

MEETING:

“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 comments 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\(6\) \(2018\)](#)

RULES OF ORDER AND PROCEDURE:

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 rules that govern and prescribe in a public meeting:

1. Parliamentary order and procedure;
2. Ethical behavior; and
3. Civil discourse.

After adopting the Rule of Order and Procedure, the Board of Education shall:

1. Conduct its public meeting in accordance with the Rules of Order and procedure adopted by the Board of Education; and
2. 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\(1\)\(c\), \(2\) \(2018\)](#)

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:

1. Disorderly conduct at the meeting;
2. 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
3. Commission of a crime during the meeting.

The Board of Education may also adopt rules that expand the reasons for expelling a Board member from an open public meeting or which establish more restrictive procedures for such expulsion.

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

OPEN TO THE PUBLIC:

Every Meeting of the Board shall be open to the public unless closed pursuant to [Utah Code §§ 52-4-204, 52-4-205, and 52-4-206.](#)

PUBLIC HEARING:

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 \(2008\)](#)

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

[Utah Code § 53G-7-303\(3\) \(2018\)](#)

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

[Utah Code § 59-1-1605 \(2016\)](#)

CLOSED MEETING/EXECUTIVE SESSION:

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 the 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 \(2018\)](#)

PURPOSES OF EXECUTIVE SESSION/CLOSED MEETING:

Closed meetings may be held for any of 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 or 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; or
6. Investigative proceedings regarding allegations of criminal misconduct.
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.

If the meeting is closed for any reason stated in paragraph 1 or 5 of the 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\(6\) \(2018\)](#)

PUBLIC RECORDING:

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 Ann. § 52-4-203(5) (2017)

ATTENDANCE BY LOCAL GOVERNMENT REPRESENTATIVES:

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 a municipality, which 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 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.

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 § 53A-3-409(3)(a) (2015)

OPEN MEETING RECORDING AND MINUTES:

Written minutes and a recording shall be kept of all open board meetings except site visits or traveling tours where no vote or action is taken by the Board, for which either a recording or written minutes shall be kept. Such recording and minutes shall include:

The date, time and place of the meeting;

The names of the members present and absent;

The substance of all matters proposed, discussed, or decided, by the Board, which may include a summary of comments by Board members.;

A record, by individual member, of each vote taken;

The name of each person who is not a Board member who, after being recognized by the presiding Board member, presented testimony or comments to the Board and a brief summary of their testimony or comments;

Any other information that is a record of the proceedings of the meeting that any member requests be entered in the recording and minutes.

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.

The recording shall be a complete and unedited recording of all open portions of the meeting from the commencement of the meeting until the meeting's adjournment, and shall be labeled or identified with the date, time and place of the meeting. If the meeting is a public hearing under the Transparency of Ballot Propositions Act, the recording must be digital.

Utah Code Ann § 52-4-203(1), (2) (3) (2017)

Utah Code Ann § 59-1-1605(4) (2016)

APPROVAL OF AND AVAILABILITY OF MINUTES AND RECORDINGS OF BOARD MEETINGS:

The recording of an open board meeting is a public record and shall be available to the public for listening within three business days after the end of the meeting. If the meeting is a public hearing under the Transparency of Ballot Propositions Act, the digital recording must also be made available on the District's website within this time period.

The written minutes of an open board meeting are public records. The Board shall establish and implement procedures for correction of and formal approval of meeting minutes. Prior

to approval, the minutes are considered “pending minutes.” Pending minutes shall be made available to the public within a reasonable time after the meeting. Upon formal approval by the Board, the written minutes of the meeting shall be the official record of the actions taken at the meeting. Approved minutes shall be made available to the public within three business days after they are approved by the Board.

Pending minutes of a board meeting shall include the following notice in prominent, easily visible type: “These minutes have not yet been formally approved by the Board of Education and until such formal approval are subject to change.”

