

Kentucky Department of Education

SBDM Frequently Asked Questions



Kentucky Department of Education
300 Sower Blvd.
Frankfort, Kentucky 40601
Phone: (502) 564-3791

ROLES AND RESPONSIBILITIES

1. What are the responsibilities for a district SBDM Coordinator?

The district SBDM coordinator role is two-fold:

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

2. 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 is one role among other roles 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. If a school council wants someone other than the principal to be the chairperson of the school council, it may apply to the Kentucky Board of Education for an alternative model. 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 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 and faculty*
- *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*

ELECTIONS

3. What does the statute say about SBDM elections?

A basic school council consists of three (3) teachers, two (2) parents, and the school principal. Teacher representatives are elected by teachers and parent representatives are elected by parents.

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

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

Teacher election example: a school with 50 eligible teachers, the teacher must receive 26 votes in order to be elected as a teacher representative.

Parent election example: five parents are on the ballot for parent representative on the school council. Fifty parents vote during the open election time. Candidate A gets 10 votes; Candidate B gets 8 votes; Candidate C gets 5 votes; Candidate D gets 15 votes; and Candidate E gets 12 votes. Candidate D and Candidate E are the elected as parent representative on the school council.

5. 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.

6. What about our school council's bylaws 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.

7. What is the principal's role in elections?

Other than conducting the 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.

8. 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.

9. How long is a school council member's term of service once elected?

The school council will determine the length of the terms of service. 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 council that establishes them.

If a council vacancy occurs during the term of office, an election should be held to fill the vacancy. An important reminder is that this election is to fulfill the term, not a full "yearlong" term.

10. How and when can a school council member be removed from office?

A school council member could be recommended for removal due to interference with the implementation of SBDM. Any measure included in the council bylaws or policies must be consistent with this process. School council members may resign from the council at any time. Vacancies created through resignation will be filled through the election process.

11. What is the definition of relative?

A relative, as defined in statute, includes father, mother, brother, sister, husband, wife, son, and daughter.

TEACHER REPRESENTATIVE

12. 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 on the school council and to vote in a school council election.

13. What procedures should be followed for teacher elections?

The teachers assigned to the school determine and carry out the procedures that will be followed in their school for electing teacher representatives to the council. Excluding timelines, the Kentucky Department of Education (KDE) recommends that this process not be included in the council bylaws and/or policies. This process should address, but is not limited to, 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? 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?)*
- *Vacancies (What are the procedures of notification and voting for vacant positions?)*

Teacher election procedures should be well written and contain details for occurrences such as ties, absentee balloting, voting times, dates, and locations.

14. 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 should win, 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 council.

15. Can a teacher with a child in his/her school 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.

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

A teacher who 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.

17. 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.

18. 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 in 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.

**The maternity leave employee member of the SBDM council member can still vote and participate in SBDM council meetings during her maternity leave.*

19. 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.

PARENT REPRESENTATIVE

20. Who is eligible to run for parent school council representative?

*A parent is eligible to serve on council if they are a biological parent, a step-parent, or a foster parent of a student; or a person who has legal custody of a student pursuant to a court order **and** with whom the student resides. This includes a parent of any student preregistered for the school year that the parent will serve (i.e. entering kindergarten, entering middle school, and entering high school).*

Those parents not eligible include the following: employee or relative of an employee at the school, employee or relative of an employee at the district administrative offices, or a local board of education member or member's spouse.

21. What procedures should be followed for parent elections?

*A parent organization of the school should conduct the election for parent representatives to the school council. If no parent organization exists, then the largest organization of parents **formed for this purpose** will conduct elections. The parent organization should determine procedures for the election proceedings. Excluding timelines, KDE recommends that this process not be included in the council bylaws and/or policies. In determining procedures for elections, the organization should consider, but is not limited to, procedures to 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? 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?)*
- *Vacancies (What are the procedures of notification and voting for vacant positions?)*

22. 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.

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

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

MINORITY REPRESENTATIVE

24. 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.

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

Minority representation is determined by the data reported to KDE on August 1 as part of the Superintendent’s Annual Attendance Report (SAAR). The data is considered for the purpose of determining the number of minority the official count of students enrolled in a school.

26. 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.

27. 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. However, if a person declares himself/herself a minority, they should be considered so for the purpose of fulfilling the requirements of minority council member.

28. When must a school have an election for minority representatives?

If a school has 8% or more minority enrollment as of the October 1 preceding the initial parent or teacher election, 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, an additional election to select a minority parent and a minority teacher must be held. A minority member cannot be appointed; there must be documentation of an election.

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.

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

If only one minority teacher is on staff, an election must still be held and the candidate requires majority vote. 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.

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

An additional teacher member shall be elected by a majority of all the teachers.

31. Our school has only one minority teacher and they are not willing to serve on the school council as a minority representative. Can we elect another teacher who is not a minority to serve in their place?

No, if the school has a minority teacher(s) and they are unable or unwilling to serve, the seat on the school council must be listed as vacant.

COUNCIL MEMBER TRAINING AND TRAINING VERIFICATIONS

32. 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 and within the past three (3) years must complete a minimum of three hours of training.

33. 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.

34. Who can conduct school council member trainings?

School council training must be conducted by trainers endorsed by KDE. A list of endorsed trainers can be located on the KDE SBDM website.

35. 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)].

36. 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. Specific information is available on the SBDM Training website.

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

The online courses are conducted by Kentucky Educational Television (KET). 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).

MEETINGS

38. What are the requirements for regularly scheduled school council meetings?

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

- *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.*

Your Duty Under the Law, posted on the KDE SBDM website, explains the procedural and substantive provisions of the Open Meetings Act and the Open Records Act. The Office of the Attorney General distributes this written information to assist the public officials of Kentucky in complying with the Open Meetings and Open Records Acts.

39. 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.

40. 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, and discuss the emergency plan. 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.

41. 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*

42. 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.

RECORD KEEPING

43. 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.

44. 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 some records on a rotating basis. A complete list is available on the KDE SBDM website.

45. 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.*

46. 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.

CONSULTATION AND JOB CLASSIFICATIONS

47. 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.

48. 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. 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.

49. 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*
- *4th grade: 28:1*
- *5th – 6th grade: 29:1*
- *7th – 12th grade: 31:1; however, a teacher cannot have more than 150 pupil hours in a day.*
- *Kindergarten instructional assistants: 24:1*
- *1 instructional leader (principal)*
- *library media specialist (may be shared between 2 or more schools)*

50. 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 funds 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.

51. 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 a position be created by the district using the school council allocation funds commonly referred as Section 6 monies. If the school council has the funds for a position, the district may grant the request.

52. 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.

53. 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.

PRINCIPAL SELECTION

54. 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 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.*

55. 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 recue 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.

56. 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.

57. Who selects an interim principal?

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

58. 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.

59. 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 be a participant in the required training. Therefore, the school council, including the superintendent, must select another trainer.

BUDGETS

60. 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.*

61. 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.

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

The school council aligns 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.

63. 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.

64. Must councils approve every school purchase?

School councils are not required to approve every purchase within the school.

BOARD OF EDUCATION RESPONSIBILITIES

65. Who sets graduation requirements?

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.

66. Who determines valedictorian?

Boards of Education, through board policy, determine the process for selecting valedictorian.

67. 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.