

**UTAH STATE BOARD OF EDUCATION
POLICIES AND PROCEDURES**

Advisory Committee Appointment Process

A) Notice of Vacancy/Call for Nominations:

- 1) When a vacancy in an advisory committee occurs, the advisory committee will determine a date to accept nominations for filling the vacancy. At least three weeks prior to the due date for nominations, an email should be sent to members of the State Board of Education from the advisory committee chair or appropriate staff (through the Board Secretary), announcing the vacancy and asking for nominations. The type of representation sought and length of term should also be included. In addition, other interested parties should be made aware of the vacancy/call for nominations through various means of communication.
- 2) Board members will submit nominations to the advisory committee chair or appropriate staff (through the Board Secretary) in accordance with the due date set by the advisory committee.

B) Recommendations:

- 1) The advisory committee and appropriate staff will review the nominations and prepare recommendations for the Board.
- 2) The full list of nominees, with recommended individuals designated, must be submitted to the Board Secretary at least two weeks prior to a meeting of the State Board of Education.
- 3) The Board will consider the recommendations during Board meeting and make appointments or send back to the advisory committee for clarification or further recommendations.

C) Appointment Letters:

- 1) Letters of appointment to advisory committees will be prepared by the Board Secretary, working with appropriate advisory committee staff.

Conflicts of Interest

- A) Conflicts of Interest may include:
- 1) Business or financial interest.
 - 2) Holding office or serving in management of a third party.
 - 3) Receiving financial gain from a transaction with the Board.
 - 4) Receiving gifts of more than \$50.00 on behalf of the Board. (No personal gifts of money should ever be accepted.)

Contract Approval

- A) This policy has been written to establish parameters and conditions of approval of the Utah State Office of Education (USOE), Utah Schools for the Deaf and the Blind (USDB) and Utah State Office of Rehabilitation (USOR) vendor contracts.
- B) Prior to final signature of vendor contracts negotiated on behalf of the USOE, USDB or the USOR, the following procedures will be followed:
- 1) If the total amount of the contract or amendment is under \$100,000 or if an amendment to the contract does not increase the total contract amount, the State Superintendent of Public Instruction or his/her designee is authorized to execute the final signature on the contract.
 - a) A list of contracts approved by the Superintendent will be provided to the State Board for its review during regularly scheduled State Board of Education meetings.
 - 2) All contracts with total value of \$100,000 or more or for which an amendment exceeds \$100,000 in value will be presented to the State Board of Education for approval on the general consent calendar during a State Board of Education meeting. Prior to execution of the final signature on these contracts or contract amendments, State Board approval is required.

- a) If at the discretion of the Superintendent, a contract under \$100,000 would bring up issues that the Board of Education needs to consider, this contract shall be listed for Board approval with contracts exceeding \$100,000.
- b) All related party contracts of any denomination are subject to approval of the Board.
- 3) On a monthly basis, the State Board of Education will be provided, during regularly scheduled State Board meetings, a list of all contracts expiring within the next six months.

Discretionary Funds Policy

This policy establishes the process by which Mineral Lease and Land Exchange funds in the Discretionary Account may be budgeted, encumbered and expended.

- A) Use of Mineral Lease and Land Exchange Funds – statute states that these funds are to be used as follows:
 - 1) Mineral Lease Funds (59-21-2(e)) – the Legislature shall annually appropriate 2.25 percent of all deposits made to the Mineral Lease Account to the State Board of Education, to be used for education research and experimentation in the use of staff and facilities designed to improve the quality of education in Utah.
 - 2) Land Exchange Funds (53C-3-203(iii)) – 1.68 percent of the deposits to the State Board of Education, to be used for education research and experimentation in the use of staff and facilities designed to improve the quality of education in Utah.
- B) Budgeting and Expenditure of Mineral Lease and Land Exchange Funds
 - 1) As part of the annual budget setting process, the Board shall approve a budget for the amounts appropriated by the Legislature from Mineral Lease and Land Exchange funding.
 - 2) Board members or the State Superintendent of Public Instruction may make written requests for use of these funds to the Executive Committee of the Board.

- 3) Prior to new budget requests funded from Mineral Lease or Land Exchange being added to the Discretionary Fund budget, the Board committee designated to hear finance items will review the budget requests and present them to the full Board for approval.
- C) On a quarterly basis, the Board committee designated to hear finance items will review the Discretionary Fund including all approved project budgets and year-to-date expenditures. Prior to new budget requests funded from Mineral Lease or Land Exchange being added to the Discretionary Fund budget, the committee will review the budget requests and present them to the full Board for approval.

