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GOP to appeal ruling saying English funding is too low

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PHOENIX — Republican legislative leaders decided to appeal a federal court ruling that Arizona still isn't complying with the legal requirement that all students have the opportunity to learn English.

Senate President Tim Bee, R-Tucson, said he and other GOP leaders believe a measure approved last session meets the requirements of federal law. Bee said they disagree with last week's decision by Judge Raner Collins that the funding in the legislation is insufficient.

Lawmakers will ask the 9th U.S. Circuit Court of Appeals to stay Collins' directive that they enact a new plan by the end of this session. Bee said there is no way the appellate court could consider the merits of the state's appeal by the time the session ends — something he said could occur as soon as the middle of next month.

Attorney Tim Hogan, who represents the parents of students in the Nogales Unified School District who filed the lawsuit, said he will fight the request for a stay. Hogan wants the deadline, and the possibility of some sort of court-ordered sanctions for failing to comply, to pressure lawmakers to come up with a solution before they go home.

The decision to appeal drew stinging rebukes from Democratic legislators, pointing out the lawsuit was filed in 1992. And it has been seven years since another federal judge first ruled the state is not meeting its obligations.

"How many more generations of future teachers, doctors, engineers are we going to lose before we actually fund this program?" asked Rep. David Lujan, D-Phoenix.

Bee said GOP leaders believe the plan approved last year complies with federal law.

The state now provides about \$365 a year extra for each of the approximately 135,000 students classified as "English language learners." Last year's legislation boosted that immediately to about \$444.

Collins said that figure bears no relationship to actual costs. He said evidence was presented that the Nogales district, taking money from other sources, spends close to an extra \$1,570 per student.

But Collins said the legislation still is flawed because it limits additional funding to just two years, even though there is no evidence all students can become proficient in that time.

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