

By: Senator(s) Tollison

To: Public Health and Welfare

SENATE BILL NO. 2570

1 AN ACT TO AMEND SECTION 43-17-5, MISSISSIPPI CODE OF 1972, TO
 2 DIRECT THE DEPARTMENT OF HUMAN SERVICES TO COMPLY WITH CERTAIN
 3 PROCEDURES AND TO IMPOSE CERTAIN SUBCONTRACTOR CONDITIONS
 4 REGARDING THE ADMINISTRATION OF THE FEDERAL CHILD CARE AND
 5 DEVELOPMENT BLOCK GRANT PROGRAM (CCDF) AND THE TEMPORARY
 6 ASSISTANCE TO NEEDY FAMILIES (TANF) PROGRAM; TO ESTABLISH AN
 7 EXPEDITED APPEAL REQUIREMENT FOR PARENTS AND PROVIDERS; TO REQUIRE
 8 A DISTRIBUTION FORMULA FOR CHILD CARE CERTIFICATE FUNDS BASED ON
 9 ELIGIBLE CHILDREN IN THE COUNTY; TO REQUIRE THE FIRST IN FIRST OUT
 10 GRANT MANAGEMENT PROCEDURE; TO REQUIRE PERFORMANCE LEVEL STANDARDS
 11 BY SUBCONTRACTORS; TO REQUIRE ADMINISTRATIVE STAFF TO RECEIVE
 12 APPROPRIATE TRAINING; TO PROVIDE CERTAIN CONDITIONS ON
 13 SUBCONTRACTORS RELATING TO PERCENTAGE OF ELIGIBLE FAMILIES SERVED;
 14 TO REQUIRE SUBCONTRACTORS TO PROVIDE EXTENDED DAY AND SUMMER
 15 SERVICES FOR HEAD START CHILDREN; TO DIRECT THAT THE DEPARTMENT
 16 TRANSFER AT LEAST 20% OF THE TANF GRANT INTO CCDF PROGRAMS EACH
 17 YEAR; TO DIRECT THAT THE DEPARTMENT MEET THE FEDERAL MAINTENANCE
 18 OF EFFORT REQUIREMENTS; TO PROVIDE TIME LIMITATIONS FOR ISSUANCE
 19 OF CHILD CARE CERTIFICATES; TO PROHIBIT THE DEPARTMENT FROM
 20 REQUIRING ANY PARENT TO APPLY FOR CHILD SUPPORT OR PATERNITY
 21 SERVICES TO QUALIFY FOR A CHILD CARE CERTIFICATE; TO AUTHORIZE
 22 FULL-TIME STUDENTS TO QUALIFY FOR CHILD CARE CERTIFICATES WITH
 23 MEETING WORK REQUIREMENTS; TO PROVIDE FOR REDETERMINATION OF
 24 ELIGIBILITY FOR CHILD CARE CERTIFICATES; TO PROVIDE FOR CHILD CARE
 25 REIMBURSABLE HOLIDAYS; AND FOR RELATED PURPOSES.

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

27 **SECTION 1.** Section 43-17-5, Mississippi Code of 1972, is
 28 amended as follows:

29 43-17-5. (1) The amount of Temporary Assistance for Needy
 30 Families (TANF) benefits which may be granted for any dependent
 31 child and a needy caretaker relative shall be determined by the
 32 county department with due regard to the resources and necessary
 33 expenditures of the family and the conditions existing in each
 34 case, and in accordance with the rules and regulations made by the
 35 Department of Human Services which shall not be less than the
 36 Standard of Need in effect for 1988, and shall be sufficient when
 37 added to all other income (except that any income specified in the
 38 federal Social Security Act, as amended, may be disregarded) and

