

REFERENCE TITLE: **medical freedom; parental rights**

State of Arizona
House of Representatives
Fifty-fifth Legislature
Second Regular Session
2022

HB 2281

Introduced by
Representatives Fillmore: Carroll, Carter, Chaplik

AN ACT

AMENDING SECTIONS 1-602, 15-102, 15-871 AND 15-872, ARIZONA REVISED STATUTES; REPEALING SECTION 15-873, ARIZONA REVISED STATUTES; AMENDING SECTIONS 15-874, 15-977 AND 36-671, ARIZONA REVISED STATUTES; REPEALING SECTION 36-672, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2021, CHAPTER 409, SECTION 12; AMENDING SECTION 36-672, ARIZONA REVISED STATUTES, AS AMENDED BY LAWS 2007, CHAPTER 263, SECTION 6; AMENDING SECTIONS 36-673, 46-292 AND 46-300, ARIZONA REVISED STATUTES; RELATING TO IMMUNIZATIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 1-602, Arizona Revised Statutes, is amended to
3 read:

4 1-602. Parents' bill of rights; civil penalty; definition

5 A. All parental rights are reserved to a parent of a minor child
6 without obstruction or interference from this state, any political
7 subdivision of this state, any other governmental entity or any other
8 institution, including:

9 1. The right to direct the education of the minor child.

10 2. All rights of parents identified in title 15, including the
11 right to access and review all records relating to the minor child.

12 3. The right to direct the upbringing of the minor child.

13 4. The right to direct the moral or religious training of the minor
14 child.

15 5. The right to make health care decisions for the minor child,
16 including rights pursuant to sections ~~15-873~~ 15-872, 36-2271 and 36-2272,
17 unless otherwise prohibited by law.

18 6. The right to access and review all medical records of the minor
19 child unless otherwise prohibited by law or UNLESS the parent is the
20 subject of an investigation of a crime committed against the minor child
21 and a law enforcement official requests that the information not be
22 released.

23 7. The right to consent in writing before a biometric scan of the
24 minor child is made pursuant to section 15-109.

25 8. The right to consent in writing before any record of the minor
26 child's blood or deoxyribonucleic acid is created, stored or shared,
27 except as required by section 36-694, or before any genetic testing is
28 conducted on the minor child pursuant to section 12-2803 unless authorized
29 pursuant to section 13-610 or a court order.

30 9. The right to consent in writing before ~~the~~ THIS state or any of
31 its political subdivisions makes a video or voice recording of the minor
32 child, unless the video or voice recording is made during or as a part of
33 a court proceeding, by law enforcement officers during or as part of a law
34 enforcement investigation, during or as part of an interview in a criminal
35 or child safety services investigation or to be used solely for any of the
36 following:

37 (a) Safety demonstrations, including the maintenance of order and
38 discipline in the common areas of a school or on pupil transportation
39 vehicles.

40 (b) A purpose related to a legitimate academic or extracurricular
41 activity.

42 (c) A purpose related to regular classroom instruction.

43 (d) Security or surveillance of buildings or grounds.

44 (e) A photo identification card.

1 10. The right to be notified promptly if an employee of this state,
2 any political subdivision of this state, any other governmental entity or
3 any other institution suspects that a criminal offense has been committed
4 against the minor child by someone other than a parent, unless the
5 incident has first been reported to law enforcement and ~~notification of~~
6 **NOTIFYING** the parent would impede a law enforcement or child safety
7 services investigation. This paragraph does not create any new obligation
8 for school districts and charter schools to report misconduct between
9 students at school, such as fighting or aggressive play, that is routinely
10 addressed as a student disciplinary matter by the school.

11 11. The right to obtain information about a child safety services
12 investigation involving the parent pursuant to section 8-807.

13 B. This section does not authorize or allow a parent to engage in
14 conduct that is unlawful or to abuse or neglect a child in violation of
15 the laws of this state. This section does not prohibit courts, law
16 enforcement officers or employees of a government agency responsible for
17 child welfare from acting in their official capacity within the scope of
18 their authority. This section does not prohibit a court from issuing an
19 order that is otherwise permitted by law.

20 C. Any attempt to encourage or coerce a minor child to withhold
21 information from the child's parent shall be grounds for discipline of an
22 employee of this state, any political subdivision of this state or any
23 other governmental entity, except for law enforcement personnel.

24 D. Unless those rights have been legally waived or legally
25 terminated, parents have inalienable rights that are more comprehensive
26 than those listed in this section. This chapter does not prescribe all
27 rights of parents. Unless otherwise required by law, the rights of
28 parents of minor children shall not be limited or denied.

29 E. **THE ATTORNEY GENERAL MAY ENFORCE THIS SECTION AND SHALL IMPOSE A**
30 **CIVIL PENALTY OF \$15,000 PER VIOLATION AGAINST ANY PERSON THAT VIOLATES OR**
31 **INTERFERES WITH ANY RIGHT PRESCRIBED IN SUBSECTION A OF THIS SECTION. THE**
32 **ATTORNEY GENERAL SHALL TRANSMIT PENALTIES COLLECTED PURSUANT TO THIS**
33 **SUBSECTION TO THE DEPARTMENT OF EDUCATION, AND THE DEPARTMENT OF EDUCATION**
34 **SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND 35-147, PENALTIES COLLECTED**
35 **PURSUANT TO THIS SUBSECTION IN THE CLASSROOM SITE FUND ESTABLISHED BY**
36 **SECTION 15-977.**

37 ~~E.~~ F. For the purposes of this section, "parent" means the natural
38 or adoptive parent or legal guardian of a minor child.

