

**SBDM Council By-Laws
of
South Warren Middle School**

Adopted: February, 2011

ARTICLE I: PURPOSE

To provide the council with a set of operational guidelines with which to function effectively.

ARTICLE II: MISSION

The mission of the South Warren Middle School Council is to support the school mission, which is dedicated to providing a rigorous and supportive learning environment to ensure 21st century learning for all students.

ARTICLE III: MEMBERSHIP

A. COMPOSITION

1. The school council shall consist of the principal, three teacher members, and two parent members. The principal shall serve as the chairperson.
2. If the school's total minority enrollment reaches 8 percent or more minority students enrolled as of the preceding October 1, and there was no minority elected in the initial elections, a special election shall be conducted by the largest parent organization at the request of 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 the 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.
5. South Warren Middle School council membership shall be as follows:
 - Principal (chairperson)
 - 3 teachers
 - 2 parents
 - 1 minority parent (if required)
 - 1 minority teacher (if required)

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 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, or can meet their training requirement by participating in the new council member training for 3 hours. 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.) 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 will attend our school next year as a kindergartener, the parents of that child would be eligible to be nominated, or vote in the election for next year’s school council. Parents of 6th graders who are exiting our school may nominate but cannot vote for candidates.

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 each Spring by the school’s largest parent organization that is formed for the purpose of electing a parent council member. Parent elections will be held each year, and the two parents receiving the highest number of votes will be elected to the council. A representative of the parent organization shall notify the principal in writing of the parent elected within 24 hours of the final vote, and shall deliver all election materials to the principal within the next business day after the election.
2. Teacher Members: Teachers conduct their own elections as per KRS 160.345. Annual elections shall be conducted each Spring for the purpose of maintaining 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.
3. Term Limits: School council members can serve an unlimited number of terms as long as they continue to meet the eligibility requirements.

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, 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 to KRS 156.132. Written notices setting out the charges for removal shall be spread on the minutes of the board and given to the member of the school council. KRS 160.347

E. FILLING VACANCIES

If a member of the council resigns or is removed from office, another member shall be elected in a special election held not more than one month after the vacancy occurs. The person elected in the special election shall serve the remainder of the term until July 1, and be eligible for re-election.

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. Council members are elected for one-year terms.

Newly elected parent/teacher council members shall meet with the council as council members elect. During this time, they can help the council plan for the next school year and can participate in the training sessions. They may enter into discussions, but their opinions & votes shall not be considered consensus nor are they allowed to be a part of closed session.

ARTICLE IV: DUTIES OF OFFICERS AND COUNCIL MEMBERS

A. CHAIR

The principal shall be the chairperson of the school council. Duties of the chair include:

1. Conducting school council meetings
2. Stating when a consensus is present for the record.
3. Coordinating standing and ad hoc committees (when needed) and monitoring committee progress
4. Carrying out any additional responsibilities as stated in these by-laws
5. Other duties as described in these by-laws

B. CO-CHAIR

The co-chair shall be appointed by the council. In the event the principal cannot attend a regularly scheduled meeting, the co-chair shall fill in (with the chairperson's approval).

C. RECORDER

A council recorder shall be appointed by the council to keep minutes of all council meetings and to maintain council records. The recorder will also forward minutes of meetings to the principal after approval by council. A backup recorder should be established as needed in the event of the recorder's absence from the meeting.

E. COUNCIL MEMBERS

Duties of council members include:

1. Knowing and adhering to the mission, philosophy, and goals of South Warren Middle School.
2. Attending all council meetings, both regular and special.
3. Encouraging and requesting opinions from their constituencies.
4. Supporting, promoting, and communicating council decisions.
5. Seeking information independently and as needed about issues brought before the school council, and bringing that information to the council.

ARTICLE V. COMMITTEES

A. PURPOSE

1. Ad hoc committees may be established to gain input from all stakeholders (including certified and classified staff parents, students, and community members).
2. Standing and ad hoc committees shall serve as a council resource for gathering data and information and making recommendations to the school council.

B. APPOINTMENT OF COMMITTEES

Committees are formed and dissolved by the school council as needed. They will be established, when needed, to gain input from all stakeholders. They will serve as a council resource for gathering data and information and making recommendations to the council.

C. MEMBERSHIP

1. Each committee that is established shall consist of representatives from the faculty, support staff and parents when available.
2. Committee membership is open to all interested persons, including school district staff, parents and community residents.

D. DECISION MAKING

If possible, committee decisions shall be made by consensus. In the event that consensus is not possible, the committee will decide by a majority vote.

E. DUTIES

1. Committees, if established, shall carry out tasks assigned to them by the school council.
2. Committees may research issues, gather school-wide input, or prepare proposed drafts of school council policies for the school administration to review and present to the school council.
3. Committee chairs or their designees will report at council meetings as requested by the school council either in person or in writing.

F. MEETINGS

1. Committee meetings will take place as needed.
2. Committees must comply with all provisions of the Open Meetings and Open Records laws.
3. Committees will follow the record keeping procedures used by the school council. All committee meeting minutes should be forwarded to the principal no later than 10 days after the meeting occurred.

G. STANDING COMMITTEES

1. Standing committees for South Warren Middle School will be developed as needed.
2. Continued need for standing committees will be reviewed and confirmed by the school council on an as needed basis.

