

Stonewall Elementary School

SBDM Council By-Laws

ARTICLE I. SBDM COUNCIL MISSION

The mission of the School SBDM Council is to address the academic, social and emotional needs of our students in order to set, assess, monitor, and evaluate school policy that will enhance student achievement and help each student meet the goals established by the school council, consistent with state law.

ARTICLE II. FAYETTE COUNTY SCHOOLS' MISSION

Our mission is to create a collaborative community that ensures all students achieve at high levels and are prepared to excel in a global society.

ARTICLE III. STONEWALL ELEMENTARY SCHOOL MISSION

Our focus at Stonewall Elementary School is to create a safe and nurturing environment where ALL CHILDREN are encouraged to reach their maximum potential as self-sufficient, life-long learners. Through well-established relationships with our families, we are committed to meeting the academic, social, and emotional needs of the whole child.

ARTICLE IV. MEMBERSHIP

A. COMPOSITION

1. The school council shall consist of the principal, three teacher members, and two parent members.
2. If the school reaches eight (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, 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.
4. If there are-minority teachers on staff who do 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.340. New members (those with less than one year of service) must complete six (6) hours of training from a Kentucky Department of Education (KDE) 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. In the event the council must

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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, assistant principals, administrative deans, or professional growth effectiveness coaches (PGES Coaches) may not serve as teacher council members, nor vote in teacher elections.

Parent Members: The legal definition of parent [KRS 160.345(1)(c)] 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 nominate, be nominated, and vote in the election for next year’s school council. Parents of 5th grade students who are exiting our school need to be nominated or vote in the middle school election where they have a child pre-registered to attend.

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 160.180 and KRS 160.380 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 160.345. Annual elections shall be conducted by the school’s Parent Teacher Association (PTA) or by the largest parent organization at the school formed 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 within 3 business days after the election.
2. Teacher Members: Teachers conduct their own elections as per KRS 160.345. Annual elections shall be conducted each May for the purpose of electing three teacher council members. Teacher members must be elected by a simple majority (one half plus one) of the number of teachers assigned to the school. The process that teachers may use to elect their representatives should address the following areas:
 - a. Nomination
 - b. Preparation of Ballot
 - c. Elections
 - d. Absentee Ballots
 - e. Procedures after First Round Ballots
 - f. Delivery of election materials to the principal within 3 business days after the election

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3. Term Limits: School council members can serve an unlimited number of terms as long as they meet the eligibility requirements.
4. Principal Role in SBDM Elections: Other than organizing the elections 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 156.132, the commissioner of education 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, nonfeasance or wilful neglect of duty.
2. A member of a school council may be removed from the council for cause, after an opportunity for hearing before the local board, by a vote of 4/5 of the membership of the board of education after the recommendation of the commissioner of education pursuant to KRS 156.132. Written notices setting out the charges for removal shall be read on the minutes of the board and given to the member of the school council. KRS 160.347.
3. A member who violates the standards of conduct and does not submit a written letter of resignation to the council could be reprimanded or removed in one of the following ways:

A. COMMISSIONER'S RECOMMENDATION

The Commissioner of Education can recommend removal for immorality, misconduct in office, incompetence, and willful neglect of duty or nonfeasance, and then the local board of education holds a hearing into the charges to decide whether removal is warranted.

B. OFFICE OF EDUCATION ACCOUNTABILITY

The Office of Education Accountability (OEA) can investigate claims of intentional interference with school-based decision-making. If the OEA cannot resolve the issue, it is forwarded to the Kentucky Board of Education, which holds a hearing to determine whether the charges are valid. The first time the Kentucky Board finds a person guilty of such interference, the person will receive a reprimand. The second time, the person can be removed from office.

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 the remainder of the term until June 30th and be eligible for re-election.

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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.

