

BYLAWS OF THE UTAH STATE BOARD OF EDUCATION

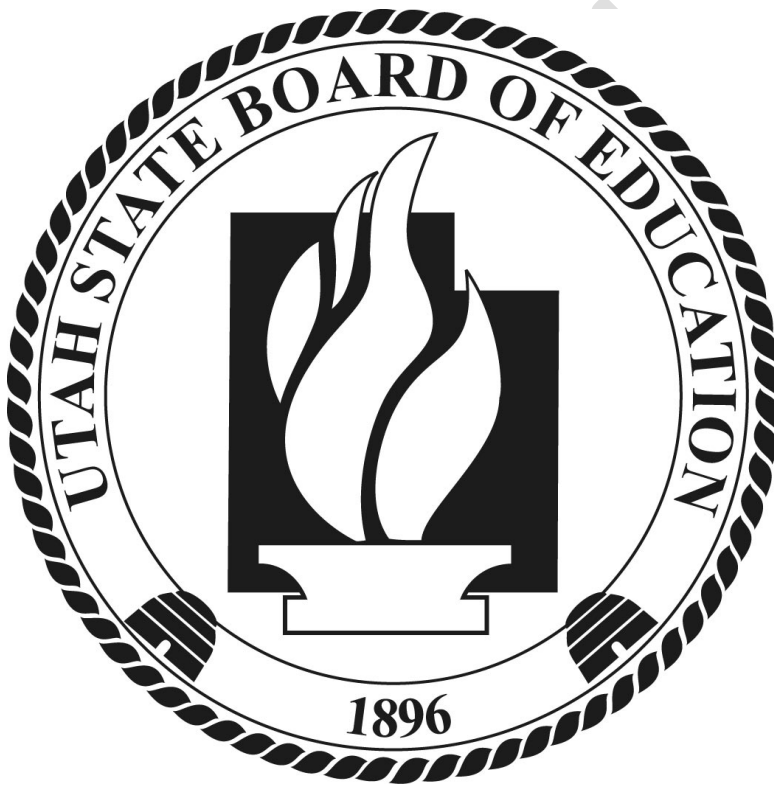


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BYLAWS OF THE UTAH STATE BOARD OF EDUCATION

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. (53E-3-401(2))

II) Definitions

- A) "Ad Hoc Advisory Group" means a time-limited task force, committee, or other work group created by a quorum of the Board to work on a specific project.
- B) "Board" means the Utah State Board of Education.
- C) "Board Executive Committee" means the committee whose composition and responsibilities ~~is~~ are set forth in Section ~~X(B)~~ of these bylaws.
- D) "Conflict of Interest" means an action that is taken by a member that a reasonable person would believe may cause direct financial benefit or detriment to the member, the member's immediate family, or an individual or entity that the member is required to disclose under the provisions of 20A-11, Part 16, if that benefit or detriment is distinguishable from the effects of that action on the public or on the member's profession, occupation, or association generally. 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. (53E-3-203)
- 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.
- H)) Board standing committees mean the Finance Committee, Law and Licensing Committee, and Standards and Assessment Committee.

Commented [AL1]: Update

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 53E-3-201(1).

~~B) The Board shall appoint a secretary who serves at the pleasure of the Board. (53E-3-201(5))~~

Commented [AL2]: Moved to Direct Employees section

IV) Board Member Ethics

- A) **Fiduciary Duties:** ~~The State Board of Education, Board,~~ 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.
- B) Board members are required to comply with Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act and UCA 20A-11-16 Conflict of Interest Disclosures.
- C) Conflicts of Interest
- 1) Confidential Board or 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 Board or committee ~~or in open~~ meeting to the members of the committee or the Board prior to consideration of the matter.
- (a) The committee or Board chair shall acknowledge the member's disclosed conflict of interest and either:
- (i) ~~excuse a the~~ member with a conflict of interest from participating in his/her official capacity in the matter; or
- (ii) ~~unless such interest can be waived~~ waive the conflict of interest and allow the member to fully participate.
- 1) ~~[Possible statement about board members with conflicts not making motions.]~~
- 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 a conflict of interest with the member's continued service on the Board and the member shall resign as a condition of employment.

Commented [AL3]: Moved from Board Duties and Responsibilities

(b) If a member does not resign under circumstances identified in ~~Subsection (4)(a)~~ 67-16-4, the conditional offer of full-time employment shall be revoked.

- D) Each member shall sign a Board 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.
- E) ~~Board m~~Members shall sign the Conflict of Interest and Ethics Statement annually, or whenever employment, interest, or ownership changes, and provide the Conflict of Interest and Ethics Statement to the Board Secretary.
- F) ~~Board m~~Member Conflict of Interest and Ethics Statements are public information under GRAMA.
- G) The Board Secretary shall make Conflict of Interest and Ethics Statements available on the Board's website.
- G)H) Once the Board has voted on an issue, the vote reflects the official position of the Board.
- H)I) ~~Board m~~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)
- J) ~~The Board shall act as the Ethics Committee to receive and investigate complaints and take appropriate action.~~

Commented [AL4]: Moved from Duties and Responsibilities

V) **Duties and Responsibilities**

Commented [AL5]: Should the duties in statute be repeated in the Bylaws?

