

Chapter 16 State Financing of Public Education

Contingently Superseded 7/1/2017

53A-16-101 Uniform School Fund -- Contents -- Interest and Dividends Account -- Invest More for Education Account.

- (1) The Uniform School Fund, a special revenue fund within the Education Fund, established by Utah Constitution, Article X, Section 5, consists of:
 - (a) interest and dividends derived from the investment of money in the permanent State School Fund established by Utah Constitution, Article X, Section 5;
 - (b) money transferred to the fund pursuant to Title 67, Chapter 4a, Unclaimed Property Act; and
 - (c) all other constitutional or legislative allocations to the fund, including revenues received by donation.
- (2)
 - (a) There is created within the Uniform School Fund a restricted account known as the Interest and Dividends Account.
 - (b) The Interest and Dividends Account consists of:
 - (i) interest and dividends derived from the investment of money in the permanent State School Fund referred to in Subsection (1)(a); and
 - (ii) interest on account money.
- (3)
 - (a) Upon appropriation by the Legislature, money from the Interest and Dividends Account shall be used for:
 - (i) the administration of the School LAND Trust Program as provided in Section 53A-16-101.5; and
 - (ii) the performance of duties described in Section 53A-16-101.6.
 - (b) The Legislature may appropriate any remaining balance for the support of the public education system.
- (4)
 - (a) There is created within the Uniform School Fund a restricted account known as the Invest More for Education Account.
 - (b) The account shall be funded by contributions deposited into the restricted account in accordance with Section 59-10-1318.
 - (c) The account shall earn interest.
 - (d) Interest earned on the account shall be deposited into the account.
 - (e) The Legislature may appropriate money from the account for the support of the public education system.

Amended by Chapter 235, 2013 General Session

Contingently Effective 7/1/2017

53A-16-101 Uniform School Fund -- Contents -- Trust Distribution Account.

- (1) The Uniform School Fund, a special revenue fund within the Education Fund, established by Utah Constitution, Article X, Section 5, consists of:
 - (a) distributions derived from the investment of money in the permanent State School Fund established by Utah Constitution, Article X, Section 5;
 - (b) money transferred to the fund pursuant to Title 67, Chapter 4a, Unclaimed Property Act; and

- (c) all other constitutional or legislative allocations to the fund, including revenues received by donation.
- (2)
 - (a) There is created within the Uniform School Fund a restricted account known as the Trust Distribution Account.
 - (b) The Trust Distribution Account consists of the average of:
 - (i) 4% of the average market value of the permanent State School Fund based on an annual review each July of the past 12 consecutive quarters; and
 - (ii) the prior year's distribution from the Trust Distribution Account as described in Section 53A-16-101.5, increased by prior year changes in the percentage of student enrollment growth and in the consumer price index.
- (3) Notwithstanding Subsection (2)(b), the distribution may not exceed 4% of the average market value of the permanent State School Fund over the past 12 consecutive quarters.
- (4) The School and Institutional Trust Fund Board of Trustees created in Section 53D-1-301 shall:
 - (a) annually review distribution of the Trust Distribution Account; and
 - (b) make recommendations, if necessary, to the Legislature for changes to the formula described in Subsection (2)(b).
- (5)
 - (a) Upon appropriation by the Legislature, the director of the School and Institutional Trust Fund Office created in Section 53D-1-201 shall place in the Trust Distribution Account funds for:
 - (i) the administration of the School LAND Trust Program as provided in Section 53A-16-101.5;
 - (ii) the performance of duties described in Section 53A-16-101.6;
 - (iii) the School and Institutional Trust Fund Office; and
 - (iv) the School and Institutional Trust Fund Board of Trustees created in Section 53D-1-301.
 - (b) The Legislature may appropriate any remaining balance for the support of the public education system.