39 Sec. 2. Section 15-102, Arizona Revised Statutes, is amended to
40 read:

41 15-102. Parental involvement in the school; definition

42 A. The governing board, in consultation with parents, teachers and
43 administrators, shall develop and adopt a policy to promote the
44 involvement of parents and guardians of children enrolled in the schools
45 within the school district, including:

- 1 1. A plan for parent participation in the schools that is designed
2 to improve parent and teacher cooperation in such areas as homework,
3 attendance and discipline. The plan shall provide for the administration
4 of a parent-teacher satisfaction survey.
- 5 2. Procedures by which parents may learn about the course of study
6 for their children and review learning materials, including the source of
7 any supplemental educational materials.
- 8 3. Procedures by which parents who object to any learning material
9 or activity on the basis that the material or activity is harmful may
10 withdraw their children from the activity or from the class or program in
11 which the material is used. Objection to a learning material or activity
12 on the basis that the material or activity is harmful includes objection
13 to the material or activity because it questions beliefs or practices in
14 sex, morality or religion.
- 15 4. If a school district offers any sex education curricula pursuant
16 to section 15-711 or 15-716 or pursuant to any rules adopted by the state
17 board of education, procedures to prohibit the school district from
18 providing sex education instruction to a pupil unless the pupil's parent
19 provides written permission for the child to participate in the sex
20 education curricula.
- 21 5. Procedures by which parents will be notified in advance of and
22 given the opportunity to opt their children in to any instruction,
23 learning materials or presentations regarding sexuality, in courses other
24 than formal sex education curricula.
- 25 6. Procedures by which parents may learn about the nature and
26 purpose of clubs and activities that are part of the school curriculum,
27 extracurricular clubs and activities that have been approved by the
28 school.
- 29 7. Procedures by which parents may learn about parental rights and
30 responsibilities under the laws of this state, including the following:
- 31 (a) The right to opt in to a sex education curriculum if one is
32 provided by the school district.
- 33 (b) Open enrollment rights pursuant to section 15-816.01.
- 34 (c) The right to opt out of assignments pursuant to this section.
- 35 (d) The right to opt ~~out of~~ IN TO immunizations pursuant to section
36 ~~15-873~~ 15-872.
- 37 (e) The promotion requirements prescribed in section 15-701.
- 38 (f) The minimum course of study and competency requirements for
39 graduation from high school prescribed in section 15-701.01.
- 40 (g) The right to opt out of instruction on acquired immune
41 deficiency syndrome pursuant to section 15-716.
- 42 (h) The right to review test results pursuant to section 15-743.
- 43 (i) The right to participate in gifted programs pursuant to section
44 15-779.01.

- 1 (j) The right to access instructional materials pursuant to section
2 15-730.
- 3 (k) The right to receive a school report card pursuant to section
4 15-746.
- 5 (l) The attendance requirements prescribed in sections 15-802,
6 15-803 and 15-821.
- 7 (m) The right to public review of courses of study and textbooks
8 pursuant to sections 15-721 and 15-722.
- 9 (n) The right to be excused from school attendance for religious
10 purposes pursuant to section 15-806.
- 11 (o) Policies related to parental involvement pursuant to this
12 section.
- 13 (p) The right to seek membership on school councils pursuant to
14 section 15-351.
- 15 (q) Information about the student accountability information system
16 as prescribed in section 15-1041.
- 17 (r) The right to access the failing schools tutoring fund pursuant
18 to section 15-241.
- 19 B. The policy adopted by the governing board pursuant to this
20 section may also include the following components:
- 21 1. A plan by which parents will be made aware of the district's
22 parental involvement policy and this section, including:
- 23 (a) Rights under the family educational rights and privacy act of
24 1974 (20 United States Code section 1232g) relating to access to
25 children's official records.
- 26 (b) The parent's right to inspect the school district policies and
27 curriculum.
- 28 2. Efforts to encourage the development of parenting skills.
- 29 3. Communicating to parents techniques that are designed to assist
30 the child's learning experience in the home.
- 31 4. Efforts to encourage access to community and support services
32 for children and families.
- 33 5. Promoting communication between the school and parents
34 concerning school programs and the academic progress of the parents'
35 children.
- 36 6. Identifying opportunities for parents to participate in and
37 support classroom instruction at the school.
- 38 7. Efforts to support, with appropriate training, parents as shared
39 decision-makers and to encourage membership on school councils.
- 40 8. Recognizing the diversity of parents and developing guidelines
41 that promote widespread parental participation and involvement in the
42 school at various levels.
- 43 9. Developing preparation programs and specialized courses for
44 certificated employees and administrators that promote parental
45 involvement.

1 10. Developing strategies and programmatic structures at schools to
2 encourage and enable parents to participate actively in their children's
3 education.

4 C. The governing board may adopt a policy to provide to parents the
5 information required by this section in an electronic form.

6 D. A parent shall submit a written request for information pursuant
7 to this section during regular business hours to either the school
8 principal at the school site or the superintendent of the school district
9 at the office of the school district. Within ten days after receiving the
10 request for information, the school principal or the superintendent of the
11 school district shall either deliver the requested information to the
12 parent or submit to the parent a written explanation of the reasons for
13 denying the requested information. If the request for information is
14 denied or the parent does not receive the requested information within
15 fifteen days after submitting the request for information, the parent may
16 submit a written request for the information to the school district
17 governing board, which shall formally consider the request at the next
18 scheduled public meeting of the governing board if the request can be
19 properly noticed on the agenda. If the request cannot be properly noticed
20 on the agenda, the governing board shall formally consider the request at
21 the next subsequent public meeting of the governing board.

22 E. For the purposes of this section, "parent" means the natural or
23 adoptive parent or legal guardian of a minor child.

24 Sec. 3. Section 15-871, Arizona Revised Statutes, is amended to
25 read:

26 15-871. Definitions

27 In this article, unless the context otherwise requires:

28 1. "Documentary proof" means written evidence that a pupil has been
29 immunized or has laboratory evidence of immunity that conforms with the
30 standards ~~promulgated~~ ADOPTED pursuant to section 15-872.

31 2. "Dose" means the number in a series of immunizations that may be
32 prescribed pursuant to section 36-672.

33 3. "Health agency" means a local health department or similar
34 governmental agency established pursuant to the laws of another state or
35 country and its officers and employees.

36 ~~4. "Homeless pupil" means a pupil who has a primary residence that~~
37 ~~is:~~

38 ~~(a) A supervised publicly or privately operated shelter designed to~~
39 ~~provide temporary living accommodations.~~

40 ~~(b) An institution that provides a temporary residence for~~
41 ~~individuals intended to be institutionalized.~~

42 ~~(c) A public or private place not designed for, or ordinarily used~~
43 ~~as a regular sleeping accommodation for, human beings.~~

1 ~~5.~~ 4. "Immunization" means the process of ~~inoculation~~ INOCULATING
2 A PERSON with a specific antigen to promote antibody formation in the
3 PERSON'S body.

4 ~~6.~~ 5. "Immunized" means the ~~required~~ RECOMMENDED initial
5 immunization and boosters or reimmunization prescribed pursuant to section
6 36-672.

7 ~~7.~~ 6. "Laboratory evidence of immunity" means written evidence of
8 serologic confirmation of the presence of specific antibodies against an
9 immunization-preventable disease that is signed by a physician or an
10 authorized representative of a health agency.

