MISSISSIPPI LEGISLATURE 
REGULAR SESSION 2002

By: Senator(s) Smith

To: Education; Appropriations

SENATE BILL NO. 2738

AN ACT TO CREATE THE HIGH-RISK YOUTH EDUCATION AND PUBLIC SAFETY PLAN FOR FIRST-TIME JUVENILE OFFENDERS AND YOUTHS TRANSITIONING FROM JUVENILE DETENTION FACILITIES AND PROGRAMS; TO AUTHORIZE LOCAL SCHOOL DISTRICTS IN COOPERATION WITH LOCAL JUVENILE AGENCIES TO SUBMIT PLANS TO THE STATE DEPARTMENT OF EDUCATION FOR HIGH-RISK FIRST-TIME OFFENDER PROGRAM GRANTS AND TO ESTABLISH STANDARDS FOR SUCH PLANS; TO DEFINE ELIGIBLE PARTICIPANTS WHO EXHIBIT CERTAIN RISK FACTORS; TO REQUIRE LOCAL REVENUE MATCH REQUIREMENTS; TO PROVIDE A FUNDING FORMULA FOR DETERMINING GRANT AMOUNTS UNDER THE PROGRAM; TO AUTHORIZE LOCAL SCHOOL DISTRICS IN COOPERATION WITH LOCAL JUVENILE AGENCIES TO SUBMIT PLANS TO THE STATE DEPARTMENT OF EDUCATION FOR FIRST TIME PUPILS TRANSITIONING FROM JUVENILE INSTITUTIONS AND ADOLESCENT OFFENDER PROGRAMS AND TO ESTABLISH STANDARDS FOR SUCH PLANS; TO DEFINE ELIGIBLE PARTICIPANTS; TO REQUIRE LOCAL REVENUE MATCH REQUIREMENTS; TO PROVIDE A FUNDING FORMULA FOR DETERMINING GRANT AMOUNTS UNDER THE PROGRAM; TO PROVIDE FOR EVALUATION AND REPORTS OF THE PROGRAM; TO AMEND SECTION 37-13-92, MISSISSIPPI CODE OF 1972, TO INCLUDE ELIGIBLE PARTICIPANTS IN THE FIRST-TIME JUVENILE OFFENDERS AND YOUTHS TRANSITIONING FROM JUVENILE DETENTION FACILITIES PROGRAMS IN THOSE CATEGORIES OF COMPULSORY-SCHOOL-AGE STUDENTS SERVED BY ALTERNATIVE EDUCATION PROGRAMS; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. (1) It is the intent of the Legislature to establish the High-Risk Youth Education and Public Safety Program to assist local school districts to implement specialized prevention and early intervention strategies for youth who are seriously at risk of becoming chronic, repeat offenders.

(2) The Legislature finds and declares all of the following:

(a) Recent studies strongly link school failure and criminal behavior. A majority of first-time referrals to probation who subsequently became chronic offenders had significant school problems, including truancy, suspension or expulsion for behavior problems, or failure of two (2) or more academic subjects, and were fifteen (15) years of age or younger at the time of their first probation referral. A cycle is created
under which poor school performance contributes to low attendance or disruptive behavior, or both. This, in turn, places unsupervised adolescents on the streets and at greater risk of committing delinquent acts. Early intervention and attention to the unique needs of high-risk youth can reduce the number of delinquent youth in communities.

(b) For high-risk youth, the current linkage between education and community programs is highly fragmented and inadequate. A multidisciplinary, collaborative approach that combines education with community services and law enforcement must be comprehensive and family focused. Parental support contributes to the likelihood of academic success and law-abiding behavior.

(c) Schools are the logical delivery sites for a multidisciplinary team approach that addresses the unique educational and public safety needs of high-risk youth. A continuum of care that spans prevention, early intervention, treatment and reentry back into the system of school environment is needed.

(2) (a) A local school district may establish and maintain a program to serve high-risk youth for the purpose of enhancing educational opportunities and reducing juvenile crime and delinquency. The program may serve high-risk first-time offenders or transitioning high-risk youth, or both. To be eligible to establish and maintain this program, the local superintendent of schools shall develop a comprehensive, multiagency plan to serve the needs of pupils who are eligible to participate in this program.

