

# *Child Care Regulations in South Carolina*

## **Overview**

A summary of child care regulations in South Carolina.

- Types of care that must be licensed
- Types of care that must be registered
- Types of care that may operate without a license
- Age group definitions
- Subsidized child care
- Whom to contact
- Child abuse reporting
- Child care centers
- Large family child care homes
- Small family child care homes

Child care is regulated differently in every state and sometimes even in different counties or cities in the same state. In South Carolina, the Department of Social Services, Division of Child Care Services, licenses child care centers and group child care homes. It also registers all other family child care homes and some church-operated facilities. Other types of local regulations, such as zoning, health, building, and fire safety codes, may also apply to child care facilities.

This guide explains the level of quality required by child care regulations in South Carolina. Some child care programs in the state operate at this level and some well above it. As a parent, you have your own standards and will look for providers you trust to meet them. Over time, your informed consumer choice and cooperation with the licensing agency can help raise the quality of child care in your community.

Both the law and licensing requirements are subject to change. To ensure that you have accurate and complete information, check with the licensing office to see whether there have been any changes since the information in this guide was last updated.

## **Types of care that must be licensed**

Child care licensing is a type of regulatory activity in which the state authorizes an individual or a group to operate a child care facility. The South Carolina Department of Social Services, Division of Child Care Services, is responsible for monitoring compliance with state standards, establishing procedures for revoking a license, and providing appeal mechanisms.

In South Carolina, the following forms of child care must be licensed:

- *Child care centers*: full- or part-time care in a nonresidential setting for 13 or more children
- *Group child care homes*: full- or part-time care in a residence for seven to 12 children, including family members under 12 years old

### **Types of care that must be registered**

Registration is a form of regulation that typically emphasizes self-inspection by the caregiver and encourages active parental monitoring of facilities.

In South Carolina, family child care homes, as well as some religious facilities, must be registered, but may choose to be licensed.

- *Family child care homes*: full- or part-time care in a residence for one to six children, including family members under 12 years old
- *Child care centers operated by churches or religious entities*: full- or part-time care in a nonresidential setting for 13 or more children

These centers can be required to have licenses if they receive state or federal child care assistance.

More detailed information on child care centers, group child care homes, and family child care homes can be found later in this guide.

### **Types of care that may operate without a license or registration**

Some types of child care are not required to be licensed or registered by the state. There are no agencies investigating or regulating these providers, so be sure to thoroughly check a provider's background and experience before choosing this type of care.

In South Carolina, the following forms of child care are exempt from licensing or registration:

- Care provided in the child's home or by relatives
- Care in the provider's home for children of one family unrelated to the provider
- Any program for preschool and kindergarten children operating fewer than four hours a day or fewer than two days a week
- Summer camps
- Bible schools

Child care programs run by churches or other religious organizations that receive no public funds and have not applied for a license are less strictly regulated. When public schools run preschool programs, licensing rules do not apply because they fall under the jurisdiction of the Department of Education.

### **Age-group definitions**

- *Infant*: child under 12 months
- *Toddler*: child between 12 and 23 months
- *2-year-old*: child between 24 and 35 months
- *Preschooler*: child 3 or 4 years, but not yet eligible for public kindergarten
- *School-age*: child 5 years or older

### **Subsidized child care**

The South Carolina Department of Health and Human Services has a statewide system, funded by the Child Care and Development Fund (CCDF), which makes funds available to assist families with their weekly child care expenses. This program is named Advocates for Better Care (ABC). Aid to families depends not only on the need of the family but also on the availability of services. Income-eligible parents must be working, in school or in a training program. For further information about program availability and how to qualify, contact:

### **South Carolina Department of Social Services**

P.O. Box 1520

Columbia, SC 29202-1520

803-898-7601 or 803-898-2570 (for vouchers, in specific)

[www.state.sc.us/dss](http://www.state.sc.us/dss)

### **Whom to contact**

For more detailed information regarding child care regulations in South Carolina, to obtain a copy of the state standards, or to report licensing violations, contact:

### **South Carolina Department of Social Services**

Division of Child Care Licensing and Regulatory Services

2638 Two Notch Road, Suite 200

Columbia, SC 29204

803-253-4049

### **Child abuse reporting**

The staffs of all child care facilities are required to report known or suspected child abuse or neglect to the state or to police. To report suspected child abuse, contact the South Carolina Department of Social Services, Child Protective/Preventive Services at 803-898-7318.

