



# NEBO SCHOOL DISTRICT BOARD OF EDUCATION POLICIES AND PROCEDURES

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**SECTION:** B – Board Governance and Operations  
**POLICY TITLE:** Board of Education Meetings  
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## TABLE OF CONTENTS

1. PURPOSE AND PHILOSOPHY
  2. DEFINITIONS
  3. REGULAR BOARD MEETINGS
  4. SPECIAL BOARD MEETINGS
  5. CLOSED MEETING PROVISIONS
  6. ELECTRONIC MEETING PROVISIONS
  7. EMERGENCY MEETING PROVISIONS
  8. PUBLIC HEARING PROVISIONS
  9. WORK SESSION PROVISIONS
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### **1. PURPOSE AND PHILOSOPHY**

- 1.1. The Board of Education recognizes that it is a public body as defined in Utah law. As such, the Board has a responsibility to conduct its official business in an open manner. All Meetings of the Board will be open to the public unless specifically exempt by the Utah Open and Public Meetings Act and properly closed in accordance with Utah law and this policy. However, while Meetings may be open to the public, public participation in the Meetings is limited as provided in Section 3.5 below.
- 1.2. This policy outlines the types of Meetings the Board may hold and establishes procedures for conducting such Meetings. Board members may follow the guidelines found in the publication Coming to Order: A Guide to Successful School Board Meetings, published by the Utah School Boards Association, as updated and revised. However, since the laws governing open Meetings are continually being amended and interpreted, Board members should use caution and should always seek out the current versions of laws governing Board Meetings.

### **2. DEFINITIONS**

- 2.1. **“Closed Meeting” or “Closed Session”** means a Board Meeting or portion thereof closed to the public. No resolution, rule, policy, contract, or appointment may be approved at a Closed Meeting. Provisions governing Closed Meetings are found in Section 5 below.
- 2.2. **“Electronic Meeting”** means a Board Meeting convened or conducted by means of a conference using electronic communications. Provisions governing Electronic Meetings are found in Section 6 below.
- 2.3. **“Emergency Meeting”** means a Board Meeting called because of unforeseen circumstances to consider matters of an emergency or urgent nature. The Board may take final action on a topic during an Emergency Meeting. Provisions governing Emergency Meetings are found in Section 7 below.

- 2.4. “Meeting”** means the convening of the Board of Education for the purpose of discussing, receiving comments from the public about, or acting upon a matter over which the Board has jurisdiction or advisory power. A Meeting may not be convened without a Quorum present, whether in person or by means of electronic communications, and may include a Work Session or a Closed Session. A Meeting does not include chance or social encounters by Board members or informal gatherings in which Board members do not appropriate funds for expenditure and which are convened solely for the discussion or implementation of administrative or operational matters for which no formal Board action or discussion is required.
- 2.5. “Public Hearing”** means a Meeting or a portion thereof at which the public is given a reasonable opportunity to comment on the subject of the hearing. Provisions governing Public Hearings are found in Section 8 below.
- 2.6. “Quorum”** means a majority of the members of the Board.
- 2.7. “Regular Board Meeting”** means the official, regularly scheduled Meeting of the Board, held for the purpose of conducting official Board business, including but not limited to action relating to policy, business, planning, instructional matters, and issues of community interest. Provisions governing Regular Board Meetings are found in Section 3 below.
- 2.8. “Work Session”** means a Board Meeting dedicated to more extensive review, study and discussion of issues, policies, programs, and other matters concerning the operations of the District than typically occurs in a Regular Board Meeting. No official action is taken during a Work Session. Provisions governing Work Sessions are found in Section 9 below.

