

# Child Care Licensing Regulation for Centers

## Side by Side

Regulation Number	2018 New Regulations	2005 Regulations	Added, revised or deleted
<b>114-501 DEFINITIONS</b>			
114-501. Definitions	(8) Child: an individual, from birth <u>through 12</u> 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.	(8) 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.	REVISED
114-501. Definitions	(13) Emergency Person: An individual 18 years of age or older, not regularly employed by the child care center who is immediately available to serve as staff in emergency situations. This person <u>shall meet all requirements of an employed teacher/caregiver (including experience), with the exception of training. This person may not work as an emergency person for more than 80 hours in a calendar year</u>	(13) Emergency Person: An individual 18 years of age or older, not regularly employed by the child care center who is immediately available to serve as staff in emergency situations. This person shall meet all requirements of an employed teacher/caregiver, with the exception of training.	REVISED
114-501. Definitions (NEW)	<b>(17) Night care: A licensed facility operating between the hours of 1:00 am and 5:00am</b>	NONE	ADDED
114.501. Definitions (NEW)	<b>(33) Substitute Teacher: A person who is 18 years of age or older who teaches a class when the regular teacher is unavailable; e.g. due to illness, personal leave, or vacation. This person shall meet all the requirements of an employed teacher/caregiver including training.</b>	NONE	ADDED
114-501. Definitions (NEW)	<b>(37) Tracking: A written procedure to account for the presence of each child as the child enter and exits the premises, enters and exits a vehicle, or moves to a new location in or around the center.</b>	NONE	ADDED
<b>114-502 PROCEDURES</b>			
114-502C. Inspection and consultation	(1)Department staff may visit and inspect a child care center <u>once per year for annual inspection</u> at any time during the hours of operation without prior notice to verify regulatory compliance	(1)Department staff may visit and inspect a child care center at any time during the hours of operation without prior notice to verify regulatory compliance	REVISED

114-502C. Inspection and consultation	(3) The director and staff shall cooperate with the investigation and related inspections by providing access to the physical <u>center</u> , records, excluding financial records, and staff.	(3) The director and staff shall cooperate with the investigation and related inspections by providing access to the physical plant, records, excluding financial records, and staff.	REVISED
<b>114-503 MANAGEMENT, ADMINISTRATION, AND STAFFING</b>			
114-503D. Reporting of incidents	(2)The following incidents shall be reported to the Department immediately <u>and may be investigated by the Department.</u>	(2)The following incidents shall be reported to the Department immediately	REVISED
114-503D. Reporting of incidents (NEW)	<u>(C) Accidents or injuries involving any child occurring at the center requiring emergency professional medical treatment</u>	NONE	ADDED
114-503G. (7)Child Records (NEW)	<u>(e)Consent for emergency treatment; and (f) Permission to transport to hospital</u>	NONE	ADDED
114-503H Staff Records	(4) Criminal history background records checks form for the director, staff, emergency person (s), <u>and substitute (s)</u>	(4) Criminal history background records checks form for the director, staff, emergency person (s), and volunteer(s)	REVISED
114-503J Communication (NEW)	<u>(4)The center shall have electronic means of communication with the Department, except in locations where network service is unavailable or there is no coverage.</u>	NONE	ADDED
114-503K. Staffing - Child Abuse Check	(1)(b)(ii) For the director(s) and staff (including the emergency person) prior to employment <u>and at renewal times, if the employee was hired more than 6 months prior to the renewal date.</u>	(1)(b)(ii) For the director (s) and staff prior to employment, <del>(iii) For all other staff persons (including emergency person) prior to employment, (iv)For all persons hired by the child-care facility at each license/approval renewal.</del>	REVISED
114-503K. Staffing - Center Director Qualifications	(3)(c)(v) A High school diploma or GED, and <u>Early Childhood Development (ECD 101)</u> with 3 years experience in a licensed, approved, or registered child care facility. One year shall include supervision of child care staff.	(3)(c)(v) A high school diploma or GED with 3 years experience in a licensed, approved, or registered child care facility. One year shall include supervision of child care staff.	REVISED
114-503K. Staffing	(4)(b) <u>Exception:</u> A teacher/caregiver with an undergraduate degree from a state approved college or university in early childhood, child development, elementary education or a related field may begin working with the children immediately without additional supervision <u>as long as they have 60 days' field experience with a group of children aged 0-8.</u>	(4)(a)(iv) <u>Exception:</u> A teacher/caregiver with an undergraduate degree from a state approved college or university in early childhood, child development, or a related field may begin working with the children immediately without additional supervision	REVISED
114-503K. Staffing	(4)(c) <u>Exception:</u> A teacher/caregiver may be 17 years of age if he/she <u>has received his/her GED or high school diploma</u> and is continuously supervised by a qualified teacher/caregiver who is in the room at all times.	(4)(b) <u>Exception:</u> 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.	REVISED

