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G.C. Burkhead Elementary School

School Council Bylaws

Policy 01.01

Council Purpose and Mission

A. Purpose

The purpose of the G.C. Burkhead 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 G.C. Burkhead Elementary School.

B. Mission

The vision for G.C. Burkhead Elementary School is to recognize that all children can learn and to ensure that children are given the foremost educational opportunities to meet their individual needs and to provide a strong foundation for life-long learning, in order to be competitive in the global arena, by providing positive community involvement, a secure and stimulating environment, educational innovation, and visionary leadership.

G.C. Burkhead Elementary School

School Council Bylaws

Policy 01.02

Membership

A. Composition

1. The school council shall consist of the principal, three teacher members, and two parent members
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.
3. In the event a special election is needed, the teachers shall elect a minority teacher from the school's staff. If there are no minority teachers on staff at the school, the teachers shall elect a non-minority teacher to represent the interests of minority students in the school.
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.

B. Requirements for membership

1. All Members: No one may serve on the school council who has a business interest in the school as designated by KRS 45A.340¹. 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. If a seat becomes vacant mid-term, training will be provided for the new council member *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.*
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. Counselors may serve as teacher council members. Principals or assistant principals may not serve as teacher council members, nor vote in teacher elections.

3. Parent members: The legal definition of parent (KRS 160.345 1.c.)² allows biological parents, stepparents, foster parents, or persons who have court ordered legal custody to be nominated or to vote. According to the law, parents who are nominated or who wish to vote must have a child “preregistered to attend” the school for next year. If a child is in preschool this year and 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. Parents of 5th graders who are exiting our school need to be nominated or vote in the middle school election.

· 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 General’s Opinion [OAG 90-102] says that “relative” as used in this section should have the same definition found in KRS 160.180³ and KRS 160.380⁴ that applies to school boards. This means that a parent who 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 member’s spouse, nor can they have a business interest in the school.

C. Elections

1. Parent Members: Parents conduct their own elections as per KRS 160.345². Annual elections shall be conducted each May by the school’s PTA for the purpose of electing two parent council members. Parent elections may be by plurality vote (two parents with the highest number of votes) unless PTA bylaws require a majority vote. The president of the PTA shall notify the principal in writing of the two parents elected within 24 hours of the final vote, and shall deliver all election materials to the principal the next business day after the election.

2. Teacher Members: Teachers conduct their own elections as per KRS 160.345². Annual elections shall be conducted each March for the purpose of electing three teacher council members. Current council teacher reps ask that teacher elections be put on the agenda of a regularly scheduled faculty meeting in February. See Appendix 1 for the suggested teacher election procedures.

3. Term Limits: School council members can serve an unlimited number of terms as long as they meet the eligibility requirements. Beginning in the 2001 school year, elections for teacher and parent representation on the school's council will be for a two year term. If the teacher representative resigns, retires, transfers to another school, or no longer wishes to serve as a council member then an election will be held to replace that council member's unexpired term.

If the parent representative moves to another school in the district, no longer has a child in the school, or does not want to serve on the council, then an election will be held to replace that council member's unexpired term. If the member is a minority, then the election to replace the council member will be directed to the minorities according to KRS 160.345 2 (b) (2).

4. Principal Role in SBDM Elections:

Other than conducting the election for the minority teacher and parent members in the event the school is required to do that, principals are not given a role by statute in school council elections. Principals can assist the teachers or parents if requested to do so with logistics such as opening the building, providing space in the building, and assisting PTA or PTO and teachers with communicating election meeting times and dates. Principals should not be involved in setting or monitoring election procedures, nominations, balloting, or counting votes. The principal is the custodian of records for the school, and must keep the official records from the parent and teacher elections for at least three years.

D. Removal of members

1. According to KRS 156.132⁵, the commissioner of education or the Office of Education Accountability may recommend the 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 commissioner of education pursuant or the Office of Education Accountability 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 160.347⁶.

E. Filling vacancies

If a member of the council resigns, dies, 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. The new member will receive SBDM training.

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.

Adopted: 2-14-11

Revised: 1-13-15

¹ **45A.340** <http://www.lrc.ky.gov/statutes/statute.aspx?id=22398> Conflicts of interest of public officers and employees.

(1) No officer or employee of the General Assembly, or officer or employee of an agency as defined in KRS 45A.335, shall knowingly receive or agree to receive, directly or indirectly, compensation for any services to be rendered, either by himself or another, in negotiations with the state or an agency for the purchase by the state or an agency of an interest in real property. This section shall not apply to appearances before any court, except that negotiations shall be prohibited as aforesaid at any time.

(2) No officer or employee of an agency or member of a state board or commission, may be in any manner interested, either directly or indirectly, in his own name or in the name of any other person, association, trust, or corporation, in any contract for the performance of any work in the making or letting or administration of which such officer or employee may be called upon to act or vote. No such officer or employee may represent, either as agent or otherwise, any person, association, trust, or corporation, with respect to any application or bid for any contract or work in regard to which such officer or employee may be called upon to act or vote. Nor may any such officer or

employee take, solicit, or receive, either directly or indirectly, any money or other thing of value as a gift or bribe or means of influencing his vote or action in his official character. Any contract made and procured in violation hereof is void. For the purposes of this section the holding of less than five percent (5%) of the stock of a corporation is not considered an interest.

