



## Memorandum

**To:** Charter School Directors  
**From:** Terri Yetter, Director, Division of School Finance  
**Date:** March 27, 2020  
**Subject:** Fiscal Year (FY) 2021 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 2020-21 school year (FY 2021). 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 process. If you have questions or concerns about the information required, please contact the [Lease Aid Review Team](#) (MDE.CharterSchoolapps@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 Integrated Department of Education Aids System (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.

Please submit your completed FY 2021 Lease Aid Application to: the [Lease Aid Review Team](#) (MDE.CharterSchoolapps@state.mn.us).

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

**A charter school must lease a building directly from the Lessor/Landlord who is the owner of the building. A charter school cannot sublease a building from a Sub Lessor who is not the owner of the building.**

**A charter school should avoid any situation where they become responsible for two leases due to a relocation of the charter school. The lease for the school's prior location should be terminated with no future monies being owed before entering into a lease at the school's new location.**

**Pending legislation, a charter school may be restricted when they choose to form an affiliated building company (ABC) in that the ABC shall only serve that particular charter school and not multiple charter schools.**

**Per Minnesota Statutes, section 325L.09, MDE will accept electronic signatures. However, for security purposes and verification that the signature is attributable to the person signing the document(s), we are requiring the electronic signatures to include a date and time stamp. Electronic signatures without this date and time stamp feature will not be accepted.**

**When you enter the signature area while completing the document online, you can create a digital identification (ID) that includes the date and time stamp. When on the signature line, choose “Create a new Digital ID” and press Continue. Then choose the option to save to Windows Certificate Store and press Continue. At this point, you need to fill in all the information to create the Digital ID signature and press Save. The signature is now ready for choosing and will print on the signature line with the date and time stamp included.**

## 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 homepage, choose Data Center, then Data Reports and Analytics. Under School Finance Spreadsheets, select Charter Schools from the Category drop-down menu, select Building Lease Aid from the subcategory drop-down menu, then 2021 under the Year drop-down 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**
- **The final 30 percent of the remaining 10 percent will be paid when Uniform Financial Accounting and Reporting Standards (UFARS) and student data have been finalized sometime in late January or February.**

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 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. Object code 370 will be deleted on July 1, 2020, due to GASB 87 rule changes. We will update all schools as soon as it is possible with the new code(s) related to building leases.

In addition to comparing the approved lease amount to audited UFARS reported lease expenditures, MDE will review utility costs reported in UFARS 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.

The Minnesota Department of Education will adjust lease aid for the amount of subleased space that is not used for instructional purposes.

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 2020 legislative session.

## **Pupil Unit Data Used in Calculating School Lease Aid**

Fiscal Year 2021 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 [Forms page of the MDE website](#).

For schools in their fourth year and older, the student data is entered into the Average Daily Membership Web Estimates (ADMWE) system by the school. **It is vitally important that this pupil 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](mailto:jeanne.krile@state.mn.us) (jeanne.krile@state.mn.us), 651-582-8637 or [Kelly Wosika](mailto:kelly.wosika@state.mn.us) (kelly.wosika@state.mn.us), 651-582-8855.

## Special Instructions for the Revision of Initial Lease Applications

Charter schools are advised to notify MDE of any amendments to their approved lease aid application. Please submit:

- 1) Updated cover letter.
- 2) Updated Lease Aid Certification Form – Part 2.
- 3) Any amendments made to the lease.

If you are amending your lease aid application due to an increase of square footage/construction, the following additional items also need to be submitted:

- 4) Certificate of Occupancy for the increased space.
- 5) Fire Inspection completed that includes increased space.
- 6) Schematics and pictures of increased space.
- 7) Updated Emergency Plan.

Amendments to lease aid applications must be requested prior to November 30 of the fiscal year following the lease aid entitlement year (i.e., November 30, 2022) to allow for processing time to meet the statutory deadline. (Minn. Stat. § 127A.49, subd. 1).

## FY 2021 Charter School Lease Aid Certification Form – Part 1

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:	Email 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 124E.03, subdivision 2\(a\)](#), 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.)

