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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. **3981**

03/03/2022 Authored by Koegel

The bill was read for the first time and referred to the Committee on Early Childhood Finance and Policy

03/17/2022 Adoption of Report: Amended and re-referred to the Committee on Education Finance

1.1 A bill for an act

1.2 relating to early childhood; making early childhood special education students

1.3 eligible for prekindergarten school breakfast reimbursement and English learner

1.4 services; appropriating money; amending Minnesota Statutes 2020, sections

1.5 124D.1158, subdivisions 3, 4; 124D.59, subdivision 2; Minnesota Statutes 2021

1.6 Supplement, section 126C.05, subdivision 1; Laws 2021, First Special Session

1.7 chapter 13, article 1, section 10, subdivision 2; article 8, section 3, subdivision 3.

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

1.9 Section 1. Minnesota Statutes 2020, section 124D.1158, subdivision 3, is amended to

1.10 read:

1.11 Subd. 3. **Program reimbursement.** Each school year, the state must reimburse each

1.12 participating school 30 cents for each reduced-price breakfast, 55 cents for each fully paid

1.13 breakfast served to students in grades 1 to 12, and \$1.30 for each fully paid breakfast served

1.14 to a prekindergarten student enrolled in an approved voluntary prekindergarten program

1.15 under section 124D.151, early childhood special education students participating in a program

1.16 authorized under section 124D.151, or a kindergarten student.

1.17 Sec. 2. Minnesota Statutes 2020, section 124D.1158, subdivision 4, is amended to read:

1.18 Subd. 4. **No fees.** A school that receives school breakfast aid under this section must

1.19 make breakfast available without charge to all participating students in grades 1 to 12 who

1.20 qualify for free or reduced-price meals and to all prekindergarten students enrolled in an

1.21 approved voluntary prekindergarten program under section 124D.151, early childhood

1.22 special education students participating in a program authorized under section 124D.151,

1.23 and all kindergarten students.

2.1 Sec. 3. Minnesota Statutes 2020, section 124D.59, subdivision 2, is amended to read:

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

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

2.11 (2) the pupil is determined by a valid assessment measuring the pupil's English language
2.12 proficiency and by developmentally appropriate measures, which might include observations,
2.13 teacher judgment, parent recommendations, or developmentally appropriate assessment
2.14 instruments, to lack the necessary English skills to participate fully in academic classes
2.15 taught in English.

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

2.26 (c) Notwithstanding paragraphs (a) and (b), a pupil in early childhood special education
2.27 or prekindergarten under section 124D.151, through grade 12 shall not be counted as an
2.28 English learner in calculating English learner pupil units under section 126C.05, subdivision
2.29 17, and shall not generate state English learner aid under section 124D.65, subdivision 5,
2.30 if:

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

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

3.1 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2023 and later.

3.2 Sec. 4. Minnesota Statutes 2021 Supplement, section 126C.05, subdivision 1, is amended
3.3 to read:

3.4 Subdivision 1. **Pupil unit.** Pupil units for each Minnesota resident pupil under the age
3.5 of 21 or who meets the requirements of section 120A.20, subdivision 1, paragraph (c), in
3.6 average daily membership enrolled in the district of residence, in another district under
3.7 sections 123A.05 to 123A.08, 124D.03, 124D.08, or 124D.68; in a charter school under
3.8 chapter 124E; or for whom the resident district pays tuition under section 123A.18, 123A.22,
3.9 123A.30, 123A.32, 123A.44, 123A.488, 123B.88, subdivision 4, 124D.04, 124D.05, 125A.03
3.10 to 125A.24, 125A.51, or 125A.65, shall be counted according to this subdivision.

3.11 (a) A prekindergarten pupil with a disability who is enrolled in a program approved by
3.12 the commissioner and has an individualized education program is counted as the ratio of
3.13 the number of hours of assessment and education service to 825 times 1.0 with a minimum
3.14 average daily membership of 0.28, but not more than 1.0 pupil unit.

3.15 (b) A prekindergarten pupil who is assessed but determined not to be disabled is counted
3.16 as the ratio of the number of hours of assessment service to 825 times 1.0.

3.17 ~~(e) A kindergarten pupil with a disability who is enrolled in a program approved by the~~
3.18 ~~commissioner is counted as the ratio of the number of hours of assessment and education~~
3.19 ~~services required in the fiscal year by the pupil's individualized education program to 875,~~
3.20 ~~but not more than one.~~

3.21 ~~(d)~~ (c) A prekindergarten pupil who is not included in paragraph (a) or (b) and is enrolled
3.22 in an approved voluntary prekindergarten program under section 124D.151 is counted as
3.23 the ratio of the number of hours of instruction to 850 times 1.0, but not more than 0.6 pupil
3.24 units.

3.25 ~~(e)~~ (d) A kindergarten pupil who is not included in paragraph (e) is counted as 1.0 pupil
3.26 unit if the pupil is enrolled in a free all-day, every day kindergarten program available to
3.27 all kindergarten pupils at the pupil's school that meets the minimum hours requirement in
3.28 section 120A.41, or is counted as .55 pupil unit, if the pupil is not enrolled in a free all-day,
3.29 every day kindergarten program available to all kindergarten pupils at the pupil's school.

3.30 ~~(f)~~ (e) A pupil who is in any of grades 1 to 6 is counted as 1.0 pupil unit.

3.31 ~~(g)~~ (f) A pupil who is in any of grades 7 to 12 is counted as 1.2 pupil units.

4.1 ~~(h)~~ (g) A pupil who is in the postsecondary enrollment options program is counted as
 4.2 1.2 pupil units.

4.3 ~~(i)~~ (h) For fiscal years 2018 through 2023, a prekindergarten pupil who:

4.4 (1) is not included in paragraph (a), (b), or ~~(d)~~ (c);

4.5 (2) is enrolled in a school readiness plus program under Laws 2017, First Special Session
 4.6 chapter 5, article 8, section 9; and

4.7 (3) has one or more of the risk factors specified by the eligibility requirements for a
 4.8 school readiness plus program,

4.9 is counted as the ratio of the number of hours of instruction to 850 times 1.0, but not more
 4.10 than 0.6 pupil units. A pupil qualifying under this paragraph must be counted in the same
 4.11 manner as a voluntary prekindergarten student for all general education and other school
 4.12 funding formulas.

4.13 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2023 and later.

4.14 Sec. 5. Laws 2021, First Special Session chapter 13, article 1, section 10, subdivision 2,
 4.15 is amended to read:

4.16 Subd. 2. **General education aid.** For general education aid under Minnesota Statutes,
 4.17 section 126C.13, subdivision 4:

4.18		7,569,266,000		
4.19	\$	<u>7,487,944,000</u>	2022
4.20		7,804,527,000		
4.21	\$	<u>7,679,289,000</u>	2023

4.22 The 2022 appropriation includes \$717,326,000 for 2021 and ~~\$6,851,940,000~~
 4.23 \$6,770,618,000 for 2022.

4.24 The 2023 appropriation includes ~~\$734,520,000~~ \$725,349,000 for 2022 and
 4.25 ~~\$7,070,007,000~~ \$6,953,940,000 for 2023.

4.26 Sec. 6. Laws 2021, First Special Session chapter 13, article 8, section 3, subdivision 3, is
 4.27 amended to read:

4.28 Subd. 3. **School breakfast.** For traditional school breakfast aid under Minnesota Statutes,
 4.29 section 124D.1158:

5.1 ~~11,848,000~~
5.2 \$ 101,000 2022
5.3 ~~12,200,000~~
5.4 \$ 10,691,000 2023