

By: Representatives Fredericks, Clark,
Peranich

To: Public Health and Human
Services

HOUSE BILL NO. 1338

1 AN ACT TO AMEND SECTION 43-17-39, MISSISSIPPI CODE OF 1972,
2 TO REMOVE THE REPEALER ON THE SECTION THAT PRESCRIBES CERTAIN
3 REQUIREMENTS FOR THE DEPARTMENT OF HUMAN SERVICES IN THE OPERATION
4 OF THE CHILD CARE AND DEVELOPMENT FUND/TEMPORARY ASSISTANCE TO
5 NEEDY FAMILIES PROGRAM; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 43-17-39, Mississippi Code of 1972, is
8 amended as follows:

9 43-17-39. (1) The Department of Human Services is
10 Mississippi's lead agency in the federal Child Care and
11 Development Fund (CCDF) program. CCDF is comprised of the
12 following funding streams: discretionary, mandatory, federal
13 matching, and state matching. In addition, as allowed by federal
14 regulation, Mississippi currently transfers twenty percent (20%)
15 of the Temporary Assistance to Needy Families (TANF) grant into
16 CCDF. The CCDF/TANF program helps eligible working parents pay
17 for early care and education services for their children.

18 (2) In the operation of the CCDF/TANF program, the
19 Department of Human Services shall comply with the following
20 requirements:

21 (a) The department shall maintain records and post on a
22 monthly basis, as information is available, on a publicly
23 accessible website for each county, the information required for
24 the federal report known as the Child Care Aggregate Report,
25 ACF-800, federal report ACF-801 and for the state as a whole, the
26 information required for the financial report known as ACF-696
27 related to CCDF (42 USCS, Chapter 105, Subchapter II-B).

28 (b) The department shall establish performance level
29 standards including the following requirements in CCDF/TANF
30 certificate subgrants: measurable outcome-based contract
31 measures, clear statements of expectations, evaluation criteria,
32 documentation, and the explicit descriptions of reporting
33 requirements. The State Department of Audit shall annually audit
34 the expenditures by the department, subject to the availability of
35 public or private funds specifically for that purpose. The State
36 Department of Audit shall also annually audit expenditures by
37 subrecipients/subgrantees and providers including those currently
38 known as "Designated Agents" and those to whom Quality Improvement
39 funds were awarded by the department, and may audit such
40 expenditures during the five (5) years next preceding July 1,
41 2005, at the request of the Executive Director of the Department
42 of Human Services and subject to the availability of funds for
43 that purpose. In addition, the State Department of Audit shall
44 periodically, but not less than once every three (3) years,
45 conduct performance audits on the department for the purposes of
46 assessing program impact, subject to the availability of public or
47 private funds for that purpose. The State Department of Audit
48 shall provide copies of each of the audits to the Chairmen of the
49 House Public Health and Human Services Committee and the Senate
50 Public Health and Welfare Committee.

51 (c) The department shall provide to the custodial
52 parents a plain-language explanation of all program criteria to
53 qualify for a CCDF/TANF certificate to obtain early care and
54 education for a child from birth up to the 13th birthday if not
55 disabled, but if disabled, then up to eighteen (18) years of age.

56 (d) The department shall require licensed child care
57 providers participating in the CCDF/TANF certificate program to
58 provide developmentally appropriate early childhood educational
59 activities, including reading and writing.

60 (3) The Chairman of the Senate Committee on Public Health
61 and Welfare and the Chairman of the House Committee on Public
62 Health and Human Services, or a subcommittee appointed by the
63 chairman of each committee for that purpose, shall jointly conduct
64 a study of the advisability of transferring the Child Care
65 Licensure Program of the State Department of Health to the
66 Mississippi Department of Human Services. The chairmen and/or the
67 subcommittees appointed for that purpose may meet jointly and
68 conduct hearings as necessary and shall develop a written report
69 with recommended legislation to the Governor and the Legislature
70 not later than December 15, 2005.

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72 **SECTION 2.** This act shall take effect and be in force from
73 and after July 1, 2006.