

1 **Title 15 - Mississippi Department of Health**

2 **Part III – Office of Health Protection**

3 **Subpart 55 – Child Care Facilities Licensure**

4 **CHAPTER 01 REGULATIONS GOVERNING LICENSURE OF CHILD CARE**
5 **FACILITIES**

6 100 **GENERAL**

7 100.01 **Legal Authority** The "Mississippi Child Care Licensing Law," Section
8 43-20-1 et. seq. of the Mississippi Code of 1972 provides the legal authority
9 under which the Mississippi Department of Health prescribes minimum
10 regulations for child care facilities defined under the law.

11 100.02 **Purpose**

- 12 1. The purpose of these regulations is to protect and promote the health and
13 safety of children in this state by providing for the licensing of child care
14 facilities as defined herein so as to assure that certain minimum standards
15 are maintained in such facilities. This policy is predicated upon the fact
16 that a child is not capable of protecting himself, and when his parents for
17 any reason have relinquished his care to others, there arises the probability
18 of exposure of that child to certain risks to his health and safety which
19 require the offsetting statutory protection of licensing. This document and
20 its appendices constitute the "Regulations Governing the Licensure of
21 Child Care Facilities."
- 22 2. A child care facility may exceed the minimum quality standards required
23 in these regulations, but may not operate without meeting the minimum
24 standards set forth in these regulations.
- 25 3. The maximum capacity of a child care facility is determined by the indoor
26 square footage, kitchen square footage, outdoor playground area, and the
27 number of toilets, urinals, and hand washing lavatories, with the lowest
28 capacity determination being controlling.
- 29 4. A child care facility may be remeasured and reinspected anytime at the
30 discretion of the licensing agency.

31 100.03 **Severability** If any provision of these regulations or the application thereof to
32 any persons or circumstances shall be held invalid, such invalidity shall not
33 affect the provisions or application of these regulations which can be given
34 effect without the invalid provision or application, and to this end the provisions
35 of these regulations are declared to be severable.

36 100.04 **Definitions**

- 37 1. **Act** The "Mississippi Child Care Licensing Law," Section 43-20-1 et.
38 seq. of the Mississippi Code of 1972.
- 39 2. **Agency Representative** An authorized representative of the
40 Mississippi Department of Health.
- 41 3. **Caregiver** A person who provides direct care, supervision, and
42 guidance to children in a child care facility, regardless of title or
43 occupation.
- 44 4. **Child Care Facility (Facility)** A place which provides shelter and
45 personal care for six (6) or more children who are not related within the
46 third degree computed according to the civil law to the operator and who
47 are under thirteen (13) years of age, for any part of the twenty-four (24)
48 hour day, whether such place be organized or operated for profit or not.
49 The term (child care facility(includes day nurseries, day care centers,
50 child care centers, preschool programs, and any other facility that fall
51 within the scope of the definition set forth above.

52 **Exemptions**

53 To the extent provided by law, including those facilities or programs
54 which satisfy one or more of the requirements for exemption provided in
55 Miss. Code Ann. § 43-20-5(a), an exemption from the provisions of the
56 Act shall be recognized by the licensing agency. Facilities or programs
57 claiming exemption shall be required, upon the written request of the
58 licensing agency, to provide documentation of the facts claimed to support
59 the basis for the exemption, which documentation shall be provided within
60 thirty (30) days of the request by the licensing agency and shall be sworn
61 by affidavit to be true and accurate under the penalties of perjury.
62

63 However, any entity exempt from the requirements to be licensed but
64 voluntarily chooses to obtain a license is subject to all provisions of the
65 licensing law and these regulations.
66

- 67 5. **Children with Special Needs** A child needing adaptation in a
68 particular child care facility to access programming and the physical
69 environment
- 70 6. **Director** Any individual, designated by the operator, who has met
71 minimum state requirements and who has on-site responsibility for the
72 operation of a child care facility. This person may or may not be the
73 operator.
- 74 7. **Director Designee** Any individual designated to act as the director,
75 having all responsibility and authority of a director, during the director(s)
76 short-term absence. A director designee shall, at a minimum, be at least
77 21 years of age, have a high school diploma or GED, and 4 years paid

78 experience in a licensed child care facility. Director Designees shall not
 79 retain sole director authority in a facility for more than twenty four (24)
 80 total hours per calendar week.

81 Exception A facility may have a Director Designee serve for a
 82 maximum of fourteen (14) consecutive calendar days during a licensure
 83 year. This exception may be used once during the licensure year for the
 84 purpose of allowing the director personal leave, i.e., vacation, jury duty,
 85 etc.

86 8. **Group** The children assigned to a caregiver or team of caregivers,
 87 occupying an individual classroom or well defined physical space within a
 88 larger room.

89 9. **Hazardous Condition** A situation or place that presents a possible
 90 source of injury or danger.

91 10. **Health** The condition of being sound in mind and body and encompassing
 92 an individual's physical, mental and emotional welfare.

93 11. **Infant** Any child under the age of 12 months.

94 12. **Licensing Agency** The Mississippi Department of Health.

95 13. **Operator** Any person, acting individually or jointly with another
 96 person or persons, who shall establish, own, operate, conduct or maintain
 97 a child care facility. The child care facility license shall be issued in the
 98 name of the operator, or if there is more than one (1) operator, in the name
 99 of one (1) of the operators. In the event that there is more than one (1)
 100 operator, all statutory and regulatory provisions concerning the
 101 background checks of operators shall be equally applied to all operators of
 102 a facility, including, but not limited to, a spouse who jointly owns,
 103 operates, or maintains the child care facility regardless of which operator
 104 is named on the license.

105 14. **Parent** As used in these regulations, parent shall mean custodial parent,
 106 legal guardian, foster parent, guardian ad litem, and other individuals or
 107 institutions to whom a court of competent jurisdiction has granted legal
 108 authority over the child.

109 15. **Person** Any person, firm, partnership, corporation or association.

110 16. **Personal Care** Assistance rendered by personnel of the child care
 111 facility in performing one or more of the activities of daily living, which
 112 includes but is not limited to the feeding, personal grooming, supervising
 113 and dressing of children placed in the child care facility.

114 17. **Physical Confines** The space inside the walls of the child care facility.

- 115 18. **Safety** The condition of being protected from hurt, injury or loss.
- 116 19. **School Age Child** A child five (5) years of age or older and eligible to
117 be enrolled in an accredited school program.
- 118 20. **Service Staff** A person who provides support services such as cooking,
119 cleaning, or driving a vehicle, but is not a caregiver.
- 120 21. **Toddler** Any child the age of 12 months and under the age of 24
121 months.
- 122 22. **Usable Space** In measuring facilities for square footage per child, usable
123 space shall mean space measured on the inside, wall-to-wall dimensions.
124 These spaces are exclusive of food preparation areas, kitchens, bathrooms,
125 toilets, areas for the care of ill children, offices, staff rooms, corridors,
126 hallways, stairways, closets, lockers, laundries, furnace rooms, fixed or
127 permanent cabinets, fixed or permanent storage shelving spaces, and areas
128 not inhabited and used by children. Usable space shall be areas dedicated
129 to children(s activities (play, learning, rest, and eating) and shall be
130 utilized for those purposes on a daily basis. Furnishings shall be
131 equipment which is both size and age appropriate for children receiving
132 care. The space occupied by inappropriate or adult size equipment shall
133 be deducted from the children(s usable space.
- 134 23. **Volunteer** Any person who is not an employee who is at the facility or
135 assists with children.
- 136 Individuals who volunteer for 120 or more hours in a given licensure year
137 shall meet the requirements of (1) criminal record and child abuse central
138 registry checks to include being fingerprinted, and (2) valid Immunization
139 Compliance Form #121. The facility shall document the time that a volunteer
140 is at the facility.
- 141 Further, any individual who has not been fingerprinted and has not had a
142 child abuse central registry check completed shall never be left alone with
143 children.

144 101 LICENSURE

145 101.01 Requirement for Licensure

- 146 1. No person shall establish, own, operate, conduct, or maintain a child care
147 facility in this state without a license issued pursuant to these regulations.
- 148 2. The licensing authority will require no entity exempt from the licensure
149 requirement to apply for a license. However, should an exempt entity
150 desire to obtain a license, it will be subject to these regulations.

151 101.02 **Types of Licenses**

152 1. **Temporary License** The licensing agency may issue a temporary license
 153 to any child care facility. This license will allow the child care facility to
 154 operate pending the issuance of a regular license. The temporary license
 155 will reflect the date of issuance of the license, the expiration date, and the
 156 number of children for which the facility is licensed. The license issue
 157 date is the actual date documentation is received and approval for initial
 158 temporary license is granted; the expiration date is the last day of the sixth
 159 month following the issue date; examples: January 01 through June 30 or
 160 January 15 through June 30.

161 ~~During the temporary licensure period, an operator must complete the~~
 162 ~~following before the temporary license can be upgraded to a regular~~
 163 ~~license:~~

- 164 a. ~~Mandatory training required of all directors, director designees, and~~
 165 ~~operators.~~
- 166 b. ~~The following documents must be submitted to and approved by the~~
 167 ~~facility licensing official:~~
- 168 i. ~~Facility daily schedule~~
- 169 ii. ~~Discipline and guidance policy~~
- 170 iii. ~~Transportation policy~~
- 171 iv. ~~Safety policy~~
- 172 v. ~~Arrival and departure procedures~~
- 173 vi. ~~Notarized statement of verification of required background checks,~~
 174 ~~immunization compliance (for all staff and children), and~~
 175 ~~appropriate number of staff certified in CPR and First Aid.~~
- 176 vii. ~~Approved menu plan.~~
- 177 c. ~~A plan of activities appropriate for each age group served shall be~~
 178 ~~maintained at the child care facility and made available to the~~
 179 ~~licensing official upon request.~~

180 **NOTE:** ~~Before a Temporary License is issued and the facility allowed to~~
 181 ~~begin operation the following items must be submitted to and/or verified by~~
 182 ~~the licensing authority, i.e., Mississippi State Department of Health:~~

- 183 a. **License Application and \$100.00 application fee**

- 184 d. License fee - the amount of fee is determined by the licensed capacity of
185 the facility
- 186 e. A qualified director
- 187 f. “Letter of Suitability for Employment” for every employee or volunteer
188 as appropriate that is to begin work when the facility starts operation.
189 The “Letter of Suitability for Employment” issued by the Mississippi
190 State Department of Health verifies that a criminal records check, sex
191 offender registry, and child abuse central registry check has been
192 conducted on an individual.
- 193 g. An MSDH Immunization Form #121 for every employee or volunteer
194 that is to begin work when the facility starts operation and/or have
195 documentation indicating that they comply with the immunization
196 requirements of the Mississippi State Department of Health.
- 197 h. Valid MSDH Fire Inspection Form #333
- 198 i. Verification of passing food manager training, e.g., ServSafe® or
199 TummySafe©, or equivalent, if applicable
- 200 **NOTE:** For information on ServSafe® or TummySafe© contact the
201 Mississippi State University Extension Service at -
202 http://msucares.com/health/food_safety/servsafecal.htm. In addition, the
203 Mississippi Restaurant Association also provides ServSafe® training
204 and they can be contacted at - www.msra.org.
- 205 j. Wastewater disposal approval
- 206 k. Potable water source approval - drinking water
- 207 l. Zoning approval
- 208 m. Lead Testing approval
- 209 i. Building - if constructed before 1965
- 210 ii. Playground
- 211 n. Adult, Child and Infant CPR and First Aid certification as required for a
212 person or persons who will be present at the facility during all hours of
213 operation
- 214 o. Approved Menu if applicable
- 215 p. Floor Plan
- 216 q. MSDH Maximum Capacity Worksheet (Form #327)

- 217 r. MSDH Child Care Facility Inspection Report (Form #281)
- 218 s. MSDH Child Care Facility Data Sheet (Form #286)
- 219 t. MSDH Food Service Inspection (Form #301-302) - if applicable
- 220 u. Daily Schedule of Activities - developed by provider
- 221 v. Arrival and Departure Procedures - developed by provider
- 222 w. Emergency Policy – developed by provider
- 223 x. Verification of Two Emergency Relocation Sites – developed by
224 provider
- 225 i. One site must be a minimum of one (1) mile distant from the
226 facility
- 227 ii. One site must be a minimum of five (5) miles distant from the
228 facility
- 229 y. Transportation Policy – not required if facility does not transport
230 children
- 231 **NOTE: An emergency transportation policy is required even if the**
232 **facility does not plan to transport children. An emergency transportation**
233 **policy shall encompass such events as emergency evacuation of the**
234 **facility and emergency transporting of a child to receive medical**
235 **attention.**
- 236 z. Proof of Vehicle Insurance – not required if facility does not transport
237 children
- 238 aa. Verification, in writing, that the operator has or does not have
239 accident/liability insurance covering the business
- 240 bb. Verification, in writing, that the operator has or does not have
241 accident/liability insurance covering the children enrolled at the facility
- 242 cc. Discipline Policy – developed by the provider
- 243 **NOTE: The discipline policy developed by the provider shall not allow**
244 **any of the prohibited behaviors listed in Section 113 of these**
245 **regulations.**
- 246 dd. Verification that the owner/operator and director have completed
247 mandatory training on:
- 248 i. Regulations Governing Licensure of Child Care Facilities

249 ii. New Directors Orientation

250 iii. Playground Safety

251 **NOTE:** Contact the Mississippi State Department of Health, Child Care
 252 Facilities Licensure Division at 601-364-2827 for more information on
 253 the availability and location of the above referenced training.

254 2. **Regular License** The licensing agency may issue a regular license
 255 when all conditions and requirements for licensure have met compliance.
 256 The duration of a regular license shall not exceed one (1) year.

257 3. **Probational License** The licensing agency may issue a probational
 258 license, at its discretion, where violations may endanger the health or
 259 safety of the children, but only when such violations may be corrected
 260 within a specified time frame. There shall be a written corrective action
 261 plan agreed upon between the operator and the licensing agency. The
 262 period of time for which a probational license is issued shall be at the
 263 discretion of the licensing agency but in no instance shall exceed six (6)
 264 months.

265 4. **Restricted License** The licensing agency may issue any type of license
 266 with conditions/restrictions when, at its discretion, the health or safety of
 267 the children require such a conditional/restrictive statement on the license.
 268 Such conditions/restrictions shall include but not be limited to: certain
 269 individuals to be barred from the premises or any other situations that may
 270 endanger children and that should be so recorded on the license. Any
 271 violation of any such condition/restriction shall result in immediate
 272 emergency suspension of the license. When such conditions/restrictions
 273 no longer pose a threat to the children, the conditional/restrictive statement
 274 may be removed.

275 101.03 **Application for License** An application for a license under these regulations
 276 shall be made to the licensing agency upon forms provided by it and shall
 277 contain such information as the licensing agency may reasonably require.

278 101.04 **License Fee** All application fees, licensure fees, renewal fees, and
 279 administrative charges shall be paid by certified check or money order payable
 280 to the Mississippi Department of Health, and are nonrefundable. Checks
 281 returned for insufficient funds, closed account, etc., shall be assessed an
 282 additional \$50 fee.

- 283 1. **Application Fee**.....\$100.00
 284
 285 2. **Initial Licensure Fee**
 286
 287 a. Maximum capacity 12 or fewer\$ 75.00
 288
 289 b. Maximum capacity 13 to 30\$150.00

290		
291	c.	Maximum capacity 31 to 50\$200.00
292		
293	d.	Maximum capacity 51 to 100\$300.00
294		
295	e.	Maximum capacity 101 to 150\$350.00
296		
297	f.	Maximum capacity 151 or more\$400.00
298		
299	3.	Renewal Fee
300	a.	Maximum capacity 12 or fewer\$ 75.00
301		
302	b.	Maximum capacity 13 to 30\$150.00
303		
304	c.	Maximum capacity 31 to 50\$200.00
305		
306	d.	Maximum capacity 51 to 100\$300.00
307		
308	e.	Maximum capacity 101 to 150\$350.00
309		
310	f.	Maximum capacity 151 or more\$400.00
311		
312	4.	Reinstatement Fee\$200.00
313		
314	5.	Returned Check Fee\$ 50.00
315		
316	6.	Late Fee\$ 25.00
317		
318	7.	Fingerprinting Fee (Per Fingerprint Card)\$ 50.00
319		

NOTE: Except for the fingerprinting fee, no governmental entity or agency that operates a child care facility shall be required to pay the fees set forth in this section. Third party providers that contract with a state agency for the provision of child care services are subject to all fees, fines, etc. Further, should an entity exempt from licensure apply for a license it shall be subject to all fees listed in this section.

101.05 **Certificate of Inspection by Fire Department** A certificate of inspection and approval by the fire department of the municipality or other political subdivision in which the child care facility is located shall be submitted to the licensing agency with the application and license fees. Except that if no fire department exists where the facility is located, the State Fire Marshall shall certify as to the inspection for safety from fire hazards.

The inspection form to be used for fire inspections shall be MSDH Form #333 and shall be signed by a signatory authority of the fire inspection authority making the inspection.

101.06 **Inspection** An agency representative(s) shall inspect each child care facility prior to issuing or renewing a license to assure compliance with these regulations.

337 101.07 **Record of Inspection** Whenever an inspection is made of a child care
 338 facility, the findings shall be recorded on an official inspection form and
 339 furnished to the operator, director, and/or their representative, at the time the
 340 inspection is made.

341 101.08 **Renewal of License**

342 1. The licensing agency shall issue licenses which may be renewed annually.
 343 The licensing agency shall mail a renewal notice, at least seventy-five (75)
 344 days prior to the expiration date of the license, to the address of the
 345 operator registered with the licensing agency. The operator shall:

- 346 a. Complete the renewal form;
- 347 b. Submit any and all certificates of inspection and approval required by
 348 the licensing agency;
- 349 c. Enclose the renewal fee; and
- 350 d. File the above with the licensing agency at least thirty (30) days prior
 351 to the expiration date on the license.

352 **NOTE:** Renewal applications postmarked less than thirty (30) days
 353 prior to the expiration date of the license shall be assessed a \$25.00
 354 late fee.

