

PROPOSED

HOUSE OF REPRESENTATIVES AMENDMENTS TO S.B. 1280

(Reference to Senate engrossed bill)

1 Page 5, after line 21, insert:

2 "Sec. 3. Section 15-2402, Arizona Revised Statutes, is amended to
3 read:

4 15-2402. Arizona empowerment scholarship accounts; funds

5 A. Arizona empowerment scholarship accounts are established to
6 provide options for the education of students in this state.

7 B. To enroll a qualified student for an Arizona empowerment
8 scholarship account, the parent of the qualified student must sign an
9 agreement to do all of the following:

10 1. Use a portion of the Arizona empowerment scholarship account
11 monies allocated annually to provide an education for the qualified student
12 in at least the subjects of reading, grammar, mathematics, social studies
13 and science, unless the Arizona empowerment scholarship account is
14 allocated monies according to a transfer schedule other than quarterly
15 transfers pursuant to section 15-2403, subsection G.

16 2. Not enroll the qualified student in a school district or charter
17 school and release the school district from all obligations to educate the
18 qualified student. This paragraph does not:

19 (a) Relieve the school district or charter school that the qualified
20 student previously attended from the obligation to conduct an evaluation
21 pursuant to section 15-766.

22 (b) Require ~~a~~ THE qualified student to withdraw from ~~a~~ THE school
23 district or charter school before enrolling for an Arizona empowerment

1 scholarship account if the qualified student withdraws from the school
2 district or charter school before receiving any monies in the qualified
3 student's Arizona empowerment scholarship account.

4 (c) Prevent ~~a~~ THE qualified student from applying in advance for an
5 Arizona empowerment scholarship account to be funded beginning the
6 following school year.

7 3. Not accept a scholarship from a school tuition organization
8 pursuant to title 43 concurrently with an Arizona empowerment scholarship
9 account for the qualified student in the same year a parent signs the
10 agreement pursuant to this section.

11 4. Use monies deposited in the qualified student's Arizona
12 empowerment scholarship account only for the following expenses of the
13 qualified student:

14 (a) Tuition or fees at a qualified school.

15 (b) Textbooks required by a qualified school.

16 (c) If the qualified student meets any of the criteria specified in
17 section 15-2401, paragraph 7, subdivision (a), item (i), (ii) or (iii) as
18 determined by a school district or by an independent third party pursuant
19 to section 15-2403, subsection J, the qualified student may use the
20 following additional services:

21 (i) Educational therapies from a licensed or accredited practitioner
22 or provider, including and up to any amount not covered by insurance if the
23 expense is partially paid by a health insurance policy for the qualified
24 student.

25 (ii) A licensed or accredited paraprofessional or educational aide.

26 (iii) Tuition for vocational and life skills education approved by
27 the department.

28 (iv) Associated goods and services that include educational and
29 psychological evaluations, assistive technology rentals and braille
30 translation goods and services approved by the department.

1 (d) Tutoring or teaching services provided by an individual or
2 facility accredited by a state, regional or national accrediting
3 organization.

4 (e) Curricula and supplementary materials.

5 (f) Tuition or fees for a nonpublic online learning program.

6 (g) Fees for a nationally standardized norm-referenced achievement
7 test, an advanced placement examination or any exams related to college or
8 university admission.

9 (h) Tuition or fees at an eligible postsecondary institution.

10 (i) Textbooks required by an eligible postsecondary institution.

11 (j) Fees to manage the Arizona empowerment scholarship account.

12 (k) Services provided by a public school, including individual
13 classes and extracurricular programs.

14 (l) Insurance or surety bond payments.

15 (m) Uniforms purchased from or through a qualified school.

16 (n) If the qualified student meets the criteria specified in section
17 15-2401, paragraph 7, subdivision (a), item (i), (ii) or (iii) and if the
18 qualified student is in the second year prior to the final year of a
19 contract executed pursuant to this article, costs associated with an annual
20 education plan conducted by an independent evaluation team. The department
21 shall prescribe minimum qualifications for independent evaluation teams
22 pursuant to this subdivision and factors that teams must use to determine
23 whether the qualified student shall be eligible to continue to receive
24 monies pursuant to this article through the school year in which the
25 qualified student reaches twenty-two years of age. An independent
26 evaluation team that provides an annual education plan pursuant to this
27 subdivision shall submit a written report that summarizes the results of
28 the evaluation to the parent of the qualified student and to the department
29 on or before July 31. The written report submitted by the independent
30 evaluation team is valid for one year. If the department determines that
31 the qualified student meets the eligibility criteria prescribed in the
32 annual education plan, the qualified student is eligible to continue to

1 receive monies pursuant to this article until the qualified student reaches
2 twenty-two years of age, subject to annual review. A parent may appeal the
3 department's decision pursuant to title 41, chapter 6, article 10. As an
4 addendum to a qualified student's final-year contract, the department shall
5 provide the following written information to the parent of the qualified
6 student:

7 (i) That the qualified student will not be eligible to continue to
8 receive monies pursuant to this article unless the results of an annual
9 education plan conducted pursuant to this subdivision demonstrate that the
10 qualified student meets the eligibility criteria prescribed in the annual
11 education plan.

12 (ii) That the parent is entitled to obtain an annual education plan
13 pursuant to this subdivision to determine whether the qualified student
14 meets the eligibility criteria prescribed in the annual education plan.

