



KENTUCKY DEPARTMENT OF EDUCATION

Advanced School-based Decision Making

A three-hour training for experienced SBDM members

OBJECTIVES:

After this training, council members will be able to...

- Understand the statutory requirements of a council member serving on the school-based decision making council,
- Recognize who is eligible to vote and run in school council elections,
- Understand the minority election process,
- Explore what reasons constitute the removal of a council member,
- Distinguish the budgetary responsibilities councils have and what decisions they have to make,
- Determine what the council's role is when allocating staff to the school, and
- Compare and contrast the two principal selection options.

SESSION OVERVIEW:

This SBDM training session is designed to help experienced council members understand their roles on councils and the work that councils do. These SBDM training materials were developed by the Kentucky Department of Education for use in training school council members in implementing school-based decision making.

STUDENT ACHIEVEMENT:

The school council's mission is to improve student achievement [KRS 160.345(2)c]. Each school council must create an environment in its school that will result in students achieving at high levels. All policies and decisions by the school council must contribute to the achievement of the school's mission.

School councils continue to be an integral building block of Kentucky's schools and student achievement. As an experienced member, you have likely seen firsthand the impact that you have been able to make in ensuring students achieve at high levels. As we begin this training, consider the following questions:

1. What drives your passion to be on the council and represent the school?
2. What impact have you or the council made on student learning?
3. Why do you feel councils are important?

KRS 160.345: The SBDM Statute

Kentucky's laws are known as the Kentucky Revised Statutes (KRS). These statutes are organized by title and chapter similar to a book; however, when we look at the text in print, it resembles an outline with letters and numbers. All of Kentucky's statutes can be found on the Legislative Research Commission's (LRC) website: www.lrc.ky.gov. KRS 160.345 is the primary statute pertaining to a school council's work. Silently read the statute and while doing so, locate the answers to the questions below and record your answers. As an experienced council member participating in the Advanced SBDM training, you may already know the answers to the below questions; however, confirm your thinking by engaging closely in the reading of the statute.

1. According to the statute, what makes a parent **not** eligible to serve on council?
2. Where is minority membership referenced in the SBDM statute?
3. The principal selection process has two approaches. Describe one of the methods in which a council may select a principal.
4. What does the school council determine in regards to funds the school receives from the local board?

160.345 Definitions – Required adoption of school councils for school-based decision making – Composition – Responsibilities – Professional development – Exemption – Formula for allocation of school district funds – Intentionally engaging in conduct detrimental to school-based decision making by board member, superintendent, district employee, or school council member – Complaint procedure – Disciplinary action – Rescission of right to establish and powers of council – Wellness policy.

- (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 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.
- (2) 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;
 - (b)
 1. The teacher representatives shall be elected for one (1) year terms by a

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 preregistered 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;
- (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;
- (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 be 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;

(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. Requests for transfer shall conform to any employer-employee bargained contract which is in effect;

2. a. i. 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.
- ii. Except as provided in subdivision b. of this subparagraph, 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. 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;

b. An alternative principal selection process may be used by the school council as follows:

- i. Prior to a meeting called to select a principal, all school council members shall receive informational materials regarding Kentucky open records and open meetings laws and sign a nondisclosure agreement forbidding the sharing of information shared and discussions held in the closed session;
- ii. The superintendent shall convene the school council and move into closed session as provided in KRS 61.810(1)(f) to confidentially recommend a candidate;
- iii. The council shall have the option to interview the recommended candidate while in closed session; and
- iv. After any discussion, at the conclusion of the closed session, the council shall decide, in a public meeting by majority vote of the membership of the council, whether to accept or reject the recommended principal candidate;

c. If the recommended candidate is selected, and the recommended candidate accepts the offer, the name of the candidate shall be made public during the next meeting in open session;

- d.
- i. If the recommended candidate is not accepted by the school under subdivision b. of this subparagraph, then the process set forth in subdivision a. of this subparagraph shall apply.
 - ii. The confidentially recommended candidate's name and the discussions of the closed session shall remain confidential under KRS 61.810(1)(f), and any documents used or generated during the closed meeting shall not be subject to an open records request as provided in KRS 61.878(1)(i) and (j).
 - iii. A recommended candidate who believes a violation of this subdivision has occurred may file a written complaint with the Kentucky Board of Education.
 - iv. A school council member who is found to have disclosed confidential information regarding the proceeding of the closed session shall be subject to removal from the school council by the Kentucky Board of Education under subsection (9)(e) of this section;

3. No principal who has been previously removed from a position in the district for cause may be considered for appointment as principal in that district;

