

SOUTH CAROLINA STATE REGISTER DISCLAIMER

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SOUTH CAROLINA STATE REGISTER

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This issue contains notices, proposed regulations, emergency regulations, final form regulations, and other documents filed in the Office of the Legislative Council, pursuant to Article 1, Chapter 23, Title 1, Code of Laws of South Carolina, 1976.

SOUTH CAROLINA STATE REGISTER

An official state publication, the *South Carolina State Register* is a temporary update to South Carolina's official compilation of agency regulations--the *South Carolina Code of Regulations*. Changes in regulations, whether by adoption, amendment, repeal or emergency action must be published in the *State Register* pursuant to the provisions of the Administrative Procedures Act. The *State Register* also publishes the Governor's Executive Orders, notices or public hearings and meetings, and other documents issued by state agencies considered to be in the public interest. All documents published in the *State Register* are drafted by state agencies and are published as submitted. Publication of any material in the *State Register* is the official notice of such information.

STYLE AND FORMAT

Documents are arranged within each issue of the *State Register* according to the type of document filed:

Notices are documents considered by the agency to have general public interest.

Notices of Drafting Regulations give interested persons the opportunity to comment during the initial drafting period before regulations are submitted as proposed.

Proposed Regulations are those regulations pending permanent adoption by an agency.

Pending Regulations Submitted to the General Assembly are regulations adopted by the agency pending approval by the General Assembly.

Final Regulations have been permanently adopted by the agency and approved by the General Assembly.

Emergency Regulations have been adopted on an emergency basis by the agency.

Executive Orders are actions issued and taken by the Governor.

2003 PUBLICATION SCHEDULE

Documents will be accepted for filing on any normal business day from 8:30 A.M. until 5:00 P.M. All documents must be submitted in the format prescribed in the *Standards Manual for Drafting and Filing Regulations*.

To be included for publication in the next issue of the *State Register*, documents will be accepted no later than 5:00 P.M. on any closing date. The modification or withdrawal of documents filed for publication must be made by **5:00 P.M.** on the closing date for that issue.

	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Submission Deadline	1/10	2/14	3/14	4/11	5/9	6/13	7/11	8/8	9/12	10/10	11/14	12/12
Publishing Date	1/24	2/28	3/28	4/25	5/23	6/27	7/25	8/22	9/26	10/24	11/28	12/26

REPRODUCING OFFICIAL DOCUMENTS

Documents appearing in the *State Register* are prepared and printed at public expense. Media services are encouraged to give wide publicity to documents printed in the *State Register*.

PUBLIC INSPECTION OF DOCUMENTS

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ADOPTION, AMENDMENT AND REPEAL OF REGULATIONS

To adopt, amend or repeal a regulation, an agency must publish in the *State Register* a Notice of Drafting; a Notice of the Proposed Regulation that contains an estimate of the proposed action's economic impact; and, a notice that gives the public an opportunity to comment on the proposal. If requested by twenty-five persons, a public hearing must be held at least thirty days after the date of publication of the notice in the *State Register*.

After the date of hearing, the regulation must be submitted to the General Assembly for approval. The General Assembly has one hundred twenty days to consider the regulation. If no legislation is introduced to disapprove or enacted to approve before the expiration of the one-hundred-twenty-day review period, the regulation is approved on the one hundred twentieth day and is effective upon publication in the *State Register*.

EMERGENCY REGULATIONS

An emergency regulation may be promulgated by an agency if the agency finds imminent peril to public health, safety or welfare. Emergency regulations are effective upon filing for a ninety-day period. If the original filing began and expired during the legislative interim, the regulation can be renewed once.

REGULATIONS PROMULGATED TO COMPLY WITH FEDERAL LAW

Regulations promulgated to comply with federal law are exempt from General Assembly review. Following the notice of proposed regulation and hearing, regulations are submitted to the *State Register* and are effective upon publication.

EFFECTIVE DATE OF REGULATIONS

Final Regulations take effect on the date of publication in the *State Register* unless otherwise noted within the text of the regulation.

Emergency Regulations take effect upon filing with the Legislative Council and remain effective for ninety days. If the original ninety-day period begins and expires during legislative interim, the regulation may be refiled for one additional ninety-day period.

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 South Carolina General Assembly Home Page: www.scstatehouse.net

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2726		SR27-3	School Incentive Reward Program	2-23-03	Board of Education
2709		SR27-3	Nonpublic Postsecondary Institutions	2-25-03	Commission on Higher Education
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2727		SR27-5	Witchweed Quarantine	4-15-03	Clemson University
2733		SR27-5	Examination	4-21-03	LLR: Board of Chiropractic Examiners
2732		SR27-5	Advertising and Solicitation	4-21-03	LLR: Board of Chiropractic Examiners
2712		SR27-5	Residential Group Care Organizations for Children	5-05-03	Department of Social Services
2730	R71	SR27-5	Criminal Justice Academy Training Regulations	5-06-03	Department of Public Safety
2728			Transfer of Duties and Responsibilities	5-13-03	LLR: Board for Barrier Free Design
2738			Examination Fees	5-13-03	LLR: Board of Accountancy
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2734			Hazardous Waste Management	5-13-03	Department of Health and Envir Control
2740			Elevator Certification, Construction and Inspection Fees	5-13-03	LLR: Office of Elevator and Amusement Ride Safety
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2752			South Carolina HOPE Scholarship	5-13-03	Commission on Higher Education
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2789	R54	SR27-5	General Retention Schedule for State Colleges and Universities	5-13-03	Department of Archives
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2823	S C. Patients' Compensation Fund	7 03 03	Dept of Insurance
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2829	Residential Care Facility Administration	8-14-03	LLR: Board of Long Term Health Care Administrators
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2832	Business Enterprise Program	9-02-03	Commission for the Blind

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2822	3-26-03	General-Food Stamp Program	6-26-03 Dept Social Services

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2801	2-19-03	Individual Sewage Treatment and Disposal Systems	5-29-03 Dept of Health and Envir Control
2800	4-02-03	Environmental Protection Fees	5-20-03 Dept of Health and Envir Control
2753	5-08-03	LIFE Scholarship Program	5-13-03 Commission on Higher Education

WITHDRAWN:

DOC NO.	DATE	SUBJECT	AGENCY
2360	8 16 02	LIFE Scholarship	1-15-03 Commission on Higher Education
2792	2-18-03	Career or Technology Centers/Comprehensive High Schools	5-13-03 Board of Education

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

In accordance with Section 44-7-200(C), Code of Laws of South Carolina, the public is hereby notified that a Certificate of Need application has been accepted for filing and publication May 23, 2003, for the following project(s). After the application is deemed complete, affected persons will be notified that the review cycle has begun. For further information, please contact Mr. Albert N. Whiteside, Director, Division of Planning and Certification of Need, 2600 Bull St., Columbia, SC 29201 at (803) 545-4200.

Affecting Anderson County

Construction of an ambulatory surgery center with two (2) endoscopy rooms restricted for gastroenterology procedures only.

AnMed Enterprises, Inc./Upstate Endoscopy Center, Inc. dba Endoscopy Center LLC

Anderson, South Carolina

Project Cost: \$1,376,493

Affecting Calhoun and Orangeburg County

Provision of mobile Positron Emission Tomography (PET) services for two days a week at The Regional Medical center of Orangeburg and Calhoun Counties.

The Regional Medical Center of Orangeburg & Calhoun Counties

Orangeburg, South Carolina

Project Cost: \$680,833

Affecting Florence County

Replacement of current single slice Computed Tomography (CT) scanner with a GE Lightspeed 16-slice CT scanner.

Carolinas Hospital System

Florence, South Carolina

Project Cost: \$1,254,410

Affecting Greenville County

Relocate Patewood Surgery Center from 10 Enterprise Drive to 135 Commonwealth Drive in Greenville, South Carolina.

Patewood Surgery Center

Greenville, South Carolina

Project Cost: \$2,886,317

Affecting Lexington County

Establish an Ambulatory Surgery Center with two (2) Endoscopy procedure rooms (ORs).

Midlands Endoscopy Center, LLC

Irmo, South Carolina

Project Cost: \$1,371,140

4 NOTICES

Affecting Richland County

Replacement of two(2) single-slice Computed Tomography (CT) scanners with two (2) multi-slice CT scanners.
Palmetto Richland Memorial Hospital
Columbia, South Carolina
Project Cost: \$1,961,250

In accordance with S.C. DHEC Regulation 61-15, the public and affected persons are hereby notified that the review cycle has begun for the following project(s) and a proposed decision will be made within 60 days beginning May 23, 2003. "Affected persons" have 30 days from the above date to submit comments or requests for a public hearing to Mr. Albert N. Whiteside, Director, Division of Planning and Certification of Need, 2600 Bull Street, Columbia, S.C. 29201. For further information call (803) 545-4200.

Affecting Anderson County

Construction of an ambulatory surgery center with two (2) endoscopy rooms restricted for gastroenterology procedures only.
AnMed Enterprises, Inc./Upstate Endoscopy Center, Inc. dba Endoscopy Center, LLC
Anderson, South Carolina
Project Cost: \$1,376,493

Affecting Horry County

Provide Positron Emission Tomography (PET) imaging services to Conway Medical Center for two (2) days per week.
Conway Medical Center
Conway, South Carolina
Project Cost: \$739,772

Affecting Lexington County

Establish an Ambulatory Surgery Center with two (2) Endoscopy procedure rooms (ORs).
Midlands Endoscopies Center, LLC
Irmo, South Carolina
Project Cost: \$1,371,140

Affecting Richland County

Establishment of a freestanding diagnostic imaging center to include a 1.0T MRI unit, CT scanner, and other diagnostic modalities.
Palmetto Health Alliance Diagnostic Imaging Center
Columbia, South Carolina
Project Cost: \$7,773,451

Affecting Richland County

Relocation and expansion of an existing Ambulatory Surgery Center to add two (2) Endoscopy Procedure rooms (ORs) for a total of four (4) Endoscopy Procedure rooms (ORs).
South Carolina Medical Endoscopy Center
Columbia, South Carolina
Project Cost: \$1,840,689

Affecting York County

Construction of a 16-bed hospice facility.
 Carolina Community Care, Inc. dba Hospice and Community Care
 Rock Hill, South Carolina
 Project Cost: \$4,124,978

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

Notice of Opportunity for Public Input into the Title V MCH Block Grant Application

The SC Department of Health and Environmental Control is requesting public input into the 2004 Title V MCH Block Grant application.

The purpose of the MCH Block Grant is to improve the health of all mothers and children, including children with special health care needs.

The grant funds activities in the areas of access to quality maternal and child health services, prenatal, delivery, and post-partum care for at-risk, low income women, reduction of infant mortality and handicapping conditions among children, immunizations, rehabilitation services, and the promotion of family-centered, community-based coordinated care for children with special health care needs.

Providers, participants, families, advocates and others are encouraged to submit comments concerning the proposed plans for utilization of these funds. Comments received will be incorporated into the grant and submitted as part of the application. Comments can be submitted by:

Electronically reviewing the current MCH Block Grant (FFY'03) application linked from the SC-DHEC MCH web page at <http://www.scdhec.net/hs/mch/mch.htm>

Reviewing the FFY'04 Draft Application at:

Jones, Room O-425
 MCH Bureau, Mills Building
 1751 Calhoun Street
 Columbia, SC 29201-2106

Sending comments to the MCH Bureau Office at the above address.

Comments must be received by June 15, 2003

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL

PUBLIC NOTICE

Section IV of R.61-98, the State Underground Petroleum Environmental Response Bank (SUPERB) Site Rehabilitation and Fund Access Regulation, requires that the Department of Health and Environmental Control evaluate and certify site rehabilitation contractors to perform site rehabilitation of releases from underground storage tanks under the State Underground Petroleum Environmental Response Bank (SUPERB) Act. Pursuant to Section IV.B.1., the Department is required to place a list of those contractors requesting certification on public notice and accept comments from the public for a period of thirty (30) days. If you wish to provide comments regarding the companies and individuals listed below, please submit your comments in writing, no later than June 23, 2003 to:

6 NOTICES

Contractor Certification Program
South Carolina Department of Health and Environmental Control
Underground Storage Tank Program
Attn: Barbara Boyd
2600 Bull Street
Columbia, SC 29201

The following companies and individuals have applied for certification as Underground Storage Tank Site Rehabilitation Contractors:

Class I

ATC Associates, Inc. – Charlotte
EnviroAssessments, PLLC

Class II

DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL
CHAPTER 61

Statutory Authority: S.C. Code Section 44-7-265

Notice of Drafting:

The Department of Health and Environmental Control proposes to draft new regulations establishing regulations for licensing of freestanding or mobile technology. Interested persons may submit written comments to Dennis L. Gibbs, Director, Division of Health Licensing, S.C. Department of Health and Environmental Control, 2600 Bull Street, Columbia, S.C. 29201. To be considered, all comments must be received no later than 5:00 p.m., June 23, 2003, the close of the drafting comment period.

Synopsis:

The S.C. Code of Laws (Section 44-7-265) establishes requirements for the promulgation of regulations for freestanding or mobile technology that will include at a minimum: 1) standards for the maintenance and operation of freestanding or mobile technology to ensure the safe and effective treatment of persons served; 2) a description of the professional qualifications necessary for personnel to operate the equipment and interpret the test results; 3) minimum staffing requirements to ensure the safe operation of the equipment and interpret the test results; and 4) that all freestanding or mobile technology must be in conformance with professional organizational standards. The proposed regulation will be written to include the above and additionally, but not be limited to: definitions; licensing requirements; reporting requirements; patient record content; enforcement action procedures; policies/procedures; quality improvement standards; infection control; tuberculin screening requirements; medication management; and a severability clause.

Legislative review of this proposal will be required.

DEPARTMENT OF NATURAL RESOURCES
CHAPTER 123

Statutory Authority: 1976 Code Sections 50-15-30, 50-15-40, 50-15-50 and 50-15-70

Notice of Drafting:

The South Carolina Department of Natural Resources is proposing to amend the existing regulations that list endangered species and non-game species in need of management in South Carolina. The Department will also amend the existing regulation for management of non-game wildlife in South Carolina.

Any person interested may submit written comments to William S. McTeer, Deputy Director, Wildlife & Freshwater Fisheries Division, S.C. Department of Natural Resources, Post Office Box 167, Columbia, SC 29202.

Synopsis:

The proposed amendments will change the composition of both the list of species in need of management and the endangered species list for South Carolina. The Department proposes to remove the indigo snake from the list of endangered species, and add the southern hognose snake, yellowbelly turtle, Florida cooter, river cooter, chicken turtle, spiny softshell turtle, Florida softshell turtle and snapping turtle to the list of species in need of management. The Department will amend the regulation concerning management of non-game wildlife to regulate the take, possession and sale of the newly listed species. In addition the Department will correct several names of currently listed species to reflect recent changes in their taxonomy.

8 DRAFTING

DEPARTMENT OF LABOR, LICENSING, AND REGULATION OCCUPATIONAL HEALTH AND SAFETY REVIEW BOARD

CHAPTER 127

Statutory Authority: 1976 Code Section 41-15-610(a)

Notice of Drafting:

The Department of Labor, Licensing, and Regulation, South Carolina Occupational Health and Safety Review Board proposes to amend Regulation 127-1.6. Interested persons may submit comments to Joan Wilkie, Administrative Law Clerk, South Carolina Department of Labor, Licensing, and Regulation, South Carolina Occupational Health and Safety Review Board, Post Office Box 11329, Columbia, South Carolina 29211-1329.

Synopsis:

The South Carolina Occupational Health and Safety Review Board proposes to amend current regulation 127-1.6. to conform with the current South Carolina Occupational Health and Safety Review Board and deter abuse of the administrative procedure for review of citations. The proposed change includes increasing the one hundred (\$100) dollar fine to three hundred fifty (\$350) dollars which may be assessed against a defaulting party to defer the costs of scheduling hearings and to deter parties from requesting unnecessary hearings.

Document No. 2841
FORESTRY COMMISSION
 CHAPTER 55

Statutory Authority: 1976 S. C. Code Sections 48-23-10 et seq. and Section 50-1-90

55-1. General Regulations on S. C. Forestry Commission Lands.

Preamble:

The South Carolina Forestry Commission is proposing to repeal R.55.1, General Regulations and Hunting Regulations in the Area known as Manchester State Forest in Sumter County, R.55-2, General Regulations and Hunting Regulations in the Area known as Cassatt State Forest in Kershaw County, R.55.3, General Regulations and Hunting Regulations in the Area known as Sand Hills State Forest in Chesterfield County, R.55.4, General Regulations and Hunting Regulations in the Area known as Harbison State Forest in Richland County, and R.55.5, Hunting and Fishing regulations in the Area known as C. H. Niederhof Seed Orchard in Jasper County and replace with new R.55.1, "General Regulations on South Carolina Forestry Commission Lands." The proposed new regulation combines, under one regulation, the general rules and regulations for hunting, fishing and recreational activities on all S. C. Forestry Commission lands.

Notice of Drafting for the new regulation was published in the State Register on April 25, 2003.

Notice of Public Hearing and Opportunity for Public Comment:

Interested members of the public and forestry community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the South Carolina Forestry Commission at its regularly scheduled meeting on August 7, 2003 at 10:00 a.m. at the Commission's Environmental Education Center on Harbison State Forest, 5600 Broad River Road, Columbia, SC. Persons desiring to make oral comments at the hearing are asked to limit their statements to five minutes or less, and are asked to provide written copies of their presentation for the record.

Interested persons are also provided an opportunity to submit written comments on the proposed regulation by writing Joel Felder, at the South Carolina Forestry Commission, P. O. Box 21707, Columbia, SC 29221. Comments must be received no later than 5:00 p.m. on August 5, 2003. Comments received by the deadline shall be submitted to the Commission in a summary of public comments for consideration at the public meeting.

Preliminary Fiscal Impact Statement:

There will be no increased costs to the State.

Statement of Need and Reasonableness:

The S. C. Forestry Commission is charged with promoting a proper appreciation by the public of the advantages of forestry and the benefits to be derived from forests. S.C. Forestry Commission lands are managed for multi-use benefits and area generally made available for public use. The new regulation addresses expanded use of these lands for use by the public.

Repealed Regulations 55-1, 55-2, 55-3, 55-4, 55-5 were approved at various times beginning in 1975 as acreage was acquired by the S. C. Forestry Commission. The new regulation is an attempt to bring uniformity and conformity to rules and regulations for all S. C. Forestry Commission lands. The new regulation will also conform to the Department of Natural Resources' Wildlife Management Area (WMA) regulations where S. C. Forestry Commission lands are leased in the WMA program.

10 PROPOSED REGULATIONS

DESCRIPTION OF REGULATION: 55-1, General Regulations on South Carolina Forestry Commission Lands.

Purpose: The proposed regulation combines, under one regulation, the general rules and regulations for hunting, fishing and recreational activities on all South Carolina Forestry Commission lands.

Legal Authority: Sections 48-23-10 et. seq. and 50-1-90, 1976 Code of Laws.

Plan for Implementation: The proposed new regulation will take effect upon approval by the General Assembly and publication in the *State Register*.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

The proposed regulation will conform hunting and fishing rules and regulations to the Department of Natural Resources' Wildlife Management Area program. The Forestry Commission currently leases acreage to DNR and the lands are managed under WMA regulations. Recreation activities on state forest lands have greatly increased and various activities have been expanded on Forestry Commission property. The new regulation will cover the various added recreational activities now being requested by the general public and simplify the public's awareness of state forest regulations.

DETERMINATION OF COSTS AND BENEFITS:

There should be no added costs to the state when this new regulation is adopted. The benefits will be conformity of regulations with WMA regulations and conformity on all Forestry Commission lands rather than having five sets of regulations.

UNCERTAINTIES OF ESTIMATES:

None

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:

Continued protection of Forestry Commission lands for public use and safety.

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:

None

Statement of Rationale:

The Statement of Rationale can be obtained from the S. C. Forestry Commission, 5500 Broad River Road, Columbia, S. C.

Text:

The full text of this regulation is available on the South Carolina General Assembly Home Page:

<http://www.scstatehouse.net/regnsrch.htm>. Full text may also be obtained from the promulgating agency.

Document No. 2787
DEPARTMENT OF ARCHIVES AND HISTORY
CHAPTER 12
Statutory Authority: 1976 Code Section 30-1-90(B)

12-601 through 12-611.7 General Retention Schedules for Municipal Records

Synopsis:

The General Assembly approved Regulation 12-601 through 12-611.7 (General Retention Schedules for Municipal Records) on June 25, 1993. The amendments will simplify the disposition process for municipal offices and departments; update series descriptions and retentions; and add new series under existing offices/departments.

12-601. Introduction and general matters; application of schedule.

New text indicates the general schedules cover information on all types of media. This additional wording is consistent with the definition of public records in the Freedom of Information Act (Section 30-4-20C) and the Public Records Act (Section 30-1-10A). Also, the process municipal offices will use to destroy records through use of the general schedules is being simplified. Offices will no longer be required to submit a request to use the general schedule form to the Department and have it reviewed and approved before being authorized to use the schedule to destroy their records. The new process will allow municipal offices to use the schedule and report destruction to the Department after records are destroyed. This new process for using the general schedule will be the same process municipal offices currently use when implementing schedules approved specifically for their office or department. This change will allow offices to use one form to report destruction through use of both general and specific schedules.

Subarticle 1. Administrative

12-601.13. The series description is being changed to eliminate reference to copies of several financial records since the record copy is scheduled in the finance department.

12-601.14 and 12-601.15 are being added to make it easier for municipalities to manage these records.

Subarticle 2. Building Inspections/Planning/Zoning

12-602.10 through 12-602.12 are being added to make it easier for municipalities to manage these records.

Subarticle 6. Fire

12-606.6. The series title and description are being amended to be more inclusive and the retention is being changed to match federal retention requirements.

12-606.7 through 12-606.10 are being added to make it easier for municipalities to manage these records.

Subarticle 7. Personnel

12-607.4. The series title is being changed to make it more accurate and to eliminate reference to a form number that has been changed. The retention is being changed to match federal retention requirements.

12-607.13. The retention is being changed to match retention of related series.

12-607.15 and 12-607.16 are being added to make it easier for municipalities to manage these records.

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Subarticle 8. Police

12-608.11. The series description is being changed to update reference to Department of Public Safety.

12-608.19. The retention is being changed to match federal retention requirements.

12-608.20 is being added to make it easier for municipalities to manage these records.

Subarticle 11. Utilities

12-611.8 through 12-611.11 are being added to make it easier for municipalities to manage these records.

Instructions:

Delete existing 12-601 and add new 12-601.

Delete existing 12-601.13 and add new 12-601.13.

Add 12-601.14 and 12-601.15 to end of Subarticle 1.

Add 12-602.10 through 12-601.12 to the end of Subarticle 2.

Delete existing 12-606.6 and add new 12-606.6.

Add 12-606.7 through 12-606.10 to the end of Subarticle 6.

Delete existing 12-607.4 and add new 12-607.4.

Delete existing 12-607.13 and add new 12-607.13.

Add 12-607.15 and 12-607.16 to the end of Subarticle 7.

Delete existing 12-608.11 and add new 12-608.11.

Delete existing 12-608.19 and add new 12-608.19.

Add 12-608.20 to the end of Subarticle 8.

Add 12-611.8 through 12-611.11 to the end of Subarticle 11.

Text:

12-601. Introduction and general matters; application of schedules.

The following general schedules contain minimum records retention periods for the official copy of the records. These retentions and dispositions apply regardless of physical format, i.e., paper, microfilm, electronic storage, digital imaging, etc. Convenience, informational or duplicate copies are not governed by this regulation and may be destroyed when no longer needed for reference. To destroy records in accordance with this regulation, municipal governments must complete and submit a report on records destroyed form to the Department of Archives and History after eligible records have been destroyed. These forms are available from the Department's Division of Archives and Records Management. Before disposing of public records under these general schedules, municipal governments should insure that the records have no further audit, legal, or fiscal value. These general schedules supersede all schedules approved previously for the same records series. However, municipal governments may opt out of these general schedules and request the continuing use of

existing schedules or the establishment of specific retention schedules for their records when appropriate, necessary, or in order to avoid conflict with other laws or regulations.

Subarticle 1. Administrative

12-601.13. General Correspondence and Subject Files

A. Description: Copies of incoming and outgoing correspondence to and from the office with businesses and other government offices and citizens, reports, technical papers, studies, reference materials, copies of ordinances, resolutions, and other records created or received in the general administration of a program or in the management of the office. For the purposes of retention scheduling, the files are broken down as follows:

(1) Policy and Program Records: These records document the formulation and adoption of policies and procedures and the implementation or management of the programs or functions of the office or department. Included are such records as correspondence with citizens and government officials regarding policy or procedures development or program administration; annual or ad hoc narrative or statistical reports on program activities, achievements or plans; organizational charts and mission statements; studies regarding department or office operations; circular letters, directives or similar papers addressed to subordinate units or staff concerning policies, procedures or programs; and records related to significant events in which the department or office participated. Records may include photographs, published material, audio tapes, or other record forms.

