

**Title 15: Mississippi State Department of Health**

**Part 11: Bureau of Child Care Facilities**

**Subpart 55: Child Care Facilities Licensure**

**CHAPTER 1: REGULATIONS GOVERNING LICENSURE OF CHILD CARE FACILITIES FOR 12 OF FEWER CHILDREN IN THE OPERATOR'S HOME**

**Subchapter 5: PERSONNEL REQUIREMENTS**

**Rule 2.5.2 Criminal Record (Fingerprinting), Child Abuse Central Registry Checks, and Sex Offender Records Checks:** Pursuant to Section 43-20-1 et seq., of the Mississippi Code of 1972, Section 658(d) of the Child Care Development Block Grant (CCDBG) Act of 2014, and Federal Rules and Regulations 45 CFR 98.43 Criminal Background Checks all operators, employees, and prospective employees of a child care facility and any individual residing in a residence licensed as a child care facility shall have an FBI national criminal history records check (fingerprint), State criminal history records check (fingerprint), State child abuse registry check, National Crime Information Center (NCIC) National Sex Offender Registry (NSOR) sex offender registry check, and State sex offender registry check. Further, such checks must be completed at least every five years on the owner and staff of a child care facility.

1. **Before a prospective staff member may begin work in a child care facility a valid Letter of Suitability must have been issued by the MSDH Criminal Records Check Unit.** The child care facility shall submit the following for processing:
  - a. A **completed fingerprint card and fees**, as appropriate, shall be submitted to the **Mississippi State Department of Health (MSDH)** for processing. A copy of the submitted fingerprint card, fees paid, and evidence of mailing shall be maintained in the employee's personnel file until the facility receives notification from the Mississippi State Department of Health (Department) verifying the employee's suitability for employment.

If the facility is notified that the fingerprints submitted were incomplete or of such poor quality that prevented processing, the facility shall reprint the individual and/or resubmit the necessary information within ten days of the dated letter on the notification.

- b. A **Child Abuse Registry Form** shall be submitted to the **Department of Human Services** for processing. A copy of the submitted form and evidence of mailing shall be maintained in the employee's personnel file until the facility receives notification from the Department of the employee's suitability for employment.

2. Each licensed child care facility with internet capabilities may electronically access, monitor, and verify the suitability status of any submitted employee through a Department maintained webpage: <http://www.HealthyMS.com>. (Licensed providers without electronic capabilities will receive hardcopy notification of an employee's suitability status.)
3. Upon receipt of notification, either electronically or hardcopy, that the employee has been deemed suitable for employment in a child care facility, the facility shall provide the employee the original Letter of Suitability and shall maintain a copy of the suitability letter for the facility files.
  - a. Unless otherwise voided, the letter confirming an employee's Suitability for Employment is valid for a period of **five** years from the date of the letter. However, if an individual has been separated from employment (break in service) in a child care facility for more than 180 consecutive days a new criminal history records check must be submitted and approved before the individual may begin work in a child care facility regardless of the date of issuance on the letter.
  - b. The facility owner and each employee shall have criminal history records checks (fingerprint), child abuse registry checks, and sex offender registry checks completed **at least every five years**.
  - c. The Letter of Suitability is not transferable to another program licensed by the Child Care Licensure Bureau after the date of expiration as specified within the suitability letter.
  - d. **If an individual has been separated from employment (break in service) in a child care facility for more than 180 consecutive days a new criminal history records check must be submitted and approved before the individual may begin work in a child care facility.**
4. Individuals under the age of 18 that are employed by a child care provider for compensation are required to complete a comprehensive background check that includes everything an adult criminal history records check requires.
5. Child care providers shall require each applicant that lives outside of Mississippi and/or has lived outside of Mississippi within the last 5 years to complete an interstate background check for the previous state(s) of residence, which includes at a minimum a state criminal history record check, state sex offender registry check, and state child abuse and neglect registry check. The interstate background check must be completed within 45 days of the submission of the prospective employee's child care employment application.
6. **Volunteers**

