

LEGISLATIVE SUMMARY SHEET

Tracking No. 0046-20

DATE: March 5, 2020

TITLE OF RESOLUTION: AN ACTION RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES AND NAABIK'ÍYÁTI' COMMITTEES; SUPPORTING ARIZONA HOUSE CONCURRENT RESOLUTION 2001 (AZ HCR2001) TITLED "ENGLISH LANGUAGE EDUCATION"

PURPOSE: This resolution, if approved, will provide Navajo Nation support for Arizona House Concurrent Resolution 2001.

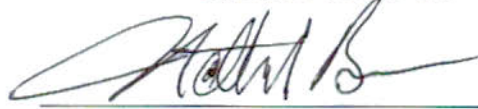
This written summary does not address recommended amendments as may be provided by the standing committee. The Office of Legislative Counsel requests each committee member to review the proposed resolution in detail.

5-DAY BILL HOLD PERIOD: SNOTAH
Website Posting Time/Date: _____
Posting End Date: 03-11-20
Eligible for Action: 03-12-20

Health, Education and Human Services Committee
Thence
Naabik'iyáti' Committee

PROPOSED STANDING COMMITTEE RESOLUTION
24th NAVAJO NATION COUNCIL—Second Year, 2020

INTRODUCED BY



Primary Sponsor

TRACKING NO. 0046-20

AN ACTION
RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES AND
NAABIK'ÍYÁTI' COMMITTEES; SUPPORTING ARIZONA HOUSE
CONCURRENT RESOLUTION 2001 (AZ HCR2001) TITLED "ENGLISH
LANGUAGE EDUCATION"

WHEREAS:

- A. The Navajo Nation established the Health, Education and Human Services Committee as a Navajo Nation Council standing committee and as such empowered the Committee to represent the Navajo Nation at the state level, in coordination with the President of the Navajo Nation and Naabik'iyáti' Committee on proposed legislation, funding and other actions affecting education. 2 N.N.C. §§ 400 (A) and 401 (B)(7)(a).
- B. The Navajo Nation established the Naabik'iyáti' Committee as a Navajo Nation Council standing committee and as such empowered the Committee to coordinate all state programs, including education in public schools operating on the Navajo Nation, and to coordinate all testimony relating to proposed state legislation impacting the Navajo Nation. 2 N.N.C. §§ 700 (A) and 701 (A)(6).
- C. The Navajo Nation has a government-to-government relationship with the State of Arizona.
- D. Arizona House Concurrent Resolution 2001, HCR 2001, attached as **Exhibit A**, is a ballot referral (referendum to repeal Arizona Proposition 203, commonly known as

1 Arizona's "English-Only" law, which repealed Arizona's existing bilingual education
2 law and instead required English-only instruction in Arizona public and charter
3 schools.

4 E. In addition to repealing Proposition 203, HCR 2001, seeks to ensure English language
5 proficiency in all pupils whose primary or home language is other than English and to
6 allow Arizona public schools to offer dual language immersion programs for children
7 with a native language other than English. *See* UNDERSTANDING HCR2001,
8 attached as **Exhibit B**.

9 F. HCR 2001 is in the best interests of Navajo students attending Arizona public and
10 charter schools on the Navajo Nation.

11
12 **THEREFORE, BE IT RESOLVED:**

13 A. The Navajo Nation hereby supports Arizona House Concurrent Resolution 2001, HCR
14 2001, titled "ENGLISH LANGUAGE EDUCATION," attached hereto as **Exhibit A**.

15 B. The Navajo Nation hereby authorizes the Speaker of the Navajo Nation Council,
16 President of the Navajo Nation, and their designees, to advocate the Navajo Nation's
17 support of HCR 2001.



Bill Text: AZ HCR2001 | 2020 | Fifty-fourth Legislature 2nd Regular | Introduced

Arizona House Concurrent Resolution 2001

Bill Title: English language education; requirements

Spectrum: Partisan Bill (Republican 1-0)

Status: (Introduced) 2020-02-10 - House RULES Committee action: Held, voting: (0-0-0-0-0-0) [HCR2001 Detail]

Download: Arizona-2020-HCR2001-Introduced.html

PREFILED NOV 19 2019

REFERENCE TITLE: **English language education; requirements**

State of Arizona
House of Representatives
Fifty-fourth Legislature
Second Regular Session
2020

HCR 2001

Introduced by
Representative Fillmore

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)

Be it resolved by the House of Representatives of the State of Arizona, the Senate concurring:

1. Under the power of the referendum, as vested in the Legislature, the following measure, relating to English language education for children in public schools, is enacted to become valid as a law if approved by the voters and on proclamation of the Governor:

AN ACT

REPEALING SECTIONS 15-751, 15-752, 15-753, 15-754 AND 15-755, ARIZONA REVISED STATUTES; AMENDING SECTIONS 15-756 AND 15-756.01, ARIZONA REVISED STATUTES; RELATING TO ENGLISH LANGUAGE EDUCATION FOR CHILDREN IN PUBLIC SCHOOLS.

