

By: Senator(s) Dearing

To: Education;  
Appropriations

SENATE BILL NO. 2819

1 AN ACT TO AMEND SECTIONS 43-21-321 AND 43-21-605, MISSISSIPPI  
2 CODE OF 1972, TO REQUIRE NOTIFICATION TO THE SCHOOL DISTRICT OF A  
3 STUDENT'S INCARCERATION IN A JUVENILE DETENTION FACILITY AND TO  
4 SET STANDARDS FOR EDUCATIONAL SERVICES PROVIDED TO DETAINED  
5 STUDENTS IN THESE FACILITIES; TO AMEND SECTION 37-13-80,  
6 MISSISSIPPI CODE OF 1972, TO REQUIRE THE OFFICE OF DROPOUT  
7 PREVENTION TO DEVELOP A CHECKLIST AND MONITOR DATA COLLECTION  
8 CONCERNING THE TRACKING OF STUDENTS WHO ENTER AND LEAVE DETENTION  
9 CENTERS IN ORDER TO GATHER ACCURATE DATA ON YOUTH IN JUVENILE  
10 DETENTION CENTERS TO PROPERLY TRACK STUDENTS AND MONITOR THE  
11 EFFECTIVENESS OF THE PROGRAMS AND SERVICES OFFERED AT THE CENTERS;  
12 TO AMEND SECTION 43-27-109, MISSISSIPPI CODE OF 1972, TO REQUIRE  
13 THE EMPLOYMENT OF FULL-TIME BEHAVIORAL SPECIALISTS AND ASSISTANT  
14 TEACHERS AT EACH OF THE 17 DETENTION CENTERS; TO AUTHORIZE A  
15 REQUEST FOR PROPOSALS TO SECURE NECESSARY TECHNOLOGY TO IMPLEMENT  
16 THE PURPOSES OF THIS ACT; AND FOR RELATED PURPOSES.

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

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

20 43-21-321. (1) All juveniles shall undergo a health  
21 screening within one (1) hour of admission to any juvenile  
22 detention center, or as soon thereafter as reasonably possible.

23 Information obtained during the screening shall include, but shall  
24 not be limited to, the juvenile's:

- 25 (a) Mental health;
- 26 (b) Suicide risk;
- 27 (c) Alcohol and other drug use and abuse;
- 28 (d) Physical health;
- 29 (e) Aggressive behavior;
- 30 (f) Family relations;
- 31 (g) Peer relations;
- 32 (h) Social skills;
- 33 (i) Educational status; and
- 34 (j) Vocational status.

35           (2) If the screening instrument indicates that a juvenile is  
36 in need of emergency medical care or mental health intervention  
37 services, the detention staff shall refer those juveniles to the  
38 proper health care facility or community mental health service  
39 provider for further evaluation, as soon as reasonably possible.  
40 If the screening instrument, such as the Massachusetts Youth  
41 Screening Instrument version 2 (MAYSI-2) or other comparable  
42 mental health screening instrument indicates that the juvenile is  
43 in need of emergency medical care or mental health intervention  
44 services, the detention staff shall refer the juvenile to the  
45 proper health care facility or community mental health service  
46 provider for further evaluation, recommendation and referral for  
47 treatment, if necessary, within forty-eight (48) hours, excluding  
48 Saturdays, Sundays and statutory state holidays.

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

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

56                   (a) Determine that the juvenile is legally committed to  
57 the facility;

58                   (b) Make a complete search of the juvenile and his  
59 possessions;

60                   (c) Dispose of personal property;

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

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

63                   (f) Issue personal hygiene articles;

64                   (g) Perform medical, dental and mental health  
65 screening;

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

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

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

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

72 (l) Provide written orientation materials to the  
73 juvenile.

74 (5) Upon a student's incarceration in a juvenile detention  
75 center, the detention center shall notify school district  
76 officials on the first school day following the student's  
77 placement in the facility.