(2) General Administrative Records: These records are of a general facilitative nature created or received in the course of administering programs. Included are such records as correspondence of a routine or repetitive type, such as requests for information; reference materials, sometimes of a technical nature, used, but not created by, the office; daily, weekly or monthly office activity reports which are summarized in annual reports or which relate to routine activities; personnel data on office staff which are duplicated in Personnel Office files; daily or weekly work assignments for office staff; suspense or follow-up files which duplicate copies of papers filed elsewhere; circular letters, directives or similar papers received from other offices; and rough drafts or notes created in compiling reports or studies.

(3) General Housekeeping Files: These records are of a general "housekeeping" nature created or maintained by an office which do not relate directly to the primary program responsibility of the office. Included are such records as: charitable fund raising drive materials; custodial services requests; emergency evacuation procedures; notices of holidays; parking space assignment lists; telephone installation requests; and lists showing the distribution of keys.

B. Retention:

(1) Policy and Program Records: Permanent. Microfilm optional.

(2) General Administrative Records: 5 years, then destroy.

(3) General Housekeeping Files: Until no longer needed for reference, then destroy.

12-601.14. Election Records

A. Description: Record of elections and results of elections. Information includes declaration of results, oath of office, statements of candidacy, registration, newspaper notices, petitions for nomination of council members and mayor.

B. Retention:

(1) Results and Certifications: Permanent. Microfilm optional.

(2) Other Records: 2 years, and until all contested elections have been decided and all appeals exhausted, then destroy.

12-601.15. Monthly Reports

A. Description: Reports of office activities performed during the month. Information includes department name, month and list of activities for each month.

B. Retention: 2 years, then destroy.

Subarticle 2. Building Inspections/Planning/Zoning

12-602.10. Certificate of Occupancy

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A. Description: Certifications made by the department that a building complies with municipal codes and is safe for occupancy. Information includes type of building, permit number, type of construction, owner of building, address, contractor name, date built and certified in compliance with code.

B. Retention: Permanent. Microfilm optional.

12-602.11. Subdivision Files

A. Description: Records used in the review of subdivision plans to insure construction is according to plan. Information includes correspondence, copies of subdivision Declaration of Covenants, Conditions, Easements, and Restrictions, Field Investigation Reports and Final Inspection/Acceptance of Completed Work notifications, Inspection, Investigation Reports and Permits to Operate from the Department of Health and Environmental Control, cost proposals, plats, drawings, information on contractors, and related notes.

B. Retention: Permanent. Microfilm optional.

12-602.12. Subdivision Maps/Plats

A. Description: Plats of subdivision lots in the municipality, submitted by the property owner and recorded in the county register of deeds office. Information includes location, boundaries and divisions, date of survey, certificate of surveyor, scale, property owners, date of recording and plat.

B. Retention: Permanent. Microfilm optional.

Subarticle 6. Fire

12-606.6. Employee/Volunteer Training Records

A. Description: Record of all training classes taken by fire department employees and volunteers. Information includes employee name; date; type of training such as typing, hazardous material, pump operations, basic fire fighting, and truck operations.

B. Retention: 3 years from the date on which training occurred, then destroy.

12-606.7. Arson Files

A. Description: Record of fires caused by arson that occurred in the municipality. Information includes name, statements, investigative notes, date of occurrence, State Law Enforcement Division Lab Reports, and address of fire.

B. Retention: 10 years, then destroy.

12-606.8. Fire Inspection Reports

A. Description: Documents safety inspections made by the fire department of businesses within the municipality. Information includes date, location of inspection, building function, occupancy, capacity, last inspection date, personnel conducting inspection, business phone, tenants name and phone number, description of structure, comments, violations and mandated corrections.

B. Retention: 3 years, then destroy.

12-606.9. Daily Logs

A. Description: Summarizes daily activities of the fire department. Information includes fire calls, activities, time and date, employees worked, and employees off.

B. Retention: 3 years, then destroy.

12-606.10. Volunteer Personnel Files

A. Description: Record of volunteers working for the fire department. Information includes applications, physicals, service awards, and related correspondence and documentation.

B. Retention: 5 years after termination of service, then destroy.

Subarticle 7. Personnel

12-607.4. Log and Summary of Occupational Injuries and Illnesses

A. Description: Record required by the Occupational Safety and Health Act of 1970, used to record pertinent information concerning work-related deaths, injuries, and illness. Information includes annual average employment, total hours worked, nature of business, month of OSHA Inspection, recordable injuries and illness, occupational illness and injury, and title, signature, phone number, date, and comments of person preparing report. These reports are forwarded to the South Carolina Department of Labor.

B. Retention: 5 years following the end of the calendar year to which they relate, then destroy.

12-607.13. Time Cards

A. Description: Record of hours worked by municipal employees. Information includes employee name, date, and hours worked.

B. Retention: 3 years, then destroy.

12-607.15. Insurance Records

A. Description: Record of insurance claims filed by municipal employees. Information includes name of patient, provider, dates of service and amount of payment request.

B. Retention: 3 years, then destroy.

12-607.16. Sick and Annual Leave Records

A. Description: Record of leave taken by municipal employees. Information includes name of employee, social security number, date, leave date, number of days/hours, reason for leave and signature of employee.

B. Retention: 3 years, then destroy.

Subarticle 8. Police

12-608.11. Uniform Traffic Collision Reports (Accident Reports)

A. Description: Standard state form containing the following information: date, county, day of week, time, type road, street address, city or town, driver name, address, date of birth, sex, race, license number, state, license restrictions, member of armed forces, wearing seatbelts, violations indicated, speed limit, estimated speed, year and make of vehicle, license plate number, state, year, validation number, total occupants this unit, owner's name, street or RFD, city and state, vehicle towed. There is a schematic drawing whereby action of vehicles and points of impact can be illustrated in addition to a narrative section. The investigating officer signs the form at bottom where he also completes information on charge(s), if any, and victim, injured or dead, if applicable. A copy of this report is sent to the South Carolina Department of Public Safety.

B. Retention: 3 years, then destroy.

12-608.19. Personnel Training Files

A. Description: Summary information on training courses attended by police department personnel. Information includes name of officer, social security number, date attended, course title/agency, hours and grade.

B. Retention: 3 years from the date on which training occurred, then destroy.

12-608.20. Requests For Services (Complaints)

A. Description: Records the receipt of complaints/requests to the police department and the subsequent dispatch of the police officer to the incident location. Information includes complaint number, signal code or police code, location, received by (radio, phone, other), action taken, operator, zone, complaint officer, shift call taken and time.

B. Retention: 2 years, then destroy.

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Subarticle 11. Utilities

12-611.8. Backflow Prevention Files

A. Description: Files documenting the installation, maintenance and testing of the backflow prevention device. Information includes backflow prevention device test: name, address, location of device, valve test, signed, date; backflow prevention device certification: name, address, service address, file number, type of device, make, size, model number, serial number, tested by and approved by.

B. Retention: 3 years, then destroy.

12-611.9. Bacteriological Files

A. Description: Copy of form sent to the Department of Health and Environmental Control reporting amounts of bacteria in the drinking water. Information includes system number, name of water system, analytical method, contaminant identification, sample type, compliance period begin, compliance period end, number of samples required, number of samples taken, number of samples total coliform-positive, number of samples fecal coliform-positive, number of repeat samples required, number of repeat samples taken, number of repeat samples total coliform-positive, number of repeat samples fecal coliform-positive, number days turbidity exceeded 1 NTU, number samples collected due to elevated turbidity, laboratory identification, laboratory name, comments, signature, date and system number.

B. Retention: 5 years, then destroy.

12-611.10. Daily Operations Forms/Reports

A. Description: Documents all daily testing done by the lab technician as required by South Carolina Department of Health and Environmental Control. Reports include daily chemical report, bacteriological sampling, distilled water standard plate count, BOD and seed criteria, chlorine, caustic, fluoride, and alum levels.

B. Retention:

(1) Chemical Reports: 10 years, then destroy.

(2) Bacteriological Reports: 5 years, then destroy.

12-611.11. Discharge Monitoring Reports

A. Description: Documents discharge of wastewater for the municipality to insure that permitted amounts are not exceeded. Information includes permit number, discharge number, monitoring period, parameter, average, maximum units, minimum, average, frequency of analysis, sample type, name of principal executive officer, signature, telephone, date, comments and explanations of violations.

B. Retention: 10 years, then destroy.

Fiscal Impact Statement:

The Department of Archives and History estimates that there will be no additional costs incurred by the State or its political subdivisions.

Document No. 2788

DEPARTMENT OF ARCHIVES AND HISTORY

CHAPTER 12

Statutory Authority: 1976 Code Section 30-1-90(B)

12-901 through 12-906.6 General Retention Schedules for School District Records

Synopsis:

The General Assembly approved Regulation 12-901 through 12-906.6 (General Retention Schedules for School District Records) on June 24, 1994. The amendments will simplify the disposition process for school district

offices and departments; update series descriptions and retentions; and add new series under existing offices/departments.

12-901. Introduction and general matters; application of schedule.

New text indicates the general schedules cover information on all types of media. This additional wording is consistent with the definition of public records in the Freedom of Information Act (Section 30-4-20C) and the Public Records Act (Section 30-1-10A). Also, the process school district offices will use to destroy records through use of the general schedules is being simplified. Offices will no longer be required to submit a request to use the general schedule form to the Department and have it reviewed and approved before being authorized to use the schedule to destroy their records. The new process will allow school district offices to use the schedule and report destruction to the Department after records are destroyed. This new process for using the general schedule will be the same process school district offices currently use when implementing schedules approved specifically for their office or department. This change will allow offices to use one form to report destruction through use of both general and specific schedules.

Subarticle 1. Administrative

12-901.7. The series title and description are being changed to make them more inclusive.

12-901.8. The series description is being changed to eliminate reference to copies of several financial records since the record copy is in Finance.

12-901.9 through 12-910.11 are being added to make it easier for school districts to manage these records.

Subarticle 2. Finance

12-902.23 through 12-902.27 are being added to make it easier for school districts to manage these records.

Subarticle 4. Payroll

12-904.2. Typo is being corrected in series description.

12-904.12 is being added to make it easier for school districts to manage these records.

Subarticle 5. Personnel

12-905.12 and 12-905.13 are being added to make it easier for school districts to manage these records.

Subarticle 6. Student Records

12-906.7 through 12-906.16 are being added to make it easier for school districts to manage these records.

Instructions:

Delete existing 12-901 and add new 12-901.

Delete existing 12-901.7 and add new 12-901.7.

Delete existing 12-901.8 and add new 12-901.8.

Add 12-901.9 through 12-901.11 to the end of Subarticle 1.

Add 12-902.23 through 12-902.27 to the end of Subarticle 2.

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Delete existing 12-904.2 and add new 12-904.2.

Add 12-904.12 to the end of Subarticle 4.

Add 12-905.12 and 12-905.13 to the end of Subarticle 5.

Add 12-906.7 through 12-906.16 to the end of Subarticle 6.

Text:

12-901. Introduction and general matters; application of schedules.

The following general schedules contain minimum records retention periods for the official copy of the records. These retentions and dispositions apply regardless of physical format, i.e. paper, microfilm, electronic storage, digital imaging, etc. Convenience, informational or duplicate copies are not governed by this regulation and may be destroyed when no longer needed for reference. To destroy records in accordance with this regulation, school districts must complete and submit a report on records destroyed form to the Department of Archives and History after eligible records have been destroyed. These forms are available from the Department's Division of Archives and Records Management. Before disposing of public records under these general schedules, school districts should insure that the records have no further audit, legal, or fiscal value. These general schedules supersede all schedules approved previously for the same records series. However, school districts may opt out of these general schedules and request the continuing use of existing schedules or the establishment of specific retention schedules for their records when appropriate, necessary, or in order to avoid conflict with other laws or regulations.

Subarticle 1 - Administrative

12-901.7. Federal Project Files

A. Description: Records federal money spent as approved by the State Department of Education. Types of documents include grant application, project approval letter, and budget reports.

B. Retention: 5 years after completion of activity for which funds were used, then destroy.

12-901.8. General Correspondence And Subject Files

A. Description: Copies of incoming and outgoing correspondence to and from the office with students, parents, businesses and other government offices and citizens; reports, technical papers, studies, reference materials, and other records created or received in the general administration of a program or in the management of the office. For the purposes of retention scheduling, the files are broken down as follows:

(1) Policy and Program Records: These records document the formulation and adoption of policies and procedures and the implementation or management of the programs or functions of the office or department. Included are such records as correspondence with citizens and government officials regarding policy or procedures development or program administration; annual or ad hoc narrative or statistical reports on program activities, achievements or plans; organizational charts and mission statements; studies regarding department or office operations; circular letters, directives or similar papers addressed to subordinate units or staff concerning policies, procedures or programs; and records related to significant events in which the department or office participated. Records may include photographs, published material, audio tapes, or other record forms.

(2) General Administrative Records: These records are of a general facilitative nature created or received in the course of administering programs. Included are such records as correspondence of a routine or repetitive type, such as requests for information; reference materials, sometimes of a technical nature, used, but not created by, the office; daily, weekly or monthly office activity reports which are summarized in annual reports or which relate to routine activities; personnel data on office staff which are duplicated in Personnel Office files; daily or weekly work assignments for office staff; suspense or follow-up files which duplicate copies of papers filed elsewhere; circular letters, directives or similar papers received from other offices; and rough drafts or notes created in compiling reports or studies.

(3) General Housekeeping Files: These records are of a general "housekeeping" nature created or maintained by an office which do not relate directly to the primary program responsibility of the office. Included are such records as charitable fund raising drive materials; custodial services requests; emergency evacuation procedures; notices of holidays; parking assignment lists; telephone installation requests; and lists showing the distribution of keys.

B. Retention:

- (1) Policy and Program Records: Permanent. Microfilm optional.
- (2) General Administrative Records: 5 years, then destroy.
- (3) General Housekeeping Files: Until no longer needed for reference, then destroy.

12-901.9. Blueprints and Maps of School Buildings

A. Description: Records documenting the physical structure of school buildings and related equipment. Information includes site plans, geological/topographical maps of site areas, and maps of city services.

B. Retention: Permanent. Microfilm for security.

12-901.10. South Carolina High School League Student Eligibility Files

A. Description: Documents student eligibility to participate in sanctioned athletic events. Information includes League Handbook, birth certificate, parent permission/physical form, certificate of eligibility, interscholastic completion eligibility reporting form, high school league passes form, form A for transfer student, request for hardship eligibility, copies of student permanent record cards, report cards and league directory information.

B. Retention:

- (1) League Directory/Handbook: Until superseded, then destroy.
- (2) Other Records: 5 years, then destroy.

12-901.11. Media Center Records

A. Description: Records used in the operation of the media center program. Information includes shelf list, list of materials available in media center, computer information on school/books/user/return date, security bars and codes, center instructional schedules, equipment schedules, fee documentation, and end of year inventory reports.

B. Retention: Until no longer needed for reference, then destroy.

Subarticle 2 - Finance

12-902.23. Ticket Sales for School Events

A. Description: Records documenting the audit practices of the school in keeping records of ticket sales, income and other pertinent records related to athletic events, activity cards, school productions, or extracurricular events which charge admission. Information includes list of activity cards sold, tickets to be destroyed, season ticket holders (number of seats), statement of receipts, disbursements, game ticket forms, athletic ticket sales form showing advanced location sales.

B. Retention: 3 years, then destroy.

12-902.24. Uncollected Fees Documentation

A. Description: List of students owing fees to the school. Information includes fees owed for lost or damaged textbooks, library books and materials, locks and equipment.

B. Retention: 3 years, then destroy.

12-902.25. Requisitions

A. Description: Record of requests for purchase orders from the purchasing agent to order materials with district monies. Information includes records of request, attached order, name of school, address of vendor, district budget number to which the amount is charged, quantity, description, catalog number, specifications, unit price, total, authorization signature of principal, and district office personnel.

B. Retention: 3 years, then destroy.

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12-902.26. General Budget Preparation Records

- A. Description: Budget preparation materials for next fiscal school year. Information includes revenue listings provided by the South Carolina Department of Education, future projections, new budget account number, memos, and correspondence.
- B. Retention: 3 years, then destroy.

12-902.27. Work Orders

- A. Description: Copies of work orders for services requested and subsequent services rendered. Information includes service requested, location, cause of problem, signature of department, and by whom request made.
- B. Retention: 3 years, then destroy.

Subarticle 4 - Payroll

12-904.2. Employee Earnings Records

- A. Description: Separate posting sheets for each school district employee which contain record of earnings per pay period. Information includes name of employee, employee's address, social security number, base pay, period ending, time worked, FICA tax, federal tax, state tax, retirement, insurance, other deductions, net pay, check number, quarterly totals, and accumulated totals.
- B. Retention:
 - (1) When Payroll Register is Missing: 60 years, then destroy.
 - (2) When Payroll Register is in Existence: 3 years, then destroy.

12-904.12. Direct Deposit Register

- A. Description: Record of employees on direct deposit, as well as a record that the direct deposit was made. Information includes bank number, account number, transaction code, deposit amount, employee number, employee name, bank count, bank total, final count, and final total.
- B. Retention: 3 years, then destroy.

Subarticle 5 - Personnel

12-905.12. Worker's Compensation Records

- A. Description: Consists of case files containing records and reports generated as the result of employment related accidents involving school district employees. Information includes Reports of Accidents Involving Only Medical Attention; Physician's Report and Itemized Statement; Employer's First Report of Injury and Illness; Agreement as to Compensation; Conditional Waiver of Hearing; 60-Day Report; Status Report and Compensation Receipt; Supplemental Memorandum of Agreement As to Payment of Compensation; correspondence with South Carolina Worker's Compensation Commission, physicians, attorneys, and employees; statements from physicians; copies of internal invoices; copies of receipts and statements for the purchase of medications; copies of purchase requisitions; copies of health insurance claim forms; copies of patient return reports; disposition forms from physicians; and handwritten notes.
- B. Retention:
 - (1) Employer's First Report of Injury: 5 years after case settlement, then transfer to employee files.
 - (2) Other Records: 5 years after case settlement, then destroy.

12-905.13. Hepatitis "B" Program/Blood Pathogens Training Files

- A. Description: Record of training in handling blood borne pathogens as mandated by state and district regulations. Identified employees are administered the Hepatitis B vaccine and documentation is given to each individual vaccinated. Information includes identification of person needing vaccine, in-service verification of all employees, vaccination consent forms, date vaccinated, blood drawn forms, participants listing, correspondence, memos, invoices, and check requisitions.
- B. Retention: 30 years after termination of employment, then destroy.

Subarticle 6 – Student Records

12-906.7. Adult Education Pupil Records File

A. Description: Cumulative record of student's activities throughout their adult educational career. Information includes classes taken, test scores with accompanying information (date of examination; name and form of standardized test; name of examiner; signature of principal's approval) and age.

B. Retention:

- (1) Record Cards and Legal Records: 75 years after student's separation from school, then destroy.
- (2) Other Records: 1 year after student's separation from school, then destroy.

12-906.8. Student Schedules File

A. Description: Forms completed by school personnel for student scheduling into class. Information includes printouts of student schedules, class lists, student class assignments and completed forms requesting change of schedule.

B. Retention: Until no longer needed for administrative purposes, then destroy.

12-906.9. Homebound Files

A. Description: Record of homebound instruction provided for students unable to attend school for medical reasons. Information includes reason for homebound, dates of service, teacher performing service, application for homebound instruction, physician authorization, pupil's name, and social security number.

B. Retention: 5 years after end of fiscal year to which the records pertain, then destroy.

12-906.10. Pupil Accounting and Support Documentation

A. Description: Record of pupil accounting data submitted on a regular basis and in compliance with district and state regulations. Information includes data for Educational Improvement Act; data for 45, 135, and 180 reports; supporting verification documentation; software back-ups; manuals; memorandum; correspondence; rosters; placement forms; attendance cards; scan sheets; daily bulletins; and alternative school documentation.

B. Retention: 3 years, then destroy.

13-906.11. Student Discipline, Suspension, and Expulsion Records

A. Description: Records documenting inappropriate student behavior and corrective actions taken. Information includes referral and action form, notes, letters to parents, suspension documentation, detention documents, hearing notices, bus driver referrals, statements and conference notes.

B. Retention:

(1) When suspended and subsequently expelled permanently: Transfer to Cumulative Pupil Record File and retain according to part 1 of the retention.

(2) When suspended and subsequently expelled for remainder of the school year OR when suspension is deemed the only corrective action: 1 year after student's permanent separation from school, then destroy.

12-906.12. Teacher Lesson Plans

A. Description: Records relating to teacher's daily instructional plans and activities for each class. Information includes a yearly planning book.

B. Retention: Until no longer needed for reference, then destroy.

12-906.13. Student Truancy Records

A. Description: Records created to document student's excessive absences and action taken to correct the problem by school personnel. Information includes referral and action forms, letters to parents, attendance profile sheets, correspondence, release forms, copies of initial court petitions, copies of court orders, hearing notices, affidavits and visitation documentation.

B. Retention: Until student reaches age of majority, then destroy.

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12-906.14. Teacher's Student Attendance Record

- A. Description: Record of student's daily attendance, absences and tardies. Information includes student name, school year, attendance, tardies, and absences.
- B. Retention: 1 year, then destroy.

12-906.15. Student Registration Materials

- A. Description: Record of students registering at a school. Information includes registration form showing name, student identification number, parent's name, physician, address, telephone numbers, proof of age, residence, letters to parents, assignments, letters of placement, schedule requests, and automobile registration.
- B. Retention:
- (1) Registration Form: 3 years, then destroy.
 - (2) Other Records: Until no longer needed for administrative purposes, then destroy.

12-906.16. Reserve Officer Training Corps (ROTC) Records

- A. Description: Summarize military history/citizenship training and other items pertaining to the ROTC program. Information includes student name, history, promotion agreement, rank and testing for awards.
- B. Retention: 5 years after student's separation from school, then destroy.

Fiscal Impact Statement:

The Department of Archives and History estimates that there will be no additional costs incurred by the State or its political subdivisions.

Document No. 2789
DEPARTMENT OF ARCHIVES AND HISTORY
CHAPTER 12
Statutory Authority: 1976 Code Section 30-1-90(B)

12-800 through 12-813.10 General Retention Schedule for State Colleges and Universities

Synopsis:

The General Assembly approved Regulation 12-800 through 12-813.10 (General Retention Schedule for State Colleges and Universities) on June 24, 1994. The amendments will simplify the disposition process for state college and university offices; update series descriptions and retentions; add new series under existing offices/departments; and add new series under new offices/departments.

12-800 Introduction and general matters; application of schedule.

New text indicates the general schedule covers information on all types of media. This additional wording is consistent with the definition of public records in the Freedom of Information Act (Section 30-4-20C) and the Public Records Act (Section 30-1-10A). Also, the process state college and university offices will use to destroy records through use of the general schedule is being simplified. Offices will no longer be required to submit a request to use the general schedule form to the Department and have it reviewed and approved before being authorized to use the schedule to destroy their records. The new process will allow state college and university offices to use the schedule and report destruction to the Department after records are destroyed. This new process for using the general schedule will be the same process state colleges and universities currently use when implementing schedules approved specifically for their offices or departments. This change will allow offices to use one form to report destruction through use of both general and specific schedules.

Subarticle 2 – President

12-802.7. The series description is being changed to make it more accurate.

Subarticle 4 – Administrative Services

The subarticle title is being changed to make this subarticle more functional and inclusive.

12-804.6. The series title and description are being changed to make them more inclusive.

12-804.10. The series description is being changed to clarify the basis for the permanent retention of these records through the Attorney General's Office.

12-804.16. The series description is being changed to eliminate reference to record copy being scheduled through the State Budget and Control Board.

12-804.18. Non-Executive Levels is being added to the series title to distinguish this series from correspondence in subarticles 2 and 3. The series description is being changed to make it more inclusive. The retention is being shortened to allow offices more flexibility in managing this series.

12-804.19. The series description is being changed to update reference to the State Budget and Control Board's Office of Research and Statistics and to clarify the basis for the permanent retention of this series through that office.

12-804.22. The series description is being changed to eliminate reference to portions of series being kept permanently through the Attorney General's office. Retention is being increased from 6 years to 10 years.

