

REFERENCE TITLE: ESAs; assessments; standards; accreditation

State of Arizona
Senate
Fifty-seventh Legislature
Second Regular Session
2026

SB 1691

Introduced by
Senators Diaz: Fernandez

AN ACT

AMENDING SECTIONS 15-741, 15-743, 15-2401, 15-2402 AND 15-2404, 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 15-741, Arizona Revised Statutes, is amended to
3 read:

4 15-741. Assessment of pupils; definitions

5 A. The state board of education shall:

6 1. Adopt rules for the purposes of this article pursuant to title
7 41, chapter 6.

8 2. Adopt and implement a statewide assessment to measure pupil
9 achievement of the state board-adopted academic standards in reading,
10 writing and mathematics in at least four grades designated by the state
11 board. The state board shall determine the manner of implementation. The
12 state board may administer assessments of the academic standards in social
13 studies and science, except that a pupil shall not be required to meet or
14 exceed the social studies or science standards measured by the statewide
15 assessment.

16 3. Ensure that the tests prescribed in this section are uniform
17 throughout this state.

18 4. Ensure that the tests prescribed in this section are able to be
19 scored in an objective manner and are not intended to advocate any
20 sectarian, partisan or denominational viewpoint.

21 5. Ensure that the tests prescribed in this article collect only
22 types of pupil nontest data that are approved by the state board at a
23 public meeting and published on the website of the state board pursuant to
24 paragraph 7 of this subsection.

25 6. Include within its budget all costs pertaining to the tests
26 prescribed in this article. If sufficient monies are appropriated, the
27 state board may provide achievement test services to school districts that
28 request assistance in testing pupils in grades additional to those
29 required by this section.

30 7. Survey teachers, principals and superintendents on
31 achievement-related nontest indicators, including information on
32 graduation rates by ethnicity and dropout rates by ethnicity for each
33 grade level. Before the survey, the state board shall approve at a public
34 meeting the nontest indicators on which data will be collected and shall
35 post in a prominent position on the home page of the state board's website
36 a link to the nontest indicators entitled "What nontest data does the
37 state of Arizona collect about Arizona pupils?". The linked webpage shall
38 state the types of data collected, the reasons for the collection of the
39 data and the entities with which the data is shared. In conducting the
40 survey and collecting data, the state board shall not violate the
41 provisions of the family educational rights and privacy act (P.L. 93-380),
42 as amended, or disclose personally identifiable information.

43 8. Establish a fair and consistent method and standard by which
44 test scores from schools in a district may be evaluated taking into
45 consideration demographic data. The state board shall establish

1 intervention strategies to assist schools with scores below the acceptable
2 standard. The state board shall annually review district and school
3 scores and shall offer assistance to school districts in analyzing data
4 and implementing intervention strategies. The state board shall use the
5 adopted test and methods of data evaluation for a period of at least ten
6 years.

7 9. Participate in other assessments that provide national
8 comparisons as needed.

9 10. Require in the contract for the statewide assessment pursuant
10 to this section that test scores and assessment data from the third grade
11 reading portion of the statewide assessment adopted pursuant to this
12 section be received by local education agencies on or before May 15 of
13 each academic year and that the scores and assessment data from all other
14 portions of the statewide assessment adopted pursuant to this section be
15 received by local education agencies on or before May 25 of each academic
16 year. The state board shall impose penalties on the contractor for scores
17 received after these dates. If the state board alters the statewide
18 assessment testing window for any reason, the state board may adjust the
19 dates by which local education agencies are required to receive the scores
20 and assessment data proportionately. If the state board adjusts the dates
21 by which local education agencies are required to receive the scores and
22 assessment data, the state board may not impose penalties on the
23 contractor unless the scores and assessment data are received after the
24 adjusted dates.

25 B. The achievement tests adopted by the state board as provided in
26 subsection A of this section shall be given at least annually. Nontest
27 indicator data and other information shall be collected at the same time
28 as the collection of achievement test data.

29 C. Local school district governing boards shall:

30 1. Administer the tests prescribed in subsection A of this section.

31 2. Survey teachers, principals and superintendents on
32 achievement-related nontest indicator data as required by the state board,
33 including information related to district graduation and dropout rates.
34 In conducting the survey and collecting data, the governing board shall
35 not violate the provisions of the family educational rights and privacy
36 act (P.L. 93-380), as amended, or disclose personally identifiable
37 information.

