

Title 15: Mississippi State Department of Health

Part 11: Bureau of Child Care Facilities

Subpart 55: Child Care Facilities Licensure

CHAPTER 1: REGULATIONS GOVERNING LICENSURE OF CHILD CARE FACILITIES

Subchapter 1: GENERAL

Rule 1.1.2 Purpose

3. The maximum capacity of a child care facility is determined by the indoor square footage, kitchen square footage, outdoor playground area, and the number of toilets, urinals, and hand washing lavatories, with the lowest capacity determination being controlling. The maximum capacity of each room that is utilized by the children in a child care facility is calculated individually and may not be exceeded except when provided in these regulations.

Source: Miss. Code Ann. §43-20-8.

Rule 1.1.4 Definitions

7. **Director Designee** Any individual designated to act as the director, having all responsibility and authority of a director, during the director's short-term absence. A director designee shall, at a minimum, be at least 21 years of age, have a high school diploma or GED, and 2 years paid experience in a licensed child care facility. Director Designees shall not retain sole director authority in a facility for more than 24 total hours per calendar week.

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

19. **School Age Child** A child 5 years of age or older and eligible to be enrolled in public school.

Note: A child that is five (5) years old age must have turned five (5) on or before September 1 to be considered a school age child.

Source: Miss. Code Ann. §43-20-8.

Subchapter 2: LICENSURE

Rule 1.2.2 Types of Licenses

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

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

- c. Documentation that the facility has a qualified director for the child care program that meets the standards set forth in Rule 1.5.3.
- g. Verification of passing an American National Standards Institute – Conference for Food Protection (ANSI-CFP) Accredited food manager training. Currently the following providers are authorized by the MSDH to provide the required training:
 - i. National Restaurant Association, Inc., i.e., ServSafe®,
 - ii. Environmental Health Testing, Inc., i.e., National Registry of Food Safety Professionals,
 - iii. Prometric, Inc., or
 - iv. Mississippi State University Extension Service, i.e., TummySafe©.

NOTE: For information on ServSafe® or TummySafe© contact the Mississippi State University Extension Service at www.msucares.com. In addition, the Mississippi Restaurant Association (MRA) also provides ServSafe® training. The MRA can be contacted at www.msra.org. For information on the National Registry of Food Safety Professionals or Prometric, contact the MSDH Office of Environmental Health at 601-576-7690.

- dd. Verification that the owner/operator and director have completed mandatory training on:
 - i. *Regulations Governing Licensure of Child Care Facilities.*
 - ii. Directors Orientation.
 - iii. Playground Safety.

NOTE: Contact the Mississippi State Department of Health, Child Care Facilities Licensure Division at 601-364-2827 for more information on the availability and location of the above referenced training. Information on available training classes and approved training providers is listed on the MSDH website at www.HealthyMS.com. Training classes provided by the Child Care Licensing Division are listed under the heading “MSDH Child Care Provider Training Calendar.” Other approved providers of training for child care facility operators and staff are listed under the headings “MSDH Approved Staff Development Trainers” and “Approved Child Care Staff Development Providers.”

Source: Miss. Code Ann. §43-20-8.

Subchapter 4: FACILITY POLICY AND PROCEDURES

Rule 1.4.2 Smoking, Tobacco Products, and Prohibited Substances

1. Smoking or the use of tobacco products in any form is prohibited within the physical confines or the campus of a child care facility.
2. The use of alcohol, illegal use of prescription drugs, or use of illegal drugs is prohibited within the physical confines or the campus of a child care facility.
3. Smoking or the use of tobacco products in any form, use of alcohol, illegal use of prescription drugs, or use of illegal drugs by a caregiver is prohibited anytime a child is under the care of such caregiver regardless of location. A caregiver is defined as a person who provides direct care, supervision, and guidance to children in a child care facility, regardless of title or occupation. This definition includes volunteers and parents.

Source: Miss. Code Ann. §43-20-8.

Rule 1.4.6 Posting of Information The following items shall be posted conspicuously in the child care facility at all times:

1. Accessible to employees and parents:
 - b. Daily activity schedule posted in each classroom.
 - c. Menus and Food Service Permit, if applicable.
2. In kitchens:
 - a. Menus.
 - b. Evacuation route.

Source: Miss. Code Ann. §43-20-8.

Subchapter 5: PERSONNEL REQUIREMENTS

Rule 1.5.3 Child Care Director Qualifications A child care director shall be least 21 years of age and shall have at a minimum:

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

Source: Miss. Code Ann. §43-20-8.

Rule 1.5.4 Caregivers Caregivers shall be at least 18 years of age, and shall have at a minimum:

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

Source: Miss. Code Ann. §43-20-8.

Rule 1.5.7 Use of Director Designee

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

EXCEPTION: Facility may have a Director Designee serve for a maximum of 14 consecutive days during a licensure year. This exception may be used once during the licensure year for allowing the director personal leave, i.e., vacation, jury duty, etc. In addition, if a Director has a medical condition (illness, recovery from surgery, accident, etc.) that requires more than 14 consecutive day's recovery time, the time a Director Designee may be utilized may be extended. The facility is responsible to notify the Child Care Division of such circumstances and provide documentation supporting the need to extend the time the Director Designee needs to be utilized. Approval of this exception is at the discretion of the Child Care Licensure Division.

Source: Miss. Code Ann. §43-20-8.

Rule 1.5.8 Staff Development

1. Owners, Directors, and Director Designees - Before a new license to operate is issued, owners, directors and director designees of the child care facility shall complete mandatory training on courses covering Child Care Regulations, Director

Orientation, and Playground Safety. If a new director or director designee is appointed by the child care facility after the license issuance, the mandatory training courses shall be completed by such individual(s) within the first six months of appointment. In the sole discretion of the licensing agency, mandatory training may be waived upon the submission of documentation of the individual's prior completion of relevant training.

2. All child care staff, directors, director designees, and caregivers shall be required to complete 15 contact hours of staff development, accrued during the licensure year, annually. The National Association for the Education of Young Children (NAEYC), a leading organization in child care and early childhood education recommends annual training based on the needs of the program and the pre-service qualifications of the staff. Training should address the following:
 - a. Health and safety.
 - b. Child growth and development.
 - c. Nutrition.
 - d. Planning learning activities.
 - e. Guidance and discipline techniques.
 - f. Linkages with community services.
 - g. Communications and relations with families.
 - h. Detection of child abuse.
 - i. Advocacy for early childhood programs.
 - j. Professional issues.
3. Contact hours for staff development shall be approved by the licensing agency.
4. No more than five contact hours of approved in-service training provided by the child care facility may be counted toward the total number of hours required each year. More than five hours of in-service training may be provided by the child care facility but no more than five hours may be counted toward the required total of 15 hours.
5. All volunteers shall receive, at a minimum, one hour of orientation by the facility director. Such orientation at a minimum shall include a review of the child abuse law and reporting requirements, emergency exit procedures, and the facility transportation policy.

Source: Miss. Code Ann. §43-20-8.

Subchapter 7: REPORTS

Rule 1.7.1 Serious Occurrences Involving Children The child care facility shall enter into the child's record and immediately report, orally to the child's parent and either orally or in writing, via email or fax, to the licensing agency, any serious occurrences involving children. If the child care facility is unable to contact the parent and the licensing official immediately, it shall document this fact, in writing, in the child's record. Oral reports and/or emailed/faxed reports shall be confirmed in writing and mailed within two days of the occurrence. Serious occurrences include accidents or injuries requiring extensive medical care, e.g., child is taken to the doctor or hospital or hospitalizations, alleged abuse and neglect, fire or other emergencies.

Source: Miss. Code Ann. §43-20-8.

Subchapter 8: STAFFING

Rule 1.8.1 General

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

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

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

Note: When initially acquiring or renewing the CPR and First Aid certifications required in items 4 and 5 above, online (internet, etc.) training is not acceptable. Training must be face-to-face and hands on.

Source: Miss. Code Ann. §43-20-8.

