**South Carolina General Assembly**

120th Session, 2013-2014

**S. 442**

**STATUS INFORMATION**

General Bill

Sponsors: Senators Fair, Hutto and Jackson

Document Path: l:\council\bills\nbd\11141vr13.docx

Introduced in the Senate on February 27, 2013

Currently residing in the Senate Committee on **Judiciary**

Summary: Childcare facilities

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

2/27/2013 Senate Introduced and read first time ([Senate Journal‑page 11](file:///h:\SJ%20Archive\2013\02-27-13.docx))

2/27/2013 Senate Referred to Committee on **Judiciary** ([Senate Journal‑page 11](file:///h:\SJ%20Archive\2013\02-27-13.docx))

**VERSIONS OF THIS BILL**

[2/27/2013](file:///p:\pprever\2013-14\442_20130227.docx)

**A** **BILL**

TO AMEND SECTION 63‑13‑20, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEFINITION OF TERMS USED IN THE REGULATION OF CHILDCARE FACILITIES, SO AS TO DEFINE “SCHOOL VACATION AND SCHOOL HOLIDAY CAMPS FOR CHILDREN”; AND BY ADDING SECTION 63‑13‑220 SO AS TO MAKE CERTAIN EMPLOYEE CRIMINAL BACKGROUND CHECKS PROVISIONS APPLICABLE TO EMPLOYEES AND VOLUNTEERS WHO WORK AT SCHOOL VACATION AND SCHOOL HOLIDAY CAMPS; TO HAVE A CAREGIVER PRESENT AT ALL TIMES AT SCHOOL VACATION AND SCHOOL HOLIDAY CAMPS WHO IS CERTIFIED IN BASIC FIRST AID AND INFANT-CHILD CARDIOPULMONARY RESUSCITATION; AND TO HAVE A LIFEGUARD PRESENT AT ALL TIMES FOR SCHOOL VACATION AND SCHOOL HOLIDAY CAMPS THAT ALLOW CHILDREN TO HAVE ACCESS TO A BODY OF WATER.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 63‑13‑20 of the 1976 Code is amended to read:

“Section 63‑13‑20. For the purpose of this chapter:

(1) ‘Caregiver’ means any person whose duties include direct care, supervision, and guidance of children in a childcare facility.

(2) ‘Childcare’ means the care, supervision, or guidance of a child or children, unaccompanied by the parent, guardian, or custodian, on a regular basis, for periods of less than twenty‑four hours per day, but more than four hours, in a place other than the child’s or the children’s own home or homes.

(3) ‘Childcare center’ means any facility which regularly receives thirteen or more children for childcare.

(4) ‘Childcare facilities’ means a facility which provides care, supervision, or guidance for a minor child who is not related by blood, marriage, or adoption to the owner or operator of the facility whether or not the facility is operated for profit and whether or not the facility makes a charge for services offered by it. This definition includes, but is not limited to, day nurseries, nursery schools, childcare centers, group childcare homes, and family childcare homes. The term does not include:

(a) an educational facility, whether private or public, which operates 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 as defined in this chapter 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 on 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 weeks;

(f) summer resident camps for children;

(g) bible schools normally conducted during vacation periods;

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

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

(j) childcare centers and group childcare homes 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 childcare services; however, these facilities must comply with the provisions of Article 9, and Sections 63‑13‑60 and 63‑13‑110 and that these facilities voluntarily may elect to become licensed according to the process as set forth in Article 3 and Sections 63‑13‑30, 63‑13‑40, 63‑13‑70, 63‑13‑80, 63‑13‑90, 63‑13‑100, 63‑13‑160, and 63‑13‑170.

(5) ‘Childcare operator’ means the person, corporation, partnership, voluntary association, or other public or private organization ultimately responsible for the overall operation of a childcare facility.

(6) ‘Committee’ means the State Advisory Committee on the Regulation of Childcare Facilities, named under this chapter to advise the department on regulatory matters related to childcare facilities.

(7) ‘Complaint’ means a written statement reporting unsatisfactory conditions in a childcare facility.

(8) ‘Curriculum’ means and includes design of courses, teaching philosophy, methods, and activities.

(9) ‘Declaratory order’ means a written statement on the part of the department approving plans for construction or renovation ensuring against the imposition of more stringent regulations at a later date.

(10) ‘Deficiency correction notice’ means a written statement on the part of the department notifying a childcare facility which is not complying with any applicable regulations to correct the deficiencies stated in the notice within a reasonable time limit.

(11) ‘Department’ means the State Department of Social Services, the agency designated to administer the regulation of childcare facilities under this chapter, with the advice of the State Advisory Committee on the Regulation of Childcare Facilities.

(12) ‘Director’ means the administrative head of the department.

(13) ‘Family childcare home’ means a facility within a residence occupied by the operator in which childcare is regularly provided for no more than six children, unattended by a parent or legal guardian, including those children living in the home and children received for childcare who are related to the resident caregiver. However, an occupied residence in which childcare is provided only for a child or children related to the resident caregiver or only for the child or children of one unrelated family or only for a combination of these children is not a family childcare home.

