

PROPOSED AMENDMENT

SENATE AMENDMENTS TO H.B. 2150

(Reference to House engrossed bill)

1 Page 2, after line 20, insert:

2           “Sec. 2. 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 provide  
6 options for the education of students in this state.

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

10          1. USE A PORTION OF THE EMPOWERMENT SCHOLARSHIP ACCOUNT MONIES  
11 ALLOCATED EACH QUARTER TO provide an education for the qualified student in  
12 at least the subjects of reading, grammar, mathematics, social studies and  
13 science.

14          2. Not enroll the qualified student in a school district or charter  
15 school and release the school district from all obligations to educate the  
16 qualified student. This paragraph does not relieve the school district or  
17 charter school that the qualified student previously attended from the  
18 obligation to conduct an evaluation pursuant to section 15-766.

19          3. Not accept a scholarship from a school tuition organization  
20 pursuant to title 43 concurrently with an empowerment scholarship account for  
21 the qualified student in the same year a parent signs the agreement pursuant  
22 to this section.

23          4. Use the money deposited in the qualified student's Arizona  
24 empowerment scholarship account only for the following expenses of the  
25 qualified student:

- 26           (a) Tuition or fees at a qualified school.  
27           (b) Textbooks required by a qualified school.

1                   (c) Educational therapies or services ~~for the qualified student~~ from a  
2 licensed or accredited practitioner or provider, including licensed or  
3 accredited paraprofessionals or educational aides, IF THE QUALIFIED STUDENT  
4 MEETS ANY OF THE CRITERIA SPECIFIED IN SECTION 15-2401, PARAGRAPH 6,  
5 SUBDIVISION (a), ITEM (i), (ii) OR (iii).

6                   (d) Tutoring OR TEACHING services provided by ~~a tutor~~ AN INDIVIDUAL OR  
7 FACILITY accredited by a state, regional or national accrediting  
8 organization.

9                   (e) Curriculum.

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

11                  (g) Fees for a nationally standardized norm-referenced achievement  
12 test, ~~AN~~ advanced placement ~~examinations~~ EXAMINATION or any exams related to  
13 college or university admission.

14                  (h) Contributions to a coverdell education savings account established  
15 pursuant to 26 United States Code section 530 for the benefit of the  
16 qualified student, except that money used for elementary or secondary  
17 education expenses must be for expenses otherwise allowed under this section.

18                  (i) Tuition or fees at an eligible postsecondary institution.

19                  (j) Textbooks required by an eligible postsecondary institution.

20                  (k) Fees for management of the empowerment scholarship account by  
21 firms selected by the treasurer.

22                  (l) Services provided by a public school, including individual classes  
23 and extracurricular programs.

24                  (m) Insurance or surety bond payments as required by the department of  
25 education.

26                 5. Not file an affidavit of intent to homeschool pursuant to section  
27 15-802, subsection B, paragraph 2 or 3.

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

30                  (a) Computer hardware or other technological devices.

31                  (b) Transportation of the pupil.

32                  (c) Consumable educational supplies, including paper, pens or markers.

1           C. In exchange for the parent's agreement pursuant to subsection B of  
2 this section, the department shall transfer from the monies that would  
3 otherwise be allocated to a recipient's prior school district, or if the  
4 child is currently eligible to attend kindergarten, the monies that the  
5 department determines would otherwise be allocated to a recipient's expected  
6 school district of attendance, to the treasurer for deposit into an Arizona  
7 empowerment scholarship account an amount that is equivalent to ninety per  
8 cent of the sum of the base support level ~~and additional assistance~~  
9 prescribed in ~~sections 15-185 and SECTION~~ 15-943 for that particular student,  
10 ~~if that student were attending a charter school~~ PLUS THE AMOUNT OF ADDITIONAL  
11 ASSISTANCE PRESCRIBED IN SECTION 15-185. ADDITIONAL ASSISTANCE MUST BE ADDED  
12 FOR ALL QUALIFIED STUDENTS. The department may retain up to five per cent of  
13 the sum of the base support level and additional assistance prescribed in  
14 sections 15-185 and 15-943 for each student with an empowerment scholarship  
15 account for deposit in the department of education empowerment scholarship  
16 account fund established in subsection D of this section, out of which the  
17 department shall transfer one per cent of the sum of the base support level  
18 and additional assistance prescribed in sections 15-185 and 15-943 for each  
19 student with an empowerment scholarship account to the state treasurer for  
20 deposit in the state treasurer empowerment scholarship account fund  
21 established in subsection E of this section.

