

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

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

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

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

6 100 **GENERAL**

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

11 100.02 **Purpose**

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

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

36 **100.04 Definitions**

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

52 **Exemptions**

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

62  
63 However, any entity exempt from the requirements to be licensed but  
64 voluntarily chooses to obtain a license is subject to all provisions of the  
65 licensing law and these regulations.

- 66  
67 5. **Children with Special Needs** A child needing adaptation in a  
68 particular child care facility to access programming and the physical  
69 environment
- 70 6. **Director** Any individual, designated by the operator, who has met  
71 minimum state requirements and who has on-site responsibility for the  
72 operation of a child care facility. This person may or may not be the  
73 operator.
- 74 7. **Director Designee** Any individual designated to act as the director,  
75 having all responsibility and authority of a director, during the director(s)  
76 short-term absence. A director designee shall, at a minimum, be at least  
77 21 years of age, have a high school diploma or GED, and 4 years paid

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

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

- 86 8. **Group** The children assigned to a caregiver or team of caregivers,  
 87 occupying an individual classroom or well defined physical space within a  
 88 larger room.
- 89 9. **Hazardous Condition** A situation or place that presents a possible  
 90 source of injury or danger.
- 91 10. **Health** The condition of being sound in mind and body and encompassing  
 92 an individual's physical, mental and emotional welfare.
- 93 11. **Infant** Any child under the age of 12 months.
- 94 12. **Licensing Agency** The Mississippi Department of Health.
- 95 13. **Operator** Any person, acting individually or jointly with another  
 96 person or persons, who shall establish, own, operate, conduct or maintain  
 97 a child care facility. The child care facility license shall be issued in the  
 98 name of the operator, or if there is more than one (1) operator, in the name  
 99 of one (1) of the operators. In the event that there is more than one (1)  
 100 operator, all statutory and regulatory provisions concerning the  
 101 background checks of operators shall be equally applied to all operators of  
 102 a facility, including, but not limited to, a spouse who jointly owns,  
 103 operates, or maintains the child care facility regardless of which operator  
 104 is named on the license.
- 105 14. **Parent** As used in these regulations, parent shall mean custodial parent,  
 106 legal guardian, foster parent, guardian ad litem, and other individuals or  
 107 institutions to whom a court of competent jurisdiction has granted legal  
 108 authority over the child.
- 109 15. **Person** Any person, firm, partnership, corporation or association.
- 110 16. **Personal Care** Assistance rendered by personnel of the child care  
 111 facility in performing one or more of the activities of daily living, which  
 112 includes but is not limited to the feeding, personal grooming, supervising  
 113 and dressing of children placed in the child care facility.
- 114 17. **Physical Confines** The space inside the walls of the child care facility.

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

144 101 **LICENSURE**

145 101.01 **Requirement for Licensure**

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

151 101.02 **Types of Licenses**

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

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

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

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

183 3. **Probational License** The licensing agency may issue a probational  
 184 license, at its discretion, where violations may endanger the health or

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

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

201 101.03 **Application for License** An application for a license under these regulations  
202 shall be made to the licensing agency upon forms provided by it and shall  
203 contain such information as the licensing agency may reasonably require.

204 101.04 **License Fee** All application fees, licensure fees, renewal fees, and  
205 administrative charges shall be paid by certified check or money order payable  
206 to the Mississippi Department of Health, and are nonrefundable. Checks  
207 returned for insufficient funds, closed account, etc., shall be assessed an  
208 additional \$50 fee.

- 209 1. **Application Fee**.....\$ 50.00
- 210
- 211 2. **Initial Licensure Fee**
- 212
- 213 a. Maximum capacity 12 or fewer .....\$ 50.00
- 214
- 215 b. Maximum capacity 13 to 30 .....\$100.00
- 216
- 217 c. Maximum capacity 31 to 50 .....\$130.00
- 218
- 219 d. Maximum capacity 51 to 75 .....\$185.00
- 220
- 221 e. Maximum capacity 76 or more .....\$200.00
- 222
- 223 3. **Renewal Fee**
- 224
- 225 a. Maximum capacity 12 or fewer .....\$ 50.00
- 226
- 227 b. Maximum capacity 13 to 30 .....\$100.00
- 228
- 229 c. Maximum capacity 31 to 50 .....\$130.00
- 230
- 231 d. Maximum capacity 51 to 75 .....\$185.00

231		
232	e.	Maximum capacity 76 or more .....\$200.00
233		
234	4.	<b>Reinstatement Fee</b> .....\$200.00
235		
236	5.	<b>Returned Check Fee</b> .....\$ 50.00
237		
238	6.	<b>Late Fee</b> .....\$ 25.00
239		
240	7.	<b>Fingerprinting Fee (Per Fingerprint Card)</b> .....\$ 50.00
241		

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

247 101.05 **Certificate of Inspection by Fire Department** A certificate of inspection  
 248 and approval by the fire department of the municipality or other political  
 249 subdivision in which the child care facility is located shall be submitted to the  
 250 licensing agency with the application and license fees. Except that if no fire  
 251 department exists where the facility is located, the State Fire Marshall shall  
 252 certify as to the inspection for safety from fire hazards.

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

256 101.06 **Inspection** An agency representative(s) shall inspect each child care facility  
 257 prior to issuing or renewing a license to assure compliance with these  
 258 regulations.

259 101.07 **Record of Inspection** Whenever an inspection is made of a child care  
 260 facility, the findings shall be recorded on an official inspection form and  
 261 furnished to the operator, director, and/or their representative, at the time the  
 262 inspection is made.

263 101.08 **Renewal of License**

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

268 a. Complete the renewal form;

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

271 c. Enclose the renewal fee; and

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

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

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

286 101.09 **License Not Transferable or Assignable** Each license shall be issued only for  
287 the premises and operator named in the application and shall not be transferable  
288 or assignable. A change of ownership includes, but is not limited to, inter vivos  
289 gifts, purchases, transfers, lease arrangements, cash and/or stock transactions or  
290 other comparable arrangements whenever any person or entity acquires or  
291 controls a majority interest of the child care facility or service. Changes of  
292 ownership from partnerships, single proprietorships, or corporations to another  
293 form of ownership are specifically included.

294 101.10 **Display of Licenses** The current license issued by the licensing agency to the  
295 named child care facility and operator shall be posted and displayed in a  
296 conspicuous place and in easy view of all persons who enter the child care  
297 facility. The facility operator shall also post next to the license, in plain view, a  
298 notice provided by the MSDH that informs the public of where and how they  
299 may report a complaint against the facility.

## 300 102 **RIGHT OF ENTRY AND VIOLATIONS**

301 102.01 **Right of Entry** An agency representative may enter any child care facility  
302 for the purpose of making inspections or investigations to determine compliance  
303 with these regulations.

304 102.02 **Violations** If violations noted on the inspection form are not corrected within  
305 the period of time specified by the licensing agency, a license may be denied,  
306 suspended, or revoked in accordance with these regulations.

## 307 103 **FACILITY POLICY AND PROCEDURES**

308 103.01 **Parental Information** Before a child's enrollment, the parent shall be  
309 provided with the following:

- 310                   **1. Operating information:**
- 311                   a. The child care facility's purpose, scope of service provided,  
312                   philosophy, and any religious affiliation;
- 313                   b. Name(s), business telephone number, business address, and home  
314                   telephone number of the operator, director or an individual in  
315                   authority who can be reached after the facility(s normal hours of  
316                   operation;
- 317                   c. The phone number of the child care facility;
- 318                   d. Organization chart or other description of established lines of  
319                   authority of persons responsible for the child care facility's  
320                   management within the organization;
- 321                   e. The program and services provided and the ages of children accepted;
- 322                   f. The hours and days of operation and holidays or other times closed;
- 323                   g. The procedures for admission and registration of children;
- 324                   h. Tuition, plans for payment, and policies regarding delinquent  
325                   payments;
- 326                   i. Types of insurance coverage for children, or a statement that accident  
327                   insurance is not provided or available;
- 328                   j. If a facility does not provide liability insurance there shall be a  
329                   statement in the child(s record, signed by the parent indicating that the  
330                   parent is aware that the facility does not carry liability insurance.
- 331                   k. Reasons/circumstances and procedures for removal of children from  
332                   rolls when parents are requested by facility staff to remove a child;
- 333                   l. Procedures to include the amount of notice a parent is required to give  
334                   the facility before removing a child; and
- 335                   m. Policy governing the maximum hours per day or week that a child can  
336                   be left at the child care facility.
- 337                   **2. Arrival and departure procedures for children:**
- 338                   a. Procedure, approved by the licensing authority, for assuring a child's  
339                   safe arrival and departure (All children shall be signed in and out of  
340                   the facility by an authorized individual.);
- 341                   b. Procedures for protecting children from traffic and other hazards  
342                   during arrival and departure and when crossing streets;

- 343 c. Policy for release of children from the child care facility only to  
 344 responsible persons for whom the child care facility has written  
 345 authorization; and
- 346 d. Policy governing a parent picking up a child after closing hours and  
 347 procedures if a child is not picked up.
- 348 **3. Program and activities information:**
- 349 a. Policies and procedures about accepting and storing a child's personal  
 350 belongings;
- 351 b. Discipline policies including acceptable and unacceptable discipline  
 352 measures;
- 353 c. Transportation and safety policies and procedures;
- 354 d. Policies prohibiting the photographing of a child without parental  
 355 consent;
- 356 e. Policies regarding a child's participation in extracurricular activities  
 357 not sponsored by the child care facility, including but not limited to  
 358 baseball, softball, soccer, ballet, or gymnastics; and
- 359 f. Policies regarding water activities and safety procedures. These  
 360 policies shall include those water activities which take place away  
 361 from the child care facility property, e.g., taking children to a public  
 362 swimming pool.
- 363 g. Policies encouraging sun safety practices and activities.
- 364 **4. Health and emergency procedures:**
- 365 a. Procedures for storing and giving a child medications;
- 366 b. Policy for reporting suspected child abuse;
- 367 c. Provision for emergency medical care, treatment of illnesses and  
 368 accidents, which include:
- 369 i. A plan to handle a child in a medical crisis;
- 370 ii. A plan to obtain prompt services of physician and hospitalization,  
 371 if needed;
- 372 iii. A plan for immediately notifying the parent of any illness, accident  
 373 or injury to the child;

- 374 iv. A plan to acquire the services of a certified practitioner for a child  
375 exempt from medical care on religious grounds.
- 376 d. Evacuation plan including procedures for notifying the parents of the  
377 relocation site.
- 378 e. Policy and procedures for handling dangerous situations, including  
379 but not limited to, dealing with violent individuals, individuals  
380 entering facility with weapons, bomb threats, or conditions posing an  
381 immediate threat to children.
- 382 **5. State regulations:**
- 383 a. A summary of the licensing regulations and any appendices thereto,  
384 provided by the licensing agency;
- 385 b. Each child's record shall contain a statement signed by the child's  
386 parent, indicating that they have received a summary of licensing  
387 standards and other materials designated by the licensing agency for  
388 such distribution;
- 389 c. The name and telephone number of the MSDH licensing official  
390 responsible for the inspection of the facility;
- 391 d. The toll free 1-866-489-8734 Child Care Facility Complaint Hot Line  
392 telephone number.

393 **103.02 Smoking, Tobacco Products, and Prohibited Substances**

- 394 1. Smoking, the use of tobacco products in any form, alcohol, or illegal  
395 drugs, is prohibited within the physical confines of a child care facility,  
396 and on all outdoor playground areas.
- 397 2. If smoking or use of tobacco products is permitted outside the physical  
398 confines of a child care facility and away from the outdoor playground  
399 areas, it shall be limited to a designated area out of the presence of  
400 children. The designated area shall be a place where children, in the  
401 course of normal daily activities, may not observe staff and volunteers  
402 smoking or using tobacco products.
- 403 3. Designated smoking areas shall be clearly identified and posted and shall  
404 be provided with receptacles for tobacco product waste.

405 **103.03 Parental Access** Child care facilities shall assure the parent that they have  
406 welcome access to the child care facility at all times. Welcome access shall be  
407 defined as a parent having access to areas of the facility available to his child  
408 and nondisruptive to normal daily activities.

- 409 103.04 **Changes in Facility Operations** The operator shall immediately notify the  
410 licensing agency of any major changes affecting areas of the child care facility's  
411 operations. Such major changes include, but are not limited to, operator,  
412 director, location, physical plant, or number of children served.
- 413 103.05 **Notice of Legal Action** The licensing agency shall be notified within seven  
414 (7) days, in writing, if notice is received of legal action against the child care  
415 facility.
- 416 103.06 **Posting of Information** The following items shall be posted conspicuously  
417 in the child care facility at all times:
- 418 1. Accessible to employees and parents:
- 419 a. License
- 420 b. Daily activity schedule
- 421 c. Inspection form, if applicable, or Menus and Food Service Permit, if  
422 applicable.
- 423 d. Evacuation route
- 424 e. The facility operator shall also post next to the license, in plain view,  
425 a notice provided by the MSDH that informs the public of where and  
426 how they may report a complaint against the facility.
- 427 2. In kitchens:
- 428 a. Menus
- 429 b. Evacuation route
- 430 c. Food Service Permit/Inspection Form
- 431 3. The evacuation route in all rooms utilized by children.
- 432 103.07 **Weapons Prohibited**
- 433 1. There shall be no firearms or other dangerous weapons allowed in a child  
434 care facility.
- 435 2. If a facility is located in an occupied dwelling, all firearms shall be  
436 equipped with trigger locks and kept in a locked room out of the sight of  
437 all children. All other dangerous weapons shall be kept under lock in a  
438 room not accessible to children.
- 439 3. Other dangerous weapons include, but are not limited to, hunting knives,  
440 spears, machetes, archery equipment, etc.

