

1 **STATE BOARD OF EDUCATION CANDIDATE SELECTION**

2 2016 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Ann Millner**

5 House Sponsor: Bradley G. Last

7 **LONG TITLE**

8 **General Description:**

9 This bill amends provisions of the Election Code related to selecting candidates for the
10 State Board of Education.

11 **Highlighted Provisions:**

12 This bill:

13 ▶ describes ~~H~~→ ~~[the criteria and]~~ ←~~H~~ requirements relating to selecting candidates
13a for the State

14 Board of Education;

15 ▶ modifies dates in relation to selecting candidates for the State Board of Education;

16 ▶ repeals the State Board of Education nominating procedures on January 1, 2017;

17 and

18 ▶ makes technical changes.

19 **Money Appropriated in this Bill:**

20 None

21 **Other Special Clauses:**

22 This bill provides a special effective date.

23 **Utah Code Sections Affected:**

24 AMENDS:

25 **20A-14-104**, as last amended by Laws of Utah 2004, Chapter 19

26 **20A-14-105**, as last amended by Laws of Utah 2011, Chapters 292, 327, 335 and last
27 amended by Coordination Clause, Laws of Utah 2011, Chapter 327



28 **63I-2-220**, as last amended by Laws of Utah 2014, Chapter 3



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

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

32 **20A-14-104. Becoming a candidate for membership on the State Board of**
33 **Education -- Nominating and recruiting committee -- Membership -- Procedure -- Duties.**

34 (1) (a) Persons interested in becoming a candidate for the State Board of Education
35 shall file a declaration of candidacy according to the procedures and requirements of Sections
36 **20A-9-201** and **20A-9-202**.

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

41 (2) ~~[By November]~~ On or before March 1 of ~~[the year preceding each]~~ a regular general
42 election year, the governor shall appoint a nominating and recruiting committee consisting of
43 12 members, each to serve a two-year term, ~~[shall be appointed by the governor]~~ as follows:

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

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

52 (b) one member shall be appointed to represent each of the following education
53 sectors:

- 54 (i) teachers;
- 55 (ii) school administrators;
- 56 (iii) parents;
- 57 (iv) local school board members;
- 58 (v) charter schools; and

59 (vi) higher education.

60 (3) In appointing members of the nominating and recruiting committee, the governor:

61 (a) ~~[The members appointed under Subsections (2)(a)(i) through (vi) and (2)(b)(i)~~
 62 ~~through (vi) shall be appointed]~~ shall appoint from lists containing [at least two] the names of
 63 at least two individuals submitted by organizations representing each of the ~~[respective]~~
 64 sectors~~[-]~~ described in Subsection (2);

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

68 (c) ~~H~~ **→ if the position is nonpartisan, ←H** may not consider, nor make an appointment,
 68a based on the political or educational
 69 philosophies, viewpoints, or affiliations of an individual whose name is submitted under
 70 Subsection (3)(a).

71 (4) (a) The members shall elect one member to serve as chair for the committee.

72 (b) The chair, or another member of the committee designated by the chair, shall
 73 schedule and convene all committee meetings.

74 (c) Any formal action by the committee requires the approval of a majority of
 75 committee members.

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

79 (5) The nominating and recruiting committee shall:

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

81a **→ (b) interview each individual who files a declaration of candidacy for the office of State**
 81b **Board of Education member; ←S**

82 **→ [(b)] (c) ←S** prepare a list of candidates for membership on the State Board of Education
 82a for
 83 each state board district subject to election in that year using the qualifications under
 84 Subsection (6);

85 **→ [(e)] (d) ←S** submit a list of at least three candidates for each state board position to the
 86 governor ~~[by July]~~ on or before April 1; and

87 **→ [(d)] (e) ←S** ensure that the list includes appropriate background information on each
 87a candidate.

88 ~~[(6) The nominating committee shall select a broad variety of candidates who possess~~
 89 ~~outstanding professional qualifications relating to the powers and duties of the State Board of~~

90 Education, including experience in the following areas:]

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

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

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

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

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

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

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

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

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

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

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

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

103 [~~(ix) medical and healthcare;~~]

104 [~~(e) higher education administration;~~]

105 [~~(f) applied technology education;~~]

106 [~~(g) public education administration;~~]

107 [~~(h) public education instruction;~~]

108 [~~(i) economic development;~~]

109 [~~(j) labor; and~~]

110 [~~(k) other life experiences that would benefit the State Board of Education.~~]

111 (6) The nominating committee shall select ~~the~~ **the most** qualified ~~of the~~

111a candidates, taking

112 into account a candidate's ~~the~~ **:**

113 ~~—— (a) level and quality of education and experience, including education and experience~~
114 ~~**in the following areas:**~~

