

June 26, 1998

President R. Lane Beattie
Speaker Melvin R. Brown
Audit Subcommittee Members
State Capitol Bldg
Salt Lake City UT 84114

Subject: **Inspection of School Construction** (Report # 98-04)

Dear Audit Subcommittee Members:

In response to your request, we have reviewed inspections of school construction projects in selected primarily rural school districts in Utah. We have identified concerns in several areas. These include the following:

- Inspections of school building construction may be inadequate and do not always comply with statutory requirements.
- The role of local building officials, when school districts fail to provide for inspections, is unclear.
- The Utah State Office of Education does not provide sufficient oversight and should consider reorganizing the information provided to districts about inspection requirements.

Because we found confusion and misunderstanding among the school districts' staff, local building officials, and inspectors about their respective roles, responsibilities, and authority, we believe that the **Utah Code** needs to be clarified in places dealing with inspection requirements and responsibilities. Building inspections are required by law to help ensure that construction meets relevant building and safety code standards; inspectors do this by ascertaining that buildings are constructed according to the plans and specifications, which are certified to have met the relevant code requirements.

Your second concern was that we should ascertain whether inspectors employed by school districts are subjected to undue pressure to approve substandard work. Only a minority of initial responses from a confidential survey indicated some pressures do exist. We were unable to verify in our follow-up work with respondents that significant pressures have resulted in substandard work being passed.

Construction Inspection Is Inadequate in Several Areas

We have concerns about compliance with, and documentation and adequacy of school construction inspections in the majority of primarily rural school districts reviewed in this audit. Some projects were not inspected at all while engineering firms and other personnel did field observations and tests, not inspections, on other projects. In addition, some inspection records were so sketchy and limited that the documentation is insufficient to prove that inspections were done thoroughly or frequently enough. To improve compliance with the law and increase the adequacy of inspections, the issues summarized in Figure I need to be addressed. More information on these concerns will be presented as we proceed through the report.

Figure I		
Summary of Inspection Issues to Be Discussed		
Inspection Concern	Number of Districts	
	Yes	No
Qualified inspector did inspections	9	6
Certificates of inspection are filed with local building official	6	9
Inspections appear to be adequate based on file reviews	4	11

Note: These concerns arose from discussions with school district officials and file reviews in 15 school districts.

Inspection requirements are spelled out in the state law and administrative rules. The **Utah Code** states that a school district is subject to a county's or municipality's land use regulations (see 10-9-106 and 17-27-105), except that the jurisdiction may not provide for inspections of school construction "*unless neither the school district nor the state superintendent has provided for inspection....*" The law also says that the inspector must be someone "*...other than the*

project architect or contractor, who is qualified under criteria established by the state superintendent with the approval of the state building board and state fire marshal....” This language implies some degree of independence since the inspector cannot be the architect or contractor.

A qualified inspector is defined in the **Utah Administrative Code** (R156-56-11) as one who is licensed by the state, classified appropriately for the level of work under review, and certified for the appropriate level by the International Conference of Building Officials (ICBO). Only level I ICBO inspectors may inspect school building construction; lower levels of certification are qualified to perform small commercial and residential construction inspections. The **Utah Code** (53A-20-104(3)) also states that *“certificates of inspection shall be filed with the local governmental entity’s building official for the purpose of advising that entity that the school district has complied with the inspection provisions of this chapter.”*

Some Districts Have Not Used a Properly Qualified Inspector

Our review of school districts’ construction projects found that a number of school districts have not had required inspections or have not used a properly qualified and independent inspector. The requirement to have school construction inspections has been in place since 1988. Inspections are performed to ensure that buildings are built according to the plans and specifications, which in turn must be drawn up to meet a variety of building and safety laws. These requirements are intended to ensure that schools are structurally sound and safe buildings. Therefore, school districts ought to be in compliance with the requirement to have inspections of school building construction.

Compliance problems differ in their details, but the six examples listed here all fail to meet the requirements for inspection in one way or another.

