

BY-LAWS
SCHOOL-BASED DECISION MAKING COUNCIL
Wyan-Pine Grove Elementary School
"Together we will Soar"

ARTICLE I. PURPOSE

The Wyan-Pine Grove Elementary School-Based Decision Making Council is formed for the purpose of addressing the needs, concerns, and programs of Wyan-Pine Grove Elementary School using a shared decision-making process in order to set school policy to enhance student achievement and to help the school meet the goals established by the Council consistent with those in the State Law. It is created in order to assess, monitor, evaluate, and plan programs that meet the needs and concerns of Wyan-Pine Grove Elementary School.

ARTICLE II. MISSION

Wyan-Pine Grove Elementary School in cooperation with Home and Community will ensure that all students reach their highest potential by educating them in a safe and positive environment resulting in lifelong learning.

ARTICLE III. MEMBERSHIP

A. COMPOSITION

1. The Council shall consist of two parents, three teachers, and the principal.
2. If the minority enrollment at the school was 8% higher on the October 1st preceding the start of the new term, the Council shall also include at least one minority member.

B. QUALIFICATIONS FOR MEMBERSHIP

1. Teacher Members: To serve as a teacher member of the Council, one must hold a position at their assigned school that requires a state certificate, and one must not hold the position of principal, assistant principal, or head teacher.
2. Parent Members: To serve as a parent member of the Council, one must be the parent, stepparent, or foster parent of a student; or have legal custody of a student pursuant to a court order and with whom the student resides. They shall be elected by the parents of students pre-registered to attend the school during the term of office I an election conducted by the parent and teacher organization of the school or, if none exists, the largest organization of parents formed for this purpose. A parent representative on the Council shall not be an employee or a relative of an employee of the school in which that parent serves, nor shall the parent representative be an employee or a relative of an employee in the district administrative offices. A parent representative shall not be a local board member or a board member's spouse.
3. Minority Members: School councils in schools having 8% or more minority students enrolled, as determined by the enrollment on the preceding October 1st, shall have at least one minority member.

C. ELECTIONS

1. Teacher Members:

- a. Election Committee Selection: The teacher's shall select three certified staff to serve on a committee to organize and conduct the teacher election process. The committee will consist of one primary teacher, one intermediate teacher and one non-regular classroom certified staff. Any teacher that wants to be a member of the SBDM council will not be able to serve on the election committee.
- b. Nomination: Candidates shall be nominated for the office of a teacher member by a letter of nomination. The letter shall be signed either by a candidate nominating him/herself, or by another teacher nominating a colleague. All letters of nomination shall be submitted to the teacher election committee no later than five days prior to the scheduled election.
- c. Preparation of Sample Ballot: The teacher election committee shall ask each person nominated to sign a letter stating that he or she is willing to serve on the Council if elected and that he or she meets the qualifications listed in Section B above. All names of those nominated, willing, and eligible to serve shall then be listed alphabetically on a sample ballot form and distributed to all teachers at the school not later than four days before the election.
- d. Elections: The teacher election committee shall oversee the election. Election of teacher members shall be held at the end of the school day on the date selected by the committee . At that time all teachers shall convene in a room designated by the election committee . Each shall be given a ballot listing the names as were found on the sample ballot and shall vote for three names. The ballots shall then be collected and counted in the presence of the teachers. Any person receiving a majority on this ballot shall serve as a council member in the coming year. On the day of the election teachers who are unable to be present during the election may vote in absentia in this first round of voting by placing their marked ballot in a sealed envelope and giving it to the teacher election committee .
- e. Procedure if Fewer than Three Candidates Receive a Majority: If no candidate receives a majority, all candidates EXCEPT the one receiving the lowest number of votes shall be listed on a second ballot and teachers shall mark three names. If only one or two candidates receive majorities, the remaining candidates EXCEPT the ones receiving the lowest number of votes shall be listed on a second ballot and teachers shall vote for the number of candidates (one or two) necessary to complete teacher membership on the council. This process shall continue until each of the remaining teacher council members are elected by majority vote.

