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School Construction Amendments
2026 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Chris H. Wilson
House Sponsor: Thomas W. Peterson

LONG TITLE

General Description:

This bill transfers oversight of public school construction from the State Board of Education to the Division of Facilities Construction and Management (division).

Highlighted Provisions:

This bill:

- ▶ establishes permitting and inspection authority for the division regarding public school construction projects;
- ▶ repeals and reenacts sections related to state board coordination with the division;
- ▶ establishes educational facility planning requirements for a local education agency (LEA), including notification requirements;
- ▶ establishes public school construction oversight under the division;
- ▶ establishes division authority to adopt comprehensive construction rules covering square footage, safety, costs, and building standards;
- ▶ requires consultation with the state security chief on mandatory safety and security standards;
- ▶ creates architect and design professional cost oversight with benchmarks and review requirements;
- ▶ establishes plan review and approval authority for the division before construction can begin;
- ▶ sets mandatory technical compliance requirements including fire safety, accessibility, and energy codes;
- ▶ creates an online document management system for construction documentation and compliance tracking;
- ▶ establishes inspection verification and monitoring procedures with qualified inspector

- 28 requirements;
- 29 ▸ implements standardized cost reporting systems with detailed requirements and cost
- 30 database development;
- 31 ▸ requires an LEA to obtain division approval that projects fit within established cost
- 32 matrices before construction;
- 33 ▸ requires training and technical assistance programs including resource manuals and
- 34 annual training conferences;
- 35 ▸ authorizes the division to delegate oversight authority to qualified school districts with
- 36 demonstrated internal capacity;
- 37 ▸ authorizes the division to establish a fee schedule to recover costs of oversight activities;
- 38 ▸ designates a school construction liaison for coordination between the state board and
- 39 division;
- 40 ▸ allows division-managed construction services for a school district with fee structures and
- 41 reimbursement requirements;
- 42 ▸ creates enforcement and penalty provisions including administrative penalties up to
- 43 \$25,000 and mandatory compliance audits;
- 44 ▸ establishes a qualified contractor and vendor registry for public school construction
- 45 projects;
- 46 ▸ requires an LEA to submit historical project information and documentation to the
- 47 division upon request;
- 48 ▸ authorizes the division to establish a fee schedule to recover costs of oversight activities;
- 49 ▸ provides the division with construction permitting authority;
- 50 ▸ sets an implementation timeline requiring full compliance by January 1, 2027; and
- 51 ▸ makes conforming changes.

52 **Money Appropriated in this Bill:**

53 None

54 **Other Special Clauses:**

55 This bill provides a special effective date.

56 **Utah Code Sections Affected:**

57 AMENDS:

58 **10-20-304**, as renumbered and amended by Laws of Utah 2025, First Special Session,
59 Chapter 15

60 **17-79-305**, as renumbered and amended by Laws of Utah 2025, First Special Session,
61 Chapter 14

62 **63G-6a-1302**, as last amended by Laws of Utah 2022, Chapter 421

63 ENACTS:

64 **63A-5b-1201**, Utah Code Annotated 1953

65 **63A-5b-1202**, Utah Code Annotated 1953

66 **63A-5b-1203**, Utah Code Annotated 1953

67 **63A-5b-1204**, Utah Code Annotated 1953

68 **63A-5b-1205**, Utah Code Annotated 1953

69 **63A-5b-1206**, Utah Code Annotated 1953

70 **63A-5b-1207**, Utah Code Annotated 1953

71 **63A-5b-1208**, Utah Code Annotated 1953

72 **63A-5b-1209**, Utah Code Annotated 1953

73 **63A-5b-1210**, Utah Code Annotated 1953

74 **63A-5b-1211**, Utah Code Annotated 1953

75 **63A-5b-1212**, Utah Code Annotated 1953

76 **63A-5b-1213**, Utah Code Annotated 1953

77 **63A-5b-1214**, Utah Code Annotated 1953

78 **63A-5b-1215**, Utah Code Annotated 1953

79 **63A-5b-1216**, Utah Code Annotated 1953

80 **63A-5b-1217**, Utah Code Annotated 1953

81 **63A-5b-1218**, Utah Code Annotated 1953

82 **63A-5b-1219**, Utah Code Annotated 1953

83 **63A-5b-1220**, Utah Code Annotated 1953

84 **63A-5b-1221**, Utah Code Annotated 1953

85 **63A-5b-1222**, Utah Code Annotated 1953

86 REPEALS AND REENACTS:

87 **53E-3-701**, as enacted by Laws of Utah 2018, Chapter 1

88 **53E-3-702**, as last amended by Laws of Utah 2024, Chapter 21

89 **53E-3-703**, as last amended by Laws of Utah 2019, Chapter 186

90 **53E-3-704**, as renumbered and amended by Laws of Utah 2018, Chapter 1

91 REPEALS:

92 **53E-3-705**, as last amended by Laws of Utah 2024, Chapter 85

93 **53E-3-706**, as last amended by Laws of Utah 2024, Chapter 21

94 **53E-3-707**, as last amended by Laws of Utah 2019, Chapter 186

95 **53E-3-708**, as renumbered and amended by Laws of Utah 2018, Chapter 1

96 **53E-3-709**, as last amended by Laws of Utah 2019, Chapter 186
 97 **53E-3-710**, as renumbered and amended by Laws of Utah 2018, Chapter 1
 98 **53E-3-711**, as renumbered and amended by Laws of Utah 2018, Chapter 1

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

101 Section 1. Section **10-20-304** is amended to read:

102 **10-20-304 . Political subdivisions required to conform to municipality's land use**
 103 **ordinances -- Exceptions.**

104 (1)(a) Each county, municipality, school district, charter school, special district, special
 105 service district, and political subdivision of the state shall conform to any applicable
 106 land use ordinance of any municipality when installing, constructing, operating, or
 107 otherwise using any area, land, or building situated within that municipality.

108 (b) In addition to any other remedies provided by law, when a municipality's land use
 109 ordinance is violated or about to be violated by another political subdivision, that
 110 municipality may institute an injunction, mandamus, abatement, or other appropriate
 111 action or proceeding to prevent, enjoin, abate, or remove the improper installation,
 112 improvement, or use.

113 (2)(a) Except as provided in Subsection (3), a school district or charter school is subject
 114 to a municipality's land use ordinances.

115 (b)(i) Notwithstanding Subsection (3), a municipality may:

116 (A) subject a charter school to standards within each zone pertaining to setback,
 117 height, bulk and massing regulations, off-site parking, curb cut, traffic
 118 circulation, and construction staging; and

119 (B) impose regulations upon the location of a project that are necessary to avoid
 120 unreasonable risks to health or safety, as provided in Subsection (3)(f).

121 (ii) The standards to which a municipality may subject a charter school under
 122 Subsection (2)(b)(i) shall be objective standards only and may not be subjective.

123 (iii) Except as provided in Subsection (7)(d), the only basis upon which a
 124 municipality may deny or withhold approval of a charter school's land use
 125 application is the charter school's failure to comply with a standard imposed under
 126 Subsection (2)(b)(i).

127 (iv) Nothing in Subsection (2)(b)(iii) may be construed to relieve a charter school of
 128 an obligation to comply with a requirement of an applicable building or safety
 129 code to which it is otherwise obligated to comply.

- 130 (3) A municipality may not:
- 131 (a) impose requirements for landscaping, fencing, aesthetic considerations, construction
132 methods or materials, additional building inspections, municipal building codes,
133 building use for educational purposes, or the placement or use of temporary
134 classroom facilities on school property;
- 135 (b) except as otherwise provided in this section, require a school district or charter
136 school to participate in the cost of any roadway or sidewalk, or a study on the impact
137 of a school on a roadway or sidewalk, that is not reasonably necessary for the safety
138 of school children and not located on or contiguous to school property, unless the
139 roadway or sidewalk is required to connect an otherwise isolated school site to an
140 existing roadway;
- 141 (c) require a district or charter school to pay fees not authorized by this section;
- 142 (d) provide for inspection of school construction or assess a fee or other charges for
143 inspection~~[- unless the school district or charter school is unable to provide for
144 inspection by an inspector, other than the project architect or contractor, who is
145 qualified under criteria established by the state superintendent];~~
- 146 (e) require a school district or charter school to pay any impact fee for an improvement
147 project unless the impact fee is imposed as provided in Title 11, Chapter 36a, Impact
148 Fees Act;
- 149 (f) impose regulations upon the location of an educational facility except as necessary to
150 avoid unreasonable risks to health or safety; or
- 151 (g) for a land use or a structure owned or operated by a school district or charter school
152 that is not an educational facility but is used in support of providing instruction to
153 pupils, impose a regulation that:
- 154 (i) is not imposed on a similar land use or structure in the zone in which the land use
155 or structure is approved; or
- 156 (ii) uses the tax exempt status of the school district or charter school as criteria for
157 prohibiting or regulating the land use or location of the structure.
- 158 (4) Subject to Section ~~[53E-3-710]~~ 53E-3-703 and in accordance with standards the Division
159 of Facilities Construction and Management establishes in rule, a school district or
160 charter school shall coordinate the siting of a new school with the municipality in which
161 the school is to be located, to:
- 162 (a) avoid or mitigate existing and potential traffic hazards, including consideration of the
163 impacts between the new school and future highways; and

- 164 (b) maximize school, student, and site safety.
- 165 (5) Notwithstanding Subsection (3)(d), a municipality may, at [its] the municipality's
 166 discretion:
- 167 (a) [~~provide~~] request a walk-through of school construction at no cost and at a time
 168 convenient to the school district or charter school; and
- 169 (b) provide recommendations based upon the walk-through[~~;~~] to:
- 170 (i) the school district or charter school; and
- 171 (ii) the Division of Facilities Construction and Management.
- 172 (6)(a) The Division of Facilities Construction and Management has the sole authority to
 173 approve inspectors for school construction projects under Title 63A, Chapter 5b, Part
 174 12, Public School Construction Oversight.
- 175 (b) A school district may only use inspectors approved by the Division of Facilities
 176 Construction and Management as follows:
- 177 (i) a Division of Facilities Construction and Management inspector;
- 178 (ii) a municipal building inspector who is on the division's approved roster under
 179 Section 63A-5b-1220; or
- 180 (iii) a certified building inspector, which may include a qualified school district
 181 inspector, who meets all of the following requirements:
- 182 (A) is on the Division of Facilities Construction and Management's approved
 183 roster under Section 63A-5b-1220;
- 184 (B) is not an employee of the contractor;
- 185 (C) is licensed to perform the inspection requested; and
- 186 (D) maintains current certifications as required by Division of Facilities
 187 Construction and Management's rule.
- 188 [~~(6)(a) Notwithstanding Subsection (3)(d), a school district or charter school shall use:~~]
- 189 [~~(i) a municipal building inspector;~~]
- 190 [~~(ii)(A) for a school district, a school district building inspector from that school~~
 191 ~~district; or]~~
- 192 [~~(B) for a charter school, a school district building inspector from the school~~
 193 ~~district in which the charter school is located; or]~~
- 194 [~~(iii) an independent, certified building inspector who is not an employee of the~~
 195 ~~contractor, licensed to perform the inspection that the inspector is requested to~~
 196 ~~perform, and approved by a municipal building inspector or:]~~
- 197 [~~(A) for a school district, a school district building inspector from that school~~

198 district; or]

199 [~~(B) for a charter school, a school district building inspector from the school~~

200 ~~district in which the charter school is located.]~~

201 ~~[(b) The approval under Subsection (6)(a)(iii) may not be unreasonably withheld.]~~

202 ~~[(e) If a school district or charter school uses a school district or independent building~~

203 ~~inspector under Subsection (6)(a)(ii) or (iii), the school district or charter school shall~~

204 ~~submit to the state superintendent of public instruction and municipal building~~

205 ~~official, on a monthly basis during construction of the school building, a copy of each~~

206 ~~inspection certificate regarding the school building.]~~

207 (7)(a) A charter school, home-based microschool, or micro-education entity shall be

208 considered a permitted use in all zoning districts within a municipality.

