

By: Senator(s) Simmons (12th), Blount, Frazier, Jackson, Thomas, Jordan, Butler (36th), Turner-Ford, Butler (38th), Norwood, Barnett, Simmons (13th), Hickman, Horhn, Blackmon

To: Public Health and Welfare; Appropriations

SENATE BILL NO. 2795

1 AN ACT TO PROVIDE THAT APPLICANTS FOR BENEFITS FROM THE  
2 DIVISION OF MEDICAID, ELECTRONIC BENEFITS TRANSFER CARDS ISSUED BY  
3 THE DEPARTMENT OF HUMAN SERVICES, OR ANY OTHER GOVERNMENT BENEFIT  
4 SHALL NOT BE DECLARED INELIGIBLE ON THE BASIS THAT SUCH APPLICANT  
5 IS A CONVICTED FELON; TO AMEND SECTION 43-17-1, MISSISSIPPI CODE  
6 OF 1972, TO PROVIDE THAT TANF ASSISTANCE SHALL ONLY BE GRANTED TO  
7 A DEPENDENT CHILD AND SUCH CARETAKER RELATIVE IF THEIR FAMILY  
8 INCOME DOES NOT EXCEED 200% OF THE FEDERAL POVERTY LEVEL; TO AMEND  
9 SECTION 43-17-5, MISSISSIPPI CODE OF 1972, TO DELETE THE MANDATORY  
10 UP-FRONT JOB SEARCH FOR TANF APPLICANTS FOR CASH ASSISTANCE; TO  
11 DELETE CERTAIN WORK REQUIREMENTS FOR IMMEDIATE TANF BENEFITS; TO  
12 DELETE THE PROVISION THAT REQUIRED INDIVIDUALS TO COMPLY WITH DRUG  
13 TESTING AND SUBSTANCE USE DISORDER TREATMENT AS A CONDITION OF  
14 ELIGIBILITY; TO PROVIDE ADDITIONAL EXEMPTIONS TO THE WORK  
15 REQUIREMENT TO ALLOW APPLICANTS TO BE INVOLVED IN POST-HIGH SCHOOL  
16 EDUCATIONAL ENDEAVORS; TO DELETE THE PERMANENT DISQUALIFICATION  
17 FOR TANF BENEFITS; TO REQUIRE THE DEPARTMENT OF HUMAN SERVICES TO  
18 PROVIDE CHILD CARE AND TRANSPORTATION FOR ELIGIBLE PARTICIPANTS  
19 WHO REQUIRE SUCH SERVICES SO THAT THEY MAY ACCEPT EMPLOYMENT OR  
20 REMAIN EMPLOYED; TO AMEND SECTION 43-27-33, MISSISSIPPI CODE OF  
21 1972, TO REQUIRE THE DEPARTMENT OF HUMAN SERVICES TO TRANSFER AT  
22 LEAST THIRTY PERCENT OF THE BLOCK GRANT FOR THE STATE AND  
23 AVAILABLE FEDERAL FUNDS FOR TEMPORARY ASSISTANCE FOR NEEDY  
24 FAMILIES CHILD WELFARE SERVICES TO THE CHILD CARE AND DEVELOPMENT  
25 FUND FOR EACH FISCAL YEAR; TO AMEND SECTIONS 37-106-29, 37-106-31  
26 AND 37-106-75, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT  
27 SCHOLARSHIPS FOR THE HIGHER EDUCATION LEGISLATIVE PLAN GRANT  
28 PROGRAM, MISSISSIPPI RESIDENT TUITION ASSISTANCE GRANT PROGRAM AND  
29 THE EMINENT SCHOLARS FUND SHALL ONLY BE GRANTED TO APPLICANTS  
30 WHOSE FAMILY INCOME DOES NOT EXCEED 200% OF THE FEDERAL POVERTY  
31 LEVEL; TO REPEAL SECTION 43-17-6, MISSISSIPPI CODE OF 1972, WHICH  
32 REQUIRES APPLICANTS FOR TANF BENEFITS TO UNDERGO DRUG TESTING AS A  
33 CONDITION FOR ELIGIBILITY; TO REPEAL SECTIONS 43-12-1, 43-12-3,  
34 43-12-5, 43-12-7, 43-12-9, 43-12-11, 43-12-13, 43-12-15, 43-12-17,



35 43-12-19, 43-12-21, 43-12-23, 43-12-25, 43-12-27, 43-12-29,  
36 43-12-31, 43-12-33, 43-12-35, 43-12-37, 43-12-39, 43-12-41,  
37 43-12-43, 43-12-45 AND 43-12-47, MISSISSIPPI CODE OF 1972, WHICH  
38 ARE SECTIONS OF THE MEDICAID AND HUMAN SERVICES TRANSPARENCY AND  
39 FRAUD PREVENTION ACT; AND FOR RELATED PURPOSES.

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

41 **SECTION 1.** Applicants for benefits from the Division of  
42 Medicaid, electronic benefits transfer cards issued by the  
43 Department of Human Services, or any other government benefit  
44 shall not be declared ineligible on the basis that such applicant  
45 is a convicted felon.

46 **SECTION 2.** Section 43-17-1, Mississippi Code of 1972, is  
47 amended as follows:

48 43-17-1. (1) The State of Mississippi hereby accepts all of  
49 the mandatory provisions and benefits, with the exception of those  
50 provisions under which the state may exercise its options, of  
51 Title I of an act passed by the Senate and House of  
52 Representatives of the United States of America, in Congress  
53 assembled, entitled: "The Personal Responsibility and Work  
54 Opportunity Reconciliation Act of 1996 (Public Law 104-193)," and  
55 known as the Temporary Assistance for Needy Families (TANF)  
56 program.

57 (2) The Department of Human Services shall have all  
58 necessary authority to cooperate with the federal government in  
59 the administration of Public Law 104-193 and all subsequent  
60 federal amendments thereto, to administer any legislation pursuant  
61 thereto enacted by the State of Mississippi, and to administer the  
62 funds provided by the federal government and the State of



63 Mississippi under the provisions of Section 43-17-1 et seq., for  
64 providing temporary assistance for needy families with minor  
65 children. The Department of Human Services shall have full  
66 authority to formulate state plans consistent with state law as  
67 necessary to administer and operate federal grant funds which  
68 provide temporary assistance for needy families with minor  
69 children under Title IV-A of the federal Social Security Act. The  
70 Department of Human Services shall identify in any state plan  
71 submitted to implement the TANF program those requirements or  
72 restrictions, including persons excluded from program  
73 participation which are required under federal law, and those  
74 program requirements or restrictions which the federal law  
75 authorizes but does not require.

