

**SCHOOL BUILDING SIZE LIMITATION**

2003 GENERAL SESSION

STATE OF UTAH

**Sponsor: David N. Cox**

**This act modifies provisions relating to the State System of Public Education by establishing maximum size standards for school buildings constructed by school districts receiving monies under the capital outlay foundation program.**

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

**53A-21-103**, as last amended by Chapter 234, Laws of Utah 2001

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

Section 1. Section **53A-21-103** is amended to read:

**53A-21-103. Qualifications for participation in the foundation program -- Distribution of monies -- Distribution formulas.**

(1) (a) In order for a school district to qualify for monies under the capital outlay foundation program established in Subsection 53A-21-102(1), a local school board ~~[must]~~ shall:

(i) levy a tax rate of up to .0024 per dollar of taxable value for capital outlay and debt service[-]; and

(ii) provide for the construction of new school buildings in accordance with the standards specified in Subsection (1)(b).

(b) Beginning January 1, 2005, a school district receiving monies under the capital outlay foundation program shall construct each school building to accommodate no more than the following number of pupils per grade:

(i) elementary schools - 90 pupils per grade;

(ii) kindergarten through grade 8 schools - 100 pupils per grade;

(iii) junior high and middle schools - 200 pupils per grade; and



28            (iv) high schools - 300 pupils per grade.

29            (2) (a) The State Board of Education shall adopt a rule in accordance with Title 63,  
30 Chapter 46a, Utah Administrative Rulemaking Act, that allows a school district levying less  
31 than the full .0024 tax rate to receive proportional funding under the foundation program based  
32 upon the percentage of the .0024 tax rate levied by the district.

33            (b) The rules may include hold harmless provisions for up to two years.

34            (3) The State Board of Education shall distribute monies in the capital outlay  
35 foundation program in accordance with a formula developed by the state superintendent of  
36 public instruction based on a minimum guarantee per average daily membership as computed  
37 by the state superintendent using:

38            (a) available monies; and

39            (b) the assessed valuation per average daily membership in each school district.

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**Legislative Review Note**

**as of 12-6-02 11:47 AM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**

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**Fiscal Note****School Building Size Limitation***20-Jan-03***Bill Number HB0053***1:36 PM*

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**State Impact**

House Bill 53 has no fiscal impact to the state. Local school districts receiving Capital Outlay Foundation Program funds may be impacted as provisions of the bill place additional qualifying requirements on school districts in order to receive program funds. Implementation of this bill may require a redistribution of Capital Outlay funds.

The impact to local schools districts may vary depending on the number and capacity of schools a district planned on building with program funds, additional property and construction costs to meet school size restrictions, and other associated costs a district may incur for staffing and maintaining a higher number of schools.

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**Individual and Business Impact**

School districts may need to revise bonding structures to accommodate additional building requirements should they chose to participate in the program.

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**Office of the Legislative Fiscal Analyst**