

**Adopted  
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

**Senate Bill No. 2449**

**BY: Committee**

**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. Teacher selection shall  
65 be in consultation with the youth court judge. The Legislature  
66 shall annually appropriate sufficient funds for the provision of  
67 educational services, as provided under this section, to detainees  
68 in detention centers.

69 (5) To ensure students in youth detention facilities  
70 continue to receive appropriate educational services, local



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

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



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

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

103 (c) Character education to improve behavior.

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



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

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

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

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



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

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



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

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

190 ( \* \* \*15) The Mississippi Department of Public Safety  
191 Juvenile Detention Facilities Monitoring Unit shall monitor the  
192 detention facilities for compliance with these minimum standards,  
193 and no child shall be housed in a detention facility the  
194 monitoring unit determines is substantially out of compliance with





195 the standards prescribed in this section. In accordance with  
196 Section 43-21-907(5), Mississippi Code of 1972, the Mississippi  
197 Department of Education has the authority to promulgate rules and  
198 regulations related to the education of all children housed in a  
199 juvenile detention facility, to conduct inspections of the  
200 facility's educational services at least annually or more often as  
201 deemed necessary and shall provide the licensing agency with its  
202 determination of the facility's compliance with the education  
203 provisions. The licensing agency shall use the information in its  
204 determination of the facility's eligibility for licensure. It is  
205 the intention of the Legislature that none of the provisions of  
206 Section 43-21-321 shall create mandates that impose educational  
207 and legal requirements upon the sponsoring school district or the  
208 home district that are greater, more restrictive or more demanding  
209 than those requirements imposed upon local school districts in the  
210 provision of educational services to the general population of  
211 students.

212 **SECTION 2.** This act shall take effect and be in force from  
213 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.

