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Conference Engrossed

State of Arizona
House of Representatives
Forty-seventh Legislature
First Regular Session
2005

HOUSE BILL 2030

AN ACT

AMENDING SECTIONS 15-191.01, 15-232 AND 15-1803, ARIZONA REVISED STATUTES; AMENDING TITLE 15, CHAPTER 14, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-1825; AMENDING SECTIONS 46-801 AND 46-803, ARIZONA REVISED STATUTES; RELATING TO PUBLIC PROGRAM ELIGIBILITY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 15-191.01, Arizona Revised Statutes, is amended to
3 read:

4 15-191.01. Family literacy program; procedures; curriculum;
5 eligibility; report

6 A. The family literacy program is established in the state board of
7 education through the division of adult education to increase the basic
8 academic and literacy skills of eligible parents and their preschool children
9 in accordance with this article. The state board of education shall
10 establish family literacy projects as part of the overall program at
11 locations where there is a high incidence of economic and educational
12 disadvantage as determined by the state board of education in consultation
13 with the department of economic security and, as appropriate, other state
14 agencies.

15 B. The state board of education shall adopt procedures necessary to
16 implement the family literacy program.

17 C. The state board of education shall establish guidelines for
18 requiring program participants to engage in community service activities in
19 exchange for benefits received from the program. Participants shall be
20 allowed to choose from a variety of community and faith-based service
21 providers that are under contract with the department to provide community
22 service opportunities or program services. Participants shall be allowed and
23 encouraged to engage in community services within their own communities.
24 Participants shall be allowed to fulfill the requirements of this ~~subdivision~~
25 **SUBSECTION** by providing community services to the program from which they
26 received services.

27 D. **THE STATE BOARD OF EDUCATION SHALL** submit an annual report by
28 December 31 to the governor, the speaker of the house of representatives and
29 the president of the senate regarding the community service activities of
30 program participants pursuant to subsection C, including information on the
31 number of participants, the types of community service performed and the
32 number of hours spent in community service activities.

33 E. Local education agencies and adult education programs funded by the
34 department of education are eligible for grants if the state board of
35 education determines that a high percentage of adults in the county, the
36 local school district or the targeted local school service area have not
37 graduated from high school. Selection criteria for grant awards shall
38 include at a minimum the educational needs of the adult population, the
39 incidence of unemployment in the county, district or local targeted school
40 service area, the degree to which community collaboration and partnership
41 demonstrate the ability to bring additional resources to the program and the
42 readiness and likelihood of the proposing organizations to establish a
43 successful family literacy project.

44 F. Each project team shall include representatives from each of the
45 following:

- 1 1. One or more local school districts or the county school
2 superintendent's office.
- 3 2. An adult education provider funded by the division of adult
4 education.
- 5 3. A private or public early childhood education provider.
- 6 4. Any other social service, governmental or private agency that may
7 provide assistance for the planning and operation of the project.
- 8 G. In addition to the grants prescribed in subsection H, the state
9 board of education shall authorize two grants to existing literacy programs
10 in this state that can offer training and serve as models and training
11 resources for the establishment and expansion of other programs throughout
12 this state. Existing literacy programs shall submit a grant application to
13 the state board of education in the same manner as prescribed in subsection
14 ~~I~~ K.
- 15 H. The state board of education shall authorize additional grants
16 through the division of adult education in areas of educational and economic
17 need.
- 18 I. Selected projects shall use either:
- 19 1. A nationally recognized family literacy model such as models
20 developed by the national center for family literacy or its successor.
- 21 2. A model that, in the determination of the project team and the
22 state board of education, is superior to a nationally recognized family
23 literacy model.
- 24 J. Eligible parents shall be instructed in adult basic education and
25 general educational development. Preschool children shall receive
26 instruction in developmentally appropriate early childhood programs. Other
27 planned, structured activities involving parents and children in learning
28 activities may be established as a part of the curriculum.
- 29 K. Each grant application shall include a plan to address at least the
30 following:
- 31 1. Identification and recruitment of eligible parents and children.
- 32 2. Screening and preparation of parents and children for participation
33 in the program.
- 34 3. Food services for program participants.
- 35 4. Instructional programs that promote academic and literacy skills
36 and that equip parents to provide needed support for the educational growth
37 and success of their children.
- 38 5. A determination that at least ten but no more than twenty parents
39 with children will enroll and be eligible for the program.
- 40 6. Provision of child care through either private or public providers.
- 41 7. A transportation plan for participants.
- 42 8. An organizational partnership involving at a minimum a common
43 school, a private preschool provider and an adult education program funded by
44 the department of education.
- 45 L. THIS SECTION SHALL BE ENFORCED WITHOUT REGARD TO RACE, RELIGION,
46 GENDER, ETHNICITY OR NATIONAL ORIGIN.

