Minnesota Department of Education

FY 2015 Charter School Lease Aid Application Check List- New or Expanded Schools

Building and General Lease Information

- ☐ Cover letter addressed to MDE formally requesting lease aid for FY 2015.
- ☐ FY 2015 Lease Aid Certification Form - Parts One and Two (attached-pages seven, eight and nine).
- ☐ Lease – A copy of the lease agreement including all attachments and/or addenda and signed by both the lessor and the lessee. **New for FY 2015, an escape clause and sum certain calculation as defined in Minnesota Statutes, section 124D.11, Subdivision 4.**
- ☐ Construction – Information about the type of construction (brick, wood frame, etc.) and age of the building.
- ☐ Photos – Interior and exterior photos of the facility being leased.
- ☐ Schematic and Space Configuration.
- ☐ Certificate of Occupancy (Group E).
- ☐ Pre-kindergarten programs clearly identified by the space used, square footage, and time usage.

Board Information

- ☐ Listing of current board members, including their term start and end dates and their relationship to the school (i.e., parent, staff, non-parent community member, or ex-officio).
- ☐ A signed certification by each board member regarding conflict of interest as defined in Minnesota Statutes, section 124D.10, Subdivision 4a. (See Certification Form Part Three-pages 10, 11, 12).
- ☐ A listing of the school's Affiliated Building Corporation board members if the school leases from its Affiliated Building Corporation.
- ☐ A signed statement of assurances regarding sectarian/non-sectarian activities of the school and its facilities (See Certification Form Part Four-page 13).

Health and Safety Information

- ☐ Emergency action plan.

Financial Information

- ☐ FY 2015 Operating Budget – Schools may submit budgets in a different format, but must also complete and submit Attachment A. (page 14)

_____	_____	_____
Name and Position of Person Preparing Form	Signature of Person Preparing Form	Date

FY 2015 Charter School Lease Aid Application Check List- Exisiting Facilities

Building and General Lease Information

- ☐ Cover letter addressed to MDE formally requesting lease aid for FY 2015.
- ☐ FY 2015 Lease Aid Certification Form - Parts One and Two (attached-pages seven, eight and nine).
- ☐ Lease – A copy of the lease agreement including all attachments and/or addenda and signed by both the lessor and the lessee. **New for FY 2015, an escape clause and sum certain calculation as defined in Minnesota Statutes, section 124D.11, Subdivision 4.**
- ☐ Pre-kindergarten programs clearly identified by the space used, square footage, and time usage.

Board Information

- ☐ Listing of current board members, including their term start and end dates and their relationship to the school (i.e., parent, staff, non-parent community member, or ex-officio).
- ☐ A signed certification by each board member regarding conflict of interest as defined in Minnesota Statutes, section 124D.10, Subdivision 4a. (See Certification Form Part Three-pages 10, 11, 12).
- ☐ A listing of the school's Affiliated Building Corporation board members if the school leases from its Affiliated Building Corporation.
- ☐ A signed statement of assurances regarding sectarian/non-sectarian activities of the school and its facilities (See Certification Form Part Four-page 13).

Financial Information

- ☐ FY 2015 Operating Budget – Schools may submit budgets in a different format, but must also complete and submit Attachment A. (page 14)

_____	_____	_____
Name and Position of Person Preparing Form	Signature of Person Preparing Form	Date

Minnesota Department of Education

M E M O R A N D U M

TO: Charter Schools

FROM: Tom Melcher, Director
Division of School Finance

DATE: March 1, 2014

SUBJECT: Fiscal Year 2015 Charter School Lease Aid Requirements

The purpose of this memorandum is to provide information to charter schools on how to apply for charter school lease aid for the fiscal year that includes the 2014-15 school year (FY 2015). We understand that the lease aid application process may be complex for many organizations. The Minnesota Department of Education (MDE) will provide assistance and work with you to successfully complete the application process. After you have read this memo, if you have questions or concerns about the information required, please contact:

Shannon Grindell, Education Finance Specialist
651-582-8396
shannon.grindell@state.mn.us

All charter schools must apply for lease aid on an annual basis. The lease aid entitlement is not included in the metered IDEAS payment report until a charter school has applied and its application has been approved by MDE.

Charter schools are encouraged to apply as soon as possible to ensure that the approved lease aid entitlement amount is included in the calculation of the IDEAS metered payments as early in the fiscal year as possible, so that the timing of cash flow to the school is optimized.

Fully completed applications will be reviewed and approved on a first-come, first-serve basis. Lastly, all email correspondence must include in the subject line the charter school name and number.

A. PAYMENT AND ACCOUNTING FOR CHARTER SCHOOL LEASE AID

NOTE: As in any year, calculation of state aid entitlements, payment percentages and/or timing of payments for charter school lease aid entitlements may change depending upon legislative action.

Throughout the school year, the calculated lease aid entitlement may be revised until finalized. Entitlements are estimated and are based on approved lease cost and estimated student enrollment data. View your current estimate of state lease aid entitlement using an Excel spreadsheet available on the MDE website.

From the MDE main website, choose Data Center, then Data Reports and Analytics. Under School Finance Spreadsheets, select Charter Schools. Select Charter Schools from the Category dropdown menu, Building Lease Aid from the subcategory dropdown menu, then 2015 under the year dropdown menu.

Enter your school number to view your initial estimated entitlement, and your revised estimated entitlement as the year progresses.

State aid payments are metered, meaning that under current law, on a semimonthly basis between July and June, the school receives a total payment of 90 percent of total state aid entitlements receivable for the current year. In the subsequent year, the remaining 10 percent is paid as following:

August 30	**30 percent of the remaining 10 percent**
September 30	**40 percent of the remaining 10 percent**
October 30	**30 percent of the remaining 10 percent**

While each current year payment may not include an amount labeled as lease aid, each payment during the year includes an amount attributable to the lease aid entitlement. **This has been a source of confusion for many charter schools. See Attachment B for a more detailed explanation.**

Final state aid entitlements are calculated based on the lesser of: 1) 90 percent of the approved lease amount, or 2) 90 percent of audited expenditures, as reported by the charter school in Uniform Financial Accounting and Reporting Standards (UFARS) for building lease costs (Fund 1, Program Code 850, Finance Code 348 and Object Code 370), or 3) final pupil units times $1,314.

In addition to comparing the approved lease amount to audited UFARS reported lease expenditures, MDE will review utility costs reported on UFARS in Fund 1, Program Code 810, Finance Code 000, Object Codes 330 and 440. If reported costs for utilities do not seem appropriate for the age and square footage of the building, the school will be asked to document costs. State aid will be reduced if the review discovers discrepancies and/or if reported utility costs cannot be substantiated, as utilities do not qualify as approved lease costs in accordance with statutes.

Lastly, MDE will be reviewing each school's reported payables for lease aid expenditures and will be comparing those amounts to actual payment(s) made. If MDE finds that the outstanding payable(s) were not paid in a timely manner, aid will be reduced.

Submission of additional materials may be required, including but not limited to, any data required by any changes resulting from the 2014 legislative session.

