

HOUSE BILL No. 4214

February 10, 2009, Introduced by Reps. Gregory, Miller, Switalski, Haugh, Geiss, Hammel and Stanley and referred to the Committee on Education.

A bill to amend 1976 PA 451, entitled
"The revised school code,"
by amending section 1263 (MCL 380.1263), as amended by 2006 PA 276.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1263. (1) The board of a school district shall not build
2 a school upon a site without having prior title in fee to the site,
3 a lease for not less than 99 years, or a lease for not less than 50
4 years from the United States government, or this state, or a
5 political subdivision of this state.

6 (2) The board of a school district shall not build a frame
7 school on a site for which it does not have a title in fee or a

1 lease for 50 years without securing the privilege of removing the
2 school.

3 (3) The governing board of a public school shall not design or
4 build a school building to be used for instructional or
5 noninstructional school purposes or design and implement the design
6 for a school site unless the design or construction is in
7 compliance with 1937 PA 306, MCL 388.851 to 388.855a. The
8 superintendent of public instruction has sole and exclusive
9 jurisdiction over the review and approval of plans and
10 specifications for the construction, reconstruction, or remodeling
11 of school buildings used for instructional or noninstructional
12 school purposes and, subject to ~~subsection~~ **SUBSECTIONS (4) AND (7)**,
13 of site plans for those school buildings. **THE SUPERINTENDENT OF**
14 **PUBLIC INSTRUCTION SHALL NOT APPROVE A SITE PLAN FOR A SCHOOL**
15 **BUILDING THAT DOES NOT PROVIDE TRANSPORTATION FOR ITS PUPILS UNLESS**
16 **THE SUPERINTENDENT OF PUBLIC INSTRUCTION DETERMINES THAT THE SITE**
17 **PLAN MEETS ALL REQUIREMENTS AND RECOMMENDATIONS OF DEPARTMENT**
18 **BULLETIN 412.**

19 (4) Unless the site is located within a city or village, the
20 governing board of a public school shall not build or expand a high
21 school building **THAT PROVIDES TRANSPORTATION FOR ITS PUPILS** on a
22 site without first submitting the site plan to the local ~~zoning~~
23 ~~authority~~ **UNIT OF GOVERNMENT** for administrative review as provided
24 under this subsection. Not later than 60 days after receiving the
25 site plan, the local ~~zoning authority~~ **UNIT OF GOVERNMENT** shall
26 respond to the governing board with either a written notice that
27 the local ~~zoning authority~~ **UNIT OF GOVERNMENT** concurs with the site

1 plan or with written suggested changes to the site plan. If the
2 local ~~zoning authority~~**UNIT OF GOVERNMENT** does not respond to the
3 governing board with either of these options, the governing board
4 shall be considered to have received a written notice of
5 concurrence from the local ~~zoning authority~~**UNIT OF GOVERNMENT**. If
6 there are written suggested changes, then not later than 45 days
7 after receiving the written suggested changes, the governing board
8 shall respond to the local ~~zoning authority~~**UNIT OF GOVERNMENT** with
9 a revised site plan that incorporates the changes or with an
10 explanation of why the changes are not being made. This subsection
11 applies to expansion of a ~~high~~-school building only if the
12 expansion will result in the square footage of the ~~high~~-school
13 building being increased by at least 20%. This subsection does not
14 apply to temporary structures or facilities that are necessary due
15 to unexpected enrollment increases and that are used for not more
16 than 2 years.

17 (5) If mutually agreed by the governing board and the local
18 ~~zoning authority~~**UNIT OF GOVERNMENT**, the time periods in subsection
19 (4) may be extended.

20 (6) The communication required under subsection (4) between a
21 governing board and a local ~~zoning authority~~**is UNIT OF GOVERNMENT**
22 for informational purposes only and does not require the governing
23 board to make any changes in its site plan. Once the process
24 prescribed under subsection (4) is complete, this section does not
25 require any further interaction between the governing board and a
26 local ~~zoning authority~~**UNIT OF GOVERNMENT**.

