

**SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION**

S.F. No. 3661

(SENATE AUTHORS: BOLDON)

DATE
02/15/2024

D-PG
11593 Introduction and first reading
Referred to Education Policy

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to education; modifying the LEAPS Act; requiring certain school districts
1.3 to create English learner parent committees; expanding translation and
1.4 communications opportunities for the families of English learners; amending
1.5 Minnesota Statutes 2022, sections 124D.59, by adding a subdivision; 124D.60;
1.6 124D.61; 124D.63; Minnesota Statutes 2023 Supplement, sections 124D.59,
1.7 subdivision 2; 124D.65, subdivision 5.

1.8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.9 Section 1. Minnesota Statutes 2023 Supplement, section 124D.59, subdivision 2, is
1.10 amended to read:

1.11 Subd. 2. **English learner.** (a) "English learner" means a pupil in kindergarten through
1.12 grade 12; an early childhood special education student under Part B, section 619, of the
1.13 Individuals with Disabilities Education Act, United States Code, title 20, section 1419; or
1.14 a prekindergarten student enrolled in an approved voluntary prekindergarten program under
1.15 section 124D.151 or a school readiness plus program who meets the requirements under
1.16 subdivision 2a or the following requirements:

1.17 (1) the pupil, as declared by a parent or guardian first learned a language other than
1.18 English, comes from a home where the language usually spoken is other than English, or
1.19 usually speaks a language other than English; and

1.20 (2) the pupil is determined by a valid assessment measuring the pupil's English language
1.21 proficiency and by developmentally appropriate measures, which might include observations
1.22 of a student's academic interactions, teacher judgment, parent recommendations, or
1.23 developmentally appropriate assessment instruments, to lack the necessary English skills
1.24 to participate fully in academic classes taught in English.

2.1 (b) A pupil enrolled in a Minnesota public school in any grade 4 through 12 who in the
 2.2 previous school year took a commissioner-provided assessment measuring the pupil's
 2.3 emerging academic English, shall be counted as an English learner in calculating English
 2.4 learner pupil units under section 126C.05, subdivision 17, and shall generate state English
 2.5 learner aid under section 124D.65, subdivision 5, if the pupil scored below the state cutoff
 2.6 score or is otherwise counted as a nonproficient participant on the assessment measuring
 2.7 the pupil's emerging academic English, or, in the judgment of the pupil's classroom teachers,
 2.8 consistent with section 124D.61, clause (1), the pupil is unable to demonstrate academic
 2.9 language proficiency in English, including oral academic language, sufficient to successfully
 2.10 and fully participate in the general core curriculum in the regular classroom.

2.11 (c) Notwithstanding paragraphs (a) and (b), a pupil in early childhood special education
 2.12 or prekindergarten under section 124D.151, through grade 12 shall not be counted as an
 2.13 English learner in calculating English learner pupil units under section 126C.05, subdivision
 2.14 17, and shall not generate state English learner aid under section 124D.65, subdivision 5,
 2.15 if:

2.16 (1) the pupil is not enrolled during the current fiscal year in an educational program for
 2.17 English learners under sections 124D.58 to 124D.64; or

2.18 (2) the pupil has generated seven or more years of average daily membership in Minnesota
 2.19 public schools ~~since July 1, 1996~~.

2.20 **EFFECTIVE DATE.** This section is effective July 1, 2024.

2.21 Sec. 2. Minnesota Statutes 2022, section 124D.59, is amended by adding a subdivision to
 2.22 read:

2.23 Subd. 10. LEAPS Act. "LEAPS Act" means the Learning English for Academic
 2.24 Proficiency and Success (LEAPS) Act of 2014, as amended.

2.25 **EFFECTIVE DATE.** This section is effective July 1, 2024.

2.26 Sec. 3. Minnesota Statutes 2022, section 124D.60, is amended to read:

2.27 **124D.60 RIGHTS OF PARENTS.**

2.28 Subdivision 1. **Notice.** Within ten days after the enrollment of any pupil in an instructional
 2.29 program for English learners, the district in which the pupil resides must notify the parent
 2.30 by mail. This notice must:

2.31 (1) be in writing in English and in the primary language of the pupil's parents;

3.1 (2) inform the parents that their child has been enrolled in an instructional program for
3.2 English learners;

3.3 (3) contain a simple, nontechnical description of the purposes, method and content of
3.4 the program;

3.5 (4) inform the parents that they have the right to visit the educational program for English
3.6 learners in which their child is enrolled;

3.7 (5) inform the parents of the time and manner in which to request and receive a conference
3.8 for the purpose of explaining the nature and purpose of the program; ~~and~~

3.9 (6) inform the parents of their rights to withdraw their child from an educational program
3.10 for English learners and the time and manner in which to do so; and

3.11 (7) inform parents of the provisions in state law of the LEAPS Act that support:

3.12 (i) multilingualism and multiculturalism as an asset;

3.13 (ii) diversity of multilingual learners; and

3.14 (iii) encourage family engagement levels.

3.15 The department shall, at the request of the district, prepare ~~the~~ this notice and any other
3.16 necessary communications in the primary language of the parent.

3.17 Subd. 2. **Withdrawal from program.** Any parent whose child is enrolled in an
3.18 educational program for English learners shall have the right, either at the time of the original
3.19 notification of enrollment or at the close of any semester thereafter, to withdraw the child
3.20 from the program by providing written notice of this intent to the principal of the school in
3.21 which the child is enrolled or to the superintendent of the district in which the child resides.
3.22 Nothing in this section shall preclude a parent from reenrolling the child in an educational
3.23 program for English learners.

3.24 Subd. 3. **Parental involvement.** (a) A district which receives moneys pursuant to section
3.25 124D.65 must encourage involvement of parents of pupils enrolled in the educational
3.26 program for English learners in this program. The district shall solicit the views of parents
3.27 about the program and its effects upon their children.

3.28 (b) A district with at least five percent of its students eligible for English learner revenue
3.29 is required to establish an English Learner Parent Advisory Committee.

3.30 (c) A district serving English learner students with fewer than five percent of its students
3.31 eligible for English learner revenue is encouraged to establish an English Learner Parent
3.32 Advisory Committee.

4.1 (d) For purposes of this section, a district's percentage of English learner students equals
4.2 the number of students eligible for English learner revenue as of the fall count for the
4.3 previous school year divided by the total students enrolled determined by the fall count for
4.4 the previous school year.

4.5 **EFFECTIVE DATE.** This section is effective July 1, 2024.

4.6 Sec. 4. Minnesota Statutes 2022, section 124D.61, is amended to read:

4.7 **124D.61 GENERAL REQUIREMENTS FOR PROGRAMS.**

4.8 A district that enrolls one or more English learners must implement an educational
4.9 program that includes at a minimum the following requirements:

4.10 (1) identification and reclassification criteria for English learners and program entrance
4.11 and exit criteria for English learners must be documented by the district, applied uniformly
4.12 to English learners, and made available to parents in their primary language and other
4.13 stakeholders upon request;

4.14 (2) a written plan of services that describes programming by English proficiency level
4.15 made available to parents upon request. The plan must articulate the amount and scope of
4.16 service offered to English learners through an educational program for English learners.
4.17 The plan must be available in English and in the primary language of the parents;

4.18 (3) professional development opportunities for ESL, bilingual education, mainstream,
4.19 and all staff working with English learners which are: (i) coordinated with the district's
4.20 professional development activities; (ii) related to the needs of English learners; and (iii)
4.21 ongoing;

4.22 (4) to the extent possible, avoid isolating English learners for a substantial part of the
4.23 school day; ~~and~~

4.24 (5) in predominantly nonverbal subjects, such as art, music, and physical education,
4.25 permit English learners to participate fully and on an equal basis with their contemporaries
4.26 in public school classes provided for these subjects. To the extent possible, the district must
4.27 assure to pupils enrolled in a program for English learners an equal and meaningful
4.28 opportunity to participate fully with other pupils in all extracurricular activities;

4.29 (6) identifying family and community outreach activities and translation services to
4.30 strengthen the academic outcomes for English learners; and

4.31 (7) implementing the provisions of the LEAPS Act encouraging multilingualism as an
4.32 asset, enhancing professional development for teachers and administrators, recognizing the

5.1 diversity of multilingual learners, and engaging the voices of parents, their students, and
 5.2 the community in the design and implementation of English learner programs.

