

**Representative Susan Pulsipher** 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

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**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;
- ▶ requires the state auditor to publish information related to the cost of public school construction on the Utah Public Finance Website;
- ▶ permits the state board to create prototype school building plans that conform to the guidelines for public school construction;
- ▶ requires an LEA that has four or more school buildings and plans to renovate or build school buildings in the next five years 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;



- 26 • submit the facilities plan to affected local governmental entities;
- 27 • adopt and implement measures for involving the public in the process of
- 28 adopting the facilities plan;
- 29 • provide an opportunity for the public to comment on the facilities plan; and
- 30 • submit to the Division of Facilities Construction and Management reports
- 31 related to use of square footage in existing buildings, and cost of new school
- 32 construction;
- 33 ▶ requires the Department of Facilities Construction and Management to review
- 34 reports related to the cost of new school construction that an LEA submits;
- 35 ▶ requires local governmental entities to provide comment on a facilities plan that an
- 36 LEA submits;
- 37 ▶ defines terms; and
- 38 ▶ makes technical and conforming changes.

39 **Money Appropriated in this Bill:**

40 None

41 **Other Special Clauses:**

42 None

43 **Utah Code Sections Affected:**

44 AMENDS:

- 45 **53E-3-702**, as last amended by Laws of Utah 2019, Chapter 186
- 46 **53E-3-705**, as last amended by Laws of Utah 2019, Chapters 186 and 370
- 47 **53E-3-708**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 48 **63A-1-202**, as last amended by Laws of Utah 2019, Chapter 214 and renumbered and
- 49 amended by Laws of Utah 2019, Chapter 370



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

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

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

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

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

57 adopts under Subsection (2).

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

60 (ii) "Major renovation" includes:

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

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

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

64 (d) (i) "Public school building" means a building any part of which an LEA uses as a  
65 public kindergarten, elementary school, middle school, junior high school, or high school.

66 (ii) "Public school building" does not include:

67 (A) a portable classroom; or

68 (B) a school facility.

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

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

72 (f) "School facility" means a facility, including a pool, theater, stadium, or maintenance  
73 building, that is built, leased, acquired, or remodeled by a local education agency regardless of  
74 whether the facility is open to the public.

75 (g) "Teacher" means an individual who is:

76 (i) employed by an LEA;

77 (ii) required to hold an educator license issued by the state board; and

78 (iii) assigned to teach in a classroom.

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

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

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

82 Administration on proposed guidelines before adoption.

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

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

- 90 (a) review the guidelines adopted by the state board under this section; and
- 91 (b) take into consideration the guidelines when planning ~~[the public school]~~ new  
92 construction~~[-]~~ and major renovation.

93 (4) After complying with the requirements of Subsection (3), an LEA may incorporate  
94 the guidelines as applicable when planning new construction and major renovation.

95 ~~[(4)]~~ (5) In adopting the guidelines ~~[for public school construction]~~, the state board  
96 shall consider ~~[the following and adopt alternative guidelines as needed]:~~

- 97 (a) location factors, including:
  - 98 (i) whether the school is in a rural, suburban, or urban setting~~[-]~~; and ~~[climate factors;]~~
  - 99 (ii) the climate in various geographic areas;

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

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

105 (d) year-round use.

106 ~~[(5)]~~ (6) The guidelines shall address the following:

107 (a) recommended square footage per student~~[-]~~ and per teacher, including to  
108 accommodate:

109 (i) administrative or office space;

110 (ii) custodial space;

111 (iii) lockers;

112 (iv) standard classroom space;

113 (v) special use classrooms;

114 (vi) multi-purpose rooms; and

115 (vii) media centers;

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

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

118 (d) cost per square foot;

- 119 (e) minimum and maximum qualities and costs for building materials;
- 120 (f) design efficiency;
- 121 (g) parking;
- 122 (h) furnishing;
- 123 (i) proof of compliance with applicable building codes; and
- 124 (j) safety.

125 (7) The state board may adopt new guidelines as necessary to comply with this section.

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

127 Facilities Construction Management to:

128 (a) review:

129 (i) public school construction costs;

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

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

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

133 (c) evaluate:

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

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

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

139 (C) construction manager/general manager, as that term is defined in Section  
140 [63G-6a-103](#); and

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

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

144 **53E-3-705. School plant capital outlay report.**

145 (1) As used in this section:

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

147 (b) "Public school building" means the same as that term is defined in Section  
148 [53E-3-702](#).

