



January 16, 2013

Hon. Barbara L. Neilson  
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**Agency Rebuttal In the Matter of Proposed Amendments To Minnesota Rules Chapter 3501.1300-3501.1345: Minnesota K-12 Academic Standards in Social Studies; OAH Docket No.1300-30011; Governor’s Tracking Number AR 1031**

On January 9, 2013 the Minnesota Department of Education (the department) submitted a post-agency response for the proposed social studies academic standards rules. The following rebuttal (Rebuttal) is the department’s additional response to issues raised in the post-hearing comments and for issues for which the department wishes to reiterate its position.

**I. Introduction**

Social studies, by its very nature, is controversial. In anticipation of the need to address a variety of issues represented by differing values and viewpoints, the department took special care to build a social studies standards committee (the Committee) whose members possess deep expertise in each of the social studies disciplines and who understand best practice research in teaching and learning. In addition, the department supplemented its well-vetted standards review process<sup>1</sup> with extra measures to ensure that the proposed standards address concerns with the 2004 social studies standards, new legislative mandates, and feedback from a wide variety of stakeholders, including K-12 and postsecondary educators. These extra measures included an additional public review and comment period, meetings with focus groups, consultations with college and university instructors, and three times the average number of expert reviews (15 rather than 3-5 expert reviews). The proposed social studies

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<sup>1</sup> Minnesota’s K-12 academic standards review process was heavily influenced by the state’s participation in the Achieve Alignment Institutes. Achieve provided technical assistance that equipped the state to lead comprehensive review processes that resulted in academic standards aligned with the knowledge and skills students need to succeed in postsecondary education and work. Since 2007, Minnesota’s standards review process has been successfully used to revise and align state academic standards in mathematics, the arts, science, English language arts, and most recently, social studies. National writing teams have studied Minnesota’s standards review process and standards leaders in the state are frequently consulted for their expertise. Minnesota’s standards review process requires the establishment of a highly qualified standards committee, a “gap analysis” of the current standards compared to “best practice” research in teaching and the content area, review of drafts by national disciplinary experts, and multiple and varied opportunities for the public to provide feedback.

standards have been well-received by social studies teachers around the state, and schools are reporting success in the important work of aligning curriculum, instruction and classroom assessment to the new standards.

During the review process, the Committee needed to make difficult choices about content and address a variety of controversial issues. In terms of content, the committee decided to increase the “grain size” of the standards and supporting benchmarks. This allowed the committee to address one of the most frequently voiced suggestions from the public: *Revise the standards so that there are fewer and less specific standards and benchmarks.* By doing so, the standards became focused on the most important principles, concepts and skills in each discipline. Choices about the content to include in the reduced number of standards were based on the preponderance of research that is commonly accepted throughout the academic communities in the social studies disciplines and pedagogy.

The Committee also addressed a range of controversial topics. An example of a controversial issue that was referenced by many during the hearing and post-hearing comment period is “American Exceptionalism,” a particular interpretation of the American past that both derives from and supports a specific political belief about what makes the United States (U.S.) unique in the world today.<sup>2</sup> There was significant controversy about “American Exceptionalism” when the national history standards were released in the early 1990’s<sup>3</sup> and this issue continues to come up when any state revises its social studies standards. The majority of professional historians and other social scientists do not accept the premise of the “American Exceptionalism” interpretation. The “American Exceptionalist” assertions that American society, governance, and economy are “the most free,” “the most dynamic,” “the most prosperous,” or “the most generous” lack analytical precision and are difficult to verify, since the concrete evidence varies depending on how these qualities are defined, how the historical period examined, and what particular metrics are used.<sup>4</sup>

It is important to keep in mind that every standards review process requires people to make difficult choices about content and controversial topics. People will disagree about which content is most important, and how particular controversies should be handled. This is not to say that teachers and students should avoid controversy, but that the proposed standards promote a balanced approach. Given that there is no definitive way to decide how some controversial topics should be addressed, the department relied on the thoughtful deliberations of a highly qualified standards committee and the department’s well-established review process to guide the development of the proposed standards. The department is confident that the proposed standards achieve this balance and do not promote a particular set of values over another.

Details about the standards committee and review process follow.

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<sup>2</sup> Madsen, Deborah, *American Exceptionalism* (1998).

<sup>3</sup> See, for example: 1) Symcox, Lynda, *Whose History? The Struggle for National Standards in American Classrooms* Teachers College Press, NY (2002); 2) Nash, Gary, et. al, *History on Trial* (2000); or 3) Appleby, Joyce, et.al., Hunt, Lynn & Jacob, Margaret, *Telling the Truth about History* (1994).

<sup>4</sup> Soderlind, Sylvia & Taylor, James C., *American Exceptionalisms: From Winthrop to Winfrey* (2011).

## **Social Studies Standards Committee**

The social studies standards committee included teachers from all regions of the state and school types. Most of the educators had expertise teaching two or more disciplines or grade levels, Advanced Placement (AP) or honors courses, and students with special needs. Many of them have earned awards and recognition for their teaching expertise, including Teacher of the Year awards and national board certification. The teachers included a Fulbright scholar, the past president of the National Council for the Social Studies, the former social studies specialist from the department who assisted with the 2004 standards, and teacher leaders from the department's Quality Teaching Network. Many committee members have collaborated as developers and/or readers of the AP examinations sponsored by the College Board. Many teachers on the committee also had experience instructing English language learners, low-income students and urban and rural students.

