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I. Introduction

In 1990, the Kentucky Legislature began the process for the implementation of the Kentucky Education Reform Act (KERA). Within this legislation, School-Based Decision Making (SBDM) Councils were created (KRS 160.345). SBDM Councils promote shared leadership between those who are closest to students. Council membership includes parents, teachers, and administrators of the local school. The SBDM Council has the responsibility, in accordance with KRS 160.345, to set school policy that is consistent with Jefferson County Board of Education policy **that provides an environment to enhance student achievement**, and that helps the school meet the goals established by KRS 158.645 and 158.6451. When decision making is shared, there is a higher commitment to implementing the decisions that will enhance student achievement.

Components of KRS 160.345 (School-Based Decision Making Law)

The following chart is a summary of each section of the School-Based Decision Making Law. To review KRS 160.345 in its entirety, refer to Support Material A. Other SBDM-related laws and regulations are provided in Support Material B. Jefferson County Board of Education policies related to School-Based Decision Making are included in Support Material C.

SECTION	SUMMARY
Section (1)	Definitions are provided for the following: <i>minority, school, teacher, and parent.</i>
Section (2)	Boards of education shall adopt policies for the implementation of School-Based Decision Making and for SBDM Councils to make reports at a public meeting regarding their progress.
Section (2) (a).	Councils will be composed of three teachers, two parents, and one principal or an increased proportion of this. If a Council wishes to deviate from the described model (see Support Material D), an alternative model can be completed and submitted to the local board of education, which refers it to the Kentucky Department of Education for approval. A parent representative on the Council may be a district employee assigned to another school or a relative of a district employee assigned to another school. A parent representative on the Council may not be an employee or a relative of an employee in district administrative offices. A parent representative on the Council may not be a local board member or a board member's spouse.
Section (2), (b), 1 & 2	This section describes the election process to Councils and provides for minority, if none is obtained in the initial Council election.

Section (2), (c), 1 & 2	This section describes the responsibility of Councils to create policies to enhance student achievement and provides for the establishment of SBDM Council committees.
Section (2), (d, e, f, g)	This section gives Councils the responsibility to determine agendas and the frequency of meetings; provides for open meetings and records of Council meetings and Council-assigned committees; determines budget from allocated funds; and determines textbooks, instructional materials, and student support services.
Section (2) (h)	This section provides for consultation with the principal for the hiring of new personnel (when a vacancy occurs) and the selection of a principal (when a vacancy occurs). Consultation descriptors to be included in the policy are meetings, timelines, interviews, and review of written materials.
Section (2) (i)	This section describes the area of policy development by Councils.
Section (2) (j)	This section describes the Councils' process for reviewing data on students' performance shown on state and local student assessments and program assessments. This includes performance of students disaggregated by race, sex, disability, and participation in the federal free and reduced-price meal program.
Section (3)	This section describes the areas of policy that are adopted by the local board of education and that are related to the implementation of School-Based Decision Making.
Section (4)	This section provides for liability insurance for Council decisions.
Section (5)	This section describes the process for the implementation of and the exemption from School-Based Decision Making.
Section (6)	This section covers the requirements for six hours of professional development for new Council members and three hours of professional development for experienced Council members. The professional development will be related to the process and responsibilities of School-Based Decision Making.
Section (7)	This section covers the provision to file for an alternative model to exempt a Council from the principal being the chairperson. The Alternative Model application is included in Support Material D.
Section (8)	This section covers the requirement of professional-development funds to be allocated to the local school.
Section (9)	This section covers the process for reporting interference with the School-Based Decision Making process.
Section (10)	Describes the accountability for School-Based Decision Making Councils when a school's academic performance has not met KERA goals.
Section (11)	This section directs Councils to establish a wellness policy for kindergarten through grade five. This policy includes physical activity and healthy choices.

Jefferson County Public Schools

Mission

The Jefferson County Public School District is committed to education and the well being of students. This commitment is evidenced by our focus upon student success, family / guardian and community collaboration, and employee efficacy, and by the infusion of each into every aspect of the District's programs and activities.

Core Beliefs

- *We believe that each student must graduate prepared to succeed in college, career, and life choices and to be a productive, contributing citizen.*
- *We believe that students learn best when they:*
 - Know that the adults in their lives expect much of them and believe they can succeed.
 - Value the importance of education by demonstrating effort, perseverance, and caring for others.
 - Engage in curricula that are rigorous and with instruction that is personalized and differentiated.
 - Make connections to their learning experiences, their school community, and the world at large.
 - Interact in a caring, safe, secure, respectful, diverse, and inclusive learning environment.
 - Reflect on the results of their assessments, and make conscious choices to improve their learning.
- *We believe that student success depends upon high-performance learning environments that:*
 - Value each student equally.
 - Inspire and empower students to be successful, lifelong learners.
 - Use formative, diagnostic learning assessments to motivate students, and to tailor and improve instruction.
 - Enable students to demonstrate in-depth understanding through meaningful and relevant learning experiences.
 - Model the ideals of exemplary citizenship.
 - Promote teamwork, problem solving, collaboration, and a culture of inquiry.
 - Develop student leadership through character development and service learning.
 - Encourage parent / community support and involvement.
- *We believe that leadership is the most effective catalyst for maximizing student performance through a positive school culture that:*
 - Expects and promotes quality teaching.
 - Provides employees with the resources necessary for students to achieve at high academic and social levels.

- Strategically places staff members in positions, and provides them with powerful professional growth experiences.
- Encourages staff to explore new strategies and pursue innovation to enhance organizational effectiveness.
- Expects staff to collaboratively design, plan, implement, and review effective programs and practices.
- *We believe that public education provides the best learning environment for building, preserving, and strengthening our democratic society.*

So what does the district's vision have to do with the SBDM Council? As stated earlier in this section, the purpose of the SBDM Council is to create policies that enhance student achievement. A logical connection between the district's vision and SBDM Councils is the creation of these policies; both are striving to make students more successful. As SBDM Councils continue to create and amend their policies for student achievement, the district's vision may be appropriately incorporated into these policies for the success of all students.

Support Materials: Section I

Support Material A

KRS 160.345 SCHOOL-BASED DECISION MAKING (SBDM) LAW

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

(1) For the purpose of this section:

- (a) "Minority" means American Indian; Alaskan native; African-American; Hispanic, including persons of Mexican, Puerto Rican, Cuban, and Central or South American origin; Pacific islander; or other ethnic group underrepresented in the school;
- (b) "School" means an elementary or secondary educational institution that is under the administrative control of a principal and is not a program or part of another school. The term "school" does not include district-operated schools that are:
 1. Exclusively vocational-technical, special education, or preschool programs;
 2. Instructional programs operated in institutions or schools outside of the district; or
 3. Alternative schools designed to provide services to at-risk populations with unique needs;
- (c) "Teacher" means any person for whom certification is required as a basis of employment in the public schools of the state, with the exception of principals and assistant principals; and
- (d) "Parent" means:
 1. A parent, stepparent, or foster parent of a student; or
 2. A person who has legal custody of a student pursuant to a court order and with whom the student resides.

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

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

(b) 1.

1. The teacher representatives shall be elected for one (1) year terms by a majority of the teachers. A teacher elected to a school council shall not be involuntarily transferred during his or her term of office. The parent representatives shall be elected for one (1) year terms. The parent members shall be elected by the parents of students preregistered to attend the school during the term of office in an election conducted by the parent and teacher organization of the school or, if none exists, the largest organization of parents formed for this purpose. A school council, once elected, may adopt a policy setting different terms of office for parent and teacher members subsequently elected. The principal shall be the chair of the school council.

2. School councils in schools having eight percent (8%) or more minority students enrolled, as determined by the enrollment on the preceding October 1, shall have at least one (1) minority member. If the council formed under paragraph (a) of this subsection does not have a minority member, the principal, in a timely manner, shall be responsible for carrying out the following:

a. Organizing a special election to elect an additional member. The principal shall call for nominations and shall notify the parents of the students of the date, time, and location of the election to elect a minority parent to the council by ballot; and

b. Allowing the teachers in the building to select one (1) minority teacher to serve as a teacher member on the council. If there are no minority teachers who are members of the faculty, an additional teacher member shall be elected by a majority of all teachers. Term limitations shall not apply for a minority teacher member who is the only minority on faculty;

(c)

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

158.6451. The principal shall be the primary administrator and the instructional leader of the school, and with the assistance of the total school staff shall administer the policies established by the school council and the local board.

2. If a school council establishes committees, it shall adopt a policy to facilitate the participation of interested persons, including, but not limited to, classified employees and parents. The policy shall include the number of committees, their jurisdiction, composition, and the process for membership selection;
- (d) The school council and each of its committees shall determine the frequency of and agenda for their meetings. Matters relating to formation of school councils that are not provided for by this section shall be addressed by local board policy;
- (e) The meetings of the school council shall be open to the public and all interested persons may attend. However, the exceptions to open meetings provided in KRS 61.810 shall apply;
- (f) After receiving notification of the funds available for the school from the local board, the school council shall determine, within the parameters of the total available funds, the number of persons to be employed in each job classification at the school. The council may make personnel decisions on vacancies occurring after the school council is formed but shall not have the authority to recommend transfers or dismissals;
- (g) The school council shall determine which textbooks, instructional materials, and student support services shall be provided in the school. Subject to available resources, the local board shall allocate an appropriation to each school that is adequate to meet the school's needs related to instructional materials and school-based student support services, as determined by the school council. The school council shall consult with the school media librarian on the maintenance of the school library media center, including the purchase of instructional materials, information technology, and equipment;
- (h) Personnel decisions at the school level shall be as follows:
 1. From a list of qualified applicants submitted by the local superintendent, the principal at the participating school shall select personnel to fill vacancies, after consultation with the school council, consistent with paragraph (i)10. of this subsection. The superintendent shall provide additional applicants to the principal upon request when qualified applicants are available. The superintendent may forward to the school council the names of qualified applicants who have pending certification from the Education Professional Standards Board based on recent completion of preparation requirements, out-of-state preparation, or alternative routes to certification pursuant to KRS 161.028 and 161.048. Requests for transfer shall conform to any employer-employee bargained contract which is in effect.

