

**STATE OF ARIZONA**  
**OFFICE OF THE ATTORNEY GENERAL**

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<p>ATTORNEY GENERAL OPINION</p> <p>by</p> <p>JANET NAPOLITANO ATTORNEY GENERAL</p> <p>April 10, 2002</p>	<p>No. I02-004 (R02-009)</p> <p>Re: Classroom Site Fund Monies for Committed Youth</p>
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TO: The Honorable Jaime Molera  
Superintendent of Public Instruction

**Question Presented**

You have asked whether both the Department of Corrections and the Department of Juvenile Corrections are eligible for Classroom Site Fund monies provided to the "state education system for committed youth" pursuant to Arizona Revised Statutes ("A.R.S.") § 15-977(G).

**Summary Answer**

The Department of Juvenile Corrections is eligible for Classroom Site Fund monies pursuant to A.R.S. § 15-977(G) and A.R.S. § 15-1373, but the Department of Corrections is not.

**Background**

**A. Classroom Site Fund**

During a special session in June of 2000, the legislature passed S.B. 1007 which created, among other things, the Classroom Site Fund ("CSF") to provide funding to school districts and charter schools for designated purposes. 2000 Ariz. Sess. Laws, 5th Spec. Sess., ch. 1, § 16

(codified as A.R.S. § 15-977). The bill's provisions were contingent upon voter approval of Proposition 301, which proposed to increase the state transaction privilege tax rate by 0.6% to fund specific education programs, including the CSF. The measure took effect after voters approved Proposition 301 at the 2000 general election.

The Department of Education administers the CSF and allocates CSF funds to school districts and charter schools based on student count and other factors specified by statute. A.R.S. § 15-977(B). Schools receiving CSF funds must spend the money at school sites according to certain statutory requirements. *See* A.R.S. § 15-977(A).

In 2001 the Legislature specifically authorized CSF monies for the Arizona State Schools for the Deaf and the Blind and the "state education system for committed youth:"

The Arizona State Schools for the Deaf and the Blind and the state education system for committed youth shall receive monies from the classroom site fund in the same manner as school districts and charter schools. The Arizona State Schools for the Deaf and the Blind and the state education system for committed youth are subject to this section in the same manner as school districts and charter schools.

2001 Ariz. Sess. Laws, 2d Spec. Sess., ch. 6, § 1 (codified as A.R.S. § 15-977(G)).

In addition, the 2001 legislation established the State Education System for Committed Youth Classroom Site Fund ("Committed Youth CSF"), which is to be administered by the Department of Juvenile Corrections. A.R.S. § 15-1373. Monies received from the Department of Education pursuant to section 15-977 are deposited in this fund. A.R.S. § 15-1373. The monies in the Committed Youth CSF are exempt from lapsing and are continuously appropriated. *Id.*

**B. Education Within the Arizona Department of Juvenile Corrections and the Arizona Department of Corrections**

Both the Arizona Department of Juvenile Corrections ("ADJC") and the Arizona Department of Corrections ("ADOC") are charged with providing an education to youth within their jurisdiction. ADJC provides for the supervision, rehabilitation, treatment and education of youth who have been adjudicated delinquent and committed to ADJC by juvenile courts. A.R.S. §§ 8-341(A)(1)(e); 41-2802(B). Youth committed to the ADJC and confined in a secure care facility who have not received a high school diploma or a high school certificate of equivalency are required to attend school full time, unless the director of ADJC has provided for an exception from this requirement. A.R.S. § 41-2822.01(B).

The youth in ADOC have been convicted of felonies and sentenced to a prison term. *See* A.R.S. §§ 13-501 (charging persons under 18 with crimes); - 701 (sentence of imprisonment). The ADOC is responsible for providing educational services to inmates under the age of eighteen (and age twenty-one or younger for pupils with disabilities). A.R.S. § 15-1372(A).

The education programs at ADJC and ADOC receive state funding based on the number of students and other factors similar to the equalization formula used to fund public schools. A.R.S. §§ 15-1371 (ADJC programs), -1372 (ADOC programs). Funds for the ADJC education program are deposited in the State Education Fund for Committed Youth. A.R.S. § 15-1371. Funds for ADOC's education program are deposited in the State Education Fund for Correctional Education. A.R.S. § 15-1372.

### Analysis

Pursuant to A.R.S. § 15-977(G), "the state education system for committed youth shall receive monies from the [CSF]." For the reasons explained below, this statutory language indicates that CSF funding for the state education system for committed youth is for ADJC, but not ADOC.

The cardinal rule of statutory construction is to ascertain and give effect to the intent of the Legislature. *Phoenix Newspapers, Inc. v. Superior Court*, 180 Ariz. 159, 161, 882 P.2d 1285, 1287 (App. 1993). To determine legislative intent, consideration must be given to the words, context, subject matter, effects and consequences, reason and spirit of the law. In addition, the statutory provisions must be construed in the context of related provisions and in light of their place in the statutory scheme. *See City of Phoenix v. Superior Court*, 144 Ariz. 172, 175-76, 696 P.2d 724, 727-28 (App. 1985).

A "committed youth" is "a person who is eight years of age or older but who has not yet attained the age of eighteen years and who has been committed according to law to *the department of juvenile corrections* for supervision, rehabilitation, treatment and education." A.R.S. § 41-2801(1) (emphasis added). Thus, the term "committed youth" refers to a person committed to ADJC, not a person incarcerated at ADOC.

Further, A.R.S. § 15-1371, which governs the distribution of state equalization assistance to ADJC's education program, refers to equalization assistance "for the state educational system for committed youth," and establishes "state education fund for committed youth." In contrast, the statute governing the ADOC's education program does not refer to "committed youth" or to "the state education system for committed youth." Instead, it refers to "pupils . . . committed to the [ADOC]" or "pupils in correctional education programs," and creates the State Education Fund for

Correctional Education. A.R.S. § 15-1372(A), (B). This statutory language indicates that the phrase "state education system for committed youth" refers to ADJC's educational program rather than ADOC's. The conclusion that the Legislature allocated CSF monies to ADJC and not to ADOC is also supported by the fact that ADJC is charged with administering the Committed Youth CSF. A.R.S. § 15-1373. The statute does not refer to ADOC.

Finally, the legislative history also supports this conclusion. Both the House and Senate fact sheets explain that the legislation authorized ADJC to receive Classroom Site Funds, but do not suggest the bill had any impact on ADOC. *See* ARIZONA SENATE STAFF, 45th Legis., 2d Spec. Sess., FACT SHEET FOR HB 2020 (December 14, 2001); ARIZONA HOUSE OF REPRESENTATIVES STAFF, 45th Legis., 2d Spec. Sess., FACT SHEET FOR HB 2020 (December 14, 2001).

### **Conclusion**

The Department of Juvenile Corrections, but not the Department of Corrections, is eligible to receive monies from the Committed Youth CSF.

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Attorney General