

# LINCOLN ELEMENTARY SCHOOL COUNCIL BY-LAWS

## I. COMPOSITION AND TERMS

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### A. COMPOSITION OF THE COUNCIL

The council will consist of the principal, three teacher members, and two parent members. If the minority enrollment at the school was eight percent or higher as of October 1 preceding the start of a new council term, the council will also include at least one minority member to serve on the council. If there is a minority teacher on staff and he or she does not wish to serve on the council, the seat shall remain vacant until filled by a minority teacher.

### B. TERMS

Terms of council members will be one year, beginning July 1 and ending June 30 of the following year. Teachers and parent council members are allowed to seek re-election to serve consecutive terms as long as they are eligible.

### C. LEAVE OF ABSENCE

Leave of absence for a council member will not be granted.

## II. ELIGIBILITY AND ELECTIONS

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### A. TEACHER ELECTIONS

1. Teacher Qualifications
  - a. All certified teachers in the building are allowed to vote in the teacher election.
  - b. To be elected to the council, a teacher must hold a position at the school that requires certification, but may not hold the position of principal and assistant principal.
  - c. Teachers will be elected by a majority of teachers in an election conducted by teachers.
2. Teacher Elections

Teachers conduct their own elections as per KRS 160.345. Annual elections shall be conducted on or before May 1 for the purpose of electing three teacher council members. Teacher members must be elected by a simple majority (more than one half) of the number of teachers assigned to the school. The process that teachers shall use to elect their representatives is as follows:

  - a. Nomination. Any teacher may nominate himself, herself, or another teacher for the office of teacher member by signing a letter of nomination and submitted to the principal.
  - b. Preparation of Ballot. The principal shall ask each person nominated to sign a letter stating that he or she is willing to serve on the council if elected and that he or she meets the qualification listed in Section 1 above. The principal shall then prepare a sample ballot form that lists alphabetically the names of all those

nominated, willing, and eligible to serve and then distribute that sample ballot to all teachers at the school no later than one week prior to the actual election.

- c. Elections. Teacher members shall be elected on or before May 1. At the time of the election, all teachers shall convene in a room designated by the principal. Each teacher shall be given a ballot listing the same names as were found on the sample ballot and shall vote for the number of seats that will be vacated. The principal shall appoint two teachers and one central office representative to collect the ballots and count them. Once the ballots are counted, the principal will announce the results prior to the teachers adjourning. Any person or persons receiving a simple majority (more than half) shall serve as a council member for the term selected.
- d. Procedures If A Majority Is Not Received. If fewer candidates receive a majority of votes than the number needed to fill the open seats, the person getting the fewest number of votes shall be removed from the ballot, and the teachers shall vote again for the number of persons needed to fill the remaining vacancies. Any person receiving a majority of votes shall be deemed elected. This process of removing one name shall be repeated as often as necessary to elect candidates by majority to all open positions.

## **B. PARENT ELECTIONS**

1. Role of Parent-Teacher Organization  
Parents conduct their own elections as per KRS 160.345.  
The school's largest parent-teacher organization will conduct the election. If no parent-teacher organization exists, the largest group of parents formed for this purpose will run the election.
2. Parent Qualifications  
A "parent" means a parent, stepparent, or foster parent. Guardians also qualify as parents if the student lives with them and they have a court order giving them legal custody. A parent council member will be the parent of a student pre-registered to attend the school during the parent's term of council service. Three groups of people may **not** serve on the council as parent representatives:
  - a. Employees of Lincoln Elementary School or their relatives (mother, father, brother, sister, son, daughter, husband, wife, aunt, uncle, or in-laws).
  - b. Employees in the district administrative offices or their relatives (mother, father, brother, sister, son, daughter, husband, wife, aunt, uncle, or their in-laws).
  - c. Members of the Board of Education or their spouses.
3. Parent Elections  
Annual elections shall be conducted on or before May 1 by the largest parent organization formed for the purpose of electing two parent council members. A representative of the organization will notify the principal in writing of the two parents elected within 24 hours of the final vote.

## **C. MINORITY REPRESENTATION**

1. A minority parent and an additional teacher will be elected, if the council formed (including the principal) after both teacher and parent elections does not have a minority member, **and** the school had eight percent or greater enrollment of minority students as of the previous October 1.
2. Minority members must be American Indian; Alaskan native; African American; Hispanic, including persons of Mexican, Puerto Rican, Cuban, and Central or South

American origin; Pacific Islander; or other ethnic group underrepresented in the school.

