



# **SCHOOL-BASED DECISION MAKING**

## **Teacher Elections**

**Darryl D. Thompson, Acting Senior Director  
Office of Equity, School, Community & Government Support**

**[darryl.thompson@fayette.kyschools.us](mailto:darryl.thompson@fayette.kyschools.us)**

**District SBDM**

**Coordinator 859-381-4710**

# **What does the law say about School-Based Decision Making Council (SBDM) Elections?**

## **KRS 160.345**

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# ELECTIONS

## 1. What does the statute say about SBDM elections?

A basic school council consists of three teachers, two parents and the school principal. Teacher representatives are elected by teachers, and parent representatives are elected by parents.

## 2. How many votes are required to be elected to a school council?

Teachers must be elected by a majority vote (i.e., one more vote than half) of all teachers assigned to the building. Parents are elected to the council by plurality vote (i.e., the candidate with the most votes).

Teacher election example: In a school with 50 eligible teachers, the teacher must receive 26 votes in order to be elected as a teacher representative.

Parent election example: Five parents are on the ballot for parent representative on the school council. Fifty parents vote during the open election time. Candidate A gets 10 votes; Candidate B gets 8 votes; Candidate C gets 5 votes; Candidate D gets 15 votes; and Candidate E gets 12 votes. Candidate D and Candidate E are elected as parent representatives on the school council.

## 3. What are the guidelines for absentee balloting?

Teachers and parents may establish absentee balloting procedures. The Kentucky Board of Elections does not recognize telephone, e-mail or fax as official methods of voting. Voting must be done in person.

## 4. What about our school council's bylaws on elections?

The Kentucky Department of Education (KDE) and the Office of Education Accountability (OEA) recommend that school councils remove election procedures for teachers and parents from their bylaws. Teachers and parents should establish their own written election procedures.

## 5. What is the principal's role in elections?

Other than conducting the election for the minority teacher and parent representative in the event the school is required to conduct such an election, 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 (e.g., opening the building, providing space in the building, assisting parents and/or teachers with communicating election meeting times and dates). Principals should not be involved

in setting or monitoring election procedures, nominations, balloting or counting votes.

**6. What election documentation should be retained and why?**

Ballots and any other documentation must be retained from the election in case of the event of a challenge to the election. In the event that multiple balloting attempts were required, all ballots must be kept separate. Documentation of the election should be submitted to the principal following the election and should be stored in a secure location. 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.

**7. How long is a school council member's term of service once elected?**

The school council will determine the length of the terms of service. A school council, once elected, may adopt an operating procedure or bylaw establishing terms of service for parent and teacher representatives subsequently elected. The new terms will not apply to the council that establishes them.

If a council vacancy occurs during the term of office, an election should be held to fill the vacancy. An important reminder is that this election is to fulfill the term, not a full "year-long" term.

**8. How and when can a school council member be removed from office?**

A school council member could be recommended for removal due to interference with the implementation of SBDM. Any measure included in the council bylaws or policies must be consistent with this process. School council members may resign from the council at any time. Vacancies created through resignation will be filled through the election process.

**9. What is the definition of relative?**

A relative, as defined in statute, includes father, mother, brother, sister, husband, wife, son, daughter, aunt, uncle, son-in-law and daughter-in-law.

# TEACHER REPRESENTATIVE

## 10. Who is eligible to run for teacher council representative?

All certified staff (as defined by the Education Professional Standards Board [EPSB]) in the school, including itinerant teachers, part-time teachers, counselors and library media specialists, are eligible to serve on the school council and to vote in a school council election.

## 11. What procedures should be followed for teacher elections?

The teachers assigned to the school determine and carry out the procedures that will be followed in their school for electing teacher representatives to the council. Excluding timelines, KDE recommends that this process not be included in the council bylaws and/or policies. This process should address, but is not limited to, the following:

- Nomination Process (How will persons be nominated? What will the timelines be? How will the ballot be prepared once nominations are made?)
- Voting (How will the voting process take place and under what time frame? How will ballots be secured? How will the election be monitored? How will candidates be notified of the results? How will "tie votes" and candidates not receiving a majority of all the eligible votes be handled? Will absentee ballots be accepted, and how will those be handled in the case of a runoff?)
- Vacancies (What are the procedures of notification and voting for vacant positions?)