114-503K. Staffing	(b) The director shall participate in at least twenty clock hours of training annually. At least five clock hours shall be related to program administration and at least five clock hours shall be in child growth and development, and/or health and safety excluding first aid and CPR training. The remaining hours shall come from the following areas: Curriculum, Nutrition, Guidance, <u>Special Needs</u> , Professional Development, or <u>other areas approved by the Department</u> , and must include blood-borne pathogens training as required by OSHA. <u>Directors who receive training in excess of twenty hours per year may carry over ten hours to the following year in the category earned.</u>	(5)(b) The director shall participate in at least twenty clock hours of training annually. At least five clock hours shall be related to program administration and at least five clock hours shall be in child growth and development, early childhood education and/or health and safety excluding first aid and CPR training. The remaining hours shall come from the following areas: Curriculum Activities, Nutrition, Guidance, or Professional Development and must include blood-borne pathogens training as required by OSHA.	REVISED
114-503K. Staffing	(5)(c) All staff, with the exception of emergency person(s) and volunteer(s), providing direct care to the children shall participate in at least fifteen clock hours annually. <u>The hours shall come from at least three of the following areas:</u> child growth and development, curriculum, <u>Child Guidance</u> , health <u>and</u> safety, nutrition, <u>Special Needs</u> , professional development, <u>program administration</u> , or <u>other areas approved by the Department</u> must include blood-borne pathogens training as required by OSHA. <u>CPR and first aid training do not count in the fifteen hours.</u>	(5)(c) All staff, with the exception of emergency person(s) and volunteer(s), providing direct care to the children shall participate in at least 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 shall come from the following areas: Guidance, Health, Safety, Nutrition, or Professional Development and must include blood-borne pathogens training as required by OSHA.	REVISED
114-503K. Staffing (NEW)	<u>(5)(d) Caregivers who receive training in excess of fifteen hours per year may carry over five hours to the following year in the category earned</u>	NONE	ADDED
114-503K. Staffing	(5)(h) At least one person who is certified in pediatric first aid, including rescue breathing, CPR, and management of a blocked airway shall be present in the center at all times when children are in care, and during group outings or field trips. <u>It is recommended that a CPR certified teacher be in each infant and toddler classroom at all times when children are in care. It is recommended that a CPR/first aid certified caregiver must always be present and immediately available when any child is eating.</u> Training shall be provided by an individual who is certified as a trainer by a recognized health care organization.	(5)(g) At least one person who is certified in pediatric first aid, including rescue breathing, CPR, and management of a blocked airway shall be present in the 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.	REVISED
<b>114-504 SUPERVISION</b>			
114-504A. Supervision	A(1) Directly supervised for infants, toddlers and <u>two year olds</u> means staff person shall be in the same room or area as the children and that the children shall be within their sight at all times.	(1) Directly supervised for infants, toddlers means staff person shall be in the same room or area as the children and that the children shall be within their sight at all times.	REVISED

Key:

Underlined Items - Revisions  
 Highlighted YELLOW Items - New  
 Highlighted RED Items - Deleted  
 Highlighted TAN Items - Moved

114-504B. Ratios	NOTE: Ratios chart now just includes ratios under the 3 years after column. This has been and continues to be the correct ratios	(1) Ratios chart included columns of two years after and four years after	REVISED
114-504B. Ratios	(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.	(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. <del>When infants or toddlers are in the mixed age group, the staff: child ratio for infants and toddlers shall be maintained.</del>	REVISED
114-504C. Nap time staff: child ratios	NOTE: Naptime chart now just includes ratios under the 3 years after column. This has been and continues to be the correct ratios.	Naptime chart included columns of two years after and four years after ratios	REVISED

STAFF:CHILD RATIOS	
Child's Age	Staff:Child Ratio
Birth to one year	1:05
One to two years	1:06
Two to three years	1:08
Three to four years	1:12
Four to five years	1:17
Five to six years	1:20

NAP TIME STAFF:CHILD RATIOS	
Child's Age	Staff:Child Ratio
Birth to one year	1:05
One to two years	1:06
Two to three years	1:16
Three to four years	1:24
Four years and older	1:34

WATER SAFETY STAFF:CHILD RATIOS	
Child's Age	Staff:Child Ratio
Birth to two years	1:01
Two to three years	1:02
Three to four years	1:03
Four to five years	1:06

