

## CHAPTER TWELVE – GROUP CHILD CARE HOMES

### 114-510. GENERAL PROVISIONS

#### 114-510 A. Purpose

114-510 A. (1) The purpose of these regulations is to establish standards that protect the health, safety and well being of children receiving care in child care facilities, through the formulation, application and enforcement of these regulations.

#### 114-510 B. Applicability

- 114-510 B. (1) These regulations apply to group child care homes as defined in section 114-511 A. (9) relating to definitions.
- (2) These regulations apply equally to profit, not for profit and private child care homes.
- (3) These regulations do not apply to the following:
- (a) Educational facilities, whether private or public, which operate solely for educational purposes in grade one or above;
  - (b) Five-year-old kindergarten programs;
  - (c) Kindergartens or nursery schools or other daytime programs, with or without stated educational purposes, operating no more than four hours a day and receiving children younger than lawful school age;
  - (d) Facilities operated for more than four hours a day in connection with a shopping center or service or other similar facility, where the same children are cared for less than four hours a day and not on a regular basis while parents or custodians of the children are occupied on the premises or are in the immediate vicinity and immediately available; however, these facilities must meet local fire and sanitation requirements and maintain documentation of these requirements on file at the facility available for public inspection;

***POLICY: Public schools operating for more than 4 hours a day and receiving children younger than lawful school age, upon their choice, may be given a license or approval. If facility receives First Steps funds, it must be regulated by the Department. (SEE LETTER DATED SEPTEMBER 1, 2001 IN RESOURCE MANUAL, SECTION 1.) (1/31/06)***

- (e) School vacation or school holiday day camps for children operating in distinct sessions running less than three weeks per session, unless the day camp permits children to enroll in successive sessions so that their total attendance may exceed three consecutive weeks;

***POLICY: School vacation is defined as teacher work days or teacher in-service days and summer vacation. School holiday is defined as day(s) students do not attend school due to a state, federal, or religious holiday. (1/31/06)***

- (f) Summer resident camps for children;
- (g) Bible schools normally conducted during vacation periods;
- (h) Facilities for the mentally retarded provided in Chapter 21, Title 44;
- (i) Facilities for the mentally ill as provided for in Chapter 17, Title 44; and
- (j) Child care centers owned and operated by a local church congregation or an established religious denomination or a religious college or university which does not receive state or federal financial assistance for child care services; however, these facilities must comply with the provisions of Sections 63-13-1010 through 63-13-110 and that these facilities voluntarily may elect to

become licensed according to the process as set forth in Sections 63-13-20 through 63-13-440 and Sections 63-13-180 through 63-13-170.

- 114-510 C. Access to and within the group child care home, and physical site accommodations and equipment, shall be provided for children with disabilities to meet their health and safety needs in accordance with applicable state and federal laws.

### **114-511. DEFINITIONS**

- 114-511 A. Terms used in South Carolina Regulations, Chapter 114, Article 5, Part A, shall be all definitions cited in Section 63-13-20 et seq., Code of Laws of South Carolina in addition to the definitions that follow:

- 114-511 A. (1) Applicant: A person 21 years of age or older, who has completed, signed and submitted a Department of Social Services application form and other requirements to the Department in order to obtain a group child care license.
- (2) Blood-Borne Pathogens: Pathogenic microorganisms that are present in human blood that can cause disease in humans. These pathogens include, but are not limited to, hepatitis B virus (HBV) and human immunodeficiency virus (HIV).
- (3) Central Registry of Child Abuse and Neglect: An automated, computerized listing, maintained by the Department of Social Services containing the names(s), address(es), birth date(s), identifying characteristics and other information about individual(s) who have been listed on the registry due to the determination of perpetrating abuse or neglect upon a child.
- (4) Child: An individual, from birth through 15 years of age (chronologically), receiving care in a child care facility; or up to 18 years of age if the child qualifies as special needs.
- (5) Complaint: Statement(s) reporting unsatisfactory conditions in a child care facility.
- (6) Complete Application: An application is complete on the date of receipt of the last document required by the Department in order to issue a license.
- (7) Department: Refers to the Department of Social Services.

**POLICY: Department of Social Services refers specifically to DSS Child Care Licensing and Regulatory Services. (1/31/06)**

- (8) Emergency Person: An individual 18 years of age or older, not regularly employed by the group child care home who is immediately available to serve as staff in emergency situations. This person shall meet all requirements of an employed teacher/caregiver, with the exception of training.
- (9) Group Child Care Home: A residence occupied by the operator in which he/she regularly provide child care for at least seven but not more than twelve children, unattended by a parent or a legal guardian including those children living in the home and children received for child care who are related to the resident teacher/caregiver. However, an occupied residence in which child care is provided only for a child or children related to the resident teacher/caregiver or only for the child or children of one unrelated family or only for a combination of these children is not a group child care home.
- (10) Infant: A child under 12 months of age.
- (11) License: A written notice issued by the Department to a private facility approving the commencement of operations of a group child care home.
- (12) Lifeguard: A person having the qualifications of and possessing a current American Red Cross, YMCA, or equivalent Lifeguard Certificate, current First Aid Certificate and current CPR (which includes adult, child, and infant) Certificate.
- (13) Operator: The person held legally responsible for the group child care home operation.

- (14)Parent: The biological or adoptive mother or father, the legal guardian of the child or the individual agency with custody of the child.
- (15)Preschool Child: A child 3 or 4 years of age or older but not yet eligible for public kindergarten.
- (16)Provisional License: A license issued by the Department to an operator when the operator is temporarily unable to comply with all the requirements for a license.
- (17)Regular License: A license issued by the Department for two years to a operator showing that the licensee is in compliance with the regulations of the Department at the time of issuance and authorizing the licensee to operate in accordance with the regulations of the Department.
- (18)Renewal: To grant an extension of a regular registration.
- (19)Revocation: To void the regular license of a child care facility.
- (20)School-Aged Child: A child at least old enough to enroll in public kindergarten.
- (21)Sex Offender Registry: A statewide computerized listing of names and other identifying information on convicted sex offenders maintained and updated by the State Law Enforcement Division (SLED) and authorized by Section 23-3-400 et. Seq., Code of Laws of South Carolina, 1976, as amended.
- (22)Staff: Full-time and part-time management, administrative, teaching/caregiving, program, maintenance, food service and service personnel; emergency and substitute personnel; supervised students; supervised student teachers and supervised volunteers.
- (23)Supervision: Care provided to an individual child or a group of children. Adequate supervision requires staff awareness of and responsibility for the ongoing activity of each child, knowledge of activity requirements and children's needs and accountability for their care. Adequate supervision also requires the operator, and/or staff being near and having ready access to children in order to intervene when needed. Supervision requires adequate staff to meet staff:child ratios, being in the room at all times or on the playground at all times when children are present.

**POLICY: Professional support services personnel, including but not limited to therapists, early interventionists, tutors, and contractors must be under the supervision of qualified staff members at all times while they are providing on-site services to children.**

- (24)Teacher/Caregiver: Any persons whose duties include direct care, supervision and guidance of children in a child care facility.
- (25)Toddler: A child 12 months of age or older, but younger than 24 months of age.
- (26)Training: Participation by child care home staff, in workshops, conferences, educational or provider associations, formal schooling, in-service training, or planned learning opportunities provided by qualified individuals. Training shall be age appropriate for the child population served by the group child care home and in such subject areas related to: child care, child growth and development and/or early childhood education, nutrition, infection control/communicable disease management and causes, health and safety, signs and treatment of child abuse and/or neglect and shall include alternatives to corporal punishment. Training for operators may also be in areas related to supervision of child care staff or program administration.
- (27)Two-year olds: A child 24 months of age or older but younger than three years of age.
- (28)Volunteer: An individual parent, grandparent, other professional or skilled individual artist or crafts person at least 16 years of age infrequently assisting with the daily activities for children in a child care center who provides services without compensation and who is supervised by staff at all times when providing direct care to children. An individual meeting this definition is not required to

undergo a fingerprint background check or health screening and is not counted in staff:child ratios.

## **Liability Insurance**

### **SC Statute 63-13-210.(A)(B)**

**Notice to parents that childcare business does not carry liability insurance.**

**(A) An owner or operator of a childcare center, group childcare home, or family childcare home, as defined by Section 63-13-20, who does not carry liability insurance for the operation of his childcare business, shall, by no later than January 1, 2009, obtain signed statements from the custodial parent or parents or guardian or guardians of each child currently enrolled in the childcare center, group childcare home, or family childcare home indicating that the parent or parents or guardian or guardians have received notice that the childcare center, group childcare home, or family childcare home does not carry liability insurance for the operation of its childcare business. The owner or operator of a childcare center, group childcare home, or family childcare home must maintain a file of these signed statements at the home during the period of time a child is enrolled. For new enrollees to a childcare center, group childcare home, or family childcare home, the owner or operator must provide the parent or parents or guardian or guardians of a new enrollee with this information at the time of enrollment, obtain a signed statement from each parent or guardian at the time of enrollment, and maintain these signed statements at the home during the period of time a child is enrolled.**

**(B) If an owner or operator of a childcare center, group childcare home, or family childcare home, as defined by Section 63-13-20, has liability insurance for the operation of his childcare business that lapses or is canceled and not reinstated or replaced, the owner or operator shall obtain and maintain statements in accordance with subsection (A) from the custodial parent or parents or guardian or guardians of each child enrolled in the childcare center, group childcare home, or family childcare home no later than thirty days after the liability insurance lapses or is canceled.**

***POLICY: All child care facilities shall be asked to provide proof of liability insurance. If a facility does not have insurance coverage, they shall be informed of the requirement to give proper notification to parents of enrolled children. A review of the records shall be scheduled for thirty days from the date the facility was informed of the requirement in order to verify that the facility has either obtained liability insurance or given proper notice to parents. (1/29/09)***

## **114-512. PROCEDURES**

### **114-512 A. Licensing**

114-512 A. (1) Any person, corporation, partnership, voluntary association, or other organization, whether private or public, may secure information about the licensing/approval process by contacting staff of the State or Regional Child Care Licensing Office.

**POLICY: Any new prospective child care provider will be offered a formal orientation session by Child Care Licensing and Regulatory Services. This session will be consistent throughout the state and shall include instructions on zoning. SEE RESOURCE MANUAL SECTION 3 FOR PROVIDER ORIENTATION INSTRUCTION BOOKLET. (1/31/06)**

114-512 A. (2) An application for a license shall be completed on appropriate Department forms and shall be signed by the operator. The Department representative shall provide the applicant with the required number of forms, a copy of current group child care home regulations, a copy of Section 63-13-20 et seq., Code of Laws of South Carolina (1976), and a copy of Sections of the Children's Code related to child abuse and neglect with an explanation of procedures and information required by the Department. The Department representative shall request in writing that health and fire officials make inspections of the home.

### **PROCEDURE: NEW FACILITIES**

#### **Prior to the Inspection**

1. Applicant receives packet at orientation or by mail
2. Applicant submits completed application, fire and DHEC inspection requests, and zoning approval
3. Information regarding applicant is entered into the DSS system
4. The Regulatory Specialist submits the fire inspection request via Internet and DHEC inspection request via courier (with \$60 check)
5. Upon receipt of the completed fire and DHEC inspections, schedule provisional evaluation with the provider.

#### **During the Inspection for the PROVISIONAL EVALUATION OF ORIGINAL STUDY**

1. Collect the following:
  - Information on the director and two qualified caregivers
  - Three letters of reference for the director
  - Facility policies
  - Staff list
  - DSS Form 2924 for all employees with appropriate payment
  - Copies of CPR/First Aid certifications
2. Obtain director's signature on required paperwork; ensure all forms are completed correctly
3. Ensure that fingerprint cards have been mailed to DSS Office of Investigations
4. Complete DSS Form 2910A with the Director
5. Regulatory Specialist makes measurements of facility and playground, if applicable; to determine capacity. Count number of toilets and sinks with hot and cold running water
6. If facility has pending deficiencies, leave a copy of the DSS Form 2942 with director noting such deficiencies

#### **Following the Inspection**

1. Contact references and verify director's qualifications.
2. Complete Calform (measurement calculation form) to determine the number of children allowed on the license
3. Complete Supervisory Review Checklist, attach cover sheet, and submit file to supervisor with recommendation for Provisional License
4. The Regional Supervisor will issue a License, the License is printed and mailed to provider. A copy is placed in file. Document the date the License was sent to the provider in the dictation section of the file.

5. **Once Provisional License is received, facility may begin to operate. The Regulatory Specialist will schedule visit to complete Full Evaluation Study.**

**During the Inspection visit for a FULL EVALUATION OF ORIGINAL STUDY**

1. **Conduct visit to the facility to initiate the Full Evaluation Study.**
2. **Obtain new staff list and children's list. Verify compliance on all new staff and on children's files by reviewing records.**
3. **Obtain required documents and forms for DSS file, as indicated in the Application Review Checklist.**
4. **Verify cited deficiencies from Provisional Study are corrected, if necessary. Observe ratios during inspection of facility**
5. **Complete DSS Form 2910B with the Director**
6. **Inspect facility and outdoor playground area. If deficiencies exist, complete DSS Form 2942 and follow up as needed.**

**After the Inspection Visit for a FULL EVALUATION OF ORIGINAL STUDY**

1. **Complete Supervisory Review Checklist, attach cover sheet, and submit file to supervisor with recommendation for Regular License.**
  - **If deficiencies cited, enter deficiencies on Deficiency Form and submit to supervisor with recommendation for Provisional License.**
  - **Once the deficiencies have been corrected, submit a request to amend the license to a regular status.**
  - **If no deficiencies, submit information to supervisor with recommendation for Regular License**
2. **The License is printed and mailed to provider; a copy of License is placed in file. Document the date the License was sent to the provider in the dictation section of the file.**

114-512 A. (3) After giving the applicant at least two working days notice, Department staff shall arrange a licensing/approval study during an on-site visit to the proposed facility for determining compliance with applicable regulations.

114-512 A. (4) Health and fire officials shall inspect the group child care home to determine compliance with appropriate regulations and shall put in writing on appropriate forms the results of their inspections.

