

By: Representatives Hines, Clark, Mayo

To: Education;
Appropriations

HOUSE BILL NO. 588

1 AN ACT TO PROVIDE THAT THE STATE DEPARTMENT OF EDUCATION
2 SHALL ADMINISTER THE CHILD CARE DEVELOPMENT FUND/TEMPORARY
3 ASSISTANCE TO NEEDY FAMILIES (CCDF/TANF) PROGRAM IN THE STATE; TO
4 PROVIDE THAT THE DEPARTMENT SHALL ALLOCATE THE FUNDS FOR THE
5 CCDF/TANF PROGRAM ON A PRO RATA BASIS AMONG EACH OF THE SCHOOL
6 DISTRICTS IN THE STATE; TO PROVIDE THAT THE SCHOOL DISTRICTS SHALL
7 ISSUE CCDF/TANF CHILD CARE CERTIFICATES TO QUALIFIED PARENTS FOR
8 USE WITH ELIGIBLE LICENSED CHILD CARE PROVIDERS IN THE STATE; TO
9 PROVIDE THAT IN ORDER TO BE ELIGIBLE TO ACCEPT A CCDF/TANF CHILD
10 CARE CERTIFICATE FROM A PARENT, A LICENSED CHILD CARE PROVIDER
11 FIRST MUST HAVE PREPARED A DEVELOPMENTALLY APPROPRIATE LESSON PLAN
12 THAT HAS BEEN APPROVED BY THE SCHOOL DISTRICT IN WHICH THE
13 PROVIDER IS LOCATED; TO PROVIDE THAT THE SCHOOL DISTRICTS SHALL
14 PROVIDE GUIDANCE AND TRAINING TO THE CHILD CARE PROVIDERS ON
15 PREPARING ACCEPTABLE LESSON PLANS, AND SHALL REVIEW THE
16 IMPLEMENTATION OF THE LESSON PLANS BY THE CHILD CARE PROVIDERS ON
17 A QUARTERLY BASIS; TO AMEND SECTIONS 43-1-65 AND 43-17-5,
18 MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING PROVISIONS;
19 AND FOR RELATED PURPOSES.

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

21 **SECTION 1.** (1) This section shall be known and may be cited
22 as the Haney Act.

23 (2) The Department of Human Services shall transfer all
24 federal funds that it receives for the federal Child Care and
25 Development Fund (CCDF) program, including that portion of the
26 Temporary Assistance to Needy Families (TANF) grant that it
27 transfers into the CCDF program, to the State Department of
28 Education, which shall administer the CCDF/TANF program in the
29 state as provided in this section. The CCDF/TANF program helps
30 eligible working parents pay for early care and education services
31 for their children.

32 (3) The Department of Education shall allocate the funds
33 that it receives from the Department of Human Services under
34 subsection (2) of this section among each of the school districts
35 in the state on the basis that the number of TANF recipients who

36 reside in the school district bears to the total number of TANF
37 recipients in the state. The school districts shall issue
38 CCDF/TANF child care certificates to qualified parents for use
39 with eligible licensed child care providers in the state, and
40 shall reimburse child care providers for the certificates received
41 by the providers with the funds received under this subsection.
42 The Department of Education shall allow the school districts to
43 use a portion of the funds that they receive under this subsection
44 for the administration of the program, consistent with federal
45 requirements or guidelines.

46 (4) In order to be eligible to accept a CCDF/TANF child care
47 certificate from a parent, a child care provider first must have
48 prepared a developmentally appropriate lesson plan that has been
49 approved by the school district in which the provider is located,
50 which shall be used for the education of the children cared for by
51 the provider. The lesson plan shall be based on the guidelines of
52 the Department of Education for a prekindergarten program or the
53 requirements of the Head Start program, whichever are the most
54 stringent. The school districts shall provide guidance and
55 training to child care providers on preparing acceptable lesson
56 plans, and shall review the implementation of the lesson plans by
57 child care providers not less than once each quarter.

58 Notwithstanding the provisions of this subsection, if a school
59 district is accredited at Level 1 or Level 2, the Department of
60 Education shall designate an individual to approve the lesson
61 plans of child care providers located in that district and monitor
62 the operation of the program in that district, instead of those
63 functions being performed by the school district.

