

UTAH STATE BOARD OF EDUCATION MEETING

July 17, 2013
1:00 p.m. to 6:00 p.m.

Utah State Office of Education
Board Room
250 East 500 South
Salt Lake City, Utah

AGENDA

1:00 p.m. to 1:15 p.m.

1. **ACTION:** Smart School Technology Program school approval Tab 1

1:15 p.m. to 1:45 p.m.

2. **ACTION:** ESEA reauthorization guidelines Tab 2

1:45 p.m. to 2:45 p.m.

3. **POSSIBLE ACTION:** Board employee evaluation process Tab 3

2:45 p.m. to 2:50 p.m.

4. **Break**

2:50 p.m. to 4:15 p.m.

5. **Executive Session**

4:15 p.m.

6. **Instruction, Assessment and Technology Committee**

ACTION: Board Bylaws Tab 6



UTAH STATE BOARD OF EDUCATION

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Keith M. Buswell
Leslie B. Castle
Joel Coleman

Barbara W. Corry
Heather Groom
Michael G. Jensen
Jennifer A. Johnson

Jefferson Moss
C. Mark Openshaw
Tami W. Pyfer
David L. Thomas

Martell Menlove, Chief Executive Officer
Lorraine Austin, Board Secretary

MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Martell Menlove, Ph.D.
Chief Executive Officer

DATE: July 17, 2013

ACTION: Smart School Technology Program School Approval

Background: During the 2013 Legislative Session, S.B. 284 *Smart School Technology Act* was passed (UCA 53A-1-709 *Smart School Technology Program*). The law amended a three-year pilot project known as the Smart School Technology Program, to encourage the deployment of whole-school technology in public schools. Board rule R277-617 *Smart School Technology Program* was amended in accordance with requirements in the Act. The rule governs how schools will be selected for the Smart School project. In the June 2013 State Board of Education meeting, a list of schools was tentatively approved for participation in the program.

Key Points:

1. The USOE shall select schools based on number of applicants, cost of developing/implementing the program in the applicant schools, school needs, funds available and other relevant information.
2. Public schools that include grade levels K-12 are eligible.
3. Selected schools must have a documented technology implementation plan which includes how the school will provide matching funds.
4. The USOE shall recommend and the Board shall select proposals from schools that represent, to the extent possible, geographic, economic and demographic diversity.
5. The USOE will consult with the Smart School Technology Committee on the selection of schools.

Anticipated Action: The State Board of Education will consider the final selection of schools to participate in the Smart School Technology program for the 2013-2014 school year.

Contact: Brenda Hales – 801-538-7515
Rick Gaisford – 801-538-7798

**List of Applicants given USBE Preliminary Approval on June 7, 2013
for Participation in the SB 284 Smart School Technology Program**

1. Wasatch Peaks Academy / Charter School (422)
2. Utah Career Path High School / Charter School (175 projected)
* School opens August 2013
3. Helper Jr. High /Carbon District (192)
4. Myton Elementary / Duchesne District (164)
5. Beehive Academy / Charter School (180)
6. Rocky Mountain Middle / Wasatch (859)
7. Freedom Preparatory Academy / Charter School (285: Upper Campus 7-12)
8. Corner Canyon High School / Canyons District (1859 projected)
* School opens August 2013
9. Century Elementary / Box Elder District (476)
10. Gunnison Valley High School / South Sanpete District (324)
11. Neil Armstrong Academy / Granite District (668 projected)
* School opens August 2013
12. Cook Elementary / Davis District (786)
13. Nebo District / School TBD (enrollment TBD)



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Martell Menlove, Chief Executive Officer
Lorraine Austin, Board Secretary

MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Martell Menlove, Ph.D.
Chief Executive Officer

DATE: July 9, 2013

ACTION: ESEA Reauthorization Guidelines

Background:

- The Elementary and Secondary Education Act (ESEA), reauthorized more than ten (10) years ago as the No Child Left Behind Act (NCLB), expired more than four (4) years ago. Although there is not general agreement that ESEA will be reauthorized in this session of Congress, there are multiple ESEA reauthorization bills currently under consideration.
- Those bills being considered include:
 - Strengthening America's Schools Act (S. 1094) – Senator Tom Harkin
 - Student Success Act (H.R. 5) – Congressman John Kline (R-MN)
 - Every Child Ready for College or Career Act (S. 1101) – Senator Lamar Alexander
- Included as backup material is an email sent to State Board members on June 13, 2013 that includes a list of basic foundation principles that the Board may consider.

