

By: Smith (35th)

To: Public Health and
Welfare

HOUSE BILL NO. 1145

1 AN ACT TO AMEND SECTION 43-20-5, MISSISSIPPI CODE OF 1972, TO
2 EXEMPT FROM THE CHILD CARE LICENSING LAW ANY SCHOOL THAT IS
3 ACCREDITED BY OR IS A MEMBER OF A NATIONALLY RECOGNIZED
4 ACCREDITING ASSOCIATION OR NATIONAL PRIVATE SCHOOL ASSOCIATION
5 HOLDING MEMBERSHIP IN THE COUNCIL OF AMERICAN PRIVATE EDUCATION,
6 THE ASSOCIATION OF CHRISTIAN SCHOOLS INTERNATIONAL OR THE AMERICAN
7 ASSOCIATION OF CHRISTIAN SCHOOLS; AND FOR RELATED PURPOSES.

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

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

11 43-20-5. When used in this chapter, the following words
12 shall have the following meanings:

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

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

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

32 (iii) * * * Any elementary, including
33 kindergarten, and/or secondary school system, accredited by the
34 Mississippi State Department of Education, the Southern
35 Association of Colleges and Schools or the Mississippi Private
36 School Education Association.

37 (iv) * * * Any Headstart program operating in
38 conjunction with an elementary school system, whether it be
39 public, private or parochial, whose primary purpose is a
40 structured school or school readiness program.

41 (v) * * * Any membership organization affiliated
42 with a national organization which charges only a nominal annual
43 membership fee, does not receive monthly, weekly or daily payments
44 for services, and is certified by its national association as
45 being in compliance with the association's minimum standards and
46 procedures, including but not limited to the Boys and Girls Club
47 of America, and the YMCA.

48 (vi) Any school that is accredited by, has been
49 successfully evaluated by or is a member of a nationally
50 recognized accrediting association or national private school
51 association holding membership in the Council of American Private
52 Education, the Association of Christian Schools International or
53 the American Association of Christian Schools.

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

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

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

61 (d) "Person" means any person, firm, partnership,

62 corporation or association.

63 (e) "Operator" means any person, acting individually or
64 jointly with another person or persons, who shall establish, own,
65 operate, conduct or maintain a child care facility.

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

71 (g) "Licensing agency" means the Mississippi State
72 Department of Health.

73 SECTION 2. This act shall take effect and be in force from
74 and after July 1, 2000.