

By: Representative Eubanks

To: Public Health and Human Services

HOUSE BILL NO. 1650

1 AN ACT TO PROVIDE THAT IF ANY PHYSICIAN, NURSE PRACTITIONER
2 OR PHYSICIAN ASSISTANT LICENSED TO PRACTICE IN THE UNITED STATES
3 COMPLETES A MEDICAL EXEMPTION FORM STATING THAT SUCH VACCINATION
4 MAY BE DETRIMENTAL TO AN INDIVIDUAL'S HEALTH, ANY STATE OR
5 MUNICIPAL REQUIREMENT TO OBTAIN A VACCINATION SHALL BE
6 INAPPLICABLE UNTIL SUCH VACCINATION IS FOUND TO NO LONGER BE
7 DETRIMENTAL TO THE INDIVIDUAL'S HEALTH BY THE INDIVIDUAL'S
8 PHYSICIAN, NURSE PRACTITIONER OR PHYSICIAN ASSISTANT; TO PRESCRIBE
9 THE REQUIRED CONTENTS OF THE MEDICAL EXEMPTION FORM; TO PROHIBIT
10 ANY STATE OR MUNICIPAL AGENCY, BOARD OR COMMISSION FROM REQUIRING
11 ANY OTHER CONDITION OR REQUIREMENT FOR THE MEDICAL EXEMPTION TO A
12 VACCINE OR VACCINES; TO PROHIBIT DISCRIMINATION ON THE BASIS OF AN
13 INDIVIDUAL'S STATUS OF HAVING A MEDICAL EXEMPTION PROVIDED FOR IN
14 THIS ACT; TO PROVIDE THAT PHYSICIANS, NURSE PRACTITIONERS AND
15 PHYSICIAN ASSISTANTS SHALL NOT BE SUBJECT TO ANY DISCIPLINARY
16 ACTION OR PENALTY BY ANY STATE OR MUNICIPAL AGENCY, BOARD OR
17 COMMISSION FOR ISSUING A MEDICAL EXEMPTION FORM AS PROVIDED FOR IN
18 THIS ACT; TO AMEND SECTIONS 37-7-301, 41-23-37, 41-23-43 AND
19 43-17-5, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING
20 PROVISIONS; AND FOR RELATED PURPOSES.

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

22 **SECTION 1.** (1) If any physician, nurse practitioner or
23 physician assistant licensed to practice in the United States
24 completes the required medical exemption form stating that such
25 vaccination may be detrimental to an individual's health, any
26 state or municipal requirement to obtain a vaccination shall be
27 inapplicable until such vaccination is found to no longer be



28 detrimental to the individual's health by the individual's
29 physician, nurse practitioner or physician assistant. Any state
30 or municipal agency, board or commission may not require any other
31 condition or requirement for the medical exemption to a vaccine or
32 vaccines.

33 (2) Any physician, nurse practitioner or physician assistant
34 who believes that a vaccination may be detrimental to the
35 individual's health must complete the following form:

36 Medical exemption form

37 (a) Name of individual;

38 (b) If a minor, name of parent, parents or guardian;

39 (c) Birthdate;

40 (d) Home address;

41 (e) I hereby certify that vaccination against (insert
42 immunization exempted) may be detrimental to the individual's
43 health.

44 (3) Discrimination on the basis of an individual's status of
45 having a medical exemption provided for in this section is
46 prohibited.

47 (4) Absent fraud or intentional misrepresentation of
48 verifiable facts, a physician, nurse practitioner or physician
49 assistant shall not be subject to any disciplinary action or
50 penalty by any state or municipal agency, board or commission for
51 issuing a medical exemption form as provided for in this section.



52 **SECTION 2.** Section 37-7-301, Mississippi Code of 1972, is
53 amended as follows:

54 37-7-301. The school boards of all school districts shall
55 have the following powers, authority and duties in addition to all
56 others imposed or granted by law, to wit:

57 (a) To organize and operate the schools of the district
58 and to make such division between the high school grades and
59 elementary grades as, in their judgment, will serve the best
60 interests of the school;

61 (b) To introduce public school music, art, manual
62 training and other special subjects into either the elementary or
63 high school grades, as the board shall deem proper;

64 (c) To be the custodians of real and personal school
65 property and to manage, control and care for same, both during the
66 school term and during vacation;

67 (d) To have responsibility for the erection, repairing
68 and equipping of school facilities and the making of necessary
69 school improvements;

70 (e) To suspend or to expel a pupil or to change the
71 placement of a pupil to the school district's alternative school
72 or homebound program for misconduct in the school or on school
73 property, as defined in Section 37-11-29, on the road to and from
74 school, or at any school-related activity or event, or for conduct
75 occurring on property other than school property or other than at
76 a school-related activity or event when such conduct by a pupil,



77 in the determination of the school superintendent or principal,
78 renders that pupil's presence in the classroom a disruption to the
79 educational environment of the school or a detriment to the best
80 interest and welfare of the pupils and teacher of such class as a
81 whole, and to delegate such authority to the appropriate officials
82 of the school district;

83 (f) To visit schools in the district, in their
84 discretion, in a body for the purpose of determining what can be
85 done for the improvement of the school in a general way;

86 (g) To support, within reasonable limits, the
87 superintendent, principal and teachers where necessary for the
88 proper discipline of the school;

89 (h) To exclude from the schools students with what
90 appears to be infectious or contagious diseases; provided,
91 however, such student may be allowed to return to school upon
92 presenting a certificate from a public health officer, duly
93 licensed physician or nurse practitioner that the student is free
94 from such disease;

95 (i) To require those vaccinations specified by the
96 State Health Officer as provided in Section 41-23-37; however, any
97 medical exemption from any of those vaccinations shall be subject
98 to the provisions of Section 1 of this act;

99 (j) To see that all necessary utilities and services
100 are provided in the schools at all times when same are needed;



101 (k) To authorize the use of the school buildings and
102 grounds for the holding of public meetings and gatherings of the
103 people under such regulations as may be prescribed by said board;

104 (l) To prescribe and enforce rules and regulations not
105 inconsistent with law or with the regulations of the State Board
106 of Education for their own government and for the government of
107 the schools, and to transact their business at regular and special
108 meetings called and held in the manner provided by law;

109 (m) To maintain and operate all of the schools under
110 their control for such length of time during the year as may be
111 required;

112 (n) To enforce in the schools the courses of study and
113 the use of the textbooks prescribed by the proper authorities;

114 (o) To make orders directed to the superintendent of
115 schools for the issuance of pay certificates for lawful purposes
116 on any available funds of the district and to have full control of
117 the receipt, distribution, allotment and disbursement of all funds
118 provided for the support and operation of the schools of such
119 school district whether such funds be derived from state
120 appropriations, local ad valorem tax collections, or otherwise.
121 The local school board shall be authorized and empowered to
122 promulgate rules and regulations that specify the types of claims
123 and set limits of the dollar amount for payment of claims by the
124 superintendent of schools to be ratified by the board at the next
125 regularly scheduled meeting after payment has been made;



126 (p) To select all school district personnel in the
127 manner provided by law, and to provide for such employee fringe
128 benefit programs, including accident reimbursement plans, as may
129 be deemed necessary and appropriate by the board;