**Building Lease Aid:** [Minnesota Statutes, section 124E.22](#), states, in part, “A charter school must not use the building lease aid it receives for custodial, maintenance service, utility, or other operating costs.”

**Disabled Accessibility:** The charter school administration and school board are aware of the requirements of Title II of the Americans 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 124E.13, subdivision 2 (a).

- (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 124E.22, paragraph (a), clause (1).

(b) For purposes of this section and section 124E.02:

- (1) “Affidavit” means a written statement the authorizer submits to the commissioner for approval to establish a charter school under section 124E.06, subdivision 4, attesting to its review and approval process before chartering a school.
- (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) “Control” means the ability to affect the management, operations, or policy actions or decisions of a person whether by owning voting securities, by contract or otherwise.
- (4) “Immediate family” means an individual whose relationship by blood, marriage, adoption, or partnership is more remote than first cousin.
- (5) “Person” means an individual or entity of any kind.
- (6) “Related party” means an affiliate or immediate relative of the other interested party, an affiliate of an immediate relative who is the other interested party, or an immediate relative of an affiliate who is the other interested party.

**FY 2021 Charter School Lease Aid Certification Form – Part 1 (continued)**

Charter School Name: \_\_\_\_\_ Charter School Number: \_\_\_\_\_

- (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 124E.13, subdivision 2."
- (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 124E.22, paragraph (a), 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 Marshal or its local designee within the last three 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.

Date of last final/closed fire inspection: \_\_\_\_\_

I hereby verify the information provided in Part 1 of the FY 2021 Charter School Lease Aid Certification Form to be true and correct.

_____	_____	_____
Print Name of Person Preparing Form	Signature of Person Preparing Form	Date

_____	_____	_____
Print Name of Board Chair	Signature of Board Chair	Date

## FY 2021 Charter School Lease Aid Certification Form – Part 2

Charter School Name and Address:	Charter School Number:
Approved FY 2021 Authorizer:	Building Owner/Lessor Name and Address:
<b>Will this be the first time your charter serves students at this location?</b>	
Yes	No

### Lease Information

Square Footage:	Total July 1, 2020, through June 30, 2021, sum certain annual lease cost:
Is the lessor an affiliated nonprofit building corporation? <span style="float: right;">Yes      No</span>	
If yes, what date was the affiliated nonprofit building corporation formed? _____ If yes, what date was the lease agreement with the affiliated nonprofit building corporation last modified? _____	
Does the affiliated nonprofit building corporation own the facility? <span style="float: right;">Yes      No</span>	
<p><b>Are there any expenses <span style="color: red;">included</span> in your sum certain annual lease cost that will be paid to the landlord in FY 2021 which include:</b> custodial, maintenance services, utilities, Common Area Maintenance (CAM) costs, landscaping, snow removal, lawn care costs, property taxes, property insurance for the building that are paid to the landlord or property management fees? <span style="float: right;">Yes      No</span></p> <p>Property Management fees that are eligible lease aid costs include accounting expenses, advertising, office expenses, and administrative duties related to managing the property. If any of these costs apply, provide a list of the purposes and amounts.</p> <p>Property management fees that are not eligible for lease aid include any CAM costs, utilities, custodial and/or fees such as maintenance, landscaping, snow removal, lawn care costs, license, leasing, late, vacancy, eviction. Please provide a list of the purposes and amounts to be subtracted from the sum certain annual cost above.</p>	
<p><b>Are there any allowable expenses <span style="color: red;">not included</span>, that are being paid to the Landlord in FY 2021, that the school wishes to submit and add to the sum certain annual cost listed above</b> (e.g. allowable costs: property taxes, property insurance and/or property management fees)? <span style="float: right;">Yes      No</span></p> <p>Allowable Property Management fees can include accounting expenses, advertising, office expenses, and administrative duties related to managing the property. If yes, please provide a list of the purposes and amounts below.</p> <p>Allowable property taxes and property insurance paid to the landlord. If yes, please provide the amounts for each.</p>	