1 M. THE STATE BOARD OF EDUCATION SHALL REPORT ON DECEMBER 31 AND JUNE 30
2 OF EACH YEAR TO THE JOINT LEGISLATIVE BUDGET COMMITTEE THE TOTAL NUMBER OF
3 PARENTS WHO APPLIED TO PARTICIPATE IN A PROGRAM UNDER THIS ARTICLE AND THE
4 TOTAL NUMBER OF PARENTS WHO WERE NOT ELIGIBLE UNDER THIS ARTICLE BECAUSE THE
5 PARENT WAS NOT AN ELIGIBLE PARENT AS DEFINED IN SECTION 15-191, PARAGRAPH 1,
6 SUBDIVISION (c).

7 Sec. 2. Section 15-232, Arizona Revised Statutes, is amended to read:
8 15-232. Division of adult education; duties

9 A. There is established a division of adult education within the
10 department of education, under the jurisdiction of the state board ~~for~~
11 ~~vocational and technological~~ OF education, which shall:

12 1. Prescribe a course of study for adult education in school
13 districts.

14 2. Make available and supervise the program of adult education in
15 other institutions and agencies of this state.

16 3. Adopt rules for the establishment and conduct of classes for
17 immigrant and adult education, including the teaching of English to
18 foreigners, in school districts.

19 4. Devise plans for establishment and maintenance of classes for
20 immigrant and adult education, including the teaching of English to
21 foreigners, stimulate and correlate the Americanization work of various
22 agencies, including governmental, and perform such other duties as may be
23 prescribed by the state board of education and the superintendent of public
24 instruction.

25 5. Prescribe a course of study to provide training for adults to
26 continue their basic education to the degree of passing a general equivalency
27 diploma test or an equivalency test approved by the state board of education.

28 B. THE DEPARTMENT OF EDUCATION SHALL PROVIDE CLASSES UNDER THIS
29 SECTION ONLY TO ADULTS WHO ARE CITIZENS OR LEGAL RESIDENTS OF THE UNITED
30 STATES OR ARE OTHERWISE LAWFULLY PRESENT IN THE UNITED STATES. THIS
31 SUBSECTION SHALL BE ENFORCED WITHOUT REGARD TO RACE, RELIGION, GENDER,
32 ETHNICITY OR NATIONAL ORIGIN.

33 C. THE DEPARTMENT OF EDUCATION SHALL REPORT ON DECEMBER 31 AND JUNE 30
34 OF EACH YEAR TO THE JOINT LEGISLATIVE BUDGET COMMITTEE THE TOTAL NUMBER OF
35 ADULTS WHO APPLIED FOR INSTRUCTION AND THE TOTAL NUMBER OF ADULTS WHO WERE
36 DENIED INSTRUCTION UNDER THIS SECTION BECAUSE THE APPLICANT WAS NOT A CITIZEN
37 OR LEGAL RESIDENT OF THE UNITED STATES OR WAS NOT OTHERWISE LAWFULLY PRESENT
38 IN THE UNITED STATES.

