CHAPTER 9 - CHILD CARE RULES
Effective December 1, 2015

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The North Carolina Department of Health and Human Services does not discriminate on the basis of race, color, national origin, sex, religion, age or disability in employment or the provision of services.

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CHAPTER 9 - CHILD CARE RULES

SECTION .0100 - DEFINITIONS

10A NCAC 09 .0101 RESERVED FOR FUTURE CODIFICATION

10A NCAC 09 .0102 DEFINITIONS

The terms and phrases used in this Chapter are defined as follows except when the context of the rule requires a different meaning. The definitions prescribed in G.S. 110-86 also apply to these Rules.

(1) "Agency" as used in Section .2200 of this Chapter means Division of Child Development and Early Education, Department of Health and Human Services located at 820 South Boylan Avenue, Raleigh, North Carolina 27603.

(2) "Appellant" means the person or persons who request a contested case hearing.

(3) "Basic School-Age Care" training (BSAC training) means the training on the elements of quality afterschool care for school-age children, developed by the North Carolina State University Department of 4-H Youth Development and subsequently revised by the North Carolina School-age Quality Improvement Project.

(4) "Child Care Program" means a single center or home, or a group of centers or homes, or both, that are operated by one owner or supervised by a common entity.

(5) "Child care provider" as defined by G.S. 110-90.2(a)(2)a. and used in Section .2700 of this Chapter includes the following employees who have contact with the children in a child care program:

(a) facility directors;

(b) administrative staff;

(c) teachers;

(d) teachers' aides;

(e) cooks;

(f) maintenance personnel; and

(g) drivers.

(6) "Child Development Associate Credential" means the national early childhood credential administered by the Council for Early Childhood Professional Recognition.

(7) "Curriculum" means a curriculum that has been approved as set forth in these Rules by the NC Child Care Commission as comprehensive, evidenced-based, and with a reading component.

(8) "Developmentally appropriate" means suitable to the chronological age range and developmental characteristics of a specific group of children.

(9) "Division" means the Division of Child Development and Early Education within the Department of Health and Human Services.

(10) "Drop-in care" means a child care arrangement where children attend on an intermittent, unscheduled basis.

(11) "Early Childhood Environment Rating Scale - Revised Edition" (Harms, Clifford, and Cryer, 2005, published by Teachers College Press, New York, NY) is the instrument used to evaluate the quality of care received by a group of children in a

child care center, when the majority of children in the group are two and a half years old through five years old, to achieve three or more points for the program standards of a rated license. This instrument is incorporated by reference and includes subsequent editions. A copy of the scale is available for purchase on the Teachers College Press website at http://www.teacherscollegepress.com/assessment_materials.html. The cost of this scale in February 2015 is twenty-two dollars and ninety-five cents ($22.95). A copy of this instrument is on file at the Division at the address given in Item (1) of this Rule and is available for public inspection during regular business hours. For the purposes of this Rule, “regular business hours” for the Division means 8 a.m. to 5 p.m. during weekdays, excluding state holidays.

(12) "Experience working with school-aged children" means working with school-age children as an administrator, program coordinator, group leader, assistant group leader, lead teacher, teacher or aide.

(13) "Family Child Care Environment Rating Scale – Revised Edition" (Harms, Cryer and Clifford, 2007, published by Teachers College Press, New York, NY) is the instrument used to evaluate the quality of care received by children in family child care homes to achieve three or more points for the program standards of a rated license. This instrument is incorporated by reference and includes subsequent editions. A copy of the scale is available for purchase on the Teachers College Press website at http://www.teacherscollegepress.com/assessment_materials.html. The cost of this scale in February 2015 is twenty-two dollars and ninety-five cents ($22.95). A copy of this instrument is on file at the Division at the address given in Item (1) of this Rule and is available for public inspection during regular business hours.

(14) "First aid kit" is a collection of first aid supplies (such as bandages, tweezers, disposable nonporous gloves, micro shield or face mask, liquid soap, cold pack) for treatment of minor injuries or stabilization of major injuries.

(15) "Group" means the children assigned to a specific caregiver or caregivers, to meet the staff/child ratios set forth in G.S. 110-91(7) and in this Chapter, using space the Division has identified for each group.

(16) "Health care professional" means:

(a) a physician licensed in North Carolina;

(b) a nurse practitioner approved to practice in North Carolina; or

(c) a licensed physician assistant.

(17) "Household member" means a person who resides in a family home as evidenced by factors including maintaining clothing and personal effects at the household address, receiving mail at the household address, using identification with the household address, or eating and sleeping at the household address on a regular basis.

(18) "If weather conditions permit" means:

(a) temperatures that fall within the guidelines developed by the Iowa Department of Public Health and specified on the Child Care Weather Watch chart. These guidelines shall be used when determining appropriate weather conditions for taking children outside for outdoor learning activities and playtime. This chart may be downloaded free of charge from

http://www.idph.state.ia.us/hcci/common/pdf/weatherwatch.pdf, and is incorporated by reference and includes subsequent editions and amendments;

(b) following the air quality standards as set out in 15A NCAC 18A .2832(d). The Air Quality Color Guide can be found on the Division's web site at https://xapps.ncdenr.org/aq/ForecastCenter or call 1-888-RU4NCAIR (1-888-784-6224); and

(c) no active precipitation. Caregivers may choose to go outdoors when there is active precipitation if children have appropriate clothing such as rain boots and rain coats, or if they are under a covered area.

(19) "Infant/Toddler Environment Rating Scale - Revised Edition" (Harms, Cryer, and Clifford, 2003, published by Teachers College Press, New York, NY) is the instrument used to evaluate the quality of care received by a group of children in a child care center, when the majority of children in the group are younger than thirty months old, to achieve three or more points for the program standards of a rated license. This instrument is incorporated by reference and includes subsequent editions. A copy of the scale is available for purchase on the Teachers College Press website at http://www.teacherscollegepress.com/assessment_materials.html. The cost of this scale in February 2015 is twenty-two dollars and ninety-five cents ($22.95). A copy of this instrument is on file at the Division at the address given in Item (1) of this Rule and is available for public inspection during regular business hours.

(20) "ITS-SIDS Training" means the Infant/Toddler Safe Sleep and SIDS Risk Reduction Training developed by the NC Healthy Start Foundation for the Division of Child Development and Early Education for caregivers of children ages 12 months and younger. Information regarding trainer and training availability can be found on the Division's website at http://ncchildcare.nc.gov/providers/pv_itssidsproject.asp.

(21) "Licensee" means the person or entity that is granted permission by the State of North Carolina to operate a child care facility. The owner of a facility is the licensee.

(22) "Lockdown drill" means an emergency safety procedure in which occupants of the facility remain in a locked indoor space and is used when emergency personnel or law enforcement determine a dangerous person is in the vicinity.

(23) "North Carolina Early Educator Certification (certification)" is an acknowledgement of an individual's verified level of educational achievement based on a standardized scale. The North Carolina Institute for Child Development Professionals certifies individuals and assigns a certification level on two scales:

(a) the Early Care and Education Professional Scale (ECE Scale) in effect as of July 1, 2010; or

(b) the School Age Professional Scale (SA Scale) in effect as of May 19, 2010.

Each scale reflects the amount of education earned in the content area pertinent to the ages of children served. The ECE Scale is designed for

individuals working with or on behalf of children ages birth to five. The SA Scale is designed for individuals working with or on behalf of children ages 5 to 12 who are served in school age care settings. Information on the voluntary certification process can be found on the North Carolina Institute for Child Development Professionals website at http://ncicdp.org/certification-licensure/eec-overview/.

(24) "North Carolina Early Childhood Credential" means the state early childhood credential that is based on completion of required early childhood coursework taken at any NC Community College. Other post secondary curriculum coursework shall be approved as equivalent if the Division determines that the content of the other post secondary curriculum coursework offered is substantially equivalent to the NC Early Childhood Credential Coursework. A copy of the North Carolina Early Childhood Credential requirements is on file at the Division at the address given in Item (1) of this Rule and is available for public inspection or copying at no charge during regular business hours. This information can be found on the Division's website at http://ncchildcare.nc.gov/providers/credent.asp.

(25) "Owner" means any person with a five percent or greater equity interest in a child care facility; however, stockholders of corporations who own child care facilities are not subject to mandatory criminal history checks pursuant to G.S. 110-90.2 unless they are a child care provider.

(26) "Parent" means a child's parent, legal guardian, or full-time custodian.

(27) "Part-time care" means a child care arrangement where children attend on a regular schedule but on less than a full-time basis.

(28) "Passageway" means a hall or corridor.

(29) "Person" means any individual, trust, estate, partnership, corporation, joint stock company, consortium, or any other group, entity, organization, or association.

(30) "Preschooler" or "preschool-age child" means any child who does not fit the definition of school-age child in this Rule.

(31) "School-Age Care Environment Rating Scale" (Harms, Jacobs, and White, 1996, published by Teachers College Press) is the instrument used to evaluate the quality of care received by a group of children in a child care center, when the majority of the children in the group are older than five years, to achieve three or more points for the program standards of a rated license. This instrument is incorporated by reference and includes subsequent editions. A copy of the scale is available for purchase on the Teachers College Press website at http://www.teacherscollegepress.com/assessment_materials.html. The cost of this scale in February 2015 is twenty-two dollars and ninety-five cents ($22.95). A copy of this instrument is on file at the Division at the address given in Item (1) of this Rule and is available for public inspection during regular business hours.

(32) "School-age child" means any child who is attending or who has attended a public or private grade school or kindergarten and meets age requirements as specified in G.S. 115C-364.

(33) "Seasonal Program" means a recreational program as set forth in G.S. 110-86(2)(b).

(34) "Section" means Division of Child Development and Early Education.

(35) “Shelter-in-Place drill” means staying in place to take shelter rather than trying to evacuate. It involves selecting a small interior room, with no or few windows, used when emergency personnel or law enforcement determine there is an environmental or weather related threat.

(36) "Substitute" means any person who assumes the duties of a staff person for a time period not to exceed two consecutive months.

(37) "Track-Out Program" means any child care provided to school-age children when they are out of school on a year-round school calendar.

(38) "Volunteer" means a person who works in a child care facility and is not monetarily compensated by the facility.

History Note: Authority G.S. 110-85; 110-88; 143B-168.3;
Eff. January 1, 1986;
Amended Eff. April 1, 1992; October 1, 1991; October 1, 1990; November 1, 1989;
Temporary Amendment Eff. January 1, 1996;
Amended Eff. March 1, 2015; May 1, 2013; September 1, 2012; July 3, 2012; July 1, 2012; November 1, 2007; May 2006; May 1, 2004; April 1, 2003; July 1, 2000; April 1, 1999; July 1, 1998; April 1, 1997.

SECTION .0200 - GENERAL PROVISIONS RELATED TO LICENSING

10A NCAC 09 .0201 INSPECTIONS

The Division shall periodically visit and inspect all child care centers to insure compliance with North Carolina General Statutes and those rules and regulations adopted pursuant thereto.

(1) A representative of the Division shall conduct an announced visit prior to the initial issuance of the license. The prospective or current licensee shall be notified in advance about the visit. This Rule does not apply to the investigation of centers that are operating without a license in violation of the law.

(2) At the beginning of each fiscal year, the Division shall prepare a written plan explaining the guidelines for making announced and unannounced visits to licensed child care centers. The plan shall be dated and signed by the Division director and shall be kept in a confidential file.

(3) A representative of the Division may make unannounced visits to any licensed center whenever the Division receives a complaint alleging violation of the licensing law or the rules in this Subchapter, or if a representative of the Division has reason to believe an emergency exists in the center.

History Note: Authority G.S. 110-105; 143B-168.3;
Eff. January 1, 1986;
Amended Eff. July 1, 1998.

10A NCAC 09 .0202 RESERVED FOR FUTURE CODIFICATION

10A NCAC 09 .0203 RESERVED FOR FUTURE CODIFICATION

10A NCAC 09 .0204 CHANGES REQUIRING ISSUANCE OF A NEW LICENSE

(a) When the operator, as defined in Rule .0102, of a licensed child care center changes, the new operator must apply for a new license at least 30 days prior to assuming ownership of the center. A child care license cannot be bought, sold, or transferred by one operator to another.

(b) When a licensed child care center is to be moved from one location to another, the licensee must apply for a license for the new physical location as prescribed in Section .0300 of this Subchapter. The licensee must obtain the new license prior to occupying the new location. A child care license is not transferable from one location to another.

(c) When a licensee desires to change the licensed capacity of a center, the licensee must notify the Division.

(1) If the licensee wishes to increase the licensed capacity by using space not currently approved for child care, the Division shall provide the licensee with appropriate forms to request approval. Once the additional space is approved, a new license shall be issued to reflect the increase in licensed capacity.

(2) If a licensee wishes to increase the center's licensed capacity by using space that is already approved for child care, the Division shall, upon request, issue a new license showing the increase.

(3) If a licensee wishes to decrease the center's licensed capacity, the Division shall, upon request, issue a new license reflecting the decrease.

(d) When a licensee decides to conform with requirements in order to remove a restriction on the age or number of children who can be served in the center, the licensee shall notify the Division. The Division shall supply forms for the licensee to use to obtain approval from the local inspectors, if necessary. When the Division is notified that the center conforms with all applicable requirements, a new license, without the restriction, shall be issued.

History Note: Authority G.S. 110-88(8); 110-93; 143B-168.3;
Eff. January 1, 1986;
Amended Eff. July 1, 1998; July 1, 1988; January 1, 1987.

10A NCAC 09 .0205 PARENTAL ACCESS

The parent, guardian or full-time custodian of a child enrolled in any child care center subject to regulation under Article 7 of Chapter 110 of the North Carolina General Statutes shall be allowed unlimited access to the center during its operating hours for the purposes of contacting the child or evaluating the center and the care provided by the center. The parent, guardian or custodian shall notify the on-site administrator of his or her presence immediately upon entering the premises.

History Note: Authority G.S. 110-85; 110-91; 143B-168.3;
Eff. July 1, 1988;
Amended Eff. July 1, 1998; November 1, 1989.

10A NCAC 09 .0206 CAPACITY OF THE CENTER

History Note: Authority G.S. 110-88(1a); 110-91(6); 143B-168.3;
Eff. January 1, 1991;
Amended Eff. July 1, 1998;
Pursuant to G.S. 150B-21.3A, rule Expired June 1, 2015.

10A NCAC 09 .0207 SCHOOL-AGE CHILDREN OF THE OPERATOR

History Note: Authority G.S. 110-86(3); 143B-168.3;
Eff. October 1, 1991;
Repealed Eff. July 1, 1998.

SECTION .0300 - PROCEDURES FOR OBTAINING A LICENSE

10A NCAC 09 .0301 PRE-LICENSING REQUIREMENTS

(a) Anyone who wishes to obtain a license to operate a child care center shall first request pre-licensing consultation from the Division.

(b) Upon receiving a request a representative of the Division shall schedule a visit with the person requesting consultation, unless the person requesting consultation meets the criteria described in Rule .0302(g) of this Section. The Division shall furnish the forms required to be completed and submitted in order to apply for a license.

(c) The Division shall provide regularly scheduled licensing workshops for new and existing child care centers. A schedule of these workshops may be obtained from the Division at the address given in Rule .0102 of this Chapter. The operator of a child care center shall 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.

History Note: Authority G.S. 110-88(1); 110-88(5); 143B-168.3;
Eff. January 1, 1986;
Amended Eff. January 1, 2006; July 1, 1998.

10A NCAC 09 .0302 APPLICATION FOR A LICENSE FOR A CHILD CARE CENTER

(a) The prospective licensee of a child care center, including assuring compliance with the licensing law and standards, shall apply for a license for a child care center using the form provided by the Division. The form can be found on the Division's website at http://ncchildcare.dhhs.state.nc.us/general/mb_customerservice.asp. If the operator will be a group, organization, or other entity, an officer of the entity shall complete and sign the application.

(b) The applicant shall arrange for inspections of the center by the local health, building, and fire inspectors. The applicant shall provide to the Division copies of inspection reports pursuant to G.S. 110-91(1), (4), and (5). When a center does not conform with a building, fire, or sanitation standard, the inspector may submit a written explanation of how equivalent, alternative protection is provided. The Division shall accept the inspector's documentation in lieu of compliance with the standard. Nothing in this Rule precludes or interferes with issuance of a provisional license pursuant to Section .0400 of this Chapter.

(c) The applicant, or the person responsible for the day-to-day operation of the center, shall be able to describe the plans for the daily program, including room arrangement, staffing patterns, equipment, and supplies, in sufficient detail to show that the center shall comply with applicable requirements for activities, equipment, and staff-child ratios for the capacity of the center and type of license requested. The applicant shall make the following written information available to the Division for review to verify compliance with provisions of this Chapter and G.S. 110, Article 7:

(1) Emergency Preparedness and Response Plan;
(2) emergency medical care plan;
(3) activity plans;
(4) discipline policy;
(5) incident reports; and
(6) incident logs.

(d) The applicant shall demonstrate to the Division that the following is available for review pursuant to 10A NCAC 09 .0304(f):

(1) staff records which include an application for employment and date of birth; documentation of education, training, and experience; medical and health records; documentation of participation in training and staff development activities; and required criminal history records check documentation;

(2) children's records which include an application for enrollment; medical and immunization records; and permission to seek emergency medical care;

(3) daily attendance records;

(4) daily records of arrival and departure times at the center for each child;

(5) records of monthly fire drills documenting the date and time of each drill, the length of time taken to evacuate the building, and the signature of the person who conducted the drill as required by NC Fire Code 405.5;

(6) records of monthly playground inspections documented on a checklist provided by the Division; A copy of the form may be found on the Division's website at http://ncchildcare.nc.gov/pdf_forms/playground.pdf.

(7) records of medication administered; and

(8) records of lockdown or shelter-in-place drills as defined in 10A NCAC 09 .0102 giving the date each drill was held, the time of day, the length of time taken to get into designated locations and the signature of the person who conducted the drill.

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

(f) The Division shall make one or more inspections of the center and premises to assess compliance with all applicable requirements as follows:

(1) if all applicable requirements of G.S. 110, Article 7 and this Section are met, the Division shall issue the license; or

(2) if all applicable requirements of G.S. 110, Article 7 and this Section are not met, the Division may recommend issuance of a provisional license in accordance with Section .0400 of this Chapter or the Division may recommend denial of the application in accordance with Paragraph (g) of this Rule.

(g) The Secretary may deny an application for a license under the following circumstances:

(1) if any child care facility license previously held by the applicant has been denied, revoked, or summarily suspended by the Division;

(2) if the Division initiated denial, revocation, or summary suspension proceedings against any child care facility license previously held by the applicant and the applicant voluntarily relinquished the license;

(3) during the pendency of an appeal of a denial, revocation, or summary suspension of any other child care facility license held by the applicant;

(4) if the Division determines that the applicant has a relationship with an operator or former operator who held a license under an administrative action described in Subparagraphs (1), (2), or (3) of this Paragraph. As used in this Rule, an applicant has a relationship with a former operator if the former operator would be involved with the applicant's child care facility in one or more of the following ways:

(A) would participate in the administration or operation of the facility;
(B) has a financial interest in the operation of the facility;
(C) provides care to children at the facility;
(D) resides in the facility; or
(E) would be on the facility's board of directors, be a partner of the corporation, or otherwise have responsibility for the administration of the business;

(5) based on the applicant's previous non-compliance as an operator with the requirements of G.S. 110, Article 7 or this Chapter;

(6) if abuse or neglect has been substantiated against the applicant pursuant to G.S. 7B-101 or G.S. 110-105.2; or

(7) if the applicant is a disqualified child care provider or has a disqualified household member residing in the center pursuant to G.S. 110-90.2.

(h) In determining whether denial of the application for a license is warranted pursuant to Paragraph (g) of this Rule, the Division shall consider:

(1) any documentation provided by the applicant that describes the steps the applicant will take to prevent reoccurrence of noncompliance issues that led to any prior administrative action taken against a license previously held by the applicant;

(2) training certificates or original transcripts for any coursework from a nationally recognized regionally accredited institution of higher learning related to providing quality child care, and that was taken subsequent to any prior administrative action against a license previously held by the applicant. "Nationally recognized" means that every state in this nation acknowledges the validity of the coursework taken at higher education institutions that meet the requirements of one of the accrediting bodies;

(3) proof of employment in a licensed child care facility and references from the administrator or licensee of the child care facility regarding work performance;

(4) documentation of collaboration or mentorship with a licensed child care provider to obtain additional knowledge and experience related to operation of a child care facility; and

(5) documentation explaining relationships with persons meeting the criteria listed in Subparagraph (g)(4) of this Rule.

History Note: Authority G.S. 110-85; 110-86; 110-88(2); 110-88(5); 110-91; 110-91(1), (4) and (5); 110-92; 110-93; 110-99; 143B-168.3;
Eff. January 1, 1986;
Amended Eff. July 1, 2015; March 1, 2014; August 1, 2011; July 1, 2010; April 1, 2003; April 1, 2001; July 1, 1998; January 1, 1996; November 1, 1989; July 1, 1988; January 1, 1987.

10A NCAC 09 .0303 RESERVED FOR FUTURE CODIFICATION

10A NCAC 09 .0304 ON-GOING REQUIREMENTS FOR A PERMIT

(a) Each operator shall schedule a fire inspection within 12 months of the center's previous fire inspection. The operator shall notify the local fire inspector when it is time for the center's annual fire inspection. The operator shall submit the original of the completed annual fire

inspection report to the Division's representative within one week of the inspection visit on the form provided by the Division.

(b) Each center shall be inspected at least annually by an Environmental Health Specialist for compliance with applicable sanitation requirements adopted by the Commission for Public Health as described in 15A NCAC 18A .2800.

(c) A new 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 currently on the permit.

(d) When the Division's representative documents noncompliance during a visit, the representative shall:

(1) Advise the operator to submit written verification that the noncompliance has been corrected;

(2) Return to the center for an unannounced visit at a later date to determine if compliance has been achieved; or

(3) Recommend issuance of a provisional license in accordance with Section .0400 of this Chapter or recommend the revocation of the permit or administrative actions in accordance with Section .2200 of this Chapter.

(e) The Division shall assess the compliance history of a center by evaluating the violations of requirements that have occurred. Demerits shall be assigned for each occurrence of violations of these requirements:

(1) supervision of children (6 points),

(2) staff/child ratio (6 points),

(3) staff qualifications and training (2 to 5 points),

(4) health and safety practices (3 to 6 points),

(5) discipline (6 points),

(6) developmentally appropriate activities (2 to 4 points),

(7) adequate space (6 points),

(8) nutrition and feeding practices (1 to 3 points),

(9) program records (1 to 3 points), and

(10) transportation (1 to 3 points), if applicable. The point value of each demerit shall be based on the potential detriment to the health and safety of children. A compliance history percentage shall be calculated each year by subtracting the total number of demerits from the total demerits possible and converting to a percentage. The yearly compliance history percentage shall be averaged over the specified time period as in accordance with G.S. 110-90(4) for the compliance history percentage referenced in this Rule. A copy of the Division compliance history score sheet used to calculate the compliance history percentage is available for review at the address given in Rule .0102 of this Section.

(f) Each center shall maintain accurate records and documents as described in Rule .0302(c) and (d) of this Section, and these records and documents shall be made available to the Division for review to verify compliance with provisions of this Chapter and the General Statute.

History Note: Authority G.S. 110-85; 110-88(5); 110-93; 143B-168.3; 150B-3;
Eff. July 1, 1998;
Amended Eff. July 1, 2010; May 1, 2006.

10A NCAC 09 .0305 REQUIREMENTS FOR A ONE-STAR RATED LICENSE FOR A CHILD CARE CENTER

History Note: Authority G.S. 110-90; 110-91; 143B-168.3;
Eff. April 1, 1999;
Amended Eff. May 1, 2006;
Pursuant to G.S. 150B-21.3A, rule Expired June 1, 2015.

SECTION .0400 - ISSUANCE OF PROVISIONAL AND TEMPORARY LICENSES

10A NCAC 09 .0401 PROVISIONAL LICENSES FOR FACILITIES

(a) A provisional license may be issued in accordance with the provisions of G.S. 110-88(6) for any period of time not to exceed twelve consecutive months for any of the following reasons:

(1) 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 or safety of the children but nevertheless necessitates a provisional classification until corrected.

(2) To allow a specific time period for the facility to comply fully with all licensing requirements other than building, fire, or sanitation, and to demonstrate that compliance will be maintained, provided that conditions at the facility are not hazardous to the health or safety of the children or staff.

(3) To allow time for the applicant or licensee to obtain a declaratory ruling pursuant to Section .2000 of this Subchapter.

(4) As a possible administrative action for substantiation of child abuse or neglect.

(b) The provisional license may be issued upon the Division's determination that the applicant or licensee is making a reasonable effort to conform to such requirements.

(c) The provisional license and the document describing the reasons for its issuance shall be posted in a prominent place in the facility that parents are able to view daily.

(d) A licensee may obtain an administrative hearing on the issuance of a provisional license in accordance with Section .2200 of this Chapter.

History Note: Authority G.S. 110-88(6); 110-99; 143B-168.3;
Eff. January 1, 1986;
Amended Eff. July 1, 1998; April 1, 1992; August 1, 1990; July 1, 1988; January 1, 1987.

10A NCAC 09 .0402 RESERVED FOR FUTURE CODIFICATION

10A NCAC 09 .0403 TEMPORARY LICENSES FOR CENTERS

(a) A temporary license may be issued in accordance with the provisions of G.S. 110-88(10) to the operator opening a new center or to the operator of a previously licensed center when a change in ownership or location occurs provided:

(1) the operator applied for a license, pursuant to Section .0300, or Rule .0204(a) or (b) of this Subchapter prior to the change in status; and

(2) the center has sufficient equipment and materials to operate for the number of children enrolled.

(b) The temporary license shall be posted in a prominent place in the center that parents are able to view daily.

(c) The temporary license shall expire after six months, or upon the issuance of a license or provisional license to the operator, whichever is earlier.

(d) An operator may obtain an administrative hearing on the denial of a temporary license in accordance with Section .2200 of this Subchapter.

History Note: Authority G.S. 110-88(10); 110-99; 143B-168.3;

Eff. July 1, 1988;
Amended Eff. July 1, 1998; April 1, 1992; November 1, 1989.

SECTION .0500 - AGE AND DEVELOPMENTALLY APPROPRIATE ENVIRONMENTS FOR CENTERS

10A NCAC 09 .0501 STAFF/CHILD INTERACTIONS

Staff shall relate to children in positive ways by helping them feel welcome and comfortable, treating them with respect, listening to what they say, responding to them with acceptance and appreciation and participating in many activities with the children. For example, staff shall:

(1) Make eye contact when speaking to a child;
(2) Engage children in conversation to share experiences, ideas and opinions;
(3) Help children develop problem-solving skills; and
(4) Facilitate learning by providing positive reinforcement, encouraging efforts and recognizing accomplishments.

History Note: Authority G.S. 110-85; 110-91(8),(11); 143B-168.3;
Eff. July 1, 2010.

10A NCAC 09 .0502 RESERVED FOR FUTURE CODIFICATION

10A NCAC 09 .0503 RESERVED FOR FUTURE CODIFICATION

10A NCAC 09 .0504 RESERVED FOR FUTURE CODIFICATION

10A NCAC 09 .0505 DEVELOPMENTAL DAY CENTERS

Child care centers which meet the criteria for developmental day centers, as defined in 10A NCAC 09 .2901, are deemed to be in compliance with the provisions of Rules. 0508 through .0511 of this Section by complying with the requirements for activities for developmental day centers set forth in 10A NCAC 09 .2904.

History Note: Authority G.S. 110-85; 110-88(14); 110-91(2),(12); 143B-168.3;
Eff. January 1, 1987;
Amended Eff. July 1, 2010; July 1, 1998; July 1, 1988.

10A NCAC 09 .0506 RESERVED FOR FUTURE CODIFICATION

10A NCAC 09 .0507 RESERVED FOR FUTURE CODIFICATION

10A NCAC 09 .0508 ACTIVITY SCHEDULES AND PLANS FOR CENTERS

(a) All centers shall have a schedule for each group of children posted for easy reference by parents and by caregivers.

(b) When children two years old or older are in care, the schedule shall include the following:

(1) Show blocks of time usually assigned to types of activities and shall include periods of time for both active play and quiet play or rest.
(2) Show blocks of time that are scheduled for activities for indoor and outdoor areas.
(3) Reflect times and activities that are developmentally appropriate for the children in care.

(4) Reflect daily opportunities indoors and outdoors for free-choice activities, teacher-directed activities, and a minimum total of one hour of outdoor time throughout the day, if weather conditions permit. When children are in care for four hours or less per day the center shall provide a minimum total of 30 minutes of outdoor time daily, if weather conditions permit.

(c) When children under two years old are in care, the schedule shall include regular daily events such as arrival and departure, free choice times, outside time and teacher-directed activities. Interspersed among the daily events shall be individualized caregiving routines such as eating, napping and toileting. There shall be a minimum of 30 minutes of outdoor time throughout the day either as part of a small group, whole group, or individual activity, if weather conditions permit.

(d) All centers shall develop a written plan of developmentally appropriate activities designed to stimulate social, emotional, intellectual and physical development for each group of children in care.

(1) The activity plan shall always be current and accessible for easy reference by parents and caregivers.

(2) The activity plan shall include at least one daily activity for each developmental goal specified in this Paragraph. Activities which allow children to choose to participate with the whole group, part of the group, or independently shall be identified. The plan shall reflect that the children have at least four different activities daily, at least one of which is outdoors, if weather conditions permit.

(3) The activity plan shall also include a daily gross motor activity which may occur indoors or outdoors.

(e) The schedule and activity plan may be combined as one document that shall always be current and posted for easy reference by parents and caregivers.

History Note: Authority G.S. 110-85; 110-91(2),(12); 143B-168.3;
Eff. July 1, 1988;
Amended Eff. July 1, 2010; July 1, 1998.

10A NCAC 09 .0509 ACTIVITIES: GENERAL REQUIREMENTS FOR CENTERS

The learning environment consists of the indoor and outdoor area which encourages child initiated and teacher supported activities as follows:

(1) Each center shall have developmentally appropriate equipment and materials accessible on a daily basis.

(2) The materials and equipment indoors and outdoors shall be sufficient to provide a variety of play experiences which promote the children's social, emotional, intellectual and physical development.

(3) Teacher-made and home-made equipment and materials may be used if they are safe and functional. Materials and equipment that are accessible to children shall not be coated or treated with, nor shall they contain, toxic materials such as creosote, pentacholorphenol, tributyl tin oxide, dislodgeable arsenic and any finishes which contain pesticides.

(4) Developmentally appropriate equipment and materials shall be provided for a variety of outdoor activities which allow for vigorous play and large muscle

development. Each child shall have the opportunity for outdoor play each day that weather conditions permit. The center shall provide space and time for vigorous indoor activities when children cannot play outdoors.

History Note: Authority G.S. 110-85; 110-91(2),(12); 143B-168.3;
Eff. July 1, 1988;
Amended Eff. July 1, 2010; July 1, 1998; January 1, 1996.

10A NCAC 09 .0510 ACTIVITY AREAS: PRESCHOOL CHILDREN TWO YEARS AND OLDER

When preschool children two years and older are in care the following apply:

(1) Each center shall have equipment and materials available in activity areas on a daily basis. Centers with a licensed capacity of 3 to 12 children located in a residence are not required to have activity areas, but must have equipment and materials available daily both indoors and outdoors for the children in care.

(2) An activity area is an identifiable space which is accessible to the children and where related equipment and materials are kept in an orderly fashion.

(3) Each activity area shall contain enough materials to allow three related activities to occur at the same time. The materials and equipment shall be in sufficient quantity to allow at least three children to use the area regardless of whether the children choose the same or different activities.

(4) Each center shall make at least four of the activity areas listed in G.S. 110-91(12) available daily to preschool children two years or older as follows:

(a) Centers with a licensed capacity of 30 or more children shall have at least four activity areas available in the space occupied by each group of children.

(b) Centers with a licensed capacity of less than 30 children shall have at least four activity areas available daily. Separate groups of children may share use of the same activity areas.

(c) Centers with a licensed capacity of 3 to 12 children located in a residence shall have at least four types of activities available daily.

(5) In addition to the activity areas which are available each day, each center shall have materials and equipment in sufficient quantity, as described in Item (3) of this Rule, to ensure that activities are made available at least once per month in each of the five activity areas listed G.S. 110-91(12).

(6) Each center shall provide materials and opportunities for music and rhythm, science and nature, and sand and water play for each group of children at least weekly, indoors or outdoors.

(7) When screen time, including television, videos, video games, and computer usage is provided, it shall be:

(a) Offered only as a free-choice activity,

(b) Used to meet a developmental goal, and

(c) Limited to no more than a total of two and a half hours per week, per child.

Usage time periods may be extended for specific special events, projects, on-site computer classes, or occasions such as a current event, holiday, or birthday celebration.

History Note: Authority G.S. 110-85; 110-91(6),(12); 143B-168.3;
Eff. July 1, 1988;
Amended Eff. July 1, 2010; July 1, 1998; October 1, 1991.

10A NCAC 09 .0511 ACTIVITIES FOR CHILDREN UNDER TWO YEARS OF AGE

(a) For activities for children under two years of age the following apply:

(1) Each center shall have developmentally appropriate toys and activities for each child to promote the child's physical, emotional, intellectual and social well-being including appropriate books, blocks, dolls, pretend play materials, musical toys, sensory toys, and fine motor toys. The following apply:

(A) The materials shall be kept in an identifiable space where related equipment and materials are kept in identifiable groupings and must be made available to the children on a daily basis.

(B) The materials shall be offered in sufficient quantity to allow all children to use them at some point during the day and to allow for a range of choices with duplicates of the most popular toys;

(C) On a daily basis caregivers shall make provisions for the promotion of physical development which shall include varied, developmentally appropriate physical activities. A safe clean, uncluttered area that allows freedom of movement shall be available, both indoors and outdoors, for infants and for toddlers; and

(D) Hands-on experiences, including both familiar and new activities, shall be provided to enable the infant or toddler to learn about himself and the world both indoors and outdoors.

(b) The center shall provide time and space for sleeping, eating, toileting, diaper changing, and playing according to each child's individual need.

(c) The caregivers shall interact in a positive manner with each child every day, including the following ways:

(1) Caregivers shall respond promptly to an infant or toddler's physical and emotional needs, especially when indicated by crying through actions such as feeding, diapering, holding, positive touching, smiling, talking and eye contact.

(2) The caregiver shall recognize the special difficulties of infant and toddler separations and assist families, infants, and toddlers to make the transition from home to center as gently as possible, such as a phased-in orientation process to allow infants and toddlers to experience limited amounts of time at the center before becoming fully integrated.

(3) A caregiver or team of caregivers shall be assigned to each infant or toddler as the primary caregiver(s) who is responsible for care the majority of the time.

(4) The caregiver shall make provision for constructive guidance and the setting of limits that the child can understand which foster the infant's or toddler's ability to be self-disciplined, as appropriate to the child's age and development.

(5) In drop-in centers, effort shall be made to place an infant or toddler, who uses the center frequently, with the same caregiver.

(d) While awake, each child under the age of 12 months shall be given the opportunity each day to play while positioned on his or her stomach.

(e) Screen time, including television, videos, video games, and computer usage, is prohibited.

History Note: Authority G.S. 110-85; 110-91(2),(12); 143B-168.3;
Eff. July 1, 1988;
Amended Eff. August 1, 2010; May 1, 2004; July 1, 1998; October 1, 1991; January 1, 1991.

10A NCAC 09 .0512 OFF PREMISE ACTIVITIES

(a) Off premise activities refer to any activity which takes place away from a licensed and approved space. Licensed and approved space includes "primary space" as described in 10A NCAC 09 .1401(a), outdoor space as described in 10A NCAC 09 .1402, single use rooms, or other administrative areas.

(b) When children participate in off premise activities the following shall apply:

(1) Children under the age of three shall not participate in off premise activities that involve children being transported in a motor vehicle.

(2) When children are transported in a motor vehicle for off premise activities, the provisions in Rule .1003 (c) through (i) and (k) of this Chapter shall apply.

(3) Before staff members walk children off premises for play or outings, the parent of each child shall give written permission for the child to be included in such activities.

(4) Parents may provide a written statement giving standing permission which may be valid for up to 12 months for participation in off premise activities that occur on a regular basis.

(5) The facility shall post a schedule of off premise activities in each participating classroom where it can be easily viewed by parents, and a copy shall be given to parents. The schedule shall be current and shall include the:

(A) location of the activity,

(B) purpose of the activity,

(C) time the activity will take place,

(D) date of the activity; and

(E) name of the person(s) to be contacted in the event of an emergency.

(6) Each time that children are taken off the premises, staff shall take a list of the children participating in the activity with them. Staff members shall use this list to check attendance when leaving the facility, periodically when the children are involved in the activity, before leaving the activity to return to the child care facility, and upon return to the facility. A list of all children participating in the off premise activity shall also be available at the center.

(c) The provisions of Subparagraphs (b)(1) and (5) of this Rule shall be waived, to the extent necessary, to implement any child's Individualized Family Service Plan (IFSP) or Individualized Education Program (IEP).

History Note: Authority G.S. 110-85; 110-91(9), (12); 143B-168.3;
Eff. November 1, 2007.

SECTION .0600 - SAFETY REQUIREMENTS FOR CHILD CARE CENTERS

10A NCAC 09 .0601 SAFE ENVIRONMENT

(a) A safe indoor and outdoor environment shall be provided for the children in care.
(b) All hazardous items, materials and equipment shall be used by children only when adult supervision is provided.
(c) Each child care center shall provide equipment and furnishings that are child-size or which can be adapted for safe and effective use by children. Chairs and tables shall be of proper height for the children who will be using them. Outdoor play equipment shall be age and developmentally appropriate.
(d) Separate play areas or time schedules shall be provided for children under two years of age unless fewer than 15 children are in care. If a facility shares playground space with another facility that serves children, a separate play area or time schedule shall be provided for each facility.

