Collaboration, Partnership, Teamwork …

A Joint Action for a Specific Purpose …

To Work Together …

On the Same Team …

SBDM
Election Handbook

Kentucky Department of Education

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Purpose of the KDE SBDM Election Handbook

The purpose of this handbook is to provide schools, principals, teachers, and parents with a quick and easy guide to School Based Decision Making elections. This handbook is meant to be a supplement to the Kentucky Department of Education (KDE) SBDM Handbook and is not meant to replace or alter it. All questions regarding SBDM elections should be directed to the district SBDM coordinator or to KDE.

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SBDM Parent Basics

	What The Statute States	Notes
Who makes up the council	A school council consists of three (3) teachers, two (2) parents, and the school principal. Teacher representatives are elected by teachers and parent representatives are elected by parents.	This administrative structure may increase proportionately without Kentucky Board of Education (KBE) approval in schools with more than one administrator.
Term of office	One year	A school council, once elected, may adopt a policy setting different terms of office for parent and teacher members subsequently elected.
Votes to be elected	Elected by plurality vote. The parent members shall be elected by the parents of students pre-registered to attend the school during the term of office in an election conducted by the parent and teacher organization of the school or, if none exists, the largest organization of parents formed for this purpose.	If a school will not be using a PTA organization to conduct voting, the chosen group needs to be representative of the school population and should not be a group such as a booster organization. While those groups may be the largest parent organization in the school, they may not represent the school population as a whole.
Eligible candidates	Parents must have a student enrolled or pre-registered to attend the school for the year they will be serving on the school council. • The definition of parent is defined to include parent, step-parent, foster parent and/or a person who has legal custody of a student pursuant to a court order and with whom the student resides.	
Ineligible candidates	• Parent who is an employee, or the relative of an employee, of the school in which they wish to serve • An employee or a relative of an employee in the district administrative offices • A local board of education member or member's spouse.	
Minority Elections	Schools with 8 percent or more student minority population shall have at least one minority representative on the school council. For the purposes of SBDM, minority is defined as "American Indian; Alaskan native; African-American; Hispanic, including persons of Mexican,	For more information regarding minority elections, see the *Minority Election Guide and the Minority Representative Flow Chart,* included in this handbook.

	What The Statute States	Notes
	Puerto Rican, Cuban, and Central- or South-American origins; Pacific Islander; or other ethnic group underrepresented in the school" [KRS 160.345(1)(a)].	
Who Votes	Any parent of a child pre-registered to attend the school during the term the council being elected will serve may vote. Also step-parents, foster parents, and legal guardians if the child lives with them may vote.	
Nominations	The statute does not explicitly cover the nominations process for parents to SBDM council. However, the largest parent organization in the school will be conducting the election and the election process will be determined by that organization.	Procedures for election: Where will the elections take place? When will the elections take place? Who will be responsible for holding the election? Are absentee ballots allowed? What will be the process for absentee ballots? Procedures for determining representative: What will be the method for counting the votes? What will be the method for informing the school community of the results of the election? What will be the process for conducting a run-off election if needed? Documentation of the election process including ballots and tallies for the election should be kept by the custodian of records. These most often are placed and sealed in a labeled envelop and filed with other school council records. This is extremely important if there is a challenge to the election for the parent representatives to the school council.
Election Documentation	Ballots and any other documentations (e.g., tally sheets, procedures) must be retained from the election. Open Records statutes require that these documents be retained for a minimum of five (5) years.	Documentation of the election should be submitted to the principal following the election and should be stored in a secure location.
Parent Volunteer	If the parent is a volunteer in the school that their child attends or is registered, they may serve on the school council as a parent representative in that school.	If the parent is paid for volunteering, even if it is a one-time stipend, they are considered an employee and may not serve as parent representative at the school.

