

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**SESSION 1995**

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**SENATE BILL 1134\***

Short Title: School Facilities Guidelines.

(Public)

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Sponsors: Senators Hobbs, Winner, Conder, Edwards, McDaniel; Plexico, Lucas, Speed, Gulley, Odom, Rand, Perdue, Dannelly, Warren, Kerr, Cochrane, Foxx, Davis, Little, and Hoyle.

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Referred to: Education/Higher Education.

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May 14, 1996

**A BILL TO BE ENTITLED**

**AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE SCHOOL CAPITAL CONSTRUCTION STUDY COMMISSION TO CLARIFY THAT THE STATE BOARD OF EDUCATION IS TO ESTABLISH SCHOOL FACILITIES GUIDELINES, TO DIRECT THE STATE BOARD OF EDUCATION TO ESTABLISH A CENTRAL CLEARINGHOUSE FOR PROTOTYPE DESIGNS OF SCHOOL FACILITIES, TO DIRECT THE STATE BOARD OF EDUCATION TO ESTABLISH THE SCHOOL FACILITIES TASK FORCE, AND TO MAKE AN APPROPRIATION TO IMPLEMENT THIS ACT.**

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-81(b) reads as rewritten:

"(b) The Basic Education Program shall include course requirements and descriptions similar in format to materials previously contained in the standard course of study and it shall provide:

- (1) A core curriculum for all students that takes into account the special needs of children and includes appropriate modifications for the learning disabled, the academically gifted, and the students with discipline and emotional problems;

- 1 (2) A set of competencies, by grade level, for each curriculum area;
- 2 (3) A list of textbooks for use in providing the curriculum;
- 3 (4) Standards for student performance and promotion based on the mastery
- 4 of competencies, including standards for graduation, that take into
- 5 account children with special needs and, in particular, include
- 6 appropriate modifications;
- 7 (5) A program of remedial education;
- 8 (6) Required support programs;
- 9 (7) A definition of the instructional day;
- 10 (8) Class size recommendations and requirements;
- 11 (9) Prescribed staffing allotment ratios;
- 12 (10) Material and equipment allotment ratios;
- 13 (11) Facilities standards;—guidelines that reflect educational program
- 14 appropriateness, long-term cost efficiency, and safety considerations;
- 15 and
- 16 (12) Any other information the Board considers appropriate and necessary.

17 The State Board shall not adopt or enforce any rule that requires Algebra I as a  
18 graduation standard or as a requirement for a high school diploma for any student whose  
19 individualized education program (i) identifies the student as learning disabled in the  
20 area of mathematics and (ii) states that this learning disability will prevent the student  
21 from mastering Algebra I."

22 Sec. 2. G.S. 115C-489.3(c) is repealed.

23 Sec. 3. G.S. 115C-521(c) reads as rewritten:

24 "(c) The building of all new school buildings and the repairing of all old school  
25 buildings shall be under the control and direction of, and by contract with, the board of  
26 education for which the building and repairing is done. If a board of education is  
27 considering building a new school building to replace an existing school building, the  
28 board shall not invest any construction money in the new building unless it submits to the  
29 State Superintendent and the State Superintendent submits to the North Carolina  
30 Historical Commission an analysis that compares the costs and feasibility of building the  
31 new building and of renovating the existing building and that clearly indicates the  
32 desirability of building the new building. ~~Boards of education shall also not invest any~~  
33 ~~money in any new building that is not built in accordance with plans approved by the State~~  
34 ~~Superintendent to structural and functional soundness, safety and sanitation, nor~~ No board of  
35 education shall invest any new money in any new building until it has (i) developed a  
36 plan based upon a consideration of facilities guidelines adopted by the State Board of  
37 Education, (ii) submitted this plan to the State Board for its review and comments, and  
38 (iii) reviewed the plan based upon a consideration of the comments it receives from the  
39 State Board. No local board of education shall contract for more money than is made  
40 available for its erection. the erection of a new building. However, this subsection shall  
41 not be construed so as to prevent boards of education from investing any money in  
42 buildings that are being constructed pursuant to a continuing contract of construction as  
43 provided for in G.S. 115C-441(c1). All contracts for buildings shall be in writing and all

1 buildings shall be inspected, received, and approved by the local superintendent and the  
2 architect before full payment is made therefor. ~~Provided, that this subsection shall not~~  
3 therefor. Nothing in this subsection shall prohibit boards of education from repairing and  
4 altering buildings with the help of janitors and other regular employees of the board.

5 In the design and construction of new school buildings and in the renovation of  
6 existing school buildings that are required to be designed by an architect or engineer  
7 under G.S. 133-1.1, the local board of education shall participate in the planning and  
8 review process of the Energy Guidelines for School Design and Construction that are  
9 developed and maintained by the Department of Public Instruction and shall adopt local  
10 energy-use goals for building design and operation that take into account local conditions  
11 in an effort to reduce the impact of operation costs on local and State budgets. In the  
12 design and construction of new school facilities and in the repair and renovation of  
13 existing school facilities, the local board of education shall consider the placement and  
14 design of windows to use the climate of North Carolina for both light and ventilation in  
15 case of power shortages. A local board shall also consider the installation of solar energy  
16 systems in the school facilities whenever practicable.