130 (q) To provide athletic programs and other school
131 activities and to regulate the establishment and operation of such
132 programs and activities;

133 (r) To join, in their discretion, any association of
134 school boards and other public school-related organizations, and
135 to pay from local funds other than minimum foundation funds, any
136 membership dues;

137 (s) To expend local school activity funds, or other
138 available school district funds, other than minimum education
139 program funds, for the purposes prescribed under this paragraph.
140 "Activity funds" shall mean all funds received by school officials
141 in all school districts paid or collected to participate in any
142 school activity, such activity being part of the school program
143 and partially financed with public funds or supplemented by public
144 funds. The term "activity funds" shall not include any funds
145 raised and/or expended by any organization unless commingled in a
146 bank account with existing activity funds, regardless of whether
147 the funds were raised by school employees or received by school
148 employees during school hours or using school facilities, and
149 regardless of whether a school employee exercises influence over
150 the expenditure or disposition of such funds. Organizations shall



151 not be required to make any payment to any school for the use of
152 any school facility if, in the discretion of the local school
153 governing board, the organization's function shall be deemed to be
154 beneficial to the official or extracurricular programs of the
155 school. For the purposes of this provision, the term
156 "organization" shall not include any organization subject to the
157 control of the local school governing board. Activity funds may
158 only be expended for any necessary expenses or travel costs,
159 including advances, incurred by students and their chaperons in
160 attending any in-state or out-of-state school-related programs,
161 conventions or seminars and/or any commodities, equipment, travel
162 expenses, purchased services or school supplies which the local
163 school governing board, in its discretion, shall deem beneficial
164 to the official or extracurricular programs of the district,
165 including items which may subsequently become the personal
166 property of individuals, including yearbooks, athletic apparel,
167 book covers and trophies. Activity funds may be used to pay
168 travel expenses of school district personnel. The local school
169 governing board shall be authorized and empowered to promulgate
170 rules and regulations specifically designating for what purposes
171 school activity funds may be expended. The local school governing
172 board shall provide (i) that such school activity funds shall be
173 maintained and expended by the principal of the school generating
174 the funds in individual bank accounts, or (ii) that such school
175 activity funds shall be maintained and expended by the



176 superintendent of schools in a central depository approved by the
177 board. The local school governing board shall provide that such
178 school activity funds be audited as part of the annual audit
179 required in Section 37-9-18. The State Department of Education
180 shall prescribe a uniform system of accounting and financial
181 reporting for all school activity fund transactions;

182 (t) To enter into an energy performance contract,
183 energy services contract, on a shared_savings, lease or
184 lease-purchase basis, for energy efficiency services and/or
185 equipment as provided for in Section 31-7-14;

186 (u) To maintain accounts and issue pay certificates on
187 school food service bank accounts;

188 (v) (i) To lease a school building from an individual,
189 partnership, nonprofit corporation or a private for-profit
190 corporation for the use of such school district, and to expend
191 funds therefor as may be available from any nonminimum program
192 sources. The school board of the school district desiring to
193 lease a school building shall declare by resolution that a need
194 exists for a school building and that the school district cannot
195 provide the necessary funds to pay the cost or its proportionate
196 share of the cost of a school building required to meet the
197 present needs. The resolution so adopted by the school board
198 shall be published once each week for three (3) consecutive weeks
199 in a newspaper having a general circulation in the school district
200 involved, with the first publication thereof to be made not less



201 than thirty (30) days prior to the date upon which the school
202 board is to act on the question of leasing a school building. If
203 no petition requesting an election is filed prior to such meeting
204 as hereinafter provided, then the school board may, by resolution
205 spread upon its minutes, proceed to lease a school building. If
206 at any time prior to said meeting a petition signed by not less
207 than twenty percent (20%) or fifteen hundred (1500), whichever is
208 less, of the qualified electors of the school district involved
209 shall be filed with the school board requesting that an election
210 be called on the question, then the school board shall, not later
211 than the next regular meeting, adopt a resolution calling an
212 election to be held within such school district upon the question
213 of authorizing the school board to lease a school building. Such
214 election shall be called and held, and notice thereof shall be
215 given, in the same manner for elections upon the questions of the
216 issuance of the bonds of school districts, and the results thereof
217 shall be certified to the school board. If at least three-fifths
218 (3/5) of the qualified electors of the school district who voted
219 in such election shall vote in favor of the leasing of a school
220 building, then the school board shall proceed to lease a school
221 building. The term of the lease contract shall not exceed twenty
222 (20) years, and the total cost of such lease shall be either the
223 amount of the lowest and best bid accepted by the school board
224 after advertisement for bids or an amount not to exceed the
225 current fair market value of the lease as determined by the



226 averaging of at least two (2) appraisals by certified general
227 appraisers licensed by the State of Mississippi. The term "school
228 building" as used in this paragraph (v) (i) shall be construed to
229 mean any building or buildings used for classroom purposes in
230 connection with the operation of schools and shall include the
231 site therefor, necessary support facilities, and the equipment
232 thereof and appurtenances thereto such as heating facilities,
233 water supply, sewage disposal, landscaping, walks, drives and
234 playgrounds. The term "lease" as used in this paragraph (v) (i)
235 may include a lease-purchase contract;

236 (ii) If two (2) or more school districts propose
237 to enter into a lease contract jointly, then joint meetings of the
238 school boards having control may be held but no action taken shall
239 be binding on any such school district unless the question of
240 leasing a school building is approved in each participating school
241 district under the procedure hereinabove set forth in paragraph
242 (v) (i). All of the provisions of paragraph (v) (i) regarding the
243 term and amount of the lease contract shall apply to the school
244 boards of school districts acting jointly. Any lease contract
245 executed by two (2) or more school districts as joint lessees
246 shall set out the amount of the aggregate lease rental to be paid
247 by each, which may be agreed upon, but there shall be no right of
248 occupancy by any lessee unless the aggregate rental is paid as
249 stipulated in the lease contract. All rights of joint lessees



250 under the lease contract shall be in proportion to the amount of
251 lease rental paid by each;

252 (w) To employ all noninstructional and noncertificated
253 employees and fix the duties and compensation of such personnel
254 deemed necessary pursuant to the recommendation of the
255 superintendent of schools;

256 (x) To employ and fix the duties and compensation of
257 such legal counsel as deemed necessary;

258 (y) Subject to rules and regulations of the State Board
259 of Education, to purchase, own and operate trucks, vans and other
260 motor vehicles, which shall bear the proper identification
261 required by law;

262 (z) To expend funds for the payment of substitute
263 teachers and to adopt reasonable regulations for the employment
264 and compensation of such substitute teachers;

265 (aa) To acquire in its own name by purchase all real
266 property which shall be necessary and desirable in connection with
267 the construction, renovation or improvement of any public school
268 building or structure. Whenever the purchase price for such real
269 property is greater than Fifty Thousand Dollars (\$50,000.00), the
270 school board shall not purchase the property for an amount
271 exceeding the fair market value of such property as determined by
272 the average of at least two (2) independent appraisals by
273 certified general appraisers licensed by the State of Mississippi.
274 If the board shall be unable to agree with the owner of any such



