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[REVISOR ] RJS/SS AR1139

1 Department of Education

2

3 Adopted Permanent Rules Relating to Cooperative Secondary

4 Facilities Grants

5

6 Rules as Adopted

7 3445.3000 DEFINITIONS.

8 Subpart 1. Scope. The definitions in this part apply in  
9 parts 3445.3000 to 3445.3024.

10 Subp. 2. CSFGA. "CSFGA" means the Cooperative Secondary  
11 Facilities Grant Act, Minnesota Statutes, sections 124.491 to  
12 124.496.

13 Subp. 3. Pilot project. "Pilot project" means a plan for  
14 a grant under parts 3445.3000 to 3445.3024 for acquiring,  
15 constructing, remodeling, or improving the building or site of  
16 cooperative secondary facilities to be financed in part by the  
17 grant. "Pilot project" may include equipment for the building,  
18 but not books, supplies, and materials.

19 Subp. 4. Recipient. "Recipient" means the applicant joint  
20 powers district that receives a grant for cooperative secondary  
21 facility construction from the commissioner of education under  
22 parts 3445.3000 to 3445.3024.

23 3445.3002 APPLICATIONS FOR COOPERATIVE SECONDARY FACILITIES  
24 GRANTS.

25 Subpart 1. Who may apply. A group of three or more school  
26 districts, with kindergarten to grade 12 enrollments in each  
27 district of no more than 1,000 pupils and a combined current  
28 school year October 1 enrollment of at least 240 pupils in  
29 grades 10 to 12, or 320 pupils in grades 9 to 12, or 480 pupils  
30 in grades 7 to 12 may apply for a cooperative secondary  
31 facilities grant under parts 3445.3000 to 3445.3024 if they have  
32 entered into a joint powers agreement as provided by Minnesota  
33 Statutes, section 471.59 to govern the cooperative secondary  
34 facilities.

35 Subp. 2. Application forms. An application for a

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1 cooperative secondary facilities grant must be made on an  
2 application form available from the State Department of  
3 Education.

4 3445.3004 APPLICATION CONTENTS.

5 Subpart 1. Information required. The application must  
6 include the information required in this part.

7 Subp. 2. Resolution by joint powers board. The applicant  
8 must provide a copy of the resolution stating the proposed costs  
9 of the project, the purpose for which debt is to be incurred,  
10 and an estimate of the dates when the facilities for which the  
11 grant is requested will be contracted for and completed.

12 Subp. 3. Certificate by clerk and treasurer of joint  
13 powers board. The applicant must provide a copy of the  
14 certificate by the clerk and treasurer of the joint powers board  
15 showing the current outstanding indebtedness of each member  
16 district.

17 Subp. 4. Certificate by county auditor. The applicant  
18 must provide a copy of a certificate by the county auditor of  
19 each county in which a portion of the joint powers district is  
20 located showing the information in the auditor's official  
21 records that is required to be used in computing the debt limit  
22 of the districts under Minnesota Statutes, section 475.53,  
23 subdivision 4. For each member district's outstanding bonds,  
24 the certificate shall show the amount originally issued, the  
25 purpose for which issued, the date of issue, the amount  
26 remaining unpaid as of the date of the resolution required in  
27 subpart 2, and the interest rates and due dates and amounts of  
28 principal remaining.

29 Subp. 5. Review and comment. The applicant must submit a  
30 copy of the review and comment by the commissioner of education  
31 for the proposed facilities as provided by Minnesota Statutes,  
32 section 121.15 regardless of the amount of capital expenditure  
33 required.

34 Subp. 6. Pupil enrollment data. The applicant must  
35 provide for each member district a copy of current school year,

1 October 1 enrollment data reported on the Fall Enrollment Report  
2 submitted to and audited by the Statistics Section, State  
3 Department of Education.

4 The applicant must also prepare and submit a report based  
5 on the current pupil enrollment data, broken down by grades  
6 kindergarten through grade 12 for all member districts combined.

