

By: Senator(s) Tollison, Jackson (11th)

To: Education;  
Appropriations

SENATE BILL NO. 2449  
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 43-21-321, MISSISSIPPI CODE OF 1972,  
2 TO DEFINE THE RESPONSIBILITY OF THE HOME SCHOOL DISTRICT AND THE  
3 SPONSORING SCHOOL DISTRICT TO PROVIDE EDUCATION FOR STUDENTS IN  
4 JUVENILE DETENTION FACILITIES, TO REQUIRE LOCAL SCHOOL DISTRICTS  
5 TO PROVIDE RELEVANT RECORDS OF DETAINED STUDENTS IN ACCORDANCE  
6 WITH STATE BOARD OF EDUCATION POLICY, TO PROVIDE FOR A REQUIRED  
7 SUMMER COURSE FOR SUCH STUDENTS FOCUSING ON MATHEMATICS AND  
8 LANGUAGE ARTS AND TO AUTHORIZE THE STATE DEPARTMENT OF EDUCATION  
9 TO PROMULGATE RULES AND REGULATIONS RELATED TO THE EDUCATION OF  
10 CHILDREN HOUSED IN A JUVENILE DETENTION FACILITY; AND FOR RELATED  
11 PURPOSES.

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

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

15 43-21-321. (1) All juvenile detention centers shall develop  
16 and implement policies and procedures that comply with the  
17 regulations promulgated by the Juvenile Facilities Monitoring  
18 Unit.

19 (2) If a student's detention will cause the student to miss  
20 one or more days of school during the academic school year or  
21 special education services when required by state and federal law  
22 or when designated on a student's Individualized Education Program



23 (IEP), the detention center staff shall notify school district  
24 officials where the detainee last attended school by the first  
25 school day following the student's placement in the facility.  
26 Detention center staff shall not disclose youth court records to  
27 the school district, except as provided by Section 43-21-261.

28 (3) All juvenile detention centers shall adhere to the  
29 following minimum standards:

30 (a) Each center shall have a manual that states the  
31 policies and procedures for operating and maintaining the  
32 facility, and the manual shall be reviewed annually and revised as  
33 needed;

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

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

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

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

42 (iv) The opportunities available for the treatment  
43 and counseling for drug abuse; and

44 (v) The penalties for violation of the drug-free  
45 workplace policy; and



46 (c) Each center shall have a policy, procedure and  
47 practice that ensures that personnel files and records are  
48 current, accurate and confidential.

49 (4) Local school districts shall work collaboratively with  
50 juvenile detention center staff to provide special education  
51 services as required by state and federal law. Upon the written  
52 request of the youth court judge for the county in which the  
53 detention center is located, a local school district in the county  
54 in which the detention center is located, or a private provider  
55 agreed upon by the youth court judge and sponsoring school  
56 district, shall provide a certified teacher to provide educational  
57 services to detainees. The youth court judge shall designate the  
58 school district which shall be defined as the sponsoring school  
59 district. The local home school district shall be defined as the  
60 school district where the detainee \* \* \* was last enrolled.  
61 Detainees who have received a High School Equivalency diploma  
62 shall be provided remedial instruction in math and language arts,  
63 or other areas as determined by the sponsoring school district,  
64 which may be computer-based instruction, as well as career  
65 counseling opportunities. Teacher selection shall be in  
66 consultation with the youth court judge. The Legislature shall  
67 annually appropriate sufficient funds for the provision of  
68 educational services, as provided under this section, to detainees  
69 in detention centers.



70           (5) To ensure students in youth detention facilities  
71 continue to receive appropriate educational services, local  
72 education agencies (LEAs) must have policies and procedures to  
73 ensure the relevant records of students who move to, and from,  
74 youth detention facilities are sent to and received from the  
75 sponsoring school district as soon as practicable to enable the  
76 effective delivery of educational services.

77           ( \* \* \*6) The sponsoring school district, or a private  
78 provider agreed upon by the youth court judge and sponsoring  
79 school district, shall be responsible for providing the  
80 instructional program and, when required by state and federal law,  
81 special education services, for the detainee while in detention  
82 during the sponsoring school district's academic calendar and a  
83 six-week summer enrichment program, the dates which are determined  
84 by the sponsoring school district. The enrichment program shall  
85 be facilitated by certified or classified district staff and shall  
86 be focused academically on mathematics and English language arts  
87 instruction, and may include other primary core subject areas,  
88 including character education. The six-week enrichment program  
89 shall not set aside any guidelines set forth by the Individuals  
90 with Disabilities Education Act. The summer enrichment program  
91 may be computer-based and have an abbreviated school day that  
92 shall not be less than four (4) hours per day. After forty-eight  
93 (48) hours of detention \* \* \* during the sponsoring school  
94 district's academic calendar and six-week enrichment program, the



95 detainee shall receive the following services which may be  
96 computer-based:

97 (a) Diagnostic assessment of grade-level mastery of  
98 reading and math skills;

99 (b) Individualized instruction and practice to address  
100 any weaknesses identified in the assessment conducted under  
101 paragraph (a) of this subsection if the detainee is in the center  
102 for more than forty-eight (48) hours during the sponsoring school  
103 district's academic calendar and six-week enrichment program; and

104 (c) Character education to improve behavior.

