

1   **SR277. Education, Administration.**

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

3   **R277-471-1. Authority, [and] Purpose, and Oversight Category.**

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  
8       the 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  
10      from an education entity for non-compliance with the education code or administrative  
11      rules;

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

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

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

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

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

21       (3) This rule R277-471 is categorized as Category 2 as described in Rule R277-  
22      111.

23

24   **R277-471-2. Definitions.**

25       (1) "Certified plans examiner" means a professional who has current applicable  
26       commercial certification through the "International Code Council" or "ICC".

27       (2) "Charter school" means a school acknowledged as a charter school by a  
28       charter school authorizer consistent with Title 53G, Chapter 5, Part 3, Charter School  
29       Authorization.

30 (3) "Charter school responsible person or local charter school board building  
31 officer or designee" or "CSBBO" means the individual or authority designated by a  
32 charter school governing board who:

33 (a) has direct administrative and operational control of charter school  
34 construction or renovation; and

35 (b) has responsibility for a charter school's compliance with Utah law on behalf  
36 of the charter school governing board.

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

40 (a) Section 53E-3-706;

41 (b) Section [53E-3-708](#);

42 (c) Section 10-9a-305;

43 (d) Section 17-27a-305;

44 (e) [Title 15A](#), State Construction and Fire Code Act;

45 (f) Rule R156-56; and

46 (g) this Rule R277-471.

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

52 (a) any new building or occupiable structure;

53 (b) any existing occupiable building or structure alteration; or

54 (c) a change of occupancy in an existing structure, building, or space.

55 (6) "General plan" means a document that a municipality adopts that sets forth  
56 general guidelines for proposed future development of the land within the municipality,  
57 consistent with Subsection [10-9a-103](#)(13).

58                   (7) "Inspector" means a professional who holds current applicable commercial  
59 certification through the International Code Council and is currently licensed in the in  
60 Utah in the applicable trades for which the inspector is performing inspections.

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

63                   (9) "New school building project" means the construction of a school that did not  
64 previously exist in an LEA.

65                   (10) "Public school construction" means construction work on a new or existing  
66 public school building.

67                   (11) "School District Building Official or "SDBO" means the individual or authority  
68 designated by a school district who has direct administrative and operational control of  
69 school district construction or renovation and is responsible for the school district's  
70 compliance with Utah law.

71                   (12) "Significant school remodel" means the upgrading, changing, alteration,  
72 refurbishment, modification, or complete substitution or replacement of an existing  
73 school in an LEA with a project cost equal to or in excess of \$2,000,000.

74                   (13) "Temporary certificate of occupancy" means the document, valid for a  
75 limited time period, issued upon receipt of the temporary final inspection report from the  
76 inspector of record and the 'Temporary Certificate of Fire Clearance' issued by the Utah  
77 State Fire Marshal, verifying minimum requirements to safeguard the public health,  
78 safety, and general welfare of occupants, which authorizes temporary usage or  
79 occupancy of:

80                   (a) any new building or occupiable structure;

81                   (b) any existing occupiable building or structure alteration; or change of  
82 occupancy in an existing structure or building or space.

83                   (14) "Universal Access key box" has the same meaning as defined in Subsection  
84 53G-8-805(1)(a).

86 **R277-471-3. Incorporation of School Construction Resource Manual by**  
87 **Reference.**

88 (1) This rule incorporates by reference the School Construction Resource  
89 Manual dated ~~April 30, 2013~~August 2025.

90 (2) The School Construction Resource Manual was developed by the Board in  
91 accordance with Section 53E-3-707.

92 (3) A copy of the manual is located at:

93 (a) <https://www.schools.utah.gov/administrative-rules/documentsincorporated>;  
94 and

95 (b) the offices of the Board.

96 (4) The Superintendent shall review the manual annually and recommend  
97 changes, if necessary, to the Board.

98 (5) Each public school construction project shall be conducted in accordance  
99 with the manual.

100

101 **R277-471-4. School Safety Construction Requirements.**

102 (1) A school building shall have universal access key boxes that:

103 (a) are installed at main entry points;

104 (b) contain master keys and access devices that provide complete access to all  
105 areas of the school's building(s);

106 (c) are accessible only to authorized emergency responders;

107 (d) are electronically monitored for tampering; and

108 (e) are weather and vandal-resistant.