64 (5) This section shall be implemented by the Department of
65 Education after the existing contracts with the designated agents
66 of the Department of Human Services for the CCDF/TANF program have
67 expired, but not later than July 1, 2008.

68 **SECTION 2.** Section 43-1-65, Mississippi Code of 1972, is
69 amended as follows:

70 43-1-65. The State Department of Education, in conjunction
71 with its implementation of the CCDF/TANF program under Section 1
72 of this act, shall establish the Mississippi Child Care Quality
73 Step System under which the department will develop and implement
74 a pilot voluntary Quality Rating System (QRS). The purpose of the
75 pilot system will be to improve the quality of all licensed early
76 care and education and after school programs. The system is to be
77 phased in over the next five (5) years beginning July 1, 2006,
78 subject to appropriation. The QRS criteria will be the basis, at
79 minimum, for the QRS, and shall address the following components:
80 administrative policy, professional development, learning
81 environment, and parental involvement and evaluation.

82 In addition, the State Department of Education shall develop
83 and administer funds, based on appropriation, to create a Child
84 Care Resource and Referral (CCR&R) statewide system in
85 collaboration with community and junior colleges, universities,
86 Mississippi Public Broadcasting, state agencies and/or nonprofit
87 community entities. The CCR&R agencies shall provide training
88 specific to the QRS criteria to enable early care and education
89 program quality to improve as measured by the QRS system; and
90 offer parent education information and training on what a quality
91 early care and education program comprises and how to identify
92 one. This program shall begin July 1, 2006, subject to
93 appropriation.

94 **SECTION 3.** Section 43-17-5, Mississippi Code of 1972, is
95 amended as follows:

96 43-17-5. (1) The amount of Temporary Assistance for Needy
97 Families (TANF) benefits which may be granted for any dependent
98 child and a needy caretaker relative shall be determined by the
99 county department with due regard to the resources and necessary
100 expenditures of the family and the conditions existing in each

101 case, and in accordance with the rules and regulations made by the
102 Department of Human Services which shall not be less than the
103 Standard of Need in effect for 1988, and shall be sufficient when
104 added to all other income (except that any income specified in the
105 federal Social Security Act, as amended, may be disregarded) and
106 support available to the child to provide such child with a
107 reasonable subsistence compatible with decency and health. The
108 first family member in the dependent child's budget may receive an
109 amount not to exceed One Hundred Ten Dollars (\$110.00) per month;
110 the second family member in the dependent child's budget may
111 receive an amount not to exceed Thirty-six Dollars (\$36.00) per
112 month; and each additional family member in the dependent child's
113 budget an amount not to exceed Twenty-four Dollars (\$24.00) per
114 month. The maximum for any individual family member in the
115 dependent child's budget may be exceeded for foster or medical
116 care or in cases of mentally retarded or physically handicapped
117 children. TANF benefits granted shall be specifically limited
118 only (a) to children existing or conceived at the time the
119 caretaker relative initially applies and qualifies for such
120 assistance, unless this limitation is specifically waived by the
121 department, or (b) to a child born following a twelve (12)
122 consecutive month period of discontinued benefits by the caretaker
123 relative.

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

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

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

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

138 (c) Families not assigning to the state any rights a
139 family member may have, on behalf of the family member or of any
140 other person for whom the family member has applied for or is
141 receiving such assistance, to support from any other person, as
142 required by law;

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

145 (e) Any individual who has not attained eighteen (18)
146 years of age, is not married to the head of household, has a minor
147 child at least twelve (12) weeks of age in his or her care, and
148 has not successfully completed a high school education or its
149 equivalent, if such individual does not participate in educational
150 activities directed toward the attainment of a high school diploma
151 or its equivalent, or an alternative educational or training
152 program approved by the department;

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

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

161 (h) Any individual who is a parent or other caretaker
162 relative of a minor child who fails to notify the department of
163 the absence of the minor child from the home for the thirty-day
164 period specified in paragraph (g), by the end of the five-day
165 period that begins with the date that it becomes clear to the

166 individual that the minor child will be absent for the thirty-day
167 period;

