

State of Arizona  
Senate  
Fifty-second Legislature  
First Regular Session  
2015

House Engrossed Senate Bill

**FILED**

**MICHELE REAGAN**  
**SECRETARY OF STATE**

CHAPTER 225

# **SENATE BILL 1332**

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. "Curriculum" means a complete course of study for a particular  
7 content area or grade level, including any supplemental materials required by  
8 the curriculum.

9 2. "Department" means the department of education.

10 3. "Eligible postsecondary institution" means a community college as  
11 defined in section 15-1401, a university under the jurisdiction of the  
12 Arizona board of regents or an accredited private postsecondary institution.

13 4. "Parent" means a resident of this state who is the parent or legal  
14 guardian of a qualified student.

15 5. "Qualified school" means a nongovernmental primary or secondary  
16 school or a preschool for pupils with disabilities that is located in this  
17 state and that does not discriminate on the basis of race, color or national  
18 origin.

19 6. "Qualified student" means a resident of this state who:

20 (a) Is any of the following:

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

23 (ii) Identified by a school district or by an independent third party  
24 pursuant to section 15-2403, subsection I, as a child with a disability as  
25 defined in section 15-761.

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

28 (iv) Attending a school or school district that has been assigned a  
29 letter grade of D or F pursuant to section 15-241 or who is currently  
30 eligible to attend kindergarten and who resides within the attendance  
31 boundary of a school that has been assigned a letter grade of D or F pursuant  
32 to section 15-241.

33 (v) A previous recipient of a scholarship issued pursuant to section  
34 15-891 or this section.

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

39 (vii) A child with a guardian who is a member of the armed forces of  
40 the United States and who is on active duty or was killed in the line of  
41 duty. A child who meets the requirements of this item is not subject to  
42 subdivision (b) of this paragraph.

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

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

3 (x) A child who is the sibling of a current or previous empowerment  
4 scholarship account recipient.

5 (xi) A CHILD WHO RESIDES WITHIN THE BOUNDARIES OF AN INDIAN  
6 RESERVATION IN THIS STATE.

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

9 (i) Attended a governmental primary or secondary school as a full-time  
10 student as defined in section 15-901 for at least the first one hundred days  
11 of the prior fiscal year and who transferred from a governmental primary or  
12 secondary school under a contract to participate in an empowerment  
13 scholarship account.

14 (ii) Previously participated in the empowerment scholarship account  
15 program.

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

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

30 (v) Has not previously attended a governmental primary or secondary  
31 school but is currently eligible to enroll in a kindergarten program in a  
32 school district or charter school in this state.

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

36 7. "Treasurer" means the office of the state treasurer.

37 Sec. 2. Empowerment scholarship account special education study  
38 committee; membership; powers and duties; report;  
39 definition; delayed repeal

40 A. The empowerment scholarship account special education study  
41 committee is established consisting of the following members:

42 1. Two members of the house of representatives who are appointed by  
43 the speaker of the house of representatives and who are members of different  
44 political parties.

1           2. Two members of the senate who are appointed by the president of the  
2 senate and who are members of different political parties.

3           3. Two members who currently work as special education teachers, one  
4 of whom is from a county with a population of at least one million two  
5 hundred thousand persons and who is appointed by the speaker of the house of  
6 representatives and one of whom is from a county with a population of less  
7 than one million two hundred thousand persons and who is appointed by the  
8 president of the senate.

9           4. Two public school psychologists, one of whom is from a county with  
10 a population of at least one million two hundred thousand persons and who is  
11 appointed by the president of the senate and one of whom is from a county  
12 with a population of less than one million two hundred thousand persons and  
13 who is appointed by the speaker of the house of representatives.

14           5. Two parents of current empowerment scholarship account recipients.

15           6. The superintendent of public instruction or the superintendent's  
16 designee.

17           B. The president of the senate and the speaker of the house of  
18 representatives shall each designate one of the legislative members to serve  
19 as a cochairperson of the committee. The cochairpersons shall be members of  
20 different political parties.

21           C. The empowerment scholarship account special education study  
22 committee shall:

23           1. Identify, examine and evaluate the needs of qualified students who  
24 receive an empowerment scholarship account.

25           2. Review the funding levels, process, duration and execution of and  
26 the authority by which qualified students receive special education services  
27 through the empowerment scholarship account program pursuant to section  
28 15-2402, Arizona Revised Statutes.

29           3. Research and evaluate the differences between receiving special  
30 education services through a public or charter school and the empowerment  
31 scholarship account program.