History Note: Authority G.S. 110-85(2); 110-91(3),(6); 143B-168.3;
Eff. January 1, 1986;
Amended Eff. January 1, 1996; January 1, 1991.

10A NCAC 09 .0602 CONDITION OF INDOOR EQUIPMENT AND FURNISHINGS

(a) All equipment and furnishings shall be in good repair and shall be maintained in useable condition. All commercially manufactured equipment and furnishings shall be assembled and installed according to procedures specified by the manufacturer.
(b) Equipment and furnishings shall be sturdy, stable, and free of hazards that may injure children including sharp edges, lead based paint, loose nails, and splinters.
(c) All broken equipment or furnishings shall be removed from the premises immediately or made inaccessible to the children.

History Note: Authority G.S. 110-91(6); 143B-168.3;
Eff. January 1, 1986;
Amended Eff. January 1, 1996; January 1, 1991;
Temporary Amendment Eff. October 1, 1997;
Amended Eff. July 1, 1998.

10A NCAC 09 .0603 OVERNIGHT FURNISHINGS

A safe and comfortable bed, crib, or cot, equipped with a firm waterproof mattress at least four inches thick will be provided for each child who remains in the center after midnight.

History Note: Authority G.S. 110-91(6); 143B-168.3;
Eff. January 1, 1986;
Amended Eff. January 1, 1991.

10A NCAC 09 .0604 SAFETY REQUIREMENTS

(a) In child care centers, potentially hazardous items, such as archery equipment, hand and power tools, nails, chemicals, propane stoves, lawn mowers, and gasoline or kerosene, whether

or not intended for use by children, shall be stored in locked areas, or shall be removed from the premises or otherwise inaccessible to children.

(b) Firearms and ammunition are prohibited in a licensed child care facility unless carried by a law enforcement officer.

(c) Electrical outlets not in use which are located in space used by the children shall be covered with safety plugs unless located behind furniture or equipment that cannot be moved by a child.

(d) Electric fans shall be mounted out of the reach of children or shall be fitted with a mesh guard to prevent access by children.

(e) All electrical appliances shall be used only in accordance with the manufacturer's instructions. For appliances with heating elements, such as bottle warmers, crock pots, irons, coffee pots, or curling irons, neither the appliance nor the cord, if applicable, shall be accessible to preschool-age children.

(f) Electrical cords shall not be accessible to infants and toddlers. Extension cords, except as approved by the local fire inspector, shall not be used. Frayed or cracked electrical cords shall be replaced.

(g) All materials used for starting fires, such as matches and lighters, shall be kept in locked storage or shall be stored out of the reach of children.

(h) Smoking is not permitted in space used by children when children are present. All smoking materials shall be kept in locked storage or out of the reach of children.

(i) Fuel burning heaters, fireplaces, and floor furnaces shall be provided with a protective screen attached securely to supports to prevent access by children and to prevent objects from being thrown into them.

(j) Plants that are toxic shall not be in indoor or outdoor space that is used by or is accessible to children.

(k) Air conditioning units shall be located so that they are not accessible to children or shall be fitted with a mesh guard to prevent objects from being thrown into them.

(l) Gas tanks shall be located so they are not accessible to the children or shall be in a protective enclosure or surrounded by a protective guard.

(m) Cribs and playpens shall be placed so that the children occupying them shall not have access to cords or ropes, such as venetian blind cords.

(n) Once a day, prior to initial use, the indoor and outdoor premises shall be checked for debris, vandalism, and broken equipment. Debris shall be removed and disposed.

(o) Plastic bags, toys, and toy parts small enough to be swallowed, and materials that can be easily torn apart such as foam rubber and styrofoam, shall not be accessible to children under three years of age, except that styrofoam plates and larger pieces of foam rubber may be used for supervised art activities and styrofoam plates may be used for food service. Latex and rubber balloons shall not be accessible to children under five years of age.

(p) When non-ambulatory children are in care, a crib or other device shall be available for evacuation in case of fire or other emergency. The crib or other device shall be fitted with wheels in order to be easily moveable, have a reinforced bottom, and shall be able to fit through the designated fire exit. For centers that do not meet institutional building code, and the exit is more than eight inches above grade, the center shall develop a plan to ensure a safe and immediate evacuation of the crib or other device. The operator shall physically demonstrate this plan to the Division for review and approval. During the required fire, lockdown, or shelter-in-place drills, an evacuation crib or other device shall be used in the manner described in the Emergency Preparedness and Response Plan as defined in 10A NCAC 09 .0607(c).

(q) A first aid kit shall always be available on site.
(r) Fire drills shall be practiced monthly in accordance with 10A NCAC 09 .0607(a) and records shall be maintained as required by 10A NCAC 09 .0302(d)(5).
(s) A "shelter in place drill" or "lockdown drill" as defined in 10A NCAC 09 .0102 shall be conducted at least every three months and records shall be maintained as required by 10A NCAC 09 .0302(8).

History Note: Authority G.S. 110-85; 110-91(3),(6); 143B-168.3;
Eff. January 1, 1991;
Amended Eff. January 1, 1996; November 1, 1991;
Temporary Amendment Eff. October 1, 1997;
Amended Eff. July 1, 2015; February 1, 2012; July 1, 2010; December 1, 2007;
April 1, 2001; July 1, 1998.

10A NCAC 09 .0605 CONDITION OF OUTDOOR LEARNING ENVIRONMENT

(a) All equipment shall be in good repair and shall be maintained in useable condition. All commercially manufactured equipment shall be assembled and installed according to procedures specified by the manufacturer.
(b) Equipment shall be sturdy, stable, and free of hazards that are accessible to children during normal supervised play including sharp edges, lead based paint, loose nails, splinters, protrusions (excluding nuts and bolts on sides of fences), and pinch and crush points.
(c) All broken equipment shall be removed from the premises immediately or made inaccessible to the children.
(d) Children shall not be allowed to play on outdoor equipment that is too hot to touch.
(e) Any openings in equipment, steps, decks, and handrails shall be smaller than 3 ½ inches or greater than 9 inches to prevent entrapment.
(f) All upright angles shall be greater than 55 degrees to prevent entrapment and entanglement.
(g) The outdoor play area shall be protected by a fence or other protection. The height shall be a minimum of four feet and the top of the fence shall be free of protrusions. The requirement disallowing protrusions on the tops of fences shall not apply to fences six feet high or above. The fencing shall exclude fixed bodies of water such as ditches, quarries, canals, excavations, and fish ponds. Gates to the fenced outdoor play area shall remain securely closed while children occupy the area.
(h) All stationary outdoor equipment more than 18 inches high shall be installed over protective surfacing. Footings which anchor equipment shall not be exposed. Loose surfacing material shall not be installed over concrete. Acceptable materials to be used for surfacing include: wood mulch, double shredded bark mulch, uniform wood chips, fine sand, coarse sand, and pea gravel. Other materials that have been certified by the manufacturer to be shock-absorbing protective material in accordance with the American Society for Testing and Materials (ASTM) Standard 1292, may be used only if installed, maintained, and replaced according to the manufacturer's instructions. Pea gravel shall not be used if the area will be used by children under three years of age. The depth of the surfacing that is required shall be based on the critical height of the equipment. The critical height is defined as the maximum height a child may climb, sit, or stand.

(1) Equipment with a critical height of five feet or less shall have six inches of any of the surfacing materials listed.

(2) Equipment with a critical height of more than five feet but less than seven feet shall have six inches of any of the surfacing materials listed, except for sand.

(3) Equipment with a critical height of seven feet to 10 feet shall have nine inches of any of the surfacing materials listed, except for sand.

(4) When sand is used as a surfacing material for equipment with a critical height of more than five feet, 12 inches is required.

(i) The area required to have protective surfacing is the area under and around the equipment where the child is likely to fall and it is called the fall zone. The area for fall zones is as follows:

(1) For stationary outdoor equipment used by children under two years of age, the protective surfacing shall extend beyond the external limits of the equipment for a minimum of three feet, except that protective surfacing is only required at all points of entrance and exit for any structure that has a protective barrier.

(2) For stationary outdoor equipment used by children two years of age or older, the protective surfacing shall extend beyond the external limits of the equipment for a minimum of six feet.

(j) Exceptions to Paragraph (i) of this Rule are as follows:

(1) Fall zones may overlap around spring rockers, and around equipment that is more than 18 but less than 30 inches in height. If there are two adjacent structures and one is more than 18 but less than 30 inches in height, the protective surfacing shall extend a minimum of nine feet between the two structures.

(2) Swings shall have protective surfacing that extends two times the length of the pivot point to the surface below. The surfacing shall be to the front and rear of the swing.

(3) Tot swings shall have protective surfacing that extends two times the length of the pivot point to the bottom of the swing seat. The surfacing shall be to the front and rear of the swing. Tot swings are defined as swings with enclosed seats.

(4) Tire swings shall have protective surfacing that extends a distance of six feet plus the measurement from the pivot point to the swing seat and six feet to the side of the support structure.

(k) Swing seats shall be made of plastic or soft or flexible material.

(l) Elevated platforms shall have a guardrail or protective barrier, depending upon the height of the platform and the age of children that will have access to the piece of equipment. Guardrails shall prevent inadvertent or unintentional falls off the platform. The critical height for a platform with a guardrail is the top of the guardrail. Protective barriers shall prevent children from climbing over or through the barrier. The critical height for a platform with a protective barrier is the platform surface. All sides of platforms shall be protected except for the area which allows entry or exit. Measurements for the guardrails and protective barriers are stated below:

(1) Equipment used exclusively by children under two years of age:

(A) Protective Barriers – an elevated surface that is more than 18 inches above the underlying surface shall have a protective barrier or protective surfacing. The minimum height of the top surface of the protective barrier shall be 24 inches.

(B) Maximum Height – the maximum height of a platform or elevated play surface shall be no greater than 32 inches.

(2) Equipment used exclusively by children two years of age up to school age:

(A) Guardrails - an elevated surface that is more than 20 inches and no more than 30 inches above the underlying surface shall have a guardrail. The minimum height of the top surface of the guardrail shall be 29 inches and the lower edge shall be no more than 23 inches above the platform.

(B) Protective Barriers - an elevated surface that is more than 30 inches above the underlying surface shall have a protective barrier. The minimum height of the top surface of the protective barrier shall be 29 inches.

(3) Equipment used by children two years of age and older:

(A) Guardrails - an elevated surface that is more than 20 inches and no more than 30 inches above the underlying surface shall have a guardrail. The minimum height of the top surface of the guardrail shall be 38 inches and the lower edge shall be no more than 23 inches above the platform.

(B) Protective Barriers - an elevated surface that is more than 30 inches above the underlying surface shall have a protective barrier. The minimum height of the top surface of the protective barrier shall be 38 inches.

(4) Equipment used exclusively by school-age children:

(A) Guardrails - an elevated surface that is more than 30 inches and no more than 48 inches above the underlying surface shall have a guardrail. The minimum height of the top surface of the guardrail shall be 38 inches and the lower edge shall be no more than 26 inches above the platform.

(B) Protective Barriers - an elevated surface that is more than 48 inches above the underlying surface shall have a protective barrier. The minimum height of the top surface of the protective barrier shall be 38 inches.

(m) Composite structures that were installed between January 1, 1989 and January 1, 1996 according to manufacturer's instructions that met existing safety standards for playground equipment at the time of installation and received approval from the Division, may continue to be used.

(n) Following completion of safety training as required by Rule .0705(e) of this Chapter, a monthly playground inspection shall be conducted by a trained individual. A trained administrator or staff person shall make a record of each inspection using a playground inspection checklist provided by the Division. The checklist shall be signed by the person who conducts the inspection and shall be maintained for 12 months in the center's files for review by a representative of the Division.

History Note: Authority G.S. 110-85; 110-91(6); 143B-168.3;
Temporary Adoption Eff. October 1, 1997;
Eff. October 29, 1998;
Amended Eff. November 1, 2007.

10A NCAC 09 .0606 SAFE SLEEP POLICY

(a) Each center licensed to care for infants aged 12 months or younger shall develop and adopt a written safe sleep policy that:

(1) specifies that caregivers shall place infants aged 12 months or younger on their backs for sleeping, unless:

(A) for an infant aged six months or less, the center receives a written waiver of this requirement from a health care professional, or

(B) for an infant older than six months, the center receives a written waiver of this requirement from a health care professional, or a parent, or a legal guardian;

(2) specifies whether pillows, blankets, toys, or other objects may be placed with a sleeping infant aged 12 months or younger, and if so, specifies the number and types of allowable objects;

(3) specifies that nothing shall be placed over the head or face of an infant aged 12 months or younger when the infant is laid down to sleep;

(4) specifies that the temperature in the room where infants aged 12 months or younger are sleeping does not exceed 75° F;

(5) specifies the means by which caregivers shall visually check on sleeping infants aged 12 months or younger;

(6) specifies the frequency with which caregivers shall visually check on sleeping infants aged 12 months or younger;

(7) specifies how caregivers shall document compliance with visually checking on sleeping infants aged 12 months or younger with such documents to be maintained for a minimum of one month; and

(8) specifies any other steps the center shall take to provide a safe sleep environment for infants aged 12 months or younger.

(b) The center shall post a copy of its safe sleep policy or a poster about infant safe sleep practices in a prominent place in the infant room.

(c) A copy of the center's safe sleep policy shall be given and explained to the parents of an infant aged 12 months or younger on or before the first day the infant attends the center. The parent shall sign a statement acknowledging the receipt and explanation of the policy. The acknowledgement shall contain:

(1) the infant's name;

(2) the date the infant first attended the center;

(3) the date the center's safe sleep policy was given and explained to the parent; and

(4) the date the parent signed the acknowledgement.

The center shall retain the acknowledgement in the child's record as long as the child is enrolled at the center.

(d) If a center amends its safe sleep policy, it shall give written notice of the amendment to the parents of all enrolled infants aged 12 months or younger at least 14 days before the amended policy is implemented. Each parent shall sign a statement acknowledging the receipt and explanation of the amendment. The center shall retain the acknowledgement in the child's record as long as the child is enrolled at the center.

(e) A health care professional's or parent's waiver of the requirement that all infants aged 12 months or younger be placed on their backs for sleeping as specified in Subparagraph (a)(1) of this Rule shall:

(1) bear the infant's name and birth date;

(2) be signed and dated by the infant's health care professional or parent; and

(3) specify the infant's authorized sleep positions;

The center shall retain the waiver in the child's record as long as the child is enrolled at the center.

(f) For each infant with a waiver on file at the center as specified in Paragraph (e) of this Rule, a notice shall be posted for quick reference near the infant's crib, bassinet, or play pen that shall include:

(1) the infant's name;
(2) the infant's authorized sleep position; and
(3) the location of the signed waiver.

No confidential medical information, including an infant's medical diagnosis, shall be shown on the notice.

History Note: Authority G.S. 110-85; 110-91(15); 143B-168.3;
Eff. May 1, 2004;
Amended Eff. July 1, 2010.

10A NCAC 09 .0607 EMERGENCY PREPAREDNESS AND RESPONSE

(a) For the purposes of this Rule, the Emergency Preparedness and Response in Child Care is a session training approved by the Division on creating an Emergency Preparedness and Response Plan and practicing, responding to and recovering from emergencies in child care facilities.

(b) Existing child care facilities shall have one person on staff who has completed the Emergency Preparedness and Response in Child Care training within two years from the effective date of this Rule and within four months of a trained person's last day of employment. New facilities must have a person on staff who has completed the Emergency Preparedness and Response in Child Care training within one year of the effective date of the initial license. Documentation of completion of the training shall be maintained in the individual's personnel file.

(c) Upon completion of the Emergency Preparedness and Response in Child Care training, the trained staff shall develop the Emergency Preparedness and Response Plan. The Emergency Preparedness and Response Plan means a written plan that addresses how a child care facility will respond to both natural and man-made disasters, such as fire, tornado, flood, power failures, chemical spills, bomb threats, earthquakes, blizzards, nuclear disasters, or a dangerous person or persons in the vicinity, to ensure the safety and protection of the children and staff. This Plan must be on a template provided by the Division available at https://rmp.nc.gov/portal/#, and completed within four months of completion of the Emergency Preparedness and Response in Child Care training.

(d) The Emergency Preparedness and Response Plan shall include:

(1) written procedures for accounting for all in attendance including:
    (A) the location of the children, staff, volunteer and visitor attendance lists; and
    (B) the name of the person(s) responsible for bringing the lists in the event of an emergency.
(2) a description for how and when children shall be transported;
(3) methods for communicating with parents and emergency personnel or law enforcement;
(4) a description of how children's nutritional and health needs will be met;
(5) the relocation and reunification process;
(6) emergency telephone numbers;

(7) evacuation diagrams showing how the staff, children, and any other individuals who may be present will evacuate during an emergency;
(8) the date of the last revision of the plan;
(9) specific considerations for non-mobile children and children with special needs; and
(10) the location of a Ready to Go File. A Ready to Go File means a collection of information on children, staff and the facility, to utilize, if an evacuation occurs. The file shall include, but is not limited to, a copy of the Emergency Preparedness and Response Plan, contact information for individuals to pick-up children, each child's Application for Child Care, medication authorizations and instructions, any action plans for children with special health care needs, a list of any known food allergies of children and staff, staff contact information, Incident Report forms, an area map, and emergency telephone numbers.

(e) The trained staff shall review the Emergency Preparedness and Response Plan annually, or when information in the plan changes, to ensure all information is current.

(f) All staff shall review the center's Emergency Preparedness and Response Plan during orientation and on an annual basis with the trained staff. Documentation of the review shall be maintained at the center in the individual's personnel file or in a file designated for emergency preparedness and response plan documents.

(g) All substitutes and volunteers counted in ratio who are present shall be informed of the child care center's Emergency Preparedness and Response Plan and its location. Documentation of this notice shall be maintained in the individual personnel files.

History Note: Authority G.S. 110-85;
Eff. July 1, 2015;
Amended Eff. August 1, 2015.

SECTION .0700 - HEALTH AND OTHER STANDARDS FOR CENTER STAFF

10A NCAC 09 .0701 HEALTH STANDARDS FOR STAFF

(a) All personnel, employed by a child care center, including the director, shall have on file within 60 days of the date of employment, a statement signed by a health care professional that indicates that the person is emotionally and physically fit to care for children. When submitted the medical statement shall not be older than 12 months.

(b) The Division, or the director of the child care center, may request another evaluation of an employee's emotional and physical fitness to care for children when there is reason to believe that there has been deterioration in the person's emotional or physical fitness to care for children.

(c) A test showing each employee, including the director, to be free of active tuberculosis is required prior to employment. The results indicating the individual is free of active tuberculosis shall be obtained within the 12 months prior to the date of employment.

(d) Each employee, including the director, shall also annually submit a medical statement from a health care professional, or must complete a health questionnaire giving information about the status of his/her health on a form provided by the Division.

(e) Staff medical statements, proof of a tuberculosis test, and completed health questionnaires shall be included in the employee's individual personnel file in the center.

(f) Emergency medical care information shall be on file for each individual staff person. That information shall include the name, address, and telephone number of the person to be contacted in case of an emergency, the responsible party's choice of health care professional, and preferred hospital; any chronic illness the individual has and any medication taken for that illness; and any other information that has a direct bearing on assuring safe medical treatment for the individual. This emergency medical care information shall be on file in the center on the staff person's first day of employment and shall be updated as changes occur and at least annually.

History Note: Authority G.S. 110-85; 110-91(1),(8),(9); 143B-168.3;
Eff. January 1, 1986;
Amended Eff. July 1, 2010; July 1, 1998.

10A NCAC 09 .0702 STANDARDS FOR SUBSTITUTES AND VOLUNTEERS

(a) In child care centers the substitute staff and volunteers who are counted in the child care staff/child ratio shall comply with the health standards contained in this Section.

(b) All substitutes and volunteers not included in the child care staff/child ratio shall complete the health questionnaire described in Rule .0701 of this Section prior to the first day of work and complete a health questionnaire annually thereafter as long as they continue to work in the center.

(c) A test showing each substitute and volunteer is free of active tuberculosis is required prior to the first day of work. The results of the test shall be obtained within the 12 months prior to employment or the beginning of the volunteer activity. This Paragraph applies only to individuals who volunteer more than once per week.

(d) The age of substitute staff and volunteers shall be verified prior to the first day of work by documenting the substitute staff or volunteer's date of birth in the individual's record. Any substitute teacher shall be at least 18 years old and literate.

(e) Emergency medical care information as described in Rule .0701(f) of this Section shall be on file for all substitutes and volunteers on the person's first day of work and shall be updated as changes occur and at least annually.

History Note: Authority G.S. 110-85; 110-91(1),(8),(9); 143B-168.3;
Eff. January 1, 1986;
Amended Eff. July 1, 2010; July 1, 1998; October 1, 1991.

10A NCAC 09 .0703 GENERAL STATUTORY REQUIREMENTS

(a) Staff counted toward meeting the staff/child ratio requirements set forth in Rules .0712 and .0713 of this Section shall meet the requirements of G.S. 110-91(8). No one under 18 years of age shall have full responsibility for or be left in charge of a group of children.

(b) Anyone who is at least 13 years of age, but less than 16 years of age, may work in a child care center on a volunteer basis, as long as he or she is supervised by and works with a required staff person who is at least 21 years of age, and also meets the health standards for volunteers found in Rule .0702 of this Section. No one younger than 16 years old shall be left alone with children nor counted toward meeting the required staff/child ratio.

(c) The provisions of G.S. 110-90.2 which exclude persons with certain criminal records or personal habits or behavior which may be harmful to children from operating or being employed in a child care center are hereby incorporated by reference and shall also apply to any person on the premises with the operator's permission when the children are present. This exclusion does not include parents or other persons who enter the center only for the purpose of performing parental responsibilities; nor does it include persons who enter the center for brief periods for the purpose of conducting business with the operator and who are not left alone with the children.

(d) Within six months of an individual assuming lead teacher or child care administrator duties, each center shall maintain the following information in the individual's staff record:

(1) a copy of the credential certificate;
(2) a copy of notification from the Division that the individual meets the equivalency or that the individual does not meet the equivalency and must enroll in coursework;
(3) a dated copy of the request submitted by the individual to the Division for the assessment of equivalency status or the opportunity to test out of the credential coursework; or
(4) documentation of enrollment in credential coursework.

(e) If the individual does not yet meet the staff qualifications required by G.S. 110-91(8) when assuming lead teacher or administrative duties, the individual shall submit the following information to the Division within six months of assuming the duties:

(1) a request to test out of credential coursework on a form provided by the Division; or
(2) application for equivalency on a form provided by the Division, with documentation of completion of the coursework or credential to be considered for equivalency as required by the Division.

(f) For centers with a licensed capacity of three to 12 children, when an individual has responsibility both for administering the child care program and for planning and implementing the daily activities of a group of children, the requirements for lead teacher in this Section shall

apply to this individual. If the program has more than one group of children, the requirement regarding lead teacher shall apply to each group of children.

History Note: Authority G.S. 110-85; 110-91(8); 143B-168.3;
Eff. January 1, 1986;
Amended Eff. May 1, 2013; October 29, 1998; January 1, 1990; July 1, 1988; January 1, 1987.

10A NCAC 09 .0704 PRESERVICE REQUIREMENTS FOR ADMINISTRATORS

(a) A child care administrator who has not met the staff qualifications required by G.S. 110-91(8) shall meet the requirements in this Rule prior to exercising any child caring responsibilities.

(1) Have either a high school diploma or its equivalent; and

(2) Have two years of full-time verifiable work experience in a child care center or early childhood work experience; or an undergraduate, graduate, or associate degree, with at least 12 semester hours in child development, child psychology, early childhood education or directly related field; or a Child Development Associate Credential; or completion of a community or technical college curriculum program in the area of child care or early childhood; or one year of full-time verifiable child care or early childhood work experience and a North Carolina Early Childhood Credential; and

(3) Have verification of having successfully completed, or be currently enrolled in, two semester credit hours, or 32 clock hours, of training in the area of early childhood program administration; or, have one year experience performing administrative responsibilities; or

(b) An administrator who does not meet the requirements of Paragraph (a) of this Rule may share the requirements in Paragraph (a) of this Rule with another individual, provided that prior to exercising child caring responsibilities, the individual who is responsible for planning and implementing the daily program at the center to comply with Sections .0500 and .0600 of this Subchapter shall be a full-time staff person on-site who meets Subparagraphs (a)(1) and (2) of this Rule, and the other individual shall meet Subparagraph (a)(3) of this Rule and be either on-site or off-site.

(c) Any person who is at least 21 years old and literate who was employed as an on-site administrator in a child care program on or before September 1, 1986, shall be exempt from the provisions of Paragraphs (a) and (b) of this Rule, as long as the person is employed by the same operator.

History Note: Authority G.S. 110-91(8); 143B-168.3;
Eff. January 1, 1986;
Amended Eff. October 29, 1998; April 1, 1997; November 1, 1989; July 1, 1988; January 1, 1987.

10A NCAC 09 .0705 SPECIAL TRAINING REQUIREMENTS

(a) At least one staff member shall be knowledgeable of and able to recognize common symptoms of illness.

(b) Staff who have completed a course in basic first aid, shall be present at all times children are present. First aid training shall be renewed on or before expiration of the certification or every three years, whichever is less. The number of staff required to complete the course is based on the number of children present as shown in the following chart:

Number of children present	Number of staff trained in first aid required
1-29	1 staff
30-79	2 staff
80 and above	3 staff

Verification of each required staff person's completion of this course shall be maintained in the person's individual personnel file in the center. The basic first aid course shall address principles for responding to emergencies, and techniques for handling common childhood injuries, accidents and illnesses such as choking, burns, fractures, bites and stings, wounds, scrapes, bruises, cuts and lacerations, poisoning, seizures, bleeding, allergic reactions, eye and nose injuries and sudden changes in body temperature.

(c) A first aid information sheet shall be posted in a prominent place for quick referral. An acceptable form may be requested free of charge from the North Carolina Child Care Health and Safety Resource Center.

(d) Each child care center shall have at least one person on the premises at all times, and at least one person who accompanies the children whenever they are off the premises, who has successfully completed certification in a cardiopulmonary resuscitation (CPR) course provided by either the American Heart Association or the American Red Cross or other organizations approved by the Division. Other organizations shall be approved if the Division determines that the courses offered are substantially equivalent to those offered by the American Red Cross. CPR training shall be renewed on or before the expiration of the certification or every two years, whichever is less. Successfully completed is defined as demonstrating competency, as evaluated by the instructor, in performing CPR. The course shall provide training in CPR appropriate for the ages of children in care. Documentation of successful completion of the course from the American Heart Association, the American Red Cross, or other organization approved by the Division shall be on file in the center.

(e) Staff shall complete at least four clock hours of training in safety. This training shall address playground safety hazards, playground supervision, maintenance and general upkeep of the outdoor area, and age and developmentally appropriate playground equipment. Staff counted to comply with this Rule shall have six months from the date of employment, or from the date a vacancy occurs, to complete the required safety training. The number of staff required to complete this training shall be as follows:

(1) In centers with a licensed capacity of less than 30 children, at least one staff person shall complete this training.

(2) In centers with a licensed capacity of 30 or more children, at least two staff, including the administrator, shall complete this training.

(f) In centers that are licensed to care for infants ages 12 months and younger, the center director and any child care provider scheduled to work in the infant room, including volunteers counted in staff/child ratios, shall complete ITS-SIDS training. ITS-SIDS training shall be completed within four months of the individual assuming responsibilities in the infant room or as an

administrator, and shall be completed again every three years from the completion of previous ITS-SIDS training. Completion of ITS-SIDS training may be included once every three years in the number of hours needed to meet annual in-service training requirements in Section .0700 of this Chapter. Prior to an individual assuming responsibility for the care of an infant, the center's safe sleep policy for infants shall be reviewed with the individual as required by Rule .0707(a) of this Section.

History Note: Authority G.S. 110-85; 110-91(1),(8); 143B-168.3;
Eff. January 1, 1986;
Amended Eff. January 1, 1996; January 1, 1992; January 1, 1991; January 1, 1987; Temporary Amendment Eff. October 1, 1997;
Amended Eff. July 1, 2008; November 1, 2005; May 1, 2004; July 1, 1998.

10A NCAC 09 .0706 RESERVED FOR FUTURE CODIFICATION

10A NCAC 09 .0707 IN-SERVICE TRAINING REQUIREMENTS

(a) Each center shall assure that each new employee who is expected to have contact with children receives a minimum of 16 clock hours of on-site training and orientation within the first six weeks of employment. This training and orientation shall include:

(1) training in the recognition of the signs and symptoms of child abuse or neglect and in the employee's duty to report suspected abuse and neglect pursuant to G.S. 7B-301;
(2) review of the center's operational policies, including the center's safe sleep policy for infants, the Emergency Preparedness and Response Plan, and the emergency medical care plan;
(3) adequate supervision of children in accordance with 10A NCAC 09 .0714(f);
(4) first-hand observation of the center's daily operations;
(5) instruction in the employee's assigned duties;
(6) instruction in the maintenance of a safe and healthy environment;
(7) review of the center's purposes and goals;
(8) review of the center's personnel policies;
(9) review of the child care licensing law and rules;
(10) an explanation of the role of State and local government agencies in the regulation of child care, their impact on the operation of the center, and their availability as a resource; and
(11) an explanation of the employee's obligation to cooperate with representatives of State and local government agencies during visits and investigations.

(b) As part of the training required in Paragraph (a) of this Rule, each new employee shall complete, within the first two weeks of employment, six clock hours of the training referenced in Subparagraphs (a)(1), (a)(2), and (a)(3) of this Rule.

(c) The child care administrator and any staff who have responsibility for planning and supervising a child care facility, as well as staff who work directly with children, shall participate in in-service training activities annually, as follows:

(1) persons with a four year degree or higher advanced degree in a child care related field of study from a regionally accredited college or university shall complete five clock hours of training;

(2) persons with a two year degree in a child care related field of study from a regionally accredited college or university, or persons with a North Carolina Early Childhood Administration Credential or its equivalent shall complete eight clock hours of training;

(3) persons with a certificate or diploma in a child care related field of study from a regionally accredited college or university, or persons with a North Carolina Early Childhood Credential or its equivalent shall complete 10 clock hours of training;

(4) persons with at least 10 years documented, professional experience as a teacher, director, or caregiver in a licensed child care arrangement shall complete 15 clock hours of training; or

(5) shall complete 20 clock hours of training.

(d) For staff listed in Subparagraphs (c)(1), (c)(2), (c)(3) and (c)(4) of this Rule, basic cardiopulmonary resuscitation (CPR) training required in Rule .0705 of this Section shall not be counted toward meeting annual in-service training. First aid training may be counted once every three years.

(e) If a child care administrator or lead teacher is enrolled in coursework to meet the staff qualification requirements in G.S. 110-91(8), the individual may choose to apply for completed coursework toward meeting the annual in-service training requirement.

(f) Any staff working less than 40 hours per week may choose the option for 20 hours of in-service training, or the training requirement may be prorated as follows:

WORKING HOURS PER WEEK	CLOCK HOURS REQUIRED
0-10	5
11-20	10
21-30	15
31-40	20

History Note: Authority G.S. 110-91(11); 143B-168.3;
Eff. January 1, 1986;
Amended Eff. July 1, 2015; January 1, 2006; May 1, 2004; October 29, 1998; October 1, 1991; November 1, 1989; July 1, 1988; January 1, 1987.

10A NCAC 09 .0708 IN-SERVICE TRAINING APPROVAL

Staff may meet the in-service training requirements by attending child-care workshops, conferences, seminars, or courses, provided each training activity satisfies the following criteria:

(1) Prior approval from the Division is not required for training offered by a college or university with nationally recognized regional accreditation, a government agency, or a state or national professional organization or its affiliates, provided the content complies with G.S. 110-91(11). Government agencies or state or national professional organizations who provide training shall submit an annual training plan on a form provided by the Division for review by the Division. The plan is not required for any state, national, or international conferences sponsored by a professional child care organization.

(2) Prior approval from the Division is required for any agencies, organizations, or individuals not specified in Item (1) of this Rule who wish to provide training for

child care operators and staff. To obtain such approval, the agency, organization, or individual shall complete and submit the in-service training approval forms provided by the Division at least 20 business days prior to the training event. A training roster listing the attendees' name, the county of employment, and day time phone number shall be submitted to the Division no later than 15 days after the training event. The event sponsor shall provide training evaluations to be completed by attendees and shall keep the evaluations on file for three years.

(3) Prior approval shall be determined based upon:
   (a) The trainer's education, training, and experience relevant to the training topic;
   (b) Best practice in adult learning principles;
   (c) Content that is in compliance with G.S. 110-91(11); and
   (d) Contact hours reasonable for the proposed content and scope of the training session.

(4) The Division shall not approve:
   (a) Agencies, organizations, or individuals not meeting the standards listed in this Rule and in G.S. 110-91(11); and
   (b) Agencies, organizations, or individuals who intentionally falsify any information submitted to the Division.

History Note: Authority G.S. 110-85; 110-91(11); 143B-168.3;
Eff. January 1, 1986;
Amended Eff. November 1, 2007; October 29, 1998; November 1, 1989; July 1, 1988; January 1, 1987.

10A NCAC 09 .0709 DOCUMENTATION OF IN-SERVICE TRAINING

Each center shall have a record of training activities in which each staff participates. That record shall include the subject matter, topic area in G.S. 110-91(11), training provider, date provided, hours, and name of staff who completed the training. This documentation shall be on file and current.

History Note: Authority G.S. 110-91(9),(11); 143B-168.3;
Eff. January 1, 1986;
Amended Eff. July 1, 1998; July 1, 1988.

10A NCAC 09 .0710 PRESERVICE REQUIREMENTS FOR LEAD TEACHERS, TEACHERS AND AIDES

(a) If an individual already has a North Carolina Early Childhood Credential or its equivalent, none of the requirements of this Rule shall apply. If an individual does not have a North Carolina Early Childhood Credential or its equivalent, the requirements of this Rule shall be met.

(b) A lead teacher or a teacher shall be at least 18 years of age, have a high school diploma or its equivalent, and have at least one of the following:

(1) One year of verifiable child care experience working in a child care center or two years of verifiable experience as a licensed family child care home operator; or

(2) Successful completion of a two year high school program of Early Childhood Education in Family and Consumer Sciences Education; or

(3) Twenty hours of training in child development, which could include the North Carolina Early Childhood Credential coursework, within the first six months of employment in addition to the number of annual inservice training hours required in Rule .0707 of this Section.

(c) An aide is a person who assists the lead teacher or the teacher in planning and implementing the daily program, and shall be at least 16 years old and literate.

(d) Individuals employed prior to July 1, 1998 are exempted from the requirements of this Rule, as long as they remain employed by the same operator.

History Note: Authority G.S. 110-91(8); 143B-168.3;
Eff. July 1, 1988;
Amended Eff. January 1, 2005; October 29, 1998; April 1, 1997; October 1, 1991; November 1, 1989.

10A NCAC 09 .0711 PRESERVICE REQUIREMENTS FOR OTHER STAFF

(a) Any person whose job responsibility includes driving a vehicle to transport children, including any substitute driver, shall meet the requirements in Rule .1003 of this Subchapter.

(b) Non-care giving staff or any person providing support to the operation of the program shall be at least 16 years of age; and meet the requirements of the local health department for food handlers, if applicable, when duties are related to food preparation or food service.

History Note: Authority G.S. 110-91(8); 143B-168.3;
Eff. July 1, 1988;
Amended Eff. July 1, 1998; October 1, 1991; November 1, 1989.

10A NCAC 09 .0712 STAFF/CHILD RATIOS FOR CENTERS WITH A LICENSED CAPACITY OF LESS THAN 30 CHILDREN

(a) The staff/child ratios and group sizes for a child care center with a licensed capacity of less than 30 children are as follows:

Age of Children	Ratio Staff/Children	Maximum Group Size
0 to 12 Months	1/5	10
12 to 24 Months	1/6	12
2 to 3 Years	1/10	20
3 to 5 Years	1/15	25
5 Years and Older	1/25	25

(1) When only one caregiver is required to meet the staff/child ratio, and children under two years of age are in care, that person shall not concurrently perform food preparation or other duties which are not direct child care responsibilities.

(2) When only one caregiver is required to meet the staff/child ratio, the operator shall select one of the following options for emergency relief:

(A) The center shall post the name, address, and telephone number of an adult who has agreed in writing to be available to provide emergency relief and who can respond within a reasonable period of time; or

(B) There shall be a second adult on the premises who is available to provide emergency relief.

(b) The staff/child ratios for a center located in a residence with a licensed capacity of three to 12 children when any preschool aged child is enrolled, or with a licensed capacity of three to 15 children when only school-aged children are enrolled are as follows:

Age of Children	Ratio Staff/Children
0 to 12 Months	1/5 preschool children plus three additional school-aged children
12 to 24 Months	1/6 preschool children plus two additional school-aged children
2 to 13 Years	1/10
3 to 13 Years	1/12
All school-aged	1/15

(c) The staff/child ratio applicable to a classroom shall be posted in that classroom in an area that parents are able to view at all times.

History Note: Authority G.S. 110-91(7); 143B-168.3;
Eff. December 1, 1988;
Amended Eff. January 1, 2006; July 1, 1998; July 1, 1994; January 1, 1992; August 1, 1990.

10A NCAC 09 .0713 STAFF/CHILD RATIOS FOR CENTERS WITH A LICENSED CAPACITY OF 30 OR MORE CHILDREN

(a) The staff/child ratios and group sizes for single-age groups of children in centers with a licensed capacity of 30 or more children shall be as follows:

Age of Children	Ratio Staff/Children	Maximum Group Size
0 to 12 Months	1/5	10
12 to 24 Months	1/6	12
2 to 3 Years	1/10	20
3 to 4 Years	1/15	25
4 to 5 Years	1/20	25
5 Years and Older	1/25	25

(b) In any multi-age group situation, the staff/child ratio for the youngest child in the group shall be maintained for the entire group.

