

CHAPTER 1: REGULATIONS GOVERNING LICENSURE OF CHILD CARE FACILITIES

Subchapter 1: GENERAL

Rule 1.1.1 Legal Authority The "Mississippi Child Care Licensing Law," Section 43-20-1 et seq. of the Mississippi Code of 1972 provides the legal authority under which the Mississippi State Department of Health prescribes minimum regulations for child care facilities defined under the law.

Source: Miss. Code Ann. §43-20-8.

Rule 1.1.2 Purpose

1. The purpose of these regulations is to protect and promote the health and safety of children in this state by providing for the licensing of child care facilities as defined herein to assure that certain minimum standards are maintained in such facilities. This policy is predicated upon the fact that a child is not capable of protecting himself, and when his parents for any reason have relinquished his care to others, there arises the probability of exposure of that child to certain risks to his health and safety that require the offsetting statutory protection of licensing. This document and its appendices constitute the "Regulations Governing the Licensure of Child Care Facilities."
2. A child care facility may exceed the minimum quality standards required in these regulations, but may not operate without meeting the minimum standards set forth in these regulations.
3. The maximum capacity of a child care facility is determined by the indoor square footage, kitchen square footage, outdoor playground area, and the number of toilets, urinals, and hand washing lavatories, with the lowest capacity determination being controlling. 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.
4. A child care facility is subject to inspection at anytime at the discretion of the licensing agency.
5. The Mississippi State Department of Health shall maintain a complaint hotline to accommodate reporting of complaints. The department shall investigate each complaint and maintain a log of such complaints. The identity of the reporting party shall not be disclosed to any other person than the Child Care Licensing Bureau staff unless upon order of a court of competent jurisdiction.

Source: Miss. Code Ann. §43-20-8.

Rule 1.1.3 Severability If any provision of these regulations or the application thereof to any persons or circumstances shall be held invalid, such invalidity shall not affect the provisions or application of these regulations that can be given effect without the invalid provision or application, and to this end, the provisions of these

regulations are declared severable.

Source: Miss. Code Ann. §43-20-8.

Rule 1.1.4 Definitions

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

EXEMPTIONS

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

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

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

8. **Group** The children assigned to a caregiver or team of caregivers, occupying an individual classroom, or well-defined physical space within a larger room.
9. **Hazardous Condition** A situation or place that presents a possible source of injury or danger.
10. **Health** The condition of being sound in mind and body and encompassing an individual's physical, mental and emotional welfare.
11. **Infant** Any child under the age of 12 months.
12. **Licensing Agency** The Mississippi State Department of Health.
13. **Operator** Any person, acting individually or jointly with another person or persons, who shall establish, own, operate, conduct or maintain a child care facility. The child care facility license shall be issued in the name of the operator, or if there is more than one operator, in the name of one of the operators. In the event that there is more than one operator, all statutory and regulatory provisions concerning the background checks of operators shall be equally applied to all operators of a facility, including, but not limited to, a spouse who jointly owns, operates, or maintains the child care facility regardless of which operator is named on the license.
14. **Parent** As used in these regulations, parent shall mean custodial parent, legal guardian, foster parent, *guardian ad litem*, and other individuals or institutions to which a court of competent jurisdiction has granted legal authority over the child.
15. **Person** Any person, firm, partnership, corporation or association.
16. **Personal Care** Assistance rendered by personnel of the child care facility in performing one or more of the activities of daily living, which includes but is not limited to the feeding, personal grooming, supervising, and dressing of children placed in the child care facility.
17. **Physical Confines** The space inside the walls of the child care facility.
18. **Safety** The condition of being protected from hurt, harm, injury or loss.
19. **School Age Child** A child of 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.

20. **Service Staff** A person who provides support services such as cooking,

cleaning, or driving a vehicle, but is not a caregiver.

21. **Toddler** Any child the age of 12 months and under the age of 24 months.
22. **Usable Space** In measuring facilities for square footage per child, usable space shall mean space measured on the inside, wall-to-wall dimensions. These spaces are exclusive of food preparation areas, kitchens, bathrooms, toilets, areas for the care of ill children, offices, staff rooms, corridors, hallways, stairways, closets, lockers, laundries, furnace rooms, fixed or permanent cabinets, fixed or permanent storage shelving spaces, and areas not inhabited and used by children. Usable space shall be areas dedicated to children's activities (play, learning, rest, and eating) and shall be utilized for those purposes on a daily basis. Furnishings shall be equipment that is both size and age appropriate for children receiving care. The space occupied by inappropriate or adult size equipment shall be deducted from the children's usable space.
23. **Volunteer** Any person who is not an employee who is at the facility or assists with children.

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

Further, any individual who has not been fingerprinted ~~has not had a child abuse central registry check completed~~, and received the Letter of Suitability for Employment shall never be left alone with children.

24. Emergency Preparedness Plan: Each child care center is required to have an emergency preparedness plan – all activities and processes designed to prepare for an unsafe event and deal with the immediate emergency conditions created by or associated with the event, per the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42U.S.C. 5195a(a)(1)).

Source: Miss. Code Ann. §43-20-8.

Subchapter 2: LICENSURE

Rule 1.2.1 Requirement for Licensure

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

Source: Miss. Code Ann. §43-20-8.

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:

- a. License Application and ~~\$400.00~~ \$130.00 application fee.
- b. License fee - the amount of fee is determined by the licensed capacity of the facility.
- 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.
- d. “Letter of Suitability for Employment” for every employee or volunteer as appropriate that is to begin work when the facility starts operation. The “Letter of Suitability for Employment” issued by the Mississippi State Department of Health verifies that a criminal records check, sex offender registry, and child abuse central registry check has been conducted on an individual.
- e. An MSDH Certification of Immunization (Form #121) or Medical/Religious Exemption (Form #122) must be on file for each employee or volunteer before beginning work or at the start of facility operations. Form #122 may only be used to request a medical exemption; religious exemptions do not apply to staff or volunteers.

~~An MSDH Immunization Form #121 for every employee or volunteer that is to begin work when the facility starts operation and/or have documentation indicating that they comply with the immunization requirements of the Mississippi State Department of Health.~~

- f. Valid MSDH Fire Inspection Form #333.
- 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. Prometic, 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~~ 601.364.5780.

- h. Wastewater disposal approval.
- i. Potable water source approval - drinking water.
- j. Zoning approval.
- k. Lead Testing approval
 - i. Building - if constructed before ~~1965~~ 1978.
 - ii. Playground
- l. Adult, Child and Infant CPR and First Aid certification as required for a person or persons who will be present at the facility during all hours of operation.
- m. ~~Approved~~ Menu if applicable.
- n. Floor Plan.
- o. MSDH Maximum Capacity Worksheet (Form #28).
- p. MSDH Child Care Facility Inspection Report (Form #281).
- q. MSDH Child Care Facility Data Sheet (Form #286).
- r. MSDH Food Service Inspection (Form #301-302) - if applicable.
- s. Daily Schedule of Activities - developed by provider.
- t. Arrival and Departure Procedures - developed by provider.
- u. Emergency Policy – developed by provider.
- v. Verification of Two Emergency Relocation Sites – developed by provider.
 - i. One site must be a minimum of one mile distant from the facility.
 - ii. One site must be a minimum of five miles distant from the facility.
- w. Transportation Policy – not required if facility does not transport children.

NOTE: An emergency transportation policy is required even if the facility does not plan to transport children. An emergency transportation policy shall encompass such events as emergency evacuation of the facility and emergency transporting of a child to

receive medical attention.

- x. Proof of Vehicle Insurance – not required if facility does not transport children.
- y. Verification, in writing, that the operator has or does not have accident/liability insurance covering the business and the children enrolled in the facility.
- z. 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 Bureau 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 Bureau are listed under the heading “MSDH Child Care Provider Training Calendar.” Training classes provided by the Bureau of Child Care Licensure are listed under the heading “LIFT-ED Training Calendar and Courses.” Other approved providers of training for child care facility operators and staff are listed under the headings “MSDH - Approved Child Care Courses” and “Training Organizations with Standing Approval.” Only the Bureau of Childcare Licensure staff are allowed to conduct mandatory trainings except for the Health and Safety training which is also offered by MS Department of of Human Services. 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.”~~

- aa. Discipline Policy – developed by the provider.

NOTE: The discipline policy developed by the provider shall not allow any of the prohibited behaviors listed in Subchapter 14 of these regulations.

- ~~bb. Verification that the owner/operator and director have completed mandatory training on:~~
 - ~~i. Regulations Governing Licensure of Child Care Facilities.~~
 - ~~ii. New 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.~~

bb. Emergency Policy – Emergency preparedness and response planning for emergencies resulting from a natural disaster, or a man-caused event (such as violence at a child care facility), within the meaning of those terms under section 602(a)(1) of the Robert T. Stafford Disaster Relief and emergency Assistance Act (42 U.S.C. 5195a(a)(1)) that shall include procedures for evacuation, relocation, shelter-in-place and lock down, staff and volunteer emergency preparedness training and practice drills, communication and reunification with families, continuity of operations, and accommodation of infants and toddlers, children with disabilities, and children with chronic medical conditions.

2. **Regular License** The licensing agency may issue a regular license when all conditions and requirements for licensure have met compliance. The duration of a regular license shall not exceed one year.
3. **Probational License** The licensing agency may issue a probational license, at its discretion, where violations may endanger the health or safety of the children, but only when such violations may be corrected within a specified period. There shall be a written corrective action plan agreed upon between the operator and the licensing agency. The period of time for which a probational license is issued shall be at the discretion of the licensing agency but in no instance shall exceed six months.
4. **Restricted License** The licensing agency may issue any type of license with conditions/restrictions when, at its discretion, the health or safety of the children require such a conditional/restrictive statement on the license. Such conditions/restrictions shall include but not be limited to certain individuals to be barred from the premises or any other situations that may endanger children and that should be so recorded on the license. Any violation of any such condition/restriction shall result in immediate emergency suspension of the license. When such conditions/restrictions no longer pose a threat to the children, the conditional/restrictive statement may be removed.

Source: Miss. Code Ann. §43-20-8.

Rule 1.2.3 Application for License An application for a license under these regulations shall be made to the licensing agency upon forms provided by it and shall contain such information as the licensing agency may reasonably require.

Source: Miss. Code Ann. §43-20-8.

Rule 1.2.4 License Fee: ~~All application fees, licensure fees, renewal fees, and administrative charges shall be paid by certified check or money order payable to the Mississippi State Department of Health, are nonrefundable. Checks returned for insufficient funds, closed account, etc., shall be assessed an additional \$50 fee. All application fees, licensure fees, renewal fees, and administrative charges shall be paid online at www.healthymys.com and are nonrefundable. Insufficient funds fee must be paid with money order.~~

1. **Application Fee** \$130.00
2. **Initial Licensure Fee**
 - a. Maximum capacity 12 or fewer \$ 97.50
 - b. Maximum capacity 13 to 30..... \$195.00
 - c. Maximum capacity 31 to 50..... \$260.00
 - d. Maximum capacity 51 to 100..... \$390.00
 - e. Maximum capacity 101 to 150..... \$455.00
 - f. Maximum capacity 151 or more..... \$520.00
3. **Renewal Fee**
 - a. Maximum capacity 12 or fewer \$ 97.50
 - b. Maximum capacity 13 to 30..... \$195.00
 - c. Maximum capacity 31 to 50..... \$260.00
 - d. Maximum capacity 51 to 100..... \$390.00
 - e. Maximum capacity 101 to 150..... \$455.00
 - f. Maximum capacity 151 or more..... \$520.00
4. **Reinstatement Fee** \$260.00
5. **Returned Check Fee** \$ 50.00
6. **Late Fee**.....\$ 25.00
7. **Fingerprinting Fee (Per Fingerprint Card)** \$ 50.00

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

Source: Miss. Code Ann. §43-20-8.

Rule 1.2.4 Certificate of Inspection by Fire Department A certificate of inspection and approval by the fire department of the municipality or other political subdivision in which the child care facility is located shall be submitted to the licensing agency with the application and license fees. Except that if no

fire department exists where the facility is located, the State Fire Marshall shall certify as to the inspection for safety from fire hazards.

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

Source: Miss. Code Ann. §43-20-8.

Rule 1.2.5 Inspection An agency representative(s) shall inspect each child care facility prior to issuing or renewing a license to assure compliance with these regulations.

Source: Miss. Code Ann. §43-20-8.

Rule 1.2.6 Record of Inspection Whenever an inspection is made of a child care facility, the findings shall be recorded on an official inspection form and furnished to the operator, director, and/or their representative, at the time the inspection is made.

Source: Miss. Code Ann. §43-20-8.

Rule 1.2.7 Renewal of License

1. The licensing agency shall issue licenses that may be renewed annually. The licensing agency shall email a renewal notice, at least 75 days prior to the expiration date of the license, to the email address of the operator registered with the licensing agency. The operator shall:

- a. Complete the online renewal form.
- b. Submit any and all certificates of inspection and approval required by the licensing agency.
- c. ~~Enclose~~ Submit the renewal fee.
- d. File the above with the licensing agency at least 30 days prior to the expiration date on the license.
- e. Renewal applications submitted online less than 30 days prior to the expiration date of the license shall be assessed a \$25.00 late fee. Applications and fees are to be paid online at Home - Mississippi State Department of Health (healthyms.com).

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

2. An operator who does not ~~file~~ submit the renewal application prior to the date that the license expires will be deemed to have allowed the license to lapse. Said license may be reinstated by the licensing agency, in its discretion, by payment of both the renewal fee and the reinstatement fee, provided said application for reinstatement is made within one month of the expiration date of the license. After the one month reinstatement period, it

shall be required that an application for an initial license be submitted. All licensure requirements in effect at the time the new initial application is filed shall be met.

Source: Miss. Code Ann. §43-20-8.

Rule 1.2.8 License Not Transferable or Assignable Each license shall be issued only for the premises and operator named in the application and shall not be transferable or assignable. A change of ownership includes, but is not limited to, inter vivo gifts, purchases, transfers, lease arrangements, cash and/or stock transactions or other comparable arrangements whenever any person or entity acquires or controls a majority interest of the child care facility or service. Changes of ownership from partnerships, single proprietorships, or corporations to another form of ownership are specifically included.

Source: Miss. Code Ann. §43-20-8.

Rule 1.2.9 Display of Licenses The current license issued by the licensing agency to the named child care facility and operator shall be posted and displayed in a conspicuous place and in easy view of all persons who enter the child care facility. The facility operator shall also post next to the license, in plain view, a notice provided by the MSDH that informs the public of where and how they may report a complaint against the facility.

Source: Miss. Code Ann. §43-20-8.

Subchapter 3: RIGHT OF ENTRY AND VIOLATIONS

Rule 1.3.1 Right of Entry An agency representative may enter any child care facility for making inspections or investigations to determine compliance with these regulations.

Source: Miss. Code Ann. §43-20-8.

Rule 1.3.2 Violations If violations noted on the inspection form are not corrected within the period specified by the licensing agency, a license may be denied, suspended, or revoked in accordance with these regulations.

Source: Miss. Code Ann. §43-20-8.

Subchapter 4: FACILITY POLICY AND PROCEDURES

Rule 1.4.1 Parental Information Before a child's enrollment, the parent shall be provided with the following:

1. **Operating information:**
 - a. The child care facility's purpose, scope of service provided, philosophy, and any religious affiliation.
 - b. Name(s), ~~business phone number~~, business address, and home phone number of the operator, director or an individual in authority who can be reached after the facility's normal hours of operation.

- c. The business phone number of the child care facility.
- d. Organization chart or other description of established lines of authority of persons responsible for the child care facility's management within the organization.
- e. The program and services provided and the ages of children accepted.
- f. The hours and days of operation and holidays or other times closed.
- g. The procedures for admission and registration of children.
- h. Tuition, plans for payment, and policies regarding delinquent payments.
- i. Types of insurance coverage for children, or a statement that accident insurance is not provided or available.
- j. If a facility does not provide liability insurance there shall be a statement in the child's record, signed by the parent indicating that the parent is aware that the facility does not carry liability insurance.
- k. Reasons/circumstances and procedures for removal of children from rolls when parents are requested by facility staff to remove a child.
- l. Procedures to include the amount of notice a parent is required to give the facility before removing a child.
- m. Policy governing the maximum hours per day or week that a child can be left at the child care facility.

2. Arrival and departure procedures for children:

- a. Procedure, approved by the licensing authority, for assuring a child's safe arrival and departure (All children shall be signed in and out of the facility by an authorized individual.).
- b. Procedures for protecting children from traffic and other hazards during arrival and departure and when crossing streets.
- c. Policy for release of children from the child care facility only to responsible persons for whom the child care facility has written authorization.
- d. Policy governing a parent picking up a child after closing hours and procedures if a child is not picked up.

3. Program and activities information:

- a. Policies and procedures about accepting and storing a child's personal belongings.
- b. Discipline policies including acceptable and unacceptable discipline measures.
- c. Transportation and safety policies and procedures.

- d. Policies prohibiting the photographing of a child without parental consent.
- e. Policies regarding a child's participation in extracurricular activities not sponsored by the child care facility, including but not limited to baseball, softball, soccer, ballet, or gymnastics.
- f. Policies regarding water activities and safety procedures. These policies shall include those water activities that take place away from the child care facility property, e.g., taking children to a public swimming pool.
- g. Policies encouraging sun safety practices and activities.

