

School Council By-Laws
Catlettsburg Elementary School

ARTICLE I. PURPOSE

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 goals established by KRS 158.645 and KRS 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.

ARTICLE II. MISSION

The mission of the Catlettsburg Elementary School Council is to set school policy and make decisions that will provide an environment to improve student achievement and enable the teachers to impact the educational process.

ARTICLE III. MEMBERSHIP

A. COMPOSITION

1. The school council shall consist of the principal, three teacher members, and two parent members. The principal shall serve as the chairperson.
2. If the school's total minority enrollment reaches 8 percent or more minority students enrolled as of the preceding October 1, and there was no minority elected in the initial elections, a special election shall be conducted by the principal to elect a minority parent to serve on the school council.
3. In the event a special election is needed, the teachers shall elect a minority teacher from the school's staff. If there are no minority teachers on staff at the school, the teachers shall elect a non-minority teacher to represent the interests of the minority students in the school.
4. Catlettsburg Elementary School council membership shall be as follows:
 - Principal (chairperson)
 - 3 teachers
 - 2 parents

B. QUALIFICATIONS FOR MEMBERSHIP

All Members: No one may serve on the school council who has a legal conflict of interest in the school as designated by KRS 45A.340.

1. Teacher Members: Teacher council members must possess certification required for their position as a basis for employment in Kentucky public schools. Itinerant teachers may nominate, serve, and vote in our school. Counselors may serve as teacher council members. Principals or assistant principals may not serve as teacher council members, nor vote in teacher elections.
2. Parent Members: The legal definition of parent (KRS 160.345 1.c.) allows biological parents, stepparents, foster parents, or persons who have court-ordered legal custody to be nominated or to vote. According to the law, parents who are nominated or who wish to vote must have a child "pre-registered to attend" the school for next year. If a child is in preschool this year and will attend our school next year, the parents of that child would be eligible to be nominated, or vote in the election for next year's school council. Parents of 5th graders who are exiting our school may nominate but cannot vote for candidates.

Parent council members cannot be employed in or be related to someone who is employed in the school or in the district administrative offices. An Attorney General's Opinion [OAG 90-102] says that "relative" as used in this section should have the same definition found in KRS 160.180 and KRS 160.380 that applies to school boards. This means that a parent who is a "*father, mother, brother, sister, husband, wife, son, daughter, aunt, uncle, son-in-law or daughter-in-law*" of someone who works at the school or in the district administrative offices could not be a parent council member. Parent members cannot be a board member or a board member's spouse, nor can they have a business interest in the school.

C. ELECTIONS

1. Parent Members: Parents conduct their own elections as per KRS 160.345. Annual elections shall be conducted by the school's largest parent organization for the purpose of electing two parent council members. Parent elections may be by plurality vote (two parents with the highest number of votes) unless the parent organization requires a majority vote. A representative of the parent organization shall notify the principal in writing of the two parents elected within 24 hours of the final vote, and shall deliver all election materials to the principal the next business day after the election.

Teacher Members: Teachers conduct their own elections as per KRS 160.345. Annual elections shall be conducted each May for the purpose of electing three teacher council members. Teacher members must be elected by a simple majority (one half plus one) of the number of teachers assigned to the school

2. Election Procedures

- a) **Nominations** – The facilitator/alternate will set and announce the date and time for the teacher election and deadline for nominations. Nominating forms will be placed in the facilitator's mailbox. Teachers may nominate themselves or other eligible certified staff for the position of teacher member.
- b) **Preparation of Ballot** – The facilitator/alternate will then receive the nominations and prepare the ballot, listing nominees in alphabetical order.
- c) **Elections** – The facilitator/alternate will select two teachers that are not candidates to assist in counting the votes. The three teacher members must be elected by a simple majority (one-half plus one) of number of teachers assigned to the school.

Voters may vote for as many or as few candidates as each ballot allows.

- d) **Absentee Ballots** – Teachers not present at the election may vote by absentee ballot written and signed by the voter and given to an election facilitator, or by submitting a prioritized list of candidates via email or fax to the facilitator prior to the election.

- e) **Procedures after First Round Ballots** – Teacher with the lowest number of votes will be eliminated from the ballot. Voting will continue until 3 teacher members have been chosen.
 - f) **Delivery of election materials to the principal the next business day after the election** – The facilitator will deliver the election materials to the principal no later than the next business day after the election.
3. **Term Limits:** School council members can serve an unlimited number of terms as long as they continue to meet the eligibility requirements.

D. REMOVAL OF MEMBERS

1. According to KRS 156.132, the commissioner of education may recommend removal of a school council member whom he has reason to believe is guilty of immorality, misconduct in office, incompetence, willful neglect of duty, or nonfeasance.
2. 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 4/5 of the membership of the board of education after the recommendation of the commissioner of education pursuant to KRS 156.132. Written notices setting out the charges for removal shall be spread on the minutes of the board and given to the member of the school council. KRS 160.347

E. FILLING VACANCIES

If a member of the council resigns or is removed from office, a new member shall be elected in a special election held not less than 10 or more than 30 days after the vacancy occurs. In the event this vacancy should occur with the new council term (prior to school being in session), the vacancy shall be filled as if resignation occurred on opening day of the school calendar. The person elected in the special election shall serve the remainder of the term until July 1, and be eligible for re-election.

F. TERMS OF OFFICE

The terms of parent and teacher members shall begin on July 1 and end on June 30. Between the date of the elections and July 1, members-elect are invited and encouraged to attend all council meetings.

ARTICLE IV. DUTIES OF OFFICERS AND COUNCIL MEMBERS

A. ELECTION OF OFFICERS

1. Officers shall include Chair, Vice Chair, and Secretary.
2. The vice chair of the school council shall be elected each July by council members and shall serve for one year. Re-election is permitted.
3. If a vice chair resigns his or her position, the council shall conduct a vote at that meeting to fill the position with another council member.
4. A motion to seek an alternative model allowing a council member other than the principal to serve as chair may be made by any council member at any regular meeting. A majority vote of the full council is required before the school council can seek an alternative model. A faculty vote must then be conducted, and the motion must pass by 2/3 in order to proceed with the model.

B. CHAIR

The principal shall be the chairperson of the school council. In addition to presiding at council meetings, the chair shall:

- Provide all members of council with copies of all school wide K-PREP results;

- Maintain council records, including a file of all items submitted for inclusion on council agenda;
- Determine which items to recommend in preliminary agenda as relevant to council purpose;
- Maintain minutes of meetings and forward a copy to the superintendent after approval of the minutes by the council;
- Maintain a file of all correspondence addressed to the school council.
- State when a consensus is present for the record;
- Coordinate standing and ad hoc committees and monitoring committee progress;
- Carry out any additional responsibilities as stated in these by-laws.

C. VICE-CHAIR

Duties of the vice-chair shall include:

- Presiding over council meetings in the absence of the chair;
- Calling a special meeting of the council in the event a principal vacancy occurs;
- Conducting meetings necessary for the principal hiring process to take place.

D. SECRETARY

A council secretary shall be appointed by the principal to keep minutes of all council meetings and to maintain council records.

E. COUNCIL MEMBERS

Duties of council members include:

- Knowing and adhering to the mission, philosophy, and goals of Catlettsburg Elementary School;
- Abiding by the standards of conduct as presented in these bylaws;
- Encouraging and requesting opinions from their constituencies;

Supporting, promoting, and communicating council decisions;

- Seeking information independently and as needed about issues brought before the school council, and bringing that information to the council.

ARTICLE V. STANDARDS OF CONDUCT

A. PROFESSIONAL DEVELOPMENT

Adequate knowledge of school-based decision-making and related aspects of Kentucky's educational system are essential to effective council membership. All members shall obtain a minimum of six (6) hours of training from a Kentucky Department of Education endorsed trainer on these issues in their first year on council and a minimum of three (3) hours of additional training each subsequent year. In the event the council must select a principal, the council is required by law to obtain training in the recruitment and interviewing prior to beginning the principal selection process.

- New council members will receive the required training.
- Experienced council members will choose the type of training needed, or can be trained for 3 hours with new council members.
- Council members will participate in the district provided training or free KEA training to the maximum extent possible, so that there is no cost to the school.

B. DECISION MAKING

All decisions of the council shall be made in a properly called regular or scheduled meeting.

C. ATTENDANCE

Members of council shall attend all meetings. If unable to attend, member must notify council chair prior to the meeting.

D. INTENTIONAL INTERFERENCE WITH SBDM

No member of council shall intentionally engage in a pattern of practice that is detrimental to the successful implementation of, or circumvents the intent of SBDM to allow the professional staff members of a school and parents to be involved in the decision making process.

ARTICLE VI. COMMITTEES

A. PURPOSE

1. Standing and ad hoc committees are established to gain input from all stakeholders including certified and classified staff parents, and community members.
2. Standing and ad hoc committees shall serve as a council resource for gathering data and information and making recommendations to the school council.

B. APPOINTMENT OF COMMITTEES

1. Standing and ad hoc committees are formed and dissolved by the school council as needed.
2. Standing committees can be dissolved only through the process of amending by-laws.

C. MEMBERSHIP & ELECTION OF CHAIR

1. All certified staff shall participate in the shared decision making process at Catlettsburg Elementary School by serving on at least one committee in their areas of interest.
2. Each committee shall consist of representatives from the faculty, support staff, and parents.
3. Committee membership is open to all interested persons, including school district staff, parents and community residents.

4. Posting sign up sheets in the school and community no later than Sept. 15, and notifying teachers and parents in writing of their committee appointment by Oct. 1 will determine committee membership. Teachers or parents who volunteer to serve on a particular committee through the sign-up process below shall be considered appointed to the committee.
5. Committee membership shall be limited to 15 persons, as the discretion of the school council.
6. Committees shall elect a chairperson from their membership no later than October 15 who shall serve for a term of no longer than one year, and who is eligible to seek re-election.

D. DECISION MAKING

Committee decisions shall be made by consensus. In the event that consensus is not possible, a majority of the committee may decide that an issue shall be decided by majority vote.

E. DUTIES

All committees and their members shall be expected to perform the following duties:

1. Accept challenges, tasks, and charges from the council, then investigate, analyze, and develop a faculty/parent consensus on recommendations to be made for council adoption.
2. Focus on student achievement.
3. Committee members should consider their own experience, the experience of colleagues, and the comments of students, parents, and others when making recommendations to council.
4. Committees may decide to bring issues of concern or interest to the school council.
5. Committees may prepare first and revised drafts of school council policies.
6. Committee chairs or their designees will report at each regular council meeting, or as requested by the school council.
7. Committee chairs shall provide the principal with written minutes of their meetings no later than 5 days after the meeting occurred.

F. MEETINGS

1. Each committee shall choose the time, place, agenda, and schedule for their meetings.
2. Committees must comply with all provisions of the Open Meetings and Open Records laws.
3. Committees will follow the record keeping procedures used by the school council. All committee-meeting minutes should be forwarded to the principal with 5 days of the committee meeting, and the principal will maintain records of the minutes.

G. STANDING COMMITTEES

1. Standing committees for Catlettsburg Elementary School shall include:
 - Curriculum / Textbook / Budget
 - Parent Involvement / Title I / Professional Development
 - Student Success / Library / Technology
 - Policy
2. Continued need for standing committees will be reviewed and confirmed by the school council each August at the regularly scheduled meeting.
3. A list of standing committees, a brief description of their purpose, and a list of each committee's membership shall be contained in Appendix A of this document.

ARTICLE VII. SCHEDULE OF MEETINGS

A. REGULAR MEETINGS

1. At the first meeting of each council term, the council shall select at least one monthly meeting date through June of the next calendar year. The chair will inform the district of this schedule to be posted in the district calendar. Meetings shall not exceed 90 minutes. If all items on the agenda have not been adequately discussed after 90 minutes, the council may decide by motion, second and majority vote to extend the length of the meeting or to place the remaining agenda items on the next month's agenda or on the agenda for a special meeting.
2. The regular monthly meetings will be held at Catlettsburg Elementary School in the conference room. The principal shall provide local news media of the council's regular meeting schedule for the year in July.
3. The principal shall notify teachers three days in advance of each council meeting during the morning announcements, to include the time, place and agenda items.
4. The principal shall notify the public by notice posted on the bulletin board in the school foyer at least three days in advance of the meeting.

