

Chapter 1: Getting Started

Purpose Of These Requirements

To provide care for more than three preschool children in a nonresidential setting, you need to follow the child care center application process outlined in this chapter. The number of children you can care for is based upon indoor and outdoor square footage, completed building, fire, and sanitation inspections, and local zoning ordinances, and meeting all applicable child care requirements prior to the issuance of a license. The purpose of these requirements is to show you what is needed to start a child care center, how to apply for a license, and to outline the steps to licensure.

Definitions

Child care: is defined as a program or arrangement where three or more children less than 13 years old, who do not reside where the care is provided, receive care on a regular basis of at least once per week for more than 4 hours but less than 24 hours per day from persons other than their guardians or full-time custodians, or from persons not related to them by birth, marriage, or adoption.

Child care center: is an arrangement where, at any one time, there are three or more preschool-age children or nine or more school-age children receiving care.

Operator: means the person or entity held legally responsible for the child care business. This includes the owner, director, or other persons having primary responsibility for operation of a child care facility subject to licensing.

Owner: any person with a five percent or greater equity interest in a child care facility.

SECTION 1: AVAILABLE RESOURCES TO GET STARTED

 Potential child care providers should contact the Division of Child Development at 919-662-4499 or 1-800-859-0829 (in-state only) to request a Basic Information for Potential Child Care Providers booklet. The booklet, available free of charge, describes child care requirements for operating a child care center in North Carolina. The booklet is also available on the Division's website at www.ncchildcare.net.

 It is important for child care providers to be knowledgeable of all of the child care requirements. Make sure you maintain current versions of the child care requirements. Rules change frequently. There are three ways to access a copy of the child care law and rules:

1. From the Division's website at www.ncchildcare.net. The most current versions can always be found online.
2. Order a copy by completing a print materials order form. You will be charged a small fee to purchase these documents. You can request the order form from the Division or access it online.
3. You received copies when you purchase this handbook. Space is provided in the appendices to store your copy of the child care law and rules.



Contact the Division at 919-662-4499 or 1-800-859-0829 any time you have questions or concerns. The Division is located at 319 Chapanoke Road, Suite 120, Raleigh, NC 27603 and is open Monday through Friday from 8am to 5pm. Customer Service Representatives are available to answer questions or direct you to appropriate staff.



Additional **Child Care Provider Resources** and **Health and Safety Resources for Child Care** are available in the resource section.

SECTION 2: MANDATORY PRELICENSING WORKSHOP

CHILD CARE RULE .0301 **Attend a Prelicensing Workshop**

-  The operator of the child care center must complete the licensing workshop provided by the Division prior to the Division issuing an initial license or an initial Notice of Compliance to the child care center.
-  The Division will provide regularly scheduled licensing workshops for new and existing child care centers to attend.

- Attendance at a Prelicensing Workshop is required for the operator of a child care center. Operator is defined as the owner, director, or other person having primary responsibility for operation of the child care center subject to licensing.
- For a religious sponsored program, the pastor must attend.
- If a potential owner already operates another center, the potential operator is not required to attend the prelicensing workshop. However, the operator may want their child care director/administrator to attend.
- HH** –Although the operator is the only person required to attend the prelicensing workshop, the Division recommends the administrator or anyone else who will oversee the day-to-day operations of the child care business also attend the workshop.
- The prelicensing workshop is held for two consecutive days.
 - Workshops are conducted by representatives from the Division.
 - A prelicensing workshop is held somewhere within the state every week.
 - The current workshop schedule is available from the Division by calling 1-800-859-0829, or can be accessed from the Division’s website at www.ncchildcare.net.
 - The cost of the two day workshop is \$45.00, which includes a copy of the child care law and rules and the Child Care Center Handbook.
 - The Division designed the Prelicensing Workshop to provide operators with tools to run a successful child care business. The workshop covers:
 - General information about the process of opening a child care center.
 - An overview of the child care requirements.
 - Discussion of how to initiate the licensing process and request prelicensing consultation.
 - Obtain forms needed to request prelicensing consultation.
 - Introduction to this handbook.
- When you attend and successfully complete the Prelicensing Workshop, you receive:

- A Prelicensing Workshop Certificate that verifies you have successfully completed the mandatory two day workshop.
- An application packet, which includes instructions for completing and submitting the application.

SECTION 3: APPLICATION FOR A LICENSE

CHILD CARE RULE .0301 & .0302

Application for a License

- ★ The individual who will be legally responsible for the operation of the center, which includes assuring compliance with the child care law and licensing requirements, must apply for a license using the form provided by the Division.
- ★ If the operator will be a group, organization, or other entity, an officer of the entity who is legally empowered to bind the operator must complete and sign the application.

- ☑ An application packet is given to you at the Prelicensing Workshop. To initiate the prelicensing phase, you will need to complete and submit the following items to the appropriate child care licensing supervisor identified in your application packet.
 - An application, which is known as the Facility Profile form (which is the first part of the application that will need to be completed)
 - A sample floor plan
 - A copy of the Prelicensing Workshop Certificate
- ☑ There will be additional forms that you will need to complete for the application. Your child care consultant will provide these forms, the Business Operation Appendix and the Facility Statements of Responsibility, during the prelicensing phase.
- ☑ The floor plan of the center should be drawn on 8 ½ x 11 plain paper, include the dimensions of each room to be used for child care, including ceiling height, and show the locations of bathrooms, doors, and required exits. This plan should include both indoor and outdoor areas.

- ☑ Upon receipt of these items, the licensing supervisor will assign a child care consultant to work with you. Your child care consultant will begin prelicensing consultation to talk about specific licensing requirements for your center.
- ☑ The child care consultant will determine which additional application forms need to be completed based on the center's business classification. The child care consultant will provide these forms to the operator during an initial prelicensing consultation visit.
-  Additional information regarding your business classification may be obtained on the NC Department of the Secretary of State's web site at www.secretary.state.nc.us/corporations.
-  A sample **Application - Facility Profile** form is located in the resource section. The additional application forms will be provided by the child care consultant during a prelicensing visit.

CHILD CARE RULE .0301 **Prelicensing Consultation**

- ★ Anyone who wishes to obtain a license to operate a child care center must request prelicensing consultation from the Division.
- ★ Upon receiving a request a Division representative will schedule a visit with the person requesting consultation.

- ☑ During the prelicensing phase, a child care consultant will:
 - Provide technical assistance about ways for the operator to achieve and maintain compliance with child care requirements as well as consultation on best practice in the field of early care and education.
 - Assess progress toward achieving satisfactory compliance of child care requirements prior to the issuance of an initial license.
- ☑ During prelicensing visits, the child care consultant will review the following:
 - Child care law and rules
 - Available equipment and materials

- Floor plan for indoor and outdoor areas to be used for children. Suggestions may be made to ensure the potential building design and floor plan meets early childhood practices.
 - Forms and paperwork that will be used at the center
 - Number of children each classroom/designated space can accommodate
 - Size of the center's indoor and outdoor areas used by children
- The operator must demonstrate the ability to comply with child care requirements prior to the issuance of a license. Once it is determined that satisfactory compliance of requirements have been met, a license will be issued. A temporary license may be issued to an operator opening a new center for six months.
-  Refer to Chapter 7 – Licenses for more information on the issuance of a Temporary License.

CHILD CARE RULE .0302

Day-to-Day Operation

-  The operator must demonstrate the ability to comply with the requirements for the daily operation of the child care center prior to the issuance of a license. This includes information on room arrangement, staffing patterns, equipment and supplies, in sufficient detail to show that the center will comply with applicable requirements for activities, equipment, and staff-child ratios for the capacity of the center and type of license requested.

- The potential operator needs to make the following written documents available to the child care consultant for review to verify compliance. This information is reviewed and discussed during a prelicensing visit.
- Daily Schedules
 - Activity Plans
 - Children's Records
 - Discipline Policy
 - Incident Reports
 - Incident Logs
 - Fire Drill Records
 - Staff Records
 - Emergency Care Plan
 - Daily Attendance Records

- Copy of certified criminal history check for operator
- Playground Inspection Reports
- Record of medications administered

CHILD CARE RULE .0302

Measurements

- ★ The child care consultant will measure all rooms to be used for child care and must assure that an accurate sketch of the center's floor plan is part of the application packet.
- ★ The child care consultant will enter the dimensions of each room to be used for child care, including ceiling height, and must show the location of the bathrooms, doors, and required exits on the floor plan.

CHILD CARE RULE .0302

Monitoring for Compliance

- ★ The child care consultant will make one or more inspections of the center and premises to assess compliance with all applicable requirements.
- ★ If the applicable requirements are met, the Division will issue a license.
- ★ If applicable requirements are not met, the child care consultant may recommend issuance of a provisional license or may recommend denial of the application.

- ☑ A Temporary License effective for six months will be issued when satisfactory compliance of applicable requirements have been achieved.
- ☑ If a situations occurs that would change the status of a license you will need to contact your child care consultant immediately. A status change is an event that requires the issuance of a new license. Examples of a status change includes change of ownership, change in the capacity of the center, and adding or removing restrictions from a license. Refer to Chapter 7 – Licenses for specific requirements and procedures for handling a status change.

SECTION 4: ADDITIONAL INSPECTIONS PRIOR TO LICENSURE

NC GENERAL STATUTE 110-91 & CHILD CARE RULE .0302 & .0401

Additional Inspection Requirements

- ★ The potential operator must arrange for inspections of the center by the local health, building, and fire inspectors.
- ★ The operator must provide an approved inspection report signed by the appropriate inspection to the Division representative.

- ☑ The operator is responsible for securing copies of the applicable requirements for inspections, preparing for inspections, and scheduling inspections.
- ☑ A child care consultant can help the operator identify the proper personnel in the county to contact.
- ☑ There may be a charge for an inspection in some areas. You should ask about costs at the time you schedule the inspection.
- ☑ Be aware that older buildings built before 1978 may contain hazards such as lead paint or asbestos. Common renovation activities such as sanding, cutting, painting, and demolition can create hazardous lead dust and chips by disturbing lead-based paint and other coatings, which can be harmful to children and adults. Be sure to have the building checked thoroughly before investing any money or time as these types of hazards can be costly to fix and would likely delay the opening of the child care center.
- ☑ The United States Environmental Protection Agency (EPA) requires that the “Renovate Right: Important Lead Hazard Information for Families, Child Care Providers, and Schools” lead hazard information pamphlet be provided to owners and occupants of target housing and child-occupied facilities, and to the parents of children under age six that attend child-occupied facilities built prior to 1978.
- 🖨 To get a copy of the EPA pamphlet and regulations call the NC Lead-based Paint Hazard Management Program at 919-707-5950 or visit the web site at <http://www.epi.state.nc.us/epi/lead/lhmp.html>.

- ☑ When a center does not meet the specific building, fire, or sanitation standards, the appropriate inspector may submit a written explanation of how equivalent, alternative protection is provided. The Division will then determine if they will accept the inspector's documentation in lieu of compliance with specific standards.
- ☑ A provisional license may be issued only at the recommendation of an inspector to allow a specific time period for correcting a violation of the building, fire, or sanitation requirements, provided that the appropriate inspector documents that the violation is not hazardous to the health and safety of the children but necessitates a provisional classification until corrected.

CHILD CARE RULE .0302 & .1302 Building Inspections



All child care centers not located in a currently occupied family residence must meet NC Building Codes for either Educational Occupancy or Institutional Occupancy.