441 104 **PERSONNEL REQUIREMENTS**

442 104.01 **General Requirements For Personnel**

- 443 1. Each employee or potential employee of a child care facility, whether full  
444 time, part time, temporary, substitute, or volunteer, shall be of good moral  
445 character and shall meet the minimum qualifications for the respective job  
446 classification, as set forth in these regulations.
- 447 2. Any individual who, in the opinion of the licensing authority, appears to  
448 be unable to physically or mentally care for children on a daily basis  
449 and/or in emergency situations will not be allowed to act as a caregiver or  
450 caregiver assistant. Any person whose ability is in question shall, at the  
451 request of the licensing authority, be able to demonstrate the ability to  
452 perform, at a minimum but not limited to the following:
- 453 a. Physical ability to exit the children during a fire drill in under two (2)  
454 minutes;
- 455 b. Ability to read medication directions and properly dispense  
456 medication to children (required only if the facility dispenses  
457 medication);

458 104.02 **Criminal Record (Fingerprinting), Child Abuse Central Registry Checks,  
459 and Sex Offender Records Checks** All operators, employees, and  
460 prospective employees of a child care facility and any person residing in a  
461 residence licensed as a child care facility shall have a criminal records  
462 background (fingerprint), child abuse central registry checks, sex offender  
463 record checks.

- 464 1. An individual shall be allowed to begin employment in a child care facility  
465 prior to the completion of child abuse central registry check and the  
466 criminal records (fingerprint) check and sex offender registry check.  
467 However, no individual may be allowed to provide unsupervised care to  
468 children until all three items have been verified by the licensing authority.
- 469 2. Any individual who volunteers in a child care facility for 120 or more  
470 hours per licensure year shall be required to have (1) criminal record, child  
471 abuse central registry checks, and sex offender registry check to include  
472 being fingerprinted, and (2) valid Immunization Compliance Form #121.
- 473 3. Individuals under the age of 18 are not required to be fingerprinted.  
474 However, they may never be left alone with children.
- 475 4. Once the fingerprint check, child abuse central registry check, and sex  
476 offender registry check have been completed and verified by the licensing  
477 authority as having no disqualifying conditions, a letter shall be issued to  
478 the person fingerprinted stating that they are eligible to be employed in a

479 child care facility. The employer shall also receive a copy of the  
 480 notification letter. This letter shall be valid for a period of five (5) years  
 481 from the date on the letter unless otherwise voided. All individuals will be  
 482 required to be finger printed every five (5) years.

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

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

495 104.03 **Child Care Director Qualifications** A child care director shall be least 21  
 496 years of age and shall have at a minimum:

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

502 OR

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

507 OR

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

511 OR

512 4. Two years paid experience as a caregiver in a licensed child care facility,  
 513 and either (1) a current Child Development Associate (CDA) credential  
 514 from the Council for Early Childhood Professional Recognition (CECPR),  
 515 or (2) a Mississippi Department of Human Services (MDHS) Office for  
 516 Children and Youth (OCY) Director(s) Child Care Credential, or (3) 24

517 semester hours credit with a grade of "C" or better from an accredited  
518 college or university in courses specific to early childhood;

519 OR

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

523 104.04 **Caregivers** Caregivers shall be at least 18 years of age, and shall have at a  
524 minimum:

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

526 OR

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

529 OR

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

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

535 104.05 **Caregiver Assistants** Caregiver assistants shall be at least 16 years of age.  
536 Caregiver assistants shall work under the direct on-site supervision of a director  
537 or caregiver at all times. They shall not have the direct responsibility for a  
538 group of children as the sole caregiver. Caregiver assistants under the age of 18  
539 shall not be given the authority to discipline children.

540 104.06 **Students**

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

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

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

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

- 550 c. Date placement began and daily record of hours student is present;
- 551 d. Mississippi Department of Health Certificate of Immunization  
552 Compliance Form 121;
- 553 e. Documentation that the criminal records check (fingerprinting), and  
554 child abuse central registry check have been completed and no  
555 records found and,
- 556 f. Documentation of a minimum of one hour of orientation, within one  
557 (1) week of placement, including but not limited to, the child abuse  
558 law and reporting procedures, emergency procedures, and facility  
559 discipline and transportation policies.

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

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

567 **104.07 Use of Director Designee**

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

576 Exception

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

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

587           **104.08 Staff Development**

- 588           1. Owners, Directors and Director Designees. Either before a license to  
589           operate is issued or within the first six months after the issuance of a new  
590           license, owners, directors and director designees of the child care facility  
591           shall each complete mandatory training on courses covering Childcare  
592           Regulations, New Director Orientation, and Playground Safety. If a new  
593           director or director designee is appointed by the child care facility after the  
594           license issuance, the mandatory training courses shall be completed by  
595           such individual(s) within the first six months of appointment. In the sole  
596           discretion of the licensing agency, mandatory training may be waived  
597           upon the submission of documentation of the individual's prior  
598           completion of relevant training.
- 599           2. All child care staff, directors, director designees, and caregivers shall be  
600           required to complete 15 contact hours of staff development, accrued  
601           during the licensure year, annually. The National Association for the  
602           Education of Young Children (NAEYC), a leading organization in child  
603           care and early childhood education recommends annual training based on  
604           the needs of the program and the preservice qualification of the staff.  
605           Training should address the following:
- 606           a. Health and safety;
- 607           b. Child growth and development;
- 608           c. Nutrition;
- 609           d. Planning learning activities;
- 610           e. Guidance and discipline techniques;
- 611           f. Linkages with community services;
- 612           g. Communications and relations with families;
- 613           h. Detection of child abuse;
- 614           i. Advocacy for early childhood programs;
- 615           j. Professional issues.
- 616           3. Contact hours for staff development shall be approved by the licensing  
617           agency.
- 618           4. No more than five (5) contact hours of approved in-service training  
619           provided by the child care facility may be counted toward the total number  
620           of hours required each year. More than five (5) hours of in-service training

621 may be provided by the child care facility but no more than five (5) hours  
622 may be counted toward the required total of 15 hours.

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

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

#### 633 104.09 **Review by Licensing Agency**

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

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

### 641 105 **RECORDS**

642 105.01 **Records** Records listed in this section shall be kept within the physical  
643 confines of the child care facility and shall be made available to the licensing  
644 agency on request.

#### 645 105.02 **Records Retention**

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

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

#### 650 105.03 **Facility Records**

651 1. Attendance records for children and employees;

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

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

681 **105.04 Personnel Records**

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

- 689 d. Date of employment and date of separation;
- 690 e. Mississippi Department of Health Certificate of Immunization  
691 Compliance Form 121;
- 692 f. Documentation that the criminal record checks (fingerprinting), Child  
693 Abuse Central Registry checks, and Sex Offender Registry checks,  
694 have been conducted; and the information shall be included in each  
695 employee's personnel file; and
- 696 **NOTE:** Each person living in a private residence used as a  
697 child care facility shall meet the same requirements as employed  
698 personnel, relative to health, criminal record, fingerprinting, child  
699 abuse central registry checks, and sex offender registry checks.
- 700 g. Documentation of orientation, within one (1) week of being hired,  
701 including but not limited to emergency procedures (to include policies  
702 for handling dangerous situations), staffing and supervision  
703 requirements, daily schedules, physical/emotional/developmental  
704 problems of children, discipline policies, and child abuse and neglect;  
705 and
- 706 h. Upon resignation or termination, personnel records shall be kept on  
707 file and be made available to the licensing agency for at least one (1)  
708 year after the last day of employment.

709 **105.05 Volunteer Records (120 or more hours per year)** For any person who  
710 volunteers in a child care facility for 120 or more hours per licensure year, a  
711 record shall be kept which contains the following:

- 712 1. Name, date of birth, address, and telephone number;
- 713 2. Documentation of education, training, and experience that may help them  
714 in their role as a volunteer;
- 715 3. Date individual began volunteering and last date individual volunteered at  
716 facility;
- 717 4. Mississippi Department of Health Certificate of Immunization  
718 Compliance Form 121;
- 719 5. Documentation that the criminal records check (fingerprinting), child  
720 abuse central registry check, and sex offender registry check have been  
721 conducted, and the information included in each volunteer(s) file; and
- 722 6. Documentation of a minimum of one hour of volunteer orientation, within  
723 one (1) week of volunteering, including but not limited, to the child abuse

724 law and reporting requirements, emergency exit procedures, policies for  
725 handling dangerous situations, and the facility transportation policy;

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

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

730 105.06 **Volunteer Records (Less than 120 hours per year)** For any person who  
731 volunteers in a child care facility for less than 120 hours per licensure year, a  
732 record shall be kept which contains the following:

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

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

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

742 105.07 **Child Records** The facility shall maintain an individual file for each child  
743 under its current care, and for any withdrawn child who withdrew during the  
744 preceding twelve months, containing the following identification and contact  
745 information, parental instructions, authorizations and other documents required  
746 by its policy manual:

747 1. **Identification and Contact Information**

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

749 b. Home address and home telephone number

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

751 d. The child's date of birth

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

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

756 2. **Parental Instructions**

- 757 a. If the parent provides written instructions to the facility, those  
758 instructions concerning the child(s) growth and development, medical  
759 needs, allergies, toilet training and other information relevant to the  
760 child(s) well-being shall be maintained and updated as provided from  
761 time to time.
- 762 b. Written identification of an authorized, responsible person(s) for pick  
763 up of the child.
- 764 c. Documentation of any limitation of parental rights of the other parent  
765 or stepparent.
- 766 d. Documentation of any limitation or restriction, if any, on activities of  
767 child, or other participation by the child in certain events such as  
768 holiday celebrations or being photographed or other parental  
769 concerns.
- 770 **3. Authorizations**
- 771 a. Signed written authorization to obtain emergency medical treatment  
772 and to administer medication.
- 773 b. Election by parent either (a) to provide written authorization  
774 consenting to any and all field trips, excursions, or series of events  
775 outside the child care facility, or (b) to provide written consent only  
776 for those specific field trips, excursions, or series of events for which  
777 a date, time and location are specifically approved.
- 778 c. Signed acknowledgment by parent that the written policies and  
779 procedures described in Section 4-1 has been received by the parent.
- 780 d. Signed acknowledgment by parent that a summary of licensing  
781 standards and other materials designated by the licensing agency has  
782 been received by the parent.
- 783 **4. Documents Required by Policy Manual or Contract**
- 784 a. If agreed by the facility in its policy manual or caregiver contracts,  
785 method in which facility will inform the parent or contact person if a  
786 child does not arrive at the facility within a reasonable time after a  
787 scheduled drop-off.
- 788 b. Any other documents or identification records agreed to be  
789 maintained by the facility.
- 790 **5. Confidentiality of Records and Information**

- 791 a. Individual child records are confidential and shall not be disclosed or  
792 released without prior written authorization by the parent.
- 793 b. Individual personnel records are confidential and shall not be  
794 disclosed or released without prior written authorization by the  
795 employee.

796 106 **REPORTS**

797 106.01 **Serious Occurrences Involving Children** The child care facility shall enter into  
798 the child's record and orally report immediately to the child's parent and the  
799 licensing agency any serious occurrences involving children. If the child care  
800 facility is unable to contact the parent and the licensing agency immediately, it  
801 shall document this fact, in writing, in the child's record. Oral reports shall be  
802 confirmed in writing and mailed within two (2) days of the occurrence. Serious  
803 occurrences include accidents or injuries requiring extensive medical care or  
804 hospitalization; death; arrest; alleged abuse or neglect; fire or other emergency  
805 situations.

806 106.02 **Child Abuse** Any operator or employee of a child care facility who has  
807 suspicion or evidence of child abuse or neglect shall report it immediately to the  
808 Mississippi Department of Human Services in accordance with the state's Youth  
809 Court Act. (Appendix "A")

810 106.03 **Communicable Disease** The child care facility shall promptly report any  
811 known or suspected case or carrier of any reportable disease to the Mississippi  
812 Department of Health, as published in the "List of Reportable Diseases.(  
813 (Appendix "B")

814 106.04 **Infants and Toddlers** For infants and toddlers, the child care facility shall  
815 provide, to the child's parent, daily written reports which include liquid intake,  
816 child's disposition, bowel movements, and eating and sleep patterns.

817 107 **STAFFING**

818 107.01 **General**

- 819 1. The staff-to-child ratio shall be maintained at all times, to include when  
820 children are arriving and departing the facility.
- 821 2. Children shall not be left unattended at any time. Video monitors cannot  
822 be used as a substitute for the physical presence of a caregiver in a room.
- 823 3. During all hours of operation, including arrival and departure of children,  
824 a child care facility employee shall be present to whom administrative and  
825 supervisory responsibilities have been assigned. This child care facility  
826 employee shall meet the minimum qualifications of a director or director  
827 designee.

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

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

#### 107.02 Ratio

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

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

2. Staff-to-child ratios shall be met at all times, including during opening/closing, field trips and swimming or water activities whether at the child care premises or off-site.
3. In mixed age groups, the age of the youngest child in the group determines the staff-to-child ratio. Preschool children shall not be grouped with school age children in any single area during normal classroom and playground or water activities.

- 861 4. With the exception of children under two (2) years of age, children may be  
 862 under the direct supervision (staff in the same room) of 50 percent of the  
 863 staff required by this section during rest period times, provided the  
 864 required staff-to-child ratio is maintained on the premises.
- 865 5. At no time will a single individual be responsible for the supervision of  
 866 children located in more than one classroom at any given time.
- 867 6. Compliance with group sizes is not required during normal arrival and  
 868 departure time periods, or during special events. However, the age-  
 869 appropriate staff-to-child ratio shall be maintained at all times.

870 **107.03 Grouping**

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

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

876

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

879 **108 PROGRAM OF ACTIVITIES**

880 **108.01 General**

- 881 1. The child care facility shall provide a basic program of activities geared to  
882 the age levels and developmental needs of the children served.
- 883 2. The child care facility shall provide for the reading of age-appropriate  
884 materials to children.
- 885 3. The child care facility shall incorporate programs to encourage sun safety  
886 practices (skin cancer prevention), into activities for all age levels.
- 887 108.02 **Daily Routines** All daily routines, such as eating and rest periods, shall be  
888 scheduled for the same time each day.
- 889 108.03 **Eating** Meal periods are breakfast, lunch, dinner, and snacks. A minimum  
890 of 30 minutes shall be scheduled for each breakfast, lunch, and dinner meal  
891 period. A minimum of 15 minutes shall be scheduled for each snack meal  
892 period.
- 893
- 894
- 895 108.04 **Rest Periods**
- 896 1. For children under six (6) years of age, rest periods shall be scheduled for  
897 a minimum period of one (1) hour, and shall not exceed two and one-half  
898 (2 1/2) hours.
- 899 2. Physical force shall not be used in requiring children to lie down or go to  
900 sleep during rest periods.
- 901 3. Rest periods are not required for children in attendance for less than six  
902 (6) hours.
- 903 4. Rest periods are not required for school age children.
- 904 5. An infant shall not be placed on his stomach for sleeping unless written  
905 physician orders are in the child's record.
- 906 108.05 **Outdoor Activities**
- 907 1. Each infant shall have a minimum of 30 minutes of outdoor activities per  
908 day, weather permitting.
- 909 2. Toddler, preschool, and school age children shall have a minimum of two  
910 (2) hours of outdoor activities per day, weather permitting. Children who  
911 are in attendance at a facility for seven (7) hours per day or less shall have  
912 a minimum of 30 minutes of outdoor activity per day, weather permitting.