## FY 2021 Charter School Lease Aid Certification Form – Part 2 (continued)

Charter School Name

Charter School Number

Is the charter school currently delinquent with any lease payments? If yes, attach a list of the due dates, amounts owed, and payee(s).	Yes	No
A sum certain annual cost and a closure clause as defined in Minnesota Statutes, section 124E.22, paragraph (a) (3) (i) and (ii), has been written into the lease.	Yes	No

Does the charter school have programs which serve prekindergarten children?	Yes	No
If yes, are the programs instructional?	Yes	No
Has the school received approval for “Early Learning Supplemental Affidavit?”	Yes	No
<b>Note: If no approval is on file, please clearly identify the space used, square footage, and time usage for these programs.</b>		
Does the charter school rent out any portion of its facilities?	Yes	No
If yes, include copies of subleases.		
<b>Note: Please clearly identify the space used, square footage, and time usage for these sublease agreements.</b>		

I hereby verify the information provided in Part 2 of the FY 2021 Charter School Lease Aid Certification Form to be true and correct.

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

**FY 2021 Charter School Lease Aid Certification Form – Part 3**

**Board Member Certification  
For Leases With a NON-PROFIT Lessor**

List the name and address of the Building Owner/Lessor for each lease agreement covered by this certification.

Non-Profit Lessor 1: \_\_\_\_\_

Non-Profit Lessor 2: \_\_\_\_\_

Non-Profit Lessor 3: \_\_\_\_\_

Non-Profit Lessor 4: \_\_\_\_\_

Non-Profit Lessor 5: \_\_\_\_\_

**Was the lease with your Building Owner/Lessor entered into or last modified ON or BEFORE August 1, 2009? If Yes, Complete Box A below. If No, Complete Box B.**

**Box A**

**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, as follows:\_\_\_\_\_.

(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).

**Box B**

**CHECK ONLY ONE OF THE FOLLOWING STATEMENTS:**

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. § 124E.14(a)).

I hereby certify that 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. § 124E.14(a).)

\_\_\_\_\_  
Print Name of Charter School Board Member

\_\_\_\_\_  
Charter School Board Member Signature

\_\_\_\_\_  
Date

**FY 2021 Charter School Lease Aid Certification Form – Part 3**

**Board Member Certification  
For Leases With a FOR-PROFIT Lessor**

List the name and address of the Building Owner/Lessor for each lease agreement covered by this certification.

For-Profit Lessor 1: \_\_\_\_\_

For-Profit Lessor 2: \_\_\_\_\_

For-Profit Lessor 3: \_\_\_\_\_

For-Profit Lessor 4: \_\_\_\_\_

For-Profit Lessor 5: \_\_\_\_\_

**Was the lease with your Building Owner/Lessor entered into or last modified ON or BEFORE August 1, 2009? If Yes, Complete Box A below. If No, Complete Box B.**

**Box A**

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. § 124E.14(a).)

**Box B**

**CHECK ONLY ONE OF THE FOLLOWING STATEMENTS:**

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. § 124E.14(a).)

I hereby certify that 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. § 124E.14(a).)

\_\_\_\_\_  
Print Name of Charter School Board Member

\_\_\_\_\_  
Charter School Board Member Signature

\_\_\_\_\_  
Date

## FY 2021 Charter School Lease Aid Certification Form – Part 4

### Charter School Assurances

[1] I assure that \_\_\_\_\_ charter school has looked for facilities that comply with Minnesota Statutes, section 124E.03, subdivision 2(a), and section 124E.13, subdivision 1.

Name of Landlord

***Is this landlord a sectarian (religious) organization? (Please check one)***      Yes      No

***If Yes, please complete parts a, b and c below:***

- a. Identify any involvement of any of the charter school’s directors, administrators, or teachers in the sectarian organization. ***(Please check one)***      Yes      No

- \_\_\_\_\_
- b. Identify any telephone or fax numbers, email addresses, employer identification numbers, and employees that the charter school shares with the sectarian organization. ***(Please check one)***

Yes      No

- \_\_\_\_\_
- 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.