275 real property in connection with any such project, the board shall
276 have the power and authority to acquire any such real property by
277 condemnation proceedings pursuant to Section 11-27-1 et seq.,
278 Mississippi Code of 1972, and for such purpose, the right of
279 eminent domain is hereby conferred upon and vested in said board.
280 Provided further, that the local school board is authorized to
281 grant an easement for ingress and egress over sixteenth section
282 land or lieu land in exchange for a similar easement upon
283 adjoining land where the exchange of easements affords substantial
284 benefit to the sixteenth section land; provided, however, the
285 exchange must be based upon values as determined by a competent
286 appraiser, with any differential in value to be adjusted by cash
287 payment. Any easement rights granted over sixteenth section land
288 under such authority shall terminate when the easement ceases to
289 be used for its stated purpose. No sixteenth section or lieu land
290 which is subject to an existing lease shall be burdened by any
291 such easement except by consent of the lessee or unless the school
292 district shall acquire the unexpired leasehold interest affected
293 by the easement;

294 (bb) To charge reasonable fees related to the
295 educational programs of the district, in the manner prescribed in
296 Section 37-7-335;

297 (cc) Subject to rules and regulations of the State
298 Board of Education, to purchase relocatable classrooms for the use



299 of such school district, in the manner prescribed in Section
300 37-1-13;

301 (dd) Enter into contracts or agreements with other
302 school districts, political subdivisions or governmental entities
303 to carry out one or more of the powers or duties of the school
304 board, or to allow more efficient utilization of limited resources
305 for providing services to the public;

306 (ee) To provide for in-service training for employees
307 of the district;

308 (ff) As part of their duties to prescribe the use of
309 textbooks, to provide that parents and legal guardians shall be
310 responsible for the textbooks and for the compensation to the
311 school district for any books which are not returned to the proper
312 schools upon the withdrawal of their dependent child. If a
313 textbook is lost or not returned by any student who drops out of
314 the public school district, the parent or legal guardian shall
315 also compensate the school district for the fair market value of
316 the textbooks;

317 (gg) To conduct fund-raising activities on behalf of
318 the school district that the local school board, in its
319 discretion, deems appropriate or beneficial to the official or
320 extracurricular programs of the district; provided that:

321 (i) Any proceeds of the fund-raising activities
322 shall be treated as "activity funds" and shall be accounted for as
323 are other activity funds under this section; and



324 (ii) Fund-raising activities conducted or
325 authorized by the board for the sale of school pictures, the
326 rental of caps and gowns or the sale of graduation invitations for
327 which the school board receives a commission, rebate or fee shall
328 contain a disclosure statement advising that a portion of the
329 proceeds of the sales or rentals shall be contributed to the
330 student activity fund;

331 (hh) To allow individual lessons for music, art and
332 other curriculum-related activities for academic credit or
333 nonacademic credit during school hours and using school equipment
334 and facilities, subject to uniform rules and regulations adopted
335 by the school board;

336 (ii) To charge reasonable fees for participating in an
337 extracurricular activity for academic or nonacademic credit for
338 necessary and required equipment such as safety equipment, band
339 instruments and uniforms;

340 (jj) To conduct or participate in any fund-raising
341 activities on behalf of or in connection with a tax-exempt
342 charitable organization;

343 (kk) To exercise such powers as may be reasonably
344 necessary to carry out the provisions of this section;

345 (ll) To expend funds for the services of nonprofit arts
346 organizations or other such nonprofit organizations who provide
347 performances or other services for the students of the school
348 district;



349 (mm) To expend federal No Child Left Behind Act funds,
350 or any other available funds that are expressly designated and
351 authorized for that use, to pay training, educational expenses,
352 salary incentives and salary supplements to employees of local
353 school districts; except that incentives shall not be considered
354 part of the local supplement as defined in Section 37-151-5(o),
355 nor shall incentives be considered part of the local supplement
356 paid to an individual teacher for the purposes of Section
357 37-19-7(1). Mississippi Adequate Education Program funds or any
358 other state funds may not be used for salary incentives or salary
359 supplements as provided in this paragraph (mm);

360 (nn) To use any available funds, not appropriated or
361 designated for any other purpose, for reimbursement to the
362 state-licensed employees from both in state and out of state, who
363 enter into a contract for employment in a school district, for the
364 expense of moving when the employment necessitates the relocation
365 of the licensed employee to a different geographical area than
366 that in which the licensed employee resides before entering into
367 the contract. The reimbursement shall not exceed One Thousand
368 Dollars (\$1,000.00) for the documented actual expenses incurred in
369 the course of relocating, including the expense of any
370 professional moving company or persons employed to assist with the
371 move, rented moving vehicles or equipment, mileage in the amount
372 authorized for county and municipal employees under Section
373 25-3-41 if the licensed employee used his personal vehicle or



374 vehicles for the move, meals and such other expenses associated
375 with the relocation. No licensed employee may be reimbursed for
376 moving expenses under this section on more than one (1) occasion
377 by the same school district. Nothing in this section shall be
378 construed to require the actual residence to which the licensed
379 employee relocates to be within the boundaries of the school
380 district that has executed a contract for employment in order for
381 the licensed employee to be eligible for reimbursement for the
382 moving expenses. However, the licensed employee must relocate
383 within the boundaries of the State of Mississippi. Any individual
384 receiving relocation assistance through the Critical Teacher
385 Shortage Act as provided in Section 37-159-5 shall not be eligible
386 to receive additional relocation funds as authorized in this
387 paragraph;

388 (oo) To use any available funds, not appropriated or
389 designated for any other purpose, to reimburse persons who
390 interview for employment as a licensed employee with the district
391 for the mileage and other actual expenses incurred in the course
392 of travel to and from the interview at the rate authorized for
393 county and municipal employees under Section 25-3-41;

394 (pp) Consistent with the report of the Task Force to
395 Conduct a Best Financial Management Practices Review, to improve
396 school district management and use of resources and identify cost
397 savings as established in Section 8 of Chapter 610, Laws of 2002,
398 local school boards are encouraged to conduct independent reviews



399 of the management and efficiency of schools and school districts.
400 Such management and efficiency reviews shall provide state and
401 local officials and the public with the following:

- 402 (i) An assessment of a school district's
403 governance and organizational structure;
- 404 (ii) An assessment of the school district's
405 financial and personnel management;
- 406 (iii) An assessment of revenue levels and sources;
- 407 (iv) An assessment of facilities utilization,
408 planning and maintenance;
- 409 (v) An assessment of food services, transportation
410 and safety/security systems;
- 411 (vi) An assessment of instructional and
412 administrative technology;
- 413 (vii) A review of the instructional management and
414 the efficiency and effectiveness of existing instructional
415 programs; and
- 416 (viii) Recommended methods for increasing
417 efficiency and effectiveness in providing educational services to
418 the public;
- 419 (qq) To enter into agreements with other local school
420 boards for the establishment of an educational service agency
421 (ESA) to provide for the cooperative needs of the region in which
422 the school district is located, as provided in Section 37-7-345;