4. Personnel decisions made at the school level under the authority of subparagraphs 1. and 2. of this paragraph shall be binding on the superintendent who completes the hiring process;

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;

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(3)(a), the applicant shall only be employed upon the recommendation of the principal and the approval of a majority vote of the school council; and

7. Beginning June 27, 2019, notwithstanding the requirement that a principal be elected on a majority vote of the council in subparagraph 2. of this paragraph, if the school council is in a county school district in a county with a consolidated local government adopted under KRS Chapter 67C, then the selection of a principal shall be subject to approval by the superintendent. If the superintendent does not approve the principal selected by the council, then the superintendent may select the principal;

- (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(19);
 - 2. Assignment of all instructional and noninstructional staff time;
 - 3. Assignment of students to classes and programs within the school;

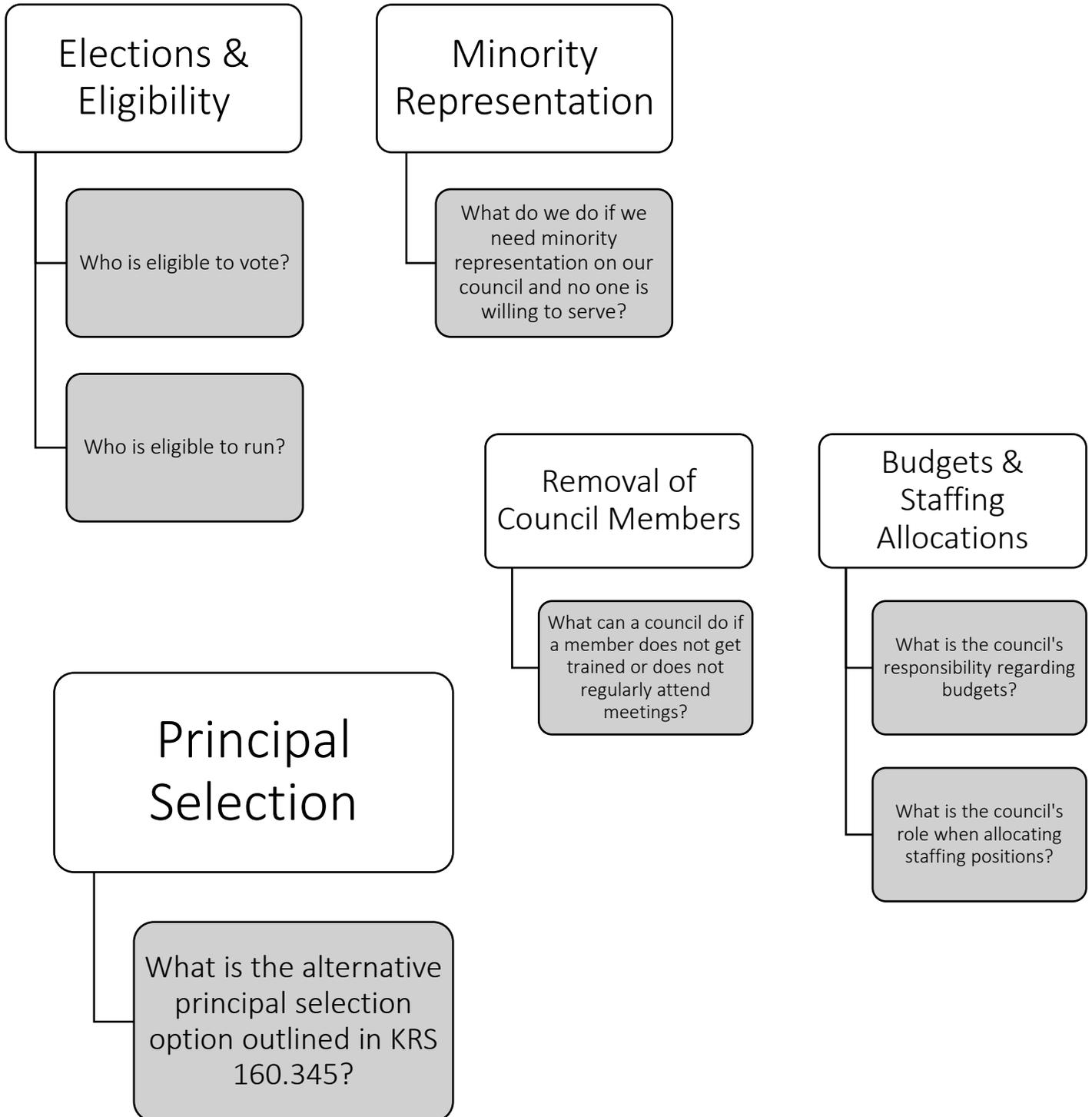
4. Determination of the schedule of the school day and week, subject to the beginning and ending times of the school day and school calendar year as established by the local board;
 5. Determination of use of school space during the school day related to improving classroom teaching and learning;
 6. Planning and resolution of issues regarding instructional practices;
 7. Selection and implementation of discipline and classroom management techniques as a part of a 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
- (j) Each school council shall annually review data as shown on state and local student 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 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 158.6451(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 October 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.
- (3) The policies 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) Parent, 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.
- (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.
- (5) All schools 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 exists, 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.
- (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. Experienced members may participate in the training for new members to fulfill their training requirement. School council training required under this subsection shall be conducted by trainers endorsed by the Department of Education. 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 to fill a vacancy shall complete the applicable training within thirty (30) days of their election.
- (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 commissioner of education 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 parents, students, certified personnel, and the administrators of the school and that two-thirds (2/3) of the faculty have agreed to the model.
- (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 district's 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 provided in KRS 158.649. School councils of small schools shall be encouraged to work with other school councils to maximize professional development opportunities.

