

2005-2006 #95
Education of English-Language Learners

1 Amendment_ is a proposed amendment to the Colorado Constitution that:

- 2 ♦ requires that all public school students be taught in English;
- 3 ♦ requires students who do not speak English — English learners — to be
4 taught all subjects in English in special classes for English learners for
5 about one year;
- 6 ♦ requires the State Board of Education to penalize a school district that does
7 not teach English learners in English;
- 8 ♦ allows parents or legal guardians to request a waiver from the English-only
9 requirement under specific conditions and gives school districts the power
10 to approve or deny the request based on statewide guidelines; and
- 11 ♦ requires all English learners in grades two through twelve to be tested
12 annually for English skill-level using a nationally accepted test.

13 **Summary and Analysis**

14 Current federal and state laws require school districts to identify English learners,
15 to test their English abilities annually, and to establish programs to teach these students the
16 English skills necessary to participate in a school's regular education program. About
17 90,000 public school students, or 12 percent of Colorado's public school enrollment,
18 qualify as English learners. Generally, these students receive instruction through one of
19 the following types of approaches:

- 20 • English learners are taught part of the day in special classrooms in
21 English and attend smaller classrooms the remainder of the day with
22 instruction in their native language.
- 23 • English learners are taught academic subjects in their native language
24 while learning English. These classes usually have students who share
25 the same native language.
- 26 • Subjects are taught in two languages in order to develop proficiency in
27 both languages. Students in these classes may be fluent in English or
28 be English learners.

1 ***How does Amendment _ change current approaches for teaching English***
2 ***learners?*** Amendment _ requires school districts to teach all English learners in English.
3 English learners will be taught in special classes at a level appropriate to their language
4 skills. School districts may place English learners of different ages, but with similar
5 English skills, in the same classroom. Unless the State Board of Education approves an
6 extension, students attend special classes for English learners for one school year. After
7 this time, students begin attending regular classrooms. Amendment _'s requirements do
8 not apply to foreign language programs or to special education programs.

9 ***How will Amendment _ be implemented and enforced?*** The state legislature is
10 required to enact laws to implement the English-only requirement, which begins with the
11 2007-2008 school year. The state board is responsible for determining criteria and rules
12 as well as ensuring school district compliance for the instruction of English learners.
13 School districts not implementing the special classes for English learners may be placed
14 on probation. Without significant progress towards successful implementation, districts
15 may lose accreditation.

16 ***Does Amendment _ permit exceptions to the requirement for English learners?***
17 Students who are ten years of age or older or who have special needs are eligible for
18 waivers from the English-only requirement. Parents or legal guardians must request a
19 waiver in person at the school after being provided information about other English
20 language instruction options. School district officials decide whether to grant or deny the
21 request based on state board rules. Schools with twenty or more students of the same grade
22 level receiving a waiver are required to offer a different type of English language
23 instruction. In all other cases, students with a waiver may transfer to a school that offers
24 a different type of English language instruction. School districts must pay for
25 transportation to the alternate school if it is more than two miles away from the student's
26 home.

27 ***What information does Amendment _ require be made public?*** School districts
28 are required to count the number of English learners by April 1st of each year. Information
29 about English learners must be made publicly available by school on a district or state
30 website, including the number of students, grade levels, race, ethnicity, native languages
31 represented, method of English language instruction, and test scores.

32 **Arguments For**

33 1) Learning English as quickly as possible ensures that English learners are not left
34 behind their peers. It allows the students to develop the necessary skills and knowledge
35 to improve future education and career choices. After one year, English learners who
36 become reasonably fluent in English will be transferred into regular classrooms, increasing
37 their opportunities to practice and use English. The special classes for English learners
38 could especially benefit young students beginning to develop their language skills.
39 Amendment _ provides a different approach for students whose English language needs
40 are not being met through current English language instructional options.

1 2) Colorado needs a consistent statewide policy for teaching English learners.
2 English learners who move between school districts may encounter different approaches
3 to teaching English, which could delay their academic progress. The amendment focuses
4 on students' acquisition of solid English skills, rather than the maintenance of native
5 language skills, and provides a uniform philosophy for school districts.

6 **Arguments Against**

7 1) The speed at which a student learns cannot be mandated by law. A child's
8 ability to become fluent in English depends on age, cultural circumstances, previous
9 education, and socioeconomic background. Amendment _ creates an unrealistic
10 expectation that English can be learned by all children in one school year through a new
11 approach not proven to be any better than current methods of teaching English learners.
12 Moving students to regular classrooms too quickly could impede a student's ability to
13 participate meaningfully in a regular classroom.

14 2) Amendment _ restricts parental choice and local control of education. Placing
15 these requirements in the constitution limits the ability of parents, school districts, and the
16 state board to develop and adopt new innovative educational programs and methods. Many
17 parents want their children to write and speak more than one language to better prepare
18 them to live and work within a global economy. School districts failing to implement
19 English-only requirements could be placed on probation. This action penalizes the entire
20 school district and jeopardizes successful programs in the district.

21 **Estimate of Fiscal Impact**