

1 **R277. Education, Administration.**

2 **R277-471. School Construction Oversight, Inspections, Training and Reporting.**

3 **R277-471-1. Authority and Purpose.**

4 (1) This rule is authorized by:

5 (a) Utah Constitution, [Article X, Section 3](#), which vests general control and  
6 supervision of public education in the Board;

7 (b) Subsection [53E-3-401\(4\)](#), which allows the Board to make rules to execute the  
8 Board's duties and responsibilities under the Utah Constitution and state law;

9 (c) Subsection [53E-3-401\(8\)\(ii\)](#), which permits the Board to withhold state funds from  
10 an education entity for non-compliance with the education code or administrative rules;

11 (d) Section [53E-3-706](#), which requires the Superintendent to enforce Title 53E,  
12 Chapter 3, Part 7, School Construction; and

13 (e) Section [53E-3-707](#), which requires the Board to adopt a school construction  
14 manual.

15 (2) The purpose of this rule is to:

16 (a) provide specific provisions for the oversight of permanent or temporary public  
17 school construction and renovation; and

18 (b) identify responsibilities of an LEA governing board in the school construction  
19 process.

20

21 **R277-471-1. Definitions.**

22 ~~[A. "Board" means the Utah State Board of Education.]~~

23 ~~[B.](1) "Certified plans examiner" means a professional who has current applicable~~  
24 ~~commercial certification through the "International Code Council" or [{"ICC"}].~~

25 ~~[C.](2) "Charter school[s]" means a school[s] acknowledged as a charter school[s]~~  
26 ~~by a charter school authorizer[s] consistent with [Sections 53G-5-305, 53G-5-306, and this~~  
27 ~~rule or by the Board under Section 53G-5-304.] [Title 53G, Chapter 5, Part 3, Charter School](#)~~  
28 ~~[Authorization](#).~~

29 ~~[D.](3) "Charter school responsible person or local charter school board building~~  
30 ~~officer or designee [{"CSBBO}]" or "CSBBO" means the individual or authority designated by~~  
31 ~~[the] a charter school governing board who;~~

32 (a) has direct administrative and operational control of charter school construction~~[/]~~  
33 or renovation; and

34 (b) has responsibility for ~~[the]~~ a charter school's compliance with Utah law ~~[and the~~  
35 ~~Resource Manual]~~ on behalf of the charter school governing board.

36 ~~[E.](4)~~ "Certificate of inspection verification" means a form, available on the Board  
37 website, certifying that the entity responsible for providing inspection services has complied  
38 with the provisions of:

39 (a) Section~~s]~~ 53E-3-706~~];~~

40 (b) Section 53E-3-708~~];~~

41 (c) Section 10-9a-305~~];~~

42 (d) Section 17-27a-305~~];~~ ~~[58-56,]~~

43 (e) ~~[Section]~~ Title 15A, State Construction and Fire Code Act~~];~~ ~~[as well as the~~  
44 ~~provisions of]~~

45 (f) Rule R156-56; and

46 (g) this ~~[rule]~~ Rule R277-471. ~~[The form is available on the USOE School Finance~~  
47 ~~Section website.]~~

48 ~~[F.](5)~~ "Certificate of occupancy" means the document issued upon receipt of the  
49 final inspection from the inspector of record and the 'Certificate of Fire Clearance' issued by  
50 the Utah State Fire Marshal, verifying compliance with all minimum requirements to  
51 safeguard the public health, safety and general welfare of occupants, which authorizes  
52 permanent usage or occupancy of:

53 (a) any new building~~];~~ or occupiable structure;

54 (b) ~~[or]~~ any existing occupiable building or structure alteration ~~[(remodeling)]~~; or

55 (c) a change of occupancy in an existing structure, ~~[or]~~ building, or space.

56 ~~[G. "Division" means the Division of Finance with technical assistance from the~~  
57 ~~Department of Technology Services.]~~

58 ~~[H.](6)~~ "General plan" means a document that a municipality adopts that sets forth  
59 general guidelines for proposed future development of the land within the municipality,  
60 consistent with ~~[Section]~~ Subsection 10-9a-103(13).