Subchapter 9: PROGRAM OF ACTIVITIES

Rule 1.9.4 Rest Periods

1. For preschool children, rest periods shall be scheduled for a minimum period of one hour, and shall not exceed two and one-half (2½) hours. Infant and toddler nap times shall be individualized to meet each child's needs as sleeping patterns can vary greatly. Half-day programs must provide for rest periods as is appropriate when the children/child indicates or is observed to require some rest time.
5. A safe sleep environment for infants to lower the risk of **Sudden Infant Death Syndrome** (SIDS) is required as follows:
 - a. An infant shall be placed on his/her back for sleeping unless written physician orders to the contrary are in the child's record. Sleeping infants shall be within the view of the staff and visually checked regularly when sleeping. Nothing shall obstruct the view of the staff or prevent the staff from clearly seeing infants or children.
 - b. Infants shall be dressed in clothing appropriate for sleeping that is designed to keep the infant warm without the possible hazard of head covering or entrapment. The room shall be kept at a draft-free seasonally appropriate temperature of 65 degrees Fahrenheit to 78 degrees Fahrenheit. If a child is already asleep and not dressed in clothing appropriate for sleeping, the caregiver does not need to awaken the infant to change his or her clothes.
 - c. Facilities shall use a firm mattress covered by a fitted sheet.
 - d. Items such as but not limited to pillows, blankets, sheepskins, bumpers, soft objects, stuffed toys, loose bedding, etc., shall not be in the crib.

Source: Miss. Code Ann. §43-20-8.

Rule 1.9.6 Infant, Toddler, and Preschool Activities

1. Infants, toddlers, and preschoolers shall be free to creep, crawl, toddle, and walk as they are physically able.
 - a. Cribs, car seats, and high chairs are to be used only for their primary purpose, i.e., cribs for sleeping, car seats for vehicle travel, and high chairs for eating.

- b. Providers should limit the use of equipment such as strollers, swings, and bouncer seats/chairs for holding infants while they are awake.
 - c. Providers should implement activities for toddlers and preschoolers that limit sitting or standing to no more than 30 minutes at a time.
 - d. Providers should use strollers for toddlers and preschoolers only when necessary.
4. Television viewing, including video tapes and/or electronic media, is not allowed for children under the age of two or for staff in the infant and toddler area. The playing of soothing music in the infant and toddler area is acceptable.
 5. Television viewing, including video tapes and/or other electronic media, cell phone, or other digital media, e.g., computer, iPad®, iTouch®, etc., for children, age two and older, is limited to one hour per day, must be of educational content and a scheduled part of the approved daily plan of activities posted in the facility. The use of an “audio player” to play music is acceptable.
 6. In half-day programs, television viewing, including video tapes and/or other electronic media, cell phone, or other digital media, e.g., computer, iPad®, iTouch®, etc., for children, age two and older, is limited to 30 minutes per day, must be of educational content and a scheduled part of the approved daily plan of activities posted in the facility. The use of an “audio player” to play music is acceptable.
 7. Television viewing by staff is not permitted in areas occupied by children except for the purposes as described in item 5 and 6 above.

Source: Miss. Code Ann. §43-20-8.

Rule 1.9.7 Indoor or Outdoor Physical Activity Child care providers are to provide infants, toddlers, and preschool children with opportunities to be physically active throughout the day.

1. Toddlers and preschool children will be provided the opportunity for light physical activity for at least 15 minutes per hour when children are not involved in their scheduled rest period.
2. Toddlers should accumulate a minimum of 30 minutes of structured moderate to vigorous physical activity per day.
3. Preschoolers should accumulate a minimum of 60 minutes of structured moderate to vigorous physical activity per day.
4. Caregivers should join in and lead the structured moderate to vigorous physical activities in which the children participate.

5. Structured physical activity should involve the performance of large muscle activities.
6. Half-day programs are only required to provide for physical activity for one-half (½) the time as stated above.

NOTE: Examples of “light physical activity” may be found in the Child Care Licensure section of the MSDH website at www.HealthyMS.com. Examples of “moderate physical activity” are aerobic dancing, light calisthenics, getting up and down from the floor, dancing, playing on school ground equipment, singing while actively moving about, etc. Examples of “vigorous physical activity” are running, jumping rope, performing jumping jacks, playing soccer, skipping, etc. Regardless of the activity, it should be age appropriate and within the physical ability limits of the child. Please, understand the above requirements do not mean 30 minutes or 60 minutes vigorous activity at one time. These 30/60 minutes of vigorous physical activity can and should be spread out in short time intervals, (e.g., 5-15 minute intervals) throughout the day.

Source: Miss. Code Ann. §43-20-8.

Subchapter 10: EQUIPMENT, TOYS, AND MATERIALS

Rule 1.10.1 General

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

Source: Miss. Code Ann. §43-20-8.

Rule 1.10.7 Cribs

1. The facility shall provide a crib or other similarly commercially purchased bed unit, approved and designated for the purpose of sleeping. Mobile infants, at a minimum of eight months, may be placed on a mat during the transition period of crawling to walking. If such mat is used, it shall be a flame retardant, minimum of two (2) inch commercially purchased sleep mat, especially designated for the purpose of sleeping. All cribs, sleep units, and mats must be maintained clean, in sanitary condition and without chips, holes, fraying, tears, or stains.
2. The use of stackable cribs is prohibited.

Source: Miss. Code Ann. §43-20-8.

Rule 1.10.9 Rest Period Equipment

1. Individual beds, cots, mattresses, pads, or other acceptable equipment shall be used for rest periods, and children shall not be placed directly on the floor for rest periods. Bed linens, such as blankets or sheets, cannot be used in place of a bed,

cot, mattress, or pad. These shall be kept in a sanitary condition. Once a sheet or blanket has been used by a child, it shall not be used by another child until it has been laundered.

6. The facility shall provide a crib or other similarly commercially purchased bed unit, approved and designated for the purpose of sleeping. Mobile infants, at a minimum of eight months, may be placed on a mat during the transition period of crawling to walking. If such mat is used, it shall be a flame retardant, minimum of two (2) inch commercially purchased sleep mat, especially designated for the purpose of sleeping. All cribs, sleep units, and mats must be maintained clean, in sanitary condition and without chips, holes, fraying, tears, or stains. Cribs, cots, and mats are to be a minimum of 24" apart or separated by a solid barrier. A minimum of 36 inches is recommended.
7. Children are not allowed to sleep in shared places, such as infant seats, strollers, swings, cozy areas, or on tables. If a child falls asleep in such shared place, he or she should be moved immediately to a sanitary individual sleeping place.

Source: Miss. Code Ann. §43-20-8.

Subchapter 11 BUILDINGS AND GROUNDS

Rule 1.11.1 Building

7. The ceiling, floor, and/or floor covering shall be properly installed, kept clean and in good condition, and maintained in good repair. Carpeting is prohibited in kitchen areas.
8. All parts of the child care facility used by children shall be lead-safe, well lighted, ventilated, and free of hazardous or potentially hazardous conditions, such as but not limited to, open stairs and unprotected low windows.
 - a. All buildings intended for use as a child care facility constructed before 1965 shall be tested for lead. It is the responsibility of the facility applicant/operator to have a lead hazard screen or lead-based paint risk assessment of the facility done by an individual or company certified as a risk assessor by the Mississippi Commission on Environmental Quality. If the facility is found not to be lead-safe, it will not be allowed to operate as a child care facility until all required corrective measures have been taken and the facility is determined to be lead-safe by a certified risk assessor.
 - b. All buildings intended for use as a child care facility, constructed prior to 1978, shall utilize MDEQ Lead Safe Certified individuals or companies for all renovation, repair and maintenance activities which disturb painted surfaces unless the paint to be disturbed has been documented to be lead-free by an individual or company that is MDEQ Lead Safe Certified as a risk assessor or inspector.

NOTE: It is recommended that child care facility operators contact the Mississippi Department of Environmental Quality at 601-961-5630 regarding any questions they may have about compliance with the laws and regulations related to lead and lead based paint.

17. All child care facilities are to be kept clean and in good repair.

Source: Miss. Code Ann. §43-20-8.

