

**STATE SCHOOL BOARD CANDIDATE
SELECTION COMMITTEES**

2005 GENERAL SESSION

STATE OF UTAH

Sponsor: Karen Hale

LONG TITLE

General Description:

This bill modifies the committee that selects candidates for membership on the State Board of Education.

Highlighted Provisions:

This bill:

- ▶ modifies the number of nominating and recruiting committees that select candidates for membership on the State Board of Education;
- ▶ modifies the membership of the nominating and recruiting committees; and
- ▶ modifies the qualifications used by the nominating and recruiting committees to select State Board of Education member candidates.

Monies Appropriated in this Bill:

None

Other Special Clauses:

This bill provides an immediate effective date.

Utah Code Sections Affected:

AMENDS:

20A-14-104, as last amended by Chapter 19, Laws of Utah 2004

20A-14-105, as last amended by Chapter 315, Laws of Utah 2003

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



28 Section 1. Section 20A-14-104 is amended to read:

29 **20A-14-104. Becoming a candidate for membership on the State Board of**
30 **Education -- Nominating and recruiting committee -- Membership -- Procedure -- Duties.**

31 (1) (a) Persons interested in becoming a candidate for the State Board of Education
32 shall file a declaration of candidacy according to the procedures and requirements of Sections
33 20A-9-201 and 20A-9-202.

34 (b) By May 1 of the year in which a State Board of Education member's term expires,
35 the lieutenant governor shall submit the name of each person who has filed a declaration of
36 candidacy for the State Board of Education to the nominating and recruiting committee for the
37 State Board of Education district in which the candidate resides.

38 (2) By November 1 of the year preceding each regular general election year[;] in which
39 a State Board of Education member's term expires, the governor shall:

40 (a) appoint a nominating and recruiting committee consisting of [~~12~~] eight members,
41 each to serve a [~~two-year term, shall be appointed by the governor as follows:~~] one-year term,
42 for the state board district that member represents;

43 [~~(a) one member shall be appointed to represent each of the following business and~~
44 ~~industry sectors:]~~

- 45 [~~(i) manufacturing and mining;]~~
- 46 [~~(ii) transportation and public utilities;]~~
- 47 [~~(iii) service, trade, and information technology;]~~
- 48 [~~(iv) finance, insurance, and real estate;]~~
- 49 [~~(v) construction; and]~~
- 50 [~~(vi) agriculture; and]~~

51 [~~(b) one member shall be appointed to represent each of the following education~~
52 ~~sectors:]~~

- 53 [~~(i) teachers;]~~
- 54 [~~(ii) school administrators;]~~
- 55 [~~(iii) parents;]~~
- 56 [~~(iv) local school board members;]~~
- 57 [~~(v) charter schools; and]~~
- 58 [~~(vi) higher education.]~~

59 ~~[(3) (a) The members appointed under Subsections (2)(a)(i) through (vi) and (2)(b)(i)~~
60 ~~through (vi) shall be appointed from lists containing at least two names submitted by~~
61 ~~organizations representing each of the respective sectors.]~~

62 (b) ~~[At least one]~~ ensure that each member of the nominating and recruiting committee
63 ~~[shall reside]~~ resides within ~~[each]~~ the state board district ~~[in which a member's term expires~~
64 ~~during the committee's two-year term of office.];~~

65 ~~[(4) (a) The members shall elect]~~

66 (c) ensure that:

67 (i) one member of the nominating and recruiting committee serves on a local school
68 board within the state board district;

69 (ii) one member of the nominating and recruiting committee is employed as a school
70 district or public school administrator;

71 (iii) one member of the nominating and recruiting committee is employed as a public
72 school teacher;

73 (iv) one member of the nominating and recruiting committee belongs to a parent
74 association that provides direct and ongoing support to public schools within the district; and

75 (v) four members of the nominating and recruiting committee represent business and
76 industry interests, including:

77 (A) manufacturing;

78 (B) mining;

79 (C) transportation;

80 (D) public utilities;

81 (E) services;

82 (F) trade;

83 (G) information technology;

84 (H) finance;

85 (I) insurance;

86 (J) real estate;

87 (K) construction; and

88 (L) agriculture; and

89 (d) designate one member to serve as chair for the committee.

