

Agency Name: Department of Social Services
 Statutory Authority: 43-1-80 and 63-13-180 et seq.
 Document Number: 4747
 Proposed in State Register Volume and Issue: 41/4
 House Committee: Regulations and Administrative Procedures Committee
 Senate Committee: General Committee
 120 Day Review Expiration Date for Automatic Approval: 01/23/2019
 Final in State Register Volume and Issue: 42/6
 Status: Final
 Subject: Regulations for the Licensing of Child Care Centers

History: 4747

<u>By</u>	<u>Date</u>	<u>Action Description</u>	<u>Jt. Res. No.</u>	<u>Expiration Date</u>
-	04/28/2017	Proposed Reg Published in SR		
-	01/26/2018	Received by Lt. Gov & Speaker		01/23/2019
H	01/30/2018	Referred to Committee		
S	01/30/2018	Referred to Committee		
H	03/20/2018	Resolution Introduced to Approve	5156	
H	05/18/2018	Approved by: Ratification No. 279		
-	06/22/2018	Effective Date unless otherwise provided for in the Regulation		

DEPARTMENT OF SOCIAL SERVICES

CHAPTER 114

Statutory Authority: 1976 Code Sections 43-1-80 and 63-13-180 et seq.

114-500 through 114-509. Regulations for the Licensing of Child Care Centers.

Synopsis:

Child care standards provide the foundation for ensuring safety and quality for children away from their homes. Quality care ensures the nurturing and protection that children need and helps to create an environment in which children can grow, learn and thrive. The South Carolina Department of Social Services administers regulations for child care facilities. The Department, with the advice and consent of the 17-member State Advisory Committee on the Regulation of Child Care Facilities, is charged with conducting a comprehensive review of these regulations at least once every three years. New regulations replace the current regulations in their entirety once passed through the legislative process. These regulations represent a collaborative effort toward improving the quality of care children receive. It demonstrates the value South Carolina citizens place on all children and our willingness to work and compromise to improve life for our state's greatest resource – our children.

Notice of Drafting was published in the *State Register* on March 24, 2017.

Instructions:

Replace regulation as shown below. All other items and sections remain unchanged.

Text:

114-500. General Provisions.

A. Purpose

(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.

B. Applicability

(1) These regulations apply to child care centers as defined in section 114-501.A.(9) relating to definitions for profit and private child care centers.

(2) These regulations apply equally to profit, not for profit and private child care centers.

(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 operating 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;

(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;

(f) Summer resident camps for children;

(g) Bible schools normally conducted during vacation periods;

(h) Facilities for persons with intellectual disability provided in Chapter 21, Title 44, Code of Laws of South Carolina;

(i) Facilities for the mentally ill as provided for in Chapter 17, Title 44, Code of Laws of South Carolina; 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 Code of Laws of South Carolina; Sections 63-13-1010 through 63-13-1080; 63-13-60 and 63-13-110 and that these facilities voluntarily may elect to become licensed according to the process as set forth in Code of Laws of South Carolina; Sections 63-13-10 through 63-13-40; 63-13-70 through 63-13-100; 63-13-120, 63-13-140, 63-13-160, 63-13-180; 63-13-410 through 63-13-460 and 63-13-1210 through 63-13-1240.

C. Access to and within the center, 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.

114-501. Definitions.

A. Terms used in South Carolina Regulations, Chapter 114, Article 5, Part A, shall be all definitions cited in Section 63-13-10 et seq., Code of Laws of South Carolina in addition to the definitions that follow:

(1) Applicant: A person 21 years of age or older, representing a corporation, partnership, voluntary association, other public or private organization who has completed, signed and submitted a Department of Social Services application form and other requirements to the Department in order to obtain a child care center license or approval.

(2) Approval: A written notice issued by the Department to a department, agency or institution of the State, or a county, city or other political subdivision, not otherwise regularly licensed, approving the commencement of operations of a public child care center.

(3) 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).

(4) Center Director: The on-site staff person, who is responsible for the daily operation of a child care center, including but not limited to supervision of staff and children. The center director can only have responsibility for one center and may not hold another full-time job during the hours of center operation.

(5) Center Co-Director: The on-site staff person who is responsible for the daily operation of a child care center when the director is not present including, but not limited to, the supervision of staff and children.

(6) Center Director Designee: The on-site staff person who assumes the responsibilities of the Director for limited periods of time, when neither the Director nor Co-Director is on-site.

(7) 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.

(8) Child: An individual, from birth through 12 years of age (chronologically), receiving care in a child care center; or up to 18 years of age if the child qualifies as special needs.

(9) Child care center: A center that is licensed for thirteen (13) or more children for care.

(10) Complaint: Statement(s) reporting unsatisfactory conditions in a child care facility.

(11) 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/approval.

(12) Department: Refers to the Department of Social Services.

(13) Emergency Person: An individual 18 years of age or older, not regularly employed by the child care center who is immediately available to serve as staff in emergency situations. This person shall meet all requirements of an employed teacher/caregiver (including experience), with the exception of training. This person may not work as an emergency person for more than 80 hours in a calendar year.

