

Duchesne County School District - Policy Proposal

1.0110.01 Open Time

Existing Policy	Proposed Policy
<p data-bbox="110 415 375 443">BOARD MEETINGS</p> <p data-bbox="110 485 594 512"><i>Issue Date: 8/10/05 Updated: 2/13/20 BE</i></p> <p data-bbox="110 554 315 581">Meeting Defined</p> <p data-bbox="110 623 797 1031">“Meeting” means the convening of the Board with a quorum present, whether in person or by means of electronic equipment, for the purpose of discussing, receiving public comments about, or acting upon a matter over which the Board has jurisdiction, including a workshop or executive session. However, a “meeting” does not include a chance or social gathering; or meetings where no funds are appropriated for expenditure and board members are convened solely to discuss administrative or operational matters which do not require formal action or would not come before the Board for discussion or action.</p> <p data-bbox="110 1073 488 1100"><i>Utah Code § 52-4-103(6) (2017)</i></p> <p data-bbox="110 1142 488 1169">Rules of Order and Procedure</p> <p data-bbox="110 1211 797 1864">The Board meets in accordance with its approved published schedule; special sessions may be scheduled when necessary. All meetings are announced to the public regarding time and place and are conducted openly for all. (The Board may go into executive sessions from which the public is excluded, but no official business may be finally approved during such time.) Anyone may attend the board meetings, but participation is restricted to those on the agenda; or, individuals may address the Board during open time. To be placed on the agenda, interested parties must contact the Superintendent at least one week prior to the meeting and provide an outline of information pertaining to the topic of interest. Three members of the Board constitute a quorum at all regular and special meetings and it is necessary for a majority of the members to concur before an action of the board becomes policy. Roberts Rules of Order govern the parliamentary procedure of meetings when not in conflict with adopted rules and regulations.</p>	<p data-bbox="828 415 1092 443">BOARD MEETINGS</p> <p data-bbox="828 485 1312 512"><i>Issue Date: 8/10/05 Updated: 2/13/20 BE</i></p> <p data-bbox="828 554 1032 581">Meeting Defined</p> <p data-bbox="828 623 1515 1031">“Meeting” means the convening of the Board with a quorum present, whether in person or by means of electronic equipment, for the purpose of discussing, receiving public comments about, or acting upon a matter over which the Board has jurisdiction, including a workshop or executive session. However, a “meeting” does not include a chance or social gathering; or meetings where no funds are appropriated for expenditure and board members are convened solely to discuss administrative or operational matters which do not require formal action or would not come before the Board for discussion or action.</p> <p data-bbox="828 1073 1206 1100"><i>Utah Code § 52-4-103(6) (2017)</i></p> <p data-bbox="828 1142 1206 1169">Rules of Order and Procedure</p> <p data-bbox="828 1211 1515 1864">The Board meets in accordance with its approved published schedule; special sessions may be scheduled when necessary. All meetings are announced to the public regarding time and place and are conducted openly for all. (The Board may go into executive sessions from which the public is excluded, but no official business may be finally approved during such time.) Anyone may attend the board meetings, but participation is restricted to those on the agenda; or, individuals may address the Board during open time as defined below. To be placed on the agenda, interested parties must contact the Superintendent at least one week prior to the meeting and provide an outline of information pertaining to the topic of interest. Three members of the Board constitute a quorum at all regular and special meetings and it is necessary for a majority of the members to concur before an action of the board becomes policy. Roberts Rules of Order govern the parliamentary procedure of meetings when not in conflict with adopted rules and regulations.</p>

Upon a two-thirds vote, the Board of Education may expel a member of the Board from an open public meeting of the Board for:

1. Disorderly conduct at the meeting;
2. The member's direct or indirect financial conflict of interest regarding an issue discussed at or action proposed to be taken at the meeting; or
3. Commission of a crime during the meeting.

The Board of Education may also adopt rules that expand the reasons for expelling a Board member from an open public meeting or which establish more restrictive procedures for such expulsion.

Utah Code § 53A-3-106(5))(2015)

Open to the Public

Every meeting of the Board shall be open to the public unless closed pursuant to Utah Code Ann. §§ 52-4-204, 52-4-205, and 52-4-206.

Utah Code § 52-4-201(1) (2006)

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Open Time

The Duchesne County School Board values appropriate feedback and input from the community. At open meetings other than work sessions or emergency meetings, the board shall place "open time" on the agenda of any of its regularly scheduled meetings to allow a reasonable opportunity for the public to provide verbal comments that are germane to the authority of the local school board.

This is an opportunity for individuals to voice their thoughts to the board regarding a certain issue. Those who want to speak should sign up prior to the start of the meeting. The board member conducting the meeting may invite individuals to address the board in a dignified and appropriate manner. The board member conducting the meeting may limit public verbal and written comments to topics that are germane to the authority of the local school board and may limit the amount of time each person is allowed to speak. Individuals addressing the board need to stay within the specified parameters outlined at the beginning of open time.

By allowing public comment during "open time", the Board does not endorse any such comment. Therefore, persons providing comments bear any and all legal liability which may arise under governing law from making such

Public Hearing

A public hearing is an open meeting at which members of the public are given a reasonable opportunity to comment on a subject of the meeting. Generally, the Board will determine whether a Board meeting will include a public hearing. However, the Board shall hold a public hearing when considering whether to close a school or change the boundaries of a school, when submitting a ballot issue regarding bond authorization or a tax increase, when considering the adoption of the District budget, before authorizing issuance of bonds, and when considering changes to the Board member compensation schedules, as required by statute.

Utah Code § 11-14-318 (2008) Utah Code § 53A-3-402(21) (2019) Utah Code § 53A-19-102(2) (2019)

Utah Code § 53A-3-202(2) (2019) Utah Code § 59-1-1605 (2016)

comments. For example, defamatory comments about specific individuals may expose the commenter to legal liability from those individuals; similarly, threats of violence towards other individuals may expose the commenter to prosecution.

The open time period is to allow members of the public to provide input to the Board in its capacity as a legislative body. Open time is not a forum for discussion or debate between the Board and members of the public. The Board may choose to not engage in discussion during open time, but may later follow up on comments made during open time.

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