

REFERENCE TITLE: schools; English language learners; requirements

State of Arizona
Senate
Fifty-fifth Legislature
Second Regular Session
2022

SCR 1036

Introduced by
Senator Quezada

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 Senate of the State of Arizona, the House of
2 Representatives 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 15-752, 15-753, 15-754 AND 15-755, ARIZONA
9 REVISED STATUTES; AMENDING SECTIONS 15-756 AND 15-756.01,
10 ARIZONA REVISED STATUTES; RELATING TO ENGLISH LANGUAGE
11 EDUCATION FOR CHILDREN IN PUBLIC SCHOOLS.

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

13 Section 1. Repeal

14 Sections 15-752, 15-753, 15-754 and 15-755, Arizona
15 Revised Statutes, are repealed.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; duty
19 of schools; enforcement

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 English language
27 proficiency assessments in a manner prescribed by the
28 superintendent of public instruction. The test scores adopted
29 by the superintendent as indicating English language
30 proficiency shall be based on the test publishers' designated
31 scores. The department shall annually request an
32 appropriation to pay for the purchase of all language
33 proficiency assessments, ~~AND~~ scoring and ancillary materials
34 as prescribed by the department for school districts and
35 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 EDUCATION.
44 2. MASTER THE ENGLISH LANGUAGE.

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

3 E. THE PARENT OR LEGAL GUARDIAN OF ANY PUPIL IN THIS
4 STATE HAS LEGAL STANDING TO SUE FOR ENFORCEMENT OF SUBSECTION
5 D OF THIS SECTION AND, IF SUCCESSFUL, SHALL BE AWARDED NORMAL
6 AND CUSTOMARY ATTORNEY FEES AND ACTUAL AND COMPENSATORY
7 DAMAGES BUT NOT PUNITIVE OR CONSEQUENTIAL DAMAGES.

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

10 15-756.01. State board of education; research-based and
11 evidence-based models of structured
12 English immersion; alternative English
13 instruction models; English language
14 learners; budget requests; definitions

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

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

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

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

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

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

1 E. The research-based AND EVIDENCE-BASED models of
2 structured English immersion and the alternative English
3 instruction models shall be limited to a regular school year
4 and school day. Instruction outside the regular school year
5 or school day shall be provided with compensatory instruction
6 and may be eligible for funding from the statewide
7 compensatory instruction fund established by section
8 15-756.11.

9 F. The state board of education shall submit the
10 research-based AND EVIDENCE-BASED models of structured English
11 immersion and the alternative English instruction models to
12 the president of the senate, the speaker of the house of
13 representatives and the governor. At least thirty days before
14 adoption or approval, the state board shall submit the
15 research-based AND EVIDENCE-BASED models of structured English
16 immersion and the alternative English instruction models to
17 the joint legislative budget committee for review.

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

27 H. The state board of education shall establish
28 procedures for school districts and charter schools to
29 determine the incremental costs to implement the
30 research-based AND EVIDENCE-BASED models of structured English
31 immersion and the alternative English instruction models that
32 the state board adopts or approves.

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

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

1 4. Include parental engagement strategies.
2 J. The state board of education shall establish a form
3 for school districts and charter schools to determine the
4 structured English immersion and alternative English
5 instruction budget request amount. Notwithstanding any other
6 law, the maximum amount of the budget request shall be the
7 incremental costs of the model selected offset by the portion
8 of desegregation monies levied pursuant to section 15-910
9 determined by the English language learner population as a
10 percentage of the qualified population and the ELL support
11 level weight prescribed in section 15-943.
12 K. The difference calculated pursuant to subsection J
13 of this section shall be the maximum amount of the structured
14 English immersion and alternative English instruction budget
15 request pursuant to section 15-756.03 for monies from the
16 Arizona English language learner fund established by section
17 15-756.04.
18 L. In consultation with the auditor general, the
19 department of education shall develop and adopt forms to be
20 used by school districts and charter schools to submit budget
21 requests for the Arizona English language learner fund,
22 including the form prescribed in subsection J of this section.
23 M. This section does not prohibit a pupil who is
24 designated as an English language learner from being
25 concurrently enrolled in a structured English immersion model
26 and an alternative English instruction model.
27 N. NOTWITHSTANDING ANY OTHER LAW, SCHOOL DISTRICTS AND
28 CHARTER SCHOOLS MAY ESTABLISH DUAL-LANGUAGE IMMERSION PROGRAMS
29 FOR BOTH NATIVE AND NONNATIVE ENGLISH SPEAKERS. PUBLIC
30 SCHOOLS SHALL PROVIDE PUPILS WITH EFFECTIVE AND APPROPRIATE
31 INSTRUCTIONAL METHODS TO ESTABLISH ENGLISH LANGUAGE
32 ACQUISITION PROGRAMS AND SHALL SOLICIT COMMUNITY AND
33 STAKEHOLDER INPUT ON THESE METHODS AND PROGRAMS.
34 ~~N.~~ O. For the purposes of this section:
35 1. "Compensatory instruction" has the same meaning
36 prescribed in section 15-756.11.
37 2. "Incremental costs" means costs that are associated
38 with a structured English immersion program ~~pursuant to~~
39 ~~section 15-752 or an alternative English instruction program~~
40 ~~pursuant to section 15-753~~ and that are in addition to the
41 normal costs of conducting programs for English proficient
42 students. Incremental costs do not include costs that replace
43 the same types of services provided to English proficient
44 students or compensatory instruction.

1 Sec. 4. Conforming legislation

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

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