



Annual Report on Obsolete, Unnecessary or Duplicative Rules

2013 Report

to the

Legislature

As required by

Minnesota Statutes,

Section 14.05

COMMISSIONER:

Brenda Cassellius, Ed. D.

Annual Report on Obsolete,

Unnecessary or Duplicative Rules

November 28, 2013

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Cost of Report Preparation

The total cost for the Minnesota Department of Education (MDE) to prepare this report was approximately \$210. Most of these costs involved staff time in analyzing data from surveys and preparing the written report. Incidental costs include paper, copying and other office supplies.

Estimated costs are provided in accordance with Minnesota Statutes 2011, section 3.197, which requires that at the beginning of a report to the Legislature, the cost of preparing the report must be provided.



November 28, 2013

Governor Mark Dayton

Legislative Coordinating Commission

Senate Education Committee
Senate E-12 Education Budget Division

House Education Finance Committee
House Education Reform Committee

Revisor of Statutes

Subject: Annual Report on Obsolete, Unnecessary or Duplicative Rules, as required by
Minnesota Statutes, section 14.05, Subdivision 5.

Minnesota Statutes, section 14.05, states:

Review and repeal of rules. By December 1 of each year, an agency must submit to the governor, the Legislative Coordinating Commission, the policy and funding committees and divisions with jurisdiction over the agency, and the revisor of statutes, a list of any rules or portions of rules that are obsolete, unnecessary, or duplicative of other state or federal statutes or rules. The list must also include an explanation of why the rule or portion of the rule is obsolete, unnecessary or duplicative of other state or federal statutes or rules. By December 1, the agency must either report a timetable for repeal of the rule or portion of the rule, or must develop a bill for submission to the appropriate policy committee to repeal the obsolete, unnecessary, or duplicative rule. Such a bill must include proposed authorization to use the expedited procedures of section 14.389 to repeal or amend the obsolete, unnecessary, or duplicative rule. A report submitted under this subdivision must be signed by the person in the agency who is responsible for identifying and initiating repeal of obsolete rules. The report also must identify the status of any rules identified in the prior year's report as obsolete, unnecessary or duplicative. If none of an agency's rules are obsolete, unnecessary or duplicative, an agency's December 1 report must state that conclusion.

2013 Obsolete Rules

The Minnesota Department of Education has not determined any rules to be obsolete, unnecessary or duplicative of other state or federal statutes or rules.

At the direction of the 2013 Minnesota Legislature, the agency is reviewing certain education-related rule chapters and will make recommendations to the 2014 Minnesota Legislature about whether any rules should be revised. Specifically, the commissioner is reviewing Minnesota Rules, parts 3535.0100 to 3535.0280, related to school desegregation/integration, for consistency with Minnesota Statutes, sections 124D.861 and 124D.862. The commissioner has also convened a special education case loads task force to develop recommendations related to educator case loads, including identification of any state special education rules in Minnesota Rules, Chapter 3525, that should be revised to align with state statutes. See 2013 Minnesota Laws, Chapter 116, Article 3, Section 32 and Article 5, Section 28. If any rules are recommended for revision as a result of these review processes, the Minnesota Department of Education anticipates that it will not repeal the rules pursuant to the obsolete rulemaking process, but will seek specific rulemaking authority or follow another appropriate rulemaking process under Minnesota Statutes, Chapter 14.

Status of Rules Identified in the 2012 Obsolete Rules Report

In the 2012 Obsolete Rules Report, the Minnesota Department of Education identified Minnesota Rules, parts 3501.0505-3501.0550, governing statewide language arts academic standards for grades kindergarten through grades 9-12, as obsolete. Those rules were repealed in October 2013.

If you have any questions regarding this report, please contact me at (651) 582-8215.

Sincerely,



Elia Bruggeman
Assistant Commissioner
Minnesota Department of Education