- 913 3. Sun safe practices shall be used during outdoor activities scheduled  
914 between 10 A.M. and 2 P.M. during the period April 1 to September 15.
- 915 4. Sun safe practices shall be evident in the planning of all outdoor events.
- 916 5. Outdoor activities shall be held in areas providing shade or covered  
917 spaces.

918 **108.06 Infant and Toddler Activities**

- 919 1. Infants and toddlers shall be free to creep, crawl, toddle, and walk as they  
920 are physically able.
- 921 2. Infants and toddlers shall be taken outdoors every day, weather permitting.
- 922 3. For infants who cannot move about the room, caregivers shall frequently  
923 change the place and position of the infant and the selection of toys  
924 available, and the child shall be held, rocked, and carried about.
- 925 4. Television viewing, including video tapes and/or other electronic media, is  
926 not allowed for infants or for staff in an infant area.
- 927 5. Television viewing, including video tapes and/or other electronic media,  
928 for toddlers is limited to one (1) hour per day, must be of educational  
929 content and a scheduled part of the approved daily plan of activities posted  
930 in the facility.
- 931 6. Television viewing by staff is not permitted in areas occupied by children  
932 except for the purposes as described in subsection E., above.

933 **109 EQUIPMENT, TOYS, AND MATERIALS**

934 **109.01 General**

- 935 1. Equipment, toys, and materials for both indoor and outdoor use shall be  
936 appropriate to the age and developmental needs of the children served.
- 937 2. Developmentally age-appropriate toys shall be available and accessible for  
938 infants, and shall include but not be limited to the following:
- 939 a. Simple, lightweight, open-ended, easily washable toys such as  
940 containers, balls, large pop-beads, nesting cups;
- 941 b. Rattles, squeak toys, action/reaction toys;
- 942 c. Cuddly toys;
- 943 d. Toys to mouth such as teethers and rings;

- 944 e. Pictures of real objects; and
- 945 f. A crawling area with sturdy, stable furniture for pulling up self.
- 946 3. Developmentally age-appropriate toys shall be available and accessible for  
947 toddlers, and shall include but not be limited to the following:
- 948 a. Push and pull toys;
- 949 b. Stacking toys, large wooden spools/beads/cubes;
- 950 c. Sturdy picture books, music;
- 951 d. Pounding bench, simple puzzles;
- 952 e. Play telephone, dolls, toys to appeal to child(s) imagination;
- 953 f. Large paper, crayons;
- 954 g. Sturdy furniture to hold on to while walking; and
- 955 h. Sand and water toys.
- 956 4. Developmentally age-appropriate toys shall be available and accessible for  
957 preschoolers, and shall include but not be limited to the following:
- 958 a. Active play equipment for climbing and balancing;
- 959 b. Unit blocks and accessories;
- 960 c. Puzzles, manipulative toys;
- 961 d. Picture books and records, musical instruments;
- 962 e. Art materials such as finger and tempera paints, clay, play dough,  
963 crayons, collage materials, markers, scissors, and paste;
- 964 f. Dramatic play materials such as dolls, dress-up clothes and props,  
965 child-sized furniture, puppets; and
- 966 g. Sand and water toys.
- 967 5. Children's original work shall be displayed in the child care facility.
- 968 6. Books shall be on shelves and tables for children to look at and read.  
969 Every child shall have age-appropriate materials (including picture books)  
970 read to and discussed with him or her every day. Where appropriate, the  
971 materials should cover topics with which the children are involved.

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

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

#### 980 109.02 **Playground Equipment**

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

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

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

993 109.03 **Paint** Paint on toys, equipment, furniture, walls, and other items shall be lead-  
 994 free and non-poisonous.

995 109.04 **Chairs and Tables** Chairs and tables shall be of a size appropriate to the size  
 996 and age of the children. There shall be an adequate number of chairs and tables  
 997 to accommodate the children present at the facility.

998 109.05 **Hooks and Compartments** Individual hooks or compartments shall be provided  
 999 for each child for hanging or storing outer and/or extra clothing as well as for  
 1000 personal possessions. Hooks shall be spaced well apart so that clothes and  
 1001 belongings do not touch those of another child. Hooks shall also be placed at a  
 1002 height suitable to prevent an injury to a child.

#### 1003 109.06 **Sand Boxes**

1004 1. Sand boxes shall be constructed to permit drainage, shall be covered  
 1005 tightly and securely when not in use, and shall be kept free from cat or  
 1006 other animal excrement.

1007 2. Sand contained in sand boxes shall not contain toxic or harmful materials.

1008           109.07 **Cribs** Cribs shall be made of wood, metal, or approved plastic and have secure  
 1009           latching devices. They shall have slats spaced no more than two and three-  
 1010           eighths (2 3/8) inches apart, with a mattress fitted so that no more than two (2)  
 1011           fingers can fit between the mattress and the crib side. Drop-side latches shall  
 1012           securely hold sides in the raised position and shall not be reachable by the child  
 1013           in the crib. Cribs shall not be used with the drop down side down. There shall  
 1014           be no corner post extensions (over 1/16 inch), or cut outs in headboards in the  
 1015           crib. The use of stackable cribs is prohibited.

1016           109.08 **High Chairs** High chairs, if used, shall have a wide base and a T-shaped safety  
 1017           strap. They shall be labeled or warranted by the manufacturer in documents  
 1018           provided at the time of purchase or verified thereafter by the manufacturer as  
 1019           meeting the American Society for Testing Materials (ASTM) Standard F-404  
 1020           (Consumer Safety Specifications for High Chairs).

1021           109.09 **Rest Period Equipment**

- 1022           1. Individual beds, cots, mattresses, pads, or other acceptable equipment  
 1023           shall be used for rest periods. These shall be kept in a sanitary condition.  
 1024           Once a sheet or blanket has been used by a child, it shall not be used by  
 1025           another child until it has been laundered.
- 1026           2. Rest period equipment shall be clean and covered with a waterproof cover.
- 1027           3. Nap pads/cots are designed for use by one (1) child only at a time.
- 1028           4. Nap pads utilized by more than one child shall be sanitized after each  
 1029           child(s) use. Nap pads utilized by only one child shall be sanitized  
 1030           immediately when soiled or at least weekly.
- 1031           5. Nap pads and nap cots without mattresses are not acceptable for use in 24  
 1032           hour programs. Beds, cribs, or roll away cots are the only acceptable  
 1033           bedding for 24 hour centers.

1034           109.10 **Play Equipment**

- 1035           1. Play equipment, toys, and materials shall be provided that meets the  
 1036           standards of the Consumer Product Safety Commission and/or the  
 1037           American Society for Testing and Materials (ASTM) for juvenile  
 1038           products. Play equipment, toys, and materials shall be found to be  
 1039           appropriate to the development needs, individual interests, and ages of the  
 1040           children as identified as age-appropriate by a label provided by the  
 1041           manufacturer on the product package.
- 1042           2. Projectile toys, i.e., dart guns, toy guns, etc., are prohibited.
- 1043           3. Water play tables, if used, shall be cleaned and sanitized daily.

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

1052        **109.11 School Age Programs**

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

1066    **110 BUILDINGS AND GROUNDS**

1067        **110.01 Building**

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1. A child care facility shall be physically separated from any other business or enterprise. Other occupants, visitors, and/or employees of other businesses or enterprises within the same building shall not be allowed within the physical confines of the child care facility for the purpose of entering the building or exiting the building, or passing through the child care facility for the purpose of gaining access to another part of the building.
  2. All child care facility buildings shall meet all fire safety standards listed on the MSDH Form #333 and all applicable local fire safety standards and/or ordinances.
  3. No house trailers, relocatable classrooms, or portable buildings shall be used to house a child care facility unless such structure was originally designed specifically for educational purposes and meets the Mississippi State Department of Education(s) current standards for a relocatable

- 1082 classroom. Further, such portable structure shall meet all applicable fire  
1083 safety codes.
- 1084 Current licensees operating facilities housed in such structures are  
1085 exempted from this provision. Any change of ownership, need for major  
1086 renovation, or other significant change in the facility(s) status shall revoke  
1087 such exemption.
- 1088 4. Plans and specifications shall be submitted to the licensing agency for  
1089 review and approval on all proposed construction and/or major  
1090 renovations.
- 1091 5. A separate space shall be provided for the use of an ill or injured child  
1092 until the child can be picked up by the parent. Space shall be located in an  
1093 area that is supervised at all times by an employee.
- 1094 6. Separate space for infants and toddlers shall be provided away from older  
1095 children except in facilities licensed for 12 or fewer children.
- 1096 7. The floor and/or floor covering shall be properly installed, kept clean and  
1097 in good condition, and maintained in good repair. Carpeting is prohibited  
1098 in kitchen areas.
- 1099 8. All parts of the child care facility used by children shall be lead-safe, well  
1100 lighted, ventilated, and free of hazardous or potentially hazardous  
1101 conditions, such as but not limited to, open stairs and unprotected low  
1102 windows.
- 1103 All buildings intended for use as a child care facility constructed before  
1104 1965 shall be tested for lead. It is the responsibility of the facility  
1105 applicant/operator to have a lead hazard screen or lead-based paint risk  
1106 assessment of the facility done by an individual or company certified as a  
1107 risk assessor by the Mississippi Commission on Environmental Quality. If  
1108 the facility is found not to be lead-safe, it will not be allowed to operate as  
1109 a child care facility until all required corrective measures have been taken  
1110 and the facility is determined to be lead-safe by a certified risk assessor.
- 1111 9. All glass in doors, windows, mirrors, etc., shall have a protective barrier at  
1112 least four (4) feet high when measured from the floor. Doors, windows,  
1113 mirrors, etc., using safety-grade glass or polymer (e.g., Lexan®) are not  
1114 required to have a protective barrier. Glass windows and glass door  
1115 panels shall be equipped with a vision strip 36 inches from the floor.  
1116 Safety glass must be so certified by the installer and the statement kept on  
1117 file at the child care facility.
- 1118 10. Walls shall be kept clean and free of torn wall covering, chipped paint,  
1119 broken plaster, and holes. No paint that contains lead compounds shall be  
1120 applied to interior walls or woodwork.

- 1121 11. All ceiling lighting shall be shielded completely and encased in  
1122 shatterproof materials.
- 1123 12. A child care facility shall have a working telephone available to all staff at  
1124 all times. Telephones shall also be available for incoming calls and shall  
1125 not be unplugged or disconnected during business hours.
- 1126 13. All fire extinguishers, as required in the fire safety plan, shall be serviced  
1127 on an annual basis by a qualified fire extinguisher technician.
- 1128 14. Unused electrical outlets shall be protected by a safety plug cover.
- 1129 15. No extension cords shall be used in areas accessible to children.
- 1130 16. Every child care facility which uses nonelectric heating and/or cooling  
1131 systems, cooking stoves, and/or hot water heaters or other nonelectric  
1132 equipment, shall have sufficient carbon monoxide monitors placed  
1133 appropriately throughout the child care facility.

1134 **110.02 Indoor Square Footage**

- 1135 1. The designated area for children's activities shall contain a minimum of 35  
1136 square feet of usable space per child, measured on the inside, wall-to-wall  
1137 dimensions. These spaces are exclusive of food preparation areas,  
1138 kitchens, bathrooms, toilets, areas for the care of ill children, offices, staff  
1139 rooms, corridors, hallways, stairways, closets, lockers, laundries, furnace  
1140 rooms, fixed or permanent cabinets, fixed or permanent storage shelving  
1141 spaces, and areas not inhabited and used by children. Usable space shall  
1142 be areas dedicated to children(s activities (play, learning, rest, and eating)  
1143 and shall be utilized for those purposes on a daily basis. Furnishings shall  
1144 be equipment which is both size and age-appropriate for children receiving  
1145 care. The space occupied by inappropriate or adult size equipment shall  
1146 be deducted the children(s usable space.
- 1147 2. Rooms in which infants both play and sleep shall have a minimum of 40  
1148 square feet of usable space per child. There shall be at least two (2) feet  
1149 between each crib. Cribs with solid ends may be placed end-to-end.
- 1150 3. Rooms where infants play but do not sleep shall have a minimum of 15  
1151 square feet of usable space per child. Note: No other age group shall use  
1152 this space nor can it be used for any purpose other than infant play.
- 1153 4. Rooms where infants sleep but do not play shall have a minimum of 25  
1154 square feet of usable space per child. There shall be at least two (2) feet  
1155 between each crib. Cribs with solid ends may be placed end-to-end.
- 1156 5. Rooms in which toddlers both play and sleep shall have a minimum of 45  
1157 square feet of usable space per child. There shall be at least two (2) feet

- 1158 between each crib. Cribs with solid ends may be placed end-to-end.  
 1159 However, if stackable cots, mats, or other storable sleeping equipment are  
 1160 utilized for sleeping the room shall be measured using the standard of 35  
 1161 square feet per child. Should it be determined that the sleeping equipment  
 1162 is not properly stored when not in use the capacity of the room will be  
 1163 determined using 45 square feet per child.
- 1164 6. Rooms where toddlers play but do not sleep shall have a minimum of 25  
 1165 square feet of usable space per child. Note: No other age group shall use  
 1166 this space nor can it be used for any purpose other than toddler play.
- 1167 7. Rooms where toddlers sleep but do not play shall have a minimum of 25  
 1168 square feet of usable space per child. There shall be at least two (2) feet  
 1169 between each crib. Cribs with solid ends may be placed end-to-end.
- 1170 8. Child care facilities shall be measured or remeasured under the following  
 1171 circumstances:
- 1172 a. Prior to initial opening of a facility;
- 1173 b. Upon change of ownership of an existing facility;
- 1174 c. At the completion of any new construction, renovation, or change in  
 1175 the layout/use of space;
- 1176 d. If the measurement of the facility is not in the licensing agency(s)  
 1177 facility file; and/or
- 1178 e. If the licensing officer determines that the facility, or any portion  
 1179 thereof, is overcrowded or utilization of the facility space has  
 1180 changed.

