

State of Arizona  
Senate  
Forty-seventh Legislature  
Second Regular Session  
2006

## **SENATE CONCURRENT RESOLUTION 1031**

A CONCURRENT RESOLUTION

ENACTING AND ORDERING THE SUBMISSION TO THE PEOPLE OF A MEASURE RELATING TO  
PUBLIC PROGRAM ELIGIBILITY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it resolved by the Senate of the State of Arizona, the House of  
2 Representatives concurring:

3 1. Under the power of the referendum, as vested in the Legislature,  
4 the following measure, relating to public program eligibility, is enacted to  
5 become valid as a law if approved by the voters and on proclamation of the  
6 Governor:

7 AN ACT

8 AMENDING SECTIONS 15-191.01, 15-232, 15-1803, 46-801 AND 46-803,  
9 ARIZONA REVISED STATUTES; AMENDING TITLE 15, CHAPTER 14, ARTICLE  
10 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-1825; RELATING  
11 TO PUBLIC PROGRAM ELIGIBILITY.

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

13 Section 1. Section 15-191.01, Arizona Revised Statutes,  
14 is amended to read:

15 15-191.01. Family literacy program; procedures;  
16 curriculum; eligibility plan

17 A. The family literacy program is established in the  
18 state board of education through the division of early childhood  
19 education programs to increase the basic academic and literacy  
20 skills of eligible parents and their preschool children in  
21 accordance with this article. The state board of education  
22 shall establish family literacy projects as part of the overall  
23 program at locations where there is a high incidence of economic  
24 and educational disadvantage as determined by the state board of  
25 education in consultation with the department of economic  
26 security and, as appropriate, other state agencies.

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

29 C. The state board of education shall establish  
30 guidelines for requiring family literacy program participants to  
31 engage in community service activities in exchange for benefits  
32 received from the program. Participants shall be allowed to  
33 choose from a variety of community and faith-based service  
34 providers that are under contract with the department to provide  
35 community service opportunities or program services.  
36 Participants shall be allowed and encouraged to engage in  
37 community services within their own communities. Participants  
38 shall be allowed to fulfill the requirements of this subsection  
39 by providing community services to the program from which they  
40 received services.

41 D. The state board of education shall submit an annual  
42 report by December 31 to the governor, the speaker of the house  
43 of representatives and the president of the senate regarding the  
44 community service activities of family literacy program  
45 participants pursuant to subsection C, including information on

1 the number of participants, the types of community service  
2 performed and the number of hours spent in community service  
3 activities.

4 E. Local education agencies and adult education programs  
5 funded by the department of education are eligible for grants if  
6 the state board of education determines that a high percentage  
7 of adults in the county, the local school district or the  
8 targeted local school service area have not graduated from high  
9 school. Selection criteria for grant awards shall include at a  
10 minimum the educational needs of the adult population, the  
11 incidence of unemployment in the county, district or local  
12 targeted school service area, the degree to which community  
13 collaboration and partnership demonstrate the ability to bring  
14 additional resources to the program and the readiness and  
15 likelihood of the proposing organizations to establish a  
16 successful family literacy project.

17 F. Each project team shall include representatives from  
18 each of the following:

19 1. One or more local school districts or the county  
20 school superintendent's office.

21 2. An adult education provider funded by the division of  
22 adult education or a provider that complies with the policies,  
23 academic standards, performance outcomes, assessment and data  
24 collection requirements of adult education as prescribed by the  
25 division of adult education.

26 3. A private or public early childhood education  
27 provider.

28 4. Any other social service, governmental or private  
29 agency that may provide assistance for the planning and  
30 operation of the project.

31 G. In addition to the grants prescribed in subsection H,  
32 the state board of education shall authorize two grants to  
33 existing literacy programs in this state that can offer training  
34 and serve as models and training resources for the establishment  
35 and expansion of other programs throughout this state. Existing  
36 literacy programs shall submit a grant application to the state  
37 board of education in the same manner as prescribed in  
38 subsection K.