B. PUPIL UNIT DATA USED IN CALCULATING SCHOOL LEASE AID

FY 2015 estimated pupil units are used in the calculation of the lease aid. For schools in their first three years, the student average daily membership data is supplied by the charter schools on the Enrollment Projections Report for Charter Schools (ED 02158) located on the MDE website.

For schools in their fourth year and older, the student data is entered into the Electronic Data Reporting System (EDRS) by the school. **It is vitally important that this pupil unit data be as accurate as possible to provide the most accurate calculation of charter school lease aid.**

If you have any questions concerning student reporting, please contact Jeanne Krile at 651-582-8637 or Sharon Peck at 651-582-8811.

C. REQUIRED DOCUMENTS FOR NEW OR EXPANDED FACILITIES

Schools with new or expanded facilities must submit the following documents:

Building and General Lease Information

1. Cover letter addressed to MDE formally requesting lease aid for FY 2015. The cover letter must be from the charter school and signed by a legal representative of the school.
2. FY 2015 Lease Aid Certification Form - Parts One and Two (attached-pages seven, eight and nine).
3. Lease – A copy of the lease agreement including all attachments and/or addenda and signed by both the lessor and the lessee. **New for FY 2015, an escape clause and sum certain calculation as defined in Minnesota Statutes, section 124D.11, Subdivision 4, is required.**
4. Construction – Information about the type of construction (brick, wood frame, etc.) and age of the building.
5. Photos – Interior and exterior photos of the facility being leased. **Please do not include photos that contain people, as their identity has to be redacted in case of a public data request.**
6. Schematic and Space Configuration – include a schematic of the building and identify the leased space and the programmatic use of each space. Indicate the square footage of each space.
7. Certificate of Occupancy (Group E) – A copy of the certificate as issued by the local building official. The certificate MUST show the building is a Group E or Group A classified facility.
8. Pre-kindergarten programs are clearly identified by the space used, square footage, and time usage.

Board Information

9. Listing of current board members, including their term start and end dates and their relationship to the school (i.e., parent, staff, non-parent community member, or ex-officio).
10. A signed certification by each board member regarding conflict of interest as defined in Minnesota Statutes, section 124D.10, Subdivision 4a. (See Certification Form Part Three-pages 10, 11, 12)

    BE SURE TO USE THE CORRECT FORM(S) BASED ON THE STATUS OF YOUR LANDLORD(S) (FOR-PROFIT OR NON-PROFIT) AND THE DATE OF THE MOST RECENT ORIGINAL LEASE(S) OR LEASE AMENDMENT(S).

11. A listing of the school's Affiliated Building Corporation board members if the school leases from its Affiliated Building Corporation.
12. A signed statement of assurances regarding sectarian/non-sectarian activities of the school and its facilities. (See Certification Form Part Four-page 13)

Health and Safety Information

13. Emergency action plan – A plan meeting the Department of Public Safety's criteria for evacuation of the facility in an emergency.

Financial Information

14. FY 2015 Operating Budget – An operating budget with detail revenue and expense items such that the lease cost and revenue are readily identifiable. The budget submission also must include staff full-time equivalent (FTE) as well as student average daily membership (ADM) and pupil units. Schools may submit budgets in a different format, but must also complete and submit Attachment A. (page 14)

DOCUMENTS FOR EXISTING FACILITIES

Schools with existing facilities must submit the following documents:

Building and General Lease Information

1. Cover letter formally requesting lease aid for FY 2015. The cover letter must be from the charter school and signed by a legal representative of the school.
2. FY 2015 Lease Aid Certification Form - Parts One and Two (attached-pages seven, eight and nine).
3. Lease – A copy of the lease document, including all attachments and/or addenda and signed by both the lessor and the lessee (required only if the lease has been amended or a new lease signed). **New for FY 2015, an escape clause and sum certain calculation as defined in Minnesota Statutes, section 124D.11, Subdivision 4, is required.**
4. Pre-kindergarten programs are clearly identified by the space used, square footage, and time usage.

Board Information

5. Listing of current board members, including their term start and end dates and their relationship to the school (i.e., parent, staff, non-parent community member, or ex-officio).
6. A signed certification by each board member regarding conflict of interest as defined in Minnesota Statutes, section 124D.10, Subdivision 4a. (See Certification Form Part Three-pages 10, 11, 12)

   BE SURE TO USE THE CORRECT FORM(S) BASED ON THE STATUS OF YOUR LANDLORD(S) (FOR-PROFIT OR NON-PROFIT) AND THE DATE OF THE MOST RECENT ORIGINAL LEASE(S) OR LEASE AMENDMENT(S).

7. A listing of the school's Affiliated Building Corporation board members if the school leases from its Affiliated Building Corporation.
8. A signed statement of assurances regarding sectarian/non-sectarian activities of the school and its facilities. (See Certification Form Part Four-page 13)

Financial Information

9. FY 2015 Operating Budget – An operating budget with detailed revenue and expense items such that the lease cost is readily identifiable. The budget submission also must include staff FTE's as well as student ADM and pupil units. Schools may submit budgets in a different format, but must also complete and submit Attachment A. (page 14)

Special Instructions for the Revision of Initial Lease Applications

Charter schools are advised to notify MDE of any amendments to their approved lease. Please complete the following:

1. Updated cover letter.
2. Updated certfication part two.
3. Any amendments made to the lease.

Amendments to leases must be requested prior to November 30 of the fiscal year following the lease aid entitlement year to allow for processing time to meet the statutory deadline. (Minnesota Statutes, section 127A.49, Subdivision 1)

FY 2015 CHARTER SCHOOL LEASE AID CERTIFICATION FORM – PART One

This form is to certify that your school meets certain criteria and complies with statutes for charter school lease aid. Please complete both pages of this form and return with your lease aid request letter.

Charter School Name:	Charter School Number:

Address:	City:	State:	Zip Code:

Contact Name:	Telephone Number:	E-Mail Address:

Checking the items below indicates your compliance with the following regulations and statutes:

☐ **Federal, State and Local Requirements:** The charter school building meets health and safety codes per Minnesota Statutes, section 124D.10, Subdivision 8, which states in part, "A charter school shall meet all federal, state, and local health and safety requirements applicable to school districts." (See Attachment D). View the Minnesota Statutes, section 124D.10, Subdivision 8.

☐ **Building Lease Aid:** Minnesota Statutes, section 124D.11, Subdivision 4, states, in part, "A charter school must not use the building lease aid it receives for custodial, maintenance service, utility, or other operating costs." View Minnesota Statutes, section 124D.11, Subdivision 4.

☐ **Disabled Accessibility:** The charter school administration and school board are aware of the requirements of Title II of the American with Disabilities Act (ADA) and will comply with those requirements.

☐ **Lease is not with a Related Party:** The charter school leases property from a non-profit corporation under chapter 317A or a cooperative under chapter 308A or leases property from a for-profit organization where there are no related party affiliations as defined in Minnesota Statutes, section 124D.10, Subdivision 23a:

(a) A charter school is prohibited from entering a lease of real property with a related party unless the lessor is a nonprofit corporation under chapter 317A or a cooperative under chapter 308A, and the lease cost is reasonable under section 124D.11, subdivision 4, clause (1).

