

Notes for HOS Renewal - DRAFT for Discussion

The intent of this document is to provide a reference for Board Members specific to the Head of School discussion and vote. The information provided is either recommended as a “best practice” and/or researched Q&A’s that address questions that have come up in past HOS discussions and votes. Governing documents and sources used for compiling information include MCCPS By-laws, the HOS contract, Federal and State guidelines and Robert Rules of Order. This information is a draft, subject to change and presented for discussion only.

Recommended Procedure (At the discretion of the Chair)

Call the Meeting to Order

Chair Action: Once you have determined you have a quorum, signal for quiet and call the meeting to order “The meeting will come to order”

Clerk: Record attendance and guests

Chair Action: Welcome participants and make some informative comments regarding expectations for the meeting:

Thank you for coming to the MCCPS Board Meeting tonight. A copy of our agenda has been posted, however, for those who have not seen it there are 3 main topics for discussion and/or vote tonight including:

1. The Board will Review and Approve the minutes from October (or decide to move to next meeting)
2. Public Comment
3. Head of School Renewal - Discussion and Vote

Draft Speaking Notes from Chair to Public Re: Public Comment

This is an open meeting and the public is invited to attend. As noted in the agenda, we will allow as much participation as time permits during Public Comment. For those of you who have not participated in this type of format before, please note, an individual may not address the public body without permission of the Chair. If you have a comment or question, please raise your hand for acknowledgement from the Chair. Once acknowledged, you “have the floor”. We will receive your comments and questions but will not be able to respond directly at this time. Follow-up actions will be recorded and assigned where applicable.

Head of School Renewal - Discussion and Vote

Notes regarding general information and procedure:

- The Chair will determine if a quorum is present, provide an overview of the Board’s role and responsibilities as outlined in the By-laws and provide a summary of the vote scheduled.
- Public Comments may be received as well as any comments and/or questions from the Board before the motion is made.

- The Chair will make a motion (“I move to vote to renew the HOS contract pending mutually agreeable terms to be memorialized in a written contract executed on or before (date)”; after the motion is seconded, the Chair will invite Board of Trustee Members for discussion.
- In past years, the HOS has stepped out of the meeting during the vote
- The Chair will provide instructions on the vote. For example:

Chair: As many as are in favor of the adoption of the resolution will, as their names are called, answer “yea”; those opposed will answer “no” or “nay”.

The Clerk will call the roll in alphabetical order, however, the Chair has the choice of having his name called last.

After one person has answered his/her call, it is too late to renew the debate.

If a Trustee does not wish to vote, he/she answers “abstain”.

The Clerk will give the final number of those voting on each side, and the number abstaining (if applicable) to the Chair.

- The Chair will declare the results.
- The Chair will provide summary (how many votes were cast, how many “yes”, how many “no”) and declares that the motion “carries” or is “denied”
- If the HOS is not present for the vote, the Chair will invite the HOS into the room and communicate results of the vote
- The meeting is adjourned

FAQ's:

From past renewals, we have keep a running list of FAQ's:

Q: What is a quorum?

A: A quorum is the number of members who must be present (a majority) in order that business can be conducted. For example,

- If 11 Trustees are present, 6 make up a quorum
- If 10 Trustees are present, 6 make up a quorum
- If 9 Trustees are present, 5 make up a quorum

Simply put, a quorum is the number of persons present at the time. If a Trustee steps out of the room, he/she is no longer considered part of the quorum. It is also important to note that the quorum refers to the number of members present, not to the number actually voting on a particular question.

Q: How many members of the Board are eligible to vote?

A: There are currently 11 members of the MCCPS Board including 1 Ex officio position. There are 10 are eligible to vote (not including the "Ex officio" position). No member can be compelled to refrain from voting simply because it is perceived that he/she may have some "conflict of interest" with respect to the motion under consideration. However, if a member has a direct personal or monetary interest in a motion under consideration, the rule in Roberts Rules of Order (newly revised in brief) is that he/she should not vote on such a motion. If a Trustee has a conflict of interest, s/he can disclose this to the state to apply for approval to participate in the vote.

Q: If a Trustee recuses him/herself due to a conflict of interest, is he/she still considered part of the quorum?

A: Yes. As long as the Trustee remains in the room, s/he is considered part of the quorum.

Q: Is it true that, once a quorum has been established, it continues to exist no matter how many members leave during the course of the meeting?

A: No. Once a quorum has been established, the continued presence of a quorum is presumed to exist only until the chair or other member notices that a quorum is no longer present.

If a quorum is no longer present, the Chair waits until there is one, or until after a reasonable time, there appears to be no prospect that a quorum will assemble, the chair announces the absence of a quorum and motions to adjourn the meeting.

Q: What does a "majority" mean?

A: The word "majority" in this context means *more than half* of the votes cast by persons entitled to vote, excluding abstentions. For example:

- If 7 votes are cast, a majority (more than 3.5) is 4
- If 6 votes are cast, a majority (more than 3) is 4
- If 5 votes are cast, a majority (more than 2.5) is 3

Q: What does a “yes” vote mean?

A: That you are voting to approve the renewal of the HOS contract. This vote is not for contract parameters.

Q: What does a “no” vote mean?

A: That you are not voting to approve the renewal of the HOS contract.

Q: What does to abstain mean?

A: To abstain means to refrain from voting. Although it is the duty of every member who has an opinion on a question to express it by his/her vote, she/he can abstain since he/she cannot be compelled to vote. According to Roberts Rules of Order, an abstention does not count as a vote under the general rules outlined.

Q: What if there is a tie?

A: Specific to the language of the motion (“I move to vote to renew...), in the event there is a tie in votes (for example 3-3), the motion does not carry because it does not have the majority (4) votes.

Q: What if the Board does not vote before the stated deadline in the HOS contract?

A: If a vote is not taken by the deadline stated, that is considered an automatic non-renewal of the contract.

Q: Do I need to be in person to vote?

A: Voting by Trustees can only take place in person. An absent Board Member may not designate an alternative to represent him or her at a Board meeting, or use any technological or manual means of conveying his or her vote to a meeting where there are not in advance.

Q: What if someone is late to the meeting?

A: If a Trustee arrives late, per the vote and approval of the Board, he/she can vote. However, the Trustee must hear the motion to be eligible to vote. Once the voting has started, there should be no interruptions.

Q: Can the meeting be held in Executive Session?

A: Unless there is discussion that falls within an exception to the Open Meeting Law, deliberation over the contract is held in open session.

Q: What would make the discussion eligible for closed session?

A: Executive session can be applied if the discussions will deal with the reputation, character, physical or mental health, or any complaints or charges brought against the Head of School. The Board can go into executive session but only if the Head of School received notice from the Board at least 48 hours before the proposed executive session. The HOS can waive the 48 hour requirement by written agreement.