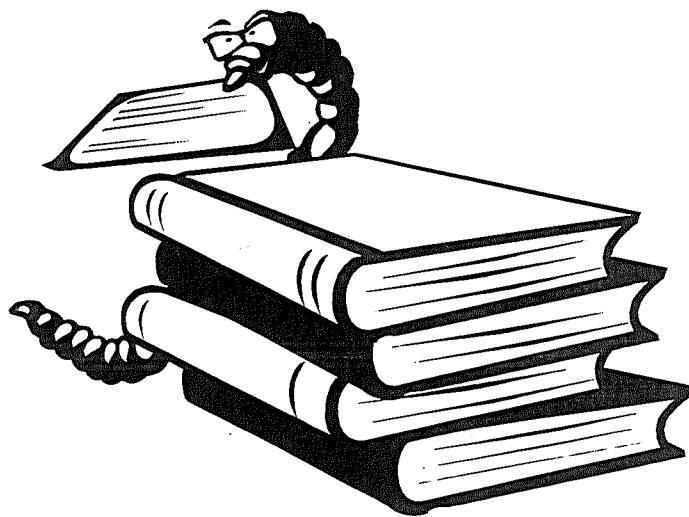


Hart County High School

Site-Based Council

By-Laws

Updated May 16, 2005



## ARTICLE I

### PURPOSE OF THE COUNCIL

The goal of this Council is to offer an atmosphere that is conducive of educational excellence for students, faculty, and staff.

## ARTICLE II

### MEMBERSHIP

#### A. COMPOSITION

The Council shall consist of the principal, three teachers, and two parent members, maintaining a ratio of 3-2-1.

If the minority enrollment at the school was eight percent or higher on the October 1 preceding the start of a new council term, the Council shall also include at least one minority member.

#### B. QUALIFICATIONS FOR MEMBERSHIP

1. **ALL MEMBERS.** No one may serve on the Council who has a legal conflict of interest as defined by KRS 45A.340.
2. **TEACHER MEMBERS.** Teacher members must hold a position at the school that requires a state certificate, and one must not hold the position of principal, assistant principal, or head teacher.
3. **PARENT MEMBERS.** Parent members must be the parent, stepparent, or legal guardian of a child who will be enrolled at the school during one's term of office. They must not be district employees, relatives of a district employee, members of the district

school board, or spouses of district school board members.

4. **MINORITY MEMBERS.** Minority members must be 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. Parent minority members must meet the eligibility requirements for parent members, and teacher minority members must meet the eligibility requirements for teacher members.

#### C. **TERMS**

##### **STAGGERED TWO-YEAR TERMS**

One parent member and one teacher member shall be elected to serve a two year term beginning in each school year that ends in an odd number (example: 2004-2005). One parent member and two teacher members shall be elected to serve a two-year term beginning in each school year that ends in an even number (example: 2005-2006).

To initiate this system the election held for the term beginning in the school year 2004-2005 will elect one parent member for a one-year term and one parent member for a two-year term. The parent receiving the most votes will serve the two-year term.

Thereafter all members shall serve from July 1 of the school year for which elected until June 30 two years later.

Council members may serve consecutive terms.

A parent whose child graduates will serve until June 30 of the same year their child graduates.

If a person has served one year or less to fill a vacancy, then he or she is eligible for re-election for a two-year term.

#### **D. ELECTIONS**

##### **1. TEACHER MEMBERS**

**a. NOMINATION.** Any teacher may nominate himself, herself, or another teacher for the office of teacher member by signing a letter of nomination and submitting it, on or before April 15<sup>th</sup>, to the Site-Base Election Coordinator (SEC) who will be a faculty member appointed by the current SBDM council.

**b. SAMPLE BALLOT.** The SEC shall ask each person nominated to sign a letter stating he or she is willing to serve on the council if elected and that he or she meets the qualifications listed in Section B above. The SEC shall then prepare a sample ballot form that lists alphabetically the names of all those nominated, willing, and eligible to serve and distribute that sample ballot to all teachers at the school not later than April 22<sup>nd</sup>.

**c. ELECTIONS.** Teacher members shall be elected on the first Monday in May. At that time, all teachers shall convene in a room designated by the SEC. Each teacher shall be given a ballot listing the same names as were found on the sample ballot and shall vote for the number of seats that are then vacant. The SEC and one faculty witness shall

collect the ballots and count them in the room, announcing the results before the teachers adjourn. Any person or persons receiving a majority on this ballot shall serve as a council member for the next two school years.

