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1100 BOARD LEGAL STATUS: POWERS AND DUTIES

Legal Status Political Subdivision of the State of Utah.

The Weber School District is a political subdivision of the State of Utah

and entitled to the full extent of sovereign immunity of the State.

Utah Constitution, Article XI, Section 8

Martinez v. Board of Education of Emery County School District, 724 F.

Supp. 857 (D. Utah 1989)

Body Corporate The Board of Education is a body corporate under the name of the Board of

Education of Weber School District and has an official seal used in the authentication of all required matters. The Board may sue and be sued, and may take, hold, lease, sell, and convey real and personal property as the

interests of the school may require. Utah Code 53A-3-401

Promote The Board has the legal power and duty to do all things necessary for the maintenance, prosperity and success of the schools and the

promotion of education and to exercise all powers given by statute.

Utah Code 53A-3-402(20)

Govern It is the province of the Board of Education to determine what things are

detrimental to the successful management, good order, and discipline of the

schools and the rules required to produce these conditions."

Beard v. Board of Education, 16 P.2d 900 (Utah 1932)

Adopt Rules Adopt such rules, regulations, policies, and bylaws for control and

management of the district schools. These shall be in writing, filed, and

referenced for public access. Utah Code 53A-3-402

Set Tax Rates Establish tax rates each year prior to June 22 and submit the proposed rate

to the Weber County commissioners.

Utah Code 53A-16-106

Evaluate Progress Use progress-based assessment as part of a plan to identify schools,

teachers, and students than need remediation. Develop early warning systems for students failing to make progress. Establish a library of documented best practices. Implement training programs for school

administrators. Utah Code 53A-3-402

Annual Budget Prepare, adopt, and file a budget for the next succeeding fiscal year with the

Weber County commissioners prior to June 22 of each year. *Utah Code* 53A-16-106 Spend minimum school program fund for programs and activities for which the State Board of Education has established minimum

standards or rules. *Utah Code 53A-3-402*

Federal Programs Administer and implement federal educational programs in accordance

with Title 53A, Chapter 1, Part 9, Implementing Federal Programs Act.

Utah Code 53A-3-402

Annual Audit Have District fiscal accounts audited by an independent auditor and filed

with the USOE by October 1. Utah Code 53A-3-404

Bequests Receive bequests and donations or other monies or funds which are made

for educational purposes. Utah Code 53A-1-406

Eminent Domain Exercise the right of eminent domain to acquire property.

Board of Education of South Sanpete School District v. Barton, 617 P.2d

347 (Utah 1980)

Property Titles Hold all rights and titles to the school property of the District, whether real

or personal. Utah Code 53A-3-401

Employ Personnel Employ by contract a superintendent, principals, teachers, or other

executive officers and set salary schedules therefore.

Utah Code 53A-3-411

Weber School District does not discriminate on the basis of handicap in its educational programs, activities and employment practices as required by Section 504 of the Rehabilitation Act of 1973. Neither does the Board policy advocate, permit or practice discrimination on the basis of race, creed, color, national origin, religion, age, sex or any other condition as required by various state and federal laws. Equal opportunity is a priority

of the Board.

Close Schools Close the schools or suspend operation if necessary.

Allen v. Board of Education Weber School District, 236 P.2d 756 (Utah

1951)

Core Curriculum Implement the core curriculum and administer tests required by the State

Board of Education. Utah Code 53A-3-40

Emergency Adopt and implement a comprehensive emergency response plan

Response Plan to prevent and combat violence in its schools.

Utah Code 53A-3-402

Traffic Safety Establish for each school year a school traffic safety committee.

