

SB0131S01 compared with SB0131

~~deleted text~~ shows text that was in SB0131 but was deleted in SB0131S01.

inserted text shows text that was not in SB0131 but was inserted into SB0131S01.

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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

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guidelines for public school construction;

- ▶ requires a local education agency (LEA) with four or more facilities to:
 - ~~{annually}~~ adopt an educational facilities plan (facilities plan) for facilities maintenance and renovation, and new school building construction, ~~{over a period of five, ten, and twenty years;~~
 - submit the }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
 - provide an opportunity for the public to comment on the facilities plan;
- ▶ requires local governmental entities to provide comment on a facilities plan that an LEA submits;
- ▶ defines terms; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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

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

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

53E-3-702. School construction guidelines -- Prototype school construction plans
-- Evaluation of school design and construction process.

(1) As used in this section[,"public];

(a) "Guidelines" means the guidelines for public school construction the state board

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adopts under Subsection (2).

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

(ii) "Major renovation" includes:

(A) remodeling an existing public school building; and

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

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

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

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

(2) (a) The state board shall:

(i) on or before August 1, 2022, adopt guidelines for public school construction; and

(ii) consult with the Division of Facilities Construction and Management

Administration on proposed guidelines before adoption.

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

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

(a) review the guidelines adopted by the state board under this section; ~~{}~~and~~{}~~

(b) take into consideration, and incorporate as applicable, the guidelines when planning [~~the public school~~] new construction[~~;~~ ~~{}~~and~~{}~~

~~—————~~ (c) for new construction or major renovation~~{,~~ incorporate the guidelines that the state board adopts};

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

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

(a) location factors, including:

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

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(ii) the climate in various geographic areas;

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

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

(d) year-round use.

(5) The guidelines shall address the following:

(a) recommended square footage per student[?] and per teacher, including to accommodate:

(i) administrative or office space;

(ii) custodial space;

(iii) lockers;

(iv) standard classroom space;

(v) special use classrooms;

(vi) multi-purpose rooms; and

(vii) media centers;

(b) minimum and maximum required real property for a public school;

(c) athletic facilities and fields, playgrounds, and hard surface play areas;

(d) cost per square foot;

(e) minimum and maximum qualities and costs for building materials;

(f) design efficiency;

(g) parking;

(h) furnishing;

(i) proof of compliance with applicable building codes; and

(j) safety.

(6) The state board may:

(a) adopt new guidelines as necessary to comply with this section; and

(b) create prototype public school construction plans that meet the guidelines.

(7) A licensed architect shall prepare the prototype public school construction plans described in Subsection (6)(b).

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(8) Upon request, the state board shall report to the Education Interim Committee:

(a) on the state board's progress in adopting the guidelines; or

(b) on the guidelines that the state board adopts.

(9) Before December 31, 2022, the state board shall work with the Division of

Facilities Construction Management to:

(a) review:

(i) public school construction costs;

(ii) the procurement processes related to public school construction; and

(iii) the use of facility condition assessments in prioritizing public school construction;

(b) examine the potential value of statewide public school construction standards; and

(c) evaluate:

(i) the benefits of different construction delivery methods to assist LEAs to efficiently design, construct, and remodel public school buildings, including the following construction delivery methods, as described in Title 63G, Chapter 6a, Utah Procurement Code:

(A) design-build, as that term is defined in Section 63G-6a-103;

(B) design-bid-build, as described in Section 63G-6a-1205; and

(C) construction manager/general manager, as that term is defined in Section 63G-6a-103; and

(ii) the merits of having standard public school building designs for each type of school building in the state.

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

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

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

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

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

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

(i) in total dollars;

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(ii) per square foot; and

(iii) per student;

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

(i) elementary school building;

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

~~(iii) middle school building;~~ high school building;

~~(iii) junior high school building;~~ and

~~(iv) high school building; and~~

~~(c) d) annually make the information described in Subsection (2)(b) available and easily accessible to an LEA;~~

~~(2) (3) and to the public.~~

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

(a) in total dollars;

(b) per square foot; and

(c) per student.

~~(2) (4) A school district or charter school shall annually prepare and submit to the state board:~~

~~(a) an annual school plant capital outlay report in accordance with Section 63A-1-202; or~~

~~(b) the first year of an educational facilities plan prepared in accordance with Section 53E-3-708; to the state auditor on or before a date designated by the state auditor.~~

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

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

(1) As used in this section:

(a) "Affected local governmental entity" means:

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

(ii) a county, for planned public school construction within an unincorporated area in

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the county identified in an educational facilities plan.

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

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

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

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

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

~~(c) "General plan" means:~~

~~(i) for a municipality, the same as that term is defined in Section 10-9a-103; and~~

~~(ii) for a county, the same as that term is defined in Section 17-27a-103.~~

~~(f)(g)~~ "Major renovation" means the same as that term is defined in Section 53E-3-702.

~~(f)(h)~~ "Municipality" means the same as that term is defined in Section 10-1-104.

~~(f)(i)~~ "New school construction" means the same as that term is defined in Section 53E-3-702.

~~(f)(j)~~ "Public school construction" means the same as that term is defined in Section 53E-3-702.

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

(i) an educational facilities plan; and

(ii) a community involvement plan.