Rule 1.11.2 Indoor Square Footage

2. Rooms in which infants both play and sleep shall have a minimum of 40 square feet of usable space per child. There shall be at least 24" between each crib. A minimum of 36" is recommended. Cribs with solid ends may be placed end-to-end.
5. Rooms in which toddlers both play and sleep shall have a minimum of 45 square feet of usable space per child. There shall be at least 24" between each crib. A minimum of 36" is recommended. Cribs with solid ends may be placed end-to-end. However, if stackable cots, mats, or other storable sleeping equipment is utilized for sleeping the room shall be measured using the standard of 35 square feet per child. Should it be determined that the sleeping equipment is not properly stored when not in use the capacity of the room will be determined using 45 square feet per child.
7. Rooms where toddlers sleep but do not play shall have a minimum of 25 square feet of usable space per child. There shall be at least 24" between each crib. A minimum of 36" is recommended. Cribs with solid ends may be placed end-to-end.

Source: Miss. Code Ann. §43-20-8.

Rule 1.11.4 Kitchens

7. All kitchens and/or food/snack preparation areas in a child care facility shall be inspected as part of the child care inspection process.

Source: Miss. Code Ann. §43-20-8.

Rule 1.11.5 Toilets and Hand Washing Lavatories

5. Toilets, urinals, hand washing lavatories, and sinks shall be clean and operational. Bathrooms, hand washing lavatories, and sinks shall be supplied with soap, and individual towels for drying hands. Each toilet shall be supplied with toilet paper.

Source: Miss. Code Ann. §43-20-8.

Rule 1.11.9 Outdoor Playground Area All licensed child care facilities are required to have an adequate outdoor playground area. All playgrounds and playground equipment intended for use by children 2-12 years of age shall meet the standards set

forth in the *Handbook for Public Playground Safety*, Publication No. 325, published by the U.S. Consumer Product Safety Commission or its successor as shown in Appendix “D.”

5. The outdoor playground area shall be free of hazards and not less than 30 feet (measured horizontally parallel to the ground) from electrical transformers, high-voltage power lines, electrical substations, railroad tracks, or sources of toxic fumes or gases. Hazards, including but not limited to air conditioner units and utility mains, meters, tanks, and/or cabling shall be inaccessible to children. Fencing at least four feet high shall be provided around the outdoor playground area. Fencing higher than four feet but not to exceed eight feet may be required if the licensing authority determines that a hazard exists. Fencing twist wires and bolts shall face away from the playground. As an alternative, exposed bolt ends may be cut to no more than two exposed threads. Then the bolt ends shall be ground/sanded smooth or capped.

Source: Miss. Code Ann. §43-20-8.

Rule 1.11.14 Pest Control

All child care facilities are to use a contractor licensed by the State of Mississippi to control pests, e.g., rats, mice, insects, etc. Before a pest control contractor is used, it is the responsibility of the operator to ensure that the pest control contractor is **properly licensed**. **Use of agricultural chemicals for pest control is strictly prohibited.**

Source: Miss. Code Ann. §43-20-8.

Subchapter 13 NUTRITION, MEALS, FOOD SAFETY

Rule 1.13.3 Refreshments

1. Refreshments may be provided by parents only on a child's birthday or other special celebration such as Valentine's Day, Easter, Christmas, Graduation, etc. Food provided to children, including vending machines at the facility, must meet nutritional guidelines as set forth in Appendix “C.”
2. It is recommended that foods for the event that are brought to the facility by parents should be “store bought” and not “home cooked.”
3. Food items for the event may include cake, ice cream, fresh fruit, cheese and crackers, etc. Other items, i.e., party favors such as stickers, books, toothbrushes, and crayons, etc., are encouraged.

Source: Miss. Code Ann. §43-20-8.

Rule 1.13.6 Food Safety and Food Manager

1. All kitchens and/or food/snack preparation areas in a child care facility must be inspected as part of the child care inspection process.
2. Each child care facility must have a Certified Food Manager meeting the standards set forth in Rule 1.2.2 (1)(g) The only exception would be if two facilities had COMPLETELY different operating hours. If this situation exists then one Certified Food Manager could serve more than one facility. Should such occur, documentation to that affect must be in the each facility's file.
3. A Certified Food Manager shall be present during meal preparation. In the absence of the Certified Food Manager, an individual trained in food service must be present.

Source: Miss. Code Ann. §43-20-8.

Subchapter 14: DISCIPLINE AND GUIDANCE

Rule 1.14.1 Prohibited Behavior The following behaviors are prohibited by anyone (i.e., parent, caregiver, or child) in all child care settings:

3. Abusive or profane language to include but not limited to yelling at, and/or using harsh tones toward the children or in close proximity (hearing distance) to children.

Source: Miss. Code Ann. §43-20-8.

Subchapter 15: TRANSPORTATION

Rule 1.15.3 Occupant Restraints

1. All children will be properly restrained whenever they are being transported in a motor vehicle.
 - a. Every person transporting a child under the age of four (4) years in a passenger motor vehicle, and operated on a public roadway, street or highway, shall provide for the protection of the child by properly using a child passenger restraint device or system meeting applicable federal motor vehicle safety standards, e.g., child safety seat.
 - b. Every person transporting a child in a passenger motor vehicle operated on a public roadway, street or highway, shall provide for the protection of the child by properly using a belt positioning booster seat system meeting applicable federal motor vehicle safety standards if the child is at least four (4) years of age, but less than seven (7) years of age and measures less than four (4) feet nine (9) inches in height or weighs less than sixty-five (65) pounds.
 - c. **Any** vehicle equipped with seatbelts is subject to the requirements in items a. and b. above.

6. An individual seat restraint must be used for each child. The use of an individual seat restraint for two or more children is not allowed.

Source: Miss. Code Ann. §43-20-8.

Rule 1.15.4 Staff-to-Child Ratio

2. On vehicles with at GVWR of 10,000 lbs. or more, the staff-to-child ratio shall be one caregiver to each 25 children or fraction thereof. The driver of the vehicle shall not be counted as a caregiver while transporting the children. In facilities that are dually licensed, i.e., licensed to provide care for both preschool and school age children, if the vehicle is only transporting school age children (no preschool children, infants, or toddlers are being transported), the driver may be counted as a caregiver while transporting the school age children.

Source: Miss. Code Ann. §43-20-8.

Subchapter 16: DIAPERING AND TOILETING

Rule 1.16.1 Diaper Changing Area Each room in which diaper-wearing children play shall contain a diapering area. A diapering area shall contain a hand washing lavatory with hot and cold running water, a smooth and easily cleanable surface, a plastic-lined, covered garbage receptacle, and sanitizing solution. The hand washing lavatories located in a diapering area shall not be included in the ratio of hand washing lavatories to children for determining a child care facility's capacity nor shall they be used for any other purpose. Example: The diaper-changing sink may not be used for washing/rinsing cups, baby bottles, food, dishes, utensils, pacifiers, etc. In addition, the diaper changing area is not to be used as a storage area for anything other than those items used when changing diapers, such as but not limited to, gloves, towels, soap, etc. For proper diaper changing procedure, see Appendix G - PROCEDURE FOR DIAPERING A CHILD.

Source: Miss. Code Ann. §43-20-8.

Subchapter 18: FEEDING OF INFANTS AND TODDLERS

Rule 1.18.3 Formula Storage Formula shall be labeled with the child's name, dated, and placed in the refrigerator upon arrival.

Source: Miss. Code Ann. §43-20-8.

Subchapter 22: SCHOOL AGE CARE

Rule 1.22.7 In after school programs, screen time, i.e., television viewing, including video tapes and/or other electronic media, cell phone, or digital media, e.g., iPod®, iPad®, iTouch®, etc., is limited to one hour per day. Screen or media use or other educational electronic equipment is acceptable provided such is for educational purposes.

Source: Miss. Code Ann. §43-20-8.

Subchapter 24: HOURLY CHILD CARE

Rule 1.24.8 Buildings and Grounds

8. Facilities must meet the requirements of Rule 1.2.2 (1)(k) and Rule 1.11.1 (8) of these regulations. Referenced Rule 1.2.2 (1)(k) and Rule 1.11.1 (8) refer to required testing for lead in child care facilities.

Source: Miss. Code Ann. §43-20-8.