### **3. REGULAR BOARD MEETINGS**

#### **3.1. Notice Requirements**

- 3.1.1.** The Board shall give public notice at least once each year of its annual Regular Board Meeting schedule. The public notice shall specify the date, time, and place of the Regular Board Meetings.
- 3.1.2.** In addition to the annual notice above, the Board shall also give at least twenty-four (24) hours public notice of the agenda, date, time, and place of each of its Meetings. Public notice is satisfied by all of the following:
- 3.1.2.1.** Posting written notice at the District Office;
  - 3.1.2.2.** Posting notice on the Utah Public Notice Website; and
  - 3.1.2.3.** Providing notice to at least one local media correspondent or newspaper of general circulation within the geographic jurisdiction of the District. This requirement may be satisfied by allowing the newspaper or correspondent to subscribe and receive updates and notices regarding Board Meetings from the Utah Public Notice Website.
- 3.1.3.** The Board shall give notice of its Meetings to the mayor or the mayor’s designee of any municipality that is partly or entirely within the boundaries of the District, and to the county commission chair, county executive, or county manager, or their designee, of any county with unincorporated area within the boundaries of the District by mail, email, or other effective means agreed to by the person to whom notice is given. Unless specifically requested otherwise by municipal or county officials, notice shall be deemed effectively given under this Section 3.1.3. by posting notice on the Utah Public Notice Website.

#### **3.2. Agenda**

- 3.2.1.** The agenda for all Regular Board Meetings shall provide reasonable specificity to notify the public as to the topics to be considered at the Meeting. Each topic shall be listed under

an agenda item on the Meeting agenda in a manner which identifies the subject of discussion. The agenda will be prepared according to the following procedures.

- 3.2.1.1. The Superintendent shall prepare the agenda after consulting with the Board President and members of the executive staff.
- 3.2.1.2. A draft of the agenda is reviewed at executive staff meetings. Recommended agenda items are submitted by executive staff members.
- 3.2.1.3. Others wishing to have an item placed on the Board agenda should submit the item to the Superintendent or the appropriate member of the executive staff.
- 3.2.1.4. The agenda is reviewed with the Board President for his/her approval prior to the distribution of materials to Board members.
- 3.2.1.5. Materials approved for transmittal to the Board should be submitted to the Superintendent's secretary by the Friday preceding the Regular Board Meeting.
- 3.2.1.6. The agenda, together with supporting materials, shall be distributed to Board members sufficiently prior to the Meeting to permit them to give items of business careful consideration.

### 3.3. Quorum

If a Quorum is not present at the time appointed for the Meeting to begin, the Board members then in attendance may adjourn. If a Quorum is present, the votes of a majority of the Board members in attendance will be controlling.

### 3.4. Procedures

#### 3.4.1. Action Limited to Meeting Agenda

- 3.4.1.1. The Board shall follow the order of business set up by the agenda, unless the order is altered by approved motion.
- 3.4.1.2. The Board may not consider a topic not listed under an agenda item and included with advance public notice of the Meeting unless the topic is raised by the public during the Meeting. In such cases, the Board may, at the discretion of the presiding Board member, discuss the topic but may not take any final action on it.
- 3.4.1.3. The Superintendent and executive staff members determine the necessary follow-up after each Board Meeting, and the Superintendent is responsible for coordinating the follow-up activities.

#### 3.4.2. Rules of Order

- 3.4.2.1. All actions of the Board will proceed by a motion and second to the motion. Motions must be made one at a time and must be concluded prior to the introduction of additional motions.
- 3.4.2.2. Voting shall be made by either a show of hands or a verbal indication such as "aye" or "nay" on each motion.
- 3.4.2.3. No vote shall be taken by secret ballot.
- 3.4.2.4. It is expected that all Board members will vote on all motions. However, special circumstances may require a Board member to abstain from voting. If any

member abstains from voting for any reason, the member will be deemed to have not voted and the abstention will not count for or against the Board's vote.

- 3.4.2.5.** A member who has a personal or private interest in any proposed or pending matter which presents a conflict of interest will not vote.
- 3.4.2.6.** When a tie vote exists on a motion, the motion will be declared to have failed.
- 3.4.2.7.** Individual votes of Board members will be recorded in the minutes when the vote is not unanimous, when there is a roll call vote taken, or when requested by a Board member.