12-804.29. The series description is being changed to make it more accurate, to update reference to the State Engineer's Office of the State Budget and Control Board, and to clarify the basis for the permanent retention of portions of this series through that office. The retention is changed to provide for permanent records to be retained at the College or University Archives instead of the State Archives and to include records created in 1980.

12-804.31. The series description is being changed to make it more accurate and inclusive.

12-804.32. The retention is being changed to allow some/all of this series to be kept permanently by the college or university archives.

12-804.34. Reading File is being deleted as a series since it is for duplicate records and duplicates are not covered by this general schedule. Contracts is being added as a series to make it easier for state colleges and universities to manage these records.

12-804.35. The series description is being changed to clarify the basis for the permanent retention of portions of this series by the State Archives.

Subarticle 5 – Personnel

12-805.6. The series description is being changed to clarify the basis for the permanent retention of portions of this series through the State Human Affairs Commission.

12-805.7. Certification Lists is being deleted as a series since it is no longer being created. This section is being reserved for future use.

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12-805.9. The series description is being changed to clarify the basis for the retention of this series through the Employment Security Commission.

12-805.15. The series description is being changed to delete reference to copies since copies are not covered by this general schedule, to update reference to the State Budget and Control Board's Office of Human Resources, and to clarify the basis for the retention of portions of this series through that office.

12-805.16. The series description is being changed to eliminate reference to merit system classification.

12-805.17. The series description is being changed to update reference to the State Budget and Control Board's Office of Human Resources and to clarify the basis for the retention of this series through that office.

12-805.20. The series description is being changed to make it more accurate.

12-805.22. The series description is being changed to make it more accurate.

12-805.23. The series description is being changed to update reference to the State Budget and Control Board's Office of Human Resources and to clarify the basis for the permanent retention of this series through that office.

Subarticle 6 – Accounting

12-806.21. Spelling error is being corrected in the series description. Retention is being reformatted to improve codification.

12-806.27 is being added to make it easier for state colleges and universities to manage these records.

Subarticle 7 – Payroll

12-807.8. The series description is being changed to clarify the basis for the retention of this series through the Employment Security Commission.

12-807.9. The series description is being changed to update reference to the State Budget and Control Board's Employee Insurance Program and to clarify the basis for the retention of the series through that office.

12-807.12. The retention is being reformatted to improve codification.

12-807.14 through 12-807.19 are being added to make it easier for state colleges and universities to manage these records.

Subarticle 9 – Student Affairs

12-809.11. The series description is being changed to make it more accurate. The retention is being changed from five years to three years and retention is being reformatted to improve codification.

12-809.12 is being added to make it easier for state colleges and universities to manage these records.

Subarticle 10 – Academic Affairs

12-810.9 through 12-810.11 are being added to make it easier for state colleges and universities to manage these records.

Subarticle 13 – Library Services

12-813.6. The series title is being updated by eliminating reference to card files since this format has been replaced by electronic library catalogs.

Subarticle 14 – Alumni Relations

A new subarticle and 12-814.5 through 12-814.7 are being added to make it easier for state colleges and universities to manage these records.

Subarticle 15 – Career Placement and Planning

A new subarticle and 12-815.5 through 12-815.6 are being added to make it easier for state colleges and universities to manage these records.

Subarticle 16 – Residence Services

A new subarticle and 12-816.5 are being added to make it easier for state colleges and universities to manage these records.

Subarticle 17 – Health Services

A new subarticle and 12-817.5 are being added to make it easier for state colleges and universities to manage these records.

Subarticle 18 – Purchasing and Auxiliary Services

A new subarticle and 12-818.5 through 12-818.7 are being added to make it easier for state colleges and universities to manage these records.

Subarticle 19 – Public Safety

A new subarticle and 12-819.5 through 12-819.10 are being added to make it easier for state colleges and universities to manage these records.

Instructions:

Delete existing 12-800 and add new 12-800.

Delete existing 12-802.7 and add new 12-802.7.

Delete existing Subarticle 4 title and add new Subarticle 4 title.

Delete existing 12-804.6 and add new 12-804.6.

Delete existing 12-804.10 and add new 12-804.10.

Delete existing 12-804.16 and add new 12-804.16.

Delete existing 12-804.18 and add new 12-804.18.

Delete existing 12-804.19 and add new 12-804.19.

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Delete existing 12-804.22 and add new 12-804.22.

Delete existing 12-804.29 and add new 12-804.29.

Delete existing 12-804.31 and add new 12-804.31.

Delete existing 12-804.32 and add new 12-804.32.

Delete existing 12-804.34 and add new 12-804.34.

Delete existing 12-804.35 and add new 12-804.35.

Delete existing 12-805.6 and add new 12-805.6.

Delete existing 12-805.7 and reserve for future use.

Delete existing 12-805.9 and add new 12-805.9.

Delete existing 12-805.15 and add new 12-805.15.

Delete existing 12-805.16 and add new 12-805.16.

Delete existing 12-805.17 and add new 12-805.17.

Delete existing 12-805.20 and add new 12-805.20.

Delete existing 12-805.22 and add new 12-805.22.

Delete existing 12-805.23 and add new 12-805.23.

Delete existing 12-806.21 and add new 12-806.21.

Add 12-806.27 to the end of Subarticle 6.

Delete existing 12-807.8 and add new 12-807.8.

Delete existing 12-807.9 and add new 12-807.9.

Delete existing 12-807.12 and add new 12-807.12.

Add 12-807.14 through 12-807.19 to the end of Subarticle 7.

Delete existing 12-809.11 and add new 12-809.11.

Add 12-809.12 to the end of Subarticle 9.

Add 12-810.9 through 12-810.11 to the end of Subarticle 10.

Delete existing 12-813.6 and add new 12-813.6.

Add new Subarticles 14 through 19.

Text:

12-800. Introduction and general matters; application of schedule

The following general records retention schedule contains minimum retention periods for the official copy of the institution's records. These retentions and dispositions apply regardless of physical format, i.e., paper, microfilm, electronic storage, digital imaging, etc. Convenience, informational or duplicate copies are not governed by this regulation and may be destroyed when no longer needed for reference. To destroy records in accordance with this regulation, institutions must complete and submit a report of records destroyed form to the State Archives after eligible records have been destroyed. These forms are available from the Department's Archives and Records Management Division. Before disposing of public records under this general schedule, colleges and universities are responsible for ensuring that records are no longer required for federal or state audits, for legal purposes, for litigation, for fiscal information, and/or for any other action. This general schedule supersedes all schedules approved previously for the same record series. However, state colleges and universities may opt out of this general schedule and request the continuing use of existing schedules or the establishment of specific retention schedules for their records when appropriate, necessary, or in order to avoid conflict with other laws or regulations.

Subarticle 2 - President

12-802.7. Meeting Minutes of President's Executive Staff

A. Description: Document meetings held by a state college or university president with his or her executive staff. Information includes agenda, location of meeting, date, names of attendees, attachments, a summary of discussion, and decisions made.

B. Retention:

- (1) Office: 5 years.
- (2) College or University Archives: Permanent.

Subarticle 4 - Administrative

12-804.6. Meeting Minutes (Non-Executive Levels)

A. Description: Records of meetings held by non-executive level staff. Information includes agenda, place, date, list of attendees and a summary of discussions and decisions. Also included are informational attachments such as reports, proposals, memoranda and other information distributed to officials and staff for use in making decisions for an institution.

B. Retention: Until no longer needed for reference; destroy.

12-804.10. Attorney General Opinions

A. Description: Official opinions issued by the Attorney General or his assistants. These are legal interpretations written upon request of a college or university to guide in enforcing and obeying the law. Also included is related correspondence. This series is scheduled for permanent retention by the State Archives through the Attorney General's office.

B. Retention: Until superseded or no longer needed for reference; destroy.

12-804.16. Deeds And Leases To College or University Property

A. Description: Document deeds and leases to real property owned or used by the state. Information includes description and location of the property, maps, sale agreements, land acquisition forms, deeds, lease agreements, and related correspondence.

B. Retention:

- (1) Office: Until property is sold, disposed of, or relinquished.
- (2) College or University Archives: Permanent.

12-804.18. General Correspondence and Reference File (Non-Executive Levels)

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A. Description: Routine correspondence and reference materials created or retained by non-executive level staff. Letters and memoranda reflect communications regarding program procedures, general work activities, and responses to information requests. Also included are copies of policy and procedure statements, program information, reports and other related material.

B. Retention: Until no longer needed for reference; destroy.

12-804.19. Information Technology Plans

A. Description: Prepared by state colleges and universities to outline their anticipated needs for information technology. Plans reflect information requirements, equipment needs, service specifications, cost, and technology purchase requests. This series is scheduled for permanent retention by the State Archives through the State Budget and Control Board's Office of Research and Statistics.

B. Retention: 3 years; destroy.

12-804.22. Litigation Case Files

A. Description: Document judicial proceedings, which involve the college or university. Files include some or all of the following documents: affidavits, summons and complaints, responses, orders of dismissals, notice and general appeal, laws and regulations applying to a particular case, legal briefs, transcripts of proceedings, orders, court decisions, and related information. Court records in this series are available in the court having jurisdiction over these cases.

B. Retention: 10 years after the case is closed, destroy.

12-804.29. Permanent Improvement Files

A. Description: Files concern construction of and permanent improvements to the college or university's facilities. Information includes project proposal, capital improvement requests, authorizations to execute construction contracts, cost estimates, construction contracts, related memoranda, correspondence, blueprints, and specifications. Portions of this series created in 1980 and later are scheduled for permanent retention by the State Archives through the State Engineer's Office of the State Budget and Control Board.

B. Retention:

(1) Records created before 1980:

(a) Office: Until completion of construction project and no longer needed for reference.

(b) College or University Archives: Selection of needed documentation. Permanent.

(2) Records created during and after 1980: Until completion of construction project and no longer needed for reference; destroy.

12-804.31. Property Inventories

A. Description: Itemized lists of fixed assets (except land and buildings) completed by institutions. Information includes inventories of equipment, furniture, and other similar property.

B. Retention: 3 years; destroy.

12-804.32. Public Relations File

A. Description: Information concerning college or university publicity. Included are press releases, biographies, newspaper clippings, promotional materials, bulletins, broadcast scripts, photographs, visual documentation, and other related items.

B. Retention:

(1) Office: Until no longer needed for reference.

(2) College or University Archives: Selection of needed documentation. Permanent.

12-804.34. Contracts

A. Description: Used to document contractual relationships between the college or university and service providers. Information includes the contract with description of their services to be provided, dates of the contract, signatures, and correspondence.

B. Retention: 3 years after cancellation or expiration of the contract; destroy.

12-804.35. Records Management Files

A. Description: Files related to an institution's records management program. Included are records retention schedules, guidelines, information concerning records inventory and scheduling, records transfers, microfilm applications, disposal notices, and other related data. Portions of this series are scheduled for permanent retention by the State Archives.

B. Retention: Until superseded and no longer needed for reference; destroy.

Subarticle 5 - Personnel (Human Resources Management)

12-805.6. Affirmative Action Plans and Progress Reports

A. Description: Affirmative Action Plans prepared by state institutions and Progress Reports used by the State Human Affairs Commission to monitor the implementation of these plans. Affirmative Action Plans reflect college or university-projected policies, procedures, and practices to achieve the goal of a non-discriminatory employment system. Also included are statistics, analysis of the current and projected work force composition by race, sex, and comments. The semi-annual Progress Reports consist of updated employment data analysis by race and sex, a summary of personnel actions which reflect a breakdown of college or university positions by race, sex, analysis, and comments. Also included is correspondence concerning the Affirmative Action Plans and their implementation. Portions of this series are scheduled for permanent retention by the State Archives through the State Human Affairs Commission.

B. Retention: 3 years; destroy.

12-805.7. (Reserved for future use)

12-805.9 Employer Status Reports (Unemployment Compensation)

A. Description: Reports from an individual college or university to the Employment Security Commission which are used by the Employment Security Commission to determine the liability or non-liability of a college or university for payment of unemployment compensation. Information includes the Employer Status Report, Notice of Liability sent to the college or university from the Employment Security Commission, Notice of Contribution for the next calendar year, and related memoranda and correspondence concerning changes in college or university unemployment compensation accounts and liability. This record is scheduled through the Employment Security Commission.

B. Retention: 6 years; destroy.

12-805.15. Grievance Files

A. Description: Document grievance proceedings initiated by employees in classified positions. Information includes grievance filing, decisions rendered at each level of the grievance procedure, grievance and appeal procedures for the college or university and for all state employees, and the final decision rendered by the State Employee's Grievance Committee. Portions of this series are scheduled through the State Budget and Control Board's Office of Human Resources.

B. Retention: 10 years after resolution of all grievance issues; destroy.

12-805.16. Job Announcements (Vacancies)

A. Description: Announcements concerning job openings in institutions. Information includes title of position, salary or grade range, description of job duties, closing date, and to whom applications should be directed.

B. Retention: 2 years after position is filled or announcement is superseded or updated; destroy.

12-805.17. Job Classifications

A. Description: A listing of all job positions classified by the Division of Human Resource Management. Information includes position qualifications, pay grades, and duties for positions in state service. This series is scheduled through the State Budget and Control Board's Office of Human Resources.

B. Retention: Until termination of position; destroy.

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12-805.20. Log and Summary of Occupational Injuries and Illnesses

A. Description: Record of work-related injuries, illnesses, and deaths. Information includes case or file number, date of injury or onset of illness, employee name, occupation, department, description of injury or illness, fatalities, non-fatal injuries, injuries with lost workdays, injuries without lost workdays, and other related information.

B. Retention: 5 years following the end of the calendar year to which they relate; destroy.

12-805.22. Personnel Files (Active & Terminated)

A. Description: Personnel files of current and former employees of the college or university. Information includes employment applications, letters of recommendation, employee awards, resumes, performance appraisals, employee profile, position descriptions, insurance information, dual employment information, resignation and termination records, correspondence, and other related information.

B. Retention: 15 years after termination of employment; destroy.

12-805.23. Personnel Policies and Procedures

A. Description: Policies and procedures issued by the college or university or the State Budget and Control Board's Office of Human Resources. Information includes employment application policy, classification and compensation plan, explanation of performance appraisal system, reduction in force procedures, grievance policies, equal employment opportunity guidelines, termination procedure, workmen's compensation plan, other procedures issued by a college or university and/or the Office of Human Resources. Portions of this series are scheduled for permanent retention by the State Archives through the State Budget and Control Board's Office of Human Resources.

B. Retention:

- (1) Office: Until no longer needed for reference.
- (2) College or University Archives: Permanent.

Subarticle 6 - Accounting

12-806.21. Table Reports (Accounting)

A. Description: Define the meaning of code numbers and fund groups used in transactions processed through the institutions automated financial accounting system. Examples include Descriptor Table Listing, Transaction Code Decision Table Listing and Table Maintenance Audit Report. The specifications of the reports of each in situation may vary.

B. Retention:

- (1) Year End Cumulative Table Reports:
 - (a) Office: 3 years. Microfilm.;
 - (b) College or University Archives: Permanent.
- (2) Other Table Reports: Until updated, superseded, or no longer needed for reference; destroy.

12-806.27. Journal Entries

A. Description: Used to make adjustments and corrections to accounting records. Information includes entry numbers, account numbers, funds, debits, credits, description, prepared by, and posted by.

B. Retention: 3 years, destroy.

Subarticle 7 - Payroll

12-807.8. Employer Contribution Reports

A. Description: Created by the South Carolina Employment Security Commission and used to verify earnings of the employees. Information includes name and address of the employer, number of persons employed during the quarter, how remittance is paid, number of places of business in South Carolina covered by the report and signature, title, date of individual filling out the report, and other documents concerning taxable and non-taxable wages of employees. This record is scheduled through the Employment Security Commission.

B. Retention: 3 years; destroy.

12-807.9. Health, Dental, And Optional Life Insurance Reports

A. Description: Generated by the State Budget and Control Board, Employee Insurance Program to reconcile the monthly health, dental, and optional life insurance bills of the agency. Information includes agency name, address, group identification number, billing period, subscriber count, premium amount (employer/employee shares), source of funds, premium due and other related information. This record is scheduled through the State Budget and Control Board, Employee Insurance Program.

B. Retention: 3 years; destroy.

12-807.12. Table Reports (Payroll)

A. Description: Define the meaning of code numbers and fund groups used in transactions processed through the institutions automated financial accounting system. Examples include Descriptor Table Listing, Transaction Code Decision Table Listing and Table Maintenance Audit Report. The specifications of the reports of each institution may vary.

B. Retention:

(1) Year End Cumulative Table Reports:

(a) Office: 3 years. Microfilm.

(b) College or University Archives: Permanent.

(2) Other Table Reports: Until updated, superseded, or no longer needed for reference; destroy.

12-807.14. Employee Payroll Records

A. Description: Used to document employees' payroll earnings and deductions. This series consists of payroll vouchers, payroll deduction records, cancelled payroll checks, and related documents. Information includes employees' names, name of institution, pay periods, code indicators, gross earnings, net earnings, and signature and title of approving authority. Also included are the types and amounts of payroll deductions.

B. Retention: 3 years; destroy.

12-807.15. W-2 Form Wage and Tax Statement

A. Description: Used to record individuals' annual federal and state withholding tax. Information includes employer's name and identification number, employees' names, addresses, Social Security numbers, amount of taxes withheld, and total wages paid.

B. Retention: 4 years after the due date of wage and tax statement; destroy.

12-807.16. Social Security Reports

A. Description: Used to document employees' Social Security contributions. Information includes employees' names, Social Security numbers, Federal Insurance Contribution Act (FICA) amounts, year-to-date taxable and non taxable income, and federal and state income tax amounts.

B. Retention: 3 years; destroy.

12-807.17. Standard Retirement System Quarterly and Monthly Reports

A. Description: Used to document state employees' retirement contributions on a quarterly and monthly basis. Information includes employer's name, employees' names, Social Security numbers, active member register numbers, non-member numbers, amounts of contribution, service credits, and related information.

B. Retention: 3 years; destroy.

12-807.18. Payroll Check Register

A. Description: Used to record the institution's payroll disbursements. Information includes name of employee, Social Security number, institution number, check number and related information.

B. Retention: 10 years and until no longer needed for reference; destroy.

12-807.19. Payroll Register

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A. Description: Used by an institution to reference year-to-date pay and deductions from paychecks. Information includes employer's name, employees' names, Social Security numbers, gross pay, tax information, Federal Insurance Contribution Act amounts, retirement, insurance, net pay, and related information.

B. Retention: 10 years and until no longer needed for reference; destroy.

Subarticle 9 - Student Affairs

12-809.11. Student Financial Aid Records

A. Description: Used to maintain the official record of accounts for grants and loans. The series consists of applications, tax return for student and/or parent, verification work sheet, student aid report, student loan application and promissory note, federal work study packet, financial aid approved or rejected, and related information.

B. Retention:

(1) Approved Financial Aid Records:

(a) Student Loans: Active File: Until loan is cancelled or repaid. Inactive File: 3 years; destroy.

(b) Student Grants: 3 years after the last day of the award year or 3 years after the date the institution files its fiscal operations report for that year; destroy.

(2) Rejected Financial Aid Records: 1 year; destroy.

12-809.12. Veterans' Files

A. Description: Used to document the academic and enrollment status of students receiving veterans' benefits. Information includes applications for benefits, requests for certification, certificates of release or discharge from active duty, changes of program (study) or location of training, amounts of tuition for students enrolled less than half-time, birth certificates for sons or daughters of deceased veterans, and notices of benefits for guardsmen and reservists.

B. Retention: 3 years after termination of enrollment; destroy.

Subarticle 10 - Academic Affairs

12-810.9. Departmental Student Information Files

A. Description: Used by academic departments to monitor students' academic progress. Information includes personal data, activity reports, placement tests, copies of partial transcripts, correspondence, evidence of graduation or last date of attendance, and related information.

B. Retention: 5 years after graduation or date of last attendance; destroy.

12-810.10. Recruitment Files

A. Description: Document the recruiting process for vacant faculty positions. Information includes curriculum vitae, cover letters, schedule of activities, letters of recommendation for individuals hired, and related information.

B. Retention:

(1) Records of individuals not hired: 2 years from the date of rejection or making of the record, destroy.

(2) Records of individuals hired: 15 years after termination of employment; destroy.

12-810.11. Student Evaluations of Instruction

A. Description: Used for students' evaluations of courses and instructors. Information includes completed evaluation survey sheets, student comments, cover sheets with instructor and student proctor signatures or labels identifying the course and instructor, other identifying information, and survey compilation reports.

B. Retention: After completion of program audit and until no longer needed for reference; destroy.

Subarticle 13 – Library Services

12-813.6. Library Catalog (Books, Periodicals, and Other Publications)

- A. Description: Used as a finding aid to the library holdings. Information includes name of author, title, subject, publisher, publication date, and call number.
- B. Retention: Until updated or no longer needed for reference; destroy.

Subarticle 14 - Alumni Relations

12-814.1. through 12-814.4. (Reserved for future use)

12-814.5. Alumni Fund Raising Files

- A. Description: Used to document contributions to the alumni fund and contacts made during fund raising drives. Information includes contributors' names and addresses, telephone numbers, Social Security numbers, dates, contribution amounts, types of contributions (gifts or pledges), methods of payment (check or cash), contact dates, callers' names, and related information.
- B. Retention: 3 years; destroy.

12-814.6. Alumni Fund Reports

- A. Description: Used to report information concerning contributions to the alumni fund on a monthly, quarterly or annual basis. Information includes report dates, contributors' names, Social Security numbers, amounts of contribution, types of contribution, giving categories, and related information.
- B. Retention: 3 years; destroy.

12-814.7. Alumni Files

- A. Description: Used to retain current information on former students. The series consists of student forms, alumni information forms, and related records. Information includes student names, gender, Social Security numbers, spousal names, addresses, parental or guardian names, alumni status of family members, and evidence of graduation or last date of attendance.
- B. Retention: 5 years after graduation or last date of attendance; destroy.

Subarticle 15 - Career Placement and Planning

12-815.1. through 12-815.4. (Reserved for future use)

12-815.5. Student Career Placement and Planning Files

- A. Description: Used to assist students in planning career goals and objectives. This series also provides prospective employers with a comprehensive record of students' scholastic and personal data. Information includes career goals, academic credentials, personal data, work experience, honors, distinctions, consent forms for release of information, records regarding graduation or last date of attendance, and related information.
- B. Retention: 5 years after graduation or last date of attendance; destroy.

12-815.6. Job Locator Service Files

- A. Description: Used to document placement and tracking of students in part time positions off campus. Information includes annual reports, salary summaries, Equal Opportunity Employment agreements, Job Locator Participant registration cards, unused registration identification cards, lists of students employed in part time jobs and internships, and related information.
- B. Retention: 3 years; destroy.

Subarticle 16 - Residence Services

12-816.1. through 12-816.4. (Reserved for future use)

12-816.5. Student Residence Files

- A. Description: Used to document occupancy of student residences. Information includes residence hall or apartment applications, housing contracts, contract expiration or termination date, bills/charges for occupancy,

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room assignment sheets, room or residence condition reports, bills/charges for damages, documentation of room or residence security deposits, deposit transfer forms, deposit refund requests, refund request vouchers, and related information.

B. Retention: 3 years after expiration or termination of contract; destroy.

Subarticle 17 - Health Services

12-817.1. through 12-817.4. (Reserved for future use)

12-817.5. Health Records

A. Description: Used to document health services and/or treatment provided to students, employees and other persons. Information includes medical histories, personal data, examinations, complaints, laboratory test results, diagnoses, identification of injury or illness, dates and types of treatment, physicians' remarks, and an indication of whether the record is for an adult or pediatric patient.

B. Retention:

(1) Records concerning adult patients: 10 years after date of last treatment; destroy.

(2) Records concerning pediatric patients: 13 years after date of last treatment; destroy.

Subarticle 18 - Purchasing and Auxiliary Services

12-818.1. through 12-818.4. (Reserved for future use)

12-818.5. Sole Source Document Files

A. Description: Used to document procurements made when there is only one source for the required supply, service, or construction item. These files contain such forms as Justification for Sole Source Procurement and Record of Sole Source Contracts. Information includes types of procurements, the bases for sole source determinations, reasons for vendor selections, dates, governmental body names, authorized signatures, and titles. Also included are purchase order numbers, item descriptions, commodity codes, and prices.

B. Retention: 3 years; destroy.

12-818.6. Trade-in Document Files

A. Description: Used to document transactions for property traded-in as partial or full payment for an agency purchase. These files may contain forms such as Request for Trade-In Document and Record of Trade-In Sales. Information includes institutions' names, addresses, requestors' names, property locations, institutions' contact persons for viewing property, and indication whether trade-ins are being applied to sole source and new purchases. Also included are commodity codes, descriptions, purchase dates, makes, models, serial numbers, trade-in value, net costs, new items, purchase order numbers, and related information.

