

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 the
9 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 the
11 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 oversight,
18 support, and training for school community councils and Charter Trust Land Councils
19 consistent with Subsection [53G-7-1206](#)(2), 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 in order to enhance and improve student
23 academic 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

27 Distribution 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 a designated local board of education, an approving entity, 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 regards
36 to the School Children's Trust.

37 **R277-477-2. Definitions.**

38 (1) "Approving entity" means an LEA governing board, university, or other legally
39 authorized entity that may approve or reject a plan for a district or charter school.

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

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

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

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

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

48 (4) "Digital citizenship" means the same as that term is defined in Section [53G-7-](#)
49 [1202](#).

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

53 (6) "Funds" means School LAND Trust program funding as defined in Section [53F-2-](#)
54 [404](#).

55 (7) "Most critical academic need" means an academic need identified in a school's
56 Teacher and Student Success Plan.

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

59 (9)(a) "Principal" means an administrator licensed as a principal in the state and

60 employed in that capacity at a school.

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

62 (10) "Satellite ~~[charter]~~ school" has the same meaning as that term is defined in
63 Section R277-~~[482-2]~~550-2.

64 (11) "School safety principles" has the same meaning as described in Section 53G-
65 7-1202.

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

68 (13) "Teacher and Student Success Plan" means the plan required of each school
69 under Section 53G-7-1305.

70 (1~~[3]~~4) "Trust Distribution Account" means the restricted account within the Uniform
71 School Fund created under Subsection 53F-9-201(2).

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

74 (1) A public school receiving School LAND Trust Program funds shall have:

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

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

78 (c) an approved exemption under this rule.

79 (2) A public school receiving School LAND Trust Program funds shall submit a
80 principal assurance form, as described in Section R277-491-4 and Subsection 53G-7-
81 1206(3)(c), prior to the public school receiving a distribution of School LAND Trust Program
82 funds.

83 (3) A charter school that elects to receive School LAND Trust funds shall:

84 (a) have a charter trust land council;

85 (b) be subject to Section 53G-7-1203 if the charter trust land council is not a charter
86 school governing board; and

87 (c) receive training about Section 53G-7-1206.

88 (4) A charter school that is a small or special school may receive an exemption from

89 the charter land trust council composition requirements contained in Subsection 53G-7-
90 1205(9) upon application to the school’s authorizer if the small or special school
91 demonstrates and documents a good faith effort to recruit members to the charter trust land
92 council.

93 (5) The principal of a charter school that elects to receive School LAND Trust funds
94 shall submit a plan, approved by the school’s governing board, to the School Children’s
95 Trust Section on the School LAND Trust website:

96 (a) no later than April 1; or

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

99 (6)(a) An approving entity:

100 (i) shall consider a plan annually; and

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

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

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

104 and

105 (ii) request that the school revise the plan, consistent with Subsection 53G-7-
106 1206(4)(d).

107 (7)(a) To receive funds, the principal of a public school shall submit a School LAND
108 Trust plan to the School Children’s Trust Section annually through the School LAND Trust
109 website using the form provided.

110 (b) The Board may grant an exemption from a school using the
111 Superintendent-provided form, described in Subsection (7)(a), on a case-by-case basis.

112 (8) In addition to the requirements of Subsection (6), the School LAND Trust plan
113 described in Subsection (7)(a) shall include the date the council voted to approve the plan.

114 (9)(a) The principal of a school shall ensure that a council member has an
115 opportunity to provide a signature indicating the member’s involvement in implementing the
116 current School LAND Trust plan and developing the school plan for the upcoming year.

117 (b) The principal shall collect a council member’s signature, as described in
118 Subsection (9)(a), digitally or through a paper form created by the Membership Form on

119 the website and uploaded to the database.

120 (c) An LEA or district school, upon the permission of the LEA's governing board, may
121 design the LEA or district school's own form to collect the information required by this
122 Subsection (9).

123 (10)(a) An approving entity for a school district shall establish a timeline, including
124 a deadline, for a school to submit a school's School LAND Trust plan.

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

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

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

132 (c) After an approving entity has completed the approving entity's review, the
133 approving entity shall notify the School Children's Trust Section that the review is complete.

134 (11)(a) Prior to approving a plan, an approving entity shall review a School LAND
135 Trust plan under the approving entity's purview to confirm that a School LAND Trust plan
136 contains:

137 (i) academic goals;

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

139 (iii) measurements to assess improvement; and

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

142 (b) The approving entity shall determine whether a School LAND Trust plan is
143 consistent with the approving entity's pedagogy, programs, and curriculum.

