

1 **R277. Education, Administration.**

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

4 **R277-477-1. Authority and Purpose.**

5 (1) This rule is authorized by:

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

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

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

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

14 (a) the Common School Trust;

15 (b) the School for the Deaf Trust; and

16 (c) the School for the Blind Trust.

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

20 (4) The purpose of this rule is to:

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

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

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

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

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

31 appropriate and timely distribution of the funds;

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

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

37

38 **R277-477-2. Definitions.**

39 (1) "Approving entity" means a school district board or a charter authorizer
40 consistent with Section 53G-7-1206.

41 (2)(a) "Charter trust land council" means a council comprised of a two person
42 majority of parents or grandparents of students attending the charter school, elected by
43 parents of students attending the charter school, convened to act in lieu of the school
44 community council for the charter school.

45 (b) "Charter trust land council" includes a charter school governing board if:

46 (i) the charter governing board meets the two-parent majority requirement; and

47 (ii) the charter school governing board chooses to serve as the charter trust land
48 council.

49 (3) "Council" means a school community council or a charter trust land council.

50 (4) "Digital citizenship" means the same as that term is defined in Section 53G-
51 7-1202.

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

55 (6) "Funds" means School LAND Trust program funding as defined in Section
56 53F-2-404.

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

60 (8) "Parent," for a charter school, includes a grandparent of a student currently

61 enrolled at the school.

62 (9)(a) "Principal" means an administrator licensed as a principal in the state and
63 employed in that capacity at a school.

64 (b) "Principal" includes the director of a charter school.

65 (10) "Sample" means:

66 (a) one-third of schools within a district;

67 (b) at least ten schools; and

68 (c) all schools if there are less than ten schools in a district.

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

71 (12) "School safety principles" has the same meaning as described in Section
72 53G-7-1202.

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

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

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

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

80 (17) "Website" means the School LAND Trust website.

81

82 **R277-477-3. Distribution of Funds - Local Board or Local Charter Board Approval**
83 **of School LAND Trust Plans.**

84 (1) A public school receiving School LAND Trust program funds shall have:

85 (a) a school community council as required by Section 53G-7-1202 and Rule
86 R277-491;

87 (b) a charter school trust land council as required by Section 53G-7-1205; or

88 (c) an approved exemption under this rule.

89 (2) Notwithstanding Subsection (1)(a), the USDB Advisory Council may fill the
90 responsibilities of a school community council for USDB.

91 (3) A public school receiving School LAND Trust program funds shall submit a
92 membership form [~~consistent~~] demonstrating compliance with the required membership
93 in Subsection (1) that includes a principal assurance consistent with Subsection 53G-7-
94 1206(3)(c) by October [4]20 annually.

95 (4) A charter school that elects to receive School LAND Trust funds shall:

- 96 (a) have a charter trust land council consistent with Section 53G-7-1205; and
- 97 (b) receive training about Section 53G-7-1206.

98 (5) A charter trust land council that is not a charter governing board shall:

99 (a) be subject to Section 53G-7-1203;

100 (b) have parent or grandparent members elected by parents of students
101 attending the charter school; and

102 (c) post the following items on the school's website by October [4]20 annually:

103 (i) an invitation to parents to serve on the Charter Trust Land Council;

104 (ii) the dollar amount the school receives each year from the School LAND Trust
105 program;

106 (iii) a copy or link to the current Teacher and Student Success Plan;

107 (iv) approved minutes of Charter Trust Land Council meetings for at least a year;

108 (v) the proposed council meeting scheduled for the school year;

109 (vi) a means to contact the members of the school's Charter Trust Land Council
110 directly;

111 (vii) a link or copy of the final reports of the school for the last two years, as
112 required by Subsection 53G-7-1206(5);

113 (viii) a link or copy of the school plan for the current year.

114 (6) A charter school that is a small or special school may receive an exemption
115 from the charter land trust council composition requirements contained in Section 53G-
116 7-1205 upon application to the school's authorizer if the small or special school
117 demonstrates and documents a good faith effort to recruit members to the charter trust
118 land council.

