

SCHOOL LAND TRUST PROGRAM AMENDMENTS

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Rich Cunningham

Senate Sponsor: Stephen H. Urquhart

LONG TITLE

General Description:

This bill amends provisions related to the School LAND Trust Program and school community councils.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ amends provisions related to the elements that a school community council is required to evaluate in developing a school improvement plan;
- ▶ provides that a charter trust land council that is not a charter school governing board is subject to certain open and public meeting requirements;
- ▶ provides that the School LAND Trust Program may be funded at a higher percentage in proportion to the amount of funds provided for the Minimum School Program; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:



- 28 [52-4-103](#), as last amended by Laws of Utah 2014, Chapter 434
- 29 [53A-1a-108](#), as last amended by Laws of Utah 2014, Chapters 332 and 346
- 30 [53A-1a-108.1](#), as last amended by Laws of Utah 2014, Chapter 332
- 31 [53A-1a-108.5](#), as enacted by Laws of Utah 2002, Chapter 324
- 32 [53A-16-101.5](#), as last amended by Laws of Utah 2014, Chapter 332
- 33 [53A-16-101.6](#), as last amended by Laws of Utah 2014, Chapters 332 and 426
- 34 [53A-17a-131.17](#), as last amended by Laws of Utah 2010, Chapter 3
- 35 [53D-1-403](#), as enacted by Laws of Utah 2014, Chapter 426

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

38 Section 1. Section [52-4-103](#) is amended to read:

39 **[52-4-103](#). Definitions.**

40 As used in this chapter:

41 (1) "Anchor location" means the physical location from which:

- 42 (a) an electronic meeting originates; or
- 43 (b) the participants are connected.

44 (2) "Capitol hill complex" means the grounds and buildings within the area bounded by
 45 300 North Street, Columbus Street, 500 North Street, and East Capitol Boulevard in Salt Lake
 46 City.

47 (3) "Convening" means the calling together of a public body by a person authorized to
 48 do so for the express purpose of discussing or acting upon a subject over which that public
 49 body has jurisdiction or advisory power.

50 (4) "Electronic meeting" means a public meeting convened or conducted by means of a
 51 conference using electronic communications.

52 (5) "Electronic message" means a communication transmitted electronically, including:

- 53 (a) electronic mail;
- 54 (b) instant messaging;
- 55 (c) electronic chat;
- 56 (d) text messaging as defined in Section [76-4-401](#); or
- 57 (e) any other method that conveys a message or facilitates communication

58 electronically.

59 (6) (a) "Meeting" means the convening of a public body or a specified body, with a
60 quorum present, including a workshop or an executive session, whether in person or by means
61 of electronic communications, for the purpose of discussing, receiving comments from the
62 public about, or acting upon a matter over which the public body or specific body has
63 jurisdiction or advisory power.

64 (b) "Meeting" does not mean:

65 (i) a chance gathering or social gathering; or

66 (ii) a convening of the State Tax Commission to consider a confidential tax matter in
67 accordance with Section [59-1-405](#).

68 (c) "Meeting" does not mean the convening of a public body that has both legislative
69 and executive responsibilities if:

70 (i) no public funds are appropriated for expenditure during the time the public body is
71 convened; and

72 (ii) the public body is convened solely for the discussion or implementation of
73 administrative or operational matters:

74 (A) for which no formal action by the public body is required; or

75 (B) that would not come before the public body for discussion or action.

76 (7) "Monitor" means to hear or observe, live, by audio or video equipment, all of the
77 public statements of each member of the public body who is participating in a meeting.

78 (8) "Participate" means the ability to communicate with all of the members of a public
79 body, either verbally or electronically, so that each member of the public body can hear or
80 observe the communication.

81 (9) (a) "Public body" means any administrative, advisory, executive, or legislative body
82 of the state or its political subdivisions that:

83 (i) is created by the Utah Constitution, statute, rule, ordinance, or resolution;

84 (ii) consists of two or more persons;

85 (iii) expends, disburses, or is supported in whole or in part by tax revenue; and

86 (iv) is vested with the authority to make decisions regarding the public's business.

87 (b) "Public body" does not include a:

88 (i) political party, political group, or political caucus;

89 (ii) conference committee, rules committee, or sifting committee of the Legislature; or

90 (iii) school community council [~~established under Section 53A-1a-108~~] or charter trust
91 land council as defined in Section 53A-1a-108.1.

92 (10) "Public statement" means a statement made in the ordinary course of business of
93 the public body with the intent that all other members of the public body receive it.

94 (11) (a) "Quorum" means a simple majority of the membership of a public body, unless
95 otherwise defined by applicable law.

96 (b) "Quorum" does not include a meeting of two elected officials by themselves when
97 no action, either formal or informal, is taken on a subject over which these elected officials
98 have advisory power.

99 (12) "Recording" means an audio, or an audio and video, record of the proceedings of a
100 meeting that can be used to review the proceedings of the meeting.

