SBDM
Bylaws and Policy Guidebook

Kentucky Department of Education
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About This Guidebook

This guidebook provides school councils and district SBDM Coordinators with a list of tools and checklists when reviewing and revising school council bylaws and policies. The samples noted in this guidebook are just that, samples; they are not to be considered exemplars or the only way to organize a policy. A school council will need to develop and adopt bylaws and policies that best meet the specific needs of the school. Samples included are equitably distributed among the grade spans.

These materials are designed to be used in conjunction with other Kentucky Department of Education SBDM Technical Assistance materials located on the KDE SBDM Website.

The samples in this guidebook reference a fictitious district and schools: The Kentucky School District; Kentucky Elementary School (kindergarten to grade five); Kentucky Middle School (grades six to eight); and Kentucky High School (grades nine to twelve). This fictitious district and schools (as well as the composition and jurisdiction of various named committees) are not intended to reflect any district or school in the Commonwealth. Any similarities are fully coincidental.

What Are Bylaws and Policies?

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

The term *school council policy* refers to what the school council develops and adopts directing how the school operates. This includes such items as curriculum development, determining school schedule and technology used in the school.

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

BYLAWS	POLICIES
⬇	⬇
SCHOOL COUNCIL OPERATION	**SCHOOL OPERATION**
↘	↙
ENHANCING STUDENT ACHIEVEMENT	
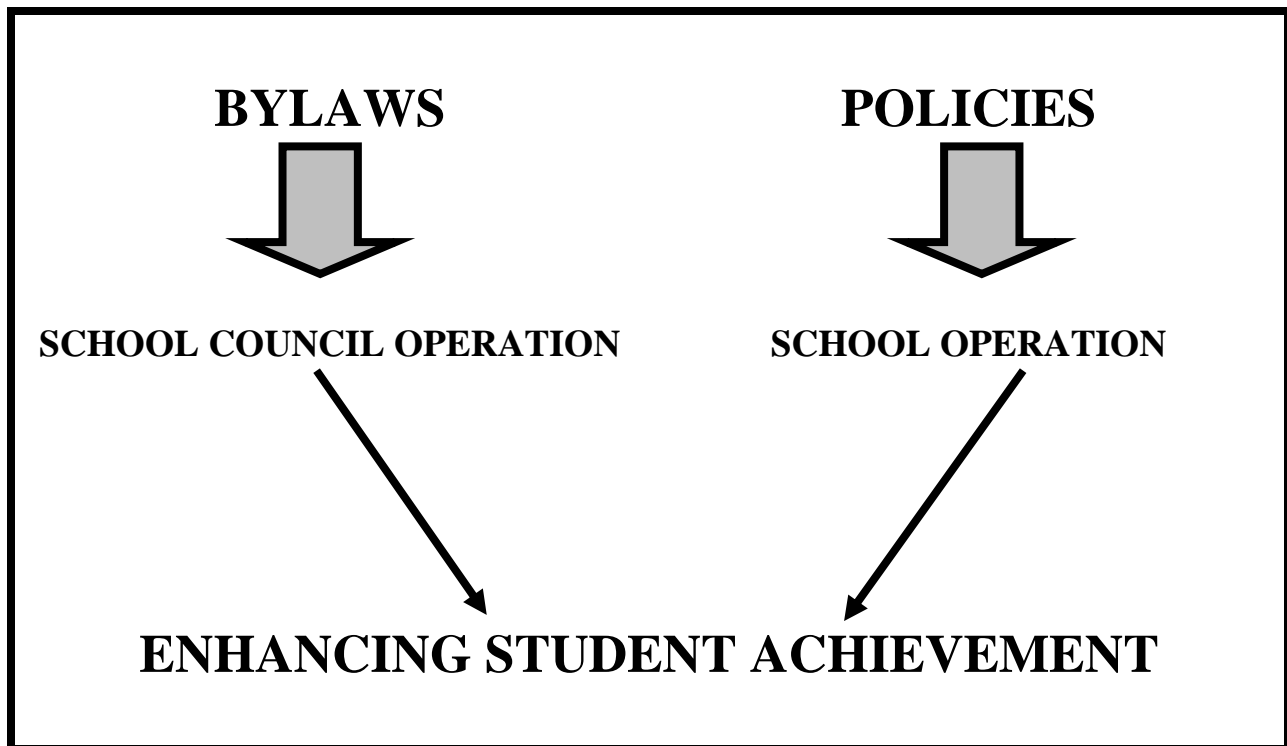
Applicable State and Federal
Statutes and Regulations

