

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 [P]program and provides
18 oversight, support, and training for school community councils and Charter Trust Land
19 Councils consistent with S[ubs]ection 53G-7-1206[(2)], Rule R277-491, and this Rule R277-
20 477.

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

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

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

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

29 (d) provide for appropriate and adequate oversight of the expenditure and use of
30 funds by [~~a designated local board of education,~~] an approving entity, school administration,

31 and the Board;

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

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

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

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

40 (1) "Approving entity" means ~~[an LEA governing board, university, or other legally~~
41 ~~authorized entity that may approve or reject a plan for a district or charter school]~~ a school
42 district board or a charter authorizer consistent with Section 53G-7-1206.

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

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

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

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

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

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

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

57 (6) "Funds" means School LAND Trust program funding as defined in Section 53F-2-
58 404.

59 (7) "Most critical academic need" means an academic need, consistent with the core

60 standards in Rule R277-700, identified by a council through the annual review of
61 schoolwide assessment data and other relevant indicators.

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

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

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

67 (10) "Sample" means:

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

69 (b) at least ten schools; and

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

71 ([10]11) "Satellite charter school" has the same meaning as that term is defined in
72 Section R277-550-2.

73 ([11]12) "School safety principles" has the same meaning as described in Section
74 53G-7-1202.

75 ([12]13) "Student" means a child in public school grades kindergarten through 12
76 counted on the fall enrollment report of an LEA.

77 ([13]14) "Teacher and Student Success Plan" or "TSSP" means the plan required
78 of each school under Section 53G-7-1305.

79 ([14]15) "Trust Distribution Account" means the restricted account within the Uniform
80 School Fund created under Subsection 53F-9-201(2).

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

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

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

85 (1) A public school receiving School LAND Trust [P]program funds shall have:

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

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

89 (c) an approved exemption under this rule.

90 (2) A public school receiving School LAND Trust [P]program funds shall submit a
91 ~~[principal assurance form, as described in Section R277-491-4 and Subsection 53G-7-~~
92 ~~1206(3)(c), prior to the public school receiving a distribution of School LAND Trust Program~~
93 ~~funds.]~~ membership form consistent with the required membership in Subsection (1) that
94 includes a principal assurance consistent with Subsection 53G-7-1206(3)(c) by October 1
95 annually.

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

97 (a) have a charter trust land council consistent with Section 53G-7-1205; and

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

100 ~~——(e)]~~ receive training about Section 53G-7-1206.

101 (4) A charter trust land council that is not a charter governing board shall:

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

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

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

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

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

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

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

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

112 (vi) a telephone number, email address, or both where each council member can be
113 contacted directly;

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

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

117 ([4]5) A charter school that is a small or special school may receive an exemption
118 from the charter land trust council composition requirements contained in S[ubs]ection

119 53G-7-1205~~(9)~~ upon application to the school's authorizer if the small or special school
120 demonstrates and documents a good faith effort to recruit members to the charter trust land
121 council.

122 ([5]6) The principal of a charter school that elects to receive School LAND Trust
123 funds shall submit a plan, approved by the school's governing board, to the [~~School~~
124 ~~Children's Trust Section~~] approving entity on the School LAND Trust website:

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

126 or

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

129 ([6]7)(a) An approving entity:

130 (i) shall consider a plan annually; and

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

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

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

134 and

135 (ii) request that the school revise the plan, consistent with Subsection 53G-7-
136 1206(4)(d).

137 ([7]8)(a) To receive funds, the principal of a public school shall submit a School
138 LAND Trust plan to the [~~School Children's Trust Section~~] approving entity annually through
139 the School LAND Trust website using the form provided.

140 (b) The Board may grant an exemption [~~from~~] to a school using the
141 Superintendent-provided form, described in Subsection ([7]8)(a), on a case-by-case basis.

142 ([8]9) In addition to the requirements of Subsection ([6]7), the School LAND Trust
143 plan described in Subsections 6 and ([7]8)(a) shall include the date the council voted to
144 approve the plan.

145 ([9]10)(a) The principal of a school shall ensure that a council member has an
146 opportunity to provide a signature indicating the member's involvement in implementing the
147 current School LAND Trust plan and developing the school plan for the upcoming year.

