A. Purpose

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

B. Applicability

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

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

(3) These regulations do not apply to the following:

(a) Educational facilities, whether private or public, which operate solely for educational purposes in grade one or above.

(b) Five-year-old kindergarten programs.

(c) Kindergartens or nursery schools or other daytime programs, with or without stated educational purposes, operating no more than four hours a day and receiving children younger than lawful school age.
(d) Facilities 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.

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

(f) Summer resident camps for children;

(g) Bible schools normally conducted during vacation periods;

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

(i) Facilities for the mentally ill as provided for in Chapter 17, Title 44, Code of Laws of South Carolina; and

(j) Child care centers owned and operated by a local church congregation or an established religious denomination or a religious college or university which does not receive state or federal financial assistance for child care services; however, these facilities must comply with the provisions of Code of Laws of South Carolina, Sections 20-7-2900 through 20-7-2975 and that these facilities voluntarily may elect to become licensed according to the process as set forth in Code of Laws of South Carolina, Sections 20-7-2700 through 20-7-2780 and Sections 20-7-2980 through 20-7-3090.

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.

S.C. Code of Regulations R. 114-501

A. Terms used in South Carolina Regulations, Chapter 114, Article 5, Part A, shall be all definitions cited in Section 20-7-2700 et seq. Code of Laws of South Carolina in addition to the definitions that follow:

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

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

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

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

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

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

(7) Central Registry of Child Abuse and Neglect: An automated, computerized listing, maintained by the Department of Social Services containing the names(s), address(es), birth date(s), identifying characteristics and other information about individual(s) who have been listed on the registry due to the determination of perpetrating abuse or neglect upon a child.
(8) Child: An individual, from birth through 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.

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

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

(11) Complete Application: An application is complete on the date of receipt of the last document required by the Department in order to issue a license/approval.

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

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

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

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

(16) Lifeguard: A person having the qualifications of and possessing a current American Red Cross, YMCA, or equivalent Lifeguard Certificate, current First Aid Certificate and current CPR (which includes adult, child, and infant) Certificate.

(17) Owner: The owner may be independent of the staff of the child care facility and not be required to be on the premises. However, the owner can be the director or a teacher/caregiver. If the owner serves in the capacity
of staff and directly supervises children, he/she shall have state and federal fingerprint reviews completed in accordance with Section 20-7-2700 et. Seq., Code of Laws of SC (1976), as amended, in addition to meeting all other requirements.

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

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

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

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

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

(23) Regular license: A license issued by the Department for two years to a director showing that the licensee is in compliance with the regulations of the Department at the time of issuance and authorizing the licensee to operate in accordance with the regulations of the Department.

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

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

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

(28) 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.

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

(30) 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.

(31) 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.

(32) 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.

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

(34) Toddler: A child 12 months of age or older, but younger than 24 months of age.
(35) 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.

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

(37) 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.

S.C. Code of Regulations R. 114-502

114-502. Procedures

A. Licensing/approvals

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

(2) An application for a license/approval shall be completed on appropriate Department forms and shall be signed by the director. The Department representative shall provide the applicant with the required number of forms, a copy of current child care center regulations, a copy of Section 20-7-2700 et seq., Code of Laws of South Carolina (1976), (Child Care Statute) and a copy of Sections of the Children’s Code related to child abuse and neglect with an explanation of procedures and information required by the Department. The Department representative shall request in writing that health and fire officials make inspections of the facility.

(3) After giving the applicant at least two working days notice, Department staff shall arrange a licensing/approval study during an on-site visit to the proposed facility for determining compliance with applicable regulations.
(4) Health and fire officials shall inspect the facility to determine compliance with appropriate regulations and shall put in writing on appropriate forms the results of their inspections.

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

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

(b) Issue a provisional license/provisional approval with an accompanying correction notice if one or more violations have been cited which do not seriously threaten the health, safety or well-being of children; or

(c) Deny the issuance of a license/approval if one or more violations seriously threaten the health, safety, or well being of the children.

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

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

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

(9) Department staff shall notify the director as follows if a provisional license/provisional approval is issued or an application for a license/approval is denied:
(a) If a provisional license/provisional approval is issued, the Department shall notify the director in writing of violations to be corrected. The violations shall be cited by regulation number and shall include a form issued by the Department for the director to complete a written plan to correct each violation as approved by the Department;

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

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

B. Provisions of the license/approval

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

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

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

(4) An application for a license/approval may be denied or the license/approval may be revoked by the Department if the owner, director, any staff member, volunteer(s) or emergency person(s) has been determined to have abused or neglected any child as defined in Section 20-7-490 (B), S.C. Code of Laws, 1976 as amended.
C. Inspection and consultation

(1) Department staff may visit and inspect a child care center at anytime during the hours of operation without prior notice to verify regulatory compliance.

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

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

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

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

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

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

(1) A license/approval may be denied, revoked or not renewed by the Department if the owner, director or staff member has been determined to have abused or neglected any child as defined in Section 20-7-490(B), S.C. Code of Laws, 1976 as amended.

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

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

(a) Change in director, ownership, or sponsorship;

(b) Change in center location; and

(c) Major renovations or alterations to the building.

F. License/approval renewal

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

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

S.C. Code of Regulations R. 114-503

A. Display of license/approval

(1) The center shall display the current license/approval, as well as any violations in a prominent public place in the center. The back of the license/approval shall be displayed if deficiencies are listed.
(2) When advertising or issuing other public notifications of the service provided, the official license number issued by the Department shall be included.

B. Capacity

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

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

C. Child abuse

(1) The center shall immediately report suspected child abuse or child neglect to the Department’s Office of Child Protective and Preventive Services or to local law enforcement in accordance with South Carolina Code Annotated Section 20-7-510.

(2) The director and staff shall cooperate with Department staff during an investigation of child abuse or neglect. Cooperation shall include the following:

(a) Participate in informational conferences with Child Protective and Preventive Services staff;

(b) Release records as appropriate, of children and staff upon request; and

(c) Allow access to the center premises for inspection and investigation of the child abuse allegation by the Department and other officials as permitted by statute.
D. Reporting of incidents

(1) The center shall report the following incidents to the parents/guardians immediately and provide written notification to the Department within 48 hours after the occurrence:

(a) Accidents or injuries involving any child occurring at the center requiring professional medical treatment, and

(b) Child or staff occurrences of communicable diseases that the Department of Health and Environmental Control (DHEC) requires to be reported in its School Exclusion List.

(2) The following incidents shall be reported to the Department immediately:

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

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

(c) Major structural damage to center;

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

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

(f) Charges or convictions of crimes against the owner, director, or any staff person;
(g) Reports of alleged child abuse involving the owner, director, or any staff person;

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

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

E. Death of a child

(1) If the child dies while at the facility, the following shall be done:

(a) Immediately notify emergency medical personnel, the child’s parents, and law enforcement;

(b) Immediately notify the licensing agency; and

(c) Provide information for children and parents as appropriate.

F. Parent access and communication

(1) The center shall permit the parent of a child in care free and full access to his or her child without prior notice, while their child is receiving care, unless there is a court order limiting parental access. This free access must not disrupt instructional activities and classroom routines.
(2) The center shall develop a policy for the release of children, which includes a security system to prevent the inappropriate release of a child to an unauthorized person. This policy shall be communicated with the parent upon admission.

(3) Parents shall be provided with the following information upon admission:

(a) The right of parents to free and full access to their child in accordance with 114-503.F.(1);

(b) The policy and procedures on release of children specified in 114-503.F.(2);

(c) The program activity schedule for their child’s age group and child care area;

(d) The parent’s responsibility to obtain necessary immunizations and physical examinations for their child;

(e) The policy and procedures for the administration of medications; and

(f) The policy and practices regarding the discipline and behavior management of children. This statement shall be re-signed if any discipline policy changes are made.

(4) Parents and staff shall sign and date an agreement, maintained on file and updated annually, that both parties have read and understand all policies relating to the operation of the facility.

G. Child records

(1) The facility shall keep a separate record for each child.
(2) The file shall be kept in a confidential manner, but shall be immediately available to the Department, the child’s teacher/caregiver, parent, or guardian upon request.

(3) Access to records is limited to the above unless requested by court order.

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

(5) A child’s record shall be maintained on file at the child care center and made available to the Department upon request, and it shall contain the following:

(a) Child’s full legal name, nickname, birth date, date of enrollment, current home address and home telephone number;

(b) Full name of both parent(s)/guardian(s), work and home telephone numbers, or telephone number(s) where they can be reached during the time the child is in the center;

(c) Name(s), address(es) and telephone number(s) of person(s) who can assume responsibility for the child in an emergency if the parent(s)/guardian(s) cannot be reached;

(d) Name, address, and telephone number of family physician or health resource;

(e) Name(s), address(es) and verification of identification, such as valid driver’s license, other picture identification or personal family code word of person(s) authorized to take the child from the child care center;

(f) Accurate records of daily attendance for each child;
(g) Authorization from parent(s)/guardian(s) for child to obtain emergency medical treatment;

(h) Authorization from parent(s)/guardian(s) for child to be transported to and from the center during field trips and other away from the center activities;

(i) Authorization from parent(s)/guardian(s) for child to participate in swimming activities; and

(j) A written statement, signed by the parents, acknowledging their understanding and acceptance of the disciplinary policies of the center.

(6) A health record shall be maintained in the center for each child enrolled, and it shall include all of the following information:

(a) A signed statement of the child’s health prior to admission to the child care center on the appropriate DSS form;

(b) A current South Carolina certificate of Immunization; and

(c) Other health information if deemed necessary by the director of the center and/or by parent(s)/guardian(s).

(7) Emergency information for each child shall be easily and immediately accessible while at the center, during transportation, and during any trips away from the premises, and it shall include the following:

(a) The full name of both parents/guardian, and updated address, work, home and mobile numbers where they can be reached during the time the child is in the center;
(b) The name, address, telephone number and relationship of at least two individuals designated by the parents/guardian to be contacted in an emergency and who have the authority to obtain emergency medical treatment for the child;

(c) The name, address and telephone number of the child’s physician, and the emergency care, medical and dental care provider; and

(d) Health insurance information.

(8) Emergency information shall be updated by the parent as changes occur.

H. Staff records shall include the following:

(1) Names, positions and hours of duty of staff members;

(2) Written policies that refer to or apply to DSS licensing regulations;

(3) Three letters of reference for the center director;

(4) Criminal history background records check forms for the director, staff, emergency person(s), and volunteer(s);

(5) Record of training for director and staff; and
(6) Written statements signed by all staff members regarding disciplinary policies of the center.

(7) The director shall maintain health records in the center for himself/herself, staff, and emergency person(s) in accordance with 114-505.G.(1)(a) through (c).

I. Confidentiality and applicable laws and regulations

(1) The center shall have written policy to safeguard the confidentiality of all records.

(2) A child’s record, emergency information, photograph and other information about the child or family and information that may identify a child by name or address is confidential and may not be copied, posted on a web site or disclosed to unauthorized persons, without written consent from the child’s parent.

(3) The center shall comply with all applicable federal, state, and local laws, regulations, and ordinances.

(4) The center shall make available at least one copy of Section 20-7-2700 et seq., Code of Laws of South Carolina, a copy of sections of the Children’s Code related to child abuse and neglect and a copy of the current regulations for child care centers that will be provided by the Department.

J. Communication

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

(2) Emergency telephone numbers for the police, fire department, ambulance service and poison control center shall be posted by each telephone.
(3) The center shall have an internal means of communication among staff.

K. Staffing

(1) Child abuse checks

(a) The director or staff shall not have been determined to have committed an act of child abuse or neglect or have been convicted of any crime listed in Chapter 3 of Title 16, Offenses Against the Person, any crime listed in Chapter 15 of Title 16, Offenses Against Morality and Decency or for the Crime of Contributing to the Delinquency of a Minor in Section 16-17-490.

(b) A check of the South Carolina Central Registry of Child Abuse and Neglect shall be requested by the director(s) on each staff person, except for volunteers in accordance with the following time lines:

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

(ii) For the director(s) and staff 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.

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

(2) Background criminal history checks
(a) To be employed by or to provide teacher/caregiver services at a child care facility, a person shall first undergo a State fingerprint review from the State Law Enforcement Division (SLED).

(b) A person may be provisionally employed or may provisionally provide teacher/caregiver services after the favorable completion of the state fingerprint review. The Federal Bureau of Investigation (FBI) fingerprints shall be submitted for review within 14 business days upon receiving the SLED results. Upon the completed FBI review, the results will be forwarded to the appropriate Department for distribution.

(c) No child care facility may employ a person, engage the services of or knowingly allow a person in the child care facility during normal hours of operation who is required to register under the sex offender registry act pursuant to SC Code of Laws Section 23-3-430 or who has been convicted of:

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

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

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

(d) The results of the fingerprint reviews are valid and reviews are not required to be repeated as long as the person remains employed by or continues providing teacher/caregiver services in a child care facility; however, if a person has a break in service of one year or longer, the fingerprint reviews shall be repeated.

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

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

Current through State Register Volume 38, Issue 5, eff May 23, 2014
(a) There shall be a center director and/or center co-director(s) responsible for the following:

(i) Administration and management of the center;

(ii) Safety and protection of the children;

(iii) Development and implementation of policies and procedures;

(iv) Communication with parents about the policies and procedures of the center;

(v) Staff hiring, supervision and ongoing professional development; and

(vi) Compliance with all applicable laws and regulations of the child care center.

