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School Construction Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Chris H. Wilson

House Sponsor:

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LONG TITLE

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General Description:

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This bill transfers oversight of public school construction from the State Board of Education to the Division of Facilities Construction and Management (division).

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Highlighted Provisions:

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This bill:

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- ▶ establishes permitting and inspection authority for the division regarding public school construction projects;

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- ▶ repeals and reenacts sections related to state board coordination with the division;

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- ▶ establishes educational facility planning requirements for a local education agency (LEA) including architect licensing and notification requirements;

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- ▶ establishes public school construction oversight under the division;

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- ▶ establishes division authority to adopt comprehensive construction rules covering square footage, safety, costs, and building standards;

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- ▶ requires consultation with the state security chief on mandatory safety and security standards;

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- ▶ creates architect and design professional cost oversight with benchmarks and review requirements;

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- ▶ establishes plan review and approval authority for the division before construction can begin;

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- ▶ sets mandatory technical compliance requirements including fire safety, accessibility, and energy codes;

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- ▶ creates an online document management system for construction documentation and compliance tracking;

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- ▶ establishes inspection verification and monitoring procedures with qualified inspector requirements;

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- ▶ implements standardized cost reporting systems with detailed requirements and cost database development;

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- 31 ▶ requires LEAs to obtain division approval that projects fit within established cost matrices
 32 before construction;
- 33 ▶ requires training and technical assistance programs including resource manuals and
 34 annual training conferences;
- 35 ▶ designates a school construction liaison for coordination between the state board and
 36 division;
- 37 ▶ allows division-managed construction services for an LEA with fee structures and
 38 reimbursement requirements;
- 39 ▶ creates enforcement and penalty provisions including administrative penalties up to
 40 \$25,000 and mandatory compliance audits;
- 41 ▶ establishes a qualified contractor and vendor registry for public school construction
 42 projects;
- 43 ▶ requires an LEA to submit historical project information and documentation to the
 44 division upon request;
- 45 ▶ establishes construction oversight fee of 1.25% of project cost for all projects;
- 46 ▶ provides charter school alternative compliance options with reduced requirements for
 47 smaller projects;
- 48 ▶ provides the division with construction permitting authority;
- 49 ▶ sets an implementation timeline requiring full compliance by January 1, 2027; and
- 50 ▶ makes conforming changes.

51 **Money Appropriated in this Bill:**

52 None

53 **Other Special Clauses:**

54 This bill provides a special effective date.

55 **Utah Code Sections Affected:**

56 AMENDS:

57 **10-20-304**, as renumbered and amended by Laws of Utah 2025, First Special Session,
 58 Chapter 15

59 **17-79-305**, as renumbered and amended by Laws of Utah 2025, First Special Session,
 60 Chapter 14

61 **63G-6a-1302**, as last amended by Laws of Utah 2022, Chapter 421

62 ENACTS:

63 **63A-5b-1201**, Utah Code Annotated 1953

64 **63A-5b-1202**, Utah Code Annotated 1953

- 65 **63A-5b-1203**, Utah Code Annotated 1953
- 66 **63A-5b-1204**, Utah Code Annotated 1953
- 67 **63A-5b-1205**, Utah Code Annotated 1953
- 68 **63A-5b-1206**, Utah Code Annotated 1953
- 69 **63A-5b-1207**, Utah Code Annotated 1953
- 70 **63A-5b-1208**, Utah Code Annotated 1953
- 71 **63A-5b-1209**, Utah Code Annotated 1953
- 72 **63A-5b-1210**, Utah Code Annotated 1953
- 73 **63A-5b-1211**, Utah Code Annotated 1953
- 74 **63A-5b-1212**, Utah Code Annotated 1953
- 75 **63A-5b-1213**, Utah Code Annotated 1953
- 76 **63A-5b-1214**, Utah Code Annotated 1953
- 77 **63A-5b-1215**, Utah Code Annotated 1953
- 78 **63A-5b-1216**, Utah Code Annotated 1953
- 79 **63A-5b-1217**, Utah Code Annotated 1953
- 80 **63A-5b-1218**, Utah Code Annotated 1953
- 81 **63A-5b-1219**, Utah Code Annotated 1953
- 82 **63A-5b-1220**, Utah Code Annotated 1953
- 83 **63A-5b-1221**, Utah Code Annotated 1953
- 84 **63A-5b-1222**, Utah Code Annotated 1953

85 REPEALS AND REENACTS:

- 86 **53E-3-701**, as enacted by Laws of Utah 2018, Chapter 1
- 87 **53E-3-702**, as last amended by Laws of Utah 2024, Chapter 21
- 88 **53E-3-703**, as last amended by Laws of Utah 2019, Chapter 186
- 89 **53E-3-704**, as renumbered and amended by Laws of Utah 2018, Chapter 1

90 REPEALS:

- 91 **53E-3-705**, as last amended by Laws of Utah 2024, Chapter 85
- 92 **53E-3-706**, as last amended by Laws of Utah 2024, Chapter 21
- 93 **53E-3-707**, as last amended by Laws of Utah 2019, Chapter 186
- 94 **53E-3-708**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 95 **53E-3-709**, as last amended by Laws of Utah 2019, Chapter 186
- 96 **53E-3-710**, as renumbered and amended by Laws of Utah 2018, Chapter 1
- 97 **53E-3-711**, as renumbered and amended by Laws of Utah 2018, Chapter 1

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

100 Section 1. Section **10-20-304** is amended to read:

101 **10-20-304 . Political subdivisions required to conform to municipality's land use**
 102 **ordinances -- Exceptions.**

103 (1)(a) Each county, municipality, school district, charter school, special district, special
 104 service district, and political subdivision of the state shall conform to any applicable
 105 land use ordinance of any municipality when installing, constructing, operating, or
 106 otherwise using any area, land, or building situated within that municipality.

107 (b) In addition to any other remedies provided by law, when a municipality's land use
 108 ordinance is violated or about to be violated by another political subdivision, that
 109 municipality may institute an injunction, mandamus, abatement, or other appropriate
 110 action or proceeding to prevent, enjoin, abate, or remove the improper installation,
 111 improvement, or use.

112 (2)(a) Except as provided in Subsection (3), a school district or charter school is subject
 113 to a municipality's land use ordinances.

114 (b)(i) Notwithstanding Subsection (3), a municipality may:

115 (A) subject a charter school to standards within each zone pertaining to setback,
 116 height, bulk and massing regulations, off-site parking, curb cut, traffic
 117 circulation, and construction staging; and

118 (B) impose regulations upon the location of a project that are necessary to avoid
 119 unreasonable risks to health or safety, as provided in Subsection (3)(f).

120 (ii) The standards to which a municipality may subject a charter school under
 121 Subsection (2)(b)(i) shall be objective standards only and may not be subjective.

122 (iii) Except as provided in Subsection (7)(d), the only basis upon which a
 123 municipality may deny or withhold approval of a charter school's land use
 124 application is the charter school's failure to comply with a standard imposed under
 125 Subsection (2)(b)(i).

126 (iv) Nothing in Subsection (2)(b)(iii) may be construed to relieve a charter school of
 127 an obligation to comply with a requirement of an applicable building or safety
 128 code to which it is otherwise obligated to comply.

129 (3) A municipality may not:

130 (a) impose requirements for landscaping, fencing, aesthetic considerations, construction
 131 methods or materials[~~-, additional building inspections~~], municipal building codes,
 132 building use for educational purposes, or the placement or use of temporary

- 133 classroom facilities on school property;
- 134 (b) except as otherwise provided in this section, require a school district or charter
 135 school to participate in the cost of any roadway or sidewalk, or a study on the impact
 136 of a school on a roadway or sidewalk, that is not reasonably necessary for the safety
 137 of school children and not located on or contiguous to school property, unless the
 138 roadway or sidewalk is required to connect an otherwise isolated school site to an
 139 existing roadway;
- 140 (c) require a district or charter school to pay fees not authorized by this section;
- 141 (d) provide for inspection of school construction or assess a fee or other charges for
 142 inspection~~[, unless the school district or charter school is unable to provide for~~
 143 ~~inspection by an inspector, other than the project architect or contractor, who is~~
 144 ~~qualified under criteria established by the state superintendent]~~;
- 145 (e) require a school district or charter school to pay any impact fee for an improvement
 146 project unless the impact fee is imposed as provided in Title 11, Chapter 36a, Impact
 147 Fees Act;
- 148 (f) impose regulations upon the location of an educational facility except as necessary to
 149 avoid unreasonable risks to health or safety; or
- 150 (g) for a land use or a structure owned or operated by a school district or charter school
 151 that is not an educational facility but is used in support of providing instruction to
 152 pupils, impose a regulation that:
- 153 (i) is not imposed on a similar land use or structure in the zone in which the land use
 154 or structure is approved; or
- 155 (ii) uses the tax exempt status of the school district or charter school as criteria for
 156 prohibiting or regulating the land use or location of the structure.
- 157 (4) Subject to Section ~~[53E-3-710]~~ 53E-3-703 and in accordance with standards the Division
 158 of Facilities Construction and Management establishes in rule, a school district or
 159 charter school shall coordinate the siting of a new school with the municipality in which
 160 the school is to be located, to:
- 161 (a) avoid or mitigate existing and potential traffic hazards, including consideration of the
 162 impacts between the new school and future highways; and
- 163 (b) maximize school, student, and site safety.
- 164 (5) Notwithstanding Subsection (3)(d), a municipality may, at [its] the municipality's
 165 discretion:
- 166 (a) ~~[provide]~~ request a walk-through of school construction at no cost and at a time

- 167 convenient to the school district or charter school; and
- 168 (b) provide recommendations based upon the walk-through[?] to:
- 169 (i) the school district or charter school; and
- 170 (ii) the Division of Facilities Construction and Management.
- 171 (6)(a) The Division of Facilities Construction and Management has the sole authority to
- 172 approve inspectors for school construction projects under Title 63A, Chapter 5b, Part
- 173 12, Public School Construction Oversight.
- 174 (b) A school district or charter school shall use only inspectors approved by the Division
- 175 of Facilities Construction and Management as follows:
- 176 (i) a Division of Facilities Construction and Management inspector;
- 177 (ii) a municipal building inspector who is on the division's approved roster under
- 178 Section 63A-5b-1220; or
- 179 (iii) a certified building inspector who meets all of the following requirements:
- 180 (A) is on the Division of Facilities Construction and Management's approved
- 181 roster under Section 63A-5b-1220;
- 182 (B) is not an employee of the contractor, school district, or charter school;
- 183 (C) is licensed to perform the inspection requested; and
- 184 (D) maintains current certifications as required by Division of Facilities
- 185 Construction and Management's rule.
- 186 [~~(6)(a) Notwithstanding Subsection (3)(d), a school district or charter school shall use:~~]
- 187 [~~(i) a municipal building inspector;~~]
- 188 [~~(ii)(A) for a school district, a school district building inspector from that school~~]
- 189 [~~district; or~~]
- 190 [~~(B) for a charter school, a school district building inspector from the school~~]
- 191 [~~district in which the charter school is located; or~~]
- 192 [~~(iii) an independent, certified building inspector who is not an employee of the~~]
- 193 [~~contractor, licensed to perform the inspection that the inspector is requested to~~]
- 194 [~~perform, and approved by a municipal building inspector or:~~]
- 195 [~~(A) for a school district, a school district building inspector from that school~~]
- 196 [~~district; or~~]
- 197 [~~(B) for a charter school, a school district building inspector from the school~~]
- 198 [~~district in which the charter school is located.]~~]
- 199 [(b) The approval under Subsection (6)(a)(iii) may not be unreasonably withheld.]
- 200 [(e) If a school district or charter school uses a school district or independent building

201 inspector under Subsection (6)(a)(ii) or (iii), the school district or charter school shall
 202 submit to the state superintendent of public instruction and municipal building
 203 official, on a monthly basis during construction of the school building, a copy of each
 204 inspection certificate regarding the school building.]

205 (7)(a) A charter school, home-based microschool, or micro-education entity shall be
 206 considered a permitted use in all zoning districts within a municipality.