Subchapter 25: HEARINGS, EMERGENCY SUSPENSIONS, LEGAL ACTIONS AND PENALTIES

Rule 1.25.9 Violations and Penalties

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

The following are Class I violations:

- b. Allowing a child to be unattended at a licensed child care facility before or after operating hours. This also includes a child being left alone during operating hours when no staff is present at the facility. Further, a child left unattended outside of a child care facility is also considered to be a Class I violation.
2. Any Class II violation of these regulations, in the discretion of the licensing agency, is punishable by a monetary penalty of fifty dollars (\$50.00) for a first occurrence and a monetary penalty of one hundred dollars (\$100.00) for each subsequent occurrence upon further inspections within the same licensure term. Each violation is considered a separate offense. Example: If a facility is five children over maximum capacity it constitutes five separate Class II violations and would be subject to a two hundred fifty dollar (\$250.00) or five hundred dollar (\$500.00) monetary penalty, whichever is applicable.

The following are Class II violations:

- b. Exceeding licensed maximum capacity (Rule 1.1.2 (3) or Rule 1.11.2, i.e., facility or room capacity.
 - c. Failure to have a proper criminal record check in a personnel record, i.e., a Letter of Suitability issued by the MSDH Criminal History Records Check Unit (Rule 1.5.2 or Rule 1.6.4 (1)(f)).

- d. Failure to have a proper child abuse central registry check in a personnel record, i.e., a Letter of Suitability issued by the MSDH Criminal History Records Check Unit (Rule 1.5.2 or Rule 1.6.4 (1)(f)).
- k. Unauthorized individual assigned administrative and supervisory responsibility for the facility when the director is absent or violation of Rule 1.5.6 Use of Director Designee or Rule 1.8.1 (3).
- p. Failure to have adequate staff on site holding a valid CPR certificate. (Rule 1.8.1 (4))
- q. Failure to have adequate staff on site holding a valid First Aid certificate. (Rule 1.8.1 (5))
- r. The presence of any individual who has failed to satisfy the personnel requirements of Subchapter 5.
- u. Altering of documents supporting suitability for employment in a child care facility, i.e., Letter of Suitability for Employment or Child Abuse Central Registry Check. Refer to Subchapter 5, Personnel Requirements.

Source: Miss. Code Ann. §43-20-8.

CHAPTER 2: REGULATIONS GOVERNING LICENSURE OF CHILD CARE FACILITIES FOR 12 OR FEWER CHILDREN IN THE OPERATOR'S HOME

Subchapter 1. GENERAL

Rule 2.1.2 Purpose

- 3. The maximum capacity of a child care facility is determined by the indoor square footage, kitchen square footage, outdoor playground area, and the number of toilets, urinals, and hand washing lavatories, with the lowest capacity determination being controlling. The maximum capacity of each room that is utilized by the children in a child care facility is calculated individually and may not be exceeded except when provided in these regulations.

Source: Miss. Code Ann. §43-20-8.

Rule 2.1.4 Definitions

- 7. **Director Designee:** Any individual designated to act as the director, having all responsibility and authority of a director, during the director's short-term absence. A director designee shall, at a minimum, be at least 21 years of age, have a high school diploma or GED, and 2 years paid experience in a licensed child care

facility. Director Designees shall not retain sole director authority in a facility for more than 24 total hours per calendar week.

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

19. **School Age Child:** A child five years of age or older and eligible to be enrolled in public school.

Note: A child that is five (5) years old age must have turned five (5) on or before September 1 to be considered a school age child.

Source: Miss. Code Ann. §43-20-8.

Subchapter 2. LICENSURE

Rule 2.2.2 Types of Licenses

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

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

- c. Documentation that the facility has a qualified director for the child care program that meets the standards set forth in Rule 2.5.3.
- g. Verification of passing an American National Standards Institute – Conference for Food Protection (ANSI-CFP) Accredited food manager training. Currently the following providers are authorized by the MSDH to provide the required training:
 - i. National Restaurant Association, Inc., i.e., ServSafe®,
 - ii. Environmental Health Testing, Inc., i.e., National Registry of Food Safety Professionals,
 - iii. Prometric, Inc., or

iv. Mississippi State University Extension Service, i.e., TummySafe©.

NOTE: For information on ServSafe® or TummySafe© contact the Mississippi State University Extension Service at www.msucare.com. In addition, the Mississippi Restaurant Association (MRA) also provides ServSafe® training. The MRA can be contacted at www.msra.org. For information on the National Registry of Food Safety Professionals or Prometric, contact the MSDH Office of Environmental Health at 601-576-7690.

bb. Verification that the owner/operator and director have completed mandatory training on:

- i. *Regulations Governing Licensure of Child Care Facilities.*
- ii. Directors Orientation.
- iii. Playground Safety.

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

Information on available training classes and approved training providers is listed on the MSDH website at www.HealthyMS.com. Training classes provided by the Child Care Licensing Division are listed under the heading “MSDH Child Care Provider Training Calendar.” Other approved providers of training for child care facility operators and staff are listed under the headings “MSDH Approved Staff Development Trainers” and “Approved Child Care Staff Development Providers.”

Source: Miss. Code Ann. §43-20-8.

Subchapter 4. FACILITY POLICY AND PROCEDURES

Rule 2.4.2 Smoking, Tobacco Products, and Prohibited Substances

1. Smoking or the use of tobacco products in any form is prohibited within the physical confines or the campus of a child care facility.
2. The use of alcohol, illegal use of prescription drugs, or use of illegal drugs is prohibited within the physical confines or the campus of a child care facility.
3. Smoking or the use of tobacco products in any form, use of alcohol, illegal use of prescription drugs, or use of illegal drugs by a caregiver is prohibited anytime a child is under the care of such caregiver regardless of location. A caregiver is defined as a person who provides direct care, supervision, and guidance to children in a child care

facility, regardless of title or occupation. This definition includes volunteers and parents.

Source: Miss. Code Ann. §43-20-8.

Rule 2.4.6 Posting of Information: The following items shall be posted conspicuously in the child care facility at all times:

1. Accessible to employees and parents:
 - b. Daily activity schedule posted in each classroom.
2. In kitchens:
 - a. Menus.
 - b. Evacuation route.

Source: Miss. Code Ann. §43-20-8.

Subchapter 5: PERSONNEL REQUIREMENTS

Rule 2.5.3 Child Care Director Qualifications: A child care director shall be least 21 years of age and shall have at a minimum:

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

Source: Miss. Code Ann. §43-20-8.

Rule 2.5.4 Caregivers: Caregivers shall be at least 18 years of age, and shall have at a minimum:

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

Source: Miss. Code Ann. §43-20-8.

Rule 2.5.7 Use of Director Designee

2. A director designee shall, at a minimum have a high school diploma or GED and two years paid experience in a licensed child care facility or licensed/accredited

kindergarten program. A director designee shall not retain sole director authority in a facility for more than 24 total hours per calendar week.

Exception: Facility may have a Director Designee serve for a maximum of 14 consecutive days during a licensure year. This exception may be used once during the licensure year for allowing the director personal leave, i.e., vacation, jury duty, etc. In addition, if a Director has a medical condition (illness, recovery from surgery, accident, etc.) that requires more than 14 consecutive day's recovery time, the time a Director Designee may be utilized may be extended. The facility is responsible to notify the Child Care Division of such circumstances and provide documentation supporting the need to extend the time the Director Designee needs to be utilized. Approval of this exception is at the discretion of the Child Care Licensure Division.

Source: Miss. Code Ann. §43-20-8.

Rule 2.5.8 Staff Development

1. Owners, Directors and Director Designees. Before a new license to operate is issued, owners, directors, and director designees of the child care facility shall each complete mandatory training on courses covering Child Care Regulations, Director Orientation, and Playground Safety. If a new director or director designee is appointed by the child care facility after the license issuance, the mandatory training courses shall be completed by such individual(s) within the first six months of appointment. In the sole discretion of the licensing agency, mandatory training may be waived upon the submission of documentation of the individual's prior completion of relevant training.
2. All child care staff, directors, director designees, and caregivers shall be required to complete 15 contact hours of staff development, accrued during the licensure year, annually. The National Association for the Education of Young Children (NAEYC), a leading organization in child care and early childhood education recommends annual training based on the needs of the program and the pre-service qualification of the staff. Training should address the following:
 - a. Health and safety.
 - b. Child growth and development.
 - c. Nutrition.
 - d. Planning learning activities.
 - e. Guidance and discipline techniques.
 - f. Linkages with community services.
 - g. Communications and relations with families.

