

REFERENCE TITLE: empowerment scholarship accounts; qualified students

State of Arizona
Senate
Fifty-fifth Legislature
Second Regular Session
2022

SB 1131

Introduced by
Senator Rogers

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 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 was assigned a
41 letter grade of D or F pursuant to section 15-241 for the most recent year
42 in which letter grades were assigned or is currently eligible to attend
43 kindergarten and resides within the attendance boundary of a school that
44 was assigned a letter grade of D or F pursuant to section 15-241 for the
45 most recent year in which letter grades were assigned. A child who meets

1 the requirements of this item and who meets the income eligibility
2 requirements for free and reduced-price lunches under the national school
3 lunch and child nutrition acts (42 United States Code sections 1751
4 through 1793) is not subject to subdivision (b) of this paragraph.

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

9 (vi) A child of a parent who is a member of the armed forces of the
10 United States and who is on active duty, ~~OR~~ **WHO** was killed in the line of
11 duty **OR WHO IS A VETERAN OF THE ARMED FORCES OF THE UNITED STATES**. A
12 child who meets the requirements of this item is not subject to
13 subdivision (b) of this paragraph.

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

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

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

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

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

28 (xii) **A CHILD OF A PARENT WHO IS A FIRST RESPONDER. FOR THE**
29 **PURPOSES OF THIS ITEM, "FIRST RESPONDER" MEANS A PEACE OFFICER, A**
30 **FIREFIGHTER OF A CITY, TOWN, FIRE DISTRICT OR VOLUNTEER FIRE DEPARTMENT OR**
31 **AN EMERGENCY MEDICAL TECHNICIAN OR PARAMEDIC.**

32 (xiii) **A CHILD OF A HEALTH PROFESSIONAL AS DEFINED IN SECTION**
33 **32-3201 WHO IS EMPLOYED FULL TIME AND WHO PROVIDES DIRECT PATIENT CARE.**

34 (b) And, except as provided in subdivision (a), items (iv) and (vi)
35 of this paragraph, who meets any of the following requirements:

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

1 enrolled in Arizona online instruction must receive five hundred hours of
2 logged instruction to be eligible pursuant to this item. Seventh and
3 eighth grade students who are enrolled in Arizona online instruction must
4 receive five hundred fifty hours of logged instruction to be eligible
5 pursuant to this item. High school students who are enrolled in Arizona
6 online instruction must receive five hundred hours of logged instruction
7 to be eligible pursuant to this item.

8 (ii) Previously participated in an Arizona empowerment scholarship
9 account.

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

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

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

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

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