(14) Infant: A child under 12 months of age.

(15) License: A written notice issued by the Department to a private facility approving the commencement of operations of a child care center.

(16) 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.

(17) Night Care: A licensed facility operating between the hours of 1:00 am and 5:00 am.

(18) Owner: The owner may be independent of the staff of the child care facility and not be required to be on the premises. However, the owner can be the director or a teacher/caregiver. If the owner serves in the capacity of staff and directly supervises children, he/she shall have state and federal fingerprint reviews

completed in accordance with Section 63-13-10 et. Seq., Code of Laws of SC, as amended, in addition to meeting all other requirements.

(19) Parent: The biological or adoptive mother or father, the legal guardian of the child or the individual agency with custody of the child.

(20) Preschool Child: A child 3 or 4 years of age or older but not yet eligible for public kindergarten.

(21) Provisional approval: A written notice issued by the Department to a department, agency or institution of the State, or a county, city or other political subdivision approving the commencement of operations of a public child care center although the operator is temporarily unable to comply with all of the requirements for approval.

(22) Provisional license: A license issued by the Department to a director when the director is temporarily unable to comply with all the requirements for a license/approval.

(23) Regular approval: A written notice issued by the Department for a two-year period to a department, agency or institution of the State, or a county, city or other political subdivision, approving the operation of a public child care center in accordance with the provisions of the regulations of the Department.

(24) Regular license: A license issued by the Department for two years to a director 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.

(25) Renewal: To grant an extension of a regular license.

(26) Revocation: To void the regular license of a child care center.

(27) School-aged Child: A child at least old enough to enroll in public kindergarten.

(28) 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.

(29) 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.

(30) Staff:Child Ratio: The maximum number of children permitted per teacher/caregiver.

(31) Student Teacher: An individual enrolled in his/her final practicum to be qualified for teacher certification. He or she shall meet the same health standards as other staff and undergo background investigation. He or she may be included in staff:child ratios.

(32) Student Volunteer: An individual at least 16 years of age from a recognized educational institution or who may receive credit, reimbursement for expenses or a stipend for providing services in a trainee capacity under supervision of a staff member at all times when providing direct care to children shall not be counted in the staff:child ratio.

(33) Substitute Teacher: A person who is 18 years of age or older who teaches a class when the regular teacher is unavailable; e.g., due to illness, personal leave, or vacation. This person shall meet all the requirements of an employed teacher/caregiver including training.

(34) 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 director, 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.

(35) Teacher/Caregiver: Any person whose duties include direct care, supervision, and guidance of children in a child care center.

(36) Toddler: A child 12 months of age or older, but younger than 24 months of age.

(37) Tracking: A written procedure to account for the presence of each child as the child enters and exits the premises, enters and exits a vehicle, or moves to a new location in or around the center.

(38) Training: Participation by child care center 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 child care center 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 directors may also be in areas related to supervision of child care staff or program administration.

(39) Two-year olds: A child 24 months of age or older but younger than 3 years of age.

(40) 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.

114-502. Procedures.

A. Licensing/approvals

(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.

(2) An application for a license/approval shall be completed on appropriate Department forms and shall be signed by the director. The Department representative shall provide the applicant with the required number of forms, a copy of current child care center regulations, a copy of Section 63-13-10 et seq., Code of Laws of South Carolina, (Child Care Statute) 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 facility.

(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.

(4) Health and fire officials shall inspect the facility to determine compliance with appropriate regulations and shall put in writing on appropriate forms the results of their inspections.

(5) The Department shall review the completed application form, completed licensing/approval 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/approval and shall take one of the following actions:

(a) Issue a regular license/regular approval if all the provisions of the regulations and statute for the operation of a child care center have been met;

(b) Issue a provisional license/provisional approval 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/approval if one or more violations seriously threaten the health, safety, or well-being of the children.

(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/provisional approval.

(7) If a license/approval is issued, the Department staff shall mail the license/approval directly to the director.

(8) The license/approval shall state clearly the name of the director, the address and type of child care facility, the date on which the license/approval was issued and will expire, and the maximum number of children to be present in the center at any one time.

(9) Department staff shall notify the director as follows if a provisional license/provisional approval is issued or an application for a license/approval is denied:

(a) If a provisional license/provisional approval is issued, the Department shall notify the director 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 director to complete a written plan to correct each violation as approved by the Department;

(b) If a license/approval is denied, the Department shall give the applicant written notice by certified mail indicating the reason(s) for the denial.

(10) If a facility is found to be in operation after the Department has denied the application for the license/approval and the administrative appeal/review procedure has been completed, the Department shall notify the Department's Office of General Counsel.

B. Provisions of the license/approval

(1) A regular license/regular approval issued by the Department to the child care center shall be valid for two years from date of issuance, unless revoked by the Department or voluntarily surrendered by the director; provided however, that a change in location, ownership or sponsorship of the facility shall automatically void the license/approval.

