



## **Why Act for America campaigns for Universal School Choice**

### ***No Strings Attached***

Act for America | 04/11/2023

It is abundantly clear that America needs to make some dramatic changes on how we educate our youth.

**The upside down, woke world we live in** is largely thanks to public school and university indoctrination centers that have warped traditional American values taught at home that are challenged and deconstructed during the daily 6-7 hours of training at K-12 public schools, followed by intensive social deconstruction and revolutionary, liberal revisionism at colleges and universities (unless they attend Hillsdale, Regent, or other values centered higher education setting).

**"Give me just one generation of youth, and I'll transform the whole world."**-Vladimir Lenin

**America's school age children are only one generation away from shaping our culture and policy.** Most liberal activists are mobilizing to reshape our culture through lies and propaganda to set new public policy like we are seeing with perversion of Title IV, Gender Fluidity, and Race Theory.

If the last couple generations have contributed to our drastic moral decline in culture and policy, IMAGINE what twisted, upside down culture war is being minted in our children's minds attending public schools RIGHT NOW!

**"Children are like wet cement. Whatever falls on them makes an impression."**-Haim Ginott

**The number one priority all Americans should act upon** is to make a way for parents to **exit public school** and provide

affordable educational alternatives that are more aligned with their values AND provide the highest quality education possible.

**The Left is waging war on America through a weaponized education system.** It is a war of good versus evil, right versus wrong, truth versus lies, and America's children are caught in the cross hairs; The Left is using children as cultural and political weapons.

**“Train up a child in the way he should go and when he is old, he will not depart from it.” -Proverbs**

**Universal School Choice Provides Immediate Safe Haven for America's Children**

We need to make a calculated decision to enable children trapped in the “free” public school system NOW.

**Every American is funding public school!**

Are you paying property tax, rent, state income taxes, city taxes on goods and services, and federal income tax? Then you are funding this weaponized public school indoctrination system.

**Every American has a stake in this fight!**

In July of 2022 Act for America followed the Arizona State House Bill 2853, billed as the FIRST Universal School Choice law enacted in the United States, which expanded an existing ESA Education Savings Account to allow ALL school age children access to this ESA without restrictions or strings attached.

This bill allows parents to register for an ESA savings account valued at an estimated \$7,000 a year, per student, that includes home school or religious private schools, has no limitations based on household incomes or zip codes, and zero government strings like state assessments and testing, as we've seen with other state school voucher and school choice legislation across the country.

**This legislation is NOT a state government subsidy** that would be directed to private schools, and it does not provide a

pathway for government control and intrusion, as many critics fear.

**For those that are homeschooling or utilizing independent micro-schools that are completely independent from government school programs,** this legislation poses no threat to their already successful public-school exit. However, for these families struggling to make ends meet in paying for curriculum or loss of income, when a parent has chosen to give up their job to stay home and educate their children, this legislation could make a tremendous difference in their household budget. If anything changes the nature and intent of this freedom of choice, parents could simply opt out of the savings account and return to their independent status.

### **The Debate on School Choice**

Passionate debate from critics on both sides of the political aisle have fought school choice for different and evolving reasons going back to the 50's and 60's.

On the Left, they are fearful of losing funding that would force the public school system to shrink or go belly up, knowing public schools are progressively underperforming and failing students and parents would make a mass exodus if better alternatives became available. The Left has a well-organized opposition movement that mobilizes in states considering legislation, which includes the teachers' unions and teacher run organizations, and they HATE School Choice for good reason.

On the Right, there are some organizations that are very concerned about big government intrusion into the education of home school and private school children. Strong critics fear that School Choice states will take over student testing and assessments and that private schools will lose their autonomy, compromising the quality and independence of their children's education. In fact, they are rightfully concerned about how School Choice funding is structured because ANY private school that

currently accesses government subsidies is forced to comply with Federal and/or State Board of Education standards set for public schools which includes curriculum, testing, and other social compliance regulations such as gender fluidity policies. In European nations, a socialized version of School Choice crept into private schools who accessed students school choice funding directly and later lost their autonomy.

More importantly, private schools that currently access government funding are forced to compromise and comply with certain state public school standards on curriculum that would include state Mask and Vaxx mandates, Critical Race Theory, Comprehensive Sex Ed, Gender Fluidity Policy, Girls Sports and Privacy policies, and the long list of other major reasons that prompted parents to withdraw from the public-school setting to begin with.

**Less than 1 in 10 Americans oppose School Choice, while 3 in 4 Americans support the policy.**

**Parents on both sides of the political fence are overwhelmingly advocating for School Choice.** Conservatives have long believed school choice will lead to more religious freedom and reduce the government's role in education, which is the primary goal most conservatives are pursuing, regardless of which path they promote. *Should we not all advocate for a parent's right to choose what's best for their children?*

### **Weighing Risks and Consequences**

**Considering the warfare against our children,** the priority must be implementing policy that immediately lifts the financial burden that is creating the obstacle for parents who LARGELY desire to **exit public school now.**

**As we press ahead for a true, universal school choice legislation** like Arizona HB2853, we must all remain engaged

and vigilant to protect the nature and intent of this model legislation.