The following chart lists the applicable state and federal statutes and regulations relating to school council responsibilities

Statute/Regulation	Topic
KRS 160.345	School-Based Decision Making
KRS 160.347	Removal of School Council Members
KRS 160.348	Advanced Placement, International Baccalaureate, Dual Enrollment and Dual Credit Courses
KRS 158.150	School Discipline
KRS 158.649	Achievement Gaps
KRS 158.031	Ungraded Primary Program
KRS 157.360	Maximum Class Size; P1 (Kindergarten) Paraeducators and Classroom Assistants
KRS 158.060	Non-Teaching Time for Teachers
KRS 158.102	Employment of School Media Librarian
KRS 158.181	Religious Liberty for Students
KRS 158.6451	Writing
703 KAR 5:010	Writing Portfolio Procedures
704 KAR 3:440	Primary School Program Guidelines
704 KAR 3:035	Professional Learning
702 KAR 3:246	School Council Allocation Formula
703 KAR 4:040	Verifying Successful Completion of Primary
703 KAR 5:225	Comprehensive School and District Improvement Planning Process
Title I, Part A	Parent Involvement

School Council Bylaws

by·law *noun* \ˈbī-ˌlȯ\
- a rule that an organization (such as a club or company) makes and that its members must follow
- a law or regulation that is made by a local government and that applies only to the local area

Example of *BYLAW*: The school council's *bylaws* require all members to support and promote the decisions made by the school council.

Developing Sound School Council Bylaws

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

Common issues relating to bylaws include the following:
- Copies of the bylaws cannot be found.
- Bylaws are not reviewed on a regular basis.
- Bylaws are not made available (either in hard copy or electronically on a school website) so everyone can access them.

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

- Public request for school council records: How are requests for public records granted? Are fees to be charged for copies of records? What are the procedures to be followed for the request? [KRS 61.870 to 61.884].
- School council communications: What is the communication network for the teachers, school administrators, district administrators, school board members, parents and/or the community? Will communications be planned for both inside and outside the school building as part of the planning process? Will there be publications from the school council? How are persons notified of meetings, agendas and minutes? How will those with limited electronic access receive notifications?
- Appealing a school council decision: What is the local board policy as it relates to the district appeals process? Does the appeals process include or require the affected party to file grievance(s) in writing? Does the appeals process include how hearings are scheduled? Are time frames for the hearings included? Is the appealing person allowed representation by legal counsel?

Required School Council Bylaw Summary

Statute/Best Practice	Topic
KRS 160.345(2)(a)	**Membership of the council:** The composition of a school council includes one principal, two parents and three teachers. The composition may increase proportionately. Any vacancies that occur during the term must be filled using the same procedures as the original election. The principal serves as the chair of the school council unless the school has an alternative model on file with KDE.
KRS 160.347	**Removal of school council members:** Must follow procedures outlined in statute.
KRS 160.345(2)(b)1	**Length of council terms:** Teacher and parent representatives are elected for one-year terms. The school council, in its bylaws, may adopt a policy setting different terms beginning with subsequent elections.
KRS 160.345(2)(b)2	**Election of minority parent/teacher representatives:** Schools that have eight percent (8%) or more minority student population must have a minority representative on the school council. If needed, the principal (or designee) conducts the election of a minority teacher and parent representative. Minority population is determined by US Census protected classes.
KRS 160.345(2)(d)	**Meeting frequency & agenda:** Council and committees meetings; times and locations should facilitate participation for all stakeholders.
KRS 160.345(2)(e) KRS 61.810	**Open meetings:** • regular meeting schedule (time, place and how advertised) • special-called meetings • closed session
KRS 160.345(3)(h)	**Requirements for recordkeeping:** School councils are required as a public entity to keep accurate records according to the records retention schedule.
KRS 160.345(3)(i)	**A process for appealing a decision:** The school council must have procedure for any stakeholder to appeal a decision made by a school council.

