Title 15 - Mississippi Department of Health

Part III – Office of Health Protection

Subpart 55 – Child Care Facilities Licensure

CHAPTER 02 REGULATIONS GOVERNING LICENSURE OF CHILD CARE FACILITIES FOR 12 OR FEWER CHILDREN IN THE OPERATOR'S HOME

100 GENERAL

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

100.02 **Purpose**

1. The purpose of these regulations is to protect and promote the health and safety of children in this state by providing for the licensing of child care facilities as defined herein so as to assure that certain minimum standards are maintained in such facilities. This policy is predicated upon the fact that a child is not capable of protecting himself, and when his parents for any reason have relinquished his care to others, there arises the probability of exposure of that child to certain risks to his health and safety which require the offsetting statutory protection of licensing. This document and its appendices constitute the "Regulations Governing the Licensure of Child Care Facilities."

2. A child care facility may exceed the minimum quality standards required in these regulations, but may not operate without meeting the minimum standards set forth in these regulations.

3. The maximum capacity of a child care facility is determined by the indoor square footage, kitchen square footage, outdoor playground area, and the number of toilets, urinals, and hand washing lavatories, with the lowest capacity determination being controlling.

4. A child care facility may be remeasured and reinspected anytime at the discretion of the licensing agency.

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

100.04 **Definitions**

1. **Act** The "Mississippi Child Care Licensing Law," Section 43-20-1 et. seq. of the Mississippi Code of 1972.

2. **Agency Representative** An authorized representative of the Mississippi Department of Health.

3. **Caregiver** A person who provides direct care, supervision, and guidance to children in a child care facility, regardless of title or occupation.

4. **Child Care Facility (Facility)** A place which provides shelter and personal care for six (6) or more children who are not related within the third degree computed according to the civil law to the operator and who are under thirteen (13) years of age, for any part of the twenty-four (24) hour day, whether such place be organized or operated for profit or not. The term (child care facility(includes day nurseries, day care centers, child care centers, preschool programs, and any other facility that fall within the scope of the definition set forth above.

   a. **Exemptions**

      i. Child care facilities which operate for no more than two (2) days a week, whose primary purpose is to provide respite for the caregiver or temporary care during other scheduled or related activities; and

      ii. Organized programs which operate for three (3) or fewer weeks per year such as, but not limited to, vacation bible schools and scout day camps; and

      iii. Any child residential home as defined in, and in compliance with the provisions of Section 43-16-3(b) et seq., Mississippi Code of 1972;

      iv. Any program in an elementary, including kindergarten, and/or secondary school system, accredited by the Mississippi State Department of Education, the Southern Association of Colleges and Schools, the Mississippi Private School Education Association, the American Association of Christian Schools, or the Association of Christian Schools International.

      Accreditation, for the purpose of exemption from the provisions of this section, means receipt by any school or school system of full accreditation from an accrediting entity listed in this subsection or proof of application by the school or school system for accreditation status from the accrediting entity. Proof of

application for accreditation status shall include, but not be limited to, a copy of the applicant's completed application for accreditation filed with the licensing agency and a letter or other authenticating documentation from a signatory authority with the accrediting entity that the application for accreditation has been received and that the applicant is currently under consideration or review for full accreditation status by the accrediting entity. An exemption for a nonaccredited applicant under this item shall be for a maximum of one (1) year from the receipt date by the licensing agency of the completed documentation for proof of application for accreditation status. Failure to receive full accreditation by the end of the one-year exemption period for a nonaccredited applicant shall result in the nonaccredited applicant no longer remaining exempt from the provisions of this chapter at the end of the one-year period. However, if full accreditation is not received by the end of the one-year exemption period, the State Board of Health, in its discretion, may extend the exemption period for any nonaccredited applicant for periods of six (6) months, with the total extension not to exceed one (1) year. During any such extension periods, the board shall have the authority to enforce child care facility licensure provisions relating to the health and safety of the children in the school or school system. If a nonaccredited applicant fails to receive full accreditation by the end of all extended exemption periods, the applicant shall no longer remain exempt from the provisions of this chapter at the end of the extended exemption periods.

v. Any Head Start program operating in conjunction with an elementary school system, whether it be public, private or parochial, whose primary purpose is a structured school or school readiness program;

vi. Any family child care home as defined in Mississippi Code Section 43-20-53(a) et seq. To wit: An occupied residence in which shelter and personal care is regularly provided for five (5) or fewer children who are not related within the third degree computed according to the civil law to the provider and who are under the age of thirteen (13) years of age and are provided care for any part of the twenty-four (24) hour day. These homes may be voluntarily registered with the Mississippi Department of Health; and

vii. Any membership organization affiliated with a national organization which charges only a nominal annual membership fee, does not receive monthly, weekly, or daily payments for services, and is certified by its national association as being in compliance with the association(s minimum standards and

procedures, including, but not limited to, the Boys and Girls Club of America, and the YMCA.

For the purposes of this subsection a nominal fee is defined as $50 or less per year.

All other preschool child care programs and/or extended day school programs shall meet requirements set forth in these regulations.

5. **Children with Special Needs** A child needing adaptation in a particular child care facility to access programming and the physical environment

6. **Director** Any individual, designated by the operator, who has met minimum state requirements and who has on-site responsibility for the operation of a child care facility. This person may or may not be the operator.

7. **Director Designee** Any individual designated to act as the director, having all responsibility and authority of a director, during the director(s short-term absence. A director designee shall, at a minimum, be at least 21 years of age, have a high school diploma or GED, and 4 years paid experience in a licensed child care facility. Director Designees shall not retain sole director authority in a facility for more than twenty four (24) total hours per calendar week.

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

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

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

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

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

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

13. **Operator** Any person, acting individually or jointly with another person or persons, who shall establish, own, operate, conduct or maintain

a child care facility. The child care facility license shall be issued in the name of the operator, or if there is more than one (1) operator, in the name of one (1) of the operators. In the event that there is more than one (1) operator, all statutory and regulatory provisions concerning the background checks of operators shall be equally applied to all operators of a facility, including, but not limited to, a spouse who jointly owns, operates, or maintains the child care facility regardless of which operator is named on the license.

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

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

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

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

18. **Safety** The condition of being protected from hurt, injury or loss.

19. **School Age Child** A child five (5) years of age or older and eligible to be enrolled in an accredited school program.

20. **Service Staff** A person who provides support services such as cooking, cleaning, or driving a vehicle, but is not a caregiver.

21. **Toddler** Any child the age of 12 months and under the age of 24 months.

22. **Usable Space** In measuring facilities for square footage per child, usable space shall mean space measured on the inside, wall-to-wall dimensions. These spaces are exclusive of food preparation areas, kitchens, bathrooms, toilets, areas for the care of ill children, offices, staff rooms, corridors, hallways, stairways, closets, lockers, laundries, furnace rooms, fixed or permanent cabinets, fixed or permanent storage shelving spaces, and areas not inhabited and used by children. Usable space shall be areas dedicated to children(s activities (play, learning, rest, and eating) and shall be utilized for those purposes on a daily basis. Furnishings shall be equipment which is both size and age appropriate for children receiving care. The space occupied by inappropriate or adult size equipment shall be deducted from the children(s usable space.

23. **Volunteer** Any person who is not an employee who is at the facility or assists with children.

Individuals who volunteer for 120 or more hours in a given licensure year shall meet the requirements of (1) criminal record and child abuse central registry checks to include being fingerprinted, and (2) valid Immunization Compliance Form #121. The facility shall document the time that a volunteer is at the facility.

Further, any individual who has not been fingerprinted and has not had a child abuse central registry check completed shall never be left alone with children.

101 LICENSURE

101.01 Requirement for Licensure

1. No person shall establish, own, operate, conduct, or maintain a child care facility in this state without a license issued pursuant to these regulations.