61 ~~[I.](7)~~ "Inspector" means a professional who holds current applicable commercial  
62 certification through the International Code Council ~~[(4CC)]~~ and is currently licensed in the

63 state of Utah in the applicable trades for which the inspector is performing inspections.

64 ~~[J. "LEA" means local education agency, including local school boards/public school~~  
65 ~~districts and charter schools.]~~

66 (8) "Manual" means the School Construction Resource Manual incorporated by  
67 reference in Section R277-471-3.

68 ~~[K.](9) "New school building project" means the construction of a school that did not~~  
69 ~~previously exist in an LEA.~~

70 ~~[L.](10) "Public school construction" means construction work on a new or existing~~  
71 ~~public school building.~~

72 ~~[M. "School Building Construction and Inspection Resource Manual, April 30, 2013,~~  
73 ~~(Resource Manual)" means a manual which identifies the processes and procedures an~~  
74 ~~LEA shall follow when constructing a new public school building, maintenance, or renovating~~  
75 ~~existing buildings. The Resource Manual was developed by the USOE consistent with~~  
76 ~~Section 53E-3-707, is available on the USOE School Finance website, and is hereby~~  
77 ~~incorporated by reference consistent with Section 63G-3-201(7).]~~

78 ~~[N.] (11) "School District Building Official" or "SDBO[-(SDBO)]" means the individual~~  
79 ~~or authority designated by [the] a [public] school district who has direct administrative and~~  
80 ~~operational control of school district construction[~~/~~] or renovation and is responsible for the~~  
81 ~~school district's compliance with Utah law [and the Resource Manual].~~

82 ~~[O.] (12) "Significant school remodel" means the upgrading, changing, alteration,~~  
83 ~~refurbishment, modification, or complete substitution or replacement of an existing school in~~  
84 ~~an LEA with a project cost equal to or in excess of \$2,000,000.~~

85 ~~[P. "Superintendent" means the State Superintendent of Public Instruction.]~~

86 ~~[Q.] (13) "Temporary certificate of occupancy" means the document, valid for a~~  
87 ~~limited time period, issued upon receipt of the temporary final inspection report from the~~  
88 ~~inspector of record and the 'Temporary Certificate of Fire Clearance' issued by the Utah~~  
89 ~~State Fire Marshal, verifying minimum requirements to safeguard the public health, safety~~  
90 ~~and general welfare of occupants, which authorizes temporary usage or occupancy of:~~

91 ~~(a) any new building[~~;~~] or occupiable structure; [~~or~~]~~

92 ~~(b) any existing occupiable building or structure alteration; [~~remodeling~~] or change~~  
93 ~~of occupancy in an existing structure or building or space[~~;~~] valid for a specific time period].~~

94 [R. "USOE" means the Utah State Office of Education.]

95  
96 ~~**R277-471-2. Authority and Purpose.**~~

97 ~~\_\_\_\_\_ A. This rule is authorized by Utah Constitution Article X, Section 3 which vests~~  
98 ~~general control and supervision of public education in the Board, Sections 53E-3-706 and~~  
99 ~~53E-3-707 which direct the Superintendent to enforce requirements and provisions about~~  
100 ~~public school building and alteration, verify inspections of school buildings, and provide~~  
101 ~~information annually to LEAs about the construction and inspection of public school~~  
102 ~~buildings, and Subsection 53E-3-401(3) which permits the Board to adopt rules in~~  
103 ~~accordance with its responsibilities and permits the Board to interrupt disbursements of state~~  
104 ~~aid to any school district or charter school which fails to comply with rules adopted by the~~  
105 ~~Board.~~

106 ~~\_\_\_\_\_ B. The purpose of this rule is to provide specific provisions for the oversight of~~  
107 ~~permanent or temporary public school construction/renovation inspections and to identify~~  
108 ~~LEA board responsibilities and accountability to the Board.]~~

109  
110 **R277-471-3. Incorporation of School Construction Resource Manual by Reference.**

