

State of Arizona  
House of Representatives  
Fifty-first Legislature  
First Regular Session  
2013

# HOUSE BILL 2425

AN ACT

AMENDING SECTIONS 15-756.01, 15-756.02, 15-756.03, 15-756.04 AND 15-756.11,  
ARIZONA REVISED STATUTES; RELATING TO ENGLISH LANGUAGE EDUCATION FOR CHILDREN  
IN PUBLIC SCHOOLS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2 Section 1. Section 15-756.01, Arizona Revised Statutes, is amended to  
3 read:  
4 15-756.01. State board of education; research based models of  
5 structured English immersion for English language  
6 learners; budget requests; definitions  
7 ~~A. The Arizona English language learners task force is established in~~  
8 ~~the department of education. The task force shall consist of:~~  
9 ~~1. Three members appointed by the superintendent of public~~  
10 ~~instruction.~~  
11 ~~2. Two members who are appointed by the governor.~~  
12 ~~3. Two members who are appointed by the president of the senate.~~  
13 ~~4. Two members who are appointed by the speaker of the house of~~  
14 ~~representatives.~~  
15 ~~B. Members of the task force shall serve four year terms. Members of~~  
16 ~~the task force shall elect a chairperson from among the members of the task~~  
17 ~~force. The department of education shall provide adequate staff support for~~  
18 ~~the task force.~~  
19 ~~C. A. By September 1, 2006, the task force~~ THE STATE BOARD OF  
20 EDUCATION shall develop and adopt research based models of structured English  
21 immersion programs for use by school districts and charter schools. THE  
22 DEPARTMENT OF EDUCATION SHALL PROVIDE ADEQUATE STAFF SUPPORT FOR THE STATE  
23 BOARD OF EDUCATION TO COMPLY WITH THIS ARTICLE. The models shall take into  
24 consideration at least the size of the school, the location of the school,  
25 the grade levels at the school, the number of English language learners and  
26 the percentage of English language learners. The models shall be limited to  
27 programs for English language learners to participate in a structured English  
28 immersion program not normally intended to exceed one year. The ~~task force~~  
29 STATE BOARD OF EDUCATION shall identify the minimum amount of English  
30 language development per day for all models. The ~~task force~~ STATE BOARD OF  
31 EDUCATION shall develop separate models for the first year in which a pupil  
32 is classified as an English language learner that ~~includes~~ INCLUDE a minimum  
33 of four hours per day of English language development.  
34 ~~D. B.~~ The research based models of structured English immersion  
35 adopted by the ~~task force~~ STATE BOARD OF EDUCATION shall be the most  
36 cost-efficient models that meet all state and federal laws.  
37 ~~E. C.~~ The research based models of structured English immersion shall  
38 be limited to a regular school year and school day. Instruction outside the  
39 regular school year or school day shall be provided with compensatory  
40 instruction and may be eligible for funding from the statewide compensatory  
41 instruction fund established by section 15-756.11.  
42 ~~F. D.~~ The research based models of structured English immersion shall  
43 be submitted by the ~~task force~~ STATE BOARD OF EDUCATION to the president of  
44 the senate, the speaker of the house of representatives, the governor and the  
45 state board of education. At least thirty days before adoption, the ~~task~~

1 ~~force~~ STATE BOARD OF EDUCATION shall submit the research based models of  
2 structured English immersion to the joint legislative budget committee for  
3 review.

4 ~~G.~~ E. The ~~task-force~~ STATE BOARD OF EDUCATION shall review research  
5 based models of structured English immersion annually and delete FROM, add TO  
6 or modify the existing models. When adopting or modifying English language  
7 learner programs, the ~~task-force~~ STATE BOARD OF EDUCATION shall review and  
8 consider the information and data obtained as a result of the department of  
9 education's monitoring of English language learner programs pursuant to  
10 section 15-756.08.