B. Retention: 3 years; destroy.

12-818.7. Emergency Procurement Files

A. Description: Used to document authorized emergency procurement purchases. These files contain such forms as Justification for Emergency Procurement and Record of Emergency Contracts. Information includes types of emergency procurements, vendors' names, the bases for the emergency determinations, dates, reasons for vendor selections, governmental body names, and authorized signatures. Also included are purchase order numbers, dates, item descriptions, commodity codes, and prices.

B. Retention: 3 years; destroy.

Subarticle 19 - Public Safety

12-819.1. through 12-819.4. (Reserved for future use)

12-819.5. Incident Reports

A. Description: Used to record the original report of a felony or incident and pertinent facts surrounding the offense. Information includes agency identification, incident type, case numbers, National Crime Information Center (NCIC) entries, administrative data, property estimates, narratives, names of subjects, names of victims, descriptions of events or incidents, and related information.

B. Retention: 5 years or until of no further legal or administrative value, whichever comes later; destroy.

12-819.6. Parking Tickets

A. Description: Used to document parking violations. Information includes date and time of violations, automobile license tag numbers, locations, violations, decal numbers and amount of fines.

B. Retention: 3 years after fine is paid; destroy.

12-819.7. Parking Ticket Appeals

A. Description: Used to document appeals by persons receiving parking tickets. Information includes violations, locations, reasons for appeal, names, addresses, and Social Security numbers.

B. Retention: 1 year after completion of appeal process; destroy.

12-819.8. Shift Reports

A. Description: Used to document officers' responses to requests for assistance. Information includes times calls are received, dates, names of officers, and brief description of the problem.

B. Retention: 5 years or until of no further legal or administrative value, whichever comes later; destroy.

12-819.9. Uniform Traffic Collision Reports (Accident Reports)

A. Description: Used to document investigations of motor vehicle accidents occurring on state college and university campuses. Information includes dates, times, county codes, name of town or city, collision locations, conditions and descriptions of motor vehicles, restraining devices used, drivers'/pedestrians' names, drivers'/pedestrians' addresses, administrative data, names of investigating officers, names of reviewing officers, and related information.

B. Retention: 3 years; destroy.

12-819.10. Motor Vehicle Parking Registration File

A. Description: Used to register student, staff, and faculty motor vehicles for parking. Information include owners' names, make of vehicles, model, year, license plate numbers, decal registration numbers, Social Security numbers, and parking registration fees.

B. Retention: After superseded or cancelled and until no longer needed for reference; destroy.

Fiscal Impact Statement:

The Department of Archives and History estimates that there will be no additional costs incurred by the State or its political subdivisions.

Document No. 2731

CLEMSON UNIVERSITY

STATE LIVESTOCK-POULTRY HEALTH COMMISSION

CHAPTER 27

Statutory Authority: S. C. Code Sections 47-4-50

27-1011 Diseases and Health Documentation (See generally 47-4-60- Diseases)

Synopsis:

27-1011.A. This section has been amended by adding additional reportable diseases and by providing examples for reportable clinical symptoms.

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Instructions:

Delete the current section 27-1011. A. and replace it with the new section 27-1011.A. There is no change to Sections B, C. or D.

Text:

27-1011 Diseases and Health Documentation

A. All persons must report the diagnosed or suspected existence of the following diseases to the State Veterinarian within forty-eight (48) hours after discovery.

Brucellosis
Tuberculosis
Pseudorabies
Equine Infectious Anemia (EIA)
Paratuberculosis – Johne’s Disease
Pullorum – Fowl Typhoid
Eastern Equine Encephalomyelitis (EEE)
Western Equine Encephalomyelitis (WEE)
Venezuelan Equine Encephalomyelitis (VEE)
West Nile (WNV) Encephalitis
Scrapie
Anthrax
Erysipelas
Rabies – coordinated with DHEC
Vesicular Stomatitis
Hog Cholera
Cattle Tick Fever
Foot and Mouth Disease
Vesicular Exanthema
Rinderpest
African Swine Fever
African Horse Sickness
Contagious Equine Metritis
Equine Viral Arteritis
Screwworm (*Cochliomyia hominivorax*)
Dourine (*Trypanosoma equiperdum*)
Glanders - *Burkholderia mallei* (formerly *Pseudomonas mallei*)
Highly Pathogenic Avian Influenza (Fowl Plague)
Newcastle Disease (Exotic)
Avian Infectious Laryngotracheitis
Heartwater (*Cowdria ruminantium*)
Q Fever (*Coxiella burnetii*)
Babesiosis (*Babesia bovis*, *B. bigemina*)
All foreign and Exotic Diseases and Parasites of Animals and Birds
35. OIE Lists A&B

The State Veterinarian may declare other diseases as reportable, upon publication of such notice in the State Register.

REPORTABLE DISEASE IN SOUTH CAROLINA BY CLINICAL SYMPTOMS

Sore Mouth-Muzzle: especially if accompanied by foot, udder, vulva or skin lesions (Blisters-Vesicles)

Ex: Foot & Mouth, Vesicular Stomatitis, etc.

Encephalitis (CNS) Conditions in All Animals and Birds.

Ex: Eastern, Western and Venezuelan Equine Encephalomyelitis, West Nile Encephalitis

Pseudorabies, Bovine Spongiform Encephalopathy – BSE

Caprine Arthritis Encephalitis

High Death Loss – especially over a short period and in older animals past several weeks old.

Ex: Hog Cholera, Erysipelas, Anthrax, Acute Septicemias

Reproductive Problems

Ex: Brucellosis, Pseudorabies, Contagious Equine Metritis (CEM)

Any Highly Unusual Condition – Disease or parasites differing from conditions one is familiar with.

Ex: All foreign and exotic diseases and parasites, unusual symptomatology of any kind.

Fiscal Impact Statement:

Staff anticipate no additional financial impacts upon local government. Additional costs to state government (the Commission) are not anticipated beyond the staff currently authorized.

Document No. 2727

STATE CROP PEST COMMISSION/CLEMSON UNIVERSITY

CHAPTER 27

Statutory Authority: S. C. Code Sections 46-9-40; 46-9-60

27-50 Regulated Areas.

Synopsis:

27-50 B (1) Witchweed has been eradicated in Dillon County; consequently Dillon County is no longer designated as a suppressive area.

27-50 B (2) Witchweed has been eradicated in Florence County; consequently Florence County is no longer designated as a suppressive area.

27-50 B (3) The general areas in subsections (a) and (b) are being reduced and specific farms are named where witchweed has not been eradicated.

27-50 B (4) This section identifies specific farms in Marion County on which witchweed exists. This subsection identifies those specific locations where witchweed is found.

27-50 B (5) No change.

Instructions:

In Regulation 27-50, delete current subsections B(1), B(2), B(3), and B(4) and replace with the new subsections B(1), B(2), B(3), and B(4). There is no change to current subsection B(5).

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Text:

27-50 B. Suppressive Areas

1. DILLON COUNTY. None

2. FLORENCE COUNTY. None

3. HORRY COUNTY

A. That area bounded by a line beginning at a point where U.S. Highway 9 intersects the Horry-Marion County line, then east along U.S. Highway 9 to Sate Secondary Highway 19, then southeast along State Secondary Highway 19 to Lake Swamp, then southwest along Lake Swamp to State Secondary Highway 99, then south and southwest along State Secondary Highway 99 to U.S. Highway 501, then west along U.S. Highway 501 to the Little Pee Dee River, then north along the Little Pee Dee River to the Lumber River, then north along the Lumber River to U.S. Highway 9, where it intersects the Horry-Marion County line to the point of beginning.

B. Jenerette, Miriam farm located on eastside of Secondary Road 23, and 3.4 miles south of intersection State Highway 917 and Secondary Road 23.

C. Stanley, Andrew farm located on the east side of State Highway 90 and 0.2 miles east of its junction on unpaved road known as Andrew Road.

D. Livingston, Donnie farm located on the east side of State Highway 90 and 0.5 miles southeast of its junction on state secondary road known as Bombing Range Road and 0.6 miles southeast of its junction on unpaved road known as Dewitt Road and 0.2 miles west of its junction on unpaved road known as Sand Hill Lane.

E. Lewis, Lula farm located on the west side of State Highway 90 and 0.4 miles west of its junction on unpaved road known as Livingston Lane and 0.1 miles east of its junction on unpaved road known as Beecher Lane.

F. Chestnut, Alberta farm located on the west side of State Highway 90 and 0.3 miles west of its junction on state secondary road known as Pint Circle.

G. Stanley, Sam farm located on the west side of State Highway 90 and 0.4 miles west of its junction on state secondary road known as Pint Circle.

H. Adams, Lena J. farm located on the west side of State Highway 90 and 1.2 miles west of its junction on state secondary road known as Pint Circle.

I. James, Norman farm located west of State Highway 90 and 0.4 miles west of its junction on unpaved road known as Thompson Road.

J. Todd, Don farm located west of State Highway 90 and 0.4 miles west of its junction on unpaved road known as Tilley Swamp Road.

K. Livingston, Pittman farm located on the east side of State Highway 90 and 2.2 miles north of junction with State Highway 22 and State Highway 90.

L. Vereen, Rufus C. farm located east of State Highway 90 and 0.4 miles east on state secondary road known as Old Chesterfield Road.

4. MARION COUNTY

A. Brown, Lewis farm located on the south side of State Highway 76 and 1.4 miles south of its junction with State Secondary Road 201.

B. Rowell, Molite farm located on the west side of State Secondary Road 9 and 0.2 miles west of its junction on unpaved road known as Molite Road.

C. Taw Caw Plantation farm located on the south side of State Highway 76 and 1.3 miles south of its junction on unpaved road known as Bubba Road.

D. Washington, James Est. farm located on the south side of State Highway 76 and 0.1 miles south of its junction on unpaved road known as Samuel Road.

E. Hughes, Roosevelt farm located west of State Secondary Road 9 and junction of unpaved road known as Bishop Road.

F. Fowler, Est. Herbert farm located east of State Highway 501 and 1.4 miles northeast of its junction on unpaved road known as Bowling Green Road and 0.1 miles north of its junction on unpaved road known as Salem Road.

5. MARLBORO COUNTY. None

Fiscal Impact Statement:

Staff anticipate no additional financial impacts upon local government. Additional costs to state government (the Commission) are not anticipated beyond the staff currently authorized.

Document No. 2746
BOARD OF EDUCATION
 CHAPTER 43

Statutory Authority: 1976 Code Sections 59-5-60 (1990 and Supp. 2001),
 and 59-30-10, *et seq* (1990 and Supp. 2001)

43-262.1 Basic Skills Assessment Programs–Kindergarten Objectives

Synopsis:

Kindergarten objectives under the Basic Skills Assessment Program (BSAP) have been superceded by the South Carolina Curriculum Standards. The BSAP kindergarten objectives served as the basis for the Cognitive Skills Assessment Battery (CSAB) which was administered for the last time in fall 2001. Therefore, this regulation needs to be repealed.

Instructions:

Repeal R 43.262.1, Basic Skills Assessment Programs–Kindergarten Objectives, to Chapter 43 regulations.

Text:

43-262.1. Basic Skills Assessment Program-Kindergarten Objectives.

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Section 1(a) of Act 631 of 1978 (Basic Skills Assessment Program) states that "the State Board of Education, through the State Department of Education, shall establish statewide educational objectives in the basic skills with minimum standards of student achievement for kindergarten through grade twelve."

Pursuant to this legislative requirement, Kindergarten Objectives have been developed from objectives submitted to the Department of Education by South Carolina public school districts. The objectives incorporate the results of reviews by the public, school districts, and a sample of kindergarten and first grade teachers. These objectives are intended to provide teachers with suggestions for involving kindergarten students in meaningful developmental activities. Furthermore, these eighteen objectives do not represent minimal skills but instead represent the primary components of what is considered to be a strong readiness program aimed at providing necessary concepts and skills which are fundamental to future success in reading, mathematics, and writing. In accordance with the Basic Skills Legislation, any student who does not demonstrate readiness for the first grade as evidenced by the attainment of these objectives must be afforded the opportunity to continue the development of these skills in the first grade.

Each of the eighteen objectives is followed by an explanation or clarification of the objective in which activities or subskills are suggested for helping the student attain mastery of the more global objective. Although the activities listed are those which the majority of South Carolina public school districts include in their kindergarten programs, this list is not intended to exclude other appropriate activities. Additionally, the activities represent a range of difficulty; consequently, all students are not expected to achieve mastery on all suggested subskills. Therefore, the intention is that, while all students are not expected to attain mastery of each subskill suggested, the individual student should be exposed to any tasks for which he is developmentally ready.

In assessing a student's progress with respect to any given objective, the teacher may have to rely on teacher observation, test items, or a combination of these two assessment techniques.

Additionally, for those objectives which may pose problems for handicapped students, teachers will have to exercise judgment with respect to appropriate instructional activities and measurement strategies.

The expressed policy of the State Board of Education is that the following objectives should be considered in providing appropriate developmental activities for students enrolled in the public kindergartens of this State.

Additionally, pursuant to Section 1(b)(1) of Act 631 of 1978, it is the expressed policy of the Board, that the objectives, in conjunction with information derived from a readiness test, be used in providing appropriate developmental activities in the First Grade for students who do not demonstrate readiness to begin the formal school curriculum.

OBJECTIVE 1: THE STUDENT PERFORMS TASKS INVOLVING GROSS MOTOR SKILLS.

Explanation: The student uses large muscles to coordinate eye-hand movements, eye-foot movements, and body positions in maintaining balance while performing physical activities. Demonstrations of large muscle control include activities such as marching; hopping on either foot; skipping; jumping and landing on both feet; galloping; climbing stairs while alternating feet; and bouncing, throwing, catching, and kicking a ball.

OBJECTIVE 2: THE STUDENT PERFORMS TASKS INVOLVING FINE MOTOR SKILLS.

Explanation: The student uses small muscles to coordinate eye-hand movements and body positions while manipulating objects, tracing, copying, drawing, and painting. Demonstrations of eye-hand coordination include activities such as buttoning, zipping, lacing, and tying articles of clothing; folding paper; assembling puzzles; opening a book and turning the pages one at a time from front to back; building with blocks and construction toys; cutting straight and curved lines while holding scissors properly; tracing objects and symbols (for example, finger-tracing in sand or tracing wooden letters and numerals); and copying shapes, letters, own name, words, and numerals.

OBJECTIVE 3: THE STUDENT REMEMBERS VISUAL STIMULI.

Explanation: The student recalls, after a brief lapse of time, stimuli presented visually. (The "brief lapse of time" will vary depending upon the activity.) Demonstration of visual memory involves the student's recalling by pointing to or naming one to six visual stimuli after the stimuli have been presented and removed or covered. Visual stimuli might include colors, shapes, numerals, letters, or patterns.

OBJECTIVE 4: THE STUDENT DETERMINES LIKENESSES AND DIFFERENCES IN VISUAL STIMULI.

Explanation: The student distinguishes likenesses and differences by comparing visual stimuli. Demonstrations of visual discrimination include activities such as matching identical colors; sorting objects on the basis of color; matching identical pictures; selecting the picture that is different; matching identical shapes; sorting objects on the basis of shape; assembling simple puzzles; matching objects of identical sizes; sorting objects on the basis of size; and matching identical symbols (numerals, letters, and words).

OBJECTIVE 5: THE STUDENT REMEMBERS AUDITORY STIMULI.

Explanation: The student recalls, after a brief lapse of time, stimuli presented auditorily. (The "brief lapse of time" will vary depending upon the activity.) Stimuli might include sounds made by animals, people, or objects and sound patterns. Demonstrations of auditory memory include activities such as repeating sounds made by animals, objects and people; repeating rhythmic sequences; counting from 1 to 10 by rote; and repeating nursery rhymes, fingerplays, poems, and songs.

OBJECTIVE 6: THE STUDENT DETERMINES LIKENESSES AND DIFFERENCES IN AUDITORY STIMULI.

Explanation: The student distinguishes likenesses and differences by comparing sounds. Demonstrations of auditory discrimination include activities such as matching sounds made by objects, animals, or people; matching sounds according to rhythmic pattern, pitch (high-low), or volume (loud-soft); recognizing words that sound the same (for example, "dog" and "dog") and words that sound different (for example, "dog" and "doll"); matching words that rhyme (for example, "cat", "bat", and "mat"); and matching sounds at the beginning of words (for example, "boy", "ball", and "book").

OBJECTIVE 7: THE STUDENT COMMUNICATES WITH OTHERS BY USING EXPRESSIVE LANGUAGE.

Explanation: The student communicates with others by using a simple oral vocabulary and by expressing ideas with an expanding oral vocabulary. Vocabulary development may include naming such things as colors, parts of the body, people, animals, foods, objects, sounds, days of the week, seasons, occupations, letters, numerals, coins, and textures. Demonstrations of expression of ideas include activities such as initiating verbal communication with others, relating personal experiences to classroom activities, and dictating personal experiences for teacher's recording in a written form.

OBJECTIVE 8: THE STUDENT IS RECEPTIVE OF LANGUAGE IN COMMUNICATING WITH OTHERS.

Explanation: The student communicates with others by listening attentively and by utilizing the information presented. Demonstrations of receptive language include activities such as listening and responding to the conversations of others; listening to and making comments about a selection read; and listening to and following directions.

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OBJECTIVE 9: THE STUDENT EXPRESSES AN INTEREST IN LANGUAGE.

Explanation: The student seeks out information or initiates actions related to words or books. Demonstrations of an interest in language include behaviors such as asking the meaning of words; asking to have a story read; looking at pictures in books; and sharing books with the class.

OBJECTIVE 10: THE STUDENT CLASSIFIES STIMULI ON THE BASIS OF ONE OR MORE ATTRIBUTE(S).

Explanation: In order to be able to classify, the student must first recognize similarities in stimuli (such as objects) with respect to some attribute or characteristic (such as size). The student must then group the stimuli according to one or more attribute(s). Demonstrations of classification include activities such as classifying objects according to color, size, or shape and classifying by functions and/or relationships such things as objects, foods, animals, or people.

OBJECTIVE 11: THE STUDENT COMPARES STIMULI ON THE BASIS OF ONE OR MORE ATTRIBUTE(S).

Explanation: In order to be able to compare, the student must first recognize similarities and differences in stimuli (such as objects) with respect to some attribute or characteristic (such as size). The student must then compare the stimuli according to one or more attribute(s). Demonstrations of comparison include activities such as comparing two groups of objects using the terms more than, less than, or same as; comparing two objects according to length, height, weight, size, shape, or distance; comparing opposites or positions (for example, behind/in front of, between/beside, above/below).

OBJECTIVE 12: THE STUDENT SEQUENCES STIMULI ON THE BASIS OF ONE OR MORE ATTRIBUTE(S).

Explanation: In order to be able to sequence, the student must first recognize differences in stimuli (such as objects) with respect to some attribute or characteristic (such as size). The student must then order the stimuli according to one or more attribute(s). Demonstrations of sequencing include activities such as counting up to 10 objects; ordering objects according to length, height, weight, or size; identifying the correct object to complete the pattern; completing an incomplete pattern or picture; retelling a short story in sequential order; arranging in correct order three pictures; and stating the sequential steps involved after completing a three-step activity.

OBJECTIVE 13: THE STUDENT BEGINS TO UNDERSTAND THE CONCEPT OF CONSERVATION OF NUMBER.

Explanation: The student recognizes that a group has the same number of objects regardless of the arrangement of the objects. Demonstration of conservation of number involves the teacher presenting the student with five to ten objects and asking the student to count the objects. After the student counts the number of objects correctly, the teacher rearranges the objects and asks, "How many objects are there?". A student who responds, without recounting, that the number of objectives is the same understands conservation of number.

OBJECTIVE 14: THE STUDENT INTERPRETS AND INFERS ON THE BASIS OF ORAL OR ILLUSTRATIVE SELECTIONS.

Explanation: The student demonstrates understanding of selections, for example, stories presented orally or in picture form, by interpreting or making inferences on the basis of the selection. The student interprets selections by summarizing what has been seen or heard. The student makes inferences by going beyond the content of the selection. Demonstrations of interpretation and inference include activities such as listening to a selection, expressing the main idea, and making inferences; supplying a logical ending to a story after being presented with only two-thirds of the story; supplying appropriate answer(s) to questions on the basis of context clues; and making up a story about a picture.

OBJECTIVE 15: THE STUDENT CONTROLS EMOTIONS AND EXPRESSES THEM IN A SOCIALLY ACCEPTABLE MANNER.

Explanation: The student exhibits the ability to control and express emotions by appropriate use of words or actions. Demonstrations of self-control include behaviors such as expressing feelings or needs in a controlled and constructive manner; accepting socially-imposed limits; and adjusting to changes in routine.

OBJECTIVE 16: THE STUDENT DISPLAYS A POSITIVE ATTITUDE TOWARD SELF.

Explanation: The student exhibits a positive self-concept through favorable actions and words concerning self. Demonstrations of positive self-concept include behaviors such as taking finished work home; asking to have work displayed; showing work to others; working independently and asking for help from others when needed; completing tasks, tidying up after self; taking responsibility for personal belongings; and developing independent personal hygiene habits.

OBJECTIVE 17: THE STUDENT DISPLAYS A POSITIVE ATTITUDE TOWARD SCHOOL.

Explanation: The student exhibits a positive feeling about school through favorable actions and words concerning school. Demonstrations of a positive attitude toward school include behaviors such as using materials correctly and participating voluntarily in a wide variety of classroom activities.

OBJECTIVE 18: THE STUDENT INTERACTS WITH OTHERS IN A SOCIALLY ACCEPTABLE MANNER.

Explanation: The student cooperates with others by being considerate of and sensitive to their needs. Demonstrations of appropriate school interaction include behaviors such as sharing materials; listening to ideas and opinions; respecting the property of others; and reacting positively toward the achievements of others.

The State Superintendent of Education is authorized to take such administrative action as he may deem necessary and appropriate for the purpose of fulfilling the intent of these policies.

Fiscal Impact Statement:

There will be no increased costs to the State or its political subdivisions.

Document No. 2747
STATE BOARD OF EDUCATION
CHAPTER 43

Statutory Authority: S. C. Code Ann. Sections 59-5-60 (1990), 59-5-65 (1990 and Supp. 2001), and 59-30-10, *et seq.* (1990 and Supp. 2001)

43-262.2. Basic Skills Assessment Program-Readiness Test

Synopsis:

The CSAB was administered for the last time in fall 2001. The Education Accountability Act of 1998 (EAA) required the development/selection of developmentally appropriate readiness assessments for grades one and two. The South Carolina Readiness Assessment (SCRA) fulfills the requirements of the EAA, obviating the need for the CSAB. The SCRA is identified as the Assessment Program in 24 S. C. Code Ann. Regs. 43-262 (to be codified at Supp. 2002.) Therefore, this regulation needs to be repealed.

Instructions:

44 FINAL REGULATIONS

Repeal R 43-262.2, Basic Skills Assessment Program Readiness Test, to Chapter 43 regulations.

Text:

43-262.2. Basic Skills Assessment Program-Readiness Test.

SECTIONs 1(b)(1) and 1(b)(2) of Act 631 of 1978 (Basic Skills Assessment Program) state that "the State Board of Education, through the State Department of Education, shall establish a state basic skills assessment program that shall include the administration to all public school students at the beginning of grade one a readiness test that will be designed to measure a student's readiness to begin the formal school curriculum"; and "provide for the administration of the readiness test at the beginning of the school year in grade one."

Pursuant to these legislative requirements, the State Department of Education, with the advice and cooperation of educators from various public school districts throughout the State, has selected, field-tested, and appropriately revised a readiness test. Therefore, the expressed policy of the State Board of Education is that the Boehm/Slater: Cognitive Skills Assessment Battery, as revised by the South Carolina Department of Education, with the permission of the authors, shall be administered to public school students at the beginning of grade one. Pursuant to Section 4 of Act 631 of 1978, the test shall be first administered during the 1979-80 school year. Additionally, the expressed policy of the Board is that administration of the test shall be completed not later than the end of the first fifteen (15) days in which First Grade students are in attendance in each school district.

The State Superintendent of Education is authorized to take such administrative action as he may deem necessary and appropriate for the purposes of fulfilling the intent of these policies and ensuring the efficient and effective administration of the test.

Preliminary Fiscal Impact Statement: There will be no increased costs to the State or its political subdivisions.

