

By: Reeves, Smith (35th)

To: Public Health and  
Welfare

HOUSE BILL NO. 1065

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  
3 ACCREDITED BY OR IS A MEMBER OF A NATIONALLY-RECOGNIZED  
4 ACCREDITING ASSOCIATION OR NATIONAL PRIVATE SCHOOL ASSOCIATION  
5 HOLDING MEMBERSHIP IN THE COUNCIL OF AMERICAN PRIVATE EDUCATION,  
6 THE ASSOCIATION OF CHRISTIAN SCHOOLS INTERNATIONAL OR THE AMERICAN  
7 ASSOCIATION OF CHRISTIAN SCHOOLS; AND FOR RELATED PURPOSES.

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

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

11 43-20-5. When used in this chapter, the following words  
12 shall have the following meanings:

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

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

29           (ii) \* \* \* Any child residential home as defined  
30 in, and in compliance with the provisions of, Section 43-16-3(b)  
31 et seq.

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

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

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

48           (vi) Any school that is accredited by, has been  
49 successfully evaluated by or is a member of a  
50 nationally-recognized accrediting association or national private  
51 school association holding membership in the Council of American  
52 Private Education, the Association of Christian Schools  
53 International or the American Association of Christian Schools.

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

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

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

61           (d) "Person" means any person, firm, partnership,

62 corporation or association.

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

66           (f) "Personal care" means assistance rendered by  
67 personnel of the child care facility in performing one or more of  
68 the activities of daily living, which includes, but is not limited  
69 to, the feeding, personal grooming, supervising and dressing of  
70 children placed in the child care facility.

71           (g) "Licensing agency" means the Mississippi State  
72 Department of Health.

73           SECTION 2. This act shall take effect and be in force from  
74 and after July 1, 2000.