- A) Utah Constitution Article X, Section 3, and Title 53E of the Utah Code describe in detail the specific legal duties of the Board.
- B) Among these duties are:
- 1) Appointing the Superintendent 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) Adopting administrative rules directed to the whole system. (53E-3-401)
 - 3) Establishing minimum standards for public schools. (53E-3-501)
 - (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.
 - (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) Making rules establishing minimum standards a charter school authorizer is required to apply when evaluating a charter school application or monitoring charter school compliance. Approving charter school applications. (53G-5-304, 53G-5-306).
 - 5) Making rules that establish basic ethical conduct standards for licensed public education employees. (53E-3-512, R277-217R277-515)

- (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 R277-210 through 217, which establish procedures for UPPAC and Board review of UPPAC cases.
- 6) Defining, establishing and implementing core standards. (53E-4-202)
- 7) Carrying out the Board's responsibility for the education of all persons under 21 in custody of a state agency. (53E-3-503)
- 8) Carrying out the Board's responsibility for the general control and supervision over Adult Education. (53E-10-202)
- 9) Based on the needs of public education, annually preparing and submitting to the Governor and the Legislature the budget for the operation of the institutions and agencies under the Board.
- 10) In consultation with the state auditor, establishing and approving 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. ~~(53E-10-205)~~(53E-3-602)
- 11) Verifying audits of financial and student accounting records of LEAs for purposes of determining the allocation of Uniform School Fund monies. (53E-3-603)
- 12) Requiring LEAs to administer required statewide assessments in accordance with Utah law. (53E-4-302)
- 13) Managing the Board's staff and the Utah Schools for the Deaf and the Blind (USDB). ~~(53E-8-201(2))~~
- (a) ~~The employees of the agency are managed by the Superintendent under the supervision of the Board.~~
- (b) ~~The direct report employees of the Board as designated in Section X are managed and supervised by the Board.~~
- (c) ~~USDB is administered by a Superintendent for the USDB. (53E-8-204(2)) An Advisory Council shall be appointed by the Board. The USDB Superintendent reports to the Board through the State Superintendent, at the Board's discretion. Governance and control of USDB, and the management of its affairs, is vested in the Board. (53E-8-204)~~
- 14) Adopting internal Board policies and procedures.

Commented [AL6]: Moved under new Direct Employees section.

Commented [AL7]: Moved under Direct Employees

Commented [AL8]: Moved to Direct Employees under USDB Superintendent

- 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.~~
- D) ~~Once the Board has voted on an issue, the vote reflects the official position of the Board.~~
- E) ~~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.~~

Commented [AL9]: Moved to Ethics section

VI) **Election of Board 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 every other~~ year, at a meeting held any time between November 15 and January 15. (53E-3-201(2))
- 1) ~~The Board shall vote on each officer position separately.~~
- 2) ~~A member seeking to be elected to a Chair or Vice Chair position must receive the votes of at least 8 Board members to be elected to a Chair or Vice Chair position.~~
- 3)1) ~~Board officer elections shall be conducted in accordance with Board Policy 2002.~~
- 4)2) ~~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. (53E-3-201(3))~~
- 3) ~~Board officer elections shall be conducted in accordance with Board Policy 2002.~~
- 4) ~~The newly-elected Chair and Vice Chair(s) will assume transition responsibilities immediately following the conclusion of the meeting in which they are elected including:-~~
- ~~(a) new committee assignments; and~~
- ~~5)(b) ——— participating in setting the agendas for the January board meetings.~~
- B) The Board Chair or Vice Chair may be removed from the position for cause by a vote of two-thirds (2/3) of the Board. (53E-3-201(6))

Commented [AL10]: In Board Policy

C) Duties of the Board Chair:

- 1) Acting as the official spokesperson for the Board;
- 2) Chairing 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;
- 3) Calling additional meetings of the Board and standing committees as necessary;
- 4) Chairing the Board Executive Committee;
- 5) ~~Serving on the Board Audit Committee (R277-116-2(2));~~
- 6) ~~Appointing Board members to serve on committees requiring Board participation;~~
- 7) ~~Appointing Board members to serve on task forces requiring Board participation;~~
- 8) ~~Appointing one Participating as a member of the STEM Action Center Board Talent Ready Utah Board or appointing a designee (63N-12-203503);~~
- 9) ~~Facilitating the evaluation process by the Board of the Board's direct report employees each spring, calling a meeting of the Employee Evaluation Committee which shall consist of the Board Chair and Vice Chair(s);~~
- 10) ~~Initiating a self-evaluation of the Board in every odd year;~~
- 11) ~~Supervising payment of member per diem compensation (36-12-17(d) and (e)) and Board Policy 2001;~~
- 12) ~~Approving member requests for out-of-state travel;~~
- 13) ~~Performing other duties applicable to the office as prescribed by Board policy and procedure; and~~
- 14) ~~In the event of multiple Vice Chairs, designating which Vice Chair fulfills each Vice Chair duty described in Subsection VI-(D).~~
- 15) ~~Appointing Board members to serve on committees requiring Board participation;~~
- 16) ~~Appointing Board members to serve on ad hoc committees task forces requiring Board participation;~~
- 17) ~~Appointing ~~Board~~ members to serve on the Underage Drinking Prevention Program Advisory Council. (53G-10-406(5)(g))~~

~~17)~~ Appointing members of individuals to Standards Review committees. (53E-4-203(5)(a)(6)(a))

~~18)~~ Appointing parents to serve on the Assessment Item Review Committee. (53E-4-303(5)(b)(i))

~~19)~~ Appointing an individual to the ULEAD Steering Committee. (53E-10-707(b))

