

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

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

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

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

7 100 **GENERAL**

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

12 100.02 **Purpose**

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

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

37 100.04 **Definitions**

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

53 **Exemptions**

54 To the extent provided by law, including those facilities or programs
55 which satisfy one or more of the requirements for exemption provided in
56 Miss. Code Ann. § 43-20-5(a), an exemption from the provisions of the
57 Act shall be recognized by the licensing agency. Facilities or programs
58 claiming exemption shall be required, upon the written request of the
59 licensing agency, to provide documentation of the facts claimed to support
60 the basis for the exemption, which documentation shall be provided within
61 thirty (30) days of the request by the licensing agency and shall be sworn
62 by affidavit to be true and accurate under the penalties of perjury.
63

64 However, any entity exempt from the requirements to be licensed but
65 voluntarily chooses to obtain a license is subject to all provisions of the
66 licensing law and these regulations.
67

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

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

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

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

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

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

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

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

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

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

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

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

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

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

145 101 LICENSURE

146 101.01 Requirement for Licensure

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

152 101.02 **Types of Licenses**

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

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

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

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

- 184 a. License Application and \$100.00 application fee

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

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

250 ii. New Directors Orientation

251 iii. Playground Safety

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

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

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

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

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

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

284 1. **Application Fee**.....\$100.00
 285
 286 2. **Initial Licensure Fee**\$ 75.00
 287
 288 3. **Renewal Fee**.....\$ 75.00
 289
 290 4. **Reinstatement Fee**.....\$200.00

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292
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5. **Returned Check Fee**\$ 50.00
 6. **Late Fee**.....\$ 25.00
 7. **Fingerprinting Fee (Per Fingerprint Card)**.....\$ 50.00

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

303 101.05 **Certificate of Inspection by Fire Department** A certificate of inspection
304 and approval by the fire department of the municipality or other political
305 subdivision in which the child care facility is located shall be submitted to the
306 licensing agency with the application and license fees. Except that if no fire
307 department exists where the facility is located, the State Fire Marshall shall
308 certify as to the inspection for safety from fire hazards.

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

312 101.06 **Inspection** An agency representative(s) shall inspect each child care facility
313 prior to issuing or renewing a license to assure compliance with these
314 regulations.

315 101.07 **Record of Inspection** Whenever an inspection is made of a child care
316 facility, the findings shall be recorded on an official inspection form and
317 furnished to the operator, director, and/or their representative, at the time the
318 inspection is made.

319 101.08 **Renewal of License**

- 320 1. The licensing agency shall issue licenses which may be renewed annually.
321 The licensing agency shall mail a renewal notice, at least seventy-five (75)
322 days prior to the expiration date of the license, to the address of the
323 operator registered with the licensing agency. The operator shall:
- 324 a. Complete the renewal form;
 - 325 b. Submit any and all certificates of inspection and approval required by
326 the licensing agency;
 - 327 c. Enclose the renewal fee; and
 - 328 d. File the above with the licensing agency at least thirty (30) days prior
329 to the expiration date on the license.

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

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

342 101.09 **License Not Transferable or Assignable** Each license shall be issued only for
 343 the premises and operator named in the application and shall not be transferable
 344 or assignable. A change of ownership includes, but is not limited to, inter vivos
 345 gifts, purchases, transfers, lease arrangements, cash and/or stock transactions or
 346 other comparable arrangements whenever any person or entity acquires or
 347 controls a majority interest of the child care facility or service. Changes of
 348 ownership from partnerships, single proprietorships, or corporations to another
 349 form of ownership are specifically included.

350 101.10 **Display of Licenses** The current license issued by the licensing agency to the
 351 named child care facility and operator shall be posted and displayed in a
 352 conspicuous place and in easy view of all persons who enter the child care
 353 facility. The facility operator shall also post next to the license, in plain view, a
 354 notice provided by the MSDH that informs the public of where and how they
 355 may report a complaint against the facility.

356 102 **RIGHT OF ENTRY AND VIOLATIONS**

357 102.01 **Right of Entry** An agency representative may enter any child care facility
 358 for the purpose of making inspections or investigations to determine compliance
 359 with these regulations.

360 102.02 **Violations** If violations noted on the inspection form are not corrected within
 361 the period of time specified by the licensing agency, a license may be denied,
 362 suspended, or revoked in accordance with these regulations.

363 103 **FACILITY POLICY AND PROCEDURES**

364 103.01 **Parental Information** Before a child's enrollment, the parent shall be
 365 provided with the following:

366 1. **Operating information:**

- 367 a. The child care facility's purpose, scope of service provided,
368 philosophy, and any religious affiliation;
- 369 b. Name(s), business telephone number, business address, and home
370 telephone number of the operator, director or an individual in
371 authority who can be reached after the facility's normal hours of
372 operation;
- 373 c. The phone number of the child care facility;
- 374 d. Organization chart or other description of established lines of
375 authority of persons responsible for the child care facility's
376 management within the organization;
- 377 e. The program and services provided and the ages of children accepted;
- 378 f. The hours and days of operation and holidays or other times closed;
- 379 g. The procedures for admission and registration of children;
- 380 h. Tuition, plans for payment, and policies regarding delinquent
381 payments;
- 382 i. Types of insurance coverage for children, or a statement that accident
383 insurance is not provided or available;
- 384 j. If a facility does not provide liability insurance there shall be a
385 statement in the child's record, signed by the parent indicating that the
386 parent is aware that the facility does not carry liability insurance.
- 387 k. Reasons/circumstances and procedures for removal of children from
388 rolls when parents are requested by facility staff to remove a child;
- 389 l. Procedures to include the amount of notice a parent is required to give
390 the facility before removing a child; and
- 391 m. Policy governing the maximum hours per day or week that a child can
392 be left at the child care facility.
- 393 **2. Arrival and departure procedures for children:**
- 394 a. Procedure, approved by the licensing authority, for assuring a child's
395 safe arrival and departure (All children shall be signed in and out of
396 the facility by an authorized individual.);
- 397 b. Procedures for protecting children from traffic and other hazards
398 during arrival and departure and when crossing streets;

- 399 c. Policy for release of children from the child care facility only to
400 responsible persons for whom the child care facility has written
401 authorization; and
- 402 d. Policy governing a parent picking up a child after closing hours and
403 procedures if a child is not picked up.
- 404 **3. Program and activities information:**
- 405 a. Policies and procedures about accepting and storing a child's personal
406 belongings;
- 407 b. Discipline policies including acceptable and unacceptable discipline
408 measures;
- 409 c. Transportation and safety policies and procedures;
- 410 d. Policies prohibiting the photographing of a child without parental
411 consent;
- 412 e. Policies regarding a child's participation in extracurricular activities
413 not sponsored by the child care facility, including but not limited to
414 baseball, softball, soccer, ballet, or gymnastics; and
- 415 f. Policies regarding water activities and safety procedures. These
416 policies shall include those water activities which take place away
417 from the child care facility property, e.g., taking children to a public
418 swimming pool.
- 419 g. Policies encouraging sun safety practices and activities.
- 420 **4. Health and emergency procedures:**
- 421 a. Procedures for storing and giving a child medications;
- 422 b. Policy for reporting suspected child abuse;
- 423 c. Provision for emergency medical care, treatment of illnesses and
424 accidents, which include:
- 425 i. A plan to handle a child in a medical crisis;
- 426 ii. A plan to obtain prompt services of physician and hospitalization,
427 if needed;
- 428 iii. A plan for immediately notifying the parent of any illness, accident
429 or injury to the child;

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

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

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

438 **5. State regulations:**

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

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

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

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

449 **103.02 Smoking, Tobacco Products, and Prohibited Substances**

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

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

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

461 **103.03 Parental Access** Child care facilities shall assure the parent that they have
462 welcome access to the child care facility at all times. Welcome access shall be
463 defined as a parent having access to areas of the facility available to his child
464 and nondisruptive to normal daily activities.

465 103.04 **Changes in Facility Operations** The operator shall immediately notify the
 466 licensing agency of any major changes affecting areas of the child care facility's
 467 operations. Such major changes include, but are not limited to, operator,
 468 director, location, physical plant, or number of children served.

469 103.05 **Notice of Legal Action** The licensing agency shall be notified within seven
 470 (7) days, in writing, if notice is received of legal action against the child care
 471 facility.

472 103.06 **Posting of Information** The following items shall be posted conspicuously
 473 in the child care facility at all times:

- 474 1. Accessible to employees and parents:
- 475 a. License
- 476 b. Daily activity schedule
- 477 c. Inspection form, if applicable, or Menus and Food Service Permit, if
 478 applicable.
- 479 d. Evacuation route
- 480 e. The facility operator shall also post next to the license, in plain view,
 481 a notice provided by the MSDH that informs the public of where and
 482 how they may report a complaint against the facility.
- 483 2. In kitchens:
- 484 a. Menus
- 485 b. Evacuation route
- 486 c. Food Service Permit/Inspection Form
- 487 3. The evacuation route in all rooms utilized by children.

488 103.07 **Weapons Prohibited** All firearms in the home shall be equipped with
 489 trigger locks and kept in a locked room out of the sight of all children. All other
 490 dangerous weapons shall be kept under lock in a room not accessible to children.
 491 Other dangerous weapons include, but are not limited to, hunting knives, spears,
 492 machetes, archery equipment, etc.

493 104 **PERSONNEL REQUIREMENTS**

494 104.01 **General Requirements For Personnel**

- 495 1. Each employee or potential employee of a child care facility, whether full
 496 time, part time, temporary, substitute, or volunteer, shall be of good moral

497 character and shall meet the minimum qualifications for the respective job
498 classification, as set forth in these regulations.

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

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

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

510 **104.02 Criminal Record (Fingerprinting), Child Abuse Central Registry Checks,**
511 **and Sex Offender Records Checks**

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

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

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

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

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

- 535 5. ~~If an individual is determined to be unsuitable for employment in a child~~
 536 ~~care facility, they will receive a letter stating such with instructions~~
 537 ~~regarding the appeal process. The employer shall also receive a copy of~~
 538 ~~the non-suitability letter. Whether or not an individual remains employed~~
 539 ~~at the child care facility during the appeal process is at the discretion of the~~
 540 ~~operator of the facility.~~
- 541 6. ~~Should it be determined by the licensing authority that acceptable~~
 542 ~~fingerprints cannot be obtained from an individual, an alternative method~~
 543 ~~of obtaining a criminal records check may be used. In such case the~~
 544 ~~affected individual will be notified in writing of the process they are to~~
 545 ~~follow. Failure to follow the procedure shall result in the individual being~~
 546 ~~determined to be unsuitable to work in a child care facility.~~

547 Pursuant to Section 43-20-1 et seq., of the Mississippi Code of 1072, all
 548 operators, employees and prospective employees of a childcare facility and any
 549 individual residing in a residence licensed as a child care facility shall have a
 550 criminal history records check (fingerprint), child abuse registry check and a sex
 551 offender registry check.

552

553 1. **Within 10 working days from the date of employment,** the childcare
 554 facility shall submit the following for processing:

555

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

562

563 Should the facility be notified that the fingerprints submitted were
 564 incomplete or of such poor quality that prevented processing, the facility
 565 shall reprint the individual and/or resubmit the necessary information within
 566 10 days of the dated letter on the notification.

567

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

573

574 2. **Although an individual is allowed to begin employment prior to the**
 575 **receiving confirmation of the employee's status for employment suitability,**
 576 **at no time shall the facility allow that individual to provide**
 577 **unsupervised care or be left alone with a child until the facility receives**
 578 **notification from the Department (MSDH) verifying that employee's**
 579 **suitability for employment.** Each licensed childcare facility with internet

580 capabilities may electronically access, monitor, and verify the suitability
 581 status of any submitted employee through a MSDH maintained webpage:
 582 <http://www.msdh.state.ms.us>. (Licensed providers without electronic
 583 capabilities will receive hardcopy notification of an employee's suitability
 584 status.)