207 (b) Each land use application for any approval required for a charter school, home-based
 208 microschool, or micro-education entity, including an application for a building
 209 permit, shall be processed on a first priority basis.

210 (c) Parking requirements for a charter school or a micro-education entity may not exceed
 211 the minimum parking requirements for schools or other institutional public uses
 212 throughout the municipality.

213 (d) If a municipality has designated zones for a sexually oriented business, or a business
 214 which sells alcohol, a charter school or a micro-education entity may be prohibited
 215 from a location which would otherwise defeat the purpose for the zone unless the
 216 charter school or micro-education entity provides a waiver.

217 (e)(i) A certificate authorizing permanent occupancy issued by the Division of
 218 Facilities Construction and Management under Section 63A-5b-1208 shall be the
 219 exclusive certificate required, and the municipality shall accept the Division of
 220 Facilities Construction and Management's certificate as satisfying all local
 221 occupancy requirements.

222 (ii) A micro-education entity is not subject to the requirements of Title 63A, Chapter
 223 5b, Part 12, Public School Construction Oversight, and shall comply with local
 224 building codes and permitting requirements through municipal or county building
 225 officials.

226 [(e)(i) A school district, charter school, or micro-education entity may seek a
 227 certificate authorizing permanent occupancy of a school building from:]

228 [(A) the state superintendent of public instruction, as provided in Subsection
 229 53E-3-706(3), if the school district or charter school used an independent
 230 building inspector for inspection of the school building; or]

231 [(B) a municipal official with authority to issue the certificate, if the school
 232 district, charter school, or micro-education entity used a municipal building
 233 inspector for inspection of the school building.]

234 [(ii) A school district may issue its own certificate authorizing permanent occupancy

- 235 of a school building if it used its own building inspector for inspection of the
 236 school building, subject to the notification requirement of Subsection
 237 53E-3-706(3)(a).]
- 238 [~~(iii) A charter school or micro-education entity may seek a certificate authorizing
 239 permanent occupancy of a school building from a school district official with
 240 authority to issue the certificate, if the charter school or micro-education entity
 241 used a school district building inspector for inspection of the school building.]~~
- 242 [~~(iv) A certificate authorizing permanent occupancy issued by the state
 243 superintendent of public instruction under Subsection 53E-3-706(3) or a school
 244 district official with authority to issue the certificate shall be considered to satisfy
 245 any municipal requirement for an inspection or a certificate of occupancy.]~~
- 246 (f)(i) A micro-education entity may operate in a facility that meets Group E
 247 Occupancy requirements as defined by the International Building Code, as
 248 incorporated by Section 15A-2-103.
- 249 (ii) A micro-education entity operating in a facility described in Subsection (7)(f)(i)
 250 may have up to 100 students in the facility.
- 251 (g) A micro-education entity may operate in a facility that is subject to and complies
 252 with the same occupancy requirements as a Class A-1, A-3, B, or M Occupancy as
 253 defined by the International Building Code, as incorporated by Section 15A-2-103, if:
- 254 (i) the facility has a code compliant fire alarm system and carbon monoxide detection
 255 system;
- 256 (ii)(A) each classroom in the facility has an exit directly to the outside at the level
 257 of exit or discharge; or
- 258 (B) the structure has a code compliant fire sprinkler system; and
- 259 (iii) the facility has an automatic fire sprinkler system in fire areas of the facility that
 260 are greater than 12,000 square feet.
- 261 (h)(i) A home-based microschool is not subject to additional occupancy
 262 requirements beyond occupancy requirements that apply to a primary dwelling.
- 263 (ii) If a floor that is below grade in a home-based microschool is used for home-based
 264 microschool purposes, the below grade floor of the home-based microschool shall
 265 have at least one emergency escape or rescue window that complies with the
 266 requirements for emergency escape and rescue windows as defined by the
 267 International Residential Code, as incorporated by Section 15A-2-103.
- 268 (8)(a) A specified public agency intending to develop its land shall submit to the land

- 269 use authority a development plan and schedule:
- 270 (i) as early as practicable in the development process, but no later than the
271 commencement of construction; and
- 272 (ii) with sufficient detail to enable the land use authority to assess:
- 273 (A) the specified public agency's compliance with applicable land use ordinances;
- 274 (B) the demand for public facilities listed in Subsections 11-36a-102(17)(a), (b),
275 (c), (d), (e), and (g) caused by the development;
- 276 (C) the amount of any applicable fee described in Sections 10-20-904 and
277 10-20-910;
- 278 (D) any credit against an impact fee; and
- 279 (E) the potential for waiving an impact fee.
- 280 (b) The land use authority shall respond to a specified public agency's submission under
281 Subsection (8)(a) with reasonable promptness in order to allow the specified public
282 agency to consider information the municipality provides under Subsection (8)(a)(ii)
283 in the process of preparing the budget for the development.
- 284 (9) Nothing in this section may be construed to:
- 285 (a) modify or supersede Section 10-20-305; or
- 286 (b) authorize a municipality to enforce an ordinance in a way, or enact an ordinance, that
287 fails to comply with Title 57, Chapter 21, Utah Fair Housing Act, the federal Fair
288 Housing Amendments Act of 1988, 42 U.S.C. Sec. 3601 et seq., the Americans with
289 Disabilities Act of 1990, 42 U.S.C. Sec. 12102, or any other provision of federal law.
- 290 (10) Nothing in Subsection (7) prevents a political subdivision from:
- 291 (a) requiring a home-based microschool or micro-education entity to comply with
292 municipal zoning and land use regulations that do not conflict with this section,
293 including:
- 294 (i) parking;
- 295 (ii) traffic; and
- 296 (iii) hours of operation;
- 297 (b) requiring a home-based microschool or micro-education entity to obtain a business
298 license;
- 299 (c) enacting municipal ordinances and regulations consistent with this section;
- 300 (d) subjecting a micro-education entity to standards within each zone pertaining to
301 setback, height, bulk and massing regulations, off-site parking, curb cut, traffic
302 circulation, and construction staging; and

303 (e) imposing regulations on the location of a project that are necessary to avoid risks to
 304 health or safety.

305 (11)(a) Section 63A-5b-1218 governs the requirements for permitting and inspection of
 306 public school buildings.

307 (b) A municipality may not enact any ordinance, policy, or regulation relating to the
 308 permitting or inspection of public school buildings.

309 Section 2. Section **17-79-305** is amended to read:

310 **17-79-305 . Other entities required to conform to county's land use ordinances --**

311 **Exceptions -- School districts, charter schools, home-based microschools, and**

312 **micro-education entities -- Submission of development plan and schedule.**

313 (1)(a) Each county, municipality, school district, charter school, special district, special
 314 service district, and political subdivision of the state shall conform to any applicable
 315 land use ordinance of any county when installing, constructing, operating, or
 316 otherwise using any area, land, or building situated within a mountainous planning
 317 district or the unincorporated portion of the county, as applicable.

318 (b) In addition to any other remedies provided by law, when a county's land use
 319 ordinance is violated or about to be violated by another political subdivision, that
 320 county may institute an injunction, mandamus, abatement, or other appropriate action
 321 or proceeding to prevent, enjoin, abate, or remove the improper installation,
 322 improvement, or use.

323 (2)(a) Except as provided in Subsection (3), a school district or charter school is subject
 324 to a county's land use ordinances.

325 (b)(i) Notwithstanding Subsection (3), a county may:

326 (A) subject a charter school to standards within each zone pertaining to setback,
 327 height, bulk and massing regulations, off-site parking, curb cut, traffic
 328 circulation, and construction staging; and

329 (B) impose regulations upon the location of a project that are necessary to avoid
 330 unreasonable risks to health or safety, as provided in Subsection (3)(f).

331 (ii) The standards to which a county may subject a charter school under Subsection
 332 (2)(b)(i) shall be objective standards only and may not be subjective.

333 (iii) Except as provided in Subsection (7)(d), the only basis upon which a county may
 334 deny or withhold approval of a charter school's land use application is the charter
 335 school's failure to comply with a standard imposed under Subsection (2)(b)(i).

336 (iv) Nothing in Subsection (2)(b)(iii) may be construed to relieve a charter school of

337 an obligation to comply with a requirement of an applicable building or safety
338 code to which it is otherwise obligated to comply.

339 (3) A county may not:

340 (a) impose requirements for landscaping, fencing, aesthetic considerations, construction
341 methods or materials~~[-, additional building inspections]~~, county building codes,
342 building use for educational purposes, or the placement or use of temporary
343 classroom facilities on school property;

344 (b) except as otherwise provided in this section, require a school district or charter
345 school to participate in the cost of any roadway or sidewalk, or a study on the impact
346 of a school on a roadway or sidewalk, that is not reasonably necessary for the safety
347 of school children and not located on or contiguous to school property, unless the
348 roadway or sidewalk is required to connect an otherwise isolated school site to an
349 existing roadway;

350 (c) require a district or charter school to pay fees not authorized by this section;

351 (d) provide for inspection of school construction or assess a fee or other charges for
352 inspection~~[-, unless the school district or charter school is unable to provide for~~
353 ~~inspection by an inspector, other than the project architect or contractor, who is~~
354 ~~qualified under criteria established by the state superintendent]~~;

355 (e) require a school district or charter school to pay any impact fee for an improvement
356 project unless the impact fee is imposed as provided in Title 11, Chapter 36a, Impact
357 Fees Act;

358 (f) impose regulations upon the location of an educational facility except as necessary to
359 avoid unreasonable risks to health or safety; or

360 (g) for a land use or a structure owned or operated by a school district or charter school
361 that is not an educational facility but is used in support of providing instruction to
362 pupils, impose a regulation that:

363 (i) is not imposed on a similar land use or structure in the zone in which the land use
364 or structure is approved; or

365 (ii) uses the tax exempt status of the school district or charter school as criteria for
366 prohibiting or regulating the land use or location of the structure.

367 (4) Subject to Section ~~[53E-3-710]~~ 53E-3-703 and in accordance with standards the Division
368 of Facilities Construction and Management establishes in rule, a school district or
369 charter school shall coordinate the siting of a new school with the county in which the
370 school is to be located, to:

- 371 (a) avoid or mitigate existing and potential traffic hazards, including consideration of the
 372 impacts between the new school and future highways; and
 373 (b) maximize school, student, and site safety.
- 374 (5) Notwithstanding Subsection (3)(d), a county may, at [its] the county's discretion:
 375 (a) [~~provide~~] request a walk-through of school construction at no cost and at a time
 376 convenient to the school district or charter school; and
 377 (b) provide recommendations based upon the walk-through[.] to:
 378 (i) the school district or charter school; and
 379 (ii) the Division of Facilities Construction and Management.
- 380 (6)(a) The Division of Facilities Construction and Management has the sole authority to
 381 approve inspectors for school construction projects under Title 63A, Chapter 5b, Part
 382 12, Public School Construction Oversight.
- 383 (b) A school district or charter school shall use only inspectors approved by the Division
 384 of Facilities Construction and Management as follows:
 385 (i) a Division of Facilities Construction and Management inspector;
 386 (ii) a county building inspector who is on the Division of Facilities Construction and
 387 Management's approved roster under Section 63A-5b-1220; or
 388 (iii) a certified building inspector who meets all of the following requirements:
 389 (A) is on the Division of Facilities Construction and Management's approved
 390 roster under Section 63A-5b-1220;
 391 (B) is not an employee of the contractor, school district, or charter school;
 392 (C) is licensed to perform the inspection requested; and
 393 (D) maintains current certifications as required by Division of Facilities
 394 Construction and Management rule.
- 395 [~~(6)(a) Notwithstanding Subsection (3)(d), a school district or charter school shall use:]~~
 396 [~~(i) a county building inspector;~~]
 397 [~~(ii)(A) for a school district, a school district building inspector from that school~~
 398 ~~district; or]~~
 399 [~~(B) for a charter school, a school district building inspector from the school~~
 400 ~~district in which the charter school is located; or]~~
 401 [~~(iii) an independent, certified building inspector who is not an employee of the~~
 402 ~~contractor, licensed to perform the inspection that the inspector is requested to~~
 403 ~~perform, and approved by a county building inspector or:]~~
 404 [~~(A) for a school district, a school district building inspector from that school~~