2. Parent Members:

- a. The Principal shall provide notice of the election of parent council members to the president of the Wyan-Pine Grove Elementary School Parent Teacher Organization (PTO) and shall work with the president of the PTO to set a time, date and place for the election which is convenient for parents to attend.

- b. Elections of parent members shall be conducted by the Wyan-Pine Grove Elementary PTO.
- c. In order to cast a vote in the election, parents must have a child enrolled at Wyan-Pine Grove Elementary School when the new parent council members take office.
- d. PARENTS DO NOT HAVE TO BE A MEMBER OF THE WYAN-PINE GROVE ELEMENTARY SCHOOL PTO TO VOTE IN THE PARENT ELECTIONS.
- e. The two parents receiving the greatest number of votes shall serve as parent members of the council for the coming year. In case of a tie, all candidates EXCEPT the ones receiving the lowest number of votes shall be listed on a second ballot and shall be voted on. If there is still a tie, this process shall continue until two parent representatives are elected by majority vote.
- f. The principal and parent council members shall assist the PTO in alerting parents to the election schedule.
- g. The president of the PTO shall notify the current council of the names of the parents who are elected.
- h. The Family Resource Center will coordinate with the PTO and provide a secure location for the election to take place.
- i. An absentee ballot can be requested by an eligible parent so they may be allowed to vote as stated by the election by-laws during the normal course of the election period that is set by the PTO. The Family Resource Center will provide assistance in this process.

D. STANDARDS OF CONDUCT FOR COUNCIL MEMBERS:

1. Attendance: Members of the Council shall attend all council meetings unless the absence is excused. Absences may be excused by consensus of the council and be documented within the minutes of the meeting. A member who has three unexcused absences from council meetings shall resign.
2. Conflict of Interest: No member shall enter into any business dealing that creates a conflict of interest under KRS Chapter 45A.340, and any member having such a conflict of interest shall resign.
3. Ongoing Eligibility: Any member who ceases to be eligible to serve on the council shall resign. Examples include teachers who transfer to other schools, parents whose children transfer to other schools, and any other change that makes a person ineligible for their position.
4. Improper Meeting: No combination of one half or more of the council shall meet to discuss council business without following the procedures for scheduling a meeting of the full council.
5. Intentional Interference with School-Based Decision Making: No member of the council shall intentionally engage in a pattern of practice which is detrimental to the successful implementation of or circumvents the intent of school-based decision making to allow the professional staff members of a school and parents to be involved in the decision making process in working toward meeting the educational goals of the Kentucky Education Reform Act or to exercise the powers granted to councils by state law.
6. Professional Development: The council shall determine training required to meet the needs of the council. Council members shall participate in educational

activities which enhance their knowledge and skills as council members. The Department of Education shall provide professional development activities to assist schools in implementing school-based decision making. School council members elected for the first time shall complete a minimum of six (6) clock hours of training in authority, duties, and responsibilities of council members under this session. School council members who have served on a school council at least one (1) year shall complete a minimum of three (3) clock hours of training in the process of school-based decision making. School council training required shall be conducted by trainers endorsed by the Department of Education, and school council members shall complete the required training no later than thirty (30) days after the beginning of the service year for which they are elected to serve. School council members elected to fill a vacancy shall complete the applicable training within thirty (30) days of their election.

