

1                   **SCHOOL LAND TRUST PROGRAM AMENDMENTS**

2                                   2021 GENERAL SESSION

3                                   STATE OF UTAH

4                           **Chief Sponsor: Jefferson Moss**

5                                   Senate Sponsor: Ann Millner

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7 **LONG TITLE**

8 **General Description:**

9                   This bill amends provisions related to reporting and the administration of the School  
10 Learning and Nurturing Development Trust Program.

11 **Highlighted Provisions:**

12                   This bill:

- 13                   ▶ repeals a requirement for a principal to post certain information on the school's  
14 website regarding school community councils;
- 15                   ▶ amends the date by which a local education agency ("LEA") completes an annual  
16 report;
- 17                   ▶ removes the deadlines and changes the method by which an LEA reports certain  
18 expenditures;
- 19                   ▶ amends a training requirement to clarify that the Utah State Board of Education is  
20 responsible for certain training related to the School Learning and Nurturing  
21 Development Trust Program; and
- 22                   ▶ makes technical and conforming changes.

23 **Money Appropriated in this Bill:**

24                   None

25 **Other Special Clauses:**

26                   None

27 **Utah Code Sections Affected:**

28 AMENDS:

29                   **53G-7-1203**, as last amended by Laws of Utah 2019, Chapters 293 and 505

30 **53G-7-1206**, as last amended by Laws of Utah 2020, Chapter 408



31  
32 *Be it enacted by the Legislature of the state of Utah:*

33 Section 1. Section **53G-7-1203** is amended to read:

34 **53G-7-1203. School community councils -- Open and public meeting**  
35 **requirements.**

36 (1) As used in this section:

37 (a) (i) "Charter trust land council" means a council established by a charter school  
38 governing board under Section **53G-7-1205**.

39 (ii) "Charter trust land council" does not include a charter school governing board  
40 acting as a charter trust land council.

41 (b) "Council" means a school community council or a charter trust land council.

42 (c) "School community council" means a council established at a school within a  
43 school district under Section **53G-7-1202**.

44 (d) "Teacher and student success plan" means the same as that term is defined in  
45 Section **53G-7-1301**.

46 (2) A school community council or a charter trust land council:

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

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

49 (3) (a) As required by Section **53G-7-1202**, a local school board shall provide training  
50 for the members of a school community council on this section.

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

53 (4) (a) A meeting of a council is open to the public.

54 (b) A council may not close any portion of a meeting.

55 (5) A council shall, at least one week prior to a meeting, post the following information  
56 on the school's website:

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

58 (b) an agenda for the meeting; and

59 (c) the minutes of the previous meeting.

60 [~~(6) (a) On or before October 20, a principal shall post the following information on~~  
61 ~~the school website and in the school office.]~~

62 [~~(i) the proposed council meeting schedule for the year;]~~

63 [~~(ii) a telephone number or email address, or both, where each council member can be~~  
64 ~~reached directly; and]~~

65 [~~(iii) a summary of the annual report required under Section [53G-7-1206](#) on how the~~  
66 ~~school's School LAND Trust Program money was used to enhance or improve academic~~  
67 ~~excellence at the school and implement a component of the school's teacher and student~~  
68 ~~success plan.]~~

69 [~~(b) (i) A council shall identify and use methods of providing the information listed in~~  
70 ~~Subsection (6)(a) to a parent who does not have Internet access.]~~

71 [~~(ii) Money allocated to a school under the School LAND Trust Program under Section~~  
72 ~~[53F-2-404](#) may not be used to provide information as required by Subsection (6)(b)(i).]~~

73 [~~(7)] (6) (a) The notice requirement of Subsection (5) may be disregarded if:~~

74 (i) because of unforeseen circumstances it is necessary for a council to hold an  
75 emergency meeting to consider matters of an emergency or urgent nature; and

76 (ii) the council gives the best notice practicable of:

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

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

79 (b) An emergency meeting of a council may not be held unless:

80 (i) an attempt has been made to notify all the members of the council; and

81 (ii) a majority of the members of the council approve the meeting.

82 [~~(8)] (7) (a) An agenda required under Subsection (5)(b) shall provide reasonable~~  
83 ~~specificity to notify the public as to the topics to be considered at the meeting.~~

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

86 (c) A council may not take final action on a topic in a meeting unless the topic is:

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

88 (ii) included with the advance public notice required by Subsection (5).

89 [~~(9)~~] (8) (a) Written minutes shall be kept of a council meeting.

90 (b) Written minutes of a council meeting shall include:

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

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

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

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

95 (v) the name of each person who:

96 (A) is not a member of the council; and

97 (B) after being recognized by the chair, provided testimony or comments to the  
98 council;

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

101 (vii) any other information that is a record of the proceedings of the meeting that any  
102 member requests be entered in the minutes.

103 (c) The written minutes of a council meeting:

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

106 (ii) shall be retained for three years.

107 [~~(10)~~] (9) (a) As used in this Subsection [~~(10)~~] (9), "rules of order and procedure"  
108 means a set of policies that govern and prescribe in a public meeting:

109 (i) parliamentary order and procedure;

110 (ii) ethical behavior; and

111 (iii) civil discourse.

112 (b) A council shall:

113 (i) adopt rules of order and procedure to govern a public meeting of the council;

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

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

118 (A) at each public meeting of the council; and

119 (B) on the school's website.