Document No. 2745
STATE BOARD OF EDUCATION
CHAPTER 43

Statutory Authority: S.C. Code Ann. Sections 59-5-60 (1990) and 59-5-65 (1990 and Supp. 2001)

43-73. Disposition of Textbook Samples after State Adoption Process

Synopsis:

The State Department of Education recommends that the State Board of Education promulgate amendments to R 43-73, Disposition of Textbook Samples after State Adoption Process, to revise outdated terminology and to reduce the number of sets of materials that must be kept on site at the State Department of Education.

The Notice of Drafting was published in the *State Register* on June 28, 2002.

Section-by-Section Discussion

1. In R 43-73, Section A.(1)(2)(3)(4)(5)(7) and Section B.(1)(2) are being amended to revise outdated terminology and to address an alternative plan for samples of non-textbook materials.
2. In R 43-73, Section A.(6) reduces the number of sets of materials that must be kept on site at the State Department of Education.

Instructions: Replace in its entirety the text of R 43-73, which is under Chapter 43, Article 4, Textbook Regulations, with the following amended text. Change the title of R 43-73, which is under Chapter 43, Article 4, Disposition of Textbook Samples after State Adoption Process to read Disposition of Instructional Materials Samples after State Adoption Process.

Text:

43-73. Disposition of Instructional Materials Samples after State Adoption Process.

A. Sample copies of instructional materials, textbooks, and supplementary materials furnished to members of the Instructional Materials Review Panels shall remain in possession of panel members until the adoption process has been completed. State Board of Education action on recommendations from the panels will be considered as the completion of the adopted cycle in a given year. Samples furnished by publishers shall be handled in the following manner:

1. The publisher shall notify the State Department of Education of its intent to reclaim samples when official bids are submitted.

2. Each publisher electing to reclaim samples must arrange for collecting samples at its own expense from panel members within 30 days after the State Board of Education has approved the adoption.

3. Where publishers do not elect to reclaim samples or fail to collect the materials according to the procedures set forth in the policy, panel members may use them in their own work, donate them to public schools, state-supported institutions, or charitable non-profit organizations.

4. A panel member or employee of the State Department of Education shall not dispose of any instructional material samples or supplementary materials for profit or personal gain.

5. Samples furnished to the State Department of Education that are not adopted may be reclaimed at the publisher's expense by mail or picked up by the publisher's representative within 30 days after the adoption. Any samples not collected after 30 days may be donated to public schools, state-supported institutions, or charitable non-profit organizations but may not be sold.

6. A sample copy of all adopted instructional materials including workbooks and other supplemental materials shall be stored at the State Department of Education for the duration of the contract with its publisher.

7. Samples of materials stored at the State Department of Education, with expired contracts, be sent to the Central Depository for donating to public schools, state-supported institutions, charitable non-profit organizations, or disposing/recycling but may not be sold.

B. Samples of Non-Textbook Materials

1. A publisher may propose in writing to the instructional materials adoption program coordinator an alternative plan for sampling of non-textbook materials (kits, software, Internet-based programs, etc.). If the proposal is approved by the program coordinator such sampling shall be deemed acceptable for meeting State Board of Education sampling requirements.

2. Samples under the approved alternative plan must be reclaimed from panel members in the same manner as traditional samples as stated in A.2. of this policy. Unless excluded by the alternative plan, the State Department of Education shall retain non-textbook samples of adopted materials and access to adopted Internet programs for the duration of the contract with its publishers.

Fiscal Impact Statement:

There will be no increased costs to the State or its political subdivision.

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Document No. 2744
STATE BOARD OF EDUCATION
CHAPTER 43

Statutory Authority: S.C. Code Ann. Sections 59-5-60 (1990), 59-5-65 (1990 and Supp. 2001), and 59-18-30 (Supp. 2001)

R43-301. Intervention Where Quality of Education in a Local School District is Impaired

Synopsis:

The State Department of Education recommends the repeal of Regulation 43-301, Intervention Where Quality of Education in a Local School District is Impaired. S.C. Code Ann. Section 59-18-30 (Supp. 2001) related to intervention in impaired school districts was repealed by the Education Accountability Act of 1998. The Act provides the specifics of a new system of intervention based on school report card ratings. 24 S.C. Code Ann. Regs. 43-301 (Supp. 2001) deals with intervention in impaired districts and is no longer needed.

Instructions: Repeal R 43-301, Intervention Where Quality of Education in a Local School District is Impaired, in Chapter 43 regulations.

Text:

43-301. Intervention Where Quality of Education in a Local School District is Impaired.

I. Minimum Criteria Standards

The following specifications of minimum criteria standards developed by the State Board of Education and the Select Committee for the 1985 Assessment and subsequent years are subject to review and revision. Standards adopted on a yearly basis by the State Board of Education will be available from the State Department of Education.

A. Achievement Test Results

The school districts are required to satisfy two-thirds of the minimum criteria standards established for Basic Skills Assessment Program (BSAP) and South Carolina Norm-Referenced Testing Program (SCNRT) achievement test results. Failure by any district to satisfy this requirement shall indicate serious impairment in the quality of education in the district and shall result in the district being designated as "highest priority" for technical assistance.

1. BSAP and SCNRT Subtest Specifications

Separate minimum criteria standards shall be established for every grade in which BSAP Reading, Mathematics, Writing, and Science subtests are administered, provided that one prior year's results are available for each respective grade level. Separate minimum criteria standards shall also be established for every grade in which SCNRT Reading Total, Language Total, and Mathematics Total subtests are administered, provided that one prior year's results are available for each respective grade level.

2. Minimum Performance Level and Minimum Gain Specifications

The minimum criteria standard for any SCNRT subtest, by grade level, will be satisfied by a school district if at least one of the following two conditions is met:

(a) the improvement in performance by the district test group meets or exceeds the gain realized by the total statewide population (expressed as the difference in percent of students scoring above BSAP standard) above the prior administration of that subtest, or

(b) the performance of the district test group meets or exceeds a minimum performance level for that subtest. The minimum performance level for a SCNRT subtest is defined as 3.0 mean NCE points below the most recently available or estimated mean NCE performance of the statewide Free Lunch population.

The minimum criteria standard for any CTBS subtest, by grade level, will be satisfied by a school district if at least one of the following two conditions is met: (a) the improvement in performance by the district test group meets or exceeds the gain realized by the total statewide population (expressed as a difference in mean NCE scores) above the prior administration of that subtest, or (b) the performance of the district test group meets or exceeds a minimum performance level for that subtest. The minimum performance level for a CTBS subtest is defined as 3.0 mean NCE points below the most recently available or estimated mean NCE performance of the statewide Free Lunch population.

B. Accreditation Deficiencies, Drop-out Rates, Student and Faculty Attendance

The school districts are required to satisfy two thirds of the minimum criteria standards established for accreditation deficiencies, drop-out rates, student attendance, and faculty attendance. Failure by any district to satisfy this requirement shall indicate serious impairment in the quality of education in the district and shall result in the district being designated as "highest priority" for technical assistance.

1. Accreditation Deficiencies

The following minimum criteria standards are established for accreditation deficiencies within school districts which are determined to exist in the prior academic year upon review by the Office of School District Accreditation and Assessment, Department of Education, under the Defined Minimum Program for South Carolina School Districts:

- a. No school units within a district shall receive a probationary classification;
- b. No school units within a district shall have more than 10.0 percent of classes taught by improperly certified personnel;
- c. No school units within a district shall have a deficiency in the allocation of instructional time or offering of required courses in the areas of language arts or mathematics.

2. Drop-out Rates for Grades 7-8 and Grades 9-12

Two minimum criteria standards for drop-out rates shall be established for school districts. Drop-out rates shall be aggregated for grades 9-12 and grades 7-8 within districts and expressed as the percentage of enrollment within the respective grade ranges. Criterion percentage rates shall be adopted on a yearly basis by the State Board of Education. The minimum criteria standard for grades 7-8 drop-out rate shall be applied beginning with the 1986 assessment.

3. Student Attendance

Two minimum criteria standards for average daily attendance rates shall be established for school districts. Average daily attendance rates shall be aggregated for grades K-8 and grades 9-12 within districts and expressed as the percentage of average daily membership within the respective grade ranges. Criterion percentage rates shall be adopted on a yearly basis by the State Board of Education.

4. Faculty Attendance

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A minimum criteria standard for faculty attendance within school districts shall be established and applied beginning with the 1986 assessment. The criterion percentage rate shall be adopted on a yearly basis by the State Board of Education.

II. Application of Minimum Criteria Standards

By January 1 of each year the State Department of Education shall collect appropriate data and apply the adopted standards to all school districts. School districts shall provide to the State Department of Education data requested by the Department which is needed for application of the standards to the districts.

III. Notification to School Districts of Results of Application of Standards

The State Department of Education shall notify the school districts as to the outcome of the application of the adopted standards to the districts.

IV. Highest Priority School Districts

A school district designated as highest priority shall provide in a timely manner all information requested by the State Department of Education and the Review Committee. School district personnel shall be available for interviews and consultations with State Department of Education staff and the Review Committee.

V. Review Committee Recommendations

The Review Committee, based on the findings of its study of conditions in a highest priority school district, shall make recommendations to the State Superintendent of Education for corrective action to be taken by the district.

VI. Implementation of Recommendations

Highest priority school districts shall be allotted six months from the date of the receipt of recommendations to effect satisfactory implementation of such recommendations. The State Department of Education shall monitor implementation of recommendations.

VII. Non-Implementation of Recommendations

Should a highest priority school district not satisfactorily implement the recommendations within the allotted six month time period, the State Superintendent of Education, with approval of the State Board of Education, may taken action as prescribed in Division II, Subdivision E, Subpart 4, of the Education Improvement Act of 1984. Such action shall consist of any of the following:

A. Furnish continuing advice and technical assistance in implementing the recommendations of the State Board of Education.

B. Declare a state of emergency in the school district. The State Superintendent of Education shall request a joint meeting of the Education Committees of the House of Representatives and the Senate, to be held within 30 days of such declaration, for presentation of evidence as to the state of emergency.

If a majority of the Committee members concur with the finding of a state of emergency, the State Superintendent of Education may cause state funds for any or all programs under this Act to be escrowed for the duration of the emergency with the understanding that he may thereafter release funds from escrow for any program which he determines to have been restored to standard even though the state of emergency may not as yet be terminated for the district as a whole.

When State Department of Education monitoring indicates that the highest priority school district has implemented corrective recommendations of the State Board of Education, the State Superintendent of Education

shall request another joint meeting of the Education Committees of the House of Representatives and the Senate to recommend cessation of the state of emergency.

The state of emergency may be declared ended by vote of a majority of the Committee members voting and thereupon any escrowed funds may be released to the district during the next twelve month period as the State Superintendent may prescribe.

C. Recommend to the Governor that the office of superintendent be declared vacant. The Governor may thereupon so declare after which the State Superintendent may furnish an interim replacement until the vacancy is filled by the board of trustees.

VIII. School Districts Not Meeting All Minimum Criteria Standards

A district which is not highest priority but fails to meet one or more of the minimum criteria standards shall be offered technical assistance. Such districts shall develop output objectives within the District Improvement Report which address these needs.

Fiscal Impact Statement: The repeal of the regulation will create no additional costs to the State or its political subdivisions.

Document No. 2732
DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF CHIROPRACTIC EXAMINERS
 CHAPTER 25

Statutory Authority: 1976 Code Sections 40-1-40, and 40-9-30.

Synopsis:

Regulation 25-8 is submitted by the Board of Chiropractic Examiners and amends Regulation 25-8 by adding a requirement that chiropractors must clearly indicate on signs, solicitations and advertisements that chiropractic services are being offered.

Instructions:

Replace Regulation 25-8 with the following language.

Text:

25-8. Advertising and Solicitation.

Professional standards. Advertising practices by chiropractors should be ethical and professional. For the purpose of this rule, the terms communication, solicitation or advertisement shall mean any message, written broadcast or offer made by or on behalf of a licensee. Signs, solicitations, or advertisements shall clearly indicate that chiropractic services are being offered. Every licensee shall display prominently in the licensee's office the word chiropractor or D.C. A communication, solicitation or advertisement shall not:

(1) Contain a material misrepresentation of fact or law, or omit a fact necessary to make the statement considered as a whole not materially misleading.

(2) Create an unjustified expectation about results the chiropractor can achieve, or state or imply that the chiropractor can achieve results that violate the rules of Professional Conduct, the Code of Ethics, or other law.

(3) Compare the chiropractor's services with other chiropractors' or other practitioners' services, unless the comparison can be factually substantiated.

(4) Fail to indicate clearly, expressly or by context, that it is an advertisement.

(5) Be transmitted in a manner that involves intrusion, coercion, duress, compulsion, intimidation, threats, or harassing conduct, particularly those communications requiring an immediate response such as in-person or live telephone contact.

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(6) Be for the purpose of soliciting a prospective patient while transmitted at the scene of an accident or en route to a hospital, emergency care center or other health care facility.

(7) Involve the payment or receipt of a commission for referral of patients. The chiropractor must limit the source of his professional income to services actually rendered by him or under his supervision, to his patients.

Fiscal Impact Statement: There will be no additional cost incurred by the State or any political subdivision.

Document No. 2733
DEPARTMENT OF LABOR, LICENSING AND REGULATION
BOARD OF CHIROPRACTIC EXAMINERS
CHAPTER 25
Statutory Authority: 1976 Code Sections 40-1-40, and 40-9-30.

Synopsis:

The Board of Chiropractic Examiners is amending Regulation 25-3(A) by deleting the requirement that an applicant for licensure take an examination in the subject of philosophy and amending Regulation 25-3(D)(5) by deleting the requirement that an applicant for licensure by endorsement or reciprocity successfully pass a test in philosophy.

Instructions:

Replace existing text with the text as indicated below. The complete text, as amended, is attached.

Regulation 25-3(A).

Delete the words "statute, ethics, and philosophy" and replace with "statute and ethics."

Regulation 25-3(D)(5).

Delete the words "statute, ethics, and philosophy" and replace with "statute and ethics."

Text:

25-3. Examination.

A. Examination Subjects. Applicants must be tested in South Carolina statutes and ethics, and must pass with a score of seventy-five percent (75%) or better. If an applicant fails to achieve a score of seventy-five percent (75%) or better he may retake the examination within one (1) year.

B. Exam Regrade Procedure.

An applicant who has submitted a written request to the Board, within thirty (30) days from the mailing date of the notification of examination results, may verify that the score reported to them is accurate by requesting a regrading of their examination. A money order or cashier's check in the amount of \$25.00 for each subject to be regraded must be submitted with the written request. To protect the integrity of the examination process, applicants may not review their examination under any circumstances.

C. Failure of Examinations.

(1) Any applicant who fails any of the required subjects shall be allowed to retake the failed subjects upon payment of required fee. Applicants will be permitted two (2) successive retake examinations if necessary to pass the failed subjects, beginning at the next scheduled examination. If the applicant does not pass the failed subjects, the applicant must reapply and retake the entire examination and pay the necessary fees.

(2) An applicant who fails to satisfactorily pass an examination, who does not apply for reexamination and pay the required reexamination fee within one year, and who does not take and pass a subsequent examination within at least one year from the date of his/her original examination, must reapply for examination.

D. Endorsement/Reciprocity

A license may be granted for applicants who meet the following requirements:

- (1) Applicant must have practiced for one (1) continuous year immediately preceding application to this Board.
- (2) Applicants who matriculated after July 1, 1987 must meet all National Board examination requirements as set forth in Section 25-2.
- (3) Applicants who matriculated prior to July 1, 1987 must:
 - (a) Have passed a state examination substantially equivalent to the National Board examinations or passed National Board Parts I and II;
 - (b) If National Board examination Parts I and II have not been passed, a Waiver form must be completed and submitted from the state in which he was licensed by examination, to include subjects tested and grades;
- (4) Verification of licensure from every state where a license has been held, active or inactive, current or expired. Verification must be received directly from the state board to this office.
- (5) Applicant must be tested in South Carolina statutes and ethics and must pass with a 75% or better. If applicant fails to achieve a score of 75% or better he may retake the examination within one (1) year. Failure of the second examination disqualifies the chiropractor for endorsement and he must apply for license by examination. Applications are valid for one year only and the application must be completed within one (1) year of initial application date.
- (6) Applicant may be required to appear before at least two (2) members of the Board for an interview.

Preliminary Fiscal Impact Statement: There will be no additional cost incurred by the State or any political subdivision.

Document No. 2730

DEPARTMENT OF PUBLIC SAFETY

CHAPTER 38

Statutory Authority: South Carolina Code of Laws 23-6-10 et seq.

38-001 through 38-028 Article 1. Criminal Justice Academy, Subarticle 1, Law Enforcement Training

Synopsis:

The changes will update existing regulations to better meet the training needs of law enforcement officers in this state and improve the existing certification requirements.

Regulation 38-001 addresses the authority of the Deputy Director.

Regulation 38-002 addresses the application for basic training and certification.

Regulation 38-003 addresses the requirement of good character for certification as a law enforcement officer.

Regulation 38-004 addresses the denial of certification for misconduct.

Regulation 38-005 addresses the firearms qualification requirement for law enforcement officers.

Regulation 38-006 addresses certification of law enforcement officers.

Regulation 38-007 addresses training requirements for basic law enforcement certification.

Regulation 38-008 addresses credit for equivalent training.

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Regulation 38-009 addresses separation from employment of a law enforcement officer.

Regulation 38-010 addresses reserve police officers.

Regulation 38-011 addresses traffic radar operators.

Regulation 38-012 addresses the application for re-certification.

Regulation 38-013 addresses continuing law enforcement education requirements for re-certification.

Regulation 38-014 addresses approval of continuing law enforcement education hours for re-certification requirements.

Regulation 38-015 addresses the extension of the certification renewal date.

Regulation 38-016 addresses the withdrawal of certification of law enforcement officers.

Regulation 38-017 addresses the reporting of events requiring the withdrawal of a law enforcement officer's certification.

Regulation 38-018 addresses investigation of events requiring the withdrawal of a law enforcement officer's certification.

Regulation 38-019 addresses notification of the withdrawal of a law enforcement officer's certification.

Regulation 38-020 addresses confidentiality regarding the notifications sent to law enforcement officers and their employers.

Regulation 38-021 addresses the requirement regarding law enforcement emergency vehicle training.

Regulation 38-022 addresses law enforcement emergency vehicle training programs.

Regulation 38-023 addresses notification of training compliance.

Regulation 38-024 addresses the requirement for continuing training.

Regulation 38-025 addresses approval of training programs.

Regulation 38-026 addresses credit for equivalent law enforcement emergency vehicle training.

Regulation 38-027 addresses the effect of the failure of any agency or law enforcement officer to comply with the requirements of these regulations.

Regulation 38-028 contains definitions.

Instructions: Remove existing regulations 38-001 through 38-028 and replace with language of new regulations 38-001 through 38-028.

Text:

ARTICLE 1. CRIMINAL JUSTICE ACADEMY

SUBARTICLE 1. LAW ENFORCEMENT TRAINING

Table of Contents:

Regulation:

- 38-001. Authority of Deputy Director
- 38-002. Application for Basic Training and Certification.
- 38-003. Requirement of Good Character.
- 38-004. Denial of Certification for Misconduct.
- 38-005. Firearms Qualification Requirement.
- 38-006. Certification.
- 38-007. Training Requirements for Basic Law Enforcement Certification.
- 38-008. Equivalent Training.
- 38-009. Separation from Law Enforcement Employment.
- 38-010. Reserve Police.
- 38-011. Traffic Radar Operator.
- 38-012. Application for Re-certification.
- 38-013. Continuing Law Enforcement Education Requirements for Re-certification.
- 38-014. Approval of Continuing Law Enforcement Education Hours for Re-certification requirements.
- 38-015. Extension of Certification Renewal Date.
- 38-016. Withdrawal of Certification of Law Enforcement Officers.
- 38-017. Reporting of Events requiring withdrawal of certification.
- 38-018. Investigation of events requiring withdrawal of certification; notification to officer.
- 38-019. Notification of withdrawal of certification.
- 38-020. Confidentiality of Notification.
- 38-021. Law Enforcement Emergency Vehicle Training Requirement.
- 38-022. Law Enforcement Emergency Vehicle Training Programs.
- 38-023. Notification of Training Compliance.
- 38-024. Continuing Training Requirement.
- 38-025. Approval of Training Programs.
- 38-026. Equivalent Law Enforcement Emergency Vehicle Training.
- 38-027. Effect of Failure to Comply.
- 38-028. Definitions.

38-001. Authority of Deputy Director.

A. The Deputy Director of the Criminal Justice Academy Division (Academy) of the Department of Public Safety (Department) is authorized to issue orders directing that public law enforcement agencies and law enforcement officers certified in this state comply with Article 9, Chapter 6 of Title 23, Code of Laws of South Carolina, 1976, as amended, and the regulations promulgated pursuant thereto.

B. All orders so issued shall be reviewed and ratified by the Director of the Department prior to their issuance.

38-002. Application for Re-issuance of Certification.

All applications for re-issuance of law enforcement certification shall be submitted within fifteen days after hiring on a form prescribed by the Department.

38-003. Requirement of Good Character.

A. Background Investigations.

Every agency who requests certification of any class of law enforcement officer shall conduct a background investigation in accordance with guidelines issued by the Department.

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B. Certification to the Department.

Every agency who requests certification of any class of law enforcement officer shall certify to the Department that, in the opinion of the employing agency, the candidate is of good character and has not engaged in misconduct as defined in R.38-004.

C. Availability of Background Information.

Information obtained in any background investigation made in response to these regulations, shall be available, upon request, to the Department for its review and to any future prospective law enforcement employers to assist them in a determination of an applicant's good character for law enforcement certification.

38-004. Denial of Certification for Misconduct.

A. The Department may deny certification based on evidence satisfactory to the Department that the candidate has engaged in misconduct. For purposes of this section, misconduct means:

1. Conviction, plea of guilty, plea of no contest or admission of guilt (regardless of withheld adjudication) to a felony, a crime punishable by a sentence of more than one year (regardless of the sentence actually imposed, if any), or a crime of moral turpitude in this or any other jurisdiction;
2. Unlawful use of a controlled substance;
3. The repeated use of excessive force in dealing with the public and/or prisoners;
4. Dangerous and/or unsafe practices involving firearms, weapons, and/or vehicles which indicate either a willful or wanton disregard for the safety of persons or property;
5. Physical or psychological abuses of members of the public and/or prisoners;
6. Misrepresentation of employment-related information;
7. Dishonesty with respect to his/her employer;
8. Untruthfulness with respect to his/her employer.

B. In considering whether to deny certification based on misconduct, the Department may consider the seriousness, the remoteness in time and any mitigating circumstances surrounding the act or omission constituting or alleged to constitute misconduct.

38-005. Firearms Qualification Requirement.

Each law enforcement agency shall maintain proof of completion of a firearms qualification program and keep on file, available for inspection, proof that the firearms qualification program was administered by an Academy accredited firearms instructor.

38-006. Certification.

Certification will occur upon the successful completion of the prescribed training course as set out in 38-007. No candidate may be certified in more than one class at any one time and certification shall be that required for the most recent employing agency.

38-007. Training Requirements for Basic Law Enforcement Certification.

A. Class 1 Certifications

1. Candidates for basic certification as law enforcement officers with full powers shall successfully complete a training program as approved by the Department and will be certified as Class 1-LE.

2. Candidates for basic certification as both law enforcement officers with full powers and as local detention facility officers (jailers) shall successfully complete the requirements to be certified as Class 1-LE and Class 2-LCO and will be certified as Class 1-LECO.

B. Class 2 Certifications

1. Candidates for basic certification as local detention facility officers (jailers) shall successfully complete a training program as approved by the Department and will be certified as Class 2-LCO.

2. Candidates for basic certification as correctional officers with the Department of Corrections shall successfully complete a training program as approved by the Department and will be certified as Class 2-SCO.

3. Candidates for basic certification as juvenile correction officers with the Department of Juvenile Justice shall successfully complete a training program as approved by the Department and will be certified as Class 2-JCO.

C. Class 3 Certifications. Candidates for basic certification as law enforcement officers with limited powers of arrest or special duties shall successfully complete a training program as approved by the Department and will be certified as Class 3-SLE.

38-008. Equivalent Training.

A. Other States

All candidates who have received law enforcement training in other states shall submit satisfactory proof of successful completion and a verified copy of the courses taken. Training will be reviewed on a case by case basis and each candidate will be given credit for any training deemed to be equivalent to training offered by the Academy. All candidates must satisfy legal and firearms training as well as remedy any deficiencies in prior training.

