

**OFFICE OF CHIEF ACADEMIC OFFICER**  
**Summary of State Board of Education Agenda Items**  
**Consent Agenda**  
**June 21, 2018**

**OFFICE OF COMPULSORY SCHOOL ATTENDANCE ENFORCEMENT**

- C. Approval to begin the Administrative Procedures Act process: To revise State Board Policy, Part 3, Chapter 30, Rule 30.6 – Youth Detention Center Educational Provisions

**Executive Summary**

In accordance with Mississippi Code of 1972 *Annotated Section 43-21-321*, the Mississippi Department of Education is accountable for ensuring that educational services are provided to students placed in juvenile detention centers. The law further states: the Mississippi Department of Education has the authority to develop and promulgate policies and procedures regarding financial reimbursements to sponsoring school districts from the school districts that are assigned to the various youth detention centers. The revisions to the policy allows broader authority to the MDE, in accordance with state statute, to determine the appropriate funding mechanism for educational services in the youth detention centers.

Recommendation: Approval

Back-up material attached

*Rule 30.6 Youth Detention Center Educational Provisions*

In accordance with Section 43-21-321 of the Mississippi Code of 1972 Annotated, educational provisions are required for all compulsory school age students detained in a youth detention center facility.

1. A certified teacher will provide educational services to detainees.
2. Teacher selection shall be in consultation with the youth court judge.
3. The sponsoring school district will pay the salary of the teacher, based upon actual certification, state (teacher) salary schedule and number of employment days.
4. The sponsoring school district in collaboration with the home school shall comply with the Individuals with Disabilities Education Act (IDEA) and comparable state laws for students with special needs.
5. After forty-eight (48) hours of detention, the detainee shall receive the following services which may be computer-based:
  - a. Diagnostic assessment of grade-level mastery of reading and math skills;
  - b. Individualized instruction and practice to address any weaknesses identified in the assessment; and
  - c. Character education to improve behavior.
6. The sponsoring school district shall work in collaboration with detention center staff to ensure that educational records have been obtained for any student that will be detained for more than 48 hours.
7. The sponsoring school district will provide instruction based on the academic needs of each detainee. When a youth has been receiving special education services in his/her school placement, and is admitted with an existing Individualized Education Program (IEP), it is the responsibility of the educational personnel at the detention center to ensure the continued implementation of the IEP with modifications, if needed, due to the nature of the youth's detainment.
8. The sponsoring school districts shall maintain and update the computer labs.
9. Students in the youth detention center shall not be classified as absent by the student's home school.
10. The sponsoring school district provides adequate substitute teaching staff to cover teaching duties of educational staff that are on sick or personal leave. The criteria for a substitute teacher shall be aligned with the district's policy for short and long term placement.
11. The sponsoring school district shall provide 330 minutes of instruction per school day.

12. The sponsoring school district shall identify students with limited English proficiency and provide appropriate instruction to ensure meaningful access to the curriculum.

13. An Individualized Academic Plan shall be written by the sponsoring school district for each student that has been detained for 10 days or more and forwarded to the student's home school and is used as a transition component.

14. The Mississippi Department of Education will collaborate with the appropriate state and local agencies, juvenile detention centers and local school districts to ensure that educational services are provided to every student placed in a juvenile detention center.

~~15. The non-sponsoring school districts that have students detained at a detention center, will share equally in the additional cost of educational services. Once the Legislature has allocated funding for educational services, provided by the state's detention centers, the Mississippi Department of Education will disseminate the funding based on the needs analysis submitted by each of the sponsoring school districts. Any remaining cost related to educational services, including the maintenance of computer labs, will be equally divided among the non-sponsoring school districts, or district of residence, of juveniles placed in a detention facility.~~  
Once the Legislature allocates funding for educational services provided by the state's detention centers, the Mississippi Department of Education will disseminate that funding to the sponsoring school districts. The MDE will review any excess costs for educational services for approval. The approved excess costs will be shared by all school districts in the state utilizing the formula established by the Mississippi Department of Education.

