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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. **3981**

03/03/2022

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

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.

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

1.7 Section 1. Minnesota Statutes 2020, section 124D.1158, subdivision 3, is amended to
1.8 read:

1.9 Subd. 3. **Program reimbursement.** Each school year, the state must reimburse each
1.10 participating school 30 cents for each reduced-price breakfast, 55 cents for each fully paid
1.11 breakfast served to students in grades 1 to 12, and \$1.30 for each fully paid breakfast served
1.12 to a prekindergarten student enrolled in an approved voluntary prekindergarten program
1.13 under section 124D.151, early childhood special education students participating in a program
1.14 authorized under section 124D.151, or a kindergarten student.

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

1.16 Subd. 4. **No fees.** A school that receives school breakfast aid under this section must
1.17 make breakfast available without charge to all participating students in grades 1 to 12 who
1.18 qualify for free or reduced-price meals and to all prekindergarten students enrolled in an
1.19 approved voluntary prekindergarten program under section 124D.151, early childhood
1.20 special education students participating in a program authorized under section 124D.151,
1.21 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, or a prekindergarten student enrolled in an
2.5 approved voluntary prekindergarten program under section 124D.151 or a school readiness
2.6 plus program who meets the requirements under subdivision 2a or the following requirements:

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

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

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

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

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

2.32 (2) the pupil has generated seven or more years of average daily membership in Minnesota
2.33 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. **APPROPRIATION; SCHOOL BREAKFAST AID.**

3.3 \$..... in fiscal year 2023 is appropriated from the general fund to the commissioner of
3.4 education for traditional school breakfast aid under Minnesota Statutes, section 124D.1158.

3.5 Sec. 5. **APPROPRIATION; GENERAL EDUCATION AID.**

3.6 \$..... in fiscal year 2023 is appropriated from the general fund to the commissioner of
3.7 education for general education aid under Minnesota Statutes, section 126C.13, subdivision
3.8 4.