

BY-LAWS
NEW HAVEN ELEMENTARY SCHOOL SITE
BASED DECISION MAKING COUNCIL

ARTICLE I PURPOSE OF
THE COUNCIL

The purpose of the Council is to help the school fulfill its mission statement.

MISSION STATEMENT

The mission of New Haven Elementary is to provide an environment where students, parents, teachers, and staff are happy, healthy and safe; to stimulate learning; to provide opportunity for optimal student achievement; to encourage problem solving, creativity, and critical thinking; and to develop life-long learners who are responsible, respectful citizens of the community.

ARTICLE II

MEMBERSHIP

A. COMPOSITION

The Council shall consist of the school's Principal, three teacher members, and two parent members.

If the minority enrollment at the school is eight percent or higher on October 1 preceding the start of a new Council term, the Council shall include at least one minority member.

B. QUALIFICATIONS FOR MEMBERSHIP

1. **Teacher Qualifications** – Teacher members must hold a position at the school that requires a state certificate, must not hold the position of principal, assistant principal or head teacher.
2. **Parent Qualifications** – Parent members must be the parent, step-parent, or foster parent of a child who will be enrolled at the school during one's term of office. Legal guardians are also considered parents if the child lives with them. Three groups of parents may not serve on the Council: employees of our school or their parents, children, siblings, spouses, aunts, uncles, sons-in-law and daughters-in-law; employees in our district administrative offices or their parents, children, siblings, spouses, aunts, uncles, sons-in-law and daughters-in-law; and members of the district school board or spouses of district school board members.

3. **Minority Qualifications** – Minority members must be American Indian, Alaskan Native, African American, Hispanic (including persons of Mexican, Puerto Rican, Cuban, and Central or South American origin), Pacific Islander, or other ethnic group underrepresented in the school. Parent minority members must meet the eligibility requirements for parent members and teacher minority members must meet the eligibility requirements for teacher members.

C. TERMS

All Council members shall be elected for a two-year term and shall serve from July 1 of a year when elected to June 30 of the ending term year. Abiding by the election procedures, members elected may serve consecutive terms without limitation.

D. ELECTIONS

1. **Teacher Members** – The Teachers of New Haven will have a procedure in place and will provide a copy to Council. The election will be held no later than May 1st of the calendar year. The Teachers of New Haven will notify the current Council of the names of those elected no later than ten days following the election.
2. **Parent Members** – The Parent/Teacher Association (PTA) will have procedures in place and will provide a copy to Council. The election will be held no later than May 1st of the calendar year. The PTA will notify the current Council of the names of those elected no later than ten days following the election.
3. **Minority Members** – If the school has 8% or more minority enrollment on October 1, it must have at least one minority member after the next election. If the Principal, elected parent or teacher member is a minority member as defined

in Article II, Section B then no further election is required. Otherwise a minority parent and additional teacher shall be elected.

- a. **Minority Parent Election** – By March 20, the Principal shall notify all parents in writing of the date, time, and place selected for an additional election. At that time, those parents shall nominate candidates and elect one additional parent minority member by plurality. In the event of a tie vote for the highest vote-getter, a runoff will be held between the people who tied.
- b. **Minority Teacher Election** – If the school has one or more minority teachers, an election for a minority teacher shall be held on the last school day in March. Nominations shall be due the preceding Thursday, and all other steps in the process shall be carried out according to the teacher election procedure mentioned in Article II, D. If no minority teacher is willing to serve, no minority teacher member shall be added to the Council.
- c. **Additional Non-Minority Teacher Election** – If a minority parent election is being held, and if the school has no minority teachers or no minority teachers willing to serve, an election for an additional teacher member of the Council shall be held on the last Monday in March. Nominations shall be due the preceding Thursday, and all other steps in the process shall be carried out according to the procedure mentioned in Article II, D.

E. VACANCIES ON THE COUNCIL

When a Council member resigns, is removed, or dies, a new member shall be elected to complete that term. The vacancy shall be filled at a special election and shall follow the guidelines set forth in Article II, D. except that the special election will be scheduled no fewer than five calendar days and no more than thirty calendar days from the time the vacancy is announced at a Council meeting.

The person elected in the special election shall serve the remainder of the term of the person he or she replaces. Notwithstanding any vacancy on Council, Council will continue to function until such a vacancy is filled as long as a quorum is available.

