

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

S

2

SENATE BILL 1134\*

Education/Higher Education Committee Substitute Adopted 5/30/96

Short Title: School Facilities Guidelines.

(Public)

---

Sponsors:

---

Referred to: 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 money in any new building until it has (i) developed plans  
35 based upon a consideration of the State Board's facilities guidelines, (ii) submitted these  
36 plans to the State Board for its review and comments, and (iii) reviewed the plans based  
37 upon a consideration of the comments it receives from the State Board. No local board of  
38 education shall contract for more money than is made available for its erection—the  
39 erection of a new building. However, this subsection shall not be construed so as to  
40 prevent boards of education from investing any money in buildings that are being  
41 constructed pursuant to a continuing contract of construction as provided for in G.S.  
42 115C-441(c1). All contracts for buildings shall be in writing and all buildings shall be  
43 inspected, received, and approved by the local superintendent and the architect before full

1 payment is made therefor. ~~Provided, that this subsection shall not therefor.~~ Nothing in this  
2 subsection shall prohibit boards of education from repairing and altering buildings with  
3 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 to distribute information on  
29 prototype designs to local school administrative units. All architects and engineers  
30 registered in North Carolina may submit plans for inclusion in the computer database and  
31 these plans may be accessed by any person. The original architect of record or engineer  
32 of record shall retain ownership and liability for a prototype design. The State Board  
33 may adopt rules it 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 State Board's facilities guidelines for the construction,  
15 acquisition, renovation, and replacement of facilities, furniture,  
16 equipment, apparatus, and spaces for public schools to ensure they  
17 reflect both educational program appropriateness and long-term cost-  
18 efficiency.

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

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

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

28 (5) Submit its recommendations under this subsection to the State Board no  
29 later than December 1, 1996.

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

41 Sec. 6. School facilities guidelines and standards adopted by the State Board  
42 of Education before the effective date of this act shall remain in effect as guidelines only.

1           Sec. 7. 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 may use up to twenty-five thousand dollars  
4 (\$25,000) for the central clearinghouse created in Section 4 of this act and may use up to  
5 twenty-five thousand dollars (\$25,000) for the School Facilities Task Force created in  
6 Section 5 of this act.

7           Sec. 8. Section 7 of this act becomes effective July 1, 1996, and the remaining  
8 sections of this act are effective upon ratification.