

Chris H. Wilson proposes the following substitute bill:

1 **School Construction Amendments**

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Chris H. Wilson

House Sponsor: Thomas W. Peterson

2 **LONG TITLE**

3 **General Description:**

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

6 **Highlighted Provisions:**

7 This bill:

8 ▶ establishes permitting and inspection authority for the division regarding public school
9 construction projects;

10 ▶ repeals and reenacts sections related to state board coordination with the division;

11 ▶ establishes educational facility planning requirements for a school district including
12 notification requirements;

13 ▶ establishes public school construction oversight under the division;

14 ▶ establishes division authority to adopt comprehensive construction rules covering square
15 footage, safety, costs, and building standards;

16 ▶ requires consultation with the state security chief on mandatory safety and security
17 standards;

18 ▶ creates architect and design professional cost oversight with benchmarks and review
19 requirements;

20 ▶ establishes plan review and approval authority for the division before construction can
21 begin;

22 ▶ sets mandatory technical compliance requirements including fire safety, accessibility, and
23 energy codes;

24 ▶ creates an online document management system for construction documentation and
25 compliance tracking;

26 ▶ establishes inspection verification and monitoring procedures with qualified inspector
27 requirements;

- 29 ▸ implements standardized cost reporting systems with detailed requirements and cost
30 database development;
- 31 ▸ requires a school district to obtain division approval that projects fit within established
32 cost 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 a school district to submit historical project information and documentation to
47 the 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 charter
160 school shall coordinate the siting of a new school with the municipality in which the
161 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 shall use only 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 who meets all of the following requirements:
181 (A) is on the Division of Facilities Construction and Management's approved
182 roster under Section 63A-5b-1220;
183 (B) is not an employee of the contractor;
184 (C) is licensed to perform the inspection requested; and
185 (D) maintains current certifications as required by Division of Facilities
186 Construction and Management's rule.

187 [(6)(a) Notwithstanding Subsection (3)(d), a school district or charter school shall use:]

- 188 [(i) a municipal building inspector;]
189 [(ii)(A) for a school district, a school district building inspector from that school
190 district; or]
191 [(B) for a charter school, a school district building inspector from the school
192 district in which the charter school is located; or]
193 [(iii) an independent, certified building inspector who is not an employee of the
194 contractor, licensed to perform the inspection that the inspector is requested to
195 perform, and approved by a municipal building inspector or;]
196 [(A) for a school district, a school district building inspector from that school
197 district; or]
198 [(B) for a charter school, a school district building inspector from the school

district in which the charter school is located.]

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

[e] If a school district or charter school uses a school district or independent building inspector under Subsection (6)(a)(ii) or (iii), the school district or charter school shall submit to the state superintendent of public instruction and municipal building official, on a monthly basis during construction of the school building, a copy of each inspection certificate regarding the school building.]

(7)(a) A charter school, home-based microschool, or micro-education entity shall be considered a permitted use in all zoning districts within a municipality.

(b) Each land use application for any approval required for a charter school, home-based microschool, or micro-education entity, including an application for a building permit, shall be processed on a first priority basis.

(c) Parking requirements for a charter school or a micro-education entity may not exceed the minimum parking requirements for schools or other institutional public uses throughout the municipality.

(d) If a municipality has designated zones for a sexually oriented business, or a business which sells alcohol, a charter school or a micro-education entity may be prohibited from a location which would otherwise defeat the purpose for the zone unless the charter school or micro-education entity provides a waiver.

(e)(i) A certificate authorizing permanent occupancy issued by the Division of Facilities Construction and Management under Section 63A-5b-1208 shall be the exclusive certificate required, and the municipality shall accept the Division of Facilities Construction and Management's certificate as satisfying all local occupancy requirements.

(ii) A micro-education entity is not subject to the requirements of Title 63A, Chapter 5b, Part 12, Public School Construction Oversight, and shall comply with local building codes and permitting requirements through municipal or county building officials.

[e)(i) A school district, charter school, or micro-education entity may seek a certificate authorizing permanent occupancy of a school building from:]

[A] the state superintendent of public instruction, as provided in Subsection 53E-3-706(3), if the school district or charter school used an independent building inspector for inspection of the school building; or

(B) a municipal official with authority to issue the certificate, if the school

[district, charter school, or micro-education entity used a municipal building inspector for inspection of the school building.]

[(ii) A school district may issue its own certificate authorizing permanent occupancy of a school building if it used its own building inspector for inspection of the school building, subject to the notification requirement of Subsection 53E-3-706(3)(a).]

[iii) A charter school or micro-education entity may seek a certificate authorizing permanent occupancy of a school building from a school district official with authority to issue the certificate, if the charter school or micro-education entity used a school district building inspector for inspection of the school building.]

[iv) A certificate authorizing permanent occupancy issued by the state superintendent of public instruction under Subsection 53E-3-706(3) or a school district official with authority to issue the certificate shall be considered to satisfy any municipal requirement for an inspection or a certificate of occupancy.]

(f)(i) A micro-education entity may operate in a facility that meets Group E Occupancy requirements as defined by the International Building Code, as incorporated by Section 15A-2-103.

(ii) A micro-education entity operating in a facility described in Subsection (7)(f)(i) may have up to 100 students in the facility.

(g) A micro-education entity may operate in a facility that is subject to and complies with the same occupancy requirements as a Class A-1, A-3, B, or M Occupancy as

defined by the International Building Code, as incorporated by Section 15A-2-103, if:

- (i) the facility has a code compliant fire alarm system and carbon monoxide detection system;

(ii)(A) each classroom in the facility has an exit directly to the outside at the level of exit or discharge; or

(B) the structure has a code compliant fire sprinkler system; and

(iii) the facility has an automatic fire sprinkler system in fire areas of the facility that are greater than 12,000 square feet.

(h)(i) A home-based microschool is not subject to additional occupancy requirements beyond occupancy requirements that apply to a primary

(ii) If a floor that is below grade in a home-based microschool is used for home-based microschool purposes, the below grade floor of the home-based microschool shall have at least one emergency escape or rescue window that complies with the

267 requirements for emergency escape and rescue windows as defined by the
268 International Residential Code, as incorporated by Section 15A-2-103.

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

- 271 (i) as early as practicable in the development process, but no later than the
272 commencement of construction; and
273 (ii) with sufficient detail to enable the land use authority to assess:
274 (A) the specified public agency's compliance with applicable land use ordinances;
275 (B) the demand for public facilities listed in Subsections 11-36a-102(17)(a), (b),
276 (c), (d), (e), and (g) caused by the development;
277 (C) the amount of any applicable fee described in Sections 10-20-904 and
278 10-20-910;
279 (D) any credit against an impact fee; and
280 (E) the potential for waiving an impact fee.

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

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

- 286 (a) modify or supersede Section 10-20-305; or
287 (b) authorize a municipality to enforce an ordinance in a way, or enact an ordinance, that
288 fails to comply with Title 57, Chapter 21, Utah Fair Housing Act, the federal Fair
289 Housing Amendments Act of 1988, 42 U.S.C. Sec. 3601 et seq., the Americans with
290 Disabilities Act of 1990, 42 U.S.C. Sec. 12102, or any other provision of federal law.

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

- 292 (a) requiring a home-based microschool or micro-education entity to comply with
293 municipal zoning and land use regulations that do not conflict with this section,
294 including:
295 (i) parking;
296 (ii) traffic; and
297 (iii) hours of operation;
298 (b) requiring a home-based microschool or micro-education entity to obtain a business
299 license;
300 (c) enacting municipal ordinances and regulations consistent with this section;

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

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

308 (b) A municipality may not enact any ordinance, policy, or regulation relating to the
309 permitting or inspection of public school buildings.

310 (12) Nothing in this section shall prohibit the required regulation or subsequent inspection
311 by a local health department.

