



North Carolina Department of Health and Human Services
Division of Child Development and Early Education

Pat McCrory
Governor

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Ambassador (Ret.)
Secretary DHHS

Robert W. Kindsvatter
Director

May 22, 2013

MEMORANDUM

TO: Interested Parties

FROM: Dedra Alston
Rule-Making Coordinator

RE: Public Hearing for Criminal Records Check, General Safety Requirements and
Developmental Day Rules

The NC Child Care Commission proposes to adopt and amend child care rules to effectuate changes to N.C.G.S. § 110-90.2 enacted during the 2012 session of the General Assembly. New amendments to the statute became effective January 1, 2013. The amendments changed the existing statutory requirements to include: pre-service qualification for all child care providers, a more comprehensive federal fingerprint check for providers (prior law only required some providers to obtain a federal fingerprint check), and allocated the cost of the federal check to child care providers while shifting the cost of the local and state level criminal record checks to DHHS. The proposed rules are 10A NCAC 09 .0302, .1702, .2701 through .2704.

The Commission is also proposing to amend rule 10A NCAC 09 .2506 regarding supervision for school-age children. This amendment will align with rules for pre-school children and will allow for school-age children to be heard “or” seen instead of heard “and” seen.

As the result of a rule-making petition submitted by Ms. Diane Killen and Ms. Jan Guynn, the Commission is proposing to amend rule 10A NCAC 09 .2903. The proposed amendment will serve children in developmental day programs in a way that is more cost effective and attainable for the service provider. The proposed rule change would relax the requirement that children three-years or older to be served by a B-K teacher, limiting its application only to children with an IEP. Children without an IEP would have to have turned three before the start of the school year to require a B-K teacher. The rule change would reduce the expenses of centers related to Birth-through-Kindergarten (B-K) certified staff. **NOTE:** This rule was submitted as a rule-making petition and the NC Child Care Commission wishes to solicit comments regarding the potential impact of the proposed rule language. The Commission has not taken a position as to whether the rule should be adopted.

A public hearing will be held on **June 27**, beginning at **1:00 p.m.**, at the Division of Child Development and Early Education, 319 Chapanoke Rd., Suite 120, Room 300, Raleigh, NC. A copy of the proposed rules as published in the June 3 NC Register is attached and will also be available on the Division’s website at www.ncchildcare.net under the “What’s New” and “Child Care Rules, Law and Public Information” tabs.

www.ncdhhs.gov • www.ncchildcare.net

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In accordance with G.S. 150B-21.4 the Office of State Budget and Management (OSBM) has determined that the fiscal impacts discussed in the Impact Analysis are the result of the statutory change. The proposed rules do not create any additional impact to providers or the State of North Carolina aside from what is required by statute. The fiscal notes are available on OSBM's website at http://www.osbm.state.nc.us/files/pdf_files/DHHS03282013.pdf (General Safety Requirements and Criminal Records) and http://www.osbm.state.nc.us/files/pdf_files/DHHS04192013.pdf (Developmental Day).

The Child Care Commission encourages and welcomes feedback from you. This is an opportunity for the public to provide input on the proposed rules and impact analysis. Comments may be submitted in writing or via electronic mail through **August 2, 2013**, to Dedra Alston, Rule-making Coordinator, NC Division of Child Development and Early Education, 2201 Mail Service Center, Raleigh, NC 27699-2201 or Dedra.Alston@dhhs.nc.gov. Please feel free to visit the Division of Child Development and Early Education's website at www.ncchildcare.net as a source of information about child care and for any updates.

/dla

Attachment