1. An \$850,000, 11,770 square foot addition and remodel to a high school in 1996 did not have any inspections by an independent, properly certified inspector. The district’s business manager did not think there had been inspections and the construction company’s project manager confirmed that there had not been an independent inspector.
2. In a second district, we found that no inspections by an independent and qualified inspector were done on an 8,800 square foot auditorium addition completed in 1996 that cost an estimated \$1.1 million. The project manager did the only “inspections” that were done for the project. However, as the project manager, he did not provide independent review, and in addition, he was not licensed or certified as an inspector.
3. One district built three schools, completed in 1996, without using a qualified building

inspector. The schools cost an estimated \$19.5 million. District officials told us that when these projects were constructed, they were not aware inspections were required. The officials thought school construction projects were exempt from inspection because they did not have to obtain a building permit.

4. In another district, engineering lab tests and field observations replaced required inspections on a combined project that involved new construction or remodeling of three schools (completed in 1995), totaling an estimated \$4.2 million. Although engineering tests and observations are necessary activities in a construction project, they do not fill the same function as building inspections. While engineering tests typically test materials and soil strength, inspections review the adherence of construction to applicable building code standards as presented in the building plans. The district had no records of inspection by licensed, certified inspectors.
5. Another school district had only electrical inspection reports on file for the construction of a 127,000 square foot, \$12.5 million high school completed in late 1997. The district's director of construction told us the other areas requiring inspections were covered by engineering observations and tests and undocumented "courtesy inspections."
6. One district used an ICBO level III inspector instead of a level I inspector to inspect construction of a 2,300 square foot, \$75,000 high school addition built in 1997. A level III inspector is qualified to inspect only residential construction.

Districts provided various reasons why they failed to meet the inspection requirements. One district's construction coordinator indicated the school district was not aware of the requirements at the time but has since complied; other districts' officials thought that engineering tests and field observations were acceptable as inspections. Yet another administrator thought that unofficial, unwritten courtesy inspections by the local inspector met the inspection requirement. Finally, the district which used the level III inspector told us they found his name on a list sent by the USOE but had not read the USOE memo carefully enough to understand they were required to use a level I inspector.

Districts Are Not Filing Required Proof of Inspection

Although required by statute, 9 of 15 (60 percent) of school districts we reviewed failed to provide the building official of the local jurisdiction with certificates of inspection. While some claimed they were unaware of the requirement, others told us they did not need to notify

the local building official about inspections, and some questioned what a certificate of inspection is.

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Some district officials indicated that school districts are separate political subdivisions and do not need to notify the local building officials. In fact, one district's administrator of facilities indicated that it was none of the local government's business. Another district official stated his opinion that they were not required to submit proof of inspections to the local government, but his district did so anyway "as a courtesy." A third district's director of facilities indicated that his district did not recognize the local government's jurisdiction over the school district in the area of inspections; therefore, the district did not send proof of inspection to the local government. We spoke with the legal counsel for the USOE regarding this position; the attorney stated that school districts are independent, but they must still answer to the local governments as outlined in the **Utah Code** sections 10-9-106 and 17-27-105. They are not entities unto themselves.

An additional concern is the lack of clarity as to what the term "certificate of inspection" means. We found that some district and local government officials are confused about this; we heard suggestions that included a summary of inspections over a period of time, a copy of every inspection report, and even a certificate attesting to an inspector's credentials. More clearly defining this term in the law or administrative rules may increase the level of compliance with this requirement.

File Reviews Raise Questions About the Adequacy of Inspections

As we reviewed inspection practices, we found wide variances in the frequency with which inspections occurred and in the documentation of those inspections. Although no clear standards exist on how frequently inspections need to occur, we found so much difference from one district to another that we question the adequacy of inspection in some cases. Some inspectors told us one cause of infrequent inspections is their perceived lack of authority on school construction projects. In addition, in some cases the documentation of inspections lacked so much detail that it was difficult to tell what was inspected and whether the work passed.

In some school districts construction projects were inspected as frequently as every day or at least several times per week. Inspection reports were detailed and indicated what part of the construction was reviewed and the outcome of the inspection. Inspectors' notes clearly described in detail any problems or concerns that were found. However, in other districts, inspections were lacking in frequency and detail.

Some Inspectors Felt They Lacked Needed Authority. It appears to us that the issues of an inspector's authority and access are crucial in ensuring the adequacy of inspections. It makes little sense to hire an inspector and then set up obstacles that render his or her services ineffective.