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

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

Exceptions -- School districts, charter schools, home-based microschools, and
micro-education entities -- Submission of development plan and schedule.

- 316 (1)(a) Each county, municipality, school district, charter school, special district, special
317 service district, and political subdivision of the state shall conform to any applicable
318 land use ordinance of any county when installing, constructing, operating, or
319 otherwise using any area, land, or building situated within a mountainous planning
320 district or the unincorporated portion of the county, as applicable.
321 (b) In addition to any other remedies provided by law, when a county's land use
322 ordinance is violated or about to be violated by another political subdivision, that
323 county may institute an injunction, mandamus, abatement, or other appropriate action
324 or proceeding to prevent, enjoin, abate, or remove the improper installation,
325 improvement, or use.

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

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

- 329 (A) subject a charter school to standards within each zone pertaining to setback,
330 height, bulk and massing regulations, off-site parking, curb cut, traffic
331 circulation, and construction staging; and
332 (B) impose regulations upon the location of a project that are necessary to avoid
333 unreasonable risks to health or safety, as provided in Subsection (3)(f).
334 (ii) The standards to which a county may subject a charter school under Subsection

335 (2)(b)(i) shall be objective standards only and may not be subjective.

- 336 (iii) Except as provided in Subsection (7)(d), the only basis upon which a county may
337 deny or withhold approval of a charter school's land use application is the charter
338 school's failure to comply with a standard imposed under Subsection (2)(b)(i).
- 339 (iv) Nothing in Subsection (2)(b)(iii) may be construed to relieve a charter school of
340 an obligation to comply with a requirement of an applicable building or safety
341 code to which it is otherwise obligated to comply.

342 (3) A county may not:

- 343 (a) impose requirements for landscaping, fencing, aesthetic considerations, construction
344 methods or materials[~~, additional building inspections~~], county building codes,
345 building use for educational purposes, or the placement or use of temporary
346 classroom facilities on school property;
- 347 (b) except as otherwise provided in this section, require a school district or charter
348 school to participate in the cost of any roadway or sidewalk, or a study on the impact
349 of a school on a roadway or sidewalk, that is not reasonably necessary for the safety
350 of school children and not located on or contiguous to school property, unless the
351 roadway or sidewalk is required to connect an otherwise isolated school site to an
352 existing roadway;
- 353 (c) require a district or charter school to pay fees not authorized by this section;
- 354 (d) provide for inspection of school construction or assess a fee or other charges for
355 inspection[~~, unless the school district or charter school is unable to provide for~~
356 ~~inspection by an inspector, other than the project architect or contractor, who is~~
357 ~~qualified under criteria established by the state superintendent~~];
- 358 (e) require a school district or charter school to pay any impact fee for an improvement
359 project unless the impact fee is imposed as provided in Title 11, Chapter 36a, Impact
360 Fees Act;
- 361 (f) impose regulations upon the location of an educational facility except as necessary to
362 avoid unreasonable risks to health or safety; or
- 363 (g) for a land use or a structure owned or operated by a school district or charter school
364 that is not an educational facility but is used in support of providing instruction to
365 pupils, impose a regulation that:
- 366 (i) is not imposed on a similar land use or structure in the zone in which the land use
367 or structure is approved; or
- 368 (ii) uses the tax exempt status of the school district or charter school as criteria for

369 prohibiting or regulating the land use or location of the structure.

370 (4) Subject to Section [53E-3-710] 53E-3-703 and in accordance with standards the Division
371 of Facilities Construction and Management establishes in rule, a school district or charter
372 school shall coordinate the siting of a new school with the county in which the school is
373 to be located, to:

- 374 (a) avoid or mitigate existing and potential traffic hazards, including consideration of the
375 impacts between the new school and future highways; and
376 (b) maximize school, student, and site safety.

377 (5) Notwithstanding Subsection (3)(d), a county may, at [its] the county's discretion:

- 378 (a) [provide] request a walk-through of school construction at no cost and at a time
379 convenient to the school district or charter school; and
380 (b) provide recommendations based upon the walk-through[.] to:
381 (i) the school district or charter school; and
382 (ii) the Division of Facilities Construction and Management.

383 (6)(a) The Division of Facilities Construction and Management has the sole authority to
384 approve inspectors for school construction projects under Title 63A, Chapter 5b, Part
385 12, Public School Construction Oversight.

- 386 (b) A school district shall use only inspectors approved by the Division of Facilities
387 Construction and Management as follows:
388 (i) a Division of Facilities Construction and Management inspector;
389 (ii) a county building inspector who is on the Division of Facilities Construction and
390 Management's approved roster under Section 63A-5b-1220; or
391 (iii) a certified building inspector who meets all of the following requirements:
392 (A) is on the Division of Facilities Construction and Management's approved
393 roster under Section 63A-5b-1220;
394 (B) is not an employee of the contractor;
395 (C) is licensed to perform the inspection requested; and
396 (D) maintains current certifications as required by Division of Facilities
397 Construction and Management rule.

398 [(6)(a) Notwithstanding Subsection (3)(d), a school district or charter school shall use:]

- 399 [(i) a county building inspector;]
400 [(ii)(A) for a school district, a school district building inspector from that school
401 district; or]
402 [(B) for a charter school, a school district building inspector from the school]

district in which the charter school is located; or]

[(iii) an independent, certified building inspector who is not an employee of the contractor, licensed to perform the inspection that the inspector is requested to perform, and approved by a county building inspector or:]

[**(A)** for a school district, a school district building inspector from that school district; or]

[B] for a charter school, a school district building inspector from the school district in which the charter school is located.]

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

[e) If a school district or charter school uses a school district or independent building inspector under Subsection (6)(a)(ii) or (iii), the school district or charter school shall submit to the state superintendent of public instruction and county building official, on a monthly basis during construction of the school building, a copy of each inspection certificate regarding the school building.]

(7)(a) A charter school, home-based microschool, or micro-education entity shall be considered a permitted use in all zoning districts within a county.

(b) Each land use application for any approval required for a charter school, home-based microschool, or micro-education entity, including an application for a building permit, shall be processed on a first priority basis.

(c) Parking requirements for a charter school or micro-education entity may not exceed the minimum parking requirements for schools or other institutional public uses throughout the county.

(d) If a county has designated zones for a sexually oriented business, or a business which sells alcohol, a charter school or micro-education entity may be prohibited from a location which would otherwise defeat the purpose for the zone unless the charter school or micro-education entity provides a waiver.

(e)(i) A certificate authorizing permanent occupancy issued by the Division of Facilities Construction and Management under Section 63A-5b-1208 shall be the exclusive certificate required, and a county shall accept the division's certificate as satisfying all local occupancy requirements.

(ii) A micro-education entity is not subject to the requirements of Title 63A, Chapter 5b, Part 12, Public School Construction Oversight, and shall comply with local building codes and permitting requirements through county building officials.

[e][i] A school district, charter school, or micro-education entity may seek a

437 certificate authorizing permanent occupancy of a school building from:]
438 [(A) the state superintendent of public instruction, as provided in Subsection
439 53E-3-706(3), if the school district, charter school, or micro-education entity
440 used an independent building inspector for inspection of the school building; or]
441 [(B) a county official with authority to issue the certificate, if the school district,
442 charter school, or micro-education entity used a county building inspector for
443 inspection of the school building.]

444 [(ii) A school district may issue its own certificate authorizing permanent occupancy
445 of a school building if it used its own building inspector for inspection of the
446 school building, subject to the notification requirement of Subsection
447 53E-3-706(3)(d)(ii).]
448 [(iii) A charter school or micro-education entity may seek a certificate authorizing
449 permanent occupancy of a school building from a school district official with
450 authority to issue the certificate, if the charter school or micro-education entity
451 used a school district building inspector for inspection of the school building.]
452 [(iv) A certificate authorizing permanent occupancy issued by the state
453 superintendent of public instruction under Subsection 53E-3-706(3) or a school
454 district official with authority to issue the certificate shall be considered to satisfy
455 any county requirement for an inspection or a certificate of occupancy.]