11 ~~H.~~ F. The ~~task-force~~ STATE BOARD OF EDUCATION shall establish  
12 procedures for school districts and charter schools to determine the  
13 incremental costs for implementation of the research based models of  
14 structured English immersion developed by the ~~task-force~~ STATE BOARD OF  
15 EDUCATION.

16 ~~I.~~ G. The ~~task-force~~ STATE BOARD OF EDUCATION shall establish a form  
17 for school districts and charter schools to determine the structured English  
18 immersion budget request amount. Notwithstanding any other law, the maximum  
19 amount of the budget request shall be the incremental costs of the model  
20 selected offset by the following monies:

21 1. All federal title III monies and any other federal monies  
22 designated solely for the educational needs of English language learners.

23 2. The portion of title I and title IIA monies determined by the  
24 English language learner population as a percentage of the qualified  
25 population.

26 3. The portion of impact aid monies determined by the English language  
27 learner population as a percentage of the qualified population. A school  
28 district or charter school shall only apply unexpended impact aid monies to  
29 English language learner programs after it has applied its impact aid monies  
30 for other allowable uses as permitted by state law.

31 4. The portion of desegregation monies levied pursuant to section  
32 15-910 determined by the English language learner population as a percentage  
33 of the qualified population.

34 5. The ELL support level weight prescribed in section 15-943.

35 ~~J.~~ H. The difference calculated pursuant to subsection ~~I.~~ G of this  
36 section shall be the maximum amount of the structured English immersion  
37 budget request pursuant to section 15-756.03 for monies from the Arizona  
38 structured English immersion fund established by section 15-756.04.  
39 ~~Beginning July 15, 2008.~~ School districts and charter schools shall not  
40 include the incremental costs of any pupil who is classified as an English  
41 language learner after July 1, 2007 and who has been classified as an English  
42 language learner for more than two years in the calculation of the school  
43 district's or charter school's structured English immersion budget request.

1           ~~K~~. I. In consultation with the auditor general, the department of  
2 education shall develop and adopt forms to be used by school districts and  
3 charter schools to submit budget requests for the Arizona structured English  
4 immersion fund, including the form prescribed in subsection ~~F~~ G of this  
5 section.

6           ~~L~~. J. For the purposes of this section:

7           1. "Compensatory instruction" has the same meaning prescribed in  
8 section 15-756.11.

9           2. "Incremental costs" means costs that are associated with a  
10 structured English immersion program pursuant to section 15-752 or a program  
11 pursuant to section 15-753 and that are in addition to the normal costs of  
12 conducting programs for English proficient students. Incremental costs do  
13 not include costs that replace the same types of services provided to English  
14 proficient students or compensatory instruction.

15           Sec. 2. Section 15-756.02, Arizona Revised Statutes, is amended to  
16 read:

17           15-756.02. School districts and charter schools; English  
18 language learner models; adoption and  
19 implementation

20           A. Each school district governing board and each governing body of a  
21 charter school shall select one or more of the ~~task force~~ STATE BOARD OF  
22 EDUCATION approved models for structured English immersion for implementation  
23 on a school by school basis.

24           B. If a school district or charter school wants to adopt an English  
25 language learner program that is not based on a model adopted by the ~~task~~  
26 ~~force~~ STATE BOARD OF EDUCATION, the school district or charter school shall  
27 first submit the proposed program along with supporting documentation  
28 regarding the expected outcomes of the program on the district's or charter  
29 school's English language learner students to the ~~task force~~ STATE BOARD OF  
30 EDUCATION for approval.

31           C. On receipt of a proposed program from a school district or charter  
32 school, the ~~task force~~ STATE BOARD OF EDUCATION may do one of the following:

33           1. Approve the proposed program.

34           2. Provide limited approval subject to specific stipulations  
35 prescribed by the state board.

36           3. Reject the proposed program and identify a model approved by the  
37 ~~task force~~ STATE BOARD OF EDUCATION for the school district or charter school  
38 to adopt.