22           D. The department of education empowerment scholarship account fund is  
23 established consisting of monies retained by the department pursuant to  
24 subsection C of this section. The department shall administer the fund.  
25 Monies in the fund are subject to legislative appropriation. Monies in the  
26 fund shall be used for the department's costs in administering empowerment  
27 scholarship accounts under this chapter. Monies in the fund are exempt from  
28 the provisions of section 35-190 relating to lapsing of appropriations. If  
29 the number of empowerment scholarship accounts significantly increases after  
30 fiscal year 2012-2013, the department may request an increase in the amount  
31 appropriated to the fund in any subsequent fiscal year in the budget estimate  
32 submitted pursuant to section 35-113.

1           E. The state treasurer empowerment scholarship account fund is  
2 established consisting of monies transferred by the department to the state  
3 treasurer pursuant to subsection C of this section. The state treasurer  
4 shall administer the fund. Monies in the fund shall be used for the state  
5 treasurer's costs in administering the empowerment scholarship accounts under  
6 this chapter. If the number of empowerment scholarship accounts  
7 significantly increases after fiscal year 2013-2014, the state treasurer may  
8 request an increase in the amount appropriated to the fund in any subsequent  
9 fiscal year in the budget estimate submitted pursuant to section 35-113.  
10 Monies in the fund are subject to legislative appropriation. Monies in the  
11 fund are exempt from the provisions of section 35-190 relating to lapsing of  
12 appropriations.

13           F. A parent must renew the qualified student's empowerment scholarship  
14 account on an annual basis. Notwithstanding any changes to the student's  
15 multidisciplinary evaluation team plan, a student who has previously  
16 qualified for an empowerment scholarship account shall remain eligible to  
17 apply for renewal until the student finishes high school.

18           G. A signed agreement under this section constitutes school attendance  
19 required by section 15-802.

20           H. A qualified school or a provider of services purchased pursuant to  
21 subsection B, paragraph 4 of this section may not share, refund or rebate any  
22 Arizona empowerment scholarship account monies with the parent or qualified  
23 student in any manner.

24           I. On the qualified student's graduation from a postsecondary  
25 institution or after any period of four consecutive years after high school  
26 graduation in which the student is not enrolled in an eligible postsecondary  
27 institution, the qualified student's Arizona empowerment scholarship account  
28 shall be closed and any remaining funds shall be returned to the state.

29           J. Monies received pursuant to this article do not constitute taxable  
30 income to the parent of the qualified student.

31           K. PUPILS PARTICIPATING IN THE EMPOWERMENT SCHOLARSHIP ACCOUNT PROGRAM  
32 SHALL BE SUBJECT TO THE SAME TESTING REQUIREMENTS ESTABLISHED BY THE STATE

Senate Amendments to H.B. 2150

1       BOARD OF EDUCATION FOR PUPILS IN PUBLIC SCHOOLS. THE REQUIREMENTS SHALL  
2       INCLUDE A STANDARDS BASED COMPETENCY TEST ADOPTED BY THE STATE BOARD OF  
3       EDUCATION AND ANY DIAGNOSTIC EXAMS ASSOCIATED WITH THAT TEST. THE DEPARTMENT  
4       OF EDUCATION AND THE STATE BOARD OF EDUCATION SHALL DEVELOP A SYSTEM FOR  
5       PROVIDING ACCESS TO STUDENTS NEEDING TO TAKE THE COMPETENCY TEST.”

6 Amend title to conform

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3/7/14  
10:26 AM  
S: JW/dr