



**ARIZONA STATE SENATE**  
*Fifty-Fourth Legislature, First Regular Session*

FACT SHEET FOR H.C.R. 2026

English language education; requirements

Purpose

Subject to voter approval, statutorily repeals the requirement that all Arizona public school students be taught in English and the requirement that children who are English language learners (ELLs) be taught using structured English immersion (SEI). Requires each public school to ensure ELLs receive high quality education and master the English language.

Background

Proposition 203, approved by the voters in November 2000, requires all public school students to be taught in English language classrooms and requires ELLs to be educated through SEI during a transition period not normally intended to exceed one year. Local schools may place ELLs of different ages, but with similar degrees of English proficiency, in the same classroom and are encouraged to mix ELLs from different native-language groups with the same degree of English fluency. Once an ELL has good working knowledge of the English language and can perform regular school work in English, the student is transferred from SEI to an English language mainstream classroom ([A.R.S. § 15-752](#)).

The English language instruction requirements for all public school students, including the SEI requirement for ELLs, may be waived under outlined circumstances and with annual, written informed consent from an eligible child's parents or legal guardian (parental waiver). If a parental waiver is granted, the student must be transferred to classes that are taught using bilingual education techniques or other recognized educational methodologies. A student is eligible to receive a parental waiver if the student: 1) already knows English; 2) is age 10 or older; or 3) has special individual needs ([A.R.S. § 15-753](#)).

A school board member, elected official or administrator who refuses to implement statute relating to a student's right to receive an English language public education may be held personally liable by a parent or legal guardian for fees and damages. Any individual found liable must be removed from office and is barred from holding a position of authority within the Arizona public school system for five years ([A.R.S. § 15-754](#)).

Voter approval of Proposition 203 also requires the Superintendent of Public Instruction (SPI) to select a standardized, nationally-normed written test of academic subject matter to be administered in English at least once per year to all Arizona public school students in grades 2 through 12 ([A.R.S. § 15-755](#)). Statute additionally requires the SPI to prescribe the manner in which English language proficiency assessments shall be administered to assess the English proficiency of students with a primary or home language other than English ([A.R.S. § 15-756](#)).

*SEI* is an English language acquisition process with curriculum and presentation designed for children who are learning English and in which nearly all classroom instruction is in English. Children learn to read and write and learn all subject matter solely in English. An *English language mainstream classroom* is a classroom in which students are native English speakers or have acquired reasonable fluency in English ([A.R.S. § 15-751](#)).

There is no anticipated fiscal impact statement to the state General Fund associated with this legislation.

### Provisions

1. Repeals the requirements that all children in Arizona public schools be:
  - a) taught English by being instructed in English; and
  - b) placed in English language classrooms.
2. Repeals the requirement that all ELLs be educated using SEI during a temporary transition period not normally intended to exceed one year.
3. Requires public schools to:
  - a) provide students with effective and appropriate instructional methods to establish English language acquisition programs; and
  - b) solicit community and stakeholder input on the methods and programs.
4. Allows school districts and charter schools to establish dual-language immersion programs for native and nonnative English speakers.
5. Requires each Arizona public school to ensure that all ELLs:
  - a) receive the highest quality of education;
  - b) master the English language; and
  - c) access high-quality, innovative research-based language programs.
6. Repeals the parental waiver process by which parents or legal guardians of eligible children may give informed consent for their child to be transferred to classes that teach using bilingual education techniques or other generally-recognized educational methodologies.
7. Repeals the legal standing of the parent or legal guardian of an Arizona public school student to sue for enforcement of the statutory requirement that Arizona students be provided with an English language public education at their local school.
8. Repeals the requirement that the SPI must select a standardized, nationally-normed written test of academic subject matter to be administered in English at least once a year to all Arizona public school students in grades 2 through 12.
9. Removes the statutory permission for a local school to place ELLs of different ages but with similar degrees of English proficiency in the same classroom and the statutory encouragement to mix ELLs from different native-language groups with the same degree of English fluency.

10. Removes the requirement that an individual school must offer a class that teaches using bilingual education techniques or other recognized methodologies, if at least 20 students in a grade level receive a waiver.
11. Removes the requirement that students who receive a waiver at a school that is not required to offer bilingual education or other recognized methodology classes must be allowed to transfer to a public school that does offer such classes.
12. Repeals the definitions of *bilingual education*, *native language instruction*, *English language classroom*, *English language mainstream classroom*, *English learner*, *limited English proficient student*, *sheltered English immersion* and *structured English immersion*.
13. Requires the Secretary of State to submit the proposition to the voters at the next general election.
14. Becomes effective if approved by the voters and on proclamation of the Governor.

House Action

ED	2/18/19	DP	13-0-0-0
3 <sup>rd</sup> Read	2/28/19		59-1-0

Prepared by Senate Research  
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JO/LB/gs