ARTICLE V. DUTIES OF OFFICERS AND COUNCIL MEMBERS

A. OFFICERS

1. Officers shall include Chair, Vice Chair, and Secretary.
2. The vice chair of the school council shall be elected at the first meeting of the new school year by council members and shall serve for one year. Re-election is permitted.
3. 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 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 (per the state Records Retention Schedule)
 - d) Stating when a consensus is present for the record
 - e) Coordinating standing and ad hoc committees
 - f) Maintaining a file of all correspondence addressed to the school council (these records may only be discarded after having been brought to two council meetings)
 - g) 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) Becoming the liaison to the superintendent (or designee) when he/she becomes the chair of the council in the event that a new principal must be hired.
 - c) When the position of principal becomes vacant, arrange a training date/time for the SBDM council and the superintendent (or designee) to receive at least 6 hours of instruction from a trainer selected by the council on selecting a principal.
 - d) Ensure that all members, the superintendent (or designee), and the trainer have a copy of the Principal Selection Policy.

D. SECRETARY

A council shall seek to retain a secretary who is not a member of the SBDM council. The SBDM secretary shall be appointed by the principal to keep minutes of all council meetings and to maintain council records.

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E. COUNCIL MEMBERS

1. Duties of council members include:
 - a) Knowing and adhering to the mission, philosophy, and goals of School
 - b) Attending all council meetings, both regular and special called
 - 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.

ARTICLE VI. COMMITTEES

A. USE OF COMMITTEES

Committees will be used to support and to accomplish tasks of the council.

B. COMMITTEE POLICY

The council will adopt a committee policy to facilitate the participation of interested persons. The policy will include the number of committees, their jurisdiction, composition, and the process for membership selection. (See Committee Policy)

ARTICLE VII. SCHEDULE OF MEETINGS

A. REGULAR MEETINGS

1. The regular monthly meetings of the School Council shall be scheduled by the Council at the first meeting of each year. Council meetings shall be open to the public. Meetings shall not exceed 90 minutes. If all items on the agenda have not been adequately discussed after 90 minutes, the council may decide by motion, 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.
2. The regular monthly meetings will be held at the School.
3. The principal (or designee) shall notify parents and staff of council meetings each month.
4. The principal (or delegate) shall notify the public by notice posted on the bulletin board in the school foyer and the school website at least three days in advance of the meeting.

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:
2. 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.

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3. 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, e-mail, or mail but the notice must be received at least 24 hours prior to the time of the meeting.
4. 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 and date of the meeting.
5. In addition to these requirements, the chair person shall announce to teachers the time, date, and the reason for the special called meeting at least 24 hours prior to the meeting.

ARTICLE VIII. CONDUCT OF MEETINGS

A. QUORUM

A quorum of the school council shall be a majority (one-half plus one) of the council members and shall include at least one parent. A quorum of the council shall not meet privately to discuss council business or privately meet in groups consisting of less than a quorum to discuss council business in order to circumvent the requirements of the Open Meetings Law. This includes telephone discussions, email and electronic discussion. Council decisions cannot be made unless it is in a called meeting with a quorum present.

B. ATTENDANCE AT MEETINGS

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

Definition: A closed session is a portion of a regular or special meeting of the council during which the council members meet in private. The council may meet in closed session for the following reasons:

1. to discuss proposed or pending litigation by or against a council member [KRS 61.810(1)(c)]; or
2. to discuss candidates for a principal vacancy or conduct consultation in filling other vacancies [KRS 61.810(1)(f)]; or
3. to discuss the school's emergency plan under KRS 61.810(1)(k) and (m); KRS 61.878(1)(m); and KRS 158.162(2).

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 vote of council members present, and recorded in council minutes.

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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. Details discussed in closed session shall not be discussed outside the closed session. People who are not on the council but have relevance to council agenda or needed knowledge or information may be invited into the council closed session by a consensus of the council.
4. Decision. After full discussion of the issue in closed session, the council will return to open session and a motion must be made and properly seconded indicating that the council has return to open session to take official action on the matter (s). Any actions or decisions must be recorded in the council minutes.

D. MATERIALS PRESENT AT COUNCIL MEETINGS

1. The chairperson shall have access to:
 - a. The folder containing all items submitted for inclusion on the agenda.
 - b. The folder containing all correspondence addressed to the council that he or she has received.
 - c. Monthly financial report
 - d. Lists of applicants for vacant positions.
2. The council secretary 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.
3. All council members shall bring their binders containing copies of the council's by-laws, policies, and school plan.

