

MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Angie Stallings, Associate Superintendent
Policy and Communication

DATE: April 14-15, 2016

ACTION: Board Policy 1002 *Rulemaking Procedures*

Background:

With the repeal of R277-100, the Board has removed from rule items better suited to policy as they contain direction limited to staff and the Board. This proposed Board policy provides procedures for staff for the rulemaking process.

Board Strategic Plan:

This item supports the following imperative and strategies in the Board's Strategic Plan:
Oversight - Monitor, review, and provide general supervision to all public education institutions and other entities for which the State Board has responsibility.

Anticipated Action:

It is proposed the Law and Licensing Committee consider recommending approval of Board Policy 1003 to the full board.

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UTAH STATE BOARD OF EDUCATION POLICY
Policy Number: 1002
Policy Name: Rulemaking Procedures
Date Approved:

By this policy, the Utah State Board of Education, “the Board,” establishes the following internal rules and procedures for consideration of proposed rules:

(1) Upon receiving notice of a proposed rule, the Board Executive Committee shall assign the proposed rule to:

- (a) a standing committee; or
- (b) to the entire Board.

(2)(a) If a rule is assigned to a standing committee as described in Subsection (1)(a), the standing committee shall read the proposed rule initially on first reading.

(b) The Board shall read the proposed rule a second time before the entire Board and the second reading shall include discussion of the standing committee report.

(3) If a proposed rule is assigned to the entire Board as described in Subsection (1)(b), the Board shall read the proposed rule on first and second reading.

(4) After the entire Board reads a proposed rule on first and second reading, the Board may:

- (a)(i) direct the Superintendent to change the proposed rule; and
- (ii) consider the proposed rule again at a future meeting with revisions incorporating the Board's direction;

(b) direct the Superintendent to put the proposed rule in its final form with its anticipated effective date on the consent calendar at the Board's next meeting;

(c) direct the Superintendent to file the rule with the Division of Administrative Rules (DAR) as described in Subsection (5); or

(d) direct the Superintendent to take no further action on the rule.

(5) Following the Board's approval of a proposed rule, the Superintendent shall prepare a rule analysis form and file the form and a copy of the proposed rule with DAR.

(6) The Board may accept public comment and make additional changes to proposed rules in accordance with the requirements of Title 63G, Chapter 3, *Utah Administrative Rulemaking Act*, and DAR's implementing regulations in R15-4-1, et seq.

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