76 (3) Any funds received by the State of Mississippi under the  
77 provisions of Public Law 104-193 shall be subject to appropriation  
78 by the Legislature and consistent with the terms and conditions  
79 required under such appropriation.

80 (4) The purpose of the Mississippi Temporary Assistance for  
81 Needy Families (TANF) program shall be to:

82 (a) Provide assistance to needy families so that  
83 children may be cared for in their own homes or in the homes of  
84 relatives when such care is beneficial and may be monitored on a  
85 random basis by the Department of Human Services or the State  
86 Department of Health;



87           (b) End the dependence of needy families on government  
88 benefits by promoting job preparation, work and marriage through,  
89 among other things, job placement, job training and job retention;

90           (c) Prevent and reduce the incidence of out-of-wedlock  
91 pregnancies and establish annual numerical goals for preventing  
92 and reducing the incidence of these pregnancies;

93           (d) Encourage the formation and maintenance of  
94 two-parent families; and

95           (e) Prevent program fraud and abuse.

96           (5) The Department of Human Services shall develop outcome  
97 and output indicators for each program established under the  
98 authority of this section. These measures shall provide  
99 legislators and administrators with information which measures the  
100 success or failure of the department in implementing the programs  
101 implemented under the authority of this section. The department  
102 shall annually report to the Legislature the outputs and outcomes  
103 of these programs, with the first report due by December 15, 1997.  
104 Such reports shall include recommendations for making programs  
105 more effective or efficient which can be effected in accordance  
106 with federal law.

107           (6) Assistance may be granted under this chapter to any  
108 dependent child and a caretaker relative who are living in a  
109 suitable family home meeting the standards of care and health and  
110 work requirements fixed by the laws of this state, and the rules  
111 and regulations of the State Department of Human Services.



112 Assistance shall only be granted to a dependent child and such  
113 caretaker relative if their family income does not exceed two  
114 hundred percent (200%) of the federal poverty level.

115 (7) The Department of Human Services shall collaborate with  
116 the Office of Workforce Development on TANF programs related to  
117 job placement, job training and job retention.

118 **SECTION 3.** Section 43-17-5, Mississippi Code of 1972, is  
119 amended as follows:

120 43-17-5. (1) The amount of Temporary Assistance for Needy  
121 Families (TANF) benefits which may be granted for any dependent  
122 child and a needy caretaker relative shall be determined by the  
123 county department with due regard to the resources and necessary  
124 expenditures of the family and the conditions existing in each  
125 case, and in accordance with the rules and regulations made by the  
126 Department of Human Services which shall \* \* \* ensure only  
127 applicants with family income that does not exceed two hundred  
128 percent (200%) of the federal poverty line shall be eligible for  
129 benefits, and shall be sufficient when added to all other income  
130 (except that any income specified in the federal Social Security  
131 Act, as amended, may be disregarded) and support available to the  
132 child to provide such child with a reasonable subsistence  
133 compatible with decency and health. The first family member in  
134 the dependent child's budget may receive an amount not to exceed  
135 Two Hundred Dollars (\$200.00) per month; the second family member  
136 in the dependent child's budget may receive an amount not to



137 exceed Thirty-six Dollars (\$36.00) per month; and each additional  
138 family member in the dependent child's budget an amount not to  
139 exceed Twenty-four Dollars (\$24.00) per month. The maximum for  
140 any individual family member in the dependent child's budget may  
141 be exceeded for foster or medical care or in cases of children  
142 with an intellectual disability or a physical disability. TANF  
143 benefits granted shall be specifically limited only (a) to  
144 children existing or conceived at the time the caretaker relative  
145 initially applies and qualifies for such assistance, unless this  
146 limitation is specifically waived by the department, or (b) to a  
147 child born following a twelve-consecutive-month period of  
148 discontinued benefits by the caretaker relative.

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

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

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

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



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

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

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

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

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

184 (h) Any individual who is a parent or other caretaker  
185 relative of a minor child who fails to notify the department of



186 the absence of the minor child from the home for the thirty-day  
187 period specified in paragraph (g), by the end of the five-day  
188 period that begins with the date that it becomes clear to the  
189 individual that the minor child will be absent for the thirty-day  
190 period;

191 (i) \* \* \* [Deleted]

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

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

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

206 (m) For a period of ten (10) years following  
207 conviction, individuals convicted in federal or state court of  
208 having made a fraudulent statement or representation with respect  
209 to the individual's place of residence in order to receive TANF,  
210 food stamps or Supplemental Security Income (SSI) assistance under





211 Title XVI or Title XIX simultaneously from two (2) or more states;  
212 and

213 (n) Individuals who are recipients of federal  
214 Supplemental Security Income (SSI) assistance \* \* \*.

215 \* \* \*

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

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

222 (ii) The person has not graduated from a public or  
223 private high school or obtained a High School Equivalency Diploma  
224 equivalent;

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

227 (iv) If the person is a parent or caretaker  
228 relative with whom a dependent child is living, child care is  
229 available for the child.

230 The monthly attendance requirement under this subsection  
231 shall be attendance at the school in which the person is enrolled  
232 for each day during a month that the school conducts classes in  
233 which the person is enrolled, with not more than two (2) absences  
234 during the month for reasons other than the reasons listed in  
235 paragraph (e)(iv) of this subsection. Persons who fail to meet



236 participation requirements in this subsection shall be subject to  
237 sanctions as provided in paragraph (f) of this subsection.

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

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

241 (ii) A vocational, technical and adult education  
242 program; or

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

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

256 (d) The signature of a person on an application for  
257 TANF benefits constitutes permission for the release of school  
258 attendance records for that person or for any child residing with  
259 that person. The department shall request information from the  
260 child's school district about the child's attendance in the school



261 district's most recently completed semester of attendance. If  
262 information about the child's previous school attendance is not  
263 available or cannot be verified, the department shall require the  
264 child to meet the monthly attendance requirement for one (1)  
265 semester or until the information is obtained. The department  
266 shall use the attendance information provided by a school district  
267 to verify attendance for a child. The department shall review  
268 with the parent or caretaker relative a child's claim that he or  
269 she has a good cause for not attending school.