2. If the vacancy to be filled is the position of principal, the outgoing principal shall not serve on the council during the principal selection process. The superintendent or the superintendent's designee shall serve as the chair of the council for the purpose of the hiring process and shall have voting rights during the selection process. The council shall have access to the applications of all persons certified for the position. The principal shall be elected on a majority vote of the membership of the council. No principal who has been previously removed from a position in the district for cause may be considered for appointment as principal. The school council shall receive training in recruitment and interviewing techniques prior to carrying out the process of selecting a principal. The council shall select the trainer to deliver the training.
 3. Personnel decisions made at the school level under the authority of subparagraphs 1., 2., and 4. of this paragraph shall be binding on the superintendent who completes the hiring process.
 4. If the vacancy for the position of principal occurs in a school that has an index score that places it in the lowest one-third (1/3) of all schools below the assistance line and the school has completed a scholastic audit under KRS 158.6455 that includes findings of lack of effectiveness of the principal and school council, the superintendent shall appoint the principal after consulting with the school council.
 5. Applicants subsequently employed shall provide evidence that they are certified prior to assuming the duties of a position in accordance with KRS 161.020.
- (i) The school council shall adopt a policy to be implemented by the principal in the following additional areas:
1. Determination of curriculum, including needs assessment, curriculum development and responsibilities under KRS 158.6453(7);
 2. Assignment of all instructional and noninstructional staff time;
 3. Assignment of students to classes and programs within the school;
 4. Determination of the schedule of the school day and week, subject to the beginning and ending times of the school day and school calendar year as established by the local board;
 5. Determination of use of school space during the school day;
 6. Planning and resolution of issues regarding instructional practices;
 7. Selection and implementation of discipline and classroom management techniques as a part of a comprehensive school safety plan, including responsibilities of the student, parent, teacher, counselor, and principal;
 8. Selection of extracurricular programs and determination of policies relating to student participation based on academic

- qualifications and attendance requirements, program evaluation, and supervision;
9. Procedures, consistent with local school board policy, for determining alignment with state standards, technology utilization, and program appraisal; and
 10. Procedures to assist the council with consultation in the selection of personnel by the principal, including, but not limited to, meetings, timelines, interviews, review of written applications, and review of references. Procedures shall address situations in which members of the council are not available for consultation; and
- (j) Each school council shall annually review data as shown on state and local student assessments and program assessments required under KRS 158.6453. The data shall include but not be limited to information on performance levels of all students tested, and information on the performance of students disaggregated by race, gender, disability, and participation in the federal free and reduced price lunch program. After completing the review of data, each school council, with the involvement of parents, faculty, and staff, shall develop and adopt a plan to ensure that each student makes progress toward meeting the goals set forth in KRS 158.645 and 158.6451(1)(b) by April 1 of each year and submit the plan to the superintendent and local board of education for review as described in KRS 160.340. The Kentucky Department of Education shall provide each school council the data needed to complete the review required by this paragraph no later than November 1 of each year. If a school does not have a council, the review shall be completed by the principal with the involvement of parents, faculty, and staff.
- (3) The policies adopted by the local board to implement school-based decision making shall also address the following:
 - (a) School budget and administration, including: discretionary funds; activity and other school funds; funds for maintenance, supplies, and equipment; and procedures for authorizing reimbursement for training and other expenses;
 - (b) Assessment of individual student progress, including testing and reporting of student progress to students, parents, the school district, the community, and the state;
 - (c) School improvement plans, including the form and function of strategic planning and its relationship to district planning, as well as the school safety plan and requests for funding from the Center for School Safety under KRS 158.446;
 - (d) Professional development plans developed pursuant to KRS 156.095;
 - (e) Parent, citizen, and community participation including the relationship of the council with other groups;
 - (f) Cooperation and collaboration within the district, with other districts, and with other public and private agencies;
 - (g) Requirements for waiver of district policies;

- (h) Requirements for record keeping by the school council; and
 - (i) A process for appealing a decision made by a school council.
- (4) In addition to the authority granted to the school council in this section, the local board may grant to the school council any other authority permitted by law. The board shall make available liability insurance coverage for the protection of all members of the school council from liability arising in the course of pursuing their duties as members of the council.
- (5) All schools shall implement school-based decision making, in accordance with this section and with the policy adopted by the local board pursuant to this section. Upon favorable vote of a majority of the faculty at the school and a majority of at least twenty-five (25) voting parents of students enrolled in the school, a school meeting its goal as determined by the Department of Education pursuant to KRS 158.6455 may apply to the Kentucky Board of Education for exemption from the requirement to implement school-based decision making, and the state board shall grant the exemption. The voting by the parents on the matter of exemption from implementing school-based decision making shall be in an election conducted by the parent and teacher organization of the school or, if none exists, the largest organization of parents formed for this purpose. Notwithstanding the provisions of this section, a local school district shall not be required to implement school-based decision making if the local school district contains only one (1) school.
- (6) The Department of Education shall provide professional development activities to assist schools in implementing school-based decision making. School council members elected for the first time shall complete a minimum of six (6) clock hours of training in the process of school-based decision making, no later than thirty (30) days after the beginning of the service year for which they are elected to serve. School council members who have served on a school council at least one (1) year shall complete a minimum of three (3) clock hours of training in the process of school-based decision making no later than one hundred twenty (120) days after the beginning of the service year for which they are elected to serve. Experienced members may participate in the training for new members to fulfill their training requirement. School council training required under this subsection shall be conducted by trainers endorsed by the Department of Education. By November 1 of each year, the principal through the local superintendent shall forward to the Department of Education the names and addresses of each council member and verify that the required training has been completed. School council members elected to fill a vacancy shall complete the applicable training within thirty (30) days of their election.
- (7) A school that chooses to have school-based decision making but would like to be exempt from the administrative structure set forth by this section may develop a model for implementing school-based decision making, including but not limited to a description of the membership, organization, duties, and responsibilities of a school council. The school shall submit the model through the local board of education to the commissioner of education and the Kentucky Board of Education, which

shall have final authority for approval. The application for approval of the model shall show evidence that it has been developed by representatives of the parents, students, certified personnel, and the administrators of the school and that two-thirds (2/3) of the faculty have agreed to the model.

- (8) The Kentucky Board of Education, upon recommendation of the commissioner of education, shall adopt by administrative regulation a formula by which school district funds shall be allocated to each school council. Included in the school council formula shall be an allocation for professional development that is at least sixty-five percent (65%) of the district's per pupil state allocation for professional development for each student in average daily attendance in the school. The school council shall plan professional development in compliance with requirements specified in KRS 156.095, except as provided in KRS 158.649. School councils of small schools shall be encouraged to work with other school councils to maximize professional development opportunities.
- (9)
 - (a) No board member, superintendent of schools, district employee, or member of a school council shall intentionally engage in a pattern of practice which is detrimental to the successful implementation of or circumvents the intent of school-based decision making to allow the professional staff members of a school and parents to be involved in the decision making process in working toward meeting the educational goals established in KRS 158.645 and 158.6451 or to make decisions in areas of policy assigned to a school council pursuant to paragraph (i) of subsection (2) of this section.
 - (b) An affected party who believes a violation of this subsection has occurred may file a written complaint with the Office of Education Accountability. The office shall investigate the complaint and resolve the conflict, if possible, or forward the matter to the Kentucky Board of Education.
 - (c) The Kentucky Board of Education shall conduct a hearing in accordance with KRS Chapter 13B for complaints referred by the Office of Education Accountability.
 - (d) If the state board determines a violation has occurred, the party shall be subject to reprimand. A second violation of this subsection may be grounds for removing a superintendent, a member of a school council, or school board member from office or grounds for dismissal of an employee for misconduct in office or willful neglect of duty.
- (10) Notwithstanding subsections (1) to (9) of this section, a school's right to establish or maintain a school-based decision making council and the powers, duties, and authority granted to a school council may be rescinded or the school council's role may be advisory if the commissioner of education or the Kentucky Board of Education takes action under KRS 160.346.
- (11) Each school council of a school containing grades K-5 or any combination thereof, or if there is no school council, the principal, shall develop and implement a wellness policy that includes moderate to vigorous physical activity each day and encourages healthy choices

among students. The policy may permit physical activity to be considered part of the instructional day, not to exceed thirty (30) minutes per day, or one hundred and fifty (150) minutes per week. Each school council, or if there is no school council, the principal, shall adopt an assessment tool to determine each child's level of physical activity on an annual basis. The council or principal may utilize an existing assessment program. The Kentucky Department of Education shall make available a list of available resources to carry out the provisions of this subsection. The department shall report to the Legislative Research Commission no later than November 1 of each year on how the schools are providing physical activity under this subsection and on the types of physical activity being provided. The policy developed by the school council or principal shall comply with provisions required by federal law, state law, or local board policy.

Effective: March 25, 2009

History: Amended 2009 Ky. Acts ch. 101, sec. 12, effective March 25, 2009. -- Amended 2008 Ky. Acts ch. 105, sec. 1, effective July 15, 2008. -- Amended 2005 Ky. Acts ch. 84, sec. 6, effective June 20, 2005. -- Amended 2004 Ky. Acts ch. 188, sec. 4, effective July 13, 2004. -- Amended 2003 Ky. Acts ch. 81, sec. 1, effective June 24, 2003. -- Amended 2002 Ky. Acts ch. 152, sec. 1, effective July 15, 2002; and ch. 302, sec. 5, effective July 15, 2002. -- Amended 2000 Ky. Acts ch. 212, sec. 1, effective July 14, 2000; ch. 339, sec. 2, effective July 14, 2000; ch. 418, sec. 1, effective July 14, 2000; and ch. 527, sec. 14, effective July 14, 2000. -- Amended 1998 Ky. Acts ch. 493, sec. 14, effective April 10, 1998; and ch. 609, sec. 3, effective July 15, 1998. -- Amended 1996 Ky. Acts ch. 34, sec. 1, effective July 15, 1996; ch. 74, sec. 1, effective July 15, 1996; ch. 146, sec. 1, effective July 15, 1996; ch. 318, sec. 52, effective July 15, 1996; and ch. 362, secs. 1 and 6, effective July 15, 1996. -- Amended 1994 Ky. Acts ch. 103, sec. 3, effective July 15, 1994; ch. 187, sec. 1, effective July 15, 1994; ch. 247, sec. 1, effective July 15, 1994; ch. 411, sec. 1, effective July 15, 1994; and ch. 484, sec. 1, effective July 15, 1994. -- Amended 1992 Ky. Acts ch. 376, sec. 3, effective July 14, 1992; and ch. 393, sec. 3, July 14, 1992. -- Created 1990 Ky. Acts ch. 476, Pt. I, sec. 14, effective July 13, 1990.

Legislative Research Commission Note (7/15/96). This section was amended by 1996 Ky. Acts chs. 34, 74, 146, 318, and 362. Where these Acts are not in conflict, they have been codified together. A conflict exists between Acts chs. 34 and 362. Under KRS 446.250, Acts ch. 362, which was last enacted by the General Assembly, prevails.

2008-2010 Budget Reference. See State/Executive Branch Budget, 2008 Ky. Acts ch. 127, Pt. I, D, 3, (7) at 503; and State/Executive Branch Budget Memorandum, 2008 Ky. Acts ch. 188, at 1346 and 1352 (Final Budget Memorandum, Vol. III, at D-21, and D-23).

Support Material B

SBDM-Related Laws and Regulations

Primary Program—KRS 158.031

KRS 158.031 governs the implementation of the Primary Program

- (1) In this section, “primary school program” means that part of elementary school program in which children are enrolled from the time they begin school until they are ready to enter the fourth grade. Notwithstanding any statute to the contrary, successful completion of the primary school program shall be a prerequisite for a child’s entrance into fourth grade.
- (2) The Kentucky Board of Education shall establish, by administrative regulation, methods of verifying successful completion of the primary school program in carrying out the goals of education as described in KRS 158.6451.
- (3) The primary program shall include the following critical attributes: developmentally appropriate educational practices; multiage and multiability classrooms; continuous progress; authentic assessment; qualitative reporting methods; professional teamwork; and positive parent involvement.
- (4) Each school council or, if none exists, the school shall determine the organization of its ungraded primary program including the extent to which multiage groups are necessary to implement the critical attributes based on the critical attributes and meeting individual student needs.
- (5) The implementation of the primary program may take into consideration the necessary arrangements required for students attending part-time and will allow for grouping of students attending their first year of school when determined to be developmentally appropriate.
- (6) A school district may advance a student through the primary program when it is determined that it is in the best educational interest of the student. A student who is at least (5) years of age, but less than (6) years of age, and is advanced in the primary program may be classified as other than a kindergarten student for purposes of funding under KRS 157.310 to 157.440 if the student is determined to have acquired the academic and social skills taught in kindergarten as determined by local board policy in accordance with the process established by Kentucky Board of Education administrative regulation.
- (7) Data shall be collected by each school district on the number of students, in each school having a primary program, who take five (5) years to complete the primary program. The data shall be reported in the annual performance report described in KRS 158.6453.

Advanced placement, International Baccalaureate, dual enrollment, and dual credit courses—KRS 160.348

This legislation requires that high school students have access to college level courses.