**“The price of liberty is eternal vigilance”-Thomas Jefferson.**



**Don't wait to Exit Public School! [Click here>>](#)**

## **Arizona officially becomes first universal school choice state.**

The Lion | Tom Joyce | 7/8/2022

(The Center Square) – Arizona Governor Doug Ducey signed a bill **expanding access** to school choice to all students Thursday.

**In his signing House Bill 2853 into law, all Arizona's school-age children will be eligible for the Empowerment Scholarship Account.** It's a state-funded account that allows parents to spend money on tuition and other education expenses. Previously, the program was limited to disabled students, those in failing schools, and other specific circumstances.

"This is a monumental moment for all of Arizona's students. Our kids will no longer be locked in underperforming schools. Today, we're unlocking a whole new world of opportunity for them and their parents," Ducey said, according to a press release. "With this legislation, Arizona cements itself as the top state for school choice and as the first state in the nation to offer all families the option to choose the school setting that works best for them. Every family in Arizona should have access to a high-quality education with dedicated teachers. This is truly a win for all K-12 students."

The program will now be available to more than 1.1 million students across the state. The average ESA spends \$6,400, legislative analysts have previously estimated.

The bill also gives the Arizona Department of Education \$2.2 million and allows for the hiring of 26 new workers to aid in administering the expanded program. The report also found that school choice programs nationwide saved taxpayers an average of \$7,500 per student that participated.

House Majority Leader Ben Toma, R-Peoria, said education dollars shouldn't be tied to one building.

"It was my privilege to sponsor the most expansive school choice law in the nation, opening Empowerment Scholarship Account eligibility to all school-age children without restriction," Toma said. "In Arizona, we fund students, not systems, because we know one size does not fit all students."

Goldwater Institute President and CEO Victor Riches said the program will benefit children with varying educational needs.

**"Families deserve the right to choose the best education option for their children, regardless of zip code.** This reform empowers parents weary of a one-size-fits-all approach to public education to customize their children's schooling based on their unique needs," Riches said. "States around the nation should

follow Arizona's lead and pass legislation that funds students, not systems."

Public education advocacy group Save Our Schools Arizona announced on Wednesday it would lead a push to get a veto initiative on the 2024 ballot that would scale back the program if successful.

"Stopping the privatization of Arizona's public schools has been our mission for 5 years. Now, lawmakers have defied the will of AZ voters by attempting once more to pass universal ESA vouchers & dismantle public education – but we won't let them win," the organization tweeted.

The nonprofit and others argue that school choice saps funding from public schools that receive tax dollars based on attendance.

## **Arizona's Universal ESA Law Moves Forward, Providing School Choice to All K-12 Families**

Arizona House of Representatives  
Majority Leader Ben Toma (R-22) | 9/26/22

STATE CAPITOL, PHOENIX – House Republican Majority Leader Ben Toma today responded to the apparent failure by opponents of school choice to gather the minimum number of signatures required to force a referendum of HB 2853. Toma sponsored the new law which expands eligibility for Arizona's Empowerment Scholarship Account (ESA) program to every family in Arizona, **delivering educational freedom to parents of more than 1.1 million students.**

"Chalk up another major victory for Arizona families wanting the freedom to choose the education that best meets their child's needs. School choice is increasingly popular with Arizona parents, especially those whose children are stuck in a failing school, so I



find it baffling that anyone would try so hard to take that choice away from parents. It's good that they have apparently failed.

"Proponents of the failed referendum built their effort on the fallacy that public schools are harmed by Arizona's ESA program. That of course is untrue. In Arizona, we have seen that when funding follows the student, the performance of schools and students has improved. Moreover, the dramatic increase in K-12 education funding led by the Republican Legislature in the last several years demonstrates our commitment to all schools and, in turn, we expect them to continue to serve and improve the academic achievement of Arizona's students."

Under the new law, parents who apply for Arizona's ESA program may direct roughly \$7,000 per year, per child, to expenses like private school tuition, homeschooling expenses, educational therapies, and tutoring in exchange for not attending a public school or receiving a tuition tax credit scholarship.

