Arts Standards Rulemaking Process Frequently Asked Questions (FAQ), May 2020

What are the recent developments in arts standards rulemaking?

The Administrative Law Judge released a report on March 31, 2020, in the matter of Proposed Permanent Rules Related to Minnesota K-12 Academic Standards in the Arts, Office of Administrative Hearings (OAH) 5-9005-35173; Revisor R-4531. This report was then reviewed by the Chief Administrative Law Judge (chief judge) and she issued a memorandum on April 9, 2020. The proposed arts standards rules were disapproved due to lack of statutory authority. For more detail, please see the Administrative Law Judge’s report. For more information about rulemaking related to the 2018 arts standards, including the report, see the Minnesota Department of Education (MDE) Arts Academic Standards Rulemaking page.

What are Minnesota Department of Education’s next steps?

MDE is requesting “that the chief judge reconsider the disapproval” under Minnesota Statutes, section 1400.2240, subdivision 4. Once the request is submitted, the chief judge must review the request, and approve or disapprove the request for reconsideration within five business days. MDE anticipates submitting its request by early summer. If the chief judge reverses the disapproval of the proposed rules, the rulemaking process for the 2018 arts standards will proceed. If the chief judge affirms the disapproval, MDE will need to work with the legislature to clarify its statutory authority for rulemaking to review and revise the academic standards.

We’ve already started transitioning to the 2018 arts standards. What should we do?

If you’ve already started the process of transitioning to the 2018 arts standards, you may continue. At this time, the implementation timeline for the 2018 arts standards has not changed. If the disapproval is reversed, we will continue with implementation in the 2021-22 school year. If the disapproval is upheld, and MDE must clarify its statutory authority, the implementation year will likely be delayed until the 2022-23 school year. If it is necessary to delay the implementation timeline, MDE will communicate this as soon as possible. The 2018 arts standards were developed based on contemporary research and best practices in arts education, and supporting implementation will lead to improved instruction and learning in Minnesota schools.
**Will this affect other content area standards?**

This ruling is about MDE’s statutory authority, and therefore could apply to all content area state standards. At this time, the processes for review and revision of standards in science, English language arts (ELA), and social studies are continuing, with no changes to implementation timelines.

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