585
 586 3. Upon receipt of notification, either electronically or hardcopy, that the
 587 employee has been deemed suitable for employment in a childcare facility,
 588 the facility shall provide the employee the original Letter of Suitability and
 589 shall maintain a copy of the suitability letter for the facility files.

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

599
 600 4. Individuals under the age of 18 are not required to be fingerprinted.
 601 However, that individual must never be left alone with children.

602
 603 5. The facility shall maintain the following on any individual who volunteers
 604 in a child care facility for 120 or more hours per licensure year:
 605

- Letter of Suitability for Employment which reflects the completion of
 606 the criminal records check, child abuse registry check and sex offender
 607 check, and
- Immunization Compliance Form 121.

609
 610 **104.03 Child Care Director Qualifications** A child care director shall be least 21
 611 years of age and shall have at a minimum:

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

617 OR

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

622 OR

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

626 OR

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

634 OR

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

638 104.04 **Caregivers** Caregivers shall be at least 18 years of age, and shall have at a
639 minimum:

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

641 OR

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

644 OR

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

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

650 104.05 **Caregiver Assistants** Caregiver assistants shall be at least 16 years of age.
651 Caregiver assistants shall work under the direct on-site supervision of a director
652 or caregiver at all times. They shall not have the direct responsibility for a
653 group of children as the sole caregiver. Caregiver assistants under the age of 18
654 shall not be given the authority to discipline children.

655 104.06 **Students**

- 656 1. Students in a field study placement, a practicum, or vocational child care
 657 training program may assist in the care of the children when the following
 658 conditions have been met.
- 659 2. Students who are 18 years of age or older and who are in a child care
 660 facility for 120 or more hours per licensure year shall have a record on file
 661 in the facility which shall contain the following:
- 662 a. Name, date of birth, address, and telephone number;
- 663 b. Name and telephone number of a contact person from the school or
 664 university placing the student;
- 665 c. Date placement began and daily record of hours student is present;
- 666 d. Mississippi Department of Health Certificate of Immunization
 667 Compliance Form 121;
- 668 e. Documentation that the criminal records check (fingerprinting), and
 669 child abuse central registry check have been completed and no
 670 records found and,
- 671 f. Documentation of a minimum of one hour of orientation, within one
 672 (1) week of placement, including but not limited to, the child abuse
 673 law and reporting procedures, emergency procedures, and facility
 674 discipline and transportation policies.

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

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

682 **104.07 Use of Director Designee**

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

691 Exception

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

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

702 **104.08 Staff Development**

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

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

- 721 a. Health and safety;
- 722 b. Child growth and development;
- 723 c. Nutrition;
- 724 d. Planning learning activities;
- 725 e. Guidance and discipline techniques;
- 726 f. Linkages with community services;

- 727 g. Communications and relations with families;
- 728 h. Detection of child abuse;
- 729 i. Advocacy for early childhood programs;
- 730 j. Professional issues.
- 731 3. Contact hours for staff development shall be approved by the licensing
732 agency.
- 733 4. No more than five (5) contact hours of approved in-service training
734 provided by the child care facility may be counted toward the total number
735 of hours required each year. More than five (5) hours of in-service training
736 may be provided by the child care facility but no more than five (5) hours
737 may be counted toward the required total of 15 hours.
- 738 5. All volunteers shall receive, at a minimum, one (1) hour of orientation by
739 the facility director. Such orientation shall, at a minimum, include a
740 review of the child abuse law and reporting requirements, emergency exit
741 procedures, and the facility transportation policy.
- 742 6. Before a temporary license may be upgraded to a regular, license the
743 facility owner/operator and director shall complete a minimum of four (4)
744 hours of staff development training on the Regulations Governing
745 Licensure of Child Care Facilities, three (3) hours of New Director
746 Orientation, and three (3) hours training in playground safety as provided
747 by the MSDH.

748 **104.09 Review by Licensing Agency**

- 749 1. The satisfaction of the personnel requirements applicable to any individual
750 shall be determined by the licensing agency acting pursuant to its authority
751 under applicable statutes and regulations.
- 752 2. The licensing agency, in its sole discretion, may accept suitable
753 educational credits, programs, or degrees in lieu of those specified in
754 Section V upon the submission of adequate documentation by the
755 individual.

756 **105 RECORDS**

757 **105.01 Records** Records listed in this section shall be kept within the physical
758 confines of the child care facility and shall be made available to the licensing
759 agency on request.

760 **105.02 Records Retention**

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

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

765 **105.03 Facility Records**

766 1. Attendance records for children and employees;

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

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

771 4. Current license;

772 5. Records of monthly fire/disaster evacuation drills; and,

773 6. A record shall be maintained of any medication administered by the
774 director or caregiver showing date, time and signature of dispensing
775 employee. A medication record may be destroyed 90 days after
776 administering the medication.

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

779 8. Each facility shall maintain a notebook containing copies of the MSDH
780 Certificate of Immunization Compliance (MSDH Form #121) for both
781 staff and children at the facility. The notebook shall contain separate
782 current alphabetical rosters of both staff and children. The certificates
783 shall be filed in alphabetical order to match the current staff and child
784 rosters.

785 9. Each facility shall maintain a notebook containing copies of the Child
786 Abuse Central Registry Check and the Letter of Suitability for
787 Employment from the licensing agency on all employees and, when
788 applicable, volunteers. The notebook shall contain an alphabetical roster
789 of staff and volunteers. Along with name, date-of-birth, the initial date of
790 hire or volunteering must be given for cross-reference to individual
791 personnel/volunteer files. Child Abuse Central Registry Checks and
792 Letter of Suitability for Employment shall be filed in order matching the
793 alphabetical roster.

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

796 105.04 **Personnel Records**797 1. **Employee Records** Each employee's personnel record shall contain the
798 following:

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

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

815 g. Documentation of orientation, within one (1) week of being hired,
816 including but not limited to emergency procedures (to include policies
817 for handling dangerous situations), staffing and supervision
818 requirements, daily schedules, physical/emotional/developmental
819 problems of children, discipline policies, and child abuse and neglect;
820 and

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

824 105.05 **Volunteer Records (120 or more hours per year)** For any person who
825 volunteers in a child care facility for 120 or more hours per licensure year, a
826 record shall be kept which contains the following:

- 827 1. Name, date of birth, address, and telephone number;
- 828 2. Documentation of education, training, and experience that may help them
829 in their role as a volunteer;

- 830 3. Date individual began volunteering and last date individual volunteered at
831 facility;
- 832 4. Mississippi Department of Health Certificate of Immunization
833 Compliance Form 121;
- 834 5. Documentation that the criminal records check (fingerprinting), child
835 abuse central registry check, and sex offender registry check have been
836 conducted, and the information included in each volunteer(s) file; and
- 837 6. Documentation of a minimum of one hour of volunteer orientation, within
838 one (1) week of volunteering, including but not limited, to the child abuse
839 law and reporting requirements, emergency exit procedures, policies for
840 handling dangerous situations, and the facility transportation policy;
- 841 7. A volunteer(s) record shall be retained for a period of one (1) year after
842 they are no longer volunteering at the facility; and
- 843 8. A record shall be maintained on each volunteer to document date and
844 number of hours of volunteer service.

845 **105.06 Volunteer Records (Less than 120 hours per year)** For any person who
846 volunteers in a child care facility for less than 120 hours per licensure year, a
847 record shall be kept which contains the following:

- 848 1. Documentation of a minimum of one (1) hour of volunteer orientation
849 within one (1) week of volunteering, including but not limited, to the child
850 abuse law and reporting requirements, emergency exit procedures, policies
851 for handling dangerous situations, and the facility transportation policy
852 and special needs of children;
- 853 2. A volunteer(s) record shall be retained for a period of one (1) year after
854 they are no longer volunteering at the facility; and
- 855 3. A record shall be maintained on each volunteer to document date and
856 number of hours of volunteer service.

857 **105.07 Child Records** The facility shall maintain an individual file for each child
858 under its current care, and for any withdrawn child who withdrew during the
859 preceding twelve months, containing the following identification and contact
860 information, parental instructions, authorizations and other documents required
861 by its policy manual:

- 862 **1. Identification and Contact Information**
- 863 a. The name of the child and names of parents/guardians
- 864 b. Home address and home telephone number

- 865 c. The parent's business name, address and telephone number
- 866 d. The child's date of birth
- 867 e. Date of acceptance at facility and date of withdrawal, if any, with the
- 868 parent's stated reason for withdrawal
- 869 f. Other contact information required to be maintained in accordance
- 870 with facility(s) policy manual.

871 **2. Parental Instructions**

- 872 a. If the parent provides written instructions to the facility, those
- 873 instructions concerning the child(s) growth and development, medical
- 874 needs, allergies, toilet training and other information relevant to the
- 875 child(s) well-being shall be maintained and updated as provided from
- 876 time to time.
- 877 b. Written identification of an authorized, responsible person(s) for pick
- 878 up of the child.
- 879 c. Documentation of any limitation of parental rights of the other parent
- 880 or stepparent.
- 881 d. Documentation of any limitation or restriction, if any, on activities of
- 882 child, or other participation by the child in certain events such as
- 883 holiday celebrations or being photographed or other parental
- 884 concerns.

885 **3. Authorizations**

- 886 a. Signed written authorization to obtain emergency medical treatment
- 887 and to administer medication.
- 888 b. Election by parent either (a) to provide written authorization
- 889 consenting to any and all field trips, excursions, or series of events
- 890 outside the child care facility, or (b) to provide written consent only
- 891 for those specific field trips, excursions, or series of events for which
- 892 a date, time and location are specifically approved.
- 893 c. Signed acknowledgment by parent that the written policies and
- 894 procedures described in Section 4-1 has been received by the parent.
- 895 d. Signed acknowledgment by parent that a summary of licensing
- 896 standards and other materials designated by the licensing agency has
- 897 been received by the parent.

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

- 899 a. If agreed by the facility in its policy manual or caregiver contracts,
 900 method in which facility will inform the parent or contact person if a
 901 child does not arrive at the facility within a reasonable time after a
 902 scheduled drop-off.
- 903 b. Any other documents or identification records agreed to be
 904 maintained by the facility.

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

- 906 a. Individual child records are confidential and shall not be disclosed or
 907 released without prior written authorization by the parent.
- 908 b. Individual personnel records are confidential and shall not be
 909 disclosed or released without prior written authorization by the
 910 employee.

911 **106 REPORTS**

912 **106.01 Serious Occurrences Involving Children** The child care facility shall enter into
 913 the child's record and orally report immediately to the child's parent and the
 914 licensing agency any serious occurrences involving children. If the child care
 915 facility is unable to contact the parent and the licensing agency immediately, it
 916 shall document this fact, in writing, in the child's record. Oral reports shall be
 917 confirmed in writing and mailed within two (2) days of the occurrence. Serious
 918 occurrences include accidents or injuries requiring extensive medical care or
 919 hospitalization; death; arrest; alleged abuse or neglect; fire or other emergency
 920 situations.

921 **106.02 Child Abuse** Any operator or employee of a child care facility who has
 922 suspicion or evidence of child abuse or neglect shall report it immediately to the
 923 Mississippi Department of Human Services in accordance with the state's Youth
 924 Court Act. (Appendix "A")

925 **106.03 Communicable Disease** The child care facility shall promptly report any
 926 known or suspected case or carrier of any reportable disease to the Mississippi
 927 Department of Health, as published in the "List of Reportable Diseases."
 928 (Appendix "B")

929 **106.04 Infants and Toddlers** For infants and toddlers, the child care facility shall
 930 provide, to the child's parent, daily written reports which include liquid intake,
 931 child's disposition, bowel movements, and eating and sleep patterns.

932 **107 STAFFING**

933 **107.01 General**

- 934 1. The staff-to-child ratio shall be maintained at all times, to include when
935 children are arriving and departing the facility.
- 936 2. Children shall not be left unattended at any time. Video monitors cannot
937 be used as a substitute for the physical presence of a caregiver in a room.
- 938 3. During all hours of operation, including arrival and departure of children,
939 a child care facility employee shall be present to whom administrative and
940 supervisory responsibilities have been assigned. This child care facility
941 employee shall meet the minimum qualifications of a director or director
942 designee.

