



State of Arizona  
Department of Education

**TO:** Adult Education Program Directors

**DATE:** April 11, 2007

**SUBJECT: Implementation of Proposition 300 With Regard to Adult Education Services**

Proposition 300 was passed by Arizona voters on November 7, 2006. As you are aware, this new law requires proof of legal residency in order to participate in a number of state-funded programs, including adult education. In order to comply with the full intent of this law, I requested guidance from the Arizona Attorney General's office on the implementation of Proposition 300 within Arizona's adult education system, specifically concerning documentation issues and the new law's relationship to the federal Workforce Investment Act of 1998.

The Attorney General Opinion was received on April 6, 2007 and confirmed the law's effective date as December 7, 2006 and the first report due to the legislature by June 30, 2007. Additionally, the opinion held that "federal law does not invalidate or preempt Proposition 300", and instructed that the Department "must develop procedures so that only citizens, legal residents, and others lawfully present in the United States receive services."

The following procedures have been developed for use by the Arizona Department of Education and the adult education programs that it administers and funds in order to conform to the Proposition 300 amendment to ARS 15-232. These procedures were developed by the Board of Regents after an extensive process and have been widely commented on as being proper implementation. Using Board of Regents procedures promotes uniformity throughout the state. Many of Arizona's community colleges have implemented similar procedures.

**Proposed Proposition 300 Implementation for Arizona Adult Education Programs**

1. Verification procedures will apply to all students who seek to register and enroll in ADE-funded adult education programs as specified in A.R.S. 15-232 and will be completed for currently-enrolled students as well as all new students upon registration for classes.
2. All students will provide verification of their citizenship or legal resident status for purposes of determining eligibility to participate in ADE-funded adult education classes. (A student eligibility form and a list of acceptable documents are attached.)

Implementation of Proposition 300 with regard to Adult Education Services, Page 2.  
April 11, 2007

3. Each ADE-funded adult education program will maintain an auditable record of the verification process, to include: the document title, issuing authority, document number, expiration date (if any), the date the document was reviewed, the name of the program employee who reviewed the document, and the name of the student who submitted the document.
4. Students who fail to provide verification of eligibility **prior to enrollment** cannot enroll in ADE-funded adult education classes.
5. The ADE will collect from local adult education programs and report by June 30<sup>th</sup> and December 31<sup>st</sup> each year to the state legislature “the total number of adults who applied for instruction and the total number of adults who were denied instruction under this section because the applicant was not a citizen or legal resident of the United States or was not otherwise lawfully present in the United States.”

I encourage you to contact staff at the Adult Education Services section of the ADE at 602.258.2410. They are prepared to assist you with any questions you may have as we implement the reporting requirements of this new law.