

State of Arizona
House of Representatives
Forty-seventh Legislature
Second Regular Session
2006

HOUSE BILL 2184

AN ACT

AMENDING TITLE 15, CHAPTER 8, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 1.2; AMENDING TITLE 43, CHAPTER 10, ARTICLE 3, ARIZONA REVISED STATUTES, BY ADDING SECTION 43-1032; RELATING TO EDUCATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 15, chapter 8, Arizona Revised Statutes, is amended
3 by adding article 1.2, to read:

4 ARTICLE 1.2. A PLUS LITERACY PASSPORT GRANTS

5 15-817. Findings and legislative purpose

6 THE LEGISLATURE FINDS AND DECLARES:

7 1. THERE IS A CRISIS IN ELEMENTARY AND SECONDARY EDUCATION IN THIS
8 COUNTRY. MANY SCHOOLCHILDREN, BUT PARTICULARLY THOSE WHOSE PARENTS ARE POOR,
9 ARE PERFORMING SIGNIFICANTLY BELOW NATIONAL STANDARDS. OTHER CHILDREN ARE
10 DROPPING OUT OF SCHOOL BEFORE COMPLETING THE ORDINARY COURSE OF SECONDARY
11 EDUCATION. SUBSTANTIAL NUMBERS OF YOUNG PEOPLE ARE LEAVING SCHOOL WITHOUT
12 THE BASIC SKILLS AND KNOWLEDGE THAT WILL ENABLE THEM TO FIND AND HOLD A JOB
13 OR OTHERWISE FUNCTION AS PRODUCTIVE CITIZENS.

14 2. THE FREEDOM OF PARENTS TO CHOOSE SCHOOLS FOR THEIR CHILDREN THAT
15 ARE ACCEPTABLE TO THEIR PERSONAL EDUCATIONAL CONVICTIONS IS AN INHERENT AND
16 INALIENABLE PERSONAL RIGHT UNDER THE STATE AND FEDERAL CONSTITUTIONS. THE
17 CURRENT SYSTEM OF SCHOOL FINANCE LIMITS PARENTS' FREEDOM TO SELECT SCHOOLS
18 THAT THEY BELIEVE CAN PROVIDE THEIR CHILDREN WITH A QUALITY EDUCATION.

19 3. ALLOWING PARENTS TO CHOOSE SCHOOLS, PUBLIC AS WELL AS PRIVATE, FOR
20 THEIR CHILDREN WILL PROMOTE A HEALTHY COMPETITION AMONG SCHOOLS AND EMPOWER
21 PARENTS TO INFLUENCE EDUCATIONAL POLICIES AND PROCEDURES, LEADING TO BETTER
22 QUALITY EDUCATION. COMPETITION CAN ALSO LEAD TO LOWER COSTS AS WASTE AND
23 UNNECESSARY EXPENDITURES OF PUBLIC MONIES ARE NO LONGER TOLERATED.

24 4. THIS ARTICLE IS IN THE PUBLIC INTEREST AND FOR THE PUBLIC BENEFIT
25 AND SERVES A SECULAR PUBLIC PURPOSE.

26 15-817.01. Definitions

27 IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

28 1. "CUSTODIAN" MEANS A RESIDENT OF THIS STATE WHO IS A PARENT OR THE
29 LEGAL GUARDIAN OF A QUALIFYING PUPIL.

30 2. "GRANT" MEANS A GRANT OF AID MADE UNDER THIS ARTICLE TO A
31 QUALIFYING PUPIL, THROUGH THE QUALIFYING PUPIL'S CUSTODIAN, TO BE USED BY AND
32 FOR THE BENEFIT OF THE PUPIL AS PROVIDED IN THIS ARTICLE.

33 3. "GRANT SCHOOL" MEANS A PRIVATE SCHOOL, WHETHER SECULAR OR
34 SECTARIAN, THAT MAINTAINS ONE OR MORE GRADE LEVELS FROM KINDERGARTEN THROUGH
35 GRADE TWELVE AND THAT ELECTS AND IS ENTITLED TO PARTICIPATE IN AND REDEEM
36 GRANTS PURSUANT TO THIS ARTICLE.

37 4. "QUALIFYING PUPIL" MEANS A STUDENT WHO IS ELIGIBLE TO RECEIVE A
38 GRANT UNDER THIS ARTICLE.

