

Agency: UTAH STATE BOARD OF EDUCATION

Request Title: *School Childrens Trust Policy Request*

Purpose Statement:

To clarify and identify the responsibilities and requirements assigned to the School Children's Trust (State Board of Education) that have been added since the School LAND Trust Program was created in 2000.

What is the nature of your request?

Select one:

- ☒ POLICY REQUEST – You are seeking changes to Utah State Code to improve your program/services.
- ☐ FUNDING REQUEST – You are seeking new or additional financial resources to support a program/service for education.
- ☐ BOTH POLICY and FUNDING – You are proposing a new program or expansion of an existing program that will require new/amended state code and financial resources.

Questions? Please contact:

Todd Call (Todd.Call@schools.utah.gov) for questions related to a funding request and
Greg Connell (Greg.Connell@schools.utah.gov) for questions related to a policy request.

Current Funding for FY 2025: *(Provide current year funding differentiating one-time and ongoing funding for the program.)*

FY 2025 Ongoing Funding = \$857,200

FY 2025 One-Time Funding = None

Projected Results:

- Provide clarity about the role and responsibility of USBE for a locally driven program.
- Increase school and LEA compliance of requirements in Utah Code for the School LAND Trust Program.

Rationale: *(Describe in 1-2 bullet points the “why” behind your request. Why is this action necessary for K-12 education?)*

- The School Children's Trust (SCT) provides training for individuals and groups who have integral involvement in the program that are not identified in [53G-7-1206](#). Over the years, council responsibilities have been added without specific direction that the SCT must train these individuals and groups or conduct compliance reviews on those responsibilities. However, an internal audit directed the SCT to train these new entities and involve them in compliance reviews. It is difficult to administer the program as expected or assumed without additional references in the Code that support the SCT providing this training and conducting compliance reviews.
- The program's funding comes from trust funds generated by trust lands, a revenue stream intended to operate the trust efficiently and effectively. The funds to administer this part of the trust system should be adequate to implement the requirements consistent with the Code and rules, as is the case with other trust system entities.

If not funded/approved:

The School Children’s Trust cannot implement the requirements in code and rule without some additional support.

USB E Lead Point of Contact:

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USB E Section: School Children’s Trust

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POLICY REQUEST

This section only needs to be completed if you are making a policy request (creating or changing existing Utah Code language).

1. **Section(s) of State Code to be addressed (if none, insert “N/A”):**

[53G-7-1206](#)

2. Summarize the request, the specific problem it will solve, and how it will solve the problem.

The request:

- Clarifies responsibilities of USBE and LEAs.
- Includes references to sections of code for which USBE has responsibility
- Identifies the need for additional support to efficiently and effectively carry out the responsibilities of USBE.

3. Describe the history of the issues or concerns including relevant context and timelines:

July 2018 - Legislation creating the Land Trusts Protection and Advocacy Office was created. Staff was eliminated leaving three full time FTEs. The rest of the funding went to the Advocacy Office.

Listed here are new requirements and other changes made since 2018 that require training and compliance monitoring.

July 2018

- 137 Charter Schools and 855 District Schools - FY2026 - 143 Charter Schools and 889 District Schools

2019

- New - Councils have a school safety requirement
- Grandparents may run for and serve on Charter Trust Land Councils
- Council school website postings increase to include a copy of the TSSA Plan

2020

- Councils may make recommendations to a school regarding School Breakfast
- Councils provide input to the principal on a Positive Behaviors Plan
- Expenditure options for councils are increased to include behavioral components of an academic goal. Limits for digital citizenship and safety components of academic goals.
- LEAs are required to provide an annual report of plan implementation before approving Upcoming School Plans.

2021

- Expenditure entry by business officials begins being entered through UPEFS instead of on the School LAND Trust website.

