

By: Representative Brown

To: Education

## HOUSE BILL NO. 1308

1 AN ACT TO AMEND SECTION 43-21-321, MISSISSIPPI CODE OF 1972,  
2 TO REQUIRE THE STATE DEPARTMENT OF EDUCATION TO COLLABORATE WITH  
3 OTHER STATE AND LOCAL AGENCIES, LOCAL SCHOOL DISTRICTS AND  
4 JUVENILE DETENTION CENTERS TO ENSURE THAT STUDENTS IN SUCH CENTERS  
5 ARE PROVIDED EDUCATIONAL SERVICES; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 43-21-321, Mississippi Code of 1972, is  
8 amended as follows:

9 43-21-321. (1) All juveniles shall undergo a health  
10 screening within one (1) hour of admission to any juvenile  
11 detention center, or as soon thereafter as reasonably possible.  
12 Information obtained during the screening shall include, but shall  
13 not be limited to, the juvenile's:

- 14 (a) Mental health;
- 15 (b) Suicide risk;
- 16 (c) Alcohol and other drug use and abuse;
- 17 (d) Physical health;
- 18 (e) Aggressive behavior;
- 19 (f) Family relations;
- 20 (g) Peer relations;
- 21 (h) Social skills;
- 22 (i) Educational status; and
- 23 (j) Vocational status.

24 (2) If the screening instrument indicates that a juvenile is  
25 in need of emergency medical care or mental health intervention  
26 services, the detention staff shall refer those juveniles to the  
27 proper health care facility or community mental health service  
28 provider for further evaluation, as soon as reasonably possible.

29 If the screening instrument, such as the Massachusetts Youth  
30 Screening Instrument version 2 (MAYSI-2) or other comparable  
31 mental health screening instrument, indicates that the juvenile is  
32 in need of emergency medical care or mental health intervention  
33 services, the detention staff shall refer the juvenile to the  
34 proper health care facility or community mental health service  
35 provider for further evaluation, recommendation and referral for  
36 treatment, if necessary, within forty-eight (48) hours, excluding  
37 Saturdays, Sundays and statutory state holidays.

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

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

45 (a) Determine that the juvenile is legally committed to  
46 the facility;

47 (b) Make a complete search of the juvenile and his  
48 possessions;

49 (c) Dispose of personal property;

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

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

52 (f) Issue personal hygiene articles;

53 (g) Perform medical, dental and mental health  
54 screening;

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

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

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

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

61           (1) Provide written orientation materials to the  
62 juvenile.

63           (5) All juvenile detention centers shall adhere to the  
64 following minimum standards:

65           (a) Each center shall have a manual that states the  
66 policies and procedures for operating and maintaining the  
67 facility, and the manual shall be reviewed annually and revised as  
68 needed;

69           (b) Each center shall have a policy that specifies  
70 support for a drug-free workplace for all employees, and the  
71 policy shall, at a minimum, include the following:

72                   (i) The prohibition of the use of illegal drugs;

73                   (ii) The prohibition of the possession of any  
74 illegal drugs except in the performance of official duties;

75                   (iii) The procedure used to ensure compliance with  
76 a drug-free workplace policy;

77                   (iv) The opportunities available for the treatment  
78 and counseling for drug abuse; and

79                   (v) The penalties for violation of the drug-free  
80 workplace policy;

81           (c) Each center shall have a policy, procedure and  
82 practice that ensures that personnel files and records are  
83 current, accurate and confidential;

84           (d) Each center shall promote the safety and protection  
85 of juvenile detainees from personal abuse, corporal punishment,  
86 personal injury, disease, property damage and harassment;

87           (e) Each center shall have written policies that allow  
88 for mail and telephone rights for juvenile detainees, and the  
89 policies are to be made available to all staff and reviewed  
90 annually;

91           (f) Center food service personnel shall implement  
92 sanitation practices based on State Department of Health food  
93 codes;

94 (g) Each center shall provide juveniles with meals that  
95 are nutritionally adequate and properly prepared, stored and  
96 served according to the State Department of Health food codes;

97 (h) Each center shall offer special diet food plans to  
98 juveniles under the following conditions:

99 (i) When prescribed by appropriate medical or  
100 dental staff; or

101 (ii) As directed or approved by a registered  
102 dietitian or physician; and

103 (iii) As a complete meal service and not as a  
104 supplement to or choice between dietary meals and regular meals;

105 (i) Each center shall serve religious diets when  
106 approved and petitioned in writing by a religious professional on  
107 behalf of a juvenile and approved by the juvenile detention center  
108 director;