## *Child care centers*

### **Licenses**

- Must be licensed and renewed every two years; regulations apply to profit, not-for-profit, and private centers.
- The regulations do not apply to educational facilities that operate solely for educational purposes from grade 1 or above; kindergarten programs for 5-year-olds; kindergarten or nursery schools operating no more than four hours per day, along with receiving children younger than legal school-age; other facilities operating less than four hours per day in a shopping center, on a nonroutine basis, and where the parents are in the immediate vicinity; summer day or resident camps, bible schools; facilities for the mentally challenged; or centers owned and operated by a church, religious denomination, college, or university that does not receive state or federal financial assistance.
- Must be at least 21 years old to obtain a child care license.
- License is required for centers with 13 or more children.
- License must be posted.
- Liability insurance is not required.

### **Staff:child ratios**

- Birth to 1 year: one staff for up to five children (1:5)
- 1 year: one staff for up to six children (1:6)
- 2 years: varies; one staff for up to seven, eight, or nine children (1:7, 1:8 or 1:9)
- 3 years: varies; one staff for up to 11, 12, or 13 children (1:11, 1:12 or 1:13)
- 4 years: varies; one staff for up to 16, 17, or 18 children (1:16, 1:17 or 1:18)
- 5 years: varies; one staff for up to 19, 20, or 21 children (1:19, 1:20 or 1:21)
- 6 to 12 years: one staff for up to 23 children (1:23)

Naptime and overnight care have less stringent ratios.

More stringent ratios are required for swimming and for mildly ill children.

### **Maximum group size**

- No requirements

### **Staff qualifications**

#### **Director**

- Must be at least 21 years old.

- Must have one of the following:
  - Four-year college degree in a child-related area with 18 credits in child development or early childhood education
  - Four-year college degree plus six months of experience
  - Two-year college degree in a child-related area with 18 credits in child development or early childhood education, and six months of experience
  - Child Development Associate (CDA) credential and one year of experience
  - High school diploma or general equivalency diploma (GED) plus three years of experience (one of which must be in a supervisory role)
  - Co-directors required if the program operates more than 12 hours per day
- All experience for a director or co-director must be in a licensed child care facility.

#### **Teacher**

- Must have one of the following:
  - Eighteen years of age, a high school diploma, and at least six months of experience
  - Direct supervision for six months by staff who has had one year of experience as a teacher
  - Six hours of training in child growth and development and family childhood education or be under direct supervision
  - Two years as a teacher as of July 1, 1994, or is exempt from the high school diploma
  - Bachelor's degree in child-related area; no supervision is needed
- May be 16 years old and supervised by a teacher at all times.
- Must attend an orientation.

#### **Assistant**

- Must have a high school diploma and six months of experience.
- Staff under 18 years old and with less than one year of experience must be supervised.
- Must be able to read and write.
- Must attend orientation.

#### **Staff training**

- Director must have 20 hours annually with at least five hours in child growth and development, early childhood education, and health and safety, and five hours in curriculum activities, nutrition, guidance, or professional development for

children. Also, must complete a course required by the Occupational Safety and Health Administration (OSHA) on blood borne pathogens.

- Staff must have 15 hours annually with at least five hours in child growth and development and five hours in curriculum activities for children. The remaining hours will be in guidance, health, safety, nutrition, or professional development, as well as the course required by OSHA in blood borne pathogens.

#### **CPR and first aid**

- One staff member with CPR and pediatric first-aid certification must be present at all times.
- Not included in staff training hours.