(b) For purposes of this section and section 124D.11:

(1) "related party" means an affiliate or immediate relative of the other party in question, an affiliate of an immediate relative, or an immediate relative of an affiliate;

(2) "affiliate" means a person that directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with another person;

(3) "immediate family" means an individual whose relationship by blood, marriage, adoption, or partnering is no more remote than first cousin;

(4) "person" means an individual or entity of any kind; and

(5) "control" means the ability to affect the management, operations, or policy actions or decisions of a person, whether through ownership of voting securities, by contract, or otherwise.

(c) A lease of real property to be used for a charter school, not excluded in paragraph (a), must contain the following statement: "This lease is subject to Minnesota Statutes, section 124D.10, subdivision 23a."

(d) If a charter school enters into as lessee a lease with a related party and the charter school subsequently closes, the commissioner has the right to recover from the lessor any lease payments in excess of those that are reasonable under section 124D.11, subdivision 4, clause (1).

School districts are neither non-profits nor cooperatives, and therefore do not fall under this exception and are ineligible to rent to schools for which they authorize. This prohibition does not prevent school districts from renting to charter schools for which they are not the authorizer.

☐ **Fire Code Compliance:** The charter school has been inspected by the Minnesota State Fire Marshall or its local designee within the last 3 years for compliance with the Minnesota State Fire Code for Educational Occupancy and has an inspection report showing that any outstanding violations discovered during the initial inspection have been remedied.

I hereby verify the information provided in Part one of the FY 2015 Charter School Lease Aid Certification Form to be true and correct.

Name of Person Preparing Form	Signature of Person Preparing Form	Date
Name of Board Chair	Signature of Board Chair	Date

FY 2015 CHARTER SCHOOL LEASE AID CERTIFICATION FORM – PART Two

Charter School Name:	Charter School Number:
Approved FY 2015 Authorizer:	Building Owner:

Lease Information

Square Footage:	
Total July 1, 2014 through June 30, 2015 sum certain lease cost:	

Questions	Enter Yes or No
Is the lessor an affiliated nonprofit building corporation?	
If yes, what date was the non-profit affiliated building corporation formed?	
If yes, what date was the lease agreement with the non-profit affiliated building corporation last modified?	
Does the non-profit affiliated building corporation own the facility?	
Are any custodial, maintenance services, utility or other operating costs included in the base lease payments to be made to the landlord in FY 2015?	
If yes, provide a list of the purposes and amounts:	
Will additional payments other than the base lease payments be made to the landlord in FY 2015 (e.g., custodial services, utilities, insurance premiums, management fees)?	
If yes, provide a list of the purposes and amounts:	
Will additional payments for property taxes be made to the landlord in FY 2015? Charter schools must code all eligible lease aid expenditures including any additional rent payments for property taxes (excluding special assessments) to Program Code 850, Finance Code 348, and Object Code370.	
Is the charter school currently delinquent with any lease payments? If yes, attach a list of the due dates, amounts owed, and payee(s).	

Questions	Enter Yes or No
An escape clause and sum certain calculation as defined in Minnesota Statutes, section 124D.11, Subdivision 4 has been written into the lease.	
Does the charter school have programs which serve pre-kindergarten children?	
If yes, are programs instructional? ***Note: Please clearly identify the space used, square footage and time usage for these programs.***	

I hereby verify the information provided in Part two of the FY 2015 Charter School Lease Aid Certification Form to be true and correct.

Name of Person Preparing Form	Signature of Person Preparing Form	Date
Name of Board Chair	Signature of Board Chair	Date

FY 2015 CHARTER SCHOOL LEASE AID CERTIFICATION FORM – PART Three

BOARD MEMBER CERTIFICATION
FOR LEASES WITH A FOR-PROFIT LESSOR
ENTERED INTO OR MOST RECENTLY MODIFIED
ON OR BEFORE AUGUST 1, 2009

List the lease agreement(s) covered by this certification; include the building address and the name of the lessor.

Lessor 1: _____

Lessor 2: _____

Lessor 3: _____

Lessor 4: _____

Lessor 5: _____

_____
Print Name of Charter School Board Member

I hereby certify that I am not an employee or agent of, or a contractor with, the charter school's above-named for-profit lessor(s), listed above as number(s) _____

_____ _____
Charter School Board Member Signature Date

FY 2015 CHARTER SCHOOL LEASE AID CERTIFICATION FORM – PART Three

BOARD MEMBER CERTIFICATION
FOR LEASES WITH A NON-PROFIT LESSOR
ENTERED INTO OR MOST RECENTLY MODIFIED
ON OR BEFORE AUGUST 1, 2009

List the lease agreement(s) covered by this certification; include the building address and the name of the lessor.

Non-profit Lessor 1: _____

Non-profit Lessor 2: _____

Non-profit Lessor 3: _____

Non-profit Lessor 4: _____

Non-profit Lessor 5: _____

_____

CHECK ONLY ONE OF THE FOLLOWING STATEMENTS:

☐ I hereby certify **I am not** an employee or agent of, or a contractor with, or a board member of, the charter school's non-profit lessor(s), listed above as number(s) _____.

☐ I hereby certify that **I am** an employee or agent of, or a contractor with, or a board member of, the charter school's non-profit lessor(s), listed above as number(s) _____, and that I hereby disclose such conflict(s) to the commissioner. Please note that disclosing these conflicts does not necessarily negate any conflicts of interest that may be present under Minnesota's non-profit law, Minnesota Statutes chapter 317A. Complete the disclosure below

_____ _____

Disclosure for board members who are an employee or agent of, or a contractor with, or a board member of, the charter school's non-profit lessor(s).

FY 2015 CHARTER SCHOOL LEASE AID CERTIFICATION FORM – PART Three

BOARD MEMBER CERTIFICATION
FOR LEASES ENTERED INTO OR LAST MODIFIED
AFTER AUGUST 1, 2009

List the lease agreement(s) covered by this certification; include the building address and the name of the lessor.

Lessor 1: _____

Lessor 2: _____

Lessor 3: _____

Lessor 4: _____

Lessor 5: _____

_____
Print Name of Charter School Board Member

I hereby certify that neither I, nor my immediate family member, nor my partner, is an owner, employee or agent of, or a contractor with, the above named lessor(s) (Minn. Stat. § 124D.10, Subd. 4a).

I also hereby certify that if I, or an immediate family member, or my partner, has a financial or other interest in the above named lessor(s), I have not participated in selecting, awarding or administering the above named lease agreement(s) (Minn. Stat. § 124D.10, subd. 4a).

_____ _____
Charter School Board Member Signature Date

FY 2015 CHARTER SCHOOL LEASE AID CERTIFICATION FORM – PART Four

Charter School Assurances

[1] I assure that _____ charter school has looked for facilities that comply with Minnesota Statutes, section 124D.10 Subdivision 17 and Subdivision 8(a).