149 (c) "Teacher" means the same as that term is defined in Section [53E-3-702](#).

150 ~~[(1)]~~ (2) The state board shall prepare an annual school plant capital outlay report of all  
151 school districts, which includes information on the number and size of building projects  
152 completed and under construction.

153 (3) (a) When an LEA completes new construction, the LEA shall include in the annual  
154 school plant capital outlay report described in Subsection (4) the cost of the new construction:

- 155 (i) in total dollars;
- 156 (ii) per square foot;
- 157 (iii) per student; and
- 158 (iv) per teacher.

159 (b) An LEA shall include in the annual school plant capital outlay report described in  
160 Subsection (4), for each public school building in the LEA, the square footage:

- 161 (i) per student; and
- 162 (ii) per teacher.

163 ~~[(2)]~~ (4) (a) A school district or charter school shall prepare and submit an annual  
164 school plant capital outlay report [~~in accordance with Section 63A-1-202;~~] to the state auditor  
165 on or before a date designated by the state auditor.

166 (b) The state auditor shall make a school plant capital outlay report described in  
167 Subsection (4)(a) available to the Division of Facilities Construction and Management for  
168 purposes of the review described in Subsection (5).

169 (5) The Division of Facilities Construction and Management shall:

170 (a) review a school plant capital outlay report to:

- 171 (i) assess historical costs for similar school buildings;
- 172 (ii) compare new construction costs to identify construction efficiencies or  
173 inefficiencies;

174 (iii) assess an LEA's use of energy efficient design elements; and

175 (iv) identify elements that an LEA included in a public school construction project that:

- 176 (A) improve energy savings;
- 177 (B) reduce maintenance costs;
- 178 (C) enhance the longevity of the public school building; and
- 179 (D) reduce the need for future public school construction; and

180 (b) provide to the state auditor a report of the review described in Subsection (5)(a) for

181 posting on the Utah Public Finance Website.

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

183 **53E-3-708. Local education agency to adopt educational facilities plan -- Licensed**  
184 **architect to prepare public school construction plans.**

185 (1) As used in this section:

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

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

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

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

193 (c) "Covered LEA" means an LEA that:

194 (i) has at least four or more school buildings; and

195 (ii) plans public school construction within the next five years.

196 (d) "Educational facilities plan" means a comprehensive planning document for an  
197 LEA's facilities needs described in Subsection (3).

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

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

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

201 (h) "New school construction" means the same as that term is defined in Section  
202 [53E-3-702](#).

203 (i) "School building" means the same as the term "public school building" is defined in  
204 Section [53E-3-702](#).

205 (j) "Public school construction" means the same as that term is defined in Section  
206 [53E-3-702](#).

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

209 (i) an educational facilities plan; and

210 (ii) a community involvement plan.

211 (b) A covered LEA may decide whether the covered LEA's educational facilities plan

212 covers the succeeding five years or succeeding ten years.

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

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

216 (i) include an inventory of existing school facilities;

217 (ii) identify major renovation the covered LEA anticipates over the period the  
218 educational facilities plan covers;

219 (iii) identify new school construction the covered LEA anticipates over the period the  
220 educational facilities plan covers;

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

223 (v) identify options to reduce the need for new school construction;

224 (vi) include a concept schedule of major renovation and public school construction  
225 necessary to maintain the covered LEA's facilities;

226 (vii) identify which public school construction projects included in the educational  
227 facilities plan the covered LEA could fund from current revenues; and

228 (viii) identify additional sources of revenue for public school construction projects not  
229 identified under Subsection (3)(b)(vii).

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

231 (a) follow the measures the covered LEA adopts in the covered LEA's community  
232 involvement plan;

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

234 (c) provide an opportunity for public comment.

235 (5) An affected local governmental entity shall:

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

238 (b) no later than 30 days after a covered LEA submits an educational facilities plan,  
239 provide comment to the LEA.

240 (6) A covered LEA may:

241 (a) amend an adopted educational facilities plan as needed during the five-year period  
242 described in Subsection (2)(a); and



243 (b) complete public school construction that is not included in the facilities plan if a  
 244 life-threatening safety hazard, a fire safety hazard, or a seismic hazard:

245 (i) exists:

246 (A) in a school building; or

247 (B) on the school premises; and

248 (ii) necessitates the public school construction.