F. STANDARDS OF CONDUCT FOR COUNCIL MEMBERS

1. **Attendance** – Members of Council shall attend all council meetings unless the absence is excused. Absences may be excused by consensus of Council for good cause. A member who has three unexcused absences from Council meetings during a twelve month period shall resign.
2. **Conflict of Interest** – No member shall participate in any way in decisions where the member has a conflict of interest.
3. **Teacher Departure** – A teacher member who ceases to be assigned to the school before his or her term is completed shall resign.
4. **Student Departure** – A parent member whose child ceases to attend the school before his or her term is completed shall resign.
5. **No Improper Meeting** – Members of Council constituting a quorum shall not meet to discuss Council business without following the procedures for scheduling a meeting of the full Council listed in Article V. below.
6. **Criminal Conduct** – Any member of Council who is convicted of a misdemeanor (other than routine traffic offenses) or a felony during his or her term of office shall resign.
7. **Professional Development**
 - a. **New Members** – Members elected for a first time shall complete at least six hours of training in the process of school-based decision making no later than 30 days after the start of their terms. They can get that training anytime between the date they are elected and the 30 day deadline. This training

- must be provided by a person endorsed by the Kentucky Department of Education for new member training.
- b. **Veteran Members** – Members who have served on a Council before shall complete at least three hours of training in the process of school-based decision making no later than 120 days after the start of their terms. They can get that training up to one year before the 120 day deadline. This training must be provided by a person endorsed by the Kentucky Department of Education for experienced member training.
 - c. **Mid-Year Vacancies** – Members who are elected to fill a vacant position in the middle of the year shall complete the required training no more than 30 days after they are elected, from a person with appropriate endorsement from the Kentucky Department of Education.
 - d. **Reimbursements** – Requests to be reimbursed for training costs shall be made according to board policy requirements.
 - e. **Reporting** – By November 1 each year, the Principal shall give the Superintendent the names and addresses of each Council member and verify that the required training has been completed. The Superintendent will forward that information to the Department of Education.
8. **Intentional Interference with School-Based Decision Making** – No member of Council shall intentionally engage in a pattern of practice which is detrimental to the successful implementation of, or circumvents the intent of school-based decision making to allow the professional staff member of a school and parents to be involved in the decision making process in working toward meeting the school’s mission statement.
9. **No Inappropriate Behavior** – All members shall behave appropriately at Council meetings and while conducting Council business. Inappropriate behavior includes but is not limited to excessive profanity, participation while

under the influence of alcohol or any illegal or controlled substance, or verbal or physical abuse of any Council member, parent, teacher, or staff.

G. REMOVAL OF MEMBERS

A member of Council who violates the standards of conduct and does not submit a written resignation from the Council could be reprimanded or removed. There are two ways that could happen:

1. The Commissioner of Education can recommend removal for immorality, misconduct in office, incompetence, willful neglect of duty, or nonfeasance, and then the local Board of Education holds a hearing into the charges to decide whether removal is warranted.
2. The Office of Education Accountability can investigate claims of intentional interference with school-based decision making. If OEA cannot resolve the issue, it is forwarded to the Kentucky Board of Education, which holds a hearing to determine whether the charges are valid. The first time the Kentucky Board finds a person guilty of such interference, the person will receive a reprimand. The second time, the person can be removed from office.

ARTICLE III
OFFICERS OF THE COUNCIL

A. CHAIRPERSON

The school Principal shall serve as the Chairperson of the Council unless the school has received permission to use an alternate model under KRS 160.345(7). In addition to presiding at Council meetings, the chairperson shall do the following:

1. **Test Results** – The Chairperson shall provide all members of Council with copies of all school-wide State Assessment results after those results are delivered to the school and remind them of the terms of any embargo that applies to that data. On the day of arrival, Council Members shall be notified that scores are available for viewing.
2. **Correspondence** – The Chairperson shall maintain a file of all correspondence addressed to Council and remove items from that file, either to discard them or to file them elsewhere, only after they have been brought to two regular Council meetings.
3. **Monthly Statements** – The Chairperson shall present a monthly statement (as provided to the Superintendent) of the current financial status of funds allocated for purchasing instructional materials, supplies, and equipment at the school. Such statement shall include the beginning unencumbered balance for each category of authorized expenditure, an itemized listing of purchase orders authorized but not paid, and the end of month unencumbered balance of funds allocated and shall present such other

financial information, other than the payment of staff salaries and benefits, as reasonably requested by Council.