39 Sec. 3. Section 15-1803, Arizona Revised Statutes, is amended to read:
40 15-1803. Alien in-state student status

41 A. An alien is entitled to classification as an in-state refugee
42 student if such person has been granted refugee status in accordance with all
43 applicable laws of the United States and has met all other requirements for
44 domicile.

45 B. IN ACCORDANCE WITH THE ILLEGAL IMMIGRATION REFORM AND IMMIGRANT
46 RESPONSIBILITY ACT OF 1996 (P.L. 104-208; 110 STAT. 3009), A PERSON WHO WAS

1 NOT A CITIZEN OR LEGAL RESIDENT OF THE UNITED STATES OR WHO IS WITHOUT LAWFUL
2 IMMIGRATION STATUS IS NOT ENTITLED TO CLASSIFICATION AS AN IN-STATE STUDENT
3 PURSUANT TO SECTION 15-1802 OR ENTITLED TO CLASSIFICATION AS A COUNTY
4 RESIDENT PURSUANT TO SECTION 15-1802.01.

5 C. EACH COMMUNITY COLLEGE AND UNIVERSITY SHALL REPORT ON DECEMBER 31
6 AND JUNE 30 OF EACH YEAR TO THE JOINT LEGISLATIVE BUDGET COMMITTEE THE TOTAL
7 NUMBER OF STUDENTS WHO WERE ENTITLED TO CLASSIFICATION AS AN IN-STATE STUDENT
8 AND THE TOTAL NUMBER OF STUDENTS WHO WERE NOT ENTITLED TO CLASSIFICATION AS
9 AN IN-STATE STUDENT UNDER THIS SECTION BECAUSE THE STUDENT WAS NOT A CITIZEN
10 OR LEGAL RESIDENT OF THE UNITED STATES OR IS WITHOUT LAWFUL IMMIGRATION
11 STATUS.

12 Sec. 4. Title 15, chapter 14, article 2, Arizona Revised Statutes, is
13 amended by adding section 15-1825, to read:

14 15-1825. Prohibited financial assistance; report

15 A. A PERSON WHO IS NOT A CITIZEN OF THE UNITED STATES, WHO IS WITHOUT
16 LAWFUL IMMIGRATION STATUS AND WHO IS ENROLLED AS A STUDENT AT ANY UNIVERSITY
17 UNDER THE JURISDICTION OF THE ARIZONA BOARD OF REGENTS OR AT ANY COMMUNITY
18 COLLEGE UNDER THE JURISDICTION OF A COMMUNITY COLLEGE DISTRICT IN THIS STATE
19 IS NOT ENTITLED TO TUITION WAIVERS, FEE WAIVERS, GRANTS, SCHOLARSHIP
20 ASSISTANCE, FINANCIAL AID, TUITION ASSISTANCE OR ANY OTHER TYPE OF FINANCIAL
21 ASSISTANCE THAT IS SUBSIDIZED OR PAID IN WHOLE OR IN PART WITH STATE MONIES.

22 B. EACH COMMUNITY COLLEGE AND UNIVERSITY SHALL REPORT ON DECEMBER 31
23 AND JUNE 30 OF EACH YEAR TO THE JOINT LEGISLATIVE BUDGET COMMITTEE THE TOTAL
24 NUMBER OF STUDENTS WHO APPLIED AND THE TOTAL NUMBER OF STUDENTS WHO WERE NOT
25 ENTITLED TO TUITION WAIVERS, FEE WAIVERS, GRANT, SCHOLARSHIP ASSISTANCE,
26 FINANCIAL AID, TUITION ASSISTANCE OR ANY OTHER TYPE OF FINANCIAL ASSISTANCE
27 THAT IS SUBSIDIZED OR PAID IN WHOLE OR IN PART WITH STATE MONIES UNDER THIS
28 SECTION BECAUSE THE STUDENT WAS NOT A CITIZEN OR LEGAL RESIDENT OF THE UNITED
29 STATES OR NOT LAWFULLY PRESENT IN THE UNITED STATES.