38 D. EACH QUALIFIED SCHOOL AND EACH NONPUBLIC ONLINE LEARNING PROGRAM
39 PROVIDER THAT CHARGES TUITION OR FEES TO ONE OR MORE QUALIFIED STUDENTS AS
40 DEFINED IN SECTION 15-2401 OR 15-2401.01 SHALL ADMINISTER THE TESTS
41 PRESCRIBED IN SUBSECTION A OF THIS SECTION TO EACH QUALIFIED STUDENT IF
42 ALL OF THE FOLLOWING APPLY:

1 1. THE QUALIFIED SCHOOL OR NONPUBLIC ONLINE LEARNING PROGRAM
2 PROVIDER CHARGES TUITION OR FEES TO THE QUALIFIED STUDENT DURING THE
3 SCHOOL YEAR.

4 2. EITHER:

5 (a) THE QUALIFIED STUDENT DOES NOT MEET THE CRITERIA SPECIFIED IN
6 SECTION 15-2401, PARAGRAPH 7, SUBDIVISION (a), ITEM (i), (ii) OR (iii).

7 (b) THE QUALIFIED STUDENT MEETS THE CRITERIA SPECIFIED IN SECTION
8 15-2401, PARAGRAPH 7, SUBDIVISION (a), ITEM (i), (ii) OR (iii) AND ALL OF
9 THE FOLLOWING APPLY:

10 (i) THE QUALIFIED STUDENT IS LEARNING AT A LEVEL APPROPRIATE FOR
11 THE QUALIFIED STUDENT'S GRADE LEVEL IN A SPECIFIC ACADEMIC AREA.

12 (ii) THE QUALIFIED STUDENT'S PARENT AGREES THAT A PASSING SCORE ON
13 THE STATEWIDE ASSESSMENT IS REQUIRED IN THE SPECIFIC ACADEMIC AREA.

14 (iii) THE QUALIFIED SCHOOL OR NONPUBLIC ONLINE LEARNING PROGRAM
15 PROVIDER PROVIDES ANY NECESSARY TESTING ACCOMMODATIONS.

16 3. THE QUALIFIED STUDENT HAS NOT PARTICIPATED IN THE TEST, AS
17 ADMINISTERED BY A PERSON OTHER THAN THE QUALIFIED SCHOOL OR NONPUBLIC
18 ONLINE LEARNING PROVIDER. A QUALIFIED SCHOOL OR NONPUBLIC ONLINE LEARNING
19 PROVIDER SHALL SUBMIT TO THE STATE BOARD OF EDUCATION AND THE DEPARTMENT
20 OF EDUCATION AN AFFIDAVIT FOR EACH QUALIFIED STUDENT WHO IS EXCUSED FROM
21 TESTING PURSUANT TO THIS PARAGRAPH. THE AFFIDAVIT MUST CERTIFY THAT THE
22 QUALIFIED STUDENT PARTICIPATED IN THE TEST AND IDENTIFY THE PERSON WHO
23 ADMINISTERED THE TEST. THE STATE BOARD OF EDUCATION SHALL INCLUDE A
24 QUALIFIED STUDENT'S TEST SCORES IN THE ANNUAL REPORTS REQUIRED BY SECTION
25 15-743 FOR EACH QUALIFIED SCHOOL AND NONPUBLIC ONLINE LEARNING PROGRAM
26 PROVIDER THAT SUBMITS AN AFFIDAVIT FOR THAT QUALIFIED STUDENT.

27 ~~D.~~ E. Any additional assessments for high school pupils that are
28 adopted by the state board after November 24, 2009 shall be designed to
29 measure college and career readiness of pupils.

30 ~~E.~~ F. If a high school pupil who is enrolled in a school district,
31 ~~or~~ charter school OR QUALIFIED SCHOOL OR WITH A NONPUBLIC ONLINE LEARNING
32 PROGRAM PROVIDER participates in a nationally recognized assessment that
33 is both adopted by the state board of education pursuant to subsection A
34 of this section and administered by a person other than the school
35 district, ~~or~~ charter school, QUALIFIED SCHOOL OR NONPUBLIC ONLINE LEARNING
36 PROGRAM PROVIDER, the pupil or pupil's parent or guardian may submit the
37 pupil's official score report for the assessment to the school district,
38 ~~or~~ charter school, QUALIFIED SCHOOL OR NONPUBLIC ONLINE LEARNING PROGRAM
39 PROVIDER. On receipt of an official score report pursuant to this
40 subsection, the school district, ~~or~~ charter school, QUALIFIED SCHOOL OR
41 NONPUBLIC ONLINE LEARNING PROGRAM PROVIDER shall do all of the following:

42 1. Record the score in the pupil's file.

43 2. Report the score to the state board of education and the
44 department of education.

1 3. If the pupil or pupil's parent or guardian submits an official
2 score report pursuant to this subsection to the school district, ~~or~~
3 charter school, **QUALIFIED SCHOOL OR NONPUBLIC ONLINE LEARNING PROGRAM**
4 **PROVIDER** before the date on which the school **OR NONPUBLIC ONLINE LEARNING**
5 **PROGRAM PROVIDER** administers the tests prescribed in subsection A of this
6 section, allow the pupil to opt out of participation in the assessment
7 that is administered by the school district, ~~or~~ charter school, **QUALIFIED**
8 **SCHOOL OR NONPUBLIC ONLINE LEARNING PROGRAM PROVIDER**. If a pupil opts out
9 of an assessment pursuant to this paragraph, the school district, ~~or~~
10 charter school, **QUALIFIED SCHOOL OR NONPUBLIC ONLINE LEARNING PROGRAM**
11 **PROVIDER** shall use the data from the pupil's official score report for the
12 pupil's achievement test data for the purposes of this section. This
13 paragraph does not require a school district or charter school to allow a
14 pupil to opt out of the collection of nontest indicator data or other
15 information that is collected about pupils who participate in the
16 assessment that is administered by the school district or charter school
17 pursuant to this section.

18 ~~F.~~ **G.** A test for penmanship shall not be required pursuant to this
19 article.

20 ~~G.~~ **H.** If a local education agency requests a raw data file of
21 assessment data for the pupils tested at the local education agency, the
22 department of education shall fulfill the request in a format that is
23 usable for assessment diagnostics within thirty days after the request.
24 The local education agency shall follow all applicable student data
25 privacy laws and may not publicly disclose individual student achievement
26 results.

27 ~~H.~~ **I.** A school district, ~~or~~ charter school, **QUALIFIED SCHOOL OR**
28 **NONPUBLIC ONLINE LEARNING PROGRAM PROVIDER** may administer the statewide
29 assessment in the form of a written test ~~if~~ **FOR** any of the following
30 ~~applies~~ **REASONS**:

- 31 1. A written test is required pursuant to an individualized
32 education program or a section 504 plan as defined in section 15-731.
- 33 2. To accommodate special circumstances.
- 34 3. For religious purposes.
- 35 4. On request by a pupil's parent or guardian.

36 ~~I.~~ **J.** For the purposes of this section: ~~;~~

37 1. "Nationally recognized" has the same meaning prescribed in
38 section 15-741.02.

39 2. **"NONPUBLIC ONLINE LEARNING PROGRAM PROVIDER" MEANS A PERSON THAT**
40 **CHARGES TUITION OR FEES TO ONE OR MORE QUALIFIED STUDENTS AS DEFINED IN**
41 **SECTION 15-2401 OR 15-2401.01 FOR A NONPUBLIC ONLINE LEARNING PROGRAM.**

42 3. **"QUALIFIED SCHOOL" MEANS A QUALIFIED SCHOOL AS DEFINED IN**
43 **SECTION 15-2401 THAT IS NOT ACCREDITED BY A REGIONAL OR NATIONAL**
44 **ACCREDITING ORGANIZATION.**

1 or loss in pupil achievement over time in reading, language arts and
 2 mathematics for all years in which pupils are enrolled in OR WITH the
 3 school district, QUALIFIED SCHOOL OR NONPUBLIC ONLINE LEARNING PROGRAM
 4 PROVIDER for an entire school year and for which this information is
 5 available and a report of the pupil progress for pupils not enrolled in OR
 6 WITH a SCHOOL district, QUALIFIED SCHOOL OR NONPUBLIC ONLINE LEARNING
 7 PROGRAM PROVIDER for an entire school year. The state board shall ~~also~~
 8 provide each school district, QUALIFIED SCHOOL AND NONPUBLIC ONLINE
 9 LEARNING PROGRAM PROVIDER with each pupil's statewide assessment scores
 10 and the statewide assessment scores for the school, school district,
 11 QUALIFIED SCHOOL, NONPUBLIC ONLINE LEARNING PROGRAM PROVIDER, county and
 12 state.

13 E. The school district, QUALIFIED SCHOOL OR NONPUBLIC ONLINE
 14 LEARNING PROGRAM PROVIDER shall provide a parent or guardian of each pupil
 15 participating in the standardized norm-referenced testing part of the
 16 program with a copy of the pupil's scores in reading, language arts and
 17 mathematics, and the percentiles and stanines. The school district,
 18 QUALIFIED SCHOOL OR NONPUBLIC ONLINE LEARNING PROGRAM PROVIDER shall
 19 provide a parent or guardian of each pupil with a copy of the pupil's
 20 scores on the statewide assessment and the associated scores for the
 21 school, school district, QUALIFIED SCHOOL, NONPUBLIC ONLINE LEARNING
 22 PROGRAM PROVIDER, county and state. The school district, QUALIFIED SCHOOL
 23 OR NONPUBLIC ONLINE LEARNING PROGRAM PROVIDER shall make available to the
 24 public through the reports those scores for each school in the school
 25 district and for the school district, QUALIFIED SCHOOL OR NONPUBLIC ONLINE
 26 LEARNING PROGRAM PROVIDER, county, state and nation.

27 F. ~~Any~~ THE DEPARTMENT OF EDUCATION OR THE STATE BOARD OF EDUCATION
 28 SHALL ESTABLISH AND EXECUTE A testing window ~~established and executed by~~
 29 ~~the department of education or the state board for the administration of~~
 30 TO ADMINISTER the statewide assessment adopted pursuant to section 15-741
 31 ~~may~~ THAT IS not be longer than four consecutive school weeks and shall
 32 ensure that local education agencies receive test scores and assessment
 33 data from the third grade reading portion of the statewide assessment on
 34 or before May 15 of each academic year and that the scores and assessment
 35 data from all other portions of the statewide assessment adopted pursuant
 36 to section 15-741 are received by local education agencies on or before
 37 May 25 of each academic year. The department of education or the state
 38 board may not prohibit the superintendent or the staff of a local
 39 education agency from sharing statewide assessment data with the local
 40 education agency's district governing board or governing body or otherwise
 41 impede the sharing of statewide assessment data.

42 G. Notwithstanding subsection F of this section and sections 15-741
 43 and 15-742, the department of education, subject to review and approval by
 44 the state board, may adjust the testing window for the statewide
 45 assessment adopted pursuant to section 15-741 in academic years that the

1 state board is revising current proficiency levels or is establishing new
2 proficiency levels for the statewide assessment adopted pursuant to
3 section 15-741.

4 H. FOR THE PURPOSES OF THIS SECTION:

5 1. "NONPUBLIC ONLINE LEARNING PROGRAM PROVIDER" MEANS A PERSON THAT
6 CHARGES TUITION OR FEES TO ONE OR MORE QUALIFIED STUDENTS AS DEFINED IN
7 SECTION 15-2401 OR 15-2401.01 FOR A NONPUBLIC ONLINE LEARNING PROGRAM.

8 2. "QUALIFIED SCHOOL" MEANS A QUALIFIED SCHOOL AS DEFINED IN
9 SECTION 15-2401 THAT IS NOT ACCREDITED BY A REGIONAL OR NATIONAL
10 ACCREDITING ORGANIZATION.

11 Sec. 3. Section 15-2401, Arizona Revised Statutes, is amended to
12 read:

13 15-2401. Definitions

14 In this chapter, unless the context otherwise requires:

15 1. "Annual education plan" means an initial individualized
16 evaluation and subsequent annual reviews that are developed for a
17 qualified student who meets the criteria specified in paragraph 7,
18 subdivision (a), item (i), (ii) or (iii) of this section to determine
19 ongoing annual eligibility through the school year in which the qualified
20 student reaches twenty-two years of age and whether the student may be
21 eligible pursuant to ~~section 36-2981~~ TITLE 36, CHAPTER 29, ARTICLE 4 and
22 should be referred for eligibility determination.

23 2. "Curriculum" means a course of study for content areas or grade
24 levels, including any supplemental materials required or recommended by
25 the curriculum, THAT INCORPORATES THE ACADEMIC STANDARDS ADOPTED BY THE
26 STATE BOARD OF EDUCATION AND THAT IS approved by the department.

27 3. "Department" means the department of education.

28 4. "Eligible postsecondary institution" means a community college
29 as defined in section 15-1401, a university under the jurisdiction of the
30 Arizona board of regents or an accredited private postsecondary
31 institution.

32 5. "Parent" means a resident of this state who is the parent,
33 stepparent or legal guardian of a qualified student.

34 6. "Qualified school" means a nongovernmental primary or secondary
35 school or a preschool for pupils with disabilities that is located in this
36 state or, for qualified students who reside within the boundaries of an
37 Indian reservation in this state, that is located in an adjacent state and
38 that is within two miles of the border of the state in which the qualified
39 student resides, and that does not discriminate on the basis of race,
40 color or national origin.

41 7. "Qualified student" means a resident of this state who:

42 (a) Is any of the following:

43 (i) Identified as having a disability under section 504 of the
44 rehabilitation act of 1973 (29 United States Code section 794).

1 (ii) Identified by a school district or by an independent third
2 party pursuant to section 15-2403, subsection J as a child with a
3 disability as defined in section 15-731 or 15-761.

4 (iii) A child with a disability who is eligible to receive services
5 from a school district under section 15-763.

6 (iv) Attending a school or school district that was assigned a
7 letter grade of D or F pursuant to section 15-241 for the most recent year
8 in which letter grades were assigned or is currently eligible to attend
9 kindergarten and resides within the attendance boundary of a school that
10 was assigned a letter grade of D or F pursuant to section 15-241 for the
11 most recent year in which letter grades were assigned. A child who meets
12 the requirements of this item and who meets the income eligibility
13 requirements for free and reduced-price lunches under the national school
14 lunch and child nutrition acts (42 United States Code sections 1751
15 through 1793) is not subject to subdivision (b) of this paragraph.

16 (v) A previous recipient of a scholarship issued pursuant to this
17 section, unless the qualified student's parent has been removed from
18 eligibility in the program for failure to comply pursuant to section
19 15-2403, subsection C.

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

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

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

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

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

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

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

40 (i) Attended a governmental primary or secondary school as a
41 full-time student as defined in section 15-901 for at least forty-five
42 days of the current or prior fiscal year and who transferred from a
43 governmental primary or secondary school under a contract to participate
44 in an Arizona empowerment scholarship account. Kindergarten students who
45 are enrolled in Arizona online instruction must receive one hundred hours

1 of logged instruction to be eligible pursuant to this item. First, second
2 and third grade students who are enrolled in Arizona online instruction
3 must receive two hundred hours of logged instruction to be eligible
4 pursuant to this item. Fourth, fifth and sixth grade students who are
5 enrolled in Arizona online instruction must receive two hundred fifty
6 hours of logged instruction to be eligible pursuant to this item. Seventh
7 and eighth grade students who are enrolled in Arizona online instruction
8 must receive two hundred seventy-five hours of logged instruction to be
9 eligible pursuant to this item. High school students who are enrolled in
10 Arizona online instruction must receive two hundred fifty hours of logged
11 instruction to be eligible pursuant to this item.

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

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

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

28 (v) Attended a nonpublic school for pupils with disabilities in the
29 prior year if placement at the school was approved by the department of
30 education and contracted for by a public school district.

31 (vi) Has not previously attended a governmental primary or
32 secondary school but is currently eligible to enroll in a kindergarten
33 program in a school district or charter school in this state or attended a
34 program for preschool children with disabilities. For the purposes of
35 this item, a child is eligible to enroll in a kindergarten program if the
36 child is at least five years of age on January 1 of the current school
37 year, is under seven years of age, has not already completed a
38 kindergarten program and is not enrolled in grade one of a private or
39 governmental school in the current year.

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

43 8. "SUPPLEMENTAL MATERIAL" MEANS A GOOD THAT IS DIRECTLY AND
44 SUBSTANTIALLY RELATED TO THE CONTENT OF A CURRICULUM AND THAT IS USED TO
45 TEACH, ENHANCE, EXTEND OR RETEACH THE CURRICULUM.

1 ~~8~~. 9. "Treasurer" means the office of the state treasurer.
2 Sec. 4. 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
12 student in at least the subjects of reading, grammar, mathematics, social
13 studies 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
20 qualified student previously attended from the obligation to conduct an
21 evaluation pursuant to section 15-766.

