

**BUSH ELEMENTARY SCHOOL**  
**SITE-BASED DECISION MAKING COUNCIL**  
**BY-LAWS**

Revised and Approved  
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**BUSH ELEMENTARY SCHOOL COUNCIL BY-LAWS**

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## **Article I. Purpose**

The purpose of the Bush Elementary School Council is to address the academic, social, and emotional needs of our students in order to set school policy and carry out our other responsibilities that will enhance student achievement and help each student meet the goals established by the school council, consistent with state law. The school council will assess, monitor, and evaluate the policies and programs of Bush Elementary School. The council shall create an environment that will enhance student achievement in the school as required by KRS 160.345.

## **Article II. Membership**

## Composition

The school council shall consist of the principal, three teacher members, and two parent members (KRS 160.345). If 8% or more of our students are minority member on October 1, our council will have at least one minority member the next time we hold elections. We will ensure that by following the process listed in KRS 160.345 (2)(b)2.

## Requirements for Membership

### 1. Teacher Members

To serve as a teacher member of the council, one must hold a position at the 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, one must be the parent, stepparent, or foster parent of a student who will be enrolled in the school during one's term in office. A guardian may also serve if the child lives with the guardian and a court order establishes the guardianship. A parent may not serve if he or she:

- a. Is an employee of our school,
- b. Is the spouse, parent, child, brother, sister, uncle, aunt, son-in-law, or daughter-in-law of an employee of our school.
- c. Is an employee in the district administrative offices.
- d. Is the spouse, parent, child, brother, sister, uncle, aunt, son-in-law, or daughter-in-law of an employee of our school.
- e. Is a member of our school board of the spouse of a board member.

## Elections

### 1. Election of Teacher Members

Nomination: Teachers may nominate themselves or other teachers for the office of teacher member by signing a letter of nomination and submitting it to the principal in the month of May.

Sample Ballot: The principal shall ask everyone nominated for signed letters stating that they are willing to serve on the council if elected and that they meet the qualifications listed above. The faculty designee/representative shall then prepare a sample ballot form that lists alphabetically the names of all those nominated, willing, and eligible to serve and distribute that sample ballot to all teachers at the school in the month of May.

Elections: Teacher members shall be elected by May 31 in a room designated by the faculty representative. The ballot shall list all the names found on the sample ballot. Each teacher shall vote for the number of seats that are then vacant. The faculty representative/committee shall collect the ballots and count them in the room, announcing the results before the teachers adjourn. Anyone who receives a majority on that ballot shall serve as a council member in the coming year.

Procedure if a Majority is not Received: If one seat is not filled by a majority on the first ballot, the two highest vote-getters (other than those who were elected to

other seats) will be in a run-off election, and the teachers shall vote for one person. If two seats are unfilled, the run-off shall include the three highest vote-getters, and teachers shall vote for two people. If three seats are unfilled, the run-off shall include the four highest vote-getters, and teachers shall vote for three. If the run-off does not result in majority winners, nominations shall be reopened.

2. Election of Parent Members

Elections of parent members shall be conducted by the parent-teacher organization each May. The parents of all children enrolled for the following school year shall be eligible to vote. The principal shall assist the parent-teacher organization in alerting parents to the election schedule. The president of the parent-teacher organization shall notify the current council of the names of those elected within 24 hours.

3. Term Limits

No term limits shall be imposed on school council members who are nominated and elected to consecutive one-year terms. (KRS 160.345)

Standards of Conduct for Council

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 for good cause. A member who has three unexcused absences from council meeting shall resign.

2. Conflict of Interest

No member shall participate in discussing or making a decision in which he or she has a business interest that fits the limits in KRS 45A.340.

3. Teacher Departure

A teacher member who ceases to be assigned to the school before his or her term is completed shall resign.

4. Student Departure

A parent member whose child ceases to attend the school before his or her term is completed shall resign.

5. Improper Meeting

No combination of 4 members of the council shall meet to discuss council business without following the proper procedures for scheduling a meeting of the full council.

1. Criminal Conduct

Any member of the council who is convicted of a misdemeanor or a felony during his or her term of office shall resign.