3. The principal will be responsible for organizing the minority parent and teacher elections as follows:
  - a. Following the general elections, if a minority member was not elected, the principal will organize a special election to elect a minority parent to the council. This election will be organized no sooner than ten and no later than twenty school days after the election (teacher or parent) which came last. The principal will notify all parents of the date, time, and location of the election. The notice will call for nominations of minority parents for the ballot. Minority parents for this ballot must meet the qualifications for parent members as outlined in subsection B of this section. At the election, parents may nominate additional minority candidates. The candidate receiving the most votes will be elected. In the event of a tie vote, a run-off will be held.
  - b. Following the general elections, if a minority member was not elected, the Principal will call a meeting of all teachers in the building. This meeting will be called within seven school days after whichever election (teacher or parent) came last. The teachers will elect one minority teacher to serve as an additional teacher member on the council. If there are no minority teachers who are members of the faculty an additional non-minority teacher will be elected. If there are minority teachers on the faculty, but they decline to serve, then no additional teacher will be elected. The seat shall remain vacant until filled by a minority teacher. The election will be conducted using the procedures listed in subsection A of this section.

#### **D. VACANCIES DURING A TERM OF OFFICE**

1. Notice of Vacancy

When either a teacher or parent vacancy occurs in the middle of a term, a new member will be elected to complete that term. The principal will post a notice in the faculty workroom and in a place readily accessible to parents stating that there is a vacancy and including the text of this subsection of the bylaws. The principal will also communicate this information to the president of the parent-teacher organization. These steps will be taken within one school day after the principal learns of the vacancy.
2. Election to Fill a Teacher Member Vacancy

Within ten school days of the vacancy, the principal will use the procedures established to conduct a teacher election to fill the vacancy.
3. Election to Fill a Parent Member Vacancy

The principal will call an election to be held no less than ten or no more than twenty school days after the vacancy occurs. The procedures described in subsection B of this section will be used.
4. Election to Replace a Minority Parent Member

The principal will implement the procedures described in subsection C of this section.
5. Election to Replace an Additional Teacher Member

The principal will implement the procedures described in subsection C of this section.

### **III. COUNCIL TRAINING**

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#### **A. NEW MEMBERS**

A member elected for the first time will complete a minimum of six hours of training in the process of school-based decision making no later than thirty (30) days after the start of his or her term. He or she can get that training any time between the date elected and the 30-day deadline. This training must be provided by a person endorsed by the Kentucky Department of Education.

#### **B. EXPERIENCED MEMBERS**

A member elected who has served on a council previously will complete at least three hours of training in the process of school-based decision making no later than one-hundred-twenty (120) days after the start of his or her term. This training may be obtained up to a year before the 120-day deadline. This training must be provided by a person endorsed by the Kentucky Department of Education. Experienced members may get training credit by attending any of the approved SBDM training workshops offered by endorsed trainers.

#### **C. MID-YEAR VACANCIES**

Members who are elected to fill a vacant position in the middle of the year will complete the required training no more than thirty (30) after they are elected. This training must be provided by a person endorsed by the Kentucky Department of Education.

#### **D. REPORTING**

By November 1 of each year, the principal will ensure that names, addresses, and the training completed of each council member are reported to the Kentucky Department of Education.

### **IV. STANDARDS OF CONDUCT**

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#### **A. ATTENDANCE**

Members of the council will attend all council meetings. Between the date of the elections and July 1, members-elect are expected to attend all council meetings. If a member is unable to attend a meeting, he or she will notify the Chair of the Council. If a member is unable to attend on a consistent basis, the Chair of the Council will contact the member to consult and to discuss the possibility of resignation. A member who has three unexcused absences from council meetings will resign.

#### **B. CONFLICT OF INTEREST**

A school council member cannot participate in the discussion of or decision-making about any issue in which he or she has a business or financial interest.

#### **C. ONGOING ELIGIBILITY**

Any member who ceases to be eligible to serve on the council will resign.

## **D. IMPROPER MEETING**

Council members will not meet to discuss council business in a group that constitutes a quorum without following the procedures for scheduling a meeting of the full council in accordance with the Open Meetings Law.

