

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

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

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

4 **CHAPTER 02 REGULATIONS GOVERNING LICENSURE OF CHILD CARE**  
5 **FACILITIES FOR 12 OR FEWER CHILDREN IN THE**  
6 **OPERATOR’S HOME**

7 100 **GENERAL**

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

12 100.02 **Purpose**

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

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

37 100.04 **Definitions**

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

53 **Exemptions**

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

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

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68 5. **Children with Special Needs** A child needing adaptation in a  
69 particular child care facility to access programming and the physical  
70 environment
- 71 6. **Director** Any individual, designated by the operator, who has met  
72 minimum state requirements and who has on-site responsibility for the  
73 operation of a child care facility. This person may or may not be the  
74 operator.
- 75 7. **Director Designee** Any individual designated to act as the director,  
76 having all responsibility and authority of a director, during the director(s)  
77 short-term absence. A director designee shall, at a minimum, be at least  
78 21 years of age, have a high school diploma or GED, and 4 years paid

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

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

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

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

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

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

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

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

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

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

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

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

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

## 145 101 LICENSURE

### 146 101.01 Requirement for Licensure

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

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## 101.02 Types of Licenses

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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.

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

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

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

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- 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.

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- vii. Approved menu plan.

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- 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.

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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.

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

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

203 101.03 **Application for License** An application for a license under these regulations  
 204 shall be made to the licensing agency upon forms provided by it and shall  
 205 contain such information as the licensing agency may reasonably require.

206 101.04 **License Fee** All application fees, licensure fees, renewal fees, and  
 207 administrative charges shall be paid by certified check or money order payable  
 208 to the Mississippi Department of Health, and are nonrefundable. Checks  
 209 returned for insufficient funds, closed account, etc., shall be assessed an  
 210 additional \$50 fee.

211	1. <b>Application Fee</b> .....	\$ 50.00
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213	2. <b>Initial Licensure Fee</b> .....	\$ 50.00
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215	3. <b>Renewal Fee</b> .....	\$ 50.00
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217	4. <b>Reinstatement Fee</b> .....	\$200.00
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219	5. <b>Returned Check Fee</b> .....	\$ 50.00
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221	6. <b>Late Fee</b> .....	\$ 25.00
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223	7. <b>Fingerprinting Fee (Per Fingerprint Card)</b> .....	\$ 50.00

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



266 licensure requirements in effect at the time the new initial application is  
267 filed shall be met.

268 **101.09 License Not Transferable or Assignable** Each license shall be issued only for  
269 the premises and operator named in the application and shall not be transferable  
270 or assignable. A change of ownership includes, but is not limited to, inter vivos  
271 gifts, purchases, transfers, lease arrangements, cash and/or stock transactions or  
272 other comparable arrangements whenever any person or entity acquires or  
273 controls a majority interest of the child care facility or service. Changes of  
274 ownership from partnerships, single proprietorships, or corporations to another  
275 form of ownership are specifically included.

276 **101.10 Display of Licenses** The current license issued by the licensing agency to the  
277 named child care facility and operator shall be posted and displayed in a  
278 conspicuous place and in easy view of all persons who enter the child care  
279 facility. The facility operator shall also post next to the license, in plain view, a  
280 notice provided by the MSDH that informs the public of where and how they  
281 may report a complaint against the facility.

## 282 102 **RIGHT OF ENTRY AND VIOLATIONS**

283 **102.01 Right of Entry** An agency representative may enter any child care facility  
284 for the purpose of making inspections or investigations to determine compliance  
285 with these regulations.

286 **102.02 Violations** If violations noted on the inspection form are not corrected within  
287 the period of time specified by the licensing agency, a license may be denied,  
288 suspended, or revoked in accordance with these regulations.

## 289 103 **FACILITY POLICY AND PROCEDURES**

290 **103.01 Parental Information** Before a child's enrollment, the parent shall be  
291 provided with the following:

### 292 1. **Operating information:**

- 293 a. The child care facility's purpose, scope of service provided,  
294 philosophy, and any religious affiliation;
- 295 b. Name(s), business telephone number, business address, and home  
296 telephone number of the operator, director or an individual in  
297 authority who can be reached after the facility(s) normal hours of  
298 operation;
- 299 c. The phone number of the child care facility;

- 300 d. Organization chart or other description of established lines of  
 301 authority of persons responsible for the child care facility's  
 302 management within the organization;
- 303 e. The program and services provided and the ages of children accepted;
- 304 f. The hours and days of operation and holidays or other times closed;
- 305 g. The procedures for admission and registration of children;
- 306 h. Tuition, plans for payment, and policies regarding delinquent  
 307 payments;
- 308 i. Types of insurance coverage for children, or a statement that accident  
 309 insurance is not provided or available;
- 310 j. If a facility does not provide liability insurance there shall be a  
 311 statement in the child(s) record, signed by the parent indicating that the  
 312 parent is aware that the facility does not carry liability insurance.
- 313 k. Reasons/circumstances and procedures for removal of children from  
 314 rolls when parents are requested by facility staff to remove a child;
- 315 l. Procedures to include the amount of notice a parent is required to give  
 316 the facility before removing a child; and
- 317 m. Policy governing the maximum hours per day or week that a child can  
 318 be left at the child care facility.
- 319 **2. Arrival and departure procedures for children:**
- 320 a. Procedure, approved by the licensing authority, for assuring a child's  
 321 safe arrival and departure (All children shall be signed in and out of  
 322 the facility by an authorized individual.);
- 323 b. Procedures for protecting children from traffic and other hazards  
 324 during arrival and departure and when crossing streets;
- 325 c. Policy for release of children from the child care facility only to  
 326 responsible persons for whom the child care facility has written  
 327 authorization; and
- 328 d. Policy governing a parent picking up a child after closing hours and  
 329 procedures if a child is not picked up.
- 330 **3. Program and activities information:**
- 331 a. Policies and procedures about accepting and storing a child's personal  
 332 belongings;

- 333 b. Discipline policies including acceptable and unacceptable discipline  
334 measures;
- 335 c. Transportation and safety policies and procedures;
- 336 d. Policies prohibiting the photographing of a child without parental  
337 consent;
- 338 e. Policies regarding a child's participation in extracurricular activities  
339 not sponsored by the child care facility, including but not limited to  
340 baseball, softball, soccer, ballet, or gymnastics; and
- 341 f. Policies regarding water activities and safety procedures. These  
342 policies shall include those water activities which take place away  
343 from the child care facility property, e.g., taking children to a public  
344 swimming pool.
- 345 g. Policies encouraging sun safety practices and activities.
- 346 4. **Health and emergency procedures:**
- 347 a. Procedures for storing and giving a child medications;
- 348 b. Policy for reporting suspected child abuse;
- 349 c. Provision for emergency medical care, treatment of illnesses and  
350 accidents, which include:
- 351 i. A plan to handle a child in a medical crisis;
- 352 ii. A plan to obtain prompt services of physician and hospitalization,  
353 if needed;
- 354 iii. A plan for immediately notifying the parent of any illness, accident  
355 or injury to the child;
- 356 iv. A plan to acquire the services of a certified practitioner for a child  
357 exempt from medical care on religious grounds.
- 358 d. Evacuation plan including procedures for notifying the parents of the  
359 relocation site.
- 360 e. Policy and procedures for handling dangerous situations, including  
361 but not limited to, dealing with violent individuals, individuals  
362 entering facility with weapons, bomb threats, or conditions posing an  
363 immediate threat to children.
- 364 5. **State regulations:**

- 365 a. A summary of the licensing regulations and any appendices thereto,  
366 provided by the licensing agency;
- 367 b. Each child's record shall contain a statement signed by the child's  
368 parent, indicating that they have received a summary of licensing  
369 standards and other materials designated by the licensing agency for  
370 such distribution;
- 371 c. The name and telephone number of the MSDH licensing official  
372 responsible for the inspection of the facility;
- 373 d. The toll free 1-866-489-8734 Child Care Facility Complaint Hot Line  
374 telephone number.

375 **103.02 Smoking, Tobacco Products, and Prohibited Substances**

- 376 1. Smoking, the use of tobacco products in any form, alcohol, or illegal  
377 drugs, is prohibited within the physical confines of a child care facility,  
378 and on all outdoor playground areas.
- 379 2. If smoking or use of tobacco products is permitted outside the physical  
380 confines of a child care facility and away from the outdoor playground  
381 areas, it shall be limited to a designated area out of the presence of  
382 children. The designated area shall be a place where children, in the  
383 course of normal daily activities, may not observe staff and volunteers  
384 smoking or using tobacco products.
- 385 3. Designated smoking areas shall be clearly identified and posted and shall  
386 be provided with receptacles for tobacco product waste.

387 **103.03 Parental Access** Child care facilities shall assure the parent that they have  
388 welcome access to the child care facility at all times. Welcome access shall be  
389 defined as a parent having access to areas of the facility available to his child  
390 and nondisruptive to normal daily activities.

391 **103.04 Changes in Facility Operations** The operator shall immediately notify the  
392 licensing agency of any major changes affecting areas of the child care facility's  
393 operations. Such major changes include, but are not limited to, operator,  
394 director, location, physical plant, or number of children served.

395 **103.05 Notice of Legal Action** The licensing agency shall be notified within seven  
396 (7) days, in writing, if notice is received of legal action against the child care  
397 facility.

398 **103.06 Posting of Information** The following items shall be posted conspicuously  
399 in the child care facility at all times:

- 400 1. Accessible to employees and parents:

- 401 a. License
- 402 b. Daily activity schedule
- 403 c. Inspection form, if applicable, or Menus and Food Service Permit, if  
404 applicable.
- 405 d. Evacuation route
- 406 e. The facility operator shall also post next to the license, in plain view,  
407 a notice provided by the MSDH that informs the public of where and  
408 how they may report a complaint against the facility.
- 409 2. In kitchens:
- 410 a. Menus
- 411 b. Evacuation route
- 412 c. Food Service Permit/Inspection Form
- 413 3. The evacuation route in all rooms utilized by children.

414 103.07 **Weapons Prohibited** All firearms in the home shall be equipped with  
415 trigger locks and kept in a locked room out of the sight of all children. All other  
416 dangerous weapons shall be kept under lock in a room not accessible to children.  
417 Other dangerous weapons include, but are not limited to, hunting knives, spears,  
418 machetes, archery equipment, etc.

419 104 **PERSONNEL REQUIREMENTS**

420 104.01 **General Requirements For Personnel**

- 421 1. Each employee or potential employee of a child care facility, whether full  
422 time, part time, temporary, substitute, or volunteer, shall be of good moral  
423 character and shall meet the minimum qualifications for the respective job  
424 classification, as set forth in these regulations.
- 425 2. Any individual who, in the opinion of the licensing authority, appears to  
426 be unable to physically or mentally care for children on a daily basis  
427 and/or in emergency situations will not be allowed to act as a caregiver or  
428 caregiver assistant. Any person whose ability is in question shall, at the  
429 request of the licensing authority, be able to demonstrate the ability to  
430 perform, at a minimum but not limited to the following:
- 431 a. Physical ability to exit the children during a fire drill in under two (2)  
432 minutes;

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

436           104.02 **Criminal Record (Fingerprinting), Child Abuse Central Registry Checks,**  
 437 **and Sex Offender Records Checks**           All operators, employees, and  
 438 prospective employees of a child care facility and any person residing in a  
 439 residence licensed as a child care facility shall have a criminal records  
 440 background (fingerprint), child abuse central registry checks, sex offender  
 441 record checks.

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

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

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

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

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

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

473 104.03 **Child Care Director Qualifications** A child care director shall be least 21  
474 years of age and shall have at a minimum:

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

480 OR

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

485 OR

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

489 OR

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

497 OR

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

501 104.04 **Caregivers** Caregivers shall be at least 18 years of age, and shall have at a  
502 minimum:

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

504 OR

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

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OR

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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.

