

CHAPTER FOURTEEN—ADMINISTRATIVE POLICIES AND PROCEDURES

FILE RETENTION – CLOSED FILES PROCEDURE (11/1/06)

When/how files should be maintained

1. Files should be kept for two years plus the current year (using calendar year).
2. Files should be boxed and dated

How files should be destroyed

1. The regional office should locate and contract with a shredder service from within the area.
2. The Central Office and Region II should use the State Office shredder service provided by the agency.

FILE RETENTION – OPEN FILES OR CLOSED FILE EXCEPTIONS

What files should be maintained

1. Current, open files
2. Facilities that have had their licenses revoked
3. Facilities that have appealed a negative action
4. All old volumes of a facility until that is closed

RELEASE OF OHAN INFORMATION (8/25/08)

There are no current regulations regarding OHAN investigations and how that information is placed in the Child Care Licensing system. General Counsel has advised as follows:

South Carolina Code of Laws 63-7-1990 (J) The department is authorized to maintain in its childcare regulatory records information about investigations of suspected child abuse or neglect occurring in child care facilities.

(1) The department must enter child abuse or neglect investigation information in its regulatory record from the beginning of the investigation and must add updated information as it becomes available. Information in the regulatory records must include at least the date of the report, the nature of the alleged abuse or neglect, the outcome of the investigation, any corrective action required, and the outcome of the corrective action plan.

(2) The department's regulatory records must not contain the identity of the reporter or of the victim child.

(3) The identity of the perpetrator must not appear in the record unless the family court has confirmed the department's determination or a criminal prosecution has resulted in conviction of the perpetrator.

POLICY: (8/25/2008)

To the extent that the Department is authorized by **South Carolina Code of Laws 63-7-1990 (J)** to maintain information about OHAN investigations in child care records,

Department staff may also disseminate that information in accordance with the agency policy for Freedom of Information Act (FOIA) requests.

BUMP-UP PROCEDURE (11/1/06)

When regulatory issues are unclear, the regional offices may use the following procedure to clarify issues:

1. Licensing Specialist and Regional Supervisor staff the case.
 2. Specifics of the situation and a recommendation for resolution are sent to Central Office.
 3. Central Office will staff the case.
 4. If Central Office agrees with recommendation of Regional Supervisor, the recommendation will be sent to the Director of Child Care Regulatory Services for approval.
 5. If Central Office does not agree with the recommendation of the Regional Supervisor, the issue will be returned to the Regional Office for further study.
 6. Resolved issues will be included in the Operating Manual for future reference.
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MEDIA/LEGISLATIVE REQUESTS (11/1/06)

All media/legislative requests that come in through the Regional Offices should be referred through the Director of Child Care Licensing & Regulatory Services. If the Director is unavailable, then the request(s) should be referred to the DSS Office of Constituent Affairs (803-898-7858).

FOIA (FREEDOM OF INFORMATION ACT) REQUESTS (8/25/08)

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

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

PROCEDURE FOR HANDLING FREEDOM OF INFORMATION ACT REQUESTS (11/1/06 revised 4/29/10)

The Freedom of Information Act allows the public to obtain documents and records kept by state and local jurisdictions.

1. All FOIA requests except those received from law enforcement must enter through Office of General Counsel as they are time sensitive and must be responded to within 15 days. Law enforcement requests may be made through email.

If the Regional Supervisor receives a written request under the Freedom of Information Act, s/he should notify the Central Office (the Director or designee) immediately. Director (or designee) will notify the legal office as well as Office of Constituent Services (Marilyn Matheus). Once the Regional Supervisor is notified by the legal office, the regional staff will have five (5) working days to prepare the case for legal review.

2. The Licensing Specialist must review the entire case record to remove children's names (except in FCCH files) from the following:

- Medical forms
- Case forms
- Complaints
- Reports
- Any other documents that contain children's names

The information listed above may be removed by using a permanent black marker after the case file has been copied.

3. The following information on child care staff must be kept confidential:

- Medical forms
- Criminal background record (fingerprints, SLED, etc.)
- Documentation on children
- Social Security Numbers (transcripts)
- Consent to Release forms (2924s)
- Consultation with General Counsel

4. A second (2nd) review of the case file should be performed by the Regional Supervisor. All information requested under the Freedom of Information Act should be sent to the DSS legal representative by the fifth (5th) day after receipt of the request to allow time for legal review of the file. The legal staff will then provide a copy of the file to the requestor.

