



Amended 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.

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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 The list must also explain why the rule or portion of the rule is obsolete, unnecessary, or duplicative of other state or federal statutes or rules.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.¹

Executive Summary

This legislative report states that the Minnesota Department of Education (the department) has identified Minnesota rules that are currently obsolete, unnecessary, or duplicate other state or federal statutes or rules. It 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 and provide an update on the department's current rulemaking projects.

¹ [Minnesota Statutes 2023, section 14.05, subdivision 5](#).

Analysis

The department submitted its original report to the Legislature on December 1, 2023. Since then, the department has determined that some changes were necessary. The formal repeal of the obsolete rules through the rulemaking process has not yet begun, so there will be no changes to that process.

Rules Unchanged Under the Original Report

The following rules are obsolete. These rules were listed in the original report:

[Minnesota Rules 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 this year.

[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 this year.

[Minnesota Rules, part 3525.3900 Initiating a Due Process Hearing](#). This rule defines a process and safeguards 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](#). It is duplicative and unnecessary. The department will begin the rulemaking process to repeal it this 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.² 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 this year.

Rules Being Added to the Original Report

The department has determined that the following rule should be added to the initial report as being obsolete:

[Minnesota Rules, part 3525.4770 Expedited Hearings, Timelines](#).

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

The procedures outlined in this rule are fully covered under [Minnesota Statutes 2023, section 125A.091](#), and Title 34 of the Code of Federal Regulations, sections [300.507](#), [300.508](#), [300.504](#), and [300.532](#). The rule is duplicative and unnecessary. The department will begin the rulemaking process to repeal it this year.

Rules Being Removed from the Original Report

The following rules were listed in the December 2023 report. Due to pending changes in statute, rules, and regulations, the agency has opted not to repeal the following rules:

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

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

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

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

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

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

Rulemaking Update

During 2023, the rulemaking proceeding for the K-12 academic standards in the English Language Arts. Since the original report was filed, the rulemaking process for the K-12 academic standards in Social Studies has been completed, and the rules have been adopted. The formal rulemaking process for academic standards in mathematics is underway. 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.

Bibliography

[Minnesota State Statutes \(2022\)](#)

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

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