

The State Advisory Committee on the
Regulation of Child Care Facilities
Minutes
Monday, December 4, 2023
10:00 am to 1:00pm
DSS State Office / North Tower Building Room 310
1535 Confederate Avenue Columbia, SC 29201

Members Present: Althea Benson
Chasity Lesley
Jessica Sharp
Felicia O’Neal
Tammy Compton
Lisa Corning
Bonnye Hughes Peebles
Rachel Ellis
Reginald Williams
BJ Long
Melanie Keller

QUORUM reached with 11 members

Members Absent: Justin Hopson, Brandy O’Neill, Edward Brashier, Caroline Mullins, Patricia Scarry, Lisa Flood (new member)

Staff to Committee: Cynthia Lara, Sam Frederick, Melissa Outen, Donna McLees, Amanda Sink

Guests: Princess Hodges, New Assistant General Counsel
April McDaniel, Child Care Licensing
Frankie Peterson, Child Care Licensing Program Manager
Melissa Burgess, Child Care Licensing
Jehan Bardawi, CCR&R
Laura Davis, Child Care Licensing Pee Dee Office
Tylisha Hickson, Child Care Licensing
Lashonja Grampus, Child Care Licensing
Jenn Adams, Child Care Licensing
Cathy Kovacs, Program Manager ABC Quality Columbia, SC
Sherry Smith, Program Coordinator ABC Quality Columbia
Karen Morgan, Northway Academy Preschool
Debra Earwood, SC Association of Christian Schools
Heather Reyes, CR&R
Nicole Shea, Endeavors office Greenville
Tiffney Paschal, DSS Office of Communications
Monica Bellamy, CCR&R
Stacie Turcotte, Child Care Licensing Supervisor, Lowcountry
Sheila Gran Diaz

Tammy Compton, Chair, welcomed all committee members and guests. The meeting was called to order at 10:07 am. The roll was taken with 11 members present.

The next order of business

Ms. Compton asked for a motion to approve the minutes of November 13, 2013, however, Rachel Ellis, member, asked for a correction to be made to the year typed as 223 to 2023 in **“The next order of business” section of the minutes**. The motion was made by Lisa Corning, vice chair, Rachel Ellis seconded, all in favor, none opposed, and the motion carried.

Ms. Compton continued the meeting by calling for a motion to accept the agenda for today, December 4, 2023. Jessica Sharp made the motion, Lisa Corning seconded, all in favor, none opposed, and the motion carried.

Old Business

In continuing the Group Child Care Home regulation proposals, the members began with

114-513-D Reporting of incidents.

114-513 D(1) Changed 48 hours to 24 hours: The operator shall report the following incidents to the parents/guardians immediately and provide written notification to the Department within 24 hours after the occurrence.

114-513 D(1)(a) Match with Child Care Center regulation 114-503 D(1)(a) to read: Accidents or injuries involving any child occurring at the group child care home or under the care of the facility requiring professional medical treatment, and

114-513 D(2) Revise to read: The following incidents shall be reported to the Department immediately and may be investigated by the Department.

114-513 D(2)(a) Revise to read: A death of a child or staff person that occurs while under the care of the group child care home;

114-513 D(2)(b) Revise to match with Child Care Center regulation 114-503 D(2)(b) to read: A child who is missing on/or from the premises or who is left unattended in the group child care home or in a vehicle operated by the facility;

114-513 D(2)(c) Revise to match Child Care Center regulation 114-503 D(2)(c) to read: Accidents or injuries involving any child occurring while under the care of the group child care home requiring emergency professional medical treatment;

Change lettering of original 114-513 D(2)(c) to 114-513 D(2)(d).

Change lettering of 114-513 D(2)(d) to 114-513 D(2)(e).

Change lettering of 114-513 D(2)(e) to 114-513 D(2)(f) and revise to read: An occurrence requiring the services of a fire or police department, which effects the health and safety of children;

Change lettering of 114-513 D(2)(f) to 114-513 D(2)(g) and revise to read: Charges or convictions of crimes against the operator, household member or any staff person: or

Change lettering of 114-513 D(2)(g) to 114-513 D(2)(h) and revise to read: Reports of alleged child abuse involving the operator, household member or any staff person.

