

**SENATE**  
**STATE OF MINNESOTA**  
**EIGHTY-EIGHTH SESSION**

**S.F. No. 2282**

(SENATE AUTHORS: DAHLE, Hoffman and Jensen)

DATE	D-PG	OFFICIAL STATUS
03/04/2014	5959	Introduction and first reading Referred to Education

1.1 A bill for an act  
 1.2 relating to education; modifying school district review and comment  
 1.3 requirements; amending Minnesota Statutes 2012, section 123B.71, subdivisions  
 1.4 8, 9; repealing Minnesota Statutes 2012, section 123B.71, subdivision 1.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2012, section 123B.71, subdivision 8, is amended to read:

1.7 Subd. 8. **Review and comment.** A school district, a special education cooperative,  
 1.8 or a cooperative unit of government, as defined in section 123A.24, subdivision 2, must not  
 1.9 initiate an installment contract for purchase or a lease agreement, hold a referendum for  
 1.10 bonds, nor solicit bids for new construction, expansion, or remodeling of an educational  
 1.11 facility that requires an expenditure in excess of \$500,000 per school site if it has a capital  
 1.12 loan outstanding, or ~~\$1,400,000~~ \$2,000,000 per school site if it does not have a capital  
 1.13 loan outstanding, prior to review and comment by the commissioner. ~~The commissioner~~  
 1.14 ~~may exempt~~ A facility addition, maintenance project, or remodeling project funded only  
 1.15 with general education aid and levy revenue, deferred maintenance revenue, alternative  
 1.16 facilities bonding and levy program revenue, lease levy proceeds, capital facilities bond  
 1.17 proceeds, or health and safety revenue is exempt from this provision ~~after reviewing a~~  
 1.18 ~~written request from a school district describing the scope of work.~~ A capital project under  
 1.19 section 123B.63 addressing only technology is exempt from this provision if the district  
 1.20 submits a school board resolution stating that funds approved by the voters will be used  
 1.21 only as authorized in section 126C.10, subdivision 14. A school board shall not separate  
 1.22 portions of a single project into components to avoid the requirements of this subdivision.

1.23 Sec. 2. Minnesota Statutes 2012, section 123B.71, subdivision 9, is amended to read:

2.1 Subd. 9. **Information required.** A school board proposing to construct, expand,  
2.2 or remodel a facility ~~described in~~ that requires a review and comment under subdivision  
2.3 8 shall submit to the commissioner a proposal containing information including at least  
2.4 the following:

2.5 (1) the geographic area and population to be served, preschool through grade 12  
2.6 student enrollments for the past five years, and student enrollment projections for the  
2.7 next five years;

2.8 (2) a list of existing facilities by year constructed, their uses, and an assessment of  
2.9 the extent to which alternate facilities are available within the school district boundaries  
2.10 and in adjacent school districts;

2.11 (3) a list of the specific deficiencies of the facility that demonstrate the need for a  
2.12 new or renovated facility to be provided, the process used to determine the deficiencies, a  
2.13 list of those deficiencies that will and will not be addressed by the proposed project, and a  
2.14 list of the specific benefits that the new or renovated facility will provide to the students,  
2.15 teachers, and community users served by the facility;

2.16 ~~(4) the relationship of the project to any priorities established by the school district,~~  
2.17 ~~educational cooperatives that provide support services, or other public bodies in the~~  
2.18 ~~service area;~~

2.19 ~~(5) a description of the pedestrian, bicycle, and transit connections between the~~  
2.20 ~~school and nearby residential areas that make it easier for children, teachers, and parents~~  
2.21 ~~to get to the school by walking, bicycling, and taking transit;~~

2.22 ~~(6) a specification of how the project maximizes the opportunity for cooperative use~~  
2.23 ~~of existing park, recreation, and other public facilities and whether and how the project~~  
2.24 ~~will increase collaboration with other governmental or nonprofit entities;~~

2.25 ~~(7)~~ (4) a description of the project, including the specification of site and outdoor  
2.26 space acreage and square footage allocations for classrooms, laboratories, and support  
2.27 spaces; estimated expenditures for the major portions of the project; and the dates the  
2.28 project will begin and be completed;