***(Please check one)***      Yes      No

\_\_\_\_\_

[2] \_\_\_\_\_ charter school has taken steps to maintain nonsectarian school facilities in compliance with Minnesota Statutes, section 124E.06, subdivision 3(b), such that there are no religious texts, symbols, quotations, or objects displayed in school facilities on school days.

Yes      No      , ***if No, please complete Parts a and b below.***

- a. If religious texts or multiple substantive quotations from religious texts are used in any classes or teaching materials other than those appearing as part of 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:

**FY 2021 Charter School Lease Aid Certification Form – Part 4 (continued)**

[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 124E.06, subdivision 3(b).

\_\_\_\_\_  
Print Name of Charter School Director

\_\_\_\_\_  
Charter School Director's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name of Board Chair

\_\_\_\_\_  
Board Chair's Signature

\_\_\_\_\_  
Date

## General Fund Budget – FY 2021

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)		
<b>Total Revenues</b>		

Expenditures	Amount	Full-Time Equivalent (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		
<b>Total Expenditures</b>		
Revenue Less Expenditures		
Beginning Fund Balance		
<b>Ending Fund Balance</b>		

## FY 2021 Charter School Lease Aid Application Checklist

Charter School Name

Charter School Number

### Building and General Lease Information

Cover letter addressed to MDE formally requesting lease aid for FY 2021.

FY 2021 Charter School Lease Aid Application Form – Part 1 (Pages 6-7 attached).

FY 2021 Charter School Lease Aid Application Form – Part 2 for each address where students are served (Pages 8-9 attached).

Lease – A copy of the lease agreement including all attachments and/or addenda and signed by both the lessor and the lessee. **Any new lease or any amendment to an existing lease, executed on or after May 18, 2014, must contain a sum certain annual cost and a closure clause as defined in Minnesota Statutes, section 124E.22.**

A Fire Inspection Report from the Minnesota State Fire Marshal or its local designee within the last three years. The report must show that any outstanding violations discovered during the initial inspection have been remedied.

Prekindergarten programs clearly identified by the space used, square footage, and time usage.

Sublease agreement(s) – A copy of the sublease agreement(s) including all attachments and/or addenda and signed by both the lessor and lessee. Subleased space is clearly identified by the space used, square footage, and time usage.

### New Charter Schools or Charter Schools with New or Expanded Facilities Only

Construction – Type of construction (brick, wood frame, etc.) and age of the building.

Photos – Interior and exterior photos of the leased facility. **Please do not include photos that contain people, as their identity has to be redacted in case of a public data request.**

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.

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 classification. There can be instances where the Certificate of Occupancy will have a Group E classification for the educational space and a Group A classification for the auditorium or gym space.

Emergency Action Plan – A plan meeting the Department of Public Safety’s criteria for evacuation of the facility in an emergency.

### 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).

FY 2021 Charter School Lease Aid Certification Form – Part 3 for each board member (Pages 10-11 attached).

Schools with an Affiliated Nonprofit Building Corporation (ABC) must submit a list of ABC board members.

FY 2021 Charter School Lease Aid Certification – Part 4 (Pages 12-13 attached).

### Financial Information

General Fund Budget – FY 2021 Attachment A (Page 14 attached) – An operating budget with detailed revenue and expense items such that the lease cost and revenue are readily identifiable. The budget submission must also 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.

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Name and Position of Person Preparing Form

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Signature of Person Preparing Form

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Date

### Lease Aid

The Minnesota Department of Education (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, 2021, MDE will have paid 90 percent of each program's FY 2021 state aid entitlement. See "amount payable, current account" column on the IDEAS State Aids Combined Payment report found on the [Minnesota Funding Reports \(MFR\)](#) section of the MDE website. The balance of 10 percent of final FY 2021 state aid entitlements will be paid in FY 2022.

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, 90 percent of the estimated lease aid entitlement will be paid out.

If the charter school's Current Account Part 1 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 the [Lease Aid Review Team](#). For further information regarding the payment process, please contact [Tracy Gann-Olehy](#) (tracy.gann-olehy@state.mn.us) at 651-582-8318.