## Arizona House Bill 2853 Model Legislation

**Arizona empowerment scholarship accounts;** appropriation State of Arizona House of Representatives Fifty-fifth Legislature Second Regular Session 2022 HB 2853 Introduced by Representatives Toma: Barton, Biasiucci, Blackman, Bolick, Bowers, Burges, Carroll, Carter, Chaplik, Cobb, Cook, Diaz, Dunn, Fillmore, Finchem, Grantham, Griffin, Kaiser, Kavanagh, Martinez, Nguyen, Osborne, Payne, Pingerelli, Weninger, Wilmeth (with permission of Committee on Rules)

AN ACT AMENDING SECTION 15-2401, ARIZONA REVISED STATUTES; AMENDING TITLE 15, CHAPTER 19, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 15-2401.01; AMENDING SECTIONS 15-2402 AND 15-2403, ARIZONA REVISED STATUTES; APPROPRIATING MONIES; RELATING TO ARIZONA EMPOWERMENT SCHOLARSHIP ACCOUNTS. (TEXT OF BILL BEGINS ON NEXT PAGE)

HB 2853 - Be it enacted by the Legislature of the State of Arizona: 2 Section 1. Section 15-2401, Arizona Revised Statutes, is amended to read:

15-2401. Definitions

In this chapter, unless the context otherwise requires:



1. "Annual education plan" means an initial individualized evaluation and subsequent annual reviews that are developed for a qualified student who meets the criteria specified in paragraph 7, subdivision (a), item (i), (ii) or (iii) of this section to determine ongoing annual eligibility through the school year in which the qualified student reaches twenty-two years of age and whether the student may be eligible pursuant to section 36-2981 and should be referred for eligibility determination.
2. "Curriculum" means a course of study for content areas or grade levels, including any supplemental materials required or recommended by the curriculum, approved by the department.
3. "Department" means the department of education.
4. "Eligible postsecondary institution" means a community college as defined in section 15-1401, a university under the jurisdiction of the Arizona board of regents or an accredited private postsecondary institution.
5. "Parent" means a resident of this state who is the parent, stepparent or legal guardian of a qualified student.
6. "Qualified school" means a nongovernmental primary or secondary school or a preschool for pupils with disabilities that is located in this state or, for qualified students who reside within the boundaries of an Indian reservation in this state, that is located in an adjacent state and that is within two miles of the border of the state in which the qualified student resides, and that does not discriminate on the basis of race, color or national origin.
7. "Qualified student" means a resident of this state who:
  - (a) Is any of the following:
    - (i) Identified as having a disability under section 504 of the rehabilitation act of 1973 (29 United States Code section 794).
    - (ii) Identified by a school district or by an independent third party pursuant to section 15-2403, subsection I as a child with a disability as defined in section 15-731 or 15-761.
    - (iii) A child with a disability who is eligible to receive services from a school district under section 15-763.
    - (iv) Attending a school or school district that was assigned a letter grade of D or F pursuant to section 15-241 for the most recent year in which letter grades were assigned or is currently eligible to attend kindergarten and resides within the attendance

boundary of a school that was assigned a letter grade of D or F pursuant to section 15-241 for the most recent year in which letter grades were assigned. A child who meets the requirements of this item and who meets the income eligibility requirements for free and reduced-price lunches under the national school lunch and child nutrition acts (42 United States Code sections 1751 through 1793) is not subject to subdivision (b) of this paragraph.

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

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

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

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

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

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

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

(b) And, except as provided in subdivision (a), items (iv) and (vi) of this paragraph, who meets any of the following requirements: 29

(i) Attended a governmental primary or secondary school as a full-time student as defined in section 15-901 for at least forty-five days of the current or prior fiscal year and who transferred from a governmental primary or secondary school under a contract to participate in an Arizona empowerment scholarship account. Kindergarten students who are enrolled in Arizona online instruction must receive ONE hundred 35 hours of logged instruction to be eligible pursuant to this item. First, second and third grade students who are enrolled in Arizona online instruction must receive TWO hundred hours of logged instruction to be eligible pursuant to this item. Fourth, fifth and sixth grade students who are enrolled in Arizona online instruction must receive five TWO hundred FIFTY hours of logged instruction to be eligible pursuant to this item. Seventh and eighth grade students who are enrolled in Arizona online instruction must receive five TWO hundred fifty SEVENTY-FIVE hours of logged instruction to be eligible pursuant to this item. High school students who are enrolled in Arizona online instruction must receive five TWO hundred FIFTY hours of logged instruction to be eligible pursuant to this item.

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

(iii) Received a scholarship under section 43-1505 and who continues to attend a qualified school if the student attended a governmental primary or secondary school as a full-time student as defined 8 in section 15-901 for at least ninety days of the prior fiscal year or one full semester before attending a qualified school.

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

(v) ATTENDED A NONPUBLIC SCHOOL FOR PUPILS WITH DISABILITIES IN THE PRIOR YEAR IF PLACEMENT AT THE SCHOOL WAS APPROVED BY THE DEPARTMENT OF EDUCATION AND CONTRACTED FOR BY A PUBLIC SCHOOL DISTRICT.

