

OFFICE OF CHIEF ACADEMIC OFFICER
Summary of State Board of Education Agenda Items
Consent Agenda
July 18, 2019

OFFICE OF COMPULSORY SCHOOL ATTENDANCE ENFORCEMENT

- A. Approval to begin the Administrative Procedures Act process: To revise Miss. Admin. Code 7-3:30.6, State Board Policy Chapter 30, Rule 30.6 - Youth Detention Center Educational Provisions

Executive Summary

During the 2019 Legislative session, the Mississippi Legislature amended Miss. Code Ann. § 43-21-321: Development of procedures and policies that comply with Juvenile Facilities Monitoring Unit regulations; provision of educational services to detained students.

In accordance with the statute, MDE is responsible for developing and promulgating policies and procedures regarding financial reimbursements to sponsoring school districts, and regulations related to the provision of educational services to all youth detained in a juvenile detention facility. The MDE must conduct inspections of the facility's educational services at least annually or more often as deemed necessary. After each inspection, the Department must provide the licensing agency with its determination of the facility's compliance with the education provisions. The licensing agency shall use the information in its determination of the facility's eligibility for licensure.

The revisions to Miss. Admin. Code 7-3:30.6, State Board Policy, Chapter 30, Rule 30.6 will provide broader authority for determining compliance to Miss. Code Ann. § 43-21-321.

Recommendation: Approval

Back-up material attached

Rule 30.6 Youth Detention Center Educational Provisions

In accordance with Miss. Code Ann. § 43-21-321, educational provisions are required for youth detainees in a juvenile detention center facility at a minimum during the sponsoring school district's academic school year.

41. 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 (JDC).

42. A certified teacher will provide educational services to detainees.

23. Teacher selection shall be in consultation with the youth court judge.

34. The sponsoring school district will pay the salary of the teacher, based upon actual certification, state (teacher) salary schedule and number of employment days.

45. 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.

56. After forty-eight (48) hours of detention during the calendar year, as determined by the sponsoring school district, 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.

67. 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 during the sponsoring school district's academic school calendar. The sponsoring school district shall adhere to Child Find regulations throughout the calendar year.

8. Student assignments shall be provided to a juvenile detention center by the home school for completion during detainment if needed by the Juvenile Detention Center (JDC). Student's records, including grades and attendance, shall be part of the student's transition process and submitted to the receiving school district for review, upon release. Grades received from the JDC's education program shall be incorporated into academic performance grades.

7-9. 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 detention.

10. School districts shall work collaboratively to develop a documented process for the continuation of related services. The school district of residence remains responsible for the student's access to related services while the student is in a juvenile detention center.

~~8~~ 11. The sponsoring school districts shall maintain and update the computer labs.

~~9~~ 12. Students in the youth detention center shall not be classified as absent by the student's home school and attendance data shall be reported to home district daily.

~~10~~ 13. 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~~ 14. The sponsoring school district shall provide 330 minutes of instruction per school day.

~~12~~ 15. The sponsoring school district shall identify students with limited English proficiency and provide appropriate instruction to ensure meaningful access to the curriculum.

~~13~~ 16. An Individualized Academic Plan (IAP) shall be written by the sponsoring school district for each student that has been detained for 10 days or more, during the sponsoring school district's academic calendar, and forwarded to the student's home school and ~~is shall be~~ used as a transition component. An IAP does not need to be developed if the student has an existing IEP. The JDC educational staff shall follow all state and federal laws for revisions and modifications of an existing IEP to ensure appropriate services.

17. Student detainees who have received a High School Equivalency diploma shall be provided educational services, which may be computer-based on an academic screener. Instruction shall include an integrated career counseling component, and access to career and technical opportunities.

18. The sponsoring school district shall be responsible for providing educational and/or special educational services as required by state and federal law for youth detainees. At a minimum, educational services shall be provided during the sponsoring school districts academic school year and must include a six-week enrichment program. The enrichment program shall focus on mathematics and English language arts instruction, and may include other primary core subject areas, including character education. The sponsoring school district shall ensure compliance with all guidelines set forth by the

IDEA. The summer enrichment program shall be at least four (4) hours per day and may be computer-based.

~~15 19. 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 need's 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. Upon legislative allocation of funds for educational services, the MDE shall disseminate funds to the sponsoring school districts. The MDE shall review and approve all JDC educational program budgets.~~

~~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 20. The Mississippi Department of Education has the authority to develop and promulgate policies and procedures regarding educational programming.~~

21. The MDE shall monitor each detention center's educational program in accordance with state law. Each sponsoring school districts shall be responsible for conducting a self-assessment of educational programs offered to student detainees. On-site monitoring may be conducted if specified risk factors are identified including, but not limited to:

- Complaints by the Department of Public Safety Facility Monitoring Unit,
- Notification of non-compliance by the Office of Special Education
- Sponsoring school district's self-assessment irregularities

Source: *Miss. Code Ann. § 43-21-321 (Revised 4/2015 7/2019)*

Rule 30.6 Youth Detention Center Educational Provisions

In accordance with Miss. Code Ann. § 43-21-321, educational provisions are required for youth detainees in a juvenile detention center facility at a minimum during the sponsoring school district's academic school year.

1. 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 (JDC).
2. A certified teacher will provide educational services to detainees.
3. Teacher selection shall be in consultation with the youth court judge.
4. The sponsoring school district will pay the salary of the teacher, based upon actual certification, state (teacher) salary schedule and number of employment days.
5. 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.
6. After forty-eight (48) hours of detention during the calendar year, as determined by the sponsoring school district, 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.
7. 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 during the sponsoring school district's academic school calendar. The sponsoring school district shall adhere to Child Find regulations throughout the calendar year.
8. Student assignments shall be provided to a juvenile detention center by the home school for completion during detainment if need by the Juvenile Detention Center (JDC). Student's records, including grades and attendance, shall be part of the student's transition process and submitted to the receiving school district for review, upon release. Grades received from the JDC's education program shall be incorporated into academic performance grades.

9. 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.

10. School districts shall work collaboratively to develop a documented process for the continuation of related services. The school district of residence remains responsible for the student's access to related services while the student is in a juvenile detention center.

11. The sponsoring school districts shall maintain and update the computer labs.

12. Students in the youth detention center shall not be classified as absent by the student's home school and attendance data shall be reported to home district daily.

13. 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.

14. The sponsoring school district shall provide 330 minutes of instruction per school day.

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

16. An Individualized Academic Plan (IAP) shall be written by the sponsoring school district for each student that has been detained for 10 days or more, during the sponsoring school district's academic calendar, and forwarded to the student's home school and ~~is~~ shall be used as a transition component. An IAP does not need to be developed if the student has an existing IEP. The JDC educational staff shall follow all state and federal laws for revisions and modifications of an existing IEP to ensure appropriate services.

17. Student detainees who have received a High School Equivalency diploma shall be provided educational services, which may be computer-based on an academic screener. Instruction shall include an integrated career counseling component, and access to career and technical opportunities.

18. The sponsoring school district shall be responsible for providing educational and/or special educational services as required by state and federal law for youth detainees. At a minimum, educational services shall be provided during the sponsoring school districts academic school year and must include a six-week enrichment program. The enrichment program shall focus on mathematics and English language arts instruction, and may include other primary core subject areas, including character education. The sponsoring school district shall ensure compliance with all guidelines set forth by the IDEA. The

summer enrichment program shall be at least four (4) hours per day and may be computer-based.

19. Upon legislative allocation of funds for educational services, the MDE shall disseminate funds to the sponsoring school districts. The MDE shall review and approve all JDC educational program budgets.