2. The licensing authority will require no entity exempt from the licensure requirement to apply for a license. However, should an exempt entity desire to obtain a license, it will be subject to these regulations.

101.02 Types of Licenses

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

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

   a. Mandatory training required of all directors, director designees, and operators.

   b. The following documents must be submitted to and approved by the facility licensing official:

      i. Facility daily schedule

ii. Discipline and guidance policy

iii. Transportation policy

iv. Safety policy

v. Arrival and departure procedures

vi. Notarized statement of verification of required background checks, immunization compliance (for all staff and children), and appropriate number of staff certified in CPR and First Aid.

vii. Approved menu plan.

c. A plan of activities appropriate for each age group served shall be maintained at the child care facility and made available to the licensing official upon request.

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

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

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

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

101.04 **License Fee** All application fees, licensure fees, renewal fees, and administrative charges shall be paid by certified check or money order payable

to the Mississippi Department of Health, and are nonrefundable. Checks returned for insufficient funds, closed account, etc., shall be assessed an additional $50 fee.

1. **Application Fee**.....$ 50.00
2. **Initial Licensure Fee** .....$ 50.00
3. **Renewal Fee**……..$ 50.00
4. **Reinstatement Fee**.....$200.00
5. **Returned Check Fee** .....$ 50.00
6. **Late Fee**.....$ 25.00
7. **Fingerprinting Fee (Per Fingerprint Card)**.....$ 50.00

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.

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

101.08 **Renewal of License**

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

a. Complete the renewal form;

b. Submit any and all certificates of inspection and approval required by the licensing agency;

c. Enclose the renewal fee; and

d. File the above with the licensing agency at least thirty (30) days prior to the expiration date on the license.

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

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

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

101.10 **Display of Licenses** The current license issued by the licensing agency to the named child care facility and operator shall be posted and displayed in a conspicuous place and in easy view of all persons who enter the child care facility. The facility operator shall also post next to the license, in plain view, a notice provided by the MSDH that informs the public of where and how they may report a complaint against the facility.

102 RIGHT OF ENTRY AND VIOLATIONS

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

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

103 FACILITY POLICY AND PROCEDURES

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

1. **Operating information:**

   a. The child care facility's purpose, scope of service provided, philosophy, and any religious affiliation;

   b. Name(s), business telephone number, business address, and home telephone number of the operator, director or an individual in authority who can be reached after the facility(s normal hours of operation;

   c. The phone number of the child care facility;

   d. Organization chart or other description of established lines of authority of persons responsible for the child care facility's management within the organization;

   e. The program and services provided and the ages of children accepted;

   f. The hours and days of operation and holidays or other times closed;

   g. The procedures for admission and registration of children;

   h. Tuition, plans for payment, and policies regarding delinquent payments;

   i. Types of insurance coverage for children, or a statement that accident insurance is not provided or available;

   j. If a facility does not provide liability insurance there shall be a statement in the child(s record, signed by the parent indicating that the parent is aware that the facility does not carry liability insurance.

   k. Reasons/circumstances and procedures for removal of children from rolls when parents are requested by facility staff to remove a child;

   l. Procedures to include the amount of notice a parent is required to give the facility before removing a child; and

   m. Policy governing the maximum hours per day or week that a child can be left at the child care facility.

2. **Arrival and departure procedures for children**:

   a. Procedure, approved by the licensing authority, for assuring a child's safe arrival and departure (All children shall be signed in and out of the facility by an authorized individual.);

   b. Procedures for protecting children from traffic and other hazards during arrival and departure and when crossing streets;

   c. Policy for release of children from the child care facility only to responsible persons for whom the child care facility has written authorization; and

   d. Policy governing a parent picking up a child after closing hours and procedures if a child is not picked up.

3. **Program and activities information:**

   a. Policies and procedures about accepting and storing a child's personal belongings;

   b. Discipline policies including acceptable and unacceptable discipline measures;

   c. Transportation and safety policies and procedures;

   d. Policies prohibiting the photographing of a child without parental consent;

   e. Policies regarding a child's participation in extracurricular activities not sponsored by the child care facility, including but not limited to baseball, softball, soccer, ballet, or gymnastics; and

   f. Policies regarding water activities and safety procedures. These policies shall include those water activities which take place away from the child care facility property, e.g., taking children to a public swimming pool.

   g. Policies encouraging sun safety practices and activities.

4. **Health and emergency procedures:**

   a. Procedures for storing and giving a child medications;

   b. Policy for reporting suspected child abuse;

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

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

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

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

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

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

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

5. **State regulations:**

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

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

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

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

103.02 **Smoking, Tobacco Products, and Prohibited Substances**

1. Smoking, the use of tobacco products in any form, alcohol, or illegal drugs, is prohibited within the physical confines of a child care facility, and on all outdoor playground areas.

2. If smoking or use of tobacco products is permitted outside the physical confines of a child care facility and away from the outdoor playground areas, it shall be limited to a designated area out of the presence of children. The designated area shall be a place where children, in the course of normal daily activities, may not observe staff and volunteers smoking or using tobacco products.

3. Designated smoking areas shall be clearly identified and posted and shall be provided with receptacles for tobacco product waste.

103.03 **Parental Access** Child care facilities shall assure the parent that they have welcome access to the child care facility at all times. Welcome access shall be defined as a parent having access to areas of the facility available to his child and nondisruptive to normal daily activities.

103.04 **Changes in Facility Operations** The operator shall immediately notify the licensing agency of any major changes affecting areas of the child care facility's operations. Such major changes include, but are not limited to, operator, director, location, physical plant, or number of children served.

103.05 **Notice of Legal Action** The licensing agency shall be notified within seven (7) days, in writing, if notice is received of legal action against the child care facility.

103.06 **Posting of Information** The following items shall be posted conspicuously in the child care facility at all times:

1. Accessible to employees and parents:

   a. License

   b. Daily activity schedule

   c. Inspection form, if applicable, or Menus and Food Service Permit, if applicable.

   d. Evacuation route

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

2. In kitchens:

   a. Menus

   b. Evacuation route

   c. Food Service Permit/Inspection Form

3. The evacuation route in all rooms utilized by children.

103.07 **Weapons Prohibited** All firearms in the home shall be equipped with trigger locks and kept in a locked room out of the sight of all children. All other dangerous weapons shall be kept under lock in a room not accessible to children.

Other dangerous weapons include, but are not limited to, hunting knives, spears, machetes, archery equipment, etc.

104 PERSONNEL REQUIREMENTS

104.01 General Requirements For Personnel

1. Each employee or potential employee of a child care facility, whether full time, part time, temporary, substitute, or volunteer, shall be of good moral character and shall meet the minimum qualifications for the respective job classification, as set forth in these regulations.

2. Any individual who, in the opinion of the licensing authority, appears to be unable to physically or mentally care for children on a daily basis and/or in emergency situations will not be allowed to act as a caregiver or caregiver assistant. Any person whose ability is in question shall, at the request of the licensing authority, be able to demonstrate the ability to perform, at a minimum but not limited to the following:

   a. Physical ability to exit the children during a fire drill in under two (2) minutes;

   b. Ability to read medication directions and properly dispense medication to children (required only if the facility dispenses medication);

104.02 Criminal Record (Fingerprinting), Child Abuse Central Registry Checks, and Sex Offender Records Checks

All operators, employees, and prospective employees of a child care facility and any person residing in a residence licensed as a child care facility shall have a criminal records background (fingerprint), child abuse central registry checks, sex offender record checks.

1. An individual shall be allowed to begin employment in a child care facility prior to the completion of child abuse central registry check and the criminal records (fingerprint) check and sex offender registry check. However, no individual may be allowed to provide unsupervised care to children until all three items have been verified by the licensing authority.

2. Any individual who volunteers in a child care facility for 120 or more hours per licensure year shall be required to have (1) criminal record, child abuse central registry checks, and sex offender registry check to include being fingerprinted, and (2) valid Immunization Compliance Form #121.

