

By: Senator(s) Gordon

To: Public Health and Welfare

SENATE BILL NO. 2609

1 AN ACT TO AMEND SECTION 43-20-5, MISSISSIPPI CODE OF 1972, TO
2 EXEMPT ANY SCHOOL AFFILIATED WITH ACCELERATED CHRISTIAN EDUCATION,
3 INC., FROM CHILD-CARE FACILITY LICENSURE REQUIREMENTS; AND FOR
4 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 that 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 twenty-four-hour day, whether that place is
15 organized or operated for profit or not. The term "child-care
16 facility" includes day nurseries, day care centers and any other
17 facility that falls within the scope of the definitions set forth
18 in this paragraph, regardless of auspices. Exemptions from the
19 provisions of this chapter include:

20 (i) Child-care facilities that operate for no more
21 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 that operate for
24 three (3) or fewer 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 in, and
27 in compliance with the provisions of, Section 43-16-3(b) et seq.

28 (iii) 1. Any elementary, including kindergarten,
29 and/or secondary school system, accredited by the Mississippi
30 State Department of Education, the Southern Association of
31 Colleges and Schools, the Mississippi Private School Education
32 Association, the American Association of Christian Schools, the
33 Association of Christian Schools International, a school
34 affiliated with Accelerated Christian Education, Inc., and any
35 Head Start program operating in conjunction with an elementary
36 school system, whether it is public, private or parochial, whose
37 primary purpose is a structured school or school readiness
38 program.

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

61 exemption period, the State Board of Health, in its discretion,
62 may extend the exemption period for any nonaccredited applicant
63 for periods of six (6) months, with the total extension not to
64 exceed one (1) year. During any such extension periods, the board
65 shall have the authority to enforce child-care facility licensure
66 provisions relating to the health and safety of the children in
67 the school or school system. If a nonaccredited applicant fails
68 to receive full accreditation by the end of all extended exemption
69 periods, the applicant shall no longer remain exempt from the
70 provisions of this chapter at the end of the extended exemption
71 periods. This item 2 shall stand repealed on July 1, 2006.

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

79 (v) Any family child-care home as defined in
80 Section 43-20-53(a) et seq.

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

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

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

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

90 (e) "Operator" means any person, acting individually or
91 jointly with another person or persons, who establishes, owns,
92 operates, conducts or maintains a child-care facility. The
93 child-care facility license shall be issued in the name of the

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

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

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

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

111 **SECTION 2.** This act shall take effect and be in force from
112 and after July 1, 2006.