B. Federal Training

All candidates who have received law enforcement training with U.S. federal agencies shall submit satisfactory proof of successful completion and a verified copy of the courses taken. Training will be reviewed on a case by case basis and each candidate will be given credit for any training deemed to be equivalent to training offered by the Academy. All candidates must satisfy legal and firearms training as well as remedy any deficiencies in prior training.

C. Military Training

All candidates who have received law enforcement training as U.S. military police shall submit satisfactory proof of successful completion and a verified copy of the courses taken. Training will be reviewed on a case by case basis and each candidate will be given credit for any training deemed to be equivalent to training offered by the Academy. All candidates must satisfy legal and firearms training as well as remedy any deficiencies in prior training.

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D. Prior Training with Break in Service

1. All certification lapses when an individual terminates active law enforcement duty.
2. A candidate with a break in service of less than one year will be re-certified by the Academy upon receiving a request by his department and upon providing proof of no disabilities at law.
3. A candidate with a break in service of one year but less than three years will be re-certified upon submission of the application with appropriate documents as set out in R.38-100 and the completion of legal education and firearms training requirements.
4. A candidate with a break in service of three years or more must complete all the requirements of R.38-002, R. 38-005 and R. 38-006.
5. When a candidate becomes subject to new training requirements, as set forth in R.38-007, as a result of a transfer from one agency to another with different training requirements, the candidate must successfully complete the training requirements for the class of certification the candidate will occupy with the new agency.
6. A candidate who has been continuously certified in this state, in any class, and who transfers to a class in which he/she has been previously certified, will be certified in the prior class upon successful completion of the firearms qualification requirement.

38-009. Separation from Law Enforcement Employment.

- A. All law enforcement agencies and other employers of law enforcement officers are required to notify the Department when an officer leaves the employment of the agency/employer, regardless of the reason for the separation within 15 days of separation.
- B. Such notification shall take place on a form as prescribed by the Department, contain the facts and circumstances leading to the separation, and be for the Department's confidential use and subsequent safekeeping.
- C. In the event that such notification contains allegations of misconduct, a copy of such notice shall be sent to the law enforcement officer and the officer shall be informed of the provisions of Section 23-6-460 and allowed to file a response for the Department's use and safekeeping.
- D. A willful failure by law enforcement agencies and other employers of law enforcement officers to supply the facts and circumstances of separation shall subject the violator to a civil penalty as provided by law.

38-010. Reserve Police.

A. Definition

In addition to the definition required by law, a "reserve" officer is not paid by the agency for which the officer performs law enforcement duties.

B. Documentation and Reporting

1. Each agency having a reserve law enforcement officer program shall keep on file, available for inspection, all documentation required for regularly salaried law enforcement officers and as set out in R.38-002.
2. Each agency shall certify to the Department, using a form as prescribed by the Department, that such documentation is on file in the agency.

C. In-Service Requirement

Each agency having a reserve law enforcement officer program shall keep on file, and make available for inspection, documentation that each reserve officer has completed the in-service requirement as required by law.

D. Transfers

1. A reserve officer who desires to transfer to regular law enforcement status shall complete all the requirements as set forth by law and under R.38-008 as appropriate for the class of certification which the reserve officer will occupy.

2. A certified law enforcement officer who transfers to reserve status for a period of time not to exceed three years, shall be deemed to have no break in service as defined in R.38-008. Should the period of time exceed three years, the officer shall be deemed to have a break in service and shall complete all the requirements as set forth by law and under R.38-007, as appropriate for the class of certification which the reserve officer will occupy.

E. Operational Procedures

Any law enforcement agency wishing to establish a Reserve Officer program must meet minimum department sponsored certification criteria as required by SCDPS.CJAD Standards Section.

38-011. Traffic Radar Operator.

A. Qualification

Only Class 1 certified law enforcement officers and appointed reserve officers may be accredited as traffic radar operators.

B. Accreditation

To be accredited as a traffic radar operator, a law enforcement officer must complete a course of training taught by a certified law enforcement traffic radar instructor.

38-012. Application for Re-certification.

An application for re-certification must be submitted on a form approved by the Department and is deemed complete when the form, with the necessary information as set out in R.38-013, is received by the Department.

38-013. Continuing Law Enforcement Education Requirements for Re-certification.

A. Eligibility

No law enforcement officer is eligible for re-certification unless, in addition to the requirements of R.38-012, the officer has successfully completed, at a minimum, the number of approved continuing law enforcement education hours as appropriate for the officer's certification class, as specified in R.38-007. Such education hours shall be designated as Continuing Law Enforcement Education (CLEE) hours in the context of these regulations.

B. Class 1 Re-certification Requirements:

1. Officers possessing a current Class 1-LE Certification shall be required to obtain forty CLEE hours in a three year period. The forty CLEE hours shall consist of at least one legal update course and one

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domestic violence course, presented or approved by the Academy, each year of the three year period. The remaining required CLEE hours in the three year period may come from any source approved by the Academy.

2. Officers possessing a current Class 1-LECO certification shall be required to complete the number of hours of in-service instruction per year as specified by the Jail Standards Committee and approved by the Department. Each officer shall also be required to complete at least one legal update course and one domestic violence course, presented or approved by the Academy, each year of the three year period.

C. Class 2 Re-certification Requirements:

1. Officers possessing a current Class 2-LCO Certification shall be required to complete the number of hours of in-service instruction per year as specified by the Jail Standards Committee and approved by the Department.

2. Officers possessing a current Class 2-SCO Certification shall be required to complete a Department approved agency in-service program of at least forty hours every three years. At least one course each year shall be a legal update course.

3. Officers possessing a current Class 2-JCO certification shall be required to complete a Department approved agency in-service program of at least forty hours every three years. At least one course each year shall be a legal update course.

D. Class 3 Re-certification Requirements:

Officers possessing a current Class 3 Certification shall be required to complete at least one legal update course, presented by the Academy, each year of the three year period.

38-014. Approval of Continuing Law Enforcement Education Hours for Re-certification Requirements.

A. The Department shall approve courses for CLEE hours toward officer re-certification upon application made on a form approved by the Department and containing the following information concerning the courses.

1. The name of the course sponsor and its address;
2. The course agenda showing the actual number of hours of instruction;
3. A listing of course faculty with educational and professional credentials for each faculty member;
4. A copy of the course written materials, including a lesson plan and any test instruments which will be used;
5. Any supporting material which the course offeror wishes to submit for the Department's consideration.

B. The Department shall maintain a listing of courses which are approved for CLEE hours towards officer re-certification and shall indicate after each course the number of CLEE hours for which the course is approved. The listing shall be updated on an annual basis.

C. Courses, once approved, shall be added to the listing maintained by the Department. In order to receive continuing approval for course offerings, the offeror of each course must provide, on each successive second anniversary of the course's being placed on the listing, an updated application form and supporting documentation as stated in paragraph (A) of this section. Failure to comply with this requirement shall result in the course being removed from the listing and having its approval withdrawn.

38-015. Extension of Certification Renewal Date.

A certified law enforcement officer who is unable to complete the requirements of R.38-013 within the three year period specified will be granted an extension to his/her renewal date in the following cases:

A. **Military Leave.** Any officer called to active military duty for a period of more than thirty consecutive days shall be granted an extension to his/her renewal date, as specified in § 23-6-440(C) of the South Carolina Code of Laws, for the duration of the active duty, plus ninety days.

B. **Medical, Disability or Administrative Leave.**

1. Any officer who is on disability leave, medical leave, administrative leave as a result of an assault by an inmate, patient or client, or other administrative leave granted by the employing agency, with or without pay, for a period of more than thirty consecutive days, shall be granted an extension to his/her renewal date, as specified in § 23-6-440(C) of the South Carolina Code of Laws, for the duration of the leave, provided such extension does not exceed one year.

2. Any officer on medical leave, disability leave, administrative leave as a result of an assault by an inmate, patient or client, or other administrative leave granted by the employing agency, for a period of one year or more shall be treated under R.38-008(D)(3) or (4).

C. **Eligibility and Application for Extension of Renewal Date.**

1. Only officers whose law enforcement responsibilities have been suspended will be eligible for an extension of renewal date.

2. Application by the employing agency for an extension of renewal date shall be made within forty-five days of the beginning of military leave, medical leave, disability leave, administrative leave as a result of an assault by an inmate, patient or client, or other administrative leave granted by the employing agency, on a form prescribed by the Department.

3. Notification by the employing agency of a return to active law enforcement duty shall be made within fifteen days of return to active law enforcement duty on a form prescribed by the Department.

38-016. Withdrawal of Certification of Law Enforcement Officers.

A. A law enforcement officer, certified pursuant to the provisions of R.38-007 and R.38-008, shall have his or her certification as a law enforcement officer withdrawn by the Department upon the occurrence of any one or more of the following events:

1. The officer is found to have falsified any application for certification and training based upon which the officer was admitted for training.

2. The officer is found to be ineligible for service as a law enforcement officer because of his or her failure to meet prerequisite qualifications for training and certification, as set by law, even though such ineligibility is not discovered until after the officer's initial certification.

3. The officer is convicted of a criminal offense under the law of any jurisdiction which would, by the laws of this State, disqualify the officer from obtainment of certification as provided for in R.38-007 and R.38-008.

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4. Evidence satisfactory to the Department that the officer has engaged in misconduct. For purposes of this section, misconduct means:

- a. Conviction, plea of guilty, plea of no contest or admission of guilt (regardless of withheld adjudication) to a felony, a crime punishable by a sentence of more than one year (regardless of the sentence actually imposed, if any), or a crime of moral turpitude;
- b. Unlawful use of a controlled substance;
- c. The repeated use of excessive force in dealing with the public and/or prisoners;
- d. Dangerous and/or unsafe practices involving firearms, weapons, and/or vehicles which indicate either a willful or wanton disregard for the safety of persons or property;
- e. Physical or psychological abuses of members of the public and/or prisoners;
- f. Misrepresentation of employment-related information;
- g. Dishonesty with respect to his/her employer;
- h. Untruthfulness with respect to his/her employer.
- i. Violations of criminal law resulting from administrative inquiries.

Provided however that in considering whether to withdraw certification based on misconduct, the Department may consider the seriousness, frequency and any mitigating circumstances surrounding the act or omission constituting or alleged to constitute misconduct.

B. The officer's certification expires due to the officer's failure to meet re-certification requirements as set out in R. 38-013.

38-017. Reporting of Events Requiring Withdrawal of Certification.

A. It shall be the responsibility of the sheriff or the chief executive officer of every law enforcement agency or department within the State to report to the Department the occurrence of any event, or series of events, set forth in R.38-016 which requires the withdrawal of certification of a law enforcement officer who is currently or was last employed by his or her agency.

B. The report shall be made within fifteen days of the final agency or department action resulting from the internal investigation conducted by the agency or department, and shall be on a form prescribed by the Department.

C. A willful failure to report information shall subject the violator to a civil penalty as provided by the Department.

D. Only events which are determined as founded by the department or agency shall be reported as provided herein above.

38-018. Investigation of Events Requiring Withdrawal of Certification; Notification to Officer.

A. Upon receipt of a report pursuant to R.38-017A, the Department shall initiate an investigation into reported events which require withdrawal of the law enforcement officer's certification.

B. The Department may suspend the certification of any law enforcement officer pending the outcome of an investigation initiated pursuant to paragraph (A) above.

C. A law enforcement officer who is the subject of an investigation shall be notified of its initiation on a form prescribed by the Department, sent by certified mail to the current address on file at the Academy, return receipt requested, as soon as practicable after the investigation is initiated.

D. Duplicate of such notice shall be sent, in the same manner prescribed in paragraph (C) above, to the current sheriff or chief executive officer of the employing agency or department of the law enforcement officer.

E. The Department may direct that the investigation, on its behalf, be conducted. The investigation shall be sent to the Department for its confidential use and review.

F. Where the Department's investigation indicates that withdrawal of the law enforcement officer's certification is not warranted, the Department shall notify the law enforcement officer and the sheriff or chief executive officer of the employing law enforcement agency of its finding, in accordance with the notice provisions of paragraphs (C) and (D) above.

G. Where the Department's investigation indicates that withdrawal of the law enforcement officer's certification is warranted, the Department shall proceed in accordance with R.38-019.

38-019. Notification of Withdrawal of Certification.

A. Prior to the withdrawal of a law enforcement officer's certification pursuant to R.38-016, the Department shall notify the officer whose certification is to be withdrawn on a form prescribed by the Department sent by registered mail, to the current address on file at the Academy, return receipt requested, to the officer.

B. Such notice shall be provided to the officer ten days in advance of the effective date of withdrawal of the certification.

C. Duplicate of such notice shall be sent in the same manner as in paragraph (A) above, to the current sheriff or the chief executive officer of the law enforcement agency or department of the law enforcement officer.

38-020. Confidentiality of Notification.

All notifications to law enforcement officers and their respective employing law enforcement agencies pursuant to R.38-017, R.38-018 and R.38-019 shall be handled in a confidential and sensitive manner.

38-021. Law Enforcement Emergency Vehicle Training Requirement.

A. Every agency which employs one or more law enforcement officers who use emergency vehicles shall make provision for the training set out in R.38-022 as appropriate for each such officer's law enforcement duty requirements prior to any such officer's certification as qualified by the Department.

B. Officers holding valid certification on the effective date of these regulations must successfully complete the training set out in R.38-022, as is appropriate for such officer's law enforcement duty requirements within 180 days of such date.

38-022. Law Enforcement Emergency Vehicle Training Programs.

A. Non-Emergency Response Training

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1. Every law enforcement officer who drives or operates an emergency vehicle shall successfully complete a course of instruction as prescribed by the Department relating to non-emergency operation of the law enforcement emergency vehicle.

2. Every agency required to make provision for the training prescribed in R.38-022(A)(1) shall promulgate written policy and procedure concerning non-emergency vehicle response, consistent with the provisions of the course of instruction prescribed by the Department, which shall be included as part of the training program provided to its officers.

B. Emergency Response Training

1. Every Class 1 law enforcement officer and any other law enforcement officer who drives or operates a law enforcement emergency vehicle in response to an emergency, as defined in these regulations, shall successfully complete a course of instruction as prescribed by the Department relating to emergency response operation of the law enforcement emergency vehicle.

2. Every agency required to make provision for the training prescribed in R.38-022(B)(1) shall promulgate written policy and procedure concerning emergency response with the law enforcement emergency vehicle, consistent with the provisions of the course of instruction prescribed by the Department, which shall be included as part of the training program provided to its officers.

C. Pursuit Training

1. Every Class 1 law enforcement officer and any other law enforcement officer who drives or operates a law enforcement emergency vehicle in pursuit of an actual or suspected violator of the law, as defined in these regulations, shall successfully complete a course of instruction as prescribed by the Department relating to pursuit operation of the law enforcement emergency vehicle.

2. Every agency required to make provision for the training prescribed in R.38-022(C)(1) shall promulgate written policy and procedure concerning pursuit operation of the law enforcement emergency vehicle, consistent with the provisions of the course of instruction prescribed by the Department which shall be included as a part of the training program provided to its officers.

38-023. Notification of Training Compliance.

A. Every agency required to conduct training pursuant to R.38-022 shall provide proof of completion of the required training programs, including appropriate instruction in the written policies and procedures of the agency concerning operation of the law enforcement emergency vehicle as required by R.38-022.

B. A law enforcement officer who transfers from one agency to another shall be required to successfully complete the training program appropriate for the agency to which transfer has occurred, in accordance with R.38-022. Provided, however, that an officer who has successfully completed a training program pursuant to R.38-022 within a period of one year of the date of transfer to another agency, where the successfully completed program is appropriate for the officer's law enforcement duty with the agency to which transferred, shall not be required to complete another training program upon such a transfer, but rather the employing agency to which transferred shall provide appropriate instruction to the transferred officer in the written policies and procedures of the agency concerning operation of the law enforcement emergency vehicle as required by R.38-022. This training shall be reported to the Department as required in R.38-023(A).

38-024. Continuing Training Requirement.

A. The training required by R.38-022 shall be conducted on a continuing basis no less frequently than annually. Every agency shall report, on the form prescribed by the Department, the provision of appropriate

training on or before the expiration of the current certification. Nothing in these regulations shall be construed to prohibit such training on a basis more frequently than annually.

B. Officers successfully completing appropriate required emergency vehicle training shall be provided CLEE hours in accordance with R.38-013 appropriate for the number of hours of instruction received.

38-025. Approval of Training Programs.

A. All agencies required to conduct training programs pursuant to R.38-022 shall, prior to initiation of the required training, submit training materials as required by the Department to the Academy for review and approval.

B. CLEE hours shall be awarded only for materials properly submitted and approved by the Department.

38-026. Equivalent Law Enforcement Emergency Vehicle Training.

Training provided by other states, the federal government or private training providers, will be evaluated in a fashion consistent with the provisions of R.38-008. In each instance where an agency or officer submits a request for credit for equivalent training, the employing agency must provide verification that appropriate instruction in the written policies and procedures of the agency has occurred, in accordance with the directives of R.38-023(B) regarding transferred officers.

38-027. Effect of Failure to Comply.

A. Any agency which willfully fails to comply with the directives of R.38-021 through 38-026, shall be subject to a civil penalty as provided by law.

B. Any law enforcement officer found not to be in compliance with the directives of R.38-021 through 38-026, shall have his or her certification as a law enforcement officer withdrawn in accordance with R.38-016(A)(2) and his or her authority to exercise law enforcement powers shall cease, and the officer's certification shall be deemed to have lapsed.

38-028. Definitions.

For purposes of R.38-021 and 38-022, the following definitions shall apply:

A. **Emergency:** A sudden or unexpected occurrence involving an imminent threat to human life or immediate potential for extreme property damage under conditions requiring immediate response to curtail imminent harm to human life.

With respect to the suspected commission of a criminal offense and law enforcement response to such offense, the classification of the crime as felony or misdemeanor shall not be the sole determinative factor of whether an emergency is present; but rather all known factors, in accordance with the first paragraph above, will be weighed in a determination of whether an emergency exists.

B. **Non-Emergency:** A situation involving conditions routinely encountered in line of law enforcement duty which does not pose an imminent threat to human life or immediate potential for extreme property damage which would require immediate response to curtail harm to human life.

C. **Pursuit:** An event involving a law enforcement officer attempting to apprehend a person in a motor vehicle while that person is trying to avoid capture by willfully failing to yield to the officer's signal to stop. It also includes the closing of the distance between a law enforcement vehicle and the violator's vehicle under circumstances where the violator is not yet aware of the law enforcement action.

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D. Emergency Response: The driving of a law enforcement emergency vehicle by a law enforcement officer in response to an emergency, as defined herein, where the response is conducted in accordance with state law and department policy.

E. Non-Emergency Response: The driving of a law enforcement emergency vehicle by a law enforcement officer in response to a non-emergency, as defined herein. This response involves operation of the law enforcement emergency vehicle in all modes other than emergency response or pursuit mode.

F. Law Enforcement Emergency Vehicle: A motor vehicle, as defined by the laws of this state, whether marked or unmarked, used by a law enforcement agency in the conduct of law enforcement operations, in accordance with state law and department policy.

Fiscal Impact Statement:

Staff anticipates no additional fiscal impact. Existing staffing and resources will be utilized; additional costs to the State (Department) are not anticipated. Also, no additional cost to persons affected by these regulations is anticipated, as the agencies affected are already receiving such training.

Resubmitted April 15, 2003

Document No. 2712
DEPARTMENT OF SOCIAL SERVICES
CHAPTER 114
Statutory Authority: 1981 Code Sections 20-7-2250

114-590. RESIDENTIAL GROUP CARE ORGANIZATIONS FOR CHILDREN

Synopsis: The Department proposes to amend and replace in its entirety Regulations 114-590. Notices of Drafting were published September 28, 2001. A public hearing was held on March 7, 2002 and March 22, 2002 with testimony and documentation from interested individuals. While oral comments were closed on March 22, 2002, an extension period was granted until March 29, 2002 for written comments. The Department complied with the final order of Administrative Law Judge Stevens by removing language that was disagreeable to concerned parties.

These regulations comprise the requirements necessary for a Residential Group Care Organization to obtain a license to care for children. The revisions are necessary to improve the quality of care for children and to incorporate recent state and federal law and policy changes.

<u>SECTION</u>	<u>REVISION</u>
R.114-590(A)	Recodification of definitions and the addition of several terms.
R.114-590(A)(1)	Adds a definition for Agency.
R.114-590(A)(3)	Adds a new definition for chemical restraints.
R.114-590(A)(6)	Adds a new definition for child caring institution..
R.114-590(A)(7)	Adds a definition for corporal punishment.

- R.114-590(A)(12) Adds a new definition for isolation.
- R.114-590(A)(18) Adds a new definition for a restraint.
- R.114-590(A)(20) Adds a new definition for time out.
- R.114-590(A)(21) Adds a new definition for volunteers.
- R.114-590(B) Inserts new language for clarification regarding the purpose of licensing.
- R.114-590(C)(1)(a) Clarifies when a facility is to submit materials for licensing.
- R.114-590(C)(2)(a) Replaces board or advisory committee with governing board and removes the word required.
- R.114-590(C)(2)(a)(i) Adds updated language describing for-profit organizations.
- R.114-590(C)(2)(a)(ii) Adds new language describing governing boards for not-for-profit facilities.
- R.114-590(C)(2)(a)(iii) Clarifies the requirements of the bylaws of a board for a not-for-profit organization.
- R.114-590(C)(2)(a)(iv) Clarifies additional responsibilities of the governing board for a not-for-profit.
- R.114-590(C)(2)(b) Removes the word required.
- R.114-590(C)(2)(b)(v) Adds new language giving the Agency the authority to require a financial audit if financial stability is in question.
- R.114-590 (C)(2)(b)(vi) Adds an exemption to submit evidence of reserve funds or credit requirements for existing licensed providers expanding at the same location.
- R.114-590 (C)(2)(c) Removes the word required.
- R.114-590(C)(2)(c)(i) Updates language for consistency, additional policies are listed to be included in the personnel manual.
- R.114-590(C)(2)(c)(ii) Revises language for clarification.
- R.114-590 (C)(2)(c)(iii) Lists topic areas that must be included in the personnel manual.
- R.114-590(C)(2)(d) Revises heading to administration for clarification.
- R.114-590(C)(2)(d)(i) Adds a new definition for an executive director.
- R.114-590(C)(2)(d)(ii) Updates language and clarifies the responsibilities and education requirements for facility directors.
- R.114-590(C)(2)(d)(iv) Adds a transition period of six years for existing facility directors to meet the educational requirements.
- R.114-590(C)(2)(e)(i) Clarifies the responsibilities of staff.
- R.114-590(C)(2)(e)(ii) Updates language and clarifies education requirements for staff.

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- R.114-590(C)(2)(f) Removes the word required.
- R.114-590(C)(2)(f)(i) Increases the training hours for staff working with children.
- R.114-590(C)(2)(f)(iv) Adds a requirement that new staff have a general orientation of the facility prior to working with children.
- R.114-590(C)(2)(f)(vii) Clarifies training topics for continuing education of staff.
- R.114-590(C)(2)(g)(i) Defines the necessary requirements for volunteers.
- R.114-590(C)(2)(g)(ii) Revises language for clarification.
- R.114-590 (C)(2)(g)(iii) Adds language to clarify what steps are needed to orient volunteers.
- R.114-590 (C)(2)(g)(iv) Adds new language to ensure that volunteers do not substitute for staff and addresses supervision of volunteers.
- R.114-590(C)(2)(g)(v) Adds language suggesting volunteers be included in annual training of staff.
- R.114-590(C)(2)(g)(vi) Adds an exemption for certain types of volunteers.
- R.114-590(C)(2)(h) Adds language regarding staff/child ratio.
- R.114-590 (C)(2)(h)(i) Adds language regarding staffing levels of facilities.
- R.114-590(C)(2)(h)(ii) Outlines the staffing levels for facilities providing therapeutic services.
- R.114-590(C)(2)(h)(iii) Requires two staff be available at all times.
- R.114-590(C)(2)(h)(iv) Adds language regarding children of live-in staff.
- R.114-590(C)(2)(h)(v) R.114-590 (C)(2)(h)(vii) Gives the Agency the authority to request a higher staffing ratio of facilities.
- R.114-590(C)(2)(h)(vi) Requires a facility to have a system in place to address staffing levels in the event of an emergency or disruption.
- R.114-590(C)(2)(i) Removes required language.
- R.114-590(C)(2)(i)(i) Removes outdated language regarding health cards.
- R.114-590(C)(2)(j) Removes outdated section and substitutes section regarding time off for full-time staff.
- R.114-590(C)(2)(k) Substitutes updated language to clarify criminal activity.
- R.114-590(D)(1) Removes summary language regarding the condition of buildings.
- R.114-590(D)(1)(a) Adds language requiring a facility's buildings and equipment to be safe and in good working order.
- R.114-590(D)(1)(b) Adds language requiring a facility to be clean and free of debris.