32           4. Provide analyses and recommendations to improve delivery of special  
33 education services to qualified students.

34           5. Examine whether a child with special needs who receives an  
35 empowerment scholarship account monies should be allowed to continue to  
36 receive monies allocated pursuant to title 15, chapter 19, Arizona Revised  
37 Statutes, until the child reaches twenty-two years of age if the child's  
38 individualized education program team determines that the child is likely to  
39 graduate from high school by the time the child reaches twenty-two years of  
40 age.

41           D. The empowerment scholarship account special education study  
42 committee may:

43           1. Request information, data and reports from any county or state  
44 agency or political subdivision of this state. If possible, information  
45 shall be provided electronically.

1           2. Hold hearings and take testimony from stakeholders who may assist  
2 the committee in fulfilling its responsibilities.

3           E. On the request of the empowerment scholarship account special  
4 education study committee, an agency of this state shall provide to the  
5 committee its services, equipment, documents, personnel and facilities to the  
6 extent possible without cost to the committee.

7           F. The legislature and the department of education shall provide staff  
8 and support services to the study committee.

9           G. All meetings of the study committee shall be open to the public.

10          H. Members of the study committee are not eligible to receive  
11 compensation but are eligible for reimbursement of expenses pursuant to title  
12 38, chapter 4, article 2, Arizona Revised Statutes.

13          I. On or before December 31, 2015, the study committee shall submit a  
14 report regarding its findings and recommendations to the governor, the  
15 speaker of the house of representatives, the president of the senate and the  
16 superintendent of public instruction and shall provide a copy of the report  
17 to the secretary of state.

18          J. For the purposes of this section, "qualified student" means a  
19 student who received a scholarship pursuant to section 15-2401, paragraph 6,  
20 subdivision (a), item (i), (ii) or (iii), Arizona Revised Statutes.

21          K. This section is repealed from and after September 30, 2016.

APPROVED BY THE GOVERNOR APRIL 6, 2015.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 7, 2015.

Passed the House March 25, 2015,

Passed the Senate February 19, 2015,

by the following vote: **FAILED** \_\_\_\_\_ Ayes,

by the following vote: 17 \_\_\_\_\_ Ayes,

\_\_\_\_\_ Nays, \_\_\_\_\_ Not Voting

12 \_\_\_\_\_ Nays, 1 \_\_\_\_\_ Not Voting

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

Jim Drab  
Chief Clerk of the House

Susanne Arceles  
Assistant Secretary of the Senate

**EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR**

This Bill was received by the Governor this

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary to the Governor

~~Approved this \_\_\_\_\_ day of~~

~~\_\_\_\_\_, 20\_\_\_\_,~~

~~at \_\_\_\_\_ o'clock \_\_\_\_\_ M.~~

~~\_\_\_\_\_  
Governor of Arizona~~

**EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE**

This Bill was received by the Secretary of State

this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Secretary of State

S.B. 1332

Passed the House April 1, 2015

by the following vote: 31 Ayes,

28 Nays, 1 Not Voting

[Signature]  
Speaker of the House

Pro Tempore

[Signature]  
Chief Clerk of the House

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill received by the Governor this

~~\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_~~

~~at \_\_\_\_\_ o'clock \_\_\_\_\_ M.~~

~~\_\_\_\_\_  
Secretary to the Governor~~

Approved this \_\_\_\_\_ day of

~~\_\_\_\_\_~~

~~at \_\_\_\_\_ o'clock \_\_\_\_\_ M.~~

~~\_\_\_\_\_  
Governor of Arizona~~

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State

~~this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_~~

~~at \_\_\_\_\_ o'clock \_\_\_\_\_ M.~~

~~\_\_\_\_\_  
Secretary of State~~

ON RECONSIDERATION  
S.B. 1332

SENATE CONCURS IN HOUSE  
AMENDMENTS AND FINAL PASSAGE

Passed the Senate April 2, 2015

by the following vote: 20 Ayes,  
10 Nays, 0 Not Voting

[Signature]  
President of the Senate

[Signature]  
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF GOVERNOR

This Bill received by the Governor this  
2nd day of April, 2015  
at 12:03 o'clock P. M.

[Signature]  
Secretary to the Governor

Approved this 6th day of

April

at 12:59 o'clock P. M.

[Signature]  
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA  
OFFICE OF SECRETARY OF STATE

This Bill received by the Secretary of State  
this 7th day of April, 2015

at 2:30 o'clock P. M.

[Signature]  
Secretary of State