

By: Representative Dixon

To: Youth and Family
Affairs; Judiciary B

HOUSE BILL NO. 745

1 AN ACT TO CREATE THE "MISSISSIPPI YOUTHBUILD ACT"; TO REQUIRE
2 THE DIVISION OF FAMILY AND CHILDREN'S SERVICES OF THE DEPARTMENT
3 OF HUMAN SERVICES TO ADMINISTER THE ACT; TO PROVIDE THAT CERTAIN
4 DISADVANTAGED YOUTH WILL BE PROVIDED WITH OPPORTUNITIES THROUGH
5 YOUTHBUILD PROGRAMS FOR EMPLOYMENT, EDUCATION, LEADERSHIP
6 DEVELOPMENT, ENTREPRENEURIAL SKILLS DEVELOPMENT AND TRAINING IN
7 THE CONSTRUCTION OR REHABILITATION OF HOUSING FOR SPECIAL NEEDS
8 POPULATIONS, VERY LOW-INCOME HOUSEHOLDS OR LOW-INCOME HOUSEHOLDS;
9 TO PRESCRIBE REQUIREMENTS FOR YOUTHBUILD PROGRAMS; TO DESCRIBE
10 ACTIVITIES AND ENTITIES ELIGIBLE FOR A YOUTHBUILD PROGRAM GRANT;
11 TO PRESCRIBE REQUIREMENTS FOR YOUTHBUILD PROGRAM GRANT
12 APPLICATIONS; TO AMEND SECTION 43-1-53, MISSISSIPPI CODE OF 1972,
13 IN CONFORMITY TO THE PRECEDING SECTIONS; TO BRING FORWARD SECTION
14 43-26-1, MISSISSIPPI CODE OF 1972, FOR PURPOSES OF AMENDMENT; AND
15 FOR RELATED PURPOSES.

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

17 **SECTION 1.** This act may be cited as the "Mississippi
18 Youthbuild Act."

19 **SECTION 2.** The purposes of this act are as follows:

20 (a) To enable economically disadvantaged youth,
21 especially youth who have not finished high school, to obtain the
22 education, job skills training, personal counseling, leadership
23 development skills training, job placement assistance and
24 long-term follow-up services necessary for them to achieve



25 permanent economic self-sufficiency, while at the same time
26 providing valuable community service that addresses urgent
27 community needs, including the demand for affordable housing and
28 the need for young role models and mentors for younger teenagers
29 and children;

30 (b) To provide communities the opportunity to establish
31 or rebuild neighborhood stability in economically depressed and
32 low-income areas, as well as historic areas requiring restoration
33 or preservation, while providing economically disadvantaged youth
34 and youth who have not finished high school an opportunity for
35 meaningful participation in society;

36 (c) To allow communities to expand the supply of
37 affordable housing for homeless and other low-income individuals
38 by utilizing the energies and talents of economically
39 disadvantaged youth and young people who have not finished high
40 school; and

41 (d) To foster the development of leadership skills and
42 a commitment to community development among youth.

43 **SECTION 3.** As used in this act, the following words and
44 phrases have the meanings respectively ascribed in this section
45 unless the context clearly indicates otherwise:

46 (a) "Applicant" means a public or private
47 not-for-profit agency eligible to provide education and employment
48 training under federal or state employment training programs.



(b) "Director" means the Director of the Division of Family and Children's Services of the Department of Human Services.

(c) "Very low-income" means a person or household whose income is at or below fifty percent (50%) of the median family income, adjusted for household size, for the county where the household is located.

(d) "Youthbuild" means any program that provides disadvantaged youth with opportunities for employment, education, leadership development, entrepreneurial skills development and training in the construction or rehabilitation of housing for special-need populations, very low-income households or low-income households.

SECTION 4. (1) The director may make grants to applicants for the purpose of carrying out Youthbuild programs. All programs funded under this act must reflect strong youth and community involvement. In addition, funding provided under this act must be used by each Youthbuild program to provide, at a minimum, the following services:

(a) Acquisition or rehabilitation, or both, or construction of housing and related facilities to be used for the purpose of providing home ownership for disadvantaged persons, residential housing for homeless individuals and low-income and very low-income families or transitional housing for persons who are homeless, disabled, ill or deinstitutionalized or who have



74 special needs, and rehabilitation or construction of community
75 facilities by not-for-profit or public agencies.