101 (13) "Specified body" means an administrative, advisory, executive, or legislative body
102 that:

- 103 (a) is not a public body;
- 104 (b) consists of three or more members; and
- 105 (c) includes at least one member who is:
 - 106 (i) a legislator; and
 - 107 (ii) officially appointed to the body by the President of the Senate, Speaker of the
108 House of Representatives, or governor.

109 (14) "Transmit" means to send, convey, or communicate an electronic message by
110 electronic means.

111 Section 2. Section **53A-1a-108** is amended to read:

112 **53A-1a-108. School community councils -- Duties -- Composition -- Election**
113 **procedures and selection of members.**

114 (1) As used in this section:

115 (a) "District school" means a public school under the control of a local school board
116 elected under Title 20A, Chapter 14, Nomination and Election of State and Local School
117 Boards.

118 [~~(a)~~] (b) "Educator" [~~has the meaning~~] means the same as that term is defined in
119 Section 53A-6-103.

120 [~~(b)~~] (c) (i) "Parent or guardian member" means a member of a school community

121 council who is a parent or guardian of a student who:

122 (A) is attending the school; or

123 (B) will be enrolled at the school during the parent's or guardian's term of office.

124 (ii) "Parent or guardian member" may not include an educator who is employed at the
125 school.

126 (d) "School community council" means a council established at a district school in
127 accordance with this section.

128 ~~[(e)]~~ (e) "School employee member" means a member of a school community council
129 who is a person employed at the school by the school or school district, including the principal.

130 ~~[(f)]~~ (f) "School LAND Trust Program money" means money allocated to a school
131 pursuant to Section 53A-16-101.5.

132 (2) ~~[Each public]~~ A district school, in consultation with ~~[its]~~ the district school's local
133 school board, shall establish a school community council at the school building level for the
134 purpose of:

135 (a) involving parents or guardians of students in decision making at the school level;

136 (b) improving the education of students;

137 (c) prudently expending School LAND Trust Program money for the improvement of
138 students' education through collaboration among parents and guardians, school employees, and
139 the local school board; and

140 (d) increasing public awareness of:

141 (i) school trust lands and related land policies;

142 (ii) management of the State School Fund established in Utah Constitution Article X,
143 Section V; and

144 (iii) educational excellence.

145 (3) (a) Except as provided in Subsection (3)(b), a school community council shall:

146 (i) create a school improvement plan in accordance with Section 53A-1a-108.5;

147 (ii) create the School LAND Trust Program in accordance with Section 53A-16-101.5;

148 (iii) assist in the creation and implementation of a professional development plan; and

149 (iv) advise and make recommendations to school and school district administrators and
150 the local school board regarding the school and its programs, school district programs, a child
151 access routing plan in accordance with Section 53A-3-402, and other issues relating to the

152 community environment for students.

153 (b) In addition to the duties specified in Subsection (3)(a), a school community council
154 for an elementary school shall create a reading achievement plan in accordance with Section
155 [53A-1-606.5](#).

156 (c) A school or school district administrator may not prohibit or discourage a school
157 community council from discussing issues, or offering advice or recommendations, regarding
158 the school and its programs, school district programs, the curriculum, or the community
159 environment for students.

160 (4) (a) Each school community council shall consist of school employee members and
161 parent or guardian members in accordance with this section.

162 (b) Except as provided in Subsection (4)(c) or (d):

163 (i) each school community council for a high school shall have six parent or guardian
164 members and four school employee members, including the principal; and

165 (ii) each school community council for a school other than a high school shall have
166 four parent or guardian members and two school employee members, including the principal.

167 (c) A school community council may determine the size of the school community
168 council by a majority vote of a quorum of the school community council provided that:

169 (i) the membership includes two or more parent or guardian members than the number
170 of school employee members; and

171 (ii) there are at least two school employee members on the school community council.

172 (d) (i) The number of parent or guardian members of a school community council who
173 are not educators employed by the school district shall exceed the number of parent or guardian
174 members who are educators employed by the school district.

175 (ii) If, after an election, the number of parent or guardian members who are not
176 educators employed by the school district does not exceed the number of parent or guardian
177 members who are educators employed by the school district, the parent or guardian members of
178 the school community council shall appoint one or more parent or guardian members to the
179 school community council so that the number of parent or guardian members who are not
180 educators employed by the school district exceeds the number of parent or guardian members
181 who are educators employed by the school district.

182 (5) (a) Except as provided in Subsection (5)(f), a school employee member, other than

183 the principal, shall be elected by secret ballot by a majority vote of the school employees and
184 serve a two-year term. The principal shall serve as an ex officio member with full voting
185 privileges.

186 (b) (i) Except as provided in Subsection (5)(f), a parent or guardian member shall be
187 elected by secret ballot at an election held at the school by a majority vote of those voting at the
188 election and serve a two-year term.

189 (ii) Only parents or guardians of students attending the school may vote at the election
190 under Subsection (5)(b)(i).

