

**RESOLUTION AMENDING GOVERNANCE OF  
PUBLIC EDUCATION**

1998 GENERAL SESSION

STATE OF UTAH

**Sponsor: Glenn Way**

A JOINT RESOLUTION OF THE LEGISLATURE PROPOSING TO AMEND THE UTAH  
CONSTITUTION; AMENDING ARTICLE X, SECTION 3, STATE BOARD OF  
EDUCATION; PROVIDING FOR ELECTION AND DUTIES OF THE STATE  
SUPERINTENDENT AND LOCAL BOARDS OF EDUCATION; AND PROVIDING AN  
EFFECTIVE DATE.

This resolution proposes to change the Utah Constitution as follows:

AMENDS:

**ARTICLE X, SECTION 3**

*Be it resolved by the Legislature of the state of Utah, two-thirds of all members elected to each of  
the two houses voting in favor thereof:*

Section 1. It is proposed to amend Utah Constitution Article X, Section 3, to read:

**Article X, Section 3. [State Superintendent of Public Instruction -- Local Boards of  
Education.]**

The general control and supervision of the public education system shall be vested in a  
State Board of Education. The membership of the board shall be established and elected as  
provided by statute. [~~The State Board of Education shall appoint a State Superintendent of Public  
Instruction who shall be the executive officer of the board.~~] A State Superintendent of Public  
Instruction, elected in open election by the people of Utah, shall make recommendations and  
provide services to the public education system in the state. Local boards of education, elected in  
open election by residents of the school districts, shall have authority to direct local public schools.

The procedures for open election shall be provided by statute.

Section 2. **Submittal to electors.**

1           The lieutenant governor is directed to submit this proposed amendment to the electors of  
2 the state of Utah at the next general election in the manner provided by law.

3           Section 3. **Effective date.**

4           If approved by the electors of the state, the amendment proposed by this joint resolution  
5 shall take effect on January 1, 1999.

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**Legislative Review Note**  
**as of 2-2-98 11:28 AM**

A limited legal review of this bill raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**