

**Senator Wayne A. Harper** proposes the following substitute bill:

**PUBLIC EDUCATION BUILDINGS STANDARDS AND  
PROCESS**

2021 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Wayne A. Harper**

House Sponsor: Susan Pulsipher

**LONG TITLE**

**General Description:**

This bill amends provisions related to public school building construction guidelines and plans.

**Highlighted Provisions:**

This bill:

▶ requires to the State Board of Education (state board) to:

- adopt guidelines for public school construction; and
- publish the lowest, average, and highest cost new school building construction

completed in the state in the previous five-year period;

▶ permits the state board to create prototype school building plans that conform to the guidelines for public school construction;

▶ requires a local education agency (LEA) with four or more facilities to:

• adopt an educational facilities plan (facilities plan) for facilities maintenance and renovation, and new school building construction, for a five or ten year period;

- update the facilities plan at least every five years;

- submit the facilities plan to affected local governmental entities;

• adopt and implement measures for involving the public in the process of adopting the facilities plan; and





- 27 • provide an opportunity for the public to comment on the facilities plan;
- 28 ▶ requires local governmental entities to provide comment on a facilities plan that an
- 29 LEA submits;
- 30 ▶ defines terms; and
- 31 ▶ makes technical and conforming changes.

32 **Money Appropriated in this Bill:**

33 None

34 **Other Special Clauses:**

35 None

36 **Utah Code Sections Affected:**

37 AMENDS:

38 **53E-3-702**, as last amended by Laws of Utah 2019, Chapter 186

39 **53E-3-705**, as last amended by Laws of Utah 2019, Chapters 186 and 370

40 **53E-3-708**, as renumbered and amended by Laws of Utah 2018, Chapter 1



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

43 Section 1. Section **53E-3-702** is amended to read:

44 **53E-3-702. School construction guidelines -- Prototype school construction plans --**

45 **Evaluation of school design and construction process.**

46 (1) As used in this section[~~,"public"~~]:

47 (a) "Guidelines" means the guidelines for public school construction the state board  
48 adopts under Subsection (2).

49 (b) (i) "Major renovation" means public school construction that affects more than 40%  
50 of an existing public school building's area.

51 (ii) "Major renovation" includes:

52 (A) remodeling an existing public school building; and

53 (B) an addition to an existing public school building.

54 (c) "New construction" means construction of a new public school building.

55 (d) (i) "Public school construction" means construction work on a [new] public school  
56 building.

57 (ii) "Public school construction" includes new construction and major renovation.

58 (2) (a) The state board shall:

59 (i) on or before August 1, 2022, adopt guidelines for public school construction; and  
60 (ii) consult with the Division of Facilities Construction and Management Administration  
61 on proposed guidelines before adoption.

62 (b) The state board shall ensure that guidelines adopted under Subsection (2)(a)(i)  
63 maximize funds used for public school construction and reflect efficient and economic use of  
64 those funds, including adopting guidelines that address a school's essential needs rather than  
65 encouraging or endorsing excessive costs per square foot of construction or nonessential  
66 facilities, design, or furnishings.

67 (3) Before [~~a school district or charter school~~] an LEA may begin public school  
68 construction, the school district or charter school shall:

69 (a) review the guidelines adopted by the state board under this section; and

70 (b) take into consideration, and incorporate as applicable, the guidelines when planning  
71 [~~the public school~~] new construction and major renovation.

72 [~~(4) In adopting the guidelines for public school construction, the state board shall~~  
73 ~~consider the following and adopt alternative guidelines as needed:~~]

74 (4) The state board shall ensure that the guidelines account for:

75 (a) location factors, including:

76 (i) whether the school is in a rural, suburban, or urban setting<sup>[;]</sup>; and [~~climate factors;~~]

77 (ii) the climate in various geographic areas;

78 (b) [~~variations in guidelines for~~] significant or minimal projected student population  
79 growth;

80 (c) [~~guidelines specific to~~] schools that serve various populations and grades, including  
81 high schools, junior high schools, middle schools, elementary schools, alternative schools, and  
82 schools for people with disabilities; and

83 (d) year-round use.

84 (5) The guidelines shall address the following:

85 (a) recommended square footage per student<sup>[;]</sup> and per teacher, including to  
86 accommodate:

87 (i) administrative or office space;

88 (ii) custodial space;

89 (iii) lockers;

90 (iv) standard classroom space;

- 91 (v) special use classrooms;
- 92 (vi) multi-purpose rooms; and
- 93 (vii) media centers;
- 94 (b) minimum and maximum required real property for a public school;
- 95 (c) athletic facilities and fields, playgrounds, and hard surface play areas;
- 96 (d) cost per square foot;
- 97 (e) minimum and maximum qualities and costs for building materials;
- 98 (f) design efficiency;
- 99 (g) parking;
- 100 (h) furnishing;
- 101 (i) proof of compliance with applicable building codes; and
- 102 (j) safety.
- 103 (6) The state board may:
- 104 (a) adopt new guidelines as necessary to comply with this section; and
- 105 (b) create prototype public school construction plans that meet the guidelines.
- 106 (7) A licensed architect shall prepare the prototype public school construction plans
- 107 described in Subsection (6)(b).
- 108 (8) Upon request, the state board shall report to the Education Interim Committee:
- 109 (a) on the state board's progress in adopting the guidelines; or
- 110 (b) on the guidelines that the state board adopts.
- 111 (9) Before December 31, 2022, the state board shall work with the Division of
- 112 Facilities Construction Management to:
- 113 (a) review:
- 114 (i) public school construction costs;
- 115 (ii) the procurement processes related to public school construction; and
- 116 (iii) the use of facility condition assessments in prioritizing public school construction;
- 117 (b) examine the potential value of statewide public school construction standards; and
- 118 (c) evaluate:
- 119 (i) the benefits of different construction delivery methods to assist LEAs to efficiently
- 120 design, construct, and remodel public school buildings, including the following construction
- 121 delivery methods, as described in Title 63G, Chapter 6a, Utah Procurement Code:
- 122 (A) design-build, as that term is defined in Section [63G-6a-103](#);

123 (B) design-bid-build, as described in Section 63G-6a-1205; and  
124 (C) construction manager/general manager, as that term is defined in Section  
125 63G-6a-103; and  
126 (ii) the merits of having standard public school building designs for each type of school  
127 building in the state.