78 (6) All juvenile detention centers shall adhere to the  
79 following minimum standards:

80 (a) Each center shall have a manual that states the  
81 policies and procedures for operating and maintaining the  
82 facility, and the manual shall be reviewed annually and revised as  
83 needed;

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

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

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

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

92 (iv) The opportunities available for the treatment  
93 and counseling for drug abuse; and

94 (v) The penalties for violation of the drug-free  
95 workplace policy;

96 (c) Each center shall have a policy, procedure and  
97 practice that ensures that personnel files and records are  
98 current, accurate and confidential;

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

102 (e) Each center shall have written policies that allow  
103 for mail and telephone rights for juvenile detainees, and the  
104 policies are to be made available to all staff and reviewed  
105 annually;

106 (f) Center food service personnel shall implement  
107 sanitation practices based on State Department of Health food  
108 codes;

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

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

114 (i) When prescribed by appropriate medical or  
115 dental staff; or

116 (ii) As directed or approved by a registered  
117 dietitian or physician; and

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

120 (i) Each center shall serve religious diets when  
121 approved and petitioned in writing by a religious professional on  
122 behalf of a juvenile and approved by the juvenile detention center  
123 director;

124 (j) Juvenile detention center directors shall provide a  
125 written method of ensuring regular monitoring of daily  
126 housekeeping, pest control and sanitation practices, and centers  
127 shall comply with all federal, state and local sanitation and  
128 health codes;

129 (k) Juvenile detention center staff shall screen  
130 detainees for medical, dental and mental health needs during the  
131 intake process. If medical, dental or mental health assistance is

132 indicated by the screening, or if the intake officer deems it  
133 necessary, the detainee shall be provided access to appropriate  
134 health care professionals for evaluation and treatment. Youth who  
135 are held less than seventy-two (72) hours shall receive treatment  
136 for emergency medical, dental or mental health assistance or  
137 chronic conditions if a screening indicates such treatment is  
138 needed. A medical history of all detainees shall be completed by  
139 the intake staff of the detention center immediately after arrival  
140 at the facility by using a medical history form which shall  
141 include, but not be limited to, the following:

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

144 (ii) Any chronic health problems such as  
145 allergies, seizures, diabetes, hearing or sight loss, hearing  
146 conditions or any other health problems; and

147 (iii) Documentation of all medications  
148 administered and all health care services rendered;

149 (l) Juvenile detention center detainees shall be  
150 provided access to medical care and treatment while in custody of  
151 the facility;

152 (m) Each center shall provide reasonable access by  
153 youth services or county counselors for counseling opportunities.  
154 The youth service or county counselor shall visit with detainees  
155 on a regular basis;

156 (n) Juvenile detention center detainees shall be  
157 referred to other counseling services when necessary including:  
158 mental health services; crisis intervention; referrals for  
159 treatment of drugs and alcohol and special offender treatment  
160 groups;

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

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

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

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

175 (s) Juvenile detention centers shall ensure that staffs  
176 create transition planning for youth leaving the facilities.  
177 Plans shall include providing the youth and his or her parents or  
178 guardian with copies of the youth's detention center education and  
179 health records, information regarding the youth's home community,  
180 referrals to mental and counseling services when appropriate, and  
181 providing assistance in making initial appointments with community  
182 service providers; the transition team will work together to help  
183 the detainee successfully transition back into the school district  
184 once released from detention; and

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

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

192 (8) (a) Programs and professional services may be provided  
193 by the detention staff, youth court staff or the staff of the  
194 local or state agencies, or those programs and professional  
195 services may be provided through contractual arrangements with  
196 community agencies.

197           (b) School districts will contract with the appropriate  
198 juvenile detention centers to ensure educational services are  
199 provided to detainees.

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

202           (10) (a) During the first ten (10) days of incarceration,  
203 the detainee shall receive the following services:

204                   (i) Computer-based diagnostic assessment of  
205 grade-level mastery of reading and math skills;

206                   (ii) Behavior modification counseling;

207                   (iii) Individualized computer-based instruction to  
208 address any weaknesses identified in the assessment conducted  
209 under subparagraph (i); and

210                   (iv) Computer-based character education to improve  
211 behavior.

212           (b) After the first ten (10) days of incarceration, the  
213 detainee shall begin a transition program.

214                   (i) A transition team consisting of a school  
215 district representative, school attendance officer, youth court  
216 judge, behavior specialist and the detainee's parent or guardian  
217 will develop an individualized transition plan for the detainee;

218                   (ii) The school district shall be responsible for  
219 providing the necessary instructional program for the student to  
220 coincide with the district's curriculum; and

221                   (iii) The detainee shall continue to receive  
222 behavioral modification counseling.

223           (11) Each juvenile detention center shall have at least one  
224 (1) computer for every five (5) detainees to provide each student  
225 receiving educational services with the necessary access to a  
226 computer.

227           (12) All directors of juvenile detention centers shall amend  
228 or develop written procedures to fit the programs and services  
229 described in this section.