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

[Utah Code § 59-1-1605\(4\)\(b\)\(i\) \(2016\)](#)

CLOSED MEETING RECORDING AND MINUTES:

Except when the reason for closing the meeting is the discussion of personal information (the character, professional competence, or health of an individual) or security issues, as specified in Policy BEC, a recording shall be kept of all closed meetings and written minutes maybe kept of closed meetings. Such recordings, and any minutes shall include:

The date, time and place of the meeting;

The names of members present and absent; and

The names of all others present except where such disclosure would compromise the confidential nature of the issues being discussed or otherwise infringe the privacy rights of the others present.

When kept, recordings of closed meetings shall be complete and unedited recordings of all portions of the closed meeting, and shall be labeled or identified with the date, time and place of the closed meeting.

Where a meeting is closed for the purpose of discussing either security issues or the character, professional competence, or health of an individual, as specified in Policy BC, section of “Purposes of Closed Meetings,” the meeting shall not be recorded and no minutes shall be kept.

[Utah Code § 52-4-206 \(2018\)](#)

CLOSED MEETING RECORDS AND MINUTES ARE PROTECTED:

All recordings and minutes of closed meetings are hereby designated as “Protected Records” under the Government Records Access Management Act.

[Utah Code § 52-4-206\(5\) \(2018\)](#)

[Utah Code § 63G-2-101 et seq.](#)

PUBLIC NOTICE OF ANNUAL MEETING SCHEDULE:

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 Ann § 52-4-202(2) (2016)

NOTICE OF SPECIFIC MEETINGS

In addition, 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 Ann § 52-4-202(1) (2016)

ACTION LIMITED TO MEETING AGENDA:

Where a meeting agenda must be included in the required public notice of a Board meeting (as stated in the paragraph above), 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 a topic in an open meeting which was not listed under an agenda item and included with the advance public notice of the meeting. If an unlisted topic is raised during an open meeting, the Board may discuss the topic, but may not take any final action on that 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. (See Emergency Meeting.)

Utah Code Ann § 52-4-202(6) (2015)

GIVING NOTICE OF MEETING:

Public notice of each open Board meeting and of the Board's annual meeting schedule shall be given by:

Posting written notice at the local Board of Education office; and,

Posting notice on the Utah Public Notice Website; and,

Providing notice to at least one newspaper of general circulation within the geographic jurisdiction of the public body, or to a local media correspondent. (Notice to such a newspaper or local media correspondent sent pursuant to a subscription made through the Utah Public Notice Website satisfies this requirement if the notice has been timely sent.)

The Districts shall also endeavor to post notice of Board Meetings on the District's web site at least 24 hours in advance of the meeting. (The statute encourages, but does not require districts to provide this type of notice. Therefore, in enacting its own policy, a district may decide whether or not to include this optional provision.)

Notice of each Board meeting shall also be given to each interested 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 § 53A-3-409(3)(e) (2015)

EMERGENCY MEETING:

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 Ann. § 52-4-202(5) (2016)

ANNUAL BUDGET MEETING NOTICE:

In addition to complying with the aforementioned public notice requirements in regards to the budget hearing, the Board shall do the following:

Publish the required newspaper notice and/or electronic newspaper advertisement (see Utah Code Ann. § 45-1-101 (2014) and the required Utah Public Notice Website advertisement at least ten days before the day on which the hearing is being held. The public hearing notice will include information on how the public may access the proposed budget.

File a copy of the proposed budget with the Board's business administrator for public inspection and;

Post a copy of the proposed budget on the district's Internet website.

In addition, if the proposed budget includes a tax rate in excess of the certified tax rate, or if the Board is meeting 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 Ann. § 59-2-919.

Utah Code Ann. §§ 53A-19-102(3) (2016) 53-A-16-106(3) (2016), 59-2-919(2016)

BOND OR TAX INCREASE ELECTION HEARING NOTICE:

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 District's election officer 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(6) (2016)

Utah Code § 59-1-1605 (2016)

The meeting must begin at or after 6:00 P.M.

Utah Code § 59-1-1605(3)(b) (2014)

QUORUM:

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\(5\) \(2018\)](#)

BOND ISSUANCE HEARING NOTICE:

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 Ann. § 11-14-318 \(2009\)](#)

BUDGET APPROPRIATION INCREASE MEETING NOTICE:

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 before the hearing.