**College and university instructors on the Committee had impressive credentials, as well. The following is an example from each social studies discipline:**

- II. Civics and Government: A J.D. who has 25 years teaching experience which include developing curriculum and teaching civics/government and law to K-12 teachers, graduate students, and teachers. She is the Director of the Learning Law and Democracy Foundation and developed the Minnesota and National Mock Trial competitions. In 2010, she was named the Minnesota Bar Association's Citizen Lawyer of the Year.**
- III. Economics: A Ph.D. in economics and professor at the University of Minnesota-Duluth who directs the UMD Center for Economic Education. He has created state and national competitions for high school students, including the National Economics Challenge. He is past president of the National Council for Economic Education and served as a consultant on the Arkansas economics standards.**
- IV. Geography: A Ph.D. in geography and professor at Macalester College, past president of the National Council for Geographic Education, and coordinator of the Minnesota Alliance for Geographic Education. He is the chief reader for the AP Human Geography examination. He helped develop Geolinks, a K-12 online geography curriculum. He is a national consultant on geography standards and has won several national awards.**
- V. History: A Ph.D. in American history and professor at the University of Minnesota who redesigned the University's undergraduate history major and supervised the History Department's implementation of the University's "writing enriched" undergraduate curriculum. She coordinates the University's College in the Schools U.S. History program. She co-authored the proposal for and coordinated academic aspects of the three-year Teaching American History grant partnership with the St. Paul Public Schools, the Minnesota Historical Society and the Minnesota Department of Education. She is also an award-winning scholar who serves as a consultant to several national museums.**

The Committee also included staff from the Minnesota Historical Society and the Minnesota Humanities Commission, parents, and representatives from business, school boards and charter schools.

## **Social Studies Standards Review Process**

The department conducted a thorough standards review process that was transparent and inclusive. The Committee worked from February 2011 through December 2011. Most members of the Committee also served on one or more writing teams, subsets of the Committee charged with writing drafts of the revised standards. The full Committee met 12 times during the year to review feedback on previous drafts, resolve issues that spanned multiple disciplines or grade levels, and provide direction to the writing teams. The SONAR provides extensive information about the Committee's deliberations on key issues.

Many sources of information were consulted by the Committee during the review process. They included national standards documents in each discipline, scholarly reports on social studies education, national social studies assessment data provided by the National Assessment of Educational Progress (NAEP), exemplary standards from other states, AP and International Baccalaureate (IB) curriculum, and over 1100 comments submitted by the public online and in person at Town Hall meetings around the state. The Committee reviewed reports submitted by an unprecedented number of expert reviewers of the standards, and advice provided by many other content and pedagogy experts.

Throughout the review process, the department elicited public opinion and expert advice on the draft standards. The following are the most important activities conducted by the department to obtain feedback.

- VI. Online feedback:** Prior to the first meeting of the Committee, the public was invited to submit comments and suggestions for revising the standards through an online process. The feedback was collected, sorted into categories of like suggestions, and submitted to the new Committee for its consideration. An example of a clear directive from this feedback was to reduce the number of standards and benchmarks in the 2004 social studies standards.
- VII. First Public Review and Comment Period:** The first draft of the revised standards was prepared and posted on the department's website on Feb. 25, 2011 followed by a Public Review and Comment Period. In March, the department hosted evening Town Hall meetings in Fergus Falls, Marshall, Duluth and Roseville and invited the public to provide oral or written feedback in person at the meetings or at the department's online site. Feedback from the Public Review and Comment Period was analyzed by the Committee as they prepared the second and third drafts of the standards. The feedback indicated praise for the smooth developmental progression of concepts and skills in the elementary grades, and the reduced number of benchmarks. Concerns included a call to integrate the disciplines at the middle school level as well as greater focus on contemporary history.
- VIII. Expert Reviews:** The second draft of the standards was completed April 8, 2011. The department submitted the second draft to 15 expert reviewers, professionals who have established national reputations for their expertise in a particular discipline or topic area. Typically, the department enlists the help of three to five expert reviewers during a standards review process. However, because social studies comprises four separate yet related

disciplines, and has a relatively large number of controversial issues (e.g., the role of indigenous peoples in U.S. and Minnesota state history) and specialty topics (e.g., personal finance in economics), the department decided to enlist the help of an unprecedented number of experts.

