

Mississippi Administrative Code _Title 15. Mississippi State Department of Health _ Part 11. Bureau of Child Care Facilities _Subpart 55. Child Care Facilities Licensure _Chapter 1. Regulations Governing Licensure of Child Care Facilities _Subchapter 1. General

Miss. Admin. Code 15-11-55:1.1.1
Alternatively cited as MS ADC 15 355 001

15-11-55:1.1.1. 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.

Miss. Admin. Code 15-11-55:1.1.2

15-11-55:1.1.2. 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 may be re-measured and re-inspected anytime at the discretion of the licensing agency.

Miss. Admin. Code 15-11-55:1.1.3

15-11-55:1.1.3. 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.

Miss. Admin. Code 15-11-55:1.1.4

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15-11-55:1.1.4. 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

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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, injury or loss.

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

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

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.

Miss. Admin. Code 15-11-55:1.2.1
Alternatively cited as MS ADC 15 355 001

15-11-55:1.2.1. 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.

Miss. Admin. Code 15-11-55:1.2.2

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15-11-55:1.2.2. Types of Licenses

Green,
Purple, &
Pale Yellow

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 \$100.00 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 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®,

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ii. Environmental Health Testing, Inc., i.e., National Registry of Food Safety Professionals,

iii. Prometric, Inc., or

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

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

h. Wastewater disposal approval.

i. Potable water source approval - drinking water.

j. Zoning approval.

k. Lead Testing approval.

l. Building - if constructed before 1965.

m. Playground.

n. 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.

o. Approved Menu if applicable.

p. Floor Plan.

q. MSDH Maximum Capacity Worksheet (Form #28).

r. MSDH Child Care Facility Inspection Report (Form #281).

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s. MSDH Child Care Facility Data Sheet (Form #286).

t. MSDH Food Service Inspection (Form #301-302) - if applicable.

u. Daily Schedule of Activities - developed by provider.

v. Arrival and Departure Procedures - developed by provider.

w. Emergency Policy -- developed by provider.

x. Verification of Two Emergency Relocation Sites -- developed by provider.

y. One site must be a minimum of one mile distant from the facility.

z. One site must be a minimum of five miles distant from the facility.

aa. 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.

bb. Proof of Vehicle Insurance -- not required if facility does not transport children.

cc. Verification, in writing, that the operator has or does not have accident/liability insurance covering the business.

dd. Verification, in writing, that the operator has or does not have accident/liability insurance covering the children enrolled at the facility.

ee. Discipline Policy -- developed by the provider.

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

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

i. *Regulations Governing Licensure of Child Care Facilities.*

ii. Directors Orientation.

iii. Playground Safety.

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

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.

Miss. Admin. Code 15-11-55:1.2.3

15-11-55:1.2.3. Application for License

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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.

Miss. Admin. Code 15-11-55:1.2.4

15-11-55:1.2.4. 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, and are nonrefundable. Checks returned for insufficient funds, closed account, etc., shall be assessed an additional \$50 fee.

1. **Application Fee** \$100.00

2. **Initial Licensure Fee**

a. Maximum capacity 12 or fewer \$ 75.00

b. Maximum capacity 13 to 30 \$150.00

c. Maximum capacity 31 to 50 \$200.00

d. Maximum capacity 51 to 100 \$300.00

e. Maximum capacity 101 to 150 \$350.00

f. Maximum capacity 151 or more \$400.00

3. **Renewal Fee**

Current through the Mississippi Administrative Rules Listing of Filings, dated April 2014.

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a. Maximum capacity 12 or fewer.....	\$ 75.00
b. Maximum capacity 13 to 30.....	\$150.00
c. Maximum capacity 31 to 50.....	\$200.00
d. Maximum capacity 51 to 100.....	\$300.00
e. Maximum capacity 101 to 150.....	\$350.00
f. Maximum capacity 151 or more.....	\$400.00
4. Reinstatement Fee.....	\$200.00
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

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licensure apply for a license it shall be subject to all fees listed in this section.

