



Attorney General

1275 WEST WASHINGTON

Phoenix, Arizona 85007

Robert R. Corbin

November 25, 1983
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ARIZONA ATTORNEY GENERAL

Mr. David S. Hunt
Deputy Cochise County Attorney
P.O. Drawer CA
Bisbee, AZ 85603

Re: I83-129 (R83-128)

Dear Mr. Hunt:

We decline to review your opinion dated September 8, 1983, to the Superintendent of the Douglas Unified School District concerning whether the residency requirements of A.R.S. § 15-821^{1/2} apply to adults attending adult basic education, English as a second language or citizenship classes offered by the district.

Sincerely,

A handwritten signature in cursive script that reads "Bob Corbin".

BOB CORBIN
Attorney General

BC/VBW/kb

1. This section provides in part:

All schools other than high school and evening or night schools shall, unless otherwise provided by law, admit children between the ages of six and twenty-one years who reside in the school district.



OFFICE OF THE
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BEVERLY H. JENNEY
COCHISE COUNTY ATTORNEY

PATRICK M. ELLISTON
CHIEF CRIMINAL DEPUTY

September 8, 1983

EDUCATION OPINION
ISSUE NO LATER THAN

11-25-83

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WHITEHEAD
R83-128

Mr. Ray Borane, Superintendent
Douglas Unified School District
Post Office Box 1237
Douglas, Arizona 85607

Re: Admission of Non-Resident Aliens to Adult
Education Programs

Dear Ray:

This letter is in response to your request for advice regarding the above-referenced matter. Specifically, you have asked whether the requirements of A.R.S. §15-821 regarding student residence apply to non-residents of the United States seeking to gain entrance to English as a Second Language (ESL) programs, Adult Basic Education (ABE) programs, and citizenship programs conducted by the district.

A.R.S. §15-821 requires school districts to admit students who reside within the district and who are between the ages of six and twenty-one. As presented, your question involves only non-residents of the district who are also non-residents of the state (i.e., non-resident aliens). However, §15-821 specifically exempts evening or night schools from those admission requirements. To the extent that your adult education programs are conducted in evening or night school, then, it would appear that the requirements of A.R.S. §15-821 would not apply irrespective of the resident status of the prospective students.

The Arizona statutes which govern evening and night schools and classes with immigrants do not speak clearly to the question of admission or exclusion of non-residents. (See copies enclosed.) It will, therefore, be necessary to examine other sources to determine who may be appropriately excluded from such programs.

The Arizona Department of Education has issued guidelines with respect to provision of adult education programs (copy enclosed).

Mr. Ray Borane
September 8, 1983
Page two

These guidelines purport to address considerations relevant to ESL, ABE and GED programs.

A section of the state guidelines entitled "Use of Funds and Student Accounting", (pages 4 through 6) note that state and federal funds are not to be comingled and further states that:

"Federal funds, Public Law 91-230, Adult Education Act as Amended, may be used for Adult Basic Education (ABE) and English as a Second Language (ESL).

"State funds, A.R.S. §15-1041-43, may be used to operate General Education Development (GED) and citizenship programs."

With respect to citizenship programs, as funded by the state, it appears that non-resident aliens are not part of the target group. On page five of the guidelines, the section regarding citizenship classes provides that:

"Citizenship students must be resident aliens eighteen years of age and over."

Thus, with respect to citizenship programs, it does not appear that the district would be allowed to admit non-resident aliens even if it desired to do so.

The remaining programs with which you are concerned are those funded by the Federal Government and, as a result, federal standards should govern admission decisions. The funds for both ABE and ESL programs are provided pursuant to P.L. 91-230 (20 U.S.C. 1201, et seq.) the Adult Education Act.

In its declaration of purpose (§1201), the Act speaks broadly to programs which will enable:

"All adults to continue their education to at least the level of completion of secondary school and make available the means to secure training that will enable them to be more employable, productive and responsible citizens."

Mr. Ray Borane
September 8, 1983
Page three

That phrase does not, in itself, provide much insight as to any limitations which might be imposed on the intended client pool for federally funded adult education programs.

