



Bill Number: H.B. 2898

Boyer Floor Amendment

Reference to: House engrossed bill

Amendment drafted by: Leg Council

FLOOR AMENDMENT EXPLANATION

1. Removes outlined additions to civics education standards and instructional requirements.
2. Exempts students, who qualify for free and reduced-price lunches and attend a school that received a D or F letter grade, from additional Empowerment Scholarship Account (ESA) Program qualifications for qualified school attendance and scholarship requirements.
3. Reduces, from the first 100 days to any 45 days, the amount of time a full-time student must attend a qualified primary or secondary school to qualify for the ESA Program.
4. Modifies ESA Program eligibility to include a full-time student attending a primary or secondary school during the current fiscal year.
5. Specifies that kindergarten students, enrolled in Arizona online instruction, must receive 200 hours of logged instruction to be eligible for an ESA.
6. Allows ESA monies to fund additional services, including any amount of educational therapies from a provider not covered by a health insurance policy, if the expense is partially paid by insurance for the qualified student.
7. Specifies a qualified student who continues using ESA monies for eligible expenses and remains in good standing, will not have their ESA closed before they graduate from a postsecondary institution or after four years following high school graduation without postsecondary enrollment.
8. Requires an ineligible purchase to be credited back to the ESA within 30 days of payment receipt, unless the Attorney General determines fraud has been committed.
9. Prohibits the Arizona Department of Education from withholding ESA funding or contract renewal during a stay of an ESA suspension, while an administrative decision is being appealed.
10. Makes technical and conforming changes.

Amendment explanation prepared by Jeffrey Ong

6/30/21

BOYER FLOOR AMENDMENT
SENATE AMENDMENTS TO H.B. 2898
(Reference to House engrossed bill)

1 Page 84, strike lines 5 through 42

2 Strike pages 85 and 86

3 Page 87, strike lines 1 through 26

4 Renumber to conform

5 Page 88, strike lines 38 through 44

6 Page 89, strike lines 1 through 16

7 Renumber to conform

8 Page 130, between lines 20 and 21, insert:

9 "Sec. 46. Section 15-2401, Arizona Revised Statutes, is amended to
10 read:

11 15-2401. Definitions

12 In this chapter, unless the context otherwise requires:

13 1. "Annual education plan" means an initial individualized
14 evaluation and subsequent annual reviews that are developed for a qualified
15 student who meets the criteria specified in paragraph 7, subdivision (a),
16 item (i), (ii) or (iii) of this section to determine ongoing annual
17 eligibility through the school year in which the qualified student reaches
18 twenty-two years of age and whether the student may be eligible pursuant to
19 section 36-2981 and should be referred for eligibility determination.

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

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

24 4. "Eligible postsecondary institution" means a community college as
25 defined in section 15-1401, a university under the jurisdiction of the

1 Arizona board of regents or an accredited private postsecondary
2 institution.

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

5 6. "Qualified school" means a nongovernmental primary or secondary
6 school or a preschool for pupils with disabilities that is located in this
7 state or, for qualified students who reside within the boundaries of an
8 Indian reservation in this state, that is located in an adjacent state and
9 that is within two miles of the border of the state in which the qualified
10 student resides, and that does not discriminate on the basis of race, color
11 or national origin.

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

13 (a) Is any of the following:

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

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

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

21 (iv) Attending a school or school district that ~~has been~~ WAS
22 assigned a letter grade of D or F pursuant to section 15-241 FOR THE MOST
23 RECENT YEAR IN WHICH LETTER GRADES WERE ASSIGNED or ~~who~~ is currently
24 eligible to attend kindergarten and ~~who~~ resides within the attendance
25 boundary of a school that ~~has been~~ WAS assigned a letter grade of D or F
26 pursuant to section 15-241 FOR THE MOST RECENT YEAR IN WHICH LETTER GRADES
27 WERE ASSIGNED. A CHILD WHO MEETS THE REQUIREMENTS OF THIS ITEM AND WHO
28 MEETS THE INCOME ELIGIBILITY REQUIREMENTS FOR FREE AND REDUCED-PRICE
29 LUNCHES UNDER THE NATIONAL SCHOOL LUNCH AND CHILD NUTRITION ACTS (42 UNITED
30 STATES CODE SECTIONS 1751 THROUGH 1793) IS NOT SUBJECT TO SUBDIVISION (b)
31 OF THIS PARAGRAPH.

