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CHAPTER 144.

 PUBLIC SCHOOL FACILITIES ASSISTANCE

ARTICLE 1.

 GENERAL PROVISIONS

**SECTION 59‑144‑10.** Use of Children’s Education Endowment Fund.

Funds available from the Children’s Education Endowment Fund, as established in Chapter 143 of this title, must be used for public school facilities assistance as provided in this chapter.

**SECTION 59‑144‑20.** Legislative purpose.

For the benefit of the people of the State and the increase of their commerce, welfare, and prosperity, it is essential that the school districts of this State be assisted in obtaining adequate school facilities to assist youth in achieving the required levels of learning. It is the purpose of this chapter to provide a measure of assistance to the school districts of this State in securing the facilities and structures which are needed to accomplish the goals and purposes of public education, all to the public benefit and good, to the extent and manner provided in this chapter.

**SECTION 59‑144‑30.** Funds for permanent school facilities and fixed equipment.

Funds made available through this chapter must be used for permanent school instructional facilities and fixed equipment including the costs for construction, improvement, enlargement, or renovation of public school facilities. The district may use its fiscal year 1996‑97 allocation for payment of debt service provided that the debt service relates to school facilities as defined herein. In subsequent years, after all construction and renovation needs identified in a district’s school facilities improvement plan have been met, the district may request to use its allocation for payment of debt service provided the debt service relates to school facilities as defined herein.

As used in this chapter, “school facilities” only includes facilities necessary for instructional and related purposes including, but not limited to, classrooms, libraries, media centers, laboratories, cafeterias, physical education spaces, related interior and exterior facilities, and the conduit, wiring, and powering of hardware installations for classroom computers or for area network systems. “School facilities” does not include unimproved real property, centralized district administration facilities, portable classrooms, or other facilities, including those normally identified with interscholastic sports activities. However, for fiscal year 1996‑97 only, “school facilities” includes portable classrooms. As used in this chapter, fixed equipment means a fixture as defined in Section 36‑9‑313(1)(a).

**SECTION 59‑144‑40.** Accumulation of annual allotments.

From annual allotments made to the various districts, a school district may accumulate its allotments for up to seventy‑two months to meet the facilities’ needs identified in its capital improvement plan.

ARTICLE 2.

 SCHOOL FACILITIES ASSISTANCE ALLOCATION

**SECTION 59‑144‑100.** Allocation of funds to school districts.

(A) Funds made available under this chapter must be allocated annually to the school districts in the following manner:

(1) thirty‑five percent of the funds allocated annually to the several school districts for facilities’ needs must be allocated on a per pupil basis using the weighted pupil units of each district for the preceding year;

(2) thirty‑five percent must be allocated according to the preceding year’s Education Finance Act (EFA) formula;

(3) fifteen percent of the funds allocated annually to the several school districts for facilities’ needs must be distributed based on a standardized assessment of the districts’ needs for facilities using a uniform estimate of costs as established in Section 59‑144‑120. Individual district allotments must be based on the district facilities need relative to the state total facilities need;

(4) fifteen percent of the funds allocated annually to the school districts must be distributed based on equalized effort defined as the prior five years’ average expenditures for capital projects and debt service, including lease‑purchase obligations, for school instructional facilities divided by the average assessed value of all property subject to ad valorem school taxation and adjusted to reflect an equalized per pupil mill value. Individual district allotments must be based on a district’s equalized effort relative to the state total equalized effort. The amount included for lease‑purchase obligations shall not include the costs of utilities or operation and maintenance of the leased facility;

(5) a district’s annual allotment must be the sum of the four amounts calculated as provided in this section. Funds from a district’s allotment shall be made available as needed once approval is received from the State Board of Education pursuant to Chapter 23 of this title.

(B) The Department of Juvenile Justice, the Wil Lou Gray Opportunity School, the John de la Howe School, and the South Carolina School for the Deaf and the Blind also shall be annually allocated funds from the Children’s Education Endowment Fund for facilities’ needs on a per pupil basis using weighted pupil units for one hundred percent of their allocations. For purposes of these allocations only, all pupils of these schools are considered K‑12 pupils.

**SECTION 59‑144‑120.** State Board of Education responsibilities.

The State Board of Education responsibilities in regard to this chapter include:

(1) developing policies, guidelines, and standards for a uniform assessment of facilities’ needs and standardized cost allowances for estimating the cost in meeting these needs in order to provide for a systematic reporting of each district’s needs to be used in calculating the allotment of funds under Section 59‑144‑100. Any standardized cost allowances must take into account regional variances that are beyond the control of individual districts. Facilities’ needs include, but are not limited to, facility need capacity and condition, space requirements, program standards, and pupil growth. Costs allowances shall be developed to include such measures as costs per square foot, costs per pupil, or costs per teaching unit with such costs adjusted annually to reflect changes in the cost of labor and materials. These standards and cost allowances are to be used only for providing a uniform reporting of districts’ needs for formula allotment purposes and are not intended to limit district options in determining the most appropriate manner in which to meet individual district needs; and

(2) adopting policies, standards, and regulations to ensure the accuracy of district reporting required under this chapter and the use of funds disbursed under this chapter.

**SECTION 59‑144‑130.** Report to General Assembly.

Every three years by December first beginning with the year 1998, the State Board of Education shall report to the General Assembly the projected five‑year school facilities improvement requirements reported by the school districts, the needs identified since the last report, and those previously identified needs addressed since the last report.

**SECTION 59‑144‑140.** Department of Education responsibilities.

The Department of Education’s responsibilities shall include:

(1) providing staffing assistance to the State Board of Education in the development of policies, guidelines, standards, and regulations implementing this chapter; and

(2) ensuring compliance with state standards and requirements, inspecting construction projects for education facilities, and approving completed construction pursuant to Chapter 23 of this title for projects financed in whole or in part with funds allocated under this chapter. To assist with the inspection of construction projects, the State Board of Education may designate selected local units of administration which have staff qualified to conduct the inspections to act on behalf of the Department of Education.

**SECTION 59‑144‑150.** Qualification for funds.

To qualify for funds under this chapter, each school district shall meet the provisions of this chapter and any regulations promulgated hereunder. Funds must be withheld from districts when inappropriate reporting of facilities’ needs is found or when inappropriate use of funds is documented.

**SECTION 59‑144‑160.** Recommendations to General Assembly.

By December 1, 1998, the State Board of Education shall recommend to the General Assembly changes to be made to this chapter regarding program objectives, appropriate funding levels, and funding allotment formulas.