209 (b) Each land use application for any approval required for a charter school, home-based

210 microschool, or micro-education entity, including an application for a building

211 permit, shall be processed on a first priority basis.

212 (c) Parking requirements for a charter school or a micro-education entity may not exceed

213 the minimum parking requirements for schools or other institutional public uses

214 throughout the municipality.

215 (d) If a municipality has designated zones for a sexually oriented business, or a business

216 which sells alcohol, a charter school or a micro-education entity may be prohibited

217 from a location which would otherwise defeat the purpose for the zone unless the

218 charter school or micro-education entity provides a waiver.

219 (e)(i) A certificate authorizing permanent occupancy issued by the Division of

220 Facilities Construction and Management under Section 63A-5b-1208 shall be the

221 exclusive certificate required, and the municipality shall accept the Division of

222 Facilities Construction and Management's certificate as satisfying all local

223 occupancy requirements.

224 (ii) A micro-education entity is not subject to the requirements of Title 63A, Chapter

225 5b, Part 12, Public School Construction Oversight, and shall comply with local

226 building codes and permitting requirements through municipal or county building

227 officials.

228 ~~[(e)(i) A school district, charter school, or micro-education entity may seek a~~

229 ~~certificate authorizing permanent occupancy of a school building from:]~~

230 ~~[(A) the state superintendent of public instruction, as provided in Subsection~~

231 ~~53E-3-706(3), if the school district or charter school used an independent~~

- 232 building inspector for inspection of the school building; or]
- 233 [~~(B) a municipal official with authority to issue the certificate, if the school~~
- 234 ~~district, charter school, or micro-education entity used a municipal building~~
- 235 ~~inspector for inspection of the school building.]~~
- 236 [(ii) ~~A school district may issue its own certificate authorizing permanent occupancy~~
- 237 ~~of a school building if it used its own building inspector for inspection of the~~
- 238 ~~school building, subject to the notification requirement of Subsection~~
- 239 ~~53E-3-706(3)(a).]~~
- 240 [(iii) ~~A charter school or micro-education entity may seek a certificate authorizing~~
- 241 ~~permanent occupancy of a school building from a school district official with~~
- 242 ~~authority to issue the certificate, if the charter school or micro-education entity~~
- 243 ~~used a school district building inspector for inspection of the school building.]~~
- 244 [(iv) ~~A certificate authorizing permanent occupancy issued by the state~~
- 245 ~~superintendent of public instruction under Subsection 53E-3-706(3) or a school~~
- 246 ~~district official with authority to issue the certificate shall be considered to satisfy~~
- 247 ~~any municipal requirement for an inspection or a certificate of occupancy.]~~
- 248 (f)(i) A micro-education entity may operate in a facility that meets Group E
- 249 Occupancy requirements as defined by the International Building Code, as
- 250 incorporated by Section 15A-2-103.
- 251 (ii) A micro-education entity operating in a facility described in Subsection (7)(f)(i)
- 252 may have up to 100 students in the facility.
- 253 (g) A micro-education entity may operate in a facility that is subject to and complies
- 254 with the same occupancy requirements as a Class A-1, A-3, B, or M Occupancy as
- 255 defined by the International Building Code, as incorporated by Section 15A-2-103, if:
- 256 (i) the facility has a code compliant fire alarm system and carbon monoxide detection
- 257 system;
- 258 (ii)(A) each classroom in the facility has an exit directly to the outside at the level
- 259 of exit or discharge; or
- 260 (B) the structure has a code compliant fire sprinkler system; and
- 261 (iii) the facility has an automatic fire sprinkler system in fire areas of the facility that
- 262 are greater than 12,000 square feet.
- 263 (h)(i) A home-based microschool is not subject to additional occupancy
- 264 requirements beyond occupancy requirements that apply to a primary dwelling.
- 265 (ii) If a floor that is below grade in a home-based microschool is used for home-based

266 microschool purposes, the below grade floor of the home-based microschool shall
267 have at least one emergency escape or rescue window that complies with the
268 requirements for emergency escape and rescue windows as defined by the
269 International Residential Code, as incorporated by Section 15A-2-103.

270 (8)(a) A specified public agency intending to develop its land shall submit to the land
271 use authority a development plan and schedule:

272 (i) as early as practicable in the development process, but no later than the
273 commencement of construction; and

274 (ii) with sufficient detail to enable the land use authority to assess:

275 (A) the specified public agency's compliance with applicable land use ordinances;

276 (B) the demand for public facilities listed in Subsections 11-36a-102(17)(a), (b),
277 (c), (d), (e), and (g) caused by the development;

278 (C) the amount of any applicable fee described in Sections 10-20-904 and
279 10-20-910;

280 (D) any credit against an impact fee; and

281 (E) the potential for waiving an impact fee.

282 (b) The land use authority shall respond to a specified public agency's submission under
283 Subsection (8)(a) with reasonable promptness in order to allow the specified public
284 agency to consider information the municipality provides under Subsection (8)(a)(ii)
285 in the process of preparing the budget for the development.

286 (9) Nothing in this section may be construed to:

287 (a) modify or supersede Section 10-20-305; or

288 (b) authorize a municipality to enforce an ordinance in a way, or enact an ordinance, that
289 fails to comply with Title 57, Chapter 21, Utah Fair Housing Act, the federal Fair
290 Housing Amendments Act of 1988, 42 U.S.C. Sec. 3601 et seq., the Americans with
291 Disabilities Act of 1990, 42 U.S.C. Sec. 12102, or any other provision of federal law.

292 (10) Nothing in Subsection (7) prevents a political subdivision from:

293 (a) requiring a home-based microschool or micro-education entity to comply with
294 municipal zoning and land use regulations that do not conflict with this section,
295 including:

296 (i) parking;

297 (ii) traffic; and

298 (iii) hours of operation;

299 (b) requiring a home-based microschool or micro-education entity to obtain a business

- 300 license;
- 301 (c) enacting municipal ordinances and regulations consistent with this section;
- 302 (d) subjecting a micro-education entity to standards within each zone pertaining to
- 303 setback, height, bulk and massing regulations, off-site parking, curb cut, traffic
- 304 circulation, and construction staging; and
- 305 (e) imposing regulations on the location of a project that are necessary to avoid risks to
- 306 health or safety.

307 (11)(a) Section 63A-5b-1218 governs the requirements for permitting and inspection of

308 public school buildings.

309 (b) A municipality may not enact any ordinance, policy, or regulation relating to the

310 permitting or inspection of public school buildings.

311 (12) Nothing in this section shall prohibit the required regulation or subsequent inspection

312 by a local health department.

313 Section 2. Section **17-79-305** is amended to read:

314 **17-79-305 . Other entities required to conform to county's land use ordinances --**

315 **Exceptions -- School districts, charter schools, home-based microschoools, and**

316 **micro-education entities -- Submission of development plan and schedule.**

317 (1)(a) Each county, municipality, school district, charter school, special district, special

318 service district, and political subdivision of the state shall conform to any applicable

319 land use ordinance of any county when installing, constructing, operating, or

320 otherwise using any area, land, or building situated within a mountainous planning

321 district or the unincorporated portion of the county, as applicable.

322 (b) In addition to any other remedies provided by law, when a county's land use

323 ordinance is violated or about to be violated by another political subdivision, that

324 county may institute an injunction, mandamus, abatement, or other appropriate action

325 or proceeding to prevent, enjoin, abate, or remove the improper installation,

326 improvement, or use.

327 (2)(a) Except as provided in Subsection (3), a school district or charter school is subject

328 to a county's land use ordinances.

329 (b)(i) Notwithstanding Subsection (3), a county may:

330 (A) subject a charter school to standards within each zone pertaining to setback,

331 height, bulk and massing regulations, off-site parking, curb cut, traffic

332 circulation, and construction staging; and

333 (B) impose regulations upon the location of a project that are necessary to avoid

- 334 unreasonable risks to health or safety, as provided in Subsection (3)(f).
- 335 (ii) The standards to which a county may subject a charter school under Subsection
336 (2)(b)(i) shall be objective standards only and may not be subjective.
- 337 (iii) Except as provided in Subsection (7)(d), the only basis upon which a county may
338 deny or withhold approval of a charter school's land use application is the charter
339 school's failure to comply with a standard imposed under Subsection (2)(b)(i).
- 340 (iv) Nothing in Subsection (2)(b)(iii) may be construed to relieve a charter school of
341 an obligation to comply with a requirement of an applicable building or safety
342 code to which it is otherwise obligated to comply.
- 343 (3) A county may not:
- 344 (a) impose requirements for landscaping, fencing, aesthetic considerations, construction
345 methods or materials, additional building inspections, county building codes,
346 building use for educational purposes, or the placement or use of temporary
347 classroom facilities on school property;
- 348 (b) except as otherwise provided in this section, require a school district or charter
349 school to participate in the cost of any roadway or sidewalk, or a study on the impact
350 of a school on a roadway or sidewalk, that is not reasonably necessary for the safety
351 of school children and not located on or contiguous to school property, unless the
352 roadway or sidewalk is required to connect an otherwise isolated school site to an
353 existing roadway;
- 354 (c) require a district or charter school to pay fees not authorized by this section;
- 355 (d) provide for inspection of school construction or assess a fee or other charges for
356 inspection[, unless the school district or charter school is unable to provide for
357 inspection by an inspector, other than the project architect or contractor, who is
358 qualified under criteria established by the state superintendent];
- 359 (e) require a school district or charter school to pay any impact fee for an improvement
360 project unless the impact fee is imposed as provided in Title 11, Chapter 36a, Impact
361 Fees Act;
- 362 (f) impose regulations upon the location of an educational facility except as necessary to
363 avoid unreasonable risks to health or safety; or
- 364 (g) for a land use or a structure owned or operated by a school district or charter school
365 that is not an educational facility but is used in support of providing instruction to
366 pupils, impose a regulation that:
- 367 (i) is not imposed on a similar land use or structure in the zone in which the land use

- 368 or structure is approved; or
- 369 (ii) uses the tax exempt status of the school district or charter school as criteria for
- 370 prohibiting or regulating the land use or location of the structure.
- 371 (4) Subject to Section ~~[53E-3-710]~~ 53E-3-703 and in accordance with standards the Division
- 372 of Facilities Construction and Management establishes in rule, a school district or
- 373 charter school shall coordinate the siting of a new school with the county in which the
- 374 school is to be located, to:
- 375 (a) avoid or mitigate existing and potential traffic hazards, including consideration of the
- 376 impacts between the new school and future highways; and
- 377 (b) maximize school, student, and site safety.
- 378 (5) Notwithstanding Subsection (3)(d), a county may, at ~~[its]~~ the county's discretion:
- 379 (a) ~~[provide]~~ request a walk-through of school construction at no cost and at a time
- 380 convenient to the school district or charter school; and
- 381 (b) provide recommendations based upon the walk-through~~[-]~~ to:
- 382 (i) the school district or charter school; and
- 383 (ii) the Division of Facilities Construction and Management.
- 384 (6)(a) The Division of Facilities Construction and Management has the sole authority to
- 385 approve inspectors for school construction projects under Title 63A, Chapter 5b, Part
- 386 12, Public School Construction Oversight.
- 387 (b) A school district may only use inspectors approved by the Division of Facilities
- 388 Construction and Management as follows:
- 389 (i) a Division of Facilities Construction and Management inspector;
- 390 (ii) a county building inspector who is on the Division of Facilities Construction and
- 391 Management's approved roster under Section 63A-5b-1220; or
- 392 (iii) a certified building inspector, which may include a qualified school district
- 393 inspector, who meets all of the following requirements:
- 394 (A) is on the Division of Facilities Construction and Management's approved
- 395 roster under Section 63A-5b-1220;
- 396 (B) is not an employee of the contractor;
- 397 (C) is licensed to perform the inspection requested; and
- 398 (D) maintains current certifications as required by Division of Facilities
- 399 Construction and Management rule.
- 400 ~~[(6)(a) Notwithstanding Subsection (3)(d), a school district or charter school shall use:]~~
- 401 ~~[(i) a county building inspector;]~~