270 A school district shall provide information to the department  
271 about the attendance of a child who is enrolled in a public school  
272 in the district within five (5) working days of the receipt of a  
273 written request for that information from the department. The  
274 school district shall define how many hours of attendance count as  
275 a full day and shall provide that information, upon request, to  
276 the department. In reporting attendance, the school district may  
277 add partial days' absence together to constitute a full day's  
278 absence.

279 If a school district fails to provide to the department the  
280 information about the school attendance of any child within  
281 fifteen (15) working days after a written request, the department  
282 shall notify the Department of Audit within three (3) working days  
283 of the school district's failure to comply with that requirement.  
284 The Department of Audit shall begin audit proceedings within five  
285 (5) working days of notification by the Department of Human



286 Services to determine the school district's compliance with the  
287 requirements of this subsection (4). If the Department of Audit  
288 finds that the school district is not in compliance with the  
289 requirements of this subsection, the school district shall be  
290 penalized as follows: The Department of Audit shall notify the  
291 State Department of Education of the school district's  
292 noncompliance, and the Department of Education shall reduce the  
293 calculation of the school district's average daily attendance  
294 (ADA) that is used to determine the allocation of Mississippi  
295 Adequate Education Program funds by the number of children for  
296 which the district has failed to provide to the Department of  
297 Human Services the required information about the school  
298 attendance of those children. The reduction in the calculation of  
299 the school district's ADA under this paragraph shall be effective  
300 for a period of one (1) year.

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

305 (i) The minor parent is the caretaker of a child  
306 less than twelve (12) weeks old; \* \* \*

307 (ii) The department determines that child care  
308 services are necessary for the minor parent to attend school and  
309 there is no child care available; \* \* \*



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

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

- 318 1. Illness, injury or incapacity of the child  
319 or the minor parent's child;
- 320 2. Court-required appearances or temporary  
321 incarceration;
- 322 3. Medical or dental appointments for the  
323 child or minor parent's child;
- 324 4. Death of a close relative;
- 325 5. Observance of a religious holiday;
- 326 6. Family emergency;
- 327 7. Breakdown in transportation;
- 328 8. Suspension; or
- 329 9. Any other circumstance beyond the control  
330 of the child, as defined in regulations of the department.

331 (f) Upon determination that a child has failed without  
332 good cause to attend school as required, the department shall  
333 provide written notice to the parent or caretaker relative



334 (whoever is the primary recipient of the TANF benefits) that  
335 specifies:

336 (i) That the family will be sanctioned in the next  
337 possible payment month because the child who is required to attend  
338 school has failed to meet the attendance requirement of this  
339 subsection;

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

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

345 The child's parent or caretaker relative (whoever is the  
346 primary recipient of the TANF benefits) may request a fair hearing  
347 on the department's determination that the child has not been  
348 attending school. If the child's parents or caretaker relative  
349 does not request a fair hearing under this subsection, or if,  
350 after a fair hearing has been held, the hearing officer finds that  
351 the child without good cause has failed to meet the monthly  
352 attendance requirement, the department shall discontinue or deny  
353 TANF benefits to the child thirteen (13) years old, or older, in  
354 the next possible payment month. The department shall discontinue  
355 or deny twenty-five percent (25%) of the family grant when a child  
356 six (6) through twelve (12) years of age without good cause has  
357 failed to meet the monthly attendance requirement. Both the child  
358 and family sanction may apply when children in both age groups



359 fail to meet the attendance requirement without good cause. A  
360 sanction applied under this subsection shall be effective for one  
361 (1) month for each month that the child failed to meet the monthly  
362 attendance requirement. In the case of a dropout, the sanction  
363 shall remain in force until the parent or caretaker relative  
364 provides written proof from the school district that the child has  
365 reenrolled and met the monthly attendance requirement for one (1)  
366 calendar month. Any month in which school is in session for at  
367 least ten (10) days during the month may be used to meet the  
368 attendance requirement under this subsection. This includes  
369 attendance at summer school. The sanction shall be removed the  
370 next possible payment month.

371 (5) All parents or caretaker relatives shall have their  
372 dependent children receive vaccinations and booster vaccinations  
373 against those diseases specified by the State Health Officer under  
374 Section 41-23-37 in accordance with the vaccination and booster  
375 vaccination schedule prescribed by the State Health Officer for  
376 children of that age, in order for the parents or caretaker  
377 relatives to be eligible or remain eligible to receive TANF  
378 benefits. Proof of having received such vaccinations and booster  
379 vaccinations shall be given by presenting the certificates of  
380 vaccination issued by any health care provider licensed to  
381 administer vaccinations, and submitted on forms specified by the  
382 State Board of Health. If the parents without good cause do not  
383 have their dependent children receive the vaccinations and booster



384 vaccinations as required by this subsection and they fail to  
385 comply after thirty (30) days' notice, the department shall  
386 sanction the family's TANF benefits by twenty-five percent (25%)  
387 for the next payment month and each subsequent payment month until  
388 the requirements of this subsection are met.

389 (6) (a) \* \* \* [Deleted]

390 (b) The Department of Human Services shall operate a  
391 statewide work program for TANF recipients to provide work  
392 activities and supportive services to enable families to become  
393 self-sufficient and improve their competitive position in the  
394 workforce in accordance with the requirements of the federal  
395 Personal Responsibility and Work Opportunity Reconciliation Act of  
396 1996 (Public Law 104-193), as amended, and the regulations  
397 promulgated thereunder, and the Deficit Reduction Act of 2005  
398 (Public Law 109-171), as amended. \* \* \* All adults who are not  
399 specifically exempt shall be referred by the department for  
400 allowable work activities. An adult may be exempt from the  
401 mandatory work activity requirement for the following reasons:

402 (i) Incapacity;

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

405 (iii) Is in the third trimester of pregnancy, and  
406 there are complications verified by the certificate of a  
407 physician, nurse practitioner, physician assistant, or any other





408 licensed health care professional practicing under a protocol with  
409 a licensed physician;

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

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

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

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

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

423 (ix) History of having been a victim of domestic  
424 violence, which has been reported as required by state law and is  
425 substantiated by police reports or court records, and being at  
426 risk of further domestic violence, shall be exempt for a period as  
427 deemed necessary by the department but not to exceed a total of  
428 twelve (12) months, which need not be consecutive, in the  
429 sixty-month maximum benefit period. For the purposes of this  
430 subparagraph (ix), "domestic violence" means that an individual  
431 has been subjected to:



- 432                   1. Physical acts that resulted in, or  
433 threatened to result in, physical injury to the individual;  
434                   2. Sexual abuse;  
435                   3. Sexual activity involving a dependent  
436 child;  
437                   4. Being forced as the caretaker relative of  
438 a dependent child to engage in nonconsensual sexual acts or  
439 activities;  
440                   5. Threats of, or attempts at, physical or  
441 sexual abuse;  
442                   6. Mental abuse; or  
443                   7. Neglect or deprivation of medical care.