15 (iii) A list of independent evaluation teams that meet the minimum
16 qualifications prescribed by the department pursuant to this subdivision.

17 (o) Public transportation services in this state, including a
18 commuter pass for the qualified student, or transportation network services
19 as defined in section 28-9551 between the qualified student's residence and
20 a qualified school in which the qualified student is enrolled.

21 (p) Computer hardware and technological devices primarily used for
22 an educational purpose. For the purposes of this subdivision, "computer
23 hardware and technological devices":

24 (i) Includes calculators, personal computers, laptops, tablet
25 devices, microscopes, telescopes and printers.

26 (ii) Does not include entertainment and other primarily
27 noneducational devices, including televisions, telephones, video game
28 consoles and accessories, and home theatre and audio equipment.

29 5. Not file an affidavit of intent to homeschool pursuant to section
30 15-802, subsection B, paragraph 2 or 3.

31 6. Not use monies deposited in the qualified student's account for
32 any of the following:

1 (a) Computer hardware or other technological devices, except as
2 otherwise allowed under paragraph 4, subdivision (c) or (p) of this
3 subsection.

4 (b) Transportation of the pupil, except for transportation services
5 described in paragraph 4, subdivision (o) of this subsection.

6 (c) EXPENSES INCURRED TO ATTEND A QUALIFIED SCHOOL THAT IS OWNED OR
7 OPERATED BY AN INDIVIDUAL WHO IS SUBJECT TO REGISTRATION AS A SEX OFFENDER
8 IN THIS STATE OR IN ANY OTHER JURISDICTION.

9 C. In exchange for the parent's agreement pursuant to subsection B
10 of this section, the department shall transfer from the monies that would
11 otherwise be allocated to a recipient's prior school district, or if the
12 child is currently eligible to attend a preschool program for children with
13 disabilities, a kindergarten program or any of grades one through twelve,
14 the monies that the department determines would otherwise be allocated to a
15 recipient's expected school district of attendance, to the treasurer for
16 deposit into an Arizona empowerment scholarship account an amount that is
17 equivalent to ninety percent of the sum of the base support level and
18 additional assistance prescribed in sections 15-185 and 15-943 for that
19 particular student if that student were attending a charter school.

20 D. The department of education empowerment scholarship account fund
21 is established consisting of monies appropriated by the legislature. The
22 department shall administer the fund. Monies in the fund are subject to
23 legislative appropriation. Monies in the fund shall be used for the
24 department's costs in administering Arizona empowerment scholarship
25 accounts under this chapter. Monies in the fund are exempt from the
26 provisions of section 35-190 relating to lapsing of appropriations. If the
27 number of Arizona empowerment scholarship accounts significantly increases
28 after fiscal year 2020-2021, the department may request an increase in the
29 amount appropriated to the fund in any subsequent fiscal year in the budget
30 estimate submitted pursuant to section 35-113. The department shall list
31 monies in the fund as a separate line item in its budget estimate.

1 E. The state treasurer empowerment scholarship account fund is
2 established consisting of monies appropriated by the legislature. The
3 state treasurer shall administer the fund. Monies in the fund shall be
4 used for the state treasurer's costs in administering the Arizona
5 empowerment scholarship accounts under this chapter. If the number of
6 Arizona empowerment scholarship accounts significantly increases after
7 fiscal year 2020-2021, the state treasurer may request an increase in the
8 amount appropriated to the fund in any subsequent fiscal year in the budget
9 estimate submitted pursuant to section 35-113. Monies in the fund are
10 subject to legislative appropriation. Monies in the fund are exempt from
11 the provisions of section 35-190 relating to lapsing of
12 appropriations. The state treasurer shall list monies in the fund as a
13 separate line item in its budget estimate.

14 F. A parent must renew the qualified student's Arizona empowerment
15 scholarship account on an annual basis.

16 G. Notwithstanding any changes to the student's multidisciplinary
17 evaluation team plan, a student who has previously qualified for an Arizona
18 empowerment scholarship account remains eligible to apply for renewal until
19 the student finishes high school.

20 H. If a parent does not renew the qualified student's Arizona
21 empowerment scholarship account for a period of three academic years, the
22 department shall notify the parent that the qualified student's account
23 will be closed in sixty calendar days. The notification must be sent
24 through certified mail, email and telephone, if applicable. The parent has
25 sixty calendar days to renew the qualified student's Arizona empowerment
26 scholarship account. If the parent chooses not to renew or does not
27 respond in sixty calendar days, the department shall close the account and
28 any remaining monies shall be returned to the state.

29 I. A signed agreement under this section constitutes school
30 attendance required by section 15-802.

31 J. A qualified school or a provider of services purchased pursuant
32 to subsection B, paragraph 4 of this section may not share, refund or

1 rebate any Arizona empowerment scholarship account monies with the parent
2 or qualified student in any manner.

3 K. Notwithstanding subsection H of this section, on the qualified
4 student's graduation from a postsecondary institution or after any period
5 of four consecutive years after high school graduation in which the student
6 is not enrolled in an eligible postsecondary institution, but not before
7 this time as long as the account holder continues using a portion of
8 account monies for eligible expenses each year and is in good standing, the
9 qualified student's Arizona empowerment scholarship account shall be closed
10 and any remaining monies shall be returned to the state.

11 L. Monies received pursuant to this article do not constitute
12 taxable income to the parent of the qualified student."

13 Amend title to conform

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