148 (b) The principal shall collect a council member's signature~~[-as described in~~

149 Subsection (9)(a);] digitally [or through a paper form created by the Membership Form on
150 the website and uploaded to the database] through the website.

151 (c) An [LEA or district school, upon the permission of the LEA's governing board,]
152 approving entity may design the [LEA or district school's] approving entity's own form to
153 collect the information required by this Subsection ([9]10).

154 ([10]11)(a) An approving entity for a [school] district school or a charter school
155 authorized by an authorizer other than the State Charter School Board shall establish a
156 timeline, including a deadline, for a school to submit a school's School LAND Trust plan.

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

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

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

164 (c) After an approving entity has completed the approving entity's review, the
165 approving entity shall notify the [School Children's Trust Section] Superintendent that the
166 review is complete.

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

169 ([11]12)(a) Prior to approving a plan, an approving entity shall review a School LAND
170 Trust plan under the approving entity's purview to confirm that a School LAND Trust plan
171 contains:

172 (i) academic goals;

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

174 (iii) measurements to assess improvement; and

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

177 (b) The approving entity shall determine whether a School LAND Trust plan is
178 evidence based and consistent with the approving entity's pedagogy, programs, and

179 curriculum.

180 (c) ~~[Prior to approving a School LAND Trust plan, the]~~ The president or chair of the
181 approving entity shall provide training annually on the requirements of Section 53G-7-1206
182 to the members of the approving entity.

183 ~~[(12)13]~~(a) After receiving the notice described in Subsection (10)(c), the ~~[School~~
184 ~~Children's Trust Section]~~ Superintendent shall review each School LAND Trust plan for
185 compliance with the law governing School LAND Trust plans.

186 (b) The ~~[School Children's Trust Section]~~ Superintendent shall report back to the
187 approving entity concerning which School LAND Trust plans were found to be out of
188 compliance with the law.

189 (c) An approving entity shall ensure that a School LAND Trust plan that is found to
190 be out of compliance with the law by the ~~[School Children's Trust Section]~~ Superintendent
191 is amended or revised by the council to bring the school's School LAND Trust plan into
192 compliance with the law.

193 ~~[(13)14]~~ If an approving entity fails to comply with Subsection (12)(c), the
194 Superintendent may report the failure to the Audit Committee of the Board as described in
195 Section R277-477-~~[9]8~~.

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

197 (1) Parents, teachers, and the principal, in collaboration with an approving entity,
198 shall review school-wide assessment data annually and use School LAND Trust ~~[P]~~program
199 funds in data-driven and evidence-based ways to improve educational outcomes,
200 consistent with the academic goals of the school's teacher and student success plan
201 framework under S~~[ubs]~~ection 53G-7-1304~~[(1)(a)]~~ and the priorities of the LEA governing
202 board, including:

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

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

207 (2) A school's School LAND Trust ~~[P]~~program expenditures shall have a direct
208 impact on the instruction of students in the particular school's areas of most critical

- 209 academic need and consistent with the academic priorities of the LEA's governing board:
- 210 (a) to increase achievement in:
- 211 (i) English;
- 212 (ii) language arts;
- 213 (iii) mathematics; and
- 214 (iv) science; and
- 215 (b) for high schools to:
- 216 (i) increase graduation rates; and
- 217 (ii) promote college and career readiness.
- 218 (3) A school may not use School LAND Trust [P]program funds for the following:
- 219 (a) costs related to district or school administration, including accreditation;
- 220 (b) expenses for:
- 221 (i) construction;
- 222 (ii) maintenance;
- 223 (iii) facilities;
- 224 (iv) overhead;
- 225 (v) furniture;
- 226 (vi) security; or
- 227 (vii) athletics; or
- 228 (c) expenses for non-academic in-school, co-curricular, or extracurricular activities.
- 229 (4) A school that demonstrates appropriate progress and achievement consistent
- 230 with the academic priorities of the LEA governing board outlined in Subsection (2) may
- 231 request local board approval of a plan to address other academic goals if the plan includes:
- 232 (a) how the goal is in accordance with the core standards established in Rule R277-
- 233 700;
- 234 (b) how the action plan for the goal is:
- 235 (i) data driven;
- 236 (ii) evidence based; and
- 237 (iii) has a direct impact on the instruction of students consistent with Subsections (1)
- 238 and (2);
- 239 (c) the data driving the decision to spend School LAND Trust funds for academic

240 needs outlined in this Subsection (4); and

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

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

244 (a) digital citizenship training under Subsection 53G-7-1202(3)(a)(iii); or

245 (b) safety principles consistent with Subsection 53G-7-1202~~(4)(d)~~(3)(a)(v).