39           D. School districts and charter schools shall include a copy of the  
40 adopted English language learner program in the annual report required in  
41 section 15-756.10.

1           Sec. 3. Section 15-756.03, Arizona Revised Statutes, is amended to  
2 read:

3           15-756.03. Structured English immersion; budget request

4           A. If a school district or charter school qualifies to submit a budget  
5 request based on the form prescribed in section 15-756.01, subsection ~~F~~ G,  
6 the school district or charter school shall submit a structured English  
7 immersion budget request on a school by school basis. The budget request  
8 shall be for a specific amount of supplemental monies from the Arizona  
9 structured English immersion fund established by section 15-756.04.

10          B. Each school district or charter school structured English immersion  
11 budget request shall include the signature of the superintendent of the  
12 school district and the chief financial officer of the school district or the  
13 principal of the charter school and the chief financial officer of the  
14 charter school that certifies that the information in the budget request is  
15 true to the best of that person's knowledge and has been calculated in  
16 accordance with the form prescribed in section 15-756.01, subsection ~~F~~ G and  
17 that monies from the Arizona structured English immersion fund established by  
18 section 15-756.04 will not be used to supplant any federal, state or local  
19 monies, including desegregation monies levied pursuant to section 15-910,  
20 used for English language learners that were budgeted for English language  
21 learners as of February 23, 2006.

22          C. ~~Beginning July 1, 2007,~~ Each school district and charter school  
23 that submits a structured English immersion budget request shall submit the  
24 budget request to the department of education annually on or before  
25 September 15. The department of education shall verify the budget request of  
26 each school district and charter school for accuracy and compliance with the  
27 form prescribed in section 15-756.01, subsection ~~F~~ G. The department shall  
28 collect all school district and charter school budget requests and submit  
29 them to the legislature for funding from the Arizona structured English  
30 immersion fund established by section 15-756.04 at the same time as the  
31 department's budget request.

32           Sec. 4. Section 15-756.04, Arizona Revised Statutes, is amended to  
33 read:

34           15-756.04. Arizona structured English immersion fund

35           A. The Arizona structured English immersion fund is established. The  
36 department of education shall administer the fund.

37           B. The department shall submit an annual request for an appropriation  
38 for the purposes of this section.

39           C. In addition to the ELL support level weight prescribed in section  
40 15-943, the department shall distribute monies from the fund to school  
41 districts and charter schools in an amount specified in the budget request  
42 prescribed in section 15-756.03, subsection C. Monies from the fund  
43 established by this section and monies for the ELL support level weight  
44 prescribed in section 15-943 shall not be distributed for more than two  
45 fiscal years for the same pupil. ~~Nothing in~~ This subsection ~~shall be~~

1 ~~construed to~~ DOES NOT prohibit a school district or charter school from  
2 receiving monies from the statewide compensatory instruction fund established  
3 by section 15-756.11 for more than two fiscal years for the same pupil.

4 D. The superintendent of public instruction shall attempt to obtain  
5 the maximum amount of federal funding that is available for English language  
6 learner programs.

7 E. Each school district and charter school shall establish a local  
8 level structured English immersion fund to receive monies distributed from  
9 the Arizona structured English immersion fund. Monies in local level  
10 structured English immersion funds shall be spent only to provide instruction  
11 to English language learners. The auditor general shall modify the budget  
12 format, financial record requirements, accounting forms and financial report  
13 forms in accordance with this subsection. In consultation with the  
14 department of education, the auditor general shall provide support and  
15 guidance to assist school districts and charter schools in complying with  
16 this subsection. Documents developed pursuant to this subsection shall be  
17 reviewed by the ~~Arizona English language learners task force established by~~  
18 ~~section 15-756.01~~ STATE BOARD OF EDUCATION and the joint legislative budget  
19 committee.

20 F. School districts and charter schools shall use monies from the fund  
21 to supplement existing programs for English language learners. Monies from  
22 the fund shall not be used to supplant available monies used to pay for the  
23 normal costs of conducting programs for English proficient students.

