

## CHAPTER ELEVEN—CHILD CARE CENTERS OPERATED BY CHURCHES OR RELIGIOUS ENTITIES

### SC Statute 63-13-1010 (A)

#### Application of the law; church or religious child care centers

No church congregation or established religious denomination or religious college or university which does not receive state or federal financial assistance for childcare services may operate a childcare center or group childcare home unless it complies with the requirements for registration and inspection and the regulations for health and fire safety as set forth in Sections 63-13-1020 through 63-13-110 and requirements applicable to private and public childcare centers and group childcare homes for floor space, child:staff ratios, and staff training. Application for registration must be made on forms supplied by the department and in the manner it prescribes. Registration expires two years from the date of issuance of the statement of registration. Registration may be renewed according to the procedures developed by the department.

#### 114-520 GENERAL PROVISIONS

##### 114-520 A. Purpose

114-520 A. (1) The purpose of these regulations is to establish standards that protect the health, safety and well being of children receiving care in child care facilities, through the formulation, application and enforcement of these regulations. See Center Regulation 114-500 A. (1)

##### 114-520 B. Applicability

114-520 B. (1) These regulations apply to child care centers operated by churches or religious entities as defined in Section 114-521 A.(8).

114-520 B. (2) These regulations do not apply to the following:

- (a) Educational facilities, whether private or public, which operate solely for educational purposes in grade one or above;
- (b) Five-year-old kindergarten programs;
- (c) Kindergartens or nursery schools or other daytime programs, with or without stated educational purposes, operating no more than four hours a day and receiving children younger than lawful school age;
- (d) Facilities operated for more than four hours a day in connection with a shopping center or service or other similar facility, where the same children are cared for less than four hours a day and not on a regular basis while parents or custodians of the children are occupied on the premises or are in the immediate vicinity and immediately available; however, these facilities must meet local fire and sanitation requirements and maintain documentation of these requirements on file at the facility available for public inspection;

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

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

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

- (f) Summer resident camps for children;
- (g) Bible schools conducted during school vacation periods;
- (h) Facilities for the mentally retarded provided in Chapter 21, Title 44; and
- (i) Facilities for the mentally ill as provided for in Chapter 17, Title 44.

- 114-520 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.

### 114-521 DEFINITIONS

- 114-521 A. Terms used in South Carolina Regulations, Chapter 114, Article 5, Part A, shall be all definitions cited in Section 63-13-20 et seq., Code of Laws of South Carolina in addition to the definitions that follow:

- (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 (DSS) application form and other requirements to the Department in order to obtain a child care center registration.

- 114-521 A. (2) **Blood-borne pathogens:** Pathogenic microorganisms that are present in human blood that can cause disease in humans. These pathogens include, but are not limited to, hepatitis B virus (HBV) and human immunodeficiency virus (HIV).

- 114-521 A. (3) **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.

**POLICY: If the director has a second job, the director shall provide sufficient information for the Regulatory Specialist to determine the number of hours and the location of the second job in order to ensure regulatory compliance. (1/31/06)**

**POLICY: The center director must be a full-time employee and must be in charge on a regular basis for more hours per day than the center director designee. (1/31/06)**

**POLICY: The center director or co-director may serve as a teacher/caregiver as long as it does not interfere with the responsibility of being the director. (8/1/06)**

- 114-521 A. (4) **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.

**POLICY: The center co-director must meet the same qualifications as the center director. (1/31/06)**

114-521 A. (5) **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.

**POLICY:** *The center director designee may be a part-time or full-time employee but may not be the emergency person nor be in charge for more hours per day on a regular basis than the center director. (1/31/06)*

114-521 A. (6) **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.

114-521 A. (7) **Child:** An individual, from birth through 15 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.

114-521 A. (8) **Child care center:** A center that is licensed for thirteen (13) or more children for care.

114-521 A. (9) **Complaint:** Statement(s) reporting unsatisfactory conditions in a child care facility.

114-521 A. (10) **Complete Application:** An application is complete on the date of receipt of the last document required by the Department in order to issue a registration.

114-521 A. (11) **Department:** Refers to the Department of Social Services.

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

114-521 A. (12) **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, with the exception of training.

114-521 A. (13) **Infant:** A child under 12 months of age.

114-521 A. (14) **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.

114-521 A. (15) **Parent:** The biological or adoptive mother or father, the legal guardian of the child or the individual agency with custody of the child.

114-521 A. (16) **Preschool Child:** A child 3 or 4 years of age or older but not yet eligible for public kindergarten.

114-521 A. (17) **Provisional registration:** A written notice issued by the Department to a director when the director is temporarily unable to comply with all the requirements for a registration.

114-521 A. (18) **Regular registration:** A registration issued by the Department for two years to a director showing that the registrar is in compliance with the regulations of the Department at the time of issuance and authorizing the religious entity to operate in accordance with the regulations of the Department.

114-521 A. (19) **Renewal:** To grant an extension of a regular registration.

114-521 A. (20) **School-aged Child:** A child at least old enough to enroll in public kindergarten.

114-521 A. (21) **Sex Offender Registry:** A statewide computerized listing of names and other identifying information on convicted sex offenders maintained and updated by the State Law Enforcement Division (SLED) and authorized by Section 23-3-400 et.

- seq., Code of Laws of South Carolina, 1976, as amended. (SEE SECTION 23-3-400 IN RESOURCE MANUAL SECTION 2.)
- 114-521 A. (22) **Staff:** Full-time and part-time management, administrative, teaching/ caregiving, program, maintenance, food service and service personnel; emergency and substitute personnel; supervised students; supervised student teachers and supervised volunteers.
- 114-521 A. (23) **Staff:Child Ratio:** The maximum number of children permitted per teacher/caregiver.
- 114-521 A. (24) **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.
- 114-521 A. (25) **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.
- 114-521 A. (26) **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.
- 114-521 A. (27) **Suspend:** To void the regular registration of a child care center operated by a religious body.
- 114-521 A. (28) **Teacher/Caregiver:** Any person whose duties include direct care, supervision, and guidance of children in a child care center.
- 114-521 A. (29) **Toddler:** A child 12 months of age or older, but younger than 24 months of age.
- 114-521 A. (30) **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.
- 114-521 A. (31) **Two-year olds:** A child 24 months of age or older but younger than 3 years of age.
- 114-521 A. (32) **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.

**SC Statute 63-13-1020**  
**Registration and inspection; church or religious child care centers.**

The child care operator shall submit a formal request for inspection of the child care facility to the department. The department shall request the appropriate state health and fire safety agencies to conduct an inspection of the facility before renewal of the registration and more often if necessary to ensure compliance with health and fire safety regulations. The department shall register the child care facility upon notification from health and fire safety agencies that the child care facility is in compliance with these regulations and the requirements of Section 63-13-1010.

The applicable regulations must be the same health and fire safety regulations applied to other facilities regulated under this subarticle.

**114-522 PROCEDURES**

**114-522 A. Pre-application consultation**

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

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

- (2) Facilities owned and operated by a local church congregation, established religious denomination, religious college or university which does not receive state or federal financial assistance for child care services may secure information about the registration and inspection process for a child care facility by contacting staff of the State or Regional Child Care Licensing Office.
- (3) Facilities owned and operated by a local church congregation, established religious denomination, religious college or university which receive funds through the state or federal government or which voluntarily elect to be licensed, may secure information about the licensing process by contacting staff of the State or Regional Child Care Licensing Office.

**SC Statute 63-13-1010 (B) through (H)**

**(B) Before issuing a registration, the department shall conduct an investigation of the applicant. This investigation is limited to:**

- (1) the results of the criminal history review required by subsection (G);**
- (2) the requirements for registration and inspection and the regulations for health and fire safety provided for in Sections 20-7-2910 through 20-7-2975; and**
- (3) requirements applicable to private and public child care centers and group child care homes for floor space, child-staff ratios, and staff training.**

**(C) No license or registration may be issued to a church congregation, established religious denomination, or religious college or university if a person who**

provides service as an operator, caregiver, or employee at the childcare facility has been convicted of:

- (1) a crime listed in Chapter 3 of Title 16, Offenses Against the Person;
- (2) a crime listed in Chapter 15 of Title 16, Offenses Against Morality and Decency;
- (3) the crime of contributing to the delinquency of a minor, contained in Section 16-17-490;
- (4) the felonies classified in Section 16-1-10(A);
- (5) the offenses enumerated in Section 16-1-10(D); or
- (6) a criminal offense similar in nature to the crimes listed in this subsection committed in other jurisdictions or under federal law.

(D) Application forms for licensure or registration issued under this subarticle must include, at the top of the form in large bold type, a statement indicating that a person who has been convicted of a crime enumerated in this section who applies for a license or registration as operator is guilty of a misdemeanor and, upon conviction, must be fined not more than five thousand dollars or imprisoned not more than one year, or both.

(E) A person applying for a license or registration as an operator of a church or religious childcare center shall undergo a state fingerprint review to be conducted by the State Law Enforcement Division to determine any state criminal history and a fingerprint review to be conducted by the Federal Bureau of Investigation to determine any other criminal history. The fingerprint reviews required by this subsection are not required upon each renewal.

(F) Application forms for licensure or registration issued under this chapter by the department and application forms for employment at a facility operated by a church congregation, established religious denomination, or religious college or university must include, at the top of the form in large bold type, a statement indicating that a person who has been convicted of one of the crimes listed in this section who applies for a license as operator, applies for employment with, is employed by, seeks to provide caregiver services with, or is a caregiver at a facility is guilty of a misdemeanor and, upon conviction, must be fined not more than five thousand dollars or imprisoned not more than one year, or both.

(G) A person applying for a license or registration as an operator of a church or religious childcare center or seeking employment or seeking to provide caregiver services at a church or religious childcare center shall undergo a state fingerprint review to be conducted by the State Law Enforcement Division to determine any state criminal history and a fingerprint review to be conducted by the Federal Bureau of Investigation to determine any other criminal history. The fingerprint reviews required by this subsection are not required upon each renewal unless the renewal coincides with employment of a new operator, employee, or caregiver.

(H) A person applying for renewal of a license or registration as an operator of a church or religious childcare center licensed or registered under this chapter and a person employed or registered under this chapter, who has not done so

previously, on the first renewal after June 30, 1996, shall undergo a state fingerprint review to be conducted by the State Law Enforcement Division to determine any state criminal history and a fingerprint review to be conducted by the Federal Bureau of Investigation to determine any other criminal history.

#### 114-522 B. Registration

114-522 B. (1) An application for a registration 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 regulations, a copy of Section 63-13-20 et seq., Code of Laws of South Carolina (1976), and a copy of sections of the Children's Code related to child abuse and neglect with an explanation of procedures and information required by the Department. The Department representative shall request in writing that health and fire officials make inspections of the facility.

#### **PROCEDURE: New Facilities**

##### Prior to the Inspection

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

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

1. Regulatory Specialist collects the following:
  - Information on the director and two qualified caregivers
  - Facility policies
  - Staff list
  - DSS Form 2924 for all employees with appropriate payment
  - Copies of CPR/First Aid certifications
2. Regulatory Specialist obtains director's signature on required paperwork; ensure all forms are completed correctly.
3. Regulatory Specialist ensures that fingerprint cards have been mailed to DSS Office of Investigations.
4. Regulatory Specialist measures facility and playground and counts number of toilets and sinks with hot and cold running water to determine capacity.
5. If facility has pending deficiencies, leave a copy of the DSS Form 2942 with director noting such deficiencies
6. Regulatory Specialist completes the Provisional Evaluation Study with the Director



**Following the Inspection**

1. Verify director's qualifications.
2. Complete Calform (measurement calculation form) to determine the number of children allowed on the registration
3. Complete Sections 1, 2, and 4 of Supervisory Review Checklist, attach cover sheet, and submit file to supervisor with recommendation for Provisional Registration
4. The Regional Supervisor will issue a registration, the registration is printed and mailed to provider. A copy is placed in file. Document the date the Registration was sent to the provider in the dictation section of the file.
5. Once Provisional Registration is received, facility may begin to operate. The Regulatory Specialist will schedule visit to complete Full Evaluation Study.

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

1. Conduct visit to the facility to initiate the Full Evaluation Study.
2. Obtain new staff list, and verify compliance on all new staff. (Do not review children's records at Registered Churches.)
3. Obtain required documents and forms for DSS file, as indicated in the Application Review Checklist.
4. Observe ratios during inspection of facility
5. Verify correction of cited deficiencies, if any, from Original Provisional Study.
6. Inspect facility and outdoor playground area. If deficiencies exist, complete DSS Form 2942 and follow up as needed.

**After the Inspection Visit for a Full Evaluation Study**

1. Complete Section 3 of Supervisory Review Checklist, attach cover sheet, and submit file to supervisor with recommendation:
  - If deficiencies are cited, enter deficiencies on Deficiency Form and submit to supervisor with recommendation for Provisional Registration.
  - Once the deficiencies have been corrected, submit a request to amend the Provisional Registration to a regular status.
  - If no deficiencies, submit information to supervisor with recommendation for Regular Registration.
2. The Registration is printed and mailed to provider; a copy of Registration is placed in file. Document the date the Registration was sent to the provider in the dictation section of the file.

114-522 B. (2) After giving the applicant at least two working days notice, Department staff shall arrange a registration study during an on-site visit to the proposed facility for determining compliance with applicable regulations.

114-522 B. (3) Upon request of the Department, 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.



114-522 B. (4) The Department shall review the completed application form, completed 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 registration and shall take one of the following actions:

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

***POLICY: In addition to the Emergency Medical Plan, Medication Policies, the Evaluation Plan, Transportation Plan, Written Procedure to Account for Children, written policies shall be reviewed. (6/1/07)***

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

**PROCEDURE: New Child Care Facility**

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

**Existing Child Care Facility**

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

- (a) Issue a regular registration if all the provisions of the regulations and statute for the operation of a child care center have been met;
- (b) Issue a provisional registration 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 registration if one or more violations seriously threaten the health, safety or well-being of the children.

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

114-522 B. (5) 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 registration.

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

- 114-522 B. (6) If a registration is issued, the Department staff shall mail the registration directly to the director.
- 114-522 B. (7) The registration shall state clearly the name of the director; the address and type of child care facility, the date on which the registration was issued and will expire, and the maximum number of children to be present in the center at any one time.
- 114-522 B. (8) Department staff shall notify the director as follows if a provisional registration is issued or an application for a registration is denied;
- (a) If a provisional registration 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; or
  - (b) If a registration is denied or suspended, the Department shall give the applicant written notice by certified mail indicating the reason(s) for the denial or suspension and inform the operator of the right to appeal the decision through administrative channels to the department and according to established appeals procedure for the department. Upon appeal, the decision of the department is final unless appealed by a party pursuant to an Administrative Law Judge.
- 114-522 B. (9) If a facility is found to be in operation after the Department has denied the application for the registration and the administrative appeal/review procedure has been completed, the Department shall notify the Department's Office of General Counsel.

#### **114-522 C. Provisions of the registration**

- 114-522 C. (1) A regular registration issued by the Department to the child care center shall be valid for two years from date of issuance, unless suspended 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 registration.

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

- 114-522 C. (2) A provisional registration 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.
- 114-522 C. (3) A provisional registration shall be amended from a provisional to a regular registration when all deficiencies have been verified as corrected.

- 114-522 C. (4) An application for a registration may be denied or suspended by the Department if the 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(2), S.C. Code of Laws, 1976 as amended.

#### **114-522 D. Inspection and consultation**

- 114-522.D. (1) Department staff may also visit and inspect a child care center operated by religious bodies at any time during the hours of operation without prior notice to verify regulatory compliance with staff:child ratios.

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

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

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

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

#### **During the Inspection**

- 1. Identify yourself and the purpose of your visit.**
- 2. Ask for the director or the person in charge.**
- 3. Begin your inspection using the following recommendations:**
  - Locate or ask for the method used for keeping track of children during operating hours.
  - Verify that at least one person is on the premises with current CPR and First Aid training.

- Enter each area of the facility by introducing yourself and asking for each caregiver's name.
  - Verify the ages of the children present and count the number of children to check compliance with ratios.
  - Verify that each classroom has the ratio chart posted.
  - Complete a general scan of the room to find immediately noticeable problem areas.
  - Document any deficiencies on Form 2942 which will be discussed with the director during the exit interview.
  - Allow for reasonable on-site corrections (e.g., locking a cabinet that contains cleaning supplies). Cite deficiencies regardless of immediate correction and document correction on DSS Form 2942.
4. Repeat the above procedure for each area of the facility including the playground.
  5. After all areas of the facility have been inspected, conduct exit interview with the director or person in charge.
  6. Review any paperwork for new staff.
  7. Ask the director to sign and date the DSS Forms #2942 if there are any deficiencies.

#### After the Inspection

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

#### Follow Up

1. If deficiencies were cited with regard to staff:child ratios, Regulatory Specialist will make a follow up visit to verify compliance.
2. If other deficiencies were cited, the provider must submit a letter on church letterhead stating that the deficiencies have been corrected.
3. If the deficiencies have not been corrected within the specified time frame, the Specialist will contact the director to follow up.

***POLICY: In addition to the Emergency Medical Plan, Medication Policies, the Evaluation Plan, Transportation Plan, Written Procedure to Account for Children, written policies shall be reviewed. (6/1/07)***

***POLICY: The Regulatory Specialist may also cite any other observed regulatory or health and safety violations while in the process of conducting a supervisory or complaint visit at the facility. (1/31/06)***

- 114-522 D. (2) Department staff may also visit the facility under the following conditions:
- (a) The facility requests in writing that a Department representative visit to discuss problems related to the applicable regulations or other matters of concern;
  - (b) The facility has not applied for registration to the Department as mandated by law; or

- (c) There has been a report of child abuse or child neglect involving the facility.