3. Individuals under the age of 18 are not required to be fingerprinted. However, they may never be left alone with children.

4. Once the fingerprint check, child abuse central registry check, and sex offender registry check have been completed and verified by the licensing authority as having no disqualifying conditions, a letter shall be issued to the person fingerprinted stating that they are eligible to be employed in a child care facility. The employer shall also receive a copy of the notification letter. This letter shall be valid for a period of five (5) years from the date on the letter unless otherwise voided. All individuals will be required to be finger printed every five (5) years.

5. If an individual is determined to be unsuitable for employment in a child care facility, they will receive a letter stating such with instructions regarding the appeal process. The employer shall also receive a copy of the non-suitability letter. Whether or not an individual remains employed at the child care facility during the appeal process is at the discretion of the operator of the facility.

6. Should it be determined by the licensing authority that acceptable fingerprints cannot be obtained from an individual, an alternative method of obtaining a criminal records check may be used. In such case the affected individual will be notified in writing of the process they are to follow. Failure to follow the procedure shall result in the individual being determined to be unsuitable to work in a child care facility.

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

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

OR

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

OR

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

OR

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

OR

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

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

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

OR

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

OR

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

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

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

104.06 **Students**

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

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

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

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

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

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

e. Documentation that the criminal records check (fingerprinting), and child abuse central registry check have been completed and no records found and,

f. Documentation of a minimum of one hour of orientation, within one (1) week of placement, including but not limited to, the child abuse law and reporting procedures, emergency procedures, and facility discipline and transportation policies.

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

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

104.07 **Use of Director Designee**

1. A director designee is an individual designated to act as the director, having all responsibility and authority of a director, during the director(s short-term absence.

2. A director designee shall, at a minimum have a high school diploma or GED and four (4) years paid experience in a licensed child care facility or licensed/accredited kindergarten program. A director designee shall not retain sole director authority in a facility for more than twenty four (24) total hours per calendar week.

<u>Exception</u>

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

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

104.08 **Staff Development**

1. Owners, Directors and Director Designees. Either before a license to operate is issued or within the first six months after the issuance of a new license, owners, directors and director designees of the child care facility shall each complete mandatory training on courses covering Childcare Regulations, New Director Orientation, and Playground Safety. If a new director or director designee is appointed by the child care facility after the license issuance, the mandatory training courses shall be completed by such individual(s) within the first six months of appointment. In the sole discretion of the licensing agency, mandatory training may be waived upon the submission of documentation of the individual's prior completion of relevant training.

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

   a. Health and safety;

   b. Child growth and development;

   c. Nutrition;

   d. Planning learning activities;

   e. Guidance and discipline techniques;

   f. Linkages with community services;

   g. Communications and relations with families;

   h. Detection of child abuse;

   i. Advocacy for early childhood programs;

   j. Professional issues.

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

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

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

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

104.09 **Review by Licensing Agency**

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

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

105 RECORDS

105.01 **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.

105.02 **Records Retention**

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

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

105.03 **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; and,

6. A record shall be maintained of any medication administered by the director or caregiver showing 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 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 copies of the Child Abuse Central Registry Check and 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 name, date-of-birth, the initial date of hire or volunteering must be given for cross-reference to individual personnel/volunteer files. Child Abuse Central Registry Checks and Letter of Suitability for Employment shall be filed in order matching the alphabetical roster.

10. Items required by sections H and I above may be placed within the same notebook.

105.04 **Personnel Records**

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

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

b. Documentation of education, training, and experience necessary for employment;

c. Records of staff development accrued during each licensure year, beginning with date employed;

d. Date of employment and date of separation;

e. Mississippi 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; and the information shall be included in each employee's personnel file; and

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 (1) 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; and

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

105.05 **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 telephone 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 facility;

4. Mississippi 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 have been conducted, and the information included in each volunteer(s file; and

6. Documentation of a minimum of one hour of volunteer orientation, within one (1) 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 (1) year after they are no longer volunteering at the facility; and

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

105.06 **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 (1) hour of volunteer orientation within one (1) 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 (1) year after they are no longer volunteering at the facility; and

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

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

1. **Identification and Contact Information**

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

   b. Home address and home telephone number

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

   d. The child’s date of birth

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

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

2. **Parental Instructions**

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

b. Written identification of an authorized, responsible person(s) for pick up of the child.

c. Documentation of any limitation of parental rights of the other parent or stepparent.

d. Documentation of any limitation or restriction, if any, on activities of child, or other participation by the child in certain events such as holiday celebrations or being photographed or other parental concerns.

3. **Authorizations**

a. Signed written authorization to obtain emergency medical treatment and to administer medication.

b. Election by parent either (a) to provide written authorization consenting to any and all field trips, excursions, or series of events outside the child care facility, or (b) to provide written consent only for those specific field trips, excursions, or series of events for which a date, time and location are specifically approved.

c. Signed acknowledgment by parent that the written policies and procedures described in Section 4-1 has been received by the parent.

d. Signed acknowledgment by parent that a summary of licensing standards and other materials designated by the licensing agency has been received by the parent.

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

a. If agreed by the facility in its policy manual or caregiver contracts, method in which facility will inform the parent or contact person if a

child does not arrive at the facility within a reasonable time after a scheduled drop-off.

b. Any other documents or identification records agreed to be maintained by the facility.

5. **Confidentiality of Records and Information**

a. Individual child records are confidential and shall not be disclosed or released without prior written authorization by the parent.

b. Individual personnel records are confidential and shall not be disclosed or released without prior written authorization by the employee.

106 REPORTS

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

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

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

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

107 STAFFING

107.01 **General**

1. The staff-to-child ratio shall be maintained at all times, to include when children are arriving and departing the facility.

2. Children shall not be left unattended at any time. Video monitors cannot be used as a substitute for the physical presence of a caregiver in a room.

3. During all hours of operation, including arrival and departure of children, a child care facility employee shall be present to whom administrative and supervisory responsibilities have been assigned. This child care facility employee shall meet the minimum qualifications of a director or director designee.

   NOTE: Operators of child care facilities shall provide to the local licensing official a list of all individuals who meet the qualifications of a director or director designee and may be assigned administrative and supervisory responsibility for the facility when the director is absent. Documentation that an individual meets the qualifications of a director shall be submitted to and approved by the local licensing official. Director designee qualifications shall be maintained on site and available to the licensing official during site visits.

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

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

107.02 **Ratio**

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

Age of Children	Number of Children to Caregiver Staff
Less than 1 year	4
1 year	8
2 years	12
3 years	14
4 years	16
5 through 9 years	20
10 through 12 years	25

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

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

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

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

108 PROGRAM OF ACTIVITIES

108.01 General

1. The child care facility shall provide a basic program of activities geared to the age levels and developmental needs of the children served.

2. The child care facility shall provide for the reading of age-appropriate materials to children.

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

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

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

108.04 Rest Periods

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

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

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

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

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

108.05 **Outdoor Activities**

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

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

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

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

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

108.06 **Infant and Toddler Activities**

1. Infants and toddlers shall be free to creep, crawl, toddle, and walk as they are physically able.

2. Infants and toddlers shall be taken outdoors every day, weather permitting.

3. For infants who cannot move about the room, caregivers shall frequently change the place and position of the infant and the selection of toys available, and the child shall be held, rocked, and carried about.

4. Television viewing, including video tapes and/or other electronic media, is not allowed for infants or for staff in an infant area.

5. Television viewing, including video tapes and/or other electronic media, for toddlers is limited to one (1) hour per day, must be of educational content and a scheduled part of the approved daily plan of activities posted in the facility.

6. Television viewing by staff is not permitted in areas occupied by children except for the purposes as described in subsection E., above.

109 EQUIPMENT, TOYS, AND MATERIALS

109.01 **General**

1. Equipment, toys, and materials for both indoor and outdoor use shall be appropriate to the age and developmental needs of the children served.

