

## Marie Roberts-Caney Elementary School



### SBDM By-Laws

#### Purpose:

The purpose of the Marie Roberts-Caney Elementary 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 Marie Roberts-Caney Elementary School.

#### Mission:

Marie Roberts-Caney Elementary School Mission Statement:

**M**aking Students **R**eady for a **C**hanging World

#### Membership:

##### Section A. School Based Council Members

1. The membership of the school council shall consist of two parents, three teachers, and the principal.
2. The teacher and parent members shall be elected for one-year terms and may be re-elected for subsequent one-year terms.
3. Elections will take place in May on a date set by the principal. The term of the office shall be from July 1 through June 30.

##### Section B. Requirements for membership

1. All members:
  - a. No one may serve on the school council who has a business interest in the school as designated by KRS 45A.340. New members must complete six hours of training from Kentucky Department of Education endorsed trainer. Experienced members must complete three hours of training from a Kentucky Department of Education endorsed trainer 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 prior to beginning the principal selection process.
  - b. School council members can serve an unlimited number of terms as long as they meet the eligibility requirements.
2. Teacher members:
  - a. Teacher council members must possess certification required for their position as a basis for employment in Kentucky public schools.

- b. Itinerant teachers may nominate, serve, and vote in our school. Principals or assistant principals may not serve as teacher council members, nor vote in teacher elections.
  - c. Teachers may nominate themselves or another teacher.
  - d. Nominations shall be made in writing to the principal no later than five days prior to the election.
  - e. The teacher elected chair shall prepare a ballot containing the names of all valid and certified teacher nominated.
  - f. The teacher elected chair shall chair and oversee the meeting to elect members to the council.
  - g. Balloting will continue until three teachers have been elected.
  - h. Teachers must be employees of the district and currently assigned to the school where they are elected as council members.
  - i. Election shall be by majority of all teachers assigned to the school.
3. Parent members:
- a. The legal definition of parent (KRS 160.345 1.c.) allows biological parent, step-parent, foster parents, or persons who have court ordered legal custody to be nominated or to vote.
  - b. 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. If a child will attend our school next year, the parents of that child would be eligible to be nominated, or vote in the election for next year’s school council.
  - c. 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 Generals’ Opinion (OAG 90-102) says that “relative” as used in this section should have the same definition found in KRS 160.180 and 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 members’ spouse, nor can they have a business interest in the school.
  - d. The election of the parent council members shall be by a majority of votes of the qualified parents who are present.
  - e. Parents may nominate themselves or another parent.
  - f. Nomination shall be in writing and submitted to the Advisory Council President five school days prior to the date of the scheduled election.
  - g. The Advisory Council President shall prepare a ballot containing the names of all qualified parents nominated.
  - h. Voting shall continue until two representatives are elected.

### Section C. Removal of members

- 1. According to KRS 156.132, the commissioner of education may recommend removal of a school council member whom he/she 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 commissioner of education 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.
  - a. Council members may suggest to the Commissioner of Education that a council member be removed from office for the following reasons:
    1. Missing a majority of the council meetings without council approval
    2. Violation of the council's code of ethics
    3. Violation of the council by-laws or policies
    4. Demonstration of an unwillingness to work, in collaboration with the council and school.
3. Council vacancies due to an expired term shall be filled within 20 days at a special called election which shall follow the guidelines set forth in these by-laws. A vacancy is created when:
  - a. A teacher is no longer assigned to the school
  - b. A parent no longer has a child enrolled in the school
  - c. A member of the council has resigned or been removed

### Duties of officers and council members:

#### Section A. Election of officers

1. The principal shall be the chairperson of the council and shall preside at the meetings of the council. The chairperson shall have the same membership privileges as other members, including the right to make motions, second motions, and vote on all matters considered by the council.
2. The council shall elect a vice chairperson annually. The vice chairperson shall call the conduct meetings in the absence of the chairperson. Re-election is permitted. If a vice chair resigns his or her position, the council shall conduct a vote at the meeting to fill the position with another council member.
3. Officers shall include Chairperson, Vice-Chairperson, and Secretary.

#### Section B. Chairperson

1. The principal shall be the chairperson of the school council. Duties of the chair includes:
  - a. Conducting school council meetings
  - b. Compiling and distributing the agenda for council meetings
  - c. Stating when a consensus is present for the record
  - d. Coordinating standing and ad hoc committees
  - e. Carrying out any additional responsibilities as stated in these by-laws
  - f. 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)

- g. Provide the council's regular meeting schedule for the year in July to the local news media, and provide notification of the council's meeting time and agenda prior to each regular meeting
- h. Announce the council's meeting to parents and the public through local media outlets.
- i. Other duties as described in the by-laws.