### **3.5. Public Participation**

- 3.5.1.** Consistent with this subsection, the Board may permit members of the public in attendance at a Board Meeting to address the Board.
- 3.5.2.** Except as provided in paragraphs 3.5.2.1 and 3.5.2.2, each regular Board Meeting will include a public comment period as set forth in this subsection.
  - 3.5.2.1.** Unless otherwise determined by the Superintendent and Board President, a Board meeting that is or includes a public hearing under Section 8 of this policy shall not also include a public comment period under this subsection, but instead will allow public participation under the provisions of Section 8. Notwithstanding, the Superintendent may, in consultation with the Board President, include a public comment period in a meeting that also includes a public hearing, but the public comment period may not replace the public hearing.
  - 3.5.2.2.** The Superintendent, in consultation with the Board President, may exclude the public comment period from an upcoming Board Meeting by not including it on the agenda for that Meeting, consistent with the following:
    - 3.5.2.2.1.** The process for signing up in advance shall be disabled and include a notice that the meeting will not include a public comment period.
    - 3.5.2.2.2.** The public participation section may not be excluded from the agenda if a person has already signed up to address the Board consistent with this policy.
- 3.5.3.** In order to assure that the Board conducts its Meetings properly and efficiently, the Board adopts the following rules and procedures pertaining to public participation at Board Meetings.
- 3.5.4.** Patrons who wish to address the Board must sign up prior to the start of the Regular Board Meeting either online as directed on the District website or on the sign-up sheet provided at the District Office. Patrons may sign up for only one Board Meeting at a time and may not sign up for a Board Meeting until the previous Board Meeting has concluded and the online sign-up process for the next Board Meeting has been enabled. Patrons who sign up using the District website must do so no less than twenty-four (24) hours prior to the start of the Meeting. The Superintendent or designee is authorized to disable the online sign-up process consistent with subsection 3.5.2.2. Patrons shall list their name, the schools their children attend, their city of residence, the topic they wish to address, and whether they are representing themselves or a group.
- 3.5.5.** If several individuals are concerned with the same issue, they should select a spokesperson to address their views. In the interest of time, the Board may limit cumulative and repetitive information.

- 3.5.6.** Comments are limited to three (3) minutes for each individual unless the person is speaking on behalf of a group, in which case the comments are limited to five (5) minutes. The District may time speakers to ensure compliance with this provision.
- 3.5.7.** To ensure sufficient time to conduct its business, the Board President or other presiding officer may limit the number of patrons allowed to address the Board in a given Meeting.
  - 3.5.7.1.** The total amount of time allotted for public comments will not exceed thirty (30) minutes.
  - 3.5.7.2.** Unless otherwise directed by the President, patrons will address the Board in the order they signed up.
  - 3.5.7.3.** A patron must have previously signed up, as required in Section 3.5.1., above, to address the Board.
  - 3.5.7.4.** Patrons will be permitted to address the Board either in the order they signed up, by topic, or according to some other order as determined by the President.
- 3.5.8.** Topics may include suggestions for improving District services or programs, and comments are welcome regarding new issues or new program or policy suggestions.
- 3.5.9.** Individuals should conduct themselves and present their comments in a respectful and courteous manner, giving due respect to the dignity and privacy of others who may be affected by their comments. Individuals should refrain from making rude or slanderous remarks that may violate the rights of others under laws of defamation or invasion of privacy.
- 3.5.10.** Comments are not allowed regarding the following subjects:
  - 3.5.10.1.** Bidding or contract matters.
  - 3.5.10.2.** Employment or personnel issues.
  - 3.5.10.3.** Complaints, criticism, or personal attacks against individual students, employees, or other citizens.
  - 3.5.10.4.** Grievances, complaints, or other issues that are governed by specific hearing, appeal, or negotiation procedures.
- 3.5.11.** Patrons may submit written comments to the Board regarding (a) employment or personnel issues and (b) complaints, criticism, or concerns with individuals.
- 3.5.12.** Patrons presenting highly detailed or complex information should, before the Meeting, provide a written copy or synopsis of their comments for the Board.
- 3.5.13.** Persons appearing before the Board are reminded that members of the Board are without authority to act independently as individuals in official matters. Thus, questions may be directed to individual Board members, but action by the Board is necessary to resolve such questions. Likewise, members of the Board may not immediately respond to patrons' questions or engage in discussion or debate. The Board will take each patron's comments under advisement, and if further discussion or action is required, the topic will be added to the agenda of an upcoming Board Meeting.
- 3.5.14.** The Board President or other presiding officer may terminate the remarks of any individual who does not adhere to this policy. Individuals addressing the Board who engage in inappropriate or disruptive conduct will be removed from the Meeting.

