



**BOX ELDER  
SCHOOL DISTRICT**

*Learning is Everything*

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BOX ELDER SCHOOL DISTRICT  
BOARD OF EDUCATION  
HANDBOOK

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REVISED  
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BOX ELDER SCHOOL DISTRICT

# Box Elder School District Board of Education Handbook Table of Contents

Introduction	Page 2
Authority and Responsibilities of the Board	Page 2
Principles of Board Leadership	Page 2
Making School Board Decisions	Pages 3-4
Holding Closed Meetings	Pages 4-6
Collaborative Relationships: Shared Governance	Page 6
Essentials of a Professional Learning Community	Pages 6-7
Authority of Individual Board Members	Page 7
Nominations and Elections for Board Leadership	Pages 7-8
Board Leadership Responsibilities	Pages 8
New Board Member Orientation	Page 8
Board of Education Code of Conduct	Pages 9
Board Member Commitments and Ethics	Pages 9-11
Disciplining Board Members	Page 11
Policies Governing the Board	Page 12
Guidelines and Parliamentary Motions	Pages 12-13
Simplified Chart of Parliamentary Motions	Pages 13-14
Board Policies Relevant to Board of Education Legal Status, Responsibilities, and Ethics	Pages 14-24
Board Policies Relevant to School Board Meetings	Pages 24-34

# BOARD OF EDUCATION HANDBOOK INTRODUCTION

This Board of Education Handbook has been developed to capture, in one place and in plain language, the primary operating procedures and governing principles of the Box Elder County School District Board of Education.

This handbook serves as a resource for members of the board as they assume their offices and carry out their responsibilities. It will be posted on the school district's website and updated periodically.

The Box Elder County School District Board of Education has one goal and one purpose: **student learning**.

## Authority and Responsibilities of the Board

The powers and mandatory duties of the Board of Education are defined in the Utah Code and State Board of Education Rule.

## Principles of Board Leadership

Remembering three important principles of board leadership will help keep the Box Elder County School District Board of Education focused on its most important responsibilities:

1. The board delegates authority.  
The board delegates authority to the superintendent to manage the district and provide leadership for the staff. Such authority is communicated through written policies that designate board ends and define operating limits.
2. The board monitors performance.  
The board constantly monitors progress toward district goals and compliance with written board policies.
3. The board takes responsibility for itself.  
The board, collectively and individually, takes full responsibility for board activity and behavior. Board deliberations and actions are limited to board work, not staff work.

[Utah Code § 53G-4](#)

# Making School Board Decisions

State and federal laws, financial constraints, and local expectations must govern school districts. Nevertheless, decisions made by a local board of education create the environment in which a district will flourish or flounder.

Although the typical school board makes many different decisions, all of those decisions can be put into four general categories:

**Policy decisions** are the most important work of the board. The majority of a board's time should be spent on policy development, monitoring, and review. Written policies accomplish the following:

- articulate district direction and goals;
- delegate authority and define limitations on that authority;
- establish board processes, including those for monitoring progress toward district goals and ensuring compliance with laws and board policy.

The board is empowered to make policy decisions for district schools. Board members act as trustees for the community; therefore, policies are often understood as expressions of the community's aspirations for its public schools.

**Problem solving decisions** come in response to a crisis or opportunity that cannot be resolved by the superintendent or is not fully addressed in existing board policy. For example, in the face of declining enrollment, a typical school board would not expect its superintendent to make a final decision on which building to close. Although the superintendent would be expected to provide information and make recommendations, the school board would make the final decision, after deliberating alternatives and consulting policy statements.

Problem-solving decisions usually have isolated, one-time impacts. However, such decisions can establish a precedent that may have the force of policy. For example, a school board's decision to grant a benefit to one group of students may obligate it to grant the same benefit to another group in a similar situation.

**Managerial decisions** required of each local Utah school board are set forth in the statutes, most notably in [Utah Code § 53G-4-402](#). For example, a school board is required to do the following:

- implement the core curriculum
- administer tests,
- implement training programs,
- enroll children in school,
- establish school libraries, and

- establish school safety traffic committees
- ensure that school community councils receive the required annual training and review and approve the school improvement plans developed by the school community councils.

With few exceptions, managerial duties are delegated to the superintendent. Where there is good communication and high level of trust between the board and superintendent, combined with sound policies that set directions and establish parameters, routine managerial duties will consume only a small amount of time at public board meetings. Legally required board actions can usually be accomplished through approval of consent agendas.

School boards must learn to distinguish policy decisions from problem-solving decisions. Sometimes this is challenging but, in general, boards that emphasize policy development will need to make fewer decisions in response to routine problems. Superintendents who have strong policy guidance are able to resolve a wider array of problems without bringing them to the board for action. Good policy development and review processes allow boards to operate at the systemic level - dealing with mission, purpose, direction, and results.

Conversely, boards without up-to-date written policies often find their meetings running late into the night. Their superintendents must bring numerous issues for discussion and action, which wastes time and yields inconsistent results.

**Personnel decisions** represent a special category of managerial decisions. Most school boards delegate personnel matters to the superintendent and use policies to express their desired standards for hiring, evaluation, compensation, discipline, and dismissal. This approach avoids the quagmire of wrestling directly with hiring or disciplining employees other than the superintendent and business administrator. Personnel actions, therefore, are usually found on the consent agenda, because a board is required by law to approve all employment contracts, salaries, benefits, and dismissals.

The superintendent is an appointed public official, the district's chief executive, and an employee of the board. Only the board can employ, evaluate, discipline, or dismiss the superintendent.

## **Holding Closed Meetings**

**A closed meeting may be held if:**

1. A quorum is present.
2. The meeting is an open meeting for which specific notice for a closed meeting has been given with the stated purpose defined.

3. Two-thirds of the members present vote to close the meeting. Voting must be taken by roll call. Name and vote.

**Minutes of the closed meeting shall contain:**

1. Reason for holding the meeting.
2. Location of the meeting.
3. Vote by name, of each member of the board, either for or against the motion to hold the closed meeting.

**Purpose of a closed meeting:**

1. Discussion of the character, professional competence, or physical or mental health of individual.
2. Strategy sessions to discuss collective bargaining.
3. Strategy sessions to discuss pending or reasonably imminent litigation.
4. Strategy sessions to discuss the purchase, exchange, or lease of real property including any form of a water right or water shares if public discussion of the transaction would:
  - a. Disclose the appraisal or estimated value of the property under consideration; or
  - b. Prevent the board from completing the transaction on the best possible terms.
5. Strategy sessions to discuss the sale of real property, including any form of water right or water shares if public discussion of the transaction would:
  - a. Disclose the appraisal or estimated value of the property under consideration; or
  - b. Prevent the board from completing the transaction of the best possible terms.
6. Discussion regarding deployment of security personnel, devices or systems.
7. Investigative proceedings regarding allegations of criminal misconduct.

**A Board may not interview a person applying to fill an elected position in a closed meeting.**

**Record of closed meetings:**

1. A recording shall be made of the closed portion of the meeting.
2. Detailed written minutes may be kept that disclose the content of the closed portion of the meeting.
3. A recording of a closed meeting shall be complete and unedited from the commencement of the closed meeting through adjournment.
4. The recording and any minutes of a closed meeting shall include:
  - a. Date, time, and place of the meeting.
  - b. Name of the members present and absent.
  - c. Names of all others present except where the disclosure would infringe on the confidentiality necessary to fulfill the original purpose of the closing the meeting.
5. No recording or minutes will be taken if the purpose of the closed meeting is for the discussion of the character, professional competence, or physical or mental health of an individual.

- a. A sworn statement must be signed by the presiding member of the board that the sole purpose for closing the meeting was to discuss the character, professional competence, or physical or mental health of an individual.

## **Collaborative Relationships: Shared Governance**

The Box Elder County School District Board of Education has the exclusive right and responsibility to determine the goals and direction of the schools and use all its resources to achieve such goals, within the bounds of state and federal law and rules of the Utah State Board of Education.