355 2. An operator who does not file the renewal application prior to the date that
 356 the license expires will be deemed to have allowed the license to lapse.
 357 Said license may be reinstated by the licensing agency, in its discretion, by
 358 payment of both the renewal fee and the reinstatement fee, provided said
 359 application for reinstatement is made within one (1) month of the
 360 expiration date of the license. After the one month reinstatement period, it
 361 shall be required that an application for an initial license be submitted. All
 362 licensure requirements in effect at the time the new initial application is
 363 filed shall be met.

364 101.09 **License Not Transferable or Assignable** Each license shall be issued only for
 365 the premises and operator named in the application and shall not be transferable
 366 or assignable. A change of ownership includes, but is not limited to, inter vivos
 367 gifts, purchases, transfers, lease arrangements, cash and/or stock transactions or
 368 other comparable arrangements whenever any person or entity acquires or
 369 controls a majority interest of the child care facility or service. Changes of
 370 ownership from partnerships, single proprietorships, or corporations to another
 371 form of ownership are specifically included.

372 101.10 **Display of Licenses** The current license issued by the licensing agency to the
 373 named child care facility and operator shall be posted and displayed in a
 374 conspicuous place and in easy view of all persons who enter the child care

375 facility. The facility operator shall also post next to the license, in plain view, a
 376 notice provided by the MSDH that informs the public of where and how they
 377 may report a complaint against the facility.

378 102 **RIGHT OF ENTRY AND VIOLATIONS**

379 102.01 **Right of Entry** An agency representative may enter any child care facility
 380 for the purpose of making inspections or investigations to determine compliance
 381 with these regulations.

382 102.02 **Violations** If violations noted on the inspection form are not corrected within
 383 the period of time specified by the licensing agency, a license may be denied,
 384 suspended, or revoked in accordance with these regulations.

385 103 **FACILITY POLICY AND PROCEDURES**

386 103.01 **Parental Information** Before a child's enrollment, the parent shall be
 387 provided with the following:

388 1. **Operating information:**

- 389 a. The child care facility's purpose, scope of service provided,
 390 philosophy, and any religious affiliation;
- 391 b. Name(s), business telephone number, business address, and home
 392 telephone number of the operator, director or an individual in
 393 authority who can be reached after the facility's normal hours of
 394 operation;
- 395 c. The phone number of the child care facility;
- 396 d. Organization chart or other description of established lines of
 397 authority of persons responsible for the child care facility's
 398 management within the organization;
- 399 e. The program and services provided and the ages of children accepted;
- 400 f. The hours and days of operation and holidays or other times closed;
- 401 g. The procedures for admission and registration of children;
- 402 h. Tuition, plans for payment, and policies regarding delinquent
 403 payments;
- 404 i. Types of insurance coverage for children, or a statement that accident
 405 insurance is not provided or available;

- 406 j. If a facility does not provide liability insurance there shall be a
 407 statement in the child(s) record, signed by the parent indicating that the
 408 parent is aware that the facility does not carry liability insurance.
- 409 k. Reasons/circumstances and procedures for removal of children from
 410 rolls when parents are requested by facility staff to remove a child;
- 411 l. Procedures to include the amount of notice a parent is required to give
 412 the facility before removing a child; and
- 413 m. Policy governing the maximum hours per day or week that a child can
 414 be left at the child care facility.
- 415 **2. Arrival and departure procedures for children:**
- 416 a. Procedure, approved by the licensing authority, for assuring a child's
 417 safe arrival and departure (All children shall be signed in and out of
 418 the facility by an authorized individual.);
- 419 b. Procedures for protecting children from traffic and other hazards
 420 during arrival and departure and when crossing streets;
- 421 c. Policy for release of children from the child care facility only to
 422 responsible persons for whom the child care facility has written
 423 authorization; and
- 424 d. Policy governing a parent picking up a child after closing hours and
 425 procedures if a child is not picked up.
- 426 **3. Program and activities information:**
- 427 a. Policies and procedures about accepting and storing a child's personal
 428 belongings;
- 429 b. Discipline policies including acceptable and unacceptable discipline
 430 measures;
- 431 c. Transportation and safety policies and procedures;
- 432 d. Policies prohibiting the photographing of a child without parental
 433 consent;
- 434 e. Policies regarding a child's participation in extracurricular activities
 435 not sponsored by the child care facility, including but not limited to
 436 baseball, softball, soccer, ballet, or gymnastics; and
- 437 f. Policies regarding water activities and safety procedures. These
 438 policies shall include those water activities which take place away

439 from the child care facility property, e.g., taking children to a public
440 swimming pool.

441 g. Policies encouraging sun safety practices and activities.

442 4. **Health and emergency procedures:**

443 a. Procedures for storing and giving a child medications;

444 b. Policy for reporting suspected child abuse;

445 c. Provision for emergency medical care, treatment of illnesses and
446 accidents, which include:

447 i. A plan to handle a child in a medical crisis;

448 ii. A plan to obtain prompt services of physician and hospitalization,
449 if needed;

450 iii. A plan for immediately notifying the parent of any illness, accident
451 or injury to the child;

452 iv. A plan to acquire the services of a certified practitioner for a child
453 exempt from medical care on religious grounds.

454 d. Evacuation plan including procedures for notifying the parents of the
455 relocation site.

456 e. Policy and procedures for handling dangerous situations, including
457 but not limited to, dealing with violent individuals, individuals
458 entering facility with weapons, bomb threats, or conditions posing an
459 immediate threat to children.

460 5. **State regulations:**

461 a. A summary of the licensing regulations and any appendices thereto,
462 provided by the licensing agency;

463 b. Each child's record shall contain a statement signed by the child's
464 parent, indicating that they have received a summary of licensing
465 standards and other materials designated by the licensing agency for
466 such distribution;

467 c. The name and telephone number of the MSDH licensing official
468 responsible for the inspection of the facility;

469 d. The toll free 1-866-489-8734 Child Care Facility Complaint Hot Line
470 telephone number.

- 471 103.02 **Smoking, Tobacco Products, and Prohibited Substances**
- 472 1. Smoking, the use of tobacco products in any form, alcohol, or illegal
473 drugs, is prohibited within the physical confines of a child care facility,
474 and on all outdoor playground areas.
- 475 2. If smoking or use of tobacco products is permitted outside the physical
476 confines of a child care facility and away from the outdoor playground
477 areas, it shall be limited to a designated area out of the presence of
478 children. The designated area shall be a place where children, in the
479 course of normal daily activities, may not observe staff and volunteers
480 smoking or using tobacco products.
- 481 3. Designated smoking areas shall be clearly identified and posted and shall
482 be provided with receptacles for tobacco product waste.
- 483 103.03 **Parental Access** Child care facilities shall assure the parent that they have
484 welcome access to the child care facility at all times. Welcome access shall be
485 defined as a parent having access to areas of the facility available to his child
486 and nondisruptive to normal daily activities.
- 487 103.04 **Changes in Facility Operations** The operator shall immediately notify the
488 licensing agency of any major changes affecting areas of the child care facility's
489 operations. Such major changes include, but are not limited to, operator,
490 director, location, physical plant, or number of children served.
- 491 103.05 **Notice of Legal Action** The licensing agency shall be notified within seven
492 (7) days, in writing, if notice is received of legal action against the child care
493 facility.
- 494 103.06 **Posting of Information** The following items shall be posted conspicuously
495 in the child care facility at all times:
- 496 1. Accessible to employees and parents:
- 497 a. License
- 498 b. Daily activity schedule
- 499 c. Inspection form, if applicable, or Menus and Food Service Permit, if
500 applicable.
- 501 d. Evacuation route
- 502 e. The facility operator shall also post next to the license, in plain view,
503 a notice provided by the MSDH that informs the public of where and
504 how they may report a complaint against the facility.

- 505 2. In kitchens:
- 506 a. Menus
- 507 b. Evacuation route
- 508 c. Food Service Permit/Inspection Form
- 509 3. The evacuation route in all rooms utilized by children.

510 103.07 **Weapons Prohibited**

- 511 1. There shall be no firearms or other dangerous weapons allowed in a child
- 512 care facility.
- 513 2. If a facility is located in an occupied dwelling, all firearms shall be
- 514 equipped with trigger locks and kept in a locked room out of the sight of
- 515 all children. All other dangerous weapons shall be kept under lock in a
- 516 room not accessible to children.
- 517 3. Other dangerous weapons include, but are not limited to, hunting knives,
- 518 spears, machetes, archery equipment, etc.

519 104 **PERSONNEL REQUIREMENTS**

520 104.01 **General Requirements For Personnel**

- 521 1. Each employee or potential employee of a child care facility, whether full
- 522 time, part time, temporary, substitute, or volunteer, shall be of good moral
- 523 character and shall meet the minimum qualifications for the respective job
- 524 classification, as set forth in these regulations.
- 525 2. Any individual who, in the opinion of the licensing authority, appears to
- 526 be unable to physically or mentally care for children on a daily basis
- 527 and/or in emergency situations will not be allowed to act as a caregiver or
- 528 caregiver assistant. Any person whose ability is in question shall, at the
- 529 request of the licensing authority, be able to demonstrate the ability to
- 530 perform, at a minimum but not limited to the following:
- 531 a. Physical ability to exit the children during a fire drill in under two (2)
- 532 minutes;
- 533 b. Ability to read medication directions and properly dispense
- 534 medication to children (required only if the facility dispenses
- 535 medication);

536

- 537 104.02 **Criminal Record (Fingerprinting), Child Abuse Central Registry Checks,**
 538 **and Sex Offender Records Checks** All operators, employees, and
 539 prospective employees of a child care facility and any person residing in a
 540 residence licensed as a child care facility shall have a criminal records
 541 background (fingerprint), child abuse central registry checks, sex offender
 542 record checks.
- 543 1. An individual shall be allowed to begin employment in a child care facility
 544 prior to the completion of child abuse central registry check and the
 545 criminal records (fingerprint) check and sex offender registry check.
 546 However, no individual may be allowed to provide unsupervised care to
 547 children until all three items have been verified by the licensing authority.
 - 548 2. Any individual who volunteers in a child care facility for 120 or more
 549 hours per licensure year shall be required to have (1) criminal record, child
 550 abuse central registry checks, and sex offender registry check to include
 551 being fingerprinted, and (2) valid Immunization Compliance Form #121.
 - 552 3. Individuals under the age of 18 are not required to be fingerprinted.
 553 However, they may never be left alone with children.
 - 554 4. Once the fingerprint check, child abuse central registry check, and sex
 555 offender registry check have been completed and verified by the licensing
 556 authority as having no disqualifying conditions, a letter shall be issued to
 557 the person fingerprinted stating that they are eligible to be employed in a
 558 child care facility. The employer shall also receive a copy of the
 559 notification letter. This letter shall be valid for a period of five (5) years
 560 from the date on the letter unless otherwise voided. All individuals will be
 561 required to be finger printed every five (5) years.
 - 562 5. If an individual is determined to be unsuitable for employment in a child
 563 care facility, they will receive a letter stating such with instructions
 564 regarding the appeal process. The employer shall also receive a copy of
 565 the non-suitability letter. Whether or not an individual remains employed
 566 at the child care facility during the appeal process is at the discretion of the
 567 operator of the facility.
 - 568 6. Should it be determined by the licensing authority that acceptable
 569 fingerprints cannot be obtained from an individual, an alternative method
 570 of obtaining a criminal records check may be used. In such case the
 571 affected individual will be notified in writing of the process they are to
 572 follow. Failure to follow the procedure shall result in the individual being
 573 determined to be unsuitable to work in a child care facility.

574 Pursuant to Section 43-20-1 et seq., of the Mississippi Code of 1072, all
 575 operators, employees and prospective employees of a childcare facility and any
 576 individual residing in a residence licensed as a child care facility shall have a

577 criminal history records check (fingerprint), child abuse registry check and a sex
578 offender registry check.

579
580 1. Within 10 working days from the date of employment, the childcare
581 facility shall submit the following for processing:

582
583 a. A completed fingerprint card and fees, as appropriate, shall be submitted
584 to the Mississippi State Department of Health for processing. A copy of
585 the submitted fingerprint card, fees paid and evidence of mailing shall be
586 maintained in the employee's personnel file until the facility receives
587 notification from the Department (MSDH) verifying the employee's
588 suitability for employment.

589
590 Should the facility be notified that the fingerprints submitted were
591 incomplete or of such poor quality that prevented processing, the facility
592 shall reprint the individual and/or resubmit the necessary information within
593 10 days of the dated letter on the notification.

594
595 b. A Child Abuse Registry Form shall be submitted to the Department of
596 Human Services for processing. A copy of the submitted form and
597 evidence of mailing shall be maintained in the employee's personnel file
598 until the facility receives notification from the Department (MSDH) of the
599 employee's suitability for employment.

600
601 2. Although an individual is allowed to begin employment prior to the
602 receiving confirmation of the employee's status for employment suitability,
603 at no time shall the facility allow that individual to provide
604 unsupervised care or be left alone with a child until the facility receives
605 notification from the Department (MSDH) verifying that employee's
606 suitability for employment. Each licensed childcare facility with internet
607 capabilities may electronically access, monitor, and verify the suitability
608 status of any submitted employee through a MSDH maintained webpage:
609 <http://www.msdh.state.ms.us>. (Licensed providers without electronic
610 capabilities will receive hardcopy notification of an employee's suitability
611 status.)

612
613 3. Upon receipt of notification, either electronically or hardcopy, that the
614 employee has been deemed suitable for employment in a childcare facility,
615 the facility shall provide the employee the original Letter of Suitability and
616 shall maintain a copy of the suitability letter for the facility files.

617
618 Unless otherwise voided, the letter confirming an employee's Suitability for
619 Employment is valid for a period of five years. However, if there is no
620 break in service from the submitting licensed provider of origin and/or
621 the same campus, as specified on the suitability letter, the Letter of
622 Suitability will remain valid for as long as the individual remains employed

623 at the licensed facility of origin. The Letter of Suitability is not transferable
 624 to another program licensed by the Child Care Licensure Division after the
 625 date of expiration as specified within the suitability letter.

626
 627 4. Individuals under the age of 18 are not required to be fingerprinted.
 628 However, that individual must never be left alone with children.

629
 630 5. The facility shall maintain the following on any individual who volunteers
 631 in a child care facility for 120 or more hours per licensure year:

- 632 • Letter of Suitability for Employment which reflects the completion of
 633 the criminal records check, child abuse registry check and sex offender
 634 check, and
- 635 • Immunization Compliance Form 121.

636

637 104.03 **Child Care Director Qualifications** A child care director shall be least 21
 638 years of age and shall have at a minimum:

639 1. A bachelors degree in early childhood education, child development,
 640 elementary education, child care, special education, psychology (with
 641 emphasis on child psychology), or family and consumer sciences (with
 642 emphasis on child development), or equivalent degree from another child-
 643 related field or course of study;

644 OR

645 2. two-year associate degree from an accredited community or junior college
 646 in child development technology which must include a minimum of 480
 647 hours of practical training, supervised by college instructors, in a college
 648 operated child care learning laboratory.

649 OR

650 3. A two-year associate degree from an accredited community or junior
 651 college in child development technology or child care and two (2) years
 652 paid experience in a licensed child care facility.

653 OR

654 4. Two years paid experience as a caregiver in a licensed child care facility,
 655 and either (1) a current Child Development Associate (CDA) credential
 656 from the Council for Early Childhood Professional Recognition (CECPR),
 657 or (2) a Mississippi Department of Human Services (MDHS) Office for
 658 Children and Youth (OCY) Director(s) Child Care Credential, or (3) 24
 659 semester hours credit with a grade of "C" or better from an accredited
 660 college or university in courses specific to early childhood;

661 OR

662 5. A verified certificate from the licensing agency certifying that the
 663 individual was qualified to be the director of a licensed child care facility
 664 prior to January 1, 2000 in the State of Mississippi.

665 104.04 **Caregivers** Caregivers shall be at least 18 years of age, and shall have at a
 666 minimum:

667 1. A high school diploma or equivalent (GED);

668 OR

669 2. A current CECPR Child Development Associate (CDA) credential, or an
 670 MDHS OCY Director(s) Child Care Credential,

671 OR

672 3. Three (3) years prior documented experience caring for children who are
 673 under 13 years of age and who are not related to the caregiver within the
 674 third degree computed according to civil law.

675 Staff failing to meet the requirements of education and/or experience to act as a
 676 caregiver shall be designated as caregiver assistants.

677 104.05 **Caregiver Assistants** Caregiver assistants shall be at least 16 years of age.
 678 Caregiver assistants shall work under the direct on-site supervision of a director
 679 or caregiver at all times. They shall not have the direct responsibility for a
 680 group of children as the sole caregiver. Caregiver assistants under the age of 18
 681 shall not be given the authority to discipline children.

682 104.06 **Students**

683 1. Students in a field study placement, a practicum, or vocational child care
 684 training program may assist in the care of the children when the following
 685 conditions have been met.

686 2. Students who are 18 years of age or older and who are in a child care
 687 facility for 120 or more hours per licensure year shall have a record on file
 688 in the facility which shall contain the following:

689 a. Name, date of birth, address, and telephone number;

690 b. Name and telephone number of a contact person from the school or
 691 university placing the student;

692 c. Date placement began and daily record of hours student is present;

693 d. Mississippi Department of Health Certificate of Immunization
 694 Compliance Form 121;

- 695 e. Documentation that the criminal records check (fingerprinting), and
 696 child abuse central registry check have been completed and no
 697 records found and,
- 698 f. Documentation of a minimum of one hour of orientation, within one
 699 (1) week of placement, including but not limited to, the child abuse
 700 law and reporting procedures, emergency procedures, and facility
 701 discipline and transportation policies.

702 Students who are under 18 years of age and who are in a child care facility
 703 for 120 or more hours per licensure year shall have a record on file in the
 704 facility which shall contain all of the above listed material with the
 705 exception of Item 5. The facility shall document the time that a student is
 706 at the facility.

707 **No student shall be left alone with children unless an approved**
 708 **criminal records check is on file.**

709 104.07 Use of Director Designee

- 710 1. A director designee is an individual designated to act as the director,
 711 having all responsibility and authority of a director, during the director(s)
 712 short-term absence.
- 713 2. A director designee shall, at a minimum have a high school diploma or
 714 GED and four (4) years paid experience in a licensed child care facility or
 715 licensed/accredited kindergarten program. A director designee shall not
 716 retain sole director authority in a facility for more than twenty four (24)
 717 total hours per calendar week.