4. Health and emergency procedures:

- a. Procedures for storing and giving a child medication.
- b. Policy for reporting suspected child abuse.
- c. Provision for emergency medical care, treatment of illnesses and accidents, which include:
 - i. A plan to handle a child in a medical crisis.
 - ii. A plan to obtain prompt services of physician and hospitalization, if needed.
 - iii. A plan for immediately notifying the parent of any illness, accident or injury to the child.
 - iv. A plan to acquire the services of a certified practitioner for a child exempt from medical care on religious grounds.
- d. Evacuation plan including procedures for notifying the parents of the relocation site.
- e. Policy and procedures for handling dangerous situations, including but not limited to, dealing with violent individuals, individuals entering facility with weapons, bomb threats, or conditions posing an immediate threat to children.

5. State regulations:

- a. A summary of the licensing regulations and any appendices thereto, provided by the licensing agency.
- b. Each child's record shall contain a statement signed by the child's parent, indicating that they have received a summary of licensing standards and other materials designated by the licensing agency for such distribution.
- c. The name and phone number of the MSDH licensing official responsible for the inspection of the facility.
- d. The toll free phone number (1-866-489-8734) of the Child Care

Facility Complaint Hot Line.

Source: Miss. Code Ann. §43-20-8.

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 at any time.
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 at any time.
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 1.4.3 Parental Access Child care facilities shall assure the parent that they have welcome access to the child care facility at all times. Welcome access shall be defined as a parent having access to areas of the facility available to his child and non-disruptive to normal daily activities.

Source: Miss. Code Ann. §43-20-8.

Rule 1.4.4 Changes in Facility Operations The operator shall immediately notify the licensing agency of any major changes affecting areas of the child care facility's operations. Such major changes include, but are not limited to, operator, director, location, physical plant, or number of children served.

Source: Miss. Code Ann. §43-20-8.

Rule 1.4.5 Notice of Legal Action The licensing agency shall be notified within seven days, in writing, if notice is received of legal action against the child care facility.

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:
 - a. License.
 - b. Daily activity schedule posted in each classroom.
 - c. Menus and Food Service Permit, if applicable.
 - d. Evacuation route.

- e. The facility operator shall also post next to the license, in plain view, a notice provided by the MSDH that informs the public of where and how they may report a complaint against the facility.
2. In kitchens:
 - a. Menus.
 - b. Evacuation route.
3. The evacuation route in all rooms utilized by children.

Source: Miss. Code Ann. §43-20-8.

Rule 1.4.7 Weapons Prohibited

1. There shall be no firearms or other dangerous weapons allowed in a child care facility.
2. If a facility is located in an occupied dwelling, all firearms shall be equipped with trigger locks and kept in a locked room out of the sight of all children. All other dangerous weapons shall be kept under lock in a room not accessible to children.
3. Other dangerous weapons include, but are not limited to, hunting knives, spears, machetes, archery equipment, etc.

Source: Miss. Code Ann. §43-20-8.

Rule 1.4.8 Prevention of Shaken Baby syndrome and Abusive Head Trauma:

Each child care center licensed to care for children up to five years of age shall develop and adopt policies to prevent shaken baby syndrome and abusive head trauma prior to licensure. The policy shall include the following:

1. How to recognize, respond to, and report the signs and symptoms of shaken baby syndrome and abusive head trauma. Signs and symptoms include: irritability, difficulty staying awake, difficulty breathing, inability to lift the head, seizures, lack of appetite, vomiting, and bruises;
2. Strategies to assist staff members in coping with a crying, fussing, or distraught child;
3. Strategies to assist staff members in understanding how to care for infants;
4. Strategies to ensure staff members understand the brain development of children up to five years of age;
5. A list of prohibited behaviors that shall include, but not be limited to, shaking a child, tossing a child into the air or into a crib, chair, or car seat, and pushing a child into walls, doors, and furniture; and
6. Resources to assist staff members and families in preventing shaken baby syndrome and abusive head trauma.

Rule 1.4.9 – Emergency Preparedness and Evacuation Planning: Each child care provider shall develop, implement, and maintain a comprehensive, written multi-hazard emergency preparedness, response, and recovery plan to ensure the safety and protection of all children in care during emergencies. This plan must address the following components:

1. Multi-Hazard Emergency Plan Requirements: The plan shall:
 - A. Address potential disasters and emergencies—natural or human-caused—that could affect the facility based on its geographic location
 - B. Include procedures to control access to all buildings and outdoor play areas
 - C. Include emergency procedures for:
 - a. Evacuation
 - b. Relocation to a pre-determined safe location
 - c. Shelter-in-place
 - d. Lockdown
 - e. Communication with families
 - f. Continuity of operations
 - D. Include specific procedures and accommodation for:
 - a. Infants and toddlers (including food and formula needs)
 - b. Children with disabilities or chronic medical conditions, including medication, medical equipment, evacuation, and transportation
 - E. Include a system for quickly accounting for all children during and after an emergency
 - F. Include both a primary and backup communication system to contact parents and authorized third-party release caretakers
 - G. Include procedures for reunification of children and parents following an emergency
 - H. Include procedures for providing parents with information about the emergency plan upon enrollment and whenever changes or updates are made
 - I. Be reviewed annually for accuracy and updated as necessary
 - J. Be reviewed with all staff and volunteers:
 - a. At the time of orientation
 - b. At least once every six (6) months thereafter
 - K. Be available for review during inspections and at any time upon request by licensing staff.

- L. Individualized Emergency Plan for Children with Special Health Care Needs: Child care providers shall develop an individual emergency plan for each child with special health care needs. This plan must include:
 - a. Medical contact information;
 - b. A list of necessary supplies, medications, and equipment specific to the child.
- M. Evacuation Pack: Child care providers must maintain an evacuation pack, accessible to all staff and containing at a minimum:
 - a. A list of emergency phone numbers
 - b. Updated emergency contact information and emergency medical authorizations for all enrolled children
 - c. Emergency pickup forms
 - d. First aid supplies, hand sanitizer, wet wipes, and tissue
 - e. Diapers for non-toilet trained children and plastic bags for disposal
 - f. A battery-powered or crank flashlight and radio with batteries
 - g. Disposable cups and bottled water.
 - h. A designated staff member must be assigned to maintain and ensure the pack is complete and that medications and other time-sensitive items are not expired.

D. Records Retention and Backup: Child care providers shall maintain essential records, documents, and computer files necessary for the continuation of operations post-emergency. These must be stored either in a portable file, or off-site, preferably with an electronic backup of all information.

E. Emergency Drills: Child care providers shall:

- a. Conduct monthly fire and tornado drills
- b. Conduct all other disaster drills at least once every six (6) months
- c. Vary the day and time of each drill to ensure readiness
- d. Maintain documentation on-site for the previous 12 months of all drills, including:
 - i. Type of drill (e.g., fire, tornado, flood, violence, power outage)
 - ii. Date and time of the drill
 - iii. Number of children participating
 - iv. Name of staff member supervising the drill
 - v. Total time to complete the drill

- vi. Any problems encountered and corrective actions taken.

F. First Aid and CPR Certification: During all hours of operation, including arrival and departure, child care providers shall have at least one staff member present that:

- a. Holds a valid infant, child, and adult First Aid and CPR certification.
- b. Renewal certifications must be obtained through in-person, hands-on training (online-only courses are not acceptable).

Rule 1.4.10 All policies and procedures referenced above in Subchapter 4 shall apply to all operators, staff and parents/guardians, as applicable.

Source: Miss. Code Ann. §43-20-8.

Subchapter 5: PERSONNEL REQUIREMENTS

Rule 1.5.1 General Requirements For Personnel

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

Source: Miss. Code Ann. §43-20-8.

Rule 1.5.2 Comprehensive Background Check: Pursuant to Section 43-20-1 et seq., of the Mississippi Code of 1972, Section 658(d) of the Child Care Development Block Grant Act of 2014, and Federal Rules and Regulations 45 CFR 98.43, a comprehensive, finger-print based, criminal history records check, consisting of a FBI national criminal history records check (NCIC), state criminal history records check (MCIC), state child abuse registry check, National Sex Offender Registry check (NSOR), a state sex offender registry check and an interstate check, if applicable, must be completed on all operators, employees, and prospective employees of a licensed, regulated, and/or registered child care facility as well as all child care providers eligible to deliver services for which Child Care Development Funds assistance is provided. Further, a comprehensive background must be

completed every five years.

1. Before a prospective staff member may begin work in a child care facility, a valid Letter of Suitability must have been issued by the MSDH Criminal Records Check Unit.
2. Each licensed, regulated, and/or registered child care facility will electronically access, monitor, verify, and maintain the suitability status of any submitted employee through the agency maintained website.
3. If an individual has been separated from employment (break in service) in a child care facility for more than 180 consecutive days a new comprehensive criminal history records check must be submitted and approved before the individual may begin work in a child care family home.
4. In the event a child care applicant has a disqualifying event a letter of non-suitability will be issued. Both the child care provider and the applicant will be notified through the agency- maintained website.
5. Individuals under the age of 18 who are employed by a child care provider for compensation are required to complete a comprehensive background check.

~~Criminal Record (Fingerprinting), Child Abuse Central Registry Checks, and Sex Offender Records Checks:~~ Pursuant to Section 43-20-1 et seq., of the Mississippi Code of 1972, Section 658(d) of the Child Care Development Block Grant (CCDBG) Act of 2014, and Federal Rules and Regulations 45 CFR 98.43 Criminal Background Checks all operators, employees, and prospective employees of a child care facility and any individual residing in a residence licensed as a child care facility shall have an FBI national criminal history records check (fingerprint), State criminal history records check (fingerprint), State child abuse registry check, National Crime Information Center (NCIC) National Sex Offender Registry (NSOR) sex offender registry check, and State sex offender registry check. Further, such checks must be completed at least every five years on the owner and staff of a child care facility.

~~Before a prospective staff member may begin work in a child care facility a valid Letter of Suitability must have been issued by the MSDH Criminal Records Check Unit.~~ The child care facility shall submit the following for processing:

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

~~If the facility is notified that the fingerprints submitted were incomplete or of such poor quality that prevented processing, the facility shall reprint the~~

~~individual and/or resubmit the necessary information within ten days of the dated letter on the notification.~~

~~A **Child Abuse Registry Form** shall be submitted to the **Department of Human Services** for processing. A copy of the submitted form and evidence of mailing shall be maintained in the employee's personnel file until the facility receives notification from the Department of the employee's suitability for employment.~~

~~Each licensed child care facility with internet capabilities may electronically access, monitor, and verify the suitability status of any submitted employee through a Department maintained webpage: <http://www.HealthyMS.com>. (Licensed providers without electronic capabilities will receive hardcopy notification of an employee's suitability status.)~~

~~Upon receipt of notification, either electronically or hardcopy, that the employee has been deemed suitable for employment in a child care facility, the facility shall provide the employee the original Letter of Suitability and shall maintain a copy of the suitability letter for the facility files.~~

~~— Unless otherwise voided, the letter confirming an employee's Suitability for Employment is valid for a period of **five** years from the date of the letter. However, if an individual has been separated from employment (break in service) in a child care facility for more than 180 consecutive days a new criminal history records check must be submitted and approved before the individual may begin work in a child care facility regardless of the date of issuance on the letter.~~

~~— The facility owner and each employee shall have criminal history records checks (fingerprint), child abuse registry checks, and sex offender registry checks completed **at least every five years**.~~

~~— The Letter of Suitability is not transferable to another program licensed by the Child Care Licensure Bureau after the date of expiration as specified within the suitability letter.~~

~~— If an individual has been separated from employment (break in service) in a child care facility for more than 180 consecutive days a new criminal history records check must be submitted and approved before the individual may begin work in a child care facility.~~

~~Individuals under the age of 18 that are employed by a child care provider for compensation are required to complete a comprehensive background check that includes everything an adult criminal history records check requires.~~

~~Child care providers shall require each applicant that lives outside of Mississippi and/or has lived outside of Mississippi within the last 5 years to complete an interstate background check for the previous state(s) of residence, which includes at a minimum a state criminal history record check, state sex offender registry check, and state child abuse and neglect registry check. The interstate background check must be completed within 45 days of the submission of the prospective employee's child care employment application.~~

6. Volunteers

- a. The facility shall maintain the following on any individual who volunteers in a child care facility for less than 120 hours per licensure year:
 - i. A provider will maintain a timesheet on all volunteers indicating the number of hours they worked each time they were at the facility.
 - ii. Immunization Compliance Form 121.
- b. The facility shall maintain the following on any individual who volunteers in a child care facility for 120 or more hours per licensure year:
 - i. Letter of Suitability that reflects the completion of a full criminal records check, child abuse registry check, and sex offender check. Also, if required an out-of-state criminal records check, child abuse registry check, and sex offender check.
 - ii. Immunization Compliance Form 121.

Source: Miss. Code Ann. §43-20-8.

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:

1. A bachelor's degree in early childhood education, child development, elementary education, child care, special education, psychology (with emphasis on child psychology), or family and consumer sciences (with emphasis on child development), or equivalent degree from another child-related field or course of study.
- OR
2. A two-year associate degree from an accredited community or junior college in child development technology which must include a minimum of 480 hours of practical training, supervised by college instructors, in a college operated child care learning laboratory.
- OR
3. A two-year associate degree from an accredited community or junior college in child development technology or child care and two years paid experience in a licensed child care facility.
- OR
4. Two years paid experience as a caregiver in a licensed child care facility, and either (1) a current Child Development Associate (CDA) credential from the Council for Early Childhood Professional Recognition (CECPR),

or (2) a Mississippi Department of Human Services (MDHS) 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.

OR

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

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:

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

OR

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.

OR

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

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

Source: Miss. Code Ann. §43-20-8.

Rule 1.5.5 Caregiver Assistants Caregiver assistants shall be at least 16 years of age. Caregiver assistants shall work under the direct on-site supervision of a director or caregiver at all times. They shall not have the direct responsibility for a group of children as the sole caregiver. Caregiver assistants under the age of 18 shall not be given the authority to discipline children.

Source: Miss. Code Ann. §43-20-8.

Rule 1.5.6 Students

1. Students in a field study placement, a practicum, or vocational child care training program may assist in the care of the children when the following conditions have been met.
2. Students who are 18 years of age or older and who are in a child care facility for 120 or more hours per licensure year shall have a record on file in the facility which shall contain the following:

- a. Name, date of birth, address, and phone number.
 - b. Name and phone number of a contact person from the school or university placing the student.
 - c. Date placement began and daily record of the hours a student is present.
 - d. Mississippi State Department of Health Certificate of Immunization Compliance Form 121.
 - e. Documentation that the criminal records check (fingerprinting) and child abuse central registry check have been completed and no records found, i.e., Letter of Suitability for Employment.
 - f. Documentation of a minimum of one hour of orientation, within one week of placement, including but not limited to, the child abuse law and reporting procedures, emergency procedures, and facility discipline and transportation policies.
3. Students who are under 18 years of age and who are in a child care facility for 120 or more hours per licensure year shall have a record on file in the facility that shall contain all of the above listed material with the exception of Item e. The facility shall document the time that a student is at the facility.

No student shall be left alone with children unless an approved Letter of Suitability is on file.

Source: Miss. Code Ann. §43-20-8.

Rule 1.5.7 Use of Director Designee

1. A director designee is an individual designated to act as the director, having all responsibility and authority of a director, during the director's short-term absence.
2. A director designee shall, at a minimum have a high school diploma or GED 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.

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

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. The licensing agency, in its sole discretion, may accept suitable educational credits, programs, or degrees in lieu of those specified in Subchapter 5 upon the submission of adequate documentation by the

individual.

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.
6. All owners, directors, and additional child care staff must complete the Health and Safety training during pre-service and every two years thereafter that consist of the following topics:
 - a. Prevention and control of infectious diseases including immunizations;
 - b. Prevention of sudden infant death syndrome and use of safe sleeping practices;
 - c. Administration of medication, consistent with standards for parental or guardian consent;
 - d. Prevention and response to emergencies due to food and allergic reactions;
 - e. Building and physical premises safety, including identification of and protection from hazards, bodies of water, and vehicular traffic;
 - f. Prevention of shaken baby syndrome, abusive head trauma, and child maltreatment;
 - g. Emergency preparedness and response planning for emergencies resulting from a natural disaster, or a man-caused event (such as violence at a child care facility);
 - h. Handling and storage of hazardous materials and the appropriate disposal of bio contaminants.
 - i. Precautions in transporting children, if applicable;
 - j. Infant, child and adult first aid and infant, child, and adult CPR;
 - k. Recognition and reporting of child abuse and neglect; and
 - l. Child Development (including the major domains: cognitive, social, emotional, physical development and approaches to learning).

Source: Miss. Code Ann. §43-20-8.

Rule 1.5.9 — Review by Licensing Agency

- ~~7. The satisfaction of the personnel requirements applicable to any individual shall be determined by the licensing agency acting pursuant to its authority under applicable statutes and regulations.~~
- ~~8. The licensing agency, in its sole discretion, may accept suitable educational credits, programs, or degrees in lieu of those specified in Subchapter 5 upon the submission of adequate documentation by the individual.~~

Source: Miss. Code Ann. §43-20-8.

Subchapter 6: RECORDS

Rule 1.6.1 Records: Records listed in this section shall be kept within the physical confines of the child care facility and shall be made available to the licensing agency on request.

Source: Miss. Code Ann. §43-20-8.

Rule 1.6.2 Records Retention:

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

Source: Miss. Code Ann. §43-20-8.