(b) In developing the plan, the local school district shall include participation of other school districts within the county, local government entities, and the community, including, but not limited to, community-based youth development organizations, probation, social service and mental health
agencies, civic organizations, the business community, religious
groups, parents, city or county law enforcement, the district
attorney, the public defender and youth who are representative of
those needing services.

(c) The local plan shall provide for eligible youth to participate in a structured daily program of at least eight (8) hours' daily duration under the direct supervision; of one or more employees of one or more of the agencies participating in the plan. This program shall also include a minimum of four (4) hours of academic instruction on every school day. Independent study may not be utilized as a means of providing any part of the school day. The local plan shall be jointly approved by the local school board and the chief probation officer.

(d) Those local school districts developing plans to serve high-risk first-time offenders pursuant to this section shall also address plans to serve high-risk transitioning youth pursuant to this act. Local school districts may develop plans to serve both youth populations.

(3) The State Board of Education, in consultation with the Mississippi Department of Corrections, shall establish minimum standards, funding schedules and procedures for the review and approval of a local plan developed pursuant to this section. The minimum standards established by the State Board of Education for the local plan provided for eligible high-risk first-time offenders and high-risk transitioning youth shall include all of the following:

(a) The local plan shall provide eligible participants with a structured daily program of at least eight (8) hours under the direct supervision of one or more employees of one or more of the agencies participating in the plan. This program shall also include a minimum of four (4) hours of academic instruction. Independent study shall not be utilized as a means of providing any part of the school day.
(b) Demonstrated ability from local participating agencies to identify and serve eligible youth at the earliest possible age.

(c) Demonstrated ability to administer the program.

(d) Demonstrated ability to provide effective interventions.

(e) Demonstrated ability to report outcome measures specified in this program.

(f) Demonstrated commitment of local resources equal to, or greater than, the minimum match requirement specified in this act.

(g) Demonstrated commitment from the county probation department for provision of intensive supervision and services for eligible participants.

(h) The local plan shall specify how the program provided to eligible participants will supplement, and not supplant, existing programs.

(4) The State Superintendent of Education shall review the local plans submitted by local school districts to determine if they meet minimum standards, and shall then rank for possible funding the plans that meet or exceed the minimum standards. If the State Superintendent of Education determines that funds appropriated by the Legislature are insufficient to fund all local plans that have met the minimum standards, the superintendent, in selecting at least three (3) plans to be funded, shall consider the following when determining funding priority:

(a) The size of the eligible high-risk youth population that will be served and the proportion of that population not currently being served by similar programs.

(b) Demonstrated commitment by the agencies to exceed the minimum program requirements. As part of the plan approval process, the State Superintendent of Education may reduce both the number of youth proposed to be served, in any or all plans, and
the funding therefor. Approved plans shall be eligible for
funding through this program for five (5) years. After each
five-year term, subject to available funding, local school
districts may submit a new application containing an updated plan
to serve the eligible high-risk youth.

(5) An eligible participant shall be a high-risk first-time
offender. For purposes of this section, "high-risk first-time
offender" means a juvenile fifteen (15) years of age or younger
who:

(a) Has been declared a ward of the Mississippi
Department of Human Services for the first time; or

(b) Who has been placed under supervision of the
Mississippi Department of Human Services subsequent to his or her
first probation referral involving juvenile charges, and who has
at least three (3) of the following four (4) risk factors as
determined by a probation officer based on the previous
twelve-month period:

(i) Significant school behavior and performance
problems: this means a pattern of multiple occurrences of truancy
and missing certain classes, resulting in formal school action, or
behavior problems that have resulted in suspension or expulsion.

(ii) Significant family problems: this means at
least one (1) of the following:

1. The minor has an immediate family member
or relative, with whom he or she is living and frequently
interacting, who has a criminal record, is in jail or prison, or
is on probation or parole.

2. The minor’s family has a prior or pending
charge for criminal child abuse, neglect, abandonment or placement
in a residential facility.

3. The behavior of a parent of the minor
indicates a significant lack of supervision or control, as
evidenced by one or more of the following conditions:
a. Lack of knowledge or concern for the minor's whereabouts or behavior.

b. Ineffective monitoring of the minor's friends and activities.

c. Refusal to accept responsibility for the minor's criminal behavior or to hold the minor accountable for responsible, age-appropriate behavior at home, at school or in the community.