Amended by Chapter 172, 2016 General Session

Contingently Superseded 7/1/2017

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

- (1) As used in this section:
 - (a) "Charter agreement" means an agreement made in accordance with Section 53A-1a-508 that authorizes the operation of a charter school.
 - (b) "Charter school authorizer" means the same as that term is defined in Section 53A-1a-501.3.
 - (c) "Charter trust land council" means a council established by a charter school governing board under this section.
 - (d) "Council" means a school community council or a charter trust land council.
 - (e) "District school" means a public school under the control of a local school board elected under Title 20A, Chapter 14, Nomination and Election of State and Local School Boards.
 - (f) "School community council" means a council established at a district school in accordance with Section 53A-1a-108.
- (2) 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 a district school's school improvement plan or a charter school's charter agreement; 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.
- (3)
- (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) The program shall be funded as provided in Subsection (3)(a) up to an amount equal to 3% 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 (3)(c)(i) shall be deposited in the Interest and Dividends Account for distribution to schools in the School LAND Trust Program.
- (4)
- (a) The State Board of Education shall allocate the money referred to in Subsection (3) annually as follows:
 - (i) the Utah Schools for the Deaf and the Blind 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 divided by enrollment on October 1 in the prior year in public schools statewide; and
 - (B) the total amount available for distribution under Subsection (3);
 - (ii) charter schools shall receive funding equal to the product of:
 - (A) charter school enrollment on October 1 in the prior year, divided by enrollment on October 1 in the prior year in public schools statewide; and
 - (B) the total amount available for distribution under Subsection (3); and
 - (iii) of the funds available for distribution under Subsection (3) 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 to school districts on a per student basis.
 - (b)
 - (i) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the State Board of Education shall make rules specifying a formula to distribute the amount allocated under Subsection (4)(a)(ii) to charter schools.
 - (ii) In making rules under Subsection (4)(b)(i), the State Board of Education shall:
 - (A) consult with the State Charter School Board; and
 - (B) ensure that the rules include a provision that allows a charter school in the charter school's first year of operations to receive funding based on projected enrollment, to be adjusted in future years based on actual enrollment.

- (c) A school district shall distribute its allocation under Subsection (4)(a)(iii) to each school within the school district on an equal per student basis.
- (d) 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 (4)(a)(iii).
- (5) To receive its allocation under Subsection (4):
 - (a) a district school shall have established a school community council in accordance with Section 53A-1a-108;
 - (b) a charter school shall have established a charter trust land council in accordance with Subsection (9); and
 - (c) the school's principal shall provide a signed, written assurance that the school is in compliance with Subsection (5)(a) or (b).
- (6)
 - (a) A council shall create a program to use its allocation under Subsection (4) to implement a component of the school's improvement plan or charter agreement, 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 council shall create and vote to adopt a plan for the use of School LAND Trust Program money in a meeting of the 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 council shall:
 - (i) post a plan for the use of School LAND Trust Program money that is adopted in accordance with Subsection (6)(b) on the School LAND Trust Program website; and
 - (ii) include with the plan a report noting the number of council members who voted for or against the approval of the plan and the number of council members who were absent for the vote.
 - (d)
 - (i) The local school board of a district school 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:
 - (A) 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; and
 - (B) the school community council shall submit a revised plan in response to a local school board's request under Subsection (6)(d)(ii)(A).
 - (iii) Once a plan has been approved by a local school board, a school community council may amend the plan, subject to a majority vote of the school community council and local school board approval.
 - (e) A charter trust land council's plan for the use of School LAND Trust Program money is subject to approval by the:
 - (i) charter school governing board; and

- (ii) charter school's charter school authorizer.
- (7)
- (a) A district school or charter 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) A district school or charter school 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.
- (8) 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 (4)(c) on the School LAND Trust Program website to assist schools in developing the annual report described in Subsection (7)(b).
- (9)
- (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 (6).
 - (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 (9)(b)(ii).
 - (d)
 - (i) Except as provided in Subsection (9)(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 (9)(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.
- (10) 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.

