

Any department head or commissioner dealt with in this act and serving on the effective date of this act is deemed to have been appointed in compliance with the provisions of this act.

If any position which currently bears the title of deputy loses this title pursuant to section 1, subdivision 7, or any other provision of this act, the commissioner of personnel shall assign a new title. If the position is currently in the unclassified civil service, it shall remain in the unclassified civil service, and a person who loses the title of deputy commissioner shall receive, beginning with the first day of the first payroll period after July 1, 1977, the salary he would be entitled to on that date, if his title were to remain deputy commissioner. In the event that authorized, unclassified deputy positions are not filled, the department head or commissioner may fill these positions but only as permitted by applicable personnel complement limitations. Persons who are deputy commissioners and are in the classified service in departments or agencies affected by this act shall be entitled to the benefits and protections available to persons whose positions are declassified pursuant to section 43.09, subdivision 2a.

**Sec. 45. INSTRUCTION TO REVISOR.** The revisor of statutes shall eliminate from the statutes any reference to the "secretary" or "executive officer" of the board of health or any similar title with this meaning, and shall substitute "commissioner" or "commissioner of health" as appropriate.

The revisor shall eliminate from the statutes any reference to "board of health" and shall insert in lieu thereof as appropriate "commissioner of health" or "commissioner".

The revisor shall eliminate from the statutes, except as may be provided in this act, any reference to "deputy commissioner" in the department of labor and industry and shall insert in lieu thereof as appropriate "commissioner of labor and industry" or "commissioner".

**Sec. 46. REPEALER.** Minnesota Statutes 1976, Sections 16.13; 121.07; 121.08; 121.10; 121.16, Subdivision 2; 144.01; 144.02; 144.03; 144.04; 175.001, Subdivision 4; and 216A.06, Subdivision 2, are repealed.

**Sec. 47. EFFECTIVE DATE.** This act shall be effective the day following its final enactment.

Approved May 27, 1977.

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CHAPTER 306—S.F.No.120

[Coded in Part]

*An act relating to education; establishing pilot transitional bilingual education programs; granting certain powers and duties to the state board of education; establishing a state bilingual education advisory task force; appropriating money; amending Minnesota Statutes 1976, Sections 120.095, by adding a subdivision; 120.10, Subdivision 2; and 126.07.*

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

Section 1. [126.31] BILINGUAL EDUCATION; CITATION. Sections 1 to 12 of this act may be cited as the bilingual education act.

Sec. 2. [126.32] DECLARATION OF POLICY. Pursuant to the policy and law of the state to provide equal and meaningful educational opportunity to every individual, it is the purpose of sections 1 to 12 to provide for the establishment of not fewer than three pilot transitional bilingual educational programs.

Sec. 3. [126.33] APPLICABILITY. The requirements of sections 1 to 12 shall apply only to districts which have bilingual educational programs funded pursuant to the provisions of sections 1 to 12.

Sec. 4. [126.34] DEFINITIONS. Subdivision 1. For the purposes of sections 1 to 12 of this act, the words, phrases, and terms defined in this section shall have the meanings given to them.

Subd. 2. "Children of limited English speaking ability" means children whose primary language is other than English or who come from home environments where the primary language is other than English and by reason thereof, have difficulty reading, writing, speaking, and understanding ordinary classroom instruction and have difficulty in performing ordinary classwork in the English language.

Subd. 3. "Primary language" is a language other than English which is the language normally used by the child or the language which is spoken in the child's home environment.

Subd. 4. "Advisory task force" means the state advisory task force on bilingual education programs.

Subd. 5. "Parent" or "parents" includes a child's legal guardian.

Sec. 5. [126.35] BILINGUAL EDUCATION PROGRAMS. Subdivision 1. INSTRUCTION DESCRIBED. Bilingual education programs are programs of instruction enrolling children of limited English speaking ability in elementary and secondary schools in which:

(a) There is instruction given in and study of both English and the primary language of the children of limited English speaking ability, in all courses or subjects of study, to the extent necessary to allow the children to progress effectively through the educational system and to attain the basic skills so that they will be able to perform ordinary classwork successfully in English;

(b) This instruction is given with sensitivity to and appreciation for the cultural heritage of the children of limited English speaking ability;

(c) There is instruction given in the history, culture and heritage of the children of