(c) Children younger than two years old may be cared for in groups with older children for the first and last operating hour of the day provided the staff/child ratio for the youngest child in the group is maintained.

(d) A child two years of age and older may be placed with children under one year of age when a physician certifies that the developmental age of the child makes this placement appropriate.

(e) When determined to be developmentally appropriate by the operator and parent, a child age two or older may be placed one age level above his or her chronological age without affecting the staff/child ratio for that group. This provision shall be limited to one child per group.

(f) Except as provided in Paragraphs (c) and (d) of this Rule, children under one year of age shall be kept separate from children two years of age and over.
(g) Children between the ages of 12 months and 24 months shall not be grouped with older children unless all children in the group are less than three years old.
(h) When only one caregiver is required to meet the staff/child ratio, and no children under two years of age are in care, that person may concurrently perform food preparation or other duties which are not direct child care responsibilities as long as supervision of the children as specified in Rule .0714(f) of this Section is maintained.
(i) When only one caregiver is required to meet the staff/child ratio, the operator shall select one of the following options for emergency relief:

(1) The center shall post the name, address, and telephone number of an adult who has agreed in writing to be available to provide emergency relief and who can respond within a reasonable period of time; or
(2) There shall be a second adult on the premises who is available to provide emergency relief.

(j) Except as provided in Paragraph (h) of this Rule, staff members and administrators who are counted in meeting the staff/child ratios as stated in this Rule shall not concurrently perform food preparation or other duties which are not direct child care responsibilities.
(k) The staff/child ratio applicable to a classroom shall be posted in that classroom in an area that parents are able to view at all times.

History Note: Authority G.S. 110-91(7); 143B-168.3;
Eff. December 1, 1988;
Amended Eff. January 1, 2006; July 1, 1998; July 1, 1994; January 1, 1992; August 1, 1990; November 1, 1989.

10A NCAC 09 .0714 OTHER STAFFING REQUIREMENTS

(a) Each child care center shall have an administrator on site on a regular basis. The administrator shall be responsible for monitoring the program and overseeing administrative duties of the center. This requirement may be met by having one or more persons on site who meet the requirements for an administrator according to the licensed capacity of the center. The following hourly requirements are based on an administrator's normal working schedule and may include times when the administrator may be off site due to administrative duties, illness, or vacation.

(1) Each center with a licensed capacity of less than 30 children shall have an administrator on site for at least 20 hours per week.
(2) Each center with a licensed capacity of 30 to 79 children shall have an administrator on site for at least 25 hours per week.
(3) Each center with a licensed capacity of 80 to 199 children shall have an administrator on site for at least 30 hours per week.
(4) Each center with a licensed capacity of 200 or more children shall have an administrator on site for at least 40 hours per week.

(b) At least one person who meets the requirements for an administrator or lead teacher as set forth in this Section shall be on site during the center's operating hours except that a person who is at least 18 years old with at least a high school diploma or its equivalent and who has a minimum of one year's experience working with children in a child care center may be on duty at the beginning or end of the operating day provided that:

(1) No more than 10 children are present.
(2) The staff person has worked in that center for at least three months.
(3) The staff person knows and can apply the center's operating policies and emergency procedures.

(c) At least one person who meets the requirements for a lead teacher shall be responsible for each group of children as defined in Rule .0102 of this Chapter except as provided in Paragraph (b) of this Rule. This requirement may be met by having one or more persons who meet the requirements for a lead teacher responsible for the same group of children. Each lead teacher shall be responsible for only one group of children at a time. Each group of children shall have a lead teacher in attendance for at least two-thirds of the total daily hours of operation, based on a normal working schedule and may include times when the lead teacher may not be in attendance due to circumstances such as illness or vacation.

(d) A teacher is a person who is responsible to the lead teacher and assists with planning and implementing the daily program.

(e) No aide or aides shall have responsibility for a group of children except as provided in Paragraph (b) of this Rule.

(f) Children shall be adequately supervised at all times. Adequate supervision shall mean that:

(1) Staff must be positioned in the indoor and outdoor environment to maximize their ability to hear or see the children at all times and render immediate assistance;

(2) Staff must interact with the children while moving about the indoor or outdoor area;

(3) Staff must know where each child is located and be aware of children's activities at all times;

(4) Staff must provide supervision appropriate to the individual age, needs and capabilities of each child; and

(5) All of the conditions in this Paragraph shall apply except when emergencies necessitate that direct supervision is impossible for brief periods of time. Documentation of emergencies shall be maintained and available for review by Division representatives upon request.

(g) Nothing contained in this Rule shall be construed to preclude a "qualified person with a disability," as defined by G.S. 168A-3(9), or a "qualified individual with a disability," as defined by the Americans With Disabilities Act at 42 U.S.C. §12111(8), from working in a licensed child care facility.

(h) For groups of children aged two years or older, the staff/child ratio during nap time is considered in compliance if at least one person is either in each room or is visually supervising all the children and if the total number of required staff are on the premises and within calling distance of the rooms occupied by children.

(i) When a child is sleeping, bedding or other objects shall not be placed in a manner that covers the child's face.

History Note: Authority G.S. 110-85(1); 110-91(7),(8); 143B-168.3;
Eff. July 1, 1988;
Amended Eff. July 1, 2012; May 1, 2004; July 1, 1998; January 1, 1996; October 1, 1991; November 1, 1989.

SECTION .0800 - HEALTH STANDARDS FOR CHILDREN

10A NCAC 09 .0801 APPLICATION FOR ENROLLMENT

(a) Each child in care shall have an individual application for enrollment completed and signed by the child's parent, legal guardian, or full-time custodian.

(1) The completed, signed application shall be on file in the center on the first day the child attends and shall remain on file until the child is no longer attending.

(2) The completed application shall include emergency medical information as specified in Rule .0802(b) of this Section.

(3) The completed application shall give the child's full name and indicate the name the child is to be called. In addition, the application shall include the child's date of birth and any allergies, particular fears, or unique behavior characteristics that the child has.

(4) The application shall include the names of individuals to whom the center may release the child as authorized by the person who signs the application.

(b) Each child's application shall be readily available and easily accessible to caregiving staff during the time the children are present.

History Note: Authority G.S. 110-91(9); 143B-168.3;
Eff. January 1, 1986;
Amended Eff. November 1, 1989.

10A NCAC 09 .0802 EMERGENCY MEDICAL CARE

(a) Each child care center shall have a written plan which assures that emergency medical care is available or can be obtained for children. The plan shall be reviewed during staff orientation with new staff and with all staff at least twice each year. This plan shall give the procedures to be followed to assure that any child who becomes ill or is injured and requires medical attention while at the center, or while participating in any activity provided or sponsored by the center, receives appropriate medical attention. The following information shall be included in the center's emergency medical care plan:

(1) The name, address, and telephone number of a health care professional, community clinic, or local health department that is available to provide medical consultation;

(2) The name, address, and telephone number of the emergency room to be used when the parent's or family's health care professional cannot be reached or when transporting the ill or injured child to the person's preferred hospital could result in serious delay in obtaining medical attention;

(3) Designation of a means of transportation always available for use in the event of a medical emergency;

(4) The name of the person, and his or her alternate, at the center, responsible for determining which of the following is needed, carrying out that plan of action, and assuring that appropriate medical care is given:

(A) Simple first aid given at the center for an injury or illness needing only minimal attention;

(B) Advice from previously identified medical consultant in order to decide if care is to be given at the center or if the ill or injured child is to be transported to a designated medical resource; or

(C) Immediate transportation of the child to a designated medical resource for appropriate treatment;

(5) The person(s) at the center responsible for:

(A) Assuring that the signed authorization described in Paragraph (c) of this Rule is taken with the ill or injured child to the medical facility;

(B) Accompanying the ill or injured child to the medical facility;

(C) Notifying a child's parents or emergency contact person about the illness or injury and where the child has been taken for treatment;

(D) Notifying the medical facility about the ill or injured child being transported for treatment; and

(E) Obtaining substitute staff, if needed, to maintain required staff/child ratio and adequate supervision of children who remain in the center; and

(6) A statement giving the location of the telephone located on the premises which is in good working condition and is always available for use in case of emergency. Telephone numbers for the fire department, law enforcement office, emergency medical service, and poison control center shall be posted within sight of the telephone. A telephone located in an office in the center that is sometimes locked during the time the children are present shall not be designated for use in an emergency.

(b) Emergency medical care information shall be on file for each individual child. That information shall include the name, address, and telephone number of the parent or other person to be contacted in case of an emergency, the responsible party's choice of health care professional and preferred hospital; any chronic illness the individual has and any medication taken for that illness; and any other information that has a direct bearing on assuring safe medical treatment for the child. This emergency medical care information shall be on file in the center on the child's first day of attendance and shall be updated as changes occur and at least annually.

(c) Each child's parent, legal guardian, or full-time custodian shall sign a statement authorizing the center to obtain medical attention for the child in an emergency. That statement shall be on file on the first day the child attends the center. It shall be easily accessible to staff so that it can be taken with the child whenever emergency medical treatment is necessary.

(d) An incident report shall be completed each time a child receives medical treatment by a health care professional, community clinic, or local health department, as a result of an incident occurring while the child is at the child care center. This incident report shall include:

(1) the child's name, date and time of incident, part of body injured, type of injury,

(2) the names of adult witnesses to incident,

(3) a description of how and where incident occurred,

(4) the piece of equipment involved (if any),

(5) any treatment received, and

(6) the steps taken to prevent reoccurrence.

This report shall be signed by the person completing it and by the parent, and maintained in the child's file. A copy of the incident report shall be mailed to a representative of the Division within seven calendar days after treatment.

(e) An incident log shall be completed any time an incident report is completed. This log shall be cumulative and maintained in a separate file and shall be available for review by a representative of the Division. This log shall be completed on a form provided by the Division.

History Note: Authority G.S. 110-85; 110-91(1),(9); 143B-168.3;
Eff. January 1, 1986;
Amended Eff. July 1, 2010; July 1, 1998; January 1, 1996; October 1, 1991; November 1, 1989.

10A NCAC 09 .0803 ADMINISTERING MEDICATION

The following provisions apply to the administration of medication in child care centers:

(1) No prescription or over-the-counter medication and no topical, non-medical ointment, repellent, lotion, cream or powder shall be administered to any child:
- (a) without written authorization from the child's parent;
- (b) without written instructions from the child's parent, physician or other health professional;
- (c) in any manner not authorized by the child's parent, physician or other health professional;
- (d) after its expiration date; or
- (e) for non-medical reasons, such as to induce sleep.

(2) Prescribed medications:
- (a) shall be stored in the original containers in which they were dispensed with the pharmacy labels specifying:
  - (i) the child's name;
  - (ii) the name of the medication or the prescription number;
  - (iii) the amount and frequency of dosage;
  - (iv) the name of the prescribing physician or other health professional; and
  - (v) the date the prescription was filled; or
- (b) if pharmaceutical samples, shall be stored in the manufacturer's original packaging, shall be labeled with the child's name, and shall be accompanied by written instructions specifying:
  - (i) the child's name;
  - (ii) the names of the medication;
  - (iii) the amount and frequency of dosage;
  - (iv) the signature of the prescribing physician or other health professional; and
  - (v) the date the instructions were signed by the physician or other health professional; and
- (c) shall be administered only to the child for whom they were prescribed.

(3) A parent's written authorization for the administration of a prescription medication described in Item (2) of this Rule shall be valid for the length of time the medication is prescribed to be taken.

(4) Over-the-counter medications, such as cough syrup, decongestant, acetaminophen, ibuprofen, topical antibiotic cream for abrasions, or medication for intestinal disorders shall be stored in the manufacturer's original packaging on

which the child's name is written or labeled and shall be accompanied by written instructions specifying:

(a) the child's name;
(b) the names of the authorized over-the-counter medication;
(c) the amount and frequency of the dosages;
(d) the signature of the parent, physician or other health professional; and
(e) the date the instructions were signed by the parent, physician or other health professional.

The permission to administer over-the-counter medications is valid for up to 30 days at a time, except as allowed in Items (6), (7), (8) and (9) of this Rule. Over-the-counter medications shall not be administered on an "as needed" basis, other than as allowed in Items (6), (7), (8) and (9) of this Rule.

(5) When questions arise concerning whether any medication should be administered to a child, the caregiver may decline to administer that medication without signed, written dosage instructions from a licensed physician or authorized health professional.

(6) A parent may give a caregiver standing authorization for up to six months to administer prescription or over-the-counter medication to a child, when needed, for chronic medical conditions and for allergic reactions. The authorization shall be in writing and shall contain:

(a) the child's name;
(b) the subject medical conditions or allergic reactions;
(c) the names of the authorized over-the-counter medications;
(d) the criteria for the administration of the medication;
(e) the amount and frequency of the dosages;
(f) the manner in which the medication shall be administered;
(g) the signature of the parent;
(h) the date the authorization was signed by the parent; and
(i) the length of time the authorization is valid, if less than six months.

(7) A parent may give a caregiver standing authorization for up to 12 months to apply over-the-counter, topical ointments, topical teething ointment or gel, insect repellents, lotions, creams, and powders --- such as sunscreen, diapering creams, baby lotion, and baby powder --- to a child, when needed. The authorization shall be in writing and shall contain:

(a) the child's name;
(b) the names of the authorized ointments, repellents, lotions, creams, and powders;
(c) the criteria for the administration of the ointments, repellents, lotions, creams, and powders;
(d) the manner in which the ointments, repellents, lotions, creams, and powders shall be applied;
(e) the signature of the parent;
(f) the date the authorization was signed by the parent; and
(g) the length of time the authorization is valid, if less than 12 months.

(8) A parent may give a caregiver standing authorization to administer a single weight-appropriate dose of acetaminophen to a child in the event the child has a

fever and a parent cannot be reached. The authorization shall be in writing and shall contain:

(a) the child's name;
(b) the signature of the parent;
(c) the date the authorization was signed by the parent;
(d) the date that the authorization ends or a statement that the authorization is valid until withdrawn by the parent in writing.

(9) A parent may give a caregiver standing authorization to administer an over-the-counter medication as directed by the North Carolina State Health Director or designee, when there is a public health emergency as identified by the North Carolina State Health Director or designee. The authorization shall be in writing, may be valid for as long as the child is enrolled, and shall contain:

(a) the child's name;
(b) the signature of the parent;
(c) the date the authorization was signed by the parent; and
(d) the date that the authorization ends or a statement that the authorization is valid until withdrawn by the parent in writing.

(10) Pursuant to G.S. 110-102.1A, a caregiver may administer medication to a child without parental authorization in the event of an emergency medical condition when the child's parent is unavailable, providing the medication is administered with the authorization and in accordance with instructions from a bona fide medical care provider.

(11) A parent may withdraw his or her written authorization for the administration of medications at any time in writing.

(12) Any medication remaining after the course of treatment is completed or after authorization is withdrawn shall be returned to the child's parents. Any medication the parent fails to retrieve within 72 hours of completion of treatment, or withdrawal of authorization, shall be discarded.

(13) Any time prescription or over-the-counter medication is administered by center personnel to children receiving care, including any time medication is administered in the event of an emergency medical condition without parental authorization as permitted by G.S. 110-102.1A, the child's name, the date, time, amount and type of medication given, and the name and signature of the person administering the medication shall be recorded. This information shall be noted on a medication permission slip, or on a separate form developed by the provider which includes the required information. This information shall be available for review by a representative of the Division during the time period the medication is being administered and for at least six months after the medication is administered. No documentation shall be required when items listed in Item (7) of this Rule are applied to children.

History Note: Authority G.S. 110-91(1),(9); 143B-168.3;
Eff. January 1, 1986;
Amended Eff. May 1, 2004; April 1, 2001; July 1, 1998; January 1, 1996.

10A NCAC 09 .0804 INFECTIOUS AND CONTAGIOUS DISEASES

(a) Centers may provide care for a mildly ill child who has a Fahrenheit temperature of less than 100 degrees axillary, or 101 degrees orally, and who remains capable of participating in routine group activities; and the child shall not have any of the following:

(1) the sudden onset of diarrhea characterized by an increased number of bowel movements compared to the child's normal pattern and with increased stool water;
(2) two or more episodes of vomiting within a 12 hour period;
(3) a red eye with white or yellow eye discharge, until 24 hours after treatment has started;
(4) scabies or lice;
(5) known chicken pox or a rash suggestive of chicken pox;
(6) tuberculosis, until a health professional states that the child is not infectious;
(7) strep throat, until 24 hours after treatment has started;
(8) pertussis, until five days after treatment has started;
(9) hepatitis A virus infection, until one week after onset of illness or jaundice;
(10) impetigo, until 24 hours after treatment has started; or
(11) a physician's or other health professional's written order that the child be separated from other children.

(b) Centers that choose to provide care for mildly ill children shall:

(1) follow all procedures to prevent the spread of communicable diseases described in 15A NCAC 18A .2800, "Sanitation of Child Care Centers", as adopted by the Commission for Public Health;
(2) separate from the other children any child who becomes ill while in care or who is suspected of having a communicable disease or condition other than as described in Paragraph (a) of this Rule until the child leaves the center;
(3) notify all parents at enrollment that the center will be providing care for mildly ill children;
(4) notify the parent of any child who becomes ill or who is suspected of being ill with a communicable condition other than as described in Paragraph (a) of this Rule that the child is ill and shall leave the center;
(5) notify the parent of any sick child in care if the child's condition worsens while the child is in care.

History Note: Authority G.S. 110-91(1); 143B-168.3;
Eff. January 1, 1986;
Amended Eff. December 1, 2014; July 1, 1998; November 1, 1991; November 1, 1989.

10A NCAC 09 .0805 SANITARY FOOD SERVICE

History Note: Authority G.S. 110-91(1); 143B-168.3;
Eff. January 1, 1986;
Amended Eff. November 1, 1989;
Repealed Eff. December 1, 2007.

10A NCAC 09 .0806 TOILETING, CLOTHING AND LINENS

(a) Diapers will be changed whenever they become soiled or wet and not on a shift basis.

(b) There must be clean clothes available so that when the clothes worn by a child becomes wet or soiled the child has clean clothes to put on. The change of clothing may be provided by the center or by the child's parents.

(c) A supply of clean linen must be on hand so that linens can be changed whenever they become soiled or wet.

(d) Staff shall not force children to use the toilet and staff shall consider the developmental readiness of each individual child during toilet training.

History Note: Authority G.S. 110-91(1); 143B-168.3;
Eff. January 1, 1986;
Amended Eff. July 1, 1998; November 1, 1989.

SECTION .0900 - NUTRITION STANDARDS

10A NCAC 09 .0901 GENERAL NUTRITION REQUIREMENTS

(a) Meals and snacks served to children in a child care center shall comply with the Meal Patterns for Children in Child Care Programs from the United States Department of Agriculture (USDA) which are based on the recommended nutrient intake judged by the National Research Council to be adequate for maintaining good nutrition. The types of food, number and size of servings shall be appropriate for the ages and developmental levels of the children in care. The Meal Patterns for Children in Child Care Programs are incorporated by reference and include subsequent amendments. A copy of the Meal Patterns for Children in Child Care Programs is available free of charge from the Division at the address in Rule .0102(1) of this Chapter.

(b) Menus for nutritious meals and snacks shall be planned at least one week in advance. At least one dated copy of the current week's menu shall be posted where it can be seen easily by parents and food preparation staff when food is prepared or provided by the center, except in centers with a licensed capacity of 3 to 12 children located in a residence. A variety of food shall be included in meals and snacks. Any substitution shall be of comparable food value and shall be recorded on the menu

(c) When children bring their own food for meals or snacks to the center, if the food does not meet the nutritional requirements specified in Paragraph (a) of this Rule, the center must provide additional food necessary to meet those requirements unless the child's parent or guardian opts out of the supplemental food provided by the center as set forth in G.S.110-91(2)h.1. A statement acknowledging the parental decision to opt out of the supplemental food provided by the center signed by the child's parent or guardian shall be kept on file at the center. Opting out means that the center will not provide any food or drink so long as the child's parent or guardian provides all meals, snacks, and drinks scheduled to be served at the center's designated times. If the child's parent or guardian has opted out but does not provide all food and drink for the child, the center shall provide supplemental food and drink as if the child's parent or guardian had not opted out of the supplemental food program.

(d) Drinking water must be freely available to children of all ages. Drinking fountains or individual drinking utensils shall be provided. When a private water supply is used, it must be tested by and meet the requirements of the Commission for Public Health.

(e) The child care provider will provide only the following beverages:

(1) breast milk;
(2) formula;
(3) water;
(4) unflavored whole milk, for children ages 12-24 months;
(5) unflavored skim or lowfat milk for children two years old and older; or
(6) 100 percent fruit juice, limited to 6 ounces per day.

(f) Children's special diets or food allergies shall be posted in the food preparation area and in the child's eating area.

(g) The food required by special diets for medical, religious or cultural reasons, may be provided by the center or may be brought to the center by the parents. If the diet is prescribed by a health care professional, a statement signed by the health care professional shall be on file at the center and written instructions shall be provided by the child's parent, health care professional, or a licensed dietitian/nutritionist. If the diet is not prescribed by a health care professional, written instructions shall be provided by the child's parent and shall be on file at the center.

(h) Food that does not meet the nutritional requirements specified in Paragraph (a) of this Rule, such as cookies, chips, donuts, etc., shall be available only for special occasions such as holidays, birthdays, and other celebrations.

(i) Staff shall role model appropriate eating behaviors by consuming only food or beverages that meet the nutritional requirements specified in Paragraph (a) of this Rule in the presence of children in care.

(j) Parents shall be allowed to provide breast milk for their children. Accommodations for breastfeeding mothers shall be provided that include seating and an electrical outlet in a place other than a bathroom

that is shielded from view by staff and the public which may be used by mothers while they are breastfeeding or expressing milk.

History Note: *Authority G.S. 110-85; 110-91(2); 143B-168.3;*
Eff. January 1, 1986;
Amended Eff. December 1, 2012; July 1, 2010; July 1, 1998; October 1, 1991; November 1, 1989.

10A NCAC 09 .0902 GENERAL NUTRITION REQUIREMENTS FOR INFANTS

(a) The parent or health care provider of each child under 15 months of age shall provide the center an individual written feeding schedule for the child. This schedule must be followed at the center. This schedule must include the child's name, be signed by the parent or health care provider, and be dated when received by the center. Each infant's schedule shall be modified in consultation with the child's parent or health care provider to reflect changes in the child's needs as he or she develops. The feeding instructions for each infant shall be posted for quick reference by the caregivers, except in centers licensed for three to 12 children located in a residence.

(b) Each infant will be held for bottle feeding until able to hold his or her own bottle. Bottles will not be propped. Each child will be held or placed in feeding chairs or other age-appropriate seating apparatus to be fed.

(c) Infants shall not be served juice in a bottle without a prescription or written statement on file from a health care professional or licensed dietitian/nutritionist.

History Note: *Authority G.S. 110-85; 110-91(2); 143B-168.3;*
Eff. January 1, 1986;
Amended Eff. December 1, 2012; July 1, 1998; October 1, 1991; November 1, 1989.

10A NCAC 09 .0903 REQUIREMENTS FOR CHILDREN AGED 24 MONTHS AND OLDER

Meals and snacks shall be planned according to the number of hours a child is in the center. These rules apply in all situations except during sleeping hours and nighttime care:

(1) For preschool-aged children in the center at least two hours but less than four hours, and for all school-aged children, one snack shall be provided unless the child is present during the time the center is serving a meal, in which case, a meal shall be provided.
(2) For children in the center at least four hours, but less than six hours, one meal shall be provided equal to at least one-third of the child's daily food needs.
(3) For children in the center at least six hours, but less than twelve hours, two meals and one snack or two snacks and one meal shall be provided equal to at least one-half of the child's daily food needs.
(4) For children in the center more than twelve hours, two snacks and two meals shall be provided which are equal to at least two-thirds of the child's daily food needs.
(5) No child shall go more than four hours without a meal or a snack being provided.
(6) A nutritious evening meal must be provided to each child who receives second shift care (from approximately 3:00 p.m. to 11:00 p.m.) and who is present when the regularly scheduled evening meal is served.

History Note: *Authority G.S. 110-91(2); 143B-168.3;*
Eff. January 1, 1986;
Amended Eff. November 1, 1989; January 1, 1987.

SECTION .1000 - TRANSPORTATION STANDARDS

10A NCAC 09 .1001 SEAT RESTRAINTS

(a) Each adult and child shall be restrained with an individual seat belt or appropriate child restraint device when the vehicle is in motion.
(b) Only one person shall occupy each seat belt or child restraint device.
(c) Children shall not occupy the front seat if the vehicle is equipped with an operational passenger side airbag.
(d) Except for when children under two years of age are transported, the restraint requirements in this Rule do not apply to vehicles not required by federal or state law to be equipped with seat restraints.

History Note: Authority G.S. 110-91; 110-91(13); 143B-168.3;
Eff. January 1, 1986;
Amended Eff. July 1, 1998; July 1, 1995; November 1, 1989; July 1, 1988;
January 1, 1987.

10A NCAC 09 .1002 SAFE VEHICLES

(a) All vehicles used to transport children shall be in good repair, safe, and free of hazards such as torn upholstery that allows children to remove the interior padding or hurt themselves, broken windows, and holes in the floor or roof.
(b) Vehicles shall be insured for liability as required by State laws governing transportation of passengers.
(c) Vehicles used to transport children in snowy, icy, and other hazardous weather conditions must be equipped with snow tires, chains, or other safety equipment as appropriate.

History Note: Authority G.S. 110-91; 110-91(13); 143B-168.3;
Eff. January 1, 1986;
Amended Eff. July 1, 1998.

10A NCAC 09 .1003 SAFE PROCEDURES

(a) The driver or other adult in the vehicle shall assure that all children are transferred to a responsible person who is indicated on the child's application as specified in Rule .0801(a)(4) of this Chapter or as authorized by the parent.
(b) Each center shall establish safe procedures for pick-up and delivery of children. These procedures shall be communicated to parents, and a copy shall be posted in the center where they can be seen by the parents. Centers licensed for three to 12 children located in a residence are not required to post these procedures.
(c) A first-aid kit shall be located in each vehicle used on a regular basis to transport children. The first-aid kit shall be firmly mounted or secured if kept in the passenger compartment.
(d) For each child being transported, emergency and identifying information shall be in the vehicle.
(e) The driver shall:
(1) be 21 years old or a licensed bus driver;

(2) have a valid driver's license of the type required under North Carolina Motor Vehicle Law for the vehicle being driven or comparable license from the state in which the driver resides; and

(3) have no convictions of Driving While Impaired (DWI) or any other impaired driving offense within the previous three years.

(f) Each person in the vehicle shall be seated in the manufacturer's designated areas. No child shall ride in the load carrying area or floor of a vehicle.

(g) Children shall not be left in a vehicle unattended by an adult.

(h) Children shall be loaded and unloaded from curbside or in a safe, off-street area, out of the flow of traffic, so that they are protected from all traffic hazards.

(i) Before children are transported, written permission from a parent shall be obtained that shall include when and where the child is to be transported, expected time of departure and arrival, and the transportation provider.

(j) Parents may give standing permission, valid for up to 12 months, for routine transport of children to and from the center.

(k) When children are transported, staff in each vehicle shall have a functioning cellular telephone or other functioning two-way voice communication device with them for use in an emergency. Staff shall not use cellular telephones or other functioning two-way voice communication devices except in the case of an emergency and only when the vehicle is parked in a safe location.

(l) For routine transport of children to and from the center, staff shall have a list of the children being transported. Staff members shall use this list to check attendance as children board the vehicle and as they depart the vehicle. A list of all children being transported shall also be available at the center.

History Note: Authority G.S. 110-85; 110-91; 110-91(13); 143B-168.3;
Eff. January 1, 1986;
Amended Eff. December 1, 2014; November 1, 2007; July 1, 1998; October 1, 1991; January 1, 1987.

10A NCAC 09 .1004 STAFF/CHILD RATIOS

(a) When children aged two years and older are being transported, the staff/child ratios required for compliance with child care center regulations as set forth in Section .0700 of this Subchapter shall apply.

(b) When three or more children under the age of two years are being transported, the staff/child ratio requirements for child care centers set forth in Section .0700 of this Subchapter for children under age two shall be maintained. The driver shall not be counted in the staff/child ratio.

History Note: Authority G.S. 110-91(13); 143B-168.3;
Eff. January 1, 1986;
Amended Eff. July 1, 1998; July 1, 1988.

SECTION .1300 - BUILDING CODE REQUIREMENTS FOR CHILD CARE CENTERS

10A NCAC 09 .1301 BUILDING CODE REQUIREMENTS IN OPERATION PRIOR TO 4/1/72

For the purpose of carrying out the provisions of G.S. 110-91(4), the North Carolina Building Code standards for child care centers in operation prior to April 1, 1972 developed by the Building Code Council are hereby incorporated by reference by the Child Care Commission and do not include any subsequent amendments. This Rule does not apply to small group facilities described in Rule .1303 of this Section. A copy of the North Carolina Building Code standards is on file at the Division of Child Development located at the address given in Rule .0102 of this Subchapter and will be available for public inspection during regular business hours.

History Note: Authority G.S. 110-91(4); 143B-168.3;
Eff. January 1, 1986;
Amended Eff. July 1, 1998.

10A NCAC 09 .1302 BUILDING CODE REQUIREMENTS FOR CHILD CARE CENTERS

For the purpose of carrying out the provision of G.S. 110-91(4), the North Carolina Building Code standards for child care centers originally in operation on or after April 1, 1972 developed by the Building Code Council are hereby incorporated by reference by the Child Care Commission and include subsequent amendments. This Rule does not apply to small group facilities described in Rule .1303 of this Section. A copy of the North Carolina Building Code standards is on file at the Division of Child Development located at the address given in Rule .0102 of this Subchapter and will be available for public inspection during regular business hours.

History Note: Authority G.S. 110-91(4); 143B-168.3;
Eff. January 1, 1986;
Amended Eff. July 1, 1998; January 1, 1987.

10A NCAC 09 .1303 BUILDING CODE REQUIREMENTS FOR SMALL GROUP FACILITIES LICENSED PRIOR TO 7/1/88

For the purpose of carrying out the provisions of G.S. 110-91(4), the North Carolina Building Code standards for small group day care facilities (6-15 children) licensed prior to July 1, 1988 developed by the Building Code Council are hereby incorporated by reference by the Child Care Commission and do not include any subsequent amendments. A copy of the North Carolina Building Code standards is on file at the Division of Child Development located at the address given in Rule .0102 of this Subchapter and will be available for public inspection during regular business hours.

History Note: Authority G.S. 110-91(4); 143B-168.3;
Eff. January 1, 1986;
Amended Eff. July 1, 1998.

10A NCAC 09 .1304 REQUIREMENTS FOR CHILD CARE CENTERS LICENSED IN A RESIDENCE

Licensed child care centers in an occupied residence shall comply with the North Carolina Building Code developed by the Building Code Council which are hereby incorporated by reference and include subsequent amendments. For purposes of this Rule, licensed child care centers in an occupied residence include centers that are licensed for three to 12 children when any preschool-aged children are in care, or for three to 15 children when only school-aged children are in care. A copy of the North Carolina Building Code standards is on file at the Division of Child Development located at the address given in Rule .0102 of this Subchapter and will be available for public inspection during regular business hours.

History Note: Authority G.S. 110-91(4); 143B-168.3;
Eff. July 1, 1998;
Amended Eff. April 1, 2001.

SECTION .1400 - SPACE REQUIREMENTS

10A NCAC 09 .1401 INDOOR SPACE

(a) Indoor space on which licensed capacity is based will be referred to as "primary space". The licensing consultant will measure all primary space that will routinely be used by children who attend the center, except that the following will not be included: closets, hallways, storage areas, kitchens, bathrooms, utility areas; thresholds, foyers, space or rooms used for administrative activities or space occupied by adult-sized desks, cabinets, file cabinets, etc.; single-use rooms, including music rooms, isolation/sick rooms, gymnasiums, dining rooms, sleep rooms; any floor space occupied by or located under equipment, furniture, or materials not used by children; and any floor space occupied by or located under built-in equipment or furniture.

(1) Any single-use room used by the children for sleeping only, either during nap time or any other time, will also be measured by the Division's representative to assure that the available floor space provides 200 cubic feet of air space per child for the maximum number of children who will sleep in that room at any time.

(2) All measurements will be rounded off to the nearest inch.

(3) Total space on which the licensed capacity is based will be the sum of the measurements of all primary space to be used by the children. However, no room will routinely be occupied by more children than the primary space in that room will accommodate at 25 square feet of space per child. This is not meant to preclude grouping children together periodically for special activities, such as to view films or slides; for special presentations, such as puppet or magic shows, a special story teller, a discussion of safety practices by a fireman or nurse, etc. However, care must be taken to assure that during such special activities, the room used is not so overcrowded that the children and staff would be endangered in case of a fire or other emergency necessitating evacuation of the center.

(b) For centers with a licensed capacity of three to 12 children located in a residence, the dining area of a kitchen may be counted if it is routinely used for children's activities in addition to eating.

(c) Paragraph (a) of this Rule shall apply only to child care centers initially licensed on or after February 1, 1985.

History Note: Authority G.S. 110-91(6); 143B-168.3;
Eff. January 1, 1986;
Amended Eff. July 1, 1998; November 1, 1989.

10A NCAC 09 .1402 OUTDOOR SPACE

(a) When a center is licensed for six to twenty-nine children, inclusive, there shall be 75 square feet per child outdoor play area for the total number of children for which the center is licensed. In addition, the total number of children on the playground shall not exceed the number the space will accommodate at 75 square feet per child.

(b) When a center is licensed for 30 or more children, there shall be 75 square feet per child of outdoor play area for at least one-half of the total number for which the center is licensed, provided that the minimum amount of space on the outdoor play area shall be enough to accommodate at least 30 children.

(c) Paragraphs (a) and (b) of this Rule apply only to child care centers initially licensed after April 1, 1984.
(d) The outdoor play area shall provide an area that is shaded by a building, awnings, trees, or other methods.
(e) The outdoor area shall be designed so that staff are able to see and easily supervise the entire area.

History Note: Authority G.S. 110-85(1),(2); 110-91(6); 143B-168.3;
Eff. January 1, 1986;
Amended Eff. January 1, 1996.

10A NCAC 09 .1403 AQUATIC ACTIVITIES
(a) This Rule applies to children and staff in child care centers that participate in aquatic activities.
(b) The requirements in this Rule apply to aquatic activities, which are defined as activities that take place in, on, or around a body of water such as swimming, swimming instruction, wading, visits to water parks, and boating. Aquatic activities do not include water play activities such as water table play, slip and slide activities, or playing in sprinklers.
(c) For every 25 children in care participating in aquatic activities, there shall be at least one person who has a life guard training certificate issued by the Red Cross or other training determined by the Division to be equivalent to the Red Cross training, appropriate for both the type of body of water and type of aquatic activities. These lifeguards shall not be counted in the required staff-child ratios referenced in Paragraph (d) of this Rule.
(d) Children under the age of three shall not participate in aquatic activities except, to the extent necessary, to implement any child's Individualized Family Service Plan (IFSP) or Individualized Education Program (IEP).
(e) The following staff-child ratios shall be maintained whenever children participate in aquatic activities:

Age of Children	Ratio Staff/Children
3 to 4 Years	1/8
4 to 5 Years	1/10
5 Years and Older	1/13

Notwithstanding the staff-child ratios, at no time shall there be fewer than two staff members supervising the aquatic activity.
(f) Children shall be adequately supervised by center staff at all times while participating in aquatic activities. Adequate supervision means that half of the center staff needed to meet the staff-child ratios in Paragraph (d) of this Rule is in the water and the other half is out of the water. If an uneven number of staff are needed to meet the required staff-child ratios, the majority shall be in the pool. Staff shall be stationed in pre-assigned areas that will enable them at all times to hear, see, and respond quickly to the children who are in the water and children who are out of the water. Children shall not enter the water before center staff are stationed in their pre-assigned areas. Center staff shall devote their full attention to supervising the children in their pre-assigned areas of coverage and shall communicate with one another about children moving from one area to another area.

(g) Prior to children participating in aquatic activities, the center shall develop policies that address the following:

(1) aquatic safety hazards;
(2) pool and aquatic activity area supervision including restroom or changing room use;
(3) how discipline is handled during aquatic activities; and
(4) the facility's specific field trip and transportation policies and procedures.

(h) Before staff first supervise children on an aquatic activity, and annually thereafter, staff shall sign and date statements that they have reviewed:

(1) the center policies as specified in Paragraph (f) of this Rule;
(2) any specific guidelines provided by the pool operator or other off-site aquatic facility; and
(3) the requirements of this Rule.

The current statement shall be maintained in the staff person's personnel file for one year or until it is superseded by a new statement.

(i) Any outdoor swimming pool which is located on the child care facility premises shall be enclosed by a fence and shall be separated from the remaining outdoor play area by that fence.

(j) Swimming pool safety rules shall be posted in a prominent place visible to children and staff for any swimming pool located on the child care facility premises. These rules shall state:

(1) the location of a first-aid kit;
(2) that only water toys are permitted;
(3) that children shall not run or push one another;
(4) that swimming is allowed only when an adult is present; and
(5) that glass objects are not allowed.

(k) All swimming pools used by children shall meet the "Rules Governing Public Swimming Pools" in accordance with 15A NCAC 18A .2500 which are incorporated by reference, including subsequent amendments. A copy of these Rules is on file with the Division of Child Development, 319 Chapanoke Road, Raleigh, NC 27603,or may be obtained at no cost by writing the North Carolina Division of Environmental Health, 1630 Mail Service Center, Raleigh, NC 27699-1630.

(l) Children shall wear an age or size appropriate life jacket whenever they participate in boating, rafting or canoeing activities.

History Note: Authority G.S. 110-85; 110-88(5); 110-91(1),(6); 143B-168.3;
Eff. January 1, 1986;
Amended Eff. July 1, 2010; November 1, 2007; January 1, 1996; January 1, 1992; January 1, 1987.

