MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Angie Stallings, Associate Superintendent
Policy and Communication

DATE: April 14-15, 2016

ACTION: Board Bylaws and Policies

Background:
The Board currently has in place Board Bylaws, Policies and Procedures, and numbered policies that provide internal governance to the Board and staff. The last full review of the Bylaws was done in 2013. With changes to statute and the addition of the numbered policies, a review of the format and content of the Bylaws and policies is needed.

Board Strategic Plan:
This item supports the following imperatives and strategies in the Board's Strategic Plan: System Values.

Anticipated Action:
It is anticipated the Law and Licensing Committee will provide recommendations regarding moving forward with a review of the Board Bylaws and policies.

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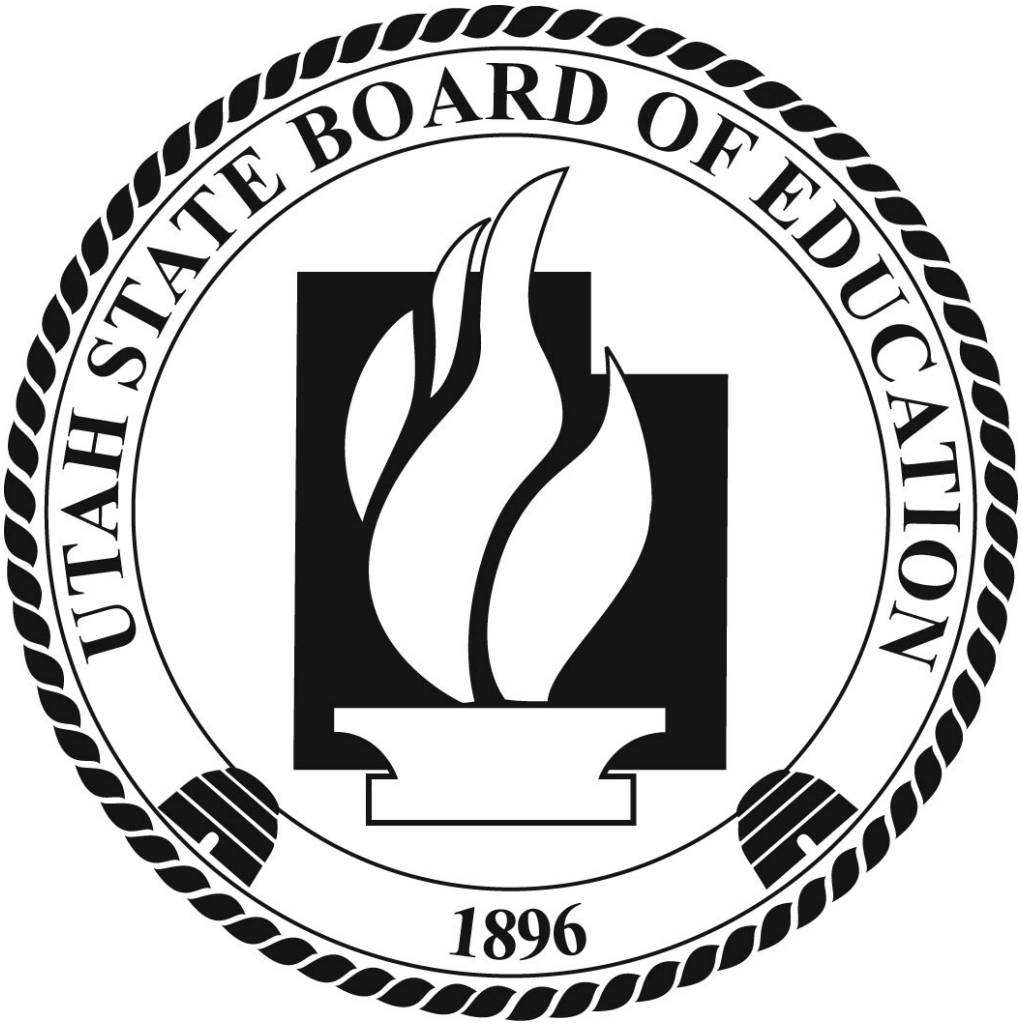
BYLAWS OF THE

UTAH STATE BOARD OF EDUCATION



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BYLAWS OF THE
UTAH STATE BOARD OF EDUCATION

I) **Legal Basis**: Article X, Section 3 of the Constitution of Utah creates a State Board of Education vested with general control and supervision of the public education system. "General control and supervision" as used in Article X, Section 3 of the Constitution of Utah means the authority to direct and manage all aspects of the public education system. (53A-1-401)

II) **Definitions**

A) Ad Hoc Committee – a temporary committee designated by the Board for purposes defined by the Board.

B) Board – Utah State Board of Education.

C) Two-thirds (2/3) Majority – ten of fifteen voting members.

D) Quorum – a majority of voting members. A quorum of the Board would be eight of fifteen voting members. A quorum of a committee would be a majority of voting committee members.

III) **Membership**

A) Fifteen members of the State Board of Education (Board) shall be nominated and elected as provided in Title 20A, Chapter 14 *Nomination and Election of State and Local School Boards*. (53A-1-101)

B) The Board shall appoint a secretary who serves at the pleasure of the Board. (53A-1-201)

IV) **Board Member Ethics**

A) Board members are required to comply with the Utah Public Officers' and Employees' Ethics Act. (67-16-1 et. al.)

