

**BYLAWS OF THE  
UTAH STATE BOARD OF  
EDUCATION**





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# **BYLAWS OF THE UTAH STATE BOARD OF EDUCATION**

## **ARTICLE I—LEGAL BASIS**

- 1) 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)).

## **ARTICLE II—DEFINITIONS**

- 1) “Ad Hoc Advisory Group” means a time-limited task force, committee, or other work group established by a quorum of the Board or Board leadership, which may include Members as voting participants of the group, to work on a specific project.
- 2) “Board” means the Utah State Board of Education (USBE).
- 3) “Board standing committees” mean the Finance Committee, Law and Licensing Committee, Standards and Assessment Committee, and Utah Schools for the Deaf and Blind Committee.
- 4) “Conflict of Interest” means an action that is taken by a Member that a reasonable person would believe may cause direct benefit or detriment, financial or otherwise, 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.
- 5) “Fiduciary duty” means the duty of a person or entity to act on behalf of another giving rise to a relationship of trust and confidence.
- 6) “Member” means a Member of the Board.
- 7) “Quorum” means eight or more of fifteen voting members. (53E-3-203)
- 8) “Superintendent” means the State Superintendent of Public Instruction or the Superintendent’s designee.
- 9) “USDB” means the Utah Schools for the Deaf and the Blind.

### **ARTICLE III—MEMBERSHIP AND COMPENSATION**

- 1) A) Fifteen members of the {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).
- 2) Members shall be compensated and receive reimbursement in accordance with:
  - a) Section 36-2-3;
  - b) Section 63A-3-106 and 107;
  - c) Board Policy 2001;
  - d) Department of Human Resource Management Rules R477-6 Compensation; and
  - e) Division of Finance Rules.
- 3) A Member may participate in any group insurance plan provided to employees of the Board as part of the Member's compensation on the same basis as required for employee participation.
- 4) A Member granted paid leave to serve on the Board by a public education employer may receive salary and compensation as outlined in these Bylaws so long as the employer does not provide additional compensation or incentives for the Member's performance of Board duties and responsibilities.
- 5) Salary or expenses may not be paid to a Member for work that violates rules of the Board, as determined by a vote of the Board in consultation with the Attorney General's Office. (53E-3-204).

### **ARTICLE IV—MEMBER ETHICS**

- 1) The Board, both as a body and as individual Members, is in a position of trust and shall act in accordance with appropriate fiduciary duties, including:
  - a) following all applicable laws and regulations;
  - b) avoiding conflicts of interest;
  - c) acting in the best interest of the school children of the state, using powers or resources of public office to promote the public interest rather than for personal gain or to pursue private interests;

- d) governing with effective and appropriate oversight to ensure that the public's business is transacted legally and transparently; and
  - e) protecting and responsibly using or disbursing public education resources.
- 2) While Members have the right to freedom of expression, members shall respect the privacy of students, USBE employees, LEA employees, and school level employees, including refraining from direct and indirect identification of such, in a negative light in any public setting, venue, or platform where there is a reasonable expectation of privacy.
  - 3) Members shall not act in a manner that may cause legal harm or risk to the Board, as determined by the Board Leadership in consultation with the Board's legal counsel.
  - 4) Members shall comply with Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act and UCA §20A-11-16 Conflict of Interest Disclosures.
  - 5) Conflicts of Interest:
    - a) In Board or committee work or any matter to be voted upon by the Board a conflict of interest shall be disclosed by a Member in the meeting to the Members prior to consideration of the matter.
      - i) The committee or Board Chair shall acknowledge the Member's disclosed conflict of interest and either:
        - A) excuse the Member with a conflict of interest from the meeting;
        - B) excuse the Member with a conflict of interest from participating in the discussion or the vote; or
        - C) take other appropriate action.
    - b) The committee or Board Chair may disclose an apparent conflict of interest of a Member who fails to disclose a conflict and take any action described in subsection (5)(a).
    - c) The committee or Board Chair may move to the next agenda item if the Member with the conflict of interest refuses to comply with subsection (5)(a).
  - 6) The committee or Board Chair shall excuse a Member with a conflict of interest from a closed session during discussion of any item for which the Member has a conflict of interest.

- 7) If a Member applies for a position as an employee of the Board or as a Board-appointed employee of the USDB, the Member shall be recused from all deliberations and voting on the matter.
- 8) A Member cannot simultaneously be an employee of USBE or the USDB and a Board member in accordance with 20A-14-103(3)
- 9) 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, who will post it to the Board's website, and disclose as applicable:
  - a) Any employment, ownership, or directorship by the Member within a Utah LEA or other entity that receives state or federal public education funds. The Member may choose not to provide the name of the LEA or entity if the entity/LEA is a Member's client, at the Member's discretion;
  - b) 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, its office, the USDB, or specific LEA, if known by the Member.
- 10) Member Conflict of Interest and Ethics Statements are public information under GRAMA.
- 11) Board Fidelity and Member Expression:
  - a) Once the Board has voted on an issue, the vote is the official position of the Board.
  - b) Members may express personal opinions on public education issues, legislation, and areas of concern. Individual Members shall state at the outset of their comments or statements about public education issues that comments do not represent the Board's official position.
  - c) Members shall comply with a decision of the Board. Members retain the right to seek changes in such Board decisions through ethical and constructive channels, such as adding an agenda item for Board discussion.
- 12) A Member may be reprimanded, or the actions of a Member censured, for any violation of law, policy, Bylaws, or any other conduct which tends to injure the good

name of the Board, following adequate due process, if appropriate. The Board or Board leadership may authorize any of the following:

- a) A conversation between the offending member and the Board Chair/Leadership or Assistant Attorney General;
- b) A written letter to the offending Member from the Board Chair/Leadership or Assistant Attorney General;
- c) Censuring the offending Member by a vote of the Board;
- d) Prohibiting the offending Member from attending any Board advisory committee meeting, as determined by the Board Chair;
- e) Prohibiting the offending Member from requesting an item to be placed on an agenda, as determined by the Board Chair;
- f) Removing the offending member from any or all committee assignments as determined by the Board Chair; or
- g) Taking other appropriate action.

