

REFERENCE TITLE: English language education; requirements

State of Arizona
House of Representatives
Fifty-sixth Legislature
First Regular Session
2023

HCR 2042

Introduced by
Representatives Austin: Aguilar, Blattman, Bravo, Cano, Contreras L,
Contreras P, De Los Santos, Gutierrez, Hernandez M, Longdon, Ortiz,
Pawlik, Peshlakai, Quiñonez, Salman, Sandoval, Schwiebert, Stahl Hamilton,
Sun

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15 Arizona Revised Statutes, are repealed.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; program requirements

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.

45 3. ACCESS HIGH QUALITY, INNOVATIVE, RESEARCH-BASED
46 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;
5 alternative English instruction models;
6 English language learners; budget
7 requests; definitions

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

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

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

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

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

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

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

44 F. The state board of education shall submit the
45 research-based models of structured English immersion and the
46 alternative English instruction models to the president of the

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

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

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

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

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

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

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

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

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

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

23 ~~N.~~ O. For the purposes of this section:

24 1. "Compensatory instruction" has the same meaning
25 prescribed in section 15-756.11.

26 2. "Incremental costs":

27 (a) Means costs that are associated with a structured
28 English immersion program ~~pursuant to section 15-752 or an~~
29 ~~alternative English instruction program pursuant to section~~
30 ~~15-753~~ and that are in addition to the normal costs of
31 conducting programs for English proficient students.
32 ~~Incremental costs do~~

33 (b) DOES not include costs that replace the same types
34 of services provided to English proficient students or
35 compensatory instruction.

36 Sec. 4. Conforming legislation

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

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