128 Section 2. Section 53E-3-705 is amended to read:

129 **53E-3-705. School plant capital outlay report.**

130 (1) As used in this section, "new construction" means the same as that term is defined in  
131 Section 53E-3-702.

132 ~~[(1)]~~ (2) The state board shall:

133 (a) prepare an annual school plant capital outlay report of all school districts, which  
134 includes information on the number and size of building projects completed and under  
135 construction[-];

136 (b) beginning in 2022, annually identify the lowest cost and highest cost of new  
137 construction completed in the state during the previous five-year period:

138 (i) in total dollars;

139 (ii) per square foot; and

140 (iii) per student;

141 (c) list the information described in Subsection (2)(b) for each of the following  
142 categories:

143 (i) elementary school building;

144 (ii) middle school or junior high school building; and

145 (iii) high school building; and

146 (d) annually make the information described in Subsection (2)(b) available and easily  
147 accessible to an LEA and to the public.

148 (3) When an LEA completes new construction, the LEA shall report to the state board  
149 the cost of the new construction:

150 (a) in total dollars;

151 (b) per square foot; and

152 (c) per student.

153 ~~[(2)]~~ (4) A school district or charter school shall prepare and submit an annual school  
154 plant capital outlay report [in accordance with Section 63A-1-202.] to the state auditor on or

155 before a date designated by the state auditor.

156 Section 3. Section **53E-3-708** is amended to read:

157 **53E-3-708. Local education agency to adopt educational facilities plan -- Licensed**  
158 **architect to prepare public school construction plans.**

159 (1) As used in this section:

160 (a) "Affected local governmental entity" means:

161 (i) a municipality, for planned public school construction within a municipality  
162 identified in an educational facilities plan; or

163 (ii) a county, for planned public school construction within an unincorporated area in the  
164 county identified in an educational facilities plan.

165 (b) "Change order" means the same as that term is defined in Section [63G-6a-103](#).

166 (c) "Community involvement plan" means measures that a covered LEA adopts for  
167 involving the public in the process of adopting a covered LEA's educational facilities plan.

168 (d) "Covered LEA" means an LEA that has at least four or more school facilities.

169 (e) "Educational facilities plan" means a comprehensive planning document for an  
170 LEA's facilities needs described in Subsection (3).

171 (f) "Guidelines" means the same as that term is defined in Section [53E-3-702](#).

172 (g) "Major renovation" means the same as that term is defined in Section [53E-3-702](#).

173 (h) "Municipality" means the same as that term is defined in Section [10-1-104](#).

174 (i) "New school construction" means the same as that term is defined in Section  
175 [53E-3-702](#).

176 (j) "Public school construction" means the same as that term is defined in Section  
177 [53E-3-702](#).

178 (2) (a) Beginning in 2022, and at least every five years thereafter, a covered LEA shall  
179 adopt:

180 (i) an educational facilities plan; and

181 (ii) a community involvement plan.

182 (b) A covered LEA may decide whether the covered LEA's educational facilities plan  
183 covers the succeeding five years or succeeding ten years.

184 (3) (a) A covered LEA shall ensure that an educational facilities plan identifies the  
185 covered LEA's facilities needs over the succeeding five or ten years.

186 (b) A covered LEA's facilities plan may:

- 187 (i) include an inventory of existing school facilities;  
188 (ii) identify major renovation the covered LEA anticipates over the period the  
189 educational facilities plan covers;  
190 (iii) identify new school construction the covered LEA anticipates over the period the  
191 educational facilities plan covers;  
192 (iv) identify public school construction not identified under Subsection (3)(b)(iii), that  
193 the covered LEA anticipates over the period the educational facilities plan covers;  
194 (v) identify options to reduce the need for new school construction;  
195 (vi) include a concept schedule of major renovation and public school construction  
196 necessary to maintain the covered LEA's facilities;  
197 (vii) identify which public school construction projects included in the educational  
198 facilities plan the covered LEA could fund from current revenues; and  
199 (viii) identify additional sources of revenue for public school construction projects not  
200 identified under Subsection (3)(b)(vii).  
201 (4) Before an LEA adopts or amends an educational facilities plan, the LEA shall:  
202 (a) follow the measures the covered LEA adopts in the covered LEA's community  
203 involvement plan;  
204 (b) coordinate with each affected local governmental entity; and  
205 (c) provide an opportunity for public comment.  
206 (5) An affected local governmental entity shall:  
207 (a) review an educational facilities plan that a covered LEA submits under Subsection  
208 (4); and  
209 (b) no later than 30 days after a covered LEA submits an educational facilities plan,  
210 provide comment to the LEA.  
211 (6) A covered LEA may amend an adopted educational facilities plan as needed during  
212 the five-year period described in Subsection (2)(a).  
213 (7) A licensed architect shall prepare the plans and specifications for ~~the construction~~  
214 ~~or alteration of school buildings~~ public school construction.