

Rival bills seek to improve school building inspections

BY RICHARD PEARL
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All new buildings in Michigan are inspected for structural integrity when they are constructed - all buildings except schools.

And according to state senators, they haven't been since about 1976.

Wall collapses in two Michigan school districts have brought the issue to the forefront in the state Legislature - one at a middle school in Woodhaven in 1990 and another at a high school in Flushing in 1998.

No one was hurt in the collapses at the Woodhaven school, but repairs cost some \$6 million, according to Joe O'Reilly, legislative aide to Sen. Christopher Dingell (D-Trenton). Four workers died, however, in the collapse at the Flushing high school, where the wall was part of an auditorium under construction at the time.

Both incidents have been attributed to improper design and construction, and senators believe inspections would have caught the problems early.

Senators now aim to address the oversight. Republicans and Democrats alike, but there are disagreements over the best way to accomplish that goal. Those differences led to heated words recently.

Senate Republicans are endangering the lives of school children across Michigan by repeatedly refusing to include schools in the state construction code. By not mandating the inspection of school buildings - by inspectors trained to look for structural integrity, we run the risk of putting our children in dangerous buildings like the one in Woodhaven," Dingell said.

His comments came after senators rejected a revision to the state construction code, Senate Bill 469, which was originally sponsored by Sen. Loretta Stille (R-Spring Lake) and co-sponsored by Sens. Thaddeus McCotter (R-Livonia) and Dianne Byrum (D-Onondaga). The state code is enforced by building officials in local municipalities. The bill had been amended in the House to eliminate exemptions to the code, and therefore local inspections, for school buildings.

Bills differ

According to O'Reilly, the reason for the rejection was that Senate Republicans would prefer another bill sponsored by Sen. Mike Rogers (R-Howell). Senate Bill 805 would require that all new schools be inspected by the state Bureau of Construction Codes, but it would allow school districts to opt for inspections by local municipal building officials instead.

The difference between the two bills is not just politics, Rogers' press secretary Sylvia Warner assured. Taking the exemption for schools out of the state construction code might have some unintended consequences, she warned. Rogers' bill, on the other hand, adds inspections in education law, resulting in the "cleanest public policy," easiest for school boards to understand and follow, Warner explained.

Rogers' bill, SB 805, has received one hearing in committee, she said. Members asked for additional research before voting, so she predicted the bill would not reach the full Senate for a vote until early 2000.

According to O'Reilly, the delay to Rogers' bill is over the question of whether inspections should be conducted now for those schools which have been built in the past few years.

SB 469, proposed by Sen. Stille, was once approved by senators and won approval in the House. But representatives amended the bill to add the exemption for schools, causing senators to reject the measure. The bill is now headed to conference committee. Action on that bill may also be delayed until after the start of the new year.

When all is done, O'Reilly said the goal is to get schools inspected. If senators reject SB 469, Dingell will support

Rogers' bill, O'Reilly said.

Long history

The oversight that led to the lack of construction inspections has a long history, according to O'Reilly. It dates back to the 1930s and '40s. At the time, he contended, school buildings were often the largest and most complicated building projects in many communities.

Municipal building inspectors often did not have the expertise at the time to review construction for buildings of that size. Additionally, there were problems with animosities between school districts and the municipalities in which they were located - which is still an issue in school construction - as well as problems with so-called sweetheart contracts and out-and-out bribery.

"The one person considered to be above reproach was the state superintendent of public education," O'Reilly said, so the job of inspecting school buildings was turned over to him. But state superintendents also did not have expertise in construction standards, so they increasingly relied on contracts with outside offices to conduct the actual on-site reviews.

In 1978, the entire job was turned over to the Office of Fire Safety under the state fire marshal.

"The number one safety issue for schools is fire safety, don't get me wrong," O'Reilly said, "and the Office of Fire Safety does an excellent job." But inspectors there also are not trained to review structural integrity, he added.

New buildings

New school buildings have long been a source of disagreement between municipalities and local districts. Schools have for years been outside the control of zoning authorities within local governments, so while city councils and township boards are able to control the placement of all other buildings in their communities, placement of schools rests solely with the school board.