230           **SECTION 2.** Section 43-21-605, Mississippi Code of 1972, is  
231 amended as follows:

232           43-21-605. (1) In delinquency cases, the disposition order  
233 may include any of the following alternatives:

234                   (a) Release the child without further action;

235                   (b) Place the child in the custody of the parents, a  
236 relative or other persons subject to any conditions and  
237 limitations, including restitution, as the youth court may  
238 prescribe;

239                   (c) Place the child on probation subject to any  
240 reasonable and appropriate conditions and limitations, including  
241 restitution, as the youth court may prescribe;

242                   (d) Order terms of treatment calculated to assist the  
243 child and the child's parents or guardian which are within the  
244 ability of the parent or guardian to perform;

245                   (e) Order terms of supervision which may include  
246 participation in a constructive program of service or education or  
247 civil fines not in excess of Five Hundred Dollars (\$500.00), or  
248 restitution not in excess of actual damages caused by the child to  
249 be paid out of his own assets or by performance of services  
250 acceptable to the victims and approved by the youth court and  
251 reasonably capable of performance within one (1) year;

252                   (f) Suspend the child's driver's license by taking and  
253 keeping it in custody of the court for not more than one (1) year;

254                   (g) Give legal custody of the child to any of the  
255 following:

256                           (i) The Department of Human Services for  
257 appropriate placement; or

258                           (ii) Any public or private organization,  
259 preferably community-based, able to assume the education, care and  
260 maintenance of the child, which has been found suitable by the  
261 court; or



262 (iii) The Department of Human Services for  
263 placement in a wilderness training program or the Division of  
264 Youth Services for placement in a state-supported training school,  
265 except that no child under the age of ten (10) years shall be  
266 committed to a state training school, and no first-time nonviolent  
267 youth offenders shall be committed to a state training school  
268 until all other options provided for in this section have been  
269 considered and the court makes a specific finding of fact that  
270 commitment is appropriate.

271 The training school may retain custody of the child until the  
272 child's twentieth birthday but for no longer. When the child is  
273 committed to a training school, the child shall remain in the  
274 legal custody of the training school until the child has made  
275 sufficient progress in treatment and rehabilitation and it is in  
276 the best interest of the child to release the child. However, the  
277 superintendent of a state training school, in consultation with  
278 the treatment team, may parole a child at any time he may deem it  
279 in the best interest and welfare of such child. Twenty (20) days  
280 prior to such parole, the training school shall notify the  
281 committing court of the pending release. The youth court may then  
282 arrange subsequent placement after a reconvened disposition  
283 hearing, except that the youth court may not recommit the child to  
284 the training school or any other secure facility without an  
285 adjudication of a new offense or probation or parole violation.  
286 The Department of Human Services shall ensure that staffs create  
287 transition planning for youth leaving the facilities. Plans shall  
288 include providing the youth and his or her parents or guardian  
289 with copies of the youth's training school education and health  
290 records, information regarding the youth's home community,  
291 referrals to mental and counseling services when appropriate, and  
292 providing assistance in making initial appointments with community  
293 service providers. Prior to assigning the custody of any child to  
294 any private institution or agency, the youth court through its

295 designee shall first inspect the physical facilities to determine  
296 that they provide a reasonable standard of health and safety for  
297 the child. No child shall be placed in the custody of a state  
298 training school for a status offense or for contempt of or  
299 revocation of a status offense adjudication unless the child is  
300 contemporaneously adjudicated for having committed an act of  
301 delinquency that is not a status offense. A disposition order  
302 rendered under this subparagraph shall meet the following  
303 requirements:

304                   1. The disposition is the least restrictive  
305 alternative appropriate to the best interest of the child and the  
306 community;

307                   2. The disposition allows the child to be in  
308 reasonable proximity to the family home community of each child  
309 given the dispositional alternatives available and the best  
310 interest of the child and the state; and

311                   3. The disposition order provides that the  
312 court has considered the medical, educational, vocational, social  
313 and psychological guidance, training, social education,  
314 counseling, substance abuse treatment and other rehabilitative  
315 services required by that child as determined by the court;

316                   (h) Recommend to the child and the child's parents or  
317 guardian that the child attend and participate in the Youth  
318 Challenge Program under the Mississippi National Guard, as created  
319 in Section 43-27-203, subject to the selection of the child for  
320 the program by the National Guard; however, the child must  
321 volunteer to participate in the program. The youth court shall  
322 not order any child to apply or attend the program;

323                   (i) (i) Adjudicate the juvenile to the Statewide  
324 Juvenile Work Program if the program is established in the court's  
325 jurisdiction. The juvenile and his parents or guardians must sign  
326 a waiver of liability in order to participate in the work program.