1181 **110.03 Openings**

- 1182 1. Each window, exterior door, and basement or cellar hatchway shall be  
 1183 weather tight and watertight.
- 1184 2. All windows above ground level in areas used by children under five (5)  
 1185 years of age shall be constructed, adapted, or adjusted to limit the exit  
 1186 opening accessible to children to less than six (6) inches, or be otherwise  
 1187 protected with guards that do not block outdoor light.
- 1188 3. Openable windows shall be of a safety type (not fully openable) that are  
 1189 child proofed and screened when open. When there are no openable  
 1190 windows, or when windows are not kept open, rooms shall be adequately  
 1191 ventilated.
- 1192 4. All openings used for ventilation shall be screened.

- 1193 5. The width of doors shall accommodate wheelchairs and the needs of  
1194 individuals with physical disabilities.
- 1195 6. Exit doors shall open outward. Boiler room doors shall swing inward.
- 1196 7. Doorways and exits shall be free of debris and equipment to allow  
1197 unobstructed traffic to and from the room.
- 1198 8. The hand contact and splash areas of doors and walls shall be covered  
1199 with an easily cleanable finish, at least as cleanable as an epoxy finish or  
1200 enamel paint.

1201 **110.04 Kitchens**

- 1202 1. Children are not allowed in the kitchen area. In School Age/After School  
1203 programs children may be allowed in the kitchen but not during times  
1204 when food is being cooked. Supervision in the kitchen when children are  
1205 present must meet the staffing requirements as referenced in Section VIII  
1206 of the regulations.
- 1207 2. Barriers, approved by the local fire authority, shall be erected and doors  
1208 shall be closed at all times.
- 1209 3. The kitchen area shall be designed and constructed so as to be totally  
1210 enclosed with walls, doors, and/or barriers. Serving counter openings that  
1211 conform to local fire codes and MSDH food service regulations are  
1212 permitted.
- 1213 4. Kitchens shall have the following minimum square footage, based upon  
1214 the maximum number of children allowed pursuant to the license:

1215	<u>Licensed Capacity</u>	<u>Minimum Sq. Footage</u>
1216	1-50	90 sq. ft.
1217	51-70	150 sq. ft.
1218	71-100	210 sq. ft.
1219	over 100	300 sq. ft.

- 1220 5. Child care facilities serving 50 or more children shall have a separate,  
1221 stand alone freezer for storage of frozen foods.
- 1222 6. All kitchens providing food for child care facilities with 13 or more  
1223 children, and all kitchens in child care facilities not located in occupied  
1224 dwellings, shall comply with the Mississippi Department of Health's 10.0  
1225 Regulation Food Code, with the exception that kitchens in facilities

1226 located in an occupied dwelling that are licensed for 13 or more children  
1227 need not have a separate kitchen to serve the child care facility.

1228 **110.05 Toilets and Hand Washing Lavatories**

- 1229 1. Toilets and hand washing lavatories shall be located within the physical  
1230 confines of child care facility and shall be convenient to outside  
1231 playground areas.
- 1232 2. The following ratios shall apply: Toilets, urinals, and hand washing  
1233 lavatories shall be apportioned at a ratio of 1:15. Urinals shall not exceed  
1234 33 percent of the total required toilet fixtures. When the number of  
1235 children in the ratio is exceeded by one (1), an additional fixture shall be  
1236 required.
- 1237 3. The hand washing lavatories located in a diapering area shall not be  
1238 included in the ratio of hand washing lavatories to children for  
1239 determining a child care facility's capacity. Diaper changing sinks shall  
1240 not be used for any other purpose such as, but not limited to, rinsing or  
1241 washing baby bottles, pacifiers, teething rings, or for food preparation.
- 1242 4. All hand washing lavatories shall have both hot and cold running water.  
1243 Hot water temperature shall not exceed 120 degrees Fahrenheit.

1244 **110.06 Water** The water supply shall be from a public water system or a private  
1245 system approved by the Mississippi Department of Health. Water shall be  
1246 dispensed by the following:

- 1247 1. Fountain; or
- 1248 2. Disposable paper cups; or
- 1249 3. Labeled cup for each child which shall be washed and sanitized daily.

1250 **110.07 Exits**

- 1251 1. At least two (2) separate exit doors shall be provided from every floor  
1252 level.
- 1253 2. Exit doors shall be remote from each other.
- 1254 3. Dead end corridors shall not exceed 20 feet in length.
- 1255 4. Exit doors necessitating passage through a kitchen shall not be counted as  
1256 one of the two (2) remote exits.

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5. Exit doors shall be a minimum of 32 inches wide and open outward. No single leaf in an exit door shall be less than 28 inches wide nor more than 48 inches wide.
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6. Any latch or other fastening device on an exit door shall be provided with a knob, handle, panic bar, or other simple type of releasing device. Dual action door fasteners are not permitted.
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7. The force required to fully open exit doors shall not exceed 50 pounds applied to the latch stile (panic bar).
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8. An exit door shall not reduce the effective width of a landing.

1266 **110.08 Heating, Cooling, and Ventilation**

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1. A draft-free seasonally appropriate temperature of 65 degrees Fahrenheit to 78 degrees Fahrenheit shall be maintained.
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2. All rooms used by children shall be heated, cooled, and adequately ventilated to maintain the required temperatures, and air exchange, and to avoid the accumulation of objectionable odors and harmful fumes.
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3. Ventilation may be in the form of openable windows as specified in these regulations.
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4. Areas where art and craft activities are conducted shall be well ventilated. In areas where substances are used that create toxic fumes, exhaust hood systems or other devices shall be installed.
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5. Electric fans, if used, shall be mounted high on the wall or ceiling or shall be guarded to limit the size of the opening in the blade guard to less than one-half (1/2) inch.
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6. When air cooling is needed, draft-free cooling units shall be used. They shall present no safety hazard to the children.
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7. Filters on recirculation systems shall be checked and cleaned or replaced monthly.
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8. Window draft deflectors shall be provided.
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9. Thermometers that do not present a hazard to children shall be placed on interior walls in every activity area at children's height.
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10. Portable, open flame and kerosene space heaters are prohibited. Portable gas stoves shall not be used for heating.

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11. Electric space heaters shall be UL-approved; inaccessible to children; and stable; shall have protective covering; and shall be placed at least three (3) feet from curtains, papers, and furniture.
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12. Fireplaces and fireplace inserts shall be screened securely or equipped with protective guards while in use. They shall be properly drafted. The child care facility shall provide evidence of cleaning the chimney at least once a year, or as frequently as necessary to prevent excessive buildup of combustibles in the chimney. Records of chimney cleaning shall be retained in the center files.
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13. Heating units that utilize gas shall be installed and maintained in accordance with the manufacture(s) instructions, are vented properly to the outside, and be supplied with sufficient combustion air as required by the International Fuel Gas Code.
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- If the area of the state where the facility is located does not utilize the International Fuel Gas Code, the installation and maintenance of any heating units that utilize gas shall be in accordance with the manufacture(s) instructions and any local ordinances that apply.
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- It is the responsibility of the licensee to provide to the licensing authority documentation that the heating units meet the above stated standards.
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14. Heating units, including water pipes and baseboard heaters hotter than 110 degrees Fahrenheit, shall be made inaccessible to children by barriers such as guards or other devices.
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- 110.09 **Outdoor Playground Area** All playgrounds and playground equipment intended for use by children 2-12 years of age shall meet the standards set forth in the *Handbook for Public Playground Safety*, Publication No. 325, published by the U.S. Consumer Product Safety Commission or its successor as shown in Appendix "D."
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1. The child care facility shall be equipped with an outdoor playground area that directly adjoins the indoor facilities or that can be reached by a route free of hazards and is no farther than 1/8 mile (660 feet) from the child care facility. The outdoor playground area shall comprise a minimum of 75 square feet for each child using the outdoor playground area at any one time.
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2. If there is less than 75 square feet of accessible outdoor playground space per child, an indoor playground area room that meets the 75-square-feet-per-child requirement may be used if it provides for types of activities equivalent to those performed in an outdoor playground area.
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3. The total outdoor playground area shall accommodate at least 33 percent of the licensed capacity at one time.

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4. A rooftop used as an outdoor playground area shall be enclosed with a fence not less than six (6) feet high and designed to prevent children from climbing it. An approved fire escape shall lead from the roof to an open space at the ground level that meets safety standards for outdoor playground areas.
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5. The outdoor playground area shall be well arranged so that all areas are visible to staff at all times.
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6. The outdoor playground area shall be free of hazards and not less than 30 feet from electrical transformers, high-voltage power lines, electrical substations, railroad tracks, or sources of toxic fumes or gases. Hazards, including but not limited to air conditioner units and utility mains, meters, tanks, and/or cabling shall be inaccessible to children. Fencing at least four (4) feet high shall be provided around the outdoor playground area. Fencing higher than four (4) feet but not to exceed eight (8) feet may be required if the licensing authority determines that a hazard exists. Fencing twist wires and bolts shall face away from the playground.
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7. Outdoor playground areas shall be free from unprotected swimming and wading pools, ditches, quarries, canals, excavations, fish ponds, or other bodies of water.
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8. Sunlit areas and shaded areas shall be provided by means of open space and tree plantings or other cover in outdoor spaces. Outdoor spaces shall be laid out to ensure ample shaded space for each child.
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9. The outdoor playground area shall be enclosed with a fence. The fence shall be at least four (4) feet in height and the bottom edge shall be no more than three and one-half (3 1/2) inches off the ground. There shall be at least two (2) exits from such areas, with at least one (1) remote from the buildings. The gate latch or securing device shall be high enough or of such a type that it cannot be opened by small children. The openings in the fence shall be no greater than three and one-half (3 1/2) inches. The fence shall be constructed to discourage climbing.
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10. The soil in outdoor playground areas shall not contain hazardous levels of any toxic chemical or substances. The child care facility shall have soil samples and analyses performed where there is good reason to believe a problem may exist.
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11. The soil in outdoor playground areas shall be analyzed for lead content initially. It shall be analyzed at least once every two (2) years where the exteriors of adjacent buildings and structures are painted with lead-containing paint. Lead in soil shall not exceed 500 ppm. Testing and analyses shall be in accordance with procedures specified by the licensing agency.

- 1368 110.10 **Indoor Playground Area** In the event that adequate outdoor space does not  
1369 exist for an outdoor playground area, an indoor playground area shall be  
1370 provided. For child care facilities which provide such an indoor playground  
1371 area the following items apply:
- 1372 1. The total indoor playground area shall accommodate at least 33 percent of  
1373 the licensed capacity at one time.
  - 1374 2. The indoor playground area shall be well arranged so that all areas are  
1375 visible to staff at all times.
  - 1376 3. The indoor playground area shall be free of hazards.
  - 1377 4. Indoor playground areas shall be laid out to ensure ample clearance space  
1378 for the use of each item: nine (9) feet around fixed items and 15 feet  
1379 around any moving part. Equipment shall be situated so that clearance  
1380 space allocated to one piece of equipment does not encroach on that of  
1381 another piece of equipment.
  - 1382 5. Swings shall have a clearance area of nine (9) feet in all directions beyond  
1383 the swing beam.
  - 1384 6. All fixed playground equipment shall have a minimum of nine (9) feet  
1385 clearance space from walkways and other structures that are not used as  
1386 part of play activities.
  - 1387 7. All equipment shall be arranged so that children playing on one piece of  
1388 equipment will not interfere with children playing on or running to another  
1389 piece of equipment.
  - 1390 8. Moving equipment (e.g., swings, merry-go-rounds) shall be located  
1391 toward the edge or corner of an indoor playground area or shall be  
1392 designed in such a way as to discourage children from running into the  
1393 path of moving equipment.
  - 1394 9. All pieces of indoor playground equipment shall be surrounded by a  
1395 resilient surface of an acceptable depth or by rubber mats manufactured  
1396 for such use, consistent with the guidelines of the Consumer Product  
1397 Safety Commission, and the Standard of the American Society for Testing  
1398 and Materials, extending beyond the external limits of the piece of  
1399 equipment for at least four (4) feet beyond the fall zone of the equipment.  
1400 These resilient surfaces shall conform to the standard stating that the  
1401 impact from falling from the height of the structure will be less than or  
1402 equal to peak deceleration 200G. Organic materials that support  
1403 colonization of molds and bacteria shall not be used.
  - 1404 10. Indoor space designated as playground may be used by other individuals  
1405 when the area is not in use by children attending the facility. However,

1406 children of the child care facility shall have priority use of the indoor  
 1407 playground area and the area may not be used by others when children are  
 1408 using it. The indoor playground space shall not count as additional  
 1409 classroom space when determining the maximum capacity of the facility.

1410 **110.11 Grounds**

1411 1. The grounds, including the outdoor playground area, shall be free of  
 1412 hazardous or potentially hazardous objects.

1413 2. In-ground swimming pools are prohibited unless protected by a six (6)  
 1414 foot fence and a locked gate. All fencing shall be placed at a minimum  
 1415 five (5) feet from the pool edge.

1416 Above ground pools, including decking and pool structures, are prohibited  
 1417 unless protected by a six (6) foot fence and a locked gate. All fencing  
 1418 shall be placed at a minimum ten (10) feet from the pool/deck edge.

1419 3. All paved surfaces shall be well drained to avoid water accumulation and  
 1420 ice formation.

1421 4. All walking surfaces, such as walkways, ramps, and decks, shall have a  
 1422 non-slip finish, and shall be free of holes and sudden irregularities in the  
 1423 surface.

1424 **110.12 Garbage Removal** Garbage and trash shall be removed from the child care  
 1425 facility daily and from the grounds at least once a week. Garbage and trash shall  
 1426 be stored inaccessible to the children, and in insect and rodent resistant  
 1427 containers.

1428 **110.13 Environmental Health** The child care facility shall comply with all  
 1429 regulations promulgated by the Division of Sanitation of the Mississippi  
 1430 Department of Health for:

1431 1. Food Service;

1432 2. On-site Wastewater Systems; and

1433 3. Vector (pest) Control

1434 **110.14 Pest Control** Any pest control contractor used by a child care facility shall be  
 1435 licensed by the State of Mississippi. Before a pest control contractor is used, it  
 1436 is the responsibility of the operator to ensure that the pest control contractor is  
 1437 properly licensed. Use of agricultural chemicals for pest control is strictly  
 1438 prohibited.

1439 **111 HEALTH, HYGIENE, AND SAFETY**

1440 **111.01 Employee Health**

- 1441 1. Employees manifesting symptoms or otherwise suspected of having upper  
 1442 respiratory, gastrointestinal, skin, or other serious contagious conditions  
 1443 shall be excluded from work until either free from symptoms or certified  
 1444 by a physician to be no longer infectious.
- 1445 2. Staff shall use universal precautions when changing diapers or coming  
 1446 into contact with blood, fecal material, or urine. Refer to Appendix "F"  
 1447 for instructions on how to properly wash hands.
- 1448 3. Staff shall wash their hands upon:
- 1449 a. Immediately before handling food, preparing bottles, or feeding  
 1450 children;
- 1451 b. After using the toilet, assisting a child in using the toilet, or changing  
 1452 diapers;
- 1453 c. After contacting a child(s) body fluids, including wet or soiled diapers,  
 1454 runny noses, spit, vomit, etc.;
- 1455 d. After handling pets, pet cages, or other pet objects;
- 1456 e. Whenever hands are visibly dirty or after cleaning up a child, the  
 1457 room, bathroom items, or toys;
- 1458 f. After removing gloves used for any purpose; and
- 1459 g. Before giving or applying medication or ointment to a child or self.
- 1460 Refer to Appendix "F" for instructions on how to properly wash hands.

1461 **111.02 Child Health**

- 1462 1. A child who is suspected of having a serious contagious condition shall be  
 1463 isolated and returned to the parent as soon as possible.
- 1464 2. A child having a serious contagious condition shall not be allowed to  
 1465 return to the child care facility until they have been certified by a  
 1466 physician to be no longer contagious.
- 1467 3. Parents of all children shall be notified of a contagious illness in the child  
 1468 care facility as soon as possible.
- 1469 4. A child with a physical injury shall be treated by a staff member with valid  
 1470 first aid certificate issued by an agent recognized by the licensing  
 1471 authority. A child with a serious physical injury shall be treated by a staff  
 1472 member with valid first aid certificate issued by an agent recognized by

1473 the licensing authority and transported to a hospital or medical facility as  
1474 soon as appropriate.

1475 **111.03 Child Hygiene**

- 1476 1. A child's wet or soiled clothing shall be changed immediately.
- 1477 2. A child's hands shall be washed:
- 1478 a. Immediately before and after eating;
- 1479 b. After using the toilet or having their diapers changed;
- 1480 c. After playing on the playground;
- 1481 d. After handling pets, pet cages, or other pet objects;
- 1482 e. Whenever hands are visibly dirty; and
- 1483 f. Before going home.
- 1484 3. A child shall have a shower, tub, or sponge bath to ensure bodily  
1485 cleanliness when necessary.
- 1486 4. Individual toilet articles (e.g., combs, brushes, toothbrushes, towels, and  
1487 wash cloths) used by children shall be provided by the parent or child care  
1488 facility and plainly marked and stored individually in a sanitary manner in  
1489 areas which promote drying. Single-use and disposable articles are  
1490 acceptable. Grooming accessories, including but not limited to brushes,  
1491 combs, barrettes, or picks, shall not be used jointly by children or on  
1492 children.

1493 **111.04 Toys and Equipment** Toys and equipment used by infants or toddlers  
1494 shall be cleansed daily with a germicidal solution. Refer to (Appendix – "H" for  
1495 instructions on cleaning and disinfection procedures. A recommended resource  
1496 regarding sanitation of equipment and toys can be found in the National Health  
1497 and Safety Performance Standards: Guidelines for out of home Childcare,  
1498 Second Edition (Standard 3.030) website: [www.nrc.uchsc.edu](http://www.nrc.uchsc.edu)

1499 **111.05 First Aid Supply**

- 1500 1. A first aid supply shall be kept on-site and easily accessible to employees,  
1501 but not in reach of the children.
- 1502 2. A first aid supply shall be taken on all field trips and excursions and shall  
1503 be easily accessible to employees, but not in reach of the children.
- 1504 3. Medicine shall be kept out of the reach of the children.

- 1505 4. All vehicles used by the facility in transporting children shall be equipped  
1506 with a first aid kit.
- 1507 5. It is recommended that first aid kits contain the following items, according  
1508 to American Red Cross guidelines:
- 1509 a. 20 Antiseptic Toweletts
- 1510 b. 50 Plastic Strips (Band Aids)
- 1511 c. 5 Fingertip Bandages
- 1512 d. 5 Knuckle Bandages
- 1513 e. 5 Butterfly Closures
- 1514 f. 5 Non Adherent Pads 2" x 3"
- 1515 g. 2 Sterile Eye Pads
- 1516 h. 1 pressure Bandage 4"
- 1517 i. 1 Bandage Scissors
- 1518 j. 1 Triangular Bandage
- 1519 k. 1 Instant Cold Compress
- 1520 l. 2 Tongue Depressors/Finger Splints
- 1521 m. 1 Elastic Bandage 2: x 5 yards
- 1522 n. 5 3" x 3" Gauze Pads
- 1523 o. 1 Trauma Pad 5" x 9"
- 1524 p. 5 Insect Sting Relief Pads
- 1525 q. 10 First Aid Ointment 1 gr.
- 1526 r. 5 Non Adherent Pads 3: x 4"
- 1527 s. 5 Pair of Examination Gloves
- 1528 t. 2 Conforming Bandage 2" x 5 yards
- 1529 u. 1 Tweezers
- 1530 v. 2 Poison Ivy Relief Treatment

- 1531 w. 1 Booklet (Till Help Arrives)  
 1532 x. 1 Emergency Rescue Blanket  
 1533 y. 1 Adhesive Tape (" x 5 yards

1534 Some items in this kit may have expiration dates. All first aid kits should be  
 1535 periodically inspected for contents. Depleted and out of date materials should be  
 1536 replaced.

1537 Special attention should be exercised when utilizing first aid supplies or any  
 1538 medication for children who have allergies or other special medical needs.

1539 For additional information on supplies for first aid kits contact your local office of  
 1540 the American Red Cross.

1541 **111.06 Animals and Pets**

1542 1. Any pet or animal present at a child care facility, indoors or outdoors,  
 1543 shall be in good health, show no evidence of carrying any disease, and be  
 1544 a friendly companion for the children.

1545 2. Dogs or cats, where allowed, shall be immunized for any disease that can  
 1546 be transmitted to humans, and shall be maintained on a flea, tick, and  
 1547 worm control program.

1548 3. All pets shall be cared for as recommended by the regulating health  
 1549 agency. When pets are kept at the child care facility, procedures for their  
 1550 care and maintenance shall be written and followed. When immunizations  
 1551 are required, proof of current compliance signed by a veterinarian shall be  
 1552 on file at the child care facility where the pet is kept.

1553 4. A caregiver shall always be present when children are exposed to animals  
 1554 (including dogs and cats). Children shall be instructed on safe procedures  
 1555 to follow when in close proximity to these animals (e.g., not to provoke or  
 1556 startle them or remove their food). Potentially aggressive animals (e.g.,  
 1557 pit bulls, boxers, etc.) shall not be in the same physical space with the  
 1558 children.

1559 5. Each child's hands shall be properly washed after being exposed to  
 1560 animals.

1561 **111.07 Fire/Disaster Evacuation Drills**

1562 1. Monthly fire/disaster (e.g., tornados, severe weather, floods, earthquakes,  
 1563 hurricanes, etc.) evacuation drills are required and a record of each drill  
 1564 shall be maintained in the facility records; to include date, time, number of

- 1565 children and staff present, and amount of time required to totally exit the  
1566 building.
- 1567 2. During fire/disaster evacuation drills, all staff and children present shall be  
1568 required to exit the building.

1569 112 **NUTRITION AND MEALS**

1570 112.01 **General**

- 1571 1. A child care facility shall provide adequate and nutritious meals prepared  
1572 in a safe and sanitary manner.
- 1573 2. Meal periods are breakfast, lunch, dinner, and snacks. A minimum of 30  
1574 minutes shall be scheduled for each breakfast, lunch, and dinner meal  
1575 period. A minimum of 15 minutes shall be scheduled for each snack meal  
1576 period.
- 1577 3. Meals shall be served at tables where each child may be seated.
- 1578 4. Meals shall be served by employees only.
- 1579 5. Employees shall wash hands prior to preparing or serving food.
- 1580 6. Children shall not share food.

1581 112.02 **Nutritional Standards** Meals shall meet the nutritional standards as  
1582 prescribed in Appendix "C" Minimum Standards for Nutritional Care in Child  
1583 Care Facilities.

1584 112.03 **Refreshments** Refreshments may be provided by parents only on the  
1585 occasion of a child's birthday or other special celebration such as Valentine's  
1586 Day, Easter, Christmas, Graduation, etc. Food provided to children, including  
1587 vending machines at the facility, must meet nutritional guidelines as set forth in  
1588 Appendix "C."

1589 112.04 **Sack Lunches**

- 1590 1. In facilities operating more than six (6) hours per day sack lunches  
1591 prepared by parents may be permitted as included on approved menu plans  
1592 but shall not exceed one (1) day per month per child. Exceptions may be  
1593 made for specific activities such as field trips outside the child care  
1594 facility. Measures to assure proper storage and refrigeration of sack  
1595 lunches are required of the child care facility.

1596 For programs which operate for three (3) or more days a week, but which  
1597 operate only one (1) full day during the week, sack lunches provided by

- 1598 parents shall be permitted on that day. These programs shall also meet the  
1599 requirements set forth in subsection B., below.
- 1600 2. Facilities operating 6 hours or less per day are allowed to have children  
1601 bring sack lunches provided all of the following requirements are met:
- 1602 a. The facility shall have a written policy about sack lunches and a copy  
1603 shall be given to parents. The policy shall include the requirements 2-  
1604 8 in this subsection.
- 1605 b. Each individual child's lunch brought from home shall be clearly  
1606 labeled with the child's name, the date and the type of food.
- 1607 c. All food shall be stored at an appropriate temperature until eaten.
- 1608 d. The food brought from one child's home shall not be fed to another  
1609 child.
- 1610 e. Children shall not share their food.
- 1611 f. Food brought from home shall meet the child's nutritional  
1612 requirements and the standards set forth in these regulations.
- 1613 g. If a child's sack lunch does not meet the minimum nutritional  
1614 standards for child's age the facility shall be required to supplement  
1615 the lunch with items that meet the nutritional requirements.
- 1616 h. Parents shall be notified in writing if a child's sack lunch does not  
1617 meet the nutritional requirements or the child. The notice shall  
1618 contain instructions as to what foods are proper for a sack lunch.

1619 **112.05 Snacks** All snacks shall meet acceptable nutritional standards, as  
1620 prescribed in Appendix "C" Minimum Standards for Nutritional Care in Child  
1621 Care Facilities. In child care facilities where all the children are present for four  
1622 (4) hours or less per day during normal hours of operation, snacks may be  
1623 provided by parents. If any child is present for more than four (4) hours per day  
1624 on a routine basis the facility shall meet the standard of having snacks prepared  
1625 by the facility or a permitted catering establishment.

1626 When nutritional standards are not met by snacks provided by parents, it is the  
1627 child care facility's responsibility to see that children are provided acceptable  
1628 snacks prepared on-site or by a permitted catering establishment.

1629 **113 DISCIPLINE AND GUIDANCE**

1630 **113.01 Prohibited Behavior** The following behaviors are prohibited by anyone  
1631 (i.e., parent, caregiver, or child) in all child care settings:

- 1632 1. Corporal punishment, including hitting, spanking, beating, shaking,  
1633 pinching, biting, and other measures that produce physical pain;
- 1634 2. Withdrawal or the threat of withdrawal of food, rest, or bathroom  
1635 opportunities;
- 1636 3. Abusive or profane language;
- 1637 4. Any form of public or private humiliation, including threats of physical  
1638 punishment;
- 1639 5. Any form of emotional abuse, including rejecting, terrorizing, ignoring,  
1640 isolating (out of view of a caregiver), or corrupting a child;
- 1641 6. Use of any food product or medication in any manner or for any purpose  
1642 other than that for which it was intended;
- 1643 7. Inappropriate disciplinary behavior includes, but is not limited to, putting  
1644 soap or pepper in a child's mouth; or
- 1645 8. Any acceptable disciplinary action that is not age-appropriate for the child  
1646 or is excessive in time or duration.
- 1647 113.02 **Restraint of a Child** Children shall not be physically restrained except as  
1648 necessary to ensure their own safety or that of others, and then for only as long  
1649 as is necessary for control of the situation. Children shall not be given  
1650 medicines or drugs that will affect their behavior except as prescribed by a  
1651 licensed physician and with specific written instructions from the licensed  
1652 physician for use of the medicines or drugs.
- 1653 113.03 **Time Out** "Time out" that enables the child to regain self-control and keeps  
1654 the child in visual contact with a caregiver shall be used selectively, taking into  
1655 account the child's developmental stage and the usefulness of "time out" for the  
1656 particular child.
- 1657 "Time out" means that the child is given time away from an activity which  
1658 involved inappropriate behavior. Isolation from a caregiver is not acceptable.  
1659 "Time out" is not allowed for children younger than three (3) years of age.
- 1660 113.04 **Children Shall Not Discipline Other Children** Children shall neither be  
1661 allowed nor be instructed to discipline other children.
- 1662 114 **TRANSPORTATION**
- 1663 114.01 **General** Regardless of transportation provisions, the child care facility is  
1664 responsible for the safety of the children.
- 1665 114.02 **Requirements** It is required that:

- 1666 1. All drivers be appropriately licensed;
- 1667 2. All vehicles have current safety inspection stickers, licenses, and  
1668 registrations;
- 1669 3. Insurance adequately covers the transportation of children;
- 1670 4. Children board or leave the vehicle from the curb-side of the street and/or  
1671 are safely accompanied to their destinations;
- 1672 5. A parent is present if the child is delivered home; and
- 1673 6. Seat restraints are used.

