

REFERENCE TITLE: empowerment scholarships; oversight; state treasurer

State of Arizona
Senate
Fifty-fourth Legislature
First Regular Session
2019

SB 1320

Introduced by
Senator Livingston

AN ACT

AMENDING SECTIONS 15-802, 15-2401, 15-2402 AND 15-2403, 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 15-802, Arizona Revised Statutes, is amended to
3 read:

4 15-802. School instruction; exceptions; violations;
5 classification; definitions

6 A. Every child between the ages of six and sixteen years shall
7 attend a school and shall be provided instruction in at least the subjects
8 of reading, grammar, mathematics, social studies and science. The person
9 who has custody of the child shall choose a public, private or charter
10 school or a homeschool as defined in this section to provide instruction
11 or shall sign a contract to participate in an Arizona empowerment
12 scholarship account pursuant to section 15-2402.

13 B. The parent or person who has custody shall do the following:

14 1. If the child will attend a public, private or charter school,
15 enroll the child in and ensure that the child attends ~~a~~ THE public,
16 private or charter school for the full time school is in session. In
17 accordance with guidelines adopted by the department of education, school
18 districts and charter schools shall require and maintain verifiable
19 documentation of residency in this state for pupils who enroll in the
20 school district or charter school. If a child attends a school that is
21 operated on a year-round basis, the child shall regularly attend during
22 school sessions that total ~~not less than~~ AT LEAST one hundred eighty
23 school days or two hundred school days, as applicable, or the equivalent
24 as approved by the superintendent of public instruction.

25 2. If the child will attend a private school or homeschool, file an
26 affidavit of intent with the county school superintendent stating that the
27 child is attending a regularly organized private school or is being
28 provided with instruction in a homeschool. The affidavit of intent shall
29 include:

- 30 (a) The child's name.
- 31 (b) The child's date of birth.
- 32 (c) The current address of the school the child is attending.
- 33 (d) The names, telephone numbers and addresses of the persons who
34 currently have custody of the child.

35 3. If the child will attend homeschool, the child has not reached
36 eight years of age by September 1 of the school year and the person who
37 has custody of the child does not desire to begin home instruction until
38 the child has reached eight years of age, file an affidavit of intent
39 pursuant to paragraph 2 of this subsection stating that the person who has
40 custody of the child does not desire to begin homeschool instruction.

41 C. An affidavit of intent shall be filed within thirty days ~~from~~
42 AFTER the time the child begins to attend a private school or homeschool
43 and is not required thereafter unless the private school or the homeschool
44 instruction is terminated and then resumed. The person who has custody of
45 the child shall notify the county school superintendent within thirty days
46 ~~of~~ AFTER the termination that the child is no longer being instructed at a

1 private school or a homeschool. If the private school or homeschool
2 instruction is resumed, the person who has custody of the child shall file
3 another affidavit of intent with the county school superintendent within
4 thirty days.

5 D. A person is excused from the duties prescribed by subsection A
6 or B of this section if any of the following is shown to the satisfaction
7 of the school principal or the school principal's designee:

8 1. The child is in such physical or mental condition that
9 instruction is inexpedient or impracticable.

10 2. The child has completed the high school course of study
11 necessary for completion of TENTH grade ~~ten~~ as prescribed by the state
12 board of education.

13 3. The child has presented reasons for nonattendance at a public
14 school that are satisfactory to the school principal or the school
15 principal's designee. For the purposes of this paragraph, the principal's
16 designee may be the school district governing board.

17 4. The child is over fourteen years of age and is employed, with
18 the consent of the person who has custody of the child, at some lawful
19 wage earning occupation.

20 5. The child is enrolled in a work training, career education,
21 career and technical education, vocational education or manual training
22 program that meets the educational standards established and approved by
23 the department of education.

24 6. The child was either:

25 (a) Suspended and not directed to participate in an alternative
26 education program.

27 (b) Expelled from a public school as provided in article 3 of this
28 chapter.

29 7. The child is enrolled in an education program provided by a
30 state educational or other institution.