- 405 district; or]
- 406 [~~(B) for a charter school, a school district building inspector from the school~~
- 407 ~~district in which the charter school is located.]~~
- 408 [(b) The approval under Subsection (6)(a)(iii) may not be unreasonably withheld.]
- 409 [(e) If a school district or charter school uses a school district or independent building
- 410 inspector under Subsection (6)(a)(ii) or (iii), the school district or charter school shall
- 411 submit to the state superintendent of public instruction and county building official,
- 412 on a monthly basis during construction of the school building, a copy of each
- 413 inspection certificate regarding the school building.]
- 414 (7)(a) A charter school, home-based microschool, or micro-education entity shall be
- 415 considered a permitted use in all zoning districts within a county.
- 416 (b) Each land use application for any approval required for a charter school, home-based
- 417 microschool, or micro-education entity, including an application for a building
- 418 permit, shall be processed on a first priority basis.
- 419 (c) Parking requirements for a charter school or micro-education entity may not exceed
- 420 the minimum parking requirements for schools or other institutional public uses
- 421 throughout the county.
- 422 (d) If a county has designated zones for a sexually oriented business, or a business which
- 423 sells alcohol, a charter school or micro-education entity may be prohibited from a
- 424 location which would otherwise defeat the purpose for the zone unless the charter
- 425 school or micro-education entity provides a waiver.
- 426 (e)(i) A certificate authorizing permanent occupancy issued by the Division of
- 427 Facilities Construction and Management under Section 63A-5b-1208 shall be the
- 428 exclusive certificate required, and a county shall accept the division's certificate as
- 429 satisfying all local occupancy requirements.
- 430 (ii) A micro-education entity is not subject to the requirements of Title 63A, Chapter
- 431 5b, Part 12, Public School Construction Oversight, and shall comply with local
- 432 building codes and permitting requirements through county building officials.
- 433 [(e)(i) A school district, charter school, or micro-education entity may seek a
- 434 certificate authorizing permanent occupancy of a school building from:]
- 435 [(A) the state superintendent of public instruction, as provided in Subsection
- 436 53E-3-706(3), if the school district, charter school, or micro-education entity
- 437 used an independent building inspector for inspection of the school building; or]
- 438 [(B) a county official with authority to issue the certificate, if the school district,

439 charter school, or micro-education entity used a county building inspector for
440 inspection of the school building.]

441 [(ii) A school district may issue its own certificate authorizing permanent occupancy
442 of a school building if it used its own building inspector for inspection of the
443 school building, subject to the notification requirement of Subsection
444 53E-3-706(3)(d)(ii).]

445 [(iii) A charter school or micro-education entity may seek a certificate authorizing
446 permanent occupancy of a school building from a school district official with
447 authority to issue the certificate, if the charter school or micro-education entity
448 used a school district building inspector for inspection of the school building.]

449 [(iv) A certificate authorizing permanent occupancy issued by the state
450 superintendent of public instruction under Subsection 53E-3-706(3) or a school
451 district official with authority to issue the certificate shall be considered to satisfy
452 any county requirement for an inspection or a certificate of occupancy.]

453 (f)(i) A micro-education entity may operate a facility that meets Group E Occupancy
454 requirements as defined by the International Building Code, as incorporated by
455 Subsection 15A-2-103(1)(a).

456 (ii) A micro-education entity operating in a facility described in Subsection (7)(f)(i)
457 may have up to 100 students in the facility.

458 (g) A micro-education entity may operate a facility that is subject to and complies with
459 the same occupancy requirements as a Class A-1, A-3, B, or M Occupancy as defined
460 by the International Building Code, as incorporated by Subsection 15A-2-103(1)(a),
461 if:

462 (i) the facility has a code compliant fire alarm system and carbon monoxide detection
463 system;

464 (ii)(A) each classroom in the facility has an exit directly to the outside at the level
465 of exit discharge; or

466 (B) the structure has a code compliant fire sprinkler system; and

467 (iii) the facility has an automatic fire sprinkler system in fire areas of the facility that
468 are greater than 12,000 square feet.

469 (h)(i) A home-based microschool is not subject to additional occupancy requirements
470 beyond occupancy requirements that apply to a primary dwelling.

471 (ii) If a floor that is below grade in a home-based microschool is used for home-based
472 microschool purposes, the below grade floor of the home-based microschool shall

- 473 have at least one emergency escape or rescue window that complies with the
474 requirements for emergency escape and rescue windows as defined by the
475 International Residential Code, as incorporated in Section 15A-1-210.
- 476 (8)(a) A specified public agency intending to develop its land shall submit to the land
477 use authority a development plan and schedule:
- 478 (i) as early as practicable in the development process, but no later than the
479 commencement of construction; and
 - 480 (ii) with sufficient detail to enable the land use authority to assess:
 - 481 (A) the specified public agency's compliance with applicable land use ordinances;
 - 482 (B) the demand for public facilities listed in Subsections 11-36a-102(17)(a), (b),
483 (c), (d), (e), and (g) caused by the development;
 - 484 (C) the amount of any applicable fee described in Section 17-79-804;
 - 485 (D) any credit against an impact fee; and
 - 486 (E) the potential for waiving an impact fee.
- 487 (b) The land use authority shall respond to a specified public agency's submission under
488 Subsection (8)(a) with reasonable promptness in order to allow the specified public
489 agency to consider information the municipality provides under Subsection (8)(a)(ii)
490 in the process of preparing the budget for the development.
- 491 (9) Nothing in this section may be construed to:
- 492 (a) modify or supersede Section 17-79-306; or
 - 493 (b) authorize a county to enforce an ordinance in a way, or enact an ordinance, that fails
494 to comply with Title 57, Chapter 21, Utah Fair Housing Act, the federal Fair Housing
495 Amendments Act of 1988, 42 U.S.C. Sec. 3601 et seq., the Americans with
496 Disabilities Act of 1990, 42 U.S.C. Sec. 12102, or any other provision of federal law.
- 497 (10) Nothing in Subsection (7) prevents a political subdivision from:
- 498 (a) requiring a home-based microschool or micro-education entity to comply with local
499 zoning and land use regulations that do not conflict with this section, including:
 - 500 (i) parking;
 - 501 (ii) traffic; and
 - 502 (iii) hours of operation;
 - 503 (b) requiring a home-based microschool or micro-education entity to obtain a business
504 license;
 - 505 (c) enacting county ordinances and regulations consistent with this section;
 - 506 (d) subjecting a micro-education entity to standards within each zone pertaining to

507 setback, height, bulk and massing regulations, off-site parking, curb cut, traffic
 508 circulation, and construction staging; and
 509 (e) imposing regulations on the location of a project that are necessary to avoid risks to
 510 health or safety.

511 (11) Notwithstanding any other provision of law, the proximity restrictions that apply to
 512 community locations do not apply to a micro-education entity.

513 (12)(a) Section 63A-5b-1218 governs the requirements for permitting and inspection of
 514 public school buildings.

515 (b) A county may not enact any ordinance, policy, or regulation relating to the
 516 permitting or inspection of public school buildings.

517 Section 3. Section **53E-3-701** is repealed and reenacted to read:

518 **53E-3-701 . General provisions -- Definitions.**

519 As used in this part, "division" means the same as that term is defined in Section
 520 63A-5b-102.

521 Section 4. Section **53E-3-702** is repealed and reenacted to read:

522 **53E-3-702 . State board coordination with Division of Facilities Construction and**
 523 **Management.**

524 (1) The state board shall coordinate with the division regarding public school construction
 525 oversight as described in Title 63A, Chapter 5b, Part 12, Public School Construction
 526 Oversight, through the school construction liaison designated under Section
 527 63A-5b-1212.

528 (2) In providing the coordination described in Subsection (1), the state board may:

529 (a) provide input on educational programming requirements that affect construction
 530 standards;

531 (b) participate in construction rules development and review;

532 (c) assist with training programs for LEA officials;

533 (d) coordinate on matters affecting educational programs and construction oversight; and

534 (e) maintain expertise in educational facility planning and design.

535 (3) The state board shall maintain the state board's authority over:

536 (a) educational program requirements that may affect facility needs;

537 (b) coordination between construction projects and educational planning;

538 (c) policies related to educational use of facilities; and

539 (d) other matters not specifically described in Title 63A, Chapter 5b, Part 12, Public
 540 School Construction Oversight.

541 Section 5. Section **53E-3-703** is repealed and reenacted to read:

542 **53E-3-703 . Educational facility planning requirements.**

543 (1) In planning school construction, an LEA shall consider:

544 (a) educational program requirements for different grade levels;

545 (b) year-round use requirements;

546 (c) specific needs of various student populations; and

547 (d) coordination between facility design and educational delivery.

548 (2) An LEA shall ensure a licensed architect prepares plans and specifications for school
549 construction or alteration, subject to cost oversight requirements established by the
550 division described in Section 63A-5b-1204.

551 (3) Before purchasing real property in relation to a construction project or an existing
552 building for school use, an LEA shall provide written notice to:

553 (a) the municipality or county where the property is located;

554 (b) affected utility companies;

555 (c) relevant transportation authorities; and

556 (d) the local fire authority.

557 (4) The LEA shall ensure the notice is provided at least 30 days before:

558 (a) closing on a property purchase; or

559 (b) entering into a lease agreement for school use.

560 (5) Before beginning construction of a school building, an LEA shall submit to the entities
561 listed in Subsection (3):

562 (a) a development plan and schedule;

563 (b) anticipated enrollment and traffic impacts; and

564 (c) child access routing plans.

565 (6) An LEA shall ensure all construction contracts include the provisions for construction
566 contracts as the division determines.

567 Section 6. Section **53E-3-704** is repealed and reenacted to read:

568 **53E-3-704 . Procurement, bonding, and contracting requirements.**

569 (1) An LEA shall comply with Title 63G, Chapter 6a, Utah Procurement Code, for all
570 construction contracts.

571 (2) A school district shall require payment and performance bonds as provided in Section
572 14-1-18 for construction contracts exceeding \$50,000.

573 (3) An LEA shall ensure a construction contract includes:

574 (a) contract provisions the division establishes under Subsection 53E-3-703(6);

- 575 (b) insurance requirements meeting division standards; and
 576 (c) dispute resolution procedures.

577 Section 7. Section **63A-5b-1201** is enacted to read:

578 **Part 12. Public School Construction Oversight**

579 **63A-5b-1201 . General provisions -- Definitions.**

580 (1) This part does not apply to micro-education entities as defined in Section 53G-6-201.

581 (2) As used in this part:

582 (a) "Charter school" means a charter school established under Title 53G, Chapter 5,
 583 Charter Schools.

584 (b) "LEA" means the same as that term is defined in Section 53E-1-102.

585 (c) "Public school construction" means construction work on a new public school
 586 facility or major alteration of an existing public school facility with a total project
 587 cost exceeding the delineated thresholds for a capital development project or capital
 588 improvement project as defined in Section 63A-5b-401.

589 (d) "School construction liaison" means the individual designated under Section
 590 63A-5b-1212 to coordinate between the division and the state board regarding public
 591 school construction matters.

592 (e) "School district" means a local school district established under Title 53G, Chapter 3,
 593 School District Creation and Change.

594 (f) "State board" means the same as that term is defined in Section 53E-1-102.

