



Opinion

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High court to decide cost of teaching English

By: Examiner Editorial

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How much is enough? That's the basic question before the U.S. Supreme Court as it decides a 17-year-old case regarding non-English speaking students in Arizona. The 1974 federal Equal Education Opportunity Act requires public schools to help English Language Learners (ELL) overcome language barriers. That's a laudable goal since acquiring English literacy is *the* prerequisite for these students in their academic and economic advancement. But never underestimate the ability of the legal, political and educational establishments to bollix things up.

In 1992, the Arizona Center for Law in the Public (ACLPI) Interest filed a federal lawsuit on behalf of Miriam Flores, a Mexican-born homemaker from Nogales, charging that her daughter got deficient English language instruction in the local public school. The case led to a 2001 court order that the state provide "adequate" ELL funding. So the Arizona legislature appropriated \$14.7 million for instructional materials, teacher training, remedial instruction and a study to determine what "adequate" would cost. In June 2005, legislators passed another funding bill - which then-Gov. Janet Napolitano vetoed. That October, federal Judge Raner Collins exempted ELL students from standardized testing required under the federal No Child Left Behind (NCLB) until the state increased ELL funding to his satisfaction. In 2006, the legislature passed another bill, which Napolitano allowed to become law without her signature, appropriating \$40 million in additional ELL funding for two years. But Judge Collins ordered the state to cough up even more money or face fines of \$5 million per day. In 2008, the Ninth Circuit Court of Appeals upheld Collins' ruling.

Since Arizona was in compliance with NCLB, Arizona Superintendent of Public Instruction Tom Horne argued, the federal government overstepped its role when it tried to dictate the level of state funding - especially since ELL costs vary widely, from \$200 spent by a charter school in Phoenix to \$4,600 in some school districts. And if spending \$54.7 million since 2001 for 150,078 ELL students - or \$365 for each one - isn't enough, what is? (For only \$184 more per student, Arizona could give each one of them a three-level Rosetta Stone software program with a phenomenal success record.)

Advocates like ACLPI) point to the lack of improvement on standardized tests as proof that more ELL funding is needed. But knee-jerk funding increases don't work. The latest National Assessment of Education Progress shows virtually no improvement for 17-year-olds in reading and math over the last four decades - during which time education spending in the U.S. more than doubled to \$630 billion. The CATO Institute's Andrew Coulson calls this an education "productivity collapse." When will we finally

admit that enough is enough and try something different?

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