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

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

107.02 **Ratio**

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

961	<u>Age of Children</u>	<u>Number of Children to Caregiver Staff</u>
962	Less than 1 year	4
963	1 year	8
964	2 years	12
965	3 years	14
966	4 years	16
967	5 through 9 years	20

- 968 10 through 12 years 25
- 969 2. Staff-to-child ratios shall be met at all times, including during
970 opening/closing, field trips and swimming or water activities whether at
971 the child care premises or off-site.
- 972 3. In mixed age groups, the age of the youngest child in the group determines
973 the staff-to-child ratio. Preschool children shall not be grouped with
974 school age children in any single area during normal classroom and
975 playground or water activities.
- 976 4. With the exception of children under two (2) years of age, children may be
977 under the direct supervision (staff in the same room) of 50 percent of the
978 staff required by this section during rest period times, provided the
979 required staff-to-child ratio is maintained on the premises.
- 980 5. At no time will a single individual be responsible for the supervision of
981 children located in more than one classroom at any given time.

982 108 PROGRAM OF ACTIVITIES

983 108.01 General

- 984 1. The child care facility shall provide a basic program of activities geared to
985 the age levels and developmental needs of the children served.
- 986 2. The child care facility shall provide for the reading of age-appropriate
987 materials to children.
- 988 3. The child care facility shall incorporate programs to encourage sun safety
989 practices (skin cancer prevention), into activities for all age levels.

990 108.02 **Daily Routines** All daily routines, such as eating and rest periods, shall be
991 scheduled for the same time each day.

992 108.03 **Eating** Meal periods are breakfast, lunch, dinner, and snacks. A minimum
993 of 30 minutes shall be scheduled for each breakfast, lunch, and dinner meal
994 period. A minimum of 15 minutes shall be scheduled for each snack meal
995 period.

996 108.04 Rest Periods

- 997 1. For children under six (6) years of age, rest periods shall be scheduled for
998 a minimum period of one (1) hour, and shall not exceed two and one-half
999 (2 1/2) hours.
- 1000 2. Physical force shall not be used in requiring children to lie down or go to
1001 sleep during rest periods.

- 1002 3. Rest periods are not required for children in attendance for less than six
1003 (6) hours.
- 1004 4. Rest periods are not required for school age children.
- 1005 5. An infant shall not be placed on his stomach for sleeping unless written
1006 physician orders are in the child's record.

1007 **108.05 Outdoor Activities**

- 1008 1. Each infant shall have a minimum of 30 minutes of outdoor activities per
1009 day, weather permitting.
- 1010 2. Toddler, preschool, and school age children shall have a minimum of two
1011 (2) hours of outdoor activities per day, weather permitting. Children who
1012 are in attendance at a facility for seven (7) hours per day or less shall have
1013 a minimum of 30 minutes of outdoor activity per day, weather permitting.
- 1014 3. Sun safe practices shall be used during outdoor activities scheduled
1015 between 10 A.M. and 2 P.M. during the period April 1 to September 15.
- 1016 4. Sun safe practices shall be evident in the planning of all outdoor events.
- 1017 5. Outdoor activities shall be held in areas providing shade or covered
1018 spaces.

1019 **108.06 Infant and Toddler Activities**

- 1020 1. Infants and toddlers shall be free to creep, crawl, toddle, and walk as they
1021 are physically able.
- 1022 2. Infants and toddlers shall be taken outdoors every day, weather permitting.
- 1023 3. For infants who cannot move about the room, caregivers shall frequently
1024 change the place and position of the infant and the selection of toys
1025 available, and the child shall be held, rocked, and carried about.
- 1026 4. Television viewing, including video tapes and/or other electronic media, is
1027 not allowed for infants or for staff in an infant area.
- 1028 5. Television viewing, including video tapes and/or other electronic media,
1029 for toddlers is limited to one (1) hour per day, must be of educational
1030 content and a scheduled part of the approved daily plan of activities posted
1031 in the facility.
- 1032 6. Television viewing by staff is not permitted in areas occupied by children
1033 except for the purposes as described in subsection E., above.

1034 **109 EQUIPMENT, TOYS, AND MATERIALS**

1035 109.01 **General**

- 1036 1. Equipment, toys, and materials for both indoor and outdoor use shall be
1037 appropriate to the age and developmental needs of the children served.
- 1038 2. Developmentally age-appropriate toys shall be available and accessible for
1039 infants, and shall include but not be limited to the following:
- 1040 a. Simple, lightweight, open-ended, easily washable toys such as
1041 containers, balls, large pop-beads, nesting cups;
- 1042 b. Rattles, squeak toys, action/reaction toys;
- 1043 c. Cuddly toys;
- 1044 d. Toys to mouth such as teething rings and rings;
- 1045 e. Pictures of real objects; and
- 1046 f. A crawling area with sturdy, stable furniture for pulling up self.
- 1047 3. Developmentally age-appropriate toys shall be available and accessible for
1048 toddlers, and shall include but not be limited to the following:
- 1049 a. Push and pull toys;
- 1050 b. Stacking toys, large wooden spools/beads/cubes;
- 1051 c. Sturdy picture books, music;
- 1052 d. Pounding bench, simple puzzles;
- 1053 e. Play telephone, dolls, toys to appeal to child(s) imagination;
- 1054 f. Large paper, crayons;
- 1055 g. Sturdy furniture to hold on to while walking; and
- 1056 h. Sand and water toys.
- 1057 4. Developmentally age-appropriate toys shall be available and accessible for
1058 preschoolers, and shall include but not be limited to the following:
- 1059 a. Active play equipment for climbing and balancing;
- 1060 b. Unit blocks and accessories;
- 1061 c. Puzzles, manipulative toys;

- 1062 d. Picture books and records, musical instruments;
- 1063 e. Art materials such as finger and tempera paints, clay, play dough,
1064 crayons, collage materials, markers, scissors, and paste;
- 1065 f. Dramatic play materials such as dolls, dress-up clothes and props,
1066 child-sized furniture, puppets; and
- 1067 g. Sand and water toys.
- 1068 5. Children's original work shall be displayed in the child care facility.
- 1069 6. Books shall be on shelves and tables for children to look at and read.
1070 Every child shall have age-appropriate materials (including picture books)
1071 read to and discussed with him or her every day. Where appropriate, the
1072 materials should cover topics with which the children are involved.
- 1073 7. Television viewing by preschool children shall be limited to two (2) hours
1074 per day and shall be educational programming only. Television viewing
1075 by staff is not permitted in areas occupied by children except for the
1076 purposes as described herein.
- 1077 8. The daily activity schedule shall demonstrate that preschoolers are given
1078 opportunities to do a variety of activities, including both quiet and active,
1079 such as block play, art activities, puzzles, books, and learning games, and
1080 that stories are read to and discussed with each child every day.

1081 109.02 **Playground Equipment**

- 1082 1. All playgrounds and playground equipment used by children 2 - 12 years
1083 of age shall meet the safety standards set forth in Appendix "D" of these
1084 regulations.
- 1085 2. Playground equipment shall be of safe design and in good repair. Outdoor
1086 playground climbing equipment and swings shall be set in concrete
1087 footings located at least six (6) inches below ground surface. Indoor
1088 playground equipment shall be installed according to the manufacturer's
1089 specifications. Swings shall have soft and/or flexible seats. Access to
1090 playground equipment shall be limited to age groups for which the
1091 equipment is developmentally appropriate.
- 1092 3. Equipment designed for outdoor use by infants and toddlers shall be
1093 accessible to shaded areas to ensure sun safe practices.

1094 109.03 **Paint** Paint on toys, equipment, furniture, walls, and other items shall be lead- 1095 free and non-poisonous.

- 1096 109.04 **Chairs and Tables** Chairs and tables shall be of a size appropriate to the size
 1097 and age of the children. There shall be an adequate number of chairs and tables
 1098 to accommodate the children present at the facility.
- 1099 109.05 **Hooks and Compartments** Individual hooks or compartments shall be provided
 1100 for each child for hanging or storing outer and/or extra clothing as well as for
 1101 personal possessions. Hooks shall be spaced well apart so that clothes and
 1102 belongings do not touch those of another child. Hooks shall also be placed at a
 1103 height suitable to prevent an injury to a child.
- 1104 109.06 **Sand Boxes**
- 1105 1. Sand boxes shall be constructed to permit drainage, shall be covered
 1106 tightly and securely when not in use, and shall be kept free from cat or
 1107 other animal excrement.
 - 1108 2. Sand contained in sand boxes shall not contain toxic or harmful materials.
- 1109 109.07 **Cribs** Cribs shall be made of wood, metal, or approved plastic and have secure
 1110 latching devices. They shall have slats spaced no more than two and three-
 1111 eighths (2 3/8) inches apart, with a mattress fitted so that no more than two (2)
 1112 fingers can fit between the mattress and the crib side. Drop-side latches shall
 1113 securely hold sides in the raised position and shall not be reachable by the child
 1114 in the crib. Cribs shall not be used with the drop down side down. There shall
 1115 be no corner post extensions (over 1/16 inch), or cut outs in headboards in the
 1116 crib. The use of stackable cribs is prohibited.
- 1117 109.08 **High Chairs** High chairs, if used, shall have a wide base and a T-shaped safety
 1118 strap. They shall be labeled or warranted by the manufacturer in documents
 1119 provided at the time of purchase or verified thereafter by the manufacturer as
 1120 meeting the American Society for Testing Materials (ASTM) Standard F-404
 1121 (Consumer Safety Specifications for High Chairs).
- 1122 109.09 **Rest Period Equipment**
- 1123 1. Individual beds, cots, mattresses, pads, or other acceptable equipment
 1124 shall be used for rest periods. These shall be kept in a sanitary condition.
 1125 Once a sheet or blanket has been used by a child, it shall not be used by
 1126 another child until it has been laundered.
 - 1127 2. Rest period equipment shall be clean and covered with a waterproof cover.
 - 1128 3. Nap pads/cots are designed for use by one (1) child only at a time.
 - 1129 4. Nap pads utilized by more than one child shall be sanitized after each
 1130 child(s) use. Nap pads utilized by only one child shall be sanitized
 1131 immediately when soiled or at least weekly.

- 1132 5. Nap pads and nap cots without mattresses are not acceptable for use in 24
 1133 hour programs. Beds, cribs, or roll away cots are the only acceptable
 1134 bedding for 24 hour centers.

1135 **109.10 Play Equipment**

- 1136 1. Play equipment, toys, and materials shall be provided that meets the
 1137 standards of the Consumer Product Safety Commission and/or the
 1138 American Society for Testing and Materials (ASTM) for juvenile
 1139 products. Play equipment, toys, and materials shall be found to be
 1140 appropriate to the development needs, individual interests, and ages of the
 1141 children as identified as age-appropriate by a label provided by the
 1142 manufacturer on the product package.
- 1143 2. Projectile toys, i.e., dart guns, toy guns, etc., are prohibited.
- 1144 3. Water play tables, if used, shall be cleaned and sanitized daily.
- 1145 4. Tricycles and other riding toys used by the children shall be spokeless,
 1146 steerable, and of a size appropriate for the child, and shall have low
 1147 centers of gravity. All such toys shall be in good condition and free of
 1148 sharp edges or protrusions that may injure the children. When not in use,
 1149 such toys shall be stored in a location where they will not present a
 1150 physical obstacle to the children and employees. Riding toys shall be
 1151 inspected at least monthly for protrusions and rough edges that could lead
 1152 to injury.