- a. The facility shall maintain the following on any individual who volunteers in a child care facility for less than 120 hours per licensure year:
  - i. A provider will maintain a timesheet on all volunteers indicating the number of hours they worked each time they were at the facility.
  - ii. Immunization Compliance Form 121.
- b. The facility shall maintain the following on any individual who volunteers in a child care facility for 120 or more hours per licensure year:
  - i. Letter of Suitability that reflects the completion of a full criminal records check, child abuse registry check, and sex offender check. Also, if required an out-of-state criminal records check, child abuse registry check, and sex offender check.
  - ii. Immunization Compliance Form 121.

*Source: Miss. Code Ann. §43-20-8.*

#### **Subchapter 6: RECORDS**

**Rule 2.6.1 Records:** Records listed in this section shall be kept within the physical confines of the child care facility and shall be made available to the licensing agency on request.

*Source: Miss. Code Ann. §43-20-8.*

#### **Rule 2.6.2 Records Retention:**

- 1. All records, unless otherwise specified, shall be kept for a period of at least three years.
- 2. A child's records shall be retained for a period of one year after the child is no longer in attendance at the facility.

*Source: Miss. Code Ann. §43-20-8.*

#### **Rule 2.6.3 Facility Records:**

- 1. Attendance records for children and employees.
- 2. A current alphabetical roster of children enrolled in the child care facility, to include the child's full name and date of birth.
- 3. A current alphabetical roster of staff employed or volunteers in the child care facility.
- 4. Current license.

5. Records of monthly fire/disaster evacuation drills.
6. A record shall be maintained of any medication administered by the director or caregiver showing the date, time, and signature of dispensing employee. A medication record may be destroyed 90 days after administering the medication.
7. A record shall be maintained on each volunteer to document the date and number of hours of volunteer service.
8. Each facility shall maintain a notebook containing copies of the MSDH Certificate of Immunization Compliance (MSDH Form #121) for both staff and children at the facility. The notebook shall contain separate current alphabetical rosters of both staff and children. The certificates shall be filed in alphabetical order to match the current staff and child rosters.
9. Each facility shall maintain a notebook containing a copy of the Letter of Suitability for Employment from the licensing agency on all employees and, when applicable, volunteers. The notebook shall contain an alphabetical roster of staff and volunteers. Along with the name, date-of-birth, the initial date of hire or volunteering must be given for cross-reference to individual personnel/volunteer files. The Letter of Suitability for Employment shall be filed in order matching the alphabetical roster.

**NOTE:** Items required by 8 and 9 above may be placed within the same notebook.

10. Each licensed child care provider is required to enter into the Child Care LARS Database the hourly rate that they charge to care for a child in a particular age group they serve, i.e., Infant, Preschool, School Age. The following is used for calculating the hourly rate for each age group.

**Calculation of the daily rate**

Current Monthly Rate (CMR)

Calculated Yearly Rate = (CMR X 12 months)

Calculated Weekly Rate = (Calculated Yearly Rate ÷ 52)

Calculated Daily Rate = (Calculated Weekly Rate ÷ 5)

Age Group	Current Monthly Rate (CMR)	Yearly Rate CMR X 12	Weekly Rate Yearly Rate ÷ 52	Daily Rate Before Rounding Weekly Rate ÷ 5	Daily Rate Rounded Up to the Next Cent
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Infant	\$480.00	\$5,760.00	110.7692308	22.15385	\$22.16
Preschool	\$440.00	\$5,280.00	101.5384615	20.30769	\$20.31
School Age	\$320.00	\$3,840.00	73.84615385	14.76923	\$14.77

Source: Miss. Code Ann. §43-20-8.