39 support available to the child to provide such child with a
40 reasonable subsistence compatible with decency and health. The
41 first family member in the dependent child's budget may receive an
42 amount not to exceed One Hundred Ten Dollars (\$110.00) per month;
43 the second family member in the dependent child's budget may
44 receive an amount not to exceed Thirty-six Dollars (\$36.00) per
45 month; and each additional family member in the dependent child's
46 budget an amount not to exceed Twenty-four Dollars (\$24.00) per
47 month. The maximum for any individual family member in the
48 dependent child's budget may be exceeded for foster or medical
49 care or in cases of mentally retarded or physically handicapped
50 children. TANF benefits granted shall be specifically limited
51 only (a) to children existing or conceived at the time the
52 caretaker relative initially applies and qualifies for such
53 assistance, unless this limitation is specifically waived by the
54 department, or (b) to a child born following a twelve (12)
55 consecutive month period of discontinued benefits by the caretaker
56 relative.

57 (2) TANF cash benefits in Mississippi shall be provided by
58 monthly checks mailed to the recipient family until such time as
59 an on-line electronic benefits transfer system for TANF benefit
60 payments is implemented pursuant to Section 43-1-28.

61 (3) The Department of Human Services shall deny TANF
62 benefits to the following categories of individuals, except for
63 individuals and families specifically exempt or excluded for good
64 cause as allowed by federal statute or regulation:

65 (a) Families without a minor child residing with the
66 custodial parent or other adult caretaker relative of the child;

67 (b) Families which include an adult who has received
68 TANF assistance for sixty (60) months after the commencement of
69 the Mississippi TANF program, whether or not such period of time
70 is consecutive;

71 (c) Families not assigning to the state any rights a
72 family member may have, on behalf of the family member or of any
73 other person for whom the family member has applied for or is
74 receiving such assistance, to support from any other person, as
75 required by law;

76 (d) Families who fail to cooperate in establishing
77 paternity or obtaining child support, as required by law;

78 (e) Any individual who has not attained eighteen (18)
79 years of age, is not married to the head of household, has a minor
80 child at least twelve (12) weeks of age in his or her care, and
81 has not successfully completed a high school education or its
82 equivalent, if such individual does not participate in educational
83 activities directed toward the attainment of a high school diploma
84 or its equivalent, or an alternative educational or training
85 program approved by the department;

86 (f) Any individual who has not attained eighteen (18)
87 years of age, is not married, has a minor child in his or her
88 care, and does not reside in a place or residence maintained by a
89 parent, legal guardian or other adult relative or the individual
90 as such parent's, guardian's or adult relative's own home;

91 (g) Any minor child who has been, or is expected by a
92 parent or other caretaker relative of the child to be, absent from
93 the home for a period of more than thirty (30) days;

94 (h) Any individual who is a parent or other caretaker
95 relative of a minor child who fails to notify the department of
96 the absence of the minor child from the home for the thirty-day
97 period specified in paragraph (g), by the end of the five-day
98 period that begins with the date that it becomes clear to the
99 individual that the minor child will be absent for the thirty-day
100 period;

101 (i) Any individual who fails to comply with the
102 provisions of the Employability Development Plan signed by the
103 individual which prescribe those activities designed to help the

104 individual become and remain employed, or to participate
105 satisfactorily in the assigned work activity, as authorized under
106 subsection (6)(c) and (d);

107 (j) A parent or caretaker relative who has not engaged
108 in an allowable work activity once the department determines the
109 parent or caretaker relative is ready to engage in work, or once
110 the parent or caretaker relative has received TANF assistance
111 under the program for twenty-four (24) months, whether or not
112 consecutive, whichever is earlier;

113 (k) Any individual who is fleeing to avoid prosecution,
114 or custody or confinement after conviction, under the laws of the
115 jurisdiction from which the individual flees, for a crime, or an
116 attempt to commit a crime, which is a felony under the laws of the
117 place from which the individual flees, or who is violating a
118 condition of probation or parole imposed under federal or state
119 law;

120 (l) Aliens who are not qualified under federal law;

121 (m) For a period of ten (10) years following
122 conviction, individuals convicted in federal or state court of
123 having made a fraudulent statement or representation with respect
124 to the individual's place of residence in order to receive TANF,
125 food stamps or Supplemental Security Income (SSI) assistance under
126 Title XVI or Title XIX simultaneously from two (2) or more states;
127 and

128 (n) Individuals who are recipients of federal
129 Supplemental Security Income (SSI) assistance.

