SB 1230

Introduced by
Senator Allen S

AN ACT

AMENDING SECTION 15-774, ARIZONA REVISED STATUTES; APPROPRIATING MONIES; RELATING TO SPECIAL EDUCATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)
Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 15-774, Arizona Revised Statutes, is amended to read:

15-774. Extraordinary special education needs fund; grant
application; criteria

A. The extraordinary special education needs fund is established consisting of legislative appropriations, gifts, grants and donations. Monies in the fund are subject to legislative appropriation and are exempt from the provisions of section 35-190 relating to lapsing of appropriations. The state board DEPARTMENT of education shall administer the fund.

B. A school district or charter school may apply to the state board DEPARTMENT of education for an extraordinary special education needs grant from the fund. The state board of education DEPARTMENT shall prescribe the format of the applications. The applications shall include the following:

1. Demonstration of extraordinary needs, including a description and documentation of pupil services required and evidence that the district or charter school is not able to absorb the costs of these services.

2. Evidence that monies from the fund will not supplant federal, local or other state efforts.

3. Evidence that before making an application for monies from the fund the school district or charter school has made sufficient efforts to seek but has not received funding to cover the extraordinary costs applied for pursuant to paragraph 1 of this subsection from all other sources, including federal and other state sources of funding.

C. A SCHOOL DISTRICT OR CHARTER SCHOOL IS ELIGIBLE FOR A GRANT FROM THE FUND IF EITHER OF THE FOLLOWING CONDITIONS ARE MET:

1. THE SCHOOL DISTRICT’S OR CHARTER SCHOOL’S WEIGHTED STUDENT COUNT SUBTOTAL CALCULATED PURSUANT TO SECTION 15-943, PARAGRAPH 2, SUBDIVISION (b) FOR THE PRIOR FISCAL YEAR FOR THE FOLLOWING FUNDING CATEGORIES EQUALED AT LEAST TEN PERCENT OF ITS AVERAGE DAILY MEMBERSHIP FOR THE PRIOR FISCAL YEAR AS CALCULATED PURSUANT TO SECTION 15-901, SUBSECTION A, PARAGRAPH 1, AS DETERMINED BY THE DEPARTMENT OF EDUCATION:

(a) HI.

(b) MD-R, A-R AND SID-R.

(c) MD-SC, A-SC AND SID-SC.

(d) MD-SSI.

(e) OI-R.

(f) OI-SC.

(g) P-SD.

(h) DD, ED, MIID, SLD, SLI AND OHI.
2. THE SCHOOL DISTRICT OR CHARTER SCHOOL IS ELIGIBLE FOR THE SMALL SCHOOL WEIGHT PURSUANT TO SECTION 15-943 AND IN THE PRIOR YEAR ITS SPECIAL EDUCATION EXPENDITURES FROM THE MAINTENANCE AND OPERATION SECTION OF ITS BUDGET EQUALED AT LEAST TWENTY PERCENT OF ITS TOTAL EXPENDITURES FROM THE MAINTENANCE AND OPERATION SECTION OF ITS BUDGET.

D. A SCHOOL DISTRICT OR CHARTER SCHOOL MAY APPLY FOR AND RECEIVE MORE THAN ONE GRANT FROM THE FUND IN THE SAME SCHOOL YEAR BUT MAY NOT RECEIVE A TOTAL OF MORE THAN $200,000 FROM THE FUND IN THE SAME SCHOOL YEAR.

E. Extraordinary special education needs grants shall be used in the current year. All unspent grant monies shall be returned to the department of education at the end of the fiscal year for deposit, pursuant to sections 35-146 and 35-147, in the extraordinary special education needs fund.

Sec. 2. Appropriation; transfer; department of education; extraordinary special education needs fund

A. The sum of $5,000,000 is appropriated from the state general fund in fiscal year 2019-2020 to the department of education for deposit in the extraordinary special education needs fund established by section 15-774, Arizona Revised Statutes, as amended by this act.

B. The sum of $5,000,000 is transferred in fiscal year 2019-2020 from the special education fund established by section 15-1182, Arizona Revised Statutes, to the extraordinary special education needs fund established by section 15-774, Arizona Revised Statutes, as amended by this act.