E. REMOVAL OF MEMBERS:

1. No board member, superintendent of schools, district employee, or member of a school council shall intentionally engage in a pattern of practice which is detrimental to the successful implementation of or circumvents the intent of the school-based decision making to allow the professional staff members of school and parents to be involved in the decision making process in working toward meeting the educational goals established in KRS 158.645 and 158.6451 or to make decisions in areas of policy assigned to a school council pursuant.
2. An affected party who believes a violation of this subsection has occurred may file a written complaint with the Office of Education Accountability. The Office shall investigate the complaint and resolve the conflict if possible, or forward the matter to the State Board for Elementary and Secondary Education.
3. The State Board for Elementary and Secondary Education shall establish by administrative regulation, a hearing process for complaints referred by the Office of Education Accountability.
4. If the State Board determines a violation has occurred, the party shall be subject to reprimand. A second violation of this subsection may be grounds for removing a superintendent or school board member from office or grounds for dismissal of an employee for misconduct in office or willful neglect of duty.
5. 56.132(1) says: The chief state school officer shall recommend, by written charges to the proper school authorities having immediate jurisdiction, the removal of any superintendent of schools, principal, teacher, member of a school council, or other public school officer as to whom he has reason to believe is guilty of immorality, misconduct in office, incompetency, willful neglect of duty, or nonfeasance. In the case of a member of a school council, the written charges shall be provided to the local board of education.

F. METHODS OF FILLING VACANCIES:

If a member of the council resigns, or is removed from office, a replacement shall be selected in a special election held not more than one month after the vacancy occurs, using the procedure stated in Section C above. The person elected in the special elections shall serve until July 1st, and be eligible for reelection to a full term.

G. TERMS:

The terms of parent and teacher members shall begin on July 1st, and end on June 30th, of the next year. Between the date of the elections and July 1st, members-elect are expected to attend all council meetings to become familiar with Council procedures. Members are eligible for re-election to consecutive terms.

ARTICLE IV. DUTIES OF OFFICERS AND COUNCIL MEMBERS
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A. CHAIR:

The principal shall be chair of the council. As the primary administrator and the instructional leader of the school, the principal shall administer the policies established by the school council and local board. The duties of the chair include:

1. Conducting the meeting
2. Setting and distributing the agenda
3. Serving as official custodian of council records
4. Stating when consensus is reached
5. Coordinating standing and select committees
6. Carrying out the responsibilities specified in these by-laws

The principal is also responsible for maintaining a file of all correspondence addressed to the council. The principal may remove items from that file, either to discard them or to file them elsewhere, only after they have been brought to two regular council meetings.

B. VICE-CHAIR:

The vice-chair shall:

1. Be elected by the council from among its members at its first meeting each year. Re-election is permitted
2. Preside at any council meeting that the principal is unable to attend
3. May call a meeting of the Council only in the event of the sudden exit of the principal

C. COUNCIL MEMBERS:

Council members shall:

1. Address the needs, concerns, and programs of Wyan-Pine Grove Elementary School
2. Form standing and select committees, as needed, to study issues and report to the council

3. Adhere to the mission, philosophy, and goals of Wyan-Pine Grove Elementary School
4. Use the shared decision-making process
5. Attend all council meetings
6. Encourage and request data and opinions from all constituencies
7. Support, promote, and communicate decisions of the council
8. Incorporate standing and select committee efforts into council decision making

D. SECRETARY:

The principal can appoint a secretary to keep minutes of all council meetings.

ARTICLE V. FUNCTIONS

A. REQUIRED FUNCTIONS

The council shall:

1. Determine, within the parameters of the total available funds, the number of persons to be employed in each job classification at the school
2. Determine which textbooks shall be used at the school
3. Determine which instructional materials shall be used at the school
4. Determine what student support services shall be provided in the school
5. Select a new principal for the school, when that position becomes vacant, from a list of applicants submitted by the superintendent at the council's request
6. Consult with the principal before the principal selects persons to be hired to fill other positions at the school

CONSULTATION SHALL INCLUDE THE FOLLOWING STEPS:

- a. From applicants recommended by the superintendent, the principal shall select candidates to be interviewed to fill vacancies.
- b. The principal shall appoint and convene the Interview Committee to review all applications and conduct interviews as vacancies arise.
- c. The principal may choose to convene the Council as the Interview Committee or form an add-hoc committee consisting of the principal, a parent member of the council, a teacher member of the council, and a staff member knowledgeable of the position being filled. The Interview Committee will be composed of a minimum of four per interview committee.
- d. The Interview Committee shall try to reach consensus on the person to be hired. If no consensus can be reached, the committee shall seek additional applications from the superintendent. The process will be repeated as long as the committee agrees by consensus that it is necessary.
- e. If the committee still can't reach consensus the principal will exercise his/her dictum and choose the best person to fill the vacancy.