**d. PROCEDURE IF A MAJORITY IS NOT RECEIVED.**

If fewer candidates receive a majority of votes than the number needed to fill the open seats, the person getting the smallest number of votes shall be removed from the ballot, and teachers shall vote again for the number of persons needed to fill the remaining vacancies. Any person receiving a majority of votes shall be deemed elected. This process of removing one name shall be repeated as often as necessary to elect candidates by majority to all open positions.

2. **PARENT MEMBERS.** Elections of parent members shall be conducted by the parent-teacher organization not later than the first Saturday in May. The parents of all children enrolled at the school shall be eligible to vote. The principal shall assist the parent-teacher organization in alerting parents to the election schedule. The president of the parent-teacher organization shall notify the current council of the names of those elected not later than May 10.

3. **ADDITIONAL MINORITY MEMBERS.** If the principal is a minority member as defined above or if any elected parent or teacher member is a minority member as defined above, no further election is required. Otherwise, additional members shall be elected as provided below.

a. **MINORITY PARENT.** By May 20, the principal shall notify all parents of minority students in writing of the date, time, and place he or she has selected for an additional election. At that time, those parents shall nominate candidates and elect one additional parent minority member. Minority students are those who are 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. Parents of such students are eligible to vote for the minority, but only parents who are themselves minority members may be elected to the minority position.

b. **MINORITY TEACHER.** If the school has one or more minority teachers, the principal shall notify those minority teachers of their right to select one additional member to the council. By May 30, those teachers shall meet and either select an additional minority teacher member of the council or determine that they do not wish to name an additional member. If the minority teachers choose not to select an additional teacher member, no teacher member shall be added to the council.

c. **ADDITIONAL NON-MINORITY TEACHER.** If the school has no minority teachers, an election for an additional teacher member of the council shall be held on the last Monday in May. Nominations shall be due the preceding Thursday, and all other

steps in the process shall be carried out according to the procedure set in Selection D(1)(c) and (d) above.

Without following the procedures for scheduling a meeting of the full council listed in Article V below.

**6. CRIMINAL CONDUCT.** Any member of the council who is convicted of a misdemeanor or a felony during his or her term of office shall resign.

**7. PROFESSIONAL DEVELOPMENT.** Adequate knowledge of school-based decision-making and related aspects of Kentucky's educational system are essential to effective council membership. All members shall obtain training on these issues in their first year on the council and additional training in subsequent years. Reimbursement for training is available from the Board of Education under its reimbursement policy, which is attached to these by-laws.

**8. INTENTIONAL INTERFERENCE WITH SCHOOL BASED DECISION MAKING.** No member of the council shall intentionally engage in a pattern of practice which is detrimental to the successful implementation of or circumvents the intent of school-based decision making to allow the professional staff members of a school and parents to be involved in the decision making process in working toward meeting the educational goals of the Kentucky Education Reform Act or to make decisions in the policy areas listed in Article IV below.

**G. REMOVAL OF MEMBERS.**

A member who violates any of the standards of conduct and does not submit a written resignation from the council is subject to reprimand or removal from office. There are two procedures by which removal might occur:

1. For immorality, misconduct in office, incompetence, willful neglect of duty, or nonfeasance, the Commissioner of Education may recommend that a council member be removed from office. The local Board of Education will then conduct a hearing into the charges against that council member and decide whether removal is warranted.
2. For intentional interference with school-based decision-making, the Office of Education Accountability may be asked to investigate the charges and attempt to resolve the issues involved. If resolution cannot be reached, the matter will be forwarded to the State Board for Elementary and Secondary Education, which will hold a hearing to determine whether the charges are valid. For the first offense found to have occurred, the State Board will reprimand the guilty party. For the second offense, the party is subject to removal from office by the State Board.

### ARTICLE III

### OFFICERS OF THE COUNCIL

**A. CHAIR.** The principal shall be chair of the council. In addition to presiding at council meetings, the chair of the council shall:

1. provide all members of the council with copies of all school-wide KIRIS results at



the next council meeting and remind them of the terms of any embargo that applies to that data.