39 H. The state board of education shall authorize  
40 additional grants through the division of early childhood  
41 education programs in areas of educational and economic need.

42 I. Selected projects shall use either:

43 1. A nationally recognized family literacy model such as  
44 models developed by the national center for family literacy or  
45 its successor.

1           2. A model that, in the determination of the project team  
2 and the state board of education, is superior to a nationally  
3 recognized family literacy model.

4           J. Eligible parents shall be instructed in adult basic  
5 education and general educational development. Preschool  
6 children shall receive instruction in developmentally  
7 appropriate early childhood programs. Other planned, structured  
8 activities involving parents and children in learning activities  
9 may be established as a part of the curriculum.

10          K. Each grant application shall include a plan to address  
11 at least the following:

12           1. Identification and recruitment of eligible parents and  
13 children.

14           2. Screening and preparation of parents and children for  
15 participation in the family literacy program.

16           3. Instructional programs and assessment practices that  
17 promote academic and literacy skills and that equip parents to  
18 provide needed support for the educational growth and success of  
19 their children.

20           4. A determination that at least ten but no more than  
21 twenty parents with children will be eligible for and be  
22 enrolled in the family literacy program at all times, or that  
23 the family literacy programs shall document efforts to  
24 continually recruit eligible families.

25           5. Provision of child care through either private or  
26 public providers.

27           6. A transportation plan for participants.

28           7. An organizational partnership involving at a minimum a  
29 common school, a private or publicly funded preschool provider  
30 and an adult education program funded by the department of  
31 education or by an outside funding source.

32           L. THIS SECTION SHALL BE ENFORCED WITHOUT REGARD TO RACE,  
33 RELIGION, GENDER, ETHNICITY OR NATIONAL ORIGIN.

34           M. THE STATE BOARD OF EDUCATION SHALL REPORT ON DECEMBER  
35 31 AND JUNE 30 OF EACH YEAR TO THE JOINT LEGISLATIVE BUDGET  
36 COMMITTEE THE TOTAL NUMBER OF PARENTS WHO APPLIED TO PARTICIPATE  
37 IN A PROGRAM UNDER THIS ARTICLE AND THE TOTAL NUMBER OF PARENTS  
38 WHO WERE NOT ELIGIBLE UNDER THIS ARTICLE BECAUSE THE PARENT WAS  
39 NOT AN ELIGIBLE PARENT AS DEFINED IN SECTION 15-191, PARAGRAPH  
40 1, SUBDIVISION (c).

41          Sec. 2. Section 15-232, Arizona Revised Statutes, is  
42 amended to read:

43           15-232. Division of adult education; duties

44           A. There is established a division of adult education  
45 within the department of education, under the jurisdiction of

1 the state board ~~for vocational and technological~~ OF education,  
2 which shall:

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

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

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

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

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

21 B. THE DEPARTMENT OF EDUCATION SHALL PROVIDE CLASSES  
22 UNDER THIS SECTION ONLY TO ADULTS WHO ARE CITIZENS OR LEGAL  
23 RESIDENTS OF THE UNITED STATES OR ARE OTHERWISE LAWFULLY PRESENT  
24 IN THE UNITED STATES. THIS SUBSECTION SHALL BE ENFORCED WITHOUT  
25 REGARD TO RACE, RELIGION, GENDER, ETHNICITY OR NATIONAL ORIGIN.

26 C. THE DEPARTMENT OF EDUCATION SHALL REPORT ON DECEMBER  
27 31 AND JUNE 30 OF EACH YEAR TO THE JOINT LEGISLATIVE BUDGET  
28 COMMITTEE THE TOTAL NUMBER OF ADULTS WHO APPLIED FOR INSTRUCTION  
29 AND THE TOTAL NUMBER OF ADULTS WHO WERE DENIED INSTRUCTION UNDER  
30 THIS SECTION BECAUSE THE APPLICANT WAS NOT A CITIZEN OR LEGAL  
31 RESIDENT OF THE UNITED STATES OR WAS NOT OTHERWISE LAWFULLY  
32 PRESENT IN THE UNITED STATES.