(14) ‘Group childcare home’ means a facility within a residence occupied by the operator which regularly provides childcare 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 childcare who are related to the resident caregiver. However, an occupied residence in which childcare is provided only for a child or children related to the resident caregiver or only for the child or children of one unrelated family or only for a combination of these children is not a group childcare home.

(15) ‘Infant’ means a child age twelve months or younger for the purposes of this chapter.

(16) ‘Minor child’ means a person who has not reached the eighteenth birthday.

(17) ‘Private childcare facility’ means a facility as defined under item b. of this section which is not a public childcare facility, and which is able to be further classified as follows:

(a) ‘Entrepreneurial childcare facility’ means a facility whose childcare operator may receive public assistance funds directly or indirectly but which is managed as a profit‑making business enterprise and whose corporation or private ownership is liable for payment of federal and state income taxes on profits earned by the facility.

(b) ‘Nonprofit childcare facility’ means a facility whose childcare operator may receive public assistance funds directly or indirectly but which is operated under the tutelage and control of a nonprofit or eleemosynary corporation, foundation, association, or other organization whose ownership may or may not be liable for payment of federal and state income taxes on profits earned by the facility.

(18) ‘Provisional approval’ means a written notice issued by the department to a department, agency, or institution of the State, or a county, city, or other political subdivision approving the commencement of the operations of a public childcare center or group childcare home although the operator is temporarily unable to comply with all of the requirements for approval.

(19) ‘Provisional license’ means a license issued by the department to an operator of a private childcare center or group childcare home or a family childcare home which elects to be licensed authorizing the licensee to begin operations although the licensee temporarily is unable to comply with all of the requirements for a license.

(20) ‘Public childcare facility’ means a facility as defined under item b of this section which was created and exists by act of the State, or a county, city or other political subdivision, whose operation remains under the tutelage and control of a governmental agency.

(21) ‘Registration’ means the process whereby childcare centers and group childcare homes owned and operated by a church or a publicly recognized religious educational or religious charitable institution are regulated under this chapter and the process whereby all family childcare homes are regulated under this chapter.

(22) ‘Regular approval’ means a written notice issued by the department for a two‑year period to a department, agency, or institution of the State, or a county, city, or other political subdivision, approving the operation of a public childcare center or group childcare home in accordance with the provisions of the notice, this chapter, and the regulations of the department.

(23) ‘Regular license’ means a license issued by the department for two years to an operator of a private childcare center or group childcare home or a family childcare home which elects to be licensed showing that the licensee is in compliance with the provisions of this chapter and the regulations of the department at the time of issuance and authorizing the licensee to operate in accordance with the license, this chapter, and the regulations of the department.

(24) ‘Regularly, or on a regular basis’: these terms refer to the frequency with which childcare services are available and provided at a facility in any one week; these terms mean the availability and provision of periods of daycare on more than two days in such week.

(25) ‘Related’ means any of the following relationships by marriage, blood, or adoption: parent, grandparent, brother, sister, stepparent, stepsister, stepbrother, uncle, aunt, cousin of the first degree.

(26) ‘Renewal’ means in regard to childcare centers and group childcare homes, to grant an extension of a regular license or regular approval for another two‑year period provided an investigation of such facilities verifies that they are in compliance with the applicable regulations, in regard to family childcare homes, to place the name of the operator on the registration list for another year provided procedures indicated in this chapter have been completed.

(27) ‘Revocation’ means to void the regular license of a childcare center or group childcare home.

(28) ‘School vacation or school holiday day camps for children’ are day camps that:

(a) operate only during traditional school vacation and traditional school holiday periods;

(b) do not care for infants and toddlers; and

(c) operate 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 weeks.

(29) ‘Summer day camp for children’ means a program offered during the summer that provides recreational activities primarily during daytime hours throughout the period of the program and may include an occasional overnight activity under the supervision of the operator.

~~(29)~~(30) ‘Summer resident camp for children’ means a twenty‑four‑hour residential program offered during the summer that provides recreational activities for children.”

SECTION 2. Article 1, Chapter 13, Title 63 of the 1976 Code is amended by adding:

“Section 63‑13‑220. (A) A school vacation or school holiday day camp for children shall comply with Sections 63‑13‑40, 63‑13‑45, 63‑13‑50, and 63‑13‑60, regarding requirements for employee criminal background checks; provided, however, the requirements of those sections apply to employees and volunteers working at school vacation and school holiday camps.

(B)(1) During the hours of operation, school vacation and school holiday day camps for children shall have on the premises at least one caregiver with a current certificate for the provision of basic first aid in infant-child cardiopulmonary resuscitation.

(2) If a school vacation or school holiday camp for children has access to a pool, pond, lake, or other body of water, the camp shall ensure that a lifeguard is present at all times the children have access to the body of water. For purposes of this section, ‘lifeguard’ means a person having the qualifications of and possessing a current American Red Cross, YMCA, or equivalent lifeguard certificate, and who possesses a current certificate for the provision of basic first aid in infant-child cardiopulmonary resuscitation.”

SECTION 3. This act takes effect upon approval by the Governor.

‑‑‑‑XX‑‑‑‑