

February 1, 2024

VIA EFILING ONLY

Catherine Rogers
Eric Taubel
Department of Education
400 NE Stinson Blvd
Minneapolis, MN 55413
Catherine.rogers@state.mn.us;
Eric.s.taubel@state.mn.us

Re: *In the Matter of the Proposed Amendment to Rules Governing K-12 Academic Standards in Social Studies, Minnesota Rules 3501.3501; Repeal of Rules 3501.1300-1345*
OAH 8-9005-37919; Revisor R-4733

Dear Catherine Rogers and Eric Taubel:

Enclosed herewith and served upon you please find the **ORDER ON REVIEW OF RESUBMITTED RULES UNDER MINN. STAT. § 14.16, SUBDS. 1, 2 AND MINN. R. 1400.2240, SUBPS. 4, 5** in the above-entitled matter. On January 25, 2024, the Office of Administrative Hearings received for review the submissions of the Minnesota Department of Education as modified pursuant to the January 5, 2024, Report of Administrative Law Judge Eric L. Lipman. The rules, Revisor's Draft R-4733, are approved as to legality. The Office of Administrative Hearings has closed this file and is returning the rule record so that the Department can maintain the official rulemaking record in this matter as required by Minn. Stat. § 14.365. If the Minnesota Department of Education has not already done so, please ensure that a signed order adopting the rules is filed with the Office of Administrative Hearings. The Office of Administrative Hearings will request copies of the finalized rules from the Revisor's office following receipt of that order. The Office of Administrative Hearings will file the adopted rules with the Secretary of State, who will forward one copy to the Revisor of Statutes, one copy to the Governor, and one to the Department for its rulemaking record.

The Department's next step is to arrange for publication of the Notice of Adoption in the State Register. Two copies of the Notice of Adoption provided by the Revisor's office should be submitted to the *State Register* for publication. A permanent rule without a hearing does not become effective until five working days after Notice of Adoption is published in the State Register in accordance with Minn. Stat. § 14.27.

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If you have any questions regarding this matter, please contact William Moore at (651) 361-7893, william.t.moore@state.mn.us or via facsimile at (651) 539-0310.

Sincerely,

A handwritten signature in black ink that reads "Michelle Severson". The signature is written in a cursive, flowing style.

MICHELLE SEVERSON
Legal Assistant

Enclosure

cc: Legislative Coordinating Commission
Ryan Inman
Representative Ginny Klevorn
Senator Erin P. Murphy

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of the Possible Amendment
to Rules Governing K-12 Academic
Standards in Social Studies, Part 3501

**ORDER ON REVIEW OF
RESUBMITTED RULES UNDER
MINN. STAT. § 14.16, SUBDS. 1, 2
AND MINN. R. 1400.2240, SUBPS. 4, 5**

This matter came on for review by the Chief Administrative Law Judge Jenny L. Starr pursuant to Minn. Stat. § 14.16, subds. 1, 2 (2022) and Minn. R. 1400.2240, subps. 4, 5 (2023).

This rulemaking concerns the proposed rules of the Minnesota Department of Education (MDE or the Department) to amend the K-12 academic standards in Social Studies.

The proposed rules came before Administrative Law Judge Eric L. Lipman for rulemaking hearings on November 8 and 9, 2023. Judge Lipman later disapproved one subpart of the rules in a Report dated January 5, 2024. The Chief Administrative Law Judge concurred with the determinations of the Administrative Law Judge by way of an Order dated January 16, 2024.

On January 25, 2024, MDE requested the Chief Administrative Law Judge review and approve modifications to the proposed rules pursuant to Minn. R. 1400.2240, subps. 4, 5. The resubmitted rules include modifications incorporating one of the Administrative Law Judge's recommended alternatives to cure the legal defect.

The Chief Administrative Law Judge finds that all defects identified in the prior Order have been corrected. In addition, the Chief Administrative Law Judge finds that the Department's proposed modifications do not render the final proposed rules substantially different from those published in the *State Register* on September 25, 2023.¹

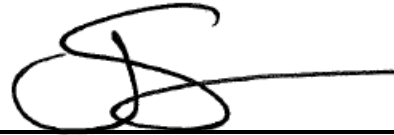
Based on a review of the modifications made by the Department in its submissions filed on January 25, and the rulemaking record,

¹ Minn. Stat. § 14.05, subd. 2(b)(2) (2022) ("A modification does not make a proposed rule substantially different if . . . the differences are a logical outgrowth of the contents of the notice of intent to adopt or notice of hearing and the comments submitted in response to the notice.").

IT IS HEREBY ORDERED THAT:

The proposed rules, as modified, are approved as to legality.

Dated: February 1, 2024

A handwritten signature in black ink, consisting of a large, stylized 'S' followed by a horizontal line extending to the right.

JENNY L. STARR
Chief Administrative Law Judge