1153 **109.11 School Age Programs**

- 1154 1. The foregoing provisions in Section X shall not be applied to any facility
 1155 licensed solely for School age children unless specifically required in this
 1156 Section 10-11.
- 1157 2. All playgrounds and playground equipment used by children 2 - 12 years
 1158 of age shall meet the safety standards set forth in Appendix "D" of these
 1159 regulations.
- 1160 3. Projectile toys are prohibited. Projectile toys are toys which, when
 1161 projected, have the ability to penetrate body or eye tissue. Play
 1162 equipment, toys, and materials shall be provided that meets the standards
 1163 of the Consumer Product Safety Commission and/or the American Society
 1164 for Testing and Materials (ASTM) for juvenile products.
- 1165 4. Possessions, belongings, and extra clothing for each school age child must
 1166 be stored in such a manner as to not touch those of another child.

1167 **110 BUILDINGS AND GROUNDS**

1168 110.01 **Building**

- 1169 1. A child care facility shall be physically separated from any other business
1170 or enterprise. Other occupants, visitors, and/or employees of other
1171 businesses or enterprises within the same building shall not be allowed
1172 within the physical confines of the child care facility for the purpose of
1173 entering the building or exiting the building, or passing through the child
1174 care facility for the purpose of gaining access to another part of the
1175 building.
- 1176 2. All child care facility buildings shall meet all fire safety standards listed
1177 on the MSDH Form #333 and all applicable local fire safety standards
1178 and/or ordinances.
- 1179 3. No house trailers, relocatable classrooms, or portable buildings shall be
1180 used to house a child care facility unless such structure was originally
1181 designed specifically for educational purposes and meets the Mississippi
1182 State Department of Education(s) current standards for a relocatable
1183 classroom. Further, such portable structure shall meet all applicable fire
1184 safety codes.
- 1185 Current licensees operating facilities housed in such structures are
1186 exempted from this provision. Any change of ownership, need for major
1187 renovation, or other significant change in the facility(s) status shall revoke
1188 such exemption.
- 1189 4. Plans and specifications shall be submitted to the licensing agency for
1190 review and approval on all proposed construction and/or major
1191 renovations.
- 1192 5. A separate space shall be provided for the use of an ill or injured child
1193 until the child can be picked up by the parent. Space shall be located in an
1194 area that is supervised at all times by an employee.
- 1195 6. Separate space for infants and toddlers shall be provided away from older
1196 children except in facilities licensed for 12 or fewer children.
- 1197 7. The floor and/or floor covering shall be properly installed, kept clean and
1198 in good condition, and maintained in good repair. Carpeting is prohibited
1199 in kitchen areas.
- 1200 8. All parts of the child care facility used by children shall be lead-safe, well
1201 lighted, ventilated, and free of hazardous or potentially hazardous
1202 conditions, such as but not limited to, open stairs and unprotected low
1203 windows.

1204 All buildings intended for use as a child care facility constructed before
1205 1965 shall be tested for lead. It is the responsibility of the facility

- 1206 applicant/operator to have a lead hazard screen or lead-based paint risk
 1207 assessment of the facility done by an individual or company certified as a
 1208 risk assessor by the Mississippi Commission on Environmental Quality. If
 1209 the facility is found not to be lead-safe, it will not be allowed to operate as
 1210 a child care facility until all required corrective measures have been taken
 1211 and the facility is determined to be lead-safe by a certified risk assessor.
- 1212 9. All glass in doors, windows, mirrors, etc., shall have a protective barrier at
 1213 least four (4) feet high when measured from the floor. Doors, windows,
 1214 mirrors, etc., using safety-grade glass or polymer (e.g., Lexan®) are not
 1215 required to have a protective barrier. Glass windows and glass door
 1216 panels shall be equipped with a vision strip 36 inches from the floor.
 1217 Safety glass must be so certified by the installer and the statement kept on
 1218 file at the child care facility.
- 1219 10. Walls shall be kept clean and free of torn wall covering, chipped paint,
 1220 broken plaster, and holes. No paint that contains lead compounds shall be
 1221 applied to interior walls or woodwork.
- 1222 11. All ceiling lighting shall be shielded completely and encased in
 1223 shatterproof materials.
- 1224 12. A child care facility shall have a working telephone available to all staff at
 1225 all times. Telephones shall also be available for incoming calls and shall
 1226 not be unplugged or disconnected during business hours.
- 1227 13. All fire extinguishers, as required in the fire safety plan, shall be serviced
 1228 on an annual basis by a qualified fire extinguisher technician.
- 1229 14. Unused electrical outlets shall be protected by a safety plug cover.
- 1230 15. No extension cords shall be used in areas accessible to children.
- 1231 16. Every child care facility which uses nonelectric heating and/or cooling
 1232 systems, cooking stoves, and/or hot water heaters or other nonelectric
 1233 equipment, shall have sufficient carbon monoxide monitors placed
 1234 appropriately throughout the child care facility.

1235 110.02 **Indoor Square Footage**

- 1236 1. The designated area for children's activities shall contain a minimum of 35
 1237 square feet of usable space per child, measured on the inside, wall-to-wall
 1238 dimensions. These spaces are exclusive of food preparation areas,
 1239 kitchens, bathrooms, toilets, areas for the care of ill children, offices, staff
 1240 rooms, corridors, hallways, stairways, closets, lockers, laundries, furnace
 1241 rooms, fixed or permanent cabinets, fixed or permanent storage shelving
 1242 spaces, and areas not inhabited and used by children. Usable space shall
 1243 be areas dedicated to children(s activities (play, learning, rest, and eating)

- 1244 and shall be utilized for those purposes on a daily basis. Furnishings shall
 1245 be equipment which is both size and age-appropriate for children receiving
 1246 care. The space occupied by inappropriate or adult size equipment shall
 1247 be deducted the children(s) usable space.
- 1248 2. Rooms in which infants both play and sleep shall have a minimum of 40
 1249 square feet of usable space per child. There shall be at least two (2) feet
 1250 between each crib. Cribs with solid ends may be placed end-to-end.
- 1251 3. Rooms where infants play but do not sleep shall have a minimum of 15
 1252 square feet of usable space per child. Note: No other age group shall use
 1253 this space nor can it be used for any purpose other than infant play.
- 1254 4. Rooms where infants sleep but do not play shall have a minimum of 25
 1255 square feet of usable space per child. There shall be at least two (2) feet
 1256 between each crib. Cribs with solid ends may be placed end-to-end.
- 1257 5. Rooms in which toddlers both play and sleep shall have a minimum of 45
 1258 square feet of usable space per child. There shall be at least two (2) feet
 1259 between each crib. Cribs with solid ends may be placed end-to-end.
 1260 However, if stackable cots, mats, or other storable sleeping equipment are
 1261 utilized for sleeping the room shall be measured using the standard of 35
 1262 square feet per child. Should it be determined that the sleeping equipment
 1263 is not properly stored when not in use the capacity of the room will be
 1264 determined using 45 square feet per child.
- 1265 6. Rooms where toddlers play but do not sleep shall have a minimum of 25
 1266 square feet of usable space per child. Note: No other age group shall use
 1267 this space nor can it be used for any purpose other than toddler play.
- 1268 7. Rooms where toddlers sleep but do not play shall have a minimum of 25
 1269 square feet of usable space per child. There shall be at least two (2) feet
 1270 between each crib. Cribs with solid ends may be placed end-to-end.
- 1271 8. Child care facilities shall be measured or remeasured under the following
 1272 circumstances:
- 1273 a. Prior to initial opening of a facility;
- 1274 b. Upon change of ownership of an existing facility;
- 1275 c. At the completion of any new construction, renovation, or change in
 1276 the layout/use of space;
- 1277 d. If the measurement of the facility is not in the licensing agency(s)
 1278 facility file; and/or

- 1279 e. If the licensing officer determines that the facility, or any portion
 1280 thereof, is overcrowded or utilization of the facility space has
 1281 changed.

1282 **110.03 Openings**

- 1283 1. Each window, exterior door, and basement or cellar hatchway shall be
 1284 weather tight and watertight.
- 1285 2. All windows above ground level in areas used by children under five (5)
 1286 years of age shall be constructed, adapted, or adjusted to limit the exit
 1287 opening accessible to children to less than six (6) inches, or be otherwise
 1288 protected with guards that do not block outdoor light.
- 1289 3. Openable windows shall be of a safety type (not fully openable) that are
 1290 child proofed and screened when open. When there are no openable
 1291 windows, or when windows are not kept open, rooms shall be adequately
 1292 ventilated.
- 1293 4. All openings used for ventilation shall be screened.
- 1294 5. The width of doors shall accommodate wheelchairs and the needs of
 1295 individuals with physical disabilities.
- 1296 6. Exit doors shall open outward. Boiler room doors shall swing inward.
- 1297 7. Doorways and exits shall be free of debris and equipment to allow
 1298 unobstructed traffic to and from the room.
- 1299 8. The hand contact and splash areas of doors and walls shall be covered
 1300 with an easily cleanable finish, at least as cleanable as an epoxy finish or
 1301 enamel paint.

1302 **110.04 Kitchens**

- 1303 1. Children are not allowed in the kitchen area. In School Age/After School
 1304 programs children may be allowed in the kitchen but not during times
 1305 when food is being cooked. Supervision in the kitchen when children are
 1306 present must meet the staffing requirements as referenced in Section VIII
 1307 of the regulations.
- 1308 2. Barriers, approved by the local fire authority, shall be erected and doors
 1309 shall be closed at all times.
- 1310 3. Kitchens shall have a minimum area of 90 square feet, measured wall to
 1311 wall.

- 1312 4. For a child care facility with 12 or fewer children, located in an occupied
 1313 dwelling, the following regulations shall replace the Mississippi State
 1314 Department of Health's 10.0 Regulation Food Code:
- 1315 a. No game or home canned foods shall be served.
- 1316 b. Other than fresh or frozen vegetables and fruit, all foods shall be from
 1317 commercial sources.
- 1318 c. Food shall be cooked or reheated to a temperature of 165 degrees
 1319 Fahrenheit. Hot food shall be held at a minimum temperature of 140
 1320 degrees Fahrenheit.
- 1321 d. Cold food shall be stored at a temperature of 41 degrees Fahrenheit or
 1322 below.
- 1323 e. All food shall be covered while in the refrigerator or freezer.
- 1324 f. Any prepared foods not properly refrigerated at a temperature of 41
 1325 degrees Fahrenheit or less, or frozen, shall be discarded.
- 1326 g. If manual washing is utilized, a sanitizer shall be used. Rinsing in a
 1327 chlorine solution using one and one-half tablespoons of household
 1328 bleach per gallon of water is sufficient. (Appendix "E"). If a
 1329 dishwasher is utilized, the nozzle ports shall be free of obstructions,
 1330 and the interior of the machine shall be clean. Dishwashers shall have
 1331 a sanitizing cycle which shall reach a temperature 165 degrees at the
 1332 incoming water valve.
- 1333 h. Hot water, under pressure, shall be available.
- 1334 i. Insecticides, poisons, cleaning agents, and medications, shall be
 1335 stored away from food, separately from each other, and out of the
 1336 reach of children.
- 1337 j. Children shall not be exposed to insecticides or pesticides, or other
 1338 toxic agents.
- 1339 k. Hands shall be washed frequently, when switching between working
 1340 with raw and ready-to-eat foods, and after all non-food preparation
 1341 activities.
- 1342 l. Clean clothing shall be worn.
- 1343 m. Gloves shall be worn if there are any cuts or abrasions on the hands.

1344 **110.05 Toilets and Hand Washing Lavatories**

- 1345 1. Toilets and hand washing lavatories shall be located within the physical
 1346 confines of child care facility and shall be convenient to outside
 1347 playground areas.
- 1348 2. The following ratios shall apply: Toilets, urinals, and hand washing
 1349 lavatories shall be apportioned at a ratio of 1:15. Urinals shall not exceed
 1350 33 percent of the total required toilet fixtures. When the number of
 1351 children in the ratio is exceeded by one (1), an additional fixture shall be
 1352 required.
- 1353 3. The hand washing lavatories located in a diapering area shall not be
 1354 included in the ratio of hand washing lavatories to children for
 1355 determining a child care facility's capacity. Diaper changing sinks shall
 1356 not be used for any other purpose such as, but not limited to, rinsing or
 1357 washing baby bottles, pacifiers, teething rings, or for food preparation.
- 1358 4. All hand washing lavatories shall have both hot and cold running water.
 1359 Hot water temperature shall not exceed 120 degrees Fahrenheit.

1360 **110.06 Water** The water supply shall be from a public water system or a private
 1361 system approved by the Mississippi Department of Health. Water shall be
 1362 dispensed by the following:

- 1363 1. Fountain; or
 1364 2. Disposable paper cups; or
 1365 3. Labeled cup for each child which shall be washed and sanitized daily.

1366 **110.07 Exits**

- 1367 1. At least two (2) separate exit doors shall be provided from every floor
 1368 level.
- 1369 2. Exit doors shall be remote from each other.
- 1370 3. Dead end corridors shall not exceed 20 feet in length.
- 1371 4. Exit doors necessitating passage through a kitchen shall not be counted as
 1372 one of the two (2) remote exits.
- 1373 5. Exit doors shall be a minimum of 32 inches wide and open outward. No
 1374 single leaf in an exit door shall be less than 28 inches wide nor more than
 1375 48 inches wide.
- 1376 6. Any latch or other fastening device on an exit door shall be provided with
 1377 a knob, handle, panic bar, or other simple type of releasing device. Dual
 1378 action door fasteners are not permitted.

1379 7. The force required to fully open exit doors shall not exceed 50 pounds
1380 applied to the latch stile (panic bar).

1381 8. An exit door shall not reduce the effective width of a landing.

1382 **110.08 Heating, Cooling, and Ventilation**

1383 1. A draft-free seasonally appropriate temperature of 65 degrees Fahrenheit
1384 to 78 degrees Fahrenheit shall be maintained.

1385 2. All rooms used by children shall be heated, cooled, and adequately
1386 ventilated to maintain the required temperatures, and air exchange, and to
1387 avoid the accumulation of objectionable odors and harmful fumes.

1388 3. Ventilation may be in the form of operable windows as specified in these
1389 regulations.

1390 4. Areas where art and craft activities are conducted shall be well ventilated.
1391 In areas where substances are used that create toxic fumes, exhaust hood
1392 systems or other devices shall be installed.

1393 5. Electric fans, if used, shall be mounted high on the wall or ceiling or shall
1394 be guarded to limit the size of the opening in the blade guard to less than
1395 one-half (1/2) inch.

1396 6. When air cooling is needed, draft-free cooling units shall be used. They
1397 shall present no safety hazard to the children.

1398 7. Filters on recirculation systems shall be checked and cleaned or replaced
1399 monthly.

1400 8. Window draft deflectors shall be provided.

1401 9. Thermometers that do not present a hazard to children shall be placed on
1402 interior walls in every activity area at children's height.

1403 10. Portable, open flame and kerosene space heaters are prohibited. Portable
1404 gas stoves shall not be used for heating.

1405 11. Electric space heaters shall be UL-approved; inaccessible to children; and
1406 stable; shall have protective covering; and shall be placed at least three (3)
1407 feet from curtains, papers, and furniture.

1408 12. Fireplaces and fireplace inserts shall be screened securely or equipped
1409 with protective guards while in use. They shall be properly drafted. The
1410 child care facility shall provide evidence of cleaning the chimney at least
1411 once a year, or as frequently as necessary to prevent excessive buildup of

1412 combustibles in the chimney. Records of chimney cleaning shall be
1413 retained in the center files.

1414 13. Heating units that utilize gas shall be installed and maintained in
1415 accordance with the manufacture(s) instructions, are vented properly to the
1416 outside, and be supplied with sufficient combustion air as required by the
1417 International Fuel Gas Code.

1418 If the area of the state where the facility is located does not utilize the
1419 International Fuel Gas Code, the installation and maintenance of any
1420 heating units that utilize gas shall be in accordance with the manufacture(s)
1421 instructions and any local ordinances that apply.

1422 It is the responsibility of the licensee to provide to the licensing authority
1423 documentation that the heating units meet the above stated standards.

1424 14. Heating units, including water pipes and baseboard heaters hotter than 110
1425 degrees Fahrenheit, shall be made inaccessible to children by barriers such
1426 as guards or other devices.

1427 **110.09 Outdoor Playground Area** All playgrounds and playground equipment
1428 intended for use by children 2-12 years of age shall meet the standards set forth
1429 in the *Handbook for Public Playground Safety*, Publication No. 325, published
1430 by the U.S. Consumer Product Safety Commission or its successor as shown in
1431 Appendix "D."

1432 1. The child care facility shall be equipped with an outdoor playground area
1433 that directly adjoins the indoor facilities or that can be reached by a route
1434 free of hazards and is no farther than 1/8 mile (660 feet) from the child
1435 care facility. The outdoor playground area shall comprise a minimum of
1436 75 square feet for each child using the outdoor playground area at any one
1437 time.

1438 2. If there is less than 75 square feet of accessible outdoor playground space
1439 per child, an indoor playground area room that meets the 75-square-foot-
1440 per-child requirement may be used if it provides for types of activities
1441 equivalent to those performed in an outdoor playground area.

1442 3. The total outdoor playground area shall accommodate at least 33 percent
1443 of the licensed capacity at one time.

1444 4. A rooftop used as an outdoor playground area shall be enclosed with a
1445 fence not less than six (6) feet high and designed to prevent children from
1446 climbing it. An approved fire escape shall lead from the roof to an open
1447 space at the ground level that meets safety standards for outdoor
1448 playground areas.

- 1449 5. The outdoor playground area shall be well arranged so that all areas are
1450 visible to staff at all times.
- 1451 6. The outdoor playground area shall be free of hazards and not less than 30
1452 feet from electrical transformers, high-voltage power lines, electrical
1453 substations, railroad tracks, or sources of toxic fumes or gases. Hazards,
1454 including but not limited to air conditioner units and utility mains, meters,
1455 tanks, and/or cabling shall be inaccessible to children. Fencing at least
1456 four (4) feet high shall be provided around the outdoor playground area.
1457 Fencing higher than four (4) feet but not to exceed eight (8) feet may be
1458 required if the licensing authority determines that a hazard exists. Fencing
1459 twist wires and bolts shall face away from the playground.
- 1460 7. Outdoor playground areas shall be free from unprotected swimming and
1461 wading pools, ditches, quarries, canals, excavations, fish ponds, or other
1462 bodies of water.
- 1463 8. Sunlit areas and shaded areas shall be provided by means of open space
1464 and tree plantings or other cover in outdoor spaces. Outdoor spaces shall
1465 be laid out to ensure ample shaded space for each child.
- 1466 9. The outdoor playground area shall be enclosed with a fence. The fence
1467 shall be at least four (4) feet in height and the bottom edge shall be no
1468 more than three and one-half (3 1/2) inches off the ground. There shall be
1469 at least two (2) exits from such areas, with at least one (1) remote from the
1470 buildings. The gate latch or securing device shall be high enough or of
1471 such a type that it cannot be opened by small children. The openings in
1472 the fence shall be no greater than three and one-half (3 1/2) inches. The
1473 fence shall be constructed to discourage climbing.
- 1474 10. The soil in outdoor playground areas shall not contain hazardous levels of
1475 any toxic chemical or substances. The child care facility shall have soil
1476 samples and analyses performed where there is good reason to believe a
1477 problem may exist.
- 1478 11. The soil in outdoor playground areas shall be analyzed for lead content
1479 initially. It shall be analyzed at least once every two (2) years where the
1480 exteriors of adjacent buildings and structures are painted with lead-
1481 containing paint. Lead in soil shall not exceed 400 ppm. Testing and
1482 analyses shall be in accordance with procedures specified by the licensing
1483 agency.

1484 **110.10 Grounds**

- 1485 1. The grounds, including the outdoor playground area, shall be free of
1486 hazardous or potentially hazardous objects.

- 1487 2. In-ground swimming pools are prohibited unless protected by a six (6)
 1488 foot fence and a locked gate. All fencing shall be placed at a minimum
 1489 five (5) feet from the pool edge.
- 1490 Above ground pools, including decking and pool structures, are prohibited
 1491 unless protected by a six (6) foot fence and a locked gate. All fencing
 1492 shall be placed at a minimum ten (10) feet from the pool/deck edge.
- 1493 3. All paved surfaces shall be well drained to avoid water accumulation and
 1494 ice formation.
- 1495 4. All walking surfaces, such as walkways, ramps, and decks, shall have a
 1496 non-slip finish, and shall be free of holes and sudden irregularities in the
 1497 surface.
- 1498 110.11 **Garbage Removal** Garbage and trash shall be removed from the child care
 1499 facility daily and from the grounds at least once a week. Garbage and trash shall
 1500 be stored inaccessible to the children, and in insect and rodent resistant
 1501 containers.
- 1502 110.12 **Environmental Health** The child care facility shall comply with all
 1503 regulations promulgated by the Division of Sanitation of the Mississippi
 1504 Department of Health for:
- 1505 1. Food Service;
- 1506 2. On-site Wastewater Systems; and
- 1507 3. Vector (pest) Control
- 1508 110.13 **Pest Control** Any pest control contractor used by a child care facility shall be
 1509 licensed by the State of Mississippi. Before a pest control contractor is used, it
 1510 is the responsibility of the operator to ensure that the pest control contractor is
 1511 properly licensed. Use of agricultural chemicals for pest control is strictly
 1512 prohibited.
- 1513 111 **HEALTH, HYGIENE, AND SAFETY**
- 1514 111.01 **Employee Health**
- 1515 1. Employees manifesting symptoms or otherwise suspected of having upper
 1516 respiratory, gastrointestinal, skin, or other serious contagious conditions
 1517 shall be excluded from work until either free from symptoms or certified
 1518 by a physician to be no longer infectious.
- 1519 2. Staff shall use universal precautions when changing diapers or coming
 1520 into contact with blood, fecal material, or urine. Refer to Appendix "F"
 1521 for instructions on how to properly wash hands.

- 1522 3. Staff shall wash their hands upon:
- 1523 a. Immediately before handling food, preparing bottles, or feeding
- 1524 children;
- 1525 b. After using the toilet, assisting a child in using the toilet, or changing
- 1526 diapers;
- 1527 c. After contacting a child(s) body fluids, including wet or soiled diapers,
- 1528 runny noses, spit, vomit, etc.;
- 1529 d. After handling pets, pet cages, or other pet objects;
- 1530 e. Whenever hands are visibly dirty or after cleaning up a child, the
- 1531 room, bathroom items, or toys;
- 1532 f. After removing gloves used for any purpose; and
- 1533 g. Before giving or applying medication or ointment to a child or self.
- 1534 Refer to Appendix "F" for instructions on how to properly wash hands.

1535 111.02 **Child Health**

- 1536 1. A child who is suspected of having a serious contagious condition shall be
- 1537 isolated and returned to the parent as soon as possible.
- 1538 2. A child having a serious contagious condition shall not be allowed to
- 1539 return to the child care facility until they have been certified by a
- 1540 physician to be no longer contagious.
- 1541 3. Parents of all children shall be notified of a contagious illness in the child
- 1542 care facility as soon as possible.
- 1543 4. A child with a physical injury shall be treated by a staff member with valid
- 1544 first aid certificate issued by an agent recognized by the licensing
- 1545 authority. A child with a serious physical injury shall be treated by a staff
- 1546 member with valid first aid certificate issued by an agent recognized by
- 1547 the licensing authority and transported to a hospital or medical facility as
- 1548 soon as appropriate.