However, a more recently-enacted section of the Act (§1211c), suggests that Congress did intend to target adult education services to certain groups of individuals:

"The commissioner is authorized to enter into grants and contracts with state and local education agencies and other public or private non-profit agencies, organizations or institutions to provide programs of adult education and adult basic education to immigrant adults in either such services." (Emphasis added)

Thus, the federal adult education programs are directed toward the "immigrant" population. As defined in 8 U.S.C. 1101(a)(15):

"The term 'immigrant' means every alien except an alien who is within one of the following classes of non-immigrant aliens-- . . . (B) an alien [other than one coming for the purpose of study or of performing skilled or unskilled labor or as a representative of foreign press, radio, film or other foreign information media coming to engage in such vocation] having a residence in a foreign country which he has no intention of abandoning and who is visiting in the United States temporarily for business or temporarily for pleasure."

Thus, it appears the intended beneficiaries of federal aid for adult education under §1211c are those aliens who have attained resident status as status is customarily measured. I would conclude that non-resident aliens may properly be excluded from both ABE and ESL programs.

In conclusion, I do not feel that A.R.S. §15-821 has any application to the present situation. However, as noted above,

Mr. Ray Borane
September 8, 1983
Page four

there exists an independent basis for a decision to exclude non-resident aliens from ABE, ESL and citizenship programs.

If I can provide additional information, please let me know. A copy of this opinion is being sent to the office of the Attorney General for review.

Very truly yours,

BEVERLY H. JENNEY
Cochise County Attorney



By: DAVID S. HUNT
Deputy County Attorney

DSH:pf

Enclosures

R83- 128

Statement of Purpose Federal P.L. 91-230, Adult Education Act as Amended

It is the purpose of this title to expand educational opportunities for adults and to encourage the establishment of programs of adult education that will--

(1) enable all adults to acquire basic skills necessary to function in society,

(2) enable adults who so desire to continue their education to at least the level of completion of secondary school, and

(3) make available to adults the means to secure training that will enable them to become more employable, productive, and responsible citizens.

Definitions

Sec. 303 As used in this title--

(a) The term "adult" means any individual who has attained the age of sixteen.

(b) The term "adult education" means services or instruction below the college level (as determined by the Commissioner), for adults who--

(1) lack sufficient mastery of basic educational skills to enable them to function effectively in society or who do not have a certificate of graduation from a school providing secondary education and who have not achieved an equivalent level of education, and

(2) are not currently required to be enrolled in schools.

(c) The term "adult basic education" means adult education for adults whose inability to speak, read, or write the English language constitutes a substantial impairment of their ability to get or retain employment commensurate with their real ability, which is designed to help eliminate such inability and raise the level of education of such individuals with a view to making them less likely to become dependent on others, to improving their ability to benefit from occupational training and otherwise increasing their opportunities for more productive and profitable employment, and to making them better able to meet their adult responsibilities.

Grants to States

Sec. 304. (a) The Commissioner is authorized to make grants to States, which have State plans approved by him under section 306 for the purposes of this section, to pay the Federal share of the cost of (1) the establishment or expansion of adult basic education programs to be carried out by local educational agencies and by public or private non-profit agencies, organizations,

R83- 128

and institutions and (2) the establishment or expansion of adult education programs to be carried out by local educational agencies and by public or private nonprofit agencies, organizations, and institutions. Grants provided under this section to States to carry out the programs described in the preceding sentence may be carried out by public or private nonprofit agencies, organizations and institutions only if the applicable local educational agency has been consulted with and has had an opportunity to comment on the application of such agency, organization or institution. The State educational agency shall not approve any application unless assured that such consultation has taken place. Such application shall contain a description of the cooperative arrangements that have been made to deliver services to adult students.

(b) Not more than 20 per centum of the funds granted to any State under subsection (a) for any fiscal year shall be used for the education of institutionalized individuals.

Statement of Purpose ARS 15-1041-43

Arizona Revised Statutes 15-1041-43 authorizes allocation of State funds to school districts or County Programs for establishment and maintenance of classes for immigrant and adult education including the teaching of English to foreigners, to providing training for adults to continue their academic education to the degree of passing a general equivalency diploma test. Arizona uses the General Educational Development Test (G.E.D.)

Priorities and Criteria for Funding

(1) First priority for projects funded with federal funds will be to provide literacy training for persons functioning at or below the fourth grade level and for ESL classes. Second priority will be given to classes of academic instruction for persons functioning above the fourth and through the eighth grade level. Third priority will be given to such instruction for persons functioning above the eighth and through the twelfth grade level or its equivalency.

(2) First priority for projects funded with State funds will be to provide classes for GED preparation. Second priority will be to provide classes for U. S. Citizenship. Third priority will be to provide classes in Adult Basic Education. If federal funds are reduced or not available, the State priorities will be reevaluated.