1 (v) A previous recipient of a scholarship issued pursuant to section
2 15-891 or this section, unless the qualified student's parent has been
3 removed from eligibility in the program for failure to comply pursuant to
4 section 15-2403, subsection C.

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

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

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

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

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

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

23 (b) And, except as provided in subdivision (a), ~~item~~ ITEMS (iv) AND
24 (vi) of this paragraph, who meets any of the following requirements:

25 (i) Attended a governmental primary or secondary school as a
26 full-time student as defined in section 15-901 for at least ~~the first one~~
27 ~~hundred~~ FORTY-FIVE days of the CURRENT OR prior fiscal year and who
28 transferred from a governmental primary or secondary school under a
29 contract to participate in an Arizona empowerment scholarship account.
30 KINDERGARTEN STUDENTS WHO ARE ENROLLED IN ARIZONA ONLINE INSTRUCTION MUST
31 RECEIVE TWO HUNDRED HOURS OF LOGGED INSTRUCTION TO BE ELIGIBLE PURSUANT TO

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

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

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

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

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

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

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

5 Sec. 47. Section 15-2402, Arizona Revised Statutes, is amended to
6 read:

7 15-2402. Arizona empowerment scholarship accounts: funds

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

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

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

19 2. Not enroll the qualified student in a school district or charter
20 school and release the school district from all obligations to educate the
21 qualified student. This paragraph does not relieve the school district or
22 charter school that the qualified student previously attended from the
23 obligation to conduct an evaluation pursuant to section 15-766.

24 3. Not accept a scholarship from a school tuition organization
25 pursuant to title 43 concurrently with an Arizona empowerment scholarship
26 account for the qualified student in the same year a parent signs the
27 agreement pursuant to this section.

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

31 (a) Tuition or fees at a qualified school.

1 (b) Textbooks required by a qualified school.

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

7 (i) Educational therapies from a licensed or accredited practitioner
8 or provider, **INCLUDING AND UP TO ANY AMOUNT NOT COVERED BY INSURANCE IF THE**
9 **EXPENSE IS PARTIALLY PAID BY A HEALTH INSURANCE POLICY FOR THE QUALIFIED**
10 **STUDENT.**

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

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

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

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

20 (e) Curricula and supplementary materials.

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

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

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

26 (i) Textbooks required by an eligible postsecondary institution.

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

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

30 (l) Insurance or surety bond payments.

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

1 (n) If the qualified student meets the criteria specified in section
2 15-2401, paragraph 7, subdivision (a), item (i), (ii) or (iii) and if the
3 qualified student is in the second year prior to the final year of a
4 contract executed pursuant to this article, costs associated with an annual
5 education plan conducted by an independent evaluation team. The department
6 shall prescribe minimum qualifications for independent evaluation teams
7 pursuant to this subdivision and factors that teams must use to determine
8 whether the qualified student shall be eligible to continue to receive
9 monies pursuant to this article through the school year in which the
10 qualified student reaches twenty-two years of age. An independent
11 evaluation team that provides an annual education plan pursuant to this
12 subdivision shall submit a written report that summarizes the results of
13 the evaluation to the parent of the qualified student and to the department
14 on or before July 31. The written report submitted by the independent
15 evaluation team is valid for one year. If the department determines that
16 the qualified student meets the eligibility criteria prescribed in the
17 annual education plan, the qualified student is eligible to continue to
18 receive monies pursuant to this article until the qualified student reaches
19 twenty-two years of age, subject to annual review. A parent may appeal the
20 department's decision pursuant to title 41, chapter 6, article 10. As an
21 addendum to a qualified student's final-year contract, the department shall
22 provide the following written information to the parent of the qualified
23 student:

24 (i) That the qualified student will not be eligible to continue to
25 receive monies pursuant to this article unless the results of an annual
26 education plan conducted pursuant to this subdivision demonstrate that the
27 qualified student meets the eligibility criteria prescribed in the annual
28 education plan.