Amended by Chapter 276, 2015 General Session

Contingently Effective 7/1/2017

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

- (1) As used in this section:

- (a) "Charter agreement" means an agreement made in accordance with Section 53A-1a-508 that authorizes the operation of a charter school.
 - (b) "Charter school authorizer" means the same as that term is defined in Section 53A-1a-501.3.
 - (c) "Charter trust land council" means a council established by a charter school governing board under this section.
 - (d) "Council" means a school community council or a charter trust land council.
 - (e) "District school" means a public school under the control of a local school board elected under Title 20A, Chapter 14, Nomination and Election of State and Local School Boards.
 - (f) "School community council" means a council established at a district school in accordance with Section 53A-1a-108.
- (2) 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 a district school's school improvement plan or a charter school's charter agreement; 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.
- (3)
- (a) The program shall be funded each fiscal year:
 - (i) from the Trust Distribution Account created in Section 53A-16-101; and
 - (ii) in the amount of the sum of the following:
 - (A) the distributions from the investment of money in the permanent State School Fund deposited to the Trust Distribution Account on or about July 15 each year; and
 - (B) interest accrued on the Trust Distribution Account in the immediately preceding fiscal year.
 - (b) The program shall be funded as provided in Subsection (3)(a) up to an amount equal to 3% 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 Trust Distribution 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 (3)(c)(i) shall be deposited in the Trust Distribution Account for distribution to schools in the School LAND Trust Program.
- (4)
- (a) The State Board of Education shall allocate the money referred to in Subsection (3) annually as follows:
 - (i) the Utah Schools for the Deaf and the Blind 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 divided by enrollment on October 1 in the prior year in public schools statewide; and
 - (B) the total amount available for distribution under Subsection (3);
 - (ii) charter schools shall receive funding equal to the product of:
 - (A) charter school enrollment on October 1 in the prior year, divided by enrollment on October 1 in the prior year in public schools statewide; and
 - (B) the total amount available for distribution under Subsection (3); and

- (iii) of the funds available for distribution under Subsection (3) 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 to school districts on a per student basis.
- (b)
 - (i) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the State Board of Education shall make rules specifying a formula to distribute the amount allocated under Subsection (4)(a)(ii) to charter schools.
 - (ii) In making rules under Subsection (4)(b)(i), the State Board of Education shall:
 - (A) consult with the State Charter School Board; and
 - (B) ensure that the rules include a provision that allows a charter school in the charter school's first year of operations to receive funding based on projected enrollment, to be adjusted in future years based on actual enrollment.
 - (c) A school district shall distribute its allocation under Subsection (4)(a)(iii) to each school within the school district on an equal per student basis.
 - (d) 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 (4)(a)(iii).
- (5) To receive its allocation under Subsection (4):
 - (a) a district school shall have established a school community council in accordance with Section 53A-1a-108;
 - (b) a charter school shall have established a charter trust land council in accordance with Subsection (9); and
 - (c) the school's principal shall provide a signed, written assurance that the school is in compliance with Subsection (5)(a) or (b).
- (6)
 - (a) A council shall create a program to use its allocation under Subsection (4) to implement a component of the school's improvement plan or charter agreement, 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 council shall create and vote to adopt a plan for the use of School LAND Trust Program money in a meeting of the 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 council shall:
 - (i) post a plan for the use of School LAND Trust Program money that is adopted in accordance with Subsection (6)(b) on the School LAND Trust Program website; and
 - (ii) include with the plan a report noting the number of council members who voted for or against the approval of the plan and the number of council members who were absent for the vote.
 - (d)

- (i) The local school board of a district school 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:
 - (A) 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; and
 - (B) the school community council shall submit a revised plan in response to a local school board's request under Subsection (6)(d)(ii)(A).
 - (iii) Once a plan has been approved by a local school board, a school community council may amend the plan, subject to a majority vote of the school community council and local school board approval.
 - (e) A charter trust land council's plan for the use of School LAND Trust Program money is subject to approval by the:
 - (i) charter school governing board; and
 - (ii) charter school's charter school authorizer.
- (7)
- (a) A district school or charter 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) A district school or charter school 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.
- (8) 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 (4)(c) on the School LAND Trust Program website to assist schools in developing the annual report described in Subsection (7)(b).
- (9)
- (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 (6).
 - (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 (9)(b)(ii).
 - (d)
 - (i) Except as provided in Subsection (9)(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 (9)(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.
- (10) 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.

Amended by Chapter 172, 2016 General Session

Contingently Superseded 7/1/2017

53A-16-101.6 Creation of School Children's Trust Section -- Duties.