22 (b) Require the qualified student to withdraw from ~~a~~ ANY school
23 district or charter school before enrolling for an Arizona empowerment
24 scholarship account if the qualified student withdraws from the school
25 district or charter school before receiving any monies in the qualified
26 student's Arizona empowerment scholarship account.

27 (c) Prevent the qualified student from applying in advance for an
28 Arizona empowerment scholarship account to be funded beginning the
29 following school year, subject to section 15-2403, subsection H.

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

34 4. Use monies deposited in the qualified student's Arizona
35 empowerment scholarship account only for the following expenses of the
36 qualified student:

37 (a) Tuition or fees at a qualified school that requires all
38 teaching staff and SCHOOL personnel who have unsupervised contact with
39 students to be fingerprinted AND THAT EITHER:

40 (i) IS ACCREDITED BY A REGIONAL OR NATIONAL ACCREDITING
41 ORGANIZATION.

42 (ii) ADMINISTERS THE STATEWIDE ASSESSMENT PURSUANT TO SECTION
43 15-741.

44 (b) Textbooks required by a qualified school.

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

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

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

11 (iii) Tuition for vocational and life skills education approved by
12 the department.

13 (iv) Associated goods and services that include educational and
14 psychological evaluations, assistive technology rentals and braille
15 translation goods and services approved by the department.

16 (d) Tutoring or teaching services provided by an individual who is
17 not subject to disciplinary action by the state board of education for
18 immoral or unprofessional conduct pursuant to section 15-505 or 15-534.04
19 or a facility that is accredited by a state, regional or national
20 accrediting organization. The department shall ensure THAT any individual
21 who provides tutoring or teaching services to one or more qualified
22 students pursuant to this subdivision is not subject to disciplinary
23 action by the state board of education. The department shall also remove
24 any individual who is subject to disciplinary action by the state board of
25 education from all platforms that the department provides to parents and
26 qualified students for the purchase of goods or educational services using
27 account monies.

28 (e) Curricula and ~~supplementary~~ SUPPLEMENTAL materials.

29 (f) Tuition or fees for a nonpublic online learning program IF THE
30 PROVIDER OF THE LEARNING PROGRAM ADMINISTERS THE STATEWIDE ASSESSMENT
31 PURSUANT TO SECTION 15-741.

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

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

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

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

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

40 (l) Insurance or surety bond payments.

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

42 (n) If the qualified student meets the criteria specified in
43 section 15-2401, paragraph 7, subdivision (a), item (i), (ii) or (iii) and
44 if the qualified student is in the second year prior to the final year of
45 a contract executed pursuant to this article, costs associated with an

1 annual education plan conducted by an independent evaluation team. The
2 department shall prescribe minimum qualifications for independent
3 evaluation teams pursuant to this subdivision and factors that teams must
4 use to determine whether the qualified student shall be eligible to
5 continue to receive monies pursuant to this article through the school
6 year in which the qualified student reaches twenty-two years of age. An
7 independent evaluation team that provides an annual education plan
8 pursuant to this subdivision shall submit a written report that summarizes
9 the results of the evaluation to the parent of the qualified student and
10 to the department on or before July 31. The written report submitted by
11 the independent evaluation team is valid for one year. If the department
12 determines that the qualified student meets the eligibility criteria
13 prescribed in the annual education plan, the qualified student is eligible
14 to continue to receive monies pursuant to this article until the qualified
15 student reaches twenty-two years of age, subject to annual review. A
16 parent may appeal the department's decision pursuant to title 41, chapter
17 6, article 10. As an addendum to a qualified student's final-year
18 contract, the department shall provide the following written information
19 to the parent of the qualified student:

20 (i) That the qualified student will not be eligible to continue to
21 receive monies pursuant to this article unless the results of an annual
22 education plan conducted pursuant to this subdivision demonstrate that the
23 qualified student meets the eligibility criteria prescribed in the annual
24 education plan.