718 Exception

719 Facility may have a Director Designee serve for a maximum of fourteen
 720 (14) consecutive days during a licensure year. This exception may be
 721 used once during the licensure year for the purpose of allowing the
 722 director personal leave, i.e., vacation, jury duty, etc.

- 723 3. When the director designee is in charge of the facility, they shall have full
 724 access to all documents of the facility that are necessary for the licensing
 725 agency to conduct an inspection or complaint investigation. These
 726 documents shall include, but are not limited to, staff records, children(s)
 727 records, safety inspections, and any other material or documents required
 728 by the inspecting official.

729 104.08 Staff Development

- 730 1. Owners, Directors and Director Designees. Either before a license to
 731 operate is issued or within the first six months after the issuance of a new

732 license, owners, directors and director designees of the child care facility
733 shall each complete mandatory training on courses covering Childcare
734 Regulations, New Director Orientation, and Playground Safety. If a new
735 director or director designee is appointed by the child care facility after the
736 license issuance, the mandatory training courses shall be completed by
737 such individual(s) within the first six months of appointment. In the sole
738 discretion of the licensing agency, mandatory training may be waived
739 upon the submission of documentation of the individual's prior
740 completion of relevant training.

741 2. All child care staff, directors, director designees, and caregivers shall be
742 required to complete 15 contact hours of staff development, accrued
743 during the licensure year, annually. The National Association for the
744 Education of Young Children (NAEYC), a leading organization in child
745 care and early childhood education recommends annual training based on
746 the needs of the program and the preservice qualification of the staff.
747 Training should address the following:

- 748 a. Health and safety;
- 749 b. Child growth and development;
- 750 c. Nutrition;
- 751 d. Planning learning activities;
- 752 e. Guidance and discipline techniques;
- 753 f. Linkages with community services;
- 754 g. Communications and relations with families;
- 755 h. Detection of child abuse;
- 756 i. Advocacy for early childhood programs;
- 757 j. Professional issues.

758 3. Contact hours for staff development shall be approved by the licensing
759 agency.

760 4. No more than five (5) contact hours of approved in-service training
761 provided by the child care facility may be counted toward the total number
762 of hours required each year. More than five (5) hours of in-service training
763 may be provided by the child care facility but no more than five (5) hours
764 may be counted toward the required total of 15 hours.

765 5. All volunteers shall receive, at a minimum, one (1) hour of orientation by
 766 the facility director. Such orientation shall, at a minimum, include a
 767 review of the child abuse law and reporting requirements, emergency exit
 768 procedures, and the facility transportation policy.

769 6. Before a temporary license may be upgraded to a regular, license the
 770 facility owner/operator and director shall complete a minimum of four (4)
 771 hours of staff development training on the Regulations Governing
 772 Licensure of Child Care Facilities, three (3) hours of New Director
 773 Orientation, and three (3) hours training in playground safety as provided
 774 by the MSDH.

775 104.09 **Review by Licensing Agency**

776 1. The satisfaction of the personnel requirements applicable to any individual
 777 shall be determined by the licensing agency acting pursuant to its authority
 778 under applicable statutes and regulations.

779 2. The licensing agency, in its sole discretion, may accept suitable
 780 educational credits, programs, or degrees in lieu of those specified in
 781 Section V upon the submission of adequate documentation by the
 782 individual.

783 105 **RECORDS**

784 105.01 **Records** Records listed in this section shall be kept within the physical
 785 confines of the child care facility and shall be made available to the licensing
 786 agency on request.

787 105.02 **Records Retention**

788 1. All records, unless otherwise specified, shall be kept for a period of at
 789 least three (3) years.

790 2. A child's records shall be retained for a period of one (1) year after the
 791 child is no longer in attendance at the facility.

792 105.03 **Facility Records**

793 1. Attendance records for children and employees;

794 2. A current alphabetical roster of children enrolled in the child care facility,
 795 to include the child's full name and date of birth;

796 3. A current alphabetical roster of staff employed or volunteers in the child
 797 care facility;

798 4. Current license;

- 799 5. Records of monthly fire/disaster evacuation drills; and,
- 800 6. A record shall be maintained of any medication administered by the
- 801 director or caregiver showing date, time and signature of dispensing
- 802 employee. A medication record may be destroyed 90 days after
- 803 administering the medication.
- 804 7. A record shall be maintained on each volunteer to document date and
- 805 number of hours of volunteer service.
- 806 8. Each facility shall maintain a notebook containing copies of the MSDH
- 807 Certificate of Immunization Compliance (MSDH Form #121) for both
- 808 staff and children at the facility. The notebook shall contain separate
- 809 current alphabetical rosters of both staff and children. The certificates
- 810 shall be filed in alphabetical order to match the current staff and child
- 811 rosters.
- 812 9. Each facility shall maintain a notebook containing copies of the Child
- 813 Abuse Central Registry Check and the Letter of Suitability for
- 814 Employment from the licensing agency on all employees and, when
- 815 applicable, volunteers. The notebook shall contain an alphabetical roster
- 816 of staff and volunteers. Along with name, date-of-birth, the initial date of
- 817 hire or volunteering must be given for cross-reference to individual
- 818 personnel/volunteer files. Child Abuse Central Registry Checks and
- 819 Letter of Suitability for Employment shall be filed in order matching the
- 820 alphabetical roster.
- 821 10. Items required by sections H and I above may be placed within the same
- 822 notebook.

823 105.04 Personnel Records

- 824 1. **Employee Records** Each employee's personnel record shall contain the
- 825 following:
- 826 a. Name, date of birth, address, and telephone number;
- 827 b. Documentation of education, training, and experience necessary for
- 828 employment;
- 829 c. Records of staff development accrued during each licensure year,
- 830 beginning with date employed;
- 831 d. Date of employment and date of separation;
- 832 e. Mississippi Department of Health Certificate of Immunization
- 833 Compliance Form 121;

834 f. Documentation that the criminal record checks (fingerprinting), Child
 835 Abuse Central Registry checks, and Sex Offender Registry checks,
 836 have been conducted; and the information shall be included in each
 837 employee's personnel file; and

838 **NOTE:** Each person living in a private residence used as a
 839 child care facility shall meet the same requirements as employed
 840 personnel, relative to health, criminal record, fingerprinting, child
 841 abuse central registry checks, and sex offender registry checks.

842 g. Documentation of orientation, within one (1) week of being hired,
 843 including but not limited to emergency procedures (to include policies
 844 for handling dangerous situations), staffing and supervision
 845 requirements, daily schedules, physical/emotional/developmental
 846 problems of children, discipline policies, and child abuse and neglect;
 847 and

848 h. Upon resignation or termination, personnel records shall be kept on
 849 file and be made available to the licensing agency for at least one (1)
 850 year after the last day of employment.

851 **105.05 Volunteer Records (120 or more hours per year)** For any person who
 852 volunteers in a child care facility for 120 or more hours per licensure year, a
 853 record shall be kept which contains the following:

- 854 1. Name, date of birth, address, and telephone number;
- 855 2. Documentation of education, training, and experience that may help them
 856 in their role as a volunteer;
- 857 3. Date individual began volunteering and last date individual volunteered at
 858 facility;
- 859 4. Mississippi Department of Health Certificate of Immunization
 860 Compliance Form 121;
- 861 5. Documentation that the criminal records check (fingerprinting), child
 862 abuse central registry check, and sex offender registry check have been
 863 conducted, and the information included in each volunteer(s) file; and
- 864 6. Documentation of a minimum of one hour of volunteer orientation, within
 865 one (1) week of volunteering, including but not limited, to the child abuse
 866 law and reporting requirements, emergency exit procedures, policies for
 867 handling dangerous situations, and the facility transportation policy;
- 868 7. A volunteer(s) record shall be retained for a period of one (1) year after
 869 they are no longer volunteering at the facility; and

870 8. A record shall be maintained on each volunteer to document date and
871 number of hours of volunteer service.

872 105.06 **Volunteer Records (Less than 120 hours per year)** For any person who
873 volunteers in a child care facility for less than 120 hours per licensure year, a
874 record shall be kept which contains the following:

875 1. Documentation of a minimum of one (1) hour of volunteer orientation
876 within one (1) week of volunteering, including but not limited, to the child
877 abuse law and reporting requirements, emergency exit procedures, policies
878 for handling dangerous situations, and the facility transportation policy
879 and special needs of children;

880 2. A volunteer(s) record shall be retained for a period of one (1) year after
881 they are no longer volunteering at the facility; and

882 3. A record shall be maintained on each volunteer to document date and
883 number of hours of volunteer service.

884 105.07 **Child Records** The facility shall maintain an individual file for each child
885 under its current care, and for any withdrawn child who withdrew during the
886 preceding twelve months, containing the following identification and contact
887 information, parental instructions, authorizations and other documents required
888 by its policy manual:

889 1. **Identification and Contact Information**

890 a. The name of the child and names of parents/guardians

891 b. Home address and home telephone number

892 c. The parent's business name, address and telephone number

893 d. The child's date of birth

894 e. Date of acceptance at facility and date of withdrawal, if any, with the
895 parent's stated reason for withdrawal

896 f. Other contact information required to be maintained in accordance
897 with facility(s) policy manual.

898 2. **Parental Instructions**

899 a. If the parent provides written instructions to the facility, those
900 instructions concerning the child(s) growth and development, medical
901 needs, allergies, toilet training and other information relevant to the
902 child(s) well-being shall be maintained and updated as provided from
903 time to time.

- 904 b. Written identification of an authorized, responsible person(s) for pick
905 up of the child.
- 906 c. Documentation of any limitation of parental rights of the other parent
907 or stepparent.
- 908 d. Documentation of any limitation or restriction, if any, on activities of
909 child, or other participation by the child in certain events such as
910 holiday celebrations or being photographed or other parental
911 concerns.

912 **3. Authorizations**

- 913 a. Signed written authorization to obtain emergency medical treatment
914 and to administer medication.
- 915 b. Election by parent either (a) to provide written authorization
916 consenting to any and all field trips, excursions, or series of events
917 outside the child care facility, or (b) to provide written consent only
918 for those specific field trips, excursions, or series of events for which
919 a date, time and location are specifically approved.
- 920 c. Signed acknowledgment by parent that the written policies and
921 procedures described in Section 4-1 has been received by the parent.
- 922 d. Signed acknowledgment by parent that a summary of licensing
923 standards and other materials designated by the licensing agency has
924 been received by the parent.

925 **4. Documents Required by Policy Manual or Contract**

- 926 a. If agreed by the facility in its policy manual or caregiver contracts,
927 method in which facility will inform the parent or contact person if a
928 child does not arrive at the facility within a reasonable time after a
929 scheduled drop-off.
- 930 b. Any other documents or identification records agreed to be
931 maintained by the facility.

932 **5. Confidentiality of Records and Information**

- 933 a. Individual child records are confidential and shall not be disclosed or
934 released without prior written authorization by the parent.
- 935 b. Individual personnel records are confidential and shall not be
936 disclosed or released without prior written authorization by the
937 employee.

938 106 **REPORTS**

939 106.01 **Serious Occurrences Involving Children** The child care facility shall enter into
 940 the child's record and orally report immediately to the child's parent and the
 941 licensing agency any serious occurrences involving children. If the child care
 942 facility is unable to contact the parent and the licensing agency immediately, it
 943 shall document this fact, in writing, in the child's record. Oral reports shall be
 944 confirmed in writing and mailed within two (2) days of the occurrence. Serious
 945 occurrences include accidents or injuries requiring extensive medical care or
 946 hospitalization; death; arrest; alleged abuse or neglect; fire or other emergency
 947 situations.

948 106.02 **Child Abuse** Any operator or employee of a child care facility who has
 949 suspicion or evidence of child abuse or neglect shall report it immediately to the
 950 Mississippi Department of Human Services in accordance with the state's Youth
 951 Court Act. (Appendix "A")

952 106.03 **Communicable Disease** The child care facility shall promptly report any
 953 known or suspected case or carrier of any reportable disease to the Mississippi
 954 Department of Health, as published in the "List of Reportable Diseases.(
 955 (Appendix "B")

956 106.04 **Infants and Toddlers** For infants and toddlers, the child care facility shall
 957 provide, to the child's parent, daily written reports which include liquid intake,
 958 child's disposition, bowel movements, and eating and sleep patterns.

959 107 **STAFFING**960 107.01 **General**

- 961 1. The staff-to-child ratio shall be maintained at all times, to include when
 962 children are arriving and departing the facility.
- 963 2. Children shall not be left unattended at any time. Video monitors cannot
 964 be used as a substitute for the physical presence of a caregiver in a room.
- 965 3. During all hours of operation, including arrival and departure of children,
 966 a child care facility employee shall be present to whom administrative and
 967 supervisory responsibilities have been assigned. This child care facility
 968 employee shall meet the minimum qualifications of a director or director
 969 designee.

970 **NOTE:** Operators of child care facilities shall provide to the local
 971 licensing official a list of all individuals who meet the qualifications of a
 972 director or director designee and may be assigned administrative and
 973 supervisory responsibility for the facility when the director is absent.
 974 Documentation that an individual meets the qualifications of a director
 975 shall be submitted to and approved by the local licensing official. Director

976 designee qualifications shall be maintained on site and available to the
977 licensing official during site visits.

978 4. During all hours of operation, including the arrival and departure of
979 children, a child care facility employee shall be present who holds a valid
980 CPR certification, at any location where the children are present.

981 5. During all hours of operation, including the arrival and departure of
982 children, a child care facility employee shall be present who holds a valid
983 first aid certificate issued by an agent recognized by the licensing
984 authority.

985 **107.02 Ratio**

986 1. The minimum ratio of caregiver staff-to-children present at all times shall
987 be as follows:

988	<u>Age of Children</u>	<u>Number of Children to Caregiver Staff</u>
989	Less than 1 year	5
990	1 year	9
991	2 years	12
992	3 years	14
993	4 years	16
994	5 through 9 years	20
995	10 through 12 years	25

996 2. Staff-to-child ratios shall be met at all times, including during
997 opening/closing, field trips and swimming or water activities whether at
998 the child care premises or off-site.

999 3. In mixed age groups, the age of the youngest child in the group determines
1000 the staff-to-child ratio. Preschool children shall not be grouped with
1001 school age children in any single area during normal classroom and
1002 playground or water activities.

1003 4. With the exception of children under two (2) years of age, children may be
1004 under the direct supervision (staff in the same room) of 50 percent of the
1005 staff required by this section during rest period times, provided the
1006 required staff-to-child ratio is maintained on the premises.

1007 5. At no time will a single individual be responsible for the supervision of
1008 children located in more than one classroom at any given time.

- 1009 6. Compliance with group sizes is not required during normal arrival and
 1010 departure time periods, or during special events. However, the age-
 1011 appropriate staff-to-child ratio shall be maintained at all times.

1012 **107.03 Grouping**

1013 When children are placed in groups, the maximum group size shall be
 1014 determined by the following chart.

1015

1016

1017

Age of Children in the Group	MAXIMUM number of children ALLOWED in a group of children this age	MINIMUM number of caregivers REQUIRED for a group of children this age	MINIMUM square footage REQUIRED for a group of children this age
Infant(Under 12 months)	10 infants	2 caregivers	40 square feet per child
Toddler(12 months to under 24 months)	10 toddlers	2 caregivers	45 square feet per child
2 years	14 children	2 caregivers	35 square feet per child
3 years	14 children	1 caregiver	35 square feet per child
4 years	20 children	2 caregivers	35 square feet per child
5-9 years	20 children	1 caregiver	35 square feet per child
10-12 years	25 children	1 caregiver	35 square feet per child

1018

1019 NOTE:Space requirements for groupings in facilities licensed for school age children
 1020 only are addressed in Sections 22-3 and 23-8.

1021 **108 PROGRAM OF ACTIVITIES**

1022 **108.01 General**

- 1023 1. The child care facility shall provide a basic program of activities geared to
 1024 the age levels and developmental needs of the children served.
- 1025 2. The child care facility shall provide for the reading of age-appropriate
 1026 materials to children.

1027 3. The child care facility shall incorporate programs to encourage sun safety
1028 practices (skin cancer prevention), into activities for all age levels.

1029 108.02 **Daily Routines** All daily routines, such as eating and rest periods, shall be
1030 scheduled for the same time each day.

1031 108.03 **Eating** Meal periods are breakfast, lunch, dinner, and snacks. A minimum
1032 of 30 minutes shall be scheduled for each breakfast, lunch, and dinner meal
1033 period. A minimum of 15 minutes shall be scheduled for each snack meal
1034 period.

1035

1036

1037 108.04 **Rest Periods**

1038 1. For children under six (6) years of age, rest periods shall be scheduled for
1039 a minimum period of one (1) hour, and shall not exceed two and one-half
1040 (2 1/2) hours.

1041 2. Physical force shall not be used in requiring children to lie down or go to
1042 sleep during rest periods.

1043 3. Rest periods are not required for children in attendance for less than six
1044 (6) hours.

1045 4. Rest periods are not required for school age children.

1046 5. An infant shall not be placed on his stomach for sleeping unless written
1047 physician orders are in the child's record.

1048 108.05 **Outdoor Activities**

1049 1. Each infant shall have a minimum of 30 minutes of outdoor activities per
1050 day, weather permitting.

1051 2. Toddler, preschool, and school age children shall have a minimum of two
1052 (2) hours of outdoor activities per day, weather permitting. Children who
1053 are in attendance at a facility for seven (7) hours per day or less shall have
1054 a minimum of 30 minutes of outdoor activity per day, weather permitting.

1055 3. Sun safe practices shall be used during outdoor activities scheduled
1056 between 10 A.M. and 2 P.M. during the period April 1 to September 15.

1057 4. Sun safe practices shall be evident in the planning of all outdoor events.

1058 5. Outdoor activities shall be held in areas providing shade or covered
1059 spaces.

