



**Division of Academic Standards, Instruction and Assessment**

**DUAL NOTICE: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing if 25 or More Requests for Hearing Are Received; Revisor's ID Number RD4600; OAH Docket No. OAH 60-9005-36084**

**Possible Amendment to Rules Governing K-12 Academic Standards in Science, *Minnesota Rules*, 3501.0960 and Repealer of *Minnesota Rules*, 3501.0910-3501.0955**

**Introduction.** The Minnesota Department of Education (the department) intends to adopt rules without a public hearing following the procedures in the rules of the Office of Administrative Hearings ("OAH"), *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rules by **4:30 p.m. on Thursday, June 17, 2021**, the department will hold a virtual public hearing via WebEx. An Administrative Law Judge will conduct the hearing starting at **9:30 a.m. on Friday, July 23, 2021**, and continuing until the hearing is completed. To find out whether the Department will adopt the rules without a hearing or if it will hold the hearing, you should contact the agency contact person after June 17, 2021, and before July 23, 2021. If a virtual hearing is held, you can register to join with video and audio through an internet connection with a computer or tablet:

**Virtual Hearing Participation Information.** Due to COVID-19 the department is holding virtual rulemaking hearings. The following information includes the website, password, codes and other information you need to access and participate in the virtual hearing.

[Website for participants to enter the virtual hearing:](#)

(<https://minnesota.webex.com/minnesota/j.php?MTID=m78950a05d6c22612bcb82ec11e8095a7>)

Event Password: 3501K12Science

You may also participate by telephone. To participate in the hearing by telephone, at the date and time listed above, call:

1-415-655-0003 (US Toll) or

855-282-6330 (US Toll-free)

Access Code: 187 905 5524

This information is also available on the [rulemaking webpage](#) for this project at:

(<https://education.mn.gov/MDE/about/rule/rule/K12Sci/>)

**Agency Contact Person.** Submit any comments or questions on the rules or written requests for a public hearing to the agency contact person. The agency contact person is: [Kerstin Forsythe Hahn](#),

Minnesota Department of Education, 1500 Highway 36, Roseville, MN 55113; (651) 582-8583;  
Kerstin.forsythe@state.mn.us.

You may also submit written comments via the [Office of Administrative Hearings Rulemaking e-Comments](https://minnesotaoah.granicusideas.com/discussions) website (<https://minnesotaoah.granicusideas.com/discussions>).

**Subject of Rules and Statutory Authority.** The proposed rules are about the K-12 academic standards in science, *Minnesota Rules*, Chapter 3501.960. The statutory authority to adopt the rules is Minn. Stat. §§ 120B.02, subd. 1 and 120B.021. A free copy of the rules is available upon request from the agency contact person listed above and posted [online on the rulemaking web page for this project](#) at: (<https://education.mn.gov/MDE/about/rule/rule/K12Sci/>).

**Standards Language vs. Supporting and Related Benchmarks.** Although the supporting benchmarks are reviewed and revised along with the academic standards, the benchmarks are not part of the formal rulemaking process and are not promulgated into rule. The department is requesting comments on the amended standards language which is the subject of this rulemaking proceeding and not the supporting and related benchmark language. Comments related to the supporting benchmarks will be accepted by the department, but they will not be considered as part of the formal rulemaking process.

**Public Data.** Comments submitted during formal rulemaking proceedings are **public government data**. This means that any member of the public can request to see the information. It is a violation of the Minnesota Government Data Practices Act to share private data about a third party without their permission. Please only submit comments that include personal information about yourself or your minor child(ren) that you are comfortable being classified as public data.

**Comments.** You have until **4:30 p.m. on Thursday, June 17, 2021**, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person or submitted to OAH by the due date. Commenting is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change that you desire. Any comments that you have about the legality of the proposed rules must also be made during this comment period.

**Request for a Hearing.** In addition to submitting comments, you may also request that the department hold a hearing on the rules. You must make your request for a public hearing in writing, which the agency contact person must receive by **4:30 p.m. on Thursday, June 17, 2021**. **You must include your name and contact information (email address, address, phone number) in your written request in order for your hearing request to be valid. Hearing requests submitted without a name and contact information will be invalid.** In addition, you must identify the portion of the proposed rules that you object to or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and the agency cannot count it when determining whether it must hold a public hearing. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

**Withdrawal of Requests.** If 25 or more persons submit a valid written request for a hearing, the department will hold a public hearing unless a sufficient number of persons withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the department must give written notice of

this to all persons who requested a hearing, explain the actions the agency took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

**Alternative Format/Accommodation.** Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request or if you need an accommodation to make this hearing accessible, please contact the agency contact person at the address or telephone number listed above.

