



## Utah State Charter School Board

### Bylaws

- I. Utah Code Annotated (hereafter referred to as U.C.A.) [§53G-5-201](#) created the State Charter School Board (hereafter at times referred to as “SCSB” or “Charter Board”). U.C.A. [§53G-5-202](#) defines the powers and duties of the State Charter School Board.

### **II. Membership**

- A. Members of the SCSB will be appointed by the governor in accordance with U.C.A. [§53G-5-201](#).
- B. Members of the SCSB will be chosen in the manner described and will serve for the terms described in U.C.A. [§53G-5-201](#).
- C. Members of the SCSB may be removed in the manner described in U.C.A. [§53G-5-201\(4\)](#).
- D. Each appointee shall have demonstrated, and will continue to demonstrate at all times, dedication to the purposes of charter schools as outlined in U.C.A. [§53G-5-104](#).
- E. The SCSB may appoint non-voting advisors from any area or arena to the board to advise or otherwise assist the board in carrying out its functions.<sup>5</sup> These advisors may include, including, but are not limited to, a member or members of the State Board of Education, members of any division of the State Board of Education, any organization that represents Utah charter schools, members from any institution of higher education, or the Board of Regents. Advisors may participate in any executive or closed session of any SCSB board meeting only by invitation.
- F. Advisors may chair any task force or ad hoc committee created by

the SCSB, and may have voting rights only in, and while serving on, those committees or task forces as specified.

### III. Duties and Responsibilities

- A. U.C.A. [§53G-5-202](#) describes in detail the specific legal duties of the SCSB. These bylaws incorporate by reference all duties, so described, and may be implemented to the degree and method determined appropriate by the SCSB.
- B. In addition to the duties found in U.C.A. [§53G-5-202](#), the SCSB may:
1. Select and appoint a “staff director” who shall be the executive officer of the ~~e~~-SCSB according to the processes established in U.C.A. [§53G-5-203](#). The Staff Director shall have the responsibility to establish a support staff for the SCSB, and otherwise administer all programs and directives of the SCSB.
  2. The SCSB shall authorize and promote the establishment of charter schools, subject to the provisions in U.C.A. [§53G-5-202](#).
  3. The SCSB shall annually review and evaluate the performance of its authorized schools and hold those schools accountable for their performance.
  4. The SCSB shall monitor its authorized charter schools for compliance with federal and state laws, rules, and regulations.
  5. The SCSB is directly responsible for providing technical support to charter schools and persons seeking to establish a charter school.
  6. The SCSB shall provide technical support, as requested, to a local school board relating to charter schools.
  7. The SCSB shall make recommendations to the Legislature, and State Board of Education, on legislation and rules pertaining to charter schools.
  8. The SCSB shall make recommendations to the State Board of Education on the funding of charter schools.
  9. ~~The SCSB may establish standing or ad hoc committees, and~~

~~additional task forces as necessary to address the needs of the SCSB or charter schools. Such committees and task forces will be staffed as directed by the SCSB.~~

**IV. Selection Rights and Duties of Members of the SCSB, including Election of Officers.**

~~A. — Rights of New Member of the SCSB.~~

- ~~1. — Newly appointed Members of the SCSB shall assume the committee or task force position of outgoing Members after being assigned to those positions by the Chair or Vice Chair. In all other matters, the outgoing Member(s) shall retain the full authority of the office until replaced, as provided by law.~~

**B.A. Election of Chair and Vice Chair of the SCSB.**

1. The Vice Chair shall oversee SCSB elections.
2. The election process shall be directed by the Vice Chair, and where there is no contest for the positions, the election can be disposed of by simple motion carried by a majority vote of Members serving. If there are multiple members who wish to stand for election, the following procedure shall be followed (to the extent that it is advisable):
  - a. The Vice Chair shall direct the Staff Director to contact each Member to:
    - (1) Inquire as to their willingness or desire to serve as SCSB Chair or Vice Chair.
    - (2) Accept nominations for each position from any SCSB Member.
  - b. If feasible, the Staff Director will determine the candidates for Chair and Vice Chair and request a short summation statement from each as to their goals or direction for the SCSB.
  - c. The actual vote, unless otherwise provided for, will be by anonymous vote, as may be provided by the Vice Chair. Election of SCSB officers will be decided by a majority vote of the Members then serving on the SCSB.