130 (4) (a) Any person who is otherwise eligible for TANF
131 benefits, including custodial and noncustodial parents, shall be
132 required to attend school and meet the monthly attendance
133 requirement as provided in this subsection if all of the following
134 apply:

135 (i) The person is under age twenty (20);

136 (ii) The person has not graduated from a public or
137 private high school or obtained a GED equivalent;

138 (iii) The person is physically able to attend
139 school and is not excused from attending school; and

140 (iv) If the person is a parent or caretaker
141 relative with whom a dependent child is living, child care is
142 available for the child.

143 The monthly attendance requirement under this subsection
144 shall be attendance at the school in which the person is enrolled
145 for each day during a month that the school conducts classes in
146 which the person is enrolled, with not more than two (2) absences
147 during the month for reasons other than the reasons listed in
148 paragraph (e)(iv) of this subsection. Persons who fail to meet
149 participation requirements in this subsection shall be subject to
150 sanctions as provided in paragraph (f) of this subsection.

151 (b) As used in this subsection, "school" means any one
152 (1) of the following:

153 (i) A school as defined in Section 37-13-91(2);

154 (ii) A vocational, technical and adult education
155 program; or

156 (iii) A course of study meeting the standards
157 established by the State Department of Education for the granting
158 of a declaration of equivalency of high school graduation.

159 (c) If any compulsory-school-age child, as defined in
160 Section 37-13-91(2), to which TANF eligibility requirements apply
161 is not in compliance with the compulsory school attendance
162 requirements of Section 37-13-91(6), the superintendent of schools
163 of the school district in which the child is enrolled or eligible
164 to attend shall notify the county department of human services of
165 the child's noncompliance. The Department of Human Services shall
166 review school attendance information as provided under this
167 paragraph at all initial eligibility determinations and upon
168 subsequent report of unsatisfactory attendance.

169 (d) The signature of a person on an application for
170 TANF benefits constitutes permission for the release of school
171 attendance records for that person or for any child residing with
172 that person. The department shall request information from the
173 child's school district about the child's attendance in the school
174 district's most recently completed semester of attendance. If
175 information about the child's previous school attendance is not
176 available or cannot be verified, the department shall require the
177 child to meet the monthly attendance requirement for one (1)
178 semester or until the information is obtained. The department
179 shall use the attendance information provided by a school district
180 to verify attendance for a child. The department shall review
181 with the parent or caretaker relative a child's claim that he or
182 she has a good cause for not attending school.

183 A school district shall provide information to the department
184 about the attendance of a child who is enrolled in a public school
185 in the district within five (5) working days of the receipt of a
186 written request for such information from the department. The
187 school district shall define how many hours of attendance count as
188 a full day and shall provide that information, upon request, to
189 the department. In reporting attendance, the school district may
190 add partial days' absence together to constitute a full day's
191 absence.

192 (e) A child who is required to attend school to meet
193 the requirements under this subsection shall comply except when
194 there is good cause, which shall be demonstrated by any of the
195 following circumstances:

196 (i) The minor parent is the caretaker of a child
197 less than twelve (12) weeks old; or

198 (ii) The department determines that child care
199 services are necessary for the minor parent to attend school and
200 there is no child care available; or

201 (iii) The child is prohibited by the school
202 district from attending school and an expulsion is pending. This
203 exemption no longer applies once the teenager has been expelled;
204 however, a teenager who has been expelled and is making
205 satisfactory progress towards obtaining a GED equivalent shall be
206 eligible for TANF benefits; or

207 (iv) The child failed to attend school for one or
208 more of the following reasons:

- 209 1. Illness, injury or incapacity of the child
210 or the minor parent's child;
- 211 2. Court-required appearances or temporary
212 incarceration;
- 213 3. Medical or dental appointments for the
214 child or minor parent's child;
- 215 4. Death of a close relative;
- 216 5. Observance of a religious holiday;
- 217 6. Family emergency;
- 218 7. Breakdown in transportation;
- 219 8. Suspension; or
- 220 9. Any other circumstance beyond the control
221 of the child, as defined in regulations of the department.