444           (c) For all families, all adults who are not  
445 specifically exempt shall be required to participate in work  
446 activities for at least the minimum average number of hours per  
447 week specified by federal law or regulation, not fewer than twenty  
448 (20) hours per week (thirty-five (35) hours per week for  
449 two-parent families) of which are attributable to the following  
450 allowable work activities:

- 451                   (i) Unsubsidized employment;  
452                   (ii) Subsidized private employment;  
453                   (iii) Subsidized public employment;  
454                   (iv) Work experience (including work associated  
455 with the refurbishing of publicly assisted housing), if sufficient  
456 private employment is not available;



457 (v) On-the-job training;

458 (vi) Job search and job readiness assistance  
459 consistent with federal TANF regulations;

460 (vii) Community service programs;

461 (viii) Vocational educational training or other  
462 post-high school education (not to exceed twelve (12) months with  
463 respect to any individual);

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

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

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

473 (d) The following are allowable work activities which  
474 may be attributable to hours in excess of the minimum specified in  
475 paragraph (c) of this subsection:

476 (i) Job skills training directly related to  
477 employment;

478 (ii) Education directly related to employment for  
479 individuals who have not completed high school or received a high  
480 school equivalency certificate;



481 (iii) Satisfactory attendance at high school or in  
482 a course of study leading to a high school equivalency, for  
483 individuals who have not completed high school or received such  
484 equivalency certificate;

485 (iv) Job search and job readiness assistance  
486 consistent with federal TANF regulations.

487 (e) \* \* \* [Deleted]

488 (f) Any person enrolled in a two-year or four-year  
489 college program who meets the eligibility requirements to receive  
490 TANF benefits, and who is meeting the applicable work requirements  
491 and all other applicable requirements of the TANF program, shall  
492 continue to be eligible for TANF benefits while enrolled in the  
493 college program for as long as the person meets the requirements  
494 of the TANF program, unless prohibited by federal law.

495 (g) No adult in a work activity required under this  
496 subsection (6) shall be employed or assigned (i) when any other  
497 individual is on layoff from the same or any substantially  
498 equivalent job within six (6) months before the date of the TANF  
499 recipient's employment or assignment; or (ii) if the employer has  
500 terminated the employment of any regular employee or otherwise  
501 caused an involuntary reduction of its workforce in order to fill  
502 the vacancy so created with an adult receiving TANF assistance.  
503 The Mississippi Department of Employment Security, established  
504 under Section 71-5-101, shall appoint one or more impartial  
505 hearing officers to hear and decide claims by employees of



506 violations of this paragraph (g). The hearing officer shall hear  
507 all the evidence with respect to any claim made hereunder and such  
508 additional evidence as he may require and shall make a  
509 determination and the reason therefor. The claimant shall be  
510 promptly notified of the decision of the hearing officer and the  
511 reason therefor. Within ten (10) days after the decision of the  
512 hearing officer has become final, any party aggrieved thereby may  
513 secure judicial review thereof by commencing an action, in the  
514 circuit court of the county in which the claimant resides, against  
515 the department for the review of such decision, in which action  
516 any other party to the proceeding before the hearing officer shall  
517 be made a defendant. Any such appeal shall be on the record which  
518 shall be certified to the court by the department in the manner  
519 provided in Section 71-5-531, and the jurisdiction of the court  
520 shall be confined to questions of law which shall render its  
521 decision as provided in that section.

522 (7) The Department of Human Services \* \* \* shall provide  
523 child care for eligible participants who require such care so that  
524 they may accept employment or remain employed. The  
525 department \* \* \* shall also provide child care for those  
526 participating in the TANF program when it is determined that they  
527 are satisfactorily involved in education, training or other  
528 allowable work activities. The department may contract with Head  
529 Start agencies to provide child care services to TANF recipients.  
530 The department may also arrange for child care by use of contract



531 or vouchers, provide vouchers in advance to a caretaker relative,  
532 reimburse a child care provider, or use any other arrangement  
533 deemed appropriate by the department, and may establish different  
534 reimbursement rates for child care services depending on the  
535 category of the facility or home. Any center-based or group home  
536 child care facility under this subsection shall be licensed by the  
537 State Department of Health pursuant to law. When child care is  
538 being provided in the child's own home, in the home of a relative  
539 of the child, or in any other unlicensed setting, the provision of  
540 such child care may be monitored on a random basis by the  
541 Department of Human Services or the State Department of Health.  
542 Transitional child care assistance may be continued if it is  
543 necessary for parents to maintain employment once support has  
544 ended, unless prohibited under state or federal law. Transitional  
545 child care assistance may be provided for up to twenty-four (24)  
546 months after the last month during which the family was eligible  
547 for TANF assistance, if federal funds are available for such child  
548 care assistance.

549 (8) The Department of Human Services \* \* \* shall provide  
550 transportation or provide reasonable reimbursement for  
551 transportation expenses that are necessary for individuals to be  
552 able to participate in allowable work activity and any other  
553 activity under the TANF program.

554 (9) Medicaid assistance shall be provided to a family of  
555 TANF program participants for up to twenty-four (24) consecutive



556 calendar months following the month in which the participating  
557 family would be ineligible for TANF benefits because of increased  
558 income, expiration of earned income disregards, or increased hours  
559 of employment of the caretaker relative; however, Medicaid  
560 assistance for more than twelve (12) months may be provided only  
561 if a federal waiver is obtained to provide such assistance for  
562 more than twelve (12) months and federal and state funds are  
563 available to provide such assistance.

