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MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Martell Menlove, Ph.D.
Chief Executive Officer

DATE: May 9, 2014

ACTION: R277-477 *Distribution of Funds from the Interest and Dividend Account and Administration of the School LAND Trust Program (Amendment)*
R277-491 *School Community Councils (Amendment)*

Background: Changes in R277-477, concerning the School LAND Trust Program, and R277-491, concerning School Community Councils, are required to reconcile existing rules to legislative changes enacted in HB 367 *Trust Lands Amendments (2012)*, and HB 168 *School and Institutional Trust Lands (2014)* and HB 221 *School Community Council Revisions (2014)*. The revisions also make stylistic revisions to the rules, changing from passive to active voice. The Finance Committee considered earlier revisions to R277-477 in March 2014, which changes have been incorporated into the revised R277-477 presented here.

Key Points: HB 367 created the position of the School Children's Trust Director and established the School Children's Trust Section; HB 168 established oversight responsibilities for the School Children's Trust Director over the newly-created School and Institutional Trust Funds Office, and HB 221 changed reporting dates and added training responsibilities to the School Children's Trust Section. The proposed amendments are consistent with this recent legislation affecting the School Children's Trust Section, School Community Councils, and the School LAND Trust Program.

Anticipated Action: Because these rules were considered in the March 2014 Board meeting, the Finance Committee will consider approving R277-477 and R277-491, as amended, on second reading. If approved by the Committee, the Board will consider R277-477 and R277-491, as amended, for final approval on third reading.

Contact: Bruce Williams, Associate Superintendent, 801-538-7514
Tim Donaldson, School Children's Trust Director, 801-538-7709

1 **R277. Education, Administration**

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

5 **R277-477-1. Definitions.**

6 A. "Approving Entity" means the school district,
7 University, or other legally authorized entity that approves
8 or rejects plans for a district or charter school.

9 B. "Board" means the Utah State Board of Education. The
10 Board is the primary beneficiary representative and advocate
11 for beneficiaries of the School Trust corpus and the School
12 LAND Trust Program.

13 C. "Chartering Entity" means the school district, Board,
14 university, or other entity authorized to charter a charter
15 school.

16 D. "Charter trust land council" means a council comprised
17 of a two person majority of elected parents or guardians of
18 students attending the charter school and may include other
19 members, as determined by the board of the charter school.
20 The governing board of a charter school may serve as a charter
21 trust land council if the board membership includes at least
22 two more parents or guardians of students currently enrolled
23 at the school than all other members combined consistent with
24 Section 53A-16-101.5. If not, the board of the charter school
25 shall develop a school policy governing the election of a
26 charter trust land council. R277-491 does not apply to charter
27 trust land councils.

28 E. "Councils" means school community councils and charter
29 trust lands councils.

30 F. "Fall enrollment report" means the audited census of
31 students registered in Utah public schools as reported in the
32 audited October 1 Fall Enrollment Report from the previous
33 year.

34 G. "Funds" means interest and dividend income as defined
35 under Section 53A-16-101.5(2).

36 H. "Interest and Dividends Account" means a restricted
37 account within the Uniform School Fund created under Section

38 53A-16-101 established to collect interest and dividends from
39 the permanent State School Fund until the end of the fiscal
40 year. The USOE distributes funds~~[are distributed]~~ to school
41 districts, charter schools and the USDB through the School
42 LAND Trust Program at the beginning of the next fiscal year.

43 I. "Local board of education" means the locally-elected
44 board designated in Section 53A-3-101 that makes decisions and
45 directs the actions of local school districts, and ~~[is~~
46 ~~directed in Section 53A-16-101.5(5)(b) to]~~which approves
47 School LAND Trust plans for schools under the local board's
48 authority.

49 J. "Most critical academic needs" for purposes of this
50 rule means academic needs identified in an individual school's
51 improvement plan developed consistent with Section
52 53A-1a-108.5 or identified in the school charter.

53 K. "Principal" means an administrator licensed as a
54 principal in the state of Utah and employed in that capacity
55 at a school. For the purposes of this rule, "principal"
56 includes the director of a charter school. "Principal" also
57 includes a specific designee of the principal.

58 [~~K~~]L. "School Children's Trust ~~[Section]~~Director" means
59 ~~[employees who report to the State Superintendent of Public~~
60 ~~Instruction (Superintendent) or Superintendent's designee and~~
61 ~~have responsibilities as outlined in Sections 53A-16-101.5 and~~
62 ~~53A-16-101.6.]~~the Director appointed by the Board under
63 Section 53A-16-101.6 to assist the Board in fulfilling its
64 duties as primary beneficiary representative for trust lands
65 and funds.

66 [~~H~~]M. "School community council" means the council
67 organized at each school district public school as established
68 in Section 53A-1a-108 and R277-491. The council includes the
69 principal, school employee members and parent members. There
70 shall be at least a two parent member majority.

