

R277. Education, Administration.

R277-477. Distributions of Funds from the Trust Distribution Account and Administration of the School LAND Trust Program.

R277-477-1. Authority and Purpose.

(1) This rule is authorized by:

(a) Utah Constitution Article X, Section 3, which vests general control and supervision over public education in the Board;

(b) Subsection 53F-2-404(2)(d), which allows the Board to adopt rules regarding the time and manner in which a student count shall be made for allocation of funds; and

(c) Subsection 53E-3-401(4), which allows the Board to make rules to execute the Board's duties and responsibilities under the Utah Constitution and state law.

(2) In accordance with Section 53D-2-202, through representation on the Land Trusts Protection and Advocacy Committee, the Board exercises trust oversight of:

(a) the Common School Trust;

(b) the School for the Deaf Trust; and

(c) the School for the Blind Trust.

(3) The Board implements the School LAND Trust program and provides oversight, support, and training for school community councils and Charter Trust Land Councils consistent with Sections 53G-7-1205, 53G-7-1206, Rule R277-491, and this Rule R277-477.

(4) The purpose of this rule is to:

(a) provide financial resources to a public school to implement a component of a school's Teacher and Student Success Plan to enhance and improve student academic achievement;

(b) provide a means to involve a parent of a school's student in decision-making regarding the expenditure of School LAND Trust program funds allocated to the school;

(c) provide direction in the distribution of funds from the Trust Distribution Account, as funded in Section 53F-2-404;

(d) provide for appropriate and adequate oversight of the expenditure and use of funds by an approving entity, school administration, and the Board;

(e) provide for proper allocation of funds as stated in Section 53F-2-404, and the appropriate and timely distribution of the funds;

(f) enforce compliance with statutory and rule requirements, including the responsibility for a school community council to notify school community members regarding the use of funds; and

(g) define the roles, duties, and responsibilities of the Superintendent with regards to the School Children's Trust.

R277-477-2. Definitions.

(1) "Academic" means an area listed or defined within the official Utah core standards for k-12 education, including:

- (a) a learning objective;
- (b) a skill;
- (c) a concept; or
- (d) a subject area.

(2) "Board plan approval meeting" means the meeting when the LEA governing board approves a school plan for the upcoming school year.

(3) "Board council" means a charter school governing board serving as the charter council wherein the parents or grandparents of students attending the school constitute a majority exceeding all other board members by at least two as defined in Section 53G-7-1205.

(4) "Budget officer" means an individual appointed by a charter school governing board in accordance with Section 53G-7-1206.

(5) "Carry-over limit" means any unexpended funds at the end of a school year, which exceed 10% of a school's current year distribution or \$5,000, whichever is greater.

(6) "Charter council" means an elected council for a charter school, serving as its school community council, where its parent members are elected by parents of students attending the charter school, and at least two more members are parents of students attending the charter school than all other members combined.

(7) "Council" means a school community council, a charter council, or a board council.

(8) "Council plan approval meeting" means the meeting where a council approves the school plan for the upcoming school year.

(9)(a) "District liaison: means an individual authorized by an LEA governing board to fulfill program-related responsibilities under the board's supervision.

(b) A "district liaison" may not approve school plans in place of an LEA governing board.

(10) "Fall enrollment report" means the audited census of students registered in Utah public schools as reported in the audited October 1 Fall Enrollment Report of the previous year.

(11) "Funds" means School LAND Trust program funding as defined in Section 53F-2-404.

(12) "Most critical academic need" means an academic need, consistent with the core standards in Rule R277-700, identified by a council through the annual review of school-wide assessment data and other relevant indicators.

(13) "Newly opened charter school" means a charter school in its first two years of operation.

(14) "Newly opened satellite school" means a satellite school in its first two years of operation.

(15) "Non-academic activity" means an activity, item, or use of funds that does not have a direct impact on a learning objective, skill, concept, or subject area within the official Utah core standards for k-12 education.

(16) "Parent," for a charter school, includes a grandparent of a student currently enrolled at the school.

(17) "Principal" means:

(a) a licensed educator with a school leadership license area of concentration employed at a school; or

(b) The director or principal of a charter school who serves as the administrator of the school.

(18) "Satellite charter school" has the same meaning as that term is defined in Section R277-550-2.