(2) A provisional license/provisional approval issued by the Department to a child care center shall be issued for a period within which the deficiencies shall be corrected, and within the conditions permitted by statute.

(3) A provisional license/provisional approval shall be amended from a provisional to a regular license/approval when all deficiencies have been verified as corrected.

(4) An application for a license/approval may be denied or the license/approval may be revoked by the Department if the owner, director, 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 S.C. Code of Laws, as amended.

C. Inspection and consultation

(1) Department staff may visit and inspect a child care center once per year for annual inspection at any time during the hours of operation without prior notice to verify regulatory compliance.

(2) Department staff shall provide at least two working days' notice to the director or center director prior to conducting an initial or renewal inspection.

(3) The director and staff shall cooperate with the investigation and related inspections by providing access to the physical center, records, excluding financial records, and staff.

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

(5) Upon receipt of a regulatory complaint, the Department shall conduct an unannounced inspection of the center to investigate the complaint. If the complaint is written, the Department shall provide a copy to the director upon request.

(6) The director may request consultation from the Department. Department staff shall provide technical assistance to the director as requested.

D. Reasons for license/approval denial, revocation, or non-renewal

(1) A license/approval may be denied, revoked or not renewed by the Department if the owner, director or staff member has been determined to have abused or neglected any child as defined in Section 63-7-20 S.C. Code of Laws, as amended.

(2) A license/approval may be denied, revoked or not renewed by the Department if cited deficiencies threaten serious harm to the health and/or safety of the children.

E. Reporting of changes affecting license/approval

(1) The director shall immediately report to the Department when an occurrence takes place that may affect the status of the license/approval including the following:

- (a) Change in director, ownership, or sponsorship;
- (b) Change in center location; and
- (c) Major renovations or alterations to the building.

F. License/approval renewal

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

(2) The same Department actions cited in 114-502.A.(2) through (10), above are applicable to the renewal process, except that the Department shall initiate the license/approval renewal process one hundred and twenty (120) days in advance.

114-503. Management, Administration, and Staffing.

A. Display of license/approval

(1) The center shall display the current license/approval, as well as any violations in a prominent public place in the center. The back of the license/approval shall be displayed if deficiencies are listed.

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

B. Capacity

(1) No child care center shall have present at any one time children in excess of the number for which it is licensed/approved.

(2) Exception: In the event of a natural disaster or unscheduled closing of a child care center, the capacity may be exceeded temporarily for a maximum of 90 days to accommodate the displaced children. The director shall notify the Department of the situation and maintain appropriate staff:child ratios at all times. Required records shall be kept on file for the new enrollees.

C. Child abuse

(1) The center 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 63-7-310 .

(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 center premises for inspection and investigation of the child abuse allegation by the Department and other officials as permitted by statute.

D. Reporting of incidents

(1) The center 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 center 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.

(2) The following incidents shall be reported to the Department immediately and may be investigated by the Department:

(a) A death of a child or staff person that occurs at the center;

(b) A child who is missing from the premises or who is left unattended in a vehicle operated by the child care center;

(c) Accidents or injuries involving any child occurring at the center requiring emergency professional medical treatment;

(d) Major structural damage to center;

(e) Natural or man-made disasters, including extreme weather conditions, which cause the center to be closed for more than one day of scheduled operation;

(f) An occurrence requiring the services of a fire or police department, which affects the health and safety of children;

(g) Charges or convictions of crimes against the owner, director, or any staff person;

(h) Reports of alleged child abuse involving the owner, director, or any staff person;

(i) A follow-up report shall be submitted to the Department as soon as an investigation of the facility is completed and corrective action is taken; and

(j) 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.

E. Death of a child

(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.

F. Parent access and communication

(1) The center 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.

(2) The center 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.

(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.

(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 facility.

G. Child records

(1) The facility shall keep a separate record for each child.

(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.

(3) Access to records is limited to persons listed in 114-503 G(2) unless requested by court order.

(4) Entries in a child's record shall be legible, dated and signed by the individual making the entry.

(5) A child's record shall be maintained on file at the child care center 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 child care center;
 - (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 center during field trips and other away from the center activities;
 - (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 center.
- (6) A health record shall be maintained in the center 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 child care center on the appropriate DSS form;
 - (b) A current South Carolina certificate of Immunization; and
 - (c) Other health information if deemed necessary by the director of the center and/or by parent(s)/guardian(s).
- (7) Emergency information for each child shall be easily and immediately accessible while at the center, 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 center;
 - (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;
 - (d) Health insurance information;
 - (e) Consent for emergency treatment; and
 - (f) Permission to transport to hospital.
- (8) Emergency information shall be updated by the parent as changes occur.

H. Staff records shall include the following:

- (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 center director;
- (4) Criminal history background records check forms for the director, staff, emergency person(s), and substitute (s);
- (5) Record of training for director and staff; and
- (6) Written statements signed by all staff members regarding disciplinary policies of the center.
- (7) The director shall maintain health records in the center for himself/herself, staff, and emergency person(s) in accordance with 114-505.G.(1)(a) through (d).