564 (10) The department shall require applicants for and  
565 recipients of public assistance from the department to sign a  
566 personal responsibility contract that will require the applicant  
567 or recipient to acknowledge his or her responsibilities to the  
568 state.

569 (11) The department shall enter into an agreement with the  
570 State Personnel Board and other state agencies that will allow  
571 those TANF participants who qualify for vacant jobs within state  
572 agencies to be placed in state jobs. State agencies participating  
573 in the TANF work program shall receive any and all benefits  
574 received by employers in the private sector for hiring TANF  
575 recipients. This subsection (11) shall be effective only if the  
576 state obtains any necessary federal waiver or approval and if  
577 federal funds are available therefor. Not later than September 1,  
578 2021, the department shall prepare a report, which shall be  
579 provided to the Chairmen of the House and Senate Public Health  
580 Committees and to any other member of the Legislature upon



581 request, on the history, status, outcomes and effectiveness of the  
582 agreements required under this subsection.

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

585 (13) The Mississippi Department of Human Services shall  
586 provide TANF applicants information and referral to programs that  
587 provide information about birth control, prenatal health care,  
588 abstinence education, marriage education, family preservation and  
589 fatherhood. Not later than September 1, 2021, the department  
590 shall prepare a report, which shall be provided to the Chairmen of  
591 the House and Senate Public Health Committees and to any other  
592 member of the Legislature upon request, on the history, status,  
593 outcomes and effectiveness of the information and referral  
594 requirements under this subsection.

595 (14) No new TANF program requirement or restriction  
596 affecting a person's eligibility for TANF assistance, or allowable  
597 work activity, which is not mandated by federal law or regulation  
598 may be implemented by the Department of Human Services after July  
599 1, 2004, unless such is specifically authorized by an amendment to  
600 this section by the Legislature.

601 **SECTION 4.** Section 43-27-33, Mississippi Code of 1972, is  
602 amended as follows:

603 43-27-33. (1) Nothing in this chapter is intended to limit  
604 or restrict the operation and effect of Title IV, federal Social  
605 Security Act (Subchapter IV, Sections 601-604, Chapter 7, Title





606 42, U.S. Code Annotated) and Sections 43-15-1 through 43-15-9,  
607 inclusive, 43-17-1 through 43-17-25, inclusive, 43-25-1 through  
608 43-25-17, inclusive, and 93-11-1 through 93-11-63, inclusive,  
609 Mississippi Code of 1972, which authorize the Department of Human  
610 Services to expend appropriated state and available federal funds  
611 for Temporary Assistance for Needy Families (TANF) child welfare  
612 services, and administer the interstate compact on juveniles under  
613 approved state-federal plans now in effect; this chapter being  
614 cumulative and supplementary. Nothing in this chapter is intended  
615 to limit or restrain the operation and effect of the Youth Court  
616 Law of 1946, as amended (Chapter 21 of this Title), or the Family  
617 Court Law of 1964, as amended (Chapter 23 of this Title), or the  
618 power granted to the youth courts or family courts therein  
619 outlined. The intent of this section is to insure that the final  
620 responsibility for a delinquent youth resides with the court that  
621 has jurisdiction and that the final responsibility for any and all  
622 services provided by any and all personnel assigned to a youth or  
623 family court resides with the responsible judge.

624 (2) The Department of Human Services shall transfer at least  
625 thirty percent (30%) of the block grant for the state and  
626 available federal funds for Temporary Assistance for Needy  
627 Families (TANF) child welfare services to the Child Care and  
628 Development Fund for each fiscal year.

629 **SECTION 5.** Section 37-106-29, Mississippi Code of 1972, is  
630 amended as follows:



631           37-106-29. (1) There is established the Mississippi  
632 Resident Tuition Assistance Grant Program for college or  
633 university freshmen, sophomores, juniors and seniors to be  
634 administered by the Mississippi Postsecondary Education Financial  
635 Assistance Board established under Section 37-106-9, Mississippi  
636 Code of 1972, which shall set the dates and deadlines for applying  
637 for an award under this section. The board shall establish such  
638 rules and regulations as it deems necessary and proper to carry  
639 out the purposes and intent of this section.

640           (2) The board shall approve grants to full-time freshmen,  
641 sophomore, junior and senior Mississippi residents who meet the  
642 general requirements for student eligibility as provided in  
643 subsection (4) of this section.

644           (3) Mississippi Resident Tuition Assistance Grants shall be  
645 for Mississippi resident students from any Mississippi family  
646 whose prior year adjusted gross income (AGI) exceeds the maximum  
647 allowed to qualify for full Pell Grant eligibility and  
648 campus-based federal aid. Those Mississippi students qualifying  
649 for less than the full Pell Grant award shall receive a  
650 Mississippi Resident Tuition Assistance Grant in an amount not to  
651 exceed the maximum Pell Grant allowable for that individual  
652 student. The award shall be applied to tuition, rooms and meals,  
653 books, materials and fees not to exceed One Thousand Dollars  
654 (\$1,000.00) for junior and senior students attending state  
655 institutions of higher learning in Mississippi or four-year



656 regionally accredited, state-approved, nonprofit colleges and  
657 universities in Mississippi, and Five Hundred Dollars (\$500.00)  
658 for freshmen and sophomores attending state institutions of higher  
659 learning or public community or junior colleges in Mississippi, or  
660 regionally accredited, state-approved, nonprofit two-year or  
661 four-year colleges in Mississippi, which will be prorated per  
662 term, semester or quarter of the academic year for costs of  
663 attendance, calculated according to the formula specified in  
664 subsection (8) of this section.

665 (4) The general requirements for initial eligibility of  
666 students for Mississippi Resident Tuition Assistance Grants  
667 consist of the following:

668 (a) Member of a Mississippi family whose prior year  
669 adjusted gross income (AGI) \* \* \* does not exceed two hundred  
670 percent (200%) of the federal poverty level.

671 (b) Acceptance for enrollment at any state institution  
672 of higher learning or public community or junior college located  
673 in Mississippi, or any regionally accredited, state-approved,  
674 nonprofit two-year or four-year college or university located in  
675 Mississippi and approved by the board.

676 (c) Completion of a secondary education as follows:

677 (i) Graduation from high school verified by the  
678 institution before disbursement of award with a minimum grade  
679 point average of 2.5 calculated on a 4.0 scale after seven (7)



680 semesters as certified by the high school counselor or other  
681 authorized school official on the application; \* \* \*

682 (ii) Attendance at a home education program during  
683 grade levels 9 through 12; \* \* \*

684 (iii) Satisfactory completion of the High School  
685 Equivalency Diploma; or

686 (iv) Successful completion of the International  
687 Baccalaureate Program.

