

1.1 moves to amend H.F. No. 2679 as follows:

1.2 Page 1, delete section 1 and insert:

1.3 "Section 1. Minnesota Statutes 2012, section 124D.59, subdivision 2, is amended to
1.4 read:

1.5 Subd. 2. **English learner.** (a) "English learner" means a pupil in kindergarten through
1.6 grade 12 who meets the requirements under subdivision 2a or the following requirements:

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

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

1.15 (b) ~~Notwithstanding paragraph (a),~~ A pupil enrolled in a Minnesota public school
1.16 in grades any grade 4 through 12 who was enrolled in a Minnesota public school on
1.17 the dates during in the previous school year when a commissioner provided took a
1.18 commissioner-provided assessment that measures measuring the pupil's emerging
1.19 academic English was administered, shall not be counted as an English learner in
1.20 calculating English learner pupil units under section 126C.05, subdivision 17, and shall not
1.21 generate state English learner aid under section 124D.65, subdivision 5, ~~unless~~ if the pupil
1.22 scored below the state cutoff score or is otherwise counted as a nonproficient participant
1.23 on an the assessment measuring the pupil's emerging academic English provided by the
1.24 commissioner during the previous school year or in the judgment of the pupil's classroom
1.25 teachers, consistent with section 124D.61, clause (1), the pupil is unable to demonstrate
1.26 academic language proficiency in English, including oral academic language, sufficient to
1.27 successfully and fully participate in the general core curriculum in the regular classroom.

2.1 (c) Notwithstanding paragraphs (a) and (b), a pupil in kindergarten through grade
2.2 12 shall not be counted as an English learner in calculating English learner pupil units
2.3 under section 126C.05, subdivision 17, and shall not generate state English learner aid
2.4 under section 124D.65, subdivision 5, if:

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

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

2.9 **EFFECTIVE DATE.** This section is effective for the 2014-2015 school year and
2.10 later.

2.11 Sec. 2. Minnesota Statutes 2012, section 124D.59, is amended by adding a subdivision
2.12 to read:

2.13 Subd. 2a. **English learner; interrupted formal education.** Consistent with
2.14 subdivision 2, an English learner includes an English learner with an interrupted formal
2.15 education who:

2.16 (1) comes from a home where the language usually spoken is other than English, or
2.17 usually speaks a language other than English;

2.18 (2) enters school in the United States after grade 6;

2.19 (3) has at least two years less schooling than their peers;

2.20 (4) functions at least two years below expected grade level in reading and
2.21 mathematics; and

2.22 (5) may be preliterate in their native language.

2.23 **EFFECTIVE DATE.** This section is effective for the 2015-2016 school year and
2.24 later."

2.25 Renumber the sections in sequence and correct the internal references

2.26 Amend the title accordingly