Statute/Best Practice	Topic
KRS 160.345(6)	**Mandated training for all school council members:** • New members must have six hours of new member council training. • Experienced members must have three hours of experienced member council training.
Best Practice	**School Council membership duties:** If membership duties are outlined in bylaws, they must be consistent with SBDM statutes and regulations and be fair and reasonable.
Best Practice	**Amendments:** If amendment procedures are outlined in bylaws, they must be considered fair and reasonable.

School Council Policies

policy *noun* **pol**-*uh*-see\
- a definite course of action adopted for the sake of expediency, facility, etc.
- a course of action adopted and pursued by a government, ruler, political party, etc.
- action or procedure conforming to or considered with reference to prudence or expediency
- sagacity; shrewdness

Example of *Policy*: The school council updated its curriculum *policy* to reflect revision in the Kentucky statutes.

Developing Sound School Council Policies

School council policies are a way to strengthen the school's efforts to improve student achievement; not just a requirement to fulfill. Policies need to:

- contribute to raising student performance
- keep the focus on achieving the school's mission and goals
- achieve the following purposes:
    - support and improve teaching and learning and lead to enhancing student achievement
    - outline a common procedure
    - provide guidelines
    - meet a legal requirement

It is important that sound policies contribute to the mission of the school. When analyzing school council policies ask:

- <u>Are the school council policies legal?</u>: being within council responsibilities, not breaking any legal limits and explaining any related legal requirements.
- <u>Are the school council policies clear?</u>: using simple wording, spelling out who will be responsible for each step and organizing the policy to make it easy to find needed information.
- <u>Are the school council policies practical?</u>: giving each person manageable responsibilities, having a timetable that can work and having a clear process for following up to be sure the policy is implemented well and produces good results.
- <u>Are the school council policies wise?</u>: setting rules that make sense and supporting student achievement.
- <u>Are the school council policies focused on improving student achievement?</u>: directly or indirectly, policy focuses on improving teaching and learning in the school.
- <u>Do the school council policies support a positive school culture?</u>: by building relationships, teamwork and focusing on high expectations, contributing to the culture of the school.

Some policy pitfalls to avoid include:

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

- Running the school on a day-to-day basis.

The main school council statute [KRS 160.345] notes the school council primary 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 statute further states that the principal is to 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. The required school council policies are as follows:

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

In addition to the areas where school councils are required to have adopted policies, the same statute creates areas where school councils must make decisions. Implied with the charge to make the decision is the responsibility to establish procedures on how that decision will be made. However, development of a school council policy in these areas are not required.

- o Principal selection – KRS 160.345(2)(h)
- o Number of persons in each job classification – KRS 160.345(2)(f)
- o Determining textbooks, instructional materials, and student support services – KRS 160.345(2)(g)
- o School budget and administration – KRS 160.345(2)(g),

- Annually review data as shown on state and local student assessments and program assessments – KRS 160.345(2)(j),
- Professional development plans – KRS 160.345(8), and
- Completion of additional responsibility granted from the local board – KRS 160.345(4).
- Configuration of flexible grouping – KRS 158.031
- Primary program (elementary) – KRS 158.031(4)
- Assessment of individual student progress – KRS 160.345(3)(b)
- School improvement planning process – KRS 160.345(3)(c)
- Religious liberty for students – KRS 158.181

Required School Council Policy Summary

Policy and decision making authority is granted in KRS 160.345 to schools for the purpose of creating an environment in each school that will enhance student achievement. This checklist is designed to assist school councils in reviewing and revising their school council policies to determine if statutory requirements are met.

Statute/Regulation	Topic
KRS 160.345(2)(i) 1	**Determination of curriculum, including needs assessment, curriculum development and responsibilities under KRS 158.6453(7)**: Developmentally appropriate practices for students, including but not limited to integrated curriculum, learning centers, process writing, discovery learning, writing across the curriculum, thematic units and special projects; how authentic assessment and qualitative reporting will be done for students.
KRS 160.345(2)(i)2	**Assignment of all instructional and non-instructional staff time:** Determination of the instructional and non-instructional time for certified and classified staff
KRS 160.345(2)(i)3	**Assignment of students to classes and programs within the school:** How students will be assigned to classes and courses within the school day and master schedule; how families will have input into which class and/or course their child is assigned; how students with special needs will be included in the process.
KRS 160.345(2)(i)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.** Establishment of a master schedule including, but not limited to, the length of class periods, use of planning time and interventions
KRS 160.345(2)(i)5	**Determination of use of school space during the school day:** Including the location of classrooms, music, PE, arts and other special classes.