B) Conflicts of Interest

(a) Conflicts of interest occur when a Board member, or his/her family member, or an organization for which the Board member has responsibility, stands to benefit

financially from a matter before the Board in a manner that is different from all other members.

2) If a Board member votes on an issue that benefits that Board member as well as other members of the public, there is no conflict of interest.

3) Potential Liability – conflicts or potential conflicts of interest, however, do not necessarily create liability if:

   (a) Full Disclosure – the interested Board member makes full disclosure of the conflict, in accordance with the Utah Public Officers' and Employees' Ethics Act.

   (b) No Influence on Vote (recusal) – the Board Chair or Vice Chair(s) may require the interested Board member to leave the room so remaining members can discuss the issue fully and freely, and take vote without the affected member.

4) Any matter to be voted upon by the Board which creates an actual conflict between a Board member's personal financial interests and the member's public duties shall be disclosed in open meeting to the members of the Board, and that Board member shall not participate in the discussion of the issue or cast a vote on the issue.

5) If a Board member applies for a full-time position which falls under the jurisdiction of the Board, the Board member must recuse himself from all deliberations and voting on the matter.

C) Each Board member shall sign a Conflict of Interest and Ethics Statement annually and disclose any of the following interests or activities, as applicable:

1) Any employment, ownership, or directorship by the Board member within a public school district or charter school, including work as a paid consultant.

2) Any employment, ownership, or directorship by the Board member with a business or organization which competes for educational contracts awarded by the Board.

3) Any membership by the Board member on a board or committee working under the authority or supervision of a public school district or charter school within the state of Utah.

4) Any employment, ownership, or directorship by the Board member with a business or organization that provides goods or services to the Board or the USOE.

D) Board members shall sign the Ethics Statement annually, or whenever employment, interest, or ownership changes, and provide to the Board Secretary.

E) Board member Conflict of Interest Statements shall be public information and shall be accessible on the Board website.

F) Once the Board has voted on an issue, the vote reflects the official position of the Board.

G) Board members may express personal opinions on issues, legislation, and areas of concern. Individual Board members should state at the outset of comment or statement that comments reflect their personal opinions and evaluations and do not represent the Board's official position.

H) The Board shall act as the Ethics Committee to receive and investigate complaints and take appropriate action.

V) **Duties and Responsibilities**

A) Utah Constitution Article X, Section 3, and Title 53A of the Utah Code describe in detail the specific legal duties of the Board.

B) Among these duties are:

1) Appointment of a State Superintendent of Public Instruction who shall be the executive officer of the Board. (Article X, Section 3, Utah Constitution)(See Article X, Utah State Board of Education Bylaws)

2) Adopt administrative rule directed to the whole system. (53A-1-401)

3) Establish minimum standards for public schools. (53A-1-402)

(a) The Board shall establish rules and minimum standards for public schools including:

(i) Qualification and licensure of educators, ancillary personnel, administrators, and evaluation of instructional personnel.

(ii) Access to programs, attendance, competency levels, graduation requirements, discipline and control.

(iii) School accreditation, the academic year, alternative and pilot programs, curriculum and instruction requirements, school libraries, and services to persons with a disability and other special groups.

(iv) State reimbursed bus routes, bus safety and operational requirements, and other transportation needs.

(v) School productivity and cost effectiveness measures, federal programs, school budget formats, and financial, statistical, and student accounting requirements.

(vi) Approval of charter school applications and charter school enrollment limits.

(b) The Board shall determine if minimum standards have been met and if required reports have been properly submitted.

(c) The Board may apply for, receive, administer, and distribute to eligible applicants funds made available through programs of the federal government.

4) The Board shall make rules that establish basic ethical conduct standards for licensed public education employees. (R277-515)

(a) The Utah Professional Practices Advisory Commission (UPPAC), appointed by the State Superintendent, shall bring before the Board in executive session cases requiring Board action.

(b) Administrative Rules R277-501, R277-514, and R686-100-103 define UPPAC and its procedures.

5) The Board shall define, establish and implement a core curriculum. (53A-1-402.6)

6) The Board is directly responsible for the education of all persons under 21 in custody of a state agency. (53A-1-403)

7) The Board is responsible for the general control and supervision over Adult Education. (53A-15-401)

8) The Board, based on the needs of public education, shall annually prepare and submit to the Governor and the Legislature the budget for the operation of the institutions and agencies under the Board.

9) The Board and the state auditor shall set and approve auditing standards for auditors employed by LEAs that meet or exceed generally accepted auditing standards that include financial accounting for both revenue and expenditures and student accounting. (53A-1-404)

10) The Board is responsible for verifying audits of financial and student accounting records of LEAs for purposes of determining the allocation of Uniform School Fund monies. (53-A-1-405)

11) The Board shall require each LEA to implement the Utah Performance Assessment System (U-PASS) unless school districts/charter schools receive specific exemption. (53A-1-603)

12) The Board has statutory responsibility for the management of the Utah State Office of Education (USOE), the Utah State Office of Rehabilitation (USOR), and the Utah Schools for the Deaf and the Blind (USDB). (53A-25b-103(2); 53A-24-103)

(a) **USOE** functions under the direction of the State Superintendent of Public Instruction and the Superintendent provides staff support to the Board.

