

REFERENCE TITLE: schools; adult education fees.

State of Arizona  
Senate  
Forty-eighth Legislature  
First Regular Session  
2007

# **SB 1163**

Introduced by  
Senator Gray L

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)

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

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

4 15-232. Division of adult education; duties

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

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

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

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

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

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

24 6. REVIEW AND MAY APPROVE SUPPLEMENTAL FEES AND FEE WAIVER POLICIES  
25 THAT ARE IMPLEMENTED BY ADULT EDUCATION PROVIDERS IF THE SUPPLEMENTAL FEES  
26 AND FEE WAIVER POLICIES MEET ALL OF THE FOLLOWING CRITERIA:

27 (a) THE SUPPLEMENTAL FEES ARE CHARGED ONLY TO ADULTS WHO ARE ELIGIBLE  
28 TO PARTICIPATE IN THE ADULT EDUCATION PROGRAM BUT WHO WOULD OTHERWISE BE  
29 PREVENTED FROM PARTICIPATION IN THE PROGRAM SOLELY BECAUSE THE COST TO  
30 PROVIDE THE ADULT EDUCATION PROGRAM TO THOSE PARTICIPANTS EXCEEDS THE AMOUNT  
31 OF COMPENSATION PROVIDED PURSUANT TO SECTION 15-234, SUBSECTION C.

32 (b) THE SUPPLEMENTAL FEES ARE USED IN THE ADULT EDUCATION PROGRAM  
33 ACCORDING TO STATE AND FEDERAL LAW.

34 (c) THE SUPPLEMENTAL FEES AND FEE WAIVER POLICIES ARE APPLIED IN A  
35 MANNER THAT DOES NOT UNREASONABLY PREVENT ADULTS WHO WOULD OTHERWISE BENEFIT  
36 FROM ADULT EDUCATION FROM PARTICIPATION IN THE PROGRAM.

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

42 C. The department of education shall report on December 31 and June 30  
43 of each year to the joint legislative budget committee the total number of  
44 adults who applied for instruction and the total number of adults who were  
45 denied instruction under this section because the applicant was not a citizen

1 or legal resident of the United States or was not otherwise lawfully present  
2 in the United States.

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

4 15-234. Appropriations for adult education; eligibility;  
5 supplemental fees; definition

6 A. Any appropriation made to the state board of education or  
7 department of education for the purposes of adult education may be expended  
8 for costs to the department of activities related to adult education  
9 including the costs of operating the division of adult education. In  
10 addition, any of the monies may be allocated to an adult education provider  
11 as provided in subsections B and C of this section.

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

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

26 D. AN ADULT EDUCATION PROVIDER THAT OFFERS A COURSE OF STUDY FOR ADULT  
27 EDUCATION UNDER SECTION 15-232 MAY CHARGE SUPPLEMENTAL FEES TO ADULTS WHO ARE  
28 ELIGIBLE TO PARTICIPATE IN THE ADULT EDUCATION PROGRAM BUT WHO WOULD  
29 OTHERWISE BE PREVENTED FROM PARTICIPATION IN THE PROGRAM SOLELY BECAUSE THE  
30 COST TO PROVIDE THE ADULT EDUCATION PROGRAM TO THOSE ADULTS EXCEEDS THE  
31 AMOUNT OF COMPENSATION PROVIDED PURSUANT TO SUBSECTION C OF THIS  
32 SECTION. ANY SUPPLEMENTAL FEES CHARGED FOR ADULT EDUCATION PROGRAMS SHALL BE  
33 APPROVED BY THE DEPARTMENT OF EDUCATION BEFORE THE SUPPLEMENTAL FEES ARE  
34 IMPOSED. IF SUPPLEMENTAL FEES ARE CHARGED FOR AN ADULT EDUCATION PROGRAM,  
35 THE ADULT EDUCATION PROVIDER SHALL ADOPT A FEE WAIVER POLICY THAT IS APPROVED  
36 BY THE DEPARTMENT OF EDUCATION. ADULT EDUCATION PROVIDERS SHALL  
37 CONSPICUOUSLY POST INFORMATION ON THE SUPPLEMENTAL FEE STRUCTURE AND SHALL  
38 PROVIDE ADVANCE WRITTEN NOTICE TO ALL PROGRAM PARTICIPANTS OF ANY CHANGES TO  
39 THE FEE STRUCTURE AT LEAST \_\_\_\_ DAYS BEFORE THE CHANGES BECOME EFFECTIVE.  
40 ANY SUPPLEMENTAL FEES COLLECTED PURSUANT TO THIS SUBSECTION SHALL ONLY BE  
41 USED TO PROVIDE ADULT EDUCATION INSTRUCTION.

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