2. Professional Development

All members shall obtain 6 hours of training on these issues in their first year on the council and 3 hours of additional training in subsequent years.

3. Intentional Interference with School-Based Decision Making

No member of the council shall intentionally engage in a pattern of practice that 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 make decisions in the policy areas listed in Council Functions.

#### Removal of Members

There are two procedures by which a council member can be removed. For immorality, misconduct in office, incompetence, willful neglect of duty, or nonfeasance a council member can be charged by the Commissioner of Education, have a hearing before our local board, and be removed by a vote of four board members. For intentionally engaging in a pattern of practice detrimental to the successful implementation of school-based decision making a council member can be charged by the Office of Education Accountability, have a hearing before the Kentucky Board of Education, be reprimanded for a first offense, and be removed for a second offense.

#### 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 using regular election procedures. The person elected in the special election shall serve the remainder of the term until July 1, and be eligible for re-election.

#### Terms of Office

The terms of parent and teacher members shall begin on July 1 and end on June 30. Between the date of the elections and July 1, members-elect are expected to attend all council meetings.

### **Article III. 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 recommended by the superintendent or from additional names supplied 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.
7. Determine the organization of the ungraded primary program.
8. Analyze disaggregated achievement data and set targets for reducing achievement gaps, subject to agreement by the superintendent and school board.
9. Adopt a school improvement plan to ensure that each student makes progress toward meeting the KERA goals and that the school meets its achievement gap targets.

10. Adopt policies to be implemented by the principal in the following areas:
- a. Determine of curriculum, including needs assessment and curriculum development.
  - b. Assignment of all instructional and noninstructional staff time
  - c. Assignment of students to classes and programs within the school.
  - d. 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.
  - e. Determination of use of school space during the school day.
  - f. Planning and resolution of issues regarding instructional practices.
  - g. Selection and implementation of discipline and classroom management techniques as a part of a comprehensive school safety plan, including responsibilities of the student, parent, teacher, counselor, and principal.
  - h. Selection of extracurricular programs and determination of policies relating to student participation based on academic qualifications and attendance requirements, program evaluation and supervision.
  - i. Procedures for determining alignment with state standards, technology utilization, and program appraisal. Council policy on this issue must be consistent with district board policy.
  - j. 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, review of references, and procedures for situations in which members of the council are not available for consultation.
  - k. Committees, including facilitating the participation of interested persons, including, but not limited to , classified employees and parent and also identifying the number of committees, their jurisdiction, composition, and the process for membership selection.
  - l. Wellness, including providing moderate to vigorous physical activity each day, encouraging healthy choices among students, and adopting an assessment tool to determine each child's level of physical activity on an annual basis.
  - m. Other issues necessary to provide an environment to enhance students' achievement and meet the goals established by KRS 158, 645 and 6451. If the council makes a policy that fits this area but not any of the areas listed in items a-l above, that policy must be consistent with district board policy.

#### Officers of the Council

##### Chair

The principal shall be chair of the council. In addition to residing at council meetings, the principal shall:

- Provide all members of the council with copies of all school wide assessment results within 10 days after those results are released to the public.

- Maintain a file of all correspondence addressed to the council, and remove items from that file, either to discard them or to file them elsewhere, only after bringing them to two regular council meetings.
- Maintain a file of all items submitted for inclusion on the council agenda, determine which of those items to recommend in preliminary agenda, and bring the file with all items to each council meeting.
- Be the official custodian of council records.
- Exercise any other responsibility specified in these by-laws.

#### Vice Chair

A vice-chair shall be elected by the council from among its members at its first meeting each year. The vice-chair shall preside at any council meeting that the chair is unable to attend.

#### Secretary

A secretary shall be selected by the council at its first meeting each year. The secretary does not have to be a member of the council, but must be willing to perform the duties of the office. The secretary shall prepare the minutes for the council.

### **Article IV. Schedule of Meetings**

#### Regular Meetings

1. At the first meeting of each council term, the council shall select regular meeting dates through June of next calendar year.
2. The chair shall post a copy of the meeting schedule in teacher's lounge, and one other place readily accessible to parents.
3. The chair shall provide local news media, which has requested notice of council meetings, of the council's meeting time and agenda at least one week in advance of each regular meeting.