39 15-817.02. A plus literacy passport grant program; nature of
40 grants

41 A. THE A PLUS LITERACY PASSPORT GRANT PROGRAM IS ESTABLISHED UNDER
42 WHICH EACH CUSTODIAN OF A QUALIFYING PUPIL WHO COMPLETES AN APPLICATION FOR A
43 GRANT UNDER THIS ARTICLE SHALL RECEIVE A GRANT THAT IS TO BE REDEEMED AT THE
44 GRANT SCHOOL IN WHICH THE QUALIFYING PUPIL ENROLLS AND APPLIED TOWARD PAYMENT

1 OF THE TUITION AND FEES PAYABLE FOR THE EDUCATIONAL AND RELATED SERVICES
2 PROVIDED TO THE QUALIFYING PUPIL BY THAT GRANT SCHOOL.

3 B. A GRANT PROVIDED UNDER THIS ARTICLE CONSTITUTES A GRANT OF AID TO A
4 QUALIFYING PUPIL THROUGH THE QUALIFYING PUPIL'S RESPECTIVE CUSTODIAN AND NOT
5 TO THE GRANT SCHOOL IN WHICH THE QUALIFYING PUPIL IS ENROLLED. THE GRANT
6 DOES NOT CONSTITUTE TAXABLE INCOME TO THE CUSTODIAN OR THE QUALIFYING PUPIL.

7 C. A QUALIFYING PUPIL SHALL NOT RECEIVE A GRANT FOR ANY PORTION OF A
8 SCHOOL YEAR IN WHICH THE QUALIFYING PUPIL IS ENROLLED IN A PRIVATE SCHOOL
9 THAT DOES NOT REDEEM GRANTS UNDER THIS ARTICLE.

10 D. A CUSTODIAN IS FREE TO CHOOSE ANY GRANT SCHOOL FOR ENROLLMENT OF
11 THE QUALIFYING PUPIL, AND THAT CHOICE OR SELECTION IS NOT AND SHALL NOT BE
12 DEEMED TO BE A DECISION OR ACT OF THIS STATE OR ANY OF ITS POLITICAL
13 SUBDIVISIONS.

14 15-817.03. Grant eligibility

15 A. A PUPIL IS ELIGIBLE TO RECEIVE A GRANT UNDER THIS ARTICLE IF THE
16 PUPIL MEETS ALL OF THE FOLLOWING CONDITIONS:

17 1. DURING THE SCHOOL YEAR IN WHICH THE SCHOLARSHIP IS TO BE EFFECTIVE,
18 THE PUPIL MEETS ALL OF THE FOLLOWING CONDITIONS:

19 (a) RESIDES IN THIS STATE.

20 (b) IS UNDER TWENTY-TWO YEARS OF AGE AND HAS NOT GRADUATED FROM HIGH
21 SCHOOL OR OBTAINED A GENERAL EQUIVALENCY DIPLOMA.

22 (c) ENROLLS AS A FULL-TIME PUPIL IN A GRANT SCHOOL AT A GRADE LEVEL IN
23 WHICH ALL QUALIFYING PUPILS IN THAT GRADE ARE ENTITLED TO RECEIVE A GRANT
24 PURSUANT TO THIS ARTICLE.

25 2. DURING THE YEAR BEFORE QUALIFYING FOR AND ACCEPTING A GRANT, THE
26 PUPIL WAS ENROLLED IN AND ATTENDING A PUBLIC SCHOOL IN THIS STATE FOR AT
27 LEAST NINETY PER CENT OF THE SCHOOL YEAR. PUPILS ENTERING KINDERGARTEN OR
28 FIRST GRADE AND PUPILS WHO MEET THE REQUIREMENTS PRESCRIBED IN PARAGRAPH 3,
29 SUBDIVISION (e) OF THIS SUBSECTION ARE EXEMPT FROM THE PREVIOUS SCHOOL YEAR
30 ATTENDANCE ELIGIBILITY REQUIREMENT.

31 3. THE PUPIL MEETS AT LEAST ONE OF THE FOLLOWING CONDITIONS:

32 (a) THE PUPIL CURRENTLY ATTENDS A SCHOOL THAT IS DESIGNATED A SCHOOL
33 FAILING TO MEET ACADEMIC STANDARDS PURSUANT TO SECTION 15-241.