4. **Records** – The Chairperson shall be the official custodian of Council records.
5. **Other Responsibilities** – The Chairperson shall exercise any other responsibility specified by these By-Laws.
6. **Communication** – The Chairperson shall communicate decisions of Council to the Boone County Superintendent in a timely manner.

B. VICE-CHAIR

Council shall elect a Vice-Chair from among its members at its first meeting each year by majority vote. The Vice-Chair acts as Chairperson when designated by the Chairperson or in the absence of the Chairperson.

C. SECRETARY

Council may hire a Secretary each year. The Secretary does not have to be a member of Council, but must be willing to perform the duties of the office. The Secretary shall prepare minutes for Council in accordance with Article VII. If no Secretary has been hired or is absent from a Council meeting, a consensus of Council members shall designate a person present at the meeting to record the minutes.

ARTICLE IV

FUNCTIONS

A. REQUIRED FUNCTIONS

Council shall:

1. Determine, within the parameters of the total available funds, the number of persons to be employed in each job classification at the school.
2. Select textbooks and instructional materials to be used at the school.
3. Select student support services which shall be provided in the school, or delegate that responsibility by policy.
4. Select a new Principal when the Principal position is vacant, from a list of applicants recommended by the Superintendent or from additional names supplied by the Superintendent at Council's request.
5. Be consulted by the Principal before he or she selects persons to fill vacant positions at the school following the procedures set up in the Consultation Policy described in Section A.6.k. below. Either the Principal alone or the Council may request the Superintendent to provide additional names for consideration for any vacancy.
6. Adopt policies to be implemented by the Principal in the following areas of responsibility:
 - a. Determination of curriculum, including needs assessment and curriculum development;
 - b. Assignment of all instructional and noninstructional staff time;
 - c. Assignment of students to classes and programs within the school;

- d. 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;
- e. Determination of use of school space during the school day;
- f. Planning and resolution of issues regarding instructional practices;
- g. Selection and implementation of discipline and classroom management techniques as a part of a comprehensive school safety plan, including responsibilities of the student, parent, teacher, counselor and principal;
- h. Selection of extracurricular programs and determination of policies to student participation based on academic qualifications and attendance requirements, program evaluation and supervision;
- i. Procedures for determining alignment with state standards, technology utilization, and program appraisal, consistent with local (District) policy;
- j. Procedures to assist Council with consultation in the selection of personnel by the Principal, including but not limited to meetings, timelines, interviews, review of written applications, and review of references. Procedures shall address situations in which members of the Council are not available for consultation;
- k. Other issues necessary to provide an environment to enhance students' achievement and to meet the goals established by Kentucky law. If Council makes a policy under the authority of this item which does not fall within any of the areas listed in items a-j above, that policy must be consistent with district board policy;
- l. Annually review data on students' performance as shown by the State Assessments. The data shall include, but not be limited to, information on performance levels of all students tested, and information on the performance of students disaggregated by race, gender, disability, and

- participation in the federal free and reduced price lunch program. After completing the review of data, Council shall adopt a plan to ensure that each student makes progress toward meeting the goals set forth in KRS 158.645 and 158.6451(1) (b); and
- m. Determine the organization of its ungraded primary program including the extent to which multiage groups are necessary to implement the critical attributes and meeting individual student needs.
7. Determine the professional development offerings to be paid out of Council's allocation.
 8. Adopt a policy on committees which shall facilitate the participation of interested persons, including, but not limited to, classified employees and parents and shall include the number of committees, their jurisdiction, composition, and the process for membership selection.
 9. Adopt a School Improvement Plan (SIP) that meets requirements set forth in district board policy.
 10. Exercise such other powers as permitted by Kentucky law, consistent with District board policies, and deemed necessary and appropriate by Council.

B. DISALLOWED ACTIVITIES

The Council shall not:

1. Recommend the transfer or dismissal of any member of the school staff;
2. Violate federal or state law or regulations;
3. Take any action that unreasonably risks the health or safety of students, staff, or others;
4. Take any action that exposes Council or the District to unreasonable risk or legal liability;

5. Authorize any purchase or expenditure that exceeds the financial resources available to it;
6. Take any action that violates legally binding contractual obligations already made by the District or Council to personnel and other providers of goods or services; or
7. Exceed the functions listed in Section A. above.