- (1) As used in this section:
 - (a) "School and institutional trust lands" is as defined in Section 53C-1-103.
 - (b) "Section" means the School Children's Trust Section created in this section.
 - (c) "Trust" means:
 - (i) the School LAND Trust Program created in Section 53A-16-101.5; and
 - (ii) the lands and funds associated with the trusts described in Subsection 53C-1-103(7).
- (2) There is established a School Children's Trust Section under the State Board of Education.
- (3)
 - (a) The section shall have a director.
 - (b) The director shall have professional qualifications and expertise in the areas generating revenue to the trust, including:
 - (i) economics;
 - (ii) energy development;
 - (iii) finance;
 - (iv) investments;
 - (v) public education;
 - (vi) real estate;
 - (vii) renewable resources;
 - (viii) risk management; and
 - (ix) trust law.
 - (c) The director shall be appointed as provided in this Subsection (3).
 - (d) The School and Institutional Trust Lands Board of Trustees nominating committee shall submit to the State Board of Education the name of one person to serve as director.
 - (e) The State Board of Education may:
 - (i) appoint the person described in Subsection (3)(d) to serve as director; or
 - (ii) deny the appointment of the person described in Subsection (3)(d) to serve as director.
 - (f) If the State Board of Education denies an appointment under this Subsection (3):
 - (i) the State Board of Education shall provide in writing one or more reasons for the denial to the School and Institutional Trust Lands Board of Trustees nominating committee; and
 - (ii) the School and Institutional Trust Lands Board of Trustees nominating committee and the State Board of Education shall follow the procedures and requirements of this Subsection (3) until the State Board of Education appoints a director.
 - (g) The State Board of Education may remove the director only by majority vote of a quorum in an open and public meeting after proper notice and the inclusion of the removal item on the agenda.
- (4) The State Board of Education shall make rules regarding:

- (a) regular reporting from the School Children's Trust Section director to the State Board of Education, to allow the State Board of Education to fulfill its duties in representing the trust beneficiaries; and
 - (b) the day-to-day reporting of the School Children's Trust Section director.
- (5)
- (a) The director shall annually submit a proposed section budget to the State Board of Education.
 - (b) After approving a section budget, the State Board of Education shall propose the approved budget to the Legislature.
- (6) The director is entitled to attend any presentation, discussion, meeting, or other gathering concerning the trust, subject to:
- (a) provisions of law prohibiting the director's attendance to preserve confidentiality; or
 - (b) other provisions of law that the director's attendance would violate.
- (7) The section shall have a staff.
- (8) The section shall protect current and future beneficiary rights and interests in the trust consistent with the state's perpetual obligations under:
- (a) the Utah Enabling Act;
 - (b) the Utah Constitution;
 - (c) state statute; and
 - (d) standard trust principles described in Section 53C-1-102.
- (9) The section shall promote:
- (a) productive use of school and institutional trust lands; and
 - (b) the efficient and prudent investment of funds managed by the School and Institutional Trust Fund Office, created in Section 53D-1-201.
- (10) The section shall provide representation, advocacy, and input:
- (a) on behalf of current and future beneficiaries of the trust, school community councils, schools, and school districts;
 - (b) on federal, state, and local land decisions and policies that affect the trust; and
 - (c) to:
 - (i) the School and Institutional Trust Lands Administration;
 - (ii) the School and Institutional Trust Lands Board of Trustees;
 - (iii) the Legislature;
 - (iv) the School and Institutional Trust Fund Office, created in Section 53D-1-201;
 - (v) the School and Institutional Trust Fund Board of Trustees, created in Section 53D-1-301;
 - (vi) the attorney general;
 - (vii) the public; and
 - (viii) other entities as determined by the section.
- (11) The section shall provide independent oversight on the prudent and profitable management of the trust and report annually to the State Board of Education and the Legislature.
- (12) The section shall provide information requested by a person or entity described in Subsections (10)(c)(i) through (vii).
- (13)
- (a) The section shall provide training to the entities described in Subsection (13)(b) on:
 - (i) the School LAND Trust Program established in Section 53A-16-101.5; and
 - (ii)
 - (A) a school community council established pursuant to Section 53A-1a-108; or
 - (B) a charter trust land council established under Section 53A-16-101.5.
 - (b) The section shall provide the training to:
 - (i) a local school board or a charter school governing board;

- (ii) a school district or a charter school; and
- (iii) a school community council.

