



# Minnesota State Board of Education

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STATE OF MINNESOTA  
STATE BOARD OF EDUCATION  
as prepared by the  
MINNESOTA DEPARTMENT OF EDUCATION  
DIVISION OF INSTRUCTIONAL EFFECTIVENESS  
CURRICULUM SERVICES SECTION

In the Matter of the Proposed Rule  
Governing Multicultural and Gender-Fair  
Curriculum, Minnesota Rules Parts 3500.0550

STATEMENT OF NEED  
AND REASONABLENESS

## I. INTRODUCTION

The proposed rule governing multicultural and gender-fair curriculum is intended to assist Minnesota public elementary and secondary schools in the development and implementation of an inclusive educational program, that is, one which provides students and staff with a curriculum that promotes understanding and appreciation of all groups and individuals, especially those who may have formerly been underrepresented. These latter are specifically identified as persons of color, women, and the handicapped. These latter are specifically identified as persons of color, women, and the handicapped. The proposed rule suggests policies and procedures similar to those in the Planning, Evaluation, and Reporting (P.E.R.) Process (Minnesota Statutes Section 121.661-126.666) and requires the adoption and filing of a district plan, with review or revision at least once every six years. The district plan must address curriculum goals, learner outcomes, evaluation processes, course content, instructional materials, monitoring, and staff development. Further, each plan would be developed by a committee or other body that would include representatives of the three groups: persons of color, women, and handicapped individuals.

In the early 1970s, the Minnesota State Board of Education had guidelines in place for "Quality Intercultural and Non Sex-biased Education." A decade later it became apparent that school districts in Minnesota had not implemented these guidelines in local curriculum. Subsequent actions to meet the identified need included the proposal, in 1983, of a bill on Multicultural/Gender-Fair Curriculum drafted by the Equal Educational Opportunities Section of the Department of Education. This bill was not enacted into law by the Minnesota Legislature.

As the result of a 1984 hearing on Indian Education, the State Board of Education appointed a Task Force with the charge "to 1) determine the status of multicultural/gender-fair curriculum presently being implemented by local school districts in the state; 2) write a report on the findings; and 3) make recommendations to the State Board based on the findings." In fulfillment of the charge, the Multicultural/Gender-Fair Curriculum Task Force developed and administered a survey of districts, met monthly from January to April, 1985, created six subcommittees, and received supplementary information from the three Department of Education staff liaison persons and from outside consultants. The Task Force reported to the State Board in May, 1985.

On April 15, 1986, the State Board of Education held an Information Gathering Session on multicultural/gender-fair curriculum. Testimony was heard and numerous letters of support were received.

In April, 1987, the State Board of Education's Sex Equity Advisory Committee (SEAC), charged by the State Board with "reviewing the report of the Multicultural/Gender-Fair [Curriculum] Task Force, consulting with interested educational and professional organizations, and recommending appropriate voluntary or legislative approaches for systematic implementation of multicultural/gender-fair curriculum in Minnesota K-12 public schools," presented their report to the State Board. The SEAC reaffirmed the findings of the Task Force and advised the State Board to adopt a rule.

In October, 1987, the Special Populations Committee of the State Board of Education reviewed a proposed Multicultural/Gender-Fair Curriculum Rule. At that meeting, Department of Education staff were directed to revise the proposed rule. This was done by members of the Curriculum Services Section of the Division of Instructional Effectiveness in consultation with the Equal Educational Opportunities Section and outside consultants. Discussion of the rule continued between the Committee and Department of Education staff until September, 1988, when the Committee recommended that the Board pass a Resolution to Proceed with Adoption of Rules Without a Public Hearing. That Resolution passed on September 13, 1988.