1060 **108.06 Infant and Toddler Activities**

- 1061 1. Infants and toddlers shall be free to creep, crawl, toddle, and walk as they
1062 are physically able.
- 1063 2. Infants and toddlers shall be taken outdoors every day, weather permitting.
- 1064 3. For infants who cannot move about the room, caregivers shall frequently
1065 change the place and position of the infant and the selection of toys
1066 available, and the child shall be held, rocked, and carried about.
- 1067 4. Television viewing, including video tapes and/or other electronic media, is
1068 not allowed for infants or for staff in an infant area.
- 1069 5. Television viewing, including video tapes and/or other electronic media,
1070 for toddlers is limited to one (1) hour per day, must be of educational
1071 content and a scheduled part of the approved daily plan of activities posted
1072 in the facility.
- 1073 6. Television viewing by staff is not permitted in areas occupied by children
1074 except for the purposes as described in subsection E., above.

1075 **109 EQUIPMENT, TOYS, AND MATERIALS**

1076 **109.01 General**

- 1077 1. Equipment, toys, and materials for both indoor and outdoor use shall be
1078 appropriate to the age and developmental needs of the children served.
- 1079 2. Developmentally age-appropriate toys shall be available and accessible for
1080 infants, and shall include but not be limited to the following:
- 1081 a. Simple, lightweight, open-ended, easily washable toys such as
1082 containers, balls, large pop-beads, nesting cups;
- 1083 b. Rattles, squeak toys, action/reaction toys;
- 1084 c. Cuddly toys;
- 1085 d. Toys to mouth such as teethers and rings;
- 1086 e. Pictures of real objects; and
- 1087 f. A crawling area with sturdy, stable furniture for pulling up self.
- 1088 3. Developmentally age-appropriate toys shall be available and accessible for
1089 toddlers, and shall include but not be limited to the following:
- 1090 a. Push and pull toys;

- 1091 b. Stacking toys, large wooden spools/beads/cubes;
- 1092 c. Sturdy picture books, music;
- 1093 d. Pounding bench, simple puzzles;
- 1094 e. Play telephone, dolls, toys to appeal to child(s) imagination;
- 1095 f. Large paper, crayons;
- 1096 g. Sturdy furniture to hold on to while walking; and
- 1097 h. Sand and water toys.
- 1098 4. Developmentally age-appropriate toys shall be available and accessible for
1099 preschoolers, and shall include but not be limited to the following:
- 1100 a. Active play equipment for climbing and balancing;
- 1101 b. Unit blocks and accessories;
- 1102 c. Puzzles, manipulative toys;
- 1103 d. Picture books and records, musical instruments;
- 1104 e. Art materials such as finger and tempera paints, clay, play dough,
1105 crayons, collage materials, markers, scissors, and paste;
- 1106 f. Dramatic play materials such as dolls, dress-up clothes and props,
1107 child-sized furniture, puppets; and
- 1108 g. Sand and water toys.
- 1109 5. Children's original work shall be displayed in the child care facility.
- 1110 6. Books shall be on shelves and tables for children to look at and read.
1111 Every child shall have age-appropriate materials (including picture books)
1112 read to and discussed with him or her every day. Where appropriate, the
1113 materials should cover topics with which the children are involved.
- 1114 7. Television viewing by preschool children shall be limited to two (2) hours
1115 per day and shall be educational programming only. Television viewing
1116 by staff is not permitted in areas occupied by children except for the
1117 purposes as described herein.
- 1118 8. The daily activity schedule shall demonstrate that preschoolers are given
1119 opportunities to do a variety of activities, including both quiet and active,
1120 such as block play, art activities, puzzles, books, and learning games, and
1121 that stories are read to and discussed with each child every day.

- 1122 109.02 **Playground Equipment**
- 1123 1. All playgrounds and playground equipment used by children 2 - 12 years
1124 of age shall meet the safety standards set forth in Appendix "D" of these
1125 regulations.
- 1126 2. Playground equipment shall be of safe design and in good repair. Outdoor
1127 playground climbing equipment and swings shall be set in concrete
1128 footings located at least six (6) inches below ground surface. Indoor
1129 playground equipment shall be installed according to the manufacturer's
1130 specifications. Swings shall have soft and/or flexible seats. Access to
1131 playground equipment shall be limited to age groups for which the
1132 equipment is developmentally appropriate.
- 1133 3. Equipment designed for outdoor use by infants and toddlers shall be
1134 accessible to shaded areas to ensure sun safe practices.
- 1135 109.03 **Paint** Paint on toys, equipment, furniture, walls, and other items shall be lead-
1136 free and non-poisonous.
- 1137 109.04 **Chairs and Tables** Chairs and tables shall be of a size appropriate to the size
1138 and age of the children. There shall be an adequate number of chairs and tables
1139 to accommodate the children present at the facility.
- 1140 109.05 **Hooks and Compartments** Individual hooks or compartments shall be provided
1141 for each child for hanging or storing outer and/or extra clothing as well as for
1142 personal possessions. Hooks shall be spaced well apart so that clothes and
1143 belongings do not touch those of another child. Hooks shall also be placed at a
1144 height suitable to prevent an injury to a child.
- 1145 109.06 **Sand Boxes**
- 1146 1. Sand boxes shall be constructed to permit drainage, shall be covered
1147 tightly and securely when not in use, and shall be kept free from cat or
1148 other animal excrement.
- 1149 2. Sand contained in sand boxes shall not contain toxic or harmful materials.
- 1150 109.07 **Cribs** Cribs shall be made of wood, metal, or approved plastic and have secure
1151 latching devices. They shall have slats spaced no more than two and three-
1152 eighths (2 3/8) inches apart, with a mattress fitted so that no more than two (2)
1153 fingers can fit between the mattress and the crib side. Drop-side latches shall
1154 securely hold sides in the raised position and shall not be reachable by the child
1155 in the crib. Cribs shall not be used with the drop down side down. There shall
1156 be no corner post extensions (over 1/16 inch), or cut outs in headboards in the
1157 crib. The use of stackable cribs is prohibited.

1158 109.08 **High Chairs** High chairs, if used, shall have a wide base and a T-shaped safety
 1159 strap. They shall be labeled or warranted by the manufacturer in documents
 1160 provided at the time of purchase or verified thereafter by the manufacturer as
 1161 meeting the American Society for Testing Materials (ASTM) Standard F-404
 1162 (Consumer Safety Specifications for High Chairs).

1163 109.09 **Rest Period Equipment**

- 1164 1. Individual beds, cots, mattresses, pads, or other acceptable equipment
 1165 shall be used for rest periods. These shall be kept in a sanitary condition.
 1166 Once a sheet or blanket has been used by a child, it shall not be used by
 1167 another child until it has been laundered.
- 1168 2. Rest period equipment shall be clean and covered with a waterproof cover.
- 1169 3. Nap pads/cots are designed for use by one (1) child only at a time.
- 1170 4. Nap pads utilized by more than one child shall be sanitized after each
 1171 child(s) use. Nap pads utilized by only one child shall be sanitized
 1172 immediately when soiled or at least weekly.
- 1173 5. Nap pads and nap cots without mattresses are not acceptable for use in 24
 1174 hour programs. Beds, cribs, or roll away cots are the only acceptable
 1175 bedding for 24 hour centers.

1176 109.10 **Play Equipment**

- 1177 1. Play equipment, toys, and materials shall be provided that meets the
 1178 standards of the Consumer Product Safety Commission and/or the
 1179 American Society for Testing and Materials (ASTM) for juvenile
 1180 products. Play equipment, toys, and materials shall be found to be
 1181 appropriate to the development needs, individual interests, and ages of the
 1182 children as identified as age-appropriate by a label provided by the
 1183 manufacturer on the product package.
- 1184 2. Projectile toys, i.e., dart guns, toy guns, etc., are prohibited.
- 1185 3. Water play tables, if used, shall be cleaned and sanitized daily.
- 1186 4. Tricycles and other riding toys used by the children shall be spokeless,
 1187 steerable, and of a size appropriate for the child, and shall have low
 1188 centers of gravity. All such toys shall be in good condition and free of
 1189 sharp edges or protrusions that may injure the children. When not in use,
 1190 such toys shall be stored in a location where they will not present a
 1191 physical obstacle to the children and employees. Riding toys shall be
 1192 inspected at least monthly for protrusions and rough edges that could lead
 1193 to injury.

1194 **109.11 School Age Programs**

- 1195 1. The foregoing provisions in Section X shall not be applied to any facility
1196 licensed solely for School age children unless specifically required in this
1197 Section 10-11.
- 1198 2. All playgrounds and playground equipment used by children 2 - 12 years
1199 of age shall meet the safety standards set forth in Appendix “D” of these
1200 regulations.
- 1201 3. Projectile toys are prohibited. Projectile toys are toys which, when
1202 projected, have the ability to penetrate body or eye tissue. Play
1203 equipment, toys, and materials shall be provided that meets the standards
1204 of the Consumer Product Safety Commission and/or the American Society
1205 for Testing and Materials (ASTM) for juvenile products.
- 1206 4. Possessions, belongings, and extra clothing for each school age child must
1207 be stored in such a manner as to not touch those of another child.

1208 **110 BUILDINGS AND GROUNDS**

1209 **110.01 Building**

- 1210 1. A child care facility shall be physically separated from any other business
1211 or enterprise. Other occupants, visitors, and/or employees of other
1212 businesses or enterprises within the same building shall not be allowed
1213 within the physical confines of the child care facility for the purpose of
1214 entering the building or exiting the building, or passing through the child
1215 care facility for the purpose of gaining access to another part of the
1216 building.
- 1217 2. All child care facility buildings shall meet all fire safety standards listed
1218 on the MSDH Form #333 and all applicable local fire safety standards
1219 and/or ordinances.
- 1220 3. No house trailers, relocatable classrooms, or portable buildings shall be
1221 used to house a child care facility unless such structure was originally
1222 designed specifically for educational purposes and meets the Mississippi
1223 State Department of Education(s current standards for a relocatable
1224 classroom. Further, such portable structure shall meet all applicable fire
1225 safety codes.
- 1226 Current licensees operating facilities housed in such structures are
1227 exempted from this provision. Any change of ownership, need for major
1228 renovation, or other significant change in the facility(s status shall revoke
1229 such exemption.

- 1230 4. Plans and specifications shall be submitted to the licensing agency for
 1231 review and approval on all proposed construction and/or major
 1232 renovations.
- 1233 5. A separate space shall be provided for the use of an ill or injured child
 1234 until the child can be picked up by the parent. Space shall be located in an
 1235 area that is supervised at all times by an employee.
- 1236 6. Separate space for infants and toddlers shall be provided away from older
 1237 children except in facilities licensed for 12 or fewer children.
- 1238 7. The floor and/or floor covering shall be properly installed, kept clean and
 1239 in good condition, and maintained in good repair. Carpeting is prohibited
 1240 in kitchen areas.
- 1241 8. All parts of the child care facility used by children shall be lead-safe, well
 1242 lighted, ventilated, and free of hazardous or potentially hazardous
 1243 conditions, such as but not limited to, open stairs and unprotected low
 1244 windows.
- 1245 All buildings intended for use as a child care facility constructed before
 1246 1965 shall be tested for lead. It is the responsibility of the facility
 1247 applicant/operator to have a lead hazard screen or lead-based paint risk
 1248 assessment of the facility done by an individual or company certified as a
 1249 risk assessor by the Mississippi Commission on Environmental Quality. If
 1250 the facility is found not to be lead-safe, it will not be allowed to operate as
 1251 a child care facility until all required corrective measures have been taken
 1252 and the facility is determined to be lead-safe by a certified risk assessor.
- 1253 9. All glass in doors, windows, mirrors, etc., shall have a protective barrier at
 1254 least four (4) feet high when measured from the floor. Doors, windows,
 1255 mirrors, etc., using safety-grade glass or polymer (e.g., Lexan®) are not
 1256 required to have a protective barrier. Glass windows and glass door
 1257 panels shall be equipped with a vision strip 36 inches from the floor.
 1258 Safety glass must be so certified by the installer and the statement kept on
 1259 file at the child care facility.
- 1260 10. Walls shall be kept clean and free of torn wall covering, chipped paint,
 1261 broken plaster, and holes. No paint that contains lead compounds shall be
 1262 applied to interior walls or woodwork.
- 1263 11. All ceiling lighting shall be shielded completely and encased in
 1264 shatterproof materials.
- 1265 12. A child care facility shall have a working telephone available to all staff at
 1266 all times. Telephones shall also be available for incoming calls and shall
 1267 not be unplugged or disconnected during business hours.

- 1268 13. All fire extinguishers, as required in the fire safety plan, shall be serviced
1269 on an annual basis by a qualified fire extinguisher technician.
- 1270 14. Unused electrical outlets shall be protected by a safety plug cover.
- 1271 15. No extension cords shall be used in areas accessible to children.
- 1272 16. Every child care facility which uses nonelectric heating and/or cooling
1273 systems, cooking stoves, and/or hot water heaters or other nonelectric
1274 equipment, shall have sufficient carbon monoxide monitors placed
1275 appropriately throughout the child care facility.

1276 **110.02 Indoor Square Footage**

- 1277 1. The designated area for children's activities shall contain a minimum of 35
1278 square feet of usable space per child, measured on the inside, wall-to-wall
1279 dimensions. These spaces are exclusive of food preparation areas,
1280 kitchens, bathrooms, toilets, areas for the care of ill children, offices, staff
1281 rooms, corridors, hallways, stairways, closets, lockers, laundries, furnace
1282 rooms, fixed or permanent cabinets, fixed or permanent storage shelving
1283 spaces, and areas not inhabited and used by children. Usable space shall
1284 be areas dedicated to children(s activities (play, learning, rest, and eating)
1285 and shall be utilized for those purposes on a daily basis. Furnishings shall
1286 be equipment which is both size and age-appropriate for children receiving
1287 care. The space occupied by inappropriate or adult size equipment shall
1288 be deducted the children(s usable space.
- 1289 2. Rooms in which infants both play and sleep shall have a minimum of 40
1290 square feet of usable space per child. There shall be at least two (2) feet
1291 between each crib. Cribs with solid ends may be placed end-to-end.
- 1292 3. Rooms where infants play but do not sleep shall have a minimum of 15
1293 square feet of usable space per child. Note: No other age group shall use
1294 this space nor can it be used for any purpose other than infant play.
- 1295 4. Rooms where infants sleep but do not play shall have a minimum of 25
1296 square feet of usable space per child. There shall be at least two (2) feet
1297 between each crib. Cribs with solid ends may be placed end-to-end.
- 1298 5. Rooms in which toddlers both play and sleep shall have a minimum of 45
1299 square feet of usable space per child. There shall be at least two (2) feet
1300 between each crib. Cribs with solid ends may be placed end-to-end.
1301 However, if stackable cots, mats, or other storable sleeping equipment are
1302 utilized for sleeping the room shall be measured using the standard of 35
1303 square feet per child. Should it be determined that the sleeping equipment
1304 is not properly stored when not in use the capacity of the room will be
1305 determined using 45 square feet per child.

- 1306 6. Rooms where toddlers play but do not sleep shall have a minimum of 25
 1307 square feet of usable space per child. Note: No other age group shall use
 1308 this space nor can it be used for any purpose other than toddler play.
- 1309 7. Rooms where toddlers sleep but do not play shall have a minimum of 25
 1310 square feet of usable space per child. There shall be at least two (2) feet
 1311 between each crib. Cribs with solid ends may be placed end-to-end.
- 1312 8. Child care facilities shall be measured or remeasured under the following
 1313 circumstances:
- 1314 a. Prior to initial opening of a facility;
- 1315 b. Upon change of ownership of an existing facility;
- 1316 c. At the completion of any new construction, renovation, or change in
 1317 the layout/use of space;
- 1318 d. If the measurement of the facility is not in the licensing agency(s)
 1319 facility file; and/or
- 1320 e. If the licensing officer determines that the facility, or any portion
 1321 thereof, is overcrowded or utilization of the facility space has
 1322 changed.

1323 110.03 Openings

- 1324 1. Each window, exterior door, and basement or cellar hatchway shall be
 1325 weather tight and watertight.
- 1326 2. All windows above ground level in areas used by children under five (5)
 1327 years of age shall be constructed, adapted, or adjusted to limit the exit
 1328 opening accessible to children to less than six (6) inches, or be otherwise
 1329 protected with guards that do not block outdoor light.
- 1330 3. Openable windows shall be of a safety type (not fully openable) that are
 1331 child proofed and screened when open. When there are no openable
 1332 windows, or when windows are not kept open, rooms shall be adequately
 1333 ventilated.
- 1334 4. All openings used for ventilation shall be screened.
- 1335 5. The width of doors shall accommodate wheelchairs and the needs of
 1336 individuals with physical disabilities.
- 1337 6. Exit doors shall open outward. Boiler room doors shall swing inward.

1338 7. Doorways and exits shall be free of debris and equipment to allow
1339 unobstructed traffic to and from the room.

1340 8. The hand contact and splash areas of doors and walls shall be covered
1341 with an easily cleanable finish, at least as cleanable as an epoxy finish or
1342 enamel paint.

1343 **110.04 Kitchens**

1344 1. Children are not allowed in the kitchen area. In School Age/After School
1345 programs, children may be allowed in the kitchen but not during times
1346 when food is being cooked. Supervision in the kitchen when children are
1347 present must meet the staffing requirements as referenced in Section VIII
1348 of the regulations.

1349 2. Barriers, approved by the local fire authority, shall be erected and doors
1350 shall be closed at all times.

1351 3. The kitchen area shall be designed and constructed to be totally enclosed
1352 with walls, doors, and/or barriers. Serving counter openings that conform
1353 to local fire codes and MSDH food service regulations are permitted.

1354 4. Kitchens shall have the following minimum square footage, based upon
1355 the maximum number of children allowed pursuant to the license:

1356	<u>Licensed Capacity</u>	<u>Minimum Sq. Footage</u>
1357	1-50	90 sq. ft.
1358	51-70	150 sq. ft.
1359	71-100	210 sq. ft.
1360	over 100	300 sq. ft.

1361 5. Child care facilities serving 50 or more children shall have a separate,
1362 stand alone freezer for storage of frozen foods.

1363 6. All kitchens providing food for child care facilities with 13 or more
1364 children, and all kitchens in child care facilities not located in occupied
1365 dwellings, shall comply with the Mississippi Department of Health's 10.0
1366 Regulation Food Code, with the exception that kitchens in facilities
1367 located in an occupied dwelling that are licensed for 13 or more children
1368 need not have a separate kitchen to serve the child care facility.

