Minnesota Department of

Education

Annual Report on Obsolete, Unnecessary or Duplicative Rules

2012

Report

To the

Legislature

As required by

Minnesota Statutes

Section 14.05

Template updated: 2/1/12

COMMISSIONER:

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

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December 1, 2012

FY 2012 Report To the Legislature

As required by Minnesota Statutes

Section 14.05

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Cost of Report Preparation

The total cost for the Minnesota Department of Education (MDE) to prepare this report was approximately $300. Most of these costs involved staff time spent analyzing current rules, statutes and federal laws, determining recommendations and preparing the written report. Incidental costs include paper and copying.

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.

Minnesota Department of
Education

November 30, 2012

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 The list must also include an explanation of why the rule or portion of the rule is obsolete, unnecessary, or duplicative of other state or federal statutes or rules.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.

2012 Obsolete Rules

The Minnesota Department of Education has identified Minnesota Rules, Parts 3501.0505-3501.0550, governing statewide language arts academic standards for

grades kindergarten through grades 9-12, as obsolete because new language arts academic standards went into effect in January 2012. Therefore, the previous rules related to language arts academic standards are duplicative and need to be repealed.

The department proposes to use the process for repealing obsolete rules set forth in Minnesota Statutes, section 14.3895 to repeal these duplicative rules. No law specifically requires another process for repealing these rules; the department's statutory authority to adopt rules governing statewide academic standards is found in Minnesota Statutes, section 120B.02.

Status of Rules Identified in the 2011 Obsolete Rules Report

In the 2011 Obsolete Rules Report, no rules were identified by the department as obsolete.

If you have any questions regarding this report, please contact me at (651) 582-8247.

Sincerely,

Barbara Case

Barbara Case, J.D.
Director
Division of Compliance and Assistance