456 (f)(i) A micro-education entity may operate a facility that meets Group E Occupancy
457 requirements as defined by the International Building Code, as incorporated by
458 Subsection 15A-2-103(1)(a).
459 (ii) A micro-education entity operating in a facility described in Subsection (7)(f)(i)
460 may have up to 100 students in the facility.
461 (g) A micro-education entity may operate a facility that is subject to and complies with
462 the same occupancy requirements as a Class A-1, A-3, B, or M Occupancy as defined
463 by the International Building Code, as incorporated by Subsection 15A-2-103(1)(a),
464 if:
465 (i) the facility has a code compliant fire alarm system and carbon monoxide detection
466 system;
467 (ii)(A) each classroom in the facility has an exit directly to the outside at the level
468 of exit discharge; or
469 (B) the structure has a code compliant fire sprinkler system; and
470 (iii) the facility has an automatic fire sprinkler system in fire areas of the facility that

471 are greater than 12,000 square feet.

472 (h)(i) A home-based microschool is not subject to additional occupancy requirements
473 beyond occupancy requirements that apply to a primary dwelling.

474 (ii) If a floor that is below grade in a home-based microschool is used for home-based
475 microschool purposes, the below grade floor of the home-based microschool shall
476 have at least one emergency escape or rescue window that complies with the
477 requirements for emergency escape and rescue windows as defined by the
478 International Residential Code, as incorporated in Section 15A-1-210.

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

481 (i) as early as practicable in the development process, but no later than the
482 commencement of construction; and
483 (ii) with sufficient detail to enable the land use authority to assess:
484 (A) the specified public agency's compliance with applicable land use ordinances;
485 (B) the demand for public facilities listed in Subsections 11-36a-102(17)(a), (b),
486 (c), (d), (e), and (g) caused by the development;
487 (C) the amount of any applicable fee described in Section 17-79-804;
488 (D) any credit against an impact fee; and
489 (E) the potential for waiving an impact fee.

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

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

495 (a) modify or supersede Section 17-79-306; or
496 (b) authorize a county to enforce an ordinance in a way, or enact an ordinance, that fails
497 to comply with Title 57, Chapter 21, Utah Fair Housing Act, the federal Fair Housing
498 Amendments Act of 1988, 42 U.S.C. Sec. 3601 et seq., the Americans with
499 Disabilities Act of 1990, 42 U.S.C. Sec. 12102, or any other provision of federal law.

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

501 (a) requiring a home-based microschool or micro-education entity to comply with local
502 zoning and land use regulations that do not conflict with this section, including:
503 (i) parking;
504 (ii) traffic; and

- (iii) hours of operation;
 - (b) requiring a home-based microschool or micro-education entity to obtain a business license;
 - (c) enacting county ordinances and regulations consistent with this section;
 - (d) subjecting a micro-education entity to standards within each zone pertaining to setback, height, bulk and massing regulations, off-site parking, curb cut, traffic circulation, and construction staging; and
 - (e) imposing regulations on the location of a project that are necessary to avoid risks to health or safety.

(11) Notwithstanding any other provision of law, the proximity restrictions that apply to community locations do not apply to a micro-education entity.

(12)(a) Section 63A-5b-1218 governs the requirements for permitting and inspection of public school buildings.

(b) A county may not enact any ordinance, policy, or regulation relating to the permitting or inspection of public school buildings.

(13) Nothing in this section shall prohibit the required regulation or subsequent inspection by a local health department.

Section 3. Section **53E-3-701** is repealed and reenacted to read:

53E-3-701 . General provisions -- Definitions.

As used in this part, "division" means the same as that term is defined in Section 63A-5b-102.

Section 4. Section **53E-3-702** is repealed and reenacted to read:

53E-3-702 . State board coordination with Division of Facilities Construction and Management.

(1) The state board shall coordinate with the division regarding public school construction oversight as described in Title 63A, Chapter 5b, Part 12, Public School Construction Oversight, through the school construction liaison designated under Section 63A-5b-1212.

(2) In providing the coordination described in Subsection (1), the state board may:

(a) provide input on educational programming requirements that affect construction standards;

(b) participate in construction rules development and review;

(c) assist with training programs for school district officials;

(d) coordinate on matters affecting educational programs and construction oversight; and

539 (e) maintain expertise in educational facility planning and design.

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

541 (a) educational program requirements that may affect facility needs;

542 (b) coordination between construction projects and educational planning;

543 (c) policies related to educational use of facilities; and

544 (d) other matters not specifically described in Title 63A, Chapter 5b, Part 12, Public
School Construction Oversight.

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

547 **53E-3-703 . Educational facility planning requirements.**

548 (1) In planning school construction, a school district shall consider:

549 (a) educational program requirements for different grade levels;

550 (b) year-round use requirements;

551 (c) specific needs of various student populations; and

552 (d) coordination between facility design and educational delivery.

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

556 (3) A school district shall ensure all construction contracts include the provisions for
construction contracts as the division determines.

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

559 **53E-3-704 . Procurement, bonding, and contracting requirements.**

560 (1) A school district shall comply with Title 63G, Chapter 6a, Utah Procurement Code, for
all construction contracts.

562 (2) A school district shall require payment and performance bonds as provided in Section
14-1-18 for construction contracts exceeding \$50,000.

564 (3) A school district shall ensure a construction contract includes:

565 (a) contract provisions the division establishes under Subsection 53E-3-703(6);

566 (b) insurance requirements meeting division standards; and

567 (c) dispute resolution procedures.

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

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

570 **63A-5b-1201 . General provisions -- Definitions.**

571 (1) This part does not apply to micro-education entities as defined in Section 53G-6-201.

572 (2) As used in this part:

- 573 (a) "Public school construction" means construction work on a new public school
574 facility or major alteration of an existing public school facility with a total project
575 cost exceeding the delineated thresholds for a capital development project or capital
576 improvement project as defined in Section 63A-5b-401.
- 577 (b) "School construction liaison" means the individual designated under Section
578 63A-5b-1212 to coordinate between the division and the state board regarding public
579 school construction matters.
- 580 (c) "School district" means a local school district established under Title 53G, Chapter 3,
581 School District Creation and Change.
- 582 (d) "State board" means the same as that term is defined in Section 53E-1-102.

583 Section 8. Section **63A-5b-1202** is enacted to read:

584 **63A-5b-1202 . Division authority over public school construction -- Construction**
585 **standards.**

- 586 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
587 division shall make rules establishing comprehensive standards for public school
588 construction that shall include:
- 589 (a) minimum and maximum real property requirements;
590 (b) cost per square foot parameters;
591 (c) building material quality and cost standards;
592 (d) parking and access requirements;
593 (e) standardized cost reporting requirements;
594 (f) mandatory plan review and approval procedures;
595 (g) qualified reviewer certification requirements;
596 (h) a process for permitting of public school construction in accordance with Section
597 63A-5b-1218;
- 598 (i) a process for a school district to report project related issues;
599 (j) other construction related requirements;
600 (k) transition and replacement of existing State Board of Education rules related to
601 school construction;
- 602 (l) facility condition assessment requirements, including:
- 603 (i) frequency of assessments;
604 (ii) qualifications for third-party engineering firms conducting assessments;
605 (iii) standardized assessment methodologies; and
606 (iv) reporting and database requirements;

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

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

675 decisions; and

676 (d) division oversight is intended to ensure standardized cost controls, compliance with
677 safety, efficiency, and accountability standards while preserving appropriate local
678 autonomy.