105 ( \* \* \*7) No later than the tenth day of detention during  
106 the sponsoring school district's academic calendar and six-week  
107 enrichment program, the detainee shall begin an extended detention  
108 education program. A team consisting of a certified teacher  
109 provided by the local sponsoring school district or a private  
110 provider agreed upon by the youth court judge and sponsoring  
111 school district, the appropriate official from the local home  
112 school district, and the youth court counselor or representative  
113 will develop an individualized \* \* \* academic program (IAP) for  
114 the detainee, where appropriate as determined by the teacher of  
115 the sponsoring school district, or a private provider agreed upon  
116 by the youth court judge and sponsoring school district. The  
117 detainee's parent or guardian shall participate on the team unless  
118 excused by the youth court judge. Failure of any party to  
119 participate shall not delay implementation of this education



120 program. Any student identified under IDEA will utilize the  
121 student's current IEP in lieu of the IAP.

122 (8) It shall be the responsibility of the student's local  
123 home school district school to ensure that all related services  
124 identified on a student's IEP are provided in accordance with the  
125 student's IEP.

126 (9) It shall be the responsibility of the student's local  
127 home school district to collaborate with the sponsoring school  
128 district to ensure that all students, including students with  
129 disabilities, are appropriately included in general state and  
130 district-wide assessments, including assessments required by the  
131 Elementary and Secondary Education Act of 1965 (ESEA), as amended,  
132 and state law.

133 (10) Teachers in youth detention facilities serving  
134 IDEA-eligible students must be licensed with endorsements required  
135 by state and federal law, and related services personnel and  
136 paraprofessionals must meet state and federal qualifications for  
137 those personnel.

138 ( \* \* \*11) The sponsoring school district, or a private  
139 provider agreed upon by the youth court judge and sponsoring  
140 school district, shall provide the detention center with an  
141 appropriate and adequate computer lab to serve detainees. The  
142 Legislature shall annually appropriate sufficient funds to equip  
143 and maintain the computer labs. The computer lab shall become the



144 property of the detention centers and the sponsoring school  
145 districts shall maintain and update the labs.

146 ( \* \* \*12) The Mississippi Department of Education will  
147 collaborate with the appropriate state and local agencies,  
148 juvenile detention centers and local school districts to ensure  
149 the provision of educational services to every student placed in a  
150 juvenile detention center. The Mississippi Department of  
151 Education has the authority to develop and promulgate policies and  
152 procedures regarding financial reimbursements to the sponsoring  
153 school district from school districts that have students of record  
154 or compulsory-school-age residing in said districts placed in a  
155 youth detention center. Such services may include, but not be  
156 limited to: assessment and math and reading instruction,  
157 character education and behavioral counseling. The Mississippi  
158 Department of Education shall work with the appropriate state and  
159 local agencies, juvenile detention centers and local school  
160 districts to annually determine the proposed costs for educational  
161 services to youth placed in juvenile detention centers and  
162 annually request sufficient funding for such services as  
163 necessary.

164 ( \* \* \*13) Juvenile detention centers shall ensure that  
165 staffs create transition planning for youth leaving the  
166 facilities. This process shall be led by the student's youth  
167 court counselor, and shall include staff from the educational  
168 center. Plans shall include providing the youth and his or her



169 parents or guardian with copies of the youth's detention center  
170 education and health records, information regarding the youth's  
171 home community, referrals to mental and counseling services when  
172 appropriate, and providing assistance in making initial  
173 appointments with community service providers; the transition team  
174 will work together to help the detainee successfully transition  
175 back into the home school district once released from detention.  
176 The transition team will consist of a certified teacher provided  
177 by the local sponsoring school district, or a private provider  
178 agreed upon by the youth court judge and sponsoring school  
179 district, the appropriate official from the local home school  
180 district, the school attendance officer assigned to the local home  
181 school district, and the youth court counselor or representative.  
182 The detainee's parent or guardian shall participate on the team  
183 unless excused by the youth court judge. Failure of any party to  
184 participate shall not delay implementation of this education  
185 program.

186 (14) Student's records, including grades and attendance,  
187 shall be part of the student's transition and submitted to the  
188 receiving school district for review. Grades received from the  
189 Juvenile Detention Center (JDC) education program shall be  
190 incorporated into each student's academic performance grade.

191 ( \* \* \*15) The Mississippi Department of Public Safety  
192 Juvenile Detention Facilities Monitoring Unit shall monitor the  
193 detention facilities for compliance with these minimum standards,





194 and no child shall be housed in a detention facility the  
195 monitoring unit determines is substantially out of compliance with  
196 the standards prescribed in this section. In accordance with  
197 Section 43-21-907(5), Mississippi Code of 1972, the Mississippi  
198 Department of Education has the authority to promulgate rules and  
199 regulations related to the education of all children housed in a  
200 juvenile detention facility, to conduct inspections of the  
201 facility's educational services at least annually or more often as  
202 deemed necessary and shall provide the licensing agency with its  
203 determination of the facility's compliance with the education  
204 provisions. The licensing agency shall use the information in its  
205 determination of the facility's eligibility for licensure. It is  
206 the intention of the Legislature that the implementation of the  
207 provisions of Section 43-21-321 shall not create accountability or  
208 accreditation requirements or standards upon the sponsoring school  
209 district or the home district that are greater, more restrictive  
210 or more demanding than those requirements imposed upon local  
211 school districts in the provision of educational services to the  
212 general population of students.

213       **SECTION 2.** This act shall take effect and be in force from  
214 and after July 1, 2019.