31 E. Unless otherwise exempted in this section or section 15-803, a
32 parent of a child between six and sixteen years of age or a person who has
33 custody of a child, who does not provide instruction in a homeschool and
34 who fails to enroll or fails to ensure that the child attends a public,
35 private or charter school pursuant to this section or fails to sign a
36 contract to participate in an empowerment scholarship account pursuant to
37 section 15-2402 is guilty of a class 3 misdemeanor. A parent who fails to
38 comply with the duty to file an affidavit of intent to provide instruction
39 in a homeschool is guilty of a petty offense.

40 F. If a child will be educated pursuant to an ARIZONA empowerment
41 scholarship account pursuant to section 15-2402, the ~~department of~~
42 ~~education~~ STATE TREASURER shall provide a list of students participating
43 in ARIZONA empowerment scholarship accounts to the school superintendent
44 of the county where the pupil resides.

1 G. For the purposes of this section:

2 1. "Educated pursuant to an ARIZONA empowerment scholarship
3 account" means a child whose parent has signed a contract pursuant to
4 section 15-2402 to educate the child outside of any school district or
5 charter school and in which the parent may but is not required to enroll
6 the child in a private school or to educate the child through any of the
7 methods specified in section 15-2402.

8 2. "Homeschool" means a nonpublic school conducted primarily by the
9 parent, guardian or other person who has custody of the child or nonpublic
10 instruction provided in the child's home.

11 3. "Private school" means a nonpublic institution, other than the
12 child's home, where academic instruction is provided for at least the same
13 number of days and hours each year as a public school.

14 Sec. 2. Section 15-2401, Arizona Revised Statutes, is amended to
15 read:

16 15-2401. Definitions

17 In this chapter, unless the context otherwise requires:

18 1. "Annual education plan" means an initial individualized
19 evaluation and subsequent annual reviews that are developed for a
20 qualified student who meets the criteria specified in paragraph 7,
21 subdivision (a), item (i), (ii) or (iii) of this section to determine
22 ongoing annual eligibility through the school year in which the qualified
23 student reaches twenty-two years of age and whether the student may be
24 eligible pursuant to section 36-2981 and should be referred for
25 eligibility determination.

26 2. "Curriculum" means a complete course of study for content areas
27 or grade levels, including any supplemental materials required by the
28 curriculum, THAT IS approved by the ~~department~~ TREASURER.

29 3. "Department" means the department of education.

30 4. "Eligible postsecondary institution" means a community college
31 as defined in section 15-1401, a university under the jurisdiction of the
32 Arizona board of regents or an accredited private postsecondary
33 institution.

34 5. "Parent" means a resident of this state who is the parent or
35 legal guardian of a qualified student.

36 6. "Qualified school" means a nongovernmental primary or secondary
37 school or a preschool for pupils with disabilities that is located in this
38 state and that does not discriminate on the basis of race, color or
39 national origin.

40 7. "Qualified student" means a resident of this state who:

41 (a) Is any of the following:

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

44 (ii) Identified by a school district or by an independent third
45 party pursuant to section 15-2403, subsection I as a child with a
46 disability as defined in section 15-731 or 15-761.

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

3 (iv) Attending a school or school district that has been assigned a
4 letter grade of D or F pursuant to section 15-241 or who is currently
5 eligible to attend kindergarten and who resides within the attendance
6 boundary of a school that has been assigned a letter grade of D or F
7 pursuant to section 15-241.

8 (v) A previous recipient of a scholarship issued pursuant to
9 section 15-891 or this section, unless the qualified student's parent has
10 been removed from eligibility in the program for failure to comply
11 pursuant to section 15-2403, subsection C.

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

16 (vii) A child who is a ward of the juvenile court and who is
17 residing with a prospective permanent placement pursuant to section 8-862
18 and the case plan is adoption or permanent guardianship.

19 (viii) A child who was a ward of the juvenile court and who
20 achieved permanency through adoption or permanent guardianship.

21 (ix) A child who is the sibling of a current or previous ARIZONA
22 empowerment scholarship account recipient or of an eligible qualified
23 student who accepts the terms of and enrolls in the ARIZONA empowerment
24 scholarship program.

25 (x) A child who resides within the boundaries of an Indian
26 reservation in this state as determined by the ~~department of education~~
27 TREASURER or a tribal government.