Concerned that some inspectors feel they have limited authority, we discussed the issue of an inspector's authority with the Division of Occupational and Professional Licensing (DOPL), the agency responsible for overseeing the licensing of inspectors in Utah. Staff at DOPL indicated that an inspector has not only the authority but the obligation to stop work if a problem remains unresolved. However, we feel the inspectors' views related below are indicative of the poor relationship that often exists between school districts and inspectors.

For example, in one rural district we found only 18 inspection reports over the entire course of construction for a new middle school. There were no reports for the first two months and the last four months of the project, which lasted approximately 16 months. There were no reports available on some critical phases of the project, such as foundations or framing. We contacted the inspector for this project who told us the district official over construction told him not to come to the site unless he was called. In other words, he did not have free access to the construction site, and, thus, did not have the ability to perform inspections as he needed to. The inspector said he would have preferred to inspect with more frequency but felt he had no authority to go on site without the district's authorization. He also stated that he did not have authority to stop construction if he noted substandard work that needed to be corrected.

As a result, only 1.1 inspections per month occurred on the middle school project described above. In contrast, another rural school district's inspection files showed an average 9.4 inspections per month on a school construction project. We also reviewed inspection reports for a school construction project in an urban school district. This project's files contained approximately 650 inspection reports by a certified inspector over a construction period of 16 months, or over 40 inspections per month.

Another inspector who has worked with several school districts told us he has limited authority and cannot shut down a project if a problem remains uncorrected. He stated that once he tells the school district and the project superintendent at the construction site about a problem, it becomes the district's responsibility, not his, to take care of the problem and that he does not have enforcement power. We disagree with this inspector's view of his limited authority since not only DOPL but other inspectors with whom we spoke indicate that inspectors are empowered to shut down a project for lack of compliance once cited by an inspector.

Inspection Documentation Varies from One District to Another. In some school districts we found reports that were written on forms similar to those used by municipal jurisdictions.

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These reports provided details of the inspection, including date, time, location, type of inspection, what was being inspected, and the inspector's comments with specific details. Notes were made on whether or not to proceed with work, to replace some part of the work or materials, or to halt work altogether. Notes also indicated whether reinspection was needed.

However, we found that the documentation of inspections is not a standardized process. Some inspectors use standard forms and others do not. In some districts, inspections were recorded via brief notes on a plain sheet of paper. While some handwritten notes included data such as date and time of inspection, comments and general observations, and whether or not to proceed with the project, others were so vague we could not determine what was being inspected or whether work was passed or in violation.

We also found an instance where there were no inspection reports for three remodeling projects completed in 1994 or a new school construction project completed in 1996. The district maintenance director stated that inspections were performed on the remodeling projects but were not documented because the inspector was an employee of the district. The inspector, who now works independently, also told us he had done the inspections. Our concern is that without proper documentation, the district cannot prove that these inspections occurred. Since inspections are required by law, it makes sense to ensure that adequate documentation exists.

School district personnel sometimes objected to the level of documentation as well. One district official told us they had wasted thousands of dollars on inspections. He felt the inspector did not spend enough time at the site to be of value and pointed to the brevity of the inspection reports as proof of that. The inspection reports, in this case, were simply billing statements with one line of description per inspection, for example, "June 18, 1996 - check footers on south side of building for rebar placement - ok to pour." The statements usually spanned two to four weeks' inspections, so the district received reports up to a month after the inspection occurred. As a result, the district staff did not rely on the inspections to assess whether the project was being built according to plans.

Having found some areas of concern with inspections and the documentation thereof, we assessed local building officials' role in the area of school construction inspections and the USOE's oversight activity, as will be discussed in the next two sections of the report.

Role of Local Building Officials Needs Clarification

In situations where neither the school district nor the state superintendent arrange for inspection of school construction, it appears that the law allows for local building officials to inspect the project. However, since the law is somewhat vague, we found that local building officials have not stepped in when districts fail to inspect construction. Frequently, neither district officials nor local building officials understand their respective responsibilities in this area. Clarification in the **Utah Code** is needed of the local building officials' responsibilities to help ensure that school construction is properly inspected.

To reiterate the relevant **Utah Code** language, a school district is subject to a municipality's or county's land use regulations except that a municipality or county may not...