SECTION .1500 - TEMPORARY CARE REQUIREMENTS

10A NCAC 09 .1501 SCOPE
10A NCAC 09 .1502 MEDICAL EXAMINATION
10A NCAC 09 .1503 BEDS, COTS, MATS AND LINENS
10A NCAC 09 .1504 ATTENDANCE RECORDS

History Note: Authority G.S. 110-91; 143B-168.3;
Eff. January 1, 1986;
Amended Eff. November 1, 1989;
Repealed Eff. July 1, 2012.

10A NCAC 09 .1505 BUILDING APPROVAL FOR SCHOOL-AGED CARE
History Note: Authority G.S. 110-92; 143B-168.3;
Eff. January 1, 1986;
Repealed Eff. July 1, 2010.

10A NCAC 09 .1506 OUTDOOR PLAY AREA

History Note: Authority G.S. 110-91; 143B-168.3;
Eff. January 1, 1986;
Amended Eff. November 1, 1989;
Repealed Eff. July 1, 2012.

SECTION .1600 - REQUIREMENTS FOR VOLUNTARY ENHANCED PROGRAM STANDARDS

10A NCAC 09 .1601 ADMINISTRATIVE POLICIES REQUIRED
10A NCAC 09 .1602 OPERATIONAL AND PERSONNEL POLICIES

History Note: Authority G.S. 110-88(7); 143B-168.3;
Eff. January 1, 1986;
Amended Eff. April 1, 1999; January 1, 1991; July 1, 1988;
Repealed Eff. May 1, 2006.

10A NCAC 09 .1603 RESERVED FOR FUTURE CODIFICATION
10A NCAC 09 .1604 SPACE REQUIREMENTS

History Note: Authority G.S. 110-88(7); 143B-168.3;
Eff. January 1, 1986;
Amended Eff. April 1, 2001; July 1, 1998;
Repealed Eff. May 1, 2006.

10A NCAC 09 .1605 RESERVED FOR FUTURE CODIFICATION
10A NCAC 09 .1606 STAFF/CHILD RATIOS

History Note: Authority G.S. 110-88(7); 143B-168.3;
Eff. January 1, 1986;
Amended Eff. January 1, 2006; April 1, 2001; April 1, 1999; August 1, 1990; July 1, 1988;
Repealed Eff. May 1, 2006.

10A NCAC 09 .1607 RESERVED FOR FUTURE CODIFICATION

10A NCAC 09 .1608 RESERVED FOR FUTURE CODIFICATION

10A NCAC 09 .1609 RESERVED FOR FUTURE CODIFICATION

10A NCAC 09 .1610 RESERVED FOR FUTURE CODIFICATION

10A NCAC 09 .1611 RESERVED FOR FUTURE CODIFICATION

10A NCAC 09 .1612 CAREGIVING ACTIVITIES FOR PRESCHOOL-AGED CHILDREN

10A NCAC 09 .1613 PARENT PARTICIPATION

History Note: Authority G.S. 110-88(7); 143B-168.3;
Eff. January 1, 1986;
Amended Eff. April 1, 1999; October 1, 1991; November 1, 1989; July 1, 1988;

Repealed Eff. May 1, 2006.

10A NCAC 09 .1614 RESERVED FOR FUTURE CODIFICATION

10A NCAC 09 .1615 NIGHT CARE

History Note: Authority G.S. 110-88(7); 143B-168.3;
Eff. January 1, 1986;
Amended Eff. January 1, 1991;
Repealed Eff. May 1, 2006.

SECTION .1700 – FAMILY CHILD CARE HOME REQUIREMENTS

10A NCAC 09 .1701 GENERAL PROVISIONS RELATED TO LICENSURE OF HOMES

(a) All family child care homes shall comply with the standards for licensure set forth in this Section. A one- star rated license shall be issued to a family child care home operator who complies with the minimum standards for a license contained in this Section and G.S. 110-91.

(b) An individual who provides care for five hours or more in a week, during planned absences of the operator, shall be at least 21 years old, have a high school diploma or GED, have completed a first aid and cardiopulmonary resuscitation (CPR) course as described in Rule .1705, Subparagraphs (a)(3), (a)(4), (b)(2), and (b)(3) of this Section, have completed a health questionnaire, have proof of negative results of a tuberculosis test completed within 12 months prior to the first day of providing care, submit criminal records check forms as required in 10A NCAC 09 .2702, and annual in-service training as described in Rule .1705(b)(5) of this Section. While the individual provides care at a family child care home, copies of required information shall be on file in the home available for review by the Division.

(c) An individual who provides care for less than five hours in a week, during planned absences of the operator shall meet all requirements listed in Paragraph (b) of this Rule, except the requirements for annual in-service training and a high school diploma or GED. The individual shall be literate.

(d) The operator shall review the appropriate requirements found in this Chapter, including the Emergency Preparedness and Response Plan, and in G.S. Chapter 110, Article 7 with any individuals who are providing care prior to the individual's assuming responsibility for the children. The operator and individual providing care shall sign and date a statement which attests that this review was completed. This statement shall be kept on file in the home available for review by the Division.

(e) An individual who provides care during unplanned absences of the operator, such as medical emergencies, shall be at least 18 years old and submit criminal records check forms as required in 10A NCAC 09 .2702, Paragraph (j). The children of an emergency caregiver shall not be counted in the licensed capacity for the first day of the emergency caregiver's service.

(f) The provisions of G.S. 110-90.2 which exclude persons with certain criminal records or personal habits or behavior which may be harmful to children from operating or being employed in a family child care home are hereby incorporated by reference and shall also apply to any person on the premises with the operator's permission when the children are present. This exclusion shall not apply to parents or other persons who enter the home only for the purpose of performing parental responsibilities; nor does it include persons who enter the home for brief periods for the purpose of conducting business with the operator and who are not left alone with the children.

(g) The parent of a child enrolled in any family child care home subject to regulation under G.S. 110, Article 7 shall be allowed unlimited access to the home during its operating hours for the purposes of contacting the child or evaluating the home and the care provided by the operator. The parent shall notify the operator of his or her presence immediately upon entering the premises.

(h) An operator licensed to care for children overnight may sleep during the nighttime hours when all the children are asleep, provided:

(1) the operator and the children in care, excluding the operator's own children, are on ground level;

(2) the operator can hear and respond quickly to the children if needed; and

(3) a battery operated smoke detector or an electrically operated (with a battery backup) smoke detector is located in each room where children are sleeping.

(i) Each operator shall develop and adopt a written plan of care for completing routine tasks (including running errands, meeting family and personal demands, and attending classes) to ensure that routine tasks shall not interfere with the care of children during hours of operation. The plan shall:

(1) specify typical times for completing routine tasks and include those times on the written schedule, or specify that routine tasks will not occur during hours of operation;

(2) specify the names of any individuals, such as additional caregivers or substitutes, who will be responsible for the care of children when the operator is attending to routine tasks;

(3) specify how the operator shall maintain compliance with transportation requirements specified in 10A NCAC 09 .1723 if children are transported;

(4) specify how parents will be notified when children accompany the operator off premises for routine tasks not specified on the written schedule;

(5) specify any other steps the operator shall take to ensure routine tasks will not interfere with the care of children; and

(6) be given and explained to parents of children in care on or before the first day the child attends the home. Parents shall sign a statement acknowledging the receipt and explanation of the plan. Parents shall also give written permission for their child to be transported by the operator for specific routine tasks that are included on the written schedule. The acknowledgment and written parental permission shall be retained in the child's record as long as the child is enrolled at the home and a copy of each document shall be maintained on file for review by the Division.

(j) If the operator amends the written plan, the operator shall give written notice of the amendment to parents of all enrolled children at least 30 days before the amended plan is implemented. Each parent shall sign a statement acknowledging the receipt and explanation of the amendment. The operator shall retain the acknowledgement in the child's records as long as the child is enrolled in the home and a copy shall be maintained on file for review by the Division.

History Note: Authority G.S. 110-85; 110-86(3); 110-88(1); 110-91; 110-99; 110-105; 143B-168.3;
Eff. January 1, 1986;
Amended Eff. July 1, 2015; May 1, 2013; November 1, 2006; April 1, 2003; April 1, 1999; July 1, 1998; January 1, 1991; January 1, 1990; July 1, 1988; January 1, 1987.

10A NCAC 09 .1702 APPLICATION FOR A LICENSE FOR A FAMILY CHILD CARE HOME

(a) Any person who plans to operate a family child care home (FCCH) shall apply for a license using a form provided by the Division. The form can be found on the Division's website at

http://ncchildcare.dhhs.state.nc.us/general/mb_customerservice.asp. The applicant shall submit the completed application, to the Division that complies with the following:

(1) only one licensed family child care home shall operate at the location address of any home; and

(2) the applicant shall list each location address where a licensed family child care home will operate.

(b) If a family child care home operates at more than one location address by cooperative arrangement among two or more families, the following procedures apply:

(1) one parent whose home is used as a location address shall be designated the coordinating parent and shall co-sign the application with the applicant; and

(2) the coordinating parent shall know the current location address at all times and shall provide the information to the Division upon request.

(c) The applicant shall ensure that the family child care home complies with the following requirements:

(1) single wide manufactured homes are limited to a maximum of three preschool-age children (not more than two may be two years of age or less) and two school-age children;

(2) all children are kept on the ground level with an exit at grade;

(3) all homes are equipped with an electrically operated (with a battery backup) smoke detector, or one electrically operated and one battery operated smoke detector located next to each other;

(4) all homes are provided with at least one five pound 2-A: 10-B: C type extinguisher for every 2,500 square feet of floor area;

(5) heating appliances shall be installed and maintained according to NC Building Code Chapter 603.5.3;

(6) all indoor areas used by children are heated when the temperature is below 65 degrees and ventilated when the temperature is above 85 degrees; and

(7) pipes or radiators that are hot enough to be capable of burning children and are accessible to the children are covered or insulated.

(d) The applicant shall also submit supporting documentation with the application for a license to the Division. The supporting documentation shall include:

(1) a copy of a non-expired qualification letter in accordance with 10A NCAC 09 .2702;

(2) a copy of documentation of completion of a first aid and cardiopulmonary resuscitation (CPR) course;

(3) proof of negative results of the applicant's tuberculosis test completed within the past 12 months;

(4) a completed health questionnaire;

(5) a copy of current pet vaccinations for any pet in the home;

(6) a negative well water bacteriological analysis if the home has a private well;

(7) copies of any inspections required by local ordinances; and

(8) any other documentation required by the Division according to the rules in this Section to support the issuance of a license.

(e) Upon receipt of a complete application and supporting documentation, a Division representative shall make an announced visit to each home. An announced visit is not required

by a Division representative if the applicant is subject to the circumstances in Paragraph (g) of this Rule. The issuance of a license applies as follows:

(1) if all applicable requirements of G.S. 110, Article 7 and this Section are met, a license shall be issued;

(2) if the applicable requirements of G.S. 110, Article 7 and this Section are not met, but the applicant has the potential to comply, the Division representative shall establish with the applicant a time period for the home to achieve compliance. If the Division representative determines that all applicable requirements of G.S. 110, Article 7 and this Section are met within the established time period, a license shall be issued; or

(3) if all applicable requirements of G.S. 110, Article 7 and this Section are not met or cannot be met within the established time, the Division shall deny the application.

(f) The Division shall allow the applicant to operate prior to the Division representative's visit described in Paragraph (e) of this Rule when the applicant is currently licensed as a family child care home operator, needs to relocate and notifies the Division of the relocation, and the Division representative is unable to visit before the relocation occurs. An applicant shall not operate until he or she has received from the Division either temporary permission to operate or a license.

(g) The Secretary may deny the application for the license under the following circumstances:

(1) if any child care facility license previously held by the applicant has been denied, revoked, or summarily suspended by the Division;

(2) if the Division initiated denial, revocation, or summary suspension proceedings against any child care facility license previously held by the applicant and the applicant voluntarily relinquished the license;

(3) during the pendency of an appeal of a denial, revocation, or summary suspension of any other child care facility license held by the applicant;

(4) if the Division determines that the applicant has a relationship with an operator or former operator who previously held a license under an administrative action described in Subparagraphs (g)(1), (2), or (3) of this Rule. As used in this Rule, an applicant has a relationship with a former operator if the former operator would be involved with the applicant's child care facility in one or more of the following ways:

(A) would participate in the administration or operation of the facility;

(B) has a financial interest in the operation of the facility;

(C) provides care to the children at the facility;

(D) resides in the facility; or

(E) would be on the facility's board of directors, be a partner of the corporation, or otherwise have responsibility for the administration of the business;

(5) based on the applicant’s previous non-compliance as an operator with the requirements of G.S. 110, Article 7 or this Chapter;

(6) if abuse or neglect has been substantiated against the applicant or a household member; or

(7) if the applicant is a disqualified child care provider or has a disqualified household member residing in the FCCH.

(h) In determining whether denial of the application for a license is warranted pursuant to Paragraph (g) of this Rule, the Division shall consider:

(1) any documentation provided by the applicant which describes the steps the applicant will take to prevent reoccurrence of noncompliance issues that led to any prior administrative action taken against a license previously held by the applicant;

(2) training certificates or original transcripts for any coursework from a nationally recognized regionally accredited institution of higher learning related to providing quality child care, and that was taken subsequent to any prior administrative action against a license previously held by the applicant. "Nationally recognized" means that every state in this nation acknowledges the validity of the coursework taken at higher education institutions that meet the requirements of one of the accrediting bodies;

(3) proof of employment in a licensed child care facility and references from the administrator or licensee of the child care facility regarding work performance;

(4) documentation of collaboration or mentorship with a licensed child care provider to obtain additional knowledge and experience related to operation of a child care facility; and

(5) documentation explaining relationships with persons meeting the criteria listed in Subparagraph (g)(4) of this Rule.

(i) The license shall not be bought, sold, or transferred from one individual to another.

(j) The license is valid only for the location address listed on it.

(k) The license must be returned to the Division in the event of termination, revocation, suspension, or summary suspension.

(l) A licensee shall notify the Division if a change occurs that affects the information shown on the license.

History Note: Authority G.S. 110-85; 110-88(5); 110-86; 110-91; 110-91(4); 110-93; 110-99; 143B-168.3;
Eff. January 1, 1986;
Amended Eff. March 1, 2014; December 1, 2012; August 1, 2011; July 1, 2010; April 1, 2003; April 1, 2001; July 1, 1998; January 1, 1991; November 1, 1989; January 1, 1987.

10A NCAC 09 .1703 CAREGIVER INTERACTIONS

Caregivers shall relate to children in positive ways by helping them feel welcome and comfortable, treating them with respect, listening to what they say, responding to them with acceptance and appreciation and participating in many activities with the children. For example, caregivers shall:

(1) Make eye contact when speaking to a child;

(2) Actively engage children in conversation to share experiences, ideas and opinions;

(3) Help children develop problem-solving skills; and

(4) Facilitate learning by providing positive reinforcement, encouraging efforts and recognizing accomplishments.

History Note: Authority G.S. 110-85; 110-91(8),(11); 143B-168.3; Eff. July 1, 2010.

10A NCAC 09 .1704 RESERVED FOR FUTURE CODIFICATION

10A NCAC 09 .1705 HEALTH AND TRAINING REQUIREMENTS FOR FAMILY CHILD CARE HOME OPERATORS

(a) Prior to receiving a license, each family child care home operator shall:

(1) Complete and keep on file a health questionnaire which attests to the operator's physical and emotional ability to care for children. The Division may require a written statement or medical examination report signed by a licensed physician or other authorized health professional if there is reason to believe that the operator's health may adversely affect the care of the children based upon observations and complaints made to the Division.

(2) Obtain written proof that he or she is free of active tuberculosis. The results indicating the individual is free of active tuberculosis shall be obtained within 12 months prior to applying for a license.

(3) Complete within 12 months prior to applying for a license a basic first aid course that shall address principles for responding to emergencies, and techniques for handling common childhood injuries, accidents and illnesses such as choking, burns, fractures, bites and stings, wounds, scrapes, bruises, cuts and lacerations, poisoning, seizures, bleeding, allergic reactions, eye and nose injuries and sudden changes in body temperature.

(4) Successfully complete within 12 months prior to applying for a license a course by the American Heart Association or the American Red Cross or other organizations approved by the Division in cardiopulmonary resuscitation (CPR) appropriate for the ages of children in care. Other organizations shall be approved if the Division determines that the courses offered are substantially equivalent to those offered by the American Red Cross. Successfully completed is defined as demonstrating competency, as evaluated by the instructor, in performing CPR. Documentation of successful completion of the course from the American Heart Association, the American Red Cross, or other organization approved by the Division shall be on file in the home.

(b) After receiving a license, an operator shall:

(1) Update the health questionnaire referenced in Paragraph (a) of this Rule annually. The Division may require the operator to obtain written proof that he or she is free of active tuberculosis.

(2) Complete a first aid course as referenced in Paragraph (a) of this Rule. First aid training shall be renewed on or before expiration of the certification or every three years, whichever is less.

(3) Successfully complete a CPR course as referenced in Paragraph (a) of this Rule. CPR training shall be renewed on or before the expiration of the certification, or every two years, whichever is less.

(4) If licensed to care for infants ages 12 months and younger, complete ITS-SIDS training within four months of receiving the license, and complete it again every three years from the completion of previous ITS-SIDS training. Completion of ITS-SIDS training may be included once every three years in the number of hours needed to meet the annual in-service training requirement in Paragraph (b)(5) of this Rule.

(5) Complete 12 clock hours of annual in-service training in the topic areas required by G.S. 110-91(11), except that persons with at least 10 years work experience as a caregiver in a child care arrangement regulated by the Division of Child Development and Early Education shall complete eight clock hours of annual in-service training. Only training which has been approved by the Division as referenced in Rule .0708 of this Chapter shall count toward the required hours of annual in-service training. The operator shall maintain a record of annual in-service training activities in which he or she has participated. The record shall include the subject matter, the topic area in G.S. 110-91(11) covered, the name of the training provider or organization, the date training was provided and the number of hours of training completed. First aid training may be counted no more than once every three years.

(6) Within one year of the effective date of the license, complete the Emergency Preparedness and Response in Child Care training. For the purposes of this Rule, the Emergency Preparedness and Response in Child Care is a training approved by the Division on creating an Emergency Preparedness and Response Plan and practicing, responding to, and recovering from emergencies in child care facilities. Existing operators have two years as of the effective date of this Rule to complete the Emergency Preparedness and Response in Child Care training. Documentation of completion of the training shall be maintained in the operator's personnel file.

(7) Upon completion of the Emergency Preparedness and Response in Child Care training, develop the Emergency Preparedness and Response Plan. The Emergency Preparedness and Response Plan means a written plan that addresses how a child care facility will respond to both natural and man-made disasters, such as fire, tornado, flood, power failures, chemical spills, bomb threats, earthquakes, blizzards, nuclear disaster, or a dangerous person in the vicinity, to ensure the safety and protection of the children and additional caregivers. This Plan must be on a template provided by the Division available at https://rmp.nc.gov/portal/#, completed within four months of completion of the Emergency Preparedness and Response in Child Care training, and available for review. The Plan shall include the following:

(A) written procedures for accounting for all in attendance, including the location of the children, staff, volunteer and visitor attendance lists and the name of the person(s) responsible for bringing the lists in the event of an emergency;

(B) a description for how and when children shall be transported;

(C) methods for communicating with parents and emergency personnel or law enforcement;

(D) a description of how children's nutritional and health needs will be met;

(E) the relocation and reunification process;
(F) emergency telephone numbers;
(G) evacuation diagrams showing how the operator, family members, children and any other individuals who may be present will evacuate during an emergency;
(H) the date of the last revision of the plan;
(I) specific considerations for non-mobile children and children with special needs; and
(J) the location of the Ready to Go File. A Ready to Go File means a collection of information on children, additional caregivers and the facility, to utilize, if an evacuation occurs. The file shall include, but is not limited to, a copy of the Emergency Preparedness and Response Plan, contact information for individuals to pick-up children, each child's Application for Child Care, medication authorizations and instructions, any action plans for children with special health care needs, a list of any known food allergies of children and additional caregiver, additional caregiver contact information, Incident Report forms, an area map, and emergency telephone numbers.

(8) Review the Emergency Preparedness and Response Plan annually or when information in the plan changes, to ensure all information is current.

(9) Review the Family Child Care Home's Emergency Preparedness and Response Plan with additional caregivers during orientation and on an annual basis.

History Note: Authority G.S. 110-85; 110-88; 110-91; 143B-168.3;
Eff. January 1, 1986;
Amended Eff. July 1, 2015; July 1, 2008; May 1, 2004; July 1, 1998; November 1, 1989; January 1, 1987.

10A NCAC 09 .1706 NUTRITION STANDARDS

(a) Meals and snacks served to children in a Family Child Care Home shall comply with the Meal Patterns for Children in Child Care Programs from the United States Department of Agriculture (USDA) which are based on the recommended nutrient intake judged by the National Research Council to be adequate for maintaining good nutrition. The types of food, number and size of servings shall be appropriate for the ages and developmental levels of the children in care. The Meal Patterns for Children in Child Care Programs are incorporated by reference and include subsequent amendments. A copy of the Meal Patterns for Children in Child Care Programs is available free of charge from the Division at the address in Rule .0102(1) of this Chapter.

(b) When children bring their own food for meals and snacks to the program, if the food does not meet the nutritional requirements specified in Paragraph (a) of this Rule, the operator must provide the additional food necessary to meet those requirements unless the child's parent or guardian opts out of the supplemental food provided by the operator as set forth in G.S. 110-91(2) h.1. A statement acknowledging the parental decision to opt out of the supplemental food provided by the operator signed by the child's parent or guardian shall be on file at the home. Opting out means that the operator will not provide any food or drink so long as the child's parent or guardian provides all meals, snacks, and drinks scheduled to be served at the program's

designated times. If the child's parent or guardian has opted out but does not provide all food and drink for the child, the program shall provide supplemental food and drink as if the child's parent or guardian had not opted out of the supplemental food program.

(c) The food required by special diets for medical, religious or cultural reasons, may be provided by the operator or may be brought to the program by the parents. If the diet is prescribed by a health care professional, a statement signed by the health care professional shall be on file at the program and written instructions must be provided by the child's parent, health care professional or a licensed dietitian/nutritionist. If the diet is not prescribed by a health care professional, written instructions shall be provided by the child's parent and shall be on file at the program.

(d) Food that does not meet the nutritional requirements specified in Paragraph (a) of this Rule, such as cookies, chips, donuts; etc. shall be available only for special occasions such as holidays, birthdays and other celebrations.

(e) For children ages 24 months and older a meal or snack must be provided at least every four hours.

(f) The parent or health care professional of each child under 15 months of age shall provide the operator an individual written feeding schedule for the child. This schedule shall be followed at the home. This schedule shall include the child's name, be signed by the parent or health care professional, and be dated when received by the operator. Each infant's schedule shall be modified in consultation with the child's parent or health care professional to reflect changes in the child's needs as he or she develops.

(g) Parents shall be allowed to provide breast milk for their children. Accommodations for breastfeeding mothers are provided that include seating and an electrical outlet, in a place other than a bathroom, that is shielded from view by staff and the public, which may be used by mothers while they are breastfeeding or expressing milk.

(h) Each infant shall be held for bottle feeding until able to hold his or her own bottle. Bottles shall not be propped. Each child shall be held or placed in feeding chairs or other age-appropriate seating apparatus to be fed.

(i) Any formula which is prepared by the operator shall be prepared according to the instructions on the formula package or label, or according to written instructions from the child's health care professional.

(j) Infants shall not be served juice in a bottle without a prescription or written statement on file from a health care professional or licensed dietitian/nutritionist.

(k) Drinking water must be freely available and offered to children on a frequent basis.

(l) When milk, milk products, or fruit juices are provided by the operator, only pasteurized products or products which have undergone an equivalent process to pasteurization shall be used.

(m) The operator will provide only the following beverages:

(1) breast milk;
(2) formula;
(3) water;
(4) unflavored whole milk, for children ages 12-24 months;
(5) unflavored skim or lowfat milk for children two years old and older; or
(6) 100 percent fruit juice, limited to 6 ounces per day.

History Note: Authority G.S. 110-85; 110-91(2); 143B-168.3;
Eff. December 1, 2012.

10A NCAC 09 .1707 RESERVED FOR FUTURE CODIFICATION
10A NCAC 09 .1708 RESERVED FOR FUTURE CODIFICATION
10A NCAC 09 .1709 RESERVED FOR FUTURE CODIFICATION
10A NCAC 09 .1710 RESERVED FOR FUTURE CODIFICATION
10A NCAC 09 .1711 RESERVED FOR FUTURE CODIFICATION
10A NCAC 09 .1712 RESERVED FOR FUTURE CODIFICATION
10A NCAC 09 .1713 RESERVED FOR FUTURE CODIFICATION
10A NCAC 09 .1714 RESERVED FOR FUTURE CODIFICATION
10A NCAC 09 .1715 RESERVED FOR FUTURE CODIFICATION

10A NCAC 09 .1716 FAILURE TO MAINTAIN REQUIREMENTS

(a) If the Division determines that a family child care home operator fails to maintain compliance with the requirements for licensure, the Division may establish a reasonable time period to allow the operator to achieve compliance or recommend issuance of a provisional license in accordance with Rule .0401 of this Subchapter.

(b) If the operator fails to achieve compliance within the established time period, the Division may suspend, terminate, or revoke the license. The operator may appeal any such action pursuant to the provisions of G.S. 150B.

(c) The Division may recommend imposition of a civil penalty in accordance with the procedures set forth in Section .2200 of this Subchapter and according to the following schedules:

(1) A civil penalty in an amount up to one thousand dollars ($1,000.00) may be imposed when the Division has substantiation that a child was abused or neglected while in care in a family child care home.

(2) A civil penalty in an amount up to two hundred dollars ($200.00) may be imposed for the following violations:

(A) Repeated incidents of exceeding the number of children allowed in a licensed family child care home;

(B) Repeated incidents where there has been a lack of supervision of the children; or

(C) Willful, repeated pattern of noncompliance with any requirement contained in this Subchapter or in the General Statutes.

(3) A civil penalty in an amount up to one hundred dollars ($100.00) may be imposed for the following violations:

(A) Denial of entry to an authorized representative of the Division;

(B) Documented noncompliance with the number of children allowed in a licensed family child care home;

(C) Lack of supervision of the children in care; or

(D) Failure to comply with a corrective action plan designed by the Division to correct noncompliance with any applicable requirement in this Subchapter or in the General Statutes.

History Note: Authority G.S. 110-86(3); 110-88(1),(5),(6a); 110-91; 110-98; 110-103.1; 110-105; 110-105.2; 110-106; 143B-168.3; 150B-23;
Eff. January 1, 1986;
Amended Eff. July 1, 1998; January 1, 1991; January 1, 1987.

10A NCAC 09 .1717 RESERVED FOR FUTURE CODIFICATION

10A NCAC 09 .1718 REQUIREMENTS FOR DAILY OPERATIONS

(a) The operator shall provide the following on a daily basis for all children in care:

(1) Developmentally appropriate equipment and materials for a variety of outdoor activities which allow for vigorous play, large and small muscle development, and social, emotional, and intellectual development. Each child shall have the opportunity for outdoor play each day that weather conditions permit. The operator shall provide space and time for vigorous indoor activities when children cannot play outdoors;

(2) An individual sleeping space such as a bed, crib, play pen, cot, mat, or sleeping bag with individual linens for each pre-school aged child in care for four hours or more, or for all children if overnight care is provided, to rest comfortably. Individual sleep requirements for infants aged 12 months or younger shall be provided for as specified in 10A NCAC 09 .1724(a)(2). Linens shall be changed weekly or whenever they become soiled or wet;

(3) A quiet, separate area which can be easily supervised for children too sick to remain with other children. Parents shall be notified immediately if their child becomes too sick to remain in care;

(4) Adequate supervision as described below:

(A) For children who are awake, staff shall interact with the children while moving about the indoor or outdoor area, and shall be able to hear and see the children at all times, except when emergencies necessitate that direct supervision is impossible for brief periods of time; and

(B) For children who are sleeping or napping, the staff are not required to visually supervise them, but shall be able to hear and respond quickly to them. Children shall not sleep or nap in a room with a closed door between the children and the supervising staff. The staff shall be on the same level of the home where children are sleeping or napping.

(5) A safe sleep environment by ensuring that when a child is sleeping or napping, bedding or other objects shall not be placed in a manner that covers the child's face;

(6) The opportunity each day for each child under the age of 12 months to play while awake while positioned on his or her stomach;

(7) Developmentally appropriate activities as planned on a written schedule. Materials or equipment shall be available indoors and outdoors to support the activities listed on the written schedule. The written schedule shall:

(A) Show blocks of time usually assigned to types of activities and include periods of time for both active play and quiet play or rest;

(B) Be displayed in a place where parents are able to view;

(C) Reflect daily opportunities for both free choice and guided activities;

(D) Include a minimum of one hour of outdoor play throughout the day, if weather conditions permit; and

(E) Include a daily gross motor activity which may occur indoors or outdoors; and

(8) When screen time, including videos, video games, and computer usage, is provided, it shall be:

(A) Offered only as a free choice activity,
(B) Used to meet a developmental goal, and
(C) Limited to no more than two and a half hours per week for each child two years of age and older.

Usage time periods may be extended for specific special events, projects, occasions such as a current event, homework, on-site computer classes, holiday; and birthday celebration. Screen time is prohibited for children under the age of two years. The operator shall offer alternate activities for children under the age of two years.

History Note: Authority G.S. 110-85; 110-88; 110-91(2),(12);
Eff. July 1, 1998;
Amended Eff. December 1, 2012; July 1, 2010; March 1, 2006; May 1, 2004.

10A NCAC 09 .1719 REQUIREMENTS FOR A SAFE INDOOR/OUTDOOR ENVIRONMENT

(a) The operator of a family child care home shall maintain a safe indoor and outdoor environment for the children in care. In addition, the operator shall:

(1) keep all areas used by the children, indoors and outdoors, clean and orderly and free of items which are potentially hazardous to children. This includes the removal of items that a child can swallow. In addition, loose nails or screws and splinters shall be removed on inside and outside equipment;
(2) safely store equipment and supplies such as lawnmowers, power tools, or nails, so they are inaccessible to children;
(3) ensure that all stationary outdoor equipment is firmly anchored and is not installed over concrete or asphalt. Footings which anchor the equipment shall not be exposed;
(4) securely mount electric fans out of the reach of children or have a mesh guard on each fan;
(5) cover all electrical outlets not in use and remove old, cracked or frayed cords in occupied outlets;
(6) ensure that, for appliances with heating elements, such as bottle warmers, crock pots, irons, coffee pots, or curling irons, neither the appliance nor the cord, if applicable, is accessible to preschool children;
(7) have solid and safe indoor and outdoor stairs and steps if these are used by the children. Indoor and outdoor stairs with two or more steps which are used by the children shall be railed. Indoor stairs with more than two steps shall be made inaccessible to children in care who are two years old or younger;
(8) maintain any swimming pools or wading pools on the premises in a manner that will safeguard the lives and health of the children. All swimming or wading pools used by children in care shall meet the "Rules Governing Public Swimming Pools," in accordance with 15A NCAC 18A .2500 which are hereby incorporated by reference including subsequent amendments. A copy of these Rules is on file at the Division at the address given in Rule .0102 of this Chapter or may be obtained at no cost by writing the North Carolina Division of Environmental Health, 1630 Mail Service Center, Raleigh, NC 26799-1630;

(9) enclose any in-ground swimming pools by a fence at least four feet high to prevent chance access by children. The swimming pool shall be separate from the play area. Access to the water in above ground swimming pools shall be prevented by locking and securing the ladder in place or storing the ladder in a place inaccessible to the children; and

(10) safely store all combustible materials that may create a fire hazard.

(b) Prior to enrollment of children in a family child care home, and before new animals that will be in the home come into the family child care home, a parent of each child must sign a form acknowledging the type of animal and where the animal will be during operating hours. This documentation shall be maintained in each child's file.

History Note: Authority G.S. 110-85; 110-88; 110-91(3),(4),(5),(6);
Eff. July 1, 1998;
Amended Eff. May 1, 2012; April 1, 2001.

10A NCAC 09 .1720 SAFETY, MEDICATION, AND SANITATION REQUIREMENTS

(a) To assure the safety of children in care, the operator shall:

(1) empty firearms of ammunition and keep both in separate, locked storage;

(2) keep items used for starting fires, such as matches and lighters, out of the children's reach;

(3) keep all medicines in locked storage;

(4) keep hazardous cleaning supplies and other items that might be poisonous, e.g., toxic plants, out of reach or in locked storage when children are in care;

(5) keep first aid supplies in a place accessible to the operator;

(6) keep tobacco products out of reach or in locked storage when children are in care;

(7) ensure the equipment and toys are in good repair and are developmentally appropriate for the children in care;

(8) have a working telephone within the family child care home. Telephone numbers for the fire department, law enforcement office, emergency medical service, and poison control center shall be posted near the telephone;

(9) have access to a means of transportation that is always available for emergency situations;

(10) be able to recognize common symptoms of illnesses;

(11) conduct a monthly fire drill; and

(12) conduct a "shelter in place drill" or "lockdown drill" as defined in 10A NCAC 09 .0102 at least every three months.

(b) The operator may provide care for a mildly ill child who has a Fahrenheit temperature of less than 100 degrees axillary or 101 degrees orally and who remains capable of participating in routine group activities; provided the child does not:

(1) have the sudden onset of diarrhea characterized by an increased number of bowel movements compared to the child's normal pattern and with increased stool water;

(2) have two or more episodes of vomiting within a 12 hour period;

(3) have a red eye with white or yellow eye discharge until 24 hours after treatment;

(4) have scabies or lice;

(5) have known chicken pox or a rash suggestive of chicken pox;

(6) have tuberculosis, until a health professional states that the child is not infectious;

(7) have strep throat, until 24 hours after treatment has started;

(8) have pertussis, until five days after appropriate antibiotic treatment;
(9) have hepatitis A virus infection, until one week after onset of illness or jaundice;
(10) have impetigo, until 24 hours after treatment; or
(11) have a physician's or other health professional's written order that the child be separated from other children.

(c) The following provisions apply to the administration of medication in family child care homes:

(1) No prescription or over-the-counter medication and no topical, non-medical ointment, repellent, lotion, cream or powder shall be administered to any child:
  (A) without written authorization from the child's parent;
  (B) without written instructions from the child's parent, physician or other health professional;
  (C) in any manner not authorized by the child's parent, physician or other health professional;
  (D) after its expiration date; or
  (E) for non-medical reasons, such as to induce sleep.

(2) Prescribed medications:
  (A) shall be stored in the original containers in which they were dispensed with the pharmacy labels specifying:
    (i) the child's name;
    (ii) the name of the medication or the prescription number;
    (iii) the amount and frequency of dosage;
    (iv) the name of the prescribing physician or other health professional; and
    (v) the date the prescription was filled; or
  (B) if pharmaceutical samples, shall be stored in the manufacturer's original packaging, shall be labeled with the child's name, and shall be accompanied by written instructions specifying:
    (i) the child's name;
    (ii) the names of the medication;
    (iii) the amount and frequency of dosage;
    (iv) the signature of the prescribing physician or other health professional; and
    (v) the date the instructions were signed by the physician or other health professional; and
  (C) shall be administered only to the child for whom they were prescribed.

(3) A parent's written authorization for the administration of a prescription medication described in Paragraph (c)(2) of this Rule shall be valid for the length of time the medication is prescribed to be taken.

(4) Over-the-counter medications, such as cough syrup, decongestant, acetaminophen, ibuprofen, topical antibiotic cream for abrasions, or medication for intestinal disorders shall be stored in the manufacturer's original packaging on which the child's name is written or labeled and shall be accompanied by written instructions specifying:
  (A) the child's name;
  (B) the names of the authorized over-the-counter medication;

(C) the amount and frequency of the dosages;
(D) the signature of the parent, physician or other health professional; and
(E) the date the instructions were signed by the parent, physician or other health professional. The permission to administer over-the-counter medications is valid for up to 30 days at a time, except as allowed in Subparagraphs (c)(6), (7), (8), and (9) of this Rule. Over-the-counter medications shall not be administered on an "as needed" basis, other than as allowed in Subparagraphs (c)(6), (7), (8), and (9) of this Rule.

(5) When questions arise concerning whether any medication should be administered to a child, the caregiver may decline to administer the medication without signed, written dosage instructions from a licensed physician or authorized health professional.

(6) A parent may give a caregiver standing authorization for up to six months to administer prescription or over-the-counter medication to a child, when needed, for chronic medical conditions and for allergic reactions. The authorization shall be in writing and shall contain:
(A) the child's name;
(B) the subject medical conditions or allergic reactions;
(C) the names of the authorized over-the-counter medications;
(D) the criteria for the administration of the medication;
(E) the amount and frequency of the dosages;
(F) the manner in which the medication shall be administered;
(G) the signature of the parent;
(H) the date the authorization was signed by the parent; and
(I) the length of time the authorization is valid, if less than six months.

(7) A parent may give a caregiver standing authorization for up to 12 months to apply over-the-counter, topical ointments, topical teething ointment or gel, insect repellents, lotions, creams, and powders --- such as sunscreen, diapering creams, baby lotion, and baby powder --- to a child, when needed. The authorization shall be in writing and shall contain:
(A) the child's name;
(B) the names of the authorized ointments, repellents, lotions, creams, and powders;
(C) the criteria for the administration of the ointments, repellents, lotions, creams, and powders;
(D) the manner in which the ointments, repellents, lotions, creams, and powders shall be applied;
(E) the signature of the parent;
(F) the date the authorization was signed by the parent; and
(G) the length of time the authorization is valid, if less than 12 months.

(8) A parent may give a caregiver standing authorization to administer a single weight-appropriate dose of acetaminophen to a child in the event the child has a fever and a parent cannot be reached. The authorization shall be in writing and shall contain:
(A) the child's name;
(B) the signature of the parent;

(C) the date the authorization was signed by the parent;

(D) the date that the authorization ends or a statement that the authorization is valid until withdrawn by the parent in writing.