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

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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.

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#### 104.06 **Students**

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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.

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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:

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

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

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

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

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

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- 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.

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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

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541 exception of Item 5. The facility shall document the time that a student is  
542 at the facility.

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

545 **104.07 Use of Director Designee**

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

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

554 Exception

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

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

565 **104.08 Staff Development**

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

577 2. All child care staff, directors, director designees, and caregivers shall be  
578 required to complete 15 contact hours of staff development, accrued

579 during the licensure year, annually. The National Association for the  
 580 Education of Young Children (NAEYC), a leading organization in child  
 581 care and early childhood education recommends annual training based on  
 582 the needs of the program and the preservice qualification of the staff.  
 583 Training should address the following:

- 584 a. Health and safety;
  - 585 b. Child growth and development;
  - 586 c. Nutrition;
  - 587 d. Planning learning activities;
  - 588 e. Guidance and discipline techniques;
  - 589 f. Linkages with community services;
  - 590 g. Communications and relations with families;
  - 591 h. Detection of child abuse;
  - 592 i. Advocacy for early childhood programs;
  - 593 j. Professional issues.
- 594 3. Contact hours for staff development shall be approved by the licensing  
 595 agency.
  - 596 4. No more than five (5) contact hours of approved in-service training  
 597 provided by the child care facility may be counted toward the total number  
 598 of hours required each year. More than five (5) hours of in-service training  
 599 may be provided by the child care facility but no more than five (5) hours  
 600 may be counted toward the required total of 15 hours.
  - 601 5. All volunteers shall receive, at a minimum, one (1) hour of orientation by  
 602 the facility director. Such orientation shall, at a minimum, include a  
 603 review of the child abuse law and reporting requirements, emergency exit  
 604 procedures, and the facility transportation policy.
  - 605 6. Before a temporary license may be upgraded to a regular, license the  
 606 facility owner/operator and director shall complete a minimum of four (4)  
 607 hours of staff development training on the Regulations Governing  
 608 Licensure of Child Care Facilities, three (3) hours of New Director  
 609 Orientation, and three (3) hours training in playground safety as provided  
 610 by the MSDH.

611 **104.09 Review by Licensing Agency**

- 612 1. The satisfaction of the personnel requirements applicable to any individual  
 613 shall be determined by the licensing agency acting pursuant to its authority  
 614 under applicable statutes and regulations.
- 615 2. The licensing agency, in its sole discretion, may accept suitable  
 616 educational credits, programs, or degrees in lieu of those specified in  
 617 Section V upon the submission of adequate documentation by the  
 618 individual.

619 105 **RECORDS**

620 105.01 **Records** Records listed in this section shall be kept within the physical  
 621 confines of the child care facility and shall be made available to the licensing  
 622 agency on request.

623 105.02 **Records Retention**

- 624 1. All records, unless otherwise specified, shall be kept for a period of at  
 625 least three (3) years.
- 626 2. A child's records shall be retained for a period of one (1) year after the  
 627 child is no longer in attendance at the facility.

628 105.03 **Facility Records**

- 629 1. Attendance records for children and employees;
- 630 2. A current alphabetical roster of children enrolled in the child care facility,  
 631 to include the child's full name and date of birth;
- 632 3. A current alphabetical roster of staff employed or volunteers in the child  
 633 care facility;
- 634 4. Current license;
- 635 5. Records of monthly fire/disaster evacuation drills; and,
- 636 6. A record shall be maintained of any medication administered by the  
 637 director or caregiver showing date, time and signature of dispensing  
 638 employee. A medication record may be destroyed 90 days after  
 639 administering the medication.
- 640 7. A record shall be maintained on each volunteer to document date and  
 641 number of hours of volunteer service.
- 642 8. Each facility shall maintain a notebook containing copies of the MSDH  
 643 Certificate of Immunization Compliance (MSDH Form #121) for both  
 644 staff and children at the facility. The notebook shall contain separate

645 current alphabetical rosters of both staff and children. The certificates  
 646 shall be filed in alphabetical order to match the current staff and child  
 647 rosters.

648 9. Each facility shall maintain a notebook containing copies of the Child  
 649 Abuse Central Registry Check and the Letter of Suitability for  
 650 Employment from the licensing agency on all employees and, when  
 651 applicable, volunteers. The notebook shall contain an alphabetical roster  
 652 of staff and volunteers. Along with name, date-of-birth, the initial date of  
 653 hire or volunteering must be given for cross-reference to individual  
 654 personnel/volunteer files. Child Abuse Central Registry Checks and  
 655 Letter of Suitability for Employment shall be filed in order matching the  
 656 alphabetical roster.

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

#### 659 105.04 Personnel Records

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

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

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

- 678 g. Documentation of orientation, within one (1) week of being hired,  
 679 including but not limited to emergency procedures (to include policies  
 680 for handling dangerous situations), staffing and supervision

681 requirements, daily schedules, physical/emotional/developmental  
 682 problems of children, discipline policies, and child abuse and neglect;  
 683 and

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

687 **105.05 Volunteer Records (120 or more hours per year)** For any person who  
 688 volunteers in a child care facility for 120 or more hours per licensure year, a  
 689 record shall be kept which contains the following:

- 690 1. Name, date of birth, address, and telephone number;
- 691 2. Documentation of education, training, and experience that may help them  
 692 in their role as a volunteer;
- 693 3. Date individual began volunteering and last date individual volunteered at  
 694 facility;
- 695 4. Mississippi Department of Health Certificate of Immunization  
 696 Compliance Form 121;
- 697 5. Documentation that the criminal records check (fingerprinting), child  
 698 abuse central registry check, and sex offender registry check have been  
 699 conducted, and the information included in each volunteer(s) file; and
- 700 6. Documentation of a minimum of one hour of volunteer orientation, within  
 701 one (1) week of volunteering, including but not limited, to the child abuse  
 702 law and reporting requirements, emergency exit procedures, policies for  
 703 handling dangerous situations, and the facility transportation policy;
- 704 7. A volunteer(s) record shall be retained for a period of one (1) year after  
 705 they are no longer volunteering at the facility; and
- 706 8. A record shall be maintained on each volunteer to document date and  
 707 number of hours of volunteer service.

708 **105.06 Volunteer Records (Less than 120 hours per year)** For any person who  
 709 volunteers in a child care facility for less than 120 hours per licensure year, a  
 710 record shall be kept which contains the following:

- 711 1. Documentation of a minimum of one (1) hour of volunteer orientation  
 712 within one (1) week of volunteering, including but not limited, to the child  
 713 abuse law and reporting requirements, emergency exit procedures, policies  
 714 for handling dangerous situations, and the facility transportation policy  
 715 and special needs of children;

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

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

720 105.07 **Child Records** The facility shall maintain an individual file for each child  
721 under its current care, and for any withdrawn child who withdrew during the  
722 preceding twelve months, containing the following identification and contact  
723 information, parental instructions, authorizations and other documents required  
724 by its policy manual:

725 1. **Identification and Contact Information**

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

727 b. Home address and home telephone number

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

729 d. The child's date of birth

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

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

734 2. **Parental Instructions**

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

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

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

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

748 3. **Authorizations**

- 749 a. Signed written authorization to obtain emergency medical treatment  
750 and to administer medication.
- 751 b. Election by parent either (a) to provide written authorization  
752 consenting to any and all field trips, excursions, or series of events  
753 outside the child care facility, or (b) to provide written consent only  
754 for those specific field trips, excursions, or series of events for which  
755 a date, time and location are specifically approved.
- 756 c. Signed acknowledgment by parent that the written policies and  
757 procedures described in Section 4-1 has been received by the parent.
- 758 d. Signed acknowledgment by parent that a summary of licensing  
759 standards and other materials designated by the licensing agency has  
760 been received by the parent.
- 761 **4. Documents Required by Policy Manual or Contract**
- 762 a. If agreed by the facility in its policy manual or caregiver contracts,  
763 method in which facility will inform the parent or contact person if a  
764 child does not arrive at the facility within a reasonable time after a  
765 scheduled drop-off.
- 766 b. Any other documents or identification records agreed to be  
767 maintained by the facility.
- 768 **5. Confidentiality of Records and Information**
- 769 a. Individual child records are confidential and shall not be disclosed or  
770 released without prior written authorization by the parent.
- 771 b. Individual personnel records are confidential and shall not be  
772 disclosed or released without prior written authorization by the  
773 employee.

774 106 **REPORTS**

775 106.01 **Serious Occurrences Involving Children** The child care facility shall enter into  
776 the child's record and orally report immediately to the child's parent and the  
777 licensing agency any serious occurrences involving children. If the child care  
778 facility is unable to contact the parent and the licensing agency immediately, it  
779 shall document this fact, in writing, in the child's record. Oral reports shall be  
780 confirmed in writing and mailed within two (2) days of the occurrence. Serious  
781 occurrences include accidents or injuries requiring extensive medical care or  
782 hospitalization; death; arrest; alleged abuse or neglect; fire or other emergency  
783 situations.

784 106.02 **Child Abuse** Any operator or employee of a child care facility who has  
 785 suspicion or evidence of child abuse or neglect shall report it immediately to the  
 786 Mississippi Department of Human Services in accordance with the state's Youth  
 787 Court Act. (Appendix "A")

788 106.03 **Communicable Disease** The child care facility shall promptly report any  
 789 known or suspected case or carrier of any reportable disease to the Mississippi  
 790 Department of Health, as published in the "List of Reportable Diseases."  
 791 (Appendix "B")

792 106.04 **Infants and Toddlers** For infants and toddlers, the child care facility shall  
 793 provide, to the child's parent, daily written reports which include liquid intake,  
 794 child's disposition, bowel movements, and eating and sleep patterns.

## 795 107 **STAFFING**

### 796 107.01 **General**

- 797 1. The staff-to-child ratio shall be maintained at all times, to include when  
 798 children are arriving and departing the facility.
- 799 2. Children shall not be left unattended at any time. Video monitors cannot  
 800 be used as a substitute for the physical presence of a caregiver in a room.
- 801 3. During all hours of operation, including arrival and departure of children,  
 802 a child care facility employee shall be present to whom administrative and  
 803 supervisory responsibilities have been assigned. This child care facility  
 804 employee shall meet the minimum qualifications of a director or director  
 805 designee.

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

- 814 4. During all hours of operation, including the arrival and departure of  
 815 children, a child care facility employee shall be present who holds a valid  
 816 CPR certification, at any location where the children are present.
- 817 5. During all hours of operation, including the arrival and departure of  
 818 children, a child care facility employee shall be present who holds a valid  
 819 first aid certificate issued by an agent recognized by the licensing  
 820 authority.

821 107.02 **Ratio**

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

824	<u>Age of Children</u>	<u>Number of Children to Caregiver Staff</u>
825	Less than 1 year	4
826	1 year	8
827	2 years	12
828	3 years	14
829	4 years	16
830	5 through 9 years	20
831	10 through 12 years	25

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

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

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

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

845 108 **PROGRAM OF ACTIVITIES**846 108.01 **General**

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

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

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

853 108.02 **Daily Routines** All daily routines, such as eating and rest periods, shall be  
854 scheduled for the same time each day.

855 108.03 **Eating** Meal periods are breakfast, lunch, dinner, and snacks. A minimum  
856 of 30 minutes shall be scheduled for each breakfast, lunch, and dinner meal  
857 period. A minimum of 15 minutes shall be scheduled for each snack meal  
858 period.

859 108.04 **Rest Periods**

860 1. For children under six (6) years of age, rest periods shall be scheduled for  
861 a minimum period of one (1) hour, and shall not exceed two and one-half  
862 (2 1/2) hours.