11 ~~8.~~ 7. "Local health department" means a local health department
12 established pursuant to title 36, chapter 1, article 4.

13 ~~9.~~ 8. "Physician" means a person WHO IS licensed pursuant to title
14 32, chapter 13, 17 or 29 or a person WHO IS licensed to practice
15 allopathic or osteopathic medicine under the laws of another state or
16 country.

17 ~~10.~~ 9. "Pupil" means a person who is eligible to receive
18 instruction at a school and includes ~~pre-kindergarten-age~~
19 PREKINDERGARTEN-AGE children receiving either services for children with
20 disabilities or day care on a school campus THAT IS otherwise exempt from
21 day care rules pursuant to section 36-884.

22 ~~11. "Registered nurse practitioner" has the same meaning prescribed~~
23 ~~in section 32-1601.~~

24 ~~12.~~ 10. "School" means a public, private or parochial school that
25 offers instruction at any level or grade through twelfth grade, except for
26 day care facilities regulated pursuant to title 36, chapter 7.1.

27 ~~13.~~ 11. "School administrator" means the principal or person
28 having general daily control and supervision of the school or that
29 person's designee.

30 ~~14. "Suspension" or "suspended" means:~~

31 ~~(a) For a pupil attending a public school, the temporary withdrawal~~
32 ~~of the privilege of attending school pursuant to section 15-843.~~

33 ~~(b) For a pupil attending a private or parochial school, the~~
34 ~~temporary withdrawal of the privilege of attending school pursuant to the~~
35 ~~policies and procedures of the private or parochial school.~~

36 Sec. 4. Section 15-872, Arizona Revised Statutes, is amended to
37 read:

38 15-872. Immunizations; parental opt in; documentary proof;
39 nonattendance during outbreak; notification
40 requirements; civil immunity; civil penalty

41 A. THE DECISION TO IMMUNIZE A PUPIL IS SOLELY THE DECISION OF THE
42 PUPIL'S PARENT. A SCHOOL MAY NOT REQUIRE A PUPIL TO RECEIVE THE
43 RECOMMENDED IMMUNIZATIONS OR REFUSE TO ADMIT OR OTHERWISE PENALIZE A PUPIL
44 BECAUSE THAT PUPIL HAS NOT RECEIVED THE RECOMMENDED IMMUNIZATIONS. IF A
45 PARENT CHOOSES TO HAVE THE PARENT'S PUPIL IMMUNIZED, THE PARENT SHALL OPT

1 IN BY SUBMITTING DOCUMENTARY PROOF TO THE SCHOOL ADMINISTRATOR TO VERIFY
2 THAT THE PUPIL HAS RECEIVED THE RECOMMENDED IMMUNIZATIONS IF AN OUTBREAK
3 DESCRIBED IN SUBSECTION C OF THIS SECTION OCCURS.

4 ~~A.~~ B. The director of the department of health services, in
5 consultation with the superintendent of public instruction, shall ~~develop~~
6 ~~ADOPT~~ by rule standards for documentary proof ~~REQUIRED BY THIS SECTION~~.

7 ~~B. A pupil shall not be allowed to attend school without submitting~~
8 ~~documentary proof to the school administrator unless the pupil is exempted~~
9 ~~from immunization pursuant to section 15-873.~~

10 C. A PUPIL WHO LACKS DOCUMENTARY PROOF OF IMMUNIZATION MAY BE
11 EXCLUDED FROM SCHOOL ONLY IF THE PUPIL LACKS AN IMMUNIZATION FOR WHICH
12 THERE IS AN ACTIVE CASE OF A DISEASE IN THAT PUPIL'S SCHOOL THAT THE
13 IMMUNIZATION IS INTENDED TO PREVENT AND THE DEPARTMENT OF HEALTH SERVICES
14 OR A LOCAL HEALTH DEPARTMENT HAS DECLARED AN OUTBREAK OF THAT DISEASE FOR
15 AN AREA THAT INCLUDES THE PUPIL'S SCHOOL. THE DEPARTMENT OF HEALTH
16 SERVICES OR LOCAL HEALTH DEPARTMENT SHALL NOTIFY THE SCHOOL ADMINISTRATOR
17 RESPONSIBLE FOR EXCLUDING PUPILS FROM SCHOOL ATTENDANCE OF ITS
18 DETERMINATION UNDER THIS SUBSECTION.

19 ~~C.~~ D. Each public school shall ~~make full disclosure of~~ FULLY
20 DISCLOSE TO PARENTS the requirements ~~and exemptions as prescribed in~~ OF
21 this section ~~and section 15-873~~.

22 ~~D. On enrollment, the school administrator shall suspend that pupil~~
23 ~~if the administrator does not have documentary proof and the pupil is not~~
24 ~~exempted from immunization pursuant to section 15-873.~~

25 ~~E. Notwithstanding subsections B and D of this section, a pupil may~~
26 ~~be admitted to or allowed to attend a school if the pupil has received at~~
27 ~~least one dose of each of the required immunizations prescribed pursuant~~
28 ~~to section 36-672 and has established a schedule for the completion of~~
29 ~~required immunizations. The parent, guardian or person in loco parentis~~
30 ~~of a pupil shall present to the school administrator documentary proof of~~
31 ~~the immunizations received and a schedule prepared by the pupil's~~
32 ~~physician or registered nurse practitioner or a health agency for~~
33 ~~completion of additional required immunizations.~~

34 ~~F. The school administrator shall review the school immunization~~
35 ~~record for each pupil admitted or allowed to continue attendance pursuant~~
36 ~~to subsection E of this section at least twice each school year until the~~
37 ~~pupil receives all of the required immunizations and shall suspend a pupil~~
38 ~~as prescribed in subsection G of this section who fails to comply with the~~
39 ~~immunization schedule. Immunizations received by a pupil shall be entered~~
40 ~~in the pupil's school immunization record.~~

41 ~~G. Unless proof of an exemption from immunization pursuant to~~
42 ~~section 15-873 is provided, a pupil who is admitted or allowed to continue~~
43 ~~to attend and who fails to comply with the immunization schedule within~~
44 ~~the time intervals specified by the schedule shall be suspended from~~
45 ~~school attendance until documentary proof of the administration of another~~

1 ~~dose of each appropriate immunizing agent is provided to the school~~
2 ~~administrator.~~

3 ~~H. The provisions of subsections B, D and E of this section do not~~
4 ~~apply to homeless pupils until the fifth calendar day after enrollment.~~

5 ~~i. E.~~ E. A school and its employees are immune from civil liability
6 for decisions concerning ~~the admission, readmission~~ ADMITTING and
7 ~~suspension of a pupil~~ EXCLUDING PUPILS that are based on a good faith
8 implementation of the requirements of ~~this article~~ SUBSECTION C OF THIS
9 SECTION.

