

State of Arizona
Senate
Fifty-fourth Legislature
Second Regular Session
2020

CHAPTER 12
SENATE BILL 1224

AN ACT

AMENDING SECTIONS 15-2401, 15-2402 AND 15-2403, ARIZONA REVISED STATUTES;
APPROPRIATING MONIES; 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. "Annual education plan" means an initial individualized
7 evaluation and subsequent annual reviews that are developed for a
8 qualified student who meets the criteria specified in paragraph 7,
9 subdivision (a), item (i), (ii) or (iii) of this section to determine
10 ongoing annual eligibility through the school year in which the qualified
11 student reaches twenty-two years of age and whether the student may be
12 eligible pursuant to section 36-2981 and should be referred for
13 eligibility determination.

14 2. "Curriculum" means a **complete** course of study for content areas
15 or grade levels, including any supplemental materials required **OR**
16 **RECOMMENDED** by the curriculum, approved by the department.

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

18 4. "Eligible postsecondary institution" means a community college
19 as defined in section 15-1401, a university under the jurisdiction of the
20 Arizona board of regents or an accredited private postsecondary
21 institution.

22 5. "Parent" means a resident of this state who is the parent,
23 **STEPPARENT** or legal guardian of a qualified student.

24 6. "Qualified school" means a nongovernmental primary or secondary
25 school or a preschool for pupils with disabilities that is located in this
26 state **OR, FOR QUALIFIED STUDENTS WHO RESIDE WITHIN THE BOUNDARIES OF AN**
27 **INDIAN RESERVATION IN THIS STATE, THAT IS LOCATED IN AN ADJACENT STATE AND**
28 **THAT IS WITHIN TWO MILES OF THE BORDER OF THE STATE IN WHICH THE QUALIFIED**
29 **STUDENT RESIDES**, and that does not discriminate on the basis of race,
30 color or national origin.

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

32 (a) Is any of the following:

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

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

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

40 (iv) Attending a school or school district that has been assigned a
41 letter grade of D or F pursuant to section 15-241 or who is currently
42 eligible to attend kindergarten and who resides within the attendance
43 boundary of a school that has been assigned a letter grade of D or F
44 pursuant to section 15-241.

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

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

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

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

14 (ix) A child who is the sibling of a current or previous ARIZONA
15 empowerment scholarship account recipient or of an eligible qualified
16 student who accepts the terms of and enrolls in ~~the~~ AN ARIZONA empowerment
17 scholarship ~~program~~ ACCOUNT.

18 (x) A child who resides within the boundaries of an Indian
19 reservation in this state as determined by the department of education or
20 a tribal government.

21 (xi) A child of a parent who is legally blind ~~pursuant to section~~
22 ~~41-1973, subsection C~~ or deaf or hard of hearing ~~pursuant to~~ AS DEFINED IN
23 section 36-1941.

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

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

41 (ii) Previously participated in ~~the~~ AN ARIZONA empowerment
42 scholarship account ~~program~~.

43 (iii) Received a scholarship under section 43-1505 and who
44 continues to attend a qualified school if the student attended a
45 governmental primary or secondary school as a full-time student as defined

1 in section 15-901 for at least ninety days of the prior fiscal year or one
2 full semester ~~prior to~~ BEFORE attending a qualified school.

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

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

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

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

20 Sec. 2. Section 15-2402, Arizona Revised Statutes, is amended to
21 read:

22 15-2402. Arizona empowerment scholarship accounts; funds

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

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

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

34 2. Not enroll the qualified student in a school district or charter
35 school and release the school district from all obligations to educate the
36 qualified student. This paragraph does not relieve the school district or
37 charter school that the qualified student previously attended from the
38 obligation to conduct an evaluation pursuant to section 15-766.

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

43 4. Use ~~the money~~ MONIES deposited in the qualified student's
44 Arizona empowerment scholarship account only for the following expenses of
45 the qualified student:

- 1 (a) Tuition or fees at a qualified school.
2 (b) Textbooks required by a qualified school.
3 (c) If the qualified student meets any of the criteria specified in
4 section 15-2401, paragraph ~~6~~ 7, subdivision (a), item (i), (ii) or (iii)
5 as determined by a school district or by an independent third party
6 pursuant to section 15-2403, subsection I, the qualified student may use
7 the following additional services:
8 (i) Educational therapies from a licensed or accredited
9 practitioner or provider.
10 (ii) A licensed or accredited paraprofessional or educational aide.
11 (iii) Tuition for vocational and life skills education approved by
12 the department.
13 (iv) Associated **GOODS AND** services that include educational and
14 psychological evaluations, assistive technology rentals and braille
15 translation **GOODS AND** services approved by the department.
16 (d) Tutoring or teaching services provided by an individual or
17 facility accredited by a state, regional or national accrediting
18 organization.
19 (e) Curricula **AND SUPPLEMENTARY MATERIALS**.
20 (f) Tuition or fees for a nonpublic online learning program.
21 (g) Fees for a nationally standardized norm-referenced achievement
22 test, an advanced placement examination or any exams related to college or
23 university admission.
24 ~~(h) Contributions to a Coverdell education savings account~~
25 ~~established pursuant to 26 United States Code section 530 for the benefit~~
26 ~~of the qualified student, except that money used for elementary or~~
27 ~~secondary education expenses must be for expenses otherwise allowed under~~
28 ~~this section.~~
29 ~~(i)~~ (h) Tuition or fees at an eligible postsecondary institution.
30 ~~(j)~~ (i) Textbooks required by an eligible postsecondary
31 institution.
32 ~~(k)~~ (j) Fees ~~for management of~~ **TO MANAGE** the **ARIZONA** empowerment
33 scholarship account.
34 ~~(l)~~ (k) Services provided by a public school, including individual
35 classes and extracurricular programs.
36 ~~(m)~~ (l) Insurance or surety bond payments.
37 ~~(n)~~ (m) Uniforms purchased from or through a qualified school.
38 ~~(o)~~ (n) ~~Beginning January 1, 2017,~~ If the qualified student meets
39 the criteria specified in section 15-2401, paragraph 7, subdivision (a),
40 item (i), (ii) or (iii) and if the qualified student is in the second year
41 prior to the final year of a contract executed pursuant to this article,
42 costs associated with an annual education plan conducted by an independent
43 evaluation team. The department shall prescribe minimum qualifications
44 for independent evaluation teams pursuant to this subdivision and factors
45 that teams must use to determine whether the qualified student shall be

1 eligible to continue to receive monies pursuant to this article through
2 the school year in which the qualified student reaches twenty-two years of
3 age. An independent evaluation team that provides an annual education
4 plan pursuant to this subdivision shall submit a written report that
5 summarizes the results of the evaluation to the parent of the qualified
6 student and to the department on or before July 31. The written report
7 submitted by the independent evaluation team is valid for one year. If
8 the department determines that the qualified student meets the eligibility
9 criteria prescribed in the annual education plan, the qualified student is
10 eligible to continue to receive monies pursuant to this article until the
11 qualified student reaches twenty-two years of age, subject to annual
12 review. A parent may appeal the department's decision pursuant to title
13 41, chapter 6, article 10. As an addendum to a qualified student's final-
14 year contract, the department shall provide the following written
15 information to the parent of the qualified student:

16 (i) That the qualified student will not be eligible to continue to
17 receive monies pursuant to this article unless the results of an annual
18 education plan conducted pursuant to this subdivision demonstrate that the
19 qualified student meets the eligibility criteria prescribed in the annual
20 education plan.

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

24 (iii) A list of independent evaluation teams that meet the minimum
25 qualifications prescribed by the department pursuant to this subdivision.

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

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

30 (a) Computer hardware or other technological devices, **EXCEPT AS**
31 **OTHERWISE ALLOWED UNDER PARAGRAPH 4, SUBDIVISION (c) OF THIS SUBSECTION.**

32 (b) Transportation of the pupil.

33 (c) Consumable educational supplies, including paper, pens or
34 markers.

35 C. In exchange for the parent's agreement pursuant to subsection B
36 of this section, the department shall transfer from the monies that would
37 otherwise be allocated to a recipient's prior school district, or if the
38 child is currently eligible to attend kindergarten, the monies that the
39 department determines would otherwise be allocated to a recipient's
40 expected school district of attendance, to the treasurer for deposit into
41 an Arizona empowerment scholarship account an amount that is equivalent to
42 ninety percent of the sum of the base support level and additional
43 assistance prescribed in sections 15-185 and 15-943 for that particular
44 student if that student were attending a charter school. ~~The department~~
45 ~~may retain up to five percent of the sum of the base support level and~~

1 ~~additional assistance prescribed in sections 15-185 and 15-943 for each~~
2 ~~student with an empowerment scholarship account for deposit in the~~
3 ~~department of education empowerment scholarship account fund established~~
4 ~~in subsection D of this section, out of which the department shall~~
5 ~~transfer one percent of the sum of the base support level and additional~~
6 ~~assistance prescribed in sections 15-185 and 15-943 for each student with~~
7 ~~an empowerment scholarship account to the state treasurer for deposit in~~
8 ~~the state treasurer empowerment scholarship account fund established in~~
9 ~~subsection E of this section.~~

