



CHILD CARE

Summer 2008

News

2007 – 2008 Board of Directors

Jerry Cook, President
Gaston Child Care & Dev. Center

Carolyn Watt, Vice President
Small World of Easley

Cindy Walton-McCawley, Secretary
Adlerian Child Care Centers

Tami Nix, Treasurer
Archway Academy

Nancy Pryor, Historian
Chapin Children's Center

Becky Croft
The Sunshine House

Marie Darstein
The Sunshine House

Marsha Davis
Amazing Creations

Shannon Erickson
Hobbit Hill Too

Brantlee Fulmer
Merryland Too

Margaret Anne Gaffney
Anne Pitts Child Dev. Center

Sheila King
Kids Stuff Academy

Tricia Sheldon
La Petite Academy

Todd Manuel, Associate Member
Interstate Transportation Equipment

Karen Boyce
Executive Director

President's Message by Jerry Cook, SCCCA President



It appears to me, in spite of this beautiful summer vacation season, much has been accomplished...

For example:

Senate Bill 311 has been signed by Governor Sanford authorizing provisional employment. We will discuss this at our next Board Meeting to explore ways we may assist the Department of Social Services to implement this new amendment.

Marie Darstein is the new Executive Director of the NCCA. I know of no one more deserving or more capable. She will be keeping her offices in South Carolina ... Yahoo! Congratulations, Marie!

Actions have been initiated to encourage the South Carolina Small Business Regulatory Review Committee to examine the disparities in the administration of the three-tiered regulations mandated by the General Assembly.

The FCI Agency, located in Greer, South Carolina, is offering a special child care insurance package to SCCCA member/owners. This is an awesome discount and is a wonderful

benefit of membership in the SCCCA. (864-430-0286)

Cooperative Health Centers of Columbia is offering health insurance to child care providers at unbelievable rates (\$25 per month) in Lexington, Richland and Fairfield Counties. (803-733-5969). It really works! Some of our staff have used it already.

The Governor's office is actively pursuing names for appointments to the Advisory Committee on Child Care Regulation, and we have been asked to make recommendations. Please send your recommendations to Karen Boyce, SCCCA Executive Director. (Be sure you have discussed your recommendation with the nominee, and have gotten their approval.)

The South Carolina First Steps' Centers of Excellence Models are progressing favorably; improving the quality of ECD through scholarships to parents and tuition grants to teachers. Over the next eighteen months, this program will create a benchmark for funding and implementation; manifesting product differentiation. Mildred Warner, an economist at Cornell University posits that, "in order for economic (Con't to page 6)

Legislative Update

Summer 2008

Jeffrey N. Thordahl and Hope Lanier

While the 2008 SC Legislative session ended with a big victory for South Carolina Child Care providers, significant defeats in the primary election that followed left the political arena for SCCCA's key issues in limbo going into the 2009 Session.

In the final days of the session, lawmakers adopted S. 311, a bill which included provisions to eliminate the catch-22 that occurs when providers have had to choose between maintaining child to staff ratios and completing all the background checks required of employees who work with children. In a compromise between providers and the Department of Social Services, the bill created an exception to the current law that allows for provisional employment in emergency situations when a potential employee has been prescreened through the SLED online "catch" check and signed a sworn statement that they are free of other pertinent criminal charges and that their name does not appear on the state's Central Registry for abuse or neglect of a child. The bill also includes a tight turn around schedule for the filing of paper work by the center director and for completion of the Central Registry check by DSS. While the SCCCA is working with DSS to clear up a few minor kinks as the law is enacted, the change should provide some much needed relief to centers who had no choice but to violate the law one way or the other. You can review a more detailed explanation of the law on page ____.

As the SC Supreme Court considers appeals to the school funding lawsuit that led a judge to encourage the creation of a statewide 4-year-old Kindergarten program for at-risk children, the General Assembly made only minimal progress in their efforts to expand the current pilot program that began operating in the so-called "Plaintiff's Districts" in 2006. While the Senate did approve a viable compromise framework through which the 4-K program could expand across the state as

funding became available, the House opted not to take up the bill this year, largely due to



the state's overwhelming budget constraints. House and Senate leaders are likely to begin consideration of similar legislation when the General Assembly convenes for the new legislative session in January.

