

By: Representatives Currie, Dixon

To: Youth and Family Affairs

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 985

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 SECTIONS 41-87-5 AND 43-14-1,
4 MISSISSIPPI CODE OF 1972, TO TRANSFER THE RESPONSIBILITIES OF THE
5 STATE INTERAGENCY COORDINATING COUNCIL (SICC) FOR THE EARLY
6 INTERVENTION PROGRAM FOR INFANTS AND TODDLERS WITH DISABILITIES
7 AND THE INTERAGENCY COORDINATING COUNCIL FOR CHILDREN AND YOUTH
8 (ICCCY) TO THE CHILDREN'S CABINET; TO REPEAL SECTION 37-21-53,
9 MISSISSIPPI CODE OF 1972, WHICH ESTABLISHES THE STATE EARLY
10 CHILDHOOD ADVISORY COUNCIL; TO REPEAL SECTION 41-87-7, MISSISSIPPI
11 CODE OF 1972, WHICH ESTABLISHES THE STATE INTERAGENCY COORDINATING
12 COUNCIL FOR THE EARLY INTERVENTION PROGRAM FOR INFANTS AND
13 TODDLERS WITH DISABILITIES; TO REPEAL SECTION 41-90-7, MISSISSIPPI
14 CODE OF 1972, WHICH ESTABLISHES AN ADVISORY COMMITTEE TO THE STATE
15 INTERAGENCY COORDINATING COUNCIL; TO REPEAL SECTION 43-1-101,
16 MISSISSIPPI CODE OF 1972, WHICH ESTABLISHES THE MISSISSIPPI
17 INTERAGENCY COUNCIL ON HOMELESSNESS; TO REPEAL SECTION 43-14-3,
18 MISSISSIPPI CODE OF 1972, WHICH DEFINES THE POWERS AND
19 RESPONSIBILITIES OF THE INTERAGENCY COORDINATING COUNCIL FOR
20 CHILDREN AND YOUTH (ICCCY); TO REPEAL SECTION 43-20-7, MISSISSIPPI
21 CODE OF 1972, WHICH CREATES AN ADVISORY COUNCIL TO THE STATE
22 HEALTH OFFICER, AND SECTION 43-20-55, MISSISSIPPI CODE OF 1972,
23 WHICH REQUIRES THE ADVISORY COUNCIL TO ASSIST IN DEVELOPING
24 REGULATIONS GOVERNING FAMILY CHILD CARE HOMES; AND FOR RELATED
25 PURPOSES.

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

27 **SECTION 1.** (1) There is created a Children's Cabinet that
28 shall coordinate among all agencies and programs serving children.
29 The Cabinet consists of the following members:



- 30 (a) The Governor, or his designee;
- 31 (b) The Speaker of the House, or his designee;
- 32 (c) The Lieutenant Governor, or his designee;
- 33 (d) The Executive Director of the Mississippi
34 Department of Human Services;
- 35 (e) The State Superintendent of Public Education;
- 36 (f) The Commissioner of Higher Education;
- 37 (g) The State Health Officer;
- 38 (h) The Executive Director of the State Department of
39 Mental Health;
- 40 (i) The Commissioner of Child Protection Services;
- 41 (j) The Executive Director of the Division of Medicaid;
- 42 (k) The Executive Director of the Mississippi Community
43 College Board;
- 44 (l) The Executive Director of the State Department of
45 Rehabilitation Services;
- 46 (m) The Executive Director of the Mississippi
47 Department of Employment Security; and
- 48 (n) A youth court judge, appointed by the Governor.
- 49 (2) The Children's Cabinet shall meet on or before August 1,
50 2018. The Governor shall designate a chair from the members of
51 the Children's Cabinet. Subject to the availability of funds, the
52 Governor may appoint a secretary to the Children's Cabinet.
- 53 (3) The Children's Cabinet shall perform each of the
54 following duties:



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

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

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

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

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

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



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

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

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

88 (j) Address such other issues relating to children as
89 the Governor may direct;

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

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

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

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



104 (4) The chair of the Children's Cabinet shall appoint a
105 subcommittee composed of mental health professionals, parents and
106 family run organizations that address children's mental health
107 issues. The appointed subcommittee shall advise the cabinet
108 concerning mental health issues.

109 (5) The Children's Cabinet shall promulgate all rules and
110 regulations governing the activities of the Cabinet.