~~18)20)~~ Appointing a member to serve on the Regional Education Service Agency Coordinating Council. (R277-706-6)

D) Duties of the Board Vice Chair(s):

1) Speaking for the Board with the Board Chair's permission or if the Board Chair is unavailable;

2) Chairing Board meetings in the absence or at the request of the Chair;

~~3)~~ Chairing the Board Audit Committee (R277-116-2(2));

~~4)3)~~ Serving as a member of the Board Executive Committee;

~~5)4)~~ Overseeing the election of Board Officers;

~~6)5)~~ Overseeing new Board member orientation;

~~7)6)~~ Reviewing Board Bylaws annually, making sure Bylaws conform to current state statute, and initiates/initiating amendments for this and other areas if necessary; and

~~8)7)~~ Assisting the Chair in a yearly performance review of the Board's direct report employees.

VII) **Compensation for Services** (53E-3-202)

A) Board members shall be compensated and receive reimbursement in accordance with:

1) Section 36-2-3;

~~2)~~ Section 63A-3-106 and 107;

~~2)3)~~ Board Policy 2001;

~~3)4)~~ Department of Human Resource Management Rules; and

~~4)5)~~ Division of Finance Rules.

B) A voting member may participate in any group insurance plan provided to employees of the ~~State Board of Education Board~~ as part of the member's compensation on the same basis as required for employee participation.

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

~~C) Salary or expenses may not be paid to a member for work that violates rules of the Board. (53E-3-204)~~

VIII) **Board Committees and Outside Committee Participation**

A) Standing Committees of the Board

- 1) Members ~~of the Board~~ are assigned annually to a standing committee by the Chair, in consultation with the Vice Chair(s) with consideration of Board member requests and potential conflicts of interest.
- 2) Chairs and vice chairs of the standing committees are appointed by the Board Chair, in consultation with the Vice Chair(s).

B) Board Executive Committee

- 1) The Board Executive Committee shall include:
 - (a) The Chair;
 - (b) The Vice Chair(s);
 - (c) The Chairs of the standing committees, ~~if invited by the Chair or Board leadership;~~ and
 - (d) The Superintendent.
- 2) The Deputy Superintendents shall serve as staff to the Committee.
- 3) The Board Secretary shall serve as the secretary to the Board Executive Committee.
- 4) The Board Executive Committee agenda is determined by the Chair and Vice Chair(s), with recommendations from the Superintendent. ~~The agenda shall be distributed to Board members at least one week prior to the Board executive committee meeting.~~
- 5) Board Executive Committee meeting agendas shall be distributed to Board members prior to each meeting.
- 6) ~~Board m~~Members who are not on the Board Executive Committee may attend ~~Board Executive~~ Committee meetings but should not expect to participate in ~~Board Executive~~ Committee meeting business.
- ~~(a)7)~~ Members not on the Executive Committee planning to attend a Committee meeting must notify the Board secretary to ensure a quorum of the Board will not be present.

~~(b)~~8) Board Executive Committee meetings are convened for the purpose of discussing the agenda for the upcoming Board meeting or to implement other such administrative or operational matters ~~ea~~ffecting the Board as contemplated in the Open and Public Meetings Act, 52-4-101, et seq.

~~(e)~~(a) No formal action can or will be taken by the Board Executive Committee and all matters for which formal action must be taken will be brought before the Board.

~~6)~~9) Members of the Board Executive Committee shall ensure that members of the Board are substantially informed of the business of the Board ~~eE~~xecutive ~~eC~~ommittee.

~~7)~~10) 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.

~~8)~~11) The Board Executive Committee meets at the call of the Chair and at least 11 times per year.

C) Board Audit Committee

1) The ~~Board Audit Committee~~ shall appoint an Internal Audit Director (Chief Audit Executive) in accordance with 63I-5-301(3)(a). The Chief Audit Executive:

(a) Directs the Internal Audit Department in accordance with:

- (i) The current *International Standards for the Professional Practice of Internal Auditing* and associated *Internal Audit Policies and Procedures Manual*;
- (ii) Utah Code Annotated 63I-5 *The Utah Internal Audit Act*; and
- (iii) as otherwise required by state statute and the Board;

(b) Reports to the Audit Committee monthly, or as directed, regarding items such as, internal and external audits, audit objectives and scope, audit reports, risks, corrective action on audits, agency governance, internal controls, and compliance, operational independence, and issues that have the potential of exposing the Board, Superintendent, or an educational entity to liability or litigation;

(c) Attends personally, or through a designee, all Board meetings;

Commented [AL11]: Inconsistent with statute and R277-116(3)(b)

Commented [AL12]: Moved from Appointments.

- (d) Is responsible for the general administration, performance, and operations of the Internal Audit Department ensuring that the Department is independent (i.e., not responsible for the operations or management of the other Board staff);
- (e) Informs the Audit Committee if additional professional and support staff are necessary to implement an effective internal audit program;
- (f) Develops and recommends an audit plan, with associated resource needs, to the Audit Committee on an annual basis, or as necessary, based on the results of periodic risk assessments, audits, and budget; the Audit Committee then recommends the audit plan to the Board for approval;
- (g) Completes audits as outlined in the audit plan and provides associated reports to the Audit Committee and Board;
- (h) Maintains a hotline for fraud, waste, and abuse;
- (i) Consults with stakeholders of public education as requested;
- (j) Functions as the Board's external audit liaison;
- (k) Assesses agency risk(s), collaborating with the Audit Committee and Superintendent as necessary;
- ~~(l) Maintains the classification of department records consistent with GRAMA and is subject to the same penalties under GRAMA as the custodian of a public record; and~~
- ~~(l) Shall be evaluated annually by the Members of the Board. The performance review shall include, but is not limited to, a thorough survey of members and shall be discussed in an executive session of the Board.~~

2) Process for Audit Committee Membership Selection:

- (a) Board leadership shall propose the audit committee membership in an executive session to the board and include the board leadership's reasoning for the proposed membership;
- (b) The board shall vote to approve or amend the proposed audit committee membership.

