

By: Senator(s) Nunnelee

To: Public Health and
Welfare; Education

SENATE BILL NO. 2092

1 AN ACT TO AMEND SECTION 43-20-5, MISSISSIPPI CODE OF 1972, TO
2 EXEMPT FROM THE CHILD CARE LICENSING LAW ANY SCHOOL THAT IS A
3 MEMBER OF THE ASSOCIATION OF CHRISTIAN SCHOOLS INTERNATIONAL; AND
4 FOR RELATED PURPOSES.

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

6 SECTION 1. Section 43-20-5, Mississippi Code of 1972, is
7 amended as follows:

8 43-20-5. When used in this chapter, the following words
9 shall have the following meanings:

10 (a) "Child care facility" means a place which provides
11 shelter and personal care for six (6) or more children who are not
12 related within the third degree computed according to the civil
13 law to the operator and who are under thirteen (13) years of age,
14 for any part of the 24-hour day, whether such place be organized
15 or operated for profit or not. The term "child care facility"
16 includes day nurseries, day care centers and any other facility
17 that falls within the scope of the definitions set forth above,
18 regardless of auspices. The following shall be exempt from this
19 chapter:

20 (i) Child care facilities which operate for no
21 more than two (2) days a week, whose primary purpose is to provide
22 respite for the caregiver or temporary care during other scheduled
23 or related activities and organized programs which operate for
24 three (3) or less weeks per year such as, but not limited to,
25 vacation bible schools and scout day camps * * *.

26 (ii) * * * Any child residential home as defined
27 in, and in compliance with the provisions of, Section 43-16-3(b)

28 et seq.

29 (iii) * * * Any elementary, including
30 kindergarten, and/or secondary school system, accredited by the
31 Mississippi State Department of Education, the Southern
32 Association of Colleges and Schools or the Mississippi Private
33 School Education Association.

34 (iv) * * * Any Headstart program operating in
35 conjunction with an elementary school system, whether it be
36 public, private or parochial, whose primary purpose is a
37 structured school or school readiness program.

38 (v) * * * Any membership organization affiliated
39 with a national organization which charges only a nominal annual
40 membership fee, does not receive monthly, weekly or daily payments
41 for services, and is certified by its national association as
42 being in compliance with the association's minimum standards and
43 procedures, including, but not limited to, the Boys and Girls Club
44 of America, and the YMCA.

45 (vi) Any school that is a member of the
46 Association of Christian Schools International.

47 All other preschool child care programs and/or extended day
48 school programs must meet requirements set forth in this chapter.

49 (b) "Health" means that condition of being sound in
50 mind and body and encompasses an individual's physical, mental and
51 emotional welfare.

52 (c) "Safety" means that condition of being protected
53 from hurt, injury or loss.

54 (d) "Person" means any person, firm, partnership,
55 corporation or association.

56 (e) "Operator" means any person, acting individually or
57 jointly with another person or persons, who shall establish, own,
58 operate, conduct or maintain a child care facility.

59 (f) "Personal care" means assistance rendered by
60 personnel of the child care facility in performing one or more of

61 the activities of daily living, which includes, but is not limited
62 to, the feeding, personal grooming, supervising and dressing of
63 children placed in the child care facility.

64 (g) "Licensing agency" means the Mississippi State
65 Department of Health.

66 SECTION 2. This act shall take effect and be in force from
67 and after July 1, 1999.