71 [~~M~~]N. "State Charter School Board (SCSB)" means the board
72 designated under Section 53A-1a-501.5 that has responsibility
73 for making recommendations regarding the welfare of charter
74 schools to the Board.

75 [N]O. "State Superintendent of Public Instruction
76 (Superintendent)" means the individual appointed by the Board
77 as provided for in Section 53A-1-301(1) to administer all
78 programs assigned to the Board in accordance with the policies
79 and the standards established by the Board.

80 [O]P. "Student" means a child in public school grades
81 kindergarten through twelve counted on the audited October 1
82 Fall Enrollment Report of the school district, charter school,
83 or USDB.

84 [P]Q. "USDB" means the Utah Schools for the Deaf and the
85 Blind.

86 [Q]R. "USOE" means the Utah State Office of Education.

87 **R277-477-2. Authority and Purpose.**

88 A. This rule is authorized by Utah Constitution Article
89 X, Section 3 which places general control and supervision of
90 the public school system under the Board, by Section
91 53A-16-101.5(3)(c) which allows the Board to adopt rules
92 regarding the time and manner in which the student count shall
93 be made for allocation of school trust land funds, and by
94 Section 53A-1-401(3) which allows the Board to adopt rules in
95 accordance with its responsibilities.

96 B. The purpose of this rule is to:

97 (1) provide financial resources to public schools to
98 enhance or improve student academic achievement and implement
99 an academic component of the school improvement plan;

100 (2) involve parents and guardians of a school's students
101 in decision making regarding the expenditure of School LAND
102 Trust Program money allocated to the school;

103 (3) provide direction in the distribution from the
104 Interest and Dividends Account created in Section 53A-16-101
105 and funded in Section 53A-16-101.5(2);

106 (4) provide for appropriate and adequate oversight of the
107 expenditure and use of School LAND Trust monies by designated
108 local boards of education, chartering entities, and the Board;

109 (5) provide for:

110 [~~a~~] reviewing and monitoring of funds and revenue

111 ~~generated by school trust lands and the permanent State School~~
112 ~~Fund;]~~

113 (a) appropriate and timely distribution of School LAND
114 Trust funds;

115 (b) accountability of councils for notice to school
116 community members and appropriate use of funds;

117 (c) independent oversight of the agencies managing school
118 trust lands and the permanent State School Fund to ensure
119 those trust assets are managed prudently, profitably, and in
120 the best interest of the beneficiaries;

121 (d) representation, advocacy, and information on school
122 trust lands and permanent State School Fund issues to all
123 interested parties including: the School and Institutional
124 Trust Lands Administration, the School and Institutional Trust
125 Lands Board of Trustees, the School and Institutional Trust
126 Fund Office, the School and Institutional Trust Fund Board of
127 Trustees, the Legislature, the Utah Attorney General's office,
128 school community councils, and the general public;

129 ~~(b)~~e) compliance by councils with requirements in
130 statute and Board rule; and

131 ~~(c)~~f) allocation of the monies as provided in Section
132 53A-16-101.5(3)(c) based on student count.

133 (6) define the roles, duties, and responsibilities of
134 the School Children's Trust [~~Section~~]Director within the USOE.

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

137 A. All public schools receiving School LAND Trust Program
138 funds shall have a council as required by Sections 53A-1a-108
139 and R277-491, a charter school trust lands council as required
140 in 53A-16-101.5(7), or have a local board approved exemption
141 under R277-491-3~~(c)~~E. District public schools and charter
142 schools shall submit a Principal Assurance Form, as described
143 in R277-491~~(5)(a)~~-5A.

144 B. All charter schools that elect to receive School LAND
145 Trust funds shall have a charter trust lands council, develop
146 an academic plan in accordance with the school charter, and

147 report the date when the charter trust lands council and
148 charter board approved the plan. The principal for each
149 charter school that elects to receive School LAND Trust funds
150 shall submit a [P]plan[s] [shall be submitted] on the School
151 LAND Trust Program website no later than May 1; newly opening
152 charter schools shall submit plans on the School LAND Trust
153 Program website no later than October 1 in the school's first
154 year.

155 C. ~~[Local boards of education or the other]~~An approving
156 entity shall consider plans annually and may approve or
157 disapprove a school plan. If the approving entity does not
158 approve a plan[is not approved], the approving entity shall
159 provide a written explanation ~~[of]~~explaining why the plan was
160 not approved and request ~~[a revised plan for~~
161 ~~reconsideration]~~that the school revise the plan, consistent
162 with Section 53A-16-101.5.