7 Subp. 7. Educational plan. The applicant must provide a  
8 copy of the educational plan for the proposed project. The plan  
9 must contain the following information:

10 A. a description of how the planned secondary  
11 facilities will result in the joint powers district meeting the  
12 State Board of Education curriculum requirements in parts  
13 3500.2010 and 3500.2110;

14 B. a description of how the education program to be  
15 developed will provide for more learning opportunities and  
16 course offerings for pupils than are currently available in any  
17 single member districts;

18 C. evidence that a plan to assess increased levels of  
19 student performance is provided;

20 D. provisions for instruction of any resident  
21 students in other districts when distance to the secondary  
22 education facilities makes attendance at the facilities  
23 unreasonably difficult or impractical;

24 E. a combined staff seniority list for all member  
25 districts as developed by the joint powers board; and

26 F. evidence that the development of the educational  
27 plan has included input from both community and professional  
28 staff, parents, and students.

29 Subp. 8. Building program. The applicant must provide a  
30 copy of the cooperative secondary facilities building program.  
31 The program must contain the following information:

32 A. the information required for review and comment  
33 under Minnesota Statutes, section 121.15, subdivision 7; and

34 B. a statement of need including reasons why the  
35 current secondary facilities are inadequate, unsafe, or  
36 inaccessible to the handicapped.

1 Subp. 9. Preliminary plans. The applicant must provide  
2 preliminary plans for the project, prepared by a Minnesota  
3 registered architect, including a site plan and vicinity maps,  
4 subsurface soil analysis, schematic design studies, and outlined  
5 specifications.

6 Subp. 10. Engineer's report. When the project is the  
7 remodeling of an existing building or expansion of an existing  
8 building, the applicant must provide a report by an engineer  
9 licensed in Minnesota that evaluates the structural soundness,  
10 fire, and safety hazards of the existing building.

11 Subp. 11. Architect's certification. The applicant must  
12 provide a certificate from a Minnesota registered architect that  
13 the project's facilities are designed to make them accessible to  
14 and usable by physically disabled persons as required by  
15 Minnesota Statutes, sections 471.465 to 471.469.

16 Subp. 12. Budget. The applicant must provide the project  
17 budget including estimated expenditures for site acquisition and  
18 preparation, consultant fees, planning costs, and administration  
19 costs; contracts for the construction for a new building and  
20 expansion or remodeling of an existing building; architectural,  
21 engineering, and inspection costs; initial equipment, furniture,  
22 utilities, and floor coverings; and moving expenses for existing  
23 books, equipment, supplies, and furniture.

24 Subp. 13. Evidence of title to land. The applicant must  
25 provide evidence that it holds fee title to the project site  
26 including right of access, or that the applicant can complete  
27 negotiations for fee title to the site within 30 days of  
28 approval of the application.

29 Subp. 14. Assurances. The applicant must give written  
30 assurance of compliance with all provisions of the CSFGA and all  
31 applicable state laws and rules, including the following:

32 A. no more than one superintendent shall be employed  
33 by the joint powers board as a result of the cooperative  
34 secondary facilities agreement;

35 B. to the extent possible the joint powers board is  
36 encouraged to provide for severance pay for early retirement

1 incentives under Minnesota Statutes, section 125.611, for any  
2 teacher or administrator who is placed on unrequested leave as a  
3 result of the cooperative secondary facilities agreement;

4 C. the applicant must comply with Minnesota Statutes,  
5 sections 177.41 to 177.43, relating to prevailing wage rates;

6 D. the applicant shall assure that the funds allotted  
7 to it will be used only for cooperative secondary facility  
8 construction activities in this item. The activities are:

9 (1) erection costs for new buildings for a  
10 cooperative secondary facility;

11 (2) costs for expansion, remodeling, and  
12 alteration of existing buildings for a cooperative secondary  
13 facility;

14 (3) site acquisition, grading, and improvement of  
15 land on which the secondary facility is to be located;

16 (4) architectural, engineering, and inspection  
17 expenses incurred after site selection;

18 (5) moving expenses for existing books, supplies,  
19 equipment, and furniture;

20 (6) expenses related to acquisition and  
21 installation of initial equipment including all necessary  
22 building fixtures, utilities, and furniture;

23 (7) services of consultants related to the pilot  
24 project; and

25 (8) expenses other than interest and the carrying  
26 charges on bonds related to the acquisition of an existing  
27 building or of land on which there is to be construction of new  
28 buildings or expansion of existing buildings to be used for  
29 cooperative secondary facilities. The expenses must constitute  
30 an actual cost or transfer of public funds; and

31 E. the applicant shall assure that the funds allotted  
32 to it as a recipient for cooperative secondary facilities  
33 construction are not used for the purchase of books, materials,  
34 or other supplies.

