



UTAH STATE BOARD OF EDUCATION

David L. Crandall, Chair David L. Thomas, First Vice Chair
Jennifer A. Johnson, Second Vice Chair

Dixie L. Allen Brittney Cummins Jefferson Moss
Laura Belnap Linda B. Hansen Spencer F. Stokes
Leslie B. Castle Mark Huntsman Terryl Warner
Barbara W. Corry Stan Lockhart Joel Wright

Sydnee Dickson, State Superintendent of Public Instruction
Lorraine Austin, Board Secretary

MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Angie Stallings, Associate Superintendent
Policy and Communication

DATE: October 7, 2016

ACTION: USBE Advisory Committee Review Task Report and Recommendations

Background:

The Board's Advisory Committee Review Task Force has been reviewing all advisory committees under the governance of the Board or staffed by Board staff. The Task Force will present revised Bylaws of the Utah Schools for the Deaf and the Blind Advisory Council and a resolution formalizing the Trust Advisory Committee (TAC), and report on other items from the Task Force.

Board Strategic Plan:

This item supports the following imperative and strategies in the Board's Strategic Plan:

- Educational Equity
- Quality Learning
- System Values

Anticipated Action:

The Board will consider approving the USDB Bylaws, as amended, and the resolution formalizing the Trust Advisory Committee.

Contact: Angie Stallings, 801-538-7515

BYLAWS
OF
THE UTAH SCHOOLS FOR THE DEAF AND THE BLIND
ADVISORY COUNCIL

ARTICLE I
STATUTORY AUTHORITY

~~4.~~ This Advisory Council is established by ~~act of the Utah State Legislature and incorporated in the~~ the Utah State Board of Education as provided in Utah Code 53A-25b-~~203~~201(4).

ARTICLE II
PURPOSE

1. The purpose of the Council is to advise the Utah State Board of Education and the USDB Superintendent and associate superintendents.
2. The Council shall advise and make recommendations to the Board, superintendent, and associate superintendents regarding;
 - 2.1. staff positions;
 - 2.2. policy;
 - 2.3. budgets; and,
 - 2.4. operations.

~~2.4.3.~~ The Council shall review and approve the budget for USDB Trust Land funds.

~~3.4.~~ The Council shall advise the Board, superintendent, and associate superintendents as to:

~~3.1.4.1.~~ the needs of those children who are deaf, blind, and deafblind;
and,

~~3.2.4.2.~~ the appropriate programs and services to address individual needs consistent with:

~~3.2.1.4.2.1.~~ state and federal laws;

~~3.2.2.4.2.2.~~ rules; and,

~~3.2.3.4.2.3.~~ regulations.

~~4.5.~~ The Council shall also advise and make recommendations to the State Board regarding the ~~continued employment performance~~ of the USDB Superintendent and associate superintendents.

~~5.~~ The Council may assume duties, responsibilities and functions as authorized and delegated to the Council by the State Board of Education.

ARTICLE III MEMBERSHIP

1. The Council is composed of at least ~~six~~eight, but not more than eleven voting members who are appointed by the State Board of Education. Six voting members are specifically identified in Utah Code and five voting members are identified by these bylaws. Voting members identified by the bylaws may change as recommended by the Council and approved by the State Board of Education.
2. Advisory Council membership shall include:
 - 2.1. two members who are blind;
 - 2.2. two members who are deaf; ~~and~~;
 - ~~2.3.~~2.3. two members who are deafblind or parents of a deafblind child;
 - ~~2.4.~~2.4. one parent of a blind student; and
 - ~~2.3-2.5.~~2.5. one parent of a deaf student.
3. The Board may appoint other Advisory Council members who have an interest in and knowledge of the needs and education of students who are deaf, blind, or deafblind.
4. The Council may recommend that the State Board of Education create non-voting Council positions and/or appoint non-voting members to fill those positions. Examples of non-voting membership include:
 - 4.1. a person with expertise in school finance;
 - ~~4.2. a member of the State Board of Education; and~~;
 - ~~4.3-4.2.~~4.2. a representative of the USDB educators.
5. The Superintendent of the Utah Schools for the Deaf and the Blind shall be an ex-officio, non-voting member of the Council. Associate superintendents assist the Superintendent as staff to the Council.
6. Subcommittees may be created as needed.
7. The term of appointment for each member shall be two years and members may serve no more than three consecutive terms.
 - 7.1. In order to provide for staggered terms, the board shall appoint at least one council member in June of each year with the term of office to begin on July 1 of the year of appointment.
 - 7.2. Current members of the council shall continue in office until expiration of their terms and until their successors are appointed.
 - 7.3. The Council shall seek nominations to fill vacant positions and make recommendations to the State Board for filling vacant positions.
 - 7.3.1. Nominations may come from any individual or group interested in the operations of the Utah Schools for the Deaf and Blind.
 - 7.3.1.1. Where applicable, nominations will be for specific Council