- 402 ~~[(ii)(A) for a school district, a school district building inspector from that school~~
403 ~~district; or]~~
- 404 ~~[(B) for a charter school, a school district building inspector from the school~~
405 ~~district in which the charter school is located; or]~~
- 406 ~~[(iii) an independent, certified building inspector who is not an employee of the~~
407 ~~contractor, licensed to perform the inspection that the inspector is requested to~~
408 ~~perform, and approved by a county building inspector or:]~~
- 409 ~~[(A) for a school district, a school district building inspector from that school~~
410 ~~district; or]~~
- 411 ~~[(B) for a charter school, a school district building inspector from the school~~
412 ~~district in which the charter school is located.]~~
- 413 ~~[(b) The approval under Subsection (6)(a)(iii) may not be unreasonably withheld.]~~
- 414 ~~[(c) If a school district or charter school uses a school district or independent building~~
415 ~~inspector under Subsection (6)(a)(ii) or (iii), the school district or charter school shall~~
416 ~~submit to the state superintendent of public instruction and county building official,~~
417 ~~on a monthly basis during construction of the school building, a copy of each~~
418 ~~inspection certificate regarding the school building.]~~
- 419 (7)(a) A charter school, home-based microschool, or micro-education entity shall be
420 considered a permitted use in all zoning districts within a county.
- 421 (b) Each land use application for any approval required for a charter school, home-based
422 microschool, or micro-education entity, including an application for a building
423 permit, shall be processed on a first priority basis.
- 424 (c) Parking requirements for a charter school or micro-education entity may not exceed
425 the minimum parking requirements for schools or other institutional public uses
426 throughout the county.
- 427 (d) If a county has designated zones for a sexually oriented business, or a business which
428 sells alcohol, a charter school or micro-education entity may be prohibited from a
429 location which would otherwise defeat the purpose for the zone unless the charter
430 school or micro-education entity provides a waiver.
- 431 ~~(e)(i) A certificate authorizing permanent occupancy issued by the Division of~~
432 ~~Facilities Construction and Management under Section 63A-5b-1208 shall be the~~
433 ~~exclusive certificate required, and a county shall accept the division's certificate as~~
434 ~~satisfying all local occupancy requirements.~~
- 435 ~~(ii) A micro-education entity is not subject to the requirements of Title 63A, Chapter~~

- 436 5b, Part 12, Public School Construction Oversight, and shall comply with local
 437 building codes and permitting requirements through county building officials.
- 438 [(e)(i) A school district, charter school, or micro-education entity may seek a
 439 certificate authorizing permanent occupancy of a school building from:]
- 440 [(A) the state superintendent of public instruction, as provided in Subsection
 441 53E-3-706(3), if the school district, charter school, or micro-education entity
 442 used an independent building inspector for inspection of the school building; or]
- 443 [(B) a county official with authority to issue the certificate, if the school district,
 444 charter school, or micro-education entity used a county building inspector for
 445 inspection of the school building.]
- 446 [(ii) A school district may issue its own certificate authorizing permanent occupancy
 447 of a school building if it used its own building inspector for inspection of the
 448 school building, subject to the notification requirement of Subsection
 449 53E-3-706(3)(d)(ii).]
- 450 [(iii) A charter school or micro-education entity may seek a certificate authorizing
 451 permanent occupancy of a school building from a school district official with
 452 authority to issue the certificate, if the charter school or micro-education entity
 453 used a school district building inspector for inspection of the school building.]
- 454 [(iv) A certificate authorizing permanent occupancy issued by the state
 455 superintendent of public instruction under Subsection 53E-3-706(3) or a school
 456 district official with authority to issue the certificate shall be considered to satisfy
 457 any county requirement for an inspection or a certificate of occupancy.]
- 458 (f)(i) A micro-education entity may operate a facility that meets Group E Occupancy
 459 requirements as defined by the International Building Code, as incorporated by
 460 Subsection 15A-2-103(1)(a).
- 461 (ii) A micro-education entity operating in a facility described in Subsection (7)(f)(i)
 462 may have up to 100 students in the facility.
- 463 (g) A micro-education entity may operate a facility that is subject to and complies with
 464 the same occupancy requirements as a Class A-1, A-3, B, or M Occupancy as defined
 465 by the International Building Code, as incorporated by Subsection 15A-2-103(1)(a),
 466 if:
- 467 (i) the facility has a code compliant fire alarm system and carbon monoxide detection
 468 system;
- 469 (ii)(A) each classroom in the facility has an exit directly to the outside at the level

- 470 of exit discharge; or
- 471 (B) the structure has a code compliant fire sprinkler system; and
- 472 (iii) the facility has an automatic fire sprinkler system in fire areas of the facility that
- 473 are greater than 12,000 square feet.
- 474 (h)(i) A home-based microschoo is not subject to additional occupancy requirements
- 475 beyond occupancy requirements that apply to a primary dwelling.
- 476 (ii) If a floor that is below grade in a home-based microschoo is used for home-based
- 477 microschoo purposes, the below grade floor of the home-based microschoo shall
- 478 have at least one emergency escape or rescue window that complies with the
- 479 requirements for emergency escape and rescue windows as defined by the
- 480 International Residential Code, as incorporated [in] by Section 15A-1-210.
- 481 (8)(a) A specified public agency intending to develop its land shall submit to the land
- 482 use authority a development plan and schedule:
- 483 (i) as early as practicable in the development process, but no later than the
- 484 commencement of construction; and
- 485 (ii) with sufficient detail to enable the land use authority to assess:
- 486 (A) the specified public agency's compliance with applicable land use ordinances;
- 487 (B) the demand for public facilities listed in Subsections 11-36a-102(17)(a), (b),
- 488 (c), (d), (e), and (g) caused by the development;
- 489 (C) the amount of any applicable fee described in Section 17-79-804;
- 490 (D) any credit against an impact fee; and
- 491 (E) the potential for waiving an impact fee.
- 492 (b) The land use authority shall respond to a specified public agency's submission under
- 493 Subsection (8)(a) with reasonable promptness in order to allow the specified public
- 494 agency to consider information the municipality provides under Subsection (8)(a)(ii)
- 495 in the process of preparing the budget for the development.
- 496 (9) Nothing in this section may be construed to:
- 497 (a) modify or supersede Section 17-79-306; or
- 498 (b) authorize a county to enforce an ordinance in a way, or enact an ordinance, that fails
- 499 to comply with Title 57, Chapter 21, Utah Fair Housing Act, the federal Fair Housing
- 500 Amendments Act of 1988, 42 U.S.C. Sec. 3601 et seq., the Americans with
- 501 Disabilities Act of 1990, 42 U.S.C. Sec. 12102, or any other provision of federal law.
- 502 (10) Nothing in Subsection (7) prevents a political subdivision from:
- 503 (a) requiring a home-based microschoo or micro-education entity to comply with local

- 504 zoning and land use regulations that do not conflict with this section, including:
- 505 (i) parking;
- 506 (ii) traffic; and
- 507 (iii) hours of operation;
- 508 (b) requiring a home-based microschool or micro-education entity to obtain a business
- 509 license;
- 510 (c) enacting county ordinances and regulations consistent with this section;
- 511 (d) subjecting a micro-education entity to standards within each zone pertaining to
- 512 setback, height, bulk and massing regulations, off-site parking, curb cut, traffic
- 513 circulation, and construction staging; and
- 514 (e) imposing regulations on the location of a project that are necessary to avoid risks to
- 515 health or safety.
- 516 (11) Notwithstanding any other provision of law, the proximity restrictions that apply to
- 517 community locations do not apply to a micro-education entity.
- 518 (12)(a) Section 63A-5b-1218 governs the requirements for permitting and inspection of
- 519 public school buildings.
- 520 (b) A county may not enact any ordinance, policy, or regulation relating to the
- 521 permitting or inspection of public school buildings.
- 522 (13) Nothing in this section shall prohibit the required regulation or subsequent inspection
- 523 by a local health department.
- 524 Section 3. Section **53E-3-701** is repealed and reenacted to read:
- 525 **53E-3-701 . General provisions -- Definitions.**
- 526 As used in this part, "division" means the same as that term is defined in Section
- 527 63A-5b-102.
- 528 Section 4. Section **53E-3-702** is repealed and reenacted to read:
- 529 **53E-3-702 . State board coordination with Division of Facilities Construction and**
- 530 **Management.**
- 531 (1) The state board shall coordinate with the division regarding public school construction
- 532 oversight as described in Title 63A, Chapter 5b, Part 12, Public School Construction
- 533 Oversight, through the school construction liaison designated under Section
- 534 63A-5b-1212.
- 535 (2) In providing the coordination described in Subsection (1), the state board may:
- 536 (a) provide input on educational programming requirements that affect construction
- 537 standards;

- 538 (b) participate in construction rules development and review;
539 (c) assist with training programs for LEA officials;
540 (d) coordinate on matters affecting educational programs and construction oversight; and
541 (e) maintain expertise in educational facility planning and design.

542 (3) The state board shall maintain the state board's authority over:

- 543 (a) educational program requirements that may affect facility needs;
544 (b) coordination between construction projects and educational planning;
545 (c) policies related to educational use of facilities; and
546 (d) other matters not specifically described in Title 63A, Chapter 5b, Part 12, Public
547 School Construction Oversight.

548 Section 5. Section **53E-3-703** is repealed and reenacted to read:

549 **53E-3-703 . Educational facility planning requirements.**

550 (1) In planning school construction, an LEA shall consider:

- 551 (a) educational program requirements for different grade levels;
552 (b) year-round use requirements;
553 (c) specific needs of various student populations; and
554 (d) coordination between facility design and educational delivery.

555 (2) An LEA shall ensure a licensed architect prepares plans and specifications for school
556 construction or alteration, subject to cost oversight requirements established by the
557 division described in Section 63A-5b-1204.

558 (3) An LEA shall ensure all construction contracts include the provisions for construction
559 contracts as the division determines.

560 Section 6. Section **53E-3-704** is repealed and reenacted to read:

561 **53E-3-704 . Procurement, bonding, and contracting requirements.**

562 (1) An LEA shall comply with Title 63G, Chapter 6a, Utah Procurement Code, for all
563 construction contracts.

564 (2) An LEA shall require payment and performance bonds as provided in Section 14-1-18
565 for construction contracts exceeding \$50,000.

566 (3) An LEA shall ensure a construction contract includes:

- 567 (a) contract provisions the division establishes under Subsection 53E-3-703(3);
568 (b) insurance requirements meeting division standards; and
569 (c) dispute resolution procedures.

