

# HOUSE BILL No. 5625

January 17, 2008, Introduced by Reps. Bieda, Wojno and Miller and referred to the Committee on Intergovernmental, Urban and Regional Affairs.

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.

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

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

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