- IX. The Expert Reviewers Included the Following:** 1) a Professor Emeritus of History at the University of Vermont who is the president of the World History Association; 2) the chair of the AP geography test development committee; 3) the manager of economic education at the Federal Reserve Bank of St. Louis; 4) the former chair of the AP world history test development committee; 5) a Professor Emeritus of History and McKnight Distinguished University Professor of History who formerly chaired the history department at the University of Minnesota; and so on. The expert reviewers pointed out important recent developments in each field, such as the use of BCE/CE instead of BC/AD to designate time periods in world history. They provided advice about aligning the standards with current college level expectations for entering freshmen, and they stressed the importance of strengthening the civic skills component of the standards. The standards committee carefully considered the analyses provided by the expert reviewers as they prepared the third draft of the standards.
- X. Second Public Review and Comment Period:** The third draft of the standards was completed April 29, 2011. The department decided to add an additional public comment period and invited the public to provide their feedback online. More than 600 comments were submitted, all of which were subsequently reviewed by the committee and helped guide changes to the standards over several months.
- XI. Consultant Feedback:** Suggestions provided during the public comment periods indicated strong support for a Global Studies approach in grade eight that combined world history with the third draft's existing world regional geography content. During a series of meetings in June 2011, the writing team consulted with historians from Hennepin Community College, Augsburg College, and the University of Minnesota to discuss thematic, regional and chronological options for structuring world history and world geography content in grade eight.
- XII. Targeted Group Feedback:** The commissioner invited numerous stakeholder groups/organizations to attend one of two meetings with her, the assistant commissioner and staff in order to get feedback and discuss any concerns they had with the standards. The meetings were held August 24 and 25, 2011. Groups unable to attend were invited to submit written feedback. Participating organizations included, but were not limited to, Education Minnesota, the Minnesota School Boards Association, the Minnesota Business Partnership, the Minnesota Chamber of Commerce, the Minnesota Indian Affairs Council and Minnesota Business Educators. Once again, feedback from these meetings informed changes in the draft standards.
- XIII. Middle School Focus Group:** On November 22, 2011, the department hosted a meeting of middle school teachers representing a variety of regions and school sizes. The teachers were asked to provide feedback on the middle school standards, and their suggestions helped frame subsequent changes to the standards.
- XIV. Additional consultant feedback:** Writing teams consulted with postsecondary faculty and AP teachers from the Mounds View and

Stillwater school districts in order to ensure that the standards were anchored in the knowledge and skills that students need for college and career readiness. Consultations occurred at various times from August through October and December 2011. College institutions that participated included Southwest State University, the College of St. Benedict, St. John's University, St. Cloud State University, and the University of St. Thomas. A writing team also met with middle school teacher consultants on December 15, 2011 to address concerns of the November 22 middle school focus group and to finalize the world history benchmarks for grade eight global studies.

**XV. World History Teacher Survey:** The department surveyed world history teachers in Minnesota to gauge their preferences for the scope and sequence of world history content at the middle and high school levels. The survey was conducted November 18-20, 2011.

**XVI. Special Education Review:** The department also convened a team of special education professionals to review the draft standards for items that might be biased against students with special needs.

By the end of the review process, the Committee had consulted numerous reports and standards documents and considered the concerns and suggestions of hundreds of individuals and organizations interested in the social studies education of Minnesota's K-12 students. The Committee adopted the final draft of the proposed standards in a unanimous vote.

## **II. Scope of Social Studies Standards Revision**

***Comment:** Some commenters claim that the proposed standards are significantly different than the 2004 standards and that the department did not have authority to make significant changes.*

**Response:** As explained in the SONAR, the department's post-hearing Response, and in this Rebuttal, significant changes to the 2004 standards were warranted, given the legislative mandates for the following: 1) grade-specific benchmarks; 2) standards that prepared students for college and careers; 2) technology and informational literacy knowledge and skills; 3) content that included the contributions of American Indian tribes and communities; and 4) revisions that considered the advice from a wide variety of stakeholders, including teachers.

It should be noted that whenever Minnesota standards have been revised, significant changes have resulted. In mathematics (2007), for example, the standards were re-designed to accommodate college and career readiness, algebra I in grade 8, algebra II for all students, and the development of new K-12 learning progressions. The revision of the arts standards (2008) resulted in the addition of college and career readiness skills focused on artistic foundations and components of the artistic process. When the science standards were revised (2009), a whole new strand of standards and benchmarks was added that included substantive engineering design process standards. The physical science, earth and space science, and life science standards were re-designed to include applications and connections within content areas. New standards were also created to accommodate the biology and chemistry/physics credit requirements. When the state English language arts standards were revised (2010), both the structure and content of the current standards were overhauled as Minnesota adopted the Common Core State Standards in their entirety and created additional content in media literacy.

In all of these subjects, broad changes to the state standards and supporting benchmarks were warranted due to the need to comply with legislative mandates, input from stakeholders and “best practice” research. In no previous standards revision process, however, was the concern voiced that the department had exceeded its authority to make significant changes to the standards---until now (2011) with social studies. The department reiterates its position that the scope of the social studies standards revision process was driven by the legislative mandates, feedback from stakeholders, and “best practice” research; and thus, it has not exceeded its rulemaking authority or gone beyond what should be expected for revision of the standards.

### **III. Statutory Authority**

The department addressed concerns related to statutory authority in its Response submitted January 9, 2013, but wishes to reiterate several points related to the department’s statutory authority to conduct rulemaking and “revise and align” the social studies academic standards and supporting benchmarks.

