

REFERENCE COPY (Version 1)

FILE: BDDF
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EXPLANATION: VOTING METHOD

This policy was amended for clarity and to incorporate changes made to the Sunshine Law by Senate Bill 170 (2013).

School Board members may legally participate in meetings electronically. However, § 610.015, RSMo., of the Sunshine Law previously prohibited Board members from casting roll call votes electronically, which meant that Board members could not cast any vote in closed session (where all votes are held by roll call) or in any open-session vote held by roll call. There was no limitation, however, on casting other votes. There is an emergency exception to the prohibition on roll call votes, but it rarely applies.

Senate Bill 170 has amended the law to allow Board members who participate in the meeting using videoconferencing to fully participate in all discussion and votes, regardless of the method of voting. The law still limits other electronic participation. MSBA has revised this policy to clarify the new status of the law.

In addition, MSBA has revised this policy to state that Board members "will," as opposed to "may," be allowed to participate in Board meetings electronically. MSBA recommends that all Board members who are unable to attend have this option. However, this is not legally required, and the district may revise this language.

MSBA has also revised this policy to clarify that the Board itself may, by policy, prescribe a greater number of votes to pass a motion than a majority of a quorum. For example, policy BBE sets out the process for appointing a new Board member when there is a vacancy. While the law does not address the issue, that policy requires a majority of the Board to vote affirmatively to appoint a person to the Board.

MSBA has also made some changes at the direction of MSBA's parliamentarian, Dr. Leonard Young, to conform the policy to language commonly used in *Robert's Rules of Order*. While districts are not required to use *Robert's Rules of Order*, many do, and the changes will make the policy clearer. Please note that any MSBA member district may utilize Dr. Young's services at no cost. He is not an attorney, but he is very knowledgeable about meeting protocol. It is best to contact him by e-mail at drleonardyoungprp@yahoo.com.

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MSBA recommends that copies of this document be routed to the following areas because the content is of particular importance to them. The titles on this list may not match those used by the district. Please forward copies to the district equivalent of the title indicated.

X	Board Secretary		Business Office		Coaches/Sponsors
	Facility Maintenance		Food Service		Gifted
	Human Resources		Principals		Library/Media Center
	Health Services		Counselor		Special Education
	Transportation		Public Info/Communications		Technology

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VOTING METHOD

All motions **and votes** will be recorded in the minutes, ~~including the name of the person seconding any motion and the record of the vote.~~ Minimally, the number of “yea” and “nay” votes **members voting in the affirmative and in the negative** on any question shall be recorded in the minutes unless a roll call vote is required by law. When a member abstains from voting, such abstention shall not be counted as a vote either for or against the proposal, but shall be entered in the minutes as an abstention. The president ~~shall have a~~ **may** vote on all questions.

Any member, upon request, ~~may have a brief~~ **submit a written** explanation of his or her vote ~~recorded on any question that will be attached to the minutes or stored with the minutes.~~ Any member may also change his or her vote ~~if such request is made prior to consideration of the next order of business~~ **up to the time the result of the vote is announced.**

~~Motions pass with an affirmative vote from the majority of the quorum present at the meeting.~~ **A motion shall pass if a majority of those members present vote in favor of the motion, provided that a quorum is present,** unless otherwise prescribed by law **or policy.** **An affirmative vote of the majority of the whole Board must vote is required** to enter into a contract, employ a person, approve a bill or issue a warrant.

Voting in Open Session

Voting in open session must be conducted in a manner that allows the public attending the meeting to observe how each person voted and in a manner that allows the Board secretary to accurately discern and record the number of persons voting for or against the motion as well as the persons abstaining from the motion.

The Board may decide to vote by roll call in open session. When an open public vote is not to be taken by roll call, any member may request that the Board be polled on any issue requiring a vote. When voting to adjourn to closed session, the specific reason for closing the meeting must be announced publicly by reference to a specific section of the law, and the vote must be taken by roll call.

In the event a motion is made to close a meeting, record or vote and a Board member believes that the motion, if passed, would violate the Missouri Sunshine ~~L~~Law, the Board member may state his or her objection to the motion before or at the time the vote is taken. The Board secretary will enter the objection in the minutes. Once the objection has been made the Board member shall be allowed to fully participate in the meeting, record or vote even if it is closed over the member’s objection. If the Board member voted against the motion to close the meeting, record or vote, the recorded objection and the vote is an absolute defense to any claim filed against the Board member pursuant to the Missouri Sunshine Law.

Voting in Closed Session

All votes taken in closed session shall be taken by roll call, including the vote to adjourn. The minutes will reflect how each individual Board member voted or that the Board member abstained.

Voting Electronically

The Board ~~may~~ will allow members to participate electronically in meetings where other Board members are physically present, and the Board may hold meetings where all Board members participate electronically. The participation may occur by telephone, videoconference or other electronic means. Board members may not simply vote electronically, but must be connected with the meeting throughout the discussion of business and must be able to both hear and participate in the discussion. If a Board member electronically joins the meeting after an item of business has been opened, the remotely located member shall not participate until the next item of business is opened.

~~Board members participating electronically cannot cast roll call votes unless a district emergency exists and a quorum of the Board is physically present at the meeting. If such an emergency exists, the nature of the district emergency shall be stated in the minutes. Board members participating electronically may cast votes other than roll call votes.~~ In accordance with law, Board members who participate in a meeting by videoconferencing may discuss and vote on issues in both open and closed sessions, regardless of the method by which the vote is taken. Board members participating electronically by other means, such as by telephone, may discuss issues and vote as long as the vote is not made by roll call. Board members participating electronically using methods other than videoconferencing may not cast roll call votes, regardless of whether those votes occur in open or closed session, unless a district emergency exists and a quorum of the Board is physically present at the meeting. If such an emergency exists, the nature of the district emergency shall be stated in the minutes.

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Note: *The reader is encouraged to check the index located at the beginning of this section for other pertinent policies and to review administrative procedures and/or forms for related information.*

Adopted: FIELD(AdoptDate)

Revised:

Cross Refs: GCPF, Nonrenewal of Professional Staff Members

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Legal Refs: §§ 162.301, .303, 610.010(7), .015, .020, .022, RSMo.

FIELD(DistrictLocationLine)