

1 **R277. Education, Administration.**

2 **R277-101. [Public Participation in] Meetings of the Utah State Board of Education**
3 **[Meetings].**

4 **R277-101-1. Authority, [and] Purpose, and Oversight Category.**

5 (1) This rule is authorized by:

6 (a) Utah Constitution, [Article X, Section 3](#), which vests general control and
7 supervision over public education in the Board;

8 (b) [Title 52, Chapter 4](#), Open and Public Meetings Act, which directs that the
9 deliberations and actions of the Board be conducted openly;

10 (c) Section [52-4-207](#), which allows the Board to adopt a rule governing the use of
11 electronic meetings; and

12 (d) Subsection [53E-3-401](#)(4), which allows the Board to make rules to execute the
13 Board's duties and responsibilities under the Utah Constitution and state law.

14 (2) The purpose of this rule is to describe procedures to be followed by the Board
15 in its conduct of the public's business in order to:

16 (a) hear from those who desire to be heard on public education matters in the
17 state;

18 (b) effectively and efficiently utilize the time of the Board;

19 (c) balance desire for public information with other demands on the Board's time;
20 and

21 (d) allow the Board to conduct electronic meetings as needed.

22 (3) This Rule R277-101 is categorized as exempt from the oversight framework
23 described in Rule [R277-111](#).

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25 **R277-101-2. Definitions.**

26 (1)(a) "Anchor location" means the physical location from which an electronic
27 meeting originates.

28 (b) The anchor location for an electronic meeting of the Board, unless otherwise
29 designated in the meeting notice, shall be the offices of the Utah State Board of
30 Education, 250 East 500 South, Salt Lake City, Utah 84114.

31 (2) "Chair" means:

32 (a) the duly elected Chairperson of the Board;

33 (b) a Vice-chair when conducting a meeting of the Board; or

34 (c) the Chair of a Board standing committee.

35 (3) "Electronic meeting" has the same meaning as defined in Section 52-4-103.

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37 R277-101-3. Public Participation.

38 (1) The general public may attend meetings of the Board, unless a meeting is
39 closed in accordance with Section [52-4-204](#).

40 (2) The general public may speak to the Board regarding any issue when
41 acknowledged and recognized by the Board Chair during scheduled public comment.

42 (a) The chair may give priority to an individual or group who submits a written
43 request to address the Board prior to the meeting, including a brief description of the issue
44 to be addressed.

45 (b) The Board may not take action during the public comment portion of a meeting.

46 (c) A Board member may request that an item raised during public comment be
47 placed on a future agenda for possible action in accordance with Board bylaws.

48 (d)(i) The Chair may limit the time available for individual comments.

49 (ii) The Chair may request groups to designate a spokesperson.

50 (iii) The Board shall include in its meeting agenda the amount of time set aside for
51 public comment and the restrictions on individual speakers or group spokespersons.

52 (3)(a) A member of the general public may speak to items on the agenda:

53 (i) during the time designated for public comment; or

54 (ii) at the discretion of and as invited by the Chair, when the item is properly before
55 the Board or a committee.

56 (b) The Chair may request that public comment be provided in writing.

57 (4) All presentations to the Board or one of its committees shall exemplify
58 courteous behavior and appropriate language.

59 (5) The Chair may invite additional comment to the Board or a committee in the
60 Chair's discretion.

61 (6) In accordance with Subsection 52-4-202(6)(b), at the discretion of the Chair,
62 the Board may discuss a topic raised by the public in an open meeting even if the item
63 was not included in the public meeting notice.

64 (7) At the discretion of the Chair, a member of the public may request to comment
65 in the committee meeting by raise of hand.

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67 R277-101-4. Electronic Meetings.

68 (1) The Board may conduct electronic meetings in accordance with the
69 requirements set forth in [Subsection] Section 52-4-207(3).

70 (2)(a) The Board may allow a member of the Board or member of the public to
71 participate in a Board meeting electronically consistent with available equipment
72 capability.

73 (b) The chair shall announce the participation of an individual participating in an
74 electronic meeting and the Board secretary shall note the individual's participation in the
75 meeting minutes.

76 (3) If the Board conducts an electronic meeting a quorum of the Board shall be
77 present, either at [a-single] the anchor location or electronically for the meeting.

78 [(4) Notwithstanding Subsection (3), the Board chair may waive the requirement
79 that a quorum be present at a single anchor location in the event of a pandemic or other
80 public emergency so long as a quorum is present, either physically at the anchor location,
81 or electronically, for the meeting.]

82 ([5]4) If the Board conducts an electronic meeting, any member may participate
83 and vote electronically, so long as the Board meets quorum requirements and the
84 member participates in real time.

85 (5) A member may not participate in a closed meeting electronically when the
86 meeting is held in person.

87 (6) Board standing committees may conduct electronic meetings as provided in
88 Board bylaws.

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90 **KEY: school boards, open government, electronic meetings**

91 **Date of Last Change: July 9, 2020**

92 **Notice of Continuation: August 19, 2021**

93 **Authorizing, and Implemented or Interpreted Law:** [Art X Sec 3](#); [52-4-1](#); [53E-3-](#)
94 [401\(4\)](#); [52-4-207](#)