(3) Priority will also be given to projects funded during the previous fiscal year which:

(a) Provided at least 125 instructional hours and had an enrollment of at least 20 students per class,

(b) Adhered to all applicable rules and regulations,

(c) Completed and submitted all required reports, including the monthly Project Reporting System forms, and the Annual Report in a timely and accurate manner,

(d) Operated in an efficient and prudent manner and which utilized volunteers where possible,

(e) Demonstrated a high level of retention and overall student success.

(4) Equal priority will be given to applicants who can demonstrate comparable experience and performance in another program.

After first consideration of the above priorities, the Adult Education Project Review Committee will review applications for funding competitively utilizing the following criteria:

(A) Whether the application meets State and federal rules and regulations and the policies and procedures contained in the Arizona State Plan.

(1) The needs of the population to be served by the applicant;

(2) The resources available to the applicant (other than Federal and State adult education funds) to meet these needs (e.g., CETA, Title XX, local cash or in-kind contributions);

(3) The extent to which the proposed activity addresses the identified State needs contained and targeted in the Arizona State Plan;

(4) The extent to which the applicant proposes projects to reach adult populations least educated and most in need of assistance;

(5) The extent to which applicant will make available to adults the means to secure training that will enable them to become more employable, productive and responsible citizens;

(6) The extent to which the project objectives can be accomplished with the amount of the budget request;

(7) The extent to which cooperative arrangements with other agencies will be used for delivering adult education and support services to expand the program;

(8) The adequacy of outreach activities to be undertaken.

Outreach activities shall include:

(i) Informing those who are least educated and most in need of assistance of the availability and benefits;

(ii) Flexible schedules to accommodate the greatest number of adults who are least educated and most in need of assistance;

(iii) Locations of facilities offering programs that are convenient to large concentrations of the adult populations identified in

R83- 128

the State's needs or how the location of facilities will be convenient to public and private transportation; and

- (iv) The availability of child care services to participants in need in the project.

General Provisions

The Director of Adult Education will provide the educational program designated in the Adult Education Act, P.L. 91-230 as Amended, and/or ARS 15-1041-43, and in accordance with the Division of Adult Education State Plan.

The Local Project Director of Adult Education will determine the number of eligible persons in each participating district. The local offices of the Department of Economic Security as well as other local agencies and institutions should be contacted for referrals and assistance with recruitment of students.

An Advisory Committee made up of representatives of these agencies, other local agencies, civic groups and organizations should be formed and maintained.

The Local Project Director of Adult Education must provide guidance and counseling service sufficient to meet the requirements of the Arizona State Plan. These services are to include the following:

- Registering and orienting adult students
- Guiding students in making appropriate educational and vocational plans
- Helping student to perform at optimum levels in courses
- Proper evaluation and placement of students
- Keeping accurate records of student attendance and progress

Wherever possible, cooperative arrangement should be made with local health department units and with Vocational Rehabilitation, to assist adult students enrolled in A.B.E. classes to acquire health information and services, (glasses, hearing aids, physical examinations.)

Applications and Fiscal Guidelines

Application forms are issued in duplicate. Submit the original signed application to the Director, Adult Education Division, Arizona Department of Education, for review and approval.

Narrative sections must be written to include Adult Basic Education, General Educational Development and Citizenship programs as applicable, and budgets must be submitted separately for each program.

Use of Funds and Student Accounting

Federal and State funds must NOT be co-mingled.

Federal Funds, Public Law 91-230, Adult Education Act as Amended may be used for Adult Basic Education (A.B.E.) and English as a Second Language (E.S.L.)

State Funds, ARS 15-1041-43 may be used to operate General Educational Development (G.E.D.) and Citizenship programs.

Local Agency may not assess students a tuition charge for instruction or fees for books, instructional supplies or materials used in the program.

Student hours reported under either of the above programs, are not to be included in reports to other agencies, and may not be used in securing financing from any other source. Classes taught by volunteers are not to be reported under of the above programs unless they are administered and supervised by local project.

- (1) A volunteer is a person who receives no compensation from any source during the time in which the services are rendered.
- (2) A student may not be reported in more than one class book per type of class (ABE, ESL, GED or Citizenship.)