27 (7) **THE GOVERNING BOARD OF A PUBLIC SCHOOL SHALL NOT BUILD OR**

1 EXPAND A SCHOOL BUILDING THAT DOES NOT PROVIDE TRANSPORTATION FOR
2 ITS PUPILS ON A SITE WITHOUT FIRST OBTAINING THE APPROVAL OF THE
3 LOCAL UNIT OF GOVERNMENT. TO OBTAIN THIS APPROVAL, THE GOVERNING
4 BOARD SHALL SUBMIT THE SITE PLAN TO THE LOCAL UNIT OF GOVERNMENT
5 FOR ADMINISTRATIVE REVIEW AND APPROVAL AS PROVIDED UNDER THIS
6 SUBSECTION. NOT LATER THAN 60 DAYS AFTER RECEIVING THE SITE PLAN,
7 THE LOCAL UNIT OF GOVERNMENT SHALL RESPOND TO THE GOVERNING BOARD
8 WITH EITHER A WRITTEN NOTICE THAT THE LOCAL UNIT OF GOVERNMENT
9 APPROVES THE SITE PLAN OR WITH WRITTEN SUGGESTED CHANGES TO THE
10 SITE PLAN. IF THE LOCAL UNIT OF GOVERNMENT DOES NOT RESPOND TO THE
11 GOVERNING BOARD WITH EITHER OF THESE OPTIONS, THE GOVERNING BOARD
12 SHALL BE CONSIDERED TO HAVE RECEIVED A WRITTEN NOTICE OF APPROVAL
13 FROM THE LOCAL UNIT OF GOVERNMENT. IF THERE ARE WRITTEN SUGGESTED
14 CHANGES, THEN, NOT LATER THAN 45 DAYS AFTER RECEIVING THE WRITTEN
15 SUGGESTED CHANGES, THE GOVERNING BOARD SHALL RESPOND TO THE LOCAL
16 UNIT OF GOVERNMENT WITH A REVISED SITE PLAN THAT INCORPORATES THE
17 CHANGES OR WITH AN EXPLANATION OF WHY THE CHANGES ARE NOT BEING
18 MADE. THIS SUBSECTION APPLIES TO EXPANSION OF A SCHOOL BUILDING
19 ONLY IF THE EXPANSION WILL RESULT IN THE SQUARE FOOTAGE OF THE
20 SCHOOL BUILDING BEING INCREASED BY AT LEAST 20%. THIS SUBSECTION
21 DOES NOT APPLY TO TEMPORARY STRUCTURES OR FACILITIES THAT ARE
22 NECESSARY DUE TO UNEXPECTED ENROLLMENT INCREASES AND THAT ARE USED
23 FOR NOT MORE THAN 2 YEARS. IF MUTUALLY AGREED BY THE GOVERNING
24 BOARD AND THE LOCAL UNIT OF GOVERNMENT, THE TIME PERIODS IN THIS
25 SUBSECTION MAY BE EXTENDED.

26 (8) ~~(7) A local zoning authority~~ UNIT OF GOVERNMENT shall not
27 charge a governing board a fee for the process prescribed under

1 subsection (4) **OR (7)** that exceeds \$250.00 for an administrative
2 review or \$1,500.00 for total costs incurred by a local ~~zoning~~
3 ~~authority~~ **UNIT OF GOVERNMENT** under subsection (4) **OR (7)** for the
4 specific project involved.

5 (9) ~~(8)~~ As used in this section:

6 (a) "High school building" means any structure or facility
7 that is used for instructional purposes, that offers at least 1 of
8 grades 9 to 12, and that includes an athletic field or facility.

9 (b) "Local ~~zoning authority~~ **UNIT OF GOVERNMENT**" means the
10 ~~zoning authority for the jurisdiction~~ **CITY, VILLAGE, OR TOWNSHIP** in
11 which the construction or expansion of a ~~high~~-school building is to
12 occur.

13 (C) "SCHOOL BUILDING" MEANS ANY STRUCTURE OR FACILITY THAT IS
14 USED FOR INSTRUCTIONAL PURPOSES.