E. AGENDA

1. Anyone may submit items for inclusion on the agenda to the chairperson/principal, or any member of the SBDM council prior to the start of the 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.
3. Each agenda shall include the following items:
 - a. Item 1: Setting of the final agenda for the current meeting.
 - b. Item 2: Review and approval of previous meeting minutes.
 - c. Item 3: An opportunity during the course of the meeting for school or community persons to address the school council.
 - d. Item 4: Other items submitted.
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 at least 1 school day before the scheduled meeting.

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5. Setting of the final agenda shall be the first order of business conducted at each regular council meeting, and council members may add items, delete items, modify items, and move items around 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 wish to contribute to the discussion on a particular item, the chair, with a majority vote by SBDM members, 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 schools mission and purpose to improve the instructional program and/or further the goals in the school's Comprehensive Improvement 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 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. A motion and a second are made.
 - b. After discussion of an item, the chair or any member may state the consensus of the group in one or two sentences.
 - c. The chair will ask whether any member disagrees with that statement.
 - d. If all members agree, the decision will be recorded as a unanimous decision in the council minutes.
 - e. If a member disagrees, the discussion will continue until a suggestion of consensus is made that draws no disagreement, or until the third suggestion of consensus fails.

H. ALTERNATIVE TO CONSENSUS

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

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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 regular meeting date when the council will hear from the committee), or decide the issue by majority vote of the council.
3. Drop the issue and do nothing.

I. CRITERIA FOR MAJORITY VOTE

A majority vote (50% plus 1) of the council shall be taken after consensus fails three times if the issue meets the following criteria:

1. 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;
2. The issue is whether to continue to meet for longer than 90 minutes.
3. 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
4. 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 IX. MINUTES AND OTHER COUNCIL RECORDS

A. MINUTES KEPT AND APPROVED

1. Minutes shall be kept for each meeting of the school council and are a part of the assigned duties of the SBDM Secretary or as designated by majority vote in the absence of the SBDM Secretary.
2. The minutes take by the SBDM Secretary 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 front office for public inspection and filed in the council's policy manual.
4. The minutes of the school council shall not be official until they are reviewed and approved by the council.
5. A preliminary copy of the minutes from all council meetings will be available upon request in the school office within 7 school days 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.

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7. The SBDM Secretary, or designee, will forward an official copy of the minutes to the SBDM District Coordinator, and keep an official copy on file in the school, posted on the bulletin board and on the school's website.

B. COUNCIL RECORDS AVAILABLE FOR PUBLIC INSPECTION

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

1. School Council Minutes
2. Consolidated Plan (KPREP, MAP, FAST Scores, Needs Assessment, other summative benchmark results)
3. School Council Policies and By-Laws
4. School Council Budget Documents not in the School Consolidated Plan or Comprehensive School Improvement Plan (CSIP)

C. REQUESTS FOR COUNCIL RECORDS

1. The principal will notify the Office of the Superintendent of all records requests subject to the Open Records Act. 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 Consolidated Plan document/Comprehensive School Improvement Plan.
3. The fee for a copy of the Consolidated Plan 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 (The attorney general ruled in 01-ORD-94 (May 2001) that the only days that are excluded are legal holidays and weekends. As a result, the fact that a school may be closed over the winter holidays or spring break and no one is in the office does not prevent the clock from running on the three-day response requirement.)
5. The school council secretary shall make or provide copies of requested documents at the principal or chairperson's request.
6. School council records will be available for inspection during the regular operating hours of the school (est. 7:15 a.m. – 2:35 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.

ARTICLE X. APPEALS

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Appeals to decisions made by School Based Decision Making Councils shall be made pursuant to the provision set forth in FCPS School Board Policy #02.42411

ARTICLE XI. AMENDMENTS

A. AMENDMENTS TO COUNCIL BY-LAWS

1. These by-laws may be amended after a first and second reading at two consecutive council meetings by majority vote of the school council.
2. Policies will be reviewed as warranted. The council may amend policy following the decision-making process outlined in this document and prior to implementation of a policy by the council, the policy shall be forwarded by the Principal to the Superintendent/designee for review (Board Policy #02.4241).

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