

UTAH STATE BOARD OF EDUCATION POLICY
Policy Number: 1002
Policy Name: Rulemaking Procedures
Date Approved: April 16, 2020

By this policy, the Utah State Board of Education, “the Board,” establishes the following internal rules and procedures for consideration of proposed rules:

I. Definitions:

1. “Board member-sponsored rule” means a rule concept that is presented to a Committee or full Board for review and potential approval by the committee or full Board.
2. “Committee” means one of the following Board standing committees:
 - a) the Finance Committee;
 - b) the Law and Licensing Committee; or
 - c) the Standards and Assessment Committee;
3. “Committee or Task Force rule” means a rule that is:
 - a) requested by a Committee or Task Force; or
 - b) initiated by Committee or Task Force action.
4. “Continuation rule” means a rule that is required to be reviewed by the Board within five years after the initial filing of the rule or within five years of the last five- year review as described in Subsection 63G-3-305 to determine whether the rule should be continued, repealed, or amended.
5. “Legislatively required rule” means a rule the Board is required to enact, amend, or repeal as a result of legislation or Utah Code.
6. “Task force” means a time-limited task force created by a quorum of the Board to work on a specific project.

II. General Provisions:

1. Board staff shall follow the rulewriting style guidelines established by the Office of Administrative Rules (OAR) and described in the “Rulewriting Manual for Utah Rulewriters” published by the OAR.
2. Upon receiving notice of a proposed rule, the Board Executive Committee shall assign the proposed rule to:
 - a) a standing committee; or
 - b) to the entire Board.
3.
 - a) If a rule is assigned to a standing committee as described in Subsection 2. (a), the standing committee shall read the proposed rule initially on first reading.
 - b) The Board shall read the proposed rule a second time before the entire Board and the second reading shall include discussion of the standing committee report.
4. If a proposed rule is assigned to the entire Board as described in Subsection 2.b) the Board shall read the proposed rule on first and second reading.
5. After the Board reads a proposed rule on second reading, the Board may:
 - a)
 - i) Direct the Superintendent to change the proposed rule; and
 - ii) consider the proposed rule again at a future meeting with revisions incorporating the Board’s direction;
 - b) direct the Superintendent to put the proposed rule, as amended by the Board, in its final form with its anticipated effective date on the consent calendar at the Board’s next meeting as a third reading;
 - c) direct the Superintendent to file the rule with the Division of Administrative Rules (DAR) as described in Subsection 6); or
 - d) direct the Superintendent to take no further action on the rule.
6.
 - a) Following the Board’s approval of a proposed rule, the Superintendent shall prepare a rule analysis form and file the form and a copy of the proposed rule with DAR.

- b) Simultaneously with filing a proposed rule amendment, the Superintendent shall file a rule continuation unless the Board directs otherwise.
7. The Board may accept public comment and make additional changes to proposed rules in accordance with the requirements of Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and DAR's implementing regulations in R15-4-1, etseq.
 8. The Superintendent shall wait for future Board action to file a notification with the Office of Administrative Rules of a date a rule is to become effective and enforceable as described in R15-4-5a if:
 - a) the Board receives a request for a public hearing as described in Section 63G-3-302; or
 - b) the Board chair or Board leadership notify the Superintendent that the Board is likely to discuss the rule in an upcoming Board meeting for potential action on the rule.

III. Process for a Board Member-sponsored Rule:

1. A Board member may sponsor a new or amended rule to be presented for the first time to a Committee if:
 - a. the Board member has at least one co-sponsor willing to support the new or amended rule; and
 - b. the Board member submits a short description of the rule concept or policy idea to Board Executive Leadership, to request Executive Leadership place the rule concept or policy idea on a Committee agenda for discussion.
2. If the Executive Leadership Committee assigns the rule concept or policy idea to a Committee for discussion, the Board member may present the rule concept or policy idea to the Committee.
3. If three or more members of a Committee or Task Force approve the rule concept or policy idea, staff will prepare a draft of the rule(s) as directed by the Committee or Task Force for a subsequent Committee or Task Force meeting.

4. Each request for a new or amended rule shall identify how the new rule or rule amendment supports the Board's strategic plan.
5. Board member-sponsored, Committee or Task Force rule requests shall be placed on the USBE website with a short title and sponsor listed.
6. A Board member may sponsor an amendment to a rule already on a Committee or full Board agenda.
7. If a Board member's amendment described in Subsection 6) is 10 words or less, the Board member may make a verbal amendment.
8. If a Board member's amendment described in Subsection 6) is 11 words or more, the Board member should work with staff to prepare the amendment or draft rule prior to presenting the amendment or rule draft to the Committee or full Board.
9. If a Board member's amendment or draft described in Subsection 6) is reviewed and adopted for the first time by the full Board, the Board should determine whether it is appropriate for the rule to be adopted on second reading only or second and final reading.
10. If a Board member requests an amendment to a rule already on a Committee or full Board agenda, the amendment or rule draft shall include the Board member's last name next to the draft number.

IV. Drafting Priority for Board Rules:

The Superintendent shall draft Board rules in the following order of descending priority:

- 1) Legislatively required rules;
- 2) Continuation rules;
- 3) Committee or Task Force rules; and
- 4) Board member-sponsored rules.