168 (i) Any individual who fails to comply with the
169 provisions of the Employability Development Plan signed by the
170 individual which prescribe those activities designed to help the
171 individual become and remain employed, or to participate
172 satisfactorily in the assigned work activity, as authorized under
173 subsection (6)(c) and (d), or who does not engage in an applicant
174 job search within the thirty-day period for TANF application
175 approval after receiving the advice and consultation of
176 eligibility workers and/or caseworkers of the department providing
177 a detailed description of available job search venues in the
178 individual's county of residence or the surrounding counties;

179 (j) A parent or caretaker relative who has not engaged
180 in an allowable work activity once the department determines the
181 parent or caretaker relative is ready to engage in work, or once
182 the parent or caretaker relative has received TANF assistance
183 under the program for twenty-four (24) months, whether or not
184 consecutive, whichever is earlier;

185 (k) Any individual who is fleeing to avoid prosecution,
186 or custody or confinement after conviction, under the laws of the
187 jurisdiction from which the individual flees, for a crime, or an
188 attempt to commit a crime, which is a felony under the laws of the
189 place from which the individual flees, or who is violating a
190 condition of probation or parole imposed under federal or state
191 law;

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

193 (m) For a period of ten (10) years following
194 conviction, individuals convicted in federal or state court of
195 having made a fraudulent statement or representation with respect
196 to the individual's place of residence in order to receive TANF,
197 food stamps or Supplemental Security Income (SSI) assistance under

198 Title XVI or Title XIX simultaneously from two (2) or more states;
199 and

200 (n) Individuals who are recipients of federal
201 Supplemental Security Income (SSI) assistance.

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

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

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

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

212 (iv) If the person is a parent or caretaker
213 relative with whom a dependent child is living, child care is
214 available for the child.

215 The monthly attendance requirement under this subsection
216 shall be attendance at the school in which the person is enrolled
217 for each day during a month that the school conducts classes in
218 which the person is enrolled, with not more than two (2) absences
219 during the month for reasons other than the reasons listed in
220 paragraph (e)(iv) of this subsection. Persons who fail to meet
221 participation requirements in this subsection shall be subject to
222 sanctions as provided in paragraph (f) of this subsection.

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

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

226 (ii) A vocational, technical and adult education
227 program; or

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

231 (c) If any compulsory-school-age child, as defined in
232 Section 37-13-91(2), to which TANF eligibility requirements apply
233 is not in compliance with the compulsory school attendance
234 requirements of Section 37-13-91(6), the superintendent of schools
235 of the school district in which the child is enrolled or eligible
236 to attend shall notify the county department of human services of
237 the child's noncompliance. The Department of Human Services shall
238 review school attendance information as provided under this
239 paragraph at all initial eligibility determinations and upon
240 subsequent report of unsatisfactory attendance.

241 (d) The signature of a person on an application for
242 TANF benefits constitutes permission for the release of school
243 attendance records for that person or for any child residing with
244 that person. The department shall request information from the
245 child's school district about the child's attendance in the school
246 district's most recently completed semester of attendance. If
247 information about the child's previous school attendance is not
248 available or cannot be verified, the department shall require the
249 child to meet the monthly attendance requirement for one (1)
250 semester or until the information is obtained. The department
251 shall use the attendance information provided by a school district
252 to verify attendance for a child. The department shall review
253 with the parent or caretaker relative a child's claim that he or
254 she has a good cause for not attending school.

255 A school district shall provide information to the department
256 about the attendance of a child who is enrolled in a public school
257 in the district within five (5) working days of the receipt of a
258 written request for such information from the department. The
259 school district shall define how many hours of attendance count as
260 a full day and shall provide that information, upon request, to
261 the department. In reporting attendance, the school district may
262 add partial days' absence together to constitute a full day's
263 absence.

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

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

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

273 (iii) The child is prohibited by the school
274 district from attending school and an expulsion is pending. This
275 exemption no longer applies once the teenager has been expelled;
276 however, a teenager who has been expelled and is making
277 satisfactory progress towards obtaining a GED equivalent shall be
278 eligible for TANF benefits; or

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

281 1. Illness, injury or incapacity of the child
282 or the minor parent's child;

283 2. Court-required appearances or temporary
284 incarceration;

285 3. Medical or dental appointments for the
286 child or minor parent's child;

287 4. Death of a close relative;

288 5. Observance of a religious holiday;

289 6. Family emergency;

290 7. Breakdown in transportation;

291 8. Suspension; or

292 9. Any other circumstance beyond the control
293 of the child, as defined in regulations of the department.