(b) **USOR** acts under the direct supervision of the Board and the leadership of an Executive Director to deliver the state program of rehabilitation services, services for the blind and visually impaired, and services for the deaf and hard of hearing. The agency assists eligible adults with disabilities to obtain employment, receive benefits, and attain independence.

(c) **USDB** is administered by a Superintendent for the Utah Schools for the Deaf and the Blind (53A-25b-201(2). An Advisory Council shall be appointed by the Board. The USDB Superintendent reports to the Board through the State Superintendent (or designee), at the Board's discretion. Governance and control of the Schools for the Deaf and the Blind, and the management of its affairs, is vested in the Board. (53A-25b-201)

13) Adopt internal Board policies and procedures.

C) Fiduciary Duties: The State Board of Education, both as a body and as individual members, is often in a position of trust and must act in accordance with appropriate fiduciary responsibilities. This includes following all applicable laws and regulations, avoiding conflicts of interest, acting in the best interests of the school children of the state and not for personal gain, providing oversight governance to ensure that the public's business is transacted legally and efficiently, and making decisions to protect and safeguard the resources in the Board's care.

VI) Election of Officers

A) The Board shall elect from its members a Chair and at least one Vice Chair, but no more than three Vice Chairs each year, at a meeting held any time between November 15 and January 15. (53A-1-201)

B) Newly-elected voting members of the Board shall assume the position of outgoing members for purposes of the election of officers. In all others matters, the outgoing members shall retain the full authority of the office until replaced as provided by law. (53A-1-201)

C) Duties of the Board Chair

1) To be determined by the Board. (53A-1-201)

2) Is the official spokesperson for the Board.

3) Chairs all meetings of the Board; the Chair may delegate the responsibility to the Vice Chair(s) at the Chair's discretion. The Chair or Vice Chair(s) may designate a Board member to preside at designated meetings.

4) Calls additional meetings of the Board as necessary.

5) Chairs the Board Executive Committee.

6) May chair the Board Audit Committee (see R277-116).

7) Appoints two Board members to represent the Board on the State Board of Regents and one member to represent the Board on UCAT.

8) Appoints Board members to serve on committees requiring Board participation.

9) Facilitates the evaluation process by the Board of the Board's employees each spring, calling a meeting of the Employee Evaluation Committee which shall consist of the Board Chair, Vice Chair(s), chairs of the three standing committees, and chair of the Communications Committee.

10) Initiates a self-evaluation of the Board in every even year.

11) And such other duties applicable to the office as prescribed by Board policy and procedure.

D) Duties of the Board Vice Chair(s)

1) To be determined by the Board. (53A-1-201)

2) Speaks for the Board with the Board Chair's permission or if the Board Chair is unavailable.

3) Chairs Board meetings in the absence or at the request of the Chair.

4) May chair the Board Audit Committee (see R277-116).

5) Serves as a member of the Board Executive Committee.

6) Oversees the election of Board Officers.

7) Oversees new Board member orientation.

8) Reviews Board Bylaws annually, making sure Bylaws conform to current state statute, and initiates amendments for this and other areas if necessary.

9) Assists the Chair in a yearly performance review of the Board's employees.

10) In the event of multiple Vice Chairs, the Board Chair shall designate which Vice Chair fulfills each duty.

VII) **Compensation for Services** (53A-1-202)

A) Each voting member of the Board shall receive $3,000 per year, payable monthly, as compensation for services.

B) A voting member may participate in any group insurance plan provided to employees of the State Office of Education as part of his/her compensation on the same basis as required for employee participation.

C) Additionally, a voting member may receive per diem and travel expenses in accordance with 63A-3-106 and 63a-3-107.

1) A voting member may receive per diem and travel expenses if the per diem and travel expenses are incurred by the Board member for attendance at an official meeting. A voting member may not receive per diem or travel expenses if the voting member is being paid by a governmental entity while performing service for the Board.

(a) "Official meeting" means a meeting of the Board that is called in accordance with statute. By statute, the Board meets at the call of the Chair and at least 11 times per year. (53A-1-203(a))

(b) Per diem and travel expenses shall be paid at rates established by the Director of the State Division of Finance. (63A-3-106 and 107)

2) Compensation (per diem) for attendance at official meetings is received quarterly by all voting members as an amount in addition to their regular paycheck.

3) A voting member may decline to receive per diem for the Board member's service.

D) The Board shall adopt each August the rates established by the Director of the State Division of Finance. (63A-3-106 and 107)

E) Nonvoting Board members shall receive compensation for necessary travel expenses. In addition, nonvoting members may receive per diem compensation as established by the Director of the State Division of Finance for attendance at official meetings of the Board, payable on a quarterly basis.

F) Salary or expenses shall not be paid for work that violates rules of the Board. (53A-1-204)

VIII) **Meetings**

A) The Board shall meet at the call of the Chair and at least 11 times per year (53A-1-203). The Board shall approve a meeting schedule in November or December for the following year (53A-1-203).

B) Agenda items may be added to the Board meeting agenda consistent with the timelines established by the Board Executive Committee in consultation with the Board Secretary.

1) Any two voting Board members may add an item to the Board agenda, but requests by individual Board members shall be considered by the Board Executive Committee.

2) Members of the public may request items be added to the Board agenda by writing a request to the State Superintendent of Public Instruction to be considered by the Board Executive Committee.

