

OFFICE OF CHIEF ACADEMIC OFFICER
Summary of State Board of Education Agenda Items
Consent Agenda
October 11, 2018

OFFICE OF COMPULSORY SCHOOL ATTENDANCE ENFORCEMENT

- A. Approval to withdraw final Administrative Procedures Act process: To revise State Board Policy Part 3, Chapter 30, Rule 30.6 – Youth Detention Center Educational Provisions
(Has cleared the Administrative Procedures Act process with public comments)

Executive Summary

In accordance with Miss. Code Ann. § 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 that: 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.

Based on the comments received, the Executive Leadership Team is recommending the withdrawal to revise State Board Policy Part 3, Chapter 30, Rule 30.6 and operate procedurally utilizing the current policy. The withdrawal will afford the Mississippi Department of Education (MDE) an opportunity to examine the current policy concerns. In consideration of the feedback, the MDE will convene a committee of Youth Court Judges, sponsoring school district superintendents, and Legislative Education Chairs to discuss matters of concerns acknowledged during the public comment period of the Administrative Process Act process. Hence, the proposed rule be withdrawn from the Secretary of State's Office.

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.

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,

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

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

The Office of Compulsory received APA comments regarding Chapter 30, Rule 30.6 – Youth Detention Center Educational Provisions as it relates to year-round educational services, which are grounded in State Statute:

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.

Miss. Code Ann. § 43-21-321(5)

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.

Miss. Code Ann. § 43-21-321(5)

The only exception to the provision of educational services are legal holidays and weekends. Legal holidays are defined as a public day established by law, during which certain work, government business, etc., is restricted, including:

1. New Year's Day, January 1
2. Birthday of Martin Luther King, Jr., the third Monday in January
3. Washington's Birthday, the third Monday in February
4. Confederate Memorial Day
5. Memorial Day, the last Monday in May
6. Independence Day, July 4
7. Labor Day, the first Monday in September
8. Columbus Day, the second Monday in October
9. Veterans Day, November 11
10. Thanksgiving Day, the fourth Thursday in November
11. Christmas Day, December 25

5 U.S.C.A. § 6103

APA Comments on Chapter 30, Rule 30.6 – Youth Detention Center Educational Provisions

Comment	MDE Response
<p>If I am interpreting this correctly, it appears that the excess costs from each sponsoring school district will not be shared with a specific set of school districts. The excess costs will now be compiled from all sponsoring school districts and shared equally amongst all school districts in the state.</p> <p>On the one hand, it seems fair because we do get students from all over the state, and not just from the school districts on our feeder list.</p> <p>On the other hand, it doesn't seem as fair because a sponsoring school district that is doing a better job of keeping the costs to a minimum may have to pay an increased cost due to another sponsoring school district that does a less than good job of keeping costs to a minimum.</p> <p>If this gets approved, it is my hope that the MDE will handle collecting the excess costs from these school districts as opposed to the sponsoring school districts having to bill and continually follow-up with all non-sponsoring school districts to collect these funds.</p>	<p>The operational cost of the educational programs will be distributed evenly between all feeder districts, including the sponsoring school district. Each juvenile detention center has a list of all feeder districts. Although agreements are made regarding housing of detainees, alternative housing is utilized when space is unavailable at the primary center.</p> <p>The MDE has authority (Miss. Code Ann. §§ 43-21-321, 43-21-907) to develop rules related to the reimbursement. The policy requires sponsoring school districts to submit proposed budgets and final budgets (inclusive of expenditure documentation) and ensures fiscal responsibility.</p> <p>The MDE explored a process that would allow the Office of Financial Services to charge/invoice districts utilizing MAEP funding and redistribute to sponsoring school districts. Current legislation does not give the MDE the authority to collect and redistribute funding.</p>

APA Comments on Chapter 30, Rule 30.6 – Youth Detention Center Educational Provisions

Comment	MDE Response
<p>The proposed revision pertains to how the sponsoring school districts are allocated funds by the MDE. The State Board of Education should take this opportunity to examine all of the rules and regulations adopted by the MDE, in particular those that go beyond the law.</p>	<p>The MDE reviewed the policy to ensure the policy is aligned with Miss. Code Ann. §§ 43-21-321, 43-21-907, and other laws and policies governing educational services.</p>
<p>The procedures rather than in the policy, are tied to accountability requirements which are both financially and administratively tremendous.</p> <p>I request that a task force of superintendents, detention center administrators, and MDE staff, be convened to determine the most effective and efficient way to provide the required services without creating hardships on district which such outlandish timelines.</p>	<p>Miss. Code Ann. § 43-21-321(8) authorizes the Mississippi Department of Education to develop and promulgate policies and procedures regarding financial reimbursements to the sponsoring school district from school districts.</p> <p>The MDE appreciates the recommendation and will take it into consideration. The convening of such a team may aid the agency in developing student focused procedures that best meet the needs of each entity.</p>

APA Comments on Chapter 30, Rule 30.6 – Youth Detention Center Educational Provisions

Comment	MDE Response
<p>These proposed revisions to clarify the funding process are needed, but greater attention needs to be given to all procedures, accreditation standards, monitoring instruments, and operational guidance provided by the Mississippi Department of Education. It is my hope that the Mississippi State Board of Education will see from the comments that work needs to be done on all of the administrative policies and procedures governing Youth Detention Centers rather than concentrating on the funding process.</p>	<p>The MDE reviewed the policy to ensure the policy is aligned with Miss. Code Ann. §§ 43-21-321, 43-21-907, and other laws and policies governing educational services.</p>
<p>Costs to sponsoring districts far exceed the monies provided by MDE and the amount billed to home districts. Sponsoring districts must have regular education teachers, special education teachers, service providers, case workers, etc. on staff to address the needs of the detainees. The administrative burden can be especially daunting and expensive. Home districts are reluctant to participate in the costs that the sponsoring district incurs, particularly if the home district has few students who are sent to the detention facility.</p>	<p>The MDE, Offices of Compulsory School Attendance Enforcement and Financial Services have reviewed several funding options and the current funding process is the most equitable.</p> <p>The MDE has provided technical assistance to sponsoring districts who have notified the agency when a feeder district has failed to meet its financial obligations.</p> <p>The MDE has instructed each sponsoring school district's business manager to notify the agency of any balance that remains outstanding for more than 45 days following the date of invoice.</p> <p>It should be noted that the MDE will continue to request the needed funding, from the Mississippi Legislature, to reduce the financial burden on all districts.</p>

APA Comments on Chapter 30, Rule 30.6 – Youth Detention Center Educational Provisions

Comment	MDE Response
<p>Common sense needs to prevail regarding new guidelines and interpretations involving the detention centers. Speaking broadly and generally, a reasonable and practical amount of time should be given for school districts to provide student information to centers. Holidays and weekends should be considered as well as other reasonable extenuating circumstances which make it nearly impossible to provide info within 24 hours. The information should be required to be transferred during normal school days and within a few days after a holiday break or weekend break for employees.</p> <p>Also, it is unreasonable to expect local schools to provide meaningful student work through the summer therefore centers should be able to use remedial software programs or other programs for juveniles to continue to work on mastery of previously identified areas of weakness throughout the summer break.</p>	<p>In accordance with Miss. Code Ann. §§ 43-21-321(5) and 43-21-321(6), 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 educational programs within the JDCs cannot fulfill their statutory requirement(s) to provide educational services without student records. Therefore, educational records are needed within 48 hours of detainment to comply with Miss. Code Ann. § 43-21-321 (5)(b).</p> <p>The MDE does not require home districts to provide anything other than student records. The sponsoring school district is responsible for the educational services which are enhanced when the home school district and sponsoring school district collaborate. The sponsoring school district determines the</p>

