

Proposed new G.S. 115-431(c), (c1) and (c2):

(c) If agreement is not reached in mediation on the amount of money appropriated to the capital outlay fund, the board of education and the board of county commissioners shall jointly employ a third party consultant to perform a limited scope assessment of school board's capital outlay needs. The assessment shall be limited to those school facility needs identified in the long-range plan most recently submitted to the State Board of Education pursuant to G.S. 115C-521(a), except for other capital needs to address the following:

- (1) immediate health issues;
- (2) non-compliance with local, state or federal laws, including those related to building codes, fire codes and accessibility;
- (3) immediate needs related to HVAC, roofing, plumbing, sanitary sewer or electrical systems

In performing the assessment, the consultant shall specifically consider the current and projected student population of the school system and the potential benefit of student reassignment. As required under G.S. 115C-521(a), the consultant shall consider the costs and feasibility of renovating old school buildings instead of replacing them.

The consultant entering into a contract with the boards for this limited scope assessment shall be prohibited from contracting with regard to any work or procurement to be performed as a result of the assessment.

(c1) The board of county commissioners shall fund the capital outlay needs identified in the assessment described in subsection (c) over the next five years from whatever sources of revenue it deems appropriate, but subject to the following conditions and limitations:

(1) If the county board of commissioners has established fiscal policies related to debt management (level of debt), unassigned fund balance, or similar fiscal policies, they shall not be required to exceed those established fiscal policies.

(2) The capital funding obligation shall not require the board of county commissioners to increase its ad valorem tax rate.

(3) The board of county commissioners, without consent of the board of education, may appropriate any amount of funds available from the Public School Building Capital Fund to meet any portion of this capital funding obligation related to school buildings, including debt service.

(4) Any financing proposed by the board of county commissioners shall be subject to approval of the Local Government Commission.

(5) No appropriation of capital funding for new construction shall be required if the board of education has not complied with all requirements of G.S. 115C-521(c).

(c2) Neither the local board of education nor the board of county commissioners shall file any legal action challenging the determination as to the funds to be appropriated by the board of county commissioners to the capital outlay fund in accordance with the procedures set forth in subsection (c) of this section.

§ 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 [*pertaining to the allocation of teachers and class size*]. 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 local boards of education 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 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.

(c) The building of all new school buildings and the repairing of all old school buildings shall be under the control and direction of, and by contract with, the board of education for which 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 and the State Superintendent submits to the North Carolina Historical Commission 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. No board of education shall invest any money in any new building until it has (i) developed plans based upon a consideration of the State Board's facilities guidelines, (ii) submitted these plans to the State Board for its review and comments, and (iii) reviewed the plans based upon a consideration of the comments it receives from the State Board.

(e) The State Board of Education shall establish within the Department of Public Instruction a central clearinghouse for access by local boards of education that may want to use a prototype design in the construction of school facilities. The State Board shall compile necessary publications and a computer database to distribute information on prototype designs to local school administrative units. All architects and engineers registered in North Carolina may submit plans for inclusion in the computer database and these plans may be accessed by any person. The original architect of record or engineer of record shall retain ownership and liability for a prototype design. The State Board may adopt rules it considers necessary to implement this subsection.

(f) A local board of education may use prototype designs from the clearinghouse established under subsection (e) of this section that is a previously approved and constructed project by the School Planning Division of the Department of Public Instruction and other appropriate review agencies. The local board of education may contract with the architect of record to make changes and upgrades as necessary for regulatory approval.

(g) For prototype schools under this section, local boards of education shall be exempt from the designer selection procedure in Article 3D of Chapter 143 of the General Statutes and may enter into an agreement with the original design professional of the prototype to supply design services for future construction of the prototype school.