

By: Senator(s) Harden

To: Public Health and
Welfare; Appropriations

SENATE BILL NO. 2169

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 2006, 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 carry out 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; or

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 their terms expire. As a
195 board member's term expires, the new appointee shall be selected
196 based on the following consideration of an appointee's residence
197 so that by July 1, 2008, the board shall be reconstituted as
198 follows:

199 There is hereby created the State Board of Health which shall
200 consist of thirteen (13) members, appointed by the Governor with
201 the advice and consent of the Senate, as hereinafter set forth:
202 (a) twelve (12) of the members of the board shall be selected
203 according to the congressional districts as constituted on January
204 1, 2003, each congressional district being represented by three
205 (3) members, and (b) one (1) member of the board shall be selected
206 from the state at large. The members so appointed shall either be
207 engaged professionally in rendering health services or shall be
208 consumers of health services who have no financial interest in any
209 provider thereof. At least one (1) appointee shall be an owner or
210 director of a licensed child care facility. All appointees shall
211 be persons knowledgeable in at least one (1) of the matters of
212 jurisdiction of the board. Appointees who are selected because
213 they engage professionally in rendering health services shall be
214 selected to represent a wide range of interests in the area of
215 rendering health services. Nine (9) members shall be persons
216 engaged professionally in rendering health services, and of those
217 nine (9) members (a) no more than four (4) may be engaged
218 professionally in rendering the same general type of health
219 services or possess the same type of professional license and (b)
220 no two (2) members may be associated or affiliated with, or
221 employed by, the same entity or employer. It is the intent of the
222 Legislature that the membership of the board reflect the
223 population of the State of Mississippi.

224 (2) A member of the board shall serve for a term of six (6)
225 years from the expiration of the previous term and thereafter
226 until his or her successor is duly appointed. Vacancies in office
227 shall be filled by appointment of the Governor in the same manner
228 as the appointment to the position which becomes vacant, subject
229 to the advice and consent of the Senate at the next regular
230 session of the Legislature. An appointment to fill a vacancy
231 other than by expiration of a term of office shall be for the

232 balance of the unexpired term and thereafter until his or her
233 successor is duly appointed.

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

236 43-20-8. (1) The licensing agency shall have powers and
237 duties as set forth below, in addition to other duties prescribed
238 under this chapter:

239 (a) Promulgate rules and regulations concerning the
240 licensing and regulation of child care facilities as defined in
241 Section 43-20-5; provided, however, that the licensing agency
242 shall specifically not be authorized to establish minimum
243 education standards for administrators or teachers, minimum
244 teacher-pupil ratios or minimum core curriculum requirements at
245 child care facilities for licensure purposes;

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

249 (c) Set and collect fees and penalties as provided for
250 in this chapter; and

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

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

255 (3) Each child care facility shall develop and maintain a
256 current list of contact persons for each child provided care by
257 that facility. An agreement may be made between the child care
258 facility and the child's parent, guardian or contact person at the
259 time of registration to inform the parent, guardian or contact
260 person if the child does not arrive at the facility within a
261 reasonable time.

262 (4) Child care facilities shall require that, for any
263 current or prospective caregiver, current criminal records
264 background checks and current child abuse registry checks are

265 obtained. In order to determine the applicant's suitability for
266 employment, the applicant shall be fingerprinted. If no
267 disqualifying record is identified at the state level, the
268 fingerprints shall be forwarded by the Department of Public Safety
269 to the FBI for a national criminal history record check.

270 (5) The licensing agency shall require to be performed a
271 criminal records background check and a child abuse registry check
272 for all operators of a child care facility and any person living
273 in a residence used for child care. The Department of Human
274 Services shall have the authority to disclose to the State
275 Department of Health any potential applicant whose name is listed
276 on the Child Abuse Central Registry or has a pending
277 administrative review. That information shall remain confidential
278 by all parties. In order to determine the applicant's suitability
279 for employment, the applicant shall be fingerprinted. If no
280 disqualifying record is identified at the state level, the
281 fingerprints shall be forwarded by the Department of Public Safety
282 to the FBI for a national criminal history record check.

283 (6) The licensing agency shall have the authority to exclude
284 a particular crime or crimes or a substantiated finding of child
285 abuse and/or neglect as disqualifying individuals or entities for
286 prospective or current employment or licensure.

287 (7) The licensing agency and its agents, officers,
288 employees, attorneys and representatives shall not be held civilly
289 liable for any findings, recommendations or actions taken under
290 this section.

291 (8) All fees incurred in compliance with this section shall
292 be borne by the child care facility. The licensing agency is
293 authorized to charge a fee that includes the amount required by
294 the Federal Bureau of Investigation for the national criminal
295 history record check in compliance with the Child Protection Act
296 of 1993, as amended, and any necessary costs incurred by the

297 licensing agency for the handling and administration of the
298 criminal history background checks.

299 **SECTION 5.** This act shall take effect and be in force from
300 and after July 1, 2005.