294 (f) Upon determination that a child has failed without
295 good cause to attend school as required, the department shall
296 provide written notice to the parent or caretaker relative

297 (whoever is the primary recipient of the TANF benefits) that
298 specifies:

299 (i) That the family will be sanctioned in the next
300 possible payment month because the child who is required to attend
301 school has failed to meet the attendance requirement of this
302 subsection;

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

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

308 The child's parent or caretaker relative (whoever is the
309 primary recipient of the TANF benefits) may request a fair hearing
310 on the department's determination that the child has not been
311 attending school. If the child's parents or caretaker relative
312 does not request a fair hearing under this subsection, or if,
313 after a fair hearing has been held, the hearing officer finds that
314 the child without good cause has failed to meet the monthly
315 attendance requirement, the department shall discontinue or deny
316 TANF benefits to the child thirteen (13) years old, or older, in
317 the next possible payment month. The department shall discontinue
318 or deny twenty-five percent (25%) of the family grant when a child
319 six (6) through twelve (12) years of age without good cause has
320 failed to meet the monthly attendance requirement. Both the child
321 and family sanction may apply when children in both age groups
322 fail to meet the attendance requirement without good cause. A
323 sanction applied under this subsection shall be effective for one
324 (1) month for each month that the child failed to meet the monthly
325 attendance requirement. In the case of a dropout, the sanction
326 shall remain in force until the parent or caretaker relative
327 provides written proof from the school district that the child has
328 reenrolled and met the monthly attendance requirement for one (1)
329 calendar month. Any month in which school is in session for at

330 least ten (10) days during the month may be used to meet the
331 attendance requirement under this subsection. This includes
332 attendance at summer school. The sanction shall be removed the
333 next possible payment month.

334 (5) All parents or caretaker relatives shall have their
335 dependent children receive vaccinations and booster vaccinations
336 against those diseases specified by the State Health Officer
337 pursuant to Section 41-23-37 in accordance with the vaccination
338 and booster vaccination schedule prescribed by the State Health
339 Officer for children of that age, in order for the parents or
340 caretaker relatives to be eligible or remain eligible to receive
341 TANF benefits. Proof of having received such vaccinations and
342 booster vaccinations shall be given by presenting the certificates
343 of vaccination issued by any health care provider licensed to
344 administer vaccinations, and submitted on forms specified by the
345 State Board of Health. If the parents without good cause do not
346 have their dependent children receive the vaccinations and booster
347 vaccinations as required by this subsection and they fail to
348 comply after thirty (30) days' notice, the department shall
349 sanction the family's TANF benefits by twenty-five percent (25%)
350 for the next payment month and each subsequent payment month until
351 the requirements of this subsection are met.

352 (6) (a) If the parent or caretaker relative applying for
353 TANF assistance is an employable person, as determined by the
354 Department of Human Services, the person shall be required to
355 engage in an allowable work activity once the department
356 determines the parent or caretaker relative is ready to engage in
357 work, or once the parent or caretaker relative has received TANF
358 assistance under the program for twenty-four (24) months, whether
359 or not consecutive, whichever is earlier. No TANF benefits shall
360 be given to any person to whom this section applies who fails
361 without good cause to comply with the Employability Development
362 Plan prepared by the department for the person, or who has refused

363 to accept a referral or offer of employment, training or education
364 in which he or she is able to engage, subject to the penalties
365 prescribed in subsection (6)(e). A person shall be deemed to have
366 refused to accept a referral or offer of employment, training or
367 education if he or she:

368 (i) Willfully fails to report for an interview
369 with respect to employment when requested to do so by the
370 department; or