(3) No officer or employee of the General Assembly or officer or employee of any agency shall, for compensation, appear before an agency as an expert witness.

(4) No officer or employee of the General Assembly, or officer or employee of any agency, shall act as officer or agent for the Commonwealth or any agency in the transaction of any business with himself, or with any corporation, company, association, or firm in which he or his spouse has any interest greater than five percent (5%) of the total value thereof.

(5) No officer or employee of an agency or appointee shall knowingly himself or by his partners or through any corporation which he controls or in which he owns or controls more than ten percent (10%) of the stock, or by any other person for his use or benefit or on his account, undertake, execute, hold, or enjoy, in whole or in part, any contract, agreement, sale, or purchase of the value of twenty-five dollars (\$25) or more, made, entered into, awarded or granted by any agency, unless said contract, agreement, sale or purchase:

(a) Was made or let after public notice and competitive bidding; or

(b) Results from the sale of a craft item to a state park if the employee is an interim state park employee designated as a craftsman under KRS 148.257.

(6) No officer, employee, or appointee of an agency, including persons who serve without salary or other payment for their services, shall knowingly receive or agree to receive, directly or indirectly, compensation for any services rendered or to be rendered, either by himself or another, in any cause, proceeding, application, or other matter which is before said agency or before the department of state government in which said agency functions.

² 160.345 <http://www.lrc.ky.gov/Statutes/statute.aspx?id=42589>

Definitions -- Required adoption of school councils for school-based decision making -- Composition -- Responsibilities -- Professional development -- Exemption -- Formula for allocation of school district funds -- Intentionally engaging in conduct detrimental to school-based decision making by board member, superintendent, district employee, or

school council member -- Complaint procedure -- Disciplinary action --
Rescission of right to establish and powers of council -- Wellness policy.

(1) For the purpose of this section:

(a) "Minority" means American Indian; Alaskan native; African-American; Hispanic, including persons of Mexican, Puerto Rican, Cuban, and Central or South American origin; Pacific islander; or other ethnic group underrepresented in the school;

(b) "School" means an elementary or secondary educational institution that is under the administrative control of a principal and is not a program or part of another school. The term "school" does not include district-operated schools that are:

1. Exclusively vocational-technical, special education, or preschool programs;

2. Instructional programs operated in institutions or schools outside of the district; or

3. Alternative schools designed to provide services to at-risk populations with unique needs;

(c) "Teacher" means any person for whom certification is required as a basis of employment in the public schools of the state, with the exception of principals and assistant principals; and

(d) "Parent" means:

1. A parent, stepparent, or foster parent of a student; or

2. A person who has legal custody of a student pursuant to a court order and with whom the student resides.

(2) Each local board of education shall adopt a policy for implementing school-based decision making in the district which shall include, but not be limited to, a description of how the district's policies, including those developed pursuant to KRS 160.340, have been amended to allow the professional staff members of a school to be involved in the decision making process as they work to meet educational goals established in KRS 158.645 and 158.6451. The policy may include a requirement that each school council make an annual report at a public meeting of the board describing the school's progress in meeting the educational goals set forth in KRS 158.6451 and district goals established by the board. The policy shall also address and comply with the following:

(a) Except as provided in paragraph (b)2. of this subsection, each participating school shall form a school council composed of two (2) parents, three (3) teachers, and the principal or administrator. The membership of the council may be increased, but it may only be

increased proportionately. A parent representative on the council shall not

³**160.180** <http://www.lrc.ky.gov/Statutes/statute.aspx?id=3689>

Eligibility requirements.

(1) As used in this section, "relative" means father, mother, brother, sister, husband, wife, son, daughter, aunt, uncle, son-in-law, and daughter-in-law.

⁴**160.380** <http://www.lrc.ky.gov/Statutes/statute.aspx?id=40245>

School employees -- Restrictions on appointment of relatives, violent offenders, and persons convicted of sex crimes -- Restriction on assignment to alternative education program as disciplinary action -- National and state criminal history background checks on applicants, new hires, and school-based decision-making council parent members -- Application and renewal forms -- Employees charged with felony offenses.

(1) As used in this section:

(c) "Relative" means father, mother, brother, sister, husband, wife, son, daughter, aunt, uncle, son-in-law, and daughter-in-law; and

⁵**156.132** <http://www.lrc.ky.gov/statutes/statute.aspx?id=3130>

Removal or suspension of public school officers -- Procedure, grounds, conditions.

As used in this section, except subsection (1), "public school officer" means a person who previously served as a superintendent of schools or board member during which time charges were brought against him under this section.

(1) The chief state school officer shall recommend, by written charges to the proper school authorities having immediate jurisdiction, the removal of any superintendent of schools, principal, teacher, member of a school council, or other public school officer as to whom he has reason to believe is guilty of immorality, misconduct in office, incompetency, willful neglect of duty, or nonfeasance. In the case of a member of a school council, the written charges shall be provided to the local board of education.

(2) The chief state school officer shall recommend by written charges the suspension by the Kentucky Board of Education of any district board member, superintendent of schools, or other public school officer whom he has reason to believe is guilty of immorality, misconduct in office, incompetency, willful neglect of duty, or nonfeasance. If the charges brought under this subsection represent an immediate threat to the public health, safety, or welfare, the

Kentucky Board of Education shall summarily suspend the person against whom the charges are made. The action by the Kentucky Board of Education may be taken upon a recommendation of the chief state school officer, or the action may be taken by a majority vote of the Kentucky Board of Education without recommendation from the chief state school officer.