## **ARTICLE V—ROLE OF THE BOARD AND MEMBERS**

- 1) The duties of members shall include the “general supervision and control of public education” as described in the Article X, Section 3, Utah Constitution.
- 2) Statutory duties of the Board and Members shall be followed as outlined in Utah Code as referenced in Appendix A which shall be updated annually.
- 3) Other duties as assigned by the Board Chair.
- 4) Members promote and advocate for effective public education in the state of Utah. The role and expectations of Members for communications and advocacy include the following:
  - a) Members who post or comment on social media do so in an ethical and civil manner;
  - b) When communicating with the public electronically, by mail, or in person, Members shall use each in an ethical and civil manner;



- c) The roles and expectations on communications and advocacy are described in further detail In Board Policy 2004; and
- d) Violation of the Board Policy described in subsection (c) is subject to the consequences listed in Article IV(13).
- e) Committees listed in Appendix B are advisory to the Board, therefore Members may not attend or participate unless specifically stated in statute or Board policy.
- f) Interactions with Agency Staff:
  - i) Members may contact appropriate agency staff regarding items that appear on Board agendas;
  - ii) For non-agenda items, Members may ask questions or make requests of agency staff through the following process:
    - A) If the issue requires research or will take more than a nominal amount of staff time or analysis:
      - (a) Make the request during a standing committee meeting for further consideration; or
      - (b) Send the request to Board leadership for further assignment. or
    - B) Once a request under subsection (a) has been fulfilled the information shall be provided to the Board; and
    - C) If the issue will take only a nominal amount of staff time or analysis, Members may contact the relevant staff member or Superintendency; and
  - iii) Members may not direct, influence, or control the day-to-day operations conducted by staff as overseen by the Superintendent.

## **ARTICLE VI—BOARD OFFICERS**

- 1) The Board shall elect from its Members a Board Chair and at least one Vice chair, but no more than three Vice chairs every other year, at a meeting held any time between November 15 and January 15. (53E-3-201(2))
- 2) Board officer elections shall be conducted in accordance with Board Policy 2002.
- 3) 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

Members shall retain the full authority of the office until replaced as provided by law. (53E-3-201(3)).

- 4) The newly elected Board Chair and Vice chair(s) shall assume transition responsibilities immediately following the conclusion of the meeting in which they are elected including:
  - a) new committee assignments; and
  - b) participating in setting the agendas for the January or February Board meetings.
- 5) The Board Chair or Vice chair may be removed from the position for cause by a vote of two-thirds (2/3) of Members. (53E-3-201(6)).
- 6) Duties of the Board Chair:
  - a) Act as the official spokesperson for the Board;
  - b) Chair all meetings of the Board; the Board Chair may delegate the responsibility to the Vice chair(s) at the Board Chair's discretion. The Board Chair or Vice chair(s) may designate a Member to preside at designated meetings;
  - c) Call additional meetings of the Board and standing committees;
  - d) Chair the Board Executive Committee;
  - e) Participate-as a member of the Talent Ready Utah Board or appoint a designee (63N-12-503);
  - f) Facilitate the evaluation process used by the Board for direct report employees each spring;
  - g) Supervise payment of Member compensation (36-12-17(1)(d) and (e) and Board Policy 2001);
  - h) Approve Member requests for out-of-state travel;
  - i) Perform other duties applicable to the office as prescribed by Board policy and procedure;
  - j) In the event of multiple Vice chairs, designate which Vice chair fulfills each Vice chair duty; and
  - k) Appoint Members to serve on:
    - i) all committees requiring Board participation;
    - ii) the Underage Drinking Prevention Program Advisory Council (53G-10-406(5)(g));

- iii) standards review committees (53E-4-203(5)(a));
  - iv) the Assessment Item Review Committee (53E-4-303(5)(b)(i));
  - v) the ULEAD Steering Committee (53E-10-707(b));
  - vi) the Regional Education Service Agency Coordinating Council (R277-706-6);
- 7) Duties of the Board Vice chair(s):
- a) Act as the official spokesperson for the Board as assigned by the Board Chair;
  - b) Chair Board meetings as assigned by the Board Chair;
  - c) Serve as a member of the Board Executive Committee;
  - d) Oversee the election of Board officers;
  - e) Oversee new Member orientation;
  - f) Review Board Bylaws annually, ensure Bylaws conform to current state statute, and initiate amendments for this and other areas if necessary; and
  - g) Assist the Board Chair in a yearly performance review of the Board's direct report employees.