595 Section 8. Section **63A-5b-1202** is enacted to read:

596 **63A-5b-1202 . Division authority over public school construction -- Construction**
 597 **standards.**

598 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
 599 division shall make rules establishing comprehensive standards for public school
 600 construction that may include:

601 (a) minimum and maximum real property requirements;

602 (b) cost per square foot parameters;

603 (c) building material quality and cost standards;

604 (d) parking and access requirements;

605 (e) standardized cost reporting requirements;

606 (f) mandatory plan review and approval procedures;

607 (g) qualified reviewer certification requirements;

608 (h) a process for permitting of public school construction in accordance with Section

- 609 63A-5b-1218;
- 610 (i) a process for an LEA to report project related issues;
- 611 (j) other construction related requirements;
- 612 (k) transition and replacement of existing State Board of Education rules related to
613 school construction;
- 614 (l) facility condition assessment requirements, including:
- 615 (i) frequency of assessments;
- 616 (ii) qualifications for third-party engineering firms conducting assessments;
- 617 (iii) standardized assessment methodologies; and
- 618 (iv) reporting and database requirements;
- 619 (m) building maintenance standards for public school facilities;
- 620 (n) building commissioning requirements, including:
- 621 (i) commissioning scope and procedures;
- 622 (ii) qualified commissioning agent requirements;
- 623 (iii) functional performance testing standards;
- 624 (iv) commissioning documentation and closeout requirements; and
- 625 (v) ongoing commissioning for major building systems;
- 626 (o) construction delivery method criteria and approval procedures consistent with
627 Section 63G-6a-1302;
- 628 (p) construction manager or general contractor use restrictions and oversight
629 requirements in accordance with Subsections 63G-6a-1302(4) and (5);
- 630 (q) factors to be considered in selecting appropriate delivery methods under Subsection
631 63G-6a-1302(3);
- 632 (r) standards for LEA coordination with municipalities and counties regarding school
633 siting, traffic impacts, and site safety considerations; and
- 634 (s) cost matrix establishment and application, including:
- 635 (i) cost per square foot parameters by building type and region;
- 636 (ii) allowable cost ranges and variance thresholds;
- 637 (iii) factors for adjusting costs based on project complexity;
- 638 (iv) pre-construction approval procedures and timelines; and
- 639 (v) appeal procedures for cost matrix determinations.
- 640 (2) In developing the rules described in Subsection (1), the division shall consider:
- 641 (a) project costs;
- 642 (b) location factors, including rural or urban setting and climate;

- 643 (c) projected student population growth or declines;
644 (d) specific needs of different school types and grade levels;
645 (e) year-round use requirements; and
646 (f) accessibility compliance under state and federal law.
- 647 (3) The division shall consult with:
648 (a) the fire marshal;
649 (b) the school construction liaison on educational programming needs and coordination
650 of safety and security requirements;
651 (c) representatives from LEAs; and
652 (d) design and construction professionals.
- 653 (4) As described in Section 63A-5b-1213, the division may establish fee-for-service
654 construction management programs to:
655 (a) provide professional construction oversight for an LEA lacking internal capacity;
656 (b) ensure consistent application of standards across all projects;
657 (c) leverage state procurement expertise and economies of scale; and
658 (d) reduce compliance risks for complex projects.
- 659 (5) The division shall require an LEA to:
660 (a) review division rules and policies before beginning construction;
661 (b) demonstrate compliance with rules and policies as a condition of permit approval;
662 (c) use qualified, certified inspectors for all required inspections; and
663 (d) submit monthly construction reports through the online system described in Section
664 63A-5b-1207.
- 665 (6) The school construction liaison, in coordination with the School Safety Center
666 established under Section 53G-8-802 and the state security chief appointed under
667 Section 53-22-102, shall:
668 (a) ensure compliance with mandatory safety and security standards established under
669 Section 53-22-102;
670 (b) review construction plans to verify that proposed designs meet mandatory safety and
671 security requirements;
672 (c) coordinate with the division regarding safety and security compliance before the
673 division issues construction permits; and
674 (d) report safety and security compliance to the division as part of the plan approval
675 process under Section 63A-5b-1205.
- 676 (7) The division may contract with the state fire marshal, state security chief, or local

- 677 governmental entities to:
- 678 (a) examine plans and specifications for school buildings;
- 679 (b) verify inspections during and following construction; and
- 680 (c) perform other functions necessary to ensure compliance.
- 681 (8) In exercising oversight authority, the division shall recognize that:
- 682 (a) public school construction is typically funded through local bond measures approved
- 683 by school district voters;
- 684 (b) school facilities are owned and operated by the LEA;
- 685 (c) local communities have legitimate interests in facility design and construction
- 686 decisions; and
- 687 (d) division oversight is intended to ensure standardized cost controls, compliance with
- 688 safety, efficiency, and accountability standards while preserving appropriate local
- 689 autonomy.
- 690 (9) An LEA may appeal division determinations under this section to the appeals panel
- 691 established under Section 63A-5b-1221.
- 692 (10) The division shall require:
- 693 (a) building commissioning for all new construction and major renovations exceeding
- 694 \$5,000,000, including:
- 695 (i) commissioning of mechanical, electrical, plumbing, and building envelope
- 696 systems;
- 697 (ii) verification of system performance against design intent;
- 698 (iii) training of facility staff on commissioned systems; and
- 699 (iv) delivery of comprehensive commissioning documentation;
- 700 (b) facility condition assessments:
- 701 (i) every five years for all facilities over 20 years old;
- 702 (ii) conducted by qualified third-party engineering firms;
- 703 (iii) addressing all major building systems and components; and
- 704 (iv) integrated with the deferred maintenance reporting under Section 63A-5b-1210.
- 705 Section 9. Section **63A-5b-1203** is enacted to read:
- 706 **63A-5b-1203 . Construction delivery methods -- Restrictions.**
- 707 (1) For public school construction exceeding \$3,000,000, an LEA shall use one of the
- 708 following delivery methods authorized under Section 63G-6a-1302:
- 709 (a) design-bid-build;
- 710 (b) design-build; or

- 711 (c) a construction manager or general contractor, subject to the restrictions in Subsection
712 (2).
- 713 (2)(a) An LEA may only use a construction manager or general contractor delivery
714 method if:
- 715 (i) the LEA demonstrates to the division that the project meets appropriate criteria for
716 using a construction manager or general contractor under Subsection
717 63G-6a-1302(3);
- 718 (ii) the LEA employs or contracts with qualified construction management staff with
719 demonstrated construction manager or general contractor experience;
- 720 (iii) the LEA submits a detailed project management plan approved by the division;
721 and
- 722 (iv) the division determines that a construction manager or general contractor is the
723 most appropriate delivery method for the specific project.
- 724 (b) The division may deny approval for a construction manager or general contractor
725 delivery method if:
- 726 (i) the LEA lacks sufficient internal expertise;
- 727 (ii) the project does not meet appropriate criteria under Subsection 63G-6a-1302(3);
728 or
- 729 (iii) design-build would provide better cost control and project outcomes.
- 730 (3) The division shall:
- 731 (a) establish clear criteria for when a construction manager or general contractor
732 delivery method is appropriate, considering the factors described in Subsection
733 63G-6a-1302(3);
- 734 (b) provide training to an LEA on:
- 735 (i) proper implementation of each delivery method authorized under Section
736 63G-6a-1302;
- 737 (ii) cost control measures for each delivery method; and
- 738 (iii) circumstances when each delivery method is most appropriate;
- 739 (c) require additional oversight and reporting for projects using a construction manager
740 or general contractor; and
- 741 (d) encourage use of a design-build delivery method for new school construction
742 through:
- 743 (i) streamlined approval processes;
- 744 (ii) reduced administrative requirements; and

- 745 (iii) technical assistance programs.
- 746 (4) For projects under \$3,000,000, an LEA shall use design-bid-build unless the division
 747 approves an alternative delivery method under Section 63G-6a-1302.
- 748 (5) An LEA shall comply with all procurement requirements under Title 63G, Chapter 6a,
 749 Utah Procurement Code, when using any construction delivery method, including:
- 750 (a) requirements for selection of contractors in Subsection 63G-6a-1302(5) when using a
 751 construction manager or general contractor;
- 752 (b) requirements for subcontractor procurement in Subsection 63G-6a-1302(5)(b); and
- 753 (c) any other applicable procurement standards established in Title 63G, Chapter 6a,
 754 Utah Procurement Code.
- 755 (6) For projects exceeding \$500,000, an LEA shall select contractors only from the
 756 qualified contractor registry established under Section 63A-5b-1216.
- 757 (7) The contractor registry requirement in Subsection (6):
- 758 (a) establishes pre-qualification standards but does not replace competitive procurement
 759 requirements;
- 760 (b) limits the pool of eligible bidders to qualified contractors; and
- 761 (c) applies to all delivery methods authorized under this section.
- 762 (8) A charter school with a project under \$5,000,000:
- 763 (a) may use any delivery method authorized by Section 63G-6a-1302;
- 764 (b) shall notify the division of the selected delivery method; and
- 765 (c) shall provide justification to the division if using a construction manager or general
 766 contractor delivery method.

767 Section 10. Section **63A-5b-1204** is enacted to read:

768 **63A-5b-1204 . Architect and design professional cost oversight.**

- 769 (1) The division shall establish and publish maximum allowable fees for architect and
 770 design professional services based on:
- 771 (a) project size and complexity;
- 772 (b) regional market conditions;
- 773 (c) industry standards for educational facilities; and
- 774 (d) historical cost data from comparable projects.
- 775 (2) An LEA shall:
- 776 (a) ensure that no contract for architect or design professional services exceeds the
 777 maximum fees established by the division under Subsection (1);
- 778 (b) submit all proposed contracts to the division for verification of compliance with

- 779 maximum fee limits before execution; and
- 780 (c) demonstrate through competitive procurement that proposed fees represent fair
- 781 market value within the established maximums.
- 782 (3) If an LEA believes a project requires fees exceeding the division's maximum allowable
- 783 fees, the LEA shall:
- 784 (a) submit a detailed written request to the division before soliciting proposals;
- 785 (b) provide documentation of unique project circumstances requiring specialized
- 786 expertise;
- 787 (c) demonstrate that the project cannot be completed within the fee schedule; and
- 788 (d) obtain written approval from the division before proceeding.
- 789 (4) The division shall:
- 790 (a) review cost submissions within 15 business days;
- 791 (b) provide written explanation for any required modifications; and
- 792 (c) update cost benchmarks annually based on market conditions.
- 793 (5) The division shall develop and maintain a library of standardized school design
- 794 templates that:
- 795 (a) provide pre-approved design options for common school types and sizes;
- 796 (b) reduce architectural costs through standardized specifications;
- 797 (c) accelerate the approval process for LEAs using standard designs;
- 798 (d) allow modifications for site-specific requirements; and
- 799 (e) are updated every five years to reflect current educational needs.
- 800 (6) The division shall develop and maintain a library of standardized school design
- 801 prototypes that:
- 802 (a) provide pre-approved design options for common school types and sizes;
- 803 (b) reduce architectural costs through:
- 804 (i) reduced design scope for projects using prototype designs;
- 805 (ii) standardized specifications and details;
- 806 (iii) elimination of redundant design work; and
- 807 (iv) lower fee schedule tiers for prototype-based projects;
- 808 (c) accelerate the approval process through:
- 809 (i) pre-approved building systems and layouts;
- 810 (ii) reduced plan review time for projects adhering to prototype designs; and
- 811 (iii) streamlined permitting when no significant prototype modifications are made;
- 812 (d) allow modifications for site-specific requirements; and

- 813 (e) are updated every five years to reflect current educational needs and building
814 standards.
- 815 (7) An LEA using a standardized design prototype:
- 816 (a) shall comply with all procurement requirements under Title 63G, Chapter 6a, Utah
817 Procurement Code;
- 818 (b) may receive reduced architect fees reflecting the limited scope of site adaptation
819 work;
- 820 (c) may receive an expedited plan review within 10 business days if no significant
821 modifications are made;
- 822 (d) is encouraged to use design-build delivery methods with prototype designs to
823 maximize cost savings; and
- 824 (e) shall coordinate with the division on any proposed modifications to ensure continued
825 compliance with prototype standards.
- 826 (8) An LEA shall procure architect and design professional services:
- 827 (a) in accordance with Title 63G, Chapter 6a, Part 15, Design Professional Services;
- 828 (b) using qualifications-based selection procedures as required by Subsection
829 63G-6a-1502(1);
- 830 (c) based on demonstrated competence and qualification for the type of services
831 required; and
- 832 (d) not based solely on price.
- 833 (9) An LEA may appeal the division's maximum fee determinations or denials of requests
834 for fee exceptions to the appeals panel established under Section 63A-5b-1221.
- 835 Section 11. Section **63A-5b-1205** is enacted to read:
- 836 **63A-5b-1205 . Plan review and approval authority.**
- 837 (1) In accordance with the division's permitting authority described in Section 63A-5b-1218,
838 the division shall review and approve or deny all construction documents for public
839 school construction:
- 840 (a) within 10 business days; and
- 841 (b) before an LEA may begin construction.
- 842 (2) The division's plan review shall verify compliance with:
- 843 (a) adopted building codes and standards;
- 844 (b) division construction rules;
- 845 (c) accessibility requirements;
- 846 (d) energy code compliance;