570 Section 7. Section **63A-5b-1201** is enacted to read:

571 **Part 12. Public School Construction Oversight**

572 **63A-5b-1201 . General provisions -- Definitions.**573 (1) This part does not apply to micro-education entities as defined in Section 53G-6-201.574 (2) As used in this part:575 (a) "Charter school" means the same as that term is defined in Section 53G-5-102.576 (b) "LEA" means a school district or charter school.577 (c) "Public school construction" means construction work on a new public school
578 facility or major alteration of an existing public school facility with a total project
579 cost exceeding the delineated thresholds for a capital development project or capital
580 improvement project as defined in Section 63A-5b-401.581 (d) "School construction liaison" means the individual designated under Section
582 63A-5b-1212 to coordinate between the division and the state board regarding public
583 school construction matters.584 (e) "School district" means a local school district established under Title 53G, Chapter 3,
585 School District Creation and Change.586 (f) "State board" means the same as that term is defined in Section 53E-1-102.587 Section 8. Section **63A-5b-1202** is enacted to read:588 **63A-5b-1202 . Division authority over public school construction -- Construction**
589 **standards.**590 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
591 division shall make rules establishing comprehensive standards for public school
592 construction that shall include:593 (a) minimum and maximum real property requirements;594 (b) cost per square foot parameters;595 (c) building material quality and cost standards;596 (d) parking and access requirements;597 (e) standardized cost reporting requirements;598 (f) mandatory plan review and approval procedures;599 (g) qualified reviewer certification requirements;600 (h) a process for permitting of public school construction in accordance with Section
601 63A-5b-1218;602 (i) a process for a school district to report project related issues;603 (j) other construction related requirements;604 (k) transition and replacement of existing State Board of Education rules related to
605 school construction;

- 606 (l) facility condition assessment requirements, including:
607 (i) frequency of assessments;
608 (ii) qualifications for third-party engineering firms conducting assessments;
609 (iii) standardized assessment methodologies; and
610 (iv) reporting and database requirements;
611 (m) building maintenance standards for public school facilities;
612 (n) building commissioning requirements, including:
613 (i) commissioning scope and procedures;
614 (ii) qualified commissioning agent requirements;
615 (iii) functional performance testing standards;
616 (iv) commissioning documentation and closeout requirements; and
617 (v) ongoing commissioning for major building systems;
618 (o) construction delivery method criteria and approval procedures consistent with
619 Section 63G-6a-1302;
620 (p) construction manager or general contractor use restrictions and oversight
621 requirements in accordance with Subsections 63G-6a-1302(4) and (5);
622 (q) factors to be considered in selecting appropriate delivery methods under Subsection
623 63G-6a-1302(3);
624 (r) standards for school district coordination with municipalities and counties regarding
625 school siting, traffic impacts, and site safety considerations; and
626 (s) cost matrix establishment and application, including:
627 (i) cost per square foot parameters by building type and region;
628 (ii) allowable cost ranges and variance thresholds;
629 (iii) factors for adjusting costs based on project complexity;
630 (iv) pre-construction approval procedures and timelines; and
631 (v) appeal procedures for cost matrix determinations.
- 632 (2) In developing the rules described in Subsection (1), the division shall consider:
633 (a) project costs;
634 (b) location factors, including rural or urban setting and climate;
635 (c) projected student population growth or declines;
636 (d) specific needs of different school types and grade levels;
637 (e) year-round use requirements; and
638 (f) accessibility compliance under state and federal law.
- 639 (3) The division shall consult with:

- 640 (a) the fire marshal;
641 (b) the school construction liaison on educational programming needs and coordination
642 of safety and security requirements;
643 (c) representatives from school districts; and
644 (d) architects, engineers, and construction professionals.
- 645 (4) As described in Section 63A-5b-1213, the division may establish fee-for-service
646 construction management programs to:
647 (a) provide professional construction oversight for a school district lacking internal
648 capacity;
649 (b) ensure consistent application of standards across all projects;
650 (c) leverage state procurement expertise and economies of scale; and
651 (d) reduce compliance risks for complex projects.
- 652 (5) The division shall require an LEA to:
653 (a) review division rules and policies before beginning construction;
654 (b) demonstrate compliance with rules and policies as a condition of permit approval;
655 (c) use qualified, certified inspectors for all required inspections; and
656 (d) submit monthly construction reports through the online system described in Section
657 63A-5b-1207.
- 658 (6) The school construction liaison, in coordination with the School Safety Center
659 established under Section 53G-8-802 and the state security chief appointed under
660 Section 53-22-102, shall:
661 (a) ensure compliance with mandatory safety and security standards established under
662 Section 53-22-102;
663 (b) review construction plans to verify that proposed designs meet mandatory safety and
664 security requirements;
665 (c) coordinate with the division regarding safety and security compliance before the
666 division issues construction permits; and
667 (d) report safety and security compliance to the division as part of the plan approval
668 process under Section 63A-5b-1205.
- 669 (7) The division shall collaborate with the state fire marshal, state security chief, and local
670 governmental entities to:
671 (a) examine plans and specifications for school buildings;
672 (b) verify inspections during and following construction; and
673 (c) perform other functions necessary to ensure compliance.

- 674 (8) In exercising oversight authority, the division shall recognize that:
675 (a) public school construction is typically funded through local bond measures approved
676 by school district voters;
677 (b) school facilities are owned and operated by the school district;
678 (c) local communities have legitimate interests in facility design and construction
679 decisions; and
680 (d) division oversight is intended to ensure standardized cost controls, compliance with
681 safety, efficiency, and accountability standards while preserving appropriate local
682 autonomy.
- 683 (9) The division may delegate oversight authority to qualified school districts as provided in
684 Section 63A-5b-1217.
- 685 (10) A school district may appeal division determinations under this section to the appeals
686 panel established under Section 63A-5b-1221.
- 687 (11) The division shall require:
688 (a) building commissioning for all new construction and major renovations exceeding
689 \$5,000,000, including:
690 (i) commissioning of mechanical, electrical, plumbing, and building envelope
691 systems;
692 (ii) verification of system performance against design intent;
693 (iii) training of facility staff on commissioned systems; and
694 (iv) delivery of comprehensive commissioning documentation;
695 (b) facility condition assessments:
696 (i) every five years for all facilities over 20 years old;
697 (ii) conducted by qualified third-party architectural and engineering firms;
698 (iii) addressing all major building systems and components; and
699 (iv) integrated with the deferred maintenance reporting under Section 63A-5b-1210.
- 700 Section 9. Section **63A-5b-1203** is enacted to read:
701 **63A-5b-1203 . Construction delivery methods -- Restrictions.**
702 (1) For public school construction exceeding \$3,000,000, an LEA shall use one of the
703 following delivery methods authorized under Section 63G-6a-1302:
704 (a) design-bid-build;
705 (b) design-build; or
706 (c) a construction manager general contractor, subject to the restrictions in Subsection (2).
707 (2)(a) An LEA may use a construction manager general contractor delivery method if:

- 708 (i) the LEA demonstrates to the division that the project meets appropriate criteria for
709 using a construction manager general contractor under Subsection 63G-6a-1302(3);
710 (ii) the LEA employs or contracts with qualified construction management staff with
711 demonstrated construction manager general contractor experience; and
712 (iii) the LEA submits a detailed project management plan approved by the division.
713 **(b) The division may only deny approval for a construction manager general contractor**
714 delivery method if:
715 (i) the LEA lacks sufficient expertise to manage the project;
716 (ii) the project does not meet appropriate criteria under Subsection 63G-6a-1302(3);
717 or
718 (iii) other methods of delivery would provide better cost control and project
719 outcomes.
720 **(3) The division shall:**
721 (a) establish clear criteria for when a construction manager general contractor delivery
722 method is appropriate, considering the factors described in Subsection
723 63G-6a-1302(3);
724 (b) provide training to an LEA on:
725 (i) proper implementation of each delivery method authorized under Section
726 63G-6a-1302;
727 (ii) cost control measures for each delivery method; and
728 (iii) circumstances when each delivery method is most appropriate; and
729 (c) require additional oversight and reporting for projects using a construction manager
730 or general contractor.
731 **(4) For projects under \$3,000,000, an LEA shall use design-bid-build unless the division**
732 approves an alternative delivery method under Section 63G-6a-1302.
733 **(5) An LEA shall comply with all procurement requirements under Title 63G, Chapter 6a,**
734 Utah Procurement Code, when using any construction delivery method, including:
735 (a) requirements for selection of contractors in Subsection 63G-6a-1302(5) when using a
736 construction manager or general contractor;
737 (b) requirements for subcontractor procurement in Subsection 63G-6a-1302(5)(b); and
738 (c) any other applicable procurement standards established in Title 63G, Chapter 6a,
739 Utah Procurement Code.
740 **(6) For projects exceeding \$500,000, an LEA shall select contractors only from the**
741 qualified contractor registry established under Section 63A-5b-1216.

- 742 (7) The contractor registry requirement in Subsection (6):
743 (a) establishes pre-qualification standards but does not replace competitive procurement
744 requirements;
745 (b) limits the pool of eligible bidders to qualified contractors; and
746 (c) applies to all delivery methods authorized under this section.
- 747 Section 10. Section **63A-5b-1204** is enacted to read:
748 **63A-5b-1204 . Architect and design professional cost oversight.**
- 749 (1) The division shall establish and publish maximum allowable fees for both basic services
750 and complexities for architect and design professional services based on:
751 (a) project size and complexity;
752 (b) regional market conditions;
753 (c) industry standards for educational facilities; and
754 (d) historical cost data from comparable projects.
- 755 (2) An LEA shall:
756 (a) ensure that no contract for architect or design professional services exceeds the
757 maximum fees established by the division under Subsection (1);
758 (b) submit all proposed contracts to the division for verification of compliance with
759 maximum fee limits before execution; and
760 (c) demonstrate through competitive procurement that proposed fees represent fair
761 market value within the established maximums.
- 762 (3) If an LEA believes a project requires fees exceeding the division's maximum allowable
763 fees, the LEA shall:
764 (a) submit a detailed written request to the division before soliciting proposals;
765 (b) provide documentation of unique project circumstances requiring specialized
766 expertise;
767 (c) demonstrate that the project cannot be completed within the fee schedule; and
768 (d) obtain written approval from the division before proceeding.
- 769 (4) The division shall:
770 (a) review cost submissions within 15 business days;
771 (b) provide written explanation for any required modifications; and
772 (c) update cost benchmarks annually based on market conditions.
- 773 (5) The division shall develop and maintain a library of standardized school design
774 templates developed in collaboration with architects experienced in the design of school
775 facilities that:

- 776 (a) provide pre-approved design options for common school types and sizes;
777 (b) reduce architectural costs through standardized specifications;
778 (c) accelerate the approval process for school districts using standard designs;
779 (d) allow modifications for site-specific requirements; and
780 (e) are updated every five years to reflect current educational needs.
- 781 (6) The division shall develop and maintain a library of standardized school design
782 templates developed in collaboration with architects experienced in the design of school
783 facilities that:
- 784 (a) provide pre-approved design options for common school types and sizes;
785 (b) reduce architectural costs through:
- 786 (i) reduced design scope for projects using prototype designs;
787 (ii) standardized specifications and details;
788 (iii) elimination of redundant design work; and
789 (iv) lower fee schedule tiers for prototype-based projects;
- 790 (c) accelerate the approval process through:
- 791 (i) pre-approved building systems and layouts;
792 (ii) reduced plan review time for projects adhering to prototype designs; and
793 (iii) streamlined permitting when no significant prototype modifications are made;
- 794 (d) allow modifications for site-specific requirements; and
795 (e) are updated every five years to reflect current educational needs and building
796 standards.
- 797 (7) An LEA using a standardized design prototype:
- 798 (a) shall comply with all procurement requirements under Title 63G, Chapter 6a, Utah
799 Procurement Code;
- 800 (b) may receive reduced architect fees reflecting the limited scope of site adaptation
801 work;
- 802 (c) may receive an expedited plan review within 10 business days if no significant
803 modifications are made;
- 804 (d) is encouraged to use design-build delivery methods with prototype designs to
805 maximize cost savings; and
- 806 (e) shall coordinate with the division on any proposed modifications to ensure continued
807 compliance with prototype standards.
- 808 (8) An LEA shall procure architect and design professional services:
- 809 (a) in accordance with Title 63G, Chapter 6a, Part 15, Design Professional Services;

