

The State Advisory Committee on the
Regulation of Child Care Facilities

Friday, March 3, 2023

10:00 am – 1:00 pm

DSS State Office / North Tower Building Room 310
1535 Confederate Avenue Columbia, SC 29201

Members Present:

Tricia Sheldon
Althea Benson
Tammy Compton
Lisa Corning
Chasity Lesley
Jessica Sharp
Rachel Ellis
Reginald Williams- via conference call
Felicia O’Neal - via conference call

QUORUM reached with 9 members

Members Absent:

Justin Hopson, Bonnye Hughes, Brandy O’Neill,
Vickie Hoover, Edward Brashier, Caroline Mullins, Shadie Hall

New member:

Melanie Keller (Replacing Patricia Scarry)

Staff to Committee:

Cynthia Lara, Samuel Frederick, Donna McLees, Melissa Outen

Guests

Michele Bowers, Director of ECE / SC DSS
Tex Davis, Assistant General Counsel
Debra Earwood, SC Association of Christian Schools
Beverly Hunter, Director of ABC Quality / SC DSS
Cathy Kovacs, ABC Quality / SC DSS
Connelly-Anne Ragley, Director of Communications and External
Affairs / SC DSS via TEAMS conference call
Karen Morgan, Exec. Administrator Northwood Academy, Summerville
Joy Huyck, SC CCR&R
Alaina Robinson, FBSCEC
Cindy McCawley, SCAECE Alderian Child Center
Cathy Miller, BJA Child Development Center
There were 26 Child Care Licensing staff present on TEAMS

Tricia Sheldon, Chair, called meeting to order at 10:10 am.

The roll was called, and all Board Members, guests, and Legal Counsel were introduced.

There are 2 members rotating off the board: Roger Pryor and Patricia Scarry

Cynthia commented that the board has a new member, Melanie Keller (Owner/Operator) who Connelly explained is the replacement for Patricia Scarry. She further indicated that Melanie's letter of appointment and Patricia's letter of removal have been sent from the Governor's office.

Connelly continued the conversation by telling all members who are in "expired status" and are serving in "held over" status, that they will need to contact the Governor's office showing interest in reappointment if still meeting the criteria. Connelly shared the form to do so in the TEAMS chat.

https://iqconnect.lmhostediq.com/igextranet/EForm.aspx?_cid=FSL_SC_GOV&_fid=100061

A motion was made and seconded to accept the minutes of July 23, 2019; the motion was approved unanimously.

A motion was made and seconded to accept the agenda for today March 3, 2023; the motion was approved unanimously.

Tex Davis, Assistant General Counsel, reminded the board of the proposed timeline of filing a Notice of Drafting with the State Register in April 2023 regarding the specific regulations that will be submitted to the General Assembly in January 2024. He indicated that the Notice of Drafting will put the public on notice of the drafting process to elicit comments on the proposed regulations.

Mr. Davis and Tricia Sheldon agreed that the draft of the proposed regulations will be ready to submit to him by April 2023.

Old Business:

Discussion of the status of new members

Cynthia Lara, State Director of Child Care Licensing, reminded the board of the new member Melanie Keller, from Pennsylvania who is opening the Willowdale Child's Academy.

As per last meeting of 12-14-2022, there are 5 new members appointed with 2 additional Committee members added in January 2023.

Tricia continued by discussing the list of all board members and their status and Connelly shared the Secretary of State's Official list of those members so there would be a Visual. Tricia indicated that she is in "Expired Status" and does not meet the criteria needed so the Board may want to choose another Chairperson. There was a discussion regarding getting the information about any new members being appointed.

The Chair, Tricia Sheldon, reminded the committee members of the need for the board to continue discussion of the Family Home Child Care regulations as discussed in the previous meeting.

Cynthia Lara reported that she had a very productive meeting on Tuesday February 28, 2023, with FCCH members regarding the proposed regulations. They had concerns regarding the need for a 2nd caregiver if the

FCCH provider reached a 4th child under 24 months of age. There was much discussion about zoning and fire code interpretations creating uncertainties for the providers and the Advisory Board regulations, but the County's regulations supersede all.