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

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

3 5. Not file an affidavit of intent to homeschool pursuant to section
4 15-802, subsection B, paragraph 2 or 3.

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

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

9 (b) Transportation of the pupil.

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

12 C. In exchange for the parent's agreement pursuant to subsection B
13 of this section, the department shall transfer from the monies that would
14 otherwise be allocated to a recipient's prior school district, or if the
15 child is currently eligible to attend kindergarten, the monies that the
16 department determines would otherwise be allocated to a recipient's
17 expected school district of attendance, to the treasurer for deposit into
18 an Arizona empowerment scholarship account an amount that is equivalent to
19 ninety percent of the sum of the base support level and additional
20 assistance prescribed in sections 15-185 and 15-943 for that particular
21 student if that student were attending a charter school.

22 D. The department of education empowerment scholarship account fund
23 is established consisting of monies appropriated by the legislature. The
24 department shall administer the fund. Monies in the fund are subject to
25 legislative appropriation. Monies in the fund shall be used for the
26 department's costs in administering Arizona empowerment scholarship
27 accounts under this chapter. Monies in the fund are exempt from the
28 provisions of section 35-190 relating to lapsing of appropriations. If the
29 number of Arizona empowerment scholarship accounts significantly increases
30 after fiscal year 2020-2021, the department may request an increase in the
31 amount appropriated to the fund in any subsequent fiscal year in the budget

1 estimate submitted pursuant to section 35-113. The department shall list
2 monies in the fund as a separate line item in its budget estimate.

3 E. The state treasurer empowerment scholarship account fund is
4 established consisting of monies appropriated by the legislature. The
5 state treasurer shall administer the fund. Monies in the fund shall be
6 used for the state treasurer's costs in administering the Arizona
7 empowerment scholarship accounts under this chapter. If the number of
8 Arizona empowerment scholarship accounts significantly increases after
9 fiscal year 2020-2021, the state treasurer may request an increase in the
10 amount appropriated to the fund in any subsequent fiscal year in the budget
11 estimate submitted pursuant to section 35-113. Monies in the fund are
12 subject to legislative appropriation. Monies in the fund are exempt from
13 the provisions of section 35-190 relating to lapsing of
14 appropriations. The state treasurer shall list monies in the fund as a
15 separate line item in its budget estimate.

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

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

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

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

3 J. A qualified school or a provider of services purchased pursuant
4 to subsection B, paragraph 4 of this section may not share, refund or
5 rebate any Arizona empowerment scholarship account monies with the parent
6 or qualified student in any manner.

7 K. **NOTWITHSTANDING SUBSECTION H OF THIS SECTION**, on the qualified
8 student's graduation from a postsecondary institution or after any period
9 of four consecutive years after high school graduation in which the student
10 is not enrolled in an eligible postsecondary institution, **BUT NOT BEFORE**
11 **THIS TIME AS LONG AS THE ACCOUNT HOLDER CONTINUES USING A PORTION OF**
12 **ACCOUNT MONIES FOR ELIGIBLE EXPENSES EACH YEAR AND IS IN GOOD STANDING**, the
13 qualified student's Arizona empowerment scholarship account shall be closed
14 and any remaining monies shall be returned to the state.

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

17 Sec. 48. Section 15-2403, Arizona Revised Statutes, is amended to
18 read:

19 **15-2403. Arizona empowerment scholarship accounts:**
20 **administration; appeals; audit; rules; policy**
21 **handbook**

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

24 B. The department shall conduct or contract for annual audits of
25 Arizona empowerment scholarship accounts to ensure compliance with section
26 15-2402, subsection B, paragraph 4. The department shall also conduct or
27 contract for random, quarterly and annual audits of Arizona empowerment
28 scholarship accounts as needed to ensure compliance with section 15-2402,
29 subsection B, paragraph 4.