191 (iii) Any parent or guardian of a student who meets the qualifications of this section
192 may file or declare the parent's or guardian's candidacy for election to a school community
193 council.

194 (iv) (A) Subject to Subsections (5)(b)(iv)(B) and (5)(b)(iv)(C), a timeline for the
195 election of parent or guardian members of a school community council shall be established by
196 a local school board for the schools within the school district.

197 (B) An election for the parent or guardian members of a school community council
198 shall be held near the beginning of the school year or held in the spring and completed before
199 the last week of school.

200 (C) Each school shall establish a time period for the election of parent or guardian
201 members of a school community council under Subsection (5)(b)(iv)(B) that is consistent for at
202 least a four-year period.

203 (c) (i) The principal of the school, or the principal's designee, shall provide notice of
204 the available community council positions to school employees, parents, and guardians at least
205 10 days before the date that voting commences for the elections held under Subsections (5)(a)
206 and (5)(b).

207 (ii) The notice shall include:

208 (A) the dates and times of the elections;

209 (B) a list of council positions that are up for election; and

210 (C) instructions for becoming a candidate for a community council position.

211 (iii) The principal of the school, or the principal's designee, shall oversee the elections
212 held under Subsections (5)(a) and (5)(b).

213 (iv) Ballots cast in an election held under Subsection (5)(b) shall be deposited in a

214 secure ballot box.

215 (d) Results of the elections held under Subsections (5)(a) and (5)(b) shall be made
216 available to the public upon request.

217 (e) (i) If a parent or guardian position on a school community council remains unfilled
218 after an election is held, the other parent or guardian members of the council shall appoint a
219 parent or guardian who meets the qualifications of this section to fill the position.

220 (ii) If a school employee position on a school community council remains unfilled after
221 an election is held, the other school employee members of the council shall appoint a school
222 employee to fill the position.

223 (iii) A member appointed to a school community council under Subsection (5)(e)(i) or
224 (ii) shall serve a two-year term.

225 (f) (i) If the number of candidates who file for a parent or guardian position or school
226 employee position on a school community council is less than or equal to the number of open
227 positions, an election is not required.

228 (ii) If an election is not held pursuant to Subsection (5)(f)(i) and a parent or guardian
229 position remains unfilled, the other parent or guardian members of the council shall appoint a
230 parent or guardian who meets the qualifications of this section to fill the position.

231 (iii) If an election is not held pursuant to Subsection (5)(f)(i) and a school employee
232 position remains unfilled, the other school employee members of the council shall appoint a
233 school employee who meets the qualifications of this section to fill the position.

234 (g) The principal shall enter the names of the council members on the School LAND
235 Trust website on or before October 20 of each year, pursuant to Section [53A-1a-108.1](#).

236 (h) Terms shall be staggered so that approximately half of the council members stand
237 for election each year.

238 (i) A school community council member may serve successive terms provided the
239 member continues to meet the definition of a parent or guardian member or school employee
240 member as specified in Subsection (1).

241 (j) Each school community council shall elect:

242 (i) a chair from its parent or guardian members; and

243 (ii) a vice chair from either its parent or guardian members or school employee
244 members, excluding the principal.

245 (6) (a) A school community council may create subcommittees or task forces to:

246 (i) advise or make recommendations to the council; or

247 (ii) develop all or part of a plan listed in Subsection (3).

248 (b) Any plan or part of a plan developed by a subcommittee or task force shall be

249 subject to the approval of the school community council.

250 (c) A school community council may appoint individuals who are not council members

251 to serve on a subcommittee or task force, including parents or guardians, school employees, or

252 other community members.

253 (7) (a) A majority of the members of a school community council is a quorum for the

254 transaction of business.

255 (b) The action of a majority of the members of a quorum is the action of the school

256 community council.

257 (8) A local school board shall provide training for a school community council each

258 year, including training:

259 (a) for the chair and vice chair about their responsibilities;

260 (b) on resources available on the School LAND Trust website; and

261 (c) on the following statutes governing school community councils:

262 (i) Section [53A-1a-108](#);

263 (ii) Section [53A-1a-108.1](#);

264 (iii) Section [53A-1a-108.5](#); and

265 (iv) Section [53A-16-101.5](#).

266 Section 3. Section **53A-1a-108.1** is amended to read:

267 **53A-1a-108.1. School community councils -- Open and public meeting**

268 **requirements.**

269 (1) As used in this section:

270 (a) (i) "Charter trust land council" means a council established by a charter school

271 governing board under Section [53A-16-101.5](#).

272 (ii) "Charter trust land council" does not include a charter school governing board

273 acting as a charter trust land council.

274 (b) "School community council" means a council established at a school within a

275 school district under Section [53A-1a-108](#).

276 (c) "Council" means a school community council or a charter trust land council.

277 ~~[(1)]~~ (2) A school community council [established under Section 53A-1a-108] or a
278 charter trust land council:

279 (a) shall conduct deliberations and take action openly as provided in this section; and

280 (b) is exempt from Title 52, Chapter 4, Open and Public Meetings Act.

