

REFERENCE TITLE: opportunity scholarship program

State of Arizona  
House of Representatives  
Forty-fifth Legislature  
First Regular Session  
2001

## **HB 2252**

Introduced by  
Representatives Knaperek, Blendu, Weiers, Senator Martin: Representatives  
Allen, Farnsworth, Pearce, Robson, Senators Bennett, Petersen, Solomon

AN ACT

AMENDING TITLE 15, CHAPTER 8, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 8;  
RELATING TO OPPORTUNITY SCHOLARSHIPS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Title 15, chapter 8, Arizona Revised Statutes, is amended  
3 by adding article 8, to read:

4 ARTICLE 8. OPPORTUNITY SCHOLARSHIP PROGRAM

5 15-882. Opportunity scholarship program; eligibility

6 A. A PUBLIC SCHOOL PUPIL'S PARENT OR GUARDIAN MAY REQUEST AND RECEIVE  
7 FROM THE STATE AN OPPORTUNITY SCHOLARSHIP FOR THE CHILD TO ENROLL IN AND  
8 ATTEND A PRIVATE SCHOOL IN ACCORDANCE WITH THIS SECTION IF:

9 1. THE PUPIL HAS SPENT THE PRIOR SCHOOL YEAR IN ATTENDANCE AT A PUBLIC  
10 SCHOOL THAT HAS BEEN DESIGNATED A LOW PERFORMING SCHOOL BY THE STATE BOARD OF  
11 EDUCATION AND THE PUPIL'S ATTENDANCE OCCURRED DURING A SCHOOL YEAR IN WHICH  
12 THAT DESIGNATION WAS IN EFFECT OR THE PARENT OR GUARDIAN OF A PUPIL WHO HAS  
13 BEEN IN ATTENDANCE ELSEWHERE IN THE PUBLIC SCHOOL SYSTEM OR WHO IS ENTERING  
14 KINDERGARTEN OR GRADE ONE IS IN THE ATTENDANCE AREA OF A SCHOOL DESIGNATED AS  
15 A LOW PERFORMING SCHOOL DURING THE PREVIOUS SCHOOL YEAR.

16 2. THE PARENT OR GUARDIAN HAS OBTAINED ACCEPTANCE FOR ADMISSION OF THE  
17 PUPIL TO A PRIVATE SCHOOL ELIGIBLE FOR THE OPPORTUNITY SCHOLARSHIP PROGRAM  
18 PURSUANT TO SECTION 15-882.02 AND HAS NOTIFIED THE DEPARTMENT OF EDUCATION  
19 AND THE SCHOOL DISTRICT OF THE REQUEST FOR AN OPPORTUNITY SCHOLARSHIP NO  
20 LATER THAN JULY 1 OF THE FIRST YEAR IN WHICH THE PUPIL INTENDS TO USE THE  
21 SCHOLARSHIP.

22 B. A PUPIL'S OPPORTUNITY SCHOLARSHIP REMAINS IN EFFECT UNTIL THE PUPIL  
23 RETURNS TO A PUBLIC SCHOOL, EXCEPT THAT THE PUPIL'S PARENT OR GUARDIAN MAY  
24 REMOVE THE PUPIL FROM THE PRIVATE SCHOOL AND PLACE THE PUPIL IN A PUBLIC  
25 SCHOOL AS PROVIDED IN SECTION 15-882.01.

26 15-882.01. School district obligations

27 A. FOR EACH PUPIL ENROLLED IN OR ASSIGNED TO A SCHOOL THAT HAS BEEN  
28 DESIGNATED AS A LOW PERFORMING SCHOOL BY THE STATE BOARD OF EDUCATION, A  
29 SCHOOL DISTRICT SHALL BOTH:

30 1. AS SOON AS THE LOW PERFORMING DESIGNATION IS MADE NOTIFY THE PARENT  
31 OR GUARDIAN OF THE PUPIL IN A TIMELY MANNER OF THE PARENT'S OR GUARDIAN'S  
32 OPTIONS UNDER THE OPPORTUNITY SCHOLARSHIP PROGRAM PURSUANT TO THIS ARTICLE.

