

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

HOUSE BILL 2676

AN ACT

AMENDING TITLE 15, CHAPTER 8, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 8;
AMENDING SECTION 15-943, ARIZONA REVISED STATUTES; MAKING AN APPROPRIATION;
RELATING TO SCHOOL ENROLLMENT.

(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 8, to read:

4 ARTICLE 8. ARIZONA SCHOLARSHIPS FOR
5 PUPILS WITH DISABILITIES

6 15-891. Arizona scholarships for pupils with disabilities
7 program; definition

8 A. THE ARIZONA SCHOLARSHIPS FOR PUPILS WITH DISABILITIES PROGRAM IS
9 ESTABLISHED TO PROVIDE PUPILS WITH DISABILITIES WITH THE OPTION OF ATTENDING
10 ANY PUBLIC SCHOOL OF THE PUPIL'S CHOICE OR RECEIVING A SCHOLARSHIP TO ANY
11 PRIVATE SCHOOL OF THE PUPIL'S CHOICE.

12 B. THE PARENT OF A PUBLIC SCHOOL PUPIL WITH A DISABILITY WHO IS
13 DISSATISFIED WITH THE PUPIL'S PROGRESS MAY REQUEST AND RECEIVE FROM THE STATE
14 A SCHOLARSHIP FOR THE CHILD TO ENROLL IN AND ATTEND ANY PRIVATE SCHOOL IN
15 ACCORDANCE WITH THIS SECTION IF BOTH OF THE FOLLOWING APPLY:

16 1. THE CHILD HAS SPENT THE PRIOR SCHOOL YEAR IN ATTENDANCE AT A PUBLIC
17 SCHOOL IN THIS STATE.

18 2. THE PARENT HAS OBTAINED ACCEPTANCE FOR ADMISSION OF THE PUPIL TO A
19 PRIVATE SCHOOL THAT IS ELIGIBLE FOR THE PROGRAM UNDER THIS ARTICLE AND HAS
20 NOTIFIED THE SCHOOL DISTRICT OF THE REQUEST FOR A SCHOLARSHIP AT LEAST SIXTY
21 DAYS BEFORE THE DATE OF THE FIRST SCHOLARSHIP PAYMENT. THE PARENTAL
22 NOTIFICATION MUST BE THROUGH A COMMUNICATION DIRECTLY TO THE SCHOOL DISTRICT
23 OR THROUGH THE DEPARTMENT OF EDUCATION TO THE SCHOOL DISTRICT IN A MANNER
24 THAT CREATES A WRITTEN OR ELECTRONIC RECORD OF THE NOTIFICATION AND THE DATE
25 OF RECEIPT OF THE NOTIFICATION.

26 C. THIS SECTION DOES NOT APPLY TO A PUPIL WHO IS ENROLLED IN THE STATE
27 EDUCATIONAL SYSTEM FOR COMMITTED YOUTH PURSUANT TO CHAPTER 11.1 OF THIS
28 TITLE.

29 D. A SCHOLARSHIP AWARDED PURSUANT TO THIS ARTICLE REMAINS IN FORCE
30 UNTIL THE PUPIL RETURNS TO A PUBLIC SCHOOL OR GRADUATES FROM HIGH SCHOOL,
31 EXCEPT THAT THE PUPIL'S PARENT MAY REMOVE THE PUPIL FROM THE PRIVATE SCHOOL
32 AT ANY TIME AND PLACE THE PUPIL IN ANOTHER PRIVATE SCHOOL THAT IS ELIGIBLE
33 FOR PARTICIPATION IN THE ARIZONA SCHOLARSHIPS FOR PUPILS WITH DISABILITIES
34 PROGRAM OR IN A PUBLIC SCHOOL AS PROVIDED IN THIS ARTICLE.

35 E. NOTWITHSTANDING THE ENROLLMENT POLICIES OR DESEGREGATION PROVISIONS
36 PRESCRIBED IN ARTICLE 1.1 OF THIS CHAPTER, A SCHOOL DISTRICT OR CHARTER
37 SCHOOL SHALL ENROLL ANY CHILD WHO IS AWARDED A SCHOLARSHIP PURSUANT TO THIS
38 ARTICLE.

39 F. FOR THE PURPOSES OF THIS ARTICLE, "PUPIL WITH A DISABILITY" MEANS A
40 CHILD WITH A DISABILITY AS DEFINED IN SECTION 15-761 WHO HAS BEEN ISSUED AN
41 INDIVIDUALIZED EDUCATION PROGRAM AS DEFINED IN SECTION 15-761.