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

Section 1. **Repeal**

Sections 15-751, 15-752, 15-753, 15-754 and 15-755, Arizona Revised Statutes, are repealed.

Sec. 2. Section 15-756, Arizona Revised Statutes, is amended to read:

15-756. **English language learners; identification; assessment**

A. The primary or home language for all new pupils who enroll in a school district or charter school shall be identified in a manner prescribed by the superintendent of public instruction.

B. The English language proficiency of all pupils with a primary or home language other than English shall be assessed ~~through the administration~~ **BY ADMINISTERING** English language proficiency assessments in a manner prescribed by the superintendent of public instruction. The test scores adopted by the superintendent as indicating English language proficiency shall be based on the test publishers' designated scores. The department shall annually request an appropriation to pay for the purchase of all language proficiency assessments ~~AND~~ scoring and ancillary materials as prescribed by the department for school districts and charter schools.

C. If it is determined that a pupil is not English language proficient, the pupil shall be classified as an English language learner and shall be enrolled in an English language education program ~~pursuant to section 15-752 or 15-753.~~

D. EACH PUBLIC SCHOOL IN THIS STATE SHALL ENSURE THAT ALL ENGLISH LANGUAGE LEARNERS:

1. RECEIVE THE HIGHEST QUALITY OF EDUCATION.
2. MASTER THE ENGLISH LANGUAGE.
3. ACCESS HIGH QUALITY, INNOVATIVE RESEARCH-BASED LANGUAGE PROGRAMS.

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

15-756.01. State board of education; research-based models of structured English immersion; alternative English instruction models; English language learners; budget requests; definitions

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

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

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

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

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

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

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

F. The state board of education shall submit the research-based models of structured English immersion and the alternative English instruction models to the president of the senate, the speaker of the house of representatives and the governor. At least thirty days before adoption or approval, the state board shall submit the research-based models of structured English immersion and the alternative English instruction models to the joint legislative budget committee for review.

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

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

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

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

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

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

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

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

N. NOTWITHSTANDING ANY OTHER LAW, SCHOOL DISTRICTS AND CHARTER SCHOOLS MAY ESTABLISH DUAL-LANGUAGE IMMERSION PROGRAMS FOR BOTH NATIVE AND NONNATIVE ENGLISH SPEAKERS. PUBLIC SCHOOLS SHALL PROVIDE TO STUDENTS EFFECTIVE AND APPROPRIATE INSTRUCTIONAL METHODS, ESTABLISH ENGLISH LANGUAGE ACQUISITION PROGRAMS AND SOLICIT COMMUNITY AND STAKEHOLDER INPUT ON THESE METHODS AND PROGRAMS.

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

1. "Compensatory instruction" has the same meaning prescribed in section 15-756.11.
2. "Incremental costs" means costs that are associated with a structured English immersion program ~~pursuant to section 15-752 or an alternative English instruction program pursuant to section 15-753~~ and that are in addition to the normal costs of conducting programs for English proficient students. ~~Incremental costs do not include costs that replace the same types of services provided to English proficient students or compensatory instruction.~~

Sec. 4. **Conforming legislation**

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

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



Arizona Department of Education

EXHIBIT

B

UNDERSTANDING HCR2001

What it is: A 2020 ballot referral to repeal Proposition 203, commonly known as Arizona's "English-Only" law.

History of "English-Only" education law: In 2000, Arizona voters approved Proposition 203, repealing the then bilingual education law and requiring English-only instruction in Arizona public schools. This led to the development of the program known as "Structured English Immersion" (SEI). SEI mandated the placement of English learners (EL's) in daily, four-hour blocks of English language development instruction—separated from their native English-speaking peers.

What will HCR2001 do? By repealing Proposition 203, voters will simultaneously replace the current law with new provisions, by which, each public school must ensure EL's receive the highest quality of education and master the English language using evidence-based methods. Moreover, Arizona public schools would be allowed to offer dual language immersion programs for children with a native language other than English.

Wasn't the four-hour block repealed last legislative session? Yes, last year the Legislature passed SB1014, eliminating the restrictive and controversial four-hour instruction block. While this law gases the four-hour block requirement as part of the SEI program, Proposition 203 remains in place. This means there are still voter protected restrictions on local control and the models of English language instruction.