327 The judge will coordinate with the youth services counselors as to  
328 placing participants in the work program;

329 (ii) The severity of the crime, whether or not the  
330 juvenile is a repeat offender or is a felony offender will be  
331 taken into consideration by the judge when adjudicating a juvenile  
332 to the work program. The juveniles adjudicated to the work  
333 program will be supervised by police officers or reserve officers.  
334 The term of service will be from twenty-four (24) to one hundred  
335 twenty (120) hours of community service. A juvenile will work the  
336 hours to which he was adjudicated on the weekends during school  
337 and weekdays during the summer. Parents are responsible for a  
338 juvenile reporting for work. Noncompliance with an order to  
339 perform community service will result in a heavier adjudication.  
340 A juvenile may be adjudicated to the community service program  
341 only two (2) times;

342 (iii) The judge shall assess an additional fine on  
343 the juvenile which will be used to pay the costs of implementation  
344 of the program and to pay for supervision by police officers and  
345 reserve officers. The amount of the fine will be based on the  
346 number of hours to which the juvenile has been adjudicated;

347 (j) Order the child to participate in a youth court  
348 work program as provided in Section 43-21-627;

349 (k) Order the child into a juvenile detention center  
350 operated by the county or into a juvenile detention center  
351 operated by any county with which the county in which the court is  
352 located has entered into a contract for the purpose of housing  
353 delinquents. The time period for detention cannot exceed ninety  
354 (90) days, and any detention exceeding forty-five (45) days shall  
355 be administratively reviewed by the youth court no later than  
356 forty-five (45) days after the entry of the order. The youth  
357 court judge may order that the number of days specified in the  
358 detention order be served either throughout the week or on  
359 weekends only. No first-time nonviolent youth offender shall be

360 committed to a detention center for a period of ninety (90) days  
361 until all other options provided for in this section have been  
362 considered and the court makes a specific finding of fact that  
363 commitment to a detention center is appropriate. However, if a  
364 child is committed to a detention center ninety (90) consecutive  
365 days, the disposition order shall meet the following requirements:

366 (i) The disposition order is the least restrictive  
367 alternative appropriate to the best interest of the child and the  
368 community;

369 (ii) The disposition order allows the child to be  
370 in reasonable proximity to the family home community of each child  
371 given the dispositional alternatives available and the best  
372 interest of the child and the state; and

373 (iii) The disposition order provides that the  
374 court has considered the medical, educational, vocational, social  
375 and psychological guidance, training, social education,  
376 counseling, substance abuse treatment and other rehabilitative  
377 services required by that child as determined by the court; or

378 (1) Referral to A-team provided system of care  
379 services.

380 (2) If a disposition order requires that a child miss school  
381 due to other placement, the youth court shall notify a child's  
382 school while maintaining the confidentiality of the youth court  
383 process. If a disposition order requires placement of a child in  
384 a juvenile detention facility, the facility shall comply with the  
385 educational services requirements of Section 43-21-321.

386 (3) In addition to any of the disposition alternatives  
387 authorized under subsection (1) of this section, the disposition  
388 order in any case in which the child is adjudicated delinquent for  
389 an offense under Section 63-11-30 shall include an order denying  
390 the driver's license and driving privileges of the child as  
391 required under Section 63-11-30(9).

392 (4) If the youth court places a child in a state-supported  
393 training school, the court may order the parents or guardians of  
394 the child and other persons living in the child's household to  
395 receive counseling and parenting classes for rehabilitative  
396 purposes while the child is in the legal custody of the training  
397 school. A youth court entering an order under this subsection (4)  
398 shall utilize appropriate services offered either at no cost or  
399 for a fee calculated on a sliding scale according to income unless  
400 the person ordered to participate elects to receive other  
401 counseling and classes acceptable to the court at the person's  
402 sole expense.

403 (5) Fines levied under this chapter shall be paid into the  
404 general fund of the county but, in those counties wherein the  
405 youth court is a branch of the municipal government, it shall be  
406 paid into the municipal treasury.

407 (6) Any institution or agency to which a child has been  
408 committed shall give to the youth court any information concerning  
409 the child as the youth court may at any time require.

410 (7) The youth court shall not place a child in another  
411 school district who has been expelled from a school district for  
412 the commission of a violent act. For the purpose of this  
413 subsection, "violent act" means any action which results in death  
414 or physical harm to another or an attempt to cause death or  
415 physical harm to another.