## II. AUTHORITY

The statutory authority of the State Board of Education to promulgate the proposed rules is set forth in Minnesota Statutes Section 121.11, Subdivision 7 (1987 Supplement), and Minnesota Statutes Section 121.11, Subdivision 12 (1986), which provide:

**Subdivision 7. General supervision over educational agencies.** The state board of education shall exercise general supervision over public schools and public educational agencies in the state, classify and standardize public elementary and secondary schools, and prepare for them outlines and suggestive courses of study. The board shall establish rules relating to examinations, reports, acceptances of schools, courses of study, and other proceedings in connection with elementary and secondary schools applying for special state aid. The state board may recognize educational accrediting agencies for the sole purpose of sections 120.101, 120.102, and 120.103.

**Subdivision 12. Administrative rules.** The state board shall adopt and enforce rules, consistent with this code, appropriate for the administration and enforcement thereof. Notwithstanding the provisions of section 14.05, subdivision 4, the state board may grant a variance to its rules upon application by a school district for purposes of implementing experimental programs in learning or school management which attempt to make better use of community resources or available technology.

Under this statute the Board has the necessary statutory authority to adopt the proposed rule.

### III. STATEMENT OF NEED

Minnesota Statutes Chapter 14 (1986) requires the State Board of Education to make an affirmative presentation of facts establishing the need for and reasonableness of the rule as proposed. In general terms, this means that the State Board must set forth the reasons for its proposal, and the reasons must not be arbitrary or capricious. However, to the extent that need and reasonableness are separate, need has come to mean that a problem exists which requires administrative attention, and reasonableness means that the solution proposed by the State Board is appropriate. The need for the proposed rule is discussed below.

#### A. Need for the Rule as a Whole

A rule governing the development and implementation of multicultural and gender-fair curriculum in Minnesota public elementary and secondary schools is needed to provide staff and students with an educational setting that recognizes and promotes understanding and appreciation of the cultural diversity of the United States and the historical and contemporary contributions of all groups and individuals within that culture. Such an inclusive educational program would enhance the equality of educational opportunity for all students in Minnesota.

The State Board of Education recognizes that there may be many causes of inequality in educational opportunity, among which are racism, sexism, and a lack of a multicultural and gender-fair curriculum. The stability of our nation depends, in large measure, on the understanding and respect that are derived from a common educational experience by citizens. Recognizing that changes must occur in the relationships between and among human beings if the destiny envisioned in the United States Constitution and Bill of Rights is ever to be attained, schools must create an atmosphere for learning that is inclusive of all groups and individuals. Knowledge of the complex causes and divisive consequences of prejudice, sex-role stereotyping, discrimination, and separatism must supplant existing myths and misconceptions. These understandings should be integrated with content throughout the curriculum rather than presented as separate courses or units. The State Board of Education believes that such a multicultural and gender-fair approach to instruction will lead to the attainment of the desired outcomes.

As cited in the Introduction, previous attempts to achieve an inclusive educational program in public elementary and secondary schools throughout the state have not been completely successful. This is vividly illustrated in the key conclusions derived from reports of the State Board of Education's Multicultural/Gender-Fair Curriculum Task Force (1985) and Sex Equity Advisory Committee (1987):

- Of the tabulated survey results and supplementary information reviewed and analyzed by the Task Force, the overwhelming majority of the respondents did not indicate that multicultural/gender-fair curriculum was a priority. The districts also indicated a low level of concern and awareness regarding the issue of implementation and monitoring of multicultural/gender-fair curriculum. The responding districts represented 61% of the 435 districts in all but one of the state's 87 counties, indicating that these opinions are held statewide.
- The Task Force discovered that there appeared to be a general lack of understanding of the terminology and concepts regarding multicultural/gender-fair curriculum.

- The Task Force concluded that without some mechanism for requiring a multicultural/gender-fair curriculum approach as an integrated component of all curriculum areas, the status of equal educational opportunity would remain inadequate in the state. Even those districts that had reported progress were lacking uniform standards for policy-making, monitoring, evaluation, and staff development.
- The Sex Equity Advisory Committee (SEAC) agreed with the Task Force finding that school districts in Minnesota do not have multicultural/gender-fair curriculum as a priority. They cited evidence from the State of Iowa and the St. Paul (MN) Public Schools that a mandate and technical assistance (financial and personnel) are needed to assure implementation at the district level.
- The SEAC concluded that Minnesota public schools should implement multicultural/gender-fair curriculum "because it is the right thing to do." Among their supporting reasons were the need for Minnesota students to prepare for life in a global society and to validate and provide reinforcement for members of groups too long overlooked by the majority culture in our society.

