

By: Representatives Hines, Holloway

To: Juvenile Justice; County
Affairs

HOUSE BILL NO. 1223

1 AN ACT TO REQUIRE THAT EACH JUVENILE DETENTION CENTER IN THE
2 STATE TO HAVE AT LEAST ONE CERTIFIED TEACHER WHO SHALL SERVE UNDER
3 THE SUPERVISION OF THE LOCAL SCHOOL SYSTEM; TO AMEND SECTION
4 19-5-101, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE BOARD OF
5 SUPERVISORS OF EACH COUNTY MAY EXPEND FUNDS FROM THE COUNTY
6 GENERAL FUND TO MATCH FUNDS SPENT BY THE PUBLIC SCHOOL SYSTEM TO
7 PAY THE SALARIES OF THE TEACHERS AT THE JUVENILE DETENTION CENTERS
8 LOCATED IN THE COUNTY; TO AMEND SECTION 37-9-14, MISSISSIPPI CODE
9 OF 1972, TO PROVIDE THAT THE SUPERINTENDENT OF SCHOOLS MAY EXPEND
10 THE DISTRICT SCHOOL FUNDS FOR HIS SCHOOL DISTRICT TO MATCH THE
11 COUNTY'S PORTION OF THE SALARIES PAID TO TEACHERS IN THE JUVENILE
12 DETENTION CENTERS IN THE SCHOOL DISTRICT; TO AMEND SECTION
13 43-21-321, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND
14 FOR RELATED PURPOSES.

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

16 **SECTION 1.** Each juvenile detention center in the state shall
17 have at least one (1) teacher who holds a professional teaching
18 certificate issued by the State Board of Education in accordance
19 with Section 37-9-1 et seq. The teacher or teachers shall serve
20 under the supervision of the local school system and may be
21 employees of the school system. The salaries of those teachers
22 shall be shared by the public school system and the county in
23 which the juvenile detention center is located.

24 **SECTION 2.** Section 19-5-101, Mississippi Code of 1972, is
25 amended as follows:

26 19-5-101. The board of supervisors of each county shall have
27 the power to expend monies from the county general fund to match
28 any other funds for the purpose of establishing juvenile
29 residential treatment centers including, but not limited to,
30 treatment centers and half-way houses. The board of supervisors
31 of each county may expend monies from the county general fund to
32 match funds spent by the public school system to pay the salaries
33 of the teachers at the juvenile detention centers located in the

34 county in accordance with Section 1 of House Bill No. _____, 2004
35 Regular Session.

36 **SECTION 3.** Section 37-9-14, Mississippi Code of 1972, is
37 amended as follows:

38 37-9-14. (1) It shall be the duty of the superintendent of
39 schools to administer the schools within his district and to
40 implement the decisions of the school board.

41 (2) In addition to all other powers, authority and duties
42 imposed or granted by law, the superintendent of schools shall
43 have the following powers, authority and duties:

44 (a) To enter into contracts in the manner provided by
45 law with each assistant superintendent, principal and teacher of
46 the public schools, or teachers in juvenile detention centers as
47 provided in Section 1 of House Bill No. _____, 2004 Regular Session,
48 under his supervision, after such assistant superintendent,
49 principal and teachers have been selected and approved in the
50 manner provided by law.

51 (b) To enforce in the public schools of the school
52 district the courses of study provided by law or the rules and
53 regulations of the State Board of Education, and to comply with
54 the law with reference to the use and distribution of free
55 textbooks.

56 (c) To administer oaths in all cases to persons
57 testifying before him relative to disputes relating to the schools
58 submitted to him for determination, and to take testimony in such
59 cases as provided by law.

60 (d) To examine the monthly and annual reports submitted
61 to him by principals and teachers for the purpose of determining
62 and verifying the accuracy thereof.

63 (e) To preserve all reports of superintendents,
64 principals, teachers and other school officers, and to deliver to
65 his successor or clerk of the board of supervisors all money,
66 property, books, effects and papers.

67 (f) To prepare and keep in his office a map or maps
68 showing the territory embraced in his school district, to furnish
69 the county assessor with a copy of such map or maps, and to revise
70 and correct same from time to time as changes in or alterations of
71 school districts may necessitate.

72 (g) To keep an accurate record of the names of all of
73 the members of the school board showing the districts for which
74 each was elected or appointed, the post office address of each,
75 and the date of the expiration of his term of office. All
76 official correspondence shall be addressed to the school board,
77 and notice to such members shall be regarded as notice to the
78 residents of the district, and it shall be the duty of the members
79 to notify such residents.