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

251 Section 4. Section **63A-1-202** is amended to read:

252 **63A-1-202. Utah Public Finance Website -- Establishment and administration --**  
 253 **Records disclosure -- Exceptions.**

254 (1) There is created the Utah Public Finance Website to be administered by the state  
 255 auditor.

256 (2) The Utah Public Finance Website shall:

257 (a) permit Utah taxpayers to:

258 (i) view, understand, and track the use of taxpayer dollars by making public financial  
 259 information available on the Internet for participating state entities, independent entities, and  
 260 participating local entities, using the Utah Public Finance Website; and

261 (ii) link to websites administered by participating local entities or independent entities  
 262 that do not use the Utah Public Finance Website for the purpose of providing participating  
 263 local entities' or independent entities' public financial information as required by this part and  
 264 by rule under Section [63A-1-204](#);

265 (b) allow a person who has Internet access to use the website without paying a fee;

266 (c) allow the public to search public financial information on the Utah Public Finance  
 267 Website using criteria established by the board;

268 (d) provide access to financial reports, financial audits, budgets, or other financial  
 269 documents that are used to allocate, appropriate, spend, and account for government funds, as  
 270 may be established by rule under Section [63A-1-204](#);

271 (e) have a unique and simplified website address;

272 (f) be directly accessible via a link from the main page of the official state website;

273 (g) include other links, features, or functionality that will assist the public in obtaining

274 and reviewing public financial information, as may be established by rule under Section  
275 63A-1-204; and

276 (h) include a link to school report cards published on the State Board of Education's  
277 website under Section 53E-5-211.

278 (3) (a) The state auditor shall:

279 (i) establish and maintain the website, including the provision of equipment, resources,  
280 and personnel as necessary;

281 (ii) maintain an archive of all information posted to the website;

282 (iii) coordinate and process the receipt and posting of public financial information from  
283 participating state entities; and

284 (iv) coordinate and regulate the posting of public financial information by participating  
285 local entities and independent entities.

286 (b) The department shall provide staff support for the advisory committee.

287 (4) (a) A participating state entity and each independent entity shall permit the public  
288 to view the entity's public financial information via the website, beginning with information  
289 that is generated not later than the fiscal year that begins July 1, 2008, except that public  
290 financial information for an:

291 (i) institution of higher education shall be provided beginning with information  
292 generated for the fiscal year beginning July 1, 2009; and

293 (ii) independent entity shall be provided beginning with information generated for the  
294 entity's fiscal year beginning in 2014.

295 (b) No later than May 15, 2009, the website shall:

296 (i) be operational; and

297 (ii) permit public access to participating state entities' public financial information,  
298 except as provided in Subsections (4)(c) and (d).

299 (c) An institution of higher education that is a participating state entity shall submit the  
300 entity's public financial information at a time allowing for inclusion on the website no later  
301 than May 15, 2010.

302 (d) No later than the first full quarter after July 1, 2014, an independent entity shall  
303 submit the entity's public financial information for inclusion on the Utah Public Finance  
304 Website or via a link to its own website on the Utah Public Finance Website.

305 (5) (a) The Utah Educational Savings Plan, created in Section [53B-8a-103](#), shall  
306 provide the following financial information to the state auditor for posting on the Utah Public  
307 Finance Website:

308 (i) administrative fund expense transactions from its general ledger accounting system;  
309 and

310 (ii) employee compensation information.

311 (b) The plan is not required to submit other financial information to the state auditor,  
312 including:

313 (i) revenue transactions;

314 (ii) account owner transactions; and

315 (iii) fiduciary or commercial information, as defined in Section [53B-12-102](#).

316 (6) (a) The following independent entities shall each provide administrative expense  
317 transactions from its general ledger accounting system and employee compensation  
318 information to the state auditor for posting on the Utah Public Finance Website or via a link to  
319 a website administered by the independent entity:

320 (i) the Utah Housing Corporation, created in Section [63H-8-201](#); and

321 (ii) the School and Institutional Trust Lands Administration, created in Section  
322 [53C-1-201](#).

323 (b) The Utah Capital Investment Corporation, an independent entity created in Section  
324 [63N-6-301](#), shall provide the following information to the division for posting on the Utah  
325 Public Finance Website or via a link to a website administered by the independent entity for  
326 each fiscal year ending on or after June 30, 2015:

327 (i) aggregate compensation information for full-time and part-time employees,  
328 including benefit information;

329 (ii) aggregate business travel expenses;

330 (iii) aggregate expenses related to the Utah Capital Investment Corporation's allocation  
331 manager; and

332 (iv) aggregate administrative, operating, and finance costs.