(19) "SLT reporting website" means the School LAND Trust reporting website.

(20) "Student" means a child in public school grades kindergarten through 12 counted on the fall enrollment report of an LEA.

(21) "Teacher and Student Success Plan" or "TSSP" means the plan required of each school under Section 53G-7-1305.

(22) "Trust Distribution Account" means the restricted account within the Uniform School Fund created under Subsection 53F-9-201(2).

(23) "UPEFS" means the Utah Public Education Finance System.

R277-477-3. Program Requirements for Charter Schools.

(1) A charter school that elects to receive School LAND Trust funds shall have a charter council or board council consistent with Section 53G-7-1205.

(2) A charter school governing board and a charter council shall receive training about Section 53G-7-1206 and this rule.

(3) A charter governing board shall establish a process for the election of the charter council that includes:

(a) the number of parent or grandparent members, the number of 'other members', and the definition of each 'other member' to be elected to serve on the council;

(b) the terms of each position;

(c) a timeframe for the election;

(d) a process for noticing and conducting the election of council members elected by parents of students enrolled at the charter school consistent with Section R277-477-2; and

(e) the process for filling unfilled seats following an election or when a member resigns.

(4) In the election process, if the number of candidates who file for a position on a charter trust land council is less than or equal to the number of open positions, an election is not required.

- (5) A charter council shall:
 - (a) be subject to Section 53G-7-1203; and
 - (b) post the following items on the school's website by October 20 annually:
 - (i) an invitation to parents to serve on the charter council;
 - (ii) the election process to establish a charter council consistent with this section;
 - (iii) the dollar amount the school receives each year from the School LAND Trust program;
 - (iv) a copy or link to the current Teacher and Student Success Plan;
 - (v) approved minutes of charter council meetings for at least a year;
 - (vi) the proposed council meetings scheduled for the school year;
 - (vii) a means to contact the members of the school's charter council directly;
 - (viii) a link or copy of the final reports of the school for the last two years, as required by Subsection 53G-7-1206(5); and
 - (ix) a link or copy of the school plan for the current year.
- (6) The principal of a charter school shall submit a plan, approved by the school's governing board and the charter school budget officer on the School LAND Trust website:
 - (a) no later than May 1; or
 - (b) for a newly opening charter school, no later than November 1 in the school's first year to receive funding in the year the newly opening charter school opens.
- (7)(a) The director of a charter school shall provide an annual report to the charter council or board council that summarizes the current safety principles and practices used by the LEA and school to facilitate the charter council's responsibilities under Subsection 53G-7-1205(7).
 - (b) The report described in Subsection (7)(a) shall include:
 - (i) information concerning internet filtering protocols for school and district devices that access the internet;
 - (ii) local instructional practices, monitoring, and reporting procedures; and
 - (iii) internet safety training provided to students and parents.

R277-477-4. School LAND Trust Funding Requirements.

- (1) A public school receiving School LAND Trust program funds shall have:
 - (a) a school community council as required by Section 53G-7-1202 and Rule R277-491;
 - (b) a charter council as required by Section 53G-7-1205; or
 - (c) a charter board council as required by Section 53G-7-1205.
- (2) Notwithstanding Subsection (1), the USDB Advisory Council may fill the responsibilities of a school community council for USDB.
- (3) To qualify to receive funds for an upcoming school year, a school's principal shall:
 - (a) submit a Council Membership Form on the SLT reporting website demonstrating compliance with the required membership in Subsection (1) by October 20 annually;
 - (b) submit a Principal Assurance Form on the SLT reporting website consistent with Subsection 53G-7-1206(3)(c) by October 20 annually;
 - (c) complete all school website requirements consistent with Subsection R277-477-3(5)(c) for charter schools or Subsection R277-491-4(2) for district schools by October 20 annually;
 - (d) submit a final report for the prior school year, approved by the budget officer or district liaison on the form provided through the SLT reporting website;
 - (e) submit a School LAND Trust plan for the upcoming school year through the SLT reporting website consistent with Subsection 53G-7-1205(4); and
 - (f) ensure all council members have an opportunity to provide a signature verifying their involvement consistent with Subsection (4).
- (4)
 - (a) The principal of a school shall ensure that a council member has an opportunity to provide a signature indicating the member's involvement in implementing the current School LAND Trust plan and developing the school plan for the upcoming year.
 - (b) The principal shall collect a council member's signature at the Council plan approval meeting or at a later time consistent with LEA policies.
 - (c) A school shall retain signatures collected under Subsection (4)(b) for no less than three years.

