State of Arizona  
House of Representatives  
Fifty-fifth Legislature  
First Regular Session  
2021

HCR 2005

Introduced by  
Representative Fillmore

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

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

AN ACT

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

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

Section 1. Repeal

Sections 15-751, 15-752, 15-753, 15-754 and 15-755, Arizona Revised Statutes, are repealed.

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

15-756. English language learners; identification; assessment

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

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

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

D. Each public school in this state shall ensure that all English language learners:

1. Receive the highest quality of education.
2. Master the English language.
3. ACCESS HIGH QUALITY, INNOVATIVE RESEARCH-BASED LANGUAGE PROGRAMS.

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

15-756.01. State board of education; research-based models of structured English immersion; alternative English instruction models; English language learners; budget requests; definitions

A. The state board of education shall adopt and approve research-based models of structured English immersion for school districts and charter schools to use. The department of education shall provide adequate staff support for the state board to comply with this article. The models shall take into consideration at least the size of the school, the location of the school, the grade levels at the school, the number of English language learners and the percentage of English language learners. The state board shall adopt and approve models that include a minimum amount of English language development as follows:

1. One hundred twenty minutes per day, six hundred minutes per week or three hundred sixty hours per school year for pupils in kindergarten programs and grades one through five.

2. One hundred minutes per day, five hundred minutes per week or three hundred hours per school year for pupils in grades six through twelve.

B. The state board of education shall adopt alternative English instruction models pursuant to section 15-753 that are based on evidence and research.

C. Pursuant to section 15-756.02, school districts and charter schools may submit models of structured English immersion and alternative English instruction to the state board of education for approval.

D. The research-based models of structured English immersion adopted and approved by the state board of education shall be the most cost-efficient models that meet all state and federal laws.

E. The research-based models of structured English immersion and the alternative English instruction models shall be limited to a regular school year and school day. Instruction outside the regular school year or school day shall be provided with compensatory instruction and may be eligible for funding from the statewide compensatory instruction fund established by section 15-756.11.
F. The state board of education shall submit the research-based models of structured English immersion and the alternative English instruction models to the president of the senate, the speaker of the house of representatives and the governor. At least thirty days before adoption or approval, the state board shall submit the research-based models of structured English immersion and the alternative English instruction models to the joint legislative budget committee for review.

G. The state board of education shall review the research-based models of structured English immersion and the alternative English instruction models annually and delete from, add to or modify the existing models. When adopting, approving or modifying English language learner programs, the state board shall review and consider the information and data obtained as a result of the department of education's monitoring of English language learner programs pursuant to section 15-756.08.

H. The state board of education shall establish procedures for school districts and charter schools to determine the incremental costs to implement the research-based models of structured English immersion and the alternative English instruction models that the state board adopts or approves.

I. The state board of education shall establish a framework to evaluate the models prescribed in this section that are submitted for approval. The state board shall solicit input from experienced educators. The framework shall ensure that the adopted or approved models meet all of the following criteria:

1. Provide coherent instruction aligned with this state's English language proficiency standards.
2. Include oral and written language instruction, including structured opportunities to develop verbal and written skills and comprehension strategies.
3. Include access to complex language content through grade-level textbooks with appropriate supports.
4. Include parental engagement strategies.

J. The state board of education shall establish a form for school districts and charter schools to determine the structured English immersion and alternative English instruction budget request amount. Notwithstanding any other law, the maximum amount of the budget request shall be the incremental costs of the model selected offset by the portion of desegregation monies levied pursuant to section 15-910.
determined by the English language learner population as a percentage of the qualified population and the ELL support level weight prescribed in section 15-943.

K. The difference calculated pursuant to subsection J of this section shall be the maximum amount of the structured English immersion and alternative English instruction budget request pursuant to section 15-756.03 for monies from the Arizona English language learner fund established by section 15-756.04.

L. In consultation with the auditor general, the department of education shall develop and adopt forms to be used by school districts and charter schools to submit budget requests for the Arizona English language learner fund, including the form prescribed in subsection J of this section.

M. This section does not prohibit a pupil who is designated as an English language learner from being concurrently enrolled in a structured English immersion model and an alternative English instruction model.

N. NOTWITHSTANDING ANY OTHER LAW, SCHOOL DISTRICTS AND CHARTER SCHOOLS MAY ESTABLISH DUAL-LANGUAGE IMMERSION PROGRAMS FOR BOTH NATIVE AND NONNATIVE ENGLISH SPEAKERS. PUBLIC SCHOOLS SHALL PROVIDE PUPILS WITH EFFECTIVE AND APPROPRIATE INSTRUCTIONAL METHODS, ESTABLISH ENGLISH LANGUAGE ACQUISITION PROGRAMS AND SOLICIT COMMUNITY AND STAKEHOLDER INPUT ON THESE METHODS AND PROGRAMS.

O. For the purposes of this section:
1. "Compensatory instruction" has the same meaning prescribed in section 15-756.11.
2. "Incremental costs" means costs that are associated with a structured English immersion program pursuant to section 15-752 or an alternative English instruction program pursuant to section 15-753 and that are in addition to the normal costs of conducting programs for English proficient students. Incremental costs do not include costs that replace the same types of services provided to English proficient students or compensatory instruction.

Sec. 4. Conforming legislation
The legislative council staff shall prepare proposed legislation conforming the Arizona Revised Statutes to the provisions of this act for consideration in the fifty-sixth legislature, first regular session.

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