- positions as outlined in Article III above.
- 7.3.1.2. Nominations will not be considered without the consent of the individual being nominated.
 - 7.3.2. Nominees may be discussed in an executive session of the Council.
 - 7.3.3. Action- to recommend nominees to the State Board for appointment will occur in an open meeting of the Council.
- 7.4. The Council may recommend that the State Board dismiss a Council member.
- 7.4.1. Causes for dismissal include:
 - 7.4.1.1. violation(s) of these bylaws;
 - 7.4.1.2. violation(s) of the Ethical Standards listed in Section VI;
 - 7.4.1.3. inconsistent attendance at Council Meetings (attendance at 80% of scheduled meetings is expected); and,
 - 7.4.1.4. other causes as determined by the Council.
 - 7.4.2. Consideration of recommended dismissal may be discussed in an executive session.
 - 7.4.3. Action to recommend dismissal of a Council member to the State Board will occur in an open meeting of the Council.
 - 7.4.3.1. Action to recommend dismissal of a Council members must be approved by at least a 2/3 majority (8 of 11) of all voting members of the Council.
 - 7.4.4. The State Board of Education may also remove Council members independent of a recommendation by the Council.
8. A member appointed to fill a vacancy occurring prior to the expiration of a predecessor's term is to be appointed for the remainder of that term.
9. As per State Board Rule 277-800, Advisory Council members may also serve as School Community Council members.
10. Liaisons shall be appointed representing the State Superintendent of Public Instruction and the Special Education unit of the State Office of Education.

ARTICLE IV MEETINGS

- 1. The Council shall generally meet monthly, except July and December], but must meet at least ten times during a fiscal year.
 - 1.1. Special meetings may be called as needed. Members unable to attend in person may arrange to participate by electronic means if available.

2. A meeting held during the month of September shall be designated as the annual meeting.
3. A quorum shall consist of a majority of the voting Council members.
 - 3.1. In the event a quorum is not present, agenda items may be reviewed and recommendations confirmed at the next meeting.
4. Each voting member of the Council shall have one vote. Non-voting members can offer comments and recommendations but they have no vote, nor can they make motions or seconds to motions.
 - 4.1. No member may vote by proxy
 - 4.2. No member may vote in absentia.
 - 4.3. Members participating by electronic means may vote if their electronic participation is in real time.
 - 4.4. If the Council Chair is a non-voting member and a vote of the Council results in a tie vote, the Chair cannot vote to break the tie and the item being considered will be determined to have failed.
5. No member of the Council shall vote on any matter that would provide financial benefit to the member or otherwise give the appearance of a conflict of interest under State law.
6. Executive sessions may be held in accordance with Title 52, Chapter 4, Open and Public Meetings Act, with a two-thirds vote of attending voting members. Items for discussion are restricted to:
 - ~~6.1. discussion of the character, professional competence, or physical or mental health of an individual;~~
 - ~~6.2. strategy sessions to discuss collective bargaining;~~
 - ~~6.3. strategy sessions to discuss pending or reasonably imminent litigation;~~
 - ~~6.4. strategy sessions to discuss the purchase, sale, exchange or lease of real property if public discussion of the transactions disclose the appraisal or estimated value of property under consideration, or prevent the public body from completing the transaction on the best possible terms.~~
 - ~~7. Executive sessions are held consistent with the purposes outlined previously and consistent Utah Code.~~ In all matters, the role of the Council as an advisory body to the State Board of Education and the Superintendent of USDB must be maintained.

