

SCHOOL BOARD MIDTERM REPLACEMENT PROCESS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Susan Pulsipher

Senate Sponsor: Wayne A. Harper

LONG TITLE

General Description:

This bill addresses the process by which a midterm vacancy is filled on a local school board.

Highlighted Provisions:

This bill:

- ▶ allows a local school board to make an appointment to fill a vacancy on the local school board after a member of the local school board submits a letter of resignation; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

20A-1-511, as last amended by Laws of Utah 2012, Chapter 327

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **20A-1-511** is amended to read:

20A-1-511. Midterm vacancies on local school boards.

(1) (a) A local school board shall fill vacancies on the board by appointment, except as

29 otherwise provided in Subsection (2).

30 (b) If the board fails to make an appointment within 30 days after a vacancy occurs, the
31 county legislative body, or municipal legislative body in a city district, shall fill the vacancy by
32 appointment.

33 (c) A member appointed and qualified under this ~~[subsection]~~ Subsection (1) shall
34 serve until a successor is elected or appointed and qualified.

35 (2) (a) A vacancy on the board shall be filled by an interim appointment, followed by
36 an election to fill a two-year term if:

37 (i) the vacancy on the board occurs, or a letter of resignation is received by the board,
38 at least 14 days before the deadline for filing a declaration of candidacy; and

39 (ii) two years of the vacated term will remain after the first Monday of January
40 following the next school board election.

41 (b) Members elected under this ~~[subsection]~~ Subsection (2) shall serve for the
42 remaining two years of the vacated term and until a successor is elected and qualified.

43 (3) Before appointing ~~[a person]~~ an individual to fill a vacancy under this section, the
44 local school board shall:

45 (a) give public notice of the vacancy at least two weeks before the local school board
46 meets to fill the vacancy;

47 (b) identify, in the notice:

48 (i) the date, time, and place of the meeting where the vacancy will be filled; and

49 (ii) the person to whom ~~[a person]~~ and date by which an individual interested in being
50 appointed to fill the vacancy may submit ~~[his]~~ the individual's name for consideration ~~[and any~~
51 ~~deadline for submitting it]~~; and

52 (c) in an open meeting, interview each ~~[person]~~ individual, whose name ~~[was]~~ is
53 submitted for consideration and who meets the qualifications for office, regarding the
54 ~~[person's]~~ individual's qualifications.

55 (4) (a) Subject to Subsection (4)(b), a local school board may appoint an individual to

56 fill a vacancy described in Subsection (1) or (2) before the vacancy occurs if a member of the
57 local school board submits a letter of resignation.

58 (b) An individual appointed under Subsection (4)(a) may not take office until on or
59 after the day on which the vacancy occurs for which the individual is appointed.

60 (c) A member of a local school board who submits a letter of resignation under
61 Subsection (4)(a) may not rescind the resignation after the local school board makes an
62 appointment to fill the vacancy created by the resignation.