(3) The Kentucky Board of Education may suspend a district superintendent of schools or other public school officer under subsection (2) of this section or remove him pursuant to subsection (5) of this section only if, after thirty (30) days of receipt of the written charges specified in subsection (1) of this section, the proper school authorities having immediate jurisdiction, either the superintendent or the district board of education, have refused to act, have acted in bad faith, arbitrarily, or capriciously, or if a recommendation to the district board would have been futile.

(4) Any officer suspended by the Kentucky Board of Education under subsection (2) of this section shall be furnished with an emergency order specifying in detail the reasons for suspension and notifying the officer of his right to appeal the action and have an emergency hearing pursuant to KRS 13B.125.

(5) As an alternative to first seeking suspension, the chief state school officer may recommend by written charges the removal by the Kentucky Board of Education of any district board member, superintendent of schools, or other public school officer whom he has reason to believe is guilty of immorality, misconduct in office, incompetency, willful neglect of duty, or nonfeasance. The officer against whom the written charges are issued by the chief state school officer shall be furnished with the written charges and notice of procedural rights conferred under KRS Chapter 13B. Within twenty (20) days after receipt of the charges, the officer may notify the Kentucky Board of Education of his intention to appear and answer the charges. Upon appeal, an administrative hearing shall be conducted in accordance with KRS Chapter 13B. If the officer fails to notify the board of his intention to appear and answer the charges, the Kentucky Board of Education may remove the officer by a majority vote, and the dismissal shall be final.

(6) The hearing shall be public or private at the discretion of the accused former or current superintendent and shall be public when testimony is taken for board members.

(7) The Kentucky Board of Education may meet in closed session to consider the evidence and may by a majority vote remove the officer. If the board votes to remove the officer, the board shall prepare final order specifying which charge or charges it found to be the basis for removal. If within ninety (90) days from the date of suspension if applicable, the state board has not removed the

officer, or has dismissed the charges, the suspended officer shall be reinstated and shall be paid his full salary for the period of suspension.

(8) The officer shall have a right to appeal on the record to the Circuit Court located in the county of the school district in accordance with KRS Chapter 13B. If the decision of the court is against removal, the officer shall be paid his full salary from the date of suspension. The payment shall be made from funds appropriated to the State Department of Education.

(9) If a superintendent of schools is removed from office or resigns while charges are pending pursuant to this section after July 15, 1994, any continuing contract pursuant to KRS 161.720 to 161.810 shall be terminated. If the removal is reversed upon appeal, the continuing contract shall be restored and he shall be paid his full salary for the period of suspension.

Effective: April 14, 1998

History: Amended 1998 Ky. Acts ch. 598, sec. 15, effective April 14, 1998. -- Amended 1996 Ky. Acts ch. 318, sec. 46, effective July 15, 1996; and ch. 362, sec. 6, effective July 15, 1996. -- Amended 1994 Ky. Acts ch. 103, sec. 1, effective July 15, 1994; and ch. 472, sec. 1, effective July 15, 1994. Amended 1992 Ky. Acts ch. 376, sec. 1, effective July 14, 1992. -- Amended 1990 Ky. Acts ch. 476, Pt. II, sec. 50, effective July 13, 1990. -- Amended 1982 Ky. Acts ch. 30, sec. 1, effective July 15, 1982. -- Amended 1978 Ky. Acts ch. 155, sec. 82, effective June 17, 1978. -- Created 1962 Ky. Acts ch. 244, Art. I, sec. 1.

6160.347 <http://www.lrc.ky.gov/statutes/statute.aspx?id=3718>

Removal of school council member.

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 four-fifths (4/5) of the membership of a 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.

Effective: July 15, 1994

History: Created 1994 Ky. Acts ch. 103, sec. 2, effective July 15, 1994

G.C. Burkhead Elementary School

School Council Bylaws

Policy 01.03

Duties of Officers and Council Members

A. Election of officers

1. Officers shall include Chair, Vice Chair, and Secretary.
2. 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.
3. Except for the office of secretary, 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.
4. A motion to seek an alternative model allowing a council member other than the principal to serve as chair may be made by any council member at any regular meeting. A majority vote of the full council is required before an alternative model can be sought by the school council. A faculty must vote must then be conducted, and the motion must pass by 2/3 in order to proceed with the model.

B. Chair

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

C. Vice Chair

1. Duties of the vice chair 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.
- c. Conducting meetings necessary for the principal hiring process to take place.

D. Secretary

1. A council secretary shall be appointed by the principal to keep minutes of all council meetings and to maintain council records.

E. Council members

1. Duties of the council members include:

- a. Knowing and adhering to the mission, philosophy, and goals of the G.C. Burkhead Elementary School.
- b. Attending all council meetings, both regular and special.
- c. Encouraging and requesting opinions from their constituencies.
- d. Supporting, promoting, and communicating council decisions.
- e. Seeking information independently and as needed about issues brought before the school council, and bringing that information to the council.
- f. One other council member will serve as designee to serve in the chair position should the principal or vice chair not be present to serve.

