

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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SENATE BILL 586

Short Title: Standardization of School Building Design. (Public)

Sponsors: Senator Rabin (Primary Sponsor).

Referred to: Education/Higher Education.

April 4, 2013

1 A BILL TO BE ENTITLED
2 AN ACT DIRECTING LOCAL BOARDS OF EDUCATION ACQUIRING SITES FOR
3 SCHOOL FACILITIES OR ERECTING SCHOOL FACILITIES TO PLAN FOR THE
4 FUTURE EXPANSION OF THOSE FACILITIES.

5 The General Assembly of North Carolina enacts:

6 **SECTION 1.** G.S. 115C-517 reads as rewritten:

7 **"§ 115C-517. Acquisition of sites.**

8 Local boards of education may acquire suitable sites for schoolhouses or other school
9 facilities either within or without the local school administrative unit; but no school may be
10 operated by a local school administrative unit outside its own boundaries, although other school
11 facilities such as repair shops, may be operated outside the boundaries of the local school
12 administrative unit. In selecting a site for a school or other school facility, the local board of
13 education shall consider the potential need to expand that school or other school facility in the
14 future and shall, when feasible, acquire sufficient land for such expansion.

15 Whenever any such board is unable to acquire or enlarge a suitable site or right-of-way for
16 a school, school building, school bus garage or for a parking area or access road suitable for
17 school buses or for other school facilities by gift or purchase, condemnation proceedings to
18 acquire same may be instituted by such board under the provisions of Chapter 40A of the
19 General Statutes, and the determination of the local board of education of the land necessary for
20 such purposes shall be conclusive."

21 **SECTION 2.** G.S. 115C-521 reads as rewritten:

22 **"§ 115C-521. Erection of school buildings.**

23 (a) It shall be the duty of local boards of education to provide classroom facilities
24 adequate to meet the requirements of G.S. 115C-47(10) and 115C-301. Local boards of
25 education shall submit their long-range plans for meeting school facility needs to the State
26 Board of Education by January 1, 1988, and every five years thereafter. In developing these
27 plans, local boards of education shall consider the costs and feasibility of renovating old school
28 buildings instead of replacing them.

29 (b) It shall be the duty of the boards of education of the several local school
30 administrative school units of the State to make provisions for the public school term by
31 providing adequate school buildings equipped with suitable school furniture and apparatus. The
32 needs and the cost of those buildings, equipment, and apparatus, shall be presented each year
33 when the school budget is submitted to the respective tax-levying authorities. The boards of
34 commissioners shall be given a reasonable time to provide the funds which they, upon
35 investigation, shall find to be necessary for providing their respective units with buildings



1 suitably equipped, and it shall be the duty of the several boards of county commissioners to
2 provide funds for the same.

3 Upon determination by a local board of education that the existing permanent school
4 building does not have sufficient classrooms to house the pupil enrollment anticipated for the
5 school, the local board of education may acquire and use as temporary classrooms for the
6 operation of the school, relocatable or mobile classroom units, whether built on the lot or not,
7 which units and method of use shall meet the approval of the School Planning Division of the
8 State Board of Education, and which units shall comply with all applicable requirements of the
9 North Carolina State Building Code and of the local building and electrical codes applicable to
10 the area in which the school is located. These units shall also be anchored in a manner required
11 to assure their structural safety in severe weather. The acquisition and installation of these units
12 shall be subject in all respects to the provisions of Chapter 143 of the General Statutes. The
13 provisions of Chapter 87, Article 1, of the General Statutes, shall not apply to persons, firms or
14 corporations engaged in the sale or furnishing to local boards of education and the delivery and
15 installation upon school sites of classroom trailers as a single building unit or of relocatable or
16 mobile classrooms delivered in less than four units or sections.