34 (b) THE PUPIL HAS BEEN CLASSIFIED AS "ELL" AS DEFINED IN SECTION
35 15-901 FOR AT LEAST THREE CONSECUTIVE YEARS.

36 (c) THE PUPIL IS A "CHILD WITH A DISABILITY" AS DEFINED IN SECTION
37 15-761 AND IS PROVIDED AN "INDIVIDUALIZED EDUCATION PROGRAM" AS DEFINED IN
38 SECTION 15-761.

39 (d) THE PUPIL FAILED TO ACHIEVE A PASSING SCORE IN GRADE THREE ON THE
40 READING PORTION OF THE ARIZONA INSTRUMENT TO MEASURE STANDARDS TEST.

41 (e) THE PUPIL WAS DISPLACED FROM A SCHOOL DISTRICT WITHIN THIS STATE
42 OR FROM ANOTHER STATE AS A DIRECT RESULT OF A NATURAL DISASTER AND
43 SUBSEQUENTLY RELOCATED TO THIS STATE OR TO A DIFFERENT SCHOOL DISTRICT WITHIN
44 THIS STATE.

1 (f) THE PUPIL HAS BEEN PROVIDED A SECTION 504 PLAN THAT IS DESIGNED TO
2 MEET INDIVIDUAL EDUCATIONAL NEEDS IN ACCORDANCE WITH 34 CODE OF FEDERAL
3 REGULATIONS PART 104.

4 (g) THE PUPIL HAS BEEN PLACED IN FOSTER CARE PURSUANT TO TITLE 8,
5 CHAPTER 5.

6 (h) THE PUPIL HAS BEEN LEGALLY ADOPTED BY SOMEONE OTHER THAN THE
7 PUPIL'S BIOLOGICAL PARENTS.

8 (i) THE PUPIL HAS BEEN DECLARED AN EMANCIPATED MINOR BY A COURT OF
9 COMPETENT JURISDICTION PURSUANT TO TITLE 12, CHAPTER 15.

10 (j) THE PUPIL'S PARENT FILES A WRITTEN STATEMENT WITH THE DEPARTMENT
11 OF EDUCATION THAT THE PARENT BELIEVES THAT THE PUBLIC SCHOOL THAT THE PUPIL
12 WAS ATTENDING IN THE YEAR BEFORE QUALIFYING FOR AND ACCEPTING A GRANT IS
13 UNSAFE. THE DEPARTMENT OF EDUCATION SHALL DEVELOP A FORM FOR PARENTS TO
14 SUBMIT PURSUANT TO THIS SUBDIVISION.

15 B. A QUALIFYING PUPIL WHO RECEIVES A GRANT PURSUANT TO THIS ARTICLE
16 SHALL CONTINUE TO RECEIVE A GRANT EACH YEAR IF THE QUALIFYING PUPIL COMPLETED
17 ALL NECESSARY COURSEWORK TO BE PROMOTED TO AT LEAST THE NEXT GRADE LEVEL IN
18 THE GRANT SCHOOL, THE QUALIFYING PUPIL IS IN GOOD ACADEMIC STANDING WITH THE
19 GRANT SCHOOL AND THE CUSTODIAN COMPLETES ALL APPLICATIONS REQUIRED BY THE
20 GRANT SCHOOL AND THE DEPARTMENT.

21 15-817.04. Participation by grant schools; report

22 A. A PRIVATE SCHOOL, WHETHER SECULAR OR SECTARIAN, THAT MAINTAINS ANY
23 GRADE IN WHICH A QUALIFYING PUPIL ENROLLED IS ENTITLED TO RECEIVE A GRANT
24 PURSUANT TO THIS ARTICLE SHALL HAVE THE OPTION EACH SCHOOL YEAR OF
25 PARTICIPATING OR NOT PARTICIPATING IN THE GRANT PROGRAM ESTABLISHED UNDER
26 THIS ARTICLE. A SCHOOL THAT WISHES TO PARTICIPATE IN THE PROGRAM AS A GRANT
27 SCHOOL MUST COMPLETE A NOTICE OF INTENT TO PARTICIPATE WITH THE DEPARTMENT BY
28 FEBRUARY 15 OF EACH CALENDAR YEAR FOR INCLUSION IN THE PROGRAM FOR THE
29 FOLLOWING SCHOOL YEAR.

30 B. A PRIVATE SCHOOL THAT PARTICIPATES IN THE GRANT PROGRAM AND THAT IS
31 ENTITLED TO REDEEM A GRANT FOR A QUALIFYING PUPIL WHO ENROLLS IN THAT GRANT
32 SCHOOL IS NOT REQUIRED TO ACCEPT THE GRANT AS FULL PAYMENT FOR THE
33 EDUCATIONAL AND RELATED SERVICES THAT THE SCHOOL PROVIDES TO THAT QUALIFYING
34 PUPIL AND MAY CHARGE THE QUALIFYING PUPIL AN ADDITIONAL AMOUNT REPRESENTING
35 THE BALANCE OF THE TUITION AND FEES THAT REMAINS PAYABLE AFTER CREDITING THE
36 QUALIFYING PUPIL WITH THE AMOUNT OF THE GRANT RECEIVED BY THE QUALIFYING
37 PUPIL UNDER THIS ARTICLE. A PRIVATE SCHOOL THAT REDEEMS GRANTS UNDER THIS
38 ARTICLE SHALL USE THE GRANT PROCEEDS SOLELY TO PROVIDE EDUCATIONAL GOODS,
39 SERVICES AND FACILITIES FOR ITS QUALIFYING PUPILS AND IS NOT ENTITLED TO
40 RECEIVE, FOR REDEEMING A GRANT, ANY AMOUNT IN EXCESS OF THE TUITION AND FEES
41 CUSTOMARILY CHARGED BY THE SCHOOL TO COVER THE COST OF PROVIDING THOSE
42 EDUCATIONAL GOODS, SERVICES AND FACILITIES.

43 C. EACH GRANT SCHOOL SHALL:

44 1. ENSURE THE ELIGIBILITY OF EACH APPLICANT FOR A GRANT ISSUED
45 PURSUANT TO THIS ARTICLE.

1 2. BY AUGUST 1 OF EACH YEAR, SUBMIT A LIST OF QUALIFYING PUPILS AND
2 THE CONTACT INFORMATION OF EACH CUSTODIAN OF A QUALIFYING PUPIL ACCEPTED INTO
3 THE SCHOOL FOR THAT SCHOOL YEAR TO THE DEPARTMENT.

4 3. SUBMIT A LIST OF QUALIFYING PUPILS ENROLLED IN AND ATTENDING THE
5 SCHOOL WITH A GRANT AS OF THE DATE OF THE REPORT TO THE DEPARTMENT ON AUGUST
6 15, OCTOBER 15, JANUARY 15 AND APRIL 15 OF EACH YEAR. THE REPORT SHALL
7 CONSTITUTE THE BASE PUPIL LEVEL OF QUALIFYING PUPILS. THE BASE PUPIL LEVEL
8 SHALL ACCURATELY REFLECT THE NUMBER OF QUALIFYING STUDENTS ENROLLED IN AND
9 ATTENDING THE GRANT SCHOOL.

10 4. ANNUALLY MEET AT LEAST ONE OF THE FOLLOWING STANDARDS:

11 (a) AT LEAST SEVENTY PER CENT OF THE QUALIFYING PUPILS IN THE PROGRAM
12 ADVANCE AT LEAST ONE GRADE LEVEL EACH YEAR.

13 (b) THE GRANT SCHOOL'S AVERAGE ATTENDANCE RATE FOR THE PUPILS IN THE
14 PROGRAM IS AT LEAST NINETY PER CENT.

15 (c) AT LEAST EIGHTY PER CENT OF THE QUALIFYING PUPILS IN THE PROGRAM
16 DEMONSTRATE SIGNIFICANT ACADEMIC PROGRESS.

17 (d) AT LEAST SEVENTY PER CENT OF THE FAMILIES OF QUALIFYING PUPILS IN
18 THE PROGRAM MEET PARENT INVOLVEMENT CRITERIA ESTABLISHED BY THE GRANT SCHOOL.