I. Confidentiality and applicable laws and regulations

- (1) The center shall have written policy to safeguard the confidentiality of all records.
- (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.
- (3) The center shall comply with all applicable federal, state, and local laws, regulations, and ordinances.
- (4) The center shall make available at least one copy of Section 63-13-10 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 child care centers that will be provided by the Department.

J. Communication

- (1) The center shall have an operable telephone with an outside line that is accessible to staff persons in emergencies.
- (2) Emergency telephone numbers for the police, fire department, ambulance service and poison control center shall be posted by each telephone.
- (3) The center shall have an internal means of communication among staff.
- (4) The center shall have electronic means of communications with the Department, except in locations where network service is unavailable or there is no coverage.

K. Staffing

- (1) Child abuse checks

(a) The director or staff 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 director(s) on each staff person, except for volunteers in accordance with the following time lines:

(i) For the director(s) and at least two staff persons prior to the initial issuance of a regular or provisional license/approval.

(ii) For the director(s) and staff (including the emergency person) prior to employment and at renewal times, if the employee was hired more than 6 months prior to the renewal date.

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

(2) Background criminal history checks

(a) To be employed by or to provide teacher/caregiver services at a child care facility, 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.

(c) No child care facility 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 SC Code of Laws Section 23-3-430 or who has been convicted of:

(i) A crime listed in Code of Laws of South Carolina; Chapter 3 of Title 16, Offenses Against the Person;

(ii) A crime listed in Code of Laws of South Carolina; Chapter 15 of Title 16, Offenses Against Morality and Decency;

(iii) The crime of contributing to the delinquency of a minor, contained in Code of Laws of South Carolina; Section 16-17-490.

(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.

(3) Center Director and/or Center Co-Director(s)

(a) There shall be a center director and/or center co-director(s) responsible for the following:

- (i) Administration and management of the center;
- (ii) Safety and protection of the children;
- (iii) Development and implementation of policies and procedures;
- (iv) Communication with parents about the policies and procedures of the center;
- (v) Staff hiring, supervision and ongoing professional development; and
- (vi) Compliance with all applicable laws and regulations of the child care center.

(b) The center director(s) or a designee shall be physically present on-site during the hours of the center's operation. A center co-director is required when the program operates more than 12 hours per day.

(c) The center director and center co-director(s) 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 credential (CDA), and one year work experience in a licensed, approved or registered child care facility; or

(v) A High School Diploma or GED, and Early Childhood Development (ECD) 101 with 3 years' experience in a licensed, approved or registered child care facility. One year shall include supervision of child care staff.

(4) Caregivers/Teachers

(a) Caregivers/Teachers shall meet the following:

(i) Be at least 18 years of age, and able to read and write; and

(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; or

(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.

(b) Exception: A teacher/caregiver with an undergraduate degree from a state approved college or university in early childhood, child development, elementary education, or a related field may begin working with the children immediately without additional supervision as long as they have 60 days' field experience with a group of children aged 0-8.

(c) Exception: A teacher/caregiver may be 17 years of age if he/she has received his/her GED or high school diploma and is continuously supervised by a qualified teacher/caregiver who is in the room at all times.

(d) 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.

(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.

(b) The director shall participate in at least twenty 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 and/or health and safety excluding first aid and CPR training. The remaining hours shall come from the following areas: Curriculum, Nutrition, Special Needs, Child Guidance, Professional Development, or other areas approved by the Department, and must include blood-borne pathogens training as required by OSHA. Directors who receive training in excess of twenty hours per year may carry over ten hours to the following year in the category earned.

(c) All staff, with the exception of emergency person(s) and volunteer(s), providing direct care to the children shall participate in at least fifteen clock hours annually. The hours shall come from at least three of the following areas: child growth and development, curriculum , Child Guidance, Health and

Safety, Nutrition, Special Needs, Professional Development, Program Administration, or other areas approved by the Department, and must include blood-borne pathogens training as required by OSHA. CPR and first aid training do not count in the fifteen hours.

(d) Caregivers who receive training in excess of fifteen hours per year may carry over five hours to the following year in the category earned.

(e) 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.

(f) All staff shall receive information regarding the developmental abilities of the age group(s) with whom the teacher/caregiver will be working.

(g) 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.

(h) 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 center at all times when children are in care, and during group outings or field trips. It is recommended that a CPR certified teacher be in each infant and toddler classroom at all times when children are in care. It is recommended that a CPR/first aid certified caregiver must always be present and immediately available when any child is eating. Training shall be provided by an individual who is certified as a trainer by a recognized health care organization.

114-504. Supervision.

A. Children shall be directly supervised at all times by qualified staff persons:

(1) Directly supervised for infants, toddlers and two year olds means staff persons shall be in the same room or area as the children and that the children shall be within their sight at all times;

(2) Directly supervised for preschool and school-age children means staff persons are physically near, readily accessible, aware and responsible for the ongoing activity of each child and able to intervene when needed;

(3) The center shall have a written procedure to account for the presence of each child as the child enters and exits the premises, enters and exits a vehicle or moves to a new location in or around the center;

(4) There shall be at least two staff persons in the center at all times; and

(5) Children in feeding chairs shall be constantly supervised.

