

By: Representatives Brown, Clarke

To: Education

COMMITTEE SUBSTITUTE
FOR
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 and to provide
149 education services, as defined by the State Board of Education and
150 subject to appropriations, to every student placed in a juvenile
151 detention center;

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

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

158 (r) Each center shall provide sufficient space for a
159 visiting room, and the facility shall encourage juveniles to

160 maintain ties with families through visitation, and the detainees
161 shall be allowed the opportunity to visit with the social workers,
162 counselors and lawyers involved in the juvenile's care;

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

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

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

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

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

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

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

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