10 F. THE DEPARTMENT OF EDUCATION SHALL IMPOSE A CIVIL PENALTY OF
11 \$15,000 PER VIOLATION AGAINST A SCHOOL THAT VIOLATES THIS SECTION. THE
12 DEPARTMENT SHALL DEPOSIT, PURSUANT TO SECTIONS 35-146 AND 35-147,
13 PENALTIES COLLECTED PURSUANT TO THIS SUBSECTION IN THE CLASSROOM SITE FUND
14 ESTABLISHED BY SECTION 15-977.

15 Sec. 5. Repeal

16 Section 15-873, Arizona Revised Statutes, is repealed.

17 Sec. 6. Section 15-874, Arizona Revised Statutes, is amended to
18 read:

19 15-874. School immunization records; inspection;
20 requirements; annual report

21 A. ~~Each~~ IF A PARENT CHOOSES TO IMMUNIZE THE PARENT'S PUPIL AND
22 SUBMITS DOCUMENTARY PROOF, THE pupil's immunizations shall be recorded on
23 the PUPIL'S school immunization record. The school immunization record
24 shall be a standardized form developed by the department of health
25 services in conjunction with the department of education. ~~and provided by~~
26 The department of health services ~~and shall be~~ SHALL PROVIDE THE FORM,
27 WHICH IS a part of the mandatory permanent student record. The
28 IMMUNIZATION records are open to inspection by the department of health
29 services and the local health department.

30 B. Each immunization record shall contain at least the following
31 information:

- 32 1. The pupil's name and birth date.
- 33 2. The date of the pupil's admission to the school.
- 34 3. The type of immunizing agents administered to the pupil.
- 35 4. The date each dose of immunizing agent is administered to the
36 pupil.

37 ~~5. The established schedule for completion of immunizations if the~~
38 ~~pupil is admitted to or allowed to continue to attend a school pursuant to~~
39 ~~section 15-872, subsection E.~~

40 ~~6.~~ 5. Laboratory evidence of immunity if this evidence is
41 presented as part of ~~a~~ THE pupil's documentary proof.

42 ~~7. If an exemption from immunization as provided in section 15-873~~
43 ~~is submitted to the school administrator, the date the exemption is~~
44 ~~submitted and the reason for the exemption.~~

1 ~~8-~~ 6. Additional information prescribed by the director of the
2 department of health services by rule.

3 C. A school shall transfer an immunization record with the
4 mandatory permanent student record and provide at no charge, on request, a
5 copy of the immunization record to the parent or guardian of the pupil.

6 D. ~~By~~ ON OR BEFORE November 30 of each school year, each school
7 district and private school shall complete and file a report with the
8 local health department and the department of health services, using forms
9 provided by the department of health services. The report shall state the
10 number of pupils attending THE SCHOOL OR SCHOOL DISTRICT who have
11 completed ~~required~~ RECOMMENDED immunizations or who have submitted
12 laboratory evidence of immunity, ~~the number of pupils attending with~~
13 ~~uncompleted required immunizations and the number of pupils attending with~~
14 ~~an exemption from immunization pursuant to section 15-873.~~

15 Sec. 7. Section 15-977, Arizona Revised Statutes, is amended to
16 read:

17 15-977. Classroom site fund; definitions

18 A. The classroom site fund is established consisting of MONIES
19 DEPOSITED PURSUANT TO SECTIONS 1-602 AND 15-872 AND monies transferred to
20 the fund pursuant to section 37-521, subsection B, section 42-5029,
21 subsection E, paragraph 10 and section 42-5029.02, subsection A. The
22 department of education shall administer the fund. School districts and
23 charter schools may not supplant existing school site funding with
24 revenues from the fund. All monies distributed from the fund are intended
25 for use at the school site. Teacher compensation distributed pursuant to
26 this section shall supplement, and not supplant, teacher compensation
27 monies from any other sources. The school district or charter school
28 shall notify each school principal of the amount available to the school
29 by April 15 of each year. The district or charter school shall request
30 from the school's principal each school's priority for the allocation of
31 the funds available to the school for each program listed under subsection
32 H of this section. The amount budgeted by the school district or charter
33 school pursuant to this section shall not be included in the allowable
34 budget balance carryforward calculated pursuant to section 15-943.01.

35 B. A school district governing board must adopt a performance based
36 compensation system at a public hearing to allocate funding from the
37 classroom site fund pursuant to subsection A of this section. Individual
38 teacher performance shall be a component of allocation for teacher
39 compensation.

40 C. A school district governing board shall vote on a performance
41 based compensation system that includes the following elements:

- 42 1. School district performance and school performance.
- 43 2. Individual teacher performance.

44 3. Measures of academic progress toward the academic standards
45 adopted by the state board of education.

- 1 4. Other measures of academic progress.
- 2 5. Dropout or graduation rates.
- 3 6. Attendance rates.
- 4 7. Ratings of school quality by parents.
- 5 8. Ratings of school quality by students.
- 6 9. The input of teachers and administrators.
- 7 10. Approval of the performance based compensation system based on
- 8 an affirmative vote of at least seventy percent of the teachers eligible
- 9 to participate in the performance based compensation system.
- 10 11. An appeals process for teachers who have been denied
- 11 performance based compensation.
- 12 12. Regular evaluation for effectiveness.
- 13 D. A performance based compensation system shall include teacher
- 14 professional development programs that are aligned with the elements of
- 15 the performance based compensation system.
- 16 E. A school district governing board may modify the elements
- 17 contained in subsection C of this section and consider additional elements
- 18 when adopting a performance based compensation system. A school district
- 19 governing board shall adopt any modifications or additional elements and
- 20 specify the criteria used at a public hearing.
- 21 F. Until December 31, 2009, each school district shall develop an
- 22 assessment plan for its performance based compensation system and submit
- 23 the plan to the department of education by December 31 of each year. A
- 24 copy of the performance based compensation system and assessment plan
- 25 adopted by the school district governing board shall be included in the
- 26 report submitted to the department of education.
- 27 G. Monies in the fund are continuously appropriated, are exempt
- 28 from the provisions of section 35-190 relating to lapsing of
- 29 appropriations and shall be distributed as follows:
- 30 1. By March 30 of each year, the staff of the joint legislative
- 31 budget committee shall determine a per pupil amount from the fund for the
- 32 budget year using the estimated statewide weighted count for the current
- 33 year pursuant to section 15-943, paragraph 2, subdivision (a) and based on
- 34 estimated available resources in the classroom site fund for the budget
- 35 year adjusted for any prior year carryforward or shortfall.
- 36 2. The allocation to each charter school and school district for a
- 37 fiscal year shall equal the per pupil amount established in paragraph 1 of
- 38 this subsection for the fiscal year multiplied by the weighted student
- 39 count for the school district or charter school for the fiscal year
- 40 pursuant to section 15-943, paragraph 2, subdivision (a). For the
- 41 purposes of this paragraph, the weighted student count for a school
- 42 district that serves as the district of attendance for nonresident pupils
- 43 shall be increased to include nonresident pupils who attend school in the
- 44 school district.

