START\_STATUTE15-1372.  Equalization assistance for state educational system for persons in the state department of corrections; fund

A.  The state department of corrections shall provide educational services for pupils who are under the age of eighteen years and pupils with disabilities who are age twenty‑one or younger who are committed to the state department of corrections.  The department of education shall provide technical assistance to the state department of corrections on request and shall assist the state department of corrections in establishing program and personnel standards.

B.  The state education fund for correctional education is established. Subject to legislative appropriation, fund monies shall be used for the purposes of providing education to pupils as specified in subsection A of this section.  Notwithstanding section 35‑173, monies appropriated to the fund shall not be transferred to or used for any program that is not directly related to the educational services required by this section.  State equalization assistance, other state and federal monies received from the department of education for which the pupils in correctional education programs qualify and monies appropriated for correctional education except monies appropriated pursuant to subsection C of this section shall be deposited in the fund.  The state treasurer shall maintain separate accounts for fund monies if the separate accounts are required by statute or federal law.

C.  The state department of corrections may seek appropriations for capital needs for land, buildings and improvements, including repairs and maintenance, that are required to maintain the educational services required by this section.

D.  The state board of education shall apportion state aid and deposit it, pursuant to sections 35‑146 and 35‑147, in the state education fund for correctional education in an amount as determined by subsection E of this section.  The apportionments are as follows:

1.  On July 1, one‑third of the total amount to be apportioned during the fiscal year.

2.  On October 15, one‑twelfth of the total amount to be apportioned during the fiscal year.

3.  On December 15, one‑twelfth of the total amount to be apportioned during the fiscal year.

4.  On January 15, one‑twelfth of the total amount to be apportioned during the fiscal year.

5.  On February 15, one‑twelfth of the total amount to be apportioned during the fiscal year.

6.  On March 15, one‑twelfth of the total amount to be apportioned during the fiscal year.

7.  On April 15, one‑twelfth of the total amount to be apportioned during the fiscal year.

8.  On May 15, one‑twelfth of the total amount to be apportioned during the fiscal year.

9.  On June 15, one‑twelfth of the total amount to be apportioned during the fiscal year.

E.  The director of the state department of corrections shall calculate a base support level as prescribed in section 15‑943 and district additional assistance as prescribed in section 15‑961 for the educational services required by this section, except that:

1.  Notwithstanding section 15‑901, the student count shall be determined using the following definitions:

(a)  "Daily attendance" means days in which a pupil attends an educational program for a minimum of one hundred eighty minutes, not including meal and recess periods.  Attendance for ninety or more minutes but fewer than one hundred eighty minutes shall be counted as one‑half day's attendance.

(b)  "Fractional student" means a pupil who is enrolled in an educational program of ninety or more minutes but fewer than one hundred eighty minutes per day, not including meal and recess periods.  A fractional student shall be counted as one‑half of a full‑time student.

(c)  "Full‑time student" means a pupil who is enrolled in an educational program for a minimum of one hundred eighty minutes per day, not including meal and recess periods.

(d)  "Pupil with a disability" has the same meaning as child with a disability prescribed in section 15‑761.

2.  All pupils shall be counted as if they were enrolled in grades nine through twelve.

3.  The teacher experience index is 1.00.

4.  Section 15‑943, paragraph 1 does not apply.

5.  The base support level and capital outlay amounts calculated pursuant to this section shall be multiplied by 0.67.

6.  The school year shall consist of a period of not less than two hundred eight days.

F.  The director of the state department of corrections may use section 15‑855 in making the calculations prescribed in subsection E of this section.  The director of the state department of corrections and the department of education shall prescribe procedures for calculating average daily membership.

G.  Equalization assistance for correctional education programs provided for those pupils specified in subsection A of this section is determined by adding the amount of the base support level and district additional assistance for the budget year calculated as prescribed in subsection E of this section.

H.  The director of the state department of corrections shall keep records and provide information as the department of education requires to determine the appropriate amount of equalization assistance.  Equalization assistance shall be used to provide educational services in this section.

I.  The department of education and the state department of corrections shall enter into an intergovernmental agreement that establishes the necessary accountability between the two departments regarding the administrative and funding requirements contained in subsections A and B of this section.  The agreement shall:

1.  Provide for appropriate education to all committed youths as required by state and federal law.

2.  Provide financial information to meet requirements for equalization assistance.

3.  Provide for appropriate pupil intake and assessment procedures.

4.  Require pupil performance assessment and the reporting of results. END\_STATUTE