

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**
40 **DEFINED IN SECTION 15-731.**

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

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.