ARTICLE VI: SCHEDULE OF MEETINGS

A. REGULAR MEETINGS

1. The regular monthly meeting of the South Warren Middle School Council shall be established each July by the newly-formed council. Meetings shall not exceed 75 minutes. If all items on the agenda have not been adequately discussed after 75 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 South Warren Middle School in the conference room. In the event of a larger than expected turnout, the meeting will be moved to the school library.
3. The principal shall provide notice of the council's regular meeting schedule for the year before August 31, and provide notification of the council's meeting time and agenda at least one week in advance of each regular meeting.
4. Regular meetings may be cancelled with the approval from a majority of the council. Regular meetings may also be cancelled if inclement weather makes it necessary to close school on the day of the meeting. The meeting shall be rescheduled at the discretion of the principal.

B. SPECIAL MEETINGS

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:

1. 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.
2. 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, email, or mail.

ARTICLE VII: CONDUCT OF MEETINGS

A. QUORUM

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

B. ATTENDANCE AT MEETINGS

Council meetings are open to the public and all interested persons can attend, 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: to discuss proposed or pending litigation by or against a council member [KRS 61.810(1)(c)] ; or to discuss candidates for a principal vacancy or conduct consultation in filling other vacancies [KRS 61.810(1)(f)].

Before a closed session can be conducted, the following steps must be taken:

1. **Announcement: Contents.** An announcement of the general nature of the subject to be discussed and the specific section of the law that allows the conduct of the closed session must be announced in the open meeting and recorded in council minutes.
2. **Motion.** The motion to go into closed session must be made, passed by a majority of council members present, and recorded in council minutes.
3. **Closed Session.** During the closed session, only the business stated in the announcement can be discussed, and no action may be taken. No minutes are to be taken in closed session. If the council recorder is not a council member, the recorder shall not enter the closed session. Details discussed in closed session shall not be discussed outside the closed session.
4. **Decision.** After full discussion of the issue in closed session, the council must return to open session where it may take any official action on the matter. Any actions taken must be recorded in council minutes.

D. MATERIALS PRESENT AT COUNCIL MEETINGS

1. The chairperson shall bring all items submitted for inclusion on the agenda.
2. All council members shall bring their binders containing copies of the council's by-laws, policies, and school plan.

E. AGENDA

1. All meetings shall operate by an agenda. Non-council members may recommend items for inclusion on the agenda to the chairperson/principal in writing 7 days prior to a regularly scheduled council meeting.
2. The chairperson shall prepare an agenda for each 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:
 - Item 1: Setting of the final agenda for the current meeting.
 - Item 2: Review and approval of previous meeting minutes.
 - Item 3: An opportunity during the course of the meeting for school or community persons to address the school council (if they are on the agenda).
 - Item 4: Other items submitted
4. 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. The school council shall discuss each agenda item before a decision is made.
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. Each speaker will be limited to five minutes. If a significant number of persons wishes to contribute to the discussion on a particular item, the chair may require a sign-in sheet and set limits on the number of persons who will speak to the issue.
3. The council may act to terminate discussion.

4. 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. Unless otherwise specified by these by-laws, the school council shall use parliamentary procedures as specified in by-laws.
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 school's goals.
3. No proposed policy may be approved by the school council at the same meeting at which it was initially proposed for study.
4. All decisions and policies officially adopted by the South Warren Middle School Council will be reported to the Warren County Board of Education and superintendent through submission of approved council minutes to the SBDM district coordinator or his/her designee.
5. The school council will make decisions by consensus except as otherwise designated in the by-laws using the following guidelines:
 - A motion and a second are made.
 - After discussion of an item, the chair or any member may state the consensus of the group in one or two sentences.
 - The chair will ask whether any member disagrees with that statement.
 - If all members agree, the decision will be recorded as a unanimous decision in the council minutes.
 - If a member disagrees, the discussion will continue until a suggestion of consensus is made that draws no disagreement, or until the third suggestion of consensus fails.

H. ALTERNATIVE TO CONSENSUS

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

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

I. CRITERIA FOR MAJORITY VOTE

A majority vote of the council shall be taken after consensus fails three times.

ARTICLE VIII: MINUTES & OTHER COUNCIL RECORDS

A. MINUTES KEPT AND APPROVED

1. Minutes shall be kept for each meeting of the school council.
2. The minutes shall reflect an accurate record of actions and votes taken at a council meeting. Minutes shall show the words of the motion or suggestion of consensus, and the majority vote or unanimous support.
3. The minutes of the school council shall not be official until they are reviewed and approved by the council. The minutes shall be open to public inspection immediately after they are approved.
4. An official copy of the minutes will be sent to the superintendent and SBDM District Coordinator, and an official copy will be kept on file in the school.

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 and Agendas
2. Improvement Plan (including Targets for Gap Reduction)
3. School Council Policies and By-Laws
4. Official correspondence

C. REQUESTS FOR COUNCIL RECORDS

1. Requests for council records must be made in writing to the principal. Requests must include specific documents and dates.
2. The fee for copying of council records shall be 10 cents per page unless the request is for the School Comprehensive Improvement Plan document.
3. The fee for a copy of the School Improvement Plan document shall be the school's cost for one copy, as per printing records.
4. The School Improvement Plan shall be posted on the school's web page and can be accessed by the public at not cost.
5. 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.)
6. At the principal or chairperson's request, a designee shall make or provide copies of requested documents.
7. School council records will be available for inspection during the hours of 8am – 2pm when school is in session.

8. 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 local board policy, state guidelines and requirements.

ARTICLE IX: APPEALS

BOARD POLICY

A copy of the local board of education's approved process for Appeals of Council Decisions is attached in Appendix B.

ARTICLE X: AMENDMENTS

A. AMENDMENTS TO COUNCIL BY-LAWS

These by-laws may be amended after a first and second reading at two consecutive council meetings by majority vote of the school council.

B. AMENDMENTS TO COUNCIL POLICIES

Policy will be reviewed at least annually, or more often if needed. The council may amend policy following the decision making process outlined in this document.