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limited English speaking ability and in the history and culture of the United States;

(d) Support components are developed for staff, including inservice training and technical assistance in methods of bilingual teaching. This inservice training may include but not be limited to: (i) Development of instructional and personal skills in reading, writing and speaking; (ii) Opportunities to develop general and bilingual teaching skills; (iii) Opportunities to develop the ability to identify, create, and apply instructional techniques that will enhance the cognitive and psychomotor development of children in bilingual education programs;

(e) Orientation to the purposes and values of the bilingual program may be provided to district staff. Bilingual programs may include: research projects, including experimentation with and evaluation of methods of relating to pupils of limited English speaking ability; provision of personal and vocational counseling to pupils of limited English speaking ability; and modification of curriculum, instructional methods, and administrative procedures to meet the needs of pupils of limited English speaking ability.

Subd. 2. ADDITIONAL PROGRAM REQUIREMENTS. Bilingual education programs shall be subject to the following additional requirements:

(a) To the extent practicable, children with different non-English primary languages should not be combined in the same bilingual education program class;

(b) If graded classes are used, children enrolled in the program shall be placed, to the extent practicable, in classes with others of approximately the same age and level of educational attainment. If individuals of significantly varying ages or levels of educational attainment are placed in the same class, the bilingual program shall insure that each child is provided with instruction which is appropriate for his or her level of educational attainment and educational needs;

(c) Instruction given in two languages in a bilingual program shall be appropriate to the linguistic abilities of the children enrolled and the program shall be designed to provide intensive instruction to meet the objectives described in sections 1 to 12 of this act, and shall be sufficient to meet the educational needs of children of limited English speaking ability;

(d) Nothing in sections 1 to 12 shall be construed to authorize isolation of children of limited English speaking ability for a substantial portion of the school day.

Subd. 3. NOTICE OF ENROLLMENT; CONTENT; RIGHTS OF PARENTS. When a pilot program is established pursuant to sections 1 to 12 of this act, every school age child of limited English speaking ability whose primary language is the non-English language which is the medium of instruction in the pilot program and who resides in a school district participating in a pilot program and not enrolled in an existing private school system shall be eligible to enroll and to participate in any program in transitional bilingual education, established under this act for the classification to which he belongs by the school district, for a period of three years or until such time as he achieves a level of English language skills which will enable him to perform successfully in classes in

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which instruction is given only in English, whichever shall first occur. Consistent with the provisions of subdivision 2 nothing herein shall be construed to limit a school district's authority to enroll limited English speaking children, whose primary language is a non-English language other than the non-English language which is the medium of the instruction in the pilot program, in a program of bilingual education.

No later than ten days after the enrollment of any child in a program in transitional bilingual education, the school district in which the child resides shall notify by mail the parents of the child. Such notice shall:

(a) Be in writing and be in English and in the primary language of the child's parents;

(b) Inform the parents that their child has been enrolled in a program in transitional bilingual education;

(c) Contain a simple, nontechnical description of the purposes, method and content of the program;

(d) Inform the parents that they have the right to visit transitional bilingual education classes in which their child is enrolled;

(e) Inform the parents of the time and manner in which to request and receive a conference for the purpose of explaining the nature and purpose of the program; and

(f) Inform the parents of their right to withdraw their child from a program in transitional bilingual education and the time and manner in which to do so.

Any parent whose child is enrolled in a program in transitional bilingual education shall have the absolute right, either at the time of the original notification of enrollment or at the close of any semester thereafter, to withdraw his child from the program by providing written notice of this intent to the principal of the school in which his child is enrolled or to the superintendent of the school district in which his child resides; provided that no withdrawal shall be allowed until the parent is informed in a conference with school district officials of the nature and purpose of the program. At that conference, parents must also be informed of the nature of the program into which the child will be placed. The conference shall be held in a manner and language understood by the parents. Nothing herein shall preclude a parent from reenrolling a child of limited English speaking ability in the bilingual educational program.

