**South Carolina General Assembly**

124th Session, 2021-2022

**H. 3751**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Thayer, West, W. Cox, Davis, Magnuson, Morgan, Elliott, Bryant, Pope, Fry, Finlay, Erickson, Forrest, Kimmons, White and Felder

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Companion/Similar bill(s): 604

Introduced in the House on January 27, 2021

Currently residing in the House Committee on **Education and Public Works**

Summary: Public school, construction or renovation

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

1/27/2021 House Introduced and read first time ([House Journal‑page 59](file:///h:\hj\20210127.docx))

1/27/2021 House Referred to Committee on **Education and Public Works** ([House Journal‑page 59](file:///h:\hj\20210127.docx))

2/2/2021 House Member(s) request name added as sponsor: Felder

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**VERSIONS OF THIS BILL**

[1/27/2021](file:///p:\pprever\2021-22\3751_20210127.docx)

**A** **BILL**

TO AMEND SECTION 59‑23‑210, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE CONSTRUCTION, IMPROVEMENT, AND RENOVATION OF PUBLIC SCHOOLS, SO AS TO PROVIDE THE STATE DEPARTMENT OF EDUCATION ONLY MAY APPROVE PLANS AND SPECIFICATIONS FOR ALL CONSTRUCTION, IMPROVEMENT, AND RENOVATION OF PUBLIC SCHOOL BUILDINGS, SUBJECT TO APPLICABLE STATE AND LOCAL BUILDING CODES AND STANDARDS, COMPLIANCE WITH WHICH IS LEFT TO THE DETERMINATION OF LOCAL BUILDING CODE OFFICIALS, TO ELIMINATE OTHER RELATED AUTHORITY OF THE STATE DEPARTMENT OF EDUCATION AND TO EXCLUDE THE DISTRICT ADMINISTRATION BUILDINGS FROM THE PROVISIONS OF CHAPTER 23, TITLE 59; TO AMEND SECTION 59‑23‑230, RELATING TO WAIVERS FROM CERTAIN SCHOOL BUILDING REGULATIONS, SO AS TO MAKE CONFORMING CHANGES; AND TO AMEND SECTION 59‑23‑250, RELATING TO REQUIREMENTS THAT SCHOOL DISTRICTS MUST RECEIVE APPROVAL FROM THE DEPARTMENT BEFORE PROPERTY ACQUISITIONS OR MODIFICATIONS, SO AS TO MAKE CONFORMING CHANGES; AND TO REPEAL SECTION 59‑23‑220 RELATING TO INSPECTIONS AND CERTIFICATES OF APPROVAL ISSUED BY THE DEPARTMENT FOR LOCAL SCHOOL CONSTRUCTION, IMPROVEMENTS, AND RENOVATIONS, AND SECTION 59‑23‑240 RELATING TO INSPECTIONS OF PUBLIC SCHOOLS FOR WHICH WAIVERS FROM CERTAIN SCHOOL REGULATIONS HAVE BEEN GRANTED.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 59‑23‑210 of the 1976 Code is amended to read:

“Section 59‑23‑210. (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. Plans and specifications only must comply with state and local building code requirements, and the State Department of Education may impose no additional standards and specifications.

(B) Upon approval of plans and specifications by the State Department of Education pursuant to subsection (A), the role of the State Department of Education with respect to the approved construction, improvement, or renovation terminates. The local school district and local building code authorities are responsible for overseeing completion of the project.

(C) The provisions of this chapter do not apply to local school construction, improvements, or renovations for administrative facilities, and are limited only to public school buildings. Local school districts have exclusive authority and discretion with respect to all construction, improvement, and renovation of administrative offices in the district, subject to applicable state and local building codes and standards, compliance with which is then left to the determination of local building code officials. The State Department of Education is specifically prohibited from exercising any such authority.”

SECTION 2. Section 59‑23‑230 of the 1976 Code is amended to read:

“Section 59‑23‑230. ~~(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~~ a local school district board of trustees may lease its building to a local school board of trustees to be used as a public school within the district.”

SECTION 3. Section 59‑23‑250 of the 1976 Code is amended to read:

“Section 59‑23‑250. ~~(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.~~”

SECTION 4. Section 59‑23‑220 and Section 59‑23‑240 of the 1976 Code are repealed.

SECTION 5. This act takes effect upon approval of the Governor.

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