

House Engrossed

education programs; county jails; appropriation

State of Arizona
House of Representatives
Fifty-fifth Legislature
First Regular Session
2021

HOUSE BILL 2638

AN ACT

AMENDING SECTION 15-913.01, ARIZONA REVISED STATUTES; APPROPRIATING
MONIES; RELATING TO 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 program; 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 TO transfer of THE~~ 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~~ PERCENT of the amount for that pupil
22 if that 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~~
29 \$14,400 and the variable amount shall be determined pursuant to subsection
30 E of this section. The base amount and variable amount for each county or
31 counties 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~~ IN the RESPECTIVE
35 county jail 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~~ A school district may NOT count a pupil as
41 being in attendance in that school district on a day that the pupil is
42 counted as a 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~~ \$10.80.

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~~ \$72 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.

40 Sec. 2. Appropriation; superintendent of public instruction;
41 county jail education programs

42 The sum of \$114,000 is appropriated from the state general fund in
43 fiscal year 2021-2022 to the superintendent of public instruction to
44 distribute to county school superintendents for the purposes prescribed in
45 section 15-913.01, Arizona Revised Statutes, as amended by this act.