688 (d) A minimum score of fifteen (15) on the ACT test  
689 except that any student entering a vocational or technical program  
690 of study, or who has satisfactorily completed the High School  
691 Equivalency Diploma Test and attends a community or junior college  
692 will not be required to have a test score under the ACT unless a  
693 student enrolls in courses of academic study.

694 (e) Any student currently enrolled in any qualified  
695 institution shall have to only meet the same requirements as  
696 students who are applying for a renewal award.

697 (5) By accepting a Mississippi Resident Tuition Assistance  
698 Grant, the student is attesting to the accuracy, completeness and  
699 correctness of information provided to demonstrate the student's  
700 eligibility. Falsification of such information shall result in  
701 the denial of any pending grant and revocation of any award  
702 currently held to the extent that no further payments shall be  
703 made. Any student knowingly making false statements in order to  
704 receive a grant shall be guilty of a misdemeanor punishable, upon



705 conviction thereof, by a fine of up to Ten Thousand Dollars  
706 (\$10,000.00), a prison sentence of up to one (1) year in the  
707 county jail, or both, and shall be required to return all  
708 Mississippi Resident Tuition Assistance Grants wrongfully  
709 obtained.

710 (6) Eligibility for renewal of Mississippi Resident Tuition  
711 Assistance Grants shall be evaluated at the end of each semester,  
712 or term, of each academic year. As a condition for renewal, a  
713 student shall:

714 (a) Make steady academic progress toward a certificate  
715 or degree, as outlined in the school Satisfactory Academic  
716 Progress Standards and certified by the institution's registrar.

717 (b) Maintain continuous enrollment for not less than  
718 two (2) semesters or three (3) quarters in each successive  
719 academic year, unless granted an exception for cause by the  
720 administering board; examples of cause may include student  
721 participation in a cooperative program, internship program or  
722 foreign study program. If a student fails to maintain continuous  
723 enrollment, and is not granted an exception for cause by the  
724 administering board, the student is ineligible to receive the  
725 Mississippi Resident Tuition Assistance Grant during the following  
726 semester or trimester or term of the regular academic year.

727 (c) Have a cumulative grade point average of at least  
728 2.50 calculated on a 4.0 scale at the end of each semester or  
729 trimester or term.



730           (7) Each student, each year, must complete a Free  
731 Application for Federal Student Aid form or a Statement of  
732 Certification as designed by the administering board to determine  
733 his/her eligibility for a Mississippi Resident Tuition Assistance  
734 Grant.

735           (8) (a) The amount of the Mississippi Resident Tuition  
736 Assistance Grant awarded to any one (1) student, up to the maximum  
737 amount provided in subsection (3) of this section, shall be the  
738 difference of the student's cost of attendance at his accredited  
739 college of choice and the amount of federal aid such student may  
740 receive, not to supplant but to supplement the amount of any  
741 federal aid awarded to the student. Cost of attendance is the  
742 tuition and fees of the applicable institution plus an allowance  
743 for room and meals and books and materials.

744           (b) Payment of the Mississippi Resident Tuition  
745 Assistance Grant shall be made payable to the recipient and the  
746 educational institution and mailed directly to the institution, to  
747 be applied first to tuition.

748           (9) In order for an institution to remain eligible for its  
749 students to participate in the Mississippi Resident Tuition  
750 Assistance Grant Program, the institution shall comply with the  
751 following requirements:

752           (a) A complete and accurate roster of the eligibility  
753 status of each awarded student shall be made to the board for each



754 term, semester or quarter of the academic year the student  
755 receives a Mississippi Resident Tuition Assistance Grant.

756 (b) The institution is required to make refunds to the  
757 Mississippi Resident Tuition Assistance Grant Fund for any funds  
758 which have not been disbursed to the recipient, in the case of  
759 students who have received a grant but who terminate enrollment  
760 during the academic term, semester or quarter of the academic year  
761 if an institution's refund policies permit a student to receive a  
762 refund in such instance. The recipient shall be responsible for  
763 the refund of any funds which have been disbursed by the  
764 institution in such instance.

765 (c) If a student drops below full-time status but does  
766 not terminate all enrollment during the term, semester or quarter  
767 of the academic year no refund will be required for that term.  
768 However, that student is ineligible to receive the Mississippi  
769 Resident Tuition Assistance Grant during the following term,  
770 semester or quarter of the regular academic year.

771 (d) The board may conduct its own annual audits of any  
772 institution participating in the Mississippi Resident Tuition  
773 Assistance Grant Program. The board may suspend or revoke an  
774 institution's eligibility to receive future monies under the  
775 program if it finds that the institution has not complied with the  
776 provisions of this section. In determining a student's initial  
777 eligibility, the number of prior semesters enrolled will not be  
778 counted against the student.



779 (10) No student may receive a Mississippi Resident Tuition  
780 Assistance Grant for more than the equivalent semesters or  
781 quarters required to complete one (1) baccalaureate degree or one  
782 (1) certificate or associate degree program per institution.

783 (11) No student receiving a Mississippi Eminent Scholars  
784 Grant as provided in Section 37-106-31 shall be eligible to  
785 receive the Mississippi Resident Tuition Assistance Grant pursuant  
786 to this section unless he is eligible for such award after the  
787 Mississippi Eminent Scholars Grant has been considered by the  
788 board when conducting an assessment of the financial resources  
789 available to the student. In no case shall any student receive  
790 any combination of student financial aid that would exceed the  
791 cost of attendance, as defined in subsection (8) (a).

792 For purposes of this section, certificated shall mean, but  
793 not be limited to, all postsecondary vocational programs in  
794 eligible institutions approved by the board.