114-522 D. (3) Upon receipt of a regulatory complaint on staff:child ratios, 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.

### PROCEDURE: REGULATORY COMPLAINTS/INVESTIGATIONS

1. **Complaint is received by phone, in writing, or in person**
  - If the complaint is received in writing, attach a copy of the document to the DSS Form 2929
2. **Identify the facility and determine if it is an illegal operation or a regulated facility**
  - If illegal operation, follow procedure for illegal operation
3. **Indicate if the complainant wishes to remain anonymous or complete the contact information for the complainant**
4. **Complete DSS Form 2929 and assemble as much information as possible**
  - Determine if the complaint is regulatory. If the complaint is regulatory, continue following the procedures as outlined.
  - If it is not, explain that the Department does not make visits on non-regulatory matters, such as financial or personal concerns (termination of staff, daily rates, etc.)
5. **Make referrals to OHAN (see OHAN procedures), DHEC, Fire Marshal, etc. as necessary.**
6. **The Regulatory Specialist must make an unannounced visit within five (5) (business) days of receipt of a complaint regarding staff:child ratio or training.**
  - For all other complaints, Regulatory Specialist must call facility prior to the visit.
  - Complaints involving a potentially serious risk should receive immediate attention.
    - If there is the possibility of a potentially serious risk, staff with supervisor immediately
    - Make referrals as necessary
7. **Document findings on DSS Form 2929**
  - Conduct exit interview with the director or operator. Discuss findings and any other deficiencies, if any.
8. **If deficiencies are cited, complete DSS Form 2942**
  - Obtain director's signature on the 2942 and leave a copy with the director.
9. **Make follow up visit to verify compliance of staff:child ratios ONLY.**
10. **If other deficiencies were cited, the provider must submit a letter on church letterhead stating that the deficiencies have been corrected. Additional supporting documentation may be supplied if necessary (i.e., receipts).**
11. **Enter all founded complaints on website**

114-522 D. (4) Fire and health officials may visit the facility under the following conditions:

- (a) When there is a complaint against the facility citing health and fire regulations violations that threaten serious harm to the children;
- (b) When inspections have been requested by the Department staff for registration; or
- (c) When verification is needed that deficiencies cited by fire and/or health officials have been corrected.

**POLICY: The facility director or a responsible party shall furnish the Department with a signed letter specifically noting the correction of each cited health or regulatory deficiency. (1/31/06)**

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

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

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

- 1. Regulatory staff will send a deficiency letter to the director/operator designating a timeframe for correction as well as consequences of non-compliance.**
- 2. Regulatory staff will coordinate with the appropriate inspector to verify compliance.**
- 3. Refer to Negative Action Procedures (See Chapter 15 of this manual) if still out of compliance. (11/1/06)**

#### **114-522 E. Reasons for registration denial, suspension or non-renewal**

114-522 E. (1) A registration may be denied, withdrawn 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(2), S.C. Code of Laws, 1976 as amended.

114-522 E. (2) A registration may be denied, withdrawn, or non-renewed by the Department if cited deficiencies threaten serious harm to the health and/or safety of the children.

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

#### **114-522 F. Reporting of changes affecting registration**

114-522 F. (1) The director shall immediately report to the Department when an occurrence takes place that may affect the status of the registration including the following:

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

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

#### **114-522 G. Registration renewal**



- 114-522 G. (1) One hundred and twenty (120) days prior to the expiration date of the current registration, Department staff shall notify the director in writing of the time and requirements for renewal and shall request health and fire inspections.

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

#### Prior to the Renewal

1. **Suggestions for preparing for the renewal:**
  - Plan and conduct an inspection (supervisory visit) of the facility four to six (4-6) months prior to the expiration date for that facility's registration. At this time, mail or deliver a renewal packet to the director and ask the director to sign the letter notifying him/her that s/he is to submit requests for fire and DHEC inspections (with a check for \$60) at least 120 days prior to the expiration date of their registration.
  - Follow up with the facility to make sure requests for fire and DHEC inspections have been made in the appropriate time frame. (If they have not been made in the appropriate time frame, send the facility a deficiency letter. **NOTE:** This should be done on a case-by-case basis.)
  - Keep a copy of all forms facilities may need, the regulations, and the Operating Manual in the vehicle.
  - Schedule a date for the renewal that is at least three (3) months prior to the expiration of the facility's registration.
  - Remind the director of the scheduled renewal at least two (2) business days prior to their renewal date.
  - Assemble the following paperwork and fill in as much information as possible prior to entering the facility:
    - The case file
    - The appropriate "Renewal Study" form (DSS Form #2912)
    - Multiple DSS Forms #2942
    - Any new forms or new information of which directors need to become aware.
  - Review any previous visits (i.e., inspections (supervisory visits), complaints, etc.) made to the facility and make note of any outstanding deficiencies that must be checked.

#### During the Renewal

1. Identify yourself and the purpose of your visit.
2. Ask for the director.
3. Begin by meeting with the director, and explain the renewal process. Then walk through the facility using the following recommendations:
  - Locate or ask for the method used for keeping track of children during operating hours.
  - Verify that at least one person is on the premises with current CPR and First Aid training.
  - Enter each area of facility by introducing yourself and asking for each caregiver's name.
  - Verify the ages of the children present and count the number of children to check compliance with ratios.
  - Verify that each classroom has the ratio chart posted.



- Complete a general scan of the room to find immediately noticeable problem areas.
  - Document any deficiencies on Form 2942 which will be discussed with the director during the exit interview.
  - Allow for reasonable on-site corrections (e.g., locking a cabinet that contains cleaning supplies). Cite deficiencies regardless of immediate correction and document correction on the 2942.
4. Repeat the above procedure for each area of the facility including the playground.
  5. After all areas of the facility have been inspected, meet with the director to discuss any deficiencies.
  6. Review paperwork for all staff.
  7. Discuss any new forms or new information of which director needs to be aware.
  8. Ask the director to sign and date the DSS Forms #2942 if necessary.

#### After the Renewal

1. Use the activity sheet in the case file to document that a renewal visit has been made and state whether deficiencies have or have not been found.
2. The Supervisor reviews the “Supervisory Review Check Sheet” (DSS Form 2935)
3. Submit a request to renew the registration if no deficiencies have been found. Document the date the license was sent to the provider in the dictation section of the file.
4. If deficiencies exist, a deficiency letter can be produced, reviewed by the supervisor and mailed to the provider within ten (10) business days of the renewal.

#### Follow Up

1. If deficiencies were cited with regard to staff:child ratios, Regulatory Specialist will make a follow up visit to verify compliance.
2. If other deficiencies were cited, the provider must submit a letter on church letterhead stating that the deficiencies have been corrected. Additional supporting documentation may be supplied if necessary (i.e., receipts).
3. If the deficiencies have not been corrected within the specified time frame, the Specialist will contact the director to follow up.
4. If deficiencies will not be corrected by the expiration date of the registration and it is reasonable to do so, submit paperwork requesting a provisional registration and follow up to upgrade the provisional registration to a regular registration in a timely manner.

114-522 G. (2) The same Department actions cited in 114-522 B. (1-9) above are applicable to the renewal process, except that the Department shall initiate the registration renewal process one hundred and twenty (120) days in advance.

(SEE RESOURCE MANUAL SECTION 3 FOR: CHAPTER 3, TITLE 16, OFFENSES AGAINST THE PERSON; CHAPTER 15, TITLE 16, OFFENSES AGAINST MORALITY AND DECENCY; SECTION 16-17-490 (REGARDING THE CRIME OF CONTRIBUTING TO THE DELINQUENCY OF A MINOR); SECTION 16-1-10(A); SECTION 16-1-10(D))

### **SC Statute 63-13-1030**

**Statement of registration; content; display; registration number to be**

stated in advertisements.

A statement of registration must be issued when the church or religious child care operator or group child care home operator satisfactorily completes the procedures prescribed by this subarticle. An application for a statement of registration must include the name and address of the director, the address of the facility, and the number of children who may be served. Failure of the department to approve or deny an application within ninety days results in the granting of a provisional registration. The current statement of registration must be displayed in a prominent place in the facility at all times, and the registration number must be stated in all advertisements of the church or religious child care center or group childcare home.

#### **114-523. MANAGEMENT**

##### **114-523 A. Display of registration**

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

- 114-523 A. (2) When advertising or issuing other public notifications of the service provided, the official registration number issued by the Department shall be included.

##### **114-523 B. Capacity**

- (1) No child care center operated by religious bodies shall have present at any one time children in excess of the number for which it is registered.

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

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

- 114-523 B. (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.

***POLICY: Department staff shall consult the South Carolina State Fire Marshal's Office and DHEC on capacity issues. (1/31/06)***

***POLICY: A natural disaster is defined as fire, hurricane, tornado, flood, extreme weather conditions, etc. that may cause a center to close. An unscheduled closing is defined as an unexpected closing due to an unforeseen emergency circumstance which may include a natural disaster. (1/31/06)***

##### **114-523 C. Child Abuse**

- 114-523 C. (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.