“provide for inspection of school construction or assess a fee or other charges for inspection, unless neither the school district nor the state superintendent has provided for inspection by an inspector, other than the project architect or contractor, who is qualified under criteria established by the state superintendent with the approval of the state building board and state fire marshal...” (10-9-106(2)(d) and 17-27-105(2)(d)) [emphasis added]

The **Utah Code** (53A-20-104) also states that “*certificates of inspection shall be filed with the local governmental entity's building official for the purpose of advising that entity that the school district has complied with the inspection provisions of this chapter.*” At present, this language provides the only method of informing a local building official that inspections are occurring at a school project. Since the term certificate of inspection is not defined in the law, there is some question whether all copies of inspection reports, only final inspection reports, or some other documents need to be submitted.

If the school district has arranged for inspection, the local governmental entity cannot provide for inspection. However, if the school district or the state superintendent does not arrange for inspection, there is a question whether the municipality or county can do it. Therefore, the legislative intent should be clarified. If the Legislature intends that the local building officials should have the authority and responsibility to ensure that inspections are occurring in their jurisdiction, then language should be added to these sections to specify more clearly the local jurisdiction's authority and responsibility to step in should the school district not provide for inspection of school construction.

Clarifying the intent of these provisions is particularly important in light of our preceding discussion. Required inspections by qualified inspectors are not always occurring, and some inspections are done with such infrequency that it is unclear whether the construction has complied with building code standards. Because of this, some mechanism is needed to ensure that

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proper inspections are occurring. If a school district does not arrange for inspection, someone else should. Since the law requires certificates of inspection to be filed with the local building official to advise the local government that the school district has complied with inspection requirements, the law seems to indicate that the building official would take action if necessary. If this is indeed the intent of the Legislature, this authority and responsibility needs to be stated more clearly in the law. An additional, related issue that must be dealt with is how local building officials' costs would be covered in the event they needed to provide inspection services to a school district.

Jurisdictional Issues Need to Be Resolved

We found that both school district officials and local building officials or inspectors are unclear about their authority and responsibilities in the area of school construction inspections. One cause of this lack of clarity is not knowing all relevant **Utah Code** provisions on inspections. Some parties also indicated that jurisdictional or "turf" issues were causing some of the problems. Better understanding of each party's responsibilities is needed.

As previously discussed, in several school districts, construction directors felt they had no obligation to provide evidence of inspections to the local government's building official; they stated that school districts are not subject to local government oversight pertaining to inspection. In fact, one district's director of new construction told us that his school district was a local governmental entity and that he functions as the local building official for that entity. He went on to state that his school district does not file copies of inspection reports with the local building official because that official doesn't have jurisdiction over the school district.

In addition to questions of jurisdiction, some inspectors and local building officials told us they feel they have limited authority when they do inspect schools. For example, the county inspector mentioned earlier who performed so few inspections on two middle school buildings raised the authority issue. He stated he was told by the district not to inspect unless he was called to the site. This inspector felt his authority was limited in this situation; he also stated he did not have authority to stop the project if something failed to pass his inspection.

A building official from a rural area, hired by a school district to perform inspections on two projects, was so concerned at one point about the working relationship with the district that he wrote to the USOE expressing his concerns. He stated in the letter that he was not adequately advised of the projects' status for inspection purposes. He felt mandated inspections were not being done. In follow-up discussions, the building official told us he had been concerned about the infrequency with which he was called to the site. He also stated that the situation has since improved and that recently signing a contract with the district was a helpful step in resolving the problems because the contract spells out duties and responsibilities, giving him authority and

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access to the project site.

Jurisdictional issues also arose over access to school building sites. Some school district officials stated clearly that they did not want local inspectors on the sites. In fact, one city's plans examiner told us a city inspector had been ordered off a school construction site. The inspector had gone to the site in an unofficial capacity at the request of a subcontractor to look at some work. A school district official told him to leave because he was out of his jurisdiction. If the intent of the law is that local building officials are to be a safeguard for ensuring that school construction inspections occur, access to construction projects is necessary.

Other issues were raised by building officials as well. Some local building officials told us they were unaware that school districts were supposed to submit certificates of inspection to them, and one building official said he was aware of the requirement but had been unable to get the school district to send any documentation. Some expressed the view that school districts are exempt from having inspections at all since they do not need to purchase building permits from the local government. In their minds, the permit gives the local government the authority to inspect. While it is true that a permit gives the local government authority to inspect, school districts are still required to comply with the inspection provisions even though they are exempt from the permit requirement. These comments stress the need for clarification of the **Utah Code** language that lays out local building officials' and inspectors' authority and responsibilities.

