

REFERENCE TITLE: empowerment scholarship accounts; student victims

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

HB 2373

Introduced by
Representative Bolick

AN ACT

AMENDING SECTION 15-2401, ARIZONA REVISED STATUTES; AMENDING TITLE 15, CHAPTER 19, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-2405; 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. "Annual education plan" means an initial individualized
7 evaluation and subsequent annual reviews that are developed for a
8 qualified student who meets the criteria specified in paragraph 7,
9 subdivision (a), item (i), (ii) or (iii) of this section to determine
10 ongoing annual eligibility through the school year in which the qualified
11 student reaches twenty-two years of age and whether the student may be
12 eligible pursuant to section 36-2981 and should be referred for
13 eligibility determination.

14 2. "Curriculum" means a course of study for content areas or grade
15 levels, including any supplemental materials required or recommended by
16 the curriculum, approved by the department.

17 3. "Department" means the department of education.

18 4. "Eligible postsecondary institution" means a community college
19 as defined in section 15-1401, a university under the jurisdiction of the
20 Arizona board of regents or an accredited private postsecondary
21 institution.

22 5. "Parent" means a resident of this state who is the parent,
23 stepparent or legal guardian of a qualified student.

24 6. "Qualified school" means a nongovernmental primary or secondary
25 school or a preschool for pupils with disabilities that is located in this
26 state or, for qualified students who reside within the boundaries of an
27 Indian reservation in this state, that is located in an adjacent state and
28 that is within two miles of the border of the state in which the qualified
29 student resides, and that does not discriminate on the basis of race,
30 color or national origin.

31 7. "Qualified student" means a resident of this state who:

32 (a) Is any of the following:

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

35 (ii) Identified by a school district or by an independent third
36 party pursuant to section 15-2403, subsection I as a child with a
37 disability as defined in section 15-731 or 15-761.

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

40 (iv) Attending a school or school district that was assigned a
41 letter grade of D or F pursuant to section 15-241 for the most recent year
42 in which letter grades were assigned or is currently eligible to attend
43 kindergarten and resides within the attendance boundary of a school that
44 was assigned a letter grade of D or F pursuant to section 15-241 for the
45 most recent year in which letter grades were assigned. A child who meets

1 the requirements of this item and who meets the income eligibility
2 requirements for free and reduced-price lunches under the national school
3 lunch and child nutrition acts (42 United States Code sections 1751
4 through 1793) is not subject to subdivision (b) of this paragraph.

5 (v) A previous recipient of a scholarship THAT WAS issued pursuant
6 to section 15-891 or this section, unless the qualified student's parent
7 has been removed from eligibility in the program for failure to comply
8 pursuant to section 15-2403, subsection C.

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

13 (vii) A child who is a ward of the juvenile court and who is
14 residing with a prospective permanent placement pursuant to section 8-862
15 and the case plan is adoption or permanent guardianship.

16 (viii) A child who was a ward of the juvenile court and who
17 achieved permanency through adoption or permanent guardianship.

18 (ix) A child who is the sibling of a current or previous Arizona
19 empowerment scholarship account recipient or of an eligible qualified
20 student who accepts the terms of and enrolls in an Arizona empowerment
21 scholarship account.

22 (x) A child who resides within the boundaries of an Indian
23 reservation in this state as determined by the department of education or
24 a tribal government.

25 (xi) A child of a parent who is legally blind or deaf or hard of
26 hearing as defined in section 36-1941.