3) Standing committee chairs and USOE staff will submit Board agenda items to the Board Executive Committee consistent with timelines established by the Board Executive Committee in consultation with the Board Secretary.

4) In extenuating circumstances and at the Board Chair's discretion, an item may be added to the Board agenda in accordance with the Utah Open and Public Meetings Act. Before the item is added to the agenda, the Board Chair shall make a good faith attempt to consult with the Board Vice Chair(s), and if applicable, any chair of a committee whose work is related to the item.

C) The Board Executive Committee may not withdraw agenda items specifically requested by two or more voting Board members without the consent of a quorum of those voting Board members.

D) Welcoming Remarks

1) The Board Secretary shall extend the opportunity to Board members to provide opening remarks or a welcome to the public on a rotating basis for Board meeting.

2) Individual Board members may choose to offer an inspirational thought, provide for a moment of silence, or provide appropriate welcoming and solemnizing remarks as the Board member chooses.

3) Neither the Board Executive Committee nor Board Secretary shall direct or control the nature or content of the welcoming remarks, except that the Pledge of Allegiance shall always precede the welcoming remarks.

4) Opening remarks shall not exceed ten minutes.

5) The Board minutes shall record the individual providing the welcome and the Board agenda and Board minutes shall designate "Welcome" or "Introductory Remarks" on the Board agenda and Board minutes.

E) As part of each regularly scheduled meeting, the Board will receive a monthly financial report which compares the annual budget with actual revenues and expenditures for the current fiscal year to date. This report will be summarized at the agency level with separate details for the Board of Education and each section at USOE, USOR and USDB.

F) The Board may be called to convene in a special meeting, in full or executive session, by the Chair or Vice Chair(s) of the Board. (53A-1-203(1))

G) Voting by Board members:

1) A quorum of the Board is defined as a majority of all voting Board members. A quorum is required to validate an action of the Board, unless otherwise specified in the Bylaws or *Robert's Rules of Order*. (53A-1-203)

2) No Board member may vote by proxy.

3) No Board member may vote in absentia.

4) No vote concerning any matter under consideration by the Board or a committee may be cast my mail. A Board member may participate in any discussion and vote in a meeting if the Board member is participating in real time electronically.

5) The Board member chairing the meeting may participate in all votes of the Board.

6) Except as modified by state law or rule, or by these Bylaws, *Robert's Rules of Order* (latest edition) shall constitute the rules of parliamentary procedure applicable to all meetings of the Board and its committees.

H) The Board exists to aid in the conduct of the people's business. Therefore, in keeping with the Utah Open and Public Meetings Act (52-4), it is the Board's presumption that actions will be taken openly and deliberations conducted openly. The Board Secretary shall notify the public and the media of regular and special meetings of the Board and its committees in accordance with the Utah Open and Public Meetings Act.

I) Public notice of meetings shall be given in accordance with the Utah Open and Public Meetings Act. (52-4-202)

J) Public participation at Board meetings is invited consistent with Board Administrative Rule R277-101-3.

K) In responding to reports and presentations, the Board has the following options:

1) Take appropriate action: A motion made, considered, and passed by a quorum of the Board will be recorded in the minutes and carried out.

2) Receive the report: The Board has heard the report, the report is recognized in the minutes, and the written material becomes a part of the record.

3) Receive the report and refer it to staff: When there is need for further study and recommendations at a subsequent meeting of the Board, a matter may be referred to USOE staff for further work or study.

4) Take no action: The chair of the meeting thanks the presenter and moves to the next item on the agenda. Reference to the report will be included in the minutes with the notation that the Board took no action.

L) The Board shall engage in a strategic planning process to direct its mission and vision for public education. A new strategic plan shall be adopted at least every four years.

M) The Board shall engage in a self-evaluation process every even year.

N) Executive Sessions

1) A closed meeting may be held upon the affirmative vote of two-thirds of the voting Board members present at an open meeting for which notice is given. The reason(s) for holding a closed meeting, and the vote either for or against the motion to hold such a meeting cast by each member by name, shall be entered into the minutes of the meeting.

2) A closed meeting shall be held consistent with statutory purposes (52-4-205) for:

(a) Discussion of the character, professional competence, or physical or mental health of an individual.

(b) Strategy session to discuss the sale, purchase, exchange or lease of real property.

(c) Strategy session to discuss pending or reasonably imminent litigation.

(d) Other issues as identified in statute.

IX) **Board Committee Meetings and Procedures**

A) The Board Executive Committee shall schedule meetings with committee chairs based on the needs and priorities of the Board.

B) After Board officer election in December or January, the Board Executive Committee shall appoint Board committee chairs and vice chairs from among the voting members of the Board prior to the February Board meeting.

C) Committee Parliamentary Procedure

1) Role of the committee - When the Board does not have sufficient Information to make an informed decision, when extensive discussion may be helpful, or when it appears that the Board could accomplish more through the work of a committee, the Board or Board Executive Committee may assign issues to Board committees or special committees for subsequent presentation to the entire Board.

2) Committee meeting procedural rules differ from rules that apply to a full Board meeting as follows:

(a) A committee quorum consists of a majority of the voting committee membership.

(b) Standing committee meetings will be recorded and staffed by a secretary. In other Board committees, the committee chair will select a secretary for the committee.