Application must state:

Number of adults in the target group and the educational deficiency of adults to be served by the proposed program.
 Area to be served, and number of participating schools, districts, etc.
 Facilities available for use of the classes.
 Number, starting and termination date of classes, days and hours classes will meet, number of students per class, number of instructional hours per class, and location of each class.
 Goals, and how the project plans to meet these goals.

Class Requirements:

Minimum of 125 instructional hours
 Enrollment of at least 20 students

Adult Basic Education (A.B.E.) and English as a Second Language (ESI), students must be 16 years of age and over and in need of help in speaking, reading or writing English below the eighth grade level. (This excludes any high school level classes or G.E.D. classes.)

The curriculum is a sequential program of instruction designed to:

- (1) Develop and improve communication and computational skills of adults.
- (2) Raise substantially the general educational level of adults to make them less likely to be dependent on others.
- (3) Improve their ability to benefit from some occupational training.
- (4) Expand and increase opportunities for more productive and profitable employment.

- (5) Make them better able to meet their adult responsibilities as parents, citizens and as workers.

General Education Development (G.E.D.) students must be 18 years of age and over and not otherwise entitled to be enrolled in public school. The objectives of the G.E.D. class are as follows:

- (1) To give the students who did not complete secondary school a foundation in the areas of English, social studies, literature, science and math.
- (2) To enable students, through the development of critical thinking, to utilize new learning experiences in recognizing, evaluating and solving problems of daily life.
- (3) To create within adults a desire to continue their education through more advanced study and by becoming more proficient in observing and adopting new skills in our changing society.
- (4) To equip adult students with the knowledge prerequisite for satisfactory achievement on the General Educational Development Test.

Citizenship students must be resident aliens 18 years of age and over. A comprehensive program in Citizenship should consider both immediate and ultimate objectives:

- (1) To develop an increasing ability in speaking, understanding, reading and writing English.
- (2) To encourage the student to become an effective, participating citizen and to give insight into the values of such participation.
- (3) To help the alien prepare for the citizenship examination by developing a background in American history and government.
- (4) To create a desire for continued learning and for self-realization.

Application acceptance is based on the following:

- (1) Demonstrated need and desire (area surveys, pre-enrollment statistics, etc.)
- (2) Past adult education performance (ability to recruit, retain, meet the educational needs of the students, and to submit timely and accurate reports.)
- (3) Efficiency of the proposed project as indicated by proposal goals, objectives and activities.

R83- 128

Applications require the approval of the Director of the Adult Education Division, the Adult Education Review Committee and the State Department of Education, before funds can be processed. Upon final approval, the Adult Education Division will send an "approved" copy of the application to the Local Agency Administrative Office and as applicable, to the County School Superintendent's Office. Approval and fiscal processing require a minimum of thirty days.

Proposed purchase of items of equipment must be approved in the original application (or in an amendment) before purchase is made. After the fact amendments will not be honored.

The Division of Business and Financial Services, State Department of Education, will process the payments according to the estimated needs form fund payment schedule and the Local Agency will be notified as soon as a warrant is forwarded to their account.

The Local Agency shall maintain bookkeeping records for the project and must be able to substantiate expenditures for State and/or Federal auditors.

A financial report is required quarterly from each project. One copy is to be filed with the Adult Education Division within 30 days after the close of the quarter.

Projects must be completed by June 30, and a completion report which has been reconciled with the County School Superintendent's Office (Agency Administrative Office) submitted to the Division of Business and Financial Services with a warrant for the unused funds. Due date: not later than July 31 of the current fiscal year.

ADE Special Projects Budget and Fiscal Report form ADE 41-114 Rev. 2/78 is to be used for reporting financial information for all projects. Forms are available from the County School Superintendent's Office or from the Adult Education Division.

Each project must submit an inventory report of all equipment acquired with Adult Education funds for each fiscal year. This inventory report is to be submitted with the Project Completion Report. Total must equal the amount spent in budget code 5800 Capital Outlay. Inventory records must be maintained.

Instructional Personnel

Classes in each program of instruction will be conducted by qualified teachers or instructional aides.

An ADULT EDUCATION CERTIFICATE is required in order to be eligible as a teacher in the Adult Education Program. Requirements for an Adult Education Certificate are as follows:

An Adult Education Certificate to teach Adult Education in a public school may be issued for one year to individuals in the following categories:

- (1) A teacher in any college belonging to an approved accrediting association.
- (2) Holder of any regular state certificate or license in the field to be taught.
- (3) An individual who is outstanding in his field. He must be a college graduate or have at least five years' successful experience in the field to be taught. Also his application for the certificate must be supported by a letter of recommendation from another reputable worker in the same field and a letter of recommendation from the administrator for whom he intends to work to the effect that the individual is the best qualified teacher then available in that field.

