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State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 598

02/05/2015 Authored by Mariani

The bill was read for the first time and referred to the Committee on Education Innovation Policy

1.1 A bill for an act  
1.2 relating to education; amending a requirement for generating state English  
1.3 learner aid; amending Minnesota Statutes 2014, section 124D.59, subdivision 2.

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

1.5 Section 1. Minnesota Statutes 2014, section 124D.59, subdivision 2, is amended to read:

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

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

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

1.16 (b) A pupil enrolled in a Minnesota public school in any grade 4 through 12 who in  
1.17 the previous school year took a commissioner-provided assessment measuring the pupil's  
1.18 emerging academic English, shall be counted as an English learner in calculating English  
1.19 learner pupil units under section 126C.05, subdivision 17, and shall generate state English  
1.20 learner aid under section 124D.65, subdivision 5, if the pupil scored below the state cutoff  
1.21 score or is otherwise counted as a nonproficient participant on the assessment measuring  
1.22 the pupil's emerging academic English, or, in the judgment of the pupil's classroom  
1.23 teachers, consistent with section 124D.61, clause (1), the pupil is unable to demonstrate

2.1 academic language proficiency in English, including oral academic language, sufficient to  
2.2 successfully and fully participate in the general core curriculum in the regular classroom.

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

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

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

2.11 **EFFECTIVE DATE.** This section is effective for fiscal year 2016 and later.