G.C. Burkhead Elementary School

School Council Bylaws

Policy 01.04

Committees

A. Purpose

1. Standing and ad hoc committees are established to gain input from all stakeholder including certified and classified staff and parents of students enrolled during the calendar year as determine by the Hardin County School Board policies.
2. Standing and ad hoc committees shall serve as a council resource for gathering data and information to make recommendations to the school council.
3. The council shall determine when a standing committee and/or ad hoc committee is to be formed and shall set the mission/goals of the committee and any deadlines. The council shall assure that all certified, classified, and parents have an opportunity to participate on each committee. Committee guidelines shall be established by the council to assure that committee business is conducted as intended by the council.⁽¹⁾

B. Appointment of Committees

1. Standing and ad hoc committees are formed by the school council as needed.
2. Standing committees can be dissolved only through the process of amending this policy.

C. Membership and Election of Chair

1. All certified staff shall participate in the shared decision making process at G.C. Burkhead by serving on committees. Classified staff and parents may serve on committees in the areas of their interest.
2. For those committees established by the school council, certified staff shall sign up for the areas of their expertise on the opening day of each school year established by the Hardin County School Board. However, the principal, with all consideration of the staff intention to serve on a particular committee, may assign certified staff to a different committee. Classified staff will also have the opportunity to sign up for a committee of their choice on opening day of the school

year. The principal cannot deny those classified employees from serving on their desired committee. The principal will also notify parents of the committees established by the council no later than the second week of the school year of their desire to participate on a committee. The principal will notify certified, classified staff, and parents of their committee assignments no later than the last Friday, in August.

3. Committee membership to any one committee established by the school council shall be limited to seven (7) certified staff, two (2) classified staff, and one parent. However, according to the “Open Meeting Law” any certified and classified staff, parent may attend any committee meeting.⁽²⁾

4. Each committee will elect a chair and vice chair at their first meeting to occur no later than the second Friday in September of each school year. The committee chair will notify the principal of the names of the chair and vice chair after the election by the committee members. The term of the chairperson, vice chair, and committee members will end at the end of the school year.

5. Committees established by the council shall function without a classified staff member or parent when none have signed up for a particular committee.

D. Meetings

1. Each of the committees shall determine the frequency of and agenda for their meetings.⁽³⁾

2. Committee meetings will be announced with an agenda two days before the meeting by the chair to all certified, classified staff, and parents on the committee and principal with the time and date of the meeting and to the media (newspaper, radio, or the school’s website). Meetings should be scheduled to meet the needs of all committee members.

E. Duties

1. Committees shall carry out the tasks assigned to them by the school council.

2. Committees may bring issues of concerns or interest to the school council.

3. Committees may research issues, gather school – wide surveys, or prepare first and revised drafts of school council policies.

4. Committee chairs shall provide the council secretary with written minutes of their meetings no later than 10 days after the meeting occurred. The council secretary will provide a copy of the minutes to the council members at the next scheduled meeting.

F. Decision Making

1. Committee decisions shall be made by consensus. Consensus is defined as a vote with no opposition. In the event that consensus is not possible, a majority of the committee may decide that an issue shall be decided by majority vote.
2. Committee business may only be conducted if a quorum of 50% of registered committee members are presented at the committee meeting

G. Committee Jurisdiction

1. Positive Behavior Intervention System (PBIS) is a standing committee that shall include one committee members from K -5, special education, classified, and the Family Resource Center person. The responsibility of the committee, but not limited to, develop lesson plans for areas in the school building where behavior is a concern, monitor monthly major and minor refers to the office, and request funding from the council to purchase incentives for positive behaviors displayed by our students.
2. Learning Environment Committee responsibility is to address the needs of the school campus, safety concerns, culture, climate, and other concerns that would impede student learning.
3. Special Education Committee responsibility is to monitor changes in federal and state laws and to inform staff and council members of any changes as necessary.
4. School Media and Technology Committee responsibility is to monitor the maintenance of the school library media center, including the purchase of instructional materials, information technology, and equipment. ⁽⁴⁾
5. Content Area Committees (Reading, Math, Social Studies, and Science) responsibilities are to review test data, analyzing, keeping current with the standards, and ensuring curriculum is updated to the new standards.
6. Program Review Committee (Practical Living/Career Studies, Writing, K-3, World Language and Arts and Humanities) responsibilities are to determine the current level of performance, identify program strengths and areas for needed growth, adjust initial improvement plans, ensure programs are fully prepared for quality implementation, determine where school wide integration of program skills is need, and provide an annual check-up for each program.

H. Ad Hoc Committee

1. The council will establish an “Ad Hoc” committee of no more than five certified staff members each school year to determine the professional development needs of the certified staff. The committees responsibility is to survey the staff to gain input on the staff needs of individual

growth plans, to enhance certified staff knowledge and teaching practices related to the content and subject matter that are required for their specific classroom assignments.⁽⁵⁾

2. Additional “Ad Hoc” committees may be established according to the Comprehensive School Improvement Plan (CSIP), annual testing data in area(s) of need to improve student learning, or in other areas determine by the school council.

I. Bylaws

This policy will be included in the appendix to the Bylaws.

