To: Public Health and Welfare; Appropriations

MISSISSIPPI LEGISLATURE                        REGULAR SESSION 2001
By: Senator(s) Harden

SENATE BILL NO. 2585

AN ACT RELATING TO CHILD CARE FACILITIES AND STAFF; TO PROVIDE THAT THE DEPARTMENT OF HUMAN SERVICES AND THE STATE DEPARTMENT OF EDUCATION SHALL DEVELOP AND PROMULGATE CERTAIN MINIMUM STANDARDS FOR SUBSIDIZED CHILD CARE FACILITIES RELATING TO CLASS SIZE, TEACHER-PUPIL RATIO, STAFF EDUCATION REQUIREMENTS AND CORE CURRICULUM; TO PROVIDE THAT THE DEPARTMENT OF HUMAN SERVICES, IN COLLABORATION WITH THE BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING, THE STATE BOARD FOR COMMUNITY AND JUNIOR COLLEGES AND THE STATE DEPARTMENT OF EDUCATION SHALL PROVIDE AN ANNUAL STAFF DEVELOPMENT TRAINING PROGRAM FOR CHILD CARE FACILITY STAFF; TO PROVIDE FOR A SCHOLARSHIP PROGRAM FOR CHILD CARE DIRECTORS, TEACHERS AND STAFF; TO AUTHORIZE A SALARY SUPPLEMENT INCENTIVE PROGRAM FOR SUCH CHILD CARE DIRECTORS, TEACHERS AND STAFF; TO PROVIDE THAT SUCH PROGRAMS SHALL BE FUNDED FROM FEDERAL CHILD CARE AND DEVELOPMENT BLOCK GRANT FUNDS; TO AUTHORIZE THE DEPARTMENT OF HUMAN SERVICES TO ENTER INTO CONTRACTS FOR THE PROGRAM; TO PROVIDE FOR A CHILD CARE FACILITY INVESTMENT PROGRAM TO ASSIST IN INFRASTRUCTURE IMPROVEMENTS AT CHILD CARE FACILITIES; TO AMEND SECTION 41-3-1, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT ONE MEMBER OF THE STATE BOARD OF HEALTH SHALL BE A CHILD CARE FACILITY PROVIDER; TO AMEND SECTION 43-20-8, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE STATE DEPARTMENT OF HEALTH SHALL NOT BE AUTHORIZED TO ISSUE MINIMUM STAFF EDUCATION STANDARDS, TEACHER-PUPIL RATIOS OR CORE CURRICULUM REQUIREMENTS FOR LICENSED CHILD CARE FACILITIES; AND FOR RELATED PURPOSES.

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

SECTION 1. (1) To ensure that all preschool children have access to quality child care services, the Legislature hereby finds and declares that:

(a) Parents have the primary duty to educate their children.

(b) Quality early childhood experiences are important to the development of children's school readiness.

(c) The State of Mississippi can assist parents in their role as the primary caregivers and educators by improving the quality of available child care.
(d) The most important indicators of the quality of child care are the education, compensation and consistency of the teachers.

(e) Southeastern states that have developed effective child care scholarship and salary supplement programs have been proven to increase child care staff's education level and improve the consistency of the teachers by reducing child care staff turnover.

(2) The Department of Human Services, in collaboration with the State Department of Education, shall on or before January 1, 2002, develop and promulgate regulations establishing standards for all providers participating in any state or federally subsidized child care program, which shall include the following minimum requirements:

(a) Child care services shall only be provided in an appropriately licensed facility meeting fire and safety regulations, children's immunization and health status records, and criminal history background record check information required by the State Department of Health;

(b) Directors of child care centers, lead teachers in centers and assistant teachers in centers shall meet minimum educational requirements in order to develop appropriate staffing requirements;

(c) Class size shall be limited to ten (10) children per classroom, unless otherwise determined jointly by the Department of Human Services and the State Department of Education;

(d) The teacher-pupil ratio shall consist of one (1) licensed teacher and one (1) teacher assistant for each classroom of ten (10) children, unless otherwise determined jointly by the Department of Human Services and the State Department of Education;
(e) All teachers in child care centers are required to receive child development training annually;

(f) Playground regulations conforming to the U.S. Consumer Product Safety Commission guidelines, or other appropriate standard, shall be complied with to ensure outdoor play areas are free from hazards that could injure children; and

(g) Age appropriate core curriculum shall be followed as adopted jointly by the Department of Human Services and the State Department of Education.

