

LEWIS COUNTY MIDDLE SCHOOL

SCHOOL-BASED DECISION MAKING COUNCIL BY-LAWS

Vanceburg, KY 41179

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FOREWORD
BY-LAWS
SCHOOL-BASED DECISION MAKING COUNCIL
LEWIS COUNTY MIDDLE SCHOOL

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ARTICLE I. PURPOSE

The purpose of the Lewis County Middle School Council is to address the academic, social and emotional needs of our students in order to set school policy 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 Lewis County Middle School. The council shall create an environment that will enhance student achievement in the school (as required by KRS 160.345).

ARTICLE II. MISSION

Our mission as the faculty, staff and parents of Lewis County Middle School is: "To Better Our Future with the Best Education Today".

ARTICLE III. MEMBERSHIP

A. COMPOSITION

1. The school council shall consist of the principal, three teacher members, and two parent members (as required by KRS 160.345).
2. If the school reaches 8 percent or more minority student enrollment, and there is no minority elected in the initial elections, a special election shall be conducted by the principal to elect a minority parent to serve on the school council (as required by KRS 160.345).
3. In the event a special election is needed, a minority teacher from the school's staff shall be elected by the teachers. If there are no minority teachers on staff at the school, the teachers shall elect a non-minority teacher to represent the interests of the minority students in the school (as required by KRS 160.345).
4. If there is a minority teacher on staff and he or she does not wish to serve on the council, the seat shall remain vacant until filled by a minority teacher (as required by KRS 160.345).
5. Although there is no provision in KRS 160.345 for additional school council members, the school council does not wish to exclude any constituency in the school from participation in all council meetings. Therefore, the Student Council may designate a student council representative, and the support staff of the school (office, cafeteria, custodians, instructional assistants) may conduct an election for a support staff member to attend all council meetings as non-voting representatives.

B. REQUIREMENTS FOR MEMBERSHIP (Revised 8/00)

1. All Members. No one may serve on the school council who has a legal conflict of interest as designated by KRS 45A.340 except the salary paid to district employees. New members (those with less than one year of service) must complete six (6) hours of training from a Kentucky Department of Education endorsed trainer. Experienced members (those with more than one year of service) must complete three (3) hours of training from a Kentucky Department of Education endorsed training provider each year. (Required by KRS 160.345.)
2. 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. Principals or assistant principals may not serve as teacher council members. (Required by KRS 160.345.)
3. Parent Members: Parent council members must be the parent, stepparent or foster parent of a child who is pre-registered to attend the school during the term of office they are seeking. Legal guardians may serve as parent members if the pre-registered child

lives with them. A parent representative on the council shall not be an employee or a relative of an employee in the district's administrative offices. A parent representative shall not be a local board member or board member's spouse. (Relative is defined as: father, mother, brother, sister, husband, wife, son, daughter, aunt, uncle, son-in-law, or daughter-in-law.) (Required by KRS 160.345.)

C. ELECTIONS

1. **Parent Members:** Parents conduct their own elections as per KRS 160.345. Annual elections shall be conducted each May by the school's PTSO for the purpose of electing two parent council members. The president of the PTSO shall notify the principal in writing of the two parents elected within 24 hours of the final vote.
2. **Minority Parent Members:** If the school has 8 percent or more minority students enrolled as of October 1 of the preceding year, the principal shall conduct an election for a minority parent member to the school council in the event a minority member is not elected during regular elections. The principal shall conduct a special election for a minority parent member by:
 - Calling for nominations
 - Notifying all parents in writing of date, time, and location of the election
 - Conducting the election by ballot and counting the votesThe nominee with the most votes shall be the minority parent council member. (Required by KRS 160.345)
3. **Teacher Members:** Teachers conduct their own elections as per KRS 160.345. Annual elections shall be conducted each May for the purpose of electing three teacher council members. Teacher members must be elected by a simple majority (more than one half) of the number of teachers assigned to the school. The process that teachers may use to elect their representatives should address the following areas:
 - a. **Nomination**
 - b. **Preparation of Ballot**
 - c. **Elections**
 - d. **Absentee Ballots**
 - e. **Procedures after First Round Ballots**
4. **Minority Teacher Members:** If an election must be conducted to elect a minority parent member, a minority teacher member shall be selected by the teachers to serve on the council. If there is no minority teacher on staff who will accept the council seat, the seat will remain vacant until such time as a minority teacher can be selected. If there are no minority teachers employed at the school, the teachers shall take nominations and conduct a special election for an additional teacher council member from among the certified staff at the school. (Required by KRS 160.345.)
5. **Term Limits:** No term limits shall be imposed on school council members who are nominated and elected to consecutive one-year terms (as required by KRS 160.345).
6. **Filing Election Materials:** Within 24 hours after each election, those conducting the elections for parent and teacher council members shall bring all election materials, including voting ballots to the principal who shall keep them on file for three years.

D. REMOVAL OF MEMBERS

1. According to KRS 156.132, the chief state school officer 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.
2. 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 chief state school officer pursuant to

KRS 156.132. Written notices setting out the charges for removal shall be spread on 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 until July 1, and be eligible for re-election.