There is no reason to believe that the needs for multicultural/gender-fair approaches to curriculum development and implementation identified in the 1970s and 1980s have diminished or will disappear. The State Board of Education believes the need for the proposed rule exists and requires its administrative attention.

B. Need for Individual Sections of the Rule

Subpart 1. Establishment of a Plan

A plan is needed in order for the board of education, staff, and community of each district to determine the appropriate processes necessary to the establishment of an inclusive educational program. A written plan provides guidance to all who are involved in the development of curriculum and evidence of compliance for the community and the state.

The identification of the three areas in items A, B, and C is needed to define the scope of the multicultural/gender-fair concepts required for inclusion in the curriculum. Specifically:

- A. To gain a multicultural perspective in the development and delivery of curriculum and to establish and maintain an inclusive educational program, educational planners must reach beyond the dominant white culture, which is traditionally featured in textbooks and other curriculum materials. Students and staff need to gain an understanding of and appreciation for persons of color, namely American Indians, Asian Americans, Black Americans, and Hispanic Americans. Such representation is also essential if all students and staff, many of whom are themselves persons of color, are to feel included in the educational program. There is an established need in United States education for staff and students to understand and appreciate the wide range of contributions by and roles open to Americans of all races and cultures. As the percentage of persons of color grows in the nation and state of Minnesota, the need for multicultural education increases as well.

- B. To gain a gender-fair perspective in the development and delivery of curriculum and to establish and maintain an inclusive educational program, there is a need for educational planners to provide examples of the achievements and potential of both women and men in textbooks and other curriculum materials. The language and illustrations of district curriculum documents, as well as the curriculum materials purchased or developed for use in the classroom, should be inclusive, that is, acknowledging the contributions and career options open to both females and males. With few exceptions this requires special attention to women, but the end result is a balanced program in which both females and males are included.
- C. To gain a truly inclusive perspective in the development and delivery of curriculum and to establish and maintain an educational program that reflects the broad spectrum of individuals and groups in American society, it is necessary for educational planners to include the handicapped. The current trend toward mainstreaming and community-based care underscores the need for students and staff to understand and appreciate the contributions by and roles open to handicapped individuals. Likewise, handicapped staff and students need a school environment that provides examples of these contributions and roles and values them as contributing members of society.

Both the state and federal government prohibit discrimination on the basis of race, creed, color, national origin, age, sex, or physical handicap. There is, therefore, a need for students in the schools to learn and practice the knowledge, skills, and affect necessary to be citizens in a pluralistic society that holds these values. The State Board of Education has also adopted statements of learner and system values, philosophy, and learner goals that highlight the need for the educational community to be attentive to the precepts of a multicultural, gender-fair, and inclusive program for students and staff. These statements are part of each Model Learner Outcome document published by the Department of Education, of other Department and Board publications, and are also available upon request from the Department or the Board.

#### Subpart 2. Specifications for the Plan.

The six components of the district plan specified in this subpart are those that are needed to assure a comprehensive approach:

- A. Curriculum goals, learner outcomes, and evaluation processes are key factors in school curriculum and are required under the P.E.R. process. Without goals, outcomes, or evaluation, there is little direction for educational planners to accomplish their task. All three ingredients must be in congruence in order for staff and students to achieve an inclusive educational program and environment. Likewise, the three required areas of subpart 1, items A, B, and C, must be addressed in the goals, outcomes, and evaluation processes. Statements of these goals, outcomes, and evaluation processes are needed in the plan for purposes of communication within and outside the educational community, for monitoring, and for staff inservice.