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

21. The MDE shall monitor each detention center's educational program in accordance with state law. Each sponsoring school districts shall be responsible for conducting a self-assessment of educational programs offered to student detainees. On-site monitoring may be conducted if specified risk factors are identified including, but not limited to:

- Complaints by the Department of Public Safety Facility Monitoring Unit
- Notification of non-compliance by the Office of Special Education
- Sponsoring school district's self-assessment irregularities

Source: Miss. Code Ann. § 43-21-321 (Revised 7/2019)

Senate Bill 2449

(As Sent to Governor)

AN ACT TO AMEND SECTION 43-21-321, MISSISSIPPI CODE OF 1972, TO DEFINE THE RESPONSIBILITY OF THE HOME SCHOOL DISTRICT AND THE SPONSORING SCHOOL DISTRICT TO PROVIDE EDUCATION FOR STUDENTS IN JUVENILE DETENTION FACILITIES, TO REQUIRE LOCAL SCHOOL DISTRICTS TO PROVIDE RELEVANT RECORDS OF DETAINED STUDENTS IN ACCORDANCE WITH STATE BOARD OF EDUCATION POLICY, TO PROVIDE FOR A REQUIRED SUMMER COURSE FOR SUCH STUDENTS FOCUSING ON MATHEMATICS AND LANGUAGE ARTS AND TO AUTHORIZE THE STATE DEPARTMENT OF EDUCATION TO PROMULGATE RULES AND REGULATIONS RELATED TO THE EDUCATION OF CHILDREN HOUSED IN A JUVENILE DETENTION FACILITY; AND FOR RELATED PURPOSES.

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

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

43-21-321. (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 or special education services when required by state and federal law or when designated on a student's Individualized Education Program (IEP), 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 * * * was last enrolled. Detainees who have received a High School Equivalency diploma shall be provided remedial instruction in math and language arts, or other areas as determined by the sponsoring school district, which may be computer-based instruction, as well as career counseling opportunities. 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) To ensure students in youth detention facilities continue to receive appropriate educational services, local education agencies (LEAs) must have policies and

procedures to ensure the relevant records of students who move to, and from, youth detention facilities are sent to and received from the sponsoring school district as soon as practicable to enable the effective delivery of educational services.

(* * *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 and, when required by state and federal law, special education services, for the detainee while in detention during the sponsoring school district's academic calendar and a six-week summer enrichment program, the dates which are determined by the sponsoring school district. The enrichment program shall be facilitated by certified or classified district staff and shall be focused academically on mathematics and English language arts instruction, and may include other primary core subject areas, including character education. The six-week enrichment program shall not set aside any guidelines set forth by the Individuals with Disabilities Education Act. The summer enrichment program may be computer-based and have an abbreviated school day that shall not be less than four (4) hours per day. After forty-eight (48) hours of detention * * * during the sponsoring school district's academic calendar and six-week enrichment program, 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 during the sponsoring school district's academic calendar and six-week enrichment program; and
- (c) Character education to improve behavior.

(* * *7) No later than the tenth day of detention during the sponsoring school district's academic calendar and six-week enrichment program, 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 * * * academic program (IAP) 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. Any student identified under IDEA will utilize the student's current IEP in lieu of the IAP.

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

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

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

(* * *11) 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.

(* * *12) 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.

(* * *13) Juvenile detention centers shall ensure that staffs create transition planning for youth leaving the facilities. This process shall be led by the student's youth court counselor, and shall include staff from the educational center. 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.

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

(* * *15) The Mississippi Department of Public Safety 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 section. In accordance with Section 43-21-907(5), Mississippi Code of 1972, the Mississippi Department of Education has the authority to promulgate rules and regulations related to the education of all children housed in a juvenile detention facility, to conduct inspections of the facility's educational services at least annually or more often as deemed necessary and shall provide the licensing agency with its determination of the facility's compliance with the education provisions. The licensing agency shall use the information in its determination of the facility's eligibility for licensure. It is the intention of the Legislature that the implementation of the provisions of Section 43-21-321 shall not create accountability or accreditation requirements or standards upon the sponsoring school district or the home district that are greater, more restrictive or more demanding than those requirements imposed upon local school districts in the provision of educational services to the general population of students.

SECTION 2. This act shall take effect and be in force from and after July 1, 2019.