1674 **114.03 Occupant Restraints**

- 1675 1. All children will be properly restrained whenever they are being  
1676 transported in a motor vehicle.
- 1677 2. No vehicle shall be occupied by more individuals than its rated capacity.
- 1678 3. No children shall be transported in the front seat of vehicles equipped with  
1679 passenger-side air bags.
- 1680 4. All vehicles under 10,000 lbs. GVWR (Gross Vehicle Weight Rated) shall  
1681 be equipped with occupant restraints appropriate for the age and/or weight  
1682 of the children being transported. A child under the age of four (4) shall  
1683 be transported only if the child is securely fastened in a child safety seat  
1684 that meets Federal Motor Vehicle Safety Standards (FMVSS, 49 CFR  
1685 571.213), which shall be indicated on the child safety seat. The child  
1686 safety seat shall be appropriate to the child's weight and be installed and  
1687 used according to the manufacturer's instructions.
- 1688 5. Vehicles (e.g., school buses) with a GVWR 10,000 lbs. or more shall, at a  
1689 minimum, meet the current Federal Motor Vehicle Safety Standards  
1690 (FMVSS) for buses of that size. It is the responsibility of the child care  
1691 facility operator to have documentation verifying that a bus meets the  
1692 current FMVSS.

1693 **NOTE:** Federal Motor Vehicle Safety Standards (FMVSS) means  
1694 the National Highway and Traffic Safety Administration's standards for  
1695 motor vehicles and motor vehicle equipment established under section 103  
1696 of the Motor Vehicle Safety Act of 1966 (49 CFR Part 571) as they apply  
1697 to school buses.

1698 **114.04 Staff-to-Child Ratio**

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

1706 **115 DIAPERING AND TOILETING**

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

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

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

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

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

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

1730 **116 REST PERIODS**

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

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

- 1736 116.03 **Cleaning of Rest Period Equipment** All rest period equipment shall be  
 1737 wiped clean immediately when soiled. All rest period equipment shall be  
 1738 cleaned twice a week with a germicidal solution. Additional cleaning may be  
 1739 required by the licensing authority if there is an outbreak of a communicable  
 1740 disease, including but not limited to, rotavirus, giardiasis, etc., or a noninfectious  
 1741 condition such as, but not limited to, an infestation of head lice.
- 1742 116.04 **Sharing of Rest Period Equipment** At no time will two (2) or more  
 1743 children be allowed to share the same bed, crib, cot, or mat during their time of  
 1744 enrollment, unless it is cleaned with a germicidal solution between each child's  
 1745 use.
- 1746 117 **FEEDING OF INFANTS AND TODDLERS**
- 1747 117.01 **Hand Washing** Employees shall wash their hands with soap and water, and  
 1748 dry their hands with individual or disposable towels, before and after each  
 1749 feeding. The infant's and toddler's hands shall be washed with soap and water,  
 1750 and dried with individual or disposable towels, before and after each feeding.
- 1751 117.02 **Bottle Feeding** Infants shall be held while being bottle fed. Bottles shall  
 1752 not be propped at any time. With parental consent and when infants are old  
 1753 enough to hold their own bottles, they may feed themselves without being held.  
 1754 The bottle shall be removed at once when empty or when the child has fallen  
 1755 asleep.
- 1756 117.03 **Formula Storage** Formula shall be labeled with the child's name and placed  
 1757 in the refrigerator upon arrival.
- 1758 117.04 **Baby Food** Foods stored or prepared in jars shall be served from a separate  
 1759 dish for each infant or toddler. Any leftovers from the serving dish shall be  
 1760 discarded. Leftovers in the jar shall be labeled with the child's name, dated,  
 1761 refrigerated, and used within the next 24 hours or discarded.
- 1762 117.05 **Refrigerator** A refrigerator shall be available and easily accessible to the infant's  
 1763 or toddler's room(s).
- 1764 117.06 **Heating Unit and Microwave Use**
- 1765 1. A heating unit for warming bottles and food shall be accessible only to  
 1766 adults.
- 1767 2. Microwave ovens shall not be used for warming bottles or baby/infant  
 1768 food.
- 1769 117.07 **Breast-Feeding Accommodations and Staff Training** This section applies to  
 1770 all mothers choosing to breast-feed their child regardless of the child's age.
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1. Breast-feeding mothers, including employees, shall be provided a sanitary place that is not a toilet stall to breast-feed their child or to express milk. This area shall provide an electrical outlet, comfortable chair, and nearby access to running water.
  2. A refrigerator must be available to accommodate storage of expressed breast milk. It is acceptable to store expressed milk in the same refrigerator as other milk/bottles provided each bottle is appropriately labeled with the child's name and the time of expected expiration of the milk. Milk must be stored in accordance with the American Academy of Pediatrics and Centers for Disease Control guidelines. Universal precautions are not required in handling human milk.
  3. Child care staff shall be trained in the safe and proper storage and handling of human milk. Although other training materials may be utilized, training materials will be available through MDH.

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

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

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1792 From the ACOG/AAP publication: Breastfeeding Handbook for Physicians  
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118 **SWIMMING AND WATER ACTIVITIES**

1795 118.01 **General** This section shall apply to any child care facility that, as part of its  
1796 program, allows the children to swim, wade, or participate in any water  
1797 activities whether on site or at any other location during the time staff has  
1798 responsibility for children enrolled.

1799 118.02 **Lifeguard Supervision**

1800 1. **Swimming pools, lakes, etc.**

- 1801 a. A person having an American Red Cross lifeguard certificate, or the  
1802 equivalent as recognized by the licensing agency, shall be present at  
1803 all swimming and water activities.
- 1804 b. One (1) lifeguard is required for every 25 children or any portion  
1805 thereof (i.e., two (2) lifeguards are required for groups of 26 - 50,  
1806 three (3) for 51 - 75, etc.). This required ratio also includes activities  
1807 which occur near water such as fishing or beach activities.
- 1808 c. Lifeguards are not counted in the staff-to-child ratio
- 1809 d. The staff-to-child ratio shall be maintained at all times.

- 1810 e. It is the child care facility operator's responsibility to provide  
1811 adequate certified lifeguards if the pool or lake operator does not.
- 1812 f. Each child will be tested by a certified lifeguard prior to participating  
1813 in swimming lessons or any pool activities. Children will be assigned  
1814 to swim groups according to the results of the test.
- 1815 g. Staff, as well as lifeguards, shall be responsible for enforcing general  
1816 safety rules.
- 1817 h. Staff is responsible for requiring children to obey all swimming/water  
1818 rules. These rules shall be explained each day that swimming/water  
1819 activities occur so that all ages can understand what is expected.
- 1820 2. **Wading pools** For activities taking place in wading pools with a water  
1821 depth of one (1) foot or less the following is required:
- 1822 a. There shall be a person(s) with a valid CPR certificate and a valid first  
1823 aid certificate present at all times.
- 1824 b. The staff-to-child ratio shall be maintained at all times.
- 1825 c. Wading pools shall be cleaned after each use.

1826 **118.03 Health and Safety**

- 1827 1. All piers, floats, and platforms shall be in good repair, and where  
1828 applicable, the water depth shall be indicated by printed numerals on the  
1829 deck or planking.
- 1830 2. There shall be a minimum water depth of 10 feet for a one (1) meter  
1831 diving board and 13 feet for a three (3) meter board or diving tower.
- 1832 3. For outdoor swimming areas in natural bodies of water, the bottom shall  
1833 be cleared of stumps, rocks, and other obstacles.
- 1834 4. Diving boards shall be mounted on a firm foundation and never on an  
1835 insecure base, such as a float that can be affected by shifting weight loads  
1836 and wave action. The entire length of the top surface of diving boards  
1837 shall be covered with nonskid material. The diving board shall be level.  
1838 All diving boards shall be installed in accordance with manufacturer's  
1839 guidelines for the board by professional swimming pool installers who  
1840 shall certify in writing to the facility that the diving board is adequately  
1841 installed in accordance with manufacturer's guidelines for the board, in a  
1842 commercially reasonable manner, located so as to allow a child to safely  
1843 enter the water from the diving board, and that the diving board is safe for  
1844 its intended use. Facilities with existing pools equipped with diving  
1845 boards that are unable to obtain the required certification within sixty (60)

1846 days of the adoption of this regulation shall have the diving boards  
 1847 removed.

1848 5. Swimming pools, when in use, shall be continuously disinfected by a  
 1849 chemical which imparts an easily measured free available residual effect.  
 1850 When chlorine is used, a free chlorine residual of at least 0.4 ppm shall be  
 1851 maintained throughout the pool whenever it is open or in use. If other  
 1852 halogens are used, residuals of equivalent disinfecting strength shall be  
 1853 maintained.

1854 6. A testing kit for measuring the concentration of the disinfectant, accurate  
 1855 within 0.1 ppm, shall be provided at each swimming pool.

1856 7. Swimming pool water shall be maintained in an alkaline condition as  
 1857 indicated by a pH of not less than 7.2 and not over 8.2. A pH testing kit  
 1858 accurate to the nearest 0.2 pH unit shall be provided at each swimming  
 1859 pool. The alkalinity of the water shall be at least 50 ppm, as measured by  
 1860 the methyl-orange test. The following chart may be used for reference:

pH	<b>Minimum Free Available Residual Chlorine-mg/L</b> <i>(not stabilized with cyanuric acid)</i>
1861 7.2.....	0.40
1862 7.3.....	0.40
1863 7.4.....	0.40
1864 7.5.....	0.40
1865 7.6.....	0.50
1866 7.7.....	0.60
1867 7.8.....	0.70
1868 7.9.....	0.80
1869 8.0.....	1.00

1875 8. If cyanuric acid is used to stabilize the free available residual chlorine, or  
 1876 if one of the chlorinated isocyanurate compounds is used as the  
 1877 disinfecting chemical in a swimming pool, the concentration of cyanuric  
 1878 acid in the water shall be at least 30 mg/L but shall not exceed 100 mg/L.  
 1879 The free available residual chlorine, of at least the following  
 1880 concentrations, depending upon the pH of the water, shall be maintained:

pH	<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>
1881 7.2.....	1.00
1882 7.3.....	1.00
1883 7.4.....	1.00
1884 7.5.....	1.00
1885 7.6.....	1.25

1892	7.7.....	1.50
1893	7.8.....	1.75
1894	7.9.....	2.00
1895	8.0.....	2.50

- 1897           9. The water in a swimming pool shall have sufficient clarity at all times so that a black disk, six (6) inches in diameter, is readily visible when placed on a white field at the deepest point of the pool. The pool shall be closed immediately if this requirement cannot be met.
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- 1901           10. For natural bodies of water (e.g., lakes, rivers, streams, etc.), sewage treatment plants or other discharge lines shall not be within 750 feet of swimming areas.
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1904   **119 CHILDREN WITH SPECIAL NEEDS**

1905           **119.01 Facility Adaptation**

- 1906           1. The child care facility areas to be utilized by a child with special needs shall be adapted as necessary to accommodate special devices which may be required for the child to function independently, as appropriate.
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- 1909           2. A separate area shall be available for the purpose of providing privacy for diapering, dressing, and other personal care procedures.
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1911           **119.02 Activity Plan**       A child with special needs shall have an individual activity plan. The individual activity plan shall have been developed by a person with a bachelors or advanced degree in a discipline dealing with disabilities, as appropriate. The individual activity plan shall be reviewed, at a minimum, once every twelve (12) months.

1916           **119.03 Caregiver Staff Development**       Caregivers serving children with special needs shall receive staff development related to the specific needs of the children served.

1919           **119.04 Staffing**       Caregiver staffing shall be appropriate and adequate to meet the specific physical and/or developmental needs of the special needs children served at the child care facility. Staff-to-child ratio shall be determined by the needs of the child rather than child(s) chronological age as based upon the child(s) individual plan (i.e., individual education plan, individual habilitation plan, individual family service plan, etc.). The facility is encouraged to be an active participant in the child(s) individual plan development.

1926   **120 NIGHT CARE**

1927           **120.01 General**       This section shall apply to any child care facility that is open past 11:30 p.m., as part of their regular hours of operation.

1929           **120.02 Nutrition**

- 1930  
1931
1. A child care facility which is open prior to 7:00 p.m. shall provide a dinner meal period.
- 1932  
1933
2. A child care facility that remains open after 5:00 a.m., shall provide a breakfast meal period.
- 1934  
1935
3. A snack period shall be provided to children in attendance for more than two and one-half (2 1/2) hours prior to bedtime.
- 1936  
1937
4. Menu plans for lunch and dinner meals shall be varied. No single menu shall be repeated in a 24 hour period.

1938      **120.03 Sleeping**

- 1939
1. Mats shall not be used for sleeping.
- 1940  
1941
2. Bedtime schedules shall be established in consultation with the child's parent.
- 1942  
1943  
1944
3. Provisions shall be made in sleeping areas for the use and storage of clothing and personal belongings and they shall be within easy reach of the child using them.
- 1945  
1946  
1947
4. A child shall be provided with a bed or cot equipped with a comfortable mattress (a minimum of three (3) inches thick), sheets, a pillow with a pillow case, and a blanket.
- 1948  
1949  
1950
5. The upper level of double-deck beds shall not be used for children under 10 years of age. The upper level of double-deck beds are allowed for children 10 years of age or older if a bed rail and safety ladder is provided.
- 1951
6. Each child shall have clean and comfortable sleeping garments.