- B. Districts should consider the potential role of their P.E.R.-mandated curriculum advisory committee in the implementation of the rule. Boards of education often determine a need for an advisory body to provide community, parent, and staff input into procedures to implement new rules. By examining the potential role of the district curriculum advisory committee, an existing advisory group with curriculum responsibilities, the State Board believes that local boards will see the linkage between the proposed rule and the P.E.R. process, may avoid duplication of effort, and possibly achieve increased integration of multicultural/gender-fair concepts in district curriculum. A statement describing the extent of this committee's role is needed in the plan to show the degree to which multicultural/gender-fair curriculum development is part of the district P.E.R. process. While this integration is not mandated, it is the intention of the State Board of Education that the provisions of this rule can be accomplished within the P.E.R. format; they would like local boards to at least consider this possibility and report their decision through the plan.
- C. Substantive involvement by women, persons of color, and handicapped persons is necessary to assure the appropriateness of the decisions, especially in districts without representation of one or more of these groups. To gain a true multicultural, gender-fair, and inclusive perspective, it is necessary to involve the target groups directly in at least the development of the district plan. This is most efficiently accomplished by having representatives of each group serve on the district committee as available; it can also be achieved if appropriate representatives work closely with the planners. Whatever the process, it is necessary to show evidence of this involvement in the current plan, which will be on file in the district and at the Minnesota Department of Education.
- D. Specific goals, objectives, and timelines are needed to assure full compliance with all aspects of the rule and to provide an achievable plan. Without such specificity, it will be difficult for the local board to monitor progress, to conduct efficient and successful reviews at least every six years, and to make appropriate revisions as required. There is a need for districts to determine specific goals, objectives, and implementation timelines for curriculum processes, curriculum content, and curriculum materials for each of the areas in subpart 1, so that there is a systematic approach over time. The first step is a thoughtful plan that will assure an inclusive educational program through an integrated curriculum development process. Such a plan requires specific goals, objectives, and evaluation processes.
- E. Systematic monitoring and evaluation procedures are needed to assist in the review and possible revision of the plan as proposed in Subpart 3. Without such a systematic approach, it may be virtually impossible for a board to assure implementation of the plan or to determine how well (or poorly) the plan has achieved the district goals in providing an inclusive educational program. There is a need for these procedures to be included in the plan so that all who work with it, review it, and suggest directions for revision can know the intent of the board and the planners.

F. An inservice program is needed to ensure that all members of the district staff receive appropriate and timely instruction in developing their own understandings and appreciation of the emphasized areas and for applying the concepts in all curriculum development and implementation activities. The inservice program must address all areas related to subpart 1, items A, B, and C, so that opportunities exist for staff to learn about or increase their understanding of and appreciation for all three target groups: persons of color, women, and the handicapped. It must also address items D and E of subpart 2 so that staff will be prepared to develop and implement specific goals, objectives, timelines, and systematic procedures for monitoring and evaluation. The description of this program is needed in the plan so that planners, participants, monitors, and evaluators have a blueprint for their activities.

#### Subpart 3. Filing, Review, Revision.

This section is needed to establish the places where the current plan is to be filed and the cycle for review and possible revision. Copies of the plan are needed on file in the district office for local use and review and in the office of the Commissioner of Education for monitoring of compliance. A six-year cycle is needed to parallel the cycle required for the P.E.R. Process; this should facilitate implementation in the district.

#### Effective Date.

Normally, rules are effective five days after the date of publication of the Notice of Adoption in the State Register. The effective date of June 1, 1990, is needed in order to allow districts an appropriate time frame in which they can address each aspect of the rule and develop their plan. It is also necessary to explain that the effective date is the same date by which all requirements of the rule must have been met.

### IV. STATEMENT OF REASONABLENESS

The State Board of Education is required by Minnesota Statutes Chapter 14 to make an affirmative presentation of facts establishing the reasonableness of the proposed rule. Reasonableness is the opposite of arbitrariness or capriciousness. It means that there is a rational basis for the Board's proposed action. The reasonableness of the proposed rule is discussed below.

