

By: Representative Malone

To: Education

HOUSE BILL NO. 270

1 AN ACT TO AMEND SECTION 37-13-91, MISSISSIPPI CODE OF 1972,
2 TO REQUIRE THE DISCONTINUATION OF CERTAIN PUBLIC ASSISTANCE AND
3 BENEFITS TO FAMILIES OF COMPULSORY-SCHOOL-AGE CHILDREN WHO FAIL TO
4 COMPLY WITH THE MISSISSIPPI COMPULSORY SCHOOL ATTENDANCE LAW; TO
5 AMEND SECTION 43-17-5, MISSISSIPPI CODE OF 1972, TO REQUIRE
6 TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) BENEFITS TO BE
7 DISCONTINUED WHEN A RECIPIENT FAMILY HAS A CHILD NOT IN COMPLIANCE
8 WITH COMPULSORY SCHOOL ATTENDANCE REQUIREMENTS; TO AMEND SECTION
9 41-86-15, MISSISSIPPI CODE OF 1972, TO REQUIRE BENEFITS UNDER THE
10 STATE CHILD HEALTH PLAN TO BE DISCONTINUED WHEN A RECIPIENT FAMILY
11 HAS A CHILD NOT IN COMPLIANCE WITH COMPULSORY SCHOOL ATTENDANCE
12 REQUIREMENTS; TO AMEND SECTION 43-1-29.1, MISSISSIPPI CODE OF
13 1972, TO REQUIRE ASSISTANCE UNDER THE SUPPLEMENTAL NUTRITIONAL
14 ASSISTANCE PROGRAM (SNAP) TO BE DISCONTINUED WHEN A RECIPIENT
15 FAMILY HAS A CHILD NOT IN COMPLIANCE WITH COMPULSORY SCHOOL
16 ATTENDANCE REQUIREMENTS; AND FOR RELATED PURPOSES.

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

18 **SECTION 1.** Section 37-13-91, Mississippi Code of 1972, is
19 amended as follows:

20 37-13-91. (1) This section shall be referred to as the
21 "Mississippi Compulsory School Attendance Law."

22 (2) The following terms as used in this section are defined
23 as follows:



24 (a) "Parent" means the father or mother to whom a child
25 has been born, or the father or mother by whom a child has been
26 legally adopted.

27 (b) "Guardian" means a guardian of the person of a
28 child, other than a parent, who is legally appointed by a court of
29 competent jurisdiction.

30 (c) "Custodian" means any person having the present
31 care or custody of a child, other than a parent or guardian of the
32 child.

33 (d) "School day" means not less than five (5) and not
34 more than eight (8) hours of actual teaching in which both
35 teachers and pupils are in regular attendance for scheduled
36 schoolwork.

37 (e) "School" means any public school in this state or
38 any nonpublic school in this state which is in session each school
39 year for at least one hundred eighty (180) school days, except
40 that the "nonpublic" school term shall be the number of days that
41 each school shall require for promotion from grade to grade.

42 (f) "Compulsory-school-age child" means a child who has
43 attained or will attain the age of six (6) years on or before
44 September 1 of the calendar year and who has not attained the age
45 of seventeen (17) years on or before September 1 of the calendar
46 year; and shall include any child who has attained or will attain
47 the age of five (5) years on or before September 1 and has
48 enrolled in a full-day public school kindergarten program.



49 Provided, however, that the parent or guardian of any child
50 enrolled in a full-day public school kindergarten program shall be
51 allowed to disenroll the child from the program on a one-time
52 basis, and such child shall not be deemed a compulsory-school-age
53 child until the child attains the age of six (6) years.

54 (g) "School attendance officer" means a person employed
55 by the State Department of Education pursuant to Section 37-13-89.

56 (h) "Appropriate school official" means the
57 superintendent of the school district, or his designee, or, in the
58 case of a nonpublic school, the principal or the headmaster.

59 (i) "Nonpublic school" means an institution for the
60 teaching of children, consisting of a physical plant, whether
61 owned or leased, including a home, instructional staff members and
62 students, and which is in session each school year. This
63 definition shall include, but not be limited to, private, church,
64 parochial and home instruction programs.

65 (3) A parent, guardian or custodian of a
66 compulsory-school-age child in this state shall cause the child to
67 enroll in and attend a public school or legitimate nonpublic
68 school for the period of time that the child is of compulsory
69 school age, except under the following circumstances:

70 (a) When a compulsory-school-age child is physically,
71 mentally or emotionally incapable of attending school as
72 determined by the appropriate school official based upon
73 sufficient medical documentation.



74 (b) When a compulsory-school-age child is enrolled in
75 and pursuing a course of special education, remedial education or
76 education for handicapped or physically or mentally disadvantaged
77 children.

78 (c) When a compulsory-school-age child is being
79 educated in a legitimate home instruction program.

80 The parent, guardian or custodian of a compulsory-school-age
81 child described in this subsection, or the parent, guardian or
82 custodian of a compulsory-school-age child attending any nonpublic
83 school, or the appropriate school official for any or all children
84 attending a nonpublic school shall complete a "certificate of
85 enrollment" in order to facilitate the administration of this
86 section.

87 The form of the certificate of enrollment shall be prepared
88 by the Office of Compulsory School Attendance Enforcement of the
89 State Department of Education and shall be designed to obtain the
90 following information only:

91 (i) The name, address, telephone number and date
92 of birth of the compulsory-school-age child;

93 (ii) The name, address and telephone number of the
94 parent, guardian or custodian of the compulsory-school-age child;

95 (iii) A simple description of the type of
96 education the compulsory-school-age child is receiving and, if the
97 child is enrolled in a nonpublic school, the name and address of
98 the school; and



99 (iv) The signature of the parent, guardian or
100 custodian of the compulsory-school-age child or, for any or all
101 compulsory-school-age child or children attending a nonpublic
102 school, the signature of the appropriate school official and the
103 date signed.

104 The certificate of enrollment shall be returned to the school
105 attendance officer where the child resides on or before September
106 15 of each year. Any parent, guardian or custodian found by the
107 school attendance officer to be in noncompliance with this section
108 shall comply, after written notice of the noncompliance by the
109 school attendance officer, with this subsection within ten (10)
110 days after the notice or be in violation of this section.

111 However, in the event the child has been enrolled in a public
112 school within fifteen (15) calendar days after the first day of
113 the school year as required in subsection (6), the parent or
114 custodian may, at a later date, enroll the child in a legitimate
115 nonpublic school or legitimate home instruction program and send
116 the certificate of enrollment to the school attendance officer and
117 be in compliance with this subsection.

118 For the purposes of this subsection, a legitimate nonpublic
119 school or legitimate home instruction program shall be those not
120 operated or instituted for the purpose of avoiding or
121 circumventing the compulsory attendance law.

122 (4) An "unlawful absence" is an absence during a school day
123 by a compulsory-school-age child, which absence is not due to a



valid excuse for temporary nonattendance. Days missed from school due to disciplinary suspension shall not be considered an "excused" absence under this section. This subsection shall not apply to children enrolled in a nonpublic school.

Each of the following shall constitute a valid excuse for temporary nonattendance of a compulsory-school-age child enrolled in a public school, provided satisfactory evidence of the excuse is provided to the superintendent of the school district, or his designee:

(a) An absence is excused when the absence results from the compulsory-school-age child's attendance at an authorized school activity with the prior approval of the superintendent of the school district, or his designee. These activities may include field trips, athletic contests, student conventions, musical festivals and any similar activity.

(b) An absence is excused when the absence results from illness or injury which prevents the compulsory-school-age child from being physically able to attend school.

(c) An absence is excused when isolation of a compulsory-school-age child is ordered by the county health officer, by the State Board of Health or appropriate school official.

(d) An absence is excused when it results from the death or serious illness of a member of the immediate family of a compulsory-school-age child. The immediate family members of a



compulsory-school-age child shall include children, spouse, grandparents, parents, brothers and sisters, including stepbrothers and stepsisters.

(e) An absence is excused when it results from a medical or dental appointment of a compulsory-school-age child.

(f) An absence is excused when it results from the attendance of a compulsory-school-age child at the proceedings of a court or an administrative tribunal if the child is a party to the action or under subpoena as a witness.

(g) An absence may be excused if the religion to which the compulsory-school-age child or the child's parents adheres, requires or suggests the observance of a religious event. The approval of the absence is within the discretion of the superintendent of the school district, or his designee, but approval should be granted unless the religion's observance is of such duration as to interfere with the education of the child.

(h) An absence may be excused when it is demonstrated to the satisfaction of the superintendent of the school district, or his designee, that the purpose of the absence is to take advantage of a valid educational opportunity such as travel, including vacations or other family travel. Approval of the absence must be gained from the superintendent of the school district, or his designee, before the absence, but the approval shall not be unreasonably withheld.



(i) An absence may be excused when it is demonstrated to the satisfaction of the superintendent of the school district, or his designee, that conditions are sufficient to warrant the compulsory-school-age child's nonattendance. However, no absences shall be excused by the school district superintendent, or his designee, when any student suspensions or expulsions circumvent the intent and spirit of the compulsory attendance law.

(5) Any parent, guardian or custodian of a compulsory-school-age child subject to this section who refuses or willfully fails to perform any of the duties imposed upon him or her under this section or who intentionally falsifies any information required to be contained in a certificate of enrollment, shall be guilty of contributing to the neglect of a child and, upon conviction, shall be punished in accordance with Section 97-5-39.

Upon prosecution of a parent, guardian or custodian of a compulsory-school-age child for violation of this section, the presentation of evidence by the prosecutor that shows that the child has not been enrolled in school within eighteen (18) calendar days after the first day of the school year of the public school which the child is eligible to attend, or that the child has accumulated twelve (12) unlawful absences during the school year at the public school in which the child has been enrolled, shall establish a prima facie case that the child's parent, guardian or custodian is responsible for the absences and has



198 refused or willfully failed to perform the duties imposed upon him
199 or her under this section. However, no proceedings under this
200 section shall be brought against a parent, guardian or custodian
201 of a compulsory-school-age child unless the school attendance
202 officer has contacted promptly the home of the child and has
203 provided written notice to the parent, guardian or custodian of
204 the requirement for the child's enrollment or attendance.

205 (6) If a compulsory-school-age child has not been enrolled
206 in a school within fifteen (15) calendar days after the first day
207 of the school year of the school which the child is eligible to
208 attend or the child has accumulated five (5) unlawful absences
209 during the school year of the public school in which the child is
210 enrolled, the school district superintendent or his designee shall
211 report, within two (2) school days or within five (5) calendar
212 days, whichever is less, the absences to the school attendance
213 officer. The State Department of Education shall prescribe a
214 uniform method for schools to utilize in reporting the unlawful
215 absences to the school attendance officer. The superintendent, or
216 his designee, also shall report any student suspensions or student
217 expulsions to the school attendance officer when they occur.

218 (7) When a school attendance officer has made all attempts
219 to secure enrollment and/or attendance of a compulsory-school-age
220 child and is unable to effect the enrollment and/or attendance,
221 the attendance officer shall file a petition with the youth court
222 under Section 43-21-451 or shall file a petition in a court of



competent jurisdiction as it pertains to parent or child.
Sheriffs, deputy sheriffs and municipal law enforcement officers
shall be fully authorized to investigate all cases of
nonattendance and unlawful absences by compulsory-school-age
children, and shall be authorized to file a petition with the
youth court under Section 43-21-451 or file a petition or
information in the court of competent jurisdiction as it pertains
to parent or child for violation of this section. The youth court
shall expedite a hearing to make an appropriate adjudication and a
disposition to ensure compliance with the Compulsory School
Attendance Law, and may order the child to enroll or re-enroll in
school. The superintendent of the school district to which the
child is ordered may assign, in his discretion, the child to the
alternative school program of the school established pursuant to
Section 37-13-92.

(8) In addition to any action authorized under this section
against a parent, guardian or custodian of a compulsory-school-age
child for a violation of the compulsory school attendance
requirements, any benefits or assistance that a parent, guardian
or custodian may be receiving under the following programs shall
be discontinued due to the failure to comply with this section in
the manner prescribed in the respective sections:

(a) Temporary Assistance for Needy Families (TANF)
benefits - Section 43-17-5(4)(c);



(b) Mississippi Children's Health Care Program -
Section 41-86-15(2); and

(c) Supplemental Nutritional Assistance Program (SNAP)
- Section 43-1-29.1(2).

(* * *9) The State Board of Education shall adopt rules and regulations for the purpose of reprimanding any school superintendents who fail to timely report unexcused absences under the provisions of this section.

(* * *10) Notwithstanding any provision or implication herein to the contrary, it is not the intention of this section to impair the primary right and the obligation of the parent or parents, or person or persons in loco parentis to a child, to choose the proper education and training for such child, and nothing in this section shall ever be construed to grant, by implication or otherwise, to the State of Mississippi, any of its officers, agencies or subdivisions any right or authority to control, manage, supervise or make any suggestion as to the control, management or supervision of any private or parochial school or institution for the education or training of children, of any kind whatsoever that is not a public school according to the laws of this state; and this section shall never be construed so as to grant, by implication or otherwise, any right or authority to any state agency or other entity to control, manage, supervise, provide for or affect the operation, management,



program, curriculum, admissions policy or discipline of any such school or home instruction program.

SECTION 2. Section 43-17-5, Mississippi Code of 1972, is amended as follows:

43-17-5. (1) The amount of Temporary Assistance for Needy Families (TANF) benefits which may be granted for any dependent child and a needy caretaker relative shall be determined by the county department with due regard to the resources and necessary expenditures of the family and the conditions existing in each case, and in accordance with the rules and regulations made by the Department of Human Services which shall not be less than the Standard of Need in effect for 1988, and shall be sufficient when added to all other income (except that any income specified in the federal Social Security Act, as amended, may be disregarded) and support available to the child to provide such child with a reasonable subsistence compatible with decency and health. The first family member in the dependent child's budget may receive an amount not to exceed One Hundred Ten Dollars (\$110.00) per month; the second family member in the dependent child's budget may receive an amount not to exceed Thirty-six Dollars (\$36.00) per month; and each additional family member in the dependent child's budget an amount not to exceed Twenty-four Dollars (\$24.00) per month. The maximum for any individual family member in the dependent child's budget may be exceeded for foster or medical care or in cases of children with an intellectual disability or a



physical disability. TANF benefits granted shall be specifically limited only (a) to children existing or conceived at the time the caretaker relative initially applies and qualifies for such assistance, unless this limitation is specifically waived by the department, or (b) to a child born following a twelve-consecutive-month period of discontinued benefits by the caretaker relative.

(2) TANF benefits in Mississippi shall be provided to the recipient family by an online electronic benefits transfer system.

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

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

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

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



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

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

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

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

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



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

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

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

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



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

377 (n) Individuals who are recipients of federal
378 Supplemental Security Income (SSI) assistance.

379 (4) (a) Except as otherwise provided for
380 compulsory-school-age children in this subsection, any person who
381 is otherwise eligible for TANF benefits, including custodial and
382 noncustodial parents, shall be required to attend school and meet
383 the monthly attendance requirement as provided in this subsection
384 if all of the following apply:

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

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

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

390 (iv) If the person is a parent or caretaker
391 relative with whom a dependent child is living, child care is
392 available for the child.

393 The monthly attendance requirement under this subsection
394 shall be attendance at the school in which the person is enrolled



for each day during a month that the school conducts classes in which the person is enrolled, with not more than two (2) absences during the month for reasons other than the reasons listed in paragraph (e)(iv) of this subsection. Persons who fail to meet participation requirements in this subsection shall be subject to sanctions as provided in paragraph (f) of this subsection.

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

(i) A school as defined in Section 37-13-91(2);
(ii) A vocational, technical and adult education program; or
(iii) A course of study meeting the standards established by the State Department of Education for the granting of a declaration of equivalency of high school graduation.

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



419 (d) The signature of a person on an application for
420 TANF benefits constitutes permission for the release of school
421 attendance records for that person or for any child residing with
422 that person. The department shall request information from the
423 child's school district about the child's attendance in the school
424 district's most recently completed semester of attendance. If
425 information about the child's previous school attendance is not
426 available or cannot be verified, the department shall require the
427 child to meet the monthly attendance requirement for one (1)
428 semester or until the information is obtained. The department
429 shall use the attendance information provided by a school district
430 to verify attendance for a child. The department shall review
431 with the parent or caretaker relative a child's claim that he or
432 she has a good cause for not attending school.

433 A school district shall provide information to the department
434 about the attendance of a child who is enrolled in a public school
435 in the district within five (5) working days of the receipt of a
436 written request for that information from the department. The
437 school district shall define how many hours of attendance count as
438 a full day and shall provide that information, upon request, to
439 the department. In reporting attendance, the school district may
440 add partial days' absence together to constitute a full day's
441 absence.

442 If a school district fails to provide to the department the
443 information about the school attendance of any child within



444 fifteen (15) working days after a written request, the department
445 shall notify the Department of Audit within three (3) working days
446 of the school district's failure to comply with that requirement.
447 The Department of Audit shall begin audit proceedings within five
448 (5) working days of notification by the Department of Human
449 Services to determine the school district's compliance with the
450 requirements of this subsection (4). If the Department of Audit
451 finds that the school district is not in compliance with the
452 requirements of this subsection, the school district shall be
453 penalized as follows: The Department of Audit shall notify the
454 State Department of Education of the school district's
455 noncompliance, and the Department of Education shall reduce the
456 calculation of the school district's average daily attendance
457 (ADA) that is used to determine the allocation of Mississippi
458 Adequate Education Program funds by the number of children for
459 which the district has failed to provide to the Department of
460 Human Services the required information about the school
461 attendance of those children. The reduction in the calculation of
462 the school district's ADA under this paragraph shall be effective
463 for a period of one (1) year.

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



468 (i) The minor parent is the caretaker of a child
469 less than twelve (12) weeks old; or
470 (ii) The department determines that child care
471 services are necessary for the minor parent to attend school and
472 there is no child care available; or
473 (iii) The child is prohibited by the school
474 district from attending school and an expulsion is pending. This
475 exemption no longer applies once the teenager has been expelled;
476 however, a teenager who has been expelled and is making
477 satisfactory progress towards obtaining a GED equivalent shall be
478 eligible for TANF benefits; or
479 (iv) The child failed to attend school for one or
480 more of the following reasons:
481 1. Illness, injury or incapacity of the child
482 or the minor parent's child;
483 2. Court-required appearances or temporary
484 incarceration;
485 3. Medical or dental appointments for the
486 child or minor parent's child;
487 4. Death of a close relative;
488 5. Observance of a religious holiday;
489 6. Family emergency;
490 7. Breakdown in transportation;
491 8. Suspension; or



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

494 (f) Upon determination that a child has failed without
495 good cause to attend school as required, the department shall
496 provide written notice to the parent or caretaker relative
497 (whoever is the primary recipient of the TANF benefits) that
498 specifies:

499 (i) That the family will be sanctioned in the next
500 possible payment month because the child who is required to attend
501 school has failed to meet the attendance requirement of this
502 subsection;

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

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

508 The child's parent or caretaker relative (whoever is the
509 primary recipient of the TANF benefits) may request a fair hearing
510 on the department's determination that the child has not been
511 attending school. If the child's parents or caretaker relative
512 does not request a fair hearing under this subsection, or if,
513 after a fair hearing has been held, the hearing officer finds that
514 the child without good cause has failed to meet the * * *
515 compulsory school attendance requirements, the department
516 shall * * * notify, in writing, the child's family that the TANF



benefits to the child * * * and the child's family will be
discontinued upon the expiration of ninety (90) days after the
date of the notice unless the child complies with the compulsory
school attendance requirements before the expiration of the period
of ninety (90) days. A sanction applied under this * * *
paragraph shall remain in force until the parent or caretaker
relative provides written proof from the school district that the
child has reenrolled and met the * * * compulsory school
attendance requirements for * * * a full semester during which the
child has maintained at least a cumulative letter grade D average.
For purposes of this paragraph, attendance at summer school for
the entire summer program shall be considered a semester. The
parent of any child found to be in violation of the compulsory
school attendance requirements who subsequently is enrolled in a
home instruction program must document, to the satisfaction of the
school attendance officer and the county department of human
services, that the home instruction program is a legitimate
program instituted for reasons other than discontinuing a sanction
imposed under this paragraph. TANF benefits forfeited under this
paragraph for failure to comply with the compulsory school
attendance requirements may not be recouped when a child is
reenrolled in school.

(5) All parents or caretaker relatives shall have their
dependent children receive vaccinations and booster vaccinations
against those diseases specified by the State Health Officer under



542 Section 41-23-37 in accordance with the vaccination and booster
543 vaccination schedule prescribed by the State Health Officer for
544 children of that age, in order for the parents or caretaker
545 relatives to be eligible or remain eligible to receive TANF
546 benefits. Proof of having received such vaccinations and booster
547 vaccinations shall be given by presenting the certificates of
548 vaccination issued by any health care provider licensed to
549 administer vaccinations, and submitted on forms specified by the
550 State Board of Health. If the parents without good cause do not
551 have their dependent children receive the vaccinations and booster
552 vaccinations as required by this subsection and they fail to
553 comply after thirty (30) days' notice, the department shall
554 sanction the family's TANF benefits by twenty-five percent (25%)
555 for the next payment month and each subsequent payment month until
556 the requirements of this subsection are met.

557 (6) (a) If the parent or caretaker relative applying for
558 TANF assistance is work eligible, as determined by the Department
559 of Human Services, the person shall be required to engage in an
560 allowable work activity once the department determines the parent
561 or caretaker relative is determined work eligible, or once the
562 parent or caretaker relative has received TANF assistance under
563 the program for twenty-four (24) months, whether or not
564 consecutive, whichever is earlier. No TANF benefits shall be
565 given to any person to whom this section applies who fails without
566 good cause to comply with the Employability Development Plan



567 prepared by the department for the person, or who has refused to
568 accept a referral or offer of employment, training or education in
569 which he or she is able to engage, subject to the penalties
570 prescribed in subsection (6)(e). A person shall be deemed to have
571 refused to accept a referral or offer of employment, training or
572 education if he or she:

573 (i) Willfully fails to report for an interview
574 with respect to employment when requested to do so by the
575 department; or

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

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

580 (b) The Department of Human Services shall operate a
581 statewide work program for TANF recipients to provide work
582 activities and supportive services to enable families to become
583 self-sufficient and improve their competitive position in the
584 workforce in accordance with the requirements of the federal
585 Personal Responsibility and Work Opportunity Reconciliation Act of
586 1996 (Public Law 104-193), as amended, and the regulations
587 promulgated thereunder, and the Deficit Reduction Act of 2005
588 (Public Law 109-171), as amended. Within sixty (60) days after
589 the initial application for TANF benefits, the TANF recipient must
590 participate in a job search skills training workshop or a job
591 readiness program, which shall include résumé writing, job search



skills, employability skills and, if available at no charge, the General Aptitude Test Battery or its equivalent. All adults who are not specifically exempt shall be referred by the department for allowable work activities. An adult may be exempt from the mandatory work activity requirement for the following reasons:

(i) Incapacity;

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

(iii) Is in the third trimester of pregnancy, and there are complications verified by the certificate of a physician, nurse practitioner, physician assistant, or any other licensed health care professional practicing under a protocol with a licensed physician;

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

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

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

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



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

618 (ix) History of having been a victim of domestic
619 violence, which has been reported as required by state law and is
620 substantiated by police reports or court records, and being at
621 risk of further domestic violence, shall be exempt for a period as
622 deemed necessary by the department but not to exceed a total of
623 twelve (12) months, which need not be consecutive, in the
624 sixty-month maximum benefit period. For the purposes of this
625 subparagraph (ix), "domestic violence" means that an individual
626 has been subjected to:

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

629 2. Sexual abuse;

630 3. Sexual activity involving a dependent
631 child;

632 4. Being forced as the caretaker relative of
633 a dependent child to engage in nonconsensual sexual acts or
634 activities;

635 5. Threats of, or attempts at, physical or
636 sexual abuse;

637 6. Mental abuse; or

638 7. Neglect or deprivation of medical care.



639 (c) For all families, all adults who are not
640 specifically exempt shall be required to participate in work
641 activities for at least the minimum average number of hours per
642 week specified by federal law or regulation, not fewer than twenty
643 (20) hours per week (thirty-five (35) hours per week for
644 two-parent families) of which are attributable to the following
645 allowable work activities:

- 646 (i) Unsubsidized employment;
- 647 (ii) Subsidized private employment;
- 648 (iii) Subsidized public employment;
- 649 (iv) Work experience (including work associated
650 with the refurbishing of publicly assisted housing), if sufficient
651 private employment is not available;
- 652 (v) On-the-job training;
- 653 (vi) Job search and job readiness assistance
654 consistent with federal TANF regulations;
- 655 (vii) Community service programs;
- 656 (viii) Vocational educational training (not to
657 exceed twelve (12) months with respect to any individual);
- 658 (ix) The provision of child care services to an
659 individual who is participating in a community service program;
- 660 (x) Satisfactory attendance at high school or in a
661 course of study leading to a high school equivalency certificate,
662 for heads of household under age twenty (20) who have not
663 completed high school or received such certificate;



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

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

670 (i) Job skills training directly related to
671 employment;

672 (ii) Education directly related to employment for
673 individuals who have not completed high school or received a high
674 school equivalency certificate;

675 (iii) Satisfactory attendance at high school or in
676 a course of study leading to a high school equivalency, for
677 individuals who have not completed high school or received such
678 equivalency certificate;

679 (iv) Job search and job readiness assistance
680 consistent with federal TANF regulations.

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

686 (i) For the first violation, the department shall
687 terminate the TANF assistance otherwise payable to the family for



688 a two-month period or until the person has complied with the
689 required work activity, whichever is longer;

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

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

698 (iv) For the fourth violation, the person shall be
699 permanently disqualified.

700 For a two-parent family, unless prohibited by state or
701 federal law, Medicaid assistance shall be terminated only for the
702 person whose failure to participate in allowable work activity
703 caused the family's TANF assistance to be sanctioned under this
704 subsection (6)(e), unless an individual is pregnant, but shall not
705 be terminated for any other person in the family who is meeting
706 that person's applicable work requirement or who is not required
707 to work. Minor children shall continue to be eligible for
708 Medicaid benefits regardless of the disqualification of their
709 parent or caretaker relative for TANF assistance under this
710 subsection (6), unless prohibited by state or federal law.

711 (f) Any person enrolled in a two-year or four-year
712 college program who meets the eligibility requirements to receive



TANF benefits, and who is meeting the applicable work requirements and all other applicable requirements of the TANF program, shall continue to be eligible for TANF benefits while enrolled in the college program for as long as the person meets the requirements of the TANF program, unless prohibited by federal law.

(g) No adult in a work activity required under this subsection (6) shall be employed or assigned (i) when any other individual is on layoff from the same or any substantially equivalent job within six (6) months before the date of the TANF recipient's employment or assignment; or (ii) if the employer has terminated the employment of any regular employee or otherwise caused an involuntary reduction of its workforce in order to fill the vacancy so created with an adult receiving TANF assistance. The Mississippi Department of Employment Security, established under Section 71-5-101, shall appoint one or more impartial hearing officers to hear and decide claims by employees of violations of this paragraph (g). The hearing officer shall hear all the evidence with respect to any claim made hereunder and such additional evidence as he may require and shall make a determination and the reason therefor. The claimant shall be promptly notified of the decision of the hearing officer and the reason therefor. Within ten (10) days after the decision of the hearing officer has become final, any party aggrieved thereby may secure judicial review thereof by commencing an action, in the circuit court of the county in which the claimant resides, against



738 the department for the review of such decision, in which action
739 any other party to the proceeding before the hearing officer shall
740 be made a defendant. Any such appeal shall be on the record which
741 shall be certified to the court by the department in the manner
742 provided in Section 71-5-531, and the jurisdiction of the court
743 shall be confined to questions of law which shall render its
744 decision as provided in that section.

745 (7) The Department of Human Services may provide child care
746 for eligible participants who require such care so that they may
747 accept employment or remain employed. The department may also
748 provide child care for those participating in the TANF program
749 when it is determined that they are satisfactorily involved in
750 education, training or other allowable work activities. The
751 department may contract with Head Start agencies to provide child
752 care services to TANF recipients. The department may also arrange
753 for child care by use of contract or vouchers, provide vouchers in
754 advance to a caretaker relative, reimburse a child care provider,
755 or use any other arrangement deemed appropriate by the department,
756 and may establish different reimbursement rates for child care
757 services depending on the category of the facility or home. Any
758 center-based or group home child care facility under this
759 subsection shall be licensed by the State Department of Health
760 pursuant to law. When child care is being provided in the child's
761 own home, in the home of a relative of the child, or in any other
762 unlicensed setting, the provision of such child care may be



monitored on a random basis by the Department of Human Services or the State Department of Health. Transitional child care assistance may be continued if it is necessary for parents to maintain employment once support has ended, unless prohibited under state or federal law. Transitional child care assistance may be provided for up to twenty-four (24) months after the last month during which the family was eligible for TANF assistance, if federal funds are available for such child care assistance.

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

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

(10) The department shall require applicants for and recipients of public assistance from the department to sign a



788 personal responsibility contract that will require the applicant
789 or recipient to acknowledge his or her responsibilities to the
790 state.

791 (11) The department shall enter into an agreement with the
792 State Personnel Board and other state agencies that will allow
793 those TANF participants who qualify for vacant jobs within state
794 agencies to be placed in state jobs. State agencies participating
795 in the TANF work program shall receive any and all benefits
796 received by employers in the private sector for hiring TANF
797 recipients. This subsection (11) shall be effective only if the
798 state obtains any necessary federal waiver or approval and if
799 federal funds are available therefor.

800 (12) Any unspent TANF funds remaining from the prior fiscal
801 year may be expended for any TANF allowable activities.

802 (13) The Mississippi Department of Human Services shall
803 provide TANF applicants information and referral to programs that
804 provide information about birth control, prenatal health care,
805 abstinence education, marriage education, family preservation and
806 fatherhood.

807 (14) No new TANF program requirement or restriction
808 affecting a person's eligibility for TANF assistance, or allowable
809 work activity, which is not mandated by federal law or regulation
810 may be implemented by the Department of Human Services after July
811 1, 2004, unless such is specifically authorized by an amendment to
812 this section by the Legislature.