Box Elder School District is a complex organization, which can succeed only if we enlist the energy, creativity, and effort of many people to accomplish our goals. The board believes that ideal conditions for student learning can be realized when shared governance is thoughtfully used to support student achievement.

Board decisions should accurately reflect the public's interests. Statutes of the state of Utah require local school boards to make decisions by majority vote; thus the obligation to seek consensus under shared governance does not bind the board in its decision-making.

The board delegates to school sites and departments the right to make some decisions using the shared governance process. Site-based decisions must conform to legal requirements, state and federal rules and regulations, the district's Student Achievement Plan, policies, procedures, guidelines, and contractual obligations, including negotiated employee agreements.

## **Essentials of A Professional Learning Community**

- A. The Superintendent and district administrators will ensure that all of the schools in the district function as professional learning communities. Professional learning communities are defined as educators committed to working collaboratively in ongoing processes of collective inquiry and action research to achieve better results for the students they serve. Professional learning communities operate under the assumption that the key to improved learning for students is continuous, job-embedded learning for educators.
  1. The Board, district, and school administrators will ensure that time is available, within the contract day, for educators to meet together regularly in collaborative teams.

2. District/school administrators will ensure this time is reserved for activities directly related to the process of collective inquiry and action research to achieve better achievement results for our students.
3. Collaborative teacher teams will focus on the following four questions:
  - a. What is it that our students are expected to know and do?
  - b. How will we know if they know and can do what is expected?
  - c. How will we respond if they don't know and can't do what is expected?
  - d. How will we respond if they already know and can do it?

District and school administrators will ensure that ongoing training and professional learning opportunities are provided to ensure that all Box Elder School District educators are proficient in the philosophies and practices related to professional learning communities/collaborative teacher teams.

## **Authority of Individual Board Members**

Power belongs not to individual members of a Board of Education but to the Board of Education acting as a corporate body through collective action. Board members have authority only when acting as a Board of Education in a legally constituted session, with a quorum present. The statement or action of an individual member or group of members of the Board of Education does not bind the Board of Education itself, except when that statement or action is specifically authorized by an official act of the board. This does not preclude individual board members from representing the board at meetings and ceremonial events or speaking to constituent groups in their capacity as board members.

## **Nominations and Elections for Board Leadership**

### **Nominations**

- A. An office must be created by Board Policy or by a motion to that effect before it can be filled by election or otherwise.
- B. The Board President must call for nominations.
- C. Nominations do not require a second. However, any number of persons may second a given nomination just to show their support of that nominee.
- D. The motion "to close nominations" is not in order until the assembly is ready to close nominations.
  1. When there are two or more nominees for the office the motion to close nominations requires a two-thirds vote. (This motion must be seconded.)
  2. A negative vote on the motion signifies that there are additional nominations forthcoming.
  3. If and when there are no further nominations the Board President may then put the motion to close nominations to a vote without waiting for a second.



## **Elections**

- A. Elections and nominations must conform to the procedure prescribed by the Utah State Law and Board Policy.
- B. In case of a tie vote, the election is decided by lot unless the organization adopts a motion to do otherwise.
- C. Elections are decided by a roll call vote, not by secret ballot. Election to the office is determined by a simple majority.

## **Board Leadership Responsibilities**

The board president will:

- 1. Conduct meetings of the board in accordance with law and policy.
- 2. Communicate regularly with the superintendent, business administrator, and members of the board to set meeting agendas, facilitate the flow of necessary information, and respond to community issues and queries.
- 3. Sign legal assurances, correspondence, and contracts on behalf of the board as required by law, policy, or vote of the board.
- 4. Represent the board, or designate others to represent the board, as requested, in executive meetings with community and business leaders or elected officials to promote perform their duties.

The board vice president will:

- 1. Advise and assist the president as needed.
- 2. Substitute for the president as required.
- 3. Attend meetings with or at the request of the president and superintendent.
- 4. Keep the board appropriately informed of issues or data that would help members

Board leadership may speak for the board, or designate others to speak for the board, when requested to do so by vote or consensus of the board communication, without binding the board to a specific decision or position.

## **New Board Member Orientation**

Following the election or appointment of new members, the superintendent and board leadership will provide for an orientation, as to the board's operation and processes, the working relationships with the Superintendent of Schools and staff of the Box Elder School District, and substantive background information pertaining to school system issues and procedures. A copy of this handbook will be provided online. New board members are also encouraged to attend the orientation session organized by the Utah School Boards Association (USBA).

# **Board of Education Code of Conduct**

The members of the Board of Education agree to abide by the following norms of behavior, both as they govern the conduct of board meetings and as they govern the actions of individual board members. These norms will provide an orderly way to conduct public business, promote an atmosphere of mutual respect, and establish a level of expectation for those who aspire to become school board members in the future.

Board members shall:

1. Represent the Board with dignity, honesty, and integrity.
2. Attend meetings regularly, prepared, professional, engaged, and dedicated to accomplishing and adhering to the agenda.
3. Support efforts to focus on the important matters, remembering that the student is always our most important matter.
4. Communicate effectively, early, and often with each other and with others concerned, seeking to make your own ideas clear while respecting the different opinions of others.
5. Be loyal to the Board and work to achieve unity by supporting its decisions, even though you may personally espouse a different view.
6. Value civility and avoid contention realizing conflict on some issues is inherent and not undesirable.
7. Represent and seek to understand the needs of all students, staff and citizens in the District without partisanship.
8. Work effectively with the Superintendent, and through him/her, with the staff throughout the District.
9. Develop and improve Board skills by establishing goals, measuring progress, and participating in a variety of training opportunities
10. If at all possible Board members should notify the Superintendent or the Board President well in advance of any concerns or questions regarding the Board agenda so that they can be resolved in advance if possible.

## **Board Member Commitments and Ethics**

The Board and its members commit to standards of conduct that are consistent with the public trust placed in elected officials. Accordingly, the Board and its members will:

1. Strive to make policies that promote the educational growth and development of all students;
2. Endeavor to appoint the most competent person available as superintendent of schools and hold that superintendent responsible for carrying out the vision, mission, and goals of the District in the administration of its schools;

3. Support and allow administrators, teachers, and staff to function in their authorized capacities while holding employees responsible for carrying out the District's vision, mission, and goals in their respective roles;
4. Seek to employ the best qualified personnel available without regard to race, color, sex, pregnancy, religion, national origin, age, marital status, disability, sexual orientation, or gender identity—except when justified to meet a bona fide occupational requirement (see 20 U.S.C. 1681 et seq.; Utah Code § 34A-5 et seq.);
5. Promulgate policies and procedures dedicated to maintaining a learning and working environment in the District free of discrimination and unlawful harassment, including sexual harassment;
6. Promulgate policies and procedures that ensure operational transparency, including directing employees to maintain, manage, and where appropriate, produce records consistent with federal and state laws (see 20 U.S.C. § 1232g; 34 C.F.R. Part 99; and Utah Code § 53E-9 et seq.);
7. Attend Board meetings, insofar as possible, being informed and prepared to discuss and act upon the items on the Board agenda;
8. Conduct Board business in compliance with the Utah Open Meetings Act (Utah Code § 52-4-1 et seq.);
9. Exercise Board authority exclusively to perform legislative and judicial functions;
10. Encourage free expression of opinion and seek regular communication and feedback from the public;
11. Work toward consensus in Board decision making and foster respectful and civil working relationships with other Board members and with the superintendent and District staff while recognizing the value of diverse perspectives and differences of opinion; and
12. Strive to be effective educational leaders by participating in professional development, studying education issues, fulfilling assigned Board duties, building relationships with community organizations and leaders, communicating with constituents, and advocating for public education.

