**South Carolina General Assembly**

118th Session, 2009-2010

**H. 4265**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. J.E. Smith and Hutto

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Introduced in the House on January 12, 2010

Currently residing in the House Committee on **Medical, Military, Public and Municipal Affairs**

Summary: Childcare facilities

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

12/15/2009 House Prefiled

12/15/2009 House Referred to Committee on **Medical, Military, Public and Municipal Affairs**

1/12/2010 House Introduced and read first time [HJ](file:///h:\HJ%20Archive\2010\01-12-10.docx)‑50

1/12/2010 House Referred to Committee on **Medical, Military, Public and Municipal Affairs** [HJ](file:///h:\HJ%20Archive\2010\01-12-10.docx)‑50

**VERSIONS OF THIS BILL**

[12/15/2009](file:///p:\pprever\2009-10\4265_20091215.docx)

**A** **BILL**

TO AMEND SECTION 63‑13‑180, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE DEPARTMENT OF SOCIAL SERVICES PROMULGATING REGULATIONS CONCERNING THE LICENSURE AND REGULATION OF CHILDCARE FACILITIES, SO AS TO CLARIFY THAT A PROCEDURE THAT MUST BE FOLLOWED BY REPRESENTATIVES OF THE DEPARTMENT OF SOCIAL SERVICES IN RECEIVING AND RECORDING COMPLAINTS MUST BE PROMULGATED IN REGULATION; AND TO REQUIRE THE DEPARTMENT TO PROMULGATE REGULATIONS ESTABLISHING A VOLUNTARY RATING SYSTEM FOR CHILDCARE FACILITIES LICENSED OR REGISTERED BY THE DEPARTMENT AND TO PROHIBIT THE DEPARTMENT FROM REQUIRING SUCH FACILITIES TO PARTICIPATE IN SUCH A RATING SYSTEM.

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

SECTION 1. Section 63‑13‑180 of the 1976 Code, as added by Act 361 of 2008, is amended to read:

“Section 63‑13‑180. (A) The department shall with the advice and consent of the Advisory Committee develop and promulgate regulations depending upon the nature of services to be provided for the operation and maintenance of childcare centers and group childcare homes. The department with the advice of the Advisory Committee shall develop suggested standards which shall serve as guidelines for the operators of family childcare homes and the parents of children who use the service. In developing these regulations and suggested standards, the department shall consult with:

(1) Other state agencies, including the State Department of Health and Environmental Control, the Office of the State Fire Marshal, and the Office of the Attorney General.

(2) Parents, guardians, or custodians of children using the service.

(3) Child advocacy groups.

(4) The State Advisory Committee on the Regulation of Childcare Facilities established by this chapter.

(5) Operators of childcare facilities from all sectors.

(6) Professionals in fields relevant to childcare and development.

(7) Employers of parents, guardians, or custodians of children using the service.

Draft formulations must be widely circulated for criticism and comment.

(B) The regulations for operating and maintaining childcare centers and group childcare homes and the suggested standards for family childcare homes must be designed to promote the health, safety, and welfare of the children who are to be served by assuring safe and adequate physical surroundings and healthful food; by assuring supervision and care of the children by capable, qualified personnel of sufficient number. The regulations with respect to licensing and approval, and the suggested standards with respect to registration of family childcare homes must be designed to promote the proper and efficient processing of matters within the cognizance of the department and to assure applicants, licensees, approved operators, and registrants fair and expeditious treatment under the law.

(C) The department shall conduct a comprehensive review of its licensing and approval regulations and family childcare home suggested standards at least once each three years.

(D) No regulations for childcare facilities may exceed policies or minimum standards set for public childcare facilities regulated under this chapter.

(E) The department shall submit final drafts of its regulations to the Legislative Council as proposed regulations, and the Administrative Procedures Act Sections 1‑23‑10 et seq., governs their promulgation.

(F) The department shall establish in regulation a procedure for its representatives to follow in receiving and recording complaints. Standard forms may be produced and made available to parents and users of facilities upon request to the department. A copy of any complaint must be made available to the involved operator immediately upon his request.

(G)(1) The department shall promulgate regulations establishing a voluntary rating system for all childcare facilities licensed or registered pursuant to this chapter. The rating system must be based on program standards, education levels of staff, and compliance history of the facility.

(2) The department may not require a childcare facility to participate in the rating system or assign a rating unless an owner or operator of a childcare facility applies for a rated license or registration.”

SECTION 2. This act takes effect upon approval by the Governor.

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