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

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

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

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

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

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

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

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

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

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

8 C. In exchange for the parent's agreement pursuant to subsection B
9 of this section, the department shall transfer from the monies that would
10 otherwise be allocated to a recipient's prior school district, or if the
11 child is currently eligible to attend a preschool program for children
12 with disabilities, a kindergarten program or any of grades one through
13 twelve, the monies that the department determines would otherwise be
14 allocated to a recipient's expected school district of attendance, to the
15 treasurer for deposit into an Arizona empowerment scholarship account an
16 amount that is equivalent to ninety percent of the sum of the base support
17 level and additional assistance prescribed in sections 15-185 and 15-943
18 for that particular student if that student were attending a charter
19 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
27 the number of Arizona empowerment scholarship accounts significantly
28 increases after fiscal year 2020-2021, the department may request an
29 increase in the amount appropriated to the fund in any subsequent fiscal
30 year in the budget estimate submitted pursuant to section 35-113. The
31 department shall list monies in the fund as a separate line item in its
32 budget estimate.

33 E. The state treasurer empowerment scholarship account fund is
34 established consisting of monies appropriated by the legislature. The
35 state treasurer shall administer the fund. Monies in the fund shall be
36 used for the state treasurer's costs in administering the Arizona
37 empowerment scholarship accounts under this chapter. If the number of
38 Arizona empowerment scholarship accounts significantly increases after
39 fiscal year 2020-2021, the state treasurer may request an increase in the
40 amount appropriated to the fund in any subsequent fiscal year in the
41 budget estimate submitted pursuant to section 35-113. Monies in the fund
42 are subject to legislative appropriation. Monies in the fund are exempt
43 from the provisions of section 35-190 relating to lapsing of
44 appropriations. The state treasurer shall list monies in the fund as a
45 separate line item in its budget estimate.

1 F. A parent must renew the qualified student's Arizona empowerment
2 scholarship account on an annual basis. The department of education shall
3 verify that the parent's child is a qualified student as defined in
4 section 15-2401 or 15-2401.01 in the year for which the parent seeks to
5 renew the Arizona empowerment scholarship account. This subsection does
6 not require the department to annually verify the child's disability for
7 the purpose of section 15-2401, paragraph 7, subdivision (a), item (i),
8 (ii) or (iii), if applicable.

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

13 H. If a parent does not renew the qualified student's Arizona
14 empowerment scholarship account for a period of three academic years, the
15 department shall notify the parent that the qualified student's account
16 will be closed in sixty calendar days. The notification must be sent
17 ~~through~~ BY certified mail, email and telephone, if applicable. The parent
18 has sixty calendar days to renew the qualified student's Arizona
19 empowerment scholarship account. If the parent chooses not to renew or
20 does not respond ~~in~~ WITHIN sixty calendar days, the department shall close
21 the account and any remaining monies shall be returned to ~~the~~ THIS state.

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

24 J. A qualified school or a provider of services purchased pursuant
25 to subsection B, paragraph 4 of this section may not share, refund or
26 rebate any Arizona empowerment scholarship account monies with the parent
27 or qualified student in any manner.

28 K. Notwithstanding subsection H of this section, on the qualified
29 student's graduation from a postsecondary institution or after any period
30 of four consecutive years after high school graduation in which the
31 student is not enrolled in an eligible postsecondary institution, but not
32 before this time as long as the account holder continues using a portion
33 of account monies for allowable expenses each year and is in good
34 standing, the qualified student's Arizona empowerment scholarship account
35 shall be closed and any remaining monies shall be returned to the state.

36 L. Monies received pursuant to this article do not constitute
37 taxable income to the parent of the qualified student.

38 Sec. 5. Section 15-2404, Arizona Revised Statutes, is amended to
39 read:

40 15-2404. State control over nonpublic schools; prohibition;
41 application

42 A. This chapter does not ~~permit~~ ALLOW any government agency to
43 exercise control or supervision over any nonpublic school or homeschool.

44 B. A qualified school that accepts a payment from a parent pursuant
45 to this chapter is not an agent of the state or federal government.

1 C. A qualified school shall not be required to alter its creed,
2 practices, ~~OR~~ admissions policy ~~or curriculum~~ in order to accept students
3 whose parents pay tuition or fees from an ARIZONA empowerment scholarship
4 account pursuant to this chapter in order to participate as a qualified
5 school, EXCEPT AS PROVIDED IN SECTIONS 15-741 AND 15-743 AND SECTION
6 15-2402, SUBSECTIONS B AND J.
7 D. In any legal proceeding challenging the application of this
8 chapter to a qualified school, the state bears the burden of establishing
9 that the law is necessary and does not impose any undue burden on
10 qualified schools.