795 **SECTION 6.** Section 37-106-31, Mississippi Code of 1972, is  
796 amended as follows:

797 37-106-31. (1) There is created a Mississippi Eminent  
798 Scholars Grant Program, to be administered by the Mississippi  
799 Postsecondary Education Financial Assistance Board established  
800 under Section 37-106-9. The board shall set the dates that will  
801 serve as the deadlines for applying for an award under this  
802 section and award scholarships to each Mississippi student who:





803 (a) (i) Is recognized by the merit or achievement  
804 programs of the National Merit Scholarship Corporation or the  
805 National Achievement Scholarship as a semifinalist or finalist,  
806 and has obtained a minimum cumulative grade point average of 3.5  
807 calculated on a 4.0 scale in high school subjects acceptable for  
808 credit toward a diploma, after seven (7) semesters certified by  
809 the high school counselor or other authorized school official on  
810 the application and graduation from high school verified by the  
811 institution before disbursement of award; or

812 (ii) Has scored twenty-nine (29) on the American  
813 College Testing Program or its equivalent and has obtained a  
814 minimum cumulative grade point average of 3.5 calculated on a 4.0  
815 scale after seven (7) semesters certified by the high school  
816 counselor or other authorized school official on the application  
817 and graduation from high school verified by the institution before  
818 disbursement of award, or the equivalent in high school subjects  
819 acceptable for credit toward a diploma; or

820 (iii) Has attended a home education program during  
821 grade levels 9 through 12 and has scored twenty-nine (29) on the  
822 American College Testing Program or its equivalent.

823 (b) Meets the general requirements for student  
824 eligibility, including that the student is a member of a  
825 Mississippi family whose prior year adjusted gross income (AGI)  
826 does not exceed two hundred percent (200%) of the federal poverty  
827 level, except as otherwise provided in this section.



828           (c) Files, before the deadline, an application for an  
829 award during his last year in high school, or before the  
830 expiration of the third school year succeeding the year of his  
831 high school graduation.

832           (d) Attends, on a full-time basis, any state  
833 institution of higher learning or public community or junior  
834 college, or any regionally accredited, state-approved, nonprofit  
835 two-year or four-year college or university located in the State  
836 of Mississippi approved by the board.

837           (e) Enrolls as a "first-time in college" student in  
838 Mississippi. Postsecondary academic credit earned prior to or  
839 during the summer immediately subsequent to receiving a high  
840 school diploma, or while dually enrolled in secondary and  
841 postsecondary educational institutions, or while enrolled in the  
842 early admission program of a postsecondary institution shall not  
843 be considered when determining if a student is enrolling for the  
844 first time. However, any student who earns postsecondary academic  
845 credit at an institution of higher learning located outside the  
846 state shall meet the requirements on grade point average and  
847 maximum credit hours set forth in subsection (2)(b) of this  
848 section.

849           (f) Is a resident of the State of Mississippi.

850           (2) (a) Except for students who earn credits at  
851 institutions of higher learning located outside the state,  
852 students who apply for awards but do not accept their initial



853 awards may apply to receive awards during subsequent application  
854 periods occurring before the expiration of the third school year  
855 succeeding the year of their high school graduation. The  
856 eligibility of these applicants shall be determined in the same  
857 manner as first-time applicants.

858           (b) Students who receive initial awards and who later  
859 do not accept renewal awards may apply to receive awards during  
860 subsequent application periods occurring before the expiration of  
861 the third school year succeeding the year of their high school  
862 graduation. Reinstatement applications will be accepted from  
863 these students according to dates set by the Mississippi  
864 Postsecondary Education Financial Assistance Board. The  
865 eligibility of these applicants shall be determined in the same  
866 manner as first-time applicants, except that these students shall  
867 be required to have maintained the equivalent of a 3.5 cumulative  
868 grade point average on a 4.0 scale for all college work attempted  
869 and if the student attended an out-of-state institution, to have  
870 completed no more than thirty-six (36) credit hours. The board  
871 shall not make awards to reinstatement applicants who submit  
872 applications that are received after the deadline set by the  
873 Mississippi Postsecondary Education Financial Assistance Board.

874           (c) The board shall create a renewal application for  
875 each student who received the award for one or more terms during  
876 the immediately preceding academic year.



877           (3) (a) The annual award to a student shall be up to Two  
878 Thousand Five Hundred Dollars (\$2,500.00) for tuition and fees.  
879 Payment of the Mississippi Eminent Scholars Grant shall be made  
880 payable to the recipient and the educational institution and  
881 mailed directly to the institution, to be applied first to  
882 tuition.

883           (b) Within six (6) weeks of the end of regular  
884 registration, inclusive of a drop-add period, institutions shall  
885 certify to the board the eligibility status of each awarded  
886 student. The eligibility status of each student to receive a  
887 disbursement shall be determined by each institution as of this  
888 date. Institutions shall not be required to reevaluate a  
889 student's eligibility status after this date for purposes of  
890 amending eligibility determinations previously made. However, an  
891 institution shall be requested to make refunds for students who  
892 receive award disbursements and terminate enrollment for any  
893 reason during the academic term when an institution's refund  
894 policies permit a student to receive a refund under the  
895 circumstances.

896           (c) Institutions shall certify to the board the amount  
897 of funds disbursed to each student and shall remit to the board  
898 any undisbursed advances within sixty (60) days of the end of  
899 regular registration.

900           (4) A recipient shall maintain the equivalent of a 3.5  
901 cumulative grade point average on a 4.0 scale, or shall maintain



902 an approved equivalent student progress evaluation plan, on at  
903 least twelve (12) hours per quarter, trimester or semester in  
904 order to be eligible for a continuation of the award. No student  
905 may receive a Mississippi Eminent Scholars Grant for more than the  
906 equivalent semesters or quarters required to complete one (1)  
907 degree or certificate program per institution. The award may be  
908 renewed annually upon certification of eligibility by the eligible  
909 institutions that the recipient meets the necessary  
910 qualifications. If any recipient transfers from one university,  
911 community college or junior college to another, his award will be  
912 transferable, provided he is otherwise eligible for the award. If  
913 a student fails to maintain continuous enrollment, and is not  
914 granted an exception for cause by the administering board, the  
915 student is ineligible to receive the Mississippi Eminent Scholars  
916 Grant during the following semester or trimester or term of the  
917 regular academic year.

918 (5) The board may conduct its own annual audits of any  
919 institution participating in the Mississippi Eminent Scholars  
920 Grant Program. The board may suspend or revoke an institution's  
921 eligibility to receive future monies under the program if it finds  
922 that the institution has not complied with the provisions of this  
923 section.

924 (6) For purposes of this section, certificated shall mean,  
925 but not be limited to, all postsecondary vocational programs in  
926 eligible institutions approved by the board.