(iii) Substance abuse: this means a documented pattern of abuse of alcohol or illegal drugs by the pupil or the abuse of alcohol or drugs in the pupil's home.

(iv) Delinquent behavior: this means a pattern of criminal activity, incorrigibility or gang membership or association.

(6) To participate in the program established by this section, a local school district shall assess its need to participate in the High-Risk, First-Time Offenders program by completing, at a minimum, the following activities:

(a) Conducting an inventory of existing education, probation, law enforcement, mental health, health, social services, substance abuse prevention and treatment, and youth services resources that specifically serve pupils who are high-risk first-time offenders.

(b) A comprehensive countywide identification and prioritization of the neighborhoods, schools and other areas of the community that face a significant public safety risk from juvenile crime and delinquency for the purpose of targeting services to pupils served under this plan.

(c) A local plan and budget for improving and marshaling the resources set forth in paragraph (a) to reduce the incidence of juvenile crime and delinquency committed by high-risk first-time offenders. The plan shall specify the role and responsibilities of the county office of education and the school
districts that enroll high-risk first-time offenders. The plan shall also specify the role, responsibilities and agreements of other participating agencies. The multiagency plan shall specify strategies for elements of response, including, but not necessarily limited to, all of the following:

(i) Individual pupil case management plans, involving the pupil, school-age family members, parents or legal guardians or caregivers, teachers and probation officers that specify academic and behavioral goals and needed services.

(ii) Mentoring and structured after school programs in gang abatement, violence reduction, academic enrichment, peer mediation, conflict resolution, victim awareness, victim/offender reconciliation, restitution, community service and cultural awareness.

(iii) Comprehensive school-linked counseling services for pupils and families and in-home family-based services.

(iv) A parenting education program.

(v) School-linked substance abuse treatment and education services.

(vi) A comprehensive system of career interest assessment, preemployment skills training, job training, supervised work experience and job placement.

(vii) Transportation.

(viii) Resources and services for encouraging participants' planning and preparation for higher education options.

(d) No less than twenty-five percent (25%) of the costs for the program shall be provided by local resources. Resources may include in kind contributions from participating agencies.

(e) The school district shall develop a data and information-sharing system to ensure that the actions identified in subsection (6) are fully coordinated, and to provide data for
measuring the success of the local school district in achieving
the goals identified in the local action plan.

(7) The local school district and county probation
department shall identify outcome measures for high-risk
first-time offenders participating in the program. These outcome
measures shall include, but not necessarily be limited to, all of
the following:

(a) The annual number of youth court referrals to
probation and categories of these referrals of persons while they
are participating in the program for a minimum of two (2) years
after entry into the program.

(b) The annual number of sustained petitions for
supervision by the Mississippi Department of Human Services
categories of these petitions of persons while they are
participating in the program and during the subsequent two (2)
years after participating in the program.

(c) The State Superintendent of Education, in
consultation with the Mississippi Department of Corrections and
local school districts, shall develop by December 1, 2003,
consistent measures for determining the outcomes for the
following:

(i) Attendance.

(ii) Suspensions and expulsions.

(iii) Academic performance and achievement.

(8) (a) The minimum school day for pupils enrolled in a
program under this section is two hundred forty (240) minutes of
instruction. To be eligible for state funding, the pupils' attendance is required to be under the immediate supervision and
control of a certificated employee of the school district
reporting the pupils' attendance for state funding.

(b) Notwithstanding any other provision of law, a pupil
enrolled in a program under this section may not generate more
than one (1) day of attendance credit in a calendar day in a

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program authorized by this section, plus not more than one (1) day
of attendance in one (1) other program.

(c) For the purposes of calculating the additional
funding provided to a school district pursuant to this section
only, attendance in the program under this section shall be
reported in clock hours. Attendance of less than five (5) clock
hours in a school day shall be disregarded for purposes of state
funds. Five (5) clock hours of attendance in one (1) school day
shall be deemed to be one-half (1/2) day of attendance, and six
(6) clock hours or more of attendance in one (1) school day shall
be deemed to be one (1) day of attendance.

(d) Independent study may not be utilized as a means of
providing any part of the minimum instructional day.