~~2) The board shall only appoint current board members to the audit committee. The Board Audit Committee shall be comprised of board members who serve on all three standing committees of the Board. (R277-116-2(2))~~

~~3) The Board Chair and at least one Vice Chair shall be members of the Audit Committee. (R277-116-2(2))~~

4) ~~3) Board members not on the Audit Committee~~ may attend Board Audit Committee meetings.

5) ~~4) Board members not on the Audit Committee~~ planning to attend a Board Audit Committee meeting must notify the Audit Committee Chair to ensure a quorum of the Board will not be present.

6) ~~5) The Board Audit Committee shall will generally~~ meet monthly and include on each meeting agenda the following:

- (a) Confidential ~~D~~discussion with the Internal Audit Department;
- (b) Confidential ~~D~~discussion with the Internal Audit Director; and
- (c) Confidential ~~D~~discussion with the Internal Audit Director and Superintendent.

D) Committees requiring Board member representation

1) By statutory requirement:

~~(a) One Board member serves on the Commission on Civic and Character Education. (67-1a-10)~~

~~(b)(a)~~ One or more Board members serve on the Student Data Policy Advisory Group. (53E-9-302(3)(a) and Board ~~Resolution 2017-3~~ Policy 5003)

~~(c)(b)~~ Two Board members serve on the Utah Underage Drinking Prevention Program Advisory Council. (53G-10-406)

~~(d)(c)~~ One Board member ~~The Chair or the Chair's designee~~ serves on the ~~STEM Action Center Talent Ready Utah~~ Board. (63N-12-~~25~~03(1)(ed))

2) By invitation, Board-assigned members participate in meetings of:

(a) Utah School Boards Association (USBA) Board of Trustees- ~~(nNon-Voting)~~.

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

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

(d) Utah State Charter School Board (non-voting).

(e) USBE IT Governance Council.

~~(d)~~(f) Teacher of the Year Selection Committee.

~~(e)~~(g) Other committees, as invited.

3) By Board rule or ~~resolution~~policy:

(a) Two ~~Board~~ members serve on the Assessment and Accountability Policy Advisory Committee ~~(-AAPAC)~~. (Board ~~Policy 5002~~Resolution 2016-2)

E) The Board may establish an advisory committee with respect to the Board's responsibilities in accordance with Board Policy 1004.

~~1) The Board may establish a task force:~~

~~(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.~~

~~(c) Upon recommendation of a Board committee that is subsequently ratified by a quorum of the Board.~~

~~(d) Upon motion of an Individual Board member that is approved by a quorum of the Board.~~

~~2)1) The Board or Board Chair may dissolve any non-statutory advisory committee if the Board or Board Chair determines the committee is no longer necessary or effective.~~

F) The Board may maintain membership in national organizations with relevance to the Board's mission, including:

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

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

~~G)~~

IX) **Board Meetings**

A) The Board shall meet at the call of the Chair and at least 11 times per year (53E-3-203).

A)B) The Board shall approve a meeting schedule for the following year prior to the conclusion of the April Board meeting for the following year. A draft meeting schedule shall be provided to the Board the month before it is scheduled for approval.

Commented [AL13]: Include in Policy 1004.

~~B)C)~~ 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)~~ The Board Executive Committee shall add an item to ~~the a~~ Board agenda upon request of any ~~two-three Board~~ members under the following conditions:-

(a) It is identified how the item fits with the duties and responsibilities of the Board;

(b) If the item is an actionable item, the specific proposed action is outlined; and

(c) All requestors are listed for inclusion in the agenda memo

The item is an actionable item with the specific action outlined.

It is identified how the item fits with the duties and responsibilities of the Board.

~~2)(a)~~ All requestors are listed for inclusion in the agenda memo.

~~3)2)~~ Members of the public may request items be added to the Board agenda ~~by writing a by submitting a written~~ request to the Superintendent to be considered by the Board Executive Committee.

~~4)3)~~ Standing committee chairs and the Superintendent shall submit Board agenda items to the Board Executive Committee consistent with timelines established by the Board Executive Committee in consultation with the Board Secretary.

~~5)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)D)~~ The Board Executive Committee may not withdraw agenda items specifically requested by ~~two-three~~ or more members without the consent of a quorum of Board members.

~~D)E)~~ 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 may not exceed ten minutes.
- 5) The Board minutes shall record the individual providing the welcome.

F) As part of each regularly scheduled meeting, the Board will receive a monthly financial report from the Deputy Superintendent of Operations, 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, each section of the Board's office, and USDB.

E)G) The Board may hold study sessions in conjunction with regularly scheduled Board meetings. Members may submit suggested topics to Board leadership.

F)H) The Board may be called to convene in a special meeting, in full or executive session, by the Chair of the Board in accordance with the Utah Open and Public Meetings Acts. (53E-3-203(1))

G)I) The Chair shall call a meeting of the Board upon request of a quorum of Board members.