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

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

375 (b) The Department of Human Services shall operate a
376 statewide work program for TANF recipients to provide work
377 activities and supportive services to enable families to become
378 self-sufficient and improve their competitive position in the work
379 force in accordance with the requirements of the federal Personal
380 Responsibility and Work Opportunity Reconciliation Act of 1996
381 (Public Law 104-193), as amended, and the regulations promulgated
382 thereunder. Within sixty (60) days after the initial application
383 for TANF benefits, the TANF recipient must participate in a job
384 search skills training workshop or a job readiness program, which
385 shall include résumé writing, job search skills, employability
386 skills and, if available at no charge, the General Aptitude Test
387 Battery or its equivalent. All adults who are not specifically
388 exempt shall be referred by the department for allowable work
389 activities. An adult may be exempt from the mandatory work
390 activity requirement for the following reasons:

391 (i) Incapacity;

392 (ii) Temporary illness or injury, verified by
393 physician's certificate;

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

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

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

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

403 (vii) Receiving treatment for substance abuse, if
404 the person is in compliance with the substance abuse treatment
405 plan;

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

409 (ix) History of having been a victim of domestic
410 violence, which has been reported as required by state law and is
411 substantiated by police reports or court records, and being at
412 risk of further domestic violence, shall be exempt for a period as
413 deemed necessary by the department but not to exceed a total of
414 twelve (12) months, which need not be consecutive, in the
415 sixty-month maximum benefit period. For the purposes of this
416 subparagraph (ix), "domestic violence" means that an individual
417 has been subjected to:

418 1. Physical acts that resulted in, or
419 threatened to result in, physical injury to the individual;

420 2. Sexual abuse;

421 3. Sexual activity involving a dependent
422 child;

423 4. Being forced as the caretaker relative of
424 a dependent child to engage in nonconsensual sexual acts or
425 activities;

426 5. Threats of, or attempts at, physical or
427 sexual abuse;

428 6. Mental abuse; or

429 7. Neglect or deprivation of medical care.

430 (c) For all families, all adults who are not
431 specifically exempt shall be required to participate in work
432 activities for at least the minimum average number of hours per
433 week specified by federal law or regulation, not fewer than twenty
434 (20) hours per week (thirty-five (35) hours per week for
435 two-parent families) of which are attributable to the following
436 allowable work activities:

437 (i) Unsubsidized employment;

438 (ii) Subsidized private employment;

439 (iii) Subsidized public employment;

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

443 (v) On-the-job training;

444 (vi) Job search and job readiness assistance
445 consistent with federal TANF regulations;

446 (vii) Community service programs;

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

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

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

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

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

461 (i) Job skills training directly related to
462 employment;

463 (ii) Education directly related to employment for
464 individuals who have not completed high school or received a high
465 school equivalency certificate;

466 (iii) Satisfactory attendance at high school or in
467 a course of study leading to a high school equivalency, for
468 individuals who have not completed high school or received such
469 equivalency certificate;

470 (iv) Job search and job readiness assistance
471 consistent with federal TANF regulations.

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

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

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

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

489 (iv) For the fourth violation, the person shall be
490 permanently disqualified.

491 For a two-parent family, unless prohibited by state or
492 federal law, Medicaid assistance shall be terminated only for the
493 person whose failure to participate in allowable work activity

494 caused the family's TANF assistance to be sanctioned under this
495 subsection (6)(e), unless an individual is pregnant, but shall not
496 be terminated for any other person in the family who is meeting
497 that person's applicable work requirement or who is not required
498 to work. Minor children shall continue to be eligible for
499 Medicaid benefits regardless of the disqualification of their
500 parent or caretaker relative for TANF assistance under this
501 subsection (6), unless prohibited by state or federal law.

502 (f) Any person enrolled in a two-year or four-year
503 college program who meets the eligibility requirements to receive
504 TANF benefits, and who is meeting the applicable work requirements
505 and all other applicable requirements of the TANF program, shall
506 continue to be eligible for TANF benefits while enrolled in the
507 college program for as long as the person meets the requirements
508 of the TANF program, unless prohibited by federal law.