111 ~~\_\_\_\_\_ (1) This rule incorporates by reference the School Construction Resource Manual~~  
112 ~~dated April 30, 2013.~~

113 ~~\_\_\_\_\_ (2) The School Construction Resource Manual was developed by the Board in~~  
114 ~~accordance with Section [53E-3-707](#).~~

115 ~~\_\_\_\_\_ (3) A copy of the manual is located at:~~

116 ~~\_\_\_\_\_ (a) <https://www.schools.utah.gov/administrativerules/documentsincorporated>; and~~

117 ~~\_\_\_\_\_ (b) the offices of the Board.~~

118 ~~\_\_\_\_\_ (4) The Superintendent shall review the manual annually and recommended~~  
119 ~~changes, if necessary, to the Board.~~

120 ~~\_\_\_\_\_ (5) Each public school construction project shall be conducted in accordance with the~~  
121 ~~manual.~~

122  
123 **R277-471-[3]4. LEA Responsible Person.**

124 ~~[A.](1) An LEA board[s] shall be accountable to ensure that all school district and~~

125 charter school permanent or temporary construction, renovation, and inspections are  
126 conducted in accordance with the law to provide minimum requirements to safeguard the  
127 public health, safety and general welfare of occupants while using the most comprehensive,  
128 cost effective and efficient design means and methods.

129 ~~(1)(2)~~ ~~[Local school boards]~~ A school district governing board shall:

130 (a) appoint an SDBO who has direct administrative and operational control of all  
131 construction, renovation, and inspection of public school district facilities within the school  
132 district; and ~~[shall]~~

133 (b) provide in writing the name of the SDBO to the ~~[USOE]~~ Superintendent.

134 ~~(2)3~~ ~~A [Charter] charter school governing board[s]~~ shall ~~[be]~~ account~~[able]~~ to the  
135 ~~[State Charter School Board]~~ school's authorizer and the Board to ensure that all charter  
136 school permanent or temporary construction, renovation, and inspections are conducted in  
137 accordance with Utah law~~[-and the Resource Manual]~~.

138 (4)(a) ~~A [Each local]~~ charter school governing board shall appoint a CSBBO who has  
139 direct operational responsibility for construction, renovation, and inspection of the charter  
140 school.

141 (b) The CSBBO shall report regularly to the ~~[local]~~ charter school governing board.

142 ~~(a)c~~ ~~[The]~~ A [local] charter school governing board shall provide the name of ~~[this~~  
143 ~~officer]~~ its CSBBO in writing to the Superintendent.

144 ~~(b)d~~ ~~[The]~~ A [local] charter school governing board shall promptly notify the  
145 Superintendent in writing of any changes ~~[of this individual]~~ to the school's CSBBO.

146 ~~[B. The SDBO shall monitor school district building construction to ensure~~  
147 ~~compliance with the provisions of Utah law and the Resource Manual.~~

148 ~~—— C. The CSBBO shall monitor all charter school building construction to ensure~~  
149 ~~compliance with the provisions of Utah law and the Resource Manual.~~

150 ~~—— D. The SDBO and CSBBO shall ensure that public school construction conforms~~  
151 ~~with the intent and purpose of Utah law and the Resource Manual.]~~

152 ~~[E.]~~ (5) ~~[The]~~ An SDBO [and] or a CSBBO may adopt and enforce supplemental LEA  
153 policies under appropriate LEA policies to clarify the application of the provisions of Utah law  
154 ~~[and the Resource Manual]~~ for LEA personnel.

155

156 **R277-471-[4]5. School Construction Inspectors.**

157 ~~[A.](1)~~ An LEA[s] shall employ or contract with inspectors for school construction  
158 inspection who are currently ICC commercially certified and licensed in Utah, in the trade  
159 specific to the inspection, consistent with Utah law ~~[and the Resource Manual requirements].~~

160 ~~[B.](2)~~ An LEA[s] shall choose one of three methods for inspections:

161 ~~([4]a)~~ Independent inspectors:

162 ~~([a]i)~~ shall ~~[be approved by]~~ receive approval from the local jurisdiction in which the  
163 construction activity occurs;

164 ~~([b]ii)~~ may include inspectors working outside the municipality, county, or school  
165 district in which they are employed; and

166 ~~([e]iii)~~ ~~[shall]~~ may not be ~~[any of the following, nor an employee of]~~ associated with:

167 (A) the architect, developer, contractor, or a subcontractor working on the project~~;~~;

168 or

169 (B) any management company or other agency hired by the LEA to perform  
170 construction or construction administrative services.