Revised: 1-13-15

References

(1) KRS 160.345(c)(2) “If a school council establishes committees, it shall adopt a policy to facilitate the participation of interested persons, including, but not limited to, classified employees and parents. The policy shall include the number of committees, their jurisdiction, composition, and the process for membership selection.”

(2) KRS 160.345(c)(e) “The meeting of the school council shall be open to the public and all interested persons may attend. However, the exception to open meetings provided in KRS 61.810 shall apply. This law also applies to committee meetings.

(3) KRS 160.345(c)(d) “The school council and each of its committees shall determine the frequency of and agenda for their meetings. Matters relating to information of school councils that are not provided for by this section shall be addressed by local board policy.

(4) KRS 160.345(c)(2)(g) “The school council shall consult with the school media librarian on the maintenance of the school library media center, including the purchase of instructional materials, information technology, and equipment.

(5) KRS 156.095(5)(b) “In planning the use of four (4) days for professional development under KRS 158.070 school councils and districts shall give priority to programs that increase teachers’ understanding of curriculum content and methods of instruction appropriate for each content area based on individual school plans.”

G.C. Burkhead Elementary School

School Council Bylaws

Policy 01.05

Schedule of Meetings

A. REGULAR MEETINGS

1. The day and time of the SBDM regular monthly meeting of the G. C. Burkhead Elementary School Council shall be established at the July meeting for the year. Council meetings shall be open to the public. Meetings shall not exceed two (2) hours. If all items on the agenda have not been adequately discussed after two (2) hours, the council may decide by motions, second, and majority vote to extend the length of the meeting or to place the remaining agenda items on the next month's agenda or on the agenda for a special meeting. KRS 160.345 (2.d.e)¹

2. The regular monthly meetings will be held at G.C. Burkhead Elementary School Library.

3. The principal shall provide local news media, the News Enterprise, 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 one week in advance of each regular meeting on the G. C. Burkhead website.

4. The principal shall notify teachers three calendar days in advance of each council meeting, by school email, to include the time and place. The council meeting agenda will be distributed to council members and posted on the informational bulletin boards in the main building and emailed to staff at least two days prior to each council meeting.

5. The principal shall notify the public by notice posted on the bulletin board in the Center Building at least three days in advance of the meeting.

6. The principal shall distribute a rough draft of the meeting minutes within two school days prior to the next council meeting.

7. The principal shall maintain signed copies of the meeting minutes.

KRS 160.345 (3.h)²

8. The principal shall distribute signed copies of the approved meeting minutes at the next council meeting following signature.

9. The principal shall distribute copies of the approved meeting minutes via email to staff.

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. Additional monthly meetings will be held on an as needed basis. 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 hand, FAX machine, email, 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 of the special meeting shall be posted by the chairperson on the informational bulletin board in the main building 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 the reason for the special called meeting through email and the school news program at least 24 hours prior to the meeting.

Revised 3-10-15

References:

¹**KRS 160.345(2)(d)(e)** <http://www.lrc.ky.gov/statutes/statute.aspx?id=42589>

“ The school council and each of its committees shall determine the frequency of and agenda for their meetings. Matters relating to formation of school councils that are not provided for by this section shall be addressed by local board policy; The meetings of the school council shall be open to the public and all interested persons may attend. However, the exceptions to open meetings provided in **KRS 61.810**³ shall apply.”

²**KRS 160.345(3)(h)** <http://www.lrc.ky.gov/statutes/statute.aspx?id=42589>

The policies adopted by the local board to implement school-based decision making shall also address the following: (h) Requirements for record keeping by the school council;

³**KRS 61.810** Exceptions to open meetings.
<http://www.lrc.ky.gov/statutes/statute.aspx?id=23044>

(1) All meetings of a quorum of the members of any public agency at which any public business is discussed or at which any action is taken by the agency, shall be public meetings, open to the public at all times, except for the following:

- (a) Deliberations for decisions of the Kentucky Parole Board;
- (b) Deliberations on the future acquisition or sale of real property by a public agency, but only when publicity would be likely to affect the value of a specific piece of property to be acquired for public use or sold by a public agency;
- (c) Discussions of proposed or pending litigation against or on behalf of the public agency;
- (d) Grand and petit jury sessions;
- (e) Collective bargaining negotiations between public employers and their employees or their representatives;
- (f) Discussions or hearings which might lead to the appointment, discipline, or dismissal of an individual employee, member, or student without restricting that employee's, member's, or student's right to a public hearing if requested. This exception shall not be interpreted to permit discussion of general personnel matters in secret;
- (g) Discussions between a public agency and a representative of a business entity and discussions concerning a specific proposal, if open discussions would jeopardize the siting, retention, expansion, or upgrading of the business;
- (h) State and local cabinet meetings and executive cabinet meetings;
- (i) Committees of the General Assembly other than standing committees;
- (j) Deliberations of judicial or quasi-judicial bodies regarding individual adjudications or appointments, at which neither the person involved, his representatives, nor any other individual not a member of the agency's governing body or staff is present, but not including any meetings of planning commissions, zoning commissions, or boards of adjustment;

(k) Meetings which federal or state law specifically require to be conducted in privacy;

(l) Meetings which the Constitution provides shall be held in secret; and

(m) That portion of a meeting devoted to a discussion of a specific public record exempted from disclosure under **KRS 61.878(1)(m)**⁴. However, that portion of any public agency meeting shall not be closed to a member of the Kentucky General Assembly.

