

**SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION**

S.F. No. 3965

(SENATE AUTHORS: MANN and Kunesh)

DATE
02/19/2024

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Introduction and first reading
Referred to Education Finance

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to education finance; increasing and indexing English learner program
1.3 revenue; supporting innovative English learner programs; creating a statewide
1.4 English learner parent and community advisory council; encouraging local advisory
1.5 councils; establishing microcredentials for teachers and administrators of English
1.6 learners; authorizing rulemaking; appropriating money; amending Minnesota
1.7 Statutes 2022, sections 122A.14, by adding a subdivision; 122A.187, by adding
1.8 a subdivision; 122A.19, by adding a subdivision; Minnesota Statutes 2023
1.9 Supplement, sections 122A.187, subdivision 3; 124D.65, subdivision 5; Laws
1.10 2023, chapter 55, article 1, section 36, subdivision 2.

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

1.12 Section 1. Minnesota Statutes 2022, section 122A.14, is amended by adding a subdivision
1.13 to read:

1.14 Subd. 3a. **English learner microcredential.** The board may adopt rules establishing a
1.15 voluntary administrative microcredential for English learner and emerging multilingual
1.16 learner directors and coordinators.

1.17 **EFFECTIVE DATE.** This section is effective the day following final enactment.

1.18 Sec. 2. Minnesota Statutes 2023 Supplement, section 122A.187, subdivision 3, is amended
1.19 to read:

1.20 Subd. 3. **Professional growth.** (a) Applicants for license renewal for a Tier 3 or Tier 4
1.21 license under sections 122A.183 and 122A.184, respectively, who have been employed as
1.22 a teacher during the renewal period of the expiring license, as a condition of license renewal,
1.23 must present to their local continuing education and relicensure committee or other local
1.24 relicensure committee evidence of work that demonstrates professional reflection and growth

2.1 in best teaching practices, including among other things, cultural competence in accordance
 2.2 with section 120B.30, subdivision 8, ~~and practices in meeting the varied needs of English~~
 2.3 ~~learners, from young children to adults under section 124D.59, subdivisions 2 and 2a.~~ A
 2.4 teacher may satisfy the requirements of this paragraph by submitting the teacher's most
 2.5 recent summative evaluation or improvement plan under section 122A.40, subdivision 8,
 2.6 or 122A.41, subdivision 5.

2.7 (b) The Professional Educator Licensing and Standards Board must ensure that its teacher
 2.8 relicensing requirements include paragraph (a).

2.9 **EFFECTIVE DATE.** This section is effective for licenses renewed on or after the day
 2.10 that the rules adopted under section 3 become effective.

2.11 Sec. 3. Minnesota Statutes 2022, section 122A.187, is amended by adding a subdivision
 2.12 to read:

2.13 Subd. 8. **English learners.** The Professional Educator Licensing and Standards Board
 2.14 must adopt rules that require all licensed teachers renewing a Tier 1, Tier 2, Tier 3, or Tier
 2.15 4 teaching license under sections 122A.181 to 122A.184, respectively, to include in their
 2.16 renewal requirements further preparation in best practices in meeting the varied needs of
 2.17 English learners, from young children to adults under section 124D.59, subdivisions 2 and
 2.18 2a. The rules must:

2.19 (1) require at least three hours of professional development training in content and
 2.20 pedagogy associated with, at a minimum, the benefits of multilingualism and
 2.21 multiculturalism;

2.22 (2) establish qualifications for a person conducting the training; and

2.23 (3) require that the training include culturally validating diversity, equity, and inclusion
 2.24 training.

2.25 **EFFECTIVE DATE.** This section is effective the day following final enactment.

2.26 Sec. 4. Minnesota Statutes 2022, section 122A.19, is amended by adding a subdivision to
 2.27 read:

2.28 Subd. 7. **Microcredentials.** (a) The board must adopt rules establishing best practices
 2.29 for teaching English learners in specific content areas. The board must adopt rules
 2.30 establishing a voluntary microcredential in communication arts and literature, math, science,
 2.31 and social studies for teachers holding a license in bilingual or bicultural education or English

3.1 as a second language. To earn a microcredential, a teacher must demonstrate mastery of the
 3.2 best practices established in rule for teaching English learners in a specific content area.

3.3 (b) The board must adopt rules to establish a voluntary microcredential in bilingual or
 3.4 bicultural education or English as a second language for teachers holding a license in
 3.5 communication arts and literature, math, science, or social studies. To earn the
 3.6 microcredential, a teacher must demonstrate mastery of the best practices established in
 3.7 rule for teaching English learners in the content area in which the teacher is licensed.

3.8 **EFFECTIVE DATE.** This section is effective the day following final enactment.

3.9 Sec. 5. Minnesota Statutes 2023 Supplement, section 124D.65, subdivision 5, is amended
 3.10 to read:

3.11 **Subd. 5. School district EL revenue.** (a) A school district's English learner revenue
 3.12 equals the sum of its English learner programs revenue and its English learner enhanced
 3.13 implementation revenue.

3.14 (b) For fiscal year 2024 through fiscal year 2026, a district's English learner programs
 3.15 revenue equals the sum of:

3.16 (1) the product of (i) \$1,228, and (ii) the greater of 20 or the adjusted average daily
 3.17 membership of eligible English learners enrolled in the district during the current fiscal
 3.18 year; ~~and~~

3.19 (2) \$436 times the English learner pupil units under section 126C.05, subdivision 17;
 3.20 and

3.21 (3) for fiscal years 2025 and 2026, English learner revenue for students with limited or
 3.22 interrupted formal education equals the product of:

3.23 (i) \$1,228;

3.24 (ii) the number of English learners with limited or interrupted formal education under
 3.25 section 124D.59, subdivision 2a; and

3.26 (iii) the ratio of the number of English learners with limited or interrupted formal
 3.27 education for the previous year to the total number of English learners in the district for the
 3.28 previous year.