- R.114-590(D)(1)(c) Requires a facility to be free of insects and rodents.
- R.114-590(D)(1)(d) Adds language to include fences being in good repair.
- R.114-590(D)(2) Removes requirement language.
- R.114-590(D)(2)(a) Recognizes only the State Fire Marshall's Office to conduct such inspections.
- R.114-590(D)(2)(c) Adds language discussing the facility's responsibility for any fees associated with inspections.
- R.114-590(D)(2)(d) Adds language requiring the posting of a fire escape plan.
- R.114-590(D)(3) Removes requirement language.
- R.114-590(D)(3)(c) Adds language discussing the facility's responsibility for any fees associated with inspections.
- R.114-590(D)(4) Removes requirement language.
- R.114-590(D)(4)(d) Adds language to address ventilation of rooms.
- R.114-590(D)(5) Removes requirement language.
- R.114-590(D)(5)(b) Clarifies the minimum space requirements for bedrooms.
- R.114-590(D)(5)(c)(i) Provides new language describing minimal requirements of bunk beds.
- R.114-590(D)(5)(c)(ii) Adds new language setting a minimal age requirement for a children sleeping in the top bunk of a bunk bed.
- R.114-590(D)(5)(c)(iii) Requires bunk beds to be inspected by an Agency licensing representative.
- R.114-590(D)(5)(e)(ii) Adds language to provide for the parent of an infant to sleep in the same bedroom.
- R.114-590(D)(5)(g) Adds a requirement regarding mattress and pillow coverings.
- R.114-590(D)(5)(j) Adds language to include requirements for cribs and playpens.
- R.114-590(D)(5)(k) Adds language to include requirements for mattresses fitted in cribs.
- R.114-590(D)(6) Removes requirement language.
- R.114-590(D)(6)(c) Adds language requiring ventilation for bath facilities.
- R.114-590(D)(6)(d) Adds a requirement that a mirror or reflective surface be installed in bath facilities.
- R.114-590(D)(7) Removes requirement language.
- R.114-590(D)(8) Substitutes language regarding activities for child.
- R.114-590(D)(8)(a) Adds language to address equipment for indoor and outdoor recreation activities.

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- R.114-590(D)(8)(b) Adds language to address children being provided opportunities for interaction in the community.
- R.114-590(D)(8)(d) Requires that documentation of recreational activities be maintained.
- R.114-590(D)(8)(e) Adds new language regarding consent procedures for off-campus activities.
- R.114-590(D)(9) Removes requirement language.
- R.114-590(D)(10) Adds language regarding the use of power or vocational tools.
- R.114-590(D)(11) Adds language regarding zoning and building codes.
- R.114-590(D)(11)(a) Adds language mandating compliance with zoning, and local and state building codes.
- R.114-590(D)(11)(b) Adds language requiring approval of architectural plans by the State Fire Marshall.
- R.114-590 (E)(1) Removes required language to clarify admissions for children.
- R.114-590 (E)(1)(a) Adds language to include intake policies to fall within the scope of the facility's purpose.
- R.114-590 (E)(2) Removes required language.
- R.114-590(E)(2)(a) Adds language ensuring that clothing is clean and in good repair.
- R.114-590(E)(2)(c) Adds language to involve child in the purchase and selection of their own clothing when possible.
- R.114-590(E)(2)(e) Requires child are provided with necessary equipment for activities.
- R.114-590(E)(3) Removes required language.
- R.114-590 (E)(3)(a) Removes unnecessary language outlining the various food groups.
- R.114-590 (E)(4)(b) Requires the written discipline code be shared with all staff members and school-aged children.
- R.114-590(E)(4)(c) Inserts updated language regarding staff's role as a mandated reporter.
- R.114-590(E)(4)(e) Adds language that efforts will be made to ensure that discipline procedures are written within a child's cognitive ability.
- R.114-590 (E)(4)(f) Requires that the least restrictive discipline method be implemented adds language regarding corporal punishment.
- R.114-590 (E)(4)(g) Adds language regarding isolation or time-out.
- R.114-590 (E)(4)(h) Adds language describing the inappropriate use of isolation.
- R.114-590 (E)(4)(i) Adds language setting minimal requirements for rooms used for isolation.
- R.114-590 (E)(4)(j) Establishes procedures for isolation in excess of thirty minutes.

- R.114-590(E)(4)(k) Requires the development of an isolation monitoring log.
- R.114-590 (E)(5) Substitutes language regarding restraints.
- R.114-590 (E)(5)(a) Requires staff using restraints to be trained and certified in a nationally accredited curriculum.
- R.114-590 (E)(5)(b) Sets guidelines regarding the use of restraints.
- R.114-590 (E)(5)(c) Adds language regarding chemical restraints.
- R.114-590 (E)(5)(d) Limits the length of restraints.
- R.114-590(E)(8)(b)(ii) Adds language regarding notification of hospitalization to legal guardian, parents and appropriate Agency representatives.
- R.114-590 (E)(8)(c) Renames section for clarification.
- R.114-590 (E)(8)(c)(ii) Requires at least one staff member per shift is certified in cardiopulmonary resuscitation and first aid.
- R.114-590 (E)(8)(f) Adds language regarding medications.
- R.114-590(E)(8)(f)(i) Requires medications to be stored in a secure area.
- R.114-590(E)(8)(f)(ii) Adds language regarding the labeling of medications
- R.114-590(E)(8)(f)(iii) Maintains a log of administering and changes in medications.
- R.114-590(E)(8)(f)(iv) Requires the destruction of discontinued medications.
- R.114-590(E)(9) Removes required language for academic and vocational training.
- R.114-590 (E)(9)(c) Adds language regarding independent living goals and strategies.
- R.114-590 (E)(9)(d) Encourages facilities to support child in extracurricular activities.
- R.114-590(E)(10) Removes required language and mandates that parents, legal guardians and children be informed of religious policies of the facility.
- R.114-590(E)(11) Adds language regarding disaster plans.
- R.114-590(E)(11)(a) Adds language to include disaster plans in the procedural manual.
- R.114-590(E)(11)(b) Requires children to be evacuated in a mandatory evacuation order.
- R.114-590(E)(12) Removes required language for discharge and aftercare.
- R.114-590(E)(12)(d) Adds a requirement that a facility complete a discharge report for child residing in a facility for 90 or more days.
- R.114-590(E)(13) Removes required language.

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- R.114-590 (E)(14) Adds requirement that records be stored in a locked area.
- R.114-590(E)(14)(i) Requires notification of the legal guardian/parent if child involved in a major behavior incident.
- R.114-590 (E)(14)(j) Requires documentation of major behavior incidents.
- R.114-590 (E)(15) Adds language regarding the transportation of children
- R.114-590 (E)(15)(a) Requires vehicles transporting children to comply with all applicable laws.
- R.114-590 (E)(15)(b) Mandates compliance with the standards as set forth by “Jacob’s Law.”
- R.114-590 (E)(15)(c) Requires all vehicles to not exceed the manufacturers recommended seating capacity.
- R.114-590 (E)(15)(d) Forbids the transportation of children in an open body or stake bed vehicle.
- R.114-590 (E)(15)(e) Requires a policy and tentative plan in the event of an emergency or disaster.
- R.114-590(F)(1) Removes required language.
- R.114-590(F)(1)(a) Substitutes updated language for consistency.
- R.114-590(F)(1)(b) Substitutes updated language for consistency.
- R.114-590(F)(2)(i-xx) Removes required language and lists all the items necessary for licensure.
- 114-590(F)(3)(c) Adds new language for a Standard with Temporary Waiver License.
- 114-590(F)(3)(c)(i) Clarifies when a license can be granted.
- 114-590(F)(3)(c)(ii) Explains what is needed to change the status of a license to a Standard License.
- 114-590(F)(4)(a) Adds new language which lists the grounds for denial or revocation of a license.
- 114-590(F)(4)(a)(i) Adds language to include failing to comply with licensing regulations.
- 114-590(F)(4)(a)(ii) Adds language to include violation of state or federal laws.
- 114-590(F)(4)(a)(iii) Adds language to include abuse and neglect of children.
- 114-590(F)(4)(a)(iv) Adds language to include knowingly employs a person with a past/current history of child abuse.
- 114-590(F)(4)(a)(v) Adds language to include making a false statement or misrepresentation to the Agency adversely impacting children.
- 114-590(F)(4)(a)(vi) Adds language to include failing to submit licensing or child specific information.
- 114-590(F)(4)(a)(vii) Adds language to include failing to cooperate, or withholds information or impedes an investigation of child abuse.

- 114-590(F)(4)(a)(viii) Adds language to include failing to maintain, equip or keep safe.
- 114-590(F)(4)(a)(ix) Adds language to include failing to provide adequate financial resources.
- 114-590(F)(4)(a)(x) Adds language to include failing to notify the Agency of any structural improvements.
- 114-590(F)(4)(b) Adds language that empowers the Agency to seek an injunction against the continuing operation of a facility.
- 114-590(F)(4)(d) Adds language regarding procedures to appeal a denial or revocation of a license.
- 114-590(F)(6) Lists requirements for licensure during an annual review.
- 114-590(F)(7) Adds a new section to clarify authorized actions by the Agency.
- 114-590(F)(7)(b) Adds new language regarding the authority to investigate complaints.
- 114-590(F)(7)(c) Adds new language to include a written reports of the results of an investigation within ten (10) days upon its completion.

Instructions: Add new R.114-590, Residential Group Care Organizations For Children to Chapter 114.

Text:

114-590. Licensing of Residential Group Care Organizations for Children.

A. Definitions. Terms used in South Carolina Regulations, Chapter 114, Subarticle 9, shall be all definitions cited in the following regulations.

- (1) Agency--Refers to the South Carolina Department of Social Services.
- (2) Chemical restraints--Are drugs administered to temporarily restrain a child who poses a threat to harm themselves or others.
- (3) Child--For the purposes of these regulations, a person under the age of twenty one.
- (4) Child Care Staff--A paid professional who works at a child caring organization who helps serve children.
- (5) Child Caring Institution--Any facility that provides residential care and maintenance to ten (10) or more children.
- (6) Corporal punishment--Physical punishment inflicted directly upon the body.
- (7) Facility--For the purposes of these regulations, the term facility includes those organizations which provide temporary or long term, full time residential care for children on a year round basis such as child caring institutions, emergency shelters, group homes and organizations with supervised individual living facilities. Child caring institutions and group homes may also be further categorized as low management facilities, moderate management facilities, and high management facilities. Boarding schools that do not operate year round or do not offer services beyond those associated with school programming are not encompassed within these regulations. All facilities are considered "residential institutions" for purposes of SC Code Section 20-7-670, governing institutional abuse and neglect.
- (8) Facility Director--The person responsible for coordinating the general management, administration, and care of the children of a facility in accordance with licensing requirements and policies established by the advisory board.
- (9) Group home—any facility that provides residential care and maintenance to fewer than ten (10) children.
- (10) Group care—refers to the care and services provided by facilities.
- (11) Isolation--Defined as the involuntary confinement of a person in a room where the person is physically prevented from leaving.
- (12) Licensing Agency--South Carolina Department of Social Services.

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(13) Restraint--Defined as any manual method, physical or mechanical device, material, or equipment attached or adjacent to the resident's body, that the individual cannot remove easily which restricts freedom of movement or normal access to one's body.

(14) Standard License--Issued when a facility meets all the requirements to obtain a license.

(15) Time Out--Defined as the temporary restriction of an individual for a period of time to a designated area from which the person is not physically prevented from leaving, for the purpose of providing the individual an opportunity to regain self-control. Time-out will last only for the shortest amount of time needed.

(16) Volunteers--Are persons, who of their own free will, provide goods or services to a facility with no monetary or material compensation.

B. General.

(1) Purpose of Licensing--The South Carolina Department of Social Services is legally mandated to license facilities for children (Code of Laws of South Carolina, 1981 Code Sections 20-7-2250). In carrying out that mandate, the overall purpose of licensing by the South Carolina Department of Social Services is to assure that residential group care organizations for children provide well rounded programs of care which include adequate protection, supervision and maintenance of children in care; safe physical facilities; and opportunities for appropriate learning experiences which allow for the healthy physical and mental growth of the children in care and are directed toward maximizing the potential of each individual to be well-adjusted, independent, and responsible.

(2) Compliance with Other Laws-All residential group care organizations must comply with all other applicable requirements of State and Federal laws.

C. Organization and Administration.

(1) Purpose and Need.

(a) At the time of application for licensing of a new facility, a facility shall submit a concise written statement addressing the following:

(i) Definitive statement of purpose and objectives with respect to type of residential child care to be provided;

(ii) Description of services offered;

(iii) Ages and genders of children accepted;

(iv) Types of children accepted (e.g., abused/neglected, emotionally disturbed, dependent/neglected, status offenders, etc.);

(v) The geographical areas from which children are accepted.

(vi) The facility shall reevaluate its functions periodically and redefine them as changing community needs necessitate. A copy of the revised statement shall be submitted to the agency when changes occur.

(2) Organization.

(a) Board of Directors

(i) A for-profit organization may elect to have a board which functions in accordance with the organization's articles of incorporation or bylaws, complies with these licensing regulations and with applicable state and federal laws. A list must be submitted annually or whenever there is a change outlining the chain of command and the appropriate contact person(s) including names, addresses, and related phone numbers.

(ii) A not-for-profit organization shall be chartered by the Secretary of State and shall have a board which functions in accordance with the organization's constitution and bylaws. Facilities operated by a state agency are exempt from this requirement.

(iii) The bylaws of a board of a not-for-profit organization must provide for the following: at least one annual meeting held at the facility, a limitation of the number of consecutive terms a member may serve, an orientation for new board members, that board members not receive financial compensation for their services, and that board members are not employees of the organization.

(iv) Responsibilities of a board of a not-for-profit organization shall include: selecting the director to whom administrative responsibility is to be delegated, assuring that adequate funds are available; formulating or approving policies, accounting for the expenditure of funds, evaluating on an annual basis the performance of the director, ensuring that the Agency is informed of changes in administration, establishing and periodically

reviewing policies on fund raising. The board of a facility shall have an opportunity to review and make recommendations on the items listed above.

(b) Finances.

- (i) The facility shall have a sound plan of financing which assures adequate funds to carry out its defined purpose and to provide proper care for children.
- (ii) A new facility shall have a predictable source of funds to finance its first year of operation and reserve funds or documentation of available credit equal to the operating costs of the first three months.
- (iii) The facility shall prepare a budget each year for its facility showing anticipated income (including sources thereof) and expenditures. A copy shall be submitted to the licensing Agency.
- (iv) All board-administered accounts shall be reviewed at least annually by a certified public accountant who does not serve on the board nor is otherwise employed by the facility. The report shall be made a part of the facility's record and a copy of the balance sheet submitted to the licensing Agency at the time of relicensing.
- (v) In the event financial stability is questionable, the Agency may require a financial audit to be conducted by a certified public accountant.
- (vi) Existing licensed facilities that are in good standing with the agency, and increasing the capacity by no more than twenty five (25) percent are exempt from the requirements to submit evidence of reserve funds or available credit.

(c) Procedural Manual.

- (i) The facility shall develop and implement (and update as appropriate) a procedural manual to include, but not be limited to policies in the areas of: finance, procedures for appeals, complaints and grievances, emergency care in the event of a placement disruption, routine and emergency medical care, hospitalization, dental care, control of and administering medications, restraints, management of children's money, religion, community involvement for children, confidentiality, disaster plans, independent living services (if applicable), personnel, admission, discharge, discipline and firearms.
- (ii) The staff of the facility shall be familiar with the procedural manual and a copy shall be made available to staff and the licensing agency.
- (iii) The facility shall develop and implement personnel policies to include, but not be limited to: written job descriptions, orientation for new employees, training and staff development, role of staff as mandated reporters, written organizational plans/chart, routine or universal health precautions and infection control, work schedule requirements, volunteers, disciplinary actions, grievances and procedures for revisions of personnel policies.

(d) Administration.

- (i) Executive Directors shall have qualifications consistent with the responsibilities of the position as determined by the governing board.
- (ii) Facility Directors are responsible for the day to day operations of a facility and shall have the following qualifications: a Master's or Doctorate degree in social work or other related areas of study and one year of experience in the management or supervision of child care personnel, a child care program and/or a closely related field; or a Bachelor's degree and two years of experience in the management or supervision of child care personnel, a child care program or a closely related field; or an Associate degree and four years of experience in child care or a closely related field, including one year of experience in the management or supervision of child care personnel and program. Closely related fields acceptable in meeting these qualifications include social work, counseling, teaching, psychology, sociology, criminal justice, nursing, and recreational therapy.
- (iii) Documentation of qualifications (e.g., a resume) shall be on file at the facility and shall be reviewed at the time of licensing/relicensing.
- (iv) Facility Directors employed prior to July 1, 2002 will have a transition period of six years to meet the educational requirements.

(e) Staff.

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(i) At a minimum, child care staff shall be responsible for the care, nurture, monitoring and supervision of children; supporting and promoting parental involvement when appropriate; reporting suspected child abuse and neglect to the Out of Home Abuse and Neglect Unit of the South Carolina Department of Social Services or to a law enforcement agency in the county where the child resides or is found; and guidance on independent living services, as appropriate.

(ii) Child care staff shall have a minimum of a high school diploma, certificate or equivalent, and shall be at least twenty-one (21) years of age. However, staff eighteen (18) to twenty-one (21) years of age, may serve children while being directly supervised by someone over twenty-one (21) years of age.

(iii) Documentation of qualifications (application) shall be on file at the facility and shall be reviewed at the time of licensing/relicensing.

(f) Training.

(i) Staff who work directly with the children must have a minimum of fourteen (14) hours of training related to child care annually.

(ii) The director shall submit an outline of the training to the licensing agency prior to implementation of the training to ascertain that the planned training will comply with this requirement.

(iii) Documentation of completed training shall be on file at the facility and shall be reviewed at the time of licensing/relicensing.

(iv) Prior to working with children, staff must have undergone a general orientation of the facility.

(v) A facility shall ensure at least one staff member per working shift is certified in first aid and cardiopulmonary resuscitation.

(vi) Within the first year of employment, staff must have fourteen (14) hours of training (not including first aid and cardiopulmonary resuscitation). Training topics should include but not be limited to: skill training in specific methods employed by the program, crisis management protocol, significance and value of birth and extended family, identifying and reporting child abuse and neglect, role of staff as mandated reporters, basic communication, interviewing skills, HIV/AIDS, information relating to transmission and prevention of infection, group dynamics, fire life safety, history and development of the service being provided (from the facility) and its current status, grief and loss issues for children in care, specific organizational policies and procedures, supervision and teaching skills, other education and/or training required by the state.

(vii) Training topics for annual continuing education (14 hours of training) may include but not be limited to: working with children who may have emotional, behavioral, physical problems, developmental delays, treatment care specific to the needs of the population served, individualized education and development plans, developmental needs of children, discipline, de-escalation and behavior management techniques, and suicide prevention.

(g) Volunteers.

(i) If volunteers are used as part of a facility's program of services, the facility shall have written policies to screen and select volunteers. Those volunteers who have opportunity for unsupervised contact with children must supply: a written application, must have an interview with the staff who is responsible for the supervision of volunteers, must have annual background screenings including a South Carolina Central Registry Check, SLED (South Carolina Law Enforcement Division) Check, Sexual Offenders Registry Check, and documentation of freedom of communicable or contagious diseases (annually) for all volunteers who work with children.

(ii) Documentation of the volunteer screening and orientation processes and appropriate notification procedures to the referral agency regarding the use of volunteers must be on file at the facility to be reviewed at the time of licensing/relicensing.

(iii) An orientation must include a review of the facility's program, policies and procedures, review of the duties of the volunteer, and a tour of the physical facilities.

(iv) Volunteers shall not substitute for staff and there must be a defined line of supervision with clear written expectations of the supervisor and volunteer.

(v) Volunteers shall be invited to participate in annual training required of other child care staff.

(vi) Individuals or groups who offer to provide a one-time or occasional voluntary service (parties, trainings, entertainment, etc.) and do not have unsupervised access to children, will only be required to undergo a brief orientation by the facility. At least one facility staff person must be available to supervise the activity.

(h) Staff to Child Ratio.

(i) Facilities are expected to maintain staffing levels to ensure that children are receiving quality services and are being adequately supervised. Different facilities will have different needs based on the population of children served. The needs of the children shall dictate the numbers of staff members needed.

(ii) Facilities providing therapeutic services (individual, group, recreational, psychiatric, counseling, etc.) requires a minimum staffing ratio of one (1) staff for every eight (8) children during the day and a staffing ratio of one (1) staff for every ten (10) children during the night.

(iii) A minimum of two (2) staff shall be available at all times.

(iv) Any children of live-in staff shall be included in the staff/child ratio.

(v) The Agency may require a higher staff/child ratio if an on-site review indicates that a child is at risk of abuse, and more supervision is needed to maintain control, discipline and adequate care.

(vi) All facilities must have a responsive system to provide for back-up staff in the event of an emergency or disruption.

(i) Staff Medicals.

(i) Staff shall have medical examinations at the time of employment and shall at least annually thereafter obtain documentation of freedom from communicable or contagious diseases.

(ii) Any staff member who is hospitalized or who contracts a disease or illness which may present a threat to the health of the children must have a satisfactory medical report prior to returning to his/her duties at the facility.

(j) Time Off for Residential Staff--Each full-time residential staff member shall have at least one weekend off each month (or equivalent) in addition to one day off each week.

(k) Criminal Activity--No person shall be employed, volunteer, or live on the premises of a facility who has been convicted, pled guilty or nolo contendere to:

(i) a substantiated history of abuse or neglect; or

(ii) an "Offense Against the Person" as provided for in Chapter 3, Title 16; or

(iii) an "Offense Against Morality or Decency" as provided for in Chapter 15, Title 16; or

(iv) contributing to the delinquency of a minor as provided for in Section 16-17-490; or

(v) the common law offense of assault and battery of a high and aggravated nature when the victim was a person seventeen years of age or younger; or

(vi) criminal domestic violence, as defined in Section 16-25-20; or

(vii) a felony drug-related offense under the laws of this state; or

(viii) a person who has been convicted of a criminal offense similar in nature to a crime previously enumerated when the crime was committed in another jurisdiction or under federal law.

D. Buildings, Grounds and Equipment.

(1) Condition.

(a) Routine maintenance must be performed as needed to ensure buildings and equipment are safe and in good working order.

(b) A facility will be kept clean, orderly, and free of debris and trash, both indoors and out.

(c) A facility shall be effectively safeguarded against insects and rodents.

(d) Fences must be in good repair.

(e) Swimming and wading pools must be enclosed with protective fencing to restrict children's access and must be well maintained as mandated by DHEC (South Carolina Department of Health and Environmental Control).

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(2) Fire Inspection.

- (a) There shall be an annual inspection by the State Fire Marshal's Office or by a legally authorized local fire authority at the request of the State Fire Marshal.
- (b) Based on the recommendations of the fire authorities, the Agency will make a determination as to whether or not the facility meets standards of fire safety for child caring purposes.
- (c) A facility is responsible for any fees or related expenses for the fire inspection.
- (d) A fire escape plan shall be posted in the facility in areas accessible to staff and children.

(3) Health Inspection.

- (a) Each facility shall have an annual health and sanitation inspection.
- (b) Based on the recommendations of the health authorities, the Agency will make a determination as to whether or not the facility meets standards of health and sanitation for child caring purposes.
- (c) A facility is responsible for any fees or related expenses for the health inspection.

(4) Heating/Cooling.

- (a) There shall be proper equipment for adequately heating and cooling in living, sleeping, sanitary, and working areas.
- (b) Heating equipment shall be capable of maintaining a room temperature of not less than 68 degrees Fahrenheit. Cooling equipment shall be capable of maintaining a room temperature of not more than seventy-five (75) degrees Fahrenheit.
- (c) Fireplaces, hot water/steam radiators and pipes, or any other heating device capable of causing a burn shall be protected by a screen or otherwise effectively shielded.
- (d) Rooms with toilets, bathrooms, and bedrooms without operable windows must have adequate ventilation.

(5) Sleeping Rooms.

