Collaboration, Partnership, Teamwork …

A Joint Action for a Specific Purpose …

To Work Together …

On the Same Team …

School-Based Decision Making Handbook

Kentucky Department of Education

Revised 02-2015

The Main Responsibility for Every School Council

KRS 160.345(2)(c)1

The school council shall have the responsibility to set school policy consistent with district board policy which shall provide an environment to enhance the students' achievement and help the school meet the goals established in KRS 158.645 and 158.6451.

Summary of School Council Work

TOPIC	DESCRIPTION	STATUTE REFERENCE
Develop and Adopt Policies	• Determination of Curriculum • Assignment of Instructional and Non-Instructional Staff Time • Assignment of Students to Classes and Programs • Determination of the Schedule of the School Day and Week • Determination of Use of School Space • Planning and Resolution of Issues Regarding Instructional Practices • Selection and Implementation of Discipline and Classroom Management Techniques • Selection of Extracurricular Programs • Adoption of an Emergency Plan • Procedures for Determining Alignment with State Standards, Technology Utilization and Program Appraisal • Consultation • Committees • Advanced Placement, International Baccalaureate, Dual Enrollment, Dual Credit (for 9-12 schools) • Wellness (for grades K-5) • Writing • Title I Parent Involvement (for Title I schools) • Wellness and Nutrition (for schools participating in Federal lunch programming)	KRS 160.345(2)(i)1-11 KRS 160.345(2)(c)2 KRS 160.348(2) KRS 160.345(11) KRS 158.6453(7)(c) Elementary and Secondary Education Act of 1965 (NCLB 2001) Healthy, Hunger Free Kids Act of 2010
Make Budgetary Decisions	Each school council must make these budget decisions. • The number of persons in each job classification (e.g., number of English teachers, grade 3 teachers, arts and humanities teachers) • Determining textbooks, instructional materials and student support services	KRS 160.345(2)(f-g)
Analysis of Data, Need Assessment and Professional Development	Each school council must: • Annually review data as shown on state and local student assessments and program assessments • Plan for professional development • Develop a plan for improvement	KRS 160.345(2)(j) KRS 160.345(8) KRS 160.345(3)(c) KRS 158.649

TOPIC	DESCRIPTION	STATUTE REFERENCE
	• Assess student achievement gaps and develop a plan for closing gaps	
Select a Principal	If the school has a vacancy in the position of the school principal, the school council, with the superintendent, selects the principal for a list of qualified candidates.	KRS 160.345(2)(h)
Determine the Primary Program (elementary schools)	Each school council of a school that contains students from entry level (kindergarten) to the end of primary (grade 3) must determine and develop a primary program that addresses the seven components in statute. The primary program is to be multi-aged and multi-ability and allow for students to complete within five years.	KRS 158.031(4)

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Chapter 1

School-Based Decision Making Statute

The exact text of the SBDM statute is located in the blocks. Arrows precede statutory requirements and implications,

SECTION 1

For the purpose of this section:

(a) “Minority” means 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;

(b) “School” means an elementary or secondary educational institution that is under the administrative control of a principal or head teacher and is not a program or part of another school. The term “school” does not include district-operated schools that are:

1. Exclusively vocational-technical, special education, or preschool programs;
2. Instructional programs operated in institutions or schools outside of the district; or
3. Alternative schools designed to provide services to at-risk populations with unique needs;

(c) "Teacher" means any person for whom certification is required as a basis of employment in the public schools of the state with the exception of principals and assistant principals; and

(d) “Parent” means:

1. A parent, stepparent, or foster parent of a student; or
2. A person who has legal custody of a student pursuant to a court order and with whom the student resides.

⇒ In the SBDM statute, when the term “minority” is used, it refers to all the groups included in this definition.

⇒ In this statute, when the term "teacher" is used, it refers to all certified staff in the school, including itinerant teachers, part-time teachers, counselors and library media specialists, regardless of the amount of time they are assigned to the school.

⇒ In this statute, when the term “parent” is used, it includes parents of students currently enrolled or pre-registered to attend a school and who meet the requirements in this definition.

SECTION 2(a)

Each local board of education shall adopt a policy for implementing school-based decision making in the district which shall include, but not be limited to, a description of how the district's policies, including those developed pursuant to KRS 160.340, have been amended to allow the professional staff members of a school to be involved in the decision making process as they work to meet educational goals established in KRS 158.645 and 158.6451. The policy may include a requirement that each school council make an annual report at a public meeting of the board describing the school’s progress in meeting the educational goals set forth in KRS 158.6451 and district goals established by the board. The policy shall also address and comply with the following:

(a) Except as provided in paragraph (b) 2 of this subsection, each participating school shall form a school council composed of two (2) parents, three (3) teachers, and the principal or administrator. The membership of the council may be increased, but it may only be increased proportionately. A parent representative on the council shall not be an employee or a relative of an employee of the school in which that parent serves, nor shall the parent representative be an employee or a relative of an employee in the district administrative offices. A parent representative shall not be a local board member or a board member’s spouse. None of the members shall have a conflict of interest pursuant to KRS Chapter 45A, except the salary paid to district employees.

⇒ Local boards may require school councils to give an annual progress report in a public meeting that will describe their school’s progress toward meeting the goals for students in KRS 158.6451.

⇒ The administrative structure for school councils required in this section of the statute includes two parents, three teachers and the principal or administrator of the school. This administrative structure may increase proportionately without Kentucky Board of Education (KBE) approval in schools with more than one administrator.

⇒ Parents elected to the council may not be employees of or be related to an employee of the school where they will serve or be employed in the district administrative offices or have an identified conflict of interest.

SECTION 2(b)

1. The teacher representatives shall be elected for one (1) year terms by majority of the teachers. A teacher elected to a school council shall not be involuntarily transferred during his or her term of office. The parent representatives shall be elected for one (1) year terms. 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. A school council, once elected, may

adopt a policy setting different terms of office for parent and teacher members subsequently elected. The principal shall be the chair of the school council.

2. School councils in schools having eight percent (8%) or more minority students enrolled, as determined by the enrollment on the preceding October 1, shall have at least one (1) minority member. If the council formed under paragraph (a) of this subsection does not have a minority member, the principal, in a timely manner, shall 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 the students of the date, time, and location of the election to elect a minority parent to the council by ballot; 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.

⇒ A school council elected for the current term may not adopt a bylaw setting a different term for the current school council, but may adopt a bylaw setting different terms of office for parent and teacher members to be elected for the next term and beyond.

⇒ Parent and teacher members may be re-elected to consecutive terms as established in school council bylaws for so long as they are members of the constituency groups, and in the case of parents, as long as they have a child pre-registered to attend the school.

⇒ Parents of students pre-registered to attend or who will be attending the school during the term for which the election is being conducted must elect parents. The parent election must be conducted by the parent organization of the school, if one exists. If no parent organization exists, the election is conducted by the largest group of parents formed for the purpose of electing parent representatives to the school council.

⇒ A school with a combined minority population of eight percent or more must have at least one minority member on the school council. 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.

⇒ If minority representation is required and no minority was elected in the general election cycle or the principal is not a minority, the principal must organize the special election for an additional parent and teacher member. The parent and teacher elected must be a minority. If the school has no minority teachers, the school faculty will elect, by majority, an additional teacher member to the school

council. Term limitations do not apply to a minority teacher council member who is the only minority teacher on the school's faculty.

⇒ Principals serve as the chair of the school council.

Related Attorney General Opinions

OAG 94-60

…….Requiring the election to be held in a timely manner is a safeguard to prevent circumvention of this statue by failing to schedule the special election within a reasonable time span. By scheduling the special elections on the same night as the regular election the policy fails to allow for the minority parents to be notified of the special election.

……Additionally, the school policy fails to provide for reasonable notification to the minority parents of the special election as required by KRS 160.345(2)(b). This statute contemplates that the minority parents would receive notice of the special elections so that nominations may be made and eligible parents may vote for the minority parent representative.

⇒ The Attorney General's Opinion requires that principals organize a special election within a reasonable time frame from the regular election. These elections cannot occur on the same evening.

⇒ The language of the statute has since been amended from the original writing to include ALL parents in the election of the minority representative.

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.

SECTION 2(c)-(e)

(c) 1. The school council shall have the responsibility to set school policy consistent with district board policy which shall provide an environment to enhance the students' achievement and help the school meet the goals established by KRS 158.645 and 158.6451. The principal shall be the primary administrator and the instructional leader of the school, and with the assistance of the total school staff shall administer the policies established by the school council and the local board.

2. If a school council establishes committees, it shall adopt a policy to facilitate the participation of interested persons, including, but not limited to, classified employees and parents. The policy shall include the number of committees, their jurisdiction, composition, and the process for membership selection.

(d) The school council and each of its committees shall determine the frequency of and agenda for their meetings. Matters relating to formation of school councils that are not provided for by this section shall be addressed by local board policy.

(e) The meetings of the school council shall be open to the public and all interested persons may attend. However, the exceptions to open meetings provided in KRS 61.810 shall apply;

⇒ The primary role of the principal is as administrator and instructional leader.

⇒ If school councils establish committees, the committee policy shall facilitate participation all interested persons, including parents and classified employees.

⇒ School council committee policy must include the number of school council committees, their area of authority or responsibility, membership of the committees and how people will be selected for committee membership.

⇒ School councils and committees determine their own meeting schedules and set their own agendas. The school council and/or committee should agree upon meeting schedules and agendas.

⇒ School councils and their committees must have meetings at times and places convenient for the public, and they must abide by the Open Meetings Law.

Related Attorney General Opinions

OAG 94-8

…..whether a local school board has the authority to adopt a policy requiring school councils to have committees. It is our opinion that a local school board does not have this authority. KRS 160.345(2)(d) and (e) grant the school council the power to establish committees. KERA does not authorize a local school board to adopt policy requiring school councils to form committees. The individual school council has the discretion to form committees.

…….whether a local school board may require parental representation on school council committees. To answer this question KRS 160.345(3) must be analyzed to determine the issues relating to implementing school-based decision making that shall be addressed by the local board…..

It is the opinion of this office that KRS 160.345(3)(e) authorizes the local school board to adopt policies requiring parental representation school council committees. Thus……a local school board may not require a school council to form committees; however, if committees are formed the school board has statutory power to enact a policy requiring the school council to allow parents to serve on committees.

⇒ The authority whether or not to form committees rests with the school council. However, the local school board may require parent participation if committees are formed.

SECTION 2(f) and (g)

(f) After receiving notification of the funds available for the school from the local board, the school council shall determine, within the parameters of the total available funds, the number of persons to the employed in each job classification at the school. The council may make personnel decisions on vacancies occurring after the school council is formed but shall not have the authority to recommend transfers or dismissals;

(g) The school council shall determine which textbooks, instructional materials, and student support services shall be provided in the school. Subject to available resources, the local board shall allocate an appropriation to each school that is adequate to meet the school's needs related to instructional materials and school-based student support services, as determined by the school council. The school council shall consult with the school media librarian on the maintenance of the school library media center, including the purchase of instructional materials, information technology, and equipment;

⇒ School councils must determine annually the number of staff needed in each job classification, within allocated funds, and have this decision reflected in their school council minutes. School councils cannot recommend transfers or dismissals.

⇒ School councils decide which textbooks, instructional materials and/or student support services to provide for their students.

⇒ School councils must consult with the school's media librarian when considering their instructional budget, but the final decision relative to school media budget and expenditure belongs to the school council.

Notes relating to staffing allocations and class size:

702 KAR 3:246 specifies that by May 1 of each year, each school council will be notified by their local school board of the school's allocation for the next budget year. The allocation covers instructional materials and supplies, professional development and school staff for the coming school year. Staffing levels are determined by state statute and school board policy. The school must receive from the school board allocation the number of staff it needs to at least meet the maximum class size required by KRS 157.360. Although school councils are exempt from class cap size requirements by statute, they must still receive funding that will allow them to staff their school to meet class cap size if they choose to do so.

After the school council receives notification of its allocation for the next school year, the school council has some decisions to make. If there are vacancies, the school council will decide whether to fill the position with a person from the same job classification or to employ someone in a different job classification. The school council also may opt not to fill the vacancy and use the money for other initiatives in the school. If a school council decides not to fill the position and requests the funds instead, it will receive 95 percent of the district's average 185-day certified salary for non-categorical staff in the previous year budget for other initiatives. This decision has to be made each year and is only in effect for one year.

If the school council decides that purchasing instructional materials would benefit students more than purchasing additional textbooks, "textbook" money may be used to purchase additional instructional materials for the school. School-based student support services include efforts of the school that help students become ready to learn. These services can include, but are not limited to, counseling, hearing/vision testing, screening students for special learning needs and tutoring. The school council may determine the level of student support services and provide for the services with money from the allocation or ask the district for additional dollars to meet student needs. School councils should also work cooperatively with the Family Resource Youth Services Center staff serving their students to help provide student support services.

SECTION 2(h)

Personnel decisions at the school level shall be as follows:

1. From a list of qualified applicants submitted by the local superintendent, the principal at the participating school shall select personnel to fill vacancies, after consultation with the school council, consistent with paragraph (i)11 of this subsection. The superintendent shall provide additional applicants to the principal upon request when qualified applicants are available. The superintendent may forward to the school council the names of qualified applicants who have pending certification from the Education Professional Standards Board based on recent completion of preparation requirements, out-of-state preparation, or alternative routes to certification pursuant to KRS 161.028 and 161.048. Request for transfer shall conform to any employer-employee bargained contract which is in effect;
2. If the vacancy to be filled is the position of principal, the outgoing principal shall not serve on the council during the principal selection process. The superintendent or the superintendent’s designee shall serve as the chair of the council for the purpose of the hiring process and shall have voting rights during the selection process. The council shall have access to the applications of all persons certified for the position. The principal shall be elected on a majority vote of the membership of the council. No principal who has been previously removed from a position in the district for cause may be considered for appointment as principal. The school council shall receive training in recruitment and interviewing techniques prior to carrying out the process of selecting a principal. The council shall select the trainer to deliver the training;
3. Personnel decisions made at the school level under the authority of subparagraphs 1, 2, and 4 of this paragraph shall be binding on the superintendent who completes the hiring process;
4. If the vacancy for the position of principal occurs in a school that has an index score that places it in the lowest one-third (1/3) of all schools below the assistance line and the school has completed a scholastic audit under KRS 158.6455 that includes findings of lack of effectiveness of the principal and school council, the superintendent shall appoint the principal after consulting with the school council;
5. Applicants subsequently employed shall provide evidence that they are certified

prior to assuming the duties of a position in accordance with KRS 161.020; and

6. Notwithstanding other provisions of this paragraph, if the applicant is the spouse of the superintendent and the applicant meets the service requirements of KRS 160.380(2)(e), the applicant shall only be employed upon the recommendation of the principal and the approval of a majority vote of the school council;

⇒ The principal fills all school-based instructional vacancies from a list of qualified candidates submitted by the superintendent, after consultation with the school council. Unless the vacancy to be filled is that of principal, the principal has the final decision on who is to fill vacant positions in the school. If the school district and the teachers in a school have a bargained contract that defines how vacant teaching positions can be filled by transfer, the school council and principal must comply with terms of that contract. Any applicant selected must provide evidence of certification prior to beginning employment.

⇒ If the vacancy is the principal, the outgoing principal may not serve as part of the school council during the principal selection process. The superintendent, or designee, serves as the chair of the school council during the principal selection process and has full voting rights. The principal is selected by majority vote of the school council. If a principal has been removed by cause in the district, he or she cannot be considered for the position of principal. Prior to beginning the selection process, all school council members must be trained in recruitment and interviewing techniques. The school council as a whole selects the trainer.

⇒ If a school has been identified as low performing, and a leadership assessment has determined that the principal and the school council lack capacity, the superintendent selects the principal of the school.

⇒ Certified and classified school-based vacancies that occur in an SBDM school, including but not limited to the positions of teacher, special education teacher, counselor, assistant principal and instructional paraeducator, require consultation with the council, as per school council policy before the principal makes a final selection.

⇒ For the purpose of filling vacancies, itinerant positions are considered district-wide positions and are filled by the superintendent.

SECTION (2)(i)

The school council shall adopt a policy to be implemented by the principal in the following additional areas:

1. Determination of curriculum, including needs assessment' curriculum development and responsibilities under KRS 158.6453(7);
2. Assignment of all instructional and non-instructional staff time;
3. Assignment of students to classes and programs within the school;
4. 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;

5. Determination of use of school space during the school day;
6. Planning and resolution of issues regarding instructional practices;
7. Selection and implementation of discipline and classroom management techniques as part of the comprehensive school safety plan, including responsibilities of the student, parent, teacher, counselor, and principal;
8. Selection of extracurricular programs and determination of policies relating to student participation based on academic qualifications and attendance requirements, program evaluation, and supervision;
9. Adoption of an emergency plan as required in KRS 158.162;
10. Procedures, consistent with local school board policy, for determining alignment with state standards, technology utilization, and program appraisal; and
11. Procedures to assist the council with consultation in the selection of personnel by the principal, including, but not limited to, meetings, timelines, interviews, review of written applications and review of references. Procedures shall address situations in which members of the council are not available for consultation; and

⇒ In SBDM schools, the principal is responsible for seeing that school council policy is implemented. While school councils do not have absolute and unchecked authority, they do have authority to make policy to change schools in significant areas. School council authority is retained and exercised at the school level, with oversight by and assistance from the school district.

⇒ Curriculum polices must include how the school will determine the curricular needs, how the curriculum will be developed and evaluated and how the school will implement program reviews in the areas of arts and humanities, practical living skills and career studies, and writing.

⇒ Policies relating to staff time only apply to the amount of instructional time (e.g., number of classes taught, professional learning community time) and non-instructional time (e.g., how often supervise bus duty, how often supervise hallway duty) for the certified and classified instructional staff. The principal has the responsibility of assigning teachers to courses and classes.

⇒ Policies relating to student assignment apply to classes and programs within the school. However, school staff must adhere to the Family Educational Rights and Privacy Act (FERPA) when discussing student needs and placement.

⇒ Policies relating to schedule of the day and week only apply to the time between the time the school day begins and ends. The district sets the school calendar as well as the time that each school day begins and ends.

⇒ Policies relating to the use of school space apply only to the use of the space during the school day. Other uses of the school outside the school day fall under district board of education policies.

⇒ Policies relating to discipline and classroom management must be part of the comprehensive school safety plan and must be consistent with the local board's code of student conduct.

⇒ Policies relating to extracurricular activities must be in alignment with organizational requirements and/or procedures (e.g., National Honor Society guidelines, Fellowship of Christian Athletes) and in the case of high school athletics, follow guidelines established by the Kentucky High School Athletic Association (KHSAA) as well as local board of education policies and procedures.

⇒ Discussions relating to specifics of the school's emergency plan may be conducted in closed session of a school council meeting. The Emergency Plan is exempt from Open Records requests.

⇒ School councils, through their policy development and adoption, must set up procedures to ensure that the policies are consistent with state and national standards. School councils must set up procedures for technology usage including student usage and how each program will be evaluated for effectiveness. These procedures need to be outlined in school council alignment with state standards, program appraisal, and technology utilization policy. These can be combined in one policy or in separate policies.

⇒ School councils must have a policy for consultation on school-based vacancies. This policy may include, but is not limited to, meetings, timelines, interviews, review of applications and review of references. The consultation policy must include a statement to address a situation when a quorum cannot be met.

Related Attorney General Opinions

OAG 93-55

….there is a lack of clarity and consensus as to the extent of the school council's authority relative to assignment of staff time. You state that one interpretation of this statute is this provision authorizes the school council to set policy relative to the use of staff time during the school day, such as the number of classes teachers will teach, use of planning periods, and policies relative to assignment of additional duties, but not authority to make assignments as to specific individuals. Under this interpretation, the school council sets the policy to be implemented and administered by the principal who assigns specific individual staff.

…..another interpretation is that this statutory provision authorizes the school council to not only include in its policy general assignment policies, but also to make assignments as to individual staff, i.e., "name names."

It is the opinion of the Attorney General that you first interpretation is correct and that school councils have authority to set policy regarding the assignment of all instructional and non-instructional staff time and the principal is authorized to administer the policy and the assignments as to individual staff members.

⇒ School councils set the guidelines for specifics around instructional and non-instructional staff time. The principal implements the policy and assigns specific

teachers to specific roles. The school council cannot name a specific teacher to a specific role.

OAG 93-5

…..we will discuss the requirements of the federal laws governing disclosing students' records and also the educational duties of a school-based decision making council.

….In order to achieve the educational goals envisioned by the Kentucky Education Reform Act (KERA) the school council must be intricately aware of the grades, test scores and special needs of the students attending the school.

OAG 93-35 (clarification of OAG 93-5)

….Because of the risk in allowing unauthorized persons to review confidential student records we believe that the best policy is to strictly interpret the "school officials" exception to FERPA and not include parent members of school council in the defining of "school officials" for purposes of 20 U.S.C. 1232g(b)(1)(A). While we understand that the school council needs significant data involving the students prior to forming school policies, we believe that this information can be compiled by the principal and other authorized school personnel in an unidentifiable manner and presented to the council members.

……this conservative approach will protect the school districts, the schools and the individual school personnel and school council members from allegations of FERPA violations resulting from an unauthorized record examination.

⇒ When determining student placement, the school council must review data as a whole. The school council policy on student placement should only include the courses offered and the number of students in each course. The principal and authorized staff places individual students with individual teachers at specific times during the school day.

SECTION (2)(j)

Each school council shall annually review data as shown on state and local student assessments and program assessments required under KRS 158.6453. The data shall include, but not be limited to information on performance levels of all students tested, and information on the performance of students disaggregated by race, gender, disability, and participation in the federal free and reduced price lunch program. After completing the review of the data, each school council with the involvement of parents, faculty and staff shall develop and adopt a plan to ensure that each student makes progress toward meeting the goals set forth in KRS 158.645 and 158.645(1)(b) by April 1 of each year and submit the plan to the superintendent and local board of education for review as described in KRS 160.340. The Kentucky Department of Education shall provide each school council the data needed to complete the review required by this paragraph no later than November 1 of each year. If a school does not have a council, the review shall be completed by the principal with the involvement of parents, faculty, and staff.