2.29 ~~(8)~~ (5) a specification of the source of financing the project, including applicable  
2.30 statutory citations; the scheduled date for a bond issue or school board action; a schedule  
2.31 of payments, including debt service equalization aid; and the effect of a bond issue on  
2.32 local property taxes by the property class and valuation;

2.33 ~~(9) an analysis of how the proposed new or remodeled facility will affect school~~  
2.34 ~~district operational or administrative staffing costs, and how the district's operating budget~~  
2.35 ~~will cover any increased operational or administrative staffing costs;~~

3.1 ~~(10) a description of the consultation with local or state transportation officials~~  
3.2 ~~on multimodal school site access and safety issues, and the ways that the project will~~  
3.3 ~~address those issues;~~

3.4 ~~(11) a description of how indoor air quality issues have been considered and a~~  
3.5 ~~certification that the architects and engineers designing the facility will have professional~~  
3.6 ~~liability insurance;~~

3.7 ~~(12) as required under section 123B.72, for buildings coming into service after July 1,~~  
3.8 ~~2002, a certification that the plans and designs for the extensively renovated or new facility's~~  
3.9 ~~heating, ventilation, and air conditioning systems will meet or exceed code standards; will~~  
3.10 ~~provide for the monitoring of outdoor airflow and total airflow of ventilation systems; and~~  
3.11 ~~will provide an indoor air quality filtration system that meets ASHRAE standard 52.1;~~

3.12 ~~(13) a specification of any desegregation requirements that cannot be met by any~~  
3.13 ~~other reasonable means;~~

3.14 ~~(14) a specification of how the facility will utilize environmentally sustainable~~  
3.15 ~~school facility design concepts;~~

3.16 ~~(15) a description of how the architects and engineers have considered the American~~  
3.17 ~~National Standards Institute Acoustical Performance Criteria, Design Requirements~~  
3.18 ~~and Guidelines for Schools of the maximum background noise level and reverberation~~  
3.19 ~~times; and~~

3.20 ~~(16) any existing information from the relevant local unit of government about the~~  
3.21 ~~cumulative costs to provide infrastructure to serve the school, such as utilities, sewer,~~  
3.22 ~~roads, and sidewalks.~~

3.23 (6) confirmations of the district and contracted professionals that the project is  
3.24 planned and will be executed to consider and comply with the following:

3.25 (i) uniform municipal contracting law under section 471.345;

3.26 (ii) sustainable design;

3.27 (iii) school facility commissioning under section 123B.72 requiring certification that  
3.28 plans and designs for an extensively renovated or new facility's heating, ventilation, and  
3.29 air conditioning systems will meet or exceed current code standards; and will provide an  
3.30 air quality filtration system that meets ASHRAE standard 52.1;

3.31 (iv) American National Standards Institute Acoustical Performance Criteria, Design  
3.32 Requirements and Guidelines for Schools of the maximum background noise level and  
3.33 reverberation times;

3.34 (v) State Fire Code;

3.35 (vi) applicable building code under chapter 326B;

4.1 (vii) consultation with appropriate governmental units regarding utilities, roads,  
4.2 sewers, sidewalks, retention ponds, school bus and automobile traffic, and safe access  
4.3 for walkers and bicyclists.

4.4 Sec. 3. **REPEALER.**

4.5 Minnesota Statutes 2012, section 123B.71, subdivision 1, is repealed.

**123B.71 REVIEW AND COMMENT FOR SCHOOL DISTRICT CONSTRUCTION.**

Subdivision 1. **Consultation.** A school district shall consult with the commissioner of education before developing any plans and specifications to construct, remodel, or improve the building or site of an educational facility for which the estimated cost exceeds \$500,000. This consultation shall occur before a referendum for bonds, solicitation for bids, or use of capital expenditure facilities revenue according to section 126C.10, subdivision 14, clause (2). The commissioner may require the district to participate in a management assistance plan before conducting a review and comment on the project.