B. Ratios

(1) The following staffing ratios apply at all times children are present on the premises and during activities away from the center and shall be prominently posted in all classrooms.

STAFF:CHILD RATIOS

Child's Age	Staff:Child Ratio
Birth to one year	1:5
One to two years	1:6
Two to three years	1:8
Three to four years	1:12
Four to five years	1:17
Five to six years	1:20
Six to twelve years	1:23

(2) When there are mixed age groups in the same room, the staff:child ratio shall be consistent with the age of the majority of the children when no infants or toddlers are in the mixed age group.

(3) For mixed age groups, with one or more infants or toddlers, the ratios applicable to the youngest child in the group apply.

C. Nap time staff:child ratios

(1) During nap times the following ratios apply as long as at least one other staff person is readily available:

NAP TIME STAFF:CHILD RATIOS

Child's Age	Staff:Child Ratio
Birth to one year	1:5
One to two years	1:6
Two to three years	1:16
Three to four years	1:24
Four years and older	1:34

D. Water safety staffing

(1) The following staffing ratios apply at all times while children are swimming or wading. 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 to five years	1:6
Five years and older	2:25

(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.

114-505. Health, Sanitation and Safety.

A. Child health

(1) There shall be a statement from a parent/guardian attesting to the health status of the child within 30 days prior to admission and utilizing the appropriate DSS Form.

(2) Children shall be excluded from child care 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.

(3) During hours of operation there shall be no smoking or consumption of alcoholic beverages, or use of other non-prescription narcotic or illegal substances on the center premises. People who appear to be under the influence of alcohol or other drugs shall not be in the center when children are present.

B. Sanitation

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

(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.

(3) Furniture, toys and equipment soiled by secretion or excretion shall be sanitized before reuse.

(4) Linens and blankets as well as cribs, cots, and mats shall be cleaned at least weekly.

(5) 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.

C. Emergency medical plan

(1) The center 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.

(2) Emergency information for the child shall be taken with the child to the hospital or emergency location.

(3) A staff person shall remain with the child at the hospital or emergency location until the parent arrives.

D. Medications or medical procedures

(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.

(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

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

(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 and a copy provided to the child's parent(s)/guardian(s).

(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; and

(b) The parent shall be immediately notified and notified in writing of a medication error or a suspected adverse reaction to a medication.

E. First aid kit

(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.

F. Diapering

(1) Each room in which children who wear diapers are cared for shall have its own diaper-changing area adjacent to the hand-washing sink.

- (2) Facilities caring for infants shall provide a diaper changing area located within clear view.
- (3) Diaper changing procedures shall be consistent with those recommended by the Center for Disease Control and Prevention.
- (4) Diapering surfaces shall be sanitizable.
- (5) Diapering surfaces shall be clean, seamless, waterproof and sanitary.
- (6) Diapering surfaces shall be cleaned and sanitized after each use by washing to remove visible soil followed by wiping with an approved sanitizing solution (e.g. 1 tablespoon of chlorine bleach per 1 quart of water) and/or disposable, non-absorbent paper sheets approved for this purpose and shall be discarded immediately after each diapering.
- (7) 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 a solution of chlorine bleach and water.
- (8) Diapering shall occur only at a diapering changing area or in a bathroom.
- (9) Diaper changing areas shall not be used for any purpose other than for diapering.
- (10) 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.
- (11) Each waste and diaper container shall be labeled and clean and free of build-up of soil and odor. Wastewater from such cleaning operations shall be disposed of as sewage.
- (12) 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 items shall be kept in a sealed plastic bag after feces is disposed of through the sewage.
- (13) Disposable non-absorbent paper sheets shall be disposed of immediately after diapering is completed.
- (14) Soiled disposable diapers shall be disposed outside the building daily. Soiled non-disposable diapers shall be kept in a sealed plastic bag and returned to the parent daily.
- (15) Staff shall check diapers and clothing at a frequency that ensures prompt changing of diapers and clothing.
- (16) No child shall be left unattended while being diapered.

G. Staff health

- (1) The director shall maintain the following records in the center for herself/himself, staff, and emergency person(s):
 - (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;

(b) A health assessment from a health care provider assessing the ability of the staff 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, a review of immunization status, and a discussion regarding recommended vaccinations, including a one-time adult dose of TDAP. A new health assessment shall be obtained by the director and staff at least every four years after the initial assessment; and

(c) New employees must provide written evidence from a physician or health resource attesting that they are free from communicable tuberculosis pursuant to state statute or the South Carolina Department of Health and Environmental Control regulations or policy.

(d) For transferring employees, a current health assessment and written evidence that the employee is free from communicable tuberculosis can transfer with the employee pursuant to state statute or the South Carolina Department of Health and Environmental Control regulations or policy.

