

By: Senator(s) Harden

To: Public Health and  
Welfare; Appropriations

SENATE BILL NO. 2183

1 AN ACT RELATING TO CHILD-CARE FACILITIES AND STAFF; TO  
 2 PROVIDE THAT THE DEPARTMENT OF HUMAN SERVICES AND THE STATE  
 3 DEPARTMENT OF EDUCATION SHALL DEVELOP AND PROMULGATE CERTAIN  
 4 MINIMUM STANDARDS FOR SUBSIDIZED CHILD-CARE FACILITIES RELATING TO  
 5 CLASS SIZE, TEACHER-PUPIL RATIO, STAFF EDUCATION REQUIREMENTS AND  
 6 CORE CURRICULUM; TO PROVIDE THAT THE DEPARTMENT OF HUMAN SERVICES,  
 7 IN COLLABORATION WITH THE BOARD OF TRUSTEES OF STATE INSTITUTIONS  
 8 OF HIGHER LEARNING, THE STATE BOARD FOR COMMUNITY AND JUNIOR  
 9 COLLEGES AND THE STATE DEPARTMENT OF EDUCATION SHALL PROVIDE AN  
 10 ANNUAL STAFF DEVELOPMENT TRAINING PROGRAM FOR CHILD-CARE FACILITY  
 11 STAFF; TO PROVIDE FOR A SCHOLARSHIP PROGRAM FOR CHILD-CARE  
 12 DIRECTORS, TEACHERS AND STAFF; TO AUTHORIZE A SALARY SUPPLEMENT  
 13 INCENTIVE PROGRAM FOR SUCH CHILD-CARE DIRECTORS, TEACHERS AND  
 14 STAFF; TO PROVIDE THAT SUCH PROGRAMS SHALL BE FUNDED FROM FEDERAL  
 15 CHILD-CARE AND DEVELOPMENT BLOCK GRANT FUNDS; TO AUTHORIZE THE  
 16 DEPARTMENT OF HUMAN SERVICES TO ENTER INTO CONTRACTS FOR THE  
 17 PROGRAM; TO PROVIDE FOR A CHILD-CARE FACILITY INVESTMENT PROGRAM  
 18 TO ASSIST IN INFRASTRUCTURE IMPROVEMENTS AT CHILD-CARE FACILITIES;  
 19 TO AMEND SECTION 41-3-1, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT  
 20 ONE MEMBER OF THE STATE BOARD OF HEALTH SHALL BE A CHILD-CARE  
 21 FACILITY PROVIDER; TO AMEND SECTION 43-20-8, MISSISSIPPI CODE OF  
 22 1972, TO PROVIDE THAT THE STATE DEPARTMENT OF HEALTH SHALL NOT BE  
 23 AUTHORIZED TO ISSUE MINIMUM STAFF EDUCATION STANDARDS,  
 24 TEACHER-PUPIL RATIOS OR CORE CURRICULUM REQUIREMENTS FOR LICENSED  
 25 CHILD-CARE FACILITIES; AND FOR RELATED PURPOSES.

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

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

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

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

34 (c) The State of Mississippi can assist parents in  
 35 their role as the primary caregivers and educators by improving  
 36 the quality of available child care.



37 (d) The most important indicators of the quality of  
38 child care are the education, compensation and consistency of the  
39 teachers.

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

45 (2) The Department of Human Services, in collaboration with  
46 the State Department of Education, shall on or before January 1,  
47 2004, develop and promulgate regulations establishing standards  
48 for all providers participating in any state or federally  
49 subsidized child-care program, which shall include the following  
50 minimum requirements:

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

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

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

64 (d) The teacher-pupil ratio shall consist of one (1)  
65 licensed teacher and one (1) teacher assistant for each classroom  
66 of ten (10) children, unless otherwise determined jointly by the  
67 Department of Human Services and the State Department of  
68 Education;



69 (e) All teachers in child-care centers are required to  
70 receive child development training annually;

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

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

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

90 (4) In order to improve the educational level of child-care  
91 staff, the State Department of Human Services in collaboration  
92 with the Board of Trustees of State Institutions of Higher  
93 Learning, the State Board for Community and Junior Colleges and  
94 the State Department of Education shall develop and implement a  
95 scholarship program to help child-care directors, teachers and  
96 family child-care home providers work toward completion of a Child  
97 Development Associate certification or an associate, bachelor's or  
98 master's degree in early childhood education. The State  
99 Department of Human Services shall develop and promulgate  
100 regulations governing:



101           (a) Eligibility requirements for the scholarship  
102 program;

103           (b) The number of child-care directors, teachers and  
104 family child-care home providers who can be served each year,  
105 consistent with the available federal funds;

106           (c) The amount of scholarship available for each level  
107 of education, consistent with available federal funds;

108           (d) The number of hours of education that must be  
109 completed in each year to continue eligibility; and

110           (e) The requirements for continued service in their  
111 sponsoring licensed child-care program after completion of the  
112 scholarship work.

