

By: Senator(s) Chaney, Albritton, Dearing,
Jackson (11th), Jordan, Thomas, Tollison,
Walls, White

To: Education;
Appropriations

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2818

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 BY LOCAL SCHOOL
5 DISTRICTS TO DETAINED STUDENTS IN THESE FACILITIES; TO AMEND
6 SECTION 37-13-80, MISSISSIPPI CODE OF 1972, TO REQUIRE THE OFFICE
7 OF DROPOUT PREVENTION TO MONITOR DATA COLLECTION CONCERNING THE
8 TRACKING OF STUDENTS IN JUVENILE DETENTION CENTERS; AND FOR
9 RELATED PURPOSES.

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

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

13 43-21-321. (1) All juveniles shall undergo a health
14 screening within one (1) hour of admission to any juvenile
15 detention center, or as soon thereafter as reasonably possible.
16 Information obtained during the screening shall include, but shall
17 not be limited to, the juvenile's:

- 18 (a) Mental health;
- 19 (b) Suicide risk;
- 20 (c) Alcohol and other drug use and abuse;
- 21 (d) Physical health;
- 22 (e) Aggressive behavior;
- 23 (f) Family relations;
- 24 (g) Peer relations;
- 25 (h) Social skills;
- 26 (i) Educational status; and
- 27 (j) Vocational status.

28 (2) If the screening instrument indicates that a juvenile is
29 in need of emergency medical care or mental health intervention
30 services, the detention staff shall refer those juveniles to the

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

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

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

49 (a) Determine that the juvenile is legally committed to
50 the facility;

51 (b) Make a complete search of the juvenile and his
52 possessions;

53 (c) Dispose of personal property;

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

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

56 (f) Issue personal hygiene articles;

57 (g) Perform medical, dental and mental health
58 screening;

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

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

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

64 (k) Assign a registered number to the juvenile; and
65 (l) Provide written orientation materials to the
66 juvenile.

67 (5) Upon a student's incarceration in a juvenile detention
68 center, the detention center shall notify school district
69 officials on the first school day following the student's
70 placement in the facility.

71 (6) All juvenile detention centers shall adhere to the
72 following minimum standards:

73 (a) Each center shall have a manual that states the
74 policies and procedures for operating and maintaining the
75 facility, and the manual shall be reviewed annually and revised as
76 needed;

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

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

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

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

85 (iv) The opportunities available for the treatment
86 and counseling for drug abuse; and

87 (v) The penalties for violation of the drug-free
88 workplace policy;

89 (c) Each center shall have a policy, procedure and
90 practice that ensures that personnel files and records are
91 current, accurate and confidential;

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

95 (e) Each center shall have written policies that allow
96 for mail and telephone rights for juvenile detainees, and the

97 policies are to be made available to all staff and reviewed
98 annually;

99 (f) Center food service personnel shall implement
100 sanitation practices based on State Department of Health food
101 codes;

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

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

107 (i) When prescribed by appropriate medical or
108 dental staff; or

109 (ii) As directed or approved by a registered
110 dietitian or physician; and

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

113 (i) Each center shall serve religious diets when
114 approved and petitioned in writing by a religious professional on
115 behalf of a juvenile and approved by the juvenile detention center
116 director;

117 (j) Juvenile detention center directors shall provide a
118 written method of ensuring regular monitoring of daily
119 housekeeping, pest control and sanitation practices, and centers
120 shall comply with all federal, state and local sanitation and
121 health codes;

122 (k) Juvenile detention center staff shall screen
123 detainees for medical, dental and mental health needs during the
124 intake process. If medical, dental or mental health assistance is
125 indicated by the screening, or if the intake officer deems it
126 necessary, the detainee shall be provided access to appropriate
127 health care professionals for evaluation and treatment. Youth who
128 are held less than seventy-two (72) hours shall receive treatment
129 for emergency medical, dental or mental health assistance or

130 chronic conditions if a screening indicates such treatment is
131 needed. A medical history of all detainees shall be completed by
132 the intake staff of the detention center immediately after arrival
133 at the facility by using a medical history form which shall
134 include, but not be limited to, the following:

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

137 (ii) Any chronic health problems such as
138 allergies, seizures, diabetes, hearing or sight loss, hearing
139 conditions or any other health problems; and

140 (iii) Documentation of all medications
141 administered and all health care services rendered;

142 (l) Juvenile detention center detainees shall be
143 provided access to medical care and treatment while in custody of
144 the facility;

145 (m) Each center shall provide reasonable access by
146 youth services or county counselors for counseling opportunities.
147 The youth service or county counselor shall visit with detainees
148 on a regular basis;

149 (n) Juvenile detention center detainees shall be
150 referred to other counseling services when necessary including:
151 mental health services; crisis intervention; referrals for
152 treatment of drugs and alcohol and special offender treatment
153 groups;

154 (o) Local school districts shall work collaboratively
155 with juvenile detention center staff to provide special education
156 services as required by state and federal law. Upon the written
157 request of the youth court judge, the local school district shall
158 provide a certified teacher to serve on the transition team and
159 provide educational services to detainees. Such teachers shall be
160 paid from local district maintenance funds or from adequate
161 education funds;

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

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

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

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

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

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

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

195 (b) School districts may contract with the appropriate
196 juvenile detention centers to ensure educational services are
197 provided to detainees.

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

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

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

204 (ii) Individualized computer-based instruction to
205 address any weaknesses identified in the assessment conducted
206 under subparagraph (i); and

207 (iii) Computer-based character education to
208 improve behavior.

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

211 (i) A transition team consisting of a certified
212 teacher provided by the local school district, the school
213 attendance officer assigned to the local school district, the
214 youth court judge, and the detainee's parent or guardian will
215 develop an individualized transition plan for the detainee; and

216 (ii) The school district shall also be responsible
217 for providing the necessary instructional program for the student
218 to coincide with the district's curriculum, subject to the
219 availability of funding therefor.

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

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

227 (13) The Mississippi Department of Education will
228 collaborate with the appropriate state and local agencies,
229 juvenile detention centers and local school districts to ensure
230 the provision of educational services to every student placed in a
231 juvenile detention center. Such services may include, but not be
232 limited to: assessment and math and reading instruction,
233 character education and behavioral counseling. The Mississippi
234 Department of Education shall work with the appropriate state and
235 local agencies, juvenile detention centers and local school
236 districts to annually determine the proposed costs for educational
237 services to youth placed in juvenile detention centers and
238 annually request sufficient funding for such services as
239 necessary. The cost of educational services for juvenile
240 detainees as provided for under this act may be paid from local
241 district maintenance funds or state funds, subject to specific
242 appropriation therefor by the Legislature.

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

245 43-21-605. (1) In delinquency cases, the disposition order
246 may include any of the following alternatives:

247 (a) Release the child without further action;

248 (b) Place the child in the custody of the parents, a
249 relative or other persons subject to any conditions and
250 limitations, including restitution, as the youth court may
251 prescribe;

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

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

258 (e) Order terms of supervision which may include
259 participation in a constructive program of service or education or

260 civil fines not in excess of Five Hundred Dollars (\$500.00), or
261 restitution not in excess of actual damages caused by the child to
262 be paid out of his own assets or by performance of services
263 acceptable to the victims and approved by the youth court and
264 reasonably capable of performance within one (1) year;

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

267 (g) Give legal custody of the child to any of the
268 following:

269 (i) The Department of Human Services for
270 appropriate placement; or

271 (ii) Any public or private organization,
272 preferably community-based, able to assume the education, care and
273 maintenance of the child, which has been found suitable by the
274 court; or

275 (iii) The Department of Human Services for
276 placement in a wilderness training program or the Division of
277 Youth Services for placement in a state-supported training school,
278 except that no child under the age of ten (10) years shall be
279 committed to a state training school, and no first-time nonviolent
280 youth offenders shall be committed to a state training school
281 until all other options provided for in this section have been
282 considered and the court makes a specific finding of fact that
283 commitment is appropriate.

