

Legislative Analysis



SCHOOL BUILDING SITE APPROVAL

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House Bill 5625

Sponsor: Rep. Steve Bieda

Committee: Intergovernmental, Urban and Regional Affairs

Complete to 11-10-08

A SUMMARY OF HOUSE BILL 5625 AS INTRODUCED 1-17-08

House Bill 5625 would amend the Revised School Code to require school building site approval by local units of government.

Under the bill, "school building" is defined to mean any structure or facility that is used for instructional purposes. "Local unit of government" is defined to mean the city, village, or township in which the construction or expansion of a school building is to occur.

Currently under the law, the superintendent of public instruction has sole and exclusive jurisdiction over the review and approval of plans for construction, reconstruction, or remodeling of school buildings that are used for instructional or non-instructional school purposes. Further, the state superintendent currently has jurisdiction over site plans, although the act requires school boards to submit site plans for certain high school construction and expansions in townships to local zoning authorities for administrative review.

House Bill 5625 would retain the state superintendent's jurisdiction with the following changes to the statute:

** The state superintendent could not approve a site plan for a school building unless that site plan met all requirements and recommendations contained in Department Bulletin 412.

[Bulletin 412, issued by the Department of Education, is a four-page document entitled "School Site Planning." Its sections concern, among other things, site size for various grade levels, and address the site as educational space, recreational space, and public land. Also addressed are site plan approval criteria, including vehicle traffic, groundwater discharge, storm water runoff, noise abatement, soil erosion, wells, fire and emergency access, on-site traffic analysis, surrounding land use, site physical features, and off-street parking requirements.]

** The bill would prohibit the governing board of a public school from building or expanding a school building on a site without first obtaining the approval of the local unit of government. To obtain approval, the board would have to submit its site plan to the local unit of government for administrative review and approval. Not later than 60 days

after receiving the plan, the local unit of government would be required, in writing, either to approve the plan or recommend changes. If there was no response, the board's submitted plan would be considered to be approved. If there were suggested changes, then the school board would be required to respond to the unit of government with a revised site plan incorporating the changes within 45 days. If mutually agreed to, these time periods could be extended.

As is currently the case, the unit of government could charge a fee of up to \$250 for an administrative review, or \$1,500 for total costs incurred by the unit of government.

The current law requires that the school board and the local zoning authority follow a process similar to that House Bill 5625 proposes for school board and the "local unit of government." However, approval by the local zoning authority is not now required, whereas House Bill 5625 would require approval of site plans by the local unit of government. The law currently specifies that the communication required between the school board and the zoning authority is for informational purposes only and does not require the school board to make any changes in its site plan. Further, in current law this process only applies to the construction and expansion of a high school building in a township and only applies to an expansion if it will result in the square footage of that building being increased by at least 20 percent. The requirements do not apply to temporary structures or facilities that are necessary due to unexpected enrollment increases, and that are used for less than two years.

MCL 380.1263

FISCAL IMPACT:

The bill could increase costs for the state and for school districts related to the approval of site plans based on Bulletin 412 requirements, which currently exist only as a set of recommendations and flexible guidelines.

Local school districts also would incur the costs of up to \$1,500 per school building project in fees paid to local units of government as well as any district administrative costs related to fulfilling the proposed requirements. Changes to site plans required for approval of local governments could also add to overall project costs.

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.