76 (b) Integrated education and job skills training
77 services and activities, with fifty percent (50%) of students'
78 time in the program devoted to classroom-based instruction,
79 counseling and leadership development instruction and the
80 remaining fifty percent (50%) of students' time spent in
81 experimental training on the construction site. The programs must
82 include, at a minimum, the following elements:

83 (i) An education component that includes basic
84 skills instruction, secondary education services and other
85 activities designed to lead to the attainment of a high school
86 diploma or its equivalent. The curriculum for this component must
87 include math, language arts, vocational education, life skills
88 training, social studies related to the cultural and community
89 history of the students, leadership skills and other topics at the
90 discretion of the program. Bilingual services must be available
91 for individuals with limited English proficiency. The desired
92 minimum teacher to student ratio is one (1) teacher for every
93 twelve (12) students.

94 (ii) A work experience and skills training
95 apprenticeship program component that includes the construction
96 and rehabilitation activities described in paragraph (a) of this
97 subsection. The process of construction must be coupled with
98 skills training and with close on-site supervision by experienced



99 trainers. The curriculum for this component must contain a set of
100 locally agreed upon skills and competencies that are
101 systematically taught, with a student's mastery assessed
102 individually on a regular, ongoing basis. Safety skills must be
103 taught at the outset. The desired trainer to student ratio is one
104 (1) trainer for every seven (7) students. The work experience and
105 skills training component must be coordinated to the maximum
106 extent feasible with preapprenticeship and apprenticeship
107 programs.

108 (iii) Assistance in attaining postsecondary
109 education and required financial aid, which must be made available
110 to participants before graduation.

111 (c) Counseling services designed to assist participants
112 in positively participating in society, which should include all
113 of the following, if necessary: outreach, assessment and
114 orientation; individual and peer counseling; life skills training;
115 drug and alcohol abuse education and prevention; and referral to
116 appropriate drug rehabilitation, medical, mental health, legal,
117 housing and other services and resources in the community. The
118 desired counselor to participant ratio is one (1) counselor for
119 every twenty-four (24) students.

120 (d) Leadership development training that provides
121 participants with meaningful opportunities to develop leadership
122 skills such as decision making, problem solving and negotiating.
123 The program also must encourage participants to develop strong



peer group ties that support their mutual pursuit of skills and values. All programs must establish a youth council in which participants are afforded opportunities to develop public speaking and negotiating skills and to participate in management and policy making in specific aspects of the program.

(e) A training subsidy, living allowance or stipend that is no less than the minimum wage, which must be provided to program participants for the time spent at the work site in construction training. For those participants who receive public assistance, this training subsidy, living allowance or stipend will not affect their housing benefits, medical benefits, child care benefits or food stamp benefits. Stipends and wages may be distributed in a manner that offers incentives for good performance.

(2) Full-time participation in a Youthbuild program must be offered for a period of not less than six (6) months and not more than twenty-four (24) months.

(3) A concentrated effort must be made to find construction, construction-related and nonconstruction jobs for all graduates of the program who have performed well. The skills training curriculum must provide participants with basic preparation for seeking and maintaining a job. Follow-up counseling and assistance in job seeking must be provided to participants for twelve (12) months following graduation from the program.



(4) All programs serving twenty-four (24) trainees or more must have a full-time director responsible for the coordination of all aspects of the Youthbuild program.

SECTION 5. Implementation grants may be used to carry out the activities listed in Section 4 of this act. Other eligible activities include the following:

(a) Legal fees for housing acquisition.

(b) Administrative costs of the applicant, which may not exceed fifteen percent (15%) of the amount of assistance provided or such higher percentage as the director determines is necessary to support capacity development of a private nonprofit community-based organization.

(c) Defraying costs of the ongoing training and technical assistance needs of the recipients which are related to developing and carrying out the Youthbuild program. The director may reserve up to five percent (5%) of the Mississippi Youthbuild program appropriations to enter into a contract with Youthbuild USA for assistance in providing training and technical assistance to, or in the management, supervision and coordination of, Youthbuild programs.

SECTION 6. To be eligible to participate in a Youthbuild program, an individual must be at least sixteen (16) but no more than twenty-four (24) years of age and must be economically disadvantaged, as defined in 29 USCS Section 1508, and except as



otherwise provided in this section, must be a member of one (1) of the following groups:

(a) Persons who are not attending any school and have not received a high school diploma or its equivalent.

