MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representative Hines

To: Youth and Family Affairs; Appropriations

HOUSE BILL NO. 27

AN ACT TO REQUIRE THAT LANGUAGE AND SIGN LANGUAGE INTERPRETATION SERVICES BE PROVIDED FOR CERTAIN YOUTH AT JUVENILE DETENTION CENTERS; TO PROVIDE CERTAIN DEFINITIONS; TO REQUIRE JUVENILE DETENTION CENTERS TO ADOPT A POLICY PROVIDING FOR INTERPRETATION SERVICES FOR CERTAIN YOUTH AT SUCH CENTERS; TO PROVIDE THAT INTERPRETERS SHALL BE MADE AVAILABLE 24 HOURS A DAY TO ASSIST THE CENTERS; TO REQUIRE THE CENTERS TO POST NOTICES ADVERTISING THE INTERPRETATION SERVICES WITHIN THE DETENTION CENTERS; TO PROVIDE CERTAIN FUNDING FOR SUCH SERVICES; TO AMEND SECTION 27-104-7, MISSISSIPPI CODE OF 1972, TO REQUIRE THE PUBLIC PROCUREMENT REVIEW BOARD TO PROMULGATE RULES AND REGULATIONS GOVERNING THE SOLICITATION AND SELECTION OF A SINGLE STATEWIDE CONTRACT FOR THE INTERPRETATION SERVICES AT THE CENTERS AND TO EXTEND THE DATE OF REPEAL ON THE SECTION; TO AMEND SECTION 43-21-321, MISSISSIPPI CODE OF 1972, TO REQUIRE SUCH CENTERS TO PROVIDE INTERPRETATION SERVICES; AND FOR RELATED PURPOSES.

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

SECTION 1. (1) For the purpose of this section, the following words and terms shall have the meanings ascribed in this section unless the context clearly indicates otherwise:

(a) "Deaf or hard of hearing" means a person who has either no hearing or who has significant hearing loss so as to need the services of an interpreter to communicate.

(b) "Interpreter" means a person who is certified or credentialed by the National Association of the Deaf, the Registry

of Interpreters for the Deaf, any other national certifying organization which is recognized by the Mississippi Office on Deaf and Hard of Hearing (ODHH), or any individual who holds a valid ODHH-approved quality assurance screening level. Registered interpreters are required to adhere to professional standards and a Code of Ethics as established by the National Association of the Deaf and the Registry of Interpreters for the Deaf.

(c) "Language or communication barriers" means either of the following:

(i) With respect to spoken language, barriers that are experienced by limited English speaking or non-English speaking individuals who speak the same primary language, if those individuals constitute at least five percent (5%) of the youth served by a juvenile detention center annually; or

(ii) With respect to sign language, barriers that are experienced by individuals who are deaf or hard of hearing and whose primary language is sign language.

(2) To assure that proper services are received by youth who have limited English speaking or non-English speaking abilities or who are deaf or hard of hearing at juvenile detention centers, such centers shall do the following:

(a) Adopt and review annually a policy for providing language assistance services to youth with language or communication barriers. The policy shall include procedures for providing, to the extent possible as determined by the facility,

the use of an interpreter whenever a language or communication barrier exists, except where the youth, after being informed of the availability of the interpreter service, chooses to use a family member or friend who volunteers to interpret. The procedures shall be designed to maximize efficient use of interpreters and minimize delays in providing interpreters to youth. The procedures shall ensure, to the extent possible as determined by the center, that interpreters are available, either on the premises or accessible by telephone, twenty-four (24) hours a day. The center shall annually transmit to the Mississippi Department of Human Services a copy of the updated policy and shall include a description of the center's efforts to ensure adequate and speedy communication between youth with language or communication barriers and staff.

(b) Develop, and post in conspicuous locations, notices that advise youth and their families of the availability of interpreters, the procedure for obtaining an interpreter, and the telephone numbers to call for filing complaints concerning interpreter service problems, including, but not limited to, a telecommunications device for the deaf (TDD) number for persons who are deaf or hard of hearing. The notices shall be posted, at a minimum, in the admitting area of the facility and the facility entrance. Notices shall inform youth that interpreter services are available on request, shall list the languages most commonly encountered at the facility for which interpreter services are

available, and shall instruct youth to direct complaints regarding interpreter services to the Mississippi Department of Human Services, including the telephone numbers to call for that purpose.