ARTICLE V OFFICERS

1. The members of the Council shall elect a Chair and Vice Chair at its June meeting. Council officers may be non-voting members of the Council.
2. Chair: The chair shall:
 - 2.1. preside at meetings of the Council;
 - 2.2. assure that all recommendations of the Council are submitted to the State Board of Education;
 - 2.3. be the spokesperson for the Council in matters dealing with public and or press;
 - 2.4. appoint committee chair person(s) and member(s);
 - 2.5. give general direction to work of the Council; and,
 - 2.6. perform other duties as may be assigned by action of the Council, the State Board or as may be necessary.
 - 2.7. The term of the chair shall be for one year. In the event that a vacancy occurs prior to the end of term for the chair, the vice-chair shall take over the chairmanship for the unexpired portion of the term at the next meeting.
3. Vice Chair: The vice chair shall:
 - 3.1. Assist the chair
 - 3.2. Perform the duties of the chair in his/her absence
 - 3.3. The term on the vice-chair shall be for one year. In the event that a vacancy occurs prior to the end of the term of the vice-chair, the Council shall elect one of its members to fill the office for the unexpired term at the following meeting.
4. The Chair shall annually appoint a parliamentarian.
 - 4.1. The parliamentarian need not be a member of the Council but should be someone who attends Council meetings on a regular basis.

ARTICLE VI ETHICAL STANDARDS

1. The Council adopts the following Ethical Standards. Council members shall:
 - 1.1. Represent the USDB Advisory Council with dignity and integrity.
 - 1.2. Be at meetings on time, eager and prepared.
 - 1.3. Help focus meetings on important matters, remembering that the student is always our most important matter.
 - 1.4. Value and respect the diverse opinions of others and resolve conflict amicably with civility and responsibility.

- 1.5. Listen closely to others, being careful about interrupting or dominating discussions.
- 1.6. Have the courage to speak up ~~be understood~~.
- 1.7. ~~Avoid surprises~~—Collaborate and receive information from ~~our~~ constituents. ~~As a Council, communicate frequently through proper channels with school staff, Board members, the Governor, the Legislature, and the press, and communicate in good faith with other members of the council, administration, and Board members.~~
- 1.7.1. If a Council member is contacted by a legislator or the media, inform and invite the chairperson to participate if possible.
- 1.8. Represent the needs of all USDB students and families in the state --- as well as local interests --- without partisanship.
- 1.9. Seek to understand the feelings and opinions of the citizens and constituents.
- 1.10. Pursue accountability by appropriate evaluation and measurement.
- 1.11. Achieve unity.

ARTICLE VII RESOURCES

1. The Council shall rely upon the Utah Schools for the Deaf and the Blind to provide resources necessary for conducting the affairs of the Council. The resources may include:
 - 1.1. meeting space;
 - 1.2. clerical support;
 - 1.3. professional staff;
 - 1.4. materials and supplies;
 - 1.5. postage and mailing services;
 - 1.6. copying services; and,
 - 1.7. meeting expenses.
2. Reimbursement shall be based upon actual expenses incurred or shall be in accordance with established State of Utah Division of Finance reimbursement rates, rules and regulations.

ARTICLE VIII AMENDMENTS

- ~~4. These bylaws may be amended by a majority vote of the members of the State Board of Education. ~~by a two-thirds majority vote of the Council members at any regular meeting provided that notice of the proposed change(s) was given with meeting notification. The State Board of Education shall be provided notice of any amendments to these bylaws. The Council may make recommendations concerning bylaw changes prior to Board action.~~~~

ARTICLE IX
DISSOLUTION

4.—In the event that legislative changes no longer mandate the existence of the Council, the Council may be dissolved by action of the State Board. At dissolution any records or properties held by the Council shall be transferred to an entity of similar purpose or be returned to the source from whence they came. The records shall revert to the custody of the State Board or to the custodian of the State's historical archives.

Adopted by the USDB Institutional Council November 18, 2004

Amended January 20, 2005

Amended April 21, 2005

Amended May 19, 2005

Amended and approved by the Advisory Council – December 10, 2009

Amended and approved by the Advisory Council – October 24, 2013

**UTAH STATE BOARD OF EDUCATION RESOLUTION NO. 2016-XX
RESOLUTION ESTABLISHING THE TRUST ADVISORY COMMITTEE**

Adopted by the Utah State Board of Education on _____, 2016.

