



TEXAS
The University of Texas at Austin



**Supporting English Learners
Through Research-Informed Praxis:
*An Analysis of Arizona School
District English Learner Funding***

MARTÍNEZ | SPIKES

POLICY BRIEF SERIES | ISSUE 2



Project MALES
Mentoring to Achieve Latino Educational Success



Project MALES

ABOUT PROJECT MALES

Project MALES (Mentoring to Achieve Latino Educational Success) is a research and mentoring initiative committed to advancing the educational outcomes of male students of color at the local, state, and national level. It began in 2010 and is headquartered at The University of Texas at Austin under the Division of Diversity and Community Engagement (DDCE). Project MALES represents a strategic partnership between the two state flagship institutions—The University of Texas at Austin and Texas A&M, College Station—collaborating to advance and improve educational outcomes for boys and young men of color. In 2013, the Greater Texas Foundation (GTF), the Trellis Foundation (formerly TG), and the Kresge Foundation awarded Project MALES research grants to launch the Texas Education Consortium for Male Students of Color. Operating under the umbrella of Project MALES, the Consortium is a statewide, cross-sector partnership. It represents a direct response to the state and national policy mandates that have raised significant questions about the various challenges facing male students of color as they navigate their educational pathways.

ABOUT THE POLICY BRIEF SERIES

The Project MALES Policy Brief Series was developed after the dissemination of the institute's inaugural Research Digest which highlighted patterns among men of color worthy of further analysis and exploration (see Sáenz, Ryu, & Burmicky, 2018). Very few state entities have done the research to produce benchmarking data pertaining to men of color and degree completion. Neglecting educational disparities and—more importantly—not having the data required to advocate for change is detrimental to the economic future of Texas.

INTRODUCTION

Arizona educational stakeholders are in constant debate over its public school funding policy and the care its constitutional requirement guarantees students (Bosworth, 2014; Hogan et al., 2010; Jiménez-Castellanos et al., 2013; Viteritti, 2012). Arizona's public education system is degraded by school choice advocacy, legislative austerity, and poverty which has not been addressed (Martínez & Jimenez- Castellanos, 2018; Bulkley, 2005; Carpenter & Kafer, 2012; Cobb & Glass, 2009; Good & Braden, 2014; Hoffman & Rex, 2009; Jiménez-Castellanos et al., 2013; Jiménez-Castellanos & Martinez, 2017; Maranto & Gresham, 2018; Powers & Potterton, 2018; Wright, 2005). At the intersection of the debate are English learners (ELs), students who actively acquire English language proficiency and whose primary language is other than English and have come to symbolize Arizona's oppression of diverse learners (Bardack, 2010; Cammarota & Romero, 2006; Dabach, 2014; Gándara & Mordechay, 2017).



ENGLISH LEARNER NATIONAL OUTCOMES

One of the most prevalent documented educational achievement disparities is between ELs and their grade-level peers, including their grade-level LatinX English-speaking peers. The

latest data provided by the Arizona Department of Education (ADE) indicate a 38% disparity between ELs and all other students and a 52% disparity between ELs and White students on the state-mandated English Language Arts AZMerit/MSAA (Multi-State Alternate Assessment) exam (Table 4). On the math exam, there is a 32% disparity between ELs and all others students in the state and a 46% disparity between ELs and their White peers (Table 4).

Table 4. Total and Percent of ELs Passing Fall 2017 and Spring 2018 AZMerit or MSAA

SUBJECT	SUBGROUP	NUMBER TESTED	PERCENT PASSED
ENGLISH LANGUAGE ARTS	ARIZONA	771,120	41
	WHITE	295,373	55
	LATINX	351,111	30
	EL	46,389	3
MATH	ARIZONA	758,283	41
	WHITE	288,408	55
	LATINX	347,029	31
	EL	46,680	9

Source. Arizona Department of Education AZMerit and MSAA 2018.

Note. MSAA = Multi-State Alternate Assessment; EL = English learner

NATIONAL SPOTLIGHT

Educational policy scholarship illustrates educational disparities between marginalized students and the presence of fiscal inequity as a factor in disparate student academic achievement outcomes (Heise, 1995; Reardon, 2011; Verstegen, 1998). Arguably, Arizona, housing one of the largest proportions of ELs, has created some of the most inequitable student conditions nationally for ELs and continues to underfund education, despite long-standing litigation in the Flores v. Arizona/Horne v. Flores/Flores v. Huppenthal (Flores) case which attempted to improve the educational opportunities available for ELs (Gándara & Orfield, 2012b; Jiménez-Castellanos et al., 2013; Jimenez-Silva et al., 2014; Thomas et al., 2014). Flores stands as a testament to Arizona's inability to improve educational resources for marginalized students.