1549 111.03 **Child Hygiene**

- 1550 1. A child's wet or soiled clothing shall be changed immediately.
- 1551 2. A child's hands shall be washed:
- 1552 a. Immediately before and after eating;

- 1553 b. After using the toilet or having their diapers changed;
- 1554 c. After playing on the playground;
- 1555 d. After handling pets, pet cages, or other pet objects;
- 1556 e. Whenever hands are visibly dirty; and
- 1557 f. Before going home.
- 1558 3. A child shall have a shower, tub, or sponge bath to ensure bodily
1559 cleanliness when necessary.
- 1560 4. Individual toilet articles (e.g., combs, brushes, toothbrushes, towels, and
1561 wash cloths) used by children shall be provided by the parent or child care
1562 facility and plainly marked and stored individually in a sanitary manner in
1563 areas which promote drying. Single-use and disposable articles are
1564 acceptable. Grooming accessories, including but not limited to brushes,
1565 combs, barrettes, or picks, shall not be used jointly by children or on
1566 children.
- 1567 **111.04 Toys and Equipment** Toys and equipment used by infants or toddlers
1568 shall be cleansed daily with a germicidal solution. Refer to (Appendix – “H” for
1569 instructions on cleaning and disinfection procedures. A recommended resource
1570 regarding sanitation of equipment and toys can be found in the National Health
1571 and Safety Performance Standards: Guidelines for out of home Childcare,
1572 Second Edition (Standard 3.030) website: www.nrc.uchsc.edu
- 1573 **111.05 First Aid Supply**
- 1574 1. A first aid supply shall be kept on-site and easily accessible to employees,
1575 but not in reach of the children.
- 1576 2. A first aid supply shall be taken on all field trips and excursions and shall
1577 be easily accessible to employees, but not in reach of the children.
- 1578 3. Medicine shall be kept out of the reach of the children.
- 1579 4. All vehicles used by the facility in transporting children shall be equipped
1580 with a first aid kit.
- 1581 5. It is recommended that first aid kits contain the following items, according
1582 to American Red Cross guidelines:
- 1583 a. 20 Antiseptic Toweletts
- 1584 b. 50 Plastic Strips (Band Aids)
- 1585 c. 5 Fingertip Bandages

- 1586 d. 5 Knuckle Bandages
- 1587 e. 5 Butterfly Closures
- 1588 f. 5 Non Adherent Pads 2" x 3"
- 1589 g. 2 Sterile Eye Pads
- 1590 h. 1 pressure Bandage 4"
- 1591 i. 1 Bandage Scissors
- 1592 j. 1 Triangular Bandage
- 1593 k. 1 Instant Cold Compress
- 1594 l. 2 Tongue Depressors/Finger Splints
- 1595 m. 1 Elastic Bandage 2: x 5 yards
- 1596 n. 5 3" x 3" Gauze Pads
- 1597 o. 1 Trauma Pad 5" x 9"
- 1598 p. 5 Insect Sting Relief Pads
- 1599 q. 10 First Aid Ointment 1 gr.
- 1600 r. 5 Non Adherent Pads 3: x 4"
- 1601 s. 5 Pair of Examination Gloves
- 1602 t. 2 Conforming Bandage 2" x 5 yards
- 1603 u. 1 Tweezers
- 1604 v. 2 Poison Ivy Relief Treatment
- 1605 w. 1 Booklet (Till Help Arrives(
- 1606 x. 1 Emergency Rescue Blanket
- 1607 y. 1 Adhesive Tape (" x 5 yards

1608 Some items in this kit may have expiration dates. All first aid kits should be
 1609 periodically inspected for contents. Depleted and out of date materials should be
 1610 replaced.

1611 Special attention should be exercised when utilizing first aid supplies or any
1612 medication for children who have allergies or other special medical needs.

1613 For additional information on supplies for first aid kits contact your local office of
1614 the American Red Cross.

1615 111.06 **Animals and Pets**

1616 1. Any pet or animal present at a child care facility, indoors or outdoors,
1617 shall be in good health, show no evidence of carrying any disease, and be
1618 a friendly companion for the children.

1619 2. Dogs or cats, where allowed, shall be immunized for any disease that can
1620 be transmitted to humans, and shall be maintained on a flea, tick, and
1621 worm control program.

1622 3. All pets shall be cared for as recommended by the regulating health
1623 agency. When pets are kept at the child care facility, procedures for their
1624 care and maintenance shall be written and followed. When immunizations
1625 are required, proof of current compliance signed by a veterinarian shall be
1626 on file at the child care facility where the pet is kept.

1627 4. A caregiver shall always be present when children are exposed to animals
1628 (including dogs and cats). Children shall be instructed on safe procedures
1629 to follow when in close proximity to these animals (e.g., not to provoke or
1630 startle them or remove their food). Potentially aggressive animals (e.g.,
1631 pit bulls, boxers, etc.) shall not be in the same physical space with the
1632 children.

1633 5. Each child's hands shall be properly washed after being exposed to
1634 animals.

1635 111.07 **Fire/Disaster Evacuation Drills**

1636 1. Monthly fire/disaster (e.g., tornados, severe weather, floods, earthquakes,
1637 hurricanes, etc.) evacuation drills are required and a record of each drill
1638 shall be maintained in the facility records; to include date, time, number of
1639 children and staff present, and amount of time required to totally exit the
1640 building.

1641 2. During fire/disaster evacuation drills, all staff and children present shall be
1642 required to exit the building.

1643 112 **NUTRITION AND MEALS**

1644 112.01 **General**

- 1645 1. A child care facility shall provide adequate and nutritious meals prepared
1646 in a safe and sanitary manner.
- 1647 2. Meal periods are breakfast, lunch, dinner, and snacks. A minimum of 30
1648 minutes shall be scheduled for each breakfast, lunch, and dinner meal
1649 period. A minimum of 15 minutes shall be scheduled for each snack meal
1650 period.
- 1651 3. Meals shall be served at tables where each child may be seated.
- 1652 4. Meals shall be served by employees only.
- 1653 5. Employees shall wash hands prior to preparing or serving food.
- 1654 6. Children shall not share food.

1655 112.02 **Nutritional Standards** Meals shall meet the nutritional standards as
1656 prescribed in Appendix "C" Minimum Standards for Nutritional Care in Child
1657 Care Facilities.

1658 112.03 **Refreshments** Refreshments may be provided by parents only on the
1659 occasion of a child's birthday or other special celebration such as Valentine's
1660 Day, Easter, Christmas, Graduation, etc. Food provided to children, including
1661 vending machines at the facility, must meet nutritional guidelines as set forth in
1662 Appendix "C."

1663 112.04 **Sack Lunches** Sack lunches prepared by parents may be permitted as
1664 included on approved menu plans but shall not exceed one (1) day per month per
1665 child. Exceptions may be made for specific activities such as field trips outside
1666 the child care facility. Measures to assure proper storage and refrigeration of
1667 sack lunches are required of the child care facility.

1668 **Snacks** All snacks shall meet acceptable nutritional standards, as
1669 prescribed in Appendix "C" Minimum Standards for Nutritional Care in Child
1670 Care Facilities.

1671 113 **DISCIPLINE AND GUIDANCE**

1672 113.01 **Prohibited Behavior** The following behaviors are prohibited by anyone
1673 (i.e., parent, caregiver, or child) in all child care settings:

- 1674 1. Corporal punishment, including hitting, spanking, beating, shaking,
1675 pinching, biting, and other measures that produce physical pain;
- 1676 2. Withdrawal or the threat of withdrawal of food, rest, or bathroom
1677 opportunities;
- 1678 3. Abusive or profane language;

- 1679 4. Any form of public or private humiliation, including threats of physical
1680 punishment;
- 1681 5. Any form of emotional abuse, including rejecting, terrorizing, ignoring,
1682 isolating (out of view of a caregiver), or corrupting a child;
- 1683 6. Use of any food product or medication in any manner or for any purpose
1684 other than that for which it was intended;
- 1685 7. Inappropriate disciplinary behavior includes, but is not limited to, putting
1686 soap or pepper in a child's mouth; or
- 1687 8. Any acceptable disciplinary action that is not age-appropriate for the child
1688 or is excessive in time or duration.

1689 **113.02 Restraint of a Child** Children shall not be physically restrained except as
1690 necessary to ensure their own safety or that of others, and then for only as long
1691 as is necessary for control of the situation. Children shall not be given
1692 medicines or drugs that will affect their behavior except as prescribed by a
1693 licensed physician and with specific written instructions from the licensed
1694 physician for use of the medicines or drugs.

1695 **113.03 Time Out** "Time out" that enables the child to regain self-control and keeps
1696 the child in visual contact with a caregiver shall be used selectively, taking into
1697 account the child's developmental stage and the usefulness of "time out" for the
1698 particular child.

1699 "Time out" means that the child is given time away from an activity which
1700 involved inappropriate behavior. Isolation from a caregiver is not acceptable.
1701 "Time out" is not allowed for children younger than three (3) years of age.

1702 **113.04 Children Shall Not Discipline Other Children** Children shall neither be
1703 allowed nor be instructed to discipline other children.

1704 114 **TRANSPORTATION**

1705 **114.01 General** Regardless of transportation provisions, the child care facility is
1706 responsible for the safety of the children.

1707 **114.02 Requirements** It is required that:

- 1708 1. All drivers be appropriately licensed;
- 1709 2. All vehicles have current safety inspection stickers, licenses, and
1710 registrations;
- 1711 3. Insurance adequately covers the transportation of children;

1712 4. Children board or leave the vehicle from the curb-side of the street and/or
1713 are safely accompanied to their destinations;

1714 5. A parent is present if the child is delivered home; and

1715 6. Seat restraints are used.

1716 **114.03 Occupant Restraints**

1717 1. All children will be properly restrained whenever they are being
1718 transported in a motor vehicle.

1719 2. No vehicle shall be occupied by more individuals than its rated capacity.

1720 3. No children shall be transported in the front seat of vehicles equipped with
1721 passenger-side air bags.

1722 4. All vehicles under 10,000 lbs. GVWR (Gross Vehicle Weight Rated) shall
1723 be equipped with occupant restraints appropriate for the age and/or weight
1724 of the children being transported. A child under the age of four (4) shall
1725 be transported only if the child is securely fastened in a child safety seat
1726 that meets Federal Motor Vehicle Safety Standards (FMVSS, 49 CFR
1727 571.213), which shall be indicated on the child safety seat. The child
1728 safety seat shall be appropriate to the child's weight and be installed and
1729 used according to the manufacturer's instructions.

1730 5. Vehicles (e.g., school buses) with a GVWR 10,000 lbs. or more shall, at a
1731 minimum, meet the current Federal Motor Vehicle Safety Standards
1732 (FMVSS) for buses of that size. It is the responsibility of the child care
1733 facility operator to have documentation verifying that a bus meets the
1734 current FMVSS.

1735 **NOTE:** Federal Motor Vehicle Safety Standards (FMVSS) means
1736 the National Highway and Traffic Safety Administration's standards for
1737 motor vehicles and motor vehicle equipment established under section 103
1738 of the Motor Vehicle Safety Act of 1966 (49 CFR Part 571) as they apply
1739 to school buses.

1740 **114.04 Staff-to-Child Ratio** The staff to child ratio shall be maintained at all
1741 times. The driver of the vehicle shall not be counted as a caregiver while
1742 transporting the children.

