

EFFECTIVE July 22, 2024**I. PURPOSE**

This document provides additional information as required by the Memorandum titled “Ongoing Updates to OSF Process & Procedures (DRAFT),” dated September 7, 2023. Section III stipulates that OSF may no longer review plans or conduct inspections for structures that are not primarily occupied by students. This includes storage buildings and sheds, district office buildings, and the like. Accordingly, OSF has developed a working list of structures that qualify for this exemption. See the listing below.

II. IMPLEMENTATION:

Districts and charter schools have the option to either (1) submit the construction plans for review and approval to OSF or (2) request an exemption and allow the local county building officials to serve as the Authority Having Jurisdiction (AHJ) for these non-student occupied school facilities. To implement this process, districts must notify OSF in writing of their intention to pursue such a project. If OSF determines the project qualifies for this exemption, the Office of General Counsel will notify the district in writing that they are authorized, per SC Code Ann. § 6-9-110 (a) (2)ⁱ, to proceed to work with local building code officials to conduct reviews and inspections and issue permits for these non-student structures.

The following outlines the procedure for applying for this exemption.

1. A formal request (i.e. official letter, on District Letterhead) must be signed by one or more appropriate officials (such as the Superintendent). It should clearly indicate that the subject construction is NOT intended for K-12 student occupancy use. This letter must be submitted to the Director of the Office of School Facilities (OSF), requesting the use of the local AHJ based on the proposed school project being one of the facilities identified below. Examples of the context of this letter are listed below:
 - A. This letter concerns the property, 1234 Education Way, purchased by the SC Department of Education located between ABC High School and 123 Middle School. We would like to utilize the existing structures at 1234 Education Way to house our Maintenance Department for the district. The structures located on the property will only be occupied by adults 18 and older. Students of the district will not be allowed in the structures for any purpose.
 - B. Columbia County School District would like to request the Columbia Bus Facility planned to be built for the Columbia bus lot be exempt from OSF review and instead be submitted to the local building code official. This facility will operate as a home base for our Columbia bus fleet, and no students will be present at this facility.

2. If the OSF Director concurs with the district's request for the specific project, the exemption request letter will be forwarded to SCDE's General Counsel for review and issuance of the Department's formal exemption approval letter (an example of this letter is below).

"We are in receipt of your request that local ordinances and regulation apply to the construction / installation of a _____ to be used as a _____. As you are aware, normally classroom buildings are reviewed, inspected, and/or approved by SCDE's Office of School Facilities under SC Code § 59-23-210. However, SC Code § 6-9-110 addresses jurisdiction, ordinances, regulations, permits, licenses, and other devices utilized to enforce building standards. Subsection (A)(2) references the authority of the SCDE to review and approve certain school district facilities. However, it also states that the SCDE "may direct that the local ordinance or regulation apply to a particular facility, project, or property." Since the building in question is being used as _____ space for District _____, and not being utilized for classroom instruction, the SCDE hereby approves your request and directs that the local ordinance or regulation apply to these particular facilities. The District should seek approval from the proper local authority for any review or approval that may be required. Please note that this only applies to the _____ referenced in your request. Should the District decide to repurpose the _____ in the future to include classroom instruction, the Superintendent's approval must be sought pursuant to SC Code § 59-23-210. If you have any questions, please do not hesitate to contact me directly."

Projects Qualifying for the Non-Student Occupied Exemption (Reviewed by the Local Building Official – includes the following project types)

- Adult Education Facilities (those specifically operating after school hours in buildings not occupied by students)
- Bus Transportation Facilities
- Cellular Towers
- District Administration Offices
- District Emergency Management Centers
- District IT and Maintenance Buildings
- District Shop / Repair Buildings
- Sheds (used for storage) and Storage Facilities (non-student occupied)

ⁱ SC Code Ann. § 6-9-110 (a)(2) reads: *Ordinances or regulations requiring purchase or acquisition of permit or license; inapplicability to certain state and school district projects; jurisdiction of deputy state fire marshals and certified State Engineer's Office personnel: school district facility, permanent improvement project, construction project, renovation project, or property which is reviewed and approved by the State Department of Education; except that the State Department of Education or a local school district may direct that the local ordinance or regulation apply to a particular facility, project, or property.*