- (1) (a) The Kentucky Department of Education shall make available to middle and high schools information concerning the prerequisite content necessary for success in secondary courses, Advanced Placement or AP courses, and International Baccalaureate or IB courses. The department shall provide sample syllabi, instructional resources, and instructional supports for teachers that will assist in preparing students for more rigorous coursework. Instructional supports shall include professional development for assisting students enrolled in the Kentucky Virtual High School or other virtual learning settings.
(b) Each secondary school-based decision making council shall offer a core curriculum of AP, IB, dual enrollment, or dual credit courses, using either or both on-site instruction or electronic instruction through the Kentucky Virtual High School or other on-line alternatives. In addition, each school-based decision making council shall comply with any additional requirements for AP, IB, dual enrollment, and dual credit courses that may be established cooperatively by the Kentucky Department of Education, the Education Professional Standards Board, and the Council on Postsecondary Education in accordance with the definitions in KRS 158.007.
- (2) Each secondary school-based decision making council shall establish a policy on the recruitment and assignment of students to AP, IB, dual enrollment, and dual credit courses that recognizes that all students have the right to participate in a rigorous and academically challenging curriculum. All students who are willing to accept the challenge of a rigorous academic curriculum shall be admitted to AP courses, including AP courses offered through the Kentucky Virtual High School and accepted for credit toward graduation under KRS 158.622(3)(a), IB courses, dual enrollment courses, and dual credit courses, if they have successfully completed the prerequisite coursework or have otherwise demonstrated mastery of the prerequisite content knowledge and skills as determined by measurable standards. If a school does not offer an AP course in a particular subject area, the school shall permit a qualified student to enroll in the AP course offered by the Kentucky Virtual High School and receive credit toward graduation under KRS 158.622(3)(a).
- (3) Effective with the 2008-2009 school year and thereafter, students enrolled in AP or IB courses in the public schools shall have the cost of the examinations paid by the Kentucky Department of Education.

Achievement Gaps – KRS 158.649

The “achievement gap” statute establishes guidelines for reviewing data on student performance and setting biennial targets for reducing gaps in student subgroups.

- (1) “Achievement gap” means substantive performance difference on each of the tested areas by grade level of the Kentucky Core Content Test between the various groups of students including male and female students, students with and without disabilities, students with and without English proficiency, minority and nonminority students, and student who are eligible for free and reduced lunch and those who are not eligible for free and reduced lunch.
- (2) By November 1 of each year, the Department of Education shall provide each school council, or the principal if a school council does not exist, data on its students’ performance as shown by the Kentucky Core Content Test. The data shall include, but not limited to, information on performance levels of all students tested, and information on the performance of students disaggregated by race, gender, disability, English proficiency, and participation in the federal free and reduced price lunch program. The information from the department shall include an equity analysis that shall identify the substantive differences among the various groups of students identified in subsection (1) of this section. Beginning with the 2012-13 school year, the reporting requirement in this subsection shall be no later than seventy-five (75) days following the first day the assessment can be administered.
- (3) Each local board of education upon the recommendation of the local district superintendent shall adopt a policy for reviewing the academic performance on the state assessments required under KRS 158.6453 for various groups of students, including major racial groups, gender, disability, free and reduced price school lunch eligibility, and limited English proficiency. The local board policy shall be consistent with Kentucky Board of Education administrative regulations. Upon agreement of the school-based decision making council, or the principal if there is not a council, and the superintendent, the local board shall establish a biennial target for each school for reducing identified gaps in achievement as set out in subsection (4) of this section.
- (4) By February 1, 2003, and each February 1 in odd-numbered years thereafter, the school-based decision making council, or the principal if there is not a council, with the involvement of parents, faculty, and staff shall set the school’s biennial targets for eliminating any achievement gap and submit them to the superintendent for consideration. The superintendent and the school-based decision making council, or the principal if there is not a council, shall agree on the biennial targets before they are submitted to the local board of education for adoption. Beginning with the 2012-13 school year, the

reporting requirement in this subsection shall be October 1 of each year.

- (5) By April 1, 2003, and each April 1 in odd-numbered years thereafter, the school council, or the principal if a school council does not exist with the involvement of parents, faculty, and staff, shall review the data and revise the consolidated plan to include the biennial targets, strategies, activities, and a time schedule calculated to eliminate the achievement gap among various groups of students to the extent it may exist. The plan shall include but not be limited to activities designed to address the following areas:
 - (a) Curriculum alignment within the school and with schools that send or receive the school's students;
 - (b) Evaluation and assessment strategies to continuously monitor and modify instruction to meet student needs and support proficient student work;
 - (c) Professional development to address the goals of the plan;
 - (d) Parental communication and involvement;
 - (e) Attendance improvement and dropout preventions; and
 - (f) Technical assistance that will be accessed.
- (6) The principal shall convene a public meeting at the school to present and discuss the plan prior to submitting it to the superintendent and the local board of education for review, the public meeting required under KRS 160.340.
- (7) Based on the disaggregated biennial assessment results, the local Board shall determine if each school achieved its biennial targets for each group of students. Only data for a group of students including (10) or more students shall be considered.
- (8) Notwithstanding KRS 160.345(8) and 158.070(8), if a local board determines that a school has not met its biennial target to reduce the identified gap in student achievement for a group of students, the local board shall require the council, or the principal if no council exists, to submit its revisions to the consolidated plan describing the use of professional development funds and funds allocated for continuing education to reduce the school's achievement gap for review and approval for the superintendent. The plan shall address how the school will meet the academic needs of the students in the various groups identified in subsection (1) of this section.
- (9) The superintendent shall report to the commissioner of education if a school fails to meet its targets to reduce the gap in student achievement for any student group for two (2) successive biennia. The school's consolidated plan shall submit an annual status report. The Department of Education may provide assistance to schools as it deems necessary to assist the school in meeting its goals.
- (10) The school-based decision making council, or the principal if there is not a council, shall no longer be required to seek approval of the plan under subsection (8) and (9) of this section when it meets its biennial target for reducing the gap in student achievement for the various groups of students identified in subsection (1) of this

section.

Support Material C

Jefferson County Board Of Education Policies Related to School-Based Decision Making

BL IMPLEMENTATION OF SCHOOL-BASED DECISION MAKING

By July 1, 1996, schools defined by KRS 160.345, unless exempted by law, shall enter into a form of school governance known as school-based decision making. The Jefferson County Board of Education has been and remains committed to shared decision making and believes that such forms of school governance foster a school environment that enhances student achievement.

Alternative schools, special education schools and other district wide schools that are not required by KRS 160.345 to implement school-based decision making, may do so pursuant to procedures developed by the superintendent.

Any school in which two-thirds (2/3) of the faculty vote to implement school-based decision making shall do so. Each participating school shall form a school council which shall be composed of two (2) parents, three (3) teachers, and the principal or administrator. The membership of the council may be increased, but it may only be increased proportionately except as provided by JCPS Policy BLS (Alternative Models to School-Based Decision Making).

The board, superintendent, and staff shall facilitate and encourage cooperation between the board and Jefferson County Public Schools' councils.

No board member, superintendent, or district employee shall intentionally engage in a pattern of practice which is detrimental to the successful implementation of or circumvents the intent of school-based decision making to allow the professional staff members of a school and parents to be involved in the decision making process in working toward meeting the educational goals in KRS 158.645 and 158.6451 or to make decisions in the areas of policy assigned to a school council pursuant to KRS 160.345 (2) (j).

The superintendent shall develop procedures, as necessary, for the implementation of school-based decision making.

Revised May 13, 1996, Motion #27867
Adopted: June 22, 1992, Motion #24012
Reference: KRS 160.345
Revised: November 13, 1995, Motion #27339

BLA ALTERNATIVE MODELS TO SCHOOL-BASED DECISION MAKING

A school that chooses to have school-based decision making, but would like to be exempt from the administrative structure set forth by KRS 160.345, may develop a model for implementing school-based decision making including, but not limited to, description of the membership, organization, duties, and responsibilities of a school council. The school shall submit the model to the superintendent for recommendation to the board of education to forward to the chief state school officer and the State Board for Elementary and Secondary Education for approval. The application for approval of the model shall show evidence that it has been developed by representatives of the parents, students, certified personnel, and the administrators of the school and that two-thirds (2/3) of the faculty have agreed to the model. Any alternative model shall ensure at least one-third (1/3) parent representation. The Jefferson County Board of Education shall submit school models for approval as prescribed in KRS 160.345, subsection (7). The superintendent shall develop guidelines for the implementation of alternative models to school-based decision making that will conform with and address the provisions of the Kentucky Education Reform Act.

Revised: November 13, 1995, Motion #27339
Adopted: October 8, 1990, Motion #22429
Revised: June 22, 1992, Motion #24012
Reference: KRS 160.345 (7)
701 KAR 5:080
701 KAR 5:100

BLAA REPEAL

A school performing above its threshold level requirement as determined by the Kentucky Department of Education pursuant to KRS 158.6455 may apply to the State Board for Elementary and Secondary Education for exemption from school-based decision making upon the following actions:

- a favorable vote of a majority of the faculty to discontinue SBDM; and
- a favorable vote of a majority of at least 25 voting parents of students enrolled in the school, to discontinue SBDM

Any school that requests such exemption shall inform the Superintendent and the Jefferson County Board of Education.

Alternative schools, special education schools, and other district wide schools as defined in JCPS Policy BL, may repeal or discontinue school-based decision making upon a favorable vote of a majority of the faculty.

The superintendent shall develop procedures, as necessary, for the repeal of school-based decision making.

Adopted: May 13, 1996, Motion #27867
Reference: KRS 160.1345

BLB SCHOOL COUNCIL POWERS AND DUTIES

AUTHORITY OF SCHOOL COUNCIL: The school council, pursuant to KRS 160.345, is a statutory policymaking body. Outside of a legally called school council meeting, no school council member has decision making or administrative authority. The principal is the school's primary administrator and instructional leader, and implements the decisions of the council.

RESPONSIBILITIES OF SCHOOL COUNCIL: The school council shall have the responsibility to set school policy, consistent with district board policy, which shall provide an environment to enhance the students' achievement and help the school meet the goals established by KRS 158.645 and 158.6451. The school council shall adopt policies to be implemented by the principal addressing the areas required by KRS 160.345.

Reviewed: November 13, 1995, Motion #27339
Adopted: June 22, 1992, Motion #24012
Reference: KRS 160.345

BLBA SCHOOL COUNCIL ELECTIONS

THE COUNCIL: Each school implementing school-based decision making shall form a school council which shall be composed of two (2) parents, three (3) teachers, and the principal or administrator. The membership of the council may be increased, but it may only be increased proportionately, unless an alternative model is approved according to JCPS Policy BLA.

Minority representation on the school council shall be encouraged. School councils in schools have 8% or more minority students shall have at least one minority member.

TEACHER COUNCIL MEMBERS: The teacher representatives shall be elected for one year terms by a majority of the teachers assigned to the school.

PARENT COUNCIL MEMBERS: The parent representatives shall be elected for one year terms by the parents of students enrolled in the school in an election conducted by the parent and teacher organization of the school. If no parent-teacher organization exists, the largest parent organization formed for this purpose shall elect parent representatives.

The parent representatives on the council shall not be an employee or a relative of an employee of the school in which that parent serves, nor shall the parent representative be an employee or a relative of an employee in the district administrative offices. A parent representative shall not be a board member or a board member's spouse.

A "relative" is defined as mother, father, sister, brother, wife, husband, daughter, son, uncle, aunt, daughter-in-law, and son-in-law.

A school council, once elected, may adopt a policy setting different terms of office for parent and teacher members subsequently elected.