A. Board of Education Code of Ethics

1. Members of the Board may receive compensation for services and necessary expenses in accordance with Utah Code § 53G-4-204. For purposes of Utah Retirement Systems (URS) coverage, however, duly elected members of the Board are classified as part-time employees and ineligible for URS benefits.
2. Members of the Board may not use their position, or information acquired by reason of their position, for any improper or unlawful purpose including substantially furthering personal economic interests or securing special privileges or benefits for themselves or others that would impair the members' independent judgement or interfere with the ethical performance of the members' duties in

violation of Utah Code, § 67-16-4.

3. The Board will officially accept gifts and donations on behalf of the District; such acceptance, however, shall not obligate the Board to act in any way contrary to the best interests of students and the public. Further, the Board or its members shall not request, demand, or accept personally or on behalf of the District, a loan, donation, gift of substantial value, or an economic benefit tantamount to a gift in violation of Utah Code §§ 67-16-5 to 5.6
4. The Board and its members shall not misappropriate or misuse public funds or resources and shall be responsible fiscal managers of public funds. Expenditure of public funds shall only be made in accordance with federal or state law and District policies.
5. Members of the Board shall disclose any compensation or any position (whether officer, director, agent, employee, or owner of a substantial interest) in any business entity that does business with or is subject to the regulations governing the District or other public agency in a sworn affidavit and file it with the state attorney general, the District, and any other agency involved in the business or transaction consistent with Utah Code §§ 67-16-6 to 8. Further, members of the Board shall have no personal investments and/or conduct any business creating a substantial conflict of interest between Board members' private interests and their public duties in violation of Utah Code § 67-16-9.
6. Members of the Board shall maintain the confidentiality of information obtained in executive session or other confidential information otherwise obtained in an official capacity.
7. Members of the Board have no individual authority to act on behalf of the Board and the Board only exercises its authority as a body by taking official action through voting in a duly scheduled Board meeting. Individual Members of the Board should not speak on behalf of the Board without prior Board approval.

Members of the Board shall abide by state and federal laws and District policies and refrain from personal or professional conduct that would bring censure, ridicule, damage, or reproach upon the Board or the District.

## **Disciplining Board Members**

If a member of the Board of Education violates the Code of Conduct or the ethical assurances outlined in Board [Policies 1034](#) and [1035](#), the board president and vice president will speak to that member about his or her responsibilities. If disruptive or destructive behavior occurs, the board may issue a formal reprimand by a vote of five members.

## Policies Governing the Board

Detailed information about the board's process of conducting meetings and other guidance around board operation can be found in [School Board Policy Article 1](#).

Links to other helpful resources, including specific citations to Utah Code, are included with the appropriate policy on the district's website.

## Guidelines and Parliamentary Motions

The following guidelines and examples have been taken from the Utah School Boards Association book titled *Coming to Order*, which is available on the USBA website. The Box Elder School District Board of Education appoints a Business Administrator who serves as the board's parliamentarian:

1. A board should agree on and adopt an agenda format that it will follow at regular meetings.
2. Action items on the agenda require:
  - a motion by a board member,
  - a second to the motion (required by most boards but not all),
  - a discussion of the motion by board members, and
  - a vote by board members.
3. Other than the consent agenda, each motion should be limited to one idea or issue.
4. No new motion may be made while another is being discussed.
5. A motion may be amended and votes on the amendments must be taken before acting on the original motion.
6. Before a vote on a main motion is taken, business can be interrupted by a motion:
  - to table the main motion,
  - to postpone action,
  - to refer the motion to a committee,
  - to withdraw it from consideration, or
  - to adjourn the meeting.

The subsidiary motions must be disposed of prior to action on the main motion.
7. Debate can be closed formally with a motion to move the question and a two-thirds affirmative vote.
8. When a Board member wishes to speak in board meeting, he/she should request to be recognized by the Board President before speaking. He/she may gain recognition by the President by raising a hand or speaking audibly, "Mr./Mrs. President". Once recognized the Board member should address the Board.

9. When the president senses the discussion has ended, a vote may be taken without a formal motion to close debate unless a member objects.
10. Some motions, such as a motion to adjourn, are not debatable. See the “Simplified Chart of Parliamentary Motions” on page 10.
11. Before a motion is voted upon, it should be repeated aloud.
12. The president, by virtue of membership on the board, is expected to vote on each issue before the board.
13. The president should indicate before each vote whether a simple or special majority is required.
14. The president should keep readily at hand a reference guide, such as the chart of parliamentary motions.

## Simplified Chart of Parliamentary Motions

Motion & Order of Precedence	You Say:	Debatable	Amendable	Vote Required
Adjourn	I move to adjourn	No	No	Majority
Recess	I move to recess for	No	No	Majority
Close Debate	I move the previous question	No	No	2/3
Postpone Definitely	I move to postpone the motion to	Yes	Yes	Majority
Refer to Committee	I move to refer the motion to	Yes	Yes	Majority
Amend the Amendment	I move to amend the amendment by	Yes	Yes	Majority
Amend or substitute	I move to amend the motion by	Yes	Yes	Majority
Main motion	I move to	Yes	Yes	Majority

Reconsider		Yes	Yes	Majority
Rescind		Yes	Yes	Majority (with notice)
Incidental Motions				
No order of precedence. Arise incidentally and decided immediately				
Point of Order (to enforce rules)	Point of Order	No	No	None
Parliamentary Inquiry	Parliamentary questions	No	No	None
Withdraw or Modify a Motion	I withdraw (or modify) my motion	No	No	Majority

# Board Policies Relevant to Board of Education Legal Status, Responsibilities, and Ethics

## Policy 1010 School Board’s Legal Status

- A. Promote education
  - 1. The Board has the legal power and duty to do all things necessary for the maintenance, prosperity and success of the schools and for the promotion of education and to exercise all powers given by statute. The Board’s legal powers and duties include the actions set forth in this policy, but are not necessarily limited to the listed powers and duties.  
[Utah Code § 53G-4-402\(20\) \(2018\)](#)
- B. Govern
  - 1. The Board of Education recognizes that under Utah law “it is the province of the Board of Education to determine what things are detrimental to the successful management, good order, and discipline of the schools and the rules required to produce” successful management, good order, and discipline in the schools.  
*Beard v. Board of Education, 16 P.2d 900 (Utah 1932)*
- C. Adopt rules

1. Adopt such rules, regulations, and bylaws as the Board deems proper for the operation of the Board and for the control and management of the District's schools.

[Utah Code § 53F-8-201 \(2018\)](#)

D. Levy taxes

1. Establish tax rates each year and submit the proposed rate to the county legislative body in which the District is located according to statutory procedures:

[Utah Code § 53F-8-201\(1\) \(2018\)](#)

[Utah Code § 53F-8-202 \(2018\)](#)

[Utah Code § 53F-8-402 \(2018\)](#)

E. Annual budget

1. Prepare, adopt, and file a budget for the next succeeding fiscal year with the county legislative body in which the District is located as required by statute.

[Utah Code § 53F-8-201 \(2018\)](#)

F. Bequests

1. Receive bequests and donations or other monies or funds which are made for educational purposes.

[Utah Code § 53G-4-402\(12\) \(2018\)](#)

G. Acquisition and ownership of property

1. Acquire and hold real and personal property in the name of the District, inclusive of all rights and titles, and lease and lease with an option to purchase property. The Board of Education has the direction and control of all school property in the district.

[Utah Code § 53G-4-401\(4\) \(2018\)](#)

H. Eminent domain

1. Exercise the right of eminent domain to acquire property.

*Board of Education of South Sanpete School District v. Barton, 617 P.2d 347 (Utah 1980).*

*Olsen v. Board of Education of the Granite School District, 571 P.2d 1336 (Utah 1977).*

I. Employ personnel

5. Employ by contract a Superintendent, Business Administrator, Principal(s), teacher(s), or other executive officer(s) and set salary schedules therefor.