H)J) Voting by ~~Board~~ members:

- 1) A quorum of Board members is required to validate an action of the Board. (53E-3-203(2))
- 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 by mail or similar written forms.
- 5) A ~~Board~~ member may participate in any discussion in an open meeting and vote in a meeting if the ~~Board~~ member is participating by telephone or in real time electronically.
- 6) The ~~Board~~ member chairing the meeting may participate in all votes of the Board.
- 7) 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.
- 8) If a quorum is not present, but one-fifth of members are present, a member may make a motion for a Call of the Board.
 - (a) A Call of the Board requires the votes of a majority of members present to pass.

(b) Upon passage of a Call of the Board, no member may leave the Boardroom without permission of the chair and Board staff shall request that absent members return to the Boardroom to conduct Board business.

~~J)K)~~ The Board exists to aid in the conduct of the people's business. Therefore, in keeping with the Utah Open and Public Meetings Act, it is the Board's presumption that actions will be taken openly and deliberations conducted openly. (52-4-101, et seq.)

~~J)L)~~ 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. (52-4-202)

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

~~L)N)~~ In responding to reports and presentations, the Board has the following options:

- 1) Take appropriate action on recommendations in the report. ~~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) ~~2) Receive the report and refer it to the Superintendent~~ Refer the report to the Superintendent ~~W~~ when there is need for further study and recommendations at a subsequent meeting of the Board, ~~a matter may be referred to the Superintendent for further work or study.~~
- 4) ~~3) Take no action: The chair of the meeting T~~ 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.~~

~~M)O)~~ 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.

~~N)P)~~ The Board shall engage in a self-evaluation process every odd year.

~~O)Q)~~ 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. (52-4-204)
- 2) ~~If~~ if closed, the meeting shall be held consistent with statutory purposes for:

Commented [AL14]: Not correct under Roberts Rules.

- (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. (52-4-205)

3) A Board-member may not discuss confidential information discussed in executive session outside of the executive session.

3)4) A member may not participate in a closed meeting electronically.

R) The Board shall record and live stream all open meetings unless otherwise provided by 52-4-203 where facility technology will allow it.

S) The Board shall live stream all open meetings where facility technology will allow it.

P)T) The Board may hold electronic meetings in accordance with 52-4-207 and R277-101-4.

X) **Board Standing Committee Meetings and Procedures**

A) The Board ~~Executive Committee Chair~~ 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 Chair, in consultation with the Vice Chair(s), shall appoint Board committee chairs and vice chairs from among Board-members prior to the February Board meeting.

C) Standing committees are not subject to the Open and Public Meetings Act.

D) Standing committee meetings shall be open to the public.

E) Standing committees may hold electronic meetings.

B)F) Standing committees shall adhere to the information/discussion/action item categories listed on the committee agendas.

C)G) 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, Board Chair, 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 committee membership.
 - (b) Standing committee meetings will be recorded and staffed by a secretary assigned by the Superintendent. ~~In other Board committees, the committee chair will select a secretary for the committee.~~
 - (c) Committee motions need not be seconded.
 - (d) 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.
 - (e) Informal discussion of a subject is permitted while no motion is pending.
 - (f) The committee chair may speak in a discussion without relinquishing the chair, may make motions, and usually votes on all questions.
 - (g) A Board rule heard and voted on by a committee is considered as the Board's first reading.

D)H) Committee Reports to the Board

- 1) A committee agenda item receiving a favorable majority vote of the 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 committee members will be reported back to the entire Board with no committee recommendation. The Board Chair may 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)J) Committee Agendas

- 1) Committee chairs and vice chairs should work with the Superintendent to recommend committee agenda items.
- 2) The Board Executive Committee shall be apprised of committee agenda items specifically requested by a committee member.
- 3) The Superintendent shall submit proposed committee agenda items to the Board Secretary for discussion at the Board Executive Committee meeting.

F)J) The Board shall record and live stream all standing committee meetings on the internet where facility technology will allow it.

G)K) By motion, a standing committee may give direction to staff to:

- 1) Gather additional information to help inform the committee's work; or
- 2) Incorporate information into a draft rule or other document, which will come back to the committee for consideration or review.

XI) Direct Employees of the Board

H)A) The Board shall appoint the State Superintendent, who is the executive officer of the Board and serves at the pleasure of the Board. (53E-3-301)

- 1) The Board shall appoint the State Superintendent on the basis of outstanding professional qualifications.
- 2) 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.
 - (a) 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.
 - (b) The Superintendent Selection Committee shall:
 - (i) Follow the goals and objective criteria as established by the Board, seeking information and opinions from all **Board** members.
 - (ii) Determine the degree of involvement of community and staff in the selection process as advisor(s) to the Board.
 - (iii) Determine whether a consultant is needed to facilitate the selection process.
 - (iv) Set a reasonable timetable, at least thirty (30) calendar days, for completion of the selection process.
 - (v) Determine the need for preparation of printed media to recruit candidates.
 - (vi) Determine means of advertising the position and establish a screening process.
 - (vii) Identify and interview screened candidates and forward the list of finalists to the Board.
 - (c) Following the work of the Superintendent Selection Committee, the Board shall recall final candidates for second interviews ~~and make a selection~~.
 - (d) Final interviews will take place in a public meeting of the Board.

~~(e)~~(e) The appointment of the Superintendent will take place by vote of the Board in an open meeting.