### 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. Compliance with these items is not an assurance other legal requirements may apply.

1. [Minnesota Statutes, section 124E.22](#)

**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) a closure clause to relieve the charter school of its lease obligations at the time the charter contract is terminated or not renewed; the closure clause must not be constructed or construed to relieve the charter school of its lease obligations in effect before the charter contract is terminated or not renewed.

(b) A charter school must not use the building lease aid it receives for custodial, maintenance service, utility, or other operating costs.

(c) 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.

(d) A charter school's building lease aid pupil units equals the sum of the charter school pupil units under section 126C.05 and the pupil units for the portion of the day that the charter school's enrolled students are participating in the Postsecondary Enrollment Options Act under section 124D.09 and not otherwise included in the pupil count under section 126C.05.

2. [Minnesota Statutes, section 124E.07, subdivision 3\(b\)\(c\)\(d\)](#) and [section 124E.14 \(a\)\(b\) and \(c\)](#)

**Section 124E.07, subdivision 3. Membership.**

(b) An individual is prohibited from serving as a member of the charter school board of directors if: (1) 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; or (2) an immediate family member is an employee of the school. An individual may serve as a member of the board of directors if no conflict of interest exists under this paragraph, consistent with this section.

(c) A violation of paragraph (b) 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 paragraph (b) is individually liable to the charter school for any damage caused by the violation.

- (d) Any employee, agent, or board member of the authorizer who participates in initially reviewing, approving, overseeing, evaluating, renewing, or not renewing the charter school is ineligible to serve on the board of directors of a school chartered by that authorizer.

**Section 124E.14. Conflicts of Interest.**

- (a) 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.
- (b) 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.
- (c) A charter school board member, employee, or officer is a local official for purposes of section 471.895 with regard to receipt of gifts as defined under section 10A.071, subdivision 1, paragraph (b). A board member, employee, or officer must not receive compensation from a group health insurance provider.

3. [Minnesota Statutes, section 124E.03, subdivision 2](#), states, in part:

**Subdivision 2. General 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 Minnesota 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 Marshal or by a designee approved by the State Fire Marshal'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. [Minnesota Statutes, section 124E.13, subdivisions 1 and 3](#)

**Subdivision 1. 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 124E.22.*

**Subdivision 3. Affiliated nonprofit building corporation.**

- (a) An affiliated nonprofit building corporation may purchase, expand, or renovate an existing facility to serve as a school or may construct a new school facility. A charter school may organize an affiliated nonprofit building corporation if the charter school:
  - (1) has operated for at least six consecutive years;
  - (2) as of June 30, has a net positive unreserved general fund balance in the preceding three fiscal years;
  - (3) has long-range strategic and financial plans that include enrollment projections for at least five years;
  - (4) completes a feasibility study of facility options that outlines the benefits and costs of each option; and
  - (5) has a plan that describes project parameters and budget.
- (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) post on the school Web site the name, mailing address, bylaws, minutes of board meetings, and names of the current board of directors of the affiliated nonprofit building corporation;
  - (4) submit to the commissioner a copy of its annual audit by December 31 of each year; and
  - (5) comply with government data practices law under chapter 13.
- (c) 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.
- (d) The board of directors of the charter school must ensure the affiliated nonprofit building corporation complies with all applicable legal requirements. The charter school's authorizer must oversee the efforts of the board of directors of the charter school to ensure legal compliance of the affiliated building corporation. A school's board of directors that fails to ensure the affiliated nonprofit building corporation's compliance violates its responsibilities and an authorizer must consider that failure when evaluating the charter school.

5. [Minnesota Statutes, section 124E.13, subdivision 2 \(a\)\(b\) and \(c\)](#)

**Subdivision 2. Related party lease costs.**

- (a) A charter school must not enter into 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 124E.22, paragraph (a) clause (1).
- (b) A related party permitted to enter into a lease under paragraph (a) must include the following statement in the lease: "This lease is subject to Minnesota Statutes, section 124E.13, subdivision 2."
- (c) If a charter school leases space from a related party and the charter school subsequently closes, the commissioner has the right to recover from the related party any lease payments in excess of those that are reasonable under section 124E.22, paragraph (a), clause 1.