Election Procedures

- A) After the general election in November, and prior to the Board's election meeting, the Vice Chair shall direct the Board secretary to contact each voting Board member by email or other approved means to:
- 1) Inquire as to the Board member's willingness or desire to serve as a Board officer.
 - 2) Accept nominations for each position from any Board member.
- B) The Board Secretary will invite each candidate to submit a statement for consideration by the other members of the Board.
- C) The Secretary shall compile and distribute election information to the members of the Board eligible to vote, including the date and time of the election, candidate names, written statements, and election procedures.
- D) Prior to elections for leadership positions, the Board will vote to establish the number of vice chairs to be elected to serve on the Executive Committee.
- E) Voting Board members may make nominations for Board Chair during the Board meeting at which elections occur. Each candidate for Board Chair shall have an opportunity to briefly address the Board as to the candidate's position.
- F) Ballots with the names of each candidate printed thereon will be distributed to Board members. Each member will check his/her personal choice for Board Chair and Vice Chair(s).

- G) After the results of the election for Board Chair are announced, nominations for vice chair may be made by a voting Board member. Each candidate for vice chair shall have an opportunity to briefly address the Board as to the candidate's position.
- H) Ballots with the name of each candidate printed thereon will be distributed to Board members. Each member will check his/her personal choices for vice chairs according to the number of vice chairs determined by the Board.
- I) The individual receiving the most votes will be considered 1st Vice Chair. In case of a tie vote, a vote will be taken to designate 1st Vice Chair.
- J) Board members must be present at the meeting to cast a vote.
- K) The Secretary and Vice Chair will tabulate votes immediately following each vote, each confirming results, with the election of Board officers decided by a quorum of the Board.
- L) In the event of a tie vote, a re-vote will be taken until a winner is selected.
- M) The Vice Chair will announce vote tallies immediately following each vote during the public meeting, and ballots will be available for public inspection following the Board meeting.
- N) In the event that a vacancy occurs prior to the end of the term of the Chair, the Vice Chair shall assume the position of Chair for the unexpired portion of the term. In the event of multiple Vice Chairs, the 1st Vice Chair shall assume the position of Chair for the unexpired portion of the term, and the 2nd Vice Chair shall assume the position of the 1st Vice Chair for the unexpired portion of the term. The Board shall use the procedures outlined under Election Procedures to elect a new Vice Chair.
- O) In the event that a vacancy occurs prior to the end of the term of the Vice Chair(s), the Board shall elect one of its members to fill the office for the unexpired portion of the term. The election process will follow the same procedures outlined under Utah State Board Policies and Procedures—Election Procedures, with the exception that the replacement Vice Chair(s) election may occur up to a two-month time frame from when the vacancy is noticed to the Board.
- P) The Board may remove a Board officer from office for cause by a vote of two-thirds of the Board. (53A-1-201(5)).

Evaluation of Board Employees

A) State Superintendent Evaluation

- 1) The Board Evaluation Committee will formulate procedures and timelines to complete the evaluation process begun the previous year and initiate the process for the following year. The Evaluation Committee will work with the full Board and Superintendent to create the annual goals and to receive feedback on the evaluation process. In addition, the full Board will participate in responding to an evaluation tool and in the final evaluation executive session, approving the final evaluation.
- 2) The Board may include a mid-year executive session for the purpose of an interim discussion with the Superintendent in regards to evaluation and accomplishment of goals. If one-third of the Board makes the request, a formal evaluation tool will be used for the interim evaluation.
- 3) The Evaluation Committee shall create an evaluation tool which includes:
 - a) Achievement of Board-specific annual goals.
 - b) Achievement of Superintendent-specific annual goals.
 - c) Opportunity for Board member evaluation of the Superintendent's personal leadership skills.
 - d) Superintendent self-evaluation.

B) The Board shall also evaluate annually all its other direct employees including the Board Secretary, the USDB Superintendent, the USOR Executive Director, the School Children's Trust Section Director, the Board Audit Director, and the Board Communications Specialist.

- 1) The Board shall evaluate its employees with respect to goals set in the previous year's evaluations and individual job descriptions.
- 2) The State Superintendent shall provide comments to the Board about the performance of all employees.
- 3) The Audit Committee or the Board committee designated to hear finance items shall provide comments to the Board about the performance of the Board Audit Director and the School Children's Trust Section Director.

- C) The Board Evaluation Committee shall provide feedback to all direct employees on a quarterly basis.

Redevelopment Agency/Taxing Entity Committee (RDA/TEC) Procedures

- A) When the USOE receives notice of a proposed RDA, the State Superintendent will provide a brief written project summary to the Board committee designated to hear finance items.
- B) The Committee will determine if further information is needed and if the full Board will review the project proposal.
- C) The Committee (or full Board) will determine if specific direction regarding the Board's TEC vote should be given to its representative.
- D) The Board will appoint a Board member or USOE staff (at the Superintendent's recommendation) as its representative for each RDA/TEC.
- E) The Board will receive reports of all votes cast by its representative in TEC meetings.
- F) If the scheduling of Board meetings and TEC meetings interferes with elements of the procedure outlined, the Superintendent and Board Executive Committee shall be empowered to make the decisions required in each of the steps above. Every Board member will receive a written report.
- G) The Board will receive an annual report of all TEC meetings of existing RDAs.

September 6, 2013
Amended December 6, 2013
Amended February 7, 2014
Amended September 5, 2014