If the lease is with a sectarian organization:

a. Identify any involvement of any of the charter school's directors, administrators, or teachers in the sectarian organization.

b. Identify any telephone or fax numbers, e-mail addresses, employer identification numbers, and employees that the charter school shares with the sectarian organization.

c. Identify and describe any activities by the sectarian organization in support of your school, including but not limited to fundraising, student recruitment, promotion, any claimed affiliation with your school and sponsorship of school programs or events.

[2] I assure that _____ charter school has taken steps to maintain nonsectarian school facilities in compliance with Minnesota Statutes, section 124D.10, Subdivision 8(d), such that there are no religious texts, symbols, quotations, or objects displayed in school facilities on school days.

a. If religious texts or multiple substantive quotations from religious texts are used in any classes or teaching materials other than in survey classes that teach about multiple religions, describe the texts or materials and quotations.

b. Describe all prayers, calls to prayers, invocations, readings of religious texts, and religious greetings that have been delivered in connection with school activities.

[3] I assure that if _____ charter school allows religious or other activities on school property during non-instructional time, there is a board adopted policy allowing equal access to all groups and that such access otherwise complies with Minnesota Statutes, section 124D.10, Subdivision 8(d).

_____

_____ _____

Attachment A

GENERAL FUND BUDGET – FY 2015

Charter School Name: _____ Charter School Number: _____

Average Daily Membership (ADM): _____ Pupil Units: _____

REVENUES:	**AMOUNT**
General Education Aid	
Title Programs	
Lease Aid	
Special Education	
Other (List)	
TOTAL REVENUES	

EXPENDITURES	**AMOUNT**	**FTE**
Administrative Salary and Benefits		
Instructional Salary and Benefits		
Non-Instructional Salary and Benefits		
Custodial/Maintenance Salary and Benefits		
Other Salary and Benefits		
Utilities		
Property Taxes		
Building Maintenance and Repair		
Building Lease		
Transportation		
All Other Purchased Services		
Supplies and Materials		
Capital Expenditures		
All Other Expenditures		
TOTAL EXPENDITURES		
Revenue Less Expenditures		
Beginning Fund Balance		
ENDING FUND BALANCE		

Attachment B

LEASE AID

The Minnesota Department of Education's (MDE) Division of School Finance has received many questions about the timing of lease aid payments. The payment system does not pay each categorical aid (general education, special education and lease aid) equally with each payment. Since lease aid is part of the metering system, this means that the total amount of cash received each pay period is based on all metered payments, no matter from what program you are receiving the payment. If the charter school did not have lease aid, its total payment would be smaller. By June 30, 2015, MDE will have paid 90 percent of each program's FY 2015 state aid entitlement. See "amount payable, current account" column on the IDEAS State Aids Combined Payment report on the Minnesota Funding Reports (MFR) System located on the MDE website. The balance of 10 percent of final FY 2015 state aid entitlements will be paid in FY 2016.

The bottom line is that schools are receiving total payments which reflect entitlements, including lease aid; however, **each payment is not specifically categorized as lease aid on an equal basis.** Again, some future payments will reflect lease aid categorical payments and by year end, the full lease aid entitlement will be paid out.

If the charter school's Current Account Part one page of the IDEAS State Aids Combined Payment report shows no entitlement for lease aid, that means a lease aid application for the current year has not been approved; contact Shannon Grindell at 651-582-8396. For further information regarding the payment process, please contact Ann VanDiest at 651-582-8745.

ATTACHMENT C

Minnesota Statutes Governing Charter School Lease Aid

The sections of Minnesota Statutes cited below govern the Minnesota Department of Education's administration of charter school lease aid. All charter school building leases and lease aid applications will be reviewed for compliance with these statutory requirements.

1. View Minnesota Statutes, section 124D.11, Subdivision 4.

Subd. 4. ***Building lease aid.***
(a) When a charter school finds it economically advantageous to rent or lease a building or land for any instructional purposes and it determines that the total operating capital revenue under section 126C.10, subdivision 13, is insufficient for this purpose, it may apply to the commissioner for building lease aid for this purpose. The commissioner must review and either approve or deny a lease aid application using the following criteria:
(1) the reasonableness of the price based on current market values;
(2) the extent to which the lease conforms to applicable state laws and rules; and
(3) the appropriateness of the proposed lease in the context of the space needs and financial circumstances of the charter school. The commissioner must approve aid only for a facility lease that has (i) a sum certain annual cost and (ii) an escape clause the charter school may exercise if its charter contract is terminated or not renewed.
A charter school must not use the building lease aid it receives for custodial, maintenance service, utility, or other operating costs.
(b) The amount of annual building lease aid for a charter school shall not exceed the lesser of (1) 90 percent of the approved cost or (2) the product of the pupil units served for the current school year times $1,314.

2. View Minnesota Statutes, section 124D.10, Subdivision 4a.

Subd. 4a. ***Conflict of interest.***
(a) An individual is prohibited from serving as a member of the charter school board of directors if the individual, an immediate family member, or the individual's partner is a full or part owner or principal with a for-profit or nonprofit entity or independent contractor with whom the charter school contracts, directly or indirectly, for professional services, goods, or facilities. An individual is prohibited from serving as a board member if an immediate family member is an employee of the school. A violation of this prohibition renders a contract voidable at the option of the commissioner or the charter school board of directors. A member of a charter school board of directors who violates this prohibition is individually liable to the charter school for any damage caused by the violation.
(b) No member of the board of directors, employee, officer, or agent of a charter school shall participate in selecting, awarding, or administering a contract if a conflict of interest exists. A conflict exists when:
(1) the board member, employee, officer, or agent;
(2) the immediate family of the board member, employee, officer, or agent;
(3) the partner of the board member, employee, officer, or agent; or
(4) an organization that employs, or is about to employ any individual in clauses (1) to (3),

has a financial or other interest in the entity with which the charter school is contracting. A violation of this prohibition renders the contract void.
(c) Any employee, agent, or board member of the authorizer who participates in the initial review, approval, ongoing oversight, evaluation, or the charter renewal or nonrenewal process or decision is ineligible to serve on the board of directors of a school chartered by that authorizer.
(d) An individual may serve as a member of the board of directors if no conflict of interest under paragraph (a) exists.
(e) The conflict of interest provisions under this subdivision do not apply to compensation paid to a teacher employed as a teacher by the charter school or a teacher who provides instructional services to the charter school through a cooperative formed under chapter 308A when the teacher also serves on the charter school board of directors.

.

3. View Minnesota Statutes section 124D.10, Subdivision 8.

*Subd. 8.**Federal, state, and local requirements.***
(a) A charter school shall meet all federal, state, and local health and safety requirements applicable to school districts…..

Note: A partial listing of such requirements is provided for your information in Attachment D. To ensure that students, staff, parents and guests across the state have safe and appropriate public school buildings, the Department of Education charter school lease aid eligibility criteria require that the leased facility must be:

- Inspected as a public school and be certified by the state or local building official for Educational Group E occupancy;
- Inspected by the State Fire Marshall or by a designee approved by the State Fire Marshall's office to inspect public schools. Any violations found in the initial inspection must be remedied within the prescribed timeframes as indicated on the inspection report.

