

State of Arizona
House of Representatives
Fifty-first Legislature
Second Regular Session
2014

CHAPTER 200

HOUSE BILL 2150

AN ACT

AMENDING SECTION 15-2401, ARIZONA REVISED STATUTES; RELATING TO ARIZONA
EMPOWERMENT SCHOLARSHIP ACCOUNTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 15-2401, Arizona Revised Statutes, is amended to
3 read:

4 15-2401. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "Curriculum" means a complete course of study for a particular
7 content area or grade level, including any supplemental materials required by
8 the curriculum.

9 2. "Department" means the department of education.

10 3. "Eligible postsecondary institution" means a community college as
11 defined in section 15-1401, a university under the jurisdiction of the
12 Arizona board of regents or an accredited private postsecondary institution.

13 4. "Parent" means a resident of this state who is the parent or legal
14 guardian of a qualified student.

15 5. "Qualified school" means a nongovernmental primary or secondary
16 school or a preschool for handicapped students that is located in this state
17 and that does not discriminate on the basis of race, color or national
18 origin.

19 6. "Qualified student" means a resident of this state who:

20 (a) Is, or if the child is currently eligible to attend kindergarten,
21 the department determines would be, any of the following:

22 (i) Identified as having a disability under section 504 of the
23 rehabilitation act of 1973 (29 United States Code section 794).

24 (ii) Identified by a school district as a child with a disability as
25 defined in section 15-761.

26 (iii) A child with a disability who is eligible to receive services
27 from a school district under section 15-763.

28 (iv) Attending a school or school district that has been assigned a
29 letter grade of D or F pursuant to section 15-241.

30 (v) A previous recipient of a scholarship issued pursuant to section
31 15-891 or this section.

32 (vi) A child of a parent who is a member of the armed forces of the
33 United States and who is on active duty **OR WAS KILLED IN THE LINE OF DUTY. A**
34 **CHILD WHO MEETS THE REQUIREMENTS OF THIS ITEM IS NOT SUBJECT TO SUBDIVISION**
35 **(b) OF THIS PARAGRAPH.**

36 (vii) A child with a guardian who is a member of the armed forces of
37 the United States and who is on active duty **OR WAS KILLED IN THE LINE OF**
38 **DUTY. A CHILD WHO MEETS THE REQUIREMENTS OF THIS ITEM IS NOT SUBJECT TO**
39 **SUBDIVISION (b) OF THIS PARAGRAPH.**

40 (viii) A child who is a ward of the juvenile court and who is residing
41 with a prospective permanent placement pursuant to section 8-862 and the case
42 plan is adoption or permanent guardianship.

43 (ix) A child who was a ward of the juvenile court and who achieved
44 permanency through adoption or permanent guardianship.

45 (b) And, **EXCEPT AS PROVIDED IN SUBDIVISION (a), ITEMS (vi) AND (vii)**
46 **OF THIS PARAGRAPH,** who meets any of the following requirements:

1 (i) Attended a governmental primary or secondary school as a full-time
2 student as defined in section 15-901 for at least the first one hundred days
3 of the prior fiscal year and who transferred from a governmental primary or
4 secondary school under a contract to participate in an empowerment
5 scholarship account.

6 (ii) Previously participated in the empowerment scholarship account
7 program.

8 (iii) Received a scholarship under section 43-1505 and who continues
9 to attend a qualified school.

10 (iv) Was eligible for an Arizona scholarship for pupils with
11 disabilities and received monies from a school tuition organization pursuant
12 to section 43-1505 or received an Arizona scholarship for pupils with
13 disabilities but did not receive monies from a school tuition organization
14 pursuant to section 43-1505 and who continues to attend a qualified school.

15 (v) Has not previously attended a governmental primary or secondary
16 school but is currently eligible to enroll in a kindergarten program in a
17 school district or charter school in this state.

18 7. "Treasurer" means the office of the state treasurer.

19 **(EMERGENCY NOT ENACTED)**

20 Sec. 2. Emergency

21 This act is an emergency measure that is necessary to preserve the
22 public peace, health or safety and is operative immediately as provided by
23 law.

APPROVED BY THE GOVERNOR APRIL 23, 2014.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 24, 2014.