- h. Detection of child abuse.
 - i. Advocacy for early childhood programs.
 - j. Professional issues.
3. Contact hours for staff development shall be approved by the licensing agency.
 4. No more than five contact hours of approved in-service training provided by the child care facility may be counted toward the total number of hours required each year. More than five hours of in-service training may be provided by the child care facility but no more than five hours may be counted toward the required total of 15 hours.
 5. All volunteers shall receive, at a minimum, one hour of orientation by the facility director. Such orientation, at a minimum, shall include a review of the child abuse law and reporting requirements, emergency exit procedures, and the facility transportation policy.

Source: Miss. Code Ann. §43-20-8.

Subchapter 7: REPORTS

Rule 2.7.1 Serious Occurrences Involving Children: The child care facility shall enter into the child's record and immediately report, orally to the child's parent and either orally or in writing, via email or fax, to the licensing agency, any serious occurrences involving children. If the child care facility is unable to contact the parent and the licensing official immediately, it shall document this fact, in writing, in the child's record. Oral reports and/or emailed/faxed reports shall be confirmed in writing and mailed within two days of the occurrence. Serious occurrences include accidents or injuries requiring extensive medical care, e.g., child is taken to the doctor or hospital or hospitalizations, alleged abuse and neglect, fire or other emergencies.

Source: Miss. Code Ann. §43-20-8.

Subchapter 8: STAFFING

Rule 2.8.1 General

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

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

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

Note: When initially acquiring or renewing the CPR and First Aid certifications required in items 4 and 5 above, online (internet, etc.) training is not acceptable. Training must be face-to-face and hands on.

Source: Miss. Code Ann. §43-20-8.

Subchapter 9: PROGRAM OF ACTIVITIES

Rule 2.9.4 Rest Periods

1. For preschool children, rest periods shall be scheduled for a minimum period of one hour, and shall not exceed two and one-half (2½) hours. Infant and toddler nap times shall be individualized to meet each child's needs as sleeping patterns can vary greatly. Half-day programs must provide for rest periods as is appropriate when the children/child indicates or is observed to require some rest time.
5. A safe sleep environment for infants to lower the risk of **Sudden Infant Death Syndrome** (SIDS) is required as follows:
 - a. An infant shall be placed on his/her back for sleeping unless written physician orders to the contrary are in the child's record. Sleeping infants shall be within the view of the staff and visually checked regularly when sleeping. Nothing shall obstruct the view of the staff or prevent the staff from clearly seeing infants or children.
 - b. Infants shall be dressed in clothing appropriate for sleeping that is designed to keep the infant warm without the possible hazard of head covering or entrapment. The room shall be kept at a draft-free seasonally appropriate temperature of 65 degrees Fahrenheit to 78 degrees Fahrenheit. If a child is

already asleep and not dressed in clothing appropriate for sleeping, the caregiver does not need to awaken the infant to change his or her clothes.

- c. Facilities shall use a firm mattress covered by a fitted sheet.
- d. Items such as but not limited to pillows, blankets, sheepskins, bumpers, soft objects, stuffed toys, loose bedding, etc., shall not be in the crib.

Source: Miss. Code Ann. §43-20-8.

Rule 2.9.6 Infant, and Toddler, and Preschool Activities

1. Infants, toddlers, and preschoolers shall be free to creep, crawl, toddle, and walk as they are physically able.
 - a. Cribs, car seats, and high chairs are to be used only for their primary purpose, i.e., cribs for sleeping, car seats for vehicle travel, and high chairs for eating.
 - b. Providers should limit the use of equipment such as strollers, swings, and bouncer seats/chairs for holding infants while they are awake.
 - c. Providers should implement activities for toddlers and preschoolers that limit sitting or standing to no more than 30 minutes at a time.
 - d. Providers should use strollers for toddlers and preschoolers only when necessary.
4. Television viewing, including video tapes and/or electronic media, is not allowed for children under the age of two or for staff in the infant and toddler area. The playing of soothing music in the infant and toddler area is acceptable.
5. Television viewing, including video tapes and/or other electronic media, cell phone, or other digital media, e.g., computer, iPad®, iTouch®, etc., for children, age two and older, is limited to one hour per day, must be of educational content and a scheduled part of the approved daily plan of activities posted in the facility. The use of an “audio player” to play music is acceptable.
6. In half-day programs, television viewing, including video tapes and/or other electronic media, cell phone, or other digital media, e.g., computer, iPad®, iTouch®, etc., for children, age two and older, is limited to 30 minutes per day, must be of educational content and a scheduled part of the approved daily plan of activities posted in the facility. The use of an “audio player” to play music is acceptable.
7. Television viewing by staff is not permitted in areas occupied by children except for the purposes as described in item 5 and 6 above.

Source: Miss. Code Ann. §43-20-8.

Rule 2.9.7 Indoor or Outdoor Physical Activity Child care providers are to provide infants, toddlers, and preschool children with opportunities to be physically active throughout the day.

1. Toddlers and preschool children will be provided the opportunity for light physical activity for at least 15 minutes per hour when children are not involved in their scheduled rest period.
2. Toddlers should accumulate a minimum of 30 minutes of structured moderate to vigorous physical activity per day.
3. Preschoolers should accumulate a minimum of 60 minutes of structured moderate to vigorous physical activity per day.
4. Caregivers should join in and lead the structured moderate to vigorous physical activities in which the children participate.
5. Structured physical activity should involve the performance of large muscle activities.
6. Half-day programs are only required to provide for physical activity for one-half ($\frac{1}{2}$) the time as stated above.

NOTE: Examples of “light physical activity” may be found in the Child Care Licensure section of the MSDH website at www.HealthyMS.com. Examples of “moderate physical activity” are aerobic dancing, light calisthenics, getting up and down from the floor, dancing, playing on school ground equipment, singing while actively moving about, etc. Examples of “vigorous physical activity” are running, jumping rope, performing jumping jacks, playing soccer, skipping, etc. Regardless of the activity, it should be age appropriate and within the physical ability limits of the child. Please, understand the above requirements do not mean 30 minutes or 60 minutes vigorous activity at one time. These 30/60 minutes of vigorous physical activity can and should be spread out in short time intervals, (e.g., 5-15 minute intervals) throughout the day.

Source: Miss. Code Ann. §43-20-8.

Subchapter 10: EQUIPMENT, TOYS, AND MATERIALS

Rule 2.10.1 General

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

Source: Miss. Code Ann. §43-20-8.

Rule 2.10.7 Cribs:

1. The facility shall provide a crib or other similarly commercially purchased bed unit, approved and designated for the purpose of sleeping. Mobile infants, at a minimum of eight months, may be placed on a mat during the transition period of crawling to walking. If such mat is used, it shall be a flame retardant, minimum of two (2) inch commercially purchased sleep mat, especially designated for the purpose of sleeping. All cribs, sleep units, and mats must be maintained clean, in sanitary condition and without chips, holes, fraying, tears, or stains.
2. The use of stackable cribs is prohibited.

Source: Miss. Code Ann. §43-20-8.

Rule 2.10.9 Rest Period Equipment

1. Individual beds, cots, mattresses, pads, or other acceptable equipment shall be used for rest periods, and children shall not be placed directly on the floor for rest periods. Bed linens, such as blankets or sheets, cannot be used in place of a bed, cot, mattress, or pad. These shall be kept in a sanitary condition. Once a sheet or blanket has been used by a child, it shall not be used by another child until it has been laundered.
6. All infants shall have a crib. The use of “Pack and Plays” for infant sleeping is not allowed. Cribs, cots, and mats are to be a minimum of 24” apart or separated by a solid barrier. A minimum of 36 inches is recommended.
7. Children are not allowed to sleep in shared places, such as infant seats, strollers, swings, cozy areas, or on tables. If a child falls asleep in such shared place, he or she should be moved immediately to a sanitary individual sleeping place.

Source: Miss. Code Ann. §43-20-8.

Subchapter 11: BUILDINGS AND GROUNDS

Rule 2.11.1 Building

7. The ceiling, floor, and/or floor covering shall be properly installed, kept clean and in good condition, and maintained in good repair. Carpeting is prohibited in kitchen areas.
8. All parts of the child care facility used by children shall be lead-safe, well lighted, ventilated, and free of hazardous or potentially hazardous conditions, such as but not limited to, open stairs and unprotected low windows.
 - a. All buildings intended for use as a child care facility constructed before 1965 shall be tested for lead. It is the responsibility of the facility applicant/operator to have a lead hazard screen or lead-based paint risk assessment of the facility done by an individual or company certified as a risk assessor by the Mississippi Commission on Environmental Quality. If

the facility is found not to be lead-safe, it will not be allowed to operate as a child care facility until all required corrective measures have been taken and the facility is determined to be lead-safe by a certified risk assessor.