113           (5) In order to improve the compensation and consistency of  
114 the child-care staff, the State Department of Human Services shall  
115 develop a salary supplement program for child-care directors,  
116 teachers and family child-care home providers. The State  
117 Department of Human Services shall develop and promulgate  
118 regulations governing:

119           (a) Eligibility requirements for the salary supplement;

120           (b) The number of child-care directors, teachers and  
121 family child-care home providers who can be served each year,  
122 consistent with the available federal funds;

123           (c) The amount of salary supplement available for each  
124 level of education and responsibility, consistent with available  
125 federal funds; and

126           (d) The requirements for child-care staff to have  
127 worked for a continuous six-month period in the same licensed  
128 child-care setting.

129           (6) The expense of establishing, maintaining and operating  
130 these staff development training, scholarship and salary  
131 supplement programs for child-care staff shall be paid from the  
132 federal Child Care and Development Fund allocations, pursuant to  
133 specific appropriation therefor by the Legislature.



134 (7) The State Department of Human Services shall consider  
135 proven child-care staff training, child-care scholarship and  
136 salary supplement models already effective in other states when  
137 designing these programs.

138 (8) The State Department of Human Services shall develop and  
139 carryout an evaluation plan of these staff development,  
140 scholarship and salary supplement programs that includes  
141 measurements of child-care staff's education levels and turnover  
142 levels.

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

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

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

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

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

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

164 (3) A county, incorporated municipality or local school  
165 district may apply to the Department of Human Services for a grant  
166 under the Child Care Facility Investment Program.



167 (4) The Department of Human Services shall establish the  
168 grant program authorized pursuant to this act and grants may be  
169 made under this program in amounts not to exceed seventy-five  
170 percent (75%) of eligible project costs as established by the  
171 Department of Human Services. The Department of Human Services  
172 shall establish a formula for the distribution of available grant  
173 money under this program that takes into account the per capita  
174 income of the county or incorporated municipality and is weighted  
175 to target counties and municipalities where the per capita income  
176 is below the state average.

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

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

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

193 41-3-1. (1) The present members of the State Board of  
194 Health shall continue to serve until July 1, 1980, whereupon the  
195 board shall be reconstituted as follows:

196 There is hereby created the State Board of Health which shall  
197 consist of thirteen (13) members, appointed by the Governor with  
198 the advice and consent of the Senate, as hereinafter set forth:  
199 two (2) of whom shall be from each congressional district as



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

208 (2) The original appointments of the reconstituted board  
209 shall be made no later than June 30, 1980, for terms to begin on  
210 July 1, 1980. The Governor shall designate the initial terms of  
211 the members of the board as follows: Four (4) members shall be  
212 appointed for a term which expires July 1, 1982; four (4) members  
213 shall be appointed for a term which expires July 1, 1984; and five  
214 (5) members shall be appointed for a term which expires July 1,  
215 1986. Thereafter, all succeeding appointments shall be for terms  
216 of six (6) years from the expiration of the previous term.  
217 Vacancies in office shall be filled by appointment of the Governor  
218 in the same manner as the appointment to the position which  
219 becomes vacant, subject to the advice and consent of the Senate at  
220 the next regular session of the Legislature. An appointment to  
221 fill a vacancy other than by expiration of a term of office shall  
222 be for the balance of the unexpired term.

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

225 43-20-8. (1) The licensing agency shall have powers and  
226 duties as set forth below in addition to other duties prescribed  
227 under this chapter:

228 (a) Promulgate rules and regulations concerning the  
229 licensing and regulation of child-care facilities as defined  
230 herein; provided, however, that the licensing agency shall  
231 specifically not be authorized to establish minimum education  
232 standards for administrators or teachers, minimum teacher-pupil



233 ratios or minimum core curriculum requirements at child-care  
234 facilities for licensure purposes;

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

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

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

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

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

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

261 (5) The licensing agency shall have the authority to exclude  
262 a particular crime or crimes or a substantiated finding of child  
263 abuse and/or neglect as disqualifying individuals or entities for  
264 prospective or current employment or licensure.





265           (6) The licensing agency and its agents, officers,  
266 employees, attorneys and representatives shall not be held civilly  
267 liable for any findings, recommendations or actions taken pursuant  
268 to this section.

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

277           **SECTION 5.** This act shall take effect and be in force from  
278 and after July 1, 2003.

