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Minnesota House of Representatives

COMMITTEES:
EDUCATION POLICY
EDUCATION FINANCE
HIGHER EDUCATION
ETHICS

January 13, 2022

Office of Administrative Hearings
Administrative Law Judge Eric Lipman, Presiding Judge
OAH Docket No. 8-9005-37919
Minnesota Rules: Chapter 3501
Revisor ID: R-4733

Re: Comments on Proposed Amendment to Rules Governing K-12 Academic Standards in Social Studies

Submitted by Rep. Sondra Erickson, Rep. Ron Kresha, et al.

Standards Lack Academic Value and Rigor

After a careful review of the proposed standards, we would strongly urge the Commissioner to make significant revisions to improve both the academic value and rigor, especially in the area of history, citizenship and government, and rethink trying to impose a mandate on schools to teach ethnic studies that was rejected by the Legislature.

The current social studies standards include 58 specific content rich and specific standards across four disciplines. Even with the addition of ethnic studies, the proposed standards are limited to only 25 standards across five subject areas. While there may be value in streamlining the number of standards to bring more focus, this process leaves content on the cutting room floor, and pressures the remaining standards to absorb too much lost material making them too abstract and potentially obtuse.

This is most evident with the history standards reduced from 23 separate standards covering United States and World History to only five. We see the same problem with citizenship and government reduced from 11 standards to six, and at a time when we need more attention to the study and understanding of civics and effective citizenship.

The draft standards ask students to analyze key events, persons, or institutions without any clarity on what the student is expected to use as a base of knowledge, content or context to analyze.



The standards appear to examine the internal struggle for liberation without any reference to our nation's role in advancing liberty and freedom around the world and defeating fascism and imperialism.

The standards ask students to examine the immigrant experience without an examination or appreciation for the reasons our nation remains a beacon of freedom and opportunity. To read these standards, one would wonder why anyone would want to migrate to the United States.

Critical thinking, by definition, is an objective analysis and evaluation to form an independent opinion. The Minnesota Department of Education claims these standards are intended to promote critical thinking, but this does not align to a set of draft standards that push student learning toward an agenda focused through activism.

Indoctrination, Not an Education

The proposed standards deviate from legitimate academic content or inquiry, and include calls to action which directs students toward social or political activism that may be contrary to the student's personal values or goals.

Examples include:

- "...identify and analyze the roots of a contemporary issue and design a plan to address it."
(Standard 22)
- "...organize with others to engage in activities that could further the rights and dignity of all."
(Standard 24)
- "...apply lessons from the past in order to eliminate historical and contemporary injustices."
(Standard 25)

Rather than raising issues for critical thinking, discussion, and exploration of academic rigor, these calls to action will lead to conflict between students and teachers in promoting a leftist activism rather than academics. Since the law requires students to demonstrate their mastery of an academic standard to earn academic credit, these standards essentially require students to espouse an activist position.

Additionally, these directives are open to broad interpretation. What is a contemporary issue, and what timeframe is considered contemporary? Which rights are to be furthered? Are these constitutional rights, natural rights, political rights? What qualifies as a historical and contemporary injustice? Who determines if a plan or which activities are appropriate to the charge within these standards? Given the political alignment between the teachers' union and Democrats, we can assume the answers to these questions will be favorable to leftwing politics.

Economics

The current standards include a focus on personal finance in "applying economic concepts and principles to personal financial planning, budgeting, spending, saving, investing, borrowing and insuring decisions." These fundamentals are being stripped away at a time when financial literacy is critical for students. Rather than teaching a solid foundation for personal financial success, the proposed standards teach students that our economic system is rigged toward the privileged.

Most strikingly absent from the proposed standards are the hard lessons learned on the perils of communism and socialism. While free markets have lifted more than a billion people out of poverty, the systems of communism and socialism have left millions of people dead through intentional acts of repression and failed economic policies.

The proposed standards fail to warn against communism or socialism, but do find fault with free market forces. Winston Churchill is credited with observing that democracy is the worst form of government except for all other systems. The same might be said of capitalism. While not perfect, it far surpasses the alternatives. A lesson curiously excluded from the proposed standards.

Citizenship and Government

The current standards relating to Citizenship and Government, commonly referred to as civics, left much to be desired with their adoption. Yet, despite their shortcomings these standards included some key fundamentals necessary to developing effective citizenship. Their exclusion from the proposed standards is beyond troubling.