163 D. The principal for each public school shall provide
164 [F]information on each school's plan to address most critical
165 academic needs [shall be completed]and complete the USOE-
166 provided form via the School LAND Trust website~~[maintained~~
167 ~~through the USOE for accurate and uniform reporting].~~

168 E. The principal for each public school shall submit a
169 [P]plan[s] [shall be]electronically [submitted]to the USOE
170 on the School LAND Trust Program website.[-, including]

171 (1) Along with each plan, the principal shall submit a
172 record of the vote by the school community council or charter
173 trust land council [when the school plan was approved
174 including]approving the school plan.

175 (2) The approval shall include the date of the vote,
176 votes for, against, and absent, consistent with Section
177 53A-16-101.5.

178 F. To facilitate schools' submission of information~~[by~~
179 ~~schools],~~ each local [school]board of education shall
180 establish a school district submission date for the school
181 district schools not later than May 1 of each year. Timelines
182 shall allow for school ~~[committee]~~ community council
183 reconsideration and amendment of the school plans [following

184 ~~local board of approving entity explanation or plan~~
185 ~~rejection]if the approving entity rejects a plan.~~

186 G. The USOE shall only distribute [F]funds [shall only be
187 ~~distributed]~~to schools with plans approved by the approving
188 entity.

189 H. Approving entity responsibilities:

190 (1) Principals shall show at least one of the training
191 DVDs available on the School LAND Trust website in at least
192 one school faculty meeting annually.

193 (2) Prior to [distribution of funds, the School
194 ~~Children's Trust Section]approval of school plans, the
195 approving entity shall ensure that plans include academic
196 goals, specific steps to meet those goals, measurements to
197 assess improvement and specific expenditures focused on
198 student academic improvement.~~

199 (3) The USOE shall not distribute [F]funds [shall not be
200 ~~distributed]~~until a school[s] ha[ve]s an approved plan to use
201 ~~[their]~~ funds to enhance or improve a school's academic
202 excellence consistent with Section 53A-16-101.5 and R277-477.

203 (4) [For charter schools,]The School Children's Trust
204 Director shall review and approve all charter school plans on
205 behalf of the SCSB. [t]The School Children's Trust
206 ~~[Section]Director~~ shall also provide notice as necessary to
207 the SCSB of changes required of charter schools for compliance
208 with state law and Board rule.

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

211 [F]A. Examples of successful plans using School LAND
212 Trust Program monies include programs focused on:

- 213 (1) credit recovery courses and programs;
- 214 (2) study skills classes;
- 215 (3) college entrance exam preparation classes;
- 216 (4) academic field trips;
- 217 (5) classroom equipment and materials such as flashcards,
218 math manipulatives, calculators, microscopes, maps or books;
- 219 (6) teachers, teacher aides, and student tutors;

220 (7) professional development directly tied to school
221 academic goals;

222 (8) student focused educational technology, including
223 hardware and software, computer carts and work stations;

224 (9) books, textbooks, workbooks, library books,
225 bookcases, and audio-visual materials;

226 (10) student planners; and

227 (11) nominal student incentives that are academic in
228 nature or of marginal total cost.

229 [F]B. Examples of plans ineligible for School LAND Trust
230 Program funding include[, but are not limited to]:

231 (1) security;

232 (2) phone, cell phone, electric, and other utility costs;

233 [~~3~~] behavior and bullying prevention;

234 [~~4~~3] sports and playground equipment;

235 [~~5~~4] athletic or intermural programs;

236 [~~6~~5] extra-curricular non-academic expenditures;

237 [~~7~~6] audio-visual systems in non-classroom locations;

238 [~~8~~7] non-academic field trips;

239 [~~9~~8] food and drink for council meetings or parent
240 nights;

241 [~~10~~9] printing and mailing costs for notices to
242 parents;

243 [~~11~~10] accreditation, administrative, clerical, or
244 secretarial costs;

245 [~~12~~11] cash or cash equivalent incentives for students;

246 [~~13~~12] other furniture; [~~and~~]

247 [~~14~~13] staff bonuses[-]; and

248 (14) similar non-instructional items or programs.

249 C. Notwithstanding R277-477-3H(2) and Section 53A-16-
250 101.5, each school plan may budget and spend no more than the
251 lesser of \$5,000 or 20 percent of the annual allocation of
252 School LAND Trust funds for in-school civic and character
253 education including student leadership skills training and
254 positive behavior intervention. A school may designate funds
255 for these programs/activities only if the plan clearly
256 describes how these activities/programs directly affect

257 student academic achievement.

258 ~~[K]~~D. Schools that are specifically designated to
259 serv[ing]e students with disabilities may use funds as needed
260 to directly influence and improve student performance
261 according to the students' Individual Education Plans (IEPs).

262 ~~[H]~~E. The school trust is intended to benefit all of
263 Utah's school children. ~~[Councils are]~~The Board encourage~~d~~s
264 councils to design and implement plans in a way ~~[to]~~that
265 benefits all children at each school.

