s) shall be conducted each May by the school's largest parent organization. Parent elections may be by plurality vote (parent or parents with the highest number of votes). A representative of the parent organization shall notify the principal, in writing, of the parent(s) elected within 24 hours of the final vote, and shall deliver all election materials to the principal the next business day after the election.

Teacher Members: Teachers conduct their own elections as per KRS 160.345. Annual elections shall be conducted each May for the purpose of electing teacher council member(s). Teacher members must be elected by a simple majority (one half plus one) of the number of teachers assigned to the school. The process that teachers may use to elect their representatives should address the following areas:

- Nomination of candidates,
- Preparation of ballot,
- Date, time, and location of election,
- Provision for absentee ballots,
- Announcement of winning candidate(s)
- Delivery of election materials to the principal the next business day after the election.

Procedure if a Majority is Not Received: If no teacher receives a majority vote or if fewer candidates receive a majority of votes than the number needed to fill the open seats, the persons getting the smallest number of votes below a majority shall be removed from the ballot. The teachers shall vote again for the number of persons needed to fill the remaining vacancies. This process of removing one name from the ballot and re-voting shall be repeated as often as necessary in order to elect all candidates by a majority vote to all open positions.

Election of Minority Members: School councils in schools having eight percent (8%) or more minority students enrolled, as determined by the enrollment on the preceding October 1, shall have at least one (1) minority member. If the council formed using the aforementioned procedures does not have a minority member, the following steps shall be taken:

- The principal will notify the Parent-Teacher organization of the need for a special election to elect an additional minority parent member. The principal will be responsible for notifying all parents of the need for nominations for a minority parent council member and the date, time, and location of the election set up by the parent organization. This election will follow the same procedures as the regular election process.
- The principal will notify the teacher election team of the need to select one (1) minority teacher to serve as a teacher member on the council. If there is no

minority teacher willing to serve on council, the seat on council shall remain vacant. If there are no minority teachers on the faculty, an additional teacher member shall be elected by a majority of all teachers. This election will follow the same procedures as the regular election process.

Vacancies on Council:

- Teacher Departure - A teacher member who ceases to be assigned to the school before his or her term is completed is no longer eligible to serve on the council.
- Student Departure - A parent member whose child ceases to attend the school before his or her term is completed is no longer eligible to serve on the council.
- When a council member submits a letter of resignation or is removed from council for reasons set forth in these bylaws, a new member shall be elected to complete the term.
- Within one week after learning of the need to elect a replacement member, the principal shall prepare a written notice that states that there is a vacancy and quotes the text of this subsection of the by-laws. He or she shall post that notice in the school office and also in a place readily accessible to parents and send a copy of the notice to the president of the Parent-Teacher organization that same day.

Terms of Office: Council members serve two-year terms that begin July 1 after their election.

Term Limits: Council members may serve unlimited and consecutive terms.

**D. REMOVAL OF MEMBERS**

According to KRS 156.132, the Commissioner of Education may recommend removal of a school council member whom he has reason to believe is guilty of immorality, misconduct in office, incompetence, willful neglect of duty, or nonfeasance.

A member of a school council may be removed from the council for cause, after an opportunity for hearing before the local board, by a vote of 4/5 of the membership of the board of education after the recommendation of the commissioner of education pursuant to KRS 156.132. Written notices setting out the charges for removal shall be included in the minutes of the board and given to the member of the school council. KRS 160.347

**E. FILLING VACANCIES**

If a member of the council resigns or is removed from office, another member shall be elected in a special election held not more than one month after the vacancy occurs. The person elected in the special election shall serve the remainder of the term and be eligible for re-election.

**ARTICLE IV: DUTIES OF OFFICERS AND COUNCIL MEMBERS**

**A. COUNCIL OFFICERS**

- Officers shall include chair and vice-chair
- The vice-chair of the school council shall be elected each July by council members and shall serve for one year. Re-election is permitted.
- The principal shall be the chairperson of the school council.

**B. CHAIRPERSON**

Duties of the chair include:

- Setting the preliminary agenda for each council meeting,
- Conducting school council meetings,
- Ensuring that minutes of each meeting are kept and forwarding a copy of these minutes to the superintendent or superintendent's designee after approval of the minutes by the council,
- Coordinating ad hoc committees and monitoring committee progress,
- Carrying out any additional responsibilities as stated in these 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), and
- Other duties as described in these by-laws.

**C. VICE-CHAIR**

Duties of the vice-chair shall include:

- Presiding over council meetings in the absence of the chair,
- Calling a special meeting of the council in the event a principal vacancy occurs, and
- Conducting meetings necessary for the principal hiring process to take place.

**D. SECRETARY**

- A council secretary shall be appointed by the principal to keep minutes of all council meetings.

**E. COUNCIL MEMBERS**

Duties of council members include:

- Knowing and adhering to the mission, philosophy, and goals of Sixth District School,
- Attending council meetings, both regular and special,

- Supporting, promoting, and communicating council decisions, and
- Seeking information independently, as needed, about issues brought before the school council and sharing that information with the council.