⇒ School councils must review their school's student performance data each year. The data must include, but not be limited to, information on the performance of students disaggregated by race, gender, disability, and participation in the federal; free and reduced-price meal program.

⇒ School councils must adopt a plan annually, with the involvement of parents, faculty and staff, that will establish specific goals for ensuring each student's progress.

SECTION (3)

The policy adopted by the local board to implement school-based decision-making shall also address the following:

(a) School budget and administration, including: discretionary funds; activity and other school funds; funds for maintenance, supplies, and equipment; and procedures for authorizing reimbursement for training and other expenses;

(b) Assessment of individual student progress, including testing and reporting of student progress to students, parents, the school district, the community, and the state;

(c) School improvement plans, including the form and function of strategic planning and its relationship to district planning as well as the school safety plan and requests for funding from the Center for School Safety under KRS 158.446;

(d) Professional development plans developed pursuant to KRS 156.095;

(e) Parents, citizen, and community participation including the relationship of the council with other groups;

(f) Cooperation and collaboration within the district, with other districts, and with other public and private agencies;

(g) Requirements for waiver of district policies;

(h) Requirements for record keeping by the school council; and

(i) A process for appealing a decision made by a school council.

⇒ Local boards must have adopted policies for the implementation of school-based decision making within the district. Included in the policies is the district's role as well as the school councils' role, if any.

⇒ Local boards of education must have policies in place that describe how funds will be allocated to school councils and what fiscal procedures will be used in the district. Board policies must describe a procedure for reimbursing council members for training and other expenses related to their duties as school council members.

⇒ Local school boards must have a policy for school councils to follow regarding how individual student progress will be assessed and what testing and reporting methods will be used in the district.

⇒ Local school boards must have a policy for school councils to follow regarding the format to use for planning and how school plans are related to district plans. This includes a policy for professional development.

⇒ Local school boards must develop a policy for school councils to follow on how parents and community members can participate in school council initiatives and activities as well as a policy for the school council to follow on how personnel, parents and students cooperate and collaborate within the school district and with other districts.

⇒ Local school boards must have policies for school councils to follow when they need a waiver of local board policy, regarding how and where to keep council records, and that allows individuals to appeal a school council policy or decision.

SECTION (4)

In addition to the authority granted to the school council in this section, the local board may grant to the school council any other authority permitted by law. The board shall make available liability insurance coverage for the protection of all members of the school council from liability arising in the course of pursuing their duties as members of the council.

⇒ Local school boards may give additional authority to school councils. Liability insurance must be provided for school council members by the school board.

SECTION (5)

All school shall implement school-based decision making in accordance with this section and with the policy adopted by the local board pursuant to this section. Upon favorable vote of a majority of the faculty at the school and a majority of at least twenty-five (25) voting parents of students enrolled in the school, a school meeting its goal as determined by the Department of Education pursuant to KRS 158.6455 may apply to the Kentucky Board of Education for exemption from the requirement to implement school-based decision making, and the state board shall grant the exemption. The voting by the parents on the matter of exemption from implementing school-based decision making shall be in an election conducted by the parent and teacher organization of the school or, if none exist, the largest organization of parents formed for this purpose. Notwithstanding the provisions of this section, a local school district shall not be required to implement school-based decision making if the local school district contains only one (1) school.

⇒ All A-1 schools must implement school-based decision making. Schools that fall under one of three exemptions are not required to implement school-based decision-making. Those exemptions include being identified as a Priority School and lacking capacity to make change as determined by a Leadership Assessment [KRS 160.346(3)(a)], being a one-school district [KRS 160.345(5)], or having a Kentucky Board of Education exemption based on making achievement goals [KRS 160.345(5)].

⇒ If a school is performing above its threshold level requirement, and upon a vote to do so by a majority of the faculty and a majority of at least 25 voting parents, the school may apply to the Kentucky Board of Education for an exemption from the requirement for implementing SBDM for the current biennium.

⇒ In a one-school district, the decision for a school to have a school council is at the discretion of the local board of education. The school in a one-school district may have a school council, which acts as an advisory body to the board of education, operating only under board policy.

SECTION (6)

The Department of Education shall provide professional development activities to assist schools in implementing school-based decision-making. School council members elected for the first time shall complete a minimum of six (6) clock hours of training in the process of school-based decision making, no later than thirty (30) days after the beginning of the service year for which they are elected to serve. School council members who have served on a school council at least one (1) year shall complete a minimum of three (3) clock hours of training in the process of school-based decision making no later than one hundred twenty (120) days after the beginning of the service year for which they are elected to serve. School council member training required under this subsection shall be conducted by trainers endorsed by the Department of Education, and school council members shall complete the required training no later than thirty (30) days after the beginning of the service year for which they are elected to serve. By November 1 of each year, the principal, through the local superintendent, shall forward to the Department of Education the names and addresses of each council member and verify that the required training has been completed. School council members elected during a school year to fill a vacancy shall complete the applicable training within thirty (30) days of their election.

⇒ School council members who are elected for the first time must complete six hours of training in the implementation of school-based decision making within thirty (30) days of the first day of service. School council members who have served for one year or more must complete three hours of training in the implementation of school-based decision making within 120 days of the first day of the new term annually.

⇒ To effectively provide all Kentucky schools with high-quality professional development activities, KDE has trained district SBDM coordinators and various external providers in the policies and procedures for effective implementation of SBDM. These persons are endorsed to provide the required SBDM training for SBDM membership.

⇒ By November 1 of each year, school districts must submit training verifications to the Kentucky Department of Education.

SECTION (7)

A school that chooses to have school-based decision making but would like to be exempt from the administrative structure set forth by this section may develop a model for implementing school-based decision making including, but not limited to, a description of the membership, organization, duties, and responsibilities of a school council. The school shall submit the model through the local board of education to the chief state school officer and the Kentucky Board of Education, which shall have final authority for approval. The application for approval of the model shall show evidence that it has been developed by representatives of the parent, students, certified personnel, and the administrators of the school and those two-thirds (2/3) of the faculty have agreed to the model.

⇒ The Kentucky Board of Education must approve all alternative administrative structure models before they may be implemented.

⇒ An application is available for schools that wish to apply for an alternative administrative structure. The alternative model application process requires schools to involve administrators, teachers, parents and, if applicable, students and requires a two-thirds vote of the faculty to approve the model.

SECTION (8)

The Kentucky Board of Education, upon recommendation of the commissioner of education, shall adopt by administrative regulation a formula by which school district funds shall be allocated to each school council. Included in the school council formula shall be an allocation for professional development that is at least sixty-five percent (65%) of the districts per pupil state allocation for professional development for each student in average daily attendance in the school. The school council shall plan professional development in compliance with requirements specified in KRS 156.095, except as provide in KRS 158.649. School councils of small schools shall be encouraged to work with other school councils to maximize professional development opportunities.

⇒ School councils are allocated at least 65 percent of the local district professional development funds allocated based on per-pupil average daily attendance (ADA) figures for their school.

SECTION (9)

(a) No board member, superintendent of schools, district employee, or member of a school 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 established in KRS 158.645 and 158.6451 or to make decisions in areas of policy assigned to a school council pursuant to paragraph (i) of subsection (2) of this section.

(b) An affected party who believes a violation of this subsection has occurred may file a

written complaint with the Office of Education Accountability. The office shall investigate the complaint and resolve the conflict, if possible, or forward the matter to the Kentucky Board of Education.

(c) The Kentucky Board of Education shall conduct a hearing in accordance with KRS Chapter 13B for complaints referred by the Office of Education Accountability.

(d) If the State Board determines a violation has occurred, the party shall be subject to reprimand. A second violation of this subsection may be grounds for removing a superintendent, member of a school council, or school board member from office or grounds for dismissal of an employee for misconduct in office or willful neglect of duty.

⇒ Board members, school council members, superintendents, principals, teachers, counselors and any employees of the school district are prohibited from intentionally interfering with the rights of teachers, parents and principals to be involved in making decisions for schools that help students accomplish the educational goals.

⇒ Complaints under this section must be filed in writing with the Office of Education Accountability (OEA). The Kentucky Board of Education will use the process for conducting a hearing established by KRS Chapter 13B when a complaint is referred to the board from the Office of Education Accountability. The Kentucky Board of Education may reprimand the first violation. A second violation could be grounds for removal from office or grounds for dismissal of a school district employee for misconduct and willful neglect of duty.

SECTION (10)

Notwithstanding subsections (1) to (9) of this section, a school's right to establish or maintain a school-based decision making council and the powers, duties, and authority granted to school council may be rescinded or the school council's role may be advisory if the commissioner of education or the Kentucky Board of Education takes action under KRS 160.346.

⇒ The school council authority may be rescinded if the commissioner of education or the Kentucky Board of Education takes action under KRS 160.346 [Identification of School Council Needing Improvement]. This action takes place after completion of a Leadership Assessment.

SECTION (11)

Each school council of a school containing grades K-5 or any combination thereof, or if there is no school council, the principal shall develop and implement a wellness policy that includes moderate to vigorous physical activity each day and encourages healthy choices among students. The policy may permit physical activity to be considered part of the instructional day, not to exceed thirty (30) minutes per day, or one hundred and fifty (150) minutes per week. Each school council, or if there is no school council, the principal, shall adopt an assessment tool to determine each child's level of physical activity on an annual basis. The council or principal may utilize an existing assessment program. The Kentucky Department of Education shall make available a list of available

resources to carry out the provisions of this subsection. The department shall report to the Legislative Research Commission no later than November 1 of each year on how the schools are providing physical activity under this subsection and on the types of physical activity being provided. The policy developed by the school council or principal shall comply with provisions required by federal law, state law, or local board policy.

⇒ School council policy in an elementary school must permit moderate to vigorous physical activity every day, not to exceed 30 minutes per day or 150 minutes per week. Time for this required physical activity is considered part of the school day for each student.

⇒ Students with disabilities must receive accommodations and adaptations to allow them to participate with other students at a level that is appropriate based on the goals in their individual education plan as determined by the Admissions and Release Committee (ARC) at the school.

⇒ The school council must adopt an assessment tool that will be used to determine each child's level of physical activity on an annual basis, or it can approve a tool that is part of any existing school wellness program. The school council may ask for an annual report from the principal from all of the data that is gathered from the assessment tool. Data can be disaggregated for the school council's consideration.

Chapter 2

Other Kentucky Statutes Related to School Council Work

This chapter contains text of other Kentucky statutes that directly relate to SBDM council work. The actual text of the statute is located in the blocks throughout the chapter, divided and briefly explained. Statutory requirements are preceded by arrows and followed by implications.

KRS 157.360(5), (6), (14) and (15): Staffing Allocations

SECTION 5 (a), (b) and (c)

(a) Except for those schools which have implemented school-based decision making, the commissioner of education shall enforce maximum class sizes for every academic course requirement in all grades except in vocal and instrumental music, and physical education classes. Except as provided in subsection (5) of this section, the maximum number of pupils enrolled in a class shall be as follows:

1. Twenty-four (24) in primary grades (kindergarten through third grade);
2. Twenty-eight (28) in grade four (4);
3. Twenty-nine (29) in grades five (5) and six (6);
4. Thirty-one (31) in grades seven (7) to twelve (12).

(b) Except for those schools which have implemented school-based decision making, class size loads for middle and secondary school classroom teachers shall not exceed the equivalent of one hundred fifty (150) pupil hours per day.

(c) The commissioner of education, upon approval of the Kentucky Bard of Education, shall adopt administrative regulations for enforcing this provision. These administrative regulations shall include procedures for a superintendent to request an exemption from the Kentucky Board of Education when unusual circumstances warrant an increased class size for an individual class. A request for an exemption shall include specific reasons for the increased class size with a plan for reducing the class size prior to the beginning of the next school year. A district shall not receive in any one (1) year exemptions for more classes than enroll twenty percent (20%) of the pupils in the primary grades and grades four (4) through eight (8).

⇒ Local school districts use their board of education staffing allocation policies and processes to determine annually the number of staff for each school from local monies. District staffing allocations must be formula-based and follow procedures set forth in 702 KAR 3:246.

⇒ School-based decision making councils, as part of the decision making process outlined in KRS 160.345(2)(f), determine job classifications from the total number of staff allocated to the school each spring. Class size may increase beyond the recommended maximums based on this decision.

⇒ Primary grades are considered multi-aged. Primary staffing allocation is based on the total number of students in entry level (kindergarten) until they enter the 4th grade. Primary school is defined in KRS 158.031.

⇒ Secondary schools (grades 7-12) are allocated at 31:1 and must meet the 150 per-pupil hours. This also can be calculated at a 25:1 ratio without any additional discretionary staff. Maximum class size exemptions for non-SBDM schools only can be requested through the Division of Next Generation Professionals (502-564-1479).

SECTION 6

In grades four (4) through six (6) with combined grades, the maximum class size shall be the average daily attendance upon which funding is appropriated for the lowest assigned grade in the class. There shall be no exceptions to the maximum class size for combined classes. In combined classes other than the primary grades, no ungraded students shall be placed in a combined class with graded students. In addition, there shall be no more than two (2) consecutive grade levels combined in any one (1) class in grades four (4) through six (6). However, this shall not apply to schools which have implemented school-based decision making.

⇒ For blended classroom in grades four (4) to six (6), maximum class size is the lowest of the grade spans.

⇒ School-based decision making councils, as part of the decision making process outlined in KRS 160.345(2)(f), determine job classifications from the total number of staff allocated to the school each spring. Class size may increase beyond the recommended maximums based on this decision.

<u>Related Attorney General Opinions</u>

OAG 92-42

…..At present, fourth grade students may not participate in a joint class with ungraded students, due to a prohibition in KRS 157.360(*6*) which states in part:
In combined classes other than the primary grades, no ungraded students shall be placed in a combined class with graded students.
Note, however, that KRS 157.360(*6*) sets limits on class size for classes combining students from two or more grade levels, including grade 4…..

⇒ Students in grades four (4) through six (6) cannot be in a combined class with ungraded students. However, if the school council, through job classification and primary program determination, establishes a graded program, they may establish a combined class with grades one (1) through grade three (3).

SECTION 14

Except for those schools which have implemented school-based decision making and the school council has voted to waive this subsection, kindergarten aides shall be provided for each twenty-four (24) full-time equivalent kindergarten students enrolled.

⇒ Classroom paraeducators are provided for each 24 full-time equivalent kindergarten students.

⇒ School-based decision making councils, as part of the decision making process outlined in KRS 160.345(2)(f), determine job classifications for classroom instructional assistants, including kindergarten assistants.

SECTION 15

Effective July 1, 2001, there shall be no deduction applied against the base funding level for any pupil in average daily attendance that spends a portion of his or her school day in a program at a state-operated career and technical education or vocational facility.

⇒ For base funding of staff, the allocation cannot discount students who attend a vocational or career technical facility, including Area Technical Centers (ATC) any part of a school day.

KRS 158.031: Primary Program

SECTION 1 AND 2

(1) In this section, "primary school program" means that part of the elementary school program in which children are enrolled from the time they begin school until they are ready to enter the fourth grade. Notwithstanding any statute to the contrary, successful completion of the primary school program shall be a prerequisite for a child's entrance into fourth grade.

(2) The Kentucky Board of Education shall establish, by administrative regulation, methods of verifying successful completion of the primary school program in carrying out the goals of education as described in KRS 158.6451.

⇒ Primary school programs are avenues within an elementary school that contain students from the time they enter school until they are prepared for 4th grade.

⇒ Successful completion of the primary school program is outlined in 703 KAR 4:040. Districts must have procedures to verify successful completion of the primary program attributes prior to determining that a student is ready for grade 4.

SECTION 3

(3) The primary program shall include the following critical attributes: developmentally appropriate educational practices; multiage and multiability classrooms; continuous progress; authentic assessments; qualitative reporting methods' professional teamwork and positive parent involvement.

⇒ Primary programs are to be considered multi-age and multi-ability and must address the seven critical attributes outlined in the statute. Primary program is considered to be ungraded.

SECTIONS 4 and 5

(4) Each school council or, if none exists, the school shall determine the organization of its ungraded primary program including the extent to which multiage groups are necessary to implement the critical attributes based on the critical attributes and meeting individual student needs.

(5) The implementation of the primary program may take into consideration the necessary arrangements required for students attending part-time and will allow for grouping of students attending their first year of school when determined to be developmentally appropriate.

⇒ The school council, as part of the job classification decision making process, determines the structure of the primary school program.

⇒ Implementation of a primary program must take into effect students that attend school part time (i.e., those kindergarten students that attend half-day).

SECTION 6 AND 7

(6) A school district may advance a student through the primary program when it is determined that it is in the best educational interest of the student. A student who is at least five (5) years of age, but less than six (6) years of age, and is advanced in the primary program may be classified as other than a kindergarten student for purposes of funding under KRS 157.310 to 157.440 if the student is determined to have acquired the academic and social skills taught in kindergarten as determined by local board policy in accordance with the process established by Kentucky Board of Education administrative regulation.

(7) Data shall be collected by each school district on the number of students, in each school having a primary program, who take five (5) years to complete the primary program. The data shall be reported in the annual performance report described in KRS 158.6453.

⇒ The school district makes the determination as to whether or not a child may accelerate through the primary program.

⇒ A primary student may take up to five years to complete primary school before being considered as retained.

KRS 158.102: Library Media Specialist

SECTION 1

The board of education for each local school district shall establish and maintain a library media center in every elementary and secondary school to promote information literacy and technology in the curriculum, and to facilitate teaching, student achievement, and lifelong learning.

⇒ Each school must have a library media center.

SECTION 2

(a) Schools shall employ a school medial librarian to organize, equip, and manage the operation of the school media library. The school media librarian shall hold the appropriate certificate of legal qualifications in accordance with KRS 161.020 and 161.030. A certified school media librarian may be employed to serve two (2) or more schools in a school district with the consent of the school councils.

(b) If a vacancy occurs, the school council may fill the vacancy on a temporary basis by employing:

1. A person who is pursuing certification as a school media librarian in accordance with administrative regulations promulgated by the Education Professional Standards Board; or
2. A temporary employee for a period not to exceed sixty (60) days.

⇒ Each district must allocate to each A1 school a media librarian.

⇒ The employed media librarian must be fully certified. In the case of a vacancy, the school may fill the vacancy on a temporary basis.

⇒ Two or more schools may share a media librarian; however, each of the school councils must agree.

KRS 160.347: Removal of SBDM Members

SECTION 1

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 four-fifths (4/5) of the membership of a board of education after the recommendation of the chief state school officer 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.

⇒ There must be cause to remove a school council member, which should be presented to and documented in the minutes of the local board of education. The school council member must receive written notices of all proceedings and must be able to see any evidence that is presented.

⇒ The local board of education must notify the commissioner of education of any proceedings. If he/she concludes the charges are meritorious, he/she will then issue a recommendation to the local board to proceed with a hearing on the merits for decision by four-fifths vote.

KRS 160.348: Advanced Placement

SECTION 1

(a) The Kentucky Department of Education shall make available to middle and high schools information concerning the prerequisite content necessary for success in secondary courses, Advanced Placement or AP courses, and International Baccalaureate or IB courses. The department shall provide sample syllabi, instructional resources, and instructional supports for teachers that will assist in preparing students for more rigorous coursework. Instructional supports shall include professional development for assisting students enrolled in the Kentucky Virtual High School or other virtual learning settings.

(b) Each secondary school-based decision making council shall offer a core curriculum of AP. IB, dual enrollment, or dual credit courses, using either or both on-site instruction or electronic instruction through the Kentucky Virtual High School or other on-line alternatives. In addition, each school-based decision making council shall comply with any additional requirements for AP, IB, dual enrollment, and dual credit courses that may be established cooperatively by the Kentucky Department of Education, the Education Professional Standards Board, and the Council on Postsecondary Education in accordance with the definitions in KRS 158.007.

⇒ Every secondary school must offer Advanced Placement (AP), International Baccalaureate (IB), dual enrollment and/or dual credit courses either on-site or online.

⇒ School councils must comply with any additional requirements for Advanced Placement, International Baccalaureate, dual enrollment and/or dual credit that may be established by KDE, the Education Professional Standards Board and the Council on Postsecondary Education.

SECTION 2

Each secondary school-based decision making council shall establish a policy on the recruitment and assignment of students to AP. IB, dual enrollment, and dual credit courses that recognizes that all students have the right to participant in a rigorous and academically challenging curriculum. All students who are willing to accept the challenge of a rigorous academic curriculum shall be admitted to AP courses, including AP courses offered through the Kentucky Virtual High School and accepted for credit toward graduation under KRS 158.622(3)(a), IB courses, dual enrollment courses, and dual credit courses, if they have completed the prerequisite coursework or have otherwise demonstrated mastery of the prerequisite content knowledge and skills as determined by measurable standards. If a school does not offer an AP course in a particular subject area, the school shall permit a qualified student to enroll in the AP

course offered by the Kentucky Virtual High School and receive credit toward graduation under KRS 158.622(3)(a).

⇒ Each secondary school must have a policy on recruiting and assigning students to AP, IB, dual enrollment and/or dual credit courses. The school council policy must recognize that all students have the right to and should be encouraged to participate in AP, IB, dual enrollment and dual credit courses.

SECTION 3

Effective with the 2008-2009 school year and thereafter, students enrolled in AP or IB courses in the public school shall have the cost of the examinations paid by the Kentucky Department of Education.

⇒ The Kentucky Department of Education assumes cost for AP or IB course examinations.

Chapter 3

Bylaws and Policies

Frequently Asked Questions

Do school councils need bylaws?

Bylaws are written procedures that provide the structure for school council operations. They provide the direct methods in which to establish membership, conduct meetings, determine quorum, determine the decision-making method and method of recordkeeping.