(vi) Has not previously attended a governmental primary or secondary school but is currently eligible to enroll in a kindergarten program in a school district or charter school in this state or attended a program for preschool children with disabilities. FOR THE PURPOSES OF THIS ITEM, A CHILD IS ELIGIBLE TO ENROLL IN A KINDERGARTEN PROGRAM IF THE CHILD IS AT LEAST FIVE YEARS OF AGE ON JANUARY 1 OF THE CURRENT SCHOOL YEAR, IS UNDER SEVEN YEARS OF AGE, HAS NOT ALREADY COMPLETED A KINDERGARTEN PROGRAM AND IS NOT ENROLLED IN GRADE ONE OF A PRIVATE OR GOVERNMENTAL SCHOOL IN THE CURRENT YEAR.

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

8. "Treasurer" means the office of the state treasurer. 35 Sec. 2. Title 15, chapter 19, article 1, Arizona Revised Statutes, is amended by adding section 15-2401.01, to read:

15-2401.01. Definition of qualified student for Arizona empowerment scholarship accounts; expansion

NOTWITHSTANDING SECTION 15-2401, BEGINNING IN THE 2022-2023 SCHOOL YEAR, IN THIS CHAPTER, UNLESS THE CONTEXT OTHERWISE REQUIRES, "QUALIFIED STUDENT" INCLUDES A RESIDENT OF THIS STATE WHO BOTH:

1. IS ELIGIBLE TO ENROLL IN A PUBLIC SCHOOL IN THIS STATE IN ANY OF THE FOLLOWING:

(a) A PRESCHOOL PROGRAM FOR CHILDREN WITH DISABILITIES.

(b) A KINDERGARTEN PROGRAM.

(c) ANY OF GRADES ONE THROUGH TWELVE.

2. DOES NOT OTHERWISE QUALIFY FOR AN ARIZONA EMPOWERMENT SCHOLARSHIP ACCOUNT PURSUANT TO THIS CHAPTER.

Sec. 3. Section 15-2402 Arizona Revised Statutes, is amended to read:

15-2402. Arizona empowerment scholarship accounts; funds

A. Arizona empowerment scholarship accounts are established to provide options for the education of students in this state.

B. To enroll a qualified student for an Arizona empowerment scholarship account, the parent of the qualified student must sign an agreement to do all of the following:

1. Use a portion of the Arizona empowerment scholarship account monies allocated annually to provide an education for the qualified student in at least the subjects of reading, grammar, mathematics, social studies and science, unless the Arizona empowerment scholarship account is allocated monies according to a transfer schedule other than quarterly transfers pursuant to section 15-2403, subsection F G.

2. Not enroll the qualified student in a school district or charter school and release the school district from all obligations to educate the qualified student. This paragraph does not:

(a) Relieve the school district or charter school that the qualified student previously attended from the obligation to conduct an evaluation pursuant to section 15-766.

(b) REQUIRE A QUALIFIED STUDENT TO WITHDRAW FROM A SCHOOL DISTRICT OR CHARTER SCHOOL BEFORE ENROLLING FOR AN ARIZONA EMPOWERMENT SCHOLARSHIP ACCOUNT IF THE QUALIFIED STUDENT WITHDRAWS FROM THE SCHOOL DISTRICT OR CHARTER SCHOOL BEFORE RECEIVING ANY MONIES IN THE QUALIFIED STUDENT'S ARIZONA EMPOWERMENT SCHOLARSHIP ACCOUNT.

(c) PREVENT A QUALIFIED STUDENT FROM APPLYING IN ADVANCE FOR AN ARIZONA EMPOWERMENT SCHOLARSHIP ACCOUNT TO BE FUNDED BEGINNING THE FOLLOWING SCHOOL YEAR.

3. Not accept a scholarship from a school tuition organization pursuant to title 43 concurrently with an Arizona empowerment

scholarship account for the qualified student in the same year a parent signs the agreement pursuant to this section.

4. Use monies deposited in the qualified student's Arizona empowerment scholarship account only for the following expenses of the qualified student:

(a) Tuition or fees at a qualified school.

(b) Textbooks required by a qualified school.

(c) If the qualified student meets any of the criteria specified in 2 section 15-2401, paragraph 7, subdivision (a), item (i), (ii) or (iii) as 3 determined by a school district or by an independent third party pursuant 4 to section 15-2403, subsection J, the qualified student may use the following additional services:

(i) Educational therapies from a licensed or accredited practitioner or provider, including and up to any amount not covered by insurance if the expense is partially paid by a health insurance policy for the qualified student.

(ii) A licensed or accredited paraprofessional or educational aide.

(iii) Tuition for vocational and life skills education approved by the department.

(iv) Associated goods and services that include educational and psychological evaluations, assistive technology rentals and braille translation goods and services approved by the department.

(d) Tutoring or teaching services provided by an individual or facility accredited by a state, regional or national accrediting organization.

(e) Curricula and supplementary materials.

(f) Tuition or fees for a nonpublic online learning program.

(g) Fees for a nationally standardized norm-referenced achievement test, an advanced placement examination or any exams related to college or university admission.

(h) Tuition or fees at an eligible postsecondary institution.