- 847 (e) structural engineering requirements;
848 (f) fire and school safety provisions;
849 (g) mandatory safety and security standards;
850 (h) emergency response and evacuation protocols required under Subsection
851 53-22-102(3)(c); and
852 (i) other building or construction codes the division determines relevant.
- 853 (3) The division may require corrections to construction documents and may not approve
854 plans that fail to meet applicable standards.
- 855 (4) An LEA may not begin construction until the division has issued a written approval of
856 the construction documents and a permit under Section 63A-5b-1218.
- 857 (5) Before approving any construction contract exceeding \$1,000,000, an LEA shall:
858 (a) submit proposed contract costs to the division for benchmark comparison when such
859 comparisons become reasonably available following the division's establishment of a
860 baseline;
861 (b) provide written justification for any costs exceeding division benchmarks by more
862 than 10%;
863 (c) demonstrate compliance with standardized procurement procedures; and
864 (d) receive division approval before contract execution.
- 865 (6) Before beginning any public school construction project, an LEA shall:
866 (a) submit a pre-construction application to the division that includes:
867 (i) detailed project scope and specifications;
868 (ii) preliminary cost estimates;
869 (iii) a proposed project timeline; and
870 (iv) funding sources and financial capacity documentation;
871 (b) receive division approval that the project:
872 (i) fits within the cost matrix established by division rule;
873 (ii) meets cost per square foot parameters for the building type and region;
874 (iii) demonstrates reasonable and appropriate costs for the proposed scope; and
875 (iv) complies with all applicable standards and requirements; and
876 (c) demonstrate that the project costs are consistent with:
877 (i) division cost benchmarks for similar projects;
878 (ii) regional cost factors;
879 (iii) current market conditions; and
880 (iv) industry standards for educational facilities.

- 881 (7) The division shall:
- 882 (a) review pre-construction applications within 15 business days;
- 883 (b) approve, conditionally approve with modifications, or deny applications based on
- 884 cost matrix compliance;
- 885 (c) provide written explanation for any required modifications or denials;
- 886 (d) work with the LEA to bring non-compliant projects into compliance with the cost
- 887 matrix; and
- 888 (e) maintain records of all project approvals and cost matrix determinations.
- 889 (8) The division may not issue a construction permit under Section 63A-5b-1218 until the
- 890 project has received cost matrix approval under this section.
- 891 (9) The division may delegate plan review responsibilities to qualified third-party reviewers
- 892 subject to division oversight and final approval.
- 893 (10) An LEA may appeal the following determinations under this section to the appeals
- 894 panel established under Section 63A-5b-1221:
- 895 (a) denial of construction permit applications;
- 896 (b) cost matrix determinations under Subsections (6) and (7);
- 897 (c) required plan corrections under Subsection (3);
- 898 (d) pre-construction application denials under Subsection (7)(b); and
- 899 (e) conditions imposed on project approvals.

900 Section 12. Section **63A-5b-1206** is enacted to read:

901 **63A-5b-1206 . Mandatory technical compliance requirements.**

- 902 (1) The division shall establish and enforce specific technical standards including:
- 903 (a) fire wall construction and continuity requirements as described in International
- 904 Building Code, Chapter 7;
- 905 (b) accessibility compliance verification procedures as described in International Code
- 906 Council A117.1;
- 907 (c) energy code inspection protocols with mandatory R-value verification;
- 908 (d) mechanical, plumbing, and electrical system review depth requirements;
- 909 (e) special inspection requirements for both structural and nonstructural elements; and
- 910 (f) structural observation reporting mandates for Risk Category III buildings as as
- 911 defined in the International Building Code adopted under Section 15A-1-204.
- 912 (2) The division may not issue a construction permit without verified compliance with
- 913 Subsection (1).
- 914 (3) The division shall use qualified plan reviewers and inspectors from the roster

915 established under Section 63A-5b-1220 for all plan review and inspection activities.

916 (4) Requirements related to safety and security standards established under Section
917 53-22-102 shall be coordinated through the school construction liaison as provided in
918 Subsection 63A-5b-1202(6).

919 (5) An LEA may appeal technical compliance determinations under this section to the
920 appeals panel established under Section 63A-5b-1221.

921 Section 13. Section **63A-5b-1207** is enacted to read:

922 **63A-5b-1207 . Online document management system.**

923 (1) The division shall develop and maintain an online document management system that:

- 924 (a) maintains all required construction and inspection documentation;
- 925 (b) enables real-time verification of compliance with statutes and rules;
- 926 (c) tracks pre-construction permit submissions and approvals;
- 927 (d) facilitates enforcement through automated notifications;
- 928 (e) provides reporting capabilities for oversight and auditing; and
- 929 (f) ensures secure access for authorized users.

930 (2) An LEA shall use the online system to:

- 931 (a) submit all required pre-construction documentation;
- 932 (b) upload inspection reports and certifications;
- 933 (c) report construction costs using standardized formats; and
- 934 (d) track project milestones and compliance status.

935 (3) The division shall provide training and technical support for LEAs, including proper use
936 of the online document management system.

937 Section 14. Section **63A-5b-1208** is enacted to read:

938 **63A-5b-1208 . Inspection verification and monitoring.**

939 (1) The division shall establish inspection verification procedures that:

- 940 (a) go beyond simple attestation to verify actual compliance;
- 941 (b) include regular monitoring of inspection documentation;
- 942 (c) provide mechanisms for addressing noncompliance; and
- 943 (d) coordinate with local governmental entities as required by law, including Sections
944 10-9a-305 and 17-27a-305.

945 (2) Before beginning construction, an LEA shall:

- 946 (a) provide all required notices in accordance with Section 53E-3-703;
- 947 (b) obtain all required permits from the division in accordance with Section 63A-5b-1218;
- 948 (c) submit complete construction documents to the division;

- 949 (d) demonstrate compliance with division rules and policies; and
950 (e) provide evidence of qualified inspection arrangements that meet the requirements
951 described in Subsection 63A-5b-1220.
- 952 (3) During construction, an LEA shall:
- 953 (a) use qualified, certified inspectors the division approves for all required inspections;
954 (b) submit inspection reports through the online system described in Section
955 63A-5b-1207;
956 (c) notify the division of any significant changes or issues;
957 (d) maintain detailed inspection records;
958 (e) coordinate with local building officials;
959 (f) as required, provide special inspection reports for all International Building Code,
960 Chapter 17, requirements;
961 (g) submit structural observation reports for buildings with an occupancy greater than
962 250; and
963 (h) document correction of all deficiencies before proceeding.
- 964 (4) The division may:
- 965 (a) conduct random audits of inspection procedures;
966 (b) require additional inspections when warranted;
967 (c) review and approve alternative inspection arrangements; and
968 (d) suspend construction permits for serious violations.
- 969 (5) Upon completion of construction and verification of all required inspections, the
970 division shall issue a certificate authorizing permanent occupancy if:
- 971 (a) all required inspections have been completed by qualified inspectors on the division's
972 approved roster;
973 (b) all inspection reports verify compliance with applicable codes and standards;
974 (c) all identified deficiencies have been corrected and documented;
975 (d) the LEA has submitted all required closeout documentation through the online
976 system described in Section 63A-5b-1207;
977 (e) structural observation reports have been submitted for buildings with an occupancy
978 greater than 250 as required under Subsection (3)(g);
979 (f) special inspection reports verify compliance with all International Building Code,
980 Chapter 17, requirements; and
981 (g) the project complies with mandatory safety and security standards established by the
982 state security chief under Section 53-22-102.

- 983 (6) The division shall:
- 984 (a) review occupancy certificate applications within 10 business days of receiving
985 complete documentation;
- 986 (b) issue written certificates that include:
- 987 (i) the project address and description;
988 (ii) the authorized occupancy type and capacity;
989 (iii) verification that all inspections confirm code compliance;
990 (iv) the effective date of the certificate; and
991 (v) any conditions or limitations on occupancy;
- 992 (c) maintain a database of all occupancy certificates issued; and
993 (d) provide copies of certificates to:
- 994 (i) the LEA;
995 (ii) the municipality or county where the facility is located; and
996 (iii) the local fire authority.
- 997 (7)(a) A certificate authorizing permanent occupancy issued by the division under this
998 section:
- 999 (i) is the exclusive certificate required for public school facilities subject to this part;
1000 (ii) satisfies all municipal and county occupancy requirements under Sections
1001 10-20-304 and 17-79-305; and
1002 (iii) authorizes the LEA to occupy and use the facility for educational purposes.
- 1003 (b) Municipalities and counties shall accept the division's certificate without requiring
1004 additional local certificates of occupancy.
- 1005 (8) If the division determines that a facility does not meet requirements for occupancy, the
1006 division shall:
- 1007 (a) deny the occupancy certificate application;
1008 (b) provide written explanation of all deficiencies requiring correction;
1009 (c) specify a timeline for the LEA to address deficiencies; and
1010 (d) allow the LEA to resubmit for occupancy certification after corrections are made.
- 1011 (9) The LEA shall notify the division within 10 days of beginning occupancy of any facility
1012 for which the division has issued an occupancy certificate.
- 1013 (10) For temporary or partial occupancy during construction:
- 1014 (a) an LEA may request a temporary certificate of occupancy from the division;
1015 (b) the division may issue a temporary certificate if:
1016 (i) the portion to be occupied meets all safety and code requirements;

- 1017 (ii) the LEA demonstrates that temporary occupancy will not create safety hazards;
 1018 (iii) appropriate separation exists between occupied and construction areas; and
 1019 (iv) the LEA provides a timeline for completing remaining work; and
 1020 (c) temporary certificates expire upon the earlier of:
 1021 (i) issuance of a permanent occupancy certificate; or
 1022 (ii) 180 days from issuance, unless extended by the division for good cause.
- 1023 (11) An LEA may appeal the following determinations under this section to the appeals
 1024 panel established under Section 63A-5b-1221:
 1025 (a) denial of occupancy certificates under Subsection (8);
 1026 (b) conditions or limitations imposed on occupancy under Subsection (6)(b)(v);
 1027 (c) denial of temporary occupancy certificates under Subsection (10);
 1028 (d) requirements for additional inspections under Subsection (4)(b); and
 1029 (e) determinations that deficiencies shall be corrected before occupancy.

