Washington County School District
121 West Tabernacle Street
Saint George, Utah 84770
435-673-3553

District Policy 0005

Board of Education

Board of Education Washington County School District - Approved 8-15-06; Revised 8-11-15; Revised 6-19-18; Revised 12-8-25

1. Purpose:

Local school boards are created by the state legislature under authority granted in Article X of the Utah Constitution. Directly accountable to the people, local school boards are the educational policymakers for the public schools in local communities and may serve as the final appeal body in school administrative matters. The Board of Education of the Washington County School District is a representative body elected by the citizens of Washington County to provide for and oversee the operation of public schools in Washington County. This policy is established to outline, generally, the method under which the Board fulfills its duty under the Utah Code and Constitution.

2. Policy:

2.1. Legal Status

2.1.1. Local school boards are political subdivisions of the State, entitled to the full extent of sovereign immunity of the State, and individual Board members are state officials and derive their authority from State statute. UCA § 53G-4-401 and UCA § 63-30-2(2)

2.1.2. The Board of Education is a body corporate under the name of "Board of Education of Washington County School District," and has an official seal required for the authentication of all official Board business.

2.1.3. The Board of Education may sue and be sued, and may hold, lease, sell, and convey real and personal property as the interests of the schools may require. 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 to exercise all powers given by statute. UCA § 53G-4-401

2.1.4. 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)

2.1.5. The Board of Education may establish, locate, and maintain elementary, secondary, and vocational schools.

2.1.6. The Board of Education may levy taxes to fulfill its obligation to provide for public schools within the District.

2.1.7. For purposes of Utah Retirement Systems (URS) coverage pursuant to UCA § 49-13-203(4), the District designates all elected officials (board members) as exempt from coverage.

For compliance with UCA § 49-13-203(5) they are listed as follows:

- School Board Member representing District #1
- School Board Member representing District #2
- School Board Member representing District #3
- School Board Member representing District #4
- School Board Member representing District #5
- School Board Member representing District #6
- School Board Member representing District #7

County maps identifying districts are located at https://www.washco.utah.gov.

As appointed officer the District Counsel is at-will and is exempt from coverage and thereby not enrolled in URS.

As appointed officers of the District the following at-will employees are not exempt from coverage and thereby enrolled in URS:

- Superintendent of Schools
- Business Administrator

2.2. Board Member Qualifications UCA 20A-1-511

2.2.1. The term of office for an individual elected to the Board is four (4) years, beginning on the first Monday in January after the election. A member of the Board shall serve until a successor is elected or appointed and qualified.

2.2.2. A local school Board shall fill vacancies on the Board by appointment; if the Board fails to fill the vacancy within 30 days after a vacancy occurs, the County Commission shall fill the vacancy by appointment.

2.2.3. In the event a vacancy on the Board occurs, or a letter of resignation is received by the Board at least 14 days before the deadline for filing a declaration of candidacy, and at least two years of the vacated term will remain after the first Monday of January following the next school

board election, then the vacancy on the Board shall be filled by an interim appointment for the remaining unexpired term which shall be followed by an election to fill a two-year term.

2.2.4. Statutory Qualifications: Each member of the Board UCA § 20A-14-202(3) and (4) shall:

2.2.4.1. be and remain a registered voter in the local School Board district from which the member is elected or appointed; and

2.2.4.2. maintain his or her primary residence within the Board district from which the member is elected or appointed.

2.2.5. A member of the Board is "qualified" when the member takes or signs the constitutional oath of office, which shall be administered at the first Board meeting in January following a regular School Board election.

"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."

2.3. Election of Officers UCA § 53G-4-203

2.3.1. A local School Board shall elect a president and a vice-president whose terms of office are for two years and until their successors are elected.

2.3.2. The elections shall be held during the first Board meeting in January following a regular Board election held in the District.

2.3.3. An officer appointed or elected by a local School Board may be removed from office for cause by a vote of two-thirds of the Board.

2.3.4. When a vacancy occurs in the office of president or vice president of the Board for any reason, a replacement shall be elected for the unexpired term.

2.3.5. Attendance of a simple majority of the Board Members constitutes a quorum for the transaction of official business.

2.4. Communications to the Board

2.4.1. Employees (or their representatives) who desire resolution or redress of a grievance or who believe the terms or conditions of their employment have been violated or breached should follow the District's grievance without communicating information related to their grievance to Members of the Board of Education except as provided in the grievance procedure.

2.4.2. Board Members have a role in the grievance process that requires they avoid prematurely acquiring information about a matter, which is or may be the subject of a grievance. If a Board Member receives a communication the Board Member judges to be within the meaning of the District's grievance procedure from any person, including an employee, the Board Member should advise the person s/he, as a Board Member, is obligated to receive the information at the time and in the forum provided in the District's grievance procedure and not before. Nothing in this policy precludes employees from communicating with Board Members about matters unrelated to grievances (as defined in district policy) or that

address terms and conditions of employment generally.

2.5. Board Compensation Adjustments:

The District will automatically adjust the School Board compensation schedule commensurate with annual salary cost of living increases given to classified employees.