PROCEDURES: The superintendent shall develop procedures for holding elections, and other procedures, as necessary, concerning matters relating to the formation of school councils.

Revised: July 17, 2000, Motion #32945
Adopted: June 22, 1992, Motion #24012
Revised: November 13, 1995, Motion #27339
Reference: KRS 160.345

BLBB SCHOOL COUNCIL COMMITTEES

School councils should form committees. All committees formed by school councils should provide for the professional staff members of the school and parents to be involved in the decision making process in working toward the educational goals and policies of the school which will assure that all students achieve the desired outcomes and acquire the capacities required by law to create an efficient public school system.

Committees formed by school councils should consider the policy areas addressed in the law concerning school councils and may also include grade group levels, subject areas and other special programs.

If a school council establishes committees, it shall adopt a policy to facilitate the participation of interested persons, and is encouraged to ensure that committees reflect at least one-third parents. Committee membership shall include reasonable minority representation and may include other representatives of the school community such as students, classified employees, and other community at large representatives.

All recommendations made to the council should be reviewed by the committee to determine if the recommendation conflicts with any board of education contractual obligations in effect at the time. Should the review indicate a possible conflict, the recommendation should not be presented to the council until such time as the conflict has been resolved.

Revised: November 25, 1996, Motion #28506
Adopted: June 22, 1992, Motion #24012
Revised: March 14, 1994, Motion #25597
Revised: November 13, 1995, Motion #27339
Reference: KRS 160.345 (2) (c) (d) and (e)

BLC SCHOOL COUNCIL MEETINGS

SCHEDULE: The first meeting of the council shall be called by the principal; thereafter, the council shall determine the frequency of and agenda for their meetings.

OPEN MEETINGS REQUIREMENTS: All meetings of the council are open to the public and subject to the Open Meetings Law, KRS 61.805, et seq.

Meetings shall be held at times convenient to working parents. Advance notice of meetings shall be given to parents and teachers.

AGENDA: A written agenda shall be prepared and copies made available to the public at all meetings of the council. The agenda of each council meeting shall provide an opportunity for interested persons to address the council.

QUORUM: A majority of all the members of the school council shall constitute a quorum for the transaction of business.

CHAIR/MINUTES: The principal shall be the chair of the council and shall be responsible for securing minutes that record the council's actions. Minutes shall be approved by the council and forwarded by the principal to the superintendent, to be kept in a permanent file and open to public inspection. The superintendent shall keep the board informed of council actions.

Reviewed: November 13, 1995, Motion #27339
Adopted: June 22, 1992, Motion #24012
Reference: KRS 160.345
KRS 61.805-61.850

BLCB SCHOOL COUNCIL RELATIONSHIPS

Councils shall encourage parent, citizen and community participation in council meetings and school activities, and shall cooperate with independent school groups such as booster and parent organizations to assist them in their service to the school.

In addition, cooperation and collaboration within the school district, with the board of education, with other districts, and with other public and private agencies shall be encouraged.

Reviewed: November 13, 1995, Motion #27339

Adopted: June 22, 1992, Motion #24012

Reference: KRS 160.345 (3) (e) and (f)

BLCC REVIEW OF SCHOOL COUNCIL DECISIONS

A School Based Decision Making (SBDM) Appeals Board shall be created to review the decisions of school councils. The Appeals Board shall be composed of two parents appointed by the president of the Fifteenth District PTA, three teachers appointed by the president of the Jefferson County Teachers Association (JCTA), and a school administrator appointed by the president of the Jefferson County Association of School Administrators (JCASA). If the appointment process does not provide for minority representation on the Appeals Board, the superintendent shall appoint a minority representative. Only those who are qualified by law to serve on a school council may serve on the Appeals Board. Each appointment shall be for a one-year term and each member shall serve no more than two years.

Appeals from decisions of the council shall be made in writing to the council for reconsideration, pursuant to school council procedure. If the matter is not satisfactorily resolved within ten (10) school days from the date the issue is presented to the council, an appeal may be submitted in writing to the SBDM Appeals Board.

To the extent that school council policies are outside the areas set out in KRS 160.345 (2) (j) (1-8), they shall be consistent with district board policies, unless otherwise agreed to by the district board of education and the school council.

If a school council takes an action or adopts a policy in the areas set out in KRS 160.345 (2) (j) (1-8) that is inconsistent with

- (1) state or federal statutes or regulations,
- (2) concerns for health and safety,
- (3) concerns for liability,
- (4) available financial resources,
- (5) contractual obligations to personnel and other providers of goods and services,

then the Appeals Board and the Board of Education may reject the council's action or policy and that action or policy shall be unenforceable.

A majority of the Appeals Board constitutes a quorum. Decisions of the Appeals Board must be approved by the majority of the quorum. The Appeals Board shall act upon the appeal within thirty (30) calendar days of receipt of the appeal. The decision of the Appeals Board shall bind the school council and the parties who initiated the appeal, unless appealed to the state board or the courts.

Revised: November 13, 1995, Motion #27339
Adopted: October 8, 1990, Motion #22429
Revised: June 22, 1992, Motion #24012
Revised: January 10, 1994, Motion #25465
Reference: KRS 160.345, KRS 160.160,
KRS 160.290

BLD TRAINING OF SCHOOL COUNCIL MEMBERS

All members of a school council shall complete training, as required by law. Within available resources, training shall be provided to all interested teachers and parents. The board shall provide general areas of training and training programs. The school council shall determine other training needs.

By November 1 of each year, the principal through the superintendent shall forward to the Department of Education the names and addresses of each council member and verify that the required training has been completed.

Revised: July 17, 2000, Motion #32951
Adopted: June 22, 1992, Motion #24012
Reviewed: November 13, 1995, Motion #27339
Reference: KRS 160.345

BLDA WAIVER OF SCHOOL BOARD POLICY

A school council may submit a request to the superintendent for waiver of board policy. The superintendent shall present the request to the board, within thirty (30) calendar days of receipt of the request, along with a recommendation to approve or deny the request. The council shall have the opportunity to address the board directly to support the request.

The decision to approve or deny the request shall include, but not be limited to, a consideration of the following:

- (1) Violation of state and /or federal laws and regulations;
- (2) Concerns for health and safety;
- (3) Concerns for liability;
- (4) Financial resources available;
- (5) Contractual obligations to personnel and other providers of goods and services;
- (6) The authority delegated to the council by the board within the statutes.

Within thirty (30) calendar days from the date on which the superintendent presents the waiver request to the board, the board shall rule on the request. When the request for waiver is denied, the grounds for denial shall be recorded in board minutes and transmitted to the local school council.

Reviewed: November 13, 1995, Motion #27339
Adopted: October 8, 1990, Motion #22429
Revised: June 22, 1992, Motion #24012
Reference: KRS 160.345

BLDAA OTHER BOARD POLICY

All board policies shall be reviewed and amended, as necessary, to conform to the requirements of school-based decision making, pursuant to KRS 160.345.

Reviewed: November 13, 1995, Motion #27339
Adopted: June 22, 1992, Motion #24012
Reference: KRS 160.345

BLDB ACCOUNTABILITY

SCHOOL IMPROVEMENT PLAN: In accordance with state law, by February 1, of each odd-numbered year, each school shall set and submit biennial targets for eliminating identified achievement gaps to the superintendent for consideration. The superintendent and school council, or principal if there is no council, shall agree on the biennial targets before they are submitted to the local board for adoption.

By April 1 of each year, each council, or principal if there is not council, shall adopt and submit a school improvement plan to the superintendent which includes an executive summary, student performance results, needs assessment information, proposed instructional strategies, professional development activities, school, budget, communication plan, and an evaluation plan. Using the format provided by the superintendent, the plan shall include measurable goals, objectives and the method for evaluating the achievement of the plan. The goals shall be related to the goals listed in state law, including KRS 158.645 and KRS 158.6451, and the District Goals. Additionally, in each odd-numbered year, the school shall include biennial targets, strategies, activities, and a time schedule calculated to eliminate the achievement gap. The superintendent shall forward an executive summary of the plan to the board.

Biennially, the local board shall review a report that includes the district's plans to reduce the achievement gaps.

In accordance with state law, in each odd-numbered year, if the local board determines a school has not met its biennial targets, the board shall require the school council to submit revisions to their school improvement plan describing the use of professional development funds and funds allocated for continuing education to reduce the gap for review and approval by the superintendent.

The superintendent shall report to the commissioner of education if a school fails to meet its targets to reduce the gap in student achievement for any student group for two (2) successive biennia. The school improvement plan shall be subject to review and approval by the Kentucky Department of Education and the school shall submit an annual status report.

Revised: November 25, 2002, Motion #34623
Revised: November 13, 1995, Motion #27339
Revised: August 12, 1996, Motion #28137
Adopted: June 22, 1992, Motion #24012
Reference: KRS 160.345
KRS 160.290
KRS Chapter 58

Support Material D

Application for an Alternative Model for School-Based Decision Making

Submitted by: _____

School: _____

Address: _____

through the _____ Board of Education

STATUTORY AUTHORITY AND INSTRUCTIONS

A school that chooses to implement School-Based Decision Making by fulfilling the requirements set forth in Section 14, Subsection 5, of the Kentucky Education Reform Act of 1990, but would like to be exempt from the administrative structure set forth by Section 14, Subsection 2(a) of the same act, may develop an alternative model as permitted by Subsection 7.

Subsection 7 sets forth steps that must be observed in order to qualify for an exemption. The steps are quoted in the act and are as follows:

- Step 1: The model must include, but is not limited to, a description of membership, organization, duties, and responsibilities of a school council.
- Step 2: The school shall submit the model by application through the local board of education to the chief state school officer and the state Board for Elementary and Secondary Education for approval.
- Step 3: The application for approval of the model shall show evidence that it has been developed by representatives of the parents, students, certified personnel, and the administrators of the school and that two-thirds (2/3) of the faculty have agreed to the alternative model.

A school cannot officially function as a School-Based Decision Making school as identified in Section 14 of the Kentucky Education Reform Act of 1990 unless **one** of the following actions has taken place:

- Two-thirds of the faculty has voted to implement School-Based Decision Making and the administrative structure set forth in Section 14, Subsection 2(a) has been chosen and enacted.
- Two-thirds of the faculty have voted to implement School-Based Decision Making and the school has developed and submitted an alternative model through the local board of education to the chief state school officer and the state Board for Elementary and Secondary Education for approval, and this approval has been received by the school, or
- The school has implemented School-Based Decision Making under the provisions included in Item 1 until steps in Item 2 are completed.

Once the school's alternative model has been approved by the state Board of Elementary and Secondary Education, all members of the new administrative structure must be elected as prescribed in Section 14. That is, the teacher representatives "shall be elected ... by a majority of the teachers," and the "parent members shall be elected by the parent members of the Parent Teacher Organization of the school or, if none exists, the largest organization of parents formed for this purpose." The school must return evidence of election results to the secretary of the state board not more than 30 days after approval by the state Board of Elementary and Secondary Education.

Applicant:

(Name of School)

requests approval to implement an alternative model for School-Based Decision Making. As required by the Kentucky Education Reform Act of 1990, Section 14, Subsection 5, two-thirds of the faculty of this school voted on _____, 2_____, to implement School-Based Decision Making using the model herein described. It is the faculty's wish to be exempt from the administrative structure provided in the Kentucky Education Reform Act of 1990 in order to enact the alternative model for School-Based Decision Making described in this application.

To show evidence that the model has been developed by representatives of the parents, students, certified personnel, and administrators of the school, the representatives affix their signatures below.