1030 Section 15. Section **63A-5b-1209** is enacted to read:

1031 **63A-5b-1209 . Historical project documentation and information requests.**

- 1032 (1) Upon written request from the division, an LEA shall provide:
 1033 (a) documentation and information regarding past construction projects, including
 1034 projects completed before the effective date of this part;
 1035 (b) cost data, construction documents, and project records;
 1036 (c) contractor and vendor information and performance records;
 1037 (d) change order documentation and justifications;
 1038 (e) inspection records and certificates of occupancy;
 1039 (f) as-built drawings and project closeout documentation;
 1040 (g) warranty information and maintenance records; and
 1041 (h) any other project-related information the division determines necessary for:
 1042 (i) establishing cost benchmarks and databases;
 1043 (ii) analyzing construction cost trends;
 1044 (iii) developing standardized design templates;
 1045 (iv) creating training programs and best practices; or
 1046 (v) other purposes related to public school construction oversight.
- 1047 (2) An LEA shall provide requested information:
 1048 (a) within 90 days of receiving the division's written request;
 1049 (b) in the format specified by the division;
 1050 (c) organized and indexed for efficient review;

- 1051 (d) with complete documentation for each requested project; and
1052 (e) at no cost to the division.
- 1053 (3) If an LEA is unable to provide requested information within 30 days due to volume or
1054 complexity, the LEA shall:
- 1055 (a) notify the division within 10 days of receiving the request;
1056 (b) provide a detailed explanation of the delay;
1057 (c) propose a reasonable timeline for providing the information; and
1058 (d) provide interim updates on progress.
- 1059 (4) The division may use the information collected under this section to:
- 1060 (a) populate the construction cost database described in Section 63A-5b-1210;
1061 (b) establish baseline cost benchmarks;
1062 (c) identify best practices and areas for improvement;
1063 (d) develop training materials and resources;
1064 (e) create standardized design templates;
1065 (f) conduct research on construction cost drivers; and
1066 (g) provide better technical assistance to an LEA.
- 1067 (5) The division shall:
- 1068 (a) maintain the confidentiality of proprietary information submitted by an LEA;
1069 (b) use submitted information only for the purposes described in this section;
1070 (c) aggregate data when publishing reports or benchmarks to protect LEA-specific
1071 information where appropriate; and
1072 (d) provide an LEA with access to aggregated data and analysis.
- 1073 (6) Failure of an LEA to provide requested information without good cause may result in:
- 1074 (a) loss of certain oversight autonomy, including requirement for division-managed
1075 construction services under Section 63A-5b-1213; or
1076 (b) administrative penalties not exceeding \$5,000, subject to appeal under Section
1077 63A-5b-1221.
- 1078 (7) This section applies to:
- 1079 (a) all LEAs;
1080 (b) projects completed within the last 5 years, including projects completed before
1081 January 1, 2027; and
1082 (c) both new construction and major renovation projects.
- 1083 Section 16. Section **63A-5b-1210** is enacted to read:
1084 **63A-5b-1210 . Standardized cost reporting.**

- 1085 (1) The division shall implement a standardized cost reporting system that:
- 1086 (a) requires an LEA to report construction costs using consistent categories and formats;
- 1087 (b) enables accurate cost comparison between projects and districts;
- 1088 (c) tracks cost trends and identifies potential cost savings;
- 1089 (d) provides data for legislative oversight and budget planning; and
- 1090 (e) contains detailed cost reporting requirements, including:
- 1091 (i) pre-construction cost estimates using the Construction Specifications Institute
- 1092 MasterFormat categories;
- 1093 (ii) monthly cost reports during construction with variance explanations;
- 1094 (iii) change order documentation with justification and approval authority;
- 1095 (iv) final reconciled costs with cost-per-square-foot analysis;
- 1096 (v) separate reporting of construction, equipment, and soft costs;
- 1097 (vi) comparison to division cost benchmarks by building type and region;
- 1098 (vii) supports for audit and compliance activities; and
- 1099 (viii) annual deferred maintenance reporting including:
- 1100 (A) identification of all maintenance items deferred during the reporting period;
- 1101 (B) estimated costs for each deferred maintenance item;
- 1102 (C) priority ranking based on safety, functionality, and cost implications;
- 1103 (D) projected timeline for addressing deferred items; and
- 1104 (E) cumulative deferred maintenance backlog by facility and system type.
- 1105 (2)(a) Notwithstanding the division's tracking of deferred maintenance, the division and
- 1106 the state assume no liability for any deferred maintenance costs or issues arising from
- 1107 deferred maintenance.
- 1108 (b) The LEA shall retain all liability for deferred maintenance costs and any
- 1109 consequences resulting from deferred maintenance decisions.
- 1110 (3) The division shall:
- 1111 (a) analyze cost data to identify trends and outliers;
- 1112 (b) provide cost guidance to an LEA;
- 1113 (c) upon request, report to the Legislature on construction cost trends; and
- 1114 (d) make aggregated cost data available to support planning and budgeting.
- 1115 (4) The division shall establish and maintain a comprehensive construction cost database
- 1116 that:
- 1117 (a) is accessible to the State Board of Education and other relevant stakeholders as the
- 1118 division determines;

- 1119 (b) consolidates historical cost data from all LEA projects completed after January 1,
1120 2025;
- 1121 (c) provides cost benchmarks updated quarterly;
- 1122 (d) identifies cost outliers and investigates variances exceeding 15%;
- 1123 (e) generates annual cost trend reports for legislative review;
- 1124 (f) supports an LEA budget planning with predictive cost modeling;
- 1125 (g) tracks deferred maintenance trends across an LEA and facility types;
- 1126 (h) identifies facilities with excessive deferred maintenance backlogs requiring
1127 intervention; and
- 1128 (i) provides predictive modeling for long-term maintenance and replacement costs.
- 1129 (5) Beginning July 1, 2029, an LEA shall submit annual deferred maintenance reports to the
1130 division that:
- 1131 (a) identify all maintenance items with estimated costs exceeding \$25,000 that were
1132 deferred during the fiscal year, limited to items described in Subsections
1133 63A-5b-405(2)(c)(i) and (ii);
- 1134 (b) provide justification for deferral decisions;
- 1135 (c) include facility condition assessments updated at least every five years;
- 1136 (d) demonstrate how deferred maintenance decisions align with long-term capital
1137 planning; and
- 1138 (e) report on progress addressing previously identified deferred maintenance items.
- 1139 (6) The division shall implement the requirements of this section in phases as follows:
- 1140 (a) by July 1, 2027:
- 1141 (i) complete initial cost database framework development;
- 1142 (ii) begin collecting historical cost data under Section 63A-5b-1209; and
- 1143 (iii) develop standardized reporting formats;
- 1144 (b) by July 1, 2028:
- 1145 (i) establish preliminary cost benchmarks for elementary and secondary schools;
- 1146 (ii) implement basic cost comparison tools; and
- 1147 (iii) provide initial training to LEAs on standardized cost reporting;
- 1148 (c) by July 1, 2029:
- 1149 (i) complete baseline cost benchmarks for all major building types and regions;
- 1150 (ii) implement automated cost comparison and analysis tools; and
- 1151 (iii) establish full compliance requirements for deferred maintenance reporting; and
- 1152 (d) by July 1, 2030:

- 1153 (i) achieve full implementation of all cost database and reporting requirements; and
 1154 (ii) provide comprehensive training and technical assistance to all LEAs.

1155 (7) Beginning December 1, 2027, the division shall report annually to:

- 1156 (a) the Education Interim Committee; and
 1157 (b) the Transportation and Infrastructure Appropriations Subcommittee.

1158 (8) The annual report shall include:

- 1159 (a) progress on phased implementation under Subsection (6);
 1160 (b) status of cost database development and benchmark establishment;
 1161 (c) implementation status of automated cost comparison tools;
 1162 (d) training provided to LEAs on standardized cost reporting;
 1163 (e) analysis of construction cost trends and outliers;
 1164 (f) deferred maintenance trends across an LEA and facility types;
 1165 (g) compliance audit results and enforcement actions taken;
 1166 (h) construction oversight fee revenue and expenditures; and
 1167 (i) recommendations for statutory or policy improvements.

1168 Section 17. Section **63A-5b-1211** is enacted to read:

1169 **63A-5b-1211 . Training and technical assistance.**

1170 (1) In collaboration with the school construction liaison described in Section 63A-5b-1212,
 1171 the division shall develop and maintain a school construction resource manual including:

- 1172 (a) current legal requirements;
 1173 (b) construction and inspection rules;
 1174 (c) compliance procedures and documentation standards; and
 1175 (d) standardized forms and reporting requirements.

1176 (2) The division shall review and update the manual at least every three years or when
 1177 significant changes in building codes occur.

1178 (3)(a) In collaboration with the school construction liaison described in Section

1179 63A-5b-1212, the division shall provide annual training for LEA officials covering:

- 1180 (i) construction oversight responsibilities and procedures;
 1181 (ii) building code compliance requirements;
 1182 (iii) inspection documentation and verification;
 1183 (iv) cost reporting procedures;
 1184 (v) use of the online management system described in Section 63A-5b-1207; and
 1185 (vi) coordination with local building officials.

1186 (b) The division may not use a third-party vendor or provider to fulfill the requirements

1187 of Subsection (3)(a).

1188 (4) The division shall provide additional training for:

1189 (a) design professionals working on school projects;

1190 (b) third-party plan reviewers and inspectors;

1191 (c) construction managers and general contractors; and

1192 (d) building officials involved in school construction as the division determines.

1193 (5) The division shall update trainings regularly to reflect:

1194 (a) changes in building codes and standards;

1195 (b) new construction technologies and methods;

1196 (c) lessons learned from project audits and reviews; and

1197 (d) best practices from other jurisdictions.

1198 (6) The division may:

1199 (a) charge reasonable fees for specialized training programs; and

1200 (b) in accordance with Subsection (3)(b), contract with qualified entities to provide
1201 training services.

1202 Section 18. Section **63A-5b-1212** is enacted to read:

1203 **63A-5b-1212 . School construction liaison -- Coordination with state board.**

1204 (1) The state board shall designate a school construction liaison who:

1205 (a) serves as the primary contact between the state board and the division on school
1206 construction matters;

1207 (b) coordinates on educational programming requirements that may affect construction
1208 standards;

1209 (c) participates in administrative rule development and review processes;

1210 (d) provides input on educational facility needs and trends;

1211 (e) assists with training programs for LEA officials; and

1212 (f) facilitates resolution of construction-related issues affecting educational programs.

1213 (2) The school construction liaison shall:

1214 (a) be an employee of the state board;

1215 (b) have expertise in school construction, educational facilities, or related fields;

1216 (c) participate in relevant division meetings and committees;

1217 (d) maintain regular communication with division staff; and

1218 (e) report to the state board on construction oversight activities and issues.

1219 (3) The division and state board shall establish a memorandum of understanding that:

1220 (a) defines roles and responsibilities for school construction oversight;

- 1221 (b) establishes communication protocols and meeting schedules;
 1222 (c) addresses coordination on policy development and implementation;
 1223 (d) provides for information sharing and joint training activities; and
 1224 (e) includes dispute resolution procedures.

1225 Section 19. Section **63A-5b-1213** is enacted to read:

1226 **63A-5b-1213 . Division-managed construction services.**

1227 (1) The division may provide comprehensive construction management services to an LEA,
 1228 including:

- 1229 (a) project procurement and contractor selection;
 1230 (b) construction oversight and inspection coordination;
 1231 (c) cost management and change order approval;
 1232 (d) compliance verification and quality assurance;
 1233 (e) project scheduling and milestone management; and
 1234 (f) architect and design professional services when required under Section 63A-5b-1204
 1235 or requested by an LEA.

1236 (2) An LEA may request division construction management services for:

- 1237 (a) any project exceeding \$3,500,000 in total cost;
 1238 (b) complex projects requiring specialized expertise; or
 1239 (c) projects where the LEA lacks sufficient internal capacity.

1240 (3) The division shall provide construction management services when:

- 1241 (a) requested by an LEA and capacity allows; or
 1242 (b) an LEA has demonstrated repeated compliance failures.

1243 (4)(a) The division shall establish a cost structure for managed services where:

- 1244 (i) the LEA reimburses the division for all direct project costs;
 1245 (ii) administrative fees do not exceed:
 1246 (A) 3% of total project cost; and
 1247 (B) for projects under \$3,500,000, the actual cost of providing management
 1248 services in relation to the specific project;
 1249 (iii) fee schedules are published annually in division rules; and
 1250 (iv) cost savings achieved through division management may be shared with the LEA.

1251 (b) The division shall ensure:

- 1252 (i) the administrative fee structure for division-managed projects includes the
 1253 construction oversight fee required by Section 63A-5b-1214; and
 1254 (ii) an LEA shall not pay duplicative fees.