114-512 A. (5) The Department shall review the completed application form, completed licensing inspection report, completed health and fire inspection reports, current child abuse and criminal history background records checks, written policies and other information specified by the Department to make a determination of issuance or non-issuance of a license and shall take one of the following actions:

***POLICY: An individual or individuals may possess more than one regulatory permit, provided that they are in compliance with the requirements for each type of permit. For instance, a Family Child Care Home operator may have a license to operate one or more Child Care Centers but may not have a registration for a second Family Child Care Home or a license for a Group Child Care Home 7/30/09.***

***POLICY: Although regulations for group child care homes do not require criminal background checks for family members, knowledge of a criminal history obtained as a result of fingerprint background checks performed by DSS or information conveyed by law enforcement will prevent continuing operation or the renewal of the license to operate a child care facility in the home. (4/01/08)***

**POLICY: If the background checks reveal a conviction which would prohibit the owner/director from the operation of a Group Child Care Home, the Group Child Care Home must close and forfeit its license. (1/09/08)**

**POLICY: A license will not be issued to a new group child care home without a clear fire inspection report (no deficiencies) unless there is an exception that the Fire Marshal has indicated on the report which gives the group child care home approval to occupy. (11/1/06)**

**PROCEDURE: NEW GROUP CHILD CARE HOME**

1. Fire inspection report received by Regulatory Specialist and reviewed.
2. If no deficiencies, proceed with licensing process.
3. If deficiencies cited, a license will not be issued until all deficiencies are cleared.
4. Upon receipt of clear fire inspection report, Regulatory Specialist will proceed with licensing process.

**EXISTING GROUP CHILD CARE HOME**

1. Fire inspection report received by Regulatory Specialist and reviewed.
2. If no deficiencies, proceed with renewal process.
3. If deficiencies cited, a provisional license may be issued which allows correction of deficiencies within the timeframe stated by the Fire Marshal.
4. Upon receipt of a clear fire inspection report, Regulatory Specialist will request a regular license. (11/1/06)

- (a) Issue a regular license if all the provisions of the regulations and statute for the operation of a group child care home have been met;
- (b) Issue a provisional license with an accompanying correction notice if one or more violations have been cited which do not seriously threaten the health, safety or well-being of children; or
- (c) Deny the issuance of a license if one or more violations seriously threaten the health, safety, or well being of the children.

**POLICY: Prior to the original license being issued, there must be at least one staff person who is certified in pediatric first aid/CPR. (1/31/06)**

114-512 A. (6) Failure of Department staff, except as provided by statute, to approve or deny any complete application within ninety days shall result in the granting of a provisional license.

**POLICY: Staff shall process all paperwork and issue the license within 90 days of receiving the last required paperwork. If processing exceeds 90 days, the license must be issued by default, as per statute. (1/31/06)**

114-512 A. (7) If a license is issued, the Department staff shall mail the license directly to the operator.

114-512 A. (8) The license shall state clearly the name of the operator, the address and type of child care facility, the date on which the license was issued and will expire, and the maximum number of children to be present in the group child care home at any one time.

- 114-512 A. (9) Department staff shall notify the operator as follows if a provisional license is issued or an application for a license is denied:
- (a) If a provisional license is issued, the Department shall notify the operator in writing of violations to be corrected. The violations shall be cited by regulation number and shall include a form issued by the Department for the operator to complete a written plan to correct each violation as approved by the Department; or
  - (b) If a license is denied, the Department shall give the applicant written notice by certified mail indicating the reason(s) for the denial or suspension and inform the operator of the right to appeal the decision through administrative channels to the Department and according to established appeals procedure for the Department. Upon appeal, the decision of the Department is final unless appealed by a party pursuant to an Administrative Law Judge.
- 114-512 A. (10) If a group child care home is found to be in operation after the Department has denied the application for the license and the administrative appeal/review procedure has been completed, the Department shall notify the Department's Office of General Counsel.

#### **114-512 B. Provisions of the license**

- 114-512 B. (1) A regular license issued by the Department to the group child care home shall be valid for two years from date of issuance, unless revoked by the Department or voluntarily surrendered by the operator; provided however, that a change in location, ownership or sponsorship of the group child care home shall automatically void the license.

**POLICY: When a child care provider notifies the Office of Child Care Licensing that the facility is closing, a written response should immediately be sent to the provider requesting the return of the permit no later than ten (10) days after the stated date of closure. (1/29/09)**

- 114-512 B. (2) A provisional license issued by the Department to a group child care home shall be issued for a period within which the deficiencies shall be corrected, and within the conditions permitted by statute.
- 114-512 B. (3) A provisional license shall be amended from a provisional to a regular license when all deficiencies have been verified as corrected.
- 114-512 B. (4) An application for a license may be denied or the license may be revoked by the Department if the operator and any staff member, volunteer(s) or emergency person(s) has been determined to have abused or neglected any child as defined in Section 63-7-20(2), S.C. Code of Laws, 1976 as amended.

#### **SC Statute 63-13-450.**

#### **Deficiency correction notices; private centers and homes.**

Whenever the department finds upon inspection that a private childcare center or group childcare home is not complying with any applicable licensing regulations, the department shall notify the operator to correct these deficiencies.

- a. Every correction notice must be in writing and must include a statement of the deficiencies found, the period within which the deficiencies must be corrected and the provision of the subarticle and regulations relied upon.**

The period must be reasonable and, except when the department finds an emergency dangerous to the health or safety of children, not less than thirty days from the receipt of the notice.

- b. Within two weeks of receipt of the notice, the operator of the facility may file a written request with the department for administrative reconsideration of the notice or any portion of the notice.
- c. The department shall grant or deny a written request within seven days of filing and shall notify the operator of the grant or denial.
- d. In the event that the operator of the facility fails to correct deficiencies within the period prescribed, the department may revoke the license.

***POLICY: The degree of severity or the type of deficiency will determine the number of times a deficiency should be cited. Before placing repeat deficiencies in the Child Care Licensing system, the Region Supervisor or Central Office should be consulted. (1/29/09)***

#### **114-512 C. Inspection and consultation**

- 114-512 C. (1) Department staff may visit and inspect a group child care home at anytime during the hours of operation without prior notice to verify regulatory compliance.

***POLICY: A child care facility may be closed with no staff present if all children are on a field trip. New children may be enrolled while the facility is closed due to a field trip, but they may not remain at the facility unless at least two qualified staff members are present. When any children are in care at the facility, the facility cannot be closed, two qualified staff members must be present, and access cannot be denied to Department staff.(1/29/09)***

***PROCEDURE: INSPECTION (Supervisory Visit) – Two unannounced inspections (Supervisory Visits) are required for each facility every year (except registered FCCH's).***

#### **Prior to the Inspection**

1. **Suggestions for preparing for the inspection (Supervisory Visit):**
  - Plan all visits for a six (6) month period of time taking location of the facilities into account. Note the tentative inspection (Supervisory Visit) dates on a calendar.
  - Keep a copy of all forms GCCH may need, the regulations, and the Operating Manual in the vehicle.
  - Assemble the following paperwork and fill in as much information as possible prior to entering the GCCH:
    - The case file
    - The appropriate “Supervisory Visit Form” (i.e., for a Center, Group, or Church)
    - Multiple DSS Forms #2942
    - Any new forms or new information of which directors need to become aware.
  - Review any previous visits (i.e., renewal, inspection (Supervisory Visit, complaint, etc.) made to the GCCH and make note of any outstanding deficiencies that must be checked.

#### **During the Inspection**

1. **Identify yourself and the purpose of your visit.**

2. Ask for the director or the person in charge.
3. Begin your inspection using the following recommendations:
  - Locate or ask for the method used for keeping track of children during operating hours.
  - Verify that at least one person is on the premises with current CPR and First Aid training.
  - Enter each area of the GCCH by introducing yourself and asking for each caregiver's name.
  - Verify the ages of the children present and count the number of children to check compliance with ratios.
  - Verify that each classroom has the ratio chart posted.
  - Complete a general scan of the room to find immediately noticeable problem areas.
  - Circle the room looking at the ceilings, floors, walls, furniture, etc.
  - Document deficiencies on DSS Form 2942 which will be discussed with the director during the exit interview.
  - Allow for reasonable on-site corrections (e.g., locking a cabinet that contains cleaning supplies). Cite all paperwork, ratio, and supervision deficiencies regardless of immediate correction and document correction on the DSS Form 2942.
4. Repeat the above procedure for each area of the GCCH including the playground.
5. After all areas of the GCCH have been inspected, conduct exit interview with the director or the person in charge.
6. Collect and review any required paperwork for staff who were not present during the last renewal and any other paperwork as needed.
7. Discuss any new forms or new information of which director needs to be aware.
8. Ask the director to sign and date the DSS Forms #2942, if necessary.

#### After the Inspection

1. Use the activity sheet in the case file to document that an inspection has been made, and state whether deficiencies have or have not been found.
2. File paperwork in the supervisory visit section if no deficiencies have been found.
3. If deficiencies exist, the deficiency letter is produced, reviewed by the supervisor and mailed to the provider within ten (10) business days of the inspection (Supervisory Visit).

#### Follow Up

1. Make unannounced visit to verify that deficiencies have been corrected within the specified time frame as stated on the deficiency letter.

***POLICY: If at any time a situation poses imminent danger to a child, the Department will address the results in writing within two business days of receipt of the citation. (11/1/06)***

#### **PROCEDURE: DEFICIENCIES POSING IMMINENT DANGER TO A CHILD**

**If at any time, including during the renewal process, a deficiency is cited (i.e., Fire Marshal, DHEC, etc.) that poses imminent danger to a child:**

1. Regulatory staff will send a deficiency letter to the operator designating a timeframe for correction as well as consequences of non-compliance.
2. Regulatory staff will coordinate with the appropriate inspector to verify compliance.
3. Refer to Negative Action procedures if still out of compliance. (11/1/06)

114-512 C. (2) Department staff shall provide at least two working days notice to the operator prior to conducting an initial or renewal inspection.

114-512 C. (3) The operator and staff shall cooperate with the investigation and related inspections by providing access to the physical plant, records, excluding financial records, and staff.

114-512 C. (4) The Department has the right to interview staff and parents relating to regulatory compliance.

***POLICY: Parents shall be interviewed cautiously with supervisory oversight, and a written statement may be requested from parents and/or staff. All efforts shall be made to prevent the appearance of bias by Department staff. (1/31/06)***

114-512 C. (5) Upon receipt of a regulatory complaint, the Department shall conduct an unannounced inspection of the home to investigate the complaint. If the complaint is written, the Department shall provide a copy to the operator upon request.

***POLICY: Requests for any documents or information contained in Child Care Licensing and Regulatory Services' records shall be made in accordance with the Department of Social Services' agency policy for release of information. (Administration and Program Support Policy and Procedure Manual, p. 15) (See Resource Manual) (8/25/08)***

#### **PROCEDURE: FOIA REQUESTS**

**If an individual tells an employee that s/he wishes to make a FOIA (Freedom of Information Act) request, advise the individual to put the request in writing. FOIA requests must be in writing. DSS has 15 working days from the receipt of the request to respond. Any employee receiving a FOIA request from an individual or entity other than the media must send the request letter or memo to the Office of General Counsel immediately. FOIA requests from the media must be sent to the Office of Public Affairs immediately. (08/25/08)**

***POLICY: Regulatory, accurate complaints received from some professionals who are affiliated with regulating child care facilities are founded as long as the complaint is not of a personal nature. A follow-up visit will be made in order to ensure the facility has corrected the deficiencies stated in the complaint. Such allied professionals include but are not limited to the following: Fire Marshals, Law Enforcement, ABC, DHEC and DSS employees other than Regulatory Services. (4/1/08)***

- (1) ***After the complaint is received by the Region office and recorded in the Child Care Licensing system, a follow-up visit will be made in order to ensure the facility has corrected the deficiencies stated in the complaint. The facility director shall be informed at that time that the complaint is founded even if the deficiency has been corrected.***

- (2) Upon verification of correction of the deficiencies, an entry will be made in the Child Care Licensing system that states the complaint was founded but deficiencies were corrected. (Revised 4/1/08 policy 1/29/09)**

**PROCEDURE: REGULATORY COMPLAINTS/INVESTIGATIONS**

- 1. Complaint is received by phone, in writing, or in person**
  - If the complaint is received in writing, attach a copy of the document to the DSS Form 2929
- 2. Identify the facility and determine if it is an illegal operation or a regulated facility**
  - If illegal operation, follow procedure for illegal operation
- 3. Indicate if the complainant wishes to remain anonymous or complete the contact information for the complainant**
- 4. Complete DSS Form 2929 and assemble as much information as possible**
  - Determine if the complaint is regulatory. If the complaint is regulatory, continue following the procedures as outlined.
  - If it is not, explain that the Department does not make visits on non-regulatory matters, such as financial or personal concerns (termination of staff, daily rates, etc.)
- 5. Make referrals to OHAN (see OHAN procedures), DHEC, Fire Marshal, etc. as necessary.**
- 6. The Regulatory Specialist must make an unannounced visit within 5 (business) days of receipt of a regulatory complaint unless complaint is in reference to an illegal operation. If complaint is an illegal operation, Regulatory Specialist must then follow illegal operation procedures.**
  - Complaints involving a potentially serious risk should receive immediate attention.
    - If there is the possibility of a potentially serious risk, staff with supervisor immediately.
    - Make the unannounced visit within the time frame discussed in the staffing.
  - Explain to the operator/director the purpose of the visit.
- 7. Document findings on DSS Form 2929.**
  - Conduct exit interview with the director or operator. Discuss findings and other deficiencies, if any.
- 8. If deficiencies are cited, complete DSS Form 2942**
  - Obtain director's signature on the 2942 and leave a copy with the director.
- 9. Make follow up visit to verify compliance**
- 10. Enter all founded complaints on website**

114-512 C. (6) The operator may request consultation from the Department. Department staff shall provide technical assistance to the operator as requested.

**114-512 D. Reasons for license denial, revocation, or non-renewal**

114-512 D. (1) A license may be denied, revoked or not renewed by the Department if the operator or teacher/caregiver has been determined to have abused or neglected any child as defined in Section 63-7-20(2), S.C. Code of Laws, 1976 as amended.

114-512 D. (2) A license may be denied, revoked or non-renewed by the Department if cited deficiencies threaten serious harm to the health and/or safety of the children.

**POLICY: Regional Office and Central Office will jointly staff cases to determine if revocation or denial is appropriate. (1/31/06)**

**PROCEDURE: NEGATIVE SANCTIONS (Also refer to Chapter 15 – Negative Action Procedure)**

The Department has the authority to initiate negative sanctions. Negative sanctions include the denial of any application or the revocation, suspension or withdrawal of a license or registration. Written notification will be sent by certified mail to the Applicant, Director or Operator outlining reasons for the proposed action.

1. Upon receipt of the Return Receipt Card (green card) in the Regional Office, the Regulatory Specialist will document in the activity log the date the certified letter was received.

The Applicant, Director or Operator has the right to request, in writing, an appeal within 30 days after receipt of the notice of denying the application or suspending or withdrawing the license or registration. Persons can also request a review meeting to discuss denials, withdrawals or revocations.