USOE Oversight Needs to Improve

Although the USOE obtains some inspection information from school districts when a construction project is planned, the current level of oversight for building inspection is inadequate. The USOE needs to follow up on information submitted by the school districts to ensure that properly qualified inspectors are actually performing the required inspections. In addition, the USOE should develop a comprehensive inspection manual for school districts. This step would gather together relevant information for districts on inspection requirements. Finally, the USOE should give consideration to convening a committee to study school construction inspection issues in an effort to address some of the concerns raised in this report.

Verification of Inspection Activity Is Needed

The USOE needs to follow up on information reported by the school districts about inspections. We found instances where the inspector on record at the USOE did not perform any inspections on a construction project. In addition, once the name of an inspector has been submitted, the USOE does not require districts to provide proof that inspections were actually

done.

The USOE relies on each district to notify the office when it is planning a construction project costing over \$100,000. Districts must provide copies of plans and specifications in order for the state superintendent to approve the construction plans. Among other things, the districts are asked to provide the name of the inspector for the project. The USOE then checks for licensing and certification at DOPL to ensure the inspector is properly qualified.

However, the information provided by the districts is not always accurate. One southern Utah school district provided the name of a certified, licensed inspector to the USOE, but that inspector did not inspect the project. The work was reviewed by a retired contractor who was not ICBO certified. The district which used engineering observations in place of certified inspectors, discussed earlier in this report, also reported a qualified inspector to USOE. Another southern Utah district provided the name of a qualified inspector to the USOE but did not use a licensed inspector at all on its high school addition/remodel.

These examples of noncompliance were not detected because the USOE relies on self-reported information from districts without doing follow-up verification. However, it appears that some verification is needed. For example, the USOE could request a copy of the contract with the inspector, or ask that either copies of inspection reports or a summary of inspections be sent to them at specified phases of construction. In fact, the memo to school districts which asks for the name of an inspector already asks that copies of inspection reports be sent to the USOE. However, districts do not send this information in. Another possibility would be for the USOE and local building officials to coordinate information; as school districts send required proof of inspections to the local building official, that official could in turn let the USOE know that the required inspections are occurring.

USOE Should Assemble All Relevant Information for Districts

Because we heard from district officials that they were unaware of some inspection requirements, we sought to determine how well the information the USOE provides to districts meets their needs. The USOE feels it has provided adequate information to districts in recent years. However, because school district staff varied so widely in their understanding of requirements, we feel that the USOE should take the lead in developing a resource manual to be sent to all districts.

We called building and maintenance directors in the 15 sampled school districts to ask if they received adequate instruction from the USOE regarding their construction duties and responsibilities. Most stated they received adequate information, but five (33 percent) said they had not received adequate instruction from the USOE. For example, one district official knew

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that inspections by qualified inspectors were required but said he didn't know inspection certificates should be filed with the local jurisdiction to verify compliance. In another district (where an unqualified inspector was used), the superintendent told us the school district relied on the architect, not the USOE, to inform them of requirements. In addition, some districts' officials told us they were unaware of various inspection requirements as we conducted our field work. One admitted that he hadn't read information sent to him very well.

USOE Provides a Variety of Information to Districts. The program coordinator at USOE explained how districts are informed of inspection requirements. He has presented construction and inspection requirements to school district personnel attending educational conferences and has sent letters and memos to districts regarding their responsibilities. In addition, when a school district notifies the USOE that it is beginning a construction project, he sends a number of forms to the district to complete and return. These forms provide the USOE with pertinent project information. Further, he sends school districts a memo that addresses the requirement for project inspections by a qualified level I inspector along with a current list of qualified inspectors. The USOE staff person told us that prior to 1993, districts were not well informed about inspection requirements, but now they should understand the requirements.

While it appears that the USOE is providing information to districts describing inspection requirements, it is also obvious that not all districts have understood those requirements. We feel that a somewhat different approach to informing districts may be warranted. One possibility is that, instead of sending out information after a district informs the USOE that it is beginning a construction project, the USOE should develop a comprehensive manual to be sent out to all districts as a resource.

