

GENERAL ASSEMBLY OF NORTH CAROLINA
1993 SESSION

CHAPTER 416
HOUSE BILL 1001

AN ACT TO ENCOURAGE LOCAL BOARDS OF EDUCATION TO RENOVATE
OLD SCHOOL BUILDINGS INSTEAD OF REPLACING THEM.

The General Assembly of North Carolina enacts:

Section 1. G.S. 115C-521 reads as rewritten:

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

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

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

Upon determination by a local board of education that the existing permanent school building does not have sufficient classrooms to house the pupil enrollment anticipated for ~~such the school, then such the~~ local board of education is ~~authorized to~~ may acquire and ~~utilize use~~ as temporary classrooms for the operation of ~~such the~~ school, relocatable or mobile classroom units, whether built on the lot or not, which units and method of use shall meet the approval of the School Planning Division of the State Board of Education, and which units shall comply with all applicable requirements of the North Carolina State Building Code and of the local building and electrical codes applicable to the area in which ~~such the~~ school is located. These units shall also be anchored in a manner required to assure their structural safety in severe weather. The acquisition and installation of ~~such these~~ units shall be subject in all respects to the provisions of Chapter 143 of the General Statutes. The provisions of Chapter 87, Article 1, of the General Statutes, shall not apply to persons, firms or corporations engaged in the sale or furnishing to local boards of education and the delivery and installation upon school

sites of classroom trailers as a single building unit or of relocatable or mobile classrooms delivered in less than four units or sections.

(c) The building of all new ~~schoolhouses~~ school buildings and the repairing of all old ~~schoolhouses~~ school buildings shall be under the control and direction of, and by contract with, the board of education ~~in for which such the~~ building and repairing is done. If a board of education is considering building a new school building to replace an existing school building, the board shall not invest any construction money in the new building unless it submits to the State Superintendent an analysis that compares the costs and feasibility of building the new building and of renovating the existing building and that clearly indicates the desirability of building the new building. Boards of education shall also not invest any money in any new building that is not built in accordance with plans approved by the State Superintendent to structural and functional soundness, safety and sanitation, nor contract for more money than is made available for its erection. However, this subsection shall not be construed so as to prevent boards of education from investing any money in buildings that are being constructed pursuant to a continuing contract of construction as provided for in G.S. 115C-441 (c1). All contracts for buildings shall be in writing and all buildings shall be inspected, received, and approved by the local superintendent and the architect before full payment is made therefor: Provided, that this subsection shall not prohibit boards of education from repairing and altering buildings with the help of janitors and other regular employees of ~~said the~~ board.

In the design and construction of new school facilities and in the repair and renovation of existing school facilities, the local board of education shall consider the placement of windows to use the climate of North Carolina for both light and ventilation in case of power shortages. A local board shall also consider the installation of solar energy systems in the school facilities whenever practicable.

In the case of any school buildings erected, repaired, or equipped with any money loaned or granted by the State to any local school administrative unit, the State Board of Education, under ~~such any~~ rules as it may deem advisable, may retain any amount not to exceed fifteen percent (15%) of ~~said the~~ loan or grant, until ~~such the~~ completed buildings, erected or repaired, in whole or in part, from ~~such the~~ loan or grant funds, shall have been approved by a designated agent of the State Board of ~~Education.~~

~~Upon such Education.~~ Upon approval by the State Board of Education, the State Treasurer ~~is authorized to~~ may pay the balance of the loan or grant to the treasurer of the local school administrative unit for which ~~said the~~ loan or grant was made.

(d) Local boards of education shall make no contract for the erection or repair of any school building unless the site upon which it is located is owned in fee simple by the ~~said~~ board: Provided, that the board of education of a local school administrative unit, with the approval of the board of county ~~commissioners~~ is authorized to commissioners, may appropriate funds to aid in the establishment of a school facility and the operation thereof in an adjoining local school administrative unit when a written agreement between the boards of education of the administrative units involved has been reached and the same recorded in the minutes of ~~said the~~ boards, whereby children

from the administrative unit making ~~such~~the appropriations shall be entitled to attend the school so established.

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

Sec. 2. This act becomes effective July 1, 1993, and applies to all plans for meeting school facility needs developed after July 1, 1993, and all plans for building school buildings submitted to the State Superintendent of Public Instruction after July 1, 1993.

In the General Assembly read three times and ratified this the 20th day of July, 1993.

Dennis A. Wicker
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives