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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 3580

02/17/2022 Authored by Mariani, Berg, Boldon and Feist
The bill was read for the first time and referred to the Committee on Education Policy
03/21/2022 Adoption of Report: Re-referred to the Committee on Education Finance

1.1 A bill for an act
1.2 relating to education; requiring indexing of English learner programs revenue to
1.3 basic education revenue; authorizing rulemaking; appropriating money; amending
1.4 Minnesota Statutes 2020, sections 122A.09, subdivision 9; 124D.65, subdivision
1.5 5, by adding a subdivision.

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

1.7 Section 1. Minnesota Statutes 2020, section 122A.09, subdivision 9, is amended to read:

1.8 Subd. 9. Professional Educator Licensing and Standards Board must adopt rules. (a)
1.9 The Professional Educator Licensing and Standards Board must adopt rules subject to the
1.10 provisions of chapter 14 to implement sections 120B.363, 122A.05 to 122A.09, 122A.092,
1.11 122A.16, 122A.17, 122A.18, 122A.181, 122A.182, 122A.183, 122A.184, 122A.185,
1.12 122A.187, 122A.188, 122A.20, 122A.21, 122A.23, 122A.26, 122A.28, and 122A.29, and
1.13 124D.65.

1.14 (b) The board must adopt rules relating to fields of licensure, including a process for
1.15 granting permission to a licensed teacher to teach in a field that is different from the teacher's
1.16 field of licensure without change to the teacher's license tier level.

1.17 (c) The board must adopt rules relating to the grade levels that a licensed teacher may
1.18 teach.

1.19 (d) If a rule adopted by the board is in conflict with a session law or statute, the law or
1.20 statute prevails. Terms adopted in rule must be clearly defined and must not be construed
1.21 to conflict with terms adopted in statute or session law.

1.22 (e) The board must include a description of a proposed rule's probable effect on teacher
1.23 supply and demand in the board's statement of need and reasonableness under section 14.131.

2.1 (f) The board must adopt rules only under the specific statutory authority.

2.2 Sec. 2. Minnesota Statutes 2020, section 124D.65, subdivision 5, is amended to read:

2.3 Subd. 5. **School district EL revenue.** (a) A district's English learner programs revenue
2.4 equals the product of (1) \$704 times (2) the greater of 20 or the adjusted average daily
2.5 membership of eligible English learners enrolled in the district during the current fiscal
2.6 year.

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

2.10 (c) The annual or biannual percent increases made to the basic education revenue must
2.11 be indexed to the English learner concentration revenue and the English learner basic
2.12 revenue.

2.13 (d) The additional revenue provided by the indexing of the basic education revenue to
2.14 the English learner concentration revenue and English learner basic revenue must be
2.15 distributed by providing: (1) 25 percent of the revenue to the districts; (2) 50 percent of the
2.16 revenue to the Minnesota Department of Education to provide for increased support and
2.17 accountability for English learner staff and programs; and (3) 25 percent of the revenue to
2.18 the Minnesota Department of Education to create and maintain an English learner parent
2.19 and community advisory council to provide counsel and feedback to the Minnesota
2.20 Department of Education on English learner programs in addition to providing budgetary
2.21 oversight of the 25 percent of the annual or biannual increases made to the English learner
2.22 concentration revenue and the English learner basic revenue to support community-based
2.23 grants to support innovative programming for English learners.

2.24 (e) For students who have been identified as students with limited or interrupted formal
2.25 education (SLIFE), English learner revenue, including both English learner concentration
2.26 revenue and English learner basic revenue, must be allocated to support unique learning
2.27 needs at the rate of 1.5 times the amount of the English learner basic revenue and English
2.28 learner concentration revenue. Funding for students who have been identified as SLIFE
2.29 would also be indexed to the annual or biannual increases made to the basic education
2.30 revenue.

2.31 (f) An eligible school district must develop an English learner compensatory funds plan
2.32 that aligns with the school improvement plan to achieve language and academic goals.

3.1 Sec. 3. Minnesota Statutes 2020, section 124D.65, is amended by adding a subdivision to
3.2 read:

3.3 Subd. 12. **Rules.** (a) The Professional Educator Licensing and Standards Board must
3.4 adopt rules establishing promising practices for English learner (EL) and emerging
3.5 multilingual learner (EML) teaching, and making available an additional nonmandatory
3.6 micro-credential for non-ESL licensed teachers. The Professional Educator Licensing and
3.7 Standards Board must adopt rules making available an additional nonmandatory
3.8 micro-credential in English language arts, math, science, and social studies for ESL licensed
3.9 teachers. The Professional Educator Licensing and Standards Board must adopt rules
3.10 requiring increased support and accountability for EL and EML continuing education units
3.11 for teacher relicensure.

3.12 (b) The Board of School Administrators must adopt rules making available a
3.13 nonmandatory administrative micro-credential for EL and EML directors and coordinators.

3.14 Sec. 4. **BOARD OF SCHOOL ADMINISTRATORS RULEMAKING;**
3.15 **APPROPRIATION.**

3.16 \$30,000 in fiscal year 2023 is appropriated from the general fund to the Board of School
3.17 Administrators to support the rulemaking process required in section 3. This is a onetime
3.18 appropriation. This appropriation is available until June 30, 2024.