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

(c) The center director and center co-director(s) shall be at least 21 years of age and meet one of the following qualifications:

(i) A bachelor’s degree or advanced degree from a state-approved college or university in early childhood education, child development, child psychology or a related field that includes at least eighteen credit hours in child development and/or early childhood education;
(ii) A bachelor’s degree from a state-approved college or university in any subject area, six months experience working with children in a licensed, approved or registered child care facility;

(iii) An associate’s degree from a state-approved college or university in early childhood education, child development, child psychology or a related field, that includes at least eighteen credit hours in child development and/or early childhood education with six months work experience in a licensed, approved or registered child care facility;

(iv) A diploma in child development/early childhood education from a state-approved institution or a child development associate credential (CDA), and one year work experience in a licensed, approved or registered child care facility; or

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

(4) Caregivers/Teachers

(a) Caregivers/Teachers shall meet the following qualifications:

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

(ii) A teacher/caregiver who began employment in a licensed or approved child care center in South Carolina after June 30, 1994, must have at least a high school diploma or General Educational Development Certificate (GED) and at least six months experience as a teacher/caregiver in a licensed or approved child care facility. However, a teacher/caregiver who is prevented from obtaining a high school diploma or GED because of a disability, and who otherwise is qualified to perform the essential functions of the position of teacher/caregiver, must have at least a high school Certificate of Completion and at least six months experience as a teacher/caregiver in a licensed or approved child care facility. If a teacher/caregiver does not meet the experience requirements, the teacher/caregiver must be directly supervised for six months by a staff person with at least one-year experience as a teacher/caregiver in a licensed or approved child care facility. Within six months of being employed, a teacher/caregiver must have six clock hours of training in child growth and development and early childhood education or shall continue to be under the direct supervision of a teacher/caregiver who has at least one year of experience as a teacher/caregiver in a licensed or approved child care facility.
(iii) A teacher/caregiver who has two years experience as a teacher/caregiver in a licensed or approved facility and was employed as of July 1, 1994, in a licensed or approved child care center in South Carolina is exempt from the high school diploma, General Education Development (GED), and Certificate of Completion requirements of (ii) above; and

(iv) A teacher/caregiver with an undergraduate degree from a state approved college or university in early childhood, child development, or a related field may begin working with the children immediately without additional supervision.

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

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

(5) Professional development

(a) The director(s) shall provide orientation for all new staff, volunteer(s), and emergency person(s) prior to their employment, volunteering, and student/teacher training. This orientation shall include the following:

(i) Specific job duties and responsibilities;

(ii) The requirements of this chapter related to their job; and

(iii) The policies and procedures of the center that affect the health and safety of children.
(b) The director shall participate in at least twenty clock hours of training annually. At least five clock hours shall be related to program administration and at least five clock hours shall be in child growth and development, 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.

(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.

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

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

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

(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.

S.C. Code of Regulations R. 114-504

A. Children shall be directly supervised at all times by qualified staff persons.
(1) Directly supervised for infants and toddlers means staff persons shall be in the same room or area as the children and that the children shall be within their sight at all times;

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

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

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

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

B. Ratios

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

<table>
<thead>
<tr>
<th>Child’s Age</th>
<th>Staff:Child Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Two years after</td>
</tr>
<tr>
<td>Birth to one year</td>
<td>1:5</td>
</tr>
<tr>
<td>One to two years</td>
<td>1:6</td>
</tr>
</tbody>
</table>

Current through State Register Volume 38, Issue 5, eff May 23, 2014
(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.

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

C. Nap time staff:child ratios

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

<table>
<thead>
<tr>
<th>Child’s Age</th>
<th>Staff:Child Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Two years after</td>
</tr>
<tr>
<td>Birth to one year</td>
<td>1:5</td>
</tr>
</tbody>
</table>
D. Water safety staffing

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

**WATER SAFETY STAFF:CHILD RATIOS**

<table>
<thead>
<tr>
<th>Child’s Age</th>
<th>Staff:Child Ratio</th>
</tr>
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<tbody>
<tr>
<td>Birth to two years</td>
<td>1:1</td>
</tr>
<tr>
<td>Two to three years</td>
<td>1:2</td>
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<tr>
<td>Three to four years</td>
<td>1:3</td>
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<tr>
<td>Four to five years</td>
<td>1:6</td>
</tr>
<tr>
<td>Five years and older</td>
<td>2:25</td>
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</tbody>
</table>

(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
A. Child health

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

(2) Children shall be excluded from child care when they exhibit the conditions listed in the South Carolina Department of Health and Environmental Control Exclusion Policy. State Law 1976, Code Section 44-1-110, 44-1-140, and 44-29-10.

(2) During hours of operation there shall be no smoking or consumption of alcoholic beverages in the areas used by children or in the food preparation or storage areas. Smoking shall be permitted only in designated areas, a safe distance from the 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.

B. Sanitation

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

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

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

(4) Linens and blankets as well as cribs, cots, and mats shall be cleaned at least weekly.
(5) If playpens are used, they shall have waterproof, washable, comfortable pads.

(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.

C. Emergency medical plan

(1) The center shall have an emergency medical plan to address the following:

   (a) Medical conditions under which emergency care and treatment is warranted;

   (b) Steps to be followed in a medical emergency;

   (c) The hospital or source of health care to be used;

   (d) The method of transportation to be used; and

   (e) An emergency staffing plan.

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

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

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

(a) All medications shall be used only for the child for whom the medication is labeled;

(b) Medications shall not be given in excess of the recommended dose; and

(c) Prescribed special medical procedures ordered for a specific child shall be written, signed, and dated by a physician or other legally authorized healthcare provider.

(2) Storage of medications:

(a) All medications shall be kept in their original labeled containers and have child protective caps. The child’s first and last name shall be on all medications;

(b) All medications shall be stored in a separate locked container under proper conditions of sanitation, temperature, light, and moisture; and

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

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

(4) Medication errors:

(a) Medication errors, e.g. failure to administer a medication at the prescribed time, administering an incorrect dosage of medication or administering the wrong medication; shall be recorded in the child’s record; and

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

E. First aid kit

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

F. Diapering

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

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

(3) Diaper changing procedures shall be consistent with those recommended by the Center for Disease Control and Prevention.
(4) Diapering surfaces shall be sanitizable.

(5) Diapering surfaces shall be clean, seamless, waterproof and sanitary.

(6) Diapering surfaces shall be cleaned and sanitized after each use by washing to remove visible soil followed by wiping with an approved sanitizing solution (e.g. 1 tablespoon of chlorine bleach per 1 quart of water) and/or disposable, non-absorbent paper sheets approved for this purpose and shall be discarded immediately after each diapering.

(7) Blood contaminated materials and diapers shall be discarded in a plastic bag with a secure tie. Surfaces contaminated with blood or blood-containing body fluids shall be cleaned with a solution of chlorine bleach and water.

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

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

(10) Individual disposable wipes shall be used at each diaper change and shall be placed in a plastic-lined, covered container and disposed of properly, and kept out the reach of children.

(11) Each waste and diaper container shall be labeled and clean and free of build-up of soil and odor. Wastewater from such cleaning operations shall be disposed of as sewage.

(12) Soiled disposable diapers and disposable wipes shall be kept in a closed, labeled hands-free operated, plastic lined receptacle within reach of diaper changing area separate from other trash. Soiled non-disposable items shall be kept in a sealed plastic bag after feces shall be disposed of through the sewage.

(13) Disposable non-absorbent paper sheets shall be disposed of immediately after diapering is completed.
(14) Soiled disposable diapers shall be disposed outside the building daily. Soiled non-disposable diapers shall be kept in a sealed plastic bag and returned to the parent daily.

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

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

G. Staff health

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

(a) Medical statements required by the Department and completed by the staff person verifying that his/her health is satisfactory. Medical statements shall be updated as necessary;

(b) A health assessment from a health care provider assessing the ability of the staff person to work with children. The health assessment shall be completed within three months prior to employment or within the first month of employment and shall include health history, physical exam, vision and hearing screening, 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.

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

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

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

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

H. Fire safety and emergency preparedness

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

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

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

I. Transportation

(1) If the center provides or arranges for transportation through contract, the following transportation requirements apply.
(a) The staffing ratios specified in 114-504.B.(1) through (3) apply. The driver of the vehicle shall not be counted in the ratios for infants or toddlers.

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

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

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

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

(f) The driver shall have a valid regular or commercial driver’s license and shall be in compliance with Section 20-7-2725 (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.

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

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

(j) When the facility provides transportation to and from the child’s home, the facility staff shall be responsible for picking the child up and returning the child to a designated location.
(k) The director and/or staff of the center shall provide the driver of the vehicle with a record that lists the name, address, and telephone number of the center, as well as names of children being transported.

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

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

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

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

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

S.C. Code of Regulations R. 114-506

114-506. Program.

A. Program of activities

(1) There shall be a written, planned, daily program of activities for all children.

(2) Activities shall be developmentally appropriate.

(3) Staff shall plan and provide daily age-appropriate activities in accordance with the child’s developmental level, such as stories, music, art, cooking, living skills, puzzles, blocks, etc.
(4) Children shall be provided daily indoor opportunities for freedom of movement.

(5) Quiet areas with supervision shall be made available to children desiring to be alone or to work on homework.

(6) Staff persons shall provide the opportunity for the children to ask questions and engage in conversations with others. Staff shall have frequent positive verbal communications with the children.

(7) Age appropriate radio and television, VCR tapes, DVDs and other media shall be previewed by the director and staff and used only as a supplement and enhancement to the daily program. No child shall be required to view these media programs.

(8) All children shall be given the opportunity for outdoor play, weather permitting.

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

B. Discipline and behavior management

(1) The facility’s discipline policy shall outline methods of guidance appropriate to the ages of the children. Positive, non-violent, non-abusive methods for managing behavior shall be implemented.

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

(3) Emotional abuse is also prohibited, including but not limited to: profane, harsh, demeaning or humiliating language in the presence of children. Threatening, humiliating, ignoring, corrupting, terrorizing, or rejecting a child is prohibited.
(4) Withholding, forcing, or threatening to withhold or force food, sleep or toileting is prohibited.

(5) Unsupervised isolation of a child shall not be allowed. The child shall be within sight of staff if isolation from the group is used.

(6) The use of children to discipline other children is prohibited.

(7) Children shall not be restrained through drugs or mechanical restraints.

(8) Each child care center has the option to prohibit corporal punishment.

S.C. Code of Regulations R. 114-507

A. Indoor space and conditions

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

(2) Ventilation

(a) Child care areas, dining areas, kitchens, and bathrooms shall be ventilated by mechanical ventilation, such as fans or air conditioning, or at least one operable window.
(b) If freestanding fans are used, fans shall have a stable base, be equipped with protective guards and be placed in a safe location.

(c) Windows, including windows in doors, when utilized for ventilation purposes shall be securely screened to prevent the entrance of insects.

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

(3) Safety glass shall be used on clear glass windows and doors that are within thirty-two inches above floor level and that are accessible to children. Decals shall be applied to all glass or sliding patio doors and placed at eye level of the children being cared for at the facility.

(4) Lighting

(a) Rooms, hallways, interior stairs, outside steps, outside doorways, porches, ramps, and fire escapes shall be lighted.

(b) At least twenty foot candles of light shall be required on all work surfaces in food preparation, equipment washing, utensil washing, hand-washing areas, and toilet rooms.

(c) Adequate, safe lighting for individual activities, for corridors, and for bathrooms shall be provided.

Purple, Burgundy, & Green

(5) Environmental hazards

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

(b) Knives, lighters, matches, projectile toys, tobacco products, microwave ovens, and other items that could be hazardous to children shall not be accessible to children.

c) To prevent lead poisoning in children, child care centers shall meet applicable lead base paint requirements, as established by the South Carolina Department of Health and Environmental Control (DHEC), pursuant to South Carolina Code annotated Section 44-53-1310, et seq., and Regulation Number (61-85).

d) Floors, walls, ceilings, windows, doors and other surfaces shall be free from hazards such as peeling paint, broken or loose parts, loose or torn flooring or carpeting, pinch and crush points, sharp edges, splinters, exposed bolts and openings that could cause head or limb entrapment.

e) The use of sinks, equipment, and utensil-washing sinks, or food preparation sinks for the cleaning of garbage and refuse containers, mops or similar wet floor cleaning tools, and for the disposal of mop water or similar liquid waters is prohibited.

(f) Children shall not be present in the area during construction or remodeling and not in the immediate area during cleaning or in such a manner as 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.

(6) Water Supply

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

(b) The center shall have hot and cold water under pressure. (Forty PSI recommended) If 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.

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

(7) Temperature

(a) Temperature shall be maintained between 68 and 80 degrees Fahrenheit as appropriate to the season while children are present in the center.
(b) When outdoor temperature exceeds 90 degrees Fahrenheit, caution shall be used when children are involved in outdoor physical activities.

(8) Sanitation

(a) Clean and sanitary conditions shall be maintained indoors and outdoors, including indoor and outdoor recreational equipment and furnishings.

(b) Measures to control insects, rodents, and other vermin shall be taken to prevent harborage, breeding, and infestation of the premises.

(c) All solid wastes shall be disposed of at sufficient frequencies and in such a manner not to create a rodent, insect, or vermin problem.

(d) Trash in diapering areas shall be kept in closed, hands-free operated, plastic lined receptacles in good repair.

(e) Trash in kitchen areas shall be kept in closed, plastic lined receptacles.

(f) Trash in children’s restrooms, classrooms, and eating areas shall be kept in plastic lined receptacles.

(g) Trash receptacles outside the building, shall be watertight with firm fitting lids that prevent the penetration of insects and rodents.

(h) Trash disposal and sewage system construction and usage shall be in accordance with local standards and ordinances.
(i) The use of child care room, bathroom, or kitchen sinks for cleaning of trash receptacles or cleaning equipment is prohibited.

(9) Doors

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

(10) Landings, stairs, handrails, and railings

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

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

(c) Stairs shall have a nonskid surface.

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

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

(11) Electrical sources

(a) The center shall be connected with an electrical source.
(b) Electrical outlets and fixtures shall be connected to the electrical source in a manner that meets local electrical codes, as certified by an electrical code inspector. - NFPA 70 and 99 Compliance.

(c) Electrical outlets shall be securely covered with childproof covers or safety plugs when not in use in all areas accessible to children.

(d) No electrical device accessible to children shall be located so that it could be plugged into the outlet while in contact with a water source, such as sinks, tubs, shower areas, or swimming/wading pools, unless ground fault devices are utilized.

(12) Bathrooms

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

(b) If seat adapters are used for toilet training, they shall be cleaned and sanitized after each use.

(c) Toilet training equipment shall be provided to children who are being toilet trained.

(d) There shall be at least one sink with 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.
(g) Floor and wall surfaces in the toilet area shall have smooth, washable surfaces. Carpeting is not permitted in the toilet area.

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

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

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

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

(l) Bathroom facilities shall be completely enclosed.

B. Outdoor space

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

(2) The outdoor space shall be free from hazards and litter.