(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 child care center in which there is likelihood of such person transmitting disease or infection to other individuals.

(3) Any staff member, including the director, 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 child care center until the healthcare provider indicates that the condition no longer presents a threat to children or staff.

(4) Staff persons shall wash their hands with soap and warm running water upon arrival at the center, 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.

(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).

H. Fire safety and emergency preparedness

(1) Private and public child care centers shall comply with the regulations and codes of the State Fire Marshal.

(2) In the event of a natural disaster or unscheduled closing of a child care center, the capacity may be exceeded temporarily to accommodate the displaced children. The director shall notify the Department of the situation and maintain appropriate staff:child ratios at all times. Required records shall be kept on file for the new enrollees.

(3) The facility shall have an up to date written plan for evacuating in case of fire, a natural disaster, or other threatening situation that may pose a health or safety hazard. The facility shall also include procedures for staff training in this emergency plan.

I. Transportation

(1) If the center provides or arranges for transportation through contract, the following transportation requirements apply:

(a) The staffing ratios specified in 114-504.B.(1) through (3) apply. The driver of the vehicle shall not be counted in the ratios for infants or toddlers.

(b) Each child shall be secured in an individual, age-appropriate safety restraint at all times the vehicle is in motion.

(c) Safety restraints shall be used in accordance with the manufacturer's instructions.

(d) A child shall not be left unattended in a vehicle.

(e) Transportation placement of children in the vehicle shall be in accordance with all applicable state and federal laws.

(f) The driver shall have a valid regular or commercial driver's license and shall be in compliance with Section 63-13-40 of the South Carolina Code of Laws.

(g) There shall be a first aid kit and emergency information on each child in the vehicle.

(h) Use of tobacco products is prohibited in the vehicle.

(i) Written consent from the parent is required prior to transportation.

(j) When the facility provides transportation to and from the child's home, the facility staff shall be responsible for picking the child up and returning the child to a designated location.

(k) The director and/or staff of the center shall provide the driver of the vehicle with a record that lists the name, address, and telephone number of the center, as well as names of children being transported.

(2) The following requirements apply for safe pick-up and drop-off:

(a) The center shall have safe crossways and pick-up and drop-off locations and communicate these locations to the parents.

(b) Children shall be directly supervised during boarding and exiting vehicles.

(c) The director and/or staff shall have on file, in the facility, written permission from parent(s)/guardian(s) for transporting children to and from the home, school, or other designated places, including center-planned field trips and activities.

(d) Written transportation plans for routine travel shall be on file. Plans shall include a checklist to account for the loading and unloading of children at every location.

114-506. Program.

A. Program of activities

(1) There shall be a written, 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 daily, weather permitting.

(9) Napping expectations and time periods shall be developmentally appropriate and meet the needs of the individual child.

B. Discipline and behavior management

(1) The facility'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.

(2) All teacher/caregivers shall sign a facility agreement to implement the discipline and behavior management policy, with a statement that specifies no corporal punishment.

(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.

114-507. Physical Site.

A. Indoor space and conditions

(1) The director shall provide at least thirty-five (35) square feet of indoor play space per child, measured by Department staff from wall to wall. Department staff shall determine the total number of children to be cared for in each room by measuring and computing the rooms separately. 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.

(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.

(d) Windows accessible to children under 5 years of age that are above ground level of the building shall be adjusted to limit the opening to less than 6 inches or protected with guards that do not block outdoor light.

(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 facility.

(4) Lighting

(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.

(5) Environmental hazards

(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.

(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, child care centers 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).

(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 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.

(6) Water Supply

(a) The water supply shall meet applicable requirements for water quality and testing in accordance with DHEC.

(b) The center shall have hot and cold water under pressure. (Forty PSI recommended) If water is unavailable for four hours, a center must close.

(c) Hot water shall meet current DHEC regulations for Retail Food Establishments: 61-25.

(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.

(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.

(7) Temperature

(a) Temperature shall be maintained between 68 and 80 degrees Fahrenheit as appropriate to the season while children are present in the center. If temperature cannot be maintained in this range for more than four hours, the center must close.

(b) Caution shall be used with regards to weather and the length of time children are outside when the wind chill factor is below 20 degrees Fahrenheit or the heat index is above 95 degrees Fahrenheit.

(8) Sanitation

(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.

(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.

(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.

(9) Doors

(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.

(10) Landings, stairs, handrails, and railings

(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 center.

(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.

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

(11) Electrical sources

(a) The center 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.

(12) Bathrooms

(a) There shall be at least one flush toilet for every 20 children over two years of age. Staff shall be included when determining availability of toilets if there are no staff rest rooms.

(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 running water under pressure for every 20 children over two years of age. Sinks shall be located in or near each toilet area. It is recommended that water be a minimum of 60 degrees Fahrenheit.

(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) Privacy shall be provided for toilets used by preschool and school age children.

(g) Floor and wall surfaces in the toilet area shall have smooth, washable surfaces. Carpeting is not permitted in the toilet area.

