

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 Program and provides oversight,  
18 support, and training for school community councils and Charter Trust Land Councils  
19 consistent with Subsection [53G-7-1206](#)(2), [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 in order to enhance and improve student  
23 academic 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

27 Distribution 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 a designated local board of education, an approving entity, 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 regards  
36 to the School Children's Trust.

37 **R277-477-2. Definitions.**

38 (1) "Approving entity" means an LEA governing board, university, or other legally  
39 authorized entity that may approve or reject a plan for a district or charter school.

40 (2)(a) "Charter trust land council" means a council comprised of a two person  
41 majority of elected parents of students attending the charter school convened to act in lieu  
42 of the school community council for the charter school.

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

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

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

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

48 (4) "Digital citizenship" means the same as that term is defined in Section [53G-7-](#)  
49 [1202](#).

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

53 (6) "Funds" means School LAND Trust program funding as defined in Section [53F-2-](#)  
54 [404](#).

55 (7) "Most critical academic need" means an academic need, [consistent with the core](#)  
56 [standards in Rule R277-700](#), identified [by a council](#) ~~[in a school's Teacher and Student~~  
57 ~~Success Plan]~~ [through the annual review of schoolwide assessment data and other](#)  
58 [relevant indicators](#).

59 (8) "Parent," for a charter school, includes a grandparent of a student currently

60 enrolled at the school.

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

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

64 (10) "Satellite charter school" has the same meaning as that term is defined in  
65 Section R277-~~482~~[550](#)-2.

66 (11) "School safety principles" has the same meaning as described in Section [53G-](#)  
67 [7-1202](#).

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

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

72 (1~~3~~4) "Trust Distribution Account" means the restricted account within the Uniform  
73 School Fund created under Subsection [53F-9-201](#)(2).

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

76 (1) A public school receiving School LAND Trust Program funds shall have:

77 (a) a school community council as required by Section [53G-7-1202](#) and Rule  
78 [R277-491](#);

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

80 (c) an approved exemption under this rule.

81 (2) A public school receiving School LAND Trust Program funds shall submit a  
82 principal assurance form, as described in Section [R277-491](#)-4 and Subsection [53G-7-](#)  
83 [1206](#)(3)(c), prior to the public school receiving a distribution of School LAND Trust Program  
84 funds.

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

86 (a) have a charter trust land council;

87 (b) be subject to Section [53G-7-1203](#) if the charter trust land council is not a charter  
88 school governing board; and

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

90 (4) A charter school that is a small or special school may receive an exemption from  
91 the charter land trust council composition requirements contained in Subsection [53G-7-](#)  
92 [1205](#)(9) upon application to the school's authorizer if the small or special school  
93 demonstrates and documents a good faith effort to recruit members to the charter trust land  
94 council.

95 (5) The principal of a charter school that elects to receive School LAND Trust funds  
96 shall submit a plan, approved by the school's governing board, to the School Children's  
97 Trust Section on the School LAND Trust website:

98 (a) no later than April 1; or

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

101 (6)(a) An approving entity:

102 (i) shall consider a plan annually; and

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

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

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

106 and

107 (ii) request that the school revise the plan, consistent with Subsection [53G-7-](#)  
108 [1206](#)(4)(d).

109 (7)(a) To receive funds, the principal of a public school shall submit a School LAND  
110 Trust plan to the School Children's Trust Section annually through the School LAND Trust  
111 website using the form provided.

112 (b) The Board may grant an exemption from a school using the  
113 Superintendent-provided form, described in Subsection (7)(a), on a case-by-case basis.

114 (8) In addition to the requirements of Subsection (6), the School LAND Trust plan  
115 described in Subsection (7)(a) shall include the date the council voted to approve the plan.

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

119 (b) The principal shall collect a council member's signature, as described in  
120 Subsection (9)(a), digitally or through a paper form created by the Membership Form on  
121 the website and uploaded to the database.

122 (c) An LEA or district school, upon the permission of the LEA's governing board, may  
123 design the LEA or district school's own form to collect the information required by this  
124 Subsection (9).

125 (10)(a) An approving entity for a school district shall establish a timeline, including  
126 a deadline, for a school to submit a school's School LAND Trust plan.

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

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

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

134 (c) After an approving entity has completed the approving entity's review, the  
135 approving entity shall notify the School Children's Trust Section that the review is complete.

136 (11)(a) Prior to approving a plan, an approving entity shall review a School LAND  
137 Trust plan under the approving entity's purview to confirm that a School LAND Trust plan  
138 contains:

139 (i) academic goals;

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

141 (iii) measurements to assess improvement; and

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

144 (b) The approving entity shall determine whether a School LAND Trust plan is  
145 consistent with the approving entity's pedagogy, programs, and curriculum.

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

149 (12)(a) After receiving the notice described in Subsection (10)(c), the School  
150 Children’s Trust Section shall review each School LAND Trust plan for compliance with the  
151 law governing School LAND Trust plans.

152 (b) The School Children’s Trust Section shall report back to the approving entity  
153 concerning which School LAND Trust plans were found to be out of compliance with the  
154 law.