42 15-891.01. Obligations of school districts and department of
43 education

44 A. A SCHOOL DISTRICT SHALL TIMELY NOTIFY THE PARENT OF EACH PUPIL WITH
45 A DISABILITY OF ALL OPTIONS AVAILABLE PURSUANT TO THIS ARTICLE AND OFFER THAT

1 PUPIL'S PARENT AN OPPORTUNITY TO ENROLL THE PUPIL IN ANOTHER PUBLIC SCHOOL
2 WITHIN THE DISTRICT. THE PARENT IS NOT REQUIRED TO ACCEPT THIS OFFER INSTEAD
3 OF REQUESTING AN ARIZONA SCHOLARSHIP TO A PRIVATE SCHOOL. HOWEVER, IF THE
4 PARENT CHOOSES THE PUBLIC SCHOOL OPTION, THE PUPIL MAY CONTINUE ATTENDING A
5 PUBLIC SCHOOL CHOSEN BY THE PARENT UNTIL THE PUPIL GRADUATES FROM HIGH
6 SCHOOL. THE TRANSPORTATION PROVISIONS SET FORTH IN SECTION 15-816.01 APPLY
7 TO PUPILS WHO PARTICIPATE IN THE SCHOLARSHIP PROGRAM PURSUANT TO THIS
8 ARTICLE.

9 B. IF THE PARENT CHOOSES THE PRIVATE SCHOOL OPTION AND THE PUPIL IS
10 ACCEPTED BY THE PRIVATE SCHOOL PENDING THE AVAILABILITY OF SPACE FOR THE
11 PUPIL, THE PARENT OF THE PUPIL MUST NOTIFY THE SCHOOL DISTRICT SIXTY DAYS
12 BEFORE THE FIRST SCHOLARSHIP PAYMENT AND BEFORE ENROLLING THE CHILD IN THE
13 PRIVATE SCHOOL TO BE ELIGIBLE FOR THE SCHOLARSHIP WHEN SPACE BECOMES
14 AVAILABLE FOR THE PUPIL IN THE PRIVATE SCHOOL.

15 C. THE PARENT OF A PUPIL MAY CHOOSE TO ENROLL THE PUPIL IN AND
16 TRANSPORT THE PUPIL TO A PUBLIC SCHOOL IN AN ADJACENT SCHOOL DISTRICT THAT
17 HAS AVAILABLE SPACE AND THAT HAS A PROGRAM THAT COMPLIES WITH THE PUPIL'S
18 INDIVIDUALIZED EDUCATION PROGRAM, AND THAT SCHOOL DISTRICT SHALL ACCEPT THE
19 PUPIL FOR ADMISSION TO THE PUBLIC SCHOOL.

20 D. IF A PARENT OF A PUPIL WHO RESIDES IN THE SCHOOL DISTRICT AND WHO
21 PARTICIPATES IN THE ARIZONA SCHOLARSHIPS FOR PUPILS WITH DISABILITIES PROGRAM
22 REQUESTS THAT THE PUPIL TAKE ANY OF THE STATEWIDE TESTS PRESCRIBED BY THIS
23 TITLE, THE SCHOOL DISTRICT SHALL PROVIDE LOCATIONS AND TIMES TO TAKE THESE
24 STATEWIDE TESTS.

25 E. A SCHOOL DISTRICT SHALL NOTIFY THE DEPARTMENT OF EDUCATION WITHIN
26 TEN DAYS AFTER THE SCHOOL DISTRICT RECEIVES NOTIFICATION OF A PARENT'S INTENT
27 TO APPLY FOR A SCHOLARSHIP FOR A PUPIL WITH A DISABILITY.

28 15-891.02. Private school eligibility

29 TO BE ELIGIBLE TO PARTICIPATE IN THE ARIZONA SCHOLARSHIPS FOR PUPILS
30 WITH DISABILITIES PROGRAM, A PRIVATE SCHOOL SHALL BE LOCATED IN THIS STATE
31 AND MAY BE SECTARIAN OR NONSECTARIAN.

32 15-891.03. Obligations of program participants

33 A. PARENTS WHO APPLY FOR ARIZONA SCHOLARSHIPS PURSUANT TO THIS ARTICLE
34 ARE EXERCISING THEIR PARENTAL OPTION TO PLACE THEIR CHILDREN IN A PRIVATE
35 SCHOOL. A PARENT EXERCISING THIS OPTION SHALL SELECT THE PRIVATE SCHOOL AND
36 APPLY FOR THE ADMISSION OF THE PUPIL.

