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State of Minnesota
HOUSE OF REPRESENTATIVES

**EIGHTY-FIFTH
SESSION**

HOUSE FILE No. 2012

March 12, 2007

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The bill was read for the first time and referred to the Committee on E-12 Education

1.1 A bill for an act
1.2 relating to education finance; allowing nonpublic schools to participate in
1.3 the limited English proficiency program; amending Minnesota Statutes 2006,
1.4 sections 124D.65, by adding a subdivision; 126C.05, subdivision 17.

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

1.6 Section 1. Minnesota Statutes 2006, section 124D.65, is amended by adding a
1.7 subdivision to read:

1.8 Subd. 6a. **Alternative participation.** (a) A nonpublic school may request
1.9 participation in the limited English proficiency program. Pupils of a participating
1.10 nonpublic school must be counted by the commissioner for the purpose of determining
1.11 revenue according to this section. The participating nonpublic school shall submit its
1.12 enrollment data to the department in a manner and form determined by the commissioner.

1.13 (b) A participating nonpublic school shall generate limited English proficiency aid
1.14 as if it were a district according to section 126C.10, subdivision 4, paragraphs (2) and (3).
1.15 The nonpublic school that receives limited English proficiency aid under this paragraph
1.16 shall only use the aid for the costs of providing a limited English proficiency program to
1.17 the students who generate the aid.

1.18 Sec. 2. Minnesota Statutes 2006, section 126C.05, subdivision 17, is amended to read:

1.19 Subd. 17. **LEP pupil units.** (a) Limited English proficiency pupil units for fiscal
1.20 year 2004 and thereafter shall be determined according to this subdivision.

1.21 (b) The limited English proficiency concentration percentage for a district or a
1.22 participating nonpublic school, under section 124D.65, subdivision 6a, equals the product
1.23 of 100 times the ratio of:

2.1 (1) the number of eligible pupils of limited English proficiency in average daily
2.2 membership enrolled in the district during the current fiscal year; to

2.3 (2) the number of pupils in average daily membership enrolled in the district.

2.4 (c) The limited English proficiency pupil units for each eligible pupil of limited
2.5 English proficiency in average daily membership equals the lesser of one or the quotient
2.6 obtained by dividing the limited English proficiency concentration percentage for the
2.7 pupil's district of enrollment by 11.5.

2.8 (d) Limited English proficiency pupil units shall be counted by the district of
2.9 enrollment.

2.10 (e) Notwithstanding paragraph (d), for the purposes of this subdivision, pupils
2.11 enrolled in a cooperative or intermediate school district shall be counted by the district of
2.12 residence.

2.13 (f) For the purposes of this subdivision, the terms defined in section 124D.59 have
2.14 the same meaning.

2.15 (g) Notwithstanding paragraph (d), for the purposes of this subdivision, pupils
2.16 enrolled in a nonpublic school who choose to participate in the limited English proficiency
2.17 program, under section 124D.65, subdivision 6a, shall be counted by the commissioner
2.18 of education.