

REFERENCE TITLE: empowerment scholarship accounts; student victims

State of Arizona  
House of Representatives  
Fifty-fifth Legislature  
First Regular Session  
2021

## **HB 2503**

Introduced by  
Representative Bolick

AN ACT

AMENDING SECTION 15-2401, ARIZONA REVISED STATUTES; AMENDING TITLE 15, CHAPTER 19, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-2405; 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 course of study for content areas or grade  
15 levels, including any supplemental materials required or recommended by  
16 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.

45 (v) A previous recipient of a scholarship issued pursuant to  
46 section 15-891 or this section, unless the qualified student's parent has

1 been removed from eligibility in the program for failure to comply  
2 pursuant to section 15-2403, subsection C.

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

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

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

12 (ix) A child who is the sibling of a current or previous Arizona  
13 empowerment scholarship account recipient or of an eligible qualified  
14 student who accepts the terms of and enrolls in an Arizona empowerment  
15 scholarship account.

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

19 (xi) A child of a parent who is legally blind or deaf or hard of  
20 hearing as defined in section 36-1941.

21 (xii) THE ALLEGED VICTIM OF ASSAULT PURSUANT TO SECTION 13-1203,  
22 HARASSMENT, HAZING, KIDNAPPING PURSUANT TO SECTION 13-1304, AGGRAVATED  
23 ASSAULT PURSUANT TO SECTION 13-1204, THEFT PURSUANT TO SECTION 13-1802,  
24 BURGLARY PURSUANT TO SECTION 13-1506, 13-1507 OR 13-1508, SEXUAL  
25 HARASSMENT, A SEXUAL OFFENSE AS DEFINED IN SECTION 13-1420, THREATENING OR  
26 INTIMIDATING PURSUANT TO SECTION 13-1202, FIGHTING, SEX TRAFFICKING  
27 PURSUANT TO SECTION 13-1307 OR TRAFFICKING OF PERSONS FOR FORCED LABOR OR  
28 SERVICES PURSUANT TO SECTION 13-1308 AND THE INCIDENT OCCURRED ON SCHOOL  
29 GROUNDS, ON A SCHOOL BUS, AT A SCHOOL BUS STOP OR AT A SCHOOL-SPONSORED  
30 EVENT OR ACTIVITY, INCLUDING THROUGH THE USE OF ELECTRONIC TECHNOLOGY OR  
31 AN ELECTRONIC COMMUNICATION ON A SCHOOL COMPUTER, NETWORK, FORUM OR  
32 MAILING LIST.

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

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

1 High school students who are enrolled in Arizona online instruction must  
2 receive five hundred hours of logged instruction to be eligible pursuant  
3 to this item.

4 (ii) Previously participated in an Arizona empowerment scholarship  
5 account.

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

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

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

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

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

28 Sec. 2. Title 15, chapter 19, article 1, Arizona Revised Statutes,  
29 is amended by adding section 15-2405, to read:

30 15-2405. Incident reports; school district obligations;  
31 department obligations

32 A. ON RECEIPT OF A POLICE REPORT OR AN ADMINISTRATIVE OR COURT  
33 PLEADING INVOLVING AN INCIDENT OF ASSAULT, HARASSMENT, HAZING, KIDNAPPING,  
34 AGGRAVATED ASSAULT, THEFT, BURGLARY, SEXUAL HARASSMENT, A SEXUAL OFFENSE,  
35 THREATENING OR INTIMIDATION, FIGHTING, SEX TRAFFICKING OR TRAFFICKING OF  
36 PERSONS FOR FORCED LABOR OR SERVICES AS PRESCRIBED IN SECTION 15-2401,  
37 PARAGRAPH 7, SUBDIVISION (a), ITEM (xii), THE SCHOOL PRINCIPAL OR THE  
38 PRINCIPAL'S DESIGNEE SHALL PROVIDE A COPY OF THE REPORT TO THE PARENT OF  
39 THE STUDENT WHO IS THE ALLEGED VICTIM OF THE INCIDENT AND INVESTIGATE THE  
40 INCIDENT. WITHIN TWENTY-FOUR HOURS AFTER RECEIVING THE REPORT, THE  
41 PRINCIPAL OR THE PRINCIPAL'S DESIGNEE SHALL PROVIDE A COPY OF THE REPORT  
42 TO THE PARENT OF THE ALLEGED OFFENDER IF THE ALLEGED OFFENDER IS A MINOR  
43 AND TO THE SUPERINTENDENT OF THE SCHOOL DISTRICT OR THE CHIEF  
44 ADMINISTRATIVE OFFICER OF THE CHARTER SCHOOL. ON CONCLUSION OF THE  
45 INVESTIGATION OR WITHIN FIFTEEN DAYS AFTER THE INCIDENT WAS REPORTED,  
46 WHICHEVER OCCURS FIRST, THE SCHOOL DISTRICT OR CHARTER SCHOOL SHALL NOTIFY