171 ~~([2]3)~~ ~~[School district inspectors shall be employed by and]~~ Inspectors employed by  
172 school districts may only perform school construction inspections within the boundaries of  
173 the school district.

174 ~~([3]4)~~ Inspectors employed by municipalities and counties may only perform school  
175 construction inspections within the boundaries of the municipality or county where they are  
176 employed.

177

178 **R277-471-[5]6. School Construction Inspections.**

179 ~~[A.](1)~~ Before any school construction project begins, the SDBO or CSBBO shall  
180 obtain a construction project number from the ~~[USOE]~~ Superintendent by completing and  
181 submitting construction project identification forms provided by the ~~[USOE]~~ Superintendent  
182 and other required submittals for all projects consistent with [Title 53E, Chapter 3, Part 7,](#)  
183 School Construction, and the ~~[Resource Manual]~~ manual.

184 ~~[B.](2)~~ ~~[The appropriate currently]~~ A certified plans examiner shall approve all LEA  
185 school plans and specifications before any LEA construction project begins.

186 ~~[C.](3)(a)~~ If an LEA is unable to provide appropriate and proper school construction

187 inspection and plan review services, the Superintendent may procure inspection services  
188 and charge the LEA for those services.

189 (b) ~~The~~ An approved inspector shall establish fees in advance of inspection  
190 services.

191 ~~D.](4)~~ LEA construction projects shall comply with Title 53E, Chapter 3, Part 7.  
192 School Construction and ~~[the Resource Manual]~~ this Rule R277-471 to:

193 ([1]a) ensure that each inspector is adequately and appropriately credentialed;

194 ([2]b) identify and provide to the ~~[USOE]~~ Superintendent and local government entity  
195 building official reports of all inspections with the name, state license number, and disciplines  
196 of each inspector performing the project inspections;

197 ([3]c) submit inspection certificates and all related submittals to the ~~[USOE]~~  
198 Superintendent and appropriate local government entity building official;

199 ([4]d) submit inspection summary reports monthly to the appropriate local  
200 government entity building official and the ~~[USOE]~~ Superintendent;

201 ([5]e) sign the final certificate of inspection and verification form, certifying all  
202 inspections were completed in compliance with all applicable laws and rules~~], and the~~  
203 ~~Resource Manual]~~ to safeguard the public health, safety, and general welfare of occupants;

204 ([6]f) send the final inspection certification, inspection verification, and provide all  
205 other related project closeout submittals to the ~~[USOE]~~ Superintendent and to the  
206 appropriate local government entity building official upon completion of the project; and

207 ([7]g) maintain all submitted documentation at a designated LEA location for auditing  
208 or monitoring.

209 ~~E.](5)~~ The SDBO~~[/]~~ or CSBBO may submit either paper or electronic reports to  
210 satisfy this section.

211  
212 **R277-471-~~[6]~~7. Coordination with Local Governments, Utility Providers and the State**  
213 **Fire Marshal.**

214 ~~A.](1)~~ Prior to developing plans and specifications for a public school construction  
215 project, an LEA~~[s]~~ shall coordinate with affected local government land use authorities and  
216 utility providers to:

217 ([1]a) ensure that the siting or expansion of a school in the intended location will

218 comply with applicable local general plans and land use laws and will not conflict with entitled  
219 land uses;

220 ([2]b) ensure that all local government services and utilities required by the school  
221 construction activities can be provided in a logical and cost-effective manner;

222 ([3]c) avoid or mitigate existing and potential traffic hazards, including consideration  
223 of the impacts between the public school construction and future roadways; and

224 ([4]d) maximize school, student, and site safety.

