

## 1110 BOARD MEMBERS: ELIGIBILITY AND QUALIFICATIONS

### I. PURPOSE AND PHILOSOPHY

Weber School District (WSD) is committed to providing educational experiences which motivate each student to become a lifelong learner, attain academic and personal potential, and enter the workforce with the necessary skills. The District fulfills this commitment by having a collaborative relationship between Weber School District Board members, the Superintendent, teachers, administrators, parents, and the community. The WSD Board of Education is composed of elected or appointed public officials who manage various functions of the public schools within the District.

### II. POLICY

This policy is intended to outline eligibility, qualifications, ethics review, and removal from office of a District Board member.

### III. DEFINITIONS

- A. "Board" as used in this policy, means the WSD Board of Education.
- B. "Board member" as used in this policy, means a member of the WSD Board of Education.
- C. "Commission" means the Political Subdivisions Ethics Review Commission established in Utah Code §63A-15-201.
- D. "Complainant" means a person who files a complaint in accordance with Utah Code §63A-15-501.
- E. "Ethics violation" means a violation of:
  - 1. [Title 10, Chapter 3, Part 13, Municipal Officers' and Employees' Ethics Act](#);
  - 2. [Title 17, Chapter 16a, County Officers and Employees Disclosure Act](#); or
  - 3. [Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act](#).
- F. "Political subdivision officer" means a person elected in a political subdivision who is subject to:
  - 1. Title 10, Chapter 3, Part 13, Municipal Officers' and Employees' Ethics Act;
  - 2. Title 17, Chapter 16a, County Officers and Employees Disclosure Act; or
  - 3. Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act.
    - i. "Political subdivision officer" does not include:
      - a. a person elected or appointed to a state entity;
      - b. the governor;
      - c. the lieutenant governor;

- d. a member or member-elect of either house of the Legislature; or
- e. a member of Utah's congressional delegation.

#### IV. GENERAL QUALIFICATIONS

##### A. The Board shall consist of seven members.

##### 1. The seven members of the Weber Board of Education shall be elected from each of the following precincts:<sup>1</sup>

- i. Weber Board 1: Farr West #1, #2; Harrisville #1, #2, #3, #4; North Ogden #12, #13; Pleasant View #1, #2, #3, #4, #5, #6, #7, #8, #9, #10, #11; County North Ogden/Pleasant View #2, #5.
- ii. Weber Board 2: Roy #1, #2, #3, #4, #7, #8; West Haven #1, #2, #3, #4, #5, #6, #7, #8, #10, #12; County West Side #5, #6, #8, #9.
- iii. Weber Board 3: South Ogden #1, #2, #3, #4, #5, #6, #7, #8, #9, #10, #11; Uintah #1, #2; Washington Terrace #1, #2; County South Ogden/Uintah #1, #2.
- iv. Weber Board 4: Plain City #1, #2, #3, #4, #5; Marriott/Slaterville #1, #2, #3, #4; Farr West # 3, #4, #5; County West Side #1, #2, #3, #4, #7; Hooper #10, #11, #12, #20, #21, #22, #31.
- v. Weber Board 5: Riverdale #1, #2, #3, #4; Washington Terrace #3, #4, #5; Roy #12, #13, #14, #18, #22, #23.
- vi. Weber Board 6: County Ogden Valley #1, #2, #3, #4, #5, #6; North Ogden #1, #2, #3, #4, #5, #6, #7, #8, #9, #10, #11, #14; County North Ogden/Pleasant View #3, #4; Huntsville #1.
- vii. Weber Board 7: Roy #5, #6, #9, #10, #11, #15, #16, #17, #19, #20, #21#24; West Haven #9, #11; Hooper #30.

##### B. The term of office for an elected member shall be four years beginning on the first Monday in January following the election.

##### C. Each Board member shall:

- 1. Maintain primary residence within the Board District from which the member was elected or appointed during their term of office.
- 2. Be and remain a registered voter in the Board District from which the member is elected or appointed.
- 3. Take the constitutional oath of office under Subsection (V)(A)(3)(i).
- 4. A member of the Board may not, during the member's term of office, also serve

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<sup>1</sup> According to Weber County Official Election Map 2021, <https://weber.maps.arcgis.com/apps/View/index.html?appid=1ce1c29bcd974867bf63ad48ff736b92>

as an employee of the Board, pursuant to Utah Code §20A-14-202(4).