Minority Election Guide

Does your SBDM council require a minority representative?	Schools with 8 percent or more student minority population shall have at least one minority representative to the school council.
What is the definition of a minority according to the SBDM statute?	Minority is defined as "American Indian; Alaskan native; African-American; Hispanic, including persons of Mexican, Puerto Rican, Cuban, and Central- or South-American origins; Pacific Islander; or other ethnic group underrepresented in the school" [KRS 160.345(1)(a)].
How is the 8 percent minority population calculated?	Combined minority population is determined by the annual reporting of attendance and ethnicity to the Kentucky Department of Education [Superintendents Annual Attendance Report (SAAR)]. However, a district may opt to use internal data of enrollment from the previous October 1 Infinite Campus report. If so, the district is responsible for maintaining the documentation in the SBDM office for five (5) years.
If a school council is formed and has not obtained minority representation in either of the three role groups (i.e., teacher, parent or administrator), where does the minority representation come from?	The principal will be responsible for carrying out the following: a. Organizing a special election to elect an additional member. The principal shall call for nominations and shall notify the parents of students of the date, time, and location of the election to elect a minority parent to the council by ballot; all minority parents with students enrolled and pre-registered for the school are eligible to serve as council members; and b. Allowing the teachers in the building to select one (1) minority teacher to serve as a teacher member on the council. If there are no minority teachers who are members of the faculty, an additional teacher member shall be elected by a majority of all teachers. Term limitations shall not apply for a minority teacher member who is the only minority on faculty.
What if a school has no minority teachers?	If the school has no minority teachers, the school faculty shall elect, by majority, an additional teacher member to the school council for the purposes of increasing membership proportionately. The council will then need a parent to serve as the minority representative.
If a school has attempted to get a minority teacher to serve on the board, but none are willing or the school only has one minority and they are unavailable or unwilling to serve, what happens to the minority seat?	If only one minority teacher is on staff, teachers must select and offer the position to that teacher. 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.
What if a school with at least 8 percent minority population has no minority on staff?	An additional faculty member shall be elected by a majority of all the teachers and will serve on the council as a teacher representative, but not as the minority representative. The purpose of the election of this teacher is to ensure that council membership is increased proportionately. In this

	situation, the minority parent would be the only minority representative on the council.
What are the term limitations for a specially elected minority representative?	Term limitations shall not apply for a minority teacher member who is the only minority on faculty. A parent minority representative will serve for a one (1) year term, per statute, unless the council has set their own term lengths for all members in their bylaws.
If no minority parent or teacher were elected in the general election, and a special election is needed, will the school need to apply for an Alternative Model application since the result would be an increase from six members?	An election for minority representation will result in an increase from six members on a single council. This does not require an Alternative Model application to be filed as this is fulfilling the statute for minority representation.
Our school has a minority principal; do we still need to have a special election for a minority teacher and parent?	No you do not. The special election process for minority representation only applies if there were no minority members elected during the general election or if there is no minority administrator serving with the council.
Can a parent of a minority child, though the parent themselves are not a minority, still serve as the minority representative on the council?	The candidate who wishes to be elected to the school council as a minority representative must be the minority themselves.

SBDM Parent Election Checklist

The following are sample procedures for parent elections. These are only **samples**, not exemplars. The PTO secretary will follow these steps for the General Election to fill parent members on the SBDM School Council.

Copies of the Duties and Responsibilities of a SBDM School Council member will be included in the monthly PTO newsletter, posted in the main office, and on the front door of the school before the nominations begin and throughout the nomination window.	
Nominations forms will be created and available at the school or by email to any parent requesting. Included on this form will be the following information: a. Instructions for nomination b. The date nominations begin and end c. Location for nomination forms to be returned.	
Ballot drafted after the nomination period of 14 days. All nominees will be asked if they will accept the position if elected before drafting the ballot.	
A copy of the ballot will be posted in the main office and on the front door of the school at least 48 hours prior to the election.	
Ballots will be available on the day of the election from 7 a.m. to 7 p.m.at the school. The PTO president will appoint two (2) parents who are not on the ballot or on the PTO board to operate the ballot station at all times. No absentee ballots will be accepted.	
Parents are required to show identification at the election site and sign-in next to their child's name.	
Parents are elected by plurality vote. The top two (2) nominees who receive the most votes will be elected to represent the school council as parent members. In case of a tie, subsequent voting will be scheduled and steps 4-6 will be repeated.	
At the conclusion of the elections, the nomination forms and ballots will be sealed in an envelope and given to the principal.	