1369 **110.05 Toilets and Hand Washing Lavatories**

- 1370 1. Toilets and hand washing lavatories shall be located within the physical
 1371 confines of child care facility and shall be convenient to outside
 1372 playground areas.
- 1373 2. The following ratios shall apply: Toilets, urinals, and hand washing
 1374 lavatories shall be apportioned at a ratio of 1:15. Urinals shall not exceed
 1375 33 percent of the total required toilet fixtures. When the number of
 1376 children in the ratio is exceeded by one (1), an additional fixture shall be
 1377 required.
- 1378 3. The hand washing lavatories located in a diapering area shall not be
 1379 included in the ratio of hand washing lavatories to children for
 1380 determining a child care facility's capacity. Diaper changing sinks shall
 1381 not be used for any other purpose such as, but not limited to, rinsing or
 1382 washing baby bottles, pacifiers, teething rings, or for food preparation.
- 1383 4. All hand washing lavatories shall have both hot and cold running water.
 1384 Hot water temperature shall not exceed 120 degrees Fahrenheit.

1385 **110.06 Water** The water supply shall be from a public water system or a private
 1386 system approved by the Mississippi Department of Health. Water shall be
 1387 dispensed by the following:

- 1388 1. Fountain; or
 1389 2. Disposable paper cups; or
 1390 3. Labeled cup for each child which shall be washed and sanitized daily.

1391 **110.07 Exits**

- 1392 1. At least two (2) separate exit doors shall be provided from every floor
 1393 level.
- 1394 2. Exit doors shall be remote from each other.
- 1395 3. Dead end corridors shall not exceed 20 feet in length.
- 1396 4. Exit doors necessitating passage through a kitchen shall not be counted as
 1397 one of the two (2) remote exits.
- 1398 5. Exit doors shall be a minimum of 32 inches wide and open outward. No
 1399 single leaf in an exit door shall be less than 28 inches wide nor more than
 1400 48 inches wide.
- 1401 6. Any latch or other fastening device on an exit door shall be provided with
 1402 a knob, handle, panic bar, or other simple type of releasing device. Dual
 1403 action door fasteners are not permitted.

1404 7. The force required to fully open exit doors shall not exceed 50 pounds
1405 applied to the latch stile (panic bar).

1406 8. An exit door shall not reduce the effective width of a landing.

1407 **110.08 Heating, Cooling, and Ventilation**

1408 1. A draft-free seasonally appropriate temperature of 65 degrees Fahrenheit
1409 to 78 degrees Fahrenheit shall be maintained.

1410 2. All rooms used by children shall be heated, cooled, and adequately
1411 ventilated to maintain the required temperatures, and air exchange, and to
1412 avoid the accumulation of objectionable odors and harmful fumes.

1413 3. Ventilation may be in the form of operable windows as specified in these
1414 regulations.

1415 4. Areas where art and craft activities are conducted shall be well ventilated.
1416 In areas where substances are used that create toxic fumes, exhaust hood
1417 systems or other devices shall be installed.

1418 5. Electric fans, if used, shall be mounted high on the wall or ceiling or shall
1419 be guarded to limit the size of the opening in the blade guard to less than
1420 one-half (1/2) inch.

1421 6. When air cooling is needed, draft-free cooling units shall be used. They
1422 shall present no safety hazard to the children.

1423 7. Filters on recirculation systems shall be checked and cleaned or replaced
1424 monthly.

1425 8. Window draft deflectors shall be provided.

1426 9. Thermometers that do not present a hazard to children shall be placed on
1427 interior walls in every activity area at children's height.

1428 10. Portable, open flame and kerosene space heaters are prohibited. Portable
1429 gas stoves shall not be used for heating.

1430 11. Electric space heaters shall be UL-approved; inaccessible to children; and
1431 stable; shall have protective covering; and shall be placed at least three (3)
1432 feet from curtains, papers, and furniture.

1433 12. Fireplaces and fireplace inserts shall be screened securely or equipped
1434 with protective guards while in use. They shall be properly drafted. The
1435 child care facility shall provide evidence of cleaning the chimney at least
1436 once a year, or as frequently as necessary to prevent excessive buildup of

- 1437 combustibles in the chimney. Records of chimney cleaning shall be
1438 retained in the center files.
- 1439 13. Heating units that utilize gas shall be installed and maintained in
1440 accordance with the manufacture(s) instructions, are vented properly to the
1441 outside, and be supplied with sufficient combustion air as required by the
1442 International Fuel Gas Code.
- 1443 If the area of the state where the facility is located does not utilize the
1444 International Fuel Gas Code, the installation and maintenance of any
1445 heating units that utilize gas shall be in accordance with the manufacture(s)
1446 instructions and any local ordinances that apply.
- 1447 It is the responsibility of the licensee to provide to the licensing authority
1448 documentation that the heating units meet the above stated standards.
- 1449 14. Heating units, including water pipes and baseboard heaters hotter than 110
1450 degrees Fahrenheit, shall be made inaccessible to children by barriers such
1451 as guards or other devices.
- 1452 110.09 **Outdoor Playground Area** All licensed child care facilities are required to
1453 have an adequate outdoor playground area. All playgrounds and playground
1454 equipment intended for use by children 2-12 years of age shall meet the
1455 standards set forth in the *Handbook for Public Playground Safety*, Publication
1456 No. 325, published by the U.S. Consumer Product Safety Commission or its
1457 successor as shown in Appendix "D."
- 1458 1. The child care facility shall be equipped with an outdoor playground area
1459 that directly adjoins the indoor facilities or that can be reached by a route
1460 free of hazards and is no farther than 1/8 mile (660 feet) from the child
1461 care facility. The outdoor playground area shall comprise a minimum of
1462 75 square feet for each child using the outdoor playground area at any one
1463 time.
- 1464 2. If there is less than 75 square feet of accessible outdoor playground space
1465 per child, an indoor playground area room that meets the 75-square-foot-
1466 per-child requirement may be used if it provides for types of activities
1467 equivalent to those performed in an outdoor playground area.
- 1468 3. The total outdoor playground area shall accommodate at least 33 percent
1469 of the licensed capacity at one time.
- 1470 4. A rooftop used as an outdoor playground area shall be enclosed with a
1471 fence not less than six (6) feet high and designed to prevent children from
1472 climbing it. An approved fire escape shall lead from the roof to an open
1473 space at the ground level that meets safety standards for outdoor
1474 playground areas.

- 1475 5. The outdoor playground area shall be well arranged so that all areas are
1476 visible to staff at all times.
- 1477 6. The outdoor playground area shall be free of hazards and not less than 30
1478 feet from electrical transformers, high-voltage power lines, electrical
1479 substations, railroad tracks, or sources of toxic fumes or gases. Hazards,
1480 including but not limited to air conditioner units and utility mains, meters,
1481 tanks, and/or cabling shall be inaccessible to children. Fencing at least
1482 four (4) feet high shall be provided around the outdoor playground area.
1483 Fencing higher than four (4) feet but not to exceed eight (8) feet may be
1484 required if the licensing authority determines that a hazard exists. Fencing
1485 twist wires and bolts shall face away from the playground.
- 1486 7. Outdoor playground areas shall be free from unprotected swimming and
1487 wading pools, ditches, quarries, canals, excavations, fishponds, or other
1488 bodies of water.
- 1489 8. Sunlit areas and shaded areas shall be provided by means of open space
1490 and tree plantings or other cover in outdoor spaces. Outdoor spaces shall
1491 be laid out to ensure ample shaded space for each child.
- 1492 9. The outdoor playground area shall be enclosed with a fence. The fence
1493 shall be at least four (4) feet in height and the bottom edge shall be no
1494 more than three and one-half (3 1/2) inches off the ground. There shall be
1495 at least two (2) exits from such areas, with at least one (1) remote from the
1496 buildings. The gate latch or securing device shall be high enough or of
1497 such a type that it cannot be opened by small children. The openings in
1498 the fence shall be no greater than three and one-half (3 1/2) inches. The
1499 fence shall be constructed to discourage climbing.
- 1500 10. The soil in outdoor playground areas shall not contain hazardous levels of
1501 any toxic chemical or substances. The child care facility shall have soil
1502 samples and analyses performed where there is good reason to believe a
1503 problem may exist.
- 1504 11. The soil in outdoor playground areas shall be analyzed for lead content
1505 initially. It shall be analyzed at least once every two (2) years where the
1506 exteriors of adjacent buildings and structures are painted with lead-
1507 containing paint. Lead in soil shall not exceed 400 ppm. Testing and
1508 analyses shall be in accordance with procedures specified by the licensing
1509 agency.

1510 **110.10 Indoor Playground Area** In addition to the required outdoor playground
1511 area a licensed child care facility may also provide an indoor playground area.
1512 Child care facilities licensed prior to July 1, 2009 that have been granted
1513 permission to have an indoor playground area in lieu of an outdoor playground
1514 area shall be not be required to have an outdoor playground. However, it is

1515 highly recommended that if possible an outdoor playground area should also be
1516 provided. In the event that adequate outdoor space does not exist for an outdoor
1517 playground area, an indoor playground area shall be provided. For child care
1518 facilities which provide such an indoor playground area the following items
1519 apply:

- 1520 1. The total indoor playground area shall accommodate at least 33 percent of
1521 the licensed capacity at one time.
- 1522 2. The indoor playground area shall be well arranged so that all areas are
1523 visible to staff at all times.
- 1524 3. The indoor playground area shall be free of hazards.
- 1525 4. Indoor playground areas shall be laid out to ensure ample clearance space
1526 for the use of each item: nine (9) feet around fixed items and 15 feet
1527 around any moving part. Equipment shall be situated so that clearance
1528 space allocated to one piece of equipment does not encroach on that of
1529 another piece of equipment.
- 1530 5. Swings shall have a clearance area of nine (9) feet in all directions beyond
1531 the swing beam.
- 1532 6. All fixed playground equipment shall have a minimum of nine (9) feet
1533 clearance space from walkways and other structures that are not used as
1534 part of play activities.
- 1535 7. All equipment shall be arranged so that children playing on one piece of
1536 equipment will not interfere with children playing on or running to another
1537 piece of equipment.
- 1538 8. Moving equipment (e.g., swings, merry-go-rounds) shall be located
1539 toward the edge or corner of an indoor playground area or shall be
1540 designed in such a way as to discourage children from running into the
1541 path of moving equipment.
- 1542 9. All pieces of indoor playground equipment shall be surrounded by a
1543 resilient surface of an acceptable depth or by rubber mats manufactured
1544 for such use, consistent with the guidelines of the Consumer Product
1545 Safety Commission, and the Standard of the American Society for Testing
1546 and Materials, extending beyond the external limits of the piece of
1547 equipment for at least four (4) feet beyond the fall zone of the equipment.
1548 These resilient surfaces shall conform to the standard stating that the
1549 impact from falling from the height of the structure will be less than or
1550 equal to peak deceleration 200G. Organic materials that support
1551 colonization of molds and bacteria shall not be used.

1552 10. Indoor space designated as playground may be used by other individuals
 1553 when the area is not in use by children attending the facility. However,
 1554 children of the child care facility shall have priority use of the indoor
 1555 playground area and the area may not be used by others when children are
 1556 using it. The indoor playground space shall not count as additional
 1557 classroom space when determining the maximum capacity of the facility.

1558 **110.11 Grounds**

1559 1. The grounds, including the outdoor playground area, shall be free of
 1560 hazardous or potentially hazardous objects.

1561 2. In-ground swimming pools are prohibited unless protected by a six (6)
 1562 foot fence and a locked gate. All fencing shall be placed at a minimum
 1563 five (5) feet from the pool edge.

1564 Above ground pools, including decking and pool structures, are prohibited
 1565 unless protected by a six (6) foot fence and a locked gate. All fencing
 1566 shall be placed at a minimum ten (10) feet from the pool/deck edge.

1567 3. All paved surfaces shall be well drained to avoid water accumulation and
 1568 ice formation.

1569 4. All walking surfaces, such as walkways, ramps, and decks, shall have a
 1570 non-slip finish, and shall be free of holes and sudden irregularities in the
 1571 surface.

1572 **110.12 Garbage Removal** Garbage and trash shall be removed from the child care
 1573 facility daily and from the grounds at least once a week. Garbage and trash shall
 1574 be stored inaccessible to the children, and in insect and rodent resistant
 1575 containers.

1576 **110.13 Environmental Health** The child care facility shall comply with all
 1577 regulations promulgated by the Division of Sanitation of the Mississippi
 1578 Department of Health for:

- 1579 1. Food Service;
 1580 2. On-site Wastewater Systems; and
 1581 3. Vector (pest) Control

1582 **110.14 Pest Control** Any pest control contractor used by a child care facility shall be
 1583 licensed by the State of Mississippi. Before a pest control contractor is used, it
 1584 is the responsibility of the operator to ensure that the pest control contractor is
 1585 properly licensed. Use of agricultural chemicals for pest control is strictly
 1586 prohibited.

1587 111 **HEALTH, HYGIENE, AND SAFETY**

1588 111.01 **Employee Health**

1589 1. Employees manifesting symptoms or otherwise suspected of having upper
1590 respiratory, gastrointestinal, skin, or other serious contagious conditions
1591 shall be excluded from work until either free from symptoms or certified
1592 by a physician to be no longer infectious.

1593 2. Staff shall use universal precautions when changing diapers or coming
1594 into contact with blood, fecal material, or urine. Refer to Appendix "F"
1595 for instructions on how to properly wash hands.

1596 3. Staff shall wash their hands upon:

1597 a. Immediately before handling food, preparing bottles, or feeding
1598 children;

1599 b. After using the toilet, assisting a child in using the toilet, or changing
1600 diapers;

1601 c. After contacting a child(s) body fluids, including wet or soiled diapers,
1602 runny noses, spit, vomit, etc.;

1603 d. After handling pets, pet cages, or other pet objects;

1604 e. Whenever hands are visibly dirty or after cleaning up a child, the
1605 room, bathroom items, or toys;

1606 f. After removing gloves used for any purpose; and

1607 g. Before giving or applying medication or ointment to a child or self.

1608 Refer to Appendix "F" for instructions on how to properly wash hands.

1609 111.02 **Child Health**

1610 1. A child who is suspected of having a serious contagious condition shall be
1611 isolated and returned to the parent as soon as possible.

1612 2. A child having a serious contagious condition shall not be allowed to
1613 return to the child care facility until they have been certified by a
1614 physician to be no longer contagious.

1615 3. Parents of all children shall be notified of a contagious illness in the child
1616 care facility as soon as possible.

1617 4. A child with a physical injury shall be treated by a staff member with valid
1618 first aid certificate issued by an agent recognized by the licensing

1619 authority. A child with a serious physical injury shall be treated by a staff
 1620 member with valid first aid certificate issued by an agent recognized by
 1621 the licensing authority and transported to a hospital or medical facility as
 1622 soon as appropriate.

1623 **111.03 Child Hygiene**

- 1624 1. A child's wet or soiled clothing shall be changed immediately.
- 1625 2. A child's hands shall be washed:
- 1626 a. Immediately before and after eating;
- 1627 b. After using the toilet or having their diapers changed;
- 1628 c. After playing on the playground;
- 1629 d. After handling pets, pet cages, or other pet objects;
- 1630 e. Whenever hands are visibly dirty; and
- 1631 f. Before going home.
- 1632 3. A child shall have a shower, tub, or sponge bath to ensure bodily
 1633 cleanliness when necessary.
- 1634 4. Individual toilet articles (e.g., combs, brushes, toothbrushes, towels, and
 1635 wash cloths) used by children shall be provided by the parent or child care
 1636 facility and plainly marked and stored individually in a sanitary manner in
 1637 areas which promote drying. Single-use and disposable articles are
 1638 acceptable. Grooming accessories, including but not limited to brushes,
 1639 combs, barrettes, or picks, shall not be used jointly by children or on
 1640 children.

1641 **111.04 Toys and Equipment** Toys and equipment used by infants or toddlers
 1642 shall be cleansed daily with a germicidal solution. Refer to (Appendix – “H” for
 1643 instructions on cleaning and disinfection procedures. A recommended resource
 1644 regarding sanitation of equipment and toys can be found in the National Health
 1645 and Safety Performance Standards: Guidelines for out of home Childcare,
 1646 Second Edition (Standard 3.030) website: www.nrc.uchsc.edu

1647 **111.05 First Aid Supply**

- 1648 1. A first aid supply shall be kept on-site and easily accessible to employees,
 1649 but not in reach of the children.
- 1650 2. A first aid supply shall be taken on all field trips and excursions and shall
 1651 be easily accessible to employees, but not in reach of the children.

- 1652 3. Medicine shall be kept out of the reach of the children.
- 1653 4. All vehicles used by the facility in transporting children shall be equipped
1654 with a first aid kit.
- 1655 5. It is recommended that first aid kits contain the following items, according
1656 to American Red Cross guidelines:
- 1657 a. 20 Antiseptic Toweletts
- 1658 b. 50 Plastic Strips (Band Aids)
- 1659 c. 5 Fingertip Bandages
- 1660 d. 5 Knuckle Bandages
- 1661 e. 5 Butterfly Closures
- 1662 f. 5 Non Adherent Pads 2" x 3"
- 1663 g. 2 Sterile Eye Pads
- 1664 h. 1 pressure Bandage 4"
- 1665 i. 1 Bandage Scissors
- 1666 j. 1 Triangular Bandage
- 1667 k. 1 Instant Cold Compress
- 1668 l. 2 Tongue Depressors/Finger Splints
- 1669 m. 1 Elastic Bandage 2: x 5 yards
- 1670 n. 5 3" x 3" Gauze Pads
- 1671 o. 1 Trauma Pad 5" x 9"
- 1672 p. 5 Insect Sting Relief Pads
- 1673 q. 10 First Aid Ointment 1 gr.
- 1674 r. 5 Non Adherent Pads 3: x 4"
- 1675 s. 5 Pair of Examination Gloves
- 1676 t. 2 Conforming Bandage 2" x 5 yards
- 1677 u. 1 Tweezers

1678 v. 2 Poison Ivy Relief Treatment

1679 w. 1 Booklet (Till Help Arrives(

1680 x. 1 Emergency Rescue Blanket

1681 y. 1 Adhesive Tape (" x 5 yards

1682 Some items in this kit may have expiration dates. All first aid kits should be
1683 periodically inspected for contents. Depleted and out of date materials should be
1684 replaced.

