**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 59‑1‑125 SO AS TO DEFINE “LEARNING POD”, TO PROHIBIT A SCHOOL DISTRICT FROM DISCRIMINATING AGAINST A STUDENT, PARENT, OR LEGAL GUARDIAN FOR PARTICIPATING IN A LEARNING POD, AND FOR OTHER PURPOSES; AND TO AMEND SECTION 63‑13‑20, RELATING TO CHILDCARE FACILITY DEFINITIONAL TERMS, SO AS TO ADD A DEFINITION FOR “LEARNING POD”, TO MAKE CONFORMING CHANGES, AND FOR OTHER PURPOSES.

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

SECTION 1. Article 3, Chapter 1, Title 59 of the 1976 Code is amended by adding:

“Section 59‑1‑125. ‘Learning pod’ means a private arrangement among a group of parents or legal guardians to group not more than ten children, regardless of time or place, or whether payment is made for any services, to provide educational support to their children in kindergarten through grade twelve who are enrolled in a public or private school and in accordance with school curriculum. A learning pod is not a public or a private school. No school district shall take any action or in any manner discriminate against or otherwise distinguish any student, parent, or legal guardian on the basis of participation in a learning pod. A learning pod is exempt, notwithstanding any other law to the contrary, from any state or local statute, rule, regulation, or code which would not be applicable to any group, building, or facility but for the operation or presence of a learning pod.”

SECTION 2. A. Section 63‑13‑20(4) of the 1976 Code is amended by adding an appropriately lettered subitem at the end to read:

“( ) learning pods as defined in this section.”

B. Section 63‑13‑20(13)‑(29) of the 1976 Code is amended to read:

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

(14) ‘Group childcare home’ means a facility within a residence occupied by the operator which regularly provides childcare for at least seven but not more than twelve children, unattended by a parent or a legal guardian including those children living in the home and children received for childcare who are related to the resident caregiver. However, an occupied residence in which childcare is provided only for a child or children related to the resident caregiver or only for the child or children of one unrelated family or only for a combination of these children is not a group childcare home. A learning pod as defined in this section is not a group childcare home.

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

(16) ‘Learning pod’ means a private arrangement among a group of parents or legal guardians to group not more than ten children, regardless of time or place, or whether payment is made for any services, to provide educational support to their children in kindergarten through grade twelve who are enrolled in a public or private school and in accordance with school curriculum.

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

~~(17)~~(18) ‘Private childcare facility’ means a facility as defined under item b. of this section which is not a public childcare facility, and which is able to be further classified as follows:

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

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

~~(18)~~(19) ‘Provisional approval’ means a written notice issued by the department to a department, agency, or institution of the State, or a county, city, or other political subdivision approving the commencement of the operations of a public childcare center or group childcare home although the operator is temporarily unable to comply with all of the requirements for approval.

~~(19)~~(20) ‘Provisional license’ means a license issued by the department to an operator of a private childcare center or group childcare home or a family childcare home which elects to be licensed authorizing the licensee to begin operations although the licensee temporarily is unable to comply with all of the requirements for a license.

~~(20)~~(21) ‘Public childcare facility’ means a facility as defined under item b of this section which was created and exists by act of the State, or a county, city or other political subdivision, whose operation remains under the tutelage and control of a governmental agency.

~~(21)~~(22) ‘Registration’ means the process whereby childcare centers and group childcare homes owned and operated by a church or a publicly recognized religious educational or religious charitable institution are regulated under this chapter and the process whereby all family childcare homes are regulated under this chapter.

~~(22)~~(23) ‘Regular approval’ means a written notice issued by the department for a two‑year period to a department, agency, or institution of the State, or a county, city, or other political subdivision, approving the operation of a public childcare center or group childcare home in accordance with the provisions of the notice, this chapter, and the regulations of the department.

~~(23)~~(24) ‘Regular license’ means a license issued by the department for two years to an operator of a private childcare center or group childcare home or a family childcare home which elects to be licensed showing that the licensee is in compliance with the provisions of this chapter and the regulations of the department at the time of issuance and authorizing the licensee to operate in accordance with the license, this chapter, and the regulations of the department.

~~(24)~~(25) ‘Regularly, or on a regular basis’: these terms refer to the frequency with which childcare services are available and provided at a facility in any one week; these terms mean the availability and provision of periods of daycare on more than two days in such week.

~~(25)~~(26) ‘Related’ means any of the following relationships by marriage, blood, or adoption: parent, grandparent, brother, sister, stepparent, stepsister, stepbrother, uncle, aunt, cousin of the first degree.

~~(26)~~(27) ‘Renewal’ means in regard to childcare centers and group childcare homes, to grant an extension of a regular license or regular approval for another two‑year period provided an investigation of such facilities verifies that they are in compliance with the applicable regulations, in regard to family childcare homes, to place the name of the operator on the registration list for another year provided procedures indicated in this chapter have been completed.

~~(27)~~(28) ‘Revocation’ means to void the regular license of a childcare center or group childcare home.

~~(28)~~(29) ‘Summer day camp for children’ means a program offered during the summer that provides recreational activities primarily during daytime hours throughout the period of the program and may include an occasional overnight activity under the supervision of the operator.

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

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

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