Amended by Chapter 144, 2016 General Session

Contingently Effective 7/1/2017

53A-16-101.6 Creation of School Children's Trust Section -- Duties.

- (1) As used in this section:
 - (a) "School and institutional trust lands" is as defined in Section 53C-1-103.
 - (b) "Section" means the School Children's Trust Section created in this section.
 - (c) "Trust" means:
 - (i) the School LAND Trust Program created in Section 53A-16-101.5; and
 - (ii) the lands and funds associated with the trusts described in Subsection 53C-1-103(7).
- (2) There is established a School Children's Trust Section under the State Board of Education.
- (3)
 - (a) The section shall have a director.
 - (b) The director shall have professional qualifications and expertise in the areas generating revenue to the trust, including:
 - (i) economics;
 - (ii) energy development;
 - (iii) finance;
 - (iv) investments;
 - (v) public education;
 - (vi) real estate;
 - (vii) renewable resources;
 - (viii) risk management; and
 - (ix) trust law.
 - (c) The director shall be appointed as provided in this Subsection (3).
 - (d) The School and Institutional Trust Lands Board of Trustees nominating committee shall submit to the State Board of Education the name of one person to serve as director.
 - (e) The State Board of Education may:
 - (i) appoint the person described in Subsection (3)(d) to serve as director; or
 - (ii) deny the appointment of the person described in Subsection (3)(d) to serve as director.
 - (f) If the State Board of Education denies an appointment under this Subsection (3):
 - (i) the State Board of Education shall provide in writing one or more reasons for the denial to the School and Institutional Trust Lands Board of Trustees nominating committee; and
 - (ii) the School and Institutional Trust Lands Board of Trustees nominating committee and the State Board of Education shall follow the procedures and requirements of this Subsection (3) until the State Board of Education appoints a director.
 - (g) The State Board of Education may remove the director only by majority vote of a quorum in an open and public meeting after proper notice and the inclusion of the removal item on the agenda.
- (4) The State Board of Education shall make rules regarding:
 - (a) regular reporting from the School Children's Trust Section director to the State Board of Education, to allow the State Board of Education to fulfill its duties in representing the trust beneficiaries; and
 - (b) the day-to-day reporting of the School Children's Trust Section director.
- (5)

- (a) The director shall annually submit a proposed section budget to the State Board of Education.
 - (b) After approving a section budget, the State Board of Education shall propose the approved budget to the Legislature.
- (6) The director is entitled to attend any presentation, discussion, meeting, or other gathering concerning the trust, subject to:
- (a) provisions of law prohibiting the director's attendance to preserve confidentiality; or
 - (b) other provisions of law that the director's attendance would violate.
- (7) The section shall have a staff.
- (8) The section shall protect current and future beneficiary rights and interests in the trust consistent with the state's perpetual obligations under:
- (a) the Utah Enabling Act;
 - (b) the Utah Constitution;
 - (c) state statute; and
 - (d) standard trust principles described in Section 53C-1-102.
- (9) The section shall promote:
- (a) productive use of school and institutional trust lands; and
 - (b) the efficient and prudent investment of funds managed by the School and Institutional Trust Fund Office, created in Section 53D-1-201.
- (10) The section shall provide representation, advocacy, and input:
- (a) on behalf of current and future beneficiaries of the trust, school community councils, schools, and school districts;
 - (b) on federal, state, and local land decisions and policies that affect the trust; and
 - (c) to:
 - (i) the School and Institutional Trust Lands Administration;
 - (ii) the School and Institutional Trust Lands Board of Trustees;
 - (iii) the Legislature;
 - (iv) the School and Institutional Trust Fund Office, created in Section 53D-1-201;
 - (v) the School and Institutional Trust Fund Board of Trustees, created in Section 53D-1-301;
 - (vi) the attorney general;
 - (vii) the public; and
 - (viii) other entities as determined by the section.
- (11) The section shall provide independent oversight on the prudent and profitable management of the trust and report annually to the State Board of Education and the Legislature.
- (12) The section shall provide information requested by a person or entity described in Subsections (10)(c)(i) through (vii).
- (13)
- (a) The section shall provide training to the entities described in Subsection (13)(b) on:
 - (i) the School LAND Trust Program established in Section 53A-16-101.5; and
 - (ii)
 - (A) a school community council established pursuant to Section 53A-1a-108; or
 - (B) a charter trust land council established under Section 53A-16-101.5.
 - (b) The section shall provide the training to:
 - (i) a local school board or a charter school governing board;
 - (ii) a school district or a charter school; and
 - (iii) a school community council.
- (14) The section shall annually:
- (a) review each school's compliance with applicable law, including rules adopted by the State Board of Education; and