What are the required SBDM policies?

School councils are required to have policy in the following areas:

- Determination of Curriculum – KRS 160.345(2)(i)1
- Assignment of Instructional and Non-Instructional Staff Time – KRS 160.345(2)(i)2
- Assignment of Students to Classes and Programs – KRS 160.345(2)(i)3
- Determination of the Schedule of the School Day and Week – KRS 160.345(2)(i)4
- Determination of Use of School Space – KRS 160.345(2)(i)5
- Planning and Resolution of Issues Regarding Instructional Practices – KRS 160.345(2)(i)6
- Selection and Implementation of Discipline and Classroom Management Techniques – KRS 160.345(2)(i)7
- Selection of Extracurricular Programs – KRS 160.345(2)(i)8
- Adoption of the Emergency Plan – KRS 160.345(2)(i)9
- Procedures for Determining Alignment with State Standards, Technology Utilization and Program Appraisal – KRS 160.345(2)(i)10
- Consultation Procedures– KRS 160.345(2)(i)11
- Committees – KRS 160.345(2)(c)2
- Advanced Placement, International Baccalaureate, Dual Enrollment, Dual Credit Courses (for secondary schools) – KRS 160.348(2)
- Wellness (for elementary schools) – KRS 160.345(11)
- Writing – KRS 158.6453(7)(c)

- Parent Involvement (for Title I funded school) – Elementary and Secondary Education Act, as Reauthorized as No Child Left Behind Act of 2001 (Section 1118)
- Wellness and Nutrition (for all schools that participate in the National School Lunch Program) – Healthy, Hunger-Free Kids Act of 2010

What are the decisions that school councils have the authority to make?

School councils are authorized to make decisions in the following areas:

- Principal Selection – KRS 160.345(2)(h)
- Number of Persons in each Job Classification – KRS 160.345(2)(f)
- Determining Textbooks, Instructional Materials and Student Support Services – KRS 160.345(2)(g)
- School Budget and Administration (based on board of education policies and procedures) – KRS 160.345(2)(g),
- Annually Review Data as Shown on State and Local Student Assessments and Program Assessments – KRS 160.345(2)(j),
- Professional Development Plans (based on board of education policies and procedures) – KRS 160.345(8), and
- Configuration of Flexible Grouping – KRS 158.031
- Primary Program (for elementary schools) – KRS 158.031(4)
- School Improvement Planning Process – KRS 160.345(3)(c)

Do school councils need to have a policy in all decision areas?

No, school councils are not required to have an adopted policy in all areas of decision making. However, in some cases, a policy or an adopted procedure can assist in the decision making process.

What if our school council policies are not being implemented?

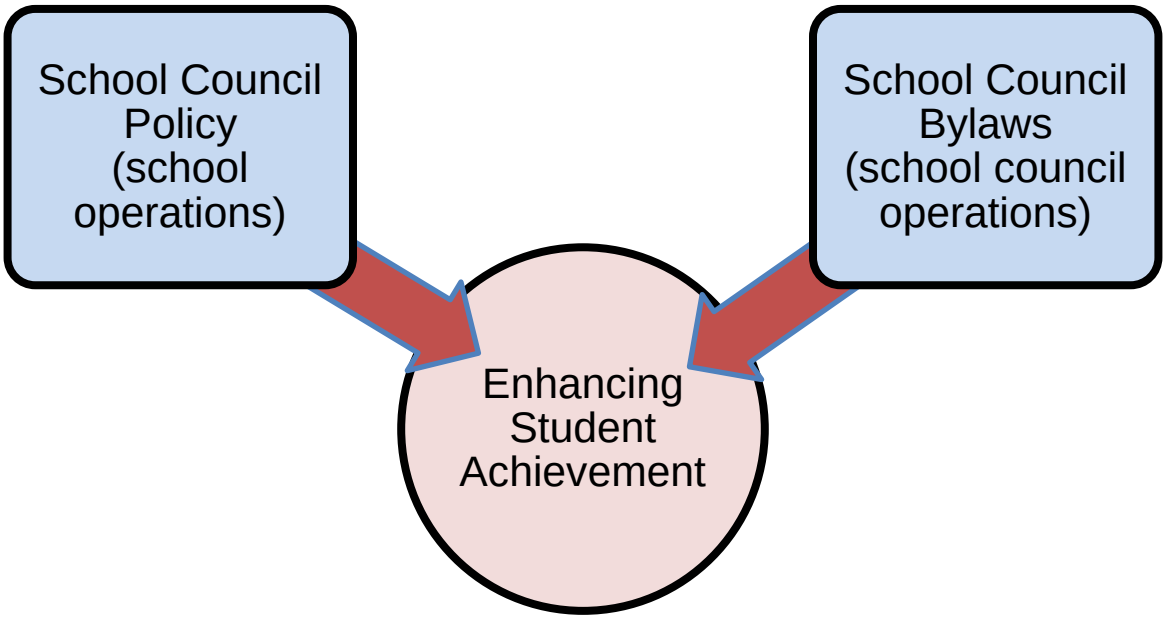
There could be many reasons school council policies are not being implemented. First, determine the problem and address it with the principal (or with the person who is required in the policy for implementation). If the issue cannot be resolved, the school council must put the issue on an agenda for discussion. The school council should not to discuss individuals, but only the school council policies being implemented.

Policies and Bylaws

What is the difference between bylaws and policies? The term *school council bylaw* is used for the operating rules the school council sets to conduct its work. This includes items such as calling meetings, reaching consensus, taking minutes and other operational activities.

The phrase *school council policy* refers to what the school council develops and adopts concerning how the school operates. This includes such items as curriculum development, determining school schedule and student use of technology in the school.

Bylaws are the rules, guidelines and procedures for school council operation. Policies are the rules, guidelines and procedures for school operation. Both should focus on enhancing student achievement.



Bylaws

School council bylaws make school council work more efficient, consistent, open and fair to all stakeholders. Often, situations arise where the school council's bylaws can help keep the meeting positive and productive.

Common issues relating to bylaws include the following:

- Bylaws cannot be found.
- Bylaws have not reviewed.
- Bylaws are not made available where they can be accessed readily.

Developing Sound School Council Bylaws

In developing, adopting and implementing sound school council bylaws, a school council should address the following issues within the text of the bylaws:

- The purpose or mission of the school council: Why has the school council been formed? What is the school council charged to do? [KRS 160.345(2)(c)1 and KRS 160.345 (2)(i)].
- The membership of the school council: Who is allowed to serve on the school council? How many members are on the school council? Will there be non-voting members? What are the qualifications for membership? [KRS 160.345(2)(a); KRS 160.345(7) and KRS 160.345(2)(b)1].
- The term of service: When will school council members' term begin and end? How many terms can a school council member serve? [KRS 160.345(2)(b)1].
- Elections: Do the bylaws call for the largest parent organization to establish its own procedures for electing parent school council representatives? Do the bylaws call for the teachers to establish their own procedures for electing teacher representatives? **NOTE:** School council bylaws **should not** include mandated procedures for elections. They may include dates for completing elections due to the mandated training required for all school council members. The bylaws may contain an appendix with the approved procedures as reference. [KRS 160.345(2)(b)1]; however, these may be amended annually by the teachers or the parent organization.
- Roles of the chairperson and vice chairperson of the school council: What is the role of the principal as school council chairperson? Who may serve as the school council vice chairperson? How is a vice chairperson selected? What are the responsibilities of the school council chairperson and vice chairperson? [KRS 160.345(2)(b)1].
- School council agenda preparation and distribution of materials: How are agendas prepared? How is input received from non-school council and non-committee members? How are meeting agendas distributed to members and non-members? What are the time frames related to preparation and distribution of agendas? [KRS 160.345(2)(d)].
- Decision making process: How are the decisions made? Are there procedures for when consensus cannot be reached or the vote is tied? What constitutes a quorum? **NOTE:** School councils must follow the requirements in Kentucky's Open Meeting statutes. [KRS 160.345(2)(e)].
- Record keeping process: Who will be the custodian of school council minutes? How are the minutes structured, approved, and distributed? To whom will the minutes be distributed? [KRS 160.345(3)(h); KRS 61.835].
- Public request for school council records: How are requests for public records granted? Are fees to be charged for copies of records? What are the procedures to be followed for the request? [KRS 61.870 to 61.884].

- School council communications: What is the communication network for the teachers, school administrators, district administrators, school board members, parents and/or the community? Will communications be planned for both inside and outside the school building as part of the planning process? Will there be publications from the school council? How are persons notified of meetings, agendas and minutes?
- Appealing a school council decision: What is the local board policy as it relates to the district appeals process? Does the appeals process include or require the affected party to file grievance(s) in writing? Does the appeals process include how hearings are scheduled? Are time frames for the hearings included? Is the appealing person allowed representation by legal counsel?

Policies

School council policies strengthen the school's efforts to improve student achievement.

Policies are:

- Written documents;
- Rules, procedures and guidelines;
- Standards for addressing specific situations; and
- Binding unless amended or repealed by the school council.

Policies are needed to:

- Ensure consistency and stability;
- Assist in clarifying expectations and eliminate confusion;
- Provide accountability; and
- Inform the public.

Policies need to:

- Contribute to raising student performance;
- Keep the focus on achieving your mission and goals; and
- Achieve the following purposes:
- Support and improve teaching and learning
- Lead to enhancing student achievement;
- Outline a common procedure;
- Provide guidelines; and
- Meet a legal requirement.

Avoiding Policy Pitfalls

Some policy pitfalls to avoid:

- Creating requirement for staff that may not lead to improved student achievement; focusing on compliance.
- Being reactive instead of proactive; writing a policy to address an issue that needs to be dealt with on a more individual basis or is already dealt with in another document.
- Writing every policy with the same amount or level of detail even if that much detail isn't required.
- Including too many monitoring requirements in the policy (It is important to look at all the monitoring requirements from all policies and the plan to see if there is an overload.).
- Setting up staff to be in violation of school council policies.
- Not communicating policies to staff, students and families.
- Failing to revise school council policies when changes are needed or required.
- Not clearly representing roles of all stakeholder groups.
- Running the school on a day-to-day basis.

Sound Policy Characteristics

It is important that sound policies contribute to the mission of the school. It is about helping school council members analyze and improve their own policies and bylaws.

Are the school council policies legal? Being within council responsibilities, not breaking any legal limits and explaining any related legal requirements.

Are the school council policies clear? Using simple wording, spelling out who will be responsible for each step and organizing to make it easy to find needed information.

Are the school council policies practical? Giving each person manageable responsibilities, having a timetable that can work and having a clear process for following up to ensure implementation produces good results.

Are the school council policies wise? Setting rules that make sense and support student achievement.

Is the school council policies focused on improving student achievement? Directly or indirectly policy focuses on improving teaching and learning in the school.

Do the school council policies support a positive school culture? By building relationships, teamwork and focusing on high expectations, school councils contribute to the culture of the school.

Required School Council Policy Areas

The required policies are as follows:

- Determination of **Curriculum** – KRS 160.345(2)(i)1
- Assignment of Instructional and Non-Instructional **Staff Time** – KRS 160.345(2)(i)2
- **Assignment of Students** to Classes and Programs – KRS 160.345(2)(i)3
- Determination of the **Schedule of the School Day** and Week – KRS 160.345(2)(i)4
- Determination of Use of **School Space** – KRS 160.345(2)(i)5
- Planning and Resolution of Issues Regarding **Instructional Practices** – KRS 160.345(2)(i)6
- Selection and Implementation of **Discipline and Classroom Management** Techniques – KRS 160.345(2)(i)7
- Selection of **Extracurricular Programs** – KRS 160.345(2)(i)8
- Adoption of the **Emergency Plan** – KRS 160.345(2)(i)9
- Procedures for Determining **Alignment with State Standards**, **Technology Utilization** and **Program Appraisal** – KRS 160.345(2)(i)10
- **Consultation** Procedures– KRS 160.345(2)(i)11
- **Committees** – KRS 160.345(2)(c)2
- **Advanced Placement**, International Baccalaureate, Dual Enrollment, Dual Credit Courses (secondary) – KRS 160.348(2)
- **Wellness** (elementary) – KRS 160.345(11)
- **Writing** – KRS 158.6453(7)(c)
- **Parent Involvement** (for Title I School) – Title I, Part A (Section 1118)
- **Wellness and Nutrition** (for all schools that participate in the National School Lunch Program) – Healthy, Hunger-Free Kids Act of 2010

In addition to the areas where school councils are required to have adopted policies, the same law creates areas where school councils must make decisions. Implied with the charge to make the decision is the responsibility to establish procedures on how that decision will be made.

- **Principal Selection** – KRS 160.345(2)(h)
- Number of Persons in each **Job Classification** – KRS 160.345(2)(f)
- Determining **Textbooks**, **Instructional Materials** and **Student Support Services** – KRS 160.345(2)(g)

- School **Budget** and Administration (based on board of education policies and procedures) – KRS 160.345(2)(g),
- Annually **Review Data** as Shown on State and Local Student Assessments and Program Assessments – KRS 160.345(2)(j),
- **Professional Development** Plans (based on board of education policies and procedures) – KRS 160.345(8), and
- Configuration of **Flexible Grouping** – KRS 158.031
- **Primary Program** (elementary) – KRS 158.031(4)

- School **Improvement Planning** Process – KRS 160.345(3)(c)

Chapter 4

Roles for School-based Decision Making Stakeholders

Frequently Asked Questions

What are the responsibilities for a district SBDM Coordinator?

The district SBDM coordinator role is two-fold:

- As a liaison between the district central office and the school councils; and
- As a liaison between the district and the Kentucky Department of Education.

What are the responsibilities of SBDM members?

Chairperson: The position of the chairperson for a school council is the school's principal [KRS 160.345(2)(b)]. The chairperson's role is of facilitator, gatekeeper and organizer. When working together at a school council meeting, all school council members are equal. The position of chairperson, and the roles and responsibilities for the position, are left to each school council to decide. It is the responsibility of the chairperson to strive for efficiency and productivity from school council members. Chairpersons keep everyone focused on the objectives and the collective energy of the group moving toward solutions in an orderly fashion. Chairpersons are charged with working with the school council and its committees to help the school exceed its threshold level of student performance.

Teacher Representatives: Teacher representatives make up the majority for the school council. Teacher representatives, in order to assist the effectiveness of the school council should:

- Increase understanding of school management to ensure they're meeting the changing educational needs of students
- Be familiar with the statutes that govern school-based decision making
- Serve on a variety of school council committees
- Maintain a good and working relationship with staff, families and administrators
- Be decisive on issues that are in the best interest of all the students
- Devote the time necessary to understand how the present school council is managing the school, especially in areas of curriculum, instruction, scheduling of staff time, student placement, space allotment, budget and personnel
- Be "team players" and value the opinions and perspectives of other faculty and families

- Understand the link between school councils and successful school management.

Parent Representatives: SBDM is an opportunity for families to work in harmony with teachers and school administrators toward establishing goals for student success. Parent representatives serving on the school council should:

- Be aware of all assessments administered to students and the school's results
- Understand how the school functions
- Accept that the school cannot change overnight
- Understand the school council structure including the structure and functions of the school council committees
- Be willing to make the time commitment necessary to be an effective member of a school council
- Promote communication and exchange of information
- Understand that the school council has not replaced the role of the school principal.

Roles and Responsibilities of District Personnel

As the case with any educational initiatives, roles and relationships for schools and central office staff merge for the initiative to be implemented successfully. Given the authority granted to school councils, it is critical that central office administrators recognize the nature of their roles.

Superintendent: The superintendent is charged with leading his or her district. The success or failure of the district ultimately rests on this person's shoulders. Leadership styles vary, and what may work in one district may or may not work in another. The superintendent's leadership has significant impact on how principals and teachers feel about the value school-based decision making in a district. For SBDM to be successful, the superintendent needs to display genuine support for this process.

Several things that a superintendent may do to demonstrate support and value for shared decision making include:

- Open the communication lines between schools and district to foster an environment where trust can grow.
- Have a process in place for information sharing between school councils and the central office to keep everyone informed and focused on student achievement.
- Inform school councils of applicable statutes and regulations to help assure that school councils are informed of their responsibilities.
- Keep school boards, community stakeholders, parents and families, central office staff and others informed about the role of school councils.
- Keep board of education policies updated to support school-based decision making.

- Support and provide training opportunities for school councils.

Finance Officer: One responsibility that school council has is developing the school's budget. The finance officer can play an important role in helping school council members learn how to work with a budget. Through training and consultation, school council members will be better equipped to handle the distribution of school funds for programs and initiatives.

Ways that the district finance officer can assist are:

- Help school councils follow bid statutes and regulation relating to spending educational dollars.
- Inform the school council about all statutes and regulations to follow while targeting discretionary funds to meet program needs.
- Provide school councils with updates and balances frequently during the year. This may be in the forms from MUNIS or other budgeting software.

Technology Coordinator: The district technology coordinator can provide valuable information to the school councils.

- Share information with the school council members to bring the school council up to date on what has been done by other schools in the district.
- Advise the school council of the role it might play to encourage the continued progress of moving the school into current technology standards.
- Address questions and concerns regarding technology and its use in the school including appropriate usage.
- Respond to the school council's request for technology.

Curriculum Specialist/Director of Instruction: The SBDM statute spells out areas in which the school council is directly responsible [KRS 160.345]. Many of these, in one form or another, deal with curriculum and instruction. The curriculum specialist/director of instruction can assist school councils by bridging the information gap regarding curriculum and assessment expectations. The school council's understanding of the assessment process will help them make critical decisions that affect curriculum.

The curriculum specialist/director of instruction may:

- Provide current research in the areas addressed in state and federal statutes;
- Provide information regarding the primary program;
- Provide information regarding educational goals;
- Provide information on programs with best practices;
- Provide information on instructional strategies;
- Advise school councils of state regulations and policies that relate to curriculum;
- Assist school councils to promote student achievement in their schools;

- Encourage school councils to make sound decisions about key curriculum issues; or
- Explain the district's benchmark assessment plan, including the analysis of the data.

Personnel Director/Human Resource Director: School councils play a key role with personnel. As part of the SBDM statute, school councils are consulted on personnel vacancies within their schools, and they select a principal when a vacancy occurs. Because the school council has this responsibility, the personnel director/human resources director can be helpful.

The director may:

- Make school councils aware of federal and state statutes and regulations regarding personnel issues;
- Offer training in personnel statutes and regulations so that school councils will not find themselves in violation;
- Assist the school council when a need for screening candidates or reviewing background checks occurs; and
- Provide training and technical assistance in other personnel-related areas to assist school councils as they work in areas involving personnel.

Special Supplemental Programs Coordinator: Special supplemental programs include those programs funded with state or federal funds or grants (e.g., Title I, special education, Extended School Services, Professional Development). Special supplemental programs, depending on the district, may involve one or more persons.

Person(s) who oversee special supplemental programs can assist the school council by:

- Offering to meet with the school council throughout the year to keep school councils apprised of how the supplemental programs operate and how they fit into the instructional program;
- Opening communication to keep school councils informed regarding state and federal regulations and how these programs support the school's needs; and
- Providing examples of successful practices for special needs populations that are being served.

Responsibilities of the School Council Chairperson

The position of the chairperson for a school council is the school's principal [KRS 160.345(2)(b)]. The chairperson's role is of facilitator, gatekeeper and organizer.

Facilitating School Council Meetings: School council discussions and decisions should focus on student achievement. If the topic at a meeting does not affect student achievement, then the topic does not belong at a school council meeting.

Here are some tips for chairpersons to assist in facilitating a meeting:

- Distribute agendas and related materials prior to each school council meeting so that members can review and think of issues ahead of time.
- Cover the items on the agenda, but schedule time to hear other items that need to be discussed and/or placed on future agendas. The quickest way to anger a participant or damage the credibility of the school council is to tell someone that he or she cannot be heard. However, use good judgment concerning the topics.
- Always begin on time, but never cut off an individual or a productive discussion. If the discussions need to be continued, schedule a special meeting or place on the agenda of the next regular meeting.
- Encourage everyone to participate. As the school council uses consensus decision making, the only way to determine whether consensus is met is to hear everyone's opinion.
- Treat representation from constituencies seriously. Encourage others beyond the membership of the school council to attend meetings.
- Always strive for consensus. Only under the most urgent of circumstances, or where required by state statute, should a vote be taken.
- Keep the meeting proactive. Maintain the focus and direction of the group. Encourage the group to feel ownership and take responsibility for the group decision. Promote the win-win approach to consensus.
- Have someone other than the chairperson take the meeting minutes. It is recommended, but not required, that someone other than a school council member take the minutes.
- At the conclusion of a meeting, have the person who kept the minutes recap aloud what will go in the minutes.
- Be neutral when presenting topics for discussion. Have your own plans or ideas ready in case no one else has ideas. At times, difficult concepts are best approached with a proposal rather than starting from scratch.
- When there is a difference of opinion, look for "common ground" and call this to everyone's attention.

Set Ground Rules/Norms: Ground rules or norms can be a facilitator's tool for keeping order and focus in a school council meeting. Effective ground rules that all school council members agree to live by will help the school council avoid conflict and personalizing issues that need to be discussed openly. Ground rules are set by the school council and prominently displayed. Visitors should be made aware of the behaviors expected of school council members and visitors during school council meetings. A sample set of ground rules is on the next page.

XYZ High School SBDM Council Norms

Everyone attending the school council meeting agrees to:

- Communicate and maintain a positive attitude and respect for each member and point of view.
- Use proactive problem solving.
- Seek feedback about and evidence of school council effectiveness from internal and external sources.
- Respectfully approach a school council member and discuss violation of agreed norms.
- Strive to follow XYZ High School's Bylaws and ABC County Board of Education Policies.
- Be fully present at meetings by becoming familiar with materials and being attentive.
- Work together as a community that values consensus rather than majority rule.

The Role of SBDM Coordinator

The SBDM district coordinator provides guidance to school councils in the implementation of the SBDM statute. This person should be available to school councils to answer questions and to provide guidance on the decisions made.