144 (c) Prior to approving a School LAND Trust plan, the president or chair of the
145 approving entity shall provide training annually on the requirements of Section [53G-7-1206](#)
146 to the members of the approving entity.

147 (12)(a) After receiving the notice described in Subsection (10)(c), the School
148 Children's Trust Section shall review each School LAND Trust plan for compliance with the

149 law governing School LAND Trust plans.

150 (b) The School Children’s Trust Section shall report back to the approving entity
151 concerning which School LAND Trust plans were found to be out of compliance with the
152 law.

153 (c) An approving entity shall ensure that a School LAND Trust plan that is found to
154 be out of compliance with the law by the School Children’s Trust Section is amended or
155 revised by the council to bring the school’s School LAND Trust plan into compliance with
156 the law.

157 (13) If an approving entity fails to comply with Subsection (12)(c), Superintendent
158 may report the failure to the Audit Committee of the Board as described in Section R277-
159 477-9.

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

161 (1) Parents, teachers, and the principal, in collaboration with an approving entity,
162 shall review school-wide assessment data annually and use School LAND Trust Program
163 funds in data-driven and evidence-based ways to improve educational outcomes consistent
164 with the school’s teacher and student success plan and the academic priorities of the LEA
165 governing board, including:

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

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

170 (2) A school’s School LAND Trust Program expenditures ~~[are required to]~~ shall have
171 a direct impact on the instruction of students in the particular school’s areas of most critical
172 academic need consistent with the priorities of the LEA governing Board:

173 (a) to increase achievement in:

174 (i) English;

175 (ii) language arts;

176 (iii) mathematics; and

177 (iv) science; and

- 178 (b) for high schools to:
- 179 (i) increase graduation rates; and
- 180 (ii) promote college and career readiness.
- 181 (3) A school may not use School LAND Trust Program funds for the following:
- 182 (a) ~~[to cover the fixed costs of doing business]~~costs related to district or school
- 183 administration, including accreditation;
- 184 (b) for construction, maintenance, facilities, overhead, furniture, security, or athletics;
- 185 or
- 186 (c) to pay for non-academic in-school, co-curricular, or extracurricular activities.
- 187 (4) A school that demonstrates to the local board the appropriate progress and
- 188 achievement consistent with the academic priorities of the LEA governing board outlined
- 189 in Subsection (2) may request local board approval of goals to address other academic
- 190 needs, subject to the budgetary limitations of Subsection (6), which:
- 191 (a) are in accordance with the core standards established in Rule [R277-700](#); and
- 192 (b) are data driven and evidence based consistent with Subsections (1) and (2).
- 193 (5) A goal that does not support the priorities set in accordance with Subsection (2)
- 194 shall include:
- 195 (a) evidence of appropriate progress and achievement in the areas listed in
- 196 Subsection (2);
- 197 (b) the data driving the decision to spend School LAND Trust funds in a different
- 198 area of academic need;
- 199 (c) the data source used to measure progress; and
- 200 (d) an explanation of how the goal will have a direct impact on the instruction of
- 201 students.
- 202 (6) A council may budget and spend no more than the greater of \$7,000 or ten
- 203 percent of the council’s distribution for an academic goal or component of an academic goal
- 204 that incorporates [any combination of the following](#):
- 205 (a) character and civic education;
- 206 (b) digital citizenship training under Subsection [53G-7-1202\(3\)\(a\)\(iii\)](#); or
- 207 (c) safety principles consistent with Subsection [53G-7-1202\(1\)\(d\)](#)~~;~~~~or~~

208 ~~—— (d) a goal to address an academic need under Subsection (4)].~~

209 ([4]7) A school district or local school board may not require a council or school to
210 spend the school's School LAND Trust Program funds on a specific use or set of uses.

211 ~~[(5)(a) A council may budget and spend no more than \$7,000 for in-school civic and~~
212 ~~character education, including student leadership skills training, digital citizenship training,~~
213 ~~and implementing school safety principles.~~

214 ~~—— (b) A school may designate School LAND Trust Program funds to implement school~~
215 ~~safety principles or for an in-school civic or character education program or activity only if~~
216 ~~the plan clearly describes how the program or activity has a direct impact of the instruction~~
217 ~~of students in a school's areas of most critical academic need.]~~

218 ([6]8) Notwithstanding other provisions in this rule, a school may use funds as
219 needed to implement a student's Individualized Education Plan.

220 ([7]9) Student incentives implemented as part of an academic goal in the School
221 LAND Trust Program may not exceed \$2 per awarded student in an academic school year.

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

223 (1)(a) A local school board or charter school governing board shall report the prior
224 year expenditure of distributions for each school.

