



UTAH STATE BOARD OF EDUCATION

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MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Debbie Davis
Internal Audit Director

DATE: November 4, 2016

ACTION: Revision of Board Bylaws

Background:

The Audit Committee identified and discussed the responsibilities of the Committee and impact of certain potential conflicts of interest that committee members may have if they are assigned to work on specific matters coming before the Audit Committee. The Committee discussed several possible actions and made a motion that the Bylaws be updated, with assistance from legal counsel, to include a provision for this circumstance.

Board Strategic Plan:

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

- Imperatives: System Values
- Strategies: Oversight

Anticipated Action:

The Audit Committee recommends the Board approve the Board Bylaws, as amended.

Contact: Debbie Davis, Internal Audit Director 801-538-7639

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” means a temporary committee designated by the Board for purposes defined by the Board, including a working group or task force created by the Board for purposes of addressing a specific issue.
- B) “Board” means the Utah State Board of Education.
- C) “Board Executive Committee” means the committee whose composition and responsibilities is set forth in Section XI(B) of these bylaws.
- D) “Conflict of Interest” means a business, family, monetary or relationship concern that may cause a reasonable person to be unduly influenced or that creates the appearance of undue influence.
- E) “Member” means a member of the Board.
- F) “Quorum” means eight of fifteen voting members. (53A-1-203)
- G) “Superintendent” means the State Superintendent of Public Instruction or the Superintendent’s designee.
- H) “USDB” means the Utah Schools for the Deaf and the Blind.

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* and Section 53A-1-201(1).
- B) The Board shall appoint a secretary who serves at the pleasure of the Board. (53A-1-201(5))

IV) Board Member Ethics

- A) Board members are required to comply with Title 67, Chapter 16, Utah Public Officers’ and Employees’ Ethics Act.

B) Conflicts of Interest

- 1) Confidential committee work or ~~Any~~ matter to be voted upon by the Board which involves a conflict of interest shall be disclosed by a member in the committee or in open meeting to the members of the committee or the Board prior to consideration of the matter ~~the Board's consideration of the matter.~~ The committee or Board chair shall excuse a member with a conflict of interest unless such interest can be waived.
- 2) The Board chair shall excuse a member with a conflict of interest from an executive session during discussion of any item for which the member has a conflict of interest.
- 3) If a member applies for a full-time position as an employee of the Board or as a Board-appointed employee of the USDB, the Board member must recuse himself from all deliberations and voting on the matter.
- 4) (a) If a member accepts a full-time position as an employee of the Board or as a Board-appointed employee of USDB, it is deemed to be a conflict of interest with the member's continued service on the Board and the member shall resign as a condition of employment.

(b) If a member does not resign under circumstances identified in Subsection (4)(a), the conditional offer of full-time employment shall be revoked.

C) Each 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 member within a public school district or charter school, or other entity receiving federal or state education funds, including work as a paid consultant;
- 2) Any employment, ownership, or directorship by the member with a business or organization which competes for contracts, grants, or other agreements awarded by the Board;
- 3) Any membership by the 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 member with a business or organization that provides goods or services to the Board, its office, or the USDB; and
- 5) Any membership by the member in a union, professional association, or formal involvement in any interest group that lobbies or provides services in an education-related field.