- b. All buildings intended for use as a child care facility, constructed prior to 1978, shall utilize MDEQ Lead Safe Certified individuals or companies for all renovation, repair and maintenance activities which disturb painted surfaces unless the paint to be disturbed has been documented to be lead-free by an individual or company that is MDEQ Lead Safe Certified as a risk assessor or inspector.

NOTE: It is recommended that child care facility operators contact the Mississippi Department of Environmental Quality at 601-961-5630 regarding any questions they may have about compliance with the laws and regulations related to lead and lead based paint.

17. All child care facilities are to be kept clean and in good repair.

Source: Miss. Code Ann. §43-20-8.

Rule 2.11.2 Indoor Square Footage

2. Rooms in which infants both play and sleep shall have a minimum of 40 square feet of usable space per child. There shall be at least 24" between each crib. A minimum of 36" is recommended. Cribs with solid ends may be placed end-to-end.
5. Rooms in which toddlers both play and sleep shall have a minimum of 45 square feet of usable space per child. There shall be at least 24" between each crib. A minimum of 36" is recommended. Cribs with solid ends may be placed end-to-end. However, if stackable cots, mats, or other storable sleeping equipment is utilized for sleeping the room shall be measured using the standard of 35 square feet per child. Should it be determined that the sleeping equipment is not properly stored when not in use the capacity of the room will be determined using 45 square feet per child.
7. Rooms where toddlers sleep but do not play shall have a minimum of 25 square feet of usable space per child. There shall be at least 24" between each crib. A minimum of 36" is recommended. Cribs with solid ends may be placed end-to-end.

Source: Miss. Code Ann. §43-20-8.

Rule 2.11.4 Kitchens

5. All kitchens and/or food/snack preparation areas in a child care facility shall be inspected as part of the child care inspection process.

Source: Miss. Code Ann. §43-20-8.

Rule 2.11.5 Toilets and Hand Washing Lavatories

5. Toilets, urinals, hand washing lavatories, and sinks shall be clean and operational. Bathrooms, hand washing lavatories, and sinks shall be supplied with soap, and individual towels for drying hands. Each toilet shall be supplied with toilet paper.

Source: Miss. Code Ann. §43-20-8.

Rule 2.11.9 Outdoor Playground Area All playgrounds and playground equipment intended for use by children 2-12 years of age shall meet the standards set forth in the *Handbook for Public Playground Safety*, Publication No. 325, published by the U.S. Consumer Product Safety Commission or its successor as shown in Appendix “D.”

5. The outdoor playground area shall be free of hazards and not less than 30 feet (measured horizontally parallel to the ground) from electrical transformers, high-voltage power lines, electrical substations, railroad tracks, or sources of toxic fumes or gases. Hazards, including but not limited to air conditioner units and utility mains, meters, tanks, and/or cabling shall be inaccessible to children. Fencing at least four feet high shall be provided around the outdoor playground area. Fencing higher than four feet but not to exceed eight feet may be required if the licensing authority determines that a hazard exists. Fencing twist wires and bolts shall face away from the playground. As an alternative, exposed bolt ends may be cut to no more than two exposed threads. Then the bolt ends shall be ground/sanded smooth or capped.

Source: Miss. Code Ann. §43-20-8.

Rule 2.11.13 Pest Control All child care facilities are to use a contractor licensed by the State of Mississippi to control pests, e.g., rats, mice, insects, etc. Before a pest control contractor is used, it is the responsibility of the operator to ensure that the pest control contractor is **properly licensed**. **Use of agricultural chemicals for pest control is strictly prohibited.**

Source: Miss. Code Ann. §43-20-8.

Subchapter 13: NUTRITION, MEALS, FOOD SAFETY

Rule 2.13.3 Refreshments

1. Refreshments may be provided by parents only on a child's birthday or other special celebration such as Valentine's Day, Easter, Christmas, Graduation, etc. Food provided to children, including vending machines at the facility, must meet nutritional guidelines as set forth in Appendix “C.”
2. It is recommended that foods for the event that are brought to the facility by parents should be “store bought” and not “home cooked.”
3. Food items for the event may include cake, ice cream, fresh fruit, cheese and crackers, etc. Other items, i.e., party favors such as stickers, books, toothbrushes, and crayons, etc., are encouraged.

Source: Miss. Code Ann. §43-20-8.

Rule 2.13.5 Snacks: All snacks shall meet acceptable nutritional standards, as prescribed in Appendix “C” Minimum Standards for Nutritional Care in Child Care Facilities.

Source: Miss. Code Ann. §43-20-8.

Rule 2.12.6 Food Safety and Food Manager

1. All kitchens and/or food/snack preparation areas in a child care facility must be inspected as part of the child care inspection process.
2. Each child care facility must have a Certified Food Manager meeting the standards set forth in Rule 1.2.2 (1)(g). The only exception would be if two facilities had COMPLETELY different operating hours. If this situation exists then one Certified Food Manager could serve more than one facility. Should such occur, documentation to that affect must be in the each facility’s file.
3. A Certified Manager does NOT have to be present at all times. However, a person in charge of food preparation does have to be present at all times

Source: Miss. Code Ann. §43-20-8.

Subchapter 14: DISCIPLINE AND GUIDANCE

Rule 2.14.1 Prohibited Behavior The following behaviors are prohibited by anyone (i.e., parent, caregiver, or child) in all child care settings:

3. Abusive or profane language to include but not limited to yelling at, and/or using harsh tones toward the children or in close proximity (hearing distance) to children.

Source: Miss. Code Ann. §43-20-8.

Subchapter 15: TRANSPORTATION

Rule 2.15.3 Occupant Restraints

1. All children will be properly restrained whenever they are being transported in a motor vehicle.
 - a. Every person transporting a child under the age of four (4) years in a passenger motor vehicle, and operated on a public roadway, street or highway, shall provide for the protection of the child by properly using a child passenger restraint device or system meeting applicable federal motor vehicle safety standards, e.g., child safety seat.
 - b. Every person transporting a child in a passenger motor vehicle operated on a public roadway, street or highway, shall provide for the protection of the child by properly using a belt positioning booster seat system meeting applicable federal

motor vehicle safety standards if the child is at least four (4) years of age, but less than seven (7) years of age and measures less than four (4) feet nine (9) inches in height or weighs less than sixty-five (65) pounds.

- c. **Any** vehicle equipped with seatbelts is subject to the requirements in items a. and b. above
- 6. An individual seat restraint must be used for each child. The use of an individual seat restraint for two or more children is not allowed.

Source: Miss. Code Ann. §43-20-8.

Subchapter 16: DIAPERING AND TOILETING

Rule 2.16.1 Diaper Changing Area: Each room in which diaper-wearing children play shall contain a diapering area. A diapering area shall contain a hand washing lavatory with hot and cold running water, a smooth and easily cleanable surface, a plastic-lined, covered garbage receptacle, and sanitizing solution. The hand washing lavatories located in a diapering area shall not be included in the ratio of hand washing lavatories to children for determining a child care facility's capacity nor shall they be used for any other purpose. Example: The diaper-changing sink may not be used for washing/rinsing cups, baby bottles, food, dishes, utensils, pacifiers, etc. In addition, the diaper changing area is not to be used as a storage area for anything other than those items used when changing diapers, such as but not limited to, gloves, towels, soap, etc. For proper diaper changing procedure, see Appendix G - PROCEDURE FOR DIAPERING A CHILD.

Source: Miss. Code Ann. §43-20-8.

Subchapter 18: FEEDING OF INFANTS AND TODDLERS

Rule 2.18.3 Formula Storage: Formula shall be labeled with the child's name, dated, and placed in the refrigerator upon arrival.

Source: Miss. Code Ann. §43-20-8.