1952      **120.04 Bathroom Facilities**

- 1953  
1954
1. There shall be a bathtub or shower available for children of toddler age or older.
- 1955
2. Bathtubs and showers shall be equipped to prevent slipping.
- 1956  
1957
3. If night care is provided for infants, there shall be age appropriate bathing facilities for these children.
- 1958
4. Bathrooms shall be located near the sleeping areas.
- 1959  
1960
5. No children under six (6) years of age shall be left alone or with another child while in the bathtub or shower.
- 1961
6. All children shall be bathed separately.

1962 7. All children shall be provided an individual washcloth, towel, and soap for  
 1963 bathing, with fresh water for each child.

1964 **121 SCHOOL AGE CARE**

1965 **121.01 General** For a child care facility operating pursuant to a license for "School  
 1966 Age Care," the regulations for child care facilities shall apply, except when  
 1967 inconsistent with the requirements of this section and then the requirements of  
 1968 this section take precedence. Programs operating in excess of 16 weeks per year  
 1969 shall meet the more stringent requirements of Sections 22 and 23.

1970 **121.02 Enrollment** A child care facility operating pursuant to a license for "School  
 1971 Age Care" shall only enroll school age children (5-12 years of age). These  
 1972 children may not be placed in the same area of a child care facility as preschool  
 1973 children.

1974 **121.03 Indoor Square Footage and Grouping** A minimum of 25 square feet of  
 1975 usable indoor floor space, per child per room, shall be maintained for each child.  
 1976 This shall not include hallways, bathrooms, closets, storage rooms, offices, or  
 1977 kitchens. When a room is used for meals, the minimum square footage per child  
 1978 per room requirement will not apply. This standard is only applicable when the  
 1979 program is licensed as school age only. If the school age children are served in  
 1980 conjunction with preschool children under the same license, the preschool  
 1981 square footage standards will apply.

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

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

1985  
 1986 **121.04 Nutrition**

- 1987 1. A snack period shall be provided.
- 1988 2. On holidays, inclement weather days, or when a child must be in school  
 1989 age care for a full day program, snacks and meals may be provided by the  
 1990 parents if the parents are given and adhere to policies regarding acceptable  
 1991 nutritional standards, as prescribed in Appendix "C" Minimum Standards

1992 for Nutritional Care in Child Care Facilities. When nutritional standards  
 1993 are not met by snacks and meals provided by parents, it is the child care  
 1994 facility's responsibility to see that children are provided acceptable snacks  
 1995 and meals, prepared on-site or by a permitted catering establishment.

1996 **121.05 Transportation**

- 1997 1. The staff-to-child ratio shall be maintained at all times.
- 1998 2. The driver of the vehicle may be counted as a caregiver while transporting
- 1999 school age children only.

2000 **121.06 Toilets and Hand Washing Lavatories**

- 2001 1. The following ratios shall apply:

	<u>Number of Children</u>	<u>Number of Toilets and Hand Washing Lavatories</u>
2002		
2003		
2004	1-30	1 of each
2005	31-60	2 of each
2006	60-90	3 of each

- 2007 2. For each additional 30 children or portion thereof, add one (1) toilet and
- 2008 one (1) hand washing lavatory.
- 2009 3. Urinals shall count as one-half (1/2) a toilet not to exceed 33 percent of the
- 2010 total number of toilets required.
- 2011 4. Separate facilities for boys and girls shall be provided.
- 2012 5. School age programs serving only school age children that are located in
- 2013 schools accredited by any organization listed in Section 1-4 (E)(4) are
- 2014 exempt from the requirements for hot water at hand washing lavatories
- 2015 utilized by the children in attendance.

2016 **121.07 Playgrounds** School age programs serving only school age children that are  
 2017 located in schools accredited by any organization listed in Section 1-4 (E)(4) are  
 2018 exempt from the requirements of Section 10-2 Playground Equipment and  
 2019 Section 11-9 Outdoor Playground Area of these regulations except that  
 2020 playground equipment shall be in good repair.

2021 **122 SUMMER DAY CAMP & SCHOOL AGE PROGRAMS**

2022 **122.01 General** For a child care facility operating pursuant to a license for a  
 2023 "Summer Day Camp" or "School Age Program," the regulations for child care

2024 facilities shall apply, except when inconsistent with the requirements of this  
 2025 section, and then the requirements of this section take precedence.

2026 **122.02 Definition**

2027 1. A summer day camp is defined as a child care facility which operates  
 2028 during May, June, July, and/or August only, for a minimum of 22 days  
 2029 and a maximum of 16 weeks.

2030 2. A school age program is defined as a child care facility which operates  
 2031 during the school year. These programs may also operate 12 months a  
 2032 year. School age programs that operate 12 months a year shall meet  
 2033 "School Age Program" space requirements for determining maximum  
 2034 capacity.

2035 **122.03 Enrollment** Summer day camps and school age programs shall not enroll  
 2036 children under five (5) years of age.

2037 **122.04 Maximum Capacity** All children enrolled (including those over 13 years  
 2038 of age) shall be included in calculating the maximum capacity of the facility.

2039 **122.05 Summer Day Camp & School Age Program Director Qualifications**

2040 1. A summer day camp director shall be at least 21 years of age, and shall  
 2041 have, at a minimum:

2042 a. A bachelor's degree with a minimum of 18 semester hours in  
 2043 elementary or secondary education or a field such as recreation,  
 2044 physical education, psychology (with emphasis in child/adolescent  
 2045 psychology), or special education, or one related to day camp or  
 2046 school age program operations;

2047 OR

2048 b. A two (2) year associate degree in child development technology or  
 2049 related field;

2050 OR

2051 c. A Mississippi Department of Human Services Office for Children and  
 2052 Youth Director(s) Child Care Credential, or fifteen (15) semester hours  
 2053 credit with a grade of "C" or better from an accredited college or  
 2054 university in courses listed in #1 above with an additional two (2)  
 2055 years of experience as a caregiver or caregiver assistant in a licensed  
 2056 child care facility (Any college course(s) submitted for consideration  
 2057 are subject to approval by the licensing authority);

2058 OR

2059 d. A high school diploma or equivalent (GED) and four (4) years  
 2060 experience in a school age program or four (4) summers in a day  
 2061 camp program.

2062 2. Transcripts shall be provided for review by the licensing agency.

2063 **122.06 Caregiver CPR and First Aid Certification**

2064 1. All caregivers in summer day camps are required to have current CPR and  
 2065 first aid certification, copies of which shall be kept with their personnel  
 2066 records.

2067 2. In school age programs that operate in a central location there shall be at  
 2068 least one caregiver on the premises at all times the facility is in operation  
 2069 that has a current certification in CPR and first aid. When groups of  
 2070 children are away from the central location for field trips etc., there shall  
 2071 be at least one caregiver with the group that holds a current certification in  
 2072 CPR and first aid.

2073 **122.07 Facility Record Storage** Facility records may be retained in the  
 2074 administrative office.

2075 **122.08 Indoor Square Footage and Grouping**

2076 1. For summer day camps which routinely operate indoors in a permanent  
 2077 structure for two or more hours each day a minimum of 25 square feet of  
 2078 usable indoor floor space, per child per room, shall be maintained for each  
 2079 child. This shall not include hallways, bathrooms, closets, storage rooms,  
 2080 offices, or kitchens. When a room is used for meals, the minimum square  
 2081 footage per child requirement will not apply.

2082 When children are placed in groups, the maximum group size shall be  
 2083 determined by the following chart.

2084

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

2085 **122.09** When activities for children are routinely conducted outdoors or off the  
 2086 premises for six (6) or more hours each day, the following requirements shall  
 2087 apply:  
 2088

- 2089 1. There shall be a permanent structure that serves as a home base where  
2090 parents deliver and pick up children.
- 2091 2. There shall be a minimum of 10 square feet per child usable indoor space  
2092 available in the event of inclement weather.
- 2093 122.10 School age programs require that a minimum of 25 square feet of usable indoor  
2094 floor space, per child per room shall be maintained for each child. This shall not  
2095 include hallways, bathrooms, closets, storage rooms, offices, or kitchens. When  
2096 a room is used for meals, the minimum square footage per child requirement  
2097 will not apply.
- 2098 122.11 **Nutrition**
- 2099 1. For summer day camps or school age programs which routinely operate  
2100 indoors in a permanent structure, snacks, and meals may be provided by  
2101 the parents if the parents are given and adhere to policies regarding  
2102 acceptable nutritional standards, as prescribed in Appendix "C" Minimum  
2103 Standards for Nutritional Care in Child Care Facilities. When nutritional  
2104 standards are not met by snacks and meals provided by parents, it is the  
2105 summer day camp's or school age program(s) responsibility to see that  
2106 children are provided acceptable snacks and meals, prepared on-site or by  
2107 a permitted catering establishment.
- 2108 2. For summer day camps operating primarily as an outdoor program away  
2109 from the home base, the following exceptions shall apply:
- 2110 3. Milk is not required to be served in programs routinely operating outdoors  
2111 or off the premises for six (6) or more hours each day.
- 2112 4. If food is brought from home or catered, there shall be sanitary cold  
2113 storage available.
- 2114 5. All summer day camps shall have an adequate water supply. Potable  
2115 water, from a Mississippi Department of Health approved source, shall be  
2116 used for drinking. Fresh water shall be provided daily in closed  
2117 containers.
- 2118 122.12 **Transportation**
- 2119 1. The staff-to-child ratio shall be maintained at all times.
- 2120 2. The driver of the vehicle may be counted as a caregiver while transporting  
2121 the children.
- 2122 122.13 **Toilets and Hand Washing Lavatories**
- 2123 1. The following ratios shall apply:

2124		<u>Number of Toilets and</u>
2125	<u>Number of Children</u>	<u>Hand washing Lavatories</u>
2126	1-30	1 of each
2127	31-60	2 of each
2128	60-90	3 of each
2129	2.	For each additional 30 children or portion thereof, add one (1) toilet and
2130		one (1) hand washing lavatory.
2131	3.	Urinals (in boys restrooms) shall count as one-half (½) a toilet not to
2132		exceed 33 percent of the total number of toilets required.
2133	4.	Separate facilities for boys and girls shall be provided.
2134	5.	For summer day camps operating primarily as an outdoor program away
2135		from the home base, alternative methods of hand washing may be
2136		provided.
2137	122.14	<b>Equipment</b> Archery equipment, firearms (e.g., skeet shooting, target practice,
2138		etc.), power equipment, and other potentially hazardous items shall be stored in
2139		a locked area when not in use. These items shall be used by children only under
2140		the direction and supervision of an individual certified by a state or national
2141		organization recognized by the Mississippi Department of Health.
2142	122.15	<b>Immunization Requirements</b> Children properly enrolled in a Summer Day
2143		Camp or School Age Program are not required to have a Certificate of
2144		Immunization Compliance (MSDH Form 121) in their record.
2145	123	<b>HOURLY CHILD CARE</b>
2146	123.01	<b>General</b> For a child care facility operating pursuant to a license for an
2147		"Hourly Child Care," the regulations for child care facilities shall apply, except
2148		when inconsistent with the requirements of this section, and then the
2149		requirements of this section take precedence.
2150	123.02	<b>Definition</b>
2151	1.	An "Hourly Child Care Facility" is defined as a facility that meets the
2152		provisions of these regulations for a "Child Care Facility" and:
2153	a.	Limits the care of a child to no more than eight (8) hours per stay not
2154		to exceed a total of 45 hours in any calendar month period; and
2155	b.	Provides supervised, short term, hourly care on a temporary basis in
2156		conjunction with a specific facility or business complex such as, but

- 2157 not limited to, hotels; shopping malls; recreational, sporting, or  
2158 entertainment facilities.
- 2159 2. Hourly child care facilities are not appropriate for full time child care and  
2160 will not be allowed to provide that type of service. When it is determined  
2161 by the licensing agency that a facility provides child care services on a full  
2162 time basis, the facility shall meet all requirements for a regular child care  
2163 facility as set forth in the preceding sections of these regulations.
- 2164 **123.03 Facility Policy and Procedures**
- 2165 1. Parents shall be provided a written statement of policies pertaining to  
2166 emergency situations, meals, snacks, procedures for releasing a child to  
2167 parent, and any other information regarding hourly child care facility  
2168 operation. All policies and procedures will be submitted to the licensing  
2169 agency and reviewed prior to a license being issued. Written guidelines  
2170 will be provided to applicants as part of the application packet.
- 2171 2. The care of a child shall be no more than eight (8) hours per stay and shall  
2172 not exceed a total of 45 hours in any calendar month period.
- 2173 3. When business hours exceed 12 hours in a 24 hour period, the program  
2174 will be reviewed on an individual basis for compliance with regulations  
2175 addressing evening and overnight care.
- 2176 **123.04 Personnel Requirements** Students in a field study placement, a practicum, or  
2177 vocational child care training program may not assist in the care of the children  
2178 in hourly child care facilities.
- 2179 **123.05 Records and Reports** In addition to all records and reports required in  
2180 these regulations, hourly child care facilities shall maintain a log containing the  
2181 name, address, and home telephone number of each child along with the date  
2182 and time of arrival and departure. The hourly child care facility shall maintain  
2183 information necessary to contact local law enforcement officials and the  
2184 Mississippi Department of Human Services when a child is left at the facility  
2185 past its hours of operation, or for an extended period of time.
- 2186 **123.06 Health Records** Sample forms for duplication will be provided to operators  
2187 to ensure adequate health information is taken on the children served. Only  
2188 forms that substantially comply with the aforementioned sample forms will be  
2189 acceptable. Registration forms will include a signed statement which will serve  
2190 as verification that a child has received all age-appropriate immunizations.  
2191 Other information to be included on the form will be the home or forwarding  
2192 telephone numbers and addresses to be used when the parent must be informed  
2193 of situations or conditions after the child is no longer at the hourly child care  
2194 facility.