**Rule 2.6.4 Personnel Records:**

1. **Employee Records:** Each employee's personnel record shall contain the following:

- a. Name, date of birth, address, and phone number.
- b. Documentation of education, training, and experience necessary for employment.
- c. Records of staff development accrued during each licensure year, beginning with the date employed.
- d. Date of employment and date of separation.
- e. Mississippi State Department of Health Certificate of Immunization Compliance Form 121.
- f. Documentation that the criminal record checks (fingerprinting), Child Abuse Central Registry checks, and Sex Offender Registry checks, have been conducted (Letter of Suitability for Employment); and the information shall be included in each employee's personnel file.

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

- g. Documentation of orientation, within one week of being hired, including but not limited to emergency procedures (to include policies for handling dangerous situations), staffing and supervision requirements, daily schedules, physical/emotional/developmental problems of children, discipline policies, and child abuse and neglect.
- h. Upon resignation or termination, personnel records shall be kept on file and be made available to the licensing agency for at least one year after the last day of employment.

2. **Required Employee information to be entered into the Child Care Database – Licensure and Reporting System (LARS)**

The following information will be entered in the Child Care LARS Database for the Owner, Director, and all staff of the child care facility. The information will be entered during the Child Care Initial Application, Renewal Application, and Provider Portal “Manage Contacts” sections.

- a. First Name
- b. Last Name
- c. Date of Birth
- d. Last 4 of SSN
- e. Hire Date
- f. Email Address
- g. Mailing Address
- h. Contact Phone Number

The required information entered into the LARS Child Care Database under this rule is confidential and not viewable by the general public. The information will be used to authenticate the required contact hours taken by staff each licensure year. This information will also provide the ability for the child care operator to retrieve information regarding whether an employee is up-to-date or deficient regarding the required staff development hours (15 hours required) each licensure year.

Further, this information will allow an individual employee or a supervisor of an employee, i.e., Owner and/or Director to register an employee for courses to maintain the continuing education hours required for the continued licensing of the child care facility.

*Source: Miss. Code Ann. §43-20-8.*

**Rule 2.6.5 Volunteer Records (120 or more hours per year):** For any person who volunteers in a child care facility for 120 or more hours per licensure year, a record shall be kept which contains the following:

1. Name, date of birth, address, and phone number.
2. Documentation of education, training, and experience that may help them in their role as a volunteer.
3. Date individual began volunteering and last date individual volunteered at the facility.
4. Mississippi State Department of Health Certificate of Immunization Compliance Form 121.
5. Documentation that the criminal records check (fingerprinting), child abuse central registry check, and sex offender registry check has been conducted (Letter of Suitability for Employment), and the information is included in each volunteer’s file.

6. Documentation of a minimum of one hour of volunteer orientation, within one week of volunteering, including but not limited to, the child abuse law and reporting requirements, emergency exit procedures, policies for handling dangerous situations, and the facility transportation policy.
7. A volunteer's record shall be retained for a period of one year after they are no longer volunteering at the facility.
8. A record shall be maintained on each volunteer to document the date and number of hours of volunteer service.

*Source: Miss. Code Ann. §43-20-8.*

**Rule 2.6.6 Volunteer Records (Less than 120 hours per year):** For any person who volunteers in a child care facility for less than 120 hours per licensure year, a record shall be kept which contains the following:

1. Documentation of a minimum of one hour of volunteer orientation within one week of volunteering, including but not limited, to the child abuse law and reporting requirements, emergency exit procedures, policies for handling dangerous situations, and the facility transportation policy and special needs of children.
2. A volunteer's record shall be retained for a period of one year after they are no longer volunteering at the facility.
3. A record shall be maintained on each volunteer to document the date and number of hours of volunteer service.
4. Mississippi State Department of Health Certificate of Immunization Compliance Form 121.