Miss. Admin. Code 15-11-55:1.2.5

15-11-55:1.2.5. 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.

Miss. Admin. Code 15-11-55:1.2.6

15-11-55:1.2.6. Inspection

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

Miss. Admin. Code 15-11-55:1.2.7

15-11-55:1.2.7. 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.

Miss. Admin. Code 15-11-55:1.2.8

15-11-55:1.2.8. Renewal of License

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

- a. Complete the renewal form.
- b. Submit any and all certificates of inspection and approval required by the licensing agency.

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c. Enclose the renewal fee.

d. File the above with the licensing agency at least 30 days prior to the expiration date on the license.

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 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.

Miss. Admin. Code 15-11-55:1.2.9

15-11-55:1.2.9. 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.

Miss. Admin. Code 15-11-55:1.2.10

15-11-55:1.2.10. 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.

Miss. Admin. Code 15-11-55:1.3.1

15-11-55:1.3.1. Right of Entry

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

Miss. Admin. Code 15-11-55:1.3.2

15-11-55:1.3.2. Violations

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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.

Miss. Admin. Code 15-11-55:1.4.1

15-11-55:1.4.1. 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 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.

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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.

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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.

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- 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.

Miss. Admin. Code 15-11-55:1.4.2

15-11-55:1.4.2. Smoking, Tobacco Products, and Prohibited Substances

1. Smoking or the use of tobacco products in any form is prohibited within the physical confines or the campus of a child care facility.

2. The use of alcohol, illegal use of prescription drugs, or use of illegal drugs is prohibited within the physical confines or the campus of a child care facility.

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

Miss. Admin. Code 15-11-55:1.4.3

15-11-55:1.4.3. 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.

Miss. Admin. Code 15-11-55:1.4.4

15-11-55:1.4.4. 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.

Miss. Admin. Code 15-11-55:1.4.5

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15-11-55:1.4.5. 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.

Miss. Admin. Code 15-11-55:1.4.6

15-11-55:1.4.6. 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.

Miss. Admin. Code 15-11-55:1.4.7

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15-11-55:1.4.7. 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.

Miss. Admin. Code 15-11-55:1.5.1

15-11-55:1.5.1. 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).

Miss. Admin. Code 15-11-55:1.5.2

15-11-55:1.5.2. 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, 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 a criminal history records check (fingerprint), child abuse registry check and a sex offender registry check.

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1. **Within ten working days from the date of employment**, the child care facility shall submit the following for processing:

a. A **completed fingerprint card and fees**, as appropriate, shall be submitted to the **Mississippi State Department of Health** 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 Department (MSDH) 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.

b. 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 (MSDH) of the employee's suitability for employment.

2. Although an individual is allowed to begin employment prior to the receiving confirmation of the employee's status for employment suitability, **at no time shall the facility allow that individual to provide unsupervised care or be left alone with a child until the facility receives notification from the Department (MSDH) verifying that 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 MSDH maintained webpage: <http://www.msdh.state.ms.us>. (Licensed providers without electronic capabilities will receive hardcopy notification of an employee's suitability status.)

3. 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. However, if there is **no break in service from the submitting licensed provider of origin and/or the same campus**, as specified on the suitability letter, the Letter of Suitability will remain valid for as long as the individual remains employed at the licensed facility of origin. The Letter of Suitability is not transferable to another program licensed by the Child Care Licensure Division after the date of expiration as specified within the suitability letter.

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

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

a. Letter of Suitability for Employment that reflects the completion of the criminal records check, child abuse

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registry check and sex offender check.

b. Immunization Compliance Form 121.

Miss. Admin. Code 15-11-55:1.5.3

15-11-55:1.5.3. 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.

Miss. Admin. Code 15-11-55:1.5.4

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15-11-55:1.5.4. 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 current 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.

Miss. Admin. Code 15-11-55:1.5.5

15-11-55:1.5.5. 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.