679 (9) The division may delegate oversight authority to qualified school districts as provided in
680 Section 63A-5b-1217.

681 (10) A school district may appeal division determinations under this section to the appeals
682 panel established under Section 63A-5b-1221.

683 (11) The division shall require:

684 (a) building commissioning for all new construction and major renovations exceeding
685 \$5,000,000, including:

686 (i) commissioning of mechanical, electrical, plumbing, and building envelope
687 systems;
688 (ii) verification of system performance against design intent;
689 (iii) training of facility staff on commissioned systems; and
690 (iv) delivery of comprehensive commissioning documentation;

691 (b) facility condition assessments:

692 (i) every five years for all facilities over 20 years old;
693 (ii) conducted by qualified third-party architectural and engineering firms;
694 (iii) addressing all major building systems and components; and
695 (iv) integrated with the deferred maintenance reporting under Section 63A-5b-1210.

696 Section 9. Section **63A-5b-1203** is enacted to read:

697 **63A-5b-1203 . Construction delivery methods -- Restrictions.**

698 (1) For public school construction exceeding \$3,000,000, a school district shall use one of
699 the following delivery methods authorized under Section 63G-6a-1302:

700 (a) design-bid-build;
701 (b) design-build; or

702 (c) a construction manager general contractor, subject to the restrictions in Subsection (2).

703 (2)(a) A school district may use a construction manager general contractor delivery
704 method if:

705 (i) the school district demonstrates to the division that the project meets appropriate
706 criteria for using a construction manager general contractor under Subsection
707 63G-6a-1302(3);
708 (ii) the school district employs or contracts with qualified construction management

- 709 staff with demonstrated construction manager general contractor experience; and
710 (iii) the school district submits a detailed project management plan approved by the
711 division;
- 712 (b) The division may only deny approval for a construction manager general contractor
713 delivery method if:
714 (i) the school district lacks sufficient expertise to manage the project;
715 (ii) the project does not meet appropriate criteria under Subsection 63G-6a-1302(3);
716 or
717 (iii) other methods of delivery would provide better cost control and project
718 outcomes.
- 719 (3) The division shall:
720 (a) establish clear criteria for when a construction manager general contractor delivery
721 method is appropriate, considering the factors described in Subsection
722 63G-6a-1302(3);
723 (b) provide training to a school district on:
724 (i) proper implementation of each delivery method authorized under Section
725 63G-6a-1302;
726 (ii) cost control measures for each delivery method; and
727 (iii) circumstances when each delivery method is most appropriate; and
728 (c) require additional oversight and reporting for projects using a construction manager
729 or general contractor.
- 730 (4) For projects under \$3,000,000, a school district shall use design-bid-build unless the
731 division approves an alternative delivery method under Section 63G-6a-1302.
- 732 (5) A school district shall comply with all procurement requirements under Title 63G,
733 Chapter 6a, Utah Procurement Code, when using any construction delivery method,
734 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, a school district 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) A school district 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 a school district believes a project requires fees exceeding the division's maximum
763 allowable fees, the school district 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 prototypes developed in collaboration with architects experienced in the design of
783 school 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) A school district 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) A school district 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) A school district may appeal the division's maximum fee determinations or denials of
816 requests 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 a school district 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) A school district may not begin construction until the division has issued a written
838 approval of the construction documents and a permit under Section 63A-5b-1218.

839 (5) Before approving any construction contract exceeding \$1,000,000, a school district 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, a school district 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 school district to bring non-compliant projects into compliance with
869 the cost 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) A school district may appeal the following determinations under this section to the
876 appeals 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 as
893 defined 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) A school district 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 school districts, including
918 proper use 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, a school district 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, a school district 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 school district has submitted all required closeout documentation through the
958 online 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 school district;

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 school district to occupy and use the facility for educational
985 purposes.

986 (b) Municipalities and counties shall accept the division's certificate without requiring
987 additional local certificates of occupancy.

988 (8) If the division determines that a facility does not meet requirements for occupancy, the
989 division shall:

990 (a) deny the occupancy certificate application;
991 (b) provide written explanation of all deficiencies requiring correction;
992 (c) specify a timeline for the school district to address deficiencies; and
993 (d) allow the school district to resubmit for occupancy certification after corrections are
994 made.

995 (9) The school district shall notify the division within 10 days of beginning occupancy of
996 any facility for which the division has issued an occupancy certificate.

997 (10) For temporary or partial occupancy during construction:

998 (a) a school district may request a temporary certificate of occupancy from the division;
999 (b) the division may issue a temporary certificate if:
1000 (i) the portion to be occupied meets all safety and code requirements;
1001 (ii) the school district demonstrates that temporary occupancy will not create safety
1002 hazards;
1003 (iii) appropriate separation exists between occupied and construction areas; and
1004 (iv) the school district provides a timeline for completing remaining work; and
1005 (c) temporary certificates expire upon the earlier of:
1006 (i) issuance of a permanent occupancy certificate; or
1007 (ii) 180 days from issuance, unless extended by the division for good cause.

1008 (11) A school district may appeal the following determinations under this section to the
1009 appeals panel established under Section 63A-5b-1221:

1010 (a) denial of occupancy certificates under Subsection (8);
1011 (b) conditions or limitations imposed on occupancy under Subsection (6)(b)(v);
1012 (c) denial of temporary occupancy certificates under Subsection (10);
1013 (d) requirements for additional inspections under Subsection (4)(b); and
1014 (e) determinations that deficiencies shall be corrected before occupancy.

1015 Section 15. Section **63A-5b-1209** is enacted to read:

1016 **63A-5b-1209 . Historical project documentation and information requests.**

1017 (1) Upon written request from the division, a school district shall provide:

- 1018 (a) documentation and information regarding past construction projects, including
1019 projects completed before the effective date of this part;
- 1020 (b) cost data, construction documents, and project records;
- 1021 (c) contractor and vendor information and performance records;
- 1022 (d) change order documentation and justifications;
- 1023 (e) inspection records and certificates of occupancy;
- 1024 (f) as-built drawings and project closeout documentation;
- 1025 (g) warranty information and maintenance records; and
- 1026 (h) any other project-related information the division determines necessary for:
 - 1027 (i) establishing cost benchmarks and databases;
 - 1028 (ii) analyzing construction cost trends;
 - 1029 (iii) developing standardized design templates;
 - 1030 (iv) creating training programs and best practices; or
 - 1031 (v) other purposes related to public school construction oversight.

1032 (2) A school district shall provide requested information:

- 1033 (a) within 90 days of receiving the division's written request;
- 1034 (b) in the format specified by the division;
- 1035 (c) organized and indexed for efficient review;
- 1036 (d) with complete documentation for each requested project; and
- 1037 (e) at no cost to the division.

1038 (3) If a school district is unable to provide requested information within 30 days due to
1039 volume or complexity, the school district shall:

- 1040 (a) notify the division within 10 days of receiving the request;
- 1041 (b) provide a detailed explanation of the delay;
- 1042 (c) propose a reasonable timeline for providing the information; and
- 1043 (d) provide interim updates on progress.

1044 (4) The division may use the information collected under this section to:

- 1045 (a) populate the construction cost database described in Section 63A-5b-1210;
- 1046 (b) establish baseline cost benchmarks;
- 1047 (c) identify best practices and areas for improvement;
- 1048 (d) develop training materials and resources;

- 1049 (e) create standardized design templates;
1050 (f) conduct research on construction cost drivers; and
1051 (g) provide better technical assistance to a school district.
- 1052 (5) The division shall:
- 1053 (a) maintain the confidentiality of proprietary information submitted by a school district;
1054 (b) use submitted information only for the purposes described in this section;
1055 (c) aggregate data when publishing reports or benchmarks to protect school
1056 district-specific information where appropriate; and
1057 (d) provide a school district with access to aggregated data and analysis.