## V. CANDIDACY

### A. Declaration of Candidacy

1. An individual may become a candidate for the Board by filing a declaration of candidacy with the county clerk during the declaration of candidacy filing period described in Utah Code §20A-9-201.5, and paying the appropriate fee described in Utah Code §20A-9-202.
2. The term of office for an individual elected to the Board is four years.
  - i. A member of the Board shall serve until a successor is:
    - a. elected; or
    - b. appointed and takes or signs the constitutional oath of office, identified in the subsequent section.
3. Oath of office:
  - i. 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*

### B. Candidacy Qualifications

1. An individual seeking election to the Board shall have been a resident of this District for at least one year immediately preceding the date of the general election at which the Board position will be filled.
2. A person who has resided within the Board District, as the boundaries of the District exist on the date of the general election, for one year immediately preceding the date of the election shall be considered to have met the requirements of this section.

### C. Student Petition for Student Member on School Board<sup>2</sup>

1. A high school student may submit a petition to be appointed a student member of the Board.
2. The petition shall have the signatures of at least 500 students regularly enrolled in high school in the District or at least 10% of the number of students regularly enrolled in high school in the District, whichever is less.
3. Upon receipt of petition, the Board may appoint a nonvoting student member to serve a one-year term on the Board as an addition to the number of regular members authorized by law.

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<sup>2</sup> Utah Code §20A-14-206.

- i. A student member's term begins July 1st and ends on June 30th of the following year.
4. A student Board member shall be enrolled in a high school in the District and may be less than 18 years old.
5. A student Board member may participate in all Board meetings, except executive sessions.
6. A student Board member shall receive the same expense allowance granted to other Board members under Utah Code §53G-4-204.
7. A student Board member is not liable for any acts of the governing Board.

## VI. SCHOOL BOARD VACANCY

- A. In the event a vacancy on the Board occurs at least 14 days before the deadline for filing a declaration of candidacy; the Board shall fill the vacancy by appointment<sup>3</sup>.
  1. The Board must fill the vacancy within 30 days after it occurs, or the Weber County Commission shall fill the vacancy by appointment.
- B. Before appointing a person to fill a vacancy: the Board shall:
  1. **the Board shall** give public notice of the vacancy at least two weeks before the Board meets to fill the vacancy;
  2. **the Board shall** identify, in the public notice:
    - i. the date, time, and place of the meeting where the vacancy will be filled, and
    - ii. the person to whom and the date and time before which an individual interested in being appointed to fill the vacancy may submit the individual's name for consideration; and
  3. **The Board shall**, in an open meeting, interview each individual whose name is submitted for consideration and who meets the qualifications for office, regarding the individual's qualifications.
  4. **The Board may appoint the candidate at the same meeting as the interviews or may make the appointment at a subsequent Board meeting, as long as the appointment is made within 30 days of the vacancy.**
  5. **The appointment may be done by closed ballot.**
- C. Subject to Subsection (VI)(C)(1), a local school may appoint an individual to fill a vacancy in Subsection (VI)(A) and (VI)(A)(1) before the vacancy occurs if a member of the Board submits a letter of resignation.
  1. An individual appointed under Subsection (VI)(C)(1) may not take office until on

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<sup>3</sup> Utah Code §20A-1-511.

or after the day on which the vacancy occurs for which the individual is appointed.

- i A member of the Board who submits a letter of resignation under Subsection (VI)(C)(1) may not rescind the resignation after the Board makes an appointment to fill the vacancy created by the resignation.

## VI. MEMBER ETHICS

- A. The Board, both as a body and as individual Members, is in a position of trust and shall act in accordance with appropriate fiduciary duties, including:
  - 1. following all applicable laws and regulations;
  - 2. avoiding conflicts of interest;
  - 3. acting in the best interest of the school children of the District, using powers or resources of public office to promote the public interest rather than for personal gain or to pursue private interests;
  - 4. governing with effective and appropriate oversight to ensure that the public's business is transacted legally and transparently; and
  - 5. protecting and responsibly using or disbursing public education resources.
- B. While Members have the right to freedom of expression, members shall respect the privacy of students, USBE employees, LEA employees, and school level employees, including refraining from direct and indirect identification of such, in a negative light in any public setting, venue, or platform where there is a reasonable expectation of privacy.
- C. Members shall not act in a manner that may cause legal harm or risk to the Board, as determined by the Board Leadership in consultation with the Board's legal counsel.
- D. Members shall comply with Title 67, Chapter 16, Utah Public Officers' and Employees' Ethics Act and UCA §20A-11-16 Conflict of Interest Disclosures.
- E. Conflicts of Interest:
  - 1. In Board or committee work or any matter to be voted upon by the Board a conflict of interest shall be disclosed by a Member in the meeting to the Members prior to consideration of the matter.
    - i. The committee or Board Chair shall acknowledge the Member's disclosed conflict of interest and either:
      - a. excuse the Member with a conflict of interest from the meeting;
      - b. excuse the Member with a conflict of interest from participating in the discussion or the vote; or
      - c. take other appropriate action.

