



HOUSE OF REPRESENTATIVES

SB 1280

empowerment scholarship accounts; eligibility; administration

Prime Sponsor: Senator Lesko, LD 21

DP Committee on Education

X Caucus and COW

House Engrossed

OVERVIEW

SB 1280 modifies the Empowerment Scholarship Account (ESA) program's eligibility criteria and administration.

PROVISIONS

1. Prohibits a previous recipient of an Arizona Scholarship for Pupils with Disabilities or an ESA from being ESA eligible if the recipient's parent has been removed from eligibility in the program for failure to comply with the terms of the contract or applicable laws.
2. Expands the eligibility for the ESA program to include:
 - a. Siblings of an eligible qualified student who accepts the terms of and enrolls in the program.
 - b. Students who attended a preschool for children with disabilities.
 - c. A child of a parent who is legally blind, deaf or hard of hearing.
 - d. A child with an Individualized Education Program or a Section 504 plan that requires the use of instructional materials in a specialized format.
3. Outlines ESA eligibility requirements for students enrolled in Arizona Online Instruction as follows:
 - a. For grades 1-3, 400 hours of logged instruction.
 - b. For grades 4-6 and high school, 500 hours of logged instruction.
 - c. For grades 7-8, 550 hours of logged instruction.
4. Requires the Arizona Department of Education (ADE) or a tribal government to determine residency for a student within the boundaries of an Indian reservation.
5. Requires an ESA parent to use a portion of the ESA monies annually to provide education for the qualified student rather than quarterly.
6. Allows ESA monies to be spent on uniforms purchased from or through a qualified school.
7. Permits qualified students who meet specified criteria to use the following services:
 - a. A licensed or accredited paraprofessional or educational aide;
 - b. Tuition for vocational and life skills education approved by ADE; and
 - c. Associated services that include educational and psychological evaluations, assistive technology rentals and braille translation services.
8. Removes the requirement that the State Treasurer select and supervise financial firms for the management of ESA.
9. Removes the authority for ADE to require insurance or surety bond payments related to ESA.

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10. Allows ADE to refer cases of misuse of monies to the Attorney General for collection or criminal investigation.
11. Requires ADE to accept applications for the ESA program year-round.
12. Requires ADE to enroll and issue an award letter to eligible ESA applicants within 45 days after receipt of a completed application and all required documentation.
13. Modifies the definition of *curriculum* to require ADE to approve complete course of study.
14. Makes technical and conforming changes.

CURRENT LAW

Laws 2011, Chapter 75, established the ESA program. [A.R.S. § 15-2401](#) defines an ESA qualified student as an Arizona resident who is any of the following:

- Identified as having a disability,
- Attends or is eligible to attend kindergarten at a D or F school or school district,
- A previous scholarship recipient of the ESA program or the Arizona Scholarships for Pupils with Disabilities Program,
- A child whose parent or guardian is a member of the armed forces and on active duty or was killed in the line of duty (these students are exempt from any further requirements for qualification),
- A child who is a ward of the juvenile court, or
- A child who is a sibling of a current or previous ESA recipient.

The qualifying student must also meet at least one of the following requirements:

- Attended a governmental primary or secondary school as a full-time student for at least 100 days of the prior fiscal year and who transferred under a contract to participate in an ESA,
- Previously participated in the ESA program,
- Received a scholarship from a School Tuition Organization and continues to attend a qualified school,
- Was eligible for an Arizona Scholarship for Pupils with Disabilities, or
- Has not previously attended a governmental primary or secondary school but is currently eligible to enroll in a kindergarten or preschool children with disabilities program ([A.R.S. § 15-2401](#)).

ADE is required to determine a period that is between July 1 and May 1 of each year during which it will accept ESA applications for the following Fiscal Year. The State Treasurer may contract with private financial management firms to manage ESA and maintain supervision over the selected firms ([A.R.S. § 15-2403](#)).