- (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, a 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.
 - (e) Notwithstanding paragraph (d) of this subsection and KRS 7.410(2)(c), if the state board determines a violation of the confidentiality requirements set forth in subsection (2)(h)2. of this section by a school council member has occurred, the state board shall remove the member from the school council, and the member shall be permanently prohibited from serving on any school council in the district.
- (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 a 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.
- (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.
- (12) Discretionary authority exercised under subsection (2)(h)2.b. of this section shall not violate provisions of any employer-employee bargained contract existing between the district and its employees.

The goal of this training module is to go beyond the *nuts and bolts* of school-based decision making (SBDM). There are many questions that arise while serving on the council that can fall into a gray area. This training will help address how to solve those problem areas. The topics that will be reviewed during this training include the following: elections and eligibility, minority representation, removal of council members, budgets, staffing allocations, and principal selection.



Elections and Eligibility

Representatives of the school council are elected by their constituent groups to create policies that enhance student achievement. The teachers in the building should determine the process to elect the teacher representatives of the building. The parents of students enrolled or pre-registered should determine the process to elect parent representatives. The Kentucky Department of Education (KDE) and 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. This process should address the following:

- **Nomination process:** How will people be nominated? What will the timeline be? 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?

Teacher Elections: All full and part-time certified teachers assigned to the school building, including school counselors and media specialists, 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, a teacher candidate must have 16 votes – one-half plus one – to be elected).

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 council. Additionally eligibility requirements are as follows:

- The definition of parent includes anyone who is a parent, stepparent, foster parent and/or a person who has legal custody of a student **and** with whom the student resides.
- 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.
- 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 the spouse of a board member.

Parents must be elected by **plurality vote**. The largest parent organization of the school will conduct the election for parent representatives to the school council. If there is not a PTO or PTA at the school, an organization must be formed for this purpose. 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 representatives:** 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 runoff election if needed?

In any election, general or special, there must be documentation to show that elections were held and votes were cast on ballots. In a special election in which no minorities are interested in running or serving on the council, there must be documentation to show that efforts were made to recruit candidates. Election documentation must be retained for three years. 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 council.

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

Directions: With your group, review the sample election protocol questions on the next page. If you are a parent on council, think about the parent election procedures. If you are a teacher on council, think about the teacher election procedures. Are they comprehensive? Are there loopholes? Do your election procedures address the protocols listed in the sample? In the first column, highlight the questions that your procedures do address. In the second column, list the questions that your procedures do not address. In the event you did not have a firsthand say in the election procedures, think about your experience in general. How was the process communicated to you? What happened when something disrupted the system—was there a way to remedy a misstep along-the-way?

PROTOCOL TOPICS & QUESTIONS	Which questions are not addressed in the constituent groups' procedures?
<p style="text-align: center;">Nomination Process</p> <ol style="list-style-type: none"> 1. How will persons be nominated? 2. What will the timelines be? 3. How will the ballot be prepared once nominations are made? 	
<p style="text-align: center;">Voting</p> <ol style="list-style-type: none"> 1. How will the voting process take place and under what time frame? 2. When, where and how will the election take place (election with polls or an election during a meeting)? 3. Who will be responsible for administering the election? 4. How will ballots be secured? 5. How will the election be monitored? 6. How will candidates be notified of the results? 7. How will "tie votes" and candidates not receiving a majority of all the eligible votes be handled? 8. Will absentee ballots be accepted, and how will those be handled in the case of a runoff? 	
<p>Procedures for Determining Representatives</p> <ol style="list-style-type: none"> 1. What will be the method for counting votes from the election (who, when, where)? 2. What will be the process for informing the school community of the results of the election? 3. What is the process for a run-off, in the event this is needed? 	
<p style="text-align: center;">Vacancies</p> <ol style="list-style-type: none"> 1. What are the procedures of notification and voting for vacant positions? 	