(c) Notify the employees of the center of the language services available at the facility and train them on how to make those language services available to youth.

(d) Prepare and maintain, as needed, a list of qualified interpreters who have been identified as proficient in sign language and a list of the languages of the population of the geographical area served by the center.

(e) Review all standardized written forms, waivers, documents, and informational materials available to youth on admission to determine which to translate into languages other than English.

(f) Consider providing its nonbilingual staff with standardized picture and phrase sheets for use in routine communications with students who have language or communication barriers.

(g) Develop community liaison groups to enable the facility and the limited English speaking, non-English speaking, and deaf or hard of hearing communities to ensure the adequacy of the interpreter services.

(3) The state shall fully fund the required interpretation services prescribed under this section and shall select through a

single statewide contract an entity to provide the interpretation services to juvenile detention centers as required under this section. The Public Procurement Review Board shall promulgate rules and regulations governing the solicitation and selection of such entity for the statewide contract.

SECTION 2. Section 27-104-7, Mississippi Code of 1972, is amended as follows:

27-104-7. (1) (a) There is created the Public Procurement Review Board, which shall be reconstituted on January 1, 2018, and shall be composed of the following members:

(i) Three (3) individuals appointed by the Governor with the advice and consent of the Senate;

(ii) Two (2) individuals appointed by the Lieutenant Governor with the advice and consent of the Senate; and

(iii) The Executive Director of the Department of Finance and Administration, serving as an ex officio and nonvoting member.

(b) The initial terms of each appointee shall be as follows:

(i) One (1) member appointed by the Governor to serve for a term ending on June 30, 2019;

(ii) One (1) member appointed by the Governor to serve for a term ending on June 30, 2020;

(iii) One (1) member appointed by the Governor to serve for a term ending on June 30, 2021;

(iv) One (1) member appointed by the Lieutenant Governor to serve for a term ending on June 30, 2019; and

(v) One (1) member appointed by the Lieutenant Governor to serve for a term ending on June 30, 2020.

After the expiration of the initial terms, all appointed members' terms shall be for a period of four (4) years from the expiration date of the previous term, and until such time as the member's successor is duly appointed and qualified.

(c) When appointing members to the Public Procurement Review Board, the Governor and Lieutenant Governor shall take into consideration persons who possess at least five (5) years of management experience in general business, health care or finance for an organization, corporation or other public or private entity. Any person, or any employee or owner of a company, who receives any grants, procurements or contracts that are subject to approval under this section shall not be appointed to the Public Procurement Review Board. Any person, or any employee or owner of a company, who is a principal of the source providing a personal or professional service shall not be appointed to the Public Procurement Review Board if the principal owns or controls a greater than five percent (5%) interest or has an ownership value of One Million Dollars ($1,000,000.00) in the source's business, whichever is smaller. No member shall be an officer or employee of the State of Mississippi while serving as a voting member on the Public Procurement Review Board.

(d) Members of the Public Procurement Review Board shall be entitled to per diem as authorized by Section 25-3-69 and travel reimbursement as authorized by Section 25-3-41.

(e) The members of the Public Procurement Review Board shall elect a chair from among the membership, and he or she shall preside over the meetings of the board. The board shall annually elect a vice chair, who shall serve in the absence of the chair. No business shall be transacted, including adoption of rules of procedure, without the presence of a quorum of the board. Three (3) members shall be a quorum. No action shall be valid unless approved by a majority of the members present and voting, entered upon the minutes of the board and signed by the chair. Necessary clerical and administrative support for the board shall be provided by the Department of Finance and Administration. Minutes shall be kept of the proceedings of each meeting, copies of which shall be filed on a monthly basis with the chairs of the Accountability, Efficiency and Transparency Committees of the Senate and House of Representatives and the chairs of the Appropriations Committees of the Senate and House of Representatives.

(2) The Public Procurement Review Board shall have the following powers and responsibilities:

(a) Approve all purchasing regulations governing the purchase or lease by any agency, as defined in Section 31-7-1, of

commodities and equipment, except computer equipment acquired pursuant to Sections 25-53-1 through 25-53-29;

(b) Adopt regulations governing the approval of contracts let for the construction and maintenance of state buildings and other state facilities as well as related contracts for architectural and engineering services.