4. View Minnesota Statutes section 124D.10, Subdivisions 17 and 17a.

*Subd. 17.**Leased space.***
A charter school may lease space from an independent or special school board, other public organization, private, nonprofit nonsectarian organization, private property owner, or a sectarian organization if the leased space is constructed as a school facility. The department must review and approve or disapprove leases in a timely manner for purposes of determining eligibility for lease aid under section.

*Subd. 17a.**Affiliated nonprofit building corporation.***
(a) Before a charter school may organize an affiliated nonprofit building corporation (i) to renovate or purchase an existing facility to serve as a school or (ii) to expand an existing building or construct a new school facility, an authorizer must submit an affidavit to the commissioner for approval in the form and manner the commissioner prescribes, and consistent with paragraphs (b) and (c) or (d).
(b) An affiliated nonprofit building corporation under this subdivision must:
(1) be incorporated under section 317A;

(2) comply with applicable Internal Revenue Service regulations, including regulations for "supporting organizations" as defined by the Internal Revenue Service;
(3) submit to the commissioner each fiscal year a list of current board members and a copy of its annual audit; and
(4) comply with government data practices law under chapter 13.
An affiliated nonprofit building corporation must not serve as the leasing agent for property or facilities it does not own. A charter school that leases a facility from an affiliated nonprofit building corporation that does not own the leased facility is ineligible to receive charter school lease aid. The state is immune from liability resulting from a contract between a charter school and an affiliated nonprofit building corporation.
(c) A charter school may organize an affiliated nonprofit building corporation to renovate or purchase an existing facility to serve as a school if the charter school:
(1) has been operating for at least five consecutive school years;
(2) has had a net positive unreserved general fund balance as of June 30 in the preceding five fiscal years;
(3) has a long-range strategic and financial plan;
(4) completes a feasibility study of available buildings;
(5) documents enrollment projections and the need to use an affiliated building corporation to renovate or purchase an existing facility to serve as a school; and
(6) has a plan for the renovation or purchase, which describes the parameters and budget for the project.
(d) A charter school may organize an affiliated nonprofit building corporation to expand an existing school facility or construct a new school facility if the charter school:
(1) demonstrates the lack of facilities available to serve as a school;
(2) has been operating for at least eight consecutive school years;
(3) has had a net positive unreserved general fund balance as of June 30 in the preceding five fiscal years;
(4) completes a feasibility study of facility options;
(5) has a long-range strategic and financial plan that includes enrollment projections and demonstrates the need for constructing a new school facility; and
(6) has a plan for the expansion or new school facility, which describes the parameters and budget for the project.

5. View Minnesota Statutes section 124D.10, Subdivision 23a.

*Subd. 23a.**Related party lease costs.***
(a) A charter school is prohibited from entering a lease of real property with a related party unless the lessor is a nonprofit corporation under chapter 317A or a cooperative under chapter 308A, and the lease cost is reasonable under section 124D.11, subdivision 4, clause (1).
(b) For purposes of this section and section 124D.11:
(1) "related party" means an affiliate or immediate relative of the other party in question, an affiliate of an immediate relative, or an immediate relative of an affiliate;
(2) "affiliate" means a person that directly or indirectly, through one or more intermediaries, controls, is controlled by, or is under common control with another person;
(3) "immediate family" means an individual whose relationship by blood, marriage, adoption, or partnering is no more remote than first cousin;
(4) "person" means an individual or entity of any kind; and

(5) "control" means the ability to affect the management, operations, or policy actions or decisions of a person, whether through ownership of voting securities, by contract, or otherwise.
(c) A lease of real property to be used for a charter school, not excluded in paragraph (a), must contain the following statement: "This lease is subject to Minnesota Statutes, section 124D.10, subdivision 23a."
(d) If a charter school enters into as lessee a lease with a related party and the charter school subsequently closes, the commissioner has the right to recover from the lessor any lease payments in excess of those that are reasonable under section 124D.11, subdivision 4, clause (1).

Attachment D

PARTIAL LISTING OF STATE, LOCAL AND FEDERAL

HEALTH AND SAFETY LAWS. NOTE: This list is provided for information only and contains some, but not all federal, state and local health and safety laws. Compliance with the items listed does not fully guarantee that a school has met all federal, state and local health and safety laws as required under MN Statutes, section 124D.10, Subdivision 8.

Asbestos

- Identify current designated person; ensure designated person is AHERA trained.
- If the designated person is not a district employee, identify local contact person representing school.
- Review and update existing asbestos management plan.
- Develop and disseminate annual written notification.
- Provide 14-hour maintenance/custodial operations and maintenance training.
- Establish a general work order system and asbestos work order system.
- Establish work practice standard operating procedures.
- Establish emergency response procedures.
- Establish respiratory protection program component for asbestos.
- Provide six-month periodic surveillance of asbestos.
- Maintain and update the asbestos inventories.
- Maintain all records of asbestos events, per the Occupational Safety and Health Administration (OSHA) and Asbestos Hazard Emergency Response Act (AHERA).
- Establish and implement medical monitoring and surveillance program.
- Schedule response action implementation.
- Provide liaison with project designer for projects which exceed three feet.
- Provide and post hazardous warning labels in routine maintenance areas.
- Provide two-hour asbestos awareness training, necessary for all maintenance/custodial persons.
- Perform three year re-inspection no later than July 2013.
- Review program and obtain school board approval at least annually.

Accident and Injury Reduction Program: Model AWAIR Program for Minnesota Schools

- Develop and implement a written management plan for accident and injury reduction – A Workplace Accident and Injury Reduction (AWAIR).
- Develop procedures that outline how managers, supervisors and employees are responsible for implementing the written program and how continued participation of management will be established, measured, and maintained.
- Identify school district contact person(s) for accident and injury reduction program.
- Review written plan as needed, and update (at least annually).
- Develop and implement a written plan for OSHA-mandated safety committees.
- Conduct safety committee meetings, at least quarterly, to identify and eliminate workplace safety hazards.
- Develop and document methods used to identify, analyze, and control new or existing hazards.

- Identify and document methods of how the plan will be communicated to all affected employees so that they are informed of work-related hazards and controls. Develop and document procedures for investigation of workplace accidents and corrective action.
- Develop and document procedures that outline how safe work practices and rules will be enforced.
- Review program and obtain school board approval at least annually.