- 810 (b) using qualifications-based selection procedures as required by Subsection
811 63G-6a-1502(1);
- 812 (c) based on demonstrated competence and qualification for the type of services
813 required; and
- 814 (d) not based solely on price.
- 815 (9) An LEA may appeal the division's maximum fee determinations or denials of requests
816 for fee exceptions to the appeals panel established under Section 63A-5b-1221.
- 817 Section 11. Section **63A-5b-1205** is enacted to read:
- 818 **63A-5b-1205 . Plan review and approval authority.**
- 819 (1) In accordance with the division's permitting authority described in Section 63A-5b-1218,
820 the division shall review and approve or deny all construction documents for public
821 school construction:
- 822 (a) within 10 business days; and
- 823 (b) before an LEA may begin construction.
- 824 (2) The division's plan review shall verify compliance with:
- 825 (a) adopted building codes and standards;
- 826 (b) division construction rules;
- 827 (c) accessibility requirements;
- 828 (d) energy code compliance;
- 829 (e) structural engineering requirements;
- 830 (f) fire and school safety provisions;
- 831 (g) mandatory safety and security standards;
- 832 (h) emergency response and evacuation protocols required under Subsection
833 53-22-102(3)(c); and
- 834 (i) other building or construction codes the division determines relevant.
- 835 (3) The division may require corrections to construction documents and may not approve
836 plans that fail to meet applicable standards.
- 837 (4) An LEA may not begin construction until the division has issued a written approval of
838 the construction documents and a permit under Section 63A-5b-1218.
- 839 (5) Before approving any construction contract exceeding \$1,000,000, an LEA shall:
- 840 (a) submit proposed contract costs to the division for benchmark comparison when such
841 comparisons become reasonably available following the division's establishment of a
842 baseline;
- 843 (b) provide written justification for any costs exceeding division benchmarks by more

- 844 than 10%;
- 845 (c) demonstrate compliance with standardized procurement procedures; and
- 846 (d) receive division approval before contract execution.
- 847 (6) Before beginning any public school construction project, an LEA shall:
- 848 (a) submit a pre-construction application to the division that includes:
- 849 (i) detailed project scope and specifications;
- 850 (ii) preliminary cost estimates;
- 851 (iii) a proposed project timeline; and
- 852 (iv) funding sources and financial capacity documentation;
- 853 (b) receive division approval that the project:
- 854 (i) fits within the cost matrix established by division rule;
- 855 (ii) meets cost per square foot parameters for the building type and region;
- 856 (iii) demonstrates reasonable and appropriate costs for the proposed scope; and
- 857 (iv) complies with all applicable standards and requirements; and
- 858 (c) demonstrate that the project costs are consistent with:
- 859 (i) division cost benchmarks for similar projects;
- 860 (ii) regional cost factors;
- 861 (iii) current market conditions; and
- 862 (iv) industry standards for educational facilities.
- 863 (7) The division shall:
- 864 (a) review pre-construction applications within 15 business days;
- 865 (b) approve, conditionally approve with modifications, or deny applications based on
- 866 cost matrix compliance;
- 867 (c) provide written explanation for any required modifications or denials;
- 868 (d) work with the LEA to bring non-compliant projects into compliance with the cost
- 869 matrix; and
- 870 (e) maintain records of all project approvals and cost matrix determinations.
- 871 (8) The division may not issue a construction permit under Section 63A-5b-1218 until the
- 872 project has received cost matrix approval under this section.
- 873 (9) The division may delegate plan review responsibilities to qualified third-party reviewers
- 874 subject to division oversight and final approval.
- 875 (10) An LEA may appeal the following determinations under this section to the appeals
- 876 panel established under Section 63A-5b-1221:
- 877 (a) denial of construction permit applications;

- 878 (b) cost matrix determinations under Subsections (6) and (7);
879 (c) required plan corrections under Subsection (3);
880 (d) pre-construction application denials under Subsection (7)(b); and
881 (e) conditions imposed on project approvals.

882 Section 12. Section **63A-5b-1206** is enacted to read:

883 **63A-5b-1206 . Mandatory technical compliance requirements.**

- 884 (1) The division shall establish and enforce specific technical standards including:
885 (a) fire wall construction and continuity requirements as described in International
886 Building Code, Chapter 7;
887 (b) accessibility compliance verification procedures as described in International Code
888 Council A117.1;
889 (c) energy code inspection protocols with mandatory R-value verification;
890 (d) mechanical, plumbing, and electrical system review depth requirements;
891 (e) special inspection requirements for both structural and nonstructural elements; and
892 (f) structural observation reporting mandates for Risk Category III buildings as defined
893 in the International Building Code adopted under Section 15A-1-204.
894 (2) The division may not issue a construction permit without verified compliance with
895 Subsection (1).
896 (3) The division shall use qualified plan reviewers and inspectors from the roster
897 established under Section 63A-5b-1220 for all plan review and inspection activities.
898 (4) Requirements related to safety and security standards established under Section
899 53-22-102 shall be coordinated through the school construction liaison as provided in
900 Subsection 63A-5b-1202(6).
901 (5) A school district may appeal technical compliance determinations under this section to
902 the appeals panel established under Section 63A-5b-1221.

903 Section 13. Section **63A-5b-1207** is enacted to read:

904 **63A-5b-1207 . Online document management system.**

- 905 (1) The division shall develop and maintain an online document management system that:
906 (a) maintains all required construction and inspection documentation;
907 (b) enables real-time verification of compliance with statutes and rules;
908 (c) tracks pre-construction permit submissions and approvals;
909 (d) facilitates enforcement through automated notifications;
910 (e) provides reporting capabilities for oversight and auditing; and
911 (f) ensures secure access for authorized users.

- 912 (2) An LEA shall use the online system to:
 913 (a) submit all required pre-construction documentation;
 914 (b) upload inspection reports and certifications;
 915 (c) report construction costs using standardized formats; and
 916 (d) track project milestones and compliance status.
 917 (3) The division shall provide training and technical support for LEAs, including proper use
 918 of the online document management system.

919 Section 14. Section **63A-5b-1208** is enacted to read:

920 **63A-5b-1208 . Inspection verification and monitoring.**

- 921 (1) The division shall establish inspection verification procedures that:
 922 (a) go beyond simple attestation to verify actual compliance;
 923 (b) include regular monitoring of inspection documentation;
 924 (c) provide mechanisms for addressing noncompliance; and
 925 (d) coordinate with local governmental entities as required by law, including Sections
 926 10-9a-305 and 17-27a-305.
 927 (2) Before beginning construction, an LEA shall:
 928 (a) provide all required notices in accordance with Section 53E-3-703;
 929 (b) obtain all required permits from the division in accordance with Section 63A-5b-1218;
 930 (c) submit complete construction documents to the division;
 931 (d) demonstrate compliance with division rules and policies; and
 932 (e) provide evidence of qualified inspection arrangements that meet the requirements
 933 described in Subsection 63A-5b-1220.
 934 (3) During construction, an LEA shall:
 935 (a) use qualified, certified inspectors the division approves for all required inspections;
 936 (b) submit inspection reports through the online system described in Section
 937 63A-5b-1207;
 938 (c) notify the division of any significant changes or issues;
 939 (d) maintain detailed inspection records;
 940 (e) coordinate with local building officials;
 941 (f) as required, provide special inspection reports for all International Building Code,
 942 Chapter 17, requirements;
 943 (g) submit structural observation reports for buildings with an occupancy greater than
 944 250; and
 945 (h) document correction of all deficiencies before proceeding.

- 946 (4) The division may:
- 947 (a) conduct random audits of inspection procedures;
- 948 (b) require additional inspections when warranted;
- 949 (c) review and approve alternative inspection arrangements; and
- 950 (d) suspend construction permits for serious violations.
- 951 (5) Upon completion of construction and verification of all required inspections, the
- 952 division shall issue a certificate authorizing permanent occupancy if:
- 953 (a) all required inspections have been completed by qualified inspectors on the division's
- 954 approved roster;
- 955 (b) all inspection reports verify compliance with applicable codes and standards;
- 956 (c) all identified deficiencies have been corrected and documented;
- 957 (d) the LEA has submitted all required closeout documentation through the online
- 958 system described in Section 63A-5b-1207;
- 959 (e) structural observation reports have been submitted for buildings with an occupancy
- 960 greater than 250 as required under Subsection (3)(g);
- 961 (f) special inspection reports verify compliance with all International Building Code,
- 962 Chapter 17, requirements; and
- 963 (g) the project complies with mandatory safety and security standards established by the
- 964 state security chief under Section 53-22-102.
- 965 (6) The division shall:
- 966 (a) review occupancy certificate applications within 10 business days of receiving
- 967 complete documentation;
- 968 (b) issue written certificates that include:
- 969 (i) the project address and description;
- 970 (ii) the authorized occupancy type and capacity;
- 971 (iii) verification that all inspections confirm code compliance;
- 972 (iv) the effective date of the certificate; and
- 973 (v) any conditions or limitations on occupancy;
- 974 (c) maintain a database of all occupancy certificates issued; and
- 975 (d) provide copies of certificates to:
- 976 (i) the LEA;
- 977 (ii) the municipality or county where the facility is located; and
- 978 (iii) the local fire authority.
- 979 (7)(a) A certificate authorizing permanent occupancy issued by the division under this

- 980 section:
- 981 (i) is the exclusive certificate required for public school facilities subject to this part;
- 982 (ii) satisfies all municipal and county occupancy requirements under Sections
- 983 10-20-304 and 17-79-305; and
- 984 (iii) authorizes the LEA to occupy and use the facility for educational purposes.
- 985 (b) Municipalities and counties shall accept the division's certificate without requiring
- 986 additional local certificates of occupancy.
- 987 (8) If the division determines that a facility does not meet requirements for occupancy, the
- 988 division shall:
- 989 (a) deny the occupancy certificate application;
- 990 (b) provide written explanation of all deficiencies requiring correction;
- 991 (c) specify a timeline for the LEA to address deficiencies; and
- 992 (d) allow the LEA to resubmit for occupancy certification after corrections are made.
- 993 (9) The LEA shall notify the division within 10 days of beginning occupancy of any facility
- 994 for which the division has issued an occupancy certificate.
- 995 (10) For temporary or partial occupancy during construction:
- 996 (a) an LEA may request a temporary certificate of occupancy from the division;
- 997 (b) the division may issue a temporary certificate if:
- 998 (i) the portion to be occupied meets all safety and code requirements;
- 999 (ii) the LEA demonstrates that temporary occupancy will not create safety hazards;
- 1000 (iii) appropriate separation exists between occupied and construction areas; and
- 1001 (iv) the LEA provides a timeline for completing remaining work; and
- 1002 (c) temporary certificates expire upon the earlier of:
- 1003 (i) issuance of a permanent occupancy certificate; or
- 1004 (ii) 180 days from issuance, unless extended by the division for good cause.
- 1005 (11) An LEA may appeal the following determinations under this section to the appeals
- 1006 panel established under Section 63A-5b-1221:
- 1007 (a) denial of occupancy certificates under Subsection (8);
- 1008 (b) conditions or limitations imposed on occupancy under Subsection (6)(b)(v);
- 1009 (c) denial of temporary occupancy certificates under Subsection (10);
- 1010 (d) requirements for additional inspections under Subsection (4)(b); and
- 1011 (e) determinations that deficiencies shall be corrected before occupancy.

