

Senate Engrossed House Bill

**FILED**

**JANICE K. BREWER  
SECRETARY OF STATE**

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

CHAPTER 184

# **HOUSE BILL 2202**

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, APPROVE AND MONITOR A FEE STRUCTURE THAT MAY BE IMPLEMENTED  
25 BY ADULT EDUCATION PROVIDERS TO ENSURE THEY MEET STATE AND FEDERAL LAW AND  
26 CONSIDERS AN INDIVIDUAL'S ABILITY TO PAY. THE APPROVED FEE STRUCTURE SHALL  
27 INCLUDE A SLIDING SCALE FEE SCHEDULE, BASED ON HOUSEHOLD INCOME, THAT SHALL  
28 BE ASSESSED TO EACH INDIVIDUAL PARTICIPATING IN ANY PROGRAM OFFERED BY THE  
29 ADULT EDUCATION PROVIDER.

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

35 C. The department of education shall report on December 31 and June 30  
36 of each year to the joint legislative budget committee the total number of  
37 adults who applied for instruction and the total number of adults who were  
38 denied instruction under this section because the applicant was not a citizen  
39 or legal resident of the United States or was not otherwise lawfully present  
40 in the United States.

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

42 15-234. Appropriations for adult education; eligibility;  
43 supplemental fees; definition

44 A. Any appropriation made to the state board of education or  
45 department of education for the purposes of adult education may be expended

1 for costs to the department of activities related to adult education  
2 including the costs of operating the division of adult education. In  
3 addition, any of the monies may be allocated to an adult education provider  
4 as provided in subsections B and C of this section.

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

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

19 D. AN ADULT EDUCATION PROVIDER THAT OFFERS A COURSE OF STUDY FOR ADULT  
20 EDUCATION PURSUANT TO SECTION 15-232 MAY CHARGE SUPPLEMENTAL FEES TO ADULTS  
21 WHO ARE ELIGIBLE TO PARTICIPATE IN THE ADULT EDUCATION PROGRAM. ANY  
22 SUPPLEMENTAL FEES CHARGED FOR ADULT EDUCATION PROGRAMS SHALL BE APPROVED BY  
23 THE DEPARTMENT OF EDUCATION PRIOR TO THE IMPOSITION OF THE FEES. ADULT  
24 EDUCATION PROVIDERS SHALL CONSPICUOUSLY POST INFORMATION ON THE SUPPLEMENTAL  
25 FEE STRUCTURE AND SHALL PROVIDE ADVANCE WRITTEN NOTICE TO ALL PROGRAM  
26 PARTICIPANTS OF ANY CHANGES TO THE APPROVED FEE STRUCTURE AT LEAST NINETY  
27 DAYS PRIOR TO TAKING EFFECT. ANY SUPPLEMENTAL FEES COLLECTED PURSUANT TO  
28 THIS SUBSECTION SHALL ONLY BE USED TO SUPPORT AND EXPAND ADULT EDUCATION  
29 INSTRUCTION NOT TO SUPPLANT EXISTING STATE AND FEDERAL FUNDING. THE  
30 DEPARTMENT OF CORRECTIONS SHALL NOT CHARGE SUPPLEMENTAL FEES PURSUANT TO THIS  
31 SUBSECTION.

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

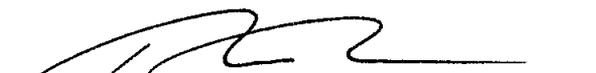
APPROVED BY THE GOVERNOR MAY 8, 2007.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 9, 2007.

Passed the House March 15, 20 07

by the following vote: 50 Ayes,

9 Nays, 1 Not Voting



Speaker, of the House  
*Pro Tempore*



Chief Clerk of the House

Passed the Senate April 26, 20 07

by the following vote: 20 Ayes,

7 Nays, 3 Not Voting



President of the Senate



Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill received by the Governor this

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary to the Governor

Approved this \_\_\_\_\_ day of

\_\_\_\_\_

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State

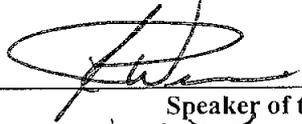
H.B. 2202

HOUSE CONCURS IN SENATE  
AMENDMENTS AND FINAL PASSAGE

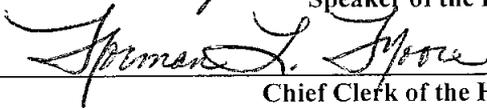
May 3, 2007,

by the following vote: 50 Ayes,

6 Nays, 4 Not Voting



Speaker of the House



Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill was received by the Governor this

3rd day of May, 2007

at 12:14 o'clock P. M.



Secretary to the Governor

Approved this 8 day of

May, 2007,

at 5<sup>00</sup> o'clock P. M.



Governor of Arizona

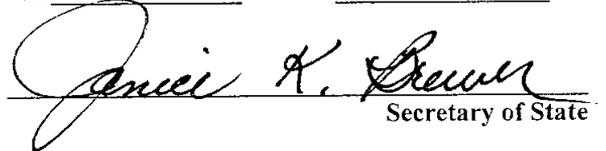
H.B. 2202

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 9 day of May, 2007,

at 8:35 o'clock A. M.



Secretary of State