17 In the case of any school buildings erected, repaired, or equipped with any money  
18 loaned or granted by the State to any local school administrative unit, the State Board of  
19 Education, under any rules as it may deem advisable, may retain any amount not to  
20 exceed fifteen percent (15%) of the loan or grant, until the completed buildings, erected  
21 or repaired, in whole or in part, from the loan or grant funds, shall have been approved by  
22 a designated agent of the State Board of Education. Upon approval by the State Board of  
23 Education, the State Treasurer may pay the balance of the loan or grant to the treasurer of  
24 the local school administrative unit for which the loan or grant was made."

25 Sec. 4. G.S. 115C-521 is amended by adding a new subsection to read:

26 "(e) The State Board of Education shall establish within the Department of Public  
27 Instruction a central clearinghouse for access by local boards of education that may want  
28 to use a prototype design in the construction of school facilities. The State Board shall  
29 compile necessary publications and a computer database for information on prototype  
30 designs to be distributed to local school administrative units. The computer database  
31 shall be open to all registered architects and engineers in North Carolina and may be  
32 accessed by any person. The original architect of record or engineer of record shall retain  
33 ownership and liability for a prototype design. The State Board may adopt rules it  
34 considers necessary to implement this subsection."

35 Sec. 5. The School Facilities Task Force.

36 (a) There is created the School Facilities Task Force under the State Board of  
37 Education. The Task Force shall consist of the following members appointed by the  
38 State Board:

- 39 (1) One member of the State Board.
- 40 (2) One architect.
- 41 (3) One representative from a school of architecture within a constituent  
42 institution of The University of North Carolina.

- 1 (4) Two local school administrative unit employees with expertise in school
- 2 facilities.
- 3 (5) One representative of the North Carolina Association of County
- 4 Commissioners.
- 5 (6) One representative of the North Carolina School Boards Association.
- 6 (7) One engineer.
- 7 (8) Any other members the State Board considers necessary.

8 All members shall be voting members. The Task Force shall select a member  
9 of the Task Force to serve as its chair.

10 Members of the Task Force shall receive travel and subsistence expenses in  
11 accordance with G.S. 138-5 and G.S. 138-6.

12 The Department of Public Instruction shall, with the approval of the State  
13 Board of Education, provide staff, office equipment, supplies, and meeting space to the  
14 Task Force.

15 (b) The Task Force shall:

- 16 (1) Review the facilities guidelines and standards, if any, formerly adopted
- 17 by the State Board that have been used to assist local school
- 18 administrative units in the construction, acquisition, renovation, and
- 19 replacement of facilities, furniture, equipment, apparatus, and spaces for
- 20 public schools to ensure they reflect both educational program
- 21 appropriateness and long-term cost-efficiency.
- 22 (2) Make recommendations to the State Board as to (i) which standards
- 23 should be changed to guidelines, (ii) which guidelines should be
- 24 maintained, revised, or eliminated, and (iii) any new guidelines that it
- 25 considers appropriate.
- 26 (3) Develop and recommend to the State Board a procedure for the Board to
- 27 follow when facilities plans are submitted by local school administrative
- 28 units for the Board's review and comments.
- 29 (4) Develop and recommend to the State Board a proposal in accordance
- 30 with G.S. 115C-521(e) for the establishment of a central clearinghouse
- 31 for prototype designs.
- 32 (5) Submit its recommendations under this subsection to the State Board no
- 33 later than December 1, 1997.

34 (c) Based upon a consideration of the recommendations of the Task Force, the  
35 State Board shall adopt (i) revised facilities guidelines to assist local school  
36 administrative units in the construction, acquisition, renovation, and replacement of  
37 facilities, furniture, equipment, apparatus, and spaces for public schools, (ii) the  
38 procedure for local school administrative units to follow when they submit school  
39 facilities plans for the State Board's review and comments, and (iii) a plan to establish  
40 within the Department of Public Instruction a central clearinghouse for prototype designs.  
41 The State Board shall submit a report to the General Assembly that includes the adopted  
42 facilities guidelines, the facilities review procedure, and the plan to establish a central

1 clearinghouse for prototype designs, by April 15, 1997, at which time the Task Force  
2 shall terminate.

3           Sec. 6. There is appropriated from the General Fund to the State Board of  
4 Education the sum of fifty thousand dollars (\$50,000) in the 1996-97 fiscal year. Of  
5 these funds, the State Board of Education shall allocate the sum of twenty-five thousand  
6 dollars (\$25,000) for the central clearinghouse, created in Section 4 of this act, for  
7 prototype designs in the Department of Public Instruction and shall allocate the sum of  
8 twenty-five thousand dollars (\$25,000) to the School Facilities Task Force established in  
9 Section 5 of this act.

10           Sec. 7. Section 6 of this act becomes effective July 1, 1996. The remaining  
11 sections of this act are effective upon ratification.