#### **A. “Revise and Align” Language**

**Comment:** *Several commenters stated that the department went above and beyond its authority to “revise and align” the standards.*

**Response:** The department has general rulemaking authority to conduct rulemaking about academic standards under Minnesota Statutes section 120B.02. The department relied on this statutory authority for previous successful academic standards rulemaking proceedings, including the science academic standards in 2009 and the English language arts academic standards in 2010. As discussed above in this Rebuttal, when academic standards are revised according to the timeline set out in 120B.023, significant changes often result due to the Committee working to comply with statutory mandates and in response to feedback received from the education community, national experts, and best practice developments in the field. The department believes that the revisions to the proposed social studies standards are well within the purview of the “revise and align” language set out in Minnesota Statutes and will result in improved social studies standards education across the state.

#### **B. Revision of Benchmarks**

**Comment:** *Several commenters stated that the department’s revision of the supporting social studies benchmarks was outside the scope of the department’s authority.*

**Response:** As stated in the SONAR and the Response previously submitted, the benchmarks are not part of this rulemaking proceeding, thus comments raising concerns with specific benchmarks are outside the scope of the both the Response and this Rebuttal. However, specific benchmarks may be mentioned in this Rebuttal if necessary or appropriate to respond to a commenter about a proposed standard.

Although the benchmarks do not get put into rule they specify the “academic knowledge and skills that schools must offer and students must achieve to satisfactorily complete a state

standard.”<sup>5</sup> Educators align their curriculum to both the standards and benchmarks. In order to create rigorous and effective curriculum the academic standards and supporting benchmarks must be revised simultaneously to ensure that they “fit” together. Revising only the academic standards and not the supporting benchmarks would be a disservice to Minnesota’s education community.

Lastly, although the benchmarks are not the topic of this rulemaking proceeding, the standards committee will carefully review all feedback and comments received about the supporting social studies standards benchmarks and will consider changes to the benchmark language as appropriate.

### **C. Federal Requirements and NCLB**

**Comment:** *Some commenters expressed disagreement that federal requirements, including the No Child Left Behind Act (NCLB) (and the funding attached to it) require the state to adopt social studies standards. In addition, some commenters stated that NCLB does not mention social studies.*

**Response:** NCLB requires states to adopt “challenging academic content standards...that will be used by the State.”<sup>6</sup> NCLB further requires that states must have academic standards for all public elementary and high school students “in subjects determined by the State, but including at least mathematics, reading or language arts...and science.”<sup>7</sup> Minnesota Statutes section 120B.021, Subd. 1(4), requires state academic standards in social studies. Thus, in order to comply with federal law, Minnesota must have academic standards in social studies.

### **D. Minnesota Statutes Section 120B.021, Subd. 2(b)**

**Comment:** *Several commenters stated that the proposed social studies standards violate Minnesota Statutes section 120B.021, Subd. 2(b).*

**Response:** Minnesota Statutes section 120B.021, Subd. 2(b) requires Minnesota academic standards to: “(1) be clear, concise, objective, measureable, and grade-level appropriate; (2) not require a specific teaching methodology or curriculum; and (3) be consistent with the Constitutions of the U.S. and the State of Minnesota.”<sup>8</sup> As stated in the Response previously submitted, the department believes the proposed social studies standards fully comply with this statute. The proposed standards and supporting benchmarks are drafted in clear, concise, balanced language, and reflect understandings and skills that are well accepted within the social studies academic community. As required by state law, the proposed standards are supported by grade-level benchmarks (K-8), that specify the knowledge and skills that students must achieve to satisfactorily complete a standard. The proposed standards are measureable because the benchmarks guide teachers in developing tests and other kinds of assessments to measure student achievement of standards. The proposed standards are also measureable

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<sup>5</sup> Minn. Stat. § 120B.023, Subd. 1(a).

<sup>6</sup> No Child Left Behind Act, Section 1111(b)(1), Pub. L. 107-110 (2002).

<sup>7</sup> *Id.*

<sup>8</sup> Minn. Stat. 120B.021, Subd, 2(b).

because teachers use the supporting benchmarks and local curriculum to gauge student learning. The standards are grade-level appropriate because they are supported by grade-specific benchmarks that identify the disciplinary knowledge and skills that are developmentally appropriate for the particular grade level. The proposed standards do not require a specific teaching methodology or curriculum. Curriculum decisions are left up to local districts to determine the approach that best meets the needs of their schools and students. Lastly, the proposed standards are consistent with the Constitutions of the U.S. and the State of Minnesota, having been reviewed by scholars and other experts who are familiar with these documents.

#### **E. The Minnesota and U.S. Constitution**

**Comment:** *Several commenters voiced concern about their belief that the proposed standards are incompatible with the Minnesota and U.S. Constitutions.*

**Response:** The department respectfully disagrees that the proposed standards are incompatible with the Minnesota and U.S. Constitutions. This is a conclusion that the author draws, but not a factual statement. Asking students to become more globally aware and to develop a sense of belonging as a “citizen” of the broader world does not conflict with the loyalties of an American citizen. One can be a citizen of one’s city, state, nation, and globe. These standards, in no way, ask students to denounce their U.S. or Minnesota citizenship. As stated in the Response on p. 5, the proposed standards are consistent with the Constitutions of Minnesota and U.S.

