**R277. Education, Administration.**
**R277-101. Utah State Board of Education Procedures.**
**R277-101-1. Definitions.**

A. "Board" means the Utah State Board of Education.

B. "Board leadership" means the Leadership Committee as defined in the Board Bylaws.

C. "Chair" means duly elected Chairperson of the Board, Vice-chair, or Chair of a Board standing committee.

D. "Conflict of interest" means a business, family, monetary or relationship concern that may cause a reasonable person to be unduly influenced or that creates the appearance of undue influence.

E. "Health, safety, and welfare of students" means such concerns as adequate and safe buildings and facilities and transportation vehicles, required immunizations and health screenings, required criminal background checks and reviews on potential teachers and employees, required curriculum that allows for complete transferability of credit and other similar standards and protections.

F. "LEA" means a local education agency, including local school boards/public school districts, charter schools, and, for purposes of this rule, the Utah Schools for the Deaf and the Blind.

G. "Official action" taken by local education agency (LEA) boards means action taken in appropriately advertised board meetings, where votes and minutes are recorded and available for public review.

H. "State or federal law or regulations" means federal law and regulations including Department of Agriculture regulations that govern the Child Nutrition Program as it operates in Utah public schools, the Individuals with Disability Education Act (IDEA), including federal and state implementing regulations and state administrative rules.

I. "USOE" means the Utah State Office of Education.

**R277-101-2. Authority and Purpose.**

A. This rule is authorized under Utah Constitution, Article X, Section 3 which vests general control and supervision of public education in the Board, Section 52-4-1 which directs that the actions of the Board be taken openly and that its deliberations be conducted openly and by Section 53A-1-401(3) which allows the Board to adopt rules in accordance with its responsibilities.

B. The purpose of this rule is to describe procedures to be followed by the Board in its conduct of the public's business in order to:

(1) hear from those who desire to be heard on public education matters in the state;

(2) effectively and efficiently utilize the time of the Board;

(3) enable staff to provide timely and essential information; and

(4) balance desire for public information with other demands on the Board's time.

**R277-101-3. Public Participation.**

A. Citizens may attend meetings of the Board. The Board

welcomes public participation during Board meetings.

B. Citizens may speak to the Board when acknowledged and recognized by the Board Chair:

(a) to issues not on the agenda during the time designated for public comment.

(i) Priority shall be given to those individuals or groups who, prior to the meeting, have submitted a written request to address the Board, including a brief description of the issue to be addressed.

(ii) No action shall be taken by the Board during the public comment portion of the meeting.

(iii) At the Board's discretion, a Board member may request that an item raised during public comment be placed on a future agenda for possible action.

(iv) The Chair may limit the time available for individual comments; number of comments and time limits shall be stated prior to the public comment portion of the agenda.

(v) The Chair may request groups to designate a spokesperson.

(b) to items on the agenda during the time designated for public comment, or at the discretion of and as invited by the Chair, when the item is properly before the Board or committee. The Chair may request that public comments be provided in writing.

C. All presentations to the Board or one of its committees shall exemplify courteous behavior and appropriate language.

D. Additional comments to the Board or committees may only be made as recognized and invited by the Board Chair during a meeting.

**R277-101-4. Reconsideration on Previous Board Action.**

A. The Board has discretion to reconsider any decision it has made.

B. A motion to reconsider shall be made in a meeting of the Board that satisfies requirements of Section 52-4 by a Board member who voted on the prevailing side of the previous Board vote.

C. A motion to reconsider requires a second.

D. A motion to reconsider a previous Board decision shall be ruled in order by the Board Chair only with adequate time for Board members to receive information and discuss the issue, as determined by the presiding Board officer.

E. The Board Chair shall determine the procedures for the reconsideration discussion; for instance:

(1) The Board Chair shall determine if the Board shall accept public testimony and how long the discussion shall continue;

(2) The Board Chair shall determine if the reconsideration vote may take place at the next regularly scheduled Board meeting if such meeting allows time for adequately providing information to Board members;

(3) The Board Chair shall determine if more information is necessary prior to a vote, even if the Board vote is to be held at the same Board meeting.

F. The Board shall consider and hear available evidence, including documentation of detrimental or positive consequences specifically to LEAs or other entities, that may occur if the Board reverses a previous decision.

G. The motion to reconsider shall pass if two-thirds of the

total membership of the Board votes in favor of the motion.

H. If a motion to reconsider fails, the Board shall not consider a motion on the same or substantially similar motion to reconsider in the same meeting.

I. A Board vote taken upon reconsideration of the same or substantially similar issue is the administrative decision by the Board.

**R277-101-5. Board Waiver of Administrative Rules.**

A. Criteria for waiver of Board Rules:

(1) The Board shall consider waiver requests consistent with its constitutional responsibility for general control and supervision of the public education system.

(2) Prior to waiver, the Board shall consider whether a local board's or local charter governing board's request could be accomplished through means other than waiver of Board rules.

(3) The Board shall waive rules only following a thorough review of available data and shall make data driven decisions.

(4) The Board shall not waive rules:

(a) that are required by and adopt criteria from federal or state law or regulations;

(b) that negatively affect the health, safety or welfare of public education students;

© if the waiver could reasonably result in discrimination or harassment of public school students or employees;

(d) that benefit one element or segment of the public education system to the detriment of another.

(5) Waivers shall always include an effective time period for the waiver, public review and accountability provisions and a sunset date.

(6) Prior to consideration by the Board, waivers requested by charter schools shall be presented to and considered by the State Charter School Board. Information and documentation of this action shall be available to the Board.

(7) All Board evaluations, considerations, and decisions shall be made in the Board's sole discretion.

B. Procedures for waiver of Board rules:

(1) A local board of education or a charter school governing board may request a waiver from Board rule(s) in writing consistent with USOE timelines and on forms available from the USOE by submitting to the Board a written request showing a vote by the local board requesting the waiver in an open board meeting.

(2) Complete waiver requests shall be reviewed first by a Board Committee during a regularly scheduled Board meeting.

(3) The Board Committee designated by Board leadership shall review the request, solicit additional information or testimony, if helpful, and make a recommendation for consideration by the full Board of Education.

(4) Board leadership or a Board Committee shall make a reasonable determination of the time or Committee meetings necessary for careful review of request(s) for waiver of Board rules; Board leadership may consolidate consideration of duplicate or similar requests.

(5) At a minimum, the following shall be required from LEAs

seeking a waiver of Board rules:

(a) student achievement data that support the requested waiver;

(b) data demonstrating the cost effectiveness, without sacrificing student achievement, of the waiver request;

© a draft proposed agreement that outlines USOE and local board responsibilities, data gathering and reporting timelines if a waiver is granted by the Board.

(6) Upon direction by the Board, an LEA shall make a presentation to an assigned Board Committee.

(7) Board leadership shall notify the local board of a proposed timeline for the Board to consider the request for waiver and provide a written decision, including an agreement between the Board and the local governing board, to the local board.

C. Public process and documents:

(1) Materials presented to the Board by the local board shall be public documents.

(2) Materials and draft agreements between the Board and the local board shall be protected draft documents.

(3) Final agreements between the Board and local governing boards shall be public documents and available for review by the public upon request consistent with the provisions of Title 63G, Chapter 2.

(4) Any breach of confidentiality while the discussion of agreements is in progress may compromise the fairness of the Board decision and may delay the discussion or Board decision or both.

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**Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 52-4-1; 53A-1-401(3)**