- 3.5.15.** Inappropriate or disruptive conduct by members of the audience will not be tolerated. Patrons in the audience should conduct themselves in a respectful, civil, and courteous manner, refraining from conduct that disrupts the Meeting or inhibits the Board from efficiently conducting its business. Individuals who engage in inappropriate or disruptive conduct will be removed from the Meeting.

**3.6. Local Government Participation**

A mayor or the mayor's designee of a municipality that is partly or entirely within the boundaries of the District, as well as a county commission chair, county executive, or county manager, or their designee, of a county with unincorporated area within the boundaries of the District may attend and participate in the Board discussions at Board Meetings.

**3.7. News Media Services at Board Meeting**

The Board believes that one of its responsibilities is to keep the public informed of its deliberations, policies, and actions. Therefore, the Board encourages the attendance of press representatives at all Meetings except Closed Sessions.

- 3.7.1.** News agencies desiring to bring audio or visual equipment are requested to seek clearance from the Board President at least twenty-four (24) hours before the Meeting is held. This request will enable the Board to make any necessary accommodations.
- 3.7.2.** Media personnel are asked to remain in a designated area in the Board room while the Meeting is in session and to avoid the display of microphones or other equipment near Board members or executive officers addressing the Board.
- 3.7.3.** A copy of the agenda and agenda materials will be sent in advance to members of the press who request it. Following the Meeting, all reports approved by the Board shall also be made available to the press. However, reports-in-progress on which the Board has taken no final action shall be released only upon the Board's authority as "tentative reports."
- 3.7.4.** In order that the Board may efficiently transact its business, questions from the press will not be entertained while Meetings are in progress. However, a representative of the Board will be available after each Meeting to answer reporters' questions and to clarify points of discussion and action.
- 3.7.5.** When individual Board members receive requests from news media representatives for information about Board Meetings, members shall refer the information-seekers to the Board President who shall be the spokesperson for the Board except as he or she specifically delegates this responsibility to others.

**3.8. Broadcasting and Recording of Board Meetings**

All or any part of the proceedings in any open Board Meeting may be recorded by any person in attendance, provided that the recording does not interfere with the conduct of the Meeting. News agencies are requested to follow the procedures outlined in Section 3.7 above.

**3.9. Record and Minutes**

- 3.9.1.** The Business Administrator shall keep or cause to be kept written minutes and a recording of all open Board Meetings, except that a recording is not needed for site visits or traveling tours where no vote or action is taken by the Board.
- 3.9.1.1.** A recording shall be a complete and unedited record of all open portions of a Meeting from commencement through adjournment and must be properly labeled with the date, time, and place of the Meeting.

**3.9.1.2.** Written minutes shall include the following:

**3.9.1.2.1.** The date, time, and place of the Meeting.

**3.9.1.2.2.** The names of the Board members present and absent.

**3.9.1.2.3.** The substance of all matters proposed, discussed, or decided by the Board, which may include a summary of comments made by Board members.

**3.9.1.2.4.** A record, by individual Board member, of each vote taken by the Board.

**3.9.1.2.5.** The name of each person who is not a member of the Board and who, after being recognized by the presiding Board member, provided testimony or comments to the Board.