Parent Representative(s):

Certified Representative(s):

Student Representative(s):

Administrative Representative(s):

VOTING VALIDATION

To validate the two-thirds faculty vote for implementing School-Based Decision Making through an alternative model, please complete the following:

Date of Vote: _____

Number of Faculty of School: _____

Number of Faculty Who Voted in _____

Favor of the SBDM Alternative Model: _____

Number of Faculty Who Voted _____

Against the SBDM Alternative Model: _____

Percentage of Faculty Who Voted in _____

Favor of the SBDM Alternative Model: _____

On _____, _____, this application was
(Month) (Day) (Year)
forwarded through the local Board of Education to the chief state school officer
and the state Board for Elementary and Secondary Education for approval.

Signature of School Principal Date _____

Signature of Teacher Representative Date _____

Signature of Authorized Representative of
Parents' Organization of the School Date _____

Signature of Local Board Chairman Date _____

VERIFICATION OF APPROVAL

Chief State School Officer:

Date Received: _____

Date of Approval: _____

Signature of CSSO: _____

State Board for Elementary and Secondary Education:

Date Received: _____

Date of Approval: _____

Signature of Chairman: _____

Notification Given to Local Board: _____

and to Applicant's School: _____

II. SBDM Council Election Procedures

School-Based Decision Making Councils were created to provide those closest to the students the authority to make decisions related to student achievement.

Representatives of the Council are elected by their constituent groups to create policies that enhance student achievement. According to KRS 160.345 (SBDM Law) the composition of an SBDM Council is three teachers, two parents, and one administrator. The membership of the Council may only be increased proportionately, unless an alternative model is filed and approved by the Kentucky Board of Education. (See support materials in Section I for an application for alternative model.) Prior to elections being held for parent and teacher representatives to the SBDM Council, it is important that members understand that the training of Council members is mandated through KRS 160.345. This requires new Council members to obtain six hours of training in the process of School-Based Decision Making and requires experienced Council members to obtain three hours of training in the process of School-Based Decision Making.

Teacher Elections

- All full-time and part-time teachers assigned to the building (including counselors) are eligible to serve on the Council and to vote in a Council election.
- Teachers must be elected by a majority vote of all teachers assigned to the building. This means that if there are 50 teachers assigned to the building, to be elected as a teacher-member of the SBDM Council a candidate must receive at least 26 votes.
- The teachers in the building should determine the process to elect the teacher representatives of the building. This process should address the following:
 - Nomination Process: How will persons be nominated? What will the timelines be? How will the ballot be prepared once nominations are made?
 - Voting: How will the voting process take place? What is the time frame for voting? How will ballots be secured? How will the election be monitored? How will candidates be notified of the results? How will “tie votes” and candidates not receiving a majority of all the eligible votes be handled?
 - Vacancies: What are the procedures of notification and voting for vacant positions?
- Documentation of the election process should be kept by those responsible for the election. This is extremely important if there is a challenge to the election for the teacher representatives to the SBDM Council.

Parent Elections

- Eligibility: To be eligible to serve on the SBDM Council, parents must have a student enrolled or preregistered to attend the school for the year they will be serving on the SBDM Council. Additional eligibility requirements are as follows:
 - The definition of *parent* has been expanded by KRS 160.345 (SBDM Law) to include parent, stepparent, foster parent, and a person who has legal custody of a student.
 - A parent representative on the Council shall not be an employee of the school in which that parent serves, nor shall the parent representative be

- an employee or a relative of an employee in a district administrative office.
 - A parent representative shall not be a local board member or his or her spouse.
- The largest parent-teacher organization (PTA or PTSA) of the school will conduct the election for parent representatives to the SBDM Council. In determining procedures for their election, consideration should be given to the following:
 - Procedures for Election: The PTA/PTSA president and/or Executive Board will determine the method for the parent elections. This method will include when/where the election will take place (election with polls or an election during a meeting), who will be responsible for holding this election, and whether the election will be held by plurality vote. (Parents may be elected to the Council by plurality vote—who gets the most votes. Teachers must be elected to the Council by majority vote of all teachers assigned to the building.) If absentee ballots are allowed, what will the process be?
 - Procedures for Determining Representatives: The PTA/PTSA president and/or Executive Board will determine the method for counting votes from the election, the process for informing the school community of the results of the election, and the process for a run-off in the event this is needed.

Minority Representation

Schools a student minority population of 8 percent or more will have at least one minority representative (in any of the role groups) to the SBDM Council (KRS 160.345). For the purposes of School-Based Decision Making, *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.” If a Council is formed and has not obtained minority representation in either of the three role groups (parent, teacher, or administrator) the principal will be responsible for ensuring both of the following:

- An additional election is held for all parents to elect a minority parent representative to the Council.
- An additional election is held for the teachers to elect a minority teacher to the Council.

Obviously, the election for minority representation to the Council (if minority representation has not been obtained in the initial election) will result in an increase of members to the SBDM Council. Therefore, if you currently have three teachers, two parents, and one administrator on your Council, that number will increase to four teachers, three parents, and one administrator. This does not require an alternative model to be filed, since this procedure is required by KRS 160.345 (SBDM Law). If there is no one willing to serve as either parent or teacher minority member, that seat on the Council will sit vacant and the role group will be underrepresented on the Council. If this happens, when someone is willing to step forward and fill the position, an election will be held at that time.

Terms of Office

The Council (once the initial Council has been elected, this first Council can serve a term of only one year) will determine the length of the terms of office. A school Council, once elected, may adopt a policy setting different terms of office for parent and teacher members subsequently elected.

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

- An election can be held to fill the position.
- If the original election procedures have been set up to allow a candidate to be elected as an alternate, the alternate may fill the position. This must be part of the original procedures and must follow the requirements of the election (i.e., majority vote for teacher representatives).

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

While this information does not begin to exhaust the many variables or concerns to consider when holding an SBDM Council election, it does provide some general information for those responsible for the elections. *The Kentucky PTA Parent SBDM Handbook* is a resource for the local school PTA when conducting parent elections. It is important to remember that the elections are held by the groups they are representing on the SBDM Council. It is very important that the school community understand the importance of the Council election. Council members represent the school community in creating policies for student achievement at their school.

III. Open Meetings and Open Records

The School-Based Decision Making Council is the governing body of the local school. Because of this, SBDM Councils and all Council-assigned committees are responsible for Open Meetings and Open Records requirements as specified in KRS 61.805 through KRS 61.878.

Requirements for Open Meetings

The following points should be followed regarding meetings of the SBDM Council and all Council-assigned committees:

- All meetings of Council and Council-assigned committees (ad hoc and standing) are Open Meetings and must adhere to all Open Meetings requirements. Requirements for Open Meetings are as follows:
- Determine the agenda and times for meetings.
- Make available to the public the times and locations for all regularly-called Council and special-called Council meetings. See Support Material A for Media Notification Advisory Forms. It is not necessary to send notification to the media for regularly called meetings each month. This requirement can be fulfilled once a year by completing the appropriate form.
- A quorum of the Council shall discuss business of the Council only at regularly called or Special-Called Council meetings. All actions of the Council must be completed in Open Meetings. To comply with this requirement, those in attendance at the meetings must be able to observe the members who agreed or disagreed with the actions of the Council. An absent member may listen to the meeting via speakerphone but cannot be counted toward the quorum and cannot vote or otherwise participate. The meetings may be conducted by videoconference, which is defined as a meeting occurring in two or more locations where individuals can see and hear each other by means of video and audio equipment.
- Special meetings may be called by the chairperson or by a majority of the other Council members. Written notification for Special-Called meetings must be made to media organizations and Council members at least 24 hours in advance of the meeting. See Support Material B for Special-Called SBDM Meetings media notification forms. A written notice shall be posted in a conspicuous place within the school 24 hours in advance of the meeting. Agendas may not be added to in a Special-Called meeting.
- Exemptions to the Open Meetings requirements:
 - When proposed or pending litigation against or on behalf of the Council is being discussed
 - Discussion or hearings that might lead to the appointment of personnel— This does not include determining how many personnel will need to be on the staff; it does include reviewing written materials, interviews, or discussions of particular candidates for a position.
- Procedures for conducting a Closed Session are listed below. A Closed Session may be conducted when discussion will be focused on one of the above exemptions to Open Meetings.
 - In the Open Meeting, the notice and rationale for going into Closed Session must be announced.

- A motion must be made and approved (through voting or consensus) to reconvene in Closed Session.
- No final action may be taken in Closed Session.
- In Closed Session, no subject may be discussed other than the one(s) publicly announced prior to convening the session.
- The final action must be taken during Open Session. That motion and action must then be recorded in the minutes and made available to the public.

The following is an example of a dialogue when a Council is going into Closed Session:

- “At this time, the Sample School SBDM Council will go into Closed Session for the purpose of consulting with the principal on the hiring of the plant operator.”
- In Closed Session, the Council will decide whether or not to reconvene in Closed Session. “A motion is made for the Sample School SBDM Council to reconvene in Closed Session for the purpose of consulting on the hiring of the plant operator.” Through either a vote or consensus (depending on the local school bylaws) the Council will determine if it is necessary to reconvene in Closed Session.
- The Council discusses only the issues related to the purpose of going into Closed Session, in this case, consulting with the principal on the hiring of the plant operator. Remember that this is not a discussion of whether the school is going to have the position. (That must be decided in Open Session.) Rather, it is a discussion on who is going to fill the position.
- After thoroughly discussing the issue, the chairperson may informally poll Council members to determine if the issue needs further discussion or if a decision can be reached.
- Once the Council is confident a decision can be reached, the Council must return to Open Session for the actual motion and the decision to be reached. In this case, “A motion is made to recommend that John Doe be hired as the plant operator at Sample School.” At this time, the Council will either vote or reach consensus on the issue (once again, according to the local school’s bylaws).
- Minutes of this scenario must also be recorded as part of the Open Records requirements (KRS 61.870). For more information on Open Records, see the next section. An example of how these minutes might look is as follows:
 1. A Special-Called meeting of the Sample School SBDM Council was called to order on October 5, 2009, at 5:30 p.m., for the purpose of consultation by the principal with the Council on the hiring of the plant operator. In attendance were . . . : List all members of the SBDM Council who were present at the meeting.
 2. At 5:40 p.m., the Sample School SBDM Council reconvened in Closed Session to discuss the hiring of the plant operator.
 3. In Open Session at 6:10 p.m., a motion was made by the SBDM Council to recommend Joe Doe to the principal for the position of plant operator.
 4. Consensus was reached by the SBDM Council to recommend Joe Doe to the principal for the position of plant operator.

5. The Special-Called meeting of the Sample School SBDM Council was adjourned at 6:20 p.m.

Requirements for Open Records

All SBDM Councils and Council-assigned committees (standing and ad hoc) are required to keep Open Records of their meetings. The minutes of all SBDM Council and Council-assigned committee meetings and supporting documentation must be kept on file at the school to meet Open Records requirements (KRS 61.870). A recommendation for managing this documentation is to have binders that are accessible to the school community. One binder can be divided into sections for Council minutes and their supporting documentation, with the second section containing the bylaws and policies created by the Council. In the second binder, the minutes and supporting documentation for all the committees within the school could be kept, again, dividing the binder into sections for each of the Council-assigned committees. In addition, KRS 160.345 (3) (h) allows the local board of education to adopt a policy addressing the record keeping of the School Council. **The Jefferson County Board of Education has adopted a policy (see policy BLC, Support Material C in Section I) related to Open Records of Council meetings. To comply with this policy, one copy of all SBDM Council and Council-assigned committee meeting minutes and their supporting documentation (i.e., policies created, budget worksheets, etc.) must also be forwarded to the superintendent/designee at VanHoose Education Center.**

A procedure should be in place (through bylaws or operational procedures) to facilitate requests for Council and Council-assigned committees' records. These procedures should include:

- How full public access of records can be obtained.
- A means for determining how requests for records will be made (verbally or written).
- A means for protecting the Council's and committees' records from damage and disorganization.
- A means for providing assistance and information upon request.
- A means for ensuring an efficient and timely response to requests.
- The time records can be viewed (may be during regular school office hours).
- The title and address of the official custodian of the records (chairperson of the Council) and where records are kept.
- Fees to be charged (if any) for copies of the records.