#### Section C. Vice-Chairperson

- 1. Duties of the vice-chairperson shall include:
  - a. Presiding over council meetings in the absence of the chair
  - b. Calling a special meeting of the council in the event a principal vacancy occurs. In the event of the principal vacancy, the Vice-Chairperson will become Chairperson of the Council
  - c. Conducting meetings necessary for the principal hiring process to take place.

#### Section D. Secretary

- 1. Duties of the secretary shall include:
  - a. Keeping full and accurate accounts of the proceedings and transactions of all meetings of the council
  - b. Making minutes available to the principal, faculty, and public upon request
  - c. Preparing any official correspondence that the chairperson may request
  - d. Maintaining in the school office a "council file" containing copies of all minutes, council plans and progress reports, and council related information from the district or state, and a current copy of by-laws/operational procedures

#### Section E. Council members

- 1. Duties of council members include:
  - a. Attending all council meetings, both regular and special
  - b. Encouraging and requesting opinions from their constituencies
  - c. Supporting, promoting, and communicating council decisions
  - d. Seeking information independently and as needed about issues brought before the school council, and bringing that information to the council.

### **Schedule of meetings**

#### Section A. Regular meetings

- 1. The regular meeting of the Marie Roberts-Caney Elementary School Council shall be the second Tuesday of each month beginning at 4:00 p.m.
- 2. Council meetings shall be open to the public

#### Section B. 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 vice chairperson may call a special meeting in the absence of the chairperson.
- 2. 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. Posting of notice. The notice for the special meeting shall be posted by the chairperson on the bulletin board by the school's front office at least 24 hours prior to the time of the meeting.

#### Section C. Closed session

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 a council member [KRS 61.801(1)(c)].
2. To discuss candidates for a principal vacancy or conduct consultation in filling other vacancies [KRS 61.810(1)(f)].

Before 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.

#### Section D. Agenda

1. Each regular and special council meeting shall operate by an agenda. The agenda shall be formed by the chairperson. The agenda shall be approved by the council at the beginning of the meeting with flexibility.
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. A person recommending an item for the agenda should be present at the meeting for it to be discussed. Items to be placed on the agenda must be presented in writing to the chairperson three days prior to the regular meeting. The request must state the topic or issue to be addressed, the name(s) of the person(s) who

- wish to present the item, and the person(s) who is presenting the item, and the person(s) or group(s) they represent
4. An agenda will be prepared by the secretary of the school-based council in advance of each regular meeting.
    - a. Call to order
    - b. Review and approval of previous minutes
    - c. An opportunity during the course of the meeting for school or community persons to address the school council
    - d. Financial report
    - e. Other items submitted

## **Conduct of meetings**

### **Section A. Quorum**

A quorum of the school council shall be two thirds, or  $\frac{1}{2}$  plus 1 of the members of the council, ~~including at least one parent member~~. No council business shall be discussed or conducted unless a quorum of council members is present.

### **Section B. Attendance at meetings**

Council members are open to the public and all interested persons can attend, except for those portions that are conducted as closed sessions. All council meetings and council appointed committees shall be open to the public except when personnel, legal issues affecting the council, or rights to privacy issues are under consideration. Under on or more of these conditions, the council may go into executive session. All decisions made by the council shall be in an open public meeting. The council shall abide by the state's open meetings law KRS610470-61.840.

### **Section C. Discussion of agenda items**

Individuals in attendance at the council meetings shall be provided an opportunity to discuss issues under consideration by the council using the following procedures:

1. As each topic is discussed, the chairperson will call on speakers in an orderly process. Speaking time may be limited to five minutes unless prior arrangements have been made for more time. The length of the discussion following the presentation will be at the discretion of the chairperson.
2. Additional input may be sought by the council prior to making a decision.
3. Input reactions must be relevant to the topic and must be within the authority of the council as determined by the chairperson. Persons who are not on the agenda who wish to address the council must have the chairperson's permission to do so.
4. 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 wish 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.
5. Any agenda item may be referred to a standing or ad hoc committee for further study as deemed necessary by the council.