225 [B.](2) An LEA[s] shall cooperate with municipalities and counties and conform to  
226 municipal and county land use ordinances consistent with Sections [10-9a-305](#) and [17-27a-](#)  
227 [305](#).

228 [C.](3) Prior to developing plans and specifications for a public school construction  
229 project, an LEA[s] shall coordinate with local health departments and the State Fire Marshal.

230 [D.](4) A charter school shall have an open meeting to seek and secure a variance  
231 from the appropriate government entity if the LEA selects a school site in a municipality or  
232 county-designated zone for sexually oriented businesses or businesses that sell alcohol.

233 [E.](5) Parking requirements for a charter school may not exceed the minimum  
234 parking requirements for a traditional public school of a like size and grade levels or other  
235 institutional public use throughout the municipality or county.

236 [F.](6) An LEA[s] shall maintain documentation for audit or monitoring purposes of  
237 coordination, meetings, and agreements required under this section.

238 [G.](7) Prior to developing plans and specifications for a public school construction  
239 project, an LEA[s] shall coordinate with local jurisdictions to comply with Federal Emergency  
240 Management Agency flood plain requirements and restrictions, including applicable  
241 mitigation measures.

242

243 **R277-471-[7]8. Superintendent's Authority to Request Additional Inspections.**

244 [A.](1) The Superintendent may contract with any appropriately qualified entity or  
245 person[~~s~~] to provide inspection services that the Superintendent considers necessary to  
246 enable the Superintendent to issue a certificate authorizing temporary or permanent  
247 occupancy of ~~the~~a public school building.

248 [B.](2) The Superintendent may charge ~~the~~ an LEA a fee, not to exceed the actual



249 cost of performing the inspection~~[(s)]~~, for inspection services.

250

251 **R277-471-~~[8]~~9. Certification of Occupancy.**

252 ~~[A.](1) For a [School] school~~ district[s]:

253 ~~[(1)a)~~ After completion of ~~[the]~~ a project when a school district's appropriately  
254 credentialed inspector provides inspections, ~~[the]~~ an SDBO shall sign a certificate of  
255 inspection verification form certifying that all inspections were completed in accordance with  
256 Utah law ~~[and the Resource Manual]~~, and file the form with the ~~[USOE]~~ Superintendent and  
257 the building official of the jurisdiction in which the building is located.

258 ~~[(2)b)(i)~~ After completion of ~~[the]~~ a project when a local jurisdiction provides  
259 inspections, the school district shall ~~[seek]~~ obtain a certificate authorizing permanent  
260 occupancy of a school building from the jurisdiction in which the building is located~~[:]~~.

261 ~~(ii) A school district shall provide~~ a copy of the certificate of occupancy ~~[shall be filed~~  
262 ~~with the USOE]~~ to the Superintendent.

263 ~~[(3)c)~~ After completion of ~~[the]~~ a project when independent inspectors provide  
264 inspections, ~~[the]~~ an SDBO shall seek a certificate authorizing temporary or permanent  
265 occupancy of the school from the Superintendent.

266 ~~[B.](2) For a [Charter] charter~~ school[s]:

267 ~~[(1)a)~~ After completion of ~~[the]~~ a project and inspection by an appropriately  
268 credentialed inspector when a charter school contracts with a school district for inspections,  
269 the CSBBO shall obtain a completed certificate of inspection verification form from the  
270 SDBO certifying that all inspections were completed in accordance with Utah law ~~[and the~~  
271 ~~Resource Manual]~~, and file the form with the ~~[USOE]~~ Superintendent and the building official  
272 of the jurisdiction where the ~~[public]~~ charter school is located.

273 ~~[(2)b)(i)~~ After completion of ~~[the]~~ a project when a local jurisdiction provides  
274 inspections, a charter school ~~[shall]~~ obtain seek a certificate authorizing permanent  
275 occupancy of a school building from the jurisdiction in which the building is located~~[:]~~.