- 1058 (6) Failure of a school district to provide requested information without good cause may
1059 result in:
- 1060 (a) loss of certain oversight autonomy, including requirement for division-managed
1061 construction services under Section 63A-5b-1213; or
1062 (b) administrative penalties not exceeding \$5,000, subject to appeal under Section
1063 63A-5b-1221.

- 1064 (7) This section applies to:
- 1065 (a) all school districts;
1066 (b) projects completed within the last 5 years, including projects completed before
1067 January 1, 2027; and
1068 (c) both new construction and major renovation projects.

1069 Section 16. Section **63A-5b-1210** is enacted to read:

1070 **63A-5b-1210 . Standardized cost reporting.**

- 1071 (1) The division shall implement a standardized cost reporting system that:
- 1072 (a) requires a school district to report construction costs using consistent categories and
1073 formats;
1074 (b) enables accurate cost comparison between projects and districts;
1075 (c) tracks cost trends and identifies potential cost savings;
1076 (d) provides data for legislative oversight and budget planning; and
1077 (e) contains detailed cost reporting requirements, including:
- 1078 (i) pre-construction cost estimates using the Construction Specifications Institute
1079 MasterFormat categories;
1080 (ii) monthly cost reports during construction with variance explanations;
1081 (iii) change order documentation with justification and approval authority;
1082 (iv) final reconciled costs with cost-per-square-foot analysis;

- 1083 (v) separate reporting of construction, equipment, and soft costs;
1084 (vi) comparison to division cost benchmarks by building type and region;
1085 (vii) supports for audit and compliance activities; and
1086 (viii) annual deferred maintenance reporting including:
1087 (A) identification of all maintenance items deferred during the reporting period;
1088 (B) estimated costs for each deferred maintenance item;
1089 (C) priority ranking based on safety, functionality, and cost implications;
1090 (D) projected timeline for addressing deferred items; and
1091 (E) cumulative deferred maintenance backlog by facility and system type.

- 1092 (2)(a) Notwithstanding the division's tracking of deferred maintenance, the division and
1093 the state assume no liability for any deferred maintenance costs or issues arising from
1094 deferred maintenance.
1095 (b) The school district shall retain all liability for deferred maintenance costs and any
1096 consequences resulting from deferred maintenance decisions.

- 1097 (3) The division shall:
1098 (a) analyze cost data to identify trends and outliers;
1099 (b) provide cost guidance to a school district;
1100 (c) upon request, report to the Legislature on construction cost trends; and
1101 (d) make aggregated cost data available to support planning and budgeting.
1102 (4) The division shall establish and maintain a comprehensive construction cost database
1103 that:
1104 (a) is accessible to the State Board of Education and other relevant stakeholders as the
1105 division determines;
1106 (b) consolidates historical cost data from all school district projects completed after
1107 January 1, 2025;
1108 (c) provides cost benchmarks updated quarterly;
1109 (d) identifies cost outliers and investigates variances exceeding 15%;
1110 (e) generates annual cost trend reports for legislative review;
1111 (f) supports a school district budget planning with predictive cost modeling;
1112 (g) tracks deferred maintenance trends across a school district and facility types;
1113 (h) identifies facilities with excessive deferred maintenance backlogs requiring
1114 intervention; and
1115 (i) provides predictive modeling for long-term maintenance and replacement costs.
1116 (5) Beginning July 1, 2029, a school district shall submit annual deferred maintenance

1117 reports to the division that:

- 1118 (a) identify all maintenance items with estimated costs exceeding \$25,000 that were
1119 deferred during the fiscal year, limited to items described in Subsections
1120 63A-5b-405(2)(c)(i) and (ii);
1121 (b) provide justification for deferral decisions;
1122 (c) include facility condition assessments updated at least every five years;
1123 (d) demonstrate how deferred maintenance decisions align with long-term capital
1124 planning; and
1125 (e) report on progress addressing previously identified deferred maintenance items.

1126 (6) The division shall implement the requirements of this section in phases as follows:

1127 (a) by July 1, 2027:

- 1128 (i) complete initial cost database framework development;
1129 (ii) begin collecting historical cost data under Section 63A-5b-1209; and
1130 (iii) develop standardized reporting formats;

1131 (b) by July 1, 2028:

- 1132 (i) establish preliminary cost benchmarks for elementary and secondary schools;
1133 (ii) implement basic cost comparison tools; and
1134 (iii) provide initial training to school districts on standardized cost reporting;

1135 (c) by July 1, 2029:

- 1136 (i) complete baseline cost benchmarks for all major building types and regions;
1137 (ii) implement automated cost comparison and analysis tools; and
1138 (iii) establish full compliance requirements for deferred maintenance reporting; and

1139 (d) by July 1, 2030:

- 1140 (i) achieve full implementation of all cost database and reporting requirements; and
1141 (ii) provide comprehensive training and technical assistance to all school districts.

1142 (7) Beginning December 1, 2027, the division shall report annually to:

1143 (a) the Education Interim Committee; and

1144 (b) the Transportation and Infrastructure Appropriations Subcommittee.

1145 (8) The annual report shall include:

- 1146 (a) progress on phased implementation under Subsection (6);
1147 (b) status of cost database development and benchmark establishment;
1148 (c) implementation status of automated cost comparison tools;
1149 (d) training provided to school districts on standardized cost reporting;
1150 (e) analysis of construction cost trends and outliers;

- 1151 (f) deferred maintenance trends across a school district and facility types;
- 1152 (g) compliance audit results and enforcement actions taken;
- 1153 (h) construction oversight fee revenue and expenditures; and
- 1154 (i) recommendations for statutory or policy improvements.

1155 Section 17. Section **63A-5b-1211** is enacted to read:

63A-5b-1211 . Training and technical assistance.

- 1157 (1) In collaboration with the school construction liaison described in Section 63A-5b-1212, the division shall develop and maintain a school construction resource manual including:
 - 1159 (a) current legal requirements;
 - 1160 (b) construction and inspection rules;
 - 1161 (c) compliance procedures and documentation standards; and
 - 1162 (d) standardized forms and reporting requirements.
- 1163 (2) The division shall review and update the manual at least every three years or when significant changes in building codes occur.
- 1165 (3)(a) In collaboration with the school construction liaison described in Section 63A-5b-1212, the division shall provide annual training for school district officials covering:
 - 1168 (i) construction oversight responsibilities and procedures;
 - 1169 (ii) building code compliance requirements;
 - 1170 (iii) inspection documentation and verification;
 - 1171 (iv) cost reporting procedures;
 - 1172 (v) use of the online management system described in Section 63A-5b-1207; and
 - 1173 (vi) coordination with local building officials.
- 1174 (b) The division may not use a third-party vendor or provider to fulfill the requirements of Subsection (3)(a).
- 1176 (4) The division shall provide additional training for:
 - 1177 (a) design professionals working on school projects;
 - 1178 (b) third-party plan reviewers and inspectors;
 - 1179 (c) construction managers and general contractors; and
 - 1180 (d) building officials involved in school construction as the division determines.
- 1181 (5) The division shall update trainings regularly to reflect:
 - 1182 (a) changes in building codes and standards;
 - 1183 (b) new construction technologies and methods;
 - 1184 (c) lessons learned from project audits and reviews; and

1185 (d) best practices from other jurisdictions.

1186 (6) The division may:

1187 (a) charge reasonable fees for specialized training programs; and

1188 (b) in accordance with Subsection (3)(b), contract with qualified entities to provide
1189 training services.