2. Developmentally age-appropriate toys shall be available and accessible for infants, and shall include but not be limited to the following:

   a. Simple, lightweight, open-ended, easily washable toys such as containers, balls, large pop-beads, nesting cups;

   b. Rattles, squeak toys, action/reaction toys;

   c. Cuddly toys;

   d. Toys to mouth such as teethers and rings;

   e. Pictures of real objects; and

   f. A crawling area with sturdy, stable furniture for pulling up self.

3. Developmentally age-appropriate toys shall be available and accessible for toddlers, and shall include but not be limited to the following:

   a. Push and pull toys;

   b. Stacking toys, large wooden spools/beads/cubes;

   c. Sturdy picture books, music;

   d. Pounding bench, simple puzzles;

   e. Play telephone, dolls, toys to appeal to child(s imagination;

   f. Large paper, crayons;

   g. Sturdy furniture to hold on to while walking; and

   h. Sand and water toys.

4. Developmentally age-appropriate toys shall be available and accessible for preschoolers, and shall include but not be limited to the following:

   a. Active play equipment for climbing and balancing;

   b. Unit blocks and accessories;

   c. Puzzles, manipulative toys;

d. Picture books and records, musical instruments;

e. Art materials such as finger and tempera paints, clay, play dough, crayons, collage materials, markers, scissors, and paste;

f. Dramatic play materials such as dolls, dress-up clothes and props, child-sized furniture, puppets; and

g. Sand and water toys.

5. Children's original work shall be displayed in the child care facility.

6. Books shall be on shelves and tables for children to look at and read. Every child shall have age-appropriate materials (including picture books) read to and discussed with him or her every day. Where appropriate, the materials should cover topics with which the children are involved.

7. Television viewing by preschool children shall be limited to two (2) hours per day and shall be educational programming only. Television viewing by staff is not permitted in areas occupied by children except for the purposes as described herein.

8. The daily activity schedule shall demonstrate that preschoolers are given opportunities to do a variety of activities, including both quiet and active, such as block play, art activities, puzzles, books, and learning games, and that stories are read to and discussed with each child every day.

109.02 **Playground Equipment**

1. All playgrounds and playground equipment used by children 2 - 12 years of age shall meet the safety standards set forth in Appendix “D” of these regulations.

2. Playground equipment shall be of safe design and in good repair. Outdoor playground climbing equipment and swings shall be set in concrete footings located at least six (6) inches below ground surface. Indoor playground equipment shall be installed according to the manufacturer's specifications. Swings shall have soft and/or flexible seats. Access to playground equipment shall be limited to age groups for which the equipment is developmentally appropriate.

3. Equipment designed for outdoor use by infants and toddlers shall be accessible to shaded areas to ensure sun safe practices.

109.03 **Paint** Paint on toys, equipment, furniture, walls, and other items shall be lead-free and non-poisonous.

109.04 **Chairs and Tables** Chairs and tables shall be of a size appropriate to the size and age of the children. There shall be an adequate number of chairs and tables to accommodate the children present at the facility.

109.05 **Hooks and Compartments** Individual hooks or compartments shall be provided for each child for hanging or storing outer and/or extra clothing as well as for personal possessions. Hooks shall be spaced well apart so that clothes and belongings do not touch those of another child. Hooks shall also be placed at a height suitable to prevent an injury to a child.

109.06 **Sand Boxes**

1. Sand boxes shall be constructed to permit drainage, shall be covered tightly and securely when not in use, and shall be kept free from cat or other animal excrement.

2. Sand contained in sand boxes shall not contain toxic or harmful materials.

109.07 **Cribs** Cribs shall be made of wood, metal, or approved plastic and have secure latching devices. They shall have slats spaced no more than two and three-eights (2 3/8) inches apart, with a mattress fitted so that no more than two (2) fingers can fit between the mattress and the crib side. Drop-side latches shall securely hold sides in the raised position and shall not be reachable by the child in the crib. Cribs shall not be used with the drop down side down. There shall be no corner post extensions (over 1/16 inch), or cut outs in headboards in the crib. The use of stackable cribs is prohibited.

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

109.09 **Rest Period Equipment**

1. Individual beds, cots, mattresses, pads, or other acceptable equipment shall be used for rest periods. These shall be kept in a sanitary condition. Once a sheet or blanket has been used by a child, it shall not be used by another child until it has been laundered.

2. Rest period equipment shall be clean and covered with a waterproof cover.

3. Nap pads/cots are designed for use by one (1) child only at a time.

4. Nap pads utilized by more than one child shall be sanitized after each child(s use. Nap pads utilized by only one child shall be sanitized immediately when soiled or at least weekly.

5. Nap pads and nap cots without mattresses are not acceptable for use in 24 hour programs. Beds, cribs, or roll away cots are the only acceptable bedding for 24 hour centers.

109.10 **Play Equipment**

1. Play equipment, toys, and materials shall be provided that meets the standards of the Consumer Product Safety Commission and/or the American Society for Testing and Materials (ASTM) for juvenile products. Play equipment, toys, and materials shall be found to be appropriate to the development needs, individual interests, and ages of the children as identified as age-appropriate by a label provided by the manufacturer on the product package.

2. Projectile toys, i.e., dart guns, toy guns, etc., are prohibited.

3. Water play tables, if used, shall be cleaned and sanitized daily.

4. Tricycles and other riding toys used by the children shall be spokeless, steerable, and of a size appropriate for the child, and shall have low centers of gravity. All such toys shall be in good condition and free of sharp edges or protrusions that may injure the children. When not in use, such toys shall be stored in a location where they will not present a physical obstacle to the children and employees. Riding toys shall be inspected at least monthly for protrusions and rough edges that could lead to injury.

109.11 **School Age Programs**

1. The foregoing provisions in Section X shall not be applied to any facility licensed solely for School age children unless specifically required in this Section 10-11.

2. All playgrounds and playground equipment used by children 2 - 12 years of age shall meet the safety standards set forth in Appendix “D” of these regulations.

3. Projectile toys are prohibited. Projectile toys are toys which, when projected, have the ability to penetrate body or eye tissue. Play equipment, toys, and materials shall be provided that meets the standards of the Consumer Product Safety Commission and/or the American Society for Testing and Materials (ASTM) for juvenile products.

4. Possessions, belongings, and extra clothing for each school age child must be stored in such a manner as to not touch those of another child.

110 **BUILDINGS AND GROUNDS**

110.01 **Building**

1. A child care facility shall be physically separated from any other business or enterprise. Other occupants, visitors, and/or employees of other businesses or enterprises within the same building shall not be allowed within the physical confines of the child care facility for the purpose of entering the building or exiting the building, or passing through the child care facility for the purpose of gaining access to another part of the building.

2. All child care facility buildings shall meet all fire safety standards listed on the MSDH Form #333 and all applicable local fire safety standards and/or ordinances.

3. No house trailers, relocatable classrooms, or portable buildings shall be used to house a child care facility unless such structure was originally designed specifically for educational purposes and meets the Mississippi State Department of Education(s current standards for a relocatable classroom. Further, such portable structure shall meet all applicable fire safety codes.

   Current licensees operating facilities housed in such structures are exempted from this provision. Any change of ownership, need for major renovation, or other significant change in the facility(s status shall revoke such exemption.

4. Plans and specifications shall be submitted to the licensing agency for review and approval on all proposed construction and/or major renovations.

5. A separate space shall be provided for the use of an ill or injured child until the child can be picked up by the parent. Space shall be located in an area that is supervised at all times by an employee.

6. Separate space for infants and toddlers shall be provided away from older children except in facilities licensed for 12 or fewer children.

7. The floor and/or floor covering shall be properly installed, kept clean and in good condition, and maintained in good repair. Carpeting is prohibited in kitchen areas.