109 (2) An LEA shall maintain universal access key boxes by:

110 (a) conducting quarterly inspections;

111 (b) updating contents within 24 hours of any lock or access control changes;

112 (c) maintaining current key and access device inventories;

113 (d) documenting all inspections and updates; and

114 (e) immediately replacing any damaged or malfunctioning boxes.

115        (3) Schools shall work with county security chief and local first responders to  
116        (a) Determine optimal box placement;  
117        (b) establish access protocols;  
118        (c) maintain current emergency contact information; and  
119        (d) conduct annual reviews of box usage and effectiveness.  
120        (4) A school shall include universal access key box locations and protocols in:  
121        (a) school emergency response plans;  
122        (b) building schematic diagrams provided to emergency responders; and  
123        (c) school safety and security training manuals.  
124        (5) Upon new construction or major remodeling of a school building, an LEA  
125        shall work in direct coordination with the state security chief, the county security chief  
126        and the school safety and security director to ensure accessible and strategically placed  
127        installation of Automated External Defibrillators (AED).  
128        (a) One AED shall be located ~~at or near~~[in] the main office, and additional AEDs  
129        shall be within 500 feet of the following areas:  
130        (i) gymnasiums;  
131        (ii) auditoriums;  
132        (iii) any portable or temporary outbuilding; and  
133        (iv) centralized locations of buildings.  
134  
135        **R277-471-[4]5. LEA Responsible Person.**  
136        (1) An LEA board shall be accountable to ensure that all school district and  
137        charter school permanent or temporary construction, renovation, and inspections are  
138        conducted in accordance with the law to provide minimum requirements to safeguard  
139        the public health, safety, and general welfare of occupants while using the most  
140        comprehensive, cost-effective, and efficient design means and methods.  
141        (2) A school district governing board shall:

142 (a) appoint an SDBO who has direct administrative and operational control of all  
143 construction, renovation, and inspection of public school district facilities within the  
144 school district; and

145 (b) provide in writing the name of the SDBO to the Superintendent.

149 (4)(a) A charter school governing board shall appoint a CSBBO who has direct  
150 operational responsibility for construction, renovation, and inspection of the charter  
151 school.

152 (b) The CSBBO shall report regularly to the charter school governing board.

153 (c) A charter school governing board shall provide the name of its CSBBO in  
154 writing to the Superintendent.

155 (d) A charter school governing board shall promptly notify the Superintendent in  
156 writing of any changes to the school's CSBBO.

157 (5) An SDBO or a CSBBO may adopt and enforce supplemental LEA policies  
158 under appropriate LEA policies to clarify the application of the provisions of Utah law for  
159 LEA personnel.

160

161 R277-471-[5]6. School Construction Inspectors.

162 (1) An LEA shall employ or contract with inspectors for school construction  
163 inspection who are currently ICC commercially certified and licensed in Utah, in the  
164 trade specific to the inspection, consistent with Utah law.

165 (2) An LEA shall choose one of three methods for inspections:

166 (a) Independent inspectors:

167 (i) shall receive approval from the local jurisdiction in which the construction  
168 activity occurs;

169 (ii) may include inspectors working outside the municipality, county, or school  
170 district in which they are employed; and



200 (c) submit inspection certificates and all related submittals to the Superintendent  
201 and appropriate local government entity building official;

202 (d) submit inspection summary reports monthly to the appropriate local  
203 government entity building official and the Superintendent;

204 (e) sign the final certificate of inspection and verification form, certifying all  
205 inspections were completed in compliance with all applicable laws and rules to  
206 safeguard the public health, safety, and general welfare of occupants;

207 (f) send the final inspection certification, inspection verification, and provide all  
208 other related project closeout submittals to the Superintendent and to the appropriate  
209 local government entity building official upon completion of the project; and

210 (g) maintain all submitted documentation at a designated LEA location for  
211 auditing or monitoring.

212 (5) The SDBO or CSBBO may submit either paper or electronic reports to satisfy  
213 this section.

215 **R277-471-[7]8. Coordination with Local Governments, Utility Providers, and the**  
216 **State Fire Marshal.**

217 (1) Prior to developing plans and specifications for a public school construction  
218 project, an LEA shall coordinate with affected local government land use authorities and  
219 utility providers to:

220 (a) ensure that the siting or expansion of a school in the intended location will  
221 comply with applicable local general plans and land use laws and will not conflict with  
222 entitled land uses:

223 (b) ensure that all local government services and utilities required by the school  
224 construction activities can be provided in a logical and cost-effective manner:

225 (c) avoid or mitigate existing and potential traffic hazards, including  
226 consideration of the impacts between the public school construction and future  
227 roadways; and

228 (d) maximize school, student, and site safety.