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

248 (7) Student incentives implemented as part of an academic goal in the School LAND
249 Trust [P]program may not exceed \$2 per ~~awarded~~ student in an academic school year.

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

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

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

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

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

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

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

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

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

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

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

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

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

268 (4) A school district shall adjust the current year distribution of funds received from
269 the School LAND Trust [P]program as described in Section 53F-2-404, as necessary to

270 maintain an equal per student distribution within a school district based on:

271 (a) school openings and closings;

272 (b) boundary changes; and

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

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

276 ([5]6) A charter school and each of the charter school's satellite charter schools are
277 a single LEA for purposes of public school funding.

278 ([6]7)(a) For purposes of this Section (5), "qualifying charter school" means a charter
279 school that:

280 (i) would receive more funds from a per pupil distribution than the charter school
281 receives from the base payment described in Subsection (6)(c); and

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

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

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

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

288 (ii) at least 0.4%.

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

292 ([7]8)(a) The Superintendent shall distribute an amount of funds to a newly opening
293 charter school that is equal to the greater of:

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

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

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

300 ([8]9) If a school chooses not to apply for funds or does not meet the requirements

301 for receiving funds, the Superintendent shall deposit the unused balance in the Trust
302 Distribution Account.

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 53G-7-
307 1206(4)(d)(iii) through the School LAND Trust website for approval, including the date the
308 council approved the amendment and the number of votes for, against, and absent.

309 (b) The approving entity shall:

310 (i) consider the amendment for approval; ~~and~~

311 (ii) approve an amendment before the school uses funds according to the
312 amendment~~[-]; and~~

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

314 (c) The ~~[School Children's Trust Section]~~ Superintendent shall review an amendment
315 for compliance with statute and rule before the school uses funds according to the
316 amendment.

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

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

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

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

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

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

328 (5)(a) A district or charter school business official shall enter prior year audited
329 expenditures ~~[by specific category on the]~~ of School LAND Trust funds through UPEFS
330 [website on or before October 1] consistent with UPEFS requirements and timelines.

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

333 (6) A principal shall submit a final report on the School LAND Trust website [by
334 ~~October 20~~] annually before a School LAND Trust plan for the coming school year is
335 submitted.

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

339 (7) An LEA shall provide an annual report to its governing board on the
340 implementation of each school's prior year School LAND Trust plans by [~~January 31~~] March
341 1 annually.

342 **R277-477-7. [~~School LAND Trust Program - School Children's Trust Section to~~**
343 **Review] Compliance Review.**

344 (1)(a) The [~~School Children's Trust Section~~] Superintendent shall review a sample
345 of school final reports [~~each school's final report~~] for consistency with the approved school
346 plan.

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

351 (c) The [~~School Children's Trust Section~~] Superintendent shall annually report a
352 school described in Subsection (1)(b) to the school district contact person, district
353 superintendent, and president of the local board of education or charter board and charter
354 approving entity, as applicable.

355 (2) The [~~School Children's Trust Section~~] Superintendent may visit a school receiving
356 funds from the School LAND Trust [P]program to discuss the program, receive information
357 and suggestions, provide training, and answer questions.

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

360 (b) The Superintendent shall report annually to the Board Audit Committee on

361 compliance review findings and other compliance 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 in
366 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 [~~school community council~~]
372 Advisory Council as necessary;

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

375 [~~(6) report the total distribution amount for the following fiscal year to the Legislative~~
376 ~~Fiscal Analyst before December 31 annually;~~]

377 ([~~7~~]6) provide training to entities involved with the School LAND Trust [P]program
378 consistent with Subsection 53G-7-1206(8); and

379 ([~~8~~]7) implement corrective action, if appropriate, consistent with Rule R277-114 if
380 an LEA or its council fails to comply with the provisions of this rule.

381

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

383 **Date of Enactment or Last Substantive Amendment: August 16, 2019**

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

385 **Authorizing, and Implemented, or Interpreted Law: Art X Sec 3; 53F-2-404; 53A-1-401**