Sample Nomination Form

SBDM Parent Council Member

Deadline: Must be postmarked by (*Date*)

Qualifications: A parent council member shall be a parent, step parent, foster parent or legal guardian of a student attending the school during the council member's term of office. A parent is ineligible if he/she is an employee or a relative of an employee (father, mother, brother, sister, husband, wife, son, daughter, aunt, uncle, son-in-law, daughter-in-law) of that school or for the district central office, or a local school board member or the spouse of a school board member.

Parents may nominate themselves or another parent.

Name of Nominee: _____**Date**: _____

Address: _____

Children enrolled in this school:

Nominated by: _____

I understand that and agree to complete a background check and the school council member training. I accept this nomination and hereby certify that I am eligible to serve on this council and meet all qualifications as described above.

Signature of Nominee: _____ **Date**: _____

Please attach a single page summary of your background and experiences. This information will be shared with voters before the election. Each candidate will have two minutes to address parents at the information meeting and an opportunity to answer questions.

Return Completed Nomination Form to:
Name of Nominating Committee Chair
c/o (Name, Address of School)
Marked PTO "SBDM Nominating Committee"

BALLOT TO ELECT PARENTS TO THE SBDM COUNCIL

Dear Parents,

At Sunshine Elementary School it is very important to have parents involved in helping us in making decisions in improving student achievement. The parents below are willing to serve on the SBDM Council.

At this time, we have two (2) positions that are opened. Please place a check by two (2) of the candidates and bring all ballots back to your child's school office. We will announce the elected member at the SBDM meeting in May.

Vote for no more than 2 of the nominees.

Sincerely,

Name
PTO President

Susan Smith _____

Bob Young _____

Cathy Juarez _____

Maria Hernandez _____

Ron Kwon _____

SBDM Teacher Basics

	What The Statute States	Notes
Who makes up the council	A school council consists of three (3) teachers, two (2) parents, and the school principal. Teacher representatives are elected by teachers and parent representatives are elected by parents.	This administrative structure may increase proportionately without Kentucky Board of Education (KBE) approval in schools with more than one administrator.
Votes to be elected	A majority vote of all teachers assigned to the building. 50%+1	If there are 30 teachers assigned to the building then 16 votes are needed to be elected.
Eligible candidates	All full and part-time teachers assigned to the school building, including school counselors, are eligible to serve on the school council and vote in a school council election. All certified staff, as defined by the Educational Professional Standards Board (EPSB), in the school, including itinerant teachers, part-time teachers, counselors and library media specialist **is** eligible to run for SBDM council.	Curriculum Coaches/Instructional Coaches may be considered a teacher for the purpose of SBDM as long as they do not have administrative powers/duties (ex: duties or roles pertaining to evaluating other teachers). This determination is made at the district level.
Ineligible candidates	Principals, assistant principals and other administrative staff with evaluative duties	
Minority Elections	Schools with eight percent or more student minority population will have at least one minority representative to the school council. For the purposes of SBDM, minority is defined as "American Indian; Alaskan native; African-American; Hispanic, including persons of Mexican, Puerto Rican, Cuban, and Central- or South-American origins; Pacific Islander; or other ethnic group underrepresented in the school" [KRS 160.345(1)(a)].	If a school council is formed and has not obtained minority representation in either of the three role groups (i.e., teacher, parent or administrator), the principal will be responsible for ensuring both the following: 1. An additional election is held for parents to elect a minority parent representative to the school council. 2. Organization of the teachers to select a minority teacher to the school council.
Non-Tenured Teachers	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 is elected,	Depending on the terms of the council service, any teacher that is not employed after June 30, the end of most limited teachers' contracts, that teacher is no longer an employee in the school. This will place a

	What The Statute States	Notes
	that does not guarantee them a teaching position for the next school year.	vacancy on the school council.
Who Votes	All full and part-time teachers assigned to the school building, including school counselors, are eligible to serve on the school council and vote in a school council election.	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 on 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.
Nominations	The teachers in the building should determine the nomination and election process to elect the teacher representatives of the building.	This process should address the following: **Nomination process:** How will people be nominated? What will be the timeline? How will the ballots be prepared once nominations are made? **Voting:** How will the voting process take place? What is the time frame for voting? 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? **Vacancies:** What are the procedures of notification and voting for vacant positions?
Election Documentation	Documentation of the election process including ballots and tallies for the election should be kept by the custodian of records. These most often are placed and sealed in a labeled envelop and filed with other school council records. This is extremely important if there is a challenge to the election for the teacher representatives to the school council.	Open Records statutes require that these documents be retained for several years after the election.