2. maintain a file of all correspondence addressed to the council, and remove items from that file, either to discard these or to file them elsewhere, only after they have been brought to two regular council meetings.
3. present a report on all school spending, other than the payment of staff salaries and benefits, through the last day of the previous calendar month, at each regular council meeting.
4. be the official custodial of council records.
5. exercise any other responsibility specified by these by-laws.

**B. VICE-CHAIR.** A vice-chair shall be elected by the council from among its members at its first meeting each year. The vice-chair shall preside at any council meetings that the principal is unable to attend.

**C. SECRETARY.** A secretary shall be selected by the council at its first meeting each year. The secretary does not have to be a member of the council, but must be willing to perform the duties of the office. The secretary shall prepare minutes for the council in accordance with Article VII below.

## ARTICLE IV FUNCTIONS

### A. **REQUIRED FUNCTIONS.** The council shall:

1. determine, within the parameters of the total available funds, the number of persons to be employed in each job classification at the school.
2. determine which textbooks shall be used at the school.
3. determine which instructional materials shall be used at the school.
4. determine what student support services shall be provided at the school.
5. select a new principal for the school, when that position becomes vacant, from a list of applicants recommended by the superintendent or from additional names supplied by the superintendent at the council's request.
6. consult with the principal before he or she selects persons to be hired to fill other positions at the school and adopt a policy specifying the procedures for that consultation. Either the principal alone or the council by formal motion may ask the superintendent to provide additional names for consideration for any vacancy.
7. adopt policies to be implemented by the principal in the following areas:
  - a. Determination of curriculum including needs assessment and curriculum development.

- b. Assignment of all instructional and non-instructional staff time.
- c. Assignment of students to classes and programs within the school.
- d. Determination of the schedule of the school day and week, subject to the beginning and ending times of the school day and school calendar year as established by the local board.
- e. Determination of use of school space during the school day.
- f. Planning and resolution of issues regarding instructional practices.
- g. Selection and implementation of discipline and classroom management techniques, including responsibilities of the student, parent, teacher, counselor, and principal.
- h. Selection of extracurricular programs and determination of policies relating to student participation based on academic qualifications and attendance requirements, program emaciation, and supervision.
- i. Procedures for tethering alignment with state standards, technology utilization, and program appraisal. Council policy on this issue must be consistent with district board policy.
- j. Other issues necessary to provide an environment to enhance students'

achievement and to meet the goals established by KRS 158.645 and 6451. If the council makes a policy that fits this area but not any of the areas listed in items a-h above, that policy must be consistent with district board policy.

8. Determine the professional development offerings to be paid for out of the council's allocation.
9. Adopt a policy on committees, which shall facilitate the participation of interested persons, including, but not limited to, classified employees and parents, and shall include the number of committees, their jurisdiction, composition, and the process for membership selection.
10. Adopt a school improvement plan that meets the requirements set in the board policy attached to these by-laws.
11. Other powers.

**B. DISALLOWED ACTIVITIES.** The council shall not:

1. recommend the transfer or dismissal of any member of the school staff.
2. violate federal or state law or regulations.
3. take any action that unreasonably risks the health or safety of students, staff, or others.
4. take any action that exposes the council or the district to unreasonable risk of legal liability.

5. authorize any purchase that exceeds the financial resources available to it.
6. take any action that violates contractual obligations already made by the district or the council to personnel and other providers of goods and services.
7. exceed the functions listed in section A above.

## ARTICLE V

### SCHEDULE OF MEETINGS

**A. REGULAR MEETINGS.** At the first meeting of each council term, the council shall select at least one regular meeting date in each month through July of the next calendar year. The principal shall post a copy of the schedule in the teachers' lounge and in a place readily accessible to parents, and he or she shall notify the local news media at least one week in advance of each meeting.

**B. SPECIAL MEETINGS.** If the council needs to meet before its next regular meeting, the principal may call a special meeting. A special meeting may also be called by a majority of members of the council. Once the decision is made to call a special meeting, the following steps must be taken:

1. **WRITTEN NOTICE: CONTENTS.** The person or persons calling the meeting must prepare and sign a written notice that states the date, time, and place of the special meeting and the agenda for the meeting. No issue not listed on that agenda can legally be discussed at the special meeting.