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

(4) Children shall be restricted from unsafe areas and conditions such as traffic, parking areas, ditches, and steep slopes by a fence or natural barrier that is at least four feet high.
C. Furniture, toys, and recreational equipment shall:

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

2. Meet the standards of the US Consumer Products Safety Commission (CPSC), if applicable. Recalled products listed by the CPSC shall not be accessible to children;

3. Be developmentally and size appropriate, accommodating the maximum number of children involved in an activity at any one time;

4. The sides of playpens shall remain latched as long as a child is using the playpen. If playpens are used they shall have waterproof, washable, comfortable pads;

5. All arts and crafts and play materials shall be nontoxic;

6. Outdoor recreational equipment shall be made of durable, non-rusting, non-poisonous materials, and shall be sturdy;

7. Stationary outdoor equipment shall be firmly anchored and shall not be placed on a concrete or asphalt surface. Cushioning material such as mats, wood chips or sand shall be used under climbers, slides, swings, and large pieces of equipment;

8. Swings shall be located to minimize accidents and shall have soft and flexible seats;

9. Cushioning material shall extend at least six (6) feet beyond the equipment and swings;
(10) Slides shall have secure guards along both sides of the ladder and placed in a shaded area;

(11) Outdoor metal equipment shall be located in shaded areas or otherwise protected from the sun;

(12) Outdoor equipment shall be arranged so that children can be seen at all times;

(13) The height of play equipment shall be developmentally and size appropriate;

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

(15) Indoor recreational equipment and furnishings shall be cleaned and disinfected when they are soiled or at least once weekly and shall be of safe construction and free of sharp edges and loose or rusty points. Indoor recreational equipment and furnishings shall be clean and shall be of safe construction and free of sharp edges and loose or rusty points; and

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

D. Rest equipment

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

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

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

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

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

E. Environmental hazards

(1) Poisons or harmful agents

   (a) Poisons or harmful agents shall be kept locked, stored in the original containers, labeled and inaccessible to children.

   (b) Poisons or harmful agents shall be purchased in childproof containers, if available.

   (c) Play materials, including arts and crafts, shall be non-poisonous.

   (d) Poisonous plants are not permitted.

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

(2) Water hazards

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

(b) Swimming pools, stationary wading pools and other water sources such as ditches, streams, ponds, and lakes shall be made inaccessible to children by a secure fence that is at least 4 feet high; exits and entrances shall have self-closing, positive latching gates with locking devices.

(c) Children shall not be permitted in hot tubs, spas, or saunas.

(d) Children shall not be permitted to play in areas where there are swimming pools or other water sources without constant supervision.

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

(4) Animals: The following requirements apply in regard to animals:

(a) Healthy animals which present no apparent threat to the health and safety of the children shall be permitted, provided they are cleaned, properly housed, fed and cared for and have had required vaccinations, as appropriate. Live animals shall be excluded from areas where food for human consumption is stored, prepared or served.

(b) Animals shall not be permitted if a child in the room or area is allergic to the specific type of animal.
(c) Animal litter and waste shall not be accessible to children.

(d) Reptiles and rodents shall not be accessible to children without adult supervision.

S.C. Code of Regulations R. 114-508

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

A. Meal requirements

(1) If food is provided by the facility, the following requirements shall be met:

(a) Daily menus shall be dated and posted in a conspicuous location in public view.

(b) Meals and snacks provided shall be in compliance with the USDA Child Care Food Program Guidelines. Centers that do not provide overnight care shall serve at least one meal and at least one snack that meet USDA Child Care Food Program Guidelines. Centers providing care between the hours of 6:00 p.m. and midnight shall additionally meet USDA Child Care Food Program Guidelines in serving dinner and at least one additional snack. Meal components and serving sizes shall be in accordance with these guidelines.

(e) Only Grade A pasteurized fluid milk and fluid milk products may be given to any child less than 24 months old, except with a written permission from the child’s health provider.

(d) Whole milk may not be served to children less than 12 months of age, except with a written permission from the child’s health provider.

(e) Reconstituted milk shall not be served to any child, regardless of age.
(2) Food served shall be suited to the child’s age and appetite. Second portions shall be available.

(3) Round, firm foods shall not be offered to children younger than four years old. Examples of such foods include: hot dogs, grapes, hard candy, nuts, peanuts, and popcorn. Hot dogs may be served if cut lengthwise and quartered; grapes may be served if cut in halves.

(4) All food in child care centers shall be from a source approved by the health authority and shall be clean, wholesome, unspoiled, free from contamination, properly labeled, and safe for human consumption.

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

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

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

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

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

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

(8) Meals and snacks may be provided by the center or the parent. The center shall have a small supply of nutritional food and beverages available in the event a parent neglects to bring the child’s food on an unanticipated basis.
(9) Dietary alternatives shall be available for a child who has special health needs or religious beliefs.

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

B. Food preparation

(1) Adequate hand-washing facilities, separate from food preparation sinks, equipped with hot and cold water under pressure supplied through a mixing faucet, shall be provided in the food preparation area. Hot water shall 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.)

(2) Sanitary soap and towels shall be provided.

(3) Utensils, such as forks, knives, tongs, spoons, and scoops shall be provided and used to minimize handling of food in all food preparation areas.

(4) Staff shall thoroughly wash their hands and exposed areas of arms with soap and warm water in an approved hand-washing sink before starting work, during work as often as is necessary to keep them clean, e.g., after smoking, eating, drinking, or using the toilet. Staff shall keep their fingernails clean and trimmed.

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

(6) 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 foods requiring cooking shall be cooked to heat all parts of the food to an internal temperature of at least 140 degrees Fahrenheit, with the following exceptions:

(a) Hamburger shall be cooked to at least 155 degrees Fahrenheit.

(b) Poultry, poultry stuffing, stuffed meats, and stuffing-containing meat shall be cooked to heat all parts of the food to at least 165 degrees Fahrenheit with no interruption of the cooking process.

(c) Pork and any food containing pork shall be cooked to heat all parts of the food to at least 150 degrees Fahrenheit.

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

(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.

(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.

(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.

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

C. Food service

(1) No child shall be deprived of a meal or snack if he/she is in attendance at the time the meal or snack is served.

(2) Easily breakable dinnerware shall not be used.

(3) Children shall not be forced to eat.

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

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

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

(7) Single-service articles shall be stored in closed cartons or containers to protect them from contamination.
(8) Use of “common drinking cups” is prohibited.

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

(10) Reuse of single service articles is prohibited.

(11) If potentially hazardous foods that have been cooked and then refrigerated are to be served hot, they shall be reheated rapidly to 165 degrees Fahrenheit or higher throughout before being served or before being placed in a hot food-storage facility. Steam tables, double boilers, warmers, and similar hot food holding facilities are prohibited from use for the rapid reheating of potentially hazardous foods.

D. Storage

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

(2) The director shall provide refrigeration units and insulated facilities, as needed, to ensure that all potentially hazardous foods are maintained at 45 degrees Fahrenheit or below or 130 degrees Fahrenheit or above, except during necessary periods of preparation.

(3) Thermometers shall be accurate to plus or minus 3 degrees and conspicuously placed in the warmest area of all cooling and warming units to ensure proper temperatures.

(4) Containers of food, food preparation equipment and single service articles shall be stored at least 6” above the floor, on clean surfaces, and in such a manner to be protected from splash and other contamination.

(5) Food not subject to further washing or cooking before serving shall be stored in such a manner to be protected against contamination from food requiring washing or cooking.
(6) The storage of food or food equipment, utensils, or single-service articles in toilet rooms and under exposed sewer lines is prohibited.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(11) Food-contact surfaces of cleaned and sanitized equipment and utensils shall be handled in such a manner as to be protected from contamination.
\(12\) Cleaned and sanitized utensils shall be stored above the floor in a clean, dry location so that food-contact surfaces are protected from contamination.

\(13\) Clean spoons, knives, and forks shall be picked up and touched only by their handles. Clean cups, glasses, and bowls shall be handled so that fingers and thumbs do not contact inside surfaces or lip-contact surfaces.

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

S.C. Code of Regulations R. 114-509

Blue, Green, Pink

A. Infant and toddler care

(1) Stimulation and nurturing

(a) Children shall not remain in their cribs or play equipment for other than sleeping and specific, short time-limited quiet play.

(b) Infants and toddlers shall be routinely held, talked to, rocked, caressed, carried, nurtured, read to, sung to and played with throughout the day.

(c) There shall be toys and materials that encourage and stimulate children through seeing, feeling, hearing, smelling and tasting.

(2) Programs for infants and toddlers

(a) Staff shall provide appropriate attention to the needs of children.
(b) The daily program for infants and toddlers shall include goals for children, which promote healthy child development and allow for individual choice and exploration.

(c) Information about the child’s daily needs and activities shall be shared with parents.

2) 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.

(4) Feeding chairs

(a) Feeding chairs shall have a stable base.

(b) Feeding chairs shall have a T-shaped safety strap that prevents the child from slipping or climbing out of the chair. The safety strap shall be used at all times the child is in the chair.

(c) Feeding chair trays shall be in good repair and made of an easily cleanable surface and shall not have chips or cracks.

(d) Feeding chairs shall be used only for eating or a specific, short time-limited tabletop play activity.

(e) Seat heights of feeding chairs shall be appropriate to the age and development of the child. Feeding chairs shall be in good repair and children shall be constantly supervised.

(5) Sleeping
(a) Infants shall be placed on their backs to sleep 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 be spaced so that there is at least three feet of space on two sides of the crib. Cribs shall not be placed next to each other so that one child may reach into the other child’s crib.

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

(6) Equipment and materials

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

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

(c) Mobile walkers are not permitted.

B. Care for mildly ill children

(1) Parent notification and instructions

(a) If a child becomes ill while in care, the center shall notify the parent or responsible party immediately.
(b) If a child may have been exposed to a serious communicable disease that is spread through casual contact, the center shall notify the parents of all potentially exposed children about the nature of the illness and the potential exposure to the illness, and recommend consultation with the child’s physician.

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

(2) Policies and procedures

(a) If a center chooses to provide care to a mildly ill child, the center shall have written policies and procedures specifying inclusion and exclusion from the group, communication with parents, recording of illness and care provided, specific types of illnesses and symptoms which prohibit care from being provided, special staff training required and emergency health procedures.

(b) Children shall be excluded when they exhibit the conditions listed in the South Carolina Department of Health and Environmental Control Exclusion Policy, State Law 1976, Code Section 44-1-110, 44-1-140, and 44-29-10.

(c) If a child is in a rest area due to illness, the child shall be directly supervised at all times.

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

C. Night care

(1) Requirements for staffing ratios:

(a) Staff counted in the staffing ratios shall be awake, alert and attentive to the children at all times.
(b) The supervision and ratio requirements for sleeping hours are the same as specified for napping in 114-504.C.

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

(3) Sleeping equipment

(a) Each child shall have a bed with a solid foundation, a fire retardant mattress, a pillow, and bedding appropriate for the temperature of the center.

(b) Cots and portable beds are not permitted.

(4) Bedtime

(a) Children shall be provided the opportunity to read or be read to before bedtime.

(b) There shall be books, games, and other quiet time activities for the child prior to bedtime.

(c) Special bedtime routines as specified by the parent shall be followed to the extent feasible.

(5) Bathing

(a) If children bathe at the center, there shall be one bathtub or shower with a slip resistant surface for every ten children.
(b) Each child shall have his or her own clean towel and washcloth.

(6) Night clothes

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

S.C. Code of Regulations R. 114-510


Group Child Care Home Regulations: Page 65-122

A. Purpose

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

B. Applicability

(1) These regulations apply to group child care homes as defined in section 114-511A(9) relating to definitions.

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

(3) These regulations do not apply to the following:

(a) Educational facilities, whether private or public, which operate solely for educational purposes in grade one or above.

(b) Five-year-old kindergarten programs.
(c) Kindergartens or nursery schools or other daytime programs, with or without stated educational purposes, operating no more than four hours a day and receiving children younger than lawful school age;

(d) Facilities operated for more than four hours a day in connection with a shopping center or service or other similar facility, where the same children are cared for less than four hours a day and not on a regular basis while parents or custodians of the children are occupied on the premises or are in the immediate vicinity and immediately available; however, these facilities must meet local fire and sanitation requirements and maintain documentation of these requirements on file at the facility available for public inspection;

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

(f) Summer resident camps for children;

(g) Bible schools normally conducted during vacation periods;

(h) Facilities for persons with intellectual disability provided in Chapter 21, Title 44;

(i) Facilities for the mentally ill as provided for in Chapter 17, Title 44; and

(j) Child care centers owned and operated by a local church congregation or an established religious denomination or a religious college or university which does not receive state or federal financial assistance for child care services; however, these facilities must comply with the provisions of Sections 20-7-2900 through 20-7-2975 and that these facilities voluntarily may elect to become licensed according to the process as set forth in Sections 20-7-2700 through 20-7-2780 and Sections 20-7-2980 through 20-7-3090.
C. Access to and within the group child care home, and physical site accommodations and equipment, shall be provided for children with disabilities to meet their health and safety needs in accordance with applicable state and federal laws.

S.C. Code of Regulations R. 114-511

A. Terms used in South Carolina Regulations, Chapter 114, Article 5, Part A, shall be all definitions cited in Section 20-7-2700 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, who has completed, signed and submitted a Department of Social Services application form and other requirements to the Department in order to obtain a group child care license.

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

(3) Central Registry of Child Abuse and Neglect: An automated, computerized listing, maintained by the Department of Social Services containing the names(s), address(es), birth date(s), identifying characteristics and other information about individual(s) who have been listed on the registry due to the determination of perpetrating abuse or neglect upon a child.

(4) Child: An individual, from birth through 15 years of age (chronologically), receiving care in a child care facility; or up to 18 years of age if the child qualifies as special needs.

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

(6) Complete Application: An application is complete on the date of receipt of the last document required by the Department in order to issue a license.

(7) Department: Refers to the Department of Social Services.
(8) Emergency Person: An individual 18 years of age or older, not regularly employed by the group child care home who is immediately available to serve as staff in emergency situations. This person shall meet all requirements of an employed teacher/caregiver, with the exception of training.

(9) Group Child Care Home: A residence occupied by the operator in which he/she regularly provide child care for at least seven but not more than twelve children, unattended by a parent or a legal guardian including those children living in the home and children received for child care who are related to the resident teacher/caregiver. However, an occupied residence in which child care is provided only for a child or children related to the resident teacher/caregiver or only for the child or children of one unrelated family or only for a combination of these children is not a group child care home.

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

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

(12) Lifeguard: A person having the qualifications of and possessing a current American Red Cross, YMCA, or equivalent Lifeguard Certificate, current First Aid Certificate and current CPR (which includes adult, child, and infant) Certificate.

(13) Operator: The person held legally responsible for the group child care home operation.

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

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

(16) Provisional License: A license issued by the Department to an operator when the operator is temporarily unable to comply with all the requirements for a license.
(17) Regular License: A license issued by the Department for two years to an operator showing that the licensee is in compliance with the regulations of the Department at the time of issuance and authorizing the licensee to operate in accordance with the regulations of the Department.

(18) Renewal: To grant an extension of a regular registration.

(19) Revocation: To void the regular license of a child care facility.

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

(21) Sex Offender Registry: A statewide computerized listing of names and other identifying information on convicted sex offenders maintained and updated by the State Law Enforcement Division (SLED) and authorized by Section 23-3-400 et. Seq., Code of Laws of South Carolina, 1976, as amended.

(22) Staff: Full-time and part-time management, administrative, teaching/caregiving, program, maintenance, food service and service personnel; emergency and substitute personnel; supervised students; supervised student teachers and supervised volunteers.

(23) Supervision: Care provided to an individual child or a group of children. Adequate supervision requires staff awareness of and responsibility for the ongoing activity of each child, knowledge of activity requirements and children’s needs and accountability for their care. Adequate supervision also requires the operator, and/or staff being near and having ready access to children in order to intervene when needed. Supervision requires adequate staff to meet staff:child ratios, being in the room at all times or on the playground at all times when children are present.

(24) Teacher/Caregiver: Any persons whose duties include direct care, supervision and guidance of children in a child care facility.

(25) Toddler: A child 12 months of age or older, but younger than 24 months of age.
(26) Training: Participation by child care home staff, in workshops, conferences, educational or provider associations, formal schooling, in-service training, or planned learning opportunities provided by qualified individuals. Training shall be age appropriate for the child population served by the group child care home and in such subject areas related to: child care, child growth and development and/or early childhood education, nutrition, infection control/communicable disease management and causes, health and safety, signs and treatment of child abuse and/or neglect and shall include alternatives to corporal punishment. Training for operators may also be in areas related to supervision of child care staff or program administration.

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

(28) Volunteer: An individual parent, grandparent, other professional or skilled individual artist or crafts person at least 16 years of age infrequently assisting with the daily activities for children in a child care center who provides services without compensation and who is supervised by staff at all times when providing direct care to children. An individual meeting this definition is not required to undergo a fingerprint background check or health screening and is not counted in staff:child ratios.

S.C. Code of Regulations R. 114-512

114-512. Procedures.

A. Licensing.

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

(2) An application for a license shall be completed on appropriate Department forms and shall be signed by the operator. The Department representative shall provide the applicant with the required number of forms, a copy of current group child care home regulations, a copy of Section 20-7-2700 et seq., Code of Laws of South Carolina (1976), and a copy of Sections of the Children’s Code related to child abuse and neglect with an explanation of procedures and information required by the Department. The Department representative shall request in writing that health and fire officials make inspections of the home.

(3) After giving the applicant at least two working days notice, Department staff shall arrange a licensing study during an on-site visit to the proposed group child care home to determine compliance with applicable regulations.
(4) Health and fire officials shall inspect the group child care home to determine compliance with appropriate regulations and shall put in writing on appropriate forms the results of their inspections.

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

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

(b) Issue a provisional license with an accompanying correction notice if one or more violations have been cited which do not seriously threaten the health, safety or well-being of children; or

(c) Deny the issuance of a license if one or more violations seriously threaten the health, safety, or well being of the children.

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

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

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

(9) Department staff shall notify the operator as follows if a provisional license is issued or an application for a license is denied:
(a) If a provisional license is issued, the Department shall notify the operator in writing of violations to be corrected. The violations shall be cited by regulation number and shall include a form issued by the Department for the operator to complete a written plan to correct each violation as approved by the Department; or

(b) If a license is denied, the Department shall give the applicant written notice by certified mail indicating the reason(s) for the denial or suspension and inform the operator of the right to appeal the decision through administrative channels to the Department and according to established appeals procedure for the Department. Upon appeal, the decision of the Department is final unless appealed by a party pursuant to an Administrative Law Judge.

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

B. Provisions of the license

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

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

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

(4) An application for a license may be denied or the license may be revoked by the Department if the operator and any staff member, volunteer(s) or emergency person(s) has been determined to have abused or neglected any child as defined in Section 20-7-490B, S.C. Code of Laws, 1976 as amended.
C. Inspection and consultation

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

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

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

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

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

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

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

(1) A license may be denied, revoked or not renewed by the Department if the operator or teacher/caregiver has been determined to have abused or neglected any child as defined in Section 20-7-490B, S.C. Code of Laws, 1976 as amended.

(2) A license may be denied, revoked or non-renewed by the Department if cited deficiencies threaten serious
E. Reporting of changes affecting license

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

(a) Change in operator;

(b) Change in location; and

(c) Major renovations or alterations to the home.

F. License renewal

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

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

S.C. Code of Regulations R. 114-513

114-513. Management, Administration, and Staffing.

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

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

B. Capacity

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

C. Child abuse

(1) The group child care home shall immediately report suspected child abuse or child neglect to the Department’s Office of Child Protective and Preventive Services (CPS) or to local law enforcement in accordance with South Carolina Code Annotated Section 20-7-510.

(2) The operator 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 CPS staff;

(b) Release records as appropriate, of children and staff upon request; and

(c) Allow access to the group child care home for inspection and investigation of the child abuse allegation by the Department and other officials as permitted by statute.
D. Reporting of incidents

(1) The operator shall report the following incidents to the parents/guardians immediately and provide written notification to the Department within 48 hours after the occurrence:

(a) Accidents or injuries involving any child occurring at the group child care home requiring professional medical treatment; and

(b) Child or staff occurrences of communicable diseases that the Department of Health and Environmental Control (DHEC) requires to be reported in its Exclusion List.

(2) The following incidents shall be reported to the Department immediately:

(a) A death of a child that occurs at the group child care home;

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

(c) Major structural damage to the group child care home;

(d) Natural or man-made disasters, including fire or extreme weather conditions, which cause the group child care home to be closed for more than one day of scheduled operation;

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

(f) Charges or convictions of crimes against the operator or any staff person; or
(g) Reports of alleged child abuse involving the operator or any staff person.

(3) A follow-up report shall be submitted to the Department as soon as an investigation of the group child care home is completed and corrective action is taken.

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

E. Death of a child

(1) If the child dies while at the group child care home, the following shall be done:

(a) Immediately notify emergency medical personnel, the child’s parents, and law enforcement;

(b) Immediately notify the licensing agency; and

(c) Provide information for children and parents as appropriate.

F. Parent access and communication

(1) The operator shall permit the parent of a child in care free and full access to his or her child without prior notice, while their child is receiving care, unless there is a court order limiting parental access. This free access must not disrupt instructional activities and classroom routines.
(2) The operator shall develop a policy for the release of children, which includes a security system to prevent the inappropriate release of a child to an unauthorized person. This policy shall be communicated with the parent upon admission.

(3) Parents shall be provided with the following information upon admission:

(a) The right of parents to free and full access to their child in accordance with 114-513F(1);

(b) The policy and procedures on release of children specified in 114-513F(2);

(c) The program activity schedule for their child’s age group and child care area;

(d) The parent’s responsibility to obtain necessary immunizations and physical examinations for their child;

(e) The policy and procedures for the administration of medications; and

(f) The policy and practices regarding the discipline and behavior management of children. This statement shall be re-signed if any discipline policy changes are made.

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

G. Child records

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

Current through State Register Volume 38, Issue 5, eff May 23, 2014
(2) The file shall be kept in a confidential manner, but shall be immediately available to the Department, the child’s teacher/caregiver, parent, or guardian upon request.

(3) Access to records is limited to the above unless requested by court order.

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

(5) A child’s record shall be maintained on file at the group child care home and made available to the Department upon request, and it shall contain the following:

(a) Child’s full legal name, nickname, birth date, date of enrollment, current home address and home telephone number;

(b) Full name of both parent(s)/guardian(s), work and home telephone numbers, or telephone number(s) where they can be reached during the time the child is in the group child care home;

(c) Name(s), address(es) and telephone number(s) of person(s) who can assume responsibility for the child in an emergency if the parent(s)/guardian(s) cannot be reached;

(d) Name, address and telephone number of family physician or health resource;

(e) Name(s), address(es) and verification of identification, such as valid driver’s license, other picture identification or personal family code word of person(s) authorized to take the child from the group child care home;

(f) Accurate records of daily attendance for each child;
(g) Authorization from parent(s)/guardian(s) for child to obtain emergency medical treatment;

(h) Authorization from parent(s)/guardian(s) for child to be transported to and from the group child care home during field trips and other activities away from the group child care home;

(i) Authorization from parent(s)/guardian(s) for child to participate in swimming activities; and

(j) A written statement, signed by the parents, acknowledging their understanding and acceptance of the disciplinary policies of the group child care home.

(6) A health record shall be maintained in the group child care home for each child enrolled, and it shall include all of the following information:

(a) A signed statement of the child’s health prior to admission to the group child care home on the appropriate Department of Social Services (DSS) Form;

(b) A current South Carolina Certificate of Immunization; and

(c) Other health information if deemed necessary by the operator of the group child care home and/or by parent(s)/guardian(s).

(7) Emergency information for each child shall be easily and immediately accessible while at the group child care home, during transportation, and during any trips away from the premises, and it shall include the following:

(a) The full name of both parents/guardian, and updated address, work, home and mobile numbers where they can be reached during the time the child is in the group child care home;
(b) The name, address, telephone number and relationship of at least two individuals designated by the parents/guardian to be contacted in an emergency and who have the authority to obtain emergency medical treatment for the child;

(c) The name, address and telephone number of the child’s physician, and the emergency care medical and dental care provider; and

(d) Health insurance information.

(8) Emergency information shall be updated by the parent as changes occur.

H. Staff records shall include the following:

(1) Names, positions and hours of duty of staff members;

(2) Written policies that refer to or apply to DSS licensing regulations;

(3) Three letters of reference for the group child care home operator;

(4) Criminal history background records check forms for the operator, staff, emergency person(s) and volunteer(s) not meeting the definition at 114-511A(28);

(5) Record of training for operator and staff; and
South Carolina Code of State Regulations Annotated _Regulations _Chapter 114. Department of Social Services _Article 5. Licensing _Subarticle 1. Day Care Facilities

(6) Written statements signed by all staff members regarding disciplinary policies of the group child care home.

(7) The operator shall maintain health records in the group child care home for himself/herself, staff, emergency person(s) and volunteer(s) in accordance with 114-515G(1)(a) and (b).

I. Confidentiality and applicable laws and regulations

(1) The group child care home shall have written policy to safeguard the confidentiality of all records.

(2) A child’s record, emergency information, photograph and other information about the child or family and information that may identify a child by name or address is confidential and may not be copied, posted on a web site or disclosed to unauthorized persons, without written consent from the child’s parent.

(3) The group child care home shall comply with all applicable federal, state and local laws, regulations and ordinances.

(4) The operator shall make available at least one copy of Section 20-7-2700 et seq., Code of Laws of South Carolina, a copy of sections of the Children’s Code related to child abuse and neglect and a copy of the current regulations for group child care homes that will be provided by the Department.

J. Communication

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

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

Current through State Register Volume 38, Issue 5, eff May 23, 2014
K. Staffing

(1) Child abuse checks.

(a) The operator and staff members shall not have been determined to have committed an act of child abuse or neglect or have been convicted of any crime listed in Chapter 3 of Title 16, Offenses Against the Person, any crime listed in Chapter 15 of Title 16, Offenses Against Morality and Decency or for the Crime of Contributing to the Delinquency of a Minor in Section 16-17-490.

(b) A check of the South Carolina Central Registry of Child Abuse and Neglect shall be requested by the operator(s) on each staff person, except for volunteers in accordance with the following time lines:

   (i) For the operator prior to the initial issuance of a regular or provisional license.

   (ii) For teacher/caregivers, prior to working alone with children.

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

   (iv) For all persons hired by the group child care home at each license renewal.

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

(2) Background criminal history checks.

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

(c) No group child care home may employ a person, engage the services of, or knowingly allow a person in the child care facility during normal hours of operation who is required to register under the sex offender registry act pursuant to Section 23-3-430 or who has been convicted of:

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

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

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

(iv) The felonies classified A through F in SC Code of Laws Chapter 1 of Title 16 at Section 16-1-10A;

(v) The offenses enumerated in Chapter 1 of Title 16 at Section 16-1-10D; or

(vi) A criminal offense similar in nature to the crimes listed in this subsection committed in other jurisdictions or under federal law.

(d) The results of the fingerprint reviews are valid and reviews are not required to be repeated as long as the person remains employed by or continues providing teacher/caregiver services in a child care facility; however, if a person has a break in service of one year or longer, the fingerprint reviews shall be repeated.
(e) Copies of State and Federal fingerprint results shall be retained in the staff file and available for review by Department staff, upon request.

(3) Operator and primary caregiver.

(a) The operator or primary caregiver shall be responsible for the following:

(i) Administration and management of the group child care home;

(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 group child care home;

(v) Teacher/caregiver hiring, supervision and ongoing professional development; and

(vi) Compliance with all applicable laws and regulations of the group child care home.

(b) The operator or the primary caregiver shall be physically present on-site during the hours of operation of the group child care home.