SBDM district coordinators should:

- Know the latest information on SBDM statutes, regulations and Attorney General's Opinions and share information with school councils.
- Coordinate assistance for the school councils with other district central office staff.
- Develop a *Council of Councils* in the district.
- Inform school councils about requirements in school board policies.
- Review and maintain copies of school council policies, bylaws, improvement plans, minutes and other related documents.
- Encourage school councils to inform and involve minority families on the school council, on school council committees and in school initiatives.
- Provide required annual training and on-going professional development.

***Sample* SBDM Coordinator Job Description**

School Council Membership

- Ensure that school council elections are completed accurately and in a timely manner.

- Ensure that, if applicable, minority membership is represented on the school council.

Training and Training Verification

- Coordinate and verify each school council member's required training.
- Provide guidance in selection of experienced member training sessions to individual schools and school council members.
- Complete and submit the school council training verification to KDE by November 1.

Collaboration and Support

- Attend school council meetings on a regular and rotating basis.
- Review and maintain copies of all school council adopted policies and bylaws.
- Review and maintain copies of all school council and their committees' minutes and agendas.
- Assist school council chairs with the requirements for Open Meetings and Open Records statutes.
- Disseminate information about SBDM to each school council member, to teacher leaders, to district personnel, and to school board members.
- If applicable, coordinate and foster a districtwide Council of Councils.
- Foster a collegial, collaborative, and supportive environment between the school councils and the district staff.

Finance

- Understand and explain the districts school council allocation formula to school councils.
- Collaborate with the district finance officer to assist school councils in understanding categorical program funds and grant opportunities that are available to supplement the school's basic programs.

Chapter 5

School Council and Boards of Education

Frequently Asked Questions

Who sets graduation requirements?

Local boards of education set graduation requirements in board policy and issue diplomas to students who meet these requirements. The school council cannot add or delete any graduation requirements without board of education approval.

Who determines valedictorian/salutatorian?

Local boards of education, through board policy, determine the process or procedure for selecting valedictorian and salutatorian. However, boards of education may delegate this process to a school council.

SBDM Council and Local Board of Education Collaboration

The local board of education is the main policy maker for the school district. Boards of education styles vary, and what may work in one district may or may not work in another. The leadership role of the local board has significant impact on how schools and the community feel about the value of school-based decision making in a district. For SBDM to be successful, the local board needs to display genuine support for this process.

The local board of education may do several things to demonstrate support and value for shared decision making. These include:

- Opening the communication lines between school councils and the local board to foster an environment where trust can grow.
- Having a process in place for information sharing between school councils and the school board to keep everyone informed and focused on student achievement.
- Ensuring board of education policies are updated to support school-based decision making.
- Providing resources adequate to meet the needs of the schools.

SBDM Annual Presentation to the Local Board

KRS 160.345(2)(a) allows for local boards of education to adopt a policy or procedure that may include a requirement that each school council make an annual report at a public meeting of the local board describing the school's progress in meeting the educational goals. Having this policy or procedure is an option for districts; however, the annual presentation to the local board allows for schools and school councils to showcase its achievements and present needs. This presentation will provide school boards with knowledge and data that can be used during the allocation and budgeting cycle.

Local Board of Education SBDM Policies

Local boards of education must adopt policies to address the implementation of SBDM within their district. Based on KRS 160.345(3), the policies must address:

- School budget and administration, including discretionary funds, activity and other school funds; funds for maintenance, supplies, and equipment; and procedures for authorizing reimbursement for training and other expenses;
    - Local boards of education must have policies in place that describe how funds will be allocated to school councils and what fiscal procedures will be used in the district. Board policies must describe a procedure for reimbursing council members for training and other expenses related to their duties as school council members.
- Assessment of individual student progress, including testing and reporting of student progress to students, parents, the school district, the community, and the state;
    - Local boards must have a policy for school councils to follow regarding how individual student progress will be assessed and what testing and reporting methods will be used in the district.
- School improvement plans, including the form and function of strategic planning and its relationship to district planning as well as the school safety plan and requests for funding from the Center for School Safety under KRS 158.446;
    - Local boards must have a policy for school councils to follow regarding the format to use for planning and how school plans are related to district plans. This includes a policy for professional development.
- Professional development plans developed pursuant to KRS 156.095;
- Parents, citizen, and community participation including the relationship of the council with other groups;
    - Local boards must develop a policy for school councils to follow on how parents and community members can participate in school council initiatives and activities as well as a policy for the school council to follow on how personnel, parents and students cooperate and collaborate within the school district and with other districts.

- Cooperation and collaboration within the district, with other districts, and with other public and private agencies;
- Requirements for waiver of district policies;
- Requirements for record keeping by the school council; and
- A process for appealing a decision made by a school council.
- Local boards must have policies for school councils to follow when they need a waiver of local board policy, regarding how and where to keep council records, and that allows individuals to appeal a school council policy or decision.

Chapter 6

School Council Elections

Frequently Asked Questions

What does the SBDM statute say about elections?

A school council consists of three (3) teachers, two (2) parents, and the school principal. Teachers elect teacher representatives and parents elect parent representatives.

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

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

What are the guidelines for absentee balloting?

Teachers and parents may establish absentee balloting procedures. As a note, the Kentucky Board of Elections does not recognize telephone, email or fax as an official method of voting. Voting must be done in person.

What about our school council's by-laws on elections?

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

What is the principal's role in elections?

Other than conducting the additional election for the minority teacher and parent representative in the event the school is required to conduct such an election, principals are not given a role by statute in school council elections. Principals can assist the teachers or parents, if requested to do so, with logistics (e.g., opening the building, providing space in the building, assisting parents and/or teachers with communicating election meeting times and dates). Principals should not be involved in setting or monitoring election procedures, nominations, balloting, or counting votes.

What election documentation should be retained and why?

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

location. The principal is the custodian of records for the school, and must keep the official records from the parent and teacher elections for at least three years.

How long is a school council members' term of service once elected?

SBDM council teacher and parent members are elected to one-year terms. However, a school council, once elected, may adopt an operating procedure or bylaw establishing terms of service for parent and teacher representatives subsequently elected. The new terms will not apply to the school council that establishes them. [KRS 160.345(2)(b)1]

What is the definition of relative?

A relative, as defined in statute, includes father, mother, brother, sister, husband, wife, son, daughter, aunt, uncle, son-in law and daughter-in law. [KRS 160.345(1)(c)]

Who is eligible to run for teacher council representative?

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 serve as a teacher representative on the school council and to vote in a school council election.

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.

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

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

Can a teacher who also has a child enrolled at the school in which they serve run for school council?

A teacher, who has a child as a student at the school where they teach, may only serve as a teacher representative on the school council and not as a parent representative.

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

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

Can a school counselor serve on a school council?

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

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

While a teacher is on leave of absence, the teacher is considered a school district employee and is not eligible to participate in school council elections. A teacher 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.

Can an itinerant teacher vote and serve on a school council?

Any teacher assigned to the school for any part of the school day is eligible to vote and serve on the school council.

Who is eligible to run for parent school council representative?

To be eligible to serve on the school council, parent candidates must have a student enrolled or preregistered to attend the school for the year they will be serving on the school council. The candidate must be a parent, stepparent, foster parent, or a person who has legal custody of a student pursuant to a court order and with whom the student resides. The candidate cannot be an employee of the school in which that parent serves or be a local board member or their spouse.

If a parent is a bus driver or substitute teacher within the district, they may continue to serve the district in that capacity while running for school council. If the parent is elected to the school council, they may not work in the school where they serve as the parent representative on the school council.

Can a parent volunteer in the school serve as a parent representative on the school council?

If the parent is a volunteer in the school, they may serve on the school council as a parent representative. 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.

Can both parents serve as parent representatives on a school council?

Both parents may serve as parent representatives on the same school council.

What is the definition of *minority*?

A minority is defined as: American Indian; Alaskan native; African-American; Hispanic, including persons of Mexican, Puerto Rican, Cuban, and Central or South American origin; Pacific Islander; or other ethnic group underrepresented in the school. [KRS 160.345(1)(a)]

How does KDE determine if a school council needs minority representation?

Minority representation is determined by the data reported to KDE as part of the Superintendents Annual Attendance Report (SAAR). The data from this document is calculated for the purpose of determining the number of minority and the official count of students enrolled in a school. However, a district may calculate and determine minority percentage using other verified data sources including Infinite Campus. If a district choses this route to determine minority percentages, they are required to keep all documentation of the calculation in the SBDM Office for five (5) years.

Who conducts the election for additional minority members?

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

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

The candidate who wishes to be elected to the school council as a minority representative on the school council must be the minority.

When must a school have an election for minority representatives?

If a school has 8% or more minority enrollment, the school must have minority representation on the school council. If a minority member is elected to the school council in the initial parent or teacher elections, or if the principal is a minority, then the school council is not required to elect additional minority members. Otherwise, additional elections to select a minority parent and a minority teacher must be held.

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

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

If only one minority teacher is on staff, teachers must select and offer the position. The minority council member may remain on the council until the next election. If the only minority teacher is unavailable or unwilling to serve on the council, the position is listed as vacant. A non-minority teacher cannot be substituted to serve as a minority representative.

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

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

School Council Elections

Representatives of the school council are elected by their constituent groups to create policies to enhance student achievement. According to KRS 160.345, the school council statute, the composition of a school council is three (3) teachers, two (2) parents and one administrator. The membership of the school council may only be increased proportionately, unless an alternative model is filed and approved by the Kentucky Board of Education. Prior to the elections being held for the parent and teacher representatives to the school council, it is important that members understand that training of school council members is mandated [KRS 160.345(6)]. This requires new school council members to obtain six hours of training in the implementation of school-based decision making and requires experienced school council members to obtain three hours of training in the implementation of school-based decision making.

Teacher Elections

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. Teacher representatives must be elected by a majority vote of all the teachers assigned to the building (e.g., if the building has 30 teachers, then a teacher candidate must have 16 votes -- one-half plus one -- to be elected).

The teachers in the building should determine the process to elect the teacher representatives of the building. This process should address the following:

- Nomination process: How will persons 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?

The custodian of records should keep documentation of the election process including ballots and tallies for the election. These most often are placed and sealed in a labeled envelope 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.

Parent Elections

To be eligible to serve on the school council, parents must have a student enrolled or preregistered to attend the school for the year they will be serving on the school council. Additionally eligibility requirements are as follows:

- The definition of parent has defined to include parent, stepparent, foster parent and/or a person who has legal custody of a student.
- A parent representative on the school council shall not be an employee of the school in which that parent serves, nor shall the parent representative be an employee or a relative of an employee in the district administrative offices
- A parent representative shall not be a local board of education member or member's spouse.

Parents must be elected by plurality vote. The largest parent organization of the school will conduct the election for parent representative to the school council. In determining procedures for their elections, consideration should be given to the following:

- 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?
- The custodian of records should keep documentation of the election process including ballots and tallies for the election. These most often are placed and sealed in a labeled envelope 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.

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.

If, after soliciting nominations, no one is willing to serve as either parent or teacher minority member, then that seat on the school council will be noted as vacant. If this happens, when someone is willing to fill the position, an election will be held at that time.

Terms of Office

By statute [KRS 160.345(2)(b)1] the terms of office for SBDM members is one (1) year. However, the school council can determine the length of the terms of office. A school council, once elected, may adopt a policy setting different terms of office for parent and teacher members subsequently elected.

If a vacancy occurs on a school council during the term of office, the following may occur:

- An election can be held to fill the position.
- If the original election procedures have been set up to allow a candidate to be elected as an alternate, the alternate may fill the position. This must be part of the original procedures and must follow the requirement of the election.

It is important that the school community understand that this procedure is established to finish the term of the vacancy, not a full length of the term.

Election Documentation

Ballots and any other documentation (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.

Sample Election Protocols

Look more closely at election procedures at your schools. Are they comprehensive? Are there loopholes? Are the steps clear? Do election procedures address the following?

- Nomination Process:
  - How will persons be nominated?
  - What will the timelines be?
  - How will the ballot be prepared once nominations are made?
- Voting:
  - How will the voting process take place and under what time frame?
  - 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 the election be monitored?
  - How will candidates be notified of the results?
  - How will "tie votes" and candidates not receiving a majority of all the eligible votes be handled?

    - Will absentee ballots be accepted, and how will those be handled in the case of a runoff?
- Procedures for determining representative:
    - 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 this is needed?
- Vacancies:
    - What are the procedures of notification and voting for vacant positions?

Sample **Election Procedures**

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

Sample **Procedures for Teacher Members of the SBDM School Council**

A certified teacher volunteering during a faculty meeting will follow these steps for the General Election to fill teacher members on the SBDM School Council.

1) Copies of the Duties and Responsibilities of a SBDM School Council member will be 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 begin and throughout the nomination window.
2) Nomination forms will be created and placed in teachers' school mailboxes. 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.
3) The nomination period will be open for 14 days prior to formation of the ballot. All nominees will be asked if they will accept the position if elected before drafting the ballot.
4) A copy of the ballot will be posted in the main office, the library media center, the teacher's workroom, beside teacher mailboxes and beside every copier at least 48 hours before voting. Designated teacher will send out a list of nominees' names via e-mail.
5) Ballots will be distributed at a called faculty meeting. Nominees will be allowed to share with the faculty why they want to serve on the council. No more than 5 rounds of voting will be held at this called meeting.
6) Absentee ballots must be requested 24 hours before voting. Request must be made in writing to the designated teacher.

7) Absentee ballots will be marked as an absentee ballot and returned in a sealed envelope to the designated teacher. A sign in sheet will indicate receipt of the absentee ballot (i.e., signature of the voting teacher and the designated teacher, required for verification.)

8) Teachers will be elected by a majority (i.e., more than half) of all teachers who are assigned to the school for any part of the school day.

9) A 3-member team will count votes before any faculty member is allowed to leave the meeting in case of a tie vote or candidates do not garner enough votes for majority additional voting is necessary. The 3-member team for each round of elections will count absentee votes.

10) In case of a tie vote or candidates do not garner enough votes for majority, the nominee with the least amount of votes in round one, will be removed from the ballot. The same process will be used through round 5.

11) If needed, additional day of voting will be set for 2 days after the first day of voting. Subesequent voting days, teachers will report to election site, sign in to receive a ballot, vote, place ballot in box and then be allowed to leave.

12) At the conclusion of the elections, the nomination forms and ballots will be sealed in an envelope and given to the principal.

Sample Procedures for Parent Members of the SBDM School Council

The PTO secretary will follow these steps for the General Election to fill parent members on the SBDM School Council.

1) 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, on the front door of the school at least 48 hours before the nominations begin and throughout the nomination window.

2) Nominations 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.

3) The nomination period will be open for 14 days prior to formation of the ballot. All nominees will be asked if they will accept the position if elected before drafting the ballot.

4) 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.

5) Ballots will be available on the day of the election from 7 AM to 7 PM at the school. The PTO president will appoint two (2) parents who are not on the ballot or on the PTO board to man the ballot station at all times. No absentee ballots will be accepted.

6) Parents are required to show identification at the election site and sign-in next to their child's name.
7) Parents are elected by majority vote. The top two (2) 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.
8) 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, stepparent, 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"

Chapter 7

Requirement for School Council Member Training

Frequently Asked Questions

What annual training is required of school council members?

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

When should school districts submit SBDM training verifications?

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

Who can conduct school council member trainings?

Trainers endorsed by KDE must conduct school council training.

Can a teacher representative on a school council include the mandatory SBDM training as part of the required professional development hours?

Yes, school council training can be included as part of the district's professional development requirement [KRS 156.095(3)(c)].

Can an SBDM member fulfill the training requirement with an online course?

School council members, as well as other stakeholders, have access to online SBDM training provided through Kentucky Educational Television. Sessions are available for both new and experience members.

What training documentation must be submitted to KDE?

KDE requires scanned copies of the sign-in sheets to be sent to the SBDM Mailbox. These sign-in sheets are verifications of the required training that KDE must maintain for records. KDE also conducts a cross-reference with the annual district training verifications.

I'm having technical issues with the online course. Who can I contact for assistance?

Kentucky Educational Television (KET) conducts the online courses. For technical assistance, you will need to contact them at (859) 258-7271 or at education@ket.org (Education services) or (859) 258-7259 or at viewerservices@ket.org (TV and Online Services).

School Council Required Training

School council members who are elected for the first time must complete six hours of training in the implementation of school-based decision making. Those school council members who have served for at least one year or more must complete three hours of training in the implementation of school-based decision making annually.

KRS 160.345(6) requires new school council members to receive a minimum of six hours of training no later than 30 days after the beginning of the service year in which they are elected to serve. Experienced members must receive a minimum of three hours of training no later than 120 days after the beginning of the service year in which they are elected to serve.

New SBDM members must take the course, *Introduction to SBDM*. Completion of the course will meet the requirement of the six-hour required training. This course can be completed in a face-to-face session or online with KET.

Experienced SBDM members may complete their three-hour training requirement by completing any of the following options:

- Face-to-face sessions: *Parent and Community Engagement*, *Bylaws and Policies*, *SBDM Budget Issues, Advanced SBDM, Closing Gaps* or *Continuous Improvement Planning*
- Online sessions: *Transforming Education in Kentucky*
- Approved sessions from partner organizations: Kentucky Association of School Councils (KASC), Governor's Commonwealth Institute for Parent Leadership (GCIPL), or the TELL Survey session

All mandated training must be conducted by a Kentucky Department of Education (KDE) endorsed trainer and be documented at the school and district levels. Training provides the school council members with knowledge of the SBDM and related statutes and the school council's role in the school. School councils also are encouraged to obtain additional training in areas such as budgeting, personnel and school improvement planning.

Note that the district or school cannot use federal funds nor can a school or district require a school council member to pay for the required training. Training specifically designed for principal selection does not meet the training requirement.

Criminal Records and Background Checks for School Council Members

A parent school council representative must submit to a criminal fingerprint background check by the Kentucky State Police and the Federal Bureau of Investigation [KRS 160.380(10)]. The results of the background check are sent to the school district superintendent.

Chapter 8

Communicating with Families and the Community

Research has shown that when families and community members are welcomed into the school and become a part of the school's daily business, student achievement improves. School councils must actively seek the involvement of families and community members and consistently try to bring them into the daily work of the school.

Planning for Communication

School councils may wish to include some of the following activities in their action plans:

- Establish a volunteer program for parents and community members that give volunteers specific and meaningful tasks.
- Ask for volunteers with specific interests, hobbies or jobs that they would be willing to share with students as a classroom resource.
- Involve civic clubs, businesses and community organizations in school projects. Ask for tier help and resources for specific school events (e.g., career days, science fairs).
- Ask local businesses to set up activities with groups of students to simulate real-life learning experiences.

Involving Families and the Community

Involving others in school council work is important. Groups that have close ties to the school (e.g., PTA/PTO, student council) can assist with information sharing and volunteer at important events. This creates an open environment and eliminates feelings of competition between groups. Some types of activities that could be shared are:

- Committee participation;
- Presentation of the school improvement plan to families and the community;
- Brochures, newsletters and other publications;
- Surveys to families, teachers, students and the community;
- Priority setting for the school budget and instructional materials; or
- Awards and recognition for students, families and school faculty.

Informing Families and the Community

School councils must work on ways to spread information to the school community. School councils may use these ideas:

- Each school council member could enlist three to five people to be *key* communicators. These people should be those in the community who are in daily touch with many people. They might include grocers, bankers, librarians, hairdressers and many others. Information could be communicated to these key people, and they can help share information about the school with the families and in the community.
- A school directory is a good way to communicate about your school, its programs, staff, special features, school council members and the school's objectives for the upcoming year.
- Cover school council and school activities in a newsletter published at regular intervals during the school year.
- Ask teachers and parents to volunteer to make presentations to the board of education, family groups, civic groups and others about good things that are happening at the school.
- Post the minutes of school council meetings in a prominent place in the school, and distribute them widely.
- Communicate with high school families through the high school's student newspaper. The school council's student representative could write articles about what the school council is doing, or a regular reporter could cover school council meetings.
- Set up a school council booth at back-to-school nights or events, school open houses and family orientation sessions. Let families know they can serve as school council members or on a school council committee.

Building Community Support

In addition to support from families, school councils need support from their community. In order to build community support, creating opportunities for community input and listening when input is received is extremely important. Ways to maximize communication with the community include:

- Canvass the community and make a list of groups. Some groups could be senior citizens, parents of preschoolers, non-parents, parents of private school students, special interest groups, religious groups, minority communities, social service agencies and civic club members. Assign one school council member to each group as a key contact person. Make sure each group is considered in all surveys done by the school council.
- Hold neighborhood gatherings in people's homes. Offer food and coffee, and get acquainted with community members in a relaxed atmosphere. Print materials may be handed out, a videotaped presentation on the school may be shown, or a

school council member may conduct a question-and-answer session. The focus of the session should be on listening as much as on giving information.

- Hold short panel discussions presented by school council members, followed by open forums where citizens can express their ideas, suggestions and any concerns they may have. Good subjects to cover in these discussions might include curriculum, school facilities, materials, legislation that affects the school, accountability, public relations or anything about the school that is on the mind of the community. These public forums can be held at churches, clubs, community centers, libraries, schools or anywhere that is convenient for the community.

Chapter 9

Open Meetings

Frequently Asked Questions

What are the requirements for regularly scheduled school council meetings?

All school councils must adhere to all open-meeting requirements which state:

- Each agency sets its own regular meeting schedule.
- The schedule must list the dates, times and places of the regular meetings.
- The schedule must be available to the public.

Does the Open Meetings Statute apply to school councils and committees?

Kentucky's Open Meetings Statute protects the general public's right of awareness to public agency actions. Therefore, this statute applies to school councils and their committees. The Open Meetings Statute applies whenever a majority is present and public business is discussed even if no action taken.

When is a closed session of the school council allowed?