ARTICLE V

SCHEDULE OF MEETINGS

A. REGULAR MEETINGS

At the first meeting of each Council term, Council shall select at least one regular meeting date in each month through June of the next calendar year. The Principal shall post a copy of the schedule in the Teacher's Lounge and in a place readily accessible to parents, and the Council Chairperson shall cause the Council Secretary to notify local news media at least one week in advance of each meeting.

B. SPECIAL MEETINGS

If Council needs to meet before its next regular meeting, the Chairperson may call a Special Meeting. A Special Meeting may also be called by a majority of members of Council. Once the decision is made to call a Special Meeting, the following steps must be taken:

1. **Written Notice: Contents** – The person or persons calling the meeting must prepare and sign a written notice that states the date, time, and place of the

Special Meeting and the agenda for the meeting. Issues not listed on that agenda cannot legally be discussed at the Special Meeting.

2. **Delivery of Notice** – The person or persons calling the meeting must arrange for the notice to be delivered to every Council member and to any media organization that has asked to be notified of Council meetings. The delivery can be made by hand, facsimile machine, email or mail, but the method must be one that allows the notice to arrive at least 24 hours before the time set for the meeting.
3. **Posting of Notice** – The notice must be conspicuously posted at the school and also at the building where the meeting will be held, if the meeting will not be held at the school. These copies must be posted as soon as possible after the meeting is called and not less than 24 hours before the meeting will be held.

ARTICLE VI

CONDUCT OF MEETINGS

A. QUORUM

Two-thirds of the members of the Council, including at least one parent member and one teacher member, must be present for Council to take action.

B. PUBLIC ATTENDANCE AT MEETINGS

Anyone who wants to attend a Council meeting may do so, except for those portions that are conducted as Closed Sessions.

C. WHEN CLOSED SESSIONS ARE ALLOWED

A Closed Session is a portion of a regular or special meeting of Council during which the members meet in private. Within the realm of Council responsibilities, the allowed subjects at closed meetings are proposed or pending litigation by or against Council, allowed by KRS 61.810(1)(c), or selection of a new Principal or other new staff member, allowed by KRS 61.810(1)(f). Council does not participate in discipline or dismissal decisions about individual employees and students.

Before a Closed Session can begin, the following steps must be taken:

1. **Announcement: Contents** – The Chairperson or another Council member must make an announcement in Open Session. The announcement must state:
 - a. That Council needs to discuss business involving a topic that the law allows to be discussed in Closed Session;
 - b. The general nature of the business that needs to be discussed in Closed Session; and
 - c. The specific section of the law that allows the session to be closed: KRS 61.810(1)(c) or KRS 61.810(1)(f), described above.
2. **Motion** – Any member of Council may make the motion to go into Closed Session to discuss the business mentioned in the announcement. Consensus must be reached to go into Closed Session.
3. **Conduct of the Closed Session and Return to Open Session** – During the Closed Session, only the business stated in the announcement can be discussed, and no final decision can be made. After full discussion, Council must return to Open Session and make any official decision needed on the matter, and the decision must be recorded in the minutes of the Open Session.

D. MATERIALS TO BE BROUGHT TO COUNCIL MEETINGS

1. **By the Chairperson** – To every Council meeting, the Chairperson shall bring or shall cause the Council Secretary to bring a sufficient number of copies of:
 - a. The folder containing all items submitted for inclusion on the agenda;
 - b. The folder containing all correspondence addressed to Council that he or she has received since the last Council meeting;
 - c. The financial information required pursuant to Article III, A.3.;
 - d. A copy of any school wide State Assessment results received since the previous regular meeting; and
 - e. Any other items pertinent to the meeting.
2. **By the Secretary** – The Secretary shall bring the binder he or she maintains that holds copies of the Council’s By-Laws, Policies, annual budget, monthly spending reports, and minutes.