Change lettering of 114-513 D(2)(h) to 114-513 D(2)(i)

Change the lettering of 114-513 D(2)(i) to 114-513 D(2)(j)

114-513 E Death of a child

114-513 E(1) Revise to read: If the child dies while under the care of the group child care home facility, the following shall be done:

114-513 F Parent Access and communication

114-513 F(5) Add regulation to match with Child Care Centers regulation 114-503 F(5) but changing the word “center” to “Group Child Care Home” to read: Group Child Care Home shall make available the child care regulations and statutes and shall provide the regional child care licensing numbers.

114-513 G Child Care Records

114-513 G(3) Revise to read: Access to records is limited to persons listed in 114-513 G(2) unless requested by court order.

114-513 G(5)(f) REMOVE
(Change all letters in this section accordingly).

114-513 G(6)(b) Revise to match Child Care Centers regulation 114-503 G(6)(b) to read: A current South Carolina Certificate of Immunization; and

114-513 G(7)(c) Remove the word “and” after the semi colon.

114-513 G(7)(d) Add a “semi colon” after the word “information”.

114-513 G(7)(e) Add regulation to match with Child Care Center regulation 114-503 G(7)(e) to read: Consent for emergency treatment; and

114-513 G(7)(f) Add regulation to match with Child Care Center regulation 114-503 G(7)(f) to read: Permission to transport to hospital.

114-513 H Staff records shall include the following:

114-513 H(4) Revise to read: Criminal history background records check forms for the operator, household members, staff, substitute teachers, and emergency person(s) and volunteer(s) not meeting the definition at 114-511 A(28);

114-513 H(7) Revise to read: The operator shall maintain health records in the group child are home for himself/herself, household members, staff, substitute teachers, emergency person(s) and volunteer(s) in accordance with 114-515 G(1)(a) and (b). ***Note* Add “substitute teachers” to Child Care Center regulation 114-503 H(7)**

114-513 I Confidentiality and applicable laws and regulations

114-513 I(4) Revise to read: The operator shall make available Section 63-13-10 in the Code of Laws of South Carolina sections of the Children’s Code related to child abuse and neglect and the current regulations for group child care homes that will be provided by the Department.

114-513 J Communications

114-513 J(3) Add regulation to match with Child Care Centers regulation 114-503 J(4) with the exception of changing the word “center” to “group child care home” and will read: The group child care home shall have electronic means of communications with the Department, except in locations where network service is unavailable or there is no coverage.

114-513 K Staffing

114-513 K(1) Child abuse checks

114-513 K(1)(a) Revise to read: The operator, teachers, substitutes and emergency person(s), household members 18 years of age or older, and staff members shall not have been determined to have committed an act of child abuse or neglect.

114-513 K(1)(b) Revise to read: A check of the South Carolina Central Registry of Child Abuse and Neglect and database including anyone who have lived in another state in the past 5 years shall be requested by the operator(s) on each household member 18 years of age or older, and each staff person, except for volunteers in accordance with the following time lines: **This regulation will match the Law. Also change Child Care Centers regulation 114-503 K(1)(b) to match.**

114-513 K(1)(b)(i) Revise to read: For the operator, and household members 18 years of age or older, prior to the initial issuance of a regular or provisional license.

114-513 K(1)(b)(ii) Revise to read: The operator, household members 18 years of age or older and staff, including the emergency person, prior to working alone with children and prior to employment; and at renewal times, if the employee was hired more than 6 months prior to the renewal date.

114-513 K(1)(b)(iii) Revise to read: For all household members 18 years of age or older and all persons hired by a group child care home at each license renewal.

114-513 K(1)(b)(iv) Remove

114-513 K(2) Background criminal history checks

114-513 K(2)(a) Revise to read: To be employed by, to provide teacher/caregiver services, or be a household member 15 years of age or older in a group child care home, a person shall first undergo state and federal fingerprint reviews from the State Law Enforcement Division(SLED) and the Federal Bureau of Investigations

(FBI). The results of the state and federal fingerprints reviews are valid and are required to be repeated every 5 years or if an individual has a break in service for 6 months or longer. **(Put this language in the Child Care Centers regulation 114-503 K(2)(a) but keep the wording of “child care facility” within the sentence.)**

114-513 K(2)(b) Revise to read: A person may be provisionally employed or may provisionally provide teacher/caregiver services in accordance with the statute of SC Code of Laws 63-13-40(D)(3)-page 7. **(Put this language in the Child Care Centers regulation 114-503 K(2)(b).**