B. SPECIAL MEETINGS

1. If the council needs to meet between regular meetings, or if the regular meeting is rescheduled, the chairperson or a majority of the school council members may call a special meeting. The following steps must be completed by the chairperson when a special meeting is called:
 - Written Notice: A signed written notice must state the date, time, and place of the special meeting and the agenda for the meeting. Only the items on the agenda may be discussed.
 - Delivery of Notice. The notice must be delivered to each council member and to any media organization that has requested notice of council meetings. The delivery can be by hand, FAX machine, email, or mail. The members must receive the meeting notice at least twenty-four hours prior to the time of the meeting.
 - Posting of Notice. The notice for the special meeting shall be posted by the chairperson on the bulletin board in the school foyer as soon as possible after the meeting has been called and definitely not less than 24 hours prior to the time of the meeting.
2. In addition to these requirements, the principal shall announce to teachers the time and the reason for the special called meeting during announcements at least 24 hours prior to the meeting.

C. CANCELLATION OF MEETINGS

Regularly scheduled or special council meetings will automatically be cancelled when the school is closed or classes are dismissed for any reason on the scheduled date.

ARTICLE VIII. CONDUCT OF MEETINGS

A. QUORUM

A quorum of the school council shall be a majority of the council members. No council business shall be discussed or conducted unless a quorum of council members is present. One parent member must be in attendance.

B. ATTENDANCE AT MEETINGS

Council meetings are open to the public and all interested persons can attend, except for those portions that are conducted as closed session.

C. CLOSED SESSIONS

Definition: A closed session is a portion of a regular or special meeting of the council during which the council members meet in private. The council may meet in closed session for the following reasons:

to discuss proposed or pending litigation by or against a council member [KRS 61.810(1)(c)]; or
to discuss candidates for a principal vacancy or conduct consultation in filling other vacancies [KRS 61.810(1)(f)].

Before a closed session can be conducted, the following steps must be taken:

Announcement and Required Contents: The chair or another member of council must announce the general nature of the business to be discussed and the specific section of the law that allows the session to be closed.

1. Motion. The motion to go into closed session must be made, passed by a majority of council members present, and recorded in council minutes.
2. Closed Session. During the closed session, only the business stated in the announcement can be discussed, and no action may be taken. Details discussed in closed session shall not be discussed outside the closed session.
3. Decision. After full discussion of the issue in closed session, the council must return to open session and take any official action on the matter, which must be recorded in council minutes.

D. MATERIALS PRESENT AT COUNCIL MEETINGS

1. The chairperson shall bring:
 - The folder containing all items submitted for inclusion on the agenda;
 - The folder containing all received correspondence addressed to the council;
 - Monthly financial report from the central office;
 - Lists of applicants for vacant positions;
 - Updated SBDM Technical Assistance Materials from the KDE web page
2. The council chair shall bring the binder that he or she uses to maintain copies of the council's by-laws, policies, annual budget, monthly spending reports, and minutes.
3. All council members shall bring their binders containing copies of the council's by-laws, policies, and school plan.

E. AGENDA

1. Anyone may submit items for inclusion on the agenda to the chairperson/principal. The principal shall maintain a complete file of these items.
2. The chairperson shall prepare a preliminary agenda for each council meeting, including items submitted for inclusion by the public, staff, parents, other council members and other items he or she believes should be addressed at that session. The chairperson may declare an item received as not within school council authority.

The preliminary agenda shall include review of the previous meeting minutes, reports from committees, and an opportunity during the course of the meeting for school or community persons to address the school council.

4. At a special called meeting, only the items listed on the notice of meeting can be discussed and no new items can be introduced for discussion or inclusion on the agenda.

F. DISCUSSION OF AGENDA ITEMS

1. The school council shall discuss each agenda item before a decision is made. Each council member shall be given an opportunity to express his or her opinion on the item.
2. Other persons attending the meeting may be recognized by the chairperson and may address the council as the chair calls upon them to speak. If a significant number of people wish to contribute to the discussion on a particular item, the chair may require a sign-in sheet, and set limits on the number of persons whom will speak to the issue, and a time limit for each.
3. Any agenda item may be referred to a standing or ad hoc committee for further study as deemed necessary by the council.

G. DECISION MAKING PROCESS

1. Unless otherwise specified by these by-laws, the school council shall use parliamentary procedures as specified by Robert's Rules of Order.
2. All business and decisions of the school council will relate to the school's mission and purpose to improve the instructional program and/or further the goals in the school's improvement plan.
3. The school council at the same meeting at which it was initially proposed for study may approve no proposed policy.
4. All decisions and policies officially adopted by the Catlettsburg Elementary School Council will be reported to the board of education and superintendent through submission of approved council minutes to the SBDM district coordinator.
5. The school council will make decisions by consensus except as otherwise designated in the by-laws using the following guidelines:
 - A motion and a second are made.
 - After discussion of an item, the chair or any member may state the consensus of the group in one or two sentences.
 - The chair will ask whether any member disagrees with that statement.
 - If all members agree, the decision will be recorded as a unanimous decision in the council minutes.
 - If a member disagrees, the discussion will continue until a suggestion of consensus is made that draws no disagreement, or until the third suggestion of consensus fails.

H. ALTERNATIVE TO CONSENSUS

1. Failure To Reach Consensus At One Meeting

When a motion for consensus fails, the Council may continue discussion or refer the matter back to a Committee. After the third motion for consensus fails, the chair shall direct that the recommendation be taken up again at the next meeting, unless one of the following exceptions applies:

- **Selection of a new principal.** A member may move to select a new principal by voting, and the Council shall then vote on whether to vote. If the motion passes, any candidate for the position that receives four votes shall be selected as the principal. If the motion to decide by voting fails, the Council shall continue to seek consensus at a subsequent meeting.
- **Consultation to fill other positions.** Each member shall state his or her judgment on the matter. The principal will then be free to select from among the candidates discussed.
- **Action under deadline dealing with number of persons to be employed, budget, textbooks, instructional materials, student support services, or professional development.** If the federal or state

government or the local board of education has set a deadline for making the decision that will pass before the Council's next regular meeting, the Council shall discuss calling a special meeting. If they cannot agree on a time for such a meeting, they shall settle the question by vote.

- **Determination of whether to continue the meeting longer than 90 minutes.**
- **Any other type of action.** A member may move to send any issue other than the ones listed just above back to a Committee, and the Council may determine by consensus to approve that motion. When voting, any abstention is counted with the majority vote.

2. Repeated Failure To Reach Consensus

If the Council takes up an issue at a second meeting and still cannot reach consensus, it will have the following additional options:

- Ask for a new recommendation from an appropriate Committee.
- Schedule a fact-finding session, at which all members of the school community are invited to present factual information about the issue and such information is recorded on a flip chart. Opinions without specific factual basis will not be recorded, because the point of this session is to get a common focus on the knowledge base for deciding the issue. After the fact-finding session, the Council may take the issue up again to attempt consensus, or it may vote to try one of the other options listed in this subsection.
- Seek the help of a trained mediator to find a consensus solution to the issue.
- Consider the matter again at the next meeting, and if consensus there fails, decide the matter by majority vote.

A member may move to take any one of these options, and the Council shall vote on the motion. If no motion passes to take one of these steps, the recommendation shall be deemed rejected when the Council meeting adjourns.

I. POLICY ADOPTION PROCEDURE

1. First Reading of Recommendation

Council members or a representative of the committee recommending the action may make recommendations for Council action. The Council shall discuss each item to the extent needed to understand it fully.

- a. Return to Committee. If discussion reveals concerns or unclear points in a recommendation, the Council will normally return it to Committee for further work, taking up any subsequent Committee recommendation as a new recommendation when it is received. The Council will only try to decide significant revisions without asking for Committee help when action is urgently needed.
- b. Table for Second Reading. If discussion indicates that Council members are comfortable with the recommendation, it will be tabled until the Council's next regular meeting. When action is urgently needed, the Council can call a special meeting to have the second reading and enact the recommendation.

2. Second Reading and Consensus

- a. Motion. When a recommendation has been tabled after a first reading and is presented at the subsequent meeting, a Council member may move that it be adopted by consensus. When the recommendation is in writing, the motion to adopt may be made verbally. If the recommendation is not

in writing or if the person making the motion wants to propose an amendment, he or she shall write down the motion, read it to the Council, and hand the written motion to the chair for inclusion in the minutes.

b. Chair's Request for Consensus. The chair shall then ask whether any member has any significant disagreement with that motion. If no member states a disagreement, the chair shall state "There appears to be a consensus and if there is no objection, it shall be recorded in the minutes that the motion has passed." The Council's decision shall then be implemented promptly.

J. SPECIAL WORK FOR FIRST MEETING OF COUNCIL TERM

At its first meeting each year, the Council shall:

1. Select a Vice-Chair.
2. Review these By-Laws.
3. Set a regular meeting schedule for the year.
4. Discuss training needs of members.
5. Verify that all members have copies of the following documents:
 - These By-Laws.
 - Board of Education SBDM policy.
 - All Council policies.
 - Council budgets and spending reports for this year and the last two years.
 - Our current school improvement plan.
 - Our most recent CATS Student Assessment Curriculum Report and any other recent school-wide CATS results.

ARTICLE IX. MINUTES AND OTHER COUNCIL RECORDS

A. MINUTES KEPT AND APPROVED

1. The designee at each council/committee meeting shall keep minutes.
2. The minutes shall reflect an accurate record of motions and actions taken at a council meeting. Minutes shall show the words of the motion or suggestion of consensus, and the majority vote or unanimous support.
3. If the action taken was the adoption of a policy, the entire text of the policy shall be attached to the copy of the minutes kept on file in the principal's office for public inspection and filed in the council's policy manual.
4. The minutes of the school council shall not be official until they are reviewed and approved by the council. The minutes shall be open to public inspection immediately after they are approved.
5. A preliminary copy of the minutes for all council meetings will be provided to certified and classified staff in written form within 72 hours of the adjournment of the meeting.
6. The principal will forward an official copy of the minutes to the superintendent and SBDM District Coordinator, and keep an official copy on file in the school.
7. A copy of the official minutes will be posted on the bulletin board in the foyer by the chairperson.

B. COUNCIL RECORDS AVAILABLE FOR PUBLIC INSPECTION

The following are official documents that must be kept on file for public inspection in the library:

- School Council Minutes
- Committee Minutes

- School Improvement Plan
- School Council Policies and By-Laws
- Annual School Report Card
- School Council Budget Allocation
- Official correspondence

C. REQUESTS FOR COUNCIL RECORDS

1. The school office is open from 7:00 a.m. until 3:30 p.m. each day. During those hours, any person who wishes to see the binder of Council documents kept there may do so immediately. Persons who want copies of documents in the binder or want to view or get copies of documents that are not kept there shall give the principal a written list of the items they want. Requests must include specific documents and dates. The fee for copies shall be 10 cents per page.

2. The principal, as official records custodian shall make requested documents available within three business days after the request unless the records are subject to a specific exception of the Open Records Law. (The attorney general ruled in 01-ORD-94 (May 2001) that the only days that are excluded are legal holidays and weekends. As a result, the fact that a school may be closed over the winter holidays or spring break and no one is in the office does not prevent the clock from running on the three-day response requirement.) The principal shall make the final determination regarding which records not listed above are available for inspection and all matters in regards to open records requests not covered in this policy, in compliance with local board policy, state guidelines and requirements.

ARTICLE X. APPEALS

BOARD POLICY

A copy of the local board of education's approved process for Appeals of Council Decisions is attached in Appendix B.

ARTICLE XI. AMENDMENTS

A. AMENDMENTS TO COUNCIL BY-LAWS

These by-laws may be amended after a first and second reading at two consecutive council meetings by majority vote of the school council.

B. AMENDMENTS TO COUNCIL POLICIES

Policy will be reviewed at least annually or more often if needed. The council may amend policy following the decision making process outlined in this document.

Meeting Policy

Council Meetings

The second Thursday of each month will be designated as the regularly scheduled meeting of the Catlettsburg Elementary School Council. Starting time for the meetings will be 3:00 PM, with the option to change the time as needed. The meeting area will be designated as the cafeteria, unless the number of people attending necessitates a larger area or a change need to be made for some unforeseen reason. The length of each meeting will not exceed two hours. The council will then set its next meeting date. Regular meetings may be cancelled or rescheduled by the chairperson with approval from a majority of the council.