Key Points:

- The intent of this agenda item is not for the Board to take a position on any specific legislation, but for the Board to identify important basic concepts and principles that they would support in any legislation reauthorizing ESEA.
- These basic concepts would then be shared with Utah's congressional delegation and other interested stakeholders and would be used as the Board and USOE staff have opportunities to impact ESEA reauthorization legislation.

Anticipated Action:

It is anticipated that the Board will adopt a set of basic principles, possibly prioritized, that need to be included in any legislation reauthorizing ESEA.

Contact: Martell Menlove (801) 538-7510

From: Menlove, Martell
Sent: Thursday, June 13, 2013 10:25 AM
To: Board of Education
Cc: Wilson, Karl A.
Subject: ESEA Reauthorization

Although many continue to question that ESEA will actually be reauthorized in this session of Congress, there is considerable movement in Washington DC currently with the introduction of multiple pieces of legislation and committee meetings concerning ESEA reauthorization. I am uncertain as to the role of Utah's congressional delegation at this point. I do believe this is an opportune time to provide them some information as to where the State Board of Education would like to have ESEA reauthorization lead. It is my opinion that it might be premature to address specifics of any of the proposed bills. However, I do believe we can offer some basic foundational principles that are important and that should be included in all conversations.

Additionally, I believe this is an opportunity for the State Board to demonstrate leadership in impacting federal decision making. This is an area where some have criticized the Board in the past.

What I would suggest at this time is that we identify basic foundation principles we feel are important to be included, or maybe excluded, and then develop a way that these are then communicated to our congressional delegation, as well as the general public. My list would include:

- Return to more state and local district/charter control
- Limited and only educationally essential reporting of student data
- Additional flexibility with federal dollars
 - Flexibility within programs
 - Flexibility between programs
 - Additional discretionary dollars
 - Question on MOE – Maintenance of Effort
- Federal assessment standards and requirements
- Federal standards on reporting school achievement to parents
- Qualifications of teachers
- Federal school improvement strategies
- Teacher and principal evaluations
- Federal grant opportunities
- Waivers from department rules and regulations

It is my opinion that it is possible for certain components to be included in the reauthorization of ESEA that can be beneficial for Utah's students. We need to identify what we want in the legislation and what we do not want.

Your input as I move forward in preparing a final document for Board adoption would be appreciated.

Martell



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Lorraine Austin, Board Secretary

MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Martell Menlove, Ph.D.
Chief Executive Officer

DATE: July 17, 2013

DISCUSSION/:

POSSIBLE ACTION: Board Employee Evaluations

Background:

In the past few months, Board members have been researching and reviewing employee evaluation tools in order to update the system used for evaluating Board employees.

Key Points:

The Board Bylaws currently direct that the Board Chair is responsible for conducting a yearly performance review of the Board's employees by June and making recommendations to the Board regarding those evaluations. In addition, that the Chair and Vice Chair will conduct performance reviews of the superintendent annually, and that a survey instrument will be used in odd years.

No specific tools have been identified for the evaluation process.

Anticipated Action:

The Board will discuss tools for implementing a Board employee evaluation process, and will consider making changes to its Bylaws on the process.

Contact: Debra Roberts, 435-438-5843
David Rodemack, 801-538-7652



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MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Martell Menlove, Ph.D.
 Chief Executive Officer

DATE: July 17, 2013

DISCUSSION: State Board of Education Bylaws

Background:

Each year the Board of Education reviews its Bylaws and makes necessary changes. The Instruction, Assessment and Technology Committee has been reviewing the Bylaws for the past several months and preparing recommendations for changes.

Key Points:

The committee will continue its in-depth review of the Bylaws.

Anticipated Action:

The Instruction, Assessment and Technology Committee will review the Bylaws, taking input from all Board members, and prepare recommendations for changes.

Contact: David Crandall, 801-232-2095
 Lorraine Austin, 801-538-7517

BYLAWS Draft Changes
Utah State Board of Education
May 2, 2013

Comment [JJ1]: Entire document needs to be cleaned up in terms of (1) consistently using MS Word outline tool, (2) grammar, (3) punctuation, (4) capitalization scheme, etc.

