

REFERENCE TITLE: public programs; citizens; repeal.

State of Arizona
Senate
Fifty-fifth Legislature
First Regular Session
2021

SCR 1015

Introduced by
Senators Quezada: Alston, Mendez; Representative Cano

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 REPEALING TITLE 1, CHAPTER 5, ARIZONA REVISED STATUTES;
9 AMENDING SECTIONS 15-232 AND 15-1803, ARIZONA REVISED
10 STATUTES; REPEALING SECTION 15-1825, ARIZONA REVISED STATUTES;
11 AMENDING SECTIONS 46-801 AND 46-803, ARIZONA REVISED STATUTES;
12 RELATING TO PUBLIC PROGRAM ELIGIBILITY.

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

14 Section 1. Repeal

15 Title 1, chapter 5, Arizona Revised Statutes, is
16 repealed.

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

19 15-232. Division of adult education; duties

20 ~~A. There is established a~~ THE division of adult
21 education IS ESTABLISHED within the department of
22 education. ~~;~~ THE DIVISION OF ADULT EDUCATION IS under the
23 jurisdiction of the state board of education, ~~which~~ AND shall:

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

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

28 3. Adopt rules ~~for the establishment~~ TO ESTABLISH and
29 conduct ~~of~~ classes for immigrant and adult education,
30 including ~~the~~ teaching ~~of~~ English to foreigners, in school
31 districts.

32 4. Devise plans ~~for establishment~~ TO ESTABLISH and
33 ~~maintenance of~~ MAINTAIN classes for immigrant and adult
34 education, including ~~the~~ teaching ~~of~~ English to foreigners,
35 stimulate and correlate the Americanization work of various
36 agencies, including governmental, and perform such other
37 duties as ~~may be~~ prescribed by the state board ~~of education~~
38 and the superintendent of public instruction.

39 5. Prescribe a course of study to provide training for
40 adults to continue their basic education to the degree of
41 passing an equivalency test approved by the state board ~~of~~
42 ~~education~~.

1 6. Review, approve and monitor a fee structure that may
2 be implemented by adult education providers to ensure they
3 meet state and federal law and THAT considers an individual's
4 ability to pay. The approved fee structure shall include a
5 sliding scale fee schedule, based on household income, that
6 ~~shall be~~ IS assessed to each individual participating in any
7 program offered by the adult education provider.

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

14 ~~C. The department of education shall report on December~~
15 ~~31 and June 30 of each year to the joint legislative budget~~
16 ~~committee the total number of adults who applied for~~
17 ~~instruction and the total number of adults who were denied~~
18 ~~instruction under this section because the applicant was not a~~
19 ~~citizen or legal resident of the United States or was not~~
20 ~~otherwise lawfully present in the United States.~~

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

23 15-1803. Alien in-state student status

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

28 ~~B. In accordance with the illegal immigration reform~~
29 ~~and immigrant responsibility act of 1996 (P.L. 104-208; 110~~
30 ~~Stat. 3009), a person who was not a citizen or legal resident~~
31 ~~of the United States or who is without lawful immigration~~
32 ~~status is not entitled to classification as an in-state~~
33 ~~student pursuant to section 15-1802 or entitled to~~
34 ~~classification as a county resident pursuant to section~~
35 ~~15-1802.01.~~

