



**2008 Annual Report
on Obsolete,
Unnecessary, or
Duplicative Rules**

December 2008

**Report
To the
Legislature**

**As required by
Minn. Stat. §
14.05**

COMMISSIONER:

Alice Seagren

FOR MORE INFORMATION CONTACT:

Amy Roberts

Minnesota Department of Education

T: (651) 582-8482

FAX: (651) 582-8613

E-MAIL: amy.roberts@state.mn.us

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1500 Highway 36 West

Roseville, MN 55113-4266

TTY: (800) 627-3529 OR (651) 582-8201

**As required by
Minnesota
Statute § 14.05**

Upon request, this report can be made available in alternative formats.

ESTIMATED COST OF PREPARING THIS REPORT

This report provides information that is maintained and published by the Department of Education as a part of its normal business functions. Therefore, the cost information reported below does not include the cost of gathering the data but rather is limited to the estimated cost of actually analyzing the data, determining recommendations and preparing this report document.

Special funding was not appropriated for the costs of preparing this report.

The estimated cost incurred by the Minnesota Department of Education in preparing this report is \$350.00.



November 25, 2008

Governor Tim Pawlenty

Legislative Coordinating Commission

Senate Education Committee
Senate E-12 Education Budget Division

House Education Policy Committee
House Education Finance Committee
House K-12 Finance Committee
House Early Childhood Learning 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 The list must also include an explanation of why the rule or portion of the rule is obsolete, unnecessary, or duplicative of other state or federal statutes or rules.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.

2007 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.

The Minnesota Department of Education recently revised its state graduation test implementation and administration rules, found in Chapter 3501, in order to comply with

statute. The Department also is in the process of revising its secondary career and technical education rules, found in Chapter 3505, to reflect recent changes in state and federal legislation. A Special Education Task Force, established by the 2007 Minnesota Legislature and extended by the 2008 Minnesota Legislature until February 2009, is reviewing all of the rules in Chapter 3525 to determine which rules exceed minimum federal requirements for special education, and to make additional recommendations related to the rules. *See* 2008 Minn. Laws Ch. 363, Art. 2, Sec. 37; 2007 Minn. Laws Ch. 146, Art. 3, Sec. 23.

Minnesota Rules, Chapter 3400, which governs child care funds, is administered by the Department of Human Services pursuant to statutory directive. That Department may in the future decide to renumber Chapter 3400, which is an active rule chapter and does not contain any obsolete, unnecessary, or duplicative rules.

Status of Rules Identified in the 2007 Obsolete Rules Report

In the 2007 Obsolete Rules Report, no statutes were identified by the Department as obsolete.

If you have any questions regarding this report, please contact me at 651/582-8482.

Sincerely,

Amy Roberts, J.D.
Director of Compliance and Assistance