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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH
SESSION

HOUSE FILE No. **1198**

February 19, 2007

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

1.1 A bill for an act
1.2 relating to education finance; removing the five-year limit on funding for limited
1.3 English proficiency programs; amending Minnesota Statutes 2006, sections
1.4 124D.59, subdivision 2; 124D.65, subdivision 5; 126C.10, subdivision 4.

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

1.6 Section 1. Minnesota Statutes 2006, section 124D.59, subdivision 2, is amended to
1.7 read:

1.8 Subd. 2. **Pupil of limited English proficiency.** (a) "Pupil of limited English
1.9 proficiency" means a pupil in kindergarten through grade 12 who meets the following
1.10 requirements:

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

1.14 (2) the pupil is determined by developmentally appropriate measures, which might
1.15 include observations, teacher judgment, parent recommendations, or developmentally
1.16 appropriate assessment instruments, to lack the necessary English skills to participate
1.17 fully in classes taught in English.

1.18 (b) Notwithstanding paragraph (a), a pupil in grades 4 through 12 who was enrolled
1.19 in a Minnesota public school on the dates during the previous school year when a
1.20 commissioner provided assessment that measures the pupil's emerging academic English
1.21 was administered, shall not be counted as a pupil of limited English proficiency in
1.22 calculating limited English proficiency pupil units under section 126C.05, subdivision
1.23 17, and shall not generate state limited English proficiency aid under section 124D.65,
1.24 subdivision 5, unless the pupil scored below the state cutoff score on an assessment

2.1 measuring emerging academic English provided by the commissioner during the previous
2.2 school year.

2.3 (c) Notwithstanding paragraphs (a) and (b), a pupil in kindergarten through grade 12
2.4 shall not be counted as a pupil of limited English proficiency in calculating limited English
2.5 proficiency pupil units under section 126C.05, subdivision 17, and shall not generate state
2.6 limited English proficiency aid 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 pupils of limited English proficiency in accordance with sections 124D.58 to 124D.64;
2.9 ~~or.~~

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

2.12 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2007
2.13 and later.

2.14 Sec. 2. Minnesota Statutes 2006, section 124D.65, subdivision 5, is amended to read:

2.15 Subd. 5. **School district LEP revenue.** (a) A district's limited English proficiency
2.16 programs revenue equals the product of (1) ~~\$700 in fiscal year 2004 and later~~ \$584 times
2.17 (2) the greater of 20 or the adjusted marginal cost average daily membership of eligible
2.18 pupils of limited English proficiency enrolled in the district during the current fiscal year.

2.19 (b) A pupil ceases to generate state limited English proficiency aid in the school
2.20 year following the school year in which the pupil attains the state cutoff score on a
2.21 commissioner-provided assessment that measures the pupil's emerging academic English.

2.22 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2008.

2.23 Sec. 3. Minnesota Statutes 2006, section 126C.10, subdivision 4, is amended to read:

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

2.26 (1) compensatory revenue under subdivision 3; plus

2.27 (2) limited English proficiency revenue under section 124D.65, subdivision 5; plus

2.28 (3) ~~\$250~~ \$190 times the limited English proficiency pupil units under section
2.29 126C.05, subdivision 17.

2.30 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2008.