APA Comments on Chapter 30, Rule 30.6 – Youth Detention Center Educational Provisions

Comment	MDE Response
	<p>educational programming offered to students.</p>
<p>Consider an equal per-pupil amount instead of an equal share amount for districts. Since the size of the districts range, it often places a burden on smaller school districts to contribute equal shares when they do not have as many students.</p> <p>The requirement for educational services for detainees during summer and holiday breaks is in excess of what is required for all other students.</p>	<p>The MDE has evaluated several other options and has determined the formula currently utilized is the most equitable option available at this time.</p> <p>Miss. Code Ann. §§ 43-21-321(5)(a) and 43-21-321(6) specify the timeline for initiating educational services.</p>

Keshia Sanders

From: Sherry Jackson <sjackson@gville.k12.ms.us>
Sent: Saturday, June 30, 2018 12:00 PM
To: Keshia Sanders
Cc: Dr. Janice Page-Johnson
Subject: Fwd: [ms_superintendents] Public Comments: Board Policy (Youth Detention Center Educational Provisions)
Attachments: Fwd: [ms_superintendents] Public Comments: Board Policy (Youth Detention Center Educational Provisions)
Follow Up Flag: Follow up
Flag Status: Flagged

Ms. Sanders:

Good morning,

If I am interpreting this correctly, it appears that the excess costs from each sponsoring school district will not be shared with a specific set of school districts. The excess costs will now be compiled from all sponsoring school districts and shared equally amongst all school districts in the state.

On the one hand, it seems fair because we do get students from all over the state, and not just from the school districts on our feeder list.

On the other hand, it doesn't seem as fair because a sponsoring school district that is doing a better job of keeping the costs to a minimum may have to pay an increased cost due to another sponsoring school district that does a less than good job of keeping costs to a minimum.

If this gets approved, it is my hope that the MDE will handle collecting the excess costs from these school districts as opposed to the sponsoring school districts having to bill and continually follow-up with all non-sponsoring school districts to collect these funds.

Thanks.

Confidentiality Notice: This communication may contain material protected by the Family Educational Rights and Privacy Act (FERPA.) This communication and any documents or files transmitted with it are confidential and are intended solely for the use of the Greenville Public School District and the individual or entity to which it is addressed. Any use, dissemination, forwarding, printing or copying of this communication is strictly prohibited.

Keshia Sanders

From: Arthur McMillan <arthur.mcmillan@biloxischools.net>
Sent: Monday, July 23, 2018 10:25 AM
To: Keshia Sanders
Subject: APA Comments
Attachments: JDC comments.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Ms. Kersh,

Please submit the attached APA comments for the Youth Detention Center Educational Provisions.

Thank you,
Arthur

DRAFT

COMMENTS ON MISSISSIPPI DEPARTMENT OF EDUCATION'S PROPOSAL TO REVISE State Board Policy, Chapter 30, Rule 30.6: Youth Detention Center Educational Provisions.

1. The statutory requirement for providing educational services to all students placed in a detention facility is found in Miss. Code Ann. § 43-21-321.
2. The attorney general has ruled that Miss. Code Ann. § 43-21-321 requires educational services to be provided to detainees of juvenile detention facilities during the school term and not for the full calendar year.
3. Mississippi Department of Education has adopted the position that educational services are required for the full calendar year, including summer break, spring break and holiday breaks such as between Christmas and the New Year holiday.
4. MDE has developed policies and procedures regarding the implementation of year round educational services that are financially and administratively overwhelming to the sponsoring and home districts and are practically impossible to meet. MDE enforces these requirements through accountability requirements that go beyond the law and are more demanding than what is required of school districts for students in the general population.
5. The proposed revision pertains to how the sponsoring schools districts are allocated funds by the MDE. The State Board of Education should take this opportunity to examine all of the rules and regulations adopted by the MDE, in particular those that go beyond the law.
6. Issues faced by sponsoring school districts:
 - a. The law requires school districts to provide services to detainees of juvenile detention facilities during the 180 day school year. MDE requires education services to be provided during the summer break, spring break and holiday breaks. Finding personnel to provide

services during these time periods is difficult and very expensive to school districts.

- b. The statute requires detainees to be provided diagnostic assessments, individualized instruction and character education after 48 hours of detention, excluding legal holidays and weekends. MDE's rules require these services without regard to holidays and weekends.
- c. Within 24 hours of a juvenile entering the detention center, the center must notify the juvenile's home district. While MDE's guidelines state that notification should occur during school business hours, excluding weekends and district holidays, districts are cited for lapses in notification during school holiday breaks.
- d. If the student is a student with special needs, the student's home district has until the close of business to provide documents to the detention center. MDE enforces this rule during holiday breaks.
- e. If the home district does not comply, the sponsoring district must report the home district to the MDE. This places the sponsoring district in a difficult monitoring role over the home district.
- f. MDE requires the sponsoring district to "ensure" that 330 minutes of instruction are provided to each detainee per school day. This is an impossible requirement especially if the detainee is removed from class by a detention facility official or the student is removed for behavioral reasons. MDE requires that the sponsoring district maintain a log of when students come and go, a requirement that is not placed on school districts for students in the general population.
- g. MDE requires the same educational requirements for students who have already exited with a GED or homeschooled. Although these students are no longer enrolled in school, the detention center must provide all educational services including special education and related services.
- h. If a student is a student with special needs and has an IEP, MDE requires implementation of the IEP on short term placements in the same manner if the detainee will be incarcerated for a long period of

time. For example, if an IEP cannot be implemented exactly as written, the sponsoring school district must call for an IEP meeting even if the detainee is scheduled for a short-term placement. It is virtually impossible to get service providers (physical therapist, occupational therapists, etc.) and parents to attend a meeting for a short-term placement. The district is cited if they do not hold the meeting, even if the child has returned to the home school.

- i. Child find requirements for detainees are not aligned to State Board Policy.
- j. Transition requirements under a detainee's IEP cannot be implemented in most cases. For example, if the IEP calls for a student to learn how to order food from a menu at a restaurant, the school district will take the student to a restaurant. That same requirement cannot be met in the detention facility. A district will be cited if that transition component is not met. Revising the IEP for a short term placement is not practical but is still required by the MDE.
- k. MDE policy allows for students with disabilities who transfer within the state to receive comparable services. However, the detention facility is required to provide the exact services of a public school or to revise the IEP (although short term placement).
- l. If a student with special needs requires related services (e.g. speech services for 30 minutes per week) during the Christmas holidays, it is very difficult to find a speech therapist who is willing to provide the service. No services are provided to other students with special needs who are not in the detention facility.
- m. Costs to sponsoring districts far exceed the monies provided by MDE and the amount billed to home districts. Sponsoring districts must have regular education teachers, special education teachers, service providers, case workers, etc. on staff to address the needs of the detainees. The administrative burden can be especially daunting and expensive. Home districts are reluctant to participate in the costs that the sponsoring district incurs, particularly if the home district has few students who are sent to the detention facility.

- n. To comply with MDE's requirements, the paperwork is overwhelming (completing the four page intake form, checking every IEP, developing an IAP/transition plan, conducting academic testing, collecting data for child find, contacting home district and parents to set up meetings, conducting meetings for short-term detainees, etc.). Typically, Districts have to hire a separate case manager for the detention facility.
7. MDE's implementation of Miss. Code Ann. § 43-21-321 is not workable and should be totally revamped. Simply adjusting the manner in which MDE allocates money to districts is not the fix that is needed.
8. School districts are not opposed to a workable plan for providing educational services to students in detention facilities during the school year. MDE states in its guidelines that students are normally detained less than five days. Distinctions should be made for those detainees who are short-term as opposed to those that are long term. School districts should not be cited in violation of an accountability standard that cannot be met.
9. If there is a need for educational services for detainees during summer breaks and holiday breaks, those services should be provided in a manner that does not hold districts to an accountability standard similar to what is required during the 180 day school term.

Keshia Sanders

From: Gill, Roy <RGill@harrison.k12.ms.us>
Sent: Monday, July 23, 2018 12:02 PM
To: Keshia Sanders
Subject: FW: Message from "RNP002673E28409"
Attachments: 20180723235627442.pdf

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Please delete the previous email. Sorry

-----Original Message-----

From: ScannerAdmin@harrison.k12.ms.us <ScannerAdmin@harrison.k12.ms.us>
Sent: Monday, July 23, 2018 10:56 PM
To: Gill, Roy <RGill@harrison.k12.ms.us>
Subject: Message from "RNP002673E28409"

This E-mail was sent from "RNP002673E28409" (MP C4504ex).

Scan Date: 07.23.2018 23:56:27 (-0400)
Queries to: ScannerAdmin@harrison.k12.ms.us

Harrison County School District

ROY GILL
SUPERINTENDENT

11072 Highway 49
Gulfport, MS 39503
(228) 539-6500
Fax (228) 539-6507

E. MITCHELL KING
ASST. SUPERINTENDENT

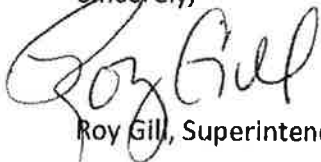
July 23, 2018

To Whom It May Concern:

This letter is about the concerns of State Board Policy, Chapter 30, Rule 30.6: Youth Detention Center Educational Provisions. School districts are not against providing educationally services for the students, however, there are some timelines and unrealistic requirements that are not possible to accomplish, and districts should not have the accreditation be marred by these unrealistic timelines. I am aware the APA that is currently out is for the proposed revision pertains to how the sponsoring school's districts are allocated funds by the MDE. I believe the State Board of Education should take this opportunity to examine all the rules and regulations adopted by the MDE, in particular those that go beyond the law. The law requires school districts to provide services to detainees of juvenile detention facilities during the 180-day school year. MDE requires education services to be provided during the summer break, spring break and holiday breaks. Finding personnel to provide services during these time periods is difficult and very expensive to school districts. This requirement is by far unrealistic. There are many issues that need to be addressed and hopefully some of the issues may be explored.

The statute requires detainees to be provided diagnostic assessments, individualized instruction and character education after 48 hours of detention, excluding legal holidays and weekends. MDE's rules require these services without regard to holidays and weekends. I could go on and on with examples of how these expectations are unrealistic. School districts are not opposed to a workable plan for providing educational services to students in detention facilities during the school year. MDE states in its guidelines that students are normally detained less than five days. Distinctions should be made for those detainees who are short-term as opposed to those that are long term. School districts should not be cited in violation of an accountability standard that cannot be met. MDE's implementation of Miss. Code Ann. § 43-21-321 is not workable and should be totally revamped. Simply adjusting the manner in which MDE allocates money to districts is not the fix that is needed. If we are truly trying to do what is best for ALL students, revisiting these guidelines to better equipped districts to educate ALL students, the time is now.

Sincerely,



Roy Gill, Superintendent

Keshia Sanders

From: Donna Boone <dboone@forrestcountyahs.com>
Sent: Monday, July 23, 2018 1:50 PM
To: Keshia Sanders
Cc: Paula Vanderford; Jo Ann Malone
Subject: APA letter for Rule 30.6
Attachments: JDC Letter.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Attached you will find my letter with comments for the revisions to Chapter 30, Rule 30.6.

Thank you.

Donna H. Boone, Ph.D.
Superintendent
Forrest County Agricultural High School

“Don’t judge each day by the harvest you reap but by the seeds you plant.”
Robert Louis Stevenson



Forrest County Agricultural High School

215 Old Highway 49 East, Brooklyn, MS 39425

Phone: (601) 582-4102

Fax: (601) 545-9483

Donna H. Boone, Ph.D.
Superintendent

Charles B. Johnson
Principal

July 23, 2018

To Whom It May Concern:

I am writing to share my concerns regarding SBE Policy, Chapter 30, Rule 30.6 since the revisions are currently out for public comment. On its face, it appears that the only changes being made are those regarding the costs, but there is an overreach in #5. In Mississippi Code 43-21-321, the law states that the 48 hours are to exclude legal holidays and weekends, yet this policy does not include that portion of the statute.

Additional overreach seems to come in the procedures and implementation rather than in the policy, and these procedures become tied to accountability requirements which are both financially and administratively overwhelming. It seems that the Mississippi Department of Education (MDE) has adopted the position that educational services are required for the full calendar year, including summer break, spring break, and any holiday breaks such as the time off at Thanksgiving and between Christmas and the New Year holiday. This was not the case in the past. While Dr. Tom Burnham served as State Superintendent, he asked for an Attorney General's opinion regarding teachers assigned to the juvenile detention centers. Attorney General Jim Hood opined (AG Opinion 2010-00394) that MS Code 43-21-321 requires educational services be provided to detainees in the Juvenile Detention Centers during the school term and not the full academic year. MDE's stance is requiring sponsoring districts to contract with teachers longer than the regular school term. Participating districts are currently forced to require certain staff to be on call 24/7 to address these burdens placed on us due to the procedural guidelines of this rule.

The sponsoring district has 24 hours to notify the home district when a student enters the detention center. If a student with special needs enters the detention center, the student's home district has until the close of business to provide documents to the detention center. If the home district does not comply, the sponsoring district must report the home district to MDE. MDE enforces this rule over weekends and holidays, and this places the sponsoring district in the difficult position of monitoring the home district.

If a student with an IEP is sent to a juvenile detention center, MDE requires the IEP to be implemented on a short-term basis in the same manner as if it were a long-term placement. If the IEP cannot be implemented exactly as written, the sponsoring school district must call for an IEP meeting even if the student is scheduled for short-term placement. The district is cited if they do not hold the meeting, even if the student is returned to the home school within five days as MDE has indicated is the usual stay. Students with disabilities who transfer within the state are allowed by MDE to receive comparable services; however, this is not the case, according to MDE procedures, for detention services. This is especially burdensome when this is short-term placement only.

MDE has the same educational requirements for students who have already exited with a GED or who are homeschooled. Although these students are no longer enrolled, the detention center must provide all educational services including special education resulting in additional requirement for a district who no longer has this student.

We do understand and support the need for services for students who are housed at the juvenile detention centers since those students will be returning to our districts. But we would like to see a workable plan for providing these services. If a student is only going to be detained for five days, the plan along with the guidelines should be different from that of a student who is going to be detained on a long-term basis.

There are many more issues with the procedures concerning the juvenile detention centers which I have not addressed since I am not a sponsoring district. The sponsoring districts are the ones facing even more unrealistic burdens regarding services.

My request is to ask that you consider reviewing the procedures and implementation as well as the policy while you are collecting comments through APA.

Thank you for your time and consideration as we work together to move education forward in Mississippi for ALL students.

Sincerely,



Donna H. Boone, Ph.D.
Superintendent

Keshia Sanders

From: Toy Watts <tlwatts@laurelschools.org>
Sent: Monday, July 23, 2018 3:20 PM
To: Keshia Sanders
Subject: JDC public comments - Laurel

Follow Up Flag: Follow up
Flag Status: Flagged

COMMENTS ON MISSISSIPPI DEPARTMENT OF EDUCATION'S PROPOSAL TO REVISE State Board Policy, Chapter 30, Rule 30.6: Youth Detention Center Educational Provisions.