#### A. Reasonableness of the Rule as a Whole

The approach to the establishment of inclusive educational programs in all Minnesota school districts as proposed by the State Board of Education is a reasonable one in that it requires districts to address the issues of multicultural/gender-fair curriculum in a manner appropriate to local needs and conditions. There is great flexibility in the design of the required plan; no one model is imposed or even suggested for districts. Instead, technical assistance from the Department of Education will be made available, or districts may use their own or other outside resources.

A further indication of the reasonableness of the approach is the fact that the proposed specifications and timelines are similar to those required by the P.E.R. Process. Therefore, this would not be an entirely new activity for the districts, but one that could be designed as part of a process in which an existing legal mandate for curriculum is carried out. It is realistic to assume that the majority of school districts will establish a plan that incorporates multicultural/gender-fair curriculum development into the same policies and procedures adopted for their P.E.R. work. These districts would use the P.E.R. cycle, district curriculum advisory committee, monitoring and evaluation strategies, staff development opportunities, and the curriculum goals, learner outcomes, and evaluation processes already under way to address the multicultural/gender-fair issues.

B. Reasonableness of Individual Sections of the Rule

Subpart 1. Establishment of a Plan.

The adoption of a written plan is a reasonable request of districts in that it allows them to proceed at the local level by developing a process that provides direction in the home community and assurance of compliance at the state level. The subpart identifies three areas of special attention and emphasis so that districts know where to focus their efforts. Specifically:

- A. It is reasonable to give special emphasis to American Indians, Asian Americans, Black Americans, and Hispanic Americans because all are represented in Minnesota and the nation and all have been historically underserved and underrepresented in the curriculum content and materials. The availability of informational and human resources for each group makes their inclusion both necessary and reasonable. It is also reasonable to expect districts to focus on both historical and contemporary contributions of American Indians, Asian Americans, Black Americans, and Hispanic Americans, and on roles open to all Americans as a way of increasing understanding and appreciation as well as a sense of inclusion. While some effort will be needed for districts to increase consideration of these four groups in local curriculum, it is a reasonable task and technical assistance is obtainable.
- B. Inclusion of women's contributions, both historical and contemporary, and use of language that is either gender fair or gender neutral is not a new phenomenon in American society. Progress has already been made in these areas, in schools and in the community, but more is needed. Therefore, it is a reasonable task for districts, which are not being asked to replace the accomplishments of men with those of women but to present a balanced picture for students and staff. In this way, the full range of opportunities open to both women and men will serve as models for students and staff, fostering the sense of inclusiveness for all.
- C. At the same time that persons of color and women are identified for special emphasis and representation in the educational program, it is reasonable to include the handicapped, also. Districts are already addressing the mainstreaming of handicapped individuals into their schools and classrooms, making it reasonable to extend this concern to the development and delivery of curriculum. Most, if not all, school



districts count handicapped adults in their community population; these persons and the parents of handicapped students are valuable local resources, who are often vocal activists in the area of handicapped awareness. It is reasonable for these members of the community to expect the local curriculum not only to foster understanding and appreciation of the contributions by and roles open to the handicapped but also a sense of inclusion within the educational program. These expectations are already held by state and local government, including the State Board of Education.

Subpart 2. Specifications for the Plan.