(9) (a) In addition to funds allowed from the Mississippi
Adequate Education Program and from all other sources and subject
to appropriation therefor by the Legislature, the State Department
of Education shall apportion to each school district that operates
a program under this section Three Thousand Dollars ($3,000.00)
per year for each unit reported for pupil attendance in a program
under this section.

(b) Subject to the requirement of twenty-five percent
(25%) local match, the State Department of Education shall
apportion to each school district that operates a program under
this section a sum equal to Five Dollars ($5.00), multiplied by
the total of the number of hours each school day that follow
completion of the full instructional day, not to exceed six (6)
hours per school day, that each high-risk first-time offender
pupil receives services, as specified in the individual case
management plan when those services are provided by one or more
employees of one or more of the agencies that are parties to the
approved plans.

(c) Subject to the requirement of twenty-five percent
(25%) local match, the State Department of Education shall
apportion, to each school district that operates a program under this section on days other than school days, a sum equal to Five Dollars ($5.00), multiplied by the total of the number of hours, not to exceed ten (10) hours per calendar day that is not a school day that each high-risk first-time offender pupil receives services, as specified in the individual case management plan when those services are provided by one or more employees of one or more of the agencies that are parties to the approved plans.

(d) Pursuant to paragraph (b) or (c) a school district shall receive an apportionment only for days on which a high-risk first-time offender pupil was required to attend any specified setting or settings in which services are provided for a total of at least eight (8) hours each day as specified in his or her individual case management plan.

(e) The funds provided under this section shall be used only for the purpose of implementing the plans determined to be eligible for funding by the State Superintendent of Education and a school district implementing a plan pursuant to this section may use funds apportioned pursuant to this section to provide for the services of probation officers.

(f) A pupil's eligibility to attend the program for high-risk first-time offenders shall cease on the second anniversary of his or her first day of attendance in the program.

(g) A school district that operates a program under this section shall not be eligible to receive an apportionment pursuant to this section in excess of the product of the average number of pupils, per calendar day between July 1 and June 30, inclusive, enrolled to receive services in a program for high-risk first-time offenders, multiplied by Six Thousand Dollars ($6,000.00).

(10) By May 1 of each year, each school district shall notify the State Superintendent of Education whether the school district intends to participate in a program authorized by this
By June 1 of each year, the State Superintendent of Education shall determine the maximum number of funds as calculated pursuant to this section that each participating school district may claim for the following fiscal year for pupils enrolled in a program authorized by this section.

SECTION 2. (1) An eligible participant shall be a transitioning high-risk youth. For purposes of this section, "transitioning high-risk youth" means a juvenile who is committed to a state juvenile detention facility, an adolescent offender program (AOP), wilderness camp program or other local supervised programs by a youth court judge for not less than a combined total of six (6) months, and who subsequently enrolls in a public school that he or she attends on a full-time basis. Eligible youths shall be assessed as having a high risk of reoffending based upon a validated risk and needs assessment tool.

(2) To participate in the program established by this section, a school district shall develop a comprehensive, multiagency plan for pupils transitioning from such juvenile institutions and programs. The plan shall specify the role, responsibilities and agreements of the participating agencies. The plan shall identify specific transition and aftercare services to be provided by a multidisciplinary team for eligible pupils who are released from the juvenile detention institutions and programs and who are subsequently enrolled in full-time programs of education in a public school. The plan shall include all of the following:

(a) Prerelease and preparatory planning activities during the confinement phase of youth corrections.

(b) Structured transitioning involving the participation of residential, institutional and aftercare staffs both before and following community reentry.
(c) Long-term reintegrative activities to ensure adequate service delivery and the required level of social control.

(d) The plan shall also include all of the following:

(i) An inventory of existing education, probation, law enforcement, mental health, health, social services, substance abuse prevention and treatment and youth services resources, including employment-related resources, that specifically target pupils transitioning from eligible institutional settings to county community schools or day centers.

(ii) A comprehensive countywide identification and prioritization of the neighborhoods, schools and other areas of the community that face a significant public safety risk from juvenile crime and delinquency for the purpose of targeting services to pupils served under this plan.