281 ~~[(2)]~~ (3) (a) As required by Section 53A-1a-108, a local school board shall provide
282 training for the members of a school community council on this section.

283 (b) A charter school governing board shall provide training for the members of a
284 charter trust land council on this section.

285 ~~[(3)]~~ (4) (a) A meeting of a [school community] council is open to the public.

286 (b) A [school community] council may not close any portion of a meeting.

287 ~~[(4)]~~ (5) A [school community] council shall, at least one week prior to a meeting, post
288 the following information on the school's website:

289 (a) a notice of the meeting, time, and place;

290 (b) an agenda for the meeting; and

291 (c) the minutes of the previous meeting.

292 ~~[(5)]~~ (6) (a) On or before October 20, a principal shall post the following information
293 on the school website and in the school office:

294 (i) the proposed [school community] council meeting schedule for the year;

295 (ii) a telephone number or email address, or both, where each [school community]
296 council member can be reached directly; and

297 (iii) a summary of the annual report required under Section 53A-16-101.5 on how the
298 school's School LAND Trust Program money was used to enhance or improve academic
299 excellence at the school and implement a component of the school's improvement plan.

300 (b) (i) A [school community] council shall identify and use methods of providing the
301 information listed in Subsection ~~[(5)]~~ (6)(a) to a parent or guardian who does not have Internet
302 access.

303 (ii) Money allocated to a school under the School LAND Trust Program created in
304 Section 53A-16-101.5 may not be used to provide information as required by Subsection
305 (5)(b)(i).

306 ~~[(6)]~~ (7) (a) The notice requirement of Subsection ~~[(4)]~~ (5) may be disregarded if:

307 (i) because of unforeseen circumstances it is necessary for a [school community]
308 council to hold an emergency meeting to consider matters of an emergency or urgent nature;
309 and

310 (ii) the [school community] council gives the best notice practicable of:

311 (A) the time and place of the emergency meeting; and

312 (B) the topics to be considered at the emergency meeting.

313 (b) An emergency meeting of a [school community] council may not be held unless:

314 (i) an attempt has been made to notify all the members of the [school community]

315 council; and

316 (ii) a majority of the members of the [school community] council approve the meeting.

317 ~~[(7)]~~ (8) (a) An agenda required under Subsection ~~[(4)]~~ (5)(b) shall provide reasonable
318 specificity to notify the public as to the topics to be considered at the meeting.

319 (b) Each topic described in Subsection ~~[(7)]~~ (8)(a) shall be listed under an agenda item
320 on the meeting agenda.

321 (c) A [school community] council may not take final action on a topic in a meeting
322 unless the topic is:

323 (i) listed under an agenda item as required by Subsection ~~[(7)]~~ (8)(b); and

324 (ii) included with the advance public notice required by Subsection ~~[(4)]~~ (5).

325 ~~[(8)]~~ (9) (a) Written minutes shall be kept of a [school community] council meeting.

326 (b) Written minutes of a [school community] council meeting shall include:

327 (i) the date, time, and place of the meeting;

328 (ii) the names of members present and absent;

329 (iii) a brief statement of the matters proposed, discussed, or decided;

330 (iv) a record, by individual member, of each vote taken;

331 (v) the name of each person who:

332 (A) is not a member of the [school community] council; and

333 (B) after being recognized by the chair, provided testimony or comments to the [school
334 community] council;

335 (vi) the substance, in brief, of the testimony or comments provided by the public under
336 Subsection ~~[(8)]~~ (9)(b)(v); and

337 (vii) any other information that is a record of the proceedings of the meeting that any

338 member requests be entered in the minutes.

339 (c) The written minutes of a [school community] council meeting:

340 (i) are a public record under Title 63G, Chapter 2, Government Records Access and
341 Management Act; and

342 (ii) shall be retained for three years.

343 [(9)] (10) (a) As used in this Subsection [(9)] (10), "rules of order and procedure"
344 means a set of rules that govern and prescribe in a public meeting:

345 (i) parliamentary order and procedure;

346 (ii) ethical behavior; and

347 (iii) civil discourse.

348 (b) A [school community] council shall:

349 (i) adopt rules of order and procedure to govern a public meeting of the [school
350 community] council;

351 (ii) conduct a public meeting in accordance with the rules of order and procedure
352 described in Subsection [(9)] (10)(b)(i); and

353 (iii) make the rules of order and procedure described in Subsection [(9)] (10)(b)(i)
354 available to the public:

355 (A) at each public meeting of the [school community] council; and

356 (B) on the school's website.

357 Section 4. Section 53A-1a-108.5 is amended to read:

358 **53A-1a-108.5. School improvement plan.**

359 (1) (a) [Each] A school community council established under Section 53A-1a-108 shall
360 annually evaluate [~~the school's U-PASS test results~~], with the school's principal, the school's
361 statewide achievement test results, reading achievement plan, class size reduction needs,
362 technology needs, and professional development plan, and use the evaluations in developing a
363 school improvement plan to improve teaching and learning conditions.