#### **IV. “Inaccuracies” in the Proposed Standards**

**Comment:** *Several commenters stated that the proposed social studies standards contained numerous “inaccuracies.”*

**Response:** The department respectfully disagrees with commenters who suggested that the proposed social studies standards contain “inaccuracies.” The standards review process was extensive and included numerous avenues of review in order to identify and correct any “inaccuracies” present in the standards as they were being developed. The Committee sought out and received feedback from educators across the state through town hall meetings, public comment periods, postings of draft standards online and consultations with content experts from each discipline. The department believes that the concerns about “inaccuracies” in the proposed standards are a matter of personal interpretation based on a specific set of values, rather than evidence of “factual error” or “historical inaccuracies.”

The department is confident that the proposed standards and supporting benchmarks are historically accurate, balanced, and reflect the current scholarly consensus within each of the various social studies disciplines. Several individuals submitted comments stating that there were “inaccuracies” in specific benchmarks. As benchmarks are not the topic of this rulemaking proceeding and are not put into rule, the issues raised with specific benchmarks will not be addressed in this Rebuttal.

However, the department will address a few of the claims of “inaccuracy” in the standards language to illustrate the nature of these claims and reinforce that the standards are factually sound. The six examples discussed below are meant to highlight the kinds of claims that commenters have made to imply that there are “factual errors” in the proposed social studies standards. As clearly illustrated in our response to these claims, these are not examples of “inaccuracy” but of personal interpretation (and sometimes misinterpretation), or implied meaning rather than literal meaning of the standards. In some cases, commenters claimed “inaccuracies” because the standard did not include exceptions to a general rule, even though exceptions may have been included in supporting benchmarks which were not considered by the commenters. Examples of these kinds of claims will follow. The department maintains that all of the standards were written using a careful process of analysis and consideration of the most current scholarship in each of the social studies disciplines.

*1. Some commenters argued that the standards “restate historical events with ambiguity and error,” in particular citing the period of U.S. History Standard 17 (1754-1800) as wrong because colonial interests did not diverge from those of England until at least 1763. Commenters also suggested that History Standard 17 begin in 1763, “as Parliament commenced taxing the colonists without their consent (for example, the Stamp Act of 1765).”*

**Response:** The department respectfully disagrees that this date range, beginning in 1754, is “ambiguous” or in “error” for History Standard 17. Professional historians and history educators divide the continuous flow of past time into discrete periods or eras by identifying key transitional moments; the concept of “periodization” is an essential element of historical inquiry. Given the nature of historical processes, major transitions rarely if ever occur overnight or within a single year. The general consensus among historians today is that the Seven Years War (1754-1763), in North America between the British and their native and colonial allies and the French and their native and colonial allies, was the most important (though not the only) turning point that would ultimately lead directly to the American Revolution. Indeed, most American history textbooks, as well as the National Standards for History, emphasize the Seven Years War as a turning point by overlapping the colonial and Revolutionary time periods, ending the colonial era in 1763 and beginning the Revolutionary period in 1754, thus the war itself (1754 to 1763) serves as the pivotal point in the processes that engendered the American independence movement.

Earlier in the revision process, the Committee decided as a general rule to avoid overlapping time periods in order to eliminate confusion and thereby better facilitate implementation of the proposed standards through local curriculum across the state. After consulting national standards, other state standards, and multiple guiding documents to determine the most commonly accepted date range for this era within the field of history today, the Committee decided to begin the Revolutionary era in 1754 to reflect the importance of the Seven Years War in American revolutionary history. It is important for students to understand the Seven Years War in order to understand the British government’s post-war attempts to reorganize their imperial administration and finance the empire differently, and how these actions inspired innovation and ultimately incendiary responses from colonial leadership. Those colonists who

chose to rebel were responding to a wide range of issues and British government actions which included but were not limited to new taxes (ex. the Stamp Act) and the lack of representation in parliament. This debate highlights the careful deliberation that went into the details of the proposed standards by a committee of dedicated and knowledgeable social studies educators. While there is certainly debate within the scholarly community (indeed this is what makes history exciting), the determination of the date ranges for this standard on the Revolutionary period in American history was based on sound research and careful consideration of the scholarship in the field at this point in time.

The year 1800 was selected as the ending date for this era in the proposed standards because the election of 1800, with the peaceful transition in power from one major political party (the Federalists) to the other (the Jeffersonian Republicans) is generally agreed as having marked the final resolution of the monarchist question and decisively confirmed the popular acceptance of the U.S. Constitution.<sup>9</sup>

*2. One commenter argued that the Renaissance was placed out of its proper chronological order by aligning History Benchmark 9.4.3.9.7 with History Standard 9 which focuses on the time period from 600-1450.*

**Response:** The department respectfully disagrees with the claim that the Renaissance is placed out of proper chronological order. This sequencing concern is again a question of periodization, rather than simple “factual error.”

The European Renaissance was a cultural and intellectual phenomenon that spanned two historical eras and multiple standards in world history. Most scholars believe that the Renaissance, the development of new ideas about nature and the cosmos, new bodies of scientific knowledge, and new cultural and artistic achievements, occurred between the 14th and 17th centuries in part as a result of global exchanges of information. Thus, the Renaissance begins in the era characterized by History Standard 9 “Post-Classical and Medieval Civilizations and Expanding Zones of Exchange: 600-1450” and continues into the era characterized by History Standard 10 “Emergence of the First Global Age: 1450-1750.” The exchange of information that is described in High School World History Benchmark 9.4.3.9.7 did, in fact, take place during the era from 600-1450, as well as bridging into the next era of world history. Therefore, it is accurate to assign this Renaissance-related benchmark to this era.