Council members will attend three (3) types of meetings:

1. Regular – meetings held on a set day of the month and a set time of day. Agendas will be prepared in advance.
2. Special – meetings scheduled, as they are needed in between regularly scheduled meetings. Special meetings shall have their own special agendas and deal with only special urgent items. The council may only discuss what is on the agenda.
3. Working – meetings designed for council members to work on policy/procedure, etc. No decision will be made at these meetings.
4. Training – meetings designed for council members to acquire knowledge and/or information.

Publicizing Meetings

The Principal will advertise meetings in the local newspaper and on the school intercom.

Closed Meetings

The Council shall abide by the state's open meeting law KRS 61.810. All decisions made by the council shall be in an open public meeting.

Quorum

Two-thirds (2/3) of the members or four of the council must be present for the council to make official decisions with at least one teacher, one parent, and the chairperson or vice-chairperson present.

Non- Council Input

Non-council members wishing to have items placed on the agenda may do so by submitting the item in writing to the chairperson. The council will determine whether to decide an issue, or send it to a committee for input.

First Reading

Second Reading

Adopted by Council

Sent to Superintendent or Designee

Your Duty Under the Law

**The Kentucky Open Records
and Open Meetings Acts**

**Office of the Attorney General
Gregory D. Stumbo, Attorney General**

September 2005

Your Duty Under the Law explains the procedural and substantive provisions of the Open Meetings Act, KRS 61.800 to 61.850, and the Open Records Act, KRS 61.870 to 61.884, and contains basic information about the Acts. Pursuant to KRS 15.257(1), the Office of the Attorney General distributes this written information to assist the public officials of Kentucky in complying with the Open Meetings and Open Records Acts.

The Office of the Attorney General welcomes suggestions for improvements to this work, as well as ideas for future publications. Comments may be sent to the Attorney General's Office, 700 Capital Avenue, Frankfort, Kentucky 40601, or to our website, <http://ag.ky.gov>.

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The Open Records and Open Meetings Acts:

Your duty under the law

Kentucky's laws on open records and open meetings affect every public official and every public agency. It is important that you be prepared to deal with the numerous legal questions that arise under those laws. This brochure provides an analysis of the Open Records and Open Meetings Acts, and is designed to assist you in answering these questions. It contains a description of the general requirements of the laws, the procedures you must follow in implementing them, the exceptions you may invoke in appropriate circumstances, and the role of the Attorney General in interpretation and enforcement. Please note that the italicized and bulleted text reflects the courts' and the Attorney General's interpretation of the Acts. Because the Attorney General's Office acts as an impartial tribunal in open records and open meetings appeals, we cannot advise public agencies and public officials how to deal with specific situations. The following information should, however, prove useful to you in complying with Kentucky's laws on open records and open meetings.

The Open Records Act

In 1976, the General Assembly enacted the Open Records Act, KRS 61.870 to KRS 61.884, which establishes a right of access to public records. The General Assembly recognized that the free and open examination of public records is in the public interest. The General Assembly has also recognized that there is an essential relationship between proper records retention and management and records access. All public records, whether they are stored in a computer or on paper, must be open for inspection unless the records are exempted by one or more of the fourteen exemptions found in the Act. All public agencies are required to make nonexempt public records available to any requester, and to provide suitable facilities for exercise of the right of inspection. A public agency may not consider the requester's identity or purpose in seeking access to public records.

What are public records?

The Open Records Act applies to public records maintained by state and local government agencies. The agencies covered by the Act include:

- state and local government officers, departments, and legislative bodies;
- county and city governing bodies, school district boards, special district boards, and municipal corporations;
- state or local government agencies created by statute or other executive and legislative acts;
- bodies created by state or local authority in any branch of government;
- bodies that receive at least 25% of their funds from state or local authority;

- an entity where the majority of its governing body is appointed by a public agency;
- agencies created and controlled by public agencies; and
- interagency bodies of two or more public agencies.

Subject to fourteen exemptions, records that are prepared, owned, used, possessed, or retained by a public agency are public records, and must be made available upon request.

- *The term “public records” includes all such records even if they are not subject to inspection under an exemption and therefore not “open records.”*
- *The term “public record” includes emails, databases, and other records electronically generated and/or stored.*
- *The term “public record” includes public agency records that are not maintained on the agency’s premises.*

What are the general requirements of the Open Records Act?

Suitable facilities. Each public agency must make suitable facilities available for persons who wish to exercise the right to inspect nonexempt public records.

Time for inspection. Each public agency must permit inspection of nonexempt public records during the regular office hours of the agency. Agencies must, upon request, mail copies to a person whose residence or principal place of business is outside the county in which the records are located. The person must first precisely describe the public records, and the records must be readily available within the public agency. The agency may require advance payment of copying fees and the cost of mailing.

Official custodian. Each public agency must appoint an official custodian of the agency’s records. The official custodian is the chief administrative officer or any other officer or employee of the agency who is responsible for the maintenance, care, and keeping of the agency’s records, regardless of whether the records are in his actual personal custody and control.

Rules and regulations. Each public agency must adopt rules and regulations which conform to the Open Records Act. The rules and regulations must be displayed by the agency in a prominent location which is accessible to the public. The rules and regulations must include:

- the principal office of the public agency and its regular office hours;
- the title and address of the official custodian of record;
- the fees charged for copies;
- the procedures to be followed in requesting public records.

The uniform rules and regulations drafted by the Finance and Administration Cabinet, which are found at 200 KAR 1:020, may be adapted for each agency's use. (See, Sample open records rules and regulations at page 23.)

Compiling information/creating documents/specially tailoring format. A public agency is not required to compile information or to create a document that does not already exist in response to an open records request. If a public agency is asked to produce a record in a format other than the format it already maintains the record in, or to tailor the format to meet a request, the agency may, but is not required to, provide the requested format. The agency may then recover staff costs as well as any actual costs it incurs.

- *A requester must be permitted to conduct on-site inspection of records if he or she expresses a desire to do so, even if the public agency prefers to honor his or her request by delivery of copies through the mail.*
- *Public agencies must permit on-site inspection during regular office hours and no other restriction on hours of access can be imposed.*
- *Public agencies may require a requester to conduct an on-site inspection, before receiving copies, if the requester resides or has his or her principal place of business in the county where the records are located and/or if he or she fails to precisely describe the records.*
- *The absence of the public agency's official records custodian does not extend the agency's response time; the agency should designate an acting custodian to insure a timely response.*
- *Masking exempt information contained in an otherwise nonexempt public record is not equivalent to records creation; the agency must discharge this statutory duty and bear associated costs.*
- *A request for information ("How much are the city's employees paid?") need not be honored; a request for existing public records containing the information sought ("Please produce copies of the city's payroll records.") must be honored unless the requested records are exempt.*

What is the procedure for inspecting a public record?

Request to inspect records. The request should be made to the official custodian of the public agency's records. The custodian may require that the request be in writing, signed by the requester and with his name printed legibly on it, describing the records to be inspected. The request may be hand-delivered, mailed, or sent via facsimile to the agency.

Response to request. The public agency must respond to the request in writing and within three days, excluding Saturdays, Sundays, and legal holidays. If the request is denied, the response must include a statement of the specific exception which authorizes the agency to withhold the record, and a brief explanation of how the exception applies to the record withheld. The response must be issued by the official custodian or under his authority.

Application to wrong agency. If the public agency which receives the request does not have custody or control of the record requested, the agency must notify the requester and furnish the name and location of the official custodian of the appropriate agency's public records.

Record not available. If the record requested is in active use, in storage, or not otherwise available, the public agency must notify the requester in writing and indicate a place, time, and date for inspection not to exceed three days from receipt of the request. If the record cannot be retrieved within three days, the agency must notify the requester in writing and provide a detailed explanation of the cause for the delay. The agency must also state the earliest date on which the record will be available.

Overly burdensome request. The public agency may refuse to permit inspection, or mail copies, if the request places an unreasonable burden on the agency in producing records or if the custodian believes that repeated requests are intended to disrupt the agency's essential functions. Refusal for either of these reasons must be supported by clear and convincing evidence.

Copies of records. A requester has the right to obtain copies of all nonexempt public records upon payment of a reasonable fee, including postage where appropriate. The agency may require prepayment for copies of records. Nonexempt public records must be made available for copying in either standard electronic or standard paper format, depending on the requester's wishes, if the agency maintains the records in both formats. If the agency maintains the records in paper format only, it must make the records available in paper format. Agencies are not required to convert paper format records to electronic format.

The agency may prescribe a reasonable fee for making copies of nonexempt public records. The fee must not exceed the agency's actual costs of copying the record, including the cost of the medium on which it is copied and the cost of mechanically reproducing it, but not including staff costs. In general, ten cents per copy has been deemed a reasonable fee for records in paper format. The Open Records Act authorizes public agencies to impose a higher copying fee for requests made for a commercial purpose. "Commercial purpose" is defined as any use by which the user expects a profit but excludes newspaper or periodical publications, radio or television broadcasts, or use by attorneys representing parties in litigation.

Online access. A public agency may provide online access to public records in electronic format. The agency may require that the requester enter into a contract, license, or other agreement with the agency, and may charge fees. The fees cannot exceed the cost of physical connection to the system and the reasonable cost of computer time access charges.

- *Public agencies may use a preprinted request form but cannot require use of the form or demand more information on the form than the statute allows (requester's name printed legibly, signature, description of records).*

- *Public agencies are not required to honor emailed open records request but should develop a standard response notifying the requester to submit his or her request by U.S. Mail, fax, or in person and immediately issue the standard response by U.S. Mail.*
- *A public agency's three day response time begins to run the day after the request is received.*
- *Denials based on an unreasonable burden to the agency or a belief that requests are intended to disrupt its essential functions must be supported by clear and convincing evidence; for example, the number of records requested, the estimated amount of time and expense to the agency to fulfill the request, the duplicative nature of the requests.*
- *An agency may impose copying fees greater than ten cents per page only if a specific statute authorizes the agency to do so or the agency can prove that its actual copying costs, not including staff costs, are greater than ten cents per page.*
- *No fee can be imposed for inspecting public records.*

What records are exempt from public inspection?

The Open Records Act permits a public agency to withhold certain records from a requester unless the requester obtains a court order directing their release. The exemptions are located at KRS 61.878(1) and include:

- (a) records containing information of a personal nature if disclosure would constitute a clearly unwarranted invasion of personal privacy;
- (b) records confidentially disclosed to an agency and compiled and maintained for scientific research;
- (c) records confidentially disclosed to an agency or required by the agency to be disclosed to it which are generally recognized as confidential or proprietary and which if disclosed would permit an unfair commercial advantage to competitors, including records which are compiled and maintained in conjunction with an application for or the administration of a loan or grant; the application for or the administration of assessments, incentives, inducements, or tax credits; or the regulation of a commercial enterprise;
- (d) records that relate to the prospective location of a business or industry which has not previously disclosed that it is interested in locating, relocating, or expanding in Kentucky;
- (e) records developed by an agency in conjunction with the regulation or supervision of financial institutions which reveal the agency's internal examining or audit criteria;
- (f) real estate appraisals, engineering or feasibility estimates, and evaluations made by or for a public agency, in the course of acquiring property, until all of the property has been acquired;
- (g) test questions, scoring keys, and other examination data used to administer a licensing examination, examination for employment, or academic examination before the exam is given or if it is to be given again;
- (h) records of law enforcement agencies or agencies involved in administrative adjudication if disclosure of the records would harm the agency by premature release (such records may be inspected after enforcement action is completed or a decision is made to take no action, unless they were compiled and maintained by a county or Commonwealth's attorney or unless another exception applies);

- (i) and (j) preliminary documents, including drafts, notes, correspondence with private individuals, recommendations, and memoranda in which opinions are expressed or policies formulated; and
 - (k) and (l) public records that are prohibited from disclosure by state or federal law;
 - (m) records the disclosure of which would have a reasonable likelihood of threatening the public safety by exposing a vulnerability in preventing, protecting against, mitigating, or responding to a terrorist act, as defined in the exemption, and limited to eight precisely described categories of records;
 - (n) records having historic, literary, artistic, or commemorative value that are accepted by the archivist of a public university, museum, or government depository from a donor or depositor other than a public agency if nondisclosure is requested in writing by the donor or depositor.
- *The exemptions are “a shield and not a shackle” and an agency may elect to release records that are otherwise exempt except for records made confidential by federal or state law; an agency should also exercise caution before releasing records protected by the privacy exemption.*
 - *A public agency employee is entitled to inspect any record that “relates” to him or her, even if the record is otherwise exempt, unless the requested record is part of an ongoing criminal or administrative investigation by the agency, the requested record is an examination, or the requested record is a record made confidential by federal or state law.*
 - *Public agencies are encouraged to share otherwise exempt public records with other public agencies if the sharing of the records serves a “legitimate governmental need.”*
 - *A public agency cannot withhold a public record which contains both exempt and nonexempt information, but must mask the exempt portion of the record and release the nonexempt portion of the record.*
 - *Although Commonwealth’s and county attorneys’ litigation records are permanently exempt from public inspection, Commonwealth’s and county attorneys are not relieved of their duty to respond to an open records request for those records, and cannot deny access to other nonexempt records of their offices (for example, contracts, payroll records, time sheets, travel vouchers).*

What is the role of the Attorney General?