*Source: Miss. Code Ann. §43-20-8.*

**Title 15: Mississippi State Department of Health**

**Part 11: Bureau of Professional Licensure**

**Subpart 55: Child Care Facilities Licensure**

**CHAPTER 1: REGULATIONS GOVERNING LICENSURE OF CHILD CARE FACILITIES FOR 12 OR FEWER CHILDREN IN THE OPERATORS HOME**

**Subchapter 5: PERSONNEL REQUIREMENTS**

**Rule 2.5.2 Criminal Record (Fingerprinting), Child Abuse Central Registry Checks, and Sex Offender Records Checks:** Pursuant to Section 43-20-1 et seq., of the

~~Mississippi Code of 1972, all operators, employees and prospective employees of a child care facility and any individual residing in a residence licensed as a child care facility shall have a criminal history records check (fingerprint), child abuse registry check and a sex offender registry check.~~

Pursuant to Section 43-20-1 et seq., of the Mississippi Code of 1972, Section 658(d) of the Child Care Development Block Grant (CCDBG) Act of 2014, and Federal Rules and Regulations 45 CFR 98.43 Criminal Background Checks all operators, employees, and prospective employees of a child care facility and any individual residing in a residence licensed as a child care facility shall have an FBI national criminal history records check (fingerprint), State criminal history records check (fingerprint), State child abuse registry check, National Crime Information Center (NCIC) National Sex Offender Registry (NSOR) sex offender registry check, and State sex offender registry check. Further, such checks must be completed at least every five years on the owner and staff of a child care facility.

- ~~1. **Within ten working days from the date of employment**, the child care facility shall submit the following for processing:~~

**Before a prospective staff member may begin work in a child care facility a valid Letter of Suitability must have been issued by the MSDH Criminal Records Check Unit.** The child care facility shall submit the following for processing:

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

If the facility is notified that the fingerprints submitted were incomplete or of such poor quality that prevented processing, the facility shall reprint the individual and/or resubmit the necessary information within ten days of the dated letter on the notification.

- b. **A Child Abuse Registry Form** shall be submitted to the **Department of Human Services** for processing. A copy of the submitted form and evidence of mailing shall be maintained in the employee's personnel file until the facility receives notification from the Department of the employee's suitability for employment.
- ~~2. Although an individual is allowed to begin employment prior to the receiving confirmation of the employee's status for employment suitability, **at no time shall the facility allow that individual to provide unsupervised care or be left alone with a child until the facility receives notification from the Department (MSDH) verifying that employee's suitability for employment.** Each licensed child care facility with internet capabilities may electronically access, monitor, and verify the~~

suitability status of any submitted employee through a Department maintained webpage: <http://www.HealthyMS.com>. (Licensed providers without electronic capabilities will receive hardcopy notification of an employee's suitability status.)

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

~~Unless otherwise voided, the letter confirming an employee's Suitability for Employment is valid for a period of **five** years. However, if there is **no break in service from the submitting licensed provider of origin and/or the same campus**, as specified on the suitability letter, the Letter of Suitability will remain valid for as long as the individual remains employed at the licensed facility of origin. The Letter of Suitability is not transferable to another program licensed by the Child Care Licensure Division after the date of expiration as specified within the suitability letter.~~

- a. Unless otherwise voided, the letter confirming an employee's Suitability for Employment is valid for a period of **five** years from the date of the letter. However, if an individual has been separated from employment (break in service) in a child care facility for more than 180 consecutive days a new criminal history records check must be submitted and approved before the individual may begin work in a child care facility regardless of the date of issuance on the letter.
  - b. The facility owner and each employee shall have criminal history records checks (fingerprint), child abuse registry checks, and sex offender registry checks completed **at least every five years**.
  - c. The Letter of Suitability is not transferable to another program licensed by the Child Care Licensure Bureau after the date of expiration as specified within the suitability letter.
  - d. **If an individual has been separated from employment (break in service) in a child care facility for more than 180 consecutive days a new criminal history records check must be submitted and approved before the individual may begin work in a child care facility.**
4. Individuals under the age of 18 that are employed by a child care provider for compensation are required to complete a comprehensive background check that includes everything an adult criminal history records check requires.
  5. ~~Individuals under the age of 18 are not required to be fingerprinted. However, that individual must never be left alone with children.~~

Child care providers shall require each applicant that lives outside of Mississippi and/or has lived outside of Mississippi within the last 5 years to complete an interstate background check for the previous state(s) of residence, which includes at a minimum a state criminal history record check, state sex offender registry check, and state child abuse and neglect registry check. The interstate background check must be completed within 45 days of the submission of the prospective employee's child care employment application.