Subd. 4. ENROLLMENT OF OTHER CHILDREN; SHARED TIME ENROLLMENT. To the extent it is economically feasible, a program of bilingual education may make provision for the voluntary enrollment of children whose primary language is English, in order that they may acquire an understanding of the cultural heritage of the children of limited English speaking ability for whom that particular program of bilingual education is designed. In determining eligibility to participate in a program, priority shall be given to the children whose primary language is other than English and this subdivision shall not operate or be construed to limit the obligation of

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school districts to enroll individuals of limited English speaking ability in a transitional bilingual program operated in accordance with subdivision 3 of this section. In no event shall the program be designed for the purpose of teaching a foreign language to English speaking children. Children of limited English speaking ability and English speaking children enrolled in an existing nonpublic system may be enrolled on a shared time basis in bilingual education programs.

Subd. 5. NEW STUDENTS. All districts providing a bilingual education program under sections 1 to 12 shall take all affirmative steps necessary to immediately identify children of limited English speaking ability whose primary language is the non-English language which is the medium of instruction in the pilot program and who enroll in the public schools after the implementation of the program and to assess and classify such children in accordance with the provisions of section 11 of this act. All such children who are identified as limited English speaking shall be eligible to be immediately enrolled in the bilingual education program, consistent with the provisions of subdivision 3 of this section.

Subd. 6. ASSIGNMENT OF STUDENTS. No school district shall in providing these programs assign students to schools in a way which will have the effect of promoting segregation of students by race, sex, color, or national origin.

Subd. 7. NONVERBAL COURSES AND EXTRACURRICULAR ACTIVITIES. In predominantly nonverbal subjects, such as art, music, and physical education, children of limited English speaking ability shall participate fully and on an equal basis with their contemporaries in the public school classes provided for these subjects. Every school district shall ensure to children enrolled in bilingual education programs an equal and meaningful opportunity to participate fully with other children in all extracurricular activities. This subdivision shall not be construed to prohibit instruction in nonverbal subjects or extracurricular activities which relate to the cultural heritage of the children of limited English speaking ability, or which are otherwise necessary to accomplish the objectives described in sections 1 to 12 of this act.

Sec. 6. [126.36] TEACHERS; LICENSES; EXEMPTIONS. Subdivision 1. BILINGUAL EDUCATION LICENSES. The board of teaching, hereinafter the board, shall grant teaching licenses in bilingual education to persons who present satisfactory evidence that they:

(a) Possess competence and communicative skills in English and in another language;

(b) Possess a bachelor's degree or other academic degree approved by the board, or meet such requirements as to course of study and training as the board may prescribe.

Subd. 2. PERSONS HOLDING GENERAL TEACHING LICENSES. A person holding a general teaching license who presents the board with satisfactory evidence of competence and communicative skills in a language other than English may be licensed under this section.

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Subd. 3. EMPLOYMENT OF TEACHERS. Teachers employed in a bilingual education program established pursuant to sections 1 to 12 of this act shall not be employed to replace any presently employed teacher who otherwise would not be replaced.

Subd. 4. TEACHER PREPARATION PROGRAMS. For the purpose of licensing bilingual teachers, the board may approve programs at colleges or universities designed for their training subject to the approval of the state board of education.

Subd. 5. PERSONS ELIGIBLE FOR EMPLOYMENT EXEMPTIONS. Any person licensed under this section shall be eligible for employment by a school board as a teacher in a bilingual education program in which the language for which he is licensed is taught or used as a medium of instruction. A school board may prescribe only those additional qualifications for teachers licensed under this section as are approved by the board of teaching. Any school board upon request may be exempted from the licensure requirements of this section in the hiring of one or more bilingual education teachers for any school year in which compliance would, in the opinion of the commissioner of education, create a hardship in the district in the securing of the teachers. The commissioner shall notify the board of teaching of any exemptions granted pursuant to this subdivision.

Subd. 6. PERSONS SERVING UNDER EXEMPTIONS; LICENSURE; TENURE. A bilingual education teacher serving under an exemption as provided in subdivision 5 shall be granted a license as soon as that teacher achieves the qualifications for it. Not more than one year of service by a bilingual education teacher under an exemption shall be credited to the teacher for the purposes of Minnesota Statutes, Section 125.12, and not more than two years shall be credited to the teacher for the purpose of Minnesota Statutes, Section 125.17; and the one or two years shall be deemed to precede immediately and be consecutive with the year in which a teacher becomes licensed.