Rule 1.6.3 Facility Records:

1. Attendance records for children and employees.
2. A current alphabetical roster of children enrolled in the child care facility, to include the child's full name and date of birth.
3. A current alphabetical roster of staff employed or volunteers in the child care facility.
4. Current license.
5. Records of monthly fire/disaster evacuation drills.
6. A record shall be maintained of any medication administered by the director or caregiver showing the date, time, and signature of dispensing employee. A medication record may be destroyed 90 days after administering the medication.
7. A record shall be maintained on each volunteer to document the date and number of hours of volunteer service.

8. Licensed child care facilities shall require proof of vaccination or a valid exemption for all children enrolled, as specified by the Mississippi State Department of Health (MSDH) through forms 121 and 122.
- a. Each child care facility shall maintain a notebook containing copies of the MSDH Certificate of Immunization Compliance (MSDH Form #121 or MSDH Form #122) for both staff and/or children. The notebook shall contain separate current alphabetical rosters of both staff and children. All children must have one of the following forms before enrollment in a licensed child care facility: Certificate of Immunization Compliance (Form 121) or Certificate of Medical/Religious Exemption (Form 122)
 - b. An MSDH Certificate of Immunization Religious Exemption Form #122 does not apply to staff.
 - c. The MSDH Office of Immunizations shall provide assistance to licensed child care facilities, case workers, foster families, and families experiencing hardship and/or homelessness. For additional information contact the MSDH Office of Immunization.
 - d. ~~Each facility shall maintain a notebook containing a copy of the Letter of Suitability for Employment from the licensing agency on all employees and, when applicable, volunteers. The notebook shall contain an alphabetical roster of staff and volunteers. Along with the name, date of birth, the initial date of hire or volunteering must be given for cross reference to individual personnel/volunteer files. The Letter of Suitability for Employment shall be filed in order matching the alphabetical roster.~~

NOTE: ~~Items required by 8 and 9 above may be placed within the same notebook.~~

9. Each licensed child care provider is required to enter into the Child Care LARS Database the hourly rate that they charge to care for a child in a particular age group they serve, i.e., Infant, Preschool, School Age. The following is used for calculating the hourly rate for each age group.

Calculation of the daily rate

Current Monthly Rate (CMR)

Calculated Yearly Rate = (CMR X 12 months)

Calculated Weekly Rate = (Calculated Yearly

Rate ÷ 52) Calculated Daily Rate = (Calculated

Weekly Rate ÷ 5)

Age Group	Current Monthly Rate (CMR)	Yearly Rate CMR X 12	Weekly Rate Yearly Rate ÷ 52	Daily Rate Before Rounding Weekly Rate ÷ 5	Daily Rate Rounded Up to the Next Cent
Infant	\$480.00	\$5,760.00	110.7692308	22.15385	\$22.16
Preschool	\$440.00	\$5,280.00	101.5384615	20.30769	\$20.31
School Age	\$320.00	\$3,840.00	73.84615385	14.76923	\$14.77

Source: Miss. Code Ann. §43-20-8.

Rule 1.6.4 Personnel Records:

1. **Employee Records:** Each employee's personnel record shall contain the following:
 - a. Name, date of birth, address, and phone number.
 - b. Documentation of education, training, and experience necessary for employment.
 - c. Records of staff development accrued during each licensure year, beginning with the date employed.
 - d. Date of employment and date of separation.
 - e. Mississippi State Department of Health Certificate of Immunization Compliance Form 121.
 - f. Documentation that the criminal record checks (fingerprinting), Child Abuse Central Registry checks, and Sex Offender Registry checks, have been conducted (Letter of Suitability for Employment); and the information shall be included in each employee's personnel file.

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

- g. Documentation of orientation, within one week of being hired, including but not limited to emergency procedures (to include policies for handling dangerous situations), staffing and supervision requirements, daily schedules, physical/emotional/developmental problems of children, discipline policies, and child abuse and neglect.
- h. Upon resignation or termination, personnel records shall be kept on file

and be made available to the licensing agency for at least one year after the last day of employment.

2. Required Employee information to be entered into the Child Care Database – Licensure and Reporting System (LARS)

The following information will be entered in the Child Care LARS Database for the Owner, Director, and all staff of the child care facility. The information will be entered during the Child Care Initial Application, Renewal Application, and Provider Portal “Manage Contacts” sections.

- a. First Name
- b. Last Name
- c. Date of Birth
- d. Last 4 of SSN
- e. Hire Date
- f. Email Address
- g. Mailing Address
- h. Contact Phone Number

The required information entered into the LARS Child Care Database under this rule is confidential and not viewable by the general public. The information will be used to authenticate the required contact hours taken by staff each licensure year.

This information will also provide the ability for the child care operator to retrieve information regarding whether an employee is up-to-date or deficient regarding the required staff development hours (15 hours required) each licensure year.

Further, this information will allow an individual employee or a supervisor of an employee, i.e., Owner and/or Director to register an employee for courses to maintain the continuing education hours required for the continued licensing of the child care facility.

Source: Miss. Code Ann. §43-20-8.

Rule 1.6.5 Volunteer Records (120 or more hours per year): For any person who volunteers in a child care facility for 120 or more hours per licensure year, a record shall be kept which contains the following:

1. Name, date of birth, address, and phone number.
2. Documentation of education, training, and experience that may help them in their role as a volunteer.
3. Date individual began volunteering and last date individual volunteered at the facility.
4. Mississippi State Department of Health Certificate of Immunization Compliance Form 121.
5. Documentation that the criminal records check (fingerprinting), child

abuse central registry check, and sex offender registry check has been conducted (Letter of Suitability for Employment), and the information is included in each volunteer's file.

6. Documentation of a minimum of one hour of volunteer orientation, within one week of volunteering, including but not limited to, the child abuse law and reporting requirements, emergency exit procedures, policies for handling dangerous situations, and the facility transportation policy.
7. A volunteer's record shall be retained for a period of one year after they are no longer volunteering at the facility.
8. A record shall be maintained on each volunteer to document the date and number of hours of volunteer service.

Source: Miss. Code Ann. §43-20-8.

Rule 1.6.6 Volunteer Records (Less than 120 hours per year): For any person who volunteers in a child care facility for less than 120 hours per licensure year, a record shall be kept which contains the following:

1. Documentation of a minimum of one hour of volunteer orientation within one week of volunteering, including but not limited, to the child abuse law and reporting requirements, emergency exit procedures, policies for handling dangerous situations, and the facility transportation policy and special needs of children.
2. A volunteer's record shall be retained for a period of one year after they are no longer volunteering at the facility.
3. A record shall be maintained on each volunteer to document the date and number of hours of volunteer service.
4. Mississippi State Department of Health Certificate of Immunization Compliance Form 121.

Source: Miss. Code Ann. §43-20-8.

Rule 1.6.7 ~~Volunteer Records (Less than 120 hours per year)~~ For any person who volunteers in a child care facility for less than 120 hours per licensure year, a record shall be kept which contains the following:

1. ~~Documentation of a minimum of one hour of volunteer orientation within one week of volunteering, including but not limited, to the child abuse law and reporting requirements, emergency exit procedures, policies for handling dangerous situations, and the facility transportation policy and special needs of children.~~
2. ~~A volunteer's record shall be retained for a period of one year after they are no longer volunteering at the facility.~~

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

Rule 1.6.87 Child Records The facility shall maintain an individual file for each child under its current care, and for any withdrawn child who withdrew during the preceding twelve months, containing the following identification and contact information, parental instructions, authorizations and other documents required by its policy manual:

1. Identification and Contact Information

- a. The name of the child and names of parents/guardians.
- b. Home address and home phone number.
- c. The parent's business name, address and phone number.
- d. The child's date of birth.
- e. Date of acceptance at facility and date of withdrawal, if any, with the parent's stated reason for withdrawal.
- f. Other contact information required to be maintained in accordance with the facility's policy manual.

2. Parental Instructions

- a. If the parent provides written instructions to the facility, those instructions concerning the child's growth and development, medical needs, allergies, toilet training and other information relevant to the child's well-being shall be maintained and kept updated as provided from time to time.
- b. Written identification of an authorized, responsible person(s) for pickup of the child.
- c. Documentation of any limitation of parental rights of the other parent or stepparent.
- d. Documentation of any limitation or restriction, if any, on activities of child, or other participation by the child in certain events such as holiday celebrations or being photographed or other parental concerns.

3. Authorizations

- a. Signed written authorization to obtain emergency medical treatment and to administer medication.
- b. A parent may choose either (a) to give written consent allowing their child to participate in all field trips, excursions, or series of events outside the child care facility, or (b) to give written consent only for specific trips or events that include an approved date, time, and location.

~~Election by parent either (a) to provide written authorization consenting to any and all field trips, excursions, or series of events~~

~~outside the child care facility, or (b) to provide written consent only for those specific field trips, excursions, or series of events for which a date, time and location are specifically approved. A specific field trip excursion or series of events.~~

- c. Signed acknowledgment by parent that the written policies and procedures described in ~~103.01~~ has subchapter 4 have been received.
- 4. Signed acknowledgment by parent that a summary of licensing standards and other materials designated by the licensing agency has been received by the parent.
- 5. **Documents Required by Policy Manual or Contract**
 - a. If agreed by the facility in its policy manual or caregiver contracts, method in which facility will inform the parent or contact person if a child does not arrive at the facility within a reasonable time after a scheduled drop-off.
 - b. Any other documents or identification records agreed to be maintained by the facility.
- 6. **Confidentiality of Records and Information**
 - a. Individual child records are confidential and shall not be disclosed or released without prior written authorization by the parent.
 - b. Individual personnel records are confidential and shall not be disclosed or released without prior written authorization by the employee.

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. The child care facility shall document any serious occurrences involving a child in the child's record and immediately notify the child's parent and the licensing agency either verbally or in writing, such as email. If the facility is unable to reach the parent or the licensing agency immediately, this must be noted in writing in the child's record. All verbal notifications must be followed by written confirmation, sent within two days of the occurrence.~~

Serious occurrences include, but are not limited to, accidents or injuries requiring significant medical attention (e.g., the child is taken to a doctor or hospital), alleged abuse or neglect, fires, or other emergencies.

Source: Miss. Code Ann. §43-20-8.

Rule 1.7.2 Child Abuse Any operator or employee of a child care facility who has suspicion or evidence of child abuse or neglect shall report it immediately to the Mississippi Department of Human Services in accordance with the state's Youth Court Act. (Appendix "A")

Source: Miss. Code Ann. §43-20-8.

Rule 1.7.3 Communicable Disease:The child care facility shall promptly report any known or suspected case or carrier of any reportable disease to the Mississippi State Department of Health, as published in the Mississippi Reportable Disease List.

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

Source: Miss. Code Ann. §43-20-8.

Rule 1.7.4 Infants and Toddlers For infants and toddlers, the child care facility shall provide, to the child's parent, daily written reports that include liquid intake, child's disposition, bowel movements, and eating and sleep patterns.

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 Adult, Child/Infant CPR and First Aid certification ~~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 Adult, Child/Infant CPR and First Aid CPR and First Aid certifications required in ~~items rule number 4 and 5 above~~, online (~~internet, etc.~~) training is not acceptable. Training must be face-to-face and ~~hands-on~~ hands-on.

Source: Miss. Code Ann. §43-20-8.

Rule 1.8.2 Ratio

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

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

2. Staff-to-child ratios shall be met at all times, including during opening/closing, field trips and swimming or water activities whether at the child care premises or off-site.
3. In mixed age groups, the age of the youngest child in the group determines the staff-to-child ratio. Preschool children shall not be grouped with school age children in any single area during normal classroom and playground or water activities.
4. With the exception of children under two years of age, children may be under the direct supervision (staff in the same room) of 50 percent of the staff required by this section during rest period times, provided the required staff-to-child ratio is maintained on the premises.

5. At no time will a single individual be responsible for the supervision of children located in more than one classroom at any given time.
6. Compliance with group sizes is not required during normal arrival and departure time periods, or during special events. However, the age-appropriate staff-to-child ratio shall be maintained at all times.

Source: Miss. Code Ann. §43-20-8.

Rule 1.8.3 Grouping

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

Age of Children in the Group	MAXIMUM number of children ALLOWED in a group of children this age	MINIMUM number of caregivers REQUIRED for a group of children this age	MINIMUM square footage REQUIRED for a group of children this age
Infant (Birth through 12 months)	10 infants	2 caregivers	40 square feet per child
Toddler (12 months to under 24 months)	18 toddlers	2 caregivers	45 square feet per child
2 years	24 children	2 caregivers	35 square feet per child
3 years	28 children	2 caregivers	35 square feet per child
4 years	32 children	2 caregivers	35 square feet per child
5-9 years	40 children	2 caregivers	35 square feet per child
10-12 years	50 children	2 caregivers	35 square feet per child

NOTE: ~~Space requirements for groupings in facilities licensed for school age children only are addressed in Rule 122.03 and 123.08.~~

Source: Miss. Code Ann. §43-20-8.

Subchapter 9: PROGRAM OF ACTIVITIES

Rule 1.9.1 General

1. The child care facility shall provide a basic program of activities geared to the age levels and developmental needs of the children served.
2. The child care facility shall provide for the reading of age-appropriate materials to children.
3. The child care facility shall incorporate programs to encourage sun safety practices, into activities for all age levels.

Source: Miss. Code Ann. §43-20-8.

Rule 1.9.2 Daily Routines All daily routines, such as eating and rest periods, shall be scheduled for the same time each day.

Source: Miss. Code Ann. §43-20-8.

Rule 1.9.3 Eating Meal periods are breakfast, lunch, dinner, and snacks. A minimum of 30 minutes shall be scheduled for each breakfast, lunch, and dinner meal period. A minimum of 15 minutes shall be scheduled for each snack meal period.

Source: Miss. Code Ann. §43-20-8.

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.
2. Physical force shall not be used in requiring children to lie down or go to sleep during rest periods.
3. Rest periods are not required for children in attendance for less than six hours.
4. Rest periods are not required for school age children.
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 1.9.5 Outdoor Activities

- 1. Each infant shall have a minimum of 30 minutes of outdoor activities per day, weather permitting.
- 2. Toddler, preschool, and school age children shall have a minimum of two hours of outdoor activities per day, weather permitting. Children who attend at a facility for seven hours per day or less shall have a minimum of 30 minutes of outdoor activity per day, weather permitting.
- 3. Sun safe practices shall be used during outdoor activities. Refer to sun safe practices available on the MSDH Sun and Heat Safety webpage.
~~scheduled between 10 A.M. and 2 P.M. during the period April 1 to September 15.~~
- 4. Sun safe practices shall be evident in the planning of all outdoor events.
- 5. Outdoor activities shall be held in areas providing shade or covered spaces.

Source: Miss. Code Ann. §43-20-8.

Rule 1.9.6 Infant and Toddler Activities

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

3. For infants who cannot move about the room, caregivers shall frequently change the place and position of the infant and the selection of toys available, and the child shall be held, rocked, and carried about.
4. Television viewing, including video tapes and/or 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 60 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 requirement does not mean 60 minutes vigorous activity at one time. The 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

1. Equipment, toys, and materials for both indoor and outdoor use shall be appropriate to the age and developmental needs of the children served.
2. Developmentally age-appropriate toys shall be available and accessible for infants, and shall include but not be limited to the following:
 - a. Simple, lightweight, open-ended, easily washable toys such as containers, balls, large pop-beads, and nesting cups.
 - b. Rattles, squeak toys, action/reaction toys.
 - c. Cuddly toys.
 - d. Toys to mouth such as teething rings.
 - e. Pictures of real objects.
 - f. A crawling area with sturdy, stable furniture for pulling up self.
3. Developmentally age-appropriate toys shall be available and accessible for toddlers, and shall include but not be limited to the following:
 - a. Push and pull toys.
 - b. Stacking toys, large wooden spools/beads/cubes.
 - c. Sturdy picture books, music.
 - d. Pounding bench, simple puzzles.
 - e. Play phone, dolls, and toys to appeal to child’s imagination.

- f. Large paper, crayons.
 - g. Sturdy furniture to hold on to while walking.
 - h. Sand and water toys.
4. Developmentally age-appropriate toys shall be available and accessible for preschoolers, and shall include but not be limited to the following:
 - a. Active play equipment for climbing and balancing.
 - b. Unit blocks and accessories.
 - c. Puzzles and manipulative toys.
 - d. Picture books, records, and musical instruments.
 - e. Art materials such as finger and tempera paints, clay, play dough, crayons, collage materials, markers, scissors, and paste.
 - f. Dramatic play materials such as dolls, dress-up clothes and props, child-sized furniture, and puppets.
 - g. Sand and water toys.
 5. Children's original work shall be displayed in the child care facility.
 6. Books shall be on shelves and tables for children to look at and read. Every child shall have age-appropriate materials (including picture books) read to and discussed with him or her every day. Where appropriate, the materials should cover topics with which the children are involved.
 7. Television viewing by preschool children shall be limited to 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.
 8. The daily activity schedule shall demonstrate that preschoolers are given opportunities to do a variety of activities, including both quiet and active, such as block play, art activities, puzzles, books, and learning games, and that stories are read to and discussed with each child every day.

Source: Miss. Code Ann. §43-20-8.

Rule 1.10.2 Playground Equipment

1. All playgrounds and playground equipment used by children 2 - 12 years of age shall meet the safety ~~standards set forth in Appendix "D" of these regulations~~ standards set forth in the *Handbook for Public Playground Safety*, Publication No. 325, published by the U.S. Consumer Product Safety Commission.

2. Playground equipment shall be of safe design and in good repair. Outdoor playground climbing equipment and swings shall be set in concrete footings located at least six inches below ground surface. Indoor playground equipment shall be installed according to the manufacturer's specifications. Swings shall have soft and/or flexible seats. Access to playground equipment shall be limited to age groups for which the equipment is developmentally appropriate.
3. Equipment designed for outdoor use by infants and toddlers shall be accessible to shaded areas to ensure sun safe practices.