Statute/Regulation	Topic
KRS 160.345(2)(i)6	**Planning and resolution of issues regarding instructional practices:** Implementation of any schoolwide instructional models that require instructional staff to use specific methods.
KRS 160.345(2)(i)7	**Selection and implementation of discipline and classroom management techniques as a part of a school safety plan, including responsibilities of the student, parent, teacher, counselor and principal:** Any schoolwide behavior management program that requires every staff member to participate.
KRS 160.345(2)(i)8	**Selection of extracurricular programs and determination of policies relating to student participation based on academic qualifications, and attendance requirements, program evaluation and supervision:** Policy must be consistent with district board policies and guidelines and, for high school athletics, KHSAA guidelines.
KRS 160.345(2)(i)9	**Adoption of an Emergency Plan** Processes for the development of emergency procedures including how first responders will be involved.
KRS 160.345(2)(i)10	**Procedures, consistent with local school board policy, for determining alignment with state standards, technology utilization and program appraisal:** Procedures for assuring that instructional technology that is correlated with the curriculum is implemented throughout the school and program evaluation measures are in place.
KRS 160.345(2)(1)11	**Consultation** Define consultation in the selection of all personnel (instructional and non-instructional) by the principal; including but not limited to meetings, timelines, interviews, review of written applications and review of references; address times when a quorum of the council is unavailable.

Statute/Regulation	Topic
KRS 160.345(2)(c)2	**Committees:** Including facilitation of the participation of interested persons, number of committees needed, committee jurisdiction, composition and membership process
KRS 160.348 (2)	**Advanced Placement, International Baccalaureate, Dual Enrollment, Dual Credit Courses** Recruitment and assignment of students to advanced placement, International Baccalaureate, dual enrollment and dual credit courses that recognize that all students have the right to be academically challenged and should be encouraged to participate in these courses.
KRS 160.345(11) **Healthy Hunger Free Kids Act of 2010**	**Wellness** Includes moderate to vigorous physical activity each day and encourages healthy choices among students; may permit physical activity to be considered part of the instructional day, not to exceed 30 minutes per day, or 150 minutes per week; must include the adoption of an assessment tool to determine each child's level of physical activity on an annual basis.
KRS 158.6453(7)(c)	**Writing Program** Incorporate a variety of language resources, technological tools and multiple opportunities for students to develop complex communication skills for a variety of purposes.
Title I, Part A, Section 1118	**Parent Involvement** Describes specifically how the school will: • Hold an annual meeting to inform parents of their school's participation in Title I, to explain Title I requirements and the parent's right to be involved. • Offer a flexible number of meetings (transportation, child care, or home visits may be provided if needed) to encourage parent involvement. • Involve parents in the planning, review and improvement of the parent involvement programs. • Provide parents of participating Title I children timely information about Title I programs, school performance reports, including school curriculum and common core state standards, and student's assessment results. • if plan not satisfactory, parents may submit comments.

Policy Tools

Policy Development Tool

The Policy Development Tool can be used to discuss a policy before it is adopted. This tool can be used with committees as they develop policies to recommend to the school council. NOTE: Ensure you check your school council's bylaws to see the guidelines for developing policies (e.g., Does your council have two readings before adopting a policy?).

CRITERIA TO LOOK AT BEFORE ADOPTING A POLICY	Yes	ACTION NEEDED, IF ANY
1) Is this policy aligned with your mission and belief statements?		
2) Is this policy related either directly or indirectly to improving student achievement?		
3) Does this policy support your school improvement goals?		
4) Do all your teachers have the training and resources to make this happen?		
5) Is this policy within the school council purview?		
6) Was the policy written after careful and respectful consideration of all points of view?		
7) Have we listed all needed steps in chronological order?		
8) Does it say who is responsible for each step (e.g., school council, committee, principal, teachers)?		
9) Is the policy legal, not violating any state or federal statutes or regulations, breaking any contracts or risking any lawsuits?		
10) Does this policy let the principal handle day-to-day implementation?		

