

Senate Amendments to House Bill No. 535

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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

9 43-20-5. When used in this chapter, the following words
10 shall have the following meanings:

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

21 (i) Child-care facilities that operate for no more
22 than two (2) days a week, whose primary purpose is to provide
23 respite for the caregiver or temporary care during other scheduled
24 or related activities and organized programs that operate for
25 three (3) or fewer weeks per year such as, but not limited to,
26 Vacation Bible Schools and scout day camps.

27 (ii) Any child residential home as defined in, and
28 in compliance with the provisions of, Section 43-16-3(b) et seq.

29 (iii) 1. Any elementary, including kindergarten,
30 and/or secondary school system, accredited by the Mississippi
31 State Department of Education, the Southern Association of
32 Colleges and Schools, the Mississippi Private School Education

33 Association, the American Association of Christian Schools, the
34 Association of Christian Schools International, a school
35 affiliated with Accelerated Christian Education, Inc., and any
36 Head Start program operating in conjunction with an elementary
37 school system, whether it is public, private or parochial, whose
38 primary purpose is a structured school or school readiness
39 program.

40 2. Accreditation, for the purpose of
41 exemption from the provisions of this chapter, means: a. receipt
42 by any school or school system of full accreditation from an
43 accrediting entity listed in item 1 of this subparagraph (iii), or
44 b. proof of application by the school or school system for
45 accreditation status from the accrediting entity. Proof of
46 application for accreditation status shall include, but not be
47 limited to, a copy of the applicant's completed application for
48 accreditation filed with the licensing agency and a letter or
49 other authenticating documentation from a signatory authority with
50 the accrediting entity that the application for accreditation has
51 been received and that the applicant is currently under
52 consideration or review for full accreditation status by the
53 accrediting entity. An exemption for a nonaccredited applicant
54 under this item 2 shall be for a maximum of one (1) year from the
55 receipt date by the licensing agency of the completed
56 documentation for proof of application for accreditation status.
57 Failure to receive full accreditation by the end of the one-year
58 exemption period for a nonaccredited applicant shall result in the
59 nonaccredited applicant no longer remaining exempt from the
60 provisions of this chapter at the end of the one-period. However,
61 if full accreditation is not received by the end of the one-year
62 exemption period, the State Board of Health, in its discretion,
63 may extend the exemption period for any nonaccredited applicant
64 for periods of six (6) months, with the total extension not to
65 exceed one (1) year. During any such extension periods, the board
66 shall have the authority to enforce child-care facility licensure
67 provisions relating to the health and safety of the children in

68 the school or school system. If a nonaccredited applicant fails
69 to receive full accreditation by the end of all extended exemption
70 periods, the applicant shall no longer remain exempt from the
71 provisions of this chapter at the end of the extended exemption
72 periods. * * *

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

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

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

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

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

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

91 (e) "Operator" means any person, acting individually or
92 jointly with another person or persons, who establishes, owns,
93 operates, conducts or maintains a child-care facility. The
94 child-care facility license shall be issued in the name of the
95 operator, or, if there is more than one (1) operator, in the name
96 of one (1) of the operators. If there is more than one (1)
97 operator, all statutory and regulatory provisions concerning the
98 background checks of operators shall be equally applied to all
99 operators of a facility including, but not limited to, a spouse
100 who jointly owns, operates or maintains the child-care facility
101 regardless of which particular person is named on the license.

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

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

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

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

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

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; TO DELETE
4 THE REPEALER ON THE PROVISION EXEMPTING CERTAIN ACCREDITED SCHOOLS
5 FROM THE LICENSING LAW; AND FOR RELATED PURPOSES.

SS26\HB535A.J

John O. Gilbert
Secretary of the Senate