927           **SECTION 7.** Section 37-106-75, Mississippi Code of 1972, is  
928 amended as follows:

929           37-106-75. (1) The Legislature hereby establishes the  
930 Higher Education Legislative Plan Grant Program.

931           (2) For purposes of this section:

932                   (a) "Institution of higher education" shall mean any  
933 state institution of higher learning or public community or junior  
934 college, or any regionally accredited, state-approved, nonprofit  
935 two-year or four-year college or university located in the State  
936 of Mississippi approved by the board.

937                   (b) "Tuition" shall mean the semester or trimester or  
938 term charges and all required fees imposed by an institution of  
939 higher education as a condition of enrollment by all students.  
940 However, for a two-year nonpublic institution of higher education  
941 defined in paragraph (a), the tuition payments shall not exceed  
942 the average charges and fees required by all of the two-year  
943 public institutions of higher education defined in paragraph (a),  
944 and for a four-year nonpublic institution of higher education  
945 defined in paragraph (a), the tuition payments shall not exceed  
946 the average charges and fees required by all of the four-year  
947 public institutions of higher education defined in paragraph (a).

948           (3) Subject to the availability of funds, the state may pay  
949 the tuition of students who enroll at any state institution of  
950 higher education to pursue an academic undergraduate degree who



951 apply for the assistance under the program and who meet all of the  
952 following qualifications:

953           (a) Resident of the State of Mississippi. Resident  
954 status for the purpose of receiving assistance under this chapter  
955 shall be determined in the same manner as resident status for  
956 tuition purposes in Sections 37-103-1 through 37-103-29, with the  
957 exception of Section 37-103-17;

958           (b) Graduate from high school within the two (2) years  
959 preceding the application with a minimum cumulative grade point  
960 average of 2.5 calculated on a 4.0 scale;

961           (c) Successfully complete, as certified by the high  
962 school counselor or other school official, high school coursework  
963 which includes the College Preparatory Curriculum (CPC) approved  
964 by the Board of Trustees of State Institutions of Higher Learning  
965 and required for admission into a state university;

966           (d) Have a composite score on the American College Test  
967 of at least twenty (20) on the 1989 version or an equivalent  
968 concordant value on an enhanced version of such test;

969           (e) Have no criminal record, except for misdemeanor  
970 traffic violations; and

971           (f) Be in financial need.

972           (4) Subject to the availability of funds, the state may pay  
973 the tuition of students who enroll at any state institution of  
974 higher education to pursue an academic undergraduate degree or  
975 associate degree who apply for assistance under the program and



976 who meet the qualifications in paragraphs (a), (e) and (f) of  
977 subsection (3) but who fail to meet one (1) of the particular  
978 requirements established by paragraph (b), (c) or (d) of  
979 subsection (3) by an amount of ten percent (10%) or less.

980 (5) To maintain continued state payment of tuition, once  
981 enrolled in an institution of higher education, a student shall  
982 meet all of the following requirements:

983 (a) Make steady academic progress toward a degree,  
984 earning not less than the minimum number of hours of credit  
985 required for full-time standing in each academic period requiring  
986 such enrollment;

987 (b) Maintain continuous enrollment for not less than  
988 two (2) semesters or three (3) quarters in each successive  
989 academic year, unless granted an exception for cause by the board;

990 (c) Have a cumulative grade point average of at least  
991 2.5 calculated on a 4.0 scale at the end of the first academic  
992 year and thereafter maintain such a cumulative grade point average  
993 as evaluated at the end of each academic year;

994 (d) Have no criminal record, except for misdemeanor  
995 traffic violations; and

996 (e) Be in financial need.

997 (6) The provisions of this section shall be administered by  
998 the board. The board may promulgate rules for all matters  
999 necessary for the implementation of this section. By rule, the  
1000 board shall provide for:





1001 (a) A mechanism for informing all students of the  
1002 availability of the assistance provided under this section early  
1003 enough in their schooling that a salutary motivational effect is  
1004 possible;

1005 (b) Applications, forms, financial audit procedures,  
1006 eligibility and other program audit procedures and other matters  
1007 related to efficient operation;

1008 (c) A procedure for waiver through the 1996-1997  
1009 academic year of the program eligibility requirement for  
1010 successful completion of a specified core curriculum upon proper  
1011 documentation by the applicant that failure to comply with the  
1012 requirement is due solely to the fact that the required course or  
1013 courses were not available to the applicant at the school  
1014 attended.

1015 (7) An applicant shall be found to be in financial need  
1016 if \* \* \* the student is a member of a Mississippi family whose  
1017 prior year adjusted gross income (AGI) does not exceed two hundred  
1018 percent (200%) of the federal poverty level.

1019 The annual adjusted gross income of the family shall be  
1020 verified by completion of the Free Application for Federal Student  
1021 Aid (FAFSA) and the completion of the verification process if the  
1022 applicant is selected for it.

1023 As used in this subsection, the term "family" for an  
1024 unemancipated applicant means the applicant, the applicant's  
1025 parents and other children under age twenty-one (21) of the



1026 applicant's parents. The term "family" for an emancipated  
1027 applicant means the applicant, an applicant's spouse, and any  
1028 children under age twenty-one (21) of the applicant and spouse.

1029 (8) No student shall receive a grant under this section in  
1030 an amount greater than the tuition charged by the school. The  
1031 student must apply for a federal grant prior to receiving state  
1032 funds.

1033 **SECTION 8.** Section 43-17-6, Mississippi Code of 1972, which  
1034 requires TANF benefit applicants to undergo drug testing, is  
1035 hereby repealed.

1036 **SECTION 9.** Sections 43-12-1, 43-12-3, 43-12-5, 43-12-7,  
1037 43-12-9, 43-12-11, 43-12-13, 43-12-15, 43-12-17, 43-12-19,  
1038 43-12-21, 43-12-23, 43-12-25, 43-12-27, 43-12-29, 43-12-31,  
1039 43-12-33, 43-12-35, 43-12-37, 43-12-39, 43-12-41, 43-12-43,  
1040 43-12-45 and 43-12-47, Mississippi Code of 1972, which are  
1041 sections of the Medicaid and Human Services Transparency and Fraud  
1042 Prevention Act, are repealed.

1043 **SECTION 10.** This act shall take effect and be in force from  
1044 and after July 1, 2023.