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

1. a. When a complainant calls the regional office to make a complaint regarding abuse and neglect, the complainant is informed that he/she is required to report suspected abuse or neglect to OHAN. The regional office will also obtain as much information from the complainant as possible. After gathering information, the Regulatory Specialist should transfer complainant's call to OHAN immediately. The Regulatory Specialist will document action in the file and follow up with OHAN immediately and thus verify that the complainant reported the information.
- b. When the Central Office receives document from OHAN regarding abuse or neglect, the Central Office will forward information to the appropriate Regional Office.
2. If the complaint is accepted by OHAN, a CPS Investigation Summary Form must be completed and placed in the complaint section of the file.
3. The Regulatory Specialist should inform the Regional Supervisor regarding the complaint to OHAN.
4. The Regulatory Specialist will make an on-site visit if the complaint is regarding staff to child ratios. (11/1/06)
5. Make referrals to OHAN (see OHAN procedures), DHEC, Fire Marshal, etc. as necessary.
6. The Regulatory Specialist must make an unannounced visit within five (5) (business) days of receipt of a complaint regarding staff:child ratio or training.
  - o For all other complaints, Regulatory Specialist must call facility prior to the visit.
  - o Complaints involving a potentially serious risk should receive immediate attention.
    - If there is the possibility of a potentially serious risk, staff with supervisor immediately
    - Make referrals as necessary
7. Document findings on DSS Form 2929
  - o Conduct exit interview with the director or operator. Discuss findings and any other deficiencies, if any.
8. If deficiencies are cited, complete DSS Form 2942
  - o Obtain director's signature on the 2942 and leave a copy with the director.
9. Make follow up visit to verify compliance of staff:child ratios ONLY.
10. Enter all founded complaints on website.

- 114-523 C. (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.

#### **114-523 D. Reporting of incidents**

- 114-523 D. (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 Exclusion List. **(SEE SCHOOL EXCLUSION LIST IN RESOURCE MANUAL SECTION 4.)**

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

- 114-523 D. (2) The following incidents shall be reported to the Department immediately:
- (a) A child who is missing from the premises, or who is left unattended in a vehicle operated by the child care center;
  - (b) Major structural damage to center;
  - (c) Charges or convictions of crimes against the director or any staff person;
  - (d) Reports of alleged child abuse involving the director or any staff person; and
  - (e) Death of a child while at the facility.
    - (i) In the event of the death of a child at the facility, the center shall also immediately notify emergency medical personnel, the child's parents, and law enforcement; and
    - (ii) Provide information for children and parents as appropriate.

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

- 1. Document notification of death of a child.**
- 2. Notify supervisor and/or Central Office.**
- 3. Refer to OHAN.**
- 4. Fax copy of documentation to Central Office to Director of Child Care Regulatory Services. Director will notify legal office as well as Office of Constituent Services.**
- 5. If notification received as a complaint, complete complaint form.**
  - A. Illegal operation – Refer to illegal operation procedures**
- 6. If notification received from provider, request written documentation.**
- 7. Fax copy of documentation to Central Office. (11/1/06)**

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

114-523 D. (3) A follow-up report shall be submitted to the Department as soon as an investigation by facility is completed and corrective action is taken.

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

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

#### **114-523 E. Child records**

114-523 E. (1) The facility shall keep a separate record for each child.

114-523 E. (2) The file shall be kept in a confidential manner.

114-523 E. (3) A child's record shall be maintained on file at the child care center and made available for review on-site by the Department only in the event of a CPS investigation, 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

114-523 E. (4) A health record shall be maintained in the center for each child enrolled, and it shall include all of the following information:

- (a) See Center Regulation 114-503 G. (6) (a);
- (b) A current South Carolina Certificate of Immunization which shall be made available to review on-site; and
- (c) See Center Regulation 114-503 G. (6) (c).

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

**114-523 F. Staff records shall include the following:**

114-523 F. (1) Names, positions and hours of duty of staff members;

114-523 F. (2) Criminal history background records check forms for the director, staff, emergency person(s), and any volunteer(s) not meeting the definition at 114-521 A. (33).

114-523 F. (3) Record of training for director and staff;

114-523 F. (4) Health records for the director, staff, and emergency person(s) in accordance with 114-523 G. (1) (a) – (c).

**114-523 G. Communication**

114-523 G. (1) The center shall have an operable telephone with an outside line that is accessible to staff persons in emergencies.

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

114-523 G. (2) Emergency telephone numbers for the police, fire department, ambulance service and poison control center shall be posted by each telephone.

**114-523 H. Staffing**

114-523 H. (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.

114-523 H. (1) (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 prior to employment.

(iii) For all other staff persons (including the emergency person) prior to employment.

(iv) For all persons hired by the child care facility at each license/approval renewal.

**POLICY: All initial licenses, registrations, and approvals issued to centers require a minimum of three staff members. One staff member must be a qualified director, and the other two staff members must be caregivers. (1/29/09)**



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

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

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

114-523 H. (1) (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.

114-523 H. (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.

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

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

114-523 H. (2) (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.
- (iv) The felonies classified A through F in SC Code of Laws Chapter 1 of Title 16 at Section 16-1-10 A.;
- (v) The offenses enumerated in Chapter 1 of Title 16 at Section 16-1-10 D.;
- or
- (vi) A criminal offense similar in nature to the crimes listed in this subsection committed in other jurisdictions or under federal law.

114-523 H. (2) (d) The results of the fingerprint reviews are valid and reviews are not required to be repeated as long as the person remains employed by or continues providing teacher/caregiver services in a child care facility; however, if a



person has a break in service of one year or longer, the fingerprint reviews shall be repeated.

- (e) Copies of State and Federal fingerprint results shall be retained in the staff file and available for review by Department staff, upon request.

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

114-523 H. (3) Center director and/or center co-director(s)

- (a) There shall be a center director and/or center co-director(s), who, operating within the organization's chain of command is 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.

***POLICY: When the Department is informed that a director is no longer employed at a facility, the facility shall immediately be sent a letter giving the operator of the facility thirty days to submit the name and all required documentation for the new director. (5/1/06)***

114-523 H. (3) (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.

114-523 H. (3) (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 college or university degree 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 college or university in any subject area and six months experience working with children in a licensed, approved or registered child care facility;
- (iii) See Center Regulation 114-503 K. (3)(c)(iii)
- (iv) A diploma in child development/early childhood education from an institution of higher learning or a child development associate (CDA) credential, and one year work experience in a licensed, approved or registered child care facility;
- (v) A high school diploma or General Educational Development (GED) certificate with at least one year of work experience in a licensed, approved or registered child care facility. That year shall have included supervision of child care staff. A director/co-director who is prevented from obtaining a high school diploma or GED because of a disability, and who otherwise is qualified to perform the essential functions of the position, must have at least a high school Certificate of Completion with at least one year of work experience in a licensed, approved or

registered child care facility. That year shall have included supervision of child care staff.

**POLICY: Six months experience teaching K-5 in a public/private school may be substituted for six months experience working with children in a licensed, approved, registered child care facility. (6/1/07)**

114-523 H. (4) Teachers/Caregiver(s)

- (a) Teacher(s)/caregiver(s) shall meet the following qualifications:
- (i) Be at least 18 years of age, and able to read and write.
  - (ii) A teacher/caregiver who began employment in a licensed, approved, or registered child care center in South Carolina after June 30, 1994, must have at least a high school diploma or GED and at least six months experience as a teacher/caregiver in a licensed, approved or registered child care facility.

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

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

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

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

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

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

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

**POLICY: The teacher/caregiver must provide information as to the reason for receiving a Certificate of Completion. If they are unable to provide information about their disability, the teacher/caregiver must have at least a high school diploma or GED. (1/31/06) Verification of a high school certificate and disability may be completed by obtaining a letter from the special education staff of the high school, school district, or the Department of Education. The certificate and letter shall be submitted to the regional supervisor for review and approval. (8/25/08)**

**POLICY: The grandfather clause as stated in South Carolina Code of Law 63-13-30 refers specifically to caregivers who were exempted from education requirements to be caregivers. There is no statement in the statute with regard to exempted caregivers becoming facility directors. Therefore, caregivers exempted from educational requirement may not be employed as directors. (8/25/08)**

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

- (iii) A teacher/caregiver who 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, approved, or registered child care facility.
- (iv) 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, approved, or registered child care facility.
- (v) 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, approved, or registered child care facility.
- (vi) A teacher/caregiver who has two years experience as a teacher/caregiver in a licensed, 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, GED, and Certificate of completion requirements of (ii) and (iii) above.
- (vii) A teacher/caregiver with an undergraduate college or university degree in early childhood, child development, or a related field may begin working with the children immediately without additional supervision.

114-523 H. (4) (b) Exception: A teacher/caregiver may be 16 or 17 years of age if he/she is continuously supervised by a qualified teacher/caregiver who is in the room at all times.