1012 Section 15. Section **63A-5b-1209** is enacted to read:

1013 **63A-5b-1209 . Historical project documentation and information requests.**

- 1014 (1) Upon written request from the division, an LEA shall provide:
- 1015 (a) in accordance with Subsection (7), documentation and information regarding
- 1016 construction projects;
- 1017 (b) cost data, construction documents, and project records;
- 1018 (c) contractor and vendor information and performance records;
- 1019 (d) change order documentation and justifications;
- 1020 (e) inspection records and certificates of occupancy;
- 1021 (f) as-built drawings and project closeout documentation;
- 1022 (g) warranty information and maintenance records; and
- 1023 (h) any other project-related information the division determines necessary for:
- 1024 (i) establishing cost benchmarks and databases;
- 1025 (ii) analyzing construction cost trends;
- 1026 (iii) developing standardized design templates;
- 1027 (iv) creating training programs and best practices; or
- 1028 (v) other purposes related to public school construction oversight.
- 1029 (2) An LEA shall provide requested information:
- 1030 (a) within 90 days of receiving the division's written request;
- 1031 (b) in the format specified by the division;
- 1032 (c) organized and indexed for efficient review;
- 1033 (d) with complete documentation for each requested project; and
- 1034 (e) at no cost to the division.
- 1035 (3) If an LEA is unable to provide requested information within 30 days due to volume or
- 1036 complexity, the LEA shall:
- 1037 (a) notify the division within 10 days of receiving the request;
- 1038 (b) provide a detailed explanation of the delay;
- 1039 (c) propose a reasonable timeline for providing the information; and
- 1040 (d) provide interim updates on progress.
- 1041 (4) The division may use the information collected under this section to:
- 1042 (a) populate the construction cost database described in Section 63A-5b-1210;
- 1043 (b) establish baseline cost benchmarks;
- 1044 (c) identify best practices and areas for improvement;
- 1045 (d) develop training materials and resources;
- 1046 (e) create standardized design templates;
- 1047 (f) conduct research on construction cost drivers; and

- 1048 (g) provide better technical assistance to an LEA.
- 1049 (5) The division shall:
- 1050 (a) maintain the confidentiality of proprietary information submitted by an LEA;
- 1051 (b) use submitted information only for the purposes described in this section;
- 1052 (c) aggregate data when publishing reports or benchmarks to protect LEA-specific
- 1053 information where appropriate; and
- 1054 (d) provide an LEA with access to aggregated data and analysis.
- 1055 (6) Failure of an LEA to provide requested information without good cause may result in:
- 1056 (a) loss of certain oversight autonomy, including requirement for division-managed
- 1057 construction services under Section 63A-5b-1213; or
- 1058 (b) administrative penalties not exceeding \$5,000, subject to appeal under Section
- 1059 63A-5b-1221.
- 1060 (7) This section applies to:
- 1061 (a) all LEAs;
- 1062 (b) projects in process or completed after May 6, 2026; and
- 1063 (c) both new construction and major renovation projects.
- 1064 Section 16. Section **63A-5b-1210** is enacted to read:
- 1065 **63A-5b-1210 . Standardized cost reporting.**
- 1066 (1) The division shall implement a standardized cost reporting system that:
- 1067 (a) requires an LEA to report construction costs using consistent categories and formats;
- 1068 (b) enables accurate cost comparison between projects and districts;
- 1069 (c) tracks cost trends and identifies potential cost savings;
- 1070 (d) provides data for legislative oversight and budget planning; and
- 1071 (e) contains detailed cost reporting requirements, including:
- 1072 (i) pre-construction cost estimates using the Construction Specifications Institute
- 1073 MasterFormat categories;
- 1074 (ii) monthly cost reports during construction with variance explanations;
- 1075 (iii) change order documentation with justification and approval authority;
- 1076 (iv) final reconciled costs with cost-per-square-foot analysis;
- 1077 (v) separate reporting of construction, equipment, and soft costs;
- 1078 (vi) comparison to division cost benchmarks by building type and region;
- 1079 (vii) supports for audit and compliance activities; and
- 1080 (viii) annual deferred maintenance reporting including:
- 1081 (A) identification of all maintenance items deferred during the reporting period;

- 1082 (B) estimated costs for each deferred maintenance item;
1083 (C) priority ranking based on safety, functionality, and cost implications;
1084 (D) projected timeline for addressing deferred items; and
1085 (E) cumulative deferred maintenance backlog by facility and system type.
- 1086 (2)(a) Notwithstanding the division's tracking of deferred maintenance, the division and
1087 the state assume no liability for any deferred maintenance costs or issues arising from
1088 deferred maintenance.
- 1089 (b) The LEA shall retain all liability for deferred maintenance costs and any
1090 consequences resulting from deferred maintenance decisions.
- 1091 (3) The division shall:
- 1092 (a) analyze cost data to identify trends and outliers;
1093 (b) provide cost guidance to an LEA;
1094 (c) upon request, report to the Legislature on construction cost trends; and
1095 (d) make aggregated cost data available to support planning and budgeting.
- 1096 (4) The division shall establish and maintain a comprehensive construction cost database
1097 that:
- 1098 (a) is accessible to the State Board of Education and other relevant stakeholders as the
1099 division determines;
- 1100 (b) consolidates historical cost data from all LEA projects completed after January 1,
1101 2025;
- 1102 (c) provides cost benchmarks updated quarterly;
1103 (d) identifies cost outliers and investigates variances exceeding 15%;
1104 (e) generates annual cost trend reports for legislative review;
1105 (f) supports an LEA budget planning with predictive cost modeling;
1106 (g) tracks deferred maintenance trends across an LEA and facility types;
1107 (h) identifies facilities with excessive deferred maintenance backlogs requiring
1108 intervention; and
- 1109 (i) provides predictive modeling for long-term maintenance and replacement costs.
- 1110 (5) Beginning July 1, 2029, an LEA shall submit annual deferred maintenance reports to the
1111 division that:
- 1112 (a) identify all maintenance items with estimated costs exceeding \$25,000 that were
1113 deferred during the fiscal year, limited to items described in Subsections
1114 63A-5b-405(2)(c)(i) and (ii);
- 1115 (b) provide justification for deferral decisions;

- 1116 (c) include facility condition assessments updated at least every five years;
1117 (d) demonstrate how deferred maintenance decisions align with long-term capital
1118 planning; and
1119 (e) report on progress addressing previously identified deferred maintenance items.
- 1120 (6) The division shall implement the requirements of this section in phases as follows:
1121 (a) by July 1, 2027:
1122 (i) complete initial cost database framework development;
1123 (ii) begin collecting historical cost data under Section 63A-5b-1209; and
1124 (iii) develop standardized reporting formats;
1125 (b) by July 1, 2028:
1126 (i) establish preliminary cost benchmarks for elementary and secondary schools;
1127 (ii) implement basic cost comparison tools; and
1128 (iii) provide initial training to LEAs on standardized cost reporting;
1129 (c) by July 1, 2029:
1130 (i) complete baseline cost benchmarks for all major building types and regions;
1131 (ii) implement automated cost comparison and analysis tools; and
1132 (iii) establish full compliance requirements for deferred maintenance reporting; and
1133 (d) by July 1, 2030:
1134 (i) achieve full implementation of all cost database and reporting requirements; and
1135 (ii) provide comprehensive training and technical assistance to all LEAs.
- 1136 (7) Beginning December 1, 2027, the division shall report annually to:
1137 (a) the Education Interim Committee; and
1138 (b) the Transportation and Infrastructure Appropriations Subcommittee.
- 1139 (8) The annual report shall include:
1140 (a) progress on phased implementation under Subsection (6);
1141 (b) status of cost database development and benchmark establishment;
1142 (c) implementation status of automated cost comparison tools;
1143 (d) training provided to LEAs on standardized cost reporting;
1144 (e) analysis of construction cost trends and outliers;
1145 (f) deferred maintenance trends across an LEA and facility types;
1146 (g) compliance audit results and enforcement actions taken;
1147 (h) construction oversight fee revenue and expenditures; and
1148 (i) recommendations for statutory or policy improvements.

1149 Section 17. Section **63A-5b-1211** is enacted to read:

- 1150 **63A-5b-1211 . Training and technical assistance.**
- 1151 (1) In collaboration with the school construction liaison described in Section 63A-5b-1212,
- 1152 the division shall develop and maintain a school construction resource manual including:
- 1153 (a) current legal requirements;
- 1154 (b) construction and inspection rules;
- 1155 (c) compliance procedures and documentation standards; and
- 1156 (d) standardized forms and reporting requirements.
- 1157 (2) The division shall review and update the manual at least every three years or when
- 1158 significant changes in building codes occur.
- 1159 (3)(a) In collaboration with the school construction liaison described in Section
- 1160 63A-5b-1212, the division shall provide annual training for LEA officials covering:
- 1161 (i) construction oversight responsibilities and procedures;
- 1162 (ii) building code compliance requirements;
- 1163 (iii) inspection documentation and verification;
- 1164 (iv) cost reporting procedures;
- 1165 (v) use of the online management system described in Section 63A-5b-1207; and
- 1166 (vi) coordination with local building officials.
- 1167 (b) The division may not use a third-party vendor or provider to fulfill the requirements
- 1168 of Subsection (3)(a).
- 1169 (4) The division shall provide additional training for:
- 1170 (a) design professionals working on school projects;
- 1171 (b) third-party plan reviewers and inspectors;
- 1172 (c) construction managers and general contractors; and
- 1173 (d) building officials involved in school construction as the division determines.
- 1174 (5) The division shall update trainings regularly to reflect:
- 1175 (a) changes in building codes and standards;
- 1176 (b) new construction technologies and methods;
- 1177 (c) lessons learned from project audits and reviews; and
- 1178 (d) best practices from other jurisdictions.
- 1179 (6) The division may:
- 1180 (a) charge reasonable fees for specialized training programs; and
- 1181 (b) in accordance with Subsection (3)(b), contract with qualified entities to provide
- 1182 training services.
- 1183 Section 18. Section **63A-5b-1212** is enacted to read:

1184 **63A-5b-1212 . School construction liaison -- Coordination with state board.**

- 1185 (1) The state board shall designate a school construction liaison who:
- 1186 (a) serves as the primary contact between the state board and the division on school
- 1187 construction matters;
- 1188 (b) coordinates on educational programming requirements that may affect construction
- 1189 standards;
- 1190 (c) participates in administrative rule development and review processes;
- 1191 (d) provides input on educational facility needs and trends;
- 1192 (e) assists with training programs for LEA officials; and
- 1193 (f) facilitates resolution of construction-related issues affecting educational programs.
- 1194 (2) The school construction liaison shall:
- 1195 (a) be an employee of the state board;
- 1196 (b) have expertise in school construction, educational facilities, or related fields;
- 1197 (c) participate in relevant division meetings and committees;
- 1198 (d) maintain regular communication with division staff; and
- 1199 (e) report to the state board on construction oversight activities and issues.
- 1200 (3) The division and state board shall establish a memorandum of understanding that:
- 1201 (a) defines roles and responsibilities for school construction oversight;
- 1202 (b) establishes communication protocols and meeting schedules;
- 1203 (c) addresses coordination on policy development and implementation;
- 1204 (d) provides for information sharing and joint training activities; and
- 1205 (e) includes dispute resolution procedures.

