

**SCHOOL BOARD MIDTERM REPLACEMENT PROCESS**

2017 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Susan Pulsipher**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

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

**Highlighted Provisions:**

This bill:

- ▶ allows the governor to make an appointment to fill a vacancy on the State Board of Education after a member of the State Board of Education submits a letter of resignation;
- ▶ 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-1-507**, as enacted by Laws of Utah 1993, Chapter 1

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



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

29 Section 1. Section **20A-1-507** is amended to read:

30 **20A-1-507. Midterm vacancies on the State Board of Education.**

31 (1) If a vacancy occurs on the State Board of Education for any reason other than the  
32 expiration of a member's term, the governor, with the consent of the Senate, shall fill the  
33 vacancy by appointment of a qualified member to serve out the unexpired term.

34 (2) (a) Subject to Subsection (2)(b), the governor may appoint an individual to fill a  
35 vacancy described in Subsection (1), and the Senate may consent to the appointment, before the  
36 vacancy occurs if a member of the State Board of Education submits a letter of resignation.

37 (b) An individual appointed under Subsection (2)(a) may not take office until on or  
38 after the day on which the vacancy occurs for which the individual is appointed.

39 (c) A member of the State Board of Education who submits a letter of resignation  
40 under Subsection (2)(a) may not rescind the resignation after the governor makes an  
41 appointment to fill the vacancy created by the resignation.

42 [~~2~~] (3) The lieutenant governor shall issue a certificate of appointment to [~~the~~  
43 ~~appointed~~] a member appointed under this section and certify the appointment to the board.

44 Section 2. Section **20A-1-511** is amended to read:

45 **20A-1-511. Midterm vacancies on local school boards.**

46 (1) (a) A local school board shall fill vacancies on the board by appointment, except as  
47 otherwise provided in Subsection (2).

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

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

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

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

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

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

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

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

65 (b) identify, in the notice:

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

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

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

73 (4) (a) Subject to Subsection (4)(b), a local school board may appoint an individual to  
74 fill a vacancy described in Subsection (1) or (2) before the vacancy occurs if a member of the  
75 local school board submits a letter of resignation.

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

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