**3.9.1.2.6.** The names of all citizens who appeared and the substance, in brief, of their testimony.

**3.9.1.2.7.** Any other information that any Board member requests be entered in the minutes.

**3.9.2.** Written minutes and recordings are public records which shall be retained permanently and made available to the public within a reasonable time after the end of the Meeting. Specifically, recordings shall be available for listening within three (3) business days after the end of the Meeting. Minutes awaiting formal approval by the Board shall be clearly identified with appropriate notice that the minutes have not yet been approved and are subject to change until formally approved.

#### **4. SPECIAL BOARD MEETINGS**

**4.1.** The Board may hold Meetings outside the schedule of Regular Board Meetings, including reconvened or rescheduled Meetings.

**4.2.** Except for the annual notice requirement in Section 3.1.1., all other provisions of Section 3 above apply to Special Board Meetings.

#### **5. CLOSED MEETING PROVISIONS**

**5.1.** A Closed Meeting may be held upon the affirmative vote of two-thirds (2/3) of the Board members present at an open Meeting for which proper public notice has been given. The reason for holding the Closed Meeting, as well as the location of the Meeting and the vote of each member to hold the Closed Meeting, shall be publicly announced and entered on the minutes of the open Meeting. A Closed Meeting may be held only for one or more of the following purposes:

**5.1.1.** Discussion of the character, professional competence, or physical or mental health of an individual.

**5.1.2.** Strategy sessions to discuss collective bargaining.

**5.1.3.** Strategy sessions to discuss pending or reasonably imminent litigation.

**5.1.4.** Strategy sessions to discuss the purchase, exchange, or lease of real property (including water rights or shares) if public discussion of the transaction would disclose the appraisal or estimated value of the property under consideration or prevent the Board from completing the transaction on the best possible terms.

- 5.1.5. Strategy sessions to discuss the sale of real property (including water rights or shares) if:
  - 5.1.5.1. Public discussion of the transaction would disclose the appraisal or estimated value of the property or prevent the Board from completing the transaction on the best possible terms;
  - 5.1.5.2. The Board previously gave public notice that the property would be offered for sale; and
  - 5.1.5.3. The terms of the sale are publicly disclosed before the Board approves the sale.
- 5.1.6. Discussion regarding deployment of security personnel, devices, or systems.
- 5.1.7. Investigative proceedings regarding allegations of criminal misconduct.

## 5.2. Records of Closed Meetings

- 5.2.1. Except as provided in Section 5.2.4. below, the Board shall keep a recording of the closed portion of the Meeting and may keep detailed written minutes that disclose the content of the closed portion of the Meeting. The recording must be complete and unedited, and the recording and any minutes shall include the following:
  - 5.2.1.1. The date, time, and place of the Meeting;
  - 5.2.1.2. The names of Board members present and absent; and
  - 5.2.1.3. The names of all others present except where such disclosure would infringe on the confidentiality necessary to fulfill the original purpose of closing the Meeting.
- 5.2.2. Both recordings and written minutes of Closed Meetings are protected records under the Government Records Access and Management Act (GRAMA).
- 5.2.3. Notwithstanding the provisions of GRAMA, both recordings and written minutes of Closed Meetings, as protected records, may be disclosed pursuant to a court order only as provided by UTAH CODE ANN., § 52-4-304.
- 5.2.4. No recording or other minutes need to be kept if the Board closes a Meeting to discuss the character, professional competence, or physical or mental health of an individual or to discuss the deployment of security personnel, devices or systems. However, the person presiding shall sign a sworn statement affirming that the sole purpose for closing the Meeting was to discuss such matters.
- 5.2.5. Due to the confidential nature of information discussed in Closed Meetings, Board members and others present at the Closed Meeting shall not discuss such information outside the Closed Meeting.

