

Board Policy B-1: Board of Education Legal Status, Responsibilities, and Ethics



REFERENCES

[B-1: Student Board Member Application Guidelines](#)
[B-1: Student Board Member Application](#)
[Board of Education Handbook](#)
[Utah Code Ann. §§20A-1-201 - 201.5, Elections: General and Special](#)
[Utah Code Ann. §20A-1-511, Midterm Vacancies on Local School Boards](#)
[Utah Code Ann. §20A-14-201 et seq., Election of Members of Local Boards of Education](#)
[Utah Code Ann. §53G-4-101 et seq., School Districts](#)
[Utah Code Ann. §§53F-2-7 et seq., Public Education System -- Funding](#)
[Utah Code Ann. §67-16-1 et seq., Utah Public Officers' and Employees' Ethics Act](#)

THE POLICY

The Salt Lake City School District Board of Education establishes, protects, and promotes student learning and school success; exercises all its statutory powers; obeys all applicable laws and regulations; and conforms to the highest ethical standards.

The purpose of this policy is to guide the board in fulfilling its core responsibilities, and to inform the public of the board's intentions and procedures.

Legal Status: The Utah State Legislature assigns to each locally elected board of education control of the public schools within its district. The board is a public corporation and legal subdivision of the state, derives its powers from the state constitution and governing statutes, and may sue and be sued in the name of the district.

Responsibilities: The board has all of the powers assigned to it by law to meet its statutory responsibilities. In accordance with state law, the board shall perform the duties necessary for the success of district students, maintenance of schools, and promotion of education. See, Utah Code Ann. §53G-4-202, [Local School Board] Powers and Duties Generally.

Election of Members: A qualified individual may become a candidate for the board by filing a statement of candidacy with the Salt Lake County Clerk. All elections must be held in accordance with general election code.

Appointment of Members: The board may fill midterm vacancies in its membership by appointment as outlined in the general election code.

Student Board Member: Each year, the board may appoint a non-voting student board member to represent the views of students in board discussions. Nominations must be made in accordance with the Student Board Member Application Guidelines accompanying this policy. If for any reason the student board member is no longer able to fulfill the responsibilities of this position, the board may appoint a replacement.

Compensation of Members: The district must provide board members compensation and expenses in accordance with Utah law. Board members do not meet the eligibility requirements for participation in the Utah Retirement Systems.

Election of Officers: The board must elect a president and a vice president whose terms of office are two years, and until successors are elected.

Responsibilities and Authority of the President and Vice President: Elected board officers set meeting agendas, conduct board meetings as described in Board Policy B-2: School Board Meetings, and perform other duties as outlined in the Board of Education Handbook.

Appointment of the Superintendent and Business Administrator: The board must appoint and set the salaries for the district superintendent and business administrator in accordance with state law.

The board expects the superintendent and business administrator to work together, with district employees and board members, to promote student learning. The board further expects that the superintendent and business administrator will exemplify the highest standards of professional competence and ethical conduct. The board will evaluate the performance of

the superintendent and business administrator in accordance with the review schedules outlined in their employment contracts.

Board’s Relationship with the Superintendent: The board expects the superintendent to discharge all of the superintendent’s statutory duties. The superintendent will consult with and inform the board about school operations and problems in a timely, accurate, and appropriate manner.

The board delegates executive powers to the superintendent and relies on the superintendent’s expertise in matters of district administration and educational best practice. The board holds the superintendent responsible for administering its policies, executing board decisions, operating central office support for school programs, and implementing the Student Achievement Plan. The board is responsible for evaluating the superintendent’s performance and shall hold the superintendent accountable for such performance.

The superintendent has full authority to establish any committees, councils, or task forces needed to provide for the efficient conduct of district business or to address a specific subject or issue. The membership, composition, and responsibilities of such committees, councils, or task forces will be defined by the superintendent and may be changed at the superintendent’s discretion. The superintendent will be responsible for submitting to the board any district committees whose creation or membership is required by law to be approved by the board.

Board’s Relationship with the Business Administrator: The board expects the business administrator to discharge his or her statutory duties. The business administrator will keep accurate records of all district revenues and expenditures, all meetings of the board, and all legal and fiscal obligations of the board.

The board relies on the business administrator for advice and expertise on financial matters affecting the operation of the schools. The board holds the business administrator responsible for ensuring the accuracy, integrity, and timely communication of such information to the board and superintendent. The board and superintendent are responsible for evaluating the business administrator’s performance and shall hold the business administrator accountable for such performance.

Policy Development: The board accepts sole responsibility for preparing and adopting new policies and revising existing policies. Without diluting its authority to determine policies for the district, the board may seek the counsel of citizens, students, and staff members in policy development.

The formal adoption of policies must be recorded in the minutes of a board business meeting. Only those written statements so adopted and so recorded may be regarded as official board policy. The board must maintain a set of written policies for the operation of district as well as provide online access to those policies on the district’s website. Exceptions to a policy may be made by a majority vote of board members in a duly authorized meeting. Each policy remains in force until altered or superseded by subsequent board action.

If the board or a board member has concerns that a particular administrative procedure does not appropriately implement a board policy, those concerns shall be addressed to the superintendent. The superintendent will then discuss those concerns with the district staff responsible for implementing that administrative procedure, and a report shall be given to the board policy subcommittee on the district’s response and any suggested revisions. After discussing the specific concerns, the subcommittee will determine what, if any, revisions should be made to the administrative procedure. A member of the board policy subcommittee will then communicate with either the entire board or the concerned board member regarding the subcommittee’s decision.