*3. One commenter argued that History Standard 21 is misleading because it describes the 1920s as a period of “political apathy,” although this is the first decade in which women could vote nationally. The commenter also stated that this proposed history standard “...hints that supposed apathy somehow contributed to the Great Depression, which is a controversial hypothesis to say the very least.”*

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<sup>9</sup> For further explanation of this era from 1754-1800 in U.S. History, I Meacham, James, *Thomas Jefferson: The Art of Power* (2012); See also Wood, Gordon, *The American Revolution: A History* (2003), and Taylor, Alan, *American Colonies: the Settling of North America* (2001), which covers the history of the continent from 13,000 B.C.E. to 1820 C.E.

**Response:** The department respectfully disagrees with this commenter because there is historical evidence that the 1920s were a period of increased political apathy and the language of the standard does not attribute historical causation for the Great Depression. History Standard 21 states that the “economic growth, cultural innovation, and political apathy of the 1920s ended in the Great Depression...” Simply saying that certain phenomena ended during a particular time period does not attribute causation.

Regarding the claim related to “political apathy,” there has been general consensus among historians and political scientists for the past 30 or more years that the 1920s was a period of diminished political activity among the American public, most clearly demonstrated in plummeting rates of voter participation. Some scholars have examined possible links between this and women’s suffrage, a few even suggesting that women were granted the right to vote in part because it had become much less relevant to policy and governance. In his article *Were Women to Blame?: Female Suffrage and Voter Turnout*, Paul Kleppner observes:

“[Voter] turnout in the 1920s plunged to a nadir that would not again be reached until the late 1970s.”<sup>10</sup>

This is a clear example of a commenter’s advancing an interpretation of the past that is contradicted by the existing historical evidence and not a “factual error in the proposed social studies standards.”

*4. One commenter made the claim that Civics Standard 10 is “elevating the status of Native American tribes to sovereign nations,” while another commenter claimed that the standard is “inventing indigenous sovereignty” and inculcating the “historically false notion that Native American tribes exist alongside other sovereign nations.”*

**Response:** The department respectfully disagrees with the commenter’s claim. American Indian tribes do have sovereignty. The U.S. Constitution empowered the U.S. Senate to ratify treaties with American Indian nations just like they make treaties with Germany and other nations. Tribes are sovereign in the eyes of the U.S. Government. The U.S. Constitution also states that “only congress shall regulate trade and manage affairs with the several states and various Indian tribes.”<sup>11</sup> The U.S. government has made many treaties with sovereign tribal governments and those treaties have been ratified by the U.S. Senate.<sup>12</sup> Tribal sovereignty is not an invention. It predates the establishment of the U.S. and directly impacts the economic and political realities of the state of Minnesota. It structures the lives of American Indians across the state and affects all Minnesotans. In addition, the language of the standard simply states “indigenous nations and other sovereign nations” which focuses on the important concept of

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<sup>10</sup> Kleppner, Paul, *Were Women to Blame? Female Suffrage and Voter Turnout*, *Journal of Interdisciplinary History* XII:4, p. 621-643. (Spring 1982). For further explanation of the political apathy of the U.S. in the 1920s, see Dumenil, Lynn, *The Modern Temper: American Culture and Society in the 1920s* (1995) and Goldberg, David J., *Discontented America: the United States in the 1920s* (1999).

<sup>11</sup> U.S. Const. art. 1, § 8. See also U.S. Const. art 6, § 2.

<sup>12</sup> See Pevar, Stephen, *The Rights of Indians and Tribes* (2012). See also: Duthu, Bruce N., *American Indians and the Law* (2008); Getches, David H., and Wilkinson, Charles F., *Federal Indian Law: Cases and Materials* (1986); Wilkins, David, *American Indian Sovereignty and the U.S. Supreme Court: The Masking of Justice* (1997); and Minnesota Historical Society, *Everything You Wanted to Know About Indians But Were Afraid to Ask* (2012).

sovereignty, but does not make comparisons between the nature of American Indian sovereignty versus the sovereignty of foreign nations, as suggested by the commenter.

In their 2004 work, *Myths and Realities of Tribal Sovereignty: The Law and Economics of Indian Self-Rule*, Joseph P. Kalt of the John F. Kennedy School of Government at Harvard University and Joseph William Singer of Harvard Law School, state:

"The last three decades have witnessed a remarkable resurgence of the American Indian nations in the United States. The foundation of this resurgence has been the exercise of self-government – sovereignty – by the more than 560 federally-recognized tribes in the U.S. In this study, we explore legal and economic dimensions of current perceptions of and debates over the nature and extent of tribal self-rule in the United States. Our objective is to clarify and illuminate by distinguishing between myth and reality. We address key threads of thought and assumption that pervade, accurately or inaccurately, discussions in the public policy arena. What emerges is a picture in which tribes do exercise substantial, albeit limited, sovereignty. This sovereignty is not a set of “special” rights. Rather, its roots lie in the fact that Indian nations pre-exist the United States and their sovereignty has been diminished, but not terminated. Tribal sovereignty is recognized and protected by the U.S. Constitution, legal precedent, and treaties, as well as applicable principles of human rights."<sup>13</sup>

The department believes that Civics Standard 10 is not based on a “false” notion, but provides a broad perspective on the important civic concept of “sovereignty” by asking students to look at the relationship between the U.S. and sovereign nations, including indigenous nations. To imply that the department has “invented tribal sovereignty” is inaccurate and illustrates an example of one commenter’s misinterpretation of a standard.

