

REFERENCE TITLE: public programs; citizens; repeal.

State of Arizona
Senate
Fifty-third Legislature
Second Regular Session
2018

SCR 1013

Introduced by
Senators Mendez: Contreras, Dalessandro, Hobbs, Miranda, Peshlakai,
Quezada

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
5 to become valid as a law if approved by the voters and on proclamation of
6 the Governor:

7 AN ACT

8 AMENDING SECTIONS 15-232 AND 15-1803, ARIZONA REVISED
9 STATUTES; REPEALING SECTION 15-1825, ARIZONA REVISED STATUTES;
10 AMENDING SECTIONS 46-801 AND 46-803, ARIZONA REVISED STATUTES;
11 RELATING TO PUBLIC PROGRAM ELIGIBILITY.

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

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

15 15-232. Division of adult education; duties

16 ~~A. There is established a~~ THE division of adult
17 education IS ESTABLISHED within the department of education, ~~which~~.
18 THE DIVISION OF ADULT EDUCATION SHALL BE under the
19 jurisdiction of the state board of education, ~~which~~ AND shall:

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

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

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

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

34 5. Prescribe a course of study to provide training for
35 adults to continue their basic education to the degree of
36 passing an equivalency test approved by the state board of
37 education.

38 6. Review, approve and monitor a fee structure that may
39 be implemented by adult education providers to ensure they
40 meet state and federal law and THAT considers an individual's
41 ability to pay. The approved fee structure shall include a
42 sliding scale fee schedule, based on household income, that
43 shall be assessed to each individual participating in any
44 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 15-1803, Arizona Revised Statutes, is amended to read:

15-1803. Alien in-state student status

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

~~B. In accordance with the illegal immigration reform and immigrant responsibility act of 1996 (P.L. 104-208; 110 Stat. 3009), a person who was not a citizen or legal resident of the United States or who is without lawful immigration status is not entitled to classification as an in-state student pursuant to section 15-1802 or entitled to classification as a county resident pursuant to section 15-1802.01.~~

~~C. Each community college and university shall report on December 31 and June 30 of each year to the joint legislative budget committee the total number of students who were entitled to classification as an in-state student and the total number of students who were not entitled to classification as an in-state student under this section because the student was not a citizen or legal resident of the United States or is without lawful immigration status.~~

Sec. 3. Repeal

Section 15-1825, Arizona Revised Statutes, is repealed.

Sec. 4. Section 46-801, Arizona Revised Statutes, is amended to read:

46-801. Definitions

In this chapter, unless the context otherwise requires:

1. "Caretaker relative" means a relative who exercises responsibility for the day-to-day physical care, guidance and support of a child who physically resides with the relative

1 and who is by affinity or consanguinity or by court decree a
2 grandparent, great-grandparent, sibling of the whole or half
3 blood, stepbrother, stepsister, aunt, uncle, great-aunt,
4 great-uncle or first cousin OF THE CHILD.

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

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

9 4. "Child care" means the compensated service that is
10 provided to a child who is unaccompanied by a parent or
11 guardian during a portion of a ~~twenty-four hour~~
12 TWENTY-FOUR-HOUR day.

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

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

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

29 8. "Eligible family" means ~~citizens or legal residents~~
30 ~~of the United States or individuals who are otherwise lawfully~~
31 ~~present in the United States and who are~~ parents, legal
32 guardians or caretaker relatives with legal residence in this
33 state and children in their care who meet the eligibility
34 requirements for child care assistance.

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

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

44 11. "Noncertified relative provider" means a person who
45 is at least eighteen years of age, who provides child care

1 services to an eligible child, who is by affinity or
2 consanguinity or by court decree the grandparent,
3 great-grandparent, sibling not residing in the same household,
4 aunt, great-aunt, uncle or great-uncle of the eligible child
5 and who meets the department's requirements to be a
6 noncertified relative provider.

7 12. "Parent" or "parents" means the natural or adoptive
8 parents of a child.

9 Sec. 5. Section 46-803, Arizona Revised Statutes, is
10 amended to read:

11 46-803. Eligibility for child care assistance

12 A. The department shall provide child care assistance
13 to eligible families who are attempting to achieve
14 independence from the cash assistance program and who need
15 child care assistance in support of and as specified in their
16 personal responsibility agreement pursuant to chapters 1 and 2
17 of this title.

18 B. The department shall provide child care assistance
19 to eligible families who are transitioning off ~~of~~ cash
20 assistance due to increased earnings or child support income
21 in order to accept or maintain employment. Eligible families
22 must request this assistance within six months after the cash
23 assistance case closure. Child care assistance may be
24 provided for up to twenty-four months after the case closure
25 and shall cease after a time period specified in rule by the
26 department once the family income exceeds one hundred
27 sixty-five percent of the federal poverty level but remains
28 below eighty-five percent of the state median income. If the
29 family income exceeds eighty-five percent of the state median
30 income, child care assistance shall cease on notification by
31 the department.

