

REFERENCE TITLE: citizens; public programs; repeal

State of Arizona
Senate
Fifty-fourth Legislature
First Regular Session
2019

SCR 1002

Introduced by
Senators Mendez: Alston, Gonzales, Navarrete, Quezada, Rios, Steele;
Representatives Hernandez A, Sierra, Teller, Tsosie

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)

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

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

AN ACT

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

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~~ THE division of adult education IS ESTABLISHED within the department of education~~;~~. THE DIVISION OF ADULT EDUCATION SHALL BE under the jurisdiction of the state board of education~~, which~~ AND 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~~ TO ESTABLISH and conduct ~~of~~ classes for immigrant and adult education, including ~~the~~ teaching of English to foreigners, in school districts.

4. Devise plans ~~for establishment~~ TO ESTABLISH and ~~maintenance of~~ MAINTAIN 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 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 THAT 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~~ IS 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 15-1803, 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.

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

3 46-801. Definitions

4 In this chapter, unless the context otherwise requires:

5 1. "Caretaker relative" means a relative who exercises
6 responsibility for the day-to-day physical care, guidance and
7 support of a child who physically resides with the relative
8 and who is, by affinity or consanguinity or by court decree, a
9 grandparent, great-grandparent, sibling of the whole or half
10 blood, stepbrother, stepsister, aunt, uncle, great-aunt,
11 great-uncle or first cousin OF THE CHILD.

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

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

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

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

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

29 7. "Child care providers" means child care facilities
30 licensed pursuant to title 36, chapter 7.1, article 1, child
31 care group homes certified pursuant to title 36, chapter 7.1,
32 article 4, child care home providers, in-home providers,
33 noncertified relative providers and regulated child care on
34 military installations or for federally recognized Indian
35 tribes.

36 8. "Eligible family" means ~~citizens or legal residents~~
37 ~~of the United States or individuals who are otherwise lawfully~~
38 ~~present in the United States and who are~~ parents, legal
39 guardians or caretaker relatives with legal residence in this
40 state and children in their care who meet the eligibility
41 requirements for child care assistance.

42 9. "Federal poverty level" means the poverty guidelines
43 that are issued by the United States department of health and
44 human services pursuant to section 673(2) of the omnibus

budget reconciliation act of 1981 and that are reported annually in the federal register.

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

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

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

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

46-803. Eligibility for child care assistance

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

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

C. The department shall provide child care assistance to eligible families who are diverted from cash assistance pursuant to section 46-298 in order to obtain or maintain employment. Child care assistance may be provided for up to twenty-four months after the case closure and shall cease after a time period specified in rule by the department once

1 the family income exceeds one hundred sixty-five percent of
2 the federal poverty level but remains below eighty-five
3 percent of the state median income. If the family income
4 exceeds eighty-five percent of the state median income, child
5 care assistance shall cease on notification by the department.

6 D. The department may provide child care assistance to
7 support eligible families with incomes of one hundred
8 sixty-five percent or less of the federal poverty level at the
9 time of application to accept or maintain employment. Child
10 care assistance shall cease after a time period specified in
11 rule by the department once the family income exceeds one
12 hundred sixty-five percent of the federal poverty level but
13 remains below eighty-five percent of the state median income.
14 If the family income exceeds eighty-five percent of the state
15 median income, child care assistance shall cease on
16 notification by the department. Priority for this child care
17 assistance shall be given to families with incomes of one
18 hundred percent or less of the federal poverty level.

19 E. The department may provide child care assistance to
20 families referred by the department of child safety and to
21 children in foster care pursuant to title 8, chapter 4 to
22 support child protection.

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

42 G. In lieu of the employment activity required in
43 subsection B, C or D of this section, the department may allow
44 eligible families with teenaged custodial parents under twenty
45 years of age to complete a high school diploma or its

equivalent or engage in remedial education activities reasonably related to employment goals.

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

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

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

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

2. Financial or programmatic eligibility changes or ineligibility.

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

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

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

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

7. Other circumstances of a similar nature.

8. Whether sufficient monies exist for the assistance.

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

1. Each child is limited to no more than sixty cumulative months of child care assistance. The department may provide an extension if the family can prove that the

1 family is making efforts to improve skills and move towards
2 self-sufficiency.

3 2. Families are limited to no more than six children
4 receiving child care assistance.

5 3. Copayments shall be imposed for all children
6 receiving child care assistance. Copayments for each child
7 may be higher for the first child in child care than for
8 additional children in child care.

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

11 ~~M. The department shall report on December 31 and June~~
12 ~~30 of each year to the joint legislative budget committee the~~
13 ~~total number of families who applied for child care assistance~~
14 ~~and the total number of families who were denied assistance~~
15 ~~under this section because the parents, legal guardians or~~
16 ~~caretaker relatives who applied for assistance were not~~
17 ~~citizens or legal residents of the United States or were not~~
18 ~~otherwise lawfully present in the United States.~~

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

21 ~~O.~~ M. The department shall refer all child care
22 subsidy recipients to child support enforcement and to local
23 workforce services and provide information on the earned
24 income tax credit.

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