

HOUSE BILL No. 4977

September 19, 2017, Introduced by Reps. Chang, Wittenberg, Pagan, Geiss, Yanez, Green, Moss, Sneller, Ellison, Rabhi, Sowerby, Clemente, Camilleri, Hoadley, LaGrand, Durhal, Zemke, Greimel, Liberati, Hammoud and Gay-Dagnogo and referred to the Committee on Education Reform.

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

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 **SEC. 1264. (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**
5 **THIS SECTION, COMMENCE CONSTRUCTION OF A SCHOOL BUILDING ON THE**
6 **SITE UNLESS THE BOARD OR BOARD OF DIRECTORS HAS CONDUCTED AN**
7 **ENVIRONMENTAL ASSESSMENT OF THE SITE TO DETERMINE WHETHER THE SITE**
8 **IS A FACILITY AND HAS HELD A 30-DAY PUBLIC COMMENT PERIOD UNDER**
9 **SUBSECTION (7) .**

10 **(2) THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF**

1 ENVIRONMENTAL QUALITY, SHALL DEVELOP GUIDANCE FOR SCHOOL DISTRICTS,
2 INTERMEDIATE SCHOOL DISTRICTS, AND PUBLIC SCHOOL ACADEMIES ON
3 ENVIRONMENTAL ASSESSMENTS UNDER SUBSECTION (1) REGARDING POTENTIAL
4 HAZARDS TO BE CONSIDERED, INCLUDING, BUT NO LIMITED TO, AIR
5 POLLUTION, OIL CONTAMINATION, GROUNDWATER CONTAMINATION, SURFACE
6 WATER POLLUTION, SAFETY HAZARDS, AND NOISE AND ODORS, AND UNITED
7 STATES ENVIRONMENTAL PROTECTION AGENCY RECOMMENDATIONS FOR
8 EXCLUSION ZONES AND SCREENING PERIMETERS.

9 (3) THE BOARD OF A SCHOOL DISTRICT OR INTERMEDIATE SCHOOL
10 DISTRICT OR THE BOARD OF DIRECTORS OF A PUBLIC SCHOOL ACADEMY SHALL
11 PROVIDE PUBLIC NOTICE OF THE RESULTS OF AN ENVIRONMENTAL ASSESSMENT
12 UNDER SUBSECTION (1) WITHIN 7 DAYS OF THE COMPLETION OF THE
13 ENVIRONMENTAL ASSESSMENT BY BOTH OF THE FOLLOWING MEANS:

14 (A) POSTING ON THE SCHOOL DISTRICT'S, INTERMEDIATE SCHOOL
15 DISTRICT'S, OR PUBLIC SCHOOL ACADEMY'S WEBSITE, IF ANY.

16 (B) PUBLICATION IN A NEWSPAPER OF GENERAL CIRCULATION IN THE
17 TERRITORY OF THE SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT IN
18 WHICH THE SITE IS LOCATED.

19 (4) IF THE ENVIRONMENTAL ASSESSMENT UNDER SUBSECTION (1)
20 INDICATES THAT THE SITE IS A FACILITY, ALL OF THE FOLLOWING APPLY:

21 (A) THE BOARD OR THE BOARD OF DIRECTORS SHALL NOT COMMENCE
22 CONSTRUCTION OF A SCHOOL BUILDING AT THE SITE UNLESS A LICENSED
23 PROFESSIONAL ENGINEER HAS ATTESTED UNDER SEAL THAT PLANNED RESPONSE
24 ACTIVITY OR CORRECTIVE ACTION UNDER PART 201 OR 213, RESPECTIVELY,
25 OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA
26 451, MCL 324.20101 TO 324.20142 AND 324.21301A TO 324.21334, WILL
27 MEET RESIDENTIAL STANDARDS.

1 (B) IF THE BOARD OR BOARD OF DIRECTORS CONSTRUCTS A SCHOOL
2 BUILDING ON THE SITE, THE BOARD OR BOARD OF DIRECTORS SHALL
3 COMPLETE ALL OF THE FOLLOWING AT THE FACILITY:

4 (i) RESPONSE ACTIVITIES UNDER SECTION 20107A OF THE NATURAL
5 RESOURCES AND ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, MCL
6 324.20107A.

7 (ii) RESPONSE ACTIVITY OR CORRECTIVE ACTION UNDER PART 201 OR
8 213, RESPECTIVELY, OF THE NATURAL RESOURCES AND ENVIRONMENTAL
9 PROTECTION ACT, 1994 PA 451, MCL 324.20101 TO 324.20142 AND
10 324.21301A TO 324.21334, THAT MEETS RESIDENTIAL STANDARDS.