Utah Code Ann. § 53A-19-104(7)(b) (2016)

SCHOOL CLOSURE OR BOUNDARY CHANGE HEARING NOTICE:

In addition to complying with the aforementioned public notice requirements, if the Board meeting is a public hearing regarding closing one or more schools or changing the attendance area boundaries for one or more schools, the notice of the meeting shall indicate the school or schools under consideration for closure or boundary change, at least ten days before the meeting shall:

Published in a newspaper of general circulation in the area and on the Utah Public Notice Website; and

Posted either in at least three public locations within the municipality or municipalities affected or on the District's official website.

[Utah Code Ann. § 53A-3-402\(21\) \(2017\)](#)

BOARD MEMBER COMPENSATION HEARING NOTICE:

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:

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;

Posting the notice:

At each school district

In at least three other public places within the district; and

On the Internet in a manner that is easily accessible to citizens who use the Internet.

Utah Code Ann. § 53A-3-202(3) (2010)

USBA TRAINING SESSIONS FOR BOARD MEMBERS:

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 law, [Utah Code § 52-4-101 et seq.](#)

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.

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, UCA § 52-4-101 et seq. prior to discussing or acting upon such matters.

SECRET BALLOT:

No vote shall be taken by secret ballot.

[Utah Code § 52-4-203\(2\)\(a\)\(iv\) \(2018\)](#)

MEETING LOCATION:

The Board shall hold its regularly scheduled meetings at the location specified in its annual notice of meetings, and shall hold other meetings at the location specified in the public notice of such meetings.

Utah Code § 52-4-202(1)(b), (2)(b) (2016)

The Board shall hold its meetings within the geographic boundaries of the school district. However, a Board meeting may be held outside of the district in certain circumstances of disaster or local emergency or for certain site visits.

The Board may hold a meeting outside of the district if it is necessary to hold a meeting during a local emergency or disaster. A “local emergency” means a condition in any municipality or county of the state that requires that emergency assistance be provided by the affected municipality or county or another political subdivision to save

lives and protect property within its jurisdiction in response to a disaster or to avoid or reduce the threat of a disaster. A “disaster” is an event that

1. causes, or threatens to cause, loss of life, human suffering, property damage, or economic or social disruption resulting from attack, internal disturbance, natural phenomenon, or technological hazard and
2. requires resources beyond the scope of local agencies in routine responses to emergencies and accidents and may be of a magnitude or involve unusual circumstances that require response by a governmental, not-for-profit, or private entity.

The Board may hold a meeting outside of the district for a site visit if no vote or other action is taken and the location of the site visit provides the Board the opportunity to see or experience an activity that relates to the Board’s responsibilities and does not exist within the geographic boundaries of the district.

Utah Code § 53A-3-106(1)(a), (b), (3) (2015)

LOCATION OF WORKSHOPS OR EXECUTIVE SESSIONS:

Where the Board holds a workshop or executive session on the same day as a regularly scheduled Board meeting, the workshop or executive session must be held at the same location as the regularly scheduled meeting, unless:

The regularly scheduled meeting is not being held where those meetings are usually held, and the workshop or executive session is held in the usual meeting location; or

Any of the meetings being held on the same day is a site visit or traveling tour for which appropriate public notice has been given; or

The workshop or executive session is an electronic meeting and the requirements for holding such a meeting have been satisfied; or

Because of emergency or extraordinary circumstances, it is not practicable to hold the workshop or executive session at the regular location where Board meetings are held.

Utah Code Ann. § 52-4-201(2) (2006)

NO ELECTRONIC MEETINGS:

An electronic meeting is a meeting of the Board conducted or convened by means of a telephonic, telecommunication, or computer conference. The Board finds that the potential benefits of holding electronic meetings or of permitting individual members to participate in Board meetings by electronic means are outweighed by the costs, additional procedural and notice requirements of holding such meetings. The Board therefore hereby determines that none of its meetings shall be held by electronic means, and individual members are not permitted to participate in Board meetings by electronic meetings.

Utah Code Ann. 52-4-207 (2006)