(b) report findings to the State Board of Education.

Amended by Chapter 144, 2016 General Session

Amended by Chapter 172, 2016 General Session

53A-16-103 Duty of Division of Finance -- Apportionment of fund by state board -- Certification of apportionments.

- (1) The Division of Finance shall give the state superintendent, upon request, a written accounting of the current balance in the Uniform School Fund.
- (2) The State Board of Education shall apportion the fund among the several school districts.
- (3) The state superintendent shall certify the apportionments to the Division of Finance and draws warrants on the state treasurer in favor of the school districts.

Enacted by Chapter 2, 1988 General Session

53A-16-106 Annual certification of tax rate proposed by local school board -- Inclusion of school district budget -- Modified filing date.

- (1) Prior to June 22 of each year, each local school board shall certify to the county legislative body in which the district is located, on forms prescribed by the State Tax Commission, the proposed tax rate approved by the local school board.
- (2) A copy of the district's budget, including items under Section 53A-19-101, and a certified copy of the local school board's resolution which approved the budget and set the tax rate for the subsequent school year beginning July 1 shall accompany the tax rate.
- (3) If the tax rate approved by the board is in excess of the certified tax rate, as defined in Section 59-2-924, the date for filing the tax rate and budget adopted by the board shall be that established under Section 59-2-919.

Amended by Chapter 350, 2016 General Session

Amended by Chapter 367, 2016 General Session

53A-16-107 Capital outlay levy -- Authority to use proceeds of .0002 tax rate for maintenance of school facilities -- Restrictions and procedure -- Limited authority to use proceeds for general fund purposes -- Notification required when using proceeds for general fund purposes -- Authority for small school districts to use levy proceeds for operation and maintenance of plant services.

- (1) Subject to Subsection (3) and except as provided in Subsections (2), (5), (6), and (7), a local school board may annually impose a capital outlay levy not to exceed .0024 per dollar of taxable value to be used for:
 - (a) capital outlay; or
 - (b) debt service.
- (2)
 - (a) A local school board with an enrollment of 2,500 students or more may utilize the proceeds of a maximum of .0002 per dollar of taxable value of the local school board's annual capital outlay levy for the maintenance of school facilities in the school district.
 - (b) A local school board that uses the option provided under Subsection (2)(a) shall:
 - (i) maintain the same level of expenditure for maintenance in the current year as it did in the preceding year, plus the annual average percentage increase applied to the maintenance and operation budget for the current year; and