The provisions of this paragraph (b) shall not apply to such contracts involving buildings and other facilities of state institutions of higher learning which are self-administered as provided under this paragraph (b) or Section 37-101-15(m);

(c) Adopt regulations governing any lease or rental agreement by any state agency or department, including any state agency financed entirely by federal funds, for space outside the buildings under the jurisdiction of the Department of Finance and Administration. These regulations shall require each agency requesting to lease such space to provide the following information that shall be published by the Department of Finance and Administration on its website: the agency to lease the space; the terms of the lease; the approximate square feet to be leased; the use for the space; a description of a suitable space; the general location desired for the leased space; the contact information for a person from the agency; the deadline date for the agency to have received a lease proposal; any other specific terms or conditions of the agency; and any other information deemed appropriate by the Division of Real Property Management of

the Department of Finance and Administration or the Public Procurement Review Board. The information shall be provided sufficiently in advance of the time the space is needed to allow the Division of Real Property Management of the Department of Finance and Administration to review and preapprove the lease before the time for advertisement begins;

(d) Adopt, in its discretion, regulations to set aside at least five percent (5%) of anticipated annual expenditures for the purchase of commodities from minority businesses; however, all such set-aside purchases shall comply with all purchasing regulations promulgated by the department and shall be subject to all bid requirements. Set-aside purchases for which competitive bids are required shall be made from the lowest and best minority business bidder; however, if no minority bid is available or if the minority bid is more than two percent (2%) higher than the lowest bid, then bids shall be accepted and awarded to the lowest and best bidder. However, the provisions in this paragraph shall not be construed to prohibit the rejection of a bid when only one (1) bid is received. Such rejection shall be placed in the minutes. For the purposes of this paragraph, the term "minority business" means a business which is owned by a person who is a citizen or lawful permanent resident of the United States and who is:

(i) Black: having origins in any of the black racial groups of Africa;

(ii) Hispanic: of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish or Portuguese culture or origin regardless of race;

(iii) Asian-American: having origins in any of the original people of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands;

(iv) American Indian or Alaskan Native: having origins in any of the original people of North America; or

(v) Female;

(e) In consultation with and approval by the Chairs of the Senate and House Public Property Committees, approve leases, for a term not to exceed eighteen (18) months, entered into by state agencies for the purpose of providing parking arrangements for state employees who work in the Woolfolk Building, the Carroll Gartin Justice Building or the Walter Sillers Office Building;

(f) Promulgate rules and regulations governing the solicitation and selection of contractual services personnel including personal and professional services contracts for any form of consulting, policy analysis, public relations, marketing, public affairs, legislative advocacy services or any other contract that the board deems appropriate for oversight, with the exception of any personal service contracts entered into by any agency that employs only nonstate service employees as defined in Section 25-9-107(c), any personal service contracts entered into for computer or information technology-related services governed

by the Mississippi Department of Information Technology Services, any personal service contracts entered into by the individual state institutions of higher learning, any personal service contracts entered into by the Mississippi Department of Transportation, any personal service contracts entered into by the Department of Human Services through June 30, 2019, which the Executive Director of the Department of Human Services determines would be useful in establishing and operating the Department of Child Protection Services, any personal service contracts entered into by the Department of Child Protection Services through June 30, 2019, any contracts for entertainers and/or performers at the Mississippi State Fairgrounds entered into by the Mississippi Fair Commission, any contracts entered into by the Department of Finance and Administration when procuring aircraft maintenance, parts, equipment and/or services, and any contract for attorney, accountant, actuary auditor, architect, engineer, and utility rate expert services. Any such rules and regulations shall provide for maintaining continuous internal audit covering the activities of such agency affecting its revenue and expenditures as required under Section 7-7-3(6)(d). Any rules and regulation changes related to personal and professional services contracts that the Public Procurement Review Board may propose shall be submitted to the Chairs of the Accountability, Efficiency and Transparency Committees of the Senate and House of Representatives and the Chairs of the Appropriation Committees of the Senate and House of

Representatives at least fifteen (15) days before the board votes on the proposed changes, and those rules and regulation changes, if adopted, shall be promulgated in accordance with the Mississippi Administrative Procedures Act;

(g) Approve all personal and professional services contracts involving the expenditures of funds in excess of Seventy-five Thousand Dollars ($75,000.00), except as provided in paragraph (f) of this subsection (2) and in subsection (8);