F. 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 IV. DUTIES OF OFFICERS AND COUNCIL MEMBERS

A. ELECTION OF OFFICERS

- Officers shall include Chair, Vice Chair, and Secretary.
- 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.
- If a vice chair resigns his or her position, the council shall conduct a vote at that meeting to fill the position with another council member.
- A motion to seek an alternative model allowing a council member other than the principal to serve as chair (as required by KRS 160.345) may be made by any council member at any regular meeting. A majority vote of the full council is required before the school council can seek an alternative model. A faculty vote must then be conducted, and the motion must pass by 2/3 in order to proceed with the model.

B. CHAIR

The principal shall be the chairperson of the school council (as required by KRS 160.345). Duties of the chair include:

- Conducting school council meetings
- Compiling and distributing the agenda for council meetings
- Serving as official custodian of council records
- Stating when a consensus is present for the record
- Coordinating standing and ad hoc committees
- 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 filed * after having been brought to two council meetings)
- Other duties as described in these by-laws

* General correspondence to the council shall be kept on file for 5 years.

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
- 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 and to maintain council records.

E. COUNCIL MEMBERS

Duties of council members include:

- Knowing and adhering to the mission, philosophy, and goals of Lewis County Middle School
- Attending all council meetings, both regular and special
- Encouraging and requesting opinions from their constituencies
- Supporting, promoting, and communicating council decisions
- Seeking information independently and as needed about issues brought before the school council, and bringing that information to the council

ARTICLE V. COMMITTEES

Revised 3/01

Revised 6/03

A. PURPOSE

Committees may be established as needed to gain input from all stakeholders including certified and classified staff, parents, students, and community members (as required by KRS 160.345). Committees can serve as a council resource for gathering data and information and making recommendations to the school council.

The need for committees will be reviewed and confirmed by the school council each July at the regularly scheduled meeting. At this time they may appoint those committees that are needed for the school year. Other ad hoc committees may be appointed at any time the council needs them.

B. APPOINTMENT OF COMMITTEES

Committees shall be formed and dissolved by the school council as needed (KRS 160.345). All staff may participate in the shared decision making process at Lewis County Middle School by serving on committees in their areas of interest. Sign-up sheets will encourage both certified and classified staff as well as parents and other persons from the community to serve on council committees. When appropriate, students may also be asked to serve on council committees. The council shall decide the number of members needed for each committee at the time the committee is formed.

At the time a committee is formed, the council will make a statement listing the duties of this committee. At this time a date will be established when the committee should be ready to report back to the council. Committee chairs or their designees will report as requested by the school council.

C. COMMITTEE ACTIVITY

Each committee shall elect, by a majority of the committee, a chair.

Members of each committee shall choose the time, place, agenda, and schedule for their meetings (KRS 160.345). Committee meetings will be held at a time that parents and community members may attend. A majority of the membership of the committee shall constitute a quorum, which is required for action by the committee.

Committees must comply with all provisions of the Open meetings and Open Records Laws (KRS 160.345). They must announce their meeting schedule and keep minutes of their meetings just as the council does. Committee chairs shall provide the council secretary with written minutes of their meetings no later than 10 days after the meeting occurred.

Committees shall study and make recommendations on the subject(s) for which the committee has been established. They may decide to bring issues of concern or interest to the school council. Recommendations shall be for the consideration of the council and shall be advisory in nature (KRS 160.345 [2] [d]).

Committees may also research issues, gather school-wide input, and/or prepare first and revised drafts of policies for the council's consideration. If the council so requests, committees shall present the council with two or more policy options.

Committee decisions shall be made by consensus, except the election of a chair and the decision to adjourn, which shall be by majority vote of the committee.

ARTICLE VI. SCHEDULE OF MEETINGS

A. REGULAR MEETINGS

1. The date and time of the regular monthly meeting of the Lewis County Middle School Council shall be decided each July by the new council. Council meetings shall be open to the public. Teachers, parents and other interested individuals are encouraged to attend. Meetings shall be at a time that is convenient for parents to attend.
2. The regular monthly meetings will be held in the school library.
3. The principal shall provide local news media of the council's regular meeting schedule for the year in July, and provide notification of the council's meeting time and agenda at least 3 days in advance of each regular meeting.

B. SPECIAL MEETINGS

1. 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 chairperson must complete the following steps 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 on the bulletin board in the school foyer at least 24 hours prior to the time of the meeting.
2. In addition to these requirements, the principal shall notify teachers of the time and the reason for the special called meeting.

ARTICLE VII. CONDUCT OF MEETINGS

A. QUORUM

A quorum of the school council shall be a majority (more than one-half) of the number of seats on the school council. 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 (as required by KRS 160.345), except for those portions 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:

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

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

1. **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 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 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.
4. **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

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.
 - Lists of applicants for vacant positions (as required by KRS 160.345)
 - TO BE MADE AVAILABLE IF NEEDED:
 - Robert's Rules of Order
3. The council secretary and all council members shall bring the binder that he or she uses to maintain copies of the council's by-laws, policies, annual budget, monthly spending reports, and minutes.