28 (xi) A child of a parent who is legally blind ~~pursuant to section~~
29 ~~41-1973, subsection C~~ or deaf or hard of hearing ~~pursuant to AS DEFINED IN~~
30 section 36-1941.

31 (b) And, except as provided in subdivision (a), item (vi) of this
32 paragraph, who meets any of the following requirements:

33 (i) Attended a governmental primary or secondary school as a
34 full-time student as defined in section 15-901 for at least the first one
35 hundred days of the prior fiscal year and who transferred from a
36 governmental primary or secondary school under a contract to participate
37 in an ARIZONA empowerment scholarship account. First, second and third
38 grade students who are enrolled in Arizona online instruction must receive
39 four hundred hours of logged instruction to be eligible pursuant to this
40 item. Fourth, fifth and sixth grade students who are enrolled in Arizona
41 online instruction must receive five hundred hours of logged instruction
42 to be eligible pursuant to this item. Seventh and eighth grade students
43 who are enrolled in Arizona online instruction must receive five hundred
44 fifty hours of logged instruction to be eligible pursuant to this item.
45 High school students who are enrolled in Arizona online instruction must

1 receive five hundred hours of logged instruction to be eligible pursuant
2 to this item.

3 (ii) Previously participated in the ARIZONA empowerment scholarship
4 account program.

5 (iii) Received a scholarship under section 43-1505 and who
6 continues to attend a qualified school if the student attended a
7 governmental primary or secondary school as a full-time student as defined
8 in section 15-901 for at least ninety days of the prior fiscal year or one
9 full semester ~~prior to~~ BEFORE attending a qualified school.

10 (iv) Was eligible for an Arizona scholarship for pupils with
11 disabilities and received monies from a school tuition organization
12 pursuant to section 43-1505 or received an Arizona scholarship for pupils
13 with disabilities but did not receive monies from a school tuition
14 organization pursuant to section 43-1505 and who continues to attend a
15 qualified school if the student attended a governmental primary or
16 secondary school as a full-time student as defined in section 15-901 for
17 at least ninety days of the prior fiscal year or one full semester prior
18 to attending a qualified school.

19 (v) Has not previously attended a governmental primary or secondary
20 school but is currently eligible to enroll in a kindergarten program in a
21 school district or charter school in this state or attended a program for
22 preschool children with disabilities.

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

26 8. "Treasurer" means the office of the state treasurer.

27 Sec. 3. Section 15-2402, Arizona Revised Statutes, is amended to
28 read:

29 15-2402. Arizona empowerment scholarship accounts; fund

30 A. Arizona empowerment scholarship accounts are established to
31 provide options for the education of students in this state.

32 B. To enroll a qualified student for an ARIZONA empowerment
33 scholarship account, the parent of the qualified student must sign an
34 agreement to do all of the following:

35 1. Use a portion of the ARIZONA empowerment scholarship account
36 monies allocated annually to provide an education for the qualified
37 student in at least the subjects of reading, grammar, mathematics, social
38 studies and science, unless the ARIZONA empowerment scholarship account is
39 allocated monies according to a transfer schedule other than quarterly
40 transfers pursuant to section 15-2403, subsection F.

41 2. Not enroll the qualified student in a school district or charter
42 school and release the school district from all obligations to educate the
43 qualified student. This paragraph does not relieve the school district or
44 charter school that the qualified student previously attended from the
45 obligation to conduct an evaluation pursuant to section 15-766.

1 3. Not accept a scholarship from a school tuition organization
2 pursuant to title 43 concurrently with an ARIZONA empowerment scholarship
3 account for the qualified student in the same year a parent signs the
4 agreement pursuant to this section.

5 4. Use the ~~money~~ MONIES deposited in the qualified student's
6 Arizona empowerment scholarship account only for the following expenses of
7 the qualified student:

8 (a) Tuition or fees at a qualified school.

9 (b) Textbooks required by a qualified school.

10 (c) If the qualified student meets any of the criteria specified in
11 section 15-2401, paragraph ~~6~~ 7, subdivision (a), item (i), (ii) or (iii)
12 as determined by a school district or by an independent third party
13 pursuant to section 15-2403, subsection I, the qualified student may use
14 the following additional services:

15 (i) Educational therapies from a licensed or accredited
16 practitioner or provider.