(h) Develop mandatory standards with respect to contractual services personnel that require invitations for public bid, requests for proposals, record keeping and financial responsibility of contractors. The Public Procurement Review Board shall, unless exempted under this paragraph (h) or under paragraph (i) or (o) of this subsection (2), require the agency involved to submit the procurement to a competitive procurement process, and may reserve the right to reject any or all resulting procurements;

(i) Prescribe certain circumstances by which agency heads may enter into contracts for personal and professional services without receiving prior approval from the Public Procurement Review Board. The Public Procurement Review Board may establish a preapproved list of providers of various personal and professional services for set prices with which state agencies may contract without bidding or prior approval from the board;

(i) Agency requirements may be fulfilled by procuring services performed incident to the state's own programs. The agency head shall determine in writing whether the price represents a fair market value for the services. When the procurements are made from other governmental entities, the private sector need not be solicited; however, these contracts shall still be submitted for approval to the Public Procurement Review Board.

(ii) Contracts between two (2) state agencies, both under Public Procurement Review Board purview, shall not require Public Procurement Review Board approval. However, the contracts shall still be entered into the enterprise resource planning system.

(j) Provide standards for the issuance of requests for proposals, the evaluation of proposals received, consideration of costs and quality of services proposed, contract negotiations, the administrative monitoring of contract performance by the agency and successful steps in terminating a contract;

(k) Present recommendations for governmental privatization and to evaluate privatization proposals submitted by any state agency;

(l) Authorize personal and professional service contracts to be effective for more than one (1) year provided a funding condition is included in any such multiple year contract, except the State Board of Education, which shall have the

authority to enter into contractual agreements for student assessment for a period up to ten (10) years. The State Board of Education shall procure these services in accordance with the Public Procurement Review Board procurement regulations;

(m) Request the State Auditor to conduct a performance audit on any personal or professional service contract;

(n) Prepare an annual report to the Legislature concerning the issuance of personal and professional services contracts during the previous year, collecting any necessary information from state agencies in making such report;

(o) Develop and implement the following standards and procedures for the approval of any sole source contract for personal and professional services regardless of the value of the procurement:

(i) For the purposes of this paragraph (o), the term "sole source" means only one (1) source is available that can provide the required personal or professional service.

(ii) An agency that has been issued a binding, valid court order mandating that a particular source or provider must be used for the required service must include a copy of the applicable court order in all future sole source contract reviews for the particular personal or professional service referenced in the court order.

(iii) Any agency alleging to have a sole source for any personal or professional service, other than those

exempted under paragraph (f) of this subsection (2) and subsection (8), shall publish on the procurement portal website established by Sections 25-53-151 and 27-104-165, for at least fourteen (14) days, the terms of the proposed contract for those services. In addition, the publication shall include, but is not limited to, the following information:

1. The personal or professional service offered in the contract;

2. An explanation of why the personal or professional service is the only one that can meet the needs of the agency;

3. An explanation of why the source is the only person or entity that can provide the required personal or professional service;

4. An explanation of why the amount to be expended for the personal or professional service is reasonable; and

5. The efforts that the agency went through to obtain the best possible price for the personal or professional service.

(iv) If any person or entity objects and proposes that the personal or professional service published under subparagraph (iii) of this paragraph (o) is not a sole source service and can be provided by another person or entity, then the objecting person or entity shall notify the Public Procurement

Review Board and the agency that published the proposed sole source contract with a detailed explanation of why the personal or professional service is not a sole source service.

(v) 1. If the agency determines after review that the personal or professional service in the proposed sole source contract can be provided by another person or entity, then the agency must withdraw the sole source contract publication from the procurement portal website and submit the procurement of the personal or professional service to an advertised competitive bid or selection process.

2. If the agency determines after review that there is only one (1) source for the required personal or professional service, then the agency may appeal to the Public Procurement Review Board. The agency has the burden of proving that the personal or professional service is only provided by one (1) source.

3. If the Public Procurement Review Board has any reasonable doubt as to whether the personal or professional service can only be provided by one (1) source, then the agency must submit the procurement of the personal or professional service to an advertised competitive bid or selection process. No action taken by the Public Procurement Review Board in this appeal process shall be valid unless approved by a majority of the members of the Public Procurement Review Board present and voting.

