

House Amendments to Senate Bill No. 2449

TO THE SECRETARY OF THE SENATE:

THIS IS TO INFORM YOU THAT THE HOUSE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

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.

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Andrew Ketchings
Clerk of the House of Representatives