

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



- 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 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 major renovation.

~~[(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;]~~

(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;

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](#);

(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](#).

[{+}] (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 and highest cost of new construction completed in the state during the previous five-year period:

(i) in total dollars;

(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) high school building; and

(d) annually make the information described in Subsection (2)(b) available and easily accessible to an LEA 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 prepare and submit an annual school plant capital outlay report [~~in accordance with Section [63A-1-202](#).~~] 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 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.

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

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

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

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

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

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

(2) (a) Beginning in 2022, and at least every five years thereafter, a covered LEA shall 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) (a) A covered LEA shall ensure that an educational facilities plan identifies the covered LEA's facilities needs over the succeeding five or ten years.

(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.