There was discussion of the "Evacuation Crib" regulation for infants and any child under 2 yrs related to the need to evacuate should an emergency occur. Committee member, Felica O'Neal and Monica Ackers from Child Care Resource and Referral were asked to give their expert opinions on safety caps for FCCH providers. A lot of discussion occurred about this topic. It was determined that the limits for children under 12 months should be capped and it was suggested to consider the regulation to read "with a cap of 4 children under 12 months" instead of 4 under 24 months for better safety of the children. A motion was made and approved and motion "carried". Tricia is requesting that all members read through the proposed regulations and return to the next meeting of 3-15-2023 to approve and be completed with the FCCH regulations.

The meeting continued with discussion regarding sections 114-528 and 114-529 in the official listing of regulations for FCCH in the Code of Regulations and how they appear to be in the middle of the Faith based regulations. The discussion continued with Cynthia recommending to Legal Counsel that they be revised in the proposed regulations, and he agreed to move them around appropriately to list the proposed FCCH regulations all together and ensure that the Faith Based regulations are listed in its entirety. The FCCH proposed regulations will begin at 114-529.

Mr. Davis told members that they could go www.sccourts.org, scroll to South Carolina Code of Laws in the bottom left side of screen then click on Code of Regulations and choose Chapter 114-SC Department of Social Services to review the Legislative Regulations in order to get the Official listing.

Tricia made the recommendation for all members to review it and the proposed regulations and return to the next meeting ready to vote for any changes to include beginning the FCCH regulations with 114-529.

More discussion with the FCCH regulations among the members to consider at the next meeting

A motion made and all approved.

A member asked about clarity regarding definition of Volunteers, Student Learning and Practicums. Cynthia will do more research on this topic to provide more absolute information for the committee on March 15, 2023.

More discussion related to legal documents needed for all of those wanting to learn, observe and work in FCCH's.

More discussion relating to losing 16-, 17- and 18-year old's participating in Early Child Care Careers vs going to public school careers. Discussion of changing times and cell phones in the facilities and how it causes distractions which can lead to some very serious consequences that will affect them for the rest of their lives.

Tricia then directed the committee to our "Faith-based" providers. Cynthia Lara mentioned receiving a letter from Edward Earwood, President of the SC Association of Christian Schools and Tricia Sheldon was copied.

She indicated that Edward Earwood was concerned about discussing all of the CCL regulations at one time.

Big concern, regarding the statutes according to law regarding "faith-based" centers.

Cynthia indicated that all facilities are to abide by all regulations up to 400, but Article 3, Article 5 and Article 7 split them out. A member read 63-13-20 under 4, J and indicated there is confusion with the Statutes and Articles. We need better interpretation with assistance from Mr. Davis.

Tricia asked; “can this committee create regulations that supersede what the law says?”

Mr. Davis replied that “Statute is first, regulations come under those”. “Regulations cannot be contrary to the statute. Tricia still wants clarity about Edward’s attorney telling him to “just throw this whole book out”.

A member mentioned that “Faith-Based” regulations have not been revised since 2005.

A member in a “faith-based” center suggested that maybe coding needs to be changed.

A member also wanted clarification of the color-coded proposed current regulations for FCCH that Cynthia and Mr. Davis worked on with her staff and were given to the members in December of 2022 for review. Cynthia will provide the key at the next meeting.

The goal is to review the FCCH regulations 114-528 and 114-529 and the current regulations beginning 114-530 through 114-538 which is a “working copy” for now until Tex can get it cleaned up.

Try to have FCCH regulations and the Faith-Based regulations completed by the end of the meeting of March 15, 2023.

Cynthia asked Mr. Davis to explain the process for the new regulations to be approved by the General Assembly. He gave the details and indicated that approximately May or June of 2024 would be when these proposed regulations could be approved by the General Assembly. The Department would then ensure that the new regulations are provided to the necessary providers.

New Business:

Next meetings scheduled are March 15, 2023 and March 29, 2023 from 10:00 AM to 1:00 PM, April 6, 2023 from 1:00 PM to 4:00 PM and April 21, 2023 from 10:00 AM to 1:00 PM.

Tricia asked for any other New Business. There was none.

Adjournment

A motion was made to adjourn and seconded to adjourn the meeting; the motion was approved unanimously to adjourn at 12:31 PM.