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)
Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 15-2401, Arizona Revised Statutes, is amended to read:

15-2401. Definitions
In this chapter, unless the context otherwise requires:
1. "Annual education plan" means an initial individualized evaluation and subsequent annual reviews that are developed for a qualified student who meets the criteria specified in paragraph 7, subdivision (a), item (i), (ii) or (iii) of this section to determine ongoing annual eligibility through the school year in which the qualified student reaches twenty-two years of age and whether the student may be eligible pursuant to section 36-2981 and should be referred for eligibility determination.
2. "Curriculum" means a course of study for content areas or grade levels, including any supplemental materials required or recommended by the curriculum, approved by the department.
3. "Department" means the department of education.
4. "Eligible postsecondary institution" means a community college as defined in section 15-1401, a university under the jurisdiction of the Arizona board of regents or an accredited private postsecondary institution.
5. "Parent" means a resident of this state who is the parent, stepparent or legal guardian of a qualified student.
6. "Qualified school" means a nongovernmental primary or secondary school or a preschool for pupils with disabilities that is located in this state or, for qualified students who reside within the boundaries of an Indian reservation in this state, that is located in an adjacent state and that is within two miles of the border of the state in which the qualified student resides, and that does not discriminate on the basis of race, color or national origin.
7. "Qualified student" means a resident of this state who:
   (a) Is any of the following:
      (i) Identified as having a disability under section 504 of the rehabilitation act of 1973 (29 United States Code section 794).
      (ii) Identified by a school district or by an independent third party pursuant to section 15-2403, subsection I as a child with a disability as defined in section 15-731 or 15-761.
      (iii) A child with a disability who is eligible to receive services from a school district under section 15-763.
      (iv) Attending a school or school district that was assigned a letter grade of D or F pursuant to section 15-241 for the most recent year in which letter grades were assigned or is currently eligible to attend kindergarten and resides within the attendance boundary of a school that was assigned a letter grade of D or F pursuant to section 15-241 for the most recent year in which letter grades were assigned. A child who meets
the requirements of this item and who meets the income eligibility
requirements for free and reduced-price lunches under the national school
lunch and child nutrition acts (42 United States Code sections 1751
through 1793) is not subject to subdivision (b) of this paragraph.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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