The undersigned intends to circulate and file an initiative petition and hereby makes application for the issuance of an official serial number to be printed in the lower right-hand corner of each side of each signature sheet of such petition. Attached hereto is the full title and text, in no less than eight point type, of the measure or constitutional amendment intended to be initiated at the next general election.

The Save Our Schools Act defines the term "school voucher," which includes Empowerment Scholarship Accounts; places a cap on the number of students who can receive school vouchers in each fiscal year; establishes priorities for available school vouchers, with top priority to children with disabilities; prohibits the creation of new school voucher programs; places limits on the use and transfer of school voucher monies; requires the return of unused school voucher monies; and creates the Taxpayer Protection Fund.

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By submitting this Application for Serial Number and checking all boxes below, I acknowledge the following:

☑ That I have received and will review the accompanying Instructions for Statewide Initiatives, including the Secretary of State's recommended best practices for printing copies of the Statewide Initiative Petition to be circulated.

☑ That at the time of filing, I was provided instructions regarding accurate completion of the Statewide Initiative Petition form.

Applicant Signature: Catherine Sigmon
Date: February 26, 2020
OFFICIAL TITLE
AN INITIATIVE MEASURE
AMENDING TITLE 35, CHAPTER 2, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 10; RELATING TO SCHOOL VOUCHERS.

Be it enacted by the People of the State of Arizona:

Section 1. Short title

This act may be cited as the “Save Our Schools Act”.

Section 2. Findings and declaration of purpose

The People of the State of Arizona find and declare as follows:

1. This act reaffirms the Arizona Constitution’s commitment to public education, and that state-funded private education options are meant to be used, if at all, under limited circumstances that require state oversight, financial transparency, participant accountability and taxpayer protection.

2. In 2018, concerned with the structural fraud and misuse within the Empowerment Scholarship Account (ESA) voucher program and the continued chronic underfunding of public education, Arizona voters rejected ESA voucher expansion by a 2-to-1 margin. Since then, lawmakers have attempted to expand the program at least six times.

3. This act reaffirms the rights of taxpayers to know how state dollars are being used in both public and state-funded private education, and to expect fair and reasonable standards of oversight and proper stewardship of state dollars in public and state-funded private education alike.

4. This act recognizes that state-funded private education should be a rarely used option for a small number of Arizona students with special needs, and the need to protect and preserve special education funding for the vast majority of students with special needs who choose public education.

5. This act is intended to place a new cap restricting the number of school vouchers – which includes ESAs and other similar programs regardless of label – and to implement new accountability measures related to the use of school vouchers.

6. This act should be liberally construed in accordance with the declarations and findings set forth above.

Section 3. Title 35, chapter 2, Arizona Revised Statutes, is amended by adding article 10, to read:

ARTICLE 10. SCHOOL VOUCHERS

35-394. Definitions
IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:
1. “PRIVATE EDUCATION” MEANS EDUCATION, EDUCATIONAL MATERIALS OR EDUCATIONAL SERVICES PROVIDED BY A SCHOOL OR ENTITY THAT IS NOT ADMINISTERED BY THIS STATE, A POLITICAL SUBDIVISION OF THIS STATE OR THE FEDERAL GOVERNMENT, INCLUDING TUITION, FEES, THERAPIES, MATERIALS, TUTORING SERVICES, TEACHING SERVICES, INDIVIDUAL CLASSES, EXTRACURRICULAR PROGRAMS, TEXTBOOKS AND CURRICULA. “PRIVATE EDUCATION” DOES NOT INCLUDE CHARTER SCHOOLS.

2. “SCHOOL VOUCHER” MEANS ANY TRANSFER OF ANY PUBLIC FUNDS, DIRECTLY OR INDIRECTLY, FROM THE STATE TO A PARENT, GUARDIAN, NONPUBLIC SCHOOL OR ANY OTHER ENTITY FOR THE PURPOSES OF OBTAINING PRIVATE EDUCATION. “SCHOOL VOUCHER” INCLUDES EMPOWERMENT SCHOLARSHIP ACCOUNTS ESTABLISHED PURSUANT TO TITLE 15, CHAPTER 19. “SCHOOL VOUCHER” DOES NOT INCLUDE ALTERNATIVE EDUCATION PROGRAMS.
35-394.01. Number of school vouchers; prohibition on new school voucher programs
A. NOTWITHSTANDING ANY OTHER LAW, THE TOTAL NUMBER OF STUDENTS WHO RECEIVE SCHOOL VOUCHERS IN THIS STATE EACH FISCAL YEAR SHALL NOT EXCEED ONE PERCENT OF THE TOTAL AVERAGE DAILY MEMBERSHIP FOR SCHOOL DISTRICTS AND CHARTER SCHOOLS IN THIS STATE DURING THE PRIOR FISCAL YEAR. PRIORITY FOR NEW ENROLLEES OR RECIPIENTS OF SCHOOL VOUCHERS SHALL BE GIVEN TO STUDENTS WHO QUALIFY AS CHILDREN WITH A DISABILITY UNDER SECTION 504 OF THE REHABILITATION ACT OF 1973 (29 UNITED STATES CODE SECTION 794), SECTION 15-731 OR SECTION 15-761.

B. NOTWITHSTANDING ANY OTHER LAW, IF THE NUMBER OF STUDENTS WHO APPLY FOR SCHOOL VOUCHERS EXCEEDS THE NUMBER OF SCHOOL VOUCHERS THAT ARE AVAILABLE, THE REMAINING AVAILABLE SCHOOL VOUCHERS SHALL BE PROVIDED TO STUDENTS USING A RANDOM SELECTION PROCESS THAT GIVES PRIORITY IN THE FOLLOWING ORDER:
2. NEW APPLICATIONS FROM STUDENTS WHO QUALIFY AS CHILDREN WITH A DISABILITY UNDER SECTION 504 OF THE REHABILITATION ACT OF 1973 (29 UNITED STATES CODE SECTION 794), SECTION 15-731 OR SECTION 15-761.
3. STUDENTS IN OTHER CATEGORIES OF ELIGIBILITY WHO RECEIVED A SCHOOL VOUCHER DURING THE PREVIOUS SCHOOL YEAR.
4. NEW APPLICATIONS FROM STUDENTS IN OTHER CATEGORIES OF ELIGIBILITY.
C. NO NEW SCHOOL VOUCHER PROGRAM MAY BE ESTABLISHED AFTER THE EFFECTIVE DATE OF THIS SECTION. ANY NEW SCHOOL VOUCHER PROGRAM CREATED BETWEEN FEBRUARY 26, 2020 AND THE EFFECTIVE DATE OF THIS SECTION IS REPEALED AS OF THE EFFECTIVE DATE OF THIS SECTION.

35-394.02. Permitted uses of school voucher monies
A. NOTWITHSTANDING ANY OTHER LAW, ALL SCHOOLS RECEIVING ANY SCHOOL VOUCHER MONIES AND ALL TUTORING SERVICES AND TEACHING SERVICES PAID FOR USING SCHOOL VOUCHER MONIES SHALL BE LOCATED AND PROVIDED WITHIN THIS STATE.

B. NOTWITHSTANDING ANY OTHER LAW, SCHOOL VOUCHER MONIES MAY ONLY BE DEPOSITED INTO AND HELD IN A SCHOOL VOUCHER ACCOUNT AND MAY NOT BE CONTRIBUTED OR DIVERTED TO ANY OTHER ACCOUNT OF ANY KIND, INCLUDING A COVERDELL EDUCATION SAVINGS ACCOUNT OR A 529 SAVINGS ACCOUNT.

35-394.03. Taxpayer protection fund; exemption; return of unused school voucher monies
A. THE TAXPAYER PROTECTION FUND IS ESTABLISHED CONSISTING OF MONIES DEPOSITED PURSUANT TO SUBSECTIONS C AND D OF THIS SECTION, LEGISLATIVE APPROPRIATIONS, GIFTS, GRANTS, PRIVATE DONATIONS AND INTEREST EARNED ON THOSE MONIES. MONIES IN THE FUND ARE CONTINUOUSLY APPROPRIATED. MONIES IN THE FUND AND ITS ACCOUNTS MAY NOT BE TRANSFERRED TO ANY OTHER FUND EXCEPT AS PROVIDED IN THIS SECTION, DO NOT REVERT TO THE STATE GENERAL FUND, AND ARE EXEMPT FROM THE
PROVISIONS OF SECTION 35-190 RELATING TO LAPSING OF APPROPRIATIONS. THE DEPARTMENT OF EDUCATION SHALL ADMINISTER THE FUND.