(i) Textbooks required by an eligible postsecondary institution.

(j) Fees to manage the Arizona empowerment scholarship account.

(k) Services provided by a public school, including individual classes and extracurricular programs.

(l) Insurance or surety bond payments.

(m) Uniforms purchased from or through a qualified school.

(n) If the qualified student meets the criteria specified in 32 section 15-2401, paragraph 7, subdivision (a), item (i), (ii) or (iii) and 33 if the qualified student is in the second year prior to the final year of a contract executed pursuant to this article, costs associated with an annual education plan conducted by an independent evaluation team. The department shall prescribe minimum qualifications for independent evaluation teams pursuant to this subdivision and factors that teams must use to determine whether the qualified student shall be eligible to continue to receive monies pursuant to this article through the school year in which the qualified student reaches twenty-two years of age. An independent evaluation team that provides an annual education plan pursuant to this subdivision shall submit a written report that summarizes the results of the evaluation to the parent of the qualified student and to the department on or before July 31. The written report submitted by the independent evaluation team is valid for one year. If the department determines that the qualified student meets the eligibility criteria prescribed in the annual education plan, the qualified student is eligible to continue to receive monies pursuant to this article until the qualified student reaches twenty-two years of age, subject to annual review. A parent may appeal the department's decision pursuant to title 41, chapter 6 6, article 10. As an addendum to a qualified student's final-year contract, the department shall provide the following written information to the parent of the qualified student:

(i) That the qualified student will not be eligible to continue to receive monies pursuant to this article unless the results of an annual education plan conducted pursuant



to this subdivision demonstrate that the qualified student meets the eligibility criteria prescribed in the annual education plan.

(ii) That the parent is entitled to obtain an annual education plan pursuant to this subdivision to determine whether the qualified student meets the eligibility criteria prescribed in the annual education plan.

(iii) A list of independent evaluation teams that meet the minimum qualifications prescribed by the department pursuant to this subdivision.

(o) PUBLIC TRANSPORTATION SERVICES IN THIS STATE, INCLUDING A COMMUTER PASS FOR THE QUALIFIED STUDENT, OR TRANSPORTATION NETWORK SERVICES AS DEFINED IN SECTION 28-9551 BETWEEN THE QUALIFIED STUDENT'S RESIDENCE AND A QUALIFIED SCHOOL IN WHICH THE QUALIFIED STUDENT IS ENROLLED.

(p) COMPUTER HARDWARE AND TECHNOLOGICAL DEVICES PRIMARILY USED FOR AN EDUCATIONAL PURPOSE. FOR THE PURPOSES OF THIS SUBDIVISION, "COMPUTER HARDWARE AND TECHNOLOGICAL DEVICES":

(i) INCLUDES CALCULATORS, PERSONAL COMPUTERS, LAPTOPS, TABLET DEVICES, MICROSCOPES, TELESCOPES AND PRINTERS.

(ii) DOES NOT INCLUDE ENTERTAINMENT AND OTHER PRIMARILY NONEDUCATIONAL DEVICES, INCLUDING TELEVISIONS, TELEPHONES, VIDEO GAME CONSOLES AND ACCESSORIES, AND HOME THEATRE AND AUDIO EQUIPMENT.

5. Not file an affidavit of intent to homeschool pursuant to 33 section 15-802, subsection B, paragraph 2 or 3.

6. Not use monies deposited in the qualified student's account for any of the following:

(a) Computer hardware or other technological devices, except as otherwise allowed under paragraph 4, subdivision (c) of this subsection.

(b) Transportation of the pupil, EXCEPT FOR TRANSPORTATION SERVICES DESCRIBED IN PARAGRAPH 4, SUBDIVISION (o) OF THIS SUBSECTION.

(c) Consumable educational supplies, including paper, pens or markers.

7. BEGINNING IN THE 2022-2023 SCHOOL YEAR AND EACH YEAR THEREAFTER, ANNUALLY HAVE A QUALIFIED STUDENT AS DEFINED IN SECTION 15-2401.01 WHO PAYS TUITION AS A FULL-TIME STUDENT AT A QUALIFIED SCHOOL AND WHO IS IN ANY OF GRADES THREE THROUGH TWELVE TAKE ANY NATIONALLY STANDARDIZED NORM-REFERENCED ACHIEVEMENT EXAMINATION, THE STATEWIDE ASSESSMENT PURSUANT TO SECTION 15-741 OR ANY EXAMINATION RELATED TO COLLEGE OR UNIVERSITY ADMISSIONS THAT ASSESSES READING AND MATHEMATICS. A QUALIFIED STUDENT MAY MEET THE REQUIREMENTS OF THIS PARAGRAPH BY TAKING AN EXAMINATION THAT IS CHOSEN AND ADMINISTERED BY A QUALIFIED SCHOOL, OR THE STUDENT'S PARENT MAY CHOOSE A SEPARATE EXAMINATION PURSUANT TO THIS PARAGRAPH THAT IS ADMINISTERED OUTSIDE OF THE QUALIFIED SCHOOL. THE EXAMINATION RESULTS SHALL BE REPORTED TO THE STUDENT'S PARENT. THIS PARAGRAPH DOES NOT APPLY TO:

(a) A STUDENT WHO IS IDENTIFIED AS HAVING A DISABILITY UNDER 11 SECTION 504 OF THE REHABILITATION ACT OF 1973 (UNITED STATES CODE SECTION 794).