1. The statutory requirement for providing educational services to all students placed in a detention facility is found in Miss. Code Ann. § 43-21-321.
2. The attorney general has ruled that Miss. Code Ann. § 43-21-321 requires educational services to be provided to detainees of juvenile detention facilities during the school term and not for the full calendar year.
3. Mississippi Department of Education has adopted the position that educational services are required for the full calendar year, including summer break, spring break and holiday breaks such as between Christmas and the New Year holiday.
4. MDE has developed policies and procedures regarding the implementation of year round educational services that are financially and administratively overwhelming to the sponsoring and home districts and are practically impossible to meet. MDE enforces these requirements through accountability requirements that go beyond the law and are more demanding than what is required of school districts for students in the general population. This is especially an issue in Laurel, where we are a smaller district servicing a larger district and other districts. Students in our district are never the majority in attendance at the detention center.
5. The proposed revision pertains to how the sponsoring schools districts are allocated funds by the MDE. The State Board of Education should take this opportunity to examine all of the rules and regulations adopted by the MDE, in particular those that go beyond the law.
6. Issues faced by sponsoring school districts:
 - a. The law requires school districts to provide services to detainees of juvenile detention facilities during the 180 day school year. MDE requires education services to be provided during the summer break, spring break and holiday breaks. Finding personnel to provide services during these time periods is difficult and very expensive to school districts.
 - b. The statute requires detainees to be provided diagnostic assessments, individualized instruction and character education after 48 hours of detention, excluding legal holidays and weekends. MDE's rules require these services without regard to holidays and weekends.
 - c. Within 24 hours of a juvenile entering the detention center, the center must notify the juvenile's home district. While MDE's guidelines state that notification should occur during school business hours, excluding weekends and district holidays, districts are cited for lapses in notification during school holiday breaks.
 - d. If the student is a student with special needs, the student's home district has until the close of business to provide documents to the detention center. MDE enforces this rule during holiday breaks.
 - e. If the home district does not comply, the sponsoring district must report the home district to the MDE. This places the sponsoring district in a difficult monitoring role over the home district.
 - f. MDE requires the sponsoring district to "ensure" that 330 minutes of instruction are provided to each detainee per school day. This is an impossible requirement especially if the detainee is removed from class by a detention facility official or the student is removed for behavioral reasons. MDE requires that the sponsoring district maintain a log of when students come and go, a requirement that is not placed on school districts for students in the general population.

- g. MDE requires the same educational requirements for students who have already exited with a GED or homeschooled. Although these students are no longer enrolled in school, the detention center must provide all educational services including special education and related services.
- h. If a student is a student with special needs and has an IEP, MDE requires implementation of the IEP on short term placements in the same manner if the detainee will be incarcerated for a long period of time. For example, if an IEP cannot be implemented exactly as written, the sponsoring school district must call for an IEP meeting even if the detainee is scheduled for a short-term placement. It is virtually impossible to get service providers (physical therapist, occupational therapists, etc.) and parents to attend a meeting for a short-term placement. The district is cited if they do not hold the meeting, even if the child has returned to the home school.
- i. Child find requirements for detainees are not aligned to State Board Policy.
- j. Transition requirements under a detainee's IEP cannot be implemented in most cases. For example, if the IEP calls for a student to learn how to order food from a menu at a restaurant, the school district will take the student to a restaurant. That same requirement cannot be met in the detention facility. A district will be cited if that transition component is not met. Revising the IEP for a short term placement is not practical but is still required by the MDE.
- k. MDE policy allows for students with disabilities who transfer within the state to receive comparable services. However, the detention facility is required to provide the exact services of a public school or to revise the IEP (although short term placement).
- l. If a student with special needs requires related services (e.g. speech services for 30 minutes per week) during the Christmas holidays, it is very difficult to find a speech therapist who is willing to provide the service. No services are provided to other students with special needs who are not in the detention facility.
- m. Costs to sponsoring districts far exceed the monies provided by MDE and the amount billed to home districts. Sponsoring districts must have regular education teachers, special education teachers, service providers, case workers, etc. on staff to address the needs of the detainees. The administrative burden can be especially daunting and expensive. Home districts are reluctant to participate in the costs that the sponsoring district incurs, particularly if the home district has few students who are sent to the detention facility. Again, in the case of Laure, we are the sponsoring district and we have the fewest in attendance. Our faculty and staff (especially in the area of special services) spend an excessive amount of time dealing with students that are not Laurel students.
- n. To comply with MDE's requirements, the paperwork is overwhelming (completing the four page intake form, checking every IEP, developing an IAP/transition plan, conducting academic testing, collecting data for child find, contacting home district and parents to set up meetings, conducting meetings for short-term detainees, etc.). Typically, Districts have to hire a separate case manager for the detention facility.
7. MDE's implementation of Miss. Code Ann. § 43-21-321 is not workable and should be totally revamped. Simply adjusting the manner in which MDE allocates money to districts is not the fix that is needed. Actually, districts would rather write the check...no matter the cost...to rid themselves of the risk associated with losing accreditation.
8. School districts are not opposed to a workable plan for providing educational services to students in detention facilities during the school year. MDE states in its guidelines that students are normally detained less than five. Distinctions should be made for those detainees who are short-term as opposed to those that are long term. School districts should not be cited in violation of an accountability standard that cannot be met.
9. If there is a need for educational services for detainees during summer breaks and holiday breaks, those services should be provided in a manner that does not hold districts to an accountability standard similar to what is required during the 180 day school term

Keshia Sanders

From: Labat, Cherie <labatc@columbuscityschools.org>
Sent: Monday, July 23, 2018 3:22 PM
To: Keshia Sanders
Subject: JDC Response for Columbus Municipal School District

Follow Up Flag: Follow up
Flag Status: Flagged

DRAFT

COMMENTS ON MISSISSIPPI DEPARTMENT OF EDUCATION'S PROPOSAL TO REVISE State Board Policy, Chapter 30, Rule 30.6: Youth Detention Center Educational Provisions.

1. The statutory requirement for providing educational services to all students placed in a detention facility is found in Miss. Code Ann. § 43-21-321.
2. The attorney general has ruled that Miss. Code Ann. § 43-21-321 requires educational services to be provided to detainees of juvenile detention facilities during the school term and not for the full calendar year.
3. Mississippi Department of Education has adopted the position that educational services are required for the full calendar year, including summer break, spring break and holiday breaks such as between Christmas and the New Year holiday.
4. MDE has developed policies and procedures regarding the implementation of year round educational services that are financially and administratively overwhelming to the sponsoring and home districts and are practically impossible to meet. MDE enforces these requirements through accountability requirements that go beyond the law and are more demanding than what is required of school districts for students in the general population. This has been taxing for the Columbus Municipal School District. It has made

us a 24 hour, on call educational institution. We want to do what in the best interest of children but we feel some of the mandates can be reduced.

5. The proposed revision pertains to how the sponsoring schools districts are allocated funds by the MDE. The State Board of Education should take this opportunity to examine all of the rules and regulations adopted by the MDE, in particular those that go beyond the law.