16. Related services provided for students with special needs may require additional reimbursement to the sponsoring school district from the ~~student's home school or district of residence for services rendered~~ non-sponsoring school districts.

17. The Mississippi Department of Education has the authority to develop and promulgate policies and procedures regarding educational programming and excess cost funding.

*Source: Miss. Code Ann. §43-21-321 (Revised 4/2015 6/2018)*

*Rule 30.6 Youth Detention Center Educational Provisions*

In accordance with Section 43-21-321 of the Mississippi Code of 1972 Annotated, educational provisions are required for all compulsory school age students detained in a youth detention center facility.

1. A certified teacher will provide educational services to detainees.
2. Teacher selection shall be in consultation with the youth court judge.
3. The sponsoring school district will pay the salary of the teacher, based upon actual certification, state (teacher) salary schedule and number of employment days.
4. The sponsoring school district in collaboration with the home school shall comply with the Individuals with Disabilities Education Act (IDEA) and comparable state laws for students with special needs.
5. After forty-eight (48) hours of detention, the detainee shall receive the following services which may be computer-based:
  - a. Diagnostic assessment of grade-level mastery of reading and math skills;
  - b. Individualized instruction and practice to address any weaknesses identified in the assessment; and
  - c. Character education to improve behavior.
6. The sponsoring school district shall work in collaboration with detention center staff to ensure that educational records have been obtained for any student that will be detained for more than 48 hours.
7. The sponsoring school district will provide instruction based on the academic needs of each detainee. When a youth has been receiving special education services in his/her school placement, and is admitted with an existing Individualized Education Program (IEP), it is the responsibility of the educational personnel at the detention center to ensure the continued implementation of the IEP with modifications, if needed, due to the nature of the youth's detainment.
8. The sponsoring school districts shall maintain and update the computer labs.
9. Students in the youth detention center shall not be classified as absent by the student's home school.
10. The sponsoring school district provides adequate substitute teaching staff to cover teaching duties of educational staff that are on sick or personal leave. The criteria for a substitute teacher shall be aligned with the district's policy for short and long term placement.
11. The sponsoring school district shall provide 330 minutes of instruction per school day.

12. The sponsoring school district shall identify students with limited English proficiency and provide appropriate instruction to ensure meaningful access to the curriculum.

13. An Individualized Academic Plan shall be written by the sponsoring school district for each student that has been detained for 10 days or more and forwarded to the student's home school and is used as a transition component.

14. The Mississippi Department of Education will collaborate with the appropriate state and local agencies, juvenile detention centers and local school districts to ensure that educational services are provided to every student placed in a juvenile detention center.

15. Once the Legislature allocates funding for educational services provided by the state's detention centers, the Mississippi Department of Education will disseminate that funding to the sponsoring school districts. The MDE will review any excess costs for educational services for approval. The approved excess costs will be shared by all school districts in the state utilizing the formula established by the Mississippi Department of Education.

16. Related services provided for students with special needs may require additional reimbursement to the sponsoring school district from the non-sponsoring school districts.

17. The Mississippi Department of Education has the authority to develop and promulgate policies and procedures regarding educational programming and excess cost funding.

*Source: Miss. Code Ann. §43-21-321 (Revised 6/2018)*

\*\*\* Current through the 2016 Regular and 1st and 2nd Extraordinary Sessions of the Legislature \*\*\*

TITLE 43. PUBLIC WELFARE  
CHAPTER 21. YOUTH COURT  
CUSTODY AND DETENTION

Miss. Code Ann. § 43-21-321 (2016)

§ 43-21-321. Development of procedures and policies that comply with Juvenile Facilities Monitoring Unit regulations; provision of educational services to detained students

(1) All juvenile detention centers shall develop and implement policies and procedures that comply with the regulations promulgated by the Juvenile Facilities Monitoring Unit.