119 (7) The principal of a charter school that elects to receive School LAND Trust
120 funds shall submit a plan, approved by the school's governing board, to the approving

121 entity on the School LAND Trust website:

122 (a) no later than April 1 for schools authorized by the State Charter School
123 Board; or

124 (b) for a newly opening charter school, no later than November 1 in the school's
125 first year to receive funding in the year the newly opening charter school opens.

126 (8)(a) An approving entity:

127 (i) shall consider a plan annually; and

128 (ii) may approve or disapprove a school plan.

129 (b) If an approving entity does not approve a plan, the approving entity shall:

130 (i) provide a written explanation why the approving entity did not approve the
131 plan; and

132 (ii) request that the school revise the plan, consistent with Subsection 53G-7-
133 1206(4)(d).

134 (9)(a) To receive funds, the principal of a public school shall submit a School
135 LAND Trust plan to the approving entity annually through the School LAND Trust
136 website using the form provided.

137 (b) The Board may grant an exemption to a school using the Superintendent-
138 provided form, described in Subsection (8)(a), on a case-by-case basis.

139 (10) In addition to the requirements of Subsection (7), the School LAND Trust
140 plan described in Subsections (6) and (8)(a) shall include the date the council voted to
141 approve the plan.

142 (11)(a) The principal of a school shall ensure that a council member has an
143 opportunity to provide a signature indicating the member's involvement in implementing
144 the current School LAND Trust plan and developing the school plan for the upcoming
145 year.

146 (b) The principal shall collect a council member's signature digitally through the
147 website.

148 (c) An approving entity may design the approving entity's own form to collect the
149 information required by this Subsection (10).

150 (12)(a) An approving entity for a district school or a charter school authorized by

151 an authorizer other than the State Charter School Board shall establish a timeline,
152 including a deadline, for a school to submit a school's School LAND Trust plan.

153 (b) A timeline described in Subsection (10)(a) shall:

154 (i) require a school's School LAND Trust plan to be submitted to the approving
155 entity with sufficient time so that the approving entity may approve the school's School
156 LAND Trust plan no later than May 15 of each year; and

157 (ii) allow sufficient time for a council to reconsider and amend the council's
158 School LAND Trust plan if the approving entity rejects the school's plan and still allow
159 the school to meet the May 15 approving entity's approval deadline.

160 (c) After an approving entity has completed the approving entity's review, the
161 approving entity shall notify the Superintendent that the review is complete.

162 (d) For an LEA to receive its full distribution in July, the LEA shall submit plans
163 with all required approvals online no later than May 15.

164 (13)(a) Prior to approving a plan, an approving entity shall review a School
165 LAND Trust plan under the approving entity's purview to confirm that a School LAND
166 Trust plan contains:

167 (i) academic goals;

168 (ii) specific steps to meet the academic goals described in Subsection (11)(a)(i);

169 (iii) measurements to assess improvement; and

170 (iv) specific expenditures focused on student academic improvement needed to
171 implement plan goals.

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

175 (c) The president or chair of the approving entity shall provide training annually
176 on the requirements of Section 53G-7-1206 to the members of the approving entity.

177 (14)(a) After receiving the notice described in Subsection (10)(c), the
178 Superintendent shall review each School LAND Trust plan for compliance with the law
179 governing School LAND Trust plans.

180 (b) The Superintendent shall report back to the approving entity concerning

181 which School LAND Trust plans were found to be out of compliance with the law.

182 (c) An approving entity shall ensure that a School LAND Trust plan that is found
183 to be out of compliance with the law by the Superintendent is amended or revised by
184 the council to bring the school's School LAND Trust plan into compliance with the law.

185 (15) If an approving entity fails to comply with Subsection (12)(c),
186 Superintendent may report the failure to the Audit Committee of the Board as described
187 in Section R277-477-8.