## **E. INTENTIONAL INTERFERENCE WITH SCHOOL-BASED DECISION MAKING**

No member of the council will intentionally engage in a pattern of practice which is detrimental to the successful implementation of or which circumvents the school-based decision making process.

## **V. REMOVAL OF MEMBERS**

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A member who violates the standards of conduct and does not submit a written letter of resignation to the council could be reprimanded or removed in one of the following ways:

### **A. COMMISSIONER'S RECOMMENDATION**

The Commissioner of Education can recommend removal for immorality, misconduct in office, incompetence, and willful neglect of duty or nonfeasance. The local board of education then holds a hearing into the charges to decide whether removal is warranted.

### **B. OFFICE OF EDUCATION ACCOUNTABILITY**

The Office of Education Accountability (OEA) can investigate claims of intentional interference with school-based decision-making. If the OEA cannot resolve the issue, it is forwarded to the Kentucky Board of Education, which holds a hearing to determine whether the charges are valid. The first time the Kentucky Board finds a person guilty of such interference, the person will receive a reprimand. The second time, the person can be removed from office.

## **VI. MEETINGS**

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### **A. ALL MEETINGS**

1. Council meetings will comply with the requirements of the Open Meetings Law.
2. Council meetings will be open to the public unless the council goes into closed session under the provisions of the Open Meetings Law.

### **B. REGULAR MEETINGS**

1. Meeting dates, locations, and times will be determined at the July and January meetings. The dates and times for August – January will be set in July and the dates and times for February – July will be determined at the January meeting. \*Not in LES Bi-Laws
2. The principal will send an email to the staff including a copy of the regular meeting schedule and in a place regularly accessible to parents. He or she will use any other methods deemed appropriate to make the schedule readily available to the public.

## **C. SPECIAL MEETINGS**

1. Any meeting not at the regular meeting time or place is a special meeting.
2. A special meeting of the council may be called by the chairperson or by a majority of council members.
3. Any special meeting of the council will comply with the requirements of the Open Meetings Law; therefore, the following steps will be taken:
  - a. Written Notice The person or persons calling the meeting will prepare and sign a written notice that states the date, time, and place of the special meeting and an agenda for the meeting. Only issues listed on that agenda may be discussed at the special meeting. Items may be subtracted from that agenda before approval at the meeting but they cannot be added or revised.
  - b. Delivery Of Notice The person or persons calling the meeting will arrange for the written notice to be delivered to every council member and to any media organization that has made a written request to be notified of council meetings. The delivery can be made ONLY by hand, fax, or US mail. Email may not be used as the sole method to deliver a special meeting notice. The notice will arrive at least 24 hours before the time set for the meeting.
  - c. Posting Of Notice The notice will be posted conspicuously at the school, and also at the building where the meeting will be held if the meeting will not be held at the school. These copies will be posted as soon as possible after the meeting is called, but definitely no less than 24 hours before the meeting will be held.

## **D. CLOSED SESSIONS**

The council may go into closed session only to discuss hiring personnel, or actual or pending litigation. The following procedures will be followed to go into a closed session:

1. A motion will be made and a vote taken that the council go into closed session to discuss individual applicants for hiring under KRS 61.810(1)(c) or litigation under KRS 61.810(1)(f).
2. The motion and results of the vote including the statute number allowing the closed session will be recorded in the council minutes.
3. Only the topic announced in the open session motion may be discussed in the closed session.
4. No council action may be taken in a closed session.
5. The council will return to open session to make any decisions.
6. The decisions will be recorded in the council minutes.

## **E. PUBLIC INPUT**

1. Every agenda will include a public comment item.
2. Public input may be informal with the chairperson calling on persons who wish to speak.
3. If more than several people wish to speak, the chairperson will have the option of setting time limits for speakers based on the time allotted for this item, the number wishing to speak, and any extra time left on the agenda; or if the agenda will run over, by consensus of the members present to continue.

## **VII. AGENDAS**

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### **A. AGENDA REQUESTS**

Anyone may submit items for inclusion on the agenda to the chairperson. Items must be submitted no later than two school days before a scheduled meeting.