19 5. PROVIDE TEST RESULTS TO THE PARENT OR GUARDIAN OF EACH PUPIL IF THE
20 SCHOOL ADMINISTERS A NATIONALLY STANDARDIZED NORM-REFERENCED ACHIEVEMENT
21 TEST.

22 15-817.05. Annual list of grant schools; applications for
23 admission and grant

24 A. ON OR BEFORE MARCH 31, 2007 AND EACH MARCH 31 THEREAFTER, THE
25 DEPARTMENT SHALL ISSUE A PRESS RELEASE AND SHALL PUBLISH ON ITS WEB SITE A
26 LIST OF ALL GRANT SCHOOLS IN THE STATE THAT WILL REDEEM GRANTS UNDER THIS
27 ARTICLE FOR THE SCHOOL YEAR THAT BEGINS IN THAT CALENDAR YEAR. EACH SCHOOL
28 ON THE LIST SHALL BE IDENTIFIED BY AT LEAST CONTACT INFORMATION AND BY THE
29 GRADE LEVEL OR LEVELS FOR WHICH THE SCHOOL WILL REDEEM GRANTS FOR THAT SCHOOL
30 YEAR.

31 B. A CUSTODIAN WHO WISHES TO ENROLL A QUALIFYING PUPIL IN A GRANT
32 SCHOOL FOR ANY SCHOOL YEAR ON A GRANT THAT IS TO BE ISSUED UNDER THIS ARTICLE
33 SHALL COMPLETE AND SUBMIT, NOT LATER THAN JUNE 15 OF THE CALENDAR YEAR IN
34 WHICH THE SCHOOL YEAR THAT THE GRANT IS TO BE EFFECTIVE BEGINS, AN
35 APPLICATION TO THE GRANT SCHOOL ON A FORM PROVIDED BY THE SCHOOL. THE
36 APPLICATION SHALL BE FILED AT THE SAME TIME THAT THE CUSTODIAN SUBMITS THE
37 APPLICATION FOR A GRANT TO THE DEPARTMENT OF EDUCATION PURSUANT TO
38 SUBSECTION C. WITHIN FORTY-FIVE DAYS AFTER RECEIVING THE APPLICATION, THE
39 GRANT SCHOOL SHALL NOTIFY THE APPLICANT, IN WRITING, WHETHER THE APPLICATION
40 HAS BEEN ACCEPTED. IF THE GRANT SCHOOL REJECTS AN APPLICANT, THE PUPIL MAY
41 USE THE GRANT TO APPLY FOR ENROLLMENT BEFORE JUNE 15 OF EACH YEAR TO A
42 PARTICIPATING GRANT SCHOOL THAT HAS SPACE AVAILABLE.

43 C. A CUSTODIAN WHO WISHES TO ENROLL A QUALIFYING PUPIL IN A GRANT
44 SCHOOL SHALL SUBMIT AN APPLICATION FOR A GRANT TO THE DEPARTMENT. THE FORM
45 OF APPLICATION FOR A GRANT SHALL BE DEVELOPED BY THE DEPARTMENT AND SHALL BE

1 PUBLISHED ON ITS WEB SITE IN A FORMAT THAT MAY BE DOWNLOADED BY PUPILS OR
2 CUSTODIANS OF PUPILS WHO REQUEST THE FORM. THE GRANT FORM SHALL PROVIDE FOR
3 IDENTIFICATION OF A QUALIFYING PUPIL BY AT LEAST THE PUPIL'S NAME, DATE OF
4 BIRTH, ADDRESS, SCHOOL DISTRICT OF RESIDENCE, SCHOOL AND GRADE OF CURRENT
5 ENROLLMENT, SCHOOL TO WHICH APPLICATION FOR ADMISSION UNDER A GRANT IS BEING
6 MADE AND GRADE OF SCHOOL IN WHICH THE GRANT APPLIED FOR IS TO BE EFFECTIVE.

7 D. NOTWITHSTANDING ANY OTHER LAW, THE DEPARTMENT SHALL REDUCE THE
8 AVERAGE DAILY MEMBERSHIP OF THE PUBLIC SCHOOL OF PREVIOUS YEAR ATTENDANCE FOR
9 EACH QUALIFYING PUPIL WHO RECEIVES A GRANT PURSUANT TO THIS ARTICLE.