(iii) A school district local plan and budget for improving and marshaling the resources to reduce the incidence of juvenile crime committed by pupils who are released from juvenile institutions. The multiagency plan shall be based on each of the following principles:

1. The overall aftercare function shall ensure the inclusion of staff and programs across the entire continuum from the point of judicial commitment and residential placement to the termination of community supervision.

2. The network of community-based services shall be designed to respond comprehensively to the deficits and needs of chronic, multiproblem delinquents.

3. The framework for case management shall ensure continuity of supervision and service delivery that matches clients with appropriate interventions and brings the most objective procedures to inform decision making in the areas of risk and need.
(iv) The comprehensive multiagency plan shall specify strategies for elements of response, including, but not necessarily limited to, all of the following:

1. Individual pupil prerelease planning that occurs during the pupil's confinement and case management plans involving pupils, parents or legal guardians or caregivers, teachers and probation officers that specify academic and behavioral goals and needed services.

2. Mentoring and structured after school programs in gang abatement, violence reduction, academic enrichment, peer mediation, conflict resolution, victim awareness, victim/offender reconciliation, restitution, community service and cultural awareness.

3. School-linked comprehensive counseling services and other appropriate services for pupils and families.

4. School-linked substance abuse treatment and education services.

5. A comprehensive system of career interest assessment, preemployment skills training, job training, supervised work experience and job placement.

6. Resources and services for encouraging participants' preparation for, and matriculation into, higher education options.

7. Transportation.

8. A parenting education program.

(e) No less than twenty-five percent (25%) of the costs for the program shall be defrayed with local resources which may include in kind contributions from participating agencies.

(f) A participating school district shall develop a data and information sharing system to ensure that the actions identified in the local plan are fully coordinated, and to provide data for measuring the successor the school district in achieving the goals in its plan.
(3) The school district and probation department shall identify outcome measures that shall include, but not necessarily be limited to, all of the following:

(a) The annual number of referrals to probation while participating in the program and during the subsequent two (2) years after participating in the program.

(b) The annual number of sustained petitions for suspension while participating in the program and during the subsequent two (2) years after participating in the program.

(c) The number of subsequent commitments to local, state or adult correctional institutions.

(d) The State Superintendent of Education, in consultation with the Mississippi Department of Corrections and local school districts, shall develop by December 1, 2003, consistent measures for determining the outcomes for the following:

(i) Attendance.

(ii) Suspensions and expulsions.

(iii) Academic performance and achievement.

(iv) Placement in job training programs, paid employment and institutions of higher learning.

(4) State funding, minimum school day requirements, minimum instructional time requirements, after-school program allotments, total grant limitations and all timely and grant criteria for school districts to be eligible for transitioning high-risk youth and grants under this section, shall be consistent with the provisions of the high-risk first-time offender program specified in Section 1 of this act.

SECTION 3. (1) The State Department of Education, in collaboration with the Department of Corrections, shall create an evaluation design for the program that will assess the effectiveness of program implementation and operation.
measure data to the State Department of Education and any other data to indicate the effect of intervention strategies and program operations on the risk factors used to identify the high-risk youth. The State Superintendent of Education shall annually summarize the data reported, and shall also develop an analysis of the program and suggest recommendations in a report to be submitted to the Legislature on or before December 1, annually.

**SECTION 4.** Section 37-13-92, Mississippi Code of 1972, is amended as follows:

37-13-92. (1) Beginning with the school year 1993-1994, the school boards of all school districts shall establish, maintain and operate, in connection with the regular programs of the school district, an alternative school program for, but not limited to, the following categories of compulsory-school-age students:

(a) Any compulsory-school-age child who has been suspended for more than ten (10) days or expelled from school, except for any student expelled for possession of a weapon or other felonious conduct;

(b) Any compulsory-school-age child referred to such alternative school based upon a documented need for placement in the alternative school program by the parent, legal guardian or custodian of such child due to disciplinary problems;

(c) Any compulsory-school-age child referred to such alternative school program by the dispositive order of a chancellor or youth court judge, with the consent of the superintendent of the child’s school district; and

(d) Any compulsory-school-age child whose presence in the classroom, in the determination of the school superintendent or principal, is a disruption to the educational environment of the school or a detriment to the best interest and welfare of the students and teacher of such class as a whole; and

(e) Any eligible participant in an approved First-time Juvenile Offender Program or First-time Pupils Transitioning from
Juvenile Institutions and Adolescent Offender Program operated by a local school district in conjunction with local juvenile authorities as provided under Senate Bill No. 2738, 2002 Regular Session.