111 **SECTION 2.** Section 41-87-5, Mississippi Code of 1972, is
112 amended as follows:

113 41-87-5. Unless the context requires otherwise, the
114 following definitions in this section apply throughout this
115 chapter:

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

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

- 122 (A) Cognitive development;
- 123 (B) Physical development, including vision or
124 hearing;
- 125 (C) Communication development;
- 126 (D) Social or emotional development;
- 127 (E) Adaptive development;



128 (ii) Have a diagnosed physical or mental
129 condition, as defined in state policy, that has a high probability
130 of resulting in developmental delay;

131 (iii) Are at risk of having substantial
132 developmental delays if early intervention services are not
133 provided due to conditions as defined in state policy. (This
134 category may be served at the discretion of the lead agency
135 contingent upon available resources.)

136 (b) "Early intervention services" are developmental
137 services that:

138 (i) Are provided under public supervision;

139 (ii) Are provided at no cost except where federal
140 or state law provides for a system of payments by families,
141 including a schedule of sliding fees;

142 (iii) Are designed to meet the developmental needs
143 of an infant or toddler with a disability in any one or more of
144 the following areas:

145 (A) Physical development;

146 (B) Cognitive development;

147 (C) Communication development;

148 (D) Social or emotional development; or

149 (E) Adaptive development;

150 (iv) Meet the requirements of Part C of the
151 Individuals with Disabilities Education Act (IDEA) and the early
152 intervention standards of the State of Mississippi;



153 (v) Include, but are not limited to, the following
154 services:

155 (A) Assistive technology devices and
156 assistive technology services;

157 (B) Audiology;

158 (C) Family training, counseling and home
159 visits;

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

162 (E) Medical services only for diagnostic or
163 evaluation purposes;

164 (F) Nutrition services;

165 (G) Occupational therapy;

166 (H) Physical therapy;

167 (I) Psychological services;

168 (J) Service coordination (case management);

169 (K) Social work services;

170 (L) Special instruction;

171 (M) Speech-language pathology;

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

175 (O) Vision services;

176 (vi) Are provided by qualified personnel as
177 determined by the state's personnel standards, including:



- 178 (A) Audiologists;
- 179 (B) Family therapists;
- 180 (C) Nurses;
- 181 (D) Nutritionists;
- 182 (E) Occupational therapists;
- 183 (F) Orientation and mobility specialists;
- 184 (G) Pediatricians and other physicians;
- 185 (H) Physical therapists;
- 186 (I) Psychologists;
- 187 (J) Social workers;
- 188 (K) Special educators;
- 189 (L) Speech and language pathologists;

190 (vii) Are provided, to the maximum extent
191 appropriate, in natural environments, including the home, and
192 community settings in which children without disabilities would
193 participate;

194 (viii) Are provided in conformity with an
195 individualized family service plan.

196 (c) "Council" means the * * * Children's Cabinet
197 established under Section * * * 1 of this act.

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

199 (e) "Participating agencies" includes, but is not
200 limited to, the State Department of Education, the Department of
201 Human Services, the State Department of Health, the Division of
202 Medicaid, the State Department of Mental Health, the University



203 Medical Center, the Board of Trustees of State Institutions of
204 Higher Learning and the Mississippi Community College Board.

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

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

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

216 (i) Assessing the developmental needs of an infant
217 or toddler;

218 (ii) Developing the individualized family service
219 plan; and

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

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

226 (j) "Early intervention standards" means those
227 standards established by any agency or agencies statutorily



228 designated the responsibility to establish standards for infants
229 and toddlers with disabilities, in coordination with the council
230 and in accordance with Part C of IDEA.

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

234 (l) "Parent," for the purpose of early intervention
235 services, means a parent, a guardian, a person acting as a parent
236 of a child, foster parent, or an appointed surrogate parent. The
237 term does not include the state if the child is a ward of the
238 state where the child has not been placed with individuals to
239 serve in a parenting capacity, such as foster parents, or when a
240 surrogate parent has not been appointed. When a child is the ward
241 of the state, a Department of Human Services representative will
242 act as parent for purposes of service authorization.

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

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

251 **SECTION 3.** Section 43-14-1, Mississippi Code of 1972, is
252 amended as follows:



253 43-14-1. (1) The purpose of this chapter is to provide for
254 the development, implementation and oversight of a coordinated
255 interagency system of necessary services and care for children and
256 youth, called the Mississippi Statewide System of Care, up to age
257 twenty-one (21) with serious emotional/behavioral disorders
258 including, but not limited to, conduct disorders, or mental
259 illness who require services from a multiple services and multiple
260 programs system, and who can be successfully diverted from
261 inappropriate institutional placement. The Mississippi Statewide
262 System of Care is to be conducted in the most fiscally responsible
263 (cost-efficient) manner possible, based on an individualized plan
264 of care which takes into account other available interagency
265 programs, including, but not limited to, Early Intervention Act of
266 Infants and Toddlers, Section 41-87-1 et seq., Early Periodic
267 Screening Diagnosis and Treatment, Section 43-13-117(A) (5),
268 waived program for home- and community-based services for
269 developmentally disabled people, Section 43-13-117(A) (29), and
270 waived program for targeted case management services for
271 children with special needs, Section 43-13-117(A) (31), those
272 children identified through the federal Individuals with
273 Disabilities Education Act of 1997 as having a serious emotional
274 disorder (EMD), the Mississippi Children's Health Insurance
275 Program and waived programs for children with serious emotional
276 disturbances, Section 43-13-117(A) (46), and is tied to clinically
277 and functionally appropriate outcomes. Some of the outcomes are



278 to reduce the number of inappropriate out-of-home placements
279 inclusive of those out-of-state and to reduce the number of
280 inappropriate school suspensions and expulsions for this
281 population of children. This coordinated interagency system of
282 necessary services and care shall be named the Mississippi
283 Statewide System of Care. Children to be served by this chapter
284 who are eligible for Medicaid shall be screened through the
285 Medicaid Early Periodic Screening Diagnosis and Treatment (EPSDT)
286 and their needs for medically necessary services shall be
287 certified through the EPSDT process. For purposes of this
288 chapter, the Mississippi Statewide System of Care is defined as a
289 coordinated network of agencies and providers working as a team to
290 make a full range of mental health and other necessary services
291 available as needed by children with mental health problems and
292 their families. The Mississippi Statewide System of Care shall
293 be:

294 (a) Child centered, family focused, family driven and
295 youth guided;

296 (b) Community based;

297 (c) Culturally competent and responsive; and shall
298 provide for:

299 (i) Service coordination or case management;

300 (ii) Prevention and early identification and
301 intervention;



- 302 (iii) Smooth transitions among agencies and
303 providers, and to the transition-age and adult service systems;
304 (iv) Human rights protection and advocacy;
305 (v) Nondiscrimination in access to services;
306 (vi) A comprehensive array of services composed of
307 treatment and informal supports that are identified as best
308 practices and/or evidence-based practices;
309 (vii) Individualized service planning that uses a
310 strengths-based, wraparound process;
311 (viii) Services in the least restrictive
312 environment;
313 (ix) Family participation in all aspects of
314 planning, service delivery and evaluation; and
315 (x) Integrated services with coordinated planning
316 across child-serving agencies.

317 Mississippi Statewide System of Care services shall be
318 timely, intensive, coordinated and delivered in the community.
319 Mississippi Statewide System of Care services shall include, but
320 not be limited to, the following:

- 321 (a) Comprehensive crisis and emergency response
322 services;
323 (b) Intensive case management;
324 (c) Day treatment;
325 (d) Alcohol and drug abuse group services for youth;
326 (e) Individual, group and family therapy;



- 327 (f) Respite services;
- 328 (g) Supported employment services for youth;
- 329 (h) Family education and support and family partners;
- 330 (i) Youth development and support and youth partners;
- 331 (j) Positive behavioral supports (PBIS) in schools;
- 332 (k) Transition-age supported and independent living
333 services; and
- 334 (l) Vocational/technical education services for youth.

335 (2) There is established the Interagency Coordinating
336 Council for Children and Youth (hereinafter referred to as the
337 "ICCCY"). * * * From and after July 1, 2018, the responsibilities
338 of the ICCCY are transferred to and administered by the
339 Mississippi Children's Cabinet established in Section 1 of this
340 act.

341 (3) The * * * Children's Cabinet shall serve as the state
342 management team * * *, with the responsibility of collecting and
343 analyzing data and funding strategies necessary to improve the
344 operation of the Mississippi Statewide System of Care, and to make
345 recommendations * * * to the Legislature concerning such
346 strategies on, at a minimum, an annual basis. The System of Care
347 Council also has the responsibility of coordinating the local
348 Multidisciplinary Assessment and Planning (MAP) teams and "A"
349 teams and may apply for grants from public and private sources
350 necessary to carry out its responsibilities. * * *