This certificate in and of itself does not entitle the holder to teach in a common school or high school for which regular State certification is required.

The conditions for approval for an Adult Education Certificate application required by the Division of Adult Education are as follows:

- (1) Applicant must submit a completed application form properly notarized or witnessed by the A.B.E. Project Administrator or Coordinator.
- (2) Application must specify area for which certification is requested, i.e., Adult Basic Education, English as a Second Language, General Educational Development, Citizenship, etc.
- (3) Applicant must submit a supporting letter of recommendation from administrator for whom he intends to work or from a person familiar with his work and capabilities.
- (4) Applicant must submit a personal letter stating his background and interests in the field.
- (5) The above papers are to be accompanied by a check or money order made payable to the Arizona Department of Education. The original issuance fee for an Adult Education Certificate is ten dollars. The annual re-issuance fee is five dollars.

The Adult Education Certificate will be mailed directly to the applicant, and must subsequently be recorded with the County School Superintendent.

Application forms will be provided, upon request, by the Adult Education Division.

Each program of instruction will provide, to the extent feasible and necessary, for preservice and in-service training of teachers and aides. Budget may include funds for transportation, etc., to attend training sessions provided or recommended by the Adult Education Division, State Department of Education. NOTE:

Workshop attendance may be a prerequisite for re-issuance of the Adult Education Certificate which is required for all instructors.

Reports

Complete and accurate reporting by each project is vital to the overall operation of the Adult Education Program. The Arizona Department of Education, Adult Education Division, has designed a Project Reporting System to collect student and staff enrollment and attendance, separation information, grade level of students, curriculum, student progression, and other statistical information which is required to be reported to the State and the U. S. Office of Education, Department of Health, Education and Welfare. These reports are due not later than the fifth of the month for the previous month, and are to be checked at the Project Director level for accuracy, completeness of information, minimum enrollment and attendance, and eligibility of students, etc. Forms and instructions are provided to projects, by the Adult Education Division. Class attendance records must be maintained, including maintenance of a student sign-in sign-out log. An Annual written report on the year's activity including internal monitoring statements is to be submitted to the Adult Education Division, Arizona Department of Education. Date due: not later than June 30 of the current fiscal year.

Visitation

Periodic visits will be made by State staff consultants to assist projects with recruiting, teacher training, curriculum, audiovisual, volunteer programs, record keeping, reporting, fiscal information or any other assistance which may be requested by projects.

Amendments

If changes from the proposed program are necessary or desirable, an amendment must be submitted to the Director of the Adult Education Division for review and approval. Monies may not be encumbered nor spent before the amendment is approved. After the fact amendments will not be honored. Money may not be spent for items of equipment other than those approved on the application or amendment. Changes in the budgeted amounts are not permissible at any time without an amendment which has been approved as follows:

The Director of the Adult Education Division

The Director of Business and Financial Services (or Authorized Representative)

The Superintendent (or Authorized Representative)

Expenditures of up to 20 percent more than the amount in a budgeted code may be made without an amendment, providing another code is not decreased by

R83- 128

by more than 20 percent. The Director of the Adult Education Division should be notified by letter, if the amount involved in the above 20 percent is more than \$100.00.

This 20 percent flexibility does NOT apply to the total amount budgeted. In no case can total expenditure exceed the total allocation.

§ 15-232 STATE GOVERNANCE OF SCHOOLS Ch. 2

§ 15-232. Division of adult education; duties

There is established a division of adult education within the department of education, under the jurisdiction of the state board of education, which 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 and regulations for the establishment and conduct of classes for immigrant and adult education, including the teaching of English to foreigners, in school districts.
4. Devise plans for establishment and maintenance of classes for immigrant and adult education, including the teaching of English to foreigners, and 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 a general equivalency diploma test or an equivalency test approved by the state board of education.

Added by Laws 1981, Ch. 1, § 2, eff. Jan. 23, 1981.

Historical Note

Source:

Laws 1921, Ch. 140, §§ 1, 2.
Rev. Code 1928, § 1064.

Code 1939, § 54-806.
A.R.S. former § 15-1041.
Laws 1972, Ch. 104, § 2.

