

Rulemaking Process FAQs

Why does the Board make rules?

The Constitution of the State of Utah gives the Utah State Board of Education general control and supervision over public education within the state. The Board, like other agencies, uses the rule making process to authorize programs, place restrictions on educators and schools subject to the Board's authority, and to provide requirements and direction to supplement programs established by the Legislature in state statute. Frequently, the Legislature will direct the Board to make rules to carry out legislative policies and programs, but the Board will also engage in rulemaking to carry out its responsibilities to administer the K–12 education system in the state.

How are Board rules initiated?

Staff initiates the process of drafting new rules or amending existing rules when new legislation directs the Board to adopt rules or when existing rules are due for a five year review. In addition, a Board member, committee, or task force can follow procedures adopted by the Board to initiate Board consideration of a proposed rule to administer public education programs or change requirements for schools under the Board's jurisdiction.

Who prepares rules for consideration?

Board staff under the supervision of the Deputy Superintendent for Policy and Communications is responsible for working with other sections of the Board office to prepare rules for consideration. This includes drafting and editing the rules, formatting the rules for public consideration and filing, and coordinating the dissemination of public comment to members of the Board.

What is the process for adopting Board rules?

Each rule is first considered in a Board standing committee—either Finance, Law and Licensing, or Standards and Assessment. If the standing committee approves a rule, the committee forwards the rule with a positive recommendation to the full state board of education for consideration. If the standing committee disapproves of a rule, the full board may still consider the rule after the committee votes. If the full board approves of a rule, it has completed the necessary steps for adoption of the rule, but there is still a state mandated public comment process prior to finalization. The full Board only needs to vote once on a rule, but will frequently have a third and final vote as part of the adoption process.

Can the public offer comment during the rule adoption process?

Proposed rules are posted online while under consideration by the Board at <https://www.schools.utah.gov/adminrules/index>. The public has a few options to offer comment while a rule is proceeding through the committee and Board adoption process. First, the public can provide written comment. Written comment on any rule under consideration can be submitted to rule.comments@schools.utah.gov. Written comment can also be mailed to the Board if an interested person lacks internet access. All written comment is forwarded to the full Board to aid in their consideration of rules on the agenda. The public may also contact their elected Board representative to urge their support or opposition to a rule. Contact information for individual board members is provided

(continued)

at <https://www.schools.utah.gov/board/utah/members>. You may also contact all board members at once by sending an e-mail to board@schools.utah.gov.

Can the public provide verbal comments during Board Meetings?

If an interested person prefers to offer comment in person, when a rule is placed on a committee agenda for consideration, the committee will accept verbal comment from interested persons as time permits. Committees may circulate a sign-up sheet for a person to express interest in speaking to specific agenda items, and also will usually recognize members of the audience by raise of hand who wish to speak on a specific item. Additionally, the full Board has a time for public comment at the beginning of its monthly meetings where interested persons can offer comments to the Board on rule changes of interest. The public is encouraged to sign up in advance for general public comment by emailing the Board Secretary, Cybil Child, at cybil.prideaux@schools.utah.gov. The public may also sign the sign-up sheet for public comment prior to the meeting.

What happens after the Board adopts a rule?

After the Board adopts a rule, state law requires the Board to publish the rule in the State Bulletin. The State Bulletin is published twice a month by the Utah Office of Administrative Rules (OAR) <https://rules.utah.gov/>. Following publication, the public has an additional thirty days to offer comments to the Board prior to finalization of a rule. If there is no public comment,

the Board's staff will take steps to finalize the rule changes with the Office of Administrative Rules by filing a notice of an effective date.

Can the public offer comment after the Board adopts a rule?

During the public comment period after publication, the State Board of Education continues to welcome comment on a rule proposal using the rule.comments@schools.utah.gov email address or other written means of communicating with the Board. In addition, for some rules the Board holds a public hearing during the comment period to solicit additional feedback from the public. At a public hearing, comment is taken for at least an hour from interested persons who wish to influence the policy-making process.

When does the Board hold a public hearing to discuss a rule?

The Board holds a public hearing for a rule under three circumstances. First, the Board can voluntarily hold a hearing if it feels additional public comment would be beneficial to the rulemaking process. Second, the Board is required to hold a public hearing on a rule in limited circumstances where a state or federal law requires a hearing for the particular type of rule. Third, the Board must hold a hearing if it's requested by another state agency, 10 interested persons, or an interested association with a membership of not fewer than 10 individuals. Requesting a public hearing provides an additional opportunity to provide public comment if a large enough group is involved. Under any of these circumstances, the Board conducts a public hearing within 7–30 days of the hearing request and before the rule becomes final.

How can I file a request for a public hearing?

A request for a public hearing may be sent to the State Board of Education's Deputy Superintendent of Policy:

By E-mail:

elisse.newey@schools.utah.gov or

By mail:

Elisse Newey, Deputy Superintendent of Policy

250 East 500 South

P.O. Box 144200

Salt Lake City, UT 84114-4200

What happens to a proposed rule after a public hearing?

After a public hearing, the Board generally offers additional time for comments to be submitted in writing. The Board reviews the testimony offered at the public hearing and any further written comment submitted and can either finalize the rule as proposed, make additional changes to the rule, or reverse course and not adopt the rule change.

Is a Board rule permanent once the rule becomes effective?

Once finalized, a Board rule is generally effective for five years. A board member, staff, or the Legislature may also ask the Board to consider amendments at any time. After five years, a rule sunsets, or goes away if no action is taken to reconsider the rule. The Board staff monitors the Board's rules so that the Board can review each rule as it nears its five year lapse date. During this review, the Board may update the rule to reflect changing practices, may continue the rule as is, or may repeal the rule altogether.