(b) A STUDENT WHO IS IDENTIFIED BY A SCHOOL DISTRICT OR INDEPENDENT THIRD PARTY PURSUANT TO SECTION 15-2403, SUBSECTION I AS A CHILD WITH A DISABILITY AS DEFINED IN SECTION 15-731 OR 15-761.

(c) A CHILD WITH A DISABILITY WHO IS ELIGIBLE TO RECEIVE SERVICES 17 FROM A SCHOOL DISTRICT UNDER SECTION 15-763.

(d) A QUALIFIED STUDENT AS DEFINED IN SECTION 15-2401.

C. In exchange for the parent's agreement pursuant to subsection B of this section, the department shall transfer from the monies that would otherwise be allocated to a recipient's prior school district, or if the child is currently eligible to attend A PRESCHOOL PROGRAM FOR CHILDREN WITH DISABILITIES, A kindergarten PROGRAM OR ANY OF GRADES ONE THROUGH TWELVE, the monies that the department determines would otherwise be allocated to a recipient's expected school district of attendance, to the treasurer for deposit into an Arizona empowerment scholarship account an amount that is equivalent to ninety percent of the sum of the base support level and additional assistance prescribed in sections 15-185 and 15-943 for that particular student if that student were attending a charter school.

D. The department of education empowerment scholarship account fund is established consisting of monies appropriated by the legislature. The department shall administer the fund. Monies in the fund are subject to legislative appropriation. Monies in the fund shall be used for the department's costs in administering Arizona empowerment scholarship accounts under this chapter. Monies in the fund are exempt from the provisions of section 35-190 relating to lapsing of appropriations. If the number of Arizona empowerment scholarship accounts significantly increases after fiscal year 2020-2021, the department may request an increase in the amount appropriated to the fund in any subsequent fiscal year in the budget estimate submitted pursuant to section 35-113. The department shall list monies in the fund as a separate line item in its budget estimate.

E. The state treasurer empowerment scholarship account fund is established consisting of monies appropriated by the legislature. The state treasurer shall administer the fund. Monies in the fund shall be used for the state treasurer's costs in administering

the Arizona empowerment scholarship accounts under this chapter. If the number of Arizona empowerment scholarship accounts significantly increases after fiscal year 2020-2021, the state treasurer may request an increase in the amount appropriated to the fund in any subsequent fiscal year in the budget estimate submitted pursuant to section 35-113. Monies in the fund are subject to legislative appropriation. Monies in the fund are exempt from the provisions of section 35-190 relating to lapsing of appropriations. The state treasurer shall list monies in the fund as a separate line item in its budget estimate.

F. A parent must renew the qualified student's Arizona empowerment scholarship account on an annual basis.

G. Notwithstanding any changes to the student's multidisciplinary evaluation team plan, a student who has previously qualified for an Arizona empowerment scholarship account remains eligible to apply for renewal until the student finishes high school.

H. If a parent does not renew the qualified student's Arizona empowerment scholarship account for a period of three academic years, the department shall notify the parent that the qualified student's account will be closed in sixty calendar days. The notification must be sent through certified mail, email and telephone, if applicable. The parent has sixty calendar days to renew the qualified student's Arizona empowerment scholarship account. If the parent chooses not to renew or does not respond in sixty calendar days, the department shall close the account and any remaining monies shall be returned to the state.

I. A signed agreement under this section constitutes school attendance required by section 15-802.

J. A qualified school or a provider of services purchased pursuant to subsection B, paragraph 4 of

this section may not share, refund rebate any Arizona empowerment scholarship account monies with the parent or qualified student in any manner.

K. Notwithstanding subsection H of this section, on the qualified student's graduation from a postsecondary institution or after any period of four consecutive years after high school graduation in which the student is not enrolled in an eligible postsecondary institution, but not before this time as long as the account holder continues using a portion of account monies for eligible expenses each year and is in good standing, the qualified student's Arizona empowerment scholarship account shall be closed and any remaining monies shall be returned to the state.