There was also renewed discussion about the recent requirement of bus inspections and bus driver certification in certain instances. It is the SCCCA's understanding that only drivers operating a bus with operating traffic control devices must get State certification:

Section 59-67-108(B) Any person transporting ten or more preprimary, primary, or secondary students to or from school, school-related activities, or childcare in a vehicle with enabled traffic control devices must receive training as to the proper operation of these traffic control devices. The State Department of Education shall establish an appropriate level of driver certification.

However, ALL school buses (including those owned by child care centers) must be inspected annually by a certified inspector.

Section 59-67-270(2) All privately owned vehicles designed and used to transport ten or more preprimary, primary, or secondary students to or from school, school-related activities, or childcare must be inspected annually. Inspections for these privately owned vehicles must comply with applicable federal inspection requirements. A copy of the vehicle inspection report must be kept on these vehicles at all times.

Con't to page 3

We recommend that you check with your regular bus maintenance provider as to their ability to perform such inspections. If they are not qualified, anyone who provides truck inspections is likely to have the necessary certification to perform the inspections. Early inquiries indicate that the cost could range anywhere from \$100 to \$300 per bus, and while that cost may seem high, the liability associated with non-compliance could be extremely expensive. The SCCCA will work with the providers to keep the cost down. We will continue to keep you posted with information about inspectors and inspections in South Carolina.

Finally, in an unexpected election twist, several influential members of the House and Senate were defeated in the June Primary elections. Among the most surprising losses were those of House Education Committee Chairman Bob Walker and Senator Jim Ritchie, both of Spartanburg. Both Ritchie and Walker had been actively involved in a number of child care regulated legislative issues.

In addition to those two, Senators Randy Scott and Catherine Ceips were defeated in the Low Country while Representatives Scott Talley, Fletcher Smith, Ralph Davenport, Gloria Haskins and Bob Leach were ousted in the Upstate. Paired with sixteen retirements in the House and a handful in the Senate, the face of the General Assembly will be significantly different in January, although how that affects the ideological makeup remains to be seen. Given Walker's loss, the House Education Committee will automatically be under new leadership – with the two most likely candidates being Representatives Ted Pitts and Bill Whitmire, both of whom chair subcommittees. The significant turnover will also significantly impact the makeup of all House and Senate committees, although those assignments – which are made by the Speaker of the House – will not be finalized until early January.

While most in the political arena are focused on November's elections, a number of lawmakers are working hard in the off-session to prepare issues of Con't to page 8.

KAPLAN
EARLY LEARNING COMPANY

is PROUD to SUPPORT
**South Carolina
Child Care Association!**

17% Discount &
Free UPS SHIPPING*

**USE CODE PR-15715 when ordering
on orders over \$300!* offer expires 12/31/08**

Free Kaplan Truck Delivery on orders over \$25,000!

*Discount does not apply to resellers, playground units, lofts, sale items, computer software & equipment, and some curriculum & assessment materials. Can not be combined with any other offer. Free freight on UPS items only and does not apply to shipments to AK, HI, PR, and Canada.

302-08

“How to Avoid Employee Lawsuits”

By Kris Cato, Esquire
and
Edward Rawl, Esquire
McAngus Goudelock & Courie

This is the first of a two-part article.

Imagine if all employees were hardworking, competent and reliable and all employers were kind, considerate and forthright. Under this scenario, there would be no basis for employment based lawsuits. Because this is far from reality, employers must take proactive steps to reduce the likelihood of being hit with a lawsuit from disgruntled current or former employees.

While no list can exhaust all possible safeguards, implementing the following policies and practices will considerably reduce the probability that your business will get sued.