[Utah Code § 53G-7-202 \(2018\)](#)

[Utah Code § 53G-4-301 \(2018\)](#)

[Utah Code § 53G-4-302 \(2018\)](#)

J. Close schools and change school boundaries

1. Close schools or suspend operation of schools or change school attendance area boundaries as determined to be appropriate by the Board of Education after appropriate public notice and hearing as required by statute.

*Allen v. Board of Education Weber County School District 236 P.2d 756 (Utah 1951)*

*Save Our Schools v. Board of Education of Salt Lake City, 2005 UT 55*



[Utah Code § 53G-4-402\(21\) \(2018\)](#)

K. Sue and be sued

1. Sue and be sued in the name of the District.

[Utah Code § 53G-4-401\(4\) \(2018\)](#)

L. Fulfill other statutory duties and exercise other statutory powers

1. The Board also has the duty to comply with such other duties as are set forth in the laws and regulations of Utah and the United States, and also may exercise the powers and authorities established by such laws and regulations.

## **Policy 1020 Board Power and Duties**

A. The Board of Education, on its own behalf, hereby retains and reserves unto itself, without limitation, all powers, rights, authority, duties and responsibilities conferred upon and vested in it by applicable law, rules and regulations to establish the framework of school policies and projects including, but without limitation because of enumeration, the right:

1. To appoint, by contract, a district superintendent who serves as the Board's chief executive officer. [Utah Code § 53G-4-301\(1\)](#)
2. To appoint a business administrator. [Utah Code § 53G-4-302\(1\)](#)
3. To make and enforce policy necessary for the control and management of the district schools. [Utah Code § 53G-4-402\(15\)](#)
4. To prepare and adopt a budget and make appropriations for the next fiscal year. [Utah Code § 53G-7-303\(2\)](#)
5. To administer and implement Federal education programs in accordance with the Federal Programs Act. [Utah Code § 53G-4-402\(10\)](#)
6. To establish, locate, and maintain elementary, secondary, and applied technology schools. [Utah Code § 53G-4-402\(5\)](#)
7. To employ staff necessary to carry out the functions of the school district. The Board shall also determine qualifications, conditions of employment, salary schedules, dismissal, demotion, promotion and work assignments.
8. To establish and supervise the program of instruction, including methods of instruction, schedules, materials, necessary staff, etc., and to make the necessary assignments for all extra-curricular programs that, in the opinion of the Board, benefit students.
9. To sue and be sued in the name of the district. [Utah Code § 53G-4-401\(4\)](#)
10. To take, hold, lease, sell, and convey real and personal property as the interests of the schools may require. [Utah Code § 53G-4-401\(4\)](#)
11. To purchase, sell, and make improvements on school sites, buildings, and equipment and construct, erect, and furnish school buildings. [Utah Code § 53G-4-402\(3\)](#)
12. To accept private grants, loans, gifts, endowments, devises, or bequests that are made for educational purposes. [Utah Code § 53G-4-402\(12\)\(a\)](#)
13. To close the schools or suspend operation if necessary.
14. To do all things necessary for the maintenance, prosperity, and success of the schools and the promotion of education. [Utah Code § 53G-4-402\(20\)](#)

- B. The exercise of the foregoing powers, rights, authority, duties and responsibilities by the Board, the adoption of policies, rules, regulations and practices in furtherance thereof, and the use of judgement and discretion in connection therewith shall be limited only by the Constitution and Laws of the State of Utah and the Constitution and Laws of the United States.
- C. To work to understand and represent the interest of the community members.

## **Policy 1025 Administration Relations**

### **A. District Governance**

- 1. The Board has the power to manage and govern the public schools of the District.

[Utah Code § 53G-4-402 \(2018\)](#)

*Elwell v. Board of Education of Park City, 626 P.2d 460 (Utah 1981)*

### **B. Consultation**

- 1. The Board and its administrative personnel may consult with teachers with respect to matters of educational policy and conditions of employment. The Board may adopt and make reasonable rules, regulations, and agreements to provide for such consultation, but these shall not limit or affect the power of the Board to manage and govern the schools of the District, nor shall such rules, regulations or agreements favor one educational association over another or give preferential treatment to an educational association.

[Utah Code § 53G-11-205\(4\) \(2018\)](#)

### **C. Exclusivity and Coercion**

- 1. If the Board chooses to engage in consultation, the process shall be structured so that there is no direct or indirect coercion of employees to join or refrain from joining a labor union, labor organization or other type or association, and such consultation shall be structured so that the Board does not favor one educational association over another or give preferential treatment to an educational association.

[Utah Code § 34-34-4 \(1969\)](#)

[Utah Code § 34-34-7 \(1969\)](#)

[Utah Code § 34-34-8 \(1969\)](#)

[Utah Code § 53G-11-205\(4\) \(2018\)](#)

### **D. Association Negotiations**

- 1. Public employees may negotiate in groups or through employee associations with the District. This is not to be construed as granting to district employees the right to strike, which action is specifically prohibited.

[Utah Code § 34-34-2 \(1969\)](#)

[Utah Code § 34-34-16 \(1969\)](#)

2. The term “labor organization” means any organization of any kind, or any agency or employee, representation committee, or plan, in which employees participate and which exists for the purpose, in whole or in part, of dealing with one or more employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

E. Publication of Negotiated Agreement

1. If the Board engages in negotiations with labor organizations and a negotiated or collective bargaining agreement is reached, the Board shall, within ten (10) days of ratification, post the agreement or memorandum on the District’s website  
[Utah Code § 53G-11-207 \(2018\)](#)

F. Distribution of Organization Materials

1. The District shall not allow unstamped, or stamped but not cancelled, employee organization mail to be delivered by interschool mail. Unless off-duty and acting as an agent of an employee organization, a District employee shall not distribute unstamped, or stamped but not cancelled, mail from employee organizations to other District employees.

G. Equal Access for Employee Associations

1. The schools in the District shall allow all employee associations equal access to distribution of information in or access to employee physical or electronic mailboxes (including school-provided email accounts), and to membership solicitation activities at new teacher or new employee training meetings or functions. (This policy does not require the school to afford association access to these activities, but requires that if access is granted to one employee association, equal access must be provided to other employee associations.)  
[Utah Code § 53G-11-205\(2\), \(3\) \(2018\)](#)

H. No Endorsement of or Preference for Any Employee Association

1. The District does not endorse any one employee association, and District policies, structures, and procedures shall not be applied to favor one employee association over another or to otherwise give preferential treatment to one employee association. District calendars and publications shall not include or refer to the name of any employee association in relation to any day or break in the school calendar.  
[Utah Code § 53G-11-205\(4\), \(5\) \(2018\)](#)

## **Policy 1034 Board of Education Code of Conduct**

A. Board members shall:

1. Represent the Board with dignity, honesty, and integrity.
2. Attend meetings regularly, prepared, professional, engaged, and dedicated to accomplishing and adhering to the agenda.
3. Support efforts to focus on the important matters, remembering that the student is always our most important matter.

4. Communicate effectively, early, and often with each other and with others concerned, seeking to make your own ideas clear while respecting the different opinions of others.
5. Be loyal to the Board and work to achieve unity by supporting its decisions, even though you may personally espouse a different view.
6. Value civility and avoid contention realizing conflict on some issues is inherent and not undesirable.
7. Represent and seek to understand the needs of all students, staff and citizens in the District without partisanship.
8. Work effectively with the Superintendent, and through him/her, with the staff throughout the District.
9. Develop and improve Board skills by establishing goals, measuring progress, and participating in a variety of training opportunities.