90 ~~[(b)]~~ (3) (a) The chair, or another member of the committee designated by the chair,
91 shall schedule and convene all committee meetings.

92 ~~[(c)]~~ (b) Any formal action by the committee requires the approval of a majority of
93 committee members.

94 ~~[(d)]~~ (c) Members of the nominating and recruiting committee shall serve without
95 compensation, but they may be reimbursed for expenses incurred in the performance of their
96 official duties as established by the Division of Finance.

97 ~~[(5) The]~~ (4) Each nominating and recruiting committee shall:

98 (a) recruit potential candidates for membership on the State Board of Education prior
99 to the deadline to file a declaration of candidacy;

100 (b) prepare a list of candidates for membership on the State Board of Education [~~for~~
101 ~~each state board district subject to election in that year~~] from its district using the qualifications
102 under Subsection ~~[(6)]~~ (5);

103 (c) submit a list of at least three candidates for ~~[each]~~ the state board position to the
104 governor by July 1; and

105 (d) ensure that the list includes appropriate background information on each candidate.

106 ~~[(6)]~~ (5) The nominating committee shall select [~~a broad variety of~~] candidates who
107 possess outstanding professional qualifications relating to the powers and duties of the State
108 Board of Education~~[-, including experience in the following areas:].~~

109 ~~[(a) business and industry administration;]~~

110 ~~[(b) business and industry human resource management;]~~

111 ~~[(c) business and industry finance;]~~

112 ~~[(d) business and industry, including expertise in:]~~

113 ~~[(i) metrics and evaluation;]~~

114 ~~[(ii) manufacturing;]~~

115 ~~[(iii) retailing;]~~

116 ~~[(iv) natural resources;]~~

117 ~~[(v) information technology;]~~

118 ~~[(vi) construction;]~~

119 ~~[(vii) banking;]~~

120 ~~[(viii) science and engineering; and]~~

- 121 ~~[(ix) medical and healthcare;]~~
 122 ~~[(e) higher education administration;]~~
 123 ~~[(f) applied technology education;]~~
 124 ~~[(g) public education administration;]~~
 125 ~~[(h) public education instruction;]~~
 126 ~~[(i) economic development;]~~
 127 ~~[(j) labor; and]~~
 128 ~~[(k) other life experiences that would benefit the State Board of Education.]~~

129 Section 2. Section **20A-14-105** is amended to read:

130 **20A-14-105. Becoming a candidate for membership on the State Board of**
 131 **Education -- Selection of candidates by the governor -- Ballot placement.**

132 (1) By August 1 of each regular general election year, the governor shall:

133 (a) for each state board district subject to election in that year, select two candidates for
 134 the State Board of Education from the lists submitted by ~~[the]~~ each state board district
 135 nominating and recruiting committee; and

136 (b) certify the names of the two candidates from each school board district to the
 137 lieutenant governor.

138 (2) If the governor fails to select two candidates for a state board district by September
 139 1, the nominating and recruiting committee for that district shall:

140 (a) select the two candidates; and

141 (b) notify the lieutenant governor of its selections by September 15.

142 (3) The lieutenant governor shall:

143 (a) conduct a lottery to determine the order of the candidates' names on the ballot; and

144 (b) certify the names and order of the names to the county clerks for placement on the
 145 nonpartisan section of the ballot.

146 Section 3. **Effective date.**

147 If approved by two-thirds of all the members elected to each house, this bill takes effect
 148 upon approval by the governor, or the day following the constitutional time limit of Utah
 149 Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto,
 150 the date of veto override.

Legislative Review Note

as of 1-24-05 1:15 PM

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

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number SB0155

State School Board Candidate Selection Committees

02-Feb-05

8:11 AM

State Impact

No fiscal impact.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst