

By: Representative Blackmon

To: Education; Public Health
and Human Services

HOUSE BILL NO. 963

1 AN ACT TO AMEND SECTION 43-17-5, MISSISSIPPI CODE OF 1972, TO
 2 REQUIRE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES (TANF) BENEFITS TO
 3 BE DISCONTINUED WHEN THE PARENT OF A COMPULSORY-SCHOOL-AGE CHILD
 4 IN A RECIPIENT FAMILY FAILS TO MAINTAIN REASONABLE PARENTAL
 5 INVOLVEMENT IN THE CHILD'S SCHOOL; TO AMEND SECTION 41-86-15,
 6 MISSISSIPPI CODE OF 1972, TO REQUIRE BENEFITS UNDER THE STATE
 7 CHILD HEALTH PLAN TO BE DISCONTINUED WHEN THE PARENT OF A
 8 RECIPIENT COMPULSORY-SCHOOL-AGE CHILD FAILS TO MAINTAIN REASONABLE
 9 PARENTAL INVOLVEMENT IN THE CHILD'S SCHOOL; TO AMEND SECTION
 10 43-1-29.1, MISSISSIPPI CODE OF 1972, TO REQUIRE ASSISTANCE UNDER
 11 THE SUPPLEMENTAL NUTRITIONAL ASSISTANCE PROGRAM (SNAP) TO BE
 12 DISCONTINUED WHEN THE PARENT OF A COMPULSORY-SCHOOL-AGE CHILD IN A
 13 RECIPIENT FAMILY FAILS TO MAINTAIN REASONABLE PARENTAL INVOLVEMENT
 14 IN THE CHILD'S SCHOOL; AND FOR RELATED PURPOSES.

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

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

18 43-17-5. (1) The amount of Temporary Assistance for Needy
 19 Families (TANF) benefits which may be granted for any dependent
 20 child and a needy caretaker relative shall be determined by the
 21 county department with due regard to the resources and necessary
 22 expenditures of the family and the conditions existing in each
 23 case, and in accordance with the rules and regulations made by the
 24 Department of Human Services which shall not be less than the



25 Standard of Need in effect for 1988, and shall be sufficient when
26 added to all other income (except that any income specified in the
27 federal Social Security Act, as amended, may be disregarded) and
28 support available to the child to provide such child with a
29 reasonable subsistence compatible with decency and health. The
30 first family member in the dependent child's budget may receive an
31 amount not to exceed One Hundred Ten Dollars (\$110.00) per month;
32 the second family member in the dependent child's budget may
33 receive an amount not to exceed Thirty-six Dollars (\$36.00) per
34 month; and each additional family member in the dependent child's
35 budget an amount not to exceed Twenty-four Dollars (\$24.00) per
36 month. The maximum for any individual family member in the
37 dependent child's budget may be exceeded for foster or medical
38 care or in cases of children with an intellectual disability or a
39 physical disability. TANF benefits granted shall be specifically
40 limited only (a) to children existing or conceived at the time the
41 caretaker relative initially applies and qualifies for such
42 assistance, unless this limitation is specifically waived by the
43 department, or (b) to a child born following a
44 twelve-consecutive-month period of discontinued benefits by the
45 caretaker relative.

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

48 (3) The Department of Human Services shall deny TANF
49 benefits to the following categories of individuals, except for



50 individuals and families specifically exempt or excluded for good
51 cause as allowed by federal statute or regulation:

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

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

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

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

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

73 (f) Any individual who has not attained eighteen (18)
74 years of age, is not married, has a minor child in his or her



75 care, and does not reside in a place or residence maintained by a
76 parent, legal guardian or other adult relative or the individual
77 as such parent's, guardian's or adult relative's own home;

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

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

88 (i) Any individual who fails to comply with the
89 provisions of the Employability Development Plan signed by the
90 individual which prescribe those activities designed to help the
91 individual become and remain employed, or to participate
92 satisfactorily in the assigned work activity, as authorized under
93 subsection * * * (7) (c) and (d), or who does not engage in
94 applicant job search activities within the thirty-day period for
95 TANF application approval after receiving the advice and
96 consultation of eligibility workers and/or caseworkers of the
97 department providing a detailed description of available job
98 search venues in the individual's county of residence or the
99 surrounding counties;



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

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

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

114 (m) For a period of ten (10) years following
115 conviction, individuals convicted in federal or state court of
116 having made a fraudulent statement or representation with respect
117 to the individual's place of residence in order to receive TANF,
118 food stamps or Supplemental Security Income (SSI) assistance under
119 Title XVI or Title XIX simultaneously from two (2) or more states;

120 (n) Individuals who are recipients of federal
121 Supplemental Security Income (SSI) assistance; and

122 (o) Individuals who are eighteen (18) years of age or
123 older who are not in compliance with the drug testing and
124 substance use disorder treatment requirements of Section 43-17-6.



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

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

131 (ii) The person has not graduated from a public or
132 private high school or obtained a High School Equivalency Diploma
133 equivalent;

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

136 (iv) If the person is a parent or caretaker
137 relative with whom a dependent child is living, child care is
138 available for the child.

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

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

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



150 (ii) A vocational, technical and adult education
151 program; or

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

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

165 (d) The signature of a person on an application for
166 TANF benefits constitutes permission for the release of school
167 attendance records for that person or for any child residing with
168 that person. The department shall request information from the
169 child's school district about the child's attendance in the school
170 district's most recently completed semester of attendance. If
171 information about the child's previous school attendance is not
172 available or cannot be verified, the department shall require the
173 child to meet the monthly attendance requirement for one (1)
174 semester or until the information is obtained. The department



175 shall use the attendance information provided by a school district
176 to verify attendance for a child. The department shall review
177 with the parent or caretaker relative a child's claim that he or
178 she has a good cause for not attending school.

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

188 If a school district fails to provide to the department the
189 information about the school attendance of any child within
190 fifteen (15) working days after a written request, the department
191 shall notify the Department of Audit within three (3) working days
192 of the school district's failure to comply with that requirement.
193 The Department of Audit shall begin audit proceedings within five
194 (5) working days of notification by the Department of Human
195 Services to determine the school district's compliance with the
196 requirements of this subsection (4). If the Department of Audit
197 finds that the school district is not in compliance with the
198 requirements of this subsection, the school district shall be
199 penalized as follows: The Department of Audit shall notify the



200 State Department of Education of the school district's
201 noncompliance, and the Department of Education shall reduce the
202 calculation of the school district's average daily attendance
203 (ADA) that is used to determine the allocation of Mississippi
204 Adequate Education Program funds by the number of children for
205 which the district has failed to provide to the Department of
206 Human Services the required information about the school
207 attendance of those children. The reduction in the calculation of
208 the school district's ADA under this paragraph shall be effective
209 for a period of one (1) year.

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

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

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

219 (iii) The child is prohibited by the school
220 district from attending school and an expulsion is pending. This
221 exemption no longer applies once the teenager has been expelled;
222 however, a teenager who has been expelled and is making
223 satisfactory progress towards obtaining a High School Equivalency
224 Diploma equivalent shall be eligible for TANF benefits; or



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

227 1. Illness, injury or incapacity of the child
228 or the minor parent's child;

229 2. Court-required appearances or temporary
230 incarceration;

231 3. Medical or dental appointments for the
232 child or minor parent's child;

233 4. Death of a close relative;

234 5. Observance of a religious holiday;

235 6. Family emergency;

236 7. Breakdown in transportation;

237 8. Suspension; or

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

240 (f) Upon determination that a child has failed without
241 good cause to attend school as required, the department shall
242 provide written notice to the parent or caretaker relative
243 (whoever is the primary recipient of the TANF benefits) that
244 specifies:

245 (i) That the family will be sanctioned in the next
246 possible payment month because the child who is required to attend
247 school has failed to meet the attendance requirement of this
248 subsection;



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

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

254 The child's parent or caretaker relative (whoever is the
255 primary recipient of the TANF benefits) may request a fair hearing
256 on the department's determination that the child has not been
257 attending school. If the child's parents or caretaker relative
258 does not request a fair hearing under this subsection, or if,
259 after a fair hearing has been held, the hearing officer finds that
260 the child without good cause has failed to meet the monthly
261 attendance requirement, the department shall discontinue or deny
262 TANF benefits to the child thirteen (13) years old, or older, in
263 the next possible payment month. The department shall discontinue
264 or deny twenty-five percent (25%) of the family grant when a child
265 six (6) through twelve (12) years of age without good cause has
266 failed to meet the monthly attendance requirement. Both the child
267 and family sanction may apply when children in both age groups
268 fail to meet the attendance requirement without good cause. A
269 sanction applied under this subsection shall be effective for one
270 (1) month for each month that the child failed to meet the monthly
271 attendance requirement. In the case of a dropout, the sanction
272 shall remain in force until the parent or caretaker relative
273 provides written proof from the school district that the child has



274 reenrolled and met the monthly attendance requirement for one (1)
275 calendar month. Any month in which school is in session for at
276 least ten (10) days during the month may be used to meet the
277 attendance requirement under this subsection. This includes
278 attendance at summer school. The sanction shall be removed the
279 next possible payment month.

280 (5) A person who is eligible for TANF benefits who is also
281 the parent, guardian or custodian of a compulsory-school-age child
282 must maintain a reasonable level of parental involvement in the
283 child's school in order for the parent, guardian or custodian to
284 be eligible or remain eligible to receive TANF benefits. On no
285 less than two (2) separate occasions during the school year, the
286 department shall request information from the child's school, as
287 defined under Section 37-13-91(2) (e), documenting that the parent,
288 guardian or custodian of the child has participated in the child's
289 educational experience during the period of time that has elapsed
290 since the beginning of that school year or in the case of a
291 subsequent request for information, since the preceding request.
292 Acceptable demonstrations of reasonable parental involvement
293 include, but are not limited to:

294 (a) Participating in the school's parent-teacher
295 organization;

296 (b) Volunteering in the school or at school-related
297 functions, including extracurricular activities;



298 (c) Communicating with the child's teacher or school
299 administrators regarding the child's performance or behavior; and

300 (d) Engaging in the child's educational experience in
301 such a manner that, in the sole discretion of the school,
302 demonstrates to the satisfaction of the school that the parent,
303 guardian or custodian is taking appropriate steps to ensure the
304 child's success in school.

305 Upon a request by the department, the parent, guardian or
306 custodian of a child being educated in a home school program shall
307 submit documentation of the child's course of study and evidence
308 demonstrating that the child is making steady progress toward
309 successful completion of the studies.

310 If a school informs the department that the parent, guardian
311 or custodian of a compulsory-school-age child has failed to be
312 reasonably involved in the child's school or educational
313 experience, the department must provide the parent, guardian or
314 custodian with the opportunity to demonstrate good cause exists
315 for the noninvolvement. The parent, guardian or custodian may
316 request a fair hearing on a determination that has been made that
317 the parent, guardian or custodian has failed to be reasonably
318 involved in the child's school or educational experience.

319 If the department determines that the parent, guardian or
320 custodian has not been reasonably involved in the child's school
321 or educational experience and good cause for the noninvolvement
322 does not exist, the department shall notify, in writing, the



323 parent, guardian or custodian that the family's TANF benefits will
324 be discontinued upon the expiration of ninety (90) days after the
325 date of the notice unless the parent, guardian or custodian
326 complies with the parental involvement requirements of this
327 subsection before the expiration of the period of ninety (90)
328 days. A sanction applied under this subsection must remain in
329 force until the parent, guardian or custodian provides written
330 proof from the child's school that the parent, guardian or
331 custodian has demonstrated an effort to be involved in the child's
332 educational experience. TANF benefits forfeited under this
333 subsection may not be recouped when the parent, guardian or
334 custodian has taken steps to be reasonably involved in the child's
335 school or educational experience.

336 (* * *6) All parents or caretaker relatives shall have
337 their dependent children receive vaccinations and booster
338 vaccinations against those diseases specified by the State Health
339 Officer under Section 41-23-37 in accordance with the vaccination
340 and booster vaccination schedule prescribed by the State Health
341 Officer for children of that age, in order for the parents or
342 caretaker relatives to be eligible or remain eligible to receive
343 TANF benefits. Proof of having received such vaccinations and
344 booster vaccinations shall be given by presenting the certificates
345 of vaccination issued by any health care provider licensed to
346 administer vaccinations, and submitted on forms specified by the
347 State Board of Health. If the parents without good cause do not



348 have their dependent children receive the vaccinations and booster
349 vaccinations as required by this subsection and they fail to
350 comply after thirty (30) days' notice, the department shall
351 sanction the family's TANF benefits by twenty-five percent (25%)
352 for the next payment month and each subsequent payment month until
353 the requirements of this subsection are met.

354 (* * *7) (a) If the parent or caretaker relative applying
355 for TANF assistance is work eligible, as determined by the
356 Department of Human Services, the person shall be required to
357 engage in an allowable work activity once the department
358 determines the parent or caretaker relative is determined work
359 eligible, or once the parent or caretaker relative has received
360 TANF assistance under the program for twenty-four (24) months,
361 whether or not consecutive, whichever is earlier. No TANF
362 benefits shall be given to any person to whom this section applies
363 who fails without good cause to comply with the Employability
364 Development Plan prepared by the department for the person, or who
365 has refused to accept a referral or offer of employment, training
366 or education in which he or she is able to engage, subject to the
367 penalties prescribed in paragraph (e) of this subsection. A
368 person shall be deemed to have refused to accept a referral or
369 offer of employment, training or education if he or she:

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



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

375 (iii) Willfully fails to report for allowable work
376 activities as prescribed in paragraphs (c) and (d) of this
377 subsection.

378 (b) The Department of Human Services shall operate a
379 statewide work program for TANF recipients to provide work
380 activities and supportive services to enable families to become
381 self-sufficient and improve their competitive position in the
382 workforce in accordance with the requirements of the federal
383 Personal Responsibility and Work Opportunity Reconciliation Act of
384 1996 (Public Law 104-193), as amended, and the regulations
385 promulgated thereunder, and the Deficit Reduction Act of 2005
386 (Public Law 109-171), as amended. Within sixty (60) days after
387 the initial application for TANF benefits, the TANF recipient must
388 participate in a job search skills training workshop or a job
389 readiness program, which shall include resume writing, job search
390 skills, employability skills and, if available at no charge, the
391 General Aptitude Test Battery or its equivalent. All adults who
392 are not specifically exempt shall be referred by the department
393 for allowable work activities. An adult may be exempt from the
394 mandatory work activity requirement for the following reasons:

395 (i) Incapacity;

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



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

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

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

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

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

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

416 (ix) History of having been a victim of domestic
417 violence, which has been reported as required by state law and is
418 substantiated by police reports or court records, and being at
419 risk of further domestic violence, shall be exempt for a period as
420 deemed necessary by the department but not to exceed a total of
421 twelve (12) months, which need not be consecutive, in the
422 sixty-month maximum benefit period. For the purposes of this



423 subparagraph (ix), "domestic violence" means that an individual
424 has been subjected to:

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

427 2. Sexual abuse;

428 3. Sexual activity involving a dependent
429 child;

430 4. Being forced as the caretaker relative of
431 a dependent child to engage in nonconsensual sexual acts or
432 activities;

433 5. Threats of, or attempts at, physical or
434 sexual abuse;

435 6. Mental abuse; or

436 7. Neglect or deprivation of medical care.

437 (c) For all families, all adults who are not
438 specifically exempt shall be required to participate in work
439 activities for at least the minimum average number of hours per
440 week specified by federal law or regulation, not fewer than twenty
441 (20) hours per week (thirty-five (35) hours per week for
442 two-parent families) of which are attributable to the following
443 allowable work activities:

444 (i) Unsubsidized employment;

445 (ii) Subsidized private employment;

446 (iii) Subsidized public employment;



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

450 (v) On-the-job training;

451 (vi) Job search and job readiness assistance
452 consistent with federal TANF regulations;

453 (vii) Community service programs;

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

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

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

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

465 (d) The following are allowable work activities which
466 may be attributable to hours in excess of the minimum specified
467 in * * * paragraph (c) of this subsection:

468 (i) Job skills training directly related to
469 employment;



470 (ii) Education directly related to employment for
471 individuals who have not completed high school or received a high
472 school equivalency certificate;

473 (iii) Satisfactory attendance at high school or in
474 a course of study leading to a high school equivalency, for
475 individuals who have not completed high school or received such
476 equivalency certificate;

477 (iv) Job search and job readiness assistance
478 consistent with federal TANF regulations.

479 (e) If any adult or caretaker relative refuses to
480 participate in allowable work activity as required under this
481 subsection * * *, the following full family TANF benefit penalty
482 will apply, subject to due process to include notification,
483 conciliation and a hearing if requested by the recipient:

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

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

492 (iii) For the third violation, the department
493 shall terminate the TANF assistance otherwise payable to the



494 family for a twelve-month period or until the person has complied
495 with the required work activity, whichever is longer;

496 (iv) For the fourth violation, the person shall be
497 permanently disqualified.

498 For a two-parent family, unless prohibited by state or
499 federal law, Medicaid assistance shall be terminated only for the
500 person whose failure to participate in allowable work activity
501 caused the family's TANF assistance to be sanctioned under
502 this * * * paragraph (e), unless an individual is pregnant, but
503 shall not be terminated for any other person in the family who is
504 meeting that person's applicable work requirement or who is not
505 required to work. Minor children shall continue to be eligible
506 for Medicaid benefits regardless of the disqualification of their
507 parent or caretaker relative for TANF assistance under this
508 subsection * * *, unless prohibited by state or federal law.

509 (f) Any person enrolled in a two-year or four-year
510 college program who meets the eligibility requirements to receive
511 TANF benefits, and who is meeting the applicable work requirements
512 and all other applicable requirements of the TANF program, shall
513 continue to be eligible for TANF benefits while enrolled in the
514 college program for as long as the person meets the requirements
515 of the TANF program, unless prohibited by federal law.

516 (g) No adult in a work activity required under this
517 subsection * * * shall be employed or assigned (i) when any other
518 individual is on layoff from the same or any substantially



519 equivalent job within six (6) months before the date of the TANF
520 recipient's employment or assignment; or (ii) if the employer has
521 terminated the employment of any regular employee or otherwise
522 caused an involuntary reduction of its workforce in order to fill
523 the vacancy so created with an adult receiving TANF assistance.
524 The Mississippi Department of Employment Security, established
525 under Section 71-5-101, shall appoint one or more impartial
526 hearing officers to hear and decide claims by employees of
527 violations of this paragraph (g). The hearing officer shall hear
528 all the evidence with respect to any claim made hereunder and such
529 additional evidence as he may require and shall make a
530 determination and the reason therefor. The claimant shall be
531 promptly notified of the decision of the hearing officer and the
532 reason therefor. Within ten (10) days after the decision of the
533 hearing officer has become final, any party aggrieved thereby may
534 secure judicial review thereof by commencing an action, in the
535 circuit court of the county in which the claimant resides, against
536 the department for the review of such decision, in which action
537 any other party to the proceeding before the hearing officer shall
538 be made a defendant. Any such appeal shall be on the record which
539 shall be certified to the court by the department in the manner
540 provided in Section 71-5-531, and the jurisdiction of the court
541 shall be confined to questions of law which shall render its
542 decision as provided in that section.



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



567 month during which the family was eligible for TANF assistance, if
568 federal funds are available for such child care assistance.

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

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

584 (* * *11) The department shall require applicants for and
585 recipients of public assistance from the department to sign a
586 personal responsibility contract that will require the applicant
587 or recipient to acknowledge his or her responsibilities to the
588 state.

589 (* * *12) The department shall enter into an agreement with
590 the State Personnel Board and other state agencies that will allow
591 those TANF participants who qualify for vacant jobs within state



592 agencies to be placed in state jobs. State agencies participating
593 in the TANF work program shall receive any and all benefits
594 received by employers in the private sector for hiring TANF
595 recipients. This subsection * * * shall be effective only if the
596 state obtains any necessary federal waiver or approval and if
597 federal funds are available therefor.

598 (* * * 13) Any unspent TANF funds remaining from the prior
599 fiscal year may be expended for any TANF allowable activities.

600 (* * * 14) The Mississippi Department of Human Services
601 shall provide TANF applicants information and referral to programs
602 that provide information about birth control, prenatal health
603 care, abstinence education, marriage education, family
604 preservation and fatherhood.

605 (* * * 15) No new TANF program requirement or restriction
606 affecting a person's eligibility for TANF assistance, or allowable
607 work activity, which is not mandated by federal law or regulation
608 may be implemented by the Department of Human Services after July
609 1, 2004, unless such is specifically authorized by an amendment to
610 this section by the Legislature.

611 **SECTION 2.** Section 41-86-15, Mississippi Code of 1972, is
612 amended as follows:

613 41-86-15. (1) Persons eligible to receive covered benefits
614 under this chapter shall be low-income children who meet the
615 eligibility standards set forth in the State Child Health Plan and
616 the requirements set forth under subsection (2) of this section.



617 Any person who is eligible for benefits under the Mississippi
618 Medicaid Law, Section 43-13-101 et seq., shall not be eligible to
619 receive benefits under this chapter. A person who is without
620 insurance coverage at the time of application for the program and
621 who meets the other eligibility criteria in the plan shall be
622 eligible to receive covered benefits under the program.

623 (2) In order to be eligible or remain eligible to receive
624 covered benefits under this chapter, a compulsory-school-age
625 child's parent, guardian or custodian must maintain a reasonable
626 level of parental involvement in the child's school. On no less
627 than two (2) separate occasions during the school year, the
628 division shall request information from the child's school
629 documenting that the parent, guardian or custodian of the child
630 has participated in the child's educational experience during the
631 period of time that has elapsed since the beginning of that school
632 year or in the case of a subsequent request for information, since
633 the preceding request. Acceptable demonstrations of reasonable
634 parental involvement include, but are not limited to:

635 (a) Participating in the school's parent-teacher
636 organization;

637 (b) Volunteering in the school or at school-related
638 functions, including extracurricular activities;

639 (c) Communicating with the child's teacher or school
640 administrators regarding the child's performance or behavior; and



641 (d) Engaging in the child's educational experience in
642 such a manner that, in the sole discretion of the school,
643 demonstrates to the satisfaction of the school that the parent,
644 guardian or custodian is taking appropriate steps to ensure the
645 child's success in school.

646 Upon a request by the division, the parent, guardian or
647 custodian of a child being educated in a home school program shall
648 submit documentation of the child's course of study and evidence
649 demonstrating that the child is making steady progress toward
650 successful completion of the studies.

651 If a school informs the division that the parent, guardian or
652 custodian of a compulsory-school-age child has failed to be
653 reasonably involved in the child's school or educational
654 experience, the division must provide the parent, guardian or
655 custodian with the opportunity to demonstrate good cause exists
656 for the noninvolvement. The parent, guardian or custodian may
657 request a fair hearing on a determination that has been made that
658 the parent, guardian or custodian has failed to be reasonably
659 involved in the child's school or educational experience.

660 If the division determines that the parent, guardian or
661 custodian has not been reasonably involved in the child's school
662 or educational experience and good cause for the noninvolvement
663 does not exist, the division shall notify, in writing, the parent,
664 guardian or custodian that the child's benefits will be
665 discontinued upon the expiration of ninety (90) days after the



666 date of the notice unless the parent, guardian or custodian
667 complies with the parental involvement requirements of this
668 subsection before the expiration of the period of ninety (90)
669 days. A discontinuation of benefits under this subsection must
670 remain in force until the parent, guardian or custodian provides
671 written proof from the child's school that the parent, guardian or
672 custodian has demonstrated an effort to be involved in the child's
673 educational experience. Benefits discontinued under this
674 subsection may not be recouped when the parent, guardian or
675 custodian has taken steps to be reasonably involved in the child's
676 school or educational experience.

677 For purposes of this subsection, the terms
678 "compulsory-school-age child" and "school" have the meanings
679 ascribed to them under Section 37-13-91(2).

680 **SECTION 3.** Section 43-1-29.1, Mississippi Code of 1972, is
681 amended as follows:

682 43-1-29.1. (1) The Department of Human Services is
683 authorized, in its discretion, to develop a pilot program to track
684 recipients of assistance under the Supplemental Nutritional
685 Assistance Program (SNAP), formerly known as the Food Stamp
686 Program. The tracking pilot program, if established, shall:

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



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

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

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

706 (2) A person who is eligible for assistance under the SNAP
707 program who is also the parent, guardian or custodian of a
708 compulsory-school-age child must maintain a reasonable level of
709 parental involvement in the child's school in order for the
710 parent, guardian or custodian to be eligible or remain eligible to
711 receive SNAP assistance. On no less than two (2) separate
712 occasions during the school year, the department shall request
713 information from the child's school, as defined under Section
714 37-13-91(2)(e), documenting that the parent, guardian or custodian



715 of the child has participated in the child's educational
716 experience during the period of time that has elapsed since the
717 beginning of that school year or in the case of a subsequent
718 request for information, since the preceding request. Acceptable
719 demonstrations of reasonable parental involvement include, but are
720 not limited to:

721 (a) Participating in the school's parent-teacher
722 organization;

723 (b) Volunteering in the school or at school-related
724 functions, including extracurricular activities;

725 (c) Communicating with the child's teacher or school
726 administrators regarding the child's performance or behavior; and

727 (d) Engaging in the child's educational experience in
728 such a manner that, in the sole discretion of the school,
729 demonstrates to the satisfaction of the school that the parent,
730 guardian or custodian is taking appropriate steps to ensure the
731 child's success in school.

732 Upon a request by the department, the parent, guardian or
733 custodian of a child being educated in a home school program shall
734 submit documentation of the child's course of study and evidence
735 demonstrating that the child is making steady progress toward
736 successful completion of the studies.

737 If a school informs the department that the parent, guardian
738 or custodian of a compulsory-school-age child has failed to be
739 reasonably involved in the child's school or educational



740 experience, the department must provide the parent, guardian or
741 custodian with the opportunity to demonstrate good cause exists
742 for the noninvolvement. The parent, guardian or custodian may
743 request a fair hearing on a determination that has been made that
744 the parent, guardian or custodian has failed to be reasonably
745 involved in the child's school or educational experience.

746 If the department determines that the parent, guardian or
747 custodian has not been reasonably involved in the child's school
748 or educational experience and good cause for the noninvolvement
749 does not exist, the department shall notify, in writing, the
750 parent, guardian or custodian that the family's assistance will be
751 discontinued upon the expiration of ninety (90) days after the
752 date of the notice unless the parent, guardian or custodian
753 complies with the parental involvement requirements of this
754 subsection before the expiration of the period of ninety (90)
755 days. A discontinuation of assistance under this subsection must
756 remain in force until the parent, guardian or custodian provides
757 written proof from the child's school that the parent, guardian or
758 custodian has demonstrated an effort to be involved in the child's
759 educational experience. SNAP assistance discontinued under this
760 subsection may not be recouped when the parent, guardian or
761 custodian has taken steps to be reasonably involved in the child's
762 school or educational experience.

763 **SECTION 4.** This act shall take effect and be in force from
764 and after July 1, 2017.