10 15-817.06. Grant value

11 A. A GRANT ISSUED UNDER THIS ARTICLE FOR THE BENEFIT OF A QUALIFYING
12 PUPIL IN KINDERGARTEN PROGRAMS AND GRADES ONE THROUGH EIGHT SHALL HAVE A
13 VALUE EQUAL TO THREE THOUSAND FIVE HUNDRED DOLLARS OR THE TOTAL AMOUNT OF
14 TUITION AND FEES CHARGED BY THE SCHOOL, WHICHEVER IS LESS. A GRANT ISSUED
15 UNDER THIS ARTICLE FOR THE BENEFIT OF A QUALIFYING PUPIL IN GRADES NINE
16 THROUGH TWELVE SHALL HAVE A VALUE EQUAL TO FOUR THOUSAND FIVE HUNDRED DOLLARS
17 OR THE TOTAL AMOUNT OF TUITION AND FEES CHARGED BY THE SCHOOL, WHICHEVER IS
18 LESS.

19 B. THE GRANT VALUE SHALL BE ANNUALLY ADJUSTED TO REFLECT THE
20 PERCENTAGE INCREASE IN THE BASE LEVEL PRESCRIBED IN SECTION 15-901.01.

21 15-817.07. Distribution of grant monies; transfer from grant
22 school; excess value of grant

23 A. THE MONIES TO PAY A GRANT THAT IS ISSUED FOR THE BENEFIT OF A
24 QUALIFYING PUPIL AND THAT IS TO BE EFFECTIVE DURING THE SCHOOL YEAR WITH
25 RESPECT TO WHICH THOSE MONIES ARE PAID SHALL BE DISTRIBUTED BY THE DEPARTMENT
26 IMMEDIATELY ON RECEIPT OF PROOF OF THE PUPIL'S ENROLLMENT IN THE GRANT SCHOOL
27 DURING A SCHOOL YEAR AND IN THE FORM OF A GRANT TO THE CUSTODIAN. THE
28 CUSTODIAN SHALL RESTRICTIVELY ENDORSE THE GRANT FOR THE USE OF THE GRANT
29 SCHOOL AND SURRENDER THE GRANT TO THE GRANT SCHOOL. THE GRANT SCHOOL SHALL
30 IMMEDIATELY CREDIT THE ACCOUNT OF THE CUSTODIAN OF THE QUALIFYING PUPIL AND
31 APPLY THE GRANT FOR THE BENEFIT OF THE QUALIFYING PUPIL IN PAYMENT OF THE
32 TUITION AND FEES DUE FROM, OR THE COSTS OF PROVIDING EDUCATIONAL AND RELATED
33 SERVICES TO, THAT PUPIL.

34 B. THE DEPARTMENT SHALL ANNUALLY MAKE FOUR PAYMENTS TO A GRANT SCHOOL
35 BASED ON THE BASE PUPIL LEVEL PURSUANT TO SECTION 15-817.04, SUBSECTION C,
36 PARAGRAPH 3. THE PAYMENTS SHALL BE ISSUED TO THE GRANT SCHOOLS ON SEPTEMBER
37 1, NOVEMBER 1, FEBRUARY 1 AND MAY 1.

38 C. NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, IF A
39 QUALIFYING PUPIL TRANSFERS FROM A GRANT SCHOOL TO ANOTHER SCHOOL DURING THE
40 SCHOOL YEAR IN WHICH A GRANT ISSUED FOR THE BENEFIT OF THAT PUPIL IS
41 EFFECTIVE, THE GRANT SCHOOL FROM WHICH THE PUPIL TRANSFERS SHALL:

42 1. PROVIDE WRITTEN NOTICE OF THE TRANSFER, WITHIN TEN DAYS AFTER THE
43 TRANSFER OCCURS, TO THE DEPARTMENT.

44 2. RETURN TO THE DEPARTMENT, TO BE HELD IN TRUST AND MAINTAINED BY THE
45 DEPARTMENT IN THE NAME OF THE TRANSFERRING PUPIL'S CUSTODIAN FOR THE BENEFIT

1 OF THAT PUPIL, ANY GRANT MONIES ALREADY PAID OR DISTRIBUTED TO THE GRANT
2 SCHOOL UNDER SUBSECTION A OF THIS SECTION FOR THE BENEFIT OF THAT PUPIL FOR
3 THAT SCHOOL YEAR AND NOT YET DUE OR EARNED AS TUITION AND FEES OR AS THE COST
4 OF PROVIDING EDUCATIONAL AND RELATED SERVICES FOR THAT PUPIL FOR THAT SCHOOL
5 YEAR.

