MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representative Hines

To: Youth and Family Affairs; Public Health and Human Services

HOUSE BILL NO. 31

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Legal fees for housing acquisition.

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

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

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

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

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

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

(c) Very low-income persons.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(7) The Mississippi Department of Child Protection Services shall submit a copy of the federal Annual Progress and Services Report (APSR) to the Chair of the Senate Public Health and Welfare Committee, the Chair of the Senate Appropriations Committee, the Chair of the House Public Health and Human Services Committee, the Chair of the House Appropriations Committee, the Lieutenant Governor, the Speaker of the House of Representatives, and the Governor by December 1 of each year.

(8) (a) The Commissioner of Child Protection Services shall hire a Coordinator of Services for Victims of Human Trafficking and Commercial Sexual Exploitation within the Department of Child Protection Services whose duties shall include, but not be limited to, the following:

(i) To form specialized human trafficking and commercial sexual exploitation assessment teams to respond on an as-needed basis to act as an emergency, separate and specialized response and assessment team to rapidly respond to the needs of children who are victims of human trafficking and commercial sexual exploitation;

(ii) To identify victims of human trafficking and commercial sexual exploitation;

(iii) To monitor, record and distribute federal human trafficking funds received by the Department of Child Protection Services;

(iv) To employ staff to investigate allegations of human trafficking and commercial sexual exploitation; and

(v) To develop and coordinate services within the Department of Child Protection Services and with outside service providers for victims of human trafficking and commercial sexual exploitation.

(b) The Commissioner of Child Protection Services shall develop standard operating procedures for the investigation, custody and services provided to alleged victims of human trafficking and commercial sexual exploitation.

(c) The Commissioner shall require two (2) hours of training regarding the subject of identifying, assessing, and providing comprehensive services to a child who has experienced or is alleged to have experienced commercial sexual exploitation or

human trafficking. The training must be incorporated into the pre-service training requirements of all Mississippi Department of Child Protection Services family specialists, adoption specialists, licensure specialists, direct supervisors of family protection specialists, direct supervisors of adoption specialists, and direct supervisors of licensure specialists.

SECTION 11. This act shall take effect and be in force from and after July 1, 2021.