Source: Miss. Code Ann. §43-20-8.

Rule 1.10.3 Paint Paint on toys, equipment, furniture, walls, and other items shall be lead-free and non-poisonous.

Source: Miss. Code Ann. §43-20-8.

Rule 1.10.4 Chairs and Tables Chairs and tables shall be of a size appropriate to the size and age of the children. There shall be an adequate number of chairs and tables to accommodate the children present at the facility.

Source: Miss. Code Ann. §43-20-8.

Rule 1.10.5 Hooks and Compartments Individual hooks or compartments shall be provided for each child for hanging or storing outer and/or extra clothing as well as for personal possessions. Hooks shall be spaced well apart so that clothes and belongings do not touch those of another child. Hooks shall also be placed at a height suitable to prevent an injury to a child.

Source: Miss. Code Ann. §43-20-8.

Rule 1.10.6 Sand Boxes

1. Sand boxes shall be constructed to permit drainage, shall be covered tightly and securely when not in use, and shall be kept free from cat or other animal excrement.
2. Sand contained in sand boxes shall not contain toxic or harmful materials.

Source: Miss. Code Ann. §43-20-8.

Rule 1.10.7 Cribs

1. The facility shall provide a crib or other similar 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 1.10.8 High Chairs High chairs, if used, shall have a wide base and a T-shaped safety strap. They shall be labeled or warranted by the manufacturer in documents provided at the time of purchase or verified thereafter by the manufacturer as meeting the American Society for Testing Materials (ASTM) Standard F-404 (Consumer Safety Specifications for High Chairs).

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.
2. Rest period equipment shall be clean and covered with a waterproof cover.
3. Nap pads/cots are designed for use by one child only at a time. No child is allowed to sleep in shared space.
4. Nap pads utilized by more than one child shall be sanitized after each child's use. Nap pads utilized by only one child shall be sanitized immediately when soiled or at least weekly.
5. Nap pads and nap cots without mattresses are not acceptable for use in 24 hour programs. Beds, cribs, or roll away cots are the only acceptable bedding for 24 hour centers.
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

Source: Miss. Code Ann. §43-20-8.

Rule 1.10.10 Play Equipment

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

Source: Miss. Code Ann. §43-20-8.

Rule 1.10.11 School Age Programs

1. The foregoing provisions in Subchapter 10 shall not be applied to any facility licensed solely for School age children unless specifically required in Subchapter 10, Rule 1.10.11.
2. All playgrounds and playground equipment used by children 2 - 12 years of age shall meet the safety standards set forth in Appendix “D” of these regulations.
3. Projectile toys are prohibited. Projectile toys are toys which, when projected, have the ability to penetrate body or eye tissue. Play equipment, toys, and materials shall be provided that meets the standards of the Consumer Product Safety Commission and/or the American Society for Testing and Materials (ASTM) for juvenile products.
4. Possessions, belongings, and extra clothing for each school age child must be stored in such a manner as to not touch those of another child.

Source: Miss. Code Ann. §43-20-8.

Subchapter 11: BUILDINGS AND GROUNDS

Rule 1.11.1 Building

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

care facility for the purpose of gaining access to another part of the building.

2. All child care facility buildings shall meet all fire safety standards listed on the MSDH Form #333 and all applicable local fire safety standards and/or ordinances.
3. No house trailers, relocatable classrooms, or portable buildings shall be used to house a child care facility unless such structure was originally designed specifically for educational purposes and meet the Mississippi State Department of Education's current standards for a relocatable classroom. Further, such portable structure shall meet all applicable fire safety codes.
4. Current licensees operating facilities housed in such structures are exempted from this provision. Any change of ownership, need for major renovation, or other significant change in the facility's status shall revoke such exemption.
5. Plans and specifications shall be submitted to the licensing agency for review and approval on all proposed construction and/or major renovations.
6. A separate space shall be provided for the use of an ill or injured child until the child can be picked up by the parent. Space shall be located in an area that is supervised at all times by an employee.
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~~ 1978 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.

9. 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.
10. All buildings intended for use as a child care facility constructed before ~~1965~~ 1978 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.
11. All glass in doors, windows, mirrors, etc., shall have a protective barrier at least four feet high when measured from the floor. Doors, windows, mirrors, etc., using safety-grade glass or polymer (e.g., Lexan®) are not required to have a protective barrier. Glass windows and glass door panels shall be equipped with a vision strip 36 inches from the floor. Safety glass must be so certified by the installer and the statement kept on file at the child care facility.
12. Walls shall be kept clean and free of torn wall covering, chipped paint, broken plaster, and holes. No paint that contains lead compounds shall be applied to interior walls or woodwork.
13. All ceiling lighting shall be shielded completely and encased in shatterproof materials.
14. A child care facility shall have a working phone available to all staff at all times. Telephones shall also be available for incoming calls and shall not be unplugged or disconnected during business hours.
15. All fire extinguishers, as required in the fire safety plan, shall be serviced on an annual basis by a qualified fire extinguisher technician.
16. Unused electrical outlets shall be protected by a safety plug cover.
17. All child care facilities are to be kept clean and in good repair.
18. Every child care facility which uses nonelectric heating and/or cooling systems, cooking stoves, and/or hot water heaters or other nonelectric equipment,

shall have sufficient carbon monoxide monitors placed appropriately throughout the child care facility.

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

Source: Miss. Code Ann. §43-20-8.

Rule 1.11.2 Indoor Square Footage

1. Every license shall set forth the licensed facility's maximum licensed capacity, which shall be based upon a minimum of thirty-five (35) square feet of usable indoor space per child. Likewise, the capacity for each room where children are kept shall have a minimum of thirty five (35) square feet of usable space per child, measured on the inside, wall-to-wall dimensions, subject to the following exceptions:
 - a. During group activity periods such as film viewing, parties, dining, and sleeping, provided child-to-staff ratio is maintained;
 - b. During periods when child pick-up or delivery is normally done, provided child-to staff ratio is maintained;
 - c. In infant and toddler rooms as required in subsections 2-7 below;
 - d. In school age only and summer day camp programs as outlined in Subchapter 23 and Subchapter 24 of these regulations.

The usable space in determining the facility's maximum licensed capacity is measured exclusive of food preparation areas, kitchens, bathrooms, toilets, areas for the care of ill children, offices, staff room, corridors, hallways, stairways, closets, lockers, laundries, furnace rooms, fixed or permanent cabinets, fixed or permanent storage shelving spaces, and areas not inhabited and used by children.

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.
3. Rooms where infants play but do not sleep shall have a minimum of 15 square feet of usable space per child.

NOTE: No other age group shall use this space nor can it be used for any purpose other than infant play.

4. Rooms where infants sleep but do not play shall have a minimum of 25 square feet of usable space per child. There shall be at least two feet between each crib. Cribs with solid ends may be placed end-to-end.
5. Rooms in which toddlers both play and sleep shall have a minimum of 45 square feet of usable space per child. There shall be at least 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

6. Rooms where toddlers play but do not sleep shall have a minimum of 25 square feet of usable space per child.

NOTE: No other age group shall use this space nor can it be used for any purpose other than toddler play.

7. Rooms where toddlers sleep but do not play shall have a minimum of 25 square feet of usable space per child. There shall be at least 24” between each crib. A minimum of 36” is recommended. Cribs with solid ends may be placed end-to- end.
8. The licensing agency may re-measure the play of licensed operating child care facilities, or such parts impacted by the following circumstances, for purposes of determining licensed facility or classroom capacity only under the following circumstances:
 - a. Major renovations;
 - b. Significant change in layout and use of space;
 - c. A change of ownership of an existing facility should the layout or use of space change.

9. **“Grandfather Provision” for regulatory changes regarding maximum facility capacity or room capacity.** Whenever the Mississippi State Board of Health amends these rules regarding square footage and/or licensed maximum capacity of child care facilities, and such change would result in a reduction in the number of children to be served in a licensed and operating facility or any of its classrooms, any such facility in operation at the time of final adoption of said rule change, and in compliance with all other child care regulations, shall be “grandfathered” in and exempt from application of the new regulation regarding capacity. This exemption shall continue for said facility through changes of ownership so long as the building is used continuously as a licensed child care facility and so long as there is no change in the layout or use of the space, as set out in subsection 8 above. Any break in use of the building as a licensed child care facility shall moot the grandfather exemption, and thereafter, any child facility opened and operated in said building shall be required to comply with the square footage/capacity regulation in affect at the time of the new license.

Source: Miss. Code Ann. §43-20-8.

Rule 1.11.3 Openings

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

Source: Miss. Code Ann. §43-20-8.

Rule 1.11.4 Kitchens

1. Children are not allowed in the kitchen area. In School Age/After School programs, children may be allowed in the kitchen but not during times when food is being cooked. Supervision in the kitchen when children are present must meet the staffing requirements as referenced in Subchapter 8 of the regulations.
2. Barriers, approved by the local fire authority, shall be erected and doors shall be closed at all times.
3. The kitchen area shall be designed and constructed to be totally enclosed with walls, doors, and/or barriers. Serving counter openings that conform to local fire codes and MSDH food service regulations are permitted.
4. Kitchens shall have the following minimum square footage, based upon the maximum number of children allowed pursuant to the license:

Licensed Capacity	Minimum Sq. Footage
1-50	90 sq. ft.
51-70	150 sq. ft.
71-100	210 sq. ft.
over 100	300 sq. ft.

5. Child care facilities serving 50 or more children shall have a separate, stand alone freezer for storage of frozen foods.
6. All kitchens providing food for child care facilities with 13 or more children, and all kitchens in child care facilities not located in occupied dwellings, shall comply with the Mississippi State Department of Health's 10.0 Regulation Food Code, with the exception that kitchens in facilities located in an occupied dwelling that are licensed for 13 or more children need not have a separate kitchen to serve the child care facility.
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

1. Toilets and hand washing lavatories shall be located within the physical confines of child care facility and shall be convenient to outside playground areas.
2. The following ratios shall apply: Toilets, urinals, and hand washing lavatories shall be apportioned at a ratio of 1:15. Urinals shall not exceed 33 percent of the total required toilet fixtures. When the number of children in the ratio is exceeded by one, an additional fixture shall be required.
3. The hand washing lavatories located in a diapering area shall not be included in the ratio of hand washing lavatories to children for determining a child care facility's capacity. Diaper changing sinks shall not be used for any other purpose such as, but not limited to, rinsing or washing baby bottles, pacifiers, teething rings, or for food preparation.
4. All hand washing lavatories shall have both hot and cold running water. Hot water temperature shall not exceed 120 degrees Fahrenheit.
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 1.11.6 Water The water supply shall be from a public water system or a private system approved by the Mississippi State Department of Health. Water shall be dispensed by the following:

1. Fountain.
2. Disposable paper cups.
3. Labeled cup for each child, which shall be washed and sanitized daily.

Source: Miss. Code Ann. §43-20-8.

Rule 1.11.7 Exits

1. At least two separate exit doors shall be provided from every floor level.
2. Exit doors shall be remote from each other.
3. Dead end corridors shall not exceed 20 feet in length.
4. Exit doors necessitating passage through a kitchen shall not be counted as one of the two remote exits.
5. Exit doors shall be a minimum of 32 inches wide and open outward. No single leaf in an exit door shall be less than 28 inches wide or more than 48 inches wide.
6. Any latch or other fastening device on an exit door shall be provided with a knob, handle, panic bar, or other simple type of releasing device. Dual action door fasteners are not permitted.
7. The force required to open fully exit doors shall not exceed 50 pounds applied to the latch stile (panic bar).
8. An exit door shall not reduce the effective width of a landing.

Source: Miss. Code Ann. §43-20-8.

Rule 1.11.8 Heating, Cooling, and Ventilation

1. A draft-free seasonally appropriate temperature of 65 degrees Fahrenheit to 78 degrees Fahrenheit shall be maintained.
2. All rooms used by children shall be heated, cooled, and adequately ventilated to maintain the required temperatures, and air exchange, and to avoid the accumulation of objectionable odors and harmful fumes.
3. Ventilation may be in the form of openable windows as specified in these regulations.

4. Areas where art and craft activities are conducted shall be well ventilated. In areas where substances are used that create toxic fumes, exhaust hood systems or other devices shall be installed.
5. Electric fans, if used, shall be mounted high on the wall or ceiling or shall be guarded to limit the size of the opening in the blade guard to less than one-half (½) inch.
6. When air-cooling is needed, draft-free cooling units shall be used. They shall present no safety hazard to the children.
7. Filters on recirculation systems shall be checked and cleaned or replaced monthly.
8. Window draft deflectors shall be provided if necessary.
9. Thermometers that do not present a hazard to children shall be placed on interior walls in every activity area at children's height.
10. Portable, open flame and kerosene space heaters are prohibited. Portable gas stoves shall not be used for heating.
11. Electric space heaters shall be UL-approved; inaccessible to children; and stable; shall have protective covering; and shall be placed at least three feet from curtains, papers, and furniture.
12. Fireplaces and fireplace inserts shall be screened securely or equipped with protective guards while in use. They shall be properly drafted. The child care facility shall provide evidence of cleaning the chimney at least once a year, or as frequently as necessary to prevent excessive buildup of combustibles in the chimney. Records of chimney cleaning shall be retained in the center files.
13. Heating units that utilize gas shall be installed and maintained in accordance with the manufacturer's instructions, are vented properly to the outside, and be supplied with sufficient combustion air as required by the International Fuel Gas Code.
14. If the area of the state where the facility is located does not utilize the International Fuel Gas Code, the installation and maintenance of any heating units that utilize gas shall be in accordance with the manufacturer's instructions and any local ordinances that apply.
15. It is the responsibility of the licensee to provide to the licensing authority documentation that the heating units meet the above stated standards.
16. Heating units, including water pipes and baseboard heaters hotter than 110 degrees Fahrenheit, shall be made inaccessible to children by barriers such as guards or other devices.

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."~~

1. The child care facility shall be equipped with an outdoor playground area that directly adjoins the indoor facilities or that can be reached by a route free of hazards and is no farther than 1/8 mile (660 feet) from the child care facility. The outdoor playground area shall comprise a minimum of 75 square feet for each child using the outdoor playground area at any one time.
2. The total outdoor playground area shall accommodate at least 33 percent of the licensed capacity at one time.
3. A rooftop used as an outdoor playground area shall be enclosed with a fence not less than six feet high and designed to prevent children from climbing it. An approved fire escape shall lead from the roof to an open space at the ground level that meets safety standards for outdoor playground areas.
4. The outdoor playground area shall be well arranged so that all areas are visible to staff at all times.
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.
6. Outdoor playground areas shall be free from unprotected swimming and wading pools, ditches, quarries, canals, excavations, fishponds, or other bodies of water.
7. Sunlit areas and shaded areas shall be provided by means of open space and tree plantings or other cover in outdoor spaces. Outdoor spaces shall be laid out to ensure ample shaded space for each child.
8. The outdoor playground area shall be enclosed with a fence. The fence shall be at least four feet in height and the bottom edge shall be no more than three and

one-half (3½) inches off the ground. There shall be at least two exits from such areas, with at least one remote from the buildings. The gate latch or securing device shall be high enough or of such a type that it cannot be opened by small children.

The openings in the fence shall be no greater than three and one-half (3½) inches, e.g., between the building and the fence. The fence shall be constructed to discourage climbing.

9. The soil in outdoor playground areas shall not contain hazardous levels of any toxic chemical or substances. The child care facility shall have soil samples and analyses performed where there is good reason to believe a problem may exist.
10. The soil in outdoor playground areas shall be analyzed for lead content initially. It shall be analyzed at least once every two years where the exteriors of adjacent buildings and structures are painted with lead-containing paint. Lead in soil shall not exceed 400 ppm. Testing and analyses shall be in accordance with procedures specified by the licensing agency.

Source: Miss. Code Ann. §43-20-8.

Rule 1.11.10 Indoor Playground Area In addition to the required outdoor playground area a licensed child care facility may also provide an indoor playground area. Child care facilities licensed prior to July 1, 2009 that have been granted permission to have an indoor playground area in lieu of an outdoor playground area shall be not be required to have an outdoor playground. However, it is highly recommended that if possible an outdoor playground area should also be provided. For child care facilities which provide such an indoor playground area the following items apply:

1. The total indoor playground area shall accommodate at least 33 percent of the licensed capacity at one time.
2. The indoor playground area shall be well arranged so that all areas are visible to staff at all times.
3. The indoor playground area shall be free of hazards.
4. Indoor playground areas shall be laid out to ensure ample clearance space for the use of each item: nine feet around fixed items and 15 feet around any moving part. Equipment shall be situated so that clearance space allocated to one piece of equipment does not encroach on that of another piece of equipment.
5. Swings shall have a clearance area of nine feet in all directions beyond the swing beam.
6. All fixed playground equipment shall have a minimum of nine feet clearance space from walkways and other structures that are not used as part of play activities.