(9) A parent may give a caregiver standing authorization to administer an over-the-counter medication as directed by the North Carolina State Health Director or designee, when there is a public health emergency as identified by the North Carolina State Health Director or designee. The authorization shall be in writing, may be valid for as long as the child is enrolled, and shall contain:

(A) the child's name;

(B) the signature of the parent;

(C) the date the authorization was signed by the parent; and

(D) the date that the authorization ends or a statement that the authorization is valid until withdrawn by the parent in writing.

(10) Pursuant to G.S. 110-102.1A, a caregiver may administer medication to a child without parental authorization in the event of an emergency medical condition when the child's parent is unavailable, providing the medication is administered with the authorization and in accordance with instructions from a health care professional as defined in Rule .0102(16) of this Chapter.

(11) A parent may withdraw his or her written authorization for the administration of medications at any time in writing.

(12) Any medication remaining after the course of treatment is completed or after authorization is withdrawn shall be returned to the child's parents. Any medication the parent fails to retrieve within 72 hours of completion of treatment, or withdrawal of authorization, shall be discarded.

(13) Any time prescription or over-the-counter medication is administered by a caregiver to children receiving care, including any time medication is administered in the event of an emergency medical condition without parental authorization as permitted by G.S. 110-102.1A, the child's name, the date, time, amount and type of medication given, and the name and signature of the person administering the medication shall be recorded. This information shall be noted on a medication permission slip, or on a separate form developed by the provider which includes the required information. This information shall be available for review by the Division during the time period the medication is being administered and for at least six months after the medication is administered. No documentation shall be required when items listed in Subparagraph (c)(7) of this Rule are applied to children.

(d) To assure the health of children through proper sanitation, the operator shall:

(1) collect and submit samples of water from each well used for the children's water supply for bacteriological analysis to the local health department or a laboratory certified to analyze drinking water for public water supplies by the North Carolina Division of Laboratory Services every two years. Results of the analysis shall be on file in the home;

(2) have sanitary toilet, diaper changing and hand washing facilities. Diaper changing areas shall be separate from food preparation areas;

(3) use sanitary diapering procedures. Diapers shall be changed whenever they become soiled or wet. The operator shall:

(A) wash his or her hands before, as well as after, diapering each child;
(B) ensure the child's hands are washed after diapering the child; and
(C) place soiled diapers in a covered, leak proof container which is emptied and cleaned daily;

(4) use sanitary procedures when preparing and serving food. The operator shall:
(A) wash his or her hands before and after handling food and feeding the children; and
(B) ensure the child's hands are washed before and after the child is fed;

(5) wash his or her hands, and ensure the child's hands are washed, after toileting or handling bodily fluids.

(6) refrigerate all perishable food and beverages. The refrigerator shall be in good repair and maintain a temperature of 45 degrees Fahrenheit or below. A refrigerator thermometer is required to monitor the temperature;

(7) date and label all bottles for each individual child, except when there is only one bottle fed child in care;

(8) have a house that is free of rodents;

(9) screen all windows and doors used for ventilation;

(10) have all household pets vaccinated with up-to-date vaccinations as required by North Carolina law and local ordinances. Rabies vaccinations are required for cats and dogs; and

(11) store garbage in waterproof containers with tight fitting covers.

(e) The operator shall not force children to use the toilet and the operator shall consider the developmental readiness of each individual child during toilet training.

(f) The operator shall not use tobacco products at any time while children are in care. Smoking or use of tobacco products shall not be permitted indoors while children are in care, or in a vehicle when children are transported.

History Note: Authority G.S. 110-88; 110-91(6);
Eff. July 1, 1998;
Amended Eff. July 1, 2015; May 1, 2004; April 1, 2003; April 1, 2001.

10A NCAC 09 .1721 REQUIREMENTS FOR RECORDS

(a) The operator shall maintain the following health records for each enrolled child, including his or her own preschool child(ren):

(1) a copy of the child's health assessment as required by G.S. 110-91(1);

(2) a copy of the child's immunization record;

(3) a health and emergency information form provided by the Division that is completed and signed by a child's parent. A copy of the form can be found on the Division's website at http://ncchildcare.nc.gov/pdf_forms/DCD-0377.pdf. The completed form shall be on file the first day the child attends. An operator may use another form other than the one provided by the Division, as long as the form includes the following information:
(A) the child's name, address, and date of birth;
(B) the names of individuals to whom the child may be released;
(C) the general status of the child's health;

(D) any allergies or restrictions on the child's participation in activities with instructions from the child's parent or physician;

(E) the names and phone numbers of persons to be contacted in an emergency situation;

(F) the name and phone number of the child's physician and preferred hospital;

(G) authorization for the operator to seek emergency medical care in the parent's absence; and

(4) when medication is administered, authorization for the operator to administer the specific medication according to the parent's or physician's instructions.

(b) The operator shall complete and maintain other records which include:

(1) documentation of the operator's Emergency Preparedness and Response Plan on a template which is provided by the Division at http://rmp.nc.gov/portal/#;

(2) documentation that monthly fire drills are practiced. The documentation shall include the date each drill is held, the time of day, the length of time taken to evacuate the home, and the operator's signature;

(3) incident reports that are completed each time a child receives medical treatment by a physician, nurse, physician's assistant, nurse practitioner, community clinic, or local health department, as a result of an incident occurring while the child is in the family child care home. Each incident shall be reported on a form provided by the Division, signed by the operator and the parent, and maintained in the child's file. A copy of the form can be found on the Division's website at http://ncchildcare.nc.gov/pdf_forms/DCDEE-0058.pdf. A copy shall be mailed to the Division within seven calendar days after the incident occurs;

(4) an incident log which is filled out any time an incident report is completed. This log shall be cumulative and maintained in a separate file and shall be available for review by the Division. This log shall be completed on a form supplied by the Division. A copy of the form can be found on the Division's website at http://ncchildcare.nc.gov/pdf_forms/incident_log_i.pdf;

(5) documentation that a monthly check for hazards on the outdoor play area is completed. This form shall be supplied by the Division and shall be maintained in the family child care home for review by the Division. A copy of the form can be found of the Division's website at http://ncchildcare.nc.gov/pdf_forms/fcch_outdoor_inspection_checklist.pdf;

(6) Accurate daily attendance records for all children in care, including the operator's own preschool children. The attendance record shall indicate the date and time of arrival and departure for each child; and

(7) documentation of lockdown or shelter-in-place drills giving the date each drill is held, the time of day, the length of time taken to get into designated locations and the signature of the person who conducted the drill.

(c) Written records shall be maintained as follows:

(1) All children's records as required in this Chapter, except medication permission slips as required in Rule .1720(c)(13) of this Section, must be kept on file one year from the date the child is no longer enrolled.

(2) Additional caregiver records as required in this Chapter shall be maintained on file one year from the employee's last date of employment.

(3) Current program records as required in this Chapter shall be maintained on file for as long as the license remains valid. Prior versions shall be maintained based on the time frame in the following charts:

(A) A minimum of 30 days from the revision or replacement date:

Record	Rule
Daily Schedule	.1718(7)
Infant Feeding Schedule	.1706(f)
SIDS Sleep Chart/Visual Check	.1724(8)

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

Record	Rule
Attendance	.1721(b)(6)
Emergency Numbers	.1720(a)(8)
Emergency Preparedness and Response Plan	.1721(b)(1)
Field Trip/Transportation Permission	.1723(1)
Fire Drill Log	.1721(b)(2)
Lockdown or Shelter-in-Place Drill Log	.1721(b)(7)
Incident Log	.1721(b)(4)
Playground Inspection	.1721(b)(5)
Pet Vaccinations	.1720(d)(10)

(4) Well-water analysis, pool inspection and inspections for local ordinances as referenced in Rules .1720(d)(1), .1719(7), and .1702(d) of this Section shall remain on file at the family child care home for as long as the license remains valid.

(5) Records may be maintained in a paper format or electronically, except that records that require a signature of a staff person or parent shall be maintained in a paper format.

(6) All records required in this Chapter shall be available for review by the Division.

History Note: Authority G.S. 110-85; 110-88; 110-91(1),(9);
Eff. July 1, 1998;
Amended Eff. July 1, 2015; July 1, 2010; July 1, 2008; April 1, 2003; April 1, 2001.

10A NCAC 09 .1722 DISCIPLINE POLICY

(a) The operator shall provide a written copy of and explain the operator's discipline practices to a parent of each child at the time of enrollment. A parent must sign and date a statement which attests that a copy of the discipline policy was given to, and discussed with them. If an operator changes discipline practices, the parent must sign and date a statement acknowledging that they

received written notice of and discussed the new policy at least 30 days prior to the implementation of the new policy. The signed statement shall be kept on file in the home available for review.

(b) No child shall be subjected to any form of corporal punishment by the family child care home operator, substitute caregiver, or any other person in the home, whether or not these persons reside in the home.

(c) No child shall be handled roughly in any way, including shaking, pushing, shoving, pinching, slapping, biting, kicking, or spanking.

(d) No child shall ever be placed in a locked room, closet, or box, or be left alone in a room separated from staff.

(e) No discipline shall ever be delegated to another child.

(f) Discipline shall in no way be related to food, rest or toileting:

(1) No food shall be withheld, or given, as a means of discipline.

(2) No child shall ever be disciplined for lapses in toilet training.

(3) No child shall ever be disciplined for not sleeping during rest period.

(g) No child shall be disciplined by assigning chores that require contact with or use of hazardous materials, such as cleaning bathrooms or floors, or emptying diaper pails.

(h) Discipline shall be age and developmentally appropriate.

History Note: Authority G.S. 110-91(10);
Eff. July 1, 1998;
Amended Eff. April 1, 2003; April 1, 2001.

10A NCAC 09 .1723 TRANSPORTATION REQUIREMENTS

To assure the safety of children whenever they are transported, the operator, or any other transportation provider, shall:

(1) have written permission from a parent to transport his or her child and notify the parent when and where the child is to be transported, and who the transportation provider will be;

(2) ensure that all children regardless of age or location in the vehicle shall be restrained by individual seat belts or child restraint devices. Only one person shall occupy each seat belt or child restraint device;

(3) be at least 18 years old, and have a valid driver's license of the type required under the North Carolina Motor Vehicle Law for the vehicle being driven, or comparable license from the state in which the driver resides, and no convictions of Driving While Impaired (DWI), or any other impaired driving offense, within the last three years;

(4) ensure that each child is seated in a manufacturer's designated area;

(5) ensure that a child shall not occupy the front seat if the vehicle has an operational passenger side airbag;

(6) never leave children in a vehicle unattended by an adult;

(7) have emergency and identification information about each child in the vehicle whenever children are being transported; and

(8) not use a cellular telephone or other functioning two-way voice communication device except in the case of an emergency and only when the vehicle is parked in a safe location.

History Note: Authority G.S. 110-91; G.S. 110-91(13); 143B-168.3;
Eff. July 1, 1998;
Amended Eff. December 1, 2014; April 1, 2003.

10A NCAC 09 .1724 SAFE SLEEP POLICY

(a) Each operator licensed to care for infants aged 12 months or younger shall develop and adopt a written safe sleep policy that:

(1) specifies that the operator shall place infants aged 12 months or younger on their backs for sleeping, unless:
  (A) for an infant aged six months or less, the operator receives a written waiver of this requirement from a health care professional; or
  (B) for an infant older than six months, the operator receives a written waiver of this requirement from a health care professional, or a parent, or a legal guardian;
(2) specifies that infants aged 12 months or younger shall be placed in a crib, bassinet or play pen with a firm padded surface when sleeping;
(3) specifies whether pillows, blankets, toys, and other objects may be placed in a crib with a sleeping infant aged 12 months or younger, and if so, specifies the number and types of allowable objects;
(4) specifies that nothing shall be placed over the head or face of an infant aged 12 months or younger when the infant is laid down to sleep;
(5) specifies that the temperature in the room where infants aged 12 months or younger are sleeping does not exceed 75°F;
(6) specifies the means by which the operator shall visually check sleeping infants aged 12 months or younger;
(7) specifies the frequency with which the operator shall visually check sleeping infants aged 12 months or younger;
(8) specifies how the operator shall document compliance with visually checking on sleeping infants aged 12 months or younger, with such documents to be maintained for a minimum of one month; and
(9) specifies any other steps the operator shall take to provide a safe sleep environment for infants aged 12 months or younger.

(b) The operator shall post a copy of the safe sleep policy or a poster about safe sleep practices in a prominent place in the infant sleeping room or area.

(c) A copy of the operator's safe sleep policy shall be given and explained to the parents of an infant aged 12 months or younger on or before the first day the infant attends the home. The parent shall sign a statement acknowledging the receipt and explanation of the policy. The acknowledgement shall contain:

(1) the infant's name;
(2) the date the infant first attended the home;
(3) the date the operator's safe sleep policy was given and explained to the parent; and
(4) the date the parent signed the acknowledgement.

The operator shall retain the acknowledgement in the child's record as long as the child is enrolled at the home.

(d) If an operator amends a home's safe sleep policy, the operator shall give written notice of the amendment to the parents of all enrolled infants aged 12 months or younger at least 14 days before the amended policy is implemented. Each parent shall sign a statement acknowledging the receipt and explanation of the amendment. The operator shall retain the acknowledgement in the child's record as long as the child is enrolled at the home.

(e) A health care professional's or parent's waiver of the requirement that all infants aged 12 months or younger be placed on their backs for sleeping shall:

(1) bear the infant's name and birth date;
(2) be signed and dated by the infant's health care professional or parent; and
(3) specify the infant's authorized sleep positions;

The operator shall retain the waiver in the child's record as long as the child is enrolled at the home.

(f) For each infant with a waiver on file at the home as specified in Paragraph (e) of this Rule, a notice shall be posted for quick reference near the infant's crib, bassinet, or play pen that shall include:

(1) the infant's name;
(2) the infant's authorized sleep position; and
(3) the location of the signed waiver.

No confidential medical information, including an infant's medical diagnosis, shall be shown on the notice.

History Note: Authority G.S. 110-85; 110-91(15); 143B-168.3;
Eff. May 1, 2004;
Amended Eff. July 1, 2010.

SECTION .1800 - DISCIPLINE

10A NCAC 09 .1801 DISCIPLINE POLICY

(a) The person who conducts the enrollment conference shall provide a written copy of and explain the center's discipline practices to each child's parents, legal guardian, or full-time custodian at the time of enrollment. Each parents, legal guardian, or full-time custodian must sign a statement which attests that a copy of the center's written discipline policies were given to and discussed with him or her. That statement must bear the child's name, the date of enrollment, and if different, the date the parent, legal guardian, or full-time custodian signs the statement. The signed, dated statement must be in the child's record and must remain on file in the center as long as the child is enrolled. If a center changes its discipline policy at any time, it must give written notice of such a change to the child's parent, guardian, or full-time custodian 30 days prior to the implementation of the new policy and the parent, guardian, or full-time custodian must sign a statement that attests that a copy of the new policy was given to and discussed with him or her. This statement shall be kept in the child's file.

(b) No child shall be subjected to any form of corporal punishment by the owner, operator, director, or staff of any child care facility. For purposes of this Rule, "staff" shall mean any regular or substitute caregiver, any volunteer, and any auxiliary personnel, such as cooks, secretaries, janitors, maids, vehicle drivers, etc.:

(1) No child shall be handled roughly in any way, including shaking, pushing, shoving, pinching, slapping, biting, kicking, or spanking.

(2) No child shall ever be placed in a locked room, closet, or box, or be left alone in a room separated from staff.

(3) No discipline shall ever be delegated to another child.

(4) Discipline shall in no way be related to food, rest or toileting:

(A) No food shall to be withheld, or given, as a means of discipline.

(B) No child shall ever be disciplined for lapses in toilet training.

(C) No child shall ever be disciplined for not sleeping during rest period.

(5) No child shall be disciplined by assigning chores that require contact with or use of hazardous materials, such as cleaning bathrooms or floors, or emptying diaper pails.

(6) Discipline shall be age and developmentally appropriate.

History Note: Authority G.S. 110-91(10); 143B-168.3;
Eff. January 1, 1986;
Amended Eff. April 1, 2001; November 1, 1989.

SECTION .1900 - SPECIAL PROCEDURES CONCERNING ABUSE/NEGLECT IN CHILD CARE

10A NCAC 09 .1901 NOTIFICATION TO COUNTY DEPARTMENTS OF SOCIAL SERVICES

Any allegation of abuse or neglect received by the Division shall be referred to the county department of social services within 24 hours of receipt of the complaint or on the next working day. Even if the county department of social services determines the allegation does not warrant investigation according to G.S. 7B-302, the complaint shall be investigated by the Division.

History Note: Authority G.S. 110-88(5); 143B-168.3;
Eff. January 1, 1986;
Amended Eff. April 1, 2001; November 1, 1989.

10A NCAC 09 .1902 RESERVED FOR FUTURE CODIFICATION

10A NCAC 09 .1903 INVESTIGATION PROCEDURES

(a) The investigation shall include interviews with the operator, staff, parents, or any other adult who has information regarding the allegation. Reports from law enforcement officers and other professionals, as well as photographs and other investigative tools, may be used as appropriate.
(b) The Division's representative may interview the child or children about the allegations of abuse or neglect only in those cases where the county department of social services does not conduct an investigation.
(c) The Division shall share information related to investigations with departments of social services, as appropriate. However, any information subject to confidentiality laws or regulations shall be handled so as to preserve the confidential nature of the material.
(d) At any time during the investigation, the representative of the Division may conduct an evaluation for compliance with all applicable requirements.
(e) The Division shall make a written report to the operator and the county department of social services when the investigation is completed. The Division may also report to law enforcement officers and other professionals that were involved in the investigation. This report shall explain the Division's findings and what further action will be taken, if any.
(f) The final written report of findings and further action shall be made within 90 days of receipt of the allegation. If the investigation is not complete at that time, an interim report explaining the status of the investigation shall be made to the operator 90 days after receipt of the allegation and every 30 days thereafter until the final report is made. The county department of social services shall be sent a copy of each interim report.

History Note: Authority G.S. 7B-301; 110-88(5); 110-105; 143B-168.3;
Eff. January 1, 1986;
Amended Eff. April 1, 2001; October 1, 1991; July 1, 1988; January 1, 1987.

10A NCAC 09 .1904 ADMINISTRATIVE SANCTIONS

(a) A special provisional license may be issued for a six-month period when the Division determines that abuse or neglect occurred in a child care center or home. The following provisions shall apply:

(1) the special provisional license and the reasons for its issuance shall be posted in a prominent place in the center or home as soon as they are received by the operator;
(2) the special provisional license and reasons for issuance shall remain posted for the entire six months covered by the license, and also during the time of any administrative proceedings;
(3) no new children shall be enrolled in the center or home until the Division is satisfied that the abusive or neglectful situation no longer exists and gives the operator written permission to accept new children; and
(4) an operator may obtain an administrative hearing on the issuance of a special provisional license in accordance with the provisions of G.S. 150B-23.

(b) A written warning specifying corrective action to be taken by the operator of the child care center or home may be issued when the investigation is concluded and the Division determines that abuse or neglect occurred in a center or home and the situation does not warrant issuance of a special provisional license.

(c) A civil penalty, in accordance with the schedules listed in Rule .1716 and .Section .2200 of this Subchapter, may be levied against the operator of a child care home or center when the Division determines that child abuse or neglect has occurred while the child was in the care of the home or center. In addition, any violation of the terms of a special provisional license may result in the assessment of a civil penalty as provided in Rule .1716 and Section .2200 of this Subchapter.

(d) Failure to implement the corrective action plan required by a written warning pursuant to G.S. 110-88(6a) may result in either the assessment of a civil penalty as provided in Section .2200 of this Subchapter or the issuance of a special provisional license or may result in both actions being taken.

(e) The type of sanction imposed by the Secretary shall be determined by one or more of the following criteria:
(1) severity of the incident;
(2) probability of reoccurrence;
(3) prior incidents of abuse or neglect in the center or home;
(4) history of compliance with child care requirements; or
(5) the Division's assessment of the operator's response to the incident.

(f) Nothing in this Rule shall restrict the Secretary from using any other statutory or administrative penalty available pursuant to G.S. 110-102.2 and Section .2200 of this Subchapter, or the provisions in 150B-3(c) to summarily suspend a license if the health, safety or welfare of any child is in jeopardy.

History Note: Authority G.S. 110-88(5); 110-88(6a); 110-102.2; 110-103.1; 143B-168.3; 150B-3; 150B-23;
Eff. January 1, 1986;
Amended Eff. April 1, 2001; August 1, 1990; November 1, 1989; July 1, 1988.

SECTION .2000 - RULEMAKING AND CONTESTED CASE PROCEDURES

10A NCAC 09 .2001 PETITIONS FOR RULEMAKING

(a) Any person wishing to request the adoption, amendment, or repeal of a rule made by the Child Care Commission (hereinafter referred to as the Commission) shall make the request in a written petition to:

Administrative Procedures Coordinator
Division of Child Development
2201 Mail Service Center
Raleigh, North Carolina 27699-2201

(b) The petition shall contain either a draft of the proposed rule or a summary of its contents, the reasons for the proposal, and the name and address of the petitioner. The petition shall also include any of the following items known to the petitioner:

(1) the statutory authority for the Commission to promulgate the rule;
(2) the effect on existing rules;
(3) any data supporting the proposal;
(4) the effect of the proposed rule on existing practices in the area involved, including cost factors; and
(5) the names and addresses of those most likely to be affected by the proposed rule.

(c) The Division Director or designee shall present the petition, plus any additional information or recommendations deemed relevant, to the Commission to determine whether the public interest will be served by granting the petition.

(d) The Commission shall render a decision as to whether to deny or approve the petition at its next scheduled meeting, which may be no later than 120 days after submission of the petition. If the decision is to deny the petition, the Division Director or designee shall notify the petitioner in writing, stating the reasons for the denial. If the decision is to approve the petition, the Commission shall initiate a rulemaking proceeding by issuing a rulemaking notice, as provided in these rules.

History Note: Authority G.S. 143B-168.3; 150B-16;
Eff. November 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest
Eff. May 23, 2015.

10A NCAC 09 .2002 RULEMAKING PROCEDURES

(a) The rulemaking procedures for the Secretary of the Department of Health and Human Services codified in 10A NCAC 01 are hereby adopted by reference pursuant to G.S. 150B-14(c) to apply to the actions of the Commission, with the following modifications:

(1) Correspondence related to the Commission's rulemaking actions shall be submitted to:

Administrative Procedures Coordinator
Division of Child Development
2201 Mail Service Center

Raleigh, North Carolina 27699-2201

(2) The "Secretary's designee" shall mean the Director of the Division of Child Development (hereinafter referred to as the Division).
(3) "The Division" shall be substituted for the "Office of General Counsel" in 10A NCAC 01.
(4) "Hearing officer" shall mean the Chairman of the Child Care Commission or designee.

(b) Copies of 10A NCAC 01 may be inspected in the Division at the address given in Subparagraph (a)(1) of this Rule. Copies may be obtained from the Office of Administrative Hearings, 424 North Blount Street, Raleigh, North Carolina, 27601.

History Note: Authority G.S. 143B-168.3; 150B-11; 150B-14;
Eff. November 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest
Eff. May 23, 2015.

10A NCAC 09 .2003 DECLARATORY RULINGS

(a) The Commission shall have the power to make declaratory rulings. All requests for declaratory rulings shall be by written petition and shall be submitted to:

Administrative Procedures Coordinator
Division of Child Development
2201 Mail Service Center
Raleigh, North Carolina 27699-2201

(b) Every request for a declaratory ruling must include the following information:
(1) the name and address of the petitioner;
(2) the statute or rule to which the petition relates;
(3) a concise statement of the manner in which the petitioner is aggrieved by the rule or statute or its potential application to him or her; and
(4) the consequences of a failure to issue a declaratory ruling.

(c) Where a declaratory ruling is deemed to be in the public interest, the Commission shall issue the ruling within 60 days of the receipt of the petition.

(d) A declaratory ruling procedure may consist of written submissions, oral hearings, or such other procedure as may be deemed appropriate, in the discretion of the Commission, in the particular case.

(e) The Commission may issue notice to persons who might be affected by the ruling that written comments may be submitted or oral presentations received at a scheduled hearing.

(f) A record of all declaratory ruling proceedings shall be maintained by the Division and shall be available for public inspection during regular business hours. This record shall contain:
(1) the original request,
(2) the reasons for refusing to issue a ruling,
(3) all written memoranda and information submitted,
(4) any written minutes or audio tape or other record of the oral hearing, and
(5) a statement of the ruling.

History Note: Authority G.S. 143B-168.3; 150B-11; 150B-17;
Eff. November 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest
Eff. May 23, 2015.

10A NCAC 09 .2004 CONTESTED CASES: DEFINITIONS

The following terms shall have the following meaning unless the context of the rule requires a different interpretation:

(1) "Department" means the Department of Health and Human Services;
(2) "Director" means the Director of the Division of Child Development;
(3) "Hearing" means a contested case hearing as provided in G.S. 150B-2(2) and 150B-23;
(4) "OAH" means the Office of Administrative Hearings.

History Note: Authority G.S. 143B-10; 150B-11;
Eff. November 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest
Eff. May 23, 2015.

10A NCAC 09 .2005 CONTESTED CASES: REQUEST FOR DETERMINATION

(a) In accordance with G.S. 150B-2(2), any person may request a determination of his legal rights, privileges, or duties as they relate to laws or rules administered by the Department. All requests must be in writing and contain a statement of the facts prompting the request sufficient to allow for appropriate processing by the Department.

(b) Any person seeking such a determination must exhaust all informal procedures available before requesting a hearing under G.S. 150B-23.

(c) All petitions for hearings regarding matters under the control of the Department shall be filed with the OAH in accordance with G.S. 150B-23 and 26 NCAC 03 .0003. In accordance with G.S. 1A-1, Rule 4(j)4, the petition shall be served on a registered agent for service of process for the Department. A list of registered agents may be obtained from the Office of General Counsel, 2005 Mail Service Center, Raleigh, NC 27699-2005.

History Note: Authority G.S. 143B-10; 150B-11; 150B-22; 150B-23;
Eff. November 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest
Eff. May 23, 2015.

10A NCAC 09 .2006 CONTESTED CASES: RECORD

10A NCAC 09 .2007 CONTESTED CASES: EXCEPTIONS TO RECOMMENDED DECISION

History Note: Authority G.S. 143B-10; 143B-10(j)(3); 150B-11; 150B-23(e); 150B-29(b); 150B-36; 150B-37;
Eff. November 1, 1989;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest
Eff. May 23, 2015;
Repealed Eff. December 1, 2015.

SECTION .2100 - RELIGIOUS-SPONSORED CHILD CARE CENTER REQUIREMENTS

10A NCAC 09 .2101 CENTERS OPERATING UNDER G.S. 110-106

(a) At least 30 days prior to the first day of operation of a new religious-sponsored child care center, the prospective operator shall send a "Letter of Intent to Operate" to the Division. That letter shall include the name, address, and telephone number of the operator and the center, if known; the proposed number and age range of children to be served; and the center's scheduled opening date. A representative of the Division shall contact the prospective operator no later than seven calendar days after the Letter of Intent is received to advise the operator of the applicable requirements and procedures.

(b) Religious-sponsored child care centers shall comply with all child care center requirements in this Chapter except for the rules regarding age-appropriate activities in Rules .0505 through .0511(a) and .2508; and staff qualifications and training requirements in Paragraphs (d) through (f) of Rule .0703, Rules .0704, .0707 through .0711, and Paragraphs (a) through (d) of Rule .0714. For staff working with school-aged children only, 10A NCAC 09 .2510 does not apply. Compliance shall be documented at least annually using the same forms and in the same manner as for all other centers.

(c) The Division shall notify the operator in writing as to whether the center complies or does not comply with the requirements.

History Note: Authority G.S. 110-85; 110-106; 143B-168.3;
Eff. January 1, 1986;
Amended Eff. August 1, 2011; April 1, 2001; April 1, 1992; January 1, 1991; November 1, 1989; July 1, 1988.

SECTION .2200 - ADMINISTRATIVE ACTIONS AND CIVIL PENALTIES

10A NCAC 09 .2201 ADMINISTRATIVE PENALTIES: GENERAL PROVISIONS

(a) Pursuant to G.S. 110-102.2, the secretary or designee may order one or more administrative penalties against any operator who violates any provision of Article 7 of Chapter 110 of the General Statutes or of this Chapter.

(b) Nothing in this Section shall restrict the Secretary from using any other statutory or civil penalty available. A civil penalty in accordance with G.S. 110-103.1 and Section .2200 of this Chapter may be imposed in conjunction with any other administrative activity.

(c) The issuance of an administrative penalty may be appealed pursuant to G.S. 150B-23.

(d) Following the substantiation of any abuse or neglect complaint or the issuance of any administrative action against a child care facility, the operator shall:

(1) maintain copies of documentation of the substantiated complaint investigation or the administrative action issued against the facility for the past three years in a binder, which is accessible to parents;

(2) within 30 days, notify the parents of the children currently enrolled that a complaint was substantiated or that an administrative action was taken against the facility, including administrative actions that may be stayed pending appeal. The notice shall:

(A) be in writing;

(B) include information on the nature of the substantiated complaint or the type of administrative action taken; and

(C) state where the binder containing copies of the substantiated complaint investigation or administrative action may be found on site for review by the parents; and

(3) document the date that the written notice was given to all parents and have parents sign an acknowledgement that they have received said notice.

History Note: Authority G.S. 110-85; 110-102.2; 110-103.1; 143B-168.3; 150B-23;
Eff. July 1, 1988;
Amended Eff. July 1, 2010; January 1, 2006; April 1, 2001; November 1, 1989.

10A NCAC 09 .2202 WRITTEN REPRIMANDS

(a) A written reprimand may be issued to censure any violation which the Division determines to have been a brief uncustomary event which is unlikely to recur in the ordinary operation of the center or home.

(b) The reprimand shall describe the reasons for its issuance including identification of the specific section of the statutes or rules violated.

History Note: Authority G.S. 110-102.2; 143B-168.3;
Eff. July 1, 1988;
Amended Eff. April 1, 2001; August 1, 1990; November 1, 1989.

10A NCAC 09 .2203 WRITTEN WARNINGS

(a) A written warning and a corrective action plan may be issued in regard to any violation to allow the operator an opportunity to demonstrate compliance with all requirements.

(b) The written warning and corrective action plan shall describe the reasons for its issuance including identification of the specific section of the statutes or rules violated. It shall also describe those actions necessary for the operator to be in full compliance with requirements and shall specify a time period for compliance to be achieved.
(c) If the operator fails to achieve compliance during the specified time period, the Division shall employ more restrictive action to achieve compliance or shall revoke the permit.

History Note: Authority G.S. 110-102.2; 143B-168.3;
Eff. July 1, 1988;
Amended Eff. April 1, 2001; November 1, 1989.

10A NCAC 09 .2204 PROBATIONARY LICENSE
(a) A permit may be placed in probationary status for a period of time not to exceed one year when, in the Division's determination, violation of any section of the statutes or rules has been willful, continual, or hazardous to health or safety.
(b) The document ordering probation shall describe the reasons for its issuance including identification of the specific section of the statutes or rules violated and shall specify the period of probation. It shall also specify terms of probation with which the operator must comply to retain the permit.
(c) The order of probation shall be posted in a prominent place in the center or home during the probationary period. If probation is stayed pending appeal, the probation order shall remain posted in the center or home pending final action.
(d) Failure of the operator to comply with the terms of probation shall result in the commencement of proceedings to suspend or revoke the permit.

History Note: Authority G.S. 110-102.2; 143B-168.3;
Eff. July 1, 1988;
Amended Eff. April 1, 2001; November 1, 1989.

10A NCAC 09 .2205 SUSPENSION
(a) Suspension of a permit for a period of time not to exceed 45 days may be ordered when violation of any section of the statutes or rules has been willful, continual, or hazardous to health or safety, and/or the operator has not made reasonable efforts to conform to standards.
(b) The operator shall be notified in advance of the determination to suspend the permit and the reasons for such action. The operator may request an agency review of the situation and shall be given an opportunity to show compliance with all requirements for retention of the permit.
(c) The suspension order shall specify the period of suspension and the reasons for its issuance. The operator shall surrender the permit to the Division on the effective date of the suspension order and shall refrain from operating a center or home during the suspension period.
(d) If suspension is stayed pending appeal, the suspension order shall be posted in a prominent place in the center or home pending final action.
(e) Failure to comply with the suspension order shall result in civil action in accordance with G.S. 110-103.1 and/or criminal penalty in accordance with G.S. 110-103. The Division may also seek injunctive relief in accordance with G.S. 110-104.

History Note: Authority G.S. 110-102.2; 143B-168.3; 150B-3;

Eff. July 1, 1988;
Amended Eff. April 1, 2001; November 1, 1989.

10A NCAC 09 .2206 REVOCATION

(a) Revocation of a permit may be ordered when violation of any section of the statutes or rules has been willful, continual, or hazardous to health or safety, or the operator has not made reasonable efforts to conform to standards or is unable to comply.

(b) The operator shall be notified in advance of the determination to revoke the permit and the reasons for such action. The operator may request an agency review of the situation and shall be given an opportunity to show compliance with all requirements for retention of the permit.

(c) The revocation order shall specify the reasons for its issuance and the effective date of revocation and shall be posted prominently in the center or home immediately upon receipt. The operator shall surrender the permit on the effective date of the revocation order and shall refrain from operating the center or home thereafter.

(d) Failure to comply with the revocation order shall result in civil action in accordance with G.S. 110-103.1 or a criminal penalty in accordance with G.S. 110-103, or both. The Secretary may also seek injunctive relief in accordance with G.S. 110-104.

History Note: Authority G.S. 110-102.2; 143B-168.3; 150B-3;
Eff. July 1, 1988;
Amended Eff. April 1, 2001; August 1, 1990; November 1, 1989.

10A NCAC 09 .2207 SUMMARY SUSPENSION

(a) Summary suspension of a permit may be ordered in accordance with G.S. 150B-3(c) when, in the Division's determination, emergency action is required to protect the health, safety, or welfare of children in a child care facility regulated by the Division.

(b) The suspension order shall specify the reasons for its issuance including identification of the specific section of the statutes and rules violated and the determination of the need for emergency action. The order shall be effective on the date specified in the order. The order shall be effective during proceedings to suspend or revoke the permit.

(c) The operator shall surrender the permit on the effective date of the order and shall refrain from operating a center or home until final action is determined.

(d) Failure to comply with the summary suspension order shall result in civil action in accordance with G.S. 110-103.1, and/or criminal penalty in accordance with G.S. 110-103. The Division may also seek injunctive relief in accordance with G.S. 110-104.

History Note: Authority G.S. 110-102.2; 143B-168.3; 150B-3;
Eff. July 1, 1988;
Amended Eff. April 1, 2001; November 1, 1989.

10A NCAC 09 .2208 CIVIL PENALTIES: SCOPE AND PURPOSE

Any operator who violates any provision of G.S. 110, Article 7 or of this Subchapter, or who fails to take corrective action after being provided adequate written notice by the Division, shall be considered to be in willful violation of the licensing law and a civil penalty may be levied against the operator by the secretary or designee pursuant to rules and schedules of penalties adopted by the Commission.

History Note: Authority G.S. 110-90(9); 110-103.1; 143B-168.3;
Eff. January 1, 1986;
Amended Eff. April 1, 2001; November 1, 1989; January 1, 1987.

10A NCAC 09 .2209 AMOUNT OF PENALTY

(a) The amount of the penalty assessed shall be based upon the following factors: willful or negligent non-compliance by the operator, history of non-compliance, extent of deviation from the regulation, evidence of good faith effort to comply, and any other factors relevant to the unique situation.

(b) The amount of the penalty, within the limitation established by G.S. 110-103.1, shall be in accordance with the following schedule:

(1) Where a violation presents a clear and imminent danger to the safety of the children, a civil penalty up to one thousand dollars ($1000) may be imposed;

(2) Where a violation endangers, or has the potential to endanger the children's health, safety, or well-being, a civil penalty up to five hundred dollars ($500.00) may be imposed;

(3) Where a violation does not directly endanger the children, a civil penalty of up to two hundred and fifty dollars ($250.00) may be imposed.

(c) A separate penalty may be imposed for each violation.

History Note: Authority G.S. 110-90(9); 110-103.1; 143B-168.3;
Eff. January 1, 1986.

10A NCAC 09 .2210 NOTICE OF ASSESSMENT OF PENALTY

History Note: Authority G.S. 110-90(9); 110-103.1; 143B-168.3;
Eff. January 1, 1986;
Amended Eff. July 1, 1988;
Pursuant to G.S. 150B-21.3A, rule Expired June 1, 2015.

10A NCAC 09 .2211 RIGHT TO A HEARING

History Note: Authority G.S. 110-90(9); 110-103.1; 143B-168.3;
Eff. January 1, 1986;
Amended Eff. January 1, 1987;
Pursuant to G.S. 150B-21.3A, rule Expired June 1, 2015.

10A NCAC 09 .2212 FAILURE TO PAY ASSESSED PENALTY

History Note: Authority G.S. 110-90(9); 110-103.1; 143B-168.3;
Eff. January 1, 1986;
Amended Eff. July 1, 1988;
Pursuant to G.S. 150B-21.3A, rule Expired June 1, 2015.

10A NCAC 09 .2213 SCHEDULE OF CIVIL PENALTIES FOR CHILD CARE CENTERS

(a) The following penalties may be assessed against child care centers as defined in G.S. 110-86(3).

(b) A civil penalty in an amount up to one thousand dollars ($1,000) may be imposed for the following violations:

(1) Non-compliance with the standards for:
  (A) Staff-child ratios;
  (B) Adequate supervision of children;
  (C) Transportation of children; or
  (D) Use of swimming pools and other swim areas;
(2) Disapproved fire safety, building or sanitation inspection reports;
(3) Exceeding licensed capacity of center, or use of unauthorized space;
(4) Change of ownership or relocation of center without prior notification to the Division;
(5) Substantiation that a child (or children) was abused or neglected while in the care of the center; or
(6) Willful, repeated pattern of non-compliance with any requirement over extended period of time.