When recording the minutes of Council and Council-assigned committees, consideration should be given to including the following:

- The school name, Council, or committee assigned by the Council
- Identification of the type of meeting (regularly scheduled or Special-Called meeting)
- A record of the presence of a quorum and adoption or correction of the minutes of the previous meeting
- The date of the meeting, members present, and guests present
- The time the meeting began and ended
- A summary of all major points made in discussions

- The names of people who presented committee reports and summaries of the reports
- Attachments of documents relevant to Council discussions or actions
- A record of all decisions that were made by the Council (e.g., approving the school's School Improvement Plan)
- A record of each motion that was made, exactly as it was stated, and the results of that motion—A form is provided for this purpose in Support Material C.
- Agenda items for the next meeting
- Follow-up summary—who agreed to do what before the next meeting

The following should **not** be a part of the minutes kept for Open Meetings:

- Point-by-point account of discussions
- Specifying who said what in discussions
- Reporting of off-track discussions
- Items that could be embarrassing to individuals

Support Materials Section III

Support Material A

MEDIA ADVISORY Schedule of Regular Meetings of the SBDM Council at:

School: _____ School Year: 2011-12

July _____ Time: _____

August _____ Time: _____

September _____ Time: _____

October _____ Time: _____

November _____ Time: _____

December _____ Time: _____

January _____ Time: _____

February _____ Time: _____

March _____ Time: _____

April _____ Time: _____

May _____ Time: _____

June _____ Time: _____

The meeting will be held at _____. All interested persons are invited to attend. For more information, contact _____ at _____ (telephone no.).

Email, mail or fax one copy to: Dr. Shawna Stenton
School-Based Decision Making
VanHoose Education Center
Fax: 485-6369

Support Material B
Media Advisory
Special-Called SBDM Meeting

A Special-Called of the School-Based Decision Making Council at

_____ will be held on _____.
(School Name) (date)

The meeting will be held at _____ in the _____.
(Time) (Location)

The purpose of the Special-Called meeting is _____
_____.

AGENDA

All interested parties are invited to attend.

For more information, contact _____ at _____.
(Phone no.)

Post this notice at least 24 hours in advance of the special-called meeting in a prominent place in the building.

Notify Council members in writing (mail, hand-deliver, or fax).

Email a copy to the superintendent/designee:

Dr. Shawna Stenton
VanHoose Education Center
Fax: 485-6369

Support Material C

School-Based Decision Making Council of

IV. Roles, Responsibilities, and Relationships

Roles

While working together to accomplish the task of enhancing student achievement, School-Based Decision Making Council members share equally in the decision-making process. Members of the Council should:

- Hold regularly scheduled meetings and conduct these meetings in a democratic manner.
- Be willing to call upon an expert to provide the needed information if assistance is needed in an area.
- Be willing to keep their focus on what is good for all of the students in their building, not just for an individual student or individual classroom of students.
- Remember that discussing items that are not related to student achievement wastes the valuable time of all the Council members.
- Keep an open mind and be willing to listen to and to consider others' viewpoints.
- Provide information to constituents and obtain feedback and suggestions from constituents.
- Remain courteous to all members of the Council, to speakers, and to presenters of committee reports, even when there are differing opinions.

The principal in the building will assume the role of SBDM Council chairperson unless the Council has applied for and received exemption from this statutory requirement from the Kentucky Board of Education. (To apply for an exemption from the administrative structure, see Support Material D in Section I.) The chairperson of the Council is responsible for the following:

- Facilitate the Council meetings by distributing agendas, preferably prior to the Council meetings, along with any supporting documents that may be available. Your Council's bylaws may require this prior distribution.
- Encourage all members of the Council to voice their opinions and to value these opinions.
- Keep meetings focused on discussions in which the Council has authority.
- Remain neutral when presenting topics for discussion.
- Maintain the Council's operational procedures, including committee presentations and persons wishing to address the Council on agenda and non-agenda items.
- Be certain that Open Meetings and Open Records requirements are met. (Refer to Open Meetings and Open Records requirements in the previous section.)

The Council also needs a person to act as a recording secretary to record the minutes of the meeting. This person may be a Council member volunteer, a volunteer other than a Council member, or a person who is paid to record the minutes of the Council meetings (if your school budget allows for this). A person who records the minutes of the Council meetings should do the following:

- Follow the Open Records requirements as outlined in the previous section of this document.
- Accurately reflect decisions and discussions of the meeting when recording the minutes.
- Remain impartial when recording the minutes.
- Be responsible for typing and distributing minutes as appropriate (See your Council's bylaws to determine if distribution is a requirement of the recording secretary or of the Council chairperson.)

Responsibilities

The School-Based Decision Making Council has the responsibility of enhancing student achievement by creating policies within the parameters of KRS 160.345. A Council has the authority to create policies in the following areas:

- Determination of the number of persons to be employed in each job classification
- Procedures for the selection of a new principal from a list of qualified applicants as determined by the superintendent
- Procedures for consulting with the principal when hiring personnel (These procedures must include meetings, timelines, interviews, and reviews of written materials [résumé, references].)
- Selection of instructional materials, textbooks, and school support services
- Determination of budget allocations
- Determination of the curriculum, including needs assessment and curriculum development (School Improvement Plan)
- Assignment of instructional and noninstructional staff time
- Assignment of students to classes and programs within the school
- Determination of the schedule during the school day and week (subject to the beginning and ending times of the school day and calendar year as determined by the local board of education)
- Determination of the use of school space during the school day. (This does not include the building space used by the district for districtwide programs.)
- Planning and resolution of issues regarding instructional practices
- Selection and implementation of discipline and classroom-management techniques. School discipline must be within the guidelines of the *JCPS Code of Acceptable Behavior and Discipline*.
- Selection of extracurricular programs and determination of policies relating to student participation based on academic qualifications, attendance requirements, program evaluation and supervision, and procedures consistent with local school board policy for determining alignment with state standards, technology utilization, and program appraisal.

These are the areas in which the Council has the responsibility to develop policies. It is then the responsibility of the school community to implement these policies under the supervision of the administration of the school. The SBDM Council has the responsibility to collect and analyze data from a variety of sources to develop the most appropriate policies for students.

Relationships

School-Based Decision Making has authorized those closest to the **students** to be involved in the decision-making process of the school. According to KRS 160.345 (2,[c],[1]) School-Based Decision Making Councils “shall have the responsibility to set school policy consistent with district board policy which shall provide an environment to enhance the students’ achievement . . .” Student achievement is enhanced when the Council and the district work together. The relationship between the school district and School-Based Decision Making Councils is vital to the success of students. Some of the ways this relationship is fostered is through:

- Providing training opportunities for Councils in the processes of School-Based Decision Making.
- Providing information that is pertinent to the business of Councils through written communications and samples.
- Providing information to individual schools, on an as-needed basis.
- Maintaining Open Records for each Council.
- Collaborating with Councils on such issues as the school budget, personnel, and the School Improvement Plan.
- Maintaining and updating board policies that support School-Based Decision Making.

The collaboration between the School-Based Decision Making Council and the entire school community also is an important relationship. This relationship can be fostered through:

- Providing information to the school community through newsletters.
- Providing (possibly) information to those within the community the times of and the agenda for upcoming Council meetings to gather information and support for initiatives the Council is implementing. For schools that have a marquee in front of the school, this might be as simple as letting the community know when meetings are held by posting them on the marquee.
- Communicating with various civic groups within the community.
- Encouraging the entire school community to attend Council meetings as well as other activities within the school.

Building support within the school community and collaborating with district personnel helps ensure that the decisions of the Council are in the best interest of the students. Building these relationships also provides a foundation for the school to continue being successful in the process of school-based management.

V. Summary of Senate Bill 1

Section 1. Amends KRS 158.6451.

- States an additional capacity for students within the General Assembly's declaration of what students should be able to do. The addition is:
- "Express their creative talents and interests in visual arts, music, drama and dramatic arts."

Section 2. Amends KRS 158.6453 to revise the statewide assessment, program to be implemented during the 2011-2012 school year:

Revisions to Academic Content Standards

- Requires that the content standards:
 - Focus on critical knowledge and skill;
 - Result in fewer, but more in-depth standards to facilitate mastery learning;
 - Communicate expectations more clearly and concisely;
 - Be based on evidence-based research;
 - Consider international benchmarks; and
 - Ensure that the standards are aligned from elementary to postsecondary so that students can be successful at each education level.

Revision to the annual statewide assessment program for implementation in 2011-2012

- Provides that writing portfolios shall be required as an instructional tool but removes the writing portfolio from being scored as part of the student assessment results and prohibits individual student scores from being included in the accountability system, starting with spring 2009 and thereafter;
- Provides that students not be tested in arts and humanities and practical living skills and career studies as part of the state assessments starting in the 2008-2009 school year and thereafter;
- Requires that beginning in 2011-2012 that the assessment program consist of annual student assessments and state and local program reviews and audits in writing, practical living skills and career studies and arts and humanities. Provides for formative and summative assessments;
- Reorganizes the existing section and selected subsections to clearly restate the purposes of the assessment system including:
 - The system shall provide valid and reliable data for individual students;
 - The system shall measure individual achievement in the academic core contents areas of language, reading, English, mathematics, science, and social studies at designated grades;
 - The system shall provide diagnostic information that identifies strengths and academic deficiencies of individual students in the content areas;

- The system shall provide comparisons with national norms and where available, comparisons with other states for mathematics, reading, social studies, and science;
- The system shall provide longitudinal profiles for students;
- The system shall provide information to teachers that can enable them to improve instruction for current and future students;
- Assessments shall provide valid and reliable scores for schools;
- Ensure compliance with the federal NCLB Act; and
- Ensure school accountability.

The revised assessment program to be implemented in 2011-2012 shall include:

- A criterion-referenced test, augmented with a customized or commercially available norm-referenced test that measures core content in the areas of reading, language, and mathematics, in grades 3 through 8;
- A criterion-referenced test, augmented with a customized or commercially available norm-referenced test in science and social studies to be administered one time within the elementary grades and the middle grades, respectively;
- An on-demand assessment of student writing to be administered one (1) time during the elementary grades, two (2) times during the middle grades and two (2) times during the high school grades;
- An editing and mechanics test relating to writing, using multiple choice and constructed response items to be administered one (1) time within the elementary grades, the middle grades, and the high school grades, respectively;
- A criterion-referenced test in mathematics, reading, and science that measures Kentucky's academic content standards that are not covered by the ACT;
- A criterion-referenced test, augmented with a customized or commercially available norm-referenced test in social studies to be administered one time within the high school grades;
- A high school readiness examination to assess English, reading, mathematics, and science in grade 8 but with the option for the state board to move it to grade 9;
- A college readiness exam to assess English, reading, mathematics, and science in grade 10;
- The ACT college admissions and placement examination in grade 11;
- A technically sound longitudinal comparison of the assessment results for the same students; and
- Other components necessary to comply with NCLB.
- Permits the KBE to use end-of-course assessments in the assessment program in lieu of criterion-referenced tests;
- Encourages school districts to use additional diagnostic assessments and prompts in addition to the required college readiness exam currently required if they deem it appropriate and necessary to develop and implement accelerated learning plans;

- Provides that beginning with the 2010-2011 school year, each school that enrolls primary students shall use diagnostic assessments and prompts that measure readiness in reading and mathematics for P-2 students. Permits the use of commercial products or locally produced products and procedures; and
- Requires the KDE to conduct periodic alignment studies to compare the norm-referenced tests with the standards in the different content areas to determine how well the norm-referenced tests align and adequately assess the depth of knowledge and required mastery of the academic competencies for Kentucky students. Permits the board to decrease the number of required criterion-referenced items required.