Minority Representation

Schools with eight (8) percent or more student minority population must have at least one minority representative on the school council. This information is determined by the Superintendent's Annual Attendance Report (SAAR). Districts may also use the preceding October 1 minority percentages in Infinite Campus (IC). If data from Infinite Campus is used, that documentation must be retained for five years.

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 American or South American origins; Pacific Islander; or other ethnic group underrepresented in the school [KRS 160.345(1)(a)]." An underrepresented ethnic group in a school is an ethnic group whose representation is not fair and reasonable in proportion to the number of students in the school. Eligibility to serve as a minority member on council is determined by the parent's status, not the child's (OAG 12-011).

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 carrying out the following:

1. Organizing a special election for parents to elect a minority parent representative to the council **and**
2. Allowing the teachers to select a minority teacher to the council. If, after soliciting nominations, no one is willing to serve as either parent or teacher minority member, then those seats on the council will be noted as vacant. The exception to this is when there is no minority teacher on staff; the faculty may elect an additional teacher member to the council per statute. In the event someone is willing to fill the position later, an election can be conducted at that time.

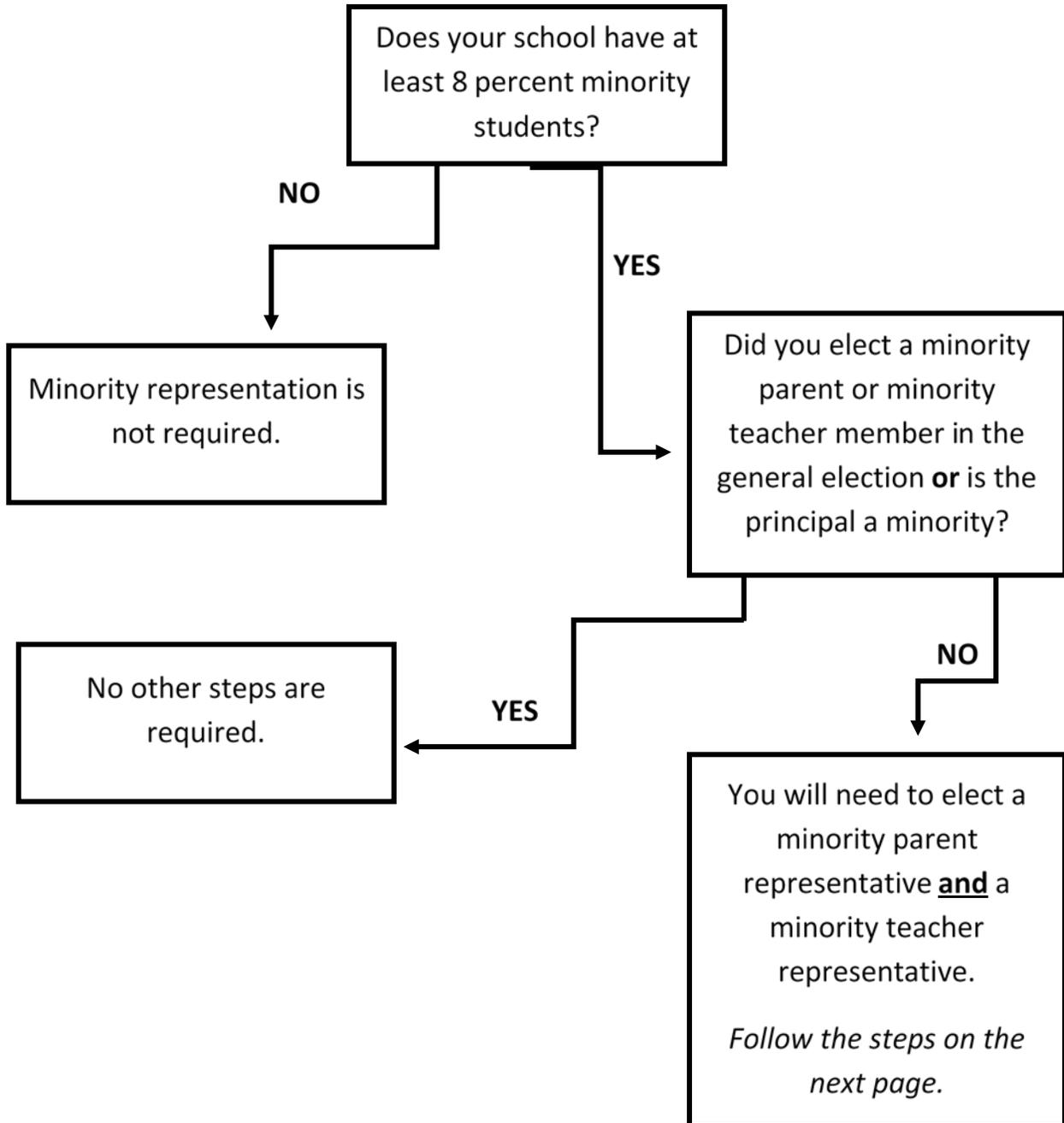
Reminder: During the specially held elections for a minority teacher, term limitations do not apply if the teacher is the only minority teacher in the building. The person can serve that year or years to come. If the member is not the only minority teacher, then the person can only serve the same term as those members elected in the general cycle.