(c) A civil penalty in an amount up to five hundred dollars ($500.00) may be imposed for the following violations:

(1) Non-compliance with the standards for:
  (A) Staff health requirements;
  (B) Staff qualifications;
  (C) Children's health requirements;
  (D) Proper nutrition;
  (E) Sanitation and personal hygiene practices;
  (F) Discipline of children;
  (G) Indoor or outdoor space; or
  (H) Emergency medical plan;
(2) Failure to comply with a corrective action plan;
(3) Denial of entry to an authorized representative of the department or Division.

(d) A civil penalty in an amount up to two hundred and fifty dollars ($250.00) may be imposed for the following violations:

(1) Non-compliance with the standards to provide:
  (A) Age-appropriate activities; or
  (B) Staff development.
(2) Failure to post provisional permit; or
(3) Failure to maintain accurate records.

(e) Violation of other standards may result in the assessment of a penalty according to the effect or potential effect of the violation on the safety and well-being of the child.

History Note: Authority G.S. 110-90(9); 110-103.1; 143B-168.3;
Eff. January 1, 1986;
Amended Eff. April 1, 2001; October 1, 1991.

SECTION .2300 - FORMS

10A NCAC 09 .2301 RESERVED FOR FUTURE CODIFICATION

10A NCAC 09 .2302 RESERVED FOR FUTURE CODIFICATION

10A NCAC 09 .2303 RESERVED FOR FUTURE CODIFICATION

10A NCAC 09 .2304 RESERVED FOR FUTURE CODIFICATION

10A NCAC 09 .2305 RESERVED FOR FUTURE CODIFICATION

10A NCAC 09 .2306 RESERVED FOR FUTURE CODIFICATION

10A NCAC 09 .2307 RESERVED FOR FUTURE CODIFICATION

10A NCAC 09 .2308 RESERVED FOR FUTURE CODIFICATION

10A NCAC 09 .2309 RESERVED FOR FUTURE CODIFICATION

10A NCAC 09 .2310 RESERVED FOR FUTURE CODIFICATION

10A NCAC 09 .2311 RESERVED FOR FUTURE CODIFICATION

10A NCAC 09 .2312 RESERVED FOR FUTURE CODIFICATION

10A NCAC 09 .2313 RESERVED FOR FUTURE CODIFICATION

10A NCAC 09 .2314 RESERVED FOR FUTURE CODIFICATION

10A NCAC 09 .2315 RESERVED FOR FUTURE CODIFICATION

10A NCAC 09 .2316 RESERVED FOR FUTURE CODIFICATION

10A NCAC 09 .2317 RESERVED FOR FUTURE CODIFICATION

10A NCAC 09 .2318 RETENTION OF FORMS AND REPORTS BY A CHILD CARE OPERATOR

Each child care center operator must retain records as follows:

(1) All children's records as required in this Chapter, except the Medication Permission Slip as referenced in Rule .0803(13) of this Chapter, shall be maintained on file for at least one year from the date the child is no longer enrolled in the center.

(2) All personnel records as required in this Chapter shall be maintained on file for at least one year from the date the employee is no longer employed.

(3) Current program records shall be maintained on file for as long as the license remains valid. Prior versions shall be maintained based on the time frame in the following charts:

(a) A minimum of 30 days from the revision or replacement date:

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

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

Record	Rule
Attendance	.0302(d)(3)
Daily Schedule	.0508(a)
Emergency Medical Care Plan	.0302(c)(3) and .0802(a)
Lockdown or Shelter-in-Place Drill Log	.0302(d)(8)
Emergency Preparedness and Response Plan	.0607(c);
Field Trip/Transportation Permission	.2507(a) and .0512(b)(3)
Fire Drill Log	.0302(d)(5)
Evacuation plan for non-mobile children in Centers not meeting institutional building code	.0604(p)
Incident Log	.0802(e)
Playground Inspection	.0605(n)
Safe Arrival and Departure Procedures	.1003(b)

(4) All building, fire, sanitation and pool inspections as referenced in G.S. 110-91, and Rules .0302 and .1403 of this Chapter shall remain on file at the center for as long as the license remains valid.

(5) Records may be maintained in a paper format or electronically, except that records that require a signature of a staff person or parent shall be maintained in a paper format.

(6) All records required in this Chapter shall be available for review by the Division.

History Note: Authority G.S. 110-85; 110-91(9); 143B-168.3;
Eff. January 1, 1986;
Amended Eff. July 1, 2015; July 1, 2010; July 1, 2008.

SECTION .2400 - CHILD CARE FOR MILDLY ILL CHILDREN

10A NCAC 09 .2401 SCOPE

The regulations in this Section apply to all child care centers offering short term care to children who are mildly ill and who would otherwise be excluded from care as required by Rule .0804(a) of this Subchapter. Care may be provided as a component of a child care center that provides child care to well children, or may be provided as a separate stand alone program. All rules in this Chapter shall apply except as provided in this Section.

History Note: Authority G.S. 110-88(11); 143B-168.3;
Eff. July 1, 1988;
Amended Eff. April 1, 2003; November 1, 1989.

10A NCAC 09 .2402 DEFINITIONS

(a) "Child care for mildly ill children" is defined as the care of children with short term illness, or symptoms of illness, or short term disability as indicated in Rule .2404 of this Section, who are not able to attend their regular school or child care arrangement due to inability to participate in regular activities.

(b) "Health care professional" is defined as:

(1) a licensed physician;
(2) the physician's authorized agent who is currently approved by the North Carolina Medical Board, or comparable certifying board in any state contiguous to North Carolina;
(3) a certified nurse practitioner;
(4) a nurse rostered with the Office of Public Health Nursing and Professional Development as required by the Division of Medical Assistance;
(5) a registered nurse (RN); or
(6) a certified physician assistant.

(c) "Short term care" is defined as attending for no more than three consecutive days, or for more than three consecutive days with written permission from a physician which was obtained prior to the fourth consecutive day of attendance.

History Note: Authority G.S. 110-88(11); 143B-168.3;
Eff. April 1, 2003.

10A NCAC 09 .2403 SPECIAL PROVISIONS FOR LICENSURE

(a) A center that enrolls mildly ill children as a component of a child care center shall have approval for short term care for mildly ill children indicated on their license. A copy of the license shall be posted in the area used by mildly ill children so that it is easily seen by the public.

(b) A center that enrolls mildly ill children as a component of a child care center may admit mildly ill children only who regularly attend the center.

(c) A child care center operated as a separate stand alone program shall be issued a license restricting services to short term care for mildly ill children.

(d) Any center that enrolls mildly ill children shall develop written policies that contain the following:

(1) Admission requirements;
(2) Inclusion/Exclusion criteria;
(3) Preadmission health assessment procedures; and
(4) Plans for staff training and communication with parents and health care professionals.

These policies shall be reviewed by a child care health consultant or other health care professional prior to licensure.

History Note: Authority G.S. 110-88(11); 143B-168.3;
Eff. April 1, 2003.

10A NCAC 09 .2404 INCLUSION/EXCLUSION REQUIREMENTS

(a) Centers may enroll mildly ill children over three months of age who meet the following inclusion criteria:

(1) Centers may enroll children with Level One symptoms as follows:
  (A) children who meet the guidelines for attendance in 10A NCAC 09 .0804, except that they are unable to participate fully in routine group activities and are in need of increased rest time or less vigorous activities; or
  (B) children with fever controlled with medication of 101º or less axillary or 102° or less orally;

(2) Centers may enroll children with Level Two symptoms as follows:
  (A) inability to participate in much group activity while requiring extra sleep, clear liquids, light meals, and passive activities such as stories, videos or music, as determined by a health care professional;
  (B) fever controlled with medication of 103° maximum orally, or 102° maximum axillary, - with a health care professional's written screening;
  (C) vomiting fewer than three times in any eight hour period, without signs of dehydration;
  (D) diarrhea without signs of dehydration and without blood or mucus in the stool, fewer than five times in any eight hour period; or
  (E) with written approval from a child's physician and preadmission screening by an on-site health care professional prior to the current day's attendance unless excluded by Subparagraphs (b)(1), (2), (3), (4), (6), or (7) of this Rule.

(b) Any child exhibiting the following symptoms shall be excluded from any care:

(1) temperature unresponsive to control measures;
(2) undiagnosed or unidentified rash;
(3) respiratory distress as evidenced by an increased respiratory rate and unresponsiveness to treatment, flaring nostrils, labored breathing, or intercostal retractions;
(4) major change in condition requiring further care or evaluation;
(5) contagious diseases required to be reported to the health department, except as provided in Part (a)(2)(E) of this Rule;
(6) other conditions as determined by a health care professional or onsite administrator; or
(7) sluggish mental status.

(c) Once admitted, children shall be assessed and evaluated at least every four hours, or more frequently if warranted based on medication administration or medical treatment, to determine if symptoms continue to meet inclusion criteria.

History Note: Authority G.S. 110-88(11); 143B-168.3;
Eff. April 1, 2003;
Amended Eff. December 1, 2014.

10A NCAC 09 .2405 ADMISSION REQUIREMENTS

(a) Written permission from a parent is required for admission of a mildly ill child. If a child is assessed to need care because he or she is mildly ill, permission may be given by telephone and documented if a child is to be moved from the well child component of the center to the mildly ill area, as long as written permission is received prior to the second day of attendance.

(b) Each parent shall sign a statement which attests that a copy of the policies described in Rule .2403(d) of this Section were given to and discussed with him or her prior to a mildly ill child's attendance.

(c) The onsite administrator or health care professional shall have the authority to require a written medical evaluation for a child to include diagnosis, treatment and prognosis, if such evaluation is necessary to determine the appropriateness of a child's attendance prior to admission or upon worsening of the child's symptoms.

(d) A parent must remain on the premises until the preadmission health assessment and individualized plan of care has been completed by center staff who have completed the training described in Rule .2408(a)(3), and the child has been approved for attendance.

(e) No child shall be admitted unless staff who meet the qualifications in Rule .2408 of this Section are on site and available to provide care.

History Note: Authority G.S. 110-88(11); 143B-168.3;
Eff. April 1, 2003.

10A NCAC 09 .2406 STAFF/CHILD RATIOS

The staff/child ratio and group size shall be determined based on the age of the youngest child in the group and shall be as follows:

Age of Child	No. of Children	No. of Staff	Max. Group Size	No. of Staff
3 Months to 2 Years	3	1	6	2
2 to 5 Years	4	1	8	2
5 Years and older	5	1	10	2

History Note: Authority G.S. 110-88(11); 143B-168.3;
Eff. April 1, 2003.

10A NCAC 09 .2407 SPACE REQUIREMENTS

(a) There shall be at least 45 square feet of inside space per child present at any one time. When space is measured the following will not be included: closets, hallways, storage areas, kitchens, bathrooms, utility areas, thresholds, foyers, space or rooms used for administrative activities or

space occupied by adult-sized desks, cabinets, file cabinets, etc.; any floor space occupied by or located under equipment, furniture, or materials not used by children; and any floor space occupied by or located under built-in equipment or furniture.

(b) A center that enrolls mildly ill children as a component of a child care center shall:

(1) ensure that if the outdoor play area is shared by both components, well and mildly ill children do not use the area at the same time; and

(2) ensure that the indoor area used by the mildly ill children shall be physically separate, including a separate interior or exterior entrance.

(c) An outdoor play area is not required for children who are mildly ill. If a child is in care for more than three consecutive days, however, he or she must have the opportunity to go outside for appropriate play or leisure activities.

History Note: Authority G.S. 110-88(11); 143B-168.3;
Eff. April 1, 2003.

10A NCAC 09 .2408 STAFF QUALIFICATIONS

(a) All staff working with the mildly ill children shall complete all requirements in this Subchapter pertaining to preservice training, inservice training and staff records. In addition, the requirements for staff who care for children with Level One symptoms as described in Rule .2404, Paragraphs (a)(1)(A) and (B) of this Section shall be as follows:

(1) Each group of children shall have a lead teacher present who has the North Carolina Early Childhood Credential or its equivalent prior to assuming care giving responsibilities.

(2) Each group of children shall have a staff person present who meets the requirements in 10A NCAC 09 .0705, Paragraphs (a), (b), and (d). This may or may not be the same individual referenced in Subparagraph (a)(1) of this Rule.

(3) In addition to staff orientation requirements in Section .0700, prior to assuming care giving duties all caregivers must complete 10 hours of training and demonstrate competency on how to perform the following:

(A) storage and administration of medication;

(B) infection control procedures;

(C) aspiration of nasal secretions;

(D) positioning for sleeping and eating;

(E) temperature and respiratory rate taking;

(F) documentation of signs, symptoms, physical appearance, intake and output, communication with family and physicians;

(G) recognizing when to temporarily stop, increase, or decrease oral intake;

(H) recognizing signs and symptoms associated with the increased severity of illness including behavioral changes, changes in bowel movements, increased sluggishness, etc.;

(I) developing individualized plans of care;

(J) special dietary requirements and maintaining hydration; and

(K) emergency procedures, including notification of a parent, should a child's condition worsen.

(4) Any caregiver caring for a child whose illness requires special knowledge, skills or equipment shall have appropriate training and equipment when applicable prior to caring for the child.

(5) Completion of the above training may count toward meeting one year's annual on-going training requirements in Section .0700 of this Subchapter.

(6) When a center enrolls mildly ill children as a component of a child care center, the administrator shall meet the education requirements for administrators as required by G.S. 110-91(8).

(7) In a center exclusively enrolling mildly ill children, the administrator shall have a North Carolina Early Childhood Administration Credential or equivalent prior to assuming administrative duties.

(b) In addition to the staffing requirements listed in Subparagraphs (a)(1)-(5) of this Rule, if children with Level Two symptoms as described in Parts (a)(2)(A) – (a)(2)(E) of Rule .2404 of this Section are in care, the following number of medical staff shall be on site based upon the total number of children in care.

No. of Children	Type of Medical Staff
1 to 10	At least an RN, or a LPN with a health care professional in the immediate vicinity
10 to 20	At least an RN
20 to 40	At least an RN and an additional LPN

Each medical staff shall have at least one year of full-time pediatric nursing experience, and may count in staff/child ratio. Medical staff may also act as lead teachers if they have the North Carolina Early Childhood Credential or equivalent.

History Note: Authority G.S. 110-88(11); 143B-168.3;
Eff. April 1, 2003.

10A NCAC 09 .2409 CHILDREN'S RECORDS

(a) In addition to all other children's records required in G.S. 110 and this Chapter, the following shall be completed for the children admitted to the mildly ill area:

(1) Preadmission health assessment which includes documentation of health status, current symptoms, baseline temperature and respiratory rate, and any medications administered in the last 24 hours.

(2) General admission information which includes information about the child's typical behavior, activity level, patterns of eating, sleeping and toileting.

(3) An individualized plan of care describing how the child's needs shall be met, based upon Parts (a)(1) and (a)(2) of this Rule, shall be developed by the parent and a staff member who has completed training described in Subparagraph (a)(3) of Rule .2408 of this Section.

(4) A daily written record shall be maintained and a copy given to parents of each child's eating, sleeping and toileting patterns; medications administered; activity levels; changes in symptoms; and any additional information that the provider deems relevant.

(b) All records shall be on file in the mildly ill area prior to attending. If a child is enrolled in the well child care component of a child care center, records may be maintained in the well child care area, along with a copy of the child's enrollment application as required in Rule .0801 of this Subchapter. The records specified in Subparagraphs (a)(1) – (a)(4) of this Rule shall be kept in the mildly ill area.

History Note: Authority G.S. 110-88(11); 143B-168.3;
Eff. April 1, 2003.

10A NCAC 09 .2410 CHILDREN'S ACTIVITIES

(a) Daily activities shall be provided in accordance with Section .0500 of these Rules and in accordance with each child's individualized plan of care. Activity areas are not required, but developmentally appropriate equipment and materials must be available daily for children in care.

(b) Eating, toileting, sleeping, resting, and playing shall be individually determined and flexible to allow each child to decide when and whether to participate in available activities, and to nap or rest at any time.

(c) Daily outdoor time shall be available for children with Level One symptoms who are present more than three consecutive days unless deemed inappropriate by the child's attending health care professional.

History Note: Authority G.S. 110-88(11); 143B-168.3;
Eff. April 1, 2003.

10A NCAC 09 .2411 NUTRITION REQUIREMENTS

Meals and snacks shall be provided in accordance with Section .0900 of this Subchapter unless a child's individualized plan of care specifies otherwise.

History Note: Authority G.S. 110-88(11); 143B-168.3;
Eff. April 1, 2003.

SECTION .2500 - CARE FOR SCHOOL-AGE CHILDREN

10A NCAC 09 .2501 SCOPE

The rules in this Section apply to all child care centers offering care to three or more school-age children exclusively or as a component of any other program. All rules in this Chapter pertaining to care for school-age children apply except as provided in this Section.

History Note: Authority G.S. 110-85; 110-86(3); 110-91; 143B-168.3;
Eff. July 1, 1988;
Amended Eff. July 1, 2010; July 1, 2000; September 1, 1990.

10A NCAC 09 .2502 SPECIAL PROVISIONS FOR LICENSURE

A center providing care for school-age children exclusively on a seasonal basis between May 15 and September 15 shall be licensed as a summer day camp. A track-out program that operates all four tracks for more than four hours per day must be licensed.

History Note: Authority G.S. 110-85; 110-88(1); 110-91; 143B-168.3;
Eff. July 1, 1988;
Amended Eff. July 1, 2010; July 1, 2000; September 1, 1990.

10A NCAC 09 .2503 BUILDING CODE REQUIREMENTS

(a) Building code requirements adopted by reference in Section .1300 of this Chapter apply for a facility providing care to school-age children except in the following situations:

(1) Any building which is approved for school occupancy and which houses a public or private school during the school year shall be considered an approved building to house a facility serving school-age children exclusively. The operator shall obtain and submit copies of all applicable inspection reports to the Division.

(2) For the purpose of carrying out the provisions of G.S. 110-91(4) for summer day camps not covered by Subparagraph (1) of this Rule, the following North Carolina Building Codes apply to the structure described in Rule .2504(b) of this Section:

(A) When the authorized capacity of the facility is less than 30 children, the structure shall, meet the requirements for residential occupancy as prescribed in the North Carolina Building Code. Children may use only those floors which have at least one grade level exit.

(B) When the authorized capacity of the facility is more than 29 children, but less than 100 children, the structure shall, meet the North Carolina Building Code requirements for business occupancy.

(C) When the authorized capacity of the facility is more than 99 children, the structure shall, meet the North Carolina Building Code requirements for assembly occupancy, or educational occupancy or institutional occupancy.

(b) A copy of the North Carolina Building Code is on file at the Division of Child Development at the address given in Rule .0102 of this Chapter and is available for public inspection during regular business hours.

History Note: Authority G.S. 110-85; 110-88(2); 110-91(4); 143B-168.3;

Eff. July 1, 1988;
Amended Eff. July 1, 2010; September 1, 1990.

10A NCAC 09 .2504 SPACE REQUIREMENTS

(a) All space requirements specified in Section .1400 apply when a facility provides care for school-age children and any preschool child is also in care, or when a program which provides care exclusively for school-age children routinely operates indoors in a permanent structure for more than 25 percent of each day. A gymnasium or other single use room may be included in the space measured for licensed capacity when used as primary space.

(b) A facility licensed as a summer day camp shall have a permanent structure located at the home base which is the primary site of the summer day camp activities. The permanent structure may be a building or permanent roofed shelter with overhang. The summer day camp shall meet one of the following space requirements:

(1) When activities for children are routinely conducted outdoors or off the premises for at least 75 percent of each day, a minimum of 10 square feet per child of indoor space, exclusive of kitchens, hallways, restrooms, closets, and storage areas, shall be provided.

(2) When the camp's home base does not provide 10 square feet of primary space indoors, the camp shall provide notarized copies of all letters, agreements, or contracts with other facilities to the Division which guarantee that children will be accommodated comfortably indoors in the event of inclement weather.

History Note: Authority G.S. 110-85; 110-91(3),(6); 143B-168.3;
Eff. July 1, 1988;
Amended Eff. July 1, 2010; September 1, 1990.

10A NCAC 09 .2505 HEALTH REQUIREMENTS FOR CHILDREN

(a) All requirements of Section .0800 of this Chapter apply to school-age child care arrangements with the following exceptions:

(1) A medical examination report is not required for any child enrolled in a public school or private school as described in G.S. 110-86(2)f.

(2) Rule .0806 does not apply.

(3) If a summer day camp maintains its master records for children and staff in a central location, emergency information for each staff person and child shall always be on site. The emergency information on site shall include the name and telephone numbers of the child's parent or other responsible person, the child's or staff person's health care professional or preferred hospital, any chronic illnesses and medication taken for that illness, any allergy and recommended treatment for that allergy, and any other information that has a direct bearing on medical treatment and safe care. The parent's signed permission to obtain medical attention must also be on site with the child.

(b) All requirements specified in Section .0900 of this Chapter apply.

(c) If food is prepared at the summer day camp, the rules regarding sanitary facilities, food preparation and service for summer camps as adopted by the Commission for Public Health and codified in 15A NCAC 18A .1000 apply. If food is prepared at a licensed track-out program, the sanitation requirements of child care centers must be met.

(d) If food is brought from home by children or catered, the following requirements apply:

(1) Sanitary cold storage shall be provided for perishable snacks or lunches brought from home.

(2) Safe drinking water shall be available at all times regardless of where activities are provided.

History Note: Authority G.S. 110-85; 110-91(1), (2); 143B-168.3;
Eff. July 1, 1988;
Amended Eff. July 1, 2010; September 1, 1990.

10A NCAC 09 .2506 GENERAL SAFETY REQUIREMENTS

(a) First aid equipment shall be available regardless of where activities are provided.

(b) All regulations in Rule .1403 of this Chapter regarding swimming pools apply.

(c) Potentially hazardous items, such as archery equipment, hand and power tools, nails, chemicals, or propane stoves, shall be used by children only when adult supervision is provided. Such potentially hazardous items, whether or not intended for use by the children, shall be stored in locked areas or with other safeguards, or shall be removed from the premises.

(d) All children shall be adequately supervised. Adequate supervision means staff shall be with the group of children and able to hear or see each child in his or her care, except:

(1) Children who are developmentally able may be permitted to go to the restroom independently, provided that:

(A) staff members' proximity to children assures immediate intervention to safeguard a child from harm;

(B) individuals who are not staff members may not enter the restroom area while in use by any child; and

(C) children up to nine years of age are supervised by staff members who are able to hear the child. Children nine years of age and older are not required to be directly supervised, however, staff members shall know the whereabouts of children who have left their group to use the restroom;

(2) Adequate supervision for children nine years of age and older means that staff are with the group of children and able to hear or see each child in his or her care. A staff member shall accompany any children who leave the group to go indoors or outdoors; and

(3) When emergencies necessitate that direct supervision is impossible for brief periods of time.

(e) Children riding bicycles must wear safety helmets.

History Note: Authority G.S. 110-85; 110-91; 143B-168.3;
Eff. July 1, 1988;
Amended Eff. March 1, 2014; July 1, 2010; July 1, 1998; September 1, 1990.

10A NCAC 09 .2507 OPERATING POLICIES

(a) Written permission from parents shall be obtained before transporting children on field trips or leaving the premises.

(b) Blanket permissions from parents for field trips or leaving the premises are acceptable only when a schedule of activities to be conducted off the premises is posted in a conspicuous place

for review by parents and staff in advance on a weekly basis. The schedule shall include the location, purpose, time and date, person in charge, and telephone number or method for contacting the person in charge.
(c) Cots, beds, or mats with linens shall not be required for school-age children. However, provision shall be made for children who wish to rest or who are sick to rest in a comfortable place.

History Note: Authority G.S. 110.91; 143B-168.3;
Eff. July 1, 1988.

10A NCAC 09 .2508 AGE APPROPRIATE ACTIVITIES
(a) Child care facilities which provide care to school-age children shall provide a balance of teacher directed and free choice activities appropriate to the age, needs and interests of the children.
(b) Opportunities must be provided for children to participate in the planning and the implementation of activities.
(c) Facilities which operate a school-age component for three or fewer hours per day shall make at least three of the following activities available daily; those which operate a school-age component for more than three hours per day shall make at least four of the following activities available daily:

(1) Career development activities;
(2) Community awareness activities;
(3) Creative arts activities;
(4) Cultural activities;
(5) Games or manipulatives;
(6) Hands-on academic enrichment activities including language, math, science, social studies, or foreign language activities;
(7) Health education or wellness activities;
(8) Homework with assistance available as needed from center personnel;
(9) Reading activities;
(10) Sand or water play;
(11) Social skills, life skills or problem-solving activities;
(12) Structured or unstructured physical activities; or
(13) Technology skill-building activities.

(d) All equipment and materials used by school-age children shall be appropriate for the age and size of the children using the items.
(e) When screen time, including, television, videos, video games, and computer usage, is provided, it shall be:

(1) Offered as a free choice activity;
(2) Used to meet a developmental goal;
(3) Limited to no more than two and a half hours per week, per child; and
(4) When children are in care for four hours or less per day limited to a maximum of 30 minutes per child, per day.

Usage time periods may be extended for specific special events, projects, or occasions such as a current event, homework, on-site computer classes, researching topics, holiday, or birthday celebration.

History Note: Authority G.S. 110-85; 110-91(6),(12); 143B-168.3;
Eff. July 1, 1988;
Amended Eff. July 1, 2010; October 1, 1991; September 1, 1990.

10A NCAC 09 .2509 ACTIVITIES: OFF PREMISES

(a) The requirements of this Rule apply when activities for children are routinely conducted outdoors or off the premises for at least 75 percent of each day.

(b) The facility shall develop a schedule of activities which is posted in a conspicuous place in the home base or given to the parents.

(c) The schedule shall be current and shall contain the information listed in Rule .2507(b).

(d) Activities shall be planned to accommodate a variety of individual interests and shall provide opportunities for choice.

History Note: Authority G.S. 110-91(6), (12); 143B-168.3;
Eff. July 1, 1988;
Amended Eff. September 1, 1990.

10A NCAC 09 .2510 STAFF QUALIFICATIONS

(a) The individual who is responsible for ensuring the administration of the program, whether on-site or off-site, shall:

(1) Prior to employment, have at least 400 hours of verifiable experience working with school-age children in a licensed child care program or 600 hours of verifiable experience working with school-age children in an unlicensed school-age care or camp setting; or have an undergraduate, graduate, or associate degree, with at least 12 semester hours in school-age care related coursework; and

(2) Meet the requirements for a child care administrator in G.S. 110-91(8).

(b) At least one individual who is responsible for planning and ensuring the implementation of daily activities for a school-age program (program coordinator) shall:

(1) Be at least 18 years old and have a high school diploma or its equivalent prior to employment;

(2) Have completed two semester credit hours in child and youth development and two semester credit hours in school-age programming. Each individual who does not meet this requirement shall enroll in coursework within six months after becoming employed and shall complete this coursework within 18 months of enrollment. An individual who meets the staff requirements for administrator or lead teacher shall be considered as meeting the requirements for program coordinator, provided the individual completes Basic School-Age Care (BSAC) training, or its equivalent; and

(3) In a part day program be on site when children are in care. For a full day program, the program coordinator must be on site for two thirds of the hours of operation. This includes times when the individual is off site due to illness or vacation.

(c) Staff who are responsible for supervising groups of school-age children (group leaders) shall be at least 18 years of age and have a high school diploma or its equivalent prior to employment, and shall complete the BSAC training, or its equivalent.

(d) Staff who assist group leaders (assistant group leaders) shall be at least 16 years of age and shall complete the BSAC training, or its equivalent.
(e) The individual who is on-site and responsible for the administration of the school-age component of a center which also provides care to preschool-age children, shall meet the requirements for child care administrator in G.S. 110-91(8) and Section .0700 of this Chapter.
(f) When an individual has responsibility for both administering the program and planning and ensuring the implementation of the daily activities of a school-age program, the individual shall meet the staff requirements for an administrator and shall complete the BSAC training, or its equivalent.
(g) Completion of the BSAC training course, or its equivalent, counts toward meeting five hours of one year's annual on-going training requirements in Section .0700 of this Chapter.
(h) As used in this Rule, the term "experience working with school-age children" means experience working with school-age children as an administrator, program coordinator, group leader, assistant group leader, lead teacher, teacher, or aide.
(i) All staff shall receive on-site training and orientation as follows:

(1) Within the first two weeks of assuming responsibility for supervising a group of children, each employee shall complete at least six clock hours of training on:
    (A) the recognition of the signs and symptoms of child abuse or neglect and in the employee's duty to report suspected abuse and neglect;
    (B) the center's operational policies;
    (C) adequate supervision of children, taking into account their age, emotional, physical, and cognitive development; and
(2) Within the first six weeks of assuming responsibility for supervising a group of children, each employee shall complete at least three additional clock hours of training on maintaining a safe and healthy environment and developmentally appropriate activities for school-age children.

(j) Staff in part-time, full day, or track-out school-age care programs required to complete BSAC training or its equivalent, shall do so within three months of becoming employed. Staff in summer day camp programs required to complete BSAC training or its equivalent, shall do so within four weeks of becoming employed.

History Note: Authority G.S. 110-85; 110-91(8),(11); 143B-168.3;
Eff. July 1, 1988;
Amended Eff. August 1, 2010; November 1, 2007; July 1, 2000; July 1, 1998; January 1, 1992; September 1, 1990.

10A NCAC 09 .2511 OTHER STAFF REQUIREMENTS

History Note: Authority G.S. 110-91(8),(11); 143B-168.3;
Eff. September 1, 1990;
Repealed Eff. July 1, 2008.

SECTION .2600 – CHILD CARE FOR CHILDREN WHO ARE MEDICALLY FRAGILE

10A NCAC 09 .2601 SCOPE
10A NCAC 09 .2602 DEFINITIONS
10A NCAC 09 .2603 SPECIAL PROVISIONS FOR LICENSURE
10A NCAC 09 .2604 OPERATIONAL POLICIES
10A NCAC 09 .2605 STAFF/CHILD RATIOS
10A NCAC 09 .2606 SPACE REQUIREMENTS
10A NCAC 09 .2607 STAFF QUALIFICATIONS

History Note: Authority G.S. 110-88(13); 110-91;
Eff. October 1, 2005;
Pursuant to G.S. 150B-21.3A, rule Expired June 1, 2015.

10A NCAC 09 .2608 CHILDREN'S PLAN OF CARE

History Note: Authority G.S. 110-88(13);
Eff. November 1, 2005
Pursuant to G.S. 150B-21.3A, rule Expired June 1, 2015..

10A NCAC 09 .2609 NUTRITION REQUIREMENTS
10A NCAC 09 .2610 TRANSPORTATION

History Note: Authority G.S. 110-88(13); 110-91;
Eff. October 1, 2005;
Pursuant to G.S. 150B-21.3A, rule Expired June 1, 2015.

10A NCAC 09 .2611 RESERVED FOR FUTURE CODIFICATION

10A NCAC 09 .2612 RESERVED FOR FUTURE CODIFICATION

SECTION .2700 - CRIMINAL RECORDS CHECKS

10A NCAC 09 .2701 SCOPE

The rules in this Section apply to all child care providers as defined in G.S.110-90.2. The Division, in accordance with G.S.110-90.2, shall determine if an individual is a qualified child care provider. An individual may work or be present in any child care facility during the time the individual holds a valid qualification letter after the Division's determination that the individual is a qualified child care provider.

History Note: Authority G.S. 110-85; 110-90.2;
Eff. March 1, 2014.

10A NCAC 09 .2702 DEFINITIONS

For purposes of this Section:

(1) a "qualified child care provider" means an individual who the Division has determined is fit to have responsibility for the safety and well-being of children based on the criminal history as set forth in G.S. 110-90.2.

(2) a "disqualified child care provider" means an individual who:

- (a) the Division has determined is not fit to have responsibility for the safety and well-being of children based on the criminal history in accordance with G.S. 110-90.2(a)(3);
- (b) is classified within the prohibited list provided in G.S. 110-90.2(a1);
- (c) the Division determines to be an habitually excessive user of alcohol, who illegally uses narcotic or other impairing drugs, or who is mentally or emotionally impaired to an extent that may be injurious to children;
- (d) refuses to consent to a criminal history record check; or
- (e) intentionally falsifies any information required to conduct a criminal history record check.

(3) a "qualification letter" or "qualifying letter" means the letter issued by the Division notifying an individual that he or she is a qualified child care provider;

(4) a "conviction" includes when a plea of guilty or no contest is accepted by the trial court, or entry of an order granting a prayer for judgment continued; and

(5) a "pending criminal charge" includes, but is not limited to, a charge that has been deferred pursuant to G.S. 15A-1341(a1).

History Note: Authority G.S. 110-85; 110-90.2; 110-90.2(a)(3); 114-19.5; 143B-168.3; S.L. 1995, c. 507, s.23.25;
Temporary Adoption Eff. January 1, 1996;
Eff. April 1, 1997;
Amended Eff. March 1, 2014; November 1, 2007; April 1, 2003.

10A NCAC 09 .2703 CRIMINAL HISTORY RECORD CHECK REQUIREMENTS FOR CHILD CARE PROVIDERS

(a) In addition to the requirements in Rules .0302 and .1702 of this Chapter, a child care provider shall submit the following to the Division prior to the issuance of a license or prior to beginning employment:

(1) a signed and completed Authority for Release of Information form;
(2) fingerprint impressions submitted on the form(s) required by the Division and State Bureau of Investigation; and
(3) if a child care provider is an out-of-state resident, he or she shall also submit a certified local history from the Clerk of Superior Court in his or her county of residence.

All required forms can be found on the Division's website at http://ncchildcare.dhhs.state.nc.us/general/dhhscrc_childcare.asp.

(b) If the child care provider has a criminal history of convictions, pending indictment of a crime, or pending criminal charges, he or she may submit to the Division additional information concerning the conviction or charges that the Division shall use in making the determination of the child care provider's qualification. The Division shall also consider the following in making its decision:

(1) length of time since conviction;
(2) whether the child care provider is currently on probation;
(3) nature of the offense;
(4) circumstances surrounding the commission of the offense or offenses;
(5) evidence of rehabilitation;
(6) number and type of prior offenses; and
(7) age of the child care provider at the time of occurrence.

(c) If the child care provider is a firm, partnership, association, or corporation, the chief executive officer or other person serving in like capacity or a person designated by the chief executive officer as responsible for the operation of the facility, shall complete the criminal history record check as specified in Paragraph (a) of this Rule.

(d) If a Letter of Intent to Operate pursuant to G.S. 110-106 is submitted to the Division, the person signing the Letter of Intent shall submit all forms as required in Paragraph (a) of this Rule.

(e) Child care providers must have a valid qualification letter prior to employment or living in the family child care home and the qualification letter must be kept on file at the facility for review by representatives of the Division.

(f) Child care providers found to be disqualified are not eligible for employment in child care until a qualification letter has been issued by the Division.

(g) Child care providers determined by the Division to be disqualified shall be terminated by the center or family child care home immediately upon receipt of the disqualification notice.

(h) Disqualification of a child care provider living in a family child care home shall be grounds for issuance of a summary suspension of the family child care home license in accordance with 10A NCAC 09 .2207.

(i) Refusal on the part of the employer to dismiss a child care provider who has been found to be disqualified shall be grounds for suspension, denial, or revocation of the license or any other administrative action or civil penalty permitted by law or rule. If an applicant appeals the disqualification, the child care provider shall not be employed during the appeal process.

(j) Operators, as defined by G.S. 110-86(7), shall include the criminal history mandatory reporting requirement in all new employee orientation information. Mandatory reporting requires all child care providers and household members who have incurred any pending charges, indictments or convictions (other than minor traffic offenses) since the last qualification letter was issued by the Division to notify the operator of such charges within five business days

or before returning to work, whichever comes first. The operator shall notify the Division of any such pending charges, indictments or convictions within one business day of being notified.
(k) The qualification letter is valid for a maximum of three years from the date of issuance.
(l) Prior to the expiration date of the qualification letter, the child care provider shall complete and submit the forms listed in Paragraph (a) of this Rule.
(m) After a child care provider has been qualified, the Division may complete a new criminal history record check at any time when the Department of Social Services or the Division of Child Development and Early Education conducts an investigation that references the child care provider.
(n) Any individuals who live in the household who have had their 16th birthday after the initial licensing of a family child care home, shall complete and submit the forms listed in Paragraph (a) of this Rule to the Division within five business days.
(o) Child care operators must notify the Division of any new child care providers who are hired or moved into the home within five business days by submitting the form provided by the Division.

History Note: Authority G.S. 110-85; 110-86(7); 110-90.2; 110-90.2(a); 114-19.5; 143B-168.3; 110-106; S.L. 2012-160, s.1;
Temporary Adoption Eff. January 1, 1996;
Eff. April 1, 1997;
Amended Eff. March 1, 2014; November 1, 2007.

10A NCAC 09 .2704 CRIMINAL HISTORY RECORD CHECK REQUIREMENTS FOR NONLICENSED CHILD CARE PROVIDERS

(a) A nonlicensed child care provider shall submit the following to the local purchasing agency prior to caring for children and receiving subsidy payments:

(1) a signed Authority for Release of Information using the form provided by the Division;
(2) fingerprint impressions submitted on the form(s) required by the Division and State Bureau of Investigation; and
(3) if a prospective child care provider is an out-of-state resident, he or she shall also submit a certified local history from the Clerk of Superior Court in his or her county of residence. This Rule applies to any individuals over 15 years old who move into the household, or any individuals who live in the household who have had his or her 16th birthday after the initial approval, including family members and non-family members who use the home either on a permanent or temporary basis as their primary residence. The individual shall submit the items in this Paragraph to the local purchasing agency within five business days of moving into the home or their 16th birthday.