813 **SECTION 3.** Section 41-86-15, Mississippi Code of 1972, is
814 amended as follows:

815 41-86-15. (1) Persons eligible to receive covered benefits
816 under this chapter shall be low-income children who meet the
817 eligibility standards set forth in the State Child Health Plan and
818 the requirements set forth under subsection (2) of this section.

819 Any person who is eligible for benefits under the Mississippi
820 Medicaid Law, Section 43-13-101 et seq., shall not be eligible to
821 receive benefits under this chapter. A person who is without
822 insurance coverage at the time of application for the program and
823 who meets the other eligibility criteria in the plan shall be
824 eligible to receive covered benefits under the program.

825 (2) In order to be eligible to receive covered benefits
826 under this chapter, a compulsory-school-age child, as defined in
827 Section 37-13-91(2), must be in compliance with the requirements
828 of the Mississippi Compulsory School Attendance Law. If it is
829 determined that a child who is receiving benefits, without good
830 cause, has failed to meet the compulsory school attendance
831 requirements, the child's parent must be notified, in writing,
832 that the child's benefits will be discontinued upon the expiration
833 of ninety (90) days after the date of the notice unless the child
834 complies with the compulsory school attendance requirements before
835 the expiration of the period of ninety (90) days. A
836 discontinuation of benefits under this subsection shall remain in
837 force until the parent of the compulsory-school-age child provides



written proof from the school district that the child has
reenrolled and met the compulsory school attendance requirements
for a full semester during which the child has maintained at least
a cumulative letter grade D average. For purposes of this
subsection, attendance at summer school for the entire summer
program is considered a semester. The parent of any child in
violation of the compulsory school attendance requirements who
subsequently is enrolled in a home instruction program must
document, to the satisfaction of the school attendance officer,
that the home instruction program is a legitimate program
instituted for reasons other than reinstating discontinued
benefits under this chapter. Any expenses incurred due to the
forfeiture of covered benefits under this subsection for failure
to comply with the compulsory school attendance requirements may
not be recouped when a child is reenrolled in school.

SECTION 4. Section 43-1-29.1, Mississippi Code of 1972, is amended as follows:

43-1-29.1. (1) The Department of Human Services is authorized, in its discretion, to develop a pilot program to track recipients of assistance under the Supplemental Nutritional Assistance Program (SNAP), formerly known as the Food Stamp Program. The tracking pilot program, if established, shall:

(a) Track the recipients' usage of SNAP benefits from the time they first receive the benefits, the length of time that they receive the benefits, when they terminate participation in



the SNAP program, and patterns of usage while receiving the benefits.

(b) Follow the recipients after termination of participation in the SNAP program, to the extent feasible, to attempt to discover the paths that they take after leaving the SNAP program and the patterns of return to the SNAP program, including the factors that may influence these paths and patterns.

(c) On or before December 1 of each year, the Department of Human Services shall provide summaries of the information obtained under the tracking pilot program during the previous fiscal year to the Speaker of the House of Representatives, the Lieutenant Governor, and the Chairmen of the House Public Health and Human Services Committee, the Senate Public Health and Welfare Committee, the House Medicaid Committee and the House Select Committee on Poverty, and shall provide more detailed information to any of those persons upon request.

(2) In order to receive assistance under the SNAP program, each compulsory-school-age child, as defined in Section 37-13-91(2), in a family receiving SNAP assistance must be in compliance with the requirements of the Mississippi Compulsory School Attendance Law. If it is determined that a child in a family that is receiving assistance, without good cause, has failed to meet the compulsory school attendance requirements, the child's parent must be notified, in writing, that the assistance will be discontinued upon the expiration of ninety (90) days after



the date of the notice unless the child complies with the
compulsory school attendance requirements before the expiration of
the period of ninety (90) days. A discontinuation of assistance
under this subsection shall remain in force until the parent of
the compulsory-school-age child provides written proof from the
school district that the child has reenrolled and met the
compulsory school attendance requirements for a full semester
during which the child has maintained at least a cumulative letter
grade D average. For purposes of this subsection, attendance at
summer school for the entire summer program is considered a
semester. The parent of any child in violation of the compulsory
school attendance requirements who subsequently is enrolled in a
home instruction program must document, to the satisfaction of the
school attendance officer, that the home instruction program is a
legitimate program instituted for reasons other than reinstating
discontinued assistance under the SNAP program. Any assistance
forfeited under this subsection for failure to comply with the
compulsory school attendance requirements may not be recouped when
a child is reenrolled in school.

SECTION 5. This act shall take effect and be in force from
and after July 1, 2013.