- ☑ Potential operators are encouraged to contact their local building inspector before they make any financial commitments to build, buy or renovate a building for child care.
- ☑ Preliminary inspections are important because the site being considered may be unsuitable for child care, and a great deal of time and money could be wasted if action is taken before an inspection is completed.
- ☑ In some areas, your local building inspector will not be able to perform the preliminary inspection. You may need to contact a local building contractor or architect to help determine if the site in question would meet the appropriate building codes.
- ☑ An approved building inspection report must be submitted to the child care consultant before a license can be issued.
- ☑ You will need to contact your local inspections departments to find out if both blue prints and floor plans must be submitted and approved by them before construction or renovations begin.

- ☑ Keep in mind, it is sometimes okay for an inspector to answer “no” to questions on the building inspection report and still be approved for child care. If “no” is marked, make sure the local inspector explains how the current situation at the center differs from the required code and to give his/her opinion on the safety of the building.
- ☑ After the initial building inspection, another building inspection is not required unless the operator plans to begin using space not previously approved for child care, has made renovations to the building, has added new construction, or wants to remove any restriction related to building codes listed currently on the license.
- 🔔 Public school programs that will serve preschool age children must have a new building inspection conducted on the primary spaces that the programs will use. The building inspection must be completed on the form titled, Building Inspectors Inspection Form for Change of Ownership/Continued Use, provided by the Division. This inspection is required whether the preschool program is a full or part day educational program or a part time before/after school program serving preschool age children.
- 🔔 Public school programs that only serve school age children are not required to submit a new building inspection report. A copy of the school’s original building inspection will be accepted to meet the child care requirements.
- 📁 The building inspection report must be completed on the form provided by the Division. Your child care consultant will either mail you this form or will deliver it when she/he makes her/his initial prelicensing visit. Sample **building inspectors inspection forms** are located in the resource section.

CHILD CARE RULE .1304
Building Codes for Centers in a Residence

★ All child care centers located in an occupied family residence and licensed for 3 - 12 children, must meet the NC Building Codes for Centers in a Residence.

- ☑ In order to be eligible to meet this section of the NC Building Codes, the operator must provide verification that the home is currently occupied as a primary residence.
- ☑ Items to verify occupancy could include a driver's license showing the address of the center, tax records, ownership of the residence, address given for military purposes, or other legal documents requested and approved by the child care consultant.

Listed below are several items that are required by NC Building Code that operators should be aware of when selecting and planning a child care center.

★ All exit doors must have “single-action” locks. This is a handle or opening device that only requires one motion to operate, such as turning a doorknob or pushing a handle.

Examples of some approved door handles and locks include the following.

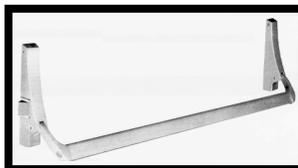
Lever handle



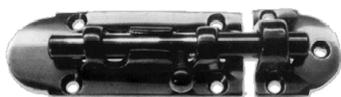
Single action cylindrical lock



Push bar or mortise panic device



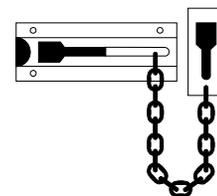
Examples of some **PROHIBITED** door locks include the following. These types of locks cannot be used anywhere in the child care center.