## **Policy 1035 Board Member Commitments and Ethics**

### **A. Board of Education Commitments**

The Board and its members commit to standards of conduct that are consistent with the public trust placed in elected officials. Accordingly, the Board and its members will:

1. Strive to make policies that promote the educational growth and development of all students;
2. Endeavor to appoint the most competent person available as superintendent of schools and hold that superintendent responsible for carrying out the vision, mission, and goals of the District in the administration of its schools;
3. Support and allow administrators, teachers, and staff to function in their authorized capacities while holding employees responsible for carrying out the District's vision, mission, and goals in their respective roles;
4. Seek to employ the best qualified personnel available without regard to race, color, sex, pregnancy, religion, national origin, age, marital status, disability, sexual orientation, or gender identity—except when justified to meet a bona fide occupational requirement (see [20 U.S.C. 1681 et seq.](#); [Utah Code § 34A-5 et seq.](#));
5. Promulgate policies and procedures dedicated to maintaining a learning and working environment in the District free of discrimination and unlawful harassment, including sexual harassment;
6. Promulgate policies and procedures that ensure operational transparency, including directing employees to maintain, manage, and where appropriate, produce records consistent with federal and state laws (see [20 U.S.C. § 1232g](#); [34 C.F.R. Part 99](#); and [Utah Code § 53E-9 et seq.](#));
7. Attend Board meetings, insofar as possible, being informed and prepared to discuss and act upon the items on the Board agenda;

8. Conduct Board business in compliance with the [Utah Open Meetings Act \(Utah Code § 52-4-1 et seq.\)](#);
9. Exercise Board authority exclusively to perform legislative and judicial functions;
10. Encourage free expression of opinion and seek regular communication and feedback from the public;
11. Work toward consensus in Board decision making and foster respectful and civil working relationships with other Board members and with the superintendent and District staff while recognizing the value of diverse perspectives and differences of opinion; and
12. Strive to be effective educational leaders by participating in professional development, studying education issues, fulfilling assigned Board duties, building relationships with community organizations and leaders, communicating with constituents, and advocating for public education.

B. Board of Education Code of Ethics

1. Members of the Board may receive compensation for services and necessary expenses in accordance with [Utah Code § 53G-4-204](#). For purposes of Utah Retirement Systems (URS) coverage, however, duly elected members of the Board are classified as part-time employees and ineligible for URS benefits.
2. Members of the Board may not use their position, or information acquired by reason of their position, for any improper or unlawful purpose including substantially furthering personal economic interests or securing special privileges or benefits for themselves or others that would impair the members' independent judgement or interfere with the ethical performance of the members' duties in violation of [Utah Code, § 67-16-4](#).
3. The Board will officially accept gifts and donations on behalf of the District; such acceptance, however, shall not obligate the Board to act in any way contrary to the best interests of students and the public. Further, the Board or its members shall not request, demand, or accept personally or on behalf of the District, a loan, donation, gift of substantial value, or an economic benefit tantamount to a gift in violation of [Utah Code §§ 67-16-5 to 5.6](#)
4. The Board and its members shall not misappropriate or misuse public funds or resources and shall be responsible fiscal managers of public funds. Expenditure of public funds shall only be made in accordance with federal or state law and District policies.
5. Members of the Board shall disclose any compensation or any position (whether officer, director, agent, employee, or owner of a substantial interest) in any business entity that does business with or is subject to the regulations governing the District or other public agency in a sworn affidavit and file it with the state attorney general, the District, and any other agency involved in the business or

transaction consistent with [Utah Code §§ 67-16-6 to 8](#). Further, members of the Board shall have no personal investments and/or conduct any business creating a substantial conflict of interest between Board members' private interests and their public duties in violation of [Utah Code § 67-16-9](#).

6. Members of the Board shall maintain the confidentiality of information obtained in executive session or other confidential information otherwise obtained in an official capacity.
7. Members of the Board have no individual authority to act on behalf of the Board and the Board only exercises its authority as a body by taking official action through voting in a duly scheduled Board meeting. Individual Members of the Board should not speak on behalf of the Board without prior Board approval.
8. Members of the Board shall abide by state and federal laws and District policies and refrain from personal or professional conduct that would bring censure, ridicule, damage, or reproach upon the Board or the District.

### **Policy 1036 Conflict of Interest: Board Member and Employee**

- A. Purpose: The purpose of this policy is to set forth standards of conduct for board members and employees of the Box Elder District in areas where there are actual or potential conflicts of interest between their public duties and their private interests. This policy is intended to strengthen public confidence in the district and its employees. The policy is based on state law, [Utah Code 67-16](#).
- B. No member of the Board of Education or any employee of the Box Elder School District shall:
  1. Improperly disclose confidential information acquired by reason of his or her official position or use such information for his or her or another's private gain or benefit;
  2. Use or attempt to use his or her official position to secure special privileges or exemptions for himself or herself or others;
- C. A written statement shall be filed annually with the superintendent by all board members, superintendent, business administrator, facilities administrator, coordinators of school lunch, purchasing and transportation, and any other district employee who:
  1. Accepts other employment that he or she might expect would impair his or her independence of judgment in the performance of his or her public duties; or would interfere with the ethical performance of his or her public duties.
  2. Accepts any gift, compensation, or loan that comes because of past, present, or future action directly affecting the donor. (An award publicly presented in recognition of public services or a non-pecuniary gift of less than \$50.00 value is not prohibited.)
  3. Initiates business dealings on behalf of the district with any business or individual from whom the board member or employee receives compensation or gifts in any form.



- D. Statements filed with the superintendent under "C" above, shall be signed by the board member or district employee and contain:
  - 1. The name and address of the board member or district employee involved;
  - 2. The name and address of the person or business entity with whom a conflict of interest may exist;
  - 3. A brief description of the board member's or employee's involvement or interest with the individual or business entity named.
  
- E. The statement shall be filed within ten days or the earlier of:
  - 1. The date of any agreement between the board member or district employee and the person or business entity being assisted or;
  - 2. The receipt of compensation from that entity.
  
- F. The statement is public information and shall be available for examination by the public.
  
- G. Penalties for violation of this policy may include removal from office, dismissal from employment, and/or criminal prosecution. Additionally, the school district may rescind or void any contract or subcontract entered into as a result of actions prohibited under this policy, and do so without returning any part of the consideration that the district may have received.

**POLICY 1037 Employment/Assignment of Relatives (Nepotism)**  
**(Reference - [Utah Code 52-3](#))**

- A. Definition: As used in this policy, "appointee" means an employee whose salary, wages, pay, or compensation is paid from public funds; "relative" means father, mother, husband, wife, son, daughter, sister, brother, grandfather, grandmother, uncle, aunt, nephew, niece, grandson, granddaughter, first cousin, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law - "household member" means a person who resides in the same residence.  
[Utah Code § 52-3-1\(1\)\(d\) \(2018\)](#)
  
- B. No Board member or employee of the district may employ, appoint, or vote for or recommend the appointment of a relative or household member in or to any position or employment, when the appointee will be directly supervised by a relative or household member, unless:
  - 1. The appointee is certificated or otherwise determined eligible or qualified to be employed by the District pursuant to the State Office of Education or other state department or agency; or
  - 2. The appointee will be compensated from funds designated for vocational training; or
  - 3. The appointee will be employed for a period of 12 weeks or less; or
  - 4. The appointee is a volunteer as defined by the District; or
  - 5. The Superintendent determines that appointee is the only or best person available, qualified, or eligible for the position.

[Utah Code § 52-3-1\(2\)\(a\) \(2018\)](#)

- C. No district employee may directly supervise an appointee who is a relative or household member of the employee unless:
1. The appointee was appointed or employed before the district employee assumed his or her supervisory position, if the appointee's appointment was not unlawful at the time of the appointee's appointment; or
  2. The appointee will be compensated from funds designated for vocational training; or
  3. The appointee will be employed for a period of 12 weeks or less; or
  4. The appointee is a volunteer as defined by the district; or
  5. The appointee is the only person available, qualified, or eligible for the position; or
  6. The Superintendent determines that the employee is the only person available or is best qualified to perform supervisory functions for the appointee.
  7. When a District employee supervises a relative or a household member, the employee shall make a complete written disclosure of the employee's relationship with the relative or household member in a sworn statement provided to the Board of Education. The District employee may not evaluate the relative's job performance or recommend salary increases for the relative.