35 Subp. 15. Additional information. The State Department of  
36 Education may request additional information from the applicant

1 to clarify and evaluate the application. If the additional  
2 information requested has not been received at the State  
3 Department of Education within ten working days after the  
4 request for additional information, the grant application shall  
5 be evaluated and approved or disapproved solely on the basis of  
6 the information it contains.

7 3445.3005 APPLICATION DATES.

8 For state fiscal year 1988 only, the cooperative secondary  
9 facilities grant application must be filed on or before November  
10 16, 1987, for January 1, 1988, grant award consideration, and on  
11 or before April 15, 1988, for July 1, 1988, grant award  
12 consideration. In subsequent years, applications must be filed  
13 on or before November 1 and April 15 for January 1 and July 1  
14 grant award consideration respectively, unless a different date  
15 is established by the commissioner of education and published in  
16 Education Update, official publication of the State Department  
17 of Education, not less than 60 days before the application due  
18 date.

19 3445.3008 RECEIPT OF APPLICATION.

20 When an application is received, the State Department of  
21 Education shall obtain information from the commissioner of  
22 revenue, public utilities commission, or other official records  
23 that are required to be used in computing the debt limit of the  
24 joint powers district under Minnesota Statutes, section 475.53,  
25 subdivision 4. If any joint powers district is found not  
26 qualified according to the requirements of CSFGA, it shall be  
27 notified promptly by the commissioner of education.

28 3445.3010 MAXIMUM GRANT.

29 Grant funds provided under this program may constitute up  
30 to 75 percent of the approved construction costs of the  
31 cooperative secondary education facilities. To the extent money  
32 is available, the commissioner of education may approve not more  
33 than two pilot projects from the applications submitted under  
34 this chapter.

1 3445.3014 APPLICATION RATING.

2 To measure relative need, all applications must be rated in  
3 part by State Department of Education staff. The rating results  
4 and application materials must be forwarded under part 3445.3018  
5 to the commissioner of education.

6 A. A numerical rating must be determined for each  
7 pilot project based on the number of school districts in the  
8 joint powers district and their combined current secondary grade  
9 enrollment. Pilot projects will be awarded points as follows:

10 (1) pilot projects where the joint powers  
11 district contains three member school districts, eight points,  
12 and three points for each additional member school district up  
13 to six districts; and

14 (2) pilot projects where the most recent October  
15 1 student enrollment of the joint powers district in the  
16 secondary grades to be contained in the cooperative facilities  
17 averages 80 or more students per grade, eight points.

18 B. A numerical rating for the adequacy of each of the  
19 member district's secondary (grades seven through 12 inclusive)  
20 facilities must be determined based on the age of the secondary  
21 facilities currently used. Pilot projects will be awarded  
22 points as follows:

23 (1) where 50 percent or more of the total  
24 secondary square footage was occupied for school use during or  
25 before 1920, five points;

26 (2) where 50 percent or more of the total  
27 secondary square footage was occupied for school use during or  
28 before 1945, three points;

29 (3) where 50 percent or more of the total  
30 secondary square footage was occupied for school use during or  
31 before 1970, one point; and

32 (4) where a member district does not currently  
33 provide its own secondary facilities for 50 percent or more of  
34 its students on a full-time basis, three points.

35 C. A numerical rating based on the adequacy of the

1 educational plan submitted by the joint powers district shall be  
2 assigned to each pilot project as follows:

3 (1) additional, specific learning outcomes  
4 provided through more learning opportunities and course  
5 offerings for students than currently available in any member  
6 district, and a plan to assess the learning outcomes and  
7 increased levels of student performance, up to 18 points;

8 (2) evidence of input in the development of the  
9 educational plan by professional staff, up to eight points;

10 (3) evidence of input in the development of the  
11 educational plan by community members, parents, and students, up  
12 to eight points;

13 (4) evidence of meeting the State Board of  
14 Education curriculum requirements, eight points; and

15 (5) a plan for more efficient use of staff than  
16 currently available in any member district, up to eight points.

17 D. A numerical rating based on the adequacy of the  
18 provisions for instruction of any resident students in other  
19 districts when distance to the secondary education facilities  
20 makes attendance at the facilities unreasonably difficult or  
21 impractical, up to ten points.