In Flores, the plaintiffs alleged ELs civil rights were violated, due to Arizona's failure to adequately fund an instruction program for ELs. In 2013, all litigation in Flores was dismissed due to what was perceived as the plaintiff's failure to prove that Arizona's requirement that ELs spend at least half of their day learning English was a violation of the Equal Educational Opportunities Act (EEOA) of 1974. In 2015, the U.S. Court of Appeals for the Ninth District held that plaintiffs did have cause for challenging the 4-hr English Language Development model,

but that these challenges fail on their merits and are not sufficient to prove the four-four model's implementation in Nogales constituted EEOA (1974) violations that require any injunctions (Flores v. Arizona, 13-15805, 2013; Flores v. Arizona, 13-15805, 2015; Flores v. Huppenthal, 13-15805, 2015). These posterior legal comments closed the door on the Flores case, indicating Arizona met its obligation to adequately fund a program of instruction for ELs. We argue this assumption requires re-evaluation as clearly ELs continue to trail their academic peers.



This policy brief serves as a Flores post-mortem to critically examine how Arizona-reified barriers to learning that ELs continue to endure. We measure how targeted EL expenditures have evolved through the culmination of the Flores case. We seek to answer three specific research questions:

1. What are the policies implemented during the years of the Flores v. Arizona/Horne v. Flores/Flores v. Huppenthal that directly impact EL education across the state?
2. What is the relationship between targeted EL expenditures and the proportion of ELs across Arizona?
3. Did the policy resolutions endorsed by the Arizona courts at the culmination of Flores v. Arizona/Horne v. Flores/Flores v. Huppenthal effectively increase educational opportunity for ELs across the state?

ENGLISH LEARNER CRITICAL POLICY REVIEW

Arizona has played a large part in the development and implementation of policy that directly inhibits equity of opportunity for the EL population, the largest and most damaging of which came out of legislation passed due to the Flores case. Paradoxically, the intention of Flores was to increase the opportunities, and funding, provided for ELs, yet the changes developed at the legislative and school levels worked to contradict, and not alleviate, EL equity in the state (Arias & Faltis, 2012; Combs et al., 2014; Gándara & Orfield, 2012a). Arizona, in line with this race-based marginalization, explicitly created laws that undermine LatinX cultural representation and instituted pedagogical barriers to dual-language educational access with damaging consequences.

ENGLISH LEARNER POLICY RELATED TO FLORES V. ARIZONA

Until recently (Senate Bill 1014 of 2019) Arizona students were required to obtain English language proficiency through a 4-hr block of English language immersion that limited curricular instructional time outside of English (e.g., math, science, social sciences, humanities; Fredricks & Warriner, 2016; Jiménez-Castellanos et al., 2013). Arizona developed and implemented educational policy (e.g., Proposition 203 [Prop 203]; House Bill 2064 of 2006 [HB 2064]) obstructing equity of opportunity for the EL student population, by proxy of Flores mandates, through a 4-hr block of segregated English language immersion (Jiménez-Castellanos & García, 2017). Litigation in Flores was meant to alleviate the gross inequity which already existed across the state; yet, the legislation that passed further threatened EL educational opportunities (Arias & Faltis, 2012). Prop 203 (Prop 203), English for the Children, a ballot initiative passed in November 2000, abated local EL curriculum and program flexibility opting for a structured English immersion (SEI) program model that limits the time students spend on curriculum outside of English.

The SEI program of instruction forced students into separate classrooms and limited access to curriculum outside of English. It abated local EL curriculum and program flexibility, discouraging culturally responsive, multi-culturalist approaches to education, and led to de facto racial segregation within schools via language “ability” tracks. SEI, ability grouping by language, and segregation ultimately led to academic stifling, did not contribute to academic achievement increases, including English acquisition, and ineffectively met the language development needs of Arizona’s ELs (Garcia et al., 2010; Rios-Aguilar et al., 2012).

A closer investigation into Prop 203 reveals Arizona’s engagement in oppressive practices, institutionalizing racism, impacting pedagogy and subsequent reform (Cammarota, 2006; DeCuir & Dixson, 2004; Revilla, 2000). Following this sweeping de facto segregation based on language ability, Arizona also attempted a remedy at EL fiscal reform. However, much like the

aforementioned policies, there was a disconnect between policy rhetoric and actual practice, further perpetuating the inequality created by Prop 203 and the SEI program.