**POLICY: Directly supervised for unqualified staff is defined as qualified staff being physically in the room when children are present. (5/1/06)**

- (c) Exception: Staff persons who were employed prior to the effective date of these revised regulations are not required to meet the staff qualifications specified in this chapter if the staff qualifications required in the prior regulations are met. If a teacher/caregiver has had more than a twelve-month break in service, the new guidelines shall be met for re-employment as a teacher/caregiver.

114-523 H. (5) Professional Development.

- (a) The director shall participate in at least twenty clock hours of training annually. Training shall be age appropriate for the child population

served by the child care center and at least five hours shall be related to program administration and at least five hours shall be in child growth and development and health and safety excluding first aid and CPR training. The remaining hours may come from, but not be limited to, the following areas: Safety, Health, Nutrition, Guidance, or Professional Development and must include blood-borne pathogens training as required by OSHA. (SEE RESOURCE MANUAL SECTION 4 REGARDING OSHA REQUIREMENTS ON BLOOD-BORNE PATHOGENS TRAINING.)

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

114-523 H. (5) (b) 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. At least five clock hours shall be in child growth and development and at least five clock hours shall be in curriculum activities for children excluding first aid and CPR training. The remaining hours may come from, but not be limited to, the following areas: Guidance, Curriculum Activities, Nutrition, or Professional Development and must include blood-borne pathogens training as required by OSHA.

114-523 H. (5) (c) 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.

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

114-523 H. (5) (d) All staff shall receive information regarding the developmental abilities of the age group(s) with whom the teacher/caregiver will be working.

114-523 H. (5) (e) 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.

114-523 H. (5) (f) 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. Training shall be provided by an individual who is certified as a trainer by a recognized health care organization.

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

**114-524 APPLICATION OF STAFF:CHILD RATIOS**

- 114-524 A. Children shall be directly supervised at all times by qualified staff persons:
- (1) Directly supervised shall be defined as:
    - (a) For infants and toddlers: 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;
    - (b) For preschool and school age children: staff persons are in the same room or area, readily accessible, aware and responsible for the ongoing activity of each child and able to intervene when needed;

***POLICY: If the bathroom is outside of the classroom, all children must be escorted to the bathroom. For children ages 5 and up, once it is verified that no one is in the bathroom, a caregiver is not required to be in the bathroom with the child. (1/31/06)***

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

***POLICY: Each caregiver who is responsible for a group of children must maintain an accurate written account of their movements throughout the facility, while transporting, or on a field trip. The written account should include the child's name, the times the child enters and exits the facility, a vehicle, or another area of the center. (1/31/06)***

- (3) There shall be at least two staff persons in the center at all times; and
- (4) Children in feeding chairs shall be constantly supervised.
- (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) Children shall not be subjected to:
  - (a) Withholding, forcing, or threatening to withhold or force food, sleep or toileting;
  - (b) The use of children to discipline other children; and
  - (c) Restraining children through drugs or mechanical restraints.

**114-524 B. Ratios**

- 114-524 B. (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		
	Two years after	Three years after	Four years after
Birth to one year	1:5	1:5	1:5
One to two years	1:6	1:6	1:6
Two to three years	1:9	1:8	1:7
Three to four years	1:13	1:12	1:11
Four to five years	1:18	1:17	1:16
Five to six years	1:21	1:20	1:19
Six to twelve years	1:23	1:23	1:23

(6/24/09)

(6/24/07)

(6/24/08)

- (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. When infants or toddlers are in the mixed age group, the staff:child ratio for infants and toddlers shall be maintained.

**POLICY: When there is no majority defining the age group, always determine the ratio by the youngest age child. (1/31/06)**

**POLICY: When children of different ages are combined in a designated infant room, the enrollment is limited to the number of infants allowed in that room. When no infants and/or toddlers are present in the designated infant room, this restriction does not apply. (1/31/06)**

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

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

**POLICY: In order to thoroughly and accurately cite a violation of staff to child ratios, a copy of the daily enrollment sheet for the room in question should be obtained. The enrollment sheet must state the ages or dates of birth of the children and the number of qualified and unqualified staff present. The numbers and ages of the children must be recorded on the DSS form 2942 and reviewed with the facility director or designee. A request must be made for the director to sign the DSS form 2942. If they refuse to sign the form, it should be noted on the form in the facility director space. (7/30/09)**

**114-524 C. Nap time staff:child ratios**

- 114-524 C. (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		
	Two years after	Three years after	Four years after
Birth to one year	1:5	1:5	1:5
One to two years	1:6	1:6	1:6
Two to three years	1:18	1:16	1:14
Three to four years	1:26	1:24	1:22
Four years and older	1:36	1:34	1:32

(6/24/08)

(6/24/09)

(6/24/07)

**POLICY: Nap time in an infant room can be any time of the day when the majority of the infants are asleep. (1/31/06)**

**POLICY: During nap time, there must be one qualified staff person available in the facility to assist in a room if needed. The director may serve as that staff person. (1/31/06)**



**114-524 D. Water Safety Staffing**

114-524 D. (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.

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

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

**114-525 HEALTH, SANITATION AND SAFETY**

114-525 A. (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.

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

(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. (SEE SCHOOL EXCLUSION LIST IN RESOURCE MANUAL SECTION 4.) (SEE CODE SECTIONS 44-1-110, 44-1-140, AND 44-29-10 IN RESOURCE MANUAL SECTION 6.)

(3) During hours of operation there shall be no smoking or consumption of alcoholic beverages in the areas used by children or in the food preparation or storage areas. Smoking shall be permitted only in designated areas, a safe distance from the center. Consumption of alcoholic beverages or use of other non-prescription narcotic or illegal substances is prohibited 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.



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

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

#### **114-525 B. Sanitation**

114-525 B. (1) Staff shall ensure that children's faces and hands are clean.

114-525 B. (2) Furniture, toys, and equipment that come into contact with children's mouths shall be washed, rinsed, and sanitized daily and more often if necessary.

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

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

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

114-525 B. (3) Furniture, toys and equipment soiled by secretion or excretion shall be sanitized before reuse.

114-525 B. (4) Linens and blankets as well as cribs, cots, and mats shall be cleaned at least weekly.

114-525 B. (5) If playpens are used, they shall have waterproof, washable, comfortable pads.

114-525 B. (6) If children brush their teeth at the center, each child shall have a separate, labeled toothbrush, stored with bristles exposed to circulating air, and not in contact with another toothbrush.

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

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

#### **114-525 C. Emergency medical plan**

- 114-525 C. (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.

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

114-525 C. (2) Emergency information for the child shall be taken with the child to the hospital or emergency location.

114-525 C. (3) A staff person shall remain with the child at the hospital or emergency location until the parent arrives.

#### **114-525 D. Medications or Medical Procedures**

114-525 D. (1) Written, signed and dated parental consent is required prior to the administration of any prescription or over the counter medication or administration of special medical procedures:

- (a) All medications shall be used only for the child for whom the medication is labeled;
- (b) Medications shall not be given in excess of the recommended dose; and
- (c) Prescribed special medical procedures ordered for a specific child shall be written, signed, and dated by a physician or other legally authorized healthcare provider.

114-525 D. (2) Storage of medications:

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

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

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

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

114-525 D. (3) Medication log:

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

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

**POLICY: Medications intended for adult use must be stored separately from medications prescribed for children. The storage area must also be in a location inaccessible to**

***children. Due to the privacy concerns and rights of the staff described by HIPPA regulations, caregivers and other staff may provide their own locked containers which may be stored in locations inaccessible to children. (1/29/09)***

114-525 D. (4) Medication errors:

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

#### **114-525 E. First aid kit**

114-525 E. (1) A first aid kit shall be available for the treatment of minor cuts and abrasions and shall be stored in a location inaccessible to children.

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

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

#### **114-525 F. Diapering**

114-525 F. (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.

***POLICY: "Adjacent" is defined as "close to" and does not include across the room or on the other side of a door. The caregiver can turn around to wash their hands provided that the proper diaper changing procedures is followed. (11/1/06)***

114-525 F. (2) Facilities caring for infants shall provide a diaper changing area located within clear view.

***POLICY: "The diaper changing area" is defined as the surface used for diapering, the hand-washing sink, and the "hands-free" operated trash can. (11/1/06)***

***POLICY: If the diaper changing area is not in "clear view" upon entering the classroom, mirrors may be used to provide a "clear view" of the entire diaper changing area. However, a mirror may never be used to provide "clear view" into a bathroom. (11/1/06)***

114-525 F. (3) Diaper changing procedures shall be consistent with those recommended by the Center for Disease Control and Prevention.

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

114-525 F. (4) Diapering surfaces shall be sanitizable.

114-525 F. (5) Diapering surfaces shall be clean, seamless, waterproof and sanitary.

114-525 F. (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.

**SEE RESOURCE MANUAL SECTION 6 FOR APPROVED SANITIZERS FOR DIAPER CHANGING TABLES. (National Health and Safety Performance Standards, Second Edition)**

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

114-525 F. (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.

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

114-525 F. (8) Diapering shall occur only at a diapering changing area or in a bathroom.