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 and not a full length of the term.

Minority Election Process

When minority representation is required on the council, the process outlined in statute can become befuddling. The Kentucky Department of Education (KDE) has created a flowchart to address the process for obtaining minority representation.



Begin the **minority parent process**. Principals will hold a special election for all parents to elect a minority member. The principal shall call for nominations and notify parents of the details of the election.

If no minority parent is elected or wishes to serve, the position should be listed as vacant.



Begin the **minority teacher process**. Principals, in a timely manner, shall be responsible for allowing the teachers in the building to select one minority teacher to serve as a teacher member on the council.

Does your school have minority teachers on staff?

YES



Teachers will elect one minority teacher to serve.

*[In the event a minority teacher does **not** wish to serve, the position shall be listed as vacant.]*

NO



The school faculty shall elect, by majority, an additional teacher member to the school council.

*[In the event a teacher does **not** wish to serve, the position shall be listed as vacant.]*

Directions: Using the information in the *School Council Election Process* section, complete the following chart:

ELECTION TYPE	WHO IS ELIGIBLE TO RUN?	MAJORITY VOTE, PLURALITY VOTE <u>OR</u> BOTH	WHO DETERMINES ELECTION PROCEDURES?	LENGTH OF TERM?
PARENT ELECTION				
TEACHER ELECTION				
MINORITY ELECTION				

Removal of a Council Member

KRS 160.345(6) states that all council members must be trained; new members need a minimum of six (6) hours of training no later than 30 days after the beginning of the service year and experienced members need a minimum of three (3) hours of training, no later than 120 days after the beginning of the service year. So, what happens when a council member doesn't meet these deadlines or doesn't get trained at all?

There may be instances in which a council member refuses to get trained, puts off training or doesn't attend meetings. Talk with your table about possible solutions to resolve these issues.

Pursuant to KRS 160.345, training for council members within a certain timeframe is a legal requirement. When a council member does not complete these requirements, he or she is failing to comply with legal requirements for school-based decision making which could result in council member removal. KRS 160.347 states:

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.

KRS 156.132(1) examines the removal process even further:

The chief state school officer shall recommend, by written charges to the proper school authorities having immediate jurisdiction, the removal of any superintendent of schools, principal, teacher, member of a school council, or other public school officer as to whom he has reason to believe is guilty of immorality, misconduct in office, incompetency, willful neglect of duty, or nonfeasance. In the case of a member of a school council, the written charges shall be provided to the local board of education.

<p style="text-align: center;">KRS 160.347 Outline the process for removing a council member.</p>	<p style="text-align: center;">KRS 156.132(1) List the reasons why a school council member may be removed from the council.</p>

In a situation in which a council member is refusing training or simply ignoring any correspondence, it is imperative that the principal maintains documentation of all attempts to communicate with this member about training, attending meetings, et cetera so that documented proof is available in the event the formal removal process outlined in statute is necessary.