#### **Staff medical requirements**

- A health assessment form for each staff member from a health care provider; new assessments are required every four years.
- Tuberculosis (TB) test required (and must be negative result).
- Staff with a communicable disease or identified with boils, infected wounds, sores, or respiratory infections will not be able to work at the center.
- AIDS test is not required.
- Drug and alcohol tests are not required.

#### **Staff background checks**

- Director must have three written references from unrelated individuals.
- Fingerprinting, criminal, and child abuse background checks are required; no staff is permitted who has committed an act of child abuse or neglect.

#### **Discipline**

- Corporal punishment is permitted with written permission from parent on file in child's folder; signature of parent on the written discipline policy of the center is required.
- Humiliating or frightening children is not permitted.
- Punishment may not be associated with food, rest, or use of the bathroom.

#### **Parents' rights**

- Must receive copies of operating policies.
- Must receive copies of state regulations.
- Must have free and full access to the child.

- Policy for release of children must be discussed with the parents.

### **Health and safety requirements**

- Must have a plan for verifying the identity of an adult picking up child.
- Must place infants on their backs to sleep, unless parent provides a note from a physician.
- Must have a working phone.
- Must post emergency numbers by the phone.
- Must have access to a vehicle in case of emergency.
- Must store hazardous or toxic materials in an area inaccessible to children.
- Must surround any outdoor play areas or pools with a fence at least 4 feet high with a self-closing gate.
- Must have pets vaccinated.
- Must put screens on all windows and doors.
- Must have handrails on stairs.
- Must comply with health department regulations for use of swimming pools.
- Must have a lifeguard present during water activities.
- No firearms are allowed.
- Must have a first-aid kit.
- No smoking is allowed when any child is present.
- Must have 35 square feet of indoor play space per child and 75 square feet of outdoor space per child.
- Must have mechanical ventilation in rooms where children are in care or, at least, one operable window.
- Must ensure that windows are accessible to children under 5 years and are adjusted to limit opening to less than 6 inches.
- Must keep all areas well-lighted.
- Must have hot and cold running water.
- Must childproof electrical outlets.
- Must have one toilet for every 20 children and sinks at appropriate heights for the children; all must be cleaned at least once each day.

- Healthy animals that pose no threat to children are permitted; however, no animal is permitted in the same room if a child is allergic.
- If meals are provided, they must meet the USDA Child Care Program requirements.
- Must have a supply of nutritional food and drink in case the parent neglects to bring food.
- Must follow specific instructions on cleaning, handling, and storage of food, utensils, and equipment.

### **Child medical requirements**

- Must have a signed statement of child's health prior to admission, with current South Carolina certificate of immunizations and health insurance information.
- Screening for blood lead levels is not required.
- Must have written permission to administer medications and authorization from the parent to obtain emergency medical treatment and to participate in swimming activities.
- Must have emergency contact information for each child.

### **Transportation**

- Must have age-appropriate safety restraints in effect at all times when the vehicle is in motion.
- Must never leave a child unattended.
- Must have a commercial or regular driver's license.
- Must keep a first-aid kit and emergency contact information in the vehicle.

### **Care for sick children**

- The parents of any sick children must be notified immediately.
- The parents of all children potentially exposed to a serious communicable disease must be notified immediately.
- Mildly ill children may attend child care, but the center must have a written policy regarding inclusion with and exclusion from the other children. However, certain conditions listed in the South Carolina Department of Health and Environmental Control Exclusion Policy mandate procedures to be taken by the center.

## *Group child care homes*

### **Licenses**

- Must be licensed and renewed every two years; regulations apply to profit, not-for-profit, and private homes.
- The regulations do not apply to educational facilities that operate solely for educational purposes, from grade one or above; kindergarten programs for 5-year-olds; kindergarten or nursery schools operating no more than four hours per day, along with receiving children younger than legal school age; other facilities operating less than four hours per day in a shopping center, on a nonroutine basis, and where the parents are in the immediate vicinity; summer day or resident camps, bible schools; facilities for the mentally challenged; or centers owned and operated by a church, religious denomination, college, or university that does not receive state or federal financial assistance.
- Must be at least 21 years old to obtain a group child care license.
- License must be posted, along with any violations, in a prominent place in the home.
- Liability insurance is not required.

