

# Selection of State Board of Education Members

A Timeline | May 2019

## Constitutional Changes

### Constitution Adopted; State Board of Education Created

Article X Section 8 of the Utah Constitution gives “general control and supervision of the Public School System” to the State Board of Education, composed of “persons as the Legislature may provide.”

### Passage of Constitutional Amendment Requiring Elections for State Board of Education Members

Legislature recommends that the State Board of Education be elected, and that the state superintendent be appointed instead of elected (H.J.R. 5) Voters approve the amendments.

### Passage of Constitutional Amendment Related to Prohibition on a Partisan Test for Employment

Legislature recommends changes to education articles of the constitution, including adding a prohibition on a partisan test for employment (2<sup>nd</sup> Spec. Session S.J.R. 1) Voters approve the amendments.

### Nomination Process Found Unconstitutional

Federal court declares 2003 nomination committee law unconstitutional, stating that the statutory criteria for selecting candidates limits free speech.

### Legal Challenge to Partisan Elections

Plaintiffs challenge SB78 on the basis that it violates the Utah Constitution, which provides “no...partisan test...shall be required as a condition of employment... in the state’s education system.” A state court rules in favor of the plaintiffs, the State appeals the decision, and the Utah Supreme Court hears arguments in September, 2018 but has not yet issued an opinion.

## Statutory Changes

### Statutory Creation

Legislature creates five-member board consisting of the state superintendent, the presidents of the University of Utah and the Agricultural College, and two others appointed by the governor with Senate consent.

### Increase Board Membership

Legislature increases board from 5 to 10 members, composed of the state superintendent and nine others appointed by regional school board conventions (S.B. 69).

### Popular Election of Board

Legislature creates process to elect board members from districts after candidates are nominated by state school board district conventions (H.B. 9).

### Local Nomination Committees Created; Membership Increase

Legislature creates nominating committees that governor selects for each State School Board district. Each committee submits three to five names to the governor who selects two for the ballot (S.B. 18). Legislature increases membership to 15 (2SS H.B. 2).

### Statewide Nomination Committee Created

Legislature creates statewide nominating committee that submits at least three names for each State School Board District to the governor who chooses two names for the ballot (S.B. 154).

### Partisan Elections Created

Legislature provides nonpartisan elections for 2016 and partisan elections in 2018 thereafter and repeals nominating committee (S.B. 78).

1896

1897

1935

1949-

1950

1951

1986

1991

2003

2014

2016

2017-

2018