364 (b) In evaluating [U-PASS] statewide achievement test results and developing a school
365 improvement plan, a school community council may not have access to data that reveal the
366 identity of students.

367 (2) [Each] A school community council shall develop a school improvement plan
368 [shall] that:

- 369 (a) [~~identify~~] identifies the school's most critical academic needs;
- 370 (b) [~~recommend~~] recommends a course of action to meet the identified needs;
- 371 (c) [~~list~~] lists any programs, practices, materials, or equipment that the school will need
372 to implement its action plan to have a direct impact on the instruction of students and result in
373 measurable increased student performance; and
- 374 (d) [~~describe~~] describes how the school intends to enhance or improve academic
375 achievement, including how financial resources available to the school, such as School LAND
376 Trust Program money received under Section [53A-16-101.5](#) and state and federal grants, will
377 be used to enhance or improve academic achievement.
- 378 (3) [~~The~~] Although a school improvement plan [~~shall focus~~] focuses on the school's
379 most critical academic needs [~~but~~], the school improvement plan may include other actions to
380 enhance or improve academic achievement and the community environment for students.
- 381 (4) The school principal shall make available to the school community council the
382 school budget and other data needed to develop the school improvement plan.
- 383 (5) The school improvement plan shall be subject to the approval of the local school
384 board of the school district in which the school is located.
- 385 (6) A school community council may develop a multiyear school improvement plan,
386 but the multiyear school improvement plan must be presented to and approved annually by the
387 local school board.
- 388 (7) Each school shall:
- 389 (a) implement the school improvement plan as developed by the school community
390 council and approved by the local school board;
- 391 (b) provide ongoing support for the council's school improvement plan; and
- 392 (c) meet local school board reporting requirements regarding performance and
393 accountability.
- 394 Section 5. Section **53A-16-101.5** is amended to read:
- 395 **53A-16-101.5. School LAND Trust Program -- Purpose -- Distribution of funds --**
396 **School plans for use of funds.**
- 397 (1) As used in this section:
- 398 (a) "Charter agreement" means an agreement made in accordance with Section
399 [53A-1a-508](#) that authorizes the operation of a charter school.

400 (b) "Charter school authorizer" means the same as that term is defined in Section
401 [53A-1a-501.3](#).

402 (c) "Charter trust land council" means a council established by a charter school
403 governing board under this section.

404 (d) "Council" means a school community council or a charter trust land council.

405 (e) "District school" means a public school under the control of a local school board
406 elected under Title 20A, Chapter 14, Nomination and Election of State and Local School
407 Boards.

408 (f) "School community council" means a council established at a district school in
409 accordance with this section.

410 [(+) (2) There is established the School LAND (Learning And Nurturing
411 Development) Trust Program to:

412 (a) provide financial resources to public schools to enhance or improve student
413 academic achievement and implement a component of [~~the~~] a district school's school
414 improvement plan or a charter school's charter agreement; and

415 (b) involve parents and guardians of a school's students in decision making regarding
416 the expenditure of School LAND Trust Program money allocated to the school.

417 [(2)] (3) (a) The program shall be funded each fiscal year:

418 (i) from the Interest and Dividends Account created in Section [53A-16-101](#); and

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

420 (A) the interest and dividends from the investment of money in the permanent State
421 School Fund deposited to the Interest and Dividends Account in the immediately preceding
422 year; and

423 (B) interest accrued on money in the Interest and Dividends Account in the
424 immediately preceding fiscal year.

425 (b) [~~On and after July 1, 2003, the~~] The program shall be funded as provided in
426 Subsection [(2)] (3)(a) up to an amount equal to [2%] ~~2%~~ 5% 3% ~~3%~~ of the funds
426a provided for the
427 Minimum School Program, pursuant to Title 53A, Chapter 17a, Minimum School Program
428 Act, each fiscal year.

429 (c) (i) The Legislature shall annually allocate, through an appropriation to the State
430 Board of Education, a portion of the Interest and Dividends Account created in Section

431 53A-16-101 to be used for:

432 (A) the administration of the School LAND Trust Program; and

433 (B) the performance of duties described in Section 53A-16-101.6.

434 (ii) Any unused balance remaining from an amount appropriated under Subsection
435 ~~[(2)]~~ (3)(c)(i) shall be deposited in the Interest and Dividends Account for distribution to
436 schools in the School LAND Trust Program.

