

Part 1 Membership

53A-3-101 Selection and election of members to Local Boards of Education.

Members of local boards of education shall be elected as provided in Title 20A, Chapter 14, Nomination and Election of State and Local School Boards.

Repealed and Re-enacted by Chapter 1, 1995 General Session

53A-3-106 Local school board meetings -- Rules of order and procedure -- Location requirements -- Expulsion of members prohibited -- Exceptions.

(1) As used in this section:

(a) "Disaster" means an event that:

(i) causes, or threatens to cause, loss of life, human suffering, public or private property damage, or economic or social disruption resulting from attack, internal disturbance, natural phenomenon, or technological hazard; and

(ii) requires resources that are beyond the scope of local agencies in routine responses to emergencies and accidents and may be of a magnitude or involve unusual circumstances that require a response by a governmental, not-for-profit, or private entity.

(b) "Local emergency" means a condition in any municipality or county of the state that requires that emergency assistance be provided by the affected municipality or county or another political subdivision to save lives and protect property within its jurisdiction in response to a disaster or to avoid or reduce the threat of a disaster.

(c) "Rules of order and procedure" means a set of rules that governs and prescribes in a public meeting:

(i) parliamentary order and procedure;

(ii) ethical behavior; and

(iii) civil discourse.

(2) Subject to Subsection (4), a local school board or charter school governing board shall:

(a) adopt rules of order and procedure to govern a public meeting of the local school board;

(b) conduct a public meeting in accordance with the rules of order and procedure described in Subsection (2)(a); and

(c) make the rules of order and procedure described in Subsection (2)(a) available to the public:

(i) at each public meeting of the local school board; and

(ii) on the local school board's public website, if available.

(3)

(a) Except as provided in Subsections (3)(b) and (c), a local school board may not hold a public meeting outside of the geographic boundary of the local school board's school district.

(b) A local school board may hold a public meeting outside of the geographic boundary of the local school board's school district if it is necessary for the local school board to hold a meeting during a disaster or local emergency.

(c) A local school board may hold a public meeting outside of the geographic boundary of the local school board's school district to conduct a site visit if:

(i) the location of the site visit provides the local school board members the opportunity to see or experience an activity that:

(A) relates to the local school board's responsibilities; and

- (B) does not exist within the geographic boundaries of the local school board's school district;
and
- (ii) the local school board does not vote or take other action during the public meeting held at the site visit location.
- (d) This Subsection (3) does not apply to a charter school governing board.
- (4) The requirements of this section do not affect a local school board or charter school governing board's duty to comply with Title 52, Chapter 4, Open and Public Meetings Act.
- (5)
 - (a) Except as provided in Subsection (5)(b), a local school board may not expel a member of the school board from an open public meeting or prohibit the member from attending an open public meeting.
 - (b) Except as provided in Subsection (5)(c), following a two-thirds vote of the members of the local school board, the local school board may fine or expel a member of the local school board for:
 - (i) disorderly conduct at the open public meeting;
 - (ii) a member's direct or indirect financial conflict of interest regarding an issue discussed at or action proposed to be taken at the open public meeting; or
 - (iii) a commission of a crime during the open public meeting.
 - (c) A local school board may adopt rules or ordinances that expand the reasons or establish more restrictive procedures for the expulsion of a member from a public meeting.

Amended by Chapter 60, 2015 General Session
Amended by Chapter 196, 2015 General Session