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

1 Sec. 4. Repeal
2 Section 15-1825, Arizona Revised Statutes, is repealed.
3 Sec. 5. Section 46-801, Arizona Revised Statutes, is
4 amended to read:
5 46-801. Definitions
6 In this chapter, unless the context otherwise requires:
7 1. "Caretaker relative" means a relative who exercises
8 responsibility for the day-to-day physical care, guidance and
9 support of a child who physically resides with the relative
10 and who is, by affinity or consanguinity or by court decree, a
11 grandparent, great-grandparent, sibling of the whole or half
12 blood, stepbrother, stepsister, aunt, uncle, great-aunt,
13 great-uncle or first cousin OF THE CHILD.
14 2. "Cash assistance" has the same meaning prescribed in
15 section 46-101.
16 3. "Child" means a person who is under thirteen years
17 of age.
18 4. "Child care" means the compensated service that is
19 provided to a child who is unaccompanied by a parent or
20 guardian during a portion of a ~~twenty-four hour~~
21 TWENTY-FOUR-HOUR day.
22 5. "Child care assistance" means any money payments for
23 child care services that are paid by the department and that
24 are paid for the benefit of an eligible family.
25 6. "Child care home provider" means a person who is at
26 least eighteen years of age, who is not the parent, guardian,
27 caretaker relative or noncertified relative provider of a
28 child needing child care and who is certified by the
29 department to care for four or fewer children for compensation
30 with child care assistance monies.
31 7. "Child care providers" means child care facilities
32 licensed pursuant to title 36, chapter 7.1, article 1, child
33 care group homes certified pursuant to title 36, chapter 7.1,
34 article 4, child care home providers, in-home providers,
35 noncertified relative providers and regulated child care on
36 military installations or for federally recognized Indian
37 tribes.
38 8. "Eligible family" means ~~citizens or legal residents~~
39 ~~of the United States or individuals who are otherwise lawfully~~
40 ~~present in the United States and who are~~ parents, legal
41 guardians or caretaker relatives with legal residence in this
42 state and children in their care who meet the eligibility
43 requirements for child care assistance.
44 9. "Federal poverty level" means the poverty guidelines
45 that are issued by the United States department of health and

1 human services pursuant to section 673(2) of the omnibus
2 budget reconciliation act of 1981 and that are reported
3 annually in the federal register.

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

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

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

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

20 46-803. Eligibility for child care assistance

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

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

40 C. The department shall provide child care assistance
41 to eligible families who are diverted from cash assistance
42 pursuant to section 46-298 in order to obtain or maintain
43 employment. Child care assistance may be provided for up to
44 twenty-four months after the case closure and shall cease
45 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 day due to a crisis
28 situation of domestic violence or homelessness, or a physical,
29 mental, emotional or medical condition, participation in a
30 drug treatment or drug rehabilitation program or court-ordered
31 community restitution. Child care assistance shall cease
32 after a time period specified in rule by the department once
33 the family income exceeds one hundred sixty-five percent of
34 the federal poverty level but remains below eighty-five
35 percent of the state median income. If the family income
36 exceeds eighty-five percent of the state median income, child
37 care assistance shall cease on notification by the
38 department. Priority for this child care assistance shall be
39 given to families with incomes of one hundred percent or less
40 of the federal poverty level.

41 G. Notwithstanding any other provision of this section,
42 the department may reduce maximum income eligibility levels
43 for child care assistance in order to manage within
44 appropriated and available monies. The department shall
45 notify the joint legislative budget committee of any change in

1 maximum income eligibility levels for child care assistance
2 within fifteen days after implementing the change.

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

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

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

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

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

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

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

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

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

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

42 7. Other circumstances of a similar nature.

43 8. Whether sufficient monies exist for the assistance.

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

4 1. Each child is limited to not more than sixty
5 cumulative months of child care assistance. The department
6 may provide an extension if the family can prove that the
7 family is making efforts to improve skills and move towards
8 self-sufficiency.

9 2. Families are limited to not more than six children
10 receiving child care assistance.

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

15 M. The department shall review each case not more than
16 once a year to evaluate eligibility for child care assistance.

17 ~~N. The department shall report on December 31 and June~~
18 ~~30 of each year to the joint legislative budget committee the~~
19 ~~total number of families who applied for child care assistance~~
20 ~~and the total number of families who were denied assistance~~
21 ~~under this section because the parents, legal guardians or~~
22 ~~caretaker relatives who applied for assistance were not~~
23 ~~citizens or legal residents of the United States or were not~~
24 ~~otherwise lawfully present in the United States.~~

25 ~~O. This section shall be enforced without regard to~~
26 ~~race, religion, gender, ethnicity or national origin.~~

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

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