The manual could include information on the relevant regulatory codes (e.g., the Fire Safety Code, Model Energy Code, and Health and Sanitation Code) along with a list of contact people in case of questions. More importantly for the inspection area, the manual should include the specifics of the inspection requirements that are found in the **Utah Code** and **Administrative Rules**, including the citation for filing certificates of inspection with the local building official and the relevant sections of Titles 10 and 17. Copies of the information currently sent out by the USOE would also be included in the manual. This manual should be provided to all school districts, whether or not they were considering a construction project at present. That way, school districts would have the resource manual available prior to the start of a project. Another possibility would be to add more detailed requirements to administrative rules for districts to follow to ensure that schools are properly inspected.

**Consideration Should Be Given to an Inspection
Issues Study Committee**

It appears to us that the parties involved in school construction inspections have different perceptions of the requirements, areas of authority and responsibilities of those involved. Because the USOE is charged with the responsibility to enforce the school construction law (**Utah Code 53A-20-104**), including inspections, we believe that the USOE should consider bringing together a study committee composed of representatives from the various parties to discuss and resolve some issues. We heard quite frequently, during this audit, that the relationship between school districts and inspectors or building officials is sometimes more antagonistic than friendly. Hopefully, discussions with the goal of resolving some of the ambiguities would enable a more positive working relationship to develop.

A number of issues that could be addressed by a committee have been raised in this report. These issues include the following:

- the development of a standard inspection form to be used when inspecting schools
- the clarification of what proof of inspection the USOE wants from school districts
- the writing and use of a contract between districts and inspectors that specifies the authority and responsibility of the inspector and guarantees access to projects
- the clarification of what is meant by a certificate of inspection
- the development of recommendations to clarify **Utah Code** provisions on the responsibility and authority of school districts and local building officials.

Developing a standard inspection form to be used statewide by inspectors of school construction would address the documentation issues previously discussed. Also, depending on what proof of inspection is recommended for submission to the USOE, a standard form might simplify USOE oversight activity. The contract issue is a natural outgrowth of the vagueness surrounding the lines of authority and jurisdiction we discussed in the previous section; spelling out an inspector's responsibilities would formalize the authority of an inspector to perform his job. Clarifying what a certificate of inspection is seems a good topic of discussion for a committee comprised of two groups affected by that **Utah Code** provision. Finally, while we will recommend directly to the Legislature that they should review the pertinent **Utah Code** language, a study committee could provide valuable input from the constituents most closely affected by those provisions.

Surveys Indicate Most Inspectors Have Not Been Pressured

While a minority of inspectors responding to a confidential survey indicated they have been pressured to overlook something in an inspection, most inspectors responding did not indicate they have felt undue pressures. In addition, our follow-up work in this area did not verify the existence of a problem; in fact, we found that factors other than pressure were often the issues.

Other responses to the survey included concerns that inspections were not frequent or thorough enough and that state level oversight of inspections is inadequate.

Most Inspectors Do Not Feel Pressure to Relax Standards

About 73 percent (25 of 34) of the survey respondents indicated they had not been subjected to pressure to approve substandard work. However, there were 9 of 34 (27 percent) who responded that they had been pressured to compromise their inspections of school building construction projects. These respondents said there were times when they felt their inspections were inadequate and standards were compromised due to pressure from various sources.

Of the nine inspectors who felt pressure to compromise inspections, the most frequently noted source of the pressure was school district administrators. Five inspectors said they felt pressure from school district officials to “go easy” on their inspections. One survey response said contractors or project managers pressured the inspector to go easy on the standards. Another response indicated that pressure came from the state fire marshal, and one response indicated pressure to compromise standards came from several sources, including school district officials, the architect, and the state fire marshal.

Follow-up Work Found Factors Other than Pressure Were Issues. In our subsequent contacts with inspectors and district officials, we found that some of the issues raised in the survey responses were due to a lack of communication or a difference in professional opinion more than an effort to pressure an inspector. Some examples from our work will illustrate these issues.

In the first example, an inspector wrote that school district officials were reluctant to have plan reviews or inspections by qualified inspectors. The inspector initially told us district officials had been difficult to work with, inspectors were not notified of construction progress, and the district did not encourage the contractors to schedule inspections. The inspector claimed that on several occasions he arrived to do an inspection but found the work already covered up and work progressing without an inspection.