House Bill 2010 of 2001 (HB 2010) provided US\$144 million in educational funding over 4 years and doubled the EL group B weight from 6% to 11.5%, a total increase from US\$179 to US\$340. The bill also appropriated US\$14.5 million dollars over 3 years for EL instructional materials, teacher training, compensatory education, and EL reclassification (Jiménez- Castellanos et al., 2013). This bill was meant to improve EL educational outcomes through sweeping fiscal change but worked to support the previously instituted segregation of Prop 203 and was one of three major bills that helped reify EL segregation in public education.

Following HB 2010, the Arizona legislature worked to pass HB 2064 which increased EL funding from US\$355 to US\$432, but overtly, it also continued to reify segregation of EL students by formally adopting SEI programs of instruction. This law required districts to segregate their EL population in 4-hr instructional blocks without considering how districts would manage curriculum outside of English, limiting instructional time in other subject areas (e.g., math, science, social sciences, humanities). Finally, Senate Bill 1096 of 2008 (SB 1096) appropriated funding to continue the trajectory of educational racism, codified through language-restrictive action against ELs. It served to further exacerbate the deplorable education of ELs across the state (Lillie, 2016).



DISCUSSION

Policies like Prop 203 and HB 2064 worked to racially segregate children through SEI, funded on the back of HB 2010 and SB 1096, which further stripped local EL programmatic flexibility. Thus, these policies, in conjunction with policies, such as HB 2281, limited schools' ability to implement culturally responsive schooling practices, which have been linked to improved schooling experiences and outcomes for students of color (Gay, 2000; Ladson-Billings, 2009). Furthermore, schooling practices, like ability grouping (i.e., tracking) undertaken un-

der the guise of effective pedagogy, have been shown to perpetuate racial inequity and stifle language and content acquisition (August et al., 2010; Cammarota, 2006; Gándara & Orfield, 2010; Greene, 2014; Oakes, 1985). Indeed, even though Arizona viewed the changes in their state legislation and policy as remedies to increase educational opportunities for ELs, recent achievement test results suggest that these initiatives have done little, if anything, to improve the academic disparities between EL students and their grade-level peers. Large-scale research has also shown that SEI in Arizona did not improve academic outcomes (Rios-Aguilar et al., 2012). These issues are further exacerbated by inadequate spending for ELs.

A key factor in 1992 was Arizona's fiscal response toward their marginalized student groups (i.e., EL, at-risk, low-income, students of color) that includes a program of instruction leading toward adequate language acquisition but also the funding necessary to maintain these programs. This analysis indicates that EL actual expenditures per EL pupil are negatively associated with the EL scale. This is representatively true in all years and across inter-district EL scale. Ultimately, these results are concerning.

The U.S. Commission on Civil Rights' (2018) report of educational access and equity explicitly recognizes the impact of pervasive and longitudinal school funding disparities that lead to achievement disparities. The report references the legal obligation of states, schools, and districts to provide students with equal access to fair and just educational resources without regard to race, color, or national origin. Furthermore, this report implicates funding disparities as leading toward opportunity gaps that mirror differences in racial and socioeconomic demography, occurring in schools educating higher percentages of low-income students and students requiring accommodations for English language acquisition. One of the major challenges that Arizona's school districts face is how to effectively address EL programs of instruction and the fiscal need this creates (Horsford & Sampson, 2013; Iddings et al., 2012; Jiménez-Castellanos, 2012).

[THE U.S. COMMISSION ON CIVIL RIGHTS' (2018)] REPORT IMPLICATES FUNDING DISPARITIES AS LEADING TOWARD OPPORTUNITY GAPS THAT MIRROR DIFFERENCES IN RACIAL AND SOCIOECONOMIC DEMOGRAPHY, OCCURRING IN SCHOOLS EDUCATING HIGHER PERCENTAGES OF LOW-INCOME STUDENTS AND STUDENTS REQUIRING ACCOMMODATIONS FOR ENGLISH LANGUAGE ACQUISITION.

POLICY RECOMMENDATIONS

A fundamental education challenge is funding schools so every student is provided equitable learning opportunities. Recent school finance scholarship determines that school resource differences, community wealth, and specific student group needs inform achievement gaps between minoritized and middle-class White students. Relevant to this conversation are the intersectional student and community nuances that inform ELs' learning needs.

To that end, Arizona exhibits multi-directional inequities not only insufficiently funding ELs overall, but also in creating a xenophobic policy environment hostile toward

ELs. Such environment seeks to persecute Arizona's LatinX community and informs how the state funds its schools, particularly those with larger minoritized student populations and ELs primarily of LatinX descent. This policy brief continues examining school finance inequity in a fiscally and culturally restrictive state. Thus, based on our findings, we offer three salient recommendations.