2. **DELIVERY OF NOTICE.** The person or persons calling the meeting must arrange for the notice to be delivered to every council member and to any media organization that has asked to be notified of council meetings. The delivery can be made by hand, facsimile machine, or mail, but the method must be one that allows the notice to arrive at least 24 hours before the time set for the meeting.
3. **POSTING OF NOTICE.** The notice must be posted conspicuously at the school, and also at the building where the meeting will be held if the meeting will not be held at the school. These copies must be posted as soon as possible after the meeting is called, and definitely not less than 24 hours before the meeting will be held.

## ARTICLE VI CONDUCT OF MEETINGS

- A. **QUORUM.** Two-thirds of the members of the council must be present for the council to take action.
- B. **PUBLIC ATTENDANCE AT MEETINGS.** Anyone who wants to attend a council meeting may do so, except for those portions that are conducted as closed sessions.
- C. **CLOSED SESSIONS.** A closed session is a portion of a regular or special meeting of the council during which the members meet in private. Within the realm of council responsibilities, the allowed subjects at closed meetings are proposed or pending litigation by or against the council, allowed by KRS 61.810(1)(c), or selection of a new principal

or other new staff member, allowed by KRS 61.810(1)(f).

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

1. **ANNOUNCEMENT: CONTENTS.** The chair or another council member must make an announcement in open session. The announcement must state:
  - a. that the council needs to discuss business involving a topic that the law allows to be discussed in closed session.
  - b. the general nature of business that needs to be discussed in closed session, and
  - c. the specific section of the law that allows the session to be closed (KRS 61.810(1)(c), or KRS 61.810(1)(f), described above).
2. **MOTION.** The chair or another member of the council must make a motion to go into closed session to discuss the business mentioned in the announcement, and a majority of members must vote for that motion.
3. **CONDUCT OF THE CLOSED SESSION AND RETURN TO OPEN SESSION.** During the closed session, only the business stated in the announcement can be discussed, and no final decision can be made. After full discussion, the council must return to open session and make any official decision needed on the matter, and the decision must be recorded in the minutes of the open session.

**D. MATERIALS TO BE BROUGHT TO COUNCIL MEETINGS.**

1. **BY THE PRINCIPAL.** To every council meeting, the principal shall bring:
  - 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, and
  - c. A report on all school spending, other than salaries and benefits, through the last day of the previous calendar month. (Shall be reported at the first regular meeting of the month.)
  - d. A copy of any school-wide KIRIS results received since the previous regular meeting.
2. **BY THE SECRETARY.** The secretary shall bring the binder he or she maintains that holds copies of the council's by-laws, policies, annual budget, monthly spending reports, and minutes.

**E. AGENDA**

1. **PRELIMINARY.** Anyone may submit items for inclusion on the agenda to the principal, and he or she shall maintain a complete file of those items. One week before each regular council meeting, the principal shall prepare a preliminary agenda for the council meeting, including all items that he or she believes need council attention at that session. That agenda shall include review of the minutes of the previous meeting.

The principal shall post copies of the preliminary agenda in the staff lounge and



at a location frequently passed by parents. The principal shall also mail or hand deliver copies to each member of the council. At the discretion of the principal, copies may also be sent to the local news media.

2. **FINAL.** At special meetings, only items listed in the notice of the meeting described in Article V, Section B above can be considered.

3. Public concerns shall be on the agenda at each regular meeting.

**F. DISCUSSION OF AGENDA ITEMS.** The council shall discuss each proposal in enough detail to be sure that members fully understand it.

Persons who are not members of the council may show that they want to comment or ask questions by raising their hands, and the chair will call upon them to speak. When a significant number of persons wish to speak or when discussion of an issue has taken more than half an hour, the chair may set limits on the number of persons who may speak and the length of the time each may speak.

If discussion reveals substantial concerns or unclear points in a proposal, the council's normal practice will be to return it to a committee for further work, taking up subsequent committee recommendation as a new proposal when it is received. The council will only attempt to decide significant revisions without first asking a committee to address the issue in cases where action is urgently needed.

**G. CONSENSUS DECISIONS.** This council shall operate by the following consensus procedure:

1. Each proposal for council action shall be presented by a council member, the chair of a council committee, or a committee member designated by the committee chair.
2. The council shall discuss the proposal, including any questions and comments from council members and others in attendance of the meeting.
3. After discussion of each issue, the chair or any member of the council may move that the proposal be adopted by consensus. The proposal shall be in writing and given to the secretary to be included in the minutes.
4. The chair shall then ask whether any member has any significant disagreement with that motion.
5. If no member states a disagreement, the chair shall direct the secretary to record that consensus has been reached and the motion has passed.
6. After the motion has passed at one meeting, it shall be considered again at a second meeting, and if approved then, it shall be implemented promptly. If an emergency exists, the council may pass a proposal with only one reading.