222 (f) Upon determination that a child has failed without
223 good cause to attend school as required, the department shall
224 provide written notice to the parent or caretaker relative
225 (whoever is the primary recipient of the TANF benefits) that
226 specifies:

227 (i) That the family will be sanctioned in the next
228 possible payment month because the child who is required to attend
229 school has failed to meet the attendance requirement of this
230 subsection;

231 (ii) The beginning date of the sanction, and the
232 child to whom the sanction applies;

233 (iii) The right of the child's parents or
234 caretaker relative (whoever is the primary recipient of the TANF
235 benefits) to request a fair hearing under this subsection.

236 The child's parent or caretaker relative (whoever is the
237 primary recipient of the TANF benefits) may request a fair hearing
238 on the department's determination that the child has not been
239 attending school. If the child's parents or caretaker relative
240 does not request a fair hearing under this subsection, or if,
241 after a fair hearing has been held, the hearing officer finds that
242 the child without good cause has failed to meet the monthly
243 attendance requirement, the department shall discontinue or deny
244 TANF benefits to the child thirteen (13) years old, or older, in
245 the next possible payment month. The department shall discontinue
246 or deny twenty-five percent (25%) of the family grant when a child
247 six (6) through twelve (12) years of age without good cause has
248 failed to meet the monthly attendance requirement. Both the child
249 and family sanction may apply when children in both age groups
250 fail to meet the attendance requirement without good cause. A
251 sanction applied under this subsection shall be effective for one
252 (1) month for each month that the child failed to meet the monthly
253 attendance requirement. In the case of a dropout, the sanction
254 shall remain in force until the parent or caretaker relative
255 provides written proof from the school district that the child has
256 reenrolled and met the monthly attendance requirement for one (1)
257 calendar month. Any month in which school is in session for at
258 least ten (10) days during the month may be used to meet the
259 attendance requirement under this subsection. This includes
260 attendance at summer school. The sanction shall be removed the
261 next possible payment month.

262 (5) All parents or caretaker relatives shall have their
263 dependent children receive vaccinations and booster vaccinations
264 against those diseases specified by the State Health Officer
265 pursuant to Section 41-23-37 in accordance with the vaccination

266 and booster vaccination schedule prescribed by the State Health
267 Officer for children of that age, in order for the parents or
268 caretaker relatives to be eligible or remain eligible to receive
269 TANF benefits. Proof of having received such vaccinations and
270 booster vaccinations shall be given by presenting the certificates
271 of vaccination issued by any health care provider licensed to
272 administer vaccinations, and submitted on forms specified by the
273 State Board of Health. If the parents without good cause do not
274 have their dependent children receive the vaccinations and booster
275 vaccinations as required by this subsection and they fail to
276 comply after thirty (30) days' notice, the department shall
277 sanction the family's TANF benefits by twenty-five percent (25%)
278 for the next payment month and each subsequent payment month until
279 the requirements of this subsection are met.

280 (6) (a) If the parent or caretaker relative applying for
281 TANF assistance is an employable person, as determined by the
282 Department of Human Services, the person shall be required to
283 engage in an allowable work activity once the department
284 determines the parent or caretaker relative is ready to engage in
285 work, or once the parent or caretaker relative has received TANF
286 assistance under the program for twenty-four (24) months, whether
287 or not consecutive, whichever is earlier. No TANF benefits shall
288 be given to any person to whom this section applies who fails
289 without good cause to comply with the Employability Development
290 Plan prepared by the department for the person, or who has refused
291 to accept a referral or offer of employment, training or education
292 in which he or she is able to engage, subject to the penalties
293 prescribed in subsection (6)(e). A person shall be deemed to have
294 refused to accept a referral or offer of employment, training or
295 education if he or she:

296 (i) Willfully fails to report for an interview
297 with respect to employment when requested to do so by the
298 department; or

299 (ii) Willfully fails to report to the department
300 the result of a referral to employment; or

301 (iii) Willfully fails to report for allowable work
302 activities as prescribed in subsection (6)(c) and (d).