37 B. THE PARENT SHALL REQUEST THE SCHOLARSHIP OFFERED PURSUANT TO THIS
38 ARTICLE AT LEAST SIXTY DAYS BEFORE THE DATE OF THE FIRST SCHOLARSHIP PAYMENT.

39 C. ANY PUPIL WHO PARTICIPATES IN THE SCHOLARSHIP PROGRAM OFFERED
40 PURSUANT TO THIS ARTICLE SHALL REMAIN IN ATTENDANCE THROUGHOUT THE SCHOOL
41 YEAR, UNLESS THE PUPIL IS EXCUSED BY THE SCHOOL FOR ILLNESS OR FOR OTHER GOOD
42 CAUSE, AND THE PUPIL SHALL FULLY COMPLY WITH THE SCHOOL'S WRITTEN POLICIES
43 CONCERNING STUDENT CONDUCT.

44 D. THE PARENT OF EACH PUPIL WHO PARTICIPATES IN THE SCHOLARSHIP
45 PROGRAM SHALL COMPLY FULLY WITH THE PRIVATE SCHOOL'S PARENTAL INVOLVEMENT

1 REQUIREMENTS, UNLESS THE PARENT IS EXCUSED BY THE SCHOOL FOR ILLNESS OR FOR
2 OTHER GOOD CAUSE.

3 E. IF THE PARENT REQUESTS THAT THE PUPIL WHO PARTICIPATES IN THE
4 SCHOLARSHIP PROGRAM PARTICIPATE IN THE STATEWIDE TESTS PRESCRIBED BY THIS
5 TITLE, THE PARENT IS RESPONSIBLE FOR TRANSPORTING THE PUPIL TO AN ASSESSMENT
6 SITE DESIGNATED BY THE SCHOOL DISTRICT.

7 F. ON RECEIPT OF A SCHOLARSHIP WARRANT, THE PARENT TO WHOM THE WARRANT
8 IS ISSUED SHALL RESTRICTIVELY ENDORSE THE WARRANT TO THE PRIVATE SCHOOL FOR
9 DEPOSIT INTO THE ACCOUNT OF THE PRIVATE SCHOOL.

10 G. A PARTICIPANT WHO FAILS TO COMPLY WITH THIS SECTION FORFEITS THE
11 SCHOLARSHIP AWARDED PURSUANT TO THIS ARTICLE.

12 15-891.04. Scholarship funding and payment; fund; liability;
13 rules

14 A. THE MAXIMUM SCHOLARSHIP GRANTED FOR A PUPIL WITH A DISABILITY SHALL
15 BE EQUIVALENT TO THE BASE SUPPORT LEVEL PRESCRIBED IN SECTION 15-943 FOR THAT
16 PARTICULAR PUPIL.

17 B. THE AMOUNT OF ANY ASSESSMENT FEE REQUIRED BY THE PARTICIPATING
18 PRIVATE SCHOOL MAY BE PAID FROM THE TOTAL AMOUNT OF THE SCHOLARSHIP. THE
19 AMOUNT OF THE ARIZONA SCHOLARSHIP SHALL BE THE LESSER OF:

- 20 1. THE AMOUNT PRESCRIBED IN SUBSECTION A OF THIS SECTION.
21 2. THE AMOUNT OF THE PRIVATE SCHOOL'S TUITION AND FEES OR THE ACTUAL
22 PER PUPIL COSTS, WHICHEVER IS GREATER.

23 C. IF THE PARTICIPATING PRIVATE SCHOOL REQUIRES PARTIAL PAYMENT OF
24 TUITION BEFORE THE START OF THE ACADEMIC YEAR TO RESERVE SPACE FOR PUPILS
25 ADMITTED TO THE SCHOOL, A PARTIAL SCHOLARSHIP PAYMENT MAY BE PAID BY THE
26 DEPARTMENT OF EDUCATION BEFORE THE FIRST QUARTERLY PAYMENT OF THE YEAR IN
27 WHICH THE ARIZONA SCHOLARSHIP IS AWARDED, UP TO A MAXIMUM OF ONE THOUSAND
28 DOLLARS, AND THE AMOUNT OF THIS PAYMENT SHALL BE DEDUCTED FROM SUBSEQUENT
29 SCHOLARSHIP PAYMENTS. IF A PUPIL DECIDES NOT TO ATTEND THE PARTICIPATING
30 PRIVATE SCHOOL, THE PARTIAL RESERVATION PAYMENT SHALL BE RETURNED TO THE
31 DEPARTMENT OF EDUCATION BY THE PARTICIPATING PRIVATE SCHOOL. A PUPIL SHALL
32 NOT BE AWARDED MORE THAN ONE RESERVATION PAYMENT PER YEAR.