2. The Regulatory Specialist will note on his/her calendar 30 days from the date the written notification was received to verify closure or appeal request.
3. After 30 days, if no appeal has been requested, the Regulatory Specialist will conduct an unannounced visit to verify closure.

If the GCCH is found to be operating, staff with General Counsel and Central Office to seek an injunction. Regional staff and supervisor should work through the Central Office to arrange time to staff with General Counsel's Office.

If an appeal has been scheduled, document the date in calendar. Staff the case with the Central Office and General Counsel. Then participate in the hearing.

4. During the Appeals Process, the monitoring of the GCCH is at the discretion of the General Counsel. (11/1/06)

114-512 E. Reporting of changes affecting license

- 114-512 E. (1) The operator shall immediately report to the Department when an occurrence takes place that may affect the status of the license including the following:
- (a) Change in operator;
  - (b) Change in location; and
  - (c) Major renovations or alterations to the home.

**POLICY: The above changes should be reported to the Department within 24 hours of the occurrence, unless an emergency situation warrants otherwise. (1/31/06)**

## 114-512 F. License renewal

- 114-512 F. (1) One hundred and twenty (120) days prior to the expiration date of the current license, Department staff shall notify the operator in writing of the time and requirements for renewal and shall request health and fire inspections.

**PROCEDURE: Renewals -- Renewals are required every two (2) years for all facilities except registered FCCH's. Renewals for registered FCCH's are required every year and do not require the same procedure as follows.**

**Prior to the Renewal**

1. **Suggestions for preparing for the renewal:**
  - Plan and conduct an inspection (supervisory visit) of the facility four to six (4-6) months prior to the expiration date for that facility's ALR. At this time, mail or deliver a renewal packet to the director and ask the director to sign the letter acknowledging receipt of letter. Inform the director/operator that h/she is to submit requests for fire and DHEC inspections (with a check for \$60) at least 120 days prior to the expiration date of their ALR.
  - Follow up with the facility to make sure requests for fire and DHEC inspections have been made in the appropriate time frame. (If they have not been made in the appropriate time frame, send the facility a deficiency letter. **NOTE:** Use this on a case-by-case basis.)
  - Keep a copy of all forms facilities may need, the regulations, and the Operating Manual in the vehicle.
  - Schedule a date for the renewal that is at least three (3) months prior to the expiration of the facility's ALR.
  - Remind the director of the scheduled renewal at least two (2) business days prior to their renewal date.
  - Assemble the following paperwork and fill in as much information as possible prior to entering the facility:
    - The case file
    - The appropriate "Application Review Checklist"
    - The appropriate "Renewal Study" form (DSS Form #2912)
    - Multiple DSS Forms #2924
    - Any new forms or new information of which directors need to become aware.
  - Review any previous visits (i.e., inspections (supervisory visits), complaints, etc.) made to the facility and make note of any outstanding deficiencies that must be checked.

**During the Renewal**

1. **Identify yourself and the state the purpose of your visit.**
2. **Ask for the director.**
3. **Begin by walking through the facility using the following recommendations:**
  - **Locate or ask for the method used for keeping track of children during operating hours.**
  - **Verify that at least one person is on the premises with current CPR and First Aid training.**
  - **Enter each area of facility by introducing yourself and asking for each caregiver's name.**

- Verify the ages of the children present and count the number of children to check compliance with ratios.
  - Verify that each classroom has the ratio chart posted.
  - Complete a general scan of the room to find immediately noticeable problem areas.
  - Circle the room looking at the ceilings, floors, walls, furniture, etc.
  - Document any deficiencies on DSS Form 2942 which will be discussed with the director during the exit interview.
  - Allow for reasonable on-site corrections (e.g., locking a cabinet that contains cleaning supplies). Cite all paperwork, ratio, and supervision deficiencies regardless of immediate correction and document correction on the DSS Form 2942.
4. Repeat the above procedure for each area of the facility including the playground.
  5. After all areas of the facility have been inspected, conduct exit interview with the director or person in charge.
  6. Collect and review required paperwork for all new staff. Document any paperwork deficiencies.
  7. Review the “Renewal Study” form (DSS Form #2912) with the director.
  8. Discuss any new forms or new information of which director needs to be aware.
  9. Ask the director to sign and date the DSS Forms #2942, if necessary.

#### After the Renewal

1. Use the activity sheet in the case file to document that a renewal visit has been made and state whether deficiencies have or have not been found.
2. The Supervisor reviews the “Supervisory Review Check Sheet” (DSS Form 2935)
3. Submit a request to renew the ALR if no deficiencies have been found. Document the date the license was sent to the provider in the dictation section of the file.

**Note:** If deficiencies exist, a deficiency letter can be produced, reviewed by the supervisor and mailed to the provider within ten (10) business days of the renewal.

#### Follow Up

1. Make unannounced visit to verify that deficiencies have been corrected within the specified time frame as stated on the deficiency letter and submit a request to renew the ALR.
2. Repeat an inspection if deficiencies have not been corrected.
3. If deficiencies will not be corrected by the expiration date of the ALR and it is reasonable to do so, submit paperwork requesting a provisional ALR and follow up to upgrade the provisional ALR to a regular ALR in a timely manner.

114-512 F. (2) The same Department actions cited in 114-512 A. (2-10), above are applicable to the renewal process, except that the Department shall initiate the license renewal process one hundred and twenty (120) days in advance.

***POLICY: If at any time a citation poses imminent danger to a child, the Department will address the results in writing within two business days of receipt of the citation. (11/1/06)***

### **114-513. MANAGEMENT, ADMINISTRATION, AND STAFFING**

#### **114-513 A. Display of license/approval**

114-513 A. (1) The group child care home shall display the current license, as well as any violations in a prominent place in the group child care home. The back of the license shall be displayed if deficiencies are listed.

114-513 A. (2) When advertising or issuing other public notifications of the service provided, the official license number issued by the Department shall be included.

#### **114-513 B. Capacity**

114-513 B. (1) No group child care home shall have present at any one time children in excess of the number for which it is licensed.

***POLICY: The operator shall supervise the care of up to a total of 12 children, including the operator's own children under the age of 12. (6/1/07)***

***POLICY: When a special event or program is being held at the facility and parents are present, the number of children present may exceed the number for which the group child care home is licensed. (1/31/06)***

***POLICY: Within a six-month period, when there have been three separate supervision/ratio citations and/or citations for exceeding the number of children allowed on a license, a conference will be held with the operator. A corrective action plan shall be written that states the consequences of another violation within a probationary period (as determined by the corrective action plan). The corrective action plan shall contain language that states another violation will affect the status of the license. (1/31/06)***

#### **114-513 C. Child abuse**

114-513 C. (1) The group child care home shall immediately report suspected child abuse or child neglect to the Department's Office of Child Protective and Preventive Services or to local law enforcement in accordance with South Carolina Code Annotated Section 63-3-310.

### **PROCEDURE: ABUSE AND NEGLECT COMPLAINTS/INVESTIGATIONS**

#### **1. Receipt of a Complaint**

- a. When a complainant calls the regional office to make a complaint, the complainant is informed that he/she is required to report suspected abuse or neglect to OHAN. The regional office will also obtain as much information from the complainant as possible. After gathering information, the Regulatory Specialist should transfer complainant's call to OHAN immediately. The Regulatory Specialist will document actions in the file and follow up

with OHAN immediately thus verifying the complainant reported the information.

- b. When the Central Office receives a complaint document from OHAN regarding abuse or neglect, the Central Office will forward the information to the appropriate Regional Office.
2. If a complaint is accepted by OHAN, a CPS Investigation Summary Form (DSS Form 3021) must be completed in addition to DSS Form 2929 and placed in the complaint section of the file.
  3. The Regulatory Specialist should inform the Regional Supervisor regarding the complaint.
  4. The Regulatory Specialist must make an unannounced visit to verify regulatory compliance within 5 (business) days of receipt of a complaint unless OHAN suggests otherwise. (If complaint is an illegal operation, the Regulatory Specialist must then follow illegal operation procedures.)
    - Explain to the operator/director the purpose of the visit
    - Conduct exit interview with the operator/director and discuss findings and other deficiencies, if any.
  5. Document findings on DSS Form 2929
  6. If any deficiencies were cited, complete DSS Form 2942.
    - Obtain Director's signature on 2942 and leave copy with director.
  7. Make follow up visit to verify compliance.
  8. Enter all founded complaints on website.
- 114-513 D. (2) The director and staff shall cooperate with Department staff during an investigation of child abuse or neglect. Cooperation shall include the following:
- (a) Participate in informational conferences with Child Protective and Preventive Services staff;
  - (b) Release records as appropriate, of children and staff upon request; and
  - (c) Allow access to the group child care home premises for inspection and investigation of the child abuse allegation by the Department and other officials as permitted by statute.

#### **114-513 D. Reporting of incidents**

- 114-513 D. (1) The operator shall report the following incidents to the parents/guardians immediately and provide written notification to the Department within 48 hours after the occurrence:
- (a) Accidents or injuries involving any child occurring at the group child care home requiring professional medical treatment, and
  - (b) Child or staff occurrences of communicable diseases that the Department of Health and Environmental Control (DHEC) requires to be reported in its School Exclusion List. **(SEE SCHOOL EXCLUSION LIST IN RESOURCE MANUAL SECTION 4.)**

**POLICY: If human breast milk intended for an infant is accidentally fed to another child, the facility shall follow the exposure control plan which is a required element of blood borne pathogens training. The Office of Child Care Licensing and the parents of all involved children must be notified immediately. (7/30/09)**

- 114-513 D. (2) The following incidents shall be reported to the Department immediately:
- (a) A death of a child or staff person that occurs at the group child care home;
  - (b) A child who is missing from the premises or who is left unattended in a vehicle operated by the group child care home;
  - (c) Major structural damage to group child care home;
  - (d) Natural or man-made disasters, including extreme weather conditions, which cause the group child care home to be closed for more than one day of scheduled operation;
  - (e) An occurrence requiring the services of a fire or police department, which affects the health and safety of children;
  - (f) Charges or convictions of crimes against the operator or any staff person;
  - (g) Reports of alleged child abuse involving the operator or any staff person;
- 114-513 D. (3) A follow-up report shall be submitted to the Department as soon as an investigation of the group child care home is completed and corrective action is taken.

**POLICY: The follow-up reports from the group child care home shall include any documents related to the incident including, but not limited to, fire reports, police reports, and any other information related to the incident. The report shall include any new procedures enacted as a means to correct the problem. (1/31/06)**

**POLICY: When the Office of Child Care Licensing gains information that a child care employee has been charged or convicted of a crime but failed to report the incident to Child Care Licensing, a staffing must be held to determine whether or not the incident should be referred to the Division of Investigation for possible notification of the appropriate office of law enforcement. (7/30/09)**

- 114-513 D. (4) Parents should be notified if a legal or health issue occurs which impacts the health and safety of his/her child. This notification should occur at the time of pick-up or on the next day the child is in care.

**POLICY: When operators self-report an incident that has occurred at their group child care home, the Department may offer a correction plan and/or technical assistance and make the proper referral to the appropriate agencies. Subsequent calls from the public or other agencies concerning the same issue shall be handled as a complaint. (5/1/06)**

#### **114-513 E. Death of a child**

- 114-513 E. (1) If the child dies while at the facility, the following shall be done:
- (a) Immediately notify emergency medical personnel, the child's parents, and law enforcement;
  - (b) Immediately notify the licensing agency; and
  - (c) Provide information for children and parents as appropriate.

#### **PROCEDURE: DEATH OF A CHILD**

- 1. Document notification of death of a child.**
- 2. Notify supervisor and/or Central Office.**

3. Refer to OHAN.
4. Fax copy of documentation to Central Office to Director of Child Care Regulatory Services. Director will notify legal office as well as Office of Constituent Services.
5. If notification received as a complaint, complete complaint form.
6. If notification received from provider, request written documentation.
7. Fax copy of documentation to Central Office.
8. Make unannounced visit within 24 hours to home or facility where death occurred.
  - A. Illegal operation – Refer to illegal operation procedures.
  - B. Registered or Licensed Family Child Care Home, Group Child Care Home, or Child Care Center
    - i. Interview to secure information surrounding death;
    - ii. Verify regulatory compliance.
9. Issue citation letter regarding any deficiencies.
10. Follow up as needed. (11/1/06)

#### 114-513 F. Parent access and communication

114-513 F. (1) The operator shall permit the parent of a child in care free and full access to his or her child without prior notice, while their child is receiving care, unless there is a court order limiting parental access. This free access must not disrupt instructional activities and classroom routines.

***POLICY: If a parent/guardian arrives at the group child care home and the door is locked, someone from the group child care home must be readily available to open the door to allow the parent/guardian to enter. (1/31/06)***

114-513 F. (2) The operator shall develop a policy for the release of children, which includes a security system to prevent the inappropriate release of a child to an unauthorized person. This policy shall be communicated with the parent upon admission

***POLICY: Release of children policies shall include a description of how the facility will handle the situation if a parent arrives who is intoxicated or otherwise incapable of taking the child home safely or if a non-custodial parent attempts to claim the child without the consent of the custodial parent. (8/25/08)***

- (3) Parents shall be provided with the following information upon admission:
  - (a) The right of parents to free and full access to their child in accordance with 114-503.F.(1);
  - (b) The policy and procedures on release of children specified in 114-503.F.(2);
  - (c) The program activity schedule for their child's age group and child care area;
  - (d) The parent's responsibility to obtain necessary immunizations and physical examinations for their child;
  - (e) The policy and procedures for the administration of medications; and
  - (f) The policy and practices regarding the discipline and behavior management of children. This statement shall be re-signed if any discipline policy changes are made.

114-513 F. (4) Parents and staff shall sign and date an agreement, maintained on file and updated annually, that both parties have read and understand all policies relating to the operation of the group child care home.