27 (xii) THE ALLEGED VICTIM OF ASSAULT PURSUANT TO SECTION 13-1203,
28 HARASSMENT, HAZING, KIDNAPPING PURSUANT TO SECTION 13-1304, AGGRAVATED
29 ASSAULT PURSUANT TO SECTION 13-1204, THEFT PURSUANT TO SECTION 13-1802,
30 BURGLARY PURSUANT TO SECTION 13-1506, 13-1507 OR 13-1508, SEXUAL
31 HARASSMENT, A SEXUAL OFFENSE AS DEFINED IN SECTION 13-1420, THREATENING OR
32 INTIMIDATING PURSUANT TO SECTION 13-1202, FIGHTING, SEX TRAFFICKING
33 PURSUANT TO SECTION 13-1307 OR TRAFFICKING OF PERSONS FOR FORCED LABOR OR
34 SERVICES PURSUANT TO SECTION 13-1308 AND THE INCIDENT OCCURRED ON SCHOOL
35 GROUNDS, ON A SCHOOL BUS, AT A SCHOOL BUS STOP OR AT A SCHOOL-SPONSORED
36 EVENT OR ACTIVITY, INCLUDING THROUGH THE USE OF ELECTRONIC TECHNOLOGY OR
37 AN ELECTRONIC COMMUNICATION ON A SCHOOL COMPUTER, NETWORK, FORUM OR
38 MAILING LIST.

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

41 (i) Attended a governmental primary or secondary school as a
42 full-time student as defined in section 15-901 for at least forty-five
43 days of the current or prior fiscal year and who transferred from a
44 governmental primary or secondary school under a contract to participate
45 in an Arizona empowerment scholarship account. Kindergarten students who

1 are enrolled in Arizona online instruction must receive two hundred hours
2 of logged instruction to be eligible pursuant to this item. First, second
3 and third grade students who are enrolled in Arizona online instruction
4 must receive four hundred hours of logged instruction to be eligible
5 pursuant to this item. Fourth, fifth and sixth grade students who are
6 enrolled in Arizona online instruction must receive five hundred hours of
7 logged instruction to be eligible pursuant to this item. Seventh and
8 eighth grade students who are enrolled in Arizona online instruction must
9 receive five hundred fifty hours of logged instruction to be eligible
10 pursuant to this item. High school students who are enrolled in Arizona
11 online instruction must receive five hundred hours of logged instruction
12 to be eligible pursuant to this item.

13 (ii) Previously participated in an Arizona empowerment scholarship
14 account.

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

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

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

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

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

37 Sec. 2. Title 15, chapter 19, article 1, Arizona Revised Statutes,
38 is amended by adding section 15-2405, to read:

39 15-2405. Incident reports; school district obligations;
40 department obligations

41 A. ON RECEIPT OF A POLICE REPORT OR AN ADMINISTRATIVE OR COURT
42 PLEADING INVOLVING AN INCIDENT OF ASSAULT, HARASSMENT, HAZING, KIDNAPPING,
43 AGGRAVATED ASSAULT, THEFT, BURGLARY, SEXUAL HARASSMENT, A SEXUAL OFFENSE,
44 THREATENING OR INTIMIDATION, FIGHTING, SEX TRAFFICKING OR TRAFFICKING OF
45 PERSONS FOR FORCED LABOR OR SERVICES AS PRESCRIBED IN SECTION 15-2401,

1 PARAGRAPH 7, SUBDIVISION (a), ITEM (xii), THE SCHOOL PRINCIPAL OR THE
2 PRINCIPAL'S DESIGNEE SHALL PROVIDE A COPY OF THE REPORT TO THE PARENT OF
3 THE STUDENT WHO IS THE ALLEGED VICTIM OF THE INCIDENT AND INVESTIGATE THE
4 INCIDENT. WITHIN TWENTY-FOUR HOURS AFTER RECEIVING THE REPORT, THE
5 PRINCIPAL OR THE PRINCIPAL'S DESIGNEE SHALL PROVIDE A COPY OF THE REPORT
6 TO THE PARENT OF THE ALLEGED OFFENDER IF THE ALLEGED OFFENDER IS A MINOR
7 AND TO THE SUPERINTENDENT OF THE SCHOOL DISTRICT OR THE CHIEF
8 ADMINISTRATIVE OFFICER OF THE CHARTER SCHOOL. ON CONCLUSION OF THE
9 INVESTIGATION OR WITHIN FIFTEEN DAYS AFTER THE INCIDENT WAS REPORTED,
10 WHICHEVER OCCURS FIRST, THE SCHOOL DISTRICT OR CHARTER SCHOOL SHALL NOTIFY
11 THE PARENT OF THE ALLEGED VICTIM ABOUT ELIGIBILITY FOR AN ARIZONA
12 EMPOWERMENT SCHOLARSHIP ACCOUNT.