7. All equipment shall be arranged so that children playing on one piece of equipment will not interfere with children playing on or running to another piece of equipment.
8. Moving equipment (e.g., swings, merry-go-rounds) shall be located toward the edge or corner of an indoor playground area or shall be designed in such a way as to discourage children from running into the path of moving equipment.
9. All pieces of indoor playground equipment shall be surrounded by a resilient surface of an acceptable depth or by rubber mats manufactured for such use, consistent with the guidelines of the Consumer Product Safety Commission, and the Standard of the American Society for Testing and Materials, extending beyond the external limits of the piece of equipment for at least four feet beyond the fall zone of the equipment. These resilient surfaces shall conform to the standard stating that the impact from falling from the height of the structure will be less than or equal to peak deceleration 200G. Organic materials that support colonization of molds and bacteria shall not be used.
10. Indoor space designated as playground may be used by other individuals when the area is not in use by children attending the facility. However, children of the child care facility shall have priority use of the indoor playground area and the area may not be used by others when children are using it. The indoor playground space shall not count as additional classroom space when determining the maximum capacity of the facility.

Source: Miss. Code Ann. §43-20-8.

Rule 1.11.11 Grounds

1. The grounds, including the outdoor playground area, shall be free of hazardous or potentially hazardous objects.
2. In-ground swimming pools are prohibited unless protected by a six-foot fence and a locked gate. All fencing shall be placed at a minimum five feet from the pool edge.
3. Above ground pools, including decking and pool structures, are prohibited unless protected by a six-foot fence and a locked gate. All fencing shall be placed at a minimum ten feet from the pool/deck edge.
4. All paved surfaces shall be well drained to avoid water accumulation and ice formation.
5. All walking surfaces, such as walkways, ramps, and decks, shall have a non-slip finish, and shall be free of holes and sudden irregularities in the surface.

Source: Miss. Code Ann. §43-20-8.

Rule 1.11.12 Garbage Removal Garbage and trash shall be removed from the child care facility daily and from the grounds at least once a week. Garbage and trash shall be stored inaccessible to the children, and in insect and rodent resistant containers.

Source: Miss. Code Ann. §43-20-8.

Rule 1.11.13 Environmental Health The child care facility shall comply with all regulations promulgated by the Division of Sanitation of the Mississippi Department of Health for:

1. Food Service.
2. On-site Wastewater Systems.
3. Vector (pest) Control.

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 12: HEALTH, HYGIENE, AND SAFETY

Rule 1.12.1 Employee Health

1. Employees manifesting symptoms or otherwise suspected of having upper respiratory, gastrointestinal, skin, or other serious contagious conditions shall be excluded from work until either free from symptoms or certified by a physician to be no longer infectious.
- ~~2.~~ 2. Staff shall use universal precautions when changing diapers or being exposed to biocontaminants to include blood, body fluids, or excretions that may spread infectious disease. ~~fecal material, or urine. Refer to Appendix “F” for instructions on how to properly wash hands. Refer to Caring for Our Children: National Health and Safety Performance Standards for guidelines on cleaning bodily fluids.~~
3. 3. Staff shall follow the procedures noted on the MSDH Handwashing website to prevent the spread of infection.
4. ~~Staff shall wash their hands upon:~~
 - a. ~~Immediately before handling food, preparing bottles, or feeding children.~~
 - b. ~~After using the toilet, assisting a child in using the toilet, or changing diapers.~~

- ~~e. After contacting a child's body fluids, including wet or soiled
diapers, runny noses, spit, vomit, etc.~~
- ~~d. After handling pets, pet cages, or other pet objects.~~
- ~~e. Whenever hands are visibly dirty or after cleaning up a child,
the room, bathroom items, or toys.~~
- ~~f. After removing gloves used for any purpose.~~
- ~~g. Before giving or applying medication or ointment to a child
or self. Refer to Appendix "F" for instructions on how to properly
wash hands.~~

Source: Miss. Code Ann. §43-20-8.

Rule 1.12.2 Child Health

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

Source: Miss. Code Ann. §43-20-8.

Rule 1.12.3 Child Hygiene

1. A child's wet or soiled clothing shall be changed immediately.
2. A child's hands shall be washed:
 - a. Immediately before and after eating.
 - b. After using the toilet or having their diapers changed.
 - c. After playing on the playground.
 - d. After handling pets, pet cages, or other pet objects.

- e. Whenever hands are visibly dirty.
 - f. Before going home.
3. A child shall have a shower, tub, or sponge bath to ensure bodily cleanliness when necessary.
 4. Individual toilet articles (e.g., combs, brushes, toothbrushes, towels, and wash cloths) used by children shall be provided by the parent or child care facility and plainly marked and stored individually in a sanitary manner in areas which promote drying. Single use and disposable articles are acceptable. Grooming accessories, including but not limited to brushes, combs, barrettes, or picks, shall not be used jointly by children or on children.

Source: Miss. Code Ann. §43-20-8.

Rule 1.12.4 Toys and Equipment Toys and equipment used by infants or toddlers shall be cleansed daily with a germicidal solution. A resource regarding sanitation of equipment and toys can be located on the National Resource Center for Health and Safety in Child Care and Early Education website. Chapter 3: Health Promotion and Protection; Cleaning, Sanitizing, and Disinfecting (nrckids.org). Toys and equipment used by infants or toddlers shall be cleansed daily with a germicidal solution. Refer to (Appendix “H” for instructions on cleaning and disinfection procedures. A recommended resource regarding sanitation of equipment and toys can be found in the *National Health and Safety Performance Standards: Guidelines for out of home Child Care, Second Edition* (Standard 3.030) website: www.nre.uchsc.edu

Source: Miss. Code Ann. §43-20-8.

Rule 1.12.5 First Aid Supply

1. A first aid supply shall be kept on-site and easily accessible to employees, but not in reach of the children.
2. A first aid supply shall be taken on all field trips and excursions and shall be easily accessible to employees, but not in reach of the children.
3. Medicine shall be kept out of the reach of the children.
4. All vehicles used by the facility in transporting children shall be equipped with a first aid kit.
5. It is recommended that first aid kits contain at a minimum the following items: scissors; tweezers; gauze pads; adhesive tape; thermometer; band-aids, assorted sizes; antibacterial ointment; insect-sting preparation; an antiseptic cleansing solution; triangular bandages; rubber gloves; protective eye wear; a protective face mask; and cold pack. The first aid kit, together with a first aid instruction manual which must be always kept with the kit, shall be stored so that it is not accessible to children but is easily accessible to employees.

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

- a. ~~20 Antiseptic Toweletts~~
- b. ~~50 Plastic Strips (Band Aids)~~
- c. ~~5 Fingertip Bandages~~
- d. ~~5 Knuckle Bandages~~
- e. ~~5 Butterfly Closures~~
- f. ~~5 Non Adherent Pads 2" x 3"~~
- g. ~~2 Sterile Eye Pads~~
- h. ~~1 pressure Bandage 4"~~
- i. ~~1 Bandage Scissors~~
- j. ~~1 Triangular Bandage~~
- k. ~~1 Instant Cold Compress~~
- l. ~~2 Tongue Depressors/Finger Splints~~
- m. ~~1 Elastic Bandage 2" x 5 yards~~
- n. ~~5 3" x 3" Gauze Pads~~
- o. ~~1 Trauma Pad 5" x 9"~~
- p. ~~5 Insect Sting Relief Pads~~
- q. ~~10 First Aid Ointment 1 gr.~~
- r. ~~5 Non Adherent Pads 3" x 4"~~
- s. ~~5 Pair of Examination Gloves~~
- t. ~~2 Conforming Bandage 2" x 5 yards~~
- u. ~~1 Tweezers~~
- v. ~~2 Poison Ivy Relief Treatment~~
- w. ~~1 Booklet "Till Help Arrives"~~
- x. ~~1 Emergency Rescue Blanket~~
- y. ~~1 Adhesive Tape ½" x 5 yard~~

6. ~~Some items in this kit may have expiration dates.~~ All first aid kits should be periodically inspected for contents. Depleted and out of date materials should be replaced.
7. Special attention should be exercised when utilizing first aid supplies or any medication for children who have allergies or other special medical needs.
8. For additional information on supplies for first aid kits contact your local office of the American Red Cross.

Source: Miss. Code Ann. §43-20-8.

Rule 1.12.6 Animals and Pets

1. Any pet or animal present at a child care facility, indoors or outdoors, shall be in good health, show no evidence of carrying any disease, and be a friendly companion for the children.
2. Dogs or cats, where allowed, shall be immunized for any disease that can be transmitted to humans, and shall be maintained on a flea, tick, and worm control program.
3. All pets shall be cared for as recommended by the regulating health agency. When pets are kept at the child care facility, procedures for their care and maintenance shall be written and followed. When immunizations are required, proof of current compliance signed by a veterinarian shall be on file at the child care facility where the pet is kept.
 - a. A caregiver shall always be present when children are exposed to animals (including dogs and cats). Children shall be instructed on safe procedures to follow when in close proximity to these animals (e.g., not to provoke or startle them or remove their food). Potentially aggressive animals (e.g., pit bulls, boxers, etc.) shall not be in the same physical space with the children.
 - b. Each child's hands shall be properly washed after being exposed to animals.

Source: Miss. Code Ann. §43-20-8.

Rule 1.12.7 ~~Fire/Disaster Evacuation Drills~~

- ~~1. Monthly fire/disaster (e.g., tornadoes, severe weather, floods, earthquakes, hurricanes, etc.) evacuation drills are required and a record of each drill shall be maintained in the facility records; to include date, time, number of children and staff present, and amount of time required to totally exit the building.~~
- ~~2. During fire/disaster evacuation drills, all staff and children present shall be required to exit the building.~~

Source: Miss. Code Ann. §43-20-8.

Subchapter 13: NUTRITION AND MEALS General Nutritional Standards:

Proper nutrition and healthy eating habits are essential to a child's overall development, as well as their long-term health. Cultivating healthy habits by choosing a variety of well-planned, balanced meals and snacks helps lower the risk of chronic disease and supports a healthy, active lifestyle.

Source: Miss. Code Ann. §43-20-8.

Rule 1.13.1 Meals and Snacks: All meals and snacks served to children in a child care center shall comply with the Meal Patterns for Children in Child Care Programs from the United States Department of Agriculture (USDA). The types of food, number and size of servings shall be appropriate for the ages and developmental levels of the children in care. The Meal Patterns for Children in Child Care Programs are incorporated by reference and offer a minimum standard by which a facility shall follow. A copy of the Meal Patterns for Children in Child Care Programs is available online at Nutrition Standards for CACFP Meals and Snacks | Food and Nutrition Service. When children bring their own food for meals or snacks to the center, if the food does not meet the nutritional requirements specified above, the center must provide a food substitution necessary to meet the minimum requirements.

Source: Miss. Code Ann. §43-20-8.

Rule 1.13.2 Feeding Infants and Children: A signed written feeding plan for children less than one (1) year of age shall be obtained from Parent(s). Instructions from the parent(s) shall be updated 2x annually or as new foods are added, or as other dietary changes are made. The feeding plan shall be posted in the child's assigned room and must include the child's feeding schedule, the amount of formula or breast milk to be given, instructions for the introduction of solid foods, the amount of food to be given and notation of any type(s) of commercially premixed formula which may not be used in an emergency because of food allergies.

1. Employees shall wash their hands prior to preparing or serving food.
2. Center personnel shall hold and feed infants less than six (6) months of age and older children/infants who require assistance with feeding. Baby bottles shall never be propped; the infant's head shall be elevated while feeding.
3. Honey shall not be served to children less than one (1) year of age.
4. Age-appropriate solid foods (including cereal) shall not be given to infants or children less than one (1) year of age until recommended as developmentally appropriate by the child's primary care physician and indicated in writing by the Parent(s). As soon as the feeding plan indicates that a child is ready for solid foods, the child shall be fed from individual spoons and individual containers or dishes. A child shall not be fed directly from the original baby food container if the contents are to be fed to the child at more than one (1) meal.
5. As soon as the child exhibits a desire to feed him/herself, the child shall be assisted and encouraged to use their fingers for self-feeding, eat with a spoon,

and drink from individual cups.

6. The Center shall encourage and support breastfeeding. Centers shall have a designated area set aside for breastfeeding mothers to breastfeed.
7. Food for infants or children less than one (1) year of age shall be cut into pieces one-quarter inch or smaller, and food for toddlers shall be cut into pieces one-half inch or smaller to prevent choking.
8. Center Personnel shall ensure that children do not have excessive amounts of food in their mouths while eating and are chewing their food appropriately to prevent instances of choking.
9. Children shall always be seated when eating and shall not be allowed to lie down or be put to sleep while food is present in their mouths.

Source: Miss. Code Ann. §43-20-8.

Rule 1.13.3 Baby Bottles and Formula: All baby bottles shall be clearly labeled with the individual child's name and date. Formula or breast milk shall be supplied by the Parent daily in bottles. Only the current day's formula or breast milk shall be served. Bottles shall be refrigerated at a temperature of forty-one (41) degrees Fahrenheit or less. If formula must be provided by the Center, only commercially prepared, ready-to-feed formula shall be used. Refrigerated or frozen breast milk shall only be heated or thawed under warm running water or in a container of warm water. Do not use microwaves to heat breast milk or formula.

Source: Miss. Code Ann. §43-20-8.

Rule 1.13.4 Feeding Chairs: A feeding chair or similar equipment designed for feeding children shall be provided for the use of each child being fed who can sit up but who is unable to sit unassisted at a table. The chair or similar equipment must be cleaned with a disinfectant after each use. Such chair or similar equipment shall have a broad base to prevent tipping; a surface that the child cannot raise; a strap or other device which prevents the child from sliding out of the chair; and a feeding surface free of cracks.

Source: Miss. Code Ann. §43-20-8.

Rule 1.13.5 Menus: The Center shall provide a menu listing all meals and snacks to be served during the current week. Meal and/or snack substitutions shall be recorded on the posted menu. Menus shall be retained at the Center for six (6) months. Use the following when planning menus:

1. Offer a variety of nutrient dense foods.
2. Serve meals and snacks that help maintain a healthy weight.
3. Serve a variety of vegetables, fruits, and whole grain-rich products.
4. Avoid foods high in sugar and saturated fat. Limit fried food to one time each week.

5. Limit high sodium products and the use of added salt.
6. Promote and encourage daily physical activity.

Source: Miss. Code Ann. §43-20-8.

Rule 1.13.6 Meal Service: Children shall be served all meals and snacks scheduled for the period during which they are present. Meals and snacks shall be scheduled and served by the Center when appropriate: breakfast or a morning snack, lunch, an afternoon snack, supper if the Center operates evening care and an evening snack prior to bed time if a Center operates night time care. In those Centers where the Parent(s) of children enrolled provide the meals and snacks, the Center shall ensure that no child remains at the Center without receiving the scheduled nutritious meals and snacks.

1. There shall be a period of at least two (2) hours and no more than four (4) hours between each required meal or snack.
2. Food and beverages shall be served in individual plates or bowls and with individual glasses or cups.
3. Children shall be encouraged but not forced to eat.
4. Caregivers shall not use food to punish or reward children.
5. Children shall be given necessary assistance in feeding and encouraged to develop good nutritional habits.
6. Hot food shall not be served at a temperature which would cause the children to burn their mouths upon consuming the food.
7. Drinking water shall be offered to all children regularly throughout the day, including during meals and snacks, as well as before, during, and after physical activity.
8. Meals shall be served at tables where each child may be seated.
9. Children shall not share food.
10. Each individual child's lunch brought from home shall be clearly labeled with the child's name and date.
11. All food brought from home shall be stored at an appropriate temperature until eaten.

Source: Miss. Code Ann. §43-20-8.

Rule 1.13.7 Restrictions: Food shall be served according to the manufacturer's instructions and recommendations. Foods that are associated with young children's choking incidents, such as, but not limited to, peanuts, hot dogs, raw carrots, popcorn, fish with bones, cheese cubes, grapes, chunks of peanut butter, and any other food that is of similar shape and size of the trachea/windpipe shall not be served to children less than four (4) years of age. Children older than four (4) years of

age may be served these foods provided that the food is cut in such a way as to minimize choking. Food shall not be accessible or served to children until it has been chopped, diced, cut or mashed and is appropriate for each child's age and individual eating, chewing and swallowing ability.

Source: Miss. Code Ann. §43-20-8.

Rule 1.13.8 **Beverages:** Food and drink with little or no nutritional value, i.e., sweets, soft drinks, sport drinks, fruit-flavored drinks, artificially sweetened drinks, etc. shall be served only on special occasions and only in addition to the required nutritious meals and snacks. Breast milk or formula is served until 12 months of age at each meal and/or snack. Twelve-twenty-four month olds must be offered whole milk at each meal and/or snack, while children aged two and older must be provided non-fat or 1% milk. Powdered nonfat dry milk shall only be used for cooking purposes.

Source: Miss. Code Ann. §43-20-8.

Rule 1.13.9 **Modified Diets:** When a child requires a modified diet for medical reasons, a written statement from a physician, RDN, or physician assistant shall be on file. When a child requires a modified diet for religious reasons, a written statement to that effect from the child's Parent(s) shall be on file. All caregiver personnel shall be informed of the diet restrictions for the child and only food that complies with the prescribed dietary regimen but still meets the food and nutrition requirements shall be served to the child.

Source: Miss. Code Ann. §43-20-8.

Rule 1.13.10 **Unconsumed Food:** Any portions of food or drink which are served to children or placed on the table for service and are not consumed at that meal or snack by the children to whom the portions are served shall be thrown away. Any formula or breast milk remaining one hour from the beginning of the feeding shall be discarded or returned to Parent(s).

Source: Miss. Code Ann. §43-20-8.

Rule 1.13.11 **Catered Food:** Food purchased from a caterer shall be prepared in a facility with a current food service permit and shall be maintained at a safe temperature until served. [Forty-one (41) degrees Fahrenheit or below for foods requiring refrigeration or one hundred forty (140) degrees Fahrenheit for foods which must be heated prior to serving].

