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Effective March 1, 2019

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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) "Activity area" means a space that is accessible to children and where related equipment and materials are kept in accordance with G.S. 110-91(12).

(2) "Agency" as used in 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.

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

(4) "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.

(5) “Biocontaminant" means blood, bodily fluids, or excretions that may spread infectious disease.

(6) "Child Care Center" means an arrangement where, at any one time, there are three or more preschool-age children or nine or more school-age children receiving child care. This does not include arrangements described in Item (18) of this Rule regarding Family Child Care Homes.

(7) "Child Care Facility" means child care centers, family child care homes, and any other child care arrangement not excluded by G.S. 110-86(2), that provides child care, regardless of the time of day, wherever operated, and whether or not operated for profit.

(8) "Child care provider" as defined by G.S. 110-90.2(a)(2) includes the following employees who have contact with the children in a child care program:
   (a) facility directors;
   (b) child care administrative staff;
   (c) teachers;
   (d) teachers' aides;
   (e) substitute providers;
   (f) uncompensated providers;
   (g) cooks;
   (h) maintenance personnel; and
   (i) drivers.

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

(10) "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.

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

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

(13) "Domains" means the developmental areas of learning described in the North Carolina Foundations for Early Learning and Development © 2013, available on the Division's website at http://ncchildcare.nc.gov/providers/pv_foundations.asp. This instrument is incorporated by reference and does not include subsequent editions. The domains address children's emotional and social development, health and physical development, approaches to play and learning, language development, and communication and cognitive development.

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

(15) "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 does not include 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 is twenty-four dollars and ninety-five cents ($24.95). A copy of this instrument is on file at the Division at the address given in Item (2) 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.

(16) "Experience working with school-age children" means working with school-age children as a child care administrator, program coordinator, group leader, assistant group leader, lead teacher, teacher or aide.

(17) "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 does not include 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 is twenty-four dollars and ninety-five cents ($24.95). A copy of this instrument is on file at the Division at the address given in Item (2) of this Rule and is available for public inspection during regular business hours.

(18) "Family Child Care Home" means a child care arrangement located in a residence where, at any one time, more than two children, but less than nine children,

receive child care. Family child care home operators must reside at the location of the family child care home.

(19) "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.

(20) "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.

(21) "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.

(22) "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.

(23) "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://idph.iowa.gov/Portals/1/Files/HCCI/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.

(24) "Infant" means any child from birth through 12 months of age.

(25) "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 30 months old, to achieve three or more points for the program standards of a rated license. This instrument is incorporated by reference and does not include 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 is twenty-four dollars and ninety-five cents ($24.95). A copy of this instrument is on file at the Division at the address given in Item (2) of this Rule and is available for public inspection during regular business hours.

(26) "ITS-SIDS Training" means the Infant/Toddler Safe Sleep and SIDS Risk Reduction Training developed by the NC Healthy Start Foundation and administered by the North Carolina Child Care Health and Safety Resource Center 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.

(27) "Lead Teacher" means an individual who is responsible for planning and implementing the daily program of activities for a group of children in a child care facility. A lead teacher is counted in staff/child ratio, has unsupervised contact with children, and is monetarily compensated by the facility.

(28) "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.

(29) "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.

(30) "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/.

(31) "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 (2) 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.

(32) "Operator" means the owner, director, or other person having responsibility for operation of a child care facility subject to licensing.

(33) "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 shall not be subject to mandatory criminal history checks pursuant to G.S. 110-90.2 unless they are a child care provider.

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

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

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

(37) "Premises" means the entire child care building and grounds including natural areas, outbuildings, dwellings, vehicles, parking lots, driveways and other structures located on the property.

(38) "Preschooler" or "preschool-age child" means any child who is at least three years of age and does not fit the definition of school-age child in this Rule.

(39) "Reside" refers to any person that lives at a child care facility location. Factors for determining residence include:

(a) use of the child care facility address as a permanent address for personal identification or mail delivery;

(b) use of the child care facility to store personal belongings such as furniture, clothing, and toiletry items; and

(c) names listed on official documents such as criminal records or property tax records.