Miss. Admin. Code 15-11-55:1.5.6

15-11-55:1.5.6. 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.

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- 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.

Miss. Admin. Code 15-11-55:1.5.7

15-11-55:1.5.7. 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 and two years paid experience in a licensed child care facility or licensed/accredited kindergarten program. A director designee shall not retain sole director authority in a facility for more than 24 total hours per calendar week.

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

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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.

Miss. Admin. Code 15-11-55:1.5.8

15-11-55:1.5.8. 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.

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g. Communications and relations with families.

h. Detection of child abuse.

i. Advocacy for early childhood programs.

j. Professional issues.

3. Contact hours for staff development shall be approved by the licensing agency.

4. No more than five contact hours of approved in-service training provided by the child care facility may be counted toward the total number of hours required each year. More than five hours of in-service training may be provided by the child care facility but no more than five hours may be counted toward the required total of 15 hours.

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

Miss. Admin. Code 15-11-55:1.5.9

15-11-55:1.5.9. Review by Licensing Agency

1. 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.

2. 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.

Miss. Admin. Code 15-11-55:1.6.1

15-11-55:1.6.1. 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.

Miss. Admin. Code 15-11-55:1.6.2

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15-11-55:1.6.2. 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.

Miss. Admin. Code 15-11-55:1.6.3

15-11-55:1.6.3. 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 date, time, and signature of dispensing employee. A medication record may be destroyed 90 days after administering the medication.
7. A record shall be maintained on each volunteer to document date and number of hours of volunteer service.
8. Each facility shall maintain a notebook containing copies of the MSDH Certificate of Immunization Compliance (MSDH Form #121) for both staff and children at the facility. The notebook shall contain separate current alphabetical rosters of both staff and children. The certificates shall be filed in alphabetical order to match the current staff and child rosters.

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9. 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 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.

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

Miss. Admin. Code 15-11-55:1.6.4

15-11-55:1.6.4. 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 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.

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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.

Miss. Admin. Code 15-11-55:1.6.5

15-11-55:1.6.5. 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 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 have been conducted (Letter of Suitability for Employment), and the information 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 date and number of hours of volunteer service.

Miss. Admin. Code 15-11-55:1.6.6

15-11-55:1.6.6. 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:

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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.

Miss. Admin. Code 15-11-55:1.6.7

15-11-55:1.6.7. 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 facility's policy manual.

2. Parental Instructions

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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 updated as provided from time to time.

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

c. Signed acknowledgment by parent that the written policies and procedures described in 103.01 has been received.

d. Signed acknowledgment by parent that a summary of licensing standards and other materials designated by the licensing agency has been received by the parent.

4. 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.

5. Confidentiality of Records and Information

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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.

Miss. Admin. Code 15-11-55:1.7.1

15-11-55:1.7.1. 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.

Miss. Admin. Code 15-11-55:1.7.2

15-11-55:1.7.2. 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")

Miss. Admin. Code 15-11-55:1.7.3

15-11-55:1.7.3. 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 List of Reportable Diseases. (Appendix "B")

Miss. Admin. Code 15-11-55:1.7.4

15-11-55:1.7.4. 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.

Miss. Admin. Code 15-11-55:1.8.1

15-11-55:1.8.1. General

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

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

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

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

Miss. Admin. Code 15-11-55:1.8.2

15-11-55:1.8.2. 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

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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

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events. However, the age-appropriate staff-to-child ratio shall be maintained at all times.

Miss. Admin. Code 15-11-55:1.8.3

15-11-55:1.8.3. 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 (Under 12 months)	10 infants	2 caregivers	40 square feet per child
Toddler (12 months to under 24 months)	10 toddlers	2 caregivers	45 square feet per child
2 years	14 children	2 caregivers	35 square feet per child
3 years	14 children	1 caregiver	35 square feet per child
4 years	20 children	2 caregivers	35 square feet per child
5-9 years	20 children	1 caregiver	35 square feet per child
10-12 years	25 children	1 caregiver	35 square feet per child

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