303 (b) The Department of Human Services shall operate a
304 statewide work program for TANF recipients to provide work
305 activities and supportive services to enable families to become
306 self-sufficient and improve their competitive position in the work
307 force in accordance with the requirements of the federal Personal
308 Responsibility and Work Opportunity Reconciliation Act of 1996
309 (Public Law 104-193), as amended, and the regulations promulgated
310 thereunder. All adults who are not specifically exempt shall be
311 referred by the department for allowable work activities. An
312 adult may be exempt from the mandatory work activity requirement
313 for the following reasons:

314 (i) Incapacity;

315 (ii) Temporary illness or injury, verified by
316 physician's certificate;

317 (iii) Is in the third trimester of pregnancy,
318 verified by physician's certificate;

319 (iv) Caretaker of a child under twelve (12)
320 months, for not more than twelve (12) months of the sixty-month
321 maximum benefit period;

322 (v) Caretaker of an ill or incapacitated person,
323 as verified by physician's certificate;

324 (vi) Age, if over sixty (60) or under eighteen
325 (18) years of age;

326 (vii) Receiving treatment for substance abuse, if
327 the person is in compliance with the substance abuse treatment
328 plan;

329 (viii) In a two-parent family, the caretaker of a
330 severely disabled child, as verified by a physician's certificate;

331 or

332 (ix) History of having been a victim of domestic
333 violence, which has been reported as required by state law and is
334 substantiated by police reports or court records, and being at
335 risk of further domestic violence, shall be exempt for a period as
336 deemed necessary by the department but not to exceed a total of
337 twelve (12) months, which need not be consecutive, in the
338 sixty-month maximum benefit period. For the purposes of this
339 paragraph (ix), "domestic violence" means that an individual has
340 been subjected to:

- 341 1. Physical acts that resulted in, or
342 threatened to result in, physical injury to the individual;
- 343 2. Sexual abuse;
- 344 3. Sexual activity involving a dependent
345 child;
- 346 4. Being forced as the caretaker relative of
347 a dependent child to engage in nonconsensual sexual acts or
348 activities;
- 349 5. Threats of, or attempts at, physical or
350 sexual abuse;
- 351 6. Mental abuse; or
- 352 7. Neglect or deprivation of medical care.

353 (c) For all families, all adults who are not
354 specifically exempt shall be required to participate in work
355 activities for at least the minimum average number of hours per
356 week specified by federal law or regulation, not fewer than twenty
357 (20) hours per week (thirty-five (35) hours per week for
358 two-parent families) of which are attributable to the following
359 allowable work activities:

- 360 (i) Unsubsidized employment;
- 361 (ii) Subsidized private employment;
- 362 (iii) Subsidized public employment;

363 (iv) Work experience (including work associated
364 with the refurbishing of publicly assisted housing), if sufficient
365 private employment is not available;

366 (v) On-the-job training;

367 (vi) Job search and job readiness assistance
368 consistent with federal TANF regulations;

369 (vii) Community service programs;

370 (viii) Vocational educational training (not to
371 exceed twelve (12) months with respect to any individual);

372 (ix) The provision of child care services to an
373 individual who is participating in a community service program;

374 (x) Satisfactory attendance at high school or in a
375 course of study leading to a high school equivalency certificate,
376 for heads of household under age twenty (20) who have not
377 completed high school or received such certificate;

378 (xi) Education directly related to employment, for
379 heads of household under age twenty (20) who have not completed
380 high school or received such equivalency certificate.

