

## **REVIEW AND COMMENT CHECKLIST**

### **Minnesota Statutes, Section 123B.71**

The facility review and comment (R&C) threshold and other requirements were amended by the 2014 Legislature. Beginning in FY 2015, a R&C is required for projects with costs in excess of \$500,000 per site if the district has a capital loan outstanding or \$2 million per school site for all other districts unless the projects are exempted from R&C. The remodeling and maintenance of existing space funded by the following revenue sources are now exempted from R&C:

- General Education Revenue
- Deferred Maintenance Revenue
- Alternative Facilities Bonding and Levy Program Revenue
- Capital Facilities Bond Proceeds
- Health and Safety Revenue

Voter approved elections, regardless of project purpose require a R&C if project costs per site exceed \$2 million. The one exception is capital projects levy referendums that fund only technology-related projects.

If both exempt and non-exempt sources of funding will be used and a non-exempt portion of a project at a specific site exceeds \$2,000,000, a R&C is still required.

The review and comment information provided below has been reformatted with clarification to assist school boards and their staff in the development of a review and comment document that meets statutory requirements.

School districts are responsible for assuring that the proposed project meets the requirements as provided in the *Guide for Planning School Construction Projects in Minnesota*. If the project does not meet the minimum standards, the school board should provide information as to why a variance from the guideline should be considered.

## **Components of the Required Cover Letter and the Review and Comment Document**

### **Cover Letter**

A cover letter on district letterhead signed by the superintendent is required. Included in the letter should be:

- ⇒ A very brief description of the project.
- ⇒ The total cost of the construction project including bond issuance and related financing costs.
- ⇒ A statement that the school board has approved the review and comment document that is being submitted to the commissioner of Education.
- ⇒ A brief description of how the project will be financed.
- ⇒ If the proposed financing requires voter approval, the following information is required:
  - is the election for a single or multiple question(s)
  - wording of question(s)
  - order of questions
- ⇒ The date of election or school board action.

## Document

A school board proposing projects requiring review and comment shall submit to the commissioner a proposal containing the following information:

1. The geographic area and population to be served,
  - a. preschool through grade 12 student enrollment for the past five years, and
  - b. student enrollment projections for the next five years.
2. A list of existing school facilities
  - a. by year constructed,
  - b. their uses, and
  - c. an assessment of the extent to which alternate facilities are available within school district boundaries and in adjacent school districts.
3. A list of specific deficiencies of the facility
  - a. demonstrating the need for a new or renovated facility to be provided,
  - b. the process used to determine the deficiencies,
  - c. a list of those deficiencies that will and will not be addresses by the proposed projects,
  - d. a list of specific benefits that the new or renovated facility will provide to students, teachers, and community users served by the facility.
4. A description of the project including:
  - a. specifications of site and outdoor space acreage,
  - b. square footage allocations for classrooms, laboratories and support spaces,
  - c. estimated expenditures for major portions of the project,
  - d. estimated changes in facility operating costs,
  - e. dates the project will begin and be completed.
5. A specification of the source of project financing including:
  - a. applicable statutory citations,
  - b. the schedules date for a bond issue or school board action,
  - c. a schedule of payments, including debt service equalization aid, and
  - d. the effect of a bond issue on local property taxes by property class and valuation.
6. Documentation obligating the school district and contractors to comply with the following items:  
(see attachment #1 on page 4 for certification document)
  - a. section 471.345 governing municipal contracts,
  - b. sustainable design,
  - c. school facility commissioning under section 123B.72, certifying the plans and designs for heating, ventilating, air conditioning and air filtration for an extensively renovated or new facility meet or exceed current code standards, including ASHRAE air filtration standard 52.1 and
  - d. ANSI acoustical performance criteria, design requirements and guidelines for schools on maximum background noise levels and reverberation times,
  - e. State fire code,
  - f. chapter 326B governing building codes, and
  - g. consultation with affected government units about the impact of the project on utilities, roads, sewers, sidewalks, retention ponds, school bus and automobile traffic, access to mass transit and safe access for pedestrians and cyclists.

## Extensive Renovation / Remodeling

Review and comments for significant renovations of existing buildings should have a statement that the school board has reviewed cost data, discussed facility replacement verses renovation, determined that

the projected project costs do not exceed 60 percent of the replacement value of the facility, and the school board has determined that facility renovation is in the best interest of the district.

If the renovation project approaches or exceeds 60 percent of the facility replacement cost or if the school site acreage varies significantly from the recommended site size guidelines, it is recommended that the district submit documentation regarding the educational adequacy of the facility, site size, and the economic rationale for the board decision regarding the decision to initiate and complete the proposed project.

### **Time Planning**

The commissioner has, by statute, 60 days to rule on whether to give the school facility project a positive, negative, or unfavorable review and comment. This timeline is to provide the commissioner and staff sufficient time to review documentation, sites, facilities, and financial components as required by the specific proposal. **It has been long standing policy that the timeline for commissioner approval does not start until ALL components of the review and comment document have been submitted to MDE.** Superintendents and school boards should make appropriate plans to meet the 60-day commissioner approval timelines, publication timelines, and required election notice timelines.

Minnesota Statutes, section 123B.71, Subdivision 5, requires **if a construction contract has not been awarded within two years of approval, the review and comment approval letter shall not be valid.** After approval, final plans and the approval shall be filed with the commissioner of Education. If substantial changes are made to the approved plans, documents reflecting the changes shall be submitted to the commissioner for approval.

**Upon completing a project, the school board shall certify to the commissioner that the project was completed according to the approved plans. This can be done with a letter after punch lists and commissioning are complete.**

### **Modifications to Submitted Document**

All modifications to a review and comment document that have been submitted to the department must:

1. Have a cover letter, signed by the superintendent, on district letterhead. The cover letter must accompany the new information.
2. Be approved by the local school district school board prior to submission to the department.
3. Provide documentation of formal school board approval of the modifications or changes to the review and comment document.

**Attachment 1**  
**Review and Comment**  
**Section #6 Documentation**  
**(as amended by the 2014 Legislature)**

Documentation obligating the school district and contractors to comply with items (i) to (vii) in planning and executing the project:

- (i) The school district will be in compliance with Minnesota Statute 471.345 governing municipal contracts issued for this project;
- (ii) The school district and the architects will include elements of sustainable design for this project;
- (iii) If the project installs or modifies facility mechanical systems, the school district, architect/engineers and contractors will be in compliance with school facility commissioning under Minnesota Statute 123B.72 certifying the plans and designs for the heating, ventilating, air conditioning, and air filtration for an extensively renovated or new facility meet or exceed current code standards, including the ASHRAE air filtration standard 52.1;
- (iv) If the project creates or modifies interior spaces, the district, architects/engineers and relevant contractors have considered the American National Standards Institute Acoustical Performance Criteria, Design Requirements and Guidelines for Schools on maximum background noise level and reverberation times;
- (v) The project will be in compliance with Minnesota State Fire Code;
- (vi) The project will be in compliance with Minnesota Statute chapter 326B governing building codes; and
- (vii) The school district and the architects/ engineers have been in consultation with affected government units about the impact of the project on utilities, roads, sewers, sidewalks, retention ponds, school bus and automobile traffic, access to mass transit, and safe access for pedestrians and cyclists.

The school district and architect/engineers will maintain documentation showing compliance with these items upon and subsequent to project completion.

Superintendent Signature: \_\_\_\_\_ Date \_\_\_\_\_

Board Chair Signature: \_\_\_\_\_ Date \_\_\_\_\_

Architect/Engineer Signature: \_\_\_\_\_ Date \_\_\_\_\_