109 (j) Juvenile detention center directors shall provide a  
110 written method of ensuring regular monitoring of daily  
111 housekeeping, pest control and sanitation practices, and centers  
112 shall comply with all federal, state and local sanitation and  
113 health codes;

114 (k) Juvenile detention center staff shall screen  
115 detainees for medical, dental and mental health needs during the  
116 intake process. If medical, dental or mental health assistance is  
117 indicated by the screening, or if the intake officer deems it  
118 necessary, the detainee shall be provided access to appropriate  
119 health care professionals for evaluation and treatment. Youth who  
120 are held less than seventy-two (72) hours shall receive treatment  
121 for emergency medical, dental or mental health assistance or  
122 chronic conditions if a screening indicates such treatment is  
123 needed. A medical history of all detainees shall be completed by  
124 the intake staff of the detention center immediately after arrival  
125 at the facility by using a medical history form which shall  
126 include, but not be limited to, the following:

127 (i) Any medical, dental and mental health  
128 treatments and medications the juvenile is taking;

129 (ii) Any chronic health problems such as  
130 allergies, seizures, diabetes, hearing or sight loss, hearing  
131 conditions or any other health problems; and

132 (iii) Documentation of all medications  
133 administered and all health care services rendered;

134 (l) Juvenile detention center detainees shall be  
135 provided access to medical care and treatment while in custody of  
136 the facility;

137 (m) Each center shall provide reasonable access by  
138 youth services or county counselors for counseling opportunities.  
139 The youth service or county counselor shall visit with detainees  
140 on a regular basis;

141 (n) Juvenile detention center detainees shall be  
142 referred to other counseling services when necessary including:  
143 mental health services; crisis intervention; referrals for  
144 treatment of drugs and alcohol and special offender treatment  
145 groups;

146 (o) Local school districts shall work collaboratively  
147 with juvenile detention center staff to provide special education  
148 services as required by state and federal law;

149 (p) Recreational services shall be made available to  
150 juvenile detainees for purpose of physical exercise;

151 (q) Juvenile detention center detainees shall have the  
152 opportunity to participate in the practices of their religious  
153 faith as long as such practices do not violate facility rules and  
154 are approved by the director of the juvenile detention center;

155 (r) Each center shall provide sufficient space for a  
156 visiting room, and the facility shall encourage juveniles to  
157 maintain ties with families through visitation, and the detainees  
158 shall be allowed the opportunity to visit with the social workers,  
159 counselors and lawyers involved in the juvenile's care;

160           (s) Juvenile detention centers shall ensure that staffs  
161 create transition planning for youth leaving the facilities.  
162 Plans shall include providing the youth and his or her parents or  
163 guardian with copies of the youth's detention center education and  
164 health records, information regarding the youth's home community,  
165 referrals to mental and counseling services when appropriate, and  
166 providing assistance in making initial appointments with community  
167 service providers; and

168           (t) The Juvenile Detention Facilities Monitoring Unit  
169 shall monitor the detention facilities for compliance with these  
170 minimum standards, and no child shall be housed in a detention  
171 facility the monitoring unit determines is substantially out of  
172 compliance with the standards prescribed in this subsection.

173           (6) The State Department of Education will collaborate with  
174 the appropriate state and local agencies, juvenile detention  
175 centers and local school districts to ensure the provision of  
176 educational services to every student placed in a juvenile  
177 detention center. The educational services may include, but are  
178 not necessarily limited to: assessment and math and reading  
179 instruction; character education; and behavioral counseling. Each  
180 year, the State Department of Education shall work with the  
181 appropriate state and local agencies, juvenile detention centers  
182 and local school districts to determine the proposed costs for  
183 educational services to youth placed in juvenile detention  
184 centers, and the department shall request sufficient funding for  
185 those services. The Legislature shall appropriate funds for the  
186 provision of these services.

187           (7) Programs and services shall be initiated for all  
188 juveniles once they have completed the admissions process.

189           (8) Programs and professional services may be provided by  
190 the detention staff, youth court staff or the staff of the local  
191 or state agencies, or those programs and professional services may

192 be provided through contractual arrangements with community  
193 agencies.

194 (9) Persons providing the services required in this section  
195 must be qualified or trained in their respective fields.

196 (10) All directors of juvenile detention centers shall amend  
197 or develop written procedures to fit the programs and services  
198 described in this section.

199 **SECTION 2.** This act shall take effect and be in force from  
200 and after July 1, 2007.