



UTAH STATE BOARD OF EDUCATION  
RESOLUTION NO. 2015-2

**A RESOLUTION ESTABLISHING THE OFFICIAL POSITION OF THE UTAH STATE BOARD OF EDUCATION  
REGARDING AN AMENDMENT TO THE UTAH ENABLING ACT ALLOWING UTAH TO SET THE  
DISTRIBUTION POLICY FOR ITS PERMANENT STATE SCHOOL FUND**

**WHEREAS**, the Utah State Board of Education (the "State Board") exercises "general control and supervision" of the public education system pursuant to Article X, Section 3 of the Utah Constitution; and

**WHEREAS**, the State Board is the primary beneficiary representative of the trust established for the common schools under Utah Code Ann. § 53C-1-103; and

**WHEREAS**, the Utah Enabling Act (the "Enabling Act") required Utah to establish a permanent fund into which revenues from school trust lands could be deposited and invested; and

**WHEREAS**, Utah created the permanent State School Fund pursuant to Article X, Section 5 of the Utah Constitution; and

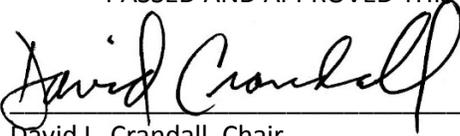
**WHEREAS**, the Enabling Act states that only the interest may be distributed from the permanent State School Fund. This is a historical relic from the 19th century and no longer fits with the best practices for endowment fund management or the needs of Utah's schoolchildren, current and future; and

**WHEREAS**, the enabling legislation for other states, including New Mexico, North Dakota, and Arizona, has been amended to modernize how money is distributed from their permanent school funds and to give control to the individual state to determine the distribution policy that best fits its education system;

**NOW, THEREFORE, BE IT RESOLVED**, that the State Board supports legislation to amend the Enabling Act to modernize the distribution formula for the permanent State School Fund; and

**BE IT FURTHER RESOLVED** that the State Board supports legislation to amend the Enabling Act to devolve to the state the authority to make future distribution formula changes in the Utah Constitution without needing to seek federal approval.

PASSED AND APPROVED THIS 8TH DAY OF MAY, 2015.

  
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David L. Crandall, Chair

ATTEST:

  
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Lorraine Austin  
Board Secretary

COPIES:

Governor Gary Herbert

Members, Utah State Senate

Members, Utah House of Representatives

Utah Congressional Delegation

Kevin Carter, Director, School and Institutional Trust Lands Administration

David Ure, Chair, School and Institutional Trust Lands Board of Trustees

Allen Rollo, Interim Director, School and Institutional Trust Funds Office

Richard Ellis, State Treasurer and Chair, School and Institutional Trust Funds Board of Trustees

Local School Board Members

School District Superintendents

Charter School Directors