6. ~~The facility shall maintain the following on any individual who volunteers in a child care facility for 120 or more hours per licensure year:~~
  - a. ~~Letter of Suitability for Employment that reflects the completion of the criminal records check, child abuse registry check, and sex offender check.~~
  - b. ~~Immunization Compliance Form 121.~~

### **Volunteers**

- a. The facility shall maintain the following on any individual who volunteers in a child care facility for less than 120 hours per licensure year:
  - i. A provider will maintain a timesheet on all volunteers indicating the number of hours they worked each time they were at the facility.
  - ii. Immunization Compliance Form 121.
- b. The facility shall maintain the following on any individual who volunteers in a child care facility for 120 or more hours per licensure year:
  - i. A provider will maintain a timesheet on all volunteers indicating the number of hours they worked each time they were at the facility.
  - ii. Letter of Suitability that reflects the completion of a full criminal records check, child abuse registry check, and sex offender check. Also, if required an out-of-state criminal records check, child abuse registry check, and sex offender check.
  - iii. Immunization Compliance Form 121.

*Source: Miss. Code Ann. §43-20-8.*

## **Subchapter 6: RECORDS**

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**Rule 2.6.2 Records Retention:**

1. All records, unless otherwise specified, shall be kept for a period of at least three years.
2. A child's records shall be retained for a period of one year after the child is no longer in attendance at the facility.

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**Rule 2.6.3 Facility Records:**

1. Attendance records for children and employees.
2. A current alphabetical roster of children enrolled in the child care facility, to include the child's full name and date of birth.
3. A current alphabetical roster of staff employed or volunteers in the child care facility.
4. Current license.
5. Records of monthly fire/disaster evacuation drills.
6. A record shall be maintained of any medication administered by the director or caregiver showing the date, time, and signature of dispensing employee. A medication record may be destroyed 90 days after administering the medication.
7. A record shall be maintained on each volunteer to document the date and number of hours of volunteer service.
8. Each facility shall maintain a notebook containing copies of the MSDH Certificate of Immunization Compliance (MSDH Form #121) for both staff and children at the facility. The notebook shall contain separate current alphabetical rosters of both staff and children. The certificates shall be filed in alphabetical order to match the current staff and child rosters.
9. Each facility shall maintain a notebook containing a copy of the Letter of Suitability for Employment from the licensing agency on all employees and, when applicable, volunteers. The notebook shall contain an alphabetical roster of staff and volunteers. Along with the name, date-of-birth, the initial date of hire or volunteering must be given for cross-reference to individual personnel/volunteer files. The Letter of Suitability for Employment shall be filed in order matching the alphabetical roster.

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Calculated Weekly Rate = (Calculated Yearly Rate ÷ 52)

Calculated Daily Rate = (Calculated Weekly Rate ÷ 5)

<u>Age Group</u>	<u>Current Monthly Rate (CMR)</u>	<u>Yearly Rate CMR X 12</u>	<u>Weekly Rate Yearly Rate ÷ 52</u>	<u>Daily Rate Before Rounding Weekly Rate ÷ 5</u>	<u>Daily Rate Rounded Up to the Next Cent</u>
<u>Infant</u>	<u>\$480.00</u>	<u>\$5,760.00</u>	<u>110.7692308</u>	<u>22.15385</u>	<u>\$22.16</u>
<u>Preschool</u>	<u>\$440.00</u>	<u>\$5,280.00</u>	<u>101.5384615</u>	<u>20.30769</u>	<u>\$20.31</u>
<u>School Age</u>	<u>\$320.00</u>	<u>\$3,840.00</u>	<u>73.84615385</u>	<u>14.76923</u>	<u>\$14.77</u>

Source: Miss. Code Ann. §43-20-8.