A closed session is allowed to discuss actual or potential litigation, to discuss candidates during consultation or principal selection, or to discuss items where state or federal law specifically requires privacy, such as school emergency plans. A school council may not go into closed session for any other reason. All other business of the school council must be held in open session.

Certain procedures should be followed when entering closed session. The school council must always start in open session, giving notice and rationale for entering closed session. A motion must be made, seconded and approved to enter into closed session. While in closed session, no action may be taken. The topic may be discussed thoroughly, and the council members' positions may be determined via this discussion; however, no decision shall be made in closed session. In closed session, no subject may be discussed other than the ones publicly announced prior to convening the closed session. Minutes should not be taken during closed session. The school council must reconvene to open session to make a decision. Any action taken must occur during the open meeting. A formal motion, second and action must be recorded in the minutes and made available to the public.

What are the requirements for special called meetings?

Occasionally, special called meetings of the school council are necessary and may be called following these procedures:

1. The chairperson or a majority of school council members can call a special meeting that is not on the regular schedule.
2. Written notice must state the date, time, place and agenda for the special meeting.
3. The written notice must be sent to all school council members by fax, mail or hand delivery 24 hours in advance, as well as posted at the school and sent to media if they have requested to receive it

Do meeting agenda's require a time for public comments?

No, having a public comment time is not a required activity for school council meetings. Having a public comment time on the agenda is at the discretion of the school council.

From the Office of the Attorney General (95-OMD-99): *It is the decision of the Attorney General that the provisions of the Open Meetings Act do not guarantee a person attending a public meeting the right to address the public agency during the course of the meeting.*

Kentucky's Open Meetings Laws

Kentucky's Open Meetings laws protect the rights of the general public to know the actions and decision of its public agencies. School councils and their committees are public agencies and therefore are required to comply with all aspects of the Open Meetings laws. All meetings where a quorum of the membership is present, where public business is being discussed or at which time actions or decisions are made are open meetings to the public.

Because school councils are public agencies, a school council or committee can only act when together in an official meeting. Individually, the members of a school council cannot take action on behalf of the school council. The school council must be assembled and act in accordance with the requirements for open meetings in order to conduct official business. The legal requirements governing the conduct of school council and committee meetings are found in the Kentucky Open Meetings statutes.

Regular Meetings

Each school council must provide a schedule of regular meetings. All meetings must be held at specified times and places that are convenient to the public.

Special Meetings

Every meeting that is not a regularly scheduled meeting is a special meeting. Requirements for special meetings include:

- Special meetings may only be called by the chair of the school council or by majority of the school council members.

- Written notice of the special meeting must be delivered by mail, fax or by hand to each member of the school council and to each media outlet that made a request for such notifications. The written notice must be delivered at least 24 hours prior to the time of the meeting.
- The notice must include the date, time, place and agenda of the meeting.
- A special meeting agenda cannot be amended.

Summary of Kentucky's Open Meetings Statutes

The chart below outlines a summary of guidelines that school councils and their committees must follow when conducting meetings.

OPEN MEETINGS STATUTE APPLIES WHENEVER:
1. A majority of the school council or committee is present. 2. Business is discussed even if no action is taken.
REGULAR MEETINGS
1. The school council and each of its committees set their own regular meeting schedules. 2. Regular meetings must be held at a specific scheduled time and place convenient to the public. The school council must provide a schedule of these meetings to the public. 3. The schedule must list the dates, times and place for each regular meeting. 4. The schedule must be available to all stakeholders and to any media agency that request it. The district SBDM coordinator should have a copy of all regular meeting schedules at the district office.
SPECIAL MEETINGS
1. The chairperson or a majority of the school council members can call a special meeting outside the regular meeting schedule. 2. Written notice must be provided to all members of the school council or the committee either by fax, regular mail or hand delivery 24 hours in advance of the meeting. 3. The notice must include the date, time, place and agenda of the meeting. 4. A special meeting agenda cannot be amended. 5. A copy of the special meeting notice should be sent to the district SBDM coordinator and any media agencies that request it.

OPEN and CLOSED SESSIONS
1. All regular and special meetings are open to the public. 2. A record of all decisions made during a meeting must be recorded in minutes. 3. School council and committee minutes set forth an exact record of votes and actions taken. Minutes must be approved and made available to the public by the end of the next meeting. All minutes must be made available to the public. 4. Unless a quorum of members is present, business cannot be discussed nor decisions made. 5. Closed session can only be called for three reasons: a. To discuss actual or potential litigation b. To discuss potential candidates for employment c. To discuss items where state or federal law specifically requires privacy (i.e., emergency plan procedures)

Definitions

Meetings: defined as all gatherings of every kind regardless of where the meeting is held and whether regular or special or informational or casual gatherings held in anticipation of or in conjunction with a regular or special meeting.

Quorum: a majority of the total membership of the public agency. The Kentucky Department of Education (KDE) recommends that the school council define a quorum to include at least a majority of the school council members and to include at least one representative from each of the elected groups that serve on a school council. However, each school council defines a quorum within their bylaws.

Action Taken: a collective decision, a commitment or promise to make a positive or negative decision or an actual vote by a majority of the members of the school council. This can be by actual vote or by consensus. KDE recommends that the school council's primary decision making method be consensus and that school councils include a provision in their bylaws that allows the option to vote under certain circumstances.

Requirements for Conducting Closed Sessions

Before a school council may go into a closed session, certain procedures must be followed.

1. Notice must be given in a regular open meeting of the general nature of the business to be discussed in closed session, the reason for the closed session and the specific provision authorizing the closed session.
2. A motion must be made to reconvene in closed session, and the motion must be approved by a majority vote or consensus conducted in open session.

3. Once the school council has convened in a closed session, no final action may be taken in that session. The school council must reconvene in an open meeting and take its final action there.
4. No subject may be discussed during a closed session other than those announced prior in open session.
5. During a closed session, the school council or committee cannot take any final action. An issue can be thoroughly discussed, but if a decision is to be made, the school council or committee must return to open session. In an open session a motion must be made, and the school council members indicate their support by voting or otherwise confirming a consensus. That motion and action must then be recorded in the minutes that are available to the public.

Minutes of Meetings

Whether a regular or special school council meeting, the minutes must contain an accurate record of any actions taken during the meeting. The minutes must be promptly recorded and made available for public inspection no later than immediately following the next meeting of the school council. A school council has not taken action if it has simply discussed a subject; the school council members must reach a consensus or take a vote. A school council has only taken action if there is a motion, the words of the motion are written into the minutes, a majority or consensus supports the motion and that support is written into the minutes.

Miscellaneous Requirements

- School council meetings must be held in a facility designed to allow effective public participation.
- No conditions for attendance at a school council meeting may be imposed, except those necessary to maintain order. A public agency may not require identification as a condition of attendance at a meeting.
- School councils must permit news media coverage at public meetings. However, if an individual is not connected with the news media, he or she must obtain permission of the school council before tape-recording or filming a meeting. The school council may deny permission if such activities would be disruptive.

Well-Planned Meetings

A well-planned and well-conducted meeting is an indispensable tool for obtaining objectives and goals. Every school council should have an established plan for conducting its meetings and should adopt and adhere to certain *rules of order* for orderly and efficient school council meetings.

The following information is intended to convey some of the basics about rules of order and to offer suggestions on how school council meetings can be effectively conducted.

Before the Meeting

An agenda is a written outline of the topics or items of business to be introduced, considered and acted upon during a meeting. An agenda is not binding as to the details or the order of discussion of topics unless the agenda is for a special-called meeting during which only the items listed on the agenda can be addressed. An agenda is usually prepared for informational purposes to give the school council members a general idea of the issues to be discussed. The business items on an agenda may include those requested by the members of the school council, the chairperson, the school staff and/or the parents.

The school council and its committees determine the agenda for its meetings [KRS 160.345(2)(d)]. Many school councils and committees have an agenda prepared before the meeting. If members know of other issues, they can move to add those to the agenda once the meeting begins.

Whenever possible, a best practice is to send the agenda and any supporting materials in advance of the school council meeting to all school council members. This allows the members an opportunity to properly review and educate themselves about the issues to be discussed during the meeting.

Calling the Meeting to Order

When the time set for the meeting arrives, the chairperson opens the meeting by *calling the meeting to order*. However, just prior to the call to order, the chairperson has the responsibility of determining whether a quorum is present. If the chairperson determines a quorum is not present, the chair may wait a reasonable time before calling the meeting to order to obtain a quorum. If a quorum cannot be obtained, the chairperson calls the meeting to order, announces the absence of a quorum and entertains a motion to adjourn. If a quorum is present, the chairperson calls the meeting to order and proceeds with the first item of business on the agenda.

During the Meeting

Once a meeting has been called to order, and as long as a quorum is present, the business of the school council is conducted in accordance with the order of business that has been established by the school council in their bylaws.

During a meeting, the duties of the chairperson include:

- Ease the general flow of the meeting by announcing in proper order the business on the agenda.
- Recognize members who wish to speak.
- State and ask for consensus from the members on all legitimate questions that arise during the meeting and announce the results.
- Encourage consensus among the members by ensuring each individual’s participation in the decision.
- Enforce the school council’s ground rules and maintain order in the meeting.

- Respond to all requests and inquires of the members relevant to the business of the school council.
- Declare the meeting adjourned at the proper time.

School council members will be more effective when they:

- Know and abide by the ground rules.
- Avoid any personal references or attacks on other members.
- Refrain from disturbing the meeting in any way.
- Are knowledgeable about the issues under consideration so that all members may debate issues and participate in consensus.

If the school council has a secretary, the duties he or she will follow include:

- Call the role.
- Act as timekeeper when there is a limit placed on certain agenda items or speakers.
- Take minutes of the meeting.
- Keep track of the progress of the meeting and the status of the agenda.
- Read aloud written policies submitted for a school council decision.
- Record consensus or the votes on all school council decisions.

The school council secretary can be:

- A member or non-member of the school council
- A volunteer or paid for services
- A minimal recorder of motions and votes or a detailed describer of discussions
- A passive recorder of what is said or a helpful facilitator asking for a clearer statement of motions and pointing out that final statement of consensus has not been made

If the school council secretary is not a member of the school council, he or she may not participate when the school council goes into a closed session. In this case, the secretary should record the process leading up to closed session, the reason for going into closed session and the decision reached by the school council when it reconvenes in open session.

Minutes are recorded throughout the meeting. Recording the various actions taken by the school council is the most important role of the secretary during the meeting. When the school council in a regular meeting officially approves minutes, the secretary and the chairperson should sign the minutes.

Ending the Meeting

If a time limit for the meeting has been previously set, either in the bylaws or by motion at the beginning of the meeting, no motion to adjourn the meeting is required. The

chairperson simply announces the hour and declares the meeting adjourned. If not, then the school council chair will need to call for a motion to adjourn; a member would second the motion, call for any discussion and then consensus or vote to adjourn.

Research shows that people more often remember the way a meeting ends than either the middle or the beginning of the meeting. School council members can help make the meeting memorable by:

- Feeling ownership for what has occurred during the meetings
- Knowing that they have an action plan for carrying through the decisions reached at the meeting
- Having a positive attitude about what has occurred at the meeting

After the Meeting

Minutes are the official record of the meeting. They can be brief or lengthy, depending on the length of the agenda subjects and the desires of the school council or the chairperson. Regardless of length, minutes record the substance of a meeting and are a clear, accurate, concise, informative record of the proceedings.

Meeting Planning Guide

The following questions are a quick tool to use as SBDM council chairpersons to prepare the agenda for a meeting.

- Purpose
  - Why are we having this meeting?
  - What do we need to achieve?
  - What topics from the last meeting need to be addressed again?
  - What new topics need to be addressed?
- Notifications
  - Date:
  - Location:
  - Starting and Ending Time:
  - Media Outlet Notifications:
  - For a special called meeting:
    - Prepare a written notice of date, time, place and agenda
    - Mail, email, fax, or hand-deliver a copy to all members
    - Post a copy in a prominent location
    - Mail, email, fax, or hand-deliver a copy to any media outlet that have requested notices

- Agenda
  - What items need to be addressed at every meeting (e.g., reviews and approves previous meeting minutes, committee reports, budget items, new business)?
  - What new items should be addressed at this meeting (e.g., improvement planning, data analysis, job classifications)?
  - When will the agenda and supporting documents need to be provided to the council members?

A sample agenda is below.

***Sample* SBDM Agenda**

ABC Middle School

Regular SBDM Meeting

October 21, 201X

4:30pm

Opening Business

- Call meeting to order; attendance
- Approval of agenda
- Approval of previous meeting's minutes
- Good news reports
- Public comments

Student Achievement

- Report on benchmark/state assessment data

Improvement Plan

- Update on improvement planning activities
- Update on professional development activities

Budget Report

Committee Reports

- Curriculum and Instruction Committee – standing
- Discipline and Student Recognition Committee – standing
- New Science Equipment Grant Writing Committee – ad hoc

New Business

Adjournment

Chapter 10

Committees

Frequently Asked Questions

Are school councils required to have committees?

No, school councils are not required to form committees. However, if a school council forms committees, they must adopt a policy to facilitate participation, include the number and jurisdiction of each standing committee, and the process for membership selection.

Who determines when committees meet?

The committee sets the meeting time for their meetings as well as the agenda. All meetings must follow Kentucky's Open Meetings statutes.

What is the difference between a standing committee and an ad hoc committee?

A standing committee is a permanent committee that has been established in school council policy. An ad hoc committee is formed for the purpose of addressing a specific issue. Once the issue is resolved, the committee is dissolved.

What committees must a school have?

Each school council will determine the standing committees to establish.

School Council Committees

School councils have the option to create committees. If committees are created and charged with a task, then the school council must have a policy for committee structure, authority and membership.

The SBDM statute [KRS 160.345] clearly outlines the role and responsibilities for established school council committees.

- If the school council decides to establish committees, policies shall enable and encourage all interested persons, including parents and classified employees, to become members of committees.
- School council policy must include the number of school council committees, their area of authority or responsibility, membership of the committees and how people will be selected for committee membership.
- School council committees determine their own meeting schedules and set their own agendas.

- School council committees must have meetings at times and places convenient for the public, and they must abide by the Open Meetings statutes.

When school council committees are created, and are working well, the responsibility is shared with many stakeholders and the workload for the school council can be more manageable. The number and type of committees will vary from school to school. Larger, more complex schools may need more committees than small schools.

Committees come in two forms: standing and ad-hoc. Standing committees work with standard issues of a continuing basis. Ad-hoc committees are formed for specific purpose and for a limited timeframe. Ad-hoc committees deal with issues that do not fit into a standing committee's authority or charge.

Examples of potential standing committees may include the following:

- Curriculum and Instruction
- Assessment and Data Analysis
- Professional Development
- Budget
- Discipline
- Extracurricular

Examples of potential ad-hoc committees may include the following:

- Improvement Planning
- Facility Planning
- Interviewing Teacher or Instructional Assistant Candidates

The committee needs established by the school council may change as the state and federal requirements for student achievement change. It is best practice that the school council reviews its committee policy annually and makes revisions that best suit the school for that year.

Do we need to establish this committee?

The following questions need to be asked to determine if a committee is needed:

- What committee do we think that we need? Why?
- What charge/purpose would this committee have?
- How would this committee support the Intervention/ Improvement Plan in the school?
- How would this committee report back to the school council?

Committee Operations

The basic requirement for committee operation is that the committee members consider the assignments given to the committee by the school council and make a recommendation for action to the school council. This recommendation should always

be based on the charge and focus on improving student achievement. The process to achieve this is left for the school council to develop.

Ideas relating to school council committee operations should include:

- Each committee chairperson is required to report to the school council at each of its meetings regarding the committee's actions, discussions and recommendations.
- Each committee uses consensus decision making to arrive at its recommendations.
- Minutes for each committee are compiled by a committee recorder and submitted to the committee chairperson so that the chairperson can submit them to the school council recorder at the time of the committee report. Open Record statutes require the keeping of minutes [KRS 61.870 to 61.884].
- Committees must comply with the Open Meetings statutes [KRS 61.805 to 61.850].
- Committee agendas are to be assembled by the committee chairperson. Issues assigned by the school council; items suggested by committee members; and items presented for consideration by others who are concerned; generate agenda items.
- Items submitted to the committee by the school council are to be represented by the chairperson of the committee or a school council member. Items submitted by a committee member or the person submitting the item or their designee must represent other interested party.
- Committee membership should reflect the percentage of minority students in the student body and in the community.

Effective School Council Committee Meetings

Once a committee structure has been established, membership decided and operational procedures defined, then committee business is ready to be conducted. The organizational meeting for the committee should be established at a time convenient to its members. The purpose of the organizational meeting is to elect a chairperson and to establish a regular date, time and location for meetings. These decisions are reported to the school council and to the community.

Suggestions for effective committee meetings are:

- The agenda for the committee is the responsibility of the chairperson.
- The meeting should begin promptly at the time designated.
- Copies of the agenda are distributed to all members and posted at the school as soon as they are established.
- Follow the agenda.
- The chairperson serves as the facilitator. The facilitator:

    - Monitors time
    - Keeps the group on task
    - Checks for agreement
    - Makes sure that individual goals are secondary to group goals
    - Makes sure everyone has a chance to participate
    - Makes suggestions on how to proceed
    - Offers and encourages compromises that include ideas of all present
    - Helps build trust among committee members
- The chairperson ensures that someone is recording official minutes of the meeting.
- Minutes of past meetings are distributed prior to the meeting so that a reading of the minutes is not necessary. Minutes can be approved as written or amended as recorded.

Committee Reports to the School Council

All committees that are established by the school council, whether standing or ad-hoc may be required to report at each regular school council meeting. If the committee work is incomplete, that may be reported. The school council should always know the status and progress of each committee's work. The chairperson or designee is responsible for delivering the report to the school council.

Committee Charge

When you charge a committee to work on a particular challenge or task, you may want to use a standard format to organize the information for the committee.

Include in the charge:

- The name of the committee;
- The topic;
- The date of the charge;
- What work is needed;
- The timeline for completion;
- Any special considerations or issues; and
- The contact person on the council.

Sample Committee Charge

To: The School Culture and Climate Committee

Topic: To draft a policy change to increase physical activity during the school day

Date: June 1, 2012

The School Council at Creation Middle School charges the committee to identify ways to increase physical activity for all students during the school day that will work at the middle school level. Consider a more efficient schedule for physical education course, options before school, during the lunch break, and after school, and quick energizers that can be done during regular core instruction. Look at curriculum, space, schedule, staff, and professional development issues. Draft an amendment to schedule of the day policy to add best practices you found.

Please report on research finding at our October and December School Council meeting with a draft ready by the February meeting. Ensure that you have gathered input from staff, students and families during this time.

For questions, please contact School Council member, John McBride.

A Checklist for Committee Policy

If your school council has a committee policy in place or are considering a draft policy, it may assist to have a checklist to review.

- Does your school council committee policy answer **YES** to each of these questions:
- Does the policy support parent/family and classified staff participation?
- Does the policy support participation of other interested community partners?
- Does the policy address the number of committees?
- Does the policy address each committee's areas of responsibilities?
- Does the policy address the composition of the committee?
- Does the policy encourage active minority participation

Your school council may also consider these questions:

- Does the policy list steps in chronological order?
- Does the policy determine who is responsible for each step?
- Will this policy contribute in making decisions that will enhance student achievement?

***Sample* Committee Policy**

Harry Potter High School shall have three standing committees:

- Budget Committee: The Budget Committee shall recommend an annual budget, monitor budget implementation and recommend budget amendments as needed.
- Curriculum and Instruction Committee: The Curriculum and Instruction Committee shall analyze the curriculum alignment, research instructional practices and monitor implementation of curriculum and instructional policies.
- Culture Committee: The Culture Committee shall review the school's discipline plan, plan monthly student celebrations and maintain the "Howling Hogwarts" bulletin board.

Each standing committee shall have at least eight members including at least one parent. During March, the following steps shall be taken to recruit members for each standing committee:

- The school council chairperson shall invite all parents by placing a notice in the school's newsletter.
- The current committee chairs shall describe their committee's work at a PTO meeting.
- School council members will individually seek out minority members, including parents, staff, and other concerned adults, and encourage their active participation in all committees.

During April, the school council chair shall place committee sign-up sheets on the SBDM bulletin board, and in the staff workroom. Parents and community members may also sign up by telephone or email.

During May, the school council will appoint committee members, ensuring reasonable representation of minority groups in the community. The school council may need to assign some persons to committees that are not their first choice to give each committee adequate and balanced membership. The school council shall also designate a committee member to convene the first committee meeting. The school council secretary shall notify all committee members of their appointment.

Ad hoc committees shall be established as needed by the school council. The school council shall ensure that ad hoc committees also have reasonable representation of the community.

All school council committees established under this policy are public agencies and are subject to Kentucky's Open Meetings/Open Records statutes.

Chapter 11

Consensus Decision Making

Frequently Asked Question

Do all council members have to agree unanimously for consensus to be reached?

Consensus, by definition, is a general agreement. Consensus is not compromise, but rather an opinion where all can find some balance or agreement. To have consensus in a school council meeting does not necessarily mean that all share the same complete opinion about the decision, but rather that they can agree to abide within the decision.

Consensus

Both school councils and their committees make decisions that affect the school, the school staff, the students and the school community as a whole. Getting input on decisions from the school council members is critical. However, the way in which those decisions are made is also critical.

Consensus building is a useful tool for school councils and their committees when they work together planning, setting goals, implementing policies and problem solving. Those who must act together to implement a decision need consensus. Consensus for a school council means that all school council members understand the problem or issue, have participated in the discussion, have a part in the solution and will support the school council's decision.

In a nutshell: consensus means:

- Everyone's opinion and thoughts are valued and the differences are viewed as beneficial.
- A solution has been reached with which all can support since it does not compromise any strong convictions.

Consensus is not required by school-based decision making statutes, but it is recommended for school councils and committees as the decision making method most likely to succeed. It is school council members and those who support them who are leading the way to consensus. Many school councils have discovered that making decisions by consensus is an effective way to get their job done.

