

**BYLAWS**  
**Utah State Charter School**  
**Board**

I. Utah Code Annotated §53A-1a-501.5 created the State Charter School Board (hereafter at times referred to as “SCSB” or “Charter Board”). Utah Code Annotated §53A-1a-501.6 defines the powers and duties of the State Charter School Board.

**II. Membership**

A. Members of the State Charter School Board will be appointed by the governor in accordance with Utah Code Annotated §53A-1a-501.5.

B. Members of the State Charter School Board will be chosen in the manner described and serve for the terms described in Utah Code Annotated §53A-1a-501.5.

C. Each appointee shall have demonstrated and will continue to demonstrate at all times dedication to the purposes of charter schools as outlined in Utah Code Annotated §53A-1a-503.

D. The State Charter School Board may appoint non-voting advisors to the board to advise or otherwise assist the board in carrying out its functions and may appoint advisors from any area or arena, including but not limited to a member or members of the State Board of Education, or 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.

E. Advisors may chair any task force or ad hoc committee created by the State Charter School Board and may have voting rights only in the committee or task force as specified when serving on any task forces or ad hoc committees.

**III. Duties and Responsibilities**

A. Utah Code Annotated §53A-1a-501.6 describes in detail the specific legal duties the State Charter School Board. These bylaws incorporate by reference all of the duties so described and may be implemented to the degree and method determined appropriate by the State Charter School Board.

B. In addition to the duties found in §53A-1a-501.6 the State Charter School Board may :

1. Select and appoint a “staff director” who shall be the executive officer of the State Charter School Board according to the processes established in Utah Code Annotated §53A-1a-501.7. The Staff Director shall have the responsibility to establish a support staff for the State Charter School Board, and otherwise administer all of the programs and directives of the State Charter School Board.
2. The State Charter School Board shall authorize and promote the establishment of charter schools, subject to the provisions in Utah Code Annotated §53A-1a-501.6.
3. The State Charter School Board shall annually review and evaluate the performance of charter schools authorized by the State Charter School Board and hold the schools accountable for their performance.
4. The State Charter School Board shall monitor charter schools authorized by the State Charter School Board for compliance with federal and state laws, rules, and regulations.
5. The State Charter School Board is directly responsible for providing technical support to charter schools and persons seeking to establish a charter school.
6. The State Charter School Board shall provide technical support, as requested, to a local school board relating to charter schools.
7. The State Charter School Board shall make recommendations on legislation and rules pertaining to charter schools to the Legislature and State Board of Education, respectively.
8. The State Charter School Board shall make recommendations to the State Board of Education on the funding of charter schools.
9. The State charter School Board may establish standing or ad hoc committees, as it deems fit, and such additional task forces as are necessary to address the needs of the State charter School Board or Charter Schools. Such committees and task forces will be staff as directed by the State Charter School Board.

**IV. Rights and Duties of Members of the State Charter School Board, including Election of Officers.**

**A. Rights of New Member of the State Charter School Board.**

1. Newly appointed Members of the State Charter School Board shall assume the

committee or task force position of outgoing Members, and will be 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. Election of Chair and Vice Chair of the State Charter School Board.

1. The Vice Chair shall oversee State Charter School Board elections.
2. The election process shall be as 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 the Board members. If there are multiple members who wish to stand for election the following procedure shall be followed to the extent that it is advisable.
3.
  - 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 State Charter School Board Chair or Vice Chair.
    - (2) Accept nominations for each position from any State Charter School Board 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 State Charter School Board.
  - c. The actual vote, unless otherwise provided for, will be by anonymous vote, as may be provided by the Vice Chair. Election of State Charter School Board officers will be decided by a majority vote of the Members then serving on the Board. Successful candidates must, therefore, receive four votes in order to win an election.
4. 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.
5. In the event that a vacancy occurs prior to the end of the term of the Vice Chair, the State Charter School 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 previously.

6. An officer elected by the State Charter School Board may be removed from office for any reason or no reason by a vote of two-thirds of the Members.

C. Duties of the State Charter School Board Chair

1. Chairs all meetings of the State Charter School Board; the Chair may delegate to the Vice Chair at the Chair's discretion. The Chair or Vice Chair may designate a State Charter School Board Member to preside at designated meetings.
2. In consultation with the Staff, put together and approve an agenda for the scheduled Board meetings.
3. Calls additional meetings or emergency meetings of the State Charter School Board as necessary.
4. After obtaining input from individual State Charter School Board Members, appoints Members to serve on committees requiring State Charter School Board participation.
5. Initiates a self-evaluation of the State Charter School Board in every even year or at such times as may be advisable.

D. Duties of the State Charter School Board Vice Chair

1. Chairs State Charter School Board meetings in the absence of, or at the request of, the Chair.
2. Reviews State Charter School Board bylaws annually, or as needed, and initiates amendments if necessary.
3. Oversees the election of State Charter School Board 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 State Charter School Board. Advisors receive compensation in accordance with state law.
- B. The staff director shall certify statements of actual and necessary travel expenses incurred by State Charter School Board Members in attending State

Charter School Board meetings or performing duties authorized by the State Charter School Board.

