

**ELECTRONIC MEETINGS FOR CHARTER SCHOOL**

2012 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Bradley M. Daw**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill amends provisions in Title 52, Chapter 4, Open and Public Meetings Act, related to electronic meetings held by charter school boards.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ authorizes a charter school board to conduct and convene an electronic meeting in writing on a website;
- ▶ requires notice to be given regarding when a vote will be taken;
- ▶ prohibits a charter school board member from communicating with another person while a vote is taken during an electronic meeting;
- ▶ exempts a charter school board from recording requirements;
- ▶ establishes requirements for a website on which an electronic meeting of a charter school board takes place;
- ▶ establishes a criminal penalty; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None



28 **Utah Code Sections Affected:**

29 AMENDS:

30 **52-4-209**, as enacted by Laws of Utah 2011, Chapter 31

31 **52-4-302**, as last amended by Laws of Utah 2008, Chapter 234



33 *Be it enacted by the Legislature of the state of Utah:*

34 Section 1. Section **52-4-209** is amended to read:

35 **52-4-209. Electronic meetings for charter school board.**

36 (1) ~~[As]~~ Notwithstanding the definitions provided in Section 52-4-103 for this chapter,  
37 as used in this section[;]:

38 (a) "Anchor location" means a physical location where:

39 (i) the charter school board would normally meet if the charter school board were not  
40 holding an electronic meeting; and

41 (ii) space, a facility, and technology are provided to the public to monitor and, if public  
42 comment is allowed, to participate in an electronic meeting during regular business hours.

43 (b) "Charter school board" means the governing body of a school created under Title  
44 53A, Chapter 1a, Part 5, The Utah Charter Schools Act.

45 ~~[(2) The Electronic Meetings for Charter Schools Pilot Program is created to pilot the~~  
46 ~~development and implementation of electronic meetings for charter schools.]~~

47 ~~[(3) Beginning May 10, 2011, and ending May 8, 2012, a]~~

48 (c) "Meeting" means the convening of a charter school board:

49 (i) with a quorum who:

50 (A) monitors a website at least once during the electronic meeting; and

51 (B) casts a vote on a website, if a vote is taken; and

52 (ii) for the purpose of discussing, receiving comments from the public about, or acting  
53 upon a matter over which the charter school board has jurisdiction or advisory power.

54 (d) "Monitor" means to:

55 (i) read all the content added to a website by the public or a charter school board  
56 member; and

57 (ii) view a vote cast by a charter school board member on a website.

58 (e) "Participate" means to add content to a website.

59           (2) (a) A charter school board may convene and conduct an electronic meeting in  
60 accordance with ~~[this section]~~ Section 52-4-207.

61           (b) A charter school board may convene and conduct an electronic meeting in  
62 accordance with this section that is in writing on a website if:

63           (i) the chair verifies that a quorum monitors the website;

64           (ii) the content of the website is available to the public;

65           (iii) the chair controls the times in which a charter school board member or the public  
66 participates; and

67           (iv) the chair requires a person to identify himself or herself if the person:

68           (A) participates; or

69           (B) casts a vote as a charter school board member.

70           ~~[(4)]~~ (3) A charter school that conducts an electronic meeting under this section shall:

71           (a) give public notice of the electronic meeting:

72           (i) in accordance with Section 52-4-202; and

73           (ii) by posting written notice at the anchor location as required under Section 52-4-207;

74           (b) in addition to giving public notice required by Subsection ~~[(4)]~~ (3)(a), provide:

75           (i) notice of the electronic meeting to the members of the charter school board at least  
76 24 hours before the meeting so that they may participate in and be counted as present for all  
77 purposes, including the determination that a quorum is present;

78           (ii) a description of how the members ~~[will]~~ and the public may be connected to the  
79 electronic meeting; ~~[and]~~

80           (iii) a start and end time for the meeting, which shall be no longer than ~~[24 hours]~~ 5  
81 days; and

82           ~~[(c) provide space, facilities, and technology in the building where the charter school~~  
83 ~~board would normally meet if they were not holding an electronic meeting so the public may~~  
84 ~~attend, monitor, and participate in the meeting during regular business hours.]~~

85           (iv) a start and end time for when a vote will be taken in an electronic meeting, which  
86 shall be no longer than four hours; and

87           (c) provide an anchor location.

88           (4) The chair shall:

89           (a) not allow anyone to participate from the time the notice described in Subsection

90 (3)(b)(iv) is given until the end time for when a vote will be taken; and

91 (b) allow a charter school board member to change a vote until the end time for when a  
92 vote will be taken.

93 (5) During the time in which a vote may be taken, a charter school board member may  
94 not communicate in any way with any person regarding an issue over which the charter school  
95 board has jurisdiction.

96 ~~[(5)]~~ (6) A charter school conducting an electronic meeting under this section may not  
97 close a meeting as otherwise allowed under this part.

98 ~~[(6)]~~ (7) (a) Written minutes [and a recording] shall be kept of an electronic meeting  
99 conducted as required in Section 52-4-203.

100 (b) (i) Notwithstanding Section 52-4-203, a recording is not required of an electronic  
101 meeting described in Subsection (2)(b).

102 (ii) All of the content of the website shall be kept for an electronic meeting conducted  
103 under this section.

104 ~~[(7)]~~ (c) Written minutes are the official record of action taken at an electronic meeting  
105 as required in Section 52-4-203.

106 (8) (a) A charter school board shall ensure that the website used to conduct an  
107 electronic meeting:

108 (i) is secure; and

109 (ii) provides with reasonably certainty the identity of a charter school board member  
110 who logs on, adds content, or casts a vote on the website.

111 (b) A person is guilty of a class B misdemeanor if the person falsely identifies himself  
112 or herself as required by Subsection (2)(b)(iv).

113 ~~[(8)]~~ (9) Compliance with the provisions of this section by a charter school constitutes  
114 full and complete compliance by the public body with the corresponding provisions of Sections  
115 52-4-201 and 52-4-202.

116 ~~[(9) A charter school that conducts an electronic meeting under this section shall report~~  
117 ~~to the Public Utilities and Technology Interim Committee by October 1, 2011, as to the~~  
118 ~~effectiveness of conducting business via electronic meetings under this section.]~~

119 Section 2. Section **52-4-302** is amended to read:

120 **52-4-302. Suit to void final action -- Limitation -- Exceptions.**

121 (1) (a) Any final action taken in violation of Section 52-4-201, 52-4-202, [~~or~~]  
122 52-4-207, or 52-4-209 is voidable by a court of competent jurisdiction.

123 (b) A court may not void a final action taken by a public body for failure to comply  
124 with the posting written notice requirements under Subsection 52-4-202(3)(a)(i)(B) if:

125 (i) the posting is made for a meeting that is held before April 1, 2009; or

126 (ii) (A) the public body otherwise complies with the provisions of Section 52-4-202;

127 and

128 (B) the failure was a result of unforeseen Internet hosting or communication

129 technology failure.

130 (2) Except as provided under Subsection (3), a suit to void final action shall be

131 commenced within 90 days after the date of the action.

132 (3) A suit to void final action concerning the issuance of bonds, notes, or other

133 evidences of indebtedness shall be commenced within 30 days after the date of the action.

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**Legislative Review Note**  
**as of 1-31-12 8:54 AM**

**Office of Legislative Research and General Counsel**