

SENATE BILL NO. 1088

September 09, 2020, Introduced by Senators CHANG, GEISS, POLEHANKI, WOJNO, BRINKS and BULLOCK and referred to the Committee on Education and Career Readiness.

A bill to amend 1976 PA 451, entitled
"The revised school code,"
(MCL 380.1 to 380.1852) by adding section 1264a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **Sec. 1264a. (1) The board of a school district or intermediate**
2 **school district or the board of directors of a public school**
3 **academy shall not acquire a site for the construction of a school**
4 **building or, if a site was acquired before the effective date of**

1 the amendatory act that added this section, commence construction
2 of a school building on the site unless the board or board of
3 directors has conducted an environmental assessment of the site to
4 determine whether the site is a facility and has held a 30-day
5 public comment period under subsection (7).

6 (2) The department, in consultation with the department of
7 environment, Great Lakes, and energy, shall develop guidance for
8 school districts, intermediate school districts, and public school
9 academies on environmental assessments under subsection (1)
10 regarding potential hazards to be considered, including, but not
11 limited to, air pollution, soil contamination, groundwater
12 contamination, surface water pollution, safety hazards, and noise
13 and odors, and the United States Environmental Protection Agency
14 recommendations for exclusion zones and screening perimeters.

15 (3) Within 7 days of the completion of an environmental
16 assessment under subsection (1), the board of a school district or
17 intermediate school district or the board of directors of a public
18 school academy shall provide public notice of the results of the
19 environmental assessment by both of the following means:

20 (a) A posting on the school district's, intermediate school
21 district's, or public school academy's website, if any.

22 (b) A publication in a newspaper of general circulation in the
23 territory of the school district or intermediate school district in
24 which the site is located.

25 (4) If the environmental assessment under subsection (1)
26 indicates that the site is a facility, all of the following apply:

27 (a) The board or the board of directors shall not commence
28 construction of a school building at the site unless a licensed
29 professional engineer has attested under seal that planned response

1 activity or corrective action under part 201 or 213 of the natural
2 resources and environmental protection act, 1994 PA 451, MCL
3 324.20101 to 324.20142 and 324.21301a to 324.21334, will meet
4 residential standards.

5 (b) If the board or board of directors constructs a school
6 building on the site, the board or board of directors shall
7 complete both of the following at the facility:

8 (i) Response activities under section 20107a of the natural
9 resources and environmental protection act, 1994 PA 451, MCL
10 324.20107a.

11 (ii) Response activity or corrective action under part 201 or
12 213 of the natural resources and environmental protection act, 1994
13 PA 451, MCL 324.20101 to 324.20142 and 324.21301a to 324.21334,
14 that meets residential standards.

15 (5) If an environmental assessment under subsection (1)
16 reveals significant environmental concerns harmful to human health,
17 the board of a school district or intermediate school district or
18 the board of directors of a public school academy shall consider
19 selecting an alternative site or perform a Phase II EPA
20 Environmental Site Assessment.

21 (6) The department shall encourage school districts,
22 intermediate school districts, and public school academies to do
23 all of the following:

24 (a) Form a siting committee to make recommendations on
25 potential sites for new school buildings or the renovation of
26 existing school buildings.

27 (b) Participate in the environmental assessment of potential
28 sites for new school buildings or the renovation of existing school
29 buildings.

1 (c) Develop a public engagement plan regarding the siting of
2 new school buildings or the renovation of existing school
3 buildings.

4 (d) Ensure that siting decisions account for fiscal
5 constraints and align with the objectives of local and regional
6 development plans.

7 (e) Ensure disadvantaged communities have meaningful
8 opportunities for public engagement in the siting of new school
9 buildings or the renovation of existing school buildings.

10 (7) The board of a school district or intermediate school
11 district or the board of directors of a public school academy that
12 conducts an environmental assessment under subsection (1) shall do
13 all of the following:

14 (a) Hold a 30-day public comment period regarding the
15 completed environmental assessment that begins within 7 days of the
16 public notice of the results of the environmental assessment under
17 subsection (3).

18 (b) Hold at least 1 public hearing on the environmental
19 assessment during the public comment period under subdivision (a).

20 (c) Make a meaningful effort to address language barriers or
21 any other barriers to public comment to ensure maximum public
22 engagement during the public comment period under subdivision (a).

23 (d) Provide public responses to all questions or concerns
24 raised during the public comment period under subdivision (a).

25 (8) This section does not apply to any of the following:

26 (a) The maintenance, repair, or improvement of an existing
27 building or recreational or athletic structure or field.

28 (b) The replacement of an existing recreational or athletic
29 structure.

1 (9) As used in this section:

2 (a) "Corrective action" means that term as defined in section
3 21302 of the natural resources and environmental protection act,
4 1994 PA 451, MCL 324.21302.

5 (b) "Environmental assessment" means a phase I environmental
6 assessment conducted in accordance with ASTM International standard
7 E1527, "Standard Practice for Environmental Site Assessments: Phase
8 I Environmental Site Assessment Process" along with sufficient
9 environmental sampling of recognized environmental concerns, if
10 that sampling is necessary to determine whether the property is a
11 facility.

12 (c) "Facility" means that term as defined in section 20101 of
13 the natural resources and environmental protection act, 1994 PA
14 451, MCL 324.20101.

15 (d) "Response activity" means that term as defined in section
16 20101 of the natural resources and environmental protection act,
17 1994 PA 451, MCL 324.20101.

18 (e) "School building" means either of the following, but does
19 not include playground or exercise equipment:

20 (i) A building intended to be used to provide instruction for
21 pupils, including an addition to an existing building.

22 (ii) A recreational or athletic structure or field intended to
23 be used by pupils.