If a public agency denies a request for public records, the requester may file an appeal with the Attorney General for review of the agency’s actions. The appeal consists of a letter describing the circumstances of the denial, a copy of the written request, and a

copy of the agency's written denial, if the agency issued a denial. Unless the requester is an inmate confined in a jail or correctional facility, and he or she is aggrieved by a denial issued by the Corrections Cabinet, the requester may bypass the Attorney General's Office and file an appeal in circuit court.

The Attorney General may request additional documentation from the agency, and may also request a copy of the disputed records. The Attorney General will not, however, disclose the records.

The Attorney General will review the appeal and issue a decision stating whether the agency violated the Open Records Act. The burden of proof rests with the agency to sustain its action. On the day he issues his decision, the Attorney General will mail a copy to the agency and a copy to the person who requested the disputed records. The decision will be issued in twenty days, excluding Saturdays, Sundays, and legal holidays. In unusual circumstances, this deadline may be extended an additional thirty days, excluding Saturdays, Sundays, and legal holidays.

Both the requester and the agency may appeal the Attorney General's decision to the circuit court of the county where the agency has its principal place of business or where the record is maintained. The Attorney General should be notified of any circuit court action, but may not be named as a party in the action.

If an appeal is not filed within thirty days, the Attorney General's decision has the force and effect of law, and can be enforced in circuit court. If the requester prevails against an agency in circuit court, he may be awarded costs, including reasonable attorney fees, if the court finds that the records were willfully withheld. The court may also award the requester up to \$25 for each day that he was denied the right to inspect the records. The Open Records Act contains criminal penalties for public officials who willfully conceal or destroy records with the intent to violate the act. Officials who fail to produce records after entry of final judgment directing that records be produced may be found guilty of contempt.

- *The Attorney General will not consider an appeal that does not include a copy of the written request and the written denial, if the agency issued a denial.*
- *Upon receipt of an open records appeal, the Attorney General will issue notification of the appeal, and a copy of the appeal, to the public agency against which the appeal was filed, and the agency may respond in writing to the Attorney General; the agency must send a copy of its response to the individual who filed the appeal.*
- *Because the Open Records Act provides for judicial review of the issues raised in an appeal, the Attorney General will not reconsider an open records decision.*
- *The Attorney General will not consider an appeal if the requested documents are released to the requester after his or her appeal is filed but before an open records decision is rendered.*

- *The Attorney General will consider an appeal based on the allegation that the public agency “subverted the intent of the Act short of denial of inspection;” this includes appeals based on the imposition of excessive copying fees.*
- *Since 1992, open records decisions have been designated ORDs rather than OAGs because they are legally binding on the parties if not appealed.*
- *The designation “Not to be Published” that appears in ORDs issued from 1992 to 1999 does not mean that the ORD cannot be cited as precedent or made public; such ORDs carry the same weight as ORDs designated “To be Published.”*
- *Because the public agency has the burden of proof to support its actions, the courts have directed that the agency “provide particular and detailed information in response to a request for documents,” and not just a “brief explanation;” the agency should also take the opportunity to try to meet its burden of proof in preparing its supplemental response to the notification of appeal.*
- *The Attorney General’s role in open records appeals is to issue a decision stating whether the public agency violated the Open Records Act; the Attorney General cannot enforce his decision by imposing penalties.*
- *A public agency that is dissatisfied with an ORD must appeal the decision within thirty days; if the public agency fails to appeal the decision, the decision has the force and effect of law, the agency is legally bound by the decision, and the circuit court must enforce it.*

The Open Meetings Act

In 1974, the General Assembly enacted the Open Meetings Act, KRS 61.800 to KRS 61.850, which establishes a right of access to public meetings. The General Assembly recognized that the formation of public policy is public business, and should not be conducted in secret. The Act requires that all meetings of a quorum of the members of a public agency where public business is discussed or action is taken must be public meetings. Public meetings must be open to the public at all times unless the subject of the meeting falls within one or more of the twelve exceptions found in the statute. Members of the public may attend any public meeting and cannot be required to identify themselves in order to attend.

What is a public meeting?

The Open Meetings Act applies to all meetings held by state and local government agencies. The agencies covered by the act include:

- state and local government boards, commissions, and authorities;
- state and local legislative boards, commissions, and committees;
- county and city governing bodies, councils, school district boards, special district boards, and municipal corporations;
- state and local government agencies, including policy making boards of educational institutions, that are created by state or local statute or other legislative act;
- bodies created by state or local statute or legislative act in the legislative or executive branch of government;
- an entity where the majority of its governing body is appointed by a public agency;
- agencies, including committees, advisory committees, and ad hoc committees, which are established, created, and controlled by a public agency; and
- interagency bodies of two or more public agencies.

Subject to thirteen exemptions, all gatherings of a quorum of the members of a public agency at which public business is discussed or action taken are public meetings and must be open to the public, regardless of where they are held, and whether they are regular or special or informational or casual gatherings held in anticipation of a regular or special meeting. An agency's meetings may be conducted by videoteleconference, 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, subject to specific legal requirements.

- *The courts have stated that the Open Meetings Act must be “interpreted most favorably to the public” since “failure to comply with the strict letter of the law in conducting meetings violates the public good.”*

- *The Open Meetings Act applies to meetings of a quorum of the members of a public agency at which public business is discussed **or** action is taken; a discussion of public business by a quorum of the agency's members triggers the requirements of the Act even if no action is taken.*
- *The definition of "public agency" under the Open Meetings Act is narrower than the definition of "public agency" under the Open Records Act and does not include "state and local government officers" and bodies which receive "at least 25% of their funds from state or local authority funds;" this means, for example, that the mayor of a city is a public agency for open records purposes but not for open meetings purposes.*
- *A committee of a public agency, even if its function is purely advisory, is a public agency for open meetings purposes and a quorum of its members is calculated on the basis of the committee's membership and not the membership of the public agency that created it (the city commission, consisting of five members, creates a budget committee, consisting of three members – a quorum of the commission exists if three members are present and a quorum of the committee exists if two members are present); the committee must comply with all requirements of the Act.*
- *A work session and a retreat are public meetings under the Open Meetings Act, but a quorum of the members of a public agency may attend a conference sponsored by another entity without triggering the requirements of the Act as long as the members do not discuss the public business of the agency they serve while at the conference.*
- *"Public business" is not defined by statute but has been defined by the courts as "the discussion of the various alternatives to a given issue about which the [agency] has the option to take action."*
- *A quorum of the members of a public agency can attend a social gathering, sporting event, church service, etc. without triggering the requirements of the Open Meetings Act but cannot discuss the public business of the agency they serve while at these gatherings.*
- *Public agencies cannot conduct their meetings by telephone; an absent member may listen to the meeting by speakerphone but cannot be counted toward the quorum and cannot vote or otherwise participate.*

What are the general requirements of the Open Meetings Act?

Time and place of meetings. All meetings must be held at specified times and places which are convenient to the public. Public agencies should provide for a schedule of regular meetings by ordinance, order, resolution, bylaws, or by other means. This schedule of regular meetings must be made available to the public.

Minutes of meetings. Public agencies must keep minutes of action taken at every meeting which set forth an accurate record of votes and actions taken. These minutes must be open for inspection by the public no later than the conclusion of the agency's next public meeting.

Public attendance at meetings. To the extent possible, meeting room conditions should allow for effective public observation of the meetings. No person attending the meeting can be required to identify himself in order to attend a meeting. The agency cannot place conditions on attendance of the public at a meeting other than the conditions required to maintain order. Since the General Assembly has not established procedural rules for the conduct of meetings and citizen participation, each agency must adopt its own rules of procedure, but those rules cannot conflict with the Open Meetings Act.

News media coverage. Public agencies must permit news media coverage, including recording and broadcasting.

Requirements for holding special meetings. All meetings which are not regular scheduled meetings are special meetings, and are subject to the following requirements:

Who may call a special meeting. The presiding officer or a majority of the members of the public agency may call a special meeting.

Notice requirements and content. The public agency must provide written notice of the special meeting consisting of the date, time, and place of the special meeting and the agenda. Discussion and actions at the meeting must be limited to the items on the agenda.

As soon as possible, written notice must be personally delivered, transmitted by facsimile, or mailed to every member of the agency and each media organization which files a written request to receive notice of special meetings. Notice should be received at least twenty-four hours before the special meeting.

As soon as possible, written notice must also be posted in a conspicuous place in the building where the special meeting will take place, and in a conspicuous place in the building where the agency has its headquarters. Notice should be posted at least twenty-four hours before the special meeting.

In the case of an emergency which prevents the public agency from complying with these requirements, the agency must make a reasonable effort to notify the members of the

agency, media organizations which have filed a written request to be notified, and the public, of the emergency meeting. At the beginning of the emergency meeting, the person chairing the meeting must describe for the record the emergency which prevented compliance with the notice provisions, and these comments should appear in the minutes. Discussions and actions at the emergency meeting must be limited to the emergency for which the meeting was called.

- *The courts have stated that the Open Meetings Act does not require agencies to conduct business “only in the most convenient locations at the most convenient times”; the Act is “designed to prevent governmental bodies from conducting [their] business at such inconvenient times or locations as to effectively render public knowledge or participation impossible, not to require agencies to seek out the most convenient time or location.”*
- *Agencies are not required to take minutes in closed sessions.*
- *If the public agency directs that a tape recording of its meeting be made, and the tape is created with agency equipment at agency expense, the tape of the meeting is a public record upon creation and must be made available for inspection within three business days of an open records request.*
- *The right of the public to attend a public meeting under the Open Meetings Act does not include the right to participate in the meeting and address the members of the agency; it is a statutory right “to observe with their eyes and ears what transpires at those meetings.”*
- *A member of the public, as well as the media, must be permitted to record a meeting.*
- *The notice of a special meeting must include the agenda, containing specific agenda topics (“new business,” “old business,” “open to floor,” etc. are not acceptable), in addition to the date, time, and place of the meeting. Because an agenda is not statutorily required for **regular** meetings, discussions at a regular meeting are not restricted to agenda topics if an agenda is prepared.*
- *Although the public agency can deliver notice of a special meeting by email, or post notice of the special meeting on the agency website, emailed or web notice of the meeting does not satisfy the statutory requirement and must be in addition to, rather than in lieu of, delivery of the notice by U.S. Mail, facsimile, or in person and posting of the notice in a conspicuous place.*
- *The public agency is not obligated to provide notice to “interested” individuals who have requested notice of special meetings, only to the parties identified in the statute.*
- *The Attorney General has never found that conditions were sufficiently grave to justify a public agency’s decision to call an emergency meeting.*

What subjects may be discussed in a closed session?

The Open Meetings Act permits a public agency to discuss certain subjects in a closed or executive meeting if notice is given in the regular meeting of the general nature

of the business to be discussed, the reason for the closed session, and the specific exemption authorizing the closed session. A closed session may be held only after a motion is made and carried in open session, and no final action may be taken in closed session. The exemptions to the Open Meetings Act are found at KRS 61.810(1) and include:

- (a) deliberations of the Kentucky Parole Board;
- (b) deliberations on the future acquisition or sale of real property by a public agency when publicity would be likely to affect the value of the property;
- (c) discussions of proposed or pending litigation involving a public agency;
- (d) grand or petit jury sessions;
- (e) collective bargaining negotiations between public employers and their employees;
- (f) discussions or hearings that might lead to the appointment, dismissal, or discipline of an individual employee, member, or student. However, general personnel matters may not be discussed in private;
- (g) discussions between a public agency and a representative of a business entity and discussions concerning a specific proposal, if open discussions would jeopardize the siting, retention, expansion, or upgrading of the business;
- (h) state and local cabinet meetings and executive cabinet meetings;
- (i) committees of the General Assembly other than standing committees;
- (j) deliberations of judicial or quasi-judicial bodies involving individual adjudications or appointments. This does not include meetings of planning commissions, zoning commissions, or boards of adjustment; and
- (k) and (l) meetings which federal or state law or the Constitution require to be conducted privately;
- (m) portions of meetings devoted to a discussion of a specific public record exempted from disclosure under KRS 61.878(1)(m).

