

SENATE BILL No. 369

March 12, 2009, Introduced by Senators OLSHOVE and SCOTT 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
8 lease for 50 years without securing the privilege of removing the
9 school.

10 (3) The governing board of a public school shall not design or

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

15 (4) ~~Unless the site is located within a city or village, the~~
16 **THE** governing board of a public school shall not build or expand a
17 ~~high~~-school building on a site without first ~~submitting~~ **OBTAINING**
18 **THE APPROVAL OF THE LOCAL UNIT OF GOVERNMENT. TO OBTAIN THIS**
19 **APPROVAL, THE GOVERNING BOARD SHALL SUBMIT** the site plan to the
20 local ~~zoning authority~~ **UNIT OF GOVERNMENT** for administrative review
21 **AND APPROVAL** as provided under this subsection. Not later than 60
22 days after receiving the site plan, the local ~~zoning authority~~ **UNIT**
23 **OF GOVERNMENT** shall respond to the governing board with either a
24 written notice that the local ~~zoning authority concurs with~~ **UNIT OF**
25 **GOVERNMENT APPROVES** the site plan or with written suggested changes
26 to the site plan. If the local ~~zoning authority~~ **UNIT OF GOVERNMENT**
27 does not respond to the governing board with either of these

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

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

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

25 (6) ~~(7)~~ A local ~~zoning authority~~ **UNIT OF GOVERNMENT** shall not
26 charge a governing board a fee for the process prescribed under
27 subsection (4) that exceeds \$250.00 for an administrative review or

1 \$1,500.00 for total costs incurred by a local ~~zoning authority~~ **UNIT**
2 **OF GOVERNMENT** under subsection (4) for the specific project
3 involved.

4 (7) ~~(8)~~ As used in this section:

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

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

12 (B) **"SCHOOL BUILDING" MEANS ANY STRUCTURE OR FACILITY THAT IS**
13 **USED FOR INSTRUCTIONAL PURPOSES.**