

State of Arizona
Senate
Fifty-second Legislature
First Regular Session
2015

SENATE BILL 1332

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 pupils with disabilities that is located in this
17 state 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 any of the following:

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

23 (ii) Identified by a school district or by an independent third party
24 pursuant to section 15-2403, subsection I, ~~as~~ 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 or who is currently
30 eligible to attend kindergarten and who resides within the attendance
31 boundary of a school that has been assigned a letter grade of D or F pursuant
32 to section 15-241.

33 (v) A previous recipient of a scholarship issued pursuant to section
34 15-891 or this section.

35 (vi) A child of a parent who is a member of the armed forces of the
36 United States and who is on active duty or was killed in the line of duty. A
37 child who meets the requirements of this item is not subject to subdivision
38 (b) of this paragraph.

39 (vii) A child with a guardian who is a member of the armed forces of
40 the United States and who is on active duty or was killed in the line of
41 duty. A child who meets the requirements of this item is not subject to
42 subdivision (b) of this paragraph.

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

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

3 (x) A child who is the sibling of a current or previous empowerment
4 scholarship account recipient.

5 (xi) A CHILD WHO RESIDES WITHIN THE BOUNDARIES OF AN INDIAN
6 RESERVATION IN THIS STATE.

7 (b) And, except as provided in subdivision (a), items (vi) and (vii)
8 of this paragraph, who meets any of the following requirements:

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

14 (ii) Previously participated in the empowerment scholarship account
15 program.

16 (iii) Received a scholarship under section 43-1505 and who continues
17 to attend a qualified school if the student attended a governmental primary
18 or secondary school as a full-time student as defined in section 15-901 for
19 at least ninety days of the prior fiscal year or one full semester prior to
20 attending a qualified school.

21 (iv) Was eligible for an Arizona scholarship for pupils with
22 disabilities and received monies from a school tuition organization pursuant
23 to section 43-1505 or received an Arizona scholarship for pupils with
24 disabilities but did not receive monies from a school tuition organization
25 pursuant to section 43-1505 and who continues to attend a qualified school if
26 the student attended a governmental primary or secondary school as a
27 full-time student as defined in section 15-901 for at least ninety days of
28 the prior fiscal year or one full semester prior to attending a qualified
29 school.

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

33 (vi) Has not previously attended a governmental primary or secondary
34 school but is currently eligible to enroll in a program for preschool
35 children with disabilities in this state.

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

37 Sec. 2. Empowerment scholarship account special education study
38 committee; membership; powers and duties; report;
39 definition; delayed repeal

40 A. The empowerment scholarship account special education study
41 committee is established consisting of the following members:

42 1. Two members of the house of representatives who are appointed by
43 the speaker of the house of representatives and who are members of different
44 political parties.

1 2. Two members of the senate who are appointed by the president of the
2 senate and who are members of different political parties.

3 3. Two members who currently work as special education teachers, one
4 of whom is from a county with a population of at least one million two
5 hundred thousand persons and who is appointed by the speaker of the house of
6 representatives and one of whom is from a county with a population of less
7 than one million two hundred thousand persons and who is appointed by the
8 president of the senate.

9 4. Two public school psychologists, one of whom is from a county with
10 a population of at least one million two hundred thousand persons and who is
11 appointed by the president of the senate and one of whom is from a county
12 with a population of less than one million two hundred thousand persons and
13 who is appointed by the speaker of the house of representatives.

14 5. Two parents of current empowerment scholarship account recipients.

15 6. The superintendent of public instruction or the superintendent's
16 designee.

17 B. The president of the senate and the speaker of the house of
18 representatives shall each designate one of the legislative members to serve
19 as a cochairperson of the committee. The cochairpersons shall be members of
20 different political parties.

21 C. The empowerment scholarship account special education study
22 committee shall:

23 1. Identify, examine and evaluate the needs of qualified students who
24 receive an empowerment scholarship account.

25 2. Review the funding levels, process, duration and execution of and
26 the authority by which qualified students receive special education services
27 through the empowerment scholarship account program pursuant to section
28 15-2402, Arizona Revised Statutes.

29 3. Research and evaluate the differences between receiving special
30 education services through a public or charter school and the empowerment
31 scholarship account program.

32 4. Provide analyses and recommendations to improve delivery of special
33 education services to qualified students.

34 5. Examine whether a child with special needs who receives an
35 empowerment scholarship account monies should be allowed to continue to
36 receive monies allocated pursuant to title 15, chapter 19, Arizona Revised
37 Statutes, until the child reaches twenty-two years of age if the child's
38 individualized education program team determines that the child is likely to
39 graduate from high school by the time the child reaches twenty-two years of
40 age.

41 D. The empowerment scholarship account special education study
42 committee may:

43 1. Request information, data and reports from any county or state
44 agency or political subdivision of this state. If possible, information
45 shall be provided electronically.

1 2. Hold hearings and take testimony from stakeholders who may assist
2 the committee in fulfilling its responsibilities.

3 E. On the request of the empowerment scholarship account special
4 education study committee, an agency of this state shall provide to the
5 committee its services, equipment, documents, personnel and facilities to the
6 extent possible without cost to the committee.

7 F. The legislature and the department of education shall provide staff
8 and support services to the study committee.

9 G. All meetings of the study committee shall be open to the public.

10 H. Members of the study committee are not eligible to receive
11 compensation but are eligible for reimbursement of expenses pursuant to title
12 38, chapter 4, article 2, Arizona Revised Statutes.

13 I. On or before December 31, 2015, the study committee shall submit a
14 report regarding its findings and recommendations to the governor, the
15 speaker of the house of representatives, the president of the senate and the
16 superintendent of public instruction and shall provide a copy of the report
17 to the secretary of state.

18 J. For the purposes of this section, "qualified student" means a
19 student who received a scholarship pursuant to section 15-2401, paragraph 6,
20 subdivision (a), item (i), (ii) or (iii), Arizona Revised Statutes.

21 K. This section is repealed from and after September 30, 2016.