

**Effective 5/13/2014**

**Superseded 5/12/2015**

**53A-16-101.5 School LAND Trust Program -- Purpose -- Distribution of funds -- School plans for use of funds.**

- (1) There is established the School LAND (Learning And Nurturing Development) Trust Program to:
  - (a) provide financial resources to public schools to enhance or improve student academic achievement and implement a component of the school improvement plan; and
  - (b) involve parents and guardians of a school's students in decision making regarding the expenditure of School LAND Trust Program money allocated to the school.
- (2)
  - (a) The program shall be funded each fiscal year:
    - (i) from the Interest and Dividends Account created in Section 53A-16-101; and
    - (ii) in the amount of the sum of the following:
      - (A) the interest and dividends from the investment of money in the permanent State School Fund deposited to the Interest and Dividends Account in the immediately preceding year; and
      - (B) interest accrued on money in the Interest and Dividends Account in the immediately preceding fiscal year.
  - (b) On and after July 1, 2003, the program shall be funded as provided in Subsection (2)(a) up to an amount equal to 2% of the funds provided for the Minimum School Program, pursuant to Title 53A, Chapter 17a, Minimum School Program Act, each fiscal year.
  - (c)
    - (i) The Legislature shall annually allocate, through an appropriation to the State Board of Education, a portion of the Interest and Dividends Account created in Section 53A-16-101 to be used for:
      - (A) the administration of the School LAND Trust Program; and
      - (B) the performance of duties described in Section 53A-16-101.6.
    - (ii) Any unused balance remaining from an amount appropriated under Subsection (2)(c)(i) shall be deposited in the Interest and Dividends Account for distribution to schools in the School LAND Trust Program.
- (3)
  - (a) The State Board of Education shall allocate the money referred to in Subsection (2) annually for the fiscal year beginning July 1, 2013, and for each fiscal year thereafter as follows:
    - (i) the Utah Schools for the Deaf and the Blind and the charter schools combined shall receive funding equal to the product of:
      - (A) enrollment on October 1 in the prior year at the Utah Schools for the Deaf and the Blind, or in the charter schools combined, divided by enrollment on October 1 in the prior year in public schools statewide; and
      - (B) the total amount available for distribution under Subsection (2);
    - (ii) the amount allocated to the charter schools combined under Subsection (3)(a)(i) shall be distributed among charter schools in accordance with a formula specified in rules adopted by the State Board of Education in consultation with the State Charter School Board; and
    - (iii) of the funds available for distribution under Subsection (2) after the allocation of funds for the Utah Schools for the Deaf and the Blind and charter schools:
      - (A) school districts shall receive 10% of the funds on an equal basis; and
      - (B) the remaining 90% of the funds shall be distributed on a per student basis.

- (b) A school district shall distribute its allocation under Subsection (3)(a)(iii) to each school within the district on an equal per student basis.
- (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the State Board of Education may make rules regarding the time and manner in which the student count shall be made for allocation of the money under Subsection (3)(a)(iii).
- (4) To receive its allocation under Subsection (3):
  - (a) a school shall have established a school community council in accordance with Section 53A-1a-108; and
  - (b) the school's principal shall provide a signed, written assurance in accordance with rules of the State Board of Education that the membership of the school community council is consistent with the membership requirements specified in Section 53A-1a-108.
- (5)
  - (a) The school community council or its subcommittee shall create a program to use its allocation under Subsection (3) to implement a component of the school's improvement plan, including:
    - (i) the school's identified most critical academic needs;
    - (ii) a recommended course of action to meet the identified academic needs;
    - (iii) a specific listing of any programs, practices, materials, or equipment which the school will need to implement a component of its school improvement plan to have a direct impact on the instruction of students and result in measurable increased student performance; and
    - (iv) how the school intends to spend its allocation of funds under this section to enhance or improve academic excellence at the school.
  - (b)
    - (i) A school community council shall create and vote to adopt a plan for the use of School LAND Trust Program money in a meeting of the school community council at which a quorum is present.
    - (ii) If a majority of the quorum votes to adopt a plan for the use of School LAND Trust Program money, the plan is adopted.
  - (c) A school community council shall:
    - (i) post a plan for the use of School LAND Trust Program money that is adopted in accordance with Subsection (5)(b) on the School LAND Trust Program website; and
    - (ii) include with the plan a report noting the number of school community council members who voted for or against the approval of the plan and the number of members who were absent for the vote.
  - (d)
    - (i) A school's local school board shall approve or disapprove a plan for the use of School LAND Trust Program money.
    - (ii) If a local school board disapproves a plan for the use of School LAND Trust Program money, the local school board shall provide a written explanation of why the plan was disapproved and request the school community council who submitted the plan to revise the plan.
    - (iii) The school community council shall submit a revised plan to the local school board for approval.
- (6)
  - (a) Each school shall:
    - (i) implement the program as approved;
    - (ii) provide ongoing support for the council's program; and
    - (iii) meet State Board of Education reporting requirements regarding financial and performance accountability of the program.

- (b)
  - (i) Each school, through its school community council, shall prepare and post an annual report of the program on the School LAND Trust Program website each fall.
  - (ii) The report shall detail the use of program funds received by the school under this section and an assessment of the results obtained from the use of the funds.
  - (iii) A summary of the report shall be provided to parents or guardians of students attending the school.
- (7) On or before October 1 of each year, a school district shall record the amount of the program funds distributed to each school under Subsection (3)(b) on the School LAND Trust Program website to assist schools in developing the annual report described in Subsection (6)(b).
- (8)
  - (a) The governing board of a charter school shall establish a council, which shall prepare a plan for the use of School LAND Trust Program money that includes the elements listed in Subsection (5).
  - (b)
    - (i) The membership of the council shall include parents or guardians of students enrolled at the school and may include other members.
    - (ii) The number of council members who are parents or guardians of students enrolled at the school shall exceed all other members combined by at least two.
  - (c) A charter school governing board may serve as the council that prepares a plan for the use of School LAND Trust Program money if the membership of the charter school governing board meets the requirements of Subsection (8)(b)(ii).
  - (d)
    - (i) Except as provided in Subsection (8)(d)(ii), council members who are parents or guardians of students enrolled at the school shall be elected in accordance with procedures established by the charter school governing board.
    - (ii) Subsection (8)(d)(i) does not apply to a charter school governing board that serves as the council that prepares a plan for the use of School LAND Trust Program money.
  - (e) A parent or guardian of a student enrolled at the school shall serve as chair or cochair of a council that prepares a plan for the use of School LAND Trust Program money.
  - (f) A plan for the use of School LAND Trust Program money shall be subject to approval by the charter school governing board and the entity that authorized the establishment of the charter school.
- (9) The president or chair of a local school board or charter school governing board shall ensure that the members of the local school board or charter school governing board are provided with annual training on the requirements of this section.