



ARIZONA HOUSE OF REPRESENTATIVES

Fifty-fifth Legislature
First Regular Session

HCR2005: English language education; requirements.

Sponsor: Representative Fillmore, LD 16

Committee on Education

Overview

Repeals and modifies, upon voter approval, statutes pertaining to English language learner (ELL) instruction in public schools.

History

[Proposition 203](#) was passed by voters in 2000 and establishes requirements for ELL instruction in public schools. Currently, statute requires all children, including ELL students, to be taught English through English language instruction in English language classrooms. Additionally, statute requires the education of ELL students through sheltered English immersion during a temporary transition period not normally intended to exceed one year ([A.R.S. § 15-752](#)). Statute allows legal guardians to apply for waivers to transfer their child to classes teaching English and other subjects through bilingual education techniques or other generally recognized educational methodologies. However, these waivers are limited to legal guardians who have: 1) children who already know English; 2) children ten years or older; or 3) children with special individual needs ([A.R.S. § 15-753](#)).

In addition to ELL instruction, statute grants the legal guardian of any Arizona public school student legal standing to sue for enforcement of ELL statutes. Any school board member or other elected official or administrator who willfully and repeatedly refuses to implement and enforce ELL statute may be held personally liable for fees as well as actual and compensatory damage by a child's legal guardian ([A.R.S. § 15-754](#)). Finally, statute mandates that all public students in grades 2-12 be given a standardized, nationally-normed written test of academic subject matter in English at least once a year ([A.R.S. § 15-755](#)).

Provisions

1. Repeals statute that:
 - a) Requires all children in Arizona public schools be taught English through English language instruction in English language classrooms;
 - b) Allows a child's legal guardian to apply for a waiver to transfer their child to classes teaching English and other subjects through bilingual education techniques or other generally recognized educational methodologies permitted by law;
 - c) Stipulates that a child's legal guardian has legal standing to sue for enforcement of ELL statutes;
 - d) States that any school board member or other elected official or administrator who willfully and repeatedly refuses to implement and enforce ELL statutes may be held personally liable for fees as well as actual and compensatory damage by a child's legal guardian; and
 - e) Mandates that all public school students in grades 2-12 be given a standardized, nationally-normed written test of academic subject matter in English at least once a year. (Sec. 1)
2. Mandates that each public school ensure that ELL students:

- a) Receive the highest quality of education;
 - b) Master the English language; and
 - c) Access high quality, innovative, research-based language programs. (Sec. 2)
3. Permits public schools to establish dual-language immersion programs for both native and nonnative English speakers. (Sec 3)
4. Requires public schools to:
- a) Provide students effective and appropriate instructional methods;
 - b) Establish English language acquisition programs; and
 - c) Solicit community and stakeholder input on these methods and programs. (Sec. 3)
5. Requires the Secretary of State to submit this proposition to the voters at the next general election. (Sec. 4)
6. Directs the Legislative Council to prepare proposed legislation conforming the Arizona Revised Statutes to the provisions of this bill for consideration in the 56th Legislature, 1st Regular Session. (Sec. 4)
7. Makes technical changes. (Sec. 2, 3)
8. Makes a conforming change. (Sec. 3)

Prop 105 (45 votes) Prop 108 (40 votes) Emergency (40 votes) Fiscal Note