1206 Section 19. Section **63A-5b-1213** is enacted to read:

1207 **63A-5b-1213 . Division-managed construction services.**

- 1208 (1) The division may provide comprehensive construction management services to an LEA,
- 1209 including:
- 1210 (a) project procurement and contractor selection;
- 1211 (b) construction oversight and inspection coordination;
- 1212 (c) cost management and change order approval;
- 1213 (d) compliance verification and quality assurance;
- 1214 (e) project scheduling and milestone management; and
- 1215 (f) architect and design professional services when required under Section 63A-5b-1204
- 1216 or requested by an LEA.
- 1217 (2) An LEA may request division construction management services for:

- 1218 (a) any project exceeding \$3,500,000 in total cost;
1219 (b) complex projects requiring specialized expertise; or
1220 (c) projects where the LEA lacks sufficient internal capacity.
- 1221 (3) The division shall provide construction management services when:
1222 (a) requested by an LEA and capacity allows; or
1223 (b) an LEA has demonstrated repeated compliance failures.
- 1224 (4)(a) The division shall establish a cost structure for managed services where:
1225 (i) the LEA reimburses the division for all direct project costs;
1226 (ii) administrative fees do not exceed:
1227 (A) 3% of total project cost; and
1228 (B) for projects under \$3,500,000, the actual cost of providing management
1229 services in relation to the specific project; and
1230 (iii) fee schedules are published annually in division rules.
- 1231 (b) The division shall ensure:
1232 (i) the administrative fee structure for division-managed projects includes the
1233 construction oversight fee required by Section 63A-5b-1214; and
1234 (ii) an LEA may not pay duplicative fees.
- 1235 (c) The division shall provide an LEA with a detailed fee breakdown showing:
1236 (i) additional direct project management costs; and
1237 (ii) the total administrative fee percentage.
- 1238 (5) The division shall ensure that for division-managed projects:
1239 (a) the division assumes full responsibility for code compliance;
1240 (b) all procurement follows state procurement rules;
1241 (c) the LEA retains authority over educational program requirements; and
1242 (d) regular progress and financial reports are provided to the LEA governing board as
1243 defined in Section 53E-1-102.
- 1244 (6) An LEA may appeal the division's determination to require division-managed
1245 construction services to the appeals panel established under Section 63A-5b-1221.
- 1246 Section 20. Section **63A-5b-1214** is enacted to read:
1247 **63A-5b-1214 . Construction oversight fee.**
- 1248 (1) Except for an LEA that has hired a division approved project manager to provide
1249 services as described in this section, for all public school construction projects, an LEA
1250 shall pay the division a construction oversight, building official, plan review, and
1251 administration fee in accordance with a fee schedule established by division rule under

- 1252 Section 63A-5b-1217 and approved by the rate committee created in Section 63A-1-114.
- 1253 (2) The construction oversight fee:
- 1254 (a) applies to all projects subject to this part, regardless of whether the division is
- 1255 providing direct construction management services;
- 1256 (b) shall be established by division rule under Section 63A-5b-1217 to recover the
- 1257 reasonable costs of oversight activities and may be reduced or waived for LEAs with
- 1258 delegated oversight authority; and
- 1259 (c) may be included in the LEA's bond authorization or other funding mechanism.
- 1260 (3) The construction oversight fee assessed to an LEA shall fund the division's activities,
- 1261 including:
- 1262 (a) plan review and permitting;
- 1263 (b) inspection roster maintenance and oversight;
- 1264 (c) cost database development and maintenance;
- 1265 (d) training and technical assistance programs;
- 1266 (e) compliance monitoring and enforcement;
- 1267 (f) online document management system operation;
- 1268 (g) standardized design template development; and
- 1269 (h) other oversight activities required by this part.
- 1270 (4) For projects where the division provides direct construction management services under
- 1271 Section 63A-5b-1213:
- 1272 (a) the LEA shall not pay duplicative fees; and
- 1273 (b) the division shall clearly delineate the fee structure for oversight activities.
- 1274 (5) The division shall:
- 1275 (a) deposit all construction oversight fees into the restricted account established in
- 1276 Section 63A-5b-1219;
- 1277 (b) use fee revenue exclusively for public school construction oversight activities;
- 1278 (c) report annually to the Legislature on fee revenue and expenditures; and
- 1279 (d) adjust the fee rate only through legislative action.
- 1280 (6) An LEA may appeal fee assessments or payment schedule requirements under this
- 1281 section to the appeals panel established under Section 63A-5b-1221.
- 1282 Section 21. Section **63A-5b-1215** is enacted to read:
- 1283 **63A-5b-1215 . Enforcement and penalties.**
- 1284 (1) If an LEA fails to comply with requirements established under this part, the division
- 1285 may:

- 1286 (a) issue written warnings and compliance orders;
1287 (b) suspend or revoke construction permits;
1288 (c) require additional inspections at the LEA's expense;
1289 (d) impose administrative penalties as provided in rule; and
1290 (e) refer matters to appropriate authorities for further action.
- 1291 (2) The division may not assess administrative penalties that exceed:
1292 (a) \$1,000 for minor violations;
1293 (b) \$5,000 for significant violations; and
1294 (c) \$25,000 for violations that pose safety risks or involve willful noncompliance.
- 1295 (3) Before imposing penalties, the division shall:
1296 (a) provide written notice of alleged violations;
1297 (b) allow reasonable time for correction;
1298 (c) provide opportunity for a hearing; and
1299 (d) consider the LEA's compliance history and efforts to remedy violations.
- 1300 (4) Penalty funds collected shall be deposited into the account established in Section
1301 63A-5b-1219.
- 1302 (5) An LEA may appeal enforcement actions, penalties, or other division decisions under
1303 this section to the appeals panel established under Section 63A-5b-1221.
- 1304 (6) The division shall conduct mandatory compliance audits of:
1305 (a) 10% of all projects annually, selected randomly;
1306 (b) any project exceeding cost benchmarks by more than 20%;
1307 (c) any LEA with previous compliance violations; and
1308 (d) any project with reported safety concerns.
- 1309 (7) For serious violations involving life safety, the division may:
1310 (a) require immediate work stoppage until corrections are made;
1311 (b) mandate third-party oversight at an LEA's expense;
1312 (c) require remedial training for LEA officials; and
1313 (d) refer matters to the applicable professional licensing board.
- 1314 Section 22. Section **63A-5b-1216** is enacted to read:
1315 **63A-5b-1216 . Qualified contractor pre-qualification registry.**
- 1316 (1) The division shall establish and maintain a pre-qualification registry of contractors and
1317 vendors eligible to bid on public school construction projects as an original contractor,
1318 as that term is defined in Section 38-1a-102, that:
1319 (a) establishes minimum qualification standards based on experience, financial capacity,

- 1320 and performance history;
- 1321 (b) standardizes contractor evaluation criteria across all LEAs;
- 1322 (c) provides performance ratings based on completed projects;
- 1323 (d) enables volume purchasing agreements for common materials and services; and
- 1324 (e) facilitates cost comparison across contractors and regions.
- 1325 (2) To be eligible to bid on public school construction exceeding \$500,000, a contractor
- 1326 shall:
- 1327 (a) register with the division's contractor registry;
- 1328 (b) meet minimum qualifications established by division rule;
- 1329 (c) maintain current insurance and licensing requirements;
- 1330 (d) submit to performance evaluations on completed projects; and
- 1331 (e) participate in division-sponsored training programs.
- 1332 (3) The contractor registry:
- 1333 (a) creates a pool of pre-qualified contractors from which LEAs select through
- 1334 competitive procurement under Title 63G, Chapter 6a, Utah Procurement Code;
- 1335 (b) does not replace or eliminate competitive bidding requirements;
- 1336 (c) does not give the division authority to select contractors for specific LEA projects;
- 1337 and
- 1338 (d) requires LEAs to use standard procurement processes when selecting from registry
- 1339 contractors as provided in Section 63A-5b-1203.
- 1340 (4) The division may establish preferred contractor programs that:
- 1341 (a) reward consistent performance with streamlined bidding processes;
- 1342 (b) provide volume discounts for an LEA using registry contractors;
- 1343 (c) ensure geographic coverage in rural and urban areas; and
- 1344 (d) maintain competitive pricing through transparent cost comparisons.
- 1345 (5) An LEA or contractor may appeal registry determinations, including denial of
- 1346 registration or removal from the registry, to the appeals panel established under Section
- 1347 63A-5b-1221.
- 1348 (6) The division shall develop and maintain a directory of specialized trade contractors for
- 1349 specific services that:
- 1350 (a) includes qualified contractors for specialized trades including:
- 1351 (i) plumbing contractors;
- 1352 (ii) heating, ventilation, and air conditioning contractors;
- 1353 (iii) electrical contractors;

- 1354 (iv) roofing contractors;
 1355 (v) fire protection system contractors; and
 1356 (vi) other specialized trades as the division determines;
 1357 (b) is organized by trade specialty and geographic region;
 1358 (c) includes contractor contact information and areas of expertise;
 1359 (d) is updated at least annually;
 1360 (e) is accessible through the division's website for LEA use; and
 1361 (f) serves as a resource for LEAs seeking contractors for maintenance, repair, or
 1362 specialized construction services.

1363 Section 23. Section **63A-5b-1217** is enacted to read:

1364 **63A-5b-1217 . Delegated oversight authority for qualified LEAs.**

- 1365 (1) Notwithstanding any other provision of this part, the division may delegate oversight
 1366 authority for school facility planning, design review, and construction plan approval to
 1367 an LEA that has demonstrated internal capacity in construction management,
 1368 procurement, and project delivery.
 1369 (2) An LEA seeking delegated oversight authority shall submit documentation of
 1370 qualifications, internal controls, and project management capacity to the division in a
 1371 form and manner defined by rule.
 1372 (3)(a) An LEA granted delegated oversight authority remains subject to all applicable
 1373 reporting, audit, and compliance reviews by the division.
 1374 (b) The division may revoke delegated authority upon a finding of material
 1375 non-compliance or substantial risk to health, safety, or fiscal integrity.
 1376 (4) If the division grants delegated oversight authority to an LEA under this section, the
 1377 division shall adjust, reduce, or waive any oversight fee assessed under this part to
 1378 reflect the scope and level of oversight actually performed by the division.
 1379 (5) The division shall establish by rule a schedule for oversight fees that is proportional to
 1380 the oversight services provided, including reduced or zero fees where oversight is
 1381 primarily satisfied through audits, reporting, or delegated authority.

1382 Section 24. Section **63A-5b-1218** is enacted to read:

1383 **63A-5b-1218 . Construction permitting authority.**

- 1384 (1) The division shall have exclusive authority to issue permits for public school
 1385 construction projects.
 1386 (2) In accordance with Sections 10-9a-305 and 17-27a-305, counties and municipalities
 1387 may not require separate permits for public school construction but may:

- 1388 (a) receive notification of projects from the State Board of Education or the division;
 1389 (b) through a process the division facilitates, provide input during the division's review
 1390 process; and
 1391 (c) in accordance with this part, coordinate on infrastructure connections and traffic
 1392 impacts.
 1393 (3) The division's permit supersedes any local permitting requirement for public school
 1394 construction.
 1395 (4) Notwithstanding the division's exclusive permitting authority, the division may not
 1396 override local zoning ordinances or land use regulations except as specifically
 1397 authorized by statute.
 1398 (5) An LEA may appeal permitting decisions under this section to the appeals panel
 1399 established under Section 63A-5b-1221.