September 22, 2016 DRAFT

David L. Crandall, Board Chair

**Article I
Committee Establishment**

Section One The Utah State Board of Education, “the Board,” hereby establishes the Trust Advisory Committee, “TAC.”

**Article II
Committee Operations**

Section One **Purpose:** The purpose of TAC is to:

- A. advise the Board, through the School Children’s Trust Section, regarding school trust lands and funds, school community councils, and the School LAND Trust Program; and
- B. assist the School Children’s Trust Section to disseminate information to the education community about how to implement the Board’s policies, programs, rules, and procedures.

Section Two **Duties:** In support of its purposes, TAC may:

- A. provide information and consult with the Board, at all levels of the decision making process as decisions affecting the school trust lands, school trust funds, and school community councils are formulated, and in facilitation of related future education needs and services;
- B. solicit feedback from persons or groups having an interest in the management of trust lands and investment of trust funds regarding Board policies, programs, rules, and procedures and provide feedback to the Board on those policies, programs, rules and procedures;
- C. remain knowledgeable and informed regarding land policies as they impact education funding;

- D. perform other specific tasks as may be identified by the Board; and
- E. create taskforces with Board approval.

Section Three Meetings: TAC may meet monthly.

- A. During its monthly meeting TAC may:
 - 1. review the published agenda for the Board's meeting and identify items of interest relating to the school trust lands and funds and school community councils;
 - 2. provide feedback on Board agenda items;
 - 3. make written recommendations and provide feedback to:
 - a) Board committee chairs on matters coming before the Board's committees; and
 - b) Board leadership on matters scheduled to come before the full Board; and
 - 4. make written recommendations to Board leadership on other issues of importance for the school trust lands and funds and school community councils that merit consideration by the Board.
- B. TAC meetings shall be open to the public or other interested parties who would like to attend or are invited, but TAC meetings are not subject to the Open and Public Meetings Act.

Section Four Staff: The School Children's Trust Section shall:

- A. provide clerical support to facilitate meeting logistics, prepare meeting agendas and minutes, and assist with required written communication to the Board;
- B. send a copy of ~~the~~ each TAC agenda to the Board at least five days before the TAC meeting; and
- C. prepare a one page summary of the each TAC meeting and send the summary, with any TAC recommendations, to the Board by e-mail.

Section Five **Rules of Procedure:** TAC shall conduct committee business under Roberts Rules of Order.

Article III
Committee Membership

Section One **Composition:**

A. TAC shall be comprised of the following voting members:

1. two members who are parents and who have expertise in trust lands and school community council issues;
2. one educator member who has expertise in trust lands and school community council issues;
3. one member who is a local school board member;
4. one member who is a school district superintendent;
5. one member of the charter school community with expertise in trust lands or the School LAND Trust Program;
6. one member from the Board’s Advisory Committee for Equity of Educational Services for Students (ACEESS);
7. one member who has experience ~~engaging encouraging~~ parents ~~of students at risk of academic failure~~ to be involved in school community councils, specifically, parents of students at risk of academic failure;
8. one member who is a school district or charter school business administrator;
9. one member who is an elementary principal; and
10. one member who is a secondary principal.

B. Non-voting members of TAC ~~shall~~may include the Board’s School Children’s Trust Section staff, the Deputy Superintendent of Policy and Communication, a member of the Governor’s office, and a Board assigned Assistant Attorney General.

Section Two **Appointment:** ~~Interested individuals may apply to serve as voting members of TAC.~~ TAC voting members shall be appointed by the Board in accordance with the Board's usual process. The School Children's Trust Director shall review applications submitted by individuals interested in serving on TAC and make recommendations to the Board for appointment.

Section Three **Term of Service:** TAC members shall be appointed for four-year terms. Committee member terms of service shall be staggered so that approximately half of the members are appointed every two years.

Section Four **Committee Leadership:** TAC meetings shall be facilitated by the School Children's Trust Section Director. The Director shall:

- A. Coordinate meeting logistics with TAC members;
- B. Preside at TAC meetings;
- C. Report to Board leadership and committee chairs as requested;
and
- D. Invite other stakeholders and additional USBE staff to participate in TAC meetings as needed.