24 Sec. 5. Section 15-756.11, Arizona Revised Statutes, is amended to  
25 read:

26 15-756.11. Statewide compensatory instruction fund: reporting:  
27 definition

28 A. The statewide compensatory instruction fund is established. The  
29 department of education shall administer the fund.

30 B. To be eligible for monies appropriated pursuant to this section, a  
31 school district or charter school must demonstrate to the department of  
32 education that it has established a satisfactory compensatory instruction  
33 program. The department of education shall distribute monies from the fund  
34 to school districts and charter schools in an amount determined by the  
35 department for compensatory instruction costs.

36 C. School districts and charter schools shall annually submit written  
37 compensatory instruction budget requests to the department on or before July  
38 15 for monies from the fund on a form developed by the department. The  
39 requests shall include an analysis of compensatory instruction effectiveness.

40 D. The written requests submitted by school districts and charter  
41 schools shall be signed by the superintendent of the school district and the  
42 chief financial officer of the school district or the principal of the  
43 charter school and the chief financial officer of the charter school, and  
44 monies from the statewide compensatory instruction fund shall not be used to  
45 supplant any federal, state or local monies, including desegregation monies

1 levied pursuant to section 15-910, used for English language learners that  
2 were budgeted for English language learners as of February 23, 2006.

3 E. School districts and charter schools shall use monies from the fund  
4 to supplement existing programs. Monies shall not be used to supplant any  
5 federal, state or local monies, including desegregation monies levied  
6 pursuant to section 15-910, used for compensatory instruction that were  
7 budgeted for English language learners as of February 23, 2006.

8 F. Each school district and charter school shall establish a local  
9 level compensatory instruction fund to receive monies distributed from the  
10 statewide compensatory instruction fund. Monies in local level compensatory  
11 instruction funds shall be spent only for compensatory instruction. The  
12 auditor general shall modify the budget format, financial record  
13 requirements, accounting forms and financial report forms in accordance with  
14 this subsection. In consultation with the department of education, the  
15 auditor general shall provide support and guidance to assist school districts  
16 and charter schools in complying with this subsection. Documents developed  
17 pursuant to this subsection shall be reviewed by the ~~Arizona English language~~  
18 ~~learners task force established by section 15-756.01~~ STATE BOARD OF EDUCATION  
19 and the joint legislative budget committee.

20 G. For the purposes of this section, "compensatory instruction" means  
21 programs in addition to normal classroom instruction that may include  
22 individual or small group instruction, extended day classes, summer school or  
23 intersession school and that are limited to improving the English proficiency  
24 of current English language learners and pupils who were English language  
25 learners and who have been reclassified as English proficient within the  
26 previous two years.

27 Sec. 6. Succession

28 A. As provided by this act, the state board of education succeeds to  
29 the authority, powers, duties and responsibilities of the Arizona English  
30 language learners task force.

31 B. This act does not alter the effect of any actions that were taken  
32 or impair the valid obligations of the Arizona English language learners task  
33 force in existence before the effective date of this act.

34 C. With respect to the Arizona English language learners task force,  
35 previous administrative actions continue in effect until superseded by  
36 administrative action by the state board of education.

37 D. All administrative matters, contracts and judicial and  
38 quasi-judicial actions, whether completed, pending or in process, of the  
39 Arizona English language learners task force on the effective date of this  
40 act are transferred to and retain the same status with the state board of  
41 education.

42 E. All indicia of qualification and authority that were issued by the  
43 Arizona English language learners task force retain their validity for the  
44 duration of their terms of validity as provided by law.

1           F. All equipment, records, furnishings and other property, all data  
2 and investigative findings and all appropriated monies that remain unexpended  
3 and unencumbered on the effective date of this act of the department of  
4 education with respect to the Arizona English language learners task force  
5 are transferred to the state board of education.

6           Sec. 7. [Retroactivity](#)

7           This act applies retroactively to from and after December 31, 2012.