423 (rr) To implement a financial literacy program for
424 students in Grades 10 and 11. The board may review the national
425 programs and obtain free literature from various nationally
426 recognized programs. After review of the different programs, the
427 board may certify a program that is most appropriate for the
428 school districts' needs. If a district implements a financial
429 literacy program, then any student in Grade 10 or 11 may
430 participate in the program. The financial literacy program shall
431 include, but is not limited to, instruction in the same areas of
432 personal business and finance as required under Section
433 37-1-3(2) (b). The school board may coordinate with volunteer
434 teachers from local community organizations, including, but not
435 limited to, the following: United States Department of
436 Agriculture Rural Development, United States Department of Housing
437 and Urban Development, Junior Achievement, bankers and other
438 nonprofit organizations. Nothing in this paragraph shall be
439 construed as to require school boards to implement a financial
440 literacy program;

441 (ss) To collaborate with the State Board of Education,
442 Community Action Agencies or the Department of Human Services to
443 develop and implement a voluntary program to provide services for
444 a prekindergarten program that addresses the cognitive, social,
445 and emotional needs of four-year-old and three-year-old children.
446 The school board may utilize any source of available revenue to
447 fund the voluntary program. Effective with the 2013-2014 school



448 year, to implement voluntary prekindergarten programs under the
449 Early Learning Collaborative Act of 2013 pursuant to state funds
450 awarded by the State Department of Education on a matching basis;

451 (tt) With respect to any lawful, written obligation of
452 a school district, including, but not limited to, leases
453 (excluding leases of sixteenth section public school trust land),
454 bonds, notes, or other agreement, to agree in writing with the
455 obligee that the Department of Revenue or any state agency,
456 department or commission created under state law may:

457 (i) Withhold all or any part (as agreed by the
458 school board) of any monies which such local school board is
459 entitled to receive from time to time under any law and which is
460 in the possession of the Department of Revenue, or any state
461 agency, department or commission created under state law; and

462 (ii) Pay the same over to any financial
463 institution, trustee or other obligee, as directed in writing by
464 the school board, to satisfy all or part of such obligation of the
465 school district.

466 The school board may make such written agreement to withhold
467 and transfer funds irrevocable for the term of the written
468 obligation and may include in the written agreement any other
469 terms and provisions acceptable to the school board. If the
470 school board files a copy of such written agreement with the
471 Department of Revenue, or any state agency, department or
472 commission created under state law then the Department of Revenue



473 or any state agency, department or commission created under state
474 law shall immediately make the withholdings provided in such
475 agreement from the amounts due the local school board and shall
476 continue to pay the same over to such financial institution,
477 trustee or obligee for the term of the agreement.

478 This paragraph (tt) shall not grant any extra authority to a
479 school board to issue debt in any amount exceeding statutory
480 limitations on assessed value of taxable property within such
481 school district or the statutory limitations on debt maturities,
482 and shall not grant any extra authority to impose, levy or collect
483 a tax which is not otherwise expressly provided for, and shall not
484 be construed to apply to sixteenth section public school trust
485 land;

486 (uu) With respect to any matter or transaction that is
487 competitively bid by a school district, to accept from any bidder
488 as a good-faith deposit or bid bond or bid surety, the same type
489 of good-faith deposit or bid bond or bid surety that may be
490 accepted by the state or any other political subdivision on
491 similar competitively bid matters or transactions. This paragraph
492 (uu) shall not be construed to apply to sixteenth section public
493 school trust land. The school board may authorize the investment
494 of any school district funds in the same kind and manner of
495 investments, including pooled investments, as any other political
496 subdivision, including community hospitals;



497 (vv) To utilize the alternate method for the conveyance
498 or exchange of unused school buildings and/or land, reserving a
499 partial or other undivided interest in the property, as
500 specifically authorized and provided in Section 37-7-485;

501 (ww) To delegate, privatize or otherwise enter into a
502 contract with private entities for the operation of any and all
503 functions of nonacademic school process, procedures and operations
504 including, but not limited to, cafeteria workers, janitorial
505 services, transportation, professional development, achievement
506 and instructional consulting services materials and products,
507 purchasing cooperatives, insurance, business manager services,
508 auditing and accounting services, school safety/risk prevention,
509 data processing and student records, and other staff services;
510 however, the authority under this paragraph does not apply to the
511 leasing, management or operation of sixteenth section lands.
512 Local school districts, working through their regional education
513 service agency, are encouraged to enter into buying consortia with
514 other member districts for the purposes of more efficient use of
515 state resources as described in Section 37-7-345;

516 (xx) To partner with entities, organizations and
517 corporations for the purpose of benefiting the school district;

518 (yy) To borrow funds from the Rural Economic
519 Development Authority for the maintenance of school buildings;

520 (zz) To fund and operate voluntary early childhood
521 education programs, defined as programs for children less than



522 five (5) years of age on or before September 1, and to use any
523 source of revenue for such early childhood education programs.
524 Such programs shall not conflict with the Early Learning
525 Collaborative Act of 2013;

526 (aaa) To issue and provide for the use of procurement
527 cards by school board members, superintendents and licensed school
528 personnel consistent with the rules and regulations of the
529 Mississippi Department of Finance and Administration under Section
530 31-7-9; and

531 (bbb) To conduct an annual comprehensive evaluation of
532 the superintendent of schools consistent with the assessment
533 components of paragraph (pp) of this section and the assessment
534 benchmarks established by the Mississippi School Board Association
535 to evaluate the success the superintendent has attained in meeting
536 district goals and objectives, the superintendent's leadership
537 skill and whether or not the superintendent has established
538 appropriate standards for performance, is monitoring success and
539 is using data for improvement.

540 **SECTION 3.** Section 41-23-37, Mississippi Code of 1972, is
541 amended as follows:

542 41-23-37. Whenever indicated, the State Health Officer shall
543 specify such immunization practices as may be considered best for
544 the control of vaccine preventable diseases. A listing shall be
545 promulgated annually or more often, if necessary.



546 Except as provided hereinafter, it shall be unlawful for any
547 child to attend any school, kindergarten or similar type facility
548 intended for the instruction of children (hereinafter called
549 "schools"), either public or private, with the exception of any
550 legitimate home instruction program as defined in Section
551 37-13-91, Mississippi Code of 1972, for ten (10) or less children
552 who are related within the third degree computed according to the
553 civil law to the operator, unless they shall first have been
554 vaccinated against those diseases specified by the State Health
555 Officer.

556 A certificate of exemption from vaccination for medical
557 reasons may be offered on behalf of a child by a duly licensed
558 physician and may be accepted by the local health officer when, in
559 his opinion, such exemption will not cause undue risk to the
560 community. Any medical exemption from such vaccinations shall be
561 subject to the provisions of Section 1 of this act.

562 Certificates of vaccination shall be issued by local health
563 officers or physicians on forms specified by the Mississippi State
564 Board of Health. These forms shall be the only acceptable means
565 for showing compliance with these immunization requirements, and
566 the responsible school officials shall file the form with the
567 child's record.

568 If a child shall offer to enroll at a school without having
569 completed the required vaccinations, the local health officer may
570 grant a period of time up to ninety (90) days for such completion



571 when, in the opinion of the health officer, such delay will not
572 cause undue risk to the child, the school or the community. No
573 child shall be enrolled without having had at least one (1) dose
574 of each specified vaccine.

575 Within thirty (30) days after the opening of the fall term of
576 school (on or before October 1 of each year) the person in charge
577 of each school shall report to the county or local health officer,
578 on forms provided by the Mississippi State Board of Health, the
579 number of children enrolled by age or grade or both, the number
580 fully vaccinated, the number in process of completing vaccination
581 requirements, and the number exempt from vaccination by reason for
582 such exemption.

583 Within one hundred twenty (120) days after the opening of the
584 fall term (on or before December 31), the person in charge of each
585 school shall certify to the local or county health officer that
586 all children enrolled are in compliance with immunization
587 requirements.

588 For the purpose of assisting in supervising the immunization
589 status of the children the local health officer, or his designee,
590 may inspect the children's records or be furnished certificates of
591 immunization compliance by the school.

592 It shall be the responsibility of the person in charge of
593 each school to enforce the requirements for immunization. Any
594 child not in compliance at the end of ninety (90) days from the
595 opening of the fall term must be suspended until in compliance,



596 unless the health officer shall attribute the delay to lack of
597 supply of vaccine or some other such factor clearly making
598 compliance impossible.

599 Failure to enforce provisions of this section shall
600 constitute a misdemeanor and upon conviction be punishable by fine
601 or imprisonment or both.

602 **SECTION 4.** Section 41-23-43, Mississippi Code of 1972, is
603 amended as follows:

604 41-23-43. (1) As used in this section:

605 (a) "Department" means the Mississippi State Department
606 of Health, Bioterrorism Division;

607 (b) "Director" means the Executive Director of the
608 State Board of Health;

609 (c) "Bioterrorism" means the intentional use of any
610 microorganism, virus, infectious substance or biological product
611 that may be engineered as a result of biotechnology or any
612 naturally occurring or bioengineered component of any
613 microorganism, virus, infectious substance or biological product,
614 to cause or attempt to cause death, disease or other biological
615 malfunction in any living organism;

616 (d) "Disaster locations" means any geographical
617 location where a bioterrorism attack, terrorist attack,
618 catastrophic or natural disaster or emergency occurs;

619 (e) "First responders" means state and local law
620 enforcement personnel, fire department personnel, emergency



621 medical personnel, emergency management personnel and public works
622 personnel who may be deployed to bioterrorism attacks, terrorist
623 attacks, catastrophic or natural disasters and emergencies.

624 (2) The department shall offer a vaccination program for
625 first responders who may be exposed to infectious diseases when
626 deployed to disaster locations. The vaccinations shall include,
627 but are not limited to, hepatitis A vaccination, hepatitis B
628 vaccination, diphtheria-tetanus vaccination, influenza
629 vaccination, pneumococcal vaccination and other vaccinations when
630 recommended by the United States Public Health Service and in
631 accordance with Federal Emergency Management Directors Policy.
632 Immune globulin will be made available when necessary.

633 (3) Participation in the vaccination program shall be
634 voluntary by the first responders, except for first responders who
635 are classified as having "occupational exposure" to blood borne
636 pathogens as defined by the Occupational Safety and Health
637 Administration Standard contained at 29 CFR 1910.10300 who shall
638 be required to take the designated vaccinations or otherwise
639 required by law.

640 (4) A first responder shall be exempt from vaccinations when
641 a written statement from a licensed physician is presented
642 indicating that a vaccine is medically contraindicated for that
643 person or the first responder signs a written statement that the
644 administration of a vaccination conflicts with their religious



645 tenets. Any medical exemption from such vaccinations shall be
646 subject to the provisions of Section 1 of this act.

647 (5) If there is a vaccine shortage, the director, in
648 consultation with the Governor and the Centers for Disease Control
649 and Prevention, shall give priority for vaccination to first
650 responders.

651 (6) The department shall notify first responders to the
652 availability of the vaccination program and shall provide
653 educational materials on ways to prevent exposure to infectious
654 diseases.

655 (7) The department may contract with county and local health
656 departments, not-for-profit home health care agencies, hospitals
657 and physicians to administer a vaccination program for first
658 responders.

659 (8) This section shall be effective upon receipt of federal
660 funding and/or federal grants for administering a first responders
661 vaccination program. Upon receipt of that funding, the department
662 shall make available the vaccines to first responders as provided
663 in this section.

664 **SECTION 5.** Section 43-17-5, Mississippi Code of 1972, is
665 amended as follows:

666 43-17-5. (1) The amount of Temporary Assistance for Needy
667 Families (TANF) benefits which may be granted for any dependent
668 child and a needy caretaker relative shall be determined by the
669 county department with due regard to the resources and necessary



670 expenditures of the family and the conditions existing in each
671 case, and in accordance with the rules and regulations made by the
672 Department of Human Services which shall not be less than the
673 Standard of Need in effect for 1988, and shall be sufficient when
674 added to all other income (except that any income specified in the
675 federal Social Security Act, as amended, may be disregarded) and
676 support available to the child to provide such child with a
677 reasonable subsistence compatible with decency and health. The
678 first family member in the dependent child's budget may receive an
679 amount not to exceed Two Hundred Dollars (\$200.00) per month; the
680 second family member in the dependent child's budget may receive
681 an amount not to exceed Thirty-six Dollars (\$36.00) per month; and
682 each additional family member in the dependent child's budget an
683 amount not to exceed Twenty-four Dollars (\$24.00) per month. The
684 maximum for any individual family member in the dependent child's
685 budget may be exceeded for foster or medical care or in cases of
686 children with an intellectual disability or a physical disability.
687 TANF benefits granted shall be specifically limited only (a) to
688 children existing or conceived at the time the caretaker relative
689 initially applies and qualifies for such assistance, unless this
690 limitation is specifically waived by the department, or (b) to a
691 child born following a twelve-consecutive-month period of
692 discontinued benefits by the caretaker relative.

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



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

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

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

705 (c) Families not assigning to the state any rights a
706 family member may have, on behalf of the family member or of any
707 other person for whom the family member has applied for or is
708 receiving such assistance, to support from any other person, as
709 required by law;

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

712 (e) Any individual who has not attained eighteen (18)
713 years of age, is not married to the head of household, has a minor
714 child at least twelve (12) weeks of age in his or her care, and
715 has not successfully completed a high school education or its
716 equivalent, if such individual does not participate in educational
717 activities directed toward the attainment of a high school diploma
718 or its equivalent, or an alternative educational or training
719 program approved by the department;



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

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

728 (h) Any individual who is a parent or other caretaker
729 relative of a minor child who fails to notify the department of
730 the absence of the minor child from the home for the thirty-day
731 period specified in paragraph (g), by the end of the five-day
732 period that begins with the date that it becomes clear to the
733 individual that the minor child will be absent for the thirty-day
734 period;

735 (i) Any individual who fails to comply with the
736 provisions of the Employability Development Plan signed by the
737 individual which prescribe those activities designed to help the
738 individual become and remain employed, or to participate
739 satisfactorily in the assigned work activity, as authorized under
740 subsection (6) (c) and (d), or who does not engage in applicant job
741 search activities within the thirty-day period for TANF
742 application approval after receiving the advice and consultation
743 of eligibility workers and/or caseworkers of the department