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

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

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

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

870 108.05 **Outdoor Activities**

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

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

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

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

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

882 108.06 **Infant and Toddler Activities**

- 883 1. Infants and toddlers shall be free to creep, crawl, toddle, and walk as they  
884 are physically able.
- 885 2. Infants and toddlers shall be taken outdoors every day, weather permitting.
- 886 3. For infants who cannot move about the room, caregivers shall frequently  
887 change the place and position of the infant and the selection of toys  
888 available, and the child shall be held, rocked, and carried about.
- 889 4. Television viewing, including video tapes and/or other electronic media, is  
890 not allowed for infants or for staff in an infant area.
- 891 5. Television viewing, including video tapes and/or other electronic media,  
892 for toddlers is limited to one (1) hour per day, must be of educational  
893 content and a scheduled part of the approved daily plan of activities posted  
894 in the facility.
- 895 6. Television viewing by staff is not permitted in areas occupied by children  
896 except for the purposes as described in subsection E., above.

897 **109 EQUIPMENT, TOYS, AND MATERIALS**

898 **109.01 General**

- 899 1. Equipment, toys, and materials for both indoor and outdoor use shall be  
900 appropriate to the age and developmental needs of the children served.
- 901 2. Developmentally age-appropriate toys shall be available and accessible for  
902 infants, and shall include but not be limited to the following:
- 903 a. Simple, lightweight, open-ended, easily washable toys such as  
904 containers, balls, large pop-beads, nesting cups;
- 905 b. Rattles, squeak toys, action/reaction toys;
- 906 c. Cuddly toys;
- 907 d. Toys to mouth such as teethers and rings;
- 908 e. Pictures of real objects; and
- 909 f. A crawling area with sturdy, stable furniture for pulling up self.
- 910 3. Developmentally age-appropriate toys shall be available and accessible for  
911 toddlers, and shall include but not be limited to the following:
- 912 a. Push and pull toys;
- 913 b. Stacking toys, large wooden spools/beads/cubes;

- 914 c. Sturdy picture books, music;
- 915 d. Pounding bench, simple puzzles;
- 916 e. Play telephone, dolls, toys to appeal to child(s) imagination;
- 917 f. Large paper, crayons;
- 918 g. Sturdy furniture to hold on to while walking; and
- 919 h. Sand and water toys.
- 920 4. Developmentally age-appropriate toys shall be available and accessible for  
921 preschoolers, and shall include but not be limited to the following:
- 922 a. Active play equipment for climbing and balancing;
- 923 b. Unit blocks and accessories;
- 924 c. Puzzles, manipulative toys;
- 925 d. Picture books and records, musical instruments;
- 926 e. Art materials such as finger and tempera paints, clay, play dough,  
927 crayons, collage materials, markers, scissors, and paste;
- 928 f. Dramatic play materials such as dolls, dress-up clothes and props,  
929 child-sized furniture, puppets; and
- 930 g. Sand and water toys.
- 931 5. Children's original work shall be displayed in the child care facility.
- 932 6. Books shall be on shelves and tables for children to look at and read.  
933 Every child shall have age-appropriate materials (including picture books)  
934 read to and discussed with him or her every day. Where appropriate, the  
935 materials should cover topics with which the children are involved.
- 936 7. Television viewing by preschool children shall be limited to two (2) hours  
937 per day and shall be educational programming only. Television viewing  
938 by staff is not permitted in areas occupied by children except for the  
939 purposes as described herein.
- 940 8. The daily activity schedule shall demonstrate that preschoolers are given  
941 opportunities to do a variety of activities, including both quiet and active,  
942 such as block play, art activities, puzzles, books, and learning games, and  
943 that stories are read to and discussed with each child every day.

944 **109.02 Playground Equipment**

- 945 1. All playgrounds and playground equipment used by children 2 - 12 years  
 946 of age shall meet the safety standards set forth in Appendix "D" of these  
 947 regulations.
- 948 2. Playground equipment shall be of safe design and in good repair. Outdoor  
 949 playground climbing equipment and swings shall be set in concrete  
 950 footings located at least six (6) inches below ground surface. Indoor  
 951 playground equipment shall be installed according to the manufacturer's  
 952 specifications. Swings shall have soft and/or flexible seats. Access to  
 953 playground equipment shall be limited to age groups for which the  
 954 equipment is developmentally appropriate.
- 955 3. Equipment designed for outdoor use by infants and toddlers shall be  
 956 accessible to shaded areas to ensure sun safe practices.
- 957 109.03 **Paint** Paint on toys, equipment, furniture, walls, and other items shall be lead-  
 958 free and non-poisonous.
- 959 109.04 **Chairs and Tables** Chairs and tables shall be of a size appropriate to the size  
 960 and age of the children. There shall be an adequate number of chairs and tables  
 961 to accommodate the children present at the facility.
- 962 109.05 **Hooks and Compartments** Individual hooks or compartments shall be provided  
 963 for each child for hanging or storing outer and/or extra clothing as well as for  
 964 personal possessions. Hooks shall be spaced well apart so that clothes and  
 965 belongings do not touch those of another child. Hooks shall also be placed at a  
 966 height suitable to prevent an injury to a child.
- 967 109.06 **Sand Boxes**
- 968 1. Sand boxes shall be constructed to permit drainage, shall be covered  
 969 tightly and securely when not in use, and shall be kept free from cat or  
 970 other animal excrement.
- 971 2. Sand contained in sand boxes shall not contain toxic or harmful materials.
- 972 109.07 **Cribs** Cribs shall be made of wood, metal, or approved plastic and have secure  
 973 latching devices. They shall have slats spaced no more than two and three-  
 974 eighths (2 3/8) inches apart, with a mattress fitted so that no more than two (2)  
 975 fingers can fit between the mattress and the crib side. Drop-side latches shall  
 976 securely hold sides in the raised position and shall not be reachable by the child  
 977 in the crib. Cribs shall not be used with the drop down side down. There shall  
 978 be no corner post extensions (over 1/16 inch), or cut outs in headboards in the  
 979 crib. The use of stackable cribs is prohibited.
- 980 109.08 **High Chairs** High chairs, if used, shall have a wide base and a T-shaped safety  
 981 strap. They shall be labeled or warranted by the manufacturer in documents  
 982 provided at the time of purchase or verified thereafter by the manufacturer as

983 meeting the American Society for Testing Materials (ASTM) Standard F-404  
984 (Consumer Safety Specifications for High Chairs).

985 **109.09 Rest Period Equipment**

- 986 1. Individual beds, cots, mattresses, pads, or other acceptable equipment  
987 shall be used for rest periods. These shall be kept in a sanitary condition.  
988 Once a sheet or blanket has been used by a child, it shall not be used by  
989 another child until it has been laundered.
- 990 2. Rest period equipment shall be clean and covered with a waterproof cover.
- 991 3. Nap pads/cots are designed for use by one (1) child only at a time.
- 992 4. Nap pads utilized by more than one child shall be sanitized after each  
993 child(s) use. Nap pads utilized by only one child shall be sanitized  
994 immediately when soiled or at least weekly.
- 995 5. Nap pads and nap cots without mattresses are not acceptable for use in 24  
996 hour programs. Beds, cribs, or roll away cots are the only acceptable  
997 bedding for 24 hour centers.

998 **109.10 Play Equipment**

- 999 1. Play equipment, toys, and materials shall be provided that meets the  
1000 standards of the Consumer Product Safety Commission and/or the  
1001 American Society for Testing and Materials (ASTM) for juvenile  
1002 products. Play equipment, toys, and materials shall be found to be  
1003 appropriate to the development needs, individual interests, and ages of the  
1004 children as identified as age-appropriate by a label provided by the  
1005 manufacturer on the product package.
- 1006 2. Projectile toys, i.e., dart guns, toy guns, etc., are prohibited.
- 1007 3. Water play tables, if used, shall be cleaned and sanitized daily.
- 1008 4. Tricycles and other riding toys used by the children shall be spokeless,  
1009 steerable, and of a size appropriate for the child, and shall have low  
1010 centers of gravity. All such toys shall be in good condition and free of  
1011 sharp edges or protrusions that may injure the children. When not in use,  
1012 such toys shall be stored in a location where they will not present a  
1013 physical obstacle to the children and employees. Riding toys shall be  
1014 inspected at least monthly for protrusions and rough edges that could lead  
1015 to injury.

1016 **109.11 School Age Programs**

- 1017 1. The foregoing provisions in Section X shall not be applied to any facility  
 1018 licensed solely for School age children unless specifically required in this  
 1019 Section 10-11.
- 1020 2. All playgrounds and playground equipment used by children 2 - 12 years  
 1021 of age shall meet the safety standards set forth in Appendix "D" of these  
 1022 regulations.
- 1023 3. Projectile toys are prohibited. Projectile toys are toys which, when  
 1024 projected, have the ability to penetrate body or eye tissue. Play  
 1025 equipment, toys, and materials shall be provided that meets the standards  
 1026 of the Consumer Product Safety Commission and/or the American Society  
 1027 for Testing and Materials (ASTM) for juvenile products.
- 1028 4. Possessions, belongings, and extra clothing for each school age child must  
 1029 be stored in such a manner as to not touch those of another child.

1030 **110 BUILDINGS AND GROUNDS**

1031 **110.01 Building**

- 1032 1. A child care facility shall be physically separated from any other business  
 1033 or enterprise. Other occupants, visitors, and/or employees of other  
 1034 businesses or enterprises within the same building shall not be allowed  
 1035 within the physical confines of the child care facility for the purpose of  
 1036 entering the building or exiting the building, or passing through the child  
 1037 care facility for the purpose of gaining access to another part of the  
 1038 building.
- 1039 2. All child care facility buildings shall meet all fire safety standards listed  
 1040 on the MSDH Form #333 and all applicable local fire safety standards  
 1041 and/or ordinances.
- 1042 3. No house trailers, relocatable classrooms, or portable buildings shall be  
 1043 used to house a child care facility unless such structure was originally  
 1044 designed specifically for educational purposes and meets the Mississippi  
 1045 State Department of Education(s) current standards for a relocatable  
 1046 classroom. Further, such portable structure shall meet all applicable fire  
 1047 safety codes.
- 1048 Current licensees operating facilities housed in such structures are  
 1049 exempted from this provision. Any change of ownership, need for major  
 1050 renovation, or other significant change in the facility(s) status shall revoke  
 1051 such exemption.
- 1052 4. Plans and specifications shall be submitted to the licensing agency for  
 1053 review and approval on all proposed construction and/or major  
 1054 renovations.

- 1055 5. A separate space shall be provided for the use of an ill or injured child  
 1056 until the child can be picked up by the parent. Space shall be located in an  
 1057 area that is supervised at all times by an employee.
- 1058 6. Separate space for infants and toddlers shall be provided away from older  
 1059 children except in facilities licensed for 12 or fewer children.
- 1060 7. The floor and/or floor covering shall be properly installed, kept clean and  
 1061 in good condition, and maintained in good repair. Carpeting is prohibited  
 1062 in kitchen areas.
- 1063 8. All parts of the child care facility used by children shall be lead-safe, well  
 1064 lighted, ventilated, and free of hazardous or potentially hazardous  
 1065 conditions, such as but not limited to, open stairs and unprotected low  
 1066 windows.
- 1067 All buildings intended for use as a child care facility constructed before  
 1068 1965 shall be tested for lead. It is the responsibility of the facility  
 1069 applicant/operator to have a lead hazard screen or lead-based paint risk  
 1070 assessment of the facility done by an individual or company certified as a  
 1071 risk assessor by the Mississippi Commission on Environmental Quality. If  
 1072 the facility is found not to be lead-safe, it will not be allowed to operate as  
 1073 a child care facility until all required corrective measures have been taken  
 1074 and the facility is determined to be lead-safe by a certified risk assessor.
- 1075 9. All glass in doors, windows, mirrors, etc., shall have a protective barrier at  
 1076 least four (4) feet high when measured from the floor. Doors, windows,  
 1077 mirrors, etc., using safety-grade glass or polymer (e.g., Lexan®) are not  
 1078 required to have a protective barrier. Glass windows and glass door  
 1079 panels shall be equipped with a vision strip 36 inches from the floor.  
 1080 Safety glass must be so certified by the installer and the statement kept on  
 1081 file at the child care facility.
- 1082 10. Walls shall be kept clean and free of torn wall covering, chipped paint,  
 1083 broken plaster, and holes. No paint that contains lead compounds shall be  
 1084 applied to interior walls or woodwork.
- 1085 11. All ceiling lighting shall be shielded completely and encased in  
 1086 shatterproof materials.
- 1087 12. A child care facility shall have a working telephone available to all staff at  
 1088 all times. Telephones shall also be available for incoming calls and shall  
 1089 not be unplugged or disconnected during business hours.
- 1090 13. All fire extinguishers, as required in the fire safety plan, shall be serviced  
 1091 on an annual basis by a qualified fire extinguisher technician.
- 1092 14. Unused electrical outlets shall be protected by a safety plug cover.