1685 Special attention should be exercised when utilizing first aid supplies or any
1686 medication for children who have allergies or other special medical needs.

1687 For additional information on supplies for first aid kits contact your local office of
1688 the American Red Cross.

1689 **111.06 Animals and Pets**

1690 1. Any pet or animal present at a child care facility, indoors or outdoors,
1691 shall be in good health, show no evidence of carrying any disease, and be
1692 a friendly companion for the children.

1693 2. Dogs or cats, where allowed, shall be immunized for any disease that can
1694 be transmitted to humans, and shall be maintained on a flea, tick, and
1695 worm control program.

1696 3. All pets shall be cared for as recommended by the regulating health
1697 agency. When pets are kept at the child care facility, procedures for their
1698 care and maintenance shall be written and followed. When immunizations
1699 are required, proof of current compliance signed by a veterinarian shall be
1700 on file at the child care facility where the pet is kept.

1701 4. A caregiver shall always be present when children are exposed to animals
1702 (including dogs and cats). Children shall be instructed on safe procedures
1703 to follow when in close proximity to these animals (e.g., not to provoke or
1704 startle them or remove their food). Potentially aggressive animals (e.g.,
1705 pit bulls, boxers, etc.) shall not be in the same physical space with the
1706 children.

1707 5. Each child's hands shall be properly washed after being exposed to
1708 animals.

1709 **111.07 Fire/Disaster Evacuation Drills**

1710 1. Monthly fire/disaster (e.g., tornados, severe weather, floods, earthquakes,
1711 hurricanes, etc.) evacuation drills are required and a record of each drill

1712 shall be maintained in the facility records; to include date, time, number of
 1713 children and staff present, and amount of time required to totally exit the
 1714 building.

1715 2. During fire/disaster evacuation drills, all staff and children present shall be
 1716 required to exit the building.

1717 112 NUTRITION AND MEALS

1718 112.01 General

1719 1. A child care facility shall provide adequate and nutritious meals prepared
 1720 in a safe and sanitary manner.

1721 2. Meal periods are breakfast, lunch, dinner, and snacks. A minimum of 30
 1722 minutes shall be scheduled for each breakfast, lunch, and dinner meal
 1723 period. A minimum of 15 minutes shall be scheduled for each snack meal
 1724 period.

1725 3. Meals shall be served at tables where each child may be seated.

1726 4. Meals shall be served by employees only.

1727 5. Employees shall wash hands prior to preparing or serving food.

1728 6. Children shall not share food.

1729 112.02 **Nutritional Standards** Meals shall meet the nutritional standards as
 1730 prescribed in Appendix "C" Minimum Standards for Nutritional Care in Child
 1731 Care Facilities.

1732 112.03 **Refreshments** Refreshments may be provided by parents only on the
 1733 occasion of a child's birthday or other special celebration such as Valentine's
 1734 Day, Easter, Christmas, Graduation, etc. Food provided to children, including
 1735 vending machines at the facility, must meet nutritional guidelines as set forth in
 1736 Appendix "C."

1737 112.04 Sack Lunches

1738 1. In facilities operating more than six (6) hours per day sack lunches
 1739 prepared by parents may be permitted as included on approved menu plans
 1740 but shall not exceed one (1) day per month per child. Exceptions may be
 1741 made for specific activities such as field trips outside the child care
 1742 facility. Measures to assure proper storage and refrigeration of sack
 1743 lunches are required of the child care facility.

1744 For programs which operate for three (3) or more days a week, but which
 1745 operate only one (1) full day during the week, sack lunches provided by

1746 parents shall be permitted on that day. These programs shall also meet the
1747 requirements set forth in subsection B., below.

1748 2. Facilities operating 6 hours or less per day are allowed to have children
1749 bring sack lunches provided all of the following requirements are met:

1750 a. The facility shall have a written policy about sack lunches and a copy
1751 shall be given to parents. The policy shall include the requirements 2-
1752 8 in this subsection.

1753 b. Each individual child's lunch brought from home shall be clearly
1754 labeled with the child's name, the date and the type of food.

1755 c. All food shall be stored at an appropriate temperature until eaten.

1756 d. The food brought from one child's home shall not be fed to another
1757 child.

1758 e. Children shall not share their food.

1759 f. Food brought from home shall meet the child's nutritional
1760 requirements and the standards set forth in these regulations.

1761 g. If a child's sack lunch does not meet the minimum nutritional
1762 standards for child's age the facility shall be required to supplement
1763 the lunch with items that meet the nutritional requirements.

1764 h. Parents shall be notified in writing if a child's sack lunch does not
1765 meet the nutritional requirements or the child. The notice shall
1766 contain instructions as to what foods are proper for a sack lunch.

1767 **112.05 Snacks** All snacks shall meet acceptable nutritional standards, as
1768 prescribed in Appendix "C" Minimum Standards for Nutritional Care in Child
1769 Care Facilities. In child care facilities where all the children are present for four
1770 (4) hours or less per day during normal hours of operation, snacks may be
1771 provided by parents. If any child is present for more than four (4) hours per day
1772 on a routine basis the facility shall meet the standard of having snacks prepared
1773 by the facility or a permitted catering establishment.

1774 When nutritional standards are not met by snacks provided by parents, it is the
1775 child care facility's responsibility to see that children are provided acceptable
1776 snacks prepared on-site or by a permitted catering establishment.

1777 113 **DISCIPLINE AND GUIDANCE**

1778 **113.01 Prohibited Behavior** The following behaviors are prohibited by anyone
1779 (i.e., parent, caregiver, or child) in all child care settings:

- 1780 1. Corporal punishment, including hitting, spanking, beating, shaking,
1781 pinching, biting, and other measures that produce physical pain;
- 1782 2. Withdrawal or the threat of withdrawal of food, rest, or bathroom
1783 opportunities;
- 1784 3. Abusive or profane language;
- 1785 4. Any form of public or private humiliation, including threats of physical
1786 punishment;
- 1787 5. Any form of emotional abuse, including rejecting, terrorizing, ignoring,
1788 isolating (out of view of a caregiver), or corrupting a child;
- 1789 6. Use of any food product or medication in any manner or for any purpose
1790 other than that for which it was intended;
- 1791 7. Inappropriate disciplinary behavior includes, but is not limited to, putting
1792 soap or pepper in a child's mouth; or
- 1793 8. Any acceptable disciplinary action that is not age-appropriate for the child
1794 or is excessive in time or duration.

1795 113.02 **Restraint of a Child** Children shall not be physically restrained except as
1796 necessary to ensure their own safety or that of others, and then for only as long
1797 as is necessary for control of the situation. Children shall not be given
1798 medicines or drugs that will affect their behavior except as prescribed by a
1799 licensed physician and with specific written instructions from the licensed
1800 physician for use of the medicines or drugs.

1801 113.03 **Time Out** "Time out" that enables the child to regain self-control and keeps
1802 the child in visual contact with a caregiver shall be used selectively, taking into
1803 account the child's developmental stage and the usefulness of "time out" for the
1804 particular child.

1805 "Time out" means that the child is given time away from an activity which
1806 involved inappropriate behavior. Isolation from a caregiver is not acceptable.
1807 "Time out" is not allowed for children younger than three (3) years of age.

1808 113.04 **Children Shall Not Discipline Other Children** Children shall neither be
1809 allowed nor be instructed to discipline other children.

1810 114 **TRANSPORTATION**

1811 114.01 **General** Regardless of transportation provisions, the child care facility is
1812 responsible for the safety of the children.

1813 114.02 **Requirements** It is required that:

- 1814 1. All drivers be appropriately licensed;
- 1815 2. All vehicles have current safety inspection stickers, licenses, and
- 1816 registrations;
- 1817 3. Insurance adequately covers the transportation of children;
- 1818 4. Children board or leave the vehicle from the curb-side of the street and/or
- 1819 are safely accompanied to their destinations;
- 1820 5. A parent is present if the child is delivered home; and
- 1821 6. Seat restraints are used.

1822 **114.03 Occupant Restraints**

- 1823 1. All children will be properly restrained whenever they are being
- 1824 transported in a motor vehicle.
- 1825 2. No vehicle shall be occupied by more individuals than its rated capacity.
- 1826 3. No children shall be transported in the front seat of vehicles equipped with
- 1827 passenger-side air bags.
- 1828 4. All vehicles under 10,000 lbs. GVWR (Gross Vehicle Weight Rated) shall
- 1829 be equipped with occupant restraints appropriate for the age and/or weight
- 1830 of the children being transported. A child under the age of four (4) shall
- 1831 be transported only if the child is securely fastened in a child safety seat
- 1832 that meets Federal Motor Vehicle Safety Standards (FMVSS, 49 CFR
- 1833 571.213), which shall be indicated on the child safety seat. The child
- 1834 safety seat shall be appropriate to the child's weight and be installed and
- 1835 used according to the manufacturer's instructions.
- 1836 5. Vehicles (e.g., school buses) with a GVWR 10,000 lbs. or more shall, at a
- 1837 minimum, meet the current Federal Motor Vehicle Safety Standards
- 1838 (FMVSS) for buses of that size. It is the responsibility of the child care
- 1839 facility operator to have documentation verifying that a bus meets the
- 1840 current FMVSS.

1841 **NOTE:** Federal Motor Vehicle Safety Standards (FMVSS) means

1842 the National Highway and Traffic Safety Administration's standards for

1843 motor vehicles and motor vehicle equipment established under section 103

1844 of the Motor Vehicle Safety Act of 1966 (49 CFR Part 571) as they apply

1845 to school buses.

1846 **114.04 Staff-to-Child Ratio**

- 1847 1. On vehicles with a GVWR of less than 10,000 lbs., the staff-to-child ratio
 1848 shall be maintained at all times. The driver of the vehicle shall not be
 1849 counted as a caregiver while transporting the children.
- 1850 2. On vehicles with at GVWR of 10,000 lbs. or more, the staff-to-child ratio
 1851 shall be one (1) caregiver to each 25 children or fraction thereof. The
 1852 driver of the vehicle shall not be counted as a caregiver while transporting
 1853 the children.

1854 115 **DIAPERING AND TOILETING**

1855 115.01 **Diaper Changing Area** Each room in which diaper-wearing children play
 1856 shall contain a diapering area. A diapering area shall contain a hand washing
 1857 lavatory with hot and cold running water, a smooth and easily cleanable surface,
 1858 a plastic-lined, covered garbage receptacle, and sanitizing solution. The hand
 1859 washing lavatories located in a diapering area shall not be included in the ratio
 1860 of hand washing lavatories to children for determining a child care facility's
 1861 capacity nor shall they be used for any other purpose.

1862 115.02 **Non-Disposable Diapers and Training Pants** The fecal contents of non-
 1863 disposable diapers or training pants shall be disposed of into a toilet. The soiled
 1864 non-disposable diaper or training pants shall then be placed into a plastic bag,
 1865 sealed, and placed in the child's individual container.

1866 115.03 **Disposable Diapers** Disposable diapers shall be placed into a plastic bag and
 1867 sealed or shall be rolled up and taped securely, then placed into a plastic-lined
 1868 covered garbage receptacle.

1869 115.04 **Potty Chairs** Potty chairs, if used, shall be placed in the bathroom area
 1870 and sanitized after each child(s) use.

1871 115.05 **Hand Washing** Employees shall wash their hands with soap and running
 1872 water before and after each diaper change. Individual or disposable towels shall
 1873 be used for drying. Hand washing sinks at diaper changing stations shall not be
 1874 used for any other purpose. Example: The diaper changing sink may not be
 1875 used for washing cups, baby bottles, food, dishes, utensils, etc.

1876 115.06 **Parental Consultation** A parent-caregiver consultation is required prior to
 1877 toilet training.

1878 116 **REST PERIODS**

1879 116.01 **Equipment** Each child shall be placed on a separate bed, crib, cot, or mat.
 1880 Cribs shall be labeled so that the child's name is visible.

1881 116.02 **Cleaning of Linens and Bed Coverings** Linens and bed coverings shall be
 1882 changed immediately when soiled. All linens and bed coverings shall be
 1883 changed, at a minimum, two (2) times per week.

1884 116.03 **Cleaning of Rest Period Equipment** All rest period equipment shall be
 1885 wiped clean immediately when soiled. All rest period equipment shall be
 1886 cleaned twice a week with a germicidal solution. Additional cleaning may be
 1887 required by the licensing authority if there is an outbreak of a communicable
 1888 disease, including but not limited to, rotavirus, giardiasis, etc., or a noninfectious
 1889 condition such as, but not limited to, an infestation of head lice.

1890 116.04 **Sharing of Rest Period Equipment** At no time will two (2) or more
 1891 children be allowed to share the same bed, crib, cot, or mat during their time of
 1892 enrollment, unless it is cleaned with a germicidal solution between each child's
 1893 use.

1894 117 **FEEDING OF INFANTS AND TODDLERS**

1895 117.01 **Hand Washing** Employees shall wash their hands with soap and water, and
 1896 dry their hands with individual or disposable towels, before and after each
 1897 feeding. The infant's and toddler's hands shall be washed with soap and water,
 1898 and dried with individual or disposable towels, before and after each feeding.

1899 117.02 **Bottle Feeding** Infants shall be held while being bottle fed. Bottles shall
 1900 not be propped at any time. With parental consent and when infants are old
 1901 enough to hold their own bottles, they may feed themselves without being held.
 1902 The bottle shall be removed at once when empty or when the child has fallen
 1903 asleep.

1904 117.03 **Formula Storage** Formula shall be labeled with the child's name and placed
 1905 in the refrigerator upon arrival.

1906 117.04 **Baby Food** Foods stored or prepared in jars shall be served from a separate
 1907 dish for each infant or toddler. Any leftovers from the serving dish shall be
 1908 discarded. Leftovers in the jar shall be labeled with the child's name, dated,
 1909 refrigerated, and used within the next 24 hours or discarded.

1910 117.05 **Refrigerator** A refrigerator shall be available and easily accessible to the infant's
 1911 or toddler's room(s).

1912 117.06 **Heating Unit and Microwave Use**

1913 1. A heating unit for warming bottles and food shall be accessible only to
 1914 adults.

1915 2. Microwave ovens shall not be used for warming bottles or baby/infant
 1916 food.

1917 117.07 **Breast-Feeding Accommodations and Staff Training** This section applies to
 1918 all mothers choosing to breast-feed their child regardless of the child's age.

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1. Breast-feeding mothers, including employees, shall be provided a sanitary place that is not a toilet stall to breast-feed their child or to express milk. This area shall provide an electrical outlet, comfortable chair, and nearby access to running water.
 2. A refrigerator must be available to accommodate storage of expressed breast milk. It is acceptable to store expressed milk in the same refrigerator as other milk/bottles provided each bottle is appropriately labeled with the child's name and the time of expected expiration of the milk. Milk must be stored in accordance with the American Academy of Pediatrics and Centers for Disease Control guidelines. Universal precautions are not required in handling human milk.
 3. Child care staff shall be trained in the safe and proper storage and handling of human milk. Although other training materials may be utilized, training materials will be available through MDH.

Guidelines for Milk Storage and Use for All Infants

Storage Method and Temperature	Maximum Amount of Time For Storage
<i>Room (25 C or 77 F)</i>	4 hours
<i>Refrigerator (4 C or 39 F)</i>	48 hours
<i>Previously thawed – Refrigerated milk</i>	24 hours
<i>Freezer (-20 C or 0 F)</i>	3 months

1939
1940 From the ACOG/AAP publication: Breastfeeding Handbook for Physicians

1941
1942 **118 SWIMMING AND WATER ACTIVITIES**

1943 **118.01 General** This section shall apply to any child care facility that, as part of its
1944 program, allows the children to swim, wade, or participate in any water
1945 activities whether on site or at any other location during the time staff has
1946 responsibility for children enrolled.

1947 **118.02 Lifeguard Supervision**

1948 **1. Swimming pools, lakes, etc.**

- 1949 a. A person having an American Red Cross lifeguard certificate, or the
1950 equivalent as recognized by the licensing agency, shall be present at
1951 all swimming and water activities.
- 1952 b. One (1) lifeguard is required for every 25 children or any portion
1953 thereof (i.e., two (2) lifeguards are required for groups of 26 - 50,
1954 three (3) for 51 - 75, etc.). This required ratio also includes activities
1955 which occur near water such as fishing or beach activities.
- 1956 c. Lifeguards are not counted in the staff-to-child ratio
- 1957 d. The staff-to-child ratio shall be maintained at all times.

- 1958 e. It is the child care facility operator's responsibility to provide
1959 adequate certified lifeguards if the pool or lake operator does not.
- 1960 f. Each child will be tested by a certified lifeguard prior to participating
1961 in swimming lessons or any pool activities. Children will be assigned
1962 to swim groups according to the results of the test.
- 1963 g. Staff, as well as lifeguards, shall be responsible for enforcing general
1964 safety rules.
- 1965 h. Staff is responsible for requiring children to obey all swimming/water
1966 rules. These rules shall be explained each day that swimming/water
1967 activities occur so that all ages can understand what is expected.
- 1968 2. **Wading pools** For activities taking place in wading pools with a water
1969 depth of one (1) foot or less the following is required:
- 1970 a. There shall be a person(s) with a valid CPR certificate and a valid first
1971 aid certificate present at all times.
- 1972 b. The staff-to-child ratio shall be maintained at all times.
- 1973 c. Wading pools shall be cleaned after each use.