(40) "School-Age Care Environment Rating Scale, Updated Edition" (Harms, Jacobs, and White, 2014, 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 does not include subsequent editions. A copy of the scale is available for purchase on the Teacher College Press website at http://www.teacherscollegepress.com/assessment_materials.html. The cost of this scale is twenty-four dollars and ninety-five cents ($24.95). A copy of this instrument is on file at the Division at the address given in Item (2) of this Rule and is available for public inspection during regular business hours.

(41) "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.

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

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

(44) "Staff" or "staff member" as used in this Chapter includes child care providers, substitute providers, and uncompensated providers. Volunteers, as defined in this Rule, are not staff members.

(45) "Substitute provider" means any person who temporarily assumes the duties of a staff person for a time period not to exceed two consecutive months and may or

may not be monetarily compensated by the facility. Any substitute provider shall be 18 years of age and literate.

(46) "Teacher" means an individual who assists the Lead Teacher in planning and implementing the daily program of activities for a group of children in a child care facility. A teacher is counted in staff/child ratio, has unsupervised contact with children, and is monetarily compensated by the facility.

(47) "Teacher's aide" or "Aide" means a person who assists the lead teacher or the teacher in planning and implementing the daily program, is monetarily compensated, shall be at least 16 years old and less than 18 years old, shall be literate, and shall not be counted in staff/child ratio or have unsupervised contact with children.

(48) "Toddler" means any child ages 13 months to 3 years of age.

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

(50) "Uncompensated provider" means a person who works in a child care facility and is counted in staff/child ratio or has unsupervised contact with children, but who is not monetarily compensated by the facility. Any uncompensated provider shall be 18 years of age and literate.

(51) "Volunteer" means a person who works in a child care facility and is not counted in staff/child ratio, does not have unsupervised contact with children, and is not monetarily compensated by the facility. A person who is at least 13 years of age, but less than 16 years of age, may work on a volunteer basis, as long as he or she is supervised by and works with a staff person who is at least 21 years of age and meets staff qualification requirements.

History Note: Authority G.S. 110-85; 110-88; 110-90.2; 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;
Readopted Eff. October 1, 2017.

SECTION .0200 - GENERAL REQUIREMENTS

10A NCAC 09 .0201 INSPECTIONS OF CHILD CARE FACILITIES

The Division shall visit and inspect all child care facilities to ensure compliance with G.S. 110, Article 7 and 10A NCAC 09.

(1) The Division shall make at least one unannounced visit annually to ensure compliance with the licensure statutes and as identified in this Rule.

(2) The Division shall make an unannounced visit when the Division receives a complaint alleging a violation of licensure statutes or rules or if the Division has cause to believe an emergency exists at the facility in accordance with G.S. 110-105.

(3) The Division shall conduct an announced visit prior to the initial issuance of a license. The prospective licensee shall be notified in advance about the visit.

(4) This Rule shall not apply to the investigation of child care facilities that are operating without a license in violation of the statute.

History Note: Authority G.S. 110-105; 143B-168.3;
Eff. January 1, 1986;
Amended Eff. July 1, 1998;
Readopted Eff. October 1, 2017.

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 FOR A CHILD CARE CENTER

(a) When the ownership of a child care center changes, the prospective new owner shall apply for a new license in accordance with Rule .0403 of this Chapter at least 30 days before acquiring ownership of the center. A child care center license shall not be bought, sold, or transferred by one person or entity to another.

(b) When a licensed child care center is to be moved from one location to another, the licensee shall apply for and receive a license for the new location before the licensee provides child care services at the new location. A child care center license shall not be transferable from one location to another.

(c) When a licensee desires to change the licensed capacity of a center, the licensee shall notify the Division of the following:

(1) If the licensee wishes to increase the licensed capacity by using space not currently approved for child care, the licensee shall obtain inspections of the unapproved space by the local health, building, and fire inspectors in accordance with G.S. 110-91(1), (4), and (5). Once the licensee documents that the unlicensed space conforms to all applicable sanitation, building, and fire standards, and if all applicable requirements of G.S. 110, Article 7 and this Chapter are met, the Division shall issue a new license 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 in accordance with applicable requirements of G.S. 110, Article 7 and this Chapter.

(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 arrange for inspections of the center by the Division and the local health, building, and fire inspectors in accordance with G.S. 110-91(1), (4), and (5). Once the licensee submits documentation that the center conforms to all applicable sanitation, building, and fire standards, and if all applicable requirements of G.S. 110, Article 7 and this Chapter are met, the Division shall issue a new license without the restriction

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;
Readopted Eff. October 1, 2017.