(b) Persons enrolled in a traditional or alternative school setting or a GED program who are in danger of dropping out of school.

(c) Very low-income persons.

Up to twenty-five percent (25%) of the participants in the program may be individuals who do not meet the requirements of paragraph (a), (b) or (c) of this section but who have educational needs despite the attainment of a high school diploma.

SECTION 7. (1) Not-for-profit private agencies and public agencies with experience operating a Youthbuild program or with a plan to incubate a Youthbuild program until it can be established as a not-for-profit private agency are eligible for funding under this act.

(2) Priority in the awarding of funds under this act must be given to applicants with experience in operating Youthbuild programs. Organizations claiming to have operated Youthbuild programs must be licensed by Youthbuild USA or be organizations that have received federal HUD Youthbuild funding.

SECTION 8. The director shall require that an application for Youthbuild funds under this act contain the following, at a minimum:



197 (a) A request for an implementation grant, specifying
198 the amount of the grant requested and its proposed uses;

199 (b) A description of the applicant and a statement of
200 its qualifications, including a description of the applicant's
201 past experience operating a Youthbuild program and with: housing
202 rehabilitation or construction and youth and their education;
203 youth leadership development and employment training programs; and
204 its relationship with local unions and youth apprenticeship
205 programs and other community groups;

206 (c) A description of the proposed construction site for
207 the program and evidence of site control;

208 (d) A description of the educational and job training
209 activities, work opportunities and other services that will be
210 provided to participants;

211 (e) A description of the proposed construction or
212 rehabilitation activities to be undertaken and the anticipated
213 schedule for carrying out those activities;

214 (f) A description of the manner in which eligible
215 youths will be recruited and selected, including a description of
216 the arrangements that will be made with community-based
217 organizations, local education agencies, including agencies of
218 Native American nations, public assistance agencies, the courts of
219 jurisdiction for status and youth offenders, shelters for homeless
220 individuals and other agencies that serve homeless youth, foster
221 care agencies, and other appropriate public and private agencies;



222 (g) A description of the special efforts that will be
223 undertaken to recruit eligible young women (including young women
224 with dependent children) with appropriate supports, especially
225 child care;

226 (h) A description of how the proposed program will be
227 coordinated with other federal, state and local activities and
228 activities conducted by Native American nations, including public
229 schools, national service, crime prevention programs, vocational,
230 adult and bilingual education programs and job training;

231 (i) Assurances that there will be a sufficient number
232 of adequately trained supervisory personnel in the program who
233 have attained the level of journeyman or its equivalent;

234 (j) A description of the applicant's relationship with
235 any local building trade unions that may exist, particularly
236 regarding the trade unions' involvement in training, and the
237 relationship of the Youthbuild program with established
238 apprenticeship programs;

239 (k) A description of activities that will be undertaken
240 to develop the leadership skills of participants, including their
241 role in decision making;

242 (l) A detailed budget and a description of the systems
243 of fiscal controls and auditing and accountability procedures that
244 will be used to ensure fiscal soundness;

245 (m) A description of any contracts and arrangements
246 entered into between the applicant and other agencies and



entities, including all in-kind donations and grants from both public and private entities which will serve to augment funds appropriated for the Mississippi Youthbuild Act;

(n) Identification and description of the financing proposed for any acquisition of the property, rehabilitation or construction;

(o) Identification and description of the entity that will operate and manage the property;

(p) A certification that the applicant will comply with the requirements of the Fair Housing Act, Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975, and that the applicant will affirmatively further fair housing; and

(q) The qualifications and past experience of the person who will fill the full-time director position.

SECTION 9. Section 43-1-53, Mississippi Code of 1972, is amended as follows:

43-1-53. (1) The Division of Family and Children's Services shall be formed at each level of the Department of Human Services, including state, regional and county levels. The Executive Director of the Department of Human Services shall appoint and employ a director for the division who shall have a master's degree in a field related to children's services. In addition, he or she shall have no less than three (3) years' experience in the field of service to children. In lieu of such degree and



experience, he or she shall have a minimum of ten (10) years' actual experience in the field of children's services.

(2) The state office of the Division of Family and Children's Services shall develop policy, provide training and oversee the implementation of services, including those pertaining to the Mississippi Youthbuild Act. The director shall establish such planning and policy councils as may be necessary to carry out these functions.