188
189 **R277-477-4. Appropriate Use of School LAND Trust Program Funds.**

190 (1) Parents, teachers, and the principal, in collaboration with an approving entity,
191 shall review school wide assessment data annually and use School LAND Trust
192 program funds in data-driven and evidence-based ways to improve educational
193 outcomes, consistent with the academic goals of the school's teacher and student
194 success plan framework under Section 53G-7-1304 and the priorities of the LEA
195 governing board, including:

196 (a) strategies that are measurable and show academic outcomes with multi-
197 tiered systems of support; and

198 (b) counselors and educators working with students and families on academic
199 and behavioral issues when a direct impact on academic achievement can be
200 measured.

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

205 (a) to increase achievement in:

206 (i) English;

207 (ii) language arts;

208 (iii) mathematics; and

209 (iv) science; and

210 (b) for high schools to:

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

213 (3) A school may not use School LAND Trust program funds for the following:
214 (a) costs related to district or school administration, including accreditation;
215 (b) expenses for:
216 (i) construction;
217 (ii) maintenance;
218 (iii) facilities;
219 (iv) overhead;
220 (v) furniture;
221 (vi) security; or
222 (vii) athletics; or
223 (c) expenses for non-academic in-school, co-curricular, or extracurricular
224 activities.

225 (4) A school that demonstrates appropriate progress and achievement
226 consistent with the academic priorities of the LEA governing board outlined in
227 Subsection (2) may request local board approval of a plan to address other academic
228 goals if the plan includes:
229 (a) how the goal is in accordance with the core standards established in Rule
230 R277-700;
231 (b) how the action plan for the goal is:
232 (i) data-driven;
233 (ii) evidence based; and
234 (iii) has a direct impact on the instruction of students consistent with Subsections
235 (1) and (2);
236 (c) the data driving the decision to spend School LAND Trust funds for academic
237 needs outlined in this Subsection (4); and
238 (d) the anticipated data source the school will use to measure progress.

239 (5) A council may budget and spend no more than \$7,000 for an academic goal
240 or component of an academic goal than incorporates any combination of the following:

- 241 (a) digital citizenship training under Subsection 53G-7-1202(3)(a)(iii); or
242 (b) safety principles consistent with Subsection 53G-7-1202(3)(a)(v).
243 (6) A school district or local school board may not require a council or school to
244 spend the school's School LAND Trust program funds on a specific use or set of uses.
245 (7) Student incentives implemented as part of an academic goal in the School
246 LAND Trust program may not exceed \$2 per student in an academic school year.

247

248 **R277-477-5. Distribution of Funds - Determination of Proportionate Share.**

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

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

253 (3)(a) In an unanticipated circumstance, a school within an LEA may be allowed
254 a small advance from a school's allocation for the next fiscal year when:

255 (i) the LEA has unspent School LAND Trust funds to cover the advance; and

256 (ii) the LEA governing board approves the advance.

257 (b) If a school receives an advance under Subsection (3)(a):

258 (i) the LEA shall decrease the beginning allocation to the school for the next
259 fiscal year in the same amount as the advance; and

260 (ii) restore the same advance amount to the unspent School LAND Trust funds
261 of the LEA.

262 (c) A school's beginning School LAND Trust funds balance for a new school year
263 shall be:

264 (i) the school's allocation for the new school year;

265 (ii) minus any advance approved under Subsection (3)(a);

266 (iii) plus any carry-over from the prior year.

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

270 (a) school openings and closings;