744 providing a detailed description of available job search venues in
745 the individual's county of residence or the surrounding counties;

746 (j) A parent or caretaker relative who has not engaged
747 in an allowable work activity once the department determines the
748 parent or caretaker relative is ready to engage in work, or once
749 the parent or caretaker relative has received TANF assistance
750 under the program for twenty-four (24) months, whether or not
751 consecutive, whichever is earlier;

752 (k) Any individual who is fleeing to avoid prosecution,
753 or custody or confinement after conviction, under the laws of the
754 jurisdiction from which the individual flees, for a crime, or an
755 attempt to commit a crime, which is a felony under the laws of the
756 place from which the individual flees, or who is violating a
757 condition of probation or parole imposed under federal or state
758 law;

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

760 (m) For a period of ten (10) years following
761 conviction, individuals convicted in federal or state court of
762 having made a fraudulent statement or representation with respect
763 to the individual's place of residence in order to receive TANF,
764 food stamps or Supplemental Security Income (SSI) assistance under
765 Title XVI or Title XIX simultaneously from two (2) or more states;

766 (n) Individuals who are recipients of federal
767 Supplemental Security Income (SSI) assistance; and



768 (o) Individuals who are eighteen (18) years of age or
769 older who are not in compliance with the drug testing and
770 substance use disorder treatment requirements of Section 43-17-6.

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

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

777 (ii) The person has not graduated from a public or
778 private high school or obtained a High School Equivalency Diploma
779 equivalent;

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

782 (iv) If the person is a parent or caretaker
783 relative with whom a dependent child is living, child care is
784 available for the child.

785 The monthly attendance requirement under this subsection
786 shall be attendance at the school in which the person is enrolled
787 for each day during a month that the school conducts classes in
788 which the person is enrolled, with not more than two (2) absences
789 during the month for reasons other than the reasons listed in
790 paragraph (e)(iv) of this subsection. Persons who fail to meet
791 participation requirements in this subsection shall be subject to
792 sanctions as provided in paragraph (f) of this subsection.



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

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

796 (ii) A vocational, technical and adult education
797 program; or

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

801 (c) If any compulsory-school-age child, as defined in
802 Section 37-13-91(2), to which TANF eligibility requirements apply
803 is not in compliance with the compulsory school attendance
804 requirements of Section 37-13-91(6), the superintendent of schools
805 of the school district in which the child is enrolled or eligible
806 to attend shall notify the county department of human services of
807 the child's noncompliance. The Department of Human Services shall
808 review school attendance information as provided under this
809 paragraph at all initial eligibility determinations and upon
810 subsequent report of unsatisfactory attendance.

811 (d) The signature of a person on an application for
812 TANF benefits constitutes permission for the release of school
813 attendance records for that person or for any child residing with
814 that person. The department shall request information from the
815 child's school district about the child's attendance in the school
816 district's most recently completed semester of attendance. If
817 information about the child's previous school attendance is not



818 available or cannot be verified, the department shall require the
819 child to meet the monthly attendance requirement for one (1)
820 semester or until the information is obtained. The department
821 shall use the attendance information provided by a school district
822 to verify attendance for a child. The department shall review
823 with the parent or caretaker relative a child's claim that he or
824 she has a good cause for not attending school.

825 A school district shall provide information to the department
826 about the attendance of a child who is enrolled in a public school
827 in the district within five (5) working days of the receipt of a
828 written request for that information from the department. The
829 school district shall define how many hours of attendance count as
830 a full day and shall provide that information, upon request, to
831 the department. In reporting attendance, the school district may
832 add partial days' absence together to constitute a full day's
833 absence.

834 If a school district fails to provide to the department the
835 information about the school attendance of any child within
836 fifteen (15) working days after a written request, the department
837 shall notify the Department of Audit within three (3) working days
838 of the school district's failure to comply with that requirement.
839 The Department of Audit shall begin audit proceedings within five
840 (5) working days of notification by the Department of Human
841 Services to determine the school district's compliance with the
842 requirements of this subsection (4). If the Department of Audit



843 finds that the school district is not in compliance with the
844 requirements of this subsection, the school district shall be
845 penalized as follows: The Department of Audit shall notify the
846 State Department of Education of the school district's
847 noncompliance, and the Department of Education shall reduce the
848 calculation of the school district's average daily attendance
849 (ADA) that is used to determine the allocation of Mississippi
850 Adequate Education Program funds by the number of children for
851 which the district has failed to provide to the Department of
852 Human Services the required information about the school
853 attendance of those children. The reduction in the calculation of
854 the school district's ADA under this paragraph shall be effective
855 for a period of one (1) year.

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

860 (i) The minor parent is the caretaker of a child
861 less than twelve (12) weeks old; or

862 (ii) The department determines that child care
863 services are necessary for the minor parent to attend school and
864 there is no child care available; or

865 (iii) The child is prohibited by the school
866 district from attending school and an expulsion is pending. This
867 exemption no longer applies once the teenager has been expelled;



868 however, a teenager who has been expelled and is making
869 satisfactory progress towards obtaining a High School Equivalency
870 Diploma equivalent shall be eligible for TANF benefits; or

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

873 1. Illness, injury or incapacity of the child
874 or the minor parent's child;

875 2. Court-required appearances or temporary
876 incarceration;

877 3. Medical or dental appointments for the
878 child or minor parent's child;

879 4. Death of a close relative;

880 5. Observance of a religious holiday;

881 6. Family emergency;

882 7. Breakdown in transportation;

883 8. Suspension; or

884 9. Any other circumstance beyond the control
885 of the child, as defined in regulations of the department.

886 (f) Upon determination that a child has failed without
887 good cause to attend school as required, the department shall
888 provide written notice to the parent or caretaker relative
889 (whoever is the primary recipient of the TANF benefits) that
890 specifies:

891 (i) That the family will be sanctioned in the next
892 possible payment month because the child who is required to attend



893 school has failed to meet the attendance requirement of this
894 subsection;

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

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

900 The child's parent or caretaker relative (whoever is the
901 primary recipient of the TANF benefits) may request a fair hearing
902 on the department's determination that the child has not been
903 attending school. If the child's parents or caretaker relative
904 does not request a fair hearing under this subsection, or if,
905 after a fair hearing has been held, the hearing officer finds that
906 the child without good cause has failed to meet the monthly
907 attendance requirement, the department shall discontinue or deny
908 TANF benefits to the child thirteen (13) years old, or older, in
909 the next possible payment month. The department shall discontinue
910 or deny twenty-five percent (25%) of the family grant when a child
911 six (6) through twelve (12) years of age without good cause has
912 failed to meet the monthly attendance requirement. Both the child
913 and family sanction may apply when children in both age groups
914 fail to meet the attendance requirement without good cause. A
915 sanction applied under this subsection shall be effective for one
916 (1) month for each month that the child failed to meet the monthly
917 attendance requirement. In the case of a dropout, the sanction



918 shall remain in force until the parent or caretaker relative
919 provides written proof from the school district that the child has
920 reenrolled and met the monthly attendance requirement for one (1)
921 calendar month. Any month in which school is in session for at
922 least ten (10) days during the month may be used to meet the
923 attendance requirement under this subsection. This includes
924 attendance at summer school. The sanction shall be removed the
925 next possible payment month.