## **B. PRELIMINARY AGENDA**

The chairperson will prepare a preliminary agenda marked as such to be shared in an email and in a place readily accessible to all parents and distributed to all council members at least twenty four (24) hours before each regularly scheduled council meeting. Each preliminary agenda will include the following items:

1. Opening Business
  - a. Approval of the Agenda
  - b. Approval of minutes of the previous meeting
  - c. Good News Report(s)
  - d. Public Comment
2. Student Achievement
3. School Improvement Planning Report
4. Budget Report
5. Committee Reports
7. *New Business*

## **C. APPROVAL OF AGENDA**

At the beginning of each regular council meeting, the council will approve an agenda for the meeting. Items on the preliminary agenda may be added, deleted, or modified at this time.

## **D. MATERIALS PRESENT AT COUNCIL**

1. The chairperson shall bring a binder with information from previous meetings.
2. All council members shall bring their copies of their SBDMC packets they receive.
3. The board shall provide an updated financial report to the SBDMC at the March meeting.

## **VIII. RECORDS**

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### **A. COPIES**

At least one notebook of council records will be maintained and made available in the school office. This notebook will contain copies of the council by-laws, all council policies, and council minutes for the current year, the current council budget, and the current School Improvement Plan.

### **B. OPEN RECORDS REQUESTS**

The principal will be the official records custodian and will make the notebooks of council by-laws, policies, minutes, budgets, current CSIP, and other council records available in response to written requests. A fee set by the Board of Education may be charged to cover copying costs other than staff time to make the copies in accord with the provisions of the Open Records Law. Persons who want copies of documents in the council binder will give the principal a written request.

### **C. OFFICE COPIES**

All council records will be maintained in the school office in accordance with the State Archives Records Retention Schedule (725 KAR 1:030).

#### **D. REQUESTS FOR COUNCIL RECORDS**

1. Requests for council records must be made in writing to the principal. Requests must include specific documents and dates.
2. A minimal fee for copying of council records shall be applied per copy unless the request is for the Comprehensive School Improvement Plan document.
3. The fee for a copy of the Comprehensive School Improvement Plan document shall be the school's cost for one copy, as per printing records.
4. The requested records must be provided to the person making the request within 3 business days.
5. The school secretary shall make or provide copies of requested documents at the principal's request.
6. School council records will be available for inspection during the hours the school office is open (8:00 a.m. – 3:00 p.m.).
7. The custodian of records for the school shall be the principal, and the principal shall make the final determination regarding which records not listed above are available for inspection and all matters in regards to open requests not covered in this policy.

#### **IX. COUNCIL OFFICERS AND DUTIES**

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##### **A. VICE-CHAIRPERSON**

The vice-chairperson will be chosen by consensus from within the council membership. The vice-chairperson will act as chairperson in the absence of the chairperson. The vice-chairperson will be elected during the July meeting.

##### **B. RECORDER**

Take minutes at each council meeting that includes an accurate record of all motions made and all decisions or actions taken.

#### **X. COMMITTEES**

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##### **A. USE OF COMMITTEES**

Committees will be used to support and to accomplish tasks of the council.

##### **B. COMMITTEE APPOINTMENTS**

The council will adopt a committee's policy to facilitate the participation of interested persons. The policy will include the number of committees, their jurisdiction, their composition, and the process for membership selection. Based on CSIP goals, the administration will assign teachers to various committees.

##### **C. MEMBERSHIP AND ELECTION OF CHAIR**

1. All certified staff may participate in the shared decision making process at Lincoln Elementary School by serving on committees in their areas of interest.
2. Representatives from the faculty, support staff, parent, and students shall be invited to serve on the committees.

3. Committee membership is open to interested persons
4. Committee membership will be determined by posting a sign-up sheets in the school and community no later than May 1, and notifying teachers and parents in writing or via email of their committee appointments by July 1. Teachers or parents who volunteer to serve on a particular committee through the sign-up process below shall be considered appointed to the committee.
5. Committee membership shall be limited to 15 persons, as the discretion of the council.
6. Committees shall elect a chairperson from their membership no later than September 1 who shall serve for a term of no longer than one year.

## **XI. DECISION-MAKING**

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### **A. QUORUM**

A majority (more than half) of the members, including at least one parent member, will constitute a quorum. A quorum must be present for the council to take action.