381 (d) The following are allowable work activities which
382 may be attributable to hours in excess of the minimum specified in
383 subsection (6)(c):

384 (i) Job skills training directly related to
385 employment;

386 (ii) Education directly related to employment for
387 individuals who have not completed high school or received a high
388 school equivalency certificate;

389 (iii) Satisfactory attendance at high school or in
390 a course of study leading to a high school equivalency, for
391 individuals who have not completed high school or received such
392 equivalency certificate;

393 (iv) Job search and job readiness assistance
394 consistent with federal TANF regulations.

395 (e) If any adult or caretaker relative refuses to
396 participate in allowable work activity as required under this
397 subsection (6), the following full family TANF benefit penalty
398 will apply, subject to due process to include notification,
399 conciliation and a hearing if requested by the recipient:

400 (i) For the first violation, the department shall
401 terminate the TANF assistance otherwise payable to the family for
402 a two-month period or until the person has complied with the
403 required work activity, whichever is longer;

404 (ii) For the second violation, the department
405 shall terminate the TANF assistance otherwise payable to the
406 family for a six-month period or until the person has complied
407 with the required work activity, whichever is longer;

408 (iii) For the third violation, the department
409 shall terminate the TANF assistance otherwise payable to the
410 family for a twelve-month period or until the person has complied
411 with the required work activity, whichever is longer;

412 (iv) For the fourth violation, the person shall be
413 permanently disqualified.

414 For a two-parent family, unless prohibited by state or
415 federal law, Medicaid assistance shall be terminated only for the
416 person whose failure to participate in allowable work activity
417 caused the family's TANF assistance to be sanctioned under this
418 subsection (6)(e), unless an individual is pregnant, but shall not
419 be terminated for any other person in the family who is meeting
420 that person's applicable work requirement or who is not required
421 to work. Minor children shall continue to be eligible for
422 Medicaid benefits regardless of the disqualification of their
423 parent or caretaker relative for TANF assistance under this
424 subsection (6), unless prohibited by state or federal law.

425 (f) Any person enrolled in a two-year or four-year
426 college program who meets the eligibility requirements to receive
427 TANF benefits, and who is meeting the applicable work requirements

428 and all other applicable requirements of the TANF program, shall
429 continue to be eligible for TANF benefits while enrolled in the
430 college program for as long as the person meets the requirements
431 of the TANF program, unless prohibited by federal law.

432 (g) No adult in a work activity required under this
433 subsection (6) shall be employed or assigned (i) when any other
434 individual is on layoff from the same or any substantially
435 equivalent job within six (6) months before the date of the TANF
436 recipient's employment or assignment; or (ii) if the employer has
437 terminated the employment of any regular employee or otherwise
438 caused an involuntary reduction of its work force in order to fill
439 the vacancy so created with an adult receiving TANF assistance.
440 The Mississippi Department of Employment Security, established
441 under Section 71-5-101, shall appoint one or more impartial
442 hearing officers to hear and decide claims by employees of
443 violations of this paragraph (g). The hearing officer shall hear
444 all the evidence with respect to any claim made hereunder and such
445 additional evidence as he may require and shall make a
446 determination and the reason therefor. The claimant shall be
447 promptly notified of the decision of the hearing officer and the
448 reason therefor. Within ten (10) days after the decision of the
449 hearing officer has become final, any party aggrieved thereby may
450 secure judicial review thereof by commencing an action, in the
451 circuit court of the county in which the claimant resides, against
452 the department for the review of such decision, in which action
453 any other party to the proceeding before the hearing officer shall
454 be made a defendant. Any such appeal shall be on the record which
455 shall be certified to the court by the department in the manner
456 provided in Section 71-5-531, and the jurisdiction of the court
457 shall be confined to questions of law which shall render its
458 decision as provided in that section.

