

Utah State Charter School Board Bylaws

I. Establishment and Authority

Utah Code Annotated (hereafter referred to as U.C.A.) §53G-5-205 created the State Charter School Board ("~~SCSB~~"). U.C.A. §53G-5-202 defines the powers and duties of the SCSB.

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II. Membership

A. Members of the SCSB will be appointed by the governor per U.C.A. §53G-5-201.

B. Members of the SCSB will be chosen in the manner described and serve for the terms described in U.C.A. §53G-5-201.

C. Members of the SCSB may be removed in the manner described in U.C.A. §53G-5-201(4).

D. Each appointee shall have demonstrated and will continue to demonstrate dedication to the purposes of charter schools as outlined in U.C.A. §53G-5-104.

E. The SCSB may appoint non-voting advisors from any area to the ~~SCSB~~ to advise or otherwise assist the ~~SCSB~~ in carrying out its functions. These advisors may include, but are not limited to:

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1. A member or members of the State Board of Education.
2. Members of any division of the State Board of Education.
3. Any organization that represents Utah charter schools.
4. Members from any institution of higher education or the Board of Regents.

- Advisors may participate in any executive or closed session of any SCSB ~~meeting~~ only by invitation.

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F. Advisors may chair any task force or ad hoc committee created by the SCSB and may have voting rights only while serving on those committees or task forces as specified.

III. Duties and Responsibilities

The SCSB shall carry out its duties and responsibilities as set forth in U.C.A. §§53G-5-201 to 205.

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In addition to the duties found in U.C.A. §53G-5-202, the SCSB may:

Select and appoint a Staff Director, who shall be the executive officer of the SCSB, according to the processes established in U.C.A. §53G-5-203.

Authorize and promote the establishment of charter schools, subject to U.C.A. §53G-5-205.

Annually review and evaluate the performance of its authorized schools and hold them accountable for their performance.

Monitor its authorized charter schools for compliance with federal and state laws, rules, and regulations.

Provide technical support to charter schools and persons seeking to establish a charter school.

Provide technical support, as requested, to other authorizers. Make recommendations to the Legislature and the State Board of Education on legislation and rules regarding charter schools.

Make recommendations to the State Board of Education on the funding of charter schools.

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IV. Selection and Duties of Officers

A. Election of Chair and Vice Chair

1. The Vice Chair shall oversee SCSB elections typically between April and June for the following fiscal year.
2. The election process shall be directed by the Vice Chair, and where there is no contest for the positions, the election can be disposed of by simple motion carried by a majority vote of Members serving. If multiple members wish to stand for election, the following procedure shall be followed:
 - a. The Vice Chair shall direct the Staff Director to contact each Member to:
 - i. Inquire as to their willingness or desire to serve as SCSB Chair or Vice Chair.
 - ii. Accept nominations for each position from any SCSB Member.
 - b. If feasible, the Staff Director will contact each interested candidate, and request a short summation statement from each regarding their goals or direction for the SCSB, which can be circulated to the SCSB Members prior to the election.
 - c. The actual vote, unless otherwise provided for, will be by anonymous vote. Election of SCSB officers will be decided by a majority vote of the Members then serving on the SCSB.
3. If the Chair vacates the SCSB before the end of their term, the Vice Chair shall assume the position for the unexpired portion of the term.
4. If the Vice Chair vacates the SCSB before the end of their term, the SCSB shall elect one of its Members to fill the office for the unexpired portion of the term.
5. An officer elected by the SCSB may be removed from office by a two-thirds vote of the Members serving.

B. Duties of Officers

1. **Chair**
 - o Chairs all meetings of the SCSB and may delegate this role to the Vice Chair.
 - o In consultation with the Staff Director, assembles and approves the agenda for scheduled meetings.
 - o Calls additional or emergency meetings as necessary.
 - o Appoints Members to serve on committees requiring SCSB participation.
 - o Initiates a self-evaluation of the SCSB every even year, typically in the Spring.
2. **Vice Chair**
 - o Chairs SCSB meetings in the absence of or at the request of the Chair.
 - o Reviews SCSB bylaws annually and initiates amendments if necessary.

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- Oversees the election of SCSB Officers.
- Performs other duties as requested by the Chair.

V. Conflict of Interest

A. Disclosure of Conflicts

1. In compliance with Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act and U.C.A. §20A-11-1601 to -1606, an SCSB Member must disclose any conflict of interest before participating in SCSB or committee discussions or votes.
2. If a Member fails to disclose a conflict, the Chair may address the apparent conflict and take appropriate action, including moving to the next agenda item.
3. Holding expertise in a topic does not inherently constitute a conflict of interest unless there is financial gain or an exchange of favors (quid pro quo).
4. Members should disclose relevant expertise openly; however, their knowledge may serve as an asset to SCSB discussions.

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B. Closed Session Conflicts

1. A Member with a conflict of interest shall either be excused from closed session discussions related to that conflict or refrain from participating in that portion of the discussion.
2. The SCSB Chair may excuse the Member as appropriate to maintain transparency and integrity.

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C. Annual Disclosure of Conflicts

1. Members shall sign a Conflict of Interest and Ethics Statement annually and whenever there is a change in their employment, financial interest, or ownership status.
2. The following must be disclosed:
 - a. Any employment, ownership, or directorship in a Utah Local Education Agency (LEA) or entity receiving public education funds.
 - b. Any employment, ownership, or directorship with an entity competing for contracts, grants, or agreements awarded by the SCSB.

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D. Public Disclosure

1. Conflict of Interest and Ethics Statements shall be considered public information under the Government Records Access and Management Act (GRAMA).
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Adopted by the State Charter School Board July 20, 2006

Amended: August 16, 2007 | May 13, 2010 | July 14, 2011 | June 8, 2017 | November 9, 2017 | August 9, 2018 | May 9, 2019 | December 20, 2021 | January 12, 2022 | April 5, 2025