6. Issues faced by sponsoring school districts:

a. The law requires school districts to provide services to detainees of juvenile detention facilities during the 180 day school year. MDE requires education services to be provided during the summer break, spring break and holiday breaks. Finding personnel to provide services during these time periods is difficult and very expensive to school districts. The scope of the requirements go beyond what we would offer a student attending school on a regular school day. The bulk of the budget is spent on personnel for the home district.

b. The statute requires detainees to be provided diagnostic assessments, individualized instruction and character education after 48 hours of detention, excluding legal holidays and weekends. MDE's rules require these services without regard to holidays and weekends.

c. Within 24 hours of a juvenile entering the detention center, the center must notify the juvenile's home district. While MDE's guidelines state that notification should occur during school business hours, excluding weekends and district holidays, districts are cited for lapses in notification during school holiday breaks.

d. If the student is a student with special needs, the student's home district has until the close of business to provide documents to the detention center. MDE enforces this rule during holiday breaks.

e. If the home district does not comply, the sponsoring district must report the home district to the MDE. This places the sponsoring district in a difficult monitoring role over the home district.

- f. MDE requires the sponsoring district to “ensure” that 330 minutes of instruction are provided to each detainee per school day. This is an impossible requirement especially if the detainee is removed from class by a detention facility official or the student is removed for behavioral reasons. MDE requires that the sponsoring district maintain a log of when students come and go, a requirement that is not placed on school districts for students in the general population.
- g. MDE requires the same educational requirements for students who have already exited with a GED or homeschooled. Although these students are no longer enrolled in school, the detention center must provide all educational services including special education and related services.
- h. If a student is a student with special needs and has an IEP, MDE requires implementation of the IEP on short term placements in the same manner if the detainee will be incarcerated for a long period of time. For example, if an IEP cannot be implemented exactly as written, the sponsoring school district must call for an IEP meeting even if the detainee is scheduled for a short-term placement. It is virtually impossible to get service providers (physical therapist, occupational therapists, etc.) and parents to attend a meeting for a short-term placement. The district is cited if they do not hold the meeting, even if the child has returned to the home school.
- i. Child find requirements for detainees are not aligned to State Board Policy.
- j. Transition requirements under a detainee’s IEP cannot be implemented in most cases. For example, if the IEP calls for a student to learn how to order food from a menu at a restaurant, the school district will take the student to a restaurant. That same requirement cannot be met in the detention facility. A district will be cited if that transition component is not met. Revising the IEP for a short term placement is not practical but is still required by the MDE.
- k. MDE policy allows for students with disabilities who transfer within the state to receive comparable services. However, the detention facility is required to provide the exact services of a public school or to revise the IEP (although short term placement).
- l. If a student with special needs requires related services (e.g. speech services for 30 minutes per week) during the Christmas holidays, it is very difficult to find a speech

therapist who is willing to provide the service. No services are provided to other students with special needs who are not in the detention facility.

m. Costs to sponsoring districts far exceed the monies provided by MDE and the amount billed to home districts. Sponsoring districts must have regular education teachers, special education teachers, service providers, case workers, etc. on staff to address the needs of the detainees. The administrative burden can be especially daunting and expensive.

Home districts are reluctant to participate in the costs that the sponsoring district incurs, particularly if the home district has few students who are sent to the detention facility.

n. To comply with MDE's requirements, the paperwork is overwhelming (completing the four page intake form, checking every IEP, developing an IAP/transition plan, conducting academic testing, collecting data for child find, contacting home district and parents to set up meetings, conducting meetings for short-term detainees, etc.). Typically, Districts have to hire a separate case manager for the detention facility.

7. MDE's implementation of Miss. Code Ann. § 43-21-321 is not workable and should be totally revamped. Simply adjusting the manner in which MDE allocates money to districts is not the fix that is needed.

8. School districts are not opposed to a workable plan for providing educational services to students in detention facilities during the school year. MDE states in its guidelines that students are normally detained less than five days. Distinctions should be made for those detainees who are short-term as opposed to those that are long term. School districts should not be cited in violation of an accountability standard that cannot be met.

9. If there is a need for educational services for detainees during summer breaks and holiday breaks, those services should be provided in a manner that does not hold districts to an accountability standard similar to what is required during the 180 day school term

Cherie A. Labat, Ph.D.

Superintendent

Columbus Municipal School District

Keshia Sanders

From: Brian Freeman <brfreeman@forrest.k12.ms.us>
Sent: Monday, July 23, 2018 3:33 PM
To: Keshia Sanders
Subject: Fwd: Document from Forrest County School Dist
Attachments: 4471_001.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Please see attachment for Detention Center APA
Thanks
Brian Freeman

----- Forwarded message -----

From: <downstairscopier@forrest.k12.ms.us>
Date: Mon, Jul 23, 2018 at 3:29 PM
Subject: Document from Forrest County School Dist
To: Brian Freeman <brfreeman@forrest.k12.ms.us>

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"Leaders Eat Last"

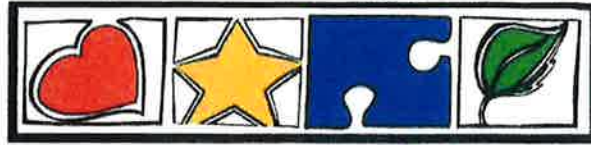
THE PRICE OF GREATNESS IS RESPONSIBILITY

Brian Freeman
Superintendent
Forrest County School District
601-545-6055



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FORREST COUNTY SCHOOL DISTRICT



EMBRACE • INSPIRE • CHALLENGE • GROW

BRIAN FREEMAN

Superintendent of Education

400 Forrest Street

Hattiesburg, MS 39401

Phone 601-545-6055 Fax 601-545-6054

July 23, 2018

To Whom It May Concern:

I would like to share my concerns regarding SBE Policy, Chapter 30, Rule 30.6 through the APA process. In Mississippi Code 43-21-321, the law states that the 48 hours are to exclude legal holidays and weekends. Why doesn't the presented policy include that portion of the statute?

The procedures, rather than in the policy, are tied to accountability requirements which are both financially and administratively tremendous. The Mississippi Department of Education has determined that educational services are required for the full calendar year, including summer break, spring break, and any holiday breaks such as the time off at Thanksgiving and between Christmas and the New Year holiday. An Attorney General's opinion, asked by former State Superintendent Dr. Tom Burnham, addressed the issue regarding teachers assigned to the juvenile detention centers. Attorney General Jim Hood opined (AG Opinion 2010-00394) that MS Code 43-21-321 requires educational services are to be provided to detainees in the Juvenile Detention Centers during the school term and not the full academic year. The position taken by MDE is requiring sponsoring districts to contract with teachers longer than the regular school term. Participating districts must require staff to be on call 24/7 to address these requirements placed on districts due to the procedural guidelines of this rule. This is often a challenge when the time period falls during holidays or weekends.

The 24-hour notify rule is a tremendous problem for both the home district and the sponsoring district. I believe anyone in education would want to provide the most for children, but these requirements and procedures have to be addressed.

I request that a task force of superintendents, detention center administrators, and MDE staff, be convened to determine the most effective and efficient way to provide the required services without creating hardships on district with such outlandish timelines.

Thank you for your time and consideration to my concerns.


Brian Freeman
Superintendent, Forrest County School District

Keshia Sanders

From: Lee Childress <lchildress@corinth.k12.ms.us>
Sent: Monday, July 23, 2018 4:20 PM
To: Keshia Sanders
Subject: Fwd: Attached Image
Attachments: 2819_001.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Please find attached comments regarding Youth Detention Centers.