80 (h) To deliver in proper time to the assistant
81 superintendents, principals, teachers and board members such
82 forms, records and other supplies which will be needed during the
83 school year as provided by law or any applicable rules and
84 regulations, and to give to such individuals such information with
85 regard to their duties as may be required.

86 (i) To make to the school board reports for each
87 scholastic month in such form as the school board may require.

88 (j) To distribute promptly all reports, letters, forms,
89 circulars and instructions which he may receive for the use of
90 school officials.

91 (k) To keep on file and preserve in his office all
92 appropriate information concerning the affairs of the school
93 district.

94 (l) To visit the schools of his school district in his
95 discretion, and to require the assistant superintendents,
96 principals and teachers thereof to perform their duties as
97 prescribed by law.

98 (m) To observe such instructions and regulations as the
99 school board and other public officials may prescribe, and to make
100 special reports to these officers whenever required.

101 (n) To keep his office open for the transaction of
102 business upon the days and during the hours to be designated by
103 the school board.

104 (o) To make such reports as are required by the State
105 Board of Education.

106 (p) To make an enumeration of educable children in his
107 school district as prescribed by law.

108 (q) To keep in his office and carefully preserve the
109 public school record provided, to enter therein the proceedings of
110 the school board and his decision upon cases and his other
111 official acts, to record therein the data required from the
112 monthly and term reports of principals and teachers, and from the
113 summaries of records thus kept.

114 (r) To delegate student disciplinary matters to
115 appropriate school personnel.

116 (s) To make assignments to the various schools in the
117 district of all noninstructional and nonlicensed employees and all
118 licensed employees, as provided in Sections 37-9-15 and 37-9-17,
119 and to make reassignments of such employees from time to time;
120 however, a reassignment of a licensed employee may only be to an
121 area in which the employee has a valid license issued by the State
122 Department of Education. Upon request from any employee
123 transferred, such assignment shall be subject to review by the
124 school board.

125 (t) To employ substitutes for licensed employees,
126 regardless of whether or not such substitute holds the proper
127 license, subject to such reasonable rules and regulations as may
128 be adopted by the State Board of Education.

129 (u) To comply in a timely manner with the compulsory
130 education reporting requirements prescribed in Section
131 37-13-91(6).

132 (v) To perform such other duties as may be required of
133 him by law.

134 (w) To notify, in writing, the parent, guardian or
135 custodian, the youth court and local law enforcement of any
136 expulsion of a student for criminal activity as defined in Section
137 37-11-92.

138 (x) To notify the youth court and local law enforcement
139 agencies, by affidavit, of the occurrence of any crime committed
140 by a student or students upon school property or during any
141 school-related activity, regardless of location and the identity
142 of the student or students committing the crime.

143 (y) To employ and dismiss noninstructional and
144 nonlicensed employees as provided by law.

145 (3) All funds to the credit of a school district shall be
146 paid out on pay certificates issued by the superintendent upon
147 order of the school board of the school district properly entered
148 upon the minutes thereof, and all such orders shall be supported
149 by properly itemized invoices from the vendors covering the
150 materials and supplies purchased. All such orders and the
151 itemized invoices supporting same shall be filed as a public
152 record in the office of the superintendent for a period of five
153 (5) years. The superintendent shall be liable upon his official
154 bond for the amount of any pay certificate issued in violation of
155 the provisions of this section. The school board shall have the
156 power and authority to direct and cause warrants to be issued
157 against such district funds for the purpose of refunding any
158 amount of taxes erroneously or illegally paid into such fund when
159 such refund has been approved in the manner provided by law.

160 (4) The superintendent of schools shall be the special
161 accounting officer and treasurer with respect to any and all

162 district school funds for his school district. He or his designee
163 shall issue all warrants without the necessity of registration
164 thereof by the chancery clerk. Transactions with the depositories
165 and with the various tax collecting agencies which involve school
166 funds for such school district shall be with the superintendent of
167 schools, or his designee. He may expend the district school funds
168 to match the county's portion of the salaries paid to teachers in
169 juvenile detention centers in the school district in accordance
170 with Section 19-5-101.

171 (5) The superintendent of schools will have no
172 responsibility with regard to agricultural high school and junior
173 college funds.

174 All agricultural high school and junior college funds shall
175 be handled and expended in the manner provided for in Sections
176 37-29-31 through 37-29-39.

177 (6) It shall be the duty of the superintendent of schools to
178 keep and preserve the minutes of the proceedings of the school
179 board.