17 (ii) A licensed or accredited paraprofessional or educational aide.

18 (iii) Tuition for vocational and life skills education approved by
19 the ~~department~~ TREASURER.

20 (iv) Associated services that include educational and psychological
21 evaluations, assistive technology rentals and braille translation services
22 approved by the ~~department~~ TREASURER.

23 (d) Tutoring or teaching services provided by an individual or
24 facility accredited by a state, regional or national accrediting
25 organization.

26 (e) Curricula.

27 (f) Tuition or fees for a nonpublic online learning program.

28 (g) Fees for a nationally standardized norm-referenced achievement
29 test, an advanced placement examination or any exams related to college or
30 university admission.

31 (h) Contributions to a Coverdell education savings account
32 established pursuant to 26 United States Code section 530 for the benefit
33 of the qualified student, except that ~~money~~ MONIES used for elementary or
34 secondary education expenses must be for expenses otherwise allowed under
35 this section.

36 (i) Tuition or fees at an eligible postsecondary institution.

37 (j) Textbooks required by an eligible postsecondary institution.

38 (k) Fees ~~for management of~~ TO MANAGE the ARIZONA empowerment
39 scholarship account.

40 (l) Services provided by a public school, including individual
41 classes and extracurricular programs.

42 (m) Insurance or surety bond payments.

43 (n) Uniforms purchased from or through a qualified school.

44 (o) Beginning January 1, 2017, if the qualified student meets the
45 criteria specified in section 15-2401, paragraph 7, subdivision (a), item
46 (i), (ii) or (iii) and if the qualified student is in the second year

1 ~~prior to~~ BEFORE the final year of a contract executed pursuant to this
 2 article, costs associated with an annual education plan conducted by an
 3 independent evaluation team. The ~~department~~ TREASURER shall prescribe
 4 minimum qualifications for independent evaluation teams pursuant to this
 5 subdivision and factors that teams must use to determine whether the
 6 qualified student shall be eligible to continue to receive monies pursuant
 7 to this article through the school year in which the qualified student
 8 reaches twenty-two years of age. An independent evaluation team that
 9 provides an annual education plan pursuant to this subdivision shall
 10 submit a written report that summarizes the results of the evaluation to
 11 the parent of the qualified student and to the ~~department~~ TREASURER on or
 12 before July 31. The written report submitted by the independent
 13 evaluation team is valid for one year. If the ~~department~~ TREASURER
 14 determines that the qualified student meets the eligibility criteria
 15 prescribed in the annual education plan, the qualified student is eligible
 16 to continue to receive monies pursuant to this article until the qualified
 17 student reaches twenty-two years of age, subject to annual review. A
 18 parent may appeal the ~~department's~~ TREASURER'S decision pursuant to
 19 title 41, chapter 6, article 10. As an addendum to a qualified student's
 20 final-year contract, the ~~department~~ TREASURER shall provide the following
 21 written information to the parent of the qualified student:

22 (i) That the qualified student will not be eligible to continue to
 23 receive monies pursuant to this article unless the results of an annual
 24 education plan conducted pursuant to this subdivision demonstrate that the
 25 qualified student meets the eligibility criteria prescribed in the annual
 26 education plan.

27 (ii) That the parent is entitled to obtain an annual education plan
 28 pursuant to this subdivision to determine whether the qualified student
 29 meets the eligibility criteria prescribed in the annual education plan.

30 (iii) A list of independent evaluation teams that meet the minimum
 31 qualifications prescribed by the ~~department~~ TREASURER pursuant to this
 32 subdivision.

33 5. Not file an affidavit of intent to homeschool pursuant to
 34 section 15-802, subsection B, paragraph 2 or 3.

35 6. Not use monies deposited in the qualified student's account for
 36 any of the following:

- 37 (a) Computer hardware or other technological devices.
- 38 (b) Transportation of the pupil.
- 39 (c) Consumable educational supplies, including paper, pens or
 40 markers.