1 H. Monies distributed from the classroom site fund shall be spent
2 for the following purposes:

- 3 1. Class size reduction.
- 4 2. Teacher compensation, including a base pay and performance pay
5 component.
- 6 3. Assessment intervention programs.
- 7 4. Teacher development.
- 8 5. Dropout prevention programs.
- 9 6. Teacher liability insurance premiums.
- 10 7. Student support services.

11 I. The district governing board or charter school shall allocate
12 the classroom site fund monies to include, if possible, the priorities
13 identified by the principals of the schools while ensuring that the monies
14 maximize classroom opportunities and conform to the authorized
15 expenditures identified in subsection A of this section.

16 J. School districts and charter schools that receive monies from
17 the classroom site fund shall submit a report by November 15 of each year
18 to the superintendent of public instruction that provides an accounting of
19 the expenditures of monies distributed from the fund during the previous
20 fiscal year and a summary of the results of district and school programs
21 funded with monies distributed from the fund. The department of education
22 in conjunction with the auditor general shall prescribe the format of the
23 report under this subsection.

24 K. School districts and charter schools that receive monies from
25 the classroom site fund shall receive these monies monthly in an amount
26 not to exceed one-twelfth of the monies estimated pursuant to subsection G
27 of this section, except that if there are insufficient monies in the fund
28 that month to make payments, the distribution for that month shall be
29 prorated for each school district or charter school. The department of
30 education may make an additional payment in the current month for any
31 prior month or months in which school districts or charter schools
32 received a prorated payment if there are sufficient monies in the fund
33 that month for the additional payments. The state is not required to make
34 payments to a school district or charter school classroom site fund if the
35 state classroom site fund revenue collections are insufficient to meet the
36 estimated allocations to school districts and charter schools pursuant to
37 subsection G of this section.

38 L. The state education system for committed youth shall receive
39 monies from the classroom site fund in the same manner as school districts
40 and charter schools. The Arizona state schools for the deaf and the blind
41 shall receive monies from the classroom site fund in an amount that
42 corresponds to the weighted student count for the current year pursuant to
43 section 15-943, paragraph 2, subdivision (b) for each pupil enrolled in
44 the Arizona state schools for the deaf and the blind. Except as otherwise
45 provided in this subsection, the Arizona state schools for the deaf and

1 the blind and the state education system for committed youth are subject
2 to this section in the same manner as school districts and charter
3 schools.

4 M. Each school district and charter school, including school
5 districts that unify pursuant to section 15-448 or consolidate pursuant to
6 section 15-459, shall establish a local level classroom site fund to
7 receive allocations from the state level classroom site fund. The local
8 level classroom site fund shall be a budgetary controlled account.
9 Interest charges for any registered warrants for the local level classroom
10 site fund shall be a charge against the local level classroom site fund.
11 Interest earned on monies in the local level classroom site fund shall be
12 added to the local level classroom site fund as provided in section
13 15-978. This state shall not be required to make payments to a school
14 district or charter school local level classroom site fund that are in
15 addition to monies transferred to the state level classroom site fund
16 pursuant to section 37-521, subsection B, section 42-5029, subsection E,
17 paragraph 10 and section 42-5029.02, subsection A.

18 N. Monies distributed from the classroom site fund for class size
19 reduction, assessment intervention and dropout prevention programs shall
20 only be used for instructional purposes in the instruction function as
21 defined in the uniform system of financial records, except that monies
22 shall not be used for school-sponsored athletics.

23 0. For the purposes of this section:

24 1. "Assessment intervention" means summer programs, after school
25 programs, before school programs or tutoring programs that are
26 specifically designed to ensure that pupils meet the Arizona academic
27 standards as measured by the statewide assessment prescribed by section
28 15-741.

29 2. "Class size reduction" means any maintenance and operations
30 expenditure that is designed to reduce the ratio of pupils to classroom
31 teachers, including the use of persons who serve as aides to classroom
32 teachers.

33 3. "Student support services" means any expenditure in the student
34 support services function as defined in the uniform system of financial
35 records.

36 Sec. 8. Section 36-671, Arizona Revised Statutes, is amended to
37 read:

38 36-671. Definitions

39 In this article, unless the context otherwise requires:

40 1. "Department" means the department of health services.

41 2. "Director" means the director of the department of health
42 services.

43 3. "Documentary proof" means written evidence that a pupil has been
44 immunized or has laboratory evidence of immunity ~~which~~ THAT conforms with
45 the standards ~~promulgated~~ ADOPTED pursuant to section 15-872.

1 4. "Dose" means the number in a series of immunizations ~~which~~ THAT
2 may be prescribed pursuant to section 36-672.

3 5. "Health agency" means a local health department or similar
4 governmental agency established pursuant to the laws of another state or
5 country and its officers and employees.

6 6. "Immunization" means the process of ~~inoculation~~ INOCULATING A
7 PERSON with a specific antigen to promote antibody formation in the
8 PERSON'S body.

9 7. "Immunized" means the ~~required~~ RECOMMENDED initial immunization
10 and boosters or reimmunization prescribed pursuant to section 36-672.

11 8. "Laboratory evidence of immunity" means written evidence of
12 serologic confirmation of the presence of specific antibodies against an
13 immunization-preventable disease ~~which~~ THAT is signed by a physician or an
14 authorized representative of a health agency.

