

By: Senator(s) Huggins

To: Public Health and Welfare

SENATE BILL NO. 2268

1 AN ACT TO AMEND SECTION 43-20-5, MISSISSIPPI CODE OF 1972, TO  
2 CLARIFY CERTAIN EXEMPTIONS AND PROVIDE CERTAIN DEFINITIONS UNDER  
3 THE CHILD CARE FACILITY LICENSURE LAW; AND FOR RELATED PURPOSES.

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

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

7 43-20-5. When used in this chapter, the following words  
8 shall have the following meanings:

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

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

25 (ii) \* \* \* Any child residential home as defined  
26 in, and in compliance with the provisions of, Section 43-16-3(b)  
27 et seq., Mississippi Code of 1972.

28                    (iii) \* \* \* Any elementary, including  
29 kindergarten, and/or secondary school system, accredited by the  
30 Mississippi State Department of Education, the Southern  
31 Association of Colleges and Schools, the Mississippi Private  
32 School Education Association, the American Association of  
33 Christian Schools, the Association of Christian Schools  
34 International, and any Headstart program operating in conjunction  
35 with an elementary school system, whether it be public, private or  
36 parochial, whose primary purpose is a structured school or school  
37 readiness program.

38                    (iv) Accreditation, for the purpose of exemption  
39 from the provisions of this section, shall mean 1. receipt by any  
40 school or school system of full accreditation from an accrediting  
41 entity listed within this paragraph, or 2. proof of application by  
42 the school or school system for accreditation status from the  
43 accrediting entity. Proof of application for accreditation status  
44 shall include, but not be limited to, a copy of the applicant's  
45 completed application for accreditation filed with the licensing  
46 agency and a letter or other authenticating documentation from a  
47 signatory authority with the accrediting entity that the  
48 application for accreditation has been received and that the  
49 applicant is currently under consideration or review for full  
50 accreditation status by the accrediting entity. An exemption for  
51 a nonaccredited applicant under this paragraph shall be for a  
52 maximum of one (1) year from the receipt date by the licensing  
53 agency of the completed documentation for proof of application for  
54 accreditation status. Failure to receive full accreditation by  
55 the end of the one-year exemption period for a nonaccredited  
56 applicant shall result in the nonaccredited applicant no longer  
57 remaining exempt from the provisions of this chapter at the end of  
58 the one-year period. However, if full accreditation is not  
59 received by the end of the one-year exemption period, the State  
60 Board of Health, in its discretion, may extend the exemption

61 period for any nonaccredited applicant for periods of six (6)  
62 months, with the total extension not to exceed one (1) year.  
63 During any such extension periods, the board shall have the  
64 authority to enforce child care facility licensure provisions  
65 relating to the health and safety of the children in the school or  
66 school system. If a nonaccredited applicant fails to receive full  
67 accreditation by the end of all extended exemption periods, the  
68 applicant shall no longer remain exempt from the provisions of  
69 this chapter at the end of the extended exemption periods. This  
70 subparagraph (iv) shall stand repealed on July 1, 2003.

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

78 (vi) Any family child care home as defined in  
79 Section 43-20-53(a) et seq., Mississippi Code of 1972.

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

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

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

87 (d) "Person" means any person, firm, partnership,  
88 corporation or association.

89 (e) "Operator" means any person, acting individually or  
90 jointly with another person or persons, who shall establish, own,  
91 operate, conduct or maintain a child care facility. The child  
92 care facility license shall be issued in the name of the operator,  
93 or, if there is more than one (1) operator, in the name of one (1)

94 of the operators. In the event that there is more than one (1)  
95 operator, all statutory and regulatory provisions concerning the  
96 background checks of operators shall be equally applied to all  
97 operators of a facility, including, but not limited to, a spouse  
98 who jointly owns, operates or maintains the child care facility  
99 regardless of which particular person is named on the license.

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

105 (g) "Licensing agency" means the Mississippi State  
106 Department of Health.

107 (h) "Caregiver" means any person who provides direct  
108 care, supervision or guidance to children in a child care  
109 facility, regardless of title or occupation.

110 SECTION 2. This act shall take effect and be in force from  
111 and after July 1, 2001.