3.29 Revenue under this clause must be used to support the unique needs of students with limited
 3.30 or interrupted formal education.

4.1 ~~(b)~~ (c) For fiscal year 2027 and later, a district's English learner programs revenue equals
 4.2 the sum of:

4.3 (1) the product of (i) \$1,775, and (ii) the greater of 20 or the adjusted average daily
 4.4 membership of eligible English learners enrolled in the district during the current fiscal
 4.5 year;

4.6 (2) \$630 times the English learner pupil units under section 126C.05, subdivision 17;
 4.7 ~~and~~

4.8 (3) the district's English learner cross subsidy aid. A district's English learner cross
 4.9 subsidy aid under paragraph (c) equals 25 percent of the district's English learner cross
 4.10 subsidy for fiscal year 2027 and later; and

4.11 (4) for fiscal year 2027 and later, English learner revenue for students with limited or
 4.12 interrupted formal education equals the product of:

4.13 (i) \$1,775;

4.14 (ii) the number of English learners with limited or interrupted formal education under
 4.15 section 124D.59, subdivision 2a; and

4.16 (iii) the ratio of the number of English learners with limited or interrupted formal
 4.17 education for the previous year to the total number of English learners in the district for the
 4.18 previous year.

4.19 Revenue under this clause must be used to support the unique needs of students with limited
 4.20 or interrupted formal education.

4.21 ~~(e)~~ (d) A district's English learner cross subsidy aid equals the greater of zero or the
 4.22 difference between the district's expenditures for qualifying English learner services for the
 4.23 second previous year and the district's English learner revenue for the second previous year.

4.24 (e) For fiscal years 2025 and 2026, a school district's English learner enhanced
 4.25 implementation revenue equals the revenue in paragraph (b), clause (1), times:

4.26 (1) the ratio of the general education basic formula allowance for the current year to the
 4.27 general education basic formula allowance for fiscal year 2024; minus

4.28 (2) one.

4.29 (f) For fiscal year 2027 and later, a school district's English learner enhanced
 4.30 implementation revenue equals the revenue in paragraph (c), clause (1), times:

5.1 (1) the ratio of the general education basic formula allowance for the current year to the
5.2 general education basic formula allowance for fiscal year 2026; minus

5.3 (2) one.

5.4 (g) English learner enhanced implementation revenue must be distributed and used as
5.5 follows:

5.6 (1) percent of the revenue must be retained by school districts and used for parental
5.7 and community involvement;

5.8 (2) percent of the revenue must be retained by school districts and used for
5.9 innovative English learner programming;

5.10 (3) percent of the revenue must be retained by the Department of Education to
5.11 provide for increased LEAPS Act-specific support and accountability for English learner
5.12 staff and programs;

5.13 (4) percent of the revenue must be retained by the Department of Education to
5.14 create and maintain a statewide English learner parent and community advisory council to
5.15 provide counsel and feedback to the Department of Education on English learner programs,
5.16 funding levels, and statewide administrative oversight of the English learner revenue program;
5.17 and

5.18 (5) percent of the revenue must be retained by the Department of Education for
5.19 community-based grants to support innovative programming for English learners.

5.20 ~~(d)~~ (h) A pupil ceases to generate state English learner aid in the school year following
5.21 the school year in which the pupil attains the state cutoff score on a commissioner-provided
5.22 assessment that measures the pupil's emerging academic English.

5.23 **EFFECTIVE DATE.** This section is effective for revenue for fiscal year 2025 and later.

5.24 Sec. 6. Laws 2023, chapter 55, article 1, section 36, subdivision 2, is amended to read:

5.25 Subd. 2. **General education aid.** (a) For general education aid under Minnesota Statutes,
5.26 section 126C.13, subdivision 4:

5.27 \$ 8,093,493,000 2024

5.28 ~~8,229,982,000~~

5.29 \$ 2025

5.30 (b) The 2024 appropriation includes \$707,254,000 for 2023 and \$7,386,239,000 for
5.31 2024.

6.1 (c) The 2025 appropriation includes \$771,521,000 for 2024 and ~~\$7,458,461,000~~ \$.....
 6.2 for 2025.

6.3 **Sec. 7. APPROPRIATION; BOARD OF SCHOOL ADMINISTRATORS**
 6.4 **RULEMAKING.**

6.5 \$30,000 in fiscal year 2025 is appropriated from the general fund to the Board of School
 6.6 Administrators to support the rulemaking process required under Minnesota Statutes, section
 6.7 122A.14, subdivision 3a. This is a onetime appropriation and is available until June 30,
 6.8 2025.

6.9 **Sec. 8. APPROPRIATION; PROFESSIONAL EDUCATOR LICENSING AND**
 6.10 **STANDARDS BOARD RULEMAKING.**

6.11 \$100,000 in fiscal year 2025 is appropriated from the general fund to the Professional
 6.12 Educator Licensing and Standards Board to support the rulemaking process required under
 6.13 Minnesota Statutes, section 122A.19, subdivision 7. This is a onetime appropriation and is
 6.14 available until June 30, 2025.