## 114-505 HEALTH, SANITATION, AND SAFETY

114-505A. Child Health	(3) During hours of operation there shall be no smoking or consumption of alcoholic beverages or use of other non-prescription narcotic or illegal substances on the center premises. People who appear to be under the influence of alcohol or other drugs shall not be in the center when children are present.	(3) During hours of operation there shall be no smoking or consumption of alcoholic beverages <del>in the areas used by children or in the food preparation or storage areas.</del> <del>Smoking shall be permitted only in designated areas, a safe distance from the center.</del> 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.	REVISED
114-505B. Sanitation	<del>Deleted regulation</del>	<del>(5) If playpens are used, they shall have waterproof, washable comfortable pads.</del>	DELETED

114-505F. Diapering	(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 <u>is</u> disposed of through the sewage.	(12) Soiled disposable diapers and disposable wipes shall be kept in a closed, labeled hands-free operated, plastic lined receptacle within reach of diaper changing area separate from other trash. Soiled non-disposable items shall be kept in a sealed plastic bag after feces shall be disposed of through the sewage.	REVISED
114-505G. Staff Health	(1)(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, and a review of immunization status, <u>and a discussion regarding recommended vaccinations, including a one-time adult dose of TDAP.</u> A new health assessment shall be obtained by the director and staff at least every four years after the initial assessment.	(1)(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	REVISED
114-505G. Staff Health	(1)(c) <u>New employees must provide</u> written evidence from a physician or health resource attesting that <u>they are</u> free from communicable tuberculosis <u>pursuant to state statute or the South Carolina Department of Health and Environmental Control regulations or policy.</u>	(1)(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.	REVISED
114-505G. Staff Health (NEW)	<u>(1)(d) For transferring employees, a current health assessment and written evidence that the employee is free from communicable tuberculosis can transfer with the employee pursuant to state statute or the South Carolina Department of Health and Environmental Control regulations or policy.</u>	NONE	ADDED
<b>114-506 PROGRAM</b>			
114-506B. Discipline and behavior management	(2) All teacher/caregivers shall sign a facility agreement to implement the discipline and behavior management policy, with a statement that specifies no corporal punishment.	(2) All teacher/caregivers shall sign a facility agreement to implement the discipline and behavior management policy, with a statement that specifies no corporal punishment shall be used except when authorized in writing by the parent(s)/guardian(s); corporal punishment shall not exceed guidelines established in Section 20-7-490(c)(1)(a) through (e) of the Code of Laws of South Carolina, 1976 amended.	REVISED
114-506B. Discipline and behavior management	<del>Deleted regulation</del>	<del>(8) Each child care center has the option to prohibit corporal punishment</del>	DELETED
<b>114-507 PHYSICAL SITE</b>			

114-507A. Indoor Space and Conditions	(f) Children shall not be present in the area during construction or remodeling and not in the immediate area during cleaning or in such a manner as to create a condition that might result in an accident or cause harm to the health and safety of the children.	(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 <del>not</del> to create a condition that might result in an accident or cause harm to the health and safety of the children.	REVISED
114-507A. Indoor Space and Conditions	(6)(b) The center shall have hot and cold water under pressure. (Forty PSI recommended). <u>If water is unavailable for four hours, a center must close.</u>	(6)(b) The center shall have hot and cold water under pressure (Forty PSI recommended)	REVISED
114-507A. Indoor Space and Conditions	(6)(c) Hot water <u>shall meet current DHEC regulations for Retail Food Establishments: 61-25</u>	(6)(c) Hot water be between 100 and 120 degrees Fahrenheit	REVISED
114-507A. Indoor Space and Conditions	(7)(a) Temperature shall be maintained between 68 and 80 degrees Fahrenheit as appropriate to the season while children are present in the center. <u>If temperature cannot be maintained in this range for more than four hours, the center must close.</u>	(7)(a) Temperature shall be maintained between 68 and 80 degrees Fahrenheit as appropriate to the season while children are present in the center	REVISED
114-507A. Indoor Space and Conditions	<u>(7)(b) Caution shall be used with regards to weather and the length of time children are outside when the wind chill factor is below 20 degree Fahrenheit or the heat index is above 95 degrees Fahrenheit.</u>	(7)(b) When outdoor temperature exceeds 90 degrees Fahrenheit, caution shall be used when children are involved in outdoor activities	REVISED
114-507A. Indoor Space and Conditions	(12)(d) There shall be at least one sink with <u>running water</u> under pressure for every 20 children over two years of age. Sinks shall be located in or near each toilet area. <u>It is recommended that water be a minimum of 60 degrees Fahrenheit.</u>	(12)(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.	REVISED