**Modifications.** The department might modify the proposed rules, either as a result of public comment or as a result of the rule hearing process. It must support modifications by data and views submitted to the agency or presented at the hearing. The adopted rules may not be substantially different than these proposed rules unless the department follows the procedure under *Minnesota Rules*, part 1400.2110. If the proposed rules affect you in any way, the department encourages you to participate in the rulemaking process.

**Cancellation of Hearing.** The department will cancel the hearing scheduled for **July 23, 2021**, if the agency does not receive valid requests for a hearing from 25 or more persons. If you requested a public hearing, the agency will notify you before the scheduled hearing whether the hearing will be held. You may also call the agency contact person at (651) 582-8583 after Thursday, **June 17, 2021**, to find out whether the hearing will be held. On the scheduled day, you may check for whether the hearing will be held by calling (651) 582-8583 or by going on-line to the [rulemaking project webpage](https://education.mn.gov/MDE/about/rule/rule/K12Sci/) at: <https://education.mn.gov/MDE/about/rule/rule/K12Sci/>.

**Notice of Hearing.** If 25 or more persons submit valid written requests for a public hearing on the rules, the Department will hold a virtual hearing following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The Department will hold the virtual hearing on the date and at the time listed above. The virtual hearing will continue until all interested persons have been heard. Administrative Law Judge James E. LaFave is assigned to conduct the hearing. Judge LaFave's Legal Assistant, Lisa Armstrong, can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620; telephone (651) 361-7888; fax (651) 539-0310; and email [lisa.armstrong@state.mn.us](mailto:lisa.armstrong@state.mn.us).

**Hearing Procedure.** If the Department holds a virtual hearing, you and all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the virtual hearing or in writing at any time before the hearing record closes. All evidence presented should relate to the proposed rules. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. At the hearing, the Administrative Law Judge may order that this five-day comment period is extended for a longer period but not more than 20 calendar days. Following the comment period, there is a five-working-day rebuttal period when the agency and any interested person may respond in writing to any new information submitted. No one may submit new evidence during the five-day rebuttal period.

All post-hearing comments and responses must be submitted to the Administrative Law Judge no later than 4:30 p.m. on the due date. The Office of Administrative Hearings strongly encourages all persons submitting comments and responses to do so using the [Administrative Hearings' Rulemaking eComments website](https://minnesotaoah.granicusideas.com/discussions) <https://minnesotaoah.granicusideas.com/discussions>. If using the eComments website is not possible, you may

submit post-hearing comments in person, via United States mail, email, or by facsimile addressed to Judge LaFave's legal assistant at the email, mailing address or facsimile number listed in the Notice of Hearing section above.

All comments or responses received will be available for review at on the [agency's website](https://education.mn.gov/MDE/about/rule/rule/K12Sci/) at <https://education.mn.gov/MDE/about/rule/rule/K12Sci/>. This rule hearing procedure is governed by *Minnesota Rules*, parts 1400.2000 to 1400.2240, and *Minnesota Statutes*, sections 14.131 to 14.20. You may direct questions about the procedure to the Administrative Law Judge.

**Statement of Need and Reasonableness.** The statement of need and reasonableness summarizes the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. It is now available from the agency contact person. You may review or obtain copies for the cost of reproduction by contacting the agency contact person. A copy of the SONAR is available online at the agency's [rulemaking webpage](https://education.mn.gov/MDE/about/rule/rule/K12Sci/) for this project at: <https://education.mn.gov/MDE/about/rule/rule/K12Sci/>.

**Lobbyist Registration.** *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Department. Ask any questions about this requirement of the Campaign Finance and Public Disclosure Department at: Suite #190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (651) 539-1180 or 1-800-657-3889.

**Adoption Procedure if No Hearing.** If no virtual hearing is required, the agency may adopt the rules after the end of the comment period. The Department will submit the rules and supporting documents to the Office of Administrative Hearings for a legal review. You may ask to be notified of the date the rules are submitted to the office. If you want to receive notice of this, to receive a copy of the adopted rules, or to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

**Adoption Procedure after a Hearing.** If a virtual hearing is held, after the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rules. You may ask to be notified of the date that the Administrative Law Judge's report will become available, and can make this request at the hearing or in writing to the Administrative Law Judge. You may also ask to be notified of the date that the agency adopts the rules and the rules are filed with the Secretary of State by requesting this at the hearing or by writing to the agency contact person stated above.

**Order.** I order that the rulemaking hearing be held at the date, time, and location listed above.

Date: \_\_\_\_\_

Signed: \_\_\_\_\_

Heather Mueller, Ed.D, Commissioner

Minnesota Department of Education