

*Sponsorship has changed since the bill was introduced

REFERENCE TITLE: ESAs; special education services; notification

State of Arizona
House of Representatives
Fifty-fifth Legislature
Second Regular Session
2022

HB 2040

*Introduced by
Representative Udall

AN ACT

AMENDING SECTION 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 15-2404, Arizona Revised Statutes, is amended to
3 read:

4 15-2404. State control over nonpublic schools; prohibition;
5 notification of special education services;
6 application

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

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

11 C. A qualified school ~~shall~~ IS not ~~be~~ required to alter its creed,
12 practices, admissions policy or curriculum in order to accept students
13 whose parents pay tuition or fees from an ARIZONA empowerment scholarship
14 account pursuant to this chapter in order to participate as a qualified
15 school.

16 D. NOTWITHSTANDING SUBSECTION C OF THIS SECTION, A QUALIFIED SCHOOL
17 SHALL NOTIFY IN WRITING THE PARENT OR GUARDIAN OF A PROSPECTIVE STUDENT
18 WHO MEETS THE CRITERIA OF QUALIFIED STUDENT PRESCRIBED IN SECTION 15-2401,
19 PARAGRAPH 7, SUBDIVISION (a), ITEM (i), (ii) OR (iii) OF THE INDIVIDUAL
20 SPECIAL EDUCATION SERVICES AND EDUCATIONAL THERAPIES THAT THE QUALIFIED
21 SCHOOL WILL PROVIDE TO THE STUDENT BEFORE THE PARENT OR GUARDIAN PAYS
22 TUITION OR FEES FROM AN ARIZONA EMPOWERMENT SCHOLARSHIP ACCOUNT TO THE
23 QUALIFIED SCHOOL. THE NOTIFICATION PRESCRIBED IN THIS SUBSECTION IS NOT
24 REQUIRED IN SUBSEQUENT YEARS OF ENROLLMENT AT THE SAME QUALIFIED SCHOOL.

25 ~~D.~~ E. In any legal proceeding challenging the application of this
26 chapter to a qualified school, the state bears the burden of establishing
27 that the law is necessary and does not impose any undue burden on
28 qualified schools.