33 Sec. 3. Section 15-1803, Arizona Revised Statutes, is  
34 amended to read:

35 15-1803. Alien in-state student status

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

40 B. IN ACCORDANCE WITH THE ILLEGAL IMMIGRATION REFORM AND  
41 IMMIGRANT RESPONSIBILITY ACT OF 1996 (P.L. 104-208; 110 STAT.  
42 3009), A PERSON WHO WAS NOT A CITIZEN OR LEGAL RESIDENT OF THE  
43 UNITED STATES OR WHO IS WITHOUT LAWFUL IMMIGRATION STATUS IS NOT  
44 ENTITLED TO CLASSIFICATION AS AN IN-STATE STUDENT PURSUANT TO

1 SECTION 15-1802 OR ENTITLED TO CLASSIFICATION AS A COUNTY  
2 RESIDENT PURSUANT TO SECTION 15-1802.01.

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

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

13 15-1825. Prohibited financial assistance; report

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

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

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

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

37 46-801. Definitions

38 In this chapter, unless the context otherwise requires:

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

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

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

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

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

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

17          7. "Child care providers" means child care facilities  
18 licensed pursuant to title 36, chapter 7.1, article 1, child  
19 care group homes certified pursuant to title 36, chapter 7.1,  
20 article 4, child care home providers, in-home providers,  
21 noncertified relative providers and regulated child care on  
22 military installations or for federally recognized Indian  
23 tribes.

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

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

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

39          11. "Noncertified relative provider" means a person who is  
40 at least eighteen years of age, who provides child care services  
41 to an eligible child, who is by affinity or consanguinity or by  
42 court decree the grandparent, great-grandparent, sibling not  
43 residing in the same household, aunt, great-aunt, uncle or  
44 great-uncle of the eligible child and who meets the department's  
45 requirements to be a noncertified relative provider.

1           12. "Parent" or "parents" means the natural or adoptive  
2 parents of a child.

3           Sec. 6. Section 46-803, Arizona Revised Statutes, is  
4 amended to read:

5           46-803. Eligibility for child care assistance

6           A. The department shall provide child care assistance to  
7 eligible families who are attempting to achieve independence  
8 from the cash assistance program and who need child care  
9 assistance in support of and as specified in their personal  
10 responsibility agreement pursuant to chapters 1 and 2 of this  
11 title.

12           B. The department shall provide child care assistance to  
13 eligible families who are transitioning off of cash assistance  
14 due to increased earnings or child support income in order to  
15 accept or maintain employment. Eligible families must request  
16 this assistance within six months after the cash assistance case  
17 closure. Child care assistance may be provided for up to  
18 twenty-four months after the case closure and shall cease  
19 whenever the family income exceeds one hundred sixty-five per  
20 cent of the federal poverty level.

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

28           D. The department may provide child care assistance to  
29 support eligible families with incomes of one hundred sixty-five  
30 per cent or less of the federal poverty level to accept or  
31 maintain employment. Priority for this child care assistance  
32 shall be given to families with incomes of one hundred per cent  
33 or less of the federal poverty level.

34           E. The department may provide child care assistance to  
35 families referred by child protective services and to children  
36 in foster care pursuant to title 8, chapter 5 to support child  
37 protection.

38           F. The department may provide child care assistance to  
39 special circumstance families whose incomes are one hundred  
40 sixty-five per cent or less of the federal poverty level and who  
41 are unable to provide child care for a portion of a twenty-four  
42 hour day due to a crisis situation of domestic violence or  
43 homelessness, or a physical, mental, emotional or medical  
44 condition, participation in a drug treatment or drug  
45 rehabilitation program or court ordered community restitution.



