Senate Engrossed House Bill

FILED

JANICE K. BREWER
SECRETARY OF STATE

State of Arizona
House of Representatives
Forty-eighth Legislature
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CHAPTER 184

HOUSE BILL 2202

AN ACT

AMENDING SECTIONS 15-232 AND 15-234, ARIZONA REVISED STATUTES; RELATING TO THE DEPARTMENT OF EDUCATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Section 15-232, Arizona Revised Statutes, is amended to read:

15-232. Division of adult education; duties

A. There is established a division of adult education within the department of education, under the jurisdiction of the state board of education, which shall:

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

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

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

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

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

6. REVIEW, APPROVE AND MONITOR A FEE STRUCTURE THAT MAY BE IMPLEMENTED BY ADULT EDUCATION PROVIDERS TO ENSURE THEY MEET STATE AND FEDERAL LAW AND CONSIDERS AN INDIVIDUAL'S ABILITY TO PAY. THE APPROVED FEE STRUCTURE SHALL INCLUDE A SLIDING SCALE FEE SCHEDULE, BASED ON HOUSEHOLD INCOME, THAT SHALL BE ASSESSED TO EACH INDIVIDUAL PARTICIPATING IN ANY PROGRAM OFFERED BY THE ADULT EDUCATION PROVIDER.

B. The department of education shall provide classes under this section only to adults who are citizens or legal residents of the United States or are otherwise lawfully present in the United States. This subsection shall be enforced without regard to race, religion, gender, ethnicity or national origin.

C. The department of education shall report on December 31 and June 30 of each year to the joint legislative budget committee the total number of adults who applied for instruction and the total number of adults who were denied instruction under this section because the applicant was not a citizen or legal resident of the United States or was not otherwise lawfully present in the United States.

Sec. 2. Section 15-234, Arizona Revised Statutes, is amended to read:

15-234. Appropriations for adult education; eligibility; supplemental fees; definition

A. Any appropriation made to the state board of education or department of education for the purposes of adult education may be expended

for costs to the department of activities related to adult education including the costs of operating the division of adult education. In addition, any of the monies may be allocated to an adult education provider as provided in subsections B and C of this section.

B. An adult education provider which offers a course of study for adult education under section 15-232 is eligible for allocation of funds pursuant to subsection C of this section from the state board of education if the district or county offering such course meets all applicable standards established under rules ~~or regulations~~ of the state board.

C. The state board of education may allocate from its available appropriation for adult education any amount it deems appropriate for the use of an eligible adult education provider to compensate for costs of conducting the course of study of adult education based on an application which shall include a budget and other criteria as established by the state board of education. This application must be approved by the state board of education prior to the commencement of classes or courses of study if the applicant wishes to be compensated. Compensation shall be limited to the approved amount in the application.

D. AN ADULT EDUCATION PROVIDER THAT OFFERS A COURSE OF STUDY FOR ADULT EDUCATION PURSUANT TO SECTION 15-232 MAY CHARGE SUPPLEMENTAL FEES TO ADULTS WHO ARE ELIGIBLE TO PARTICIPATE IN THE ADULT EDUCATION PROGRAM. ANY SUPPLEMENTAL FEES CHARGED FOR ADULT EDUCATION PROGRAMS SHALL BE APPROVED BY THE DEPARTMENT OF EDUCATION PRIOR TO THE IMPOSITION OF THE FEES. ADULT EDUCATION PROVIDERS SHALL CONSPICUOUSLY POST INFORMATION ON THE SUPPLEMENTAL FEE STRUCTURE AND SHALL PROVIDE ADVANCE WRITTEN NOTICE TO ALL PROGRAM PARTICIPANTS OF ANY CHANGES TO THE APPROVED FEE STRUCTURE AT LEAST NINETY DAYS PRIOR TO TAKING EFFECT. ANY SUPPLEMENTAL FEES COLLECTED PURSUANT TO THIS SUBSECTION SHALL ONLY BE USED TO SUPPORT AND EXPAND ADULT EDUCATION INSTRUCTION NOT TO SUPPLANT EXISTING STATE AND FEDERAL FUNDING. THE DEPARTMENT OF CORRECTIONS SHALL NOT CHARGE SUPPLEMENTAL FEES PURSUANT TO THIS SUBSECTION.

~~D.~~ E. For THE purposes of this section, "adult education provider" means a school district, community college district, correctional facility or community-based organization, an institution serving educationally disadvantaged adults, or any other institution that receives public funds to provide adult education services.

APPROVED BY THE GOVERNOR MAY 8, 2007.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 9, 2007.