This included linking our “civic identity” as a nation to our “historical figures” and “key foundational documents.”

“The civic identity of the United States is shaped by historical figures, places, events and by key foundational documents and other symbolically important artifacts.”

The current standards sweep away any reference to historical figures rendering Washington, Jefferson, Roosevelt, and even Lincoln to be erased from not only our public sphere, but also our national conscience. In doing so, however, the standards risk also excluding other historical figures, including Harriet Tubman, Fredrick Douglass, and Dr. Martin Luther King.

The current standards define our democratic values and principles:

“The United States is based on democratic values and principles that include liberty, individual rights, justice, equality, the rule of law, limited government, common good, popular sovereignty, majority rule and minority rights.”

Again, the proposed standards sweep away these values. The proposed standards call for a discussion on these democratic values without any foundation on what these values should include. Perhaps the proposed standards remain silent on specific values to avoid promoting limited government and the rule of law.

Most strikingly absent from the proposed standards is this elegantly simple standard:

“Citizenship and its rights and duties are established by law.”

The proposed standards would have students explain the rights of a democratic society, but again, provides no foundation for what confers or affirms those rights. There is no context in distinguishing the rights of citizens and how those rights are established or recognized.

In the current political environment, the term “rights” is too often viewed through the widest possible lens with any political goal elevated to the status of a right. The proposed associated benchmarks open the door to this mischief in giving special consideration to supranational interests, such as the United Nations Declaration of Human Rights.

History - Changing Narratives

The current standards for history include 23 separate standards covering United States and World History.

These include very specific standards that promote a common understanding to our national foundation, including:

“The divergence of colonial interests from those of England led to an independence movement that resulted in the American Revolution and the foundation of a new nation based on the ideas of self-government and liberty.”

Also lost from our standards is a fundamental truth that despite our nation’s ongoing struggle to be a “more perfect union” we were founded on the valued of self-government and liberty. Regrettably, the proposed standards provide no virtuous foundation for the United States, or any commonly understood context for why thirteen colonies with competing economic and cultural interests would risk everything in taking on the global superpower of their time.

Our history is filled with lessons of virtue, altruism, courage, and yes, contradictions. Leaders from George Washington to Abraham Lincoln have much to teach us, but now they are gone from our standards, and becoming villains in our history.

Another current standard being left on the cutting room floor promotes critical thinking:

“Historical inquiry is a process in which multiple sources and different kinds of historical evidence are analyzed to draw conclusions about how and why things happened in the past.”

While history is often boiled down to a resuscitation of dates and events, there is immense value in critically thinking beyond the “what” and looking into the “why” and “how.” This is historical inquiry and in tandem with critical thinking involves an independent exploration to arrive at an independent understanding of not only who we were, but what remains in our potential.

While the proposed standards promote the inclusion of absent or non-dominant narratives, there is no common foundational understanding to the narrative. This omission erodes the adherence to a common set of values that form a national identity, even when those values remain aspirational in the face of human failure. Virtues do not live in a vacuum without vice, but seeing only the negative in our history is a disservice to our students.

Settler-Colonialism

Within the history standards there are references to “eras” characterized as “settler-colonialism.” This term is new to Minnesota social studies standards. The Learning for Justice organization defines “settler-colonialism” as having a goal for “the removal and erasure of Indigenous peoples in order to take the land for use by settlers in perpetuity.” At its most benign, settler-colonialism is a version of the controversial demographic replacement theory, but is more commonly associated with a narrative of genocide.

Furthermore, settler-colonialism is not limited to characterizing certain actions of the past, but is understood to be an ongoing act in perpetuity whenever non-Indigenous peoples hold land or territory. Therefore, settler-colonialism is not simply a means to negatively characterize previous generations of pioneers, settlers, and farmers, it teaches our non-Indigenous children they are active perpetrators of genocide.

Promoting this political vernacular runs contrary to the historical record of a new United States being a post-colonial power, having just won its independence from the British Empire. This becomes a political narrative that seeks to undermine any virtuous foundation for the United States and its westward expansion. It also stands in contrast to the inscription in the Minnesota House Chamber featured prominently above the portrait of Abraham Lincoln, "The Trail of the Pioneer bore the Footprints of Liberty." Children would now be taught the pioneer was an imperialist bent on genocide.

