

By: Representative Warren

To: Public Health and Human Services

HOUSE BILL NO. 535  
(As Sent to Governor)

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.

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

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-year period.  
61 However, if full accreditation is not received by the end of the

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

95 or, if there is more than one (1) operator, in the name of one (1)  
96 of the operators. If there is more than one (1) operator, all  
97 statutory and regulatory provisions concerning the background  
98 checks of operators shall be equally applied to all operators of a  
99 facility including, but not limited to, a spouse who jointly owns,  
100 operates or maintains the child care facility regardless of which  
101 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.