#### Section D. Decision making process

1. All business and decisions of the school council will relate to the schools mission and purpose to improve the instructional program and/or further the goals in the School's Comprehensive Plan.
2. All decisions and policies officially adopted by the Marie Roberts-Caney Elementary School Council will be reported to the board of education and superintendent through submission of approved council minutes.
3. The school council will make decision by consensus except as otherwise designated in the by-laws using the following guidelines:
  - a. A motion and second are made.
  - b. After discussion of an item, the chair or any member may state the consensus of the group in one or two sentences.
  - c. The chair will ask whether any member disagrees with that statement.
  - d. If all members agree, the decision will be recorded as a unanimous decision in the council minutes.
  - e. 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.

#### Section E. Alternative to consensus

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

1. Vote to send the issue back to a committee
2. 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
3. Decide the issue by majority vote of the council.

#### Section F. 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:

1. The issue involves the selection of a new principal. (The council shall vote and the candidate receiving the majority shall be selected).
2. 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.
3. The issue is whether to continue to meeting for longer than 90 minutes.
4. The federal or state government or the district board of education has set a deadline by which the school council must take a final decision and that deadline will occur before the next regular council meeting.
5. The members of the council cannot agree by consensus to decide the issue at a special meeting and 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 the meeting by majority vote of the council. When voting, any abstention is counted with the majority vote.

## Minutes

### Section 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. If the action taken was the adoption of a policy, the entire text of the policy shall be attached to the copy of the minutes kept on file for public inspection and filed in the council's policy manual.
4. The minutes of the school council shall not be official until they are reviewed and approved by the council.
5. A preliminary copy of the minutes for all council meetings will be available to certified and classified staff in written form within 72 hours of the adjournment of the meeting.
6. The secretary will forward an official copy of the minutes to the <sup>district SBDM Coordinator</sup> ~~superintendent~~.

### Section B. council records available for public inspection

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

1. School council minutes and agendas
2. Committee minutes and agendas
3. Comprehensive Plan (K-Prep scores, Needs assessments)
4. School council policies and By-Laws

### Section C. Requests for council records

1. Requests for council record must be made in writing to the principal.
2. The fee for copying of council records shall be 10 cents per copy unless the request is for the comprehensive plan document.
3. The fee for a copy of the comprehensive plan document shall be the schools cost for one coy, as per printing records.
4. The requested records must be provided to the person making the request within three 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).
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 in the school office during school hours.
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, in compliance with state guidelines and requirements.



#### Section D. Amendments to minutes

Minutes can open be amended to correct errors or clarify meaning. Actions or votes correctly recorded cannot be changed by amending the minutes.

### **Committees**

#### Section A. Purpose

1. Standing and ad hoc committees are established to gain input from all stakeholders including certified and classified staff, parents, students, and community member(s).
2. Standing and ad hoc committees shall serve as a council resource for gathering data and information and making recommendations to the school council.

#### Section B. Appointment or committees

1. All certified staff may participate in the shared decision making process at Marie Roberts-Caney Elementary School by serving on committees in their areas of interest.
2. Each committee shall consist of all concerned: parents, teachers, community persons, and students.
3. All teachers will be a member of at least one standing committee each year and actively participate.
4. Each committee shall select by majority vote a chairperson who will serve for one year. The chair of the committee shall not be a teacher council member.
5. The principal will determine the committee structure and shall assign staff members to the committees.
6. Committee membership is open to interested persons.

#### Section C. Decision making

Committee decisions shall be made by consensus. In the event that consensus is not possible, a majority of the committee may decide that an issue shall be decided by majority vote.

#### Section D. Committee duties

1. Committees shall carry out tasks assigned to them by the school council.
2. Committees may decide to bring issues of concern or interest to the school council.
3. Committees may research issues, gather school-wide input, or prepare first and revised drafts of school council policies.
4. Committee chairs, or their designees, will report at each regular council meeting, or as requested by the school council.

#### Section F. Meetings

1. Each committee shall choose the time, place, agenda, and schedule for their meetings.

2. Committees must comply with all provisions of the open meetings and open records laws.

#### Section G. Standing committees

The following standing committees are described in the “Committee Structure and Function”

1. Leadership team
2. Academic committee
3. Learning environment committee
4. Efficiency committee

### **Appeals**

#### Section A. Request

For 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.

#### Section 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.

#### Section C. Hearing

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

#### Section D. Decision

The council shall consider the merits of the complaint, make a decision, and respond in writing to the complaint.

#### Section E. Report

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

### **Amendments**

#### Section A. Amendments to council by-laws

These by-laws may be amended by majority vote of the council.