Ethnic Studies

The Ethnic Studies strand is new uncharted territory in which educational activism is not only on full display, but would be required for every school and every student. The standards simply don't explore themes of identity or resistance, but actively promote what some term "identity politics" and the term "resistance" carries a political connotation currently associated with a disruptive, and sometimes violent left-wing.

The ethnic studies standards require using "ethnic and indigenous studies methods." Since these methods and sources are not clearly defined, this too, creates confusion in how these standards could be applied, achieved, or even measured. The lack of teacher preparation or licensure for either fields of ethnic studies or Indigenous studies means these teaching methods are currently unavailable to our public schools.

The ethnic studies standards also seek to "understand the roots of contemporary systems of oppression and apply lessons from the past in order to eliminate historical and contemporary injustices." What are the contemporary systems of oppression? Who makes this determination? What safeguards are in place to prohibit politically motivated designations? For example, policies regarding law enforcement or market economies might be labeled systems of oppression whereas policies protecting teacher tenure or how school attendance boundaries are drawn might be ignored. It is not unreasonable to be concerned that those benefiting from a system of oppression might be the last to call out that system as oppressive.

Political Statements and Contradictions

The inclusion of standards that read more like political statements are not objective when they are vulnerable to widely subjective interpretations and application. Nor are they measurable when conflicting interpretations can lead to widely different applications and expectations.

For instance, the Ethnic Studies' Resistance standard could be fully met in describing how the 13 colonies fought for freedom and liberation against a systemic and coordinated exercise of power locally (royal governors) and globally (King George III). By the same token, this standard could be fully met in describing how communities of color organized against Jim Crow laws in southern states, and later against apartheid in South Africa. Both would be relevant and real applications of the standard, yet it is not clear or concise on which resistance narrative educators and students should focus? How then is such a standard clear, concise, objective, or measurable?

Performative Teaching

The proposed standards are a dramatic departure from an educational practice of focusing on rigor, inquiry, and critical thinking skills. This departure includes what some call performative teaching or participating in cultural theater in which the goal is to demonstrate outrage, rather than promoting

inquiry, critical thinking, and learning. Rather than fueling our classrooms as centers of learning, these proposed standards feed the theater of activism.

Rather than developing effective citizens, the standards are an invitation to educators to mold their students into social justice warriors. Performative teaching is a means by which teachers demonstrate, and to often strut, their left-wing/activists bona fides. It also serves as a distraction from addressing the real issues of racial justice and reconciliation in our classrooms.

Morality/Virtue

Most obviously missing from the draft standards are lessons upholding the value of morality and promoting virtue. In short, the standards fail to guide our youth toward a life of virtue built on sound moral character. An education is not simply building a foundation of facts, for which these standards still fall well short. An education, according to our state constitution, is to ensure a stable republican form of government relying upon the intelligence of the people. As cited in section 122A.22, this means teaching our children the “skills that are essential for effective citizenship.”

Promoting character development, as defined in section 120B.232, includes, but is not limited to, the values of “attentiveness, truthfulness, respect for authority, diligence, gratefulness, self-discipline, patience, forgiveness, respect for others, peacemaking, and resourcefulness.” While character development begins with parents, our schools share a responsibility in promoting good character and personal responsibility.

These standards fail to promote a respect for authority and our institutions, or an appreciation for the consequences of personal behavior. When the standards fail to instill the values of respect, truthfulness, gratefulness, self-discipline, and peacemaking, while promoting resentment and envy, the outcomes will be predictably tragic.

A civil society relies on a respect for the rule of law and respect for authority to promote safe neighborhoods and safe streets.

Standards Conflict with State Statute

Minnesota statutes, Chapter 120, specifies the process by which academic standards are to be reviewed, revised, and adopted. This process also creates minimum requirements for each standard to be promulgated through the rulemaking process defined in Minnesota Statutes, Chapter 14.

At a minimum, academic standards must [120B.021, Subdivision 2 (b)]:

- Be clear, concise, objective, measurable, and grade-level appropriate;
- Not require a specific teaching methodology or curriculum;
- Be consistent with the United States and Minnesota Constitutions.

Academic Standards must "be clear, concise, objective, measurable, and grade-level appropriate."

Many of these standards, specifically in the history and ethnic studies strands, lack clarity, and are prone to subjective interpretations and applications. If the standards are subjective, then they are neither objective nor measurable.