E. AGENDA

1. **Preliminary** – Anyone may submit items for inclusion on the agenda to the Chairperson, and he or she shall maintain a complete file of those items. Approximately one week before each regular Council meeting, the Chairperson shall prepare a preliminary agenda for the Council meeting, including all items that he or she believes need Council attention at that session. That agenda shall include review of the minutes from the previous meeting. The preliminary agenda for each regular meeting shall also include a “time for the general public” during which any interested person may bring issues to Council’s attention.
2. **Posting/Distribution** – The Chairperson shall post, or cause to be posted, copies of the preliminary agenda in the staff lounge and at a location frequently

passed by parents. The Chairperson shall also see that each member of Council receives a copy. At the discretion of the Chairperson, copies may be sent to the local news media.

3. **Final** – Setting the final agenda shall be the first order of business for Council at each Council meeting. The Council shall review the complete list of items that were submitted to the Chairperson before adopting the agenda. Any member of Council may make a motion to add items to the agenda that the Chairperson did not include. After the “time for the general public” at a regular meeting, any member of Council may move to add an issue raised by a member of the public to the current agenda or the next meeting agenda. At Special Meetings, only items listed in the notice of the meeting described in Article V, Section B can be considered.

F. DISCUSSION OF AGENDA ITEMS

Each proposal shall be fully discussed by Council before any decisions are made.

Those who are in attendance at Council meetings and indicate a desire to speak at the meeting shall be provided an opportunity to discuss issues under consideration by Council in accordance with procedures announced at the meeting by the Chairperson. Such procedures may vary depending on the number of persons desiring to speak, the amount of time, and such other factors as deemed relevant by the Chairperson, and may include one or more of the following items:

1. Upon consensus of Council members, an agenda item may be opened to the audience for discussion. The Chairperson shall be responsible for monitoring the time and focus of the speaker’s remarks.

2. The comments or questions posed by attendees must be germane to the topic under consideration and **must be within the Council's authority**.
3. The Secretary may provide a sign-in sheet for interested parties to indicate their desire to speak on issues. If a sign-in sheet is used, the Chairperson will call on speakers in the order in which they signed the sheet.
4. The Chairperson may establish a time limit for each attendee's remarks.

G. CONSENSUS DECISIONS

Council shall operate by the following consensus procedure:

1. **Proposal Presentation** – Each proposal for Council action shall be presented by a Council member, the Chair of a Council Committee, or a Committee member designated by the Committee Chair.
2. **Motion to Adopt** – After discussion of each issue, the Chairperson or any member of Council may move that the proposal be adopted by consensus. When the proposal is in writing, the motion to adopt may be made verbally. If the proposal is not in writing or if the person making the motion wants to propose one or more amendments, he or she shall write down the motion, read it to Council, and hand the written motion to the Secretary for inclusion in the minutes.
3. **Consensus** – If a consensus has been reached, the Chairperson shall direct the Secretary to record that consensus has been reached and the motion has passed.

H. FAILURE TO REACH CONSENSUS AT ONE MEETING

When a motion for consensus fails, the Chairperson shall suggest that the issue be referred back to committee, and Council by consensus may agree to that proposal. If Council does not agree to refer the issue back to committee or if the issue did not

originate in committee, discussion shall continue until two more motions for consensus have been made and have failed. At that point, the chairperson shall direct that the proposal be taken up again at the next meeting unless one of the following exceptions applies:

1. **Selection of a New Principal** – If any member makes a motion to vote on the selection of a new school principal, Council shall vote on the motion. If the motion passes, any candidate for the position who receives two thirds of the votes of all Council members shall be selected as Principal. If the motion to decide by voting fails, Council shall continue to seek consensus at a subsequent meeting.
2. **Specific Actions** – A majority vote shall be taken if the issue meets all of the following standards:
 - a. It involves the number or persons to be employed, budget, textbooks, instructional materials , student support services, or professional development; and
 - b. The Federal or State government or the Board of Education has set a deadline for making the decision; and
 - c. That deadline will occur before the next regular meeting of Council; and
 - d. The members of Council cannot agree by consensus to try to solve the question at a Special Meeting.

If the deadline will not fall until after the next regular meeting or Council agrees to a Special Meeting, Council shall seek consensus at its next meeting.

3. **Any Other Type of Action** – Any member of Council may move to send any issue other than the ones listed under subsections 1 and 2 back to committee, and Council may determine by consensus to approve the motion.