#### **H. FAILURE TO REACH CONSENSUS AT ONE MEETING.**

When a motion for consensus fails, the issue shall be referred back to committee or tabled until the next meeting. At the next meeting, if consensus is not reached a vote will be taken on the proposal. If the proposal does not have five votes it is dead. The committee shall have the right to present a new proposal to the council at a later

date. At that point, the chair shall direct that the proposal be taken up again at the next meeting, unless one of the following exceptions applies:

1. **EMERGENCY OR DEADLINE.** If an emergency or deadline exists the council shall immediately vote on the matter. The vote shall be 5-1 for passage, unless the vote concerns hiring a principal.
2. **SELECTION OF A NEW PRINCIPAL.** If any member makes a motion to make the selection by a vote, the council shall vote on the motion. If the motion passes, any candidate for the position who receives four votes shall be selected as principal. If the motion to decide by voting fails, the council shall continue to seek consensus at a subsequent meeting.
3. **CONSULTATION ABOUT THE SELECTION OF PERSONS TO FILL OTHER POSITIONS.** Each member shall state his or her judgment on the matter and the principal shall make the final selection.

**I. SPECIAL RESPONSIBILITIES FOR THE FIRST MEETING OF EACH COUNCIL TERM.** At its first meeting each year, the council shall:

1. Review these by-laws.
2. Select a Vice-Chair and a Secretary.
3. Set a regular meeting schedule for the year.
4. Discuss training needs of members.
5. Verify that all members have copies of the following documents:

- a. these by-laws
- b. Board of Education SBDM policy
- c. all council policies now in effect
- d. budgets, budget amendments, and spending reports in effect this year and in the preceding two years
- e. the school's most recent KIRIS Student Assessment Curriculum Report
- f. the school's current improvement plan, and the plans and plan evaluations for the two previous years.

**A. MINUTES TO BE KEPT AND APPROVED.** The secretary shall keep minutes of each council meeting. The minutes shall state accurately each motion made and the action taken on it by the council. If the action was to adopt a written statement of policy or a written statement of some other decision, the entire text of that statement shall be attached to the minutes.

The secretary shall prepare a typed copy of the minutes of each meeting, for approval at the next meeting.

The council shall review, revise, and approve the copy of the minutes at its next meeting. Immediately after the meeting at which they are reviewed and approved, any member of the public is entitled to inspect them.

**B. DISTRIBUTION OF COUNCIL DOCUMENTS.** After each council meeting, the secretary shall make at least ten copies of the approved minutes and

any document attached to them. The secretary shall distribute those documents as follows:

1. A copy of the approved minutes shall be sent to the superintendent for inclusion in the board packet.
2. One shall be kept in a binder in the school office in a plainly visible place where they can be reviewed by all interested persons at any time that the office is open.
3. One shall be placed in a binder in the public library.
4. One shall be kept in a binder in the possession of the secretary, and that binder shall be brought to each council meeting.
5. Policies after the 1<sup>st</sup> reading shall be posted in the school and the central office.

**C. REQUESTS TO SEE RECORDS.** The school office is open from 7:45 a.m. until 3:00 p.m. each day. During those hours, any person who wishes to see the binder of council documents kept there may do so when convenient. Persons who want copies of documents in the binder or to see or get copies of documents that are not kept there shall give the principal a written statement of the items they wish to see. The principal, as official records custodian, shall make the documents available within three business days after the request unless the records are subject to a specific exception of the Open Records Law. The fee for copies shall be \$0.10 per page. The principal shall post a copy of this section of the by-laws in the school

office where it can easily be seen by citizens visiting the office.

## ARTICLE VIII AMENDMENT TO BY-LAWS

All motions to amend the by-laws of the council shall be submitted in writing. No decisions on a motion to amend the by-laws shall be made until after the topic has appeared twice in the preliminary agenda for council meetings.

By-Laws: Amendments to the by-laws may be approved by consensus or a 5-1 vote.