

UINTAH SCHOOL DISTRICT POLICY ACTION REVIEW

1st Reading	11/09/22		New	
2 nd Reading	12/14/22		Revised	X
Approved	12/14/22		Substitute	

02.0440 SCHOOL BOARD MEETINGS

REPLACES 002.0440 SCHOOL BOARD MEETINGS (LAST APPROVED 12/12/06)

1.0 BOARD MEETINGS

1.1 Meeting Defined

“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 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 meeting; 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.

Utah Code Ann. §52-4-103(6) (2018)

1.2 Open to the Public

Every meeting of the Board shall be open to the public unless closed pursuant to Utah Code Ann. §§ 52-4-204, 52-4-205, and 52-4-206.

Utah Code Ann. §52-4-201(1) (2006)

1.3 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) (2018)

1.4 Quorum

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

Utah Code Ann. §52-4-103(11) (a) (2018)

Utah Code Ann. §53G-4-203 (5) (2018)

1.5 Training Sessions for Board Members

1.5.1 In the event the Board or any of its members meet for the purpose of receiving or participating in instruction regarding Board functions or activities, and not for the purpose of discussing or action 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 Ann. §52-4-1 et seq.

1.5.2 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.

1.5.3 If Board members determine in an instructional meeting 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 law, UCA §52-4-1 et seq., prior to discussing or acting upon such matters.

2.0 BOARD MEETINGS: NOTICE REQUIREMENTS

2.1 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) (2006)

2.2 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) (2006)

2.3 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 the topic during the meeting.

Utah Code Ann. §52-4-202(6) (2006)

2.4 Giving Notice of Meeting

Public notice of each open Board meeting shall be given by:

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

2.4.2 Providing notice to at least one newspaper of general circulation within the geographic jurisdiction of the public body, or to a local media correspondent.

2.5 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. 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) (2006)

2.6 Annual Budget Meeting Notice

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

2.6.1 Publish the required newspaper notice at least one week prior to the hearing; and

2.6.2 File a copy of the proposed budget with the Board's business administrator for public inspection at least ten days prior to the hearing.

2.6.3 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. §§59-2-918 and 59-2-919.

Utah Code Ann. §§53G-7-303, 53F-8-201,
59-2-918 (2006), 59-2-919 (2006)

2.7 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 of such meeting at least one week prior to the hearing.

Utah Code Ann. §53G-7-305

3.0 BOARD MEETINGS; RECORDINGS AND MINUTES

3.1 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. The written minutes shall include:

- 3.1.1 The date, time and place of the meeting;
- 3.1.2 The names of the members present and absent;
- 3.1.3 The substance of all matters proposed, discussed, or decided by the board, which may include a summary of comments by Board members;
- 3.1.4 A record, by individual member, of each vote taken, with the record of each vote being set out in list format, by category for each action taken by a member (including yes votes, no votes, and absent members), and by each member's name;
- 3.1.5 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;
- 3.1.6 Any other information that is a record of the proceedings of the meeting that any member requests be entered in the recording and minutes.

3.2 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 the meeting recording which related to the discussion or comments.

3.3 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.

3.4 Approval of and Availability of Minutes and Recordings of Board meetings

- 3.4.1 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.
- 3.4.2 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 and any public materials distributed at the meeting that the minutes relate to shall be made available to the public within three business days after they are approved by the Board by (1) making them available at the District Office, (2) posting them on the District’s website, and (3) by either posting the minutes and materials on the Utah Public Notice website for posting a link on the Utah Public Notice website which can be used to access the minutes and materials on the District website or another website.

3.4.3 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.”

3.5 Closed Meeting Recording and Minutes

A recording shall be kept of all closed meetings and written minutes may be kept of closed meetings, 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. When kept, recordings of closed meetings shall be complete and unedited recordings of all portions 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, the meeting shall not be recorded, and no minutes shall be kept. Such recordings, and any minutes shall include:

3.2.1 The date, time and place of the meeting.

3.2.2 The names of members present and absent; and

3.2.3 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.

Utah Code Ann. §52-4-206 (2018)

3.6 Approval of Meetings

The Board of Education will approve the Board meeting minutes in the next regularly scheduled Business meeting from when the minutes were taken. The meeting minutes will become official and accessible as a public document after the Board of Education’s approval of the minutes. Only the written minutes will be stored and kept on file according to the rules of State Archives. Recordings will not be kept after approval of the written minutes.

3.7 Secret Ballot

No vote shall be taken by secret ballot.