- (ii) identify the expenditure of capital outlay funds for maintenance by a district project number to ensure that the funds are expended in the manner intended.
 - (c) The State Board of Education shall establish by rule the expenditure classification for maintenance under this program using a standard classification system.
- (3) Beginning January 1, 2009, and through the taxable year beginning January 1, 2011, in order to qualify for receipt of the state contribution toward the minimum school program, a local school board in a county of the first class shall impose a capital outlay levy of at least .0006 per dollar of taxable value.
- (4)
 - (a) The county treasurer of a county of the first class shall distribute revenues generated by the .0006 portion of the capital outlay levy required in Subsection (3) to school districts within the county in accordance with Section 53A-16-114.
 - (b)
 - (i) Except as provided in Subsection (4)(b)(ii), if a school district in a county of the first class imposes a capital outlay levy pursuant to this section which exceeds .0006 per dollar of taxable value, the county treasurer of a county of the first class shall distribute revenues generated by the portion of the capital outlay levy which exceeds .0006 to the school district imposing the levy.
 - (ii) If a new district and a remaining district are required to impose property tax levies pursuant to Subsection 53A-2-118.4(2), the county treasurer shall distribute revenues of the new district or remaining district generated by the portion of a capital outlay levy that exceeds .0006 in accordance with Section 53A-2-118.4.
- (5)
 - (a) Notwithstanding Subsections (1)(a) and (b) and subject to Subsections (5)(b), (c), and (d), for fiscal years 2010-11 and 2011-12, a local school board may use the proceeds of the local school board's capital outlay levy for general fund purposes if the proceeds are not committed or dedicated to pay debt service or bond payments.
 - (b) If a local school board uses the proceeds described in Subsection (5)(a) for general fund purposes, the local school board shall notify the public of the local school board's use of the capital outlay levy proceeds for general fund purposes:
 - (i) prior to the board's budget hearing in accordance with the notification requirements described in Section 53A-19-102; and
 - (ii) at a budget hearing required in Section 53A-19-102.
 - (c) A local school board may not use the proceeds described in Subsection (5)(a) to fund the following accounting function classifications as provided in the Financial Accounting for Local and State School Systems guidelines developed by the National Center for Education Statistics:
 - (i) 2300 Support Services - General District Administration; or
 - (ii) 2500 Support Services - Central Services.
 - (d) A local school board may not use the proceeds from a distribution described in Section 53A-16-114 for general fund purposes.
- (6)
 - (a) In addition to the uses described in Subsection (1), a local school board of a school district with an enrollment of fewer than 2,500 students, may use the proceeds of the local school board's capital outlay levy, in fiscal years 2011-12, 2012-13, and 2013-14, for expenditures made within the accounting function classification 2600, Operation and Maintenance of Plant Services, of the Financial Accounting for Local and State School Systems guidelines

developed by the National Center for Education Statistics, excluding expenditures for mobile phone service and vehicle operation and maintenance.

- (b) If a local school board of a school district with an enrollment of fewer than 2,500 students uses the proceeds of a capital outlay levy for the operation and maintenance of plant services as described in Subsection (6)(a), the local school board shall notify the public of the local school board's use of the capital outlay levy proceeds for operation and maintenance of plant services:
 - (i) prior to the board's budget hearing in accordance with the notification requirements described in Section 53A-19-102; and
 - (ii) at a budget hearing required in Section 53A-19-102.
- (7) Beginning January 1, 2012, a local school board may not levy a tax in accordance with this section.

Amended by Chapter 189, 2014 General Session

53A-16-108 Levy of tax -- Collection and deposit.

- (1) After the valuation of property has been extended on the assessment rolls, the county legislative body shall levy a tax on the taxable property in the respective school districts at the rate submitted by each local school board under Section 53A-16-106.
- (2) These taxes shall be collected by the county officers in the same manner as other taxes are collected.
- (3) The county treasurer shall pay the tax revenues to the respective district's business administrator who shall hold the tax revenue subject to the order of the local school board.

Amended by Chapter 227, 1993 General Session

53A-16-109 Payment out of tax money by county treasurer.

- (1) Each county treasurer shall pay the appropriate proportionate share of delinquent taxes, together with interest and costs on all tax sales, to each affected school district.
- (2) The treasurer shall make payment as quickly as possible after collection or realization.

Enacted by Chapter 2, 1988 General Session

53A-16-110 Special tax to buy school building sites, build and furnish schoolhouses, or improve school property.

- (1)
 - (a) Except as provided in Subsection (6), a local school board may, by following the process for special elections established in Sections 20A-1-203 and 20A-1-204, call a special election to determine whether a special property tax should be levied for one or more years to buy building sites, build and furnish schoolhouses, or improve the school property under its control.
 - (b) The tax may not exceed .2% of the taxable value of all taxable property in the district in any one year.
- (2) The board shall give reasonable notice of the election and follow the same procedure used in elections for the issuance of bonds.
- (3) If a majority of those voting on the proposition vote in favor of the tax, it is levied in addition to a levy authorized under Section 53A-17a-145 and computed on the valuation of the county assessment roll for that year.