## **ARTICLE V: COMMITTEES**

### **A. PURPOSE**

- Sixth District School utilizes ad hoc committees rather than standing committees.
- Ad hoc committees shall serve as a council resource for gathering data and information, and making recommendations to the school council.
- Ad hoc committees are formed and dissolved by the school council as needed.

### **B. MEMBERSHIP & ELECTION OF CHAIR**

- All certified staff may participate in the shared decision making process at Sixth District School by serving on ad hoc committees in their areas of interest.
- Committees shall elect a chair.
- Committee membership is open to all interested persons including school district staff, parents and community residents.
- Council may opt to limit committee membership to 15 persons.

### **C. DECISION MAKING**

- Committee decisions shall be made by consensus. In the event that consensus is not possible, the committee chair may decide that an issue shall be determined by majority vote.

### **D. DUTIES**

- Committees shall carry out tasks assigned to them by the school council.
- Committees may conduct research and/or gather school-wide input regarding the assigned tasks of the committee.
- Council may request that committee chairs or their designees report their progress to council or make recommendations to council.

### **E. MEETINGS**

- Each committee shall choose the time, place, agenda, and schedule for their meetings.
- Committees must adhere to provisions of the Open Meetings and Open Records laws.
- Committees will keep minutes of their meetings and make these minutes available to council upon request.

## **ARTICLE VI: SCHEDULE OF MEETINGS**

### **A. REGULAR MEETINGS**

At the first July meeting of each council term, the council shall select at least one regular meeting date in each month through June of the next calendar year. Unless publicized otherwise, the council will meet at the school. The Chair shall post a copy of schedule in the office and on a public bulletin board and he or she shall notify the local Board of Education that shall in turn notify the local news media at least one week in advance of each meeting.

### **B. SPECIAL MEETINGS**

If the council needs to meet between regular meetings, or if the regular meeting is rescheduled, the chairperson or a majority of the school council members may call a special meeting. The following steps must be completed by the chairperson when a special meeting is called:

- **Written Notice Contents:** The chairperson shall prepare a written notice that states the date, time, and place of the special meeting and the agenda for the meeting. Only the items on the agenda may be discussed at the special meeting.
- **Delivery of Notice:** The chairperson shall arrange for the notice to be delivered to each council member and to any media organization that has requested notice of council meetings. The delivery can be hand-delivered or sent by fax, email, or mail. The meeting notice must be received by council members at least twenty-four hours prior to the time of the meeting.
- **Posting of Notice:** The notice for the special meeting shall be posted by the chairperson on a school bulletin board at least 24 hours prior to the time of the meeting.

In addition to these requirements, the principal shall announce to teachers the time and the reason for the special called meeting at least 24 hours prior to the meeting.

## **ARTICLE VII. CONDUCT OF MEETINGS**

### **A. QUORUM**

A quorum of the school council shall be a majority of the council members. No council business shall be discussed or conducted unless a quorum of council members is present.

### **B. ATTENDANCE AT MEETINGS**

Council meetings are open to the public and all interested persons can attend, except for those portions of the meeting that are conducted as closed session.

### **C. CLOSED SESSIONS**

**Definition:** A closed session is a portion of a regular or special meeting of the council during which the council members meet in private. The council may meet in closed session for the following reasons: to discuss proposed or pending litigation by or against a council member

[KRS 61.810(1)(c)]; or to discuss candidates for a principal vacancy or conduct consultation in filling other staff vacancies [KRS 61.810(1)(f)].

Before a closed session can be conducted, the following steps must be taken:

- **Announcement Contents:** An announcement of the general nature of the subject to be discussed and the specific section of the law that allows the conduct of the closed session must be made in the open meeting and recorded in council minutes.
- **Motion:** The motion to go into closed session must be made, passed by a majority of council members present, and recorded in council minutes.
- **Closed Session:** During the closed session, only the business stated in the announcement can be discussed, and no action may be taken. No minutes are to be taken in closed session. If the council secretary is not a council member, the secretary shall not enter the closed session. Details discussed in closed session shall not be discussed outside the closed session.
- **Decision:** After full discussion of the issue in closed session, the council must return to open session where it may take any official action on the matter. Any actions taken must be recorded in council minutes.

#### **D. MATERIALS PRESENT AT COUNCIL MEETINGS**

The chairperson shall bring:

- The folder containing the agenda and any pertinent information relative to the agenda items,
- Any correspondence addressed to the council received since the previous council meeting.

All council members shall bring their folders containing copies of the council's by-laws, policies, and school improvement plan.

#### **E. AGENDA**

- Anyone may submit items for inclusion on the agenda to the chairperson/principal in writing one week prior to a regularly scheduled council meeting. The principal shall maintain a complete file of these items.
- The chairperson shall prepare a preliminary agenda for each council meeting, including items submitted in writing for inclusion by the public, staff, parents, other council members, and other items he or she believes should be on the agenda. The chairperson may declare an item received as not within school council authority.
- Each agenda shall include the following items:
  1. Setting of the final agenda for the current meeting.
  2. Reviewing and approval of previous meeting minutes.
  3. Providing an opportunity for public comment.
  4. Updating council on the status of the School Improvement Plan implementation.