229 (2) An LEA shall cooperate with municipalities and counties and conform to  
230 municipal and county land use ordinances consistent with Sections 10-9a-305 and 17-  
231 27a-305.

232 (3) Prior to developing plans and specifications for a public school construction  
233 project, an LEA shall coordinate with local health departments and the State Fire  
234 Marshal.

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

239 (5) Parking requirements for a charter school may not exceed the minimum  
240 parking requirements for a traditional public school of a like size and grade levels or  
241 other institutional public use throughout the municipality or county.

242 (6) An LEA shall maintain documentation for audit or monitoring purposes of  
243 coordination, meetings, and agreements required under this section.

244 (7) Prior to developing plans and specifications for a public school construction  
245 project, an LEA shall coordinate with local jurisdictions to comply with Federal  
246 Emergency Management Agency flood plain requirements and restrictions, including  
247 applicable mitigation measures.

248

249 R277-471-[8](9). Superintendent's Authority to Request Additional Inspections.

250                   (1) The Superintendent may contract with any appropriately qualified entity or  
251 person to provide inspection services that the Superintendent considers necessary to  
252 enable the Superintendent to issue a certificate authorizing temporary or permanent  
253 occupancy of a public school building.

254 (2) The Superintendent may charge an LEA a fee, not to exceed the actual cost  
255 of performing the inspection, for inspection services.

256

257 R277-471-[9](10). Certification of Occupancy.

258 (1) For a school district:  
259 (a) After completion of a project when a school district's appropriately  
260 credentialed inspector provides inspections, an SDBO shall sign a certificate of  
261 inspection verification form certifying that all inspections were completed in accordance  
262 with Utah law, and file the form with the Superintendent and the building official of the  
263 jurisdiction in which the building is located.

264 (b)(i) After completion of a project when a local jurisdiction provides inspections,  
265 the school district shall obtain a certificate authorizing permanent occupancy of a school  
266 building from the jurisdiction in which the building is located.

267 (ii) A school district shall provide a copy of the certificate of occupancy to the  
268 Superintendent.

269 (c) After completion of a project when independent inspectors provide  
270 inspections, an SDBO shall seek a certificate authorizing temporary or permanent  
271 occupancy of the school from the Superintendent.

272 (2) For a charter school:

279 (b)(i) After completion of a project when a local jurisdiction provides inspections,  
280 a charter school shall obtain a certificate authorizing permanent occupancy of a school  
281 building from the jurisdiction in which the building is located.

282 (ii) The CSBBO shall provide a copy of the certificate of occupancy to the  
283 Superintendent.

284 (c) After completion of a project when independent inspectors provide  
285 inspections, the CSBBO shall seek a certificate authorizing temporary or permanent  
286 occupancy of the school from the Superintendent.

287 (3) Within 30 days after an LEA files a request for the issuance of a certificate  
288 authorizing permanent occupancy of a school building from the Superintendent, the  
289 Superintendent shall:

290 (a) issue to the LEA a certificate authorizing permanent occupancy of the school  
291 building; or

292 (b) deliver to the LEA board a written notice indicating deficiencies in the LEA's  
293 compliance with the inspection findings.

294 (4) If the Superintendent does not issue the certificate authorizing permanent  
295 occupancy, an LEA shall provide notice of the deficiency to the building official of the  
296 local government entity in which the public school building is located.

297 (5) Upon an LEA board filing the certificate of inspection verification and  
298 requesting the issuance of a certificate authorizing permanent occupancy of the school  
299 building with the Superintendent, the LEA shall be entitled to temporary occupancy of  
300 the school building for a period up to 90 days, beginning on the date the request is filed,  
301 if the LEA has complied with all minimum requirements to safeguard the public health,  
302 safety, and general welfare of occupants.

303 (6) Upon an LEA remedying any deficiencies and notifying the Superintendent  
304 that the deficiencies have been remedied, following certification of the information, the  
305 Superintendent shall issue a certificate authorizing permanent occupancy of the school  
306 building.

307 (7) Upon receipt of the certificate of occupancy, an LEA shall provide a copy of  
308 the certificate to the building official of the local jurisdiction in which the school building  
309 is located authorizing permanent occupancy of the school building.