- f. The decision of the Interview Committee and/or principal shall be reported to the council by the principal. The principal will notify the superintendent of the applicant that is selected.
- g. The Interview Committee is convened only to fill vacancies created by retirement, death, resignation, transfer, creation of a new position, or dismissal. Decisions to assign specific teachers to particular students and classes shall be made by the principal.

POLICY RESPONSIBILITIES:

The council shall set policy on:

1. Determination of curriculum, including needs assessment and curriculum development.
2. Assignment of all instructional and non-instructional staff time.
3. Assignment of students to classes and programs within the school.
4. Determination of the schedule of the school day and week, subject to the beginning and ending times of the school day and school calendar year as established by the local board.
5. Determination of use of school space during the school day.
6. Planning and resolution of issues regarding instructional practices.
7. Selection and implementation of discipline and classroom management techniques including responsibilities of the student, parent, teacher, counselor, and principal.
8. Selection of extracurricular programs and policies relating to student participation based on academic qualifications, attendance requirements, program evaluation and supervision.
9. Procedures for determining alignment with state standards, technology utilization, and program appraisal. Council policy on this issue must be consistent with board policy.
10. Procedures to assist the council with consultation in the selection of personnel by the principal, including but not limited to, meetings, timelines, interviews, review of written applications, and review of references. Procedures shall address situations in which members of the council are not available for consultation.
11. Facilitating participation of interested persons, including, but not limited to, classified employees and parents and shall include the number of committees, their jurisdiction, composition, and the process for membership selection.
12. Other issues to provide an environment to enhance students' achievement and to meet the goals set by KRS 158.645 and 6451. If the council makes a policy that fits this area but not any of the areas listed in 1-11 above, that policy must be consistent with board policy.

B. DISALLOWED ACTIVITIES:

The council will not:

1. recommend the transfer or dismissal of any member of the school staff.
2. violate federal or state law or regulations.
3. take any action that risks the health or safety of students, staff, or others.
4. take any action that exposes the council or the district to unreasonable risk of legal liability.
5. authorize any purchase that exceeds the financial resources available to it.
6. take any action that violates contractual obligations already made by the district or the council to personnel and other providers of goods and services.
7. exceed the responsibilities given to the council by state law or board policy

ARTICLE VI. SCHEDULE OF MEETINGS

A. REGULAR MEETINGS

1. The regular monthly meeting of the Wyan-Pine Grove Elementary School-Based Decision

Making Council shall be the first Tuesday of every month. The meeting will begin at 4:30 P.M. and last approximately 60 minutes. If all items on the agenda have not been adequately discussed, the Council may decide by consensus to extend the length of the meeting or to transfer the remaining items to the next meeting's agenda.

2. The regular monthly meeting will be held in the Wyan-Pine Grove Elementary School conference room.

3. Meetings are open to all faculty members, staff, parents, students, and the community at large.

B. SPECIAL MEETINGS

1. 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. Members may participate in a special called meeting by phone or through the use of Skype. Once the decision is made to call a special meeting, the following steps

must be taken:

a. Written Notice Contents: The person or persons calling the meeting must prepare a written or electronic notice that states the date, time, and place of the special meeting and the agenda for the meeting. Only issues listed on that agenda can legally be discussed at the special meeting.

b. Delivery of Notice: The person or persons calling the meeting must arrange for the notice to be delivered to every council member and to any media organization that has asked to be notified of council meetings. The delivery can be made by hand, facsimile machine, e-mail or mail, but the method must be one that allows the notice to arrive at least 24 hours before the time set for the meeting.

c. Posting of Notice: The notice must be posted conspicuously at the school. These copies must be posted not less than 24 hours before the meeting will be held.