333 (c) For purposes of this part, an independent entity described in Subsection (6)(a) or (b)  
334 is not required to submit to the state auditor, or provide a link to, other financial information,  
335 including:

- 336 (i) revenue transactions of a fund or account created in its enabling statute;
- 337 (ii) fiduciary or commercial information related to any subject if the disclosure of the
- 338 information:
- 339 (A) would conflict with fiduciary obligations; or
- 340 (B) is prohibited by insider trading provisions;
- 341 (iii) information of a commercial nature, including information related to:
- 342 (A) account owners, borrowers, and dependents;
- 343 (B) demographic data;
- 344 (C) contracts and related payments;
- 345 (D) negotiations;
- 346 (E) proposals or bids;
- 347 (F) investments;
- 348 (G) the investment and management of funds;
- 349 (H) fees and charges;
- 350 (I) plan and program design;
- 351 (J) investment options and underlying investments offered to account owners;
- 352 (K) marketing and outreach efforts;
- 353 (L) lending criteria;
- 354 (M) the structure and terms of bonding; and
- 355 (N) financial plans or strategies; and
- 356 (iv) information protected from public disclosure by federal law.
- 357 (7) (a) As used in this Subsection (7):
- 358 (i) "Local education agency" means a school district or a charter school.
- 359 (ii) "New school building project" means:
- 360 (A) the construction of a school or school facility that did not previously exist in a local
- 361 education agency; or
- 362 (B) the lease or purchase of an existing building, by a local education agency, to be
- 363 used as a school or school facility.
- 364 (iii) "School facility" means a facility, including a pool, theater, stadium, or
- 365 maintenance building, that is built, leased, acquired, or remodeled by a local education agency
- 366 regardless of whether the facility is open to the public.

367 (iv) "Significant school remodel" means a construction project undertaken by a local  
368 education agency with a project cost equal to or greater than \$2,000,000, including:

369 (A) the upgrading, changing, alteration, refurbishment, modification, or complete  
370 substitution of an existing school or school facility in a local education agency; or

371 (B) the addition of a school facility.

372 (b) For each new school building project or significant school remodel, the local  
373 education agency shall:

374 (i) prepare an annual school plant capital outlay report; and

375 (ii) submit the report:

376 (A) to the state auditor for publication on the Utah Public Finance Website; and

377 (B) in a format, including any raw data or electronic formatting, prescribed by  
378 applicable policy established by the state auditor.

379 (c) The local education agency shall include in the capital outlay report described in  
380 Subsection (7)(b)(i) the following information as applicable to each new school building  
381 project or significant school remodel:

382 (i) the name and location of the new school building project or significant school  
383 remodel;

384 (ii) construction and design costs, including:

385 (A) the purchase price or lease terms of any real property acquired or leased for the  
386 project or remodel;

387 (B) facility construction;

388 (C) facility and landscape design;

389 (D) applicable impact fees; and

390 (E) furnishings and equipment;

391 (iii) the gross square footage of the project or remodel;

392 (iv) the year construction was completed; and

393 (v) the final student capacity of the new school building project or, for a significant  
394 school remodel, the increase or decrease in student capacity created by the remodel.

395 (d) (i) For a cost, fee, or other expense required to be reported under Subsection (7)(c),  
396 the local education agency shall report the actual cost, fee, or other expense.

397 (ii) The state auditor may require that a local education agency provide further itemized

398 data on information listed in Subsection (7)(c).

399 (e) (i) No later than May 15, 2015, a local education agency shall provide the state  
400 auditor a school plant capital outlay report for each new school building project and significant  
401 school remodel completed on or after July 1, 2004, and before May 13, 2014.

402 (ii) For a new school building project or significant school remodel completed after  
403 May 13, 2014, the local education agency shall provide the school plant capital outlay report  
404 described in this Subsection (7) to the state auditor annually by a date designated by the state  
405 auditor.

406 (8) The Division of Facilities Construction and Management shall provide to the state  
407 auditor, for publication on the Utah Public Finance Website, the report described in Subsection  
408 53E-3-705(5)(b).

409 [~~8~~] (9) A person who negligently discloses a record that is classified as private,  
410 protected, or controlled by Title 63G, Chapter 2, Government Records Access and  
411 Management Act, is not criminally or civilly liable for an improper disclosure of the record if  
412 the record is disclosed solely as a result of the preparation or publication of the Utah Public  
413 Finance Website.