***POLICY: Diaper changing areas cannot be located in bathrooms. (11/1/06)***

***POLICY: Pull-ups may be changed in restrooms, but all other diapers must be changed in a diaper changing area. (11/1/06)***

114-525 F. (9) Diaper changing areas shall not be used for any purpose other than for diapering.

114-525 F. (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.

114-525 F. (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.

114-525 F. (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 shall be disposed of through the sewage.

114-525 F. (13) Disposable non-absorbent paper sheets shall be disposed of immediately after diapering is completed.

114-525 F. (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.

114-525 F. (15) Staff shall check diapers and clothing at a frequency that ensures prompt changing of diapers and clothing.

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

114-525 F. (16) No child shall be left unattended while being diapered.

#### **114-525 G. Staff Health**

- 114-525 G.(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, tuberculosis screening, and a review of immunization status. A new health assessment shall be obtained by the director and staff at least every four years after the initial assessment; and
  - (c) Written evidence from a physician or health resource attesting that each staff person is free from communicable tuberculosis at the time of employment and subsequently according to state statute.

#### **SC Statute 44-29-150**

#### **Staff of schools and child care centers to be evaluated for tuberculosis before initial hiring.**

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

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

114-525 G. (2) No person who is known to be afflicted with any disease in a communicable form, or who is a known carrier of such a disease, or who is afflicted with boils, infected wounds, or sores or acute respiratory infection, shall work in any capacity in a child care center in which there is likelihood of such person transmitting disease or infection to other individuals.

114-525 G. (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.

- 114-525 G. (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.

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

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

- 114-525 G. (5) Staff shall be excluded when they exhibit the conditions listed in the SC Department of Health and Environmental Control Exclusion Policy, pursuant to Section 44-1-110, 44-1-140, and 44-29-10 of the South Carolina Code Ann. (2002).

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

#### **114-525 H. Fire safety and emergency preparedness**

- 114-525 H. (1) Private and public child care centers shall comply with the regulations and codes of the State Fire Marshal.

(SEE RESOURCE MANUAL SECTION 6 FOR INFANT FIRE REGULATIONS, 19-300.11 A & B. AND OTHER PERTINENT REGULATIONS OF THE STATE FIRE MARSHAL.)

- 114-525 H. (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.

- 114-525 H. (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.

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

#### **114-525 I. Transportation**

- 114-525.I. (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.

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

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

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

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

- (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.

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

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

- (f) The driver shall have a valid regular or commercial driver's license and shall be in compliance with Section 63-13-40(A)(4) of the Code of Laws of 1976.
- (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.

114-525 I. (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.

SEE INFORMATION ON JACOB'S LAW IN RESOURCE MANUAL SECTION 6.

SEE RESOURCE MANUAL SECTION 6 FOR TITLE 56, CHAPTER 5, ARTICLES 47 & 48 OF THE UNIFORM ACT REGULATING TRAFFIC ON HIGHWAYS, CHILD PASSENGER RESTRAINT SYSTEM & SAFETY BELTS.

## 114-526 RESERVED FOR FUTURE USE

## 114-527 PHYSICAL SITE

***POLICY: Knowledge of any significant health or safety risk, including but not limited to soil, water, or building contamination, is grounds for denial of an approval, license or registration to operate a child care facility. (04/01/2008)***

### 114-527 A. Indoor Space and Condition

- 114-527 A. (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.

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

***POLICY: All windows, doors, or other openings to the exterior of the facility shall be properly screened to prevent entry by insects or other unwanted animals. If windows are not available for ventilation, doors may be propped open only if properly screened. (8/25/08)***

- 114-527 A. (2) Ventilation
- (a) Child care areas, dining areas, kitchens, and bathrooms shall be ventilated by mechanical ventilation, such as fans or air conditioning, or at least one operable window.
  - (b) If freestanding fans are used, fans shall have a stable base, be equipped with protective guards and be placed in a safe location.
  - (c) Windows, including windows in doors, when utilized for ventilation purposes shall be securely screened to prevent the entrance of insects.
  - (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.

- 114-527 A. (3) Safety glass shall be used on clear glass windows and doors that are within thirty-two inches above floor level and that are accessible to children. Decals

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

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

- 114-527 A. (4) (a) Rooms, hallways, interior stairs, outside steps, outside doorways, porches, ramps, and fire escapes shall be lighted.
- (b) At least twenty foot candles of light shall be required on all work surfaces in food preparation, equipment washing, utensil washing, hand-washing areas, and toilet rooms.
- (c) Adequate, safe lighting for individual activities, for corridors, and for bathrooms shall be provided.

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

- 114-527 A.(5) (a) Safety barriers shall be placed around all heating and cooling sources, such as hot water pipes, fixed space heaters, wood- and coal-burning stoves, hot water heaters, and radiators, that are accessible to children to prevent accidents or injuries upon contact by the child.

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

- (b) Knives, lighters, matches, projectile toys, tobacco products, microwave ovens, and other items that could be hazardous to children shall not be accessible to children.
- (c) To prevent lead poisoning in children, 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). (SEE RESOURCE MANUAL SECTION 8 FOR SECTION 44-53-1310.)

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

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

- (i) Items that may cause strangulation such as blind cords, plastic bags, necklaces, and drawstrings on clothing and string;
- (ii) Items that may cause suffocation such as sand, beanbag chairs, pillows, soft bedding, and stuffed animals; and
- (iii) Items that may cause choking such as materials smaller than 1 ¼ inch in diameter, items with removable parts smaller than 1 ¼ inch in diameter, Styrofoam objects and latex balloons.

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

- 114-527 A. (6)
- (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 an individual private well water supply is used, the director shall obtain approval pursuant to DHEC to ensure safe location, construction, and proper maintenance and operation of the system.
  - (c) Hot water shall be between 100 to 120 degrees Fahrenheit.
  - (d) Safe drinking water shall be available to children at all times and there shall be no use of common drinking cups.
  - (e) If a water fountain is available, it shall be of an angle-jet design, maintained in good repair and kept sanitary. There shall be no possibility of mouth or nose submersion.

**POLICY: New applicants to operate registered child care centers that use well water must obtain approval from DHEC for a permitted public well. (11/3/10)**

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

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

- 114-527 A. (7)
- (a) Temperature shall be maintained between 68 and 80 degrees Fahrenheit as appropriate to the season while children are present in the center.

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

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

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

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

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

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

**POLICY: (NATIONAL STANDARD – National Health and Safety Performance Standards, Second Edition)** *A draft-free temperature of 65 degrees F to 75 degrees F shall be maintained at 30% to 50% relative humidity during the winter months. A draft-free temperature of 68 degrees F to 82 degrees F shall be maintained at 30% to 50% humidity during the summer months. All rooms that children use shall be heated, cooled, and ventilated to maintain the required temperatures, humidity, and air exchange and to avoid accumulation of odors and fumes. Air exchange shall be a minimum of 15 cubic feet per minute (or 7.5 liters/second) per person of outdoor air. (1/31/06)*

- 114-527 A. (8) (a) Clean and sanitary conditions shall be maintained indoors and outdoors, including indoor and outdoor recreational equipment and furnishings.
- (b) Measures to control insects, rodents, and other vermin shall be taken to prevent harborage, breeding, and infestation of the premises.

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

- (c) All solid wastes shall be disposed of at sufficient frequencies and in such a manner not to create a rodent, insect, or vermin problem.
- (d) Trash in diapering areas shall be kept in closed, hands-free operated, plastic lined receptacles in good repair.
- (e) Trash in kitchen areas shall be kept in closed, plastic lined receptacles.
- (f) Trash in children's restrooms, classrooms, and eating areas shall be kept in plastic lined receptacles.
- (g) Trash receptacles outside the building, shall be watertight with firm fitting lids that prevent the penetration of insects and rodents.
- (h) Trash disposal and sewage system construction and usage shall be in accordance with local standards and ordinances.
- (i) The use of child care room, bathroom, or kitchen sinks for cleaning of trash receptacles or cleaning equipment is prohibited.

- 114-527 A. (9) (a) Protective gates shall be of the type that do not block emergency entrances and exits and that prevent finger pinching and head or limb entrapment.

- 114-527 A.(10) (a) Children shall not have access to a door that swings open to a descending stairwell or outside steps, unless there is a landing that is at least as wide as the doorway at the top of the stairs.

- (b) Each ramp and each interior stairway and outside steps exceeding two steps shall be equipped with a secure handrail at the height appropriate for the sizes of the children at the 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.

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

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

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

- 114-527 A.(11)
- (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.

- 114-527 A. (12)
- (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 hot and cold running water under pressure for every 20 children over two years of age. Sinks shall be located in or near each toilet area.
  - (e) Toilets and sinks shall be at heights accessible to the children using them or shall be equipped with safe and sturdy platforms or steps.
  - (f) Privacy shall be provided for toilets used by preschool and school age children.

**POLICY: If the bathroom is outside of the classroom, all children must be escorted to the bathroom. For children ages 5 and up, once it is verified that no one is in the bathroom, a caregiver is not required to be in the bathroom with the child. (1/31/06)**

**POLICY: Privacy for preschool children is defined as an enclosed bathroom. Privacy for school-age children is defined as an enclosed toilet. (8/1/06)**

- (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.