(b) New nonlicensed child care providers shall submit the complete and accurate packet no later than five business days after applying for enrollment as a nonlicensed child care provider of subsidized child care. If more than three years have elapsed since the criminal history record check has been completed and subsidy funds were not received, then a new criminal history record check must be submitted by the nonlicensed child care provider and any household member over 15 years old.

(c) Any individual over 15 years old, including family members and non-family members who use the home either on a permanent or temporary basis as their primary residence, shall submit all criminal history record check forms as required in Subparagraphs (a)(1) and (a)(2) of this Rule, within five business days of joining the household.

(d) If a nonlicensed child care provider has a criminal history of convictions, pending indictment of a crime, or pending criminal charges, he or she may submit to the Division additional information concerning the conviction or charges that could be used by the Division in making the determination of the child care provider's qualification. The Division shall consider the following in making a decision:

(1) length of time since conviction;
(2) whether the nonlicensed child care provider is currently on probation;
(3) nature of the offense;
(4) circumstances surrounding the commission of the offense or offenses;
(5) evidence of rehabilitation;
(6) number and type of prior offenses; and
(7) age of the nonlicensed child care provider at the time of occurrence.

(e) The local purchasing agency shall mail the Authority for Release of Information using the form provided by the Division, and fingerprint impressions to the Division no later than five business days after receipt. A copy of the submitted information shall be maintained in the nonlicensed child care provider's file until the notice of qualification is received by the nonlicensed child care provider. The notice of qualification shall be maintained in the nonlicensed child care provider's file. The local purchasing agency shall keep the child care provider's file.

(f) A nonlicensed child care provider shall not receive payment during the period in which the state and federal - criminal history record check is being completed.

(g) Disqualification of a nonlicensed child care provider by the Division shall be reasonable cause for the local purchasing agency to deny payment.

(h) If a nonlicensed child care provider disagrees with the decision of disqualification and files a civil action in district court, the provider may continue to operate as a nonlicensed child care provider, but shall not receive payment during the proceedings. If the determination in the civil action is that the nonlicensed child care provider is qualified, the nonlicensed provider shall receive retroactive payment for the uncompensated care provided during the proceedings.

(i) After a nonlicensed child care provider is qualified, the Division may complete a new criminal history record check at any time when the Department of Social Services or the Division of Child Development and Early Education conducts an investigation that references the child care provider. If the Division requests a new criminal history record check, the child care provider shall complete and submit the forms listed in Paragraph (a) of this Rule to the Division within five business days of the Division's request.

(j) The qualification letter is valid for a maximum of three years from the date of issuance.

(k) Prior to the expiration date of the qualification letter, the nonlicensed child care provider shall complete and submit the forms described in Paragraph (a) of this Rule.

(l) Nonlicensed child care providers and household members must have a valid qualification letter prior to receiving subsidy payments.

History Note: Authority G.S. 110-90.2; 114-19.5; 143B-168.3; S.L. 2012-160, s. 1;
Temporary Adoption Eff. January 1, 1996;

Eff. April 1, 1997;
Amended Eff. March 1, 2014; December 1, 2007; April 1, 2003.

SECTION .2800 - VOLUNTARY RATED LICENSES

10A NCAC 09 .2801 SCOPE

(a) This Section applies to all child care facilities that have achieved a voluntary rated license of two stars or higher or that apply to be assessed for a voluntary rated license of two stars or higher.
(b) A child care facility is eligible for a voluntary rated license of two through five stars.
(c) No requirement in any component of a two-star or higher rating shall be less than the requirements for a one-star rating described in G.S. 110-91 and this Chapter. Prior to issuance of an initial two through five-star rating, all requirements in G.S. 110-91 and this Chapter must be in compliance at the time the program is assessed. The requirements for a voluntary rated license of two stars or higher are in addition to the standards found in G.S. 110-91 and this Chapter.
(d) Nothing in this Section precludes or interferes with issuance of an administrative action as allowed by G.S. 110 and this Chapter.
(e) As used in this Section a two component license refers to a license issued based on an evaluation of program standards and education standards.

History Note: Authority G.S. 110-85; 110-88(7); 110-90(4); 143B-168.3;
Eff. April 1, 1999;
Amended Eff. July 1, 2010; May 1, 2006.

10A NCAC 09 .2802 APPLICATION FOR A VOLUNTARY RATED LICENSE

(a) After a licensed child care center or home has been in operation for a minimum of six consecutive months, the procedures in this Rule apply to request an initial two- through five-star rated license or to request that a rating be changed to a two- through five-star rated license.
(b) The operator shall submit a completed application to the Division for a voluntary rated license on the form provided by the Division.
(c) An operator may apply for a star rating based on the total number of points achieved for each component of the voluntary rated license. In order to achieve a two- through five-star rating, for a two component license the minimum score achieved must be a least four points as follows:

TOTAL NUMBER OF POINTS	RATING
4 through 6	Two Stars
7 through 9	Three Stars
10 through 12	Four Stars
13 through 15	Five Stars

(d) Facilities with a four or five-star rated license that are licensed to serve four-year-old children must implement a curriculum as defined in 10A NCAC 09 .0102 with their four year olds. This requirement must be met in any licensed child care facility.
(e) A Division representative shall assess the facility requesting a voluntary rated license to determine if all applicable requirements have been met to achieve the score for the requested star rating. The assessment may include a review of Division records and site visits.
(f) The Division shall provide for Infant/Toddler Environment Rating Scale Revised Edition, Early Childhood Environment Rating Scale - Revised Edition, School-Age Care Environment Rating Scale, or Family Child Care Environment Rating Scale - Revised Edition assessments to be completed, as appropriate for the program, free of charge to operators requesting an initial three or more points for program standards.

(g) Upon completion of the Division's assessment:

(1) If the assessment indicates all the applicable requirements to achieve the score for the requested rating have been met, the Division shall issue the rating.

(2) If the assessment indicates all the applicable requirements to achieve the score for the requested rating are not met, the Division shall notify the operator of the requirements that were not met and the requested voluntary rating shall not be issued. The operator may:

(A) Accept the rating for which the Division has found the operator to be eligible;

(B) Withdraw the request and reapply when the identified requirements to achieve the score for the requested rating have been met; or

(C) Appeal the denial of the requested rating as provided in G.S. 110-94.

History Note: Authority G.S. 110-85; 110-88(7); 110-90(4); 143B-168.3; S.L. 2011-145, s.10.7(b);
Eff. April 1, 1999;
Amended Eff. September 1, 2012; July 1, 2010; May 1, 2006.

10A NCAC 09 .2803 PROGRAM STANDARDS FOR A THREE COMPONENT RATED LICENSE FOR CHILD CARE CENTERS

History Note: Authority G.S. 110-88(7); 110-90(4); 143B-168.3;
Eff. April 1, 1999;
Amended Eff. May 1, 2006; January 1, 2006;
Repealed Eff. July 1, 2010.

10A NCAC 09 .2804 ADMINISTRATIVE POLICIES

Centers seeking two or more points for program standards shall have administrative policies and practices which provide for selection and training of staff; communication with and opportunities for participation by parents; operational and fiscal management; and objective evaluation of the program, management and staff in accordance with the rules of this Section.

History Note: Authority G.S. 110-88(7); 110-90(4); 143B-168.3;
Eff. April 1, 1999;
Amended Eff. July 1, 2000;
Prior to amendment of May 1, 2006 this language was located in Rule .1601;
Amended Eff. May 1, 2006.

10A NCAC 09 .2805 OPERATIONAL AND PERSONNEL POLICIES

(a) Each center shall have written policies which describe the operation of the center and the services which are available to parents and their children. The operational policies shall include at least the following information:

(1) the days and hours the center operates;

(2) age range of children served;

(3) admission requirements and enrollment procedures;

(4) parent fees and payment plan;

(5) information about services provided by the center, i.e. number of meals served, before/after school care, transportation;

(6) items, if any, to be provided by parents;

(7) a schedule of daily, weekly, and monthly cleaning duties;

(8) written procedures for reporting suspected child abuse and neglect;
(9) the center's discipline policy for behavior management;
(10) a description of opportunities for parent participation; and
(11) nutrition policies.

(b) Operational policies shall be discussed with parents at the time they inquire about enrolling their child in the center. A copy of the policies shall be given to the parents when their child is enrolled and they shall be notified in writing of any changes.

(c) Copies of operational policies and any subsequent changes to those policies shall be distributed to the staff.

(d) Each center in which more than two staff are required to meet the enhanced standards for staff/child ratios shall have written personnel policy which includes at least the following information:

(1) job descriptions for each position;
(2) minimum qualifications for each position including reference checks;
(3) health and medical requirements;
(4) requirements and provisions for in-service training;
(5) provisions for leave time and other absence;
(6) procedures for on-going supervision and regular evaluation of work performance; and
(7) resignation and termination procedures.

(e) Personnel policies shall be discussed with each employee at the time of employment and a copy of the policies shall be available to all staff. Staff shall be notified in writing of any changes in personnel policies.

(f) In addition to all records required in Rule .0302(d) of this Chapter, each employee's personnel file shall contain an annual staff evaluation and staff development plan.

(g) All personnel files of employees hired after April 1, 1999 shall also contain:

(1) a signed and dated statement verifying that the employee received a copy of his/her job description(s) and has reviewed the personnel and operational policies; and
(2) documentation that information concerning the enhanced standards was included during the employee's orientation.

History Note: Authority G.S. 110-88(7); 110-90(4); 143B-168.3;
Eff. April 1, 1999;
Prior to amendment of May 1, 2006 this language was located in Rule .1602;
Amended Eff. May 1, 2006.

10A NCAC 09 .2806 CAREGIVING ACTIVITIES FOR PRESCHOOL-AGED CHILDREN

(a) Each center shall comply with the requirements in Rule .0508 of this Chapter for written activity schedules and plans, and in Rule .0509 of this Chapter for general activity requirements.

(b) Each center providing care to preschool-age children aged two years old or older shall comply with the requirements for activity areas for preschool-age children in Rule .0510 of this Chapter, except that all five of the activity areas listed in G.S. 110-91(12) shall be available each day and the activities listed in Rule .0510(6) of this Chapter shall be offered for each group of children at least once per week.

(c) The requirements for activities for infants and toddlers set forth in Rule .0511 of this Chapter shall apply for children under two years of age.

History Note: Authority G.S. 110-85; 110-88(7); 110-90(4); 143B-168.3;
Eff. April 1, 1999;
Prior to amendment of May 1, 2006 this language was located in Rule .1612;
Amended Eff. May 1, 2013; May 1, 2006.

10A NCAC 09 .2807 PARENT PARTICIPATION

(a) Each center shall have a plan which will encourage parent participation and inform parents about the program and its services. The plan shall be discussed with parents at the time the child is enrolled and shall be posted in the center or a copy shall be given to parents at the time of enrollment.

(b) The plan shall include the following:

(1) a procedure for registering a child for child care which involves both parents when possible and which encourages a visit to the center by the child and the child's parents before the child begins attending the center;

(2) opportunities for caregiving staff to meet with parents on a regular basis to discuss their child's needs and progress and to exchange information about the program;

(3) activities which provide parents opportunities to participate in the center's program on an individual basis and as a group;

(4) a procedure for parents who need information or have complaints about the child care program.

History Note: Authority G.S. 110-88(7); 110-90(4); 143B-168.3;
Eff. April 1, 1999;
Prior to amendment of May 1, 2006 this language was located in Rule .1613;
Amended Eff. May 1, 2006.

10A NCAC 09 .2808 NIGHT CARE

(a) A variety of activities and experiences shall be available for children during the evening hours. Quiet activities shall be planned just before bedtime. Children shall have opportunities to develop good personal care and health habits through routines.

(b) Schedules for the children receiving nighttime care must be flexible and individually planned.

(c) When possible, children shall be left for care and picked up before and after their normal sleeping period so that there is minimal disturbance of the child during sleep.

History Note: Authority G.S. 110-88(7); 110-90(4); 143B-168.3;
Eff. April 1, 1999;
Prior to amendment of May 1, 2006 this language was located in Rule .1615;
Amended Eff. May 1, 2006.

10A NCAC 09 .2809 SPACE REQUIREMENTS

(a) There shall be at least 30 square feet inside space per child per the total licensed capacity and 100 square feet outside space per the total licensed capacity. Or, there shall be at least 35 square

feet inside space per child per the total licensed capacity and 100 square feet outside space per child for at least 50 percent of the total licensed capacity.
(b) There must be an area which can be arranged for administrative and private conference activities.

History Note: Authority G.S. 110-88(7); 110-90(4); 143B-168.3;
Eff. April 1, 1999;
Prior to amendment of May 1, 2006 this language was located in Rule .1604;
Amended Eff. May 1, 2006.

10A NCAC 09 .2810 STAFF/CHILD RATIOS FOR A THREE COMPONENT RATED LICENSE
10A NCAC 09 .2811 EDUCATION STANDARDS FOR A RATED LICENSE FOR CHILD CARE CENTERS

History Note: Authority G.S. 110-88(7); 110-90(4); 143B-168.3;
Eff. April 1, 1999;
Amended Eff. January 1, 2006; July 1, 2000;
Prior to amendment of May 1, 2006 this language was located in Rule .1606 and .2803 (Rule .2810);
Recodified from Rule .2804 Eff. May 1, 2006 (Rule .2811);
Amended Eff. May 1, 2006;
Repealed Eff. July 1, 2010.

10A NCAC 09 .2812 EDUCATION STANDARDS FOR CENTERS THAT PROVIDE CARE ONLY TO SCHOOL-AGED CHILDREN

History Note: Authority G.S. 110-88(7); 110-90(4); 110-91; 143B-168;
Eff. July 1, 2000;
Recodified from Rule .2811 Eff. May 1, 2006;
Repealed Eff. July 1, 2010.

10A NCAC 09 .2813 COMPLIANCE HISTORY STANDARDS FOR A RATED LICENSE FOR CHILD CARE CENTERS
10A NCAC 09 .2814 PROGRAM STANDARDS FOR A RATED LICENSE FOR FAMILY CHILD CARE HOMES
10A NCAC 09 .2815 EDUCATION STANDARDS FOR A RATED LICENSE FOR FAMILY CHILD CARE HOMES
10A NCAC 09 .2816 COMPLIANCE HISTORY STANDARDS FOR A RATED LICENSE FOR FAMILY CHILD CARE HOMES

History Note: Authority G.S. 110-88(7); 110-90(4); 143B-168.3;
Eff. April 1, 1999;
Amended Eff. April 1, 2003;
Recodified from Rule .2805 Eff. May 1, 2006 (Rule .2813);
Recodified from Rule .2806 Eff. May 1, 2006 (Rule .2814);

Recodified from Rule .2807 Eff. May 1, 2006 (Rule .2815);
Recodified from Rule .2808 Eff. May 1, 2006 (Rule .2816);
Repealed Eff. July 1, 2010.

10A NCAC 09 .2817 PROGRAM STANDARDS FOR A TWO COMPONENT RATED LICENSE FOR CHILD CARE CENTERS

(a) This Rule applies to evaluating the program standards for a two component rated license for child care centers.
(b) To achieve two points for program standards, the center shall meet all the applicable requirements in Rules .2804 - .2808 of this Section, and either the staff/child ratio requirements in Rule .2818(b) or the space requirements in Rule .2809 of this Section shall be met.
(c) To achieve three points for program standards, the center shall meet all the applicable requirements in Rules .2804 -.2808 and either the staff/child ratio requirements in Rule .2818(b) or the space requirements in Rule .2809 of this Section shall be met, and have an average score of 4.0 on the appropriate environment rating scale referenced in Rule .2802(e) of this Section in each classroom evaluated.
(d) To achieve four points for program standards, the center shall meet all the applicable requirements in Rules .2804 - .2808 and .2818(b) of this Section, and have an average combined score of 4.5, with no one classroom score lower than 4.0 on the appropriate environment rating scale referenced in Rule .2802(e) of this Section for all classrooms evaluated.
(e) To achieve five points for program standards, the center shall meet all the applicable requirements in Rules .2804 – .2808 and .2818(b) of this Section, and have an average combined score of 4.75, with no one classroom score lower than 4.0, on the appropriate environment rating scale referenced in Rule .2802(e) of this Section for all classrooms evaluated.
(f) To achieve six points for program standards, the center shall meet all the applicable requirements in Rules .2804 - .2809 and .2818(b) of this Section, and have an average combined score of 5.0, with no one classroom score lower than 4.0 on the appropriate environment rating scale referenced in Rule .2802(e) of this Section for all classrooms evaluated.
(g) To achieve seven points for program standards, the center shall meet all the applicable requirements in Rules .2804 - .2809 and .2818(c) of this Section, and have an average score of 5.0 on the appropriate environment rating scale referenced in Rule .2802(e) of this Section in each classroom evaluated.
(h) For centers with a licensed capacity of 3 to 12 children located in a residence, a Family Day Care Rating Scale shall be the rating scale used in Paragraphs (c), (d), (e), (f) and (g) of this Rule.

History Note: Authority G.S. 110-88(7); 110-90(4); 143B-168.3;
Eff. May 1, 2006.

10A NCAC 09 .2818 STAFF/CHILD RATIOS FOR A TWO COMPONENT RATED LICENSE FOR CHILD CARE CENTERS

(a) This Rule applies to evaluating the staff/child ratios and maximum group sizes for a two component rated license for child care centers.
(b) The center shall comply with the following staff-child ratios and maximum group sizes.

MAXIMUM

AGE	RATIO STAFF/CHILDREN	GROUP SIZE
0 to 12 Months	1/5	10
1 to 2 Years	1/6	12
2 to 3 Years	1/9	18
3 to 4 Years	1/10	20
4 to 5 Years	1/13	25
5 to 6 Years	1/15	25
6 Years and Older	1/20	25

(c) To earn seven points for program standards, the center shall comply with the following staff-child ratios and maximum group sizes.

AGE	RATIO STAFF/CHILDREN	MAXIMUM GROUP SIZE
0 to 12 Months	1/4	8
1 to 2 Years	1/5	10
2 to 3 Years	1/8	16
3 to 4 Years	1/9	18
4 to 5 Years	1/12	24
5 to 6 Years	1/14	25
6 Years and Older	1/19	25

(d) The provisions of rules 10A NCAC 09 .0712(a)(1), (2) and .0713(b) through (j) shall apply in evaluating the staff/child ratios and maximum group sizes within this Rule.
(e) The staff/child ratio applicable to a classroom shall be posted in that classroom in an area that parents are able to view at all times.

History Note: Authority G.S. 110-88(7); 143B-168.3;
Eff. May 1, 2006.

10A NCAC 09 .2819 EDUCATION STANDARDS FOR ON-SITE ADMINISTRATORS FOR A RATED LICENSE FOR CHILD CARE CENTERS

(a) This Rule applies to evaluating the education standards for an on-site administrator for child care centers. The points for education standards are determined by applying this Rule along with Rules .2820, .2821, .2822 and .2823 of this Section. To determine the points attained for meeting the education standards, the lowest number of points attained under each Rule shall be the point used to meet Rule .2802 of this Section.
(b) To achieve two points, the on-site administrator shall have:

(1) A Level I North Carolina Early Childhood Administration Credential or its equivalent; and
(2) Two years of full-time verifiable early childhood work experience, or one year experience in child care administration; and
(3) If providing school-age care, 150 hours of verifiable experience working with school-aged children in a licensed child care program; or 300 hours of verifiable experience working with school-aged children in an unlicensed school-age care or

camp setting; or shall complete the BSAC Training or its equivalent. Completion of these requirements shall count toward meeting experience requirements in Subparagraph (2) of this Paragraph.

(c) To achieve three points, the on-site administrator shall have:

(1) A Level I North Carolina Early Childhood Administration Credential or its equivalent; and

(2) Six semester hours in early childhood education or child development (not including North Carolina Early Childhood Administration Credential coursework); and either

(A) Two years of full-time verifiable early childhood work experience; or

(B) One year of experience in child care administration; and

(3) If providing school-age care, 300 hours of verifiable experience working with school-aged children in a licensed child care program; or 450 hours of verifiable experience working with school-aged children in an unlicensed school-age care or camp setting; or shall have completed the BSAC Training or its equivalent. Completion of these requirements may count toward meeting experience requirements in Subparagraphs (2)(A) and (B) of this Paragraph.

(d) To achieve four points, the on-site administrator shall have:

(1) A Level I North Carolina Early Childhood Administration Credential or its equivalent; and either

(A) 18 semester hours in early childhood education or child development (not including North Carolina Early Childhood Administration Credential coursework) and one year of experience in child care administration; or

(B) Six semester hours in early childhood education or child development (not including North Carolina Early Childhood Administration Credential coursework), and 10 years of experience in child care administration; and

(2) If providing school-age care, 450 hours of verifiable experience working with school-aged children in licensed child care program; or 600 hours of verifiable experience working with school-aged children in an unlicensed school-age care or camp setting; or shall have completed the BSAC Training or its equivalent. Completion of these requirements may count toward meeting experience requirements in Subparagraphs (1)(A) and (B) of this Paragraph.

(e) To achieve five points, the on-site administrator shall have:

(1) A Level II North Carolina Early Childhood Administration Credential or its equivalent; and

(2) Two years of full-time verifiable early childhood work experience; and

(3) If providing school-age care, 600 hours of verifiable experience working with school-aged children in a licensed child care program; or 900 hours of verifiable experience working with school-aged children in an unlicensed school-age care or camp setting, or shall have completed the BSAC training or its equivalent. Completion of these requirements may count toward meeting experience requirements in Subparagraph (2) of this Paragraph.

(f) To achieve six points, the on-site administrator shall have:

(1) A Level II North Carolina Early Childhood Administration Credential or its equivalent; and

(2) 18 semester hours in early childhood education or child development (not including the North Carolina Early Childhood Administration Credential coursework or hours earned during the completion of the A.A.S degree); and either
   (A) Three years of full-time verifiable work experience in an early childhood center teaching young children; or
   (B) Three years of administrative experience; or
   (C) Three years of a combination of both; and
(3) If providing school-age care, 750 hours of verifiable experience working with school-aged children in a licensed child care program; or 1150 hours of verifiable experience working with school-aged children in an unlicensed school-age care or camp setting; or shall have completed the BSAC training or its equivalent. Completion of these requirements may count toward meeting experience requirements in Subparagraphs (2)(A) and (B) of this Paragraph.

(g) To achieve seven points, the on-site administrator shall:
(1) Have a Level III North Carolina Early Childhood Administration Credential or its equivalent; and
(2) Either:
   (A) Four years of full-time verifiable work experience in an early childhood center teaching young children; or
   (B) Four years of administrative experience; or
   (C) Four years of a combination of both; and
(3) If providing school-age care, 900 hours of verifiable experience performing administrative duties in a licensed child care program serving school-aged children; or 1350 hours of verifiable experience performing administrative duties in an unlicensed school-age care or camp setting; or shall have completed the BSAC Training or its equivalent. Completion of these requirements may count toward meeting experience requirements in Subparagraphs (2)(A), (B) and (C) of this Paragraph.

(h) For centers with a licensed capacity of 3 to 12 children located in a residence, when an individual has responsibility both for administering the child care program and for planning and implementing the daily activities of a group of children, the educational requirements for lead teacher in Rule .2820 of this Section shall apply. All other teachers shall follow the educational requirements for teachers in this Section.

(i) For centers with a licensed capacity of 200 or more, there shall be a second administrator on-site for a minimum of 20 hours per week who shall have the Level I North Carolina Early Childhood Administration Credential or its equivalent.

History Note: Authority G.S. 110-85; 110-88(7); 110-90(4); 143B-168.3;
Eff. May 1, 2006;
Amended Eff. August 1, 2012.

10A NCAC 09 .2820 EDUCATION STANDARDS FOR LEAD TEACHERS FOR A RATED LICENSE FOR CHILD CARE CENTERS

(a) This Rule applies to evaluating child care centers with regards to all lead teachers. The points for education standards are determined by applying this Rule along with Rules .2819, .2821, .2822 and .2823 of this Section. To determine the points attained for meeting the education

standards, the lowest number of points attained under each Rule shall be the point used to meet Rule .2802 of this Section.

(b) To achieve two points, 75 percent of the lead teachers shall:

(1) Have the North Carolina Early Childhood Credential, its equivalent or a Level I or higher Early Educator Certification on the Early Care and Education Professional Scale (ECE scale); and

(2) Have completed or enrolled in three semester hours in early childhood education or child development (not including North Carolina Early Childhood Credential coursework).

(c) To achieve three points, all lead teachers shall have the North Carolina Early Childhood Credential, its equivalent or a Level I or higher certification on the ECE scale; and either

(1) 75 percent of the lead teachers shall have:

(A) Completed three semester hours in early childhood education and completed or are enrolled in three additional semester hours in early childhood education or child development (not including North Carolina Early Childhood Credential coursework); or

(B) Completed one year full time verifiable early childhood work experience; or

(C) A level II or higher certification on the ECE scale; or

(D) Any combination of Parts (A) through (C) of this Subparagraph; or

(2) 50 percent of the lead teachers shall have a Level II or higher certification on the ECE scale.

(d) To achieve four points, all lead teachers shall have the North Carolina Early Childhood Credential, its equivalent, or Level I or higher certification on the ECE scale; and

(1) Either 75 percent of the lead teachers shall have:

(A) Completed six semester hours in early childhood education or child development (not including the North Carolina Early Childhood Credential coursework), and have completed or are enrolled in three additional semester hours in early childhood education; or

(B) Completed three semester hours of early childhood education and have three years of full-time verifiable early childhood work experience; or

(C) Five years of full-time verifiable early childhood work experience; or

(D) Any combination of Parts (A) through (C) of this Subparagraph; or

(2) 50 percent of the lead teachers shall have a Level III or higher certification on the ECE scale.

(e) To achieve five points, all lead teachers shall have the North Carolina Early Childhood Credential, its equivalent, or have a Level I or higher certification on the ECE scale and 75 percent of the lead teachers shall have:

(1) Completed nine semester hours in early childhood education or child development (not including the North Carolina Early Childhood Credential coursework), and have completed or are enrolled in three additional semester hours in early childhood education, and have one year of full-time verifiable early childhood work experience; or

(2) A Level IV or higher certification on the ECE scale and have one year of full-time verifiable early childhood work experience; or

(3) Any combination of Subparagraphs (1) and (2) of this Paragraph.

(f) To achieve six points, all lead teachers shall have the North Carolina Early Childhood Credential, its equivalent, or a Level I or higher certification on the ECE scale and 50 percent of the lead teachers shall have either:

(1) An A.A.S degree in early childhood education or child development or an A.A.S degree in any major with 12 semester hours in early childhood education or child development and one year of full-time verifiable early childhood work experience; or
(2) Completed 60 semester hours towards a BA/BS degree program with 12 semester hours in early childhood education and one year of full-time verifiable early childhood work experience; or
(3) A Level VI certification on the ECE scale and one year of full-time verifiable early childhood work experience; or
(4) Any combination of Subparagraphs (1) through (3) of this Paragraph.

(g) To achieve seven points, all lead teachers shall have the North Carolina Early Childhood Credential, its equivalent, or a Level I or higher certification on the ECE scale and 75 percent of the lead teachers shall have either:

(1) An A.A.S. degree in early childhood education or child development or an A.A.S. degree in any major with 12 semester hours in early childhood education or child development and two years of full-time verifiable early childhood work experience; or
(2) A Level VI certification on the ECE scale and two years of full-time verifiable early childhood work experience; or
(3) Any combination of Subparagraphs (1) and (2) of this Paragraph.

History Note: Authority G.S. 110-85; 110-88(7); 110-90(4); 143B-168.3;
Eff. August 1, 2012.

10A NCAC 09 .2821 EDUCATION STANDARDS FOR TEACHERS FOR A RATED LICENSE FOR CHILD CARE CENTERS

(a) This Rule applies to evaluating child care centers with regards to all teachers. The points for education standards are determined by applying this Rule along with Rules .2819, .2820, .2822, and .2823 of this Section. To determine the points attained for meeting the education standards, the lowest number of points attained under each Rule shall be the point used to meet Rule .2802 of this Section.

(b) To achieve two points, 50 percent of the teachers counted in staff/child ratios shall:

(1) Have one year of full time verifiable early childhood work experience; or
(2) Be enrolled in three semester hours in early childhood education, or child development; or
(3) Have any combination of Subparagraphs (1) and (2) of this Paragraph.

(c) To achieve three points, 50 percent of the teachers counted in staff/child ratios shall have:

(1) Three semester hours in early childhood education or child development; or
(2) Two years of full time verifiable early childhood work experience; or
(3) Any combination of Subparagraphs (1) and (2) of this Paragraph.

(d) To achieve four points, 50 percent of the teachers counted in staff/child ratios shall have the North Carolina Early Childhood Credential, its equivalent or have a Level I or higher certification on the ECE scale.

(e) To achieve five points, 50 percent of the teachers counted in staff/child ratios shall have either:

(1) The North Carolina Early Childhood Credential, its equivalent or have a Level I or higher certification on the ECE scale and three semester hours in early childhood education or child development (not including North Carolina Early Childhood Credential coursework); or

(2) A Level II or higher certification on the ECE scale; or

(3) Any combination of Subparagraphs (1) and (2) of this Paragraph.

(f) To achieve six points, 50 percent of the teachers counted in staff/child ratios shall have the North Carolina Early Childhood Credential, its equivalent or a Level I or higher certification on the ECE scale and either:

(1) Three semester hours in early childhood education or child development (not including North Carolina Early Childhood Credential; and one year of full-time verifiable early childhood work experience; or

(2) A Level II or higher certification on the ECE scale and one year of full-time early childhood work experience; or

(3) Any combination of Subparagraphs (1) and (2) of this Paragraph.

(g) To achieve seven points, 50 percent of the teachers counted in staff/child ratios shall have the North Carolina Early Childhood Credential, its equivalent or have a Level I or higher certification on the ECE scale and either:

(1) Six semester hours in early childhood education or child development (not including North Carolina Early Childhood Credential coursework); and two years of full-time verifiable early childhood work experience; or

(2) A Level III or higher certification on the ECE scale and two years of full-time verifiable early childhood work experience; or

(3) Any combination of Subparagraphs (1) and (2) of this Paragraph.

History Note: Authority G.S. 110-85; 110-88(7); 110-90(4); 143B-168.3;
Eff. August 1, 2012.

10A NCAC 09 .2822 EDUCATION STANDARDS FOR PROGRAM COORDINATORS FOR A RATED LICENSE FOR CHILD CARE CENTERS

(a) This Rule applies to evaluating child care centers with regards to program coordinators. The points for education standards are determined by applying this Rule along with Rules .2819, .2820, .2821, and .2823 of this Section. To determine the points attained for meeting the education standards, the lowest number of points attained under each Rule shall be the point used to meet Rule .2802 of this Section.

(b) To achieve two points, the program coordinator shall have completed all the applicable requirements in Rule .2510(b) of this Chapter and shall:

(1) Be enrolled in three additional semester hours of school-age care related coursework; or

(2) Have 200 hours of verifiable experience working with school-aged children in a licensed child care program; or

(3) Have 300 hours of verifiable experience working with school-aged children in an unlicensed school-age care or camp setting.

(c) To achieve three points, the program coordinator shall have completed all the applicable requirements in Rule .2510(b) of this Chapter and shall have:

(1) Completed three additional semester hours of school-age care related coursework; or
(2) 300 hours of verifiable experience working with school-aged children in a licensed child care program; or
(3) 450 hours of verifiable experience working with school-aged children in an unlicensed school-age care or camp setting; or
(4) At least a Level I or higher certification on the SA scale.

(d) To achieve four points, the program coordinator shall have completed all the applicable requirements in Rule .2510(b) of this Chapter and shall have:

(1) Completed three additional semester hours of school-age care related coursework and have either 200 hours of verifiable experience working with school-aged children in a licensed child care program, or 300 hours of verifiable experience working with school-aged children in an unlicensed school-age care or camp setting; or
(2) A Level I or higher certification on the SA scale and have either 200 hours of verifiable experience working with school-aged children in a licensed child care program, or 300 hours of verifiable experience working with school-aged children in an unlicensed school-age care or camp setting; or
(3) 450 hours of verifiable experience working with school-aged children in a licensed child care program; or
(4) 600 hours of verifiable experience working with school-aged children in an unlicensed school-age care or camp setting.

(e) To achieve five points, the program coordinator shall have completed all the applicable requirements in Rule .2510(b) of this Chapter and shall have:

(1) Completed three additional semester hours of school-age care related coursework; and be enrolled in three additional semester hours of school-age care related coursework; or
(2) 600 hours of verifiable experience working with school-age children in a licensed child care program; or
(3) 750 hours of verifiable experience working with school-aged children in an unlicensed school-age care or camp setting; or
(4) A Level II or higher certification on the SA scale.

(f) To achieve six points, the program coordinator shall have completed all the applicable requirements in Rule .2510(b) of this Chapter and shall have:

(1) Completed six additional semester hours of school-age care related coursework and either 750 hours of verifiable experience working with school-aged children in a licensed child care program or 900 hours of verifiable experience working with school-aged children in an unlicensed school-age care or camp setting; or
(2) A BA/BS degree with three additional semester hours of school-age care related coursework; or
(3) A Level IV or higher certification on the SA scale.

(g) To achieve seven points, the program coordinator shall have completed all the applicable requirements in Rule .2510(b) of this Chapter and shall have:

(1) Completed six additional semester hours of school-age care related coursework and either 900 hours of verifiable experience working with school-aged children

in a licensed child care program or 1350 hours of verifiable experience working with school-aged children in an unlicensed school-age care or camp setting; or

(2) Nine additional semester hours of school-age related coursework and either 600 hours of verifiable experience working with school-aged children in a licensed child care program or 900 hours of verifiable experience working with school-aged children in an unlicensed school-age care or camp setting; or

(3) A BA/BS degree or higher with six additional semester hours of school-age related coursework and either 300 hours of verifiable experience working with school-aged children in a licensed school-age care program; or 450 hours of working with school-aged children in an unlicensed school-age care or camp setting; or

(4) A Level IV or higher certification on the SA scale and either 300 hours of verifiable experience working with school-aged children in a licensed school-age care program or 450 hours of working with school-aged children in an unlicensed school-age care or camp setting.

(h) For centers providing school-age care with 200 or more school-aged children enrolled, there shall be two program coordinators on site, one of whom shall not have concurrent group leader responsibilities. The additional program coordinator shall have completed all the applicable staff requirements in Rule .2510(b) of this Chapter.

History Note: Authority G.S. 110-85; 110-88(7); 110-90(4); 143B-168.3; Eff. August 1, 2012.

10A NCAC 09 .2823 EDUCATION STANDARDS FOR GROUP LEADERS AND ASSISTANT GROUP LEADERS FOR A RATED LICENSE FOR CHILD CARE CENTERS

(a) This Rule applies to evaluating child care centers with regards to group leaders and assistant group leaders. The points for education standards are determined by applying this Rule along with Rules .2819, .2820, 2821, and .2822 of this Section. To determine the points attained for meeting the education standards, the lowest number of points attained under each Rule shall be the point used to meet Rule .2802 of this Section.

(b) To achieve two points, all group leaders shall have completed the BSAC training or its equivalent.

(c) To achieve three points, all group leaders shall have completed the BSAC training or its equivalent, and 25 percent of the group leaders shall be enrolled in or have completed two semester hours of school-age care related coursework.

(d) To achieve four points, all assistant group leaders shall be at least 16 years of age and all group leaders shall have completed the BSAC training or its equivalent, and 25 percent of the group leaders shall have either:

(1) Completed two semester hours of school-age care related coursework; or

(2) 100 hours of verifiable experience working with school-aged children in a licensed child care program; or

(3) 150 hours of verifiable experience working with school-aged children in an unlicensed school-age care or camp setting; or

(4) Any combination of Subparagraphs (1) through (3) of this Paragraph.

(e) To achieve five points, all group leaders shall have completed the BSAC training or its equivalent, and

(1) 50 percent of the group leaders shall have either:
  (A) Completed two semester hours of school-age care related coursework; or
  (B) 300 hours of verifiable experience working with school-aged children in a licensed child care program; or
  (C) 450 hours of verifiable experience working with school-aged children in an unlicensed school-age care or camp setting; or
  (D) Any combination of Subparagraphs (A) through (C) of this Paragraph; and
(2) All assistant group leaders shall be at least 16 years of age and shall have either:
  (A) Completed the BSAC training or its equivalent; or
  (B) 250 hours of verifiable experience working with school-aged children in a licensed child care program; or
  (C) 400 hours of verifiable experience working with school-aged children in an unlicensed school-age care or camp setting; or
  (D) Any combination of Subparagraphs (A) through (C) of this Paragraph.

(f) To achieve six points, all group leaders shall have completed the BSAC training or its equivalent, and

(1) 50 percent of group leaders shall have:
  (A) Completed two semester hours of school-age care related coursework and have completed or be enrolled in two additional semester hours of school-age related coursework; or
  (B) 600 hours of verifiable experience working with school-aged children in a licensed child care program; or
  (C) 900 hours of verifiable experience working with school-aged children in an unlicensed school-age care or camp setting; or
  (D) Any combination of Subparagraphs (A) through (C) of this Paragraph; and
(2) All assistant group leaders shall be 17 years of age and shall have either;
  (A) Completed the BSAC training or its equivalent; or
  (B) 250 hours of verifiable experience working with school-aged children in a licensed child care program; or
  (C) 400 hours of verifiable experience working with school-aged children in an unlicensed school-age care or camp setting; or
  (D) Any combination of Subparagraphs (A) through (C) of this Paragraph.

(g) To achieve seven points, all assistant group leaders shall be 18 years of age and shall have completed the BSAC training or its equivalent and all group leaders shall have completed the BSAC training or its equivalent, and 75 percent of the group leaders shall have:

(1) Completed two semester hours of school-age care related coursework and have completed, or are enrolled in two additional semester hours of school-age related coursework; or
(2) 600 hours of verifiable experience working with school-aged children in a licensed child care program; or
(3) 900 hours of verifiable experience working with school-aged children in an unlicensed school-age care or camp setting; or
(4) Any combination of Subparagraphs (1) through (3) of this Paragraph.

