

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

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

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

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

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

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

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

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

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

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

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

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

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

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

64 (10) "Sample" means:

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

66 (b) at least ten schools; and

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

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

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

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

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

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

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

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

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

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

83 (a) a school community council as required by Section [53G-7-1202](#) and Rule  
84 [R277-491](#);

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

86 (c) an approved exemption under this rule.

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

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

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

94 (a) have a charter trust land council consistent with Section [53G-7-1205](#); and

95 (b) receive training about Section [53G-7-1206](#).

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

97 (a) be subject to Section [53G-7-1203](#);

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

100 (c) post the following items on the school's website by October 1 annually:

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

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

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

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

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

107 (vi) ~~[a telephone number, email address, or both where each council member can~~  
108 ~~be contacted directly]~~ a means to contact the members of the school's Charter Trust  
109 Land Council directly;

110 (vii) a link or copy of the final reports of the school for the last two years, as

111 required by Subsection [53G-7-1206](#)(5);

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

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

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

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

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

125 (8)(a) An approving entity:

126 (i) shall consider a plan annually; and

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

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

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

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

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

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

138 (10) In addition to the requirements of Subsection (7), the School LAND Trust

139 plan described in Subsections 6 and (8)(a) shall include the date the council voted to  
140 approve the plan.

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

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

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

149 (12)(a) An approving entity for a district school or a charter school authorized by  
150 an authorizer other than the State Charter School Board shall establish a timeline,  
151 including a deadline, for a school to submit a school's School LAND Trust plan.

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

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

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

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

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

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

166 (i) academic goals;

167 (ii) specific steps to meet the academic goals described in Subsection (11)(a)(i);  
168 (iii) measurements to assess improvement; and  
169 (iv) specific expenditures focused on student academic improvement needed to  
170 implement plan goals.

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

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

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

179 (b) The Superintendent shall report back to the approving entity concerning  
180 which School LAND Trust plans were found to be out of compliance with the law.

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

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

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

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

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

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

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

203 (a) to increase achievement in:

204 (i) English;

205 (ii) language arts;

206 (iii) mathematics; and

207 (iv) science; and

208 (b) for high schools to:

209 (i) increase graduation rates; and

210 (ii) promote college and career readiness.

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

212 (a) costs related to district or school administration, including accreditation;

213 (b) expenses for:

214 (i) construction;

215 (ii) maintenance;

216 (iii) facilities;

217 (iv) overhead;

218 (v) furniture;

219 (vi) security; or

220 (vii) athletics; or

221 (c) expenses for non-academic in-school, co-curricular, or extracurricular



222 activities.

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

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

229 (b) how the action plan for the goal is:

230 (i) data driven;

231 (ii) evidence based; and

232 (iii) has a direct impact on the instruction of students consistent with Subsections  
233 (1) and (2);

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

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

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

239 (a) digital citizenship training under Subsection [53G-7-1202\(3\)\(a\)\(iii\)](#); or

240 (b) safety principles consistent with Subsection [53G-7-1202\(3\)\(a\)\(v\)](#).

241 (6) A school district or local school board may not require a council or school to  
242 spend the school's School LAND Trust program funds on a specific use or set of uses.

243 (7) Student incentives implemented as part of an academic goal in the School  
244 LAND Trust program may not exceed \$2 per student in an academic school year.

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

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

248 (2) The total expenditures each year described in Subsection (1) may not be

249 greater than the total available funds for an LEA.

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

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

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

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

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

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

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

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

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

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

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

267 (a) school openings and closings;

268 (b) boundary changes; and

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

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

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

274 (7)(a) For purposes of this Section (5), "qualifying charter school" means a  
275 charter school that:

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

277 receives from the base payment described in Subsection (6)(c); and

278 (ii) is not a newly opening charter school as described in Subsection (7).

279 (b) The Superintendent shall distribute the funds allocated to charter schools as  
280 described in this Subsection (6).

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

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

284 (ii) at least 0.4%.

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

288 (8)(a) The Superintendent shall distribute an amount of funds to a newly opening  
289 charter school that is equal to the greater of:

290 (i) the base payment described in Subsection (6)(c); or

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

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

296 (9) If a school chooses not to apply for funds or does not meet the requirements  
297 for receiving funds, the Superintendent shall deposit the unused balance in the Trust  
298 Distribution Account.

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

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

302 (2)(a) The principal shall submit a plan amendment authorized by Subsection  
303 [53G-7-1206](#)(4)(d)(iii) through the School LAND Trust website for approval, including the

304 date the council approved the amendment and the number of votes for, against, and  
305 absent.

306 (b) The approving entity shall:

307 (i) consider the amendment for approval;

308 (ii) approve an amendment before the school uses funds according to the  
309 amendment; and

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

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

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

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

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

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

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

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

325 (5)(a) A district or charter school business official shall enter prior year audited  
326 expenditures of School LAND Trust funds through UPEFS consistent with UPEFS  
327 requirements and timelines.

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

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

332           (7) An approving entity shall ensure that a final report includes clear  
333 explanations of plan implementation and expenditures and meets the confidentiality  
334 requirements of Rule [R277-487](#) prior to March 1 to allow the review required by Section  
335 R277-477-7.

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

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

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

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

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

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

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

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

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

357           The Superintendent shall:

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

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

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

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

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

368 (6) provide training to entities involved with the School LAND Trust program  
369 consistent with Subsection [53G-7-1206](#)(8); and

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

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

373 **Date of Enactment or Last Substantive Amendment: July 20, 2021**

374 **Notice of Continuation: July 28, 2021**

375 **Authorizing, and Implemented or Interpreted Law: Art X Sec 3; [~~53A-1-401~~][53E-3-](#)  
376 [401](#); [53F-2-404](#)**