Budgetary Responsibilities for SBDM Councils

School budgets consist of funds for two main purposes: staffing and instructional supplies. The following chart summarizes the school council budget areas:

THE SCHOOL COUNCIL'S MAIN BUDGET AREAS			
Money Sources:	Explanation:	Amount:	Date of School Council Access:
Staffing 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 _____ each year, with a final allocation by _____
Instructional Funds (Section 6 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.	At least 3.5 percent of the basic guaranteed per pupil amount. May be adjusted during the General Assembly's budget process.	Tentative _____ each year, with a final allocation by _____
Remaining Funds Allocation (Section 7 funds)	The school board makes decisions about allocating the remaining funds left over after: <ul style="list-style-type: none"> • District-wide expenses • Certified and classified staff allocations to schools • Minimum allocation to councils 	No set amount. School councils may make a request based on need.	_____ each year, if funds are available.
Professional Development	These funds support a wide range of activities to develop knowledge and skills to move all students to proficiency.	Sixty-five (65) percent of the funding provided to the school district times average daily attendance (ADA) from the prior school year.	Within _____ days of notification from KDE.
Textbook	These funds can be used for instructional materials.	Once state budget is settled each year, based on ADA for each P-8 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.	_____

Annually, the school council must adopt a budget for the school. Within the budgeting process, school councils must determine the use of allocated instructional funds, as well as other resources. As an experienced council member, you are accustomed to participating in the school's budgeting process, but let's test your memory bank to determine what you recall! After the trainer has given you the budget role cards, place the role card under the corresponding heading, which indicates you believe that person or group is responsible for that aspect of the process.

ROLES IN SCHOOL COUNCIL BUDGETING

District Personnel	School Council	Principal	Teachers

Were there any tasks that you believed to be the responsibility of someone else? What budgetary role does the council have that you were unaware of?

Activity: Below is a list of ways several school councils have used budgets to make a difference in student achievement. Rank the examples in order of importance to you. One indicates a top priority for you, while five represents what you deem least important. Share your thoughts with your table.

- _____ Paid reading teachers to tutor struggling students after school using extended school services (ESS) funds
- _____ Spent Title I, Part A money on professional development to train teachers on quality evidence-based instructional practices
- _____ Created an additional teaching position to reduce class size
- _____ Sent teachers to the Continuous Improvement Summit conference to learn how to close the achievement gap

Staffing Responsibilities

Schools are staffed in two stages: stage one requires staffing for those funded through local funds based on a staffing allocation formula **and** stage two is supplemental to stage one and is for those staff who are funded through state and federal grants (e.g., IDEA, Title I, Title II).

The state staffing allocation statute (KRS 157.360) determines the maximum class size for allocation purposes. Once a school council receives the number of staff paid by local funds, then the council can determine job classifications for those positions. School councils can waive maximum class size during this process. Each school is also required to have an instructional leader (i.e., principal) and a library media specialist; however, these positions are **not** required to be full-time. KRS 157.360 states the following:

(5) (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 (6) 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.

It is KDE's guidance that if districts decide to fund 31:1 for grades 7-12, at least four supplemental positions should be allocated to offset the 150 per pupil hour requirement. These could include health, physical education, assistant principal or band. If these positions are not allocated, the ratio is best funded at 25:1 for grades 7-12.

In this section of the statute, underline or highlight the phrase, "Except for those schools which have implemented school-based decision making." When that phrase is mentioned, the clause after that does not apply to councils. This means the maximum class sizes can be waived; maximum class sizes are used for funding purposes.

An **important reminder** to consider is when allocating school staff: A district can give additional certified or classified positions at a later time through distribution of the balance (Section 7 allocation) based on student needs.

Staffing also can be provided through categorical programs (e.g., Title I, Title II, et cetera). Within these programs are specific requirements based on the school’s accountability status. The following chart provides a summary of some of these funds:

Categorical Monies	Explanations
State Preschool	Four-year-olds from low-income families and 3- and 4-year-olds with disabilities are eligible for free preschool services.
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 provides financial assistance through state educational agencies (SEAs) to local educational agencies (LEAs) and schools with high numbers or percentages of children from low-income families to ensure that all children meet challenging state academic content and achievement standards.
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 and Low Income	Provides additional support for ESSA-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.

Principal Selection

In the event there is a principal vacancy within the school, SBDM council members are responsible for making a decision regarding principal selection.

Share your experience with the principal selection process with your tablemates. What did you like about it? What proved to be difficult? If you have not engaged in the principal selection process before, share that information with your table.