30 C. THIS SECTION SHALL BE ENFORCED WITHOUT REGARD TO RACE, RELIGION,
31 GENDER, ETHNICITY OR NATIONAL ORIGIN.

32 Sec. 5. Section 46-801, Arizona Revised Statutes, is amended to read:

33 46-801. Definitions

34 In this chapter, unless the context otherwise requires:

35 1. "Caretaker relative" means a relative who exercises responsibility
36 for the day-to-day physical care, guidance and support of a child who
37 physically resides with the relative and who is by affinity or consanguinity
38 or by court decree a grandparent, great-grandparent, sibling of the whole or
39 half blood, stepbrother, stepsister, aunt, uncle, great-aunt, great-uncle or
40 first cousin.

41 2. "Cash assistance" has the same meaning prescribed in section
42 46-101.

43 3. "Child" means a person who is under thirteen years of age.

44 4. "Child care" means the compensated service that is provided to a
45 child who is unaccompanied by a parent or guardian during a portion of a
46 twenty-four hour day.

1 5. "Child care assistance" means any money payments for child care
2 services that are paid by the department and that are paid for the benefit of
3 an eligible family.

4 6. "Child care home provider" means a person who is at least eighteen
5 years of age, who is not the parent, guardian, caretaker relative or
6 noncertified relative provider of a child needing child care and who is
7 certified by the department to care for four or fewer children for
8 compensation with child care assistance monies.

9 7. "Child care providers" means child care facilities licensed
10 pursuant to title 36, chapter 7.1, article 1, child care group homes
11 certified pursuant to title 36, chapter 7.1, article 4, child care home
12 providers, in-home providers, noncertified relative providers and regulated
13 child care on military installations or for federally recognized Indian
14 tribes.

15 8. "Eligible family" means **CITIZENS OR LEGAL RESIDENTS OF THE UNITED**
16 **STATES OR INDIVIDUALS WHO ARE OTHERWISE LAWFULLY PRESENT IN THE UNITED STATES**
17 **AND WHO ARE** parents, legal guardians or caretaker relatives with legal
18 residence in this state and children in their care who meet the eligibility
19 requirements for child care assistance.

20 9. "Federal poverty level" means the poverty guidelines that are
21 issued by the United States department of health and human services pursuant
22 to section 673(2) of the omnibus budget reconciliation act of 1981 and that
23 are reported annually in the federal register.

24 10. "In-home provider" means a provider who is certified by the
25 department to care for a child of an eligible family in the child's own home
26 and is compensated with child care assistance monies.

27 11. "Noncertified relative provider" means a person who is at least
28 eighteen years of age, who provides child care services to an eligible child,
29 who is by affinity or consanguinity or by court decree the grandparent,
30 great-grandparent, sibling not residing in the same household, aunt,
31 great-aunt, uncle or great-uncle of the eligible child and who meets the
32 department's requirements to be a noncertified relative provider.

33 12. "Parent" or "parents" means the natural or adoptive parents of a
34 child.

35 Sec. 6. Section 46-803, Arizona Revised Statutes, is amended to read:
36 **46-803. Eligibility for child care assistance; report**

37 A. The department shall provide child care assistance to eligible
38 families who are attempting to achieve independence from the cash assistance
39 program and who need child care assistance in support of and as specified in
40 their personal responsibility agreement pursuant to chapters 1 and 2 of this
41 title.

42 B. The department shall provide child care assistance to eligible
43 families who are transitioning off of cash assistance due to increased
44 earnings or child support income in order to accept or maintain
45 employment. Eligible families must request this assistance within six months
46 after the cash assistance case closure. Child care assistance may be

1 provided for up to twenty-four months after the case closure and shall cease
2 whenever the family income exceeds one hundred sixty-five per cent of the
3 federal poverty level.

4 C. The department shall provide child care assistance to eligible
5 families who are diverted from cash assistance pursuant to section 46-298 in
6 order to obtain or maintain employment. Child care assistance may be
7 provided for up to twenty-four months after the case closure and shall cease
8 whenever the family income exceeds one hundred sixty-five per cent of the
9 federal poverty level.