Thanks

Lee Childress

----- Forwarded message -----

From: <copier@corinth.k12.ms.us>
Date: Mon, Jul 23, 2018 at 4:18 PM
Subject: Attached Image
To: Lee Childress <lchildress@corinth.k12.ms.us>

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Corinth School District
1204 North
Harper Road
Corinth, MS 38834
(662)-287-2425

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Corinth School District
1204 North Harper Road
Corinth, MS 38834
(662)-287-2425

Corinth School District

1204 North Harper Road

Corinth, Mississippi 38831

Telephone (662) 287-2425

Fax (662) 286-1885

EDWARD LEE CHILDRESS, Ed.D.
Superintendent

July 23, 2018

Toni Y. Kersh, Bureau Director
Office of Compulsory School Attendance Enforcement
359 N. West Street
Post Office Box 771
Jackson, MS 39205-0771

Dear Ms. Kersh:

Thank you very much for the opportunity to provide comment to the proposed State Board Policy, Chapter 30, Rule 30.6: Youth Detention Center Educational Provisions. These proposed revisions to clarify the funding process are needed, but greater attention needs to be given to all procedures, accreditation standards, monitoring instruments, and operational guidance provided by the Mississippi Department of Education. It is my hope that the Mississippi State Board of Education will see from the comments that work needs to be done on all of the administrative policies and procedures governing Youth Detention Centers rather than concentrating on the funding process.

Several years ago a task force was created to address many of the issues facing Youth Detention Centers. A group of stakeholders were convened for several meetings to discuss these issues. However, the task force abruptly stopped meeting and there was nothing accomplished as a result of this task force. It is my recommendation that a group of stakeholders be convened to address the many issues school districts are facing with these Centers.

While I recognize that the children in these Centers are entitled to receive educational services, I believe that schools should not be responsible for providing a greater range of educational services to Center students than we are providing to our regular student population. This places an undue burden and hardship on both the school district responsible for Center administration and the school districts providing the students.

The Mississippi Department of Education also needs to recognize that we are not responsible for the buildings, the day-to-day operations or general maintenance of

the Centers. Many of the regulatory polices we are monitored on relate to these issues over which we have no control.

There are many other policies and procedures put into place that go beyond the basic statutory requirements. I encourage the Mississippi Department of Education to withdraw these proposed regulations and take the time to better address the issues schools or having with Youth Detention Centers in an effort to provide services to students that is not as burdensome as it presently is on local school districts.

Sincerely,

A handwritten signature in cursive script, appearing to read "E. Childress", with a long horizontal flourish extending to the right.

Edward Lee Childress

Keshia Sanders

From: Tammy G. Fairburn <Tammy.Fairburn@lawrence.k12.ms.us>
Sent: Monday, July 23, 2018 4:47 PM
To: Keshia Sanders
Subject: Fw: Youth Detention Center Ed Provisions letter
Attachments: MS State Board of Ed Board Policy Chapter 30 Rule 30.6.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

See Attached.
Tammy Fairburn

From: Mona Boyd
Sent: Monday, July 23, 2018 3:36 PM
To: Tammy G. Fairburn
Subject: Youth Detention Center Ed Provisions letter

MONA

Mona Boyd
Secretary to the Superintendent
Lawrence County School District
346 Thomas E. Jolly Drive
Monticello, MS 39654
601-587-2506 x 2006



LAWRENCE COUNTY SCHOOL DISTRICT

TAMMY G. FAIRBURN
SUPERINTENDENT OF EDUCATION

346 THOMAS E. JOLLY DRIVE – MONTICELLO, MS 39654-9301
TELEPHONE (601) 587-2506 – FAX (601) 587-2221

DR. MARK HERBERT, DIST. 1 - CURTIS ALEXANDER, DIST. 2 - TONY THAMES, DIST. 3 - SCOTT BRYAN, DIST. 4 - DR. WESLEY BRIDGES, DIST. 5

July 23, 2018

Dear MS State Board of Education:

Please accept the comments attached regarding State Board Policy, Chapter 30,
Rule 30.6: Youth Detention Center Educational Provisions.

Your consideration is appreciated.

Sincerely,

Tammy G. Fairburn

Superintendent of Education

tammy.fairburn@lawrence.k12.ms.us

EDUCATION IMPROVES ONE'S LIFE'S CHANCES

COMMENTS ON MISSISSIPPI DEPARTMENT OF EDUCATION'S PROPOSAL TO REVISE State Board Policy, Chapter 30, Rule 30.6: Youth Detention Center Educational Provisions.

1. The statutory requirement for providing educational services to all students placed in a detention facility is found in Miss. Code Ann. § 43-21-321.
2. The attorney general has ruled that Miss. Code Ann. § 43-21-321 requires educational services to be provided to detainees of juvenile detention facilities during the school term and not for the full calendar year.
3. Mississippi Department of Education has adopted the position that educational services are required for the full calendar year, including summer break, spring break and holiday breaks such as between Christmas and the New Year holiday.
4. MDE has developed policies and procedures regarding the implementation of year round educational services that are financially and administratively overwhelming to the sponsoring and home districts and are practically impossible to meet. MDE enforces these requirements through accountability requirements that go beyond the law and are more demanding than what is required of school districts for students in the general population.
5. The proposed revision pertains to how the sponsoring schools districts are allocated funds by the MDE. The State Board of Education should take this opportunity to examine all of the rules and regulations adopted by the MDE, in particular those that go beyond the law.
6. Issues faced by sponsoring school districts:
 - a. The law requires school districts to provide services to detainees of juvenile detention facilities during the 180 day school year. MDE requires education services to be provided during the summer break, spring break and holiday breaks. Finding personnel to provide services during these time periods is difficult and very expensive to school districts.

- b. The statute requires detainees to be provided diagnostic assessments, individualized instruction and character education after 48 hours of detention, excluding legal holidays and weekends. MDE's rules require these services without regard to holidays and weekends.
- c. Within 24 hours of a juvenile entering the detention center, the center must notify the juvenile's home district. While MDE's guidelines state that notification should occur during school business hours, excluding weekends and district holidays, districts are cited for lapses in notification during school holiday breaks.
- d. If the student is a student with special needs, the student's home district has until the close of business to provide documents to the detention center. MDE enforces this rule during holiday breaks.
- e. If the home district does not comply, the sponsoring district must report the home district to the MDE. This places the sponsoring district in a difficult monitoring role over the home district.
- f. MDE requires the sponsoring district to "ensure" that 330 minutes of instruction are provided to each detainee per school day. This is an impossible requirement especially if the detainee is removed from class by a detention facility official or the student is removed for behavioral reasons. MDE requires that the sponsoring district maintain a log of when students come and go, a requirement that is not placed on school districts for students in the general population.
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- h. If a student is a student with special needs and has an IEP, MDE requires implementation of the IEP on short term placements in the same manner if the detainee will be incarcerated for a long period of time. For example, if an IEP cannot be implemented exactly as written, the sponsoring school district must call for an IEP meeting

even if the detainee is scheduled for a short-term placement. It is virtually impossible to get service providers (physical therapist, occupational therapists, etc.) and parents to attend a meeting for a short-term placement. The district is cited if they do not hold the meeting, even if the child has returned to the home school.

- i. Child find requirements for detainees are not aligned to State Board Policy.
- j. Transition requirements under a detainee's IEP cannot be implemented in most cases. For example, if the IEP calls for a student to learn how to order food from a menu at a restaurant, the school district will take the student to a restaurant. That same requirement cannot be met in the detention facility. A district will be cited if that transition component is not met. Revising the IEP for a short term placement is not practical but is still required by the MDE.
- k. MDE policy allows for students with disabilities who transfer within the state to receive comparable services. However, the detention facility is required to provide the exact services of a public school or to revise the IEP (although short term placement).
- l. If a student with special needs requires related services (e.g. speech services for 30 minutes per week) during the Christmas holidays, it is very difficult to find a speech therapist who is willing to provide the service. No services are provided to other students with special needs who are not in the detention facility.
- m. Costs to sponsoring districts far exceed the monies provided by MDE and the amount billed to home districts. Sponsoring districts must have regular education teachers, special education teachers, service providers, case workers, etc. on staff to address the needs of the detainees. The administrative burden can be especially daunting and expensive. Home districts are reluctant to participate in the costs that the sponsoring district incurs, particularly if the home district has few students who are sent to the detention facility.