Subchapter 22: HEARINGS, EMERGENCY SUSPENSIONS, LEGAL ACTIONS AND PENALTIES

Rule 2.22.9 Violations and Penalties

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

The following are Class I violations:

- c. Allowing a child to be unattended at a licensed child care facility before or after operating hours. This also includes a child being left alone during operating hours when no staff is present at the facility. Further, a child left unattended outside of a child care facility is also considered to be a Class I violation.

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

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

The following are Class II violations:

- c. Failure to have a proper criminal record check in a personnel record, i.e., a Letter of Suitability issued by the MSDH Criminal History Records Check Unit (Rule 2.5.2 or Rule 2.6.4 (1)(f)).
- d. Failure to have a proper child abuse central registry check in a personnel record, i.e., a Letter of Suitability issued by the MSDH Criminal History Records Check Unit (Rule 2.5.2 or Rule 2.6.4 (1)(f)).
- k. Unauthorized individual assigned administrative and supervisory responsibility for the facility when the director is absent or violation of Rule 2.5.7 Director Designee or Rule 2.8.1 (3).
- p. Failure to have adequate staff on site holding a valid CPR certificate. (Rule 2.8.1(4)).
- q. Failure to have adequate staff on site holding a valid First Aid certificate. (Rule 2.8.1 (5))

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

Source: Miss. Code Ann. §43-20-8.

APPENDIX E

DISHWASHING PROCEDURE

The best way to wash, rinse, and disinfect dishes and eating utensils is to use a dishwasher with a sanitizing cycle. The final sanitizing rinse of a dishwasher must reach a temperature of 180 degrees. If a dishwasher is not available or cannot be installed, a three-compartment sink will be needed to wash, rinse, and disinfect dishes. A two-compartment or one-compartment sink can be used in child care facilities (located in an occupied residence) licensed for 12 or fewer children by adding one or two dishpans, as needed. In addition to three compartments or dishpans, you will need a dish rack with a drain board to allow dishes and utensils to air dry. To wash, rinse, and disinfect dishes by hand:

- o Fill one sink compartment or dishpan with hot tap water and a dishwashing detergent.
- o Fill the second compartment or dishpan with hot tap water.
- o Fill the third compartment or dishpan with hot tap water and 1-1/2 tablespoons of liquid chlorine bleach for each gallon of water.
- o Scrape dishes and utensils and dispose of excess food.
- o Immerse scraped dish or utensil in first sink compartment or dishpan and wash thoroughly.
- o Rinse dish or utensil in second dishpan of clear water.
- o Immerse dish or utensil in third dishpan of chlorinated water for at least 1 minute.
- o Place dish or utensil in a rack to air dry.

Note: Food preparation and dishwashing sinks should only be used for these activities and should never be used for routine hand washing or diaper changing activities.

Source: The ABCs of Safe and Healthy Child Care: A Handbook for Child Care Providers, Department of Health and Human Services, U.S. Public Health Service, Centers for Disease Control and Prevention.

Source: *Miss. Code Ann. §43-20-8.*

APPENDIX G

PROCEDURE FOR DIAPERING A CHILD

Either of the following two procedures is acceptable in a child care facility for licensing purposes.

Procedure #1

1. Organize needed supplies within reach:
 - a. fresh diaper and clean clothes (if necessary)
 - b. dampened paper towels or premoistened toweletts for Cleaning child's bottom
 - c. child's personal, labeled, ointment (if provided by parents)
 - d. trash disposal bag
2. Place a disposable covering (such as roll paper) on the portion of the diapering table where you will place the child's bottom. Diapering surfaces should be smooth, nonabsorbent, and easy to clean. Don't use areas that come in close contact with children during play such as couches, floor areas where children play, etc.
3. If using gloves, put them on now.
4. Using only your hands, pick up and hold the child away from your body. Don't cradle the child in your arms and risk soiling your cloths.
5. Lay the child on the paper or towel.
6. Remove soiled diaper (and soiled clothes).
7. Put disposable diapers in a plastic-lined trash receptacle.
8. Put soiled reusable diaper and /or soiled clothes **WITHOUT RINSING** in a plastic bag to give to parents.
9. Clean child's bottom with some premoistened disposable toweletts or a dampened, single-use, disposable towel.
10. Place the soiled toweletts or towel in a plastic-lined trash receptacle.
11. If the child needs a more thorough washing, use soap, running water, and paper towels.
12. Remove the disposable covering from beneath the child. Discard it in a plastic-lined receptacle.
13. If you are wearing gloves, remove and dispose of them now in a plastic-lined receptacle.
14. Wash your hands. **NOTE:** The diapering table should be next to a sink with running water so that you can wash your hands without leaving the diapered child unattended. However, if a sink is not within reach of the diapering table, don't leave the child unattended on the diapering table to go to a sink; wipe your hands with some premoistened toweletts instead. **NEVER** leave a child alone on the diapering table.
15. Wash the child's hands under running water.
16. Diaper and dress the child.
17. Disinfect the diapering surface immediately after you finish diapering the child.

18. Return the child to the activity area.
19. Clean and disinfect:
 - a. The diapering area,
 - b. all equipment or supplies that were touched, and
 - c. soiled crib or cot, if needed.
20. Wash your hands under running water.

Source: The ABCs of Safe and Healthy Child Care: A Handbook for Child Care Providers, Department of Health and Human Services, U.S. Public Health Service, Centers for Disease Control and Prevention.

Procedure #2

1. Caregiver washes hands
2. Prepare for diapering by gathering wipes, diaper, plastic bag, clean clothes, gloves and other supplies needed. Bring materials to the diaper changing area but not on the changing table
3. Place child on diapering table. Remove clothing to access diaper. If soiled, place clothes into plastic bag.
4. Remove soiled diaper and place into plastic-lined, hands-free covered trash container. (To limit odor, seal in a plastic bag before placing into trash containers.)
5. Use wipes to clean child's bottom from front to back. Use a fresh wipe for each swipe.
6. If gloves were used, remove at this point.
7. Use a wipe to remove soil from adult's hands.
8. Use another wipe to remove soil from child's hands.
9. Throw soiled wipes into plastic-lined, hands-free covered trash container.
10. Put on clean diaper and redress child.
11. Place child at sink and wash hands using the proper hand washing procedure. Return child to a supervised play area without contaminating any surface
12. Spray the surface of the diapering table with soap-water solution to remove gross soil. Wipe clean using a disposable towel and throw away in a plastic-lined, hands-free covered trash container. Be sure the surface is dried completely.

13. Spray the surface of the diapering table with clear water (recommended). Wipe dry using a disposable towel and throw away in a plastic-lined, hands-free covered trash container.
14. Spray the diapering surface with disinfecting strength bleach-water solution (completely cover table; table should glisten) and wait for 2 minutes before wiping dry with a disposable towel or allow to air dry. Dispose of the towel in a plastic-lined, hands-free covered trash container.
15. Adult washes hands using the proper hand washing procedure.

Source: *Caring for Our Children: National Health and Safety Performance Standards; Guidelines for Early Care and Education Programs, 3rd Edition*, American Academy of Pediatrics, American Public Health Association, National Resource Center for Health and Safety in Child Care and Early Education, 2011.

Source: *Miss. Code Ann. §43-20-8*.

APPENDIX H

CLEANING AND DISINFECTION PROCEDURES

Keeping the child care environment clean and orderly is very important for health, safety, and the emotional well-being of both children and providers. One of the most important steps in reducing the number of germs, and therefore the spread of disease, is the thorough cleaning of surfaces that could possibly pose a risk to children or staff. Surfaces considered most likely to be contaminated are those with which children are most likely to have close contact. These include toys that children put in their mouths, crib rails, food preparation areas, and surfaces likely to become very contaminated with germs, such as diaper-changing areas.

Routine cleaning with soap and water is the most useful method for removing germs from surfaces in the child care setting. Good mechanical cleaning (scrubbing with soap and water) physically reduces the numbers of germs from the surface, just as hand washing reduces the numbers of germs from the hands. Removing germs in the child care setting is especially important for soiled surfaces which cannot be treated with chemical disinfectants, such as some upholstery fabrics.