For example:

- *Standard 18 – Change, Continuity and Context: Ask historical questions about context, change and continuity in order to identify and analyze dominant and non-dominant narratives about the past.*
 - This standard puts an emphasis on absent or non-dominant narratives without identifying which narratives are considered underrepresented. This creates a subjective standard in which the teacher would be determining which narratives or voices are absent based on a biased or individual perspective.
 - Simply asking the question on what is considered a non-dominant narrative is a subjective exercise, since any narrative not in the textbook could be considered “non-dominant” since it is missing. Such a wide range of options is then nearly impossible to measure, since there would be no common framework on identifying non-dominant narratives against which educators or students could be measured to determine if the standard is either being effectively taught or learned.
- *Standard 22 – Connecting Past and Present: Use historical methods and sources to identify and analyze the roots of a contemporary issue and design a plan to address it.*
 - This standard includes a call to action, a subjective assignment to design a plan to address a contemporary issue. The standard is not clear in what constitutes a contemporary issue, and if standards must be measurable, the plan to address it must be subject to an objective evaluation for potential success. Yet, the plans of action would likely involve political questions making them subject to ideological valuations, rather than academic assessment.
- *Standard 23 – Identity: Analyze the ways power and language construct the social identities of race, religion, geography, ethnicity and gender. Apply these understandings to one's own social identities and other groups living in Minnesota, centering those whose stories and histories have been marginalized, erased or ignored.*
 - Similar to standard 18, this standard 23 relies on a subjective evaluation or determination of “whose stories and histories have been marginalized, erased or ignored.” If a story has been erased, how is it recovered? What lens or means of measurement does a teacher use to determine a history being marginalized, erased, or ignored?
- *Standard 24 – Resistance: Describe how individuals and communities have fought for freedom and liberation against systemic and coordinated exercises of power locally and globally; identify strategies or time that have resulted in lasting change; and organize with others to engage in activities that could further the rights and dignity of all.*
 - This standard is a prime example of being neither concise nor clear. For instance, this standard could be fully met in describing how the 13 American colonies fought for freedom and liberation against a systemic and coordinated exercise of power locally (royal governors) and globally (King George III). By the same token, this standard could be fully met in describing how communities of color organized against Jim Crow laws in southern states, and later against apartheid in South Africa. Both would be relevant and real applications of the standard, yet it is not clear or concise on

which resistance narrative educators and students should focus? How then is such a standard clear, concise, objective, or measurable?

- Furthermore, the call to action to “organize with others to engage in activities that could further the rights and dignity of all” provides no definition on what rights are to be advanced. Are these recognized rights under the United States constitution, United Nations Declaration of Human Rights, Natural Rights, or political rights? What activities could satisfy a mastery of this standard, and in pursuit of what rights? A contemporary debate on access to voting boxes is for some a proxy for voting rights, and some claim access to abortion is a human right. With no guardrails in place, there is opportunity for activist mischief.

While the benchmarks required under section 120B.023 are not subject to Chapter 14 rulemaking, and thus may be beyond the scope of an administrative review, they are an extension of the standards as the "specific knowledge or skill that a student must master to complete part of an academic standard" [section 120B.018, subdivision 3]. Therefore, the weaknesses of the benchmarks, which are also subjective, confusing, and void of academic foundation reinforce the concerns with the standards lacking clarity, being objective, or measurable.

Academic standards must "Not require a specific teaching methodology or curriculum."

The proposed standards would require teachers to use "ethnic and Indigenous studies methods and sources" in clear violation of the state prohibition on requiring a specific teaching methodology. Additionally, mandating ethnic and Indigenous studies sources would direct schools to a narrow set of curriculum relying on these instructional source materials.

Additionally, these standards align to a narrow set of curriculum tailored to the ethnic studies subject matter. The effect is a de facto mandate on curriculum. While school districts may technically still be free to design their own ethnic studies curriculum to align to these new standards, it is not practical to expect school districts with limited expertise, time, or resources to do so and would likely be directed to a pre-packaged, state endorsed curriculum.

In anticipation that schools will rely on the state for curriculum or learning materials, the Minnesota Department of Education has already begun the hiring process for a new Ethnic Studies Specialist to implement the new ethnic studies standards. Even though these proposed standards are yet to be approved for adoption, and years ahead of when they would even be implemented, they will have full time staff lining up the necessary curriculum and learning materials.