B. MONIES IN THE TAXPAYER PROTECTION FUND ESTABLISHED BY SUBSECTION A OF THIS SECTION MUST FIRST BE USED BY THE DEPARTMENT OF EDUCATION TO ENFORCE THIS ARTICLE AND ENSURE THAT ALL SCHOOL VOUCHER MONIES ARE:

1. SPENT APPROPRIATELY.
2. TRANSFERRED TO THE TAXPAYER PROTECTION FUND ESTABLISHED BY SUBSECTION A OF THIS SECTION AS REQUIRED BY SUBSECTIONS C AND D OF THIS SECTION.

C. NOTWITHSTANDING ANY OTHER LAW, ALL MONIES IN THE SCHOOL VOUCHER ACCOUNT OF EACH STUDENT ON JUNE 30 OF EACH YEAR SHALL BE TRANSFERRED TO THE TAXPAYER PROTECTION FUND ESTABLISHED PURSUANT TO SUBSECTION A OF THIS SECTION.

D. NOTWITHSTANDING ANY OTHER LAW, THE SCHOOL VOUCHER ACCOUNT ASSOCIATED WITH A STUDENT SHALL BE IMMEDIATELY CLOSED AND ANY REMAINING MONIES IN THE ACCOUNT SHALL BE TRANSFERRED TO THE TAXPAYER PROTECTION FUND ESTABLISHED PURSUANT TO SUBSECTION A OF THIS SECTION UPON THE EARLIEST OF THE FOLLOWING:

1. THE STUDENT GRADUATING FROM HIGH SCHOOL.
2. THE STUDENT OBTAINING A GENERAL EQUIVALENCY DIPLOMA.
3. THE STUDENT REACHING TWENTY-TWO YEARS OF AGE.

E. NOTWITHSTANDING ANY OTHER LAW, ON JUNE 30 OF EACH YEAR, THE DEPARTMENT OF EDUCATION SHALL TRANSFER ALL MONIES IN THE TAXPAYER PROTECTION FUND ESTABLISHED BY SUBSECTION A OF THIS SECTION IN EXCESS OF WHAT IT PROJECTS WILL BE REQUIRED TO ENFORCE THIS ARTICLE FOR THE FOLLOWING FISCAL YEAR TO THE EXTRAORDINARY SPECIAL EDUCATION NEEDS FUND ESTABLISHED BY SECTION 15-774.

F. THE DEPARTMENT OF EDUCATION MAY ADOPT POLICIES TO IMPLEMENT THIS SECTION.

Section 4. Definitions

Any references in this act to definitions in Sections 15-731 and 15-761, Arizona Revised Statutes, are to those definitions as prescribed on February 26, 2020.

Section 5. Severability

If any provision of this act or its application to any person or circumstance is declared invalid by a court of competent jurisdiction, such invalidity does not affect other provisions or applications of this act that can be given effect without the invalid provision or application. The invalidated provision or provisions shall be deemed reformed to the extent necessary to conform to applicable law and to give the maximum effect to the intent of this act and, to the fullest extent possible, the provisions of this act, including each portion of any section of this act containing any invalidated provision that is not itself invalid, shall be construed so as to give effect to the intent thereof.

Section 6. Standing and fee shifting

A. The People of the State of Arizona desire that this act, if approved by the voters and thereafter challenged in court, be defended by the State of Arizona. If the Attorney General fails to defend or enforce this act or fails to appeal an adverse judgment against its validity or application, in whole or in part, any resident of this state shall have standing to initiate or intervene in any action or proceeding to enforce or defend this act.

B. The court shall award fees and expenses to any resident who initiates or intervenes in, and prevails on the merits of, any action or proceeding to enforce or defend this act pursuant to subsection A of this section. For the purposes of this section, “fees and expenses” includes the reasonable expenses of expert witnesses, the reasonable cost of any study, analysis, report, test or project found by the court to be necessary to prepare the party’s case, and reasonable attorneys’ fees.