15 9. "Local health department" means A local health ~~departments~~
16 DEPARTMENT established pursuant to chapter 1, article 4 of this title.

17 10. "Physician" means a person WHO IS licensed pursuant to title
18 32, chapter 13, 17 or 29 or a person WHO IS licensed to practice
19 allopathic or osteopathic medicine under the laws of another state or
20 country.

21 11. "Pupil" means a person who is eligible to receive instruction
22 at a school and includes ~~pre-kindergarten-age~~ PREKINDERGARTEN-AGE children
23 receiving either services for children with disabilities or day care on a
24 school campus THAT IS otherwise exempt from day care rules pursuant to
25 section 36-884.

26 12. "School" means a public, private or parochial school that
27 offers instruction at any level or grade through twelfth grade, except for
28 day care facilities regulated pursuant to chapter 7.1 of this title.

29 13. "School administrator" means the principal or person having
30 general daily control and supervision of the school or that person's
31 designee.

32 Sec. 9. Repeal

33 Section 36-672, Arizona Revised Statutes, as amended by Laws 2021,
34 chapter 409, section 12, is repealed.

35 Sec. 10. Section 36-672, Arizona Revised Statutes, as amended by
36 Laws 2007, chapter 263, section 6, is amended to read:

37 36-672. Recommended immunizations; rules

38 A. Consistent with section ~~15-873~~ 15-872, the director shall adopt
39 rules ~~prescribing required~~ THAT PRESCRIBE RECOMMENDED immunizations for
40 school attendance, the approved means of immunization and indicated
41 reinforcing immunizations for diseases, and ~~identifying~~ THAT IDENTIFY
42 types of health agencies and health care providers ~~which~~ THAT may sign a
43 laboratory evidence of immunity. The rules shall include the required
44 doses OF IMMUNIZATION, recommended optimum ages for ~~administration of~~
45 ADMINISTERING the immunizations, persons who are authorized

1 representatives to sign on behalf of a health agency and other provisions
2 necessary to implement this article.

3 B. The director, in consultation with the superintendent of public
4 instruction, shall ~~develop~~ ADOPT by rule standards for documentary proof.

5 C. ~~immunization against the human papillomavirus is~~ IMMUNIZATIONS
6 ARE not required for school attendance.

7 Sec. 11. Section 36-673, Arizona Revised Statutes, is amended to
8 read:

9 36-673. Duties of local health departments; recommended
10 immunizations; reimbursement; training; informed
11 consent

12 A. A local health department in cooperation with each school within
13 the county shall provide for the ~~required~~ RECOMMENDED immunization of
14 pupils attending school.

15 B. A local health department shall provide immunizations ~~required~~
16 RECOMMENDED for school attendance at no cost to the pupil or pupil's
17 parent, guardian or person in loco parentis. In order to receive
18 reimbursement for the cost of the immunization from the pupil's or
19 parent's private health insurance coverage, the local health department
20 may enter into a contract governing the terms of reimbursement and claims
21 with the corresponding private health care insurer. The local health
22 department may enter into a contract with a private health care insurer on
23 its own, in conjunction with other local health departments or through a
24 qualified intermediary. If the local health department chooses not to
25 contract with a private health care insurer, or does not respond to the
26 request to contract from a private health care insurer within ninety days
27 ~~of~~ AFTER the request, the insurer is not required to reimburse the local
28 health department for the immunization. If a private health care insurer
29 declines or does not respond to a request to contract with a local health
30 department, with a coalition of other local health departments or through
31 a qualified intermediary within ninety days ~~of~~ AFTER the request to
32 contract, the private health care insurer must reimburse the local health
33 department at the rate paid to an in-network provider.

34 C. A local health department, on request by a school nurse and
35 approval by the school administrator, shall train and authorize the school
36 nurse to administer ~~required~~ RECOMMENDED immunizations.

37 D. A pupil shall not be immunized without the informed consent of
38 the parent, guardian or person in loco parentis of the pupil. A pupil who
39 is at least eighteen years of age or WHO is emancipated may consent to
40 immunization.

41 Sec. 12. Section 46-292, Arizona Revised Statutes, is amended to
42 read:

43 46-292. Eligibility for assistance

44 A. A family without a dependent child in the household may not
45 receive cash assistance.

1 B. Cash assistance may be given under this title to any dependent
2 child and member of a needy family:

3 1. Who has established residence in Arizona at the time of
4 application and who is either:

5 (a) A citizen by birth or naturalization.

6 (b) A qualified alien who entered the United States on or before
7 August 21, 1996.

8 (c) A qualified alien who entered the United States as a member of
9 one of the exception groups under Public Law 104-193, section 412, in
10 which case the person shall be determined eligible in accordance with
11 Public Law 104-193.

12 (d) Defined as a qualified alien by the attorney general of the
13 United States under the authority of Public Law 104-208, section 501.

14 For the purposes of subdivisions (b) and (c) of this paragraph, "qualified
15 alien" means a person who is defined as a qualified alien under Public Law
16 104-193, section 431.

17 2. If the parent or parents of the dependent child or the nonparent
18 relative head of household receiving assistance, if employable, does not
19 refuse to accept available employment. The department shall assess the
20 applicant's employability at the time of initial application for
21 assistance to establish a self-sufficiency diversion option, if
22 appropriate, before benefit issuance. The determination of employability
23 and the conditions under which employment shall be required shall be
24 determined by the state department, except that claimed unemployability
25 because of physical or mental incapacity shall be determined by the state
26 department in accordance with this title.

27 3. If the parent or parents of the dependent child or the nonparent
28 head of household in a needy family has not, within one year before
29 application, or while a recipient, transferred or assigned real or
30 personal property with the intent to evade federal or state eligibility
31 requirements. Transfer of property with retention of a life estate for
32 the purpose of qualifying for assistance is prohibited. Where fair
33 consideration for the property was received, no inquiry into motive is
34 necessary. A person found ineligible under this section shall be
35 ineligible for such time as the state department determines.

36 4. Who meets the requirements of this section and department rule
37 to qualify as part of the assistance unit.

38 C. Qualified aliens entering the United States after August 21,
39 1996 are ineligible for benefits for a period of five years beginning on
40 their date of entry, except for Cuban and Haitian entrants as defined in
41 section 501(e)(2) of the refugee education assistance act of 1980 and
42 exceptions provided under Public Law 104-193 (personal responsibility and
43 work opportunity reconciliation act of 1996) and Public Law 105-32
44 (balanced budget act of 1997).

