

1 **R277. Education, Administration.**

2 **R277-125. Small School District Capital Projects.**

3 **R277-125-1. 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 over public education in the Board;

7 (b) Section 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; and

9 (c) Section 53F-10-102, which requires the Board to make rules to establish a
10 process for school districts to submit proposals for funding for capital development
11 projects under Title 53F, Chapter 10, State Funding - Capital Projects.

12 (2) The purpose of this rule is to establish a process for school districts to submit
13 proposals for funding for capital development projects, including:

14 (a) the Capital Projects Evaluation Panel's review, prioritization, and
15 recommendations to the Board;

16 (b) the Board's consideration and approval, if applicable, of proposed capital
17 development projects; and

18 (c) management of Capital Projects Evaluation Panel processes and
19 administration.

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21 **R277-125-2. Definitions.**

22 (1) "Capital development project" or "project" means the same as that term is
23 defined in Section 53F-10-101.

24 (2) "Capital Projects Evaluation Panel" or "panel" means the same as that term is
25 defined in Section 53F-10-101.

26 (3) "Eligible school district" means the same as that term is defined in Section
27 53F-10-101.

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29 **R277-125-3. Superintendent Duties and Support for Capital Development**

30 **Proposal Process.**

31 (1)(a) The Superintendent shall prepare an application for an eligible school
32 district to submit a proposal to the Capital Projects Evaluation Panel for funding for a
33 capital development project.

34 (b) The application described in Subsection (2)(a) shall include a requirement for
35 an eligible school district to provide at least the following information as part of the
36 eligible school district's proposal:

37 (i) a cost analysis and estimate for the project;

38 (ii) a proposed time line for the project;

39 (iii) if applicable, the source of the eligible school district's matching funds;

40 (iv) the LEA's capital local levy imposed for the most recent fiscal year; and

41 (v) narrative describing how the project will meet the eligible school district's
42 capital needs.

43 (2) As described in Section [53F-10-201](#), the Superintendent and staff shall
44 participate on the panel and provide staff support.

45 (3) The Superintendent shall provide the panel's recommendations for any
46 project described in Subsection R277-125-4(3)(b) [that is \\$2 million or more](#) to the Board
47 by January 10 each year for the Board's evaluation and approval.

48 [\(4\) For a project described in Subsection R277-125-4\(3\)\(b\) that is less than \\$2](#)
49 [million](#), the Superintendent shall:

50 (a) evaluate the panel's recommendations described in Subsection R277-125-4
51 [\(3\)\(b\)](#);

52 (b) approve and notify an eligible school district of an approved capital
53 development project; and

54 [\(c\) provide a report to the Board of the Superintendent's approvals described in](#)
55 [Subsection \(4\)\(b\)](#).

56 [\(5\) Subject to the amounts described in Section \[53F-10-301\]\(#\) and approval by the](#)

57 Board if applicable, the Superintendent shall distribute funds to an eligible school district
58 with an approved project by March 1.

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60 **R277-125-4. Eligible School District Application Requirements -- Panel Review**
61 **and Consideration of Project Proposals.**

62 (1) On or before November 1 each year, an eligible school district may submit a
63 capital development project proposal to the Superintendent using the application
64 described in Subsection R277-124-3(1) for the Capital Projects Evaluation Panel's
65 consideration.

66 (2) To perform the duties described in Section 53F-10-202, the panel shall meet
67 quarterly or as needed.

68 (3) The panel shall:

69 (a) use the criteria described in Subsection [53F-10-202\(1\)](#) to evaluate and
70 prioritize capital development project proposals; and

71 (b) provide recommendations for proposals that the panel recommends be
72 approved to the Superintendent by December 15.

73 (4) The panel may recommend funds be distributed to an eligible school district
74 for a loan in lieu of a distribution of capital funding for a project as described in Section
75 [53F-10-302](#).

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77 **R277-125-5. Eligible School District Use of Funds.**

78 (1) An eligible school district shall use funds distributed under Section 53F-7-202
79 and this Rule by June 30, 2025.

80 (2) An LEA shall return any funds distributed under Section [53F-7-202](#) and this
81 Rule on or before October 1, 2025 if the eligible school district does not expend those
82 funds by June 30, 2025.

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84 **KEY: small school district; capital; funding**

Blue Text – Additions
~~Red Text – Deletions~~

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85 **Date of Enactment or Last Substantive Amendment:**

86 **Authorizing, and Implemented, or Interpreted Law: [Art X Sec 3](#); [53E-3-401\(4\)](#);**

87 **[53F-10-102](#)**

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