266 ~~[M]~~F. School districts and charter schools
267 ~~[wishing]~~choosing to submit information to the School LAND
268 Trust website through a comprehensive electronic plan shall
269 ~~[meet the parameters]~~satisfy standards for programming and
270 data entry required by the USOE. They shall review School
271 LAND Trust plans on the USOE website prior to local board of
272 education or chartering entity approval to ensure information
273 consistent with the law has been downloaded by individual
274 schools into the electronic plan visible on the School LAND
275 Trust Program website.

276 ~~[N]~~G. ~~[A form that includes the names of members of the~~
277 ~~council shall be signed by members of the council to~~
278 ~~indicate]~~Principals shall ensure that all council members have
279 the opportunity to sign the form indicating their involvement
280 in implementing the current School LAND Trust plan and
281 developing the school plan for the upcoming year. ~~[The]~~A
282 principal shall upload the form~~[shall be uploaded]~~ to the
283 database~~[by the principal, director, or school district~~
284 ~~employee]~~.

285 H. Prior to approval of the School LAND Trust plans, the
286 president or chair of an approving entity shall ensure that
287 the members of the approving entity receive annual training on
288 the requirements of Section 53A-16-101.5.

289 ~~[O]~~I. When approving school plans on the School LAND
290 Trust Program website, the approving entity shall report the
291 meeting date(s) when the approving entity approved the plans.

292 **R277-477-[4]5. Distribution of Funds - Determination of**

293 **Proportionate Share.**

294 A. A designated amount appropriated by the Legislature
295 from the Interest and Dividends Account shall~~[-be used to]~~
296 fund the School Children's Trust Section, the administration
297 of the program and other duties outlined in this rule and
298 Sections 53A-16-101.5 and 53A-16-101.6. The USOE shall
299 deposit [~~A~~]any unused balance initially allocated for School
300 LAND Trust Program administration~~[-shall be deposited]~~ in the
301 Interest and Dividends Account for future distribution to
302 schools [~~in~~]through the School LAND Trust Program.

303 B. The USOE, through the School LAND Trust Program, shall
304 distribute [~~F~~]funds~~[-shall be distributed]~~ to school districts
305 and charter schools as provided under Section
306 53A-16-101.5(3)(a). The [~~distribution shall be based~~]USOE
307 shall base the distribution on the state's total fall
308 enrollment as reflected in the audited October 1 Fall
309 Enrollment Report from the previous school year.

310 C. Each school district shall distribute funds received
311 under R277-477-3A to each school within each school district
312 on an equal per student basis.

313 [~~E~~]D. Local boards of education shall adjust
314 distributions, maintaining an equal per student distribution
315 within a school district, for school openings and closures and
316 for boundary changes occurring after the audited October 1
317 Fall Enrollment Report of the prior year.

318 [~~D~~]E. The USOE shall fund [~~E~~]charter schools~~[-shall~~
319 ~~receive funding from the USOE]~~ on a per pupil basis, provided
320 that each charter school, including newly opening charter
321 schools, receives at least 0.4 percent of the total available
322 to charter schools as a group. A newly opening charter school
323 shall receive the greater of 0.4 percent of the total
324 available to charter schools as a group or the per pupil
325 amount based on the school's actual October 1 enrollment. The
326 USOE shall allocate [~~F~~]the remainder of the distribution to
327 charter schools [~~shall be allocated~~]on a per pupil basis to
328 all charter schools that [~~do not receive the minimum amount,~~
329 ~~on a per pupil basis~~]receive an amount greater than the base

330 0.4 percent amount.

331 F. If a school chooses not to apply for School LAND
332 Trust Program funds [~~n~~or does not meet the requirements for
333 receiving funds, the USOE shall retain the funds allocated for
334 that school [~~shall be retained by the USOE~~]and include[~~d~~]
335 those funds [~~with~~]in the statewide distribution for the
336 following school year.

337 G. Local boards of education and school districts shall
338 ensure timely notification to chairs and principals of the
339 availability of the funds to schools with approved plans.

340 H. The School Children's Trust Director shall review and
341 approve all [~~P~~]plans submitted by the USDB governing board
342 [~~shall be reviewed and approved by the School Children's Trust~~
343 ~~Section and reported to the State Superintendent or~~
344 ~~designee~~]as necessary.

345 **R277-477-[5]6. School LAND Trust Program: Implementation of**
346 **Plans and Required Reporting.**

347 A. Schools shall make full good faith efforts to
348 implement [~~the~~]plans as approved.

349 B. The school community council or charter school trust
350 land council may amend a current year plan when necessary.
351 The council shall amend the plan by a majority vote of a
352 quorum of the council. The principal shall update [~~A~~]the
353 school's website [~~shall~~]to show [~~an~~]the amended plan. The
354 approving entity shall consider the amendment for approval,
355 and approve amendments before funds are spent according to the
356 amendment.