- At a special called meeting, only the items listed on the notice of meeting can be discussed and no new items can be introduced for discussion or inclusion on the agenda.

## **F. DISCUSSION OF AGENDA ITEMS**

- The school council shall discuss each agenda item before a decision is made. Each council member shall be given an opportunity to express his or her opinion on the item.
- Others attending the meeting may be recognized by the chairperson and may address the council as the chair calls upon them to speak. If a significant number of people wish to contribute to the discussion on a particular item, the chair may set limits on the number of people who will speak to the issue and the amount of time each may speak.
- Any agenda item may be referred to an ad hoc committee for further study as deemed necessary by the council.

## **G. DECISION MAKING PROCESS**

Unless otherwise specified by these by-laws, the school council shall use parliamentary procedures as specified by the latest version of Robert's Rules of Order.

All business and decisions of the school council will relate to the school's mission and purpose to improve the instructional program and/or further the goals in the school's improvement plan.

All decisions and policies officially adopted by the school council will be reported to the Board of Education and superintendent through submission of approved council minutes to the district's SBDM coordinator.

The school council will make decisions by consensus except as otherwise designated in the by-laws using the following guidelines:

- A motion and a second are made,
- After discussion of an item, the chair or any member may state the consensus of the group in one or two sentences,
- The chair will ask whether any member disagrees with that statement,
- If all members agree, the decision will be recorded as a unanimous decision in the council minutes, and
- If a member disagrees, the discussion will continue until a suggestion of consensus is made that draws no disagreement, or until the third suggestion of consensus fails.

## **H. ALTERNATIVE TO CONSENSUS**

When a third suggestion of consensus fails, the council may by majority vote determine to:

- Send the issue back to committee,
- Form an ad hoc committee to study the issue further (the motion on this vote shall include a regular meeting date when the council will hear from the committee), or
- Decide the issue by majority vote of the council.

**I. CRITERIA FOR MAJORITY VOTE**

A majority vote of the council shall be taken after consensus fails three times if the issue meets the following criteria:

- The issue involves the selection of a new principal. (In this case, the council shall vote and the candidate receiving the majority shall be selected),
- The issue involves the number of persons to be employed in each job classification, the textbooks to be purchased, or the budget for or purchase of student support services,
- The issue is whether to continue to meet for longer than 90 minutes,
- The federal or state government or the district board of education has set a deadline by which the school council must make a final decision and that deadline will occur before the next regular council meeting, and
- The members of the council cannot agree by consensus to decide the issue at a special meeting and a majority of the council members wish to decide the issue by a majority vote.

When the above exceptions do not apply and consensus cannot be reached, the issue may be placed on the agenda for the next regular meeting or special meeting and the decision may be made at that meeting by majority vote of the council.

When voting on a motion, an abstention is counted with the majority.

### **ARTICLE VIII: MINUTES AND OTHER COUNCIL RECORDS**

**A. MINUTES KEPT AND APPROVED**

- Minutes shall be kept at each council/committee meeting.
- The minutes shall reflect an accurate record of discussions and actions taken at a council/committee meeting.
- The minutes of the school council shall not be official until they are reviewed and approved by the council. The minutes shall be open to public inspection immediately after they are approved.
- The principal/designee will forward a copy of the official minutes to the district SBDM coordinator, and keep a copy on file in the school office.
- A copy of the official minutes will be posted on a school bulletin board

**B. COUNCIL RECORDS AVAILABLE FOR PUBLIC INSPECTION**

The following are official documents that must be kept on file for public inspection in the school office:

- School council minutes and agendas,
- Committee minutes and agendas,

- School Improvement Plan (including targets for achievement gap reduction),
- School council policies and by-laws,
- School council budget documents not in the School Improvement Plan,
- School council and committee membership lists, and
- Official correspondence to the school council.

### **C. REQUESTS FOR COUNCIL RECORDS**

- Requests for council records must be made in writing to the principal. Requests must include specific documents and dates.
- The School Improvement Plan shall be posted on the school's web page.
- The principal or designee shall provide copies of the requested documents to the person making the request within three (3) business days (The attorney general ruled in 01-ORD-94 [May 2001] that the only days that are excluded are legal holidays and weekends. As a result, the fact that a school may be closed over the winter holidays or spring break and no one is in the office does not prevent the clock from running on the three-day response requirement.)
- School council records will be available for inspection during regular school hours.
- The principal shall make the final determination regarding which records not listed above are available for inspection and all matters in regards to open records requests not covered in this policy, in compliance with local board policy, state guidelines and requirements.

## **ARTICLE IX: APPEALS**

### **A. BOARD POLICY**

- Appeals of council decisions shall follow the local Board of Education's appeals process.

## **ARTICLE X: AMENDMENTS**

### **A. AMENDMENTS TO COUNCIL BY-LAWS**

- These by-laws may be amended by consensus or a majority vote of the school council.

### **B. AMENDMENTS TO COUNCIL POLICIES**

- Council policies may be amended by consensus or a majority vote of the school council.