

CCS Teacher Vote Process on CCS Bylaws

Board Governance / Composition Revisions

Adoption and Amendment of Bylaws

Due to the revisions of CCS Bylaws regarding a change to the Board governance model, the following applies:

Section 15.1. Majority Vote

Crosslake Community School's governance model as set forth in these Bylaws and/or otherwise required by law may be changed only by or with: a) a majority vote of the Board of Directors; b) majority vote of the licensed teachers employed by Crosslake Community Schools as teachers, including licensed teachers providing instruction under a contract between Crosslake Community Schools and a cooperative; and c) approval of Crosslake Community School's authorizer.

Teacher Voting Process

CCS's Board-approved Attorney, Jennifer Earley from RRM, provides the following guidance for CCS regarding the teacher voting process.

Teachers should be presented with the revised version of the Bylaws that show the proposed changes in redline. You can inform them that the Board has proposed changes to the Bylaws primarily to modify the Board structure to improve representation of the on-line program. The actual question to be proposed to the teacher voters would be something to the effect of: "I approve the changes to the governance structure of the Crosslake Community Schools' Board of Directors as set forth in the revisions to the Crosslake Community School Bylaws approved by the Board of Directors on June 28, 2021." [NOTE: If the Board approves the Bylaws on June 28, 2021]

Eligible "Licensed Teacher" Voters

copy of CCS's Annual Report which on pages 52-53 show CCS staff members for the school year of 2020/2021. Perhaps you could review to provide me with some guidance on this question.

According to our Board-approved Attorney, Jennifer Earley from RRM, there is no interpretative guidance that she could find that interprets what is meant by a licensed teacher in the statute. According to Attorney Earley, absent any interpretation, the plain meaning of the statute and the rules of statutory interpretation would apply.

In this regard, Minnesota Statutes, section 124E.07, subdivision 4, reads that the right to vote on amendment of bylaws applies only to licensed teachers who are employed as teachers. This provision of the statute differs from the provisions in subdivision 5, addressing the right to vote to elect directors in general. In subdivision 5, all staff members have a vote. Given the difference between the language in the two subdivisions, statutory interpretation rules would dictate that the legislature meant for there to be a difference in interpreting the rights of staff in these two procedures and that a clear distinction was meant that only teachers, with respect to school staff, have the right to vote when it comes to amendment of bylaws. Thus, administrators or other staff who are not also contracted to teach and are not employed in a position for which a

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teaching license is required would not have the right to vote on amending the bylaws, even if they have a teaching license.

As to what teachers are included in this definition, Attorney Earley would defer to Minnesota Statutes, section 122A.15 that defines a teacher as “all persons employed in a public school or education district or by a service cooperative as members of the instructional, supervisory, and support staff including superintendents, principals, supervisors, secondary vocational and other classroom teachers, librarians, counselors, school psychologists, school nurses, school social workers, audio-visual directors and coordinators, recreation personnel, media generalists, media supervisors, and speech therapists.” Although superintendents, principals and supervisors are included in this definition as it relates to independent school districts, Ms. Earley would exclude those positions from the definition as it applies to charter schools due to the fact that these administrative positions in a charter school, in contrast to that of non-charter schools, require no licensure.

CCS Board Member Roles – Upcoming Openings/Elections

Current Opening [NOTE: Likely to be filled during next Election]

- **Parent Role [current incumbent – no candidates - not filled at last election]**
Fill as Online Parent Role
Total: 1 OL; 6 IP; 1 Community

January 1, 2022 to December 31, 2023 Term:

- **Parent Role [current incumbent – Kysa Corbett]**
Fill as Either Online or In-Person Role
- **Three Teacher Roles [current incumbents – Heidi O’Brien, Lance Swanson, Ronda Veit]**
Fill two as Online Teacher Roles
Fill one as In-Person Teacher Roles
Total: 3 OL; 3 IP; 1 Either; 1 Community

January 1, 2023 to December 31, 2024:

- **Parent Role [current incumbent – Cinda Jensen]**
Fill as In-Person Parent Role
- **Community Role [current incumbent – Maggie Heggerston]**
Fill as Community Role – no program alignment
- **Teacher Role [current incumbent – Beverly Loeffler]**
Fill as In-Person Teacher Role
Total: 3 OL; 3 IP; 1 Community; 1 Either

NOTE: Comments on filling Board roles above are only if Bylaws are approved by Board, Authorizer and Licensed Teachers.