120 Section 2. Section **53G-7-1206** is amended to read:

121 **53G-7-1206. School LAND Trust Program.**

122 (1) As used in this section:

123 (a) "Charter school authorizer" means the same as that term is defined in Section  
124 [53G-5-102](#).

125 (b) "Charter trust land council" means a council established by a charter school  
126 governing board under Section [53G-7-1205](#).

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

128 (d) "LAND trust plan" means a school's plan to use School LAND Trust Program  
129 money to implement a component of the school's success plan.

130 (e) "School community council" means a council established at a district school in  
131 accordance with Section [53G-7-1202](#).

132 (f) "Teacher and student success plan" or "success plan" means the same as that term is  
133 defined in Section [53G-7-1301](#).

134 (2) There is established the School LAND (Learning And Nurturing Development)  
135 Trust Program under the state board to:

136 (a) provide financial resources to public schools to enhance or improve student  
137 academic achievement and implement a component of a district school or charter school's  
138 teacher and student success plan; and

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

141 (3) To receive an allocation under Section [53F-2-404](#):

142 (a) a district school shall have established a school community council in accordance  
143 with Section 53G-7-1202;

144 (b) a charter school shall have established a charter trust land council in accordance  
145 with Section 53G-7-1205; and

146 (c) the school's principal shall provide a signed, written assurance that the school is in  
147 compliance with Subsection (3)(a) or (b).

148 (4) (a) A council shall create a program to use the school's allocation distributed under  
149 Section 53F-2-404 to implement a component of the school's success plan, including:

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

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

152 (iii) a specific listing of any programs, practices, materials, or equipment that the  
153 school will need to implement a component of the school's success plan to have a direct impact  
154 on the instruction of students and result in measurable increased student performance; and

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

157 (b) (i) A council shall create and vote to adopt a LAND trust plan in a meeting of the  
158 council at which a quorum is present.

159 (ii) If a majority of the quorum votes to adopt a LAND trust plan, the LAND trust plan  
160 is adopted.

161 (c) A council shall:

162 (i) post a LAND trust plan that is adopted in accordance with Subsection (4)(b) on the  
163 School LAND Trust Program website; and

164 (ii) include with the LAND trust plan a report noting the number of council members  
165 who voted for or against the approval of the LAND trust plan and the number of council  
166 members who were absent for the vote.

167 (d) (i) The local school board of a district school shall approve or disapprove a LAND  
168 trust plan.

169 (ii) If a local school board disapproves a LAND trust plan:

170 (A) the local school board shall provide a written explanation of why the LAND trust  
171 plan was disapproved and request the school community council who submitted the LAND  
172 trust plan to revise the LAND trust plan; and

173 (B) the school community council shall submit a revised LAND trust plan in response  
174 to a local school board's request under Subsection (4)(d)(ii)(A).

175 (iii) Once a LAND trust plan has been approved by a local school board, a school  
176 community council may amend the LAND trust plan, subject to a majority vote of the school  
177 community council and local school board approval.

178 (e) A charter trust land council's LAND trust plan is subject to approval by the:

- 179 (i) charter school governing board; and
- 180 (ii) charter school's charter school authorizer.

181 (5) (a) A district school or charter school shall:

- 182 (i) implement the program as approved;
- 183 (ii) provide ongoing support for the council's program; and
- 184 (iii) meet state board reporting requirements regarding financial and performance  
185 accountability of the program.

186 (b) (i) A district school or charter school shall prepare and post an annual report of the  
187 program on the School LAND Trust Program website [~~each fall~~] before the council submits a  
188 plan for the following year.

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

191 (iii) A summary of the report shall be provided to parents of students attending the  
192 school.

193 (6) [~~On or before October 1 of each year, a school district shall record the amount of~~  
194 ~~the program funds distributed to each school under Section 53F-2-404 on the School LAND~~  
195 ~~Trust Program website]~~ An LEA shall record the LEA's expenditures of School LAND Trust  
196 Program funds through a financial reporting system that the board identifies to assist schools in  
197 developing the annual report described in Subsection (5)(b).

198 (7) The president or chair of a local school board or charter school governing board  
199 shall ensure that the members of the local school board or charter school governing board are  
200 provided with annual training on the requirements of this section.

201 (8) (a) The [~~School LAND Trust Program~~] state board shall provide training to the  
202 entities described in Subsection (8)(b) on:

203 (i) the School LAND Trust Program; and

204 (ii) (A) a school community council; or

205 (B) a charter trust land council.

206 (b) The [~~School LAND Trust Program~~] state board shall provide the training to:

207 (i) a local school board or a charter school governing board;

208 (ii) a school district or a charter school; and

209 (iii) a school community council.

210 (9) The [~~School LAND Trust Program~~] state board shall annually review each school's  
211 compliance with applicable law, including rules adopted by the state board in accordance with  
212 Title 63G, Chapter 3, Utah Administrative Rulemaking Act, by:

213 (a) reading each LAND trust plan submitted; and

214 (b) reviewing expenditures made from School LAND Trust Program money.

215 (10) The state board shall designate a staff member who administers the School LAND  
216 Trust Program:

217 (a) to serve as a member of the Land Trusts Protection and Advocacy Committee  
218 created under Section 53D-2-202; and

219 (b) who may coordinate with the Land Trusts Protection and Advocacy Office director,  
220 appointed under Section 53D-2-203, to attend meetings or events within the School and  
221 Institutional Trust System, as defined in Section 53D-2-102, that relate to the School LAND  
222 Trust Program.