5.3 **EFFECTIVE DATE.** This section is effective July 1, 2024.

5.4 Sec. 5. Minnesota Statutes 2022, section 124D.63, is amended to read:

5.5 **124D.63 DEPARTMENT OF EDUCATION; REPORTING; BEST PRACTICES;**
 5.6 **TECHNICAL ASSISTANCE.**

5.7 (a) The commissioner, in consultation with recognized experts with knowledge and
 5.8 experience in assessing the language proficiency and academic performance of all English
 5.9 learners enrolled in a public school program who are currently or were previously counted
 5.10 as an English learner under section 124D.59 and consistent with section 120B.35, must
 5.11 identify and annually post on the agency's website best practices for appropriate and effective
 5.12 measures for schools to:

5.13 (1) improve current categories of language difficulty and assessments;

5.14 (2) inform the community and the parents of English learners of program placement
 5.15 options;

5.16 (3) encourage adoption of programs stressing academic language development, including
 5.17 oral academic language; and

5.18 (4) effectively communicate with English learner parents through translation and
 5.19 community engagement activities.

5.20 (b) The commissioner shall provide technical assistance to districts receiving aid pursuant
 5.21 to section 124D.65 and to postsecondary institutions for preservice and in-service training
 5.22 for bilingual education teachers and English as a second language teachers employed in
 5.23 educational programs for English learners, teaching methods, curriculum development,
 5.24 testing and testing mechanisms, and the development of instructional materials for these
 5.25 educational programs.

5.26 **EFFECTIVE DATE.** This section is effective July 1, 2024.

5.27 Sec. 6. Minnesota Statutes 2023 Supplement, section 124D.65, subdivision 5, is amended
 5.28 to read:

5.29 Subd. 5. **School district EL revenue.** (a) For fiscal year 2024 through fiscal year 2026,
 5.30 a district's English learner programs revenue equals the sum of:

6.1 (1) the product of (i) \$1,228, and (ii) the greater of 20 or the adjusted average daily
6.2 membership of eligible English learners enrolled in the district during the current fiscal
6.3 year; and

6.4 (2) \$436 times the English learner pupil units under section 126C.05, subdivision 17.

6.5 (b) For fiscal year 2027 and later, a district's English learner programs revenue equals
6.6 the sum of:

6.7 (1) the product of (i) \$1,775, and (ii) the greater of 20 or the adjusted average daily
6.8 membership of eligible English learners enrolled in the district during the current fiscal
6.9 year;

6.10 (2) \$630 times the English learner pupil units under section 126C.05, subdivision 17;
6.11 and

6.12 (3) the district's English learner cross subsidy aid. A district's English learner cross
6.13 subsidy aid under paragraph (c) equals 25 percent of the district's English learner cross
6.14 subsidy for fiscal year 2027 and later.

6.15 (c) A district's English learner cross subsidy aid equals the greater of zero or the difference
6.16 between the district's expenditures for qualifying English learner services for the second
6.17 previous year and the district's English learner revenue for the second previous year.

6.18 (d) A pupil ceases to generate state English learner aid in the school year following the
6.19 school year in which the pupil attains the state cutoff score on a commissioner-provided
6.20 assessment that measures the pupil's emerging academic English.

6.21 (e) A district may set aside up to ... percent of its English learner revenue under this
6.22 subdivision for translation services, community outreach efforts, and parental involvement
6.23 activities.

6.24 **EFFECTIVE DATE.** This section is effective July 1, 2024.