Up until 1992, zoning regulations did apply to all non-school land and buildings in a district, O'Reilly explained. So municipalities could control placement of, for example, the district's bus garage. That ended in 1992 under a bill offered by then-Sen. Jack Farnsworth, which exempted all school land and buildings from local municipal control.

If zoning officials don't like those rules, city fire chiefs have long had stronger arguments with the state law. While it is state inspectors who do the reviewing, it is city fire departments that are expected to put out any blazes there. Some chiefs have complained that the rules mean their first look inside new school buildings has come when they were called there for an emergency.

All those are side issues for the time being, O'Reilly said.

The vast majority of school buildings typically exceed public building codes, but inspections are not required during construction, Rogers said. "Tragically, this oversight already has resulted in the deaths of several workers who were building an auditorium in Flushing just over a year ago. Requiring inspections of new construction projects assures parents that their children will be safe. Inspections help assure that human error won't result in another tragic incident."

Senators rejected the amended SB 469 in a 16-20 vote Tuesday, Nov. 2.

Sens. George Z. Hart (D-Dearborn) and Gary Peters (D-Blomfield) voted yes.

Sens. Loren Bennett (R-Canton), Bill Bullard (R-Highland), Mat Dunaskie (R-Lake Orion), Shirley Johnson (R-Royal Oak) and Thaddeus McCotter (R-Livonia) voted no.

Sen. John D. Cherry Jr. (D-Clio) was absent.

'Sticky issue'

Cities want more say on school building projects

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Should municipalities have the authority to approve site plans for school district construction projects?

Both the Farmington and Farmington Hills city managers give a resounding "yes." It's "common sense," says Frank Lauff, Farmington city manager.

But Farmington Public Schools Superintendent Robert Maxfield says that, as it is, "schools are held to very tough standards" by current state laws governing construction.

And, says Bill McCarthy, an executive with the firm that's managed the district's construction projects for 10 years, "Site plan approval is a sticky issue."

McCarthy, vice president of McCarthy & Smith/EV and a Farmington resident himself, says that's because "You can have X (number) of municipalities" served by one school district, for example, he says, and there will be "X number of different interpretations of code."

The issue of site plan approval is an offshoot of the debate now in Lansing over bills aimed at bringing the construction of schools and related facilities under the state construction code, from which it is now exempt (see related story).

State law establishes only the standards for school construction.

Schools also are exempt from all local ordinances on zoning, building and fire codes and inspections.

Proponents of maintaining the exemptions believe they protect



STAFF PHOTO BY BILL BEEBEER

Be cooperative: Farmington city and school officials recently discussed one resident's complaint that new athletic field parking lot lights at Farmington High School were an inconvenience. A city official recently said he thought the project to install the lights should have gone through the planning commission process.

the education system from the vagaries of politics.

While Farmington Hills City Manager Steve Brock favors both inspection and on-site planning, his counterpart, Farmington's Lauff, says inspection "is and should remain, as far as we're concerned, a state function," unless the law is changed.

"But we don't see need for change," he says.

However, Lauff says, "What we do see is the need for site plan approval locally because of (schools') impact on the community."

"It's astonishing (that) you can build a huge complex that places huge demands on infrastructure" such as traffic patterns, safety issues and other concerns,

tem," he says. Both Lauff and Brock agree there is "a cooperative effort" between the cities and the Farmington Public Schools district "in just about everything the schools do," as Lauff puts it.

"But," says Brock, "if push came to shove, we wouldn't have any authority, as things stand now."

"Site planning would be in the district's best interest in the long run, too," he adds.

Maxfield, however, says the current debates hit at "the whole notion of separation of power."

"Schools are an island in the state, and that ought to continue," he says.

Maxfield noted Michigan's system of independent school districts "evolved parallel to Home Rule, each with its own responsibilities." He denied that districts resist municipal approval.

Districts simply fear "inconsistent application" of codes "from district to district," he says.

Regardless, "we value our cooperation" with the cities in the district, Maxfield says.

McCarthy, whose company has been overseeing Farmington district projects since 1989 - including this year's remodeling and expansion of Farmington High School and renovations at Harrison and North - agrees with Maxfield.

"If it's a one-for-one deal" - where code interpretation is agreed upon - "I would know how to address that," says McCarthy.

But often, he says, "what's good for one municipality" isn't for another.

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