(d) A school shall provide copies of signatures collected under Subsection (4)(b) to the LEA governing board before the Board plan approval meeting.

(e) A governing board or designee may design the LEA's own form to collect the information required by this Subsection (4).

(f) A board council is exempt from the requirement of collecting signatures as outlined in this Subsection (4)(b).

(5)(a) A district liaison or a budget officer shall collaborate with the LEA governing board to establish a timeline, including a deadline, for a school to submit a school's School LAND Trust plan on the SLT reporting website.

(b) A timeline described in Subsection (5)(a) shall require a School LAND Trust plan to be ready for review by the Superintendent no later than May 15 for a district school or May 1 for a charter school, allowing sufficient time for the LEA governing board, through the district liaison, and budget officer to approve the plan or return the plan to the school's council for any necessary edits before resubmission and approval.

(6)(a) An LEA governing board and budget officer:

- (i) shall consider a plan annually; and
- (ii) may approve or disapprove a school plan.

(b) If an LEA governing board and budget officer do not approve a plan, they shall:

- (i) provide a written explanation for the disapproval; and
- (ii) request that the school revise the plan, consistent with Subsection 53G-7-1206(4)(d).

(7)(a) After an LEA governing board has completed the plan review, the budget officer or district liaison shall enter the date of the governing board approval in the SLT reporting website before approving the plan on the SLT reporting website on behalf of the governing board.

(b) Subsequently, the budget officer shall perform an additional review in accordance with Subsections (6)(a)(i) through (ii).

(c) Upon completion of Subsection (7)(b), the budget officer or district liaison shall notify the Superintendent that the LEA's reviews are complete and the plan is ready for the Superintendent's review.

(8) For a school to receive its full distribution in July, the school's plan shall be ready for Superintendent review no later than May 15 for a district school and May 1 for a charter school.

(9)(a) Before approving a plan, an LEA governing board and budget officer shall review a School LAND Trust plan to confirm that a School LAND Trust plan contains:

(i) priority academic areas listed in Subsection R277-477-5(3) or LEA-approved academic areas of greatest need for improvement;

(ii) academic goal statements that align with the areas identified in Subsection (i) and have direct impact on student learning;

(iii) measurement tools and baseline data for each academic area to assess progress and improvement toward the goals;

(iv) specific action steps designed to achieve the academic goals;

(v) detailed and specific expenditures to carry out the action steps and support academic improvement in the plan goals;

(vi) an explanation for any planned carry-over that exceeds the school's applicable carry-over limit; and

(vii) the date the council approved the plan, verified by the council vote that corresponds with the council membership in the Council Membership Form.

(b) The LEA governing board shall determine whether a School LAND Trust plan is evidence-based and consistent with the approving entity's pedagogy, programs, and curriculum.

(c) The president or chair of the LEA governing board shall provide training annually on the requirements of Section 53G-7-1206 and this rule to the members of the LEA governing board, district business administrator, district liaison, and the budget officer.

(10) By approving a plan, the LEA governing board, budget officer, and district liaison affirm that:

(a) the plan has been through all LEA-level reviews; and

(b) the plan meets the requirements of statute and rule.

(11)(a) After receiving the notice described in Subsection (7)(c), the Superintendent shall review each School LAND Trust plan for compliance with the law governing School LAND Trust plans.

(b) The Superintendent shall report back to the budget officer, district liaison or charter principal when School LAND Trust plans are found to be out of compliance with the law.

(c) An LEA governing board or the principal and budget officer for a charter school shall ensure that a School LAND Trust plan that is found to be out of compliance with the law by the Superintendent is amended or revised by the council to bring the school's School LAND Trust plan into compliance with the law.

(12) A school shall implement a plan as approved.

(13) If an LEA fails to comply with Subsection (11)(c), corrective action may be implemented consistent with Rule R277-114.

R277-477-5. Appropriate Use of School LAND Trust Program Funds.

