

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 1105*

Short Title: School Facilities Guidelines.

(Public)

Sponsors: Representatives Daughtry, Arnold, Gray, Shubert; Hill, Rayfield, Preston, and Owens.

Referred to: Education, if favorable, Appropriations.

May 14, 1996

A BILL TO BE ENTITLED

1
2 AN ACT TO IMPLEMENT THE RECOMMENDATION OF THE SCHOOL CAPITAL
3 CONSTRUCTION STUDY COMMISSION TO CLARIFY THAT THE STATE
4 BOARD OF EDUCATION IS TO ESTABLISH SCHOOL FACILITIES
5 GUIDELINES, TO DIRECT THE STATE BOARD OF EDUCATION TO
6 ESTABLISH A CENTRAL CLEARINGHOUSE FOR PROTOTYPE DESIGNS OF
7 SCHOOL FACILITIES, TO DIRECT THE STATE BOARD OF EDUCATION TO
8 ESTABLISH THE SCHOOL FACILITIES TASK FORCE, AND TO MAKE AN
9 APPROPRIATION TO IMPLEMENT THIS ACT.

10 The General Assembly of North Carolina enacts:

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

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

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

19 (2) A set of competencies, by grade level, for each curriculum area;

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

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

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

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

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

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

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

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

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

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

34 Sec. 5. The School Facilities Task Force.

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

- 38 (1) One member of the State Board.
- 39 (2) One architect.
- 40 (3) One representative from a school of architecture within a constituent
41 institution of The University of North Carolina.
- 42 (4) Two local school administrative unit employees with expertise in school
43 facilities.

1 (5) One representative of the North Carolina Association of County
2 Commissioners.

3 (6) One representative of the North Carolina School Boards Association.

4 (7) One engineer.

5 (8) Any other members the State Board considers necessary.

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

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

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

13 (b) The Task Force shall:

14 (1) Review the facilities guidelines and standards, if any, formerly adopted
15 by the State Board that have been used to assist local school
16 administrative units in the construction, acquisition, renovation, and
17 replacement of facilities, furniture, equipment, apparatus, and spaces for
18 public schools to ensure they reflect both educational program
19 appropriateness and long-term cost-efficiency.

20 (2) Make recommendations to the State Board as to (i) which standards
21 should be changed to guidelines, (ii) which guidelines should be
22 maintained, revised, or eliminated, and (iii) any new guidelines that it
23 considers appropriate.

24 (3) Develop and recommend to the State Board a procedure for the Board to
25 follow when facilities plans are submitted by local school administrative
26 units for the Board's review and comments.

27 (4) Develop and recommend to the State Board a proposal in accordance
28 with G.S. 115C-521(e) for the establishment of a central clearinghouse
29 for prototype designs.

30 (5) Submit its recommendations under this subsection to the State Board no
31 later than December 1, 1997.

32 (c) Based upon a consideration of the recommendations of the Task Force, the
33 State Board shall adopt (i) revised facilities guidelines to assist local school
34 administrative units in the construction, acquisition, renovation, and replacement of
35 facilities, furniture, equipment, apparatus, and spaces for public schools, (ii) the
36 procedure for local school administrative units to follow when they submit school
37 facilities plans for the State Board's review and comments, and (iii) a plan to establish
38 within the Department of Public Instruction a central clearinghouse for prototype designs.
39 The State Board shall submit a report to the General Assembly that includes the adopted
40 facilities guidelines, the facilities review procedure, and the plan to establish a central
41 clearinghouse for prototype designs, by April 15, 1997, at which time the Task Force
42 shall terminate.

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

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