ARTICLE VII. CONDUCT OF MEETINGS

A. QUORUM

No council decisions can be taken unless four members of the council are present.

B. ATTENDANCE AT MEETINGS

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

C. CLOSED SESSIONS

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

1. Announcement Contents: An announcement must be made in open session. The announcement must state that the council needs to discuss business involving a topic that the law allows to be discussed in closed session. The announcement must state the general nature of business that needs to be discussed in closed session and identify the specific section of the law that allows the session to be closed.
2. Motion: A motion must be made and passed by a majority of members present to go into closed session to discuss that business.
3. Closed Session: During the closed session, only the business stated in the announcement can be discussed, and no final decision can be made in closed session. All decisions shall be communicated during an open meeting.

D. AGENDA

Submitting Agenda Items: Anyone must submit items for inclusion on the agenda to the principal, and he/she shall maintain a complete file of those items.

Preliminary Agenda: The principal shall prepare a preliminary agenda for the council meeting, including all items that he/she believes need council attention at that session. The principal shall post copies of the preliminary agenda in the staff lounge and at a location frequently passed by parents. The principal shall also e-mail or hand deliver copies to each member of the council.

Final Agenda: Setting the final agenda shall be the first order of business at each council meeting. At special meetings, the council may not add items to the agenda listed in the special meeting notice, but may subtract items if it chooses to.

E. DISCUSSION OF AGENDA ITEMS

Each item on the agenda shall be fully discussed by the council before any decisions are made. Other persons attending the meeting may show that they want to comment or to ask questions by raising their hands, and the chair will call upon them to speak. When a significant number of persons wish to speak or when discussion of an issue has taken more than 10 minutes, the chair may set limits on the number of persons who may speak and the length of time each may speak.

F. DECISION MAKING PROCESS

1. All business and decisions of the council will relate to the improvement of the instructional program and/or the furtherance of the school mission and goals.
2. No proposal may be approved by the council at the same meeting at which it was initially proposed for study.
3. The decisions and policies adopted by the council will be reported to the Laurel County Board of Education and Superintendent.

4. The council will operate by the consensus procedure stated in this paragraph. After discussion of each issue, the chair or any member of the council may suggest the presence of consensus. The person making the suggestion shall explain in one or more sentences what he/she thinks the consensus is. The chair shall then ask whether any member has any significant disagreement with that statement. If no one disagrees, the chair shall state consensus has been made and the decision shall be deemed made as outlined in chair duties on page 5. If any member disagrees, the discussion shall continue until a suggestion of consensus is made that draws no disagreement or until a third suggestion of consensus fails.

G. FAILURE TO REACH CONSENSUS

1. When a motion for consensus fails, the council may continue to discuss the issue until two more motions for consensus have been made and have failed.
2. If two further motions on the same issue at the same meeting fail, the chair shall direct that the proposal be taken up again at the next meeting. If the issue is filling a vacancy other than the principal, the chair may instead ask each member to make a final comment on the issue and then declare that consultation has been completed.
3. If the council takes up an issue at a second meeting and is still unable to reach consensus, the council shall consider alternative steps, including but not limited to:
 - a. Asking a committee to bring the council a new proposal on the issue.
 - b. Scheduling a fact-finding session, at which all members of the school community are invited to present factual information about the issue and such information is recorded on a flip chart. Opinions without specific factual basis are not recorded because the point of this session is to get a common focus on the knowledge base for deciding the issue. After the fact-finding session, the council may take the issue options listed in this subsection.
 - c. Seeking the help of a trained mediator to find a consensus solution to the issue.
 - d. Considering the matter again at the next meeting and if consensus there fails, decide the matter by majority vote.
4. The council will only make decisions by vote:
 - 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 agreed at a second meeting about an issue to discuss it at a third meeting and decide by majority vote if consensus fails them (as allowed under provision 3-d above).
5. If the council cannot agree on what further steps will be taken, and the issue does not meet the requirements for voting, the chair shall announce that no action will be taken on the issue, and the secretary shall note that announcement in the minutes.
6. All meeting will follow the Roberts Rules of Order.

ARTICLE VIII. COMMITTEES

A. PURPOSE

1. Standing and select committees are established to encourage input from all constituencies including certified and classified staff, parents, and other members of the community.

2. Standing and select committees shall serve as a resource for gathering data and opinions for the council.

B. APPOINTMENT OF COMMITTEES

Standing and select committees are formed and dissolved by the council as needed.

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D. DECISION MAKING

1. Decisions shall be made by consensus.
2. If consensus cannot be reached, the committee may decide, by consensus, to take a majority vote.
3. When consensus cannot be reached to take a majority vote, the committee may decide to take a majority vote at its next meeting. If two-thirds of those present agree, the decision may be made by a majority vote.

E. DUTIES

1. Committees shall carry out the tasks assigned to them by the school council.
2. Committees may themselves bring issues of concern before the council.
3. Committees research issues, gather school-wide input, and prepare a first and revised drafts of policies.
4. Proposed policies or recommendations must be submitted to the council in writing.
5. Committee reports shall be given during council meetings as needed or every two months.
6. Committees shall record and report minutes of meetings. A final report is given to the council secretary.

F. MEETINGS

1. Each committee shall choose the time, place, and frequency of meetings
2. Committees must follow the Open Meetings Law.

G. STANDING COMMITTEES

1. The need for each standing committee will be reevaluated annually at the regularly scheduled August meeting.
2. A list of current standing committees, a brief description of their purpose, and notes on membership requirements shall be contained in Appendix A of the By-laws.

ARTICLE IX. MINUTES AND OTHER COUNCIL RECORDS
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A. MINUTES TO BE KEPT AND APPROVED

1. The secretary shall keep minutes of each council meeting.
2. The minutes shall state accurately each council decision taken. If the decision was to adopt a written statement of policy or a written statement of some other decision, the entire text of that statement shall be attached to the copy of the minutes filed in the office.

3. The minutes shall be reviewed and approved by the council at its next meeting.
4. A copy of the minutes will be posted for staff and copies will be made available to all staff upon request.
5. A copy of the minutes will be e-mailed to parent council members.
6. The Principal will forward a copy of the minutes to the Superintendent.
7. Immediately after the meeting at which they are reviewed and approved, any member of the public is entitled to inspect them in the office during regular school hours
8. The minutes will be kept permanently on file in the office.

B. DISTRIBUTION OF COUNCIL DOCUMENTS

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

1. One shall be given to the principal.
2. One shall be e-mailed to the district superintendent.
3. One shall be kept in a binder in the school office in a plainly visible place where they can be reviewed by all interested persons at any time that the office is open.
- 4.
5. One shall be kept in a binder in the possession of the secretary, and that shall be brought to each council meeting.

C. OTHER COUNCIL RECORDS

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

D. FEES TO REPRODUCE RECORDS

The principal, as official records custodian, shall make the documents available within three business days after the request unless the records are subject to a specific exception of the Open Records Law. The fee for copies shall be \$.05 per page.

ARTICLE X. AMENDMENTS TO BY-LAWS

All motions to amend the by-laws of the council shall be submitted in writing. No decision on a motion to amend the by-laws shall be made until after the topic has appeared twice in the preliminary agenda for council meetings and the proposed amendment has had two readings during those meetings.

APPENDIX A. COMMITTEES

CURRICULUM AND INSTRUCTION
SBDM Council

ASSESSMENT AND PLANNING

SBDM Council

BUDGET

SBDM Council

GIFTED AND TALENTED

Barbra Meding, Jeff Durham, Brittany Sams, Jacki Rudd, Rachel Bush and Jane Gabbard

* The chairperson of each committee is underlined.