



Arts Standards Rulemaking Process Update, October 2020

What are the recent developments in arts standards rulemaking?

Great news: The Chief Administrative Law Judge (chief judge) has **approved** the modified proposed rule language for the arts standards! The Minnesota Department of Education (MDE) will now move forward with the final steps for completing the formal rulemaking process and adopting the rules. As stated in the proposed rules, the new arts standards go into effect at the beginning of the 2021-2022 school year.

Why were modifications made?

In August 2020, the Administrative Law Judge (ALJ) issued a report regarding the proposed rules related to the 2018 Academic Standards in the Arts. This report found that MDE has necessary statutory authority and met all procedural requirements, but the proposed rules were disapproved due to vagueness. This report was reviewed by the chief judge and she issued a memorandum in which she suggested some modifications to address the issues with which she concurred in the ALJ's report. For more information about rulemaking related to the 2018 arts standards, including the above mentioned reports and memoranda, [see the MDE Arts Academic Standards Rulemaking page](#).

What happens next?

The Commissioner recently signed the Order Adopting Rules and this Order has been filed with the Office of Administrative Hearings (OAH). OAH will request three copies of the final rules from the Revisor's Office. OAH will file one copy with the Secretary of State, who will forward a copy to the Revisor of Statutes. The OAH will also file one copy with the Governor's Office, and send one copy to the department for our rulemaking record. The Revisor will then draft the Notice of Adoption and the department will arrange for publication of that Notice that will be in the State Register.

Will the arts standards change?

The approved modifications contain one minor revision to anchor standard #10 (Subpart 5B in the proposed rules.). The first word, "understand," will be replaced with "demonstrate an understanding." This change will be reflected when the final, adopted arts standards are posted after the rulemaking process is completed.

For questions, contact mde.academic-standards@state.mn.us.