- 1093 15. No extension cords shall be used in areas accessible to children.
- 1094 16. Every child care facility which uses nonelectric heating and/or cooling  
1095 systems, cooking stoves, and/or hot water heaters or other nonelectric  
1096 equipment, shall have sufficient carbon monoxide monitors placed  
1097 appropriately throughout the child care facility.
- 1098 **110.02 Indoor Square Footage**
- 1099 1. The designated area for children's activities shall contain a minimum of 35  
1100 square feet of usable space per child, measured on the inside, wall-to-wall  
1101 dimensions. These spaces are exclusive of food preparation areas,  
1102 kitchens, bathrooms, toilets, areas for the care of ill children, offices, staff  
1103 rooms, corridors, hallways, stairways, closets, lockers, laundries, furnace  
1104 rooms, fixed or permanent cabinets, fixed or permanent storage shelving  
1105 spaces, and areas not inhabited and used by children. Usable space shall  
1106 be areas dedicated to children(s activities (play, learning, rest, and eating)  
1107 and shall be utilized for those purposes on a daily basis. Furnishings shall  
1108 be equipment which is both size and age-appropriate for children receiving  
1109 care. The space occupied by inappropriate or adult size equipment shall  
1110 be deducted the children(s usable space.
- 1111 2. Rooms in which infants both play and sleep shall have a minimum of 40  
1112 square feet of usable space per child. There shall be at least two (2) feet  
1113 between each crib. Cribs with solid ends may be placed end-to-end.
- 1114 3. Rooms where infants play but do not sleep shall have a minimum of 15  
1115 square feet of usable space per child. Note: No other age group shall use  
1116 this space nor can it be used for any purpose other than infant play.
- 1117 4. Rooms where infants sleep but do not play shall have a minimum of 25  
1118 square feet of usable space per child. There shall be at least two (2) feet  
1119 between each crib. Cribs with solid ends may be placed end-to-end.
- 1120 5. Rooms in which toddlers both play and sleep shall have a minimum of 45  
1121 square feet of usable space per child. There shall be at least two (2) feet  
1122 between each crib. Cribs with solid ends may be placed end-to-end.  
1123 However, if stackable cots, mats, or other storable sleeping equipment are  
1124 utilized for sleeping the room shall be measured using the standard of 35  
1125 square feet per child. Should it be determined that the sleeping equipment  
1126 is not properly stored when not in use the capacity of the room will be  
1127 determined using 45 square feet per child.
- 1128 6. Rooms where toddlers play but do not sleep shall have a minimum of 25  
1129 square feet of usable space per child. Note: No other age group shall use  
1130 this space nor can it be used for any purpose other than toddler play.

- 1131 7. Rooms where toddlers sleep but do not play shall have a minimum of 25  
 1132 square feet of usable space per child. There shall be at least two (2) feet  
 1133 between each crib. Cribs with solid ends may be placed end-to-end.
- 1134 8. Child care facilities shall be measured or remeasured under the following  
 1135 circumstances:
- 1136 a. Prior to initial opening of a facility;
- 1137 b. Upon change of ownership of an existing facility;
- 1138 c. At the completion of any new construction, renovation, or change in  
 1139 the layout/use of space;
- 1140 d. If the measurement of the facility is not in the licensing agency(s)  
 1141 facility file; and/or
- 1142 e. If the licensing officer determines that the facility, or any portion  
 1143 thereof, is overcrowded or utilization of the facility space has  
 1144 changed.

#### 1145 110.03 Openings

- 1146 1. Each window, exterior door, and basement or cellar hatchway shall be  
 1147 weather tight and watertight.
- 1148 2. All windows above ground level in areas used by children under five (5)  
 1149 years of age shall be constructed, adapted, or adjusted to limit the exit  
 1150 opening accessible to children to less than six (6) inches, or be otherwise  
 1151 protected with guards that do not block outdoor light.
- 1152 3. Openable windows shall be of a safety type (not fully openable) that are  
 1153 child proofed and screened when open. When there are no openable  
 1154 windows, or when windows are not kept open, rooms shall be adequately  
 1155 ventilated.
- 1156 4. All openings used for ventilation shall be screened.
- 1157 5. The width of doors shall accommodate wheelchairs and the needs of  
 1158 individuals with physical disabilities.
- 1159 6. Exit doors shall open outward. Boiler room doors shall swing inward.
- 1160 7. Doorways and exits shall be free of debris and equipment to allow  
 1161 unobstructed traffic to and from the room.

- 1162 8. The hand contact and splash areas of doors and walls shall be covered  
 1163 with an easily cleanable finish, at least as cleanable as an epoxy finish or  
 1164 enamel paint.

1165 110.04 **Kitchens**

- 1166 1. Children are not allowed in the kitchen area. In School Age/After School  
 1167 programs children may be allowed in the kitchen but not during times  
 1168 when food is being cooked. Supervision in the kitchen when children are  
 1169 present must meet the staffing requirements as referenced in Section VIII  
 1170 of the regulations.
- 1171 2. Barriers, approved by the local fire authority, shall be erected and doors  
 1172 shall be closed at all times.
- 1173 3. Kitchens shall have a minimum area of 90 square feet, measured wall to  
 1174 wall.
- 1175 4. For a child care facility with 12 or fewer children, located in an occupied  
 1176 dwelling, the following regulations shall replace the Mississippi State  
 1177 Department of Health's 10.0 Regulation Food Code:
- 1178 a. No game or home canned foods shall be served.
- 1179 b. Other than fresh or frozen vegetables and fruit, all foods shall be from  
 1180 commercial sources.
- 1181 c. Food shall be cooked or reheated to a temperature of 165 degrees  
 1182 Fahrenheit. Hot food shall be held at a minimum temperature of 140  
 1183 degrees Fahrenheit.
- 1184 d. Cold food shall be stored at a temperature of 41 degrees Fahrenheit or  
 1185 below.
- 1186 e. All food shall be covered while in the refrigerator or freezer.
- 1187 f. Any prepared foods not properly refrigerated at a temperature of 41  
 1188 degrees Fahrenheit or less, or frozen, shall be discarded.
- 1189 g. If manual washing is utilized, a sanitizer shall be used. Rinsing in a  
 1190 chlorine solution using one and one-half tablespoons of household  
 1191 bleach per gallon of water is sufficient. (Appendix "E"). If a  
 1192 dishwasher is utilized, the nozzle ports shall be free of obstructions,  
 1193 and the interior of the machine shall be clean. Dishwashers shall have  
 1194 a sanitizing cycle which shall reach a temperature 165 degrees at the  
 1195 incoming water valve.
- 1196 h. Hot water, under pressure, shall be available.

- 1197 i. Insecticides, poisons, cleaning agents, and medications, shall be  
 1198 stored away from food, separately from each other, and out of the  
 1199 reach of children.
- 1200 j. Children shall not be exposed to insecticides or pesticides, or other  
 1201 toxic agents.
- 1202 k. Hands shall be washed frequently, when switching between working  
 1203 with raw and ready-to-eat foods, and after all non-food preparation  
 1204 activities.
- 1205 l. Clean clothing shall be worn.
- 1206 m. Gloves shall be worn if there are any cuts or abrasions on the hands.

1207 **110.05 Toilets and Hand Washing Lavatories**

- 1208 1. Toilets and hand washing lavatories shall be located within the physical  
 1209 confines of child care facility and shall be convenient to outside  
 1210 playground areas.
- 1211 2. The following ratios shall apply: Toilets, urinals, and hand washing  
 1212 lavatories shall be apportioned at a ratio of 1:15. Urinals shall not exceed  
 1213 33 percent of the total required toilet fixtures. When the number of  
 1214 children in the ratio is exceeded by one (1), an additional fixture shall be  
 1215 required.
- 1216 3. The hand washing lavatories located in a diapering area shall not be  
 1217 included in the ratio of hand washing lavatories to children for  
 1218 determining a child care facility's capacity. Diaper changing sinks shall  
 1219 not be used for any other purpose such as, but not limited to, rinsing or  
 1220 washing baby bottles, pacifiers, teething rings, or for food preparation.
- 1221 4. All hand washing lavatories shall have both hot and cold running water.  
 1222 Hot water temperature shall not exceed 120 degrees Fahrenheit.

1223 **110.06 Water** The water supply shall be from a public water system or a private  
 1224 system approved by the Mississippi Department of Health. Water shall be  
 1225 dispensed by the following:

- 1226 1. Fountain; or
- 1227 2. Disposable paper cups; or
- 1228 3. Labeled cup for each child which shall be washed and sanitized daily.

1229 **110.07 Exits**

- 1230 1. At least two (2) separate exit doors shall be provided from every floor  
1231 level.
- 1232 2. Exit doors shall be remote from each other.
- 1233 3. Dead end corridors shall not exceed 20 feet in length.
- 1234 4. Exit doors necessitating passage through a kitchen shall not be counted as  
1235 one of the two (2) remote exits.
- 1236 5. Exit doors shall be a minimum of 32 inches wide and open outward. No  
1237 single leaf in an exit door shall be less than 28 inches wide nor more than  
1238 48 inches wide.
- 1239 6. Any latch or other fastening device on an exit door shall be provided with  
1240 a knob, handle, panic bar, or other simple type of releasing device. Dual  
1241 action door fasteners are not permitted.
- 1242 7. The force required to fully open exit doors shall not exceed 50 pounds  
1243 applied to the latch stile (panic bar).
- 1244 8. An exit door shall not reduce the effective width of a landing.

1245 **110.08 Heating, Cooling, and Ventilation**

- 1246 1. A draft-free seasonally appropriate temperature of 65 degrees Fahrenheit  
1247 to 78 degrees Fahrenheit shall be maintained.
- 1248 2. All rooms used by children shall be heated, cooled, and adequately  
1249 ventilated to maintain the required temperatures, and air exchange, and to  
1250 avoid the accumulation of objectionable odors and harmful fumes.
- 1251 3. Ventilation may be in the form of openable windows as specified in these  
1252 regulations.
- 1253 4. Areas where art and craft activities are conducted shall be well ventilated.  
1254 In areas where substances are used that create toxic fumes, exhaust hood  
1255 systems or other devices shall be installed.
- 1256 5. Electric fans, if used, shall be mounted high on the wall or ceiling or shall  
1257 be guarded to limit the size of the opening in the blade guard to less than  
1258 one-half (1/2) inch.
- 1259 6. When air cooling is needed, draft-free cooling units shall be used. They  
1260 shall present no safety hazard to the children.
- 1261 7. Filters on recirculation systems shall be checked and cleaned or replaced  
1262 monthly.

- 1263 8. Window draft deflectors shall be provided.
- 1264 9. Thermometers that do not present a hazard to children shall be placed on  
1265 interior walls in every activity area at children's height.
- 1266 10. Portable, open flame and kerosene space heaters are prohibited. Portable  
1267 gas stoves shall not be used for heating.
- 1268 11. Electric space heaters shall be UL-approved; inaccessible to children; and  
1269 stable; shall have protective covering; and shall be placed at least three (3)  
1270 feet from curtains, papers, and furniture.
- 1271 12. Fireplaces and fireplace inserts shall be screened securely or equipped  
1272 with protective guards while in use. They shall be properly drafted. The  
1273 child care facility shall provide evidence of cleaning the chimney at least  
1274 once a year, or as frequently as necessary to prevent excessive buildup of  
1275 combustibles in the chimney. Records of chimney cleaning shall be  
1276 retained in the center files.
- 1277 13. Heating units that utilize gas shall be installed and maintained in  
1278 accordance with the manufacture(s) instructions, are vented properly to the  
1279 outside, and be supplied with sufficient combustion air as required by the  
1280 International Fuel Gas Code.
- 1281 If the area of the state where the facility is located does not utilize the  
1282 International Fuel Gas Code, the installation and maintenance of any  
1283 heating units that utilize gas shall be in accordance with the manufacture(s)  
1284 instructions and any local ordinances that apply.
- 1285 It is the responsibility of the licensee to provide to the licensing authority  
1286 documentation that the heating units meet the above stated standards.
- 1287 14. Heating units, including water pipes and baseboard heaters hotter than 110  
1288 degrees Fahrenheit, shall be made inaccessible to children by barriers such  
1289 as guards or other devices.
- 1290 **110.09 Outdoor Playground Area** All playgrounds and playground equipment  
1291 intended for use by children 2-12 years of age shall meet the standards set forth  
1292 in the *Handbook for Public Playground Safety*, Publication No. 325, published  
1293 by the U.S. Consumer Product Safety Commission or its successor as shown in  
1294 Appendix "D."
- 1295 1. The child care facility shall be equipped with an outdoor playground area  
1296 that directly adjoins the indoor facilities or that can be reached by a route  
1297 free of hazards and is no farther than 1/8 mile (660 feet) from the child  
1298 care facility. The outdoor playground area shall comprise a minimum of  
1299 75 square feet for each child using the outdoor playground area at any one  
1300 time.

- 1301 2. If there is less than 75 square feet of accessible outdoor playground space  
1302 per child, an indoor playground area room that meets the 75-square-feet-  
1303 per-child requirement may be used if it provides for types of activities  
1304 equivalent to those performed in an outdoor playground area.
- 1305 3. The total outdoor playground area shall accommodate at least 33 percent  
1306 of the licensed capacity at one time.
- 1307 4. A rooftop used as an outdoor playground area shall be enclosed with a  
1308 fence not less than six (6) feet high and designed to prevent children from  
1309 climbing it. An approved fire escape shall lead from the roof to an open  
1310 space at the ground level that meets safety standards for outdoor  
1311 playground areas.
- 1312 5. The outdoor playground area shall be well arranged so that all areas are  
1313 visible to staff at all times.
- 1314 6. The outdoor playground area shall be free of hazards and not less than 30  
1315 feet from electrical transformers, high-voltage power lines, electrical  
1316 substations, railroad tracks, or sources of toxic fumes or gases. Hazards,  
1317 including but not limited to air conditioner units and utility mains, meters,  
1318 tanks, and/or cabling shall be inaccessible to children. Fencing at least  
1319 four (4) feet high shall be provided around the outdoor playground area.  
1320 Fencing higher than four (4) feet but not to exceed eight (8) feet may be  
1321 required if the licensing authority determines that a hazard exists. Fencing  
1322 twist wires and bolts shall face away from the playground.
- 1323 7. Outdoor playground areas shall be free from unprotected swimming and  
1324 wading pools, ditches, quarries, canals, excavations, fish ponds, or other  
1325 bodies of water.
- 1326 8. Sunlit areas and shaded areas shall be provided by means of open space  
1327 and tree plantings or other cover in outdoor spaces. Outdoor spaces shall  
1328 be laid out to ensure ample shaded space for each child.
- 1329 9. The outdoor playground area shall be enclosed with a fence. The fence  
1330 shall be at least four (4) feet in height and the bottom edge shall be no  
1331 more than three and one-half (3 1/2) inches off the ground. There shall be  
1332 at least two (2) exits from such areas, with at least one (1) remote from the  
1333 buildings. The gate latch or securing device shall be high enough or of  
1334 such a type that it cannot be opened by small children. The openings in  
1335 the fence shall be no greater than three and one-half (3 1/2) inches. The  
1336 fence shall be constructed to discourage climbing.
- 1337 10. The soil in outdoor playground areas shall not contain hazardous levels of  
1338 any toxic chemical or substances. The child care facility shall have soil  
1339 samples and analyses performed where there is good reason to believe a  
1340 problem may exist.

1341 11. The soil in outdoor playground areas shall be analyzed for lead content  
 1342 initially. It shall be analyzed at least once every two (2) years where the  
 1343 exteriors of adjacent buildings and structures are painted with lead-  
 1344 containing paint. Lead in soil shall not exceed 500 ppm. Testing and  
 1345 analyses shall be in accordance with procedures specified by the licensing  
 1346 agency.

1347 **110.10 Grounds**

1348 1. The grounds, including the outdoor playground area, shall be free of  
 1349 hazardous or potentially hazardous objects.

1350 2. In-ground swimming pools are prohibited unless protected by a six (6)  
 1351 foot fence and a locked gate. All fencing shall be placed at a minimum  
 1352 five (5) feet from the pool edge.

1353 Above ground pools, including decking and pool structures, are prohibited  
 1354 unless protected by a six (6) foot fence and a locked gate. All fencing  
 1355 shall be placed at a minimum ten (10) feet from the pool/deck edge.

1356 3. All paved surfaces shall be well drained to avoid water accumulation and  
 1357 ice formation.

1358 4. All walking surfaces, such as walkways, ramps, and decks, shall have a  
 1359 non-slip finish, and shall be free of holes and sudden irregularities in the  
 1360 surface.

1361 **110.11 Garbage Removal** Garbage and trash shall be removed from the child care  
 1362 facility daily and from the grounds at least once a week. Garbage and trash shall  
 1363 be stored inaccessible to the children, and in insect and rodent resistant  
 1364 containers.

1365 **110.12 Environmental Health** The child care facility shall comply with all  
 1366 regulations promulgated by the Division of Sanitation of the Mississippi  
 1367 Department of Health for:

1368 1. Food Service;

1369 2. On-site Wastewater Systems; and

1370 3. Vector (pest) Control

1371 **110.13 Pest Control** Any pest control contractor used by a child care facility shall be  
 1372 licensed by the State of Mississippi. Before a pest control contractor is used, it  
 1373 is the responsibility of the operator to ensure that the pest control contractor is  
 1374 properly licensed. Use of agricultural chemicals for pest control is strictly  
 1375 prohibited.

1376 111 **HEALTH, HYGIENE, AND SAFETY**

1377 111.01 **Employee Health**

- 1378 1. Employees manifesting symptoms or otherwise suspected of having upper  
1379 respiratory, gastrointestinal, skin, or other serious contagious conditions  
1380 shall be excluded from work until either free from symptoms or certified  
1381 by a physician to be no longer infectious.
- 1382 2. Staff shall use universal precautions when changing diapers or coming  
1383 into contact with blood, fecal material, or urine. Refer to Appendix "F"  
1384 for instructions on how to properly wash hands.
- 1385 3. Staff shall wash their hands upon:
- 1386 a. Immediately before handling food, preparing bottles, or feeding  
1387 children;
- 1388 b. After using the toilet, assisting a child in using the toilet, or changing  
1389 diapers;
- 1390 c. After contacting a child(s) body fluids, including wet or soiled diapers,  
1391 runny noses, spit, vomit, etc.;
- 1392 d. After handling pets, pet cages, or other pet objects;
- 1393 e. Whenever hands are visibly dirty or after cleaning up a child, the  
1394 room, bathroom items, or toys;
- 1395 f. After removing gloves used for any purpose; and
- 1396 g. Before giving or applying medication or ointment to a child or self.  
1397 Refer to Appendix "F" for instructions on how to properly wash hands.

1398 111.02 **Child Health**

- 1399 1. A child who is suspected of having a serious contagious condition shall be  
1400 isolated and returned to the parent as soon as possible.
- 1401 2. A child having a serious contagious condition shall not be allowed to  
1402 return to the child care facility until they have been certified by a  
1403 physician to be no longer contagious.
- 1404 3. Parents of all children shall be notified of a contagious illness in the child  
1405 care facility as soon as possible.
- 1406 4. A child with a physical injury shall be treated by a staff member with valid  
1407 first aid certificate issued by an agent recognized by the licensing

1408 authority. A child with a serious physical injury shall be treated by a staff  
 1409 member with valid first aid certificate issued by an agent recognized by  
 1410 the licensing authority and transported to a hospital or medical facility as  
 1411 soon as appropriate.

1412 **111.03 Child Hygiene**

- 1413 1. A child's wet or soiled clothing shall be changed immediately.
- 1414 2. A child's hands shall be washed:
- 1415 a. Immediately before and after eating;
- 1416 b. After using the toilet or having their diapers changed;
- 1417 c. After playing on the playground;
- 1418 d. After handling pets, pet cages, or other pet objects;
- 1419 e. Whenever hands are visibly dirty; and
- 1420 f. Before going home.
- 1421 3. A child shall have a shower, tub, or sponge bath to ensure bodily  
 1422 cleanliness when necessary.
- 1423 4. Individual toilet articles (e.g., combs, brushes, toothbrushes, towels, and  
 1424 wash cloths) used by children shall be provided by the parent or child care  
 1425 facility and plainly marked and stored individually in a sanitary manner in  
 1426 areas which promote drying. Single-use and disposable articles are  
 1427 acceptable. Grooming accessories, including but not limited to brushes,  
 1428 combs, barrettes, or picks, shall not be used jointly by children or on  
 1429 children.

1430 **111.04 Toys and Equipment** Toys and equipment used by infants or toddlers  
 1431 shall be cleansed daily with a germicidal solution. Refer to (Appendix – “H” for  
 1432 instructions on cleaning and disinfection procedures. A recommended resource  
 1433 regarding sanitation of equipment and toys can be found in the National Health  
 1434 and Safety Performance Standards: Guidelines for out of home Childcare,  
 1435 Second Edition (Standard 3.030) website: [www.nrc.uchsc.edu](http://www.nrc.uchsc.edu)

1436 **111.05 First Aid Supply**

- 1437 1. A first aid supply shall be kept on-site and easily accessible to employees,  
 1438 but not in reach of the children.
- 1439 2. A first aid supply shall be taken on all field trips and excursions and shall  
 1440 be easily accessible to employees, but not in reach of the children.

- 1441 3. Medicine shall be kept out of the reach of the children.
- 1442 4. All vehicles used by the facility in transporting children shall be equipped  
1443 with a first aid kit.
- 1444 5. It is recommended that first aid kits contain the following items, according  
1445 to American Red Cross guidelines:
- 1446 a. 20 Antiseptic Toweletts
- 1447 b. 50 Plastic Strips (Band Aids)
- 1448 c. 5 Fingertip Bandages
- 1449 d. 5 Knuckle Bandages
- 1450 e. 5 Butterfly Closures
- 1451 f. 5 Non Adherent Pads 2" x 3"
- 1452 g. 2 Sterile Eye Pads
- 1453 h. 1 pressure Bandage 4"
- 1454 i. 1 Bandage Scissors
- 1455 j. 1 Triangular Bandage
- 1456 k. 1 Instant Cold Compress
- 1457 l. 2 Tongue Depressors/Finger Splints
- 1458 m. 1 Elastic Bandage 2: x 5 yards
- 1459 n. 5 3" x 3" Gauze Pads
- 1460 o. 1 Trauma Pad 5" x 9"
- 1461 p. 5 Insect Sting Relief Pads
- 1462 q. 10 First Aid Ointment 1 gr.
- 1463 r. 5 Non Adherent Pads 3: x 4"
- 1464 s. 5 Pair of Examination Gloves
- 1465 t. 2 Conforming Bandage 2" x 5 yards
- 1466 u. 1 Tweezers

1467 v. 2 Poison Ivy Relief Treatment

1468 w. 1 Booklet (Till Help Arrives(

1469 x. 1 Emergency Rescue Blanket

1470 y. 1 Adhesive Tape (" x 5 yards

1471 Some items in this kit may have expiration dates. All first aid kits should be  
1472 periodically inspected for contents. Depleted and out of date materials should be  
1473 replaced.