PENDING STATUS OF 2924's (11/1/06)

1. When a Central Registry Check (2924) is pending, Regulatory Specialist is notified of that status when form is returned to Regional Office.
 2. The 2924 is returned to the provider noting the need for additional processing time.
 3. A re-check of the 2924 is performed by the Central Office within 30-60 days and results sent to Regulatory Specialist.
 4. Due to confidentiality laws, no information regarding pending status of employee may be discussed with director/owner/staff of facility.
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PROCEDURES REGARDING FEES (12/1/06)**DHEC Inspection Fee**

- 1) 2905 arrives with check
- 2) Date stamp original 2905 form (not check)
- 3) Complete the bottom of the 2905
- 4) Copy the check and 2905
- 5) Mail original and check to DHEC

2924 Fees- Same Basic Steps

- 1) Copy checks
- 2) Enter into log
- 3) Forward to Finance

ALR Fees

- 1) Copy checks
 - 2) Enter into log
 - 3) Forward to Finance
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POLICY: TRANSFER LETTERS (6/1/07)

Transfer letters regarding SLED/FBI criminal history background checks may be provided upon request to the facility director and/or the teacher/caregiver.

PROCEDURE: APPEAL ON CLOSURE UPHELD IN OUR FAVOR (6/1/07)

- 1) Send certified letter or hand-deliver letter to close;
 - 2) Send copy of letter to close to ABC Child Care Program and Child and Adult Care Food Program;
 - 3) Visit within timeframe specified in letter, verify closure, and ask for the regulatory permit;
 - 4) If still operating, staff with the Office of General Counsel for further legal actions;
 - 5) If it has been determined that the provider has appealed to the Administrative Law Court, the case would need to be staffed individually with the Office of General Counsel to determine if we may move forward with closure.
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QUESTIONS FROM PARENTS WHEN DSS CLOSES A FACILITY (8/21/07)

The facility was closed because of violation(s) of the regulations. High-profile cases should be referred to the Director of Regulatory Services (or designee) who will notify the Office of Constituent Services.

PROVIDERS' CALLS WITH SPECIAL REQUESTS (8/21/07)

When providers or potential providers call with special requests, such as making renovations to facilities or purchasing a facility, the Regional Office should ask that the request be made in writing. If necessary, and if a problem exists, the request can be staffed with the Central Office. Additionally, the decision regarding the request should be conveyed to the provider or potential provider in writing.

PROVIDERS WITH GROSS DEFICIENCIES (8/21/07)

Providers who have gross deficiencies should have a Corrective Action Plan (CAP) in place with a statement in the CAP indicating they will not open another facility until all of the deficiencies in the existing facility(ies) have been resolved.

ABC VIOLATIONS REPORTED TO ABC (8/21/07)

When Child Care Regulatory staff become aware of any ABC Program Standards violation(s) in a Level B facility, s/he must follow the policy on communication between Child Care Regulatory Services and the ABC Program Monitoring Office.

CACFP MATERIALS (01/09/08)

Food Program participants shall be notified that they must return all materials required by CACFP no later than 30 days prior to their A-L-R expiration date. The Regulatory Specialist will inform the CACFP of this.

COMPLAINTS FROM PERSONNEL WITHIN DSS OR ANOTHER AGENCY (8/21/07)

Regulatory complaints reported by the ABC Child Care Program must be automatically founded. Complaints from the Child & Adult Food Program or any other DSS or state agency personnel must be staffed immediately and investigated.

FACILITIES WANTING TO RE-OPEN AFTER BEING CLOSED BY DSS (8/21/07)

If the Department closes a facility and the provider re-applies to be opened, this case must be staffed with the Central Office prior to considering this provider for another license.

SLED – CRIMINAL BACKGROUND CHECKS

POLICY: Licensed/registered/approved facilities must have the statutorily mandated SLED and FBI fingerprint review performed. Child care facilities may no longer use the SLED “Catch System.” If there is an emergency staffing situation, the child care facility should be strongly encouraged to utilize their designated emergency staff person as defined by Regulation #114.501 A.(13). In extreme emergencies, use the procedure for handling SLED emergencies.

PROCEDURE FOR HANDLING EMERGENCY BACKGROUND CHECKS THROUGH SLED

The Regional Supervisor (or designee) is the contact person for the DSS Division of Investigation. The Supervisor (or designee) must:

- 1) Inquire of the provider the details of the emergency need/determine if the emergency is realistic; and
- 2) Instruct the provider to overnight completed fingerprint cards to the Division of Investigation Supervisor directly.

Contact person for Regional Supervisors is Geneva Gladden, 803/898-8025. Her address is: Department of Social Services
Division of Investigation – Attention Geneva Gladden
3150 Harden Street
Columbia, SC 29203

Staff at the Division of Investigation will expedite fingerprint cards with SLED and will notify the Regional Supervisor by e-mail/fax when the results are in the system. If the person is coded AR, they have an arrest record. A clearance letter will be faxed to the Regional Supervisor and mailed to the child care provider.