(1) A council shall annually review school-wide assessment data to prepare and approve a School LAND Trust plan, including:

(a) identifying academic priority areas of greatest need consistent with LEA priorities;

(b) establishing student centered academic goal statements;

(c) selecting measurement tools and baselines for each academic priority area; and

(d) developing action steps and identifying School LAND Trust fund expenditures for data-driven and evidence-based ways to improve educational outcomes.

(2) A school plan shall support academic components of the teacher and student success plan under Section 53G-7-1304 and the LEA's governing board priorities.

(3) A school's School LAND Trust program expenditures shall have a direct impact on the instruction of students in the particular school's areas of most critical academic need and consistent with the academic priorities of the LEA's governing board:

(a) to increase achievement in:

- (i) English;
- (ii) language arts;
- (iii) mathematics; and
- (iv) science; and

(b) for secondary schools to:

- (i) increase graduation rates; and
- (ii) promote college and career readiness.

(4) A school's LAND Trust plan:

(a) may include counselors and educators working with students and families on academic and behavioral issues when a direct impact on academic achievement can be measured; and

(b) may include addressing absenteeism when a direct impact on academic achievement can be measured.

(5) A school may not use School LAND Trust program funds for the following:

- (a) costs related to district or school administration, including accreditation;
- (b) expenses for:
 - (i) construction;
 - (ii) maintenance;
 - (iii) facilities;
 - (iv) overhead;
 - (v) furniture;
 - (vi) storage of personal student property;
 - (vii) security; or
 - (viii) athletics; or
- (c) expenses for non-academic activities.

(6) A school that demonstrates appropriate progress and achievement consistent with the academic priorities of the LEA governing board outlined in Subsection (2) may request local board approval of a plan to address other academic goals if the plan includes:

(a) how the goal is in accordance with the core standards established in Rule R277-700;

(b) how the action steps for the goal are:

(i) data-driven;

(ii) evidence-based; and

(iii) have a direct impact on the instruction of students consistent with this Section R277-477-5;

(c) the data driving the decision to spend School LAND Trust funds for academic needs outlined in this Subsection (4); and

(d) the anticipated data source the school will use to measure progress.

(7) An LEA governing board may not require a council or school to spend the school's School LAND Trust program funds on a specific use or set of uses.

(8)(a) Student incentives implemented as part of an academic goal in the School LAND Trust program may not exceed \$4 per student per plan in an academic school year.

(b) The limit set forth in Subsection (8)(a) does not apply to expenditures for academic instructional materials for students.

R277-477-6. Distribution of Funds - Determination of Proportionate Share.

(1) An LEA shall report the prior year expenditure of distributions for each school.

(2) The total expenditures each year described in Subsection (1) may not be greater than the total available funds for an LEA.

(3) Before October 1, a school district shall adjust the current year distribution of funds received from the School LAND Trust program as described in Section 53F-2-404, as necessary to maintain an equal per student distribution within a school district based on:

(a) school openings and closings;

(b) boundary changes; and

(c) other enrollment changes occurring after the fall enrollment report.

(4) For any reallocations made after October 1, a district liaison shall provide written notification to the impacted principals and school community councils and shall copy the Superintendent on the correspondence.

(5) An LEA shall provide the current year distribution and carry-over amount from the prior school year to the principal by October 1 annually.

(6) A charter school and each of the charter school's satellite charter schools are a single LEA for purposes of public school funding.

(7)(a) For purposes of this section, "qualifying charter school" means a charter school that:

(i) would receive more funds from a per pupil distribution than the charter school receives from the base payment described in Subsection (9); and

(ii) is not a newly opening charter school as described in Subsection (11)(a).

(b) The Superintendent shall distribute the funds allocated to charter schools:

(i) as described in this Subsection (9); and

(ii) is consistent with the March 1 calculation for existing and new charter schools.

(8) The Superintendent shall add any unused balance to the total charter school distribution amount for the following fiscal year for charter schools if a charter school:

(a) chooses not to apply for funds;

(b) does not meet the requirements for receiving funds;

(c) does not open as scheduled;

(d) closes; or

(e) has other unforeseen circumstances.

(9) The Superintendent shall first distribute a base payment to each charter school that is equal to the product of:

(a) an amount equal to the total funds available for all charter schools; and

(b) at least 0.4%.