(2) Any series of less than quorum meetings, where the members attending one

(1) or more of the meetings collectively constitute at least a quorum of the members of the public agency and where the meetings are held for the purpose of avoiding the requirements of subsection (1) of this section, shall be subject to the requirements of subsection (1) of this section. Nothing in this subsection shall be construed to prohibit discussions between individual members where the purpose of the discussions is to educate the members on

⁴**KRS 61.878(1)(m)** <http://www.lrc.ky.gov/statutes/statute.aspx?id=41877>

(m) 1. Public records the disclosure of which would have a reasonable likelihood of threatening the public safety by exposing a vulnerability in preventing, protecting against, mitigating, or responding to a terrorist act and limited to:

a. Criticality lists resulting from consequence assessments;

b. Vulnerability assessments;

c. Antiterrorism protective measures and plans;

d. Counterterrorism measures and plans;

e. Security and response needs assessments;

f. Infrastructure records that expose a vulnerability referred to in this subparagraph through the disclosure of the location, configuration, or security of critical systems, including public utility critical systems. These critical systems shall include but not be limited to information technology, communication, electrical, fire suppression, ventilation, water, wastewater, sewage, and gas systems;

g. The following records when their disclosure will expose a vulnerability referred to in this subparagraph: detailed drawings, schematics, maps, or specifications of structural elements, floor plans, and operating, utility, or security systems of any building or facility owned, occupied, leased, or maintained by a public agency; and

- h. Records when their disclosure will expose a vulnerability referred to in this subparagraph and that describe the exact physical location of hazardous chemical, radiological, or biological materials

G.C. Burkhead Elementary School

School Council Bylaws

Policy 01.06

CONDUCT OF MEETINGS

A. QUORUM

A quorum is defined as a time when a majority of the school council members are present. No school council business shall be discussed or conducted unless a quorum of school council members is present.

B. ATTENDANCE AT MEETINGS

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

C. CLOSED SESSIONS

By definition a closed session of a regular or special meeting of the school council occurs when the school council members' discussions are not made public. The school council may meet in closed session for the following reasons: (1) to discuss proposed or pending litigation; (2) to discuss candidates for a personnel vacancies and/or consultation in filling vacancies; or (3) to discuss items where state or federal law specifically requires privacy. Before a closed session can be conducted, the following steps must be taken:

1. Notice given in open session for the need of a closed session discussion, stating the reason(s);
2. A motion, second and council vote (e.g., saying "yes");

During the closed session, only the business stated in the announcement can be discussed with no action taken. Details discussed in closed session shall not be discussed outside the closed session. 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. AGENDA

The chairperson shall prepare an agenda for each council meeting, including items submitted in writing for inclusion by the public, staff, parents, other school council members. The chairperson may declare any item received as not within school council authority.

Each agenda shall include the following items:

- Review and approval of previous meeting minutes;
- An opportunity for public comment;
- Committee reports;
- Updates on items in the school improvement plan; and
- Report on budget expenditures

E. DISCUSSION OF AGENDA ITEMS

The school council shall discuss each agenda item before a decision is made. Each school council member shall be given an opportunity to express his or her opinion on the item. Other persons attending the meeting may be recognized by the chairperson any may address the school council as the chair calls upon them to speak. Any agenda item may be referred to a standing or ad hoc committee for further study as deemed necessary by the school council.

For public comment, the chair may set limits on the number of persons who will speak to the issue and a time limit for each.

1. DECISION MAKING PROCESS

1. Unless otherwise specified by these bylaws, 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 schools mission and purpose to improve the instructional program and/or further the goals in the school's improvement plan.
3. No proposed policy
4. All decisions and policies officially adopted by the G. C. Burkhead Elementary 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 bylaws using the following guidelines: Consensus is defined as a vote with no opposition.
6. A motion and second are made.
7. After discussion of an item, the chair or any member may state the consensus of the group in one or two sentences.
8. The chair will ask whether any member disagrees with that statement.

9. If all members agree, the decision will be recorded as a unanimous decision in the council minutes.

10. 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.

11. All council decisions and actions must be stated as motions, seconded and voted or be consensus decisions with a quorum present and in favor. The action or decision is official at the time consensus or majority of votes approves.

F. ALTERNATIVE TO CONSENSUS

When a third suggestion of consensus fails, the council may be 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

G. CRITERIA FOR MAJORITY VOTE

A majority vote of the council shall be taken after the consensus fails three times if the issue meets the following criteria:

1. The issues 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 meet for longer than two hours.
4. 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
5. 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.

G.C. Burkhead Elementary School
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Policy 01.07

Minutes and Other Council Records

A. Minutes Kept and Approved

1. Minutes shall be kept for each meeting of the school council. The Council meetings will begin with approval of the previous meeting minutes.

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 with the office manager/council secretary 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. The chair and a designee will sign and date approved meeting minutes.

5. A preliminary copy of the minutes for all council meetings will be provided to certified and classified staff in written form within 72 hours of the adjournment of the meeting.

6. A copy of the minutes will be provided to parent council members prior to the next meeting for their review, and after they become official for their records

7. The principal will forward an official copy of the minutes to the superintendent and SBDM District Coordinator, and keep an official copy on file in the school.