The Open Meetings Act prohibits any series of less than quorum meetings, where the members attending one or more of the meetings collectively constitute at least a quorum of the members of the agency, if the meetings are held to avoid the requirements of the Act. This prohibition does not preclude discussions between individual members if the purpose of the discussion is to educate the members on specific issues.

- *The courts have stated that public agencies must give “specific and complete notification in the open meeting of any and all topics which are to be discussed during the closed meeting;” the Attorney General has stated that “notification must include both a statement of the exception authorizing the closed session and a description of the business to be discussed couched*

- in sufficiently specific terms to enable the public to assess the propriety of the agency's actions."*
- *The courts have stated that the exemption for proposed or pending litigation applies to "matters inherent to litigation, such as preparation, strategy, or tactics, but not just when an attorney is present."*
 - *Before going into closed session to discuss a personnel issue under KRS 61.810(1)(f), an agency must state whether the discussion will relate to either the appointment of, the dismissal of, or the discipline of an individual employee, member, or student, but the agency is not required to identify the individual by name.*
 - *The prohibition on a series of less than quorum meetings conducted for the purpose of avoiding the requirements of the Open Meetings Act was added in 1992, prompting the courts to declare that the Act "prohibits a quorum from discussing public business in private or meeting in numbers less than a quorum for the express purpose of avoiding the open meetings requirement of the Act."*
 - *The Act does not prohibit all discussions between public officials outside of a public meeting (for example, at a social event, at church, or during a casual encounter), but does prohibit a quorum of the members of the agency from privately discussing the agency's business or privately meeting in groups consisting of less than a quorum to discuss the agency's business in order to defeat the requirements of the Act. This includes telephone discussions.*

What is the role of the Attorney General?

If a person believes that a public agency has violated the Open Meetings Act, he may file a written complaint with the presiding officer of the agency. The complaint must state the circumstances of the violation, and what the agency should do to correct it.

Within three business days of receipt of the complaint, the public agency must decide whether to correct the violation and notify the complaining party of its decision in writing. If the agency believes that no violation has occurred and rejects the proposed remedy, it must issue a written response which cites the statute authorizing its actions, and briefly explain how the statute applies.

The complaining party may appeal to the Attorney General for review of the agency's action within sixty days of receipt of the agency's response. The appeal must include a copy of the written complaint and a copy of the agency's response, if the agency issued a denial. The Attorney General will review the appeal and issue a decision stating whether the agency violated the Open Meetings Act within ten business days. Both the complaining party and the agency will receive a copy of the decision. Both may appeal the Attorney General's decision to the circuit court of the county where the public agency has its principal place of business or where the violation occurred. If an appeal is not filed within thirty days, the Attorney General's decision has the force and effect of law and can be enforced in circuit court.

If the complaining party prevails against an agency in circuit court, he may be awarded costs, including attorney fees, if the court finds that the violation was willful. The court may also award the complaining party up to \$100 for each violation.

- *A complainant must appeal a public agency's denial of, or failure to respond to, his or her open meetings complaint within sixty days, and if he or she does not do so the appeal is time-barred; there is no similar statutory limitation on bringing an open records appeal.*
- *Upon receipt of an open meetings appeal, the Attorney General will issue notification of the appeal, and a copy of the appeal, to the public agency against which the appeal was filed, and the agency may respond in writing to the Attorney General; the agency must send a copy of its response to the individual who filed the appeal.*
- *The Attorney General will not consider an appeal that does not include a copy of the written complaint and a copy of the written denial, if the agency issued a denial.*
- *Because the Open Meetings Act provides for judicial review of the issues raised in an appeal, the Attorney General will not reconsider an open meetings decision.*
- *Since 1992, open meetings decisions have been designated OMDs rather than OAGs because they are legally binding on the parties if not appealed.*
- *The designation "Not to be Published" that appears in OMDs issued from 1992 to 1999 does not mean that the OMD cannot be cited as precedent or*

made public; such OMDs carry the same weight as OMDs designated “To be Published.”

- *The Attorney General’s role in an open meetings appeal is to issue a decision stating whether the public agency violated the Open Meetings Act; the Attorney General cannot comment on, or direct the implementation of, proposed remedial measures. Nor can he enforce his decision by imposing penalties.*
- *A public agency that is dissatisfied with an OMD must appeal the decision within thirty days; if the agency fails to appeal the decision, the decision has the force and effect of law, the agency is legally bound by it, and the circuit court must enforce it.*

Sample Forms

Sample open records response

Jane Q. Citizen
100 Maple Avenue
Anytown, Kentucky

Dear Ms. Citizen:

This will acknowledge receipt of your request for public records. You requested access to and copies of:

1. All contracts that the city has with Home Wrecker Service;
2. All invoices that the city has received from Home Wrecker Service;
3. All complaints received by the city that relate to Home Wrecker Service's performance of duties under its contract with the city.

Contracts and invoices are available for inspection in my office Monday through Friday from 8:00 a.m. to 4:30 p.m. You may wish to contact me in advance to schedule an appointment and facilitate prompt access to these records.

Alternatively, we will send you copies of these records by mail at a cost of 10¢ per page. The cost to you, including postage, which is payable in advance, will be \$2.46 (15 pp. at 10¢ per page, plus 96¢ postage). Please contact me if you would prefer to receive copies by mail.

One complaint has been filed against Home Wrecker Service. The city is currently investigating that complaint and considering an enforcement action. Release of the complaint at this time might harm the city by revealing the identity of the complainant, who has requested anonymity. Therefore, pursuant to KRS 61.878(1)(h), we must deny that portion of your request.

Sincerely,

John Q. Public
City Clerk

Sample open meetings response

John Q. Citizen
Commonwealth Avenue
Anytown, Kentucky

Dear Mr. Citizen:

In your recent letter to the city you stated that the city council, at its meeting held on September 6, 2005, went into an executive or closed session to discuss general personnel matters.

While the city recognizes that it cannot discuss general personnel matters in a closed or executive session, the city is permitted, pursuant to KRS 61.810(1)(f), to go into a closed session to discuss matters that might lead to the appointment of an individual employee.

The office of director of the streets and parks department is currently vacant and two persons have applied for the position. The matters discussed by the council during the closed session on June 30, 1994, involved the council's evaluations of the two applicants for that office and such matters may be discussed at a closed session.

Sincerely,

Jane Q. Public
Mayor

Sample open records rules and regulations

NOTICE

ADMINISTRATIVE REGULATIONS GOVERNING INSPECTION OF THE PUBLIC RECORDS OF THE

(Name of State Administrative Agency)

(Office, Bureau, Division, etc.)

Pursuant to KRS 61.870 to 61.884, the public is notified that, as provided herein, the public records of the above named Agency of the Commonwealth of Kentucky are open for inspection by any person on written application to _____ (name), _____ (title), official custodian of the public records of the _____ (state administrative agency) whose address is _____ or to _____ (name), _____ (title), official custodian of the public records of the _____, (office, bureau, division, etc.) whose address is _____, from ____ a.m. to ____ p.m., Monday through Friday, each week, except holidays. Application forms for the inspection of the public records of this agency will be furnished on request to any person by an employee in this office. Assistance in completing the application form will be provided by an employee on request.

Applicants for the inspection of public records shall be advised of the availability of the records requested for inspection, and shall be notified in writing not later than three (3) working days after receipt of an application for inspection of any reason the records requested are not available for public inspection.

Copies of written material in the public records of this agency shall be furnished to any person requesting them on payment of a fee of ten (10) cents a page; copies of nonwritten records (photographs, maps, material stored in computer files or libraries, etc.) shall be furnished on request, on payment of a charge equal to the actual cost of producing copies of such records by the most economic process not likely to damage or alter the record.

This the _____ day of _____, 19____.

(Agency Head or Designated Representative)

Open meetings and open records publications and decisions on-line and related publications:

An annotated *Open Records and Open Meetings Outline*, containing a summary of the Open Records and Open Meetings Acts and how the Acts have been interpreted by the courts and the Attorney General, may be accessed on our website at <http://ag.ky.gov/civil/bkOR3.html>, and is also available upon request. This outline provides information regarding the application of the Acts to particular situations.

Open Meetings Decisions and Open Records Decisions (OMDs and ORDs) issued by the Attorney General from 1993 to the present may also be accessed on our website at <http://ag.ky.gov/civil.openrec.htm>. If you know the OMD or ORD number you wish to review, you may “Find all decisions for a particular year” (for example, 04-ORD-216 may be accessed by selecting the year 2004 and scrolling through the decisions for that year until 04-ORD-216 is located). If you wish to review OMDs or ORDs relating to a specific subject, you may “Search for an ORD or OMD” by word search or query (for example, “work sessions,” “accident reports,” “timely access,” or “adequate notice”). You may also access a particular ORD or OMD by typing the ORD or OMD citation in the search query box.

These additional resources will further enhance the public official’s understanding of his or her duties under the Open Meetings and Open Records Acts as well as related records management duties:

1. “Kentucky Open Meetings Open Records Laws: Statutes and Q&A”
<http://www.lrc.ky.gov/Lrcpubs/OpenMtgsRecords.pdf>
2. Local Records Retention Schedules
<http://www.kdla.ky.gov/recmanagement/localschedule.htm>
3. State Records Retention Schedules
<http://www.kdla.ky.gov/recmanagement/stateschedule.htm>
4. “Managing Government Records: An Introduction to Kentucky’s Public Records Management Law”
<http://www.kdla.ky.gov/resources/managinggovrecords.htm>
5. Full text of the Open Meetings and Records Acts
<http://www.lrc.ky.gov/KRS/061-00/CHAPTER.HTM>

SBDM Required Policy & Best Practice Checklist Report

Purpose: Policy and decision making authority is granted by KRS 160.345 (and other listed statutes) to schools for the purpose of creating an environment in each school that will enhance student achievement. School council members may use this checklist to review and revise their policies and determine whether they have met all statutory requirements.

Acronyms Used in this Document:

- RP-Required Policy for A-1 Schools per KRS 160.345
- RD-Required Decision for A-1 Schools by councils per KRS 160.345
(Reflected in a Policy or By-law for A-1 Schools)
- RBL-Required By-Law for A-1 Schools by KRS 160.345
- BPP-“Best Practice Policy” for A-1 Schools

Please note these policies are the minimum only. Examples of policy language and sample by-laws are available for download from the KDE SBDM web page.