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

- (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.

114-527 B. (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.

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

114-527 B. (2) The outdoor space shall be free from hazards and litter.

114-527 B. (3) Outdoor walkways shall be free from debris, leaves, ice, snow, and obstruction.

114-527 B. (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.

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

114-527 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;

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

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



- (7) Swings shall be located to minimize accidents and shall have soft and flexible seats;
- (8) Cushioning material shall extend at least six (6) feet beyond the equipment and swings;

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

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

**POLICY:** *(NATIONAL STANDARD – (National Health and Safety Performance Standards, Second Edition) All pieces of playground equipment shall be surrounded by a shock-absorbing surface. This material may be either the unitary or the loose-fill type, as defined by the guidelines of the U.S. Consumer Product Safety Commission (CPSC) and the standard of the American Society for Testing and Materials (ASTM), extending at least 6 feet beyond the perimeter of the stationary equipment. These shock-absorbing surfaces must conform to the standard stating that the impact of falling from the height of the structure will be less than or equal to peak deceleration 200G and a Head Injury Criterion (HIC) of 1000. Organic materials that support colonization of molds and bacteria shall not be used. This standard applies whether the equipment is installed outdoors or indoors. (1/31/06)*

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

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

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

- 114-527 C.** (9) Slides shall have secure guards along both sides of the ladder and placed in a shaded area;
- (10) Outdoor metal equipment shall be located in shaded areas or otherwise protected from the sun;
  - (11) Outdoor equipment shall be arranged so that children can be seen at all times;
  - (12) The height of play equipment shall be developmentally and size appropriate;
  - (13) Sand in a sand box shall be securely covered when not in use and, if outdoors constructed to provide for drainage;
  - (14) Indoor recreational equipment and furnishings shall be cleaned and disinfected when they are soiled or at least once weekly and shall be of safe construction and free of sharp edges and loose or rusty points. Indoor recreational equipment



and furnishings shall be clean and shall be of safe construction and free of sharp edges and loose or rusty points; and

- (15) A properly fitting bicycle helmet that is approved by American National Standards Institute, Snell Memorial Foundation, or American Society for Testing and Materials, shall be worn by each child when riding a bicycle, skateboard, roller blades, or skates. Helmets are optional for use with tricycles.

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

114-527 D. (1) Cribs shall meet the requirements of the US Consumer Products Safety Commission (CPSC).

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

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

**POLICY: Play pens and play yards are permitted for use in a child care facility, but they are not acceptable as rest equipment because they do not meet the definition of a developmentally appropriate crib, cot, or mat. (Amended 10/3/12)**

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

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

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

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

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

- (5) Individual, clean, appropriate coverings shall be provided.

- (7) Cots and mats shall be stored so that the surface on which a child lies does not touch the floor.

**POLICY: Cots should not be stored in a bathroom unless they are stored a minimum of 10 feet from the toilet or unless they are in an enclosed storage area. (8/21/07)**

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

- 114-527 E. (1) Poisons or harmful agents
- (a) Poisons or harmful agents shall be kept locked, stored in the original containers, labeled and inaccessible to children.
  - (b) Poisons or harmful agents shall be purchased in childproof containers, if available.
  - (c) Play materials, including arts and crafts, shall be non-poisonous.
  - (d) Poisonous plants are not permitted.

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

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

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

- 114-527 E. (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.

- 114-527 E. (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.

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

- 114-527 E. (4) Animals: The following requirements apply in regard to animals:
- (a) Healthy animals which present no apparent threat to the health and safety of the children shall be permitted, provided they are cleaned, properly housed, fed and cared for and have had required vaccinations, as appropriate. Live animals shall be excluded from areas where food for human consumption is stored, prepared or served.

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

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

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

**POLICY: Green slider turtles are not allowed in facilities because they carry salmonella. (8/1/06)****POLICY: Reptiles may not be handled by children. Staff who handle and prepare food shall not handle reptiles due to the salmonella threat. (1/31/06)****114-528 MEAL REQUIREMENTS; FOOD PREPARATION AND SERVING, STORAGE AND PROTECTION OF FOOD SUPPLIES, UTENSILS AND EQUIPMENT**

- 114-528 A. (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.

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

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

- (c) Only Grade A pasteurized fluid milk and fluid milk products may be given to any child less than 24 months old, except with a written permission from the child's health provider.
  - (d) Whole milk may not be served to children less than 12 months of age, except with a written permission from the child's health provider.
  - (e) Reconstituted milk shall not be served to any child, regardless of age.
- 114-528 A. (2) Food served shall be suited to the child's age and appetite. Second portions shall be available.
- 114-528 A. (3) Round, firm foods shall not be offered to children younger than four years old. Examples of such foods include: hot dogs, grapes, hard candy, nuts, peanuts, and popcorn. Hot dogs may be served if cut lengthwise and quartered; grapes may be served if cut in halves.
- 114-528 A. (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.

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

- 114-528 A. (5) The use of food in hermetically sealed containers that was not prepared in an approved food-processing establishment is prohibited.
- 114-528 A. (6) The use of home-canned foods is not allowed.
- 114-528 A. (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.
- 114-528 A. (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.
- 114-528 A. (9) Dietary alternatives shall be available for a child who has special health needs or religious beliefs.
- 114-528 A. (10) Written permission/instructions for dietary modifications signed by the child's health care provider or parent or legal guardian are required.
- 114-528 B. (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 be at least 125 degrees Fahrenheit. (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.)

**POLICY: The hand-washing sink may not be used for any other purpose and must be accessible. (8/1/06)**

- 114-528 B. (2) Sanitary soap and towels shall be provided.
- 114-528 B. (3) Utensils, such as forks, knives, tongs, spoons, and scoops shall be provided and used to minimize handling of food in all food preparation areas.
- 114-528 B. (4) Staff shall thoroughly wash their hands and exposed areas of arms with soap and warm water in an approved hand-washing sink before starting work, during work as often as is necessary to keep them clean, e.g., after smoking, eating, drinking, or using the toilet. Staff shall keep their fingernails clean and trimmed.
- 114-528 B. (5) The outer clothing of all staff shall be clean. The director shall ensure proper hair restraints are worn to protect from falling hair.

**POLICY: All food preparation staff and servers must wear some form of hair restraint while performing those duties. (11/1/06)**

- 114-528 B. (6) Staff shall neither use tobacco in any form while preparing or serving food, nor while in areas used for equipment or utensil washing or for food preparation. Staff shall use tobacco only in approved, designated areas.
- 114-528 B. (7) Potentially hazardous foods requiring cooking shall be cooked to heat all parts of the food to an internal temperature of at least 140 degrees Fahrenheit, with the following exceptions:
- (a) Hamburger shall be cooked to at least 155 degrees Fahrenheit.
  - (b) Poultry, poultry stuffing, stuffed meats, and stuffing-containing meat shall be cooked to heat all parts of the food to at least 165 degrees Fahrenheit with no interruption of the cooking process.
  - (c) Pork and any food containing pork shall be cooked to heat all parts of the food to at least 150 degrees Fahrenheit.
- POLICY: The FDA requires pork products to be cooked to a temperature of at least 155 degrees. (8/1/06)**
- (d) Rare roast beef and rare beefsteak shall be cooked to surface temperature of at least 130 degrees Fahrenheit.
- 114-528 B. (8) Potentially hazardous food such as meats, cooked rice, and cream-filled pastries shall be prepared (preferably from chilled products) with a minimum of manual contact and on surfaces with utensils that are clean and sanitized prior to use.
- 114-528 B. (9) Metal, stem-type, numerically-scaled indicating thermometers, accurate to plus or minus three degrees Fahrenheit, shall be provided and used to ensure that proper internal cooking, holding, or refrigeration temperatures of all potentially hazardous foods are maintained.
- 114-528 B. (10) Potentially hazardous foods shall be thawed as follows:
- (a) In refrigerated units at a temperature not to exceed 45 degrees Fahrenheit;
  - (b) Under potable running water from the cold water supply with sufficient water velocity to remove loose food particles;
  - (c) In a microwave oven only when food will be immediately transferred to conventional cooking equipment as part of a continuous cooking process or when the entire, uninterrupted cooking process takes place in the microwave oven; or
  - (d) As part of the conventional cooking process.
- 114-528 B. (11) All raw fruits and vegetables shall be washed thoroughly before being cooked, served, or placed in refrigerators.
- 114-528 C. (1) No child shall be deprived of a meal or snack if he/she is in attendance at the time the meal or snack is served.
- 114-528 C. (2) Easily breakable dinnerware shall not be used.
- 114-528 C. (3) Children shall not be forced to eat.
- 114-528 C. (4) Food shall not be used as a punishment.
- 114-528 C. (5) Children shall not be allowed in the kitchen except during supervised activities.
- 114-528 C. (6) Portions of food once served shall not be served again.