Committee Utah Code 53A-3-402

Indemnification of Board member shall be defended, held harmless and indemnified against all

demands, claims, suits, actions, and legal proceedings brought against them

while acting in their official capacities as members of the Board of

Education



BOARD MEMBERS: ELIGIBILITY AND QUALIFICATIONS

General Qualifications

1110

The Board shall consist of seven members; one member shall be elected from each school board precinct. The term of office for an elected member shall be four years beginning on the first Monday in January following the election. Board members must:

- 1. Reside in the District.
- 2. Be a registered voter in the local school board precinct from which the member is elected or appointed.
- 3. Take the constitutional oath of office.
- 4. A member of the Board may not, during the member's term of office, also serve as an employee of the Board. *Utah Code 20A-14-203*

Oath

I do solemnly swear (or affirm) that I will support, obey and defend the Constitution of the United States and the Constitution of Utah, and that I will discharge the duties of my office with fidelity.

Utah Constitution Art. IV, 10

Candidacy

An individual may become a candidate for school board by filing a declaration of candidacy with the county clerk and paying the appropriate fee. *Utah Code 20A-14-203*

Term of Office

The board member term of office shall be four years, except as required because of reapportionment. *Utah Code 20A-14-201*

Precincts

The seven members of the Weber Board of Education shall be elected from each of the following precincts:

- Weber Board 1 Farr West #2; Harrisville #1, #2, #3, #4; North Ogden #1, #3, #4; Pleasant View #1, #2, #3, #4, #5, #6.
- Weber Board 2 Roy #10, #11, #12, #13, #14, #15, #16, #17, #18, #19, #20, #21, #22, #23; Weber County Roy #2.
- Weber Board 3 South Ogden #1, #2, #3, #4, #5, #6, #7, #8, #9, #10, #11, #12, #13; Uintah #1; Weber County Unincorporated #1, #2, #3.
- Weber Board 4 Farr West #1; Hooper #1, #2, #3; West Weber #1; Marriott/Slaterville #1; Plain City #1, #2, #3; Taylor #1; Warren #1; Weber County Ogden #1; Weber County Plain City #1; West Haven #1, #2, #3.

Weber Board 5 – Riverdale #1, #2, #3, #4, #5; Washington Terrace #1, #2, #3, #4, #5, #6, #7.

Weber Board 6 – Ogden Canyon #1; Huntsville #1, #2; North Ogden #2, #5, #6, #7, #8, #9, #10, #11, #12; Valley #1, #2, #3.

Weber Board 7 – Hooper #4, Roy #1, #2, #3, #4, #5, #6, #7, #8, #9, #24; Weber County Roy #1.

Weber County Commission Resolution Amended June 22, 2002

Student Member

A high school student may submit a petition to be appointed a student member by the Board. The petition shall have the signatures of at least 500 students regularly enrolled in high school in the District. A student member can participate in all board meetings as a nonvoting member, except executive sessions. A student member is not liable for any acts of the governing board. A student member's term is for one year, beginning July 1. A student board member is entitled to expenses under 53A-3-202. *Utah Code 20A-14-206*

Vacancies on the Board

In the event a vacancy on the Board occurs at least 14 days before the deadline for filing a declaration of candidacy; the Weber Board of Education shall fill the vacancy by appointment. The Board must fill the vacancy within 30 days after it occurs, or the Weber County Commission shall fill the vacancy by appointment. Before appointing a person to fill a vacancy, the Board shall give public notice of the vacancy and the pending appointment. The public notice shall be given at least two weeks before the Board meeting at which the vacancy will be filled and include information regarding (1) the date, time, and place of the Board meeting at which the vacancy will be filled, and (2) the person to whom an interested person may submit his or her name for consideration for appointment to fill the vacancy and any deadline for that submission.

Utah Code 20A-1-511

Removal from Office

Board members shall be subject to removal as provided, upon being convicted of a felony, an indictable misdemeanor, a misdemeanor involving moral turpitude or malfeasance in office.



1120 BOARD MEMBERS: ORGANIZATION

Election of Officers At the first board meeting in January following the November board

election, the Board shall elect a president and a vice president whose terms of office are for two years and until their successors are elected. An officer may be removed from office for cause by a vote of two-thirds of the Board.