33 D. THE SCHOOL DISTRICT SHALL REPORT TO THE DEPARTMENT OF EDUCATION ALL
34 PUPILS WHO ARE ATTENDING A PRIVATE SCHOOL UNDER THE SCHOLARSHIP PROGRAM
35 OFFERED PURSUANT TO THIS ARTICLE.

36 E. THE ARIZONA SCHOLARSHIPS FOR PUPILS WITH DISABILITIES PROGRAM FUND
37 IS ESTABLISHED CONSISTING OF MONIES APPROPRIATED FOR THIS PURPOSE. THE
38 DEPARTMENT OF EDUCATION SHALL ADMINISTER THE FUND. MONIES IN THE FUND ARE
39 CONTINUOUSLY APPROPRIATED. FOLLOWING NOTIFICATION OF THE NUMBER OF PROGRAM
40 PARTICIPANTS IN THE SCHOLARSHIP PROGRAM, THE DEPARTMENT OF EDUCATION SHALL
41 TRANSFER FROM THE FUND THE AMOUNT CALCULATED UNDER SUBSECTION A OF THIS
42 SECTION IN QUARTERLY INSTALLMENTS TO THE PARENTS OF PUPILS WHO PARTICIPATE IN
43 THE SCHOLARSHIP PROGRAM. WHEN A PUPIL ENTERS THE SCHOLARSHIP PROGRAM, THE
44 DEPARTMENT OF EDUCATION SHALL RECEIVE ALL DOCUMENTATION REQUIRED FOR THE
45 PUPIL'S PARTICIPATION, INCLUDING THE PRIVATE SCHOOL'S AND PUPIL'S FEE

1 SCHEDULES, AT LEAST THIRTY DAYS BEFORE THE FIRST QUARTERLY SCHOLARSHIP
2 PAYMENT IS MADE FOR THE PUPIL. THE DEPARTMENT OF EDUCATION SHALL NOT MAKE
3 ANY RETROACTIVE PAYMENTS FROM THE FUND.

4 F. ON PROPER DOCUMENTATION REVIEWED AND APPROVED BY THE DEPARTMENT OF
5 EDUCATION, THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL MAKE SCHOLARSHIP
6 PAYMENTS IN FOUR EQUAL QUARTERLY INSTALLMENTS ON DATES SELECTED BY THE
7 DEPARTMENT OF EDUCATION. THE INITIAL PAYMENT SHALL BE MADE AFTER THE
8 DEPARTMENT OF EDUCATION VERIFIES THAT THE PUPIL HAS BEEN ACCEPTED FOR
9 ADMISSION AT THE PRIVATE SCHOOL, AND SUBSEQUENT PAYMENTS SHALL BE MADE ON
10 VERIFICATION OF CONTINUED ENROLLMENT AND ATTENDANCE AT THE PRIVATE SCHOOL.
11 PAYMENT SHALL BE BY INDIVIDUAL WARRANT PAYABLE TO THE PUPIL'S PARENT AND
12 MAILED BY THE DEPARTMENT OF EDUCATION TO THE PRIVATE SCHOOL OF THE PARENT'S
13 CHOICE, AND THE PARENT SHALL RESTRICTIVELY ENDORSE THE WARRANT TO THE PRIVATE
14 SCHOOL FOR DEPOSIT INTO THE ACCOUNT OF THE PRIVATE SCHOOL.

15 G. LIABILITY SHALL NOT ARISE ON THE PART OF THE STATE BASED ON THE
16 AWARD OR USE OF AN ARIZONA SCHOLARSHIP.

17 H. THE STATE BOARD OF EDUCATION MAY ADOPT RULES TO CARRY OUT THE
18 PURPOSES OF THIS ARTICLE, EXCEPT THAT THE INCLUSION OF ELIGIBLE PRIVATE
19 SCHOOLS IN THE SCHOLARSHIP PROGRAM SHALL NOT BE CONSTRUED TO EXPAND THE
20 REGULATORY AUTHORITY OF THIS STATE OR ITS OFFICERS OR ANY SCHOOL DISTRICT TO
21 IMPOSE ANY ADDITIONAL REGULATION OF PRIVATE SCHOOLS.