17 (c) The building of all new school buildings and the repairing of all old school
18 buildings shall be under the control and direction of, and by contract with, the board of
19 education for which the building and repairing is done. If a board of education is considering
20 building a new school building to replace an existing school building, the board shall not invest
21 any construction money in the new building unless it submits to the State Superintendent and
22 the State Superintendent submits to the North Carolina Historical Commission an analysis that
23 compares the costs and feasibility of building the new building and of renovating the existing
24 building and that clearly indicates the desirability of building the new building. No board of
25 education shall invest any money in any new building until it has (i) developed plans based
26 upon a consideration of the State Board's facilities guidelines, (ii) submitted these plans to the
27 State Board for its review and comments, and (iii) reviewed the plans based upon a
28 consideration of the comments it receives from the State Board. No local board of education
29 shall contract for more money than is made available for the erection of a new building.
30 However, this subsection shall not be construed so as to prevent boards of education from
31 investing any money in buildings that are being constructed pursuant to a continuing contract of
32 construction as provided for in G.S. 115C-441(c). All contracts for buildings shall be in writing
33 and all buildings shall be inspected, received, and approved by the local superintendent and the
34 architect before full payment is made therefor. Nothing in this subsection shall prohibit boards
35 of education from repairing and altering buildings with the help of janitors and other regular
36 employees of the board.

37 In the design and construction of new school buildings and in the renovation of existing
38 school buildings that are required to be designed by an architect or engineer under
39 G.S. 133-1.1, the local board of education shall participate in the planning and review process
40 of the Energy Guidelines for School Design and Construction that are developed and
41 maintained by the Department of Public Instruction and shall adopt local energy-use goals for
42 building design and operation that take into account local conditions in an effort to reduce the
43 impact of operation costs on local and State budgets. In the design and construction of new
44 school facilities and in the repair and renovation of existing school facilities, the local board of
45 education shall consider the placement and design of windows to use the climate of North
46 Carolina for both light and ventilation in case of power shortages. A local board shall also
47 consider the installation of solar energy systems in the school facilities whenever practicable.

48 New school buildings shall be designed and sited to permit the efficient expansion of the
49 facilities in the event there is a need to do so.

50 In the case of any school buildings erected, repaired, or equipped with any money loaned or
51 granted by the State to any local school administrative unit, no board of education shall invest

1 any money until it has (i) developed plans based upon a consideration of the State Board's
2 facilities guidelines, (ii) submitted these plans to the State Board for its review and comments,
3 and (iii) reviewed the plans based upon a consideration of the comments it receives from the
4 State Board.

5 (c1) No local board of education shall apply for a certificate of occupancy for any new
6 middle or high school building until the plans for the science laboratory areas of the building
7 have been reviewed and approved to meet accepted safety standards for school science
8 laboratories and related preparation rooms and stockrooms. The review and approval of the
9 plans may be done by the State Board of Education or by any other entity that is licensed or
10 authorized by the State Board to do so.

11 (d) Local boards of education shall make no contract for the erection of any school
12 building unless the site upon which it is located is owned in fee simple by the board: Provided,
13 that the board of education of a local school administrative unit, with the approval of the board
14 of county commissioners, may appropriate funds to aid in the establishment of a school facility
15 and the operation thereof in an adjoining local school administrative unit when a written
16 agreement between the boards of education of the administrative units involved has been
17 reached and the same recorded in the minutes of the boards, whereby children from the
18 administrative unit making the appropriations shall be entitled to attend the school so
19 established.

20 In all cases where title to property has been vested in the trustees of a special charter district
21 which has been abolished and has not been reorganized, title to the property shall be vested in
22 the local board of education of the county embracing the former special charter district.

23 (e) The State Board of Education shall establish within the Department of Public
24 Instruction a central clearinghouse for access by local boards of education that may want to use
25 a prototype design in the construction of school facilities. The State Board shall compile
26 necessary publications and a computer database to distribute information on prototype designs
27 to local school administrative units. All architects and engineers registered in North Carolina
28 may submit plans for inclusion in the computer database and these plans may be accessed by
29 any person. Architects and engineers submitting plans for the database are encouraged to
30 incorporate into these plans options for the future expansion of the school facilities. The
31 original architect of record or engineer of record shall retain ownership and liability for a
32 prototype design. The State Board may adopt rules it considers necessary to implement this
33 subsection."

34 **SECTION 3.** This act becomes effective July 1, 2013. Section 1 of this act applies
35 to sites acquired after that date. Section 2 of this act applies to school facilities designed and
36 sited after that date.