



J. Michael Clára
Salt Lake City School Board
District Two

801-521-3223 • donMiguelSLC@gmail.com
974 S. 1400 W. • Salt Lake City • Utah • USA

Salt Lake City School Board

Powers & Authority on Employment Matters

10/29/15

Page | 1 of 3

BOARD OF EDUCATION HANDBOOK

COLLABORATIVE RELATIONSHIPS: SHARED GOVERNANCE

The Salt Lake City School District Board of Education has the exclusive right and responsibility to determine the goals and direction of the schools and use all its resources to achieve such goals, within the bounds of state and federal law and rules of the Utah State Board of Education. The board is empowered to make policy decisions for district schools. Board members act as trustees for the community; therefore, policies are often understood as expressions of the community's aspirations for its public schools.

PERSONNEL DECISIONS Personnel actions, therefore, are usually found on the consent agenda, because a board is required by law to approve all employment contracts, salaries, benefits, and dismissals. The superintendent is an appointed public official, the district's chief executive, and an employee of the board. Only the board can employ, evaluate, discipline, or dismiss the superintendent.

AUTHORITY OF INDIVIDUAL BOARD MEMBERS

Power belongs not to individual members of a Board of Education but to the Board of Education acting as a corporate body through collective action. Board members have authority only when acting as a Board of Education in a legally constituted session, with a quorum present. The statement or action of an individual member or group of members of the Board of Education does not bind the Board of Education itself, except when that statement or action is specifically authorized by an official act of the board.

BOARD POLICY

Board Policy B-1: Board of Education Legal Status, Responsibilities, and Ethics

Responsibilities: The board has all of the powers assigned to it by law to meet its statutory responsibilities. In accordance with state law, the board shall perform the duties necessary for the success of district students, maintenance of schools, and promotion of education, including:

“Local school boards are the bedrock of our society, yet they are invisible to the public”

Señor Florez –Deseret News

E. Reviewing and approving recommended contracts and salary schedules for principals, teachers, and other district employees

The board holds the superintendent responsible for administering its policies, executing board decisions, operating central office support for school programs, and implementing the Student Achievement Plan. The superintendent is accountable to the board for his or her performance.

Board Policy B-2: School Board Meetings

Closed Meetings: The board may hold closed meetings ... The board may not approve any resolution, rule, regulation, contract, or appointment at a closed meeting...

BOARD MINUTES

August 6, 2015 –EMPLOYMENT DECISIONS:

Superintendent Withers told board members he had asked John Robson to attend the meeting tonight to talk about the role of the board in employment decisions. Mr. Robson said the names Board of Education of Salt Lake City School District and the Salt Lake City School District are often interchangeable. He said the legal entity is the Board of Education which is also the employer. He said every expenditure made by the district must be approved by the board, all employment contracts entered into must be approved by the board, and the board is also responsible for all terminations. He said many districts choose to do that by way of a Human Resources Department Report approved on a Consent Agenda. He said according to State Statute 53A-3-301, the local board appoints a Superintendent who serves as the local school board's chief executive officer, but the school board is the ultimate employer. He said typically there are only two hires the board is directly involved in, the Superintendent and the Business Administrator, but a board can choose to set up other procedures. Mr. Clára said he just had concerns over the process, an email had been sent notifying the board of an employment change, and he wanted to know at what point the board would follow the policy and approve the individual's change in employment status. He said if changes are not put on the Consent Agenda the board is not given the opportunity to vote. President Swett said she felt the discussion and clarification had been good. She asked that the issue be researched.

NEGOTIATION & AGREEMENTS

June 16, 2015:

Board Agenda: Negotiations Tentative Agreements

Board Minutes: Agreements with the Salt Lake Teachers Association of School Administrators, Salt Lake Teachers Association...

MEMO: 3% Cost of Living, Steps and Lanes etc...

DIRECT REPORTS TO EMPLOYEES REPORTING TO THE BOARD SALARY SCHEDULE:

#3 – Placements on this salary schedule will be recommended by the Superintendent to the Board of Education.

HUMAN RESOURCE AUDIT

Salt Lake City School District Assessment Report on Human Resources Functionality –02/2015

Page | 3 of 3

Diversity in hiring still poses great challenges for the district -- the teacher and leader workforce does not reflect the diversity in the student population.

HR Does not provide any support (resume screening, outreach or recruitment, etc.) for central office positions. Supervisors are on their own to find talented candidates to fill vacancies.

HR needs to provide support when central office administrative vacancies occur...including helping to craft vacancy posting, screening of resumes, interviewing and selection support as needed.

UTAH CONSTITUTION

Article X Section 1 - Free nonsectarian schools.

The Legislature shall provide for the establishment and maintenance of the state's education systems including: (a) a public education system, which shall be open to all children of the state; and (b) a higher education system. Both systems shall be free from sectarian control.

UTAH CODE

§53A-3-301. Superintendent of schools -- Appointment -- Qualifications -- Term -- Compensation.

(1) Subject to Subsection (8), a local school board shall appoint a district superintendent of schools who serves as the local school board's chief executive officer.

(2) A local school board shall appoint the superintendent on the basis of outstanding professional qualifications.

§53A-3-401. Boards of education are bodies corporate -- Seal -- Authority to sue -- Conveyance of property -- Duty to residents of the local school board member's district.

(5) Notwithstanding a local school board's status as a body corporate, an elected member of a local school board serves and represents the residents of the local school board member's district, and that service and representation may not be restricted or impaired by the local school board member's membership on, or obligations to, the local school board.

§53A-3-411. Employment of school personnel -- Length of contract -- Termination for cause -- Individual contract of employment -- Employee acknowledgment of liability protection.

(1) A local school board may enter into a written employment contract for a term not to exceed five years.

(2) Nothing in the terms of the contract shall restrict the power of a local school board to terminate the contract for cause at any time.

(3)(a) A local school board may not enter into a collective bargaining agreement that prohibits or limits individual contracts of employment.