L. Monies received pursuant to this article do not constitute taxable income to the parent of the qualified student.

M. NOTWITHSTANDING SECTION 15-2404, A QUALIFIED SCHOOL THAT ENROLLS FIFTY OR MORE QUALIFIED STUDENTS AS DEFINED IN SECTION 15-2401.01 SHALL ANNUALLY MAKE AVAILABLE TO THE PARENTS OF AN ENROLLED OR PROSPECTIVE QUALIFIED STUDENT AS DEFINED IN SECTION 15-2401.01 THE AGGREGATE TEST SCORES OF EITHER ALL STUDENTS ENROLLED IN THE QUALIFIED SCHOOL OR ALL QUALIFIED STUDENTS AS DEFINED IN SECTION 15-2401.01 WHO ARE ENROLLED IN THE QUALIFIED SCHOOL ON ALL OF THE FOLLOWING EXAMINATIONS AND ASSESSMENTS BY SCHOOL SITE AND GRADE LEVEL:

1. ANY NATIONALLY STANDARDIZED NORM-REFERENCED ACHIEVEMENT 10 EXAMINATION.

2. THE STATEWIDE ASSESSMENT PURSUANT TO SECTION 15-741.

3. ANY EXAMINATION RELATED TO COLLEGE OR UNIVERSITY ADMISSIONS THAT ASSESSES READING AND MATHEMATICS. N. SUBSECTION B,

PARAGRAPH 4, SUBDIVISIONS (c) AND (n) OF THIS SECTION APPLY TO ANY PERSON WHO BOTH: 1. IS A QUALIFIED STUDENT AS DEFINED IN SECTION 15-2401 OR 17 15-2401.01.

2. MEETS ANY OF THE CRITERIA SPECIFIED IN SECTION 15-2401, PARAGRAPH 7, SUBDIVISION (a), ITEM (i), (ii) OR (iii). 20 Sec. 4. Section 15-2403, Arizona Revised Statutes, is amended to read:

15-2403. Arizona empowerment scholarship accounts; administration; appeals; audit; rules; policy handbook

A. The treasurer may contract with private financial management firms to manage Arizona empowerment scholarship accounts.

B. The department shall conduct or contract for annual audits of Arizona empowerment scholarship accounts to ensure compliance with section 15-2402, subsection B, paragraph

4. The department shall also conduct or contract for random, quarterly and annual audits of Arizona empowerment scholarship accounts as needed to ensure compliance with section 15-2402, subsection B, paragraph

C. The department may remove any parent or qualified student from eligibility for an Arizona empowerment scholarship account if the parent or qualified student fails to comply with the terms of the contract or applicable laws, rules or orders or knowingly misuses monies or knowingly fails to comply with the terms of the contract with intent to defraud and shall notify the treasurer. The department shall notify the treasurer to suspend the account of a parent or qualified student and shall notify the parent or qualified student in writing that the account has been suspended and that no further transactions will be allowed or disbursements made. The notification shall specify the reason for the suspension and state that the parent or qualified

student has ten FIFTEEN days, not including weekends, to respond and take corrective action. If the parent or qualified student refuses or fails to contact the department, furnish any information or make any report that may be required for reinstatement within the ten-day FIFTEEN-DAY period, the department may remove the parent or qualified student pursuant to this subsection.

D. A parent may appeal to the state board of education any administrative decision the department makes pursuant to this article, including determinations of allowable expenses, removal from the program or enrollment eligibility. The department shall notify the parent in writing that the parent may appeal any administrative decision under this article and the process by which the parent may appeal at the same time the department notifies the parent of an administrative decision under this article. The state board of education shall establish an appeals process, and the department shall post this information on the department's website in the same location as the policy handbook developed pursuant to subsection K of this section.

E. A PARENT MAY REPRESENT HIMSELF OR HERSELF OR DESIGNATE A REPRESENTATIVE, NOT NECESSARILY AN ATTORNEY, BEFORE ANY APPEALS HEARING HELD PURSUANT TO THIS SECTION. ANY SUCH DESIGNATED REPRESENTATIVE WHO IS NOT AN ATTORNEY ADMITTED TO PRACTICE MAY NOT CHARGE FOR ANY SERVICES RENDERED IN CONNECTION WITH SUCH A HEARING. THE FACT THAT A REPRESENTATIVE PARTICIPATED IN THE HEARING OR ASSISTED THE ACCOUNT HOLDER IS NOT GROUNDS FOR REVERSING ANY ADMINISTRATIVE DECISION OR ORDER IF THE EVIDENCE SUPPORTING THE DECISION OR ORDER IS SUBSTANTIAL, RELIABLE AND PROBATIVE.

E. The state board of education may refer cases of substantial misuse of monies to the attorney



general for the purpose of collection or for the purpose of a criminal investigation if the state board of education obtains evidence of fraudulent use of an account.

F. The department shall make quarterly transfers of the amount calculated pursuant to section 15-2402, subsection C to the treasurer for deposit in the Arizona empowerment scholarship account of each qualified student, except the department may make transfers according to another transfer schedule if the department determines a transfer schedule other than quarterly transfers is necessary to operate the Arizona empowerment scholarship account.