41 C. In exchange for the parent's agreement pursuant to subsection B
 42 of this section, the ~~department~~ TREASURER shall transfer from the monies
 43 that would otherwise be allocated to a recipient's prior school district,
 44 or if the child is currently eligible to attend kindergarten, the monies
 45 that the ~~department~~ TREASURER determines would otherwise be allocated to a
 46 recipient's expected school district of attendance, ~~to the treasurer~~ for

1 deposit into an Arizona empowerment scholarship account an amount that is
2 equivalent to ninety percent of the sum of the base support level and
3 additional assistance prescribed in sections 15-185 and 15-943 for that
4 particular student if that student were attending a charter school. The
5 ~~department~~ TREASURER may retain up to five percent of the sum of the base
6 support level and additional assistance prescribed in sections 15-185 and
7 15-943 for each student with an ARIZONA empowerment scholarship account
8 for deposit in the ~~department of education~~ STATE TREASURER empowerment
9 scholarship account fund established ~~in~~ BY subsection D of this
10 section, ~~out of which the department shall transfer one percent of the sum~~
11 ~~of the base support level and additional assistance prescribed in sections~~
12 ~~15-185 and 15-943 for each student with an empowerment scholarship account~~
13 ~~to the state treasurer for deposit in the state treasurer empowerment~~
14 ~~scholarship account fund established in subsection E of this section.~~

15 ~~D. The department of education empowerment scholarship account fund~~
16 ~~is established consisting of monies retained by the department pursuant to~~
17 ~~subsection C of this section. The department shall administer the fund.~~
18 ~~Monies in the fund are subject to legislative appropriation. Monies in~~
19 ~~the fund shall be used for the department's costs in administering~~
20 ~~empowerment scholarship accounts under this chapter. Monies in the fund~~
21 ~~are exempt from the provisions of section 35-190 relating to lapsing of~~
22 ~~appropriations. If the number of empowerment scholarship accounts~~
23 ~~significantly increases after fiscal year 2012-2013, the department may~~
24 ~~request an increase in the amount appropriated to the fund in any~~
25 ~~subsequent fiscal year in the budget estimate submitted pursuant to~~
26 ~~section 35-113.~~

27 ~~E. D.~~ D. The state treasurer empowerment scholarship account fund is
28 established consisting of monies ~~transferred~~ RETAINED by the ~~department to~~
29 ~~the state~~ treasurer pursuant to subsection C of this section. The state
30 treasurer shall administer the fund. Monies in the fund shall be used for
31 the state treasurer's costs in administering the ARIZONA empowerment
32 scholarship accounts under this chapter. If the number of ARIZONA
33 empowerment scholarship accounts significantly increases after fiscal year
34 2013-2014, the state treasurer may request an increase in the amount
35 appropriated to the fund in any subsequent fiscal year in the budget
36 estimate submitted pursuant to section 35-113. Monies in the fund are
37 subject to legislative appropriation. Monies in the fund are exempt from
38 the provisions of section 35-190 relating to lapsing of appropriations.

39 ~~F. E.~~ E. A parent must renew the qualified student's ARIZONA
40 empowerment scholarship account on an annual basis. Notwithstanding any
41 changes to the student's multidisciplinary evaluation team plan, a student
42 who has previously qualified for an ARIZONA empowerment scholarship
43 account ~~shall remain~~ REMAINS eligible to apply for renewal until the
44 student finishes high school.

45 ~~G. F.~~ F. A signed agreement under this section constitutes school
46 attendance required by section 15-802.

1 ~~H.~~ G. A qualified school or a provider of services purchased
2 pursuant to subsection B, paragraph 4 of this section may not share,
3 refund or rebate any Arizona empowerment scholarship account monies with
4 the parent or qualified student in any manner.

5 ~~I.~~ H. On the qualified student's graduation from a postsecondary
6 institution or after any period of four consecutive years after high
7 school graduation in which the student is not enrolled in an eligible
8 postsecondary institution, the qualified student's Arizona empowerment
9 scholarship account shall be closed and any remaining ~~funds~~ MONIES shall
10 be returned to the state.

11 ~~J.~~ I. Monies received pursuant to this article do not constitute
12 taxable income to the parent of the qualified student.

13 Sec. 4. Section 15-2403, Arizona Revised Statutes, is amended to
14 read:

15 15-2403. Arizona empowerment scholarship accounts;
16 administration; audit; rules

17 A. The treasurer may contract with private financial management
18 firms to manage Arizona empowerment scholarship accounts.

