

Part 2 School District Foundations

53A-4-205 Establishment of public education foundations -- Powers and duties -- Tax exempt status.

- (1) The State Board of Education, a local school board, or the Utah Schools for the Deaf and Blind may establish foundations to:
 - (a) assist in the development and implementation of the programs authorized under this part to promote educational excellence; and
 - (b) assist in the accomplishment of other education-related objectives.
- (2) A foundation established under Subsection (1):
 - (a) may solicit and receive contributions from private enterprises for the purpose of this part;
 - (b) shall comply with Title 51, Chapter 7, State Money Management Act, and rules made under the act;
 - (c) has no power or authority to incur contractual obligations or liabilities that constitute a claim against public funds except as provided in this section;
 - (d) may not exercise executive, administrative, or rulemaking authority over the programs referred to in this part, except to the extent specifically authorized by the responsible school board;
 - (e) is exempt from all taxes levied by the state or any of its political subdivisions with respect to activities conducted under this part;
 - (f) may participate in the Risk Management Fund under Section 63A-4-204;
 - (g) shall provide a school with information detailing transactions and balances of funds managed for that school;
 - (h) shall, for foundation accounts from which money is distributed to schools, provide all the schools within a school district information that:
 - (i) details account transactions; and
 - (ii) shows available balances in the accounts; and
 - (i) may not:
 - (i) engage in lobbying activities;
 - (ii) attempt to influence legislation; or
 - (iii) participate in any campaign activity for or against:
 - (A) a political candidate; or
 - (B) an initiative, referendum, proposed constitutional amendment, bond, or any other ballot proposition submitted to the voters.
- (3) A local school board that establishes a foundation under Subsection (1) shall:
 - (a) require the foundation to:
 - (i) use the school district's accounting system; or
 - (ii) follow written accounting policies established by the board;
 - (b) review and approve the foundation's accounting, purchasing, and check issuance policies to ensure that there is an adequate separation of responsibilities; and
 - (c) approve procedures to verify that issued foundation payments have been properly approved.

Amended by Chapter 280, 2011 General Session

Amended by Chapter 342, 2011 General Session