357 C. A school may carryover [~~F~~]funds not used in the school
358 approved plan[~~may be carried over by the school~~] to the next
359 school year and add[~~ed~~] those funds to the School LAND Trust
360 Program funds available for expenditure in th[at]e school the
361 following year.

362 D. Schools shall provide an explanation for any carry
363 over that exceeds one-tenth of the school's allocation in a
364 single year in the school plan or report. The USOE shall
365 consider [~~D~~]districts and schools with consistently large

366 carryover balances over multiple years [~~are~~as] not making
367 adequate and appropriate progress on their approved plans[~~7~~].
368 The USOE [~~and shall be subject to~~may] direct compliance
369 reviews [~~findings~~]and corrective action.

370 E. Approval of school plans on the School LAND Trust
371 website affirms that the approving entity has reviewed the
372 plans and that the plans meet the requirements of Section 53A-
373 1a-105 and R277-477.

374 [~~F~~]F. District and charter school business officials
375 shall enter prior year audited expenditures by category on the
376 School LAND Trust website on or before October 15th. The
377 expenditure data shall appear in the final reports submitted
378 online by principals for reporting to parents as required in
379 Section 53A-1a-108.

380 [~~F. Expenditures made after the close of the fiscal year~~
381 ~~shall be accounted for as expenditures in the following fiscal~~
382 ~~year.~~]

383 G. Principals shall submit [~~F~~]final reports[~~shall be~~
384 ~~submitted by schools~~] on the School LAND Trust website by
385 [~~November 15~~]October 20 annually.

386 **R277-477-[~~6~~7]. School LAND Trust Program - School Children's**
387 **Trust to Review Compliance.**

388 A. [~~The financial report in~~]The School Children's Trust
389 Section staff shall review each school final report[~~shall be~~
390 ~~reviewed by the School Children's Trust Section~~] for
391 consistency with the [~~narrative submitted by that~~
392 ~~council~~]approved school plan.

393 B. The School Children's Trust Section staff shall create
394 a list of all schools whose [~~F~~]final reports indicat[ing]e
395 that funds from the School LAND Trust Program were expended
396 inconsistent with the requirements and academic intent of the
397 law, inconsistent with R277-477 or R277-491, [~~and~~]or
398 inconsistent with the [~~school~~]local board of education/charter
399 board approved plan[~~shall be listed by the School Children's~~
400 ~~Trust Section and~~]. The School Children's Trust Section staff
401 shall report[ed] this list of schools to the district contact,

402 district superintendent, and local board of education or
403 charter board president annually.

404 C. USOE staff may visit schools receiving funds from the
405 School LAND Trust Program~~[-as directed by the Superintendent]~~
406 to discuss the program, receive information and suggestions,
407 provide training, and answer questions.

408 D. The School Children's Trust Director shall supervise
409 ~~[A]annual compliance reviews[-shall be conducted]~~ to review
410 expenditure of funds relative to the approved plan and
411 allowable expenses.

412 E. The School Children's Trust ~~[Section]~~Director shall
413 report annually to the Board Audit Committee on compliance
414 review findings and other compliance issues. The Board Audit
415 Committee shall make determinations regarding questioned costs
416 and corrective action, following review and consideration of
417 compliance and financial reviews conducted by the School
418 Children's Trust Section staff.

419 F. The ~~[State]~~Board Audit Committee may recommend to the
420 Board that the Board reduce or eliminate funds if a school
421 ~~[has]~~ fail~~ed~~s to comply with ~~[code]~~Utah law or Board rule.
422 The Board may require that the school reimburse the School
423 LAND Trust Program for any inappropriate expenditures.

424 **R277-477-8. School Children's Trust Director - Other**
425 **Provisions.**

426 A. The Director shall have professional qualifications
427 and expertise in the areas generating revenue to the trust,
428 including economics, energy development, finance, investments,
429 public education, real estate, renewable resources, risk
430 management, and trust law, as provided in 53A-16-101.6(3)(b).

431 B. The Director shall report to the Board Audit Committee
432 monthly. The Director shall report day to day to the
433 Superintendent or Superintendent's designee and has
434 responsibilities as outlined in Sections 53A-16-101.5 and
435 53A-16-101.6.

436 C. The employees of the section report to the Director,
437 who shall carry out the policy direction of the Board under

438 law and faithfully adhere to the Board-approved budget.

439 D. The School Children's Trust Director shall submit a
440 draft section budget to the Board Audit Committee annually,
441 consistent with Section 53A-16-101.6(5)(a).

442 E. The School Children's Trust Director shall include in
443 the draft budget a proposed School LAND Trust Program and
444 school community council training schedule, as described in
445 Section 53A-16-101.6(11).