Barrel bolt

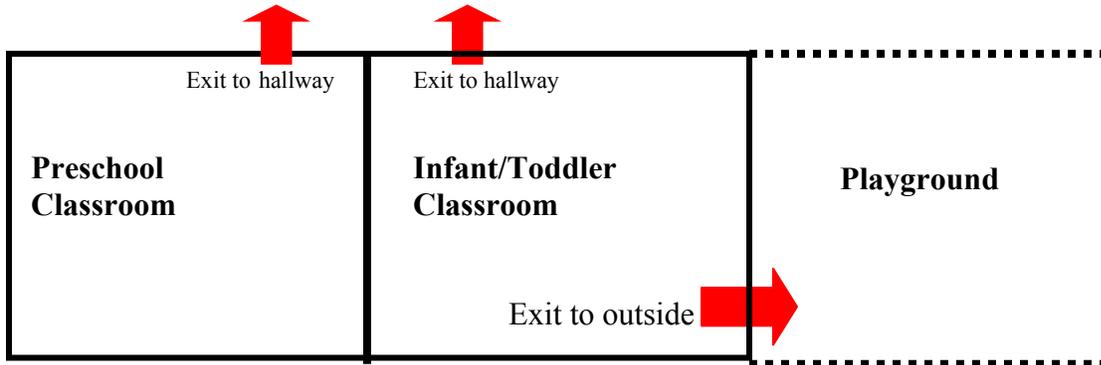


Dead bolt lock



Chain lock

★ Direct exits required for all classrooms occupied by children under the age of 2.5 years.



★ Center must meet Handicapped Accessibility Requirements.

- Your child care center must meet the requirements for handicapped accessibility even if you do not have any handicapped children enrolled.
- Check with the local inspectors for more details on the accessibility requirements.
-  Additional resources on the Child Care and the Americans with Disabilities Act are located in the appendices.

★ Proper location and number of toilets and sinks.

- Check with local inspectors for more details on where to locate restrooms.
- The number of sinks and toilets available in a facility may have an impact on the capacity of your center.

Child Care Rule .0304 Fire Inspections

- ★ Each child care facility must be located in a building that meets appropriate requirements for fire prevention and safe evacuation that apply to child care facilities established by the Department of Insurance.
- ★ An approved fire inspection that documents that a child care center meets the appropriate NC Fire Codes is required for all child care centers.
- ★ Each operator must schedule a fire inspection within 12 months of the center's previous fire inspection.
- ★ The operator is responsible for notifying the local fire inspector when it is time for the center's annual fire inspection.
- ★ The operator must submit the original of the completed annual fire inspection report to the child care consultant within one week of the inspection visit on the form provided by the Division.

- ☑ The fire inspection report must be submitted to the child care consultant before a license can be issued.
- ☑ A preliminary inspection is also encouraged by a local fire inspector to identify any renovations necessary to comply with the child care requirements and NC Fire Codes.
- ☑ There must be at least a manually operated fire alarm system installed in the child care center. This system must consist of an alarm bell, sending station and flashing light signal.
- ☑ An annual compliance packet, which includes a fire inspection report form, is sent to each center annually.
- ☑ A fire inspection is required annually. It is the operator's responsibility to notify the local fire inspector when it is time for the center's annual fire inspection.
- 🔔 NC Public Schools are already required to receive fire inspections once every six months and the standards meet or exceed the child care requirements. Therefore, the Division will accept a copy of the school's most recent fire inspection report to meet the child care requirements provided the report is dated within the last twelve months.

-  The inspection must be submitted on a form provided by the Division. A sample of the **Child Care Fire Inspection Report** is located in the resource section. The child care consultant will provide the form during prelicensing consultation.

NC GENERAL STATUTE 110-91 & Child Care Rule .0302 & .0304 Sanitation Inspections

-  Each child care center must have a sanitation inspection completed prior to receiving a license and annually thereafter.
-  Each center must be inspected at least annually by an Environmental Health Specialist for compliance with applicable sanitation requirements.

- Potential child care operators will need to contact the local health department.
- Plans drawn to scale and specifications for new child care centers must be submitted to the local health department for review and approval prior to initiating construction, renovations, changes to building dimensions, kitchen specifications, or other modifications to existing child care centers.
- Each center must be inspected at least annually by an Environmental Health Specialist with the local health department.
- The local Environmental Health Specialist will conduct an unannounced inspection twice a year or more often if complaints are filed.
- The completed sanitation inspection form is submitted to the Division by the local Environmental Health Specialist.
-  Public school programs are required to have a sanitation inspection completed for licensure. This inspection is different from the one regularly conducted at the school. The program must meet the NC Rules Governing the Sanitation of Child Care Centers (Section .2800). The inspection must be submitted prior to the issuance of a license and annually thereafter.

