

BY-LAWS
SCHOOL-BASED DECISION MAKING COUNCIL
HERITAGE ELEMENTARY SCHOOL
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ARTICLE I. PURPOSE

The purpose of the Heritage 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 Heritage Elementary 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 Heritage Elementary School is to enable and assist each student in achieving established program, grade, or subject area objectives and goals necessary to be successful in the next grade or program level. We accept this responsibility and will achieve it by teaching all students in a manner that will enable them to achieve proficient levels on accountability assessments, regardless of socio-economic status, gender, race, or previous academic performance.

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).

B. REQUIREMENTS FOR MEMBERSHIP

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 and teacher residence must be within the borders of the Commonwealth of Kentucky. Itinerant teachers may nominate, serve, and vote in our school. Principals may not serve as teacher council members. (Required by KRS 160.345).
3. Parent Members: Parent council members must be the parent, step-parent 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. Parent council members may not be the father, mother, brother, sister, husband, wife, son, daughter, aunt, uncle, son-in-law, or daughter-in-law of someone employed by the school district. (KRS 160.345)

C. ELECTIONS

1. Parent Members: Parents conduct their own elections as per KRS 160.345. Annual elections shall be conducted by May 1st each year by the school's parent organization for the purpose of electing the parent council members. Each parent will serve a two year term and the terms will alternate so that both parents do not leave the SBDM Council in the same year. The president of the PTA shall notify the principal in writing of the parent 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 to the council 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.
(KRS 160.345).
3. Teacher Members: Teachers conduct their own elections as per KRS 160.345. Annual elections shall be conducted by May 1st each year for the purpose of electing teacher council members. Each teacher will serve a two year term and the terms will alternate so that one teacher will complete their term and the next year, two teachers will complete their term so that all three teachers do not leave the SBDM Council in the same year. Teacher members must be elected by a majority of the number of teachers assigned to the school.

The process that teachers use to elect their representatives is as follows:*

By the second Friday of April nominations will be placed in a nomination box. The nomination form must include the name and signature of each nominee. The nominations will be announced and posted in the school on the third Monday of April. A ballot will be prepared for each council member vacancy. A vote will be conducted to fill each vacancy. Ballots will be distributed in a meeting of the faculty and voting conducted. Absentee ballots must be submitted prior to the school council election. Absentee voting must be completed at the time the ballot is received in a sealed and signed Heritage Elementary School envelope. They will be kept by a sitting council member until the time of the school election when all ballots are counted.

*Amended 05/10/05

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 KRS 160.345).
5. Term Limits: No term limits shall be imposed on school council members who are nominated and elected to a consecutive two-year rotating term. (Required KRS 160.345).

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 until June 30, and be eligible for reelection.

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 encouraged to attend council meetings. Council member terms shall be for two years.*

*Amended 03/09/04

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.
- Except for the office of secretary, if a chair resigns his or her position, the council shall conduct a vote at that meeting to fill the position with another council member.

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
- 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)
- Other duties as described in these by-laws

C. VICE-CHAIR

Duties of the vice-chair shall include:

- Presiding over council meetings in the absence of the chair
- Calling a special meeting of the council in the event a principal vacancy occurs
- 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 Heritage Elementary School
- Attending 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

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 members (as required by KRS 160.345).
2. Standing and ad hoc committees shall serve as a council resource for gathering data and information and making recommendations to the school council.

B. APPOINTMENT OF COMMITTEES

1. All certified staff may participate in the shared decision making process at Heritage Elementary School by serving on committees in their areas of interest.
2. Each committee shall consist of representatives from the faculty, parents and others as appropriate.
3. Committee membership is open to interested persons (as required by KRS 160.345).
4. Committee membership will be determined by posting sign-up sheets in the school and community no later than September 15 and notifying teachers and parents in writing of their committee appointment by October 1. Teachers or parents who volunteer to serve on a particular committee through the sign-up process below shall be considered by the Council. Standing committees appointments shall be approved by the Council.
5. Committee membership may be limited at the discretion of the school council.
6. Council shall appoint a chairperson from the standing committee membership no later than October 15 who shall serve for a term of no longer than one year (as required by KRS 160.345).

C. DECISION MAKING

Committee decisions shall be made by consensus, as indicated by a "thumbs-up" process. In the event that consensus is not possible, a majority of the committee may decide that an issue shall be decided by majority vote.

D. 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.
5. Committee chairs shall provide the council chair with written minutes of their meetings no later than 10 days after the meeting occurred.
6. Committee minutes will be kept in a committee notebook maintained at the school.

E. MEETINGS

1. Each committee shall choose the time, place, agenda, and schedule for their meetings (as required by KRS 160.345).
2. Committees must comply with all provisions of the Open Meetings and Open Records laws (as required by KRS 160.345).

F. STANDING COMMITTEES

1. Standing committees for Heritage Elementary School shall include: Instruction and Assessment, School Climate, Governance and School Improvement.
2. Continued need for standing committees will be reviewed and confirmed by the school council each August at their regularly scheduled meeting.
3. A list of standing committees and a brief description of their purpose shall be contained in Appendix A of this document.

ARTICLE VI. SCHEDULE OF MEETINGS

A. REGULAR MEETINGS

1. The regular monthly meeting of the Heritage Elementary School Council shall be the second Tuesday of every month. Council meeting shall be open to the public. *Meetings will begin at 6:00 p.m. or later as determined by the Council.*
2. The regular monthly meetings will be held at the Heritage 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 at least one week in advance of each regular meeting.
4. The principal shall notify parents of council meetings each month using the school sign.

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 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, place of the special meeting, and the agenda for each meeting. Only the items of 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.

*Amended 10/23/04

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 sessions.

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.
 - Monthly financial report from the central office.
 - Lists of applicants for vacant positions (as required by KRS 160.345) as appropriate.
 - Other resources as needed.
2. 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

1. Anyone may submit items for inclusion of the agenda to the chairperson/principal in writing provided by Friday prior to a regularly scheduled council meeting. The principal shall maintain a complete file of these items.
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. *Presenters who request to speak to the Council should limit presentations to 10 minutes.*
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.
 - Item 4: Other items submitted.

*Amended 10/23/04

4. The preliminary agenda shall be distributed to all staff members, 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.
5. Setting of the final agenda shall be the first order of business conducted at each regular council meeting, and council members may introduce issues for inclusion on the current agenda at that time. The agenda shall be approved by motion and vote of the council. At a special called meeting, only the items listed on the notice of meeting can be discussed and no new items can be introduced for discussion or inclusion on the agenda.

F. DISCUSSION OF AGENDA ITEMS

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. 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. 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.
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 Heritage 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 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

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), 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 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. 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 in the office for public inspection and filed in the Council's policy manual.
4. The minutes of the school council shall be official until they are reviewed and approved by the Council.
5. The principal will forward an official copy of the minutes to the superintendent and SBDM District Coordinator.
6. A copy of the official minutes will be posted on the bulletin board in the foyer by the chairperson.

B. COUNCIL RECORDS AVAILABLE FOR PUBLIC INSPECTION

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

- School Council Minutes
- Committee Minutes
- School Planning Document (KIRIS Scores, Needs Assessment, Review Team Report)
- School Council Policies and By-Laws
- School Council Budget Documents not in the School Plan
- School Council and Committee Membership Lists

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 copy unless the request is for the School Planning document.
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 office is open (est. 7:45 a.m. – 3:30 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 the 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.

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.

