

# SENATE BILL No. 115

January 30, 2013, Introduced by Senators GREGORY, HOPGOOD and JOHNSON 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

1 school.

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

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

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

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

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

26 (7) **THE GOVERNING BOARD OF A PUBLIC SCHOOL SHALL NOT BUILD OR**  
27 **EXPAND A SCHOOL BUILDING THAT DOES NOT PROVIDE TRANSPORTATION FOR**

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

25 (8) ~~(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) OR (7) that exceeds \$250.00 for an administrative

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

4 (9) ~~(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 (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 (c) **"SCHOOL BUILDING" MEANS ANY STRUCTURE OR FACILITY THAT IS**  
13 **USED FOR INSTRUCTIONAL PURPOSES.**