22 15-891.05. Limitation of regulation on private schools

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

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

29 15-891.06. Program termination

30 THE PROGRAM ESTABLISHED BY THIS ARTICLE ENDS ON JULY 1, 2016 PURSUANT
31 TO SECTION 41-3102.

32 Sec. 2. Section 15-943, Arizona Revised Statutes, is amended to read:

33 15-943. Base support level

34 The base support level for each school district shall be computed as
35 follows:

36 1. The following support level weights shall be used in paragraph 2,
37 subdivision (a) for the following school districts:

38 (a) For school districts whose student count in kindergarten programs
39 and grades one through eight is classified in column 1 of this subdivision,
40 the support level weight for kindergarten programs and grades one through
41 eight is the corresponding support level weight prescribed in column 2 or 3
42 of this subdivision, whichever is appropriate:

1	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>
2		Support Level Weight	Support Level Weight
3		For Small Isolated	For Small
4	<u>Student Count</u>	<u>School Districts</u>	<u>School Districts</u>
5	1-99	1.559	1.399
6	100-499	1.358 + [0.0005 x (500	1.278 + [0.0003 x (500
7		- student count)]	- student count)]
8	500-599	1.158 + [0.002 x (600	1.158 + [0.0012 x (600
9		- student count)]	- student count)]

10 (b) For school districts whose student count in grades nine through
 11 twelve is classified in column 1 of this subdivision, the support level
 12 weight for grades nine through twelve is the corresponding support level
 13 weight prescribed in column 2 or 3 of this subdivision, whichever is
 14 appropriate:

15	<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>
16		Support Level Weight	Support Level Weight
17		For Small Isolated	For Small
18	<u>Student Count</u>	<u>School Districts</u>	<u>School Districts</u>
19	1-99	1.669	1.559
20	100-499	1.468 + [0.0005 x (500	1.398 + [0.0004 x (500
21		- student count)]	- student count)]
22	500-599	1.268 + [0.002 x (600	1.268 + [0.0013 x (600
23		- student count)]	- student count)]

24 2. Subject to paragraph 1, determine the weighted student count as
 25 follows:

26 (a)

27		Support		Weighted
28		Level	Student	Student
29	<u>Grade Base Group A</u>	<u>Weight</u>	<u>Count</u>	<u>Count</u>
30	PSD 1.000+ 0.450	= 1.450	x _____	= _____
31	K-8 1.000+ 0.158	= 1.158	x _____	= _____
32	9-12 1.163+ 0.105	= 1.268	x _____	= _____
33			Subtotal A	_____

34 (b)

35		Support		Weighted
36	Funding	Level	Student	Student
37	<u>Category</u>	<u>Weight</u>	<u>Count</u>	<u>Count</u>
38	HI	4.771 2.863	x _____	= _____
39	K-3	0.060	x _____	= _____
40	ELL	0.115	x _____	= _____
41	MD-R, A-R and			
42	SMR-R	6.024 3.665	x _____	= _____
43	MD-SC, A-SC and			
44	SMR-SC	5.833 5.792	x _____	= _____
45	MD-SSI	6.531 7.947	x _____	= _____

1	OI-R	3.158	3.322 x	_____	=	_____
2	OI-SC	5.576	6.773 x	_____	=	_____
3	P-SD	3.595	4.082 x	_____	=	_____
4	ED, MIMR, SLD,					
5	SLI and OHI	0.003	x	_____	=	_____
6	ED-P	4.647	5.702 x	_____	=	_____
7	MOMR	4.421	4.735 x	_____	=	_____
8	VI	4.806	4.672 x	_____	=	_____
9				Subtotal B		_____

10 (c) Total of subtotals A and B: _____

11 3. Multiply the total determined in paragraph 2 by the base level.

12 4. Multiply the teacher experience index of the district or 1.00,
 13 whichever is greater, by the product obtained in paragraph 3.

14 Sec. 3. Appropriation; purpose; exemption

15 A. The sum of \$_____ is appropriated from the state general fund
 16 in fiscal year 2006-2007 to the department of education for deposit in the
 17 Arizona scholarship for pupils with disabilities program fund established by
 18 section 15-891.04, Arizona Revised Statutes, as added by this act.

19 B. The appropriation made in subsection A of this section is exempt
 20 from the provisions of section 35-190, Arizona Revised Statutes, relating to
 21 lapsing of appropriations.