

Senator John W. Hickman proposes the following substitute bill:

SCHOOL LAND TRUST PROGRAM FUNDING

AMENDMENTS

2005 GENERAL SESSION

STATE OF UTAH

Sponsor: Stephen H. Urquhart

DeMar Bud Bowman
Glenn A. Donnelson

James A. Dunnigan

Ronda Rudd Menlove

LONG TITLE

General Description:

This bill modifies the use of interest and dividends from the investment of monies in the permanent State School Fund.

Highlighted Provisions:

This bill:

► increases the cap on the amount of interest and dividends earned on the permanent State School Fund that may be appropriated for the School LAND Trust Program.

Monies Appropriated in this Bill:

None

Other Special Clauses:

This bill takes effect on July 1, 2005.

Utah Code Sections Affected:

AMENDS:

53A-16-101.5, as last amended by Chapters 183 and 251, Laws of Utah 2004

53A-17a-131.17, as last amended by Chapters 183 and 257, Laws of Utah 2004



26 *Be it enacted by the Legislature of the state of Utah:*

27 Section 1. Section **53A-16-101.5** is amended to read:

28 **53A-16-101.5. School LAND Trust Program -- Purpose -- Distribution of funds --**
29 **School plans for use of funds.**

30 (1) There is established the School LAND (Learning And Nurturing Development)
31 Trust Program for the state's public schools to provide financial resources to enhance or
32 improve student academic achievement and implement a component of the school
33 improvement plan.

34 (2) (a) The program shall be funded each fiscal year:

35 (i) from the Interest and Dividends Account created in Section 53A-16-101; and

36 (ii) in the amount of the sum of the following:

37 (A) the interest and dividends from the investment of monies in the permanent State
38 School Fund deposited to the Interest and Dividends Account in the immediately preceding
39 year; and

40 (B) interest accrued on monies in the Interest and Dividends Account in the
41 immediately preceding fiscal year.

42 (b) On and after July 1, 2003, the program shall be funded as provided in Subsection
43 (2)(a) up to a maximum of [~~\$12,000,000~~] \$22,000,000 each fiscal year.

44 [~~(c)~~] (b) The Legislature shall annually allocate, through an appropriation to the State
45 Board of Education, a portion of School LAND Trust Program monies for the administration of
46 the program.

47 (3) (a) The State Board of Education shall allocate the monies referred to in Subsection
48 (2) annually for the fiscal year beginning July 1, 2000, and for each fiscal year thereafter as
49 follows:

50 (i) school districts shall receive 10% of the funds on an equal basis; and

51 (ii) the remaining 90% of the funds shall be distributed on a per student basis, with
52 each district receiving its allocation based on the number of students in the district as compared
53 to the state total.

54 (b) Each school district shall distribute its allocation under Subsection (3)(a) to each
55 school within the district on an equal per student basis.

56 (c) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the

57 board may make rules regarding the time and manner in which the student count shall be made
58 for allocation of the monies.

59 (4) Except as provided in Subsection (7), in order to receive its allocation under
60 Subsection (3), a school shall have established a school community council under Section
61 53A-1a-108.

62 (5) (a) The school community council or its subcommittee shall develop a program to
63 use its allocation under Subsection (3) to implement a component of the school's improvement
64 plan, including:

- 65 (i) the school's identified most critical academic needs;
- 66 (ii) a recommended course of action to meet the identified academic needs;
- 67 (iii) a specific listing of any programs, practices, materials, or equipment which the
68 school will need to implement a component of its school improvement plan to have a direct
69 impact on the instruction of students and result in measurable increased student performance;
- 70 and

71 (iv) how the school intends to spend its allocation of funds under this section to
72 enhance or improve academic excellence at the school.

73 (b) The school may develop a multiyear program, but the program shall be presented
74 and approved by the school community council and the local school board of the district in
75 which the school is located annually and as a prerequisite to receiving program funds allocated
76 under this section.

77 (6) (a) Each school shall:

- 78 (i) implement the program as approved by the school community council and approved
79 by the local school board;
- 80 (ii) provide ongoing support for the council's or its subcommittee's program;
- 81 (iii) meet school board reporting requirements regarding financial and performance
82 accountability of the program; and

83 (iv) publicize to its patrons and the general public on how the funds it received under
84 this section were used to enhance or improve academic excellence at the school and implement
85 a component of the school's improvement plan, including the results of those efforts.

86 (b) (i) Each school through its council or its subcommittee shall prepare and present an
87 annual report of the program to its local school board at the end of the school year.

88 (ii) The report shall detail the use of program funds received by the school under this
89 section and an assessment of the results obtained from the use of the funds.

90 (7) (a) The governing board of a charter school shall prepare a plan for the use of
91 school trust monies that includes the elements listed in Subsection (5).

92 (b) The plan shall be subject to approval by the entity that authorized the establishment
93 of the charter school.

94 Section 2. Section **53A-17a-131.17** is amended to read:

95 **53A-17a-131.17. State contribution for School LAND Trust Program.**

96 (1) If the amount of money prescribed for funding the School LAND Trust Program in
97 Section 53A-16-101.5 is less than or greater than the money appropriated in Section
98 53A-17a-104 for the School LAND Trust Program, the appropriation shall be equal to the
99 amount of money prescribed for funding the School LAND Trust Program in Section
100 53A-16-101.5, up to a maximum of [~~\$12,000,000~~] \$22,000,000.

101 (2) The State Board of Education shall distribute the money appropriated in Subsection
102 (1) in accordance with Section 53A-16-101.5 and rules established by the board in accordance
103 with Title 63, Chapter 46a, Utah Administrative Rulemaking Act.

104 Section 3. **Effective date.**

105 This bill takes effect on July 1, 2005.