

State of Arizona
Senate
Fifty-second Legislature
Second Regular Session
2016

SENATE BILL 1279

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 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 (xii) BEGINNING IN THE 2016-2017 SCHOOL YEAR, ANY CHILD WHO ATTENDS A
8 PUBLIC SCHOOL IN A KINDERGARTEN PROGRAM OR ANY OF GRADES ONE THROUGH FIVE.

9 (xiii) BEGINNING IN THE 2017-2018 SCHOOL YEAR, ANY CHILD WHO ATTENDS A
10 PUBLIC SCHOOL IN A KINDERGARTEN PROGRAM OR ANY OF GRADES ONE THROUGH EIGHT.

11 (xiv) BEGINNING IN THE 2018-2019 SCHOOL YEAR AND EACH SCHOOL YEAR
12 THEREAFTER, ANY CHILD WHO ATTENDS A PUBLIC SCHOOL IN A KINDERGARTEN PROGRAM
13 OR ANY OF GRADES ONE THROUGH TWELVE.

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

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

21 (ii) Previously participated in the empowerment scholarship account
22 program.

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

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

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

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

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