Subd. 7. AFFIRMATIVE EFFORTS IN HIRING. In hiring for all positions in bilingual education programs school districts shall give preference to and make affirmative efforts to seek, recruit, and employ persons who are (a) native speakers of the language which is the medium of instruction in the bilingual education program, and (b) who share the culture of the limited English speaking children who are enrolled in the program. The district shall provide procedures for the involvement of the parent advisory committees in designing the procedures for the recruitment, screening and selection of applicants, provided that nothing herein shall be construed to limit the school board's authority to hire and discharge personnel.

Sec. 7. [126.37] TEACHERS AIDES; COMMUNITY COORDINATORS. In addition to employing bilingual teachers, each district providing bilingual education programs pursuant to sections 1 to 12 of this act may employ teachers' aides. Teachers' aides shall not be employed for the purpose of supplanting bilingual teachers.

Sec. 8. [126.38] PARENT AND COMMUNITY PARTICIPATION. Subdivision 1. School boards shall provide for the maximum involvement of parents of children enrolled in bilingual education programs pursuant to sections 1 to 12 of this act. Accordingly,

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before implementing a program, the school district shall establish a parent advisory committee for that program. This committee shall afford parents the necessary information and opportunity to express their views concerning all aspects of the bilingual education program and the educational needs of the children of limited English speaking ability residing within the district's attendance boundaries. The district shall ensure that the program is planned, operated, and evaluated with the effective involvement of and in consultation with parents of children enrolled or eligible to be served by the program.

Subd. 2. The committees shall be composed solely of parents of children enrolled or eligible to be enrolled in bilingual programs; secondary students enrolled or eligible to be served; bilingual education teachers, aides, counselors, and other bilingual education program personnel; and representatives from community groups; provided, however, that a majority of each committee shall be parents of children enrolled or eligible to be enrolled in the corresponding program, and the number of parents of limited English speaking children and parents of children whose primary language is English shall reflect approximately the proportion of children of those groups enrolled in the program.

Subd. 3. School principals and other administrators or teachers within the district shall be encouraged to participate and cooperate with the parent advisory committee.

Subd. 4. All notices and other information sent to the parent advisory committees shall be in English and in the primary language of the parent members.

Subd. 5. Nothing in this section shall be construed as prohibiting the school board from establishing procedures whereby parents whose children are enrolled or eligible to be enrolled in the bilingual education program select, consistent with the provisions of this section, the members of the parent advisory committee. Nothing in this section shall be construed as prohibiting school boards from establishing a parent advisory committee prior to the submission of a proposal under section 11 for a bilingual education program.

Subd. 6. School districts which have already established a parent advisory committee pursuant to section 703 (a)(4)(e) of Title VII of the Elementary and Secondary Education Act of 1965 may utilize that committee for the purpose of complying with the provisions of this section.

**Sec. 9. [126.39] STATE BOARD OF EDUCATION DUTIES. Subdivision 1. NEEDS ASSESSMENT.** The state board of education shall conduct a statewide assessment of the need for bilingual education programs, which shall include information on:

(a) Numbers, ages, locations by school district, and primary language, race, national origin, and level of family income of children of limited English speaking ability;

(b) Concentration of children of limited English speaking ability in attendance areas within school districts by primary language, race, national origin, and level of family income;

(c) Placement rates of children of limited English speaking ability in classes for  
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handicapped pupils, in comparison with schoolwide and districtwide placement rates;

(d) Achievement test scores, mobility rates and dropout rates of children of limited English speaking ability in comparison with average achievement test scores, mobility rates and dropout rates;

(e) Any other data deemed necessary to assessment of the need for bilingual education in the state. The procedures for gathering the information shall be designed to comply with provisions of state and federal law relating to privacy and student records.

Any needs assessment previously conducted by a school district which is determined to be current and which meets the requirements of this subdivision may be used as the basis for a program proposal and funding under section 11 prior to the completion of the statewide assessment and may be used by the state board as a part of its statewide assessment.

Subd. 2. RESOURCE EVALUATION. The state board shall study, review, and evaluate all available resources and programs which, in whole or in part, are or could be directed toward meeting the educational needs of children of limited English speaking ability, including information on:

(a) Numbers, location, qualifications, and primary language and national origin of teachers, aides, administrators, counselors, and potential post secondary education graduates from non-English speaking backgrounds who have an interest in working in bilingual programs;

(b) Programs within the state designed for the preparation of bilingual education teachers;

(c) The effectiveness of existing programs for children of limited English speaking ability within the state;

(d) Successful and innovative preservice and inservice programs for staffs of bilingual education programs; and

(e) Tests, criteria, identification instruments and procedures for identifying, testing, assessing and classifying children of limited English speaking ability.

