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Document No. 2925
DEPARTMENT OF SOCIAL SERVICES
 CHAPTER 114
 Statutory Authority: 1976 Code Sections 43-1-80 and 20-7-2980 et seq.

114-510. Regulations For The Licensing Of
 Group Child Care Homes

Synopsis:

The South Carolina Department of Social Services (SCDSS) is required to review child care regulations every three years. These proposed regulations replace the current regulations in their entirety. These regulations update current requirements in order to clarify current regulations, and meet the United States Department of Health and Human Services (USDHHS) safety guidelines, as well as United States Department of Agriculture (USDA) food and snack regulations.

The areas in which these regulations are amended include updating health, sanitation, and safety requirements to ensure consistency with the South Carolina Department of Health and Environmental Control (SCDHEC) and/or USDA's requirements. The regulations also clarify existing definitions and add some new ones.

Instructions:

Replace current sections 114-510 through 114-514 with new sections 114-510 through 114-514. Add new sections 114-515 through 114-519.

Text:

114-510. GENERAL PROVISIONS.

A. Purpose

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

B. Applicability

(1) These regulations apply to 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 the mentally retarded 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.

114-511. DEFINITIONS.

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 a 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.

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 harm to the health and/or safety of the children.

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.

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.
- (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

(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.

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.

114-514. SUPERVISION.

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

Child's Age	Staff:Child Ratio
Birth to two years	1:1
Two to three years	1:2
Three to four years	1:3
Four and older	1:6

(2) All swimming activities shall be supervised by a person with current lifeguard training certification. If this is a staff person who has current lifeguard training certification, they may be included in the staff:child ratio. In instances in which all staff members can, without the ability to swim, quickly reach any child, a certified lifeguard is unnecessary.

114-515. HEALTH, SANITATION AND SAFETY.

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.

I. 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.

114-516. PROGRAM.

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 view these media programs.
- (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.

114-517. PHYSICAL SITE.

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.

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.

114-519. INFANT AND TODDLER CARE, CARE FOR MILDLY ILL CHILDREN, AND NIGHT CARE.

A. Infant and toddler care

(1) Stimulation and nurturing.

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

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

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

(2) Programs for infants and toddlers.

(a) Staff shall provide appropriate attention to the needs of children.

(b) The daily program for infants and toddlers shall include goals for children, which promote healthy child development and allow for individual choice and exploration.

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

(3) Feeding, eating and drinking.

(a) Cups and bottles shall be labeled with the child's name and used only by that child.

(b) Infants shall be fed in accordance with the time schedule, specific food and beverage items and quantities as specified by the parent.

(c) Infants shall be held while being bottle fed until they are able to hold their own bottles. Bottles shall not be propped or given in cribs or on mats.

(d) 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.

Fiscal Impact Statement:

The Department of Social Services estimates the costs incurred by the State and its political subdivisions in complying with the proposed regulation will be minimal. The cost to child care providers to comply with the proposed regulations is not able to be determined because that type of data is not currently kept at the agency. Although providers will incur some costs, it is hoped that those costs can be minimized and grants to assist providers in meeting the new requirements may be available.

Statement of Rationale:

The purpose of these regulations is to establish standards that protect the health, safety and well being of children receiving care in group child care homes, through the formulation, application and enforcement of these regulations. Child care licensing standards provide the foundation for ensuring safety and quality for children. These proposed regulations improve readability and strengthen and clarify basic health and safety standards.

The improved readability and clarified basic health and safety standards will enable parents to be better-informed consumers of child care. Staff:child ratios and well-trained consistent caregivers are critical factors in child care. States with higher quality standards in their regulations report better outcomes for children.

The agency will implement the regulations with existing staff and resources, which have been maximized as a result of the transfer of the CCDF-financed ABC Child Care Program to DSS. Quality early childhood experiences have an economic and social benefit to the State:

- SC employers have reported that employees who have safe, dependable, high quality environments for their children while they work, demonstrate increased productivity and decreased absenteeism.
- Children in high quality child care are more likely to be ready to learn and successful in school and grow into contributing members of society rather than members of the welfare or corrections systems.

The positive implications of quality early childhood education and child care for juvenile justice, schools, and the work force are emphasized by the National Conference of State Legislatures (NCSL) in *Early Childhood Care and Education: An Investment That Works* (1997).

Lawrence J. Schweinhart of the High/Scope Perry Educational Research Foundation states: "...a high-quality program for young children living in poverty, over their lifetimes, improves their educational performance, contributes to their economic development, helps prevent them from committing crimes, and provides a high return on taxpayer investment."

Changes in licensing requirements are minimal. Although providers may incur some costs, it is hoped that those costs can be minimized and that grants to assist providers in meeting the new requirements may continue to be available.

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Additional Selected Research

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