(3) In order to improve the educational level of child care staff, the State Department of Human Services, in collaboration with the Board of Trustees of State Institutions of Higher Learning, the State Board for Community and Junior Colleges and the State Department of Education, shall develop and provide an on-going staff training program for directors, teachers and assistant teachers at subsidized child care facilities. All teachers and assistant teachers in child care facilities shall be required to receive child development training annually, and staff may carry over any excess training hours earned to the next year. Topics for such required staff training shall include appropriate areas of early care and child education.

(4) In order to improve the educational level of child care staff, the State Department of Human Services in collaboration with the Board of Trustees of State Institutions of Higher Learning, the State Board for Community and Junior Colleges and the State Department of Education shall develop and implement a scholarship program to help child care directors, teachers and family child care home providers work toward completion of a Child Development Associate certification or an associate, bachelor or master's degree in early childhood education. The State Department of Human Services shall develop and promulgate regulations governing:
(a) Eligibility requirements for the scholarship program;
(b) The number of child care directors, teachers and family child care home providers who can be served each year, consistent with the available federal funds;
(c) The amount of scholarship available for each level of education, consistent with available federal funds;
(d) The number of hours of education that must be completed in each year to continue eligibility; and
(e) The requirements for continued service in their sponsoring licensed child care program after completion of the scholarship work.

(5) In order to improve the compensation and consistency of the child care staff, the State Department of Human Services shall develop a salary supplement program for child care directors, teachers and family child care home providers. The State Department of Human Services shall develop and promulgate regulations governing:
(a) Eligibility requirements for the salary supplement;
(b) The number of child care directors, teachers and family child care home providers who can be served each year, consistent with the available federal funds;
(c) The amount of salary supplement available for each level of education and responsibility, consistent with available federal funds;
(d) The requirements for child care staff to have worked for a continuous six-month period in the same licensed child care setting.

(6) The expense of establishing, maintaining and operating these staff development training, scholarship and salary supplement programs for child care staff shall be paid from the federal Child Care and Development Fund allocations, pursuant to specific appropriation therefor by the Legislature.
(7) The State Department of Human Services shall consider proven child care staff training, child care scholarship and salary supplement models already effective in other states when designing these programs.

(8) The State Department of Human Services shall develop and carry out an evaluation plan of these staff development, scholarship and salary supplement programs that includes measurements of child care staff's education levels and turnover levels.

(9) The State Department of Human Services may contract with private, nonprofit organizations to provide these staff training, scholarship and salary supplement programs.

SECTION 2. (1) There is established the Child Care Facility Investment Program to be administered by the Department of Human Services for the purpose of making grants to counties, municipalities, school districts and other political subdivisions of the state to fund or assist in funding infrastructure investments that improve the quality of services in child care facilities.

(2) For purposes of this act, "infrastructure investments" include any of the following:

   (a) Renovation of public school buildings to support expanded community use while restricting access to classrooms and administrative offices;

   (b) Renovation and repair of public school playgrounds and/or other areas in order to provide open access to the general public; and

   (c) Renovation and repair of parks and recreational facilities owned by the state or a political subdivision thereof, including school districts.

(3) A county, incorporated municipality or local school district may apply to the Department of Human Services for a grant under the Child Care Facility Investment Program.
(4) The Department of Human Services shall establish the grant program authorized pursuant to this act and grants may be made under this program in amounts not to exceed seventy-five percent (75%) of eligible project costs as established by the Department of Human Services. The Department of Human Services shall establish a formula for the distribution of available grant money under this program that takes into account the per capita income of the county or incorporated municipality and is weighted to target counties and municipalities where the per capita income is below the state average.

