

REPORT HIGHLIGHTS SPECIAL STUDY

Subject

English Language Learners are students whose native language is not English, and who currently cannot perform ordinary classroom work in English. These students, previously referred to as limited English proficient (LEP), are required to be enrolled in English language acquisition programs. Further, the State provides additional funding for these students.

Our Conclusion

This special study reviews the history and status of the litigation and legislation that shapes the English Language Learner (ELL) education in Arizona. It also presents information on monies provided for ELL programs in fiscal years 2002 through 2006 and, to the extent available, how districts and charter schools have used these monies.



2007

April 2007

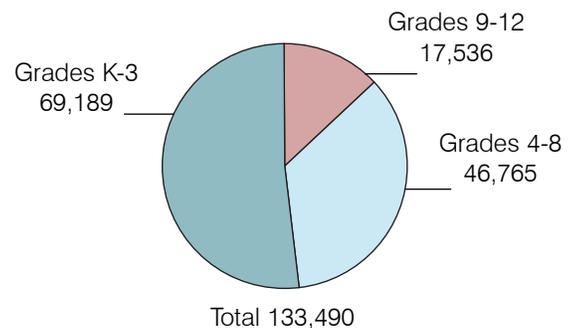
ELL student population

More than 1 out of every 8 students (13 percent) in Arizona is an ELL student. In fiscal year 2006, school districts reported having 128,858 ELL students, and charter schools reported having 4,632. English Language Learners are identified through a state-adopted assessment, which, in FY 2006, was the Stanford English Language Proficiency (SELP) test.

More than half of ELL students are in Kindergarten through 3rd grade, more than a third are in grades 4-8, and 13 percent are in high school.

The percentage of ELL students varies significantly by county—from about 39 percent of students in Santa Cruz County to less than 1 percent in Greenlee County. The majority (63 percent) of the State's ELL students are in Maricopa County

ELL students grouped by grade levels



schools. Similarly, most of the State's students (63 percent) attend school in Maricopa County.

ELLs as a percentage of total students

School Type	ELL Students	Total Students	Percentage of ELL Students
School Districts	128,858	921,316	14.0%
Charter Schools	4,632	84,475	5.5%
Total	133,490	1,005,791	13.3%

ELL litigation and legislation

In 1992, parents of students at Nogales Unified School District sued the State in U.S. District Court. In *Flores v. State of Arizona*, they alleged that the State failed to provide programs that would help limited English proficient (LEP) students become proficient in speaking, understanding, reading, and writing English. The litigation and related legislation proceeded as follows:

- **January 2000**—District Court rules in favor of plaintiffs finding state funding inadequate.
- **October 2000**—District Court orders State to perform cost study so Legislature can adequately fund ELL programs.
- **May 2001**—ADE releases cost study reporting that schools spend between \$0 and \$4,600 per ELL student. Because of wide variation found in spending, researchers make no recommendations for per-pupil funding levels.
- **June 2001**—Court orders State to establish adequate funding levels before January 31, 2002.
- **December 2001**—The Legislature passes HB 2010 (Laws 2001, 2nd S.S. Ch. 9), which increases ELL funding from \$160 to \$320 per student and provides an additional \$50 million for compensatory instruction, teacher training, and bonuses for classroom personnel based on numbers of ELL students reclassified as English proficient. Requires another ELL cost study.
- **April 2002**—Plaintiffs challenge funding citing that it was not based on the 2001 ADE cost study.
- **January 2005**—Court orders State to comply with January 2000 order to adequately fund ELL programs.
- **February 2005**—Second cost study released in draft form; validity questioned and study rejected.
- **December 2005**—Court orders State to adequately fund ELL programs and imposes fine schedule for each day of delay in funding after January 24, 2006.
- **January 2006**—Legislature passes two bills to fund ELL programs, both vetoed by Governor.
- **March 2006**—Legislature passes HB 2064 (Laws 2006, Ch. 4) increasing ELL per-pupil funding to \$420, contingent on the Court's acceptance. Law requires the development and adoption of research-based, cost-efficient Structured English Immersion (SEI) program models, and procedures for determining the incremental costs of such models. Law also provides \$10 million for Compensatory Instruction (CI) programs, which are language acquisition programs offered outside of regular classroom instruction. It also requires development of CI budget requests to allocate these monies.
- **April 2006**—Court finds that HB 2064 does not adequately fund ELL students; the State appeals.
- **August 2006**—Ninth Circuit U.S. Court of Appeals vacates District Court ruling and remands to that Court for further evidence.
- **March 2007**—District Court finds that ELL funding is inadequate and gives the Legislature until the end of the 2007 legislative session to provide adequate funding.