(10) After the Superintendent distributes the amount described in Subsection (6)(c), the Superintendent shall distribute the remaining funds to qualifying charter schools on a per pupil basis.

(11)(a) The Superintendent shall distribute an amount of funds to a newly opening charter school that is either:

- (i) the base payment described in Subsection (8); or
- (ii) a per pupil amount based on the newly opened charter school's projected October 1 enrollment count.

(b)(i) The governing board of a newly opening charter school shall notify the Superintendent by March 1 preceding the school's first year of operation, which option under Subsection (8)(a) the school elects to receive.

(ii) If a school fails to notify the Superintendent as required under Subsection (b)(i), the school shall receive the base payment described in Subsection (5)(c) in the school's first year of operation.

(c) The Superintendent shall increase or decrease a newly opening charter school's first year distribution of funds in the school's second year to reflect the newly opening charter school's actual first year October 1 enrollment.

(12)(a) The Superintendent shall distribute an amount of funds to a newly opening satellite school equal to the base payment described in Subsection (5)(c).

(b) The Superintendent shall increase or decrease a newly opening satellite school's first year distribution of funds in the school's second year to reflect the newly opening satellite school's actual first year October 1 enrollment.

R277-477-7. School LAND Trust Program - Plan Amendments.

(1)(a) A principal shall submit a plan amendment authorized by Subsection 53G-7-1206(4)(d)(iii) through the School LAND Trust website for approval, including the date the council approved the amendment and the number of votes for, against, and absent.

(b) An LEA governing board and budget officer shall:

- (i) consider the amendment for approval;
- (ii) approve or deny an amendment; and
- (iii) notify the Superintendent when an amendment is ready for review.

(c) The Superintendent shall review an amendment for compliance with statute and rule before the school uses funds according to the amendment.

R277-477-8. School LAND Trust Program Final Reports.

(1) A principal shall submit a final report on the School LAND Trust website annually before a School LAND Trust plan for the coming school year is submitted.

(2) Audited expenditure data from the state's financial system shall appear in the final report submitted on the SLT reporting website by a principal, as required by Subsection 53G-7-1206(5)(b).

(3) A school shall provide an explanation for any carry-over that exceeds the school's applicable carry-over limit in a given year in the School LAND Trust final report.

(4) A district liaison or budget officer shall ensure that a final report includes:

(a) clear explanations of plan implementations and expenditures, substantiated by a comparison to the LEA's detailed expenditure records for the school; and

(b) meets the confidentiality requirements of Rule R277-487 before March 1 to allow the review required by Section R277-477-7.

(5)(a) The Superintendent shall recommend a district or school with a consistently large carry-over balance over multiple years for corrective action for not making adequate and appropriate progress on an approved plan.

(b) The Superintendent may take corrective action to remedy excessive carry-over balances consistent with Rule R277-114.

(6) A district liaison or budget official shall provide a final report or a summary of the final report to the LEA governing board and parents of the school on the implementation of each school's prior year School LAND Trust plans by March 1.

R277-477-9. Compliance Review.

(1) The Superintendent may visit a school receiving funds from the School LAND Trust program to discuss the program, receive information and suggestions, provide training, and answer questions.

(2)(a) The Superintendent shall supervise annual compliance reviews to review expenditure of funds consistent with the approved plan, final report, applicable amendments, allowable expenses, and the law.

(b) The Superintendent shall require an LEA to reimburse the school's School LAND Trust budget for any funds found to be spent inconsistent with the school's approved plan or this rule.

(c) The Superintendent shall annually provide a report to the Board Finance Committee on compliance review findings and other compliance issues.

R277-477-10. Superintendent Responsibilities.

The Superintendent shall:

(1) represent the Board on the Land Trusts Protection and Advocacy Committee in accordance with Section 53D-2-202;

(2) review and approve a plan submitted by the USDB Advisory Council as necessary;

(3) prepare the annual distribution of funds to implement the School LAND Trust program pursuant to Section 53F-2-404;

(4) provide training to entities involved with the School LAND Trust program consistent with Subsection 53G-7-1206(8); and

(5) implement corrective action, if appropriate, consistent with Rule R277-114 if an LEA or its council fails to comply with this rule.

KEY: schools, trust lands funds, school community councils

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