(c) Members are not required to be recognized by the committee chair before making motions or speaking.

(d) Committee motions need not be seconded.

(e) There is no limit to the number of times a member may speak to a question, and motions to close or limit debate generally are not in order.

(f) Informal discussion of a subject is permitted while no motion is pending.

(g) The committee chair may speak in a discussion without relinquishing the chair, may make motions, and usually votes on all questions.

(h) A Board rule heard and voted on by a committee is considered as the Board's first reading.

D) Committee Reports to the Board

1) A committee agenda item receiving a favorable majority vote of the voting committee members will be brought to the entire Board for consideration with a report and motion from the committee. The motion requires no second.

2) A committee agenda item *not* receiving a majority vote of voting committee members will be reported back to the entire Board with no committee recommendation. The Board Chair will then entertain a motion to determine whether a majority of the Board wants to hear the item. If so, the item may be considered immediately.

E) Committee Agendas

1) Committee chairs and vice chairs should work with any designated USOE staff to recommend committee agenda items.

2) The Board Executive Committee shall be apprised of committee agenda items specifically requested by a committee member.

3) USOE staff shall submit proposed committee agenda items to the Board Secretary for discussion at the Board Executive Committee meeting.

X) **Appointments** (53A-1-301)

A) The Board shall appoint a Superintendent of Public Instruction, hereinafter called the State Superintendent, who is the executive officer of the Board and serves at the pleasure of the Board.

B) The Board shall appoint the State Superintendent on the basis of outstanding professional qualifications.

C) The Board has a responsibility to the public citizenry in its selection of the best candidate for State Superintendent. To that end, the Board will follow the appointment process as outlined below.

1) The Board will solicit input from each Board member and create a Superintendent Selection Committee comprised of Board members desiring to serve. The Board will, by consensus, determine the duties and makeup of the Selection Committee.

2) The Superintendent Selection Committee shall:

(a) Follow the goals and objective criteria as established by the Board, seeking information and opinions from all Board members.

(b) Determine the degree of involvement of community and staff in the selection process as advisor(s) to the Board.

(c) Determine whether a consultant is needed to facilitate the selection process.

(d) Set a reasonable timetable, at least thirty (30) calendar days, for completion of the selection process.

(e) Determine the need for preparation of printed media to recruit candidates.

(f) Determine means of advertising the position and establish a screening process.

(g) Identify and interview screened candidates and forward the list of finalists to the Board.

3) Following the work of the Superintendent Selection Committee, the Board shall recall final candidates for second interviews and make a selection.

D) 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.

E) The State Superintendent shall administer all programs assigned to the Board in accordance with the policies and standards established by the Board.

F) The Board shall establish the compensation of the State Superintendent with a review of salary market data. (53A-1-302)

G) The Board Chair and Vice Chair(s) shall conduct a performance review of the State Superintendent annually in June. The performance review shall include, but is not limited to, a thorough survey of Board members and shall be discussed in an executive session of the Board.

H) The Board may appoint other employees as necessary for the proper administration and supervision of the public school system. The compensation and duties of these other employees shall be established by the Board and paid from funds legislatively appropriated for the purpose.

1) The Board Secretary

(a) Serves at the pleasure of the Board and assists the Board in all responsibilities:

(i) Prepares for Board meetings.

(ii) Prepares agendas.

(iii) Takes and prepares minutes; makes minutes available to the public in accordance with state statute.

(iv) Has responsibility for follow-up assignments.

(v) Processes accounting paperwork, including in- and out-of-state travel reimbursements; makes Board member travel arrangements.

(vi) Prepares correspondence and other communications for the Board.

(vii) Coordinates Board functions.

(viii) Fulfills assignments made by or through the Board Executive Committee.

(ix) Assists and provides support to individual Board members in Board-related assignments.

(b) Researches minutes and other Board documentation.

(c) The Board Secretary shall be evaluated annually by the members of the Board. The performance review shall include, but is not limited to, a thorough survey of Board members and shall be discussed in an executive session of the Board.

2) The USBE Auditor shall work with the Board and State Superintendent as outlined in R277-116. The auditor:

(a) Plans, organizes, directs, and controls audit assignments and direction.

(b) Reports audit findings through written audit reports.

(c) Is responsible for the general administration and coordination of the auditor's office.

3) The Board shall appoint a Director of the School Children's Trust Section. The Director of the School Children's Trust Section is an employee of the Board and shall work with the Board and State Superintendent as outlined in 53A-16-101.6(3), R277-477, and R277-491.

(a) The director shall oversee the section and direct its activities, operations, and employees.

(b) The director has the responsibility to provide independent oversight on the prudent and profitable management of school trust lands and the permanent State School Fund and other responsibilities provided in statute and Board rule.

(c) The director shall report annually to the Board and the Legislature regarding the status of school trust lands and the permanent State School Fund, and other pertinent matters.

(d) The Board may remove the director only by majority vote of a quorum in an open and public meeting after proper notice and the inclusion of the removal item on the agenda.

I) The Board shall approve an Executive Director of the Utah State Office of Rehabilitation.

J) The Board shall appoint a Superintendent for the Utah Schools for the Deaf and the Blind consistent with 53A-25b-201(2).