[Utah Code § 52-3-1\(2\)\(b\), \(c\) \(2018\)](#)

[Utah Code § 67-16-7\(2\)\(b\) \(2018\)](#)

- D. No appointee may accept or retain employment in the District if the appointee is under the direct supervision of a relative or household member, unless:
1. The relative or household member was appointed or employed before the appointee assumed the appointee's position, if the appointment of the relative or household member was not unlawful at the time of the appointment;
  2. The appointee will be compensated from funds designated for vocational training;
  3. The appointee will be employed for a period of 12 weeks or less;
  4. The appointee is a volunteer as defined by the District;
  5. The appointee is the only person available, qualified or eligible for the position;
  6. The Superintendent determines that the appointee's relative or household member is the only individual available or qualified to supervise the appointee.

[Utah Code § 52-3-1\(3\) \(2018\)](#)

- E. The rules against nepotism apply to employees paid with public funds regardless of the source of those funds, including employees paid with funds from a federal grant.
- F. Within a town, as defined by [Utah Code § 10-1-104](#), this policy on nepotism shall not apply to the employment of uncles, aunts, nephews, nieces or cousins.

[Utah Code § 52-3-4 \(1998\)](#)

- G. This policy on nepotism shall not apply to the employment of a relative if the following criteria are established:
1. fewer than 3,000 people live within 40 miles of the primary place of employment, measured over all-weather public roads;
  2. the job opening has had reasonable public notice; and



3. the relative is the best qualified candidate for the position.

If an appointee is to be hired under this exception, the District shall make a written record of the proceedings in which it was established that the appointee met the criteria of this exception, which record shall include a written statement by the hiring officer certifying that the appointee satisfies the exception, all of which shall be retained in the personnel file of the appointee.

[Utah Code § 52-3-4 \(1998\)](#)

H. Under no condition shall a husband/wife or parent/son or daughter be employed in a supervisor/employee relationship (such as principal/teacher; department head/teacher in department; head custodian/custodian; etc.). If such condition occurs as a result of transfer or promotion, it shall be resolved within one year by transfer of either husband/wife, or parent/son or daughter, to another location. Exceptions may be made, with Board approval, for necessarily existent small schools only.

## **Board Policies Relevant to School Board Meetings**

### **Policy 1070 Board Meeting Procedures**

A. "Meeting" means the convening of the Board with a quorum present, whether in person or by means of electronic equipment, for the purpose of discussing, receiving public comment about, or acting upon a matter over which the Board has jurisdiction, including a workshop or executive session. However, a "meeting" does not include a chance or social gathering; or meetings where no funds are appropriated for expenditure and board members are convened solely to discuss administrative or operational matters which do not require formal action or would not come before the Board for discussion or action.

[Utah Code § 52-4-103\(6\) \(2018\)](#)

B. Rules and Order of Procedure

1. The Board of Education shall adopt Rules of Order and Procedure to govern a public meeting of the Board of Education. The Rules of Order and Procedure shall include a set of policies that govern and prescribe in a public meeting:

- a. Parliamentary order and procedure;
- b. Ethical behavior; and
- c. Civil discourse.

2. After adopting the Rules of Order and Procedure, the Board of Education shall:

- a. Conduct its public meeting in accordance with the Rules of Order and Procedure adopted by the Board of Education; and
- b. Make the Rules of Order and Procedure available to the public at each meeting of the Board of Education, and on the District's public website.

[Utah Code § 53G-4-202{1}\(c\), \(2\) \(2018\)](#)

1. Upon a two-thirds vote, the Board of Education may expel a member of the Board from an open public meeting of the Board for:
  - a. Disorderly conduct at the meeting;
  - b. The member's direct or indirect financial conflict of interest regarding an issue discussed at or action proposed to be taken at the meeting; or
  - c. Commission of crime during the meeting; or
  - d. Other reasons that have been adopted by the Board.

[Utah Code § 53G-4-202\(5\) \(2018\)](#)

C. Open to the Public

1. Every meeting of the Board shall be open to the public unless closed pursuant to [Utah Code §§ 52-4-204 \(2018\)](#), [52-4-205 \(2014\)](#), and [52-4-206 \(2018\)](#). With the exception of those topics identified for a closed session, the Board shall deliberate and take action openly.

[Utah Code § 52-4-201\(1\) \(2006\)](#)

D. Public Hearing

1. A public hearing is an open meeting at which members of the public are given a reasonable opportunity to comment on a subject of the meeting. Generally, the Board will determine whether a Board meeting will include a public hearing. However, the Board shall hold a public hearing when considering whether to close a school or change the boundaries of a school, when submitting a ballot issue regarding bond authorization or a tax increase, when considering the adoption of the District budget, before authorizing issuance of bonds, and when considering changes to the Board member compensation schedules, as required by statute.

[Utah Code § 11-14-318 \(2009\)](#)

[Utah Code § 53G-4-402\(21\) \(2018\)](#)

[Utah Code § 53G-7-303\(2\) \(1/24/2018\)](#)

[Utah Code § 53G-4-204\(2\) \(2018\)](#)

[Utah Code § 59-1-1605 \(2016\)](#)

E. Interference with Conduct of Board Meetings

1. Those in attendance at Board meetings are prohibited from interfering with the conduct of the meeting by demonstrations, whether audible or visual or by conduct. Those who do not abide by Board procedures for orderly presentation of comments when permitted may be asked to leave or the Board may request law enforcement to remove those disrupting the meeting.
2. Distribution of handbills, flyers, or other printed materials by members of the public is prohibited during Board meetings. Similarly, members of the public may not circulate petitions or similar requests for participation during a Board meeting.

F. Public recording

1. All or any part of the proceedings in any open board meeting may be recorded by any person in attendance provided that the recording does not interfere with the conduct of the meeting.

[Utah Code § 52-4-203\(5\) \(2018\)](#)

#### G. Attendance by Local Government Representatives

1. An interested mayor or interested county executive (or their designees) may attend and participate in the board's discussions in the open portions of the Board's meetings. An "interested mayor" is the mayor of the municipality which is partly or entirely within the boundaries of the school district. An "interested executive" is the county executive or county manager of a county with unincorporated area within the boundary of the school district. These local government officials may not vote on any issue before the Board and their participation is subject to the Board President's authority to regulate the conduct of the meeting.
2. An interested mayor or interested county official may attend a closed meeting of the Board if invited by the Board. Where the closed meeting is held to discuss disposition or acquisition of real property, an interested mayor or interested county official may attend if invited by the Board and if the mayor or county executive does not have a conflict of interest with respect to the disposition or acquisition.

[Utah Code § 53G-7-208\(3\)\(a\) \(2018\)](#)

#### H. Quorum

1. A majority of the members of the Board shall constitute a quorum for meetings of the Board.

[Utah Code § 52-4-103\(11\)\(a\) \(2018\)](#)

[Utah Code § 53G-4-203\(5\) \(2018\)](#)

#### I. USBA Training session for the Board members

1. In the event the Board or any of its members meet with representatives of the Utah School Boards Association (USBA) for the purpose of receiving or participating in instruction regarding Board functions or activities, and not for the purpose of discussing or acting upon a subject over which the Board has jurisdiction, the Board is not required to comply with the Utah Open and Public Meetings Act, [Utah Code § 52-4-101 et seq.](#)
2. If more than two Board members are present in such meetings, the Board members shall not discuss or act upon any specific matter over which it has jurisdiction. Board members will discuss only matters relative to the instruction they receive from USBA representatives.
3. If Board members determine in an instructional meeting with representatives of USBA that there is a need to discuss or act upon a subject over which the Board has jurisdiction, then the Board and its members must comply with the Open and Public Meetings Act, [Utah Code § 52-4-101 et seq.](#), prior to discussing or acting upon such matters.