- 2195 123.07 **Program of Activities** Hourly child care facility programs are exempt from  
 2196 the requirement that a planned written program of activities be submitted as part  
 2197 of the licensing process. However, the facility shall provide adequate space and  
 2198 equipment to allow children to choose between quiet and active play.  
 2199 Appropriate toys and books for quiet play shall be maintained in a physically  
 2200 separate area that is a sufficient distance from active play to reduce noise and to  
 2201 assure a quiet, relaxed environment.
- 2202 123.08 **Buildings and Grounds**
- 2203 1. A certificate of inspection and approval by the fire department of the  
 2204 municipality or other political subdivision in which the child care facility  
 2205 is located shall be submitted to the licensing agency with the application  
 2206 and license fee. Except that if no fire department exists where the facility  
 2207 is located, the State Fire Marshall shall certify as to the inspection for  
 2208 safety from fire hazards.
- 2209 The inspection form to be used for fire inspections shall be MSDH Form  
 2210 #333 and shall be signed by a signatory authority of the fire inspection  
 2211 authority making the inspection.
- 2212 2. In non-land-based facilities only ground level space with exits directly to  
 2213 the outside will be approved.
- 2214 3. A written emergency evacuation route shall be posted in a conspicuous  
 2215 location within each room used by children. The plan will be subject to  
 2216 review, evaluation, and approval by the licensing agency.
- 2217 4. Space requirements shall comply with the standards set forth in these  
 2218 regulations. However, in the absence of adequate outdoor playground  
 2219 area, not less than 25 percent nor more than 50 percent of the space  
 2220 allocated for children three (3) to 13 years of age shall be set aside and  
 2221 dedicated to large muscle development activities. Such areas shall contain  
 2222 appropriate play equipment for large muscle development. Such  
 2223 equipment may include but is not limited to indoor gyms specifically  
 2224 designed and approved for children in the three (3) to 13 years of age  
 2225 group. Final approval of the appropriateness of the equipment to be  
 2226 located in the designated area shall be made by the licensing agency.
- 2227 5. If outdoor playground space is provided, but inadequate for the maximum  
 2228 capacity of the building, a schedule shall be provided to show how  
 2229 outdoor play time will be made available to all the children. At no time  
 2230 will there be more children on the playground than the maximum number  
 2231 allowed computed at 70 square feet per child. Maximum outdoor  
 2232 playground area capacity shall be posted and adhered to at all times the  
 2233 area is in use.

2234 6. When kitchens are not on-site, the hourly child care facility is required to  
 2235 maintain adequate storage and refrigeration for snacks. Also, food shall  
 2236 be served in disposable containers unless an acceptable method of  
 2237 dishwashing is available (Appendix "E"). All food served shall come  
 2238 from a permitted kitchen or catering facility. Food service shall comply  
 2239 with the standard set in the current 10.0 Regulation Food Code as  
 2240 published by the Mississippi Department of Health.

2241 7. The ratio of one (1) hand washing lavatory and one (1) toilet for every 30  
 2242 children shall be maintained. Separate facilities are required for boys and  
 2243 girls.

2244 123.09 **Nutrition** Parents of children being cared for in an hourly child care facility  
 2245 shall be informed in writing of the availability of meals and the following  
 2246 requirements:

2247 1. When a child is in a facility for three (3) or more hours, a snack shall be  
 2248 provided.

2249 2. Children under five (5) years of age will be provided snacks on request,  
 2250 regardless of the length of time spent in the facility.

2251 3. At regular meal times, all children present shall be offered a meal.  
 2252 Regular meal times are defined as follows:

2253 a. Breakfast - between 7 a.m. and 9 a.m.

2254 b. Lunch - between 11 a.m. and 1 p.m.

2255 c. Supper - between 5 p.m. and 7 p.m.

2256 4. All meals shall meet the nutritional standards prescribed in Appendix "C"  
 2257 Minimum Standards for Nutritional Care in Child Care Facilities.

2258 123.10 **Abuse and Neglect Reports**

2259 1. All employees will be informed by the hourly child care facility director of  
 2260 the individual's responsibility in reporting suspected abuse and neglect.  
 2261 Copies of the child abuse law shall be provided to each employee  
 2262 (Appendix "A").

2263 2. Reports of suspected child abuse or neglect will be made to the  
 2264 Mississippi Department of Human Services and/or local law enforcement  
 2265 officials in accordance with state law. Because abused or neglected  
 2266 children requiring immediate attention are often identified after traditional  
 2267 business hours of the Mississippi Department of Human Services, reports  
 2268 of this nature shall also be made to local law enforcement.

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3. Hourly child care facility operators and/or directors are encouraged to establish a working relationship with local law enforcement authorities and the Mississippi Department of Human Services. In extreme situations where local county Department of Human Services staff cannot be reached, operators and/or directors will report to the statewide 24-hour Child Abuse Hotline at 1-800-222-8000.
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4. Operators and/or directors will work in conjunction with the local law enforcement and the Mississippi Department of Human Services to establish a workable procedure for reporting cases when a child has been left at the hourly child care facility for an extended period of time after business hours or when allowing a child to leave the hourly child care facility will place that child at risk or in potential danger.

2281 124 **HEARINGS, EMERGENCY SUSPENSIONS, LEGAL ACTIONS AND**  
2282 **PENALTIES**

2283 124.01 **Emergency Suspensions of License**

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

2293 124.02 **Denial, Revocation, or Suspension of License** The licensing agency may  
2294 deny, refuse to renew, suspend, revoke, or restrict a license of any child care  
2295 facility upon one (1) or more of the following grounds:

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1. Fraud, misrepresentation, or concealment of a material fact by the operator in securing the issuance or renewal of a license;
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2. Conviction of an operator of any crime, if the licensing agency finds that the acts of which the operator has been convicted could have a detrimental effect on the children cared for by the child care facility;
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3. Violation of any of the provisions of the act or of these rules and regulations;
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4. Any conduct, or failure to act, which is determined by the licensing agency to threaten the health or safety of a child;

- 2305 5. Failure by the child care facility to have all criminal records and child  
2306 abuse central registry checks on file at the facility; and/or
- 2307 6. Information received by the licensing authority as a result of the criminal  
2308 records check (fingerprinting) or the child abuse central registry check on  
2309 an operator.

2310 **124.03 Notification**

- 2311 1. Prior to the denial, refusal to renew, suspension, revocation or restriction  
2312 of a license, and at the time of the imposition of any fine, written notice of  
2313 the contemplated action shall be given to the applicant or person named on  
2314 the license of the child care facility, at the address on record with the  
2315 licensing agency. Such notice shall specify the reasons for the proposed  
2316 action and shall notify the operator of the right to a district level hearing  
2317 on the matter.
- 2318 2. Where the contemplated action is the revocation of a license, and when the  
2319 proposed revocation is based on Section 25-2 (C) or (D) and involves  
2320 physical harm or injury to a child, no district level hearing will be  
2321 provided. In such cases, the licensee will be notified of his opportunity for  
2322 a state level hearing.

2323 **124.04 District Level Hearing**

- 2324 1. If requested in writing within 10 calendar days of receipt of said notice, a  
2325 hearing shall be provided in which the operator or applicant may show  
2326 cause why the license should be renewed or should not be denied,  
2327 suspended, revoked, or restricted, or the fine should not be imposed.
- 2328 2. Any hearing requested pursuant to Section 25-4(A) shall be held no less  
2329 than five (5) calendar days and no more than 20 calendar days from the  
2330 receipt of any request for a hearing, unless an alternate time frame is  
2331 agreed to by both parties.
- 2332 3. The district level hearing shall be informal. However, the hearing officer  
2333 must keep a record of the proceedings and provide the licensee with a  
2334 written order outlining his decision within 10 calendar days of conclusion  
2335 of the district level hearing.
- 2336 4. Within 10 calendar days of the receipt of the district level decision the  
2337 licensee may make a written request for a new hearing at the state level.  
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2339 **124.05 State Level Hearing**

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1. At the state level, a hearing officer, appointed by the State Health Officer, shall conduct a hearing to be scheduled within 30 calendar days of receipt of the request for such hearing.
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2. Within 30 calendar days of the hearing, or such time frame as determined during the hearing, written findings of fact, together with a recommendation for action, shall be forwarded to the State Health Officer. The State Health Officer shall decide what, if any, action is to be taken on the recommendation within 14 calendar days of receipt of the recommendation. Written notice of the decision of the State Health Officer shall be provided to the operator.

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

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

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

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

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124.09 **Violations, Penalties, and Fines**

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

2379 subsequent occurrence of the same violation. Each violation is considered  
2380 a separate offense.

2381 The following are Class I violations:

- 2382 a. Failure to prevent the death, dismemberment, or permanent disability  
2383 of a child.
- 2384 b. Allowing a child to be unattended at a licensed child care facility  
2385 before or after operating hours.
- 2386 c. Allowing a child to be unattended when not at the licensed facility but  
2387 under the care of the licensed facility.

2388 **Should a facility be cited for Class I violations on two (2) separate**  
2389 **occasions, it may be cause for suspension or revocation of the facility**  
2390 **license for habitual noncompliance with the Regulations Governing**  
2391 **Licensure of Child Care Facilities.**

- 2392 2. Any Class II violation of these regulations, in the discretion of the  
2393 licensing agency, is punishable by a fine of fifty dollars (\$50.00) for a first  
2394 occurrence and a fine of one hundred dollars (\$100.00) for each  
2395 subsequent occurrence upon further inspections within the same licensure  
2396 term. Each violation is considered a separate offense. Example: If a  
2397 facility is five (5) children over maximum capacity it constitutes five (5)  
2398 separate Class II violations and would be subject to a two hundred fifty  
2399 dollar (\$250.00) or five hundred dollar (\$500.00) fine, whichever is  
2400 applicable.

2401 The following are Class II violations:

- 2402 a. Failure to maintain proper staff-to-child ratio (Sections 8-1 and 8-2);
- 2403 b. Exceeding licensed maximum capacity (Section 1-1(c));
- 2404 c. Failure to have a proper criminal record check in a personnel record  
2405 (Section 6-4(A) (6));
- 2406 d. Failure to have a proper child abuse central registry check in a  
2407 personnel record (Section 6-4(A) (6));
- 2408 e. Improper discipline of a child (Sections 14-1, 2, 3, and 5);
- 2409 f. Allowing a child to leave the child care facility with an unauthorized  
2410 individual (Section 4-1(b) (3));
- 2411 g. Violation of an environmental health regulation (Sections 11 and 12);

- 2412 h. Failure to report a serious occurrence (Section 7-1);
- 2413 i. Failure to report a communicable disease (Section 7-3);
- 2414 j. Violation of transportation and safety policies, procedures, and  
2415 regulations (Sections 4-1 (c) (3) and 15-1, 2, 3, and 4); and
- 2416 k. Unauthorized individual assigned administrative and supervisory  
2417 responsibility for the facility when the director is absent or violation  
2418 of Section 5.7 Director Designee.
- 2419 l. Failure to have proper (up-to-date) immunization documentation in  
2420 each child's record and each employee's record.
- 2421 m. Failure to display license and/or complaint notice in accordance with  
2422 Section 2-10.
- 2423 n. Failure to meet conditions or restrictions placed on a license. The fine  
2424 will be in addition to the immediate closure of the facility for failure  
2425 to meet any conditions or restrictions as stated on the restricted  
2426 license (Section 2-2(C)).
- 2427 o. Failure to comply with the requirements of Section 13-4 Sack  
2428 Lunches.
- 2429 p. Failure to have adequate staff on site holding a valid CPR certificate.
- 2430 q. Failure to have adequate staff on site holding a valid First Aid  
2431 certificate.
- 2432 r. The presence of any individual who has failed to satisfy the personnel  
2433 requirements of Section V.
- 2434 s. Violation of Section 4-2 Smoking, Tobacco Products, and Prohibited  
2435 Substances.
- 2436 t. Failure to meet nutritional standards as listed in Appendix "C."
- 2437 u. Altering of documents supporting suitability for employment in a  
2438 child care facility, i.e., Letter of Suitability for Employment or Child  
2439 Abuse Central Registry Check. Refer to Section V, Personnel  
2440 Requirements.

2441 **Should a facility be cited for Class II violations on four (4) separate**  
2442 **inspection dates, it may be cause for suspension or revocation of the**  
2443 **facility license for habitual noncompliance with the Regulations**  
2444 **Governing Licensure of Child Care Facilities.**

- 2445 3. A Class III violation of these regulations, in the discretion of the licensing  
 2446 agency, is punishable by a fine of twenty-five dollars (\$25.00) for each  
 2447 occurrence. A Class III violation is any violation of these regulations not  
 2448 listed as a Class I or Class II violation in Sections 25-9(A) and (B).
- 2449 4. Unless appealed, all fines shall be payable within 30 calendar days of  
 2450 being levied. If appealed fines shall be payable within 30 calendar days of  
 2451 final disposition.
- 2452 5. An operator shall have the right to appeal a fine imposed pursuant to this  
 2453 section of the regulations, in accordance with the policy of the licensing  
 2454 agency. Any appeal of a fine must be filed with the licensing agency  
 2455 within 10 calendar days of being levied.
- 2456 6. An operator shall not be granted a license, nor shall a license be renewed  
 2457 for any operator with outstanding fines or penalties.
- 2458 7. If a license expires during the appeal process, it shall be administratively  
 2459 extended and documentation of the extension shall be provided to the  
 2460 licensee. A facility given an administrative extension during the appeal  
 2461 process, shall remain under the regulation of the licensing agency and will  
 2462 be subject to all current licensure regulations to include, but not limited to,  
 2463 inspection of the facility, review of facility and children(s) records,  
 2464 submission of all required or requested documents, and payment of all  
 2465 applicable fees and/or fines.

2466 125 **XXVI. RELEASE OF INFORMATION**

2467 Information in the possession of the licensing agency concerning the license of individual  
 2468 child care facilities may be disclosed to the public, except such information shall not be  
 2469 disclosed in such manner as to identify children or families of children cared for at a child  
 2470 care facility. Nothing in this section shall affect the agency(s) authority to release findings  
 2471 of investigation into allegations of abuse pursuant to either Sections 43-21-353(8) and  
 2472 Section 43-21-257 Mississippi Code of 1972, annotated.

2473 **CERTIFICATION OF REGULATION**

2474 This is to certify that the above **Regulations Governing Licensure of Child Care Facilities** was  
 2475 adopted by the Mississippi State Board of Health on July 9, 2008 to become  
 2476 effective August 9, 2008.

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Ed Thompson, Jr., MD, MPH  
 Secretary and Executive Officer