1 Priority for this child care assistance shall be given to  
2 families with incomes of one hundred per cent or less of the  
3 federal poverty level.

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

10 H. The department may provide supplemental child care  
11 assistance for department approved education and training  
12 activities if the eligible parent, legal guardian or caretaker  
13 relative is working at least a monthly average of twenty hours  
14 per week and this education and training are reasonably related  
15 to employment goals. The eligible parent, legal guardian or  
16 caretaker relative must demonstrate satisfactory progress in the  
17 education or training activity.

18 I. Beginning March 12, 2003, the department shall  
19 establish waiting lists for child care assistance and prioritize  
20 child care assistance for different eligibility categories in  
21 order to manage within appropriated and available monies.  
22 Priority of children on the waiting list shall start with those  
23 families at one hundred per cent of the federal poverty level  
24 and continue with each successive ten per cent increase in the  
25 federal poverty level until the maximum allowable federal  
26 poverty level of one hundred sixty-five per cent. Priority  
27 shall be given regardless of time spent on the waiting list.

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

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

32 2. Financial or programmatic eligibility changes or  
33 ineligibility.

34 3. Failure to cooperate with the requirements of the  
35 department to determine or redetermine eligibility.

36 4. Hours of child care need that fall within the child's  
37 compulsory academic school hours.

38 5. Reasonably accessible and available publicly funded  
39 early childhood education programs.

40 6. Whether an otherwise eligible family has been  
41 sanctioned and cash assistance has been terminated pursuant to  
42 chapter 2 of this title.

43 7. Other circumstances of a similar nature.

44 8. Whether sufficient monies exist for the assistance.

1 K. Families receiving child care assistance under  
2 subsection D or F of this section are also subject to the  
3 following requirements for such child care assistance:

4 1. Each child is limited to no more than sixty cumulative  
5 months of child care assistance. The department may provide an  
6 extension if the family can prove that the family is making  
7 efforts to improve skills and move towards self-sufficiency.

8 2. Families are limited to no more than six children  
9 receiving child care assistance.

10 3. Copayments shall be imposed for all children receiving  
11 child care assistance. Copayments for each child may be higher  
12 for the first child in child care than for additional children  
13 in child care.

14 L. The department shall review each case at least once a  
15 year to evaluate eligibility for child care assistance.

16 M. THE DEPARTMENT SHALL REPORT ON DECEMBER 31 AND JUNE 30  
17 OF EACH YEAR TO THE JOINT LEGISLATIVE BUDGET COMMITTEE THE TOTAL  
18 NUMBER OF FAMILIES WHO APPLIED FOR CHILD CARE ASSISTANCE AND THE  
19 TOTAL NUMBER OF FAMILIES WHO WERE DENIED ASSISTANCE UNDER THIS  
20 SECTION BECAUSE THE PARENTS, LEGAL GUARDIANS OR CARETAKER  
21 RELATIVES WHO APPLIED FOR ASSISTANCE WERE NOT CITIZENS OR LEGAL  
22 RESIDENTS OF THE UNITED STATES OR WERE NOT OTHERWISE LAWFULLY  
23 PRESENT IN THE UNITED STATES.

24 N. THIS SECTION SHALL BE ENFORCED WITHOUT REGARD TO RACE,  
25 RELIGION, GENDER, ETHNICITY OR NATIONAL ORIGIN.

26 ~~M.~~ O. Notwithstanding section 35-173, monies  
27 appropriated for the purposes of this section shall not be used  
28 for any other purpose without the approval of the joint  
29 legislative budget committee.

30 ~~N.~~ P. The department shall refer all child care subsidy  
31 recipients to child support enforcement and to local workforce  
32 services and provide information on the earned income tax  
33 credit.

34 2. The Secretary of State shall submit this proposition to the voters  
35 at the next general election as provided by article IV, part 1, section 1,  
36 Constitution of Arizona.