(3) The regional office of the Division of Family and Children's Services shall consist of a regional services director and a crisis intervention team to be dispatched on a case-by-case basis by the regional services director. From and after July 1, 1998, the Department of Human Services shall at a minimum employ and assign to the Division of Family and Children's Services two (2) additional regional services directors for supervision of the foster care program.

(4) Area offices. Each region shall be divided into three (3) areas, each of which shall have two (2) supervisors and direct service workers deployed at the county level, but not limited in jurisdiction to that county.

(5) Counties. The area supervisors shall assign service workers so that every county has an appropriate access point for all services.

SECTION 10. Section 43-26-1, Mississippi Code of 1972, is brought forward as follows:



43-26-1. (1) There is hereby created a Mississippi Department of Child Protection Services.

(2) The Chief Administrative Officer of the Department of Child Protection Services shall be the Commissioner of Child Protection Services who shall be appointed by the Governor with the advice and consent of the Senate. The commissioner shall possess the following qualifications:

(a) A bachelor's degree from an accredited institution of higher learning and ten (10) years' experience in management, public administration, finance or accounting; or

(b) A master's or doctoral degree from an accredited institution of higher learning and five (5) years' experience in management, public administration, finance, law or accounting.

(3) The Department of Child Protection Services shall be a subagency independent of, though housed within, the Mississippi Department of Human Services. The Commissioner of the Department of Child Protection Services shall maintain complete and exclusive operational control of the Department of Child Protection Services' functions, except functions shared with the Department of Human Services as provided in subsection (5)(c) and (d) of this section.

(4) The Commissioner of Child Protection Services may assign to the appropriate offices such powers and duties deemed appropriate to carry out the lawful functions of the programs transferred to the department under Chapter 494, Laws of 2016.



322 (5) The Commissioner of Child Protection Services and the
323 Executive Director of the Department of Human Services shall
324 develop and implement a plan for the orderly establishment of the
325 Department of Child Protection Services and its transition from
326 the Office of Family and Children's Services of the Department of
327 Human Services. The plan shall:

328 (a) Describe a mechanism for the transfer of any
329 equipment, supplies, records, furnishings or other materials,
330 resources or funds dedicated to the operation of the Office of
331 Family and Children's Services of the Department of Human
332 Services, which may be useful to the Department of Child
333 Protection Services;

334 (b) Determine the allocation of resources between the
335 newly created Department of Child Protection Services and the
336 Department of Human Services, as practicable;

337 (c) Determine the allocation of functions where the
338 performance of services may be shared between the Department of
339 Child Protection Services and other employees of the Department of
340 Human Services, as practicable;

341 (d) Determine whether any administrative support
342 services, such as Information Technology Services, bookkeeping and
343 payroll, can continue to be provided by the Department of Human
344 Services; and



(e) Identify other areas deemed relevant by the commissioner and make recommendations thereon to achieve an orderly transition.

(6) The programs and services provided by the Office of Family and Children's Services of the Department of Human Services under the following statutes shall be provided by the Department of Child Protection Services: Sections 41-87-5, 41-111-1, 43-1-2, 43-1-51, 43-1-55, 43-1-57, 43-1-63, 43-15-3, 43-15-5, 43-15-6, 43-15-13, 43-15-15, 43-15-17, 43-15-19, 43-15-21, 43-15-23, 43-15-51, 43-15-103, 43-15-105, 43-15-115, 43-15-125, 43-15-201, 43-15-203, 43-15-207 and 43-18-3, Mississippi Code of 1972.

(7) The PEER Committee shall review the programs or program of the Mississippi Department of Child Protection Services, beginning with fiscal year 2017 and each year thereafter. PEER shall submit this review to the Chair of the Senate Public Health and Welfare Committee, the Chair of the Senate Appropriations Committee, the Chair of the House Public Health and Human Services Committee, the Chair of the House Appropriations Committee, the Lieutenant Governor, the Speaker of the House of Representatives, and the Governor by December 1 of each year. The review shall consist of the following:

(a) A review of the effectiveness of any program of the department for which appropriated outcome measures have been established;



369 (b) Caseloads for social workers for each county or
370 another appropriate geographic area;

371 (c) Turnover rates of social worker staff by county or
372 other geographic area;

373 (d) Sources and uses of department funding; and

374 (e) Any other matters that the PEER Committee considers
375 to be pertinent to the performance of agency programs.

376 **SECTION 11.** This act shall take effect and be in force from
377 and after July 1, 2019.