- 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)

(For clarity, add terms section such as “Board” = the State Board of education; “USEO”; “majority” = 8 of 15 voting Board members; 2/3 majority = 10 of 15 voting Board members; etc. Then, renumber the document using MS Word’s outline tool.)

II. **Membership**

- A. 15 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. Two members of the State Board of Regents, appointed by the Chair of the State Board of Regents, shall serve as nonvoting members of the Board, without set term, until replaced by the Chair of the State Board of Regents. (53A-1-102(2)(a)(i))
- C. One member of the Utah College of Applied Technology (UCAT) board shall serve as a nonvoting member of the Board, without set term, until replaced by the Chair of the Board of Trustees of the Utah College of Applied Technology. (53A-1-101(2)(a)(ii))
- D. One member of the State Charter School Board shall serve as a nonvoting member of the Board, without set term, until replaced by the Chair of the State Charter School Board. (53A-1-101(2)(a)(iii))
- E. ~~One member of the Coalition of Minorities Advisory Committee (CMAC), appointed by the CMAC, may serve as a nonvoting advisor to the Board without set term until replaced by the CMAC.~~
- F. ~~One member of the Utah School Boards Association (USBA), appointed by the USBA, may serve as a nonvoting advisor to the Board without set term until replaced by the USBA.~~
- G. Nonvoting members or advisors may have voting rights when serving on task forces or ad hoc committees created by the Board, but may not serve as chair or vice chair of Board committees.
- H. The Board shall appoint a secretary who serves at the pleasure of the Board. (53A-1-201)

III. Board Member Ethics

Comment [1a2]: Section III passed in committee 4/18/13

A. Board members are required under the Utah Public Ethics Act, 67-16-7, to disclose specific conflicts of interest. ~~In addition, each year,~~

B. Conflicts of Interest

1. ~~Conflicts of interest occur when a board member, or the member's family, or an organization for which the Board members has responsibility stands to benefit financially from a matter before the board in a manner that is different from all other members. If a board member votes on an issue that benefits that Board member as well as all other members of the public, there is no conflict of interest.~~

2. **Potential Liability.** ~~Conflicts or potential conflicts of interest, however, do not necessarily create liability if:~~

a. ~~Full Disclosure.~~ ~~The interested director makes full disclosure of the conflict, and~~

b. ~~No Influence on Vote (recusal).~~ ~~The interested board member may be required to leaves the room so remaining members can discuss the issue fully and freely, and take vote without the affected member.~~

Comment [1a3]: Passed in committee 3-2, 4/18/13

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 provide and sign the Statement annually or whenever Employment, interest or ownership changes, with the Executive Secretary of the Board.

- | ~~E.D.~~ Board member Conflict of Interest Statements shall be public information and shall be accessible on the Board website.
- | ~~F.E.~~ Once the Board has voted on an issue, the vote reflects the official position of the Board.
- | ~~G.F.~~ 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.G.~~ The Board shall act as the Ethics Committee to receive and investigate complaints and take appropriate action.

IV. Duties and Responsibilities

Comment [1a4]: Section IV passed in committee 4/18/13

- 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 VII Utah State Board of Education Bylaws)
 - 2. Adopt administrative rules 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:
 - (1) Qualification and licensure of educators, ancillary personnel, administrators, and evaluation of instructional personnel.
 - (2) Access to programs, attendance, competency levels, graduation requirements, discipline and control.
 - (3) 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.
 - (4) State reimbursed bus routes, bus safety and operational requirements, and other transportation needs.
 - (5) School productivity and cost effectiveness measures, federal programs, school budget formats, and financial, statistical, and student accounting requirements.
 - (6) Approval of charter school agreements 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, (53A-6-301), shall bring before the Board in executive session cases requiring Board action.
 - b. Administrative Rules R277-501, R277-514, and R686-100-103 define the commission 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 ~~local school boards/charter schools~~ 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 ~~school districts/charter schools~~ LEAs for purposes of determining the allocation of Uniform School Fund moneys. (53A-1-405)
 11. The Board shall require each ~~school district and charter school~~ LEA to implement the Utah Performance Assessment System (U-PASS) (53A-1-603) unless school districts/charter schools receive specific exemption.
 12. The Board has statutory responsibility (cite statute here) 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).