### **Policy 1072 Board Meetings: Notice Requirements**

- A. At least once each year, the Board shall give public notice of its annual meeting schedule. The notice shall specify date, time, and place of such meetings.

[Utah Code § 52-4-202\(2\) \(2016\)](#)

- B. The Board shall provide public notice of each meeting at least 24 hours in advance of each meeting; such notice shall include the agenda, date, time, and place of the meeting.  
[Utah Code § 52-4-202\(1\)\(2016\)](#)
- C. Where a meeting agenda must be included in the required public notice of a Board meeting, that agenda shall be sufficiently specific to notify the public of the topics to be considered at the Board meeting. To be sufficiently specific, the agenda shall at least list each anticipated topic under an agenda item in a manner which identifies the subject of discussion and if known the nature of the Board action being considered on the subject. The Board may not consider the topic in an open meeting which was not listed under an agenda item and included with the advance public notice of the meeting, except that if an unlisted topic is raised by the public during an open meeting the Board may, at the discretion of the presiding Board member, discuss the topic but may not take any final action on the topic during the meeting. This limitation may not apply to an emergency meeting where the requirements for holding and giving the best practicable notice of such a meeting have been met.  
[Utah Code § 52-4-202\(6\)\(2016\)](#)
- D. When the Board is meeting to conduct a public hearing with respect to adopting the budget or levying a tax rate which exceeds the certified tax rate, the Board's agenda must be limited to the hearing(s) and discussion and the action on those items. (If the Board holds another meeting on the same date to address general business items, the other meeting must conclude before the meeting on the budget and/or tax rate levy.)  
[Utah Code § 59-2-919\(8\)\(b\)\(i\)\(B\), \(e\), \(2019\)](#)
- E. Public notice of each Board meeting and of the Board's annual meeting schedule shall be given by:
1. Posting written notice at the local Board of Education office;
  2. Posting notice on the Utah Public Notice Website; and,
  3. Providing notice to two newspapers of general circulation within the geographic jurisdiction of the public body or to a local media correspondent.
  4. The District shall also endeavor to post notice of Board meetings on the District's web site at least 24 hours in advance of the Meeting.
  5. Notice of each Board meeting shall also be given to each mayor or interested county executive (or their designee). An "interested mayor" is the mayor of a municipality that is partly or entirely within the boundaries of the school district. An "interested county executive" is the county executive or county manager of a county with unincorporated area within the boundaries of the school district. This notice shall be provided by mail, email, or other effective means agreed to by the person to receive notice.  
[Utah Code § 52-4-202\(3\), \(4\)\(2016\)](#)  
[Utah Code § 63F-1-701\(4\)\(d\)\(2016\)](#)  
[Utah Code § 53G-7-208\(3\)\(e\) \(2018\)](#)
- F. In case of emergency or urgent public necessity which renders it impractical to give the notice identified in the paragraphs above, the best notice practicable shall be

given of the time and place of the meeting and of the topics to be considered at the meeting. No such emergency meeting of the Board shall be held unless an attempt has been made to notify all of its members and a majority of the members vote in the affirmative to hold the meeting.

[Utah Code § 52-4-202\(5\)\(2016\)](#)

- G. In addition to complying with the aforementioned public notice requirements, in regards to the budget hearing, the Board shall do the following:
1. Publish the required newspaper advertisement and/or electronic newspaper advertisement (see [Utah Code § 45-1-101 \(2011\)](#) and the required Utah Public Notice Website advertisement at least ten days before the day on which the hearing is held
    - a. The public hearing notice will include information on how the public may access the proposed budget.
  2. File a copy of the proposed budget with the Board's business administrator for public inspection; and
  3. Post a copy of the proposed budget on the District's internet website.
  4. In addition, if the proposed budget includes a tax rate in excess of the certified tax rate, or if the Board meeting is required to consider whether to adopt a tax rate in excess of the certified tax rate, the Board shall provide the notices and schedule the meeting as required by [Utah Code § 59-2-919](#).  
[Utah Code § 53G-7-303\(2\) \(2018\)](#)  
[Utah Code § 53F-8-201\(3\) \(2018\)](#)  
[Utah Code § 59-2-919 \(2016\)](#)
- H. In addition to complying with the aforementioned public notice requirements, if the Board is meeting under the [Transparency of Ballot Propositions Act](#) to hear arguments for or against a ballot proposition to authorize issuance of bonds or to increase taxes, the Board must post notice of the time, date, and place of the meeting (along with the arguments for and against the proposition):
1. On the Statewide Electronic Voter Information Website for 30 consecutive days before the election on the proposition;
  2. On the [District's website](#) in a prominent place for 30 consecutive days before the election on the proposition;
  3. If the District publishes a newsletter or other periodical, in the next scheduled edition before the election on the proposition.  
[Utah Code § 59-1-1604\(5\)\(2016\)](#)  
[Utah Code § 59-1-1605\(2016\)](#)
  4. The meeting must begin at or after 6:00 p.m.  
[Utah Code § 59-1-1605\(3\)\(b\)\(2016\)](#)
- I. In addition to complying with the aforementioned public notice requirements, if the Board is meeting to consider authorizing issuance of bonds under the Local Government Bonding Act, it shall publish notice of the intent to issue bonds in the newspaper and on the Utah Public Notice Website at least 14 days in advance of the public hearing on the bond issuance as required by [Utah Code Ann. § 11-14-318](#). The notice shall give notice that the hearing will be held to receive input from the public respecting the issuance of the bonds and the potential economic impact that

the proposed improvement, facility, or property that the bonds will fund will have on the private sector.

[Utah Code § 11-14-318 \(2009\)](#)

- J. In addition to complying with the aforementioned public notice requirements, if the Board is meeting to consider a request to increase a budget appropriation, it shall publish the required newspaper notice and notice under [Utah Code § 45-1-101](#) of such meeting at least one week prior to the hearing.  
[Utah Code § 53G-7-305\(6\)\(b\) \(2018\)](#)
- K. In addition to complying with the aforementioned public notice requirements, if the Board meeting is either to hold a public hearing regarding closing one or more schools or changing the attendance area boundaries for one or more schools, or to take such action, the additional notice requirements set out in Policy 1210 much also be met.  
[Utah Code § 53G-4-402\(21\) \(2018\)](#)
- L. Beginning July 1, 2007, in addition to meeting the aforementioned public notice requirements, if the Board is meeting to consider adopting a new Board member compensation schedule or schedules, or to consider amending an existing compensation schedule or schedules, the notice of the meeting with public hearing shall be given at least seven days prior to the meeting by:
1. Publishing the notice at least once in a newspaper published in the county where the District is situated and which is also generally circulated within the District, and publishing notice on the Utah Public Notice Website;
  2. Posting the notice:
    - a. At each school in the District
    - b. In at least three other public places within the District; and
    - c. On the Internet in a manner that is easily accessible to citizens who use the internet.

[Utah Code § 53G-4-204\(3\) \(2018\)](#)

## **Policy 1074 Board Meetings: Closed Meetings**

- A. A closed meeting may be held upon a two-thirds affirmative vote of the Board members present at a meeting for which public notice was given pursuant to [Utah Code § 52-4-202](#), providing a quorum is present. No resolution, rule, regulation, contract or appointment shall be approved at a closed meeting, nor may the Board interview an applicant to fill an elected position at such a meeting. The recording and minutes of an open meeting at which the vote is taken to hold a closed meeting shall contain the reason or reasons for holding a closed meeting and the votes, by name, of the members present, either for or against the proposition to hold such a meeting.