-  The inspection must be completed on a form provided by the Environmental Health Specialist at the local county Health Department at the time of the inspection. A sample of the **Sanitation Standards Evaluation Form for Child Care Centers** is located in the resource section.
-  Refer to Appendix C for a complete copy of Section .2800 – NC Rules Governing the Sanitation of Child Care Centers.

NC GENERAL STATUTE 110-91 Local Zoning Requirements

-  All child care facilities must comply with all Federal and State Laws and local ordinances that pertain to child health, safety, and welfare.

- Local zoning ordinances must be met before a license can be issued. Potential operators should contact the local zoning and planning office in the planning stage to find out about local ordinances/restrictions for the area where the center will be located.
- Examples of local zoning ordinances/restrictions might include: provisions for the number of parking spaces, specific square footage for indoor/outdoor space, limitations of the number of children allowed, special use permit, fencing, specific landscaping, or privacy variances.
- A child care consultant can help the operator identify the proper personnel in the county to contact.
- The local zoning ordinances do not include things such as home owner association covenants or neighborhood restrictions.

SECTION 5: ON-GOING INSPECTIONS

NC GENERAL STATUTE 110-91 & Child Care Rule .0304 Building Inspection

-  A new building inspection will not be required unless the operator plans to begin using space not previously approved for child care, has made renovations to the building, has added new construction, or wants to remove any restriction related to building codes currently listed on the license.

- Contact your child care consultant if you plan for any of these changes to occur.
- An approved building inspection is required prior to the use of the space.

**NC GENERAL STATUTE 110-91 & Child Care Rule .0304
Fire Inspections**

-  Each operator must schedule a fire inspection within twelve months of the center’s previous fire inspection.
-  The operator is responsible for notifying the local fire inspector when it is time for the center’s annual fire inspection.
-  The operator must submit the original of the completed annual fire inspection report to the child care consultant within one week of the inspection visit on the form provided by the Division.

- An annual compliance packet, which includes a fire inspection report form, is sent from the Division to each center annually.
- A fire inspection is required annually. It is the operator's responsibility to notify the local fire inspector when it is time for the center’s annual fire inspection.
-  The Division will accept a copy of the public school’s most recent fire inspection report to meet the child care requirements provided the report is dated within the last twelve months.

**NC GENERAL STATUTE 110-91 & Child Care Rule .0304
Sanitation Inspection**

-  Each child care center must be inspected at least annually by an Environmental Health Specialist for compliance with applicable sanitation requirements.

- Each center must be inspected at least annually by an Environmental Health Specialist with the local health department.

- ☑ The local Environmental Health Specialist will conduct an unannounced inspection twice a year or more often if complaints are filed.
- ☑ The Environmental Health Specialist supplies the inspection form to be completed and submits the completed form to the Division.
- 🔔 Public school programs are required to have a sanitation inspection completed annually.

SECTION 6: ANNUAL LICENSE FEES

GENERAL STATUTE 110-90

Child Care License Fees

- ★ Child care centers are required to pay an annual licensing fee, based on the permit capacity of the center.
- ★ The fee applies to all centers except for those operating under the provisions of G.S. 110-106, which is a religiously operated center, and publicly operated centers.

- ☑ The license fee is an annual charge to maintain a child care license for providing care for children in child care centers.
- ☑ The amount of the fee is based on the licensed capacity.

Capacity of Center	Maximum Fee
12 or fewer children	\$52.00
13-50 children	\$187.00
51-100 children	\$375.00
101 or more children	\$600.00

- ☑ Licensing fee invoices are sent out in October.
- ☑ The licensing fee is based on the licensed capacity of the center as of October 1st.
- ☑ Payments may not be made in person. Payments must be mailed to the Department of Health and Human Services Controller’s Office.
- ☑ Failure to pay the annual license fee may result in the revocation of your child care license.
- ☑ Frequently asked questions regarding annual license fees requirements are listed below.