3. If the Chair vacates the SCSB prior to the end of their term, the Vice Chair shall assume the position of Chair for the unexpired portion of the term.
4. If the Vice Chair vacates the board prior to the end of their term, the SCSB shall elect one of its Members ~~to fill to fill~~ the office for the unexpired portion of the term. The election process will follow the same procedures outlined previously.
5. An officer elected by the SCSB may be removed from office for any reason, or no reason, by a vote of two-thirds of the Members serving.

C.B. Duties of the SCSB Chair:

1. Chairs all meetings of the SCSB; the Chair may delegate to the Vice Chair. The Chair or Vice Chair may designate a SCSB Member to preside at designated meetings.
2. In consultation with the Staff, assembles and approves an agenda for the scheduled SCSB meetings.
3. Calls additional meetings, or emergency meetings, of the SCSB, as necessary.
4. ~~After obtaining input from individual SCSB Members, a~~Appoints Members to serve on committees requiring SCSB participation.
5. Initiates a self-evaluation of the SCSB in every even year, or at such times as may be advisable.

D.C. Duties of the SCSB Vice Chair:

1. Chairs SCSB meetings in the absence of, or at the request of, the Chair.
2. Reviews SCSB bylaws annually, or as needed, and initiates amendments if necessary.
3. Oversees the election of SCSB Officers.

4. Other duties as requested by the Chair.

**V. Compensation for Services (State Policy: FIACCT 05-07.00)**

- A. Each Member may receive per diem compensation as established by the director of the Division of Finance for attendance at meetings or activities related to any business of the SCSB. Advisors receive compensation in accordance with state law.
- B. The Staff Director shall certify statements of actual and necessary travel expenses incurred by SCSB Members in attending SCSB meetings or performing duties authorized by the SCSB.

**VI. Meetings**

- A. The SCSB shall meet at the call of the Chair or upon the request of three SCSB Members, and at least 10+ times each year.
- B. Welcoming Remarks:
  1. The Chair may extend the opportunity to welcome SCSB and the public on a rotating basis to all SCSB Members.
  2. Opening remarks generally shall not exceed ten minutes.
- C. Voting by SCSB Members:
  1. A quorum of the SCSB is defined as four Members (U.C.A [§53G-5-202](#)). A quorum is required to validate an act of the SCSB. A majority vote of SCSB Members present is required for any legitimate motion except for amending any part of the bylaws, which requires a two-thirds vote of Members present.
  2. No SCSB Member may vote by proxy.
  3. No SCSB Member may vote in absentia.

4. No vote concerning any matter under consideration by the SCSB may be cast by mail or electronically, except when a SCSB Member votes in real time when participating in a meeting electronically.
  5. Except as modified by state law or rule, or by these bylaws, *Robert's Rules of Order* (latest edition) shall constitute the rules of parliamentary procedure applicable to all meetings of the SCSB (except for strategic planning meetings).
- D. Any matter to be voted upon by the SCSB which creates a potential or actual conflict between the SCSB Members' personal or representational interests and his/her public duties shall be disclosed in open meeting to the Members of the body. Those matters which may create an appearance of a conflict of interest, or imply such a conflict, may be raised and disclosed with the SCSB; therefore, so the SCSB may act to acknowledge such appearance or implication and note it in the minutes. With such disclosure, the SCSB Member may participate in any discussions of the matter and vote in any necessary vote. When an actual conflict exists between an SCSB's personal or representational interests in his or her public duties, that SCSB Member shall not participate in any discussion or consideration of that matter, ~~nor shall they~~ cast a vote on the issue. ~~Those matters which may create an appearance of a conflict of interest, or imply such a conflict, may be raised and disclosed with the SCSB; so the SCSB may act to acknowledge such appearance or implication and note it in the minutes. With such disclosure, the SCSB Member may participate in any discussions of the matter and vote in any necessary vote.~~
- E. The SCSB shall approve a meeting schedule in ~~April, May, or June~~ August, September, or October for the following ~~calendar~~ fiscal year.
- F. The SCSB exists to aid in the conduct of the people's business. In keeping with the Open and Public Meetings Act, U.C.A. [§52-4](#), actions and deliberations will be conducted openly. The SCSB Staff shall notify the public and the media of its regular and special meetings of the SCSB in accordance with the Open and Public Meetings Act. The SCSB may hold an electronic meeting pursuant to U.C.A. [§52-4-207](#).
- G. Public notice of meetings shall be given in accordance with U.C.A. [§52-4-202](#).
- H. At the request of three members of the SCSB, ~~T~~he Chair shall add an item to a future agenda in a timely manner for possible action at the request of three members of the SCSB.

