

**BYLAWS OF THE
UTAH STATE BOARD OF
EDUCATION**



ARTICLE IX—DIRECT EMPLOYEES OF THE BOARD

- 1) The Board shall appoint the State Superintendent, who is the executive officer of the Board (53E-3-301), under the following conditions:
 - a) The Board shall appoint the State Superintendent based on outstanding professional qualifications.
 - b) The Board has a responsibility to the public citizenry in its selection of the best candidate for State Superintendent. To that end, the Board shall follow the appointment process as outlined below.
 - i) The Board Chair shall solicit input from members and may create a Superintendent Selection Committee comprised of no more than seven Members.
 - ii) The Superintendent Selection Committee shall create a hiring process approved by the Board which may include:
 - A) Establishing the hiring goals and objective criteria;
 - B) Determining the degree of involvement of community and staff in the selection process as advisor(s) to the Board;
 - C) Determining whether a consultant is needed to increase the candidate pool and/or facilitate the selection process;
 - D) Setting a reasonable timetable of at least thirty (30) calendar days, for completion of the selection process;
 - E) Determining the advertising and recruiting strategies;
 - F) Establishing a screening and interviewing process; and
 - G) Interviewing screened candidates and forwarding a list of finalists to the Board.
 - iii) Following the work of the Superintendent Selection Committee, the Board may recall final candidates for second interviews.
 - iv) The appointment of the Superintendent shall take place by vote of the Board in an open meeting.
 - c) If necessary, the Board may appoint an interim State Superintendent to fulfill the duties of the State Superintendent and set the terms and limits of the interim appointment.

- 32 d) The State Superintendent shall administer all programs assigned to the Board in
33 accordance with the policies and standards established by the Board.
- 34 e) i) The State Superintendent is the presumed chief officer specific to providing
35 audit responses, audit response plans, or corrective action status updates.
- 36 ii) Board leadership may designate the Board Chair or Audit Committee Chair
37 as the chief officer, in lieu of the Superintendent, dependent on the audit scope,
38 objectives, or findings and recommendation. (36-12-15.3)
- 39 f) Unless specified as a direct employee of the Board [~~in these bylaws~~],
40 employees are supervised by the Superintendent, with the following exception:
- 41 i) To ensure compliance with the Utah Internal Audit Act (63I-5), which
42 requires independence from management and daily operations, all staff of
43 the Internal Audit Department are supervised by the Chief Audit Executive.
- 44 g) The Board shall establish the compensation of the State Superintendent
45 following a review of salary market data. (53E-3-302)
- 46 h) The Board Chair and Vice chair(s) shall conduct a performance review of the
47 State Superintendent annually by the end of each fiscal year. The
48 Superintendent's performance, including goals, shall be discussed in an
49 executive session of the Board.
- 50 2) Governance and control of the Utah Schools for the Deaf and the Blind (USDB), and
51 the management of its affairs, are vested in the Board (53E-8-204).
- 52 a) The Board shall appoint a superintendent for USDB consistent with 53E-8-204(2)
53 and R277-800.
- 54 b) USDB is administered by the USDB superintendent (53E-8-204(2)); and
- 55 c) The USDB superintendent reports to the Board.
- 56 d) i) The USDB Superintendent is the presumed chief officer specific to providing
57 audit responses, audit response plans, or corrective action status updates.
- 58 ii) Board leadership may designate the Board Chair or Audit Committee Chair
59 as the chief officer, in lieu of the USDB Superintendent, dependent on the audit
60 scope, objectives, or findings and recommendation. (36-12-15.3)
- 61 3) The Deputy Superintendent of Operations shall be appointed by the Board and
62 oversees:

a) Charter Schools;

b) Data & Statistics;

c) Financial Operations;

d) Human Resources;

e) Information Technology;

f) Internal Accounting; and

g) The School Children's Trust.

4) The Board shall appoint a Secretary (53E-3-201(5)).

5) The Board shall appoint a Chief Audit Executive (63I-5-301)

6) The Board shall appoint a Director of Public Affairs.

7) The Board may appoint other direct ~~[report]~~ employees as required by law and as necessary for the proper administration and supervision of the public school system. The compensation and duties of these ~~[other]~~ direct employees shall be established by the Board and paid from funds legislatively appropriated for that purpose.