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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 1762

03/11/2015 Authored by Erickson
The bill was read for the first time and referred to the Committee on Education Finance

1.1 A bill for an act
1.2 relating to education finance; creating a financial incentive for districts that
1.3 enhance proficiency for English language learners; amending Minnesota Statutes
1.4 2014, sections 124D.59, subdivision 2; 124D.65, subdivision 5; 126C.10,
1.5 subdivision 4.

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

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

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

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

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

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

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

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

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

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

2.12 (d) "Newly proficient English learner" means a pupil enrolled in an English language
 2.13 learner program for five or fewer years who:

2.14 (1) was enrolled in an educational program for English learners in the previous year;

2.15 (2) attained at least the state cutoff score on a commissioner-provided assessment
 2.16 measuring English language proficiency in the previous year; and

2.17 (3) is no longer participating in an educational program for English learners in
 2.18 the current year.

2.19 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2016
 2.20 and later.

2.21 Sec. 2. Minnesota Statutes 2014, section 124D.65, subdivision 5, is amended to read:

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

2.26 (b) ~~A pupil ceases to generate state English learner aid in the school year following~~
 2.27 ~~the school year in which the pupil attains the state cutoff score on a commissioner-provided~~
 2.28 ~~assessment that measures the pupil's emerging academic English. A district's English~~
 2.29 language proficiency incentive aid equals the greater of zero or the product of:

2.30 (1) the number of newly proficient English learners in the district in their first year of
 2.31 proficiency, as defined in section 124.59, subdivision 2, paragraph (d);

2.32 (2) \$1,000; and

2.33 (3) the ratio of (i) six minus the number of years the pupil participated in an English
 2.34 language learner program, to (ii) five.

3.1 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2016
3.2 and later.

3.3 Sec. 3. Minnesota Statutes 2014, section 126C.10, subdivision 4, is amended to read:

3.4 Subd. 4. **Basic skills revenue.** A school district's basic skills revenue equals the
3.5 sum of:

3.6 (1) compensatory revenue under subdivision 3; plus

3.7 (2) English learner revenue under section 124D.65, subdivision 5, paragraph (a); ~~plus~~

3.8 (3) \$250 times the English learner pupil units under section 126C.05, subdivision
3.9 17; and

3.10 (4) English language proficiency incentive aid under section 124D.65, subdivision
3.11 5a, paragraph (b).

3.12 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2016
3.13 and later.