

REFERENCE TITLE: county jail education programs; age

State of Arizona  
Senate  
Fifty-third Legislature  
Second Regular Session  
2018

## **SB 1138**

Introduced by  
Senators Bradley: Allen S, Brophy McGee, Miranda, Otondo, Petersen;  
Representatives Clodfelter, Cook, Engel, Friese, Hernandez, Rios

AN ACT

AMENDING SECTION 15-913.01, ARIZONA REVISED STATUTES; RELATING TO COUNTY  
JAIL EDUCATION PROGRAMS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 15-913.01, Arizona Revised Statutes, is amended  
3 to read:

4 15-913.01. Education programs; county jails

5 A. Each county that operates a county jail shall offer an education  
6 program to serve all prisoners who are ~~under eighteen years of age and~~  
7 ~~prisoners with disabilities who are age~~ twenty-one YEARS OF AGE or  
8 younger, WHO DO NOT HAVE A HIGH SCHOOL DIPLOMA OR A GENERAL EQUIVALENCY  
9 DIPLOMA and who are confined in the county jail. The county school  
10 superintendent and the sheriff in each county shall agree on the method of  
11 delivery of the education program.

12 B. The county school superintendent shall develop policies and  
13 procedures for the transfer of educational records of any prisoner  
14 confined in a county jail who has been transferred from a juvenile  
15 detention center or from any other public agency that has provided  
16 educational services to that prisoner.

17 C. A county may operate its county jail education program through  
18 an accommodation school that provides alternative education services  
19 pursuant to section 15-308, except that each pupil enrolled in the  
20 accommodation school county jail education program shall be funded at an  
21 amount equal to ~~seventy-two per cent of~~ the amount for that pupil if that  
22 pupil were enrolled in another accommodation school program.

23 D. If a county chooses not to operate its county jail education  
24 program through an accommodation school, the county school superintendent  
25 may establish a county jail education fund to provide financial support to  
26 the program. The county jail education fund for each program shall  
27 consist of a base amount plus a variable amount. For fiscal year  
28 1999-2000 the base amount is fourteen thousand four hundred dollars, and  
29 the variable amount shall be determined pursuant to subsection E of this  
30 section. The base amount and variable amount for each county or counties  
31 served shall be funded with state general fund monies, subject to  
32 appropriation. The county school superintendent must submit claims for  
33 payments to the ~~state~~ superintendent of public instruction. The county  
34 school superintendent shall deposit the payments into the county jail  
35 education fund.

36 E. The variable amount shall be determined as follows:

37 1. Determine the number of days in the prior fiscal year that each  
38 pupil who is a prisoner and who had been in the county jail for more than  
39 forty-eight hours received an instructional program of at least two  
40 hundred forty minutes. No school district may count a pupil as being in  
41 attendance in that school district on a day that the pupil is counted as a  
42 prisoner for the purposes of this paragraph.

43 2. Multiply the number of days determined under paragraph 1 of this  
44 subsection by the following amount:

45 (a) For fiscal year 1999-2000, ten dollars eighty cents.

1 (b) For fiscal year 2000-2001 and each year thereafter, the amount  
2 for the prior year adjusted by any growth rate prescribed by law, subject  
3 to legislative appropriation.

4 3. For each pupil who is a child with a disability as defined in  
5 section 15-761, who is a prisoner and who had been in the county jail for  
6 more than forty-eight hours:

7 (a) Determine the amount prescribed in section 15-1204, subsection  
8 E, paragraph 1 or 2, multiply the amount by .72 and add seventy-two  
9 dollars for capital outlay costs.

10 (b) Divide the sum determined under subdivision (a) of this  
11 paragraph by one hundred seventy-five.

12 (c) Subtract the amount prescribed in paragraph 2 of this  
13 subsection from the quotient determined in subdivision (b) of this  
14 paragraph.

15 (d) Determine the number of days in the prior fiscal year that the  
16 pupil received an instructional program of at least two hundred forty  
17 minutes.

18 (e) Multiply the amount determined in subdivision (d) of this  
19 paragraph by the difference determined in subdivision (c) of this  
20 paragraph.

21 4. Add the amounts determined in paragraph 3 of this subsection for  
22 all pupils with disabilities who are prisoners.

23 5. Add the sum determined in paragraph 4 of this subsection to the  
24 product determined in paragraph 2 of this subsection. This sum is the  
25 variable amount.

26 F. If a county jail education program serves more than one county,  
27 the county school superintendents and the sheriffs of the counties being  
28 served shall agree on a county of jurisdiction. The county school  
29 superintendent shall deposit ~~into~~ IN the county jail education fund of the  
30 county of jurisdiction monies that are received from the superintendent of  
31 public instruction pursuant to this section for all counties served by the  
32 county of jurisdiction.

33 G. If a county operated a county jail education program through an  
34 accommodation school in the year before it begins to operate its county  
35 jail education program as provided in subsection D of this section, for  
36 the first year of operation as provided in subsection D of this section,  
37 the student count of the accommodation school shall be reduced by the  
38 average daily membership attributable to the accommodation school's county  
39 jail EDUCATION program in its last fiscal year of operation.