### **B. COUNCIL RESPONSIBILITIES**

The council will make no decisions on issues that are not under council jurisdiction by law. The following issues are within the purview of the School-Based Decision Making Council:

1. School Improvement Planning
2. School Safety Plan
3. Ungraded Primary Program (Elementary)
4. Assessment Data Analysis
5. Achievement Gap Targets
6. Professional Development
7. Spending on textbooks, instructional materials, student support, student incentives, and staff (including determination of the number of persons to be employed in each job classification)
8. Consultation before the principal selects people to be hired (see Consultation Policy)
9. Selection of a new principal
10. Adoption of policies in the following areas:
  - a. Alignment with State Standards
  - b. College-Level Courses (Secondary)
  - c. Committees
  - d. Consultation
  - e. Curriculum
  - f. Discipline, Classroom Management, and School Safety
  - g. Extracurricular Programs
  - h. Instructional and Non-Instructional Staff Time Assignment
  - i. Instructional Practices
  - j. Parent Engagement (Title I Schools)
  - k. Program Appraisal
  - l. School Day and Week Schedule
  - m. School Space Use
  - n. Student Assignment
  - o. Technology Use
  - p. Wellness (Primary to Grade 6)

- q. OTHER: Policies not required by law but required by the local district, and areas not required by law but required by the Standards and Indicators for School Improvement for Level 3.

### **C. CONSENSUS**

The school council will make decisions by consensus except as otherwise designated in the by-laws using the following guidelines:

1. A motion and a second are made.
2. After discussion of an item, the chair or any member may state the consensus of the group in one or two sentences.
3. The chair will ask whether any member disagrees with that statement.
4. If all members agree, the decision will be recorded as a unanimous decision in the minutes.
5. If a member disagrees, the discussion will continue until a suggestion of consensus is made that draws no disagreement, or until the third suggestion of consensus fails.

### **D. ALTERNATIVE TO CONSENSUS**

When a third suggestion of consensus fails, the council may by majority vote determine to:

1. Vote to send the issue back to a committee
2. Form an ad hoc committee to study the issue further (the motion on this vote shall include a regular meeting date when the council will hear from the committee), or
3. Decide the issue by majority vote of the council.

### **E. CRITERIA FOR MAJORITY VOTE**

A majority vote of the council shall be taken after consensus fails three times if the issue meets the following criteria:

1. The issue involves the selection of a new principal: the council shall vote and the candidate receiving the majority shall be selected.
2. The issue involves the number of persons to be employed in each job classification, the textbooks to be purchased, or the budget for or purchase of student support services.
3. The issue is whether to continue to meet for longer than 90 minutes.
4. The federal or state government or the Dayton Board of Education has set a deadline by which the school council must make a final decision and that deadline will occur before the next regular council meeting.
5. The members of the council cannot agree by consensus to decide the issue at a special meeting and a majority of the council members wish to decide the issue by a majority vote. When the above exceptions do not apply and consensus cannot be reached, the issue may be placed on the agenda for the next regular meeting or special meeting and the decision may be made at the meeting by majority vote of the council. When voting, any abstention is counted with the majority vote.

### **F. ADOPTION OF POLICIES**

1. Policies are defined as written documents that establish rules, procedures, guidelines, standards, or principles to guide decision-making in various situations.
2. To be officially adopted, a policy will have a reading at two different council meetings.
3. Adopted policies are binding until the council amends them.

## **G. BY-LAWS AMMENDMENT**

The council may amend these bylaws as needed. All motions to amend the by-laws of the council will be submitted in writing. No decision on a motion to amend the by-laws will be made until after the topic has been on the agenda for two meetings and has had two readings.

## **H. APPEALS OF COUNCIL DECISIONS**

### **1. REQUEST**

For a person(s) to appeal a decision of the council or file a grievance he/she must first request in writing an opportunity to be heard and shall include information about the grievance issue.

### **2. SCHEDULE**

A council shall schedule a hearing within thirty (30) working days from the date the request is received. The person appealing shall be informed of the hearing by registered letter.

### **4. HEARING**

The person appealing may be represented by legal council and may call witnesses as long as the testimony is germane to the issue.

### **5. DECISION**

The council shall consider the merits of the complaint, make a decision and respond in writing

### **6. REPORT**

A copy of the written grievance or appeal and a written reply by the council shall be provided to the superintendent within ten (10) working days of the council's decision.