22 E. A numerical rating must be determined for each  
23 pilot project based upon the school tax burden of the joint  
24 powers district. The weighted average auditor mill rate must be  
25 calculated for each joint powers district. Pilot projects must  
26 be awarded points as follows:

27 (1) if the weighted average auditor mill rate is  
28 in the 75th percentile or above among Minnesota school  
29 districts, ten points;

30 (2) if the weighted average auditor mill rate is  
31 at or above the 50th percentile but below the 75th percentile  
32 among Minnesota school districts, five points;

33 (3) if the weighted average auditor mill rate is  
34 below the 50th percentile among Minnesota school districts, zero  
35 points.



## 1 3445.3018 APPROVAL OF PILOT PROJECTS.

2 State Department of Education staff shall advise the  
3 commissioner of education of applications meeting the  
4 requirements of parts 3445.3000 to 3445.3024 and the results of  
5 the application rating performed in part 3445.3014. An  
6 application must receive a minimum of 75 application rating  
7 points under part 3445.3014 in order to receive consideration  
8 for a grant award by the commissioner of education. The  
9 commissioner of education shall award grants based on the total  
10 points assigned in the application rating and total grant funds  
11 available. The commissioner shall use state geographic balance  
12 as a deciding factor if application ratings are within ten  
13 points of each other.

14 The commissioner of education must not approve an  
15 application for a grant unless the facility receives a favorable  
16 review and comment as provided in Minnesota Statutes, section  
17 121.15 and the requirements under parts 3445.3000 to 3445.3024  
18 are fully complied with. The commissioner shall promptly  
19 certify to each qualified joint powers district the amount, if  
20 any, of the grant awarded.

## 21 3445.3020 REFERENDUM; BOND ISSUE.

22 Within 90 days after being awarded a grant under part  
23 3445.3018, the joint powers board shall submit the question of  
24 authorizing the borrowing of funds for the cooperative secondary  
25 facilities to the voters of the member districts at a special  
26 election. The question submitted shall state the total amount  
27 of funding needed from all sources. A majority of those voting  
28 in the affirmative on the question is sufficient to authorize  
29 the joint powers board to issue the bonds on public sale in  
30 accordance with Minnesota Statutes, chapter 475. The clerk of  
31 the joint powers board must certify the vote of the bond  
32 election to the State Department of Education. If the bonds are  
33 authorized by the voters, the State Department of Education  
34 shall notify the county auditor of each county in which a member  
35 district is located that the grant amount certified in part

1 3445.3018 is available and appropriated for payment of principal  
2 and interest on the bonds issued under this part, and the  
3 auditor shall reduce the joint power district's debt service  
4 levies accordingly. If a majority of those voting on the  
5 question do not vote in the affirmative, the grant must be  
6 canceled.

7 3445.3022 COOPERATIVE SECONDARY FACILITIES GRANT CONTRACT.

8 Each grant must be evidenced by a contract between the  
9 joint powers board and the state acting through the commissioner  
10 of education. A contract must be entered into within 15 months  
11 after each grant is awarded. It obligates the joint powers  
12 board and the state acting through the commissioner of  
13 education. It obligates the state to pay to the joint powers  
14 board an amount computed under part 3445.3018, upon receipt by  
15 the State Department of Education of a certified resolution of  
16 the joint powers board estimating the costs, and verifying that  
17 contracts have been entered into for construction or remodeling  
18 of the facilities for which the grant is awarded and that bonds  
19 of the joint powers district have been issued and sold in the  
20 amount necessary to pay all pilot project costs in excess of the  
21 amount of the grant.

22 3445.3024 RETURN OF GRANT FUNDS.

23 If a project is completed for an amount lower than the  
24 amount in the project budget in the application, or if the  
25 recipient is unable to complete the pilot project, the recipient  
26 shall amend its grant contract and return any unexpended funds  
27 to the State Department of Education. The grant amount must be  
28 reduced by the same percentage as the total project budget has  
29 been reduced. The commissioner of education shall offer those  
30 returned funds to the other grant recipient under part  
31 3445.3018, if that grant recipient's pilot project was funded at  
32 less than the requested amount. That recipient shall have 60  
33 days to modify its project to the satisfaction of the State  
34 Department of Education to expend an increased grant amount up  
35 to the amount in its application.