**114-513 G. Child records**

- 114-513 G. (1) The operator shall keep a separate record for each child.
- 114-513 G. (2) The file shall be kept in a confidential manner, but shall be immediately available to the Department, the child's teacher/caregiver, parent, or guardian upon request.
- 114-513 G. (3) Access to records is limited to the above unless requested by court order.
- 114-513 G. (4) Entries in a child's record shall be legible, dated and signed by the individual making the entry.
- 114-513 G. (5) A child's record shall be maintained on file at the group child care home and made available to the Department upon request, and it shall contain the following:
- (a) Child's full legal name, nickname, birth date, date of enrollment, current home address and home telephone number;
  - (b) Full name of both parent(s)/guardian(s), work and home telephone numbers, or telephone number(s) where they can be reached during the time the child is in the center;
  - (c) Name(s), address(es) and telephone number(s) of person(s) who can assume responsibility for the child in an emergency if the parent(s)/guardian(s) cannot be reached;
  - (d) Name, address, and telephone number of family physician or health resource;
  - (e) Name(s), address(es) and verification of identification, such as valid driver's license, other picture identification or personal family code word of person(s) authorized to take the child from the group child care home;
  - (f) Accurate records of daily attendance for each child;
  - (g) Authorization from parent(s)/guardian(s) for child to obtain emergency medical treatment;
  - (h) Authorization from parent(s)/guardian(s) for child to be transported to and from the group child care home during field trips and other activities away from the group child care home;
  - (i) Authorization from parent(s)/guardian(s) for child to participate in swimming activities; and
  - (j) A written statement, signed by the parents, acknowledging their understanding and acceptance of the disciplinary policies of the group child care home.
- 114-513 G. (6) A health record shall be maintained in the group child care home for each child enrolled, and it shall include all of the following information:
- a) A signed statement of the child's health prior to admission to the group child care home on the appropriate DSS form;
  - (b) A current South Carolina certificate of Immunization; and
  - (c) Other health information if deemed necessary by the operator of the group child care home and/or by parent(s)/guardian(s).
- 114-513 G. (7) Emergency information for each child shall be easily and immediately accessible while at the group child care home, during transportation, and during any trips away from the premises, and it shall include the following:
- (a) The full name of both parents/guardian, and updated address, work, home and mobile numbers where they can be reached during the time the child is in the group child care home;

- (b) The name, address, telephone number and relationship of at least two individuals designated by the parents/ guardian to be contacted in an emergency and who have the authority to obtain emergency medical treatment for the child;
- (c) The name, address and telephone number of the child's physician, and the emergency care, medical and dental care provider; and
- (d) Health insurance information.

114-513 G. (8) Emergency information shall be updated by the parent as changes occur.

**114-513 H. Staff records shall include the following:**

- 114-513 H. (1) Names, positions and hours of duty of staff members;
- (2) Written policies that refer to or apply to DSS licensing regulations;
- (3) Three letters of reference for the group child care home operator;
- (4) Criminal history background records check forms for the operator, staff, emergency person(s), and volunteer(s) not meeting the definition at 114-511 A.(28);
- (5) Record of training for operator and staff; and
- (6) Written statements signed by all staff members regarding disciplinary policies of the group child care home.
- (7) The operator shall maintain health records in the group child care home for himself/herself, staff, and emergency person(s) in accordance with 114-515 G.(1)(a) and (b).

**114-513 I. Confidentiality and applicable laws and regulations**

- 114-513 I. (1) The group child care home shall have written policy to safeguard the confidentiality of all records.
- 114-513 I. (2) A child's record, emergency information, photograph and other information about the child or family and information that may identify a child by name or address is confidential and may not be copied, posted on a web site or disclosed to unauthorized persons, without written consent from the child's parent.

***POLICY: No child or other person in a child care facility may be photographed by Child Care Licensing even if the purpose is to document a deficiency. If children are present, and a photograph of the deficiency cannot be taken without including children or staff, written documentation of the deficiency on the On Cite Deficiency Citation form is still sufficient. (1/29/09)***

- 114-513 I. (3) The group child care home shall comply with all applicable federal, state, and local laws, regulations, and ordinances.
- 114-513 I. (4) The group child care home shall make available at least one copy of Section 63-13-20 et seq., Code of Laws of South Carolina, a copy of sections of the Children's Code related to child abuse and neglect and a copy of the current regulations for group child care homes that will be provided by the Department.

**114-513 J. Communication**

- 114-513 J. (1) The group child care home shall have an operable telephone with an outside line that is accessible to staff persons in emergencies.

**POLICY: The outside line must be a land line that is available to the 911 locator service, listed with the telephone operator, and available to the Department. Cell phones are acceptable in addition to the land line. (5/1/06)**

- (2) Emergency telephone numbers for the police, fire department, ambulance service and poison control center shall be posted by each telephone.

#### **114-513 K. Staffing**

##### **114-513 K. (1) Child abuse checks.**

- (a) The operator and staff members shall not have been determined to have committed an act of child abuse or neglect or have been convicted of any crime listed in Chapter 3 of Title 16, Offenses Against the Person, any crime listed in Chapter 15 of Title 16, Offenses Against Morality and Decency or for the Crime of Contributing to the Delinquency of a Minor in Section 16-17-490.
- (b) A check of the South Carolina Central Registry of Child Abuse and Neglect shall be requested by the operator(s) on each staff person, except for volunteers in accordance with the following time lines:
  - (i) For the operator prior to the initial issuance of a regular or provisional license.
  - (ii) For teacher/caregivers, prior to working alone with children.
  - (iii) For all other staff persons (including the emergency person) prior to employment.
  - (iv) For all persons hired by the group child care home at each license renewal.

**POLICY: A check or money order in the appropriate amount shall accompany the request for a check of the SC Central Registry of Child Abuse and Neglect unless the group child care home has been pre-approved for direct billing by the Department. (revised 5/1/06)**

**POLICY: Central Registry check forms are valid for one year from the date they are signed by the staff member. If the employee goes to another facility without a break in service, then the results of the Central Registry checks are valid from the date the results were obtained, or if the staff member remains employed by the facility until the next renewal. (revised 5/1/06)**

**POLICY: Central Registry Check Forms from other South Carolina state agencies are acceptable if they are current within one year. (8/1/06)**

- (c) No group child care home shall employ or retain an individual who has been determined to have committed an act of child abuse or neglect.

##### **114-513 K. (2) Background criminal history checks.**

- (a) To be employed by or to provide teacher/caregiver services at a group child care home, a person shall first undergo a State fingerprint review from the State Law Enforcement Division (SLED).
- (b) A person may be provisionally employed or may provisionally provide teacher/caregiver services after the favorable completion of the state fingerprint review. The Federal Bureau of Investigation (FBI) fingerprints shall be submitted for review within 14 business days upon receiving the SLED results. Upon the completed FBI review, the results will be forwarded to the appropriate Department for distribution.

**POLICY: Convicted felons are prohibited from acting in the capacity of a volunteer even if supervised by qualified staff at all times. (1/29/09)**

**POLICY: The group child care home shall follow current FBI/SLED policies for obtaining state fingerprint reviews. (1/31/06)**

- (c) No group child care home may employ a person, engage the services of, or knowingly allow a person in the child care facility during normal hours of operation who is required to register under the sex offender registry act pursuant to Section 23-3-430 or who has been convicted of:
  - (i) A crime listed in Chapter 3 of Title 16, Offenses Against the Person;
  - (ii) A crime listed in Chapter 15 of Title 16, Offenses Against Morality and Decency;
  - (iii) The crime of contributing to the delinquency of a minor, contained in Section 16-17-490;
  - (iv) The felonies classified A through F in SC Code of Laws Chapter 1 of Title 16 at Section 16-1-10A;
  - (v) The offenses enumerated in Chapter 1 of Title 16 at Section 16-1-10D; or
  - (vi) A criminal offense similar in nature to the crimes listed in this subsection committed in other jurisdictions or under federal law.
- (d) The results of the fingerprint reviews are valid and reviews are not required to be repeated as long as the person remains employed by or continues providing teacher/caregiver services in a child care facility; however, if a person has a break in service of one year or longer, the fingerprint reviews shall be repeated.
- (e) Copies of State and Federal fingerprint results shall be retained in the staff file and available for review by Department staff, upon request.

**POLICY: It is the responsibility of the facility director, operator, or owner to verify whether or not a new caregiver has had a break in service greater than one year. Assistance will be provided to the facility director, operator, or owner if they contact Child Care Licensing to verify information they have been given by the applicant or another child care facility. (1/29/09)**

**114-513 K. (3) Operator and primary caregiver.**

- (a) The operator or primary caregiver shall be responsible for the following:
  - (i)-(vi) See Center Regulation 114-503 K. (3) (a) (i)-(vi)
- 114-513 K. (3) (b) The operator or the primary caregiver shall be physically present on-site during the hours of operation of the group child care home.
- 114-513 K. (3) (c) The operator shall be at least 21 years of age and meet one of the following qualifications:
  - (i) A bachelor's degree or advanced degree from a state-approved college or university in early childhood education, child development, child psychology or a related field that includes at least eighteen credit hours in child development and/or early childhood education;
  - (ii) A bachelor's degree from a state-approved college or university in any subject area, six months experience working with children in a licensed, approved or registered child care facility;
  - (iii) An associate's degree from a state-approved college or university in early childhood education, child development, child psychology or a related field, that includes at least eighteen credit hours in child development and/or early childhood education with six months work experience in a licensed, approved or registered child care facility;

- (iv) A diploma in child development/early childhood education from a state-approved institution or a child development associate (CDA) credential, and one year work experience in a licensed, approved or registered child care facility; or
- (v) A high school diploma or General Educational Development Certificate (GED) with 3 years experience in a licensed, approved or registered child care facility. One year shall include supervision of child care staff. However, a operator or primary caregiver who is prevented from obtaining a high school diploma or GED because of a disability, and who otherwise is qualified to perform the essential functions of the position, must have at least a high school Certificate of Completion and at least six months experience as a teacher/caregiver in a licensed, approved or registered child care facility.

***POLICY: If a caregiver has proof of graduation at a level of education that exceeds a high school diploma, they do not need to provide proof that they graduated from high school or obtained a GED. The levels of education that exceed a high diploma or GED are as follows: an Associates Degree, a Bachelors Degree, a Masters Degree, and a Doctoral Degree. (1/29/09)***

#### **114-513 K. (4) Teacher(s)/Caregiver(s)**

- 114-513 K. (4) (a) Teachers/Caregivers shall meet the following qualifications:
- i) Be at least 18 years of age, and able to read and write;
  - (ii) A teacher/caregiver who began employment in a licensed or approved child care center in South Carolina after June 30, 1994, must have at least a high school diploma or General Educational Development Certificate (GED) and at least six months experience as a teacher/caregiver in a licensed or approved child care facility. However, a teacher/caregiver who is prevented from obtaining a high school diploma or GED because of a disability, and who otherwise is qualified to perform the essential functions of the position of teacher/caregiver, must have at least a high school Certificate of Completion and at least six months experience as a teacher/caregiver in a licensed or approved child care facility. If a teacher/caregiver does not meet the experience requirements, the teacher/caregiver must be directly supervised for six months by a staff person with at least one-year experience as a teacher/caregiver in a licensed or approved child care facility. Within six months of being employed, a teacher/caregiver must have six clock hours of training in child growth and development and early childhood education or shall continue to be under the direct supervision of a teacher/caregiver who has at least one year of experience as a teacher/caregiver in a licensed or approved child care facility.

***Policy: The intent of the law is to require caregivers and directors to meet a minimum educational standard in order to be employed in child care. Diplomas and GED's must be obtained from credible (see Webster's definition) sources. Diplomas, GED's, and transcripts from questionable sources should be reviewed with the Central Office of Child Care Licensing on an individual basis before they are accepted as proof of education. (11/3/10)***

***Definition: credible- believable, or offering reasonable grounds for being believed (Webster's Dictionary)***

**POLICY:** All teachers/caregivers must have a high school diploma, GED, or appropriate certificate from an educational institution. If the institution is not accredited, staff may request a transcript. (1/31/06)

**POLICY:** Proof of high school graduation or GED completion must be in the form of a valid diploma, official transcript, college diploma, or a notarized statement from the appropriate school district or educational facility. Any other documentation must be approved by the Central Office. (revised 11/1/06)

#### **PROCEDURE: VERIFICATION OF EDUCATIONAL QUALIFICATIONS**

1. Notify Central Office of other documentation.
2. Fax documentation to Central Office
3. Central Office will staff, make decision, and inform Regional Office. (11/1/06)

**POLICY:** The teacher/caregiver must provide information as to the reason for receiving a Certificate of Completion. If they are unable to provide information about their disability, the teacher/caregiver must have at least a high school diploma or GED. (1/31/06)

**POLICY:** Staff members, including cooks, janitors, maintenance persons, secretaries, and bookkeepers, who do not provide direct care for children and are not counted in staff:child ratios are not caregivers as defined by regulation and are exempt from educational requirements. (8/25/08)

**POLICY:** Due to extenuating circumstances, records proving that an individual meets the minimum educational requirements to be employed in child care cannot always be obtained. When this occurs, the Region Supervisor will staff with the Central Office of Child Care Licensing. The staffing team may use discretion to make a decision whether or not to approve the employment. Documentation of the approval should be conspicuously available for further licensing reviews. (7/30/09)

- (iii) A teacher/caregiver who has two years experience as a teacher/caregiver in a licensed or approved facility and was employed as of July 1, 1994, in a licensed or approved child care center in South Carolina is exempt from the high school diploma, General Education Development (GED), and Certificate of Completion requirements of (ii) above; and
- (iv) A teacher/caregiver with an undergraduate degree from a state approved college or university in early childhood, child development, or a related field may begin working with the children immediately without additional supervision.

- 114-513 K. (4) (b) Exception: A teacher/caregiver may be 16 or 17 years of age if he/she is continuously supervised by a qualified teacher/caregiver who is in the room at all times.
- (c) Exception: Staff persons who were employed prior to the effective date of these revised regulations are not required to meet the staff qualifications specified in this chapter if the staff qualifications required in the prior regulations are met. If a teacher/caregiver has had more than a twelve-month break in service, the new guidelines shall be met for re-employment as a teacher/caregiver.

114-513 K. (5) Professional development.

- (a) The director(s) shall provide orientation for all new staff, volunteer(s), and emergency person(s) prior to their employment, volunteering, and student/teacher training. This orientation shall include the following:
- (i) Specific job duties and responsibilities;
  - (ii) The requirements of this chapter related to their job; and
  - (iii) The policies and procedures of the center that affect the health and safety of children.

**POLICY: A file shall be kept on volunteers which documents orientation. (5/1/06)**

114-513 K. (5) (b) The operator shall participate in at least fifteen (15) clock hours of training annually. At least five clock hours shall be related to program administration and at least five clock hours shall be in child growth and development, early childhood education and/or health and safety excluding first aid and CPR training. The remaining hours shall come from the following areas: Safety, Health, Nutrition, Guidance, or Professional Development and must include blood-borne pathogens training as required by the Occupational Safety and Health Administration (OSHA).

114-513 K. (5) (c) All staff, with the exception of emergency person(s) and volunteer(s), providing direct care to the children shall participate in at least ten (10) clock hours of training annually. At least four clock hours shall be in child growth and development and at least four (4) clock hours shall be in curriculum activities for children excluding first aid and CPR training. The remaining hours shall come from the following areas: Curriculum Activities, Nutrition, Guidance, or Professional Development and must include blood-borne pathogens training as required by OSHA.

**POLICY: An exposure control plan must be established as part of Blood Borne Pathogens training. Credit for the training will not be given if the plan is not complete and in writing at the facility. (8/25/08 reviewed with no revision 7/30/09)**

114-513 K. (5) (d) When children with special needs are enrolled, the director and staff members shall receive orientation and/or training in understanding the child's special needs and ways of working in group settings when children with special needs are enrolled.

114-513 K. (5) (e) All staff shall receive information regarding the developmental abilities of the age group(s) with whom the teacher/caregiver will be working.

114-513 K. (5) (f) Records of training received shall be kept on the premises and include the name of the person trained, the person or persons conducting the training, date, number of hours, location, and the competency area of the training.

**POLICY: If the group child care home cares for children with special needs, the facility shall maintain on file documentation of orientation and training of staff in those areas of special needs. (1/31/06)**

**POLICY: If an emergency medication is needed, such as an EpiPen or inhaler, it should be stored in a First Aid Kit that is readily accessible in the event of an emergency. Staff should be trained in the recognition of symptoms in children in the use of the emergency medication. Parents should complete an Emergency Consent Form and provide it to the facility. (11/1/06)**

114-513 K. (5) (g) At least one person who is certified in pediatric first aid, including rescue breathing, CPR, and management of a blocked airway shall be present in the

group child care home at all times when children are in care, and during group outings or field trips. Training shall be provided by an individual who is certified as a trainer by a recognized health care organization.

***POLICY: Certified training for basic first aid and child-infant cardiopulmonary resuscitation must include a hands-on, skills component in order to meet the requirements as described in statutes and regulations for Child Care Licensing. If the training includes on-line video instruction, there must be a certified instructor present in the room to demonstrate and observe proper techniques as performed by the students. No CPR/FA training may be approved that was obtained solely through on-line Internet instruction. Proof of training must be in the form of an original certificate or card signed by the trainer.***

## **114-514 SUPERVISION**

### **114-514 A. Children shall be directly supervised at all times by qualified staff persons.**

- (1) Directly supervised means staff persons are physically near, readily accessible, aware and responsible for the ongoing activity of each child and able to intervene when needed.

***POLICY: "Directly supervised" for unqualified staff is means a qualified staff person is physically in the room when children are present. (5/1/06)***

***POLICY: Professional support services personnel, including but not limited to therapists, early interventionists, tutors, and contractors must be under the supervision of qualified staff members at all times while they are providing on-site services to children.***

- (2) There shall be an additional teacher/caregiver present when attendance reaches nine children or when four or more of the children are younger than two years old.
- (3) Children in feeding chairs shall be constantly supervised.

### **114-514 B. Nap time staff:child ratios**

- (1) During nap times staffing ratios do not change as long as at least one other staff person is readily available.

### **114-514 C. Water safety staffing**

- (1) The following staffing ratios apply at all times while children are swimming, wading or near a water source. The staffing ratios shall also apply at all times while children are near a water body that poses a potential risk based upon the age of the child.

#### **WATER SAFETY STAFF:CHILD RATIOS**

Child's Age	Staff:Child Ratio
Birth to two years	1:1
Two to three years	1:2
Three to four years	1:3
Four and older	1:6

114-514 C. (2) All swimming activities shall be supervised by a person with current lifeguard training certification. If this is a staff person who has current lifeguard training certification, they may be included in the staff:child ratio. In instances in which all staff members can, without the ability to swim, quickly reach any child, a certified lifeguard is unnecessary.

**POLICY:** *Wading pools are defined as being any body of water one foot or less in depth. (1/31/06)*

**POLICY:** *(NATIONAL STANDARD -- National Health and Safety Performance Standards, Second Edition) Legible safety rules for the use of swimming and built-in wading pools shall be posted in a conspicuous location, and each caregiver responsible for the supervision of children shall read and review them often enough so he/she is able to cite the rules when asked. (1/31/06) (SEE RESOURCE MANUAL SECTION 5 FOR SUGGESTED POOL SAFETY RULES.)*

## **114-515 HEALTH, SANITATION AND SAFETY**

### **114-515 A. Child health**

114-515 A. (1) Children shall be excluded from child care when they exhibit the conditions listed in the DHEC Exclusion Policy.

**POLICY:** *The health status referred to in this regulation is a history of the child's health for the last 30 days before enrolling in the group child care home and must be completed at the time of admission on DSS Form 2900. (1/31/06)*

**POLICY:** *If a parent/guardian or other person appears to be under the influence of alcohol or drugs and intends to leave the group child care home with a child, the operator of the group child care home has the responsibility of deciding how best to handle the situation. If the operator contacts Child Care Licensing and Regulatory Services for assistance, staff shall advise the operator that only a court of law or an officer of the court has the right to deny access by a parent to their own child. (1/31/06)*

114-515 A. (2) During hours of operation there shall be no smoking or consumption of alcoholic beverages in the areas used by children or in the food preparation or storage areas. Smoking shall be permitted only in designated areas, a safe distance from the group child care home. Consumption of alcoholic beverages or use of other non-prescription narcotic or illegal substances is prohibited on the group child care home premises. People who appear to be under the influence of alcohol or other drugs shall not be in the group child care home when children are present.

(SEE RESOURCE MANUAL SECTION 6 FOR TITLE 44, CHAPTER 95, CLEAN INDOOR AIR ACT WITH REGARD TO PLACES WHERE SMOKING IS PROHIBITED.)

### **114-515 B. Sanitation**

114-515 B. (1) Staff shall ensure that children's faces and hands are clean.

114-515 B. (2) Furniture, toys, and equipment that come into contact with children's mouths shall be washed, rinsed, and sanitized daily and more often if necessary.

**POLICY:** *This regulation includes stuffed animals. (1/31/06)*

**POLICY: After several washings, stuffed animals should be discarded to prevent unraveling that could present a choking hazard. (8/1/06)**

**POLICY: Furniture, toys, and equipment can be sanitized by using a sanitizing solution spray, dishwasher, washing machine, or the manual dishwashing method. If sanitizing solution is sprayed, it must be allowed to dry. Disinfectant wipes do not sanitize and cannot be used. (11/1/06)**

- 114-515 B. (3) Furniture, toys and equipment soiled by secretion or excretion shall be sanitized before reuse.
- 114-515 B. (4) Linens and blankets as well as cribs, cots, and mats shall be cleaned at least weekly.
- 114-515 B. (5) If playpens are used, they shall have waterproof, washable, comfortable pads.
- 114-515 B. (6) If children brush their teeth at the center, each child shall have a separate, labeled toothbrush, stored with bristles exposed to circulating air, and not in contact with another toothbrush.

**POLICY: Toothbrush covers are permitted if they allow for air circulation. (5/1/06)**

**POLICY: Toothbrush covers, if used, should be cleaned with bleach solution to prevent mold. (8/1/06)**

#### **114-515 C. Emergency medical plan**

- 114-515 C. (1) The group child care home shall have an emergency medical plan to address the following:
  - (a) Medical conditions under which emergency care and treatment is warranted;
  - (b) Steps to be followed in a medical emergency;
  - (c) The hospital or source of health care to be used;
  - (d) The method of transportation to be used; and
  - (e) An emergency staffing plan.

**POLICY: The Emergency Medical Plan must be in writing, and the Regulatory Specialist will review the plan at initial licensure and at each renewal or as needed. (1/31/06)**

- 114-515 C. (2) Emergency information for the child shall be taken with the child to the hospital or emergency location.
- 114-515 C. (3) A staff person shall remain with the child at the hospital or emergency location until the parent arrives.

#### **114-515 D. Medications or medical procedures**

- 114-515 D. (1) Written, signed and dated parental consent is required prior to the administration of any prescription or over the counter medication or administration of special medical procedures:
  - (a) All medications shall be used only for the child for whom the medication is labeled;
  - (b) Medications shall not be given in excess of the recommended dose; and
  - (c) Prescribed special medical procedures ordered for a specific child shall be written, signed, and dated by a physician or other legally authorized healthcare provider.
- 114-515 D. (2) Storage of medications:

- (a) All medications shall be kept in their original labeled containers and have child protective caps. The child's first and last name shall be on all medications;
- (b) All medications shall be stored in a separate locked container under proper conditions of sanitation, temperature, light, and moisture; and

**POLICY: Medications intended for adult use must be stored separately from medications prescribed for children. The storage area must also be in a location inaccessible to children. Due to the privacy concerns and rights of the staff described by HIPPA regulations, caregivers and other staff may provide their own locked containers which may be stored in locations inaccessible to children. (1/29/09)**

**POLICY: If an emergency medication is needed, such as an EpiPen or inhaler, it should be stored in a First Aid Kit that is readily accessible in the event of an emergency. Staff should be trained in the recognition of symptoms in children in the use of the emergency medication. Parents should complete and maintain on file at the facility an Emergency Consent Form that identifies and gives consent for the use of any special medication prescribed for the child, as well as consent for the use of Neosporin or any other over the counter antibacterial medication listed in the contents of the facility's first aid kits. (11/1/06 amended 7/30/09)**

**POLICY: Diaper ointments, Neosporin, and other common over-the-counter products are considered to be medicines and are to be used and stored according to regulations. (8/1/06)**

- (c) Discontinued and expired medications shall not be used and shall be returned to the parent or disposed of in a safe manner.

114-515 D. (3) Medication log.

- (a) For each medication that is administered by a staff person, a log shall be kept including the child's name, the name of the medication, dosage, date, time and name of person administering the medication. This information shall be logged immediately following the administration of the medication.

**POLICY: With the exception of training, all logs required by these regulations must be maintained on file at the group child care home for a minimum of one year. (1/31/06)**

114-515 D. (4) Medication errors.

- (a) Medication errors (e.g. failure to administer a medication at the prescribed time, administering an incorrect dosage of medication or administering the wrong medication) shall be recorded in the child's record.
- (b) Written documentation that the medication was given shall be provided to the parent.
- (c) The parent shall be immediately notified of a medication error or a suspected adverse reaction to a medication.

**114-515 E. First aid kit**

- 114-515 E. (1) A first aid kit shall be available for the treatment of minor cuts and abrasions and shall be stored in a location inaccessible to children.

**POLICY: First aid kits shall be restocked after use, and an inventory shall be conducted at least monthly. (5/1/06) (SEE RESOURCE MANUAL SECTION 6 FOR EXAMPLE OF SUGGESTED CONTENTS OF A FIRST AID KIT.)**

**POLICY: Rubber gloves are to be included in the First Aid Kit. Antibiotic ointment should be used with care as some children may be allergic. (8/1/06)**

#### 114-515 F. Diapering

- (1) Diaper changing procedures shall be consistent with those recommended by the Center for Disease Control and Prevention.

**POLICY: Children's hands shall be washed in the lavatory after each individual diaper change. In the case of infants, hands may be cleaned with single-use, pre-moistened towelettes. (1/31/06)**

- (2) Diapering surfaces shall be clean, seamless, waterproof and sanitary.
- (3) Blood contaminated materials and diapers shall be discarded in a plastic bag with a secure tie. Surfaces contaminated with blood or blood-containing body fluids shall be cleaned with an approved solution of chlorine bleach and water.

**POLICY: Only bleach/water solution may be used on the diaper changing table. Allow to dry for ten (10) seconds and then it may be wiped with a clean paper towel or clean dry cloth. Old bleach/water solution should be discarded and a new bleach/water solution made for use on a daily basis, either at the beginning of the day or at the end of the day. (amended 11/3/10)**

- (4) Individual disposable wipes shall be used at each diaper change and shall be placed in a plastic-lined, covered container and disposed of properly, and kept out the reach of children.
- (5) Soiled disposable diapers and disposable wipes shall be kept in a closed, labeled hands-free operated, plastic lined receptacle within reach of diaper changing area separate from other trash. Soiled non-disposable diapers shall be kept in a sealed plastic bag after feces shall be disposed of through the sewage.
- (6) Staff shall check diapers and clothing at a frequency that ensures prompt changing of diapers and clothing.

**POLICY: All child care facilities, including centers that do not care for infants or children who are not toilet trained, must clean and change the clothing of children promptly if they become soiled with urine or feces. If the child experiences diarrhea or appears to be ill, the facility will follow their Exposure Control Plan to prevent the spread of disease. (8/25/08)**

- (7) No child shall be left unattended while being diapered.

#### 114-515 G. Staff health

- 114-515 G. (1) The operator shall maintain the following records in the group child care home for herself/himself, staff, and emergency person(s) and household members:
- (a) Medical statements required by the Department and completed by the staff person verifying that his/her health is satisfactory. Medical statements shall be updated as necessary;

**SC Statute 44-29-150****Staff of schools and child care centers to be evaluated for tuberculosis before initial hiring.**

**No person will be initially hired to work in any public or private school, kindergarten, nursery or day care center for infants and children until appropriately evaluated for tuberculosis according to guidelines approved by the Board of Health and Environmental Control. Re-evaluation will not required for employment in consecutive years unless otherwise indicated by such guidelines.**

- (b) A health assessment from a health care provider assessing the ability of the operator, staff, and emergency person to work with children. The health assessment shall be completed within three months prior to employment or within the first month of employment and shall include health history, physical exam, vision and hearing screening, tuberculosis screening, and a review of immunization status. A new health assessment shall be obtained by the operator and teacher/caregiver at least every four years after the initial assessment or as necessary.

***POLICY: When the employee has been identified as low-risk at the initial screening, then no additional testing is required according to the State Health Department. (5/1/07)***

114-515 G. (2) No person who is known to be afflicted with any disease in a communicable form, or who is a known carrier of such a disease, or who is afflicted with boils, infected wounds, or sores or acute respiratory infection, shall work in any capacity in a group child care home in which there is likelihood of such person transmitting disease or infection to other individuals.

114-515 G. (3) Any staff member, including the operator, emergency person(s) and volunteer(s) who, upon examination or as a result of tests, shows a condition that could be detrimental to the children or staff, or which would prevent satisfactory performance of duties, shall not continue work at the group child care home until the healthcare provider indicates that the condition no longer presents a threat to children or staff.

114-515 G. (4) Staff persons shall wash their hands with soap and warm running water upon arrival at the group child care home, before preparing or serving food, before assisting a child with eating, after assisting a child with toileting or diapering, before and after toileting, after administering medication, after cleaning, after assisting with wiping noses, after contact with body fluids, after contact with animals and after using cleaning materials. Hands shall be washed even if gloves are worn to perform these tasks.