416 (8) The youth court may require drug testing as part of a  
417 disposition order. If a child tests positive, the court may  
418 require treatment, counseling and random testing, as it deems  
419 appropriate. The costs of such tests shall be paid by the parent,  
420 guardian or custodian of the child unless the court specifically  
421 finds that the parent, guardian or custodian is unable to pay.

422 (9) The Mississippi Department of Human Services, Division  
423 of Youth Services, shall operate and maintain services for youth  
424 adjudicated delinquent at Columbia and Oakley Training Schools.

425 The program shall be designed for children committed to the  
426 training schools by the youth courts. The purpose of the program  
427 is to promote good citizenship, self-reliance, leadership and  
428 respect for constituted authority, teamwork, cognitive abilities  
429 and appreciation of our national heritage. The Division of Youth  
430 Services shall issue credit towards academic promotions and high  
431 school completion. The Division of Youth Services may award  
432 credits to each student who meets the requirements for a general  
433 education development certification. The Division of Youth  
434 Services must also provide to each special education eligible  
435 youth the services required by that youth's individualized  
436 education plan.

437 \* \* \*

438 **SECTION 3.** Section 37-13-80, Mississippi Code of 1972, is  
439 amended as follows:

440 37-13-80. (1) There is created the Office of Dropout  
441 Prevention within the State Department of Education. The office  
442 shall be responsible for the administration of a statewide dropout  
443 prevention program and the Office of Compulsory School Attendance  
444 Enforcement.

445 (2) The State Superintendent of Public Education shall  
446 appoint a director for the Office of Dropout Prevention, who shall  
447 meet all qualifications established by the State Superintendent of  
448 Public Education and the State Personnel Board. The director  
449 shall be responsible for the proper administration of the Office  
450 of Dropout Prevention and any other regulations or policies that  
451 may be adopted by the State Board of Education. The director  
452 shall report to the Legislature on the activities and programs of  
453 the office by January 1 of each year beginning in 2009.

454 (3) Each school district shall implement a dropout  
455 prevention program approved by the Office of Dropout Prevention of  
456 the State Department of Education by the 2008-2009 school year.

457           (4) (a) School attendance officers, working with school  
458 district officials, shall gather accurate data on youth in  
459 juvenile detention centers to properly track students and monitor  
460 the effectiveness of the programs and services offered at centers.

461           (b) The state office of dropout prevention shall  
462 develop a checklist so that data collection will maintain  
463 consistency and provide useful information. The Department of  
464 Education will initiate the tracking of students who enter and  
465 leave detention centers through its statewide data collection  
466 system, known as the Mississippi Student Information System.

467           (5) School districts will build into their dropout  
468 prevention plans how to provide required educational services to  
469 students who stay in centers longer than ten (10) days; transition  
470 plans must meet accreditation standards and will follow the  
471 student.

472           (6) It is the intent of the Legislature that, through the  
473 statewide dropout prevention program and the dropout prevention  
474 programs implemented by each school district, the graduation rate  
475 for cohort classes will be increased to not less than eighty-five  
476 percent (85%) by the 2018-2019 school year. The Office of Dropout  
477 Prevention shall establish graduation rate benchmarks for each  
478 two-year period from the 2008-2009 school year through the  
479 2018-2019 school year, which shall serve as guidelines for  
480 increasing the graduation rate for cohort classes on a systematic  
481 basis to eighty-five percent (85%) by the 2018-2019 school year.

482           **SECTION 4.** Section 43-27-109, Mississippi Code of 1972, is  
483 amended as follows:

484           43-27-109. (1) The Department of Human Services may employ  
485 a sufficient number of new family protection specialists, youth  
486 counselors and clerical staff to reduce the caseload sizes for  
487 social workers and youth counselors of the department and to  
488 reduce the workload on clerical staff, if funds are appropriated  
489 to the department for that purpose.

490       (2) The Department of Education will develop the  
491 qualifications for a full-time behavioral specialist and a  
492 full-time assistant teacher and provide funding to the school  
493 districts, which will then contract with the appropriate juvenile  
494 detention centers to ensure the services are provided by qualified  
495 personnel.

496       **SECTION 5.** The Department of Education will work with the  
497 Department of Information and Technology Services to develop a  
498 Request for Proposal Package for the selection of hardware and  
499 software which will offer statewide consistency in computerized  
500 assessment of student academic skills and to develop an  
501 individualized plan in reading and mathematics instruction for  
502 each student placed in a juvenile detention center. The  
503 Department of Education shall monitor school districts and their  
504 implementation of the entire process of serving youth in detention  
505 centers.

506       **SECTION 6.** This act shall take effect and be in force from  
507 and after July 1, 2007.