

State of Arizona  
House of Representatives  
Fifty-fourth Legislature  
First Regular Session  
2019

## **HOUSE CONCURRENT RESOLUTION 2026**

A CONCURRENT RESOLUTION

ENACTING AND ORDERING THE SUBMISSION TO THE PEOPLE OF A MEASURE RELATING  
TO ENGLISH LANGUAGE EDUCATION FOR CHILDREN IN PUBLIC SCHOOLS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it resolved by the House of Representatives of the State of Arizona,  
2 the Senate concurring:

3 1. Under the power of the referendum, as vested in the  
4 Legislature, the following measure, relating to English language education  
5 for children in public schools, is enacted to become valid as a law if  
6 approved by the voters and on proclamation of the Governor:

7 AN ACT

8 REPEALING SECTIONS 15-751, 15-752, 15-753, 15-754 AND 15-755,  
9 ARIZONA REVISED STATUTES; AMENDING SECTIONS 15-756 AND  
10 15-756.01, ARIZONA REVISED STATUTES; RELATING TO ENGLISH  
11 LANGUAGE EDUCATION FOR CHILDREN IN PUBLIC SCHOOLS.

12 Be it enacted by the Legislature of the State of Arizona:

13 Section 1. Repeal

14 Sections 15-751, 15-752, 15-753, 15-754 and 15-755,  
15 Arizona Revised Statutes, are repealed.

16 Sec. 2. Section 15-756, Arizona Revised Statutes, is  
17 amended to read:

18 15-756. Identification of English language learners

19 A. The primary or home language for all new pupils who  
20 enroll in a school district or charter school shall be  
21 identified in a manner prescribed by the superintendent of  
22 public instruction.

23 B. The English language proficiency of all pupils with  
24 a primary or home language other than English shall be  
25 assessed through the administration of English language  
26 proficiency assessments in a manner prescribed by the  
27 superintendent of public instruction. The test scores adopted  
28 by the superintendent as indicating English language  
29 proficiency shall be based on the test publishers' designated  
30 scores. The department shall annually request an  
31 appropriation to pay for the purchase of all language  
32 proficiency assessments, ~~AND~~ scoring and ancillary materials  
33 as prescribed by the department for school districts and  
34 charter schools.

35 C. If it is determined that a pupil is not English  
36 language proficient, the pupil shall be classified as an  
37 English language learner and shall be enrolled in an English  
38 language education program ~~pursuant to section 15-752 or~~  
39 ~~15-753.~~

40 D. EACH PUBLIC SCHOOL IN THIS STATE SHALL ENSURE THAT  
41 ALL ENGLISH LANGUAGE LEARNERS:

42 1. RECEIVE THE HIGHEST QUALITY OF EDUCATION.

43 2. MASTER THE ENGLISH LANGUAGE.

44 3. ACCESS HIGH QUALITY, INNOVATIVE RESEARCH-BASED  
45 LANGUAGE PROGRAMS.

1           Sec. 3. Section 15-756.01, Arizona Revised Statutes, is  
2 amended to read:

3           15-756.01. State board of education; research based  
4                                   models of structured English immersion for  
5                                   English language learners; budget  
6                                   requests; definitions

7           A. The state board of education shall either use  
8 ~~research based~~ RESEARCH-BASED models of structured English  
9 immersion programs that were previously developed and adopted  
10 by the English language learners task force or develop and  
11 adopt new ~~research based~~ RESEARCH-BASED models of structured  
12 English immersion programs for use by school districts and  
13 charter schools. The department of education shall provide  
14 adequate staff support for the state board of education to  
15 comply with this article. The models shall take into  
16 consideration at least the size of the school, the location of  
17 the school, the grade levels at the school, the number of  
18 English language learners and the percentage of English  
19 language learners. The models shall be limited to programs  
20 for English language learners to participate in a structured  
21 English immersion program not normally intended to exceed one  
22 year. The state board of education shall identify the minimum  
23 amount of English language development per day for all models.  
24 The state board of education shall develop separate models for  
25 the first year in which a pupil is classified as an English  
26 language learner that include a minimum of four hours per day  
27 of English language development.

28           B. The ~~research based~~ RESEARCH-BASED models of  
29 structured English immersion adopted by the state board of  
30 education shall be the most cost-efficient models that meet  
31 all state and federal laws.