## **ARTICLE VII—BOARD MEETINGS**

- 1) The Board shall meet at the call of the Board Chair and at least 11 times per year (53E-3-203).
- 2) Members shall review Board meeting materials and be prepared to discuss and take appropriate action before a Board meeting begins.
- 3) The Board shall approve a meeting schedule for the following year prior to the conclusion of the April Board meeting.
  - a) A draft meeting schedule shall be provided to the Board the month before it is scheduled for approval.
- 4) 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.
- 5) The Board Executive Committee shall consider an item to be added to a Board agenda upon request of a standing committee or three Members under the following conditions:
  - a) It is identified how the item fits with:

- i) the duties and responsibilities of the Board; or
  - ii) the Board's strategic plan;
- b) Whether the item is for information, discussion, or action;
- c) If the item is an actionable item, the specific proposed action is outlined; and
- d) All requestors shall:
  - i) verify the request;
  - ii) agree with and share the same position regarding the need for consideration of the agenda item;
  - iii) clearly communicate the intent for the requested item; and
  - iv) be listed for inclusion in the agenda memo.
- 6) Members of the public may request items be added to the Board agenda by submitting a written request to their Member to be considered by the Board Executive Committee pursuant to the process described in Subsection (5).
- 7) 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.
- 8) Welcoming Remarks:
  - a) The Board Secretary shall extend the opportunity to Members to provide opening remarks or a welcome to the public on a rotating basis for Board meeting.
  - b) Individual Members may choose to offer an inspirational thought, provide for a moment of silence, or provide appropriate welcoming and solemnizing remarks as the Member chooses.
  - c) 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 at in-person meetings.
  - d) Opening remarks may not exceed ten minutes.
  - e) The Board minutes shall record the Member providing the welcome.
- 9) As part of each regularly scheduled meeting, the Board shall receive a monthly financial report from the Deputy Superintendent of Operations.

- 10) The Board may hold study sessions. Members may submit suggested topics to Board leadership following the same process as described in Subsection (5).
- 11) The Board Chair may call a special meeting in accordance with the Utah Open and Public Meetings Act. (52-4-202).
- 12) Voting by Members:
- a) A quorum of Board Members is required to validate an action of the Board. (53E-3-203(2))
  - b) No Board Member may vote by proxy.
  - c) No Board Member may vote in absentia.
  - d) No vote concerning any matter under consideration by the Board or a committee may be cast by mail or similar written forms.
  - e) A Member may participate in any discussion in an open meeting and vote in a meeting if the Member is participating in real time electronically.
  - f) The Member chairing the meeting participates in all votes of the Board.
  - g) Robert's Rules of Order (latest edition) shall constitute the rules of parliamentary procedure applicable to all meetings of the Board and its committees except:
    - i) where deemed to be unnecessary, impractical, or inefficient by the Member chairing the meeting;
    - ii) where Robert's Rules of Order conflicts with state law or rule; or
    - iii) where Robert's Rules of Order conflicts with these Bylaws.
  - h) If a quorum is not present, but one-fifth of Board Members are present, a Member may make a motion for a Call of the Board.
    - i) A Call of the Board requires the votes of a majority of members present to pass.
    - ii) Upon passage of a Call of the Board, no Member may leave the Boardroom without permission of the Board Chair and staff shall request that absent Members return to the Boardroom to conduct Board business.
- 13) The Board exists to aid in conducting 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.).

14) 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).

15) Public participation at Board meetings is pursuant to Rule R277-101-3.

16) Consent Calendar:

- a) A consent calendar may be placed on a Board meeting agenda.
- b) Items may be removed from the consent calendar on the request of any one Member.
- c) Items not removed may be adopted by a vote of the Board without debate.
- d) Removed items may be taken up either immediately after the consent agenda or placed later on the agenda at the discretion of the Board Chair.
- e) An item may only be added to the consent calendar if the item is:
  - i) A routine or recurring topic;
  - ii) A non-controversial issue that does not require debate or deliberation;
  - iii) The previous meeting's minutes;
  - iv) A report that is informational and does not require debate or contain recommendations for further action;
  - v) A contract or agreement that has been created through an existing formal process;
  - vi) An approval of a grant awardee or recipient that has been applied for through an existing formal process; or
  - vii) A non-substantive change to a policy or procedure.

17) In responding to recommendations within reports and presentations, the Board has the following options:

- a) Move to implement the recommendations in the report;
- b) Refer the recommendations to a standing committee for consideration with no indication of support or rejection;
- c) Refer the recommendations to the Superintendent when there is need for further study and recommendations at a subsequent meeting of the Board; or
- d) Acknowledge the recommendations with no indication of support or rejection, with appreciation of efforts made on behalf of or at the request of the Board.

18) The Board shall create, maintain, and review on a regular basis a statewide comprehensive multi-year strategic plan that includes long-term goals for improved student outcomes (53E-2-202).

19) Executive Sessions:

- a) 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)
- b) If closed, the meeting shall be held consistent with statutory purposes for:
  - i) Discussion of the character, professional competence, or physical or mental health of an individual;
  - ii) Strategy session to discuss pending or reasonably imminent litigation;
  - iii) Strategy session to discuss the sale, purchase, exchange, or lease of real property; or
  - iv) Other issues as identified in statute. (52-4-205).
- c) A Member may not discuss confidential information discussed in executive session outside of the executive session.
- d) A Member may not participate in a closed meeting electronically when the meeting is held in person.

20) The Board shall record all Board meetings unless otherwise provided by 52-4-203.

21) The Board shall live stream all open meetings where facility technology allows.

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

## **ARTICLE VIII—BOARD COMMITTEE PROCEDURES AND OUTSIDE COMMITTEE PARTICIPATION**

1) Standing Committees of the Board:

- a) Members are assigned to a standing committee by the Board Chair until otherwise reassigned, in consultation with the Vice chair(s), with consideration of Members' requests and potential conflicts of interest.

