

House Engrossed  
English language education; requirements.

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

## **HOUSE CONCURRENT RESOLUTION 2005**

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15 Arizona Revised Statutes, are repealed.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.