114-513 K(2)(c) Revise to read and match Child Care Centers regulation 114-503 K(2)(c): No group child care home may employ a person, engage the services of or knowingly allow a household member or person in the child care facility during normal hours of operation who is required to register under the sex offender registry act pursuant to SC Code of Laws Section 63-13-40(A) or who has been convicted of:

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

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

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

(iv) unlawful conduct towards a child, as provided for in Section 63-5-70;

(v) cruelty to children, as provided for in Section 63-5-80;

(vi) child endangerment, as provided for in Section 56-5-2947;

(vii)(A) the felonies classified in Section 16-1-10(A), except that this prohibition does not apply to Section 56-5-2930, the Class F felony of driving under the influence if the conviction occurred at least ten years prior to the application for employment and the following conditions are met:

(1) The person has not been convicted in this State or any other state of an alcohol or drug violation during the previous ten-year period;

(2) The person has not been convicted of and has no charges pending in this State or any other state for a violation of driving while his license is cancelled, suspended, or revoked during the previous ten-year period; and

(3) The person has completed successfully an alcohol or drug assessment and treatment program provided by the South Carolina Department of Alcohol and Other Drug Abuse Services or an equivalent program designated by the agency.

(vii)(B) a person who has been convicted of a first-offense violation of Section 56-5-2930 must not drive a motor vehicle or provide transportation while in the official course of his duties as an employee of a childcare center, group childcare home, family childcare home, or church or religious childcare center;

(vii)(C) if the person subsequently is convicted of, receives a sentence upon a plea of guilty or of nolo contendere, or forfeits bail posted for a violation of Section 56-5-2930 or for a violation of another law or ordinance of this State or any other state or of a municipality of this State or any other state that prohibits a person from operating a motor vehicle while under the influence of intoxicating liquor, drugs, or narcotics, the person's employment must be terminated;

(viii) the offenses enumerated in Section 16-1-10(D) if the crime was a felony or if the victim was a minor;

(ix) a violent crime listed in Section 16-1-60 if the crime was a felony or if the victim was a minor; or

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

114-513 K(2)(d) The results of the state and federal 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.~~ required to be repeated every five (5) years or if a person has a break in service of six (6) months or longer.

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

114-513 K(3) Operator or the primary caregiver ~~Revise to read and match 114-503 K(3) in Child Care Centers regulation: (change words "center director and/or co-director" throughout)~~

(a) There shall be an operator or the primary caregiver ~~center director and/or center co-director(s)~~ responsible for the following:

- (i) Administration and management of the center;
- (ii) Safety and protection of the children;
- (iii) Development and implementation of policies and procedures;
- (iv) Communication with parents about the policies and procedures of the center;
- (v) Staff hiring, supervision and ongoing professional development; and
- (vi) Compliance with all applicable laws and regulations of the child care center.

(vii) Maintain an accurate record of daily attendance for each child.

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

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

(i) A bachelor's degree or advanced degree from a state-approved college or university in early childhood education, child development, child psychology or a related field that includes at least eighteen credit hours in child development and/or early childhood education;

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

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

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

(v) A High School Diploma or GED, and Early Childhood Development (ECD) 101 with 3 years' experience in a licensed, approved or registered child care facility. One year shall include supervision of child care staff.

114-513 K(3)(d) Add new regulation to read: Operators shall submit 3 letters of reference to be verified by the Department.

114-513 K(4) Teacher(s)/caregiver(s) Revise to read and match 114-503 K(4) in Child Care Centers regulation:

(a) Caregivers/Teachers shall meet the following:

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

(ii) A teacher/caregiver who began employment in a licensed or ~~approved~~ registered child care center in South Carolina after June 30, 1994, must have at least a high school diploma or General Educational Development Certificate (GED) and at least six months' documented experience as a teacher/caregiver in a licensed or ~~approved~~ registered 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' documented experience as a teacher/caregiver in a licensed or ~~approved~~ registered 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~~ registered 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~~ registered child care facility; or

(iii) A teacher/caregiver who has two years' experience as a teacher/caregiver in a licensed or ~~approved~~ registered facility and was employed as of July 1, 1994, in a licensed or ~~approved~~ registered child care center in

South Carolina is exempt from the high school diploma, General Education Development (GED), and Certificate of Completion requirements of (ii) above.