(c) The operator shall be at least 21 years of age and meet one of the following qualifications:
(i) A bachelor’s degree or advanced degree from a state-approved college or university in early childhood education, child development, child psychology or a related field that includes at least eighteen credit hours in child development and/or early childhood education;

(ii) A bachelor’s degree from a state-approved college or university in any subject area, six months experience working with children in a licensed, approved or registered child care facility;

(iii) An associate’s degree from a state-approved college or university in early childhood education, child development, child psychology or a related field, that includes at least eighteen credit hours in child development and/or early childhood education with six months work experience in a licensed, approved or registered child care facility;

(iv) A diploma in child development/early childhood education from a state-approved institution or a child development associate (CDA) credential, and one year work experience in a licensed, approved or registered child care facility; or

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

(4) Teacher(s)/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 or approved child care facility 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 or approved child care facility. However, a teacher/caregiver who is prevented from obtaining a high school diploma or GED because of a disability, and who otherwise is qualified to perform the essential functions of the position of teacher/caregiver, must have at least a high school Certificate of Completion and at least six months experience as a teacher/caregiver in a licensed or approved child care facility. If a teacher/caregiver does not meet the experience requirements, the teacher/caregiver must be directly supervised for six months by a staff person with at least one-year experience as a teacher/caregiver in a licensed or approved child care facility. Within six months of being employed, a teacher/caregiver must have six clock hours of training in child growth and development and early childhood education or shall continue to be under the direct supervision of a teacher/caregiver who has at least one year of experience as a teacher/caregiver in a licensed or approved child care facility.

(iii) A teacher/caregiver who has two years experience as a teacher/caregiver in a licensed or approved facility and was employed as of July 1, 1994, in a licensed or approved child care facility in South Carolina is exempt from the high school diploma, GED, and Certificate of Completion requirements of (b) above.

(iv) A teacher/caregiver with an undergraduate degree from a state approved college or university in early childhood, child development, or a related field may begin working with the children immediately without additional supervision.

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

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

(5) Professional development.

(a) The operator shall provide orientation for all new teacher/caregiver(s), volunteer(s) and emergency person(s) prior to their employment and volunteering. This orientation shall include the following:

(i) Specific job duties and responsibilities;
(ii) The requirements of this chapter related to their job; and

(iii) The policies and procedures of the group child care home that affect the health and safety of children.

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

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

(d) When children with special needs are enrolled, the operator and teacher/caregivers 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.

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

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

(g) At least one person who is certified in pediatric first aid, including rescue breathing, CPR, and
management of a blocked airway shall be present in the group child care home at all times when children are in care, and during group outings or field trips. Training shall be provided by an individual who is certified as a trainer by a recognized health care organization.

S.C. Code of Regulations R. 114-514

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

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

(2) There shall be an additional teacher/caregiver present when attendance reaches nine children or when four or more of the children are younger than two years old.

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

B. Nap time staff:child ratios

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

C. Water safety staffing

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

WATER SAFETY STAFF:CHILD RATIOS
(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.

S.C. Code of Regulations R. 114-515


A. Child health

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

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

B. Sanitation
1. Staff shall ensure that children’s faces and hands are clean.

2. Furniture, toys, and equipment that come into contact with children’s mouths shall be washed, rinsed, and sanitized daily and more often if necessary.

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

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

5. If playpens are used, they shall have waterproof, washable, comfortable pads.

6. If children brush their teeth at the group child care home, each child shall have a separate, labeled toothbrush, stored with bristles exposed to circulating air, and not in contact with another toothbrush.

C. Emergency medical plan

1. The group child care home shall have an emergency medical plan to address the following:

   a. Medical conditions under which emergency care and treatment is warranted;

   b. Steps to be followed in a medical emergency;

   c. The hospital or source of health care to be used;
(d) The method of transportation to be used; and

(e) An emergency staffing plan.

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

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

D. Medications or medical procedures

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

(a) All medications shall be used only for the child for whom the medication is labeled.

(b) Medications shall not be given in excess of the recommended dose.

(c) Prescribed special medical procedures ordered for a specific child shall be written, signed and dated by a physician or other legally authorized healthcare provider.

(2) Storage of medications.

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

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

(3) Medication log.

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

(4) Medication errors.

(a) Medication errors (e.g. failure to administer a medication at the prescribed time, administering an incorrect dosage of medication or administering the wrong medication) shall be recorded in the child’s record.

(b) Written documentation that the medication was given shall be provided to the parent.

(c) The parent shall be immediately notified of a medication error or a suspected adverse reaction to a medication.

E. First aid kit

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

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

(2) Diapering surfaces shall be clean, seamless, waterproof and sanitary.

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

(4) Individual disposable wipes shall be used at each diaper change and shall be placed in a plastic-lined, covered container and disposed of properly, and kept out the reach of children.

(5) Soiled disposable diapers and disposable wipes shall be kept in a closed, labeled hands-free operated, plastic lined receptacle within reach of diaper changing area separate from other trash. Soiled non-disposable diapers shall be kept in a sealed plastic bag after feces shall be disposed of through the sewage.

(6) Staff shall check diapers and clothing at a frequency that ensures prompt changing of diapers and clothing.

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

G. Staff health

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

(b) A health assessment from a health care provider assessing the ability of the operator, staff, and emergency 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 operator and teacher/caregivers at least every four years after the initial assessment or as necessary.

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

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

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

(5) Staff shall be excluded when they exhibit the conditions listed in the DHEC Exclusion Policy.

H. Fire safety and emergency preparedness

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

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

1. Transportation

(1) If the operator provides or arranges for transportation, the following transportation requirements apply:

(a) The staffing ratios specified in 114-514A(2) apply. The driver of the vehicle shall not be counted in the ratios;

(b) Transportation and placement of children shall be in accordance with state and federal laws;

(c) A child shall not be left unattended in a vehicle;

(d) The driver shall have a valid regular or commercial driver’s license and shall be in compliance with Section 20-7-2725A(4) of the Code of Laws of 1976;

(e) Use of tobacco products is prohibited in the vehicle; and

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

(2) The following requirements apply for safe pick-up and drop-off:
(a) The group child care home shall have safe crossways and designated pick-up and drop-off locations and communicate these locations to the parents; and

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

S.C. Code of Regulations R. 114-516

A. Program of activities

1. There shall be planned, daily program of activities for all children.

2. Activities shall be developmentally appropriate.

3. Staff shall plan and provide daily age-appropriate activities such as stories, music, art, cooking, living skills, puzzles, blocks, etc. in accordance with the child’s developmental level.

4. Children shall be provided daily indoor opportunities for freedom of movement.

5. Quiet areas with supervision shall be made available to children desiring to be alone or to work on homework.

6. Staff persons shall provide the opportunity for the children to ask questions and engage in conversations with others. Staff shall have frequent positive verbal communications with the children.

7. Age appropriate radio and television, VCR tapes, DVDs and other media shall be previewed by the operator and staff and used only as a supplement and enhancement to the daily program. No child shall be required to
(8) All children, including infants and toddlers shall be given the opportunity for outdoor play, weather permitting.

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

B. Discipline and behavior management

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

(2) All teacher/caregivers shall sign an agreement to implement the discipline and behavior management policy, with a statement that specifies no corporal punishment shall be used except when authorized in writing by the parent(s)/guardian(s); corporal punishment shall not exceed guidelines established in Section 20-7-490(2)(a) of the Code of Laws of South Carolina, 1976 amended.

(3) Emotional abuse is also prohibited, including but not limited to: profane, harsh, demeaning or humiliating language in the presence of children. Threatening, humiliating, ignoring, corrupting, terrorizing, or rejecting a child is prohibited.

(4) Withholding, forcing, or threatening to withhold or force food, sleep or toileting is prohibited.

(5) Unsupervised isolation of a child shall not be allowed. The child shall be within sight of staff if isolation from the group is used.

(6) The use of children to discipline other children is prohibited.
(7) Children shall not be restrained through drugs or mechanical restraints.

(8) Each group child care home has the option to prohibit corporal punishment.

Blue, Green, Purple, Burgundy, & Pale Yellow

S.C. Code of Regulations R. 114-517

A. Indoor space and conditions

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

(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.

(3) Safety glass shall be used on clear glass windows and doors that are within thirty-two inches above floor level and that are accessible to children. Decals shall be applied to all glass or sliding patio doors and placed at eye level of the children being cared for at the group child care home.
(4) Lighting.

(a) Rooms, hallways, interior stairs, outside steps, outside doorways, porches, ramps and fire escapes shall be lighted.

(b) At least twenty foot candles of light shall be required on all work surfaces in food preparation, equipment washing, utensil washing, hand-washing areas, and toilet rooms.

(c) Adequate, safe lighting for individual activities, for corridors, and for bathrooms shall be provided.

(5) Environmental hazards.

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

(b) Knives, lighters, matches, projectile toys, tobacco products, microwave ovens and other items that could be hazardous to children shall not be accessible to children.

(c) To prevent lead poisoning in children, group child care homes shall meet applicable lead base paint requirements, as established by DHEC.

(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 and the cleaning of 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) Microwave ovens shall be inaccessible to children.

(h) The following items shall be secured or inaccessible to children for whom they are not age appropriate:

(i) Items that may cause strangulation such as blind cords, plastic bags, necklaces, and drawstrings on clothing and string;

(ii) Items that may cause suffocation such as sand, beanbag chairs, pillows, soft bedding, and stuffed animals; and

(iii) Items that may cause choking such as materials smaller than 1 ¼ inch in diameter, items with removable parts smaller than 1 ¼ inch in diameter, Styrofoam objects and latex balloons.

(6) Water supply.

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

(b) The group child care home shall have hot and cold water under pressure. (Forty PSI recommended.) If an individual private well water supply is used, the operator shall obtain approval pursuant to DHEC to ensure safe location, construction, and proper maintenance and operation of the system.

(c) The hot water supply shall meet applicable requirements of DHEC.
(d) Safe drinking water shall be available to children at all times and there shall be no use of common drinking cups.

(e) If a water fountain is available, it shall be of an angle-jet design, maintained in good repair and kept sanitary. There shall be no possibility of mouth or nose submersion.

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

(7) Temperature.

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

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

(8) Sanitation.

(a) Clean and sanitary conditions shall be maintained indoors and outdoors, including indoor and outdoor recreational equipment and furnishings.

(b) Measures to control insects, rodents, and other vermin shall be taken to prevent harborage, breeding, and infestation of the premises.

(c) All solid wastes shall be disposed of at sufficient frequencies and in such a manner not to create a
rodent, insect, or vermin problem.

(d) Trash in diapering areas shall be kept in closed, hands-free operated, plastic lined receptacles in good repair.

(e) Trash in kitchen areas shall be kept in closed, plastic lined receptacles.

(f) Trash in children’s restrooms, classrooms, and eating areas shall be kept in plastic lined receptacles.

(g) Trash receptacles outside the building, shall be watertight with firm fitting lids that prevent the penetration of insects and rodents.

(h) Trash disposal and sewage system construction and usage shall be in accordance with local standards and ordinances.

(i) The use of child care room, bathroom, or kitchen sinks for cleaning of trash receptacles or cleaning equipment is prohibited.

(9) Doors.

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

(10) Landings, stairs, handrails, and railings.

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

(c) Stairs shall have a nonskid surface.

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

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

(11) Electrical sources.

(a) The group child care home shall be connected with an electrical source.

(b) Electrical outlets and fixtures shall be connected to the electrical source in a manner that meets local electrical codes, as certified by an electrical code inspector.

(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.

(12) Bathrooms.
(a) There shall be at least one flush toilet.

(b) If seat adapters are used for toilet training, they shall be cleaned and sanitized after each use.

(c) Toilet training equipment shall be provided to children who are being toilet trained.

(d) There shall be at least one sink with hot and cold running water under pressure in or near each toilet area.

(e) Toilets and sinks shall be at heights accessible to the children using them or shall be equipped with safe and sturdy platforms or steps.

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

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

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

(i) Easily cleanable receptacles shall be provided for waste material.

**B. Outdoor space**

(1) The outdoor space shall be free from hazards and litter.
(2) Outdoor walkways shall be free from debris, leaves, ice, snow, and obstruction.

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

C. Furniture, toys, and recreational equipment shall meet the following requirements:

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

(2) Meet the standards of the U.S. Consumer Products Safety Commission (CPSC), if applicable. Recalled products listed by the CPSC shall not be accessible to children.

(3) Be developmentally and size appropriate, accommodating the maximum number of children involved in an activity at any one time.

(4) The sides of playpens shall remain latched as long as a child is using the playpen. If playpens are used, they shall have waterproof, washable, comfortable pads.

(5) All arts and crafts and play materials shall be nontoxic.

(6) Outdoor recreational equipment shall be made of durable, non-rusting, non-poisonous materials, and shall be sturdy.

(7) Stationary outdoor equipment shall be firmly anchored and shall not be placed on a concrete or asphalt surface. Cushioning material such as mats, wood chips or sand shall be used under climbers, slides, swings, and large pieces of equipment.
(8) Swings shall be located to minimize accidents and shall have soft and flexible seats.

(9) Cushioning material shall extend at least six (6) feet beyond the equipment and swings.

(10) Slides shall have secure guards along both sides of the ladder and placed in a shaded area.

(11) Outdoor metal equipment shall be located in shaded areas or otherwise protected from the sun.

(12) Outdoor equipment shall be arranged so that children can be seen at all times.

(13) The height of play equipment shall be developmentally and size appropriate.

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

(15) Indoor recreational equipment and furnishings shall be cleaned and disinfected when they are soiled or at least once weekly and shall be of safe construction and free of sharp edges and loose or rusty points. Indoor recreational equipment and furnishings shall be clean and shall be of safe construction and free of sharp edges and loose or rusty points.

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

D. Rest equipment

(1) Cribs shall meet the specification of the CPSC.
(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.

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

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

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

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

E. Environmental hazards

(1) Poisons or harmful agents.

(a) Poisons or harmful agents shall be kept locked, stored in the original containers, labeled and inaccessible to children.

(b) Poisons or harmful agents shall be purchased in childproof containers, if available.

(c) Play materials, including arts and crafts, shall be non-poisonous.

(d) Poisonous plants are not permitted.
(e) Pesticides shall be used in strict compliance with label instructions and should not be used while children are present. Pesticide containers shall be prominently and distinctly marked or labeled for easy identification of contents and stored in a secure site accessible only to authorized staff.

(2) Water hazards.

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

(b) Swimming pools, stationary wading pools and other water sources such as ditches, streams, ponds, and lakes shall be made inaccessible to children by a secure fence that is at least 4 feet high; exits and entrances shall have self-closing, positive latching gates with locking devices.

(c) Children shall not be permitted in hot tubs, spas, or saunas.

(d) Children shall not be permitted to play in areas where there are swimming pools or other water sources without constant supervision.

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

(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.
(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; and

(d) Reptiles and rodents shall not be accessible to children without adult supervision.

S.C. Code of Regulations R. 114-518

114-518. Meal Requirements and Preparation, Serving, Storage and Protection of Food Supplies.