- a. **USOE** functions under the direction of the State Superintendent of Public Instruction and ~~acts as~~ 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 hearing impaired. It 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/Blind and the management of its affairs is vested in the Board.
(53A-25b-201)

13. Adopt internal Board policies and procedures. ~~(see appendices)~~

C. Fiduciary Duties: "A duty to act for someone else's benefit, while subordinating one's personal interest to that of the other person. It is the highest standard of duty implied by law (e.g., trustee, guardian)." -Black's Law Dictionary

2. Upon their election to the Board, members become fiduciaries with powers to act on behalf of the public. As fiduciaries, Board members are held to a higher standard of conduct and have two primary duties: (i) duty of care, and (ii) duty of loyalty.

a. DUTY OF CARE (Due Diligence; Duty to Investigate). Board members must be diligent and careful in performing the duties they have undertaken. (Burt v. Irvine Company). Board members must:

- (1) Attend and participate in meetings so they can be informed about the association's Board's business.
- (2) Make reasonable inquiry regarding maintenance issues, rules violations, and any information members consider necessary to performing the obligations of their office.
- (3) Make decisions.
- (4) Insist on the maintenance of accurate records.

b. DUTY OF LOYALTY (No Self-Dealing). Board members must act in the best interests of the public even if at the expense of their own interests. This precludes taking actions that result in personal benefits to the board member at the expense of the public. Conflicts of interest do not necessarily create liability if handled properly.

Comment [1a5]: Move everything under #13 to Policies and Procedures

V. Election of Officers

Comment [1a6]: Section V, A through C passed committee 4/18/13

A. The Board shall elect from its members a Chair and at least one Vice Chair, but no more than three Vice Chairs(s) each year, at a meeting held any time between November 15 and January 15. The board may elect additional officers as necessary, but the total number of officers shall not exceed five. (53A-1-201)

Comment [1a7]: Passed committee 4-1, 4/18/13

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

C. Election Procedures

2. The Vice Chair shall oversee Board elections.

Comment [1a8]: Move to Policies and Procedures

1. 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 mail by email or other approved means to:

- a. (1) Inquire as to the Board member's willingness or desire to serve as a Board Chair or Vice Chair officer.
- b. (2) Accept nominations for each position from any Board member.

2. b. The Board secretary will determine the candidates for Chair and Vice Chair and request a short statement of the candidate's goals or direction from each candidate for invite each candidate to submit a statement to for the other members of the Board.

3. e. The Secretary shall compile and prepare an distribute election information sheet, to the members of the Board eligible to vote, including the date and time of the election meeting and, candidate names, of those interested in serving as Chair or Vice Chair, along with the unedited, brief position statement of each, and mail a copy to all Board members eligible to vote before the written statements.

and election meeting procedures.

Comment [1a9]: Combine paragraphs

3 d. ~~During the Nominations for leadership positions may be made during the~~ Board meeting at which elections ~~are to take place~~ occur. ~~During the meeting,~~ each candidate for office shall have an opportunity to briefly address the Board as to the candidate's position.

4 e. Ballots with all candidates' names printed thereon will be distributed to Board members. Each member will check the personal choice for Chair and Vice Chair.

5 f. Board members must be present at the meeting to cast a vote.

g. Votes will be tabulated immediately by the secretary and Vice Chair, each confirming election results with the election of Board Officers decided by a majority of voting Board members.

Comment [1a10]: Move to Policies and Procedures, 4/18/13

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

i. Vote tallies will be announced immediately following the election during the public meeting and ballots will be available for public inspection.

Comment [1a11]: Move to Policies and Procedures, 4/18/13

~~7.3-~~ 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.

~~8.4-~~ In the event that a vacancy occurs prior to the end of the term of the Vice Chair, 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 Bylaws Section II, with the exception that the replacement Vice Chair election may occur ~~within~~ up to a two-month time frame from when the vacancy is noticed to the Board.

~~9.5-~~ An officer elected by the Board may be removed from office for cause by a vote of two-thirds of the Board. (53A-1-201(5))

C.B. **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 at the Chair's discretion. The Chair or Vice Chair may

designate a Board member to preside at designated meetings.

4. Calls additional meetings of the Board as necessary.
5. Chairs the ~~Leadership~~Executive Committee (comprised of the Chair, Vice Chair(s), ~~any other elected officers of the Board, and the~~ State Superintendent; ~~staffed by the~~ Deputy Superintendent and ~~the~~ Board ~~Secretary~~secretary).
6. ~~Chairs~~May chair the Board Audit Committee ~~consistent with~~(see R277-116-).
~~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. Conducts~~ 9. In consultation with the Vice Chair, conducts a yearly performance review of the Board's employees by June and makes recommendations to the Board in Executive Session.