115 ~~—— (i) education;~~

116 ~~—— (ii) administration or management;~~

117 ~~—— (iii) past service on:~~

118 ~~—— (A) a local school board or a charter school governing board, or in a state education~~
119 ~~**agency; and**~~

120 ~~—— (B) other boards of public, private, for-profit, or nonprofit entities;~~ ☺

121 ~~⊖~~ ~~(iv) finances; and~~
 122 ~~(v) business management;~~
 123 ~~(b) knowledge and understanding of skill sets needed by Utah's citizens, including~~
 124 ~~Utah's future workforce;~~
 125 ~~(c) work ethic;~~
 126 ~~(d) financial responsibility; and~~
 127 ~~(e) ability to perform the responsibilities of a member of the State Board of Education.]~~
 127a commitment to the policies of Utah's public education system as provided in

127b Section 53A-1-101. ←Ĥ

128 (7) The nominating and recruiting committee:
 129 (a) ~~Ĥ~~→ if the position is nonpartisan, ←Ĥ may not consider, nor make a selection,
 129a based on the political or educational
 130 philosophies, viewpoints, or affiliations of an individual who files a declaration of candidacy
 131 for the office of State Board of Education member; and
 132 (b) shall, with the list described in Subsection (5) ~~Ŝ~~→ [(e)] (d) ←Ŝ , submit a written
 132a statement to the
 133 governor describing the qualifications of the candidates on the list.

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

135 **20A-14-105. Becoming a candidate for membership on the State Board of**
 136 **Education -- Selection of candidates by the governor -- Ballot placement.**

137 (1) [By] On or before August 1 of each regular general election year, the governor
 138 shall:

139 (a) for each state board district subject to election in that year, select two candidates for
 140 the State Board of Education from the lists submitted by the state board district nominating and
 141 recruiting committee; and

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

144 (2) In selecting the candidates under Subsection (1)(a), the governor:

145 ~~Ĥ~~→ ~~[(a) shall select the most qualified of the candidates, taking into account the criteria~~
 146 ~~described in Subsection 20A-14-104(6);~~

147 ~~(b)]~~ (a) if the position is nonpartisan, ←Ĥ may not consider, nor make a selection,
 147a based on the political or educational
 148 philosophies, viewpoints, or affiliations of a candidate; and

149 ~~Ĥ~~→ [(e)] (b) ←Ĥ shall, with the certification described in Subsection (1)(b), provide
 149a a written

150 statement to the lieutenant governor describing the qualifications of the candidates selected by
 151 the governor.

152 ~~[(2)]~~ (3) If the governor fails to select two candidates for a state board district by
 153 August 1, the nominating and recruiting committee shall:

154 (a) select the two candidates~~[-; and]~~ ~~H→~~ ~~[using the same criteria, and]~~ ~~←H~~ subject
 154a to the same

155 limitations ~~H→~~ ~~[i]~~ if the position is nonpartisan as ~~←H~~ described in ~~H→~~ ~~[Subsections (2)(a)~~
 155a ~~and (b)]~~ Subsection (2)(a) ~~←H~~ ;

156 (b) notify the lieutenant governor of ~~[its]~~ the committee's selections ~~[by]~~ on or before
 157 August 31~~[-]; and~~

158 (c) with the notification described in Subsection (3)(b), submit a written statement to
 159 the lieutenant governor describing the qualifications of the candidates selected by the
 160 nominating and recruiting committee.

161 ~~[(3)]~~ (4) In accordance with Section 20A-6-305, the lieutenant governor shall certify
 162 the names described in Subsection (1)(b) or (3)(b), as applicable, and the order of the names, to
 163 the county clerks for placement on the nonpartisan section of the ballot.

164 Section 3. Section **63I-2-220** is amended to read:

165 **63I-2-220. Repeal dates, Title 20A.**

166 ~~[(1) Section 20A-3-704 is repealed January 1, 2016.]~~

167 ~~[(2) Section 20A-5-410 is repealed January 1, 2016.]~~

168 ~~[(3) (a) Subsection 20A-7-101(1)(a)(i), the language that states "of the first class" and~~
 169 ~~" or " is repealed January 1, 2015.]~~

170 ~~[(b) Subsection 20A-7-101(1)(a)(ii), the language that states "for a county not~~
 171 ~~described in Subsection (1)(a)(i), a person designated as budget officer in Section 17-19-19" is~~
 172 ~~repealed January 1, 2015.]~~

173 ~~[(4) Section 20A-9-403.1 is repealed on January 1, 2015.]~~

174 (1) Sections 20A-14-104 and 20A-14-105 are repealed on January 1, 2017.

175 Section 4. **Effective date.**

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