- b) Chairs and vice chairs of the standing committees are appointed by the Board Chair, in consultation with the Vice chair(s).
- c) Members shall review Standing Committee meeting materials and be prepared to discuss and take appropriate action before a standing committee meeting begins.
- d) The Board Chair shall call standing committee meetings in consultation with committee chairs based on the needs and priorities of the Board.
- e) After Board officer elections, the Board Chair, in consultation with the Vice chair(s), shall appoint Board committee chairs and vice chairs from among Members prior to the February Board meeting.
- f) Standing committees are not subject to the Open and Public Meetings Act.
- g) Standing committee meetings shall be open to the public, except as provided in Subsection (1)(h).
- h) The Utah Schools for the Deaf and Blind Committee may close a meeting to the public, with 24 hours prior notice, for the following purposes:
  - i) Discussions regarding necessary services for an individual student;
  - ii) Discussions regarding the implementation of safety protocols on USDB campuses; or
  - iii) Any other purpose allowed by Section 52-4-205.
- i) A Member may not discuss confidential information discussed in a closed meeting outside of the closed session.
- j) Standing committees may hold electronic meetings.
- k) Standing committees shall adhere to the information/discussion/action item categories listed on the committee agendas.
- l) Standing Committee Parliamentary Procedure:
  - i) 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.
  - ii) 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 staffed by a secretary assigned by



the Superintendent.

- C) A second is not required for a committee motion.
- 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 may votes on all questions.

G) A Board rule heard and voted on by a committee is considered as the Board's first reading.

m) Standing Committee Reports to the Board:

- i) 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.
- ii) A committee agenda item not receiving a majority vote of committee members shall 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.

n) Committee Agendas

- i) Committee chairs and vice chairs should work with the Superintendent to recommend committee agenda items.
- ii) The Superintendent shall submit proposed agenda items for Board Executive Committee review in accordance with the deadlines provided by the Board Secretary.

o) The Board shall record all standing committee meetings and live stream on the internet where facility technology allows.

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

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

2) Board Executive Committee:

a) The Board Executive Committee shall include:

- i) The Board Chair;
- ii) The Vice chair(s);
- iii) The chairs of the standing committees; and
- iv) The Superintendent

- b) The Deputy Superintendents shall serve as staff to the Committee
  - c) USBE and related staff may attend as invited by the Board Chair.
  - d) The Board Secretary shall serve as the secretary to the Board Executive Committee.
  - e) The Board Executive Committee agenda is determined by the Board Chair and Vice chair(s), with recommendations from the Superintendent.
  - f) Board Executive Committee meeting agendas shall be distributed to Board Members prior to each meeting.
  - g) Members who are not on the Board Executive Committee may attend Committee meetings as observers and may be invited to participate by the Board Chair.
  - h) Members not on the Executive Committee planning to attend a Committee meeting shall notify the Board secretary to ensure a quorum of the Board will not be present.
  - i) Board Executive Committee meetings are convened only for the purpose of discussing the agenda for the upcoming Board meeting or to implement other such administrative or operational matters affecting the Board as contemplated in the Open and Public Meetings Act, 52-4-101, et seq.
- 3) Board Audit Committee:
- a) The powers and responsibilities of the Board and Audit Committee specific to 63I-5-301(3) are as described in Board Policy 2006.
  - b) Process for Audit Committee membership selection:
    - i) 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;
    - ii) The Board shall vote to approve or amend the proposed Audit Committee membership.
  - c) The Board shall only appoint members to the Audit Committee.
  - d) The Board Audit Committee will generally meet monthly.
  - e) Each meeting agenda may include the following:
    - i) Confidential discussion with the Internal Audit Department;
    - ii) Confidential discussion with the Internal Audit Director; and

- iii) Confidential discussion with the Internal Audit Director and Superintendent.
- 4) Committees requiring Board Member representation:
  - a) By statutory requirement:
    - i) One or more Members serve on the Student Data Policy Advisory Group. (53E-9-302(3)(a) and Board Policy 5003)
    - ii) Two Members serve on the Utah Underage Drinking Prevention Program Advisory Council. (53G-10-406)
    - iii) The Board Chair or the Board Chair's designee serves on the Talent Ready Utah Board. (63N-12-503(1)(d))
  - b) By invitation, assigned Members participate in meetings of:
    - i) Utah School Boards Association (USBA) Board of Trustees (non-voting).
    - ii) Utah Rural Schools Association (URSA) Board of Directors.
    - iii) Utah High School Activities Association (UHSAA) Board of Trustees.
    - iv) Utah State Charter School Board (non-voting).
    - v) Two Members to serve on the USBE IT Governance Council.
    - vi) Teacher of the Year Selection Committee.
    - vii) Other committees, as invited.
  - c) By Board rule or policy:
    - i) Two Members serve on the Assessment and Accountability Policy Advisory Committee (AAPAC). (Board Policy 5002).
- 5) The Board may establish an ad hoc advisory group, taskforce, or advisory committee with respect to the Board's responsibilities in accordance with Board Policy 1004.
- 6) The Board may dissolve any non-statutory advisory committee if the Board determines the committee is no longer necessary or effective.
- 7) The Board may maintain membership in national organizations with relevance to the Board's mission.

## **ARTICLE IX—DIRECT EMPLOYEES OF THE BOARD**

- 1) The Board shall appoint the State Superintendent, who is the executive officer of the Board (53E-3-301), under the following conditions:
  - a) The Board shall appoint the State Superintendent based on outstanding professional qualifications.
  - b) The Board has a responsibility to the public citizenry in its selection of the best candidate for State Superintendent. To that end, the Board shall follow the appointment process as outlined below.
    - i) The Board Chair shall solicit input from members and may create a Superintendent Selection Committee comprised of no more than seven Members.
    - ii) The Superintendent Selection Committee shall create a hiring process approved by the Board which may include:
      - A) Establishing the hiring goals and objective criteria;
      - B) Determining the degree of involvement of community and staff in the selection process as advisor(s) to the Board;
      - C) Determining whether a consultant is needed to increase the candidate pool and/or facilitate the selection process;
      - D) Setting a reasonable timetable of at least thirty (30) calendar days, for completion of the selection process;
      - E) Determining the advertising and recruiting strategies;
      - F) Establishing a screening and interviewing process; and
      - G) Interviewing screened candidates and forwarding a list of finalists to the Board.
    - iii) Following the work of the Superintendent Selection Committee, the Board may recall final candidates for second interviews.
    - iv) The appointment of the Superintendent shall take place by vote of the Board in an open meeting.
  - c) 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.