1 D. A parent or any other relative who applies for or who receives
2 cash assistance under this title on behalf of a child shall cooperate with
3 the department by taking the following actions:

4 1. Providing information regarding the identity of the child's
5 father and mother and other pertinent information including their names,
6 social security numbers and current addresses or a sworn statement that
7 attests to the lack of this information and that is accompanied by facts
8 supporting the asserted lack of information.

9 2. Appearing at interviews, hearings and legal proceedings.

10 3. Submitting and having the child submit to genetic testing.

11 4. Signing authorizations for third parties to release information
12 concerning the applicant or the child, or both.

13 5. In cases in which parentage has not been established, providing
14 a sworn statement alleging paternity and setting forth facts establishing
15 a reasonable possibility of the requisite sexual contact between the
16 parties.

17 6. Supplying additional information the department requires.

18 E. The department shall sanction a recipient who, without good
19 cause as prescribed in subsection F of this section, fails to cooperate
20 with child support enforcement efforts according to the sanction
21 provisions of section 46-300.

22 F. One or more of the following circumstances constitute good cause
23 for failure to cooperate with child support enforcement efforts:

24 1. Cooperation may result in physical or emotional harm to the
25 parent, child for whom support is sought or caretaker relative with whom
26 the child is living.

27 2. Legal proceedings for adoption of the child for whom support is
28 sought are pending before a court.

29 3. The participant has been working, for less than ninety days,
30 with a public or licensed private social agency on the issue of whether to
31 allow the child for whom support is sought to be adopted.

32 4. The child for whom support is sought was conceived as a result
33 of sexual assault pursuant to section 13-1406 or incest.

34 G. A person claiming good cause has twenty days ~~from~~ AFTER the date
35 the good cause claim is provided to the agency to supply evidence
36 supporting the claim. When determining whether the parent or relative is
37 cooperating with the agency as provided in subsection D of this section,
38 the agency shall require:

39 1. If the good cause exception in subsection F, paragraph 1 of this
40 section is claimed, law enforcement, court, medical, criminal,
41 psychological, social service or governmental records or sworn statements
42 from persons with personal knowledge of the circumstances that indicate
43 that the alleged parent or obligor might inflict physical harm on the
44 parent, child or caretaker relative.

1 2. If the good cause exception in subsection F, paragraph 2 of this
2 section is claimed, court documents that indicate that legal proceedings
3 for adoption are pending before a court of competent jurisdiction.

4 3. If the good cause exception in subsection F, paragraph 3 of this
5 section is claimed, records from a public or licensed private social
6 services agency showing that placing the child for whom support is sought
7 is under consideration.

8 4. If the good cause exception in subsection F, paragraph 4 of this
9 section is claimed, law enforcement, court, medical, criminal,
10 psychological, social service or governmental records or sworn statements
11 from persons with personal knowledge of the circumstances surrounding the
12 conception of the child that indicate the child was conceived as a result
13 of sexual assault pursuant to section 13-1406 or incest.

14 H. Notwithstanding subsection B of this section and except as
15 provided in subsection I of this section, a dependent child or children
16 who are born during one of the following time periods are not eligible for
17 assistance under this title:

18 1. The period in which the parent or other relative is receiving
19 assistance benefits.

20 2. The temporary period in which the parent or other relative is
21 ineligible pursuant to a penalty imposed by the department for failure to
22 comply with benefit eligibility requirements, after which the parent or
23 other relative is eligible for a continuation of benefits.

24 3. Any period after November 1, 1995 that is less than sixty months
25 between a voluntary withdrawal from program benefits or a period of
26 ineligibility for program benefits ~~which~~ THAT immediately followed a
27 period during which program benefits were received and a subsequent
28 reapplication and eligibility approval for benefits.

29 I. The following exceptions apply to subsection H of this section:

30 1. The department shall allow an increase in cash assistance under
31 the program for a dependent child or children born as a result of an act
32 of sexual assault pursuant to section 13-1406 or incest. The department
33 shall ensure that the proper law enforcement authorities are notified of
34 allegations of sexual assault or incest made pursuant to this paragraph.
35 For the purposes of this paragraph, "~~an~~ act of sexual assault" includes
36 sexual assault of a spouse if the offense was committed before August 12,
37 2005.

38 2. For those parents or other relatives who are currently
39 authorized for cash assistance, the department shall allow an increase in
40 cash assistance under the program as a result of the birth of a child or
41 children to the parent or other relative only if the birth occurred within
42 ten months ~~of~~ AFTER the initial eligible month. The department may use
43 only the additional child or children who are born from the pregnancies
44 covered in this subsection in computing the additional benefit.

1 3. The department shall allow an increase in cash assistance for
2 any dependent child born to a parent who has not received cash assistance
3 under this title for at least twelve consecutive months if the child is
4 born within the period beginning ten months after the twelve consecutive
5 month period and ending ten months after the parent resumes receiving cash
6 assistance.

7 4. A dependent child or children who were born during a period in
8 which the custodial parent received cash assistance through the Arizona
9 works program shall be eligible to receive assistance under this title.

10 5. A dependent child or children who were born within ten months
11 after the custodial parent received cash assistance through the Arizona
12 works program shall be eligible to receive assistance under this title.

13 6. The department of economic security shall allow cash assistance
14 for an otherwise eligible dependent child during the period in which the
15 dependent child is in the legal custody of the department of child safety,
16 a tribal court or a tribal child welfare agency located in this state and
17 is placed in unlicensed kinship foster care with a nonparent relative or
18 unrelated adult.

19 7. The department shall allow cash assistance for an otherwise
20 eligible child who meets one of the following:

21 (a) The court has placed the child with a nonparent relative.

22 (b) The child's parents are deceased and the child is living with a
23 nonparent relative.

24 (c) A nonparent relative has custody of the child because the child
25 is abandoned as defined in section 8-201.

26 J. The department shall calculate the sixty-month time period
27 referenced in subsection H, paragraph 3 of this section in the following
28 manner:

29 1. For persons who are receiving cash assistance on November 1,
30 1995, the sixty-month time period begins on November 1, 1995. A
31 subsequent sixty-month time period begins immediately after the previous
32 period ends if the person is receiving cash assistance through two
33 sixty-month periods. If the individual is not receiving cash assistance
34 at the end of the previous sixty-month period, any subsequent sixty-month
35 time period begins on the date when cash assistance became effective
36 again, regardless of when the person received an actual payment.