2022

- LEAs become responsible for the Council Signature Form with direction of when the signatures are collected, provided to the Board when Upcoming Plans are approved and saved.
- Changes to charter school funding for new schools
- Limits of spending for digital citizenship and safety components eliminated

2024

- Charter Business Officials become approving entities for Charter School Plans
- Charter Schools must have election procedures with specific directions

In addition to the changes identified in this timeline, additional responsibilities not included in [53G-7-1206](#) are:

- Training and compliance related to [53G-7-1203](#) School Community Council - Open Public Meetings
- Calculate and distribute the annual funding to schools of hundreds of millions of dollars through an increasingly complicated distribution formula.
- Administering the School LAND Trust website and providing training to principals who submit data in the plans and reports, charter business officials and local board administrators who complete the online review and approval.

These additional added responsibilities are not manageable with the current FTEs that are allotted to the School Children's Trust. This request is seeking clarification of responsibilities and increased support to carry them out effectively.

4. What are the suggested legislative solutions? Include code references and suggested language where possible:

Provide clarity and update responsibilities and processes by amending [53G-7-1206](#) as follows:

(4)

(a) A council shall create a program to use the school's allocation distributed under Section 53F-2-404 to implement a component of the school's success plan, including:

- (i) the school's identified most critical academic needs;
- (ii) a recommended ~~course of~~ action ~~plan~~ to meet the identified academic needs;
- (iii) a specific listing of any programs, practices, materials, or equipment that the school will need to implement ~~a component of the school's success plan~~ the action plan to have a direct impact on the instruction of students and result in measurable increased student performance; and
- (iv) how ~~each proposed expenditure in the action plan will be used to implement a component of the action plan~~ the school intends to spend the school's allocation of funds under this section to enhance or improve academic excellence at the school.

and

(8)

(a) The state board shall provide training to the entities described in Subsection (8)(b) on:

- (i) the School LAND Trust Program; and
- (ii) the responsibilities and formation of
 - (A) a school community council consistent with 53G-7-1202; or
 - (B) a charter trust land council consistent with 53G-7-1205; and.
- (iii) 53G-7-1203 School Community Council – Open Public meetings, as applicable.
- (b) The state board shall provide the training to:
 - (i) a local school board or a charter school governing board;
 - (ii) a district business administrator or a charter business official;
 - (iii) a school district or a charter school; and
 - (iv) a school community council.
- (9) The state board shall annually review each a school's compliance with applicable law, including rules adopted by the state board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, by:
 - (a) reading each School LAND Trust plan submitted; and
 - (b) reviewing proposed expenditures to be made from School LAND Trust Program money; and.
 - (c) conducting an annual compliance review of an LEA using a sample of schools.
- (10) The state board shall calculate and initiate the annual School LAND Trust distribution to schools through the USBE finance system to each LEA as outlined in Section 53F-2-404.
- (11) The state board shall administer the School LAND Trust website to provide transparency and accountability to school communities and the public of School LAND Trust plans, reports, and expenditures of trust distributions.
- ~~(10 12)~~ The state board shall designate a staff member who administers the School LAND Trust Program:
 - ~~(a) to serve as a member of the Land Trusts Protection and Advocacy Committee created under Section 53D-2-202; and~~
 - ~~(b) who may coordinate with the Land Trusts Protection and Advocacy Office director, appointed under Section 53D-2-203, to attend meetings or events within the School and Institutional Trust System, as defined in Section 53D-2-102, that relate to the School LAND Trust Program.~~

<https://drive.google.com/file/d/1qZTW8i0R8mXKrhQe7wMP1QeSJpiZxwM8/view?usp=sharing>

5. **Provide details, sources, research, and analysis to which forms evidence-basis for this request or the associated program (e.g, cost benefit analysis, program evaluation, results from pilot program, etc). Include whether this data is currently collected and available or whether new data will be collected:**

As explained in Question #2 and #3, clarification of responsibilities and increased support to carry them out effectively is what is requested. It will lead to increased support of and compliance by LEAs and schools. We can measure increased compliance once the additional support is in place.