10A NCAC 09 .0205 ACCESS TO CHILD CARE CENTER

(a) The parent of a child enrolled in a child care center shall be allowed access to the center during its operating hours for the purposes of contacting the child or evaluating caregiving space at the center and the care provided by the center for the child. The parent shall notify the on-site administrator of his or her presence upon entering the premises.

(b) Parents subject to court orders related to custody of a child enrolled in a child care center shall only be allowed access to the center in accordance with the court order.

(c) The child care operator shall not knowingly permit a person on the premises of a child care center who has been convicted of a "reportable conviction" as defined in G.S. 14-208.6(4).

History Note: Authority G.S. 110-85; 110-91; 143B-168.3;
Eff. July 1, 1988;
Amended Eff. July 1, 1998; November 1, 1989;
Readopted Eff. October 1, 2017.

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 FOR CHILD CARE CENTERS

(a) A prospective licensee who has not previously operated a child care center in North Carolina shall attend a pre-licensing workshop provided by the Division before the Division schedules a pre-licensing visit. This includes persons seeking to operate a child care center pursuant to a Notice of Compliance. A schedule of these workshops provided by the Division may be found online at http://ncchildcare.dhhs.state.nc.us/pdf_forms/prelicworkshop.pdf.

(b) Prospective licensees shall download, complete, and submit the pre-licensing registration form to the Division. The pre-licensing registration form contains demographic information and workshop location preferences. The pre-licensing registration form may be found online at http://ncchildcare.dhhs.state.nc.us/pdf_forms/prelicworkshop.pdf.

(c) Upon completion of the pre-licensing workshop the prospective licensee shall submit an application for a license to the Division. The application can be found online at http://ncchildcare.nc.gov/PDF_forms/FacilityProfileApp.pdf.

(d) Upon receipt of the child care application the Division shall contact the prospective licensee to discuss Rule 10A NCAC 09 .0302. A pre-licensing visit will be scheduled with the prospective licensee, when they are ready to demonstrate compliance with G.S. 110, Article 7 and this Chapter.

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;
Readopted Eff. October 1, 2017.

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

(a) An application for a license for a child care center shall be submitted on the form provided by the Division, which may be found online at http://ncchildcare.nc.gov/PDF_forms/FacilityProfileApp.pdf. The application for a child care center license shall include the following information:

(1) owner name;
(2) center name, address, phone number, and location address;
(3) center contact information;
(4) requested age range of children in the child care center;
(5) hours of operation;
(6) type of care to be provided;
(7) type of building;
(8) type of center;
(9) proposed opening date;
(10) proposed number of children to be served;
(11) type of business operation;
(12) history of operation or licensing of child care facilities; and
(13) signature of applicant of either:
    (A) the individual who will be responsible for the operation of the center and for assuring compliance with G.S. 110, Article 7 and this Chapter; or

(B) an officer of an entity who will be responsible for the operation of the center and for ensuring compliance with G.S. 110, Article 7 and this Chapter.

Upon receipt of the application, the Division shall assess the information provided to determine if the prospective licensee may be denied a license for one or more of the reasons set forth in 10A NCAC 09 .2215.

(b) In addition to the application, an applicant shall submit the following documentation:

(1) the required criminal record check qualification letter as set forth in 10A NCAC 09 .2703;

(2) inspection reports required by G.S. 110-91(1), (4), and (5). If a center does not conform with a building, fire, or sanitation standard, the Division shall accept an inspector's determination that equivalent, alternative protection is provided;

(3) measurements of all rooms to be used for child care and a sketch of the center's floor plan, including ceiling height, location of bathrooms, doors, and required exits; and

(4) written information to verify compliance with G.S. 110, Article 7 and the Rules in this Chapter as follows:

(A) emergency medical plan;

(B) activity plans;

(C) discipline policy;

(D) incident reports; and

(E) incident logs.

(c) During the pre-licensing visits, the applicant or the operator 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.