Cross References

Allocation of funds, see § 15-234.

§ 15-233. Night schools for teaching English

The governing board of a school district in which there are fifteen or more persons over sixteen years of age who either do not read and write or speak the English language who desire to attend a night school may establish a night school for teaching the English language, American ideals and an understanding of American institutions.

Added by Laws 1981, Ch. 1, § 2, eff. Jan. 23, 1981.

Historical Note

Source:

Laws 1918, Ch. 10, § 1.
Rev. Code 1928, § 1065.

Code 1939, § 54-807.
A.R.S. former § 15-1042.

Library References

Schools ⇄102.

C.J.S. Schools and School Districts § 483.

Ch. 2 DEPARTMENT OF EDUCATION § 15-235

§ 15-234. Appropriations for adult education; eligibility of districts and counties

A. Any appropriation made to the state board of education or department of education for the purposes of adult education may be expended for costs to the department of activities related to adult education including the costs of operating the division of adult education. In addition, any of the monies may be allocated to school districts or counties as provided in subsections B and C of this section.

B. A school district or county offering a course of study for adult education under § 15-232 is eligible for allocation of funds pursuant to subsection C of this section from the state board of education if the district or county offering such course meets all applicable standards established under rules or regulations of the state board.

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

Added by Laws 1981, Ch. 1, § 2, eff. Jan. 23, 1981.

Historical Note

Source:

Laws 1972, Ch. 104, § 3.
A.R.S. former § 15-1043.

§ 15-235. Division of special education; director; duties; qualifications; advisory committee; members

A. There is created a division of special education to carry out the provisions of this section, § 15-236 and chapter 7, article 4 of this title subject to the superintendent of public instruction.

B. The director of the division of special education shall be appointed by the superintendent of public instruction with the advice and consent of the state board of education. The compensation of the director shall be determined pursuant to § 38-611.

C. The director shall carry out the provisions of this section, § 15-236 and chapter 7, article 4 of this title and the duties prescribed by the state board of education relating to the administration of this section, § 15-236 and chapter 7, article 4 of this title.

§ 15-361 LOCAL GOVERNANCE OF SCHOOLS

Ch. 3

ARTICLE 4. ESTABLISHMENT OF SPECIAL SERVICES

Article 4, consisting of §§ 15-361 to 15-365, was added by Laws 1981, Ch. 1, § 2, effective January 23, 1981.

For disposition of the subject matter of sections of former Title 15 repealed or transferred and renumbered or derivation of sections of new Title 15 added by Laws 1981, Ch. 1, §§ 1 and 2, see Tables at the beginning of this title.

Historical Note

For legislative intent and saving clause of Laws 1981, Ch. 1, see notes preceding § 15-101.

§ 15-361. Establishment of evening and night schools; admission of students; tuition

The governing board of a school district may establish an evening or night school when in its judgment the school is necessary or convenient. The school shall be open for admission of children between the ages of fourteen and twenty-one years, but this shall not be construed as a requirement for a full course of study therein nor as requiring the admission of a person to a class beyond his educational attainments. The schools shall be open to persons over twenty-one years of age only upon payment of tuition as provided by law.

Added by Laws 1981, Ch. 1, § 2, eff. Jan. 23, 1981.

Historical Note**Source:**

Laws 1933, Ch. 65, § 4.
Rev. Code 1928, § 1040a.

Code 1939, § 54-513.
A.R.S. former § 15-921.

Cross References

Community school programs, see § 15-1141 et seq.

Library References

Schools ⇨ 162.

C.J.S. Schools and School Districts § 483.

§ 15-362. Libraries; powers and duties; authority to contract with a county free library or other public library

A. The governing board of a school district may establish and maintain libraries. Such libraries shall be under control of the board. The board shall be accountable for the care of the libraries, but it may appoint district librarians, or it may put the libraries under direct charge of a teacher or other qualified person. When

Historical Note**Source:**

Laws 1937, Ch. 38, § 1.
Code 1939, § 54-103.
A.R.S. former § 15-1101.

Law Review Commentaries

Political advocacy and freedom of expression under Indian Civil Rights Act of 1968. Ariz.State L.J. 3, 1976, p. 479.

Library References

Schools ⇨148.

C.J.S. Schools and School Districts §§ 445, 446.

§ 15-206. Federal grants for educational purposes; administration

A. The state board of education may accept on behalf of this state monies appropriated by act of congress for defense in education, reduction of illiteracy, teaching of immigrants or other educational purpose.