Utah Code 53A-3-201

Duties of the President

The President presides at all meetings of the Board, appoints all committees, and signs all warrants ordered by the Board. If the President is absent or disabled, these duties are performed by the Vice President. If both the President and Vice President are absent, but a quorum of the Board is present, the members present shall choose a member to conduct the

meeting. Utah Code 53A-3-204

Ad Hoc and Standing Committees The President may appoint ad hoc and standing committees comprised of three or less board members. Committees investigate and give advise, but cannot take official action for the Board of Education.

Meeting Agenda The a

The agenda of the Board of Education shall be prepared by the Superintendent in consultation with the Board President. Any board member may have items placed on the agenda by notifying the President or the Superintendent.

Rules of Order

The Board shall adopt its own rules of order for conducting a meeting. The President has the right to make a motion or second a motion.

Individual Authority

Members of the Board shall have authority only when acting as a Board legally in session. The Board shall not be bound by any statement, commitment, or action on the part of individual members except when such is granted by resolution of the Board.

Policies

The Board should regularly review its policies and keep them up to date. Policy proposals and suggested amendments or revisions of existing policies shall be submitted in writing to all board members prior to a regularly scheduled Board Meeting in which such proposals shall be read and discussed. A vote for adoption shall take place at a subsequent meeting of the board. Development of all such policy proposals shall include to the fullest extent possible deliberative discussions with all persons to be affected. Any Board Policy not established by law or contract may be temporarily suspended by a majority vote of board members present at a regular or special meeting.



1121 **BOARD MEMBERS: COMPENSATION AND EXPENSES**

Compensation Each member of the board, except the student member, shall receive \$3,000

per year as compensation for services. Members shall also receive

compensation for necessary expenses on the same basis as members of the

State Board of Education. *Utah Code 53A-3-202(1)*

Expenses Each member will receive an additional per diem for attendance at

> meetings and activities related to any business of the board, not to exceed 12 per year. Board members shall also be compensated for necessary expenses incurred by them on behalf of the School District in the discharge

of their duties as board members.

Utah Code 53A-3-202(2)

Insurance Board members may participate in any group insurance plan provided to

employees of the school district as part of their compensation.

Utah Code 53A-3-202(3)

Retirement For purposes of Utah Retirement Systems (URS) coverage, the School (for Tier 2 employees)

District classifies all elected officials as part-time. Eligibility for retirement

coverage under Utah Retirement Systems shall be administered in

accordance with the statutory rules governing Utah Retirement Systems.



1122 BOARD EVALUATION

- 1. In January of each year, the Weber School Board will meet to define yearly goals, re-evaluate its mission statement and implement new goals and changes.
- 2. The Board will complete a self-evaluation in January every other year on non-election years (beginning in 1995). The evaluation will be completed by the Board Members.
- 3. Optional input from staff and community can be randomly selected for total evaluation of the Board.

Approved by the Board 05/17/1995



Meeting Defined

Meeting means the convening of the board, with a quorum present, including a workshop or an executive session whether the meeting is held in person or by means of electronic communications, for the purpose of discussing or acting upon a matter over which the board has jurisdiction or advisory power.

Meeting does not mean: a chance meeting; a social meeting; or the convening of the board where no public funds are appropriated for expenditure during the time the board is convened and (a) the board is convened solely for the discussion or implementation of administrative or operational matters for which no formal action by the board is required; or (b) the board is convened solely for the discussion or implementation of administrative or operational matters that would not come before the board for discussion or action.

