

Part 2
Election of Members of Local Boards of Education

20A-14-201 Boards of education -- School board districts -- Creation -- Reapportionment.

- (1)
 - (a) The county legislative body, for local school districts whose boundaries encompass more than a single municipality, and the municipal legislative body, for school districts contained completely within a municipality, shall divide the local school district into local school board districts as required under Subsection 20A-14-202(1)(a).
 - (b) The county and municipal legislative bodies shall divide the school district so that the local school board districts are substantially equal in population and are as contiguous and compact as practicable.
- (2)
 - (a) County and municipal legislative bodies shall reapportion district boundaries to meet the population, compactness, and contiguity requirements of this section:
 - (i) at least once every 10 years;
 - (ii) if a new district is created:
 - (A) within 45 days after the canvass of an election at which voters approve the creation of a new district; and
 - (B) at least 60 days before the candidate filing deadline for a school board election;
 - (iii) whenever districts are consolidated;
 - (iv) whenever a district loses more than 20% of the population of the entire school district to another district;
 - (v) whenever a district loses more than 50% of the population of a local school board district to another district;
 - (vi) whenever a district receives new residents equal to at least 20% of the population of the district at the time of the last reapportionment because of a transfer of territory from another district; and
 - (vii) whenever it is necessary to increase the membership of a board from five to seven members as a result of changes in student membership under Section 20A-14-202.
 - (b) If a school district receives territory containing less than 20% of the population of the transferee district at the time of the last reapportionment, the local school board may assign the new territory to one or more existing school board districts.
- (3)
 - (a) Reapportionment does not affect the right of any school board member to complete the term for which the member was elected.
 - (b)
 - (i) After reapportionment, representation in a local school board district shall be determined as provided in this Subsection (3).
 - (ii) If only one board member whose term extends beyond reapportionment lives within a reapportioned local school board district, that board member shall represent that local school board district.
 - (iii)
 - (A) If two or more members whose terms extend beyond reapportionment live within a reapportioned local school board district, the members involved shall select one member by lot to represent the local school board district.
 - (B) The other members shall serve at-large for the remainder of their terms.

- (C) The at-large board members shall serve in addition to the designated number of board members for the board in question for the remainder of their terms.
 - (iv) If there is no board member living within a local school board district whose term extends beyond reapportionment, the seat shall be treated as vacant and filled as provided in this part.
- (4)
- (a) If, before an election affected by reapportionment, the county or municipal legislative body that conducted the reapportionment determines that one or more members shall be elected to terms of two years to meet this part's requirements for staggered terms, the legislative body shall determine by lot which of the reapportioned local school board districts will elect members to two-year terms and which will elect members to four-year terms.
 - (b) All subsequent elections are for four-year terms.
- (5) Within 10 days after any local school board district boundary change, the county or municipal legislative body making the change shall send an accurate map or plat of the boundary change to the Automated Geographic Reference Center created under Section 63F-1-506.

Amended by Chapter 297, 2011 General Session

20A-14-202 Local boards of education -- Membership -- When elected -- Qualifications -- Avoiding conflicts of interest.

- (1)
- (a) Except as provided in Subsection (1)(b), the board of education of a school district with a student population of up to 24,000 students shall consist of five members.
 - (b) The board of education of a school district with a student population of more than 10,000 students but fewer than 24,000 students shall increase from five to seven members beginning with the 2004 regular general election.
 - (c) The board of education of a school district with a student population of 24,000 or more students shall consist of seven members.
 - (d) Student population is based on the October 1 student count submitted by districts to the State Board of Education.
 - (e) If the number of members of a local school board is required to change under Subsection (1)(b), the board shall be reapportioned and elections conducted as provided in Sections 20A-14-201 and 20A-14-203.
 - (f) A school district which now has or increases to a seven-member board shall maintain a seven-member board regardless of subsequent changes in student population.
- (g)
- (i) Members of a local board of education shall be elected at each regular general election.
 - (ii) Except as provided in Subsection (1)(g)(iii), no more than three members of a local board of education may be elected to a five-member board, nor more than four members elected to a seven-member board, in any election year.
 - (iii) More than three members of a local board of education may be elected to a five-member board and more than four members elected to a seven-member board in any election year only when required by reapportionment or to fill a vacancy or to implement Subsection (1)(b).
 - (h) One member of the local board of education shall be elected from each local school board district.
- (2)

- (a) For an election held after the 2008 general election, a person seeking election to a local school board shall have been a resident of the local school board district in which the person is seeking election for at least one year as of the date of the election.
 - (b) A person who has resided within the local school board district, as the boundaries of the district exist on the date of the election, for one year immediately preceding the date of the election shall be considered to have met the requirements of this Subsection (2).
- (3) A member of a local school board shall:
- (a) be and remain a registered voter in the local school board district from which the member is elected or appointed; and
 - (b) maintain the member's primary residence within the local school board district from which the member is elected or appointed during the member's term of office.
- (4) A member of a local school board may not, during the member's term in office, also serve as an employee of that board.

Amended by Chapter 144, 2016 General Session

20A-14-203 Becoming a member of a local board of education -- Declaration of candidacy -- Election.

- (1) An individual may become a candidate for a local school board:
- (a)
 - (i) in the 2016 general election, by filing a declaration of candidacy with the county clerk, in accordance with Section 20A-9-202, before 5 p.m. on March 17, 2016; or
 - (ii) in a general election held after 2016, by filing a declaration of candidacy with the county clerk on or after the second Friday in March, and before 5 p.m. on the third Thursday in March, before the next regular general election; and
 - (b) by paying the fee described in Section 20A-9-202.
- (2)
- (a) The term of office for an individual elected to a local board of education is four years, beginning on the first Monday in January after the election.
 - (b) A member of a local board of education shall serve until a successor is elected or appointed and qualified.
 - (c) A member of a local board of education is "qualified" when the member takes or signs the constitutional oath of office.

Amended by Chapter 16, 2016 General Session

20A-14-204 Effect of transfer of a district on composition of local school board.

If a portion of one school district becomes part of another school district, any member of the board of education residing within the transferred portion becomes a member of the board of the transferee district and shall serve the remainder of the term to which the member was elected.

Enacted by Chapter 1, 1995 General Session

20A-14-205 Vacancies on local school boards.

Vacancies on local school boards shall be filled as provided in Section 20A-1-511.

Enacted by Chapter 1, 1995 General Session

20A-14-206 Student petition for student member on local school board.

- (1) A student petition requesting that a local school board appoint a nonvoting student member to the board may be submitted to the board under this section.
- (2) The petition shall have the signatures of at least 500 students regularly enrolled in high school in the district or at least 10% of the number of students regularly enrolled in high school in the district, whichever is less.
- (3)
 - (a) Upon receipt of the petition, the board may appoint a nonvoting student member to serve a one-year term on the local school board as an addition to the number of regular members authorized by law.
 - (b) A student member's term begins July 1 and ends on June 30 of the following year.
- (4) A student board member shall be enrolled in a high school in the district and may be less than 18 years old.
- (5) A student member may participate in all board meetings, except executive sessions.
- (6)
 - (a) A student board member shall receive the same expense allowance granted other board members under Section 53A-3-202.
 - (b) A student member is not liable for any acts of the governing board.

Enacted by Chapter 1, 1995 General Session