1400 Section 25. Section **63A-5b-1219** is enacted to read:

1401 **63A-5b-1219 . Public School Construction Oversight Restricted Account.**

- 1402 (1)(a) There is created within the General Fund a restricted account known as the
 1403 "Public School Construction Oversight Restricted Account."
 1404 (b) The account shall be funded by:
 1405 (i) construction oversight fees collected under Section 63A-5b-1214;
 1406 (ii) administrative fees collected for division-managed construction services under
 1407 Section 63A-5b-1213; and
 1408 (iii) any penalties collected under Section 63A-5b-1215.
 1409 (c) Money in the account:
 1410 (i) shall be used exclusively for public school construction oversight activities
 1411 described in this part;
 1412 (ii) may not be used for other division operations unrelated to public school
 1413 construction oversight;
 1414 (iii) does not lapse at the end of a fiscal year; and
 1415 (iv) shall earn interest, which shall be deposited into the account.
 1416 (2) The Legislature may appropriate money from the account to the division for
 1417 implementation of this part, including:
 1418 (a) plan review and permitting activities;
 1419 (b) inspection roster maintenance and oversight;
 1420 (c) cost database development and maintenance;
 1421 (d) training and technical assistance programs;

- 1422 (e) compliance monitoring and enforcement;
1423 (f) online document management system operation;
1424 (g) standardized design template development;
1425 (h) staffing costs directly related to public school construction oversight;
1426 (i) contracted services necessary for oversight activities; and
1427 (j) other oversight activities this part requires.
- 1428 (3) The division shall:
- 1429 (a) maintain separate accounting for revenue and expenditures from the account;
1430 (b) upon request, report to the Legislature on:
- 1431 (i) total fee revenue collected;
1432 (ii) account balance;
1433 (iii) expenditures by category; and
1434 (iv) projected future revenue and expenses; and
- 1435 (c) ensure that fee rates are sufficient to fund oversight activities without requiring
1436 additional appropriations.
- 1437 Section 26. Section **63A-5b-1220** is enacted to read:
- 1438 **63A-5b-1220 . Qualified inspector and plan reviewer roster.**
- 1439 (1) The division shall establish and maintain a unified roster of qualified inspectors and
1440 plan reviewers for public school construction.
- 1441 (2) To be included on the roster, an inspector or plan reviewer shall:
- 1442 (a) meet International Code Council certification requirements for discipline, including:
- 1443 (i) for plan reviewers:
- 1444 (A) International Code Council commercial building plans examination (B3); or
1445 (B) structural peer review certification for educational facilities; or
- 1446 (ii) for inspectors, International Code Council certification appropriate for inspection
1447 discipline;
- 1448 (b) be licensed by the state as a building inspector or professional engineer as applicable;
1449 (c) complete division-approved training on school construction requirements; and
1450 (d) maintain current certifications and continuing education.
- 1451 (3) An LEA may only use inspectors and plan reviewers from the division's approved
1452 roster.
- 1453 (4) An inspector, plan reviewer, or building code official meeting the requirements of
1454 Subsection (2) may be an employee of the LEA and included on the division roster.
- 1455 (5) The division may remove individuals from the approved roster for:

- 1456 (a) failure to maintain required certifications;
1457 (b) documented compliance failures; or
1458 (c) failure to complete required training updates.
- 1459 (6) The division shall:
- 1460 (a) publish the roster on the division's website;
1461 (b) update the roster quarterly; and
1462 (c) provide geographic distribution information to assist LEAs in selecting qualified
1463 professionals.
- 1464 Section 27. Section **63A-5b-1221** is enacted to read:
- 1465 **63A-5b-1221 . Appeals panel -- Composition -- Procedures.**
- 1466 (1) There is created an appeals panel to resolve disputes between an LEA and the division
1467 regarding decisions made under this part.
- 1468 (2) The appeals panel shall consist of three members:
- 1469 (a) the executive director of the Department of Government Operations, or the executive
1470 director's designee, who shall serve as the panel chair;
1471 (b) the school construction liaison designated under Section 63A-5b-1212; and
1472 (c) a third member with relevant expertise selected jointly by the members described in
1473 Subsections (2)(a) and (b).
- 1474 (3) The third panel member described in Subsection (2)(c):
- 1475 (a) shall be selected based on expertise relevant to the specific matter under appeal,
1476 which may include:
- 1477 (i) construction management;
1478 (ii) architectural or engineering services;
1479 (iii) building code compliance;
1480 (iv) cost estimation and project budgeting;
1481 (v) procurement and contracting; or
1482 (vi) educational facility planning;
- 1483 (b) may not be an employee of the LEA filing the appeal or of the division;
1484 (c) may not have a financial interest in the outcome of the appeal; and
1485 (d) shall be selected within 10 business days of the appeal being filed.
- 1486 (4) An LEA may appeal the following division decisions to the appeals panel:
- 1487 (a) denial or conditional approval of construction permits under Section 63A-5b-1218;
1488 (b) denial of alternative delivery method requests under Section 63A-5b-1203;
1489 (c) cost matrix determinations under Subsection 63A-5b-1205(6);

- 1490 (d) architect and design professional fee determinations under Section 63A-5b-1204;
1491 (e) enforcement actions and penalties under Section 63A-5b-1215;
1492 (f) requirements for division-managed construction services under Subsection
1493 63A-5b-1213(3);
1494 (g) contractor registry determinations under Section 63A-5b-1216;
1495 (h) denial of standardized design prototype modifications under Subsection
1496 63A-5b-1204(7);
1497 (i) plan review determinations under Section 63A-5b-1205;
1498 (j) inspection and occupancy certificate determinations under Section 63A-5b-1208; and
1499 (k) any other division decision that substantively affects an LEA's ability to complete a
1500 construction project in compliance with this part.
- 1501 (5) To file an appeal, an LEA shall:
- 1502 (a) submit a written notice of appeal to the division and the executive director of the
1503 Department of Government Operations within 30 days of receiving the division's
1504 written decision; and
- 1505 (b) include in the notice:
- 1506 (i) a description of the division's decision being appealed;
1507 (ii) the specific grounds for the appeal;
1508 (iii) all relevant documentation supporting the LEA's position;
1509 (iv) the relief requested; and
1510 (v) whether the LEA requests an expedited review due to project timeline constraints.
- 1511 (6) Upon receiving a notice of appeal:
- 1512 (a) the division shall provide the division's written response within 15 business days,
1513 including:
- 1514 (i) the basis for the challenged decision;
1515 (ii) all documentation supporting the division's position; and
1516 (iii) any proposed resolution;
- 1517 (b) the appeals panel shall convene within 30 days of receiving the division's response,
1518 or within 15 days if expedited review is requested and granted;
- 1519 (c) the panel shall provide both parties opportunity to present evidence and argument;
1520 and
- 1521 (d) the panel may request additional information from either party or from independent
1522 experts.
- 1523 (7) The appeals panel shall:

- 1524 (a) conduct proceedings in accordance with Title 63G, Chapter 4, Administrative
1525 Procedures Act, to the extent applicable;
- 1526 (b) issue a written decision within:
- 1527 (i) 45 days of the initial appeal filing for standard reviews; or
1528 (ii) 20 days of the initial appeal filing for expedited reviews;
- 1529 (c) include in the written decision:
- 1530 (i) findings of fact;
1531 (ii) conclusions regarding compliance with applicable statutes and rules;
1532 (iii) the rationale for the decision; and
1533 (iv) any conditions or requirements for implementation;
- 1534 (d) provide the decision to the LEA, the division, and the state board; and
1535 (e) publish anonymized summaries of decisions to provide guidance for future cases.
- 1536 (8) The appeals panel may:
- 1537 (a) affirm the division's decision;
1538 (b) reverse the division's decision and direct specific action;
1539 (c) modify the division's decision with conditions;
1540 (d) remand the matter to the division for further consideration with specific direction; or
1541 (e) extend timelines for good cause shown by either party.
- 1542 (9) The appeals panel's decision:
- 1543 (a) is final and binding on both the LEA and the division;
1544 (b) may only be challenged through judicial review under Section 63G-4-401; and
1545 (c) does not prevent either party from seeking emergency relief through the courts if
1546 immediate and irreparable harm would result from delay.
- 1547 (10) During the pendency of an appeal:
- 1548 (a) the division may not take additional enforcement action related to the subject of the
1549 appeal unless necessary to address imminent safety concerns;
- 1550 (b) construction timelines and permit expiration dates shall be tolled;
1551 (c) the LEA may proceed with construction if the division grants a stay pending appeal;
1552 and
- 1553 (d) the panel may issue interim orders to preserve the status quo or prevent irreparable
1554 harm.
- 1555 (11) For appeals involving highly technical or specialized issues:
- 1556 (a) the panel may retain independent experts to provide technical analysis;
1557 (b) costs of expert review shall be shared equally by the LEA and the division unless the

1558 panel determines otherwise based on the outcome; and
1559 (c) expert reports shall be provided to both parties for review and response before the
1560 panel issues the panel's decision.

1561 Section 28. Section **63A-5b-1222** is enacted to read:

1562 **63A-5b-1222 . Implementation and transition.**

1563 (1) Before January 1, 2027, the division shall:

1564 (a) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
1565 adopt comprehensive rules implementing this part;

1566 (b) establish the online document management system described in Section 63A-5b-1207;

1567 (c) develop standardized forms and procedures;

1568 (d) create training programs for LEA officials; and

1569 (e) coordinate with the State Board of Education to:

1570 (i) repeal or substantially revise State Board of Education administrative rules related
1571 to school construction; and

1572 (ii) ensure that remaining State Board of Education rules defer to division authority
1573 established under this part.

1574 (2) All projects beginning construction after January 1, 2027, shall comply fully with this
1575 part.

1576 (3) The division shall conduct remedial audits of projects completed in 2024, 2025, and
1577 2026 to identify systemic issues requiring immediate attention.

1578 Section 29. Section **63G-6a-1302** is amended to read:

1579 **63G-6a-1302 . Alternative methods of construction contracting management.**

1580 (1) A rulemaking authority shall, by rule provide as many alternative methods of
1581 construction contracting management as determined to be feasible.

1582 (2) The rules described in Subsection (1) shall:

1583 (a) grant to the procurement official responsible for carrying out the construction project
1584 the discretion to select the appropriate method of construction contracting
1585 management for a particular project; and

1586 (b) require the procurement official to execute and include in the contract file a written
1587 statement describing the facts that led to the selection of a particular method of
1588 construction contracting management for each project.

1589 (3) Before choosing a construction contracting management method, the procurement
1590 official responsible for carrying out the construction project shall consider the following
1591 factors:

- 1592 (a) when the project must be ready to be occupied;
- 1593 (b) the type of project;
- 1594 (c) the extent to which the requirements of the procurement unit, and the way they are to
- 1595 be met are known;
- 1596 (d) the location of the project;
- 1597 (e) the size, scope, complexity, and economics of the project;
- 1598 (f) the source of funding and any resulting constraints necessitated by the funding source;
- 1599 (g) the availability, qualification, and experience of public personnel to be assigned to
- 1600 the project and the amount of time that the public personnel can devote to the project;
- 1601 and
- 1602 (h) the availability, qualifications, and experience of outside consultants and contractors
- 1603 to complete the project under the various methods being considered.
- 1604 (4) A rulemaking authority may make rules that authorize the use of a construction
- 1605 manager/general contractor as one method of construction contracting management.
- 1606 (5) The rules described in Subsection (2) shall require that:
- 1607 (a) the construction manager/general contractor be selected using:
- 1608 (i) a standard procurement process; or
- 1609 (ii) an exception to the requirement to use a standard procurement process, described
- 1610 in Part 8, Exceptions to Procurement Requirements; and
- 1611 (b) when entering into a subcontract that was not specifically included in the
- 1612 construction manager/general contractor's cost proposal, the construction
- 1613 manager/general contractor shall procure the subcontractor by using a standard
- 1614 procurement process, or an exception to the requirement to use a standard
- 1615 procurement process, described in Part 8, Exceptions to Procurement Requirements,
- 1616 in the same manner as if the subcontract work was procured directly by the
- 1617 procurement unit.
- 1618 (6) Procurement rules adopted by the facilities division under Subsections (1) through (3)
- 1619 for state building construction projects and school construction projects described in
- 1620 Title 63A, Chapter 5b, Part 12, Public School Construction Oversight, may authorize the
- 1621 use of a design-build provider as one method of construction contracting management.
- 1622 (7) A design-build contract may include a provision for obtaining the site for the
- 1623 construction project.
- 1624 (8) A design-build contract or a construction manager/general contractor contract may
- 1625 include provision by the contractor of operations, maintenance, or financing.

1626 Section 30. **Repealer.**
1627 This bill repeals:
1628 Section **53E-3-705, School plant capital outlay report.**
1629 Section **53E-3-706, Enforcement of part by state superintendent -- Employment of**
1630 **personnel -- School districts and charter schools -- Certificate of inspection verification.**
1631 Section **53E-3-707, School building construction and inspection manual -- Annual**
1632 **construction and inspection conference -- Verification of school construction inspections.**
1633 Section **53E-3-708, Licensed architect to prepare plans.**
1634 Section **53E-3-709, Power of state board regarding expected federal aid to build schools.**
1635 Section **53E-3-710, Notification to affected entities of intent to acquire school site or**
1636 **construction of school building -- Local government -- Negotiation of fees -- Confidentiality.**
1637 Section **53E-3-711, Required contract terms.**
1638 Section 31. **Effective Date.**
1639 This bill takes effect on July 1, 2026.