

## **Accelerated English Language Acquisition in Public Schools**

The People of the State of Colorado, by and through the authority vested in them, do hereby amend the Constitution of the State of Colorado as follows:

**SECTION 1.** The People find that the English language is the common public language of the United States of America and of the great State of Colorado; and

- a) Since English is spoken by the vast majority of Colorado residents, and is also the leading world language for science, technology, and international business, thereby being the language of economic opportunity; and
- b) Immigrant parents are eager to have their children become fluent and literate in English, thereby allowing them to fully participate in the American Dream of economic and social advancement; and
- c) The government and the public schools of the state of Colorado have a moral obligation and a constitutional duty to provide all of Colorado's children, regardless of their ethnicity or national origins, with the skills necessary to become productive members of our society. Of these skills, literacy in the English language is among the most important; and
- d) The public schools of Colorado have done an inadequate job of educating many immigrant children, requiring that they be placed in native language programs whose failure over past decades is demonstrated by the low English literacy levels of those children; and
- e) Immigrant children can easily acquire full fluency and literacy in a new language, such as English, if they are taught that language in the classroom as soon as they enter school; and
- f) Therefore it is resolved that: all children in Colorado public schools shall be taught English as rapidly and effectively as possible.

## **SECTION 2. Definitions**

- a) "Bilingual education" means a language acquisition process for students in which all or substantial portions of the instruction, textbooks, or teaching materials are in the child's native language other than English.
- b) "English language classroom" means a classroom in which the language of instruction used by the teaching personnel is overwhelmingly the English language, and in which such teaching personnel are fluent and literate in English. English language classrooms encompass both English language mainstream classrooms and accelerated English acquisition classrooms.
- c) "English language mainstream classroom" means a standard classroom, one in which the students either are native English language speakers or already have acquired reasonable fluency in English.
- d) "English learner" means a child who does not speak English or whose native language is not English, and who is not currently able to perform ordinary classroom work in English.
- e) "Accelerated English acquisition" means an English language acquisition process for young children in which nearly all classroom instruction is in English but with the curriculum and presentation designed for children who are learning the language. Books and instructional materials are in English and all reading, writing, and subject matter are taught in English. Although teachers may use a minimal amount of the child's native language when necessary,

no subject matter shall be taught in any language other than English, and children learn to read and write solely in English.

### **SECTION 3. Census**

a) Local school districts shall annually ascertain, not earlier than the first day of April, under regulations prescribed by the State Board of Education, the number of English learners within their school system in grades kindergarten through twelve, and shall classify them according to grade level, the language of which they possess a primary speaking ability, and the English learner program type in which they are enrolled, with all such information being made publicly available by school and school district on the school district website.

### **SECTION 4. English Language Education**

a) Subject to the exceptions provided in Section 5 of this Amendment, all children in Colorado public schools shall be taught English by being taught in English and all children shall be placed in English language classrooms. Children who are English learners shall be educated through accelerated English acquisition during a temporary transition period not normally intended to exceed one school year. Local school districts shall be permitted but not required to place in the same classroom English learners of different ages but whose degree of English proficiency is similar. Local school districts shall be encouraged to mix together in the same classroom English learners from different native-language groups but with the same degree of English fluency. Once English learners acquire a good working knowledge of English and are able to do regular school work in English, they shall no longer be classified as English learners and shall be transferred to English language mainstream classrooms. Foreign language classes for children who are proficient in English shall be completely unaffected, as shall be special educational programs for physically - or mentally-impaired students.

### **SECTION 5. Parental Waivers**

a). Parents or legal guardians may request a waiver from the requirements of Section 4 of this Amendment for their child. Students who may be eligible for a waiver include: students who already possess adequate English skills, students who are ten years of age or older, and students with special needs. Such request for a waiver shall be in writing by the student's parent or legal guardian. No such request for waiver may be granted without said parents or legal guardian personally visiting the school to apply for the waiver and that they there be provided a full description in a language they can understand of the educational materials to be used in the different educational program choices and all the educational opportunities available to the child. School district officials decide whether to grant or deny the request for the waiver based on guidelines established by the State Board of Education, which guidelines shall consider the best interests of the child in there formulation. Schools in which twenty or more students of the same grade level have received a waiver are required to offer a different type of program, such as a bilingual program. In all other cases, students with a waiver may transfer to a school that offers a different type of program of instruction. If a parental waiver has been granted, the affected child may be transferred to classes teaching English and other subjects through bilingual education techniques, such as dual language programs, or other generally recognized educational methodologies permitted by law. Individual schools in which 20 students or more of a given

grade level receive a waiver shall be required to offer such a class; in all other cases, such students must be permitted to transfer to a public school in which such a class is offered.

## **SECTION 6. Enforcement**

As set forth in Paragraph 4 of this chapter, all school children are to be provided at their assigned school with an English language public education. The State Board of Education shall be charged with enforcement of the accelerated English acquisition laws. Any school district which fails to implement accelerated English acquisition, or to effectively implement accelerated English acquisition, shall be placed on accreditation watch, and if the school district fails to show significant improvement in such implementation, following the placement on accreditation watch, then the State Board of Education shall withdraw accreditation from that school district until such time as accelerated English acquisition is fully and effectively implemented. The State Board of Education shall have power to establish such implementation standards as they feel will meet the intent of the laws promulgated to effectuate the Constitutional Amendment.

## **SECTION 7. Standardized Testing For Monitoring Education Progress**

To ensure that the educational progress of all students in learning English together with other academic subjects is properly monitored, a standardized, nationally accepted written test of academic subject matter given in English shall be administered at least once each year to all public schoolchildren in grades 2 and higher who are English learners. This requirement shall not be construed as barring the administration of this same exam to other students. A nationally accepted test of English proficiency shall similarly be administered at least once each year to all Colorado schoolchildren in grades Kindergarten and higher who are English learners. Only English learners classified as severely learning disabled may be exempted from these tests. The particular tests to be used shall be selected by the State Board of Education, and the tests selected shall continue to be used for at least five years unless substantial evidence shows it is ineffective in assessing English skill level. The national percentile scores of students shall be confidentially provided to individual parents, and the aggregated percentile scores and distributional data for individual schools and school districts shall be made publicly available on the school district web site, where the school district does not maintain a web site the State Board of Education shall provide such information on an internet web site. The scores for students classified as English learners shall be separately sub-aggregated and made publicly available on such aforementioned web sites as well, with further sub-aggregation based on the English learner program type in which they are enrolled. School enrollment by race, ethnicity, and English learner program type shall also be made publicly available. Although administration of these tests are required solely for monitoring educational progress, public officials and administrators may utilize these test scores for other purposes as well if they so choose.

## **SECTION 8. Severability**

If a provision of this act or its application to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

### **SECTION 3. Interpretation**

Under circumstances in which portions of this act are subject to conflicting interpretations, the Findings and Declarations of Section 1 of this Amendment shall be assumed to contain the governing intent of this act.

### **PARAGRAPH 4. Effective Date**

Except for the testing requirements of Section 7 of this Amendment, which shall be implemented immediately upon passage, all other Sections of this Amendment shall become effective 1 July 2007.