History Note: Authority G.S. 110-85; 110-88(7); 110-90(4); 143B-168.3;
Eff. August 1, 2012.

10A NCAC 09 .2824 EDUCATION STANDARDS FOR A RATED LICENSE FOR ADMINISTRATORS FOR CENTERS THAT PROVIDE CARE ONLY TO SCHOOL-AGED CHILDREN

(a) This Rule applies to evaluating the education standards for administrators for centers that provide care only to school-aged children. The points for education standards are determined by applying this Rule along with Rules .2825 and .2826 of this Section. To determine the points attained for meeting the education standards, the lowest number of points attained under each rule shall be the point used to meet Rule .2802 of this Section.

(b) To achieve two points, the administrator shall have:

(1) A Level I North Carolina Early Childhood Administration Credential or its equivalent or have enrolled in coursework as required in G.S. 110-91(8); and

(2) 1600 hours of verifiable experience performing administrative duties in a licensed school-aged program.

(c) To achieve three points, the administrator shall have:

(1) A Level I North Carolina Early Childhood Administration Credential or its equivalent; and

(2) Either:

(A) 300 additional hours of verifiable experience performing administrative duties in a licensed child care program; or

(B) 450 additional hours of verifiable experience performing administrative duties in an unlicensed school-aged care or camp setting.

(d) To achieve four points, the administrator shall have:

(1) A Level I North Carolina Early Childhood Administration Credential or its equivalent; and

(2) Either:

(A) 450 additional hours of verifiable experience performing administrative duties in a licensed child care program; or

(B) 600 additional hours of verifiable experience performing administrative duties in an unlicensed school-age care or camp setting.

(e) To achieve five points, the administrator shall have:

(1) A Level II North Carolina Early Childhood Administration Credential or its equivalent; and

(2) Either:

(A) 600 additional hours of verifiable experience performing administrative duties in a licensed child care program serving school-aged children; or

(B) 750 additional hours of verifiable experience performing administrative duties in an unlicensed school-aged care or camp setting.

(f) To achieve six points, the administrator shall have:

(1) A Level II North Carolina Early Childhood Administration Credential or its equivalent; and

(2) Either:

(A) 750 additional hours of verifiable experience performing administrative duties in a licensed child care program serving school-aged children; or

(B) 1150 additional hours of verifiable experience performing administrative duties in an unlicensed school-aged care or camp setting.

(g) To achieve seven points, the administrator shall have:

(1) A Level III North Carolina Early Childhood Administration Credential or its equivalent; and
(2) Either:
    (A) 900 additional hours of verifiable experience performing administrative duties in a licensed child care program serving school-aged children; or
    (B) 1350 additional hours of verifiable experience performing administrative duties in an unlicensed school-aged care or camp setting.

(h) As used in this Rule, the definition of the term "experience working with school-aged children" in Rule .2510(h) of this Chapter shall apply.

History Note: Authority G.S. 110-85; 110-88(7); 110-90(4); 143B-168.3; Eff. August 1, 2012.

10A NCAC 09 .2825 EDUCATION STANDARDS FOR PROGRAM COORDINATORS FOR A RATED LICENSE FOR CENTERS THAT PROVIDE CARE ONLY TO SCHOOL-AGED CHILDREN

(a) This Rule applies to evaluating the education standards for program coordinators for centers that provide care only to school-aged children. The points for education standards are determined by applying this Rule along with Rules .2824 and .2826 of this Section. To determine the points attained for meeting the education standards, the lowest number of points attained under each Rule shall be the point used to meet Rule .2802 of this Section.

(b) To achieve two points, the program coordinator shall have completed all the applicable requirements in Rule .2510(b) of this Chapter and shall:
(1) Be enrolled in three additional semester hours of school-age care related coursework; or
(2) Have 200 hours of verifiable experience working with school-aged children in a licensed child care program; or
(3) Have 300 hours of verifiable experience working with school-aged children in an unlicensed school-age care or camp setting.

(c) To achieve three points, the program coordinator shall have completed all the applicable requirements in Rule .2510(b) of this Chapter and shall have:
(1) Completed three additional semester hours of school-age care related coursework; or
(2) 300 hours of verifiable experience working with school-aged children in a licensed child care program; or
(3) 450 hours of verifiable experience working with school-aged children in an unlicensed school-age care or camp setting; or
(4) A Level I certification or higher on the SA scale.

(d) To achieve four points, the program coordinator shall have completed all the applicable requirements in Rule .2510(b) of this Chapter and shall have:
(1) Completed three additional semester hours of school-age care related coursework and 200 hours of verifiable experience working with school-aged children in a licensed child care program; or
(2) 450 hours of verifiable experience working with school-aged children in a licensed child care program; or
(3) 600 hours of verifiable experience working with school-aged children in an unlicensed school-age care or camp setting; or

(4) A Level I certification or higher on the SA scale, and either;
    (A) 200 hours of verifiable experience working with school-aged children in a licensed child care program; or
    (B) 300 hours of verifiable experience working with school-aged children in an unlicensed school-age care or camp setting.

(e) To achieve five points, the program coordinator shall have completed all the applicable requirements in Rule .2510(b) of this Chapter and shall have:
(1) Completed three additional semester hours of school-age care related coursework and is enrolled in three additional semester hours of school-aged care related coursework; or
(2) 600 hours of verifiable experience working with school-aged children in a licensed child care program; or
(3) 750 hours of verifiable experience working with school-aged children in an unlicensed school-aged care or camp setting; or
(4) A Level II certification or higher on the SA scale.

(f) To achieve six points, the program coordinator shall have completed all the applicable requirements in Rule .2510(b) of this Chapter and shall have:
(1) 750 hours of verifiable experience working with school-aged children in a licensed child care program; or 900 hours of verifiable experience working with school-aged children in an unlicensed school-aged care or camp setting; and
(2) Either:
    (A) Completed six additional semester hours of school-aged care related coursework; or
    (B) Shall have a BA/BS degree with three additional semester hours of school-aged care related coursework; or
    (C) Level III certification or higher on the SA scale.

(g) To achieve seven points, the program coordinator shall have completed all the applicable requirements in Rule .2510(b) of this Chapter and shall have:
(1) Completed six additional semester hours of school-aged care related coursework and either:
    (A) 900 hours of verifiable experience working with school-aged children in a licensed child care program; or
    (B) 1350 hours of verifiable experience working with school-aged children in an unlicensed school-aged care or camp setting; or
(2) Completed nine additional semester hours of school-aged care related coursework and either:
    (A) 600 hours of verifiable experience working with school-aged children in a licensed child care program; or
    (B) 900 hours of verifiable experience working with school-aged children in an unlicensed school-aged care or camp setting; or
(3) A BA/BS degree or higher with six additional semester hours of school-aged related coursework and either:
    (A) 300 hours of verifiable experience working with school-aged children in a licensed school-aged care program; or
    (B) 450 hours of working with school-aged children in an unlicensed school-aged care or camp setting; or

(4) A Level IV certification or higher on the SA scale and either:
    (A) 300 hours of verifiable experience working with school-aged children in a licensed school-aged care program; or
    (B) 450 hours of working with school-aged children in an unlicensed school-aged care or camp setting.

(h) As used in this Rule, the definition of the term "experience working with school-aged children" in Rule .2510(h) of this Chapter shall apply.

(i) For programs with a licensed capacity of 200 or more school-aged children, there shall be two program coordinators on site, one of whom shall not have concurrent group leader responsibilities. The additional program coordinator shall have completed the applicable staff requirements in Rule .2510(b) of this Chapter.

History Note: Authority G.S. 110-85; 110-88(7); 110-90(4); 143B-168.3; Eff. August 1, 2012.

10A NCAC 09 .2826 EDUCATION STANDARDS FOR GROUP LEADERS AND ASSISTANT GROUP LEADERS FOR A RATED LICENSE FOR CENTERS THAT PROVIDE CARE ONLY TO SCHOOL-AGED CHILDREN

(a) This Rule applies to evaluating the education standards for group leaders and assistant group leaders that work in programs that provide care only to school-aged children. The points for education standards are determined by applying this Rule along with Rules .2824, and .2825 of this Section. To determine the points attained for meeting the education standards, the lowest number of points attained under each Rule shall be the point used to meet Rule .2802 of this Section.

(b) To achieve two points, all group leaders shall have completed the BSAC training or its equivalent.

(c) To achieve three points, all group leaders shall have completed the BSAC training or its equivalent, and 25 percent of the individuals designated as group leaders as set out in Rule .2510 of this Chapter shall be enrolled in two semester hours of school-age care related coursework.

(d) To achieve four points:
    (1) All group leaders shall have completed the BSAC training or its equivalent, and 25 percent of the individuals designated as group leaders as set out in Rule .2510 of this Chapter shall have:
        (A) Completed two semester hours of school-age care related coursework; or
        (B) 100 hours of verifiable experience working with school-aged children in a licensed child care program; or
        (C) 150 hours of verifiable experience working with school-aged children in an unlicensed school-age care or camp setting; and
    (2) All assistant group leaders shall be at least 16 years of age.

(e) To achieve five points:
    (1) All group leaders shall complete the BSAC training or its equivalent, and 50 percent of the individuals designated as group leaders as set out in Rule .2510 of this Chapter shall have:
        (A) 300 hours of verifiable experience working with school-aged children in a licensed child care program; or

(B) 450 hours of verifiable experience working with school-aged children in an unlicensed school-age care or camp setting; or

(C) Completed two semester hours of school-age care related coursework; and

(2) All assistant group leaders shall be at least 16 years of age and shall have;

(A) 400 hours of verifiable experience working with school-aged children in an unlicensed school-age care or camp setting; or

(B) Completed the BSAC training or its equivalent; or

(C) 250 hours of verifiable experience working with school-aged children in a licensed child care program.

(f) To achieve six points:

(1) All group leaders shall have completed the BSAC training or its equivalent, and 50 percent of the individuals designated as group leaders as set out in Rule .2510 of this Chapter shall have:

(A) Completed two semester hours of school-aged care related coursework and have completed or are enrolled in two additional semester hours of school-aged related coursework; or

(B) 600 hours of verifiable experience working with school-aged children in a licensed child care program; or

(C) 900 hours of verifiable experience working with school-aged children in an unlicensed school-age care or camp setting; and

(2) All assistant group leaders shall be at least 17 years of age and shall have;

(A) Completed the BSAC training or its equivalent; or

(B) 250 hours of verifiable experience working with school-aged children in a licensed child care program; or

(C) 400 hours of verifiable experience working with school-aged children in an unlicensed school-aged care or camp setting.

(h) To achieve seven points:

(1) All group leaders shall have completed the BSAC training or its equivalent, and 75 percent of the individuals designated as group leaders as set out in Rule .2510 of this Chapter shall have:

(A) Completed two semester hours of school-aged care related coursework and have completed or are enrolled in two additional semester hours of school-aged related coursework; or

(B) 600 hours of verifiable experience working with school-aged children in a licensed child care program; or

(C) 900 hours of verifiable experience working with school-aged children in an unlicensed school-aged care or camp setting; and

(2) All assistant group leaders shall be at least 18 years of and shall have completed the BSAC training or its equivalent.

(j) As used in this Rule, the definition of the term "experience working with school-aged children" in Rule .2510(h) of this Chapter shall apply.

History Note: Authority G.S. 110-85; 110-88(7); 110-90(4); 143B-168.3;
Eff. August 1, 2012.

10A NCAC 09 .2827 EDUCATION STANDARDS FOR OPERATORS FOR A RATED LICENSE FOR FAMILY CHILD CARE HOMES

(a) This Rule applies to evaluating family child care homes with regards to the operator.

(b) To achieve two points, the operator shall have completed:

(1) Four semester credit hours in early childhood education or child development (not including the North Carolina Family Child Care Credential coursework); or

(2) Five years of verifiable early childhood work experience and eight additional clock hours annually of in-service training.

(c) To achieve three points, the operator shall have completed the North Carolina Family Child Care Credential, its equivalent or a Level I or higher certification on the ECE scale.

(d) To achieve four points, the operator shall have completed a Level II or higher certification on the ECE scale; or

(1) Have six semester credit hours in early childhood education or child development (not including the North Carolina Family Child Care Credential coursework); and

(2) Have the North Carolina Family Child Care Credential, its equivalent, or a Level I or higher certification on the ECE scale.

(e) To achieve five points, the operator shall have completed a Level IV certification on the ECE scale and have one year verifiable early childhood work experience; or have

(1) The North Carolina Family Child Care Credential, its equivalent, or a Level I or higher certification on the ECE scale; and

(2) 12 semester credit hours in early childhood education or child development (not including the North Carolina Family Child Care Credential coursework); and

(3) Either:

(A) Two of 12 semester hours in early childhood education in child care administration; or

(B) One year of verifiable early childhood work experience.

(f) To achieve six points, the operator shall have completed a Level VI certification on the ECE scale and have one year verifiable childhood work experience; or have

(1) The North Carolina Family Child Care Credential, its equivalent, or a Level I or higher certification on the ECE scale; and

(2) 18 semester credit hours in early childhood education or child development (not including the North Carolina Family Child Care Credential coursework; and

(3) Either:

(A) Five of the 18 semester hours in early childhood education are in child care administration; or

(B) Two years of verifiable early childhood work experience.

(g) To achieve seven points, the operator shall have completed:

(1) An A.A.S. degree in any major with a minimum of 12 semester credit hours in early childhood education/child development coursework and two years of full-time verifiable early childhood work experience; or

(2) An A.A.S. in early childhood education/child development and 18 months of full-time verifiable early childhood work experience; or

(3) A Level VI certification on the ECE scale and two years of experience.

History Note: Authority G.S. 110-85; 110-88(7); 110-90(4); 143B-168.3;
Eff. May 1, 2006;

Amended Eff. August 1, 2012.

10A NCAC 09 .2828 PROGRAM STANDARDS FOR A RATED LICENSE FOR FAMILY CHILD CARE HOMES

(a) This Rule applies to evaluating the program standards for a two component rated license for family child care homes.

(b) To achieve two points for program standards, the operator shall have written operational policies and procedures that include information about meal and snack practices, daily activities, parent involvement, health and safety practices, infection control/ill child exclusion/inclusion, and business practice.

(c) To achieve three points for program standards, the operator shall:

(1) Have written operational policies and procedures that include all information listed in Paragraph (a) of this Rule.

(2) Have an average score of 4.0 or higher on the Family Day Care Rating Scale.

(d) To achieve four points for program standards, the operator shall:

(1) Have written operational policies and procedures that include all information listed in Paragraph (a) of this Rule.

(2) Have an average score of 4.25 or higher on the Family Day Care Rating Scale.

(e) To achieve five points for program standards, the operator shall:

(1) Have written operational policies and procedures that include all information listed in Paragraph (a) of this Rule.

(2) Have an average score of 4.5 or higher on the Family Day Care Rating Scale.

(f) To achieve six points for program standards, the operator shall:

(1) Have written operational policies and procedures that include all information listed in Paragraph (a) of this Rule;

(2) Have an average score of 4.75 or higher on the Family Day Care Rating Scale; and

(3) Of the five preschoolers allowed to be enrolled, no more than four children shall be under one year of age.

(g) To achieve seven points for program standards, the operator shall:

(1) Have written operational policies and procedures that include all information listed in Paragraph (a) of this Rule;

(2) Have an average score of 5.0 or higher on the Family Day Care Rating Scale; and

(3) Of the five preschoolers allowed to be enrolled, no more than three children shall be under one year of age.

History Note: Authority G.S. 110-88(7); 110-90(4); 143B-168.3;
Eff. May 1, 2006;
Recodified from Rule .2821 Eff. August 1, 2012.

10A NCAC 09 .2829 QUALITY POINT OPTIONS

Operators may earn one additional quality point toward a voluntary rated license as described in Rule .2802 of this Section as follows:

(1) Education options:

(a) Completing additional education coursework as follows:

(i) An Infant and Toddler Certificate, by 75 percent of infant and toddler teachers,

(ii) An A.A.S. or higher in early childhood education or child development by 75 percent of teachers,

(iii) A BA or BS or higher in early childhood education or child development by 75 percent of lead teachers,

(iv) An A.A.S. or higher in early childhood education or child development by all lead teachers,

(v) A North Carolina School Age Care Credential or have completed six semester hours in school-age coursework by 75 percent of group leaders, or

(vi) An Infant and Toddler Certificate or has a BA or BS or higher in early childhood education or child development by a family child care home provider;

(b) Completing 20 additional annual in-service training hours for full-time lead teachers and teachers, and staff working part-time completing additional hours based on the chart in Rule .0707(c) of this Chapter;

(c) Completing 20 annual in-service training hours for family child care home providers in addition to those required by Rule .1705(b)(5) of this Chapter;

(d) 75 percent of lead teachers and teachers having at least 10 years of documented and confirmed by the Division early childhood work experience;

(e) All lead teachers and teachers having at least five years of documented and confirmed by the Division of early childhood work experience employed by no more than two different employers;

(f) Having a combined turnover rate of 20 percent or less for the administrator, program coordinator, lead teachers, teachers and group leader positions over the last 12 months if the program has earned at least four points in education;

(g) In a stand alone school age program, 75 percent of group leaders having at least five years verifiable school-age work experience employed in no more than two different school-age settings; or

(2) Programmatic options:

(a) Using a curriculum as defined in Rule .0102(7) of this Chapter. This programmatic option is not available to facilities that are required to use an approved curriculum in accordance with Rule .2802(d) of this Section;

(b) Having group sizes decreased by at least one child per age group from the seven point level as described in Rule .2818(c) of this Section;

(c) Having staff/child ratios decreased by at least one child per age group from the seven point level as described in Rule .2818(c) of this Section;

(d) Meeting at least two of the following three programs standards:

(i) Having enhanced policies which include the following topics: field trip policy, staff development plan, medication administration, enhanced discipline policy, and health rules for attendance;

(ii) Having a staff benefits package that offers at least four of the following six benefits: paid leave for professional development,

paid planning time, vacation, sick time, retirement or health insurance; or

(iii) Having evidence of an infrastructure of parent involvement that includes at least two of the following: parent newsletters offered at least quarterly, parent advisory board, periodic conferences for all children, or parent information meetings offered at least quarterly;

(e) Completing a 30 hour or longer business training course by a family child care home provider;

(f) Completing a business training course and a wage and hour training by the center administrator that is at least 30 hours total;

(g) Restricting enrollment to four preschool children in a family child care home; or

(h) Reducing infant capacity by at least one child from the seven point level for a family child care home as described in Rule .2828(g)(3) of this Section.

History Note: Authority G.S. 110-85; 110-88(7); 110-90(4); 143B-168.3; S.L. 2011-145, s. 10.7(b);
Eff. May 1, 2006;
Amended Eff. December 1, 2006;
Recodified from Rule .2823 Eff. August 1, 2012;
Amended Eff. July 1, 2015; September 1, 2012.

10A NCAC 09 .2830 MAINTAINING THE STAR RATING

(a) A representative of the Division may make announced or unannounced visits to facilities to assess on-going compliance with the requirements of a star rating after it has been issued. When the Division representative documents violations with the standards that determine a rating, the representative may take one or more of the following actions:

(1) Advise the operator to submit written verification that the violation(s) have been corrected.

(2) Return to the facility for an unannounced visit at a later date to determine if compliance has been achieved.

(3) Recommend an Environmental Rating Scale assessment be conducted.

(4) Recommend a complete reassessment of requirements of the star rating issued to the facility.

(5) Recommend that the star rating be reduced.

(6) Recommend administrative action in accordance with G.S. 110 and this Subchapter.

(b) If changes occur at a facility which result in the operator not complying with the standards in this Section for the star rating issued, the operator shall correct the noncompliance within 30 days. If the operator does not correct the noncompliance within 30 days, the operator shall notify the Division. Based upon the information obtained, the Division may take any of the actions described in Paragraph (a) of this Rule.

(c) A complete assessment of requirements for a voluntary rated license of two stars or higher shall be conducted at least once every three years. The Division shall provide for one evaluation of program standards using the environment rating scales referenced in Rule .2802(e) free of

charge once every three years when reassessing the ratings of operators with three to five points for program standards.

History Note: Authority G.S. 110-88(7); 110-90(4); 143B-168.3;
Eff. April 1, 1999;
Recodified from Rule .2809 Eff. May 1, 2006;
Recodified from Rule .2824 Eff. August 1, 2012.

10A NCAC 09 .2831 HOW AN OPERATOR MAY REQUEST OR APPEAL A CHANGE IN RATING

(a) An operator may request a change in the star rating by following the procedures in Rule .2802 of this Section.

(b) After an initial three- through five-star rating is issued, the Division shall provide for one evaluation of program standards using the environment rating scales referenced in Rule .2802(e) of this Section during each three year period thereafter at no cost to the operator. An operator may have extra rating scale assessments as referenced in Rule .2802(e) of this Section performed at his or her own expense in addition to the free one performed by the Division. The additional rating scale assessments shall be completed by individuals approved by the Division to perform them. Approval shall be based upon the individual's successful completion of training designated or authorized by the authors of the environment rating scales.

(c) An operator may appeal the reduction of a star rating as provided in G.S. 110-94.

History Note: Authority G.S. 110-88(7); 110-90(4); 143B-168.3;
Recodified from Rule .2810 Eff. May 1, 2006;
Amended Eff. May 1, 2006;
Recodified from Rule .2825 Eff. August 1, 2012.

SECTION .2900 - DEVELOPMENTAL DAY SERVICES

10A NCAC 09 .2901 SCOPE

(a) The rules in this Section apply to all certified Developmental Day Centers, or to all child care centers requesting to be certified as a Developmental Day Center. A Developmental Day Center offers specialized developmental day services to children who:

(1) are diagnosed with developmental delays or developmental disabilities, or
(2) have been identified with a diagnosed physical or mental condition which has a high probability of resulting in a developmental delay as defined in 10A NCAC 43G .0110(c).

(b) The diagnosis or identification shall be completed by a licensed professional through a comprehensive clinical assessment. Developmental day services are designed to meet individualized needs of children in the following skill areas:

(1) Self-help,
(2) Physical (gross/fine motor),
(3) Language and speech, and
(4) Cognitive and psychosocial skills.

(c) A team of health and education professionals puts a plan of care in place for each child who is diagnosed with, or at risk for, a developmental delay, developmental disabilities or atypical development. The goal is to assist exceptional children in preparing for ongoing growth and learning in less restrictive, inclusive environments. All rules in this Chapter apply except as provided in this Section. Nothing in this Section precludes the enrollment of typically developing children in a Developmental Day Center.

History Note: Authority G.S. 110-85; 110-88(14);
Eff. July 1, 2010.

10A NCAC 09 .2902 LICENSE

(a) Developmental Day Centers shall maintain a four or five star rated license with an average score of 5.0 on the appropriate environment rating scale in each classroom evaluated.

(b) A child care center with a temporary license may receive certification status if all rules in this Section are met, except for Paragraph (a) of this Rule, and an application for a two to five star rated licensed has been submitted. At the end of the temporary license period the child care center must receive a four or five star rated license as specified in Paragraph (a) of this Rule. Failure to receive a four or five star rated license shall result in the removal of certification status as a Developmental Day Center.

(c) The license shall indicate certification as a Developmental Day Center.

(d) The center shall comply with the staff-child ratio and maximum group size as follows:

AGE	RATIO STAFF/CHILDREN	MAXIMUM GROUP SIZE
0-12 Months	1/4	8
1 to 2 Years	1/5	10
2 Years and Older	1/6	18

(e) A minimum of two staff members shall be on site at all times while children are in attendance at the facility.
(f) A child care center may appeal the removal of certification status in accordance with G.S. 110-94; however, an appeal does not preclude a Local Education Agency from removing contracted children from the program before a final decision on the appeal is reached.

History Note: Authority G.S. 110-85; 110-88(14);
Eff. July 1, 2010.

10A NCAC 09 .2903 STAFF QUALIFICATIONS
(a) Each center serving children ages birth to three years shall have a minimum of one staff who holds an Infant Toddler Family Specialist certification issued from the North Carolina Division of Public Health; Birth-through-Kindergarten (B-K) Standard Professional I licensure; or provisional licensure in B-K issued from the Department of Public Instruction. This staff shall provide program oversight and supervision for any caregivers in classrooms with children ages birth to three years.
(b) In accordance with G.S. 115C-84.2(a)(1), during the 185 day school year (as defined by the State Board of Education), each child aged three years old and older on or before the initial school entry date specified in G.S. 115C-364 (school entry date) shall be served in a classroom with at least one lead teacher who holds a B-K Standard Professional I licensure or provisional licensure in B-K, or Preschool Add-on licensure issued from the Department of Public Instruction.
(c) Children who turn three years old after the school entry date who are identified as a child with a disability as evidenced by an Individualized Education Program (IEP), shall be served in a classroom with a B-K licensed teacher.
(d) During the time when school is not in session, each group of preschool children shall have at least one lead teacher with a minimum of an A.A.S. degree in early childhood education or child development, or an A.A.S. degree in any major with 12 semester hours in early childhood education or child development.
(e) During the 10 month school year, (as defined by the State Board of Education), each group of school-age children shall have at least one teacher who holds State certification as a Special Education Teacher. During the time when school is not in session, each group of school-age children shall have at least one teacher who has completed at least two semester hours of school-age care related coursework and has completed or is enrolled in at least two additional semester hours of school-age related coursework.
(f) Center administrators shall have a Level III North Carolina Early Childhood Administration Credential and two years of verifiable work experience with children with developmental delays or disabilities.

History Note: Authority G.S. 110-85; 110-88(14);
Eff. July 1, 2010;
Amended Eff. March 1, 2014.

10A NCAC 09 .2904 PROGRAM REQUIREMENTS
(a) Children shall participate in daily activities outlined in a plan of care such as an Individualized Family Service Plan (IFSP), Individualized Education Program (IEP), Person

Centered Plan (PCP), or for children who are typically developing, an activity plan developed by the center. Activities shall allow children to participate in whole group, as part of a group, or independently.

(b) In addition to the restrictions specified in 10A NCAC 09 .0713 regarding ages and grouping of children, preschool children aged three and older shall not be grouped with school aged children except for special events or activities such as birthday, holiday, or cultural celebrations and special presentations such as puppet or magic shows, a special story teller, or a discussion of safety practices by a fireman or nurse. Children aged birth to five years may be cared for in groups with older children for the first and last operating hour of the day provided the staff/child ratio for the youngest child in the group is maintained.

(c) In addition to operational policies required by 10A NCAC 09 .2805(a), Developmental Day Center policies shall also include a description of the ways that children with special needs have opportunities for inclusion with children who are typically developing.

History Note: Authority G.S. 110-85; 110-88(14);
Eff. July 1, 2010;
Amended Eff. July 1, 2012.

10A NCAC 09 .2905 FAMILY SERVICES

The center shall facilitate family involvement as evidenced by meeting at least four of the following six activities:

(1) Providing quarterly parent education sessions;
(2) Holding parent/teacher conferences at least twice a year;
(3) Communicating on an individual basis with parents via daily notes, progress reports or surveys;
(4) Having parents as members of a center advisory board;
(5) Providing opportunities for parent volunteers to assist with special classroom activities, field trips and other learning experiences for children; or
(6) Providing parents with referral information about other community programs and resources serving young children.

History Note: Authority G.S. 110-85; 110-88(14);
Eff. July 1, 2010.

SECTION .3000 NC PRE-KINDERGARTEN SERVICES

10A NCAC 09 .3001 SCOPE

The rules in this Section apply to all licensed programs that serve children in the North Carolina Pre-Kindergarten (NC Pre-K) program. The NC Pre-K program is intended to provide high-quality educational experiences to enhance school readiness for at-risk-four-year olds. All rules in this Chapter shall apply except as provided in this Section.

History Note: Authority G.S. 110-85; 110-88; S.L. 2011-145, s. 10.7(a)-(f);
Eff. November 1, 2012.

10A NCAC 09 .3002 FACILITY REQUIREMENTS

(a) Programs serving NC Pre-K children shall maintain a four or five star rated license.

(b) All NC Pre-K licensed programs shall have an assessment completed every three years using the Early Childhood Environment Rating Scale-Revised Edition assessment tool as a part of the rated license reassessment process. Classrooms that score below the "good level," as defined by the tool, shall be reassessed the following year and a minimum "good level" must be achieved in order to continue to be approved as a NC Pre-K site. At least one NC Pre-K classroom will be chosen for an assessment during the reassessment process.

History Note: Authority G.S. 110-85; 110-88; S.L. 2011-145, s. 10.7(a);
Eff. November 1, 2012.

10A NCAC 09 .3003 PROGRAM ATTENDANCE POLICY

When a child is absent for more than three consecutive days, the site-level administrator shall contact the family and determine the child's participation status. The site-level administrator must document attempts to contact the family and any specified decisions regarding the child's continued participation in the program. The site-level administrator shall contact the local NC Pre-K contractor to share information related to the child's absence and to determine what further actions may be necessary to maintain the child's attendance in the program.

History Note: Authority G.S. 110-85; 110-88; S.L. 2011-145, s. 10.7(a);
Eff. November 1, 2012.

10A NCAC 09 .3005 CHILD HEALTH ASSESSMENTS

(a) A health assessment is required to be on file at the NC Pre-K site within 30 days after a child enters the NC Pre-K program and the assessment may be no more than 12 months old at the time of program entry. The health assessment must include the following:

(1) Physical examination;
(2) Updated immunizations;
(3) Vision screening;
(4) Hearing screening; and
(5) Dental screening.

(b) Site-level administrators shall review all health assessment results and shall share results with families.

History Note: Authority G.S. 110-85; 110-88; S.L. 2011-145, s. 10.7(a);
Eff. November 1, 2012.

10A NCAC 09 .3006 DEVELOPMENTAL SCREENING

(a) All children enrolled in the NC Pre-K program must receive a developmental screening, unless the child has an existing Individualized Education Program (IEP). The developmental screening shall be conducted by a person trained in administering the screening. Children must be screened within 90 days after the first day of attendance in the program or within six months prior to the first day of attendance. The screenings shall be used solely for the purpose of identifying children who should be referred for further evaluation and testing based on concerns in one or more developmental domains.

(b) Site-level administrators shall review all developmental screening results and shall share results with families.

History Note: Authority G.S. 110-85; 110-88; S.L. 2011-145, s. 10.7(a);
Eff. November 1, 2012.

10A NCAC 09 .3007 EARLY LEARNING STANDARDS AND CURRICULA

(a) NC Pre-K programs shall use North Carolina's Early Learning and Development Standards (and subsequent editions), as developed by a group of state and national early childhood experts. The Early Learning and Development Standards can be found on the Division of Child Development and Early Education's website at http://www.ncchildcare.net.

(b) Each NC Pre-K classroom shall use a curriculum as defined in 10A NCAC 09 .0102.

History Note: Authority G.S. 110-85; 110-88; S.L. 2011-145, s. 10.7(a);
Eff. January 1, 2013.

10A NCAC 09 .3008 FORMATIVE ASSESSMENTS

Classroom staff are required to conduct formative assessments to gather information about each child's growth and skill development, as well as inform instruction. All formative assessments used by the NC Pre-K program shall be approved by the NC Child Care Commission based on the assessment tool's ability to collect information on children's behaviors, development, skills, knowledge, strengths, needs and interests across all domains of development.

History Note: Authority G.S. 110-85; 110-88; S.L. 2011-145, s. 10.7(a), (b);
Eff. March 1, 2013.

10A NCAC 09 .3009 STAFF-TO-CHILD RATIO AND CLASS SIZE

The classroom shall not exceed a maximum staff-to-child ratio of one to nine with a maximum class size of 18 children, with at least one teacher and one assistant teacher per classroom.

History Note: Authority G.S. 110-85; 110-88; S.L. 2011-145, s. 10.7(a);
Eff. November 1, 2012.

10A NCAC 09 .3010 FAMILY ENGAGEMENT

NC Pre-Kindergarten programs shall develop a comprehensive plan for family engagement consisting of strategies designed to develop partnerships with families and build reciprocal

relationships that promote shared decision-making. Examples of meaningful opportunities for families to be engaged in their child's education include, but are not limited to:

(1) Allowing Pre-K program teachers the opportunity for home visits;
(2) Formal and informal parent/teacher conferences;
(3) Classroom visits and options for parents and families to participate in classroom activities;
(4) Parent education;
(5) Allowing family members the opportunity for involvement in decision making about their own child and about their child's early childhood program; and
(6) Opportunities to engage families outside of the regular service day.

History Note: Authority G.S. 110-85; 110-88; S.L. 2011-145, s. 10.7(a); Eff. November 1, 2012.

10A NCAC 09 .3011 NC PRE-K SITE-LEVEL ADMINISTRATOR QUALIFICATIONS

(a) Administrators of NC Pre-K sites must have either:

(1) A NC Principal License, or
(2) A North Carolina Early Childhood Administrator Credential (NCECAC) Level III. If the site-level administrator has not yet earned the NCECAC Level III, the following shall apply:
    (A) Provisional approval shall be given for four years from the time the site began participation with the NC Pre-K program for the administrator with NCECAC I or II to obtain the NCECAC Level III; and
    (B) Progress toward NCECAC Level III shall be considered a minimum of six documented semester hours per year.

(b) Administrators of NC Pre-K sites shall not serve as the NC Pre-K teacher or teacher assistant.

(c) Long term vacancies shall not exceed 12 weeks.

History Note: Authority G.S. 110-85; 110-88; S.L. 2011-145, s. 10.7(a); Eff. November 1, 2012.

10A NCAC 09 .3012 NC PRE-K TEACHER EDUCATION, LICENSURE AND CREDENTIALS

(a) All teachers shall hold, or be working toward a North Carolina (NC) Birth through Kindergarten (B-K) Standard Professional II or Preschool Add-on licensures. Teachers working toward the required education and license shall hold a minimum of a BA/BS degree and the following requirements:

(1) NC Initial Provisional Lateral Entry B-K License, or
(2) A North Carolina K-6 license and a provisional Preschool Add-on license, or
(3) Another North Carolina or other state's license and an NC Provisional B-K license, or
(4) A BA/BS degree in early childhood education, child development, or a related field, and be eligible for a NC Initial Provisional Lateral Entry B-K License.

(b) All Pre-K teachers must be enrolled with the Early Educator Support, Licensure & Professional Development Unit of the Division of Child Development and Early Education.

(c) Pre-K teachers with a BA/BS degree shall make progress toward B-K licensure by completing a minimum of six documented semester hours per year, and achieve the B-K license within three years. The site-level administrator shall maintain documentation available for review by the Division, of the progress toward the required standard.

History Note: Authority G.S. 110-85; 110-88; S.L. 2011-145, s. 10.7(a);
Eff. November 1, 2012.

10A NCAC 09 .3013 NC PRE-K TEACHER ASSISTANT EDUCATION AND CREDENTIALS

All teacher assistants shall:

(1) have a high school diploma or GED and shall hold, or be working toward, a minimum of an Associate Degree in early childhood education or child development (ECE/CD) or a Child Development Associate (CDA) credential. Teacher assistants working toward the Associate Degree or CDA shall make progress by completing a minimum of six documented semester hours per year; or

(2) meet the employment requirements outlined by the federal "No Child Left Behind" (NCLB) legislation, and have one of the following:

(a) Six documented semester hours of coursework in early childhood education, or

(b) Two years of work experience in an early childhood setting.

The site-level administrator shall maintain documentation available for review by the Division of the progress toward the required standard.

History Note: Authority G.S. 110-85; 110-88; S.L. 2011-145, s. 10.7(a);
Eff. November 1, 2012.

10A NCAC 09 .3014 NC PRE-K SUBSTITUTE STAFF

(a) When a member of the NC Pre-K teaching staff is unable to work, a substitute staff person must be provided to maintain the staff-to-child ratio as specified in Rule .3009 of this Section and must be able to implement the program in accordance with this Section. Substitute staff must be at least 18 years of age and meet the following minimum qualifications:

(1) Requirements for short-term vacancies, when teachers are absent from the Pre-K classroom for 15 or fewer days, include the following:

(A) Nonpublic Schools (Private Child Care/Pre-K Settings): Substitutes in private settings must have at least a high school diploma or a GED, and completed at least one course in early childhood education or child development, such as the North Carolina Early Childhood Credential; or

(B) Public School Settings: Substitutes must meet the requirements of the substitute policy consistent with the local education agency (LEA).

(2) Requirements for long-term vacancies, when teachers are absent from the Pre-K classroom for 16 or more attendance days, are for substitute staff to hold at least an Associate's Degree in early childhood education/child development or a four year degree in a related field.

(b) Substitutes for teacher assistants must be at least 18 years of age and have a minimum of a high school diploma or a GED.

(c) Long term vacancies shall not exceed 12 weeks.

History Note: Authority G.S. 110-85; 110-88; S.L. 2011-145, s. 10.7(a); Eff. November 1, 2012.

10A NCAC 09 .3015 INSTRUCTIONAL STAFF STANDARDS

Instructional staff shall work in direct contact with children in the Pre-K program for at least a 32.5 hour work week. In addition to these direct, day-to-day instructional experiences, the Pre-K program must provide adequate additional time for the instructional staff for related instructional activities, including time for planning, scheduling and conducting home visits, meeting with children's families, or attending required professional development activities. These related activities shall take place outside of the six and a half hour day of direct teacher-child contact.

History Note: Authority G.S. 110-85; 110-88; S.L. 2011-145, s. 10.7(a); Eff. November 1, 2012.

10A NCAC 09 .3016 PROFESSIONAL DEVELOPMENT REQUIREMENTS

(a) Licensed Administrators, Teachers, and Teacher Assistants in non-public and public schools shall participate in professional development consistent with the NC State Board of Education policy. The policy can be found on the Department of Public Instruction's website at http://www.ncpublicschools.org/licensure.

(b) Administrators, Teachers, and Teacher Assistants in non-public school settings, working toward Pre-K qualifications shall participate in a minimum of six documented semester hours per year.

History Note: Authority G.S. 110-85; 110-88; S.L. 2011-145, s. 10.7(a); Eff. November 1, 2012.