180 (7) The superintendent of schools shall maintain as a record
181 in his office a book or a computer printout in which he shall
182 enter all demands, claims and accounts paid from any funds of the
183 school district. The record shall be in a form to be prescribed
184 by the State Auditor. All demands, claims and accounts filed
185 shall be preserved by the superintendent of schools as a public
186 record for a period of five (5) years. All claims found by the
187 school board to be illegal shall be rejected or disallowed. All
188 claims which are found to be legal and proper shall be allowed and
189 ratified as paid by the superintendent of schools. All claims as
190 to which a continuance is requested by the claimant and those
191 found to be defective but which may be perfected by amendment
192 shall be continued. The superintendent of schools shall issue a
193 pay certificate against any legal and proper fund of the school
194 district in favor of the claimant in payment of claims. The

195 provisions of this section, however, shall not be applicable to
196 the payment of teachers' salaries, salaries of drivers of publicly
197 owned school buses, travel advances, amounts due private
198 contractors or other obligations where the amount thereof has been
199 previously approved by a contract or by an order of the school
200 board entered upon its minutes, or by inclusion in the current
201 fiscal year budget, and all such amounts may be paid by the
202 superintendent of schools by pay certificates issued by him
203 against the legal and proper fund without allowance of a specific
204 claim therefor as provided in this section, provided that the
205 payment thereof is otherwise in conformity with law.

206 **SECTION 4.** Section 43-21-321, Mississippi Code of 1972, is
207 amended as follows:

208 43-21-321. (1) All juveniles shall undergo a health
209 screening within one (1) hour of admission to any juvenile
210 detention center, or as soon thereafter as reasonably possible.
211 Information obtained during the screening shall include, but shall
212 not be limited to, the juvenile's:

- 213 (a) Mental health;
- 214 (b) Suicide risk;
- 215 (c) Alcohol and other drug use and abuse;
- 216 (d) Physical health;
- 217 (e) Aggressive behavior;
- 218 (f) Family relations;
- 219 (g) Peer relations;
- 220 (h) Social skills;
- 221 (i) Educational status; and
- 222 (j) Vocational status.

223 (2) If the screening instrument indicates that a juvenile is
224 in need of emergency medical care or mental health intervention
225 services, the detention staff shall refer those juveniles to the
226 proper health care facility or mental health service provider for
227 further evaluation, as soon as reasonably possible.

228 (3) All juveniles shall receive a thorough orientation to
229 the center's procedures, rules, programs and services. The intake
230 process shall operate twenty-four (24) hours per day.

231 (4) The directors of all of the juvenile detention centers
232 shall amend or develop written procedures for admission of
233 juveniles who are new to the system. These shall include, but are
234 not limited to, the following:

235 (a) Determine that the juvenile is legally committed to
236 the facility;

237 (b) Make a complete search of the juvenile and his
238 possessions;

239 (c) Dispose of personal property;

240 (d) Require shower and hair care, if necessary;

241 (e) Issue clean, laundered clothing, as needed;

242 (f) Issue personal hygiene articles;

243 (g) Perform medical, dental and mental health
244 screening;

245 (h) Assign a housing unit for the juvenile;

246 (i) Record basic personal data and information to be
247 used for mail and visiting lists;

248 (j) Assist juveniles in notifying their families of
249 their admission and procedures for mail and visiting;

250 (k) Assign a registered number to the juvenile; and

251 (l) Provide written orientation materials to the
252 juvenile.

253 (5) All juvenile detention centers shall provide or make
254 available the following minimum services and programs:

255 (a) An educational program;

256 (b) A visitation program with parents and guardians;

257 (c) Private communications with visitors and staff;

258 (d) Counseling;

259 (e) Continuous supervision of living units;

260 (f) Medical service;

261 (g) Food service;

262 (h) Recreation and exercise program; and

263 (i) Reading materials.

264 (6) Programs and services shall be initiated for all
265 juveniles once they have completed the admissions process.

266 (7) Programs and professional services may be provided by
267 the detention staff, youth court staff or the staff of the local
268 or state agencies, or those programs and professional services may
269 be provided through contractual arrangements with community
270 agencies.

271 (8) Persons providing the services required in this section
272 must be qualified or trained in their respective fields.

273 (9) All directors of juvenile detention centers shall amend
274 or develop written procedures to fit the programs and services
275 described in this section.

276 (10) All juvenile detention centers shall have at least one
277 (1) teacher who holds a professional teaching certificate issued
278 by the State Board of Education in accordance with Section 37-9-1
279 et seq. and whose salaries shall be paid for as described in
280 Section 1 of House Bill No. _____, 2004 Regular Session.

281 **SECTION 5.** This act shall take effect and be in force from
282 and after July 1, 2004.