(d) During the pre-licensing visit the applicant shall have the following available for review pursuant to 10A NCAC 09 .0304(g):

(1) staff records that include:

(A) an application for employment and date of birth;

(B) documentation of education, training, and experience;

(C) medical and health records;

(D) documentation of staff orientation, participation in training, and staff development activities; and

(E) required criminal history records check documentation;

(2) children's records that 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; A copy of the form may be found on the Division's website at http://ncchildcare.nc.gov/pdf_forms/EPR_EmergencyDrillLog_Centers.pdf;

(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 administered medications;
(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. A copy of the form may be found on the Division's website at http://ncchildcare.nc.gov/pdf_forms/EPR_EmergencyDrillLog_Centers.pdf; and
(9) an electronic mail address for the center.

(e) The Division shall make one or more inspections of the center and premises to assess compliance with all applicable licensure statutes and rules and either:
(1) issue a single license for the address of the center if all applicable requirements of G.S. 110, Article 7 and this Section are met;
(2) issue a provisional license pursuant to Rule .0401 of this Chapter; or
(3) deny the application in accordance with 10A NCAC 09 .2215.

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;
Readopted Eff. October 1, 2017.

10A NCAC 09 .0303 RESERVED FOR FUTURE CODIFICATION

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

(a) Each operator shall schedule and obtain 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 approved annual fire inspection report to the Division within one week of the inspection visit on the form provided by the Division.

(b) Each center shall be inspected annually by an Environmental Health Specialist and receive an approved or superior rating in accordance with applicable sanitation requirements adopted by the Commission for Public Health as described in 15A NCAC 18A .2800.

(c) A new building inspection shall not be required unless the operator plans to begin using space not previously approved for child care, has made renovations to the building, has added new construction, or wants to remove any restriction related to building codes on the permit.

(d) When the Division documents noncompliance with G.S. 110, Article 7 or this Chapter during a visit, the Division may do any one or more of the following:
(1) require the operator to notify the Division in writing when the noncompliance has been corrected;
(2) return to the center for an unannounced visit to determine whether the noncompliance has been corrected; or
(3) take any administrative action in accordance with G.S. 110, Article 7 or 10A NCAC 09 .2200.

(e) The Division shall calculate the visit compliance score by taking the total possible points for items monitored at a visit and calculating the percentage of compliance based upon the actual points awarded. The compliance history of a center shall be calculated by averaging each visit compliance score over the previous 18 months. Points shall be awarded for compliance with items monitored as follows:

(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.

(f) A sample of the Division's compliance history score sheet can be viewed online at http://ncchildcare.nc.gov/PDF_forms/Compliance_History_Sample_415.pdf.

(g) Each center shall maintain records as described in 10A NCAC 09 .0302(d) and shall make them available to the Division for review.

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;
Readopted Eff. October 1, 2017;
Amended Eff. June 1, 2018.

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

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;
Repealed Eff. February 1, 2019.

10A NCAC 09 .0402 RESERVED FOR FUTURE CODIFICATION

10A NCAC 09 .0403 TEMPORARY LICENSES FOR CENTERS

(a) When an operator proposes to open a new center or to change the ownership or location of an existing center, the Division shall issue the operator a temporary license upon the receipt of a license application pursuant to 10A NCAC 09 .0204 or .0302 and the documents specified in 10A NCAC 09 .0301 and .0302.
(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 star-rated license, provisional license, or denial of a license to the operator, whichever occurs earlier.

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;
Readopted Eff. October 1, 2017.

SECTION .0500 – SCHEDULES AND ACTIVITIES

10A NCAC 09 .0501 STAFF/CHILD INTERACTIONS (TRANSFERRED TO 10A NCAC 09 .1802)

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 (TRANSFERRED TO 10A NCAC 09 .2512)

10A NCAC 09 .0506 RESERVED FOR FUTURE CODIFICATION

10A NCAC 09 .0507 RESERVED FOR FUTURE CODIFICATION

10A NCAC 09 .0508 ACTIVITY SCHEDULES AND PLANS

(a) All centers shall have a current schedule and activity plan for each group of children posted for reference by parents and by caregivers. The schedule and activity plan may be combined in a single document.

(b) For each group of children in care, the activity plan shall include activities intended to stimulate the following developmental domains, in accordance with North Carolina Foundations for Early Learning and Development, available on the Division's website at http://ncchildcare.nc.gov/providers/pv_foundations.asp:

(1) emotional and social development;
(2) health and physical development;
(3) approaches to play and learning;
(4) language development and communication; and
(5) cognitive development.