- 114-528 C. (7) Single-service articles shall be stored in closed cartons or containers to protect them from contamination.
- 114-528 C. (8) Use of "common drinking cups" is prohibited.
- 114-528 C. (9) Disposable cups, if used, shall be handled and stored properly to prevent contamination.
- 114-528 C. (10) Reuse of single service articles is prohibited.

**The following definitions are provided by DHEC in R. 61-25:**

**"Single-Service Articles" – Any tableware, carry-out utensils, or other items that are designed and constructed for one-time, one-person use.**

**"Single-Use Articles" – Utensils and bulk food containers designed and constructed to be used once and discarded.**

- 114-528 C. (11) If potentially hazardous foods that have been cooked and then refrigerated are to be served hot, they shall be reheated rapidly to 165 degrees Fahrenheit or higher throughout before being served or before being placed in a hot food-storage facility. Steam tables, double boilers, warmers, and similar hot food holding facilities are prohibited from use for the rapid reheating of potentially hazardous foods.
- 114-528 D. (1) All food shall be properly labeled and stored, and shall be protected against contamination.
- 114-528 D. (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.
- 114-528 D. (3) Thermometers shall be accurate to plus or minus 3 degrees and conspicuously placed in the warmest area of all cooling and warming units to ensure proper temperatures.

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

- 114-528 D. (4) Containers of food, food preparation equipment and single service articles shall be stored at least 6" above the floor, on clean surfaces, and in such a manner to be protected from splash and other contamination.
- 114-528 D. (5) Food not subject to further washing or cooking before serving shall be stored in such a manner to be protected against contamination from food requiring washing or cooking.
- 114-528 D. (6) The storage of food or food equipment, utensils, or single-service articles in toilet rooms and under exposed sewer lines is prohibited.
- 114-528 D. (7) Custards, cream fillings, or similar products which are prepared by hot or cold processes shall be kept at safe temperatures except during necessary periods of preparation and service.

114-528 D. (8) All cleaning supplies, detergents, and other potentially poisonous items shall be stored away from food items and shall be inaccessible to children.

114-528 E. (1) Tableware shall be washed, rinsed, and sanitized after each use.

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

114-528 E. (2) All kitchenware and food-contact surfaces of equipment shall be washed, rinsed, and sanitized.

114-528 E. (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.

114-528 E. (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.

114-528 E. (5) After sanitation, all equipment and utensils shall be air-dried.

114-528 E. (6) Prior to washing, all equipment and utensils shall be rinsed or scraped, and when necessary, presoaked to remove gross food particles and soil.

114-528 E. (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.

**POLICY: Three compartment sinks must be used to sanitize dishes and food handling equipment only when the sanitation process is complete immersion in hot water at a temperature of 170 degrees Fahrenheit. (11/1/06)**

114-528 E. (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.

114-528 E. (9) A test kit or other device that accurately measures the parts per million concentration of the solution shall be available and used.

114-528 E. (10) All dishwashing machines shall be approved by the South Carolina Department of Health and Environmental Control (DHEC) and shall meet applicable installation requirements.



- 114-528 E. (11) Food-contact surfaces of cleaned and sanitized equipment and utensils shall be handled in such a manner as to be protected from contamination.
- 114-528 E. (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.
- 114-528 E. (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.
- 114-528 E. (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.

### **114-529 INFANT AND TODDLER CARE, CARE FOR MILDLY ILL CHILDREN, AND NIGHT CARE**

#### **114-529 Infant and Toddler Care**

- 114-529 A. (1) Feeding, eating and drinking
- (a) Cups and bottles shall be labeled with the child's name and used only by that child.
  - (b) Infants shall be fed in accordance with the time schedule, specific food and beverage items and quantities as specified by the parent.
  - (c) Infants shall be held while being bottle fed until they are able to hold their own bottles. Bottles shall not be propped or given in cribs or on mats.
  - (d) Due to nutritional concerns, the microwaving of breast milk is prohibited. The microwaving of formula and other beverages is strongly discouraged due to the possibility of a burn injury to the child. However, if the facility plans to use this method of heating formula and other beverages, they must notify all parents in writing as part of the enrollment or orientation process.
  - (e) All warmed bottles shall be shaken well and the temperature tested before feeding to a child.
  - (f) Baby formula, juice, and food served in a bottle shall be prepared, ready to feed, identified, and packaged for single use for the appropriate user. Any excess formula, juice, or food shall be discarded after each feeding. Formula, juice and food requiring refrigeration shall be maintained at 45 degrees Fahrenheit or below.
  - (g) Infants and toddlers shall not sleep with bottles in their mouths.
  - (h) Toddlers shall be offered water routinely throughout the day.
  - (i) Breast milk and formula shall be dated and labeled with the child's name and refrigerated until ready to use.
  - (j) Food for infants shall be cut in pieces one-quarter inch or less.
  - (k) Food for toddlers shall be cut in pieces one-half inch or less.
- 114-529 A. (4) Feeding chairs
- (a) Feeding chairs shall have a stable base.
  - (b) Feeding chairs shall have a T-shaped safety strap that prevents the child from slipping or climbing out of the chair. The safety strap shall be used at all times the child is in the chair.
  - (c) Feeding chair trays shall be in good repair and made of an easily cleanable surface and shall not have chips or cracks.

- (d) Feeding chairs shall be used only for eating or a specific, short time-limited tabletop play activity.
- (e) Seat heights of feeding chairs shall be appropriate to the age and development of the child. Feeding chairs shall be in good repair and children shall be constantly supervised.

## 114-529 A. (5) Sleeping

- (a) Infants shall be placed on their backs to sleep unless the parent provides a note from a physician specifying otherwise.
- (b) Crib mobiles shall not be permitted for infants or toddlers who can sit.
- (c) Cribs shall not be placed next to each other so that one child may reach into the other child's crib.

***POLICY: Cribs must be placed three feet apart on the sides facing other cribs unless they are purchased with pre-installed barriers that are clear, non-toxic, and non-combustible. If these cribs are used, they can be placed closer together as long as staff accessibility and visibility is maintained and the distance is never less than two feet. (11/1/06)***

***POLICY: Unoccupied cribs may be moved together to allow adequate play space as long as fire exits are not blocked. (11/1/06)***

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

- (d) Two years from the effective date of these regulations, stacked cribs will no longer be permitted.

## 114-529 A. (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.

## 114-529 B. (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.

## 114-529 B. (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.
- 114-529 C. (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.
- 114-529 C. (2) An unannounced emergency drill shall be held during sleeping hours at least every 60 days.
- 114-529 C. (3) Sleeping equipment
- (a) Each child shall have a bed with a solid foundation, a fire retardant mattress, a pillow, and bedding appropriate for the temperature of the center.
  - (b) Cots and portable beds are not permitted.
- 114-529 C. (4) Special bedtime routines as specified by the parent shall be followed to the extent feasible.
- 114-529 C. (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.
- 114-529 C. (6) The center shall make arrangements with the parent to provide clean, appropriate night clothes.

#### **Section 63-13-1040**

#### **Department prohibited from prescribing staff training and children's activities curricula.**

**Notwithstanding the staff training requirements of Section 20-7-2900(A) and (B)(3), the department may not prescribe the curriculum for staff training, other than curriculum addressing administration, child growth and development, and health and safety, for a church congregation, established religious denomination, or religious college or university, childcare center or group childcare home. Additionally, the department may not prescribe the content of curriculum activities for children provided by these childcare centers or group childcare homes.**

#### **Section 63-13-1060**

#### **Injunction; church or religious childcare centers.**

**The department may seek an injunction against the continuing operation of a childcare center or group childcare home in the family court having jurisdiction**

over the county in which the facility is located when the facility is considered to be out of compliance with the provisions of Sections 20-7-2900 and 20-7-2910.

#### 63-13-1050

Deficiency correction notice; church or religious childcare centers.

Whenever the health or fire safety agency finds upon inspection that a childcare center or group childcare home is not complying with the applicable regulations, the appropriate agency shall notify the department. The department shall then request the operator to correct such deficiencies.

- a. Every correction notice must be in writing and must include a statement of the deficiencies found, the period within which the deficiencies must be corrected and the provision of the subarticle and regulations relied upon. The period must be reasonable and, except when the appropriate agency finds an emergency dangerous to the health or safety of children, not less than thirty days from the receipt of the notices.
- b. Within two weeks of receipt of the notice, the operator of the facility may file a written request with the department for administrative reconsideration of the notice or any portion of the notice.
- c. The department shall grant or deny a written request and shall notify the operator of action taken.
- d. In the event that the operator of the facility fails to correct deficiencies within the period prescribed, the department may suspend the registration of the facility to be effective thirty days after date of notice. An appeal may be taken pursuant to the Administrative Procedures Act.

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

#### Section 63-13-1070

Appeals; church or religious childcare centers.

- a. When the registration of a facility has been suspended, the operator must be given prompt written notice. The notice must indicate the reasons for the suspension and inform the operator of the right to appeal the decision through administrative channels to the department and according to established appeals procedure for the department.
- b. Upon appeal, the decision of the department is final unless appealed by a party pursuant to the Administrative Procedures Act.