### **State inspection**

- Must receive a two-day notice before prelicensing and renewal inspections.
- Unannounced inspection may be made after a complaint.

### **Staff:child ratios**

- One staff for up to eight children (1:8), including no more than three infants. If attendance reaches nine or when four or more of the children are younger than 2 years old, an additional caregiver must be present.
- More stringent ratios apply when the children are swimming.

### **Maximum group size**

- May care for up to 12 children, including the provider's related children under 10 years old

### **Staff qualifications**

#### **Operator**

- Must be at least 21 years old.
- Must reside in the home.
- Must have one of the following:

- Four-year college degree in a child-related area, with at least 18 credits in childhood development or early childhood education
- Four-year college degree plus six months of experience in an approved child care facility
- Two-year college degree in a child-related area, with 18 credits in child development or early childhood education plus 6 months of experience in an approved child care facility
- CDA credential and one year of work experience in an approved child care facility
- High school diploma or GED plus three years of experience in an approved child care facility, including one year of supervision of children

#### **Teacher/caregiver**

- Must be at least 18 years old.
- Must have a high school diploma or GED, and be able to read and write.
- Must have six months of experience at an approved child care facility.
- If no diploma or GED, must be supervised for six months by a staff person with at least one year of experience as a caregiver at an approved child care facility.
- All caregivers must have six hours of training in child growth and development and early childhood education, and must continue to be supervised for one year by another approved caregiver.
- Any caregiver with 2 years of experience, who was employed as of July 1, 1994, in an approved facility is exempt from any diploma or GED requirements.
- Any caregiver with a bachelor's degree in a related child development field may begin working immediately without any supervision.

#### **Professional development**

- The operator must have 15 hours of training annually, including at least five hours in program administration, five hours in child growth and development, early childhood education, or health and safety. The remaining hours shall come from the following areas: safety, health, nutrition, guidance, or professional development, as well as OSHA's training in bloodborne pathogens.
- All staff must have 10 hours of training, of which four hours shall be in curriculum activities. The remaining areas can include curriculum activities, nutrition, guidance, or professional development, as well as OSHA's training in bloodborne pathogens.

**CPR and first aid**

- One person must be certified in pediatric first aid and CPR, and be present in the home at all times.

**Staff medical requirements**

- A health assessment form for each staff member from a health care provider; new assessments are required every four years.
- TB test required (and must be negative result).
- Staff with a communicable disease or identified with boils, infected wounds, sores, or respiratory infections will not be able to work at the center.
- AIDS test is not required.
- Drug and alcohol tests are not required.

**Staff background checks**

- Must have three references from unrelated persons.
- Fingerprinting, criminal, and child abuse background checks are required.

**Discipline**

- Corporal punishment is permitted with written permission from parent on file in child's folder; signature of parent on the written discipline policy of the center is required.
- Humiliating or frightening children is not permitted.
- Punishment may not be associated with food, rest, or use of the bathroom.

**Parents' rights**

- Must have free and full access to the child.
- Policy for release of children must be discussed with the parents.
- Must receive copies of operating policies.
- Must receive copies of state regulations.

**Health and safety requirements**

- Must comply with local ordinances.
- Must place infants on their backs to sleep, unless parent provides a note from a physician.
- Must have a plan for verifying the identity of an adult picking up child.
- Must have written parental consent for administration of medications.