1474 Special attention should be exercised when utilizing first aid supplies or any  
1475 medication for children who have allergies or other special medical needs.

1476 For additional information on supplies for first aid kits contact your local office of  
1477 the American Red Cross.

#### 1478 111.06 **Animals and Pets**

1479 1. Any pet or animal present at a child care facility, indoors or outdoors,  
1480 shall be in good health, show no evidence of carrying any disease, and be  
1481 a friendly companion for the children.

1482 2. Dogs or cats, where allowed, shall be immunized for any disease that can  
1483 be transmitted to humans, and shall be maintained on a flea, tick, and  
1484 worm control program.

1485 3. All pets shall be cared for as recommended by the regulating health  
1486 agency. When pets are kept at the child care facility, procedures for their  
1487 care and maintenance shall be written and followed. When immunizations  
1488 are required, proof of current compliance signed by a veterinarian shall be  
1489 on file at the child care facility where the pet is kept.

1490 4. A caregiver shall always be present when children are exposed to animals  
1491 (including dogs and cats). Children shall be instructed on safe procedures  
1492 to follow when in close proximity to these animals (e.g., not to provoke or  
1493 startle them or remove their food). Potentially aggressive animals (e.g.,  
1494 pit bulls, boxers, etc.) shall not be in the same physical space with the  
1495 children.

1496 5. Each child's hands shall be properly washed after being exposed to  
1497 animals.

#### 1498 111.07 **Fire/Disaster Evacuation Drills**

1499 1. Monthly fire/disaster (e.g., tornados, severe weather, floods, earthquakes,  
1500 hurricanes, etc.) evacuation drills are required and a record of each drill

1501 shall be maintained in the facility records; to include date, time, number of  
 1502 children and staff present, and amount of time required to totally exit the  
 1503 building.

1504 2. During fire/disaster evacuation drills, all staff and children present shall be  
 1505 required to exit the building.

## 1506 112 NUTRITION AND MEALS

### 1507 112.01 General

1508 1. A child care facility shall provide adequate and nutritious meals prepared  
 1509 in a safe and sanitary manner.

1510 2. Meal periods are breakfast, lunch, dinner, and snacks. A minimum of 30  
 1511 minutes shall be scheduled for each breakfast, lunch, and dinner meal  
 1512 period. A minimum of 15 minutes shall be scheduled for each snack meal  
 1513 period.

1514 3. Meals shall be served at tables where each child may be seated.

1515 4. Meals shall be served by employees only.

1516 5. Employees shall wash hands prior to preparing or serving food.

1517 6. Children shall not share food.

1518 112.02 **Nutritional Standards** Meals shall meet the nutritional standards as  
 1519 prescribed in Appendix "C" Minimum Standards for Nutritional Care in Child  
 1520 Care Facilities.

1521 112.03 **Refreshments** Refreshments may be provided by parents only on the  
 1522 occasion of a child's birthday or other special celebration such as Valentine's  
 1523 Day, Easter, Christmas, Graduation, etc. Food provided to children, including  
 1524 vending machines at the facility, must meet nutritional guidelines as set forth in  
 1525 Appendix "C."

1526 112.04 **Sack Lunches** Sack lunches prepared by parents may be permitted as  
 1527 included on approved menu plans but shall not exceed one (1) day per month per  
 1528 child. Exceptions may be made for specific activities such as field trips outside  
 1529 the child care facility. Measures to assure proper storage and refrigeration of  
 1530 sack lunches are required of the child care facility.

1531 **Snacks** All snacks shall meet acceptable nutritional standards, as  
 1532 prescribed in Appendix "C" Minimum Standards for Nutritional Care in Child  
 1533 Care Facilities.

## 1534 113 DISCIPLINE AND GUIDANCE

- 1535           113.01 **Prohibited Behavior**       The following behaviors are prohibited by anyone  
1536           (i.e., parent, caregiver, or child) in all child care settings:
- 1537                   1. Corporal punishment, including hitting, spanking, beating, shaking,  
1538                   pinching, biting, and other measures that produce physical pain;
  - 1539                   2. Withdrawal or the threat of withdrawal of food, rest, or bathroom  
1540                   opportunities;
  - 1541                   3. Abusive or profane language;
  - 1542                   4. Any form of public or private humiliation, including threats of physical  
1543                   punishment;
  - 1544                   5. Any form of emotional abuse, including rejecting, terrorizing, ignoring,  
1545                   isolating (out of view of a caregiver), or corrupting a child;
  - 1546                   6. Use of any food product or medication in any manner or for any purpose  
1547                   other than that for which it was intended;
  - 1548                   7. Inappropriate disciplinary behavior includes, but is not limited to, putting  
1549                   soap or pepper in a child's mouth; or
  - 1550                   8. Any acceptable disciplinary action that is not age-appropriate for the child  
1551                   or is excessive in time or duration.
- 1552           113.02 **Restraint of a Child**       Children shall not be physically restrained except as  
1553           necessary to ensure their own safety or that of others, and then for only as long  
1554           as is necessary for control of the situation. Children shall not be given  
1555           medicines or drugs that will affect their behavior except as prescribed by a  
1556           licensed physician and with specific written instructions from the licensed  
1557           physician for use of the medicines or drugs.
- 1558           113.03 **Time Out**   "Time out" that enables the child to regain self-control and keeps  
1559           the child in visual contact with a caregiver shall be used selectively, taking into  
1560           account the child's developmental stage and the usefulness of "time out" for the  
1561           particular child.
- 1562                   "Time out" means that the child is given time away from an activity which  
1563                   involved inappropriate behavior. Isolation from a caregiver is not acceptable.  
1564                   "Time out" is not allowed for children younger than three (3) years of age.
- 1565           113.04 **Children Shall Not Discipline Other Children**   Children shall neither be  
1566           allowed nor be instructed to discipline other children.
- 1567   114   **TRANSPORTATION**

1568 114.01 **General** Regardless of transportation provisions, the child care facility is  
 1569 responsible for the safety of the children.

1570 114.02 **Requirements** It is required that:

- 1571 1. All drivers be appropriately licensed;
- 1572 2. All vehicles have current safety inspection stickers, licenses, and  
 1573 registrations;
- 1574 3. Insurance adequately covers the transportation of children;
- 1575 4. Children board or leave the vehicle from the curb-side of the street and/or  
 1576 are safely accompanied to their destinations;
- 1577 5. A parent is present if the child is delivered home; and
- 1578 6. Seat restraints are used.

1579 114.03 **Occupant Restraints**

- 1580 1. All children will be properly restrained whenever they are being  
 1581 transported in a motor vehicle.
- 1582 2. No vehicle shall be occupied by more individuals than its rated capacity.
- 1583 3. No children shall be transported in the front seat of vehicles equipped with  
 1584 passenger-side air bags.
- 1585 4. All vehicles under 10,000 lbs. GVWR (Gross Vehicle Weight Rated) shall  
 1586 be equipped with occupant restraints appropriate for the age and/or weight  
 1587 of the children being transported. A child under the age of four (4) shall  
 1588 be transported only if the child is securely fastened in a child safety seat  
 1589 that meets Federal Motor Vehicle Safety Standards (FMVSS, 49 CFR  
 1590 571.213), which shall be indicated on the child safety seat. The child  
 1591 safety seat shall be appropriate to the child's weight and be installed and  
 1592 used according to the manufacturer's instructions.
- 1593 5. Vehicles (e.g., school buses) with a GVWR 10,000 lbs. or more shall, at a  
 1594 minimum, meet the current Federal Motor Vehicle Safety Standards  
 1595 (FMVSS) for buses of that size. It is the responsibility of the child care  
 1596 facility operator to have documentation verifying that a bus meets the  
 1597 current FMVSS.

1598 **NOTE:** Federal Motor Vehicle Safety Standards (FMVSS) means  
 1599 the National Highway and Traffic Safety Administration's standards for  
 1600 motor vehicles and motor vehicle equipment established under section 103

1601 of the Motor Vehicle Safety Act of 1966 (49 CFR Part 571) as they apply  
1602 to school buses.

1603 114.04 **Staff-to-Child Ratio** The staff to child ratio shall be maintained at all  
1604 times. The driver of the vehicle shall not be counted as a caregiver while  
1605 transporting the children.

## 1606 115 **DIAPERING AND TOILETING**

1607 115.01 **Diaper Changing Area** Each room in which diaper-wearing children play  
1608 shall contain a diapering area. A diapering area shall contain a hand washing  
1609 lavatory with hot and cold running water, a smooth and easily cleanable surface,  
1610 a plastic-lined, covered garbage receptacle, and sanitizing solution. The hand  
1611 washing lavatories located in a diapering area shall not be included in the ratio  
1612 of hand washing lavatories to children for determining a child care facility's  
1613 capacity nor shall they be used for any other purpose.

1614 115.02 **Non-Disposable Diapers and Training Pants** The fecal contents of non-  
1615 disposable diapers or training pants shall be disposed of into a toilet. The soiled  
1616 non-disposable diaper or training pants shall then be placed into a plastic bag,  
1617 sealed, and placed in the child's individual container.

1618 115.03 **Disposable Diapers** Disposable diapers shall be placed into a plastic bag and  
1619 sealed or shall be rolled up and taped securely, then placed into a plastic-lined  
1620 covered garbage receptacle.

1621 115.04 **Potty Chairs** Potty chairs, if used, shall be placed in the bathroom area  
1622 and sanitized after each child(s) use.

1623 115.05 **Hand Washing** Employees shall wash their hands with soap and running  
1624 water before and after each diaper change. Individual or disposable towels shall  
1625 be used for drying. Hand washing sinks at diaper changing stations shall not be  
1626 used for any other purpose. Example: The diaper changing sink may not be  
1627 used for washing cups, baby bottles, food, dishes, utensils, etc.

1628 115.06 **Parental Consultation** A parent-caregiver consultation is required prior to  
1629 toilet training.

## 1630 116 **REST PERIODS**

1631 116.01 **Equipment** Each child shall be placed on a separate bed, crib, cot, or mat.  
1632 Cribs shall be labeled so that the child's name is visible.

1633 116.02 **Cleaning of Linens and Bed Coverings** Linens and bed coverings shall be  
1634 changed immediately when soiled. All linens and bed coverings shall be  
1635 changed, at a minimum, two (2) times per week.

1636 116.03 **Cleaning of Rest Period Equipment** All rest period equipment shall be  
 1637 wiped clean immediately when soiled. All rest period equipment shall be  
 1638 cleaned twice a week with a germicidal solution. Additional cleaning may be  
 1639 required by the licensing authority if there is an outbreak of a communicable  
 1640 disease, including but not limited to, rotavirus, giardiasis, etc., or a noninfectious  
 1641 condition such as, but not limited to, an infestation of head lice.

1642 116.04 **Sharing of Rest Period Equipment** At no time will two (2) or more  
 1643 children be allowed to share the same bed, crib, cot, or mat during their time of  
 1644 enrollment, unless it is cleaned with a germicidal solution between each child's  
 1645 use.

