

School and Childcare Exclusion List Statutory Authority

Official School and Child Care Exclusion List of Contagious or Communicable Diseases
Statutory authority: SC Code of Laws Sections 44-1-140, 44-29-200; 63-13-180
SC Code of Regulations Chapter 61-20 and Chapter 114, Article 5

SECTION 44-1-140. Department may promulgate and enforce rules and regulations for public health.

The Department of Health and Environmental Control may make, adopt, promulgate and enforce reasonable rules and regulations from time to time requiring and providing:

- (1) For the thorough sanitation and disinfection of all passenger cars, sleeping cars, steamboats and other vehicles of transportation in this State and all convict camps, penitentiaries, jails, hotels, schools and other places used by or open to the public;
- (2) For the sanitation of hotels, restaurants, cafes, drugstores, hot dog and hamburger stands and all other places or establishments providing eating or drinking facilities and all other places known as private nursing homes or places of similar nature, operated for gain or profit;
- (3) For the production, storing, labeling, transportation and selling of milk and milk products, filled milk and filled milk products, imitation milk and imitation milk products, synthetic milk and synthetic milk products, milk derivatives and any other products made in semblance of milk or milk products;
- (4) For the sanitation and control of abattoirs, meat markets, whether the same be definitely provided for that purpose or used in connection with other business, and bottling plants;
- (5) For the classification of waters and for the safety and sanitation in the harvesting, storing, processing, handling and transportation of mollusks, fin fish and crustaceans;
- (6) For the control of disease-bearing insects, including the impounding of waters;
- (7) For the safety, safe operation and sanitation of public swimming pools and other public bathing places, construction, tourist and trailer camps and fairs;
- (8) For the control of industrial plants, including the protection of workers from fumes, gases and dust, whether obnoxious or toxic;
- (9) For the use of water in air humidifiers;
- (10) For the care, segregation and isolation of persons having or suspected of having any communicable, contagious or infectious disease;

(11) For the regulation of the methods of disposition of garbage or sewage and any like refuse matter in or near any village, town or city of the State, incorporated or unincorporated, and to abate obnoxious and offensive odors caused or produced by septic tank toilets by prosecution, injunction or otherwise;

(12) For the thorough investigation and study of the causes of all diseases, epidemic and otherwise, in this State, the means for the prevention of contagious disease and the publication and distribution of such information as may contribute to the preservation of the public health and the prevention of disease; and

(13) For alteration of safety glazing material standards and the defining of additional structural locations as hazardous areas, and for notice and hearing procedures by which to effect these changes.

The Department may make separate orders and rules to meet any emergency not provided for by general rules and regulations, for the purpose of suppressing nuisances dangerous to the public health and communicable, contagious and infectious diseases and other danger to the public life and health.

HISTORY: 1962 Code Section 32-8; 1952 Code Section 32-8; 1942 Code Section 5002; 1932 Code Section 5002; Civ. C. '22 Section 2313; 1912 (27) 744; 1926 (34) 1015; 1947 (45) 115; 1968 (55) 3042; 1972 (57) 2687; 1973 (58) 297; 1977 Act No. 153 Sections 1, 2.

SECTION 44-29-200. Attendance of teachers or pupils with contagious or infectious diseases may be prohibited.

Any board of education, school trustees, or other body having control of a school, on account of the prevalence of any contagious or infectious diseases or to prevent the spread of disease, may prohibit or limit the attendance of any employee or student at any school or school-related activities under its control. The decision to prohibit or limit attendance must be based on sound medical evidence and must comply with the official procedures adopted by the board for this purpose. Before lifting a prohibition or restriction on attendance, the board may require a satisfactory certificate from one or more licensed physicians that attendance is no longer a risk to others attending school.

Any board acting in good faith and in compliance with the provisions of this section is not liable for damages which may result from its decision. Nothing in this section relieves a board from its responsibilities to provide a student with educational programs and services appropriate to his needs as required by Section 59-20-30.

HISTORY: 1962 Code Section 32-695; 1952 Code Section 32-695; 1942 Code Section 5032; 1932 Code Section 5043; Civ. C. '22 Section 2351; Civ. C. '12 Section 1607; Civ. C. '02 Section 1110; R. S. 965; 1883 (18) 292; 1972 (57) 2806; 1988 Act No. 490, Section 13.

SECTION 63-13-180. Regulations and suggested standards.

(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 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.

HISTORY: 2008 Act No. 361, Section 2.

SECTION 12. Official School and Child Care Exclusion List of Contagious or Communicable Diseases.

A. The Department shall publish an Official School and Child Care Exclusion List of Contagious or Communicable Diseases for which known or suspected Cases and those exposed to certain Communicable Diseases, whether symptomatic or not, shall not be permitted to attend any private, public, parochial or church school or any childcare center or facility. This Exclusion List shall include specific conditions for duration of school or childcare exclusion as well as criteria for return, and it applies to both students and staff.

B. No superintendent, principal or teacher of any school, no provider of childcare as defined in S.C. Code Ann. Section 63-13-20, and no parent or guardian of any child or minor shall permit any child or minor having or suspected of having any of the Communicable Diseases published in this Exclusion List to attend any private, public, parochial, or church school or childcare center or facility until such time as the published conditions for return have been met.

C. No administrator, faculty member, teacher, staff member, volunteer, custodian or any other person having or suspected of having any of the Communicable Diseases published in this Exclusion List shall attend any private, public, parochial, or church school or childcare center or facility until such time as the published conditions for return have been met.

D. Any person who has been exposed to certain Communicable Diseases referenced in this Exclusion List, but who is not symptomatic, shall be excluded from the school or childcare setting and shall not be permitted to attend school or child care until the attending physician or the Department states in writing that the person may return to school or child care and he or she meets one or more of the following criteria:

(1) determined not to have been exposed to the Excludable Disease during the period of communicability;

(2) proven to be immune to the disease;

From SC Regulation #61-20:

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(1) determined not to have been exposed to the Excludable Disease during the period of communicability;

(2) proven to be immune to the disease;

(3) determined not to be a Carrier of the disease;

(4) has been provided appropriate Post-exposure Prophylaxis;

(5) has exceeded the maximum incubation period of the disease from the last exposure; or

(6) the Department concludes disease transmission has ceased and no longer presents a risk to the public.

Relates to childcare centers:

From Chapter 114 Department of Social Services, Article 5

114–505. Health, Sanitation and Safety.

A. Child health

(1) There shall be a statement from a parent/guardian attesting to the health status of the child within 30 days prior to admission and utilizing the appropriate DSS Form.

(2) Children shall be excluded from child care when they exhibit the conditions listed in the South Carolina Department of Health and Environmental Control Exclusion Policy, State Law 1976, Code Section 44–1–110, 44–1–140, and 44–29–10.

(5) Staff shall be excluded when they exhibit the conditions listed in the SC Department of Health and Environmental Control Exclusion Policy, pursuant to Section 44–1–110, 44–1–140, and 44–29–10 of the South Carolina Code Ann (2002).