1190 Section 18. Section **63A-5b-1212** is enacted to read:

1191 **63A-5b-1212 . School construction liaison -- Coordination with state board.**

1192 (1) The state board shall designate a school construction liaison who:

1193 (a) serves as the primary contact between the state board and the division on school
1194 construction matters;

1195 (b) coordinates on educational programming requirements that may affect construction
1196 standards;

1197 (c) participates in administrative rule development and review processes;

1198 (d) provides input on educational facility needs and trends;

1199 (e) assists with training programs for school district officials; and

1200 (f) facilitates resolution of construction-related issues affecting educational programs.

1201 (2) The school construction liaison shall:

1202 (a) be an employee of the state board;

1203 (b) have expertise in school construction, educational facilities, or related fields;

1204 (c) participate in relevant division meetings and committees;

1205 (d) maintain regular communication with division staff; and

1206 (e) report to the state board on construction oversight activities and issues.

1207 (3) The division and state board shall establish a memorandum of understanding that:

1208 (a) defines roles and responsibilities for school construction oversight;

1209 (b) establishes communication protocols and meeting schedules;

1210 (c) addresses coordination on policy development and implementation;

1211 (d) provides for information sharing and joint training activities; and

1212 (e) includes dispute resolution procedures.

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

1214 **63A-5b-1213 . Division-managed construction services.**

1215 (1) The division may provide comprehensive construction management services to a school
1216 district, including:

1217 (a) project procurement and contractor selection;

1218 (b) construction oversight and inspection coordination;

1219 (c) cost management and change order approval;
1220 (d) compliance verification and quality assurance;
1221 (e) project scheduling and milestone management; and
1222 (f) architect and design professional services when required under Section 63A-5b-1204
1223 or requested by a school district.

1224 (2) A school district may request division construction management services for:

1225 (a) any project exceeding \$3,500,000 in total cost;
1226 (b) complex projects requiring specialized expertise; or
1227 (c) projects where the school district lacks sufficient internal capacity.

1228 (3) The division shall provide construction management services when:

1229 (a) requested by a school district and capacity allows; or
1230 (b) a school district has demonstrated repeated compliance failures.

1231 (4)(a) The division shall establish a cost structure for managed services where:

1232 (i) the school district reimburses the division for all direct project costs;
1233 (ii) administrative fees do not exceed:
1234 (A) 3% of total project cost; and
1235 (B) for projects under \$3,500,000, the actual cost of providing management
1236 services in relation to the specific project;
1237 (iii) fee schedules are published annually in division rules; and
1238 (iv) cost savings achieved through division management may be shared with the
1239 school district.

1240 (b) The division shall ensure:

1241 (i) the administrative fee structure for division-managed projects includes the
1242 construction oversight fee required by Section 63A-5b-1214; and
1243 (ii) a school district may not pay duplicative fees.

1244 (c) The division shall provide a school district with a detailed fee breakdown showing:

1245 (i) additional direct project management costs; and
1246 (ii) the total administrative fee percentage.

1247 (5) The division shall ensure that for division-managed projects:

1248 (a) the division assumes full responsibility for code compliance;
1249 (b) all procurement follows state procurement rules;
1250 (c) the school district retains authority over educational program requirements; and
1251 (d) regular progress and financial reports are provided to the school district governing
1252 board as defined in Section 53E-1-102.

1253 (6) A school district may appeal the division's determination to require division-managed
1254 construction services to the appeals panel established under Section 63A-5b-1221.

1255 Section 20. Section **63A-5b-1214** is enacted to read:

1256 **63A-5b-1214 . Construction oversight fee.**

1257 (1) Except for a school district that has hired a division approved project manager to
1258 provide services as described in this section, for all public school construction projects, a
1259 school district shall pay the division a construction oversight, building official, plan
1260 review, and administration fee in accordance with a fee schedule established by division
1261 rule under Section 63A-5b-1217 and approved by the rate committee created in Section
1262 63A-1-114.

1263 (2) The construction oversight fee:

- 1264 (a) applies to all projects subject to this part, regardless of whether the division is
1265 providing direct construction management services;
- 1266 (b) shall be calculated based on the total project cost including:
- 1267 (i) construction contracts;
1268 (ii) architect and design professional fees;
1269 (iii) furniture, fixtures, and equipment;
1270 (iv) site development and utility connections;
1271 (v) testing and inspection services; and
1272 (vi) other project-related costs;
- 1273 (c) shall be established by division rule under Section 63A-5b-1217 to recover the
1274 reasonable costs of oversight activities and may be reduced or waived for school
1275 districts with delegated oversight authority; and
- 1276 (d) may be included in the school district's bond authorization or other funding
1277 mechanism.

1278 (3) The construction oversight fee assessed to a school district shall fund the division's
1279 activities, including:

- 1280 (a) plan review and permitting;
1281 (b) inspection roster maintenance and oversight;
1282 (c) cost database development and maintenance;
1283 (d) training and technical assistance programs;
1284 (e) compliance monitoring and enforcement;
1285 (f) online document management system operation;
1286 (g) standardized design template development; and

1287 (h) other oversight activities required by this part.

1288 (4) For projects where the division provides direct construction management services under
1289 Section 63A-5b-1213:

1290 (a) the school district shall not pay duplicative fees; and

1291 (b) the division shall clearly delineate the fee structure for oversight activities.

1292 (5) The division shall:

1293 (a) deposit all construction oversight fees into the restricted account established in
1294 Section 63A-5b-1219;

1295 (b) use fee revenue exclusively for public school construction oversight activities;

1296 (c) report annually to the Legislature on fee revenue and expenditures; and

1297 (d) adjust the fee rate only through legislative action.

1298 (6) A school district may appeal fee assessments or payment schedule requirements under
1299 this section to the appeals panel established under Section 63A-5b-1221.

1300 Section 21. Section **63A-5b-1215** is enacted to read:

1301 **63A-5b-1215 . Enforcement and penalties.**

1302 (1) If a school district fails to comply with requirements established under this part, the
1303 division may:

1304 (a) issue written warnings and compliance orders;

1305 (b) suspend or revoke construction permits;

1306 (c) require additional inspections at the school district's expense;

1307 (d) impose administrative penalties as provided in rule; and

1308 (e) refer matters to appropriate authorities for further action.

1309 (2) The division may not assess administrative penalties that exceed:

1310 (a) \$1,000 for minor violations;

1311 (b) \$5,000 for significant violations; and

1312 (c) \$25,000 for violations that pose safety risks or involve willful noncompliance.

1313 (3) Before imposing penalties, the division shall:

1314 (a) provide written notice of alleged violations;

1315 (b) allow reasonable time for correction;

1316 (c) provide opportunity for a hearing; and

1317 (d) consider the school district's compliance history and efforts to remedy violations.

1318 (4) Penalty funds collected shall be deposited into the account established in Section
1319 63A-5b-1219.

1320 (5) A school district may appeal enforcement actions, penalties, or other division decisions

1321 under this section to the appeals panel established under Section 63A-5b-1221.

1322 (6) The division shall conduct mandatory compliance audits of:

1323 (a) 10% of all projects annually, selected randomly;

1324 (b) any project exceeding cost benchmarks by more than 20%;

1325 (c) any school district with previous compliance violations; and

1326 (d) any project with reported safety concerns.

1327 (7) For serious violations involving life safety, the division may:

1328 (a) require immediate work stoppage until corrections are made;

1329 (b) mandate third-party oversight at a school district's expense;

1330 (c) require remedial training for school district officials; and

1331 (d) refer matters to the applicable professional licensing board.

1332 Section 22. Section **63A-5b-1216** is enacted to read:

1333 **63A-5b-1216 . Qualified contractor pre-qualification registry.**

1334 (1) The division shall establish and maintain a pre-qualification registry of contractors and
1335 vendors eligible to bid on public school construction projects as an original contractor,
1336 as that term is defined in Section 38-1a-102, that:

1337 (a) establishes minimum qualification standards based on experience, financial capacity,
1338 and performance history;

1339 (b) standardizes contractor evaluation criteria across all school districts;

1340 (c) provides performance ratings based on completed projects;

1341 (d) enables volume purchasing agreements for common materials and services; and

1342 (e) facilitates cost comparison across contractors and regions.

