

## Clarification regarding SBDM bylaw recommendation

The Kentucky Department of Education's November 2016 SBDM Council Newsletter provided guidance that recommended SBDM councils have language within their bylaws **regarding members who have not received their statutorily required training and the inability of these members to vote** (participate in action/decisions) until they have filled this legal requirement. That information was given in error. Rather, KDE legal counsel recommends the following:

*To tell SBDM council members they are not eligible to vote until they are trained is neither provided in statute, nor does it make sense from a practical standpoint. For example, if essential business of the council may be halted by a few members who refuse training, the appropriate remedy for a council member who refuses training is removal pursuant to statute:*

### ***KRS 160.345 (6) provides deadlines for SBDM council member training.***

*The Department of Education shall provide professional development activities to assist schools in implementing school-based decision making. School council members elected for the first time shall complete a minimum of six (6) clock hours of training in the process of school-based decision making, no later than thirty (30) days after the beginning of the service year for which they are elected to serve. School council members who have served on a school council at least one (1) year shall complete a minimum of three (3) clock hours of training in the process of school-based decision making no later than one hundred twenty (120) days after the beginning of the service year for which they are elected to serve. Experienced members may participate in the training for new members to fulfill their training requirement. School council training required under this subsection shall be conducted by trainers endorsed by the Department of Education. By November 1 of each year, the principal through the local superintendent shall forward to the Department of Education the names and addresses of each council member and verify that the required training has been completed. School council members elected to fill a vacancy shall complete the applicable training within thirty (30) days of their election.*

*KRS 160.347 deals with removal of a council member. KDE has interpreted 160.347 to indicate the local board should present charges for a council member's removal to the Commissioner for his review. Based on the charges presented, if the Commissioner recommends removal, then the local board would proceed with a hearing on the charges.*