- d) The State Superintendent shall administer all programs assigned to the Board in accordance with the policies and standards established by the Board.
  - e) i) The State Superintendent is the presumed chief officer specific to providing audit responses, audit response plans, or corrective action status updates.  
ii) Board leadership may designate the Board Chair or Audit Committee Chair as the chief officer, in lieu of the Superintendent, dependent on the audit scope, objectives, or findings and recommendation. (36-12-15.3)
  - f) Unless specified as a direct employee of the Board in these Bylaws, employees are supervised by the Superintendent.
  - g) The Board shall establish the compensation of the State Superintendent following a review of salary market data. (53E-3-302)
  - h) The Board Chair and Vice chair(s) shall conduct a performance review of the State Superintendent annually by the end of each fiscal year. The Superintendent's performance, including goals, shall be discussed in an executive session of the Board.
- 2) Governance and control of the Utah Schools for the Deaf and the Blind (USDB), and the management of its affairs, are vested in the Board (53E-8-204).
- a) The Board shall appoint a superintendent for USDB consistent with 53E-8-204(2) and R277-800.
  - b) USDB is administered by the USDB superintendent (53E-8-204(2)); and
  - c) The USDB superintendent reports to the Board.
  - d) i) The USDB Superintendent is the presumed chief officer specific to providing audit responses, audit response plans, or corrective action status updates.  
ii) Board leadership may designate the Board Chair or Audit Committee Chair as the chief officer, in lieu of the USDBSuperintendent, dependent on the audit scope, objectives, or findings and recommendation. (36-12-15.3)
- 3) The Deputy Superintendent of Operations shall be appointed by 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.
- 4) The Board shall appoint a Secretary (53E-3-201(5)).
  - 5) The Board shall appoint a Director of Public Affairs.
  - 6) 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.

- 7) For direct employees other than the Superintendent, Board Leadership may establish an interview committee to bring recommendations to the Board.
- 8) The Board shall appoint direct hires in an open meeting of the Board.

## **ARTICLE X—APPOINTMENTS**

- 1) By statute, rule, and policy the Board appoints individuals to the:
  - a) State Instructional Materials Commission. (53E-4-402).
  - b) Utah Schools for the Deaf and the Blind Advisory Council. (R277-800).
  - c) Utah Education and Telehealth Network (UETN) Board. (53B-17-105(5)(b)(ii)).
  - d) Utah Transparency Advisory Board (Department of Administrative Services). (63A-1-203(2)(m)).
  - e) SafeUT and School Safety Commission (Office of the Attorney General). (53B-17-1203(1)(b)).
  - f) Charter School Revolving Loan Account Committee. (53F-9-203(6) and R277-480-3).
  - g) School Readiness Board (Department of Workforce Services). (35A-15-201(1)(b)).
  - h) 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)).
  - i) 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)).
  - j) Advisory Committee on Equity of Educational Services for Students (ACEESS). (Board Policy 5001).
  - k) Assessment and Accountability Policy Advisory Committee (AAPAC). (Board Policy 5002).
  - l) Utah Special Education Advisory Panel (USEAP). (Board Policy 5006).
  - m) Trust Lands Advisory Committee (TLAC). (Board Policy 5007).
  - n) Student Data Governance Advisory Group (SDGAG). (Board Policy 5005).
  - o) Student Data User Advisory Group (SDUAG). (Board Policy 5004).
  - p) Student Data Policy Advisory Group (SDPAG). (Board Policy 5003).



- q) Student Advisory Council (SAC). (Board Policy 5008).
- 2) The process for Board appointments is governed by Board Policy 1004.

### **ARTICLE XI—AMENDMENTS OF BYLAWS**

- 1) Bylaws (except those established in state law) may be changed or amended by a two thirds (2/3) vote of the Members if notice of the proposed changes is placed on a Board agenda.
- 2) Changes and amendments to the Bylaws shall be effective immediately upon approval or as directed by the Board.

## APPENDIX A

<b>THE FOLLOWING IS A LIST OF REFERENCES CITING STATUTORY DUTIES AND RESPONSIBILITIES OF THE UTAH STATE BOARD OF EDUCATION – (UPDATED AS OF 4/13/2021)</b>	
1. 9-22 Stem Action Center	coordinate with STEM Board <ol style="list-style-type: none"> <li>1. further STEM education</li> <li>2. ensure best practices</li> <li>3. designate STEM schools</li> <li>4. RFP for instructional technology</li> <li>5. may conduct pilot program</li> <li>6. distribute STEM technology</li> <li>7. provide professional development</li> <li>8. develop and implement computer science initiative</li> <li>9. Computing Partnerships Grants program</li> </ol>
10. 20A-14-103 State Board of Education members -- Term -- Requirements	<ol style="list-style-type: none"> <li>1. remain a registered voter</li> <li>2. maintain primary residence within district</li> <li>3. not serve as employee of USBE</li> </ol>
11. 26-10-5. Plan for school health services.	coordinate with health department for plan for school health services
12. 26-18-419. Medicaid waiver for coverage of mental health services in schools.	consult with DHS and DSAMH to allow reimbursement to LEAs
13. 26-18-15. Process to promote health insurance coverage for children.(2008)	promote health insurance coverage for a child in school at registration and application for free lunch
14. 26-29 Elimination of Architectural Barriers for Persons with a Disability	responsible for enforcement where state school funds are utilized
15. 35A-14 Utah Data Research Center	appoint a director of center
16. 35A-15 Part 3 Grants for High Quality School Readiness Programs	<ol style="list-style-type: none"> <li>1. coordinate with High Quality School Readiness Board</li> <li>2. conduct evaluation of programs</li> <li>3. prepare report</li> </ol>
17. 41-6a-1308. School bus idling standards.	<ol style="list-style-type: none"> <li>1. implement idling reduction program for school buses</li> <li>2. including idling reduction standards in Utah Standards for Utah School Buses and Operations</li> </ol>
18. 41-6a-1310. School bus traffic safety devices.	may make rules to address student privacy when using cameras on buses
19. 53-1-106. Department duties -- Powers.	USBE to house and cooperate with public safety liaison
20. 53B-1-114. Coordination for education.	coordinate with Higher Education
21. 53B-1-109. Coordination of higher education and public education information technology systems -- Use of unique student identifier.	coordinate unique student identifiers for public and higher ed

22. 53B-6-104. Multi-University Consortium for Teacher Training in Sensory Impairments -- Purposes -- Appropriation.	coordinate on teacher prep programs for students who are sensory impaired
23. 53B-8-202. Regents' Scholarship Program -- General provisions -- Board policies.	provide directory information of all 8 <sup>th</sup> graders in state
24. 53B-18-801. Establishment of the center -- Purpose -- Duties and responsibilities.	collaborate with Center for the School of the Future at Utah State University
25. 53B-17-1204. SafeUT and School Safety Commission duties -- LEA governing board duties -- Fees.	promote awareness of SafeUT Crisis Line
26. 53B-17-104. Responsibilities of the Utah Board of Higher Education, the State Board of Education, the University of Utah, KUED - TV, KUER - FM, and UETN related to public broadcasting and telecommunication for education and government.	coordinate in providing services
27. 59-2-903. Remittance to credit of Uniform School Fund of money in excess of basic state-supported school program -- Manner.	
28. 59-10-1307. Contributions for education.	distribute undesignated individual taxpayer donations
29. 62A-15-117. Medicaid reimbursement for school-based health services -- Report to Legislature.	
30. 63A-1-206. Submission of public financial information by a school district or charter school.	create rules for submissions
31. 62A-5-205 State Board of Education -- Education of children at developmental center	provide education to school-aged children at the Utah State Development Center.
32. 62A-7-401.5. Secure facilities.	provide education to juvenile offenders in secure facilities.
33. 62A-15-609. Responsibility for education of school-aged children at the hospital -- Responsibility for noninstructional services.	responsible for education of school-aged children committed

34. 63A-5b-304. Agencies authorized to hold title.	can hold title to property for institution administered by USBE
35. 63G-17-202. Air quality mitigation report and plan. (dated 2013 to complete)	<ol style="list-style-type: none"> <li>1. collect air quality mitigation reports from districts</li> <li>2. submit reports to Economic Development Task Force</li> </ol>
36. 63G-1-201. Official state language.	<p>make rules governing the use of foreign language to promote</p> <ol style="list-style-type: none"> <li>1. all children and adult to learn English</li> <li>2. encourage foreign language instruction</li> <li>3. ESL programs expanded</li> <li>4. maximize understanding for no-English speaking parents</li> <li>5. encourage parents to become more proficient in English</li> </ol>
37. 63I-5-201. Internal auditing programs -- State agencies.	establish internal audit program for programs administered by USBE
38. 63J-1-219. Definitions -- Federal receipts reporting requirements.	annual report required
39. 63J-5-203.5. State Board of Education to approve certain new federal funds requests.	Review and approve requests \$1,000,000 or less
40. 63J-1-601. End of fiscal year -- Unexpended balances -- Funds not to be closed out -- Pending claims -- Transfer of amounts from item of appropriation -- Nonlapsing accounts and funds -- Institutions of higher education to report unexpended balances.	
41. 63M-5 Part 3 Resource Development Act Use of funds	submit budget regarding impact of industrial development on schools
42. 63N-12-505 and 506. Computer Science for Utah Grant Program.	<ol style="list-style-type: none"> <li>1. consult on computer science education master plan</li> <li>2. solicit grant applications</li> <li>3. recommend grant awards</li> <li>4. make rules for grant program</li> <li>5. review grant assessments</li> <li>6. coordinate with DSAMH regarding Medicaid reimbursement</li> </ol>
43. 63N-12-Part 5 Talent Ready Utah Center.	<p>partner with talent ready board for</p> <ol style="list-style-type: none"> <li>1. work-based learning opportunities</li> <li>2. computer science education master plan</li> <li>3. make rules and administer Computer Science for Utah Grant</li> <li>4. Utah Works Program when appropriate</li> </ol>

44. 78A-6-1110. Cooperation of political subdivisions and public or private agencies and organizations.	shall render assistance to juvenile courts
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53E-3-204. Gross neglect of duty -- Nonpayment of salary or expenses.

53E-3, Part 3 State Superintendent (appointment and compensation)

53E-3, Part 4 Powers

Establish rules and minimum standards for:

1. educator licensing
2. school administration
3. educator evaluation
4. access to programs
5. attendance
6. competency levels
7. graduation requirements
8. student discipline
9. accreditation
10. academic year
11. alternative and pilot programs
12. curriculum and instruction requirements
13. libraries
14. special education services
15. services to other special groups
16. busing
17. productivity and cost effectiveness measures
18. federal programs
19. budget formats
20. financial, statistical, and student accounting
21. data collection and reporting
22. determining if minimum standards met
23. determining if required reports are properly submitted
24. management of federal funds (duplicate of 18)
25. approval of tech college courses for high school credit
26. monitoring of LEA compliance with minimum standards

53E-3, Part 5 Miscellaneous Duties

1. core competency standards (53E-4 Part 2 Standards)
2. assessment (53E-4, Part 3 Assessments)
3. advertise competency-based educational systems
4. track educational performance trends
5. promote high expectations
6. share site-based decision making information
7. clearing house for effective and innovative practice
8. assist LEAs with professional development

9. cooperate with higher ed on teacher preparation and licensing
10. educate individuals in custody of state or Native American tribe
11. child literacy program
12. general financial literacy course and task force
13. high school IT program
14. career and technical education programs
15. before and after-school program standards
16. gang prevention and intervention
17. control of school meals program revenues
18. Student Achievement Backpack
19. ethical conduct standards for education employees
20. hospitality and tourism management pilot program
21. discipline and law enforcement action report
22. educator credential database
23. USIMS
24. activity based costing work group
25. early mathematics plan
26. substance abuse prevention

53E-3, Part 6 Audits (set standards and verify)

53E-3, Part 7 School Construction (establish guidelines and enforce)

53E-3, Part 8 Implementing Federal or National Education Programs

53E-3, Part 9 Interstate Compact on educational Opportunity for Military Children (create state council)

53E-4 Part 2 Standards

53E-4, Part 3 Assessments

53E-4, Part 4 State Instructional Materials Commission

53E-5, Part 2 School Accountability System

53E-5, Part 3 School Turnaround and Leadership Development

53E-6 Education Professional Licensure (award, track, discipline)

53E-7 Special Education

1. make rules
2. distribute funding
3. Carson Smith Scholarship Program
4. Special Needs Opportunity Scholarship Program

53E-8 Utah Schools for the Deaf and the Blind

1. governing board
2. general supervision and control
3. appoint superintendent
4. establish advisory council
5. approve budget

6. annual report
7. collective bargaining agreement with personnel
8. salary adjustments for educators
9. set eligibility standards for students
10. set policy
11. approve use of enrichment funds
12. establish USIMAC

53E-9-203 Activities prohibited without prior written consent (discipline violations)

53E-9 Student Privacy and Data Protection.

1. protect privacy of data
2. establish procedures for discipline of violations of 53E-0-203
3. rules regarding student data protection
4. student data policy advisory group
5. student data governance advisory group
6. state student data officer and manager
7. review request for research data
8. define data breach
9. rules for expunging data
10. rules for data storage and metadata dictionary
11. share data with Utah Registry of Autism and Developmental Disabilities
12. assess civil penalty for third party contractor data breach

53E-10 Part 2 Adult Education

1. make rules
2. general control and supervision (not direct management)
3. appoint director of adult ed
4. set terms and conditions of payment of adult ed funds

53E-10 Part 3 Concurrent Enrollment

1. coordinate with higher ed to approve courses
2. designate geographic coverage of institutions
3. submit report
4. LAUNCH, DISCOVER , TRANSFORM certificates

53E-10 Part 7 ULEAD

1. create rules as requested by ULEAD director
2. appoint one member of the director selection committee
3. publish ULEAD website for use of director
4. provide distribution channel/method for director

53F-2 State Funding – Minimum School Program

53F-3 State Funding – Capital Outlay Programs

53F-4 State Funding – Contracted Initiatives

1. reading assessment contract
2. college readiness diagnostic tool
3. early interactive reading software

4. software for students with autism and special needs
5. early warning pilot program
6. Carson Smith Scholarship
7. UPSTART
8. statewide online education program

53F-5 State Funding – Initiate Grant Programs

1. state assessments
2. national board certification reimbursement
3. Interventions for Reading Difficulties Program
4. Strengthening College and Career Readiness Program
5. Paraeducator to Teacher Scholarship
6. Intergenerational Poverty Interventions Grant Program
7. School-based mental health supports
8. Educational Improvement Opportunities Outside of the Regular School
9. Day Grant Program
10. Grants for additional educators for high-need schools
11. Pilot program for late enrollment in dual language immersion
12. Grant for professional learning
13. Literacy preparation assessment grant
14. Grants for new and aspiring principals
15. Partnerships for Student Success Grant Program
16. Competency-Based Education Grants Program
17. American Indian and Alaskan Native Education State Plan Program

53F-7 State Funding Education Administration

1. driver's education tax account distribution
2. USDB salary adjustments

53F-8-403 School Transportation Levy

53F-9-203 Charter School Revolving Account (manage in consultation with SCSB)

53F-9-206 School Building Revolving Account (make rules but supt administers)

53F-9 Part 3 Education Fund

1. Charter School levy account
2. Minimum basic growth account
3. Underage Drinking and Substance Abuse Prevention Program
4. Local levy growth account
5. Teacher and student success account

53F-9-401. Autism Awareness Restricted Account. (make rules but supt distributes)

53F-9-501. Hospitality and Tourism Management Education Account -- Uses -- Costs.

53G-3-501 Transfer of a portion of a school district -- State board resolution -- Local school board petition -- Elector petition -- Transfer election. (resolve questions)

53G-4-402 Powers and duties generally.

(18)(c) develop a comprehensive emergency response plan model



53G-4-410 Regional education service agencies. (make rules and distribute funding)

53G-5 Charter schools

1. review approved charters and required reconsideration
2. rules for application process and monitoring
3. request funding
4. waive rules
5. rules for closure
6. hear closure appeals
7. staff Charter School Finance Authority

53G-6-302 Child's school district of residence -- Determination -- Responsibility for providing educational services.