1343 (2) To be eligible to bid on public school construction exceeding \$500,000, a contractor
1344 shall:

1345 (a) register with the division's contractor registry;

1346 (b) meet minimum qualifications established by division rule;

1347 (c) maintain current insurance and licensing requirements;

1348 (d) submit to performance evaluations on completed projects; and

1349 (e) participate in division-sponsored training programs.

1350 (3) The contractor registry:

1351 (a) creates a pool of pre-qualified contractors from which school districts select through
1352 competitive procurement under Title 63G, Chapter 6a, Utah Procurement Code;

1353 (b) does not replace or eliminate competitive bidding requirements;

1354 (c) does not give the division authority to select contractors for specific school district

1355 projects; and

1356 (d) requires school districts to use standard procurement processes when selecting from
1357 registry contractors as provided in Section 63A-5b-1203.

1358 (4) The division may establish preferred contractor programs that:

1359 (a) reward consistent performance with streamlined bidding processes;
1360 (b) provide volume discounts for a school district using registry contractors;
1361 (c) ensure geographic coverage in rural and urban areas; and
1362 (d) maintain competitive pricing through transparent cost comparisons.

1363 (5) A school district or contractor may appeal registry determinations, including denial of
1364 registration or removal from the registry, to the appeals panel established under Section
1365 63A-5b-1221.

1366 Section 23. Section **63A-5b-1217** is enacted to read:

63A-5b-1217 . Delegated oversight authority for qualified school districts.

1368 (1) Notwithstanding any other provision of this part, the division may delegate oversight
1369 authority for school facility planning, design review, and construction plan approval to a
1370 school district that has demonstrated internal capacity in construction management,
1371 procurement, and project delivery.

1372 (2) A school district seeking delegated oversight authority shall submit documentation of
1373 qualifications, internal controls, and project management capacity to the division in a
1374 form and manner defined by rule.

1375 (3)(a) A school district granted delegated oversight authority remains subject to all
1376 applicable reporting, audit, and compliance reviews by the division.

1377 (b) The division may revoke delegated authority upon a finding of material
1378 non-compliance or substantial risk to health, safety, or fiscal integrity.

1379 (4) If the division grants delegated oversight authority to a school district under this section,
1380 the division shall adjust, reduce, or waive any oversight fee assessed under this part to
1381 reflect the scope and level of oversight actually performed by the division.

1382 (5) The division shall establish by rule a schedule for oversight fees that is proportional to
1383 the oversight services provided, including reduced or zero fees where oversight is
1384 primarily satisfied through audits, reporting, or delegated authority.

1385 Section 24. Section **63A-5b-1218** is enacted to read:

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

1387 (1) The division shall have exclusive authority to issue permits for public school
1388 construction projects.

- 1389 (2) In accordance with Sections 10-9a-305 and 17-27a-305, counties and municipalities
1390 may not require separate permits for public school construction but may:
1391 (a) receive notification of projects from the State Board of Education or the division;
1392 (b) through a process the division facilitates, provide input during the division's review
1393 process; and
1394 (c) in accordance with this part, coordinate on infrastructure connections and traffic
1395 impacts.
- 1396 (3) The division's permit supersedes any local permitting requirement for public school
1397 construction.
- 1398 (4) Notwithstanding the division's exclusive permitting authority, the division may not
1399 override local zoning ordinances or land use regulations except as specifically
1400 authorized by statute.
- 1401 (5) A school district may appeal permitting decisions under this section to the appeals panel
1402 established under Section 63A-5b-1221.

1403 Section 25. Section **63A-5b-1219** is enacted to read:

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

- 1405 (1)(a) There is created within the General Fund a restricted account known as the
1406 "Public School Construction Oversight Restricted Account."
- 1407 (b) The account shall be funded by:
- 1408 (i) construction oversight fees collected under Section 63A-5b-1214;
1409 (ii) administrative fees collected for division-managed construction services under
1410 Section 63A-5b-1213; and
1411 (iii) any penalties collected under Section 63A-5b-1215.
- 1412 (c) Money in the account:
- 1413 (i) shall be used exclusively for public school construction oversight activities
1414 described in this part;
1415 (ii) may not be used for other division operations unrelated to public school
1416 construction oversight;
1417 (iii) does not lapse at the end of a fiscal year; and
1418 (iv) shall earn interest, which shall be deposited into the account.
- 1419 (2) The Legislature may appropriate money from the account to the division for
1420 implementation of this part, including:
- 1421 (a) plan review and permitting activities;
1422 (b) inspection roster maintenance and oversight;

- 1423 (c) cost database development and maintenance;
- 1424 (d) training and technical assistance programs;
- 1425 (e) compliance monitoring and enforcement;
- 1426 (f) online document management system operation;
- 1427 (g) standardized design template development;
- 1428 (h) staffing costs directly related to public school construction oversight;
- 1429 (i) contracted services necessary for oversight activities; and
- 1430 (j) other oversight activities this part requires.

1431 (3) The division shall:

- 1432 (a) maintain separate accounting for revenue and expenditures from the account;
- 1433 (b) upon request, report to the Legislature on:
 - 1434 (i) total fee revenue collected;
 - 1435 (ii) account balance;
 - 1436 (iii) expenditures by category; and
 - 1437 (iv) projected future revenue and expenses; and
- 1438 (c) ensure that fee rates are sufficient to fund oversight activities without requiring
additional appropriations.

1440 Section 26. Section **63A-5b-1220** is enacted to read:

1441 **63A-5b-1220 . Qualified inspector and plan reviewer roster.**

- 1442 (1) The division shall establish and maintain a unified roster of qualified inspectors and
plan reviewers for public school construction.
- 1443 (2) To be included on the roster, an inspector or plan reviewer shall:
 - 1444 (a) meet International Code Council certification requirements for discipline, including:
 - 1445 (i) for plan reviewers:
 - 1446 (A) International Code Council commercial building plans examination (B3); or
 - 1447 (B) structural peer review certification for educational facilities; or
 - 1448 (ii) for inspectors, International Code Council certification appropriate for inspection
discipline;
 - 1449 (b) be licensed by the state as a building inspector or professional engineer as applicable;
 - 1450 (c) complete division-approved training on school construction requirements; and
 - 1451 (d) maintain current certifications and continuing education.
- 1452 (3) A school district may only use inspectors and plan reviewers from the division's
approved roster.
- 1453 (4) An inspector, plan reviewer, or building code official meeting the requirements of

1457 Subsection (2) may be an employee of the school district and included on the division
1458 roster.

1459 (5) The division may remove individuals from the approved roster for:

- (a) failure to maintain required certifications;
- (b) documented compliance failures; or
- (c) failure to complete required training updates.

1463 (6) The division shall:

- (a) publish the roster on the division's website;
- (b) update the roster quarterly; and
- (c) provide geographic distribution information to assist school districts in selecting
qualified professionals.

1468 Section 27. Section **63A-5b-1221** is enacted to read:

1469 **63A-5b-1221 . Appeals panel -- Composition -- Procedures.**

1470 (1) There is created an appeals panel to resolve disputes between a school district and the
division regarding decisions made under this part.

1472 (2) The appeals panel shall consist of three members:

- (a) the executive director of the Department of Government Operations, or the executive
director's designee, who shall serve as the panel chair;
- (b) the school construction liaison designated under Section 63A-5b-1212; and
- (c) a third member with relevant expertise selected jointly by the members described in
Subsections (2)(a) and (b).