276 ~~(ii) The CSBBO shall provide~~ a copy of the certificate of occupancy ~~[shall be filed with~~  
277 ~~the USOE]~~ to the Superintendent.

278 ~~[(3)c)~~ After completion of ~~[the]~~ a project when independent inspectors provide  
279 inspections, the CSBBO shall seek a certificate authorizing temporary or permanent

280 occupancy of the school from the Superintendent.

281 ~~[C.](3)~~ Within 30 days after ~~[the]~~ an LEA files a request for the issuance of a certificate  
282 authorizing permanent occupancy of ~~[the]~~ a school building from the ~~[USOE]~~  
283 Superintendent, the Superintendent shall:

284 ~~[(1)]a~~ issue to the LEA a certificate authorizing permanent occupancy of the school  
285 building; or

286 ~~[(2)]b~~ deliver to the LEA board a written notice indicating deficiencies in the LEA's  
287 compliance with the inspection findings.

288 ~~[D.](4)~~ If the Superintendent does not issue the certificate authorizing permanent  
289 occupancy, ~~[the]~~ an LEA shall provide notice of the deficiency to the building official of the  
290 local government entity in which the public school building is located.

291 ~~[E.](5)~~ Upon ~~[the]~~ an LEA board filing the certificate of inspection verification and  
292 requesting the issuance of a certificate authorizing permanent occupancy of the school  
293 building with the ~~[USOE]~~ Superintendent, the LEA shall be entitled to temporary occupancy  
294 of the school building for a period up to 90 days, beginning on the date the request is filed,  
295 if the LEA has complied with all minimum requirements to safeguard the public health, safety,  
296 and general welfare of occupants.

297 ~~[F.](6)~~ Upon ~~[the]~~ an LEA remedying any deficiencies and notifying the  
298 Superintendent that the deficiencies have been remedied, following certification of the  
299 information, the Superintendent shall issue a certificate authorizing permanent occupancy  
300 of the school building.

301 ~~[G.](7)~~ Upon receipt of the certificate of occupancy, ~~[the]~~ an LEA shall provide a copy  
302 of the certificate to the building official of the local ~~[governmental entity]~~ jurisdiction in which  
303 the school building is located authorizing permanent occupancy of the school building.

304

305 **~~[R277-471-9. School Building Construction and Inspection Resource Manual.~~**

306 ~~—— A. The USOE shall develop and distribute a Resource Manual, or provide an~~  
307 ~~electronic version, on the USOE School Finance website, consistent with Section 53E-3-~~  
308 ~~707.~~

309 ~~—— B. The Resource Manual shall include process, legal requirements and resource~~  
310 ~~information on school building construction, operations, maintenance, minimum~~

311 requirements to safeguard the public health, safety and general welfare of occupants, and  
312 inspections.

313 ~~\_\_\_\_\_ C. The USOE shall review and, if necessary, update the Resource Manual annually.~~

314 ~~\_\_\_\_\_ D. The Board and LEA boards, as well as LEA personnel, shall act consistent with~~  
315 ~~the Resource Manual.]~~

316

317 **~~[R277-471-10. School Construction Guidelines.~~**

318 ~~\_\_\_\_\_ A. The Board shall adopt public school construction guidelines that take into~~  
319 ~~consideration the factors identified in Section 53E-3-702 and other factors identified by~~  
320 ~~USOE staff or the Division of Facilities Construction and Management Administration staff.~~

321 ~~\_\_\_\_\_ B. LEAs shall review and take into consideration the school construction guidelines~~  
322 ~~when planning and prior to proceeding with public school construction.]~~

323

324 **R277-471-[41]10. Enforcement.**

325 ~~[A.](1)~~ An LEA which fails to comply with the provisions of this rule is subject to  
326 ~~[interruption of state dollars by]~~ consequences from the Board consistent with Subsections  
327 53E-3-401(~~[3]~~8) and 53F-2-202(4)(d).