The district business administrator indicated that he felt the problems with inspection had been caused by misunderstandings which were now resolved. The misunderstandings were due to the fact that two inspectors were being used, and one did not always know that the other had already done a needed inspection and approved the work. The construction files showed that inspections had been done by both inspectors. Though inspections were fairly infrequent, no unusual problems were noted in the inspection records. In a follow-up discussion with the inspector who had sent in the survey response, he indicated that the problems with the district had been resolved through discussions and use of a contract for future work.

Another response indicated an inspector felt district administrators had pressured him to overlook a building standard. Follow-up discussion with this inspector revealed that another issue had sparked the survey response. We found that the inspector and the fire marshal disagreed with each other on the interpretation of a fire wall standard. The district decided to follow the fire marshal's opinion instead of the inspector's and proceeded with construction. In our opinion, this example reflects a professional disagreement rather than pressure on the inspector from the district.

Inspectors Expressed Other Concerns

Responding inspectors also expressed some other concerns with school construction inspections. The following points summarize two issues raised by the inspectors:

- some inspections were not frequent or thorough enough to ensure standards are met
- state oversight and regulation are not adequate

These issues were raised in our field work and have already been discussed in this report. We believe the survey results further illustrate the need to clarify inspector authority issues and increase USOE oversight activity.

Some Inspectors Feel Inspections Are Not Frequent or Thorough Enough. In our survey, inspectors were asked to rank a list of causes that lead to compromised building standards. Most of the 34 respondents said the question did not apply. However, 29 percent (10 of 34) of the inspectors did rank the causes; the highest ranking cause was that inspections were not frequent or thorough enough.

As we discussed earlier in this report, inspections vary greatly among districts in frequency and in level of documentation. The thoroughness of inspections as documented in inspection reports also varies. These issues were also raised by some inspectors themselves. For example, one commented that school districts do not encourage contractors to call the inspectors, while another said the problem with infrequent inspections is that work is done without anyone notifying the inspector.

Some Inspectors Say the State Does Not Provide Adequate Oversight and Regulation. Another survey question asked if the state provided adequate regulation and oversight for inspection and safety of school buildings. About a third (11 of 34) of the inspectors responded negatively to this question. There were 11 inspectors who said no, the state does not provide adequate regulation and oversight, and another six inspectors were uncertain.

The responses to this question further illustrate the lack of clarity in the lines of responsibility for school inspections. At least some inspectors would like more guidance from the state in this area. Although the “state” may mean any of a number of agencies to the inspectors who responded, we believe these responses support the idea presented in our earlier discussion that the USOE should take steps to develop a resource manual and set up a study committee to review issues of concern in school construction inspections. In addition, of course, school districts have responsibility to comply with inspection requirements, even without additional guidance from the USOE or other agencies.

Recommendations:

1. We recommend that school districts comply with inspection requirements, including:
 - a. using properly certified inspectors,
 - b. filing certificates of inspection with the local building official,
 - c. giving inspectors authority to perform their function, and
 - d. ensuring adequate documentation of inspections is kept

2. We recommend that the Legislature clarify **Utah Code** language regarding local building officials’ authority and responsibility to provide inspection for school construction projects if the school districts and USOE fail to provide it and also clarify what is meant by “certificate of inspection”.

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3. We recommend that USOE explore methods to verify that inspections by qualified inspectors are occurring. Possible methods of verification could include the following:
 - a. obtaining a copy of the contract with an inspector
 - b. obtaining copies of inspection reports or a periodic summary of inspections
 - c. obtaining verification from the local building official that a qualified inspector is conducting inspections

4. We recommend that the USOE develop a resource manual that compiles all legal requirements and information on school construction inspections. The manual should be distributed to all school districts.

5. We recommend that the USOE convene a study committee to study inspection issues, including the following:
 - a. developing a standard inspection form
 - b. clarifying what proof of inspection will be required by the USOE
 - c. writing and use of a contract between school districts and inspectors that specifies authority and responsibilities of inspectors
 - d. clarifying what is meant by a certificate of inspection
 - e. developing recommendations to clarify **Utah Code** provisions on the responsibility and authority of school districts and local building officials

We hope this letter addresses your concerns. A response from the Utah State Office of Education is attached. If there is any additional information you need or if you have any further questions, please feel free to contact our office.

Sincerely,

Wayne L. Welsh
Auditor General

WLW:LSM/lm