E. AGENDA (Revised 11/02)

1. Anyone may submit items for inclusion on the agenda to the chairperson/principal in writing. These items must be presented three days prior to the regularly scheduled council meeting. The principal shall maintain a complete file of these items. Agenda items must fall within the parameters of council duties and powers.
2. The chairperson shall prepare a preliminary agenda for each regular 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.
3. Each agenda shall include the following items:
 - Item 1: Setting of the final agenda for the current meeting.
 - Item 2: Review and approval of previous meeting minutes.

Item 3: An opportunity during the course of the meeting for school or community persons to address the school council. Each person's remarks shall be no longer than five minutes.

Item 4: Other items submitted.

4. The preliminary agenda shall be distributed prior to the meeting to all staff members and to all school or community persons who submitted items in writing for inclusion prior to the meeting. A copy of the preliminary agenda shall be mailed to local news media.

F. DISCUSSION OF AGENDA ITEMS

1. 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.

2. Other persons attending the meeting may be recognized by the chairperson and may address the council after signing in. The chair has the right to seek expert opinions from council guests. 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. Any agenda item may be referred to a standing or ad hoc committee for further study as deemed necessary by the council.

G. DECISION MAKING PROCESS

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

2. 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 (as required by KRS 160.345) and/or further the goals in the school's plan.

3. No proposed policy may be approved by the school council at the same meeting at which it was initially proposed for study.

4. All decisions and policies officially adopted by the Lewis County Middle School Council will be reported to the Board of Education and superintendent through submission of approved council minutes to the SBDM district coordinator.

5. 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.*
- *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

After 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), 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:

- 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 VIII. MINUTES AND OTHER COUNCIL RECORDS

A. MINUTES KEPT AND APPROVED

1. Minutes shall be kept for each meeting of the school council.
2. The minutes shall reflect an accurate record of actions and votes taken at a council meeting. Minutes shall show the words of the motion or suggestion of consensus, and the majority vote or unanimous support.
3. The minutes of the school council shall not be official until they are reviewed and approved by the council.
4. A preliminary copy of the minutes for all council meetings will be provided to staff prior to the next council meeting.
5. A preliminary copy of the minutes will be delivered to parent council members prior to the next meeting for their review. After the minutes become official, a copy will be delivered to the council members for their records.
6. The principal will forward an official copy of the minutes to the superintendent and SBDM District Coordinator.
7. The chairperson will post a copy of the official minutes.

B. COUNCIL RECORDS AVAILABLE FOR PUBLIC INSPECTION

The following are official documents that must be kept on file for public inspection:

Open Records Law – The chairperson must retain records and be responsible for making them available to anyone who requests them within three working days (all days count except Saturday, Sunday, and legal holidays). Records to be retained and the length of time they must be kept are listed below. (P=Permanent, 3=Three Years, etc.)

- SBDM Council Minutes – P
- SBDM Council Committee Minutes – P
- Teacher Council Member Election Records – 3
- Parent Council Member Election Records – 3

- SBDM Council/Committee Meeting Notifications – 1
- Official Correspondence – P
- General Correspondence – 5
- Budget Allocations to Council – P
- Budget Expenditure Report – 3
- School Council By-Laws – P
- Annual School Transformation Plan – 5
- SBDM Council Policy Appeals – 5
- Request for Waiver of Board Policy – 5
- SBDM Policy – P
- Requests for Professional Development – 3
- Annual School Report – P
- Annual Financial Audit Report – P

Source: Records Retention Schedule, as supplied to SBDM Trainers by Charlie Edwards, 9/13/01

C. REQUESTS FOR COUNCIL RECORDS

1. Requests for council records must be made in writing to the principal. Requests must include specific documents and dates.
2. The fee for copying of council records shall be 10 cents per page unless the request is for the School Planning document. The chair may waive the fee at his/her discretion.
3. The fee for a copy of the School Planning document shall be the school's cost for one copy, as per printing records.
4. The requested records must be provided to the person making the request within three business days.
5. The school council secretary shall make or provide copies of requested documents at the principal or chairperson's request.
6. School council records will be available for inspection during the hours the school's library is open (est. 8:00 a.m. - 3:00 p.m.)
7. The custodian of records for the school shall be the principal, and 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.

ARTICLE IX. APPEALS OF SCHOOL COUNCIL DECISIONS

A. REQUEST

For a person(s) to appeal a decision of the council or file a grievance he/she must first request in writing an opportunity to be heard and shall include information about the grievance issue.

B. SCHEDULE

A council shall schedule a hearing within thirty (30) working days from the date the request is received. The person appealing shall be informed of the hearing by registered letter.

C. HEARING

The person appealing may be represented by legal counsel and may call witnesses as long as the testimony is germane to the issue.

D. DECISION

The council shall consider the merits of the complaint, make a decision, and respond in writing to the complaint within 10 days after the hearing.

E. REPORT

A copy of the written grievance or appeal, and a written reply by the council shall be provided to the superintendent within ten (10) working days of the council's decision.

ARTICLE X. AMENDMENTS

A. AMENDMENTS TO COUNCIL BY-LAWS

These by-laws may be amended after a first and second reading at two consecutive council meetings by majority vote of the school council.