A. Meal requirements

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

(a) Daily menus shall be dated and posted in a conspicuous location in public view;

(b) Meals and snacks provided shall be in compliance with the United States Department of Agriculture (USDA) Child Care Food Program Guidelines. Group child care homes that do not provide overnight care shall serve at least one meal and at least one snack, which meet USDA Child Care Food Program Guidelines. Group child care homes providing care between the hours of 6:00 p.m. and midnight shall additionally meet USDA Child Care Food Program Guidelines in serving dinner and at least one additional snack. Meal components and serving sizes shall be in accordance with these guidelines;

(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; and

(e) Reconstituted milk shall not be served to any child, regardless of age.
(2) Food served shall be suited to the child’s age and appetite. Second portions shall be available.

(3) Round, firm foods shall not be offered to children younger than four years old. Examples of such foods include: hot dogs, grapes, hard candy, nuts, peanuts, and popcorn. Hot dogs may be served if cut lengthwise and quartered; grapes may be served if cut in halves.

(4) All food in group child care homes shall be clean, wholesome, unspoiled, free from contamination, properly labeled, and safe for human consumption.

(5) Meals and snacks may be provided by the group child care home or the parent. The group child care home shall have a small supply of nutritional food and beverages available in the event a parent neglects to bring the child’s food on an unanticipated basis.

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

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

B. Food Preparation

(1) Adequate hand-washing facilities equipped with hot and cold water under pressure, supplied through a mixing faucet, shall be provided in or convenient to the food preparation area.

(2) Sanitary soap and towels shall be provided.

(3) Utensils, such as forks, knives, tongs, spoons, and scoops shall be provided and used to minimize handling of food in all food preparation areas.
(4) Staff shall thoroughly wash their hands and exposed areas of arms with soap and warm water before starting work, during work as often as is necessary to keep them clean, e.g., after smoking, eating, drinking, or using the toilet. Staff shall keep their fingernails clean and trimmed.

(5) The outer clothing of all staff shall be clean.

(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.

(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; and

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

(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.
(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.

(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.

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

C. Food service

(1) No child shall be deprived of a meal or snack if he/she is in attendance at the time the meal or snack is served.

(2) Easily breakable dinnerware shall not be used.
(3) Children shall not be forced to eat.

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

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

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

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

(8) Use of common drinking cups is prohibited.

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

(10) Reuse of single service articles is prohibited.

(11) If potentially hazardous foods that have been cooked and then refrigerated are to be served hot, they shall be reheated rapidly to 165 degrees Fahrenheit or higher throughout before being served or before being placed in a hot food-storage facility. Steam tables, double boilers, warmers, and similar hot food holding facilities are prohibited from use for the rapid reheating of potentially hazardous foods.

D. Storage

(1) All food shall be properly labeled and stored, and shall be protected against contamination.
(2) The operator shall provide refrigeration units to ensure that all potentially hazardous foods are maintained at 45 degrees Fahrenheit or below or 130 Fahrenheit or above, except during necessary period of preparation.

(3) Thermometers shall be accurate to plus or minus 3 degrees and conspicuously placed in the warmest area of all cooling and warming units to ensure proper temperatures.

(4) Containers of food, food preparation equipment and single service articles shall be stored at least 6” above the floor, on clean surfaces, and in such a manner to be protected from splash and other contamination.

(5) Food not subject to further washing or cooking before serving shall be stored in such a manner to be protected against contamination from food requiring washing or cooking.

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

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

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

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

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

(2) All kitchenware and food-contact surfaces of equipment shall be washed, rinsed, and sanitized.
(3) Residential dishwashers may be used for washing and rinsing providing that dishes and utensils are sanitized upon removal.

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

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

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

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

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

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

S.C. Code of Regulations R. 114-519

A. Infant and toddler care

(1) Stimulation and nurturing.

(a) Children shall not remain in their cribs or play equipment for other than sleeping and specific, short time-limited quiet play.
(b) Infants and toddlers shall be routinely held, talked to, rocked, caressed, carried, nurtured, read to, sung to and played with throughout the day.

(c) There shall be toys and materials that encourage and stimulate children through seeing, feeling, hearing, smelling and tasting.

(2) Programs for infants and toddlers.

(a) Staff shall provide appropriate attention to the needs of children.

(b) The daily program for infants and toddlers shall include goals for children, which promote healthy child development and allow for individual choice and exploration.

(c) Information about the child’s daily needs and activities shall be shared with parents.

(3) Feeding, eating and drinking.

(a) Cups and bottles shall be labeled with the child’s name and used only by that child.

(b) Infants shall be fed in accordance with the time schedule, specific food and beverage items and quantities as specified by the parent.

(c) Infants shall be held while being bottle fed until they are able to hold their own bottles. Bottles shall not be propped or given in cribs or on mats.
(d) 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.

(4) Feeding chairs.

(a) Feeding chairs shall have a stable base.
(b) Feeding chairs shall have a T-shaped safety strap that prevents the child from slipping or climbing out of the chair. The safety strap shall be used at all times the child is in the chair.

(c) Feeding chair trays shall be in good repair and made of an easily cleanable surface and shall not have chips or cracks.

(d) Feeding chairs shall be used only for eating or a specific, short time-limited tabletop play activity.

(e) Seat heights of feeding chairs shall be appropriate to the age and development of the child. Feeding chairs shall be in good repair and children shall be constantly supervised.

(5) Sleeping.

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

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

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

(6) Equipment and materials.

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

(b) Mobile walkers are not permitted.
B. Care for mildly ill children

(1) Parent notification and instructions.

(a) If a child becomes ill while in care, the operator shall notify the parent or responsible party immediately.

(b) If a child may have been exposed to a serious communicable disease that is spread through casual contact, the group child care home shall notify the parents of all potentially exposed children about the nature of the illness and the potential exposure to the illness, and recommend consultation with the child’s physician.

(c) If an operator chooses to provide care to a mildly ill child, the operator shall receive instructions from the parent for any special care needs of the child.

(2) Policies and procedures.

(a) If an operator chooses to provide care to a mildly ill child, the group child care home shall have written policies and procedures specifying inclusion and exclusion from the group, communication with parents, recording of illness and care provided, specific types of illnesses and symptoms which prohibit care from being provided, special staff training required and emergency health procedures.

(b) Children shall be excluded when they exhibit the conditions listed in the DHEC Exclusion Policy.

(c) If a child is in a rest area due to illness, the child shall be supervised at all times.

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

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

(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 group child care home.

   (b) Cots and portable beds are not permitted.

(4) Bedtime.

   (a) Children shall be provided the opportunity to read or be read to before bedtime.

   (b) There shall be books, games, and other quiet time activities for the child prior to bedtime.

   (c) Special bedtime routines as specified by the parent shall be followed to the extent feasible.

(5) Bathing.

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

(6) Night clothes.

(a) The group child care home shall make arrangements with the parent to provide clean appropriate nightclothes.

S.C. Code of Regulations R. 114-520

Child Care Centers Operated by Churches or Religious Entities Regulations: Page 122-175 & 185-190

(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.

(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.
South Carolina Code of State Regulations Annotated _Regulations_ Chapter 114. Department of Social Services _Article 5. Licensing_ _Subarticle 1. Day Care Facilities_
(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.

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

(3) 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.

(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.

(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.

(6) Central registry of child abuse and neglect: An automated, computerized listing, maintained by the DSS 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.

(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.

(8) Child care center: A center that is registered for thirteen (13) or more children for care.
(9) Complaint: Statement(s) reporting unsatisfactory conditions in a child care facility.

(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.

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

(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.

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

(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.

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

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

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

(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.
(19) Renewal: To grant an extension of a regular registration.

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

(21) Sex offender registry: A statewide computerized listing of names and other identifying information on convicted sex offenders maintained and updated by the State Law Enforcement Division (SLED) and authorized by Section 23-3-400 et. Seq., Code of Laws of South Carolina, 1976, as amended.

(22) Staff: Full-time and part-time management, administrative, teaching/caregiving, program, maintenance, food service and service personnel; emergency and substitute personnel; supervised students; supervised student teachers and supervised volunteers.

(23) Staff:child ratio: The maximum number of children permitted per teacher/caregiver.

(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.

(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.

(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.

(27) Suspend: To void the regular registration of a child care center operated by a religious body.
(28) Teacher/caregiver: Any person whose duties include direct care, supervision, and guidance of children in a child care center.

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

(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 subject areas related to: administration, child growth and development and health and safety (such as, but not limited to child care, nutrition, infection control, communicable disease management and causes and signs of child abuse and neglect). Training for directors may also be in areas related to supervision of child care staff or program administration.

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

(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.

S.C. Code of Regulations R. 114-522


A. Pre-application consultation

(1) A potential operator may secure information about important items to consider before starting a child care facility by contacting staff of the State or Regional Child Care Licensing Office.

(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.

B. Registration

(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 20-7-2700 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.

(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.

(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.

(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:

(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
(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.

(6) If a registration is issued, the Department staff shall mail the registration directly to the director.

(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.

(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.

(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.

C. Provisions of the registration

Current through State Register Volume 38, Issue 5, eff May 23, 2014
South Carolina Code of State Regulations Annotated _Regulations _Chapter 114. Department of Social Services _Article 5. Licensing _Subarticle 1. Day Care Facilities

(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.

(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.

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

(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 20-7-490B, S.C. Code of Laws, 1976 as amended.

D. Inspection and consultation

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

(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.
(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.

(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 Department staff for registration, or;

   (c) When verification is needed that deficiencies cited by fire and/or health officials have been corrected.

E. Reasons for registration denial, suspension or non-renewal

   (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 20-7-490B, S.C. Code of Laws, 1976 as amended.

   (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.

F. Reporting of changes affecting registration

   (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.

G. Registration renewal

(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.

(2) The same Department actions cited in 114-522B(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.

S.C. Code of Regulations R. 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.

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

B. Capacity

Current through State Register Volume 38, Issue 5, eff May 23, 2014
(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.

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

C. Child abuse

(1) The center shall immediately report suspected child abuse or child neglect to the Department’s Office of Child Protective and Preventive Services (CPS) or to local law enforcement in accordance with South Carolina Code Annotated Section 20-7-510.

(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 CPS staff;

(b) Release records as appropriate, of children and staff upon request; and

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

D. Reporting of incidents

(1) The center shall report the following incidents to the parents/guardians immediately and provide written
notification to the Department within 48 hours after the occurrence:

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

(b) Child or staff occurrences of communicable diseases that the Department of Health and Environmental Control (DHEC) requires to be reported in its Exclusion List.

(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.
(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.

E. Child records

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

(2) The file shall be kept in a confidential manner.

(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 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; and

(i) Authorization from parent(s)/guardian(s) for child to participate in swimming activities.

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

(a) A signed statement of the child’s health prior to admission to the child care center;

(b) A current South Carolina Certificate of Immunization which shall be made available for review on-site; and

(c) Other health information if deemed necessary by the director of the center and/or by parent(s)/guardian(s).

F. Staff records shall include the following:

(1) Names, positions and hours of duty of staff members;

(2) Criminal history background records check forms for the director, staff, emergency person(s), and any volunteer(s) not meeting the definition at 114-521A(33);
(3) Record of training for director and staff;

(4) Health records for the director, staff, and emergency person(s) in accordance with 114-525G(1)(a-c).

G. Communication

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

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

H. Staffing

(1) Child abuse checks.

(a) The director or staff shall not have been determined to have committed an act of child abuse or neglect or have been convicted of any crime listed in Chapter 3 of Title 16, Offenses Against the Person, any crime listed in Chapter 15 of Title 16, Offenses Against Morality and Decency or for the Crime of Contributing to the Delinquency of a Minor in Section 16-17-490.

(b) A check of the South Carolina Central Registry of Child Abuse and Neglect shall be requested by the director(s) on each staff person, except for volunteers in accordance with the following time lines:

(i) For the director(s) and at least two staff persons prior to the initial issuance of a regular or provisional registration;
(ii) For the director(s) and staff prior to employment;

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

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

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

(2) Background criminal history checks.

(a) To be employed by or to provide teacher/caregiver services at a child care facility, a person shall first undergo a State fingerprint review from SLED.

(b) A person may be provisionally employed or may provisionally provide teacher/caregiver services after the favorable completion of the state fingerprint review. The Federal Bureau of Investigation (FBI) fingerprints shall be submitted for review within 14 business days upon receiving the SLED results. Upon the completed FBI review, the results will be forwarded to the appropriate Department for distribution.

(c) No child care facility may employ a person, engage the services of or knowingly allow a person in the child care facility during normal hours of operation who is required to register under the sex offender registry act pursuant to SC Code of Laws Section 23-3-430 or who has been convicted of:

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

(ii) A crime listed in SC Code of Laws Chapter 15 of Title 16, Offenses Against Morality and Decency;
(iii) The crime of contributing to the delinquency of a minor, contained in SC Code of Laws Chapter 17 of Title 16 at Section 16-17-490;

(iv) The felonies classified A through F in SC Code of Laws Chapter 1 of Title 16 at Section 16-1-10A;

(v) The offenses enumerated in Chapter 1 of Title 16 at Section 16-1-10D; or

(vi) A criminal offense similar in nature to the crimes listed in this subsection committed in other jurisdictions or under federal law.

(d) The results of the fingerprint reviews are valid and reviews are not required to be repeated as long as the person remains employed by or continues providing teacher/caregiver services in a child care facility; however, if a person has a break in service of one year or longer, the fingerprint reviews shall be repeated.

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

(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.

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

(c) The center director and center co-director(s) shall be at least 21 years of age and meet one of the following qualifications:

(i) A 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) An associate’s degree from a college or university in early childhood education, child development and/or child psychology or a related field, that includes at least eighteen credit hours in child development and/or early childhood education with six months work experience in a licensed, approved or registered child care facility;
(iv) A diploma in child development/early childhood education from 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; or

(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.

(4) Teacher(s)/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.

(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.

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

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

(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.

(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.

(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.

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

(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.

(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.

S.C. Code of Regulations R. 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 the children shall be within their sight at all times; and

(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.
(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.

(3) There shall be at least two staff persons in the center at all times.

(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.

B. Ratios

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

<table>
<thead>
<tr>
<th>Child’s Age</th>
<th>Staff:Child Ratio</th>
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</thead>
</table>

Current through State Register Volume 38, Issue 5, eff May 23, 2014
(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.