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

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

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

~~(b)(i)~~ ~~includes~~ include an inventory of existing school facilities~~, including:~~

~~(i) facilities that the LEA leases; and~~

~~(ii) facilities that are loaned or donated to the LEA;~~

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~~_____ (c) includes anticipated closures of existing school facilities over the period the educational facilities plan covers;~~

~~_____ (d) includes a child access routing plan described in Section 53G-4-402 for each school;~~

~~_____ (e) identifies};~~

(ii) identify major renovation the covered LEA anticipates over the period the educational facilities plan covers ~~{, including:~~

~~_____ (i) the name and location of the school building the LEA plans to renovate;~~

~~_____ (ii) total square footage increase, if any; and~~

~~_____ (ii) student capacity increase or decrease;~~

~~_____ (f) identifies};~~

(iii) identify new school construction the covered LEA anticipates over the period the educational facilities plan covers ~~{, including:~~

~~_____ (i) location of the new school construction;~~

~~_____ (ii) total square footage; and~~

~~_____ (iii) total student capacity;~~

~~_____ (g) identifies};~~

(iv) identify public school construction not identified under Subsection (3)(~~{c}b~~)(iii), that the covered LEA anticipates over the period the educational facilities plan covers;

~~{ _____ (h) includes, for each proposed new public school building:~~

~~_____ (i) site acreage needs;~~

~~_____ (ii) maps showing a proposed new school building's location; and~~

~~_____ (iii) anticipated capacity;~~

~~} _____ (~~{i}v~~) ~~{identifies}~~ identify options to reduce the need for new school construction ~~{,~~
including:~~

~~_____ (i) redistricting;~~

~~_____ (ii) busing;~~

~~_____ (iii) year-round school;~~

~~_____ (iv) charter schools;~~

~~_____ (v) multi-track class scheduling;~~

~~_____ (vi) grade level reorganization;~~

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- ~~_____ (vii) block scheduling; and~~
- ~~_____ (viii) renovating existing school buildings;~~
- ~~_____ (j) includes a};~~
 - (vi) include a concept schedule of major renovation and public school construction necessary to maintain the covered LEA's facilities;
- ~~{ _____ (k) includes a schedule of capital projects necessary to meet the guidelines related to square footage for projected student growth over the succeeding five, ten, and twenty years;~~
- ~~_____ (l) for school buildings an LEA plans to close over the period the educational facilities plan covers:~~
 - ~~_____ (i) identifies the school buildings the LEA plans to close;~~
 - ~~_____ (ii) includes an LEA's plans for the disposition of a closed school building; and~~
 - ~~_____ (iii) if applicable, includes revenues the LEA anticipates from the disposition of the facility;~~
 - ~~_____ (m) includes the projected cost for each project identified in the educational facilities plan, including costs for:~~
 - ~~_____ (i) facility and landscape design;~~
 - ~~_____ (ii) facility construction;~~
 - ~~_____ (iii) applicable impact fees;~~
 - ~~_____ (iv) purchase price or lease terms of any real property acquired or leased; and~~
 - ~~_____ (iv) furnishings and equipment;~~
 - ~~_____ (n) for new school construction:~~
 - ~~_____ (i) compares the planned cost per square foot of the proposed new public school building to the low, average, and high cost new school construction completed in the state in the previous five years that the state board identifies under Section 53E-3-705; and~~
 - ~~_____ (ii) aggregates the comparison described in Subsection (3)(n)(i) by elementary school, middle school, junior high school, and high school;~~
- ~~† _____ (fo}vii) {identifies}identify which public school construction projects included in the educational facilities plan the covered LEA ~~{will}~~could fund from current revenues; and~~
 - ~~(fp}viii) {identifies}identify additional sources of revenue for public school construction projects not identified under Subsection (3)(fo}b); and~~
- ~~_____ }({q}vii){ complies with applicable land use ordinances}.~~

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~~(5)4~~ Before an LEA adopts or amends an educational facilities plan, the LEA shall:

(a) ~~submit the educational facilities plan to~~ follow the measures the covered LEA adopts in the covered LEA's community involvement plan;

(b) coordinate with each affected local governmental entity; and

~~(b)c~~ provide an opportunity for public comment.

~~(6)5~~ An affected local governmental entity shall:

(a) review an educational facilities plan that ~~an~~ a covered LEA submits under Subsection ~~(5)4~~; and

(b) no later than 30 days after ~~an~~ a covered LEA submits an educational facilities plan, provide comment to the LEA ~~on whether:~~

~~(i) the educational facilities plan is consistent with the affected local governmental entity's general plan;~~

~~(ii) anything in the educational facilities plan will require the affected local governmental entity to amend the affected local governmental entity's general plan; and~~

~~(iii) the affected local governmental entity supports the amendment described in Subsection (6)(b)(ii);~~

~~(7) An~~;

(6) A covered LEA may amend an adopted educational facilities plan ~~to:~~

~~(a) if an LEA provides an opportunity for the public and an affected local governmental entity to comment:~~

~~(i) revise the priority of public school construction projects;~~

~~(ii) add or remove projects; or~~

~~(iii) reflect the impact of a change order; and~~

~~(b) after the first year of an educational facilities plan is executed, to reflect actual square footage, student capacity, and costs of completed public school construction;~~

~~(8) The first year of an LEA's educational facilities plan may constitute the school plan capital outlay report required under Section 53E-3-705.~~

~~(9) as needed during the five-year period described in Subsection (2)(a).~~

(7) A licensed architect shall prepare the plans and specifications for ~~[the construction or alteration of school buildings]~~ public school construction.