1743 **115 DIAPERING AND TOILETING**

1744 **115.01 Diaper Changing Area** Each room in which diaper-wearing children play
1745 shall contain a diapering area. A diapering area shall contain a hand washing
1746 lavatory with hot and cold running water, a smooth and easily cleanable surface,
1747 a plastic-lined, covered garbage receptacle, and sanitizing solution. The hand

- 1748 washing lavatories located in a diapering area shall not be included in the ratio
 1749 of hand washing lavatories to children for determining a child care facility's
 1750 capacity nor shall they be used for any other purpose.
- 1751 115.02 **Non-Disposable Diapers and Training Pants** The fecal contents of non-
 1752 disposable diapers or training pants shall be disposed of into a toilet. The soiled
 1753 non-disposable diaper or training pants shall then be placed into a plastic bag,
 1754 sealed, and placed in the child's individual container.
- 1755 115.03 **Disposable Diapers** Disposable diapers shall be placed into a plastic bag and
 1756 sealed or shall be rolled up and taped securely, then placed into a plastic-lined
 1757 covered garbage receptacle.
- 1758 115.04 **Potty Chairs** Potty chairs, if used, shall be placed in the bathroom area
 1759 and sanitized after each child(s) use.
- 1760 115.05 **Hand Washing** Employees shall wash their hands with soap and running
 1761 water before and after each diaper change. Individual or disposable towels shall
 1762 be used for drying. Hand washing sinks at diaper changing stations shall not be
 1763 used for any other purpose. Example: The diaper changing sink may not be
 1764 used for washing cups, baby bottles, food, dishes, utensils, etc.
- 1765 115.06 **Parental Consultation** A parent-caregiver consultation is required prior to
 1766 toilet training.
- 1767 116 **REST PERIODS**
- 1768 116.01 **Equipment** Each child shall be placed on a separate bed, crib, cot, or mat.
 1769 Cribs shall be labeled so that the child's name is visible.
- 1770 116.02 **Cleaning of Linens and Bed Coverings** Linens and bed coverings shall be
 1771 changed immediately when soiled. All linens and bed coverings shall be
 1772 changed, at a minimum, two (2) times per week.
- 1773 116.03 **Cleaning of Rest Period Equipment** All rest period equipment shall be
 1774 wiped clean immediately when soiled. All rest period equipment shall be
 1775 cleaned twice a week with a germicidal solution. Additional cleaning may be
 1776 required by the licensing authority if there is an outbreak of a communicable
 1777 disease, including but not limited to, rotavirus, giardiasis, etc., or a noninfectious
 1778 condition such as, but not limited to, an infestation of head lice.
- 1779 116.04 **Sharing of Rest Period Equipment** At no time will two (2) or more
 1780 children be allowed to share the same bed, crib, cot, or mat during their time of
 1781 enrollment, unless it is cleaned with a germicidal solution between each child's
 1782 use.
- 1783 117 **FEEDING OF INFANTS AND TODDLERS**

- 1784 117.01 **Hand Washing** Employees shall wash their hands with soap and water, and
 1785 dry their hands with individual or disposable towels, before and after each
 1786 feeding. The infant's and toddler's hands shall be washed with soap and water,
 1787 and dried with individual or disposable towels, before and after each feeding.
- 1788 117.02 **Bottle Feeding** Infants shall be held while being bottle fed. Bottles shall
 1789 not be propped at any time. With parental consent and when infants are old
 1790 enough to hold their own bottles, they may feed themselves without being held.
 1791 The bottle shall be removed at once when empty or when the child has fallen
 1792 asleep.
- 1793 117.03 **Formula Storage** Formula shall be labeled with the child's name and placed
 1794 in the refrigerator upon arrival.
- 1795 117.04 **Baby Food** Foods stored or prepared in jars shall be served from a separate
 1796 dish for each infant or toddler. Any leftovers from the serving dish shall be
 1797 discarded. Leftovers in the jar shall be labeled with the child's name, dated,
 1798 refrigerated, and used within the next 24 hours or discarded.
- 1799 117.05 **Refrigerator** A refrigerator shall be available and easily accessible to the infant's
 1800 or toddler's room(s).
- 1801 117.06 **Heating Unit and Microwave Use**
- 1802 1. A heating unit for warming bottles and food shall be accessible only to
 1803 adults.
- 1804 2. Microwave ovens shall not be used for warming bottles or baby/infant
 1805 food.
- 1806 117.07 **Breast-Feeding Accommodations and Staff Training** This section applies to
 1807 all mothers choosing to breast-feed their child regardless of the child's age.
- 1808 1. Breast-feeding mothers, including employees, shall be provided a sanitary
 1809 place that is not a toilet stall to breast-feed their child or to express milk.
 1810 This area shall provide an electrical outlet, comfortable chair, and nearby
 1811 access to running water.
- 1812 2. A refrigerator must be available to accommodate storage of expressed
 1813 breast milk. It is acceptable to store expressed milk in the same
 1814 refrigerator as other milk/bottles provided each bottle is appropriately
 1815 labeled with the child's name and the time of expected expiration of the
 1816 milk. Milk must be stored in accordance with the American Academy of
 1817 Pediatrics and Centers for Disease Control guidelines. Universal
 1818 precautions are not required in handling human milk.
- 1819 3. Child care staff shall be trained in the safe and proper storage and
 1820 handling of human milk. Although other training materials may be
 1821 utilized, training materials will be available through MDH.
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Guidelines for Milk Storage and Use for All Infants

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

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1828 From the ACOG/AAP publication: Breastfeeding Handbook for Physicians

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118 SWIMMING AND WATER ACTIVITIES

1831 **118.01 General** This section shall apply to any child care facility that, as part of its
 1832 program, allows the children to swim, wade, or participate in any water
 1833 activities whether on site or at any other location during the time staff has
 1834 responsibility for children enrolled.

118.02 Lifeguard Supervision

1835

1. Swimming pools, lakes, etc.

- 1836
- 1837 a. A person having an American Red Cross lifeguard certificate, or the
 1838 equivalent as recognized by the licensing agency, shall be present at
 1839 all swimming and water activities.
- 1840 b. One (1) lifeguard is required for every 25 children or any portion
 1841 thereof (i.e., two (2) lifeguards are required for groups of 26 - 50,
 1842 three (3) for 51 - 75, etc.). This required ratio also includes activities
 1843 which occur near water such as fishing or beach activities.
- 1844 c. Lifeguards are not counted in the staff-to-child ratio
- 1845 d. The staff-to-child ratio shall be maintained at all times.
- 1846 e. It is the child care facility operator's responsibility to provide
 1847 adequate certified lifeguards if the pool or lake operator does not.
- 1848 f. Each child will be tested by a certified lifeguard prior to participating
 1849 in swimming lessons or any pool activities. Children will be assigned
 1850 to swim groups according to the results of the test.
- 1851 g. Staff, as well as lifeguards, shall be responsible for enforcing general
 1852 safety rules.
- 1853 h. Staff is responsible for requiring children to obey all swimming/water
 1854 rules. These rules shall be explained each day that swimming/water
 1855 activities occur so that all ages can understand what is expected.

- 1856 2. **Wading pools** For activities taking place in wading pools with a water
1857 depth of one (1) foot or less the following is required:
- 1858 a. There shall be a person(s) with a valid CPR certificate and a valid first
1859 aid certificate present at all times.
- 1860 b. The staff-to-child ratio shall be maintained at all times.
- 1861 c. Wading pools shall be cleaned after each use.

1862 118.03 **Health and Safety**

- 1863 1. All piers, floats, and platforms shall be in good repair, and where
1864 applicable, the water depth shall be indicated by printed numerals on the
1865 deck or planking.
- 1866 2. There shall be a minimum water depth of 10 feet for a one (1) meter
1867 diving board and 13 feet for a three (3) meter board or diving tower.
- 1868 3. For outdoor swimming areas in natural bodies of water, the bottom shall
1869 be cleared of stumps, rocks, and other obstacles.
- 1870 4. Diving boards shall be mounted on a firm foundation and never on an
1871 insecure base, such as a float that can be affected by shifting weight loads
1872 and wave action. The entire length of the top surface of diving boards
1873 shall be covered with nonskid material. The diving board shall be level.
1874 All diving boards shall be installed in accordance with manufacturer's
1875 guidelines for the board by professional swimming pool installers who
1876 shall certify in writing to the facility that the diving board is adequately
1877 installed in accordance with manufacturer's guidelines for the board, in a
1878 commercially reasonable manner, located so as to allow a child to safely
1879 enter the water from the diving board, and that the diving board is safe for
1880 its intended use. Facilities with existing pools equipped with diving
1881 boards that are unable to obtain the required certification within sixty (60)
1882 days of the adoption of this regulation shall have the diving boards
1883 removed.
- 1884 5. Swimming pools, when in use, shall be continuously disinfected by a
1885 chemical which imparts an easily measured free available residual effect.
1886 When chlorine is used, a free chlorine residual of at least 0.4 ppm shall be
1887 maintained throughout the pool whenever it is open or in use. If other
1888 halogens are used, residuals of equivalent disinfecting strength shall be
1889 maintained.
- 1890 6. A testing kit for measuring the concentration of the disinfectant, accurate
1891 within 0.1 ppm, shall be provided at each swimming pool.

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

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pH	Minimum Free Available Residual Chlorine-mg/L <i>(not stabilized with cyanuric acid)</i>
7.2.....	0.40
7.3.....	0.40
7.4.....	0.40
7.5.....	0.40
7.6.....	0.50
7.7.....	0.60
7.8.....	0.70
7.9.....	0.80
8.0.....	1.00

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

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pH	Minimum Free Available Residual Chlorine-mg/L <i>(cyanuric acid is at least equal to 30 mg/L, but not greater than 100 mg/L)</i>
7.2.....	1.00
7.3.....	1.00
7.4.....	1.00
7.5.....	1.00
7.6.....	1.25
7.7.....	1.50
7.8.....	1.75
7.9.....	2.00
8.0.....	2.50

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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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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.

- 1940 119 **CHILDREN WITH SPECIAL NEEDS**
- 1941 119.01 **Facility Adaptation**
- 1942 1. The child care facility areas to be utilized by a child with special needs
1943 shall be adapted as necessary to accommodate special devices which may
1944 be required for the child to function independently, as appropriate.
- 1945 2. A separate area shall be available for the purpose of providing privacy for
1946 diapering, dressing, and other personal care procedures.
- 1947 119.02 **Activity Plan** A child with special needs shall have an individual activity
1948 plan. The individual activity plan shall have been developed by a person with a
1949 bachelors or advanced degree in a discipline dealing with disabilities, as
1950 appropriate. The individual activity plan shall be reviewed, at a minimum, once
1951 every twelve (12) months.
- 1952 119.03 **Caregiver Staff Development** Caregivers serving children with special
1953 needs shall receive staff development related to the specific needs of the
1954 children served.
- 1955 119.04 **Staffing** Caregiver staffing shall be appropriate and adequate to meet the
1956 specific physical and/or developmental needs of the special needs children
1957 served at the child care facility. Staff-to-child ratio shall be determined by the
1958 needs of the child rather than child(s) chronological age as based upon the child(s)
1959 individual plan (i.e., individual education plan, individual habilitation plan,
1960 individual family service plan, etc.). The facility is encouraged to be an active
1961 participant in the child(s) individual plan development.
- 1962 120 **NIGHT CARE**
- 1963 120.01 **General** This section shall apply to any child care facility that is open past
1964 11:30 p.m., as part of their regular hours of operation.
- 1965 120.02 **Nutrition**
- 1966 1. A child care facility which is open prior to 7:00 p.m. shall provide a dinner
1967 meal period.
- 1968 2. A child care facility that remains open after 5:00 a.m., shall provide a
1969 breakfast meal period.
- 1970 3. A snack period shall be provided to children in attendance for more than
1971 two and one-half (2 1/2) hours prior to bedtime.
- 1972 4. Menu plans for lunch and dinner meals shall be varied. No single menu
1973 shall be repeated in a 24 hour period.

- 1974 120.03 **Sleeping**
- 1975 1. Mats shall not be used for sleeping.
- 1976 2. Bedtime schedules shall be established in consultation with the child's
1977 parent.
- 1978 3. Provisions shall be made in sleeping areas for the use and storage of
1979 clothing and personal belongings and they shall be within easy reach of
1980 the child using them.
- 1981 4. A child shall be provided with a bed or cot equipped with a comfortable
1982 mattress (a minimum of three (3) inches thick), sheets, a pillow with a
1983 pillow case, and a blanket.
- 1984 5. The upper level of double-deck beds shall not be used for children under
1985 10 years of age. The upper level of double-deck beds are allowed for
1986 children 10 years of age or older if a bed rail and safety ladder is provided.
- 1987 6. Each child shall have clean and comfortable sleeping garments.
- 1988 120.04 **Bathroom Facilities**
- 1989 1. There shall be a bathtub or shower available for children of toddler age or
1990 older.
- 1991 2. Bathtubs and showers shall be equipped to prevent slipping.
- 1992 3. If night care is provided for infants, there shall be age appropriate bathing
1993 facilities for these children.
- 1994 4. Bathrooms shall be located near the sleeping areas.
- 1995 5. No children under six (6) years of age shall be left alone or with another
1996 child while in the bathtub or shower.
- 1997 6. All children shall be bathed separately.
- 1998 7. All children shall be provided an individual washcloth, towel, and soap for
1999 bathing, with fresh water for each child.
- 2000 121 **HEARINGS, EMERGENCY SUSPENSIONS, LEGAL ACTIONS AND**
2001 **PENALTIES**
- 2002 121.01 **Emergency Suspensions of License**
- 2003 1. Any license issued pursuant to these regulations may be suspended prior
2004 to a hearing if the licensing agency has reasonable cause to believe that the

2005 operation of the child care facility constitutes a substantial hazard to the
2006 health or safety of the children cared for by the child care facility.