11 (5) IF AN ENVIRONMENTAL ASSESSMENT UNDER SUBSECTION (1)
12 REVEALS SIGNIFICANT ENVIRONMENTAL CONCERNS HARMFUL TO HUMAN HEALTH,
13 THE BOARD OF A SCHOOL DISTRICT OR INTERMEDIATE SCHOOL DISTRICT OR
14 THE BOARD OF DIRECTORS OF A PUBLIC SCHOOL ACADEMY SHALL CONSIDER
15 SELECTING AN ALTERNATIVE SITE OR PERFORM A PHASE II EPA
16 ENVIRONMENTAL SITE ASSESSMENT.

17 (6) THE DEPARTMENT SHALL ENCOURAGE SCHOOL DISTRICTS,
18 INTERMEDIATE SCHOOL DISTRICTS, AND PUBLIC SCHOOL ACADEMIES TO DO
19 ALL OF THE FOLLOWING:

20 (A) FORM A SITING COMMITTEE TO MAKE RECOMMENDATIONS ON
21 POTENTIAL SITES FOR NEW SCHOOL BUILDINGS OR THE RENOVATION OF
22 EXISTING SCHOOL BUILDINGS.

23 (B) PARTICIPATE IN THE ENVIRONMENTAL ASSESSMENT OF POTENTIAL
24 SITES FOR NEW SCHOOL BUILDINGS OR THE RENOVATION OF EXISTING SCHOOL
25 BUILDINGS.

26 (C) DEVELOP A PUBLIC ENGAGEMENT PLAN REGARDING THE SITING OF
27 NEW SCHOOL BUILDINGS OR THE RENOVATION OF EXISTING SCHOOL

1 BUILDINGS.

2 (D) ENSURE THAT SITING DECISIONS ACCOUNT FOR FISCAL
3 CONSTRAINTS AND ALIGN WITH THE OBJECTIVES OF LOCAL AND REGIONAL
4 DEVELOPMENT PLANS.

5 (E) REACH OUT TO DISADVANTAGED COMMUNITIES TO ENSURE
6 MEANINGFUL OPPORTUNITIES TO ENGAGE REGARDING THE SITING OF NEW
7 SCHOOL BUILDINGS OR THE RENOVATION OF EXISTING SCHOOL BUILDINGS.

8 (7) THE BOARD OF A SCHOOL DISTRICT OR INTERMEDIATE SCHOOL
9 DISTRICT OR THE BOARD OF DIRECTORS OF A PUBLIC SCHOOL ACADEMY THAT
10 CONDUCTS AN ENVIRONMENTAL ASSESSMENT UNDER SUBSECTION (1) SHALL DO
11 ALL OF THE FOLLOWING:

12 (A) HOLD A 30-DAY PUBLIC COMMENT PERIOD REGARDING THE
13 COMPLETED ENVIRONMENTAL ASSESSMENT THAT BEGINS WITHIN 7 DAYS OF THE
14 PUBLIC NOTICE OF THE RESULTS OF THE ENVIRONMENTAL ASSESSMENT UNDER
15 SUBSECTION (3).

16 (B) HOLD AT LEAST 1 PUBLIC HEARING ON THE ENVIRONMENTAL
17 ASSESSMENT DURING THE PUBLIC COMMENT PERIOD UNDER SUBDIVISION (A).

18 (C) MAKE A MEANINGFUL EFFORT TO ADDRESS LANGUAGE BARRIERS OR
19 ANY OTHER BARRIER TO PUBLIC COMMENT TO ENSURE MAXIMUM PUBLIC
20 ENGAGEMENT DURING THE PUBLIC COMMENT PERIOD UNDER SUBDIVISION (A).

21 (D) PROVIDE PUBLIC RESPONSES TO ALL QUESTIONS OR CONCERNS
22 RAISED DURING THE PUBLIC COMMENT PERIOD UNDER SUBDIVISION (A).

23 (8) THIS SECTION DOES NOT APPLY TO ANY OF THE FOLLOWING:

24 (A) THE MAINTENANCE, REPAIR, OR IMPROVEMENT OF AN EXISTING
25 BUILDING OR RECREATIONAL OR ATHLETIC STRUCTURE OR FIELD.

26 (B) THE REPLACEMENT OF AN EXISTING RECREATIONAL OR ATHLETIC
27 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 ANY OF THE FOLLOWING:

19 (i) A BUILDING INTENDED TO BE USED TO PROVIDE INSTRUCTION FOR
20 PUPILS, INCLUDING AN ADDITION TO AN EXISTING BUILDING.

21 (ii) A RECREATIONAL OR ATHLETIC STRUCTURE OR FIELD INTENDED TO
22 BE USED BY PUPILS.

23 (F) "SCHOOL BUILDING" DOES NOT INCLUDE PLAYGROUND OR EXERCISE
24 EQUIPMENT.