- n. To comply with MDE's requirements, the paperwork is overwhelming (completing the four page intake form, checking every IEP, developing an IAP/transition plan, conducting academic testing, collecting data for child find, contacting home district and parents to set up meetings, conducting meetings for short-term detainees, etc.). Typically, Districts have to hire a separate case manager for the detention facility.
- 7. MDE's implementation of Miss. Code Ann. § 43-21-321 is not workable and should be totally revamped. Simply adjusting the manner in which MDE allocates money to districts is not the fix that is needed.
- 8. School districts are not opposed to a workable plan for providing educational services to students in detention facilities during the school year. MDE states in its guidelines that students are normally detained less than five days. Distinctions should be made for those detainees who are short-term as opposed to those that are long term. School districts should not be cited in violation of an accountability standard that cannot be met.
- 9. If there is a need for educational services for detainees during summer breaks and holiday breaks, those services should be provided in a manner that does not hold districts to an accountability standard similar to what is required during the 180 day school term.

Keshia Sanders

From: Townsend, Sue <stownsend@rcsd.ms>
Sent: Monday, July 23, 2018 4:50 PM
To: Keshia Sanders; Toni Kersh
Subject: Rankin County School District Response: APA for Juvenile Detention Centers

Follow Up Flag: Follow up
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- The attorney general has ruled that Miss. Code Ann. § 43-21-321 requires educational services to be provided to detainees of juvenile detention facilities during the school term and not for the full calendar year.
- Mississippi Department of Education has adopted the position that educational services are required for the full calendar year, including summer break, spring break and holiday breaks such as between Christmas and the New Year holiday.
- The implementation of year round educational services are financially and administratively overwhelming to us and home districts and are practically impossible to meet. MDE's accountability requirements go beyond the law and are more demanding than what is required of school districts for students in the general population.

(The salaries of all teachers at the Rankin County JDC is based on 12 month contracts. This is due to education of students must occur everyday except government holidays and weekends. The week at Christmas, Thanksgiving and Spring Break are outside of 12 month employee contracts and makes it difficult to find substitute teachers during these holidays.)

We have been cited by MDE in the past for not meeting this requirement due to lack of substitute availability during holidays. Again, it is very difficult to find a substitute who wants to work at JDC during the holidays.

- As a sponsoring school district:
 - The law requires school districts to provide services to detainees of juvenile detention facilities during the 180 day school year. MDE requires education services to be provided during the summer break, spring break and holiday breaks. Finding personnel to provide services during these time periods is difficult and very expensive to school districts.
 - The statute requires detainees to be provided diagnostic assessments, individualized instruction and character education after 48 hours of detention, excluding legal holidays and weekends. MDE's rules require these services without regard to holidays and weekends.

- Within 24 hours of a juvenile entering the detention center, the center must notify the juvenile's home district. While MDE's guidelines state that notification should occur during school business hours, excluding weekends and district holidays, districts are cited for lapses in notification during school holiday breaks.
- Students exiting the detention center must have a transition plan back to their home district. (We have been cited by MDE for not notifying the home district when the students was not enrolled in any district.)
- If the student is a student with special needs, the student's home district has until the close of business to provide documents to the detention center. MDE enforces this rule during holiday breaks.
- If the home district does not comply, the sponsoring district must report the home district to the MDE. This places the sponsoring district in a difficult monitoring role over the home district.
- MDE requires the sponsoring district to "ensure" that 330 minutes of instruction are provided to each detainee per school day. This is an impossible requirement especially if the detainee is removed from class by a detention facility official or the student is removed for behavioral reasons. MDE requires that the sponsoring district maintain a log of when students come and go, a requirement that is not placed on school districts for students in the general population.
- MDE requires the same educational requirements for students who have already exited with a GED or homeschooled. Although these students are no longer enrolled in school, the detention center must provide all educational services including special education and related services.
- If a student is a student with special needs and has an IEP, MDE requires implementation of the IEP on short term placements in the same manner if the detainee will be incarcerated for a long period of time. For example, if an IEP cannot be implemented exactly as written, the sponsoring school district must call for an IEP meeting even if the detainee is scheduled for a short-term placement. It is virtually impossible to get service providers (physical therapist, occupational therapists, etc.) and parents to attend a meeting for a short-term placement. The district is cited if they do not hold the meeting, even if the child has returned to the home school.
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- MDE policy allows for students with disabilities who transfer within the state to receive comparable services. However, the detention facility is required to provide the exact services of a public school or to revise the IEP (although short term placement).

- If a student with special needs requires related services (e.g. speech services for 30 minutes per week) during the Christmas holidays, it is very difficult to find a speech therapist who is willing to provide the service. No services are provided to other students with special needs who are not in the detention facility.
- Costs to sponsoring districts far exceed the monies provided by MDE and the amount billed to home districts. Sponsoring districts must have regular education teachers, special education teachers, service providers, case workers, etc. on staff to address the needs of the detainees. The administrative burden can be especially daunting and expensive. Home districts are reluctant to participate in the costs that the sponsoring district incurs, particularly if the home district has few students who are sent to the detention facility.
- To comply with MDE's requirements, the paperwork is overwhelming (completing the four page intake form, checking every IEP, developing an IAP/transition plan, conducting academic testing, collecting data for child find, contacting home district and parents to set up meetings, conducting meetings for short-term detainees, etc.). Typically, Districts have to hire a separate case manager for the detention facility.
- MDE's implementation of Miss. Code Ann. § 43-21-321 is not workable and should be totally revamped. Simply adjusting the manner in which MDE allocates money to districts is not the fix that is needed.
- We are not opposed to a workable plan for providing educational services to students in detention facilities during the school year. MDE states in its guidelines that students are normally detained less than five days. Distinctions should be made for those detainees who are short-term as opposed to those that are long term. School districts should not be cited in violation of an accountability standard that cannot be met.
- If there is a need for educational services for detainees during summer breaks and holiday breaks, those services should be provided in a manner that does not hold districts to an accountability standard similar to what is required during the 180 day school term.

Rankin County School District

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Keshia Sanders

From: Warren Woodrow <wwoodrow@westjasper.k12.ms.us>
Sent: Monday, July 23, 2018 4:50 PM
To: Keshia Sanders
Subject: Comments on youth detention facilities

Follow Up Flag: Follow up
Flag Status: Flagged

Common sense needs to prevail regarding new guidelines and interpretations involving the detention centers . Speaking broadly and generally, a reasonable and practical amount of time should be given for schools districts to provide student information to centers . Holidays and weekends should be considered as well as other reasonable extenuating circumstances which make it nearly impossible to provide info within 24 hours . The information should be required to be transferred during normal school days and within a few days after a holiday break or weekend break for employees .

Also, it is unreasonable to expect local schools to provide meaningful student work through the summer therefore centers should be able to use remedial software programs or other programs for juveniles to continue to work on mastery of previously identified areas of weakness throughout the summer break.