446 F. The Board Audit Committee may discuss or approve, or
447 both, the School Children's Trust budget in an open portion of
448 the Board Audit Committee meeting.

449 G. The Board, consistent with Section 53A-16-101.6(5)(b),
450 shall propose an approved budget to the Legislature.

451 **KEY: schools, trust lands funds**

452 **Date of Enactment or Last Substantive Amendment: [~~November 7,~~**
453 **~~2013]~~**2014

454 **Notice of Continuation: June 10, 2013**

455 **Authorizing, and Implemented or Interpreted Law: Art X Sec 3;**
456 **53A-16-101.5(3)(c); 53A-1-401(3)**

1 **R277. Education, Administration.**

2 **R277-491. School Community Councils.**

3 **R277-491-1. Definitions.**

4 A. "Board" means the Utah State Board of Education.

5 B. "Candidate" means a parent or school employee who has
6 filed for election to the school community council.

7 C. "Contested race" means the election of members to a
8 school community council when there are more candidates than
9 open positions.

10 D. "Days" means calendar days unless otherwise
11 specifically designated.

12 E. "Educator" means a person employed by the school
13 district where the person's child attends school and who holds
14 a current educator license [~~and is employed by the school~~
15 ~~district where the person's child attends school~~].

16 F. "Parent" means the parent or legal guardian of a
17 student attending a school district public school.

18 G. "Parent or legal guardian member":

19 (1) means a member of a school community council who is
20 a parent of a student who will be enrolled at the school at
21 any time during the parent's or legal guardian's term of
22 office; and

23 (2) may not include an educator [~~who is employed at the~~
24 ~~school~~] that the school employs.

25 H. "School principal" means the principal of the school
26 or designee as assigned by the principal.

27 I. "School community" means the geographic area the
28 school district designate[s] [~~by the school district~~] as the
29 attendance area, with reasonable inclusion of the parents and
30 legal guardians of additional students who [~~are~~] currently
31 attend[ing] the school.

32 J. "School community council" means the council
33 organized at each school district public school [~~as~~
34 ~~established in~~] consistent with Section 53A-1a-108 and

35 R277-491. The council includes the principal, school employee
36 members and parent members. [~~There~~]Each council shall [~~be~~]have
37 at least a two parent member majority[~~on each council~~].

38 K. "School employee member" means a member of a school
39 community council [~~who is a person~~]that the school or school
40 district employ[~~ed~~]s at a school[~~by the school or school~~
41 ~~district~~], including the principal.

42 [~~L. "Secure ballot box" means a closed container~~
43 ~~prepared by the school for the deposit of secret ballots for~~
44 ~~the school community council elections.~~]

45 [~~M~~]L. "Student" means a child in public school grades
46 kindergarten through twelve counted on the audited October 1
47 Fall Enrollment Report.

48 [~~N~~]M. "USDB" means the Utah Schools for the Deaf and the
49 Blind.

50 [~~O~~]N. "USOE" means the Utah State Office of Education.

51 **R277-491-2. Authority and Purpose.**

52 A. This rule is authorized by Utah Constitution Article
53 X, Section 3 which vests general control and supervision of
54 public education in the Board, and by Section 53A-1-401(3)
55 which permits the Board to adopt rules in accordance with its
56 responsibilities.

57 B. Local boards of education are responsible for school
58 community council operations, plan approval, oversight, and
59 training.

60 C. The purpose of this rule is to:

61 (1) provide procedures and clarifying information to
62 school community councils to assist them in fulfilling school
63 community council responsibilities consistent with Section
64 53A-1a-108(3);

65 (2) provide direction to school districts and schools in
66 establishing and maintaining school community councils whose
67 primary focus is to develop, approve, and assist in

68 implementing school plans, and advis[~~e~~ing school/school
69 district administrators consistent with Sections 53A-1a-108(3)
70 and 53A-16-101.5;

71 (3) provide a framework and support for improved
72 academic achievement of students that is locally driven from
73 within individual schools, through critical review of
74 assessments and other indicators of student success, by
75 establishing meaningful, measurable goals and implementing
76 research-based programs and processes to reach the goals;

77 (4) encourage increased participation of the parents,
78 school employees and others that support the purposes of the
79 school community councils;

80 (5) encourage compliance with the law; and

81 (6) increase public awareness of:

82 (a) school trust lands and related land policies;

83 (b) management of the permanent State School Fund
84 established in Utah Constitution Article X, Section 5; and

85 (c) educational excellence.

86 **R277-491-3. School Community Council Member Election**
87 **Provisions.**

88 A. Each school shall establish a timeline for the
89 election of parent or legal guardian members of a school
90 community council; the timeline shall remain consistent for at
91 least a four-year period.