8. All parts of the child care facility used by children shall be lead-safe, well lighted, ventilated, and free of hazardous or potentially hazardous conditions, such as but not limited to, open stairs and unprotected low windows.

   All buildings intended for use as a child care facility constructed before 1965 shall be tested for lead. It is the responsibility of the facility

applicant/operator to have a lead hazard screen or lead-based paint risk assessment of the facility done by an individual or company certified as a risk assessor by the Mississippi Commission on Environmental Quality. If the facility is found not to be lead-safe, it will not be allowed to operate as a child care facility until all required corrective measures have been taken and the facility is determined to be lead-safe by a certified risk assessor.

9. All glass in doors, windows, mirrors, etc., shall have a protective barrier at least four (4) feet high when measured from the floor. Doors, windows, mirrors, etc., using safety-grade glass or polymer (e.g., Lexan®) are not required to have a protective barrier. Glass windows and glass door panels shall be equipped with a vision strip 36 inches from the floor. Safety glass must be so certified by the installer and the statement kept on file at the child care facility.

10. Walls shall be kept clean and free of torn wall covering, chipped paint, broken plaster, and holes. No paint that contains lead compounds shall be applied to interior walls or woodwork.

11. All ceiling lighting shall be shielded completely and encased in shatterproof materials.

12. A child care facility shall have a working telephone available to all staff at all times. Telephones shall also be available for incoming calls and shall not be unplugged or disconnected during business hours.

13. All fire extinguishers, as required in the fire safety plan, shall be serviced on an annual basis by a qualified fire extinguisher technician.

14. Unused electrical outlets shall be protected by a safety plug cover.

15. No extension cords shall be used in areas accessible to children.

16. Every child care facility which uses nonelectric heating and/or cooling systems, cooking stoves, and/or hot water heaters or other nonelectric equipment, shall have sufficient carbon monoxide monitors placed appropriately throughout the child care facility.

110.02 **Indoor Square Footage**

1. The designated area for children's activities shall contain a minimum of 35 square feet of usable space per child, measured on the inside, wall-to-wall dimensions. These spaces are exclusive of food preparation areas, kitchens, bathrooms, toilets, areas for the care of ill children, offices, staff rooms, corridors, hallways, stairways, closets, lockers, laundries, furnace rooms, fixed or permanent cabinets, fixed or permanent storage shelving spaces, and areas not inhabited and used by children. Usable space shall be areas dedicated to children(s activities (play, learning, rest, and eating)

and shall be utilized for those purposes on a daily basis. Furnishings shall be equipment which is both size and age-appropriate for children receiving care. The space occupied by inappropriate or adult size equipment shall be deducted the children(s usable space.

2. Rooms in which infants both play and sleep shall have a minimum of 40 square feet of usable space per child. There shall be at least two (2) feet between each crib. Cribs with solid ends may be placed end-to-end.

3. Rooms where infants play but do not sleep shall have a minimum of 15 square feet of usable space per child. Note: No other age group shall use this space nor can it be used for any purpose other than infant play.

4. Rooms where infants sleep but do not play shall have a minimum of 25 square feet of usable space per child. There shall be at least two (2) feet between each crib. Cribs with solid ends may be placed end-to-end.

5. Rooms in which toddlers both play and sleep shall have a minimum of 45 square feet of usable space per child. There shall be at least two (2) feet between each crib. Cribs with solid ends may be placed end-to-end. However, if stackable cots, mats, or other storable sleeping equipment are utilized for sleeping the room shall be measured using the standard of 35 square feet per child. Should it be determined that the sleeping equipment is not properly stored when not in use the capacity of the room will be determined using 45 square feet per child.

6. Rooms where toddlers play but do not sleep shall have a minimum of 25 square feet of usable space per child. Note: No other age group shall use this space nor can it be used for any purpose other than toddler play.

7. Rooms where toddlers sleep but do not play shall have a minimum of 25 square feet of usable space per child. There shall be at least two (2) feet between each crib. Cribs with solid ends may be placed end-to-end.

8. Child care facilities shall be measured or remeasured under the following circumstances:

    a. Prior to initial opening of a facility;

    b. Upon change of ownership of an existing facility;

    c. At the completion of any new construction, renovation, or change in the layout/use of space;

    d. If the measurement of the facility is not in the licensing agency(s facility file; and/or

e. If the licensing officer determines that the facility, or any portion thereof, is overcrowded or utilization of the facility space has changed.

110.03 **Openings**

1. Each window, exterior door, and basement or cellar hatchway shall be weather tight and watertight.

2. All windows above ground level in areas used by children under five (5) years of age shall be constructed, adapted, or adjusted to limit the exit opening accessible to children to less than six (6) inches, or be otherwise protected with guards that do not block outdoor light.

3. Openable windows shall be of a safety type (not fully openable) that are child proofed and screened when open. When there are no openable windows, or when windows are not kept open, rooms shall be adequately ventilated.

4. All openings used for ventilation shall be screened.

5. The width of doors shall accommodate wheelchairs and the needs of individuals with physical disabilities.

6. Exit doors shall open outward. Boiler room doors shall swing inward.

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

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

110.04 **Kitchens**

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

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

3. Kitchens shall have a minimum area of 90 square feet, measured wall to wall.

4. For a child care facility with 12 or fewer children, located in an occupied dwelling, the following regulations shall replace the Mississippi State Department of Health's 10.0 Regulation Food Code:

   a. No game or home canned foods shall be served.

   b. Other than fresh or frozen vegetables and fruit, all foods shall be from commercial sources.

   c. Food shall be cooked or reheated to a temperature of 165 degrees Fahrenheit. Hot food shall be held at a minimum temperature of 140 degrees Fahrenheit.

   d. Cold food shall be stored at a temperature of 41 degrees Fahrenheit or below.

   e. All food shall be covered while in the refrigerator or freezer.

   f. Any prepared foods not properly refrigerated at a temperature of 41 degrees Fahrenheit or less, or frozen, shall be discarded.

   g. If manual washing is utilized, a sanitizer shall be used. Rinsing in a chlorine solution using one and one-half tablespoons of household bleach per gallon of water is sufficient. (Appendix "E"). If a dishwasher is utilized, the nozzle ports shall be free of obstructions, and the interior of the machine shall be clean. Dishwashers shall have a sanitizing cycle which shall reach a temperature 165 degrees at the incoming water valve.

   h. Hot water, under pressure, shall be available.

   i. Insecticides, poisons, cleaning agents, and medications, shall be stored away from food, separately from each other, and out of the reach of children.

   j. Children shall not be exposed to insecticides or pesticides, or other toxic agents.

   k. Hands shall be washed frequently, when switching between working with raw and ready-to-eat foods, and after all non-food preparation activities.

   l. Clean clothing shall be worn.

   m. Gloves shall be worn if there are any cuts or abrasions on the hands.

110.05 **Toilets and Hand Washing Lavatories**

1. Toilets and hand washing lavatories shall be located within the physical confines of child care facility and shall be convenient to outside playground areas.

2. The following ratios shall apply: Toilets, urinals, and hand washing lavatories shall be apportioned at a ratio of 1:15. Urinals shall not exceed 33 percent of the total required toilet fixtures. When the number of children in the ratio is exceeded by one (1), an additional fixture shall be required.

3. The hand washing lavatories located in a diapering area shall not be included in the ratio of hand washing lavatories to children for determining a child care facility's capacity. Diaper changing sinks shall not be used for any other purpose such as, but not limited to, rinsing or washing baby bottles, pacifiers, teething rings, or for food preparation.

4. All hand washing lavatories shall have both hot and cold running water. Hot water temperature shall not exceed 120 degrees Fahrenheit.