32           C. The ~~research based~~ RESEARCH-BASED models of  
33 structured English immersion shall be limited to a regular  
34 school year and school day. Instruction outside the regular  
35 school year or school day shall be provided with compensatory  
36 instruction and may be eligible for funding from the statewide  
37 compensatory instruction fund established by section  
38 15-756.11.

39           D. The ~~research based~~ RESEARCH-BASED models of  
40 structured English immersion shall be submitted by the state  
41 board of education to the president of the senate, the speaker  
42 of the house of representatives, ~~AND~~ the governor ~~and the~~  
43 ~~state board of education~~. At least thirty days before  
44 adoption, the state board of education shall submit the  
45 ~~research based~~ RESEARCH-BASED models of structured English

1 immersion to the joint legislative budget committee for  
2 review.

3 E. The state board of education shall review ~~research~~  
4 ~~based~~ RESEARCH-BASED models of structured English immersion  
5 annually and delete from, add to or modify the existing  
6 models. When adopting or modifying English language learner  
7 programs, the state board of education shall review and  
8 consider the information and data obtained as a result of the  
9 department of education's monitoring of English language  
10 learner programs pursuant to section 15-756.08.

11 F. The state board of education shall establish  
12 procedures for school districts and charter schools to  
13 determine the incremental costs for implementation of the  
14 ~~research-based~~ RESEARCH-BASED models of structured English  
15 immersion developed by the state board of education.

16 G. The state board of education shall establish a form  
17 for school districts and charter schools to determine the  
18 structured English immersion budget request amount.  
19 Notwithstanding any other law, the maximum amount of the  
20 budget request shall be the incremental costs of the model  
21 selected offset by the following monies:

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

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

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

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

37 5. The ELL support level weight prescribed in section  
38 15-943.

39 H. The difference calculated pursuant to subsection G  
40 of this section shall be the maximum amount of the structured  
41 English immersion budget request pursuant to section 15-756.03  
42 for monies from the Arizona structured English immersion fund  
43 established by section 15-756.04. School districts and  
44 charter schools shall not include the incremental costs of any  
45 pupil who is classified as an English language learner after

1 July 1, 2007 and who has been classified as an English  
2 language learner for more than two years in the calculation of  
3 the school district's or charter school's structured English  
4 immersion budget request.

5 I. In consultation with the auditor general, the  
6 department of education shall develop and adopt forms to be  
7 used by school districts and charter schools to submit budget  
8 requests for the Arizona structured English immersion fund,  
9 including the form prescribed in subsection G of this section.

10 J. NOTWITHSTANDING ANY OTHER LAW, SCHOOL DISTRICTS AND  
11 CHARTER SCHOOLS MAY ESTABLISH DUAL-LANGUAGE IMMERSION PROGRAMS  
12 FOR BOTH NATIVE AND NONNATIVE ENGLISH SPEAKERS. PUBLIC  
13 SCHOOLS SHALL PROVIDE TO STUDENTS EFFECTIVE AND APPROPRIATE  
14 INSTRUCTIONAL METHODS TO ESTABLISH ENGLISH LANGUAGE  
15 ACQUISITION PROGRAMS AND SHALL SOLICIT COMMUNITY AND  
16 STAKEHOLDER INPUT ON THESE METHODS AND PROGRAMS.

17 ~~J.~~ K. For the purposes of this section:

18 1. "Compensatory instruction" has the same meaning  
19 prescribed in section 15-756.11.

20 2. "Incremental costs" means costs that are associated  
21 with a structured English immersion program ~~pursuant to~~  
22 ~~section 15-752 or a program pursuant to section 15-753~~ and  
23 that are in addition to the normal costs of conducting  
24 programs for English proficient students. Incremental costs  
25 do not include costs that replace the same types of services  
26 provided to English proficient students or compensatory  
27 instruction.

28 Sec. 4. Conforming legislation

29 The legislative council staff shall prepare proposed  
30 legislation conforming the Arizona Revised Statutes to the  
31 provisions of this act for consideration in the fifty-fifth  
32 legislature, first regular session.

33 2. The Secretary of State shall submit this proposition to the  
34 voters at the next general election as provided by article IV, part 1,  
35 section 1, Constitution of Arizona.