With the passing of Senate Bill 1 on April 10, 2017, an alternative principal selection process was added to KRS 160.345 for councils to choose. In the following statute, underline or highlight the steps that need to be followed in each principal selection process. The section of the statute relating to the principal selection states the following:

(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. Requests for transfer shall conform to any employer-employee bargained contract which is in effect;
2. a. i. 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.
 - ii. Except as provided in subdivision b. of this subparagraph, 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. 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;
- b. An alternative principal selection process may be used by the school council as follows:

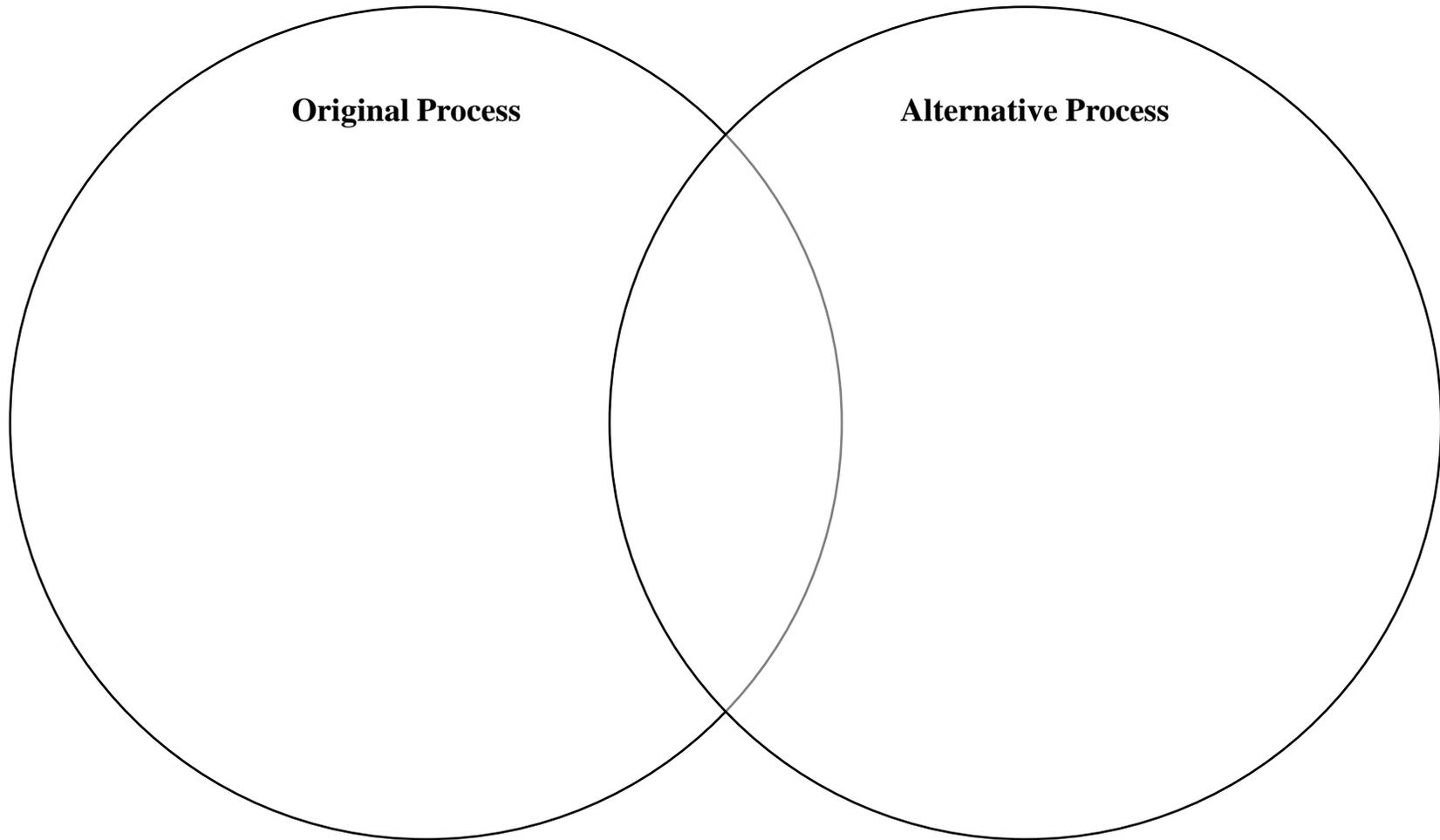
- i. Prior to a meeting called to select a principal, all school council members shall receive informational materials regarding Kentucky open records and open meetings laws and sign a nondisclosure agreement forbidding the sharing of information shared and discussions held in the closed session;
 - ii. The superintendent shall convene the school council and move into closed session as provided in KRS 61.810(1)(f) to confidentially recommend a candidate;
 - iii. The council shall have the option to interview the recommended candidate while in closed session; and
 - iv. After any discussion, at the conclusion of the closed session, the council shall decide, in a public meeting by majority vote of the membership of the council, whether to accept or reject the recommended principal candidate;
 - c. If the recommended candidate is selected, and the recommended candidate accepts the offer, the name of the candidate shall be made public during the next meeting in open session;
 - d.
 - i. If the recommended candidate is not accepted by the school under subdivision b. of this subparagraph, then the process set forth in subdivision a. of this subparagraph shall apply.
 - ii. The confidentially recommended candidate's name and the discussions of the closed session shall remain confidential under KRS 61.810(1)(f), and any documents used or generated during the closed meeting shall not be subject to an open records request as provided in KRS 61.878(1)(i) and (j).
 - iii. A recommended candidate who believes a violation of this subdivision has occurred may file a written complaint with the Kentucky Board of Education.
 - iv. A school council member who is found to have disclosed confidential information regarding the proceeding of the closed session shall be subject to removal from the school council by the Kentucky Board of Education under subsection (9)(e) of this section;
3. No principal who has been previously removed from a position in the district for cause may be considered for appointment as principal in that district;
4. Personnel decisions made at the school level under the authority of subparagraphs 1. and 2. of this paragraph shall be binding on the superintendent who completes the hiring process;
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;
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(3)(a), the applicant shall only be employed upon the recommendation of the principal and the approval of a majority vote of the school council; and
7. Beginning June 27, 2019, notwithstanding the requirement that a principal be elected on a majority vote of the council in subparagraph 2. of this paragraph, if the school council is in a county school district in a county with a consolidated local government adopted under KRS Chapter 67C, then the selection of a principal shall be subject to approval by the superintendent. If the superintendent does not approve the principal selected by the council, then the superintendent may select the principal;