Policy Analysis Tool

The Policy Analysis Tool can be used to determine if a policy is:
- <u>Legal:</u> being within council responsibilities, not breaking any legal limits and explaining any related legal requirements. (Example: explaining the obligation not to discriminate in a consultation policy.)
- <u>Clear:</u> using simple wording, spelling out who will be responsible for each step and organizing the policy to make it easy to find needed information. (Example: step-by-step chronology or underlined headings.)
- <u>Practical:</u> giving each person manageable responsibilities, having a timetable that can work and having a clear process for following up to be sure the policy is implemented well and produces good results.
- <u>Wise:</u> setting rules that make sense, supporting student achievement and reflecting School Council Proficiency.
- <u>Focused on improving student achievement:</u> directly or indirectly, policy focuses on improving teaching and learning in the school.
- <u>Supports a positive school culture:</u> by building relationships, teamwork and focusing on high expectations, policy will contribute to the culture of the school.

POLICY ANALYSIS TOOL						
School Council Policy	**Legal**	**Clear**	**Practical**	**Wise**	**Focused**	**Culture**
Curriculum						
Staff Time						
Assignment of Students						
Schedule of the Day						
School Space						
Instructional Practices						
Discipline						
Extracurricular Activities						
Emergency						
State Standards*						
Consultation						

POLICY ANALYSIS TOOL						
School Council Policy	**Legal**	**Clear**	**Practical**	**Wise**	**Focused**	**Culture**
Committees						
Advanced Placement**						
Wellness						
Writing						
Parent Involvement***						

*Includes alignment with state standards, technology utilization and program appraisal.
** Includes Advanced Placement, International Baccalaureate, dual enrollment and dual credit courses.
***Requirement for Title I schools only

Policy Organizational Tool

Developing and maintaining a school council binder may assist ensuring that all school council members have the appropriate documents to make wise decisions. The Policy Organizer Analysis Tool may assist in a review of documents that school council members need.

Review each item in the first column of the chart. Look through your school council bylaws and policies. What are your Next Steps? What are your Priorities? What are your Biggest Concerns? Discuss these early in a school council member's term of service to ensure they have the tools needed.

Policy Organization Tool	Have	Need
Policy Organization Basics • Is there a Table of Contents? • Are the policies dated? • Are the policies numbered?		
Statutorily Required Policy Areas • Determination of Curriculum • Assignment of Instructional and Non-Instructional Staff Time • Assignment of Students to Classes and Programs • Determination of the Schedule of the School Day and Week • Determination of Use of School Space • Planning and Resolution of Issues Regarding Instructional Practices • Selection and Implementation of Discipline and Classroom Management Techniques • Selection of Extracurricular Programs • Adoption of an Emergency Plan • Procedures for Determining Alignment with State Standards, Technology Utilization		

Policy Organization Tool	Have	Need
and Program Appraisal • Consultation • Committees, if applicable • Recruitment and Assignment of Students to Advanced Placement, International Baccalaureate, Dual Enrollment and Dual Credit Courses, for secondary schools • Wellness, for K-5 schools • Determination of a Writing Program • Parent Involvement, for Title I, Part A, funded schools • Wellness and Nutrition, for all schools participating in Free and Reduced Lunch Program		
We have: • copies of all policies in one binder • a list of legally required policies • a list of recommended best practice procedures • all policies available electronically • teacher/parent election procedures (those established by the teachers or parents) are included in the binder		

Next Steps:

Priorities:

Biggest Concern:

Frequently Asked Questions

What if our school council policies are not being implemented?

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

Do we have to have two readings of a policy before it's adopted?

The answer is in your bylaws. Having two readings is not a requirement by statute; however, two readings before adopting a policy is best practice to allow for stakeholder input.

Are the rules in our policies binding? Do the policies have to be implemented?

Yes, officially approved bylaws, policies or improvement plans are legally binding. Other decisions made by the school council and recorded in official minutes are also legally binding. These actions have to be within the school council's authority and cannot break state or federal statutes or regulations. The SBDM statute is very clear on this. The school council adopts policy, and the school is responsible for implementation.

Should an initiative be put in a school improvement plan or a school council policy?

Policy can be written to reflect a well-known practice already used in the school or as something new that the school wants to implement. Best practices often begin as part of the improvement plan, but after successfully implemented, move from the improvement plan into school council policy. It depends on your school's situation whether a policy or a plan is better to meet your school's unique needs. It could be either. It could be both.