- 1255 (c) The division shall provide an LEA with a detailed fee breakdown showing:
1256 (i) the 1.25% construction oversight fee component;
1257 (ii) additional direct project management costs; and
1258 (iii) the total administrative fee percentage.
- 1259 (5) The division shall ensure that for division-managed projects:
1260 (a) the division assumes full responsibility for code compliance;
1261 (b) all procurement follows state procurement rules;
1262 (c) the LEA retains authority over educational program requirements; and
1263 (d) regular progress and financial reports are provided to the LEA governing board as
1264 defined in Section 53E-1-102.
- 1265 (6) An LEA may appeal the division's determination to require division-managed
1266 construction services to the appeals panel established under Section 63A-5b-1221.
1267 Section 20. Section **63A-5b-1214** is enacted to read:
1268 **63A-5b-1214 . Construction oversight fee.**
- 1269 (1) For all public school construction projects, an LEA shall pay the division a construction
1270 oversight fee equal to 1.25% of the total project cost.
- 1271 (2) The construction oversight fee:
1272 (a) applies to all projects subject to this part, regardless of whether the division is
1273 providing direct construction management services;
1274 (b) shall be calculated based on the total project cost including:
1275 (i) construction contracts;
1276 (ii) architect and design professional fees;
1277 (iii) furniture, fixtures, and equipment;
1278 (iv) site development and utility connections;
1279 (v) testing and inspection services; and
1280 (vi) other project-related costs;
- 1281 (c) shall be paid to the division according to the following schedule:
1282 (i) 25% upon issuance of a construction permit;
1283 (ii) 25% at 25% project completion;
1284 (iii) 25% at 50% project completion; and
1285 (iv) 25% at substantial completion; and
1286 (d) may be included in the LEA's bond authorization or other funding mechanism.
- 1287 (3) The construction oversight fee assessed to an LEA shall fund the division's activities,
1288 including:

- 1289 (a) plan review and permitting;
- 1290 (b) inspection roster maintenance and oversight;
- 1291 (c) cost database development and maintenance;
- 1292 (d) training and technical assistance programs;
- 1293 (e) compliance monitoring and enforcement;
- 1294 (f) online document management system operation;
- 1295 (g) standardized design template development; and
- 1296 (h) other oversight activities required by this part.
- 1297 (4) For projects where the division provides direct construction management services under
- 1298 Section 63A-5b-1213:
- 1299 (a) the administrative fee structure in Subsection 63A-5b-1213(4) includes the 1.25%
- 1300 construction oversight fee;
- 1301 (b) the LEA shall not pay duplicative fees; and
- 1302 (c) the division shall clearly delineate in the fee structure how the construction oversight
- 1303 fee is incorporated.
- 1304 (5) The division shall:
- 1305 (a) deposit all construction oversight fees into the restricted account established in
- 1306 Section 63A-5b-1219;
- 1307 (b) use fee revenue exclusively for public school construction oversight activities;
- 1308 (c) report annually to the Legislature on fee revenue and expenditures; and
- 1309 (d) adjust the fee rate only through legislative action.
- 1310 (6) A charter school subject to alternative compliance under Section 63A-5b-1217 shall:
- 1311 (a) pay the construction oversight fee for projects exceeding \$500,000 in total cost;
- 1312 (b) for projects under \$500,000, pay a reduced fee of 0.75% of total project cost; and
- 1313 (c) follow the same payment schedule as provided in Subsection (2)(c).
- 1314 (7) An LEA may appeal fee assessments or payment schedule requirements under this
- 1315 section to the appeals panel established under Section 63A-5b-1221.
- 1316 Section 21. Section **63A-5b-1215** is enacted to read:
- 1317 **63A-5b-1215 . Enforcement and penalties.**
- 1318 (1) If an LEA fails to comply with requirements established under this part, the division
- 1319 may:
- 1320 (a) issue written warnings and compliance orders;
- 1321 (b) suspend or revoke construction permits;
- 1322 (c) require additional inspections at the LEA's expense;

- 1323 (d) impose administrative penalties as provided in rule; and
1324 (e) refer matters to appropriate authorities for further action.
- 1325 (2) The division may not assess administrative penalties that exceed:
1326 (a) \$1,000 for minor violations;
1327 (b) \$5,000 for significant violations; and
1328 (c) \$25,000 for violations that pose safety risks or involve willful noncompliance.
- 1329 (3) Before imposing penalties, the division shall:
1330 (a) provide written notice of alleged violations;
1331 (b) allow reasonable time for correction;
1332 (c) provide opportunity for a hearing; and
1333 (d) consider the LEA's compliance history and efforts to remedy violations.
- 1334 (4) Penalty funds collected shall be deposited into the account established in Section
1335 63A-5b-1219.
- 1336 (5) An LEA may appeal enforcement actions, penalties, or other division decisions under
1337 this section to the appeals panel established under Section 63A-5b-1221.
- 1338 (6) The division shall conduct mandatory compliance audits of:
1339 (a) 10% of all projects annually, selected randomly;
1340 (b) any project exceeding cost benchmarks by more than 20%;
1341 (c) any LEA with previous compliance violations; and
1342 (d) any project with reported safety concerns.
- 1343 (7) For serious violations involving life safety, the division may:
1344 (a) require immediate work stoppage until corrections are made;
1345 (b) mandate third-party oversight at an LEA's expense;
1346 (c) require remedial training for LEA officials; and
1347 (d) refer matters to the applicable professional licensing board.
- 1348 Section 22. Section **63A-5b-1216** is enacted to read:
1349 **63A-5b-1216 . Qualified contractor pre-qualification registry.**
- 1350 (1) The division shall establish and maintain a pre-qualification registry of contractors and
1351 vendors eligible to bid on public school construction projects that:
1352 (a) establishes minimum qualification standards based on experience, financial capacity,
1353 and performance history;
1354 (b) standardizes contractor evaluation criteria across all LEAs;
1355 (c) provides performance ratings based on completed projects;
1356 (d) enables volume purchasing agreements for common materials and services; and

- 1357 (e) facilitates cost comparison across contractors and regions.
- 1358 (2) To be eligible to bid on public school construction exceeding \$500,000, a contractor
 1359 shall:
- 1360 (a) register with the division's contractor registry;
 1361 (b) meet minimum qualifications established by division rule;
 1362 (c) maintain current insurance and licensing requirements;
 1363 (d) submit to performance evaluations on completed projects; and
 1364 (e) participate in division-sponsored training programs.
- 1365 (3) The contractor registry:
- 1366 (a) creates a pool of pre-qualified contractors from which LEAs select through
 1367 competitive procurement under Title 63G, Chapter 6a, Utah Procurement Code;
 1368 (b) does not replace or eliminate competitive bidding requirements;
 1369 (c) does not give the division authority to select contractors for specific LEA projects;
 1370 and
 1371 (d) requires LEAs to use standard procurement processes when selecting from registry
 1372 contractors as provided in Section 63A-5b-1203.
- 1373 (4) The division may establish preferred contractor programs that:
- 1374 (a) reward consistent performance with streamlined bidding processes;
 1375 (b) provide volume discounts for an LEA using registry contractors;
 1376 (c) ensure geographic coverage in rural and urban areas; and
 1377 (d) maintain competitive pricing through transparent cost comparisons.
- 1378 (5) An LEA or contractor may appeal registry determinations, including denial of
 1379 registration or removal from the registry, to the appeals panel established under Section
 1380 63A-5b-1221.
- 1381 Section 23. Section **63A-5b-1217** is enacted to read:
- 1382 **63A-5b-1217 . Charter school alternative compliance.**
- 1383 (1) Except as provided in Subsection (2), a charter school may elect to comply with this
 1384 part through:
- 1385 (a) full compliance with all sections applicable to an LEA; or
 1386 (b) alternative compliance under this section.
- 1387 (2) A charter school with a project exceeding \$5,000,000 in total cost shall comply with all
 1388 requirements applicable to LEAs under this part.
- 1389 (3) A charter school electing alternative compliance shall:
- 1390 (a) comply with architect cost oversight requirements under Section 63A-5b-1204;

- 1391 (b) submit all projects to standardized cost reporting under Section 63A-5b-1210;
1392 (c) use qualified, certified inspectors from the division's approved roster;
1393 (d) comply with all safety and security standards established by the state security chief;
1394 (e) notify affected entities under Subsection (4) for any construction or major alteration
1395 project; and
1396 (f) receive division approval for plan compliance verification under Subsection (5).
- 1397 (4) In accordance with Section 53E-3-703, before beginning any construction, major
1398 alteration, or occupancy of an existing building for school use, a charter school shall
1399 notify and coordinate with:
- 1400 (a) the municipality or county where the facility is located;
1401 (b) the relevant transportation authorities if the project may impact traffic patterns;
1402 (c) utility companies serving the area;
1403 (d) the local fire authority; and
1404 (e) any other entities the division identifies as potentially affected by the project.
- 1405 (5) For plan compliance verification and exemption from the full plan review process under
1406 Section 63A-5b-1205, a charter school shall:
- 1407 (a) submit construction documents or occupancy plans to the division;
1408 (b) demonstrate compliance with building codes, accessibility requirements, and safety
1409 standards; and
1410 (c) receive written division approval before occupancy.
- 1411 (6) A charter school using alternative compliance is exempt from:
- 1412 (a) mandatory use of the online document management system under Section
1413 63A-5b-1207, but shall submit required reports in division-approved formats;
1414 (b) detailed monthly construction reporting requirements; and
1415 (c) mandatory compliance audits, unless the charter school has demonstrated repeated
1416 violations.
- 1417 (7) The division may require a charter school to use full LEA compliance if:
- 1418 (a) the charter school has violated safety standards;
1419 (b) the total project cost exceeds \$3,000,000; or
1420 (c) the charter school has demonstrated repeated noncompliance with alternative
1421 requirements.
- 1422 (8)(a) This section applies only to charter schools.
1423 (b) Micro-education entities are exempt from all requirements of this part and shall
1424 comply with applicable local building codes and permitting requirements.

1425 (9) A charter school may appeal the following determinations under this section to the
 1426 appeals panel established under Section 63A-5b-1221:

- 1427 (a) requirements to use full LEA compliance under Subsection (7);
 1428 (b) plan compliance verification denials under Subsection (5);
 1429 (c) architect cost oversight determinations under Subsection (3)(a); and
 1430 (d) safety and security compliance requirements under Subsection (3)(d).

1431 Section 24. Section **63A-5b-1218** is enacted to read:

1432 **63A-5b-1218 . Construction permitting authority.**

- 1433 (1) The division shall have exclusive authority to issue permits for public school
 1434 construction projects.
 1435 (2) In accordance with Sections 10-9a-305 and 17-27a-305, counties and municipalities
 1436 may not require separate permits for public school construction but may:
 1437 (a) receive notification of projects from the State Board of Education or the division;
 1438 (b) through a process the division facilitates, provide input during the division's review
 1439 process; and
 1440 (c) in accordance with this part, coordinate on infrastructure connections and traffic
 1441 impacts.
 1442 (3) The division's permit supersedes any local permitting requirement for public school
 1443 construction.
 1444 (4) Notwithstanding the division's exclusive permitting authority, the division may not
 1445 override local zoning ordinances or land use regulations except as specifically
 1446 authorized by statute.
 1447 (5) An LEA may appeal permitting decisions under this section to the appeals panel
 1448 established under Section 63A-5b-1221.

1449 Section 25. Section **63A-5b-1219** is enacted to read:

1450 **63A-5b-1219 . Public School Construction Oversight Restricted Account.**

- 1451 (1)(a) There is created within the General Fund a restricted account known as the
 1452 "Public School Construction Oversight Restricted Account."
 1453 (b) The account shall be funded by:
 1454 (i) construction oversight fees collected under Section 63A-5b-1214;
 1455 (ii) administrative fees collected for division-managed construction services under
 1456 Section 63A-5b-1213; and
 1457 (iii) any penalties collected under Section 63A-5b-1215.
 1458 (c) Money in the account:

- 1459 (i) shall be used exclusively for public school construction oversight activities
 1460 described in this part;
 1461 (ii) may not be used for other division operations unrelated to public school
 1462 construction oversight;
 1463 (iii) does not lapse at the end of a fiscal year; and
 1464 (iv) shall earn interest, which shall be deposited into the account.

1465 (2) The Legislature may appropriate money from the account to the division for
 1466 implementation of this part, including:

- 1467 (a) plan review and permitting activities;
 1468 (b) inspection roster maintenance and oversight;
 1469 (c) cost database development and maintenance;
 1470 (d) training and technical assistance programs;
 1471 (e) compliance monitoring and enforcement;
 1472 (f) online document management system operation;
 1473 (g) standardized design template development;
 1474 (h) staffing costs directly related to public school construction oversight;
 1475 (i) contracted services necessary for oversight activities; and
 1476 (j) other oversight activities this part requires.