310

311 **R277-471-[10]11. Enforcement.**

312 (1) An LEA which fails to comply with the provisions of this rule is subject to  
313 consequences from the Board consistent with Subsections [53E-3-401\(8\)](#) and [53F-2-](#)  
314 [202\(4\)\(d\)](#).

315 (a) If an LEA fails to meet or satisfy a school construction inspection requirement  
316 or timeline designation under this rule, the Superintendent shall, as directed by the  
317 Board, send the school district superintendent or local charter school director notice by  
318 certified mail; and

322 (i) 10% of the total monthly Minimum School Program transfer amount the first  
323 month;

324 (ii) 25% in the second month; and  
325 (iii) 50% in the third and subsequent months.

328 (i) upon receipt of confirmation that the proper inspections have taken place or  
329 upon receipt of a late report:

330 (A) restart the transfer process within the month if the confirmation or report is  
331 submitted before the tenth working day of the month; or

332 (B) restart the transfer process in the following month if the confirmation or  
333 report is submitted after 10 a.m. on or after the tenth working day of the month;

334 (ii) inform the Board at its next regularly scheduled meeting; and

335 (iii) inform the chair of the local governing board if the school district  
336 superintendent or charter school director is not responsive in correcting ongoing school  
337 construction inspection and reporting problems.

338 (3) An LEA may be subject to a nonrefundable fine in the amount of one half of  
339 one percent of the total construction costs of a public school construction project if an  
340 LEA fails to report a public school construction project consistent with [Title 53E, Chapter](#)  
341 [3. Part 7. School Construction](#) and the manual to the Superintendent.

342 (4) The Superintendent, with approval from the Board, shall deduct  
343 nonrefundable fine amounts from the respective LEA's Minimum School Program

344 allotment at a rate sufficient to complete collection of the nonrefundable fine by the end  
345 of the current fiscal year.

346 (a) The Superintendent shall deposit school district nonrefundable fine amounts  
347 into the School Building Revolving Account; and

348 (b) The Superintendent shall deposit charter school nonrefundable fine amounts  
349 into the Charter School Building Subaccount within the School Building Revolving  
350 Account.

351

**352 R277-471-[14]12. Appeals Procedure for Nonrefundable Fines.**

353 (1) The Board designates the procedure outlined in this Section R277-471-[14]12 as an informal adjudicative proceeding, under Section [63G-4-203](#).

355 (2) An LEA board may appeal a fine assessed under this rule consistent with the  
356 following:

357 (a) An LEA may not appeal a fine until a final administrative decision has been  
358 made to assess the fine by the Board.

359 (b) A district superintendent on behalf of a local school board or a local charter  
360 board chair on behalf of a local charter school board may appeal an assessed fine by  
361 filing an appeal on a form, and in the manner prescribed by the Superintendent.

362 (c) An LEA must file the appeal within ten business days of final Board action.

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

366 (e) The school district superintendent or local charter board chair shall provide a  
367 notarized statement that the information and explanation of circumstances are true and  
368 factual statements.

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

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

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

376 (c) The appeal committee shall presume the fine appropriate and legitimate.

377 (d) The appeal committee shall make a written recommendation within ten  
378 business days of receipt of the appeal request.

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

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

382 (4) The Board, in a regular monthly meeting, may accept or reject the Finance  
383 Committee's final recommendation to affirm the fine, modify the fine, or grant the  
384 appeal.

389

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

391 (1) The Superintendent shall sponsor an annual school construction conference  
392 for representatives from each LEA and interested persons involved in the school  
393 building construction, design, operation, maintenance, safety and related industries.

394 (2) Conference presenters and participants shall provide and discuss current  
395 information and training on public school building construction and inspection, including:

396 (a) the design, construction, operation, and inspection process of public school  
397 buildings;

398 (b) public school building site selection;

399 (c) best building life-cycle costing;

400 (d) construction inspection requirements and schedules; and

401 (e) information to improve the existing public school building design,  
402 construction, operation, and safety inspection program.

403

404 **KEY: educational facilities**

405 **Date of Last Change: April 9, 2024**

406 **Notice of Continuation: February 5, 2024**

407 **Authorizing, and Implemented or Interpreted Law:** Art X Sec 3; 53E-3-401(3); 53E-  
408 3-706; 53E-3-707; 10-9a-305; 53F-2-202(4)(d)

409

410