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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 860

02/25/2013 Authored by Bernardy, Marquart, Mariani, Sawatzky, Abeler and others
The bill was read for the first time and referred to the Committee on Education Policy

1.1 A bill for an act
1.2 relating to education finance; extending English language learning aid for
1.3 students not yet proficient in the English language from five to seven years;
1.4 amending Minnesota Statutes 2012, section 124D.59, subdivision 2.

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

1.6 Section 1. Minnesota Statutes 2012, section 124D.59, subdivision 2, is amended to read:

1.7 Subd. 2. **English learner.** (a) "English learner" means a pupil in kindergarten
1.8 through grade 12 who meets the following requirements:

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

1.12 (2) the pupil is determined by developmentally appropriate measures, which might
1.13 include observations, teacher judgment, parent recommendations, or developmentally
1.14 appropriate assessment instruments, to lack the necessary English skills to participate
1.15 fully in classes taught in English.

1.16 (b) Notwithstanding paragraph (a), a pupil in grades 4 through 12 who was enrolled
1.17 in a Minnesota public school on the dates during the previous school year when a
1.18 commissioner provided assessment that measures the pupil's emerging academic English
1.19 was administered, shall not be counted as an English learner in calculating English learner
1.20 pupil units under section 126C.05, subdivision 17, and shall not generate state English
1.21 learner aid under section 124D.65, subdivision 5, unless the pupil scored below the state
1.22 cutoff score or is otherwise counted as a nonproficient participant on an assessment
1.23 measuring emerging academic English provided by the commissioner during the previous
1.24 school year.

2.1 (c) Notwithstanding paragraphs (a) and (b), a pupil in kindergarten through grade
2.2 12 shall not be counted as an English learner in calculating English learner pupil units
2.3 under section 126C.05, subdivision 17, and shall not generate state English learner aid
2.4 under section 124D.65, subdivision 5, if:

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

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

2.9 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2014
2.10 and later.