

REFERENCE TITLE: empowerment scholarships; qualified schools; reservations

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

SB 1224

Introduced by
Senator Allen S

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 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 BOUNDARY OF THE INDIAN RESERVATION ON
29 WHICH THE QUALIFIED STUDENT RESIDES, and that does not discriminate on the
30 basis of race, 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.