Subd. 3. PROGRAM MODELS. The state board shall gather information about the theory and practice of bilingual education and design program models appropriate for meeting the need for bilingual education in conjunction with the basic educational program in the state.

Subd. 4. EVALUATION OF PROGRAMS. The state board shall provide for comprehensive evaluation of pilot programs funded under sections 1 to 12 of this act. The state board may also provide for the comprehensive evaluation of existing educational programs offered by nonpublic, community, or alternative schools, including assessment of pupil achievement, processes and results of establishing quality programs, and attitudes

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of people involved in and affected by programs, provided that the nonpublic, community, or alternative school consents to the evaluation of its existing program.

Subd. 5. COMMUNITY INVOLVEMENT. The state board shall provide for the maximum involvement of the state advisory task force on bilingual education, parents of children of limited English speaking ability, secondary students eligible to be served, bilingual education teachers, teachers' aides, representatives of community groups, and persons knowledgeable in the field of bilingual education, in the formulation of policy and procedures relating to the administration of sections 1 to 12 of this act.

Subd. 6. CONSULTATION. The state board may consult with and make recommendations to other public departments and agencies in connection with the administration of sections 1 to 12 of this act.

Subd. 7. TEACHER LICENSURE. The state board shall provide to the board of teaching a report on its research and experience in bilingual education insofar as such research may have a bearing on the establishment of teacher licensure requirements by the board of teaching. The board of teaching shall submit its proposals to the state board for approval pursuant to the procedures in Minnesota Statutes, Section 125.185, Subdivision 4.

Subd. 8. TECHNICAL ASSISTANCE. The state board of education shall provide technical assistance to school districts and post secondary institutions for preservice and inservice training for bilingual education teachers and teachers' aides, teaching methods, curriculum development, testing and testing mechanisms, and the development of materials for bilingual programs.

Subd. 9. APPLICATION FOR FUNDS. The state board may apply for grants or funds which are, or may become, available under federal programs for bilingual education, including funds for administration, demonstration projects, training, technical assistance, planning and evaluation.

Subd. 10. REPORT. The state board shall make a report to the legislature, the governor and the public on or before September 1, 1979. This report shall include the results of the needs assessment, including an evaluation of the pilot programs, the number of children served in programs for each language group; the cost of the program per pupil for each pilot program language group, and program type; the number of children in each school district, language group and program type who, as a result of the bilingual education program, improved their English language ability to such an extent that the program is no longer necessary for those children; and recommendations for legislation including any need for expansion and accompanying plans and cost estimates in the areas of bilingual education.

Subd. 11. RULES AND REGULATIONS. The state board, upon the receipt of recommendations by the advisory task force, may promulgate rules providing for standards and procedures appropriate for the implementation of and within the limitations of sections 1 to 12 of this act.

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Sec. 10. [126.40] ADVISORY TASK FORCE ON BILINGUAL EDUCATION PROGRAMS. Subdivision 1. ESTABLISHMENT. The state board of education shall appoint an advisory task force on bilingual education programs. There shall be no more than ten members on the task force. Members shall include: representatives of community groups, parents of children eligible to be served by the programs, bilingual administrators and teachers, persons experienced in the training of teachers for bilingual education programs, persons involved in programs for children of limited English speaking ability in nonpublic, community, or alternative schools, and persons knowledgeable in the field of bilingual education. Members shall be appointed so as to be representative of significant segments of the population of persons of limited English speaking ability.

Subd. 2. DUTIES. The advisory task force on bilingual education programs shall be charged with the following duties:

(a) To make recommendations to the state board concerning approval, modification, or disapproval of proposals for programs and the amounts of grants to approved programs; and

(b) To advise the state board in the administration of its duties under sections 1 to 12 of this act.

Subd. 3. The advisory task force shall expire and the terms, compensation, and removal of members shall be as provided for in Minnesota Statutes, Section 15.059, Subdivision 6.