Bloodborne Pathogen Standard – Exposure Control Plan

- Develop and implement a bloodborne pathogen-exposure control plan encompassing OSHA standard 29 Code of Federal Regulations (CFR) 1910.1030.
- Identify school district contact person(s) as the exposure control officer(s).
- Review written plan, as needed, and update (at least annually).
- Survey the facility to identify job categories in which employees may be at risk to exposure (Exposure Control Plan exposure determination). **Document this process.**
- Provide Hepatitis B vaccinations to **eligible** employees that have an anticipated risk of exposure, not all school employees.
- Train affected employees on proper specific and universal precaution methods and techniques.
- Determine valid exposure incidents. Record and report on *First Report of Injury* for proper insurance treatment.
- Evaluate bloodborne pathogen recordkeeping products and procedures.
- Respond to regulatory agency correspondence, guidelines and recommendations.
- Monitor or provide updates on regulatory changes and new developments.
- Review program and obtain school board approval at least annually.
- For employees identified because they are first-aid responders, ensure these individuals are provided first-aid training (Red Cross training recommended).
- Develop and implement program to provide exposure control kits (e.g., gloves, masks, gowns). Kits are eligible for health and safety funding, but as a separate project.
- Pre- or post-exposure evaluation is an approved expenditure under health and safety, to the extent of determining if a person is or is not infected, and the type of the disease(s) (e.g., human immunodeficiency virus (HIV), hepatitis B virus (HBV) and hepatitis C virus (HCV)).

Community Right-to-Know

- Develop and implement a written management plan for community right to know (CRTK).
- Identify school district contact person(s) for community right-to-know.
- Review written plan, as needed, and update at least annually.
- Survey facility for hazardous materials in reportable quantities.
- Develop and maintain hazardous materials collection and storage procedures.
- Review invoices of CRTK-reportable materials for quantity verification.
- Initiate in-house reporting procedure(s).
- Prepare notification correspondence/reports to state emergency response commission and local emergency planning committee (frequently the district's local fire department).
- Train affected employees. Provide annual training.
- Develop and implement CRTK-recordkeeping procedures.
- Respond to regulatory agency correspondence, guidelines and recommendations (i.e., Minnesota Emergency Response Commission).

- Provide updates on regulatory changes and new developments.
- Review program and obtain school board approval at least annually.

Compressed Gas

- Develop a written compressed gas plan encompassing OSHA standard 29 CFR 1910.101.
- Identify school district contact person(s) for compressed gas.
- Review written plan, as needed, and update at least annually.
- Survey the facility to determine compressed gas applications.
- Review current compressed gas safety procedures.
- Identify compressed gas toxic and physical hazards.
- Evaluate compressed gas application to determine if confined space rules apply.
- Determine need for metering equipment/supplies (i.e., CO, CO2, O2, SO2, and H2S).
- Train affected employees on proper compressed gas methods and techniques.
- Monitor compressed gas recordkeeping procedures.
- Respond to regulatory agency correspondence, guidelines and recommendations.
- Monitor or provide updates on regulatory changes and new developments.
- Review program and obtain school board approval at least annually.

Confined Space Standard

- Develop and implement a written management plan for confined spaces encompassing the OSHA standard 29 CFR 1910.146.
- Identify school district contact person(s) for confined spaces.
- Review written plan, as needed, and update at least annually.
- Identify confined space entry hazards. Survey the facility to determine all permit and non-permit confined spaces.
- Review current Confined Space Entry Procedures (CSEP).
- Procure and use proper ventilation, communication, personal protective and gas testing equipment, as needed (identify equipment as separate health and safety projects).
- Train affected employees on proper Confined Space Entry methods and techniques.
- Develop and maintain confined spaces recordkeeping procedures.
- Evaluate confined space recordkeeping products and procedures.
- Respond to regulatory agency correspondence, guidelines and recommendations.
- Monitor or provide updates on regulatory changes and new developments.
- Review program and obtain school board approval at least annually.

Electrical Safety 29 CFR 1910.301-.308 and 1910.331-.335

- Written plan.
- Contact person.
- Provide training to employees.
- Select and use safe work practices.
- Determine safe use of equipment.
- Provide for protective equipment (contact OSHA for more information).
- Provide training to employees.
- Recordkeeping.

- Annual review.

Many incidents of electric shock occur in schools each year.

Emergency Action Plan

- Develop and implement written management plans for each school for each type of emergency: fire, utility disaster and natural disaster. Violence prevention planning is not supported under health and safety, per Minnesota Statutes, section 123B.57 subd. (6)(b).
- Identify school district contact person(s) for each emergency plan.
- Survey the facility to determine the facility's ability to provide safe egress or safe shelter.
- Develop emergency action plan procedures and routes per OSHA standard 29 CFR 1910.38.
- Post evacuation or shelter routes and locations, in each classroom, office or assembly area.
- Route(s) should be shown drawn on 8 x 11 scale building map, preferably color-coded.
- Train affected employees.
- Review written plan, as needed, and update at least annually.
- Develop and implement written recordkeeping procedures.
- Respond to regulatory agency correspondence, guidelines and recommendations, guidelines and recommendations.
- "...Cooperate with local government authorities to ensure the preparation of plans for the protection of students in an emergency. These plans should include sheltering students in schools, or evacuating them to their homes, as well as using the schools as congregate care centers in support of emergency operations" – Minnesota Executive Order 93-27.
- Review program and obtain school board approval at least annually.

Employee Right-to-Know – Hazard Communication

- Develop and implement a written management plan for Minnesota Employee Right-to-Know (ERTK), in compliance with 29 CFR 1910.1200, and Minnesota Rule 5206.700.
- Identify school district contact person(s) for ERTK.
- Review written plan, as needed, and update at least annually.
- Identify hazard communications functional areas (e.g., kitchen, shops, art, maintenance).
- Survey the facility to identify chemical, heat, noise, radiation and infectious agents hazards. Review at least annually.
- Manage Material Safety Data Sheet (MSDS) acquisition, compilation and distribution. Ideally, MSDS would be available in each affected department.
- Perform chemical inventory. Update at least annually. Ideally, chemical inventory would be available with MSDSs in each affected department.
- Monitor use and markings on secondary-use containers.
- Ensure placement of ERTK Minnesota-approved posters.
- Review and update current ERTK standard operating procedures.
- Perform initial and annual functional area training.
- Provide all recordkeeping activities and procedures.
- Respond to regulatory agency correspondence, guidelines and recommendations.
- Monitor or provide updates on regulatory changes and new developments.
- Review program and obtain school board approval at least annually.

First Aid/CPR/AED (*Note:* AED refers to Automatic External Defibrillator)

- Develop and implement a Written Management plan for First Aid/CPR/AED*.
- Identify school district contact person(s) for First Aid/CPR/AED. Contracting for services is not fundable.
- Determine time for arrival of first aid providers (outside and in-house). Per OSHA CPL 2-2.53, first aid must be available within eight minutes from any site, including travel time.
- Review written plan, as needed, and update at least annually.
- Survey facility for First Aid/CPR/AED needs.
- Provide First Aid/CPR/AED training as required.
- Develop and implement program to provide emergency first-aid kits. Kits and replacement supplies for the emergency kits are eligible for health and safety funding, but not first-aid medical supplies in general.
- Review program and obtain school board approval at least annually.