437 ~~[(3)]~~ (4) (a) The State Board of Education shall allocate the money referred to in
438 Subsection ~~[(2)]~~ (3) annually ~~[for the fiscal year beginning July 1, 2013, and for each fiscal~~
439 ~~year thereafter]~~ as follows:

440 (i) the Utah Schools for the Deaf and the Blind ~~[and the charter schools combined]~~
441 shall receive funding equal to the product of:

442 (A) enrollment on October 1 in the prior year at the Utah Schools for the Deaf and the
443 Blind, ~~[or in the charter schools combined,]~~ divided by enrollment on October 1 in the prior
444 year in public schools statewide; and

445 (B) the total amount available for distribution under Subsection ~~[(2);]~~ (3);

446 ~~[(ii) the amount allocated to the charter schools combined under Subsection (3)(a)(i)~~
447 ~~shall be distributed among charter schools in accordance with a formula specified in rules~~
448 ~~adopted by the State Board of Education in consultation with the State Charter School Board;~~
449 ~~and]~~

450 (ii) charter schools shall receive funding equal to the product of:

451 (A) charter school enrollment on October 1 in the prior year, divided by enrollment on
452 October 1 in the prior year in public schools statewide; and

453 (B) the total amount available for distribution under Subsection (3); and

454 (iii) of the funds available for distribution under Subsection ~~[(2)]~~ (3) after the
455 allocation of funds for the Utah Schools for the Deaf and the Blind and charter schools:

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

457 (B) the remaining 90% of the funds shall be distributed to school districts on a per
458 student basis.

459 (b) (i) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
460 the State Board of Education shall make rules specifying a formula to distribute the amount
461 allocated under Subsection (4)(a)(ii) to charter schools.

462 (ii) In making rules under Subsection (4)(b)(i), the State Board of Education shall:

463 (A) consult with the State Charter School Board; and

464 (B) ensure that the rules include a provision that allows a charter school in the charter

465 school's first year of operations to receive funding based on projected enrollment, to be

466 adjusted in future years based on actual enrollment.

467 ~~[(b)]~~ (c) A school district shall distribute its allocation under Subsection ~~[(3)]~~ (4)(a)(iii)

468 to each school within the school district on an equal per student basis.

469 ~~[(c)]~~ (d) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking

470 Act, the State Board of Education may make rules regarding the time and manner in which the

471 student count shall be made for allocation of the money under Subsection ~~[(3)]~~ (4)(a)(iii).

472 ~~[(4)]~~ (5) To receive its allocation under Subsection ~~[(3)]~~ (4):

473 (a) a district school shall have established a school community council in accordance

474 with Section [53A-1a-108](#); ~~[and]~~

475 (b) a charter school shall have established a charter trust land council in accordance

476 with Subsection (9); and

477 ~~[(b)]~~ (c) the school's principal shall provide a signed, written assurance ~~[in accordance~~

478 ~~with rules of the State Board of Education that the membership of the school community~~

479 ~~council is consistent with the membership requirements specified in Section [53A-1a-108](#)] that~~

480 the school is in compliance with Subsection (5)(a) or (b).

481 ~~[(5)]~~ (6) (a) ~~[The school community]~~ A council ~~[or its subcommittee]~~ shall create a

482 program to use its allocation under Subsection ~~[(3)]~~ (4) to implement a component of the

483 school's improvement plan or charter agreement, including:

484 (i) the school's identified most critical academic needs;

485 (ii) a recommended course of action to meet the identified academic needs;

486 (iii) a specific listing of any programs, practices, materials, or equipment which the

487 school will need to implement a component of its school improvement plan to have a direct

488 impact on the instruction of students and result in measurable increased student performance;

489 and

490 (iv) how the school intends to spend its allocation of funds under this section to

491 enhance or improve academic excellence at the school.

492 (b) (i) A ~~[school community]~~ council shall create and vote to adopt a plan for the use of

493 School LAND Trust Program money in a meeting of the [school community] council at which
494 a quorum is present.

495 (ii) If a majority of the quorum votes to adopt a plan for the use of School LAND Trust
496 Program money, the plan is adopted.

497 (c) A [school community] council shall:

498 (i) post a plan for the use of School LAND Trust Program money that is adopted in
499 accordance with Subsection [(5)] (6)(b) on the School LAND Trust Program website; and

500 (ii) include with the plan a report noting the number of [school community] council
501 members who voted for or against the approval of the plan and the number of council members
502 who were absent for the vote.

503 (d) (i) [~~A school's~~] The local school board of a district school shall approve or
504 disapprove a plan for the use of School LAND Trust Program money.

505 (ii) If a local school board disapproves a plan for the use of School LAND Trust
506 Program money[;]:

507 (A) the local school board shall provide a written explanation of why the plan was
508 disapproved and request the school community council who submitted the plan to revise the
509 plan[;]; and

510 [(iii) ~~The~~] (B) the school community council shall submit a revised plan [to the local
511 school board for approval] in response to a local school board's request under Subsection
512 (6)(d)(ii)(A).

513 (iii) Once a plan has been approved by a local school board, a school community
514 council may amend the plan, subject to a majority vote of the school community council and
515 local school board approval.

516 (e) A charter trust land council's plan for the use of School LAND Trust Program
517 money is subject to approval by the:

518 (i) charter school governing board; and

519 (ii) charter school's charter school authorizer.