- I. Public participation at SCSB meetings is invited. When acknowledged and recognized by the SCSB Chair, the public may speak to issues ~~not on the agenda~~ during the time designated for public comment.; The public may also speak and to items on the agenda when the item is before the SCSB at the discretion of the Chair.
1. Priority shall be given to those individuals or groups who, prior to the meeting, have submitted ~~a~~-written requests to address the SCSB, including ~~a~~-brief descriptions of the issue to be addressed.
  2. No action shall be taken by the SCSB during the public comment portion of the meeting.
  - ~~3. A SCSB Member may request that an item raised during public comment be placed on a future agenda for possible action.~~
  - 4.3. The Chair may limit the time available for individual comments; number of comments and time limits shall be stated prior to the public comment portion of the agenda.
  - 5.4. The Chair may request groups to designate a spokesperson.
  - 6.5. All presentations to the SCSB shall exemplify courteous behavior and appropriate language.
  - 7.6. Additional comments to the SCSB may only be made as recognized and invited by the SCSB Chair during a meeting.
- J. In responding to reports and presentations, the SCSB may use the following options:
1. Take appropriate action: A motion made, seconded, and receiving a majority vote of the SCSB Members present will be recorded in the minutes and carried out.
  2. Receive the report: This action indicates that the SCSB has heard the report. A report shall be recognized in the minutes, and written material shall become a part of the record.

3. Receive the report and refer it to staff: This is done when there is need for further study and recommendations at a subsequent meeting of the SCSB.
  4. Take no action: If this option is taken, the Chair of the SCSB thanks the presenter and moves on to the next item on the agenda. Reference to the report shall be included in the minutes with the notation that the SCSB took no action.
  5. In emergency situations, the Chair may alter the above procedures as appropriate.
  6. The Chair's action shall be approved by a majority vote of the SCSB Members present.
- K. The SCSB shall engage in a self-evaluation process every even year or as may be directed by the Chair. ~~The~~ ~~A new~~ strategic plan shall be ~~adopted~~ reviewed and/or approved every four years annually.
- L. Executive Sessions: A closed meeting may be held upon the affirmative vote of two-thirds of the SCSB Members present at an open meeting for reasons supported by U.C.A. [§52-4-205](#). The reason or reasons for holding a closed meeting shall be included in the meeting's notice (U.C.A. [§52-4-203\(4\)](#)), and the votes, by name of each Member, either for or against holding such a meeting, shall be entered in the minutes of the meeting.
- M. Informal Hearings: The SCSB shall conduct informal hearings in accordance with U.C.A. [§63G-4-203](#) as requested by charter schools recommended for termination (U.C.A. [§53G-5-503](#)).
1. Hearings shall occur within 30 days of the written request.
  2. The Chair or designee shall preside over hearings. At least a majority of the SCSB members serving will act as a panel for the hearing.
  3. The school and the SCSB Staff shall each have a maximum of 60 minutes to present information pertaining to the recommendation of a charter termination.
  4. Only SCSB Members in attendance at the full hearing shall vote in an open meeting to either continue with the recommendation



for charter termination or accept the school's proposed alternative.

5. The final decision shall be made by a vote of SCSB Members present and provided in writing by the Chair or designee.

N. Minutes of SCSB meetings and hearing will be recorded by the SCSB Staff.

**VII. Changes to/Amendment of Bylaws**

A. Bylaws (except those governed by statutory provisions) may be changed/amended by a two-thirds vote of the SCSB Members present at any regular SCSB meeting, provided that notice of the proposed changes were given with the meeting notification. Changes/amendments shall become effective immediately upon approval. Amendments will be presented to the State Board of Education as an information item.

Adopted by the State Charter School Board July 20, 2006

Amended August 16, 2007

Amended May 13, 2010

Amended July 14, 2011

Amended June 8, 2017

Amended November 9, 2017

Amended August 9, 2018

Amended May 9, 2019

[Amended January 12, 2022](#)