**Rule 2.6.4 Personnel Records:**

1. **Employee Records:** Each employee's personnel record shall contain the following:
  - a. Name, date of birth, address, and phone number.
  - b. Documentation of education, training, and experience necessary for employment.
  - c. Records of staff development accrued during each licensure year, beginning with the date employed.
  - d. Date of employment and date of separation.

- e. Mississippi State Department of Health Certificate of Immunization Compliance Form 121.
- f. Documentation that the criminal record checks (fingerprinting), Child Abuse Central Registry checks, and Sex Offender Registry checks, have been conducted (Letter of Suitability for Employment); and the information shall be included in each employee's personnel file.

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

- g. Documentation of orientation, within one week of being hired, including but not limited to emergency procedures (to include policies for handling dangerous situations), staffing and supervision requirements, daily schedules, physical/emotional/developmental problems of children, discipline policies, and child abuse and neglect.
- h. Upon resignation or termination, personnel records shall be kept on file and be made available to the licensing agency for at least one year after the last day of employment.

2. **Required Employee information to be entered into the Child Care Database – Licensure and Reporting System (LARS)**

The following information will be entered in the Child Care LARS Database for the Owner, Director, and all staff of the child care facility. The information will be entered during the Child Care Initial Application, Renewal Application, and Provider Portal “Manage Contacts” sections.

- a. First Name
- b. Last Name
- c. Date of Birth
- d. Last 4 of SSN
- e. Hire Date
- f. Email Address
- g. Mailing Address
- h. Contact Phone Number

The required information entered into the LARS Child Care Database under this rule is confidential and not viewable by the general public. The information will be used to authenticate the required contact hours taken by staff each licensure year. This information will also provide the ability for the child care operator to retrieve information regarding whether an employee is up-to-date or deficient regarding the required staff development hours (15 hours required) each licensure year.

Further, this information will allow an individual employee or a supervisor of an employee, i.e., Owner and/or Director to register an employee for courses to maintain the continuing education hours required for the continued licensing of the child care facility.

*Source: Miss. Code Ann. §43-20-8.*

**Rule 2.6.5 Volunteer Records (120 or more hours per year):** For any person who volunteers in a child care facility for 120 or more hours per licensure year, a record shall be kept which contains the following:

1. Name, date of birth, address, and phone number.
2. Documentation of education, training, and experience that may help them in their role as a volunteer.
3. Date individual began volunteering and last date individual volunteered at the facility.
4. Mississippi State Department of Health Certificate of Immunization Compliance Form 121.
5. Documentation that the criminal records check (fingerprinting), child abuse central registry check, and sex offender registry check has been conducted (Letter of Suitability for Employment), and the information is included in each volunteer's file.
6. Documentation of a minimum of one hour of volunteer orientation, within one week of volunteering, including but not limited to, the child abuse law and reporting requirements, emergency exit procedures, policies for handling dangerous situations, and the facility transportation policy.
7. A volunteer's record shall be retained for a period of one year after they are no longer volunteering at the facility.
8. A record shall be maintained on each volunteer to document the date and number of hours of volunteer service.

*Source: Miss. Code Ann. §43-20-8.*

**Rule 2.6.6 Volunteer Records (Less than 120 hours per year):** For any person who volunteers in a child care facility for less than 120 hours per licensure year, a record shall be kept which contains the following:

9. Documentation of a minimum of one hour of volunteer orientation within one week of volunteering, including but not limited, to the child abuse law and reporting requirements, emergency exit procedures, policies for handling dangerous situations, and the facility transportation policy and special needs of children.

10. A volunteer's record shall be retained for a period of one year after they are no longer volunteering at the facility.
11. A record shall be maintained on each volunteer to document the date and number of hours of volunteer service.
12. Mississippi State Department of Health Certificate of Immunization Compliance Form 121.

*Source: Miss. Code Ann. §43-20-8.*