B. The state board of education shall not reserve funds for state use in excess of actual cost not to exceed ten per cent of the grants to this state for provision to school district governing boards under the Education Consolidation and Improvement Act of 1981 (P.L. 97-35; 95 Stat. 469; 20 United States Code §§ 3811 through 3816).

C. The state board of education, following regular educational fiscal procedure for counties, shall be the chief educational authority for administration and supervision of the expenditure of federal appropriations described in subsection A, and the state treasurer shall be trustee thereof.

Added by Laws 1981, Ch. 1, § 2, eff. Jan. 23, 1981. Amended by Laws 1982, Ch. 268, § 1.

Historical Note**Source:**

Laws 1942, 1st S.S., Ch. 15, § 1.
Code 1939, Supp.1952, App. 4(A).
A.R.S. former § 11-1141.

Cross References

Apportionment of aid to school districts, see § 15-207.
Emergency expenditures in excess of budget, see § 15-208.
Unlawful expenditure of federal monies, see § 15-210.

Library References

Schools ⇨10(1).

C.J.S. Schools and School Districts §§ 19, 21.

§ 15-207 STATE GOVERNANCE OF SCHOOLS Ch. 2

§ 15-207. Apportionment and expenditure of federal grants for educational purposes

A. The state board of education shall apportion the monies described in § 15-206 for the aid of the school districts of this state to supplement monies otherwise provided therefor.

B. Monies so apportioned shall be expended by the school districts for the purposes and in the manner set forth in the federal grant. In the absence of federal regulation the state board of education shall determine the purposes and methods of expenditure in accordance with § 15-206. The state board of education may, with the approval of the board of supervisors, authorize expenditure of monies received pursuant to § 15-206 in excess of the annual budgets of school districts.

Added by Laws 1981, Ch. 1, § 2, eff. Jan. 23, 1981.

Historical Note

Source:

Laws 1942, 1st S.S., Ch. 15, § 2.
Code 1939, Supp. 1952, App. 4(A).
A.R.S. former § 15-1142.

Cross References

Disbursement of apportioned federal funds, see § 15-209.
Unlawful expenditure of federal monies, see § 15-210.

Library References

Schools § 19(1).

C.J.S. Schools and School Districts §§ 19, 21.

Notes of Decisions

I. In general

Special project federal funds received by the state board of education for apportionment to local school districts pursuant to § 15-1141 et seq. [repealed; see, now, § 15-206 et seq.] relating to

federal grants for educational purposes are subject neither to the encumbrance provisions nor the reversion provisions of § 15-1204 relating to school finance. Op. Atty. Gen. No. 179-24.

§ 15-208. Application by school district for apportionment of federal monies; hearing

A. A school district which, by reason of an emergency, finds it necessary to expend monies in excess of its annual budget for any purpose set forth in § 15-206 may apply to the state board of education for an apportionment from federal funds available under § 15-207.

B. The board shall conduct a hearing and an investigation concerning the application. If the hearing and investigation disclose that the district needs additional funds for the proper conduct of its

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DOUGLAS UNIFIED SCHOOL DISTRICT NO. 27

POST OFFICE BOX 1237
DOUGLAS, ARIZONA 85607

R83- 128

Board of Education

Mr. C. Atonna
Member

Mrs. Helen Ramsower
Vice President

Mr. Chester Foster
Clerk

Mr. Thomas E. Campbell, Jr.
Member

Mrs. Marjorie Foster
Member

March 11, 1983

Mr. Ray Borane, Jr.
Superintendent

Mr. Armando de Lucas
Asst. Superintendent

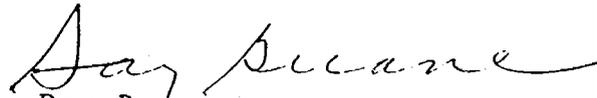
ADMINISTRATIVE ASSISTANT
Mr. Don McClanahan
Business Affairs

Mr. Dave Hunt
Cochise County Deputy Attorney
County Courthouse Building
Bisbee, Arizona 85603

Dear Dave:

Does the residence requirement in ARS 15-821;
admission of children; required age, apply to adults
wishing to attend Adult Basic Education, ESL or Citizen-
ship classes offered by the School District?

Sincerely,



Ray Borane
Superintendent

RB/oes

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MAR 14 1983

COCHISE COUNTY ATTORNEY