(c) When children are in care and weather conditions permit, there shall be outdoor time, either as part of a small group, a whole group, or individual activity, for no less than the following durations:

Program Operating Hours	**Ages of Children**	**Minimum Daily Outdoor Time**
All Programs	**Under 2 years**	**30 Minutes**
Less than 5 hours	0-12 years	30 Minutes
5 hours or more	2-12 years	60 minutes

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

(1) blocks of time assigned to types of activities, including periods of time for active play, quiet play, or rest;
(2) times and activities that are developmentally appropriate for the children in care; and
(3) daily opportunities indoors and outdoors for:
    (A) free-choice activities; and
    (B) teacher-directed activities.

(e) For children under two years old, interspersed among the daily events shall be individualized caregiving routines such as eating, napping, and toileting.

(f) When children under three years old are in care, the schedule shall include regular daily events such as the arrival and departure of the children, free-choice times, outside time, and teacher-directed activities.

(g) The activity plan shall:
(1) identify activities that allow children to choose to participate with the whole group, part of the group, or independent of the group;
(2) reflect that the children have four different activities daily, at least one of which is outdoors, if weather conditions permit, as listed in G.S. 110-91(12) as follows:
    (A) art and other creative play;
    (B) children's books;
    (C) blocks and block building;
    (D) manipulatives; and
    (E) family living and dramatic play; and
(3) include a daily gross motor activity that may occur indoors or 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, 1988;
Readopted Eff. October 1, 2017.

10A NCAC 09 .0509 LEARNING ENVIRONMENT

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 that promote the children's emotional and social development, health and physical development, approaches to play and learning, language development, and communication and cognitive development;
(3) teacher-made and home-made equipment and materials may be used. 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, or and any finishes that contain pesticides; and
(4) developmentally appropriate equipment and materials shall be provided for a variety of outdoor activities that allow for active play and large muscle development. The center shall provide space and time for active 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;
Readopted Eff. October 1, 2017.

10A NCAC 09 .0510 ACTIVITY AREAS

(a) For each group of children in care, the center shall provide daily four of the five activity areas listed in G.S. 110-91(12) as follows:

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

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

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

(b) In addition to the four activity areas that are available each day, each center shall have materials and equipment in sufficient quantity, as described in Subparagraph (d)(1) of this Rule, to ensure that the fifth activity area listed in G.S. 110-91(12) is made available at least once per month.

(c) Each center shall provide materials and opportunities for each group of children at least weekly, indoors or outdoors, for the following:

(1) music and rhythm;

(2) science and nature; and

(3) sand and water play.

(d) When preschool children three years old and older are in care the following shall apply:

(1) the materials and equipment in an activity area 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; and

(2) when screen time is provided on any electronic media device with a visual display, it shall be:

(A) offered to stimulate a developmental domain in accordance with the North Carolina Foundations for Early Learning and Development as referenced in Rule .0508 of this Section;

(B) limited to 30 minutes per day and no more than a total of two and a half hours per week, per child; and

(C) documented on a cumulative log or the activity plan that shall be available for review by the Division.

(e) When children under three years old are in care the following apply:

(1) each center shall have developmentally appropriate toys and activities for each child to promote the child's emotional and social development, health and physical development, approaches to play and learning, language development, and communication and cognitive development, including:

(A) books;

(B) blocks;

(C) dolls;

(D) pretend play materials;

(E) musical toys;

(F) sensory toys; and
(G) fine motor toys;

(2) materials shall be kept in a space where related equipment and materials are kept in accordance with G.S. 110-91(12) and shall be made available to the children on a daily basis;

(3) materials shall be offered in sufficient quantity to allow all children to use them at some time during the day and to allow for a range of choices,

(4) on a daily basis caregivers shall provide developmentally appropriate activities that support health and physical development. An open area that allows freedom of movement shall be available, both indoors and outdoors, for infants and for toddlers;

(5) 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; and

(6) each child under the age of 12 months shall be given supervised tummy time positioned on his or her stomach while awake and alert each day.

(f) Screen time, including television, videos, video games, and computer usage, shall be prohibited for children under three years of age.

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;
Readopted Eff. October 1, 2017.

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

(a) Children under two years of age shall require individualized daily routines based on their specific developmental needs. The center shall provide time and space for sleeping, eating, toileting, diaper changing, and playing according to each child's individual needs.