13 B. IN ADDITION TO ANY OTHER DUTIES PRESCRIBED IN THIS CHAPTER, THE
14 DEPARTMENT SHALL:

15 1. CROSS-CHECK THE LIST OF QUALIFIED STUDENTS WITH THE PUBLIC
16 SCHOOL ENROLLMENT LISTS TO AVOID DUPLICATION.

17 2. MAINTAIN A LIST OF NATIONALLY NORM-REFERENCED TESTS IDENTIFIED
18 FOR THE PURPOSE OF SATISFYING THE TESTING REQUIREMENTS PRESCRIBED IN THIS
19 CHAPTER.

20 3. REQUIRE QUARTERLY REPORTS BY AN ELIGIBLE NONPROFIT SCHOLARSHIP
21 FUNDING ORGANIZATION REGARDING THE NUMBER OF STUDENTS PARTICIPATING IN
22 ARIZONA EMPOWERMENT SCHOLARSHIP ACCOUNTS, THE PRIVATE SCHOOLS IN WHICH THE
23 STUDENTS ARE ENROLLED AND OTHER INFORMATION DEEMED NECESSARY BY THE
24 DEPARTMENT.

25 4. CONTRACT WITH AN INDEPENDENT ENTITY TO PROVIDE AN ANNUAL REPORT.
26 IN PREPARING THE ANNUAL REPORT, THE INDEPENDENT ENTITY SHALL DO ALL OF THE
27 FOLLOWING:

28 (a) REVIEW EACH PUBLIC SCHOOL'S INCIDENT PREVENTION PROGRAM TO
29 DETERMINE AREAS IN THE SCHOOL OR SCHOOL DISTRICT PROCEDURES INVOLVING
30 REPORTING, INVESTIGATING AND COMMUNICATING PARENT AND STUDENT RIGHTS THAT
31 NEED IMPROVEMENT. AT A MINIMUM, THE REVIEW MUST:

32 (i) ASSESS THE INVESTIGATION TIME AND QUALITY OF THE RESPONSE OF
33 THE SCHOOL OR CHARTER SCHOOL.

34 (ii) ASSESS THE EFFECTIVENESS OF COMMUNICATION PROCEDURES WITH THE
35 STUDENTS INVOLVED IN AN INCIDENT, THE STUDENTS' PARENTS AND THE SCHOOL
36 DISTRICT OR CHARTER SCHOOL PERSONNEL.

37 (iii) ANALYZE PUBLIC SCHOOL INCIDENT AND DISCIPLINE DATA.

38 (iv) ASSESS THE CHALLENGES AND OBSTACLES RELATING TO IMPLEMENTING
39 RECOMMENDATIONS FROM THE REVIEW.

40 (b) REVIEW EACH PUBLIC SCHOOL'S INCIDENT PREVENTION PROGRAM IN
41 ORDER TO IDENTIFY BEST PRACTICES AND MAKE RECOMMENDATIONS TO THE PUBLIC
42 SCHOOL AT WHICH AN INCIDENT OCCURRED.

43 (c) REVIEW THE ACADEMIC PERFORMANCE OF PARTICIPATING STUDENTS
44 ENROLLED IN A PRIVATE SCHOOL UNDER AN ARIZONA EMPOWERMENT SCHOLARSHIP
45 ACCOUNT.

1 (d) CONDUCT A SURVEY OF PARENTS OF QUALIFIED STUDENTS TO ASSESS
2 ACADEMIC PERFORMANCE, SAFETY CONCERNS AND OVERALL SATISFACTION AND TO
3 IDENTIFY ANY CHALLENGES TO OR OBSTACLES IN ADDRESSING THE INCIDENTS OR
4 RELATING TO THE USE OF ARIZONA EMPOWERMENT SCHOLARSHIP ACCOUNTS.

5 Sec. 3. Short title

6 This act may be cited as the "Lifeline for Student Crime Victims
7 Act".