

SENATE
STATE OF MINNESOTA
EIGHTY-SEVENTH LEGISLATURE **S.F. No. 285**

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DATE	D-PG	OFFICIAL STATUS
02/10/2011	206	Introduction and first reading Referred to Education

1.1 A bill for an act
1.2 relating to education finance; removing five-year limit on service for limited
1.3 English proficiency funding; amending Minnesota Statutes 2010, section
1.4 124D.59, subdivision 2.

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

1.6 Section 1. Minnesota Statutes 2010, 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

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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 fiscal years 2012 and later.