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

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

Comment [1a12]: Passed Committee 3-0, 4/18/13

Comment [1a13]: Passed Committee 5/2/13

C. **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. ~~Chairs~~May chair the Board Audit Committee ~~at the request of the Chair.~~(see R277-116)
5. Serves as a member of the Board ~~Leadership~~Executive Committee.
6. Oversees the election of Board Officers.
7. Oversees new Board member orientation.
8. Reviews Board Bylaws annually, making sure the 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.

~~D. Election of a Board representative to the Utah School Boards Association Board of Directors.~~

1. ~~Election will occur biennially in conjunction with the election of Board Leadership at the end of each odd-numbered year.~~

2. ~~Board representative will serve a two-year term.~~

Comment [1a14]: See p. 19, Passed by Committee 5/2/13

D. Limitations of Board Leadership

1. Members of the Board Executive Committee shall ~~not cause or allow~~ ensure that the members of the Board ~~to be~~ are substantially informed ~~uninformed in~~ the business of the Board.

Comment [1a15]: Passed by Committee 5/2/13

2. Members of the Board Executive Committee shall ~~facilitate the Board in~~ carrying out their ~~not cause or allow the violation of the fiduciary duties of the~~ members of the Board ~~by withholding or retaining~~ by distributing all information needed for timely and prudent decision making.

Comment [1a16]: Passed by Committee 5/2/13

VI. 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 their compensation on the same basis as required for employee participation.

C. Additionally, a voting member may receive per diem and travel expenses.

1. A voting member may receive per 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 on 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 Division of Finance. (63A-3-106 and 107)

2. Compensation 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 Division of Finance. (63A-3-106 and 107)
- E. Non-voting Board members shall receive compensation for necessary travel expenses. In addition, non-voting members may receive per diem compensation as established by the Director of the 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)

VII. Meetings

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

Comment [1a17]:

Comment [1a18]: Passed by Committee 5/2/13

Comment [JJ19]: Shouldn't this be December to allow for the schedules of new board members?

- B. 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 Leadership 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 (10) 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.

- C. ~~Meetings shall include the regular review of the actual/projected verses projected budgets of the Board, the USOE, and the total-simplified budget summary for (needs definition)~~

~~of public education.~~

Comment [1a20]: Passed by Committee 5/2/13

D. Voting by Board Members

1. A quorum of the Board is defined as a majority of all voting Board members. A ~~quorum~~ majority of all board members is required to validate an action of the Board. (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 by mail, or electronically except that a Board member may participate in any discussion and vote in an ad hoc 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.

Comment [JC21]: Our bylaws are inconsistent with the law—and we should ask the legislature to change this text so we can function according to Robert's Rules, with a majority of those present and a minimum quorum instead of a majority of the total board.

~~DE.~~ Any matter to be voted upon by the Board which creates ~~a potential or an~~ actual conflict between a Board member's personal interests and the member's public duties shall be disclosed in open meeting to the members of the body, and that Board member may choose not to discuss an issue and/or not to cast a vote on the issue.

Comment [JJ22]: I prefer "potential" to be retained

~~E.~~ ~~The Board shall approve a meeting schedule in November or December for the following year.~~

- F. The Board exists to aid in the conduct of the people's business. Therefore, in keeping with the Utah Open and Public Meetings Act, Title 52, Chapter 4, it is the Board's presumption that actions will be taken openly and deliberations conducted openly. The Secretary to the Board 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.
- G. Public notice of meetings shall be given in accordance with the Utah Open and Public Meetings Act, 52-4-202.
- H. Public participation at Board meetings is invited consistent with Board Administrative Rule R277-101-3.
- I. In responding to reports and presentations, the Board has the following options:

1. Take appropriate action: A motion made, seconded, and receiving a majority vote of the voting Board members 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 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.

~~5. In emergency situations, the Chair may modify the above procedures as appropriate.~~

~~6. The Chair's action shall be approved by a majority vote of the Board members present.~~

J. 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.

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

L. 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 in the minutes of the meeting.
2. A closed meeting shall be held consistent with statutory purposes. (52-4-205)
 - Discussion of the character, professional competence, or physical or mental health of an individual.
 - Strategy sessions to discuss the sale, purchase, exchange or lease of real property.
 - Strategy session to discuss pending or reasonably imminent

litigation.