2007 2. Whenever a license is to be suspended, the operator or director shall be
2008 notified in writing that the license, upon service of the notice, is
2009 immediately suspended. The notice shall contain the reason for the
2010 emergency suspension, and shall set a date for a hearing, which shall be
2011 within 14 days of the service of notice.

2012 **121.02 Denial, Revocation, or Suspension of License** The licensing agency may
2013 deny, refuse to renew, suspend, revoke, or restrict a license of any child care
2014 facility upon one (1) or more of the following grounds:

2015 1. Fraud, misrepresentation, or concealment of a material fact by the operator
2016 in securing the issuance or renewal of a license;

2017 2. Conviction of an operator of any crime, if the licensing agency finds that
2018 the acts of which the operator has been convicted could have a detrimental
2019 effect on the children cared for by the child care facility;

2020 3. Violation of any of the provisions of the act or of these rules and
2021 regulations;

2022 4. Any conduct, or failure to act, which is determined by the licensing
2023 agency to threaten the health or safety of a child;

2024 5. Failure by the child care facility to have all criminal records and child
2025 abuse central registry checks on file at the facility; and/or

2026 6. Information received by the licensing authority as a result of the criminal
2027 records check (fingerprinting) or the child abuse central registry check on
2028 an operator.

2029 **121.03 Notification**

2030 1. Prior to the denial, refusal to renew, suspension, revocation or restriction
2031 of a license, and at the time of the imposition of any fine, written notice of
2032 the contemplated action shall be given to the applicant or person named on
2033 the license of the child care facility, at the address on record with the
2034 licensing agency. Such notice shall specify the reasons for the proposed
2035 action and shall notify the operator of the right to a district level hearing
2036 on the matter.

2037 2. Where the contemplated action is the revocation of a license, and when the
2038 proposed revocation is based on Section 25-2 (C) or (D) and involves
2039 physical harm or injury to a child, no district level hearing will be
2040 provided. In such cases, the licensee will be notified of his opportunity for
2041 a state level hearing.

2042 121.04 **District Level Hearing**

- 2043 1. If requested in writing within 10 calendar days of receipt of said notice, a
2044 hearing shall be provided in which the operator or applicant may show
2045 cause why the license should be renewed or should not be denied,
2046 suspended, revoked, or restricted, or the fine should not be imposed.
- 2047 2. Any hearing requested pursuant to Section 25-4(A) shall be held no less
2048 than five (5) calendar days and no more than 20 calendar days from the
2049 receipt of any request for a hearing, unless an alternate time frame is
2050 agreed to by both parties.
- 2051 3. The district level hearing shall be informal. However, the hearing officer
2052 must keep a record of the proceedings and provide the licensee with a
2053 written order outlining his decision within 10 calendar days of conclusion
2054 of the district level hearing.
- 2055 4. Within 10 calendar days of the receipt of the district level decision the
2056 licensee may make a written request for a new hearing at the state level.

2057 121.05 **State Level Hearing**

- 2058 1. At the state level, a hearing officer, appointed by the State Health Officer,
2059 shall conduct a hearing to be scheduled within 30 calendar days of receipt
2060 of the request for such hearing.
- 2061 2. Within 30 calendar days of the hearing, or such time frame as determined
2062 during the hearing, written findings of fact, together with a
2063 recommendation for action, shall be forwarded to the State Health Officer.
2064 The State Health Officer shall decide what, if any, action is to be taken on
2065 the recommendation within 14 calendar days of receipt of the
2066 recommendation. Written notice of the decision of the State Health
2067 Officer shall be provided to the operator.

2068 121.06 **Appeal** Any operator who disagrees with or is aggrieved by a decision of
2069 the licensing agency in regard to the suspension, revocation, or restriction of a
2070 license may appeal to the Chancery Court of the county in which the child care
2071 facility is located. The appeal shall be filed no later than 30 calendar days after
2072 the operator receives written notice of the final administrative action by the
2073 licensing agency as to the suspension, revocation, or restriction of the license.
2074 The operator shall have the burden of proving that the decision of the licensing
2075 agency was not in accordance with applicable law and these regulations.

2076 If a facility is allowed to continue to operate during the appeal process, it will
2077 remain under the regulation of the licensing agency and will be subject to all
2078 current licensure regulations to include, but not limited to, inspection of the
2079 facility, review of facility and children(s) records, submission of all required or
2080 requested documents, and payment of all applicable fees and/or fines.

2081 121.07 **Injunction** Notwithstanding the existence of any other remedy, the licensing
 2082 agency may, in the manner provided by law, in term time or in vacation, upon
 2083 the advice of the Attorney General who shall represent the licensing agency in
 2084 the proceedings, maintain an action in the name of the state for injunction or
 2085 other proper remedy against any person to restrain or prevent the establishment,
 2086 conduct, management, or operation of a child care facility with or without a
 2087 license under the act, or otherwise in violation of these regulations.

2088 121.08 **Criminal Penalties** Any person establishing, conducting, managing, or
 2089 operating a child care facility without a license pursuant to these regulations
 2090 shall be guilty of a misdemeanor, and, upon conviction, shall be fined not more
 2091 than one hundred dollars (\$100.00) for the first offense, and not more than two
 2092 hundred dollars (\$200.00) for each subsequent offense.

2093 121.09 **Violations, Penalties, and Fines**

2094 1. Any Class I violation of these regulations, in the discretion of the licensing
 2095 agency, is punishable by a fine of five hundred dollars (\$500.00) for a first
 2096 occurrence and a fine of one thousand dollars (\$1000.00) for each
 2097 subsequent occurrence of the same violation. Each violation is considered
 2098 a separate offense.

2099 The following are Class I violations:

- 2100 a. Failure to prevent the death, dismemberment, or permanent disability
 2101 of a child.
- 2102 b. Allowing a child to be unattended at a licensed child care facility
 2103 before or after operating hours.
- 2104 c. Allowing a child to be unattended when not at the licensed facility but
 2105 under the care of the licensed facility.

2106 **Should a facility be cited for Class I violations on two (2) separate**
 2107 **occasions, it may be cause for suspension or revocation of the facility**
 2108 **license for habitual noncompliance with the Regulations Governing**
 2109 **Licensure of Child Care Facilities.**

2110 2. Any Class II violation of these regulations, in the discretion of the
 2111 licensing agency, is punishable by a fine of fifty dollars (\$50.00) for a first
 2112 occurrence and a fine of one hundred dollars (\$100.00) for each
 2113 subsequent occurrence upon further inspections within the same licensure
 2114 term. Each violation is considered a separate offense. Example: If a
 2115 facility is five (5) children over maximum capacity it constitutes five (5)
 2116 separate Class II violations and would be subject to a two hundred fifty
 2117 dollar (\$250.00) or five hundred dollar (\$500.00) fine, whichever is
 2118 applicable.

- 2119 The following are Class II violations:
- 2120 a. Failure to maintain proper staff-to-child ratio (Sections 8-1 and 8-2);
- 2121 b. Exceeding licensed maximum capacity (Section 1-1(c));
- 2122 c. Failure to have a proper criminal record check in a personnel record
2123 (Section 6-4(A) (6));
- 2124 d. Failure to have a proper child abuse central registry check in a
2125 personnel record (Section 6-4(A) (6));
- 2126 e. Improper discipline of a child (Sections 14-1, 2, 3, and 5);
- 2127 f. Allowing a child to leave the child care facility with an unauthorized
2128 individual (Section 4-1(b) (3));
- 2129 g. Violation of an environmental health regulation (Sections 11 and 12);
- 2130 h. Failure to report a serious occurrence (Section 7-1);
- 2131 i. Failure to report a communicable disease (Section 7-3);
- 2132 j. Violation of transportation and safety policies, procedures, and
2133 regulations (Sections 4-1 (c) (3) and 15-1, 2, 3, and 4); and
- 2134 k. Unauthorized individual assigned administrative and supervisory
2135 responsibility for the facility when the director is absent or violation
2136 of Section 5.7 Director Designee.
- 2137 l. Failure to have proper (up-to-date) immunization documentation in
2138 each child's record and each employee's record.
- 2139 m. Failure to display license and/or complaint notice in accordance with
2140 Section 2-10.
- 2141 n. Failure to meet conditions or restrictions placed on a license. The fine
2142 will be in addition to the immediate closure of the facility for failure
2143 to meet any conditions or restrictions as stated on the restricted
2144 license (Section 2-2(C)).
- 2145 o. Failure to comply with the requirements of Section 13-4 Sack
2146 Lunches.
- 2147 p. Failure to have adequate staff on site holding a valid CPR certificate.
- 2148 q. Failure to have adequate staff on site holding a valid First Aid
2149 certificate.

- 2150 r. The presence of any individual who has failed to satisfy the personnel
2151 requirements of Section V.
- 2152 s. Violation of Section 4-2 Smoking, Tobacco Products, and Prohibited
2153 Substances.
- 2154 t. Failure to meet nutritional standards as listed in Appendix “C.”
- 2155 u. Altering of documents supporting suitability for employment in a
2156 child care facility, i.e., Letter of Suitability for Employment or Child
2157 Abuse Central Registry Check. Refer to Section V, Personnel
2158 Requirements.

2159 **Should a facility be cited for Class II violations on four (4) separate**
2160 **inspection dates, it may be cause for suspension or revocation of the**
2161 **facility license for habitual noncompliance with the Regulations**
2162 **Governing Licensure of Child Care Facilities.**

- 2163 3. A Class III violation of these regulations, in the discretion of the licensing
2164 agency, is punishable by a fine of twenty-five dollars (\$25.00) for each
2165 occurrence. A Class III violation is any violation of these regulations not
2166 listed as a Class I or Class II violation in Sections 25-9(A) and (B).
- 2167 4. Unless appealed, all fines shall be payable within 30 calendar days of
2168 being levied. If appealed fines shall be payable within 30 calendar days of
2169 final disposition.
- 2170 5. An operator shall have the right to appeal a fine imposed pursuant to this
2171 section of the regulations, in accordance with the policy of the licensing
2172 agency. Any appeal of a fine must be filed with the licensing agency
2173 within 10 calendar days of being levied.
- 2174 6. An operator shall not be granted a license, nor shall a license be renewed
2175 for any operator with outstanding fines or penalties.
- 2176 7. If a license expires during the appeal process, it shall be administratively
2177 extended and documentation of the extension shall be provided to the
2178 licensee. A facility given an administrative extension during the appeal
2179 process, shall remain under the regulation of the licensing agency and will
2180 be subject to all current licensure regulations to include, but not limited to,
2181 inspection of the facility, review of facility and children(s) records,
2182 submission of all required or requested documents, and payment of all
2183 applicable fees and/or fines.

2184 122 **XXVI. RELEASE OF INFORMATION**

2185 Information in the possession of the licensing agency concerning the license of individual
2186 child care facilities may be disclosed to the public, except such information shall not be

2187 disclosed in such manner as to identify children or families of children cared for at a child
2188 care facility. Nothing in this section shall affect the agency(s) authority to release findings
2189 of investigation into allegations of abuse pursuant to either Sections 43-21-353(8) and
2190 Section 43-21-257 Mississippi Code of 1972, annotated.

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