(2) If a student's detention will cause the student to miss one or more days of school during the academic school year, the detention center staff shall notify school district officials where the detainee last attended school by the first school day following the student's placement in the facility. Detention center staff shall not disclose youth court records to the school district, except as provided by Section 43-21-261.

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

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

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

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

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

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

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

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

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

(4) Local school districts shall work collaboratively with juvenile detention center staff to provide special education services as required by state and federal law. Upon the written request of the youth court judge for the county in which the detention center is located, a local school district in the county in which the detention center is located, or a private provider agreed upon by the youth court judge and sponsoring school district, shall provide a certified teacher to provide educational services to detainees. The youth court judge shall designate the school district which shall be defined as the sponsoring school district. The local home school district shall be defined as the school district where the detainee last attended prior to detention. Teacher selection shall be in consultation with the youth court judge. The Legislature shall annually appropriate sufficient funds for the provision of educational services, as provided under this section, to detainees in detention centers.

(5) The sponsoring school district, or a private provider agreed upon by the youth court judge and sponsoring school district, shall be responsible for providing the instructional program for the detainee while in detention. After forty-eight (48) hours of detention, excluding legal holidays and weekends, the detainee shall receive the following services which may be computer-based:

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

(b) Individualized instruction and practice to address any weaknesses identified in the assessment conducted under paragraph (a) of this subsection if the detainee is in the center for more than forty-eight (48) hours; and

(c) Character education to improve behavior.

(6) No later than the tenth day of detention, the detainee shall begin an extended detention education program. A team consisting of a certified teacher provided by the local sponsoring school district or a private provider agreed upon by the youth court judge and sponsoring school district, the appropriate official from the local home school district, and the youth court counselor or representative will develop an individualized education program for the detainee, where appropriate as determined by the teacher of the sponsoring school district, or a private provider agreed upon by the youth court judge and sponsoring school district. The detainee's parent or guardian shall participate on the team unless excused by the youth court judge. Failure of any party to participate shall not delay implementation of this education program.

(7) The sponsoring school district, or a private provider agreed upon by the youth court judge and sponsoring school district, shall provide the detention center with an appropriate and adequate computer lab to serve detainees. The Legislature shall annually appropriate sufficient funds to equip and maintain the computer labs. The computer lab shall become the property of the detention centers and the sponsoring school districts shall maintain and update the labs.

(8) The Mississippi Department of Education will collaborate with the appropriate state

and local agencies, juvenile detention centers and local school districts to ensure the provision of educational services to every student placed in a juvenile detention center. The Mississippi Department of Education has the authority to develop and promulgate policies and procedures regarding financial reimbursements to the sponsoring school district from school districts that have students of record or compulsory-school-age residing in said districts placed in a youth detention center. Such services may include, but not be limited to: assessment and math and reading instruction, character education and behavioral counseling. The Mississippi Department of Education shall work with the appropriate state and local agencies, juvenile detention centers and local school districts to annually determine the proposed costs for educational services to youth placed in juvenile detention centers and annually request sufficient funding for such services as necessary.

(9) Juvenile detention centers shall ensure that staffs create transition planning for youth leaving the facilities. Plans shall include providing the youth and his or her parents or guardian with copies of the youth's detention center education and health records, information regarding the youth's home community, referrals to mental and counseling services when appropriate, and providing assistance in making initial appointments with community service providers; the transition team will work together to help the detainee successfully transition back into the home school district once released from detention. The transition team will consist of a certified teacher provided by the local sponsoring school district, or a private provider agreed upon by the youth court judge and sponsoring school district, the appropriate official from the local home school district, the school attendance officer assigned to the local home school district, and the youth court counselor or representative. The detainee's parent or guardian shall participate on the team unless excused by the youth court judge. Failure of any party to participate shall not delay implementation of this education program.

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