8. A copy of the official minutes will be via email to all staff members by the council secretary.

9. Parents may access minutes on the School Board minutes.

B. Council Records Available for Public Inspection

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

1. School Council Minutes and Agendas
2. Committee Minutes and Agendas
3. School Improvement Plan and State Assessments
4. School Council Budget Documents not in the School Plan
5. School Council and Committee Membership Lists
6. Official correspondence.

C. Requests for Council Records

1. Requests for council records must be made in writing to the principal during regular school hours. Requests must include specific documents and dates

2. The fee for copying of the school council records shall be 25 cents per copy unless the request is for the School Improvement Plan document.

3. The fee for a copy of the school improvement plan 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 (The attorney general ruled in 01-ORD-04 (May 2001)¹ 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 and the principal or chairperson's request.

6. The school council records will be available for inspection during the hours the school's office 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, in compliance with state guidelines and requirements.

Revised 5-12-15

April 6, 2001

Subject: Effective Date of Certain Legislation, 2001 Regular Session,
Kentucky General Assembly

Requested by: Robert S. Sherman

Written by: Gerard R. Gerhard

Syllabus: In keeping with Section 55 of the Constitution of Kentucky, the effective date of legislation passed during the 2001 Regular Session of the Kentucky General Assembly, other than general appropriation bills, and acts containing emergency or delayed effective date provisions, is the first moment of Thursday, June 21, 2001.

Constitutional

provision construed: Constitution of Kentucky Section 55

OAGs cited: 00-4

Opinion of the Attorney General

By letter of March 23, 2001, you asked, in substance, that this office advise on the effective date of legislation not involving an emergency or delayed effective date, passed during the 2001 Regular Session of the Kentucky General Assembly.

The legislature adjourned "sine die" on March 22, 2001.

As discussed below, the effective date of legislation passed during the 2001 Regular Session of the Kentucky General Assembly, other than general appropriation bills, and acts containing emergency or delayed effective date provisions, is the first moment of Thursday, June 21, 2001.

Section 55 of the Constitution of Kentucky provides:

No act, except general appropriation bills, shall become a law **until ninety days after the adjournment of the session** at which it was passed, except in cases of emergency, when, by the concurrence of a majority of the members elected to each House of the General Assembly, by a yea and nay vote entered upon their journals, an act may become a law when approved by the governor, but the reasons for the emergency that justifies this action must be set out at length in the journal of each House.

(Emphasis added.)

“[U]ntil ninety days after the adjournment of the session,” as used in Section 55 of Kentucky’s Constitution (above), indicates that the day of adjournment (meaning the day of final adjournment for the session, termed “adjournment sine die”) is to be excluded in computing the 90 day period set forth in the above cited Constitutional provision, and that the 90th day shall be included in the period, in order that 90 full days shall have passed after adjournment of the session, before certain legislation becomes effective. See, for example, OAG 00-4.

Applying the analysis described above to the 2001 Regular Session, the General Assembly having adjourned sine die on Thursday, March 22, 2001, we find the following, regarding legislation other than general appropriation bills or acts containing emergency or delayed effective date provisions: The first day of the 90 day period after the session is Friday March 23, 2001, and the 90th day of that period is Wednesday, June 20, 2001. Accordingly, when the last moment of that 90th day has expired, ninety full days will have passed after the adjournment sine die of the 2001 Regular Session of the Kentucky General Assembly. It follows that legislation (except for general appropriation measures and those containing emergency or delayed effective

date provisions) passed during the 2001 Regular Session of the Kentucky General Assembly will be effective on the first moment of Thursday, June 21, 2001.

Albert B. Chandler III

Attorney General

Gerard R. Gerhard

Assistant Attorney General

cc: Bill Van Arsdall

Acting Reviser of Statutes

Legislative Research Commission

G.C. Burkhead Elementary School

School Council Bylaws

Policy 01.08

APPEALS

Eligibility

Any parent, student, or employee of the school may appeal council decisions.

REQUEST

For a person(s) to appeal a decision of the council or file a grievance he/she must first request, in writing within fifteen (15) working days, an opportunity to be heard and shall include information about the grievance issue.

SCHEDULE

The council shall schedule a hearing within thirty (30) working days from the date the request is received. However, the council must first review the appeal/grievance. The person appealing shall be informed of the hearing by registered letter.

HEARING

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

DECISION

The council shall consider the merits of the complaint, make a decision, and respond, in a timely matter, to the person(s) by registered letter.

RESOLVED

1. If the matter is not satisfactorily resolved by the council, the appeal may then be submitted in writing to the Superintendent (a copy of the written grievance or appeal, and a written reply by the council shall be provided to the superintendent within ten days of the council's decision).
2. If within twenty (20) calendar days, the matter is not satisfactorily resolved by the Superintendent, the appealing party may, within thirty (30) calendar days, appeal to the Board.

The Board shall afford the affected parties an opportunity to be heard within forty-five (45) calendar days of the appeal to the Board.

3. The Board shall issue a final written decision on the appeal no later than sixty (60) calendar days from the date of the presentation to the Board.

Revised: 4-14-15

Reference:

(1)ADMINISTRATION 02.42411

Appeal of Decisions

ELIGIBILITY

Any resident of the District or a parent, student or employee of the school may appeal council decisions.