Food Safety Inspection-Certification

- Develop policies and procedures to support the Minnesota Food Code rule.
- Identify school district contact person (certified food manager) who demonstrates knowledge of the Minnesota Food Code.
- Review updates on regulatory standards and reporting requirements.
- Identify critical areas and use a systems approach with Hazardous Analysis Critical Control Points (HACCP).
- Respond to regulatory agency correspondence.
- Provide annual training.
- Review program and obtain school board approval at least annually, per Minnesota Statutes, section 123B.57.

Forklift Safety 29 CFR 1910.178

- Develop and implement a written plan.
- Identify contact person.
- Maintain inventory forklifts.
- Identify employees who operate forklifts and provide required training.
- Conduct carbon monoxide monitoring (Minn. R. 5205.0116) in space and tailpipe emissions for non-battery operated forklifts.
- Inspect forklifts and provide for all safety equipment required.

Hazardous Waste

- Develop and implement a written management plan for hazardous waste. These are defined as wastes, which are toxic, combustible, corrosive or reactive.
- Identify school district contact person(s) for hazardous waste.
- Review written plan, as needed, and update at least annually.
- Identify facility hazardous waste streams by functional areas and by waste stream types.
- Examine facility hazardous waste product generation potential.
- Identify actions that minimize or eliminate hazardous waste generation.
- Develop containerization and labeling procedures.
- Review current handling and storage procedures.

- Implement proper waste disposal procedures. Complete disposal manifests.
- Acquire Environmental Protection Agency (EPA) generator number and Minnesota Pollution Control Agency (MPCA) annual permit for each building generating hazardous waste.
- Train affected employees. Provide annual training according to Very Small Quantity Generator (VSQG) or Small Quantity Generator (SQG) criteria.
- Monitor or provide updates on regulatory changes and new developments. Review updates on regulatory standards, reporting requirements and new developments.
- Develop and implement written recordkeeping procedures and maintain all compliance documentation.
- Evaluate boiler and other stack emissions to air with respect to current MPCA stack emissions standards.
- Review program and obtain school board approval at least annually.

Hearing Conservation

- Develop and implement a written management plan for hearing conservation per 29 CFR 1910.95.
- Identify school district contact person(s) for hearing conservation.
- Review written plan, as needed, and update at least annually.
- Identify hearing conservation hazards. Survey the facility to determine all noise hazards.
- Develop, implement and monitor good hearing conservation practices and procedures.
- Train affected employees on proper hearing conservation methods and techniques.
- Provide audiometric testing for employees with an eight-hour, time-weighted average exposure of 85dB or more.
- Respond to regulatory agency correspondence, guidelines and recommendations.
- Monitor or provide updates on regulatory changes and new developments.
- Review program and obtain school board approval at least annually.

Hoist Lift Minnesota Rules 5205.1200

- Develop and implement a written plan.
- Identify contact person.
- Maintain inventory of hoists rated one ton or less and backhoes.
- Inspect and document inspection on listed equipment initially for compliance with the regulation.
- Conduct daily to monthly inspections (depending on use).
- Ensure safety latches are provided on all hoist hooks used on hoist.
- Provide training to employees.
- Recordkeeping.
- Collect annual review.

Indoor Air Quality (IAQ)

- Develop and implement a written management IAQ, encompassing the U.S. EPA “Tools for Schools.”
- Identify school district IAQ coordinator for indoor air quality.
- Survey, identify and document situations and work practices that require indoor air quality remediation.
- Training of employees and building occupants toward optimum indoor air quality.
- Develop, document and monitor plan compliance with recordkeeping procedures.

- Respond to regulatory agency correspondence, guidelines and recommendations.
- Monitor or provide updates on regulatory changes and new developments.
- Review program and obtain school board approval at least annually.

Infectious Waste (exclusive of Bloodborne Pathogens, if any)

- Develop and implement a written management plans for infectious waste, if any (note: blood or other potentially infectious materials are covered under Bloodborne Pathogen).
- Identify school district contact person(s) for infectious waste management.
- Identify sources of infectious waste in each facility.
- Review current infectious waste handling procedures.
- Review current internal traffic procedures.
- Review current external transportation/disposal of infectious waste.
- Evaluate current infectious waste recordkeeping products and procedures (including archiving).
- Respond to regulatory agency correspondence, guidelines and recommendations, guidelines and recommendations.
- Provide updates on regulatory changes and new developments.
- Provide annual training.
- Review program and obtain school board approval at least annually.

Integrated Pest Management (IPM) Parental Notification Minnesota Statutes, section 121A.30

- **Integrated Pest Management Definition**. A pest control that emphasizes using a balanced combination of tactics (cultural, mechanical, biological, chemical) to reduce pests to tolerable levels while using pesticides as a last resort to minimize health and environmental risks.
- **Notice**. Requires that a public or non-public school (excluding home schools) planning to apply a pesticide that is a toxic category I, II or III product, classified by U.S. EPA, or a restricted-use pesticide, as designated by federal law, on school property, must provide a notice to parents and employees.
- **School Handbook or Statement of Policies**. In addition to the notice described above, a school that is required to provide a notice shall include in the official school handbook or policy guide a section informing parents that an estimated schedule of applications of pesticides is available for review or copying. A parent may also receive prior notice of each application if requested.
- **Notification for Individual Parents**. Allows a parent to request individual notice of pesticide application on a day different from the days specified in the notice. Prior to applying pesticides, a school must give reasonable notice to a parent requesting such notice.
- **Integrated Pest Management Plan**. Permits each school board to notify students, parents and employees that it has adopted an integrated pest management plan designed to minimize the risk to human health and the environment to reduce the use of chemical pesticides.
- **Pesticides and Pests Defined**. “Pesticide” has the meaning given it in Minnesota Statutes, section 18B.01, subd. 18, except that it does not include any disinfectants, sanitizers, deodorizers, or antimicrobial agents used for general cleaning purposes. “Pest” has the meaning given it in Minnesota Statutes, section 18B.01, subd. 17.

Laboratory Safety Standard - Chemical Hygiene Plan (mandatory where science labs exist)

- Develop and implement a Chemical Hygiene Plan (CHP) for all laboratories, per OSHA under the Laboratory Safety Standard, 29 CFR 1910.1450.
- Identify school district chemical hygiene officer to administer the plan (mandatory).
- Review written plan, as needed, and update at least annually.
- Survey labs to identify potential chemical exposure hazards.
- Review current Chemical Hygiene Plan standard operating procedures.
- Evaluate chemicals against lab projects for necessary acquisition and quantities. Consider disposal of non-essential chemicals.
- Develop and document routine chemical handling, bulk dispensing procedures, storage and disposal procedures.
- Evaluate engineering controls (e.g., ventilation, chemical storage).
- Train affected employees on proper Chemical Hygiene Plan methods and techniques.
- Develop and document laboratory safety recordkeeping procedures.
- Respond to regulatory agency correspondence, guidelines and recommendations.
- Monitor or provide updates on regulatory changes and new developments.
- Complete fume hood/exhaust ventilation survey. Post results on hood.
- Review program and obtain school board approval at least annually.