6 15-817.08. A plus literacy passport grant fund

7 A. THE A PLUS LITERACY PASSPORT GRANT FUND IS ESTABLISHED. THE
8 DEPARTMENT SHALL ADMINISTER THE FUND. MONIES IN THE FUND ARE CONTINUOUSLY
9 APPROPRIATED. MONIES IN THE FUND SHALL BE USED FOR A PLUS LITERACY PASSPORT
10 GRANTS PURSUANT TO THIS ARTICLE.

11 B. MONIES IN THE FUND ARE EXEMPT FROM THE PROVISIONS OF SECTION 35-190
12 RELATING TO LAPSING OF APPROPRIATIONS.

13 C. THE DEPARTMENT MAY USE UP TO ONE PER CENT OF THE ANNUAL LEGISLATIVE
14 APPROPRIATION FOR PAYMENT OF THE COSTS AND EXPENSES THAT ARE INCURRED BY THE
15 DEPARTMENT IN PERFORMING THE DUTIES AND RESPONSIBILITIES UNDER THIS ARTICLE.

16 15-817.09. Violations; classification

17 A PERSON WHO DOES ANY OF THE FOLLOWING IS GUILTY OF A CLASS 6 FELONY:

18 1. USES OR ATTEMPTS TO USE A GRANT OR CERTIFICATE OF GRANT FOR ANY
19 PURPOSE OTHER THAN THOSE PERMITTED BY THIS ARTICLE.

20 2. WITH INTENT TO DEFRAUD, KNOWINGLY FORGES, ALTERS OR MISREPRESENTS
21 INFORMATION ON A GRANT OR CERTIFICATE OF GRANT OR ON ANY DOCUMENTS SUBMITTED
22 IN APPLICATION FOR A GRANT.

23 3. ISSUES OR DELIVERS ANY GRANT, CERTIFICATE OF GRANT OR OTHER GRANT
24 RELATED DOCUMENT KNOWING IT HAS BEEN FORGED, ALTERED OR BASED ON
25 MISREPRESENTATION.

26 4. POSSESSES, WITH INTENT TO ISSUE OR DELIVER, ANY GRANT, CERTIFICATE
27 OF GRANT OR OTHER GRANT RELATED DOCUMENT KNOWING IT HAS BEEN FORGED, ALTERED
28 OR BASED ON MISREPRESENTATION.

29 15-817.10. Limitation on regulation of private schools

30 A. IN ANY LEGAL PROCEEDING CHALLENGING THE APPLICATION OF THIS ARTICLE
31 TO A PRIVATE SCHOOL, THIS STATE BEARS THE BURDEN OF ESTABLISHING THAT THE LAW
32 IS NECESSARY AND DOES NOT IMPOSE ANY UNDUE BURDEN ON PRIVATE SCHOOLS.

33 B. A PRIVATE SCHOOL SHALL NOT BE REQUIRED TO ALTER ITS CREED,
34 PRACTICES OR CURRICULUM IN ORDER TO REDEEM GRANTS ISSUED PURSUANT TO THIS
35 ARTICLE OR IN ORDER TO PARTICIPATE AS A GRANT SCHOOL.

36 Sec. 2. Title 43, chapter 10, article 3, Arizona Revised Statutes, is
37 amended by adding section 43-1032, to read:

38 43-1032. A plus literacy passport grants not taxable income

39 A PLUS LITERACY PASSPORT GRANTS AWARDED PURSUANT TO TITLE 15, CHAPTER
40 8, ARTICLE 1.2 SHALL NOT BE CONSIDERED TAXABLE INCOME OF THE CUSTODIAN OF THE
41 CHILD OR THE CHILD WHO RECEIVES THE A PLUS LITERACY PASSPORT GRANT.

42 Sec. 3. Conforming legislation

43 The legislative council staff shall prepare proposed legislation
44 conforming the Arizona Revised Statutes to the provisions of this act for
45 consideration in the forty-eighth legislature, first regular session.