1477 (3) The division shall:

- 1478 (a) maintain separate accounting for revenue and expenditures from the account;
 1479 (b) upon request, report to the Legislature on:
 1480 (i) total fee revenue collected;
 1481 (ii) account balance;
 1482 (iii) expenditures by category; and
 1483 (iv) projected future revenue and expenses; and
 1484 (c) ensure that fee rates are sufficient to fund oversight activities without requiring
 1485 additional appropriations.

1486 Section 26. Section **63A-5b-1220** is enacted to read:

1487 **63A-5b-1220 . Qualified inspector and plan reviewer roster.**

1488 (1) The division shall establish and maintain a unified roster of qualified inspectors and
 1489 plan reviewers for public school construction.

1490 (2) To be included on the roster, an inspector or plan reviewer shall:

- 1491 (a) meet International Code Council certification requirements for discipline, including:
 1492 (i) for plan reviewers;

- 1493 (A) International Code Council commercial building plans examination (B3);
 1494 (B) International Code Council commercial energy plans examination (78); or
 1495 (C) structural peer review certification for educational facilities; or
 1496 (ii) for inspectors, International Code Council certification appropriate for inspection
 1497 discipline;
 1498 (b) be licensed by the state as a building inspector or professional engineer as applicable;
 1499 (c) complete division-approved training on school construction requirements; and
 1500 (d) maintain current certifications and continuing education.
 1501 (3) An LEA may only use inspectors and plan reviewers from the division's approved roster.
 1502 (4) The division may remove individuals from the approved roster for:
 1503 (a) failure to maintain required certifications;
 1504 (b) documented compliance failures; or
 1505 (c) failure to complete required training updates.
 1506 (5) The division shall:
 1507 (a) publish the roster on the division's website;
 1508 (b) update the roster quarterly; and
 1509 (c) provide geographic distribution information to assist LEAs in selecting qualified
 1510 professionals.
 1511 Section 27. Section **63A-5b-1221** is enacted to read:
 1512 **63A-5b-1221 . Appeals panel -- Composition -- Procedures.**
 1513 (1) There is created an appeals panel to resolve disputes between an LEA and the division
 1514 regarding decisions made under this part.
 1515 (2) The appeals panel shall consist of three members:
 1516 (a) the executive director of the Department of Government Operations, or the executive
 1517 director's designee, who shall serve as the panel chair;
 1518 (b) the school construction liaison designated under Section 63A-5b-1212; and
 1519 (c) a third member with relevant expertise selected jointly by the members described in
 1520 Subsections (2)(a) and (b).
 1521 (3) The third panel member described in Subsection (2)(c):
 1522 (a) shall be selected based on expertise relevant to the specific matter under
 1523 appeal, which may include:
 1524 (i) construction management;
 1525 (ii) architectural or engineering services;
 1526 (iii) building code compliance;

- 1527 (iv) cost estimation and project budgeting;
1528 (v) procurement and contracting; or
1529 (vi) educational facility planning;
1530 (b) may not be an employee of the LEA filing the appeal or of the division;
1531 (c) may not have a financial interest in the outcome of the appeal; and
1532 (d) shall be selected within 10 business days of the appeal being filed.
1533 (4) An LEA may appeal the following division decisions to the appeals panel:
1534 (a) denial or conditional approval of construction permits under Section 63A-5b-1218;
1535 (b) denial of alternative delivery method requests under Section 63A-5b-1203;
1536 (c) cost matrix determinations under Subsection 63A-5b-1205(6);
1537 (d) architect and design professional fee determinations under Section 63A-5b-1204;
1538 (e) enforcement actions and penalties under Section 63A-5b-1215;
1539 (f) requirements for division-managed construction services under Subsection
1540 63A-5b-1213(3);
1541 (g) contractor registry determinations under Section 63A-5b-1216;
1542 (h) denial of standardized design prototype modifications under Subsection
1543 63A-5b-1204(7);
1544 (i) plan review determinations under Section 63A-5b-1205;
1545 (j) inspection and occupancy certificate determinations under Section 63A-5b-1208; and
1546 (k) any other division decision that substantively affects an LEA's ability to complete a
1547 construction project in compliance with this part.
1548 (5) To file an appeal, an LEA shall:
1549 (a) submit a written notice of appeal to the division and the executive director of the
1550 Department of Government Operations within 30 days of receiving the division's
1551 written decision; and
1552 (b) include in the notice:
1553 (i) a description of the division's decision being appealed;
1554 (ii) the specific grounds for the appeal;
1555 (iii) all relevant documentation supporting the LEA's position;
1556 (iv) the relief requested; and
1557 (v) whether the LEA requests an expedited review due to project timeline constraints.
1558 (6) Upon receiving a notice of appeal:
1559 (a) the division shall provide the division's written response within 15 business days,
1560 including:

- 1561 (i) the basis for the challenged decision;
1562 (ii) all documentation supporting the division's position; and
1563 (iii) any proposed resolution;
1564 (b) the appeals panel shall convene within 30 days of receiving the division's response,
1565 or within 15 days if expedited review is requested and granted;
1566 (c) the panel shall provide both parties opportunity to present evidence and argument;
1567 and
1568 (d) the panel may request additional information from either party or from independent
1569 experts.
- 1570 (7) The appeals panel shall:
1571 (a) conduct proceedings in accordance with Title 63G, Chapter 4, Administrative
1572 Procedures Act, to the extent applicable;
1573 (b) issue a written decision within:
1574 (i) 45 days of the initial appeal filing for standard reviews; or
1575 (ii) 20 days of the initial appeal filing for expedited reviews;
1576 (c) include in the written decision:
1577 (i) findings of fact;
1578 (ii) conclusions regarding compliance with applicable statutes and rules;
1579 (iii) the rationale for the decision; and
1580 (iv) any conditions or requirements for implementation;
1581 (d) provide the decision to the LEA, the division, and the state board; and
1582 (e) publish anonymized summaries of decisions to provide guidance for future cases.
- 1583 (8) The appeals panel may:
1584 (a) affirm the division's decision;
1585 (b) reverse the division's decision and direct specific action;
1586 (c) modify the division's decision with conditions;
1587 (d) remand the matter to the division for further consideration with specific direction; or
1588 (e) extend timelines for good cause shown by either party.
- 1589 (9) The appeals panel's decision:
1590 (a) is final and binding on both the LEA and the division;
1591 (b) may only be challenged through judicial review under Section 63G-4-401; and
1592 (c) does not prevent either party from seeking emergency relief through the courts if
1593 immediate and irreparable harm would result from delay.
- 1594 (10) During the pendency of an appeal:

- 1595 (a) the division may not take additional enforcement action related to the subject of the
 1596 appeal unless necessary to address imminent safety concerns;
 1597 (b) construction timelines and permit expiration dates shall be tolled;
 1598 (c) the LEA may proceed with construction if the division grants a stay pending appeal;
 1599 and
 1600 (d) the panel may issue interim orders to preserve the status quo or prevent irreparable
 1601 harm.

1602 (11) For appeals involving highly technical or specialized issues:

- 1603 (a) the panel may retain independent experts to provide technical analysis;
 1604 (b) costs of expert review shall be shared equally by the LEA and the division unless the
 1605 panel determines otherwise based on the outcome; and
 1606 (c) expert reports shall be provided to both parties for review and response before the
 1607 panel issues the panel's decision.

1608 Section 28. Section **63A-5b-1222** is enacted to read:

1609 **63A-5b-1222 . Implementation and transition.**

1610 (1) Before January 1, 2027, the division shall:

- 1611 (a) in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
 1612 adopt comprehensive rules implementing this part;
 1613 (b) establish the online document management system described in Section 63A-5b-1207;
 1614 (c) develop standardized forms and procedures;
 1615 (d) create training programs for LEA officials; and
 1616 (e) coordinate with the State Board of Education to:
 1617 (i) repeal or substantially revise State Board of Education administrative rules related
 1618 to school construction; and
 1619 (ii) ensure that remaining State Board of Education rules defer to division authority
 1620 established under this part.

1621 (2) All projects beginning construction after January 1, 2027, shall comply fully with this
 1622 part.

1623 (3) The division shall conduct remedial audits of projects completed in 2024, 2025, and
 1624 2026 to identify systemic issues requiring immediate attention.

1625 Section 29. Section **63G-6a-1302** is amended to read:

1626 **63G-6a-1302 . Alternative methods of construction contracting management.**

1627 (1) A rulemaking authority shall, by rule provide as many alternative methods of
 1628 construction contracting management as determined to be feasible.

- 1629 (2) The rules described in Subsection (1) shall:
- 1630 (a) grant to the procurement official responsible for carrying out the construction project
- 1631 the discretion to select the appropriate method of construction contracting
- 1632 management for a particular project; and
- 1633 (b) require the procurement official to execute and include in the contract file a written
- 1634 statement describing the facts that led to the selection of a particular method of
- 1635 construction contracting management for each project.
- 1636 (3) Before choosing a construction contracting management method, the procurement
- 1637 official responsible for carrying out the construction project shall consider the following
- 1638 factors:
- 1639 (a) when the project must be ready to be occupied;
- 1640 (b) the type of project;
- 1641 (c) the extent to which the requirements of the procurement unit, and the way they are to
- 1642 be met are known;
- 1643 (d) the location of the project;
- 1644 (e) the size, scope, complexity, and economics of the project;
- 1645 (f) the source of funding and any resulting constraints necessitated by the funding source;
- 1646 (g) the availability, qualification, and experience of public personnel to be assigned to
- 1647 the project and the amount of time that the public personnel can devote to the project;
- 1648 and
- 1649 (h) the availability, qualifications, and experience of outside consultants and contractors
- 1650 to complete the project under the various methods being considered.
- 1651 (4) A rulemaking authority may make rules that authorize the use of a construction
- 1652 manager/general contractor as one method of construction contracting management.
- 1653 (5) The rules described in Subsection (2) shall require that:
- 1654 (a) the construction manager/general contractor be selected using:
- 1655 (i) a standard procurement process; or
- 1656 (ii) an exception to the requirement to use a standard procurement process, described
- 1657 in Part 8, Exceptions to Procurement Requirements; and
- 1658 (b) when entering into a subcontract that was not specifically included in the
- 1659 construction manager/general contractor's cost proposal, the construction
- 1660 manager/general contractor shall procure the subcontractor by using a standard
- 1661 procurement process, or an exception to the requirement to use a standard
- 1662 procurement process, described in Part 8, Exceptions to Procurement Requirements,

1663 in the same manner as if the subcontract work was procured directly by the
1664 procurement unit.

1665 (6) Procurement rules adopted by the facilities division under Subsections (1) through (3)
1666 for state building construction projects and school construction projects described in
1667 Title 63A, Chapter 5b, Part 12, Public School Construction Oversight, may authorize the
1668 use of a design-build provider as one method of construction contracting management.

1669 (7) A design-build contract may include a provision for obtaining the site for the
1670 construction project.

1671 (8) A design-build contract or a construction manager/general contractor contract may
1672 include provision by the contractor of operations, maintenance, or financing.

1673 Section 30. **Repealer.**

1674 This bill repeals:

1675 Section **53E-3-705, School plant capital outlay report.**

1676 Section **53E-3-706, Enforcement of part by state superintendent -- Employment of**
1677 **personnel -- School districts and charter schools -- Certificate of inspection verification.**

1678 Section **53E-3-707, School building construction and inspection manual -- Annual**
1679 **construction and inspection conference -- Verification of school construction inspections.**

1680 Section **53E-3-708, Licensed architect to prepare plans.**

1681 Section **53E-3-709, Power of state board regarding expected federal aid to build schools.**

1682 Section **53E-3-710, Notification to affected entities of intent to acquire school site or**
1683 **construction of school building -- Local government -- Negotiation of fees -- Confidentiality.**

1684 Section **53E-3-711, Required contract terms.**

1685 Section 31. **Effective Date.**

1686 This bill takes effect on July 1, 2026.