- (4)
 - (a) Within 20 days after the election, the board shall certify the amount of the approved tax to the governing body of the county in which the school district is located.
 - (b) The governing body shall acknowledge receipt of the certification and levy and collect the special tax.
 - (c) It shall then distribute the collected taxes to the business administrator of the school district at the end of each calendar month.
- (5) The special tax becomes due and delinquent and attaches to and becomes a lien on real and personal property at the same time as state and county taxes.
- (6) Notwithstanding Subsections (3) and (4), beginning January 1, 2012, a local school board may not levy a tax in accordance with this section.

Amended by Chapter 371, 2011 General Session

53A-16-112 Growth in Student Population Restricted Account.

- (1) There is created within the Uniform School Fund a restricted account known as the "Growth in Student Population Restricted Account."
- (2) The account shall be funded from the following revenue sources:
 - (a) any voluntary contributions received to help alleviate the anticipated surge in student growth in public elementary and secondary schools during the early part of the 21st Century; and
 - (b) appropriations made to the fund by the Legislature.
- (3) The account shall be used to help school districts meet the challenges created by anticipated significant increases in student growth in the state's public schools.
- (4)
 - (a) The account shall earn interest.
 - (b) All interest earned on account money shall be deposited in the account.

Enacted by Chapter 215, 2001 General Session

53A-16-113 Capital local levy -- First class county required levy -- Allowable uses of collected revenue.

- (1)
 - (a) Subject to the other requirements of this section, a local school board may levy a tax to fund the school district's capital projects.
 - (b) A tax rate imposed by a school district pursuant to this section may not exceed .0030 per dollar of taxable value in any calendar year.
- (2) A school district that imposes a capital local levy in the calendar year beginning on January 1, 2012, is exempt from the public notice and hearing requirements of Section 59-2-919 if the school district budgets an amount of ad valorem property tax revenue equal to or less than the sum of the following amounts:
 - (a) the amount of revenue generated during the calendar year beginning on January 1, 2011, from the sum of the following levies of a school district:
 - (i) a capital outlay levy imposed under Section 53A-16-107; and
 - (ii) the portion of the 10% of basic levy described in Section 53A-17a-145 that is budgeted for debt service or capital outlay; and
 - (b) revenue from new growth as defined in Subsection 59-2-924(1).
- (3)

- (a) Subject to Subsections (3)(b), (c), and (d), for fiscal year 2013-14, a local school board may utilize the proceeds of a maximum of .0024 per dollar of taxable value of the local school board's annual capital local levy for general fund purposes if the proceeds are not committed or dedicated to pay debt service or bond payments.
- (b) If a local school board uses the proceeds described in Subsection (3)(a) for general fund purposes, the local school board shall notify the public of the local school board's use of the capital local levy proceeds for general fund purposes:
 - (i) prior to the local school board's budget hearing in accordance with the notification requirements described in Section 53A-19-102; and
 - (ii) at a budget hearing required in Section 53A-19-102.
- (c) A local school board may not use the proceeds described in Subsection (3)(a) to fund the following accounting function classifications as provided in the Financial Accounting for Local and State School Systems guidelines developed by the National Center for Education Statistics:
 - (i) 2300 Support Services - General District Administration; or
 - (ii) 2500 Support Services - Central Services.
- (d) A local school board may not use the proceeds from a distribution described in Subsection (4) for general fund purposes.

Amended by Chapter 350, 2016 General Session
Amended by Chapter 367, 2016 General Session

Contingently Effective 7/1/2017

53A-16-115 Invest More for Education Account.

- (1) There is created within the Uniform School Fund a restricted account known as the Invest More for Education Account.
- (2) The account shall be funded by contributions deposited into the restricted account in accordance with Section 59-10-1318.
- (3) The account shall earn interest.
- (4) Interest earned on the account shall be deposited into the account.
- (5) The Legislature may appropriate money from the account for the support of the public education system.

Enacted by Chapter 172, 2016 General Session