Program Assessments (Writing, Practical Living Skills and Career Studies, Arts and Humanities)

- In each case, the KDE shall provide guidelines for effective programming, guides and procedures for the program reviews. In the case of writing, writing portfolios are required to be a collection of students' work samples, but the school-based decision making council determines the writing program and adopts policies as specified in the legislation/
- During the transition period between the effective date of this Act and the implementation of the new assessment system, the Kentucky Department of Education shall plan and implement an interim system for program reviews.
- Beginning in 2011-2012, the system for program reviews and audits in the arts, humanities, practical living, and vocational studies and writing shall be fully implemented. Includes annual local reviews and reviews by KDE of all programs within every 2 year period. Frequency of audits will be based on findings from program reviews. (Requires an interim program assessment process-see Sections 18 and 19).

Section 3. Amends KRS 158.6452 relating to the School, Curriculum, Assessment, and Accountability Council.

- Requires that the council make recommendations concerning Kentucky's system for identifying academic skills and deficiencies of individual students.

Section 4. Amends KRS 158.6455 relating to the statewide accountability system.

- Deletes language relating to rewards; deletes reference to CATS;
- Requires that the Kentucky Board of Education determine how the results of the revised assessments that are administered in the 2011-2012 and 2012-2013 school years shall be used in classifying schools;
- Requires the Kentucky Board of Education to revise the accountability system using the new assessments. The accountability system shall include the use of program assessment results, students' academic performance, school improvement results, and other factors deemed appropriate by the board; and
- Deletes prescriptive detail regarding accountability in order to give the state board flexibility in determining the new accountability system.

Section 7. Amends KRS 158.649.

- Beginning with the 2012-2013 school year, requires reporting of student performance data to local schools no later than seventy-five (75) days from the first day the assessment may be administered instead of November 1;
- Beginning with the 2012-2013 school year, requires school councils to develop biennial targets for eliminating achievement gaps by October 1 each year; and
- Beginning with the 2012-2013 school year, requires review of data and revisions to consolidated plans by October 1 of each year.

Section 8. Amends KRS 156.095.

- Makes conforming changes; deletes obsolete language relating to discarded practices; and
- Adds assessment literacy, differentiated instruction and integration of performance-based student assessment into daily classroom instruction as areas of professional development.

Section 9. Amends KRS 158.816.

- Changes "Commonwealth Assessment and Accountability Testing System" to "state assessment".

Section 13. Amends KRS 164.020.

- Adds a responsibility to the Council on Postsecondary for participating with the KDE, KBE, and the postsecondary education institutions in the alignment of high school academic content standards with the academic content requirements for successful entry into postsecondary education; and

Section 16.

- Describes the removal of the writing portfolio from the accountability index for 2008-2009, 2009-2010 and the 2010-2011 school years and what is required during the transition period;
- Requires school-based decision making courses to determine the writing program for the school; and
- Requires the KDE to provide guidelines and program review requirements.

Section 17.

- Requires that the Education Professional Standards Board and the Kentucky Department of Education take actions during the 2009 and 2010 calendar years to improve teachers' ability to teach writing; and
- Describes responsibilities for review of teacher preparation requirements and professional development opportunities and training for school administrators.

Section 18.

- Sets forth the conditions during the transition period from the existing assessment and accountability system;

- Suspends the calculation of a state accountability index for 2008-2009, 2009-2010, and 2010-2011;
- Requires all necessary assessments and reporting be continued in order to comply with NCLB;
- Requires the Kentucky Department of Education to develop and implement an interim program assessment process for writing, practical living skills and career studies and arts and humanities; and
- Permits the use of test items based on the revised mathematics academic content standards to be field tested in 2009-2010 testing cycle and to administer an initial mathematics test based on the revised standards during the 2010-2011 school year.

Section 19.

- Sets forth the interim testing program for the 2008-2009 through the 2010-2011 school years which shall include the current Kentucky criterion-referenced test, excluding tests for arts and humanities, practical living skills and career studies, and writing portfolios;
- Requires that during the 2009-2010 and the 2010-2011 academic years, in addition to the Kentucky criterion-referenced test, there shall be a new stand-alone norm-referenced test in reading and mathematics in grades 3 through 7;
- Requires the testing window for the criterion-referenced test be no more than 7 days in 2008-2009 and no more than 6 days during the 2009-2010 and 2010-2011 school years with additional make-up days as determined by the state board;
- Requires the Department of Education to provide each district with a test booklet and scoring sheets during the 2008-2009 school year for arts and humanities, practical living skills and career studies that may be used by the local district for a local formative or summative evaluation;
- Requires that during the 2009-2010 and the 2010-2011 academic years, the new stand-alone norm-referenced test in reading and mathematics in grades 3 through 7 be given during the week before or week after the established testing window; and

Section 22.

- Directs the KDE to communicate to schools and school districts that decisions about mathematics textbook purchases may be delayed the revised mathematics content standards are revised and that the department allow off-list purchases in order to ensure that textbooks selected align with the revised standards.

VI. School Improvement Planning and the SBDM Council

The School Improvement Plan is the focus for all school-improvement efforts.

Purposes of the School Improvement Plan include the following:

- Determining long-range goals for the school
- Determining the needs of the school and identifying how to meet these needs
- Identifying strengths and weaknesses within the school as determined through various data (e.g., attendance information, assessment information)
- Adopting regularly scheduled benchmarks to determine the success of programs throughout the year
- Developing strategies and activities to eliminate barriers to student achievement and to further enhance the strengths of the school
- Identifying achievement gaps among various groups of students based on disaggregated data (race, sex, disabilities, English proficiency, eligibility for free and reduced-price meals)
- Setting targets for eliminating achievement gaps
- Coordinating funding sources that support the activities and strategies for solutions

The process and components of the School Improvement Plan are as follows:

- The Executive Summary includes information about the school's mission statement and the school's process for needs assessment, evaluation, and stakeholder input.
- The needs-assessment process involves collecting and analyzing relevant data to identify trends, patterns, problems, causes, contributing factors, etc. School needs assessment should include a wide group of stakeholders, such as teachers, school administrators, parents, community members, employers, pupil support personnel, and students at the high school and middle school levels.
- The Action Plan is the heart of the School Improvement Plan. Components of the Action Plan include identifying priority needs, developing specific measurable goals, creating regular data benchmarks, creating strategies and activities to achieve the goals, identifying budgeting needs within the plan, and providing implementation and impact notes on each of the strategies.
- The School Improvement Plan must be approved by the SBDM Council and then submitted for review by a District Review Team. If the school does not have a SBDM council, the plan should be reviewed by the school's instructional leadership team. The District Review Team will provide feedback and suggestions for the plan. School staff will then make adjustments to the plan based on the feedback.

The purpose of the School Improvement Planning process is to create a one-year document that is reviewed annually. When completing the School Improvement Plan, assurance must be given that equity issues have been addressed within the plan. When developing the plan, data from a variety of sources should be included (see previous section on school data and effective decision making) to

determine the school's areas of strength and areas in need of growth. From this information, the curriculum can be enhanced with positive results on student achievement.

The plan should tie together the actions of the Council and Council-assigned committees. The School Improvement Plan is created to improve the academic progress of students and is created, reviewed, and approved by the Council. The School Improvement Plan should be a living document that is referred to and reviewed often. The Council must approve the School Improvement Plan, and this approval should be reflected in the minutes of the SBDM Council meeting. Subsequent actions of the Council, including the creation of policies, should be consistent with the School Improvement Plan that the Council has approved.

VII. SBDM Council Appeals Process and Removal of Council Members

SBDM Council Appeals Process

School-Based Decision Making Councils are responsible for creating policies that enhance student achievement. Members of the school community are often in agreement that these policies are the best for students and support the policies most of the time. However, in those instances when a person does not support the policies created by the Council, he or she has the right to appeal the decision of the Council. Information for appealing a Council decision is as follows:

- The local Council should have an appeals process in place. This process should include the form in which the appeal must be presented to the Council (usually written), timelines and procedures for the hearing of the appeal by the Council, and timelines and methods of response by the Council (also usually written).
- The appeal must be filed at the local-school level initially, and the Council has the opportunity to respond to the appeal.
- If the issue is not satisfactorily resolved at the local-Council level, a written appeal may be submitted to the District SBDM Appeals Board within ten days of receiving the local school's response to the appeal. (See Board Policy BLCC , Support Material C, Section I.)
- The District SBDM Appeals Board considers the appeal and determines if the Council has acted within the parameters of SBDM; if state or federal statutes or regulations have been violated; if there are concerns of health, safety, or liability; if there are available financial resources; and if there are inconsistencies with contractual obligations. If there have been violations, the SBDM Appeals Board will reject the policy of the Council.
- A written response will be provided to the involved parties within 30 days of the receipt of the appeal.

When Councils create policies that are increasingly sophisticated, the probability of the entire school community's committing to the policies is reduced. Members of the entire school community have the option of appealing the policy by following the procedure as outlined above and in Jefferson County Board of Education Policy BLCC.

Removal of Council Members

Being a member of the SBDM Council is a responsibility that requires a commitment to the students as well as to the entire school community. On rare occasions, circumstances prevent Council members from fulfilling this commitment. When this occurs, often the Council member will resign his or her responsibilities and an election will be held to complete the term of the departing Council member. If the Council member chooses not to resign his or her position on the Council, the removal process may be initiated. This process is outlined in KRS 160.347 and KRS 156.132 and can be used for the removal of a Council member who is not attending meetings but also might be initiated for other circumstances. In summary, the process includes submitting the complaint to

the chief state school officer, who shall make a recommendation to the local board of education. The local board of education will have a hearing regarding the removal of the council member and must obtain a four-fifths vote for the removal to occur. To review KRS 160.347 and KRS 156.132 in their entirety, see Support Material A of this section.

Section VII

Support Materials A

FROM KENTUCKY SCHOOL LAWS

160.347. Removal of school council member.- A member of a school council may be removed from the council for cause, after an opportunity for hearing before the local board, by a vote of four-fifths (4/5) of the membership of a board of education after the recommendation of the chief state school officer pursuant to KRS 156.132. Written notices setting out the charges for removal shall be spread on the minutes of the board and given to the member of the school council.

156.132. Removal or suspension of public school officers-Procedure, grounds, conditions. - As used in this section, except subsection (1), "public school officer" means a person who previously served as a superintendent of schools or board member during which time charges were brought against him under this section.