328 ~~([4]a)~~ If an LEA fails to meet or satisfy a school construction inspection requirement  
329 or timeline designation under this rule, the Superintendent shall, as directed by the Board,  
330 send the school district superintendent or local charter school director notice by certified  
331 mail; and

332 ~~([2]b)~~ If after 30 days the requirement has not been met, the ~~[USOE]~~ Superintendent  
333 may, as directed by the Board, interrupt the Minimum School Program fund transfer process  
334 to the following extent:

335 ~~([a]i)~~ 10 percent of the total monthly Minimum School Program transfer amount the  
336 first month;

337 ~~([b]ii)~~ 25 percent in the second month; and

338 ~~([c]iii)~~ 50 percent in the third and subsequent months.

339 ~~[B.](2)~~ If the ~~[USOE]~~ Superintendent interrupts the Minimum School Program fund  
340 transfer process, the ~~[USOE]~~ Superintendent shall:

341 ~~([4]i)~~ upon receipt of confirmation that the proper inspection~~[(s)]~~ ~~[has-(have)]~~ have

342 taken place or upon receipt of a late report<sup>[7]</sup>;

343 (A) restart the transfer process within the month [(if the confirmation or report is  
344 submitted before the tenth working day of the month)]; or

345 (B) restart the transfer process in the following month [(if the confirmation or report  
346 is submitted after 10:00 a.m. on or after the tenth working day of the month)];

347 ([2]ii) inform the Board at its next regularly scheduled meeting; and

348 ([3]iii) inform the chair of the local governing board if the school district  
349 superintendent or charter school director is not responsive in correcting ongoing school  
350 construction inspection and reporting problems.

351 ~~[C.](3)~~ An LEA may be subject to a nonrefundable fine in the amount of one half of  
352 one percent of the total construction costs of a public school construction project if an LEA  
353 fails to report a public school construction project consistent with [Title 53E, Chapter 3, Part](#)  
354 [7, School Construction](#) and the ~~[Resource Manual to the USOE]~~ manual to the  
355 Superintendent.

356 ([1]4) The ~~[USOE]~~ Superintendent, ~~[under the direction of]~~ with approval from the  
357 Board, shall deduct nonrefundable fine amounts from the respective LEA's Minimum School  
358 Program allotment at a rate sufficient to complete collection of the nonrefundable fine by the  
359 end of the current fiscal year.

360 (a) The ~~[USOE]~~ Superintendent shall deposit school district nonrefundable fine  
361 amounts into the School Building Revolving Account; and

362 (b) The ~~[USOE]~~ Superintendent shall deposit charter school nonrefundable fine  
363 amounts into the Charter School Building Subaccount within the School Building Revolving  
364 Account.

365

366 **R277-471-~~[12]~~11. Appeals Procedure for Nonrefundable Fines.**

367 ~~[A.](1)~~ The Board designates the procedure outlined in this Section R277-471-~~[12]~~11  
368 as an informal adjudicative proceeding, under Section [63G-4-203](#).

369 ~~[B.](2)~~ An LEA board[s] may appeal a fine assessed under ~~[R277-471-11C]~~ this rule  
370 consistent with the following:

371 ([1]a) An LEA may not appeal a fine until a final administrative decision has been  
372 made to assess the fine by the ~~[USOE and the fine has been affirmed by the]~~ Board.

373           (~~2~~b) A district superintendent on behalf of a local school board or a local charter  
374 board chair on behalf of a local charter school board may appeal an assessed fine by filing  
375 an appeal on a form, and in the manner prescribed [~~provided on the USOE website~~] by the  
376 Superintendent.

377           (~~3~~c) An LEA must file the appeal within 10 business days of final [~~affirmation of~~  
378 ~~USOE action/withholding by the Board~~] Board action.

379           [~~4~~] An LEA shall deliver or provide electronically the appeal to the USOE as provided  
380 ~~by the appeal form.]~~

381           (~~5~~d) An LEA shall provide, as stated on the form, an explanation of unanticipated  
382 or compelling circumstances that resulted in the local board's or charter school's failure to  
383 report new construction or remodeling projects as required.

384           (~~6~~e) The school district superintendent or local charter board chair shall provide a  
385 notarized statement that the information and explanation of circumstances are true and  
386 factual statements.