(5) The grants authorized under this program shall be issued only if the private sector or local or federal government or local school district provides matching funds in the amount of twenty-five percent (25%) of the amount of the eligible project costs as established by the Department of Human Services. The matching funds required pursuant to this subsection may be provided in the form of cash or in-kind contributions or any combination of cash or in-kind contributions.

(6) Each applicant for a grant shall document the need for the proposed project and the benefits to the community and local economic development efforts. Each applicant shall commit to a plan for the long-range maintenance of the facility funded by grants from this program that is considered satisfactory by the Department of Human Services.

SECTION 3. Section 41-3-1, Mississippi Code of 1972, is amended as follows:

41-3-1. (1) The present members of the State Board of Health shall continue to serve until July 1, 1980, whereupon the board shall be reconstituted as follows:

There is hereby created the State Board of Health which shall consist of thirteen (13) members, appointed by the Governor with the advice and consent of the Senate, as hereinafter set forth:

two (2) of whom shall be from each congressional district as
constituted on January 1, 1980, and three (3) of whom shall be from the state at large. The members so appointed shall either be engaged professionally in rendering health services or shall be consumers of health services who have no financial interest in any provider thereof. At least one (1) appointee shall be an owner or director of a licensed child care facility. All appointees shall be persons knowledgeable in at least one (1) of the matters of jurisdiction of the board.

(2) The original appointments of the reconstituted board shall be made no later than June 30, 1980, for terms to begin on July 1, 1980. The Governor shall designate the initial terms of the members of the board as follows: Four (4) members shall be appointed for a term which expires July 1, 1982; four (4) members shall be appointed for a term which expires July 1, 1984; and five (5) members shall be appointed for a term which expires July 1, 1986. Thereafter, all succeeding appointments shall be for terms of six (6) years from the expiration of the previous term. Vacancies in office shall be filled by appointment of the Governor in the same manner as the appointment to the position which becomes vacant, subject to the advice and consent of the Senate at the next regular session of the Legislature. An appointment to fill a vacancy other than by expiration of a term of office shall be for the balance of the unexpired term.

SECTION 4. Section 43-20-8, Mississippi Code of 1972, is amended as follows:

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

(a) Promulgate rules and regulations concerning the licensing and regulation of child care facilities as defined herein provided, however, that the licensing agency shall specifically not be authorized to establish minimum education standards for administrators or teachers, minimum teacher-pupil
ratios or minimum core curriculum requirements at child care
facilities for licensure purposes;

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

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

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

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

(3) Child care facilities shall require that, for any current or prospective caregiver, current criminal records background checks and current child abuse registry checks are obtained. In order to determine the applicant's suitability for employment, the applicant shall be fingerprinted. If no disqualifying record is identified at the state level, the fingerprints shall be forwarded by the Department of Public Safety to the FBI for a national criminal history record check.

(4) The licensing agency shall require to be performed a criminal records background check and a child abuse registry check for any and all operators of a child care facility and any person living in a residence used for child care. In order to determine the applicant's suitability for employment, the applicant shall be fingerprinted. If no disqualifying record is identified at the state level, the fingerprints shall be forwarded by the Department of Public Safety to the FBI for a national criminal history record check.

(5) The licensing agency shall have the authority to exclude a particular crime or crimes or a substantiated finding of child abuse and/or neglect as disqualifying individuals or entities for prospective or current employment or licensure.
(6) The licensing agency and its agents, officers, employees, attorneys and representatives shall not be held civilly liable for any findings, recommendations or actions taken pursuant to this section.

(7) All fees incurred in compliance with this section shall be borne by the child care facility. The licensing agency is hereby authorized to charge a fee which shall include the amount required by the Federal Bureau of Investigation for the national criminal history record check in compliance with the Child Protection Act of 1993, as amended and any necessary costs incurred by the licensing agency for the handling and administration of the criminal history background checks.

SECTION 5. This act shall take effect and be in force from and after July 1, 2001.