

1 **R277. Education, Administration.**

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

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

5 (1) This rule is authorized by:

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

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

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

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

14 (a) the Common School Trust;

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

16 (c) the School for the Blind Trust.

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

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

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

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

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

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

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

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

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

37

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

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

42 (2) "Board plan approval meeting" means the meeting when the LEA governing  
43 board approves a school plan for the upcoming school year.

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

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

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

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

52 (4) "Council" means a school community council or a charter trust land council.

53 (5) "Council plan approval meeting" means the meeting where a charter trust  
54 land council or school community council approves the school plan for the upcoming  
55 school year.

56 (6) "Digital citizenship" means the same as that term is defined in Section 53G-  
57 7-1202.

58           (7) "Fall enrollment report" means the audited census of students registered in  
59 Utah public schools as reported in the audited October 1 Fall Enrollment Report of the  
60 previous year.

61           (8) "Funds" means School LAND Trust program funding as defined in Section  
62 53F-2-404.

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

66           (10) "Newly opened charter school" means a charter school in its first two years  
67 of operation.

68           (11) "Newly opened satellite school" means a satellite school in its first two years  
69 of operation.

70           (12) "Parent," for a charter school, includes a grandparent of a student currently  
71 enrolled at the school.

72           (13)(a) "Principal" means an administrator licensed as a principal in the state  
73 and employed in that capacity at a school.

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

75           (14) "Sample" means:

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

77           (b) at least ten schools; and

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

79           (15) "Satellite charter school" has the same meaning as that term is defined in  
80 Section R277-550-2.

81           (16) "School safety principles" has the same meaning as described in Section  
82 53G-7-1202.

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

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

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

89 (20) "UPEFS" means the Utah Public Education Finance System.

90 (21) "Website" means the School LAND Trust website.

91

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

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

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

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

98 (c) an approved exemption under this rule.

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

101 (3) A public school receiving School LAND Trust program funds shall submit a  
102 membership form demonstrating compliance with the required membership in  
103 Subsection (1) that includes a principal assurance consistent with Subsection 53G-7-  
104 1206(3)(c) by October 20 annually.

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

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

107 (b) receive training about Section 53G-7-1206.

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

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

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

112 (c) post the following items on the school's website by October 20 annually:

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

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

- 116 (iii) a copy or link to the current Teacher and Student Success Plan;
- 117 (iv) approved minutes of Charter Trust Land Council meetings for at least a year;
- 118 (v) the proposed council meeting scheduled for the school year;
- 119 (vi) a means to contact the members of the school's Charter Trust Land Council
- 120 directly;
- 121 (vii) a link or copy of the final reports of the school for the last two years, as
- 122 required by Subsection 53G-7-1206(5);
- 123 (viii) a link or copy of the school plan for the current year.
- 124 (6) A charter school that is a small or special school may receive an exemption
- 125 from the charter land trust council composition requirements contained in Section 53G-
- 126 7-1205 upon application to the school's authorizer if the small or special school
- 127 demonstrates and documents a good faith effort to recruit members to the charter trust
- 128 land council.
- 129 (7) The principal of a charter school that elects to receive School LAND Trust
- 130 funds shall submit a plan, approved by the school's [~~governing board, to the~~] approving
- 131 entity on the School LAND Trust website:
- 132 (a) no later than April 1 [~~for schools authorized by the State Charter School~~
- 133 ~~Board~~]; or
- 134 (b) for a newly opening charter school, no later than November 1 in the school's
- 135 first year to receive funding in the year the newly opening charter school opens.
- 136 (8)(a) An approving entity:
- 137 (i) shall consider a plan annually; and
- 138 (ii) may approve or disapprove a school plan.
- 139 (b) If an approving entity does not approve a plan, the approving entity shall:
- 140 (i) provide a written explanation why the approving entity did not approve the
- 141 plan; and
- 142 (ii) request that the school revise the plan, consistent with Subsection 53G-7-
- 143 1206(4)(d).