2. The committee or Board Chair may disclose an apparent conflict of interest of a Member who fails to disclose a conflict and take any action described in subsection (5)(a).
  3. The committee or Board Chair may move to the next agenda item if the Member with the conflict of interest refuses to comply with subsection (5)(a).
- F. The committee or Board Chair shall excuse a Member with a conflict of interest from a closed session during discussion of any item for which the Member has a conflict of interest.
- H. A Member cannot simultaneously be an employee of Weber School District and a Board member in accordance with 20A-14-103(3)
- I. Members shall sign the Conflict of Interest and Ethics Statement annually, or whenever employment, interest, or ownership changes, and provide the Conflict of Interest and Ethics Statement to the Board Secretary, who will post it to the Board's website, and disclose as applicable:
- i. Any employment, ownership, or directorship by the Member in an LEA or other entity that receives state or federal public education funds. The Member may choose not to provide the name of the LEA or entity if the entity/LEA is a Member's client, at the Member's discretion;
  - ii. Any employment, ownership, or directorship by the Member with a business or organization which competes for contracts, grants, or other agreements awarded by the Board, or specific LEA, if known by the Member.
- J. Member Conflict of Interest and Ethics Statements are public information under GRAMA.
- K. Board Fidelity and Member Expression:
- i. Once the Board has voted on an issue, the vote is the official position of the Board.
  - ii. Members may express personal opinions on public education issues, legislation, and areas of concern. Individual Members shall state at the outset of their comments or statements about public education issues that comments do not represent the Board's official position.
  - iii. Members shall comply with a decision of the Board. Members retain the right to seek changes in such Board decisions through ethical and constructive channels, such as adding an agenda item for Board discussion.
- L. A Member may be reprimanded, or the actions of a Member censured, for any violation of law, policy, Bylaws, or any other conduct which tends to injure the good name of the Board, following adequate due process, if appropriate. The Board or Board leadership may authorize any of the following:
- i. A conversation between the offending member and the Board Chair/Leadership or Board Legal Counsel;

- ii. A written letter to the offending Member from the Board Chair/Leadership or Board Legal Counsel;
- iii. Censuring the offending Member by a vote of the Board;
- iv. Prohibiting the offending Member from attending any Board advisory committee meeting, as determined by the Board Chair;
- v. Prohibiting the offending Member from requesting an item to be placed on an agenda, as determined by the Board Chair;
- vi. Removing the offending member from any or all committee assignments as determined by the Board Chair; or
- vii. Taking other appropriate action.

## VII. ETHICS COMPLAINT PROCESS

- A. A person may file a complaint for an alleged violation of Title 67, Chapter 16, Utah Public Officers, and Employees, Ethics Act, by a member of the Board in accordance with Title 63A, Chapter 15, Political Subdivisions Ethics Review Commission. See *Utah Code § 63A-15-501 for filing requirements.*
  - 1. Notwithstanding any other provision, the following may file a complaint, subject to the requirements of Subsections (1)(b) and (c) and Utah Code § 63A-15-301, against a member of the Board:
    - i. two or more registered voters who reside within the boundaries of the District;
    - ii. two or more registered voters who pay a fee or tax to the District; or
    - iii. one or more registered voters who reside within the boundaries of the District and one or more registered voters who pay a fee or tax to the District.
  - 2. A person described in Subsection (1) may not file a complaint unless at least one person described in Subsection (1)(i), (ii), or (iii) has actual knowledge of the facts and circumstances supporting the alleged ethics violation.
  - 3. A complainant may file a complaint only against an individual who, on the date that the complaint is filed, is serving as a political subdivision officer.
- B. The Commission will review a complaint in writing that is pursuant to Utah Code § 63A-15-501(3).
- C. According to the [Utah Ethics website](#), a complaint for review must be emailed to the Commission Director at [aacarter@utah.gov](mailto:aacarter@utah.gov) or mailed to the following address:

Political Subdivisions Ethics Review Commission  
PO Box 141178  
Salt Lake City, UT 84114-1178

D. If the Board receives a recommendation in accordance with Utah Code §63A-15-704, it shall:

1. review the recommendation; and
2. take further action in accordance with the Board's governing ordinance, bylaws, or other applicable governing rule.

## VII. REMOVAL FROM OFFICE

A. Board members ~~may shall~~ be subject to removal for the following reasons:

1. ~~as provided,~~ upon being convicted of a felony, or
2. where the Board member no longer maintains a primary residence in the precinct they represent unless the Board Member is called to active, full-time duty in the armed forces in accordance with Title 10 U.S.C.A. and not opts not to take military leave.

~~commits and is convicted of malfeasance, an indictable misdemeanor, a misdemeanor involving moral turpitude or malfeasance in office.~~

B. An officer appointed or elected by the Board may be removed from leadership positions such as president or vice president for cause by a vote of two-thirds of the Board.