Utah Code Ann. §52-4-203(2) (a) (iv) (2018)

3.8 Closed Meeting Recordings 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 Ann. §52-4-206(5) (2018)

Utah Code Ann. §63G-2-101et seq.

4.0 BOARD MEETINGS: CLOSED MEETINGS

4.1 Closed Meetings

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 Ann. §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.

4.2 Purposes of Closed Meetings

Closed meetings may only be held for the following purposes:

- 4.2.1 Discussion of the character, professional competence, or physical or mental health of an individual;
 - 4.2.2 Strategy sessions with respect to collective bargaining or pending or imminent litigation; or
 - 4.2.3 Strategy sessions with respect to the purchase, exchange, or lease of real property 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
 - 4.2.4 Strategy sessions with respect to the sale of real property 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
 - 4.2.5 Discussion regarding deployment of security personnel, devise, or systems; or
 - 4.2.6 Investigative proceedings regarding allegations of criminal misconduct.
- 4.3 If the meeting is closed for any reason stated in subsections 4.2.1 and 4.2.5 listed above, 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 Ann. §52-4-205-(2014)

Utah Code Ann. §52-4-206 (6) (2018)

Utah Code Ann. §20A-1-511(3) (c) (2017)

5.0 BOARD MEETINGS; MEETING LOCATION

5.1 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 meeting.

5.2 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:

- 5.2.1 The regularly scheduled meeting is not being held where those meetings are usually held, and the workshop or executive session is held at the usual meeting location; or
- 5.2.2 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
- 5.2.3 The workshop or executive session is an electronic meeting and the requirements for holding such a meeting have been satisfied; or
- 5.2.4 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)

6.0 BOARD MEETINGS: ELECTRONIC MEETINGS

6.1 Electronic Meetings Authorized

The Board authorizes its meetings to be held through electronic means as set forth in this policy. Such electronic means may include communications by telephone, telecommunications, computer, or similar methods of remote communication. Unless specifically stated by this policy, the other policies governing Board meetings (relating to notice, meetings being open to the public, and other matters) also apply to Board meetings held through electronic means.

6.2 Definitions

The following terms are used in this policy:

- 6.2.1 Primary location: A designated physical location from which the electronic meeting originates or to which participants are connected.
- 6.2.2 Electronic notice: electronic mail (email) or fax.

6.3 Member Request Required for an Electronic Meeting

A Board meeting may be held as an electronic meeting only upon request of a member of the Board. This request must be made at least 3 days prior to the time that the Board meeting is scheduled, so that the necessary arrangements can be made for the electronic meeting.

Utah Code Ann. §52-4-207 (2006)

6.4 Notice to Board Members of an Electronic Meeting

After an electronic meeting has been scheduled, and at least 24 hours before the meeting, the members of the Board shall be notified of the electronic meeting and informed how members of the Board will be connected to the meeting.

6.5 Primary Location at Regular Meeting Location

The primary location for the electronic meeting shall be in the building where the Board meeting would have been held if it were not held electronically.

6.6 Electronic Meeting Not Available for Site Visit or Traveling Tour

When the scheduled meeting is a site visit or traveling tour, the meeting may not be conducted or convened electronically.

6.7 Public Notice of an Electronic Meeting

The Board shall post written notice of the electronic meeting at the primary location at least 24 hours prior to the electronic meeting. The notices of the electronic meeting shall specify the primary location of the meeting.

In addition to providing and posting the notices required for other Board meetings, the Board shall provide at least 24 hours' advance written or electronic notice of the electronic meeting to

6.7.1 A newspaper of general circulation within the state; and

6.7.2 A local media correspondent.

6.8 Public Access to Electronic Meetings

Members of the public are not entitled to monitor or attend electronic meetings except through the space and facilities provided at the primary location. (Members of the public cannot request an electronic meeting and do not have the right to be remotely connected to a Board meeting except as set forth in this section.)

Utah Code Ann. §52-4-207 (2006). Space and facilities shall be provided at the primary location of an electronic meeting of the Board to permit members of the public to attend and monitor the electronic meeting (except those portions of such a meeting which have been properly closed to the public by the Board). If the Board meeting is one at which comments from the public will be accepted, then the space and facilities shall also permit members of the public to participate in the electronic meeting. In this section,

6.8.1 “Monitor” means to hear and/or see, live, all statements made by each Board member in the meeting (by speaker, computer screen, or other medium).

6.8.2 “Participate” means to be able to communicate with all Board members in the meeting such that each Board member can hear or see the communication.