1974 118.03 **Health and Safety**

- 1975 1. All piers, floats, and platforms shall be in good repair, and where
1976 applicable, the water depth shall be indicated by printed numerals on the
1977 deck or planking.
- 1978 2. There shall be a minimum water depth of 10 feet for a one (1) meter
1979 diving board and 13 feet for a three (3) meter board or diving tower.
- 1980 3. For outdoor swimming areas in natural bodies of water, the bottom shall
1981 be cleared of stumps, rocks, and other obstacles.
- 1982 4. Diving boards shall be mounted on a firm foundation and never on an
1983 insecure base, such as a float that can be affected by shifting weight loads
1984 and wave action. The entire length of the top surface of diving boards
1985 shall be covered with nonskid material. The diving board shall be level.
1986 All diving boards shall be installed in accordance with manufacturer's
1987 guidelines for the board by professional swimming pool installers who
1988 shall certify in writing to the facility that the diving board is adequately
1989 installed in accordance with manufacturer's guidelines for the board, in a
1990 commercially reasonable manner, located so as to allow a child to safely
1991 enter the water from the diving board, and that the diving board is safe for
1992 its intended use. Facilities with existing pools equipped with diving
1993 boards that are unable to obtain the required certification within sixty (60)

- 1994 days of the adoption of this regulation shall have the diving boards
1995 removed.
- 1996 5. Swimming pools, when in use, shall be continuously disinfected by a
1997 chemical which imparts an easily measured free available residual effect.
1998 When chlorine is used, a free chlorine residual of at least 0.4 ppm shall be
1999 maintained throughout the pool whenever it is open or in use. If other
2000 halogens are used, residuals of equivalent disinfecting strength shall be
2001 maintained.
- 2002 6. A testing kit for measuring the concentration of the disinfectant, accurate
2003 within 0.1 ppm, shall be provided at each swimming pool.
- 2004 7. Swimming pool water shall be maintained in an alkaline condition as
2005 indicated by a pH of not less than 7.2 and not over 8.2. A pH testing kit
2006 accurate to the nearest 0.2 pH unit shall be provided at each swimming
2007 pool. The alkalinity of the water shall be at least 50 ppm, as measured by
2008 the methyl-orange test. The following chart may be used for reference:

**pH Minimum Free Available
Residual Chlorine-mg/L**
(not stabilized with cyanuric acid)

2009	7.2.....	0.40
2010	7.3.....	0.40
2011	7.4.....	0.40
2012	7.5.....	0.40
2013	7.6.....	0.50
2014	7.7.....	0.60
2015	7.8.....	0.70
2016	7.9.....	0.80
2017	8.0.....	1.00

- 2023 8. If cyanuric acid is used to stabilize the free available residual chlorine, or
2024 if one of the chlorinated isocyanurate compounds is used as the
2025 disinfecting chemical in a swimming pool, the concentration of cyanuric
2026 acid in the water shall be at least 30 mg/L but shall not exceed 100 mg/L.
2027 The free available residual chlorine, of at least the following
2028 concentrations, depending upon the pH of the water, shall be maintained:

**pH Minimum Free Available
Residual Chlorine-mg/L**
(cyanuric acid is at least equal to 30 mg/L,
but not greater than 100 mg/L)

2029	7.2.....	1.00
2030	7.3.....	1.00
2031	7.4.....	1.00
2032	7.5.....	1.00
2033	7.6.....	1.25

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2040	7.7.....	1.50
2041	7.8.....	1.75
2042	7.9.....	2.00
2043	8.0.....	2.50

- 2045 9. The water in a swimming pool shall have sufficient clarity at all times so
 2046 that a black disk, six (6) inches in diameter, is readily visible when placed
 2047 on a white field at the deepest point of the pool. The pool shall be closed
 2048 immediately if this requirement cannot be met.
- 2049 10. For natural bodies of water (e.g., lakes, rivers, streams, etc.), sewage
 2050 treatment plants or other discharge lines shall not be within 750 feet of
 2051 swimming areas.

2052 119 CHILDREN WITH SPECIAL NEEDS

2053 119.01 Facility Adaptation

- 2054 1. The child care facility areas to be utilized by a child with special needs
 2055 shall be adapted as necessary to accommodate special devices which may
 2056 be required for the child to function independently, as appropriate.
- 2057 2. A separate area shall be available for the purpose of providing privacy for
 2058 diapering, dressing, and other personal care procedures.

2059 119.02 **Activity Plan** A child with special needs shall have an individual activity
 2060 plan. The individual activity plan shall have been developed by a person with a
 2061 bachelors or advanced degree in a discipline dealing with disabilities, as
 2062 appropriate. The individual activity plan shall be reviewed, at a minimum, once
 2063 every twelve (12) months.

2064 119.03 **Caregiver Staff Development** Caregivers serving children with special
 2065 needs shall receive staff development related to the specific needs of the
 2066 children served.

2067 119.04 **Staffing** Caregiver staffing shall be appropriate and adequate to meet the
 2068 specific physical and/or developmental needs of the special needs children
 2069 served at the child care facility. Staff-to-child ratio shall be determined by the
 2070 needs of the child rather than child(s) chronological age as based upon the child(s)
 2071 individual plan (i.e., individual education plan, individual habilitation plan,
 2072 individual family service plan, etc.). The facility is encouraged to be an active
 2073 participant in the child(s) individual plan development.

2074 120 NIGHT CARE

2075 120.01 **General** This section shall apply to any child care facility that is open past
 2076 11:30 p.m., as part of their regular hours of operation.

2077 120.02 **Nutrition**

- 2078 1. A child care facility which is open prior to 7:00 p.m. shall provide a dinner
2079 meal period.
- 2080 2. A child care facility that remains open after 5:00 a.m., shall provide a
2081 breakfast meal period.
- 2082 3. A snack period shall be provided to children in attendance for more than
2083 two and one-half (2 1/2) hours prior to bedtime.
- 2084 4. Menu plans for lunch and dinner meals shall be varied. No single menu
2085 shall be repeated in a 24 hour period.

2086 **120.03 Sleeping**

- 2087 1. Mats shall not be used for sleeping.
- 2088 2. Bedtime schedules shall be established in consultation with the child's
2089 parent.
- 2090 3. Provisions shall be made in sleeping areas for the use and storage of
2091 clothing and personal belongings and they shall be within easy reach of
2092 the child using them.
- 2093 4. A child shall be provided with a bed or cot equipped with a comfortable
2094 mattress (a minimum of three (3) inches thick), sheets, a pillow with a
2095 pillow case, and a blanket.
- 2096 5. The upper level of double-deck beds shall not be used for children under
2097 10 years of age. The upper level of double-deck beds are allowed for
2098 children 10 years of age or older if a bed rail and safety ladder is provided.
- 2099 6. Each child shall have clean and comfortable sleeping garments.

2100 **120.04 Bathroom Facilities**

- 2101 1. There shall be a bathtub or shower available for children of toddler age or
2102 older.
- 2103 2. Bathtubs and showers shall be equipped to prevent slipping.
- 2104 3. If night care is provided for infants, there shall be age appropriate bathing
2105 facilities for these children.
- 2106 4. Bathrooms shall be located near the sleeping areas.
- 2107 5. No children under six (6) years of age shall be left alone or with another
2108 child while in the bathtub or shower.
- 2109 6. All children shall be bathed separately.

- 2110 7. All children shall be provided an individual washcloth, towel, and soap for
2111 bathing, with fresh water for each child.

2112 121 **SCHOOL AGE CARE**

2113 121.01 **General** For a child care facility operating pursuant to a license for "School
2114 Age Care," the regulations for child care facilities shall apply, except when
2115 inconsistent with the requirements of this section and then the requirements of
2116 this section take precedence. Programs operating in excess of 16 weeks per year
2117 shall meet the more stringent requirements of Sections 22 and 23.

2118 121.02 **Enrollment** A child care facility operating pursuant to a license for "School
2119 Age Care" shall only enroll school age children (5-12 years of age). These
2120 children may not be placed in the same area of a child care facility as preschool
2121 children.

2122 121.03 **Indoor Square Footage and Grouping** A minimum of 25 square feet of
2123 usable indoor floor space, per child per room, shall be maintained for each child.
2124 This shall not include hallways, bathrooms, closets, storage rooms, offices, or
2125 kitchens. When a room is used for meals, the minimum square footage per child
2126 per room requirement will not apply. This standard is only applicable when the
2127 program is licensed as school age only. If the school age children are served in
2128 conjunction with preschool children under the same license, the preschool
2129 square footage standards will apply.

2130 When children are placed in groups, the maximum group size shall be
2131 determined by the following chart.

2132

Age of Children in the Group	MAXIMUM number of children ALLOWED in a group of children this age	MINIMUM number of caregivers REQUIRED for a group of children this age	MINIMUM square footage REQUIRED for a group of children this age
5-9 years	20 children	1 caregiver	25 square feet per child
10-12 years	25 children	1 caregiver	25 square feet per child

2133

2134 121.04 **Nutrition**

- 2135 1. A snack period shall be provided.
- 2136 2. On holidays, inclement weather days, or when a child must be in school
2137 age care for a full day program, snacks and meals may be provided by the
2138 parents if the parents are given and adhere to policies regarding acceptable
2139 nutritional standards, as prescribed in Appendix "C" Minimum Standards

2140 for Nutritional Care in Child Care Facilities. When nutritional standards
 2141 are not met by snacks and meals provided by parents, it is the child care
 2142 facility's responsibility to see that children are provided acceptable snacks
 2143 and meals, prepared on-site or by a permitted catering establishment.

2144 **121.05 Transportation**

- 2145 1. The staff-to-child ratio shall be maintained at all times.
- 2146 2. The driver of the vehicle may be counted as a caregiver while transporting
 2147 school age children only.

2148 **121.06 Toilets and Hand Washing Lavatories**

- 2149 1. The following ratios shall apply:

	<u>Number of Children</u>	<u>Number of Toilets and</u>
		<u>Hand Washing Lavatories</u>
2150		
2151	1-30	1 of each
2152	31-60	2 of each
2153	60-90	3 of each

- 2155 2. For each additional 30 children or portion thereof, add one (1) toilet and
 2156 one (1) hand washing lavatory.
- 2157 3. Urinals shall count as one-half (1/2) a toilet not to exceed 33 percent of the
 2158 total number of toilets required.
- 2159 4. Separate facilities for boys and girls shall be provided.
- 2160 5. School age programs serving only school age children that are located in
 2161 schools accredited by any organization listed in Section 1-4 (E)(4) are
 2162 exempt from the requirements for hot water at hand washing lavatories
 2163 utilized by the children in attendance.

2164 **121.07 Playgrounds** School age programs serving only school age children that are
 2165 located in schools accredited by any organization listed in Section 1-4 (E)(4) are
 2166 exempt from the requirements of Section 10-2 Playground Equipment and
 2167 Section 11-9 Outdoor Playground Area of these regulations except that
 2168 playground equipment shall be in good repair.

2169 **122 SUMMER DAY CAMP & SCHOOL AGE PROGRAMS**

2170 **122.01 General** For a child care facility operating pursuant to a license for a
 2171 "Summer Day Camp" or "School Age Program," the regulations for child care

2172 facilities shall apply, except when inconsistent with the requirements of this
 2173 section, and then the requirements of this section take precedence.

2174 **122.02 Definition**

2175 1. A summer day camp is defined as a child care facility which operates
 2176 during May, June, July, and/or August only, for a minimum of 22 days
 2177 and a maximum of 16 weeks.

2178 2. A school age program is defined as a child care facility which operates
 2179 during the school year. These programs may also operate 12 months a
 2180 year. School age programs that operate 12 months a year shall meet
 2181 "School Age Program" space requirements for determining maximum
 2182 capacity.

2183 **122.03 Enrollment** Summer day camps and school age programs shall not enroll
 2184 children under five (5) years of age.

2185 **122.04 Maximum Capacity** All children enrolled (including those over 13 years
 2186 of age) shall be included in calculating the maximum capacity of the facility.

2187 **122.05 Summer Day Camp & School Age Program Director Qualifications**

2188 1. A summer day camp director shall be at least 21 years of age, and shall
 2189 have, at a minimum:

2190 a. A bachelor's degree with a minimum of 18 semester hours in
 2191 elementary or secondary education or a field such as recreation,
 2192 physical education, psychology (with emphasis in child/adolescent
 2193 psychology), or special education, or one related to day camp or
 2194 school age program operations;

2195 OR

2196 b. A two (2) year associate degree in child development technology or
 2197 related field;

2198 OR

2199 c. A Mississippi Department of Human Services Office for Children and
 2200 Youth Director(s) Child Care Credential, or fifteen (15) semester hours
 2201 credit with a grade of "C" or better from an accredited college or
 2202 university in courses listed in #1 above with an additional two (2)
 2203 years of experience as a caregiver or caregiver assistant in a licensed
 2204 child care facility (Any college course(s) submitted for consideration
 2205 are subject to approval by the licensing authority);

2206 OR

2207 d. A high school diploma or equivalent (GED) and four (4) years
 2208 experience in a school age program or four (4) summers in a day
 2209 camp program.

2210 2. Transcripts shall be provided for review by the licensing agency.

2211 **122.06 Caregiver CPR and First Aid Certification**

2212 1. All caregivers in summer day camps are required to have current CPR and
 2213 first aid certification, copies of which shall be kept with their personnel
 2214 records.

2215 2. In school age programs that operate in a central location there shall be at
 2216 least one caregiver on the premises at all times the facility is in operation
 2217 that has a current certification in CPR and first aid. When groups of
 2218 children are away from the central location for field trips etc., there shall
 2219 be at least one caregiver with the group that holds a current certification in
 2220 CPR and first aid.

2221 **122.07 Facility Record Storage** Facility records may be retained in the
 2222 administrative office.

2223 **122.08 Indoor Square Footage and Grouping**

2224 1. For summer day camps which routinely operate indoors in a permanent
 2225 structure for two or more hours each day a minimum of 25 square feet of
 2226 usable indoor floor space, per child per room, shall be maintained for each
 2227 child. This shall not include hallways, bathrooms, closets, storage rooms,
 2228 offices, or kitchens. When a room is used for meals, the minimum square
 2229 footage per child requirement will not apply.

2230 When children are placed in groups, the maximum group size shall be
 2231 determined by the following chart.

2232

Age of Children in the Group	MAXIMUM number of children ALLOWED in a group of children this age	MINIMUM number of caregivers REQUIRED for a group of children this age	MINIMUM square footage REQUIRED for a group of children this age
5-9 years	20 children	1 caregiver	25 square feet per child
10-12 years	25 children	1 caregiver	25 square feet per child

2233

2234 **122.09** When activities for children are routinely conducted outdoors or off the
 2235 premises for six (6) or more hours each day, the following requirements shall
 2236 apply:

- 2237 1. There shall be a permanent structure that serves as a home base where
2238 parents deliver and pick up children.
- 2239 2. There shall be a minimum of 10 square feet per child usable indoor space
2240 available in the event of inclement weather.
- 2241 122.10 School age programs require that a minimum of 25 square feet of usable indoor
2242 floor space, per child per room shall be maintained for each child. This shall not
2243 include hallways, bathrooms, closets, storage rooms, offices, or kitchens. When
2244 a room is used for meals, the minimum square footage per child requirement
2245 will not apply.
- 2246 122.11 **Nutrition**
- 2247 1. For summer day camps or school age programs which routinely operate
2248 indoors in a permanent structure, snacks, and meals may be provided by
2249 the parents if the parents are given and adhere to policies regarding
2250 acceptable nutritional standards, as prescribed in Appendix "C" Minimum
2251 Standards for Nutritional Care in Child Care Facilities. When nutritional
2252 standards are not met by snacks and meals provided by parents, it is the
2253 summer day camp's or school age program(s) responsibility to see that
2254 children are provided acceptable snacks and meals, prepared on-site or by
2255 a permitted catering establishment.
- 2256 2. For summer day camps operating primarily as an outdoor program away
2257 from the home base, the following exceptions shall apply:
- 2258 3. Milk is not required to be served in programs routinely operating outdoors
2259 or off the premises for six (6) or more hours each day.
- 2260 4. If food is brought from home or catered, there shall be sanitary cold
2261 storage available.
- 2262 5. All summer day camps shall have an adequate water supply. Potable
2263 water, from a Mississippi Department of Health approved source, shall be
2264 used for drinking. Fresh water shall be provided daily in closed
2265 containers.
- 2266 122.12 **Transportation**
- 2267 1. The staff-to-child ratio shall be maintained at all times.
- 2268 2. The driver of the vehicle may be counted as a caregiver while transporting
2269 the children.
- 2270 122.13 **Toilets and Hand Washing Lavatories**
- 2271 1. The following ratios shall apply:

2272		<u>Number of Toilets and</u>
2273	<u>Number of Children</u>	<u>Hand washing Lavatories</u>
2274	1-30	1 of each
2275	31-60	2 of each
2276	60-90	3 of each
2277 2278		2. For each additional 30 children or portion thereof, add one (1) toilet and one (1) hand washing lavatory.
2279 2280		3. Urinals (in boys restrooms) shall count as one-half (1/2) a toilet not to exceed 33 percent of the total number of toilets required.
2281		4. Separate facilities for boys and girls shall be provided.
2282 2283 2284		5. For summer day camps operating primarily as an outdoor program away from the home base, alternative methods of hand washing may be provided.
2285 2286 2287 2288 2289	122.14	Equipment Archery equipment, firearms (e.g., skeet shooting, target practice, etc.), power equipment, and other potentially hazardous items shall be stored in a locked area when not in use. These items shall be used by children only under the direction and supervision of an individual certified by a state or national organization recognized by the Mississippi Department of Health.
2290 2291 2292	122.15	Immunization Requirements Children properly enrolled in a Summer Day Camp or School Age Program are not required to have a Certificate of Immunization Compliance (MSDH Form 121) in their record.
2293	123	HOURLY CHILD CARE
2294 2295 2296 2297	123.01	General For a child care facility operating pursuant to a license for an "Hourly Child Care," the regulations for child care facilities shall apply, except when inconsistent with the requirements of this section, and then the requirements of this section take precedence.
2298	123.02	Definition
2299 2300		1. An "Hourly Child Care Facility" is defined as a facility that meets the provisions of these regulations for a "Child Care Facility" and:
2301 2302		a. Limits the care of a child to no more than eight (8) hours per stay not to exceed a total of 45 hours in any calendar month period; and
2303 2304		b. Provides supervised, short term, hourly care on a temporary basis in conjunction with a specific facility or business complex such as, but

2305 not limited to, hotels; shopping malls; recreational, sporting, or
2306 entertainment facilities.

2307 2. Hourly child care facilities are not appropriate for full time child care and
2308 will not be allowed to provide that type of service. When it is determined
2309 by the licensing agency that a facility provides child care services on a full
2310 time basis, the facility shall meet all requirements for a regular child care
2311 facility as set forth in the preceding sections of these regulations.