I. REPEATED FAILURE TO REACH CONSENSUS

If Council takes up an issue at a second meeting and is still unable to reach consensus, a Council member may move to take any one of the following actions, and Council shall then vote on which step to take:

1. Ask the Committee bringing the recommendation or the Ad Hoc Committee formed to consider the issue to bring Council a new proposal on the issue.
2. Schedule a fact-finding session.
3. Seek the help of a trained mediator to find a consensus solution to the issue.
4. Consider the matter again at the next meeting.
5. Decide the matter by majority vote.

If no motion passes to take one of these steps, the proposal shall be deemed rejected when Council adjourns.

J. PROCEDURE FOR ADOPTION AND AMENDMENT OF POLICY

All policy proposals and proposed policy amendments shall be submitted in writing to Council. No decision on a policy or amendment to a policy shall be made until the topic has appeared twice in the preliminary agenda for Council meetings and has been addressed by Council. Council may adopt any such proposed policy or policy amendment at the meeting for which such second preliminary agenda has been prepared or at any subsequent meeting, using the consensus procedures listed in Sections G, H and I.

K. APPEALS OF COUNCIL DECISIONS

The Board of Education has established a process of appeals of Council decisions.

L. SPECIAL RESPONSIBILITIES FOR THE FIRST MEETING OF EACH COUNCIL TERM

At its first meeting each year, Council shall:

1. Select a Vice-Chair.
2. Set a regular meeting schedule for the year.
3. Discuss training needs of members.
4. Verify that all members have copies of the following documents:
 - a. The current Council By-Laws;
 - b. The Boone County Board of Education SBDM Policy;
 - c. All Council Policies currently in effect;
 - d. Budgets, budget amendments, and spending reports in effect in the current year and in the preceding two years;
 - e. The school's most recent Kentucky Performance Report; and
 - f. The school's current School Improvement Plan/Implementation Impact Check.

ARTICLE VII

MINUTES AND OTHER COUNCIL RECORDS

A. MINUTES TO BE KEPT AND APPROVED

The Secretary shall keep minutes of each Council meeting. The minutes shall accurately state each Council decision. If the action was to adopt a written statement of policy or a written statement of some other decision, the entire text of that statement shall be attached to the minutes.

Within ten days after each meeting, the Secretary shall prepare a typed copy of the minutes of that meeting, marking them clearly as “Not Yet Approved by Council.” To the minutes, the Secretary shall attach copies of any policy, budget, by-law, amendment, or other document approved by Council. The Secretary shall send copies of this document to each Council member and shall post copies in the Staff Lounge and in an area easily accessible to parents.

Council shall review, revise, and approve the copy of the minutes at its next meeting. Immediately after the meeting at which they are reviewed and approved, any member of the public is entitled to inspect them.

B. DISTRIBUTION OF COUNCIL DOCUMENTS

After each Council meeting, the Secretary shall make at least ten copies of the approved minutes and any document attached to them. The Secretary shall distribute those documents as follows:

1. One shall be distributed to each Council member.
2. One shall be sent to the District Superintendent.

3. One shall be kept in a binder in the school office in a plainly visible place where all interested persons can review them at any time the office is open.
4. One shall be kept in a binder in the possession of the Secretary and that binder shall be brought to each Council meeting.

C. REQUESTS TO SEE RECORDS

The school office has regular posted hours. During these hours, any person who wishes to see the binder of Council documents kept there may do so. Persons who want copies of the documents in the binder or to see or get copies of documents that are not kept there shall give the Chairperson a written statement of the items they wish to see. The Chairperson, as official records custodian, shall make the documents available within three business days after the request is received, unless the records are subject to a specific exception of the Open Records Law.

D. FEE TO REPRODUCE RECORDS

The fee for copies shall be \$.10 per page. The Principal shall post a copy of Section VII.C of the By-Laws where it can be seen by citizens visiting the office.

ARTICLE VIII
AMENDMENT TO BY-LAWS

All motions to amend the Council By-Laws shall be submitted in writing. No decision on a motion to amend the by-laws shall be made until the topic has appeared twice in the preliminary agenda for Council meetings and has been addressed by Council. Council may adopt any such proposed amendment at the meeting for which such second preliminary agenda has been prepared or at any subsequent meeting, using the consensus procedures listed in Article VI, Sections G., H., and I.

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