926 (5) All parents or caretaker relatives shall have their
927 dependent children receive vaccinations and booster vaccinations
928 against those diseases specified by the State Health Officer under
929 Section 41-23-37 in accordance with the vaccination and booster
930 vaccination schedule prescribed by the State Health Officer for
931 children of that age, in order for the parents or caretaker
932 relatives to be eligible or remain eligible to receive TANF
933 benefits. Proof of having received such vaccinations and booster
934 vaccinations shall be given by presenting the certificates of
935 vaccination issued by any health care provider licensed to
936 administer vaccinations, and submitted on forms specified by the
937 State Board of Health. If the parents without good cause do not
938 have their dependent children receive the vaccinations and booster
939 vaccinations as required by this subsection and they fail to
940 comply after thirty (30) days' notice, the department shall
941 sanction the family's TANF benefits by twenty-five percent (25%)
942 for the next payment month and each subsequent payment month until



943 the requirements of this subsection are met. Any medical
944 exemption from such vaccinations shall be subject to the
945 provisions of Section 1 of this act.

946 (6) (a) If the parent or caretaker relative applying for
947 TANF assistance is work eligible, as determined by the Department
948 of Human Services, the person shall be required to engage in an
949 allowable work activity once the department determines the parent
950 or caretaker relative is determined work eligible, or once the
951 parent or caretaker relative has received TANF assistance under
952 the program for twenty-four (24) months, whether or not
953 consecutive, whichever is earlier. No TANF benefits shall be
954 given to any person to whom this section applies who fails without
955 good cause to comply with the Employability Development Plan
956 prepared by the department for the person, or who has refused to
957 accept a referral or offer of employment, training or education in
958 which he or she is able to engage, subject to the penalties
959 prescribed in paragraph (e) of this subsection. A person shall be
960 deemed to have refused to accept a referral or offer of
961 employment, training or education if he or she:

962 (i) Willfully fails to report for an interview
963 with respect to employment when requested to do so by the
964 department; or

965 (ii) Willfully fails to report to the department
966 the result of a referral to employment; or



967 (iii) Willfully fails to report for allowable work
968 activities as prescribed in paragraphs (c) and (d) of this
969 subsection.

970 (b) The Department of Human Services shall operate a
971 statewide work program for TANF recipients to provide work
972 activities and supportive services to enable families to become
973 self-sufficient and improve their competitive position in the
974 workforce in accordance with the requirements of the federal
975 Personal Responsibility and Work Opportunity Reconciliation Act of
976 1996 (Public Law 104-193), as amended, and the regulations
977 promulgated thereunder, and the Deficit Reduction Act of 2005
978 (Public Law 109-171), as amended. Within sixty (60) days after
979 the initial application for TANF benefits, the TANF recipient must
980 participate in a job search skills training workshop or a job
981 readiness program, which shall include resume writing, job search
982 skills, employability skills and, if available at no charge, the
983 General Aptitude Test Battery or its equivalent. All adults who
984 are not specifically exempt shall be referred by the department
985 for allowable work activities. An adult may be exempt from the
986 mandatory work activity requirement for the following reasons:

987 (i) Incapacity;

988 (ii) Temporary illness or injury, verified by
989 physician's certificate;

990 (iii) Is in the third trimester of pregnancy, and
991 there are complications verified by the certificate of a



992 physician, nurse practitioner, physician assistant, or any other
993 licensed health care professional practicing under a protocol with
994 a licensed physician;

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

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

1000 (vi) Age, if over sixty (60) or under eighteen
1001 (18) years of age;

1002 (vii) Receiving treatment for substance abuse, if
1003 the person is in compliance with the substance abuse treatment
1004 plan;

1005 (viii) In a two-parent family, the caretaker of a
1006 severely disabled child, as verified by a physician's certificate;
1007 or

1008 (ix) History of having been a victim of domestic
1009 violence, which has been reported as required by state law and is
1010 substantiated by police reports or court records, and being at
1011 risk of further domestic violence, shall be exempt for a period as
1012 deemed necessary by the department but not to exceed a total of
1013 twelve (12) months, which need not be consecutive, in the
1014 sixty-month maximum benefit period. For the purposes of this
1015 subparagraph (ix), "domestic violence" means that an individual
1016 has been subjected to:



- 1017 1. Physical acts that resulted in, or
1018 threatened to result in, physical injury to the individual;
1019 2. Sexual abuse;
1020 3. Sexual activity involving a dependent
1021 child;
1022 4. Being forced as the caretaker relative of
1023 a dependent child to engage in nonconsensual sexual acts or
1024 activities;
1025 5. Threats of, or attempts at, physical or
1026 sexual abuse;
1027 6. Mental abuse; or
1028 7. Neglect or deprivation of medical care.

1029 (c) For all families, all adults who are not
1030 specifically exempt shall be required to participate in work
1031 activities for at least the minimum average number of hours per
1032 week specified by federal law or regulation, not fewer than twenty
1033 (20) hours per week (thirty-five (35) hours per week for
1034 two-parent families) of which are attributable to the following
1035 allowable work activities:

- 1036 (i) Unsubsidized employment;
1037 (ii) Subsidized private employment;
1038 (iii) Subsidized public employment;
1039 (iv) Work experience (including work associated
1040 with the refurbishing of publicly assisted housing), if sufficient
1041 private employment is not available;



1042 (v) On-the-job training;
1043 (vi) Job search and job readiness assistance
1044 consistent with federal TANF regulations;
1045 (vii) Community service programs;
1046 (viii) Vocational educational training (not to
1047 exceed twelve (12) months with respect to any individual);
1048 (ix) The provision of child care services to an
1049 individual who is participating in a community service program;
1050 (x) Satisfactory attendance at high school or in a
1051 course of study leading to a high school equivalency certificate,
1052 for heads of household under age twenty (20) who have not
1053 completed high school or received such certificate;
1054 (xi) Education directly related to employment, for
1055 heads of household under age twenty (20) who have not completed
1056 high school or received such equivalency certificate.
1057 (d) The following are allowable work activities which
1058 may be attributable to hours in excess of the minimum specified in
1059 paragraph (c) of this subsection:
1060 (i) Job skills training directly related to
1061 employment;
1062 (ii) Education directly related to employment for
1063 individuals who have not completed high school or received a high
1064 school equivalency certificate;
1065 (iii) Satisfactory attendance at high school or in
1066 a course of study leading to a high school equivalency, for



1067 individuals who have not completed high school or received such
1068 equivalency certificate;

1069 (iv) Job search and job readiness assistance
1070 consistent with federal TANF regulations.