K) By statute, the Board appoints members to the:

1) State Instructional Materials Commission. (53A-14-101)

2) Utah Schools for the Deaf and the Blind Advisory Council. (53A-25b-203)

3) Interpreters Certification Board. (53A-26a-201)

4) School and Institutional Trust Lands Board of Trustees Nominating Committee. (53C-1-203)

5) Utah Education Network (UEN) Board. (53B-17-102(3)

L) In conjunction with the Department of Human Services, the Board appoints members to the:

1) Utah Coordinating Council for Youth in Custody. (53A-1-403(5)(a))

2) Disability Determination Services Advisory Council. (53A-15-205(2))

M) The Board appoints members to the following councils which are advisory to the Utah State Office of Rehabilitation (USOR).

1) Disability Determination Services (DDS) Advisory Council. (53A-15-205)

2) Division of Rehabilitation Services (DRS) Advisory Council. (53A-24-205)

3) Division of Services to the Blind and Visually Impaired (DSBVI) Advisory Council. (53A-24-305)

4) Division of Services to the Deaf and Hard of Hearing (DSDHH) Advisory Council. (53A-24-405)

5) Utah Statewide Independent Living Council (USILC). (USILC Bylaws 4.2)

XI) **Board Committees**

A) Standing Committees of the Board

1) Members of the Board are assigned annually to a standing committee by the Chair and Vice Chair(s) with consideration of Board member requests.

2) Chairs and vice chairs of the standing committees are appointed by the Board Chair and Vice Chair(s).

B) Board Executive Committee

1) The Chair, Vice Chair(s), and State Superintendent comprise the Board Executive Committee. The Deputy Superintendent serves as staff to the Committee.

2) The Board Secretary shall serve as the secretary to the Board Executive Committee.

3) The Board agenda is determined by the Chair and Vice Chair(s), with recommendations from the State Superintendent. The agenda shall be distributed to Board members at least one week prior to the Board meeting.

4) Board Executive Committee meeting agendas shall be distributed to Board members prior to each meeting.

(a) Board members may attend Board Executive Committee meetings, but should not expect to participate in Board Executive Committee meeting business.

(b) Board members planning to attend a Board Executive Committee meeting must notify the Board Secretary four days prior to the meeting in order to determine if a quorum of the Board will be present.

(c) If a quorum of the Board is expected to be present at a Board Executive Committee meeting, the Board Secretary will provide public notice in accordance with the Open and Public Meetings Act.

5) Members of the Board Executive Committee shall ensure that members of the Board are substantially informed in the business of the Board.

6) Members of the Board Executive Committee shall facilitate the Board in carrying out its fiduciary duties by directing the Board Secretary to distribute information needed for timely and prudent decision making.

7) The Board Executive Committee meets at the call of the Chair and at least 11 times per year.

C) Committees requiring Board member representation

1) By statutory requirement:

(a) Two Board members serve as nonvoting members of the State Board of Regents. (53B-1-104(1)(c)(1))

(b) One Board member serves as a nonvoting member on the Utah College of Applied Technology (UCAT) Board. (53B-2a-103(1)(a))

(c) One Board member serves on the Commission on Civic and Character Education. (67-a1-10)

2) By invitation, Board members serve on:

(a) Utah School Boards Association (USBA) Board of Trustees.

(b) Utah Partnership for Education, Inc.

(c) Utah Public Education Coalition.

(d) Trust Lands Advisory Committee – Advisory to School and Institutional Trust Lands Administration (SITLA) Board of Trustees, created by the Utah Public Education Coalition.

(e) Utah Rural Schools Association (URSA) Board of Directors.

(f) Coalition of Minorities Advisory Committee (CMAC).

(g) Utah High School Activities Association (UHSAA) Board of Trustees.

(h) Utah Science Center Authority (63H-3-103).

(i) Other committees, as invited.

D) Advisory Committees – bodies from whom the Board receives information or advice:

1) Utah State Charter School Board. (53A-1a-501.6)

2) Utah Professional Practices Advisory Commission. (53A-6-301)

3) Interpreters Certification Board. (53A-26a-202)

4) Adult Education Advisory Committee. (Adult Education Bylaws, Article III, Section 1)

5) Coalition of Minorities Advisory Committee.

6) Utah Schools for the Deaf and the Blind Advisory Council. (53A-25b-201)

E) The Board may establish an advisory committee with respect to the Board's responsibilities.

1) The Board may establish a committee:

(a) Upon recommendation of the Board Executive Committee that is subsequently ratified by a quorum of the Board.

(b) Upon recommendation of the State Superintendent that is subsequently ratified by a quorum of the Board.

2) The Board may dissolve any non-statutory advisory committee if the Board determines the committee is no longer necessary or effective.

3) Members of a Board committee are eligible to receive state per diem and mileage reimbursement consistent with USOE travel policies.

F) National Organizations

1) National Association of State Boards of Education (NASBE).

2) National Schools Boards Association (NSBA).

3) WestEd – the western branch of the National Office of Education Research serving several western states, including Utah.

XII) **Changes to/Amendments of Bylaws**

A) Bylaws (except those established in state law) may be changed/amended by a two thirds (2/3) vote of the Board members present at any regular Board meeting, provided that notice of the proposed changes was given in a timely manner.

B) Changes/amendments shall become effective immediately upon approval as directed by the Board.

