

REFERENCE TITLE: education programs; county jails

State of Arizona
House of Representatives
Fifty-fifth Legislature
Second Regular Session
2022

HB 2300

Introduced by
Representatives John: Blackwater-Nygren, Chávez, Cook, Kaiser, Shah, Udall

AN ACT

AMENDING SECTION 15-913.01, ARIZONA REVISED STATUTES; APPROPRIATING
MONIES; RELATING TO EDUCATION PROGRAMS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

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

15-913.01. Education program; county jails

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

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

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

D. If a county chooses not to operate its county jail education program through an accommodation school, the county school superintendent may establish a county jail education fund to provide financial support to the program. The county jail education fund for each program shall consist of a base amount plus a variable amount. For fiscal year 1999-2000, the base amount is ~~fourteen thousand four hundred dollars~~ \$14,400 and the variable amount shall be determined pursuant to subsection E of this section. The base amount and variable amount for each county or counties served shall be funded with state general fund monies, subject to appropriation. The county school superintendent must submit claims for payments to the ~~state~~ superintendent of public instruction. The county school superintendent shall deposit the payments ~~into~~ IN the RESPECTIVE county jail education fund.

E. The variable amount shall be determined as follows:

1. Determine the number of days in the prior fiscal year that each pupil who is a prisoner and who had been in the county jail for more than forty-eight hours received an instructional program of at least two hundred forty minutes. ~~No~~ A school district may NOT count a pupil as being in attendance in that school district on a day that the pupil is counted as a prisoner for the purposes of this paragraph.

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

(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 \$_____ is appropriated from the state general fund in
43 fiscal year 2022-2023 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.