520 [(6)] (7) (a) [~~Each~~] A district school or charter school shall:

521 (i) implement the program as approved;

522 (ii) provide ongoing support for the council's program; and

523 (iii) meet State Board of Education reporting requirements regarding financial and

524 performance accountability of the program.

525 (b) (i) ~~[Each]~~ A district school~~[- through its school community council,]~~ or charter
526 school shall prepare and post an annual report of the program on the School LAND Trust
527 Program website each fall.

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

530 (iii) A summary of the report shall be provided to parents or guardians of students
531 attending the school.

532 ~~[(7)]~~ (8) On or before October 1 of each year, a school district shall record the amount
533 of the program funds distributed to each school under Subsection ~~[(3)]~~ (4)(b) on the School
534 LAND Trust Program website to assist schools in developing the annual report described in
535 Subsection ~~[(6)]~~ (7)(b).

536 ~~[(8)]~~ (9) (a) The governing board of a charter school shall establish a council, which
537 shall prepare a plan for the use of School LAND Trust Program money that includes the
538 elements listed in Subsection ~~[(5)]~~ (6).

539 (b) (i) The membership of the council shall include parents or guardians of students
540 enrolled at the school and may include other members.

541 (ii) The number of council members who are parents or guardians of students enrolled
542 at the school shall exceed all other members combined by at least two.

543 (c) A charter school governing board may serve as the council that prepares a plan for
544 the use of School LAND Trust Program money if the membership of the charter school
545 governing board meets the requirements of Subsection ~~[(8)]~~ (9)(b)(ii).

546 (d) (i) Except as provided in Subsection ~~[(8)]~~ (9)(d)(ii), council members who are
547 parents or guardians of students enrolled at the school shall be elected in accordance with
548 procedures established by the charter school governing board.

549 (ii) Subsection ~~[(8)]~~ (9)(d)(i) does not apply to a charter school governing board that
550 serves as the council that prepares a plan for the use of School LAND Trust Program money.

551 (e) A parent or guardian of a student enrolled at the school shall serve as chair or
552 cochair of a council that prepares a plan for the use of School LAND Trust Program money.

553 ~~[(f) A plan for the use of School LAND Trust Program money shall be subject to~~
554 ~~approval by the charter school governing board and the entity that authorized the establishment~~

555 ~~of the charter school.]~~

556 [(9)] (10) The president or chair of a local school board or charter school governing
557 board shall ensure that the members of the local school board or charter school governing
558 board are provided with annual training on the requirements of this section.

559 Section 6. Section **53A-16-101.6** is amended to read:

560 **53A-16-101.6. Creation of School Children's Trust Section -- Duties.**

561 (1) As used in this section:

562 (a) "School and institutional trust lands" is as defined in Section [53C-1-103](#).

563 (b) "Section" means the School Children's Trust Section created in this section.

564 (c) "Trust" means:

565 (i) the School LAND Trust Program created in Section [53A-16-101.5](#); and

566 (ii) the lands and funds associated with the trusts described in Subsection

567 [53C-1-103](#)(7).

568 (2) There is established a School Children's Trust Section within the State Office of
569 Education.

570 (3) (a) The section shall have a director.

571 (b) The director shall have professional qualifications and expertise in the areas
572 generating revenue to the trust, including:

573 (i) economics;

574 (ii) energy development;

575 (iii) finance;

576 (iv) investments;

577 (v) public education;

578 (vi) real estate;

579 (vii) renewable resources;

580 (viii) risk management; and

581 (ix) trust law.

582 (c) The director shall be appointed as provided in this Subsection (3).

583 (d) The School and Institutional Trust Lands Board of Trustees nominating committee
584 shall submit to the State Board of Education the name of one person to serve as director.

585 (e) The State Board of Education may:

- 586 (i) appoint the person described in Subsection (3)(d) to serve as director; or
587 (ii) deny the appointment of the person described in Subsection (3)(d) to serve as
588 director.
- 589 (f) If the State Board of Education denies an appointment under this Subsection (3):
590 (i) the State Board of Education shall provide in writing one or more reasons for the
591 denial to the School and Institutional Trust Lands Board of Trustees nominating committee;
592 and
593 (ii) the School and Institutional Trust Lands Board of Trustees nominating committee
594 and the State Board of Education shall follow the procedures and requirements of this
595 Subsection (3) until the State Board of Education appoints a director.
- 596 (g) The State Board of Education may remove the director only by majority vote of a
597 quorum in an open and public meeting after proper notice and the inclusion of the removal item
598 on the agenda.
- 599 (4) The State Board of Education shall make rules regarding:
600 (a) regular reporting from the School Children's Trust Section director to the State
601 Board of Education, to allow the State Board of Education to fulfill its duties in representing
602 the trust beneficiaries; and
603 (b) the day-to-day reporting of the School Children's Trust Section director.
- 604 (5) (a) The director shall annually submit a proposed section budget to the State Board
605 of Education.
606 (b) After approving a section budget, the State Board of Education shall propose the
607 approved budget to the Legislature.
- 608 (6) The director is entitled to attend any presentation, discussion, meeting, or other
609 gathering concerning the trust, subject to:
610 (a) provisions of law prohibiting the director's attendance to preserve confidentiality; or
611 (b) other provisions of law that the director's attendance would violate.
- 612 (7) The section shall have a staff.
- 613 (8) The section shall protect current and future beneficiary rights and interests in the
614 trust consistent with the state's perpetual obligations under:
615 (a) the Utah Enabling Act;
616 (b) the Utah Constitution;