10 D. The department of education empowerment scholarship account fund
11 is established consisting of monies ~~retained by the department pursuant to~~
12 ~~subsection C of this section~~ APPROPRIATED BY THE LEGISLATURE. The
13 department shall administer the fund. Monies in the fund are subject to
14 legislative appropriation. Monies in the fund shall be used for the
15 department's costs in administering ARIZONA empowerment scholarship
16 accounts under this chapter. Monies in the fund are exempt from the
17 provisions of section 35-190 relating to lapsing of appropriations. If
18 the number of ARIZONA empowerment scholarship accounts significantly
19 increases after fiscal year ~~2012-2013~~ 2020-2021, the department may
20 request an increase in the amount appropriated to the fund in any
21 subsequent fiscal year in the budget estimate submitted pursuant to
22 section 35-113. THE DEPARTMENT SHALL LIST MONIES IN THE FUND AS A
23 SEPARATE LINE ITEM IN ITS BUDGET ESTIMATE.

24 E. The state treasurer empowerment scholarship account fund is
25 established consisting of monies ~~transferred by the department to the~~
26 ~~state treasurer pursuant to subsection C of this section~~ APPROPRIATED BY
27 THE LEGISLATURE. The state treasurer shall administer the fund. Monies
28 in the fund shall be used for the state treasurer's costs in administering
29 the ARIZONA empowerment scholarship accounts under this chapter. If the
30 number of ARIZONA empowerment scholarship accounts significantly increases
31 after fiscal year ~~2013-2014~~ 2020-2021, the state treasurer may request an
32 increase in the amount appropriated to the fund in any subsequent fiscal
33 year in the budget estimate submitted pursuant to section 35-113. Monies
34 in the fund are subject to legislative appropriation. Monies in the fund
35 are exempt from the provisions of section 35-190 relating to lapsing of
36 appropriations. THE STATE TREASURER SHALL LIST MONIES IN THE FUND AS A
37 SEPARATE LINE ITEM IN ITS BUDGET ESTIMATE.

38 F. A parent must renew the qualified student's ARIZONA empowerment
39 scholarship account on an annual basis.

40 G. Notwithstanding any changes to the student's multidisciplinary
41 evaluation team plan, a student who has previously qualified for an
42 ARIZONA empowerment scholarship account ~~shall remain~~ REMAINS eligible to
43 apply for renewal until the student finishes high school.

44 H. IF A PARENT DOES NOT RENEW THE QUALIFIED STUDENT'S ARIZONA
45 EMPOWERMENT SCHOLARSHIP ACCOUNT FOR A PERIOD OF THREE ACADEMIC YEARS, THE

1 DEPARTMENT SHALL NOTIFY THE PARENT THAT THE QUALIFIED STUDENT'S ACCOUNT
2 WILL BE CLOSED IN SIXTY CALENDAR DAYS. THE NOTIFICATION MUST BE SENT
3 THROUGH CERTIFIED MAIL, EMAIL AND TELEPHONE, IF APPLICABLE. THE PARENT
4 HAS SIXTY CALENDAR DAYS TO RENEW THE QUALIFIED STUDENT'S ARIZONA
5 EMPOWERMENT SCHOLARSHIP ACCOUNT. IF THE PARENT CHOOSES NOT TO RENEW OR
6 DOES NOT RESPOND IN SIXTY CALENDAR DAYS, THE DEPARTMENT SHALL CLOSE THE
7 ACCOUNT AND ANY REMAINING MONIES SHALL BE RETURNED TO THE STATE.

8 ~~G.~~ I. A signed agreement under this section constitutes school
9 attendance required by section 15-802.

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

14 ~~I.~~ K. On the qualified student's graduation from a postsecondary
15 institution or after any period of four consecutive years after high
16 school graduation in which the student is not enrolled in an eligible
17 postsecondary institution, the qualified student's Arizona empowerment
18 scholarship account shall be closed and any remaining ~~funds~~ MONIES shall
19 be returned to the state.

20 ~~J.~~ L. Monies received pursuant to this article do not constitute
21 taxable income to the parent of the qualified student.

