

## REPORT OF CONFERENCE COMMITTEE

**MR. PRESIDENT AND MR. SPEAKER:**

**We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:**

S.B. No. 2257: Child care facility licensure law; make technical amendments thereto.

**We, therefore, respectfully submit the following report and recommendation:**

**1. That the House recede from its Amendment No. 1.**

**2. That the Senate and House adopt the following amendment:**

**AMEND by striking Section 1 in its entirety and substitute in lieu thereof the following:**

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

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

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

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

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

26                    (iii) \* \* \* Any elementary, including  
27 kindergarten, and/or secondary school system, accredited by the  
28 Mississippi State Department of Education, the Southern  
29 Association of Colleges and Schools, \* \* \* the Mississippi Private  
30 School Education Association, the Association of Christian Schools  
31 International, and any Headstart program operating in conjunction  
32 with an elementary school system, whether it be public, private or  
33 parochial, whose primary purpose is a structured school or school  
34 readiness program. Accreditation, for the purpose of exemption  
35 from the provisions of this paragraph, shall mean (A) receipt by  
36 any school or school system of full accreditation from an  
37 accrediting entity listed within this paragraph, or (B) proof of  
38 application by the school or school system for accreditation  
39 status from the accrediting entity. Proof of application for  
40 accreditation status shall include, but not be limited to, a copy  
41 of the applicant's completed application for accreditation filed  
42 with the licensing agency and a letter or other authenticating  
43 documentation from a signatory authority with the accrediting  
44 entity that the application for accreditation has been received  
45 and that the applicant is currently under consideration or review  
46 for full accreditation status by the accrediting entity. An  
47 exemption for a non-accredited applicant under this paragraph  
48 shall be for a maximum of six (6) months from the receipt date by  
49 the licensing agency of the completed documentation for proof of  
50 application for accreditation status. Failure to receive full  
51 accreditation by the end of the six-month exemption period for a  
52 non-accredited applicant shall result in the non-accredited  
53 applicant no longer remaining exempt from the provisions of this  
54 chapter at the end of the six-month period. This paragraph (iii)  
55 shall stand repealed on July 1, 2001.

56                    (iv) \* \* \* Any membership organization affiliated  
57 with a national organization which charges only a nominal annual  
58 membership fee, does not receive monthly, weekly or daily payments  
59 for services, and is certified by its national association as  
60 being in compliance with the association's minimum standards and

61 procedures, including, but not limited to, the Boys and Girls Club  
62 of America, and the YMCA.

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

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

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

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

72 (d) "Person" means any person, firm, partnership,  
73 corporation or association.

74 (e) "Operator" means any person, acting individually or  
75 jointly with another person or persons, who shall establish, own,  
76 operate, conduct or maintain a child care facility. The child  
77 care facility license shall be issued in the name of the operator,  
78 or, if there is more than one (1) operator, in the name of one (1)  
79 of the operators. In the event that there is more than one (1)  
80 operator, all statutory and regulatory provisions concerning the  
81 background checks of operators shall be equally applied to all  
82 operators of a facility, including, but not limited to, a spouse  
83 who jointly owns, operates or maintains the child care facility  
84 regardless of which particular person is named on the license.

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

90 (g) "Licensing agency" means the Mississippi State  
91 Department of Health.

92 (h) "Caregiver" means any person who provides direct

93 care, supervision or guidance to children in a child care  
94 facility, regardless of title or occupation.

CONFEREES FOR THE SENATE:

CONFEREES FOR THE HOUSE:

**X**  
William W. Canon

**X**  
Bobby Moody

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Rob H. Smith

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Carmel WellsSmith

**x**  
Jim Bean

**X**  
 Frances Fredericks