## 1646 117 **FEEDING OF INFANTS AND TODDLERS**

1647 117.01 **Hand Washing** Employees shall wash their hands with soap and water, and  
 1648 dry their hands with individual or disposable towels, before and after each  
 1649 feeding. The infant's and toddler's hands shall be washed with soap and water,  
 1650 and dried with individual or disposable towels, before and after each feeding.

1651 117.02 **Bottle Feeding** Infants shall be held while being bottle fed. Bottles shall  
 1652 not be propped at any time. With parental consent and when infants are old  
 1653 enough to hold their own bottles, they may feed themselves without being held.  
 1654 The bottle shall be removed at once when empty or when the child has fallen  
 1655 asleep.

1656 117.03 **Formula Storage** Formula shall be labeled with the child's name and placed  
 1657 in the refrigerator upon arrival.

1658 117.04 **Baby Food** Foods stored or prepared in jars shall be served from a separate  
 1659 dish for each infant or toddler. Any leftovers from the serving dish shall be  
 1660 discarded. Leftovers in the jar shall be labeled with the child's name, dated,  
 1661 refrigerated, and used within the next 24 hours or discarded.

1662 117.05 **Refrigerator** A refrigerator shall be available and easily accessible to the infant's  
 1663 or toddler's room(s).

### 1664 117.06 **Heating Unit and Microwave Use**

1665 1. A heating unit for warming bottles and food shall be accessible only to  
 1666 adults.

1667 2. Microwave ovens shall not be used for warming bottles or baby/infant  
 1668 food.

1669 117.07 **Breast-Feeding Accommodations and Staff Training** This section applies to  
 1670 all mothers choosing to breast-feed their child regardless of the child's age.

- 1671 1. Breast-feeding mothers, including employees, shall be provided a sanitary  
 1672 place that is not a toilet stall to breast-feed their child or to express milk.  
 1673 This area shall provide an electrical outlet, comfortable chair, and nearby  
 1674 access to running water.  
 1675  
 1676 2. A refrigerator must be available to accommodate storage of expressed  
 1677 breast milk. It is acceptable to store expressed milk in the same  
 1678 refrigerator as other milk/bottles provided each bottle is appropriately  
 1679 labeled with the child's name and the time of expected expiration of the  
 1680 milk. Milk must be stored in accordance with the American Academy of  
 1681 Pediatrics and Centers for Disease Control guidelines. Universal  
 1682 precautions are not required in handling human milk.  
 1683  
 1684 3. Child care staff shall be trained in the safe and proper storage and  
 1685 handling of human milk. Although other training materials may be  
 1686 utilized, training materials will be available through MDH.  
 1687  
 1688  
 1689

#### Guidelines for Milk Storage and Use for All Infants

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

1690  
 1691 From the ACOG/AAP publication: Breastfeeding Handbook for Physicians  
 1692

## 1693 118 SWIMMING AND WATER ACTIVITIES

1694 118.01 **General** This section shall apply to any child care facility that, as part of its  
 1695 program, allows the children to swim, wade, or participate in any water  
 1696 activities whether on site or at any other location during the time staff has  
 1697 responsibility for children enrolled.

### 1698 118.02 Lifeguard Supervision

#### 1699 1. Swimming pools, lakes, etc.

1700 a. A person having an American Red Cross lifeguard certificate, or the  
 1701 equivalent as recognized by the licensing agency, shall be present at  
 1702 all swimming and water activities.

1703 b. One (1) lifeguard is required for every 25 children or any portion  
 1704 thereof (i.e., two (2) lifeguards are required for groups of 26 - 50,  
 1705 three (3) for 51 - 75, etc.). This required ratio also includes activities  
 1706 which occur near water such as fishing or beach activities.

1707 c. Lifeguards are not counted in the staff-to-child ratio

- 1708 d. The staff-to-child ratio shall be maintained at all times.
- 1709 e. It is the child care facility operator's responsibility to provide  
1710 adequate certified lifeguards if the pool or lake operator does not.
- 1711 f. Each child will be tested by a certified lifeguard prior to participating  
1712 in swimming lessons or any pool activities. Children will be assigned  
1713 to swim groups according to the results of the test.
- 1714 g. Staff, as well as lifeguards, shall be responsible for enforcing general  
1715 safety rules.
- 1716 h. Staff is responsible for requiring children to obey all swimming/water  
1717 rules. These rules shall be explained each day that swimming/water  
1718 activities occur so that all ages can understand what is expected.
- 1719 2. **Wading pools** For activities taking place in wading pools with a water  
1720 depth of one (1) foot or less the following is required:
- 1721 a. There shall be a person(s) with a valid CPR certificate and a valid first  
1722 aid certificate present at all times.
- 1723 b. The staff-to-child ratio shall be maintained at all times.
- 1724 c. Wading pools shall be cleaned after each use.
- 1725 **118.03 Health and Safety**
- 1726 1. All piers, floats, and platforms shall be in good repair, and where  
1727 applicable, the water depth shall be indicated by printed numerals on the  
1728 deck or planking.
- 1729 2. There shall be a minimum water depth of 10 feet for a one (1) meter  
1730 diving board and 13 feet for a three (3) meter board or diving tower.
- 1731 3. For outdoor swimming areas in natural bodies of water, the bottom shall  
1732 be cleared of stumps, rocks, and other obstacles.
- 1733 4. Diving boards shall be mounted on a firm foundation and never on an  
1734 insecure base, such as a float that can be affected by shifting weight loads  
1735 and wave action. The entire length of the top surface of diving boards  
1736 shall be covered with nonskid material. The diving board shall be level.  
1737 All diving boards shall be installed in accordance with manufacturer's  
1738 guidelines for the board by professional swimming pool installers who  
1739 shall certify in writing to the facility that the diving board is adequately  
1740 installed in accordance with manufacturer's guidelines for the board, in a  
1741 commercially reasonable manner, located so as to allow a child to safely  
1742 enter the water from the diving board, and that the diving board is safe for

1743 its intended use. Facilities with existing pools equipped with diving  
 1744 boards that are unable to obtain the required certification within sixty (60)  
 1745 days of the adoption of this regulation shall have the diving boards  
 1746 removed.

1747 5. Swimming pools, when in use, shall be continuously disinfected by a  
 1748 chemical which imparts an easily measured free available residual effect.  
 1749 When chlorine is used, a free chlorine residual of at least 0.4 ppm shall be  
 1750 maintained throughout the pool whenever it is open or in use. If other  
 1751 halogens are used, residuals of equivalent disinfecting strength shall be  
 1752 maintained.

1753 6. A testing kit for measuring the concentration of the disinfectant, accurate  
 1754 within 0.1 ppm, shall be provided at each swimming pool.

1755 7. Swimming pool water shall be maintained in an alkaline condition as  
 1756 indicated by a pH of not less than 7.2 and not over 8.2. A pH testing kit  
 1757 accurate to the nearest 0.2 pH unit shall be provided at each swimming  
 1758 pool. The alkalinity of the water shall be at least 50 ppm, as measured by  
 1759 the methyl-orange test. The following chart may be used for reference:

	<b>pH</b>	<b>Minimum Free Available Residual Chlorine-mg/L</b> <i>(not stabilized with cyanuric acid)</i>
1760	7.2.....	0.40
1761	7.3.....	0.40
1762	7.4.....	0.40
1763	7.5.....	0.40
1764	7.6.....	0.50
1765	7.7.....	0.60
1766	7.8.....	0.70
1767	7.9.....	0.80
1768	8.0.....	1.00
1769		
1770		
1771		
1772		
1773		

1774 8. If cyanuric acid is used to stabilize the free available residual chlorine, or  
 1775 if one of the chlorinated isocyanurate compounds is used as the  
 1776 disinfecting chemical in a swimming pool, the concentration of cyanuric  
 1777 acid in the water shall be at least 30 mg/L but shall not exceed 100 mg/L.  
 1778 The free available residual chlorine, of at least the following  
 1779 concentrations, depending upon the pH of the water, shall be maintained:

	<b>pH</b>	<b>Minimum Free Available Residual Chlorine-mg/L</b> <i>(cyanuric acid is at least equal to 30 mg/L, but not greater than 100 mg/L)</i>
1780	7.2.....	1.00
1781	7.3.....	1.00
1782		
1783		
1784		
1785		
1786		
1787		

1788	7.4.....	1.00
1789	7.5.....	1.00
1790	7.6.....	1.25
1791	7.7.....	1.50
1792	7.8.....	1.75
1793	7.9.....	2.00
1794	8.0.....	2.50

1795

1796 9. The water in a swimming pool shall have sufficient clarity at all times so

1797 that a black disk, six (6) inches in diameter, is readily visible when placed

1798 on a white field at the deepest point of the pool. The pool shall be closed

1799 immediately if this requirement cannot be met.

1800 10. For natural bodies of water (e.g., lakes, rivers, streams, etc.), sewage

1801 treatment plants or other discharge lines shall not be within 750 feet of

1802 swimming areas.

## 1803 119 CHILDREN WITH SPECIAL NEEDS

### 1804 119.01 Facility Adaptation

1805 1. The child care facility areas to be utilized by a child with special needs

1806 shall be adapted as necessary to accommodate special devices which may

1807 be required for the child to function independently, as appropriate.

1808 2. A separate area shall be available for the purpose of providing privacy for

1809 diapering, dressing, and other personal care procedures.

1810 119.02 **Activity Plan** A child with special needs shall have an individual activity

1811 plan. The individual activity plan shall have been developed by a person with a

1812 bachelors or advanced degree in a discipline dealing with disabilities, as

1813 appropriate. The individual activity plan shall be reviewed, at a minimum, once

1814 every twelve (12) months.

1815 119.03 **Caregiver Staff Development** Caregivers serving children with special

1816 needs shall receive staff development related to the specific needs of the

1817 children served.

1818 119.04 **Staffing** Caregiver staffing shall be appropriate and adequate to meet the

1819 specific physical and/or developmental needs of the special needs children

1820 served at the child care facility. Staff-to-child ratio shall be determined by the

1821 needs of the child rather than child(s) chronological age as based upon the child(s)

1822 individual plan (i.e., individual education plan, individual habilitation plan,

1823 individual family service plan, etc.). The facility is encouraged to be an active

1824 participant in the child(s) individual plan development.

## 1825 120 NIGHT CARE

1826 120.01 **General** This section shall apply to any child care facility that is open past  
1827 11:30 p.m., as part of their regular hours of operation.

1828 120.02 **Nutrition**

1829 1. A child care facility which is open prior to 7:00 p.m. shall provide a dinner  
1830 meal period.

1831 2. A child care facility that remains open after 5:00 a.m., shall provide a  
1832 breakfast meal period.

1833 3. A snack period shall be provided to children in attendance for more than  
1834 two and one-half (2 1/2) hours prior to bedtime.

1835 4. Menu plans for lunch and dinner meals shall be varied. No single menu  
1836 shall be repeated in a 24 hour period.

1837 120.03 **Sleeping**

1838 1. Mats shall not be used for sleeping.

1839 2. Bedtime schedules shall be established in consultation with the child's  
1840 parent.

1841 3. Provisions shall be made in sleeping areas for the use and storage of  
1842 clothing and personal belongings and they shall be within easy reach of  
1843 the child using them.

1844 4. A child shall be provided with a bed or cot equipped with a comfortable  
1845 mattress (a minimum of three (3) inches thick), sheets, a pillow with a  
1846 pillow case, and a blanket.

1847 5. The upper level of double-deck beds shall not be used for children under  
1848 10 years of age. The upper level of double-deck beds are allowed for  
1849 children 10 years of age or older if a bed rail and safety ladder is provided.

1850 6. Each child shall have clean and comfortable sleeping garments.

