

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 authorizer  
40 consistent with Section [53G-7-1206](#).

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

43 ([2]3)(a) "Charter trust land council" means a council comprised of a two person  
44 majority of parents or grandparents of students attending the charter school, elected by  
45 parents of students attending the charter school, convened to act in lieu of the school  
46 community council for the charter school.

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

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

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

51 ([3]4) "Council" means a school community council or a charter trust land  
52 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 ([4]6) "Digital citizenship" means the same as that term is defined in Section  
57 [53G-7-1202](#).

58            ([5]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            ([6]8) "Funds" means School LAND Trust program funding as defined in Section  
62 [53F-2-404](#).

63            ([7]9) "Most critical academic need" means an academic need, consistent with  
64 the core standards in Rule [R277-700](#), identified by a council through the annual review  
65 of 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            ([8]12) "Parent," for a charter school, includes a grandparent of a student  
71 currently enrolled at the school.

72            ([9]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            ([10]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            ([14]15) "Satellite charter school" has the same meaning as that term is defined  
80 in Section [R277-550-2](#).

81            ([12]16) "School safety principles" has the same meaning as described in  
82 Section [53G-7-1202](#).

83            ([13]17) "Student" means a child in public school grades kindergarten through 12  
84 counted on the fall enrollment report of an LEA.

85            ([14]18) "Teacher and Student Success Plan" or "TSSP" means the plan  
86 required of each school under Section [53G-7-1305](#).

87            ([15]19) "Trust Distribution Account" means the restricted account within the  
88 Uniform School Fund created under Subsection [53F-9-201](#)(2).

89            ([16]20) "UPEFS" means the Utah Public Education Finance System.

90            ([17]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 ~~[digitally through the~~  
157 ~~website]~~ at the Council plan approval meeting or at a later time consistent with LEA  
158 policies.

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

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

163 ~~(e)~~ An approving entity may design the approving entity's own form to collect  
164 the information required by this Subsection (~~[40]~~11).

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

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

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

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

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

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

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

182 (i) academic goals;

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

184 (iii) measurements to assess improvement; and

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

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

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

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

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

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

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

203

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

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

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

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

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

220 (a) to increase achievement in:

221 (i) English;

222 (ii) language arts;

223 (iii) mathematics; and

224 (iv) science; and

225 (b) for high schools to:

226 (i) increase graduation rates; and

227 (ii) promote college and career readiness.

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



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

230 (b) expenses for:

231 (i) construction;

232 (ii) maintenance;

233 (iii) facilities;

234 (iv) overhead;

235 (v) furniture;

236 (vi) security; or

237 (vii) athletics; or

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

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

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

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

247 (i) data-driven;

248 (ii) evidence based; and

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

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

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

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

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

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

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

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

262

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

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

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

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

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

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

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

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

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

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

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

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

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

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

285 (a) school openings and closings;

286 (b) boundary changes; and

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

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

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

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

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

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

297 (b) The Superintendent shall distribute the funds allocated to charter schools as  
298 described in this Subsection ([6]7).

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

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

302 (ii) at least 0.4%.

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

306 (8)(a) The Superintendent shall distribute an amount of funds to a newly opening  
307 charter school that is ~~equal to the greater of~~ either:

308 (i) the base payment described in Subsection ([6]7)(c); or

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

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

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

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

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

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

325 ~~(9)10 [If a school chooses not to apply for funds or does not meet the~~  
326 ~~requirements for receiving funds, the Superintendent shall deposit the unused balance~~  
327 ~~in the Trust Distribution Account.] The Superintendent shall deposit the unused balance~~  
328 in the Trust Distribution Account if:

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

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

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

332

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

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

336 (2)(a) The principal shall submit a plan amendment authorized by Subsection  
337 [53G-7-1206](#)(4)(d)(iii) through the School LAND Trust website for approval, including the  
338 date the council approved the amendment and the number of votes for, against, and  
339 absent.

340 (b) The approving entity shall:

341 (i) consider the amendment for approval;

342 (ii) approve an amendment before the school uses funds according to the  
343 amendment; and

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

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

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

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

353 (c) The Superintendent may take corrective action to remedy excessive carry-  
354 over balances consistent with Rule [R277-114](#).

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

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

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

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

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

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

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

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

373

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

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

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

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

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

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

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

391

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

393 The Superintendent shall:

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

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

- 398           (3) provide notice as necessary to the State Charter School Board of changes  
399 required of charter schools for compliance with statute and rule;
- 400           (4) review and approve a plan submitted by the USDB Advisory Council as  
401 necessary;
- 402           (5) prepare the annual distribution of funds to implement the School LAND Trust  
403 program pursuant to Section [53F-2-404](#);
- 404           (6) provide training to entities involved with the School LAND Trust program  
405 consistent with Subsection [53G-7-1206](#)(8); and
- 406           (7) implement corrective action, if appropriate, consistent with Rule [R277-114](#) if  
407 an LEA or its council fails to comply with this rule.

408

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

410 **Date of Last Change: July 22, 2022**

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

412 **Authorizing, and Implemented or Interpreted Law: [Art X Sec 3](#); [53E-3-401](#); [53F-2-](#)  
413 [404](#)**