10 D. The department may provide child care assistance to support
11 eligible families with incomes of one hundred sixty-five per cent or less of
12 the federal poverty level to accept or maintain employment. Priority for
13 this child care assistance shall be given to families with incomes of one
14 hundred per cent or less of the federal poverty level.

15 E. The department may provide child care assistance to families
16 referred by child protective services and to children in foster care pursuant
17 to title 8, chapter 5 to support child protection.

18 F. The department may provide child care assistance to special
19 circumstance families whose incomes are one hundred sixty-five per cent or
20 less of the federal poverty level and who are unable to provide child care
21 for a portion of a twenty-four hour day due to a crisis situation of domestic
22 violence or homelessness, or a physical, mental, emotional or medical
23 condition, participation in a drug treatment or drug rehabilitation program
24 or court ordered community service. Priority for this child care assistance
25 shall be given to families with incomes of one hundred per cent or less of
26 the federal poverty level.

27 G. In lieu of the employment activity required in subsection B, C or D
28 of this section, the department may allow eligible families with teenaged
29 custodial parents under twenty years of age to complete a high school diploma
30 or its equivalent or engage in remedial education activities reasonably
31 related to employment goals.

32 H. The department may provide supplemental child care assistance for
33 department approved education and training activities if the eligible parent,
34 legal guardian or caretaker relative is working at least a monthly average of
35 twenty hours per week and this education and training are reasonably related
36 to employment goals. The eligible parent, legal guardian or caretaker
37 relative must demonstrate satisfactory progress in the education or training
38 activity.

39 I. Beginning March 12, 2003, the department shall establish waiting
40 lists for child care assistance and prioritize child care assistance for
41 different eligibility categories in order to manage within appropriated and
42 available monies.

43 J. The department shall establish criteria for denying, reducing or
44 terminating child care assistance that include:

45 1. Whether there is a parent, legal guardian or caretaker relative
46 available to care for the child.

- 1 2. Financial or programmatic eligibility changes or ineligibility.
- 2 3. Failure to cooperate with the requirements of the department to
- 3 determine or redetermine eligibility.
- 4 4. Hours of child care need that fall within the child's compulsory
- 5 academic school hours.
- 6 5. Reasonably accessible and available publicly funded early childhood
- 7 education programs.
- 8 6. Whether an otherwise eligible family has been sanctioned and cash
- 9 assistance has been terminated pursuant to chapter 2 of this title.
- 10 7. Other circumstances of a similar nature.
- 11 8. Whether sufficient monies exist for the assistance.
- 12 K. The department shall review each case at least once a year to
- 13 evaluate eligibility for child care assistance.
- 14 L. THE DEPARTMENT SHALL REPORT ON DECEMBER 31 AND JUNE 30 OF EACH YEAR
- 15 TO THE JOINT LEGISLATIVE BUDGET COMMITTEE THE TOTAL NUMBER OF FAMILIES WHO
- 16 APPLIED FOR CHILD CARE ASSISTANCE AND THE TOTAL NUMBER OF FAMILIES WHO WERE
- 17 DENIED ASSISTANCE UNDER THIS SECTION BECAUSE THE PARENTS, LEGAL GUARDIANS OR
- 18 CARETAKER RELATIVES WHO APPLIED FOR ASSISTANCE WERE NOT CITIZENS OR LEGAL
- 19 RESIDENTS OF THE UNITED STATES OR WERE NOT OTHERWISE LAWFULLY PRESENT IN THE
- 20 UNITED STATES.
- 21 M. THIS SECTION SHALL BE ENFORCED WITHOUT REGARD TO RACE, RELIGION,
- 22 GENDER, ETHNICITY OR NATIONAL ORIGIN.
- 23 ~~L.~~ N. Notwithstanding section 35-173, monies appropriated for the
- 24 purposes of this section shall not be used for any other purpose without the
- 25 approval of the joint legislative budget committee.