2312 **123.03 Facility Policy and Procedures**

2313 1. Parents shall be provided a written statement of policies pertaining to
2314 emergency situations, meals, snacks, procedures for releasing a child to
2315 parent, and any other information regarding hourly child care facility
2316 operation. All policies and procedures will be submitted to the licensing
2317 agency and reviewed prior to a license being issued. Written guidelines
2318 will be provided to applicants as part of the application packet.

2319 2. The care of a child shall be no more than eight (8) hours per stay and shall
2320 not exceed a total of 45 hours in any calendar month period.

2321 3. When business hours exceed 12 hours in a 24 hour period, the program
2322 will be reviewed on an individual basis for compliance with regulations
2323 addressing evening and overnight care.

2324 **123.04 Personnel Requirements** Students in a field study placement, a practicum, or
2325 vocational child care training program may not assist in the care of the children
2326 in hourly child care facilities.

2327 **123.05 Records and Reports** In addition to all records and reports required in
2328 these regulations, hourly child care facilities shall maintain a log containing the
2329 name, address, and home telephone number of each child along with the date
2330 and time of arrival and departure. The hourly child care facility shall maintain
2331 information necessary to contact local law enforcement officials and the
2332 Mississippi Department of Human Services when a child is left at the facility
2333 past its hours of operation, or for an extended period of time.

2334 **123.06 Health Records** Sample forms for duplication will be provided to operators
2335 to ensure adequate health information is taken on the children served. Only
2336 forms that substantially comply with the aforementioned sample forms will be
2337 acceptable. Registration forms will include a signed statement which will serve
2338 as verification that a child has received all age-appropriate immunizations.
2339 Other information to be included on the form will be the home or forwarding
2340 telephone numbers and addresses to be used when the parent must be informed
2341 of situations or conditions after the child is no longer at the hourly child care
2342 facility.

2343 123.07 **Program of Activities** Hourly child care facility programs are exempt from
 2344 the requirement that a planned written program of activities be submitted as part
 2345 of the licensing process. However, the facility shall provide adequate space and
 2346 equipment to allow children to choose between quiet and active play.
 2347 Appropriate toys and books for quiet play shall be maintained in a physically
 2348 separate area that is a sufficient distance from active play to reduce noise and to
 2349 assure a quiet, relaxed environment.

2350 123.08 **Buildings and Grounds**

2351 1. A certificate of inspection and approval by the fire department of the
 2352 municipality or other political subdivision in which the child care facility
 2353 is located shall be submitted to the licensing agency with the application
 2354 and license fee. Except that if no fire department exists where the facility
 2355 is located, the State Fire Marshall shall certify as to the inspection for
 2356 safety from fire hazards.

2357 The inspection form to be used for fire inspections shall be MSDH Form
 2358 #333 and shall be signed by a signatory authority of the fire inspection
 2359 authority making the inspection.

2360 2. In non-land-based facilities only ground level space with exits directly to
 2361 the outside will be approved.

2362 3. A written emergency evacuation route shall be posted in a conspicuous
 2363 location within each room used by children. The plan will be subject to
 2364 review, evaluation, and approval by the licensing agency.

2365 4. Space requirements shall comply with the standards set forth in these
 2366 regulations. However, in the absence of adequate outdoor playground
 2367 area, not less than 25 percent nor more than 50 percent of the space
 2368 allocated for children three (3) to 13 years of age shall be set aside and
 2369 dedicated to large muscle development activities. Such areas shall contain
 2370 appropriate play equipment for large muscle development. Such
 2371 equipment may include but is not limited to indoor gyms specifically
 2372 designed and approved for children in the three (3) to 13 years of age
 2373 group. Final approval of the appropriateness of the equipment to be
 2374 located in the designated area shall be made by the licensing agency.

2375 5. If outdoor playground space is provided, but inadequate for the maximum
 2376 capacity of the building, a schedule shall be provided to show how
 2377 outdoor play time will be made available to all the children. At no time
 2378 will there be more children on the playground than the maximum number
 2379 allowed computed at 70 square feet per child. Maximum outdoor
 2380 playground area capacity shall be posted and adhered to at all times the
 2381 area is in use.

2382 6. When kitchens are not on-site, the hourly child care facility is required to
 2383 maintain adequate storage and refrigeration for snacks. Also, food shall
 2384 be served in disposable containers unless an acceptable method of
 2385 dishwashing is available (Appendix "E"). All food served shall come
 2386 from a permitted kitchen or catering facility. Food service shall comply
 2387 with the standard set in the current 10.0 Regulation Food Code as
 2388 published by the Mississippi Department of Health.

2389 7. The ratio of one (1) hand washing lavatory and one (1) toilet for every 30
 2390 children shall be maintained. Separate facilities are required for boys and
 2391 girls.

2392 **123.09 Nutrition** Parents of children being cared for in an hourly child care facility
 2393 shall be informed in writing of the availability of meals and the following
 2394 requirements:

2395 1. When a child is in a facility for three (3) or more hours, a snack shall be
 2396 provided.

2397 2. Children under five (5) years of age will be provided snacks on request,
 2398 regardless of the length of time spent in the facility.

2399 3. At regular meal times, all children present shall be offered a meal.
 2400 Regular meal times are defined as follows:

2401 a. Breakfast - between 7 a.m. and 9 a.m.

2402 b. Lunch - between 11 a.m. and 1 p.m.

2403 c. Supper - between 5 p.m. and 7 p.m.

2404 4. All meals shall meet the nutritional standards prescribed in Appendix "C"
 2405 Minimum Standards for Nutritional Care in Child Care Facilities.

2406 **123.10 Abuse and Neglect Reports**

2407 1. All employees will be informed by the hourly child care facility director of
 2408 the individual's responsibility in reporting suspected abuse and neglect.
 2409 Copies of the child abuse law shall be provided to each employee
 2410 (Appendix "A").

2411 2. Reports of suspected child abuse or neglect will be made to the
 2412 Mississippi Department of Human Services and/or local law enforcement
 2413 officials in accordance with state law. Because abused or neglected
 2414 children requiring immediate attention are often identified after traditional
 2415 business hours of the Mississippi Department of Human Services, reports
 2416 of this nature shall also be made to local law enforcement.

2417 3. Hourly child care facility operators and/or directors are encouraged to
 2418 establish a working relationship with local law enforcement authorities
 2419 and the Mississippi Department of Human Services. In extreme situations
 2420 where local county Department of Human Services staff cannot be
 2421 reached, operators and/or directors will report to the statewide 24-hour
 2422 Child Abuse Hotline at 1-800-222-8000.

2423 4. Operators and/or directors will work in conjunction with the local law
 2424 enforcement and the Mississippi Department of Human Services to
 2425 establish a workable procedure for reporting cases when a child has been
 2426 left at the hourly child care facility for an extended period of time after
 2427 business hours or when allowing a child to leave the hourly child care
 2428 facility will place that child at risk or in potential danger.

2429 124 **HEARINGS, EMERGENCY SUSPENSIONS, LEGAL ACTIONS AND**
 2430 **PENALTIES**

2431 124.01 **Emergency Suspensions of License**

2432 1. Any license issued pursuant to these regulations may be suspended prior
 2433 to a hearing if the licensing agency has reasonable cause to believe that the
 2434 operation of the child care facility constitutes a substantial hazard to the
 2435 health or safety of the children cared for by the child care facility.

2436 2. Whenever a license is to be suspended, the operator or director shall be
 2437 notified in writing that the license, upon service of the notice, is
 2438 immediately suspended. The notice shall contain the reason for the
 2439 emergency suspension, and shall set a date for a hearing, which shall be
 2440 within 14 days of the service of notice.

2441 124.02 **Denial, Revocation, or Suspension of License** The licensing agency may
 2442 deny, refuse to renew, suspend, revoke, or restrict a license of any child care
 2443 facility upon one (1) or more of the following grounds:

2444 1. Fraud, misrepresentation, or concealment of a material fact by the operator
 2445 in securing the issuance or renewal of a license;

2446 2. Conviction of an operator of any crime, if the licensing agency finds that
 2447 the acts of which the operator has been convicted could have a detrimental
 2448 effect on the children cared for by the child care facility;

2449 3. Violation of any of the provisions of the act or of these rules and
 2450 regulations;

2451 4. Any conduct, or failure to act, which is determined by the licensing
 2452 agency to threaten the health or safety of a child;

2453 5. Failure by the child care facility to have all criminal records and child
2454 abuse central registry checks on file at the facility; and/or

2455 6. Information received by the licensing authority as a result of the criminal
2456 records check (fingerprinting) or the child abuse central registry check on
2457 an operator.

2458 **124.03 Notification**

2459 1. Prior to the denial, refusal to renew, suspension, revocation or restriction
2460 of a license, and at the time of the imposition of any fine, written notice of
2461 the contemplated action shall be given to the applicant or person named on
2462 the license of the child care facility, at the address on record with the
2463 licensing agency. Such notice shall specify the reasons for the proposed
2464 action and shall notify the operator of the right to a district level hearing
2465 on the matter.

2466 2. Where the contemplated action is the revocation of a license, and when the
2467 proposed revocation is based on Section 25-2 (C) or (D) and involves
2468 physical harm or injury to a child, no district level hearing will be
2469 provided. In such cases, the licensee will be notified of his opportunity for
2470 a state level hearing.

2471 **124.04 District Level Hearing**

2472 1. If requested in writing within 10 calendar days of receipt of said notice, a
2473 hearing shall be provided in which the operator or applicant may show
2474 cause why the license should be renewed or should not be denied,
2475 suspended, revoked, or restricted, or the fine should not be imposed.

2476 2. Any hearing requested pursuant to Section 25-4(A) shall be held no less
2477 than five (5) calendar days and no more than 20 calendar days from the
2478 receipt of any request for a hearing, unless an alternate time frame is
2479 agreed to by both parties.

2480 3. The district level hearing shall be informal. However, the hearing officer
2481 must keep a record of the proceedings and provide the licensee with a
2482 written order outlining his decision within 10 calendar days of conclusion
2483 of the district level hearing.

2484 4. Within 10 calendar days of the receipt of the district level decision the
2485 licensee may make a written request for a new hearing at the state level.
2486

2487 **124.05 State Level Hearing**

- 2488 1. At the state level, a hearing officer, appointed by the State Health Officer,
2489 shall conduct a hearing to be scheduled within 30 calendar days of receipt
2490 of the request for such hearing.
- 2491 2. Within 30 calendar days of the hearing, or such time frame as determined
2492 during the hearing, written findings of fact, together with a
2493 recommendation for action, shall be forwarded to the State Health Officer.
2494 The State Health Officer shall decide what, if any, action is to be taken on
2495 the recommendation within 14 calendar days of receipt of the
2496 recommendation. Written notice of the decision of the State Health
2497 Officer shall be provided to the operator.
- 2498 **124.06 Appeal** Any operator who disagrees with or is aggrieved by a decision of
2499 the licensing agency in regard to the suspension, revocation, or restriction of a
2500 license may appeal to the Chancery Court of the county in which the child care
2501 facility is located. The appeal shall be filed no later than 30 calendar days after
2502 the operator receives written notice of the final administrative action by the
2503 licensing agency as to the suspension, revocation, or restriction of the license.
2504 The operator shall have the burden of proving that the decision of the licensing
2505 agency was not in accordance with applicable law and these regulations.
- 2506 If a facility is allowed to continue to operate during the appeal process, it will
2507 remain under the regulation of the licensing agency and will be subject to all
2508 current licensure regulations to include, but not limited to, inspection of the
2509 facility, review of facility and children(s) records, submission of all required or
2510 requested documents, and payment of all applicable fees and/or fines.
- 2511 **124.07 Injunction** Notwithstanding the existence of any other remedy, the licensing
2512 agency may, in the manner provided by law, in term time or in vacation, upon
2513 the advice of the Attorney General who shall represent the licensing agency in
2514 the proceedings, maintain an action in the name of the state for injunction or
2515 other proper remedy against any person to restrain or prevent the establishment,
2516 conduct, management, or operation of a child care facility with or without a
2517 license under the act, or otherwise in violation of these regulations.
- 2518 **124.08 Criminal Penalties** Any person establishing, conducting, managing, or
2519 operating a child care facility without a license pursuant to these regulations
2520 shall be guilty of a misdemeanor, and, upon conviction, shall be fined not more
2521 than one hundred dollars (\$100.00) for the first offense, and not more than two
2522 hundred dollars (\$200.00) for each subsequent offense.
- 2523 **124.09 Violations, Penalties, and Fines**
- 2524 1. Any Class I violation of these regulations, in the discretion of the licensing
2525 agency, is punishable by a fine of five hundred dollars (\$500.00) for a first
2526 occurrence and a fine of one thousand dollars (\$1000.00) for each

2527 subsequent occurrence of the same violation. Each violation is considered
2528 a separate offense.

2529 The following are Class I violations:

2530 a. Failure to prevent the death, dismemberment, or permanent disability
2531 of a child.

2532 b. Allowing a child to be unattended at a licensed child care facility
2533 before or after operating hours.

2534 c. Allowing a child to be unattended when not at the licensed facility but
2535 under the care of the licensed facility.

2536 **Should a facility be cited for Class I violations on two (2) separate**
2537 **occasions, it may be cause for suspension or revocation of the facility**
2538 **license for habitual noncompliance with the Regulations Governing**
2539 **Licensure of Child Care Facilities.**

2540 2. Any Class II violation of these regulations, in the discretion of the
2541 licensing agency, is punishable by a fine of fifty dollars (\$50.00) for a first
2542 occurrence and a fine of one hundred dollars (\$100.00) for each
2543 subsequent occurrence upon further inspections within the same licensure
2544 term. Each violation is considered a separate offense. Example: If a
2545 facility is five (5) children over maximum capacity it constitutes five (5)
2546 separate Class II violations and would be subject to a two hundred fifty
2547 dollar (\$250.00) or five hundred dollar (\$500.00) fine, whichever is
2548 applicable.

2549 The following are Class II violations:

2550 a. Failure to maintain proper staff-to-child ratio (Sections 8-1 and 8-2);

2551 b. Exceeding licensed maximum capacity (Section 1-1(c));

2552 c. Failure to have a proper criminal record check in a personnel record
2553 (Section 6-4(A) (6));

2554 d. Failure to have a proper child abuse central registry check in a
2555 personnel record (Section 6-4(A) (6));

2556 e. Improper discipline of a child (Sections 14-1, 2, 3, and 5);

2557 f. Allowing a child to leave the child care facility with an unauthorized
2558 individual (Section 4-1(b) (3));

2559 g. Violation of an environmental health regulation (Sections 11 and 12);

- 2560 h. Failure to report a serious occurrence (Section 7-1);
- 2561 i. Failure to report a communicable disease (Section 7-3);
- 2562 j. Violation of transportation and safety policies, procedures, and
2563 regulations (Sections 4-1 (c) (3) and 15-1, 2, 3, and 4); and
- 2564 k. Unauthorized individual assigned administrative and supervisory
2565 responsibility for the facility when the director is absent or violation
2566 of Section 5.7 Director Designee.
- 2567 l. Failure to have proper (up-to-date) immunization documentation in
2568 each child's record and each employee's record.
- 2569 m. Failure to display license and/or complaint notice in accordance with
2570 Section 2-10.
- 2571 n. Failure to meet conditions or restrictions placed on a license. The fine
2572 will be in addition to the immediate closure of the facility for failure
2573 to meet any conditions or restrictions as stated on the restricted
2574 license (Section 2-2(C)).
- 2575 o. Failure to comply with the requirements of Section 13-4 Sack
2576 Lunches.
- 2577 p. Failure to have adequate staff on site holding a valid CPR certificate.
- 2578 q. Failure to have adequate staff on site holding a valid First Aid
2579 certificate.
- 2580 r. The presence of any individual who has failed to satisfy the personnel
2581 requirements of Section V.
- 2582 s. Violation of Section 4-2 Smoking, Tobacco Products, and Prohibited
2583 Substances.
- 2584 t. Failure to meet nutritional standards as listed in Appendix "C."
- 2585 u. Altering of documents supporting suitability for employment in a
2586 child care facility, i.e., Letter of Suitability for Employment or Child
2587 Abuse Central Registry Check. Refer to Section V, Personnel
2588 Requirements.

2589 **Should a facility be cited for Class II violations on four (4) separate**
2590 **inspection dates, it may be cause for suspension or revocation of the**
2591 **facility license for habitual noncompliance with the Regulations**
2592 **Governing Licensure of Child Care Facilities.**

- 2593 3. A Class III violation of these regulations, in the discretion of the licensing
 2594 agency, is punishable by a fine of twenty-five dollars (\$25.00) for each
 2595 occurrence. A Class III violation is any violation of these regulations not
 2596 listed as a Class I or Class II violation in Sections 25-9(A) and (B).
- 2597 4. Unless appealed, all fines shall be payable within 30 calendar days of
 2598 being levied. If appealed fines shall be payable within 30 calendar days of
 2599 final disposition.
- 2600 5. An operator shall have the right to appeal a fine imposed pursuant to this
 2601 section of the regulations, in accordance with the policy of the licensing
 2602 agency. Any appeal of a fine must be filed with the licensing agency
 2603 within 10 calendar days of being levied.
- 2604 6. An operator shall not be granted a license, nor shall a license be renewed
 2605 for any operator with outstanding fines or penalties.
- 2606 7. If a license expires during the appeal process, it shall be administratively
 2607 extended and documentation of the extension shall be provided to the
 2608 licensee. A facility given an administrative extension during the appeal
 2609 process, shall remain under the regulation of the licensing agency and will
 2610 be subject to all current licensure regulations to include, but not limited to,
 2611 inspection of the facility, review of facility and children(s) records,
 2612 submission of all required or requested documents, and payment of all
 2613 applicable fees and/or fines.

2614 125 **XXVI. RELEASE OF INFORMATION**

2615 Information in the possession of the licensing agency concerning the license of individual
 2616 child care facilities may be disclosed to the public, except such information shall not be
 2617 disclosed in such manner as to identify children or families of children cared for at a child
 2618 care facility. Nothing in this section shall affect the agency(s) authority to release findings
 2619 of investigation into allegations of abuse pursuant to either Sections 43-21-353(8) and
 2620 Section 43-21-257 Mississippi Code of 1972, annotated.