- (1) The chief state school officer shall recommend, by written charges to the proper school authorities having immediate jurisdiction, the removal of any superintendent of schools, principal, teacher, member of a school council, or other public school officer as to whom he has reason to believe is guilty of immorality, misconduct in office, incompetency, willful neglect of duty, or nonfeasance. In the case of a member of a school council, the written charges shall be provided to the local board of education.
- (2) The chief state school officer shall recommend by written charges the suspension by the Kentucky Board of Education of any district board member, superintendent of schools, or other public school officer whom he has reason to believe is guilty of immorality, misconduct in office, incompetency, willful neglect of duty, nonfeasance, or who shall be removed pursuant to KRS 158.6455(7). If the charges brought under this subsection represent an immediate threat to the public health, safety, or welfare, the Kentucky Board of Education shall summarily suspend the person against whom the charges are made. The action by the Kentucky Board of Education may be taken upon a recommendation of the chief state school officer, or the action may be taken by a majority vote of the Kentucky Board of Education without recommendation from the chief state school officer.
- (3) The Kentucky Board of Education may suspend a district superintendent of schools or other public school officer under subsection (2) of this section or remove him pursuant to subsection (5) of this section only if after thirty (30) days of receipt of the written charges specified in subsection (1) of this section, the proper school authorities have immediate jurisdiction either the superintendent or the district board of education, have refused to act, have acted in bad faith, arbitrarily, or capriciously, or if a recommendation to the district board would have been futile.
- (4) Any officer suspended by the Kentucky Board of Education under subsection (2) of this section shall be furnished with an emergency order

specifying in detail the reasons for suspension and notifying the officer of his right to appeal the action and have an emergency hearing pursuant to KRS 13B.125.

- (5) As an alternative to first seeking suspension, the chief state school officer may recommend by written charges the removal by the Kentucky Board of Education of any district board member, superintendent of schools, or other public school officer whom he has reason to believe is guilty of immorality, misconduct in office, incompetence, willful neglect of duty, or nonfeasance, or who shall be removed pursuant to KRS 158.6455(7). The officer against whom the written charges are issued by the chief state school officer shall be furnished with the written charges and notice of procedural rights conferred under KRS Chapter 13B. Within twenty (20) days after receipt of the charges, the officer may notify the Kentucky Board of Education of his intention to appear and answer the charges. Upon appeal, an administrative hearing shall be conducted in accordance with KRS Chapter 13B. If the officer fails to notify the board of his intention to appear and answer the charges, the Kentucky Board of Education may remove the officer by a majority vote, and the dismissal shall be final.
- (6) The hearing shall be public or private at the discretion of the accused former or current superintendent and shall be public when testimony is taken for board members.
- (7) The Kentucky Board of Education may meet in Closed Session to consider the evidence and may by a majority vote remove the officer. If the board votes to remove the officer, the board shall prepare final order specifying which charge or charges it found to be the basis for removal. If within ninety (90) days from the date of suspension if applicable, the state board has not removed the officer, or has dismissed the charges, the suspended officer shall be reinstated and shall be paid his full salary for the period of suspension.
- (8) The officer shall have a right to appeal on the record to the Circuit Court located in the county of the school district in accordance with KRS Chapter 13B. If the decision of the court is against removal, the officer shall be paid his full salary from the date of suspension. The payment shall be made from funds appropriated to the State Department of Education.
- (9) If a superintendent of schools is removed from office or resigns while charges are pending pursuant to this section after July 15, 1994, any continuing contract pursuant to KRS 161.720 to 161.810 shall be terminated. If the removal is reversed upon appeal, the continuing contract shall be restored and he shall be paid his full salary for the period of suspension.

VIII. Budget and Personnel

Budget

School-Based Decision Making Councils have the responsibility of determining the budget in the following areas:

- “After receiving notification of the funds available for the school from the local board, the School Council shall determine, within the parameters of the total available funds, the number of persons to be employed in each job classification at the school” (KRS 160.345 [2], [f]).
- “The School Council shall determine which textbooks, instructional materials, and student support services shall be provided in the school. Subject to available resources, the local board shall allocate an appropriation to each school that is adequate to meet the school’s needs related to instructional materials and school-based student support services, as determined by the School Council” (KRS 160.345 [2], [g]).
- “The policy adopted by the local board to implement School-Based Decision Making shall also address the following: (a) School budget and administration, including: discretionary funds, activity and other school funds; funds for maintenance, supplies, and equipment; and procedures for authorizing reimbursement for training and other expenses” (KRS 160.345 [3], [a]).
- “The Kentucky Board of Education, upon recommendation of the chief state school officer, shall adopt by administrative regulation a formula by which school district funds shall be allocated to each School Council. Included in the School Council formula shall be an allocation for professional development that is at least sixty-five percent (65%) of the district’s per-pupil state allocation for professional development for each student in average daily attendance in the school. The School Council shall plan professional development with the district’s coordinator and other School Councils. Small schools shall be encouraged to work with other School Councils to maximize professional-development opportunities” (KRS 160.345 [3]).

Areas in which the Council must have final approval in expenditures include certified personnel, classified personnel, instructional materials and supplies, activity funds, and professional development. Although the law stipulates that the SBDM Council must determine how the funds are used, it does not suggest that others may not be involved in the process for determining how school-allocated funds are distributed. There are several options for Councils to use when fulfilling this responsibility:

- The Council itself might complete the budget once input has been gathered from the school community. Once the budget is completed, the Council goes through the process of formally adopting the budget.
- The Council might assign the task to the Budget Committee. The Budget Committee gains input from the school community and does the actual calculations for the development of the budget. Once completed, the budget must be submitted by the Budget Committee for approval by the SBDM Council. Schools commonly use this process to develop the budget.

- The principal might complete the budget after gaining input from the school community. Once the budget is completed, the principal must present the proposed budget to the Council. The Council must approve the budget for the school.

The process a school follows should be consistent with the Council policy related to the budgeting process. Other considerations when developing or amending the budget policy include the following:

- The budget-development process should include the schoolwide planning process. Connections should be made between the School Improvement Plan and the school budget. (For example, if, through the School Improvement Plan, the Council agreed to focus on science, one would expect to find evidence of this in the budget (possibly funding for a science teacher, science fairs, etc., as well as in the School Improvement Plan). It is imperative that resources be interlinked with strategies for the academic success of all students. This is no less true for the General Fund budget.
- Councils are not required to approve every purchase within the school. For example, the Council might have determined that each teacher be allowed \$150 for supplies and, therefore, set aside \$150 times the number of teachers within the building. The teachers would then be allowed to determine their needs and forward this to the bookkeeper to complete the ordering process. It would be an ineffective use of the Council's time to approve every purchase made by every teacher in the building.
- The Council should review financial and budget policies that are in place in order to ensure that agreed-upon operating parameters for the school administration are supported in writing.
- The principal should administer the budget and provide the Council with periodic updates of the budget. The updates should include unspent funds still available in the General Fund flex codes as well as the funds available to the Council in the activity accounts if any exist.

The Financial Planning and Management Division has suggested the following procedures for building a budget:

1. Receive the allocation amounts from the local board by February.
2. Share allocation amounts with Council members and faculty.
3. Establish a timeline for budget development.
4. Refer any issues to the Budget Committee.
5. The Budget Committee refers to the school's needs assessment, the School Improvement Plan, the prior year's budget, and other committee priorities for the upcoming year. The Council should pay particular attention to the use of funds toward strategies that address specific achievement gaps.
6. Determine personnel needs:
 - a. New services
 - b. Vacancies
 - c. Options
7. Determine the instructional materials needs:
 - a. Library
 - b. General supplies
 - c. Replacement of equipment

- d. Equipment (original or additional)
 - e. Instructional travel
 - f. Textbooks
 - g. Teaching supplies
8. The principal determines and reports general needs:
 - a. Copy paper and supplies
 - b. Basic instructional supplies
 - c. Administrative needs (if not budgeted in another category)
 - d. Service and maintenance (Prior-year's spending in these areas should be included in the Council's allocation.)
 9. Determine priorities from the Professional-Development Plan.
 10. Identify and justify an adequate contingency.
 11. Conduct a well-advertised Budget Committee meeting to hear special requests.
 12. The Budget Committee completes a proposed budget and shares with the school community.
 13. The Budget Committee presents the budget recommendations to the Council.
 14. The Council amends the Budget Committee's recommendations and approves the working budget. (It is recommended that Councils review the budget and complete a two-reading process before approving the site-based budget.)
 15. If the Council delegates the purchasing of textbooks, instructional supplies, and materials to the principal or any other person, it must record the delegation as an official Council action in the minutes of an SBDM Council meeting. (If the Council delegates the selection of textbooks, instructional supplies, and materials to the principal or any other person, it must record the delegation as an official Council action in either minutes or in committee responsibilities in the bylaws. The Council will then approve for purchase the items recommended by the committee.)
 16. The principal distributes copies of the budget to the superintendent and to the entire school community. The budget could be posted at school and distributed in a newsletter or special document.
 17. The principal administers the budget and reports this information to the Council at each meeting.

Amendments to the budget during the year begin at step five. The amendments may occur at the fifth pupil day when adjustments are made to budget allocations. It is important for Councils to understand the shift in student numbers that leads to adjustments in resources at either of these major budgetary events.

It is recommended that the Council go through a two-reading process before adopting the site-based budget. Regardless of the process your Council chooses to use, **remember that the Council must officially approve the school-based budget. This approval must be reflected in the minutes of the SBDM Council's meetings, and Council members, at that time, should indicate by signature their agreement with the completed local school budget on the Site-Based Budget Review Form. (See Support Material A.)**

Personnel

The statutory requirements of a Council in the area of filling personnel vacancies are as follows:

- “After receiving notification of the funds available for the school from the local board, the School Council shall determine, within the parameters of the total available funds, the number of persons to be employed in each job classification at the school. The Council may make personnel decisions on vacancies occurring after the School Council is formed but shall not have the authority to recommend transfers or dismissals” (KRS 160.345 [2], [f]).
- “From a list of qualified applicants submitted by the local superintendent, the principal at the participating school shall select personnel to fill vacancies, after consultation with the school council, consistent with paragraph (i)10. of this subsection. The superintendent shall provide additional applicants to the principal upon request when qualified applicants are available. The superintendent may forward to the school council the names of qualified applicants who have pending certification from the Education Professional Standards Board based on recent completion of preparation requirements, out-of-state preparation, or alternative routes to certification pursuant to KRS 161.028 and 161.048. Requests for transfer shall conform to any employer-employee bargained contract which is in effect. ” (KRS 160.345 [2], [h]).

The above statutory language has the following implications for Councils:

- The Council has the authority to determine the number of employees in each job classification but cannot recommend the termination or transfer of employees. Transfer would mean moving personnel outside the Council’s school, not reassignment within the school. The Council must also work within the budget allocated to that school when addressing such issues as determining the number of employees in each job classification. The attorney general has advised that schools may create a policy for the assignment of staff time (which might include such things as how this assignment will be accomplished equitably), but the principal is responsible for assigning individual persons into positions (OAG 93-55).
- Consultation of the Council on the issue of hiring new personnel must occur within a meeting of the Council. According to an opinion issued by the commissioner of education in November 1996, consultation must be completed prior to a final decision being made by the principal. Once consultation has occurred, it is the principal’s responsibility to complete the hiring process with the candidate he or she feels will be most effective in the position.
- When completing a consultation policy for hiring new personnel other than the school principal, a Council should determine if the following questions can be answered positively:
 - Are the steps to the policy listed in chronological order?
 - Do we (and can others) clearly understand what the policy means?
 - Does the policy permit the principal to make the final decision regarding the person to be hired?
 - Does the policy provide a clear timeline?

- Does the policy provide for the principal consulting with the Council before the hiring process is complete?
- Does this policy address the process for the review of written applications and references?
- Does this policy address how the interviews will take place?
- When there is a vacancy in the position of principal (this does not include assistant principals, counselors, or deans; the above process would be followed for these positions), the Council will select a principal from the candidates recommended by the superintendent. The candidates for interviews at the school must receive the recommendation of the superintendent.
- There are **no** provisions within KRS 160.345 that allow the Council to recommend transfer of personnel to other buildings or allows the Council to dismiss an employee.

The selection of school personnel is one of the most important decisions made at the school. Selecting the best teachers and staff for the school leads to increasing student achievement at the school. Increasing student achievement is the responsibility of the Council.