1071 (e) If any adult or caretaker relative refuses to
1072 participate in allowable work activity as required under this
1073 subsection (6), the following full family TANF benefit penalty
1074 will apply, subject to due process to include notification,
1075 conciliation and a hearing if requested by the recipient:

1076 (i) For the first violation, the department shall
1077 terminate the TANF assistance otherwise payable to the family for
1078 a two-month period or until the person has complied with the
1079 required work activity, whichever is longer;

1080 (ii) For the second violation, the department
1081 shall terminate the TANF assistance otherwise payable to the
1082 family for a six-month period or until the person has complied
1083 with the required work activity, whichever is longer;

1084 (iii) For the third violation, the department
1085 shall terminate the TANF assistance otherwise payable to the
1086 family for a twelve-month period or until the person has complied
1087 with the required work activity, whichever is longer;

1088 (iv) For the fourth violation, the person shall be
1089 permanently disqualified.

1090 For a two-parent family, unless prohibited by state or
1091 federal law, Medicaid assistance shall be terminated only for the



1092 person whose failure to participate in allowable work activity
1093 caused the family's TANF assistance to be sanctioned under this
1094 paragraph (e), unless an individual is pregnant, but shall not be
1095 terminated for any other person in the family who is meeting that
1096 person's applicable work requirement or who is not required to
1097 work. Minor children shall continue to be eligible for Medicaid
1098 benefits regardless of the disqualification of their parent or
1099 caretaker relative for TANF assistance under this subsection (6),
1100 unless prohibited by state or federal law.

1101 (f) Any person enrolled in a two-year or four-year
1102 college program who meets the eligibility requirements to receive
1103 TANF benefits, and who is meeting the applicable work requirements
1104 and all other applicable requirements of the TANF program, shall
1105 continue to be eligible for TANF benefits while enrolled in the
1106 college program for as long as the person meets the requirements
1107 of the TANF program, unless prohibited by federal law.

1108 (g) No adult in a work activity required under this
1109 subsection (6) shall be employed or assigned (i) when any other
1110 individual is on layoff from the same or any substantially
1111 equivalent job within six (6) months before the date of the TANF
1112 recipient's employment or assignment; or (ii) if the employer has
1113 terminated the employment of any regular employee or otherwise
1114 caused an involuntary reduction of its workforce in order to fill
1115 the vacancy so created with an adult receiving TANF assistance.
1116 The Mississippi Department of Employment Security, established



1117 under Section 71-5-101, shall appoint one or more impartial
1118 hearing officers to hear and decide claims by employees of
1119 violations of this paragraph (g). The hearing officer shall hear
1120 all the evidence with respect to any claim made hereunder and such
1121 additional evidence as he may require and shall make a
1122 determination and the reason therefor. The claimant shall be
1123 promptly notified of the decision of the hearing officer and the
1124 reason therefor. Within ten (10) days after the decision of the
1125 hearing officer has become final, any party aggrieved thereby may
1126 secure judicial review thereof by commencing an action, in the
1127 circuit court of the county in which the claimant resides, against
1128 the department for the review of such decision, in which action
1129 any other party to the proceeding before the hearing officer shall
1130 be made a defendant. Any such appeal shall be on the record which
1131 shall be certified to the court by the department in the manner
1132 provided in Section 71-5-531, and the jurisdiction of the court
1133 shall be confined to questions of law which shall render its
1134 decision as provided in that section.

1135 (7) The Department of Human Services may provide child care
1136 for eligible participants who require such care so that they may
1137 accept employment or remain employed. The department may also
1138 provide child care for those participating in the TANF program
1139 when it is determined that they are satisfactorily involved in
1140 education, training or other allowable work activities. The
1141 department may contract with Head Start agencies to provide child



1142 care services to TANF recipients. The department may also arrange
1143 for child care by use of contract or vouchers, provide vouchers in
1144 advance to a caretaker relative, reimburse a child care provider,
1145 or use any other arrangement deemed appropriate by the department,
1146 and may establish different reimbursement rates for child care
1147 services depending on the category of the facility or home. Any
1148 center-based or group home child care facility under this
1149 subsection shall be licensed by the State Department of Health
1150 pursuant to law. When child care is being provided in the child's
1151 own home, in the home of a relative of the child, or in any other
1152 unlicensed setting, the provision of such child care may be
1153 monitored on a random basis by the Department of Human Services or
1154 the State Department of Health. Transitional child care
1155 assistance may be continued if it is necessary for parents to
1156 maintain employment once support has ended, unless prohibited
1157 under state or federal law. Transitional child care assistance
1158 may be provided for up to twenty-four (24) months after the last
1159 month during which the family was eligible for TANF assistance, if
1160 federal funds are available for such child care assistance.

1161 (8) The Department of Human Services may provide
1162 transportation or provide reasonable reimbursement for
1163 transportation expenses that are necessary for individuals to be
1164 able to participate in allowable work activity under the TANF
1165 program.



1166 (9) Medicaid assistance shall be provided to a family of
1167 TANF program participants for up to twenty-four (24) consecutive
1168 calendar months following the month in which the participating
1169 family would be ineligible for TANF benefits because of increased
1170 income, expiration of earned income disregards, or increased hours
1171 of employment of the caretaker relative; however, Medicaid
1172 assistance for more than twelve (12) months may be provided only
1173 if a federal waiver is obtained to provide such assistance for
1174 more than twelve (12) months and federal and state funds are
1175 available to provide such assistance.

1176 (10) The department shall require applicants for and
1177 recipients of public assistance from the department to sign a
1178 personal responsibility contract that will require the applicant
1179 or recipient to acknowledge his or her responsibilities to the
1180 state.

1181 (11) The department shall enter into an agreement with the
1182 State Personnel Board and other state agencies that will allow
1183 those TANF participants who qualify for vacant jobs within state
1184 agencies to be placed in state jobs. State agencies participating
1185 in the TANF work program shall receive any and all benefits
1186 received by employers in the private sector for hiring TANF
1187 recipients. This subsection (11) shall be effective only if the
1188 state obtains any necessary federal waiver or approval and if
1189 federal funds are available therefor. Not later than September 1,
1190 2021, the department shall prepare a report, which shall be



1191 provided to the Chairmen of the House and Senate Public Health
1192 Committees and to any other member of the Legislature upon
1193 request, on the history, status, outcomes and effectiveness of the
1194 agreements required under this subsection.

1195 (12) Any unspent TANF funds remaining from the prior fiscal
1196 year may be expended for any TANF allowable activities.

1197 (13) The Mississippi Department of Human Services shall
1198 provide TANF applicants information and referral to programs that
1199 provide information about birth control, prenatal health care,
1200 abstinence education, marriage education, family preservation and
1201 fatherhood. Not later than September 1, 2021, the department
1202 shall prepare a report, which shall be provided to the Chairmen of
1203 the House and Senate Public Health Committees and to any other
1204 member of the Legislature upon request, on the history, status,
1205 outcomes and effectiveness of the information and referral
1206 requirements under this subsection.

1207 (14) No new TANF program requirement or restriction
1208 affecting a person's eligibility for TANF assistance, or allowable
1209 work activity, which is not mandated by federal law or regulation
1210 may be implemented by the Department of Human Services after July
1211 1, 2004, unless such is specifically authorized by an amendment to
1212 this section by the Legislature.

1213 **SECTION 6.** This act shall take effect and be in force from
1214 and after July 1, 2024.