32 C. The department shall provide child care assistance
33 to eligible families who are diverted from cash assistance
34 pursuant to section 46-298 in order to obtain or maintain
35 employment. Child care assistance may be provided for up to
36 twenty-four months after the case closure and shall cease
37 after a time period specified in rule by the department once
38 the family income exceeds one hundred sixty-five percent of
39 the federal poverty level but remains below eighty-five
40 percent of the state median income. If the family income
41 exceeds eighty-five percent of the state median income, child
42 care assistance shall cease on notification by the department.

43 D. The department may provide child care assistance to
44 support eligible families with incomes of one hundred
45 sixty-five percent or less of the federal poverty level at the

1 time of application to accept or maintain employment. Child
2 care assistance shall cease after a time period specified in
3 rule by the department once the family income exceeds one
4 hundred sixty-five percent of the federal poverty level but
5 remains below eighty-five percent of the state median income.
6 If the family income exceeds eighty-five percent of the state
7 median income, child care assistance shall cease on
8 notification by the department. Priority for this child care
9 assistance shall be given to families with incomes of one
10 hundred percent or less of the federal poverty level.

11 E. The department may provide child care assistance to
12 families referred by the department of child safety and to
13 children in foster care pursuant to title 8, chapter 4 to
14 support child protection.

15 F. The department may provide child care assistance to
16 special circumstance families whose incomes are one hundred
17 sixty-five percent or less of the federal poverty level at the
18 time of application and who are unable to provide child care
19 for a portion of a ~~twenty-four hour~~ TWENTY-FOUR-HOUR day due
20 to a crisis situation of domestic violence or homelessness, or
21 a physical, mental, emotional or medical condition,
22 participation in a drug treatment or drug rehabilitation
23 program or ~~court-ordered~~ COURT-ORDERED community restitution.
24 Child care assistance shall cease after a time period
25 specified in rule by the department once the family income
26 exceeds one hundred sixty-five percent of the federal poverty
27 level but remains below eighty-five percent of the state
28 median income. If the family income exceeds eighty-five
29 percent of the state median income, child care assistance
30 shall cease on notification by the department. Priority for
31 this child care assistance shall be given to families with
32 incomes of one hundred percent or less of the federal poverty
33 level.

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

40 H. The department may provide supplemental child care
41 assistance for ~~department-approved~~ DEPARTMENT-APPROVED
42 education and training activities if the eligible parent,
43 legal guardian or caretaker relative is working at least a
44 monthly average of twenty hours per week and this education
45 and training are reasonably related to employment goals. The

1 eligible parent, legal guardian or caretaker relative must
2 demonstrate satisfactory progress in the education or training
3 activity.

4 I. The department shall establish waiting lists for
5 child care assistance and prioritize child care assistance for
6 different eligibility categories in order to manage within
7 appropriated and available monies. Priority of children on
8 the waiting list shall start with those families at one
9 hundred percent of the federal poverty level and continue with
10 each successive ten percent increase in the federal poverty
11 level until the maximum allowable federal poverty level of one
12 hundred sixty-five percent. Priority shall be given
13 regardless of time spent on the waiting list.

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

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

18 2. Financial or programmatic eligibility changes or
19 ineligibility.

20 3. Failure to cooperate with the requirements of the
21 department to determine or redetermine eligibility.

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

24 5. Reasonably accessible and available publicly funded
25 early childhood education programs.

26 6. Whether an otherwise eligible family has been
27 sanctioned and cash assistance has been terminated pursuant to
28 chapter 2 of this title.

29 7. Other circumstances of a similar nature.

30 8. Whether sufficient monies exist for the assistance.

31 K. Families receiving child care assistance under
32 subsection D or F of this section are also subject to the
33 following requirements for that child care assistance:

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

39 2. Families are limited to no more than six children
40 receiving child care assistance.

41 3. Copayments shall be imposed for all children
42 receiving child care assistance. Copayments for each child
43 may be higher for the first child in child care than for
44 additional children in child care.

1 L. The department shall review each case no more than
2 once a year to evaluate eligibility for child care assistance.

3 ~~M. The department shall report on December 31 and June~~
4 ~~30 of each year to the joint legislative budget committee the~~
5 ~~total number of families who applied for child care assistance~~
6 ~~and the total number of families who were denied assistance~~
7 ~~under this section because the parents, legal guardians or~~
8 ~~caretaker relatives who applied for assistance were not~~
9 ~~citizens or legal residents of the United States or were not~~
10 ~~otherwise lawfully present in the United States.~~

11 ~~N. This section shall be enforced without regard to~~
12 ~~race, religion, gender, ethnicity or national origin.~~

13 ~~0. M.~~ M. The department shall refer all child care
14 subsidy recipients to child support enforcement and to local
15 workforce services and provide information on the earned
16 income tax credit.

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