Elements of Consensus Decision Making

Consensus works best when all parties attempt to follow certain guidelines while trying to reach a decision. If school council members can answer "yes" to the following questions, the decision making process is probably effective.

1. Do school council members focus on the problem or the issue?

2. Do school council members avoid voting, bargaining and trade-offs?
3. Do school council members use a problem-solving process that is agreed upon by the school council members?
4. Do school council members accept others' viewpoints?
5. Do school council members seek facts and more information?
6. Do school council members avoid self-oriented behavior and personal agendas?
7. Does the school council focus on the decision making process instead of focusing on comments and attitudes of individuals?

Chairs of school councils and committees should encourage other, particularly quieter, members to offer their ideas. Remember, the school council needs all the information it can get in order to make effective decisions to improve student achievement.

Consensus Decision Making Takes Time

A school council cannot do new things in new ways without a great deal of discussion. Spending time on making a good decision will allow successful implementation of the decision for years to come. If the school council affirms the consensus method of decision making, and sticks to it, the rewards for students will be worth the effort.

School councils that use consensus successfully have some things in common. Consider the following procedures:

1. The school council has worked to achieve a high level of trust and understanding between school council members. The members are aware of each other's strengths and emphasize them. Members are not afraid to express opinions or make mistakes.
2. When the school council is presented with a problem, it is ready for differences of opinion. Disagreement is accepted, but not emphasized. The school council works to come up with a solution that all the members can agree.
3. The school council uses problem-solving techniques, such as brainstorming and nominal group technique, to arrive at alternative solutions. This keeps the school council focused on the issue or problem instead of personalities.
4. The school council considers all ideas, one by one.
5. Always focusing on the issue, school council members may perhaps change their minds, bringing the group closer to consensus.
6. The school council agrees on the two or three best (and most workable under the circumstances) solutions. The school council may attempt to blend these ideas into one decision that each school council member can agree to support.

What Happens When Consensus Cannot Be Reached?

This is not an uncommon situation. Often a school council will struggle for some time with an issue only to realize that consensus may not be possible. In most cases, the school council that cannot reach consensus needs more information. Although 100

percent of the information may not be available, it is possible for a school council to get more information in a variety of ways.

- Ask a school council committee to do further investigation of an educational process and report its findings back to the school council.
- Consider getting an expert to discuss the matter with the school council. Sometimes experts are as close as the instructional supervisor or the financial officers at the central office. Perhaps someone at a university or the Kentucky Department of Education could provide additional information.
- Set up a pilot project to see the effects of a concept in a limited situation before the whole school is committed.
- See if what is being proposed has been done in other schools. What were the results?
- Bring the debate to the attention of the entire faculty and to parent groups for their consideration and input.
- Table the issue until the next school council meeting to allow individual school council members to seek information and bring it to the next meeting.

Dealing with Conflict

In dealing with conflict, people who are in leadership positions with school councils should remember:

1. The best cure for confrontation is prevention: set ground rules, clear agendas and regular process evaluation. If the tone of trust is set, and if people can express their small frustrations and have them considered during process evaluation, serious problems are less likely to arise.
2. Most conflict is best addressed early. As people get angrier, they often get more unreasonable. Be precise and detailed in explaining the situation. In many cases, it may be wise to put known controversies on the school council's agenda before they become full-blown. Otherwise the conflict may erupt while the school council is working on an unrelated issue.
3. Try to identify the real source of the conflict. Once you have identified conflict and its source, consider whether you might ease the situation through a private talk with one or more school council members.
4. If you know that you cannot set up processes that offer a fair hearing to all sides in a conflict, find an outside facilitator to help the school council through the conflict.
5. Your best preparation for facilitating a school council meeting during which you anticipate conflict is to think carefully about each member of the group. What is his or her real interest? What power does he or she have both in and out of the school council? How has he or she used that power in the school council up until this point? Answers to these questions should give you some clues about what to expect.

6. Sometimes the fact that you have conflict out into the open, and have given it a name, will diffuse the situation.

Occasionally, parties do not change positions. In those instances in which the disagreement itself remains unresolved, these processes provide the opportunities for each person to learn the other's position and for you to hear all the feelings involved and share yours as well. This will assist in bringing the emotional energy of the school council to a normal level.

Chapter 12

Open Records

Frequently Asked Questions

What are the requirements for school council minutes?

Minutes must be kept at all school council meetings. The minutes must describe motions and actions taken and be distributed in draft form to each school council member as soon as possible following the meeting as well as being distributed to school stakeholders. “Draft” should be written on them until approved by the council. The minutes must be approved at the next meeting. Immediately after the approval, the minutes must be made available to the public.

What type of records is school councils required to retain?

School councils are required to maintain and retain records. The Kentucky Department for Libraries & Archives (KDLA) has established a records retention schedule for public school districts. School councils must retain permanent records. Some school council records may be disposed of on a rotating basis.

How can the public obtain school council records?

All school councils and school council committee documents are public documents subject to open records requirements. All school council documentation must be kept on file at the school to meet open records requirements.

A procedure should be in place, through bylaws or operational procedures, to facilitate requests for school council and school council committees' records. These procedures should include, but not be limited to, the following:

- How full public access of records can be obtained;
- Means to determine how requests for records will be made;
- Means to ensure efficient and timely action to respond to requests;
- Times records can be viewed;
- Title and address of the official custodian of the records; and/or
- Fees to be charged (if any) for the copies of the records.

What happens to the school council records of schools that have closed or consolidated?

The school council records of schools that have closed or consolidated must be archived in a secure location, usually at the board of education offices. All school

council minutes, committee minutes, official correspondences, budget allocations, bylaws, policies, annual school reports and annual financial audit reports are permanent records.

Definitions

Public Record: A “public record” is open to inspection by any persons unless the records are exempted by the terms of the Open Records Act. The Open Records Act ensures that public agencies, including school-based decision making councils and their committees, are accountable to the people they represent. School councils must serve the public and recognize the rights of the citizens they serve to know what the councils are doing and how the councils conduct business.

KRS 61.870(2) establishes that public records include all “books, papers, maps, photographs, cards, tapes, discs, diskettes, recordings, software, or other documentation regardless of physical form or characteristics, which are prepared, owned, used in the possession of or retained by a public agency.” Public records include meeting agendas and minutes, school improvement plans, committee reports and budgets, as well as any other supporting document used or presented during school council meetings.

Custodian – KRS 61.870(6) authorizes an official custodian or authorized person with control of public records. Most often in schools, this person is the school principal, unless authority is given to another individual in the school council bylaws.

Reasonable Fee – KRS 61.874(3) allows any public agency to apply a reasonable fee for producing copies of any public record.

Inspecting Public Records

Every person has the right to inspect public records. The school council must supply a suitable facility for inspection [KRS 61.872(1)]. Most school council records are kept in the school’s library media center or main office.

Limitations exist on the right to inspect public records. The inspection of records must be done during the regular main office hours of the school [KRS 61.872(3)(a)1].

Anyone may make a request to inspect public records. Request may be made verbally or in writing. However, the official custodian may require a written request describing the records to be inspected. A request to inspect must specifically describe the records. The school or the school council is not under any obligation to respond to vague or blanket requests for records [OAG 76-375]. Request should be made to the official custodian of the records desired to be inspected and/or copied.

Responsibility of the Official Custodian upon Request to Inspect Records

The official custodian will determine within three working days whether to comply with the request to inspect records and must notify the person making the request in writing within three days of the decision. The official custodian is not required to respond in writing to an oral request to inspect records. A written request may be required. By requiring a written request, the official custodian can provide additional time in which to

decide whether the records should be released for inspection. If the person receiving the request does not have custody or control of the records requested, the applicant must be notified of that fact and the name and location of the actual custodian, if known. If the records are in active use or storage, or are not otherwise available, the official custodian must immediately notify the applicant and designate a time and place for inspection within three working days from receipt of application or provide the applicant with a detailed explanation of the cause for further delay and notify applicant of the place, time and earliest date on which records will be available for inspection [KRS 61.872(5)].

When Requests to Inspect Records is Granted

The person inspecting the records has the right to make notes from public records inspected and to obtain copies of all written public records inspected. The official custodian may require a written request for copies and advance payment of the prescribed fee. Records other than written records may be duplicated as long as the official custodian determines that duplication will not damage or alter the original record [KRS 61.874(1)]. A school may charge a reasonable fee for copies. The fee charged may not exceed the actual cost of the copies, excluding the cost of staff time [KRS 61.874(2)]. The state government rate for copies is 10 cents per page and actual cost for other records [200 KAR 1:020 Section 3].

Denials of Request to Inspect Records

Request to inspect may be denied if the request places an unreasonable burden on the school to produce voluminous public records [KRS 61.872(6); OAG 83-386]. Request to inspect may be denied if the official custodian believes that repeated requests are intended to disrupt essential functions of the school or school council. The school council must sustain denial for reason specified by clear and convincing evidence [KRS 61.872(6)]. Request may be denied if the records sought are subject to an exemption under the Open Records Act [KRS 61.878].

Procedures for Denial of Request to Inspect Records

The person requesting the records must be notified in writing within three working days after receipt of the request of any denial, in whole or in part, of the request to inspect. The notification must include a statement of the specific exception authorizing denial and a brief explanation of how the exception applies to the records withheld. The notification must be issued by the official custodian or under the official custodian's authority. A notification denying a request to inspect records constitutes final school council action. Once the denial is received, the requester may proceed as allowed by statute to challenge the denial. A copy of the notification denying a request to inspect records must be forwarded to the Attorney General.

Exemptions from the Open Records Act [KRS 61.878]

All exemptions from the Open Records Act are discretionary, not mandatory. This means that even if a record falls within one of the statutory exemptions, the official custodian may still decide to release the record for public inspection, unless another

state statute, constitutional provision or federal law prohibits disclosure. The following records are exempt from public inspection, except upon a court order:

- Public records containing information of a personal nature where the public disclosure would constitute a clearly unwarranted invasion of personal privacy
- Preliminary drafts, notes and correspondence with private individuals, other than correspondence which is intended to give notice of final action of a school council
- Preliminary recommendations, and preliminary memoranda in which opinions are expressed or policies formulated or recommended
- Specific details and plans relating to school emergency procedures.

If any public school council record contains material that is not exempt, the school council must separate the exempt material and make the non-exempt material available for examination [OAG 83-386]. If separating out exempt material form non-exempt material places an unreasonable burden on a school or school council, the request to inspect can be properly denied. However, the burden may be overcome by allowing the person who requested the records to inspect a small number of the records at a time [OAG 84-278].

Attorney General's Role [KRS 61.880]

If the official custodian denies a request to inspect public records, the Attorney General must be sent a copy of the denial. The requester may ask the Attorney General to review the denial and issue a written opinion within 20 working days. The Attorney General is required to render an opinion that states whether the agency acted in compliance with the Open Records Act and must send a copy of the opinion to the agency and the requester. The burden of proof in sustaining the denial of the request to inspect records rests with the school or the school council. The Attorney General may request additional documentation from the school council and/or copies of the records involved. If the requester feels that a school or school council is subverting the intent of the Open Records Act, a complaint may be made to the Attorney General. The complaint is subject to the adjudicatory process as if the request to inspect the record has been denied. If the Attorney General upholds, in whole or in part, the request for inspection the school or school council may institute proceedings within 30 working days for injunctive or declaratory relief in the circuit court of the county where the records are maintained. If the Attorney General disallows the request or the school continues to withhold the record, the requester may institute court proceedings. The Attorney General's ruling on the appeal has the force of law [KRS 61.880].

School Council's Procedures for Record Inspection [KRS 61.876]

School councils must have procedures in their bylaws on how requests for public records will be granted. These procedures:

- Produce full access to public records
- Protect school council records from damage and disorganization
- Prevent excessive disruption of essential functions of the school;

- Provide assistance and information upon request
- Ensure efficient and timely action

Procedures must provide, at minimum:

- Regular school office hours
- Title and address of official custodian
- Fees to be charged for copies
- Procedures to be followed

Records Retention Schedule for SBDM

A complete copy of the Records Retention Schedule can be accessed from the Kentucky Department of Library and Archives at http://kdla.ky.gov.

Permanent Records

- SBDM Council and Committee Minutes
- Official Correspondences
- Budget Allocations
- School Council Policies and Bylaws (including amendments/revisions)
- Annual School Report (presented to the local board of education)
- Annual Financial Audit Report

Other Records with Retention Minimums Attached

Record:	Retain for:
Teacher and Parent School Council Representative Election	5 years after election
SBDM Council and Committee Meeting Announcements	3 years
SBDM Council and Committee Meeting Notifications	1 year
General Correspondences	5 years
Budget Expenditure Reports	5 years (destroy after audit)
Annual School Improvement Plans	5 years
School Council Policy Appeals	5 years
Request for Waiver of Board Policy	5 years
Request for Professional Development	3 years

Chapter 13

Communicating with the Media

Public relations are very important to any public agency. Because school councils are public agencies, they need to develop skills to use when communicating with agencies and news media outside the education community. School councils may want to become aware of common methods of effectively communicating with the media.

Most school districts have personnel responsible for public relations. School councils should contact those individuals to obtain names of persons in the news media who have frequent contact with the local education community. Also, the school council may want to check protocol with the school district for communicating with external media sources.

The following are general tips for members of school councils when communicating with external groups.

Prepare for an Interview

Media representatives may want to interview school council members. School council members give the most effective interviews when they are ready to respond with clear information about how the school council operates and what the school council is doing. Consider these steps for effective interview preparation and response:

1. Reflect on the subject: What topic will it cover? What questions are likely to be asked? What is the current political context of the topic?
2. Reflect on the circumstance of the interview: How much time is there for the interview? Who will be present? Why are you being interviewed? Where will you be interviewed, and is the location conducive to a good interview?
3. Reflect on the medium: What is the audience like? What are the limitations and the requirements of the medium? What is the editorial position of the medium?
4. Reflect on the reporter: What are the reporter's interests, attitudes and styles? Can you and the reporter agree on topics and limits for the interview?

Common Probing Techniques

For the news reporter, exciting or controversial news gets more attention. Some common methods of extracting "news" from an interviewee include:

- The *missing piece*: implying that the reporter has the entire story except your version. Will you provide it?
- The *old pal*: by sensing a reporter's empathy with your viewpoint, you may divulge more than you want to divulge.

- The *prisoner's dilemma*: by playing one source against another, a reporter may obtain the whole story.

Press Releases, Briefings and Conferences

Press releases may be used to announce a position, outline a school council's activities or announce an event. A press release allows greater control over the content of information and assures uniformity of communication with different reporters.

A release is most likely to be used if it is not more than two pages in length and contains only one main idea. Reporters prefer releases written in an inverted pyramid style.

- Paragraph 1: contains the main idea to be expressed.
- Paragraph 2: contains the facts (who, where, what, when and why).
- Paragraph 3: contains additional information in descending order of importance.

Keep sentences and paragraphs short. Start a new paragraph each time you begin a quote. Use plain, direct language. Do not pontificate or propagandize. If you want to express an opinion, place it inside quotes and attribute the opinion to a specific person. Do not be afraid to mention the opposing point of view; doing so will make the tone of your release more objective.

On top of the first page, print the home and/or work phone numbers of the person to be called for details. Start the release one-third of the way down the first page; double space between lines and use wide margins.

Send copies of the release to a newspaper's city or political editor and to the news editor at a television and/or radio station. For special events, consider sending copies to other editors as well. In addition, consider sending the release to interested community groups.

Remember, the more your release approximates standard news styles, the less likely it is that editors will make changes.

Press briefings are proactive ways of giving information to the media. Press briefings may be scheduled regularly to:

1. Keep the press informed
2. Provide reporters an opportunity to ask in-depth questions
3. Allow regular interaction between reporters and officials over noncontroversial issues

Press briefings also may be good times to distribute fact sheets and explanatory materials. When a school council holds a press briefing, decide the rules of attribution (to whom quotes may be attributed) ahead of time.

Photographs may be sent to a newspaper and/or television stations along with the press release. Digital photos are usually preferred; check with your local media outlets as to their preferences.

Press conferences may be held for two purposes: to create or generate interest in a story or to facilitate the flow of information. The latter generally occurs when several media representatives are asking for the same information and public officials do not have time to respond separately. If a school council finds that it has several requests from the media on similar subjects during a given period of time, a press conference may be a communication tool to consider.

Quotes and Misquotes

How to avoid being misquoted:

- Think out your position ahead of time.
- Whenever possible, provide background information.
- Make your points directly and succinctly.
- Use plain and simple language.
- Provide written statements; if necessary, request that they be used verbatim.
- Request that reporters check direct quotes with you before going to the press.
- If you do not think you were clearly understood in a meeting, explain your position to reporters immediately afterward.

Correcting a published misquote:

1. Call the reporter and request a correction in the newspaper.
2. If the reporter fails to cooperate, call the editor.
3. Write letters to the editor.
4. Use another media outlet to take your message to the public.

Tips for better interviews:

1. Anticipate topics and questions, and think out your answers ahead of time.
2. Use plain, simple language.
3. Know the audiences represented by the reporter and tailor your information to their interests and understanding.
4. Remember, the only quotes that are “off the record” are the quotes never said.
5. Do not bluff. If you do not know the answer, admit that you do not know and offer to find out.
6. Never evade a question; explain why it might be inappropriate for you to comment.
7. Do not lie or even give the appearance of lying.
8. Think before you speak; be sure you understand the question.
9. Use a question to your best advantage by leading into something more important in your answer.

10. Anticipate the kind of information a reporter may need.
11. Do not be afraid to mention the opposing point of view.
12. Never ask to approve a story before it is published.

Chapter 14

Personnel and Staffing Allocations

Frequently Asked Questions

What is consultation?

Some of the most important decisions that a school council will make or consider relate to issues about personnel. Any personnel decision, outside selecting a principal, must be consulted with the school council. Consultation is by definition a time to seek advice and information. Selection of personnel by the principal is completed after consultation with the school council.

Consultation is a required policy for school councils. This policy should address how and when consultation will take place. Other items include timelines for personnel selection, interview guidelines, a review of applications, and a review of references. The consultation policy must also address situations where consultation can occur if a quorum of the school council is unavailable.

What are the March 1 allocations?

School districts, by regulation, are required to provide school councils a tentative allocation of funds for the next budget year by March 1, with a final allocation by May 1, each year. These numbers may increase or decrease between March 1 and May 1 depending on final counts. The staffing allocation includes the number of positions the school will be given. These regulatory allocations include all certified and classified positions that are determined by the base funding formula which includes maximum class caps. Additionally, the allocation contains instructional and professional development funds for the school.

What is the maximum class size formula?

The maximum class size formula is set in Kentucky statute. Each school is allocated staff based on the following ratios:

- Primary: 24:1
- Grade 4: 28:1
- Grades 5 and 6: 29:1
- Grades 7 through 12: 31:1; however, a teacher cannot have more than 150 pupil hours in a day.
- Kindergarten instructional assistants: 24:1
- Instructional leader (principal)

- Library media specialist (may be shared between 2 or more schools)

Can a school council waive maximum class size?

Any school council can waive the maximum class size once they have received their staffing allocation from the district, which is based on the statutory class size formula. The term in statute, *except for those schools, which have implemented school-based decision-making*, can be a bit confusing for school councils. The district fund positions; the school council determines the job classification for each of those positions.

Class cap size is most questioned when it refers to primary grades. Due to Kentucky's Primary Program statute, primary grades are considered ungraded. Allocations from a district are based on the premise of an ungraded program. If a school council decides to have a graded program (i.e., kindergarten, grade 1, grade 2 and grade 3), then classes may appear to be over cap size when in reality they are not.

What can the council decide and not decide about positions in the school?

Once the number of positions is received from the district office, the school council determines the number of persons to be employed in each job classification. The school council should look at its student population changes and needs assessment each year to determine the number of spaces, not persons in the position, needed in each job classification. School councils cannot recommend transfers or dismissals.

If the school council determines that it does not need the total number of positions allocated by the district's staffing allocation formula, they may ask the district to redistribute those positions. In so, the district would distribute 95% of the average certified teacher's salary to the school in lieu of a certified position. The remainder of the money would revert to the district general fund for possible reallocation.

A school council may also ask that the district using the school council allocation funds commonly referred as Section 6 monies create a position. If the council has the funds for a position, the district may grant the request.

When can school councils interview for staff positions?

The process for interviewing teacher candidates is established in the school council's consultation policy. The policy may establish a committee for this task or can complete the interviews themselves. The school council (or a committee) can begin the interviewing process prior to the end of the 30-day posting. However, applications must be accepted through the 30-day period and a decision cannot be made until the posting has expired.

Do school councils hire teachers?

No, school councils are consulted concerning teacher vacancies. The principal selects the candidate to fill the teacher vacancy and the local central office completes the hiring process.

Personnel Decisions

Some of the most important decisions that a school council will make or consider are issues about personnel.

The responsibility of a school council in the area of personnel includes:

- Determining the number of persons to be employed in each job classification in the school
- Adopting policy and procedures to assist the school council with consultation in the selection of personnel, including, but not limited to, meetings, timelines, interviews, review of written applications, review of references and situations in which members of the school council are not available for consultation
- Being consulted by the principal prior to him or her making a recommendation on filling vacancies in all certified and classified positions

Other requirements that school councils need to be aware of include the following:

- The school council does not have the authority to recommend transfers or dismissals [KRS 160.345(2)(f)].
- The school council makes policy determining the assignment of instructional and non-instructional staff time in the school [KRS 160.345(2)(i)2].
- OAG 97-7 defines vacancy and requires the posting of every certified position vacancy. A vacancy can occur at any time during the school year. When a vacancy occurs in a local school district, the superintendent must notify the Kentucky Department of Education and post the position opening in the local school board office for 30 days before filling the position or seek a waiver of the 30-day posting requirement from the chief state school officer [KRS 160.380(2)(b) and (c)].
- Seniority rights are given to tenured teachers in situations of reduction in force [KRS 161.800].
- A notice of non-renewal of limited contracts must be issued by May 15 [KRS 161.750(2)].
- A notice of salary for current staff must be issued no later than 45 days before the first student attendance day of the succeeding school year [KRS 161.760(1)].
- A notice of reduction in duties and salary is required 90 days prior to the first student attendance day of the succeeding school year [KRS 161.760(3)].