Rule 1.13.12 **Vending Machines:** Soft drink or snack vending shall not be maintained on Center premises for children's use. Vending machines and dispensers for staff shall be outside of the children's areas.

Rule 1.13.13 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 different operating hours. If this situation exists, then one Certified Food Manager could serve more than one facility and documentation to that effect must be in 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.

Citation: U.S. Department of Agriculture and U.S. Department of Health and Human Services. *Dietary Guidelines for Americans, 2020-2025. 9th Edition. December 2020.* Available at DietaryGuidelines.gov.

Rule 1.13.1 — General

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

Source: Miss. Code Ann. §43-20-8.

Rule 1.13.2 — Nutritional Standards ~~Meals shall meet the nutritional standards as prescribed in Appendix “C” Minimum Standards for Nutritional Care in Child Care Facilities.~~

Source: Miss. Code Ann. §43-20-8.

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 1.13.4 — Sack Lunches

- ~~1. In facilities, operating more than six hours per day sack lunches prepared by parents may be permitted as included on approved menu plans but shall not exceed one day per month per child. Exceptions may be made for specific activities such as field trips outside the child care facility. Measures to assure proper storage and refrigeration of sack lunches are required of the child care facility.
For programs which operate for three or more days a week, but which operate only one full day during the week, sack lunches provided by parents shall be permitted
on that day. These programs shall also meet the requirements set forth in item 2 below.~~
- ~~2. Facilities operating six hours or less per day are allowed to have children bring sack lunches provided all of the following requirements are met:
 - ~~a. The facility shall have a written policy about sack lunches and a copy shall be given to parents. The policy shall include the requirements b. h., in this subsection.~~
 - ~~b. Each individual child's lunch brought from home shall be clearly labeled with the child's name, the date, and the type of food.~~
 - ~~c. All food shall be stored at an appropriate temperature until eaten.~~
 - ~~d. The food brought from one child's home shall not be fed to another child.~~
 - ~~e. Children shall not share their food.~~
 - ~~f. Food brought from home shall meet the child's nutritional requirements and the standards set forth in these regulations.~~
 - ~~g. If a child's sack lunch does not meet the minimum nutritional standards for child's age the facility shall be required to supplement the lunch with items that meet the nutritional requirements.~~
 - ~~h. Parents shall be notified in writing if a child's sack lunch does not meet the nutritional requirements or the child. The notice shall contain instructions as to what foods are proper for a sack lunch.~~~~

~~Source: Miss. Code Ann. §43-20-8.~~

Rule 1.13.5 — Snacks — All snacks shall meet acceptable nutritional standards, as prescribed in Appendix "C" Minimum Standards for Nutritional Care in Child Care Facilities. In child care facilities where all the children are present for four

~~hours or less per day during normal hours of operation, snacks may be provided by parents. If any child is present for more than four hours per day on a routine basis the facility shall meet the standard of having snacks prepared by the facility or a permitted catering establishment.~~

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

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:

1. Corporal punishment, including hitting, spanking, beating, shaking, pinching, biting, and other measures that produce physical pain.
2. Withdrawal or the threat of withdrawal of food, rest, or bathroom opportunities.
3. Abusive or profane language to include but not limited to yelling at, and/or using harsh tones toward the children or in close proximity (hearing distance) to children.
4. Any form of public or private humiliation, including threats of physical punishment.
5. Any form of emotional abuse, including rejecting, terrorizing, ignoring, isolating (out of view of a caregiver), or corrupting a child.
6. Use of any food product or medication in any manner or for any purpose other than that for which it was intended.
7. Inappropriate disciplinary behavior includes, but is not limited to,

putting soap or pepper in a child's mouth.

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

Source: Miss. Code Ann. §43-20-8.

Rule 1.14.2 Restraint of a Child Children shall not be physically restrained except as necessary to ensure their own safety or that of others, and then for only as long as is necessary for control of the situation. Children shall not be given medicines or drugs that will affect their behavior except as prescribed by a licensed physician and with specific written instructions from the licensed physician for use of the medicines or drugs.

Source: Miss. Code Ann. §43-20-8.

Rule 1.14.3 Time Out "Time out" that enables the child to regain self-control and keeps the child in visual contact with a caregiver shall be used selectively, taking into account the child's developmental stage and the usefulness of "time out" for the particular child. "Time out" means that the child is given time away from an activity which involved inappropriate behavior. Isolation from a caregiver is not acceptable. "Time out" is not allowed for children younger than three years of age.

Source: Miss. Code Ann. §43-20-8.

Rule 1.14.4 Children Shall Not Discipline Other Children: Children shall neither be allowed nor be instructed to discipline other children.

Source: Miss. Code Ann. §43-20-8.

Subchapter 15: TRANSPORTATION

Rule 1.15.1 General Regardless of transportation provisions, the child care facility is responsible for the safety of the children.

Source: Miss. Code Ann. §43-20-8.

Rule 1.15.2 Requirements:

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

Source: Miss. Code Ann. §43-20-8..

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

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

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.

Rule 1.15.4 Staff-to-Child Ratio

1. On vehicles with a GVWR of less than 10,000 lbs., the staff-to-child ratio shall be maintained at all times. The driver of the vehicle shall not be counted as a caregiver while transporting the children.
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 Diapering changing procedures can be located in the following resource, National Resource Center for Health and Safety in Child Care and Early Education, see Appendix G—PROCEDURE FOR DIAPERING A CHILD.~~

Source: Miss. Code Ann. §43-20-8.

Rule 1.16.2 Non-Disposable Diapers and Training Pants The fecal contents of non- disposable diapers or training pants shall be disposed of into a toilet. The soiled non- disposable diaper or training pants shall then be placed into a plastic bag, sealed, and placed in the child's individual container.

Source: Miss. Code Ann. §43-20-8.

Rule 1.16.3 Disposable Diapers Disposable diapers shall be placed into a plastic bag and sealed or shall be rolled up and taped securely, then placed into a plastic-lined covered garbage receptacle.

Source: Miss. Code Ann. §43-20-8.

Rule 1.16.4 Potty Chairs Potty chairs, if used, shall be placed in the bathroom area and sanitized after each child's use.

Source: Miss. Code Ann. §43-20-8.

Rule 1.16.5 Hand Washing Employees shall wash their hands with soap and running water before and after each diaper change. Individual or disposable towels shall be used for drying. Hand washing sinks at diaper changing stations shall not be used for any other purpose. Example: The diaper changing sink may not be used for washing cups, baby bottles, food, dishes, utensils, etc.

Source: Miss. Code Ann. §43-20-8.

Rule 1.16.6 Parental Consultation A parent caregiver consultation is required prior to toilet training.

Source: Miss. Code Ann. §43-20-8.

Subchapter 17: REST PERIODS

Rule 1.17.1 Equipment Each child shall be placed on a separate bed, crib, cot, or mat. Cribs shall be labeled so that the child's name is visible.

Source: Miss. Code Ann. §43-20-8.

Rule 1.17.2 Cleaning of Linens and Bed Coverings Linens and bed coverings shall be changed immediately when soiled. All linens and bed coverings shall be changed, at a minimum, two times per week.

Source: Miss. Code Ann. §43-20-8.

Rule 1.17.3 Cleaning of Rest Period Equipment All rest period equipment shall be wiped clean immediately when soiled. All rest period equipment shall be cleaned twice a week with a germicidal solution. Additional cleaning may be required by the licensing authority if there is an outbreak of a communicable disease, ~~including but not limited to, rotavirus, giardiasis, etc., or a noninfectious condition such as, but not limited to, an infestation of head lice.~~

Source: Miss. Code Ann. §43-20-8.

Rule 1.17.4 Sharing of Rest Period Equipment At no time will two or more children be allowed to share the same bed, crib, cot, or mat during their time of enrollment, unless it is cleaned with a germicidal solution between each child's use.

Source: Miss. Code Ann. §43-20-8.

Subchapter 18: FEEDING OF INFANTS AND TODDLERS

Rule 1.18.1 Hand Washing Employees shall wash their hands with soap and water, and dry their hands with individual or disposable towels, before and after each feeding. The

infant and toddler's hands shall be washed with soap and water, and dried with individual or disposable towels, before and after each feeding.

Source: Miss. Code Ann. §43-20-8.

Rule 1.18.2 Bottle Feeding Infants shall be held while being bottle fed. Bottles shall not be propped at any time. With parental consent and when infants are old enough to hold their own bottles, they may feed themselves without being held. The bottle shall be removed at once when empty or when the child has fallen asleep.

Source: Miss. Code Ann. §43-20-8.

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.

Rule 1.18.4 Baby Food ~~Foods stored or prepared in jars shall be served from a separate dish for each infant or toddler. Any leftovers~~ Any food left over from the serving dish shall be discarded. Leftovers remaining in a jar shall be labeled with the child's name, dated, refrigerated, and used within the next 24 hours or be discarded.

Source: Miss. Code Ann. §43-20-8.

Rule 1.18.5 Refrigerator A refrigerator shall be available and easily accessible to the infant or toddler's room(s).

Source: Miss. Code Ann. §43-20-8.

Rule 1.18.6 Heating Unit and Microwave Use

- ~~1.~~ A heating unit for warming bottles and food shall be accessible only to adults.
- ~~2.~~ ~~Microwave ovens shall not be used for warming bottles or baby/infant food.~~

Source: Miss. Code Ann. §43-20-8.

Rule 1.18.7 Breast-Feeding Accommodations and Staff Training This section applies to all mothers choosing to breast-feed their child regardless of the child's age.

1. Breast-feeding mothers, including employees, shall be provided a sanitary place that is not a toilet stall to breast-feed their child or to express milk. This area shall provide an electrical outlet, comfortable chair, and nearby access to running water.
2. A refrigerator must be available to accommodate storage of expressed breast milk. It is acceptable to store expressed milk in the same refrigerator as other milk/bottles provided each bottle is appropriately labeled with the child's name and the time of expected expiration of the milk. Milk must be stored in accordance with

the American Academy of Pediatrics and Centers for Disease Control guidelines. Universal precautions are not required in handling human milk.

3. Child care staff shall be trained in the safe and proper storage and handling of human milk. Although other training materials may be utilized, training materials will be available through MSDH.

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

From the ACOG/AAP publication: Breastfeeding Handbook for Physicians

Source: Miss. Code Ann. §43-20-8.

Subchapter 19: SWIMMING AND WATER ACTIVITIES

Rule 1.19.1 General This section shall apply to any child care facility that, as part of its program, allows the children to swim, wade, or participate in any water activities whether on site or at any other location during the time staff has responsibility for children enrolled.

Source: Miss. Code Ann. §43-20-8.

Rule 1.19.2 Lifeguard Supervision

1. **Swimming pools, lakes, etc.**
 - a. A person having an American Red Cross lifeguard certificate, or the equivalent as recognized by the licensing agency, shall be present at all swimming and water activities.
 - b. One lifeguard is required for every 25 children or any portion thereof (i.e., two lifeguards are required for groups of 26 - 50, three for 51 - 75, etc.). This required ratio also includes activities that occur near water such as fishing or beach activities.
 - c. Lifeguards are not counted in the staff-to-child ratio.
 - d. The staff-to-child ratio shall be maintained at all times.
 - e. It is the child care facility operator's responsibility to provide adequate certified lifeguards if the pool or lake operator does not.

- f. Each child will be tested by a certified lifeguard prior to participating in swimming lessons or any pool activities. Children will be assigned to swim groups according to the results of the test.
 - g. Staff, as well as lifeguards, shall be responsible for enforcing general safety rules.
 - h. Staff is responsible for requiring children to obey all swimming/water rules. These rules shall be explained each day that swimming/water activities occur so that all ages can understand what is expected.
2. **Wading pools** For activities taking place in wading pools with a water depth of one foot or less the following is required:
- a. There shall be a person(s) with a valid Adult, Child/Infant CPR and First Aid certification ~~CPR certificate and a valid first aid certificate~~ present at all times.
 - b. The staff-to-child ratio shall be maintained at all times.
 - c. Wading pools shall be cleaned after each use.

Source: Miss. Code Ann. §43-20-8.

Rule 1.19.3 Health and Safety

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

5. Swimming pools, when in use, shall be continuously disinfected by a chemical that imparts an easily measured free available residual effect. When chlorine is used, a free chlorine residual of at least 0.4 ppm shall be maintained throughout the pool whenever it is open or in use. If other halogens are used, residuals of equivalent disinfecting strength shall be maintained.
6. A testing kit for measuring the concentration of the disinfectant, accurate within 0.1 ppm, shall be provided at each swimming pool.

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

pH	Minimum Free Available Residual Chlorine-mg/L
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

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

pH	Minimum Free Available Residual Chlorine-mg/L
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

8. The water in a swimming pool shall have sufficient clarity at all times so that a black disk, six 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.
9. 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.

Source: Miss. Code Ann. §43-20-8.

Subchapter 20: CHILDREN WITH SPECIAL NEEDS

Rule 1.20.1 Facility Adaptation

1. The child care facility areas to be utilized by a child with special needs shall be adapted as necessary to accommodate special devices that may be required for the child to function independently, as appropriate.
2. A separate area shall be available for providing privacy for diapering, dressing, and other personal care procedures.

Source: Miss. Code Ann. §43-20-8.

Rule 1.20.2 Activity Plan A child with special needs shall have an individual activity plan. The individual activity plan shall have been developed by a person with a bachelor's or advanced degree in a discipline dealing with disabilities, as appropriate. The individual activity plan shall be reviewed, at a minimum, once every 12 months.

Source: Miss. Code Ann. §43-20-8.

Rule 1.20.3 Caregiver Staff Development Caregivers serving children with special needs shall receive staff development related to the specific needs of the children served.

Source: Miss. Code Ann. §43-20-8.

Rule 1.20.4 Staffing Caregiver staffing shall be appropriate and adequate to meet the specific physical and/or developmental needs of the special needs children served at the child care facility. Staff-to-child ratio shall be determined by the needs of the child rather than the child's chronological age as based upon the child's individual plan (i.e., individual education plan, individual habilitation plan, individual family service plan, etc.). The facility is encouraged to be an active participant in the child's individual plan development.

Source: Miss. Code Ann. §43-20-8.

Subchapter 21: NIGHT CARE

Rule 1.21.1 General This section shall apply to any child care facility that is open past 11:30 p.m., as part of their regular hours of operation.

Source: Miss. Code Ann. §43-20-8.

Rule 1.21.2 Nutrition

1. A child care facility that is open prior to 7:00 p.m. shall provide a dinner meal period.
2. A child care facility that remains open after 5:00 a.m. shall provide a breakfast meal period.
3. A snack period shall be provided to children in attendance for more than two and one-half (2½) hours prior to bedtime.
4. Menu plans for lunch and dinner meals shall be varied. No single menu shall be repeated in a 24 hour period.

Source: Miss. Code Ann. §43-20-8.

Rule 1.21.3 Sleeping

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

Source: Miss. Code Ann. §43-20-8.

Rule 1.21.4 Bathroom Facilities

1. There shall be a bathtub or shower available for children of toddler age or older.
2. Bathtubs and showers shall be equipped to prevent slipping.
3. If night care is provided for infants, there shall be age appropriate bathing facilities for these children.
4. Bathrooms shall be located near the sleeping areas.
5. No children under six years of age shall be left alone or with another child while in the bathtub or shower.
6. All children shall be bathed separately.
7. All children shall be provided with an individual washcloth, towel, and soap for bathing, with fresh water for each child.

Source: Miss. Code Ann. §43-20-8.

Subchapter 22: SCHOOL AGE CARE & SUMMER DAY CAMP

Rule 1.22.1 General For a child care facility operating pursuant to a license for "School Age Care," or Summer Day Camp, the regulations for child care facilities shall apply, except when inconsistent with the requirements of this section and then the requirements of this section take precedence.

Source: Miss. Code Ann. §43-20-8.

Rule 1.22.2 Definition

1. A summer day camp is defined as a child care facility serving children ages 5 to 12 that operates during May, June, July, and/or August only, for a minimum of 22 days and a maximum of 16 weeks.
2. A school age program is defined as a child care facility that operates during the school year serving children ages 5 to 12. These programs may also operate 12 months a year. School age programs that operate 12 months a year shall meet "School Age Program" space requirements for determining maximum capacity.

Source: Miss. Code Ann. §43-20-8.

Rule 1.22.3 Indoor Square Footage and Grouping A minimum of 25 square feet of usable indoor floor space, per child per room, shall be maintained for each child. This shall not include hallways, bathrooms, closets, storage rooms, offices, or kitchens. When a room is used during meals time, the minimum square footage requirement will not apply.

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

<u>Age of Children in the Group</u>	<u>MAXIMUM number of children ALLOWED in a group of children this age</u>	<u>MINIMUM number of caregivers REQUIRED for a group of children this age</u>	<u>MINIMUM square footage REQUIRED for a group of children this age</u>
<u>5-9 years</u>	<u>40 children</u>	<u>2 caregivers</u>	<u>25 square feet per child</u>
<u>10-12 years</u>	<u>50 children</u>	<u>2 caregivers</u>	<u>25 square feet per child</u>

1. When Summer Day Camp activities for children are routinely conducted outdoors or off the premises for six or more hours each day, the following requirements shall apply:
 - a. There shall be a permanent structure that serves as a home base where parents deliver and pick up children.
 - b. There shall be a minimum of ten square feet per child usable indoor space available in the event of inclement weather.
2. School age programs require that a minimum of 25 square feet of usable indoor floor space, per child per room shall be maintained for each child. This shall not include hallways, bathrooms, closets, storage rooms, offices, or kitchens. When a room is used for meals, the minimum square footage per child requirement will not apply.