## VI. Meetings

- A. The State Charter School Board shall meet at the call of the Chair or upon the request of three State Charter School Board Members, and at least 11 times each year.
- B. Welcoming Remarks
  - 1. The Chair shall extend the opportunity to welcome State Charter School Board Members and the public on a rotating basis to all State Charter School Board Members.
  - 2. Opening remarks shall not exceed ten minutes.
- C. Voting by State Charter School Board Members
  - 1. A quorum of the State Charter School Board is defined as four Members (Utah Code Annotated §53A-1a-501.6). A quorum is required to validate an act of the State Charter School Board. A majority vote of State Charter School Board members is required for any legitimate motion except for amending any part of the by-laws, which requires a two-thirds vote.
  - 2. No State Charter School Board Member may vote by proxy.
  - 3. No State Charter School Board Member may vote in absentia.
  - 4. No vote concerning any matter under consideration by the State Charter School Board or a committee may be cast by mail, or electronically except that a State Charter School Board Member may participate in any discussion and vote in a meeting if the State Charter School Board Member is participating in real time 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 State Charter School Board and its committees.
- D. Any matter to be voted upon by the State Charter School Board which creates a potential or actual conflict between the State Charter School Board Members' personal or representational interests and his/her public duties shall be disclosed in open meeting to the Members of the body, and that State Charter School Board Member shall not participate in any discussion or consideration of that matter or

cast a vote on the issue. Those matters which may create an appearance of a conflict of interest or implies such a conflict may be raised and disclosed with the Board and the Board may act to acknowledge such appearance or implication and note it in the minutes. With such disclosure the Board member may participate in any discussions of the matter and vote in any necessary vote.

- E. The State Charter School Board shall approve a meeting schedule in May or June for the following fiscal year.
- F. The State Charter School Board exists to aid in the conduct of the people's business. Therefore, in keeping with the Open Meetings Law, actions will be taken openly and deliberations conducted openly. The State Charter School Board Staff shall notify the public and the media of regular and special meetings of the State Charter School Board and its committees in accordance with the Open Meetings Law. In addition, the State Charter School Board may hold an electronic meeting pursuant to U.C.A. §52-4-207.
- G. Public notice of meetings shall be given in accordance with Utah Code Annotated §52-4-202.
- H. The Chair shall add an item to a future agenda for possible action at the request of three members of the State Charter School Board.
- I. Public participation at State Charter School Board meetings is invited. Citizens may speak to the State Charter School Board when acknowledged and recognized by the State Charter School Board Chair to issues not on the agenda during the time designated for public comment and items on the agenda when the item is before the State Charter School Board or Committee.
  - 1. Priority shall be given to those individuals or groups who, prior to the meeting, have submitted a written request to address the State Charter School Board, including a brief description of the issue to be addressed.
  - 2. No action shall be taken by the State Charter School Board during the public comment portion of the meeting.
  - 3. A State Charter School Board Member may request that an item raised during public comment be placed on a future agenda for possible action.
  - 4. 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. The Chair may request groups to designate a spokesperson.

6. All presentations to the State Charter School Board or one of its committees shall exemplify courteous behavior and appropriate language.
  7. Additional comments to the State Charter School Board or Committees may only be made as recognized and invited by the State Charter School Board Chair during a meeting.
- J. In responding to reports and presentations, the State Charter School Board may use the following options:
1. Take appropriate action: A motion made, seconded, and receiving a majority vote of the State Charter School Board Members will be recorded in the minutes and carried out.
  2. Receive the report: This action indicates that the State Charter School Board has heard the report, the 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 State Charter School Board.
  4. Take no action: If this option is taken, the Chair of the State Charter School Board 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 State Charter School Board 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 State Charter School Board Members present.
- K. The State Charter School Board shall engage in a self-evaluation process every even year or as may be directed by the Chair. A new strategic plan shall be adopted every four years.
- L. Executive Sessions: A closed meeting may be held upon the affirmative vote of two-thirds of the State Charter School Board Members present at an open meeting for which notice is given. The reason or reasons for holding a closed meeting, and the vote either for or against the proposition to hold such a meeting cast by each Member by name, shall be entered in the minutes of the meeting.

M. Informal Hearings: The State Charter School Board shall conduct informal hearings in accordance with Utah Code Annotated §63G-4-203 as requested by charter schools recommended for termination (Utah Code Annotated §53A-1a- 510).

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 State Charter School Board members will act as a panel for the hearing.
3. The school and the State Charter School Board Staff shall each have a maximum of 60 minutes to present information pertaining to the recommendation of charter termination.
4. Only State Charter School Board 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 State Charter School Board members present and provided in writing by the Chair or designee.

N. Minutes of State Charter School Board meetings and hearing will be recorded by the Charter School Section Staff.

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

- A. Bylaws (except those governed by statutory provisions) may be changed/amended by a 2/3 vote of the Utah State Charter School Board Members present at any regular Utah State Charter School Board meeting, provided that notice of the proposed changes was 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