*5. One commenter claimed that Civics Standard 3 is misleading because it asserts that the U.S. is based on principles, including “majority rule.”*

**Response:** The department respectfully disagrees with this commenter because “majority rule” is one of the foundational principles of U.S. government. The website of the U.S. Senate provides this description of the principle of majority rule set forth in the Constitution:

“For over two centuries the Constitution has remained in force because its framers successfully separated and balanced governmental powers to safeguard the interests of majority rule and minority rights, of liberty and equality, and of the central and state governments. More a concise statement of national principles than a detailed plan of governmental operation, the Constitution has evolved to meet the changing needs of a

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<sup>13</sup> Kalt, Joseph P., & Singer, Joseph William, *Myths and Realities of Tribal Sovereignty: The Law and Economics of Indian Self-Rule*, p. 4 (2012), Faculty Research Working Papers Series, Harvard University and the John F. Kennedy School of Government, available at: [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=529084](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=529084) (last visited Jan. 15, 2012).

modern society profoundly different from the eighteenth-century world in which its creators lived.”<sup>14</sup>

There are exceptions to this concept of “majority rule.” In American government, for example, a “super-majority” is required for certain actions like ending a filibuster in the Senate (this requires a 3/5 majority vote) or adopting a Constitutional Amendment (this requires adoption by 2/3 of the states). Although there are exceptions to the concept of “majority rule,” these exceptions do not invalidate the general principle or its inclusion in the list of democratic values and principles in Civics Standard 3.

*6. Commenters claimed that Economics Standards 5 & 7 are inaccurate, because Economics Standard 5 asserts that interactions between buyers and sellers determine price, and Economics Standard 7 asserts that the market determines interest rates.*

**Response:** The department respectfully disagrees that these standards are “inaccurate” or “misleading” because these standards are based on core principles in the field of Economics. Economics Standard 5 on the interaction of buyers and sellers is based on a very similar national standard. The Voluntary National Content Standards in Economics (VNCSE) are well-accepted within the social studies community and are generally regarded as non-controversial, as explained in the SONAR on pages 42-43. The VNCSE Standard 7 states: “A market exists when buyers and sellers interact. This interaction determines market prices and thereby allocates scarce goods and services.”<sup>15</sup>

Commenters also claim that Economics Standard 7 is “false” because it asserts that markets determine interest rates. This is another standard that is based on a core principle in the field of Economics.

Again, although there are exceptions to these general rules about price and interest rates, these exceptions do not invalidate the general concepts presented in the standards. These exceptions are acknowledged in multiple Economics benchmarks, including 9.2.4.8.1, 9.2.4.8.2, 9.2.4.8.3, 9.2.5.11.2, and 9.2.5.11.3.

The department remains confident that these Economics standards do not present “factual errors”, but instead represent core concepts and skills in the discipline of Economics. The benchmarks further clarify these concepts as well as include the examination of exceptions to general economic principles.

## **V. National Standards**

**Comment:** *Several commenters stated that the proposed social studies standards indicate that the department is adopting national or federal social studies standards, such as the standards adopted during the English Language Arts academic standards rulemaking process.*

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<sup>14</sup> The United States Senate website, *The Constitution of the United States*, available at: [http://www.senate.gov/civics/constitution\\_item/constitution.htm](http://www.senate.gov/civics/constitution_item/constitution.htm) (last visited Jan. 15, 2012).

<sup>15</sup> Council for Economic Education, *Voluntary National Content Standards in Economics*, available at: <http://www.councilforeconed.org/wp/wp-content/uploads/2012/03/voluntary-national-content-standards-2010.pdf> (last visited Jan. 16, 2012).

**Response:** As stated in the Response on p. 17-18, the Committee did rely on national standards documents by national professional content organizations as a model for developing Minnesota’s proposed social studies standards. However, reliance on national guiding documents does not mean that Minnesota adopted national standards in social studies. Minnesota has not adopted national or federal standards in social studies content areas. The proposed standards are specific to Minnesota and reflect the influences of resources that are both state specific and nationally renowned. The adoption of the English Language Arts (ELA) standards, including the Literacy in History/Social Studies section of those standards are not the subject of this rulemaking proceeding.