**For purposes of this section and section 124E.02 paragraph (b)**

- (1) "Affidavit" means a written statement the authorizer submits to the commissioner for approval to establish a charter school under section 124E.06, subdivision 4, attesting to its review and approval process before chartering a school.
- (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) "Control" means the ability to affect the management, operations, or policy actions or decisions of person, whether by owning voting securities, by contract, or otherwise.
- (4) "Immediate family" means an individual whose relationship by blood, marriage, adoption or partnership is no more remote than first cousin.
- (5) "Person" means an individual or entity of any kind.
- (6) "Related party" means an affiliate or immediate relative of the other interested party, an affiliate of an immediate relative who is the other interested party, or an immediate relative of an affiliate who is the other interested party.

## Attachment D

**Long-Term Facilities Maintenance (LTFM) Revenue** subdivision references for charter schools. According to Minnesota Statutes, section 123B.595, subdivisions 2 (c), and 10 (b), charter schools currently receive \$132 times the adjusted pupil units (fiscal year 2019 and later), and may use LTFM revenue for any purpose related to the school.

**Subdivision 2. Long-term facilities maintenance revenue for a charter school.**

- (c) For fiscal year 2019 and later, long-term facilities maintenance revenue for a charter school equals \$132 times the adjusted pupil units.

**Subdivision 10. Allowed uses for long-term facilities maintenance revenue.**

- (b) A charter school may use revenue under this section for any purpose related to the school.

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### 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 Minnesota Statutes, section 124E.03, subdivision 2(a).**

#### ***Asbestos***

- Develop and implement an Asbestos Hazard Emergency Response Act (AHERA) written management plan encompassing 40 Code of Federal Regulation (C.F.R.) part 763, subpart E – Asbestos-Containing Building Materials in Schools (ACBM).
- 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.
- Local educational agency (LEA) shall ensure that members of its maintenance and custodial staff (custodians, electricians, heating/air conditioning engineers, plumbers, etc.) who may work in a building that contains Asbestos-Containing Building Material receive awareness training of at least two hours.
- LEA shall ensure all members of its maintenance and custodial staff who conduct any activities that will result in the disturbance of ACBM shall receive 14-hour maintenance/custodial operations and maintenance training in addition to the 2 hours of annual awareness training which is required to be performed at no cost for employees who perform housekeeping operations in an area that contains ACM (asbestos containing materials) or PACM (presumed asbestos containing materials).
- 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).
- 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 annual asbestos awareness training, necessary for all maintenance/custodial persons.
- Perform three-year re-inspections.
- 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 – for questions about a new [Workplace Accident and Injury Reduction \(AWAIR\) Program](https://www.dli.mn.gov/business/workplace-safety-and-health/mnosha-compliance-awair-program), contact 408-348-1939. (<https://www.dli.mn.gov/business/workplace-safety-and-health/mnosha-compliance-awair-program>)
- 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, as required by Minnesota Statutes, section 182.676. Information on the requirements for organizing a safety committee and the committee’s duties can be found in Minnesota Rules, chapter 5208.0010-0090.
- 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 C.F.R. 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 and as required by OSHA recordkeeping.
- 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).
- Pre- or post-exposure evaluation is an approved expenditure 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). [Minnesota Emergency Planning and Community Right-To-Know Act \(EPCRA\)](#), phone: 651-201-7416. (<https://dps.mn.gov/divisions/hsem/epcra>)
- 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 C.F.R. 1910.101 – Compressed Gases general requirements.
- 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., Carbon Monoxide (CO), Carbon Dioxide (CO<sub>2</sub>), Oxygen (O<sub>2</sub>), Sulphur Dioxide (SO<sub>2</sub>) and Hydrogen Sulfide (H<sub>2</sub>S).
- 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 C.F.R. 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).  
Confined Space Description – A confined space is an enclosed area with limited space and accessibility. An example is the interior of a storage tank, which may be occasionally entered by workers for maintenance but is otherwise not a habitable space.  
CSEP considerations:
  - 1) Identify confined spaces in the workplace
  - 2) Identify hazards in those confined spaces
  - 3) Take steps to address identified hazards
  - 4) Have a rescue plan for confined space emergencies
- Procure and use proper ventilation, communication, personal protective and gas testing equipment, as needed.
- 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 Requirements – (29 C.F.R. 1910.301-308 and 1910.331-335)***

Many incidents of electric shock occur in schools each year.