92 B. A school shall hold [T]the election for the parent or
93 legal guardian members of a school community council[~~shall be~~
94 ~~held~~] near the beginning of the school year[~~, to be completed~~
95 ~~by October 15,~~] or[~~held~~] in the spring and completed before
96 the last week of school.

97 C. If a school holds the election[~~is held~~] in the
98 spring, the school community council shall attempt to notify
99 parents of incoming students about the opportunity to run for
100 the council, and provide those parents with the opportunity to

101 vote in the election.

102 D. A school community council member's term lasts two
103 years. [~~Terms shall be for two years and~~] A school community
104 council shall [~~be~~] stagger[~~ed~~] terms so that approximately
105 half of the council positions are elected each year.

106 E. A ~~[P]~~public school[s] that [~~are~~] is a secure
107 facilit[ies]y, juvenile detention facilit[ies]y, hospital
108 program school[s], [~~and~~] or other small special program[s] may
109 receive School LAND Trust Program funds without having a
110 school community council if the school[s] demonstrates and
111 documents a good faith effort to recruit members, have
112 meetings and publicize results. The local board of education
113 shall make this [~~Such~~] determination [~~shall be as recognized~~
114 ~~and affirmed by the local board of education~~].

115 F. Each school community council shall determine the size
116 of the council by a majority vote of a quorum of council
117 members, provided that the resulting council has at least one
118 employee member, the principal, and a two person majority of
119 parents.

120 G. The principal shall provide notice of the school
121 community council elections to the school community at least
122 10 days prior to the elections. The principal shall include
123 in the notice [~~shall include~~] the dates, times, and location
124 of the election, the positions [~~that will be elected~~] up for
125 election, and information about becoming a candidate.

126 H. Parents and [~~legal~~] guardians may stand for election
127 as parent or guardian members of a school community council at
128 a school consistent with the definition of parent member in
129 R277-491-1G.

130 I. The USOE encourages [~~S~~] school community councils [~~are~~
131 ~~encouraged~~] to establish clear and written timelines and
132 procedures for school community council elections that may
133 include receiving information from applicants in a timely
134 manner.

135 J. ~~[Ballots and voting are required only]~~A school need
136 only conduct an election if the school community council
137 position(s) ~~[is]~~are contested.

138 K. Parents may vote for the school community council
139 parent members if their child(ren) are enrolled at the school,
140 or to the extent possible consistent with R277-491-3C.

141 L. School community councils may establish procedures
142 that allow for ballots to be clearly marked and mailed to the
143 school in the case of distances that would otherwise
144 discourage parent participation. Hand-delivered or mailed
145 ballots shall meet the same timelines for voters voting in
146 person.

147 M. Entire school districts or schools may allow parents
148 to vote by electronic ballot. ~~[If school districts or schools~~
149 ~~allow voting by electronic means, the opportunity shall be~~
150 ~~clearly explained on the school district or school website]~~The
151 school district or school shall clearly explain on its website
152 the opportunity to vote by electronic means, if allowed by the
153 school district or school.

154 N. Following the election, if ~~[there are]~~those taking
155 part in the election elect to the council more parent members
156 who are educators in that district than parents who are not
157 educators in that district~~[elected to the council]~~, the
158 parents on that council shall appoint additional parent
159 members until the number of parent members who are not
160 educators exceeds the number of parent educators in that
161 district.

162 O. School community council members who were duly
163 elected or appointed prior to a subsequent change in law or
164 Board rule ~~[shall be allowed to]~~may complete the term for
165 which they were elected. All school community council members
166 shall satisfy requirements of Utah ~~[Code]~~law and Board rule in
167 subsequent terms.

168 **R277-491-4. Local School Board and School District**
169 **Responsibilities Relating to School Community Councils.**

170 A. Local boards of education may ask school community
171 councils to address local issues at the school community
172 council level for discussion before bringing the issues to
173 local boards of education. Local boards of education may ask
174 ~~[\$]school community councils[~~may be asked~~]~~ for information to
175 inform local board decisions.

176 B. ~~[The]~~A local school board, in compliance with Section
177 53A-1a-108, shall ensure that all council members receive
178 annual training, including training for the chair and vice
179 chair about their specific responsibilities, and about the
180 school community council requirements of Sections 53A-1a-108,
181 53A-1a-108.1, 53A-16-108.5, and 53A-16-101.5.

182 C. A school or school district administrator shall not
183 prohibit or discourage a school community council from
184 discussing any issue or concern not prohibited by law and
185 raised by any school community council member.

186 **R277-491-5. School Community Council Principal**
187 **Responsibilities.**

188 A. Following the election, the principal shall enter and
189 electronically sign on the School LAND Trust website a
190 Principal's Assurance Form ~~[that assures]~~affirming the school
191 community council's election, ~~[at the school was elected, and]~~
192 that vacancies were filled after the elections, as necessary,
193 and that the school community council's bylaws or procedures
194 comply ~~[is properly constituted consistent]~~ with Section
195 53A-1a-108 and R277-477 and R277-491.