- Other issues as identified in statute. (52-4-205)

VIII. Board Committee Meetings and Procedures

- A. Board Leadership shall schedule meetings with committee chairs based on the needs and priorities of the Board.
- B. After Board Leadership election in December or January, Board Leadership shall appoint Board committee chairs and vice-chairs from among the voting members of the Board prior to the January 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 Leadership 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~~ 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 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~~vice chairs should work with ~~the~~any designated USOE staff to recommend committee agenda items.
- 2. Board Leadership 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 ~~Board Leadership~~the Executive Committee meeting.
- ~~4. Board Leadership may not withdraw committee agenda items specifically requested by a committee without consent of a majority of the committee.~~
- ~~5. Only Board Leadership can remove an item from the Board agenda.~~

IX. **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 outlined below ~~(Becoming a Better Board Member: A Guide to Effective School Board Service, National School Boards Association, Third~~

~~Edition, 2006, Chapter 7).~~

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 ~~to further education in Utah~~, 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 ~~30~~⁹⁰ calendar days, for completion of the selection process.
 - e. Determine 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 State Board shall recall final candidates for second interviews and make a selection.
- D. ~~As the Board deems~~^{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. ~~Performance reviews of the superintendent with the Chair and Vice Chair of the Board will occur annually (June of each year). Survey instruments will be used~~

Comment [JJ23]: The increase of this minimum from 30 to 90 is to increase the likelihood of casting a wide net while selecting a Superintendent. Admittedly this could be circumvented such as by a 30 day unofficial selection process and 60 days of the selected individual serving as the interim superintendent rather than the actual superintendent.

~~in odd years.~~ The Board chair and vice chair 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 meeting 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 that purpose.

1. The Board Secretary

a. Serves at the pleasure of the Board and assists the Board in all responsibilities; ~~prepares~~

a. Prepares for Board meetings; ~~prepares~~

b. Prepares agendas; ~~takes~~

c. Takes and promptly prepares minutes; ~~has~~

d. Has responsibility for follow-up assignments; ~~processes~~

e. Processes Board member travel and makes arrangements for travel; ~~prepares~~

f. Prepares correspondence and other communications for the Board; ~~and coordinates~~

g. Coordinates Board functions; ~~fulfills~~ and

~~a-h.~~ Fulfills assignments made by or through Board Leadership.

b. Researches minutes and other Board documentation.

c. ~~Provides assistance to the Governor's office in Board candidate search and election process.~~

d. ~~Serves~~ May serve as Parliamentarian at Board meetings.

e. The secretary to the Board 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 meeting of the Board.

2. The Internal Auditor shall work with the Board and State Superintendent as outlined in R277-116.

- a. Plans, organizes, directs, and controls audit assignment and direction.
 - b. Reports audit findings through written audit reports.
 - c. Is responsible for the general administration and coordination of the auditor's office.

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

- J. 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 Board. (53B-17-102(3))

- K. 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))

- L. The Board appoints members to the following councils, which are advisory to the Utah State Office of Rehabilitation (USOR).
 - 1. Disability Determination Advisory Council. (53A-15-205)
 - 2. State Office of Rehabilitation Advisory Council. (53A-24-110.5(1))
 - 3. Blind and Visually Impaired Advisory Council. (53A-24-305)
 - 4. State Advisory Council for Services to the Deaf and Hard of Hearing. (53A-24-405)
 - 5. Utah Statewide Independent Living Council. (USILC bylaws 4.2)

- M. By federal mandate, the Board appoints members to the Utah State Board Advisory Committee for Students with Disabilities as required under the Individuals with Disabilities Education Act (IDEA) to advise the state director of special education. This committee is known as the Utah Special Education Advisory Panel (USEAP).

X. Board Committees

A. Standing Committees of the Board.

- 1. Members of the Board are assigned annually to a standing committee by the ~~Leadership Committee~~ chair and vice chair following Board member requests.
- 2. Chairs and Vice Chairs of the Standing Committees are appointed by the ~~Leadership Committee~~ Board Chair and vice chair.