- 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.

### ***Emergency Action Plan***

- Develop and implement written management plans for each school for each type of emergency: fire, hazardous materials incident, utility disaster and natural disaster. Violence prevention planning is not supported under Long-Term Facilities Maintenance (LTFM) revenue, per Minnesota Statutes, section 123B.595, subdivision 11. (Pending as of 3-1-20 for 91<sup>st</sup> Legislative Session, 2019-20).
- 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 C.F.R. 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.
- "...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 Governor's Executive Order 19-22 which rescinded 15-13.)
- Review program and obtain school board approval at least annually.

### ***Employee Right-to-Know – Hazard Communication (HazCom)***

- Develop and implement a written management plan for Minnesota Employee Right-to-Know (ERTK), in compliance with 29 C.F.R. 1910.1200, and Minnesota Rules, chapter 5206.0700 – the requirements to provide training programs to employees concerning hazardous substances, harmful physical agents, and infectious agents.
- Minnesota has adopted the revised HazCom standard that will be enforced by the Homeland Security and Emergency Management (HSEM) by June 1, 2017.
- 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, science labs and maintenance).
- Survey the facility to identify chemical, heat, noise, radiation and infectious agents' hazards. Review at least annually.
- Safety Data Sheet (SDS) acquisition, compilation and distribution. Ideally, SDS would be available in each affected department. Global harmonizing system labeling compliance effective June 1, 2015.
- Perform chemical inventory. Update at least annually. Ideally, chemical inventory would be available with SDSs in each affected department.
- Monitor use and markings on secondary-use containers.
- Minnesota law requires employers to display five state-mandated posters in a location where employees can easily see them. The posters are available at no cost and need to be updated only when Minnesota law changes. Ensure placement of ERTK or Globally Harmonized System (GHS) 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 (Cardiopulmonary Resuscitation/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.

- Determine time for arrival of first aid providers (outside and in-house). Per OSHA Compliance (CPL) 2-2.53, first aid must be available within eight minutes from any site, including travel time. See OSHA Publication 3317 – Fundamentals of a Workplace First-Aid Program.
- 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 and AEDs.
- 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.

### ***Forklift Safety 29 CFR 1910.178***

- Develop and implement a written plan.
- Identify contact person.
- Maintain inventory of forklifts.
- Identify employees who operate forklifts and provide required training.
- Ensure safe changing and charging battery procedures for electric forklifts (1910.178(g)).
- Conduct quarterly carbon monoxide monitoring (Minn. R. 5205.0116) in space and annual tailpipe emissions for non- battery operated forklifts.
- Inspect forklifts and provide for all safety equipment required.
- Propane tanks can stay on the forklift units as long as they are being used in a warehouse area. If propane tanks are used on machines in school buildings, the tanks must be removed.

### ***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 C.F.R. 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 initial and annual audiometric testing for employees with an eight-hour, time-weighted average exposure of 85 dB (85 decibels) 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 and Jacks –Minnesota Rules, chapter 5205.1200***

- Develop and implement a written plan.
- Identify contact person.
- Maintain inventory of hoists (rated 1-ton or less), jacks and manlifts (e.g. Genie lift).
- Inspect and document inspection on listed equipment initially for compliance with the regulation.
- Conduct required 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 United States (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.
- 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 that they applied such pesticides.
- **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, subdivision 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, subdivision 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 C.F.R. 1910.1450.
- Identify school district chemical hygiene officer to administer the plan (mandatory).
- Review written plan, as needed, and update at least annually.
- Develop chemical inventory and update 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. ([School Science Lab Safety Checklist](https://dps.mn.gov/divisions/sfm/programs-services/inspections/Documents/Science-safety-checklist.pdf))(<https://dps.mn.gov/divisions/sfm/programs-services/inspections/Documents/Science-safety-checklist.pdf>)
- 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 testing annually. Post results on hood.
- Review program and obtain school board approval at least annually.

