

REFERENCE TITLE: scholarships; section 504 plan pupils

State of Arizona  
House of Representatives  
Forty-eighth Legislature  
Second Regular Session  
2008

## HB 2085

Introduced by  
Representatives Biggs, Murphy, Senators Gorman, Johnson: Representatives  
Clark, Crump, Groe

AN ACT

AMENDING SECTIONS 15-891 AND 15-891.04, ARIZONA REVISED STATUTES; RELATING TO  
THE ARIZONA SCHOLARSHIPS FOR PUPILS WITH DISABILITIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2       Section 1. Section 15-891, Arizona Revised Statutes, is amended to  
3 read:

4           15-891. Arizona scholarships for pupils with disabilities  
5           program; definitions

6       A. The Arizona scholarships for pupils with disabilities program is  
7 established to provide pupils with disabilities with the option of attending  
8 any public school of the pupil's choice or receiving a scholarship to any  
9 qualified school of the pupil's choice.

10     B. The parent of a public school pupil with a disability who is  
11 dissatisfied with the pupil's progress may request and receive from the state  
12 a scholarship for the child to enroll in and attend any qualified school in  
13 accordance with this section if both of the following apply:

14       1. The child has spent the prior school year in attendance at a public  
15 school in this state.

16       2. The parent has obtained acceptance for admission of the pupil to a  
17 qualified school that is eligible for the program under this article and has  
18 notified the school district of the request for a scholarship at least sixty  
19 days before the date of the first scholarship payment. The parental  
20 notification must be through a communication directly to the school district  
21 or through the department of education to the school district in a manner  
22 that creates a written or electronic record of the notification and the date  
23 of receipt of the notification.

24     C. This section does not apply to a pupil who is enrolled in the state  
25 educational system for committed youth pursuant to chapter 11.1 of this  
26 title.

27     D. A scholarship awarded pursuant to this article remains in force  
28 until the pupil returns to a public school or graduates from high school,  
29 except that the pupil's parent may remove the pupil from the qualified school  
30 at any time and place the pupil in another qualified school that is eligible  
31 for participation in the Arizona scholarships for pupils with disabilities  
32 program or in a public school as provided in this article.

33     E. Notwithstanding the enrollment policies or desegregation provisions  
34 prescribed in article 1.1 of this chapter, a school district or charter  
35 school shall enroll any child pursuant to this article.

36     F. For the purposes of this article:

37       1. "Pupil with a disability" means a child with a disability as  
38 defined in section 15-761 who has been issued an individualized education  
39 program as defined in section 15-761 **OR A PUPIL WITH A SECTION 504 PLAN AS**  
**DEFINED IN SECTION 15-731.**

40       2. "Qualified school" means a nongovernmental primary school or  
41 secondary school or a preschool for handicapped students that is located in  
42 this state and that does not discriminate on the basis of race, color,  
43 handicap, familial status or national origin.

1        Sec. 2. Section 15-891.04, Arizona Revised Statutes, is amended to  
2 read:

3              **15-891.04. Scholarship funding and payment; fund; liability;**  
4              **rules**

5              A. The maximum scholarship granted for a pupil with a disability shall  
6 be equivalent to the base support level prescribed in section 15-943 for that  
7 particular pupil, EXCEPT THAT THE MAXIMUM ANNUAL SCHOLARSHIP FOR A PUPIL WITH  
8 A SECTION 504 PLAN AS DEFINED IN SECTION 15-731 IS FIVE THOUSAND DOLLARS OR  
9 THE TOTAL AMOUNT OF TUITION AND FEES CHARGED BY THE QUALIFIED SCHOOL,  
10 WHICHEVER IS LESS.

11              B. The amount of any assessment fee required by the participating  
12 qualified school may be paid from the total amount of the scholarship. The  
13 amount of the Arizona scholarship shall be the lesser of:

14                  1. The amount prescribed in subsection A of this section.

15                  2. The amount of the qualified school's tuition and fees or the actual  
16 per pupil costs, whichever is greater.

17              C. If the participating qualified school requires partial payment of  
18 tuition before the start of the academic year to reserve space for pupils  
19 admitted to the school, a partial scholarship payment may be paid by the  
20 department of education before the first quarterly payment of the year in  
21 which the Arizona scholarship is awarded, up to a maximum of one thousand  
22 dollars, and the amount of this payment shall be deducted from subsequent  
23 scholarship payments. If a pupil decides not to attend the participating  
24 qualified school, the partial reservation payment shall be returned to the  
25 department of education by the participating qualified school. A pupil shall  
26 not be awarded more than one reservation payment per year.

27              D. The school district shall report to the department of education all  
28 pupils who are attending a qualified school under the scholarship program  
29 offered pursuant to this article.

30              E. The Arizona scholarships for pupils with disabilities program fund  
31 is established consisting of monies appropriated for this purpose. The  
32 department of education shall administer the fund. Monies in the fund are  
33 continuously appropriated. Following notification of the number of program  
34 participants in the scholarship program, the department of education shall  
35 transfer from the fund the amount calculated under subsection A of this  
36 section in quarterly installments to the parents of pupils who participate in  
37 the scholarship program. When a pupil enters the scholarship program, the  
38 department of education shall receive all documentation required for the  
39 pupil's participation, including the qualified school's and pupil's fee  
40 schedules, at least thirty days before the first quarterly scholarship  
41 payment is made for the pupil. The department of education shall not make  
42 any retroactive payments from the fund.

43              F. On proper documentation reviewed and approved by the department of  
44 education, the superintendent of public instruction shall make scholarship  
45 payments in four equal quarterly installments on dates selected by the

1 department of education. The initial payment shall be made after the  
2 department of education verifies that the pupil has been accepted for  
3 admission at the qualified school, and subsequent payments shall be made on  
4 verification of continued enrollment and attendance at the qualified school.  
5 Payment shall be by individual warrant payable to the pupil's parent and  
6 mailed by the department of education to the qualified school of the parent's  
7 choice, and the parent shall restrictively endorse the warrant to the  
8 qualified school for deposit into the account of the qualified school.

9 G. Liability shall not arise on the part of the state based on the  
10 award or use of an Arizona scholarship.

11 H. The state board of education may adopt rules to carry out the  
12 purposes of this article, except that the inclusion of eligible qualified  
13 schools in the scholarship program shall not be construed to expand the  
14 regulatory authority of this state or its officers or any school district to  
15 impose any additional regulation of qualified schools.