PROCESS

Appealing a decision made by a school council shall include the following procedure:

1. An appeal must be filed within fifteen (15) working days following a council decision.
2. An appeal on a decision made by a school council must first be reviewed by the school council, which shall make a timely response to the appealing party.
3. If the matter is not satisfactorily resolved by the council, the appeal may then be submitted in writing to the Superintendent.
4. If, within twenty (20) calendar days, the matter is not satisfactorily resolved by the Superintendent, the appealing party may, within thirty (30) calendar days, appeal to the Board. The Board shall afford the affected parties an opportunity to be heard within forty-five (45) calendar days of the appeal to the Board.
5. The Board shall issue a final written decision on the appeal no later than sixty (60) calendar days from the date of the presentation to the Board.
6. At any point in the process the Board may direct a review and report on the issues, but shall not extend its decision beyond sixty (60) calendar days from the date of the presentation to the Board without the agreement of the affected parties.
7. The decision of the Board may be appealed to the Chief State School Officer.

BASIS FOR REVIEW

The Board will determine whether the issue on appeal falls within the authority granted to the council by KRS 160.345.

Actions that fall within the statutory authority of the council will be reviewed on appeal based on whether the council action raises liability and/or health and safety concerns, exceeds budgetary limitations, conflicts with contractual obligations, or was otherwise unlawful under state or federal law.

Actions that fall within the authority of the Board will be reviewed on appeal based on whether the council action lacks educational merit, is inconsistent with District goals, violates District policy, exceeds the authority of the council, raises liability and/or health and safety concerns, exceeds budgetary limitations, conflicts with contractual obligations, or is otherwise unlawful under state or federal law.

BOARD ACTION

When the appeal issue falls within statutory council authority, the Board shall either (1) affirm the council decision or (2) refer the appeal back to the council with documentation of its concerns and suggestions.

When the appeal issue falls within the authority of the Board to decide, the Board shall either (1) uphold the council decision or (2) reverse any council action found to violate any of the review standards.

REFERENCE:

KRS 160.345

Adopted/Amended: 06/17/2004

Order #: 9260

KRS 160.345 3(i) A process for appealing a decision made by a school council.

G.C. Burkhead Elementary School
School Council Bylaws

Policy 01.09

Amendments

These bylaws may be amended after a first and second reading at two consecutive council meetings following the decision making process outlined in policy 1.06 of bylaws.

Appendix 1

Suggested Procedures for

Election of G.C. Burkhead SBDM Council Teacher Reps

SBDM Election Committee

An SBDM election committee of three (3) teachers who will **not** be nominees for SBDM teacher representative shall be selected by the teachers. This committee shall be responsible for notifying teachers of, and carrying out the procedures for the nomination, posting information regarding duties of SBDM teacher representative, and election of the SBDM teacher reps.

Nomination

Teachers may nominate themselves or other teachers for the office of SBDM Council teacher member by completing the nomination form and returning it to the Election Committee. Nomination forms will be accepted for a three (3) day period at the beginning of the last full week in February. In the event the required number of nominations is not acquired, nominations will reopen for two (2) days on the following week.

Sample Ballot

The SBDM Election Committee shall prepare and distribute to teachers at least three days prior to the election a sample ballot that lists alphabetically the names of all those nominees who are willing and eligible to serve as SBDM teacher representatives.

Ballot

The SBDM Election Committee shall prepare a ballot that list alphabetically all the names of all those nominees who are willing and eligible to serve as SBDM teacher representatives.

Elections

Elections will be held the first three (3) day period of the 3rd week in March.

Absentee Ballots

Teachers not in attendance at school for the three (3) day nomination or election period will be allowed to nominate/vote by absentee ballot. The request to nominate or seek a ballot is the responsibility of the absent staff member(s) and must notify the SBDM election committee of their intentions during the three (3) day period in written form.

Voting

Each eligible teacher shall sign a voter roster (developed by the SBDM election committee) and vote by secret ballot for no more than three (3) of the nominees. The first day of elections will be conducted in a faculty meeting called by and conducted by the committee. The hours and location for the following two days of voting will be organized by the committee and announced to staff

Voting Results

At the end of the voting, the SBDM election committee shall count the ballots and announce the results by email to eligible teachers. The three nominees receiving the greatest majorities of the vote (51% or more of the vote) shall serve as SBDM teacher representatives for the next year with the terms running from July 1-June 30. (Elected teacher representatives will serve a two year term on the council. One teacher will be elected in even number years; and two teachers members will be elected in odd number years).

Procedures if a Majority is Not Received

If one or more seats are not filled by a majority vote on the first ballot, the Election Committee will create a new ballot with the names of the remaining nominees and a run-off election following the same procedures as the initial election shall be held at a date and time designated by the Election Committee. For each additional runoff required, if there are more than two remaining nominees (if needed) then the nominee who received the smallest number of votes shall be removed from the ballot, and the teachers shall vote again for the number of persons needed to fill the remaining vacancies. The runoff elections shall follow the established procedures with a date and time designated by the Election Committee. The nominee(s) receiving the greatest majority (51% or more) shall be deemed elected. The process of removing the nominee receiving the fewest number of votes (if there are more than two nominees) shall be repeated as additional run-offs are needed.