3) 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.

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

~~4)5)~~ The employees of the agency are managed by the Superintendent under the supervision of the Board.

~~5)6)~~ The Board shall establish the compensation of the State Superintendent with a review of salary market data. (53E-3-302)

~~6)7)~~ 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.

B) The Board shall appoint a Superintendent for the Utah Schools for the Deaf and the Blind consistent with 53E-8-204(2) and R277-800.

(a) USDB is administered by the Superintendent for the USDB. (53E-8-204(2))

(b) An Advisory Council shall be appointed by the Board.

~~7)8)~~(c) The USDB Superintendent reports to the Board through the State Superintendent, at the Board's discretion. Governance and control of USDB, and the management of its affairs, is vested in the Board. (53E-8-20

Commented [AL15]: Moved from Duties and Responsibilities

C) For all other direct employees, Board Leadership shall establish an interview committee to bring recommendations to the Board.

D) The Board will appoint direct hires in an open meeting of the Board.

⌋

~~K)E)~~ The Deputy Superintendent of Operations serves at the pleasure of the Board and oversees:

(a) Charter Schools;

(b) Data & Statistics;

(c) Financial Operations;

(d) Human Resources;

- (e) Information Technology;
- (f) Internal Accounting; and
- (g) The School Children's Trust.

F) The Board shall appoint a secretary who serves at the pleasure of the Board (53E-3-201(5)) and assists the Board in all responsibilities.

~~(h) 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) Oversees processing of accounting paperwork, in- and out-of-state travel reimbursements, and 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.~~
- ~~(x) Researches minutes and other Board documentation.~~
- ~~(i) 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.~~

G) The Board Public Information Officer-Director of Public Affairs serves at the pleasure of the Board and assists the Board with:

- ~~1) public communications strategies as coordinated with the USBE communications team;~~
- 2) Drafting Board rules and policies;
- 3) Providing general policy support to Board members and Board staff;
- 4) Attend and providing policy support to Board standing committees;
- 5) Tracking public education related legislation;

- 6) Reviewing legislation and providing policy options to Board members, staff and Legislators;
- 7) Providing information to Legislators and Legislative staff;
- 8) Tracking State Board of Education required reports to the Legislature;
- 9) Performing research on education policy issues;
- 10) Conducting education policy analysis; and

11) Providing support to board members in general responses to constituent requests and needs.

H) The Board may appoint other direct report 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 that purpose.

M)

XI)XII) Appointments (53E-3-301)

A) ~~The Board shall appoint the State Superintendent, who is the executive officer of the Board and serves at the pleasure of the Board.~~

~~1) The Board shall appoint the State Superintendent on the basis of outstanding professional qualifications.~~

~~2) 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.~~

~~(a) 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.~~

~~(b) The Superintendent Selection Committee shall:~~

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

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

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

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

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

- (vi) Determine means of advertising the position and establish a screening process.
- (vii) Identify and interview screened candidates and forward the list of finalists to the Board.
- (c) Following the work of the Superintendent Selection Committee, the Board shall recall final candidates for second interviews and make a selection.
- 3) 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.
- 4) The State Superintendent shall administer all programs assigned to the Board in accordance with the policies and standards established by the Board.
- 5) The Board shall establish the compensation of the State Superintendent with a review of salary market data. (53E-3-302)
- 6) 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.
- B) The Deputy Superintendent of Operations serves at the pleasure of the Board and oversees:
 - (a) Charter Schools;
 - (b) Data & Statistics;
 - (c) Financial Operations;
 - (d) Human Resources;
 - (e) Information Technology;
 - (f) Internal Accounting; and
 - (g) The School Children's Trust.
- C) The Board Public Information Officer serves at the pleasure of the Board and assists the Board with public communications strategies.
- D) The Board shall appoint a Superintendent for the Utah Schools for the Deaf and the Blind consistent with 53E-8-204(2).
- E) The Board shall appoint an Internal Audit Director (Chief Audit Executive) in accordance with 631-5-301(3)(a). The Chief Audit Executive:

Commented [AL16]: Moved to Direct Employees

- (m) Directs the Internal Audit Department in accordance with:
 - (iv) The current *International Standards for the Professional Practice of Internal Auditing* and associated *Internal Audit Policies and Procedures Manual*;
 - (v) Utah Code Annotated 63I-5 *The Utah Internal Audit Act*; and
 - (vi) as otherwise required by state statute and the Board;
- (n) Reports to the Audit Committee monthly, or as directed, regarding items such as, internal and external audits, audit objectives and scope, audit reports, risks, corrective action on audits, agency governance, internal controls, and compliance, operational independence, and issues that have the potential of exposing the Board, Superintendent, or an educational entity to liability or litigation;
- (o) Attends personally, or through a designee, all Board meetings;
- (p) Is responsible for the general administration, performance, and operations of the Internal Audit Department ensuring that the Department is independent (i.e., not responsible for the operations or management of the other Board staff);
- (q) Informs the Audit Committee if additional professional and support staff are necessary to implement an effective internal audit program;
- (r) Develops and recommends an audit plan, with associated resource needs, to the Audit Committee on an annual basis, or as necessary, based on the results of periodic risk assessments, audits, and budget; the Audit Committee then recommends the audit plan to the Board for approval;
- (s) Completes audits as outlined in the audit plan and provides associated reports to the Audit Committee and Board;
- (t) Maintains a hotline for fraud, waste, and abuse;
- (u) Consults with stakeholders of public education as requested;
- (v) Functions as the Board's external audit liaison;

(w) Assesses agency risk(s), collaborating with the Audit Committee and Superintendent as necessary;

(x) Maintains the classification of department records consistent with GRAMA and is subject to the same penalties under GRAMA as the custodian of a public record; and

(y) 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.