(h) Toilets, toilet seat adapters, sinks and restrooms shall be cleaned at least daily and shall be in good repair.

(i) Liquid or granular soap and disposable towels shall be provided at each sink.

(j) Children shall not be left unattended in a bathtub or shower.

(k) Easily cleanable receptacles shall be provided for waste material. Toilet rooms used by women shall be provided with at least one covered waste receptacle.

(l) Bathroom facilities shall be completely enclosed.

B. Outdoor space

(1) The director shall provide at least seventy-five (75) square feet of outdoor play space per child. Where outdoor space is insufficient at the center, the director and/or staff may take the children outdoors in shifts or utilize parks or other outdoor play areas which meet safety requirements and which are easily accessible.

- (2) The outdoor space shall be free from hazards and litter.
- (3) Outdoor walkways shall be free from debris, leaves, ice, snow, and obstruction.
- (4) 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.
- (5) Outdoor recreational equipment shall 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.
- (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.
- (8) Swings shall be located to minimize accidents and shall have soft and flexible seats.
- (9) Cushioning material such as mats, wood chips or sand shall be used under climbers, slides, swings, and large pieces of equipment. Cushioning material shall extend at least six (6) feet beyond the equipment and swings.
- (10) Slides shall have secure guards along both sides of the ladder and placed in a shaded area.
- (11) Outdoor metal equipment that is uncoated shall be located in shaded areas or otherwise protected from the sun. Teachers shall check the temperature by touch prior to children playing on it.
- (12) Outdoor equipment shall be arranged so that children can be seen at all times.
- (13) 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.

C. Furniture, toys, and recreational equipment shall:

- (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;
- (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) Playpens are not allowed in licensed care.
- (5) All arts and crafts and play materials shall be nontoxic;
- (6) The height of play equipment shall be developmentally and size appropriate;

(7) Sand in a sand box shall be securely covered when not in use and, if outdoors, constructed to provide for drainage;

(8) 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.

D. Rest equipment

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

(2) Each infant, toddler, two year old and preschool child shall be assigned an individual, clean, and developmentally appropriate crib, cot, or mat appropriately labeled with the child's name and/or charted and used only by that child.

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

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

(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.

E. Environmental hazards

(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.

(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.

(2) Water hazards

(a) Swimming pools located at the center or used by the center 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.

(3) Firearms, weapons, and ammunition are not permitted in the center or on the premises without the express permission of the authorities in charge of the premises or property. This does not apply to a guard, law enforcement officer, or member of the armed forces, or student of military science.

(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. Live animals shall be excluded from areas where food for human consumption is stored, prepared or served.

(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.

(e) Children and adults shall wash their hands after touching animals.

114-508. Meal Requirements; Food Preparation and Serving; Storage and Protection of Food Supplies, Utensils and Equipment.

A. Meal requirements

(1) If food is provided by the facility, 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. Centers 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. Centers 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.

(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.

(2) Food served shall be suited to the child's age and appetite. Second portions shall be available.

(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.

(4) All food in child care centers 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.

(5) The use of food in hermetically sealed containers that was not prepared in an approved food-processing establishment is prohibited.

(6) The use of home-canned foods is not allowed.

(7) The following requirements shall be met when it is necessary to provide meals through a catering service:

(a) Catered meals shall be obtained from a food service establishment approved by the DHEC.

(b) If adequate cleaning and sanitizing equipment is not available, only disposable eating and drinking utensils shall be used to serve catered meals or food; and

(c) The procedures and equipment used to transport catered meals shall be approved by the DHEC.

(8) Meals and snacks may be provided by the center or the parent. The center 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.

(9) Dietary alternatives shall be available for a child who has special health needs or religious beliefs.

(10) Written permission/instructions for dietary modifications signed by the child's health care provider or parent or legal guardian are required.

B. Food preparation

(1) Adequate hand-washing facilities, separate from food preparation sinks, equipped with hot and cold water under pressure supplied through a mixing faucet, shall be provided in the food preparation area. Hot water shall meet current DHEC regulations for Retail Food Establishments: 61-25. (Facilities shall not be required to install an additional hand-washing sink in the food preparation area if, in the opinion of the health authority, the existing hand-washing facilities are adequate.)

(2) Sanitary soap and towels shall be provided.

(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.

(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.

(5) The outer clothing of all staff shall be clean. The director shall ensure proper hair restraints are worn to protect from falling hair.

(6) 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.

(d) Rare roast beef and rare beefsteak shall be cooked to surface temperature of at least 130 degrees Fahrenheit.

(7) 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.

(8) 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.

(9) 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.

(10) All raw fruits and vegetables shall be washed thoroughly before being cooked, served, or placed in refrigerators.

C. Food service

(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.

(2) Easily breakable dinnerware shall not be used.

(3) Children shall not be forced to eat.

(4) Food shall not be used as a punishment.

(5) Children shall not be allowed in the kitchen except during supervised activities.

(6) Portions of food once served shall not be served again.