Statutes and Regulations Impacting School-Based Decision Making:

- KRS 160.345 School-Based Decision Making [<http://www.lrc.state.ky.us/KRS/160-00/345.PDF>]
- KRS 160.347 Removal of Council Members [<http://www.lrc.state.ky.us/KRS/160-00/347.PDF>]
- KRS 160.348 SBDM Policy on Advanced Placement Options/ KVHS [<http://www.lrc.state.ky.us/statutes/160%2D00/348.pdf>]
- KRS 157.360 Maximum Class Size [<http://www.lrc.state.ky.us/KRS/157-00/360.PDF>]
- KRS 158.031 Ungraded Primary Program [<http://www.lrc.state.ky.us/KRS/158-00/031.PDF>]
- KRS 158.060 Non Teaching Time for Teachers [<http://www.lrc.state.ky.us/KRS/158-00/060.PDF>]
- KRS 158.150 School Discipline [<http://www.lrc.state.ky.us/KRS/158-00/150.PDF>]
- KRS 158.181 Legislative Findings on Religious Liberty for Students [<http://www.lrc.state.ky.us/krs/158%2D00/181.pdf>]
- 702 KAR 3:246 School Council Allocation Formula [<http://www.lrc.state.ky.us/kar/702/003/246.htm>]
- 704 KAR 3:304 Required Program of Studies [<http://www.kde.state.ky.us/oapd/curric/Publications/ProgramofStudies/>]
- 704 KAR 3:440 Primary School Program Guidelines [<http://www.lrc.state.ky.us/kar/704/003/440.htm>]
- 703 KAR 4:040 Verifying Successful Completion of Primary [<http://www.lrc.state.ky.us/KAR/703/004/040.htm>]
- 703 KAR 5:010 Writing Portfolio Procedures [<http://www.lrc.state.ky.us/kar/703/005/010.htm>]

POLICY AND BEST PRACTICE CHECKLIST

SECTION	SUB-SECTION	STATUS	Text: References Statute or Regulation	Present and Updated	Needs Revision	Need policy or decision
KRS 160.345 (2)	(c) 2	RP	To establish committees or not			
			If established must address:			
		RP	Facilitation of the participation of interested persons (KRS 158.031 - How “Positive Parent Involvement” and “Professional Teamwork” will be encouraged during committee meetings, at times and places primary parents and teachers can attend, including but not limited to child care for parents and teachers with very young children, transportation if needed, etc...)			
		RP	Number of committees needed			
		RP	Committee jurisdiction (task, timelines)			
		RP	Composition			
		RP	Membership process (KRS 158.031 - How “Positive Parent Involvement” and “Professional Teamwork” will be encouraged on school committees)			
	(h)	RP	Define consultation on hiring (per HB 321) including but not limited to:			
		RP	Meetings			
		RP	Timelines			
		RP	Interviews			
		RP	Review written applications			
		RP	Review references			
	(i) 1	RP	Determination of curriculum, including needs assessment and curriculum development;			
		RD	(KRS 158.031/ 704 KAR 3:440/ 703 KAR 5:010/ 704 KAR 3:304 Developmentally Appropriate Practices for primary students, including but not limited to integrated curriculum, learning centers, process writing, discovery learning, writing across the curriculum, thematic units and special projects.)			
		RD	(KRS 158.031/ 703 KAR 4:040 How authentic assessment and qualitative reporting will be done for students in the Primary Program)			
		RP	(KRS 160.348 requires SBDM councils in secondary schools to establish curriculum policy on advanced placement options, including KVHS.)			

POLICY AND BEST PRACTICE CHECKLIST

SECTION	SUB-SECTION	STATUS	Text: References Statute or Regulation	Present and Updated	Needs Revision	Need policy or decision
KRS 160.345 (2)	(i) 2	RP	Assignment of all instructional and non-instructional staff time; (Assignment of all instructional aides and primary teachers, including Title 1 and Special Education teachers, and those who teach Art, Music, PE, etc.)			
	(i) 3	RP	Assignment of students to classes and programs within the school; (How primary students will be assigned to teachers or families within the school, and/or how parents will have input into which classroom or family their child is in, and how special needs students will be included.)			
	(i) 4	RP RD	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; (KRS 158.031/ 704 KAR 3:440/ 703 KAR 5:010 Configuration of primary school to reflect flexible grouping for academics, including but not limited to multi-age and multi-ability groupings for students, cooperative learning, discovery learning, and themes and projects that allow continuous progress through the primary school for each child.)			
	(i) 5	RP	Determination of use of school space during the school day; (Including the location of primary and elementary classrooms and families, music, PE, Arts, and other special classes.)			
	(i) 6	RP RP	Planning and resolution of issues regarding instructional practices; (KRS 158.031/ 704 KAR 3:440/ 703 KAR 5:010/ KRS 158.030 Configuration of primary school to reflect flexible grouping for academics, including but not limited to multi-age and multi-ability groupings for students, cooperative learning, discovery learning, and themes and projects that allow continuous progress through primary school for each child, including “Kindergarten” or entry level students who will turn five (5) by October 1. Implementation of school wide reading models that require teachers to use specific instructional methods should be included in the policy.)			

POLICY AND BEST PRACTICE CHECKLIST

SECTION	SUB-SECTION	STATUS	Text: References Statute or Regulation	Present and Updated	Needs Revision	Need policy or decision
KRS 160.345 (2)	(i) 7	RP RD	Selection and implementation of discipline and classroom management techniques as a part of a school safety plan, including responsibilities of the student, parent, teacher, counselor, and principal; (KRS 158.150 - How primary school teachers and administrators will meet the social and emotional developmental needs of 5-8 or 9 years olds in the primary program, using suspension or expulsion options only under exceptional conditions where there are safety issues for the child or others as per the statute and local board policy. Any school wide behavior management program that requires every staff member to participate should be included in the policy - such as Second Steps, Project Bravo, etc...)			
	(i) 8	RP	Selection of extracurricular programs and determination of policies relating to student participation based on academic qualifications, and attendance requirements, program evaluation, and supervision; (Must be within the district code of conduct)			
	(i) 9	RP RD	Procedures, consistent with local school board policy, for determining alignment with state standards, technology utilization, and program appraisal. (KRS 158.031/ 704 KAR 3:440/ 703 KAR 5:010/ KRS 158.030 Procedures for assuring that instructional technology that are correlated with the curriculum is implemented throughout the Primary Program, and procedures for primary program evaluation and improvement are in place.)			
	(j)	PD	Each school council shall review their disaggregated CATS data each year. (The KDE will provide them with an equity analysis that will assist them in identifying any gaps between subgroups of students in their school. After the required review, the school council shall include parents, faculty and staff from the school in developing and adopting a school improvement plan that will establish specific targets for closing all achievement gaps identified in the school. The School Improvement Plan shall ensure that every student makes progress every year toward proficiency by 2014.)			

POLICY AND BEST PRACTICE CHECKLIST

SECTION	SUB-SECTION	STATUS	Text: References Statute or Regulation	Present and Updated	Needs Revision	Need policy or decision
KRS 160.345 (2)	(d)	RD	Meeting frequency & agenda (council & committees - meeting times should facilitate participation for all stakeholders)			
	(e)	RD RD	Open meetings (KRS 61.810) (KRS 158.031 - How “Positive Parent Involvement” and “Professional Teamwork” will be encouraged during school council meetings)			
		RD	Regular meeting schedule (time, place & how advertised)			
		RD	Special called meetings			
		RD	Closed session			
	(f)	RD	Number of personnel in each job classification (process for determination)			
	(g)	RD	Determining:			
		RD	Textbooks			
		RD	Instructional materials			
		RD	Student support services needed for students including but not limited to health or medical services, family services, counseling services, and how the services will be provided, as described in the activities in the CSIP.			
	(h)	RD	Filling vacancies			
		RD	Hiring principal (new)			
	(i) (10)	RP	Consultation for hiring teachers			
	(i) (10)	RP	Consultation for hiring instructional assistants			
KRS 160.345 (4)		RD	Any other authority granted by the local board of education and permitted by law.			
KRS 160.345 (6)		RD	Mandated training for school council members (when, where, how, who)			
			New members – 6 hours			
			Experienced members (served at least one full year) – 3 hours			

POLICY AND BEST PRACTICE CHECKLIST

SECTION	SUB-SECTION	STAT US	Text: References Statute or Regulation	Present and Updated	Needs Revision	No policy or decision on record.
KRS 160.345 (2)	(a)	RBL	Membership of the council – composition – principal as chairperson			
	(b) 1	RBL	Length of council terms			
	(b) 2	RBL	Election of minority parent/teacher representatives by principal			
	(c) 1	RP	Learning environment: School council sets school policy consistent with district board policy to provide an environment to enhance students’ achievement and to help schools meet goals of KRS 158.645 & 158.6451 There is safe harbor for schools desiring to avoid litigation and to allow the free speech and religious liberty rights of students to the extent permissible under the establishment clause in KRS 158.181.			
KRS 160.345 (3)		RP	The local board should have policies in the following areas to guide the council (these are areas of local board authority):			
	(a)	RP	School budget and administration			
	(b)	RP	School report cards and progress report formats to be used by the teachers in each school			
	(c)	RP	School improvement plans , as well as the school safety plan and requests for funding from the Center for School Safety under Section KRS 158.446; (School and district improvement plan formats are determined board guidelines and policy. KRS 160.345 (3). Non-teaching time provided by the local board of education for teachers to plan together for instructional improvement as per KRS 158.060)			
	(d)	RP	Professional development plans developed pursuant to KRS 156.095 (KRS 158.060/ KRS 158.031 Should be aligned with professional development needed for staff members to implement the activities in the School Improvement Plan, including programs requiring the participation of every teacher. May include a list of desired Professional Development opportunities for new primary teachers, instructional assistants, and other staff in the school.) (Board has authority over 1 day; school council determines the use of the other 3.)			
	(h)	RP	Requirements for record keeping by the school council			

	(i)	RP	A process for appealing a decision made by a school council.			
KRS 160.345 (8)		RP	<p>Planning professional development (PD) in cooperation with the district’s coordinator and other school councils.</p> <p>(KRS 158.060/ KRS 158.031 Policy to establish the committee that will meet and plan with other councils to implement the PD activities in the District Improvement Plan, such as district-wide discipline code, district-wide student assessment systems, district-wide technology systems, etc.)</p>			
KRS 160.345 (11)		RP	<p>School Wellness Policy & Assessment Tool (for K-5 schools or schools of any combination that include grades K-5)</p> <p>School wellness policy to permit moderate to vigorous physical activity every day not to exceed 30 minutes per day or 150 minutes per week. This will be part of the instructional day.</p> <p>School councils must adopt an Assessment Tool to determine each child’s level of activity on an annual basis, or approve a tool that is part of an existing school wellness program.</p>			

**Catlettsburg Elementary School
SBDM Council
Policy Review Verification**

Policy Number: _____

Policy Written and Adopted on: _____

Policy Reviewed by SBDM Council: _____

Policy Reviewed _____ **Policy Re-authorized** _____

Policy Revised _____ **Policy Repealed** _____

Policy Reviewed by SBDM Council: _____

Policy Reviewed _____ **Policy Re-authorized** _____

Policy Revised _____ **Policy Repealed** _____

Policy Reviewed by SBDM Council: _____

Policy Reviewed _____ **Policy Re-authorized** _____

Policy Revised _____ **Policy Repealed** _____

Policy Reviewed by SBDM Council: _____

Policy Reviewed _____ **Policy Re-authorized** _____

Policy Revised _____ **Policy Repealed** _____

Certificate of Receipt of Written Documentation

Under the terms of House Bill 77, enacted by the 2005 General Assembly, signed into law by Governor Fletcher on March 11, 2005, and available for review on the website of the Legislative Research Commission at <http://www.lrc.ky.gov/record/05rs/HB77.htm>, the Office of the Attorney General is directed to prepare and distribute to a wide variety public officials written information that explains the procedural and substantive provisions of the Open Meetings Act (KRS 61.805-.850) and the Open Records Act (KRS 61.870-.884), together with information prepared by the Department for Libraries and Archives that explains the proper retention and management of public records. Of the designated group of recipients, the bill specifically calls for county judge executives, mayors, superintendents of public school districts, and presidents of state postsecondary institutions, according to their specific responsibilities, to further distribute this same information to each elected and appointed member of every county and city legislative body, local government board, commission, authority and committee, including boards of special districts located within their jurisdictions; to every school board member and each school council member; and to each board of regents member or governing board member of a university. County judge executives, mayors, superintendents of public school districts, and presidents of state postsecondary education institutions are required to secure signatory proof from that each of the officials to whom they have distributed the information cited above that those individuals have received this information, and to certify to the Office of the Attorney General that the information has been distributed as required.

This form is designed to satisfy the requirement of the bill that individuals receiving the information cited above provide signatory proof that they have received this information. The Office of the Attorney General appreciates your assistance in completing and returning this form to the appropriate official.

I certify that I have received written information prepared by the Office of the Attorney General that explains the procedural and substantive portions of the Open Meetings Act (KRS 61.805 - 61.850) and the Open Records Act (KRS 61.870 - 61.884), together with information prepared by the Kentucky Department for Libraries and Archives concerning proper retention and management of public records, according to the terms of the State Archives and Records Act (KRS 171.410-171.840).