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

1. Fountain; or

2. Disposable paper cups; or

3. Labeled cup for each child which shall be washed and sanitized daily.

110.07 **Exits**

1. At least two (2) separate exit doors shall be provided from every floor level.

2. Exit doors shall be remote from each other.

3. Dead end corridors shall not exceed 20 feet in length.

4. Exit doors necessitating passage through a kitchen shall not be counted as one of the two (2) remote exits.

5. Exit doors shall be a minimum of 32 inches wide and open outward. No single leaf in an exit door shall be less than 28 inches wide nor more than 48 inches wide.

6. Any latch or other fastening device on an exit door shall be provided with a knob, handle, panic bar, or other simple type of releasing device. Dual action door fasteners are not permitted.

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

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

110.08 **Heating, Cooling, and Ventilation**

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

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

3. Ventilation may be in the form of openable windows as specified in these regulations.

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

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

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

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

8. Window draft deflectors shall be provided.

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

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

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

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

combustibles in the chimney. Records of chimney cleaning shall be retained in the center files.

13. Heating units that utilize gas shall be installed and maintained in accordance with the manufacture(s instructions, are vented properly to the outside, and be supplied with sufficient combustion air as required by the International Fuel Gas Code.

    If the area of the state where the facility is located does not utilize the International Fuel Gas Code, the installation and maintenance of any heating units that utilize gas shall be in accordance with the manufacture(s instructions and any local ordinances that apply.

    It is the responsibility of the licensee to provide to the licensing authority documentation that the heating units meet the above stated standards.

14. Heating units, including water pipes and baseboard heaters hotter than 110 degrees Fahrenheit, shall be made inaccessible to children by barriers such as guards or other devices.

110.09 **Outdoor Playground Area** All playgrounds and playground equipment intended for use by children 2-12 years of age shall meet the standards set forth in the *Handbook for Public Playground Safety*, Publication No. 325, published by the U.S. Consumer Product Safety Commission or its successor as shown in Appendix "D."

1. The child care facility shall be equipped with an outdoor playground area that directly adjoins the indoor facilities or that can be reached by a route free of hazards and is no farther than 1/8 mile (660 feet) from the child care facility. The outdoor playground area shall comprise a minimum of 75 square feet for each child using the outdoor playground area at any one time.

2. If there is less than 75 square feet of accessible outdoor playground space per child, an indoor playground area room that meets the 75-square-feet-per-child requirement may be used if it provides for types of activities equivalent to those performed in an outdoor playground area.

3. The total outdoor playground area shall accommodate at least 33 percent of the licensed capacity at one time.

4. A rooftop used as an outdoor playground area shall be enclosed with a fence not less than six (6) feet high and designed to prevent children from climbing it. An approved fire escape shall lead from the roof to an open space at the ground level that meets safety standards for outdoor playground areas.

5. The outdoor playground area shall be well arranged so that all areas are visible to staff at all times.

6. The outdoor playground area shall be free of hazards and not less than 30 feet from electrical transformers, high-voltage power lines, electrical substations, railroad tracks, or sources of toxic fumes or gases. Hazards, including but not limited to air conditioner units and utility mains, meters, tanks, and/or cabling shall be inaccessible to children. Fencing at least four (4) feet high shall be provided around the outdoor playground area. Fencing higher than four (4) feet but not to exceed eight (8) feet may be required if the licensing authority determines that a hazard exists. Fencing twist wires and bolts shall face away from the playground.

7. Outdoor playground areas shall be free from unprotected swimming and wading pools, ditches, quarries, canals, excavations, fish ponds, or other bodies of water.

8. Sunlit areas and shaded areas shall be provided by means of open space and tree plantings or other cover in outdoor spaces. Outdoor spaces shall be laid out to ensure ample shaded space for each child.

9. The outdoor playground area shall be enclosed with a fence. The fence shall be at least four (4) feet in height and the bottom edge shall be no more than three and one-half (3 1/2) inches off the ground. There shall be at least two (2) exits from such areas, with at least one (1) remote from the buildings. The gate latch or securing device shall be high enough or of such a type that it cannot be opened by small children. The openings in the fence shall be no greater than three and one-half (3 1/2) inches. The fence shall be constructed to discourage climbing.

10. The soil in outdoor playground areas shall not contain hazardous levels of any toxic chemical or substances. The child care facility shall have soil samples and analyses performed where there is good reason to believe a problem may exist.

11. The soil in outdoor playground areas shall be analyzed for lead content initially. It shall be analyzed at least once every two (2) years where the exteriors of adjacent buildings and structures are painted with lead-containing paint. Lead in soil shall not exceed 500 ppm. Testing and analyses shall be in accordance with procedures specified by the licensing agency.

110.10 **Grounds**

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

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

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

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

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

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

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

1. Food Service;

2. On-site Wastewater Systems; and

3. Vector (pest) Control

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

111 HEALTH, HYGIENE, AND SAFETY

111.01 Employee Health

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

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

3. Staff shall wash their hands upon:

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

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

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

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

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

   f. After removing gloves used for any purpose; and

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

   Refer to Appendix “F” for instructions on how to properly wash hands.

111.02 **Child Health**

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

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

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

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

111.03 **Child Hygiene**

1. A child's wet or soiled clothing shall be changed immediately.

2. A child's hands shall be washed:

   a. Immediately before and after eating;

b. After using the toilet or having their diapers changed;

c. After playing on the playground;

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

e. Whenever hands are visibly dirty; and

f. Before going home.

3. A child shall have a shower, tub, or sponge bath to ensure bodily cleanliness when necessary.

4. Individual toilet articles (e.g., combs, brushes, toothbrushes, towels, and wash cloths) used by children shall be provided by the parent or child care facility and plainly marked and stored individually in a sanitary manner in areas which promote drying. Single-use and disposable articles are acceptable. Grooming accessories, including but not limited to brushes, combs, barrettes, or picks, shall not be used jointly by children or on children.

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

111.05 **First Aid Supply**

1. A first aid supply shall be kept on-site and easily accessible to employees, but not in reach of the children.

2. A first aid supply shall be taken on all field trips and excursions and shall be easily accessible to employees, but not in reach of the children.

3. Medicine shall be kept out of the reach of the children.

4. All vehicles used by the facility in transporting children shall be equipped with a first aid kit.

5. It is recommended that first aid kits contain the following items, according to American Red Cross guidelines:

a. 20 Antiseptic Toweletts

b. 50 Plastic Strips (Band Aids)

c. 5 Fingertip Bandages

d. 5 Knuckle Bandages

e. 5 Butterfly Closures

f. 5 Non Adherent Pads 2" x 3"

g. 2 Sterile Eye Pads

h. 1 pressure Bandage 4"

i. 1 Bandage Scissors

j. 1 Triangular Bandage

k. 1 Instant Cold Compress

l. 2 Tongue Depressors/Finger Splints

m. 1 Elastic Bandage 2: x 5 yards

n. 5 3" x 3" Gauze Pads

o. 1 Trauma Pad 5" x 9"

p. 5 Insect Sting Relief Pads

q. 10 First Aid Ointment 1 gr.

r. 5 Non Adherent Pads 3: x 4"

s. 5 Pair of Examination Gloves

t. 2 Conforming Bandage 2" x 5 yards

u. 1 Tweezers

v. 2 Poison Ivy Relief Treatment

w. 1 Booklet (Till Help Arrives(

x. 1 Emergency Rescue Blanket

y. 1 Adhesive Tape (" x 5 yards

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

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

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

111.06 **Animals and Pets**

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

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

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

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

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

111.07 **Fire/Disaster Evacuation Drills**

1. Monthly fire/disaster (e.g., tornados, severe weather, floods, earthquakes, hurricanes, etc.) evacuation drills are required and a record of each drill shall be maintained in the facility records; to include date, time, number of children and staff present, and amount of time required to totally exit the building.

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

112 **NUTRITION AND MEALS**

112.01 **General**

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

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

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

4. Meals shall be served by employees only.

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

6. Children shall not share food.

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

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

112.04 **Sack Lunches** Sack lunches prepared by parents may be permitted as included on approved menu plans but shall not exceed one (1) day per month per child. Exceptions may be made for specific activities such as field trips outside the child care facility. Measures to assure proper storage and refrigeration of sack lunches are required of the child care facility.

