

**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) to:
 - annually adopt an educational facilities plan (plan) for facilities maintenance and renovation, and new school building construction, over a period of five, ten, and twenty years;
 - submit the plan to affected local governmental entities; and
 - provide an opportunity for the public to comment on the plan;
- ▶ requires local governmental entities to provide comment on a 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.

(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 the guidelines when planning the public school 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,]~~

(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.

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 for each of the following categories:

(i) elementary school building;

(ii) middle school building;

(iii) junior high school building; and

(iv) high school building; and

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

~~[(2)]~~ (3) A school district or charter school shall annually prepare and submit to the state board:

- 121 (a) an annual school plant capital outlay report in accordance with Section
122 [63A-1-202](#)[-]; or
123 (b) the first year of an educational facilities plan prepared in accordance with Section
124 [53E-3-708](#).

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

126 **53E-3-708. Local education agency to adopt educational facilities plan -- Licensed**
127 **architect to prepare public school construction plans.**

128 (1) As used in this section:

- 129 (a) "Affected local governmental entity" means:
130 (i) a municipality, for planned public school construction within a municipality
131 identified in an educational facilities plan; or
132 (ii) a county, for planned public school construction within an unincorporated area in
133 the county identified in an educational facilities plan.
134 (b) "Change order" means the same as that term is defined in Section [63G-6a-103](#).
135 (c) "Educational facilities plan" means a comprehensive planning document for an
136 LEA's facilities needs described in Subsection (4).
137 (d) "Guidelines" means the same as that term is defined in Section [53E-3-702](#).
138 (e) "General plan" means:
139 (i) for a municipality, the same as that term is defined in Section [10-9a-103](#); and
140 (ii) for a county, the same as that term is defined in Section [17-27a-103](#).
141 (f) "Major renovation" means the same as that term is defined in Section [53E-3-702](#).
142 (g) "Municipality" means the same as that term is defined in Section [10-1-104](#).
143 (h) "New school construction" means the same as that term is defined in Section
144 [53E-3-702](#).
145 (i) "Public school construction" means the same as that term is defined in Section
146 [53E-3-702](#).
147 (2) Beginning in 2022, an LEA shall annually adopt an educational facilities plan.
148 (3) An LEA shall ensure that an educational facilities plan:
149 (a) identifies the LEA's facilities needs over the succeeding five, ten, and twenty years;
150 (b) includes an inventory of existing school facilities, including:
151 (i) facilities that the LEA leases; and

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

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

155 (d) includes a child access routing plan described in Section [53G-4-402](#) for each
156 school;

157 (e) identifies major renovation the LEA anticipates over the period the educational
158 facilities plan covers, including:

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

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

161 (ii) student capacity increase or decrease;

162 (f) identifies new school construction the LEA anticipates over the period the
163 educational facilities plan covers, including:

164 (i) location of the new school construction;

165 (ii) total square footage; and

166 (iii) total student capacity;

167 (g) identifies public school construction not identified under Subsection (3)(e), that the
168 LEA anticipates over the period the educational facilities plan covers;

169 (h) includes, for each proposed new public school building:

170 (i) site acreage needs;

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

172 (iii) anticipated capacity;

173 (i) identifies options to reduce the need for new school construction, including:

174 (i) redistricting;

175 (ii) busing;

176 (iii) year-round school;

177 (iv) charter schools;

178 (v) multi-track class scheduling;

179 (vi) grade level reorganization;

180 (vii) block scheduling; and

181 (viii) renovating existing school buildings;

182 (j) includes a schedule of major renovation and public school construction necessary to

maintain the 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;

(o) identifies which public school construction projects included in the educational facilities plan the LEA will fund from current revenues;

(p) identifies additional sources of revenue for public school construction projects not identified under Subsection (3)(o); and

(q) complies with applicable land use ordinances.

(5) Before an LEA adopts an educational facilities plan, the LEA shall:

(a) submit the educational facilities plan to each affected local governmental entity; and

(b) provide an opportunity for public comment.

214 (6) An affected local governmental entity shall:

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

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

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

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

222 (iii) the affected local governmental entity supports the amendment described in
223 Subsection (6)(b)(ii).

224 (7) An LEA may amend an adopted educational facilities plan to:

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

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

228 (ii) add or remove projects; or

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

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

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

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