SBDM Teacher Election Checklist

The following are sample procedures for teacher elections. These are only **samples**, not exemplars.

Copies of the Duties and Responsibilities of a SBDM School Council member were posted in the main office, the library media center, the teacher's workroom, beside teacher mailboxes and beside every copier 48 hours before the nominations began and throughout the nomination window.	
Nomination forms were created and placed in teachers' school mailboxes. Included on this form were the following information: a. Instructions for nomination b. The date nominations begin and end c. Location for nomination forms to be returned.	
Ballot drafted after the nomination period of 14 days. All nominees will be asked if they will accept the position if elected before drafting the ballot.	
A copy of the ballot was posted in the main office, the library media center, the teacher's workroom, beside teacher mailboxes and beside every copier before voting. A list of nominees' names was sent out via e-mail by designated teacher.	
Ballots were distributed at a called faculty meeting. Nominees were allowed to share with the faculty why they want to serve on the council. No more than five rounds of voting will be held at this called meeting.	
Absentee ballots must be requested before voting. Request must be made in writing to the designated teacher.	
Absentee ballots will be marked as an absentee ballot and returned in a sealed envelope to the designated teacher.	
Teachers were elected by a majority (i.e., more than half) of all teachers who were assigned to the school.	
Votes were counted by a three-member team before any faculty member was allowed to leave the meeting. Additional voting is necessary in the case of a tie vote or candidates do not garner enough votes for majority. Absentee votes will be counted by the three-member team for each round of elections. In case of a tie vote or candidates do not garner enough votes for majority, the nominee with the least votes in round one, will be removed from the ballot. The same process will be used through round five.	
If needed, an additional day of voting would be set for two days after the first day of voting. Subesequent voting days, teachers would report to election site, sign in to receive a ballot, vote, place ballot in box and then be allowed to leave.	
At the conclusion of the elections, the nomination forms and ballots were sealed in an envelope and given to the principal.	

Sample Election Protocols

Look more closely at your election procedures. Are they comprehensive? Are there loopholes? As you work with others in your constituency group, do your election procedures address the following?

PROTOCOLS	Is it addressed in our election procedures?
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? • When, where and how will the election take place (election with polls or an election during a meeting)? • Who will be responsible for administering the election? • How will ballots be secured? • 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?	
Procedures for Determining Representatives: • What will be the method for counting votes from the election (who, when, where)? • What will be the process for informing the school community of the results of the election? • What is the process for a run-off, in the event one is needed?	
Vacancies: • What are the procedures for notification and voting for vacant positions?	

Related Attorney General Opinions

OAG 93-49

…..we believe that the teacher/parent with a child enrolled in the same school may vote for the teacher representatives and the parent representatives at that school.

…… a teacher may cast a vote for the teacher representatives at his or her school and also cast a vote for the parent representatives at another school where his or her child is enrolled.

⇒ A teacher who has a child enrolled in the same school that they are assigned, may vote in both the teacher and parent elections.

OAG 94-41

….any schools having eight percent of more minority students enrolled and having school councils which do not have minority members on that date, are required to immediately have a special election to elect a minority parent and a minority teacher to the school council…..

⇒ Once minority membership is determined and a school has been notified that their membership is greater than 8%, the principal must immediately organize the minority parent and teacher election.

OAG 12-011

….The race or ethnicity of parents and children should be determined independently, and the eligibility of a parent to serve as a minority member on a school council under KRS 160.345(2)(b)2 is determined by whether the parent qualifies as a minority under KRS 160.345(1)(a).

⇒ For a parent to serve as a minority member on a school council, the parent must fit the definition of minority based in the SBDM statute.