The Kentucky Department of Education has identified the following implications for personnel actions for SBDM schools.

- When a vacancy occurs in a certified or classified position at a school that has implemented school-based decision making, the terms of KRS 160.345 apply so that the principal is to select the person to fill the position in consultation with the school council.

- Certified vacancies in positions at SBDM schools should be posted immediately, regardless of when the vacancy occurs.
- The superintendent must conduct a search to locate minority candidates for vacancies [KRS 160.380(2)(d)].
- The statutes do not require posting of vacancies for classified positions. The local board of education may have a policy that addresses the posting of classified vacancies. Classified employees in SBDM schools are subject to the written policies of the local board of education and all other requirements established in KRS 161.011. However, at SBDM schools, all classified instructional positions at the school are filled through consultation with the school council as per its policy, with final selection with the principal.
- The superintendent should inform the principal at an SBDM school of vacancies immediately so that the principal may act in a timely fashion, especially since staffing decisions by the principal and the school have the potential for impacting required timelines for notices to employees of assignments. Likewise, principals should make hiring decisions in a timely fashion.
- KRS 160.380(2) provides that when a certified vacancy needs to be filled in less than 30 days' time to prevent disruption of necessary instructional or support services of the school district, the superintendent may seek a waiver from the commissioner of education. If a waiver is approved, the appointment cannot be made until the commissioner of education officer has approved the person recommended for the position. The chief state school officer must respond to the district's request for waiver or for approval of an appointment within two working days.
- When circumstances warrant a waiver of the 30-day posting requirement by a desirable qualified applicant has not be identified, it is recommended that the superintendent proceed to post the vacancy. Later, when a desirable qualified applicant is identified, the superintendent may want to submit to the Kentucky Department of Education a request for waiver of the 30-day posting requirement and for approval to hire the applicant.
- Superintendents have authority to select persons to fill district-wide positions, such as itinerant teaching positions, even if the position includes assignments to SBDM schools.
- The school council is responsible for developing a policy for assigning instructional and non-instructional staff time.
- School councils may inquire about the details of the search to locate minority teacher candidates conducted by the superintendent. If school councils do not receive minority applicants, they may offer to assist in any way possible to encourage the recruitment of minority candidates for teaching and other positions in the school.
- Superintendents may transfer or assign staff members for whom there is a contractual obligation to an SBDM school without allowing the principal selection

rights or the school council consultation rights when the only position available is at an SBDM school and one of the following circumstances exists:

- When a reduction in force exists and it becomes necessary to find a position for a certified staff member because of teacher seniority rights under the reduction in force statute [KRS 161.800]. In the case of a reduction in force because of a decline in enrollment, school councils must accept necessary transfers, but first the identity of each vacancy and the certification requirements should be known. In that case, the 30-day posting provision should precede placement in the vacancies based on seniority.
- When positions become available subsequent to a reduction in force, and KRS 161.800 applies, the employees whose continuing contracts are suspended in a reduction in force have the right of restoration to continuing service status in the order of seniority of service in the district if qualified for the vacant position.
- When the superintendent must honor an employer-employee bargained contract on transfers.
- When an employee is returning from a leave of absence.
- When a court or teacher tribunal has ordered the reinstatement of a former employee.
- When an administrator, for whom there is a contractual obligation, has been demoted and must be assigned within his or her area(s) of certification.
- When a principal has been hired and his or her spouse needs to be transferred out of the school to avoid a nepotism violation [KRS 160.380(2)(g)], and the only position available for which the spouse is certified is at an SBDM school.

Extra-Duty Assignments and Coaching Positions

When extra duties are merely additional assignments to an existing position in that school, posting of the extra-duty assignment is not required. However, when a full-time position is either created or vacant, if the extra-duty assignments are considered attached to the position, they should be posted as part of the position. Coaches' positions are to be treated in the same manner [OAG 95-10].

Continuing Employment of Non-Tenured Staff in SBDM Schools

In situations where a non-tenured staff member has received notification from the superintendent of non-renewal by May 15 [KRS 161.750(2)], and the superintendent subsequently rescinds the decision prior to the end of the current employment contract, then no vacancy has occurred, and the superintendent may extend the employment of the employee for another year in his or her current position in the same school. However, if the contract is allowed to expire, a vacancy occurs, and potential re-employment of the staff member would follow the procedures outlined in the SBDM

statute, which requires the principal to select personnel from a list of candidates submitted by the superintendent after consultation with the school council.

Transfers in Districts with Bargained Contracts

Any request for transfers must conform to any employee-employer bargained contract that is in effect.

Understanding KRS 157.360

After receiving notification of the funds available for the school from the local board, the school council shall determine, within the parameters of the total available funds, the number of persons to be employed in each job classification at the school. As outlined in KRS 157.360(5)(a), base funding levels include:

24:1 for primary grades

28:1 for grade 4

29:1 for grades 5 and 6

31:1 for grades 7 to 12

An addition to these base levels is a requirement for secondary schools that includes a maximum of 150 per-pupil hours [KRS 157.360(5)(b)].

Two parts of the staffing base funding levels can cause confusion for school council members and others in the school community: base levels for primary grades and the 150 per-pupil hours for secondary schools. Note that school councils are not bound by these maximum class size limits once the school receives the allocations. School councils determine, within the number of staff allocated, the job classifications for each of the positions.

Understanding Primary Program Allocations

Primary school is defined in KRS 158.031 as being multi-aged groupings. To this effect, the allocation of staff for primary school is based on the total number of students included in an enrollment from the time they enter school (i.e., kindergarten) to the time they exit (i.e., grade 3). Therefore, as a school district determines the staff for the primary grades at an elementary school, the school district will add the total number of students in the primary grades as a whole and then divide by a maximum of 24 (number can be lower based on district choice in the allocation formula) to get the number of teacher positions. For elementary schools that have determined that they will have a graded primary program, this may mean that one grade may have more than 24 students per classroom teacher and another grade may have less than 24 students per classroom teacher.

Understanding Secondary School Allocations

When KRS 157.360 was enacted, most secondary schools operated on a six-period day within semester schedules. Scheduling concepts such as alternative models and block schedules including trimester schedules were not factored into legislation. Once the base level funding language is added into the staffing allocation formula, class size

loads for middle and secondary school classroom teachers cannot exceed the equivalent of 150 pupil hours per day. This means that each classroom teacher who is allocated to grades 7-12 cannot have more than 150 per-pupil hours. One hundred-fifty per-pupil hours of instruction during a six-hour school day would yield a ratio of 25:1. Again, school councils are not bound by these maximum class size limits once the allocations are received by the school. School councils determine, within the number of staff allocated, the job classifications for each of the positions.

Chapter 15

Minority Educator Recruitment and Retention

Kentucky's student population is becoming increasingly cultural, ethnic and linguistically diverse. Yet, little diversity in Kentucky's teacher workforce exists. In Kentucky, 17.9% of the public school students are minority compared to only 4% of our teachers.

If Kentucky's children are to become viable citizen of the global community, they must first learn to appreciate, respect, and affirm diversity. This appreciation of diversity must begin in the public school systems throughout the Commonwealth. True diversity will be accomplished one classroom at a time.

The following are techniques, strategies, and information useful for achieving diversity in public schools.

- Understanding diversity
- Commitment
- Building the pool of applicants
- Provide meaningful experiences
- Getting minorities into education
- Building community networks

Understanding Diversity

As members of the school council, you are charged with the responsibility of making decision in the best interest of the school and for all students within that school. As persons responsible for selecting principals and for consulting with the principal in selecting teachers, we urge you to make sure that when you consider applicants to fill positions you insist that the pool be ethnically and culturally diverse. Make sure when these new teachers and administrators are selected they receive full support from the school council, school faculty, and staff.

African Americans comprise approximately 11% of our Commonwealth's student population but less than 4% of the total number of teachers statewide. When searching for African American educators it would be wise to contact the National Alliance for Black School Educators for more than 100 historically Black Colleges and Universities.

Native Americans comprise less than 1% of Kentucky's population. It is not advisable to generalize or stereotype Native Americans today because of the diversity of the native experience in this country. You will find that Native people will be happy to share their perspectives. For more information contact the Kentucky Native American Heritage Council.

The 2010 United States Census reports that Hispanics/Latinos are the fastest growing ethnic group in the U.S. Currently approximately 16% of the U.S. population is Hispanic/Latino. Changes in the economies of rural counties account for the significant increase in Kentucky's Hispanic/Latino student population which is approximately 4% of all Kentucky school students. When recruiting Hispanic/Latino teachers, job fairs in areas with large Hispanic/Latino populations such as California, Florida, New Jersey, and New York are excellent opportunities.

Less than 2% of Kentucky's population is Asian American. A common problem for Asian Americans is the failure of employers to recognize them as needing attention. The model minority myth contributes to a level of invisibility, which hampers the advancement of Asian Americans in the workplace.

Commitment

The school's instructional leaders and its school council must foster an environment that values and affirms diversity among both staff and students. Support for diversity must be evident in both the processes and the outcomes of the school council's work. Effective support for diversity should include:

- A representational component (i.e., the actual representation of diverse faculty, staff, and school council members at different levels of the school environment).
- An interactional component (i.e., members of different groups working well together).
- An organizational culture component (i.e., a well-established organizational value supporting diverse peoples).

Make it a priority to comply with KRS 160.380(2)(d) that states:

> *"When a vacancy occurs in a local district, the superintendent shall conduct a search to locate minority teachers to be considered for the position. The superintendent shall, pursuant to administrative regulations of the Kentucky Board of Education, report annually the district's recruitment process and the activities used to increase the percentage of minority teachers in the district."*

While the language directs the superintendent to conduct the search for minority candidates, as the school council of a school, you to have a responsibility to ensure that all students are exposed to a growing demographic diversity.

Develop a diversity plan for your school that is specific to the needs of your school, district and community.

The school council should keep a record of the numbers of minorities interviewed and hired for vacancies, particularly administrative positions such as counselor, assistant principal, or principal.

Building the Pool of Local Candidates

A steadily growing national movement in which middle and high schools, local school districts, state education agencies and the federal government are developing programs to "grow their own" teachers is largely untapped. These future teacher identification and recruitment programs foster students' early interest in teaching as a career.

It is never too early to identify and encourage minority students to prepare for careers in education. One way to encourage early identification is to implement programs, either of your own design or in cooperation with programs through the Kentucky Department of Education (i.e. Future Educators of America), to encourage young people to become teachers. You may consider establishing scholarships for your students with the stipulation that they return to the community to teach.

Provide Meaningful Experiences

- Provide opportunities for middle and high school students to mentor elementary students.
- Allow high school students the opportunity to serve as teacher aides during study halls and other free periods during the day.
- Develop programs permitting students to “shadow” practicing teachers and administrators.
- Develop an education career component that may be used as part of the curriculum.
- Establish a working relationship with local community colleges, junior colleges and other institutions of higher or postsecondary education in your geographic region to develop internships, practicum and student teaching opportunities for minority teacher education majors.
- Make district personnel officers aware of your particular staffing needs prior to their attending collegiate job fairs.

Getting Minorities into Education

- Describe your school and its programs in advertisements in minority professional publications.
- If you are near a military installation, investigate the Troops to Teachers Program as a way to recruit minority teachers.
- Seek assistance from minority educators already in your district.
- Establish contact with local minority civic organizations and churches.

Don’t overlook internal candidates. Work with the district office to identify a cadre of interested minority paraprofessionals within your school and assist them in preparing for teacher certification.

Many school councils lack the resources to compete at the national and state level for minority teachers and administrators. However, many school councils are working with the Kentucky Department of Education, community organizations, and district human resources personnel to make a case for funding creative strategies to attract and retain qualified teachers from the limited pool of candidates.

- Develop a plan to improve minority high school student graduation rates and enhance the skills of prospective homegrown teachers for the district and possibly your school.

- Assure that all new staff feel welcome,
- If your school does not have minority faculty, ask a person from the community to serve as part of the welcoming team.
- Request current minority staff to serve as mentors for new staffers.
- Include diversity awareness as part of the school's annual professional development program.

Building Community Networks

- Identify local and regional chapters of national organizations that can assist with your recruitment efforts. Once these organizations are identified, find out if there are any teachers in your school or district who are members.
- Identify and reach out to and partner with minority churches and civic organizations. See that these organizations have notices of vacancies in their district and that they announce these to members for dissemination throughout the community.
- It is important to make new hires feel welcome and part of the welcoming process could be to have identified minority contacts within your community to form linkages with the new teacher.
- Building relationships within your community not only assists in the recruitment of minorities but also provides an opportunity to support minority staff already employed. This also promotes the school's sense of responsibility to the community it serves. Seek out minority professional organizations to assist with the recruitment and retention staff.
- Form a diversity committee and assign them to collaborate with district personnel officers and individuals from the community, to plan, organize, and monitor school recruitment efforts. Share effective strategies, techniques, and best practices with other school councils.
- Invite minority parents and community leaders to become active on the school council and in other school activities.
- Design advertisements (print and broadcast) to reach a diverse group of teachers and potential teachers.

Five Steps to Improving Your Teacher Recruitment and Retention Efforts

1. Build a recruitment team.

Gather a committed and diverse planning team or committee to help collect data, evaluate your school needs, identify resources, and recommend a list of desired changes in policies and practices. The team should include teachers, parents, community leaders and principals.

2. **Identify your needs.**

Assign members of the team to collect as much data as possible in order to assess your teacher recruitment needs and build a case for stepping up your efforts. Work with your building principal and secure his support of your efforts.

3. **Examine available pools of prospective teachers.**

Request a list of available candidates from the superintendent's office, and attempt to identify new pools of teacher candidates.

4. **Develop your focus and set your goals.**

Begin to think about where you will start and what kinds of changes are needed.

5. **Evaluate your readiness to significantly improve your teacher recruitment and retention efforts.**

Take stock of your current programs and resources in order to determine which programs to keep, to enhance or to initiate.

There are many excellent legal and social arguments for recruiting and retaining a diverse teacher workforce, but the most powerful argument for excellence in diversity recruiting and retention relates to the impact that a divers teacher workforce can have on the bottom line…preparing our children to live and work in a pluralistic society. Does having a workforce with diverse backgrounds, experiences and ideas prepare our students for the future? The answer is a resounding YES!

Legislation Affecting Minority Educator Recruitment and Retention

KRS 160.500

"The General Assembly directs that appointments made by the appointing authority to every board, commission, council, or other type of advisory or decision-making body created or reenacted by the Education Reform Act of 1990 reflect reasonable minority representation of the membership and that active minority participant at every level of implementation be continually encouraged."

KRS 160.345(1)(a) and (2)(b)2

"(a) "Minority" means 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."

2. School councils in schools having eight percent (8%) or more minority students enrolled, as determined by the enrollment on the preceding October 1, shall have at least one (1) minority member."

KRS 160.380(2)(d)

"When a vacancy occurs in a local district, the superintendent shall conduct a search to locate minority teachers to be considered for the position. The superintendent shall, pursuant to administrative regulations of the Kentucky Board of Education, report annually the district's recruitment process and the activities used to increase the percentage of minority teachers in the district"

Challenges

The shortage of teachers of color in Kentucky's public schools has reached critical proportions. Yet this shortage presents itself at a time when the number and percentage of students of color in our public schools has reached record numbers. The challenge

for school councils then, is to work effectively with district administrators, building principals, and state department officials to identify, recruit, hire and retain teachers and administrators of color.

Leadership from district superintendents, building principals and teachers is important in our efforts to provide equitable, bias-free education. However, it is not just schools that must change. Each member of the school council must ask, “What actions can I take to help?”

As a school council member, you must constantly remind yourself that the benefits of recruiting, hiring, and retaining teachers of color are far reaching. Teachers of color serve as role models for all children and promote racial understanding and appreciation among all ethnic groups.

Chapter 16

Achievement Gaps and Planning Requirements

KRS 158.649: Achievement Gaps

SECTION 1

"Achievement gap" means a substantive performance difference on each of the tested areas by grade level of the state assessment program between the various groups of students including male and female students, students with and without disabilities, students with and without English proficiency, minority and nonminority students, and students who are eligible for free and reduced lunch and those who are not eligible for free and reduced lunch.

⇒ An achievement gap exists if there is a substantive difference within accountability scores of the various targeted groups of students mentioned.

⇒ Targeted groups include male and female students; students with and without disabilities; students with and without English proficiency; minority and non-minority students; and students who are eligible and those who do not qualify for free and reduced-price meals.

SECTION 2

By November 1 of each year, the Department of Education shall provide each school council, or the principal if a school council does not exist, data on its students' performance as shown by the state assessment program described in KRS 158.6453. The data shall include, but not be limited to, information on performance levels of all students tested, and information on the performance of students disaggregated by race, gender, disability, English proficiency, and participation in the federal free and reduced price lunch program. The information from the department shall include an equity analysis that shall identify the substantive differences among the various groups of students identified in subsection (1) of this section. Beginning with the 2012-2013 school year, the reporting requirement in this subsection shall be no later than seventy-five (75) days following the first day the assessment can be administered.

⇒ KDE must provide schools and school districts student performance data on the targeted groups by November 1 of each year. This data must be based on the state assessment program.

⇒ The data will include performance data on all disaggregated groups mentioned in Section 1 of this statute.

SECTION 3

Each local board of education upon the recommendation of the local district superintendent shall adopt a policy for reviewing the academic performance on the state assessments required under KRS 158.6453 for various groups of students, including major racial groups, gender, disability, free and reduced price school lunch eligibility, and limited English proficiency. The local board policy shall be consistent with Kentucky Board of Education administrative regulations. Upon agreement of the school-based decision making council, or the principal if there is not a council, and the superintendent, the local board shall establish a biennial target for each school for reducing identified gaps in achievement as set out in subsection (4) of this section.

⇒ Each local board of education must adopt a district policy for reviewing student performance on the state assessments. This review must include information on all applicable targeted groups.

⇒ The school council and the superintendent must set biennial targets for their school to reduce any identified gap. The local board of education must agree with these targets.

SECTION 4

By February 1, 2003, and each February 1 in odd-numbered years thereafter, the school-based decision making council, or the principal if there is not a council, with the involvement of parents, faculty, and staff shall set the school's biennial targets for eliminating any achievement gap and submit them to the superintendent for consideration. The superintendent and the school-based decision making council, or the principal if there is not a council, shall agree on the biennial targets before they are submitted to the local board of education for adoption. Beginning with the 2012-2013 school year, the reporting requirement in this subsection shall be October 1 of each year.

⇒ Consulting with all stakeholders (parents, certified and classified staff) the school council must set biennial targets for eliminating any achievement gap.

⇒ The superintendent and school council must agree on the biennial targets before they are submitted to the local board for adoption

⇒ The school council and superintendent must agree on biennial targets for any achievement gap; however, school councils are not required to include targets for each subpopulation in their improvement plans. School councils may decide, based on their needs assessment, which subpopulation(s) to address.

SECTION 5

By April 1, 2003, and each April 1 in odd-numbered years thereafter, the school council, or the principal if a school council does not exist, with the involvement of parents, faculty, and staff, shall review the data and revise the consolidated plan to include the biennial targets, strategies, activities, and a time schedule calculated to eliminate the achievement gap among various groups of students to the extent it may exist. The plan

shall include but not be limited to activities designed to address the following areas:

(a) Curriculum alignment within the school and with schools that send or receive the school's students;

(b) Evaluation and assessment strategies to continuously monitor and modify instruction to meet student needs and support proficient student work;

(c) Professional development to address the goals of the plan;

(d) Parental communication and involvement;

(e) Attendance improvement and dropout prevention; and

(f) Technical assistance that will be accessed.

Beginning with the 2012-2013 school year, the reporting requirement in this subsection shall be October 1 of each year.

⇒ The school council must review data and include biennial targets, activities and a calculated time schedule in their school improvement plan for eliminating achievement gaps in various targeted groups.

⇒ The plan must address the areas mentioned in this section of the statute.

⇒ After completing a needs assessment, the council must include specific activities and timelines for eliminating achievement gaps in its school improvement plan. Activities should be measurable, and specific completion dates should be included.

SECTIONS 6 and 7

(6) The principal shall convene a public meeting at the school to present and discuss the plan prior to submitting it to the superintendent and the local board of education for review, in the public meeting required under KRS 160.340.

(7) Based on the disaggregated biennial assessment results, the local board shall determine if each school achieved its biennial targets for each group of students. Only data for a group of students including ten (10) or more students shall be considered.

⇒ The principal must call a public meeting at the school to present and discuss the plan with stakeholders before submitting it to the superintendent and local board.

⇒ The local board of education must determine if the school has achieved its biennial target for each identified group.

⇒ Only groups of ten or more students will be considered.

SECTIONS 8, 9 and 10

(8) Notwithstanding KRS 160.345(8) and 158.070(8), if a local board determines that a school has not met its target to reduce the identified gap in student achievement for a group of students, the local board shall require the council, or the principal if no council exists, to submit its revisions to the school improvement plan describing the use of professional development funds and funds allocated for continuing education

to reduce the school's achievement gap for review and approval by the superintendent. The plan shall address how the school will meet the academic needs of the students in the various groups identified in subsection (1) of this section.

(9) The superintendent shall report to the commissioner of education if a school fails to meet its targets to reduce the gap in student achievement for any student group for two (2) successive years. The school's improvement plan shall be subject to review and approval by the Kentucky Department of Education and the school shall submit an annual status report. The Department of Education may provide assistance to schools, as it deems necessary to assist the school in meeting its goals.

(10) The school-based decision making council, or the principal if there is not a council, shall no longer be required to seek approval of the plan under subsections (8) and (9) of this section when it meets its biennial target for reducing the gap in student achievement for the various groups of students identified in subsection (1) of this section.