***POLICY: The use of non-porous gloves should be worn in accordance with the group child care home's Blood Borne Pathogens Plan. (11/1/06)***

***POLICY: Hand sanitizer may not be used instead of soap and water. However, it may be used after washing hands with soap and water. (8/1/06)***

114-515 G. (5) Staff shall be excluded when they exhibit the conditions listed in the SC Department of Health and Environmental Control Exclusion Policy, pursuant to Section 44-1-110, 44-1-140, and 44-29-10 of the South Carolina Code Ann. (2002).

(SEE RESOURCE MANUAL SECTION 6 FOR DHEC EXCLUSION LIST FOR EMPLOYEES IN OUT-OF-HOME CHILD CARE SETTINGS.)

#### 114-515 H. Fire safety and emergency preparedness

- (1) Group child care homes shall comply with the regulations and codes of the State Fire Marshal.
- (2) The group child care home shall have an up to date written plan for evacuating in case of fire, a natural disaster or threatening situation that may pose a health or safety hazard. The group child care home shall also include procedures for staff training in this emergency plan.

***POLICY: Staff orientation shall include training on the evacuation plan. The plan must include a posted evacuation route, the procedures followed during evacuation, and an alternative destination. (revised 5/1/06)***

- (3) Portable heat sources will be used according to the manufacturers' instructions and kept in good working order and out of the reach of children.

#### 114-515 I. Transportation

- 114-515 I. (1) If the operator provides or arranges for transportation, the following transportation requirements apply:
- (a) The staffing ratios specified in 114-514 A. (2) apply. The driver of the vehicle shall not be counted in the ratios;
  - (b) Transportation and placement of children shall be in accordance with state and federal laws;

***POLICY: If a fifteen-passenger van is parked visibly on the premises of a group child care home, the operator must provide a written statement to Child Care Regulatory Services that the van will not be used for the transportation of children. (11/1/06)***

***POLICY: The capacity of a vehicle used by the facility to transport children is defined by the number of available restraints. (1/31/06)***

***POLICY: All children under the age of two years must be placed in an appropriate child restraint device any time they are transported, regardless of the type vehicle used. The restraint device must be adequately secured to the vehicle. (11/1/06)***

***POLICY: Vehicles that do not provide appropriate methods (seat belts) to secure a child restraint device cannot be used to transport children under the age of two years. When children under two years of age are transported, the restraint requirements in this section do not apply to vehicles not required by federal or state law to be equipped with seat restraints. For example, public transportation, such as school buses, city buses and taxi cabs are not required to have seat belts. If a center uses one of these methods to transport children, child restraint seats are not required for children over the age of two years. (11/1/06)***

- (c) A child shall not be left unattended in a vehicle;
- (d) The driver shall have a valid regular or commercial driver's license and shall be in compliance with Section 63-13-40 A (4) of the Code of Laws of 1976;
- (e) Use of tobacco products is prohibited in the vehicle; and
- (f) Written consent from the parent is required prior to transportation.

***POLICY: No vehicle may be used by a regulated child care facility to transport children if the capacity of the vehicle exceeds one driver and ten passengers, and the vehicle does not meet all standards of a school bus as described in state and federal laws. (11/3/10)***

- 114-515 I. (2) The following requirements apply for safe pick-up and drop-off:
- (a) The group child care home shall have safe crossways and designated pick up and drop-off locations and communicate these locations to the parents; and
  - (b) Children shall be supervised during boarding and exiting vehicles.

## **114-516. PROGRAM**

### **114-516 A. Program of activities**

- 114-516 A. (1) There shall be planned, daily program of activities for all children.
- (2) Activities shall be developmentally appropriate.
  - (3) Staff shall plan and provide daily age-appropriate activities in accordance with the child's developmental level, such as stories, music, art, cooking, living skills, puzzles, blocks, etc.
  - (4) Children shall be provided daily indoor opportunities for freedom of movement.
  - (5) Quiet areas with supervision shall be made available to children desiring to be alone or to work on homework.
  - (6) Staff persons shall provide the opportunity for the children to ask questions and engage in conversations with others. Staff shall have frequent positive verbal communications with the children.
  - (7) Age appropriate radio and television, VCR tapes, DVDs and other media shall be previewed by the director and staff and used only as a supplement and enhancement to the daily program. No child shall be required to view these media programs.
  - (8) All children shall be given the opportunity for outdoor play, weather permitting.

***POLICY: When the temperature exceeds 90 degrees, children shall not remain outside for more than one hour at a time without at least a thirty minute break inside the facility. Water must be offered or be available to all children upon request during the outdoor period. (1/31/06)***

***POLICY: If sunscreen is used, the provider should read the label and adhere to its guidelines before applying it to the child. (8/1/06)***

### **114-516 B. Discipline and behavior management**

- 114-516 B. (1) The group child care home's discipline policy shall outline methods of guidance appropriate to the ages of the children. Positive, non-violent, non-abusive methods for managing behavior shall be implemented.

(SEE RESOURCE MANUAL SECTION 7 FOR EXAMPLES OF DISCIPLINE METHODS WHICH MEET THIS REGULATION'S DEFINITION OF APPROPRIATE DISCIPLINE.)

- (2) All teacher/caregivers shall sign an agreement to implement the discipline and behavior management policy, with a statement that specifies no corporal punishment shall be used except when authorized in writing by the parent(s)/guardian(s); corporal punishment shall not exceed guidelines established in Section 63-7-20(4)(a) through (f) of the Code of Laws of South Carolina, 1976 amended.
- (3) Emotional abuse is also prohibited, including but not limited to: profane, harsh, demeaning or humiliating language in the presence of children. Threatening, humiliating, ignoring, corrupting, terrorizing, or rejecting a child is prohibited.
- (4) Withholding, forcing, or threatening to withhold or force food, sleep or toileting is prohibited.
- (5) Unsupervised isolation of a child shall not be allowed. The child shall be within sight of staff if isolation from the group is used.
- (6) The use of children to discipline other children is prohibited.
- (7) Children shall not be restrained through drugs or mechanical restraints.
- (8) Each group child care home has the option to prohibit corporal punishment.

#### **114-517 PHYSICAL SITE**

**POLICY: Knowledge of any significant health or safety risk, including but not limited to soil, water, or building contamination, is grounds for denial of an approval, license, or registration to operate a child care facility. (4/01/08)**

##### **114-517 A. Indoor space and conditions**

- (1) The operator shall provide at least thirty-five (35) square feet of indoor play space per child, measured by Department staff from wall to wall. Bathrooms, reception areas, isolation rooms, halls and space occupied by cupboards, shelves, furniture and equipment which are accessible to children for their use shall be allowable space. Kitchens, storage rooms and storage cabinets used solely for or by staff shall be excluded. Halls, although included in total indoor space, shall not be used for activities or storage of furniture and equipment.

**POLICY: All rooms shall be measured baseboard to baseboard, where the floor meets the wall. The measuring wheel may be used outside to measure the playground only. (1/31/06)**

##### 114-517 A. (2) Ventilation

- (a) Child care areas, dining areas, kitchens, and bathrooms shall be ventilated by mechanical ventilation, such as fans or air conditioning, or at least one operable window.
- (b) If freestanding fans are used, fans shall have a stable base, be equipped with protective guards and be placed in a safe location.
- (c) Windows, including windows in doors, when utilized for ventilation purposes shall be securely screened to prevent the entrance of insects.

- 114-517 A. (3) Safety glass shall be used on clear glass windows and doors that are within thirty-two inches above floor level and that are accessible to children. Decals

shall be applied to all glass or sliding patio doors and placed at eye level of the children being cared for at the group child care home.

**POLICY: "Safety glass" may include plastic coated or wire reinforced glazing material that is non-toxic and non-flammable. (11/1/06)**

- 114-517 A. (4) (a) Rooms, hallways, interior stairs, outside steps, outside doorways, porches, ramps, and fire escapes shall be lighted.
- (b) At least twenty foot candles of light shall be required on all work surfaces in food preparation, equipment washing, utensil washing, hand-washing areas, and toilet rooms.
- (c) Adequate, safe lighting for individual activities, for corridors, and for bathrooms shall be provided.

**POLICY: Nap time lighting shall be sufficient to see each child clearly. (1/31/06)**

**114-517 A. (5) Environmental Hazards.**

- 114-517 A. (5) (a) Safety barriers shall be placed around all heating and cooling sources, such as hot water pipes, fixed space heaters, wood- and coal-burning stoves, hot water heaters, and radiators, that are accessible to children to prevent accidents or injuries upon contact by the child.

**POLICY: Safety barriers shall be of sufficient height and construction to protect children. Natural barriers are not acceptable. (Amended 5/1/06)**

- (b) Knives, lighters, matches, projectile toys, tobacco products, microwave ovens, and other items that could be hazardous to children shall not be accessible to children.
- (c) To prevent lead poisoning in children, group child care homes shall meet applicable lead base paint requirements, as established by the South Carolina Department of Health and Environmental Control (DHEC), pursuant to South Carolina Code annotated Section 44-53-1310, et seq., and Regulation Number (61-85). (SEE RESOURCE MANUAL SECTION 8 FOR SECTION 44-53-1310.)

**NOTE: THE ABOVE REGULATION WHICH REFERS TO DHEC'S REGULATION #61-85. DHEC IS IN THE PROCESS OF REPEALING THAT REGULATION. PER A DHEC REPRESENTATIVE, THE REGULATION IS OUTDATED AND DHEC IS UNABLE TO USE IT IN CURRENT LEAD ACTIVITIES. ALSO, THE STATUTE FOR CHILDHOOD LEAD POISONING WAS REVISED DURING THE LAST LEGISLATIVE SESSION MAKING A REGULATION UNNECESSARY AT THIS TIME. MORE INFORMATION WILL BE MADE AVAILABLE DURING THE NEXT OPERATING MANUAL UPDATE.**

- (d) Floors, walls, ceilings, windows, doors and other surfaces shall be free from hazards such as peeling paint, broken or loose parts, loose or torn flooring or carpeting, pinch and crush points, sharp edges, splinters, exposed bolts and openings that could cause head or limb entrapment.
- (e) The use of sinks, equipment, and utensil-washing sinks, or food preparation sinks for the cleaning of garbage and refuse containers, mops or similar wet floor cleaning tools, and for the disposal of mop water or similar liquid waters is prohibited.
- (f) Children shall not be present in the area during construction or remodeling and not in the immediate area during cleaning or in such a manner as not to create a condition that might result in an accident or cause harm to the health and safety of the children.

- (g) The following items shall be secured or inaccessible to children for whom they are not age appropriate:
  - (i) Items that may cause strangulation such as blind cords, plastic bags, necklaces, and drawstrings on clothing and string;
  - (ii) Items that may cause suffocation such as sand, beanbag chairs, pillows, soft bedding, and stuffed animals; and
  - (iii) Items that may cause choking such as materials smaller than 1 ¼ inch in diameter, items with removable parts smaller than 1 ¼ inch in diameter, Styrofoam objects and latex balloons.

***POLICY: All pillows, quilts, comforters, sheepskins, stuffed toys, bumper pads, and other soft products shall be removed from the crib while the infant is sleeping. If a blanket is used, the infant shall be placed at the foot of the crib with a thin blanket tucked around the crib mattress, reaching only as far as the infant's chest. The infant's head shall remain uncovered during sleep. (8/25/08)***

#### **114-517 A. (6) Water Supply**

- 114-517 A. (6) (a) The water supply shall meet applicable requirements for water quality and testing in accordance with DHEC.
- (b) The group child care home shall have hot and cold water under pressure. (Forty PSI recommended) If an individual private well water supply is used, the operator shall obtain approval pursuant to DHEC to ensure safe location, construction, and proper maintenance and operation of the system.
- (c) Hot water shall be between 100 to 120 degrees Fahrenheit.
- (d) Safe drinking water shall be available to children at all times and there shall be no use of common drinking cups.
- (e) If a water fountain is available, it shall be of an angle-jet design, maintained in good repair and kept sanitary. There shall be no possibility of mouth or nose submersion.

***POLICY: Drinking fountains shall have an angled jet and orifice guard above the rim of the fountain. The pressure shall be regulated so the water stream does not contact the orifice or splash on the floor, but shall rise at least two (2) inches above the orifice guard so that children will not put their mouths on the fountain. (National Health & Safety Performance Standard, Second Edition) (5/1/06)***

- (f) Ice used for any purpose shall be made from water from an approved source. The ice shall be handled and stored in a sanitary manner.

- 114-517 A. (7) (a) Temperature shall be maintained between 68 and 80 degrees Fahrenheit as appropriate to the season while children are present in the group child care home.

***POLICY: When the inside temperature exceeds the regulatory limit due to a failure of the heating or air conditioning system and the problem cannot be corrected within four (4) hours, parents must be contacted to pick up their children. (Amended 8/1/06)***

- (b) When outdoor temperature exceeds 90 degrees Fahrenheit, caution shall be used when children are involved in outdoor physical activities.

***POLICY: (NATIONAL STANDARD – National Health and Safety Performance Standards, Second Edition) A draft-free temperature of 65 degrees F to 75 degrees F shall be maintained at 30% to 50% relative humidity during the winter months. A draft-free***

*temperature of 68 degrees F to 82 degrees F shall be maintained at 30% to 50% humidity during the summer months. All rooms that children use shall be heated, cooled, and ventilated to maintain the required temperatures, humidity, and air exchange and to avoid accumulation of odors and fumes. Air exchange shall be a minimum of 15 cubic feet per minute (or 7.5 liters/second) per person of outdoor air. (1/31/06)*

**POLICY:** *In the event of cold weather, refer to the National Standard below. (5/1/07)*

**POLICY:** *(NATIONAL STANDARD -- National Health and Safety Performance Standards, Second Edition) Weather that poses a significant health risk shall include wind chill at or below 15 degrees F and heat index at or above 90 degrees F, as identified by the National Weather Service....Children shall be protected from the sun by using shade, sun-protective clothing, and sunscreen with UVB-ray and UVA-ray protection of SPF-15 or higher, during outdoor play. Before prolonged physical activity in warm weather, children shall be well-hydrated and shall be encouraged to drink water during the activity. In warm weather, children's clothing shall be light-colored, lightweight, and limited to one layer of absorbent material to facilitate the evaporation of sweat. Children shall wear sun-protective clothing, such as hats, long-sleeved shirts and pants when playing outdoors between the hours of 10 AM and 2 PM. In cold weather, children's clothing shall be layered and dry. Caregivers shall check children's extremities for maintenance of normal color and warmth at least every 15 minutes when children are outdoors in cold weather. (1/31/06)*

#### **114-517 A. (8) Sanitation**

- 114-517 A. (8) (a) Clean and sanitary conditions shall be maintained indoors and outdoors, including indoor and outdoor recreational equipment and furnishings.
- (b) Measures to control insects, rodents, and other vermin shall be taken to prevent harborage, breeding, and infestation of the premises.