30 C. The department may remove any parent or qualified student from
31 eligibility for an Arizona empowerment scholarship account if the parent or

1 qualified student fails to comply with the terms of the contract or
2 applicable laws, rules or orders or knowingly misuses monies or knowingly
3 fails to comply with the terms of the contract with intent to defraud and
4 shall notify the treasurer. The department shall notify the treasurer to
5 suspend the account of a parent or qualified student and shall notify the
6 parent or qualified student in writing that the account has been suspended
7 and that no further transactions will be allowed or disbursements made.
8 The notification shall specify the reason for the suspension and state that
9 the parent or qualified student has ten days, not including weekends, to
10 respond and take corrective action. If the parent or qualified student
11 refuses or fails to contact the department, furnish any information or make
12 any report that may be required for reinstatement within the ten-day
13 period, the department may remove the parent or qualified student pursuant
14 to this subsection.

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

26 E. The state board of education may refer cases of substantial
27 misuse of monies to the attorney general for the purpose of collection or
28 for the purpose of a criminal investigation if the state board of education
29 obtains evidence of fraudulent use of an account.

30 F. The department shall make quarterly transfers of the amount
31 calculated pursuant to section 15-2402, subsection C to the treasurer for

1 deposit in the Arizona empowerment scholarship account of each qualified
2 student, except the department may make transfers according to another
3 transfer schedule if the department determines a transfer schedule other
4 than quarterly transfers is necessary to operate the Arizona empowerment
5 scholarship account.

6 G. The department shall accept applications between July 1 and June
7 30 of each year. The department shall enroll and issue an award letter to
8 eligible applicants within ~~forty-five~~ THIRTY days after receipt of a
9 completed application and all required documentation. On or before May 30
10 of each year, the department shall furnish to the joint legislative budget
11 committee an estimate of the amount required to fund Arizona empowerment
12 scholarship accounts for the following fiscal year. The department shall
13 include in its budget request for the following fiscal year the amount
14 estimated pursuant to section 15-2402, subsection C for each qualified
15 student.

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

19 1. For establishing an appeals process pursuant to subsection D of
20 this section.

21 2. For conducting or contracting for examinations of the use of
22 account monies.

23 3. For conducting or contracting for random, quarterly and annual
24 reviews of accounts.

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

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

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

30 I. The department shall contract with an independent third party for
31 the purposes of determining whether a qualified student is eligible to

1 receive educational therapies or services pursuant to section 15-2402,
2 subsection B, paragraph 4, subdivision (c).

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

9 K. EXCEPT FOR CASES IN WHICH THE ATTORNEY GENERAL DETERMINES THAT A
10 PARENT OR ACCOUNT HOLDER HAS COMMITTED FRAUD, ANY EXPENDITURE FROM AN
11 ARIZONA EMPOWERMENT SCHOLARSHIP ACCOUNT FOR A PURCHASE THAT IS DEEMED
12 INELIGIBLE PURSUANT TO SECTION 15-2402 AND THAT IS SUBSEQUENTLY REPAID BY
13 THE PARENT OR ACCOUNT HOLDER SHALL BE CREDITED BACK TO THE ARIZONA
14 EMPOWERMENT SCHOLARSHIP ACCOUNT BALANCE WITHIN THIRTY DAYS AFTER THE
15 RECEIPT OF PAYMENT.

16 L. IF, IN RESPONSE TO AN APPEAL OF AN ADMINISTRATIVE DECISION MADE
17 BY THE DEPARTMENT, THE STATE BOARD OF EDUCATION ISSUES A STAY OF AN ARIZONA
18 EMPOWERMENT SCHOLARSHIP ACCOUNT SUSPENSION PURSUANT TO RULES ADOPTED BY THE
19 BOARD, THE DEPARTMENT MAY NOT WITHHOLD FUNDING OR CONTRACT RENEWAL FOR THE
20 ACCOUNT HOLDER ON ACCOUNT OF THE APPEALED ADMINISTRATIVE DECISION DURING
21 THE STAY UNLESS DIRECTED BY THE BOARD TO DO SO."