(2) The principal or program administrator of any such alternative school program shall require verification from the appropriate guidance counselor of any such child referred to the alternative school program regarding the suitability of such child for attendance at the alternative school program. Before a student may be removed to an alternative school education program, the superintendent of the student's school district must determine that the written and distributed disciplinary policy of the local district is being followed. The policy shall include standards for:

(a) The removal of a student to an alternative education program that will include a process of educational review to develop the student's individual instruction plan and the evaluation at regular intervals of the student's educational progress; the process shall include classroom teachers and/or other appropriate professional personnel, as defined in the district policy, to ensure a continuing educational program for the removed student;

(b) The duration of alternative placement; and

(c) The notification of parents or guardians, and their appropriate inclusion in the removal and evaluation process, as defined in the district policy. Nothing in this paragraph should be defined in a manner to circumvent the principal's or the superintendent's authority to remove a student to alternative education.

(3) The local school board or the superintendent shall provide for the continuing education of a student who has been removed to an alternative school program.
(4) A school district, in its discretion, may provide a program of general educational development (GED) preparatory instruction in the alternative school program. However, any GED preparation program offered in an alternative school program must be administered in compliance with the rules and regulations established for such programs under Sections 37-35-1 through 37-35-11 and by the State Board for Community and Junior Colleges. The school district may administer the General Educational Development (GED) Testing Program under the policies and guidelines of the GED Testing Service of the American Council on Education in the alternative school program or may authorize the test to be administered through the community/junior college district in which the alternative school is situated.

(5) Any such alternative school program operated under the authority of this section shall meet all appropriate accreditation requirements of the State Department of Education.

(6) The alternative school program may be held within such school district or may be operated by two (2) or more adjacent school districts, pursuant to a contract approved by the State Board of Education. When two (2) or more school districts contract to operate an alternative school program, the school board of a district designated to be the lead district shall serve as the governing board of the alternative school program. Transportation for students attending the alternative school program shall be the responsibility of the local school district. The expense of establishing, maintaining and operating such alternative school program may be paid from funds contributed or otherwise made available to the school district for such purpose or from local district maintenance funds.

(7) The State Board of Education shall promulgate minimum guidelines for alternative school programs. The guidelines shall require, at a minimum, the formulation of an individual instruction plan for each student referred to the alternative
school program and, upon a determination that it is in a student's best interest for that student to receive general educational development (GED) preparatory instruction, that the local school board assign the student to a GED preparatory program established under subsection (4) of this section. The minimum guidelines for alternative school programs shall also require the following components:

(a) Clear guidelines and procedures for placement of students into alternative education programs which at a minimum shall prescribe due process procedures for disciplinary and general educational development (GED) placement;

(b) Clear and consistent goals for students and parents;

(c) Curricula addressing cultural and learning style differences;

(d) Direct supervision of all activities on a closed campus;

(e) Full-day attendance with a rigorous workload and minimal time off;

(f) Selection of program from options provided by the local school district, Division of Youth Services or the youth court, including transfer to a community-based alternative school;

(g) Continual monitoring and evaluation and formalized passage from one step or program to another;

(h) A motivated and culturally diverse staff;

(i) Counseling for parents and students;

(j) Administrative and community support for the program; and

(k) Clear procedures for annual alternative school program review and evaluation.

(8) On request of a school district, the State Department of Education shall provide the district informational material on developing an alternative school program that takes into...
consideration size, wealth and existing facilities in determining a program best suited to a district.

(9) Any compulsory-school-age child who becomes involved in any criminal or violent behavior shall be removed from such alternative school program and, if probable cause exists, a case shall be referred to the youth court.

(10) The State Board of Education, in its discretion, may exempt not more than four (4) school district alternative school programs in the state from any compulsory standard of accreditation for a period of three (3) years. During this period, the State Department of Education shall conduct a study of all alternative school programs in the state, and on or before January 1, 2000, shall develop and promulgate accreditation standards for all alternative school programs, including any recommendations for necessary legislation relating to such alternative school programs.

SECTION 5. This act shall take effect and be in force from and after July 1, 2002.