However, some items and surfaces should receive an additional step, **disinfection**, to kill germs after cleaning with soap and rinsing with clear water. Items that can be washed in a dishwasher or hot cycle of a washing machine do not have to be disinfected because these machines use water that is hot enough for a long enough period of time to kill most germs. The disinfection process uses chemicals that are stronger than soap and water. Disinfection also usually requires soaking or drenching the item for several minutes to give the chemical time to kill the remaining germs. Commercial products that meet the Environmental Protection Agency's (EPA's) standards for "hospital grade" germicides (solutions that kill germs) may be used for this purpose. One of the most commonly used chemicals for disinfection in child care settings is a homemade solution of household bleach and water. Bleach is cheap and easy to get. The solution of bleach and water is easy to mix, is nontoxic, is safe if handled properly, and kill most

infectious agents. (Be aware that some infectious agents are not killed by bleach. For example, cryptosporidia is only killed ammonia or hydrogen peroxide.)

A solution of bleach and water loses its strength very quickly and easily. It is weakened by organic material, evaporation, heat, and sunlight. Therefore, bleach solutions should be mixed fresh each day to make sure it is effective. Any leftover solution should be discarded at the end of the day. NEVER mix bleach with anything but fresh tap water! Other chemicals may react with bleach and create and release a toxic chlorine gas.

Keep the bleach solution you mix each day in a cool place out of direct sunlight and out of the reach of children. (Although a solution of bleach and water mixed as shown in the accompanying box should not be harmful if accidentally swallowed, you should keep all chemicals away from children.)

If a child care facility uses a commercial cleaner, sanitizer, or disinfectant it must be a U.S. Environmental Protection Agency (EPA)-registered product that has an EPA registration number on the label. Such products shall only be used according to the manufacturer's instructions.

NOTE: All EPA-registered products may not be appropriate for use in a child care facility. Therefore, it is the responsibility of the facility to make sure any product use is appropriate for use in a child care facility.

Recipe for Bleach Disinfecting Solution

(For use on non-porous surfaces such as diaper change tables, counter tops, door and cabinet handles toilets, etc.)

¼ - ¾ cup bleach
1 gallon of cool water

OR

1 - 3 tablespoon bleach
1 quart of cool water

Apply as a spray or poured fresh solution, not by dipping into a container with a cloth that has been in contact with a contaminated surface.

Add the household bleach (5.25% sodium hypochlorite) to the water.

Recipe for Weaker Bleach Sanitizing Solution

For food contact surfaces sanitizing (dishes, utensils, cutting boards high change trays), toys that children may place in their mouths, and pacifiers.

1 tablespoon bleach

1 gallon cool water

Add the bleach to the water

Washing and Disinfecting Toys

- Infants and toddlers should not share toys. Toys that children (particularly infants and toddlers) put in their mouths should be washed and disinfected between uses by individual children. Toys for infants and toddlers should be chosen with this in mind. If you cannot wash a toy, it probably is not appropriate for an infant or toddler.
- When an infant or toddler finishes playing with a toy, you should retrieve it from the play area and put it in a bin reserved for dirty toys. This bin should be out of reach of the children. Toys can be washed at a later, more convenient time, and then transferred to a bin for clean toys and safely reused by the other children.
- To wash and disinfect a hard plastic toy:
 - Scrub the toy in warm, soapy water. Use a brush to reach into the crevices.
 - Rinse the toy in clean water.
 - Immerse the toy in a mild bleach solution (see above) and allow it to soak in the solution for 10-20 minutes.
 - Remove the toy from the bleach and rinse well in cool water.
 - Air dry.
- Hard plastic toys that are washed in a dishwasher or cloth toys washed in the hot water cycle of the hot water cycle of a washing machine do not need to be additionally disinfected.
- Children in diapers should only have washable toys. Each group of children should have its own toys. Toys should not be shared with other groups.
- Stuffed toys used by only a single child should be cleaned in a washing machine every week or more frequently if heavily soiled.
- Toys and equipment used by older children and not put into their mouths should be cleaned at least weekly and when obviously soiled. A soap and water wash followed by clear water rinsing and air drying should be adequate. No disinfection is required. (These types of toys and equipment include blocks, dolls, tricycles, trucks, and other similar toys.).
- Do not use wading pools for children in diapers.
- Water play tables can spread germs. To prevent this:
 - Disinfect the table with chlorine bleach solution before filling it with water.
 - Disinfect the all toys to be used in the table with chlorine bleach solution. Avoid using sponge toys. They can trap bacteria and are difficult to clean.
 - Have all children wash their hands before and after playing in the water table.

- Do not allow children with open sores or wounds to play in the water table.
- Carefully supervise the children to make sure they do not drink the water.
- Discard water after play is over

Washing and Disinfecting Bathroom and Other Surfaces

Bathroom surfaces, such as faucet handles and toilet seats, should be washed and disinfected several times a day, if possible, but at least once a day or when soiled. The bleach and water solution or chlorine-containing scouring powders or other commercial bathroom surface cleaner/disinfectants can be used in these areas. Surfaces that infants and young toddlers are likely to touch or mouth, such as crib rails, should be washed with soap and water and disinfected with a nontoxic disinfectant, such as bleach solution, at least once every day, more often if visibly soiled. After the surface has been drenched or soaked with the disinfectant for at least 10 minutes, surfaces likely to be mouthed should be thoroughly wiped with a fresh towel moistened with tap water. Be sure not to use a toxic cleaner on surfaces likely to be mouthed. Floors should be washed and disinfected at least once a day and whenever soiled.

Washing and Disinfecting Diaper Changing Areas

Diaper Changing Areas should:

- Only be used for changing diapers.
- Be smooth and nonporous, such as Formica (NOT wood).
- Have a raised edge or low ☐fence☐ around the area to prevent a child from falling off.
- Be next to a sink with hot and cold running water.
- Not be used to prepare food, mix formula, or rinse pacifiers.
- Be easily accessible to providers.
- Be out of reach of children.

Diaper changing areas should be cleaned and disinfected after each diaper changer as follows:

- Clean the surface with soap and water and rinse with clear water.
- Dry the surface with a paper towel.
- Thoroughly wet the surface with the recommended bleach solution.
- Wipe dry with a clean disposable towel or air dry. If using a commercial disinfectant/sanitizer, follow labeled manufacturer's instructions.

Washing and Disinfecting Clothing, Linen, and Furnishings

Do not wash or rinse clothing soiled with fecal material in the child care setting. You may empty solid stool into the toilet, but be careful not to splash or touch toilet water with your hands. Put the soiled clothes in a plastic bag and seal the bag to await pick up by the child's parent or guardian at the end of the day. Always wash your hands after handling soiled clothing.

Explain to parents that washing or rinsing soiled diapers and clothing increases the chances that you and the children may be exposed to germs that cause diseases. Although receiving soiled clothes is not pleasant, remind parents that this policy protects the health of all children and providers. Each item of sleep equipment, including cribs, cots, mattresses, blankets, sheets, etc.,

should be cleaned and sanitized before being assigned to a specific child. The bedding items should be labeled with that child's name, and should only be used by that child. Children shall not share bedding. Infants' linens (sheets, pillowcases, blankets) shall be cleaned and sanitized daily, and crib mattresses shall be cleaned and sanitized weekly and when soiled or wet. Linens from beds of older children shall be laundered at least weekly and whenever soiled. However, if a child inadvertently used another child's bedding, you shall change the linen and mattress cover before allowing the assigned child to use it again. All blankets shall be changed and laundered routinely at least once a week.

Cleaning up Body Fluid Spills

Spills of body fluids, including blood, feces, nasal and eyed discharges, saliva, urine, and vomit shall be cleaned up immediately. Wear gloves unless the fluid can be easily contained by the material (e.g., paper tissue or cloth) that is being used to clean it up. Be careful not to get any of the fluid you are cleaning in your eyes, nose, mouth or any open sores you may have. Clean and disinfect any surfaces, such as counter tops and floors, on which body fluids have been spilled. Discard fluid-contaminated material in a plastic bag that has been securely sealed. Mops used to clean up body fluids should be (1) cleaned, (2) rinsed with a disinfecting solution, (3) wrung as dry as possible, and (4) hung to dry completely. Be sure to wash your hands after cleaning up any spill.

Source: The ABCs of Safe and Healthy Child Care: A Handbook for Child Care Providers, Department of Health and Human Services, U.S. Public Health Service, Centers for Disease Control and Prevention (as amended by MSDH).

Source: *Miss. Code Ann.* §43-20-8.