Warren Woodrow

Superintendent of Education

West Jasper School District



PASS CHRISTIAN PUBLIC SCHOOL DISTRICT

Committed to Excellence

Dr. Carla J. Evers, Superintendent

TO: Toni Y. Kersh, Bureau Director

FROM: Dr. Carla J. Evers, Superintendent of Schools

RE: Rule 30.6 Youth Detention Center Comments

DATE: July 23, 2018

Please note the following concerns in regards to Rule 30.6:

1. Consider an equal per-pupil amount instead of an equal share amount for districts. Since the size of the districts range, it often places a burden on smaller school districts to contribute equal shares when they do not have as many students.
2. The requirement for educational services for detainees during summer and holiday breaks is in excess of what is required for all other students.

Keshia Sanders

From: Scott, Undray <undray.scott@rcsd.ms>
Sent: Monday, July 23, 2018 4:55 PM
To: Keshia Sanders; Toni Kersh
Subject: Rankin County School district response to State board policy Chapter 30, Rule 30.6 Youth Detention center Educational Provisions

Follow Up Flag: Follow up
Flag Status: Flagged

- The attorney general has ruled that Miss. Code Ann. § 43-21-321 requires educational services to be provided to detainees of juvenile detention facilities during the school term and not for the full calendar year.
- Mississippi Department of Education has adopted the position that educational services are required for the full calendar year, including summer break, spring break and holiday breaks such as between Christmas and the New Year holiday.
- The implementation of year round educational services are financially and administratively overwhelming to us and home districts and are practically impossible to meet. MDE's accountability requirements go beyond the law and are more demanding than what is required of school districts for students in the general population.

(The salaries of all teachers at the Rankin County JDC is based on 12 month contracts. This is due to education of students must occur everyday except government holidays and weekends. The week at Christmas, Thanksgiving and Spring Break are outside of 12 month employee contracts and makes it difficult to find substitute teachers during these holidays.)

We have been cited by MDE in the past for not meeting this requirement due to lack of substitute availability during holidays. Again, it is very difficult to find a substitute who wants to work at JDC during the holidays.

- As a sponsoring school district:
- The law requires school districts to provide services to detainees of juvenile detention facilities during the 180 day school year. MDE requires education services to be provided during the summer break, spring break and holiday breaks. Finding personnel to provide services during these time periods is difficult and very expensive to school districts.
- The statute requires detainees to be provided diagnostic assessments, individualized instruction and character education after 48 hours of detention, excluding legal holidays and weekends. MDE's rules require these services without regard to holidays and weekends.

- Within 24 hours of a juvenile entering the detention center, the center must notify the juvenile's home district. While MDE's guidelines state that notification should occur during school business hours, excluding weekends and district holidays, districts are cited for lapses in notification during school holiday breaks.
- Students exiting the detention center must have a transition plan back to their home district. (We have been cited by MDE for not notifying the home district when the students was not enrolled in any district.)
- If the student is a student with special needs, the student's home district has until the close of business to provide documents to the detention center. MDE enforces this rule during holiday breaks.
- If the home district does not comply, the sponsoring district must report the home district to the MDE. This places the sponsoring district in a difficult monitoring role over the home district.
- MDE requires the sponsoring district to "ensure" that 330 minutes of instruction are provided to each detainee per school day. This is an impossible requirement especially if the detainee is removed from class by a detention facility official or the student is removed for behavioral reasons. MDE requires that the sponsoring district maintain a log of when students come and go, a requirement that is not placed on school districts for students in the general population.
- MDE requires the same educational requirements for students who have already exited with a GED or homeschooled. Although these students are no longer enrolled in school, the detention center must provide all educational services including special education and related services.
- If a student is a student with special needs and has an IEP, MDE requires implementation of the IEP on short term placements in the same manner if the detainee will be incarcerated for a long period of time. For example, if an IEP cannot be implemented exactly as written, the sponsoring school district must call for an IEP meeting even if the detainee is scheduled for a short-term placement. It is virtually impossible to get service providers (physical therapist, occupational therapists, etc.) and parents to attend a meeting for a short-term placement. The district is cited if they do not hold the meeting, even if the child has returned to the home school.
- Child find requirements for detainees are not aligned to State Board Policy.
- Transition requirements under a detainee's IEP cannot be implemented in most cases. For example, if the IEP calls for a student to learn how to order food from a menu at a restaurant, the school district will take the student to a restaurant. That same requirement cannot be met in the detention facility. A district will be cited if that transition component is not met. Revising the IEP for a short term placement is not practical but is still required by the MDE.
- MDE policy allows for students with disabilities who transfer within the state to receive comparable services. However, the detention facility is required to provide the exact services of a public school or to revise the IEP (although short term placement).

- If a student with special needs requires related services (e.g. speech services for 30 minutes per week) during the Christmas holidays, it is very difficult to find a speech therapist who is willing to provide the service. No services are provided to other students with special needs who are not in the detention facility.
- Costs to sponsoring districts far exceed the monies provided by MDE and the amount billed to home districts. Sponsoring districts must have regular education teachers, special education teachers, service providers, case workers, etc. on staff to address the needs of the detainees. The administrative burden can be especially daunting and expensive. Home districts are reluctant to participate in the costs that the sponsoring district incurs, particularly if the home district has few students who are sent to the detention facility.
- To comply with MDE's requirements, the paperwork is overwhelming (completing the four page intake form, checking every IEP, developing an IAP/transition plan, conducting academic testing, collecting data for child find, contacting home district and parents to set up meetings, conducting meetings for short-term detainees, etc.). Typically, Districts have to hire a separate case manager for the detention facility.
- MDE's implementation of Miss. Code Ann. § 43-21-321 is not workable and should be totally revamped. Simply adjusting the manner in which MDE allocates money to districts is not the fix that is needed.
- We are not opposed to a workable plan for providing educational services to students in detention facilities during the school year. MDE states in its guidelines that students are normally detained less than five days. Distinctions should be made for those detainees who are short-term as opposed to those that are long term. School districts should not be cited in violation of an accountability standard that cannot be met.
- If there is a need for educational services for detainees during summer breaks and holiday breaks, those services should be provided in a manner that does not hold districts to an accountability standard similar to what is required during the 180 day school term.

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Keshia Sanders

From: Bailey, Buddy <bbailey@rcsd.ms>
Sent: Monday, July 23, 2018 4:55 PM
To: Keshia Sanders; Toni Kersh
Subject: RCSD Response APA Juvenile Detention Center

Follow Up Flag: Follow up
Flag Status: Flagged

- The attorney general has ruled that Miss. Code Ann. § 43-21-321 requires educational services detainees of juvenile detention facilities during the school term and not for the full calendar year.
- Mississippi Department of Education has adopted the position that educational services are required for the full calendar year, including summer break, spring break and holiday breaks such as between Christmas and New Year holiday.
- The implementation of year round educational services are financially and administratively over the heads of home districts and are practically impossible to meet. MDE's accountability requirements go beyond what is required of school districts for students in the general population.

(The salaries of all teachers at the Rankin County JDC is based on 12 month contracts. This is due to education occurring everyday except government holidays and weekends. The week at Christmas, Thanksgiving and Spring break is not included in 12 month employee contracts and makes it difficult to find substitute teachers during these holidays.)

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 - If the student is a student with special needs, the student's home district has until the close of business the day before documents to the detention center. MDE enforces this rule during holiday breaks.

- If the home district does not comply, the sponsoring district must report the home district to the sponsoring district in a difficult monitoring role over the home district.
- MDE requires the sponsoring district to “ensure” that 330 minutes of instruction are provided each school day. This is an impossible requirement especially if the detainee is removed from class by an official or the student is removed for behavioral reasons. MDE requires that the sponsoring district provide transportation when students come and go, a requirement that is not placed on school districts for students in the general population.
- MDE requires the same educational requirements for students who have already exited with a diploma as for those who are homeschooled. Although these students are no longer enrolled in school, the detention center must provide educational services including special education and related services.
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