33 2. OFFER THAT PUPIL'S PARENT OR GUARDIAN AN OPPORTUNITY TO ENROLL THE  
34 PUPIL IN A PUBLIC SCHOOL IN THE DISTRICT THAT HAS NOT BEEN DESIGNATED A LOW  
35 PERFORMING SCHOOL BY THE STATE BOARD OF EDUCATION. THE PARENT OR GUARDIAN IS  
36 NOT REQUIRED TO ACCEPT AN ASSIGNMENT TO ANOTHER SCHOOL IN THE SCHOOL  
37 DISTRICT. THE OPPORTUNITY TO CONTINUE ATTENDING A PUBLIC SCHOOL IN THE  
38 SCHOOL DISTRICT THAT IS NOT DESIGNATED A LOW PERFORMING SCHOOL REMAINS IN  
39 EFFECT UNTIL THE PUPIL GRADUATES FROM HIGH SCHOOL.

40 B. THE PARENT OR GUARDIAN OF A PUPIL ENROLLED IN OR ASSIGNED TO A  
41 SCHOOL THAT HAS BEEN DESIGNATED A LOW PERFORMING SCHOOL BY THE STATE BOARD OF  
42 EDUCATION MAY CHOOSE TO ENROLL THE PUPIL IN AND TRANSPORT THE PUPIL TO A  
43 DIFFERENT PUBLIC SCHOOL THAT HAS AVAILABLE SPACE IN ANOTHER SCHOOL DISTRICT.

1 C. EACH SCHOOL DISTRICT SHALL PROVIDE ALL STANDARDIZED TESTS  
2 PRESCRIBED BY CHAPTER 7, ARTICLE 3 OF THIS TITLE TO PUPILS WHO RESIDE IN THE  
3 DISTRICT AND WHO ARE PARTICIPATING IN THE OPPORTUNITY SCHOLARSHIP PROGRAM.

4 D. PUPILS WITH DISABILITIES WHO ARE ELIGIBLE TO RECEIVE SERVICES FROM  
5 THE SCHOOL DISTRICT UNDER FEDERAL OR STATE LAW AND WHO PARTICIPATE IN THE  
6 OPPORTUNITY SCHOLARSHIP PROGRAM REMAIN ELIGIBLE TO RECEIVE THE SAME SERVICES  
7 FROM THE SCHOOL DISTRICT AS PROVIDED BY FEDERAL OR STATE LAW.

8 E. IF FOR ANY REASON A QUALIFIED PRIVATE SCHOOL IS NOT AVAILABLE FOR  
9 THE PUPIL OR IF THE PARENT OR GUARDIAN CHOOSES TO REQUEST THAT THE PUPIL BE  
10 ENROLLED IN A PUBLIC SCHOOL THAT IS NOT DESIGNATED A LOW PERFORMING SCHOOL BY  
11 THE STATE BOARD OF EDUCATION, THE SCHOOL DISTRICT OF RESIDENCE IS RESPONSIBLE  
12 FOR ALL TRANSPORTATION COSTS TO THE PUBLIC SCHOOL SELECTED BY THE PARENT OR  
13 GUARDIAN.

14 15-882.02. Private school eligibility

15 IN ORDER TO BE ELIGIBLE TO PARTICIPATE IN THE OPPORTUNITY SCHOLARSHIP  
16 PROGRAM, A PRIVATE SCHOOL MUST BE LOCATED IN THIS STATE AND SHALL MEET ALL OF  
17 THE FOLLOWING REQUIREMENTS:

18 1. HAVE BEEN IN OPERATION FOR AT LEAST ONE SCHOOL YEAR OR PROVIDE THE  
19 DEPARTMENT OF EDUCATION WITH A STATEMENT BY A CERTIFIED PUBLIC ACCOUNTANT  
20 CONFIRMING THAT THE PRIVATE SCHOOL IS INSURED AND THE OWNER OR OWNERS HAVE  
21 SUFFICIENT CAPITAL OR CREDIT TO OPERATE THE SCHOOL FOR THE UPCOMING YEAR  
22 SERVING THE NUMBER OF PUPILS ANTICIPATED WITH EXPECTED REVENUES FROM TUITION  
23 AND OTHER SOURCES THAT MAY BE REASONABLY EXPECTED.