Adopted by the Utah State Board of Education
March 12, 2002
Amended February 7, 2003
Amended April 1, 2005
Amended October 6, 2006
Amended May 2, 2007
Amended December 4, 2009
Amended May 7, 2010
Amended March 4, 2011
Amended June 1, 2012
Amended November 2, 2012
Amended July 17, 2013
Amended September 6, 2013
Amended November 8, 2013
Amended September 5, 2014
Amended June 19, 2015

UTAH STATE BOARD OF EDUCATION
POLICIES AND PROCEDURES

Advisory Committee Appointment Process

A) Notice of Vacancy/Call for Nominations:

1) When a vacancy in an advisory committee occurs, the advisory committee will determine a date to accept nominations for filling the vacancy. At least three weeks prior to the due date for nominations, an email should be sent to members of the State Board of Education from the advisory committee chair or appropriate staff (through the Board Secretary), announcing the vacancy and asking for nominations. The type of representation sought and length of term should also be included. In addition, other interested parties should be made aware of the vacancy/call for nominations through various means of communication.
2) Board members will submit nominations to the advisory committee chair or appropriate staff (through the Board Secretary) in accordance with the due date set by the advisory committee.

B) Recommendations:

1) The advisory committee and appropriate staff will review the nominations and prepare recommendations for the Board.
2) The full list of nominees, with recommended individuals designated, must be submitted to the Board Secretary at least two weeks prior to a meeting of the State Board of Education.
3) The Board will consider the recommendations during Board meeting and make appointments or send back to the advisory committee for clarification or further recommendations.

C) Appointment Letters:

1) Letters of appointment to advisory committees will be prepared by the Board Secretary, working with appropriate advisory committee staff.

Conflicts of Interest

A) Conflicts of Interest may include:
   1) Business or financial interest.
   2) Holding office or serving in management of a third party.
   3) Receiving financial gain from a transaction with the Board.
   4) Receiving gifts of more than $50.00 on behalf of the Board. (No personal gifts of money should ever be accepted.)

Contract Approval

A) This policy has been written to establish parameters and conditions of approval of the Utah State Office of Education (USOE), Utah Schools for the Deaf and the Blind (USDB) and Utah State Office of Rehabilitation (USOR) vendor contracts.
B) Prior to final signature of vendor contracts negotiated on behalf of the USOE, USDB or the USOR, the following procedures will be followed:
   1) If the total amount of the contract or amendment is under $100,000 or if an amendment to the contract does not increase the total contract amount, the State Superintendent of Public Instruction or his/her designee is authorized to execute the final signature on the contract.
      a) A list of contracts approved by the Superintendent will be provided to the State Board for its review during regularly scheduled State Board of Education meetings.
   2) All contracts with total value of $100,000 or more or for which an amendment exceeds $100,000 in value will be presented to the State Board of Education for approval on the general consent calendar during a State Board of Education meeting. Prior to execution of the final signature on these contracts or contract amendments, State Board approval is required.

a) If at the discretion of the Superintendent, a contract under $100,000 would bring up issues that the Board of Education needs to consider, this contract shall be listed for Board approval with contracts exceeding $100,000.
b) All related party contracts of any denomination are subject to approval of the Board.

3) On a monthly basis, the State Board of Education will be provided, during regularly scheduled State Board meetings, a list of all contracts expiring within the next six months.

Discretionary Funds Policy

This policy establishes the process by which Mineral Lease and Land Exchange funds in the Discretionary Account may be budgeted, encumbered and expended.

A) Use of Mineral Lease and Land Exchange Funds – statute states that these funds are to be used as follows:
   1) Mineral Lease Funds (59-21-2(e)) – the Legislature shall annually appropriate 2.25 percent of all deposits made to the Mineral Lease Account to the State Board of Education, to be used for education research and experimentation in the use of staff and facilities designed to improve the quality of education in Utah.
   2) Land Exchange Funds (53C-3-203(iii)) – 1.68 percent of the deposits to the State Board of Education, to be used for education research and experimentation in the use of staff and facilities designed to improve the quality of education in Utah.
B) Budgeting and Expenditure of Mineral Lease and Land Exchange Funds
   1) As part of the annual budget setting process, the Board shall approve a budget for the amounts appropriated by the Legislature from Mineral Lease and Land Exchange funding.
   2) Board members or the State Superintendent of Public Instruction may make written requests for use of these funds to the Executive Committee of the Board.

3) Prior to new budget requests funded from Mineral Lease or Land Exchange being added to the Discretionary Fund budget, the Board committee designated to hear finance items will review the budget requests and present them to the full Board for approval.

C) On a quarterly basis, the Board committee designated to hear finance items will review the Discretionary Fund including all approved project budgets and year-to-date expenditures. Prior to new budget requests funded from Mineral Lease or Land Exchange being added to the Discretionary Fund budget, the committee will review the budget requests and present them to the full Board for approval.

Election Procedures

A) After the general election in November, and prior to the Board's election meeting, the Vice Chair shall direct the Board secretary to contact each voting Board member by email or other approved means to:
   1) Inquire as to the Board member's willingness or desire to serve as a Board officer.
   2) Accept nominations for each position from any Board member.

B) The Board Secretary will invite each candidate to submit a statement for consideration by the other members of the Board.

C) The Secretary shall compile and distribute election information to the members of the Board eligible to vote, including the date and time of the election, candidate names, written statements, and election procedures.