#### Special Meetings

1. If the council needs to meet between regular meetings, or if the regular meeting is rescheduled, the chairperson may call a special meeting. The following steps must be completed by the chairperson when a special meeting is called:
  - a. Written Notice & Contents. The chairperson shall prepare and sign a written notice that states the date, time, and place of the special meeting and the agenda for each meeting. Only the items on the agenda may be discussed.
  - b. 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 by hand, FAX machine, or mail but the notice must be received at least 24 hours prior to the time of the meeting.
  - c. Posting of Notice. The notice for the special meeting shall be posted by the chairperson, in a conspicuous place, within the school, readily accessible to the public at least 24 hours prior to the time of the meeting.

2. In addition to these requirements, the principal shall announce to teachers the time and reason for the special meeting at least 24 hours prior to the meeting.
3. A majority of the school council members may also call a special meeting. Those members shall complete all of the steps the chairperson is required to take in Sections 1 and 2 above.

## **Article V. Conduct of Meetings**

### **Quorum**

2/3 of the number of the council, including at least one parent member and one teacher member, must be present for the council to take action.

### **Attendance**

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

### **Closed Session**

Definition: A closed session is a portion of a regular or special meeting of the council during which they council members meet in private. The council may meet in closed session for the following reasons:

1. To discuss proposed or pending litigation by or against the council. KRS 61.810(c)
2. To discuss candidates for a principal vacancy or conduct consultation in filling other vacancies. KRS 61.810(f)

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

1. Announcements: 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 announced in the open meeting and recorded in council minutes.
2. Motion: The motion to go into closed session must be made, passed by a majority of council members present, and recorded in council minutes.
3. Closed Session: During the closed session, only the business states 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.

### **Materials Present at Council Meetings**

1. The chairperson shall bring:
  - The folder containing all items submitted for inclusion on the agenda.
  - The folder containing all correspondence addressed to the council that he or she has received.
  - Monthly financial report from central office.



2. The council secretary and all council members shall bring, or make available the binder that he or she uses to maintain copies of the council's by-laws, policies, annual budget, monthly spending reports, and minutes.

#### Agenda

1. Each agenda shall include the following:
  - Setting of final agenda for the current meeting.
  - Review and approval of previous meeting minutes.
  - An opportunity during the course of the meeting for school or community persons to address the school council.
  - Other items submitted.

#### Discussion of Agenda Items

1. Each agenda item shall be discussed by the school council before a decision is made. Each council member shall be given an opportunity to express his or her opinion on the item.
2. Other persons 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 persons wishes to contribute to the discussion on a particular item, the chair may set limits on the number of persons who will speak to the issue, and a time limit for each.
3. Anyone may submit items for inclusion on the agenda to the principal one week before the regularly scheduled meeting. The specified form must be completed. See appendix A.
4. Any agenda item may be referred to a standing or ad hoc committee for further study as deemed necessary by the council.

#### Consensus Decisions

1. All business and decisions of the school council will relate to the school's mission and purpose to improve the instructional program, create an environment to enhance student achievement in the school and/or further the goals in the school's plan.
2. No proposed policy may be approved by the school council at the same meeting at which it was initially proposed for study.
3. All decisions and policies officially adopted by the Bush School Council will be reported to the board of education and superintendent through submission of approved council minutes to the SBDM district coordinator.
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 or 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 decision shall be deemed made. 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.

### Failure to Reach Consensus

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

- Vote to send the issue back to a 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).
- Decide the issue by majority vote of the council.
- If the issue is council consultation about the selection of persons to fill other positions, each member shall state his or her judgment on the matter and the principal shall make the final selection.

### 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:

- a. The issue involves the selection of a new principal: The council shall vote and the candidate receiving the majority shall be selected.
- b. 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;
- c. The issue is whether to continue to meet for longer than 90 minutes.
- d. 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
- e. 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, any abstention is counted with the majority vote.

### **Article VI. Minutes and Other Council Records**

Any person wanting copies of council records may submit an Open Records request to the superintendent of schools.

### **Article VII. Appeals of School Council Decisions**

The Board of Education has established a process of appeals of council decision.

### **Article VIII. Amendments**

All motions to amend these by-laws 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.