24 2. EXCEPT FOR THE FIRST YEAR OF IMPLEMENTATION, THE PRIVATE SCHOOL  
25 SHALL NOTIFY THE DEPARTMENT OF EDUCATION AND THE SCHOOL DISTRICT WHERE THE  
26 PRIVATE SCHOOL IS LOCATED OF ITS INTENT TO PARTICIPATE IN THE OPPORTUNITY  
27 SCHOLARSHIP PROGRAM BY MAY 1 OF THE SCHOOL YEAR PRECEDING THE SCHOOL YEAR IN  
28 WHICH THE PRIVATE SCHOOL INTENDS TO PARTICIPATE. THE NOTICE SHALL SPECIFY  
29 THE GRADE LEVELS AND SERVICES THAT THE PRIVATE SCHOOL WILL OFFER IN  
30 CONNECTION WITH THE OPPORTUNITY SCHOLARSHIP PROGRAM.

31 3. COMPLY WITH THE ANTIDISCRIMINATION PROVISIONS OF 42 UNITED STATES  
32 CODE SECTION 2000.

33 4. COMPLY WITH ALL STATE AND LOCAL HEALTH AND SAFETY LAWS.

34 5. ACCEPT OPPORTUNITY SCHOLARSHIP PUPILS ON A RANDOM BASIS WITHOUT  
35 REGARD TO THE PUPIL'S RELIGIOUS BELIEFS OR PAST ACADEMIC HISTORY, EXCEPT THAT  
36 THE PRIVATE SCHOOL MAY GIVE PREFERENCE TO SIBLINGS OF PUPILS WHO HAVE ALREADY  
37 BEEN ACCEPTED INTO THE PRIVATE SCHOOL UNDER THE OPPORTUNITY SCHOLARSHIP  
38 PROGRAM.

39 6. BE ACCREDITED BY AN APPROPRIATE ACCREDITING BODY AND BE  
40 ACADEMICALLY ACCOUNTABLE TO THE PARENT OR GUARDIAN FOR MEETING THE  
41 EDUCATIONAL NEEDS OF THE PUPIL. THE PRIVATE SCHOOL MUST FURNISH A SCHOOL  
42 PROFILE TO THE DEPARTMENT OF EDUCATION THAT INCLUDES PUPIL PERFORMANCE.

43 7. EMPLOY TEACHERS WHO HOLD A BACCALAUREATE OR HIGHER DEGREE, HAVE AT  
44 LEAST THREE YEARS OF TEACHING EXPERIENCE IN PUBLIC OR PRIVATE SCHOOLS OR HAVE

1 SPECIAL SKILLS, KNOWLEDGE OR EXPERTISE THAT QUALIFIES THEM TO PROVIDE  
2 INSTRUCTION IN THE SUBJECTS TAUGHT BY THAT TEACHER.

3 8. COMPLY WITH ALL LAWS RELATING TO PRIVATE SCHOOLS.

4 9. ACCEPT AS FULL PAYMENT FOR TUITION AND FEES THE AMOUNT PROVIDED BY  
5 THE STATE UNDER THE OPPORTUNITY SCHOLARSHIP PROGRAM FOR EACH PUPIL WHO  
6 PARTICIPATES IN THE PROGRAM.

7 10. AGREE NOT TO COMPEL OR ATTEMPT TO COMPEL ANY PUPIL ATTENDING THE  
8 PRIVATE SCHOOL ON AN OPPORTUNITY SCHOLARSHIP TO PROFESS A SPECIFIC  
9 IDEOLOGICAL BELIEF, TO PRAY OR TO WORSHIP IN A SPECIFIC MANNER.

