

By: Representatives Currie, Moore

To: Accountability,
Efficiency, Transparency

HOUSE BILL NO. 1329

1 AN ACT TO ESTABLISH A CHILDREN'S CABINET TO COORDINATE
2 SERVICES FOR YOUNG CHILDREN; TO PRESCRIBE THE POWERS AND DUTIES OF
3 THE CHILDREN'S CABINET; TO AMEND SECTION 37-23-145, MISSISSIPPI
4 CODE OF 1972, TO TRANSFER THE AUTHORITY OF THE SPECIAL EDUCATION
5 ADVISORY PANEL TO THE CHILDREN'S CABINET; TO AMEND SECTIONS
6 41-87-5 AND 43-14-1, MISSISSIPPI CODE OF 1972, TO TRANSFER THE
7 RESPONSIBILITIES OF THE STATE INTERAGENCY COORDINATING COUNCIL
8 (SICC) FOR THE EARLY INTERVENTION PROGRAM FOR INFANTS AND TODDLERS
9 WITH DISABILITIES AND THE INTERAGENCY COORDINATING COUNCIL FOR
10 CHILDREN AND YOUTH (ICCCY) TO THE CHILDREN'S CABINET; TO REPEAL
11 SECTION 37-21-53, MISSISSIPPI CODE OF 1972, WHICH ESTABLISHES THE
12 STATE EARLY CHILDHOOD ADVISORY COUNCIL; TO REPEAL SECTION 41-87-7,
13 MISSISSIPPI CODE OF 1972, WHICH ESTABLISHES THE STATE INTERAGENCY
14 COORDINATING COUNCIL FOR THE EARLY INTERVENTION PROGRAM FOR
15 INFANTS AND TODDLERS WITH DISABILITIES; TO REPEAL SECTION 41-90-7,
16 MISSISSIPPI CODE OF 1972, WHICH ESTABLISHES AN ADVISORY COMMITTEE
17 TO THE STATE INTERAGENCY COORDINATING COUNCIL; TO REPEAL SECTION
18 41-105-1 AND 41-105-3, MISSISSIPPI CODE OF 1972, WHICH ESTABLISHES
19 THE HEALTHCARE COORDINATING COUNCIL AND DEFINES THE DUTIES OF THE
20 HEALTHCARE COORDINATING COUNCIL; TO REPEAL SECTION 43-1-101,
21 MISSISSIPPI CODE OF 1972, WHICH ESTABLISHES THE MISSISSIPPI
22 INTERAGENCY COUNCIL ON HOMELESSNESS; TO REPEAL SECTION 43-14-3,
23 MISSISSIPPI CODE OF 1972, WHICH DEFINES THE POWERS AND
24 RESPONSIBILITIES OF THE INTERAGENCY COORDINATING COUNCIL FOR
25 CHILDREN AND YOUTH (ICCCY); TO REPEAL SECTION 43-20-7, MISSISSIPPI
26 CODE OF 1972, WHICH CREATES AN ADVISORY COUNCIL TO THE STATE
27 HEALTH OFFICER; AND FOR RELATED PURPOSES.

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



29 **SECTION 1.** (1) There is created a Children's Cabinet that
30 shall coordinate among all agencies and programs serving children.
31 The Cabinet shall consist of:

32 (a) The Governor, or his designee;

33 (b) The Executive Director of the Mississippi
34 Department of Human Services;

35 (c) The State Superintendent of the Mississippi
36 Department of Education;

37 (d) The Commissioner of Higher Education;

38 (e) The State Health Officer;

39 (f) The Executive Director of the Mississippi
40 Department of Mental Health;

41 (g) The Commissioner of the Department of Child
42 Protection Services;

43 (h) The Executive Director of the Division of Medicaid;

44 (i) The Executive Director of the Mississippi Community
45 College Board;

46 (j) The Executive Director of the Mississippi
47 Department of Rehabilitation Services;

48 (k) The Executive Director of the Mississippi
49 Department of Employment Security.

50 (2) The Children's Cabinet shall meet on or before August 1,
51 2017. The Governor shall designate a chair from the members of
52 the Children's Cabinet. Subject to the availability of funds, the
53 Governor may appoint a secretary to the Children's Cabinet.



54 (3) The Children's Cabinet shall perform each of the
55 following duties:

56 (a) Develop and implement a plan to adopt best
57 practices, effective partnerships, potential funding sources, and
58 opportunities for shared services among state agencies to increase
59 opportunities for Mississippi children;

60 (b) Advise and make recommendations to the Governor on
61 laws, policies, and programs that will produce measurable
62 improvements for children in family life, health care, and
63 education;

64 (c) Create and adopt an interagency common case
65 management system and interagency business plan for the
66 coordination, administration and implementation of programs and
67 services as related to the Child Care Development Fund in
68 accordance with applicable state and federal laws. The
69 interagency common case management system shall be designed to
70 braid and streamline the delivery of services to children and
71 reduce duplication of services within and between agencies in
72 areas affecting children that have been pursued through numerous
73 working groups;

74 (d) Determine data collection needs and methods to
75 support the implementation of and continuous quality improvement
76 of the interagency common case management system;

77 (e) Identify priority areas for collaborative state
78 action;



79 (f) Develop and implement a shared vision across
80 agencies for improving child and family outcomes;

81 (g) Foster public awareness of major children's issues,
82 engage new partners in public efforts to serve children and their
83 families, and build a long-term commitment to children's issues in
84 the state;

85 (h) Assist the Department of Education in the
86 implementation of the Early Learning Collaborative Act of 2013;

87 (i) Prepare and submit an annual report to the Governor
88 and the Legislature;

89 (j) Addressing such other issues relating to children
90 as the Governor shall direct;

91 (k) Facilitate communication, cooperation and maximum
92 use of resources and to promote high standards for all programs
93 serving preschool children, school children, and their families in
94 Mississippi;

95 (l) Serve as the designated council for early childhood
96 education and care pursuant to federal Public Law 110-134, and to
97 carry out any responsibilities assigned to State Early Childhood
98 Advisory Council (SECAC) by the Governor and/or by applicable
99 federal law;

100 (m) Serve as the coordinating body for the various
101 agencies and state-funded programs serving young children and
102 their families in the State of Mississippi;



103 (n) Provide state level leadership and oversight to the
104 development of the Mississippi Statewide System of Care.

105 (4) The Children's Cabinet shall promulgate all rules and
106 regulations governing the activities of the cabinet.

107 **SECTION 2.** Section 37-23-145, Mississippi Code of 1972, is
108 amended as follows:

109 37-23-145. (1) The * * * Children's Cabinet established in
110 Section 1 of this act shall establish and maintain an advisory
111 panel for the purpose of providing policy guidance with respect to
112 special education and related services for children with
113 disabilities in the state.

114 (2) The advisory panel shall consist of members appointed by
115 the * * * Children's Cabinet who are representative of the state's
116 population and who are composed of individuals involved in, or
117 concerned with, the education of children with disabilities,
118 including:

119 (a) Parents of children with disabilities;

120 (b) Individuals with disabilities;

121 (c) Teachers;

122 (d) Representatives of institutions of higher education
123 that prepare special education and related services personnel;

124 (e) State and local education officials;

125 (f) Administrators of programs for children with
126 disabilities;



127 (g) Representatives of other state agencies involved in
128 the financing or delivery of related services to children with
129 disabilities;

130 (h) Representatives of private schools and public
131 charter schools;

132 (i) At least one (1) representative of a vocational,
133 community or business organization concerned with the provision of
134 transition services to children with disabilities; and

135 (j) Representatives from the state juvenile and adult
136 correction agencies.

137 (3) A majority of the members of the panel shall be
138 individuals with disabilities or parents of children with
139 disabilities.

140 (4) The duties of the advisory panel shall include:

141 (a) Advise the State Department of Education of unmet
142 needs within the state in the education of children with
143 disabilities;

144 (b) Comment publicly on any rules or regulations
145 proposed by the State Department of Education regarding the
146 education of children with disabilities;

147 (c) Advise the State Department of Education in
148 developing evaluations and reporting on data to the secretary in
149 accordance with the requirements under IDEA;



150 (d) Advise the State Department of Education in
151 developing and implementing policies relating to the coordination
152 of services for children with disabilities; and

153 (e) Advise the State Department of Education in
154 developing corrective action plans to address findings identified
155 in federal monitoring reports under IDEA.

156 (5) The advisory panel shall be provided the opportunity to
157 provide comments to the State Board of Education on rules or
158 regulations proposed by the State Department of Education relating
159 to the implementation of the IDEA 1997 Amendments.

160 **SECTION 3.** Section 41-87-5, Mississippi Code of 1972, is
161 amended as follows:

162 41-87-5. Unless the context requires otherwise, the
163 following definitions in this section apply throughout this
164 chapter:

165 (a) "Eligible infants and toddlers" or "eligible
166 children" means children from birth through thirty-six (36) months
167 of age who need early intervention services because they:

168 (i) Are experiencing developmental delays as
169 measured by appropriate diagnostic instruments and procedures in
170 one or more of the following areas:

171 (A) Cognitive development;

172 (B) Physical development, including vision or
173 hearing;

174 (C) Communication development;



175 (D) Social or emotional development;
176 (E) Adaptive development;
177 (ii) Have a diagnosed physical or mental
178 condition, as defined in state policy, that has a high probability
179 of resulting in developmental delay;
180 (iii) Are at risk of having substantial
181 developmental delays if early intervention services are not
182 provided due to conditions as defined in state policy. (This
183 category may be served at the discretion of the lead agency
184 contingent upon available resources.)
185 (b) "Early intervention services" are developmental
186 services that:
187 (i) Are provided under public supervision;
188 (ii) Are provided at no cost except where federal
189 or state law provides for a system of payments by families,
190 including a schedule of sliding fees;
191 (iii) Are designed to meet the developmental needs
192 of an infant or toddler with a disability in any one or more of
193 the following areas:
194 (A) Physical development;
195 (B) Cognitive development;
196 (C) Communication development;
197 (D) Social or emotional development; or
198 (E) Adaptive development;



199 (iv) Meet the requirements of Part C of the
200 Individuals with Disabilities Education Act (IDEA) and the early
201 intervention standards of the State of Mississippi;

202 (v) Include, but are not limited to, the following
203 services:

204 (A) Assistive technology devices and
205 assistive technology services;

206 (B) Audiology;

207 (C) Family training, counseling and home
208 visits;

209 (D) Health services necessary to enable a
210 child to benefit from other early intervention services;

211 (E) Medical services only for diagnostic or
212 evaluation purposes;

213 (F) Nutrition services;

214 (G) Occupational therapy;

215 (H) Physical therapy;

216 (I) Psychological services;

217 (J) Service coordination (case management);

218 (K) Social work services;

219 (L) Special instruction;

220 (M) Speech-language pathology;

221 (N) Transportation and related costs that are
222 necessary to enable an infant or toddler and her/his family to
223 receive early intervention services; and



224 (O) Vision services;

225 (vi) Are provided by qualified personnel as

226 determined by the state's personnel standards, including:

227 (A) Audiologists;

228 (B) Family therapists;

229 (C) Nurses;

230 (D) Nutritionists;

231 (E) Occupational therapists;

232 (F) Orientation and mobility specialists;

233 (G) Pediatricians and other physicians;

234 (H) Physical therapists;

235 (I) Psychologists;

236 (J) Social workers;

237 (K) Special educators;

238 (L) Speech and language pathologists;

239 (vii) Are provided, to the maximum extent

240 appropriate, in natural environments, including the home, and

241 community settings in which children without disabilities would

242 participate;

243 (viii) Are provided in conformity with an

244 individualized family service plan.

245 (c) "Council" means the * * * Children's Cabinet

246 established under Section * * * 1 of this act.

247 (d) "Lead agency" means the State Department of Health.



248 (e) "Participating agencies" includes, but is not
249 limited to, the State Department of Education, the Department of
250 Human Services, the State Department of Health, the Division of
251 Medicaid, the State Department of Mental Health, the University
252 Medical Center, the Board of Trustees of State Institutions of
253 Higher Learning and the Mississippi Community College Board.

254 (f) "Local community" means a county either jointly,
255 severally, or a portion thereof, participating in the provision of
256 early intervention services.

257 (g) "Primary service agency" means the agency, whether
258 a state agency, local agency, local interagency council or service
259 provider which is designated by the lead agency to serve as the
260 fiscal and contracting agent for a local community.

261 (h) "Multidisciplinary team" means a group comprised of
262 the parent(s) or legal guardian and the service providers, as
263 appropriate, described in paragraph (b) of this section, who are
264 assembled for the purposes of:

265 (i) Assessing the developmental needs of an infant
266 or toddler;

267 (ii) Developing the individualized family service
268 plan; and

269 (iii) Providing the infant or toddler and his or
270 her family with the appropriate early intervention services as
271 detailed in the individualized family service plan.



272 (i) "Individualized family service plan" means a
273 written plan designed to address the needs of the infant or
274 toddler and his or her family as specified under Section 41-87-13.

275 (j) "Early intervention standards" means those
276 standards established by any agency or agencies statutorily
277 designated the responsibility to establish standards for infants
278 and toddlers with disabilities, in coordination with the council
279 and in accordance with Part C of IDEA.

280 (k) "Early intervention system" means the total
281 collaborative effort in the state that is directed at meeting the
282 needs of eligible children and their families.

283 (l) "Parent," for the purpose of early intervention
284 services, means a parent, a guardian, a person acting as a parent
285 of a child, foster parent, or an appointed surrogate parent. The
286 term does not include the state if the child is a ward of the
287 state where the child has not been placed with individuals to
288 serve in a parenting capacity, such as foster parents, or when a
289 surrogate parent has not been appointed. When a child is the ward
290 of the state, a Department of Human Services representative will
291 act as parent for purposes of service authorization.

292 (m) "Policies" means the state statutes, regulations,
293 Governor's orders, directives by the lead agency, or other written
294 documents that represent the state's position concerning any
295 matter covered under this chapter.



296 (n) "Regulations" means the United States Department of
297 Education's regulations concerning the governance and
298 implementation of Part C of IDEA, the Early Intervention Program
299 for Infants and Toddlers with Disabilities.

300 **SECTION 4.** Section 43-14-1, Mississippi Code of 1972, is
301 amended as follows:

302 43-14-1. (1) The purpose of this chapter is to provide for
303 the development, implementation and oversight of a coordinated
304 interagency system of necessary services and care for children and
305 youth, called the Mississippi Statewide System of Care, up to age
306 twenty-one (21) with serious emotional/behavioral disorders
307 including, but not limited to, conduct disorders, or mental
308 illness who require services from a multiple services and multiple
309 programs system, and who can be successfully diverted from
310 inappropriate institutional placement. The Mississippi Statewide
311 System of Care is to be conducted in the most fiscally responsible
312 (cost-efficient) manner possible, based on an individualized plan
313 of care which takes into account other available interagency
314 programs, including, but not limited to, Early Intervention Act of
315 Infants and Toddlers, Section 41-87-1 et seq., Early Periodic
316 Screening Diagnosis and Treatment, Section 43-13-117(A) (5),
317 waived program for home- and community-based services for
318 developmentally disabled people, Section 43-13-117(A) (29), and
319 waived program for targeted case management services for
320 children with special needs, Section 43-13-117(A) (31), those



321 children identified through the federal Individuals with
322 Disabilities Education Act of 1997 as having a serious emotional
323 disorder (EMD), the Mississippi Children's Health Insurance
324 Program and waived programs for children with serious emotional
325 disturbances, Section 43-13-117(A) (46), and is tied to clinically
326 and functionally appropriate outcomes. Some of the outcomes are
327 to reduce the number of inappropriate out-of-home placements
328 inclusive of those out-of-state and to reduce the number of
329 inappropriate school suspensions and expulsions for this
330 population of children. This coordinated interagency system of
331 necessary services and care shall be named the Mississippi
332 Statewide System of Care. Children to be served by this chapter
333 who are eligible for Medicaid shall be screened through the
334 Medicaid Early Periodic Screening Diagnosis and Treatment (EPSDT)
335 and their needs for medically necessary services shall be
336 certified through the EPSDT process. For purposes of this
337 chapter, the Mississippi Statewide System of Care is defined as a
338 coordinated network of agencies and providers working as a team to
339 make a full range of mental health and other necessary services
340 available as needed by children with mental health problems and
341 their families. The Mississippi Statewide System of Care shall
342 be:

343 (a) Child centered, family focused, family driven and
344 youth guided;

345 (b) Community based;



346 (c) Culturally competent and responsive; and shall
347 provide for:

- 348 (i) Service coordination or case management;
- 349 (ii) Prevention and early identification and
350 intervention;
- 351 (iii) Smooth transitions among agencies and
352 providers, and to the transition-age and adult service systems;
- 353 (iv) Human rights protection and advocacy;
- 354 (v) Nondiscrimination in access to services;
- 355 (vi) A comprehensive array of services composed of
356 treatment and informal supports that are identified as best
357 practices and/or evidence-based practices;
- 358 (vii) Individualized service planning that uses a
359 strengths-based, wraparound process;
- 360 (viii) Services in the least restrictive
361 environment;
- 362 (ix) Family participation in all aspects of
363 planning, service delivery and evaluation; and
- 364 (x) Integrated services with coordinated planning
365 across child-serving agencies.

366 Mississippi Statewide System of Care services shall be
367 timely, intensive, coordinated and delivered in the community.
368 Mississippi Statewide System of Care services shall include, but
369 not be limited to, the following:



370 (a) Comprehensive crisis and emergency response
371 services;
372 (b) Intensive case management;
373 (c) Day treatment;
374 (d) Alcohol and drug abuse group services for youth;
375 (e) Individual, group and family therapy;
376 (f) Respite services;
377 (g) Supported employment services for youth;
378 (h) Family education and support and family partners;
379 (i) Youth development and support and youth partners;
380 (j) Positive behavioral supports (PBIS) in schools;
381 (k) Transition-age supported and independent living
382 services; and
383 (l) Vocational/technical education services for youth.

384 (2) There is established the Interagency Coordinating
385 Council for Children and Youth (hereinafter referred to as the
386 "ICCCY"). * * * From and after July 1, 2017, the responsibilities
387 of the ICCCY shall be transferred to and administered by the
388 Mississippi Children's Cabinet established in Section 1 of this
389 act.

390 (3) The * * * Children's Cabinet shall serve as the state
391 management team * * *, with the responsibility of collecting and
392 analyzing data and funding strategies necessary to improve the
393 operation of the Mississippi Statewide System of Care, and to make
394 recommendations * * * to the Legislature concerning such



395 strategies on, at a minimum, an annual basis. The System of Care
396 Council also has the responsibility of coordinating the local
397 Multidisciplinary Assessment and Planning (MAP) teams and "A"
398 teams and may apply for grants from public and private sources
399 necessary to carry out its responsibilities. * * *

400 (4) (a) As part of the Mississippi Statewide System of
401 Care, there is established a statewide system of local
402 Multidisciplinary Assessment, Planning and Resource (MAP) teams.
403 The MAP teams shall be comprised of one (1) representative each at
404 the county level from the major child-serving public agencies for
405 education, human services, health, mental health and
406 rehabilitative services approved by respective state agencies of
407 the Department of Education, the Department of Human Services, the
408 Department of Health, the Department of Mental Health and the
409 Department of Rehabilitation Services. These agencies shall, by
410 policy, contract or regulation require participation on MAP teams
411 and "A" teams at the county level by the appropriate staff. Three
412 (3) additional members may be added to each team, one (1) of which
413 may be a representative of a family education/support 501(c)3
414 organization with statewide recognition and specifically
415 established for the population of children defined in Section
416 43-14-1. The remaining members will be representatives of
417 significant community-level stakeholders with resources that can
418 benefit the population of children defined in Section 43-14-1.



419 The Department of Education shall assist in recruiting and
420 identifying parents to participate on MAP teams and "A" teams.

421 (b) For each local existing MAP team that is
422 established pursuant to paragraph (a) of this subsection, there
423 shall also be established an "A" (Adolescent) team which shall
424 work with a MAP team. The "A" teams shall provide System of Care
425 services for youthful offenders who have serious behavioral or
426 emotional disorders. Each "A" team shall be comprised of, at a
427 minimum, the following five (5) members:

428 (i) A school counselor, mental health therapist or
429 social worker;

430 (ii) A community mental health professional;

431 (iii) A social services/child welfare
432 professional;

433 (iv) A youth court counselor; and

434 (v) A parent who had a child in the juvenile
435 justice system.

436 (c) The * * * Children's Cabinet established in Section
437 1 of this act shall work to develop MAP teams statewide that will
438 serve to become the single point of entry for children and youth
439 about to be placed in out-of-home care for reasons other than
440 parental abuse/neglect.

441 (5) * * * The * * * Children's Cabinet shall support the
442 implementation of the plans of the respective state agencies for



443 comprehensive, community-based, multidisciplinary care, treatment
444 and placement of these children.

445 (6) The * * * Children's Cabinet shall oversee a pool of
446 state funds that may be contributed by each participating state
447 agency and additional funds from the Mississippi Tobacco Health
448 Care Expenditure Fund, subject to specific appropriation therefor
449 by the Legislature. Part of this pool of funds shall be available
450 for increasing the present funding levels by matching Medicaid
451 funds in order to increase the existing resources available for
452 necessary community-based services for Medicaid beneficiaries.

453 (7) The local interagency coordinating care MAP team or "A"
454 team will facilitate the development of the individualized System
455 of Care programs for the population targeted in this section.

456 (8) Each local MAP team and "A" team shall serve as the
457 single point of entry and re-entry to ensure that comprehensive
458 diagnosis and assessment occur and shall coordinate needed
459 services through the local MAP team and "A" team members and local
460 service providers for the children named in subsection (1). Local
461 children in crisis shall have first priority for access to the MAP
462 team and "A" team processes and local System of Care services.

463 (9) The * * * Children's Cabinet shall facilitate monitoring
464 of the performance of local MAP teams.

465 (10) Each * * * Children's Cabinet shall enter into a
466 binding memorandum of understanding to participate in the further
467 development and oversight of the Mississippi Statewide System of



468 Care for the children and youth described in this section. The
469 agreement shall outline the system responsibilities in all
470 operational areas, including ensuring representation on MAP teams,
471 funding, data collection, referral of children to MAP teams and
472 "A" teams, and training. The agreement shall be signed and in
473 effect by July 1 of each year.

474 **SECTION 5.** Section 37-21-53, Mississippi Code of 1972, which
475 establishes the State Early Childhood Advisory Council, is
476 repealed.

477 **SECTION 6.** Section 41-87-7, Mississippi Code of 1972, which
478 establishes the State Interagency Coordinating Council for the
479 Early Intervention Program for Infants and Toddlers with
480 Disabilities, is repealed.

481 **SECTION 7.** Section 41-90-7, Mississippi Code of 1972, which
482 established an Advisory Committee to the State Interagency
483 Coordinating Council, is repealed.

484 **SECTION 8.** Sections 41-105-1 and 41-105-3, Mississippi Code
485 of 1972, which establish the Healthcare Coordinating Council and
486 define the duties of the Healthcare Coordinating Council, are
487 repealed.

488 **SECTION 9.** Section 43-1-101, Mississippi Code of 1972, which
489 establishes the Mississippi Interagency Council on Homelessness,
490 is repealed.



491 **SECTION 10.** Section 43-14-3, Mississippi Code of 1972, which
492 defines the powers and responsibilities of the Interagency
493 Coordinating Council for Children and Youth (ICCCY), is repealed.

494 **SECTION 11.** Section 43-20-7, Mississippi Code of 1972, which
495 creates an Advisory Council to the State Health Officer, is
496 repealed.

497 **SECTION 12.** This act shall take effect and be in force from
498 and after July 1, 2017.