22 Renumber to conform

23 Page 140, between lines 7 and 8, insert:

24 "Sec. 54. Section 41-1092.02, Arizona Revised Statutes, is amended
25 to read:

26 41-1092.02. Appealable agency actions; application of
27 procedural rules; exemption from article

28 A. This article applies to all contested cases as defined in section
29 41-1001 and all appealable agency actions, except contested cases with or
30 appealable agency actions of:

31 1. The state department of corrections.

- 1 2. The board of executive clemency.
- 2 3. The industrial commission of Arizona.
- 3 4. The Arizona corporation commission.
- 4 5. The Arizona board of regents and institutions under its
- 5 jurisdiction.
- 6 6. The state personnel board.
- 7 7. The department of juvenile corrections.
- 8 8. The department of transportation, except as provided in title 28,
- 9 chapter 30, article 2.
- 10 9. The department of economic security except as provided in section
- 11 46-458.
- 12 10. The department of revenue regarding:
- 13 (a) Income tax or withholding tax.
- 14 (b) Any tax issue related to information associated with the
- 15 reporting of income tax or withholding tax unless the taxpayer requests in
- 16 writing that this article apply and waives confidentiality under title 42,
- 17 chapter 2, article 1.
- 18 11. The board of tax appeals.
- 19 12. The state board of equalization.
- 20 13. The state board of education, but only in connection with
- 21 contested cases and appealable agency actions related to **EITHER:**
- 22 (a) Applications for issuance or renewal of a certificate and
- 23 discipline of certificate holders pursuant to sections 15-203, 15-534,
- 24 15-534.01, 15-535, 15-545 and 15-550.
- 25 (b) **THE ARIZONA EMPOWERMENT SCHOLARSHIP ACCOUNT PROGRAM PURSUANT TO**
- 26 **TITLE 15, CHAPTER 19.**
- 27 14. The board of fingerprinting.
- 28 15. The department of child safety except as provided in sections
- 29 8-506.01 and 8-811.

1 B. Unless waived by all parties, an administrative law judge shall
2 conduct all hearings under this article, and the procedural rules set forth
3 in this article and rules made by the director apply.

4 C. Except as provided in subsection A of this section:

5 1. A contested case heard by the office of administrative hearings
6 regarding taxes administered under title 42 shall be subject to section
7 42-1251.

8 2. A final decision of the office of administrative hearings
9 regarding taxes administered under title 42 may be appealed by either party
10 to the director of the department of revenue, or a taxpayer may file and
11 appeal directly to the board of tax appeals pursuant to section 42-1253.

12 D. Except as provided in subsections A, B, E, F and G of this
13 section and notwithstanding any other administrative proceeding or judicial
14 review process established in statute or administrative rule, this article
15 applies to all appealable agency actions and to all contested cases.

16 E. Except for a contested case or an appealable agency action
17 regarding unclaimed property, sections 41-1092.03, 41-1092.08 and
18 41-1092.09 do not apply to the department of revenue.

19 F. The board of appeals established by section 37-213 is exempt
20 from:

21 1. The time frames for hearings and decisions provided in section
22 41-1092.05, subsection A, section 41-1092.08 and section 41-1092.09.

23 2. The requirement in section 41-1092.06, subsection A to hold an
24 informal settlement conference at the appellant's request if the sole
25 subject of an appeal pursuant to section 37-215 is the estimate of value
26 reported in an appraisal of lands or improvements.

27 G. Auction protest procedures pursuant to title 37, chapter 2,
28 article 4.1 are exempt from this article."

29 Renumber to conform

30 Amend title to conform

PAUL BOYER

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