Quorum

A quorum is four or more members of the board. *Utah Code* 52-4-103(10)

Utah Code 52-4-103(4)

Closed Meeting

A closed meeting may be held if a quorum is present and two-thirds of the members present vote to approve closing the meeting. The reason(s) for holding the meeting, the location of the meeting, and the vote by each member shall be publicly announced in the open meeting. A closed meeting may only be held for: (a) a discussion of the character, professional competence, or physical or mental health of an individual; (b) strategy sessions to discuss collective bargaining; (c) strategy sessions to discuss pending or reasonably imminent litigation; (d) strategy sessions to discuss the purchase, sale, exchange, or lease of real property; (e) discussion regarding deployment of security personnel, devices, or systems; or (f) investigative proceedings regarding allegations of criminal misconduct. *Utah Code* 52-4-204-5

Open Meeting Recordings and Minutes

Written minutes and a recording shall be kept of all open board meetings except site visits or traveling tours where no vote or action is taken by the Board. Such recording and minutes shall include: (1) The date, time and place of the meeting; (2) The names of members present and absent; (3) The substance of all matters proposed, discussed, or decided, and a record, by individual member, of votes taken (no vote shall be taken by secret ballot); and (4) The names of all citizens who appeared and a brief summary of their testimony. The recording shall be unedited. *Utah Code* 52-4-203(1-2)

Notice of Meeting

At least once each year, the Board shall give public notice of its annual meeting schedule. In addition, the Board shall provide public notice of each meeting at least 24 hours in advance of the meeting. The notice shall specify date, time and place of the meeting. The agenda shall be sufficiently specific to notify the public of the topics to be considered at the Board meeting. The Board may not take action on any topic that was not listed under an agenda item. Public notice shall be given by (1) Posting written notice at the Board office; and (2) Providing notice to a newspaper of general circulation within Weber County, or to a local media correspondent.

Utah Code 52-4-202

Emergency Meeting In case of emergency or urgent public necessity which renders it impractical to give the notice identified above, the best notice practicable shall be given. No such emergency meeting of the Board shall be held unless an attempt has been made to notify all members and a majority of the members vote in the affirmative to hold the meeting.

Utah Code 52-4-202(5)

Annual Budget Meeting

In addition to the public notice requirements, the Board shall do the following for the annual budget meeting: (1) Publish the required newspaper notice at least one week prior to the hearing; and (2) File a copy of the proposed budget with the Board's business administrator for public inspection at least ten days prior to the hearing. If the proposed budget includes a tax rate in excess of the certified tax rate, or if the Board is meeting to consider whether to adopt a tax rate in excess of the certified tax rate, the Board shall provide the notices and schedule the meeting as required by Utah Code 59-2-919.

Utah Code 53A-19-102

Closed Meeting Recordings and Minutes

Except when the reason for closing the meeting is for discussion of personal information or security issues, a recording shall be kept of all closed meetings and written minutes may be kept. Such recordings shall include: (1) The date, time and place of the meeting; (2) The names of members present and absent; and (3) The names of all others present except where such disclosure would compromise the confidential nature of the issues being discussed or otherwise infringe the privacy rights of the others present. Where the meeting is closed for discussion of personal information or security issues, the meeting shall not be recorded and no minutes shall be kept. All recordings and minutes of closed meetings are designated as "Protected Records" under the Government Records Access Management Act.

Utah Code 52-4-206

Electronic Meetings

A board meeting may be held as an electronic meeting upon the request of a board member at least three days prior to the time that the board meeting is scheduled. Such electronic means may include communications by telephone, telecommunications, computer, or similar methods of remote communication. Space shall be provided at the primary location of an electronic meeting to permit members of the public to attend and monitor the electronic meeting. Monitor means to hear or see all statements made by each board member in the meeting (by speaker, computer screen, or other medium).' Participate means to be able to communicate with all board members in the meeting, such that each board member can hear or see the communication. Members of the public are not entitled to monitor or attend electronic meetings except through the space and facilities provided at the primary location. (Members of the public cannot request an electronic meeting and do not have the right to be remotely connected to a Board meeting except as so noted.) *Utah Code* 52-4-207

Public Appearance at Board Meeting

The Board of Education welcomes all persons interested in agenda items at Board meetings. During the meeting, individuals or groups may address the Board concerning any agenda item subject to the following rules:

- 1. Any discussion may be limited in time at the discretion of the Board President.
- 2. Board members may question speakers in order to clarify the discussion.
- 3. No person shall discuss complaints against individual employees of Weber School District.
- 4. Individuals making presentations shall be courteous and proper. Any person who is abusive or who disrupts the meeting may be removed.
- 5. Persons wishing to have an item placed on the agenda should make a written request to the Superintendent at least one week in advance of the Board meeting.