POLICY RECOMMENDATIONS

1. EQUITY AUDITS

2. POLICY GUIDANCE FOR TARGETED EL EDUCATION

3. ITERATE RESOURCE ALLOCATION PRACTICES

EQUITY AUDITS

To ameliorate challenges with equity and xenophobia, Arizona needs to conduct equity audits to determine the severity of its disparities. Often, internally driven equity audits establish priorities from within schools or districts and support buy-in from frontline staff intimately aware of pressing needs. They are useful for determining existing student achievement gaps and the dispersion of teacher quality across schools and districts including certification type, tenure, and programmatic inequity like curriculum constriction (e.g., lack of advanced level math courses; lack of culturally responsive pedagogy) (Skrla et al., 2009). As a policy tool, equity audits can help determine which local policies may need re-evaluation (Khalifa, 2018).

Equity audits provide a base for policy construction grounded in practical solutions to address systemic inequity patterns unidentified through quantitative data alone. They have the potential to contextualize quantitative findings devoid of daily school operations. In this manner, equity audits can help Arizona identify schools requiring immediate influx of funding to improve student outcomes, school working conditions, or even emergent conditions impacting student learning—many unknown to policymakers. Equity audits help establish actionable rec-

ommendations for policymakers and can address acute challenges, directly relating to our second recommendation.

POLICY GUIDANCE FOR TARGETED EL EDUCATION

Utilizing equity audits in policy decisions may prove fruitful to policymakers searching for solutions to address ELs' needs. Next, however, is the creation and implementation of policy establishing practical and actionable recommendations identified during analysis. As part of the implementation process of the Local Control Funding Formula (LCFF), California provided districts with the Local Control Accountability Plan (LCAP). LCAP's goal is to measure how districts use funds to address student needs including that of ELs and low-income students. The LCAP outlines eight priority areas in Chapter 6.1 Article 4.5 Section 52060 of California's education code including:

1. access to educators, standards-aligned instructional materials and school facilities,
2. the implementation of academic content and performance standards adopted by the state board,
3. parental involvement and family engagement,
4. assessment of student achievement,
5. assessment of student engagement,
6. measurement of the school climate,
7. access to a broad course of study that includes access and services to access these courses for students with exceptional needs, and
8. the measurement of pupil outcomes in specific subject areas.

Similarly, we recommend Arizona consider establishing policies aligning with California's LCAP standards and add they should also address: the identification, classification, and reclassification of ELs; assessment of EL learning needs in specific content areas outside of English; and funding support for these policies.

One fundamental policy challenge with LCAP implementation is the lack of targeted and measurable interventions for ELs and distinction in funding allocated for poverty and EL status (Vasquez Heilig et al., 2017; Zarate & Gándara, 2019). Our findings echo that of California's, and we show that Arizona has insufficiently addressed EL instruction, nor has it sufficiently funded ELs or considered poverty's ramifications on ELs. Finally, while policy must address ELs' learning needs and funding inequity, long term investment is required for significant impact.

ITERATE RESOURCE ALLOCATION PRACTICES

Arizona struggles to find balance between the austerity it desires and the funding required to manage a growing public school system. Instead, it relies on its outdated school equalization formula incapable of closing school finance equity gaps between low- and high-income districts. Thus, we recommend a complete evaluation and re-imagining of Arizona's school finance formula and school finance policies—both of which continue to reify school funding inequities. For instance, Arizona still uses an 11.5% EL multiplier—previously adjusted in 2010—to provide districts funding for EL instruction without evidence to support its efficacy. Arizona also relies on property tax-levies to fund education, disadvantaging low-property wealth districts. Arizona schools are also currently (i.e., January 2022) facing a \$1.1 billion shortfall (i.e., 16%), unless the legislature overrides a cap on educational spending due to its aggregate expenditure limit policy. These funding policies greatly impact funding for low-income, low-property wealth districts incapable of generating sufficient local tax levies.

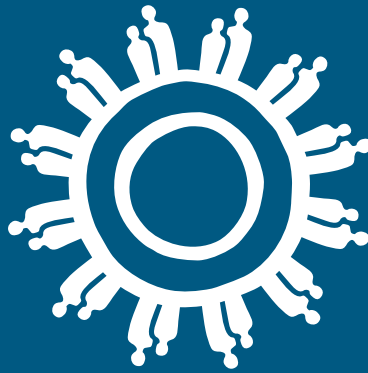
Finally, Arizona must recognize that poverty and EL status require multiple independent funding streams to address these unique challenges. One consideration is how Arizona invests in education through targeted funds for need beyond educational funds to mediate the effects of poverty. Arizona's willingness to invest in communities outside of education, may alleviate challenges associated with poverty and help support students.

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