G. The department shall accept applications between July 1 and June 30 of each year. The department shall enroll and issue an award letter to eligible applicants within thirty days after receipt of a completed application and all required documentation. On or before May 30 39 of each year, the department shall furnish to the joint legislative budget committee an estimate of the amount required to fund Arizona empowerment scholarship accounts for the following fiscal year. The department shall include in its budget request for the following fiscal year the amount estimated pursuant to section 15-2402, subsection C for each qualified student.

H. The state board of education may adopt rules and policies necessary to administer Arizona empowerment scholarship accounts, including rules and policies:

1. For establishing an appeals process pursuant to subsection D of 5 this section. 6
2. For conducting or contracting for examinations of the use of 7 account monies.
3. For conducting or contracting for random, quarterly and annual reviews of accounts.

4. For establishing or contracting for the establishment of an online anonymous fraud reporting service.

5. For establishing an anonymous telephone hotline for fraud reporting.

6. That require a surety bond or insurance for account holders.

J. The department shall contract with an independent third party for the purposes of determining whether a qualified student is eligible to receive educational therapies or services pursuant to section 15-2402, subsection B, paragraph 4, subdivision (c). IF DURING ANY PERIOD ON OR AFTER JANUARY 1, 2023 THE DEPARTMENT FAILS TO ENSURE THAT A CONTRACT WITH AN INDEPENDENT THIRD PARTY IS IN EFFECT, DURING THAT PERIOD:

1. THE COUNTY SCHOOL SUPERINTENDENT OF EACH COUNTY MAY APPROVE A LIST OF INDEPENDENT THIRD PARTIES WITHIN THE COUNTY WHOSE EVALUATION MAY BE USED TO DETERMINE WHETHER A STUDENT WHO RESIDES WITHIN THE COUNTY IS ELIGIBLE TO RECEIVE EDUCATIONAL THERAPIES OR SERVICES PURSUANT TO SECTION 25 15-2402, SUBSECTION B, PARAGRAPH 4, SUBDIVISION (c).

2. IF THE COUNTY SCHOOL SUPERINTENDENT OF A COUNTY DOES NOT PROVIDE A LIST OF APPROVED INDEPENDENT THIRD PARTIES WITHIN NINETY DAYS AFTER THE BEGINNING OF ANY PERIOD DURING WHICH THE DEPARTMENT DOES NOT HAVE A CONTRACT WITH AN INDEPENDENT THIRD PARTY IN EFFECT AS DESCRIBED IN THIS SUBSECTION, THE PARENT OF A STUDENT WHO RESIDES WITHIN THE COUNTY HAS THE RIGHT TO OBTAIN AN INDEPENDENT EDUCATIONAL EVALUATION FROM A QUALIFIED EXAMINER TO DETERMINE WHETHER THE STUDENT IS ELIGIBLE TO RECEIVE EDUCATIONAL THERAPIES OR

SERVICES PURSUANT TO SECTION 15-2402, SUBSECTION B, PARAGRAPH 4, SUBDIVISION (c). THE EXPENSE FOR AN EDUCATIONAL EVALUATION UNDERTAKEN PURSUANT TO THIS PARAGRAPH SHALL BE PROVIDED BY THE SCHOOL DISTRICT WITHIN WHICH THE STUDENT RESIDES AND THAT SERVES THE GRADE LEVEL OF THE STUDENT. FOR THE PURPOSES OF THIS PARAGRAPH, "QUALIFIED EXAMINER" MEANS A LICENSED PHYSICIAN, PSYCHIATRIST OR PSYCHOLOGIST.

K. On or before July 1 of each year, the department shall develop an applicant and participant handbook that includes information relating to policies and processes of Arizona empowerment scholarship accounts. The policy handbook shall comply with the rules adopted by the state board of education pursuant to this section. The department shall post the handbook on its website.

L. Except for cases in which the attorney general determines that a parent or account holder has committed fraud, any expenditure from an Arizona empowerment scholarship account for a purchase that is deemed ineligible pursuant to section 15-2402 and that is subsequently repaid by the parent or account holder shall be credited back to the Arizona empowerment scholarship account balance within thirty days after the receipt of payment.

M. If, in response to an appeal of an administrative decision made by the department, the state board of education issues a stay of an Arizona empowerment scholarship account suspension pursuant to rules adopted by the board, the department may not withhold funding or contract renewal for the account holder on account of the appealed administrative decision during the stay unless directed by the board to do so.

Sec. 5. Appropriation; department of education; Arizona empowerment scholarship accounts

In addition to any other appropriations made in fiscal year 2022-2023 to the department of education, the sum of \$2,200,000 and twenty-six FTE positions are appropriated from the state general fund in fiscal year 2022-2023 to the department of education for the purposes of administering Arizona empowerment scholarship accounts under title 15, chapter 19, Arizona Revised Statutes.

Sec. 6. Retroactivity

This act applies retroactively to from and after June 30, 2022.