

REFERENCE TITLE: schools; English language learners; requirements

State of Arizona  
House of Representatives  
Fifty-sixth Legislature  
Second Regular Session  
2024

## **HCR 2021**

Introduced by

Representatives Sandoval: Aguilar, Austin, Blattman, Contreras P, Crews,  
De Los Santos, Mathis, Ortiz, Pawlik, Peshlakai, Schwiebert, Seaman, Stahl  
Hamilton, Terech, Travers, Villegas; Senators Diaz, Gabaldón

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 15-752, 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15 Revised Statutes, are repealed.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~~ 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 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":  
38           (a) Means costs that are associated with a structured  
39 English immersion program ~~pursuant to section 15-752 or an~~  
40 ~~alternative English instruction program pursuant to section~~  
41 ~~15-753~~ and that are in addition to the normal costs of  
42 conducting programs for English proficient students.  
43 ~~Incremental costs do~~

1 (b) DOES not include costs that replace the same types  
2 of services provided to English proficient students or  
3 compensatory instruction.

4 Sec. 4. Conforming legislation

5 The legislative council staff shall prepare proposed  
6 legislation conforming the Arizona Revised Statutes to the  
7 provisions of this act for consideration in the fifty-seventh  
8 legislature, first regular session.

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