Source: Miss. Code Ann. §43-20-8.

Rule 1.22.4 Nutrition

1. In School Age and Summer Day Programs meals and/or snacks may be provided by parents/guardians.
2. Parents/Guardians must be given and adhere to the policies regarding acceptable nutritional standards, as in Subchapter 12.
3. When nutritional standards are not met by meals and/or snacks provided by the parent/guardian, it is the program's responsibility to see that children are provided an acceptable meal and/or snack.
4. For Summer Day Camps operating primarily as an outdoor program, the following exceptions may apply:
 - a. Milk is not required.
 - b. If food is brought from home or catered, cold storage must be available.

- c. All School Age/Summer Day Programs shall have an adequate supply of potable fresh water from a Mississippi State Department of Health approved source.

Source: Miss. Code Ann. §43-20-8.

Rule 1.22.5 Transportation

1. The staff-to-child ratio shall be maintained at all times.
2. The driver of the vehicle may be counted as a caregiver while transporting school age children only.
3. A licensed child care program must never leave children unattended inside or outside of a vehicle.

Source: Miss. Code Ann. §43-20-8.

Rule 1.22.6 Toilets and Lavatories

1. For every thirty (30) children, one (1) toilet and one (1) lavatory is required.
2. Urinals shall count as one-half (½) a toilet.
3. Separate facilities for boys and girls shall be provided.
4. School age programs that are located in schools are exempt from the requirements of hot water at sinks utilized by the children in attendance.

Source: Miss. Code Ann. §43-20-8.

Rule 1.22.7 Playgrounds: School age programs serving only school age children that are located in schools are exempt from the requirements Subchapter 9, Rule 1.9.2 Playground Equipment and Subchapter 10, rule 1.10.9 Indoor Playground Area of these regulations except that playground equipment shall be in good repair.

Rule 1.22.8 In after school programs, screen time is limited to one hour per day. Screen or media used for educational purposes is acceptable.

Source: Miss. Code Ann. §43-20-8.

Rule 1.22.9 Summer Day Camp & School Age Program Director Qualifications

1. A summer day camp director shall be at least 21 years of age, and shall have, at a minimum:
 - a. A bachelor's degree with a minimum of 18 semester hours in elementary or secondary education or a field such as recreation, physical education, psychology (with emphasis in child/adolescent psychology), or special education, or one related to day camp or school age program operations.

OR

- b. A two-year associate degree in child development technology or

related field.

OR

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

OR

- d. A high school diploma or equivalent (GED) and four years' experience in a school age program or four summers in a day camp program.
2. Transcripts shall be provided for review by the licensing agency.

Source: Miss. Code Ann. §43-20-8.

Rule 1.22.10 Caregiver CPR and First Aid Certification

1. All caregivers in summer day camps are required to have current CPR and first aid certification, copies of which shall be kept with their personnel records.
2. In school age programs that operate in a central location there shall be at least one caregiver on the premises at all times the facility is in operation that has a current certification in CPR and first aid. When groups of children are away from the central location for field trips etc., there shall be at least one caregiver with the group that holds a current certification in CPR and first aid.

Source: Miss. Code Ann. §43-20-8.

Rule 1.22.11 Facility Record Storage Facility records may be retained in the administrative office.

Source: Miss. Code Ann. §43-20-8.

Rule 1.22.12 Equipment Archery equipment, firearms (e.g., skeet shooting, target practice, etc.), power equipment, and other potentially hazardous items shall be stored in a locked area when not in use. These items shall be used by children only under the direction and supervision of a program staff member.

Source: Miss. Code Ann. §43-20-8.

Rule 1.22.13 Immunization Requirements Children properly enrolled in a Summer Day Camp or School Age Program are not required to have a Certificate of Immunization Compliance (MSDH Form 121) in their record.

Source: Miss. Code Ann. §43-20-8.

Rule 1.22.1 — General For a child care facility operating pursuant to a license for "School Age Care," the regulations for child care facilities shall apply, except when inconsistent with the requirements of this section and then the requirements of this section take precedence. Programs operating in excess of 16 weeks per year shall meet the more stringent requirements of Subchapter 22 and 23.

Source: Miss. Code Ann. §43-20-8.

Rule 1.22.2 — Enrollment A child care facility operating pursuant to a license for "School Age Care" shall only enroll school age children (5-12 years of age). These children may not be placed in the same area of a child care facility as preschool children.

Source: Miss. Code Ann. §43-20-8.

Rule 1.22.3 — Indoor Square Footage and Grouping A minimum of 25 square feet of usable indoor floor space, per child per room, shall be maintained for each child. This shall not include hallways, bathrooms, closets, storage rooms, offices, or kitchens. When a room is used for meals, the minimum square footage per child per room requirement will not apply. This standard is only applicable when the program is licensed as school age only. If the school age children are served in conjunction with preschool children under the same license, the preschool square footage standards will apply.

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

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

Source: Miss. Code Ann. §43-20-8.

Rule 1.22.4 — Nutrition

1. A snack period shall be provided.
2. On holidays, inclement weather days, or when a child must be in school age care for a full day program, snacks and meals may be provided by the parents if the parents are given and adhere to policies regarding acceptable nutritional standards, as prescribed in Appendix "C" Minimum Standards for Nutritional Care in Child Care Facilities. When nutritional standards are not met by snacks and meals provided by parents, it is the child care

facility's responsibility to see that children are provided acceptable snacks and meals, prepared on-site or by a permitted catering establishment.

Source: Miss. Code Ann. §43-20-8.

Rule 1.22.5 — Transportation

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

Source: Miss. Code Ann. §43-20-8.

Rule 1.22.6 — Toilets and Hand Washing Lavatories

1. The following ratios shall apply:

Number of	Number of Toilets	Hand Washing
1-30	1 of	
31-60	2 of	
60-90	3 of each	

2. For each additional 30 children or portion thereof, add one toilet and one hand washing lavatory.
3. Urinals shall count as one half ($\frac{1}{2}$) a toilet not to exceed 33 percent of the total number of toilets required.
4. Separate facilities for boys and girls shall be provided.
5. School age programs serving only school age children that are located in schools accredited by any organization listed in Mississippi Code §43-20-5 (a)(iii) are exempt from the requirements for hot water at hand washing lavatories utilized by the children in attendance.

Source: Miss. Code Ann. §43-20-8.

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 23: SUMMER DAY CAMP & SCHOOL AGE PROGRAMS~~

~~Rule 1.23.1 General~~ For a child care facility operating pursuant to a license for a "Summer Day Camp" or "School Age Program," the regulations for child care facilities shall apply, except when inconsistent with the requirements of this section, and then the requirements of this section take precedence.

Source: Miss. Code Ann. §43-20-8.

~~Rule 1.23.2 Definition~~

- ~~1. A summer day camp is defined as a child care facility that operates during May, June, July, and/or August only, for a minimum of 22 days and a maximum of 16 weeks.~~
- ~~2. A school age program is defined as a child care facility that operates during the school year. These programs may also operate 12 months a year. School age programs that operate 12 months a year shall meet "School Age Program" space requirements for determining maximum capacity.~~

Source: Miss. Code Ann. §43-20-8.

~~Rule 1.23.3 Enrollment~~ Summer day camps and school age programs shall not enroll children under five years of age.

Source: Miss. Code Ann. §43-20-8.

~~Rule 1.23.4 Maximum Capacity~~ All children enrolled (including those over 13 years of age) shall be included in calculating the maximum capacity of the facility.

Source: Miss. Code Ann. §43-20-8.

~~Rule 1.23.5 Summer Day Camp & School Age Program Director Qualifications~~

- ~~1. A summer day camp director shall be at least 21 years of age, and shall have, at a minimum:~~
 - ~~a. A bachelor's degree with a minimum of 18 semester hours in elementary or secondary education or a field such as recreation, physical education, psychology (with emphasis in child/adolescent psychology), or special education, or one related to day camp or school age program operations.~~

~~OR~~

- ~~b. A two year associate degree in child development technology or related field.~~

~~OR~~

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

OR

- d. ~~A high school diploma or equivalent (GED) and four years experience in a school age program or four summers in a day camp program.~~

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

Source: Miss. Code Ann. §43-20-8.

Rule 1.23.6 ~~Caregiver CPR and First Aid Certification~~

1. ~~All caregivers in summer day camps are required to have current CPR and first aid certification, copies of which shall be kept with their personnel records.~~
2. ~~In school age programs that operate in a central location there shall be at least one caregiver on the premises at all times the facility is in operation that has a current certification in CPR and first aid. When groups of children are away from the central location for field trips etc., there shall be at least one caregiver with the group that holds a current certification in CPR and first aid.~~

Source: Miss. Code Ann. §43-20-8.

Rule 1.23.7 ~~Facility Record Storage~~ ~~Facility records may be retained in the administrative office.~~

Source: Miss. Code Ann. §43-20-8.

Rule 1.23.8 ~~Indoor Square Footage and Grouping~~

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

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

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

2. — ~~When activities for children are routinely conducted outdoors or off the premises for six or more hours each day, the following requirements shall apply:~~

- a. — ~~There shall be a permanent structure that serves as a home base where parents deliver and pick up children.~~
- b. — ~~There shall be a minimum of ten square feet per child usable indoor space available in the event of inclement weather.~~

3. — ~~School age programs require that a minimum of 25 square feet of usable indoor floor space, per child per room shall be maintained for each child. This shall not include hallways, bathrooms, closets, storage rooms, offices, or kitchens. When a room is used for meals, the minimum square footage per child requirement will not apply.~~

Source: Miss. Code Ann. §43-20-8.

Rule 1.23.9 — Nutrition

- 1. — ~~For summer day camps or school age programs that routinely operate indoors in a permanent structure, snacks, and meals may be provided by the parents if the parents are given and adhere to policies regarding acceptable nutritional standards, as prescribed in Appendix “C” Minimum Standards for Nutritional Care in Child Care Facilities. When nutritional standards are not met by snacks and meals provided by parents, it is the summer day camp's or school age program's responsibility to see that children are provided acceptable snacks and meals, prepared on-site or by a permitted eating establishment.~~
- 2. — ~~For summer day camps operating primarily as an outdoor program away from the home base, the following exceptions shall apply:~~
- 3. — ~~Milk is not required to be served in programs routinely operating outdoors or off the premises for six or more hours each day.~~
- 4. — ~~If food is brought from home or catered, there shall be sanitary cold storage available.~~
- 5. — ~~All summer day camps shall have an adequate water supply. Potable water, from a Mississippi State Department of Health approved source, shall be used for drinking. Fresh water shall be provided daily in closed containers.~~

Source: Miss. Code Ann. §43-20-8.

Rule 1.23.10 — Transportation

1. ~~The staff to child ratio shall be maintained at all times.~~
2. ~~The driver of the vehicle may be counted as a caregiver while transporting the children.~~

Source: Miss. Code Ann. §43-20-8.

Rule 1.23.11 — Toilets and Hand Washing Lavatories

1. ~~The following ratios shall apply:~~

Number of	Number of Toilets and Hand washing
1-30	1 of
31-60	2 of
60-90	3 of each

2. ~~For each additional 30 children or portion thereof, add one toilet and one hand washing lavatory.~~
3. ~~Urinals (in boys' restrooms) shall count as one-half (1/2) a toilet not to exceed 33 percent of the total number of toilets required.~~
4. ~~Separate facilities for boys and girls shall be provided.~~
5. ~~For summer day camps operating primarily as an outdoor program away from the home base, alternative methods of hand washing may be provided.~~

Source: Miss. Code Ann. §43-20-8.

Rule 1.23.12 — Equipment ~~Archery equipment, firearms (e.g., skeet shooting, target practice, etc.), power equipment, and other potentially hazardous items shall be stored in a locked area when not in use. These items shall be used by children only under the direction and supervision of an individual certified by a state or national organization recognized by the Mississippi State Department of Health.~~

Source: Miss. Code Ann. §43-20-8.

Rule 1.23.13 — Immunization Requirements ~~Children properly enrolled in a Summer Day Camp or School Age Program are not required to have a Certificate of Immunization Compliance (MSDH Form 121) in their record.~~

Source: Miss. Code Ann. §43-20-8.

Subchapter 23 Deleted

Subchapter 24: HOURLY CHILD CARE

Rule 1.24.1 General For a child care facility operating pursuant to a license for an "Hourly Child Care," the regulations for child care facilities shall apply, except when inconsistent with the requirements of this section, and then the requirements of this section take precedence.

Source: Miss. Code Ann. §43-20-8.

Rule 1.24.2 Definition

1. An "Hourly Child Care Facility" is defined as a facility that meets the provisions of these regulations for a "Child Care Facility" and:
 - a. Limits the care of a child to no more than eight hours per stay not to exceed a total of 45 hours in any calendar month period.
 - b. Provides supervised, short term, hourly care on a temporary basis in conjunction with a specific facility or business complex such as, but not limited to, hotels; shopping malls; recreational, sporting, or entertainment facilities.
2. Hourly child care facilities are not appropriate for full time child care and will not be allowed to provide that type of service. When it is determined by the licensing agency that a facility provides child care services on a full time basis, the facility shall meet all requirements for a regular child care facility as set forth in the preceding sections of these regulations.

Source: Miss. Code Ann. §43-20-8.

Rule 1.24.3 Facility Policy and Procedures

1. Parents shall be provided a written statement of policies pertaining to emergencies, meals, snacks, procedures for releasing a child to parent, and any other information regarding hourly child care facility operation. All policies and procedures will be submitted to the licensing agency and reviewed prior to a license being issued. Written guidelines will be provided to applicants as part of the application packet.
2. The care of a child shall be no more than eight hours per stay and shall not exceed a total of 45 hours in any calendar month period.
3. When business hours exceed 12 hours in a 24-hour period, the program will be reviewed on an individual basis for compliance with regulations addressing evening and overnight care.

Source: Miss. Code Ann. §43-20-8.

Rule 1.24.4 Personnel Requirements Students in a field study placement, a practicum, or vocational child care training program may not assist in the care of the children in hourly child care facilities.

Source: Miss. Code Ann. §43-20-8.

Rule 1.24.5 Records and Reports In addition to all records and reports required in these regulations, hourly child care facilities shall maintain a log containing the name, address, and home phone number of each child along with the date and time of arrival and departure. The hourly child care facility shall maintain information necessary to contact local law enforcement officials and the Mississippi Department of Human Services when a child is left at the facility past its hours of operation, or for an extended period.

Source: Miss. Code Ann. §43-20-8.

Rule 1.24.6 Health Records Sample forms for duplication will be provided to operators to ensure adequate health information is taken on the children served. Only forms that substantially comply with the sample forms will be acceptable. Registration forms will include a signed statement that will serve as verification that a child has received all age-appropriate immunizations. Other information to be included on the form will be the home or forwarding phone numbers and addresses to be used when the parent must be informed of situations or conditions after the child is no longer at the hourly child care facility.

Source: Miss. Code Ann. §43-20-8.

Rule 1.24.7 Program of Activities Hourly child care facility programs are exempt from the requirement that a planned written program of activities be submitted as part of the licensing process. However, the facility shall provide adequate space and equipment to allow children to choose between quiet and active play. Appropriate toys and books for quiet play shall be maintained in a physically separate area that is a sufficient distance from active play to reduce noise and to assure a quiet, relaxed environment.

Source: Miss. Code Ann. §43-20-8.

Rule 1.24.8 Buildings and Grounds

1. A certificate of inspection and approval by the fire department of the municipality or other political subdivision in which the child care facility is located shall be submitted to the licensing agency with the application and license fee. Except that if no fire department exists where the facility is located, the State Fire Marshall shall certify as to the inspection for safety from fire hazards.
The inspection form to be used for fire inspections shall be MSDH Form #333 and shall be signed by a signatory authority of the fire inspection authority making the inspection.
2. In non-land-based facilities, only ground level space with exits directly to the outside will be approved.
3. A written emergency evacuation route shall be posted in a conspicuous

location within each room used by children. The plan will be subject to review, evaluation, and approval by the licensing agency.

4. Space requirements shall comply with the standards set forth in these regulations. However, in the absence of adequate outdoor playground area, not less than 25 percent nor more than 50 percent of the space allocated for children three to 13 years of age shall be set aside and dedicated to large muscle development activities. Such areas shall contain appropriate play equipment for large muscle development. Such equipment may include but is not limited to indoor gyms specifically designed and approved for children in the three- to 13-year-old age group. Final approval of the appropriateness of the equipment to be located in the designated area shall be made by the licensing agency.
5. If outdoor playground space is provided, but inadequate for the maximum capacity of the building, a schedule shall be provided to show how outdoor playtime will be made available to all the children. At no time will there be more children on the playground than the maximum number allowed computed at 75 square feet per child. Maximum outdoor playground area capacity shall be posted and adhered to at all times the area is in use.
6. When kitchens are not on-site, the hourly child care facility is required to maintain adequate storage and refrigeration for snacks. In addition, food shall be served in disposable containers unless an acceptable method of dishwashing is available such as described in (Appendix "E"). (Appendix B). All food served shall come from a permitted kitchen or catering facility. Food service shall comply with the standard set in the current 10.0 Regulation Food Code as published by the Mississippi State Department of Health.
7. The ratio of one hand washing lavatory and one toilet for every 30 children shall be maintained. Separate facilities are required for boys and girls.
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.