Commented [AL17]: Moved to Board Committees.

F) The Board may appoint other direct report 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 that 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) Oversees processing of accounting paperwork, in- and out-of-state travel reimbursements, and 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.

(x) Researches minutes and other Board documentation.

(b) 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.~~

Commented [AL18]: Moved to Direct Employees

G)A) _____ By statute, the Board appoints members to the:

- 1) State Instructional Materials Commission. (53E-4-401~~2~~)
- 2) Utah Schools for the Deaf and the Blind Advisory Council. (53E-8-204(4)(a)(i))
- ~~3) School and Institutional Trust Lands Board of Trustees Nominating Committee. (53C-1-203)~~
- 4) ~~3) Utah Education and Telehealth Network (UETN) Board. (53B-17-105(5)(b)(ii))~~
- 5) ~~SITFO Nominating Committee. (53D-1-501(2))~~
- 6) ~~4) Utah Transparency Advisory Board (Department of Administrative Services). (63A-3-403(2)(i))(63A-1-203(2)(m))~~
- 7) ~~5) School Safety and Crisis Line SafeUT and School Safety Commission (Office of the Attorney General). (53E-10-503(1)(b))(53B-17-1203(1)(b))~~
- 8) ~~School and Institutional Trust Fund Nominating Committee. (53D-1-501(2)(a))~~
- 9) ~~Assessment Item Parent Review Committee. (53E-4-303(5))~~
- 10) ~~6) Charter School Revolving Account Committee. (53F-9-203(6) and R277-480-3)~~
- 11) ~~Competency-Based Review Committee. (53F-5-502(3)(c) and R277-712-3)~~
- 7) School Readiness Board (Department of Workforce Services). (53F-6-30235A-15-201(1)(b))
- ~~Digital Teaching and Learning Advisory Committee. (53F-2-510(7)(b) and R277-922-5)~~
- 12) ~~Computer Science Advisory Committee. (63N-12-506 and R277-473)~~

Commented [AL19]: Moved to Duties of Board Chair.

Commented [AL20]: Statute and rule require the Board to "establish" the committee, but not appoint members. Could be an administrative appointment.

Commented [AL21]: Statute does not require Board appointment, but the Board rule does. Could be an administrative appointment.

Commented [AL22]: Statute does not require Board appointment, but the Board rule does. Could be an administrative appointment.

H)B) _____ In conjunction with the Department of Human Services, the Board appoints members to the Utah Coordinating Council for Youth in Custody. (53E-3-503(6)(a)).

H)C) By statute, the Board shall nominate to the Governor at least two candidates for each of two positions on the State Charter School Board. (53G-5-201(2))

K) By resolution policy, the Board appoints members to the:

- 1) Advisory Committee on Equity of Educational Services for Students (ACESS). (~~Board Resolution 2016-1~~)(Board Policy 5001)
- 2) Assessment and Accountability Policy Advisory Committee (AAPAC). (~~Board Resolution 2016-2~~)(Board Policy 5002)

- 3) Utah Special Education Advisory Panel (USEAP). ~~(Board Resolution 2016-3)~~(Board Policy 5006)
- 4) Trust Lands Advisory Committee ~~(TAC)~~(TLAC). ~~(Board Resolution 2016-4)~~(Board Policy 5007)
- 5) Student Data Governance Advisory Group (SDGAG). ~~(Board Resolution 2017-1)~~(Board Policy 5005)
- 6) Student Data User Advisory Group (SDUAG). ~~(Board Resolution 2017-2)~~(Board Policy 5004)
- 7) Student Data Policy Advisory Group (SDPAG). ~~(Board Resolution 2017-3)~~ (Board Policy 5003)
- 8) Student Advisory Council (SAC). (Board Policy 5008)

XII) **Board Committees**

Commented [AL23]: Moved to before Board Meetings section.

A) ~~Standing Committees of the Board~~

- 1) ~~Members of the Board are assigned annually to a standing committee by the Chair, in consultation with the Vice Chair(s) with consideration of Board member requests and potential conflicts of interest.~~
- 2) ~~Chairs and vice chairs of the standing committees are appointed by the Board Chair, in consultation with the Vice Chair(s).~~

B) ~~Board Executive Committee~~

- 1) ~~The Board Executive Committee shall include:~~
 - ~~(a) The Chair;~~
 - ~~(b) The Vice Chair(s);~~
 - ~~(c) The Chairs of the standing committees, if invited by the Chair or Board leadership; and~~
 - ~~(d) The Superintendent.~~
- 2) ~~The Deputy Superintendents shall serve as staff to the Committee.~~
- 3) ~~The Board Secretary shall serve as the secretary to the Board Executive Committee.~~
- 4) ~~The Board agenda is determined by the Chair and Vice Chair(s), with recommendations from the Superintendent. The agenda shall be distributed to Board members at least one week prior to the Board executive committee meeting.~~

5) ~~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 Executive Committee meetings are convened for the purpose of discussing the agenda for the upcoming Board meeting or to implement other such administrative or operational matters effecting the Board as contemplated in the Open and Public Meetings Act, 52-4-101, et seq.~~

