**VIOLATIONS**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.* [[1]](#footnote-1)

1. **THE PUBLIC IS CIRCUMVENTED**
Board President Bennett will frequently convene closed door meetings when the issue being discussed does not meet the exceptions prescribed in Utah Open and Public Meeting Act. [[2]](#footnote-2) Bennett will remove the public comment section at certain meetings,
deny a Board members’ request to place items on the agenda or will not let them address constituent issues at meetings, will recess a public meeting to convene in secret etc.
2. **THE BOARD IS CIRCUMVENTED ON PERSONNEL CHANGES**
Board President Bennett will not place personnel changes on agenda for Board approval although the Board is to: *“Employ by contract and set salary schedules for the superintendent and business administrator and approve the contracts and salary schedules for principals, teachers, and other employees of the district.”* [[3]](#footnote-3)
3. **THE BOARD IS CIRCUMVENTED ON PROCUREMENT ISSUES**
Board President Bennet will sign contracts for services that did not follow the procedures outlined in Utah Procurement Code [[4]](#footnote-4) i.e. Vote of the Board, Request for Proposals, Small Purchase thresholds etc.…
4. **THE BOARD IS CIRCUMVENTED ON STATE EDUCATIONAL GRANTS**
Grants for state funding have the following language in the assurance section: *“The filing of this plan has been authorized by the governing body of the LEA, who act as the authorized representatives of the LEA in connection with the plan.”* Yet the Board never sees these nor authorizes them. [**LEA** is the acronym for Local Education Agency]
5. **THE BOARD IS CIRCUMVENTED ON FINANCIAL MATTERS**Programs are brought into the District without Board approval. Revenues are received without Board knowledge. Board members are not given information about the expenditures of the District and are accessed a fee when information is requested.

**AUTHORITY**

**BOARD AUTHORITY**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. [[5]](#footnote-5)

 **Legal Status**: The Utah State Legislature assigns to each locally elected board of education control of the public schools within its district. The board is a public corporation and legal subdivision of the state, derives its powers from the state constitution and governing statutes, and may sue and be sued in the name of the district. [[6]](#footnote-6)

 **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: [[7]](#footnote-7)

 A. Preparing and adopting **policies**, procedures, rules, regulations, or bylaws, as appropriate, for the governance of the district and its schools.

 B. Establishing **tax** rates each year and submitting them to the county legislative body according to statutory procedures.

 C. Preparing and adopting a **budget** for each fiscal year and filing it with the county legislative body as required by statute.

 D. Acquiring, holding, leasing, selling, and managing the use of real and personal property in the name of the district.

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

 F. **Evaluating** the effectiveness of the district and its programs by developing and **monitoring** the progress of the district-wide Student Achievement Plan, by approving and monitoring the progress of individual School Improvement and LAND Trust plans, and by distributing available funds through the annual budgeting process.

 **DUTIES OF PRESIDENT
…**The president of each local school board shall …sign all warrants[[8]](#footnote-8) **ordered by the board** to be drawn upon the business administrator for school money. [[9]](#footnote-9)

**DUTIES OF THE BUSINESS ADMINISTRATOR**
…be custodian of all district funds, be responsible and accountable for all money received and disbursed, and keep accurate records of all revenues received and their sources **countersign with the president** of the board all warrants [[10]](#footnote-10) and claims against the district as well as other legal documents **approved by the board**… [[11]](#footnote-11)

1. *See* Salt Lake City School District – Board Handbook [↑](#footnote-ref-1)
2. *See* §52-4101 Utah Code [↑](#footnote-ref-2)
3. *See* Board Policy B-1 & §53A-16-106 through 11 Utah Code [↑](#footnote-ref-3)
4. *See* §63G Utah Code [↑](#footnote-ref-4)
5. *See* §53A-3-401 Utah Code [↑](#footnote-ref-5)
6. *See* §53A-3 Utah Code [↑](#footnote-ref-6)
7. *See* Board Policy B-1 [↑](#footnote-ref-7)
8. Warrants: Justify or necessitate (a certain course of action) [↑](#footnote-ref-8)
9. *See* §53A-3-204 Utah Code Duties of President [↑](#footnote-ref-9)
10. *Opt. cit.* [↑](#footnote-ref-10)
11. Duties of Business Administrator – §53A-3-303, Utah Code [↑](#footnote-ref-11)