(7) Single-service articles shall be stored in closed cartons or containers to protect them from contamination.

(8) Use of "common drinking cups" is prohibited.

(9) Disposable cups, if used, shall be handled and stored properly to prevent contamination.

(10) Reuse of single service articles is prohibited.

(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.

D. Storage

(1) All food shall be properly labeled and stored, and shall be protected against contamination.

(2) The director 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.

(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.

(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.

(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.

(6) The storage of food or food equipment, utensils, or single-service articles in toilet rooms and under exposed sewer lines is prohibited.

(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.

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

E. Cleaning, storage, and handling of utensils and equipment

(1) Tableware shall be washed, rinsed, and sanitized after each use.

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

(3) The cooking surfaces of cooking devices shall be cleaned as often as necessary and shall be free of encrusted grease deposits and other soil.

(4) 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.

(5) After sanitation, all equipment and utensils shall be air-dried.

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

(7) When manual dishwashing is employed, equipment and utensils shall be thoroughly washed in a detergent solution that is kept reasonably clean, be rinsed thoroughly of such solution, sanitized by one of the following methods:

(a) Complete immersion for at least 30 seconds in a clean solution containing at least 50 parts per million of available chlorine as a hypochlorite and at a temperature of at least 75 degrees Fahrenheit;

(b) Complete immersion for at least 30 seconds in a clean solution containing at least 12.5 parts per million of available iodine and having a pH no higher than 5.0 and at a temperature of at least 75 degrees Fahrenheit;

(c) Complete immersion for at least 30 seconds in a clean solution containing at least 200 parts per million of quaternary ammonium at a temperature of at least 75 degrees Fahrenheit; or

(d) Complete immersion in hot water at a temperature of 170 degrees Fahrenheit in a three-compartment sink.

(8) Other chemical sanitizing agents may be used which have been demonstrated to the satisfaction of the health authority to be effective and non-toxic under use conditions, and for which suitable field tests are available. Such sanitizing agents, in use solution, shall provide the equivalent bactericidal effect for a solution containing at least 50 parts per million of available chlorine at a temperature not less than 75 degrees Fahrenheit.

(9) A test kit or other device that accurately measures the parts per million concentration of the solution shall be available and used.

(10) All dishwashing machines shall be approved by the South Carolina Department of Health and Environmental Control (DHEC) and shall meet applicable installation requirements.

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

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

(13) 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.

(14) Dish tables or drain boards of adequate size to properly handle soiled utensils prior to washing and for cleaned utensils following rinsing and sanitizing shall be provided.

114-509. Infant and Toddler Care, Care for Mildly Ill Children, and Night Care.

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.

(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.

(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) Microwaving of breastmilk, formulas, or other beverages is prohibited. If used, crock pots, bottle warmers, or other electronic devices must be in an area not accessible to children.

(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.

(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.

(5) Sleeping

(a) Infants shall be placed on their backs to sleep.

(b) Crib mobiles shall not be permitted for infants or toddlers who can sit.

(c) Cribs shall be spaced so that there is at least three feet of space on two sides of the crib. Cribs shall not be placed next to each other so that one child may reach into the other child's crib.

(d) Stacked cribs are not permitted.

(6) Equipment and materials

(a) The infant and toddler room shall have chairs for staff persons to sit while holding and feeding children.

(b) Indoor space shall be protected from general walkways where crawling children may be on the floor.

(c) Mobile walkers are not permitted.

B. Care for mildly ill children

(1) Parent notification and instructions

(a) If a child becomes ill while in care, the center 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 center 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 a center chooses to provide care to a mildly ill child, the center shall receive instructions from the parent for any special care needs of the child.

(2) Policies and procedures

(a) If a center chooses to provide care to a mildly ill child, the center 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.

(d) A hand-washing sink shall be in close proximity to the area designated for mildly ill children.

C. Night care

(1) Requirements for staffing ratios:

(a) Staff counted in the staffing ratios shall be awake, alert and attentive to the children at all times.

(b) The supervision and ratio requirements for sleeping hours are the same as specified for napping in 114-504.C.

(2) An unannounced emergency drill shall be held during sleeping hours at least every 60 days.

(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.

(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.

(5) Bathing

(a) If children bathe at the center, there shall be one bathtub or shower with a slip resistant surface for every ten children.

(b) Each child shall have his or her own clean towel and washcloth.

(6) Night clothes

- (a) The center shall make arrangements with the parent to provide clean, appropriate night clothes.

Fiscal Impact Statement:

The proposed regulations will have no substantial fiscal or economic impact on the State or its political subdivisions. Implementation of this regulation will not require additional resources beyond those allowed. There is no anticipated additional cost by the Department or State Government due to any inherent requirements of this regulation.

Statement of Rationale:

These amendments are proposed to enhance and improve the current licensing regulations for private and public child care centers based on the advice and recommendation of the State Advisory Committee on the Regulation of Child Care Facilities. The Committee consulted experts in the field of child care licensing, inclusion of children with special needs, and national best practice standards adopted by other states.