- 617 (c) state statute; and
- 618 (d) standard trust principles described in Section 53C-1-102.
- 619 (9) The section shall promote:
- 620 (a) productive use of school and institutional trust lands; and
- 621 (b) the efficient and prudent investment of funds managed by the School and
- 622 Institutional Trust Fund Office, created in Section 53D-1-201.
- 623 (10) The section shall provide representation, advocacy, and input:
- 624 (a) on behalf of current and future beneficiaries of the trust, school community
- 625 councils, schools, and school districts;
- 626 (b) on federal, state, and local land decisions and policies that affect the trust; and
- 627 (c) to:
- 628 (i) the School and Institutional Trust Lands Administration;
- 629 (ii) the School and Institutional Trust Lands Board of Trustees;
- 630 (iii) the Legislature;
- 631 (iv) the School and Institutional Trust Fund Office, created in Section 53D-1-201;
- 632 (v) the School and Institutional Trust Fund Board of Trustees, created in Section
- 633 53D-1-301;
- 634 (vi) the attorney general;
- 635 (vii) the public; and
- 636 (viii) other entities as determined by the section.
- 637 (11) The section shall provide independent oversight on the prudent and profitable
- 638 management of the trust and report annually to the State Board of Education and the
- 639 Legislature.
- 640 (12) The section shall provide information requested by a person or entity described in
- 641 Subsections (10)(c)(i) through (vii).
- 642 (13) (a) The section shall provide training to the entities described in Subsection
- 643 (13)(b) on:
- 644 (i) the School LAND Trust Program established in Section 53A-16-101.5; and
- 645 (ii) (A) a school community [councils] council established pursuant to Section
- 646 53A-1a-108; or
- 647 (B) [~~councils established by charter school governing boards pursuant to~~] a charter

648 trust land council established under Section 53A-16-101.5.

649 (b) The section shall provide the training to:

650 (i) a local school [boards and] board or a charter school governing [boards] board;

651 (ii) a school [districts] district or a and charter [schools] school; and

652 (iii) a school community [councils] council.

653 Section 7. Section **53A-17a-131.17** is amended to read:

654 **53A-17a-131.17. State contribution for School LAND Trust Program.**

655 (1) If the amount of money prescribed for funding the School LAND Trust Program in
656 Section 53A-16-101.5 is less than or greater than the money appropriated for the School LAND
657 Trust Program, the appropriation shall be equal to the amount of money prescribed for funding
658 the School LAND Trust Program in Section 53A-16-101.5, up to a maximum of an amount
659 equal to [2%] ~~5%~~ **3%** ~~5%~~ of the funds provided for the Minimum School Program.

660 (2) The State Board of Education shall distribute the money appropriated in Subsection
661 (1) in accordance with Section 53A-16-101.5 and rules established by the board in accordance
662 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

663 Section 8. Section **53D-1-403** is amended to read:

664 **53D-1-403. Reports.**

665 (1) At least annually, the director shall report in person to the Legislative Management
666 Committee, the governor, and the State Board of Education, concerning the office's
667 investments, performance, estimated distributions, and other activities.

668 (2) The director shall report to the board concerning the work of the director and the
669 investment activities and other activities of the office:

670 (a) in a public meeting at least nine times per year; and

671 (b) as otherwise requested by the board.

672 (3) (a) Before November 1 of each year, the director shall:

673 (i) submit a written report to [~~each~~] school community [~~council~~] councils, created

674 under Section 53A-1a-108, and charter trust land councils, established under Section

675 53A-16-101.5 concerning the office's investments, performance, estimated distributions, and
676 other activities; and

677 (ii) post the written report described in Subsection (3)(a)(i) on the office's website.

678 (b) A report under Subsection (3)(a) shall be prepared in simple language designed to

- 679 be understood by the general public.
- 680 (4) The director shall provide to the board:
- 681 (a) monthly written reports on the activities of the office;
- 682 (b) quarterly financial reports; and
- 683 (c) any other report requested by the board.
- 684 (5) The director shall:
- 685 (a) invite the director of the school children's trust section to attend any meeting at
- 686 which the director gives a report under this section; and
- 687 (b) provide the director of the school children's trust section:
- 688 (i) a copy of any written report prepared under this section; and
- 689 (ii) any other report requested by the director of the school children's trust section.

Legislative Review Note
as of 2-19-15 7:46 AM

Office of Legislative Research and General Counsel