1851 120.04 **Bathroom Facilities**

1852 1. There shall be a bathtub or shower available for children of toddler age or  
1853 older.

1854 2. Bathtubs and showers shall be equipped to prevent slipping.

1855 3. If night care is provided for infants, there shall be age appropriate bathing  
1856 facilities for these children.

1857 4. Bathrooms shall be located near the sleeping areas.

- 1858 5. No children under six (6) years of age shall be left alone or with another  
1859 child while in the bathtub or shower.
- 1860 6. All children shall be bathed separately.
- 1861 7. All children shall be provided an individual washcloth, towel, and soap for  
1862 bathing, with fresh water for each child.

1863 121 **HEARINGS, EMERGENCY SUSPENSIONS, LEGAL ACTIONS AND**  
1864 **PENALTIES**

1865 121.01 **Emergency Suspensions of License**

- 1866 1. Any license issued pursuant to these regulations may be suspended prior  
1867 to a hearing if the licensing agency has reasonable cause to believe that the  
1868 operation of the child care facility constitutes a substantial hazard to the  
1869 health or safety of the children cared for by the child care facility.
- 1870 2. Whenever a license is to be suspended, the operator or director shall be  
1871 notified in writing that the license, upon service of the notice, is  
1872 immediately suspended. The notice shall contain the reason for the  
1873 emergency suspension, and shall set a date for a hearing, which shall be  
1874 within 14 days of the service of notice.

1875 121.02 **Denial, Revocation, or Suspension of License** The licensing agency may  
1876 deny, refuse to renew, suspend, revoke, or restrict a license of any child care  
1877 facility upon one (1) or more of the following grounds:

- 1878 1. Fraud, misrepresentation, or concealment of a material fact by the operator  
1879 in securing the issuance or renewal of a license;
- 1880 2. Conviction of an operator of any crime, if the licensing agency finds that  
1881 the acts of which the operator has been convicted could have a detrimental  
1882 effect on the children cared for by the child care facility;
- 1883 3. Violation of any of the provisions of the act or of these rules and  
1884 regulations;
- 1885 4. Any conduct, or failure to act, which is determined by the licensing  
1886 agency to threaten the health or safety of a child;
- 1887 5. Failure by the child care facility to have all criminal records and child  
1888 abuse central registry checks on file at the facility; and/or
- 1889 6. Information received by the licensing authority as a result of the criminal  
1890 records check (fingerprinting) or the child abuse central registry check on  
1891 an operator.

1892           121.03 **Notification**

- 1893           1.   Prior to the denial, refusal to renew, suspension, revocation or restriction  
1894           of a license, and at the time of the imposition of any fine, written notice of  
1895           the contemplated action shall be given to the applicant or person named on  
1896           the license of the child care facility, at the address on record with the  
1897           licensing agency. Such notice shall specify the reasons for the proposed  
1898           action and shall notify the operator of the right to a district level hearing  
1899           on the matter.
- 1900           2.   Where the contemplated action is the revocation of a license, and when the  
1901           proposed revocation is based on Section 25-2 (C) or (D) and involves  
1902           physical harm or injury to a child, no district level hearing will be  
1903           provided. In such cases, the licensee will be notified of his opportunity for  
1904           a state level hearing.

1905           121.04 **District Level Hearing**

- 1906           1.   If requested in writing within 10 calendar days of receipt of said notice, a  
1907           hearing shall be provided in which the operator or applicant may show  
1908           cause why the license should be renewed or should not be denied,  
1909           suspended, revoked, or restricted, or the fine should not be imposed.
- 1910           2.   Any hearing requested pursuant to Section 25-4(A) shall be held no less  
1911           than five (5) calendar days and no more than 20 calendar days from the  
1912           receipt of any request for a hearing, unless an alternate time frame is  
1913           agreed to by both parties.
- 1914           3.   The district level hearing shall be informal. However, the hearing officer  
1915           must keep a record of the proceedings and provide the licensee with a  
1916           written order outlining his decision within 10 calendar days of conclusion  
1917           of the district level hearing.
- 1918           4.   Within 10 calendar days of the receipt of the district level decision the  
1919           licensee may make a written request for a new hearing at the state level.

1920           121.05 **State Level Hearing**

- 1921           1.   At the state level, a hearing officer, appointed by the State Health Officer,  
1922           shall conduct a hearing to be scheduled within 30 calendar days of receipt  
1923           of the request for such hearing.
- 1924           2.   Within 30 calendar days of the hearing, or such time frame as determined  
1925           during the hearing, written findings of fact, together with a  
1926           recommendation for action, shall be forwarded to the State Health Officer.  
1927           The State Health Officer shall decide what, if any, action is to be taken on  
1928           the recommendation within 14 calendar days of receipt of the

1929 recommendation. Written notice of the decision of the State Health  
1930 Officer shall be provided to the operator.

1931 **121.06 Appeal** Any operator who disagrees with or is aggrieved by a decision of  
1932 the licensing agency in regard to the suspension, revocation, or restriction of a  
1933 license may appeal to the Chancery Court of the county in which the child care  
1934 facility is located. The appeal shall be filed no later than 30 calendar days after  
1935 the operator receives written notice of the final administrative action by the  
1936 licensing agency as to the suspension, revocation, or restriction of the license.  
1937 The operator shall have the burden of proving that the decision of the licensing  
1938 agency was not in accordance with applicable law and these regulations.

1939 If a facility is allowed to continue to operate during the appeal process, it will  
1940 remain under the regulation of the licensing agency and will be subject to all  
1941 current licensure regulations to include, but not limited to, inspection of the  
1942 facility, review of facility and children(s) records, submission of all required or  
1943 requested documents, and payment of all applicable fees and/or fines.

1944 **121.07 Injunction** Notwithstanding the existence of any other remedy, the licensing  
1945 agency may, in the manner provided by law, in term time or in vacation, upon  
1946 the advice of the Attorney General who shall represent the licensing agency in  
1947 the proceedings, maintain an action in the name of the state for injunction or  
1948 other proper remedy against any person to restrain or prevent the establishment,  
1949 conduct, management, or operation of a child care facility with or without a  
1950 license under the act, or otherwise in violation of these regulations.

1951 **121.08 Criminal Penalties** Any person establishing, conducting, managing, or  
1952 operating a child care facility without a license pursuant to these regulations  
1953 shall be guilty of a misdemeanor, and, upon conviction, shall be fined not more  
1954 than one hundred dollars (\$100.00) for the first offense, and not more than two  
1955 hundred dollars (\$200.00) for each subsequent offense.

1956 **121.09 Violations, Penalties, and Fines**

1957 1. Any Class I violation of these regulations, in the discretion of the licensing  
1958 agency, is punishable by a fine of five hundred dollars (\$500.00) for a first  
1959 occurrence and a fine of one thousand dollars (\$1000.00) for each  
1960 subsequent occurrence of the same violation. Each violation is considered  
1961 a separate offense.

1962 The following are Class I violations:

- 1963 a. Failure to prevent the death, dismemberment, or permanent disability  
1964 of a child.
- 1965 b. Allowing a child to be unattended at a licensed child care facility  
1966 before or after operating hours.

1967 c. Allowing a child to be unattended when not at the licensed facility but  
1968 under the care of the licensed facility.

1969 **Should a facility be cited for Class I violations on two (2) separate**  
1970 **occasions, it may be cause for suspension or revocation of the facility**  
1971 **license for habitual noncompliance with the Regulations Governing**  
1972 **Licensure of Child Care Facilities.**

1973 2. Any Class II violation of these regulations, in the discretion of the  
1974 licensing agency, is punishable by a fine of fifty dollars (\$50.00) for a first  
1975 occurrence and a fine of one hundred dollars (\$100.00) for each  
1976 subsequent occurrence upon further inspections within the same licensure  
1977 term. Each violation is considered a separate offense. Example: If a  
1978 facility is five (5) children over maximum capacity it constitutes five (5)  
1979 separate Class II violations and would be subject to a two hundred fifty  
1980 dollar (\$250.00) or five hundred dollar (\$500.00) fine, whichever is  
1981 applicable.

1982 The following are Class II violations:

1983 a. Failure to maintain proper staff-to-child ratio (Sections 8-1 and 8-2);

1984 b. Exceeding licensed maximum capacity (Section 1-1(c));

1985 c. Failure to have a proper criminal record check in a personnel record  
1986 (Section 6-4(A) (6));

1987 d. Failure to have a proper child abuse central registry check in a  
1988 personnel record (Section 6-4(A) (6));

1989 e. Improper discipline of a child (Sections 14-1, 2, 3, and 5);

1990 f. Allowing a child to leave the child care facility with an unauthorized  
1991 individual (Section 4-1(b) (3));

1992 g. Violation of an environmental health regulation (Sections 11 and 12);

1993 h. Failure to report a serious occurrence (Section 7-1);

1994 i. Failure to report a communicable disease (Section 7-3);

1995 j. Violation of transportation and safety policies, procedures, and  
1996 regulations (Sections 4-1 (c) (3) and 15-1, 2, 3, and 4); and

1997 k. Unauthorized individual assigned administrative and supervisory  
1998 responsibility for the facility when the director is absent or violation  
1999 of Section 5.7 Director Designee.

- 2000  
2001
1. Failure to have proper (up-to-date) immunization documentation in each child's record and each employee's record.
- 2002  
2003
- m. Failure to display license and/or complaint notice in accordance with Section 2-10.
- 2004  
2005  
2006  
2007
- 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)).
- 2008  
2009
- o. Failure to comply with the requirements of Section 13-4 Sack Lunches.
- 2010
- p. Failure to have adequate staff on site holding a valid CPR certificate.
- 2011  
2012
- q. Failure to have adequate staff on site holding a valid First Aid certificate.
- 2013  
2014
- r. The presence of any individual who has failed to satisfy the personnel requirements of Section V.
- 2015  
2016
- s. Violation of Section 4-2 Smoking, Tobacco Products, and Prohibited Substances.
- 2017
- t. Failure to meet nutritional standards as listed in Appendix "C."
- 2018  
2019  
2020  
2021
- 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.
- 2022  
2023  
2024  
2025
- 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.**
- 2026  
2027  
2028  
2029
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).
- 2030  
2031  
2032
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.
- 2033  
2034
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

2035 agency. Any appeal of a fine must be filed with the licensing agency  
2036 within 10 calendar days of being levied.

2037 6. An operator shall not be granted a license, nor shall a license be renewed  
2038 for any operator with outstanding fines or penalties.

2039 7. If a license expires during the appeal process, it shall be administratively  
2040 extended and documentation of the extension shall be provided to the  
2041 licensee. A facility given an administrative extension during the appeal  
2042 process, shall remain under the regulation of the licensing agency and will  
2043 be subject to all current licensure regulations to include, but not limited to,  
2044 inspection of the facility, review of facility and children(s) records,  
2045 submission of all required or requested documents, and payment of all  
2046 applicable fees and/or fines.

2047 122 **XXVI. RELEASE OF INFORMATION**

2048 Information in the possession of the licensing agency concerning the license of individual  
2049 child care facilities may be disclosed to the public, except such information shall not be  
2050 disclosed in such manner as to identify children or families of children cared for at a child  
2051 care facility. Nothing in this section shall affect the agency(s) authority to release findings  
2052 of investigation into allegations of abuse pursuant to either Sections 43-21-353(8) and  
2053 Section 43-21-257 Mississippi Code of 1972, annotated.

2054 **CERTIFICATION OF REGULATION**

2055 This is to certify that the above **Regulations Governing Licensure of Child Care Facilities for**  
2056 **12 or Fewer Children in the Operator's Home** was adopted by the Mississippi State Board of  
2057 Health on July 9, 2008 to become effective August 9, 2008.

2058 \_\_\_\_\_  
2059 Ed Thompson, Jr., MD, MPH  
2060 Secretary and Executive Officer  
2061