Financial Audit Request: If a board member would like an audit of a specific program or area, the board member must submit a written request to the superintendent and business administrator. Initially, the request will be reviewed by the superintendent and business administrator, and an estimate of the time and resources required to complete the audit will be created (an “Audit Plan”). If the requested audit will require minimal time and resources, the business administrator and superintendent will direct the appropriate individuals to perform the audit. Unless exigent circumstances exist, the audit will be completed within one month and a final report will be sent to the entire board. If the time and resources required to fulfill the request will be substantial, the request will be discussed at an upcoming board meeting. If the board approves the request, the audit will be completed in accordance with the Audit Plan, and a final report will be sent to the entire board upon completion.

No district employee or student shall be subjected to discrimination in employment or any district program or activity on the basis of age, color, disability, gender, gender identity, genetic information, national origin, pregnancy, race, religion, sex, sexual orientation, or veteran status. The district is committed to providing equal access and equal opportunity in its programs, services and employment including its policies, complaint processes, program accessibility, district facility use, accommodations and other Equal Employment Opportunity matters. The district also provides equal access to district facilities for all youth groups listed in Title 36 of the United States Code, including scouting groups. The following person has been designated to handle inquiries and complaints regarding unlawful discrimination, harassment, and retaliation: Tina Hatch, Compliance and Investigations/Title IX Coordinator, 440 East 100 South, Salt Lake City, Utah 84111, (801) 578-8388. You may also contact the Office for Civil Rights, Denver, CO, (303) 844-5695.

Questions and Information Requests from Board Members: Because the superintendent of schools is the board's chief executive officer, individual members of the board should direct substantive inquiries and requests for information to the superintendent. The board president should be copied on any important correspondence so that the board president can keep all members of the board appropriately informed. Individual board members must be judicious in asking staff to meet with them at length, create new documents, or perform new analyses—all of which may divert them from their priorities and assigned duties.

Statement of Ethics for the Salt Lake City School District Board of Education: Board members are elected officials obliged to monitor, evaluate, and work to improve educational opportunities for children and families in the district. These responsibilities require that board members adhere to the highest standards of ethical conduct. Key standards are found in the Utah Public Officers and Employees Ethics Act and common-law principles defining ethical duties. To this end, board members subscribe to the following statements and assurances, which will be reviewed and agreed to annually in a public meeting.

I will represent the board with dignity and integrity.

I will treat fellow board members, district staff, and members of the public with respect and consideration, through civil discourse, exhibiting both honesty and decorum whether we agree or disagree on issues.

I will keep confidential all issues discussed in executive sessions, including legal action, negotiations, personnel, and property.

I will avoid conflicts of interest or the seeking of inappropriate personal advantage as a result of serving on the board.

I will represent the needs of all students in the district while balancing the concerns of individual precincts and constituents.

I will endeavor to attend all board meetings, be prepared, and listen to others' opinions.

I will guard the public trust by spending school funds to benefit all children.

I will function as part of a policymaking body, recognizing that authority rests with the board in open session, not with individual members of the board.

Complaints against Board Members of the Salt Lake City School District Board of Education: The board has passed various board policies that protect district employees from different types of unlawful behavior (collectively referred to as "Unlawful Behavior"). See, board policies G-19 and G-20, and their accompanying administrative procedures. In an effort to ensure board members hold themselves to the same professional standards, the board expects all board members to not engage in any such Unlawful Behavior. Any individual who believes that s/he has been subjected to Unlawful Behavior by a board member may file a complaint using the procedures listed below.

- A. Complaints against board members shall be filed with the board's attorney.
- B. The board's attorney will within 20 days make an initial determination of whether the complaint has any merit or should be dismissed.
 1. The attorney will dismiss all or part of the complaint without any investigation if the allegations in the complaint are insufficient to establish a policy violation even if all the factual allegations in the complaint are true.
- C. If the board's attorney determines that the complaint has merit, the attorney will appoint an outside, independent investigator. Depending on the nature of the complaint and the wishes of the parties, the investigator will either work to resolve the complaint informally, or conduct an investigation and make a recommendation as to whether Unlawful Behavior has occurred.
- D. The complaint may be handled informally if the complainant and respondent both agree to engage in an informal resolution process.
 1. An informal resolution may only occur after the investigator receives the complaint, determines the matter is appropriate for an informal process, and informs the complainant of the option for a formal resolution.
 2. If the parties choose to move forward informally, the investigator will use his/her best effort to resolve the complaint through mediation and negotiation with all parties.
 3. If satisfactory resolution is reached informally, no further action will be taken, and the matter will be considered closed.
 4. If the complainant or respondent is not satisfied with the outcome of the informal process, s/he may request that the complaint be handled formally.
 5. A request for the matter to be resolved through a formal process may be made at any time.
 6. The informal process should be completed within 20 business days, unless a longer period of time is deemed necessary.
- E. If a formal process is warranted or requested, the investigator shall conduct a thorough investigation in accordance with the procedures outlined in the district's G-19: Administrative Procedures, Discrimination, Harassment, Sexual Harassment, and Retaliation Prohibited.

- F. Within 20 days of receiving the complaint, the investigator shall prepare a written summary of his/her investigation, and a recommendation to the board attorney as to whether there is reasonable cause to believe that Unlawful Behavior may have occurred.
- G. If the recommendation indicates that reasonable cause exists, the board attorney shall forward the recommendation to the entire board, excluding the board member against whom the complaint was filed.
- H. After receiving the recommendation, the board shall meet in closed executive session to determine appropriate next steps.
- I. Any action taken by the board as a result of the recommendation will be taken in an open meeting in accordance with state law.
- J. A finding of no reasonable cause by the outside investigator, which is reviewed and confirmed by the board attorney, shall be final.