1478 (3) The third panel member described in Subsection (2)(c):

- (a) shall be selected based on expertise relevant to the specific matter under
appeal, which may include:
 - (i) construction management;
 - (ii) architectural or engineering services;
 - (iii) building code compliance;
 - (iv) cost estimation and project budgeting;
 - (v) procurement and contracting; or
 - (vi) educational facility planning;

- (b) may not be an employee of the school district filing the appeal or of the division;
- (c) may not have a financial interest in the outcome of the appeal; and
- (d) shall be selected within 10 business days of the appeal being filed.

1490 (4) A school district may appeal the following division decisions to the appeals panel:

- 1491 (a) denial or conditional approval of construction permits under Section 63A-5b-1218;
- 1492 (b) denial of alternative delivery method requests under Section 63A-5b-1203;
- 1493 (c) cost matrix determinations under Subsection 63A-5b-1205(6);
- 1494 (d) architect and design professional fee determinations under Section 63A-5b-1204;
- 1495 (e) enforcement actions and penalties under Section 63A-5b-1215;
- 1496 (f) requirements for division-managed construction services under Subsection
1497 63A-5b-1213(3);
- 1498 (g) contractor registry determinations under Section 63A-5b-1216;
- 1499 (h) denial of standardized design prototype modifications under Subsection
1500 63A-5b-1204(7);
- 1501 (i) plan review determinations under Section 63A-5b-1205;
- 1502 (j) inspection and occupancy certificate determinations under Section 63A-5b-1208; and
- 1503 (k) any other division decision that substantively affects a school district's ability to
1504 complete a construction project in compliance with this part.

1505 (5) To file an appeal, a school district shall:

- 1506 (a) submit a written notice of appeal to the division and the executive director of the
1507 Department of Government Operations within 30 days of receiving the division's
1508 written decision; and
- 1509 (b) include in the notice:
 - 1510 (i) a description of the division's decision being appealed;
 - 1511 (ii) the specific grounds for the appeal;
 - 1512 (iii) all relevant documentation supporting the school district's position;
 - 1513 (iv) the relief requested; and
 - 1514 (v) whether the school district requests an expedited review due to project timeline
1515 constraints.

1516 (6) Upon receiving a notice of appeal:

- 1517 (a) the division shall provide the division's written response within 15 business days,
1518 including:
 - 1519 (i) the basis for the challenged decision;
 - 1520 (ii) all documentation supporting the division's position; and
 - 1521 (iii) any proposed resolution;
- 1522 (b) the appeals panel shall convene within 30 days of receiving the division's response,
1523 or within 15 days if expedited review is requested and granted;
- 1524 (c) the panel shall provide both parties opportunity to present evidence and argument;

and

(d) the panel may request additional information from either party or from independent experts.

(7) The appeals panel shall:

(a) conduct proceedings in accordance with Title 63G, Chapter 4, Administrative Procedures Act, to the extent applicable;

(b) issue a written decision within:

- (i) 45 days of the initial appeal filing for standard reviews; or
- (ii) 20 days of the initial appeal filing for expedited reviews;

(c) include in the written decision:

- (i) findings of fact;
- (ii) conclusions regarding compliance with applicable st
- (iii) the rationale for the decision; and
- (iv) any conditions or requirements for implementation;

- (d) provide the decision to the school district, the division, and the state board; and
- (e) publish anonymized summaries of decisions to provide guidance for future case

(8) The appeals panel may:

(a) affirm the division's decision;

(b) reverse the division's decision and direct specific action;

(c) modify the division's decision with conditions;

- (d) remand the matter to the division for further consideration with specific direction; or
- (e) extend timelines for good cause shown by either party.

(9) The appeals panel's decision:

(a) is final and binding on both the school district and the division;

(b) may only be challenged through judicial review under Section 63G-4-401; and

(c) does not prevent either party from seeking emergency relief through the courts if immediate and irreparable harm would result from delay.

(10) During the pendency of an appeal:

(a) the division may not take additional enforcement action related to the subject of the appeal unless necessary to address imminent safety concerns;

(b) construction timelines and permit expiration dates shall be tolled;

(c) the school district may proceed with construction if the division grants a stay pending appeal; and

(d) the panel may issue interim orders to preserve the status quo or prevent irreparable

harm.

(11) For appeals involving highly technical or specialized issues:

(a) the panel may retain independent experts to provide technical analysis;

(b) costs of expert review shall be shared equally by the school district and the division unless the panel determines otherwise based on the outcome; and

(c) expert reports shall be provided to both parties for review and response before the panel issues the panel's decision.

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

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

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

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

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

(c) develop standardized forms and procedures:

(d) create training programs for school district officials; and

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

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

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

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

part

The division shall conduct remedial audits of projects completed in 2024, 2025, and

2026 to identify systemic issues requiring immediate attention.

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

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

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

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

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

(b) require the procurement official to execute and include in the contract file a written statement describing the fact that the bid or quotation of a particular vendor is

1593 construction contracting management for each project.

- 1594 (3) Before choosing a construction contracting management method, the procurement
1595 official responsible for carrying out the construction project shall consider the following
1596 factors:
- 1597 (a) when the project must be ready to be occupied;
1598 (b) the type of project;
1599 (c) the extent to which the requirements of the procurement unit, and the way they are to
1600 be met are known;
1601 (d) the location of the project;
1602 (e) the size, scope, complexity, and economics of the project;
1603 (f) the source of funding and any resulting constraints necessitated by the funding source;
1604 (g) the availability, qualification, and experience of public personnel to be assigned to
1605 the project and the amount of time that the public personnel can devote to the project;
1606 and
1607 (h) the availability, qualifications, and experience of outside consultants and contractors
1608 to complete the project under the various methods being considered.

- 1609 (4) A rulemaking authority may make rules that authorize the use of a construction
1610 manager/general contractor as one method of construction contracting management.

- 1611 (5) The rules described in Subsection (2) shall require that:

- 1612 (a) the construction manager/general contractor be selected using:
1613 (i) a standard procurement process; or
1614 (ii) an exception to the requirement to use a standard procurement process, described
1615 in Part 8, Exceptions to Procurement Requirements; and
1616 (b) when entering into a subcontract that was not specifically included in the
1617 construction manager/general contractor's cost proposal, the construction
1618 manager/general contractor shall procure the subcontractor by using a standard
1619 procurement process, or an exception to the requirement to use a standard
1620 procurement process, described in Part 8, Exceptions to Procurement Requirements,
1621 in the same manner as if the subcontract work was procured directly by the
1622 procurement unit.

- 1623 (6) Procurement rules adopted by the facilities division under Subsections (1) through (3)
1624 for state building construction projects and school construction projects described in
1625 Title 63A, Chapter 5b, Part 12, Public School Construction Oversight, may authorize the
1626 use of a design-build provider as one method of construction contracting management.

1627 (7) A design-build contract may include a provision for obtaining the site for the
1628 construction project.

1629 (8) A design-build contract or a construction manager/general contractor contract may
1630 include provision by the contractor of operations, maintenance, or financing.

1631 **Section 30. Repealer.**

1632 This bill repeals:

1633 **Section 53E-3-705, School plant capital outlay report.**

1634 **Section 53E-3-706, Enforcement of part by state superintendent -- Employment of
1635 personnel -- School districts and charter schools -- Certificate of inspection verification.**

1636 **Section 53E-3-707, School building construction and inspection manual -- Annual
1637 construction and inspection conference -- Verification of school construction inspections.**

1638 **Section 53E-3-708, Licensed architect to prepare plans.**

1639 **Section 53E-3-709, Power of state board regarding expected federal aid to build schools.**

1640 **Section 53E-3-710, Notification to affected entities of intent to acquire school site or
1641 construction of school building -- Local government -- Negotiation of fees -- Confidentiality.**

1642 **Section 53E-3-711, Required contract terms.**

1643 **Section 31. Effective Date.**

1644 This bill takes effect on July 1, 2026.