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

C. Nap time staff:child ratios

(1) During nap times the following ratios apply as long as at least one other staff person is readily available for each group of children ages two and older:

<table>
<thead>
<tr>
<th>Child’s Age</th>
<th>Staff:Child Ratio</th>
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<tbody>
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</table>

NAP TIME STAFF:CHILD RATIOS

Current through State Register Volume 38, Issue 5, eff May 23, 2014
D. Water safety staffing

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

### WATER SAFETY STAFF:CHILD RATIOS

<table>
<thead>
<tr>
<th>Child Age</th>
<th>Staff:Child Ratio</th>
</tr>
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<tbody>
<tr>
<td>Birth to two years</td>
<td>1:1</td>
</tr>
<tr>
<td>Two to three years</td>
<td>1:2</td>
</tr>
<tr>
<td>Three to four years</td>
<td>1:3</td>
</tr>
<tr>
<td>Four to five years</td>
<td>1:6</td>
</tr>
<tr>
<td>Five years and older</td>
<td>2:25</td>
</tr>
</tbody>
</table>
(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.

S.C. Code of Regulations R. 114-525

Green &
Burgundy 114-525, Health, Sanitation and Safety

A. Child health

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

(2) Children shall be excluded from child care when they exhibit the conditions listed in the DHEC Exclusion Policy.

(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.

B. Sanitation

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

(2) Furniture, toys, and equipment that come into contact with children’s mouths shall be washed, rinsed, and sanitized daily and more often if necessary.
(3) Furniture, toys and equipment soiled by secretion or excretion shall be sanitized before reuse.

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

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

(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.

C. Emergency medical plan

(1) The center shall have an emergency medical plan to address the following:

   (a) Medical conditions under which emergency care and treatment is warranted;

   (b) Steps to be followed in a medical emergency;

   (c) The hospital or source of health care to be used;

   (d) The method of transportation to be used; and

   (e) An emergency staffing plan.

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

D. Medications or medical procedures

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

(a) All medications shall be used only for the child for whom the medication is labeled;

(b) Medications shall not be given in excess of the recommended dose; and

(c) Prescribed special medical procedures ordered for a specific child shall be written, signed and dated by a physician or other legally authorized healthcare provider.

(2) Storage of medications.

(a) All medications shall be kept in their original labeled containers. 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.

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

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

(4) Medication errors.

(a) Medication errors, e.g. failure to administer a medication at the prescribed time, administering an incorrect dosage of medication or administering the wrong medication; shall be recorded in the child’s record.

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

E. First aid kit

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

F. Diapering

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

(2) Facilities caring for infants shall provide a diaper changing area located within clear view.
(3) Diaper changing procedures shall be consistent with those recommended by the Center for Disease Control and Prevention.

(4) Diapering surfaces shall be sanitizable.

(5) Diapering surfaces shall be clean, seamless, waterproof and sanitary.

(6) Diapering surfaces shall be cleaned and sanitized after each use by washing to remove visible soil followed by wiping with an approved sanitizing solution (e.g. 1 tablespoon liquid chlorine bleach per one quart of water) and/or disposable, non absorbent paper sheets approved for this purpose and shall be discarded immediately after each diapering.

(7) Blood contaminated materials and diapers shall be discarded in a plastic bag with a secure tie, or in a manner approved by OSHA or the county in which the center is operating. Surfaces contaminated with blood or blood-containing body fluids shall be cleaned with a solution of chlorine bleach and water, or in a manner approved by OSHA or the county in which the center is operating.

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

(9) Diapering changing areas shall not be used for any purpose other than for diapering.

(10) Individual disposable wipes shall be used at each diaper change and shall be placed in a plastic-lined, covered container and disposed of properly, and kept out the reach of children.

(11) Each waste and diaper container shall be labeled and clean and free of build-up of soil and odor. Wastewater from such cleaning operations shall be disposed of as sewage.

(12) Soiled disposable diapers and disposable wipes shall be kept in a closed, labeled hands-free operated, plastic lined receptacle within arm’s 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.
(13) Disposable non-absorbent paper sheets shall be disposed of immediately after diapering is completed.

(14) Soiled disposable diapers shall be disposed outside the building daily. Soiled non-disposable diapers shall be kept in a sealed plastic bag and returned to the parent daily.

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

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

G. Staff health

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

(a) Medical statements required by the Department and completed by the staff person verifying whether 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 or as necessary; 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.
(2) No person who is known to be afflicted with any disease in a communicable form, or who is a known carrier of such a disease, or who is afflicted with boils, infected wounds, or sores or acute respiratory infection, shall work in any capacity in a child care center in which there is likelihood of such person transmitting disease or infection to other individuals.

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

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

(5) Staff shall be excluded when they exhibit the conditions listed in the DHEC Exclusion Policy.

H. Fire safety and emergency preparedness

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

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

(3) The facility shall have an up to date written plan for evacuating in case of a fire, 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.
(1) If the center provides or arranges for transportation through contract, the following transportation requirements apply:

(a) The staffing ratios specified in 114-524B(1-3) apply. The driver of the vehicle shall not be counted in the ratios for infants or toddlers;

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

(c) Safety restraints shall be used in accordance with the manufacturer’s instructions;

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

(e) Placement of children in the vehicle shall be in accordance with all applicable state and federal laws;

(f) The driver shall have a valid regular or commercial driver’s license and shall be in compliance with Section 20-7-2725A(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; and

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

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

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

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

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

(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.
(2) Ventilation.

(a) Child care areas, dining areas, kitchens and bathrooms shall be ventilated by mechanical ventilation, such as fans or air conditioning, or at least one operable window.

(b) If freestanding fans are used, fans shall have a stable base, be equipped with protective guards and be placed in a safe location.

(c) Windows, including windows in doors, when utilized for ventilation purposes shall be securely screened to prevent the entrance of insects.

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

(3) Safety glass shall be used on clear glass windows and doors that are within thirty-two inches above floor level and that are accessible to children. Decals shall be applied to all glass or sliding patio doors and placed at eye level of the children being cared for at the facility.

(4) Lighting.

(a) Rooms, hallways, interior stairs, outside steps, outside doorways, porches, ramps and fire escapes shall be lighted.

(b) At least twenty foot candles of light shall be required on all work surfaces in food preparation, equipment washing, utensil washing, hand-washing areas, and toilet rooms.
(c) Adequate, safe lighting for individual activities, for corridors, and for bathrooms shall be provided.

(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 DHEC.

(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 and the cleaning of 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, drawstrings on clothing and string;
(ii) Items that may cause suffocation such as sand, beanbag chairs, pillows, soft bedding and stuffed animals; and

(iii) Items that may cause choking such as materials smaller than 1 ¼ inch in diameter, items with removable parts smaller than 1 ¼ inch in diameter, Styrofoam objects and latex balloons.

(6) Water supply.

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

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

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

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

(8) Sanitation.

(a) Clean and sanitary conditions shall be maintained indoors and outdoors, including indoor and outdoor recreational equipment and furnishings.

(b) Measures to control insects, rodents, and other vermin shall be taken to prevent harborage, breeding, and infestation of the premises.

(c) All solid wastes shall be disposed of at sufficient frequencies and in such a manner not to create a rodent, insect, or vermin problem.

(d) Trash in dipering areas shall be kept in closed, hands-free operated, plastic lined receptacles in good repair.

(e) Trash in kitchen areas shall be kept in closed, plastic lined receptacles.

(f) Trash in children’s restrooms, classrooms, and eating areas shall be kept in plastic lined receptacles.

(g) Trash receptacles outside the building, shall be watertight with firm fitting lids that prevent the
penetration of insects and rodents.

(h) Trash disposal and sewage system construction and usage shall be in accordance with local standards and ordinances.

(i) The use of child care room, bathroom, or kitchen sinks for cleaning of trash receptacles or cleaning equipment is prohibited.

(9) Doors.

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

(10) Landings, stairs, handrails and railings.

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

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

(c) Stairs shall have a nonskid surface.

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

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

(a) The center shall be connected with an electrical source.

(b) Electrical outlets and fixtures shall be connected to the electrical source in a manner that meets local electrical codes, as certified by an electrical code inspector.

(c) Electrical outlets shall be securely covered with childproof covers or safety plugs when not in use in all areas accessible to children.

(d) No electrical device accessible to children shall be located so that it could be plugged into the outlet while in contact with a water source, such as sinks, tubs, shower areas, or swimming/wading pools unless ground fault devices are utilized.

(12) Bathrooms.

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

(b) If seat adapters are used for toilet training, they shall be cleaned and sanitized after each use.

(c) Toilet training equipment shall be provided to children who are being toilet trained.

(d) There shall be at least one sink with 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.

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

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

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

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

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

(l) Bathroom facilities shall be completely enclosed.

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

(2) The outdoor space shall be free from hazards and litter.
(3) Outdoor walkways shall be free from debris, leaves, ice, snow, and obstruction.

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

C. Furniture, toys, and recreational equipment

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

(2) Shall meet the standards of the CPSC, if applicable. Recalled products listed by the CPSC shall not be accessible to children.

(3) Shall 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 feet beyond the equipment and swings.

(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.

(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.

D. Rest equipment

(1) Cribs shall meet the requirements of the CPSC.
(2) Individual, clean, developmentally appropriate cribs, cots, or mats shall be provided for each infant, toddler and preschool child, and used only by that child until they have been sanitized.

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

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

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

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

E. Environmental hazards

(1) Poisons or harmful agents.

(a) Poisons or harmful agents shall be kept locked, stored in the original containers, labeled and inaccessible to children.

(b) Poisons or harmful agents shall be purchased in childproof containers, if available.

(c) Play materials, including arts and crafts, shall be non-poisonous.

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

(2) Water hazards.

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

(b) Swimming pools, stationary wading pools and other water sources such as ditches, streams, ponds, and lakes shall be made inaccessible to children by a secure fence that is at least 4 feet high; exits and entrances shall have self-closing, positive latching gates with locking devices;

(c) Children shall not be permitted in hot tubs, spas, or saunas.

(d) Children shall not be permitted to play in areas where there are swimming pools or other water sources without constant supervision.

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

(4) Animals: The following requirements apply in regard to animals:

(a) Healthy animals which present no apparent threat to the health and safety of the children shall be permitted, provided they are cleaned properly housed, fed and cared for and have had required vaccinations, as appropriate. Live animals shall be excluded from areas where food for human
consumption is stored, prepared or served;

(b) Animals shall not be permitted if a child in the room or area is allergic to the specific type of animal;

(c) Animal litter and waste shall not be accessible to children; and

(d) Reptiles and rodents shall not be accessible to children without adult supervision.

S.C. Code of Regulations R. 114-527

114-527. Meal Requirements and Preparation, Serving, Storage and Protection of Food Supplies, Utensils and Equipment.

A. Meal requirements

(1) If food is provided by the facility, the following requirements shall be met:

(a) Daily menus shall be dated and posted in a conspicuous location in public view.

(b) Meals and snacks provided shall be in compliance with the USDA Child Care Food Program Guidelines. Centers that do not provide overnight care shall serve at least one meal and at least one snack that meet USDA Child Care Food Program Guidelines. Centers providing care between the hours of 6:00 p.m. and midnight shall additionally meet USDA Child Care Food Program Guidelines in serving dinner and at least one additional snack. Meal components and serving sizes shall be in accordance with these guidelines.

(c) Only Grade A pasteurized fluid milk and fluid milk products may be given to any child less than 24 months old, except with a written permission from the child’s health provider.

(d) Whole milk may not be served to children less than 12 months of age, except with a written permission from the child’s health provider; and
(e) Reconstituted milk shall not be served to any child, regardless of age.

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

(3) Round, firm foods shall not be offered to children younger than four years old. Examples of such foods include: hot dogs, grapes, hard candy, nuts, peanuts, and popcorn. Hot dogs may be served if cut lengthwise and quartered; grapes may be served if cut in halves.

(4) All food in child care centers shall be from a source approved by the health authority and shall be clean, wholesome, unspoiled, free from contamination, properly labeled, and safe for human consumption.

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

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

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

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

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

(c) The procedures and equipment used to transport catered meals shall be approved by the DHEC.
(8) Meals and snacks may be provided by the center or the parent. The center shall have a small supply of nutritional food and beverages available in the event a parent neglects to bring the child’s food on an unanticipated basis.

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

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

B. Food preparation

(1) Adequate hand-washing facilities 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 between 100 and 120 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.)

(2) Sanitary soap and towels shall be provided.

(3) Utensils, such as forks, knives, tongs, spoons, and scoops shall be provided and used to minimize handling of food in all food preparation areas.

(4) Staff shall thoroughly wash their hands and exposed areas of arms with soap and warm water in an approved hand-washing sink before starting work, during work as often as is necessary to keep them clean, e.g., after smoking, eating, drinking, or using the toilet. Staff shall keep their fingernails clean and trimmed.

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

(6) 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
(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; and

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

(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.

(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.

(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.

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

C. Food service

(1) No child shall be deprived of a meal or snack if he/she is in attendance at the time the meal or snack is served.

(2) Easily breakable dinnerware shall not be used.

(3) Children shall not be forced to eat.

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

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

(6) Portions of food once served shall not be served again.
(7) Single-service articles shall be stored in closed cartons or containers to protect them from contamination.

(8) Use of common drinking cups is prohibited.

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

(10) Reuse of single service articles is prohibited.

(11) If potentially hazardous foods that have been cooked and then refrigerated are to be served hot, they shall be reheated rapidly to 165 degrees Fahrenheit or higher throughout before being served or before being placed in a hot food-storage facility. Steam tables, double boilers, warmers, and similar hot food holding facilities are prohibited from use for the rapid reheating of potentially hazardous foods.

D. Storage

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

(2) The director shall provide refrigeration units and insulated facilities, as needed, to ensure that all potentially hazardous foods are maintained at 45 degrees Fahrenheit or below or 130 degrees Fahrenheit or above, except during necessary periods of preparation.

(3) Thermometers shall be accurate to plus or minus 3 degrees and conspicuously placed in the warmest area of all cooling and warming units to ensure proper temperatures.