225 (b) The total expenditures each year described in Subsection (1)(a) may not be
226 greater than the total available funds for any school or school district.

227 (c) A school district shall adjust the current year distribution of funds received from
228 the School LAND Trust Program as described in Section [53F-2-404](#), as necessary to
229 maintain an equal per student distribution within a school district based on school openings
230 and closings, boundary changes, and other enrollment changes occurring after the fall
231 enrollment report.

232 (2) A charter school and each of the charter school's satellite ~~[charter]~~ schools are
233 a single LEA for purposes of public school funding.

234 (3)(a) For purposes of this Subsection (3) and Subsection (4), "qualifying charter
235 school" means a charter school that:

236 (i) would receive more funds from a per pupil distribution than the charter school

237 receives from the base payment described in Subsection (3)(c); and

238 (ii) is not a newly opening charter school as described in Subsection (4).

239 (b) The Superintendent shall distribute the funds allocated to charter schools as
240 described in this Subsection (3).

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

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

244 (ii) at least 0.4%.

245 (d) After the Superintendent distributes the amount described in Subsection (3)(c),
246 the Superintendent shall distribute the remaining funds to qualifying charter schools on a
247 per pupil basis.

248 (4)(a) The Superintendent shall distribute an amount of funds to a newly opening
249 charter school that is equal to the greater of:

250 (i) the base payment described in Subsection (2)(c); or

251 (ii) a per pupil amount based on the newly opened charter school's projected
252 October 1 enrollment count.

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

256 (5) If a school chooses not to apply for funds or does not meet the requirements for
257 receiving funds, the Superintendent shall deposit the unused balance in the Trust
258 Distribution Account.

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

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

262 (2)(a) The principal shall submit a plan amendment authorized by Subsection [53G-7-](#)
263 [1206](#)(4)(d)(iii) through the School LAND Trust website for approval, including the date the
264 council approved the amendment and the number of votes for, against, and absent.

265 (b) The approving entity shall:

266 (i) consider the amendment for approval; and
267 (ii) approve an amendment before the school uses funds according to the
268 amendment.

269 (c) The School Children's Trust Section shall review an amendment for compliance
270 with statute and rule before the school uses funds according to the amendment.

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

273 (b) The Superintendent shall recommend a district or school with a consistently large
274 carryover balance over multiple years for corrective action for not making adequate and
275 appropriate progress on an approved plan.

276 (c) The Superintendent may take corrective action to remedy excessive carryover
277 balances consistent with Rule [R277-114](#).

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

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

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

282 (5)(a) A district or charter school business official shall enter prior year audited
283 expenditures by specific category on the School LAND Trust website on or before October
284 1.

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

287 (6) A principal shall submit a final report on the School LAND Trust website by
288 October 20 annually.

289 **R277-477-7. School LAND Trust Program - School Children's Trust Section to**
290 **Review Compliance.**

291 (1)(a) The School Children's Trust Section shall review each school's final report for
292 consistency with the approved school plan.

293 (b) The School Children's Trust Section shall create a list of all schools whose final
294 reports indicate that funds from the School LAND Trust Program were expended

295 inconsistent with the statute, rule, or the school's approved plan.

296 (c) The School Children's Trust Section shall annually report a school described in
297 Subsection (1)(b) to the school district contact person, district superintendent, and
298 president of the local board of education or charter board, as applicable.

299 (2) The School Children's Trust Section may visit a school receiving funds from the
300 School LAND Trust Program to discuss the program, receive information and suggestions,
301 provide training, and answer questions.

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

304 (b) The Superintendent shall report annually to the Board Audit Committee on
305 compliance review findings and other compliance issues.

306

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

308 The Superintendent shall:

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

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

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

315 (4) review and approve a plan submitted by the USDB school community council
316 as necessary;

317 (5) prepare the annual distribution of funds to implement the School LAND Trust
318 Program pursuant to Section [53F-2-404](#);

319 (6) report the total distribution amount for the following fiscal year to the Legislative
320 Fiscal Analyst before December 31 annually;

321 (7) provide training to entities involved with the School LAND Trust Program
322 consistent with Subsection [53G-7-1206](#)(8); and

323 (8) implement corrective action, if appropriate, consistent with Rule [R277-114](#) if an
324 LEA or its council fails to comply with the provisions of this rule.

325

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

327 **Date of Enactment or Last Substantive Amendment: 2018**

328 **Notice of Continuation: August 13, 2015**

329 **Authorizing, and Implemented, or Interpreted Law: [Art X Sec 3](#); ~~[53A-16-101.5(4)]~~**

330 **[53F2-404](#); ~~[53A-1-401]~~ [53E-3-401](#)**