19 B. The ~~department~~ TREASURER shall conduct or contract for annual
20 audits of ARIZONA empowerment scholarship accounts to ensure compliance
21 with section 15-2402, subsection B, paragraph 4. The ~~department~~ TREASURER
22 shall also conduct or contract for random, quarterly and annual audits of
23 ARIZONA empowerment scholarship accounts as needed to ensure compliance
24 with section 15-2402, subsection B, paragraph 4.

25 C. The ~~department~~ TREASURER may remove any parent or qualified
26 student from eligibility for an Arizona empowerment scholarship account if
27 the parent or qualified student fails to comply with the terms of the
28 contract or applicable laws, rules or orders or knowingly misuses monies
29 or knowingly fails to comply with the terms of the contract with intent to
30 defraud and shall notify the treasurer. The ~~department~~ TREASURER shall
31 ~~notify the treasurer to~~ suspend the account of a parent or qualified
32 student and shall notify the parent or qualified student in writing that
33 the account has been suspended and that no further transactions will be
34 allowed or disbursements made. The notification shall specify the reason
35 for the suspension and state that the parent or qualified student has ten
36 days, not including weekends, to respond and take corrective action. If
37 the parent or qualified student refuses or fails to contact the ~~department~~
38 TREASURER, furnish any information or make any report that may be required
39 for reinstatement within the ten-day period, the ~~department~~ TREASURER may
40 remove the parent or qualified student pursuant to this subsection.

41 D. A parent may appeal the ~~department's~~ TREASURER'S decision
42 pursuant to title 41, chapter 6, article 10.

43 E. The ~~department~~ TREASURER may refer cases of substantial misuse
44 of monies to the attorney general for the purpose of collection or for the
45 purpose of a criminal investigation if the ~~department~~ TREASURER obtains
46 evidence of fraudulent use of an account.

1 F. The ~~department~~ TREASURER shall make quarterly transfers of the
2 amount calculated pursuant to section 15-2402, subsection C ~~to the~~
3 ~~treasurer~~ for deposit ~~into~~ IN the ARIZONA empowerment scholarship account
4 of each qualified student, except the ~~department~~ TREASURER may make
5 transfers according to another transfer schedule if the ~~department~~
6 TREASURER determines a transfer schedule other than quarterly transfers is
7 necessary for the operation of the ARIZONA empowerment scholarship
8 account.

9 G. The ~~department~~ TREASURER shall accept applications between July
10 1 and June 30 of each year. The ~~department~~ TREASURER shall enroll and
11 issue an award letter to eligible applicants within forty-five days after
12 receipt of a completed application and all required documentation. On or
13 before May 30 of each year, the ~~department~~ TREASURER shall furnish to the
14 joint legislative budget committee an estimate of the amount required to
15 fund ARIZONA empowerment scholarship accounts for the following fiscal
16 year. The ~~department~~ TREASURER shall include in its budget request for
17 the following fiscal year the amount estimated ~~in~~ PURSUANT TO section
18 15-2402, subsection C for each qualified student. THE TREASURER MAY
19 REQUEST INFORMATION FROM THE DEPARTMENT FOR THE PURPOSES OF CALCULATING
20 THESE ESTIMATES.

21 H. The ~~department~~ TREASURER may adopt rules and policies necessary
22 ~~for the administration of~~ TO ADMINISTER ARIZONA empowerment scholarship
23 accounts, including RULES AND POLICIES:

- 24 1. ~~Policies~~ For conducting or contracting for examinations of the
25 use of account monies.
- 26 2. FOR conducting or contracting for random, quarterly and annual
27 reviews of accounts.
- 28 3. FOR establishing or contracting for the establishment of an
29 online anonymous fraud reporting service.
- 30 4. FOR establishing an anonymous telephone hotline for fraud
31 reporting.
- 32 5. ~~Policies~~ That require a surety bond or insurance for account
33 holders.

34 I. The ~~department~~ TREASURER shall contract with an independent
35 third party for the purposes of determining ~~if~~ WHETHER a qualified student
36 is eligible to receive educational therapies or services pursuant to
37 section 15-2402, subsection B, paragraph 4, subdivision (c).