- (a) Sleeping rooms for children shall be suitable and comfortably furnished with beds that are placed at least two feet apart. The rooms shall have outside window exposure or auxiliary means of ventilation, both intake and exhaust.
- (b) Bedrooms shall provide a minimum of fifty square feet of space per resident.
- (c) Bunk beds shall not be used without written permission from the licensing agency.
 - (i) Bunk beds must be limited to no more than one (1) bed above the other bed.
 - (ii) Children sleeping in the top bunk of a bunk bed must be at least six (6) years of age or older.
 - (iii) All bunk beds will be inspected by an Agency licensing representative.
- (d) Children of the opposite sex who are five years of age or older shall not share a bedroom.
- (e) Children over one year of age shall not share a bedroom with an adult unless:
 - (i) The infant has a physician documented illness; or
 - (ii) The infant's parent is a resident of the facility, the parent is requesting this arrangement, there is adequate space for both, and Agency approval is obtained.
- (f) Each child shall have a separate bed with a level mattress long enough to accommodate him/her. Sufficient bed coverings to include linens shall be provided.
- (g) Waterproof mattresses and pillow coverings shall be provided as needed.
- (h) Children shall not sleep in a bed with an adult under any circumstances.
- (i) No child shall sleep in a detached unsafe building, an unfinished attic or basement, a stairway, hall, or room designated or commonly used for other than bedroom purposes.
- (j) Cribs and playpens shall have slats spaced no more than two and three-eighths inches apart from the inside of each slat and shall have secure latching devices.
- (k) Mattresses shall be fitted in cribs so that no more than two fingers can fit between the mattress and crib sides.

(6) Bathroom Facilities.

- (a) There shall be at least one lavatory with adequate hot and cold water for every six children, a tub or shower and one indoor flush toilet for every eight children. Multiple toilets in one area shall be in separate compartments.

- (b) Separate bathroom facilities shall be provided for girls and boys over five years of age.
- (c) Ventilation shall be provided with either an open screened window or functioning exhaust fan.
- (d) Mirrors or non-breakable reflective surfaces shall be provided in the bathrooms at levels easily accessible to children.

(7) Personal Effects.

- (a) Personal effects, towels, wash cloths, toothbrushes, combs and other toilet articles shall be supplied for each child's use.
- (b) Each child shall have a place separate from that of other children to keep his/her own personal effects (toys, books, pictures, etc.) as well as his/her clothing.
- (c) Each child shall be permitted to bring safe and appropriate personal possessions with him/her and to acquire belongings of his/her own.

(8) Activities.

- (a) Provision shall be made for space and suitable equipment for both indoor and outdoor recreation activities.
 - (i) Equipment shall be age appropriate, in good working condition, and well maintained.
 - (ii) Stationary equipment such as swings and slides shall be securely anchored and located to avoid accidents.
- (b) Children shall be provided with opportunities for interaction in the community through age and developmentally appropriate activities that are educational, recreational, cultural, and social in nature.
- (c) Appropriate activities for children's participation shall include school events, church activities, utilization of community recreation facilities, participation in community affairs, and attendance at cultural events.
- (d) Documentation of recreational activities that were implemented and were appropriate to the developmental needs, and interests of children shall be on file in the facility and available for review by the Agency licensing representative.
- (e) Off-Campus Activities--Facilities may make decisions regarding a child's participation in routine, instate activities that involve a child spending the night (or several nights) away from the facility for activities such as: camping trips, school related activity, church activity, or an overnight stay with a friend. Facilities must obtain consent from the legal guardian or parent(s) to allow such activities. The following must be taken into consideration when deciding the appropriateness of a child's participation in any off-campus event:
 - (i) Stipulations of a court order
 - (ii) The child's background, presenting problems, abilities and interests;
 - (iii) If the activity is suitable, positive, and if it will contribute the child's development; and
 - (iv) The maturity and responsibility of the adults supervising the activity.

(9) Staff Facilities--Staff who reside on campus shall be provided with sleeping and bathroom facilities separate from the children. An exception for sleeping areas will be provided for facilities with staff awake during the night.

(10) Power or Vocational Tools.

- (a) Staff must supervise children (on campus) while using equipment or tools.
- (b) All equipment must be well maintained and in good working order.
- (c) Power tools shall have intact safety devices.
- (d) Power tools must be stored in a locked area not accessible to children.

(11) Zoning Compliance and Building Codes.

- (a) The construction of a new facility, the conversion of an existing building for residential child care purposes, or the remodeling of a facility must comply with all applicable local zoning regulations and local and state building and fire codes.
- (b) Architectural plans for new construction or structural changes must be approved by the State Fire Marshal's Office.

E. Services to Children.

(1) Admissions.

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(a) Intake policies shall be clearly defined, and admission shall be in keeping with the intake policies and limited to those children who fall within the scope of the facility's purpose.

(b) Decisions about admissions shall be based upon an assessment (made prior to admission) of the total situation of the needs of the child and their family. If an emergency admission is made, the study shall be made immediately upon the reception of the child.

(c) Decisions regarding admissions shall be the responsibility of either the director and/or a Case Committee (which may include the director, the facility's social worker, the child care worker/houseparent, etc.) and shall be limited to those persons to whom this responsibility is assigned.

(2) Clothing.

(a) The facility shall request that the parent, legal guardian or placing agency provides each child with clothing and shoes individually selected, properly fitted, clean, and in good repair.

(b) Clothing shall be appropriate to the season and comparable to that worn by other reasonably dressed children in the community.

(c) Whenever possible, children shall be involved in the purchase and selection of new or donated clothing. Donated clothing may be used if in good condition.

(d) Clothing belonging to child shall be taken with them upon discharge.

(e) Children will be provided with the necessary equipment and supplies for outdoor activities at the facility.

(3) Nutrition.

(a) Meals with nutritional content that conforms to USDA recommendations shall be provided three times per day.

(b) Adults shall be present during the preparation and serving of meals.

(c) Menus shall be submitted initially by the facility for analysis by a qualified nutritionist or dietician (i.e., degreed or certified in the area of nutrition). Documentation of the analysis shall be on file for review at the time of licensing/relicensing.

(d) The same meal shall be provided for staff and children with the exception of the beverage.

(4) Discipline.

(a) The facility shall adopt (and revise as appropriate) a written discipline code which shall include all policies, procedures and practices on disciplinary actions which are to be utilized by staff and procedures to be followed in administering and reporting discipline. The discipline code shall be submitted at the time of licensing/relicensing and when revisions occur.

(b) The written discipline code shall be shared (initially and when changes occur) with all staff members, school aged children, parents, guardians and referral sources.

(c) The facility is subject to South Carolina laws relating to child abuse and neglect. The facility must immediately report incidents of suspected abuse or neglect to the South Carolina Department of Social Services. Staff shall be apprised of their role as a mandated reporter.

(d) Cruel, inhumane and inappropriate punishment is prohibited. This includes but is not limited to the following: head shaving or any other dehumanizing or degrading act; deprivation of food or family visits; deprivation of mail; slapping or shaking; the use of handcuffs; a pattern of threats of removal from the facility as a punishment; disciplining a child for a medical or psychological problem over which he/she has no control (e.g., bedwetting, stuttering, etc.); denial of communication and visits with family members; demeaning acts designed to embarrass children (i.e., pushing a peanut with your nose, dressing boys in girl's clothing, etc.); denial of essential program services; denial of shelter, clothing, or personal needs; excessive physical exercise; excessive work tasks; verbal abuse.

(e) Efforts will be made to ensure the language of the discipline procedures shall be within each child's cognitive ability.

(f) All discipline techniques must begin with the least restrictive methods. Children who have been placed by a public agency or who are in the custody of the state shall not be subjected to corporal punishment. Otherwise, written concurrence must be obtained by the parent or legal guardian.

(g) Isolation or time-out shall not be used for a child who is in danger of harming themselves.

- (h) Isolation must not be used as a means of coercion, discipline, convenience, or retaliation, and must be discontinued as soon as the child demonstrates compliance.
- (i) Isolation rooms must have appropriate lighting, remain unlocked, be well ventilated and must comply with the safety requirements as required by the State Fire Marshal.
- (j) Isolation in excess of thirty (30) minutes, must be approved by the facility director and shall not exceed four (4) hours for child seventeen (17) years and older; two (2) hours for child between the ages of nine (9) and sixteen (16) years; or one (1) hour for child eight (8) years and under; unless approved by a physician, physician's assistant or nurse practitioner with prescriptive authority.
- (k) An isolation monitoring log must be maintained which shall include, but not be limited to; the reasons for isolation, the length of time, and the name and signature of the staff member who monitored the child during the time the child was in isolation.

- (5) Restraints-- Facilities that use restraints shall have a written restraint policy that complies with the following:
 - (a) All child caring staff must be trained and certified through a nationally accredited restraint-training curriculum. If such training is not available, then a facility is to develop an internal training program.
 - (b) Restraints shall only be used in circumstances in which the child poses a significant threat to himself or others, when less restrictive interventions have already been attempted or are not appropriate, and when the client's condition has been taken into consideration.
 - (c) Chemical restraints may be implemented only under the supervision of a physician, physician's assistant or nurse practitioner with prescriptive authority.
 - (d) Restraints must be discontinued as soon as the child demonstrates compliance or is no longer deemed dangerous.

- (6) Family Relationships/Visitation.
 - (a) Unless a child has been removed from the custody of his/her own family and visitation is specifically prohibited by a court order or other legal document, every effort shall be made (in coordination with the referral agency when one is involved) to strengthen family relationships and to help the parent(s) make a responsible plan for the permanent care of their child(ren). This shall include encouraging the parents/relatives to visit on campus and to have the child visit with them off campus as appropriate.
 - (b) Plans for family visitation shall be included in the written plan of care for the child.
 - (c) Correspondence between the child and the family shall not be censored, except in extreme circumstances (e.g., sending/receipt of contraband, dangerous materials, sexually explicit, etc.) with those involved being advised that their correspondence is being censored. The reason for censorship shall be documented in the child's record.

- (7) Exploitation.
 - (a) A facility shall not use a child for solicitation of funds, without the written permission of the parent or legal guardian and the child (if more than ten years of age). This shall include the child making or giving public statements pertaining to his/her history or dependency on or gratitude to the facility; the facility making such public statements about a particular child; or having a child collect or solicit donations on behalf of the facility.
 - (b) A facility shall obtain the written consent of the child's parent(s), or legal custodian before using the child's name, photograph or other identifying information in any form of written, visual or verbal communication which will be made public (e.g., newspaper, television or radio articles/publicity materials; materials mailed or otherwise distributed by the facility to the public, etc.).

- (8) Medical Care.
 - (a) Health Care.
 - (i) There shall be adequate provision for health care, with services available at all times. A child's general health care shall be under the direction of one specific doctor, clinic, or other licensed health facility.
 - (ii) Within six months prior to or within seventy-two hours after admission to a facility, the parent, legal guardian, or placing Agency shall ensure a child has a recorded medical examination conducted by a licensed physician or a licensed nurse practitioner.

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(iii) A facility must be apprised of a child's physical condition, physical disability, or communicable diseases.

(iv) Each child shall be provided with appropriate inoculations. All necessary medical care with respect to treatment of illness and correction of physical disabilities shall be carried out promptly.

(v) Annual health examinations by a licensed physician or a licensed nurse practitioner shall be provided for each child except those less than three years of age who shall have an examination every six months.

(b) Hospitalization-The facility shall make provision and establish procedures for hospitalization when needed for children under its care.

(i) If a child is in need of hospitalization or medical treatment, the child's legal guardian, parent or caseworker must be notified as soon as possible.

(ii) Medical consent for planned hospitalization or a medical treatment must be obtained from the child's legal guardian, parent or an appropriate Agency representative.

(c) Illness and First Aid.

(i) Each member of the child care staff shall be able to recognize the common symptoms of illness of children and to note any obvious physical disability.

(ii) A facility shall ensure at least one staff member per working shift is certified in first aid and cardiopulmonary resuscitation.

(iii) A written first aid plan and a first aid kit shall be available to child care staff.

(d) Dental Care.

Each facility shall have a specific plan for dental care and dental health that shall be consistently followed. The plan shall provide for, at a minimum, annual checkups by a licensed practitioner.

(e) Health Records.

A continuous medical record reflecting each child's growth and development, illnesses, treatments, inoculations, dental care, etc., shall be kept at the facility.

(f) Medications.

(i) All medications shall be kept in a double locked secure area, accessible only to staff.

(ii) All prescription medication shall be labeled for the individual child including the dosage and frequency of the dose.

(iii) A log must be maintained to document when the medication was given, who administered the medication, and to record any changes in medication or treatment.

(iv) If medications are discontinued, the remaining medications shall be destroyed.

(g) Medical Costs- The person or entity with custody shall be responsible for payment of any medical services received

(9) Academic and Vocational Training.

(a) Each facility shall be responsible for providing an opportunity for academic training and/or vocational training in accordance with the abilities and needs of the children.

(b) Facilities providing on-campus educational programs must meet compulsory education requirements as defined by the South Carolina Department of Education.

(c) Children who are eligible (based on federal standards) shall have independent living goals and strategies as part of their service plan.

(d) Children shall be permitted and encouraged to participate in extracurricular activities such as sports, art, and music to the extent of their interests.

(e) School attendance shall be in accordance with state law requirements and be in accordance with the ability and best interests of the child.

(10) Religion--Each facility shall have clearly defined policies regarding the availability of religious training for the information of those considering the placement of a child. This information shall be made available to parents, legal guardians and children.

(11) Disaster Plans.

(a) A written disaster plan must be included as part of the policy and procedure manual. The plans must be reviewed annually and resubmitted as part of annual relicensing requirements.

(b) In the event of a mandatory evacuation order due to a disaster, children are to be evacuated to a designated shelter or a safe location that is not threatened by the disaster.

(12) Discharge and Aftercare.

(a) The governing board shall adopt and update, as appropriate, written policies concerning discharge and aftercare.

(b) Careful evaluation shall be made on an ongoing basis in order to assess when and if a child may be returned to his/her own home, placed in a foster home or with relatives, or transferred to another facility better suited to meet his/her needs.

(c) A facility shall provide sufficient notice to the child and the referral source prior to discharge to allow arrangements for an appropriate alternative placement to be made.

(d) A facility will complete a discharge report for child residing in a facility for ninety (90) or more days. The discharge report shall include major recommendations and outcomes, list records to be transferred, and be available to the Agency or legal guardian within ten (10) days of discharge.

(13) Foster Home Care--Children placed in a facility of a particular organization may not be moved by that facility to one of its foster homes unless the facility is licensed as a Child Placing Agency and has the permission of the placing entity.

(14) Records--Every facility shall maintain a confidential (see South Carolina Code, 1976, 431580) case record stored in a locked or secure area, which may not be disclosed except for purposes directly connected with the administration of the facility or for the care and well being of a child. The file shall contain the following:

(a) Application for services.

(b) A study of the child in context of their family, provided by the referring party, including a statement regarding custody and legal responsibility for the child.

(c) A copy of the birth certificate provided by the placing entity.

(d) Authorization for medical treatment signed by parent or guardian.

(e) Reports on medical care, inoculations, dental care, and psychological and psychiatric reports, if any are available.

(f) Current record of the child's physical, emotional, social and academic progress in residential group care, and relationships with the family while the child is under care.

(g) Discharge information and plan for return to the community.

(h) A full report of the foster family and of the child in foster care shall be provided if foster home care has been given,

(i) Documentation that the legal guardian or parent has been informed whenever a child has been involved in a major behavior incident.

(j) Documentation of major behavior incidents.

(15) Transportation.

(a) Vehicles transporting children will comply with all state and federal laws.

(b) Transportation of children shall comply with "Jacob's Law" (Section 56-5-195).

(c) No vehicle shall transport more children than the manufacturer's rated seating capacity.

(d) The bed of an open body or stake bed vehicle must not be used for transporting children.

(e) Each facility must have a policy and tentative plan for transporting children in the event of an emergency or disaster.

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(16) Tasks.

- (i) Assigned tasks shall be appropriate to the age and abilities of the child and assigned for the purpose of training in skills and attitudes and in the proper assumption of personal responsibility.
- (ii) The facility shall differentiate between tasks of daily living, jobs to earn spending money, and jobs to gain vocational training.
- (iii) Daily living tasks shall be made known to the child during orientation and the child shall be given some choice in chores with duties that provide a variety of experiences.
- (iv) The rules on jobs to earn spending money or gain vocational training shall be made known to all age appropriate children. Opportunities to participate shall be made available in accordance with the child's age and abilities and so as not to interfere with other educational activities.
- (v) Children shall not substitute for staff nor regularly perform tasks more appropriately assigned to staff.
- (vi) The facility shall comply with all Child Labor laws.

F. Licensing.

(1) Inquiries.

- (a) Requests for information regarding an application for a license shall be sent to the South Carolina Department of Social Services (SCDSS). SCDSS will then send a copy of the rules and regulations governing the license. Consultation will be available upon request.
- (b) If the facility is already in operation, a visit will be made by a representative of the Agency as soon as it can be arranged.

(2) Procedure for Licensing.

- (a) With the initial application for a license, the following information shall be sent to the South Carolina Department of Social Services:
 - (i) Completed Application for License form.
 - (ii) A copy of the charter or law establishing the facility.
 - (iii) A copy of the constitution or bylaws, and operating procedures.
 - (iv) A statement of the purpose, scope of services to be provided, intake policy specifying age, sex, type of children to be accepted for care, and the area of the state in which it plans to operate and serve.
 - (v) A list of Officers and Governing Board members and other pertinent information regarding its facility which will show who has responsibility for policy making and administration.
 - (vi) A financial statement showing assets, income and sources thereof, verification of a minimum of three (3) months operating capital on hand, and expenditures for the past year. (For a new facility, the estimated income and expenditures for the first year shall be given).
 - (vii) Names and job classification of staff, education and work experience requirements.
 - (viii) The number of buildings and a statement regarding the general condition of the facility.
 - (ix) A current fire inspection report.
 - (x) A current health inspection report.
 - (xi) A copy of the current procedural manual.
 - (xii) Verification of local building and zoning compliance.
 - (xiii) Menus approved by a qualified nutritionist or dietician.
 - (xiv) Medical examination reports for all staff.
 - (xv) South Carolina Child Abuse and Neglect Central Registry checks for all staff and volunteers who have unsupervised contact with children.
 - (xvi) South Carolina State Law Enforcement Division (SLED) criminal records checks for all staff and volunteers who have unsupervised contact with children.
 - (xvii) Memorandum of Agreement on Criminal Record Checks.
 - (xviii) South Carolina Sex Offender Registry Check verification for all staff and volunteers who have unsupervised contact with children.
 - (xix) Documentation of training completed by each staff member for facilities being relicensed.
 - (xx) Tuberculosis screening for all staff.

(b) As soon as possible after the receipt of the application for a license, a representative of the South Carolina Department of Social Services will visit the facility and will secure information on which to evaluate the program in relation to licensing standards.

(c) If the facility wishes to operate a foster home or adoptive home program in addition to caring for children in residential group care; it will be necessary to submit additional information as required for a license to operate a Child Placing Agency.

(3) License.

(a) The terms of the license, the number, age and sex of children to be maintained will be stated in the license issued.

(b) A Standard License will be issued when a facility meets all applicable regulations. A Standard License is effective for twelve months from the date of issuance.

(c) Standard with Temporary Waiver License.

(i) A Standard with Temporary Waiver License may be granted at the discretion of the State Director of the South Carolina Department of Social Services when a facility temporarily lacks a requirement that does not affect the health and safety of children.

(ii) To change the status of the license to a Standard License, the facility shall submit written notification that the deficiency has been corrected to the South Carolina Department of Social Services, (subject to verification and at the discretion of the Agency).

(d) The license shall be displayed at all times.

(e) The facility shall not deviate from the provisions specified in the license issued.

(f) The license is not transferable, is specific to the location, owner, and existing buildings at the time of licensure.

(4) Denial or Revocation of a License.

(a) The Agency may refuse to issue or revoke a license to a facility/applicant who:

(i) Fails to comply with residential group care licensing regulations;

(ii) Violates state or federal laws;

(iii) Abuses or neglects children as defined in Section 20-7-490(B), S.C. Code of Laws, 1976 as amended (also refer to Discipline, E(4));

(iv) Knowingly employs a person with a past/current history of child abuse or is on the South Carolina Central Registry of Child Abuse and Neglect or fails to terminate their employment once the record is known;

(v) Makes a false statement or a misrepresentation to the Department of Social Services that adversely impacts the care and safety of children;

(vi) Refuses to submit licensing or child specific information or reports to the Agency as it relates to care and safety of children;

(vii) Fails to cooperate, withholds information, or impedes an investigation of child abuse or neglect;

(viii) Fails to provide, maintain, equip, and keep safe and sanitary the facility to care for children;

(ix) Fails to provide adequate financial resources to maintain the facility;

(x) Fails to notify the Agency of any structural improvements or new construction within three (3) working days;

(b) The Agency is empowered to seek an injunction against the continuing operation of a facility as provided in Section 20-7-670.

(i) When a facility is operating without a license;

(ii) When the Agency determines threat of harm to children in the facility.

(c) Notification--Written notice will be given to an applicant or facility by certified mail or hand delivered by an Agency representative, if the license is revoked or denied.

(d) Appeals--Any facility whose application has been denied or revoked, may request a hearing within thirty (30) days of receipt of notification of the Agency's decision. Requests for appeals must be forwarded to the South Carolina Department of Social Services, Office of Administrative Appeals.

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(5) Termination of License.

(a) Expiration of License.

(i) A Standard License expires automatically at the end of twelve months from the date of the issuance of the license unless renewed or cancelled prior to that date.

(ii) Standard License with Waivers may be granted for non-safety related items.

(b) Cancellation of License--A license shall be cancelled if there is a deviation from the provisions of the license or if the location of the facility or the facility operating the business changes.

(6) Annual Review and Relicensing.

Annually, all licensed facilities must submit the material listed below to the South Carolina Department of Social Services. Continued licensing will be based on a review of this material and a visit(s) by a representative of the Agency to tour the facility, review the program, and interview staff as appropriate.

(a) A formal application.

(b) An annual population report.

(c) A copy of the facility's most recent financial statement.

(d) An estimated budget for the facility's current fiscal year.

(e) A current list of governing board members and committees.

(f) The names and job titles of current staff and completed applications or resumes for staff who have been employed since the last license was issued.

(g) A report of any major changes in program or the physical facility planned for the coming year.

(h) A report of a fire inspection that was completed within the past licensing period.

(i) A report of a health and sanitation inspection that was completed within the past licensing period.

(j) A copy of a menu approved by a nutritionist or dietitian.

(k) Current South Carolina Law Enforcement Division (SLED) criminal records checks for staff and volunteers.

(l) South Carolina Sex Offender Registry Checks for staff and volunteers.

(m) South Carolina Child Abuse and Neglect Central Registry checks for all staff and volunteers.

(n) Reports of medical examinations for each new child care staff employed after the date of the previously issued license and a statement of freedom from contagious disease for all other child care staff.

(o) Tuberculosis screening for all staff.

(p) Documentation of at least fourteen (14) hours of training within the last year for all child care staff.

(q) Record of monthly fire drills for fire and emergency evacuation that are held at different times.

(r) Documentation from a county building inspector may be required if the Agency suspects a new or existing building or structure poses a risk of harm to children.

(7) Authorized actions by the Agency.

(a) Licensing staff from the agency may make visits to the facility without prior notice to ascertain continued compliance with these requirements.

(b) The Agency shall investigate complaints to determine if the facility is meeting licensing requirements and shall take appropriate and necessary actions based on its findings.

(c) The Agency shall inform the director of the facility of any complaints and shall submit a written report of the results of the investigation within ten (10) days upon the completion of an investigation. If the director is the subject of the complaint, the chairman of the board will be notified.

Fiscal Impact Statement:

The South Carolina Department of Social Services estimates there will not be any additional costs incurred by the State and its political subdivision in complying with the proposed regulation.

Statement of Need and Reasonableness

DESCRIPTION OF REGULATION: The Licensure for Group Care Organizations establish revised procedures for South Carolina Department of Social Services to monitor and set minimal guidelines regarding the care for children.

Purpose: This regulation will govern the licensure requirement, standards of care expected, and licensing parameters pertaining to group care organizations in South Carolina.

Legal Authority: Section 20-7-2250 and 43-1-80 (Supp. 2000) of the South Carolina Code of Laws.

Plan for Implementation: The South Carolina Department of Social Services Division of Human Services will be coordinating the implementation of needed changes. In addition the agency will coordinate with, and provide ongoing assistance with training for, staff of other group care facilities.

DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSE REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:

This regulation established the administration and process for licensure of foster families in South Carolina by authority of sections 20-7-2250 and 43-1-80 (Supp. 2000) of the South Carolina Code of Laws.

DETERMINATION OF COSTS AND BENEFITS: No additional costs will be incurred.

UNCERTAINTIES OF ESTIMATES: None

EFFECT ON ENVIRONMENT AND PUBLIC HEALTH: None

DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED: NONE