CHAPTER 23

School Buildings and Other School Property

Article 2

School Building Codes, Specifications, and Inspections

**SECTION 59-23-210. Construction, improvement, and renovation of public schools; compliance with the South Carolina School Facilities Planning and Construction Guide; committee members; submission of plans.**

(A) All construction, improvement, and renovation of public school buildings and property on or after the effective date of this section shall comply with the latest applicable standards and specifications set forth in the South Carolina School Facilities Planning and Construction Guide as published by the South Carolina Department of Education.

This guide must be reviewed and updated on an annual basis by a committee appointed by the South Carolina Department of Education. The committee shall consist of a minimum of two architects and one engineer who are all registered in South Carolina and experienced in K-12 design, one K-12 school administrator, one representative of the K-12 construction industry, the State Fire Marshal or his designee, a representative of the Traffic Engineering Division of the South Carolina Department of Transportation, and two representatives of the South Carolina Department of Education. In addition, the Chairman of the House of Representatives Education and Public Works Committee or his designee and the Chairman of the Senate Education Committee or his designee shall also serve as members of the committee, ex officio.

(B) All construction, improvement, and renovation of public school buildings and property on or after the effective date of this section must have plans and specifications submitted to the State Superintendent of Education or the superintendent's designee. Approval of the plans and specifications by the State Superintendent of Education or the superintendent's designee must be received before public bidding before the construction can begin. Plans and specifications must be coordinated with county officials such as traffic engineers and zoning administrators.

HISTORY: 2003 Act No. 87, § 1, eff July 16, 2003.

**SECTION 59-23-220. Inspections; certificate of approval.**

All construction, improvements, and renovation of public school buildings and property must be inspected by the State Superintendent of Education or the superintendent's designee for compliance with the applicable codes and standards.

A certificate of approval must be obtained from the State Superintendent of Education or the superintendent's designee before a building may be occupied.

HISTORY: 2003 Act No. 87, § 1, eff July 16, 2003.

**SECTION 59-23-230. Waiver from applicable school building regulations; property owner permitted to lease building to school board for use as public school.**

(A) Notwithstanding any other provision of law, the State Superintendent of Education is authorized to grant a waiver from applicable school building regulations relating to building square foot requirements for construction of a new public school building or for the conversion of an existing commercial building into a public school facility. As part of the waiver request, districts must supply documentation of the suitability of the property and justification for the waiver request.

(B) The authority granted the State Superintendent of Education under this section is superior to and supersedes provisions of applicable state school building regulations and the authority of a local building official or entity to disapprove the variances granted by the waiver. A provision of fire and life safety standards or specifications must not be waived.

(C) The property owner of a building considered appropriate for conversion to a public school by the State Superintendent of Education may lease its building to a local school board of trustees to be used as a public school within the district.

HISTORY: 2003 Act No. 87, § 1, eff July 16, 2003.

**SECTION 59-23-240. Inspection of public schools required after waiver of school building regulations granted.**

All construction, improvements, and renovation of public school buildings and property for which waivers have been granted pursuant to Section 59-23-230 must be inspected by the State Superintendent of Education or the superintendent's designee before occupancy for compliance with the applicable waivers and standards.

HISTORY: 2003 Act No. 87, § 1, eff July 16, 2003.

**SECTION 59-23-245. Fixture ratios for middle school and high school stadiums.**

(A) Notwithstanding applicable national, state, or local building codes, plumbing codes, school building regulations, or other provisions of law relating to the minimum numbers of required plumbing fixtures for stadiums in middle schools and high schools based on occupancy and use, the minimum number of:

(1) toilets for male restrooms required for a stadium are:

(a) one per two hundred for the first fifteen hundred occupancy;

(b) one per two hundred fifty for the next fifteen hundred occupancy; and

(c) one per five hundred for the remainder occupancy;

(2) toilets for female restrooms required for a stadium are:

(a) one per one hundred for the first one thousand five hundred twenty occupancy;

(b) one per one hundred fifty for the next one thousand five hundred twenty occupancy; and

(c) one per three hundred for the remainder occupancy;

(3) lavatories for male restrooms required for a stadium are one per three hundred; and

(4) lavatories for female restrooms required for a stadium are one per three hundred.

(B) The provisions of this section apply to all middle school stadiums and high school stadiums built or renovated after the effective date of this act and all middle school stadiums and high school stadiums in existence or in the process of being planned, constructed, or renovated on the effective date of this act. However, a stadium that is being renovated but is not replacing existing seating or adding new seating may not be required to add water closets or lavatories to conform to the provisions of this section or any other applicable building code, plumbing code, school building regulations, or another provision of law. For a stadium that is being renovated to replace existing or add new seating, the plumbing fixtures requirements apply only to the number of new seats being added or replaced.

(C) To determine the occupant load of each sex, the total occupant load must be divided in half. To determine the required number of fixtures, the fixture ratio or ratios for each fixture type must be applied to the occupant load of each sex in accordance with subsection (A). Fractional numbers resulting from applying the fixture ratios must be rounded up to the next whole number. For calculations involving multiple occupancies, such fractional numbers for each occupancy first must be summed and then rounded up to the next whole number. However, the total occupant load must not be required to be divided in half where approved statistical data indicates a distribution of the sexes of other than fifty percent of each sex.

HISTORY: 2017 Act No. 25 (H.3792), § 1, eff May 9, 2017.

**SECTION 59-23-250. Minimum lot requirements prohibited; acquisitions or additions on existing properties.**

(A) Notwithstanding another provision of law, a requirement that public schools be constructed on a lot or parcel of certain minimum size is prohibited.

(B) School districts must receive approval from the South Carolina Department of Education prior to property acquisition or additions on existing properties.

HISTORY: 2003 Act No. 87, § 1, eff July 16, 2003.

Article 3

Conveyance of Buildings No Longer Needed for School Purposes

**SECTION 59-23-310. Conveyance of title to school building not necessary for school purposes authorized.**

The trustees of any school district may convey, in fee simple, title to any school building within the district which is no longer needed for school purposes upon compliance with the provisions of Section 59-19-250.

HISTORY: 1962 Code § 21-331; 1954 (48) 1468; 1956 (49) 2091; 1965 (54) 678; 1967 (55) 213; 1971 (57) 28; 1972 (57) 2126.

**SECTION 59-23-320. Certain conveyances or transfers prior to February 25, 1954 validated.**

All conveyances or transfers made prior to February 25, 1954 to trustees even though not elected as formerly provided in this article are hereby validated, ratified and confirmed according to the terms and conditions of such deeds of conveyance.

HISTORY: 1962 Code § 21-336; 1954 (48) 1468; 1972 (57) 2126.