Rule 1.24.9 Nutrition Parents of children being cared for in an hourly child care facility shall be informed in writing of the availability of meals and the following requirements:

1. When a child is in a facility for three or more hours, a snack shall be provided.
2. Children under five years of age will be provided snacks on request, regardless of the length of time spent in the facility.
3. At regular meal times, all children present shall be offered a meal. Regular meal times are defined as follows:

- a. Breakfast - between 7 a.m. and 9 a.m.
 - b. Lunch - between 11 a.m. and 1 p.m.
 - c. Supper - between 5 p.m. and 7 p.m.
4. All meals shall meet the minimum nutritional standards. ~~prescribed in Appendix "C" Minimum Standards for Nutritional Care in Child Care Facilities.~~

Source: Miss. Code Ann. §43-20-8.

Rule 1.24.10 Abuse and Neglect Reports

1. All employees will be informed by the hourly child care facility director of the individual's responsibility in reporting suspected abuse and neglect. Copies of the child abuse law shall be provided to each employee (Appendix "A").
2. Reports of suspected child abuse or neglect will be made to the Mississippi Department of Human Services and/or local law enforcement officials in accordance with state law. Because abused or neglected children requiring immediate attention are often identified after traditional business hours of the Mississippi Department of Human Services, reports of this nature shall also be made to local law enforcement.
3. Hourly child care facility operators and/or directors are encouraged to establish a working relationship with local law enforcement authorities and the Mississippi Department of Human Services. In extreme situations where local county Department of Human Services staff cannot be reached, operators and/or directors will report to the statewide 24-hour Child Abuse Hotline at 1-800-222-8000.
4. Operators and/or directors will work in conjunction with the local law enforcement and the Mississippi Department of Human Services to establish a workable procedure for reporting cases when a child has been left at the hourly child care facility for an extended period of time after business hours or when allowing a child to leave the hourly child care facility will place that child at risk or in potential danger.

Source: Miss. Code Ann. §43-20-8.

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

Rule 1.25.1 Emergency Suspensions of License

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

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

Source: Miss. Code Ann. §43-20-8.

Rule 1.25.2 Denial, Revocation, or Suspension of License The licensing agency may deny, refuse to renew, suspend, revoke, or restrict a license of any child care facility upon one more of the following grounds:

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

Source: Miss. Code Ann. §43-20-8.

Rule 1.25.3 Notification

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

Source: Miss. Code Ann. §43-20-8.

Rule 1.25.4 District Level Hearing for Monetary Penalties:

1. If requested in writing within ten calendar days of receipt of notice of the imposition of a monetary penalty, a district level hearing shall be provided in which the operator or applicant may show cause why the monetary penalty should not be imposed. The District Health Officer or his/her designee will preside at said hearing.
2. Any hearing requested pursuant to Subchapter 1.25.4(1) shall be held no less than five calendar days and no more than 20 calendar days

from the receipt of any request for a hearing, unless both parties agree to an alternate period.

3. The district level hearing shall be informal. There will be no court reporter present and the Department will not be represented by counsel. However, the hearing officer will take notes of the proceedings and will provide the licensee with a written order outlining his decision within ten calendar days of conclusion of the district level hearing.
4. Within ten calendar days of the receipt of the district level decision the licensee may make a written request for a hearing at the state level.

Source: Miss. Code Ann. §43-20-8.

Rule 1.25.5 State Level Hearing

1. If requested in writing within ten calendar days of receipt of a notice of revocation, non-renewal, probation, restriction, or suspension, or after a district level hearing has been held on a monetary penalty, a hearing shall be held at the state level. At the state level hearing a hearing officer shall be appointed by the State Health Officer. A court reporter shall transcribe the proceeding. The hearing shall be held within 30 calendar days of receipt of the request for such hearing, unless waived in writing by the licensee.
2. Within 30 calendar days of the hearing, or such period as determined during the hearing, written findings of fact, together with a recommendation for action, shall be forwarded to the State Health Officer. The State Health Officer shall decide what, if any, action is to be taken on the recommendation within 14 calendar days of receipt of the recommendation. Written notice of the decision of the State Health Officer shall be provided to the operator.
3. At the state level hearing, the licensee shall be entitled to legal representation at his or her own expense.
4. ~~For the Rules and Procedures for State Level Administrative Hearings refer to APPENDIX J of these regulations.~~

Source: Miss. Code Ann. §43-20-8.

Rule 1.25.6 Appeal: Any operator who disagrees with or is aggrieved by a decision of the licensing agency concerning the suspension, revocation, or restriction of a license may appeal to the Chancery Court of the county in which the child care facility is located. The appeal shall be filed no later than 30 calendar days after the operator receives written notice of the final administrative action by the licensing agency as to the suspension, revocation, or restriction of the license. The operator shall have the burden of proving that the decision of the licensing agency was not in accordance with applicable law and these regulations.

If a facility is allowed to continue to operate during the appeal process, it will remain under the regulation of the licensing agency and will be subject

to all current licensure regulations to include, but not limited to, inspection of the facility, review of facility and children's records, submission of all required or requested documents, and payment of all applicable fees and/or monetary penalties.

Source: Miss. Code Ann. §43-20-8.

Rule 1.25.7 Injunction: Notwithstanding the existence of any other remedy, the licensing agency may, in the manner provided by law, in term time or in vacation, upon the advice of the Attorney General who shall represent the licensing agency in the proceedings, maintain an action in the name of the state for injunction or other proper remedy against any person to restrain or prevent the establishment, conduct, management, or operation of a child care facility with or without a license under the act, or otherwise in violation of these regulations.

Source: Miss. Code Ann. §43-20-8.

Rule 1.25.8 Criminal Penalties: Any person establishing, conducting, managing, or operating a child care facility without a license pursuant to these regulations shall be guilty of a misdemeanor, and, upon conviction, shall be fined not more than one hundred dollars (\$100.00) for the first offense, and not more than two hundred dollars (\$200.00) for each subsequent offense.

Source: Miss. Code Ann. §43-20-8.

Rule 1.25.9 Violations and Penalties

1. In the event of an emergency occurring at a child care facility which makes it difficult or impossible to comply with any of these Rules, the facility shall not be considered to be in violation of these specific Rules. For purposes of this Rule 1.25.9, the term "emergency" shall include only the following:

- a. Inclement weather;
- b. Damage to the facility and/or structure which might require moving, transferring or consolidation of children;
- c. Traumatic injury or acute illness of a caregiver or the caregiver's immediate family while the caregiver is on-site resulting in the caregiver having to leave the premises;
- d. During any declaration of emergency by local or state officials;
- e. An injury or illness of a child at the facility requiring the immediate attention of one or more caregivers, resulting in non-compliance with child-to-staff ratio or room capacity; and
- f. During a period when Department inspectors or other government official require facility staff to temporarily not be able to perform their normal supervisory duties.

2. Any Class I violation of these regulations is the discretion of the licensing agency and 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:

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

- a child.
- b. Allowing a child to be unattended at a licensed child care facility before or after operating hours. 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.
- c. Allowing a child to be unattended when not at the licensed facility but under the care of the licensed facility.
- 3. 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.
- 4. Any Class II violation of these regulations is the discretion of the licensing agency and is punishable by a monetary penalty of fifty dollars (\$50.00) for the first occurrence and a monetary penalty of one hundred dollars (\$100.00) for each subsequent occurrence within the same licensure term. Each violation is considered a separate offense. The following are Class II violations:
 - a. Failure to comply with Personnel Requirements and Records.
 - b. Failure to comply with Emergency Preparedness and Evacuation Planning.
 - c. Failure to comply with Staff to Child Ratio, Group Size, and Supervision.
 - d. Failure to comply with Discipline and Guidance.
 - e. Exceeding the maximum capacity for a facility or room.
 - f. Allowing a child to leave the child care facility with an unauthorized individual.
 - g. Violation of environmental health regulation.
 - h. Failure to report a serious occurrence.
 - i. Failure to report a communicable disease.
 - j. Violation of transportation and safety policies, procedures, and regulations.
 - k. Failure to have proper immunization documentation in each child's record and each employee's record.
 - l. Failure to display license and/or complaint notice.
 - m. Failure to meet conditions or restrictions placed on a license. The monetary penalty will be in addition to the immediate closure of the facility for failure to meet any conditions or restrictions as stated on the restricted license.
 - n. Failure to comply with the nutrition standards.

- o. Failure to comply with the requirements of Smoking, Tobacco Products, and Prohibited Substances.
 - p. Altering of any documents supporting suitability for employment in a child care facility.
- 5. Should a facility be cited for Class II violation 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.
 - 6. A Class III violation of these regulations, at the discretion of the licensing agency, is punishable by a monetary penalty of twenty-five dollars (\$25.00) for each occurrence. A Class III violation is any violation of these regulations not listed as a Class I or Class II violation.
 - 7. Unless they are appealed, all monetary penalties shall be payable within 30 business days of being levied. If monetary penalties are appealed, they shall be payable within 30 business days of final disposition.
 - 8. An operator shall have the right to appeal a monetary penalty imposed pursuant to this section of the regulations, in accordance with the policy of the licensing agency. Any appeal of a monetary penalty must be filed with the licensing agency within ten business days of being levied.
 - 9. An operator shall not be granted a license, nor shall a license be renewed for any operator with outstanding monetary penalties.
 - 10. If a license expires during the appeal process, it shall be administratively extended, and documentation of the extension shall be provided to the licensee. A facility given an administrative extension during the appeal process, shall remain under the regulation of the licensing agency and will be subject to all current licensure regulations to include, but not limited to, inspection of the facility, review of facility and children's records, submission of all required or requested documents, and payment of all applicable fees and/or monetary penalties.

Source: Miss. Code Ann. §43-20-8.

Subchapter 26: RELEASE OF INFORMATION

Rule 1.26.1 Information in the possession of the licensing agency concerning the license of individual child care facilities may be disclosed to the public, except such information shall not be disclosed in such manner as to identify children or families of children cared for at a child care facility. Nothing in this section shall affect the agency's authority to release findings of investigation into allegations of abuse pursuant to either Sections 43- 21-353(8) and Section 43-21-257 Mississippi Code of 1972, annotated.

Source: Miss. Code Ann. §43-20-8.

APPENDIX A

§ 43-21-353. Duty to inform state agencies and officials; duty to inform individual about whom report has been made of specific allegations.

- (1) Any attorney, physician, dentist, intern, resident, nurse, psychologist, social worker, family protection worker, family protection specialist, child caregiver, minister, law enforcement officer, public or private school employee or any other person having reasonable cause to suspect that a child is a neglected child or an abused child, shall cause an oral report to be made immediately by telephone or otherwise and followed as soon thereafter as possible by a report in writing to the Department of Human Services, and immediately a referral shall be made by the Department of Human Services to the youth court intake unit, which unit shall promptly comply with Section 43-21-357. In the course of an investigation, at the initial time of contact with the individual(s) about whom a report has been made under this Youth Court Act or with the individual(s) responsible for the health or welfare of a child about whom a report has been made under this chapter, the Department of Human Services shall inform the individual of the specific complaints or allegations made against the individual. Consistent with subsection (4), the identity of the person who reported his or her suspicion shall not be disclosed. Where appropriate, the Department of Human Services shall additionally make a referral to the youth court prosecutor.

Upon receiving a report that a child has been sexually abused, or burned, tortured, mutilated or otherwise physically abused in such a manner as to cause serious bodily harm, or upon receiving any report of abuse that would be a felony under state or federal law, the Department of Human Services shall immediately notify the law enforcement agency in whose jurisdiction the abuse occurred and shall notify the appropriate prosecutor within forty-eight (48) hours, and the Department of Human Services shall have the duty to provide the law enforcement agency all the names and facts known at the time of the report; this duty shall be of a continuing nature. The law enforcement agency and the Department of Human Services shall investigate the reported abuse immediately and shall file a preliminary report with the appropriate prosecutor's office within twenty-four (24) hours and shall make additional reports as new or additional information or evidence becomes available. The Department of Human Services shall advise the clerk of the youth court and the youth court prosecutor of all cases of abuse reported to the department within seventy-two (72) hours and shall update such report as information becomes available.

- (2) Any report to the Department of Human Services shall contain the names and addresses of the child and his parents or other persons responsible for his care, if known, the child's age, the nature and extent of the child's injuries, including any evidence of previous injuries and any other information that might be helpful in establishing the cause of the injury and the identity of the perpetrator.
- (3) The Department of Human Services shall maintain a statewide incoming wide-area telephone service or similar service for the purpose of receiving reports of suspected cases of child abuse; provided that any attorney, physician, dentist, intern, resident, nurse, psychologist, social worker, family protection worker, family protection specialist, child caregiver, minister, law enforcement officer or public or private school employee who is

required to report under subsection (1) of this section shall report in the manner required in subsection (1).

- (4) Reports of abuse and neglect made under this chapter and the identity of the reporter are confidential except when the court in which the investigation report is filed, in its discretion, determines the testimony of the person reporting to be material to a judicial proceeding or when the identity of the reporter is released to law enforcement agencies and the appropriate prosecutor pursuant to subsection (1). Reports made under this section to any law enforcement agency or prosecutorial officer are for the purpose of criminal investigation and prosecution only and no information from these reports may be released to the public except as provided by Section 43-21-261. Disclosure of any information by the prosecutor shall be according to the Mississippi Uniform Rules of Circuit and County Court Procedure. The identity of the reporting party shall not be disclosed to anyone other than law enforcement officers or prosecutors without an order from the appropriate youth court. Any person disclosing any reports made under this section in a manner not expressly provided for in this section or Section 43-21-261, shall be guilty of a misdemeanor and subject to the penalties prescribed by Section 43-21-267.
- (5) All final dispositions of law enforcement investigations described in subsection (1) of this section shall be determined only by the appropriate prosecutor or court. All final dispositions of investigations by the Department of Human Services as described in subsection (1) of this section shall be determined only by the youth court. Reports made under subsection (1) of this section by the Department of Human Services to the law enforcement agency and to the district attorney's office shall include the following, if known to the department:

 - (a) The name and address of the child;
 - (b) The names and addresses of the parents;
 - (c) The name and address of the suspected perpetrator;

(d) The names and addresses of all witnesses, including the reporting party if a material witness to the abuse;

(e) A brief statement of the facts indicating that the child has been abused and any other information from the agency files or known to the family protection worker or family protection specialist making the investigation, including medical records or other records, which may assist law enforcement or the district attorney in investigating and/or prosecuting the case; and

(f) What, if any, action is being taken by the Department of Human Services.
- (6) In any investigation of a report made under this chapter of the abuse or neglect of a child as defined in Section 43-21-105(m), the Department of Human Services may request the appropriate law enforcement officer with jurisdiction to accompany the department in its investigation, and in such cases the law enforcement officer shall comply with such request.
- (7) Anyone who willfully violates any provision of this section shall be, upon being found guilty, punished by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by imprisonment in jail not to exceed one (1) year, or both.
- (8) If a report is made directly to the Department of Human Services that a child has been abused or neglected in an out-of-home setting, a referral shall be made immediately to the law enforcement agency in whose jurisdiction the abuse occurred and the department shall notify the district attorney's office within forty-eight (48) hours of such report. The Department of Human Services shall investigate the out-of-home setting report of abuse

or neglect to determine whether the child who is the subject of the report, or other children in the same environment, comes within the jurisdiction of the youth court and shall report to the youth court the department's findings and recommendation as to whether the child who is the subject of the report or other children in the same environment require the protection of the youth court. The law enforcement agency shall investigate the reported abuse immediately and shall file a preliminary report with the district attorney's office within forty-eight (48) hours and shall make additional reports as new information or evidence becomes available. If the out-of-home setting is a licensed facility, an additional referral shall be made by the Department of Human Services to the licensing agency. The licensing agency shall investigate the report and shall provide the Department of Human Services, the law enforcement agency and the district attorney's office with their written findings from such investigation as well as that licensing agency's recommendations and actions taken.

Sources: Laws, 1979, ch. 506, § 41; Laws, 1980, ch. 550, § 17; Laws, 1984, ch. 342; Laws, 1985, ch. 360; Laws, 1993, ch. 522, § 1; Laws, 1994, ch. 387, § 1; Laws, 1994, ch. 591, § 3; Laws, 1995, ch. 335, § 1; Laws, 1996, ch. 323, § 2; Laws, 1997, ch. 440, § 10; Laws, 1998, ch. 340, § 1; Laws, 1998, ch. 557, § 1; Laws, 2004, ch. 489, § 3; Laws, 2006, ch. 600, § 4; Laws, 2007, ch. 337, § 3, eff from and after July 1, 2007.

§ 43-21-355. Immunity for reporting information.

Any attorney, physician, dentist, intern, resident, nurse, psychologist, social worker, family protection worker, family protection specialist, child caregiver, minister, law enforcement officer, school attendance officer, public school district employee, nonpublic school employee, licensed professional counselor or any other person participating in the making of a required report pursuant to Section 43-21-353 or participating in the judicial proceeding resulting therefrom shall be presumed to be acting in good faith. Any person or institution reporting in good faith shall be immune from any liability, civil or criminal, that might otherwise be incurred or imposed.

Sources: Laws, 1979, ch. 506, § 42; Laws, 1980, ch. 550, § 18; Laws, 1982, Ex Sess, ch. 17, § 22; Laws, 1993, ch. 522, § 2; Laws, 1994, ch. 591, § 4; Laws, 2004, ch. 489, § 4; Laws, 2006, ch. 430, § 1; Laws, 2006, ch. 600, § 5, eff from and after July 1, 2006.

APPENDIX B

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:

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

See [Public Playground Safety Handbook](#). As published by the United States Consumer Product Safety Commission – *Saving Lives and Keeping Families Safe*.