Will HCR2001 remove the requirement of Bilingual Parental Waiver Request Applications? Yes, HCR2001 repeals A.R.S. §15-753 and would thus allow all ELs to fully participate in bilingual education without qualifying for a Parental Waiver Request (current application can be found [here](#)).

What else would be repealed if voters approve this? Statutory definitions of *bilingual education*, *English learner*, *SEI*, along with other definitions. A repeal would also eliminate the Proposition 203 language in statute for the Superintendent of Public Instruction to select a standardized, "nationally-normed" written test of academic subject matter to be administered once per year to all public school students in grades 2-12.

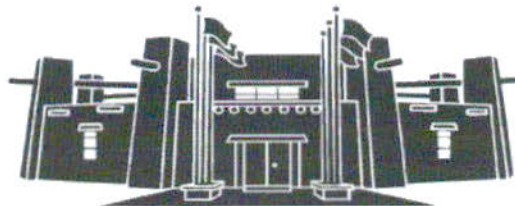
Wait, so does HCR2001 repeal state-wide assessments? No. Under a different Arizona statute, the State Board of Education is required to adopt and implement a statewide assessment to "measure pupil achievement of the State Board-adopted academic standards in reading, writing and mathematics".¹ As such, AzMERIT and tests chosen by districts from the Menu of Assessments currently remain the statewide achievement tests. The requirements in Proposition 203 are redundant and not needed. HCR2001 would NOT AFFECT statewide assessments.

Does HCR2001 repeal assessments for English language proficiency? No. Arizona law requires parents or guardians to identify the primary or "home language" when enrolling a student in a school district or charter school. When a parent or guardian indicates a student's primary or home language is not English, then a school must assess a student's English language proficiency.² All Arizona schools use the "Arizona English Language Learner Assessment" (AZELLA), for both placement and annual reassessment purposes. Each EL student takes AZELLA once per year until the student achieves proficiency. HCR2001 would NOT AFFECT the AZELLA test for EL students.

Will HCR2001 impact Arizona's Every Student Succeeds Act (ESSA) plan? No. Other areas of Arizona's education laws under Title 15 ensure the State aligns with the federal law. In exchange for federal funding under ESSA, states must adopt English language proficiency (ELP) standards for speaking, listening, reading, and writing, and measure student progress against those standards.

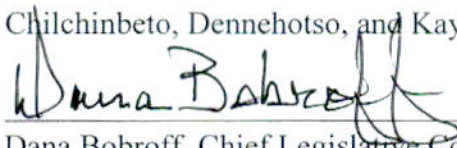
¹ A.R.S. §15-741(A)(1)

² A.R.S. §15-756



MEMORANDUM

TO: Honorable Nathaniel Brown
Chilchinbeto, Dennehotso, and Kayenta Chapters

FROM: 
Dana Bobroff, Chief Legislative Counsel
Office of Legislative Counsel

DATE: March 5, 2020

SUBJECT: **RELATING TO HEALTH, EDUCATION AND HUMAN SERVICES AND
NAABIK'ÍYÁTI' COMMITTEES; SUPPORTING ARIZONA HOUSE
CONCURRENT RESOLUTION 2001 (AZ HCR2001) TITLED "ENGLISH
LANGUAGE EDUCATION"**

I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. Based on existing law and review of documents submitted, the resolution as drafted is legally sufficient. As with any action of government however, it can be subject to review by the courts in the event of proper challenge.

The Office of Legislative Counsel confirms the appropriate standing committee(s) based on the standing committees powers outlined in 2 N.N.C. §§301, 401, 501, 601 and 701. Nevertheless, "the Speaker of the Navajo Nation Council shall introduce [the proposed resolution] into the legislative process by assigning it to the respective oversight committee(s) of the Navajo Nation Council having authority over the matters for proper consideration." 2 N.N.C. §164(A)(5).

Please ensure that his particular resolution request is precisely what you want. You are encouraged to review the proposed resolution to ensure that it is drafted to your satisfaction.

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0046-20__

SPONSOR: Nathaniel Brown

TITLE: An Action Relating To Health, Education and Human Services And
NAABIK'IYATI' Committees; Supporting Arizona House Concurrent Resolution
2001 (AZ HCR2001) Titled "English Language Education"

Date posted: March 6, 2020 at 4:00 PM

Digital comments may be e-mailed to comments@navajo-nsn.gov

Written comments may be mailed to:

Executive Director
Office of Legislative Services
P.O. Box 3390
Window Rock, AZ 86515
(928) 871-7586

Comments may be made in the form of chapter resolutions, letters, position papers, etc. Please include your name, position title, address for written comments; a valid e-mail address is required. Anonymous comments will not be included in the Legislation packet.

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