1 THE PARENT OF THE ALLEGED VICTIM ABOUT ELIGIBILITY FOR AN ARIZONA  
2 EMPOWERMENT SCHOLARSHIP ACCOUNT.

3 B. IN ADDITION TO ANY OTHER DUTIES PRESCRIBED IN THIS CHAPTER, THE  
4 DEPARTMENT SHALL:

5 1. CROSS-CHECK THE LIST OF QUALIFIED STUDENTS WITH THE PUBLIC  
6 SCHOOL ENROLLMENT LISTS TO AVOID DUPLICATION.

7 2. MAINTAIN A LIST OF NATIONALLY NORM-REFERENCED TESTS IDENTIFIED  
8 FOR THE PURPOSE OF SATISFYING THE TESTING REQUIREMENTS PRESCRIBED IN THIS  
9 CHAPTER.

10 3. REQUIRE QUARTERLY REPORTS BY AN ELIGIBLE NONPROFIT SCHOLARSHIP  
11 FUNDING ORGANIZATION REGARDING THE NUMBER OF STUDENTS PARTICIPATING IN  
12 ARIZONA EMPOWERMENT SCHOLARSHIP ACCOUNTS, THE PRIVATE SCHOOLS IN WHICH THE  
13 STUDENTS ARE ENROLLED AND OTHER INFORMATION DEEMED NECESSARY BY THE  
14 DEPARTMENT.

15 4. CONTRACT WITH AN INDEPENDENT ENTITY TO PROVIDE AN ANNUAL REPORT.  
16 IN PREPARING THE ANNUAL REPORT, THE INDEPENDENT ENTITY SHALL DO ALL OF THE  
17 FOLLOWING:

18 (a) REVIEW EACH PUBLIC SCHOOL'S INCIDENT PREVENTION PROGRAM TO  
19 DETERMINE AREAS IN THE SCHOOL OR SCHOOL DISTRICT PROCEDURES INVOLVING  
20 REPORTING, INVESTIGATING AND COMMUNICATING PARENT AND STUDENT RIGHTS THAT  
21 NEED IMPROVEMENT. AT A MINIMUM, THE REVIEW MUST:

22 (i) ASSESS THE INVESTIGATION TIME AND QUALITY OF THE RESPONSE OF  
23 THE SCHOOL OR CHARTER SCHOOL.

24 (ii) ASSESS THE EFFECTIVENESS OF COMMUNICATION PROCEDURES WITH THE  
25 STUDENTS INVOLVED IN AN INCIDENT, THE STUDENTS' PARENTS AND THE SCHOOL  
26 DISTRICT AND CHARTER SCHOOL PERSONNEL.

27 (iii) ANALYZE PUBLIC SCHOOL INCIDENT AND DISCIPLINE DATA.

28 (iv) ASSESS THE CHALLENGES AND OBSTACLES RELATING TO IMPLEMENTING  
29 RECOMMENDATIONS FROM THE REVIEW.

30 (b) REVIEW EACH PUBLIC SCHOOL'S INCIDENT PREVENTION PROGRAM IN  
31 ORDER TO IDENTIFY BEST PRACTICES AND MAKE RECOMMENDATIONS TO THE PUBLIC  
32 SCHOOL AT WHICH AN INCIDENT OCCURRED.

33 (c) REVIEW THE ACADEMIC PERFORMANCE OF PARTICIPATING STUDENTS  
34 ENROLLED IN A PRIVATE SCHOOL UNDER AN ARIZONA EMPOWERMENT SCHOLARSHIP  
35 ACCOUNT.

36 (d) CONDUCT A SURVEY OF PARENTS OF QUALIFIED STUDENTS TO ASSESS  
37 ACADEMIC PERFORMANCE, SAFETY CONCERNS AND OVERALL SATISFACTION AND TO  
38 IDENTIFY ANY CHALLENGES TO OR OBSTACLES IN ADDRESSING THE INCIDENTS OR  
39 RELATING TO THE USE OF ARIZONA EMPOWERMENT SCHOLARSHIP ACCOUNTS.

40 Sec. 3. Short title

41 This act may be cited as the "Lifeline for Student Crime Victims  
42 Act".