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- Must keep a log of any medications given and must provide that log to the parents.
- Must keep separate records for each child.
- Must have a working phone.
- Must post emergency numbers.
- Must have emergency contact information for each child.
- Must have access to a vehicle in case of emergency.
- Must store hazardous or toxic materials in an area inaccessible to children.
- Must surround any outdoor play areas or pools with a fence at least 4 feet high with a self-closing gate.
- Must have pets vaccinated.
- Healthy animals that pose no apparent threat to the children are permitted; however if a child is allergic to any specific animal, that animal is not permitted in the same room.
- Must put screens on all windows and doors.
- Must have handrails on stairs.
- Must comply with health department regulations, including 4 foot fencing around swimming pools.
- Must not allow use of hot tubs, spas, or saunas.
- Must have a lifeguard present during water activities.
- Must have a first-aid kit.
- Must keep all areas well-lit.
- Must have hot and cold running water.
- Must have one flush toilet.
- Must have sinks at appropriate heights for the children; must clean sinks at least, once each day.
- Must not serve round, firm foods, such as hot dogs, grapes or nuts to children younger than 4 years old. (Hot dogs may be served if cut lengthwise and quartered or grapes if cut into halves.)
- Must store firearms, weapons, and ammunition in a locked cabinet or drawer.
- Must childproof electrical outlets.

- Must have 35 square feet of indoor play space per child.
- No smoking is allowed, except in designated areas.

#### **Child medical requirements**

- Must have a signed statement of child's health prior to admission, with current South Carolina certificate of immunizations and health insurance information.
- Must have parent's statement of child's physical and mental condition at the time of admission.
- Must have written permission to administer medications and authorization from the parent to obtain emergency medical treatment and to participate in swimming activities.
- Screening for blood lead levels not required.

#### **Transportation**

- Must have age-appropriate safety restraints in effect at all times when the vehicle is in motion.
- Must never leave a child unattended.
- Must have a commercial or regular driver's license.
- Must keep a first-aid kit and emergency contact information in the vehicle.
- Must have written consent for transportation given by the parents.

#### **Care for sick children**

- Mildly ill children may attend child care.

### *Family child care homes*

#### **Licenses**

- May be registered annually or licensed every two years.
- Licensed homes must follow regulations; registered homes are recommended to follow.
- Registration or license must be posted.
- Liability insurance is not required.

#### **State inspection**

- State relies on parents to monitor the quality of care in registered homes.
- Registered homes are not inspected; providers attest that they meet regulations.

- Licensed homes are inspected prior to licensing and twice a year.
- Inspections are made after a complaint in both registered and licensed homes.

**Staff:child ratios**

- No requirements

**Maximum group size**

- May care for up to six children, including the provider's own children under 12 years old.

**Staff qualifications**

**Provider**

- Must be at least 18 years old.
- Must reside in the home.

**Assistant**

- Must be at least 14 years old.
- Staff under 18 years old must be supervised.
- Must be able to read and write.

**Staff training**

- No preservice or ongoing training is required.

**CPR and first aid**

- Training is not required.

**Staff medical requirements**

- Annual medical exam if medical problem is apparent.
- TB test is required.
- No immunization requirements.
- AIDS test is not required.
- Drug and alcohol tests are not required.

**Staff background checks**

- Must have three references from unrelated persons.
- Fingerprinting, criminal, and child abuse background checks are required.
- All household members 15 years old and older must be fingerprinted.

### **Discipline**

- Corporal punishment is permitted with written permission from the parent on file in the child's folder.
- Humiliating or frightening children is not permitted.
- Punishment may not be associated with food, rest, or use of the bathroom.

### **Parents' rights**

- Must receive a copy of state regulations and procedures for filing a complaint.

### **Health and safety requirements**

- Must comply with local ordinances.
- Must have a working phone.
- Must post emergency numbers by the phone.
- No policy on smoking.

### **Child medical requirements**

- No immunization requirements for registered homes.
- Immunization records for licensed providers required.

## *Child care centers operated by churches or religious entities*

These centers follow similar guidelines to other child centers for number of children, staff:child ratio, safety, medical precautions, qualifications, training, etc., as regulated by the state. The only real difference is that these centers do not receive any state or federal funding, and the state only mandates registration. However, to receive state or federal funding, the center is required to obtain a license. The center may also voluntarily choose to pursue licensure.

Please see the child care center section for rules and regulations.