Sec. 11. [126.41] PILOT PROGRAMS. Subdivision 1. GRANTS, PROCEDURES. For fiscal years 1978 and 1979, as part of the needs assessment effort, the state board of education shall make grants to no fewer than three transitional bilingual education programs. At least one pilot bilingual program shall be in a rural area. The board of a local district or a group of boards may submit a proposal for a grant for a transitional bilingual education program. The state board shall prescribe the form and manner of application for grants and no grant shall be made for proposals not complying with the requirements of sections 1 to 12 of this act. Every program proposal shall be submitted to the state board not less than six months before the planned commencement of the program; provided, however that this six month requirement shall not apply to school districts with an existing bilingual education program established and approved pursuant to section 701 et seq., of Title VII of the Elementary and Secondary Education Act of 1965. The state board shall submit all proposals to the state advisory task force on bilingual education programs for its recommendations concerning approval, modification, or disapproval and the amounts of grants to approved programs.

Subd. 2. PLANS. Each school district submitting a proposal under subdivision 1 shall develop and submit with the proposal a plan which shall:

(a) Identify the measures to be used to meet the requirements of sections 1 to 12 of this act;

(b) Identify the activities, methods and programs to meet the identified educational  
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needs of the children to be enrolled in the program;

(c) Describe how district goals and objectives as well as the objectives of sections 1 to 12 are to be achieved;

(d) Demonstrate that required and elective courses as structured do not have a discriminatory effect within the meaning of section 4, subdivision 6;

(e) Describe how each school program will be organized, staffed, coordinated, and monitored; and

(f) Project expenditures for programs under sections 1 to 12 of this act.

Subd. 3. ADDITIONAL REQUIREMENTS. Each school district receiving a grant under this section shall each year conduct a count of children of limited English speaking ability whose primary language is the non-English language which is the medium of instruction in the bilingual education program funded under this section in the public schools of the district; assess the English and primary language proficiencies of such children; test for achievement; identify the extent of other educational needs of the children to be enrolled in the bilingual education program; and classify the limited English speaking children by grade, level of educational attainment, age, achievement, and English and primary language proficiencies. This count may be part of the school census required pursuant to section 120.095. Nothing herein shall be construed to limit a school district's authority to so count, assess, test, identify and classify limited English speaking children, whose primary language is a non-English language other than the non-English language which is the medium of instruction in a program funded under this section.

Subd. 4. NONDISCRIMINATION; TESTING. In accordance with recognized professional standards, all testing and evaluation materials and procedures utilized for the identification, testing, assessment and classification of children of limited English speaking ability shall be selected and administered so as not to be racially or culturally discriminatory and shall be valid for the purpose of identifying, testing, assessing, and classifying children of limited English speaking ability.

Subd. 5. RECORDS. Participating school districts shall keep records and afford access to them as the commissioner finds necessary to ensure that bilingual education programs are implemented in conformity with sections 1 to 12 of this act. Each school district shall keep an accurate, detailed, and separate account of all money received and paid out by it for bilingual education programs funded under this section.

Subd. 6. FUNDS FROM OTHER SOURCES. A school district providing bilingual education programs shall be eligible to receive funds for these programs from other government agencies and from private sources when the funds are available.

Subd. 7. Nothing in sections 1 to 12 shall be construed as prohibiting a district from implementing a bilingual education program which is not in compliance with sections 1 to 12 of this act if the proposal and plan for that program is not funded

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pursuant to this section.

Sec. 12. [126.42] **OTHER STATUTES.** Nothing in the provisions of sections 1 to 12 shall be construed to violate the provisions of Minnesota Statutes, Section 127.08 or Chapter 363. Programs and activities pursuant to sections 1 to 12 shall be deemed to be positive action programs to combat discrimination.

Sec. 13. Minnesota Statutes 1976, Section 120.095, is amended by adding a subdivision to read:

Subd. 6. The school census shall include an enumeration of children of limited English speaking ability residing within the district by primary language, race and national origin. In making this census the school board shall seek the assistance and cooperation of agencies, organizations or community groups, public or private, which might have information about students of limited English speaking ability residing in the school district. As used in this subdivision, the terms "children of limited English speaking ability" and "primary language" shall have the meanings ascribed to them in section 4 of this act.