1. Detailed Application Forms. Studies indicate that somewhere between 30 - 65% of individuals lie or exaggerate their qualifications when applying for jobs. The problem for employers is obvious—you may end up hiring employees ill-qualified for a job. Employers may terminate employees for lying on their job application or resume, provided they can show they would not have hired the candidate had they known the truth. As a result, employers should require all job candidates to complete a detailed job application form. The form should ask for the following information: (a) a complete job history; (b) a complete educational background; (c) a signature by the candidate; and (d) a stipulation that the employer has the right to disqualify the candidate for making false statements. Employers should pay close attention to gaps in employment and patterns of brief employment.

2. Background Checks. Employers should conduct background checks on potential and current employees for several reasons. First, negligent hiring lawsuits are on the rise. If an employee's actions injure someone, the employer may be liable. Therefore, the threat of liability gives employers a reason to be cautious in checking an applicant's past. A bad hiring decision can ruin a company's budget

and reputation, as well as devastate the individual career of the hiring official. Employers should no longer rely on their instinct as a basis for hiring. Also, current events have caused an increase in employment screening. For example, child abuse and abductions in the news in recent years have resulted in new laws in almost every state that require criminal background checks for individuals working with children. Employers should also be aware that federal laws require that background checks be conducted for certain jobs.

3. Criminal Checks. Employers should conduct criminal background checks on potential and current employees. Public records should be searched for both felony and misdemeanor convictions. If a search turns up a criminal conviction, its use may be limited to situations where there are job-related reasons for disqualifying an applicant, such as criminal negligence, assault, battery, fraud, theft and other crimes involving violence or dishonesty. While this information is generally available to the public, searching through public records is a time-consuming task. Investigative services and other document and information retrieval services may be helpful but costly. For that reason, it is advisable to devise guidelines as to when such additional information is necessary. Employers should apply those guidelines consistently and uniformly to avoid any appearance of discrimination or unfair treatment of certain job applicants. In addition, employers should ask applicants to sign a waiver consenting to a criminal background check.

4. Credit Checks. Another source of information on prospective employees is a consumer credit report. While this information is obtainable, there are legal notice requirements for conducting a credit check, as well as requirements for advising applicants about their rights in connection with such a search. Con't to page 5

SC CHILD CARE ASSOCIATION

THOMAS MINOTOUR SCHOOL BUS



A Subsidiary of **FREIGHTLINER**
CORPORATION



- ✓ 2007 Models in Stock (BEST VALUE ON STATE CONTRACT!)
- ✓ Seating Available from 15 up to 30 Children
- ✓ New and Used buses available

For More Information Contact Todd B. Manuel at (800) 726-0779 x 25

www.interstatetransportation.com

“South Carolina’s Bus Company Since 1947”

Con’t from page 4

Additionally, as with other kinds of background information, credit history should only be used in making hiring decisions if the information is reasonably related to the position being sought. Again, guidelines may help streamline this process and assure consistency and fairness. By following the above suggestions, employers may not only avoid a potential lawsuit, but they may also avoid hiring a poor employee. All too often employers, saddled with an expensive employment lawsuit, complain that the difficulties and expenses associated with a lawsuit never would have happened if they had not hired the person in the first place. Employment screening is critical, not only to hire the right or best person for the vacancy, but also to ensure that the employer not hire the wrong person.

6. Drug Testing. South Carolina employers are statutorily permitted to implement substance abuse prevention programs and test employees for use of illegal drugs, or illegal use of legal drugs. The negative effects of substance abuse in the workplace are well documented, and include decreased productivity, increased liability exposure, increased medical insurance costs, increased workers’ compensation insurance premiums, increased employee absenteeism and increased employee theft. Employers who choose to implement a drug prevention program should ensure they are complying with all applicable statutes. Public employers should be cautious of constitutional issues. Private employers should seek legal assistance to create a program, a policy, and ensure statutory compliance. *(The remainder of this article will appear in the Fall 2008 Newsletter.)*

FUNdamental Playgrounds

SCCCA Summer Special

10 % off
All playground
purchases
through August
Members only



Call Mark
800-230-6994

FUNdamentalPlaygrounds.com



Brookhurst Associates

We have buyers for large, high quality centers.
Call today for a confidential consultation.
(919) 792-0987

Con't from page 1

Development approaches to be applied to child care, the industry must begin to present itself as a participant in the economic sector.” The South Carolina First Steps’ Centers of Excellence data will serve that need.