To summarize, councils now have options when it comes to principal selection:

1. Councils opt for the alternative process and asks the superintendent to recommend a candidate and the council has the option to interview the candidate and accept him/her as principal **OR**
2. Superintendent and council consider applicants and the council selects the candidate by majority vote (original process).
3. If in Jefferson County Public School system, the superintendent has the authority do select a principal if he or she does not approve of the council's choice.

After receiving principal selection training, the council will vote or reach consensus on which option they want to pursue.

Directions: Compare and contrast the two principal selection options by completing the Venn Diagram below.



Final Activity: Monthly Agenda Topics

As an advanced SBDM member, you are experienced with meeting monthly and discussing the issues, topics, and needs of that specific month. The trainer for this session will provide your table with an envelope containing pieces of paper that have various deadlines and possible monthly agenda topics. Take turns drawing a slip of paper until all papers have been accounted for and with your tablemates, discuss which month (and date if applicable), the deadlines fall in or the topics could be discussed in. Write the answers on the blank calendar on the next page.



Serving on the school-based decision making council is a rewarding position to hold! The ultimate goal for all school councils is to enhance student achievement and to focus on the needs of the school. Now that we have reached the end of this training, hopefully you feel even more equipped to tackle the questions that may arise.



The most important thing I learned today or was reminded of about school councils is...



As a returning council member, I hope to assist my school by...

Appendix A: Frequently Asked Staffing Questions

1. What are the May 1 allocations?

School districts are required by regulation to provide school councils a tentative allocation of funds for the next budget year by March 1 each year, with a final allocation by May 1. 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 funds for the school.

2. 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 two or more schools)

3. 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, it may ask the district to redistribute those positions. If so, the district would distribute 95 percent 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 a position be created by the district using the school council allocation funds commonly referred as Section 6 monies. If the council has the funds for a position, the district may grant the request at the discretion of the district.

4. When can school councils interview for staff positions?

The process for interviewing teacher candidates is established in the school council's consultation policy. The school council (or a committee, if called for in the policy) can begin the interviewing process prior to the end of the 15-day posting. However,

applications must be accepted through the 15-day period and a decision cannot be made until the posting has expired.

5. 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, which includes all background checks, certification verification and the issuing of contracts.

6. Should extra-duty assignments and coaching positions be posted?

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. Athletic coaches' positions are to be treated in the same manner.

7. What is the process for filling itinerant vacancies?

For the purpose of filling vacancies, itinerant positions serving multiple schools are considered districtwide positions and are filled by the superintendent. These itinerant positions are not included in the school's allocation received on May 1. Any part-time or half-time positions that are included in the school council's allocation on May 1 must be filled by the consultation and principal choice process.

8. What is the process for filling categorical program vacancies?

Although categorical program funds are excluded from the annual May 1 allocation to school councils, the school council's policies and the school council's responsibility to be consulted in the filling of vacancies apply to all non-itinerant categorical program staff assigned to the school, including school-based instructional coaches.

9. What other requirements should councils be made aware?

- 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.
- Seniority rights are given to tenured teachers in situations of reduction in force [KRS 161.800].
- A notice of nonrenewal 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 or June 15 [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)].