PROCEDURE FOR UNAPPROVED PERSONNEL EMPLOYED AT A FACILITY

If the facility has unapproved personnel employed at the facility, the Regulatory Specialist must cite the facility for that deficiency. The facility must complete the criminal background check for the employee to include SLED/FBI and Central Registry Check and wait for the results to be returned. NOTE: The employee may

not work in the facility until the results of his/her SLED/FBI and Central Registry Checks are received and cleared.

STEPS FOR HANDLING AN UNAPPROVED EMPLOYEE WORKING AT A CHILD CARE FACILITY

- 1. The unapproved employee must be directly supervised for the remainder of the day.**
 - a. The unapproved employee cannot return to work until SLED/FBI and Central Registry checks are returned and cleared. The director of the facility is responsible for ensuring that the necessary SLED/FBI and Central Registry checks are appropriately processed and should notify the Regulatory Specialist when the information is received. If the facility has not returned the necessary documentation for the unapproved employee, the Regulatory Specialist must return to the facility within 5 days to verify compliance.**
 - b. If the unapproved employee is still at the facility without the necessary documentation, the Regulatory Specialist must ask the facility to release the employee or ask the employee to voluntarily resign (if this is the director). If s/he refuses, this case must be staffed with the Central Office to determine possible legal action.**

 - 2. If the unapproved employee cannot be directly supervised for the remainder of the day, the facility should determine a solution to correct the problem. Examples include, but are not limited to:**
 - a. Call emergency personnel to cover for the unapproved employee, and the unapproved employee must leave the facility; or**
 - b. Rearrange classrooms as long as this does not affect the ratios in other classrooms. Children under two cannot be moved out of the infant room due to those rooms being fire-rated; or**
 - c. Call enough parents to pick up their child(ren) until the proper ratio is met. The director must later notify parents of over enrollment and that this could affect their ability to accept children until qualified staff have been hired.**

 - 3. If children appear to be in imminent danger, the Regulatory Specialist should remain at the facility until the emergency person arrives (to monitor only) to ensure the health and safety of the children. If there is a question about imminent danger, the Regulatory Specialist should contact his/her supervisor for further instructions.**
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FAMILY CHILD CARE HOMES- COOPERATION WITH THE RENEWAL PROCESS (11/3/10)

SECTION 63-13-830. Statement of registration.

(E) The department may withdraw the statement of registration if one or more of the following apply:

- (1) the health and safety of the children require withdrawal;
- (2) the facility has enrolled children beyond the limits defined in this chapter;
- (3) the operator fails to comply with the registration procedures provided in this chapter.

DSS Regulation No. 114-528. C. Procedures for Registration Renewal.

DSS Regulation No. 114-528. C.(1) Department staff shall advise the family day care home operator in writing of the time and requirements for renewal one hundred and twenty days prior to the expiration date of the current registration.

POLICY: Failure to submit all required forms prior to the expiration date of the current registration constitutes a failure to comply with registration renewal procedures.

PROCEDURE: CLOSURE OF A FAMILY CHILD CARE HOME WHEN THE PROVIDER HAS NOT COMPLIED WITH THE RENEWAL PROCESS

- 1) **Notify the operator of the FCCH one hundred and twenty days in advance of the pending expiration date and provide required registration materials.**
- 2) **Review any documentation returned by the provider for completion. If documentation is incomplete or incorrect, call the provider and enter a summary of the call in the Child Care Licensing database.**
- 3) **Review any additional documentation submitted for completion. In the event there are errors, repeat the process as described in Step (2).**
- 4) **If errors indicate the possibility that the FCCH is caring for more children than allowed by their registration, or there are other violations that effect the health and safety of the children enrolled, enter a complaint in the Child Care Licensing database and follow complaint procedures.**
- 5) **If no complaint is necessary and all renewal documentation is not completed by ten days prior to the registration expiration date, send the Final Notice of Registration Renewal letter and make the appropriate notation in the Child Care Licensing database.**
- 6) **If there is no response to the Final Notice of Registration Renewal letter, staff the FCCH with the Central Office staffing team in order to obtain the signature of the Director approving withdrawal of the registration.**
- 7) **Send by certified mail a Notice of Denial of Registration Renewal Application. This letter informs the provider that the registration renewal application has been denied and explains their right to appeal as per SC Code of Laws Section 63-13-850. Make appropriate documentation in the Child Care Licensing system.**
- 8) **After receipt of the certified mail verification card, contact the Region Office of Child Care Licensing where the FCCH is located and request a visit to the home at the end of thirty days to verify whether or not the facility is still operating.**

- 9) Conduct appropriate meetings with the operator if requested and adhere to policies and procedures regarding appeals.**
- 10) A decision to reverse the denial of the registration application may be made after consultation with the appropriate Central Office staff members and approval of the Director of Child Care Licensing.**