351 (4) (a) As part of the Mississippi Statewide System of
352 Care, there is established a statewide system of local
353 Multidisciplinary Assessment, Planning and Resource (MAP) teams.
354 The MAP teams shall be comprised of one (1) representative each at
355 the county level from the major child-serving public agencies for
356 education, human services, health, mental health and
357 rehabilitative services approved by respective state agencies of
358 the Department of Education, the Department of Human Services, the
359 Department of Health, the Department of Mental Health and the
360 Department of Rehabilitation Services. These agencies shall, by
361 policy, contract or regulation require participation on MAP teams
362 and "A" teams at the county level by the appropriate staff. Three
363 (3) additional members may be added to each team, one (1) of which
364 may be a representative of a family education/support 501(c)3
365 organization with statewide recognition and specifically
366 established for the population of children defined in Section
367 43-14-1. The remaining members will be representatives of
368 significant community-level stakeholders with resources that can
369 benefit the population of children defined in Section 43-14-1.
370 The Department of Education shall assist in recruiting and
371 identifying parents to participate on MAP teams and "A" teams.

372 (b) For each local existing MAP team that is
373 established pursuant to paragraph (a) of this subsection, there
374 shall also be established an "A" (Adolescent) team which shall
375 work with a MAP team. The "A" teams shall provide System of Care



376 services for youthful offenders who have serious behavioral or
377 emotional disorders. Each "A" team shall be comprised of, at a
378 minimum, the following five (5) members:

379 (i) A school counselor, mental health therapist or
380 social worker;

381 (ii) A community mental health professional;

382 (iii) A social services/child welfare
383 professional;

384 (iv) A youth court counselor; and

385 (v) A parent who had a child in the juvenile
386 justice system.

387 (c) The * * * Children's Cabinet established in Section
388 1 of this act shall work to develop MAP teams statewide that will
389 serve to become the single point of entry for children and youth
390 about to be placed in out-of-home care for reasons other than
391 parental abuse/neglect.

392 (5) * * * The * * * Children's Cabinet shall support the
393 implementation of the plans of the respective state agencies for
394 comprehensive, community-based, multidisciplinary care, treatment
395 and placement of these children.

396 (6) The * * * Children's Cabinet shall oversee a pool of
397 state funds that may be contributed by each participating state
398 agency and additional funds from the Mississippi Tobacco Health
399 Care Expenditure Fund, subject to specific appropriation therefor
400 by the Legislature. Part of this pool of funds shall be available



401 for increasing the present funding levels by matching Medicaid
402 funds in order to increase the existing resources available for
403 necessary community-based services for Medicaid beneficiaries.

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

407 (8) Each local MAP team and "A" team shall serve as the
408 single point of entry and re-entry to ensure that comprehensive
409 diagnosis and assessment occur and shall coordinate needed
410 services through the local MAP team and "A" team members and local
411 service providers for the children named in subsection (1). Local
412 children in crisis shall have first priority for access to the MAP
413 team and "A" team processes and local System of Care services.

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

416 (10) * * * The Children's Cabinet shall enter into a binding
417 memorandum of understanding to participate in the further
418 development and oversight of the Mississippi Statewide System of
419 Care for the children and youth described in this section. The
420 agreement shall outline the system responsibilities in all
421 operational areas, including ensuring representation on MAP teams,
422 funding, data collection, referral of children to MAP teams and
423 "A" teams, and training. The agreement shall be signed and in
424 effect by July 1 of each year.



425 **SECTION 4.** Section 37-21-53, Mississippi Code of 1972, which
426 establishes the State Early Childhood Advisory Council, is
427 repealed.

428 **SECTION 5.** Section 41-87-7, Mississippi Code of 1972, which
429 establishes the State Interagency Coordinating Council for the
430 Early Intervention Program for Infants and Toddlers with
431 Disabilities, is repealed.

432 **SECTION 6.** Section 41-90-7, Mississippi Code of 1972, which
433 established an Advisory Committee to the State Interagency
434 Coordinating Council, is repealed.

435 **SECTION 7.** Section 43-1-101, Mississippi Code of 1972, which
436 establishes the Mississippi Interagency Council on Homelessness,
437 is repealed.

438 **SECTION 8.** Section 43-14-3, Mississippi Code of 1972, which
439 defines the powers and responsibilities of the Interagency
440 Coordinating Council for Children and Youth (ICCCY), is repealed.

441 **SECTION 9.** Section 43-20-7, Mississippi Code of 1972, which
442 creates an Advisory Council to the State Health Officer, and
443 Section 43-20-55, Mississippi Code of 1972, which requires the
444 advisory council to assist in developing regulations governing
445 family child care homes, are repealed.

446 **SECTION 10.** This act shall take effect and be in force from
447 and after July 1, 2018.