Sec. 14. Minnesota Statutes 1976, Section 120.10, Subdivision 2, is amended to read:

Subd. 2. **SCHOOL.** A school, to satisfy the requirements of compulsory attendance, must be one in which all the common branches are taught in the English language, from textbooks written in the English language, and taught by teachers whose qualifications are essentially equivalent to the minimum standards for public school teachers of the same grades or subjects; provided that in a program of instruction for children of limited English speaking ability, instruction and textbooks may be in the primary language of the children of limited English speaking ability enrolled therein. A foreign language may be taught when such language is an elective or a prescribed subject of the curriculum, but not to exceed one hour in each day. Any other language may be taught as provided in section 126.07. As used in this subdivision, the terms "children of limited English speaking ability" and "primary language" shall have the meanings ascribed to them in section 4 of this act.

Sec. 15. Minnesota Statutes 1976, Section 126.07, is amended to read:

**126.07 INSTRUCTION, USE OF ENGLISH LANGUAGE.** The books used and the instruction given in public schools shall be in the English language, but any other language may be used by teachers in explaining to pupils who understand such language the meaning of English words; and provided that in the case of a program for children of limited English speaking ability, instructions and books may be in the primary language of the children of limited English speaking ability. As used in this section, the terms "children of limited English speaking ability" and "primary language" shall have the meanings ascribed to them in section 4 of this act. In secondary and elementary schools other languages may be taught, when made a part of a regular or optional course of study. Instruction may be given in such languages in elementary grades, not to exceed one hour in each day, by unanimous vote of the school board.

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Sec. 16. **APPROPRIATION.** The sum of \$550,000 is appropriated from the general fund to the state board of education for the purposes of this act to be available until June 30, 1979. Of this amount, \$40,000 shall be available for the year ending June 30, 1978 for the employment of two professional employees and one clerical employee beyond the existing complement of the department of education; \$40,000 shall be available for the year ending June 30, 1979 for the employment of two professional employees and one clerical employee beyond the existing complement of the department; and, \$70,000 shall be available until June 30, 1979 for the payment of other necessary expenses and contracted services incurred in connection with the administration of this act. The sum of \$400,000 shall be available until June 30, 1979 to be expended for grants to pilot bilingual education programs pursuant to sections 1 to 12 of this act.

Approved May 27, 1977.

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**CHAPTER 307—S.F.No.160**

[Coded in Part]

*An act relating to the tax court; establishing the tax court as a full time court; creating a small claims division; providing penalties; appropriating money; amending Minnesota Statutes 1976, Sections 15A.083, Subdivision 4; 124.212, Subdivision 11; 271.01, Subdivisions 1 and 4a, and by adding a subdivision; 271.02; 271.04; 271.06, Subdivisions 1, 2, 3, 4, 6, and by adding a subdivision; 271.07; 271.08; 271.09, Subdivisions 1, 2, and 3; 271.10, Subdivision 2; 271.12; 271.13; 271.15; 271.17; 271.18; 271.20; and 490.121, Subdivision 2; and Chapter 271, by adding sections; repealing Minnesota Statutes 1976, Sections 271.001; 271.01, Subdivisions 2, and 2a; 271.11; 271.14; and 271.16.*

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

Section 1. Minnesota Statutes 1976, Section 15A.083, Subdivision 4, is amended to read:

Subd. 4. **TAXATION; TAX COURT OF APPEALS.** Salaries of judges of the tax court of appeals ~~shall be \$10,500~~ shall be the same as the base salary for district judges as provided in subdivision 1.

Sec. 2. Minnesota Statutes 1976, Section 271.01, Subdivision 1, is amended to read:

271.01 **CREATION.** Subdivision 1. **MEMBERSHIP, APPOINTMENT, QUALIFICATIONS.** There is hereby created a tax court of appeals; ~~herein called the tax court of appeals;~~ as an independent agency of the executive branch of the government; ~~in the department of revenue, but not in any way subject to the supervision or control of the commissioner of revenue.~~ The tax court of appeals shall consist of three judges, each of whom shall be a citizen of the state, appointed by the governor, by and with the advice and consent of the senate, for a term of six years commencing at the expiration of the preceding term. Any vacancy shall be filled by the governor for the unexpired term, subject to confirmation by the senate. The terms of the judges shall end on the first

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