Signature: _____

Name (printed or typed): _____

Name of Public Agency: _____

Your position or function: _____

Agency Address: _____

Agency Phone: _____

Agency E-mail: _____

Certificate of Distribution of Written Documentation

Under the terms of House Bill 77, enacted by the 2005 General Assembly, signed into law by Governor Fletcher on March 11, 2005, and available for review on the website of the Legislative Research Commission at <http://www.lrc.ky.gov/record/05rs/HB77.htm>, the Office of the Attorney General is directed to prepare and distribute to a wide variety public officials written information that explains the procedural and substantive provisions of the Open Meetings Act (KRS 61.805-.850) and the Open Records Act (KRS 61.870-.884), together with information prepared by the Department for Libraries and Archives that explains the proper retention and management of public records. Of the designated group of recipients, the bill specifically calls for county judge executives, mayors, superintendents of public school districts, and presidents of state postsecondary institutions, according to their specific responsibilities, to further distribute this same information to each elected and appointed member of every county and city legislative body, local government board, commission, authority and committee, including boards of special districts located within their jurisdictions; to every school board member and each school council member; and to each board of regents member or governing board member of a university. County judge executives, mayors, superintendents of public school districts, and presidents of state postsecondary education institutions are required to secure signatory proof from that each of the officials to whom they have distributed the information cited above that those individuals have received this information, and to certify to the Office of the Attorney General that the information has been distributed as required.

This form is designed to satisfy the requirement of the bill that individuals identified in the bill as responsible for further distributing the information received from the Office of the Attorney General provide signatory proof to the Office of the Attorney General that the information has been distributed as required. The Office of the Attorney General appreciates your assistance in completing and returning this form to the appropriate official.

I certify that I have distributed to the appropriate officials, as identified in HB 77, the written information prepared by the Office of the Attorney General that explains the procedural and substantive portions of the Open Meetings Act (KRS 61.805 - 61.850) and the Open Records Act (KRS 61.870 - 61.884), together with information prepared by the Kentucky Department for Libraries and Archives concerning proper retention and management of public records, according to the terms of the State Archives and Records Act (KRS 171.410-171.840).

Signature: _____

Name (printed or typed): _____

Name of Public Agency: _____

Your position or function: _____

Agency Address: _____

Agency Phone: _____

Agency E-mail: _____

Please return this completed form to:

Jean Ann Myatt, Office of the Attorney General, 700 Capitol Ave., Room 118, Frankfort 40601-3449 KY

SBDM COMMITTEES

Each certified staff member shall serve on one standing committee and each classified staff member shall serve on one ad hoc committee. Members of the School Based Decision-Making Council are exempt from serving on a Standing Committee. Standing committees will meet twice monthly (normally the 1st and 3rd Wednesday of each month), at the discretion of the committee chairperson. Ad Hoc Committees will meet only as needed and determined by the Chairperson. Attendance and minutes will be recorded. Committees shall choose a chairperson, recorder, and a contact person to inform all committee members of upcoming meetings. All meetings must be conducted according to the open meetings law - time and place must be posted, minutes are open for public review. One member from each committee shall be encouraged to report monthly to the Council. If a committee member is not available, it is the committee's responsibility to designate a reporter. Minutes of committee meetings shall be kept in the official minutes notebook. Minutes of SBDM Council meetings shall be reviewed by the Chairperson of each committee to determine tasks for each meeting. If an administrator is needed for a committee meeting, it is the committee's responsibility to inform the administrator prior to the meeting. Committee membership may not be changed without approval from the principal.

Standing Committees at Ballard County Elementary are as follows:

Curriculum, Chairperson - Mary Anne Wells-Farmer

The school develops and implements a curriculum that is rigorous, intentional, and aligned to state and local standards.

In brief terms, this committee is charged with addressing “what” we teach.

- Ensure that unnecessary overlaps and gaps in curriculum are minimized.
- Facilitate vertical communication between grade levels regarding curriculum.
- Ensure that the curriculum provides for connections with continuing education, life, and career options.
- Provide a systematic process for monitoring, evaluating, and reviewing curriculum.
- Ensure that the curriculum provides for all students a common academic core of content, concepts, and skills.

Classroom Evaluation, Assessment, Chairperson - Beverly Denton

The school uses multiple evaluation and assessment strategies to continuously monitor and modify instruction to meet student needs and support proficient student work.

In brief terms, this committee is charged with addressing how we know if students are learning what we are teaching.

- Monitor classroom assessments to ensure they are frequent, rigorous, and aligned with Core Content.
- Facilitate the collaboration of teachers in the design of authentic assessments aligned with core content subject matter.
- Ensure that students know what is required to be proficient.
- Analyze test scores to identify curriculum gaps.
- Ensure that multiple assessments are specifically designed to provide meaningful feedback on student learning for instructional purposes.
- Ensure that performance standards are clearly communicated and observable in student work.
- Ensure that teachers understand and implement the state-required Assessment and Accountability Program. Students are prepared adequately to reach proficiency.
- Student work samples are analyzed to revise instruction/curriculum and obtain information on student progress.

Instruction, Chairperson - O’Shea Haymes

The school’s instructional program actively engages all students by using effective, varied, and research-based practices to improve student academic performance.

In brief terms, this committee is charged with addressing how we deliver instruction, use technology, manage instructional resources, and homework.

- Ensure that effective and varied instructional strategies are used in all classrooms.
- Instructional strategies and learning activities are aligned with the school curriculum and state assessment.
- Teachers demonstrate the content knowledge necessary to challenge and motivate students to high levels of learning.
- The use of technology is incorporated in classrooms.
- Teachers have available instructional resources that are sufficient to effectively deliver the curriculum.
- Homework is frequent, monitored, and tied to instructional practice.

School Culture, Chairperson, Sonia Howe

The school functions as an effective learning community and supports a climate conducive to performance excellence.

In brief terms, this committee is charged with addressing safety, discipline, equity, communication with parents, maintaining high expectations of all students, and staff assignments.

- Monitor and evaluate discipline plans / programs
- Monitor and evaluate safety procedures both in and out of the building and develop plans for improvements.
 - All students receive instruction in an equitable learning environment (including support for physical, cultural, socioeconomic, and intellectual needs of students) that reflects an appreciation of diversity.
 - Monitor communication to ensure that teachers communicate regularly with families about individual student progress.
 - Monitor communication to ensure that multiple strategies are used for the dissemination of information.
 - Collect evidence that student achievement is highly valued and publicly celebrated.
 - Leadership creates experiences that foster the belief that all children can learn at high levels in order to motivate staff to produce continuous improvement in student learning.
 - Teachers hold high expectations for all students academically and behaviorally, and this is evidenced in their practice.
 - Facilitate the teacher acceptance of their professional role in student success and failure.
 - Staff members are assigned to maximize opportunities for all students to have access to the staff's instructional strengths.

Student, Family, and Community Support, Chairperson - Teresa Hudson

The school/district works with families and community groups to remove barriers to learning in an effort to meet the intellectual, social, career, and developmental needs of students.

In brief terms, this committee is charged with addressing parent/community involvement, ESS, Title I, Guidance, Special Education, and the Family Resource Center.

- Ensure that families and the community are active partners with the school and work with district staff to promote programs and services for students.
- The school ESS program, Title I program, Guidance program, Special Education program, and Family Resource center provide structures that ensure that all students have access to all of the curriculum.

- Organizational structures are in place that support instructional practices to reduce barriers to learning.
- Students receive a variety of opportunities to receive additional assistance to support their learning, beyond the initial classroom instruction.

Professional Growth, Development, and Evaluation, Chairperson - Stephanie Joles

The school provides research-based results driven professional development opportunities for staff and implements performance evaluation procedures in order to improve teaching and learning.

In brief terms, this committee is charged with conducting needs assessments, planning, and implementation of our school professional development plan.

- Develop a professional development plan that addresses the building of instructional capacity, based on the state goals for student performance, individual growth plans of staff members, and state assessment results.
- Plan professional development activities that directly connect the goals for student learning and the priorities set for the school (based on a comprehensive needs assessment).
- Provide for on-going / job embedded professional development throughout school year (activities during faculty meetings, study groups, professional library, etc...).

Leadership, Chairperson - Judy Poole

School /district instructional decisions focus on support for teaching and learning, organizational direction, high performance expectations, creating a learning culture, and developing leadership capacity.

In brief terms, this committee is charged with evaluating school leadership and SBDM Council and making recommendations for improvement.

- Ensure that leadership has developed and sustained a shared vision.
- Leadership decisions are focused on student academic performance and are data-driven and collaborative.
- Ensure that data is disaggregated for use in meeting the needs of a diverse population; data is communicated to school staff and incorporated into the school's consolidated plan.
- All instructional staff members have access to curriculum related materials and the necessary training to use those materials relating to the learning goals of Kentucky public schools.
- Time is protected and allocated to focus on curricular and instructional issues.
- Leadership plans and allocates resources, monitors progress, provides organizational infrastructure, and removes barriers in order to sustain continuous school improvement.
- The organizational policy and resource infrastructure necessary for the implementation and maintenance of a safe and effective learning environment is provided by leadership.
- Leadership provides a process for the development and implementation of council policy.
- The SBDM Council has an intentional focus on student academic performance.
- The principal demonstrates leadership skills in the area of academic performance, learning environment, and efficiency.

Organizational Structure and Resources, Chairperson - Jana Story

There is evidence that the school is organized to maximize use of all available resources to support high student and staff performance.

In brief terms, this committee is charged with developing the school budget (including strand programs), developing guidelines for the master school schedule, developing guidelines for instructional/non-instructional staff assignments, protecting instructional time, and textbooks.

- Ensure that the school is organized to maximize use of all available resources to support high students and staff performances (budgeting, resource management, textbooks).

- Ensure that the master class schedule reflects that all students have access to all of the curriculum.
- Ensure that instructional and non-instructional staff are allocated and organized based on the learning needs of all students.
- Gather evidence showing that staff members make efficient use of instructional time to maximize student learning.
- Staff members have opportunities for vertical and horizontal team planning, focused on the goals, objectives, and strategies of the consolidated plan.
- Budget decisions are based on needs identified in the consolidated plan.
- State and Federal program resources are allocated and integrated to address student needs identified by the school.

Comprehensive and Effective Planning, Chairperson, Jeanne Abell

The school/district develops, implements, and evaluates a comprehensive school improvement plan that communicates a clear purpose, direction, and action plan focused on teaching and learning.

In brief terms, this committee is charged with the development of the school consolidated plan and monitoring its implementation.

- A collaborative process is used to develop the school vision, belief statements, mission, and goals (including staff members, parents, and community representatives).
- Data is collected, managed, and analyzed in the planning process.
- All planning decisions are based on analyzed data.
- Plans are based on learning research and local, state, and national expectations.
- The unique learning needs of BCES students are analyzed.
- The desired results for student learning are defined.
- Goals and objectives for building instructional and organizational effectiveness are defined.
- Strategies are developed, aligned with the goals and objectives.
- The plan identifies the resources, timelines, and persons responsible for carrying out each strategy.
- The means for evaluating the effectiveness of the consolidated plan are established.
- The plan is implemented as developed.
- The effectiveness of the plan is evaluated.

Ad Hoc Committees at Ballard County Elementary are as follows:

Science Fair

- Organize and monitor Science Fair

Variety Show

- Organize and monitor Talent Show

Art Festival

- Organize and monitor Art Festival

Speech Festival

- Organize and monitor Speech Festival

SOCIAL COMMITTEE

A Social Committee shall be formed each year charged with tending to faculty & staff needs for special occasions. Teachers/Staff members serve on the Social Committee on a rotation basis for one year. The rotation for the Social Committee will be as follows: 6th Grade Teachers, Special Area Teachers, and Special Education Teachers. Kindergarten Teachers, 1st Grade Teachers, 2nd Grade Teachers, 3rd Grade Teachers, 4th Grade Teachers, and 5th Grade Teachers, for the 2001-2002 school year, the Special Area teachers will serve as the social committee. The SBDM Council is responsible for the establishment of policies by which the Social Committee will follow.

Active Recess Policy

All Catlettsburg students shall participate in an active recess each day. They are expected to engage in moderate to vigorous physical activity each day as follows:

- Each student shall have at least 20 minutes a day of supervised “active recess” on the playground, weather permitting, or within the gymnasium during inclement weather. This “active recess” will be in addition to a weekly physical education class.
- Students shall participate in age appropriate games and activities. These activities may involve unstructured play or be organized.
- Students shall not be deprived of an “active recess” as a consequence for behavior or academic performance.
- Instructional staff will not use physical activity as punishment during the “active recess.”
- Instructional staff will support the “active recess” policy and avoid practices that involve student inactivity.
- A staff member will document students’ active participation daily on an “active recess” chart located within the school.