(b) Exception: A teacher/caregiver with an undergraduate degree from a state approved college or university in early childhood, child development, elementary education, or a related field may begin working with the children immediately without additional supervision as long as they have ~~60 days'~~ documented field experience with a group of children aged 0-8.

(c) Exception: A teacher/caregiver may be 17 years of age if he/she has received his/her GED or high school diploma and is continuously supervised by a qualified teacher/caregiver who is in the room at all times.

(d) 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.

114-513 K(5) Professional development Revise to read and make same revisions in 114-503 K(5) in the Child Care Center regulation:

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

- (i) Specific job duties and responsibilities;
- (ii) The requirements of this chapter related to their job; and
- (iii) The policies and procedures of the center that affect the health and safety of children.

(b) The operator shall participate in at least fifteen clock hours of approved training annually and the staff should participate in 10 clock hours. At least five clock hours shall be related to program administration and at least five clock hours shall be in child growth and development and/or health and safety ~~excluding including~~ first aid and CPR training. Infant/child first aid and CPR training provided by a Department recognized health organization shall count for three hours of training in the topic area of health and safety each year that the training is completed. The remaining hours shall come from the following areas: Curriculum, Nutrition, Special Needs, Child Guidance, Professional Development, or other areas approved by the Department, and must include blood-borne pathogens training as required by OSHA. Operators who receive training in excess of twenty hours per year may carry over eight hours and staff may carry over 5 hours to the following year in the category earned. All newly approved Directors without previous Director experience in a licensed or registered childcare facility must take Director 101, or an equivalent, training within six months after approval date.

(c) All staff, with the exception of emergency person(s) and volunteer(s), providing direct care to the children shall participate in at least fifteen approved clock hours annually. The hours shall come from at least three of the following areas: child growth and development, curriculum, Child Guidance, Health and Safety, Nutrition, Special Needs, Professional Development, Program Administration, or other areas approved by the Department, and must include blood-borne pathogens training as required by OSHA. ~~CPR and first aid training do not count in the fifteen hours.~~ Infant/first aid and CPR training provided by a Department recognized health

organization shall count for three hours of training in the topic area of health and safety each year that the training is completed

(d) Caregivers who receive training in excess of ten hours per year may carry over ~~five~~ eight hours to the following year in the category earned.

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

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

(g) 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.

(h) At least one person ~~who is certified in pediatric first aid, including rescue breathing, CPR, and management of a blocked airway~~ with a current certificate for the provision of basic first aid and child infant cardiopulmonary resuscitation shall be present in the center at all times when children are in care, and during group outings or field trips. Certified training for basic first aid and child-infant cardiopulmonary resuscitation must include a hands-on skills component in order to meet the requirements as described in statutes and regulations for child care licensing. If the training includes on-line video instruction, there must be a certified instructor present in the room to demonstrate and observe proper techniques as performed by the students. No CPR/FA training may be approved that was obtained solely through online internet instruction. Proof of training must be in the form of an original certificate or card signed by the trainer. It is recommended that a CPR certified teacher be in each infant and toddler classroom at all times when children are in care. It is recommended that a CPR/first aid certified caregiver must always be present and immediately available when any child is eating. Training shall be provided by an individual who is certified as a trainer by a recognized health care organization.

Tammy Compton, Chair, then asked for a motion to accept all changes made to 114-513 D through 114-513 K(5)(h). Jessica Sharp made the motion and Rachel Ellis seconded, all in favor, none opposed, and the motion carried.

The committee will begin the next meeting with Section 114-514 Supervision.

The next tentative meetings are scheduled as follows:

- 1) January 11, 2024 10:00 am to 1:00 pm
- 2) February 9, 2024 10:00 am to 1:00 pm
- 3) March 14, 2024 10:00 am to 1:00 pm
- 4) April 11, 2024 10:00 am to 1:00 pm
- 5) May 23, 2024 10:00 am to 1:00 pm
- 6) June 13, 2024 10:00 am to 1:00 pm

Ms. Compton then asked for a motion to adjourn at 12:57 pm. Motion made by Chasity Lesley, seconded by Jessica Sharp, all in favor, none opposed, and motion carried.