⇒ If the local board of education deems that the school improvement plan does not meet the biennial target for reduction in achievement gaps, the local board must require the school council to submit revisions of the school improvement plan.

⇒ The plan revision must include a description of the use of professional development funds, funds allocated for continuing education and how the academic needs of the various groups identified in Section 1 will be met.

⇒ The superintendent must approve the school improvement plan.

⇒ The superintendent must report to the commissioner of education any school that fails to meet set achievement gap targets for two consecutive biennia.

⇒ The school's improvement plan will be subject to review by KDE, with the school submitting annual status reports.

⇒ KDE may provide assistance to schools as needed to assist in meeting goals.

⇒ Once the school meets its biennial targets, the school council will no longer be required to seek approval of its school improvement plan.

703 KAR 5:225, Section 9: Comprehensive School and District Improvement Plan Process

Sub-sections 1 and 2

(1) Each school or district shall annually develop, review, and revise a comprehensive school or district improvement plan.

(2) The structure of a school or district comprehensive improvement plan shall include:

(a) Executive summary that shall include a vision and a mission;

(b) Needs assessment that shall include:

1. A description of the data reviewed and the process used to develop the needs assessment;
2. A review of the previous plan and its implementation to inform development of the new plan; and
3. Perception data gathered from the administration of a valid and reliable measure of teaching and learning conditions;

(b) Process for development that shall include:

1. Analysis of data to determine causes and contributing factors;
2. Prioritization of needs; and
3. Development of goals, objectives, strategies, and activities based on the needs assessment and root cause analysis, that shall include targets or measures of success, timelines, persons responsible, a budget that includes resources needed and source of funding, and a process for meaningful stakeholder communications and input;

(c) A set of assurances, approved by and on file with the local board of education, with a signed declaration by the superintendent that all schools in the district are in compliance with the requirements of the statutes and administrative regulations included in those assurances; and

(d) A process for annual review and revision by the school or district.

⇒ Annually, each school and district must review and revise their improvement plan.

⇒ Each plan must have an executive summary, a needs assessment, and perception data.

⇒ The process must include an analysis of data to determine causes and contributing factors; prioritized needs, and the development of goals, objectives, strategies and activities to address the needs.

⇒ Assurances must be on file at the districts.

Sub-sections 3 and 4

(3) Continuous improvement and capacity building shall drive the development of the plan.

(4) Other required components in the process shall include:

(a) A standards-based process for measuring organizational effectiveness that shall include purpose and direction, governance and leadership, teaching and assessing for learning, resources and support systems, and using results for continuous improvement;

(b) A data driven self-evaluation based on the standards, including a means to gather meaningful stakeholder input;

(c) A written improvement plan based on the issues identified in the self-evaluation;

(d) A set of assurances that includes a determination of compliance with each assurance and the ability to upload any supporting documentation needed;

(e) Electronic submission of all elements of the plan;

(f) Monitoring implementation of the plan through implementation and impact checks; and

(g) Evaluation of the effectiveness based on the strategies and activities in the plan.

(5) A CSIP shall also include the elements required of schools by KRS 158.649(5).

⇒ Other requirements for improvement planning include a process for measuring organizational effectiveness and a self-evaluation.

⇒ Improvement plans must be electronically submitted.

⇒ A process for monitoring and evaluating the plan must be included.

Sub-sections 6 and 7

(6) A CSIP or CDIP for a priority or focus school or district shall also address the following:

(a) Curriculum alignment for schools within the district and within each individual school, ensuring the instructional program is:

1. Research-based;
2. Rigorous;
3. Aligned with the Kentucky Core Academic Standards as established in 704 KAR 3:303; and
4. Based on student needs;

(b) Provision of time for collaboration on the use of data to inform evaluation and assessment strategies to continuously monitor and modify instruction to meet student needs and support proficient student work, if a priority or focus school;

(c) Activities to target the underperforming areas of achievement, gap, growth, college and career readiness, or graduation rate;

(d) Activities to target demonstrators of weakness in program reviews;

(e) Activities to target areas of need identified in teacher and leader effectiveness measures;

(f) School safety, discipline strategies, and other non-academic factors that impact student achievement, such as students' social, emotional, and health needs, if a priority or focus school;

(g) Design of the school day, week, or year to include additional time for student learning and teacher collaboration, if a priority or focus school;

(h) Specific strategies to address gaps in achievement and graduation rates between the highest-achieving student performance group and the lowest-

achieving student performance group, if a focus school or district; and

(i) Short-term, monthly plans for the first ninety (90) days of implementation, and the establishment of teacher turnaround teams with intensive year-round training focused on teacher effectiveness and school improvement in the professional development component of its plan, if a priority school.

(7) A priority or focus district shall use a variety of relevant sources that shall include perception data gathered from the administration of a valid and reliable measure of teaching and learning conditions to inform the needs assessment required by the CDIP. A district containing a priority or focus school shall assist those schools in using these data to inform the needs assessment required by the CSIP.

⇒ Improvement plans for districts and/or schools that have been identified as a Focus District/School must address additional topics as part of their improvement planning process.

Sub-sections 8, 9, 10 and 11

(8) The Commissioner's Raising Achievement and Closing Gaps Council and the Commissioner's Parents Advisory Council shall provide guidance to focus schools and districts as they conduct their needs assessments and revise their CSIPs and CDIPs.

(9) A priority school shall document meaningful family and community involvement in selecting the intervention strategies that shall be included in the revised CSIP.

(10) The CDIP for a district with a priority or focus school shall include the support to be provided to the priority or focus school by the district. The priority or focus school's CSIP shall include the support that will be provided by the district to the school.

(11) The CDIP for each district shall be posted to the district's Web site. The CSIP for each school shall be posted to the school's Web site.

⇒ CRACGC and CPAC must provide guidance to assist Focus Districts/Schools. CRACGC provides guidance as part of the Closing Gaps booklet. CPAC provides guidance as part of the Missing Piece booklet.

⇒ Priority Schools must include families and the community as part of the decision making process.

⇒ The district's CDIP must be posted on the district's Web site. The school's CSIP must be posted on the school's Web site.

Chapter 17

School Councils and Budgets

Frequently Asked Questions

Must the school council have a budget policy?

The SBDM statute does not explicitly require a budget policy; however, the statute does require the school council to make budget decisions. It is best practice for the school council to have procedures for budgets and allocations. This may be in the form of a policy.

These budget procedures should include:

- The process for determining the number of personnel in each job classification;
- The selection of textbooks and instructional materials;
- The determination of student support services; and
- The determination and selection of staff professional development.

How often should school councils review school funds?

School councils should be provided with monthly financial reports that reflect amount budgeted. These can be budgets created at the school level or MUNIS budgets and expenditure forms from the district. However, if MUNIS forms are used, principals should not just hand these to school council members, but explain the headings and the codes for understanding.

The school council's review of funds also should include an evaluation of school activity funds. School councils are responsible for school activity funds and should ensure all organizations manage school activity funds according to state standards. These standards are outline in *Accounting Procedures for School Activity Funds Handbook*, commonly referred to as *The Redbook*.

Who decides how the school's professional development money is spent?

The school council aligns professional development with the school improvement plan in determining how the school's professional development (PD) allocation will be spent. The district monitors PD spending to ensure that allowable expenditures are aligned to identified needs assessment and school improvement.

Must the school council follow a specific process in approving the school budget?

While the requirements of the statute stipulate the school council must determine how the funds are utilized, it does not suggest that others may not be involved in the process

for determining how school-allocated funds are distributed. Several options for councils to consider when fulfilling this responsibility include:

- The school council may complete the budget once input has been gathered from the school community. Once final, the school council formally adopts the budget.
- The school council may assign the task to the budget committee. The budget committee may gain input from the school community and does the actual calculations for the development of the budget. Once final, the budget is submitted from the budget committee for approval by the school council.
- The principal may complete the budget after gaining input from the school community. Once final, the principal must present the proposed budget to the council for approval.

As with any proposal put before the school council, the school council may engage in discussion, and the proposed budget may be modified before it is actually adopted.

The process your school council follows should be consistent with the school council budget procedures. Additionally, the budget development process should take into account the school improvement planning process. Connections should be made between the school improvement plan and the school budget.

Must school councils approve every school purchase?

No, school councils are not required to approve every purchase within the school.

Who decides which textbooks the school purchases?

The school council is responsible for determining which “textbooks, instructional materials, and student support services shall be provided in the school.”

Budget Responsibilities

School budgets consist of funds for two main purposes: staffing and instructional supplies.

Seeing the school council’s role with budgets in respect to the rest of the school community can make it clearer. The chart on the next page outlines the school council’s role, the principal’s role and the teachers’ role as it relates to the funds that are allocated to the school:

School's Role in Budgeting		
School Council	**Principal**	**Teachers**
Review monthly budget reports. Request funds from the board of education for maintenance, supplies and equipment that are not covered in school accounts. Ensure that professional development expenditures are reflected in the school improvement plan. Review categorical program expenditures. Approve the school budget annually. Determine job classification each spring.	Track all school expenditures. Explain monthly MUNIS reports to the school council. Ensure that budget requests are aligned with the school mission and improvement goals. Facilitate discussions around job classifications and school needs.	Communicate budget needs to the school council. Request resources that are aligned with the school mission and improvement goals.

Annually, the school council must adopt a budget for the school. Multiple funding sources are available to the school; however, with state and federal funding cuts, these funds may be limited or unavailable to a school.

THE SCHOOL COUNCIL'S MAIN BUDGET AREAS			
Money sources:	**Explanation:**	**Amount:**	**Date of school council access:**
Staff Allocations	Each school's funding for staff is determined in two steps. A school board formula is used to make a list of positions, and then the district salary schedule is used to attach a dollar figure to each position.	Based on school board policy that follows the school council allocation regulation.	Tentative **March 1** each year, with a final allocation by **May 1.**
Instructional Funds	Each school's average daily attendance (ADA) for the previous year is multiplied by a fixed amount per pupil. By law, the funding to councils is at least 3.5 percent of the basic per-pupil guaranteed state funding. The exact amount is determined by the General Assembly during each biennial budget.	At least 3.5 percent of the basic guaranteed per-pupil amount.	Tentative **March 1** each year, with a final allocation by **May 1.**
Remaining Funds Allocation	The school board makes decisions about allocating the remaining funds left over after:	No set amount.	**May 30** each year, if funds are

THE SCHOOL COUNCIL'S MAIN BUDGET AREAS			
Money sources:	**Explanation:**	**Amount:**	**Date of school council access:**
	• District-wide expenses • Certified and classified staff allocations to schools • Minimum allocation to councils	School councils may make a request based on need.	available
Professional Development	These funds support a wide range of activities to develop knowledge and skills to move all students to proficiency.	65 percent of the funding provided to the school district times average daily attendance (ADA) from the prior school year.	Within 30 days of notification from KDE.
Textbook	These funds can be used for instructional materials.	Once state budget is settled each biennium, based on ADA for each P-8 school.	When state budget is set.
Extended School Services funds	For students who need additional instructional time to reach state standards.	Once state budget is passed, based on ADA for each school.	When state budget is set.
Activity funds	School general activity funds — those funds NOT raised by a school organization for a specific purpose.	Varies from school to school.	July 1 – June 30.

Below is a listing of other funding sources, both from state and federal grants, which may be available to schools. Many of these are district programs where the district may provide and oversee the services for students. These can include:

Other Money	Explanation
State Preschool	Four-year-olds from low-income families and 3- and 4-year-olds with disabilities are eligible for free preschool services.
Family Resource and Youth Services Center	These funds are used to address the physical and social well being of students and their families in order to minimize or eliminate barriers to learning for academically at-risk students.
Safe Schools	School Safety Plans rather than Comprehensive School Improvement Plans officially govern this funding. However, when the same activity will help with the goals of both plans, you may want to include them in both to help your community understand how the resources are being used.

Other Money	Explanation
KETS	Education technology that meets state quality standards is part of the state-approved district technology plan.
Gifted and Talented	Direct services to students who are identified as gifted and talented. Seventy-five percent of this funding must be used for certified staff.
Title I, Part A	Title I, Part A supports effective, research-based instructional strategies to help students meet state standards.
Migratory Children	Supports services to help students meet challenging state standards if their families make repeated moves.
Title II, Part A	Supports strategies for improving teacher and principal quality.
Limited English and Immigrant Students	Language instruction and other steps to help students with limited English proficiency, including helping immigrants develop high levels of academic attainment in English and meet challenging state standards.
Rural & Low Income	Provides additional support for NCLB-related activities in rural districts that often lack the personnel to apply for other grants.
IDEA Basic	Services needed to educate students with disabilities.
IDEA Preschool	Supports preschool for children with disabilities.
Perkins	Supports vocational and technical education programs.
McKinney-Vento Grant	Support for homeless children.
E-Rate	Special arrangements for major savings to schools on the costs of Internet access. Also called Universal Service Administrative Company (USAC) Schools and Libraries Division.

These funds can be overwhelming to consider; however, an effective school council is aware of the funds that are expended in the school and why they are expended in the ways that they are. However, oversight and final discretion of any federal or state grant funds is the decision at the district level.

Requesting Section 7 Funds

What is Section 7 money?

Kentucky funding regulation 702 KAR 3:246 outlines the distribution of funds to schools. The regulation is divided into sections, which determine the uses for the funds. In Section 3, the school district pulls the funds needed for district expenses. Then, the district allocates to the school council. Sections 4 and 5 allocate certified and classified staff to the schools within the district. Instructional funds based on SEEK are included in Section 6. When these allocations are made, the remaining funds are what are referred

as **Section 7** funds. Within Section 7 are guidelines that govern how those funds are distributed. The local board of education can vote to provide additional funding to the school by:

1. Average Daily Attendance (ADA) – The local board of education divides the money among all schools based on the student average daily attendance.
2. School Council Identification – Each school council lists needs from its school improvement plan, and the local board of education chooses none, some or all of those needs.
3. Disaggregated Data – The local board of education targets money to an area of student needs shown by the school's data, and the school council decides how to use the money to address that need area.
4. The local board of education can combine these methods to distribute Section 7 resources.

Budget Policy Guidelines

Consider these guidelines when developing a budget development process.

- Establish a philosophy: All of our decisions are made based on student achievement
- Use data analysis of continuous classroom assessment and standardized test scores to make decisions.
- Prioritize needs.
- Follow the board-developed policy and timeline for budget development.
- Review all funds available for use by the school council.
- Provide feedback to the district on other sources of funding.
- Establish clear roles of school council members, committee, faculty and staff, and the principal.
- Decide how to best involve stakeholders and consider stakeholder requests.
- Establish a budget request process.
- Follow the district's process for determining Section 7 requests.
- Develop or determine the school council process for monitoring and adjusting the budget as needed.
- Decide how the school council will communicate decisions to stakeholders. Ask teaching teams to report to the school council if student needs have changed and they need new or different resources.
- Always know how much money there is, and be constantly aware of fund balances in the different areas.

Chapter 18

Principal Selection (Overview)

Frequently Asked Questions

What is the role of the school council in selecting a principal?

Principal selection can be one of the most difficult tasks for a school council. The SBDM statute sets specific requirement for school councils.

1. The outgoing principal cannot serve on the school council during the principal selection process.
2. The superintendent, or designee, serves as the chairperson of the school council during the principal selection process and has full voting rights.
3. The school council must have access to all qualified applicants for the principal position.
4. If the principal has been removed from any position in the district, that person cannot be considered a candidate.
5. The school council must receive specific principal selection training prior to beginning the principal selection process. The school council selects the trainer.
6. If the principal vacancy is in a school deemed low-performing and a scholastic audit (i.e., Leadership Assessment) has found the school council and principal as ineffective, as determined by KRS 158.6455, the superintendent appoints the principal after consultation with the school council.

What if a school council member (either a teacher or parent representative) applies for the principal vacancy?

If a teacher or parent representative from a school council applies for a position of principal within the school, it is best practice that they resign from the school council. If the council representative resigns, the appropriate constituency (i.e., teachers or parents) will have the opportunity to hold elections. If the council representative decides to remain on the school council, they must recuse themselves from the entire principal selection process including the school council's discussions concerning the vacancy, review of the applications, interview questions, and interview schedule.

Does the position for an interim principal need to be posted for 30-days?

Interim principals are temporary positions. Therefore, it is not necessary to post for this position. However, board of education policies will need to be followed.

Who selects an interim principal?

Once the school council has asked for an interim principal, whether it is for a few weeks or the entire school year, the superintendent can appoint someone to that position.

Our school council members begin their new term on July 1. Who selects the principal if the process crosses both the outgoing school council and the new school council?

If the posting ends prior to June 30, the outgoing school council will need to complete the selection process before their term ends on June 30. If the posting or the process continues on past July 1, the new school council will complete the selection process and do the selecting of the new principal.

Can a superintendent, who is serving as the chair of the school council during principal selection, conduct the required principal selection training?

No, as part of the school council for the purpose of principal selection, the superintendent must participant in the required training. Therefore, the school council, including the superintendent, must select another trainer.

During school consolidation or reconfiguration, who selects the principal?

If the local school district has an approved consolidation or reconfiguration plan approved and the school will be under operation with a new school name and school number, the superintendent selects the principal. If the plan for consolidation or reconfiguration includes the name of one of the schools (and the school number) remaining, then the school council of that school selects the principal.

Steps for Principal Selection

The following suggested steps may assist school councils during the principal selection process. However, these steps are suggestions and are not required by statute. The SBDM statute only requires that school councils receive training in recruitment and interviewing techniques prior to carrying out the process of selecting a principal [KRS 160.345(2)(h)2]. Also, although the SBDM statute does not require it, having a principal selection policy is a best practice.

1. Declare Principal Vacancy

The superintendent declares a principal vacancy at a school as a result of a principal retirement, resignation, termination or other reason.

2. Post the Vacancy

Post vacancy according to KRS 160.380(2)(b). This requires a 30-day posting of the vacancy prior to filling the position. The position must be posted at the local central office for public viewing and also must be listed in a statewide registry maintained by the Kentucky Department of Education (KDE). According to KRS 160.380(2)(c), the

superintendent may ask for a waiver from KDE to fill the vacancy in less than 30 days to prevent the disruption of necessary instructional services.

3. Superintendent, or Designee, Meets with the School Council

The superintendent, or designee, meets with the school council in an open meeting to discuss the following:

- The desire to work collaboratively and cooperatively with the school council to select a principal who meets the unique needs of the school based on superintendent and school council criteria.
- District recruiting strategies and activities.
- Timeline for providing the school council members information concerning the recommended applicants by the superintendent, or designee, for school council consideration. However, KRS 160.345(2)(h)2 requires the school council to have access to all applications.
- Methods to be used to gather information and screen applicants in making final recommendations.
- The possible need to appoint an interim administrator until such time that the school council selects a principal and an explanation of the process of selection.
- Required training of the school council in the principal selection process.

4. Set Up Principal Selection Training for the School Council

KRS 160.345(2)(h) requires principal selection training. The school council selects the trainer. Suggested topics to request the trainer to cover are as follows:

- How to review applications and resumes.
- How to use electronic searches to gather information about the candidates.
- How to develop questions based on agreed criteria including legally allowable questions and topics to avoid.
- How to conduct in-person interviews.
- How to conduct reference and work experience checks.
- How to prepare, conduct and evaluate open response or written interviews.
- How to review a candidate's portfolio.
- How to prepare, conduct and review a performance event.
- When and how to discuss employment issues in open or closed session following the Open Meetings Law [KRS 61.810 to KRS 61.815].

5. Establish School Council Timeline and Plan for Principal Selection Process

Start with the target date for selecting a principal and work backward to decide a timeline and plan for your work.

6. Recruit Principal Candidates

Beyond posting the position with KDE and at the school and district level:

- Advertise in local and state publications.
- Recruit minority applications [KRS 160.380(2)(d)].

7. Establish Principal Candidate Criteria and Screening Process

In an open meeting, review attributes and needs of the school and gather input from stakeholders. The superintendent, as part of the school council, will assist in developing written criteria for the selection of applicants based on district expectations, standards of performance and job descriptors. The school council, with the superintendent, will share criteria, discuss the timeline of the process and encourage minority recruitment with all stakeholder groups.

8. Decide Information-Gathering Process

The school council should meet and establish the procedures it will follow for the principal selection process. How will this school council:

- Review applications, resumes, portfolios and other relevant materials?
- Use electronic search to gather additional information about the candidates?
- Develop interview questions based on criteria?
- Check references and others who have worked for and with the candidate?
- Conduct the interviews (the procedure for conducting interviews – all interviews are conducted in closed session)?
- Prepare open response or performance events, if applicable?

9. Review List of Applicants and Determine Whom to Interview

The superintendent should screen and determine a list of candidates deemed qualified and match the established criteria for the position. In closed session of the school council, review the recommended applicants from the superintendent, and as a school council determine who best meets the established criteria to select for interview. The superintendent or the school council's vice-chair should make the contact and set up the time for the interview within the interview schedule.

10. Conduct Interviews, Evaluate Candidates and Make Selection

Conduct and interview all selected candidates in closed session. Ask each candidate all of the agreed upon questions in the same order. Ask any follow-up questions, if needed. At the end of the interview, provide the candidate time to ask questions and provide any other relevant information. Inform the candidate of the timeframe for selection and by whom or how they will be contacted. Once all candidates have been interviewed, evaluate the candidates using the agreed upon process and criteria in closed session. Discuss each candidate's strengths and limitations. Once a selection has been made, the superintendent should call the candidate and offer the position. If the candidate accepts the position, the school council should go into open session and announce, for the record, that a selection has been made, offered and accepted. If the chosen

candidate does not accept the position, the school council will need to either review the remaining candidates and select another or begin the principal selection process again.

It is best practice to contact all interviewed candidates once a selection has been made and accepted. Notify all applicants not chosen for an interview by letter that a selection has been made and thank them for their interest in the district.