SUPERINTENDENT

Appointment

The Board shall appoint a District Superintendent of Schools who serves as the Board's chief executive officer. The term of office is for two years and until a successor is appointed and qualified. The Board shall set the superintendent's compensation for services. The superintendent qualifies for office by taking the constitutional oath of office. The selection procedures for the position of superintendent shall be the sole responsibility of the Board of Education.

Utah Code 53A-3-301

SUPERINTENDENT

Qualifications

The Board shall appoint the superintendent on the basis of outstanding professional qualifications. The Superintendent shall hold an administrative/supervisory license issued by the State Board of Education. However, the Board of Education may request, and the State Board of Education may grant, a letter of authorization permitting a person with outstanding professional qualifications to serve as superintendent without holding an administrative/supervisory license.

Utah Code 53A-3-301

Responsibilities

The superintendent shall:

- 1. Set an exemplary standard to promote educational excellence and work harmoniously with the Board to set educational goals and objectives reflecting the philosophy of the Board.
- 2. Review and evaluate all aspects of the District's educational program, including facilities, and report any areas of concern or potential problems.
- 3. Implement Board policies.
- 4. Formulate administrative regulations designed to interpret and carry out Board policies.
- 5. Have the power to act in the absence of Board policy.

Evaluation

The Board shall make a written evaluation of the superintendent during the term of his/her contract. In its sole discretion, the Board may evaluate the superintendent on a more frequent basis.



1150 BUSINESS ADMINISTRATOR

Appointment

The Board shall appoint a Business Administrator to a term of office for two years and until a successor is appointed and qualified. The business administrator qualifies for office by taking the constitutional oath of office and by posting any required bond or undertaking.

Utah Code 53A-3-302

Responsibilities

Subject to the direction of the District's Superintendent, the Business Administrator shall:

- 1. Be custodian of all District funds, be responsible and accountable for all money received and disbursed, keep accurate records for all revenues received and their sources;
- 2. Countersign with the Board President all warrants and claims against the District as well as other legal documents approved by the Board;
- 3. Attend all meetings of the Board, keep an accurate record of its proceedings, and have custody of the seal and records;
- 4. Prepare and submit to the Board each month a written report of the District's receipts and expenditures;
- 5. Use uniform budgeting, accounting, and auditing procedures in forms approved by the State Board of Education;
- 6. Prepare and submit to the Board a detailed annual statement for the period ending June 30, or the revenue and expenditures, including beginning and ending fund balances:
- 7. Assist the superintendent in the preparation and submission of budget documents and statistical and fiscal reports required by law or the State Board of Education; \
- 8. Insure that adequate internal controls are in place to safeguard the district's funds; and
- 9. Perform other duties as the superintendent may require. *Utah Code 53A-3-303*

Evaluation

The Board shall make a written evaluation of the business administrator during the term of his/her contract. In its sole discretion, the Board may evaluate the business administrator on a more frequent basis.



1151 **DISTRICT ANNUAL REPORTS**

Fiscal year

The District's fiscal year begins on July 1 and ends on June 30.

Fiscal Audit and Report

The District's accounts shall be audited annually by an independent auditor who is a competent certified public accountant. The audit shall be conducted and the report prepared according to the requirements of Utah Code. Copies of the audit report shall be submitted as follows:

- 1. A copy of the audit report to the State Superintendent by October 1.
- 2. After any necessary audit adjustments are made to the audit report and verified by the auditor or auditors, the completed audit report shall be delivered to the State Superintendent by November 30.
- 3. A copy of the completed audit report shall be filed with the State Auditor no later than December 31. Utah Code 51-2a-102; 51-2a-201; 51-2a-202; 51-3-404

Other Statistical And Financial Reports

The District shall forward statistical and financial reports for the preceding school year, containing items required by law or by the State Board of Education, to the State Superintendent at the times and in the forms that contain the information required by the State Board of Education.