D) Prior to elections for leadership positions, the Board will vote to establish the number of vice chairs to be elected to serve on the Executive Committee.

E) Voting Board members may make nominations for Board Chair during the Board meeting at which elections occur. Each candidate for Board Chair shall have an opportunity to briefly address the Board as to the candidate's position.

F) Ballots with the names of each candidate printed thereon will be distributed to Board members. Each member will check his/her personal choice for Board Chair and Vice Chair(s).

G) After the results of the election for Board Chair are announced, nominations for vice chair may be made by a voting Board member. Each candidate for vice chair shall have an opportunity to briefly address the Board as to the candidate's position.

H) Ballots with the name of each candidate printed thereon will be distributed to Board members. Each member will check his/her personal choices for vice chairs according to the number of vice chairs determined by the Board.

I) The individual receiving the most votes will be considered 1st Vice Chair. In case of a tie vote, a vote will be taken to designate 1st Vice Chair.

J) Board members must be present at the meeting to cast a vote.

K) The Secretary and Vice Chair will tabulate votes immediately following each vote, each confirming results, with the election of Board officers decided by a quorum of the Board.

L) In the event of a tie vote, a re-vote will be taken until a winner is selected.

M) The Vice Chair will announce vote tallies immediately following each vote during the public meeting, and ballots will be available for public inspection following the Board meeting.

N) In the event that a vacancy occurs prior to the end of the term of the Chair, the Vice Chair shall assume the position of Chair for the unexpired portion of the term. In the event of multiple Vice Chairs, the 1st Vice Chair shall assume the position of Chair for the unexpired portion of the term, and the 2nd Vice Chair shall assume the position of the 1st Vice Chair for the unexpired portion of the term. The Board shall use the procedures outlined under Election Procedures to elect a new Vice Chair.

O) In the event that a vacancy occurs prior to the end of the term of the Vice Chair(s), the Board shall elect one of its members to fill the office for the unexpired portion of the term. The election process will follow the same procedures outlined under Utah State Board Policies and Procedures—Election Procedures, with the exception that the replacement Vice Chair(s) election may occur up to a two-month time frame from when the vacancy is noticed to the Board.

P) The Board may remove a Board officer from office for cause by a vote of two-thirds of the Board. (53A-1-201(5).

Evaluation of Board Employees

A) State Superintendent Evaluation

1) The Board Evaluation Committee will formulate procedures and timelines to complete the evaluation process begun the previous year and initiate the process for the following year. The Evaluation Committee will work with the full Board and Superintendent to create the annual goals and to receive feedback on the evaluation process. In addition, the full Board will participate in responding to an evaluation tool and in the final evaluation executive session, approving the final evaluation.
2) The Board may include a mid-year executive session for the purpose of an interim discussion with the Superintendent in regards to evaluation and accomplishment of goals. If one-third of the Board makes the request, a formal evaluation tool will be used for the interim evaluation.
3) The Evaluation Committee shall create an evaluation tool which includes:
   a) Achievement of Board-specific annual goals.
   b) Achievement of Superintendent-specific annual goals.
   c) Opportunity for Board member evaluation of the Superintendent's personal leadership skills.
   d) Superintendent self-evaluation.

B) The Board shall also evaluate annually all its other direct employees including the Board Secretary, the USDB Superintendent, the USOR Executive Director, the School Children's Trust Section Director, the Board Audit Director, and the Board Communications Specialist.

1) The Board shall evaluate its employees with respect to goals set in the previous year's evaluations and individual job descriptions.
2) The State Superintendent shall provide comments to the Board about the performance of all employees.
3) The Audit Committee or the Board committee designated to hear finance items shall provide comments to the Board about the performance of the Board Audit Director and the School Children's Trust Section Director.

C) The Board Evaluation Committee shall provide feedback to all direct employees on a quarterly basis.

Redevelopment Agency/Taxing Entity Committee (RDA/TEC) Procedures

A) When the USOE receives notice of a proposed RDA, the State Superintendent will provide a brief written project summary to the Board committee designated to hear finance items.
B) The Committee will determine if further information is needed and if the full Board will review the project proposal.
C) The Committee (or full Board) will determine if specific direction regarding the Board's TEC vote should be given to its representative.
D) The Board will appoint a Board member or USOE staff (at the Superintendent's recommendation) as its representative for each RDA/TEC.
E) The Board will receive reports of all votes cast by its representative in TEC meetings.
F) If the scheduling of Board meetings and TEC meetings interferes with elements of the procedure outlined, the Superintendent and Board Executive Committee shall be empowered to make the decisions required in each of the steps above. Every Board member will receive a written report.
G) The Board will receive an annual report of all TEC meetings of existing RDAs.

September 6, 2013
Amended December 6, 2013
Amended February 7, 2014
Amended September 5, 2014

Board Policies

Board Policy 1001: *Board Internal Policymaking Authority and Process*

Board Policy 1002: *Rulemaking Procedures* (draft)

Board Policy 3001: *Appointment and Termination of Deputy and Associate Superintendents*

Board Policy 3002: *Standards Review Committee and the Standards Review Process*

Board Policy 3003: *USOE Incentive Policy*

Board Policy 4001: *Board Governance of the Utah Schools for the Deaf and the Blind*