As of April 2007, key provisions of HB 2064 were still being implemented. These include Structured English Immersion (SEI) instruction models and budgets and Compensatory Instruction (CI) program budgets.

State-wide ELL spending, fiscal years 2002 through 2006

School districts and charter schools receive per-pupil funding for every student attending their schools. They also receive additional funding for ELL students to pay for costs in addition to the normal costs of educating English proficient students. This additional amount is an incremental cost, while the total cost of ELL-related activities is a "program" cost.

Incremental cost example:

- Average class size of 25 students, but ELL class size of 15.
- Average teacher salary of \$42,000 (excluding stipends and other special pay).
- 825 total students would require 33 teachers.
- With 75 ELL students, 5 ELL teachers would be required, and the remaining 750 students would require 30 teachers, for a total of 35 teachers.

ELL Program salary cost:
 $\$42,000 \times 5 \text{ ELL teachers} = \$210,000$

ELL Incremental salary cost:
 $\$42,000 \times 2 \text{ additional teachers} = \$84,000$

Districts and charter schools were not required to account for the incremental portion of ELL costs until July 1, 2006. Therefore, cost amounts in this report are not considered to be incremental costs.

Total per-pupil ELL funding doubled under HB 2010, from about \$160 to \$320. Because it is calculated based on a percentage of the base level dollar amount per student, this ELL per-pupil amount continues to increase as the base level increases.

For districts that do not have desegregation funding, this is the largest source for funding ELL programs. However, this money goes into a district's Maintenance and Operation Fund and is not required to be used exclusively for ELL programs.

Through HB 2010, for fiscal year 2002, the Legislature appropriated \$3 million for ELL compensatory instruction. For fiscal years 2003 through 2005, the Legislature also appropriated:

- \$5.5 million each year for compensatory instruction—about \$50 per student.
- \$3 million each year to pay bonuses—districts and charters received \$250 for each student who became proficient in English for bonuses to instructional staff.
- \$1.5 million each year for instructional materials and supplies.
- \$4.5 million each year to reimburse costs for eligible teachers who completed required Structured English Immersion training.
- \$750,000 each year to assist in implementing a 4-year literacy pilot program that would ensure English proficiency by the end of 3rd grade.

Districts also receive ELL funding from other sources. These funding sources include:

- **Desegregation**—Statutes allow districts to gain additional funding through local property taxes and additional state aid for desegregation activities. Nineteen school districts have spent additional monies to comply with administrative agreements and court orders to remedy segregation. All but one of the districts had a language barrier component to their orders or agreements. For 15 of these 18 districts, the ELL portion of their desegregation monies could be identified.

ELL-Related Desegregation Expenditures, FY 2006

District Name	ELL Desegregation Expenditures	Per-Pupil Amount
Agua Fria UHSD	\$ 728,247	\$4,210
Amphitheater USD	2,814,366	2,039
Buckeye ESD	622,598	2,306
Cartwright ESD	3,779,640	435
Flagstaff USD	2,120,070	1,636
Holbrook USD	2,338,064	8,410
Isaac ESD	4,696,745	1,140
Maricopa USD	416,391	1,285
Mesa USD	7,035,517	829
Roosevelt ESD	12,636,004	3,309
Scottsdale USD	6,876,003	4,385
Tucson USD	3,287,892	405
Washington ESD	6,425,113	1,258
Wilson ESD	1,830,829	6,706
Window Rock USD	600,315	3,490

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Three districts with an ELL component in their desegregation plans did not separately account for these costs: Glendale UHSD, Phoenix ESD, and Tempe ESD. Their total desegregation spending ranged from \$5 million to \$13.5 million in fiscal year 2006.

- **Federal Title III monies**—HB 2010 required ADE to seek any federal monies available for ELL students. ADE began receiving Title III monies in FY 2003, with about \$8 million increasing to about \$14 million in FY 2006. These monies are allocated to districts and charters having ELL students.

The report also describes how 28 of the 31 school districts monitored by ADE in FY 2007 spent their ELL monies. The other 3 districts did not report any ELL students and so were not eligible for ELL funding.