196 B. A principal may not serve as chair or vice-chair of
197 the school community council.

198 C. Annually, on or before ~~[November 15]~~October 20, the
199 principal shall provide the following information on the
200 school website, in the school office, and if needed, through

201 a method that the council decides is best for the parents at
202 the school who do not have internet access, [~~if needed,~~] and
203 as provided in Section 53A-1a-108 and 53A-1a-108.1:

204 (1) A list of the members of the school community
205 council and each member's direct email or phone number, or
206 both;

207 (2) The school community council meeting schedule; and

208 (3) A summary of the annual report [~~about~~] describing how
209 the school used the School LAND Trust Program funds [~~were used~~
210 ~~to enhance or improve academic excellence at the school,~~]
211 consistent with Section 53A-1a-108.1(5)(b) and R277-477-4C.

212 D. Principals shall ensure that school websites fully
213 communicate the opportunities provided to parents to serve on
214 the school community council and how parents can directly
215 influence the expenditure of the School LAND Trust Program
216 funds. Principals shall include on [F]the website [~~shall~~
217 ~~include~~] each school's dollar amount received each year
218 through the program.

219 **R277-491-6. School Community Council Chair Responsibilities.**

220 A. After the council is seated each year, the council
221 shall elect a chair [~~shall be elected by the council~~] from the
222 parent members and [~~the~~] a vice-chair [~~shall be elected by the~~
223 ~~council~~] from the parent or school employee members.

224 B. The school community council chair or designee shall:

225 (1) post the school community council meeting information
226 (time, place and date of meeting; meeting agenda; and previous
227 meeting draft minutes) on the school's website at least one
228 week prior to each meeting;

229 (2) set the agenda for every meeting;

230 (3) conduct every meeting;

231 (4) assure that written minutes are kept consistent with
232 Section 53A-1a-108.1(8);

233 (5) inform council members on resources available on the

234 School LAND Trust website;

235 (6) assure that the council adopts a set of rules of
236 order and procedures, including procedures for electing the
237 chair and vice-chair, that the chair [~~shall~~] follows to
238 conduct each meeting. The principal shall post these rules
239 [~~shall be posted~~] on the school website and [~~be~~] make them
240 available at each meeting; and

241 (7) welcome and encourage public participation.

242 C. School community council responsibilities do not allow
243 for closed meetings, consistent with Section 53A-1a-108.1.

244 **R277-491-7. School Community Council Business.**

245 A. School community councils shall report on plans,
246 programs, and expenditures at least annually to local boards
247 of education and cooperate with USOE monitoring and audits.

248 B. School community councils shall encourage
249 participation on the school community council and may recruit
250 potential applicants to apply for open positions on the
251 council.

252 C. The USOE encourages:

253 (1) [~~\$~~] school community councils [~~are encouraged~~] to
254 establish clear and written procedures governing the removal
255 from office of a member who moves away or consistently does
256 not attend meetings, and additional clarifications to assist
257 in the efficient operation of school community councils,
258 consistent with the law and Board rules [-]; and

259 (2) school principals to attend all school community
260 council meetings.

261 **R277-491-8. Development of Plans.**

262 A. School community council members shall participate
263 fully in the development of various school plans described in
264 Section 53A-1a-108(3) including, at a minimum:

265 (1) The School Improvement Plan;

- 266 (2) The School LAND Trust Plan;
267 (3) The Reading Achievement Plan (for elementary
268 schools); and
269 (4) The Professional Development Plan.

270 B. The USOE encourages [~~S~~]school community councils[~~are~~
271 ~~encouraged~~] to advise and inform elected local school board
272 members and other interested community members regarding the
273 uses of these funds.

274 **R277-491-9. Failure to Comply with Rule.**

275 A. If a school district, school, or school community
276 council fails to comply with the provisions of this rule, the
277 School Children's Trust Director appointed under Section 53A-
278 16-101.6 may report such failure to the Audit Committee of the
279 Utah State Board of Education.

280 B. The Audit Committee of the Utah State Board of
281 Education may recommend to the Board a reduction or
282 elimination of School LAND Trust funds for a school district
283 or school if the Audit Committee finds that the school
284 district, school, or school community council has failed to
285 comply with Utah law or Board rule.

286 **KEY: school community councils**

287 **Date of Enactment or Last Substantive Amendment: [~~July 8,~~**
288 **2013]2014**

289 **Notice of Continuation: May 15, 2013**

290 **Authorizing, and Implemented or Interpreted Law: Art X Sec 3;**
291 **53A-1-401(3)**