

1 **R277. Education, Administration.**

2 **R277-101. Public Participation in Utah State Board of Education Meetings.**

3 **R277-101-1. Authority and Purpose.**

4 (1) This rule is authorized by:

5 (a) Utah Constitution, [Article X, Section 3](#), which vests general control and
6 supervision over public education in the Board;

7 (b) [Title 52, Chapter 4](#), Open and Public Meetings Act, which directs that the
8 deliberations and actions of the Board be conducted openly;

9 (c) [Section 52-4-207](#), which allows the Board to adopt a rule governing the use of
10 electronic meetings; and

11 ([e]d) Subsection [53E-3-401\(4\)](#), which allows the Board to make rules to execute
12 the Board's duties and responsibilities under the Utah Constitution and state law.

13 (2) The purpose of this rule is to describe procedures to be followed by the Board
14 in its conduct of the public's business in order to:

15 (a) hear from those who desire to be heard on public education matters in the state;

16 (b) effectively and efficiently utilize the time of the Board; ~~and~~

17 (c) balance desire for public information with other demands on the Board's time[-];

18 and

19 (d) allow the Board to conduct electronic meetings as needed.

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21 **R277-101-2. Definitions.**

22 (1)(a) "Anchor location" means the physical location from which an electronic
23 meeting originates.

24 (b) The anchor location for an electronic meeting of the Board, unless otherwise
25 designated in the meeting notice, shall be the offices of the Utah State Board of Education,
26 250 East 500 South, Salt Lake City, Utah 84114.

27 (2) "Chair" means:

28 ([4]a) the duly elected Chairperson of the Board;

29 ([2]b) a Vice-chair when conducting a meeting of the Board; or

30 ([3]c) the Chair of a Board standing committee.

31 (3) "Electronic meeting" has the same meaning as defined in Section [52-4-103](#).

32
33 **R277-101-3. Public Participation.**

34 (1) The general public may attend meetings of the Board, unless a meeting is closed
35 in accordance with Section [52-4-204](#).

36 (2) The general public may speak to the Board regarding any issue when
37 acknowledged and recognized by the Board Chair during scheduled public comment.

38 (a) The chair may give priority to an individual or group who submits a written
39 request to address the Board prior to the meeting, including a brief description of the issue
40 to be addressed.

41 (b) The Board may not take action during the public comment portion of a meeting.

42 (c) A Board member may request that an item raised during public comment be
43 placed on a future agenda for possible action in accordance with Board bylaws.

44 (d)(i) The Chair may limit the time available for individual comments.

45 (ii) The Chair may request groups to designate a spokesperson.

46 (iii) The Board shall include in its meeting agenda the amount of time set aside for
47 public comment and the restrictions on individual speakers or group spokespersons.

48 (3)(a) A member of the general public may speak to items on the agenda:

49 (i) during the time designated for public comment; or

50 (ii) at the discretion of and as invited by the Chair, when the item is properly before
51 the Board or a committee.

52 (b) The Chair may request that public comment be provided in writing.

53 (4) All presentations to the Board or one of its committees shall exemplify courteous
54 behavior and appropriate language.

55 (5) The Chair may invite additional comment to the Board or a committee in the
56 Chair's discretion.

57 (6) In accordance with Subsection [52-4-202](#)(6)(b), at the discretion of the Chair, the
58 Board may discuss a topic raised by the public in an open meeting even if the item was not

59 included in the public meeting notice.

60 (7) At the discretion of the Chair, a member of the public may request to comment
61 in the committee meeting by raise of hand.

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63 **R277-101-4. Electronic Meetings.**

64 (1) The Board may conduct electronic meetings in accordance with the requirements
65 set forth in Subsection [52-4-207](#)(3).

66 (2)(a) The Board may allow a member of the Board or member of the public to
67 participate in a Board meeting electronically consistent with available equipment capability.

68 (b) The chair shall announce the participation of an individual participating in an
69 electronic meeting and the Board secretary shall note the individual's participation in the
70 meeting minutes.

71 (3) If the Board conducts an electronic meeting a quorum of the Board shall be
72 present at a single anchor location for the meeting.

73 (4) Notwithstanding Subsection (3), the Board chair may waive the requirement that
74 a quorum be present at a single anchor location in the event of a pandemic or other public
75 [health] emergency so long as a quorum is present, either physically at the anchor location,
76 or electronically, for the meeting.

77 (5) If the Board conducts an electronic meeting, any member may participate and
78 vote electronically, so long as the Board meets quorum requirements.

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80 **KEY: school boards, open government, electronic meetings**

81 **Date of Enactment or Last Substantive Amendment:**

82 **Notice of Continuation: June 6, 2017**

83 **Authorizing, and Implemented, or Interpreted Law: Art X Sec 3; 52-4-1; 53E-3-401(4);**

84 **52-4-207**