- A. It is reasonable to require districts to address the three key curriculum components identified in the subpart: curriculum goals, learner outcomes, and evaluation processes. All three are already being addressed through the P.E.R. Process.
- B. It is reasonable to expect the district to examine the potential role of its curriculum advisory committee in the implementation of the rule. This established group is already involved in curriculum development processes and may be the designated body to deal with the multicultural/gender-fair curriculum rule. If not, that group will probably know best who should assume responsibility for the requirements of the rule.
- C. It is reasonable to expect district planners to involve women, persons of color, and handicapped persons in their work, knowing that their personal experiences and insights will bring a necessary perspective to the task. It is also reasonable to assume that some districts will not have local representatives of one or more of these groups immediately available and will require assistance from outside resource persons. While this might seem to suggest an unreasonable aspect of the rule, the need for this stipulation outweighs any potential hardship for a local district. Qualified women are certainly available in each district, and the handicapped may be also. Persons of color are increasingly represented throughout the state and region, bringing them closer to individual districts than ever before.
- D. In the same way that it is reasonable to address curriculum goals, learner outcomes, and evaluation processes, it is reasonable to require districts to include specific goals, objectives, and implementation timelines for the processes, content, and materials needed to include persons of color, women, and handicapped persons in all areas of the curriculum. These are regular activities of all curriculum development. Determination of each component is to be made entirely at the local level, allowing a reasonable approach that can be unique for each district. Only a completed plan and an implementation timeline are required by the effective date (June 1, 1990), not complete implementation of all aspects of the plan.
- E. It is reasonable to require districts to plan for systematic monitoring and evaluation, particularly when these may be the same as those established for their P.E.R. Process. Monitoring and evaluation are both recognized and expected educational procedures.

- F. It is reasonable to require districts to plan for staff inservice in areas related to the rule. Only a description of the program is required by the effective date (June 1, 1990); it is realistic to expect the implementation of the program to extend well beyond the effective date. Staff development appropriate to the goals and activities of a building and/or district is a common undertaking in Minnesota schools.

Subpart 3. Filing, Review, Revision.

- A. It is reasonable to require that the current plan be on file in the administrative offices of the district and with the Commissioner of Education. At least one copy of the plan must be readily accessible at the local level; the district office seems the logical and appropriate place. The office of the Commissioner of Education is selected for the state file copy so that it can be accessible to both the State Board of Education, which the Commissioner serves as Secretary, and to staff in the Department of Education, who will be available to provide technical assistance to help districts comply with and implement the rule.
- B. It is reasonable to expect the district to submit status reports on implementation of their plan so that the State Board can be assured that districts are making progress toward the establishment and maintenance of an inclusive educational program. It is also reasonable to expect the Commissioner of Education to determine the format for those reports, as s/he has several existing means at her/his disposal, such as the Department compliance procedures for the Civil Rights Act of 1964 and Title IX (1972), special education monitoring, the MINCRIS reporting system, etc. The Commissioner can also adjust the nature and determine the frequency of these reports, giving more flexibility than might be afforded if these were stipulated in the rule.
- C. A cycle of six years is a reasonable length of time for districts to review their plan and to propose revisions. This is the same time frame required for the curriculum review cycle under P.E.R. It is anticipated that revisions will not be extensive, particularly after the first cycle is completed.

Effective Date.

The effective date of June 1, 1990, for both the rule and the adoption and filing of the first plan provides a reasonable length of time for the adoption of the rule and work in the districts to comply with its requirements. Also, the rule requires only the adoption and filing of the plan by the effective date, not full implementation.

It is anticipated that the rule will be adopted without a public hearing and that the Notice of Adoption will be published in the State Register during December, 1988, or January, 1989. Districts will then have approximately 16 months to establish and adopt their plan and file it in the district office and with the Commissioner of Education.

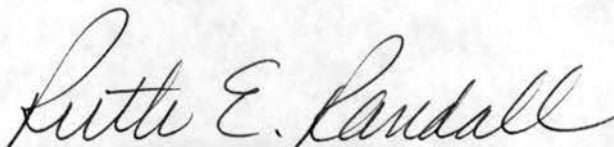
**V. SMALL BUSINESS CONSIDERATIONS IN RULEMAKING**

It has been determined that there will be no impact on small business.

**VI. CONCLUSION**

Based on the foregoing, the proposed Minnesota Rules Part 3500.0550 is both needed and reasonable.

Dated: September 23, 1988



Ruth E. Randall, Ed.D.  
Commissioner of Education and  
Secretary, State Board of Education