10 11. NOT SUSPEND OR EXPEL PUPILS ATTENDING THE SCHOOL UNDER AN  
11 OPPORTUNITY SCHOLARSHIP EXCEPT AS PROVIDED BY SPECIFIC WRITTEN GUIDELINES AND  
12 PROCEDURES ADOPTED BY THE PRIVATE SCHOOL.

13 15-882.03. Program participation; obligations

14 A. ANY PUPIL PARTICIPATING IN THE OPPORTUNITY SCHOLARSHIP PROGRAM  
15 SHALL REMAIN IN ATTENDANCE AT THE PARTICIPATING SCHOOL THROUGHOUT THE SCHOOL  
16 YEAR, UNLESS EXCUSED BY THE SCHOOL FOR ILLNESS OR OTHER GOOD CAUSE, AND SHALL  
17 COMPLY FULLY WITH THE SCHOOL'S CODE OF CONDUCT.

18 B. THE PARENT OR GUARDIAN OF EACH PUPIL PARTICIPATING IN THE  
19 OPPORTUNITY SCHOLARSHIP PROGRAM SHALL COMPLY FULLY WITH THE PRIVATE SCHOOL'S  
20 PARENTAL INVOLVEMENT REQUIREMENTS, UNLESS EXCUSED BY THE SCHOOL FOR ILLNESS  
21 OR OTHER GOOD CAUSE.

22 C. THE PARENT OR GUARDIAN SHALL ENSURE THAT THE PUPIL PARTICIPATING IN  
23 THE OPPORTUNITY SCHOLARSHIP PROGRAM TAKES ALL STANDARDIZED TESTS REQUIRED  
24 UNDER CHAPTER 7, ARTICLE 3 OF THIS TITLE.

25 D. A PARTICIPANT WHO FAILS TO COMPLY WITH THE REQUIREMENTS OF THIS  
26 SECTION FORFEITS THE OPPORTUNITY SCHOLARSHIP.

27 15-882.04. Opportunity scholarship funding

28 A. THE MAXIMUM AMOUNT THAT MAY BE AWARDED BY THE DEPARTMENT OF  
29 EDUCATION FOR AN OPPORTUNITY SCHOLARSHIP FOR AN ELIGIBLE PUPIL IS THE AMOUNT  
30 OF STATE AID THAT WOULD HAVE BEEN PROVIDED FOR THE PUPIL IN THE SCHOOL  
31 DISTRICT OF ATTENDANCE IF THE PUPIL WERE TO ATTEND A SCHOOL IN THAT DISTRICT.

32 B. EACH SCHOOL DISTRICT SHALL REPORT ALL PUPILS IN THE ATTENDANCE AREA  
33 OF THE SCHOOL DISTRICT WHO ARE ATTENDING A PRIVATE SCHOOL UNDER THE  
34 OPPORTUNITY SCHOLARSHIP PROGRAM.

35 C. AFTER ANNUAL NOTIFICATION ON JULY 1 OF THE NUMBER OF PARTICIPANTS,  
36 THE DEPARTMENT OF EDUCATION SHALL TRANSFER FROM EACH SCHOOL DISTRICT'S  
37 APPROPRIATED FUNDS QUARTERLY DISBURSEMENTS TO THE PARENTS OR GUARDIANS OF  
38 PUPILS WHO PARTICIPATE IN THE OPPORTUNITY SCHOLARSHIP PROGRAM.

39 15-882.05. State liability

40 NO LIABILITY ARISES ON THE PART OF THIS STATE BASED ON ANY GRANT OR USE  
41 OF AN OPPORTUNITY SCHOLARSHIP.

1           15-882.06. State board of education; rules  
2           THE STATE BOARD OF EDUCATION SHALL ADOPT RULES TO CARRY OUT THE  
3 PURPOSES OF THIS ARTICLE.  
4           15-882.07. Program termination  
5           THE PROGRAM ESTABLISHED BY THIS ARTICLE ENDS ON JULY 1, 2011 PURSUANT  
6 TO SECTION 41-3102.