## **VI. Charter School Representation**

**Comment:** *One commenter stated that perspectives of charter schools were not considered in the standards revision process and that no one associated with charter schools was on the standards committee.*

**Response:** The department disagrees that the interests and perspectives of charter schools were not represented on the Committee. Issues that related to specific types of schools such as charters, rural schools and small schools were considered throughout the standards review process. This was especially true when decisions needed to be made relative to grade level benchmarks and the sequence of concepts and skills. At least two members of the Committee were specifically selected due to their charter school experience. One Committee member was the president of a charter school and another committee member was the coordinator of the start-up of a charter school. Charter school teachers contributed feedback on the proposed standards during the Public Review and Comment Periods, and participated in middle school focus groups, and this feedback was carefully considered by the Committee.

## **VII. Social Studies versus Discipline Specific Study**

**Comment:** *Some commenters expressed concern that social studies disciplines such as civics, economics, geography, and history will be combined into one class called “social studies” and thus students will not learn the essential content of each discipline.*

**Response:** Decisions about whether social studies content classes will be taught as discipline specific courses or as a general “social studies” course fall under the control of local school districts. The standards state the essential knowledge and skills for each of the four social studies disciplines. Although the standards are organized by discipline, school districts determine whether they will deliver the standards in discipline-based or interdisciplinary courses. Regardless of the curriculum or instructional approach that districts choose to deliver the standards, students must complete all standards and supporting benchmarks. Furthermore, the 2009 science standards did not result in the elimination of separate courses in Biology, Chemistry, and Physics. Likewise, it is unlikely that the proposed social studies standards will result in the elimination of separate history and civics courses.

## **VIII. American Indians**

**Comment:** Commenters claimed that the 2004 social studies standards adequately fulfill the department's statutory obligation to "include the contributions of Minnesota American Indian tribes and communities" set out in Minnesota Statutes section 120B.02, Subd. 1, and that the proposed 2011 standards do not improve how this statutory requirement is met.

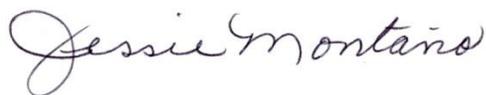
**Response:** Feedback to the standards committee, and discussion among committee members, indicated that this area should be strengthened in the standards. To strengthen the standards in this area, as discussed in the SONAR on p. 10, the committee relied on the following resources: 1) a recent report funded by the U.S. Department of Education that examined how eleven states address this topic in state standards;<sup>16</sup> 2) Montana's highly touted *Indian Education for All*<sup>17</sup> materials; 3) expertise of Committee members, five of whom had extensive experience teaching American Indian history and one whose work at the Minnesota Historical Society is largely focused on the history of Minnesota American Indians; and 4) feedback provided by an expert reviewer of the draft standards who is an education consultant on Minnesota American Indian issues and has helped school districts implement curriculum on these topics. Representatives of Minnesota's various American Indian communities have presented oral and written comments indicating their strong support for the proposed standards related to American Indians as written.

## Conclusion

Topics that were not addressed in this Rebuttal were sufficiently addressed in the department's Response submitted on January 9, 2013. This document constitutes the department's Rebuttal and final response to comments and concerns received during the hearing request time period and post-hearing comment period for the proposed social studies academic standards rules. The department believes that the proposed social studies standards are necessary, reasonable, and in accordance with the law. The department respectfully requests that these proposed rules be approved.

If you have questions about this agency rebuttal please contact Kerstin Forsythe Hahn, the department's rulemaking coordinator at 651-582-8583 or [Kerstin.forsythe@state.mn.us](mailto:Kerstin.forsythe@state.mn.us).

Respectfully submitted,



Jessie Montano  
Deputy Commissioner  
Minnesota Department of Education

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<sup>16</sup> North Central Comprehensive Center, *American Indian Education Contributions: How Are These Incorporated into States' Social Studies Standards?* (January 2010).

<sup>17</sup> Montana Office of Public Instruction, *Indian Education for All: Integrating Quality Indian Education for all Content with Rigorous, Standards-based Instruction in all Curriculum Areas*, Helena, Montana, available at: <http://opi.mt.gov/programs/indianed/IEFA.html> (last visited Jan. 15, 2013).

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### Online Resources

Kalt, Joseph P., & Singer, Joseph William, *Myths and Realities of Tribal Sovereignty: The Law and Economics of Indian Self-Rule*, Faculty Research Working Papers Series, Harvard University and the John F. Kennedy School of Government, p. 4 (2012), available at: [http://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=529084](http://papers.ssrn.com/sol3/papers.cfm?abstract_id=529084).

Montana Office of Public Instruction, *Indian Education for All: Integrating Quality Indian Education for all Content with Rigorous, Standards-based Instruction in all Curriculum Areas*, Helena, Montana, available at: <http://opi.mt.gov/programs/indianed/IEFA.html>.

The United States Senate website, *The Constitution of the United States*, available at: [http://www.senate.gov/civics/constitution\\_item/constitution.htm](http://www.senate.gov/civics/constitution_item/constitution.htm).

Council for Economic Education, *Voluntary National Content Standards in Economics*, available at: <http://www.councilforeconed.org/wp/wp-content/uploads/2012/03/voluntary-national-content-standards-2010.pdf>.

### Legal Citations

No Child Left Behind Act, Section 1111(b)(1), Pub. L. 107-110 (2002).

Minn. Stat. § 120B.021.

Minn. Stat. § 120B.023, Subd. 1(a).