[Utah Code § 52-4-204 \(2018\)](#)

- B. Closed meetings may only be held for the following purposes:



1. Discussion of the character, professional competence, or physical or mental health of an individual;
  - a. However, the Board may not interview a person applying to fill an elected position, midterm vacancy or temporary absence in a closed meeting regardless of whether the interview may include a discussion of the character, professional competence, or physical or mental health of the applicant.
2. Strategy sessions with respect to collective bargaining or pending or imminent litigation; or
3. Strategy sessions with respect to the purchase, exchange, or lease of real property (including any form of water right or water shares) if public discussion may disclose the appraised or estimated value of the property or tend to prevent the Board from obtaining the best possible terms; or
4. Strategy sessions with respect to the sale of real property (including any form of water right or water shares) if public discussion may disclose the appraised or estimated value of the property or tend to prevent the Board from obtaining the best possible terms, but only if the Board previously gave public notice that the property would be offered for sale, and the terms of the sale are publicly disclosed before the Board approves the sale; or
5. Discussion regarding deployment of security personnel, devices, or systems;
6. Investigative proceedings regarding allegations of criminal misconduct; or
7. The Board is fulfilling one of the following procurement functions:
  - a. Deliberations as an evaluation committee regarding a solicitation or as protest officer regarding a protest; or
  - b. Consideration of information designated as a trade secret if the consideration is necessary to properly conduct a procurement; or
  - c. Discussion of information provided to the Board during a procurement if (at the time the Board meets) the information may not be disclosed to the public or procurement participants and the Board needs to review or discuss the information to properly fulfill its role and responsibilities in the procurement process.

- C. If the meeting is closed for any reason stated in paragraph 1 or 5 of this Section, then the person presiding must sign a sworn statement affirming that the sole purpose of closing the meeting was to discuss those specific topics, and neither a recording nor minutes shall be kept of that portion of the closed meeting.

[Utah Code § 20A-1-511\(3\)\(c\) \(2017\)](#)

[Utah Code § 52-4-205 \(2014\)](#)

[Utah Code § 52-4-206\(6\) \(2018\)](#)

## **Policy 1080 Board Committees**

- A. School Board members are elected to represent the public in management of the public schools. Decisions are the right and responsibility of the Board of Education.. All committees formed and charged by the Board are advisory in nature; the Board maintains the right and responsibility to do with committee recommendations as deemed appropriate by the Board on majority vote.

- B. Special committees of Board members may be created by the Board for special assignments. When so created, each committee shall be appointed by the president and shall terminate upon completion of the assignment or by majority vote of the Board prior to completion of the assignment.
- C. The Board of Education may utilize citizen committees, as appropriate, to assist in: planning; developing education policies and programs; seeking solutions to specific problems confronting the schools; and providing interchange of ideas and points of view between school officials and members of the community.
  - 1. Each committee shall be established by majority vote of the Board and shall be given an assignment or charge including specification of the scope of the assignment, length of time to complete the assignment, date by which the committee is to report its findings to the Board, and other specifics as deemed appropriate by the Board.
  - 2. Committees shall terminate upon completion of the assignments or charges given, the lapse of time specified by the Board, or by majority vote of the Board.
  - 3. Members of committees shall be recommended by the Superintendent and appointed by a majority vote of the membership of the Board meeting in official session.
- D. Reports, findings, and conclusions of each committee operating under a charge from the Board shall be submitted in writing to the Board at least seven (7) days prior to any consideration of the same in a meeting of the Board where the committee's work will be an issue for discussion or action.
  - 1. All reports, findings, and conclusions developed by committees shall be the property of the Board and any dissemination of the same shall be at the sole discretion of the Board within the parameters of the [Government Records Access Management Act](#). (See [Policy 6000 Public Records Access and Management](#))
  - 2. Committees are expressly prohibited from releasing their reports, findings, or conclusions to any individual or group other than the Board or the Superintendent.

## **Policy 1090 Rules of Order**

- A. The Board shall be guided by [Robert's Rules of Order, Revised](#), except where policy specifies otherwise.
- B. The Board President may discuss and have a vote on all matters before the Board.

## **Policy 1100 Minutes**

4

- A. The Clerk shall keep, or cause to be kept, written minutes and a recording of all open school board meetings with the exception of site visits or traveling tours of the board where no vote or action is taken. Only written minutes are required during site visits or travelling tours.



- B. The written minutes of open meetings must include:
1. The date, time, and place of the meeting;
  2. The names of all members present and absent;
  3. The substance of all matters proposed, discussed, or decided, which may include a summary of comments by board members;
  4. A record, by individual members, of all votes taken;
  5. The name of each person who is not a Board member who was recognized by the presiding Board member and upon recognition presented testimony or comments to the Board and a brief summary of the public testimony or comments; and
  6. Any other information that is a record of the meeting proceedings that any member requests be entered in the minutes.
  7. The requirement that the written minutes include the substance of Board discussion and of public comments may be satisfied by maintaining a publicly available online version of the minutes, which includes a link to that portion of the meeting recording, which relates to the discussion or comments.
- C. The recording of the meeting must be a complete and unedited recording of all open portions of the meeting from the commencement of the meeting through the adjournment. Those in attendance may also record the meeting as long as their recording does not interfere with the meeting.
- D. The written minutes and the recording of an open board meeting are public records and must be available upon request within three business days after the end of the meeting (recording) or within a reasonable time but no more than thirty days (written). Written minutes made available to the public should be marked in a way signifying that they have yet to be approved until the Board takes formal action to approve them.
- E. Copies of the minutes of a meeting shall be sent to the members of the Board before the meeting at which they are to be approved. Corrections in the minutes may be made at the meeting at which they are to be approved. Permanent minutes shall be signed by the president upon approval of the Board.
- F. With the exception of a closed meeting to discuss the character, professional competence, or physical or mental health of an individual or to discuss the deployment of security personnel, devices, or systems, a recording must be kept of a closed meeting. Written minutes may also be kept.
- G. A recording of a closed session must include:
1. The date, time, and place of the meeting;
  2. The names of all Board members present and absent;
  3. The names of all others present except where such disclosure would infringe on the confidence necessary to fulfill the original purpose of closing the meeting.

H. The recording of a closed session must be a complete and unedited recording of all portions of the closed meeting.

Reference:

[Utah Code § 52-4-203\(2018\)](#) and [Utah Code § 52-4-206\(2018\)](#)

## **Policy 1110 Public Participation in Board Meeting**

A. Individuals, from time-to-time may wish to seek an official audience with the Board. Such matters may be placed on the printed Board Agenda by contacting the Superintendent, Superintendent's staff assistant, or Board President. All such requests should be received one week in advance of a regular Board meeting and will be confirmed in writing through the District Office. The request should be in writing and state the nature of the matter to be considered, the name of the individual who will act as spokesperson, and the name of the organization represented.

B. All "regular meetings" of the Board will include an agenda item – "Public Comments."

During this agenda item, patrons will be able to address the Board, even if they have not followed the formal protocol outlined in "A" above. The following guidelines will be adhered to for the "Public Comments" agenda item:

1. Patrons must state their name prior to making comments.
2. At the discretion of the Board President, individual comments may be limited to three (3) minutes per individual.
3. Multiple individuals with the same issue should appoint a spokesperson and make one presentation rather than several. At the discretion of the Board President, group presentations may be limited to a maximum of six (6) minutes.
4. Handouts may be used and distributed to Board Members. If handouts are distributed, all members of the Board and District staff present should receive copies of all handouts.
5. The Board will not take final action on items presented during "Public Comments" unless the item is already on the Meeting agenda.
6. Comments on personnel issues will not be allowed during "Public Comments." The Board will not discuss issues that affect an employee's right of privacy such as specific appointments, employment, performance or questions, complaints, or charges against particular employees. Concerns in these areas are to be referred to the Superintendent.
7. When possible, response to the questions or comments will be provided during the meeting. If additional study is needed to respond adequately to the questions or comments, the residents will receive a written response as soon as possible. The written response will be read publicly at the next regular meeting of the Board.
8. At the discretion of the Board President, a patron's opportunity to address the Board on the same issue may be limited to no more than once in a three-month period.

C. At the discretion of the Board President, public comment may be taken during other portions of the meeting where the comment is directed toward a specific agenda item.