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Judge rejects English-learner spending plan as insufficient

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A federal judge rejected a new state law Wednesday that would have pumped \$32 million into schools next year to satisfy court-ordered improvements to instruction for students struggling to learn English.

U.S. District Court Judge Raner Collins said the Legislature's plan was insufficient and would spend less per-pupil than a cost study recommended more than 18 years ago to help so-called English language learners.

Collins also said the Republican-backed legislative plan would have violated federal law by forcing schools to divert federal funds they receive for poverty-related programs to cover the remaining costs of teaching English. In addition, Collins said it is against federal law for lawmakers to limit funding for English learners to two years given that it often takes longer for students to master the language.

"On its face, the (Legislature's plan) does not appropriately fund the ELL program," Collins wrote. "It also does not comply with Federal law."

Gov. Janet Napolitano opposed the Legislature's plan, but let it go into law without her signature in March after vetoing two earlier versions. Collins had imposed \$21 million in daily fines to force lawmakers into action. The original court order to help English learners came down six years ago and the original Flores v. Arizona class-action lawsuit was filed in 1992 on behalf of a Nogales family.

It's unclear whether Collins' rejection will force lawmakers back to the negotiating table in this legislative session. That is because Superintendent of Public Instruction Tom Horne has appealed Collins' fines to the 9th Circuit Court of Appeals, which granted a stay until a hearing later this summer. Horne hopes to overturn not only the fines, but the entire court order to improve the education system for English learners.

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