

[Utah Code](#)

[Title 53A](#) State System of Public Education

[Chapter 16](#) State Financing of Public Education

**Section 101.5** School LAND Trust Program -- Purpose -- Distribution of funds -- School plans for use of funds.

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

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

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

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

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

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

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

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

(c) The Legislature shall annually allocate, through an appropriation to the State Board of Education, a portion of School LAND Trust Program money for the administration of the program.

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

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

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

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

(c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the State Board of Education may make rules regarding the time and manner in which the student count shall be made for allocation of the money.

(4) (a) Except as provided in Subsection (7), in order to receive its allocation under Subsection (3):

(i) a school shall have established a school community council in accordance with Section **53A-1a-108**; and

(ii) the school's principal shall provide a signed, written assurance in accordance with rules of the State Board of Education that:

(A) the membership of the school community council is consistent with the membership requirements specified in Section **53A-1a-108**; and

(B) the members were elected or appointed consistent with selection requirements specified in **53A-1a-108**.

(b) At the direction of the Legislative Audit Subcommittee, the legislative auditor general shall:

(i) audit a sample of schools to determine compliance with requirements specified in

Section **53A-1a-108** for school community council membership and the election or appointment of school community council members; and

(ii) submit an audit report to the Legislative Audit Subcommittee.

(c) The Legislative Audit Subcommittee shall forward the audit report to the Public Education Appropriations Subcommittee and the State Board of Education.

(d) (i) The State Board of Education may recommend that all or a portion of a school's allocation of School LAND Trust Program money under Subsection (3) be reduced or eliminated for a fiscal year if the school has failed to comply with requirements specified in Section **53A-1a-108** for school community council membership or the election or appointment of school community council members.

(ii) The State Board of Education shall report to the Public Education Appropriations Subcommittee on the board's action or decision regarding a school identified in an audit report as being not in compliance with requirements specified in Section **53A-1a-108** for school community council membership or the election or appointment of school community council members.

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

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

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

(iii) a specific listing of any programs, practices, materials, or equipment which the school will need to implement a component of its school improvement plan to have a direct impact on the instruction of students and result in measurable increased student performance; and

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

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

(c) (i) A school community council shall consider the approval of a plan for the use of School LAND Trust Program money in a meeting of the school community council at which a quorum is present.

(ii) If a majority of the quorum votes to approve a plan for the use of School LAND Trust Program money, the plan is approved.

(d) A school community council shall:

(i) submit a plan for the use of School LAND Trust Program money that is approved in accordance with Subsection (5)(c) to the local school board for the local school board's approval; and

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

(e) (i) A local school board may approve or disapprove a plan for the use of School LAND Trust Program money.

(ii) If a local school board disapproves a plan for the use of School LAND Trust Program money, the local school board shall provide a written explanation of why the plan was disapproved and request the school community council who submitted the plan to revise the plan.

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(iii) The school community council shall submit a revised plan to the local school board for approval.

(6) (a) Each school shall:

(i) implement the program as approved by the school community council and approved by the local school board;

(ii) provide ongoing support for the council's or its subcommittee's program; and

(iii) meet school board reporting requirements regarding financial and performance accountability of the program.

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

(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 sent to households in accordance with the provisions under Subsection **53A-1a-108(7)**.

(7) (a) The governing board of a charter school shall prepare a plan for the use of School LAND Trust Program money that includes the elements listed in Subsection (5).

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

(8) (a) A school community council and a governing board of a charter school may not be required to:

(i) send a letter to legislators or other elected officials on the school's use of School LAND Trust Program money as a condition of receiving the money; or

(ii) report to the State Board of Education or any local school board on whether any letters were sent to legislators or other elected officials on the school's use of School LAND Trust Program money.

(b) Subsection (8)(a)(i) does not apply to the annual report to the local school board required by Subsection (6)(b).

Amended by Chapter 293, 2011 General Session