



# NEBO SCHOOL DISTRICT BOARD OF EDUCATION POLICIES AND PROCEDURES

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**SECTION:** B – Board of Education  
**POLICY TITLE:** Board Organization and Authority  
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### **1. PURPOSE AND PHILOSOPHY**

- 1.1. The Utah Constitution charges the Legislature with the responsibility of establishing and maintaining a public education system, and it vests general control and supervision of that system in the Utah State Board of Education (USBE). The Legislature fulfills its responsibility by enacting laws, providing funds, directing the USBE to adopt rules, and delegating the immediate control of the schools to the local boards of education elected within the school districts.
- 1.2. The Board of Education of Nebo School District (the Board), therefore, is an agency of the state with powers delegated to it by the Legislature. It is responsible for carrying out certain mandatory laws. It is authorized to consider and either accept or reject the provisions of permissive laws. In all cases where the state laws do not provide or prohibit, the Board shall consider itself the agent establishing and appraising educational activities of the District and responding to the desires of the majority of the citizens of the District.

### **2. BOARD POWERS AND DUTIES**

- 2.1. The general powers and duties of the Board are defined in [Title 53G, Chapter 4 of the UTAH CODE](#). Other chapters, parts, and sections state or imply that a local board of education has full power to operate the local public schools as it deems fit in compliance with local, state, and federal laws, rules, and regulations. Within these parameters, the Board views its required functions in the following broad areas:
  - 2.1.1. Policy: The Board is responsible for the establishment of policy to direct or guide administrative action. The Board shall employ a Superintendent to implement or delegate the implementation of its policies.
  - 2.1.2. Appraisal: The Board is responsible for evaluating the effectiveness of its policies and their implementation.
  - 2.1.3. Provision of financial resources: The Board is responsible for adoption of a budget to enable the school system to carry out the Board's policies.
  - 2.1.4. Public relations: The Board is responsible for providing adequate and direct means for keeping the local citizenry informed.

**2.1.5.** Educational planning and evaluation: The Board is responsible for establishing educational goals to guide both the Board and the staff in working together toward the continuing improvement of the educational program. It is responsible for providing for the ongoing evaluation of the school program against the goals and objectives set forth by the Board and by the USBE.

**2.2.** Because all powers of the Board lie in its action as a group, individual Board members exercise their authority over District affairs only as they vote to take action at a meeting of the Board as set forth in [Nebo School District Policy BD, Board of Education Meetings](#).

### **3. BOARD ELECTIONS**

Requirements for election of Board members are set forth in [Title 20A, Chapter 14, Part 2 of the UTAH CODE](#). The District is divided into distinct geographic areas known as school board districts, and the Board is comprised of one member from each school board district, elected in accordance with state law.

### **4. BOARD MEMBER QUALIFICATIONS**

**4.1.** Board member qualifications are set forth in [Title 20A, Chapter 14, Part 2 of the UTAH CODE](#). A person seeking election to the Board must have resided in the school board district in which the person is seeking election for at least one year as of the date of the election.

**4.2.** A member of the Board shall

**4.2.1.** be and remain a registered voter in the local school board district from which the member is elected or appointed; and

**4.2.2.** maintain the member's primary residence within the school board district from which the member is elected or appointed during the member's term of office.

**4.3.** Members of the Board should have a genuine interest in and devotion to public education, a willingness to give time and effort to the work, a capacity for understanding people, and the ability to work cooperatively with others.

**4.4.** A Board member may not, during the member's term in office, also serve as an employee of the Board.

### **5. BOARD MEMBER OATH OF OFFICE**

School Board Members, before taking office, shall take and sign the constitutional oath of office as found in the Utah Constitution:

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

### **6. MIDTERM VACANCIES**

**6.1.** The Board shall fill midterm vacancies on the Board by appointment in accordance with [UTAH CODE ANN. § 20A-1-511](#).

**6.2.** If the Board fails to make an appointment within 30 days after a vacancy occurs, or within 45 days after a vacancy due to the death of a Board member, the county legislative body will fill the vacancy by appointment.

**6.3.** If a Board member submits a letter of resignation, the Board may appoint an individual to fill the vacancy before the vacancy occurs, but the individual appointed may not take office until the vacancy occurs.

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**EXHIBITS**

None

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**REFERENCES**

[UTAH CODE ANN. § 20A-1-511](#)

[UTAH CODE ANN. § 20A-14-201, et seq.](#)

[UTAH CODE ANN. § 53G-4-101, et seq.](#)

[Nebo School District Policy BD, \*Board of Education Meetings\*](#)

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**FORMS**

None

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**HISTORY**

**Revised: 14 April 2021** – updated Utah Code citations; updated time for filling vacancy due to death of board member per SB 126 (2020); made technical changes.

**Adopted: 11 October 2017** – Policies BB, BBA, BBAA, BBB, BBBA, BBBB, BBC and BBE repealed and replaced by this single policy.

**Adopted or revised: July 1978.**

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