**POLICY:** *In group child care homes where a rodent or insect infestation is observed, professional treatment must be provided by a licensed exterminator. Proof of professional service must be provided upon request. (1/11/06)*

- (c) All solid wastes shall be disposed of at sufficient frequencies and in such a manner not to create a rodent, insect, or vermin problem.
- (d) Trash in diapering areas shall be kept in closed, hands-free operated, plastic lined receptacles in good repair.

**POLICY:** *Hands-free trash receptacles shall be defined as foot pedal-operated. (5/1/06)*

- (e) Trash in kitchen areas shall be kept in closed, plastic lined receptacles.
- (f) Trash in children's restrooms, classrooms, and eating areas shall be kept in plastic lined receptacles.
- (g) Trash receptacles outside the building, shall be watertight with firm fitting lids that prevent the penetration of insects and rodents.
- (h) Trash disposal and sewage system construction and usage shall be in accordance with local standards and ordinances.
- (i) The use of child care room, bathroom, or kitchen sinks for cleaning of trash receptacles or cleaning equipment is prohibited.

#### **114-517 A. (9) Doors**

- 114-517 A. (9) (a) Protective gates shall be of the type that do not block emergency entrances and exits and that prevent finger pinching and head or limb entrapment.

#### **114-517 A. (10) Landings, stairs, handrails, and railings**

- 114-517 A. (10) (a) Children shall not have access to a door that swings open to a descending stairwell or outside steps, unless there is a landing that is at least as wide as the doorway at the top of the stairs.
- (b) Each ramp and each interior stairway and outside steps exceeding two steps shall be equipped with a secure handrail at the height appropriate for the sizes of the children at the group child care home.

**POLICY: Handrails must be thirty-six inches high and located on both sides of risers unless otherwise protected by walls or other barriers. (11/1/06)**

- (c) Stairs shall have a nonskid surface.
- (d) Each porch and deck that has over an 18-inch drop shall have a well-secured railing.

**POLICY: Handrails must be thirty-six inches high and located on both sides of risers unless otherwise protected by walls or other barriers. (11/1/06)**

- (e) Interior stairs that are not enclosed shall have a barrier to prevent falls.

#### **114-517 A. (11) Electrical sources**

- 114-517 A.(11) (a) The group child care home shall be connected with an electrical source.
- (b) Electrical outlets and fixtures shall be connected to the electrical source in a manner that meets local electrical codes, as certified by an electrical code inspector. – NFPA 70 and 99 Compliance.
- (c) Electrical outlets shall be securely covered with childproof covers or safety plugs when not in use in all areas accessible to children.
- (d) No electrical device accessible to children shall be located so that it could be plugged into the outlet while in contact with a water source, such as sinks, tubs, shower areas, or swimming/wading pools, unless ground fault devices are utilized.

#### **114-517 A. (12) Bathrooms**

- (a) There shall be at least one flush toilet.
- (b) If seat adapters are used for toilet training, they shall be cleaned and sanitized after each use.
- (c) Toilet training equipment shall be provided to children who are being toilet trained.
- (d) There shall be at least one sink with hot and cold running water under pressure in or near each toilet area.
- (e) Toilets and sinks shall be at heights accessible to the children using them or shall be equipped with safe and sturdy platforms or steps.
- (f) Toilets, toilet seat adapters, sinks and restrooms shall be cleaned at least daily and shall be in good repair.
- (g) Liquid or granular soap and disposable towels shall be provided at each sink.

**POLICY: Bar soap is not allowed. (1/31/06)**

- (h) Children shall not be left unattended in a bathtub or shower.
- (i) Easily cleanable receptacles shall be provided for waste material.

#### **114-517 B. Outdoor space**

- 114-517 B. (1) The outdoor space shall be free from hazards and litter.

114-517 B. (2) Outdoor walkways shall be free from debris, leaves, ice, snow, and obstruction.

114-517 B. (3) Children shall be restricted from unsafe areas and conditions such as traffic, parking areas, ditches, and steep slopes by a fence or natural barrier that is at least four feet high.

**(NOTE: SEE RESOURCE MANUAL SECTION 8 FOR HANDBOOK FOR PUBLIC PLAYGROUND SAFETY PUBLISHED BY THE U.S. CONSUMER PRODUCT SAFETY COMMISSION.)**

**114-517 C. Furniture, toys, and recreational equipment shall meet the following requirements:**

114-517 C. (1) Be clean and free from hazards such as broken or loose parts, rust or peeling paint, pinch or crush points, unstable bases, sharp edges, exposed bolts, and openings that could cause head or limb entrapment;

**POLICY: Broken toys are to be discarded. (8/1/06)**

- (2) Meet the standards of the US Consumer Products Safety Commission (CPSC), if applicable. Recalled products listed by the CPSC shall not be accessible to children;
- (3) Be developmentally and size appropriate, accommodating the maximum number of children involved in an activity at any one time;
- (4) The sides of playpens shall remain latched as long as a child is using the playpen. If playpens are used they shall have waterproof, washable, comfortable pads;
- (5) All arts and crafts and play materials shall be nontoxic;
- (6) Outdoor recreational equipment shall be made of durable, non-rusting, non-poisonous materials, and shall be sturdy;
- (7) Stationary outdoor equipment shall be firmly anchored and shall not be placed on a concrete or asphalt surface. Cushioning material such as mats, wood chips or sand shall be used under climbers, slides, swings, and large pieces of equipment;
- (8) Swings shall be located to minimize accidents and shall have soft and flexible seats;
- (9) Cushioning material shall extend at least six (6) feet beyond the equipment and swings;

**POLICY: Cushioning material shall be a minimum of six inches deep. (1/31/06)**

**POLICY: Pea gravel is acceptable as a cushioning material under playground equipment. Fine gravel and medium gravel are both acceptable as long as the stones are rounded, as found in river washed or tumbled stone. Both types of gravel must have an uncompressed depth of 12 inches if used under equipment 6 to 10 feet high. At lower than 6 feet, an uncompressed depth of 6 inches is sufficient. Gravel may not be used to cover asphalt or concrete. (8/25/08)**

**POLICY: (NATIONAL STANDARD – (National Health and Safety Performance Standards, Second Edition) All pieces of playground equipment shall be surrounded by a shock-absorbing surface. This material may be either the unitary or the loose-fill type, as defined by the guidelines of the U.S. Consumer Product Safety Commission (CPSC) and the standard of the American Society for Testing and Materials (ASTM), extending at least 6 feet beyond the perimeter of the stationary equipment. These shock-absorbing surfaces must conform to the standard stating that the impact of falling from the height of the structure will be less than or equal to peak deceleration 200G and a Head Injury Criterion (HIC) of 1000. Organic materials that support colonization of molds and bacteria shall not**

**be used. This standard applies whether the equipment is installed outdoors or indoors. (1/31/06)**

**POLICY: Six feet beyond the equipment and swings is defined as six feet beyond the fall zone. See Resource Manual Section 8, Handbook for Playground Safety, for diagram of zone for single-axis swings and multi-axis swings. (8/1/06)**

**114-517 C.(9)**

**POLICY AMENDMENT: The benchmark for defining the fall zone should be a 6' perimeter. However, other factors should be taken into consideration (i.e., fence, next to a building, compliance history, supervision issues). Grandfathering and allowing reasonable timeframes for compliance may be considered. (11/1/06)**

**(NOTE: SEE RESOURCE MANUAL SECTION 8 FOR ADDITIONAL INFORMATION ON DEPTH REQUIREMENTS FOR MATERIALS USED UNDER PLAY EQUIPMENT.)**

- 114-517 C.** (10) Slides shall have secure guards along both sides of the ladder and placed in a shaded area;
- (11) Outdoor metal equipment shall be located in shaded areas or otherwise protected from the sun;
- (12) Outdoor equipment shall be arranged so that children can be seen at all times;
- (13) The height of play equipment shall be developmentally and size appropriate;
- (14) Sand in a sand box shall be securely covered when not in use and, if outdoors constructed to provide for drainage;
- (15) Indoor recreational equipment and furnishings shall be cleaned and disinfected when they are soiled or at least once weekly and shall be of safe construction and free of sharp edges and loose or rusty points. Indoor recreational equipment and furnishings shall be clean and shall be of safe construction and free of sharp edges and loose or rusty points; and
- (16) A properly fitting bicycle helmet that is approved by American National Standards Institute, Snell Memorial Foundation, or American Society for Testing and Materials, shall be worn by each child when riding a bicycle, skateboard, roller blades, or skates. Helmets are optional for use with tricycles.

**POLICY: When children are skating at skating rinks or any other location, protective helmets are to be worn at all times. (11/1/06)**

#### **114-517 D. Rest equipment**

- 114-517 D. (1) Cribs shall meet the requirements of the US Consumer Products Safety Commission (CPSC).

**POLICY: Cribs purchased from a manufacturer or retail outlet with acrylic end panels that meet or exceed all ASTM, JPMA and CPSC standards may be used, as approved by the State Fire Marshal's Office. (5/1/07)**

- (2) Individual, clean, developmentally appropriate cribs, cots, or mats shall be provided for each infant, toddler and preschool child, labeled with the child's name and used only by that child.

**POLICY: Play pens, portable cribs, and play yards are acceptable for napping as long as they meet the requirements of the US Consumer Products Safety Commission (CPSC). (11/1/06)**

***POLICY: Bedding (sheets, pillows, blankets, sleeping bags) shall be of a type that can be washed. Each child's bedding shall be kept separate from other children's bedding, on the bed or stored in individually labeled bins, cubbies, or bags. (8/25/08)***

- (3) Cribs, cots, and mats shall be made of easily cleanable material.

***POLICY: Crib mattresses shall be firm and have a nonporous, easy-to-wipe surface. They must be manufactured for sale in the United States as infant sleeping equipment, and they must be fitted in the crib so that no more than two fingers can fit between the mattress and the crib side in the lowest position. (8/25/08)***

- (4) Placement of sleeping and napping equipment shall allow ready access to each child by staff.

***POLICY: Bunk beds of all types are prohibited due to placement preventing ready access in all circumstances. (11/1/06)***

- (5) Individual, clean, appropriate coverings shall be provided.
- (6) Cots and mats shall be stored so that the surface on which a child lies does not touch the floor.

(SEE RESOURCE MANUAL SECTION 8 FOR CPSC INFORMATION ON CRIB SAFETY.)

#### **114-517 E. Environmental hazards**

##### 114-517 E. (1) Poisons or harmful agents

- (a) Poisons or harmful agents shall be kept locked, stored in the original containers, labeled and inaccessible to children.
- (b) Poisons or harmful agents shall be purchased in childproof containers, if available.
- (c) Play materials, including arts and crafts, shall be non-poisonous.
- (d) Poisonous plants are not permitted.

(SEE RESOURCE SECTION 8 FOR ADDITIONAL INFORMATION ON POISONOUS PLANTS AND SAFE PLANTS.)

- (e) Pesticides shall be of a type applied by a licensed exterminator in a manner approved by the United States Environmental Protection Agency. Pesticides shall be used in strict compliance with label instructions and should not be used while children are present. Pesticide containers shall be prominently and distinctly marked or labeled for easy identification of contents and stored in a secure site accessible only to authorized staff.

***POLICY: In group child care homes where a rodent or insect infestation is observed, professional treatment must be provided by a licensed exterminator. Proof of professional service must be provided upon request. (1/11/06)***

##### 114-517 E. (2) Water hazards

- (a) Swimming pools located at the group child care home or used by the group child care home shall conform to the regulations of DHEC for construction, use, and maintenance.

- (b) Swimming pools, stationary wading pools and other water sources such as ditches, streams, ponds, and lakes shall be made inaccessible to children by a secure fence that is at least 4 feet high; exits and entrances shall have self-closing, positive latching gates with locking devices.
- (c) Children shall not be permitted in hot tubs, spas, or saunas.
- (d) Children shall not be permitted to play in areas where there are swimming pools or other water sources without constant supervision.

114-517 E. (3) Firearms, weapons, and ammunition are to be kept in a locked drawer or cabinet.

**POLICY: Guns and other weapons may not be brought into a child care facility even when the person with the weapon has a permit to carry a weapon (7/30/09). (Refer to South Carolina Code of Laws Section 23-31-215. Issuance of permits.)**

114-517 E. (4) Animals: The following requirements apply in regard to animals:

- (a) Healthy animals which present no apparent threat to the health and safety of the children shall be permitted, provided they are cleaned, properly housed, fed and cared for and have had required vaccinations, as appropriate.

**POLICY: Regarding animals in the home, DHEC states that animals are allowed as long as they are housed properly. Children should always wash their hands thoroughly after contact with animals. (1/31/06)**

**POLICY: Dogs, cat and ferrets must have rabies vaccinations. (8/1/06)**

- (b) Animals shall not be permitted if a child in the room or area is allergic to the specific type of animal.
- (c) Animal litter and waste shall not be accessible to children.
- (d) Reptiles and rodents shall not be accessible to children without adult supervision.

**POLICY: Green slider turtles are not allowed in group child care homes because they carry salmonella. (8/1/06)**

**POLICY: Reptiles may not be handled by children. Staff who handle and prepare food shall not handle reptiles due to the salmonella threat. (1/31/06)**

## **114-518. MEAL REQUIREMENTS AND PREPARATION, SERVING, STORAGE AND PROTECTION OF FOOD SUPPLIES.**

### **114-518 A. Meal requirements**

114-518 A. (1) If food is provided by the group child care home, the following requirements shall be met:

- (a) Daily menus shall be dated and posted in a conspicuous location in public view.
- (b) Meals and snacks provided shall be in compliance with the USDA Child Care Food Program Guidelines. Group Child Care Homes that do not provide overnight care shall serve at least one meal and at least one snack that meet USDA Child Care Food Program Guidelines. Group Child Care Homes providing care between the hours of 6:00 p.m. and midnight shall additionally meet USDA Child Care Food Program Guidelines in serving dinner and at least one additional snack. Meal

components and serving sizes shall be in accordance with these guidelines.

**POLICY: All foods, including milk, must be served by the date indicated on the container or package. (7/30/09)**

(SEE RESOURCE MANUAL SECTION 9 FOR USDA NUTRITION INFORMATION AND FOR ELIGIBILITY REQUIREMENTS FOR CHILD CARE CENTERS TO PARTICIPATE IN CHILD AND ADULT CARE FOOD PROGRAMS.)