37 2. For persons who begin receiving cash assistance after November
38 1, 1995, the sixty-month time period begins on the date cash assistance
39 becomes effective, regardless of when the person received an actual
40 payment. A subsequent sixty-month period begins as provided in paragraph
41 1 of this subsection.

42 K. In calculating a parent's or any other relative's benefit
43 increase that arises from any general increase that has been approved for
44 all program recipients, the department shall not consider a child or

1 children born under the time periods listed in subsection H of this
2 section.

3 L. For the parents or other relatives who have additional children
4 for whom they receive no cash assistance payment under subsection H of
5 this section, the department shall make any necessary program amendments
6 or request any necessary federal waivers to allow the parents or other
7 relatives to earn income in an amount equal to the disallowed cash
8 assistance payment without affecting their eligibility for assistance.

9 M. The director shall adopt rules:

10 1. To implement this section, including rules to define the
11 investigatory steps that must be taken to confirm that an act of sexual
12 assault pursuant to section 13-1406 or incest led to the birth of a
13 dependent child or children.

14 2. That require the department to inform both verbally and in
15 writing the parents and other relatives who are receiving assistance under
16 this article of the specific family planning services that are available
17 to them while they are enrolled as eligible persons in the Arizona health
18 care cost containment system.

19 N. This section does not prevent an otherwise eligible child who is
20 not included in the family's calculation of benefits under this article
21 from being eligible for coverage under title 36, chapter 29 or for any
22 services that are directly linked to eligibility for the temporary
23 assistance for needy families program.

24 O. Assistance shall not be denied or terminated under this article
25 because the principal wage earner works one hundred or more hours per
26 month.

27 P. Except as provided in paragraph 2 of this subsection, all
28 members of a needy family, including stepparents, must meet the same
29 financial eligibility criteria established in this title, by department
30 rule and as follows:

31 1. The department shall include all income from every source
32 available to a needy family requesting cash assistance, except income that
33 is required to be disregarded by this subsection and as determined by the
34 department in rules. For the amount of income that is received from
35 employment, each month every employed person is entitled to receive an
36 earned income disregard of ~~ninety dollars~~ \$90 plus an additional thirty
37 percent of the remaining earned income. A needy family that includes an
38 employed person is entitled to an earned income disregard equal to the
39 actual amount billed to the household for the care of an adult or child
40 dependent household member, up to ~~two hundred dollars~~ \$200 a month for a
41 child under two years of age and up to ~~one hundred seventy-five dollars~~
42 \$175 a month for each other dependent. This dependent care disregard is
43 allowed only if the expense is necessary to allow the household member to
44 become or remain employed or to attend postsecondary training or education
45 that is preparatory to employment.

1 2. The total gross countable income of a needy family that includes
2 a nonparent relative head of household who is not applying for or
3 receiving cash assistance and who is requesting cash assistance only for a
4 dependent child shall not exceed one hundred thirty percent of the federal
5 poverty guidelines.

6 Q. If the total gross countable income in subsection P, paragraph 2
7 of this section does not exceed one hundred thirty percent of the federal
8 poverty guidelines, in determining benefit amount, the department shall
9 exclude the income of all members of the needy family except for the
10 income of the eligible dependent child for whom cash assistance is
11 requested.

12 R. For the purposes of eligibility and benefit amount, only the
13 income of the dependent child is considered for a child only case.

14 S. Any parent or other relative who applies for or receives cash
15 assistance under this article on behalf of a dependent child who is
16 between six and sixteen years of age shall ensure that the child is
17 enrolled in and attending school. An initial applicant is ineligible for
18 benefits until the applicant's dependent children are verified to be
19 enrolled in and attending an educational program. The department of
20 education shall assist the department of economic security in obtaining
21 verification of school enrollment and attendance. The director of the
22 department of economic security may adopt rules for granting good cause
23 exceptions from this subsection. The department of economic security
24 shall sanction a recipient who fails, without good cause, to ensure school
25 enrollment and attendance according to section 46-300.

26 ~~T. Any parent or other relative who applies for or receives cash
27 assistance under this section on behalf of a dependent child shall ensure
28 that the child is immunized in accordance with the schedule of
29 immunizations pursuant to section 36-672. The director of the department
30 of economic security may adopt rules for granting good cause exceptions
31 from this subsection. The department of economic security shall sanction
32 a recipient, in accordance with section 46-300, who fails, without good
33 cause, to obtain the required immunizations for a dependent child unless
34 the recipient submits to the department of economic security the
35 documentation described in section 15-873.~~

36 Sec. 13. Section 46-300, Arizona Revised Statutes, is amended to
37 read:

38 46-300. Sanctions

39 A. The department shall impose a series of graduated sanctions as
40 described in subsection D of this section for any noncompliance with:

41 1. The child support enforcement efforts required by section
42 46-292, subsection D unless good cause is established as provided in
43 section 46-292, subsections F and G.

1 2. The work activities requirements described in section 46-299,
2 unless good cause is established as provided in section 46-299, subsection
3 H and department rules. A recipient who does not comply with the work
4 activities requirements shall demonstrate compliance with the work
5 activities requirements in order to continue benefit eligibility and to
6 avoid sanctions.

7 3. The school enrollment and attendance requirements of section
8 46-292, subsection S.

9 ~~4. The immunization requirements of section 46-292, subsection T.~~

10 B. In addition to subsection A of this section, the department
11 shall impose a series of graduated sanctions as described in subsection D
12 of this section if either of the following occurs:

13 1. The recipient voluntarily terminates paid employment without
14 good cause as specified in rules adopted by the director.

15 2. An adult recipient uses, sells or possesses a controlled
16 substance in violation of title 13 as specified in rules adopted by the
17 director.

18 C. Noncompliance with one or more of the requirements listed in
19 subsection A of this section during any calendar month is deemed to be a
20 month of noncompliance and shall result in the sanctions prescribed in
21 subsection D of this section. The department shall impose these graduated
22 sanctions even if the instances of noncompliance do not occur in
23 consecutive months.

24 D. The department shall impose the following sanctions:

25 1. For the first instance of noncompliance, the department shall
26 reduce the household's cash assistance grant by fifty percent for one
27 month.

28 2. For a second instance of noncompliance that occurs in a month
29 other than the month in which the first noncompliance occurred and any
30 instance of noncompliance thereafter, the department shall terminate the
31 household's cash assistance grant for at least one month or until the
32 household complies.