Utah Code 53A-3-403; 53A-3-404 Utah Admin, Rules R277-484-1

Annual Letter of Assurances

Unless authorization for later submission has been obtained from the State Office of Education, by October 1 or each year, the Board shall send the State Superintendent the letter containing the assurances required by State Office of Education regulations.

Utah Admin. Rules R277-108-4 & 5



1160 LEGAL COUNSEL

Attorney General Opinions

Upon request by the state superintendent, the attorney general shall issue written opinions on questions of law. *Utah Code 53A-1-303*

District Legal Counsel

The Board may appoint an attorney to give legal counsel and represent the Board and School District as needed. Additional attorneys may be appointed to represent the district in specialized areas.

Appointment

Appointment of an attorney shall be made as follows:

- 1. After reviewing written Request for Proposals to render legal services, the Board will interview the attorney/firm with the most favorable proposals.
- 2. Appointment of an attorney/firm will be for a four-year period. The fee structure submitted by the attorney/firm selected will be in effect for the four years. Changes to the proposed fee structure may be allowed during the appointment period as a result of inflation in an amount not to exceed each year's inflation rate as agreed upon by the attorney and the Board.
- 3. The Board and superintendent will review the services provided by the attorney/firm, and may decide that the attorney/firm be appointed for a second 4-year period.
- 4. The Board may terminate the services of legal counsel at any time the Board determines that the services rendered are not satisfactory.
- 5. A new Request for Proposal must take place at the end of two consecutive appointments totaling eight years.



1170 WEBER SCHOOL DISTRICT STRATEGIC PLAN

Our Vision

We envision a child-centered school district where each student is given multiple opportunities to achieve his/her academic, social, emotional, and physical potential in a safe, nurturing environment; where caring employees are committed to excellence based on best practices in instruction; and where educators, parents and community members are full partners in the education of children.

Our Mission

Weber School District is committed to providing educational experiences that motivate each student to become a lifelong learner, attain academic and personal potential, and enter the work force with the necessary skills.

We Believe that:

- ✓ there are competencies that every student must have in order to be successful.
- ✓ each child can learn.
- ✓ each child is important and unique.
- ✓ there is a direct relationship between expectations and achievement.
- ✓ everyone has the right to feel physically and emotionally safe at school.
- ✓ integrity and trust are essential to positive interaction.
- ✓ communication is essential for understanding; understanding is essential for communication.
- ✓ diversity strengthens the individual, the school, and the community.
- ✓ the family should be the primary influence on individual and social well-being.
- ✓ a well-trained, professional teacher is the most important resource in a child-centered classroom environment.
- ✓ the support staff is an integral and essential component of the school system.
- ✓ education is a shared responsibility of the student, parents, educators, and the community.
- ✓ people support, value, and respect what they help to create.
- ✓ planning, both long and short term is essential to maximize available resources.

 Based on input from parents and community, these competencies are in the area of:
 - Self Image
 - Academics
 - Service
 - ❖ Tools for Life and Learning
 - * Responsible Citizenship

Our Goals for the Future:

- 1. To provide all students with a relevant and comprehensive instructional program directed by their individual Student Education Plan (SEP) through elementary school and Student Educational Occupation Plan (SEOP) in secondary schools.
- 2. To ensure that all students master specified competencies prior to graduation.
- 3. To utilize technology to support teaching and learning.
- 4. To provide a safe, orderly, and positive environment conducive to teaching and learning.
- 5. To attract and maintain a diverse staff of competent, dedicated, caring professionals.
- 6. To promote involvement of all segments of the community as partners in the education of children.
- 7. To communicate effectively
- 8. To responsibly address financial needs of the school system and maximize utilization of sources.
- 9. To continue strategic planning to achieve district goals.