

REFERENCE TITLE: empowerment scholarships; qualified schools; parent

State of Arizona
House of Representatives
Fifty-fourth Legislature
Second Regular Session
2020

HB 2898

Introduced by
Representatives Cobb: Kern

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. "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 by the
16 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 DOES NOT
26 DISCRIMINATE ON THE BASIS OF RACE, COLOR OR NATIONAL ORIGIN AND that is
27 ONE OF THE FOLLOWING:

28 (a) Located in this state ~~and that does not discriminate on the~~
29 ~~basis of race, color or national origin.~~

30 (b) FOR QUALIFIED STUDENTS WHO RESIDE WITHIN THE BOUNDARIES OF AN
31 INDIAN RESERVATION IN THIS STATE, LOCATED IN AN ADJACENT STATE WITHIN TWO
32 MILES OF THE BORDER OF THIS STATE.

33 (c) FOR QUALIFIED STUDENTS WHO RESIDE WITHIN A TOWN IN THIS STATE
34 WITH A POPULATION OF LESS THAN TEN THOUSAND PERSONS THAT IS WITHIN A
35 COUNTY WITH A POPULATION OF AT LEAST ONE HUNDRED FIFTY THOUSAND PERSONS
36 BUT LESS THAN FIVE HUNDRED THOUSAND PERSONS AND THAT IS PART OF A
37 COMMUNITY THAT IS SPLIT BETWEEN THIS STATE AND AN ADJACENT STATE, LOCATED
38 IN THE ADJACENT STATE WITHIN TWO MILES OF THE BORDER OF THIS STATE.

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

40 (a) Is any of the following:

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

43 (ii) Identified by a school district or by an independent third
44 party pursuant to section 15-2403, subsection I as a child with a
45 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 duty.
14 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~~ AN ARIZONA empowerment
24 scholarship ~~program~~ ACCOUNT.

25 (x) A child who resides within the boundaries of an Indian
26 reservation in this state as determined by the department of education or
27 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~~ AN ARIZONA empowerment
4 scholarship 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.