Lead in Water

- Develop and implement a written management plan for all drinking water taps.
- Identify school district contact person(s) for lead in drinking water.
- Implement MDH *Lead in School Drinking Water Guidance Manual* provisions.
- Survey each facility to determine the facility's drinking water taps and fixtures. ***Note:*** Actual testing shall be identified as a separate project.
- Conduct water sampling as provided for under MDH and U.S. EPA rules and guidelines.
- Ensure replacement faucets and hardware meet current National Sanitation Foundation (NSF) lead-free criteria.
- Review updates on regulatory standards, reporting requirements and new developments.
- Maintain all compliance documentation.
- Provide all recordkeeping activities.
- Train affected employees.
- Review written plan, as needed, and update at least annually.

Lockout/Tagout

- Develop and implement a written management plan for lockout/tagout, encompassing OSHA standard 29 CFR 1910.147.
- Identify school district contact person(s) for lockout/tagout.
- Review written plan, as needed, and update at least annually.
- Survey the facility to identify energy potential physical hazards that require lockout/tagout.
- Review current lockout/tagout procedures.
- Train affected employees on proper lockout/tagout methods and techniques.
- Identify and procure lockout/tagout locks, tags and other devices.

- Evaluate lockout/tagout recordkeeping products and procedures.
- Respond to regulatory agency correspondence, guidelines and recommendations.
- Monitor or provide updates on regulatory changes and new developments.
- Review program and obtain school board approval at least annually.

Machine Guarding

- Identify machine guarding contact person by name.
- Develop a written machine-guarding (shop) plan for each area where fixed machines are used.
- Safeguard shop equipment per machine shop and guarding best practices manual. Shop equipment not safeguarded should be scheduled for proper safeguarding or replaced.
- Provide and document annual training for affected employees.
- Maintain a written preventative maintenance program to machine guarding in proper repair and order developed.
- Provide power outage protection for all required equipment.
- Provide emergency stops for all required equipment.
- Provide proper guards for all equipment.
- Require safe work practice placards for all equipment.
- Color-code all equipment.
- Used good bid specification criteria for procurement of all future equipment.
- Identify a specific person, trained and certified, must be as the shop equipment coordinator to obtain health and safety funding.
- Provide non-slip surface by each piece of equipment.
- Secure fixed equipment to prevent walking or moving.
- Keep a log each of shop or area of employee and student accidents and injuries so that shop improvements can be determined. Corrective action as needed based on accident reports and near misses should be taken.
- Review school board the program annually.

Mercury – (*Note:* that the below listed physical items are not fundable under Health and Safety, only the management of this topic is fundable)

CERTAIN MERCURY USE IN SCHOOLS PROHIBITED.

Minnesota Statutes, section 121A.33 states that after December 31, 2007, schools (as defined in section 120A.22, Subdivision 4), excluding home schools, shall not:

1) purchase or use elemental mercury for any purpose; and,
2) purchase or use an instrument of measurement that contains mercury, including, but not limited to, a thermometer, barometer, or sphygmomanometer, or a manometer containing mercury.

After December 31, 2009, a school shall not:

1) store elemental mercury for any purpose; and,
2) store an instrument of measurement that contains mercury, including, but not limited to, a thermometer, barometer, sphygmomanometer, or a manometer containing mercury.

This does not apply to thermostats for heating, ventilation, and air conditioning in the school.

OSHA Inspections

- Participate in OSHA review of facility and provide management activity for programs.
- Participate in MDE management assistance mock-OSHA review of facility and management programs. District response to this report is required.
- Work with third-party inspectors such as insurance groups.
- View General Industry OSHA standards (http://www.osha.gov/) choose “Regulations/Standards” button.

Personal Protection Equipment

- Develop and implement written personal protective equipment plan, in compliance with 29 CFR 1910.132-138. Specific organs targeted for protection are hands, feet and face.
- Identify school district contact person(s).
- Review written plan, as needed, and update (at least annually).
- District must survey the facility to identify unsafe, hazardous processes to hands, feet and face, per standards.
- Perform initial and annual functional area training.
- Provide personal protective equipment as deemed appropriate for the identified hazards.
- Monitor usage, storage and maintenance practices of employees to ensure adequacy of program.
- Provide all recordkeeping activities and procedures.
- Respond to regulatory agency correspondence, guidelines and recommendations.
- Review program and obtain school board approval at least annually.

Playground Safety

- Develop and implement written management plans for each playground.
- Identify school district contact person(s) for each playground.
- Conduct periodic site review and management plan and update at least annually.
- Present program review to school board at least annually.
- Conduct audit of district outdoor playground facilities for purpose of identifying equipment and site-related hazards referenced in the Consumer Products Safety Commissioner’s (CSPC) current guidelines. See Consumer Product Safety Commission website (http://www.cpsc.gov). Also, see ASTM F 1487 “Standard Consumer Safety Performance Specification for Playground Equipment for Public Use.”
- Develop, implement and maintain equipment maintenance checklists.
- For health and safety funding, inspection by National Recreation and Park Association “Certified Playground Safety Inspector” is required.
- Review updates on regulatory, guidance standards and new developments.
- Review program and obtain school board approval at least annually.

Radon

- Develop and implement a written management plan for radon identification and remediation.
- Identify school district contact person(s) for radon.
- Implement current U.S. EPA/MDH Radon Gas testing guidance criteria.
- Coordinate diagnostics and mitigation of elevated radon.
- Conduct radon sampling as provided for under MDH and U.S. EPA rules and guidelines.
- Review updates on regulatory standards, reporting requirements and new developments.

- Maintain all compliance documentation.
- Maintain documentation of testing.
- Develop and implement written recordkeeping procedures.
- Train affected employees.
- Respond to regulatory agency correspondence, guidelines and recommendations.
- Review program and obtain school board approval at least annually.

Respiratory Protection Standard

- Develop and implement a written management plan for respiratory protection, encompassing OSHA standard 29 CFR 1910.134.
- Identify school district contact person(s) for respirator protection.
- Review written plan, as needed, and update at least annually.
- Evaluate, identify and document work practices that require respirator protection.
- Review current respiratory protection practices and procedures.
- Train respirator users on the provisions of the written respiratory protection program and on the respirators they use.
- Provide respirator fit test and pulmonary function tests for workers who wear respirators.
- Develop, document and monitor compliance with recordkeeping procedures.
- Respond to regulatory agency correspondence, guidelines and recommendations.
- Monitor or provide updates on regulatory changes and new developments.
- Review program and obtain school board approval at least annually.

Underground Storage Tanks (UST) and Above Ground Storage Tanks (AST)

- Develop and implement a written management plan for each UST and AST.
- Identify school district contact person(s) for each UST and AST.
- Ensure all USTs above 110 gallons are MPCA-registered.
- Ensure all AST installations which are used for combustible materials are reviewed by fire marshall.
- Develop and implement release detection (e.g., tightness testing) plans for all USTs including fuel oil.
- Conduct leak detection testing at frequent intervals for USTs if electronic monitors available.
- Produce and submit reports to agencies necessary for compliance (e.g., MPCA tank registration).
- Conduct periodic site review and management plan and update at least annually.