22 Sec. 3. Section 15-2403, Arizona Revised Statutes, is amended to
23 read:

24 15-2403. Arizona empowerment scholarship accounts;
25 administration; appeals; audit; rules; policy
26 handbook

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

29 B. The department shall conduct or contract for annual audits of
30 ARIZONA empowerment scholarship accounts to ensure compliance with section
31 15-2402, subsection B, paragraph 4. The department shall also conduct or
32 contract for random, quarterly and annual audits of ARIZONA empowerment
33 scholarship accounts as needed to ensure compliance with section 15-2402,
34 subsection B, paragraph 4.

35 C. The department may remove any parent or qualified student from
36 eligibility for an Arizona empowerment scholarship account if the parent
37 or qualified student fails to comply with the terms of the contract or
38 applicable laws, rules or orders or knowingly misuses monies or knowingly
39 fails to comply with the terms of the contract with intent to defraud and
40 shall notify the treasurer. The department shall notify the treasurer to
41 suspend the account of a parent or qualified student and shall notify the
42 parent or qualified student in writing that the account has been suspended
43 and that no further transactions will be allowed or disbursements made.
44 The notification shall specify the reason for the suspension and state
45 that the parent or qualified student has ten days, not including weekends,

1 to respond and take corrective action. If the parent or qualified student
2 refuses or fails to contact the department, furnish any information or
3 make any report that may be required for reinstatement within the ten-day
4 period, the department may remove the parent or qualified student pursuant
5 to this subsection.

6 D. A parent may appeal ~~the department's~~ TO THE STATE BOARD OF
7 EDUCATION ANY ADMINISTRATIVE decision THE DEPARTMENT MAKES pursuant to
8 ~~title 41, chapter 6,~~ THIS article, ~~to~~ INCLUDING DETERMINATIONS OF
9 ALLOWABLE EXPENSES, REMOVAL FROM THE PROGRAM OR ENROLLMENT ELIGIBILITY.
10 THE DEPARTMENT SHALL NOTIFY THE PARENT IN WRITING THAT THE PARENT MAY
11 APPEAL ANY ADMINISTRATIVE DECISION UNDER THIS ARTICLE AND THE PROCESS BY
12 WHICH THE PARENT MAY APPEAL AT THE SAME TIME THE DEPARTMENT NOTIFIES THE
13 PARENT OF AN ADMINISTRATIVE DECISION UNDER THIS ARTICLE. THE STATE BOARD
14 OF EDUCATION SHALL ESTABLISH AN APPEALS PROCESS, AND THE DEPARTMENT SHALL
15 POST THIS INFORMATION ON THE DEPARTMENT'S WEBSITE IN THE SAME LOCATION AS
16 THE POLICY HANDBOOK DEVELOPED PURSUANT TO SUBSECTION J OF THIS SECTION.

17 E. The ~~department~~ STATE BOARD OF EDUCATION may refer cases of
18 substantial misuse of monies to the attorney general for the purpose of
19 collection or for the purpose of a criminal investigation if the
20 ~~department~~ STATE BOARD OF EDUCATION obtains evidence of fraudulent use of
21 an account.

22 F. The department shall make quarterly transfers of the amount
23 calculated pursuant to section 15-2402, subsection C to the treasurer for
24 deposit ~~into~~ IN the ARIZONA empowerment scholarship account of each
25 qualified student, except the department may make transfers according to
26 another transfer schedule if the department determines a transfer schedule
27 other than quarterly transfers is necessary ~~for the operation of~~ TO
28 OPERATE the ARIZONA empowerment scholarship account.

29 G. The department shall accept applications between July 1 and June
30 30 of each year. The department shall enroll and issue an award letter to
31 eligible applicants within forty-five days after receipt of a completed
32 application and all required documentation. On or before May 30 of each
33 year, the department shall furnish to the joint legislative budget
34 committee an estimate of the amount required to fund ARIZONA empowerment
35 scholarship accounts for the following fiscal year. The department shall
36 include in its budget request for the following fiscal year the amount
37 estimated ~~in~~ PURSUANT TO section 15-2402, subsection C for each qualified
38 student.

39 H. The ~~department~~ STATE BOARD OF EDUCATION may adopt rules and
40 policies necessary ~~for the administration of~~ TO ADMINISTER ARIZONA
41 empowerment scholarship accounts, including RULES AND POLICIES:

42 1. FOR ESTABLISHING AN APPEALS PROCESS PURSUANT TO SUBSECTION D OF
43 THIS SECTION.

44 ~~1.~~ 2. Policies For conducting or contracting for examinations of
45 the use of account monies.

1 ~~2.~~ 3. FOR conducting or contracting for random, quarterly and
2 annual reviews of accounts.