Assessment Reporting Policy

In accordance with Senate Bill 1, the teaching staff will submit the required assessment data to the principal by the first day of the following months: August, October, December, February, April and June. During these months, the principal will report to the council the following information:

August – ITBS test scores

October – GMADE/GRADE and KCCT

December – GMADE/GRADE/Flashbacks/Common Assessment

February – GMADE/GRADE/Flashbacks/Common Assessment

April – GMADE/GRADE/Flashbacks/Common Assessment

June – GMADE/GRADE

The reporting will address groups such as: Males & Females, White (Non-Hispanic), African-American, Hispanic, Asian, Limited English Proficiency, Free/Reduced Lunch, and Individuals with Disability.

Catlettsburg Elementary School Arts and Humanities Policy

The goal of Catlettsburg Elementary School’s arts and humanities program is to ensure that students in all grade levels and across all curriculum areas develop knowledge and strong skills in visual art, music, dance and drama for future college, career, and personal applications throughout their lives. School policies for the arts and humanities program were developed by teachers and administrators, and are intended to align with Kentucky Senate Bill 1, state standards and guidelines and the arts and humanities program review.

Policies were reviewed and approved by the school’s Site-Based Decision Making Council.

Approval Date _____

A. Curriculum and Instruction

1. Teachers will fully align the arts curriculum with local, state and national standards, provide for arts literacy, make cross-curricular connections, and balance creating, performing and responding experiences in the arts.
2. The arts PLC will meet regularly and use multiple indicators of student performance to evaluate, monitor and make recommendations for needed revisions in the arts curriculum.
3. Time will be scheduled within the school schedule for instruction in all four arts disciplines (i.e., dance, drama, music, visual arts) at all grade levels.
4. Teachers will employ effective and varied instructional strategies in all arts classrooms.
5. Teachers will provide authentic activities to students with special needs (i.e., IEP, GT plan, 504 plan, etc).
6. Teachers will actively engage students in creating, performing and responding in the arts.

B. Formative and Summative Assessment

1. Teachers will base student’s arts assessment on clearly-defined standards that identify the skills and knowledge expected of students in each art form and for each arts course.
2. Teachers will clearly communicate achievement levels for “Creating, Performing and Responding” in each art form to the students and will observe them in the students’ work.
3. Teachers will use a variety of pre-assessments, formative assessments, and summative assessments to provide meaningful feedback on student learning and to inform instructional decisions.
4. Teachers will maintain arts assessment data and will utilize it to improve instruction, inform program decisions, and communicate to families regarding student progress.

C. Professional Development and Support

1. Arts teachers will be provided professional development to improve their content knowledge and teaching skills specific to instruction in their arts discipline.
2. The school will provide professional leave for arts teachers to attend content specific conferences, workshops and/or seminars in their discipline.
3. Arts professional development activities will fully connect to CSIP, Individual Professional Growth Plans, the school's learning goals for students, and school and district staff development priorities.

D. Leadership Support and Monitoring

1. School administration and teachers will develop and sustain a shared vision of a quality arts education.
2. The SBDM will utilize the findings of the program review to plan for and adjust staffing, course offerings, and scheduling of the arts within the school.
3. School leadership and teachers will make efficient use of instructional time to maximize student learning in the arts.
4. The school will provide and maintain appropriate facilities and resources to support high student and staff performance in the arts.

Telecommunications Devices Policy

Possession and Use

Students shall be allowed to bring personal telecommunication devices to school to be used after school hours only. Devices may not be turned on during the school day.

When students violate the prohibition, the device will be confiscated and held by the school administrator and shall only be returned to the student's parent/guardian.

DRESS CODE POLICY

Students are required to:

- Be personally clean and well groomed.
- Wear clothing that is in good repair, clean, and fits properly.

Students are not allowed to wear:

- See through clothing except over another garment that is not see through.
- Clothing that show the midriff, back area, or an inappropriate amount below the neck. (No crop tops, halters, or spaghetti straps)
- Skirts and shorts that are excessively short. (Not to extend above the fingertips)
- Excessively tight/loose clothing.
- Any clothing with references to drugs, alcohol or cigarettes; with material considered to be sexually suggestive, crude, or discriminatory in a any manner, containing ‘adult’ content and/or humor; suggestive or rebellious or anti-authoritative behavior.
- Head coverings such as hats, caps and bandannas; unless for medical or religious reasons.
- Shoes that may damage school property, or put students at risk of injury, such as skate shoes, cleats or high heels.
- Distractive clothing, hair and or shoes (teacher discretion)

HOMEWORK POLICIES

In accordance with PLC discussions, homework assignments for Catlettsburg Elementary students must meet the following guidelines:

K-2 students – 10 minutes

3-5 students – 20 minutes (In addition to Reading Logs)

Not to exceed 3 days a week and not be given on Friday.

Grade level teaching teams at each level shall coordinate to ensure that homework does not exceed 10 - 20 minutes per day. Team leaders shall follow up on any parent or student requests for assistance with homework assignments.

Homework is an extension of classroom instruction and will consist of additional practice of skills taught during classroom instruction, parent-child activities that contribute to classroom units, and daily reading logs that record the time students spend reading at home. Teachers will monitor homework completion and habits of individual students. Students in the primary program will not be given letter grades for homework. Students who consistently return completed homework may be rewarded.

Policy for Planning Professional Development

The School Improvement Committee and the principal shall ensure that the professional growth and development needs of staff are included in the needs assessment portion of the planning process, and that appropriate objectives and strategies are included in the school improvement plan to provide for these needs for the coming school year. The principal shall be responsible for ensuring that the school plans professional development in coordination with the other schools and the professional development coordinator for the school district.

Approval of the school improvement plan will also constitute approval of the school professional development offerings for the coming year. Professional development that is not included in the school's improvement plan will not be approved by the principal unless there is an individual need that is included in the individual's evaluation and professional growth plan.

Reviewed: _____

**Catlettsburg Elementary School
 Primary Program Policy**

The goal of Catlettsburg Elementary School’s K-3 Primary Program is to motivate and nurture children of diverse cultures. The administrators and teachers will address the social, emotional, physical, and cognitive needs of the children. The Primary Program will provide students with experiences that will help them develop knowledge and skills to be used for future college, career, and personal applications throughout their lives.

Policies were reviewed and approved by the school’s Site-Based Decision Making Council.

Approval Date _____

A. Curriculum and Instruction

1. Teachers will align the curriculum with state and national standards.
2. Students will assist teachers in constructing learning targets.
3. Teachers will develop opportunities/activities for students to demonstrate understanding of learning targets.
4. Teachers will employ effective and varied instructional strategies to meet students’ needs and promote critical thinking skills.
5. K-3 teachers will meet regularly to plan instructional units, common assessments, and supplemental activities to attain and support the curriculum.
6. Teachers will routinely participate in Professional Learning Community meetings (PLC) to address individual student’s needs (IEP, GT plan, RTI), adjust instruction, and monitor progress of students.
7. Teachers’ schedules will reflect adequate instructional time to address the curriculum.
8. Students will work in flexible groups based on student needs and learning styles.
9. Teachers will actively engage students in a variety of cross-curricular instructional activities.

B. Formative and Summative Assessment

1. Teachers will clearly communicate learning targets to students and their families.
2. Teachers will use pre-assessments, formative assessments, and summative assessments to provide meaningful feedback on student learning and make adjustments to instruction when necessary.
3. Teachers will provide sufficient time and guidance for students to apply target-focused feedback and improve their work based on learning targets.
4. Teachers will use assessment data to monitor progress and guide instruction.

C. Professional Development

1. Professional Development for K-3 teachers will connect to the Comprehensive School Improvement Plan (CSIP) and Individual Professional Growth Plans.
2. Teachers will be provided professional development that supports research-based K-3 practices.
3. Teachers and administrators will actively participate as members and leaders of PLC.
4. During PLC meetings, teachers will focus on research-based K-3 practices, planning instruction, analysis of assessment data, and student performance to impact the K-3 program and individual student needs.
5. K-3 teachers and administrators will collaborate with community and local business partners.

D. Administrative/Leadership Support and Monitoring

1. School leadership and teachers will make efficient use of instructional time to maximize student learning.
2. The school will provide and maintain appropriate resources needed to support an effective K-3 program.
3. The SBDM will analyze assessment data specifically for the K-3 program.
4. The school leadership and SBDM will communicate with parents and community about the K-3 program.
5. The principal will collaborate with teachers in PLC meetings to monitor, improve, and support the K-3 program.
6. The principal will make staff assignments within the school based on student needs and staff abilities.

Catlettsburg Elementary School Safety and Security Policy

The principal, in consultation with parents, teachers, school safety officer, and local first responder will collaboratively plan, develop and document efforts to prevent mitigate, prepare for, respond to and recover from emergencies. The emergency management plan will include procedures for fire, severe weather, earthquake, and building lockdown as specified in Kentucky statues and regulations.

Policies were reviewed and approved by the school's Site-Based Decision Making Council.

Approval Date _____

EVACUATION ROUTES

- An emergency plan and diagram of Catlettsburg Elementary will be provided to all staff, district facilities personnel, and first responders. First responders, for the purpose of this policy, include local fire personnel, local, county and/or state police personnel. Due to the need to maintain student and staff safety and security, the emergency plan and diagram of the facility will not be disclosed in response to any Open Records requests.
- All evacuation routes **MUST** be posted in each room by each doorway used for evacuation. Prior to the first instructional day of school, the principal will present and review all emergency procedures with staff. Documentation including the time and date of the review will be kept on file at the school with a copy sent to the district office to document completion.

SEVERE WEATHER PROCEDURES

- Within the first thirty (30) instructional days of the school year and again during the month of January, the school will conduct one (1) severe weather drill, one (1) earthquake drill, two (2) fire drills and one (1) building lockdown. Fire drills will be conducted in accordance with timelines; procedures and requirements outlined in the DHBC regulations. First responders will be given notice of possible drills and invited to observe/participate when at all possible. In cooperation with the School Safety Officer, he principal will be responsible for implementation of all drills and will complete reports, note problems and inform the district central office if any remedial action is needed.

ACCESS CONTROL METHOD

- All access to our school will be maintained through the front office. The following access control methods will be implemented by all staff/organizations utilizing our school:
 - All exterior doors must remain locked at all times.
 - All visitors must enter through the posted front entrance.
 - The front entrance must remain secure this electronic access only.
 - All visitors must use the “buzzer” system and be recognized prior to gaining access to the front lobby.
 - The principal is responsible to ensure that school personal responsible for entry system are trained. At no time during the day are students allowed to monitor the front entrance or lobby area.
 - All visitors must report to the front office, provide photo id (when requested), state the purpose of the visit, and wear a school-specific badge on the outermost garment during the entire visit. Upon leaving, all visitors must report back to the front office and sign out.
 - All classrooms must remain locked during instruction time.
 - Doors must remain closed during instruction time.
 - During class changes, teachers must stand by their classroom door and monitors hallways.
 - The principal is responsible for ensuring classroom access in the event of a substitute teacher.

Annually, the principal is responsible for working with the School Safety Officer and district central officer to ensure that all local first responders have a current diagram of the school that notes the primary and secondary evacuation routes, the severe weather procedures, and notations of the exterior and front entrance access points. Completion of the report will be reported to the council and documentation of the report maintained in the principal’s office.

Catlettsburg Elementary School Wellness Policy

All students shall participate in moderate to vigorous physical activity each day. The following strategies will be implemented in order to reach this goal.

- Each teacher will incorporate at least ten minutes of physical activity daily through utilization of the *Take Ten* program. *Take Ten* activities will be documented in teachers' lesson plans. Two copies of the *Take Ten* curriculum are available per grade.
- Each student will participate in physical education class for forty minutes once each week.
- Each student will have at least twenty minutes per day of supervised recess, preferably outdoors, during which school staff will encourage moderate to vigorous physical activity. During inclement weather, recess will be held in the school gymnasium. Students will have access to equipment and other resources to promote appropriate activity.
- Appropriate accommodations will be made for students with special needs, as needed or deemed necessary.

Through physical education classes, our students' level of physical activity will be assessed at least twice a year, using a physical activity assessment that includes: sit-ups, push-ups, and sit-and reach flexibility exercises. A check sheet will be kept for each child to track progress over the course of the school year.

Our teachers will encourage healthy choices among students using the following methods:

- Our school will implement the nutritional standards required by federal and state laws and regulations. Those rules also apply to other food and beverages available during the school day.
- Our Practical Living curriculum will address the full Core Content, including health, consumerism, and physical education.
- Our other curriculum will reflect an integrated emphasis upon wellness, including connections to Science, Social Studies, and other subjects.
- School nurses will provide health education targeting specific topics throughout the school year.