

REFERENCE TITLE: special education vouchers; amount

State of Arizona  
House of Representatives  
Fifty-sixth Legislature  
Second Regular Session  
2024

# HB 2144

Introduced by  
Representative Cook

AN ACT

AMENDING SECTION 15-1204, ARIZONA REVISED STATUTES; RELATING TO SPECIAL EDUCATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 15-1204, Arizona Revised Statutes, is amended to  
3 read:

4 15-1204. Voucher; application; approval; requirements;  
5 budgets; prohibited uses; advances

6 A. When an institution decides to place a person in an  
7 institutional special education program, the institution, ~~upon~~ ON  
8 application to and approval by the division of special education, shall  
9 have a permanent special education institutional voucher issued pursuant  
10 to this article to pay the special education instructional costs of the  
11 person at the institution.

12 B. When an institution decides to place a person who resides in the  
13 institution in a school special education program, the school, ~~upon~~ ON  
14 application to and approval by the division of special education, shall  
15 have a permanent special education institutional voucher issued pursuant  
16 to this article to pay the special education instructional costs of the  
17 person in the school.

18 C. ~~No~~ A person residing in an institution and attending a school  
19 may NOT have a certificate of educational convenience issued pursuant to  
20 section 15-825, subsection A.

21 D. The director of the division of special education shall develop  
22 requirements for the approval of vouchers, ~~—~~ pursuant to this section,  
23 including the requirement that the person be educationally evaluated.

24 E. If approved, the voucher, in an amount not exceeding the sum of  
25 the following, shall be paid directly to the institution or deposited with  
26 the county treasurer to the credit of the school, with notice to the  
27 county school superintendent:

- 28 1. For group A, the base level multiplied by two.
- 29 2. For group B, the sum of the base for kindergarten PROGRAMS AND  
30 GRADES ONE through eight and the support level weight for the category,  
31 multiplied by the base level.
- 32 3. For both group A and group B, ~~one hundred dollars~~ \$100 for  
33 capital outlay costs and ~~fifty dollars~~ \$50 for transportation costs.
- 34 4. FOR BOTH GROUP A AND GROUP B, IF PART OF A CAMPUS-BASED PROGRAM,  
35 AN ADDITIONAL RATE OF \$2.89 PER ROUTE MILE FOR TRANSPORTATION COSTS AND  
36 ADDITIONAL FUNDING FOR CAPITAL OUTLAY COSTS AS FOLLOWS:
  - 37 (a) \$527.60 FOR PRESCHOOL PROGRAMS FOR CHILDREN WITH DISABILITIES.
  - 38 (b) \$455.60 FOR KINDERGARTEN PROGRAMS AND GRADES ONE THROUGH EIGHT.
  - 39 (c) \$474.73 FOR GRADES NINE THROUGH TWELVE.
  - 40 (d) AN AMOUNT EQUAL TO THE STUDENT COUNT IN GRADES NINE THROUGH  
41 TWELVE, MULTIPLIED BY \$81.56 FOR PURCHASING REQUIRED TEXTBOOKS AND RELATED  
42 PRINTED SUBJECT MATTER MATERIALS.

43 F. The budget format developed cooperatively between the department  
44 of child safety and the department of education pursuant to section 8-503

1 shall be used by the institutions to determine and segregate residential  
2 costs from educational instructional costs.

3 G. If sufficient appropriated monies are available and ~~upon~~ ON a  
4 showing by an institution that additional state monies are necessary for  
5 current expenses, an advance apportionment of state aid may be paid to an  
6 institution. ~~In no event shall~~ An institution ~~have received~~ MAY NOT  
7 RECEIVE more than three-fourths of its total apportionment under this  
8 section before May 1 of the fiscal year. Early payments pursuant to this  
9 subsection must be approved by the state treasurer, the director of the  
10 department of administration and the superintendent of public instruction.

11 H. Notwithstanding subsection G of this section, when making the  
12 April payment to an institution, the department of education may include  
13 an additional amount based on an estimate of monies payable to the  
14 institution in May. Before the department of education apportions monies  
15 to the institution in June, it shall adjust the June payment to account  
16 for any discrepancies between the monies actually paid in April and May  
17 and the amount ~~which~~ THAT should have been paid. If an overpayment in May  
18 exceeds the total amount payable in June, the institution shall refund to  
19 the department of education an amount equal to the overpayment within  
20 sixty days ~~of~~ AFTER notification of the overpayment. If the overpayment  
21 is not refunded within sixty days by the institution, the superintendent  
22 of public instruction shall reduce the state aid entitlement to the  
23 institution for the succeeding fiscal year to recover any overpayment of  
24 state aid received during the current fiscal year.

25 I. FOR FISCAL YEAR 2024-2025, AND EACH FISCAL YEAR THEREAFTER,  
26 SUBJECT TO APPROPRIATION, THE LEGISLATURE SHALL INCREASE THE AMOUNTS  
27 PROVIDED IN SUBSECTION E, PARAGRAPH 4 OF THIS SECTION BY A MINIMUM GROWTH  
28 RATE OF EITHER TWO PERCENT OR THE CHANGE IN THE GDP PRICE DEFLATOR, AS  
29 DEFINED IN SECTION 41-563, FROM THE SECOND PRECEDING CALENDAR YEAR TO THE  
30 CALENDAR YEAR IMMEDIATELY PRECEDING THE BUDGET YEAR, WHICHEVER IS LESS,  
31 EXCEPT THAT THE AMOUNTS SHALL NOT BE REDUCED BELOW THE AMOUNTS ESTABLISHED  
32 FOR FISCAL YEAR 2024-2025.

33 ~~I.~~ J. Any special education institutional voucher issued pursuant  
34 to this article shall not be used in any school or institution that  
35 discriminates on the basis of race, religion, creed, color or national  
36 origin.

37 ~~J.~~ K. The state board of education may withhold state aid from an  
38 institution for noncompliance with any applicable statute or any  
39 applicable rule adopted by the state board.