
Index Utah Code

Title 53G Public Education System -- Local Administration

Chapter 5 Charter Schools

Part 4 Powers and Duties

Section Regulated transactions and relationships -- Definitions -- 409 Rulemaking. (Effective 5/14/2019)

Effective 5/14/2019

53G-5-409. Regulated transactions and relationships -- Definitions -- Rulemaking.

- (1) As used in this section:
 - (a) "Charter school officer" means:
 - (i) a member of a charter school's governing board;
 - (ii) a member of a board or an officer of a nonprofit corporation under which a charter school is organized and managed; or
 - (iii) the chief administrative officer of a charter school.
 - (b) (i) "Employment" means a position in which a person's salary, wages, pay, or compensation, whether as an employee or contractor, is paid from charter school funds.
 - (ii) "Employment" does not include a charter school volunteer.
 - (c) "Relative" means a father, mother, husband, wife, son, daughter, sister, brother, uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, or daughter-in-law.
- (2) (a) Except as provided in Subsection (2)(b), a relative of a charter school officer may not be employed at a charter school.
 - (b) If a relative of a charter school officer is to be considered for employment in a charter school, the charter school officer shall:
 - (i) disclose the relationship, in writing, to the other charter school officers;
 - (ii) submit the employment decision to the charter school's governing board for the approval, by majority vote, of the charter school's governing board;
 - (iii) abstain from voting on the issue; and

- (iv) be absent from the portion of the meeting where the employment is being considered and determined.
- (3) (a) Except as provided in Subsections (3)(b) and (3)(c), a charter school officer or a relative of a charter school officer may not have a financial interest in a contract or other transaction involving a charter school in which the charter school officer serves as a charter school officer.
- (b) If a charter school's governing board considers entering into a contract or executing a transaction in which a charter school officer or a relative of a charter school officer has a financial interest, the charter school officer shall:
 - (i) disclose the financial interest, in writing, to the other charter school officers;
 - (ii) submit the contract or transaction decision to the charter school's governing board for the approval, by majority vote, of the charter school's governing board;
 - (iii) abstain from voting on the issue; and
 - (iv) be absent from the portion of the meeting where the contract or transaction is being considered and determined.
- (c) The provisions in Subsection (3)(a) do not apply to a reasonable contract of employment for:
 - (i) the chief administrative officer of a charter school; or
 - (ii) a relative of the chief administrative officer of a charter school whose employment is approved in accordance with the provisions in Subsection (2).
- (4) The state board or State Charter School Board may not operate a charter school.

Amended by Chapter [293](#), 2019 General Session

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