Standards Development – Required Stakeholders

Section 120B.021, subdivision 2 (a) requires the Commissioner of Education to consider advice from stakeholders, including “representatives of the business community”. The social studies standards review committee began meeting in September 2020 with their last meeting in September 2021. The list of committee members provided by MDE, dated May 12, 2021, does not appear to include any representatives of the business community.

When the Legislature requires business community input on education working groups or task forces, that is usually met with the appointment of a representative from either the Minnesota Business Partnership or the Minnesota Chamber of Commerce. Neither organization appears represented on the standards review committee. Therefore, the Commissioner has ignored a key requirement in the development of the proposed standards.

Academic Standards Undermine Parental Curriculum Review

Section 120B.20 requires school districts to allow a parent or adult child to review the content of instructional materials, and to make reasonable arrangements for alternative instruction. If the state standards require specific instructional materials, such as the requirement for ethnic and Indigenous studies sources, this would prohibit options for alternative instruction.

Standards Not Aligned to Civics Requirement

Section 120B.02, subdivision 3, requires high school students to correctly answer 30 of 50 civics test questions demonstrating knowledge and understanding of United States history and government. These questions are derived from the question bank used for the naturalization test administered by the United States Citizenship and Immigration Services.

Required academic social studies standards must include civics consistent with the requirements of section 120B.02, subdivision 3. The proposed standards for civics must then be aligned to properly prepare students to successfully pass the civic test questions requirement.

The proposed standards for government and citizenship lack clarity in their content to direct educators to provide the essential knowledge and skills necessary to pass this exam.

Required Academic Standards - Limitations on Rulemaking

The proposed standards far exceed the academic scope specified in statute. The statute – section 120B.021, subdivision 1 - specifically defines the scope of social studies as "including history, geography, economics, and government and citizenship." These are the subjects required and authorized under the statute, and thus the Commissioner is limited to rulemaking consistent with these subject matter areas.

This limitation on the defined scope of social studies is echoed in section 120A.22, subdivision 9 specifying the essential knowledge and skills required under our state's compulsory instruction law. In this section of law, social studies are specifically history, geography, economics, government, and citizenship. Again, here, there is no reference to an ethnic studies subject area.

The Commissioner cannot use rulemaking to exceed or expand the scope of the agency's statutory authority, in this case the scope of social studies.

There is no current statutory requirement for schools to teach or offer courses in ethnic studies. If these proposed standards are adopted, they will have the full force of law requiring a subject matter not included within the scope of the state social studies standards, otherwise required under Chapter 120B on curriculum and assessment.

The Walz Administration is aware of this limitation on its authority. To address this limitation, the Commissioner of Education proposed, through introduction of an agency finance bill, House File 1065, 92nd Legislature, the inclusion of "ethnic studies" in state academic standards. Despite the legislature specifically rejecting this proposal during the Regular Session ending in May of 2021 and the Special Session in June of 2021, the Commissioner released a second draft of standards in July to include a new subject matter strand for Ethnic Studies.

Whether students would benefit from an expansion of the social studies standards or a specific mandate for instruction in ethnic studies is not material to the statutory authority to impose such a

mandate on public schools. No such authority exists. When the Commissioner requested the mandate/authority for ethnic studies to be included in the academic standards, that request was denied by the Legislature. It cannot now be promulgated through rulemaking.

These comments are submitted respectfully for consideration by the following Members of the Minnesota House of Representatives:



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Ron Kresha, House District 09B



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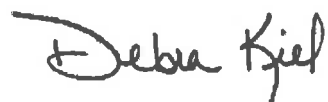
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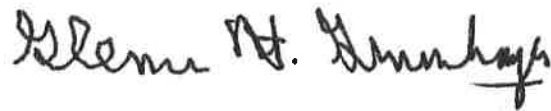
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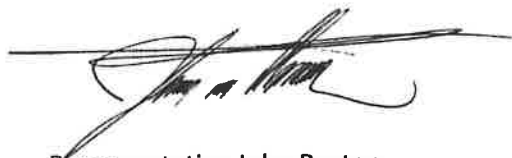
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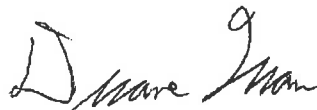
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