271 (b) boundary changes; and
272 (c) other enrollment changes occurring after the fall enrollment report.
273 (5) An LEA shall provide the current year distribution and carry-over amount
274 from the prior school year to the principal by October 1 annually.
275 (6) A charter school and each of the charter school's satellite charter schools are
276 a single LEA for purposes of public school funding.
277 (7)(a) For purposes of this section, "qualifying charter school" means a charter
278 school that:
279 (i) would receive more funds from a per pupil distribution than the charter school
280 receives from the base payment described in Subsection (6)(c); and
281 (ii) is not a newly opening charter school as described in Subsection (7).
282 (b) The Superintendent shall distribute the funds allocated to charter schools as
283 described in this Subsection (6).
284 (c) The Superintendent shall first distribute a base payment to each charter
285 school that is equal to the product of:
286 (i) an amount equal to the total funds available for all charter schools; and
287 (ii) at least 0.4%.
288 (d) After the Superintendent distributes the amount described in Subsection
289 (6)(c), the Superintendent shall distribute the remaining funds to qualifying charter
290 schools on a per pupil basis.
291 (8)(a) The Superintendent shall distribute an amount of funds to a newly opening
292 charter school that is equal to the greater of:
293 (i) the base payment described in Subsection (6)(c); or
294 (ii) a per pupil amount based on the newly opened charter school's projected
295 October 1 enrollment count.
296 (b) The Superintendent shall increase or decrease a newly opening charter
297 school's first year distribution of funds in the school's second year to reflect the newly
298 opening charter school's actual first year October 1 enrollment.
299 (9) If a school chooses not to apply for funds or does not meet the requirements
300 for receiving funds, the Superintendent shall deposit the unused balance in the Trust

301 Distribution Account.

302

303 **R277-477-6. School LAND Trust Program - Implementation of Plans and Required**
304 **Reporting.**

305 (1) A school shall implement a plan as approved.

306 (2)(a) The principal shall submit a plan amendment authorized by Subsection
307 53G-7-1206(4)(d)(iii) through the School LAND Trust website for approval, including the
308 date the council approved the amendment and the number of votes for, against, and
309 absent.

310 (b) The approving entity shall:

311 (i) consider the amendment for approval;

312 (ii) approve an amendment before the school uses funds according to the
313 amendment; and

314 (iii) notify the Superintendent an amendment is ready for review.

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

317 (3)(a) A school shall provide an explanation for any carry-over that exceeds one-
318 tenth of the school's allocation in a given year in the School LAND Trust Plan or final
319 report.

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

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

325 (4) By approving a plan on the School LAND Trust website, the approving entity
326 affirms that:

327 (a) the entity has reviewed the plan; and

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

329 (5)(a) A district or charter school business official shall enter prior year audited
330 expenditures of School LAND Trust funds through UPEFS consistent with UPEFS

331 requirements and timelines.

332 (b) The expenditure data shall appear in the final report submitted online by a
333 principal, as required by Subsection 53G-7-1206(5)(b).

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

336 (7) An approving entity shall ensure that a final report includes clear
337 explanations of plan implementation and expenditures and meets the confidentiality
338 requirements of Rule R277-487 prior to March 1 to allow the review required by Section
339 R277-477-7.

340 (8) An LEA shall provide an annual report to its governing board on the
341 implementation of each school's prior year School LAND Trust plans by March 1
342 annually.

343

344 **R277-477-7. Compliance Review.**

345 (1)(a) The Superintendent shall review a sample of school final reports for
346 consistency with the approved school plan.

347 (b) The Superintendent shall create a list of all schools in the sample whose final
348 reports indicate that funds from the School LAND Trust program were expended
349 inconsistent with the statute, rule, or the school's approved plan.

350 (c) The Superintendent shall annually report a school described in Subsection
351 (1)(b) to the school district contact person, district superintendent, and president of the
352 local board of education or charter board and charter approving entity, as applicable.

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

356 (3)(a) The Superintendent shall supervise annual compliance reviews to review
357 expenditure of funds consistent with the approved plan, allowable expenses, and the
358 law.

359 (b) The Superintendent shall [~~report~~] annually provide a written report to the
360 Board [~~Audit~~] Finance Committee on compliance review findings and other compliance

361 issues.

362

363 **R277-477-8. Superintendent Responsibilities.**

364 The Superintendent shall:

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

367 (2) review and approve a charter school plan on behalf of the State Charter School
368 Board;

369 (3) provide notice as necessary to the State Charter School Board of changes
370 required of charter schools for compliance with statute and rule;

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

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

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

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

379 **KEY: schools, trust lands funds, school community councils**

380 **Date of Last Change: January 11, 2022**

381 **Notice of Continuation: November 5, 2021**

382 **Authorizing, and Implemented or Interpreted Law: Art X Sec 3; 53E-3-401; 53F-2-**
383 **404**