## 6. ELECTRONIC MEETING PROVISIONS

- 6.1. An Electronic Meeting may be convened when one or more Board members is unable to attend in person. An Electronic Meeting must be requested by a Board member as soon as possible but no later than forty-eight (48) hours prior to the Meeting. Requests for an Electronic Meeting must be made through the Superintendent's office.
- 6.2. The Board shall give public notice of an Electronic Meeting in accordance with the aforementioned procedures. In addition, it shall provide notice of the Electronic Meeting to Board members at least twenty-four (24) hours before the Meeting so that they may participate in the Meeting and be counted as present for all purposes. The notice should describe how the members will be connected to the Electronic Meeting.



### 6.3. Public Participation in Electronic Meetings

**6.3.1.** Space and facilities shall be provided at the District Office during an Electronic Meeting to permit members of the public to attend and monitor the Meeting. If the Meeting is one at which comments from the public will be accepted, the space and facilities shall permit members of the public to participate in the Meeting. Members of the public are not entitled to monitor or attend Electronic Meetings except through the space and facilities provided at the primary location.

**6.3.1.1.** “Monitor” means to hear or observe, live, by audio or video equipment, all of the public statements of each Board member who is participating in a Meeting.

**6.3.1.2.** “Participate” means the ability to communicate with all Board members, either verbally or electronically, so that each Board member can hear or observe the communication.

## 7. EMERGENCY MEETING PROVISIONS

**7.1.** If unforeseen circumstances make it necessary for the Board to hold an Emergency Meeting to consider matters of an emergency or urgent nature, the Board may disregard the public notice requirement described in Section 3.1.2. above. However, the Board must give the best notice practicable of the time and place of the Emergency Meeting and the topics to be considered.

**7.2.** An Emergency Meeting may not be held unless an attempt has been made to notify all Board members and a majority of the members approve the Meeting.

## 8. PUBLIC HEARING PROVISIONS

The Board shall hold a Public Hearing as required by statute in the following situations.

### **8.1.** When considering whether to close a school or change the boundaries of a school.

**8.1.1.** Notice shall indicate the following:

**8.1.1.1.** The school(s) under consideration for closure or boundary change, and

**8.1.1.2.** The date, time, and location of the Public Hearing.

**8.1.2.** At least ten (10) days before the hearing, notice shall be

**8.1.2.1.** Published in a newspaper of general circulation in the area and on the Utah Public Notice Website and

**8.1.2.2.** Posted in at least three public locations within the municipality or on the District’s website.

**8.2.** Prior to the adoption or amendment of the District budget. The District budget is adopted at an annual budget hearing and may be amended throughout the year under certain circumstances. When a District budget is to be adopted or amended, specific elements may trigger various and differing notice requirements with regard to the Public Hearing. Such notice provisions are detailed below.

**8.2.1.** General Notice Requirements. Any time the District budget is to be adopted or amended, the following notice provisions apply. Additional notice provisions may be required in accordance with Sections 8.2.2 and 8.2.3.

**8.2.1.1.** Public notice shall be given in accordance with Section 3 above.





UTAH CODE ANN. § 59-2-919

UTAH CODE ANN. § 59-2-924

UTAH CODE ANN. § 63F-1-701

Coming to Order: A Guide to Successful School Board Meetings, Utah School Boards Association

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**FORMS**

None

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**HISTORY**

**Revised – March 14, 2018.** Added conditions and procedures for cancelation of public participation period; updated statutory references.

**Revised – September 10, 2014.** Further modified provisions related to public participation, including sign-up process and time limits; made technical changes.

**Revised – October 16, 2013.** Modified provisions related to public participation, including sign-up process and time limits; made technical changes.

**Adopted – March 13, 2013.** Replaced policies BD (1978), BDA (1978), BDB (1978), BDC (1978), BDD (1978), BDDA (1978), BDDB-E (1978), BDDC (1995), BDDC-P (1995), BDDD (1978), BDDE (1995), BDDF (1978), BDDG (1995), BDDH (1995), BDDI (1978), BDDJ (1978), BDDK (1978), BE (1978).

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