155 (c) An approving entity shall ensure that a School LAND Trust plan that is found to  
156 be out of compliance with the law by the School Children’s Trust Section is amended or  
157 revised by the council to bring the school’s School LAND Trust plan into compliance with  
158 the law.

159 (13) If an approving entity fails to comply with Subsection (12)(c), Superintendent  
160 may report the failure to the Audit Committee of the Board as described in Section R277-  
161 477-9.

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

163 (1) Parents, teachers, and the principal, in collaboration with an approving entity,  
164 shall review school-wide assessment data annually and use School LAND Trust Program  
165 funds in data-driven and evidence-based ways to improve educational outcomes,  
166 consistent with the academic goals of the school’s teacher and student success plan  
167 framework under Subsection 53G-7-1304(1)(a) and the priorities of the LEA governing  
168 board, including:

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

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

173 (2) A school’s School LAND Trust Program expenditures ~~[are required to]~~ shall have  
174 a direct impact on the instruction of students in the particular school’s areas of most critical  
175 academic need and consistent with the academic priorities of the LEA’s governing board[-]:

176 (a) to increase achievement in:

177 (i) English;

- 178 (ii) language arts;  
179 (iii) mathematics; and  
180 (iv) science; and  
181 (b) for high schools to:  
182 (i) increase graduation rates; and  
183 (ii) promote college and career readiness.  
184 (3) A school may not use School LAND Trust Program funds for the following:  
185 (a) ~~[to cover the fixed costs of doing business]~~ costs related to district or school  
186 administration, including accreditation;  
187 (b) expenses for:  
188 (i) construction[;];  
189 (ii) maintenance[;];  
190 (iii) facilities[;];  
191 (iv) overhead[;];  
192 (v) furniture;  
193 (vi) security[;]; or  
194 (vii) athletics; or  
195 (c) ~~[to pay]~~ expenses for non-academic in-school, co-curricular, or extracurricular  
196 activities.  
197 (4) A school that demonstrates appropriate progress and achievement consistent  
198 with the academic priorities of the LEA governing board outlined in Subsection (2) may  
199 request local board approval of a plan to address other academic goals if the plan includes:  
200 (a) how the goal is in accordance with the core standards established in Rule R277-  
201 700;  
202 (b) how the action plan for the goal is:  
203 (i) data driven;  
204 (ii) evidence based; and  
205 (iii) has a direct impact on the instruction of students consistent with Subsections (1)  
206 and (2);  
207 (c) the data driving the decision to spend School LAND Trust funds for academic

208 needs outlined in this Subsection (4); and  
209 (d) the anticipated data source the school will use to measure progress.  
210 (5) A council may budget and spend no more than ~~[the greater of]~~ \$7,000 ~~[or ten~~  
211 ~~percent of the council's distribution]~~ for an academic goal or component of an academic  
212 goal than incorporates any combination of the following:  
213 (a) digital citizenship training under Subsection 53G-7-1202(3)(a)(iii); or  
214 (b) safety principles consistent with Subsection 53G-7-1202(1)(d);~~or~~  
215 ~~— (c) a goal to address an academic need approved in accordance with Subsection~~  
216 ~~(4)].~~  
217 ~~[(4)6] A school district or local school board may not require a council or school to~~  
218 ~~spend the school's School LAND Trust Program funds on a specific use or set of uses.~~  
219 ~~[(5)(a) A council may budget and spend no more than \$7,000 for in-school civic and~~  
220 ~~character education, including student leadership skills training, digital citizenship training,~~  
221 ~~and implementing school safety principles.~~  
222 ~~— (b) A school may designate School LAND Trust Program funds to implement school~~  
223 ~~safety principles or for an in-school civic or character education program or activity only if~~  
224 ~~the plan clearly describes how the program or activity has a direct impact of the instruction~~  
225 ~~of students in a school's areas of most critical academic need.~~  
226 ~~— (6) Notwithstanding other provisions in this rule, a school may use funds as needed~~  
227 ~~to implement a student's Individualized Education Plan.]~~  
228 (7) Student incentives implemented as part of an academic goal in the School LAND  
229 Trust Program may not exceed \$2 per awarded student in an academic school year.

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

231 (1)~~[(a)]~~ An ~~[local school board or charter school governing board]~~ LEA shall report  
232 the prior year expenditure of distributions for each school.  
233 ~~[(b)2]~~ The total expenditures each year described in Subsection (1)~~[(a)]~~ may not be  
234 greater than the total available funds for an~~[y school or school district]~~ LEA.  
235 (3)(a) In an unanticipated circumstance, a school within an LEA may be allowed a  
236 small advance from a school's allocation for the next fiscal year when:



- 237 (i) the LEA has unspent School LAND Trust funds to cover the advance; and  
238 (ii) the LEA governing board approves the advance.  
239 (b) If a school receives an advance under Subsection (3)(a):  
240 (i) the LEA shall decrease the beginning allocation to the school for the next fiscal  
241 year in the same amount as the advance; and  
242 (ii) restore the same advance amount to the unspent School LAND Trust funds of  
243 the LEA.  
244 (c) A school's beginning School LAND Trust funds balance for a new school year  
245 shall be:  
246 (i) the school's allocation for the new school year;  
247 (ii) minus any advance approved under Subsection (3)(a);  
248 (iii) plus any carry-over from the prior year.  
249 ~~(e)4~~ A school district shall adjust the current year distribution of funds received from  
250 the School LAND Trust Program as described in Section [53F-2-404](#), as necessary to  
251 maintain an equal per student distribution within a school district based on:  
252 (a) school openings and closings~~;~~<sub>1</sub>;  
253 (b) boundary changes~~;~~<sub>1</sub>; and  
254 (c) other enrollment changes occurring after the fall enrollment report.  
255 ~~(2)5~~ A charter school and each of the charter school's satellite charter schools are  
256 a single LEA for purposes of public school funding.  
257 ~~(3)6~~(a) For purposes of this Subsection ~~(3)5~~ ~~and Subsection (4)~~, "qualifying  
258 charter school" means a charter school that:  
259 (i) would receive more funds from a per pupil distribution than the charter school  
260 receives from the base payment described in Subsection ~~(3)6~~(c); and  
261 (ii) is not a newly opening charter school as described in Subsection ~~(4)7~~.  
262 (b) The Superintendent shall distribute the funds allocated to charter schools as  
263 described in this Subsection ~~(3)6~~.  
264 (c) The Superintendent shall first distribute a base payment to each charter school  
265 that is equal to the product of:  
266 (i) an amount equal to the total funds available for all charter schools; and

267 (ii) at least 0.4%.

268 (d) After the Superintendent distributes the amount described in Subsection (~~3~~6)(c),  
269 the Superintendent shall distribute the remaining funds to qualifying charter schools on a  
270 per pupil basis.

271 (~~4~~7)(a) The Superintendent shall distribute an amount of funds to a newly opening  
272 charter school that is equal to the greater of:

273 (i) the base payment described in Subsection (~~2~~6)(c); or

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

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

279 (~~5~~8) If a school chooses not to apply for funds or does not meet the requirements  
280 for receiving funds, the Superintendent shall deposit the unused balance in the Trust  
281 Distribution Account.

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

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

285 (2)(a) The principal shall submit a plan amendment authorized by Subsection 53G-7-  
286 1206(4)(d)(iii) through the School LAND Trust website for approval, including the date the  
287 council approved the amendment and the number of votes for, against, and absent.

288 (b) The approving entity shall:

289 (i) consider the amendment for approval; and

290 (ii) approve an amendment before the school uses funds according to the  
291 amendment.

292 (c) The School Children's Trust Section shall review an amendment for compliance  
293 with statute and rule before the school uses funds according to the amendment.

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

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

299 (c) The Superintendent may take corrective action to remedy excessive carryover  
300 balances consistent with Rule [R277-114](#).

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

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

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

305 (5)(a) A district or charter school business official shall enter prior year audited  
306 expenditures by specific category on the School LAND Trust website on or before October  
307 1.

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

310 (6) A principal shall submit a final report on the School LAND Trust website by  
311 October 20 annually.

312 (7) An LEA shall provide an annual report to its governing board on the  
313 implementation of each school's prior year School LAND Trust plans by January 31  
314 annually.

315 **R277-477-7. School LAND Trust Program - School Children's Trust Section to**  
316 **Review Compliance.**

317 (1)(a) The School Children's Trust Section shall review each school's final report for  
318 consistency with the approved school plan.

319 (b) The School Children's Trust Section shall create a list of all schools whose final  
320 reports indicate that funds from the School LAND Trust Program were expended  
321 inconsistent with the statute, rule, or the school's approved plan.

322 (c) The School Children's Trust Section shall annually report a school described in  
323 Subsection (1)(b) to the school district contact person, district superintendent, and  
324 president of the local board of education or charter board, as applicable.

325 (2) The School Children's Trust Section may visit a school receiving funds from the  
326 School LAND Trust Program to discuss the program, receive information and suggestions,  
327 provide training, and answer questions.

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

330 (b) The Superintendent shall report annually to the Board Audit Committee on  
331 compliance review findings and other compliance issues.

332

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

334 The Superintendent shall:

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

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

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

341 (4) review and approve a plan submitted by the USDB school community council  
342 as necessary;

343 (5) prepare the annual distribution of funds to implement the School LAND Trust  
344 Program pursuant to Section [53F-2-404](#);

345 (6) report the total distribution amount for the following fiscal year to the Legislative  
346 Fiscal Analyst before December 31 annually;

347 (7) provide training to entities involved with the School LAND Trust Program  
348 consistent with Subsection [53G-7-1206](#)(8); and

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

351

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

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

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

Draft 4 - Blue - New Text | ~~[Red]~~ - Deleted Text  
Draft 5 - Green - Reinserted Text

**Draft 5**  
March 16, 2020

355 **Authorizing, and Implemented, or Interpreted Law:** Art X Sec 3; 53F-2-404; [~~53A-16-~~  
356 ~~101.5(4)~~]; 53A-1-401