509 (g) No adult in a work activity required under this
510 subsection (6) shall be employed or assigned (i) when any other
511 individual is on layoff from the same or any substantially
512 equivalent job within six (6) months before the date of the TANF
513 recipient's employment or assignment; or (ii) if the employer has
514 terminated the employment of any regular employee or otherwise
515 caused an involuntary reduction of its work force in order to fill
516 the vacancy so created with an adult receiving TANF assistance.
517 The Mississippi Department of Employment Security, established
518 under Section 71-5-101, shall appoint one or more impartial
519 hearing officers to hear and decide claims by employees of
520 violations of this paragraph (g). The hearing officer shall hear
521 all the evidence with respect to any claim made hereunder and such
522 additional evidence as he may require and shall make a
523 determination and the reason therefor. The claimant shall be
524 promptly notified of the decision of the hearing officer and the
525 reason therefor. Within ten (10) days after the decision of the
526 hearing officer has become final, any party aggrieved thereby may

527 secure judicial review thereof by commencing an action, in the
528 circuit court of the county in which the claimant resides, against
529 the department for the review of such decision, in which action
530 any other party to the proceeding before the hearing officer shall
531 be made a defendant. Any such appeal shall be on the record which
532 shall be certified to the court by the department in the manner
533 provided in Section 71-5-531, and the jurisdiction of the court
534 shall be confined to questions of law which shall render its
535 decision as provided in that section.

536 (7) The Department of Human Services may provide child care
537 for eligible participants who require such care so that they may
538 accept employment or remain employed. The department may also
539 provide child care for those participating in the TANF program
540 when it is determined that they are satisfactorily involved in
541 education, training or other allowable work activities. The
542 department may contract with Head Start agencies to provide child
543 care services to TANF recipients. The department may also arrange
544 for child care by use of contract or vouchers, provide vouchers in
545 advance to a caretaker relative, reimburse a child care provider,
546 or use any other arrangement deemed appropriate by the department,
547 and may establish different reimbursement rates for child care
548 services depending on the category of the facility or home. Any
549 center-based or group home child care facility under this
550 paragraph shall be licensed by the State Department of Health
551 pursuant to law. When child care is being provided in the child's
552 own home, in the home of a relative of the child, or in any other
553 unlicensed setting, the provision of such child care may be
554 monitored on a random basis by the Department of Human Services or
555 the State Department of Health. Transitional child care
556 assistance may be continued if it is necessary for parents to
557 maintain employment once support has ended, unless prohibited
558 under state or federal law. Transitional child care assistance
559 may be provided for up to twenty-four (24) months after the last

560 month during which the family was eligible for TANF assistance, if
561 federal funds are available for such child care assistance. From
562 and after the date that Section 1 of this act is implemented,
563 child care shall be provided under the CCDF/TANF program by the
564 State Department of Education and school districts in accordance
565 with the provisions of Section 1 of this act.

566 (8) The Department of Human Services may provide
567 transportation or provide reasonable reimbursement for
568 transportation expenses that are necessary for individuals to be
569 able to participate in allowable work activity under the TANF
570 program.

571 (9) Medicaid assistance shall be provided to a family of
572 TANF program participants for up to twenty-four (24) consecutive
573 calendar months following the month in which the participating
574 family would be ineligible for TANF benefits because of increased
575 income, expiration of earned income disregards, or increased hours
576 of employment of the caretaker relative; however, Medicaid
577 assistance for more than twelve (12) months may be provided only
578 if a federal waiver is obtained to provide such assistance for
579 more than twelve (12) months and federal and state funds are
580 available to provide such assistance.

581 (10) The department shall require applicants for and
582 recipients of public assistance from the department to sign a
583 personal responsibility contract that will require the applicant
584 or recipient to acknowledge his or her responsibilities to the
585 state.

586 (11) The department shall enter into an agreement with the
587 State Personnel Board and other state agencies that will allow
588 those TANF participants who qualify for vacant jobs within state
589 agencies to be placed in state jobs. State agencies participating
590 in the TANF work program shall receive any and all benefits
591 received by employers in the private sector for hiring TANF
592 recipients. This subsection (11) shall be effective only if the

593 state obtains any necessary federal waiver or approval and if
594 federal funds are available therefor.

595 (12) No new TANF program requirement or restriction
596 affecting a person's eligibility for TANF assistance, or allowable
597 work activity, which is not mandated by federal law or regulation
598 may be implemented by the Department of Human Services after July
599 1, 2004, unless such is specifically authorized by an amendment to
600 this section by the Legislature.

601 **SECTION 4.** This act shall take effect and be in force from
602 and after July 1, 2007.