### ***Lead in School Drinking Water – (Minnesota Statutes, section 121A.335)***

- Identify school district contact person(s) for lead in drinking water.
- Train affected employees.
- Implement the Minnesota Department of Health (MDH) and Minnesota Department of Education (MDE) *Reducing Lead in Drinking Water – A Technical Guidance and Model Plan for Minnesota’s Public Schools* or adopt an alternative plan (Minn. Stat. § 123B.595, subd. 2). See also: the LTFM webpage, bottom right column “Related Offsite Resources” for MDH and MDE “Lead in Water Testing” guidance.
- If an alternate plan is developed locally, review written plan, as needed, and update at least annually.
- 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, MDE and U.S. EPA rules and guidelines.
- Ensure replacement faucets and hardware meet current National Sanitation Foundation (NSF) lead-free criteria. Note: **Lead remediation is not mandatory**. If faucets and hardware are replaced, LTFM revenue may be used for this purpose.
- Review updates on regulatory standards, reporting requirements and new developments.
- Maintain all compliance documentation.
- Provide all recordkeeping activities.

### ***Lockout/Tagout***

- Develop and implement a written management plan for lockout/tagout, encompassing OSHA standard 29 C.F.R. 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.
- Conduct annual periodic inspection of 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 be replaced.
- 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.
- Used good bid specification criteria for procurement of all future equipment.
- 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 the program with school board annually.

## ***Mercury***

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/) (http://www.osha.gov/). Choose “**STANDARDS**” button for laws and regulations.

### ***Personal Protection Equipment***

- Develop and implement written personal protective equipment plan, in compliance with 29 C.F.R. 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.
- Provide a written hazard assessment signed, dated, and specifying location of workplace evaluated. Conduct hazard assessments for any new tasks/programs.
- 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 Commission's (CSPC) current guidelines. See the [Consumer Product Safety Commission website](http://www.cpsc.gov) (<http://www.cpsc.gov>). Also, see ASTM F1487 "Standard Consumer Safety Performance Specification for Playground Equipment for Public Use."
- Maintain records of all corrective action to correct or abate hazards noted on playground equipment audits.
- Develop, implement and maintain equipment maintenance checklists.
- Review updates on regulatory, guidance standards and new developments.
- Review program and obtain school board approval at least annually.

### ***Radon – (Minnesota Statutes, section 123B.571)***

- 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 C.F.R. 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 medical evaluations for workers who are required to 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.
- According to Minnesota Pollution Control Agency (MPCA) ensure all USTs above 110 gallons and ASTS with a capacity of 500 gallons or more are MPCA registered. Also reference Minnesota Statutes, section 116.48 – Notification Requirements.
- Ensure all AST installations which are used for combustible materials are reviewed by fire marshal.
- 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.
- Provide and maintain inventory control forms.
- Review program and obtain school board approval at least annually.

### ***Welding, Cutting and Brazing***

- Develop and implement a written management plan for welding, cutting or brazing encompassing OSHA standard 29 C.F.R. 1910.251-.255.
- Identify a responsible district contact person.
- Survey the district to identify job categories in which employees may be at risk to exposure.
- Contact OSHA as there are many requirements, referencing [welding, cutting or brazing](http://www.osha.gov/SLTC/weldingcuttingbrazing/index.html) (<http://www.osha.gov/SLTC/weldingcuttingbrazing/index.html>).
- Identify and implement safe work practices, including hot work permit/fire watch, health protection and ventilation.
- Provide annual training to affected employees.
- Provide adequate personal protective equipment.
- Maintain applicable recordkeeping.
- Provide a written program review, and update (at least annually).