Snacks All snacks shall meet acceptable nutritional standards, as prescribed in Appendix "C" Minimum Standards for Nutritional Care in Child Care Facilities.

113 DISCIPLINE AND GUIDANCE

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

1. Corporal punishment, including hitting, spanking, beating, shaking, pinching, biting, and other measures that produce physical pain;

2. Withdrawal or the threat of withdrawal of food, rest, or bathroom opportunities;

3. Abusive or profane language;

4. Any form of public or private humiliation, including threats of physical punishment;

5. Any form of emotional abuse, including rejecting, terrorizing, ignoring, isolating (out of view of a caregiver), or corrupting a child;

6. Use of any food product or medication in any manner or for any purpose other than that for which it was intended;

7. Inappropriate disciplinary behavior includes, but is not limited to, putting soap or pepper in a child's mouth; or

8. Any acceptable disciplinary action that is not age-appropriate for the child or is excessive in time or duration.

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

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

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

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

114 TRANSPORTATION

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

114.02 **Requirements** It is required that:

1. All drivers be appropriately licensed;

2. All vehicles have current safety inspection stickers, licenses, and registrations;

3. Insurance adequately covers the transportation of children;

4. Children board or leave the vehicle from the curb-side of the street and/or are safely accompanied to their destinations;

5. A parent is present if the child is delivered home; and

6. Seat restraints are used.

114.03 **Occupant Restraints**

1. All children will be properly restrained whenever they are being transported in a motor vehicle.

2. No vehicle shall be occupied by more individuals than its rated capacity.

3. No children shall be transported in the front seat of vehicles equipped with passenger-side air bags.

4. All vehicles under 10,000 lbs. GVWR (Gross Vehicle Weight Rated) shall be equipped with occupant restraints appropriate for the age and/or weight of the children being transported. A child under the age of four (4) shall be transported only if the child is securely fastened in a child safety seat that meets Federal Motor Vehicle Safety Standards (FMVSS, 49 CFR 571.213), which shall be indicated on the child safety seat. The child safety seat shall be appropriate to the child's weight and be installed and used according to the manufacturer's instructions.

5. Vehicles (e.g., school buses) with a GVWR 10,000 lbs. or more shall, at a minimum, meet the current Federal Motor Vehicle Safety Standards (FMVSS) for buses of that size. It is the responsibility of the child care facility operator to have documentation verifying that a bus meets the current FMVSS.

   NOTE: Federal Motor Vehicle Safety Standards (FMVSS) means the National Highway and Traffic Safety Administration's standards for motor vehicles and motor vehicle equipment established under section 103 of the Motor Vehicle Safety Act of 1966 (49 CFR Part 571) as they apply to school buses.

114.04 **Staff-to-Child Ratio** The staff to child ratio shall be maintained at all times. The driver of the vehicle shall not be counted as a caregiver while transporting the children.

115 DIAPERING AND TOILETING

115.01 **Diaper Changing Area** Each room in which diaper-wearing children play shall contain a diapering area. A diapering area shall contain a hand washing lavatory with hot and cold running water, a smooth and easily cleanable surface, a plastic-lined, covered garbage receptacle, and sanitizing solution. The hand

washing lavatories located in a diapering area shall not be included in the ratio of hand washing lavatories to children for determining a child care facility's capacity nor shall they be used for any other purpose.

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

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

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

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

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

116 REST PERIODS

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

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

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

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

117 FEEDING OF INFANTS AND TODDLERS

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

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

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

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

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

117.06 **Heating Unit and Microwave Use**

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

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

118 SWIMMING AND WATER ACTIVITIES

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

118.02 **Lifeguard Supervision**

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

   a. A person having an American Red Cross lifeguard certificate, or the equivalent as recognized by the licensing agency, shall be present at all swimming and water activities.

   b. One (1) lifeguard is required for every 25 children or any portion thereof (i.e., two (2) lifeguards are required for groups of 26 - 50,

three (3) for 51 - 75, etc.). This required ratio also includes activities which occur near water such as fishing or beach activities.

c. Lifeguards are not counted in the staff-to-child ratio

d. The staff-to-child ratio shall be maintained at all times.

e. It is the child care facility operator's responsibility to provide adequate certified lifeguards if the pool or lake operator does not.

f. Each child will be tested by a certified lifeguard prior to participating in swimming lessons or any pool activities. Children will be assigned to swim groups according to the results of the test.

g. Staff, as well as lifeguards, shall be responsible for enforcing general safety rules.

h. Staff is responsible for requiring children to obey all swimming/water rules. These rules shall be explained each day that swimming/water activities occur so that all ages can understand what is expected.

2. **Wading pools** For activities taking place in wading pools with a water depth of one (1) foot or less the following is required:

a. There shall be a person(s) with a valid CPR certificate and a valid first aid certificate present at all times.

b. The staff-to-child ratio shall be maintained at all times.

c. Wading pools shall be cleaned after each use.

118.03 **Health and Safety**

1. All piers, floats, and platforms shall be in good repair, and where applicable, the water depth shall be indicated by printed numerals on the deck or planking.

2. There shall be a minimum water depth of 10 feet for a one (1) meter diving board and 13 feet for a three (3) meter board or diving tower.

3. For outdoor swimming areas in natural bodies of water, the bottom shall be cleared of stumps, rocks, and other obstacles.

4. Diving boards shall be mounted on a firm foundation and never on an insecure base, such as a float that can be affected by shifting weight loads and wave action. The entire length of the top surface of diving boards shall be covered with nonskid material. The diving board shall be level. All diving boards shall be installed in accordance with manufacturer's

guidelines for the board by professional swimming pool installers who shall certify in writing to the facility that the diving board is adequately installed in accordance with manufacturer's guidelines for the board, in a commercially reasonable manner, located so as to allow a child to safely enter the water from the diving board, and that the diving board is safe for its intended use. Facilities with existing pools equipped with diving boards that are unable to obtain the required certification within sixty (60) days of the adoption of this regulation shall have the diving boards removed.

5. Swimming pools, when in use, shall be continuously disinfected by a chemical which imparts an easily measured free available residual effect. When chlorine is used, a free chlorine residual of at least 0.4 ppm shall be maintained throughout the pool whenever it is open or in use. If other halogens are used, residuals of equivalent disinfecting strength shall be maintained.

6. A testing kit for measuring the concentration of the disinfectant, accurate within 0.1 ppm, shall be provided at each swimming pool.

7. Swimming pool water shall be maintained in an alkaline condition as indicated by a pH of not less than 7.2 and not over 8.2. A pH testing kit accurate to the nearest 0.2 pH unit shall be provided at each swimming pool. The alkalinity of the water shall be at least 50 ppm, as measured by 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)*
7.2	0.40
7.3	0.40
7.4	0.40
7.5	0.40
7.6	0.50
7.7	0.60
7.8	0.70
7.9	0.80
8.0	1.00

8. If cyanuric acid is used to stabilize the free available residual chlorine, or if one of the chlorinated isocyanurate compounds is used as the disinfecting chemical in a swimming pool, the concentration of cyanuric acid in the water shall be at least 30 mg/L but shall not exceed 100 mg/L. The free available residual chlorine, of at least the following 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)*
7.2	1.00
7.3	1.00
7.4	1.00
7.5	1.00
7.6	1.25
7.7	1.50
7.8	1.75
7.9	2.00
8.0	2.50

9. The water in a swimming pool shall have sufficient clarity at all times so that a black disk, six (6) inches in diameter, is readily visible when placed on a white field at the deepest point of the pool. The pool shall be closed immediately if this requirement cannot be met.

10. For natural bodies of water (e.g., lakes, rivers, streams, etc.), sewage treatment plants or other discharge lines shall not be within 750 feet of swimming areas.

119 CHILDREN WITH SPECIAL NEEDS

119.01 Facility Adaptation

1. The child care facility areas to be utilized by a child with special needs shall be adapted as necessary to accommodate special devices which may be required for the child to function independently, as appropriate.

2. A separate area shall be available for the purpose of providing privacy for diapering, dressing, and other personal care procedures.

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

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

119.04 **Staffing** Caregiver staffing shall be appropriate and adequate to meet the specific physical and/or developmental needs of the special needs children served at the child care facility. Staff-to-child ratio shall be determined by the needs of the child rather than child(s chronological age as based upon the child(s individual plan (i.e., individual education plan, individual habilitation plan,

individual family service plan, etc.). The facility is encouraged to be an active participant in the child(s individual plan development.

120 NIGHT CARE

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

120.02 **Nutrition**

1. A child care facility which is open prior to 7:00 p.m. shall provide a dinner meal period.

2. A child care facility that remains open after 5:00 a.m., shall provide a breakfast meal period.

3. A snack period shall be provided to children in attendance for more than two and one-half (2 1/2) hours prior to bedtime.

4. Menu plans for lunch and dinner meals shall be varied. No single menu shall be repeated in a 24 hour period.

120.03 **Sleeping**

1. Mats shall not be used for sleeping.

2. Bedtime schedules shall be established in consultation with the child's parent.

3. Provisions shall be made in sleeping areas for the use and storage of clothing and personal belongings and they shall be within easy reach of the child using them.

4. A child shall be provided with a bed or cot equipped with a comfortable mattress (a minimum of three (3) inches thick), sheets, a pillow with a pillow case, and a blanket.

5. The upper level of double-deck beds shall not be used for children under 10 years of age. The upper level of double-deck beds are allowed for children 10 years of age or older if a bed rail and safety ladder is provided.

6. Each child shall have clean and comfortable sleeping garments.

120.04 **Bathroom Facilities**

1. There shall be a bathtub or shower available for children of toddler age or older.

2. Bathtubs and showers shall be equipped to prevent slipping.

3. If night care is provided for infants, there shall be age appropriate bathing facilities for these children.

4. Bathrooms shall be located near the sleeping areas.

5. No children under six (6) years of age shall be left alone or with another child while in the bathtub or shower.

6. All children shall be bathed separately.

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

121 HEARINGS, EMERGENCY SUSPENSIONS, LEGAL ACTIONS AND PENALTIES

121.01 Emergency Suspensions of License

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

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

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

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

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

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

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

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

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

121.03 **Notification**

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

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

121.04 **District Level Hearing**

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

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

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

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

121.05 **State Level Hearing**

1. At the state level, a hearing officer, appointed by the State Health Officer, shall conduct a hearing to be scheduled within 30 calendar days of receipt of the request for such hearing.

2. Within 30 calendar days of the hearing, or such time frame as determined during the hearing, written findings of fact, together with a

recommendation for action, shall be forwarded to the State Health Officer. The State Health Officer shall decide what, if any, action is to be taken on the recommendation within 14 calendar days of receipt of the recommendation. Written notice of the decision of the State Health Officer shall be provided to the operator.

121.06 **Appeal** Any operator who disagrees with or is aggrieved by a decision of the licensing agency in regard to the suspension, revocation, or restriction of a license may appeal to the Chancery Court of the county in which the child care facility is located. The appeal shall be filed no later than 30 calendar days after the operator receives written notice of the final administrative action by the licensing agency as to the suspension, revocation, or restriction of the license. The operator shall have the burden of proving that the decision of the licensing agency was not in accordance with applicable law and these regulations.

If a facility is allowed to continue to operate during the appeal process, it will remain under the regulation of the licensing agency and will be subject to all current licensure regulations to include, but not limited to, inspection of the facility, review of facility and children(s records, submission of all required or requested documents, and payment of all applicable fees and/or fines.

121.07 **Injunction** Notwithstanding the existence of any other remedy, the licensing agency may, in the manner provided by law, in term time or in vacation, upon the advice of the Attorney General who shall represent the licensing agency in the proceedings, maintain an action in the name of the state for injunction or other proper remedy against any person to restrain or prevent the establishment, conduct, management, or operation of a child care facility with or without a license under the act, or otherwise in violation of these regulations.

121.08 **Criminal Penalties** Any person establishing, conducting, managing, or operating a child care facility without a license pursuant to these regulations shall be guilty of a misdemeanor, and, upon conviction, shall be fined not more than one hundred dollars ($100.00) for the first offense, and not more than two hundred dollars ($200.00) for each subsequent offense.

121.09 **Violations, Penalties, and Fines**

1. Any Class I violation of these regulations, in the discretion of the licensing agency, is punishable by a fine of five hundred dollars ($500.00) for a first occurrence and a fine of one thousand dollars ($1000.00) for each subsequent occurrence of the same violation. Each violation is considered a separate offense.

   The following are Class I violations:

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

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

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

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

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

The following are Class II violations:

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

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

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

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

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

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

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

h. Failure to report a serious occurrence (Section 7-1);

i. Failure to report a communicable disease (Section 7-3);

j. Violation of transportation and safety policies, procedures, and regulations (Sections 4-1 (c) (3) and 15-1, 2, 3, and 4); and

k. Unauthorized individual assigned administrative and supervisory responsibility for the facility when the director is absent or violation of Section 5.7 Director Designee.

l. Failure to have proper (up-to-date) immunization documentation in each child's record and each employee's record.

m. Failure to display license and/or complaint notice in accordance with Section 2-10.

n. Failure to meet conditions or restrictions placed on a license. The fine will be in addition to the immediate closure of the facility for failure to meet any conditions or restrictions as stated on the restricted license (Section 2-2(C)).

o. Failure to comply with the requirements of Section 13-4 Sack Lunches.

p. Failure to have adequate staff on site holding a valid CPR certificate.

q. Failure to have adequate staff on site holding a valid First Aid certificate.

r. The presence of any individual who has failed to satisfy the personnel requirements of Section V.

s. Violation of Section 4-2 Smoking, Tobacco Products, and Prohibited Substances.

t. Failure to meet nutritional standards as listed in Appendix “C.”

u. Altering of documents supporting suitability for employment in a child care facility, i.e., Letter of Suitability for Employment or Child Abuse Central Registry Check. Refer to Section V, Personnel Requirements.

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

3. A Class III violation of these regulations, in the discretion of the licensing agency, is punishable by a fine of twenty-five dollars ($25.00) for each occurrence. A Class III violation is any violation of these regulations not listed as a Class I or Class II violation in Sections 25-9(A) and (B).

4. Unless appealed, all fines shall be payable within 30 calendar days of being levied. If appealed fines shall be payable within 30 calendar days of final disposition.

5. An operator shall have the right to appeal a fine imposed pursuant to this section of the regulations, in accordance with the policy of the licensing agency. Any appeal of a fine must be filed with the licensing agency within 10 calendar days of being levied.

6. An operator shall not be granted a license, nor shall a license be renewed for any operator with outstanding fines or penalties.

7. If a license expires during the appeal process, it shall be administratively extended and documentation of the extension shall be provided to the licensee. A facility given an administrative extension during the appeal process, shall remain under the regulation of the licensing agency and will be subject to all current licensure regulations to include, but not limited to, inspection of the facility, review of facility and children(s records, submission of all required or requested documents, and payment of all applicable fees and/or fines.

122 XXVI. RELEASE OF INFORMATION

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

CERTIFICATION OF REGULATION

This is to certify that the above **Regulations Governing Licensure of Child Care Facilities for 12 or Fewer Children in the Operator's Home** was adopted by the Mississippi State Board of Health on October 12, 2005 to become effective November 12, 2005.

Brian W. Amy, MD, MHA, MPH
Secretary and Executive Officer