Frequently Asked Questions for License Fees

- I only have 12 children enrolled in my program at present, but I am being charged for a fee of \$187.00. I should only pay \$52.00 according to the fee schedule.

The license fee is not based on your current enrollment. The fee is based on the licensed capacity printed on your child care license.

- My child care center has been closed since October 10, 2008. Why did I receive an invoice to pay a license fee?

All child care centers with an active status as of October 1, 2008, were sent a license fee invoice and are required to pay the fee. An annual license fee is assessed for the current calendar year. If your program would have closed on or prior to September 30, 2008, you would not have been charged a license fee for the year 2008.

- I will no longer own this child care center as of December 30, 2008. Why did I receive an invoice to pay a license fee?

If an ownership change did not occur prior to October 1, 2008, you were still considered the owner at the time of the license fee invoice; therefore you are responsible for the fee even though a new owner will acquire the center before the end of 2008. The new owner would not be billed for a license fee until October 2009.

- I had my capacity changed from 75 to 50 on October 10, 2008, due to low enrollment. Why am I paying a license fee of \$375.00 instead of \$187.00?

The license fee was based on the capacity on your license as of October 1, 2008. The capacity change will result in a reduced license fee for the 2009 calendar year.

- I do not have the full amount of the license fee that is due. Can I make a partial payment?

The full amount of the license fee is required by the due date. Partial payment of the license fee is not acceptable, nor will payment plans be established. Administrative action may be considered if payment is not submitted in a timely manner.

- My check was dated by the due date, so why is my payment considered late?

Credit for payment will be given on the date it is received by the Division of Health and Human Services Controller's Office, not the date on the check.

SECTION 7: RECORD RETENTION REQUIREMENTS

Child Care Rule .2318 Record Retention Requirements

- ★ All children’s records, except medication permission slips, must be kept on file one (1) year from the date the child is no longer enrolled.
- ★ All staff records must be kept on file one (1) year from the employee’s last date of employment.
- ★ Current program records must be maintained on file for as long as the license remains valid.

- Prior versions of program records must be maintained based on the timeframe in the following charts:
 - A minimum of thirty (30) days from the revision or replacement date:

Record	Rule
Activity Plan	.0508 (a)
Allergy Postings	.0901(e)
Feeding Schedule	.0902
Menu	.0901(b)
SIDS Sleep Chart/Visual Check	.0606(a)(7)

- A minimum of one (1) year from the revision or replacement date:

Record	Rule
Attendance	.0302(d)(3) & .1504
Daily Schedule	.0508(a)
Emergency Medical Care Plan	.0802(a)
Fire Drill Log	.0302(d)(4)
Incident Log	.0802(e)
Playground Inspection	.0604(q)
Safe Arrival and Departure Procedures	.1003(b)

- All building, fire, sanitation and swimming pool inspections must remain on file at the center as long as the license remains valid.



Handouts are available in the resource section to assist you in maintaining compliance with staff, program and children's records. These handouts identify the due date, retention requirements and appropriate storage locations. Refer to **Required Child Care Center Records**, **Required Public School Program Records** and **Required Public School Staff Records**. A sample of each form listed on these handouts, are available throughout the handbook and on-line at www.ncchildcare.net under Providers / Provider Documents.

RESOURCE SECTION

Chapter 1: GETTING STARTED

The following pages contain resource materials discussed in or related to the preceding chapter.

Some of the resources are forms created by the Division of Child Development and must be used by licensed child care centers. Other materials are provided as a resource only for child care centers and can be used at the discretion of the center.

Center operators may also wish to use this section to add any additional resource materials they have that are related to the chapter or information that is specific to their child care center.