- (c) Only Grade A pasteurized fluid milk and fluid milk products may be given to any child less than 24 months old, except with a written permission from the child's health provider.
  - (d) Whole milk may not be served to children less than 12 months of age, except with a written permission from the child's health provider.
  - (e) Reconstituted milk shall not be served to any child, regardless of age.
- 114-518 A. (2) Food served shall be suited to the child's age and appetite. Second portions shall be available.
- 114-518 A. (3) Round, firm foods shall not be offered to children younger than four years old. Examples of such foods include: hot dogs, grapes, hard candy, nuts, peanuts, and popcorn. Hot dogs may be served if cut lengthwise and quartered; grapes may be served if cut in halves.
- 114-518 A. (4) All food in group child care homes shall be from a source approved by the health authority and shall be clean, wholesome, unspoiled, free from contamination, properly labeled, and safe for human consumption.

**POLICY: All foods, including milk, must be served by the date indicated on the container or package. (7/30/09)**

- 114-518 A. (5) Meals and snacks may be provided by the group child care home or the parent. The group child care home shall have a small supply of nutritional food and beverages available in the event a parent neglects to bring the child's food on an unanticipated basis.
- 114-518 A. (6) Dietary alternatives shall be available for a child who has special health needs or religious beliefs.
- 114-518 A. (7) Written permission/instructions for dietary modifications signed by the child's health care provider or parent or legal guardian are required.

#### **114-518 B. Food Preparation**

- 114-518 B. (1) Adequate hand-washing facilities equipped with hot and cold water under pressure, supplied through a mixing faucet, shall be provided in or convenient to the food preparation area.
- 114-518 B. (2) Sanitary soap and towels shall be provided.
- 114-518 B. (3) Utensils, such as forks, knives, tongs, spoons, and scoops shall be provided and used to minimize handling of food in all food preparation areas.

- 114-518 B. (4) Staff shall thoroughly wash their hands and exposed areas of arms with soap and warm water in an approved hand-washing sink before starting work, during work as often as is necessary to keep them clean, e.g., after smoking, eating, drinking, or using the toilet. Staff shall keep their fingernails clean and trimmed.
- 114-518 B. (5) The outer clothing of all staff shall be clean.
- 114-518 B. (6) Staff shall neither use tobacco in any form while preparing or serving food, nor while in areas used for equipment or utensil washing or for food preparation.
- 114-518 B. (7) Potentially hazardous foods requiring cooking shall be cooked to heat all parts of the food to an internal temperature of at least 140 degrees Fahrenheit, with the following exceptions:
- (a) Hamburger shall be cooked to at least 155 degrees Fahrenheit.
  - (b) Poultry, poultry stuffing, stuffed meats, and stuffing-containing meat shall be cooked to heat all parts of the food to at least 165 degrees Fahrenheit with no interruption of the cooking process.
  - (c) Pork and any food containing pork shall be cooked to heat all parts of the food to at least 150 degrees Fahrenheit.

**POLICY: The FDA requires pork products to be cooked to a temperature of at least 155 degrees. (8/1/06)**

- (d) Rare roast beef and rare beefsteak shall be cooked to surface temperature of at least 130 degrees Fahrenheit.
- 114-518 B. (8) Potentially hazardous food such as meats, cooked rice, and cream-filled pastries shall be prepared (preferably from chilled products) with a minimum of manual contact and on surfaces with utensils that are clean and sanitized prior to use.
- 114-518 B. (9) Metal, stem-type, numerically-scaled indicating thermometers, accurate to plus or minus three degrees Fahrenheit, shall be provided and used to ensure that proper internal cooking, holding, or refrigeration temperatures of all potentially hazardous foods are maintained.
- 114-518 B. (10) Potentially hazardous foods shall be thawed as follows:
- (a) In refrigerated units at a temperature not to exceed 45 degrees Fahrenheit;
  - (b) Under potable running water from the cold water supply with sufficient water velocity to remove loose food particles;
  - (c) In a microwave oven only when food will be immediately transferred to conventional cooking equipment as part of a continuous cooking process or when the entire, uninterrupted cooking process takes place in the microwave oven; or
  - (d) As part of the conventional cooking process.
- 114-518 B. (11) All raw fruits and vegetables shall be washed thoroughly before being cooked, served, or placed in refrigerators.

**114-518 C. Food service**

- 114-518 C. (1) No child shall be deprived of a meal or snack if he/she is in attendance at the time the meal or snack is served.
- 114-518 C. (2) Easily breakable dinnerware shall not be used.

- 114-518 C. (3) Children shall not be forced to eat.
- 114-518 C. (4) Food shall not be used as a punishment.
- 114-518 C. (5) Children shall not be allowed in the kitchen except during supervised activities.
- 114-518 C. (6) Portions of food once served shall not be served again.
- 114-518 C. (7) Single-service articles shall be stored in closed cartons or containers to protect them from contamination.
- 114-518 C. (8) Use of "common drinking cups" is prohibited.
- 114-518 C. (9) Disposable cups, if used, shall be handled and stored properly to prevent contamination.
- 114-518 C. (10) Reuse of single service articles is prohibited.
- 114-518 C. (11) If potentially hazardous foods that have been cooked and then refrigerated are to be served hot, they shall be reheated rapidly to 165 degrees Fahrenheit or higher throughout before being served or before being placed in a hot food-storage facility. Steam tables, double boilers, warmers, and similar hot food holding facilities are prohibited from use for the rapid reheating of potentially hazardous foods.

#### **114-518 D. Storage**

- 114-518 D. (1) All food shall be properly labeled and stored, and shall be protected against contamination.
- 114-518 D. (2) The operator shall provide refrigeration units and insulated facilities, as needed, to ensure that all potentially hazardous foods are maintained at 45 degrees Fahrenheit or below or 130 degrees Fahrenheit or above, except during necessary periods of preparation.
- 114-518 D. (3) Thermometers shall be accurate to plus or minus 3 degrees and conspicuously placed in the warmest area of all cooling and warming units to ensure proper temperatures.

***POLICY: Thermometers should be placed close to the inside of the refrigerator or freezer door which is the warmest area inside the appliance. (8/1/06)***

- 114-518 D. (4) Containers of food, food preparation equipment and single service articles shall be stored at least 6" above the floor, on clean surfaces, and in such a manner to be protected from splash and other contamination.
- 114-518 D. (5) Food not subject to further washing or cooking before serving shall be stored in such a manner to be protected against contamination from food requiring washing or cooking.
- 114-518 D. (6) The storage of food or food equipment, utensils, or single-service articles in toilet rooms and under exposed sewer lines is prohibited.

114-518 D. (7) Custards, cream fillings, or similar products which are prepared by hot or cold processes shall be kept at safe temperatures except during necessary periods of preparation and service.

114-518 D. (8) All cleaning supplies, detergents, and other potentially poisonous items shall be stored away from food items and shall be inaccessible to children.

#### **114-518 E. Cleaning, storage, and handling of utensils and equipment**

114-518 E. (1) Tableware shall be washed, rinsed, and sanitized after each use.

**SEE RESOURCE MANUAL SECTION 6 FOR SELECTION AND USE OF AN APPROPRIATE SANITIZER.**

114-518 E. (2) All kitchenware and food-contact surfaces of equipment shall be washed, rinsed, and sanitized.

114-518 E. (3) Residential dishwashers may be used for washing and rinsing providing that dishes and utensils are sanitized upon removal.

114-518 E. (4) The cooking surfaces of cooking devices shall be cleaned as often as necessary and shall be free of encrusted grease deposits and other soil.

114-508 E. (5) Non-food contact surfaces of all equipment, including tables, counters, and shelves, shall be cleaned at such frequency as is necessary to be free of accumulation of dust, dirt, food particles, and other debris.

114-518 E. (6) Prior to washing, all equipment and utensils shall be rinsed or scraped, and when necessary, presoaked to remove gross food particles and soil.

114-518 E. (7) Food-contact surfaces of cleaned and sanitized equipment and utensils shall be handled in such a manner as to be protected from contamination.

114-518 E. (8) Cleaned and sanitized utensils shall be stored above the floor in a clean, dry location so that food-contact surfaces are protected from contamination.

114-518 E. (9) Clean spoons, knives, and forks shall be picked up and touched only by their handles. Clean cups, glasses, and bowls shall be handled so that fingers and thumbs do not contact inside surfaces or lip-contact surfaces.

#### **114-519. INFANT AND TODDLER CARE, CARE FOR MILDLY ILL CHILDREN, AND NIGHT CARE.**

##### **114-519 A. Infant and toddler care**

1) Stimulation and nurturing

- (a) Children shall not remain in their cribs or play equipment for other than sleeping and specific, short time-limited quiet play.
- (b) Infants and toddlers shall be routinely held, talked to, rocked, caressed, carried, nurtured, read to, sung to and played with throughout the day.
- (c) There shall be toys and materials that encourage and stimulate children through seeing, feeling, hearing, smelling and tasting.

114-519 A. (2) Programs for infants and toddlers

- (a) Staff shall provide appropriate attention to the needs of children.
- (b) The daily program for infants and toddlers shall include goals for children, which promote healthy child development and allow for individual choice and exploration.
- (c) Information about the child's daily needs and activities shall be shared with parents.

## 114-519 A. (3) Feeding, eating and drinking

- (a) Cups and bottles shall be labeled with the child's name and used only by that child.
- (b) Infants shall be fed in accordance with the time schedule, specific food and beverage items and quantities as specified by the parent.
- (c) Infants shall be held while being bottle fed until they are able to hold their own bottles. Bottles shall not be propped or given in cribs or on mats.
- (d) Due to nutritional concerns, the microwaving of breast milk is prohibited. The microwaving of formula and other beverages is strongly discouraged due to the possibility of a burn injury to the child. However, if the facility plans to use this method of heating formula and other beverages, they must notify all parents in writing as part of the enrollment or orientation process.
- (e) All warmed bottles shall be shaken well and the temperature tested before feeding to a child.
- (f) Baby formula, juice, and food served in a bottle shall be prepared, ready to feed, identified, and packaged for single use for the appropriate user. Any excess formula, juice, or food shall be discarded after each feeding. Formula, juice and food requiring refrigeration shall be maintained at 45 degrees Fahrenheit or below.
- (g) Infants and toddlers shall not sleep with bottles in their mouths.
- (h) Toddlers shall be offered water routinely throughout the day.
- (i) Breast milk and formula shall be dated and labeled with the child's name and refrigerated until ready to use.
- (j) Food for infants shall be cut in pieces one-quarter inch or less.
- (k) Food for toddlers shall be cut in pieces one-half inch or less.

***POLICY: All pillows, quilts, comforters, sheepskins, stuffed toys, bumper pads, and other soft products shall be removed from the crib while the infant is sleeping. If a blanket is used, the infant shall be placed at the foot of the crib with a thin blanket tucked around the crib mattress, reaching only as far as the infant's chest. The infant's head shall remain uncovered during sleep. (8/25/08)***

## 114-519 A. (4) Feeding chairs

- (a) Feeding chairs shall have a stable base.
- (b) Feeding chairs shall have a T-shaped safety strap that prevents the child from slipping or climbing out of the chair. The safety strap shall be used at all times the child is in the chair.
- (c) Feeding chair trays shall be in good repair and made of an easily cleanable surface and shall not have chips or cracks.
- (d) Feeding chairs shall be used only for eating or a specific, short time-limited tabletop play activity.
- (e) Seat heights of feeding chairs shall be appropriate to the age and development of the child. Feeding chairs shall be in good repair and children shall be constantly supervised.

## 114-519 A. (5) Sleeping

- (a) Infants shall be placed on their backs to sleep unless the parent provides a note from a physician specifying otherwise.

- (b) Crib mobiles shall not be permitted for infants or toddlers who can sit.
- (c) Two years from the effective date of these regulations, stacked cribs will no longer be permitted.

114-519 A. (6) Equipment and materials

- (a) Indoor space shall be protected from general walkways where crawling children may be on the floor.
- (b) Mobile walkers are not permitted.

**114-519 B. Care for mildly ill children**

114-519 B. (1) Parent notification and instructions

- (a) If a child becomes ill while in care, the operator shall notify the parent or responsible party immediately.
- (b) If a child may have been exposed to a serious communicable disease that is spread through casual contact, the group child care home shall notify the parents of all potentially exposed children about the nature of the illness and the potential exposure to the illness, and recommend consultation with the child's physician.
- (c) If an operator chooses to provide care to a mildly ill child, the operator shall receive instructions from the parent for any special care needs of the child.

114-519 B. (2) Policies and procedures

- (a) If an operator chooses to provide care to a mildly ill child, the group child care home shall have written policies and procedures specifying inclusion and exclusion from the group, communication with parents, recording of illness and care provided, specific types of illnesses and symptoms which prohibit care from being provided, special staff training required and emergency health procedures.
- (b) Children shall be excluded when they exhibit the conditions listed in the South Carolina Department of Health and Environmental Control Exclusion Policy, State Law 1976, Code Section 44-1-110, 44-1-140, and 44-29-10.
- (c) If a child is in a rest area due to illness, the child shall be directly supervised at all times.

**114-519 C. Night Care**

114-519 C. (1) In group child care homes providing overnight care, at least two adults shall be on the premises at all times, physically near, readily accessible, and responsible for the ongoing activity of each child and able to intervene when needed.

***POLICY: If a group child care home only operates between 6:00 p.m. and 6:00 a.m., outdoor play is not required. For a facility offering night care (i.e., 6:00 p.m. until 6:00 a.m.) and allowing children outside for play, adequate lighting must be provided so that children are clearly visible at all times. (11/1/06)***

114-519 C. (2) The operator shall present written evidence that a plan has been worked out whereby an additional, outside person can be quickly summoned to assist in an emergency.

114-519 C. (3) Sleeping equipment.

- (a) Each child shall have a bed with a solid foundation, a fire retardant mattress, a pillow, and bedding appropriate for the temperature of the center.
- (b) Cots and portable beds are not permitted.

114-519 C. (4) Bedtime

- (a) Children shall be provided the opportunity to read or be read to before bedtime.
- (b) There shall be books, games, and other quiet time activities for the child prior to bedtime.
- (c) Special bedtime routines as specified by the parent shall be followed to the extent feasible.

114-519 C. (5) Bathing

- (a) If children bathe at the group child care home, there shall be a bathtub or shower with a slip resistant surface.
- (b) Each child shall have his or her own clean towel and washcloth.

114-519 C. (6) Night clothes

- (a) The group child care home shall make arrangements with the parent to provide clean, appropriate night clothes.