459 (7) (i) The Department of Human Services may provide child
460 care for eligible participants who require such care so that they

461 may accept employment or remain employed. The department may also
462 provide child care for those participating in the TANF program
463 when it is determined that they are satisfactorily involved in
464 education, training or other allowable work activities. The
465 department may contract with Head Start agencies to provide child
466 care services to TANF recipients. The department may also arrange
467 for child care by use of contract or vouchers, provide vouchers in
468 advance to a caretaker relative, reimburse a child care provider,
469 or use any other arrangement deemed appropriate by the department,
470 and may establish different reimbursement rates for child care
471 services depending on the category of the facility or home. Any
472 center-based or group home child care facility under this
473 paragraph shall be licensed by the State Department of Health
474 pursuant to law. When child care is being provided in the child's
475 own home, in the home of a relative of the child, or in any other
476 unlicensed setting, the provision of such child care may be
477 monitored on a random basis by the Department of Human Services or
478 the State Department of Health. Transitional child care
479 assistance may be continued if it is necessary for parents to
480 maintain employment once support has ended, unless prohibited
481 under state or federal law. Transitional child care assistance
482 may be provided for up to twenty-four (24) months after the last
483 month during which the family was eligible for TANF assistance, if
484 federal funds are available for such child care assistance.

485 (ii) The Mississippi Department of Human Services
486 shall be the lead agency for purposes of administering the federal
487 Child Care and Development Fund (CCDF) program, and may transfer
488 TANF grant funds into the CCDF program. In the administration of
489 the CCDF and the TANF programs, the department shall comply with
490 the following conditions relating to provider/subcontractor
491 qualifications and recipient eligibility:

492 1. The department shall maintain real time
493 records and post on a publicly-accessible website for each county

494 the following information: the number of children eligible for
495 CCDF/TANF certificates; the number of children receiving CCDF/TANF
496 certificates; the average amount of money spent per child with
497 CCDF/TANF certificate funds; the then-current number of children
498 on the waiting list for CCDF/TANF certificates; the average length
499 of time a CCDF/TANF application took to be approved over the
500 preceding six (6) months; the average length of time a child was
501 served in the CCDF/TANF child care program; the number of children
502 terminated from the CCDF/TANF certificate program over the
503 preceding six (6) months; and the reason(s) for termination from
504 the CCDF/TANF program.

505 2. The department shall require CCDF/TANF
506 certificate subcontractors or designated agents to adhere to the
507 Office of Children and Youth Policy Manual and the department
508 shall establish sanctions for violations of the Office of Children
509 and Youth Policy Manual by these subcontractors.

510 3. The department shall establish an
511 expedited administrative appeal procedure in the CCDF/TANF
512 certificate program for parents and providers.

513 4. The department shall stagger CCDF/TANF
514 certificate termination/reissuance dates to the date of issue.

515 5. The department shall utilize a formula for
516 distribution of CCDF/TANF certificate funds to Mississippi
517 counties based upon the number of eligible children residing in
518 each county, as that number bears to the number of eligible
519 children residing in the state in the aggregate.

520 6. The department shall adhere to the
521 Administrative Procedures Act when making rule changes in the
522 Office of Children and Youth Child Care Policy Manual.

523 7. The department shall manage CCDF/TANF
524 certificate funds at the state level to avoid identifying the
525 funding year or federal grant source in CCDF/TANF certificate
526 subcontracts and the department shall use the first in first out

527 grant management procedure to avoid loss of federal CCDF/TANF
528 funds.

529 8. The department shall establish performance
530 level standards and levels of funds utilization for subcontractors
531 in the CCDF/TANF certificate program to ensure equitable program
532 costs across the state and maximize services to children.

533 9. The department shall include the following
534 requirements in CCDF/TANF certificate subcontracts: measurable
535 outcome-based contract measures, clear statements of expectations,
536 evaluation criteria, documentation and the explicit descriptions
537 of reporting requirements.

538 10. The department shall manage CCDF funds at
539 the state level to meet all obligation and liquidation deadlines
540 and all CCDF set-asides and earmarks.

541 11. The department shall make copies of the
542 Office of Children and Youth Policy Manual available to the
543 public.