B. ~~Leadership~~ Executive Committee

- 1. The Chair, Vice Chair, State Superintendent, ~~Deputy Superintendent~~, and ~~Secretary to~~ other officers of the Board comprise the ~~Leadership~~ Executive Committee. ~~Others may attend as invited.~~
- 2. ~~The Secretary to the Board shall serve as the secretary of the Executive Committee~~
- 2. The Board agenda is determined by the ~~Leadership Committee and mailed or sent electronically~~ Board officers (??) with recommendations from the Superintendent. The agenda shall be distributed to Board members at least one week prior to the Board meeting.
 - ~~a. Board members may request items on the agenda through Board Leadership to be brought to the Leadership Committee for consideration.~~
 - a. Executive Committee meeting agendas shall be distributed to Board members at least one week prior to each meeting. Board members may attend Executive Committee meetings but should not expect to participate in leadership meeting business. Executive Committee meetings must be properly noticed if a quorum is present.
 - b. Any two voting Board members may add an item to the agenda, but requests by individual voting Board members shall considered by the Executive Committee.

Comment [JJ24]: This acts like a motion and a second which is all that should be required to bring an item before the Board for consideration. "Rogue" items are easily defeated by a simple majority vote to postpone the motion indefinitely.

- c. Individuals may request items ~~on~~be added to the agenda ~~in~~by writing a request to the State Superintendent of Public Instruction to be considered by ~~this committee~~the Executive Committee.
- d. Standing committee chairs and USOE staff will submit agenda items to Board Leadership consistent with timelines established by the Board Leadership made in consultation with the Board Secretary.
- e. In extenuating circumstances and at the Board Chair’s discretion, an item may be added to the 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 and, if applicable, any chair of a committee whose work is related to the item.
- f. Board Leadership may not withdraw agenda items specifically requested by a group of voting Board members without the consent of a majority of those voting Board members.

Comment [JJ25]: Does “Individuals” mean both members of the public and members of the board or just nonmembers of the board?

3. The 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 non-voting members of the State Board of Regents. (53B-1-104(1)(c)(1))
- b. One Board member serves as a non-voting member on the Utah College of Applied Technology (UCAT) Board. (53B-2a-103-1a)
- c. One Board member serves on the Commission On Civic and Character Education. (53A-13-109, HV 339 2006)

2. By invitation Board members may serve on:

- a. Utah School Boards Association Board of Directors.
- b. Utah Partnership for Education, Inc.
- c. Utah Public Education Coalition.
- d. Trust Lands Advisory Committee – Advisory to School and Institutional ~~Trustlands~~Trust Lands Administration Board of

Comment [JC26]: We should consider these carefully and also consider the burden on board members. It would be better to do fewer things well than more things not as well. Also, we should eliminate as many redundancies as possible, e.g. it is not necessary to have a board member sitting on committees that advise the board.

Comment [JC27]: We should consider these carefully and also consider the burden on board members. It would be better to do fewer things well than more things not as well. Also, we should eliminate as many redundancies as possible, e.g. it is not necessary to have a board member sitting on committees that advise the board.

Comment [JJ28]: I agree with Coleman about these needing a review. I also wonder if they need to be part of the bylaws instead of a statement like “By invitation Board members may serve on other committees, as invited. A list of these Board member assignments shall be listed on the Board website and updated upon any change in such Board member assignments.”

Comment [la29]: Committee voted 5/2/13 to leave in. Elected or appointed?

Trustees (SITLA), created by the Public Education Coalition.

- e. ~~Utah Rural Schools Association Board of Directors (URSA).~~
- f. ~~Coalition of Minorities Advisory Committee (CMAC).~~
- g. ~~Utah High School Activities Association Board of Trustees.~~
- h. Utah Science Center Board.
- 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 Ed. bylaws Article III, Section 1).
- 5. Coalition of Minorities Advisory Committee.
- 6. Utah Schools for the Deaf and the Blind Advisory Council. (53A-25b-203)

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 Board Leadership that is subsequently ratified by a majority vote of the Board.
 - b. Upon recommendation of the State Superintendent that is subsequently ratified by a majority vote 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. ~~NASBE - National Association of State Boards of Education.~~

Comment [JC30]: These do not need to be listed in the bylaws.

- ~~2. NSBA - National School Boards Association.~~
- ~~3. West JEd - the western branch of the National Office of Education Research, serving several western states, including Utah.~~

XI. Changes to/Amendment of Bylaws: Bylaws (except those established in state law) may be changed/amended by a 2/3 vote of the voting Board members present at any regular Board meeting, provided that notice of the proposed changes was given in a timely manner. Changes/amendments shall become effective immediately upon approval as directed by the Board.

Adopted by the 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