Also, I encourage you to quit referring to your facility as a child care facility, but a preschool. “Child care” is a nemesis we need to put to rest ... we are not babysitters ... we are educators!

Wow! What should we look forward to for the rest of the summer? I am hoping for a tremendous gain in membership. It seems to me that if we talk about the success of the Association amongst the non-members, they will be encouraged to become part of the team. Greater numbers mean greater affect. With that in mind, may I challenge you to talk to just one non-member and ask them to join us in our continuing endeavors to improve the quality of our profession? We will not rest until the innocent are protected by including the “approved” and “registered” facilities under the same regulatory authorities as the “licensed” facilities.

I have been unable to “get on the road” to solicit membership because of unrelenting obligations relative to the day-to-day operation of our own preschool center. As we progress through the year, however, I will find time to do this, if the Lord is willing! Until then, if you have a prospect in mind and you want me to contact them directly, call me at 803-796-8388 or 803-397-6764 and I will follow your lead. Best wishes for an excellent summer!

“Cultures evolve though technology ... mankind develops through education.” ~Jerry Cook

Chapin Children's Center and Abner Montessori School have several child care items for sale that are in great condition.

8 – Community Playthings Stackable 14" High Chairs (\$60 each or \$400 for all)

3 – Community Playthings Stackable Bounce Chairs (\$25 each)

18 Deluxe Hanging Rest Mats 2" Thick (Dandi-li-on) (\$15 each or \$250 for all)

2 – Metal Hanging Mat Holders attached to rolling cart (free if you purchase all 18 mats)

1 – Community Playthings Refrigerator (\$150)

1 – Community Playthings Cupboard (\$150)

1 – Community Playthings Sink Cabinet (\$150)

1 – Community Playthings Stove/Oven (\$150) (or \$575 for all four Home Living Items)

You can see photos of these items by clicking on the link to our website at

<http://www.abnermontessori.com/page7/page7.html>.

Or, call Nancy Pryor at (803) 345-9428.



***New 2007 Buses for Sale ***

Chevrolet Chassis Specs: MSRP	\$23,948.26
Corbeil Box Specs: Disc. Price	16,324.26
Suggested Total:	\$40,272.62

Our Cost with Taxes \$36,356.37

We will sell them for: \$32,500.00

Contact:

Mike Brown, Capital Management Officer

The Sunshine House

1801 By-Pass 72 NE

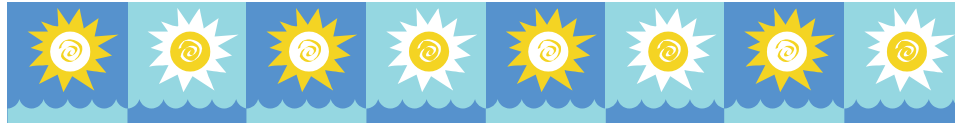
Greenwood, SC 29649

864-223-3945

FAX: 864-223-4727

Cell: 864-430-5861

mbrown@sshhouse.com



The Wee Academy Learning Center Preschool was selected as one of just 75 preschools across the country to receive a Wuzzleburg Preschool Garden Award from the National Gardening Association, the nation's foremost clearing house and advocacy group for the benefits of gardening. Sponsored by the children's television program. **Wow! Wow! Wubbzy!**. The Wee Academy Learning Center Preschool received gardening supplies and educational resources from the National Gardening Association's Gardening with Kids catalog. They were chosen from a field of more than 1,000 applicants. For more information about the National Gardening Association or the Wuzzleburg Preschool Garden Awards, you can contact:

National Gardening Association

1100 Dorset Street, South Burlington, VT 05403

(800) 538-7476

www.kidsgardening.org



Con't from page 3
importance for the year to come. One of those is Senator Joel Lourie (D-Richland) who is particularly interested in child care regulations in light of several incidences involving unscrupulous Child Care providers in late 2007. The SCCCA Board appreciates Lourie's invitation to work with him as he seeks to craft legislation that weeds out "bad actors" without unfairly penalizing responsible child care providers. We will keep you updated as progress is made on that front.

