

REFERENCE TITLE: schools; adult education fees

State of Arizona
House of Representatives
Forty-eighth Legislature
First Regular Session
2007

HB 2202

Introduced by
Representatives Anderson: Tobin

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 There is established a division of adult education within the
6 department of education, under the jurisdiction of the state board ~~for~~
7 ~~vocational and technological~~ OF 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 Sec. 2. Section 15-234, Arizona Revised Statutes, is amended to read:

38 15-234. Appropriations for adult education; eligibility;
39 supplemental fees; definition

40 A. Any appropriation made to the state board of education or
41 department of education for the purposes of adult education may be expended
42 for costs to the department of activities related to adult education
43 including the costs of operating the division of adult education. In
44 addition, any of the monies may be allocated to an adult education provider
45 as provided in subsections B and C of this section.

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

6 C. The state board of education may allocate from its available
7 appropriation for adult education any amount it deems appropriate for the use
8 of an eligible adult education provider to compensate for costs of conducting
9 the course of study of adult education based on an application which shall
10 include a budget and other criteria as established by the state board of
11 education. This application must be approved by the state board of education
12 prior to the commencement of classes or courses of study if the applicant
13 wishes to be compensated. Compensation shall be limited to the approved
14 amount in the application.

15 D. AN ADULT EDUCATION PROVIDER THAT OFFERS A COURSE OF STUDY FOR ADULT
16 EDUCATION UNDER SECTION 15-232 MAY CHARGE SUPPLEMENTAL FEES TO ADULTS WHO ARE
17 ELIGIBLE TO PARTICIPATE IN THE ADULT EDUCATION PROGRAM BUT WHO WOULD
18 OTHERWISE BE PREVENTED FROM PARTICIPATION IN THE PROGRAM SOLELY BECAUSE THE
19 COST TO PROVIDE THE ADULT EDUCATION PROGRAM TO THOSE ADULTS EXCEEDS THE
20 AMOUNT OF COMPENSATION PROVIDED PURSUANT TO SUBSECTION C OF THIS SECTION.
21 ANY SUPPLEMENTAL FEES CHARGED FOR ADULT EDUCATION PROGRAMS SHALL BE APPROVED
22 BY THE DEPARTMENT OF EDUCATION BEFORE THE SUPPLEMENTAL FEES ARE IMPOSED. IF
23 SUPPLEMENTAL FEES ARE CHARGED FOR AN ADULT EDUCATION PROGRAM, THE ADULT
24 EDUCATION PROVIDER SHALL ADOPT A FEE WAIVER POLICY THAT IS APPROVED BY THE
25 DEPARTMENT OF EDUCATION. ADULT EDUCATION PROVIDERS SHALL CONSPICUOUSLY POST
26 INFORMATION ON THE SUPPLEMENTAL FEE STRUCTURE AND SHALL PROVIDE ADVANCE
27 WRITTEN NOTICE TO ALL PROGRAM PARTICIPANTS OF ANY CHANGES TO THE FEE
28 STRUCTURE AT LEAST ____ DAYS BEFORE THE CHANGES BECOME EFFECTIVE. ANY
29 SUPPLEMENTAL FEES COLLECTED PURSUANT TO THIS SUBSECTION SHALL ONLY BE USED TO
30 PROVIDE ADULT EDUCATION INSTRUCTION.

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