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# **2023 Annual Report on Obsolete, Unnecessary, or Duplicative Rules**

Report to the Legislature

As required by Minnesota Statutes, section 14.05

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As requested by [Minnesota Statutes 2023, section 3.197](#): This report cost approximately \$760.00 to prepare, including staff time, printing, and mailing expenses.

*Upon request, this material will be made available in an alternative format such as large print, braille, or audio recording. Printed on recycled paper.*

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## Legislative Charge

Minnesota Statutes 2023, section 14.05, subdivision 5, requires that:

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 The list must also explain why the rule or portion of the rule is obsolete, unnecessary, or duplicative of other state or federal statutes or rules.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 agency person responsible for identifying and initiating the 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 the agency's rules are obsolete, unnecessary, or duplicative, an agency's December 1 report must state that conclusion.<sup>1</sup>

## Executive Summary

This legislative report states that the Minnesota Department of Education (the department) has identified Minnesota rules that are currently obsolete, unnecessary, or that duplicate other state or federal statutes or rules. This report also gives an update on current rulemaking proceedings.

## Introduction

This legislative report will discuss the Minnesota Rules that are currently obsolete, unnecessary, or duplicative of other state or federal statutes or rules. This report will also provide an update on the department's current rulemaking projects.

## Analysis

[Minnesota Rule part 3525.0210, subpart 28 Individualized Family Service Plan or IFSP.](#)

Minnesota Rules, part 3525.25, subpart 28, defines an individualized family service plan or IFSP. The term is already defined in [Minnesota Statutes 2023, section 125A.27, subdivision 10](#). This rule is duplicative and unnecessary. The Department will begin the rulemaking process to repeal this rule in the upcoming year.

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<sup>1</sup> [Minnesota Statutes, section 14.05, subdivision 5.](#)

[Minnesota Rules, part 3525.0210, subpart 41 Significant Change in Program or Placement.](#)

This term is no longer referenced elsewhere in Minnesota Rules, Chapter 3525. It was associated with a prior written notice requirement that no longer exists. This rule is obsolete and unnecessary. The Department will begin the rulemaking process to repeal this rule in the upcoming year.

[Minnesota Rules, part 3525.3790 Time Computation.](#)

This process is already outlined under [Minnesota Statutes 2023, sections 645.15](#) and [645.151](#). This rule is duplicative and unnecessary. The Department will begin the rulemaking process to repeal this rule in the upcoming year.

[Minnesota Rules, part 3525.3900 Initiating a Due Process Hearing.](#)

This rule defines a process and safeguards that are fully covered under [Minnesota Statutes 2023, section 125A.091](#), and Title 34 of the Code of Federal Regulations, sections [300.507](#), [300.508](#), and [300.504](#). This rule is duplicative and unnecessary. The Department will begin the rulemaking process to repeal this rule in the upcoming year.

[Minnesota Rules, part 3525.4110 Prehearing conference.](#)

The requirements of a prehearing conference are fully outlined in [Minnesota Statutes 2023, section 125A.091](#) and [Title 34 of the Code of Federal Regulations section 300.512](#). This rule is duplicative and unnecessary. The Department will begin the rulemaking process to repeal this rule in the upcoming year.

[Minnesota Rule Part 3525.4300 Hearing procedures.](#)

The hearing procedure is explained in [Minnesota Statutes 2023, section 125A.091](#) and [Title 34 of the Code of Federal Regulations section 300.512](#). This rule is duplicative and unnecessary. The Department will begin the rulemaking process to repeal this rule in the upcoming year.

[Minnesota Rules, part 3525.4320 Rules of Evidence.](#)

Except for one sentence, all of the material found in this rule is covered under [Minnesota Statutes 2023, sections 125A.091](#) and [Minnesota Statutes, section 14.60](#), and [Minnesota Rules, part 1400.7300](#). All three of those sources allow the administrative judge great discretion in determining what evidence may be accepted. As a result, the sentence allowing the hearing officer to admit evidence offered for the purposes of impeachment, even if not disclosed five days prior to the hearing, is unnecessary because the judge may make that determination without specific authority. This rule is duplicative and unnecessary. The Department will begin the rulemaking process to repeal this rule in the upcoming year.

[Minnesota Rules, part 3525.4420 Decisions of Hearing Officer.](#)

The requirements of this rule can be found in [Minnesota Statutes 2023, sections 125A.091](#) and [Minnesota Statutes 2023, section 14.62](#), as well as in [Minnesota Rules, part 1400.7400](#). This rule is duplicative and unnecessary. The Department will begin the rulemaking process to repeal this rule in the upcoming year.

[Minnesota Rules, part 3525.4700 Enforcement and Appeals.](#)

The procedures for enforcement of a decision and the process to appeal can be found in [Minnesota Statutes 2023, section 125A.091](#) and [Title 34 of the Code of Federal Regulations, sections 300.152, 300.514, and 300.516](#). This rule is duplicative and unnecessary. The Department will begin the rulemaking process to repeal this rule in the upcoming year.

[Minnesota Rules, part 3525.4750 Expedited Hearings, Who May Request.](#)

The right to and process for an expedited hearing is outlined in [Minnesota Statutes 2023, section 125A.091](#), and [Title 34 of the Code of Federal Regulations, section 300.532](#). This rule is duplicative and unnecessary. The Department will begin the rulemaking process to repeal this rule in the upcoming year.

[Minnesota Rules, part 3501.1200 Scope and Purpose.](#)

"WIDA" no longer refers to the World-Class Instructional Design and Assessment Consortium. The organization is now referred to as just WIDA.<sup>2</sup> Because the former name is obsolete, the department suggests changing the sentence that reads "The state of Minnesota's standards for English language development are the current standards developed by the World-Class Instructional Design and Assessment (WIDA) consortium" to "The state of Minnesota's standards for English language development are the current standards developed by WIDA. The Department will begin the rulemaking process to delete the full name in the upcoming year.

## Rulemaking Update

The rulemaking proceeding for the K-12 academic standards in the English Language Arts was completed this past year. The rulemaking proceeding for the K-12 academic standards in Social Studies is fully underway. The formal rulemaking proceeding for the K-12 academic standards in Math will continue in the coming year. There were no obsolete rules last year, so there was not a repeal proceeding for that.

## Conclusion

Several provisions of the Minnesota Department of Education's rules are now duplicative or obsolete due to existing language in state or federal law. The recommendation of this report is to repeal those rules within the coming year. These changes will reduce confusion for parents and students, improve rule implementation throughout the state, and improve educational services for Minnesota students.

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<sup>2</sup> WIDA Consortium (2023, September 27). *In Wikipedia*. [WIDA Consortium - Wikipedia](#)

## **Bibliography**

[Minnesota State Statutes \(2023\)](#)

[Minnesota Administrative Rules \(2022\)](#)

[Title 34 of the Code of Federal Regulations Part 300 \(Assistance to States for the Education of Children with Disabilities\) \(2022\)](#)