

By: Representative Smith (35th)

To: Public Health and
Welfare

HOUSE BILL NO. 521

1 AN ACT TO AMEND SECTION 43-20-8, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT EMPLOYEES OF CHILD CARE FACILITIES SHALL BE ALLOWED
3 TO EXERCISE OR PRACTICE THEIR RELIGIOUS FAITH IN CONNECTION WITH
4 THE OPERATION OF THE FACILITY, INCLUDING DETERMINING THE CONTENT
5 OF ANY CURRICULUM TAUGHT OR USED AT THE FACILITY; TO PROHIBIT THE
6 CHILD CARE FACILITY LICENSING AGENCY FROM ADOPTING ANY RULE,
7 REGULATION OR POLICY THAT WOULD LIMIT, RESTRICT, DISCRIMINATE
8 AGAINST OR OTHERWISE AFFECT ANY CHILD CARE FACILITY OR EMPLOYEE OF
9 A CHILD CARE FACILITY ON ISSUES OF THE EXERCISE OR PRACTICE OF
10 RELIGIOUS FAITH IN THE OPERATION OF THE FACILITY; TO AMEND SECTION
11 43-20-15, MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE PRECEDING
12 PROVISION; AND FOR RELATED PURPOSES.

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

14 SECTION 1. Section 43-20-8, Mississippi Code of 1972, is
15 amended as follows:

16 43-20-8. (1) The licensing agency shall have powers and
17 duties as set forth below in addition to other duties prescribed
18 under this chapter:

19 (a) Promulgate rules and regulations concerning the
20 licensing and regulation of child care facilities as defined
21 herein;

22 (b) Have the authority to issue, deny, suspend, revoke,
23 restrict or otherwise take disciplinary action against licensees
24 as provided for in this chapter;

25 (c) Set and collect fees and penalties as provided for
26 in this chapter; and

27 (d) Have such other powers as may be required to carry
28 out the provisions of this chapter.

29 (2) Employees of child care facilities shall be allowed to
30 exercise or practice their religious faith in connection with the
31 operation of the facility, including determining the content of

32 any curriculum taught or used at the facility. The licensing
33 agency shall not adopt any rule, regulation or policy that would
34 limit, restrict, discriminate against or otherwise affect any
35 child care facility or employee of a child care facility on issues
36 of the exercise or practice of religious faith in the operation of
37 the facility, including determining the content of any curriculum
38 taught or used at the facility.

39 (3) Child care facilities shall assure that parents have
40 welcome access to the child care facility at all times.

41 (4) Child care facilities shall require that current felony
42 conviction record information is obtained and that current sex
43 offense criminal history record information and child abuse
44 registry checks are obtained, as provided in Section 45-31-1 et
45 seq., and that such criminal record information and registry
46 checks are on file for any employee or applicant for employment at
47 such child care facility. In order to determine the applicant's
48 suitability for employment, the applicant shall be fingerprinted.

49 If no disqualifying record is identified at the state level, the
50 fingerprints shall be forwarded by the Department of Public Safety
51 to the FBI for a national criminal history record check.

52 (5) The licensing agency shall require to be performed a
53 felony conviction records check, a sex offense criminal records
54 check and a child abuse registry check for any owner/operator of a
55 child care facility and any person living in a residence used for
56 child care. In order to determine the applicant's suitability for
57 employment, the applicant shall be fingerprinted. If no
58 disqualifying record is identified at the state level, the
59 fingerprints shall be forwarded by the Department of Public Safety
60 to the FBI for a national criminal history record check.

61 SECTION 2. Section 43-20-15, Mississippi Code of 1972, is
62 amended as follows:

63 43-20-15. The licensing agency shall make or cause to be
64 made inspections relative to compliance with the laws and
65 regulations governing the licensure of child care facilities. Such
66 inspections shall be made at least once a year but additional
67 inspections may be made as often as deemed necessary by the
68 licensing agency. In any inspection of a child care facility, the

69 licensing agency shall not take any action that would limit,
70 restrict, discriminate against or otherwise affect the facility or
71 any employee of the facility on issues of the exercise or practice
72 of religious faith in the operation of the facility, including
73 determining the content of any curriculum taught or used at the
74 facility.

75 SECTION 3. This act shall take effect and be in force from
76 and after July 1, 1999.