(vi) The Public Procurement Review Board shall prepare and submit a quarterly report to the House of Representatives and Senate Accountability, Efficiency and Transparency Committees that details the sole source contracts presented to the Public Procurement Review Board and the reasons that the Public Procurement Review Board approved or rejected each contract. These quarterly reports shall also include the documentation and memoranda required in subsection (4) of this section. An agency that submitted a sole source contract shall be prepared to explain the sole source contract to each committee by December 15 of each year upon request by the committee.

(p) Assess any fines and administrative penalties provided for in Sections 31-7-401 through 31-7-423 *** * ***;

(q) Promulgate rules and regulations governing the solicitation and selection of the single statewide contract for interpretation services for juvenile detention centers as required under Section 1 of this act.

(3) All submissions shall be made sufficiently in advance of each monthly meeting of the Public Procurement Review Board as prescribed by the Public Procurement Review Board. If the Public Procurement Review Board rejects any contract submitted for review or approval, the Public Procurement Review Board shall clearly set out the reasons for its action, including, but not limited to, the policy that the agency has violated in its submitted contract and any corrective actions that the agency may take to amend the

contract to comply with the rules and regulations of the Public Procurement Review Board.

(4) All sole source contracts for personal and professional services awarded by state agencies, other than those exempted under Section 27-104-7(2)(f) and (8), whether approved by an agency head or the Public Procurement Review Board, shall contain in the procurement file a written determination for the approval, using a request form furnished by the Public Procurement Review Board. The written determination shall document the basis for the determination, including any market analysis conducted in order to ensure that the service required was practicably available from only one (1) source. A memorandum shall accompany the request form and address the following four (4) points:

(a) Explanation of why this service is the only service that can meet the needs of the purchasing agency;

(b) Explanation of why this vendor is the only practicably available source from which to obtain this service;

(c) Explanation of why the price is considered reasonable; and

(d) Description of the efforts that were made to conduct a noncompetitive negotiation to get the best possible price for the taxpayers.

(5) In conjunction with the State Personnel Board, the Public Procurement Review Board shall develop and promulgate rules and regulations to define the allowable legal relationship between

contract employees and the contracting departments, agencies and institutions of state government under the jurisdiction of the State Personnel Board, in compliance with the applicable rules and regulations of the federal Internal Revenue Service (IRS) for federal employment tax purposes. Under these regulations, the usual common law rules are applicable to determine and require that such worker is an independent contractor and not an employee, requiring evidence of lawful behavioral control, lawful financial control and lawful relationship of the parties. Any state department, agency or institution shall only be authorized to contract for personnel services in compliance with those regulations.

(6) No member of the Public Procurement Review Board shall use his or her official authority or influence to coerce, by threat of discharge from employment, or otherwise, the purchase of commodities, the contracting for personal or professional services, or the contracting for public construction under this chapter.

(7) Notwithstanding any other laws or rules to the contrary, the provisions of subsection (2) of this section shall not be applicable to the Mississippi State Port Authority at Gulfport.

(8) Nothing in this section shall impair or limit the authority of the Board of Trustees of the Public Employees' Retirement System to enter into any personal or professional services contracts directly related to their constitutional

obligation to manage the trust funds, including, but not limited to, actuarial, custodial banks, cash management, investment consultant and investment management contracts.

(9) Notwithstanding the exemption of personal and professional services contracts entered into by the Department of Human Services and personal and professional services contracts entered into by the Department of Child Protection Services from the provisions of this section under subsection (2)(f), before the Department of Human Services or the Department of Child Protection Services may enter into a personal or professional service contract, the department(s) shall give notice of the proposed personal or professional service contract to the Public Procurement Review Board for any recommendations by the board. Upon receipt of the notice, the board shall post the notice on its website and on the procurement portal website established by Sections 25-53-151 and 27-104-165. If the board does not respond to the department(s) within seven (7) calendar days after receiving the notice, the department(s) may enter the proposed personal or professional service contract. If the board responds to the department(s) within seven (7) calendar days, then the board has seven (7) calendar days from the date of its initial response to provide any additional recommendations. After the end of the second seven-day period, the department(s) may enter the proposed personal or professional service contract. The board is not authorized to disapprove any proposed personal or professional

services contracts. This subsection shall stand repealed on July 1, 2022.

SECTION 3. 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; *** * ***

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

(d) Each center shall provide interpretation services as provided under Section 1 of this act.

(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 4. Section 1 of this act shall be codified in Chapter 23, Title 43, Mississippi Code of 1972.

SECTION 5. This act shall take effect and be in force from and after July 1, 2021.