Teacher election procedures should be well-written and contain details for occurrences such as ties, absentee balloting, voting times, dates and locations.

## 12. What if a non-tenured teacher is elected to the school council?

A non-tenured teacher, one who has not been guaranteed a position for the next school year, may be nominated and run for school council. If the teacher should win, that does not guarantee him or her a teaching position for the next school year. Depending on the terms of the council service, any teacher that is not employed after June 30 (the end of most limited teachers' contracts) is no longer an employee in the school. This will place a vacancy on the council.

**13. Can a teacher with a child in his or her school run for school council?**

A teacher who has a child as a student at the school where he or she teaches may only serve as a teacher representative on the school council and not as a parent representative.

**14. Can teachers who are retiring and/or transferring schools vote in school council elections?**

A teacher that is retiring and/or transferring schools at the end of the school year can vote in teacher elections. Any teacher employed at the school on the day of the elections may vote in those elections.

**15. Can a school counselor serve on a school council?**

The school counselor is classified as a teacher for the purposes of SBDM in a school. The counselor may vote in teacher elections as well as run and serve on the school council as a teacher representative.

**16. Can a teacher on leave of absence vote in school council elections?**

While a teacher is on leave of absence, the teacher is considered a school district employee and is not eligible to participate in school council elections. A teacher in a leave of absence status would not be assigned to a particular position or school and therefore would not be included in the total number of staff assigned to the building for the purpose of electing a teacher representative.

# MINORITY REPRESENTATIVE

## 17. What is the definition of “minority”?

A minority is defined as: 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.

## 18. Who conducts the election for additional minority members?

The principal is responsible for conducting elections for additional minority members. The statute gives specific guidance to the principal about how to do the special elections for an additional parent and teacher representative.

## 19. What if I have a minority child, but I am a non-minority parent?

The candidate who wishes to be elected to the school council as a minority representative on the school council must be the minority. However, if a person declares himself/herself a minority, he or she should be considered so for the purpose of fulfilling the requirements of minority council member.

## 20. When must a school have an election for minority representatives?

If a school has 8 percent or more minority enrollment as of the October 1 preceding the initial parent or teacher election, the school must have minority representation on the school council. If a minority member is elected to the school council in the initial parent or teacher elections, or if the principal is a minority, then the school council is not required to elect additional minority members. Otherwise, an additional election to select a minority parent and a minority teacher must be held. A minority member cannot be appointed; there must be documentation of an election.

An election for minority representation will result in an increase from six members to eight on a single council. This does not require an Alternative Model application to be filed.

## 21. What if only one minority teacher is employed in a school?

If only one minority teacher is on staff, teachers must select and offer the position. The minority council member may remain on the council until the next election. If the only minority teacher is unavailable or unwilling to serve on the council, the

position is listed as vacant. A non-minority teacher cannot be substituted to serve as a minority representative.

**22. What if no minority teachers are members of the school staff in a school with 8 percent or more minority student population?**

An additional faculty member shall be elected by a majority of all the teachers as a representative of the minority population.

## **COUNCIL MEMBER TRAINING AND TRAINING VERIFICATIONS**

**23. What annual training is required of school council members?**

School council members elected for the first time must complete a minimum of six hours of training in the process and implementation of SBDM. School council members who have served on a school council at least one year must complete a minimum of three hours of training.

**24. When should school districts submit SBDM training verifications?**

School districts are required to submit to KDE required training verification for each school council member by November 1 of each year.

**25. Who can conduct school council member trainings?**

School council training must be conducted by trainers endorsed by KDE. A list of endorsed trainers can be located on the [KDE SBDM website](#).

