

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]rogram and provides
18 oversight, support, and training for school community councils and Charter Trust Land
19 Councils consistent with S[ub]section [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]rogram 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 ~~(11)~~ "Satellite charter school" has the same meaning as that term is defined in
72 Section R277-[550-2](#).

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

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

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

79 ~~(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) Notwithstanding Subsection (1)(a), the USDB Advisory Council may fill the
91 responsibilities of a school community council for USDB.

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

98 ~~[(3)4]~~ A charter school that elects to receive School LAND Trust funds shall:

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

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

102 ~~—(c)]~~ receive training about Section [53G-7-1206](#).

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

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

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

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

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

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

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

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

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

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

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

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

119 ([4]6) A charter school that is a small or special school may receive an exemption
120 from the charter land trust council composition requirements contained in S[ubs]ection
121 [53G-7-1205](#)~~(9)~~ upon application to the school's authorizer if the small or special school
122 demonstrates and documents a good faith effort to recruit members to the charter trust land
123 council.

124 ([5]7) The principal of a charter school that elects to receive School LAND Trust
125 funds shall submit a plan, approved by the school's governing board, to the [~~School~~
126 ~~Children's Trust Section~~] approving entity on the School LAND Trust website:

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

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

131 ([6]8)(a) An approving entity:

132 (i) shall consider a plan annually; and

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

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

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

136 and

137 (ii) request that the school revise the plan, consistent with Subsection [53G-7-](#)
138 [1206](#)(4)(d).

139 ([7]9)(a) To receive funds, the principal of a public school shall submit a School
140 LAND Trust plan to the [~~School Children's Trust Section~~] approving entity annually through
141 the School LAND Trust website using the form provided.

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

144 ([8]10) In addition to the requirements of Subsection ([6]7), the School LAND Trust
145 plan described in Subsections 6 and ([7]8)(a) shall include the date the council voted to
146 approve the plan.

147 ([9]11)(a) The principal of a school shall ensure that a council member has an
148 opportunity to provide a signature indicating the member's involvement in implementing the

149 current School LAND Trust plan and developing the school plan for the upcoming year.

150 (b) The principal shall collect a council member's signature~~[, as described in~~
151 ~~Subsection (9)(a);]~~ digitally ~~[or through a paper form created by the Membership Form on~~
152 ~~the website and uploaded to the database]~~ through the website.

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

156 (~~[10]~~12)(a) An approving entity for a ~~[school]~~ district school or a charter school
157 authorized by an authorizer other than the State Charter School Board shall establish a
158 timeline, including a deadline, for a school to submit a school's School LAND Trust plan.

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

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

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

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

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

171 (~~[11]~~13)(a) Prior to approving a plan, an approving entity shall review a School LAND
172 Trust plan under the approving entity's purview to confirm that a School LAND Trust plan
173 contains:

174 (i) academic goals;

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

176 (iii) measurements to assess improvement; and

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

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

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

185 ~~[(12)14]~~(a) After receiving the notice described in Subsection (10)(c), the ~~[School~~
186 ~~Children's Trust Section]~~ Superintendent shall review each School LAND Trust plan for
187 compliance with the law governing School LAND Trust plans.

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

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

195 ~~[(13)15]~~ If an approving entity fails to comply with Subsection (12)(c), the
196 Superintendent may report the failure to the Audit Committee of the Board as described in
197 Section R277-477-~~[9]8~~.

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

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

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

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

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

212 (a) to increase achievement in:

213 (i) English;

214 (ii) language arts;

215 (iii) mathematics; and

216 (iv) science; and

217 (b) for high schools to:

218 (i) increase graduation rates; and

219 (ii) promote college and career readiness.

220 (3) A school may not use School LAND Trust [P]program funds for the following:

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

222 (b) expenses for:

223 (i) construction;

224 (ii) maintenance;

225 (iii) facilities;

226 (iv) overhead;

227 (v) furniture;

228 (vi) security; or

229 (vii) athletics; or

230 (c) expenses for non-academic in-school, co-curricular, or extracurricular activities.

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

234 (a) how the goal is in accordance with the core standards established in Rule R277-
235 [700](#);

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

237 (i) data driven;

238 (ii) evidence based; and

239 (iii) has a direct impact on the instruction of students consistent with Subsections (1)

240 and (2);

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

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

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

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

247 (b) safety principles consistent with Subsection [53G-7-1202](#)~~(1)(d)~~(3)(a)(v).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 273 (a) school openings and closings;
274 (b) boundary changes; and
275 (c) other enrollment changes occurring after the fall enrollment report.

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

278 ([5]6) A charter school and each of the charter school's satellite charter schools are
279 a single LEA for purposes of public school funding.

280 ([6]7)(a) For purposes of this Section (5), "qualifying charter school" means a charter
281 school that:

- 282 (i) would receive more funds from a per pupil distribution than the charter school
283 receives from the base payment described in Subsection (6)(c); and
284 (ii) is not a newly opening charter school as described in Subsection (7).

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

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

- 289 (i) an amount equal to the total funds available for all charter schools; and
290 (ii) at least 0.4%.

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

294 ([7]8)(a) The Superintendent shall distribute an amount of funds to a newly opening
295 charter school that is equal to the greater of:

- 296 (i) the base payment described in Subsection (6)(c); or
297 (ii) a per pupil amount based on the newly opened charter school's projected
298 October 1 enrollment count.

299 (b) The Superintendent shall increase or decrease a newly opening charter school's
300 first year distribution of funds in the school's second year to reflect the newly opening

301 charter school's actual first year October 1 enrollment.

302 ([8]9) If a school chooses not to apply for funds or does not meet the requirements
303 for receiving funds, the Superintendent shall deposit the unused balance in the Trust
304 Distribution Account.

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

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

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

311 (b) The approving entity shall:

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

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

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

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

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

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

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

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

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

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

330 (5)(a) A district or charter school business official shall enter prior year audited

331 expenditures ~~[by specific category on the]~~ of School LAND Trust funds through UPEFS
332 ~~[website on or before October 1]~~ consistent with UPEFS requirements and timelines.

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

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

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

341 (7) An LEA shall provide an annual report to its governing board on the
342 implementation of each school's prior year School LAND Trust plans by ~~[January 31]~~ March
343 1 annually.

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

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

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

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

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

360 (3)(a) The Superintendent shall supervise annual compliance reviews to review

361 expenditure of funds consistent with the approved plan, allowable expenses, and the law.
362 (b) The Superintendent shall report annually to the Board Audit Committee on
363 compliance review findings and other compliance issues.

364

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

366 The Superintendent shall:

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

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

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

373 (4) review and approve a plan submitted by the USDB [~~school community council~~]
374 Advisory Council as necessary;

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

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

379 [(~~7~~)6] provide training to entities involved with the School LAND Trust [P]program
380 consistent with Subsection [53G-7-1206](#)(8); and

381 [(~~8~~)7] implement corrective action, if appropriate, consistent with Rule R277-[114](#) if
382 an LEA or its council fails to comply with the provisions of this rule.

383

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

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

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

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

388 **E-3-401**