On a final note, please remember that the election season is a perfect time for Child Care providers, parents and other advocates to reach out to lawmakers to make sure they have a good understanding of our industry, the economic benefit we provide to the state and the challenges and opportunities that lie ahead. If you are interested in talking with your lawmaker or candidates in your area and have questions about key issues, please do not hesitate to contact SCCCA's lobbyists, Jeff Thordahl and Hope Lanier, or a member of the SCCCA Board.

Central Registry Check and Provisional Employment of Child Care Providers S. 311

The Problem

By state law and regulation, every Child Care center must meet certain child to staff ratios. Prior to passage of this bill, they were also required to ensure that all new employees have passed SLED, FBI fingerprint and Central Registry Checks prior to employment – *a process that often took one week to several weeks to complete*. The combination of these two very well intended and necessary rules inadvertently created a situation where, if an employee quit or was let go, most Child Care facilities were unable to avoid violating either one law or the other.

The Solution, as passed in S. 311 (2008)

S. 311 addressed the situation by allowing a person to be provisionally employed under the following circumstances:

- The employee passes an online SLED "Catch" Check prior to employment
- The Employer applies for FBI, SLED Fingerprint and Central Registry checks by the end of the second business day of employment;
- The provisional employee executes a sworn statement on a form provided by DSS that he or she has not been convicted of any crime that would preclude them from employment in a child care facility and that their name does not appear on the Central registry for having abused or neglected a child.
- The provisional employee must work under the direct supervision of someone who has received all three clearances at all times when providing direct care to children.
- The owners or operators of childcare centers, group childcare homes or family childcare homes are responsible for providing written notification to all parents of children cared for at an affected Child Care center and the center must obtain signed statements from parents verifying receipt of that notification that due to an unexpected staff vacancy, the center may provisionally employ a person to maintain compliance with the state's child to staff ratio requirements. (Con't to p. 9)

(Con't from p. 8)

In cases of provisional employment, DSS is required to complete Central Registry checks within two business days of receipt of the request. For other employment, DSS must complete the Central Registry check within five business days of the request except in rare cases where an extension of up to ten days is permitted with notification.

Penalties

The following penalties have been put into place to ensure compliance with the terms of provisional employment:

If the *Director* of a child care facility violates the terms of provisional employment, the following penalties apply:

- For a first offense, the facility may not employ a person provisionally for twelve (12) months
- For a second or subsequent offense, the facility may not employ a person provisionally for twenty-four (24) months.
- The penalty shall apply to any facility that may employ the director during the period of suspension

Further:

- A *Child Care Facility Owner* with five (5) or more facilities that sustains violations in 25% or more of facilities owned in the state during a period of two years may not employ a person provisionally in any facility for twenty-four (24) months.

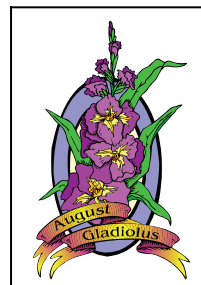
An appeals process is in place for cases where disputes arise.

2008-2009 Board of Directors Election

The ballot is being prepared for the 2008-2009 Board of Directors Election. You will receive your ballot in the US Mail. Please fill out and return as soon as it is received. Please return to:

SCCCA Headquarters
Post Office Box 12564
Columbia, South Carolina 29211

2008-2009 Membership Renewal



August is the month to renew your membership with the SCCCA. Watch your mailbox for your renewal information. Don't miss out on another year of important legislative advisories and updates. The SCCCA has many professional development and networking opportunities planned for 2008-2009. We look forward to serving you!



Child Care Insurance Specialist in the Carolinas

Ed Brashier

George Williams

800-248-7131



South Carolina Child Care Association
Post Office Box 12564
Columbia, SC 29211