387           (~~7~~3) At least three members of the Finance Committee appointed by the Board  
388 shall act as a review committee to review the written appeal.

389           (a) The appeal committee may request additional information from the LEA board.

390           (b) The appeal committee may ask the district superintendent or local school district  
391 or charter school board chair or LEA business staff to appear personally and provide  
392 information.

393           (c) The appeal committee shall presume the fine [~~shall be presumed~~] appropriate  
394 and legitimate [~~when reviewed by the appeal committee~~].

395           (d) The appeal committee shall make a written recommendation within 10 business  
396 days of receipt of the appeal request.

397           (e) The full Finance Committee of the Board shall review the recommendation.

398           (f) The Finance Committee shall make a formal recommendation to the Board to  
399 accept, modify or reject the appeal explanation and fine.

400           [~~C~~](4) The Board, in a regular monthly meeting, may accept or reject the Finance  
401 Committee's final recommendation to affirm the fine, modify the fine, or grant the appeal.

402           [~~D~~](5) Consistent with the Board's general control and supervision of the Utah public  
403 school system and given the significant public policy concern for safe schools and cost-

404 effective public school building projects, a local board of education or a local charter board  
405 has no further administrative appeal opportunity.

406

407 **R277-471-[13]12. Annual Construction and Inspection Conference.**

408 [A.](1) The [USOE] Superintendent shall sponsor an annual school construction  
409 conference for [~~representative(s)~~] representatives from each LEA and interested persons  
410 involved in the school building construction, design, operation, maintenance, safety and  
411 related industries.

412 [B.](2) Conference presenters and participants shall provide and discuss current  
413 information and training on public school building construction and inspection, including:

414 ([4]a) the design, construction, operation, and [~~the~~] inspection process of public  
415 school buildings;

416 ([2]b) public school building site selection;

417 ([3]c) best building life-cycle costing;

418 ([4]d) construction inspection requirements and schedules; and

419 ([5]e) information to improve the existing public school building design, construction,  
420 operation, and safety inspection program.

421

422 **R277-471-[14]13. School Plant Capital Outlay Report.**

423 [A.](1) The [~~Board~~] Superintendent shall prepare an annual School Plant Capital  
424 Outlay Report of all school construction projects completed and under construction,  
425 including information on the number and size of buildings.

426 [B.](2) An LEA shall prepare and submit [~~an annual School Plant Capital Outlay~~  
427 ~~Report to the Utah Public Finance website, consistent with Section 63A-3-402, for each new~~  
428 ~~school building construction project or significant school remodel, completed between July~~  
429 ~~1, 2004 and May 13, 2014. An LEA shall submit the report no later than May 15, 2015. For~~  
430 ~~new school building projects or significant remodel projects completed after May 13, 2014,~~  
431 ~~the LEA shall provide] the School Plant Capital Outlay Report to the [Division] Office of the  
432 State Auditor annually, by a date designated by the [Division] State Auditor.~~

433 [C.](3) The School Plant Capital Outlay Report shall include information as required  
434 by the Superintendent. [~~required under Section 63A-3-402(6)(c)~~]

435 ~~—— D. The LEA shall report to the Utah Public Finance website the actual cost, fee, or~~  
436 ~~other expense for any figures required to be reported under R277-471-14B.~~

437 ~~—— E. The report shall be in a format, including any raw data or electronic formatting,~~  
438 ~~prescribed by applicable policy.~~

439 ~~—— F. The Division may require an LEA to provide further itemized data on information~~  
440 ~~listed in Section 63A-3-402(6)(c) or R277-471-14B.]~~

441

442 **KEY: educational facilities**

443 **Date of Enactment or Last Substantive Amendment: November 10, 2014**

444 **Notice of Continuation: August 6, 2019**

445 **Authorizing, and Implemented or Interpreted Law: [Art X Sec 3](#); [53E-3-401\(3\)](#); [53E-3-](#)**  
446 **[706](#); [53E-3-707](#); [10-9a-305](#); [17-27-105](#); [53F-2-202\(4\)\(d\)](#)**