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For student Miriam Flores, fines worthwhile if they help

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NOGALES - Miriam Flores is grown up now, a pretty 19-year-old with wide brown eyes and an armful of college textbooks.

It's been more than a decade since her parents took the lead in a class-action lawsuit that forced Arizona to reform how it teaches students learning English.

The lawsuit languished in the courts while Miriam finished elementary school, then junior high, then high school with honors. The suit was still mired in politics when she transferred from Pima Community College to the University of Arizona in 2004 to study nursing.

Though Miriam is doing very well, her mother said that if improvements called for by the court had been enacted, Miriam's future could have held even more promise.

"From the time she was little," said her mother, also named Miriam Flores, "she wanted to be a doctor."

The Nogales family behind the landmark *Flores vs. Arizona* lawsuit says the state's failure to reform the system for English-learners has hurt them and left a generation of Spanish-speaking children to struggle in the public school system.

The elder Flores, a stay-at-home mom, remembers peeking into her daughter's bedroom when she was a little girl and catching her reciting lessons half-asleep.

The daughter remembers being shy, almost painfully so. She was afraid to raise her hand, even when she knew the answer, because she didn't want to speak English in front of the class.

Miriam had bilingual teachers for most of her classes in Nogales Unified School District until she reached third grade.

Then her homeroom classes - social studies, math and writing - were all in English. Her grades dropped sharply. The 8-year-old, who spoke only Spanish at home, was doing poorly on standardized tests.

One day, Miriam's homeroom teacher called and told her mom she wasn't paying attention in school. She was too busy chatting with her classmates, the teacher said.

Her mom thought that didn't sound like Miriam. She asked her, Why are you talking in class? Why aren't you listening to your teacher?

"I talk to the other kids," she said, "because I have to ask them what she (the teacher) is saying."

As Miriam struggled in third grade, her family took the lead in the class-action lawsuit.

Lawyers for the Arizona Center for Law in the Public Interest originally filed the lawsuit in 1992 in the name of another Nogales parent.

After the other family's case looked weak during depositions, the lawyers found Miriam Flores and chose her as the lead.

Miriam moved on to fourth grade, and the classes in Spanish stopped altogether. From then on, school was harder and she felt lost, she said, and so did other Spanish-speakers.

By the time she reached middle school, her grades had improved. By eighth grade, she was on the honor roll. By high school, she was taking classes for college credit in English. But it still took her longer to master the coursework than students who were native English speakers, and she still struggles with complex vocabulary in higher-level classes.

"A lot of people say it's more effective for students whose native language is Spanish to have an environment that's just English," the daughter said. "But, I mean, when you learn a foreign language . . . it's really important to have an environment where you can actually understand what you're getting out of it (class) and use it correctly."

When she was growing up in Nogales, no one really paid much attention to the lawsuit, she said, as it wound its way slowly through the federal court system.

She's a little taken aback by the hefty fines set by a federal court judge, now \$1 million daily, but said if they result in better preparing teachers to deal with students who need help learning English, then they're worth it.

She's thought a lot about how to make things better for English-learners, particularly her little sisters, ages 9 and 2. She and her sisters are all U.S. citizens, and so is her dad. Her mom, now 38, is a legal permanent resident, but that didn't stop her from filing the lawsuit.

"She holds her opinion, and there's no way anyone can make her change it," the daughter said. "She really cares about us, and about others in the same situation."

Miriam's mother and father are supportive of her choice to become a nurse and proud she's made it so far. She would be the first in the family to graduate from college. But her mom still wonders what could have happened if her teachers had been better prepared to deal with her struggles with English.

"I think if there were more resources for the school to help prepare the students, they could be more successful," her mother said. "It's very frustrating. One suffers with their children."

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