544 12. The Office for Children and Youth and
545 Budget and Accounting divisions of the department shall receive
546 training from the National Child Care Information Center in the
547 areas of:

548 a. Financial management of CCDF;

549 b. Maximum use of TANF for early care
550 and education;

551 c. Promoting partnerships between
552 private early care and education providers and Head Start
553 programs;

554 d. Transition for families moving from
555 TANF to CCDF.

556 13. The Office for Children and Youth shall
557 only use CCDF and TANF funds to provide grants for child care
558 services to early care and education providers that are serving

559 families of whom at least seventy-five percent (75%) qualify for
560 CCDF/TANF early care and education certificates.

561 14. The Office for Children and Youth shall
562 only use CCDF and TANF funds to provide grants to child care
563 centers that are providing extended day and summer services for
564 Head Start children.

565 15. The department shall transfer not less
566 than twenty percent (20%) of the TANF grant into CCDF each year.

567 16. This department shall meet the required
568 maintenance of effort and state matching amounts required to draw
569 down all available federal CCDF funds each year.

570 17. The department shall ensure that an
571 application for a CCDF/TANF certificate will be issued or denied
572 within four (4) weeks of the date the application is submitted.

573 18. The department shall not require any
574 parent to apply for child support or establish paternity in order
575 to qualify for a CCDF/TANF certificate to obtain early care and
576 education for a child birth to twelve (12) years of age,
577 notwithstanding any state statute or regulation to the contrary.

578 19. The department shall allow full-time
579 students to qualify for CCDF/TANF certificates without also having
580 to meet a work requirement, notwithstanding any state statute or
581 regulation to the contrary.

582 20. The department shall allow parents to
583 apply for CCDF/TANF certificates by phone, in person, or by mail;
584 and child care providers shall be allowed to assist parents in the
585 application process.

586 21. The department shall redetermine
587 eligibility for CCDF/TANF certificates no more frequently than
588 every twelve (12) months, during which time any change in income
589 or employment must be reported by the parent(s).

590 22. The department shall require no more than
591 two (2) documents in the CCDF/TANF certificate program to verify
592 eligibility by employment and income.

593 23. In the CCDF/TANF certificate program,
594 reimbursable holidays shall be determined by the early care and
595 education provider in consultation with parents receiving
596 CCDF/TANF certificates so that child care schedules match parents/
597 employment schedules.

598 (8) The Department of Human Services may provide
599 transportation or provide reasonable reimbursement for
600 transportation expenses that are necessary for individuals to be
601 able to participate in allowable work activity under the TANF
602 program.

603 (9) Medicaid assistance shall be provided to a family of
604 TANF program participants for up to twenty-four (24) consecutive
605 calendar months following the month in which the participating
606 family would be ineligible for TANF benefits because of increased
607 income, expiration of earned income disregards, or increased hours
608 of employment of the caretaker relative; however, Medicaid
609 assistance for more than twelve (12) months may be provided only
610 if a federal waiver is obtained to provide such assistance for
611 more than twelve (12) months and federal and state funds are
612 available to provide such assistance.

613 (10) The department shall require applicants for and
614 recipients of public assistance from the department to sign a
615 personal responsibility contract that will require the applicant
616 or recipient to acknowledge his or her responsibilities to the
617 state.

618 (11) The department shall enter into an agreement with the
619 State Personnel Board and other state agencies that will allow
620 those TANF participants who qualify for vacant jobs within state
621 agencies to be placed in state jobs. State agencies participating
622 in the TANF work program shall receive any and all benefits

623 received by employers in the private sector for hiring TANF
624 recipients. This subsection (11) shall be effective only if the
625 state obtains any necessary federal waiver or approval and if
626 federal funds are available therefor.

627 (12) No new TANF program requirement or restriction
628 affecting a person's eligibility for TANF assistance, or allowable
629 work activity, which is not mandated by federal law or regulation
630 may be implemented by the Department of Human Services after July
631 1, 2004, unless such is specifically authorized by an amendment to
632 this section by the Legislature.

633 **SECTION 2.** This act shall take effect and be in force from
634 and after July 1, 2005.