~~(c) No formal action can or will be taken by the Board Executive Committee and all matters for which formal action must be taken will be brought before the Board.~~

6) ~~Members of the Board Executive Committee shall ensure that members of the Board are substantially informed of the business of the Board executive committee.~~

7) ~~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.~~

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

C) ~~Board Audit Committee~~

D) ~~The Board shall appoint an Internal Audit Director (Chief Audit Executive) in accordance with 631-5-301(3)(a). The Chief Audit Executive:~~

~~(z) Directs the Internal Audit Department in accordance with:~~

~~(vii) The current *International Standards for the Professional Practice of Internal Auditing* and associated *Internal Audit Policies and Procedures Manual*;~~

~~(viii) Utah Code Annotated 631-5 *The Utah Internal Audit Act*; and~~

~~(ix) as otherwise required by state statute and the Board;~~

~~(aa) Reports to the Audit Committee monthly, or as directed, regarding items such as, internal and external audits, audit objectives and scope, audit reports, risks, corrective action on audits, agency governance, internal controls, and compliance, operational independence, and issues that have the potential of exposing the Board, Superintendent, or an educational entity to liability or litigation;~~

Commented [AL24]: Inconsistent with statute and R277-116(3)(b)

Commented [AL25]: Moved from Appointments.

- ~~(bb) Attends personally, or through a designee, all Board meetings;~~
- ~~(cc) Is responsible for the general administration, performance, and operations of the Internal Audit Department ensuring that the Department is independent (i.e., not responsible for the operations or management of the other Board staff);~~
- ~~(dd) Informs the Audit Committee if additional professional and support staff are necessary to implement an effective internal audit program;~~
- ~~(ee) Develops and recommends an audit plan, with associated resource needs, to the Audit Committee on an annual basis, or as necessary, based on the results of periodic risk assessments, audits, and budget; the Audit Committee then recommends the audit plan to the Board for approval;~~
- ~~(ff) Completes audits as outlined in the audit plan and provides associated reports to the Audit Committee and Board;~~
- ~~(gg) Maintains a hotline for fraud, waste, and abuse;~~
- ~~(hh) Consults with stakeholders of public education as requested;~~
- ~~(ii) Functions as the Board's external audit liaison;~~
- ~~(jj) Assesses agency risk(s), collaborating with the Audit Committee and Superintendent as necessary;~~
- ~~(kk) Maintains the classification of department records consistent with GRAMA and is subject to the same penalties under GRAMA as the custodian of a public record; and~~
- ~~(ll) 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.~~
- ~~1) The Board Audit Committee shall be comprised of board members who serve on all three standing committees of the Board.~~
- ~~2) The Board Chair and at least one Vice Chair shall be members of the Audit Committee.~~
- ~~3) Board members may attend Board Audit Committee meetings.~~

Commented [AL26]: Review with statute.

- 4) ~~Board members planning to attend a Board Audit Committee meeting must notify the Audit Committee Chair to ensure a quorum of the Board will not be present.~~
 - 5) ~~The Board Audit Committee shall meet monthly and include on each meeting agenda the following:~~
 - ~~(a) Confidential Discussion with the Internal Audit Department;~~
 - ~~(b) Confidential Discussion with the Internal Audit Director; and~~
 - ~~(c) Confidential Discussion with the Internal Audit Director and Superintendent.~~
- E) ~~Committees requiring Board member representation~~
- 1) ~~By statutory requirement:~~
 - ~~(a) One Board member serves on the Commission on Civic and Character Education. (67-1a-10)~~
 - ~~(b) One or more Board members serve on the Student Data Policy Advisory Group. (53E-9-302(3)(a) and Board Resolution 2017-3)~~
 - ~~(c) Two Board members serve on the Utah Underage Drinking Prevention Program Advisory Council. (53G-10-406)~~
 - ~~(d) One Board member serves on the STEM Action Center Board. (63N-12-203(1)(e))~~
 - 2) ~~By invitation, Board members participate in meetings of:~~
 - ~~(a) Utah School Boards Association (USBA) Board of Trustees. (Non-Voting.)~~
 - ~~(b) Utah Rural Schools Association (URSA) Board of Directors.~~
 - ~~(c) Utah High School Activities Association (UHSAA) Board of Trustees.~~
 - ~~(d) Utah State Charter School Board.~~
 - ~~(e) Other committees, as invited.~~
 - 3) ~~By Board rule or resolution:~~
 - ~~(a) Two Board member serve on the Assessment and Accountability Policy Advisory Committee. AAPAC. (Board Resolution 2016-2)~~
- F) ~~The Board may establish an advisory committee with respect to the Board's responsibilities.~~
- 1) ~~The Board may establish a task force:~~

- ~~(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.~~
- ~~(c) Upon recommendation of a Board committee that is subsequently ratified by a quorum of the Board.~~
- ~~(d) Upon motion of an Individual Board member that is approved 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.~~

~~G) The Board may maintain membership in national organizations with relevance to the Board's mission, including:~~

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

~~2) WestEd—the western branch of the National Office of Education Research serving several western states, including Utah.~~

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

- A) Bylaws (except those established in state law) may be changed or 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 and amendments to the bylaws 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

Amended August 12, 2016

Amended October 7, 2016

Amended November 4, 2016

Amended September 8, 2017

Amended November 2, 2017

Amended January 3, 2018

Amended February 1, 2018

Amended May 3, 2018

Amended June 7, 2018

Amended December 6, 2018