3 ~~3.~~ 4. FOR establishing or contracting for the establishment of an
4 online anonymous fraud reporting service.

5 ~~4.~~ 5. FOR establishing an anonymous telephone hotline for fraud
6 reporting.

7 ~~5.~~ 6. ~~Policies~~ That require a surety bond or insurance for account
8 holders.

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

13 J. ON OR BEFORE JULY 1 OF EACH YEAR, THE DEPARTMENT SHALL DEVELOP
14 AN APPLICANT AND PARTICIPANT HANDBOOK THAT INCLUDES INFORMATION RELATING
15 TO POLICIES AND PROCESSES OF ARIZONA EMPOWERMENT SCHOLARSHIP ACCOUNTS.
16 THE POLICY HANDBOOK SHALL COMPLY WITH THE RULES ADOPTED BY THE STATE BOARD
17 OF EDUCATION PURSUANT TO THIS SECTION. THE DEPARTMENT SHALL POST THE
18 HANDBOOK ON ITS WEBSITE.

19 Sec. 4. Appropriations; department of education empowerment
20 scholarship account fund; department of education;
21 state board of education; Arizona empowerment
22 scholarship accounts; exemption

23 A. The following sums are appropriated from the state general fund
24 in fiscal year 2020-2021 to the department of education empowerment
25 scholarship account fund established by section 15-2402, Arizona Revised
26 Statutes, as amended by this act, and are appropriated from the department
27 of education empowerment scholarship account fund to the department of
28 education:

29 1. \$276,000 and five FTE positions to establish a dedicated call
30 center for exclusive use for the Arizona empowerment scholarship account
31 program at the department of education that works in conjunction with the
32 exceptional student services division or its successor division.

33 2. \$388,000 and six FTE positions for case managers to review and
34 approve Arizona empowerment scholarship account applications at the
35 department of education. In addition to hiring new case managers pursuant
36 to this paragraph, the department of education shall transition existing
37 employees who review and approve applications out of their existing roles
38 to employ a case management approach to serving applicants to the Arizona
39 empowerment scholarship account program in which an applicant has a main
40 point of contact.

41 3. \$136,000 and two FTE positions for accounting staff to support
42 the administrative responsibilities pertaining to a system provided by a
43 third-party private financial management company.

44 B. The sum of \$150,000 is appropriated from the state general fund
45 in fiscal year 2020-2021 to the department of education to conduct

1 statewide seminars and trainings for applicants for Arizona empowerment
2 scholarship accounts and for staff professional development, marketing and
3 community outreach activities relating to Arizona empowerment scholarship
4 accounts, particularly in rural communities.

5 C. The sum of \$100,000 and one FTE position are appropriated from
6 the state general fund in fiscal year 2020-2021 to the state board of
7 education to provide administrative support for the rulemaking process and
8 for the purposes of appeals that are brought to the state board of
9 education under title 15, chapter 19, Arizona Revised Statutes, as amended
10 by this act.

11 D. The sum of \$50,000 is appropriated from the state general fund
12 in fiscal year 2020-2021 to the state board of education for attorney
13 general legal services for the appeals program under title 15, chapter 19,
14 Arizona Revised Statutes, as amended by this act.

15 E. The appropriations made in this section are exempt from the
16 provisions of section 35-190, Arizona Revised Statutes, relating to
17 lapsing of appropriations.

18 Sec. 5. State board of education; Arizona empowerment
19 scholarship accounts; rulemaking

20 On or before November 1, 2020, the state board of education shall
21 adopt rules necessary to administer Arizona empowerment scholarship
22 accounts pursuant to section 15-2403, subsection H, Arizona Revised
23 Statutes, as amended by this act. In adopting rules, the state board of
24 education shall work in cooperation with the department of education and
25 may use existing resources and policy documents to guide the rulemaking
26 process.

27 Sec. 6. Attorney general; written guidance; Arizona
28 empowerment scholarship accounts information;
29 public records

30 On or before August 1, 2020, the attorney general shall provide
31 written guidance to the department of education and the state board of
32 education regarding what types of information that is collected under
33 title 15, chapter 19, Arizona Revised Statutes, as amended by this act,
34 are subject to public records requests under state and federal law,
35 including the family educational rights and privacy act of 1974
36 (P.L. 93-380; 88 Stat. 57).

37 Sec. 7. Retroactivity

38 Sections 4 and 5 of this act apply retroactively to from and after
39 the date on which this act is filed with the secretary of state.

APPROVED BY THE GOVERNOR MARCH 20, 2020.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 20, 2020.