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

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

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

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

156           (b) The principal shall collect a council member's signature at the Council plan  
157 approval meeting or at a later time consistent with LEA policies.

158           (c) A school shall retain signatures collected under Subsection (11)(b) for no  
159 less than three years.

160           (d) A school shall provide copies of signatures collected under Subsection  
161 (11)(b) to the LEA governing board prior to the Board plan approval meeting.

162           (e) An approving entity may design the approving entity's own form to collect the  
163 information required by this Subsection (11).

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

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

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

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

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

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

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

181 (i) academic goals;

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

183 (iii) measurements to assess improvement; and

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

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

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

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

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

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

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

202

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

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

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

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

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

219 (a) to increase achievement in:

220 (i) English;

221 (ii) language arts;

222 (iii) mathematics; and

223 (iv) science; and

224 (b) for high schools to:

225 (i) increase graduation rates; and

226 (ii) promote college and career readiness.

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



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

229 (b) expenses for:

230 (i) construction;

231 (ii) maintenance;

232 (iii) facilities;

233 (iv) overhead;

234 (v) furniture;

235 (vi) security; or

236 (vii) athletics; or

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

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

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

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

246 (i) data-driven;

247 (ii) evidence-based; and

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

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

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

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

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

256 (b) safety principles consistent with Subsection 53G-7-1202(3)(a)(v).

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

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

261

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

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

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

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

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

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

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

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

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

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

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

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

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

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

284 (a) school openings and closings;

285 (b) boundary changes; and

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

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

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

291 (7)(a) For purposes of this section, "qualifying charter school" means a charter  
292 school that:

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

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

296 (b) The Superintendent shall distribute the funds allocated to charter schools as  
297 described in this Subsection (7).

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

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

301 (ii) at least 0.4%.

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

305 (8)(a) The Superintendent shall distribute an amount of funds to a newly opening  
306 charter school that is either:

307 (i) the base payment described in Subsection (7)(c); or

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

310 (b)(i) The governing board of a newly opening charter school shall notify the  
311 Superintendent by March 1 preceding the school's first year of operation, which option  
312 under Subsection (8)(a) the school elects to receive.

313 (ii) If a school fails to notify the Superintendent as required under Subsection  
314 (b)(i), the school shall receive the base payment described in Subsection (6)(c) in the  
315 school's first year of operation.

316 (c) The Superintendent shall increase or decrease a newly opening charter  
317 school's first year distribution of funds in the school's second year to reflect the newly  
318 opening charter school's actual first year October 1 enrollment.

319 (9)(a) The Superintendent shall distribute an amount of funds to a newly opening  
320 satellite school equal to the base payment described in Subsection (6)(c).

321 (b) The Superintendent shall increase or decrease a newly opening satellite  
322 school's first year distribution of funds in the school's second year to reflect the newly  
323 opening satellite school's actual first year October 1 enrollment.

324 (10) The Superintendent shall deposit the unused balance in the Trust  
325 Distribution Account if:

326 (a) a school chooses not to apply for funds;

327 (b) a school does not meet the requirements for receiving funds; or

328 (c) a school does not open as scheduled.

329

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

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

333 (2)(a) The principal shall submit a plan amendment authorized by Subsection  
334 53G-7-1206(4)(d)(iii) through the School LAND Trust website for approval, including the  
335 date the council approved the amendment and the number of votes for, against, and  
336 absent.

337 (b) The approving entity shall:

338 (i) consider the amendment for approval;

339 (ii) approve an amendment before the school uses funds according to the  
340 amendment; and

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

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

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

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

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

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

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

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

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

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

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

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

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

370

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

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

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

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

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

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

386 (b) The Superintendent shall annually provide a written report to the Board  
387 Finance Committee on compliance review findings and other compliance issues.

388

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

390 The Superintendent shall:

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

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

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

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

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

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

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

405

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

407 **Date of Last Change: February 8, 2023**

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

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

410 **404**