1. rules regarding residency

53G-6-305 District paying tuition -- Effect on state aid

1. approve tuition for out of state education

53G-6 Part 4 School District Enrollment

1. establish special education class size
2. prescribe standard application forms for nonresident students to apply for admission
3. consult with UHSAA on participation policies
4. rules for nonresident student tuition
5. rules for nonresident student transportation
6. consult with SCSB on rules for student admission
7. rules for capacity of charter school
8. make rules and approve charter school expansion
9. rules for dual enrollment
10. rules for charter and online student participation in extracurricular activities
11. interstate compacts on the placement of children (62A-4a Part 7)
12. rules for student assessment opt-out

53G-7-202 Waivers from state board rules.

53G-7-218 Establishment of early learning plan -- Digital reporting platform.

1. create model early learning plan
2. develop uniform standards
3. approve plans
4. support failing LEAs
5. digital platform with interventions

53G-7-304 Undistributed reserve in local school board budget.(establish scale)

53G-7-306 School district interfund transfers.

1. authorize transfers
2. rules for financially distressed districts

53G-7 Part 5 Student Fees.

1. impose corrective action

2. rules for fee waivers

53G-7-603 Purchase of textbooks -- Textbooks provided to teachers.

1. approve terms of LEA textbook purchases
2. rules for disposal of textbooks

53G-7 Part 7 Student Clubs (make rules)

53G-7 Part 9 Internships (make rules)

53G-7 Part 10 Internet Policy (make rules for local policies)

53G-7-1106 Procedures for disputes – Appeals – Appeals panel (appoint USHAA appeals panel)

53G-7 Part 12 School Community Councils and Charter Trust Land Councils (make rules)

53G-7 Part 13 Teacher and Student Success Program

1. receive applications
2. distribute funds
3. make rules

53G-8-Part 2 School Conduct and discipline plans.

1. model policy
2. collect data
3. make rules for extracurricular activities
4. approve school based behavior intervention program
5. may create evidence based interventions

53G-8 Part 4 Juvenile Court and Law Enforcement Notification to Public Schools (make rules)

53G-8 Part 5 Substance Abuse Reporting and Weapons Notification (make rules)

53G-8 Part 7 School resource Officers

1. make rules
2. create training program

53G-8 Part 8 State Safety and Support Program

1. model policies
2. provide training
3. conduct and disseminate research
4. encourage partnerships
5. provide technical assistance
6. model critical incident response training program
7. space for public safety liaison
8. model school climate survey
9. collect data

53G-9-207 Child sexual abuse prevention.

1. approve instructional materials

53G-9 Part 6 Bullying and Hazing

1. model policy on bullying, cyber bullying, hazing, abusive conduct
2. make rules regarding training

53G-9 Part 7 Suicide Prevention

1. model program, training and resources
2. designate public education suicide prevention coordinator
3. distribute funds
4. develop curriculum for parent seminar
5. develop or adopt professional development materials

53G-10-Curriculum Participation and Requirements

1. create and administer civics engagement project
2. periodically review American history and government curricula
3. develop policies and procedures for teaching American Sign Language
4. make rules regarding instruction about flag
5. establish health curriculum requirements
6. rules for sex ed in schools
7. rules for instruction on alcohol, tobacco, electronic cigarettes, controlled substances
8. administer Underage Drinking and Substance Abuse Prevention Program
9. make rules and distribute funds for Drivers Education

53G-11 Employees

1. gather information regarding professional learning
2. make rules and model exit survey
3. facilitate license applicant criminal background check and monitoring
4. make rules and decide impact of criminal history on licensed educator
5. make rules requiring self reporting of conviction, arrest, offense
6. provide training regarding criminal background checks
7. rules for school employee and educator evaluations

## APPENDIX B

### INTERNAL ADVISORY COMMITTEES TO THE BOARD

<b>Advisory Group</b>	<b>Statute, Rule, or Policy</b>	<b>Appointed By</b>	<b>Board Member Committee Membership</b>
Advisory Committee on Equity of Educational Services for Students (ACEESS)	Board Policy 5001	Board	None
Assessment and Accountability Policy Advisory Committee (AAPAC)	Board Policy 5002	Board Chair	Two non-voting members
Assessment Item Review Committee	53E-4-303(5)(b)(i)	Board Chair	None
Charter School Revolving Account Committee	53F-9-203(6) R277-480-3	Board	None
Standards Review Committees	53E-4-203(5)(a)	Board Chair	None
State Instructional Materials Commission	53E-4-402	Board	None
Student Advisory Council	Board Policy 5008	Board	None
Student Data Governance Advisory Group	53E-9-302(3)(b) Board Policy 5005	Board	None
Student Data Policy Advisory Group	53E-9-302(3)(a) Board Policy 5003	Board/ Board Chair	One or more member(s) required by statute
Student Data Users Advisory Group	53E-99-302(3)(c) Board Policy 5004	Board	None
Trust Lands Advisory Committee	Board Policy 5007	Board	None
Underage Drinking and Substance Abuse Prevention Program Advisory Council	53G-10-406(5)	Board Chair	Two members required by statute
USBE IT Governance Council	No written policy	Board Chair	Two members participate at the request of staff
Utah Schools for the Deaf and the Blind Advisory Council	R277-800 Board Policy 4002	Board	None
Utah Special Education Advisory Panel	Board Policy 5006	Board	None

Updated May 2, 2025

Utah Teacher of the Year Selection Committee	No written policy	Board Chair	One member
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