284 The training school may retain custody of the child until the
285 child's twentieth birthday but for no longer. When the child is
286 committed to a training school, the child shall remain in the
287 legal custody of the training school until the child has made
288 sufficient progress in treatment and rehabilitation and it is in
289 the best interest of the child to release the child. However, the
290 superintendent of a state training school, in consultation with
291 the treatment team, may parole a child at any time he may deem it
292 in the best interest and welfare of such child. Twenty (20) days

293 prior to such parole, the training school shall notify the
294 committing court of the pending release. The youth court may then
295 arrange subsequent placement after a reconvened disposition
296 hearing, except that the youth court may not recommit the child to
297 the training school or any other secure facility without an
298 adjudication of a new offense or probation or parole violation.
299 The Department of Human Services shall ensure that staffs create
300 transition planning for youth leaving the facilities. Plans shall
301 include providing the youth and his or her parents or guardian
302 with copies of the youth's training school education and health
303 records, information regarding the youth's home community,
304 referrals to mental and counseling services when appropriate, and
305 providing assistance in making initial appointments with community
306 service providers. Prior to assigning the custody of any child to
307 any private institution or agency, the youth court through its
308 designee shall first inspect the physical facilities to determine
309 that they provide a reasonable standard of health and safety for
310 the child. No child shall be placed in the custody of a state
311 training school for a status offense or for contempt of or
312 revocation of a status offense adjudication unless the child is
313 contemporaneously adjudicated for having committed an act of
314 delinquency that is not a status offense. A disposition order
315 rendered under this subparagraph shall meet the following
316 requirements:

317 1. The disposition is the least restrictive
318 alternative appropriate to the best interest of the child and the
319 community;

320 2. The disposition allows the child to be in
321 reasonable proximity to the family home community of each child
322 given the dispositional alternatives available and the best
323 interest of the child and the state; and

324 3. The disposition order provides that the
325 court has considered the medical, educational, vocational, social

326 and psychological guidance, training, social education,
327 counseling, substance abuse treatment and other rehabilitative
328 services required by that child as determined by the court;

329 (h) Recommend to the child and the child's parents or
330 guardian that the child attend and participate in the Youth
331 Challenge Program under the Mississippi National Guard, as created
332 in Section 43-27-203, subject to the selection of the child for
333 the program by the National Guard; however, the child must
334 volunteer to participate in the program. The youth court shall
335 not order any child to apply or attend the program;

336 (i) (i) Adjudicate the juvenile to the Statewide
337 Juvenile Work Program if the program is established in the court's
338 jurisdiction. The juvenile and his parents or guardians must sign
339 a waiver of liability in order to participate in the work program.
340 The judge will coordinate with the youth services counselors as to
341 placing participants in the work program;

342 (ii) The severity of the crime, whether or not the
343 juvenile is a repeat offender or is a felony offender will be
344 taken into consideration by the judge when adjudicating a juvenile
345 to the work program. The juveniles adjudicated to the work
346 program will be supervised by police officers or reserve officers.
347 The term of service will be from twenty-four (24) to one hundred
348 twenty (120) hours of community service. A juvenile will work the
349 hours to which he was adjudicated on the weekends during school
350 and weekdays during the summer. Parents are responsible for a
351 juvenile reporting for work. Noncompliance with an order to
352 perform community service will result in a heavier adjudication.
353 A juvenile may be adjudicated to the community service program
354 only two (2) times;

355 (iii) The judge shall assess an additional fine on
356 the juvenile which will be used to pay the costs of implementation
357 of the program and to pay for supervision by police officers and

358 reserve officers. The amount of the fine will be based on the
359 number of hours to which the juvenile has been adjudicated;

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

362 (k) Order the child into a juvenile detention center
363 operated by the county or into a juvenile detention center
364 operated by any county with which the county in which the court is
365 located has entered into a contract for the purpose of housing
366 delinquents. The time period for detention cannot exceed ninety
367 (90) days, and any detention exceeding forty-five (45) days shall
368 be administratively reviewed by the youth court no later than
369 forty-five (45) days after the entry of the order. The youth
370 court judge may order that the number of days specified in the
371 detention order be served either throughout the week or on
372 weekends only. No first-time nonviolent youth offender shall be
373 committed to a detention center for a period of ninety (90) days
374 until all other options provided for in this section have been
375 considered and the court makes a specific finding of fact that
376 commitment to a detention center is appropriate. However, if a
377 child is committed to a detention center ninety (90) consecutive
378 days, the disposition order shall meet the following requirements:

379 (i) The disposition order is the least restrictive
380 alternative appropriate to the best interest of the child and the
381 community;

382 (ii) The disposition order allows the child to be
383 in reasonable proximity to the family home community of each child
384 given the dispositional alternatives available and the best
385 interest of the child and the state; and

386 (iii) The disposition order provides that the
387 court has considered the medical, educational, vocational, social
388 and psychological guidance, training, social education,
389 counseling, substance abuse treatment and other rehabilitative
390 services required by that child as determined by the court; or

391 (1) Referral to A-team provided system of care
392 services.

393 (2) If a disposition order requires that a child miss school
394 due to other placement, the youth court shall notify a child's
395 school while maintaining the confidentiality of the youth court
396 process. If a disposition order requires placement of a child in
397 a juvenile detention facility, the facility shall comply with the
398 educational services requirements of Section 43-21-321.

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

405 (4) If the youth court places a child in a state-supported
406 training school, the court may order the parents or guardians of
407 the child and other persons living in the child's household to
408 receive counseling and parenting classes for rehabilitative
409 purposes while the child is in the legal custody of the training
410 school. A youth court entering an order under this subsection (4)
411 shall utilize appropriate services offered either at no cost or
412 for a fee calculated on a sliding scale according to income unless
413 the person ordered to participate elects to receive other
414 counseling and classes acceptable to the court at the person's
415 sole expense.

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

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

423 (7) The youth court shall not place a child in another
424 school district who has been expelled from a school district for
425 the commission of a violent act. For the purpose of this
426 subsection, "violent act" means any action which results in death
427 or physical harm to another or an attempt to cause death or
428 physical harm to another.

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

435 (9) The Mississippi Department of Human Services, Division
436 of Youth Services, shall operate and maintain services for youth
437 adjudicated delinquent at Columbia and Oakley Training Schools.
438 The program shall be designed for children committed to the
439 training schools by the youth courts. The purpose of the program
440 is to promote good citizenship, self-reliance, leadership and
441 respect for constituted authority, teamwork, cognitive abilities
442 and appreciation of our national heritage. The Division of Youth
443 Services shall issue credit towards academic promotions and high
444 school completion. The Division of Youth Services may award
445 credits to each student who meets the requirements for a general
446 education development certification. The Division of Youth
447 Services must also provide to each special education eligible
448 youth the services required by that youth's individualized
449 education plan.

450 * * *

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

453 37-13-80. (1) There is created the Office of Dropout
454 Prevention within the State Department of Education. The office
455 shall be responsible for the administration of a statewide dropout

456 prevention program and the Office of Compulsory School Attendance
457 Enforcement.

458 (2) The State Superintendent of Public Education shall
459 appoint a director for the Office of Dropout Prevention, who shall
460 meet all qualifications established by the State Superintendent of
461 Public Education and the State Personnel Board. The director
462 shall be responsible for the proper administration of the Office
463 of Dropout Prevention and any other regulations or policies that
464 may be adopted by the State Board of Education. The director
465 shall report to the Legislature on the activities and programs of
466 the office by January 1 of each year beginning in 2009.

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

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

474 (b) The Office of Dropout Prevention in the Department
475 of Education shall initiate the tracking of students who enter and
476 leave detention centers through a statewide data collection
477 system.

478 (5) School districts shall develop dropout prevention plans
479 which provide required educational services to students who stay
480 in detention centers longer than ten (10) days, in compliance with
481 accreditation standards.

482 (6) It is the intent of the Legislature that, through the
483 statewide dropout prevention program and the dropout prevention
484 programs implemented by each school district, the graduation rate
485 for cohort classes will be increased to not less than eighty-five
486 percent (85%) by the 2018-2019 school year. The Office of Dropout
487 Prevention shall establish graduation rate benchmarks for each
488 two-year period from the 2008-2009 school year through the

489 2018-2019 school year, which shall serve as guidelines for
490 increasing the graduation rate for cohort classes on a systematic
491 basis to eighty-five percent (85%) by the 2018-2019 school year.

492 **SECTION 4.** This act shall take effect and be in force from
493 and after July 1, 2007.