

REFERENCE TITLE: English language education; requirements.

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)

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 Legislature,
4 the following measure, relating to English language education for children
5 in public schools, is enacted to become valid as a law if approved by the
6 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15 Arizona Revised Statutes, are repealed.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. English language learners: identification:
19 assessment

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

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

36 C. If it is determined that a pupil is not English
37 language proficient, the pupil shall be classified as an
38 English language learner and shall be enrolled in an English
39 language education program ~~pursuant to section 15-752 or~~
40 ~~15-753.~~

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

- 43 1. RECEIVE THE HIGHEST QUALITY OF EDUCATION.
44 2. MASTER THE ENGLISH LANGUAGE.

1 3. ACCESS HIGH QUALITY, INNOVATIVE RESEARCH-BASED
2 LANGUAGE PROGRAMS.

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

5 15-756.01. State board of education; research-based
6 models of structured English immersion;
7 alternative English instruction models;
8 English language learners; budget
9 requests; definitions

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

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

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

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

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

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

39 E. The research-based models of structured English
40 immersion and the alternative English instruction models shall
41 be limited to a regular school year and school day.
42 Instruction outside the regular school year or school day
43 shall be provided with compensatory instruction and may be
44 eligible for funding from the statewide compensatory
45 instruction fund established by section 15-756.11.

1 F. The state board of education shall submit the
2 research-based models of structured English immersion and the
3 alternative English instruction models to the president of the
4 senate, the speaker of the house of representatives and the
5 governor. At least thirty days before adoption or approval,
6 the state board shall submit the research-based models of
7 structured English immersion and the alternative English
8 instruction models to the joint legislative budget committee
9 for review.

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

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

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

31 1. Provide coherent instruction aligned with this
32 state's English language proficiency standards.

33 2. Include oral and written language instruction,
34 including structured opportunities to develop verbal and
35 written skills and comprehension strategies.

36 3. Include access to complex language content through
37 grade-level textbooks with appropriate supports.

38 4. Include parental engagement strategies.

39 J. The state board of education shall establish a form
40 for school districts and charter schools to determine the
41 structured English immersion and alternative English
42 instruction budget request amount. Notwithstanding any other
43 law, the maximum amount of the budget request shall be the
44 incremental costs of the model selected offset by the portion
45 of desegregation monies levied pursuant to section 15-910

1 determined by the English language learner population as a
2 percentage of the qualified population and the ELL support
3 level weight prescribed in section 15-943.

4 K. The difference calculated pursuant to subsection J
5 of this section shall be the maximum amount of the structured
6 English immersion and alternative English instruction budget
7 request pursuant to section 15-756.03 for monies from the
8 Arizona English language learner fund established by section
9 15-756.04.

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

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

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

26 ~~N.~~ 0. For the purposes of this section:

27 1. "Compensatory instruction" has the same meaning
28 prescribed in section 15-756.11.

29 2. "Incremental costs" means costs that are associated
30 with a structured English immersion program ~~pursuant to~~
31 ~~section 15-752 or an alternative English instruction program~~
32 ~~pursuant to section 15-753~~ and that are in addition to the
33 normal costs of conducting programs for English proficient
34 students. Incremental costs do not include costs that replace
35 the same types of services provided to English proficient
36 students or compensatory instruction.

37 Sec. 4. Conforming legislation

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

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