114-507B. Outdoor space	<u>(B)(5)Outdoor recreational equipment shall meet the standards of the US Consumer Products Safety Commission (CPSC), if applicable. Recalled products listed by the CPSC shall not be accessible to children.(6) Outdoor recreational equipment shall be made of durable, non-rusting, non-poisonous materials, and shall be sturdy. (7) Stationary outdoor equipment shall be firmly anchored and shall not be placed on a concrete or asphalt surface. (8) Swings shall be located to minimize accidents and shall have soft and flexible seats. (9)Cushioning material such as mats, wood chips, or sand shall be used under climbers, slides, swings, and large pieces of equipment. Cushioning material shall extend at least six (6) feet beyond the equipment and swings. (10)Slides shall have secure guards along both sides of the ladder and placed in shaded area. (11) Outdoor metal equipment that is uncoated shall be located in shaded areas or otherwise protected from the sun. Teachers shall check the temperature by touch prior to children playing on it. (12) Outdoor equipment shall be arranged so that children can be seen at all times. (13) A properly fitting bicycle helmet that is approved by American National Standards Institute, Snell Memorial Foundation, or American Society for Testing and Materials, shall be worn by each child when riding a bicycle, skateboard, roller blades, or skates. Helmets are optional for use with tricycles.</u>	regulation moved from 114-507C (6-12)	MOVED
114-507C. Furniture, toys, and recreational equipment	<u>(4) Playpens are not allowed in licensed care.</u>	(4) The sides of playpens shall remain latched as long as a child is using the playpen. If playpens are used they shall have a waterproof, washable, comfortable pads	REVISED
114-507C. Furniture, toys, and recreational equipment	<u>(6-12) Moved to 114-507B(5-12)</u>	(6-12) Moved to 114-507B(5-12)	DELETED
114-507C. Furniture, toys, and recreational equipment	(8)Indoor recreational equipment and furnishings shall be cleaned and disinfected when they are soiled or at least once weekly and shall be of safe construction and free of sharp edges and loose or rusty points.	(15)Indoor recreational equipment and furnishings shall be cleaned and disinfected when they are soiled or at least once weekly and shall be of safe construction and free of sharp edges and loose or rusty points. <del>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</del>	REVISED
114-507C. Furniture, toys, and recreational equipment	<u>(16) Moved to 114-507B(13)</u>	(16) Moved to 114-507B(13)	DELETED

114-507D. Rest equipment	<u>(2) Each infant, toddler, two year old, and preschool child shall be assigned</u> an individual, clean, <u>and</u> developmentally appropriate cribs, cots, or mat <u>appropriately</u> labeled with the child's name <u>and/or charted</u> and used only by that child.	(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.	REVISED
114-507E. Environmental hazards	(4)(d) Reptiles and rodents shall not be accessible to children.	(4)(d) Reptiles and rodents shall not be accessible to children <del>without adult supervision</del>	REVISED
114-507E. Environmental hazards	<b>(4)(e) Children and adults shall wash their hands after touching animals.</b>	NONE	ADDED
<b>114-508 MEAL REQUIREMENTS; FOOD PREPARATION AND SERVING; STORAGE AND PROTECTION OF FOOD SUPPLIES</b>			
114-508B. Food preparation	(1)Adequate hand-washing facilities, separate from food preparation sinks, equipped with hot and cold water under pressure supplied through a mixing faucet, shall be provided in the food preparation area. Hot water shall <u>meet current DHEC regulations for Retail Food Establishments</u> ; 61-25. (Facilities shall not be required to install an additional hand-washing sink in the food preparation area if, in the opinion of the health authority, the existing hand-washing facilities are adequate.)	(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.)	REVISED
114-508B. Food preparation	<del>Deleted regulation</del>	<del>(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. (7)- Potentially hazardous</del>	DELETED
<b>114-509 INFANT CARE AND TODDLER CARE, CARE FOR MILDLY ILL CHILDREN, AND NIGHT CARE</b>			
114-509A. Infant and toddler Care	(3)(d) <u>Microwaving of breastmilk, formula and other beverages</u> is prohibited. <u>If used, crock pots, bottle warmers, or other electronic devices must be in a area not accessible to children.</u>	(3)(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.	REVISED
114-509A. Infant and toddler Care	(5)(a) Infants shall be placed on their backs to sleep.	(5)(a) Infants shall be placed on their backs to sleep <del>unless the parent provides a note from a physician specifying otherwise</del>	REVISED



114-509A. Infant and toddler Care	<u>(5)(d) Stacked cribs are not permitted.</u>	(5)(d) Two years from the effective date of these regulations, stacked cribs will no longer be permitted.	REVISED
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**Fiscal Impact Statement:** The proposed regulations will have not substantial fiscal or economic impact on the State or its political subdivisions. Implementation of this regulation will not require additional resources beyond those allowed. There is no anticipated additional cost by the Department or State Government due to any inherent requirements of this regulation.

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