(4) Containers of food, food preparation equipment and single service articles shall be stored at least 6” above the floor, on clean surfaces, and in such a manner to be protected from splash and other contamination.
5) Food not subject to further washing or cooking before serving shall be stored in such a manner to be protected against contamination from food requiring washing or cooking.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(10) All dishwashing machines shall be approved by DHEC and shall meet applicable installation requirements.
(11) Food-contact surfaces of cleaned and sanitized equipment and utensils shall be handled in such a manner as to be protected from contamination.

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

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

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

S.C. Code of Regulations R. 114-528

A. Definitions.

Terms used in South Carolina Regulations, Chapter 114, Article 5, Part A, shall be all definitions cited in Section 20-7-2700 et seq., Code of Laws of South Carolina in addition to the definitions which follow:

(1) Emergency Person. An individual not regularly employed by the facility who is immediately available to serve as staff in the facility during emergency situations.

(2) Judicially Determined. A criminal conviction in a court of law which is either the result of a jury trial, guilty plea, plea of no contest or forfeiture of bond in cases of misdemeanor or a determination of child abuse or neglect in any court of competent jurisdiction.

(3) Original and Renewal Application for a License/Approval. Completed Department of Social Services (DSS) application form, completed DSS inspection study, completed health and fire inspection reports, current criminal history background records checks, written policies, and other related information deemed necessary by the Department to make a determination of issuance or non-issuance of a license/approval.

Current through State Register Volume 38, Issue 5, eff May 23, 2014
(4) Overnight Care. Care provided to children by the facilities defined in these regulations from 1:00 a.m. to 6:00 a.m.

(5) Parent. Biological or legal guardian of the child or individual or agency with physical or legal custody.

(6) Staff. Full-time and part-time administrative, program, service and volunteer personnel, including emergency persons.

(7) Supervision. Care provided to an individual child or group of children. Adequate supervision requires awareness of and responsibility for the ongoing activity of each child, knowledge of activity requirements and children’s needs and accountability for their care. Adequate supervision also requires the operator and/or staff being near and having ready access to children in order to intervene when needed.

(8) Training. Participation during the calendar year in workshops, conferences, support groups, educational or provider associations, formal schooling, in-service training or planned learning opportunities provided by a child day care operator, director, other staff, or consultants. Training must be in subject areas related to child care, child development, and/or early childhood education and nutrition. Training for operators may also be in areas related to day care program administration and must include alternatives to corporal punishment.

(9) Volunteer. An individual whose services are involved in the operation of the family day care home without compensation on a daily, weekly or monthly basis, including parents, students, student teachers and other persons all of whom are subject to compliance with the same applicable regulations as paid family day care home staff.

B. Procedures for Pre-Application Consultation and Original Registration.

(1) A potential operator of a family day care home may secure information about the registration or licensure process by contacting the State or local county Department of Social Services.

(2) The family day care home applicant shall have a working, listed telephone in the facility and shall make the telephone number available to parent(s)/guardian(s) of children enrolled in the facility and to Department staff.
(3) The Department representative shall provide the applicant with the required number of forms, a copy of the current Suggested Standards and Regulations for Family Day Care Homes, a copy of Section 20-7-2700 et seq., Code of Laws of South Carolina (Child Day Care Statute) and a copy of sections of the Children’s Code which are related to child abuse and neglect, with an explanation of procedures and information required by the Department.

(4) The applicant shall complete the following:

(a) Complete and sign the required number of application forms;

(b) Obtain and submit to Department staff current (less than one year old) South Carolina State Law Enforcement Division (SLED) criminal history background records checks for himself/herself, substitute caregiver(s), emergency person(s) and volunteer(s).

(c) Provide written references with names, addresses and telephone numbers of at least three persons unrelated to the applicant who shall be contacted by the Department as references;

(d) Read the Suggested Standards For Family Day Care Homes;

(e) Furnish or review with parent(s)/guardian(s) of each child to be enrolled in the facility, a copy of the Suggested Standards;

(f) Secure a signed statement from each parent/guardian verifying that they have reviewed the Suggested Standards;

(g) Send required copies of completed and signed applications, required information regarding references and all signed statements from parent(s)/guardian(s) to Department staff;
(5) Department staff shall review the registration materials and shall complete the following:

(a) Contact by telephone within thirty days of receipt, the persons listed as references by the applicant and document their comments;

(b) Issue regular registration if all regulatory requirements have been met;

(c) Issue provisional registration when regulations can and will be met within a reasonable time and the deviations do not seriously threaten the health or safety of the children; or

(d) Deny the application for registration.

(6) If registration is issued, Department staff shall mail the registration directly to the potential operator.

(7) If Department staff proposes to deny an application for registration, the applicant shall be given written notice by certified mail indicating the reason(s) for the proposed action and the right of the applicant to appeal the decision in accordance with Department fair hearing regulations.

(8) If no written appeal is made, the application shall be denied as of the termination of the thirty day period.

C. Procedures for Registration Renewal.

(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.

(2) The operator shall complete the following:
(a) Complete and sign the required number of application forms;

(b) Provide the name(s) of additional person(s) to be contacted as references if original references are no longer active;

(c) Re-read the Suggested Standards for Family Day Care Homes;

(d) Furnish a copy of or review with parent(s)/guardian(s) of any new children enrolled in the facility the Suggested Standards;

(e) Secure a signed statement from each parent/guardian of new enrollees verifying he/she has reviewed a copy of the Suggested Standards;

(f) Send the required copies of the completed and signed application, the names of any person(s) to be contacted as new references, and signed statements from parent(s)/guardian(s) to the Department.

(3) Department staff shall review the registration renewal materials and shall complete the following:

(a) Contact by telephone within thirty days of receipt of references the person(s) listed as new references and document their comments;

(b) Issue regular registration if all regulatory requirements have been met;

(c) Issue provisional registration when regulations can and will be met within a reasonable time and the deviations do not seriously threaten the health and safety of the children; or
(d) Deny the application for registration renewal.

(4) If the registration is renewed, Department staff shall mail the registration directly to the operator.

(5) If the application for registration renewal is denied, Department staff shall give the operator written notice by certified mail indicating the reason(s) for the proposed action and the right of the operator to appeal the decision in accordance with Department fair hearing regulations.

(6) If no written appeal is made, the Department shall deny the application for registration renewal at the termination of the thirty day period.

D. Provisions of the Registration.

(1) Registration issued by the Department to a family day care home operator shall be valid for one year from date of issuance, unless withdrawn by the Department or voluntarily surrendered by the operator. If the facility ceases operation, the registration shall be returned to the Department within thirty days of facility closure.

(2) The current registration shall be displayed in a prominent location in the home during the hours of operation.

(3) The number of children present in the facility at any given time shall not exceed the number specified on the registration.

(4) A change in location shall automatically void the registration.

(5) The Department shall withdraw registration if the health and safety of the children is determined to be at risk or in threat of harm; if the operator cares for more children than the number stated on the registration; or if the operator fails to comply with the registration procedures defined in statute and these regulations.
(6) An operator whose registration has been withdrawn by the Department shall be given written notice by certified mail. The notice shall contain the reason(s) for the proposed action and shall inform the operator of the right to appeal the decision to the Commissioner in writing within thirty calendar days after receipt of the notice.

(7) If no written appeal is made, the Department shall withdraw the registration at the termination of the thirty day period.

(8) The application for original registration or registration renewal may be denied or the registration may be withdrawn by the Department, if the operator, any staff including substitute caregiver(s), volunteer(s) and emergency person(s) or household member(s), abuses or neglects any child as defined in Section 20-7-490, (B), South Carolina Code of Laws, 1976, as amended.

E. Procedures for Securing An Original License/Approval.

(1) For the purpose of applying for a license/approval, the family day care home applicant shall comply with the South Carolina Department of Social Services Suggested Standards for Family Day Care Homes.

(2) An application for a family day care home license/approval must be completed on appropriate Department forms and shall be signed by the applicant. Department staff shall provide the applicant with the required number of forms, a copy of the current Suggested Standards and Regulations for Family Day Care Homes, a copy of Section 20-7-2700 et seq., Code of Laws of South Carolina (Child Day Care Statute), and a copy of sections of the Children’s Code related to child abuse and neglect, with an explanation of procedures and information required by the Department.

(3) Department staff shall request in writing that health and fire officials make inspections of the facility.

(4) After giving the applicant prior notice, Department staff shall make an on-site visit to the proposed family day care home to determine compliance with appropriate regulations by completing a licensing/approval study.

(5) Health and fire officials shall inspect the facility to determine compliance with appropriate regulations and shall put their results in writing on the appropriate forms.
(6) Department staff shall review the findings of the complete application and shall take one of the following actions:

(a) Issue a regular license/regular approval if all provisions of the regulations, suggested standards and statute for the operation of a licensed/approved family day care home have been met;

(b) Issue a provisional license/provisional approval if deficiencies have been cited which would not place children at risk or in threat of harm; or

(c) Deny the application for a license/approval if cited deficiencies would place children at risk or in threat of harm.

(7) Failure of Department staff to approve or deny a complete application within ninety days shall result in the granting of a provisional license/provisional approval.

(8) If a regular license/regular approval is issued, Department staff shall mail the license/approval directly to the operator.

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

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

(a) If a provisional license/provisional approval is issued, Department staff shall notify the operator in writing of deficiencies to be corrected. The deficiencies shall be cited on the back of the provisional license/approval and shall include the appropriate regulation number(s);
(b) If Department staff proposes to deny an application for a license/approval, the applicant shall be given written notice by certified mail indicating the reason(s) for the proposed action and the right of the applicant to request an appeal within thirty days after the receipt of the notice of denial.

(11) If a facility is found to be in operation after the Department has denied the application for a license/approval and the administrative appeal/review procedure has been completed, Department staff shall request that the circuit solicitor initiate injunctive action.

F. Procedures for License/Approval Renewal.

(1) For the purpose of applying for renewal of a license/approval, the family day care home operator shall comply with the South Carolina Department of Social Services Suggested Standards for Family Day Care Homes.

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

(3) The same Department actions cited above in E.(2) through (11), are applicable to the renewal process, except that Department staff shall initiate the license/approval renewal process one hundred and twenty days in advance.

G. Provisions of the License/Approval.

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

(2) A provisional license/provisional approval shall be issued for a period within which the deficiencies must
be corrected and within the conditions stated in statute.

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

(4) An application for a license/approval shall be denied or the license/approval revoked by the Department if the operator, any staff, including substitute caregiver(s), emergency person(s), volunteer(s) or household member(s), abuses or neglects any child as defined in Section 20-7-490, (B), South Carolina Code of Laws, 1976, as amended.

(5) No family day care home shall have present at any time children in excess of the number for which it is licensed/approved.

H. Inspections, Consultation and Reporting for Registered and Licensed/Approved Family Day Care Homes.

(1) Upon receipt of a regulatory complaint, Department staff shall conduct an unannounced visit to the family day care home to investigate the complaint. If the complaint is written, Department staff shall provide a copy to the operator upon request.

(2) The operator may request consultative visits of Department staff or other qualified persons regarding suggested standards, regulations or other related matters. Department staff shall provide technical assistance to an operator as requested.

(3) The family day care home operator shall display the current registration or license/approval in a prominent location in the family day care home.

(4) The operator shall report to the Department when an occurrence takes place which may affect the status of the registration or license/approval.

(5) The operator shall notify Department staff of a change in location and/or major alterations to the building.
prior to the occurrence.

(6) The operator shall report the following information to Department staff:

(a) Accidents or injuries requiring professional medical treatment of any child or staff person while at the family day care home, or any death;

(b) Major damage to the facility;

(c) Charges or convictions of crimes against the operator, household member(s), substitute caregiver(s), emergency person(s) or volunteer(s);

(d) Any child protective services reports involving the operator, household member(s), substitute caregiver(s), emergency person(s) or volunteer(s).

(7) The operator shall cooperate with Department staff, law enforcement and other involved agencies during an investigation of child abuse or neglect. Cooperation shall include but not be limited to the following:

(a) Participate in informational conference(s) with Child Protective and Preventive Services staff;

(b) Release records of children and staff as requested;

(c) Allow access to facility premises for inspection upon request.

S.C. Code of Regulations R. 114-529

114-529. Infant and Toddler Care, Care for Mildly Ill Children, and Night Care

Child Care Centers Operated by Churches or Religious Entities Regulations: Page 122-175 & 185-190

Current through State Register Volume 38, Issue 5, eff May 23, 2014
A. Infant and toddler care

(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.
Green & Pink

(i) Breast milk and formula shall be dated and labeled with the child’s name and refrigerated until ready to use. Prepared formula and breast milk that is not frozen should not be saved for another day.

(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.

(2) Feeding chairs:

(a) Feeding chairs shall have a stable base.

(b) Feeding chairs shall have a 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.

(3) 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.

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

(4) Equipment and materials.

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

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

(c) Mobile walkers are not permitted.

B. Care for mildly ill children

(1) Parent notification and instructions.

(a) If a child becomes ill while in care, the center shall notify the parent or responsible party immediately;

(b) If a child may have been exposed to a serious communicable disease that is spread through casual contact, the center shall notify the parents of all potentially exposed children about the nature of the illness and the potential exposure to the illness, and recommend consultation with the child’s physician; and
(c) If a center chooses to provide care to a mildly ill child, the center shall receive instructions from the parent for any special care needs of the child.

(2) Policies and procedures.

(a) If a center chooses to provide care to a mildly ill child, the center shall have written policies and procedures specifying inclusion and exclusion from the group, communication with parents, recording of illness and care provided, specific types of illnesses and symptoms which prohibit care from being provided, special staff training required and emergency health procedures.

(b) Children shall be excluded when they exhibit the conditions listed in the DHEC Exclusion Policy.

(c) If a child is in a rest area due to illness, the child shall be directly supervised at all times.

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

C. Night care

(1) Requirements for staffing ratios.

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

(b) The supervision and ratio requirements for sleeping hours are the same as specified for napping in 114-524C.
(2) An unannounced emergency drill shall be held during sleeping hours at least every 60 days.

(3) Sleeping equipment.

(a) Each child shall have a bed with a solid foundation, a fire retardant mattress, a pillow, and bedding appropriate for the temperature of the center.

(b) Cots and portable beds are not permitted.

(4) Special bedtime routines as specified by the parent shall be followed to the extent feasible.

(5) Bathing.

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

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

(6) The center shall make arrangements with the parent to provide clean appropriate nightclothes.