(b) The caregivers shall interact in a positive manner with each child every day, as follows:

(1) caregivers shall respond at the earliest opportunity 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 ease the transition from home to center such as a phased-in orientation process to allow infants and toddlers to experience limited amounts of time at the center before becoming 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; and

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

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;
Readopted Eff. October 1, 2017.

10A NCAC 09 .0512 OFF PREMISE ACTIVITIES (TRANSFERRED TO 10A NCAC 09 .1005)

10A NCAC 09 .0513 ADMINISTRATIVE POLICIES

Centers shall have administrative policies and practices that provide for:

(1) selection and training of staff;
(2) communication with and opportunities for participation by parents;
(3) operational and fiscal management; and
(4) 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, 2016;
Readopted March 1, 2019 (Transferred from 10A NCAC 09 .2804).

10A NCAC 09 .0514 OPERATIONAL AND PERSONNEL POLICIES

(a) Each center shall have written policies that describe the operation of the center and the services that 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) the age range of the children served;
(3) admission requirements and enrollment procedures;
(4) parent fees and payment plan;
(5) information about services provided by the center, such as number of meals served, before and after school care, and 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 on or before the child's first day of attendance in the center. A copy of the policies shall be given to the parents on or before the child's first day of attendance and the parents shall be notified in writing of all changes in policy.

(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 staff/child ratios shall have a written personnel policy that 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 absences;
(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 all 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 include a signed and dated statement verifying that the employee received a copy of his or her job description and has reviewed the personnel and operational policies.

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;
Readopted Eff. March 1, 2019 (Transferred from 10A NCAC 09 .2805).

10A NCAC 09 .0515 PARENT PARTICIPATION

(a) Each center shall have a plan that will encourage parent participation and inform parents about the program and its services. The plan shall be discussed with parents on or before the child's first day of attendance and shall be posted in the center or a copy shall be given to parents on or before the child's first day of attendance.

(b) The plan shall include the following:
(1) a procedure for registering a child for child care that involves both parents when possible and that 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 that 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;
Readopted Eff. March 1, 2019 (Transferred from 10A NCAC 09 .2807).

10A NCAC 09 .0516 NIGHT CARE

(a) Developmentally appropriate activities 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 shall be individually planned.

(c) When possible, children shall be left for care before, and picked up after, their normal sleeping period.

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;
Readopted Eff. March 1, 2019 (Transferred from 10A NCAC 09 .2808).

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 in accordance with rules in this Section.
(b) All equipment and furnishings shall be in good repair. All commercially manufactured equipment and furnishings shall be assembled and installed according to procedures specified by the manufacturer. For equipment and furnishings purchased after September 1, 2017, the manufacturer's instructions shall be kept on file or electronically accessible, if available.
(c) Equipment and furnishings shall be sturdy, stable, and free of hazards that may injure children including sharp edges, lead based or peeling paint, rust, loose nails, splinters, protrusions (excluding nuts and bolts on sides of fences), and pinch and crush points.
(d) All broken equipment or furnishings referenced in Paragraph (c) of this Rule shall be removed from the premises immediately or made inaccessible to the children.
(e) Each child care center shall provide equipment and furnishings that are child-size or that can be adapted use by children. Chairs and tables shall be of appropriate height for the children who will be using them.

History Note: Authority G.S. 110-91(3),(6); 143B-168.3;
Eff. January 1, 1986;
Amended Eff. January 1, 1996; January 1, 1991;
Readopted Eff. October 1, 2017.

10A NCAC 09 .0602 CONDITION OF INDOOR EQUIPMENT AND FURNISHINGS
10A NCAC 09 .0603 OVERNIGHT FURNISHINGS

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;
Repealed Eff. October 1, 2017.

10A NCAC 09 .0604 SAFETY REQUIREMENTS FOR CHILD CARE CENTERS

(a) In child care centers, potentially hazardous items, including 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, removed from the premises, or otherwise inaccessible to children.
(b) Firearms and ammunition are prohibited in a licensed child care center unless carried by a law enforcement officer.
(c) When not in use, electrical outlets and power strips located in space used by children shall have safety outlets or 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 any cord 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, lighters, and accelerants shall be kept in locked storage.
(h) Children shall be in a smoke free and tobacco free environment. Smoking and the use of any product containing, made or derived from tobacco, including e-cigarettes, cigars, little cigars, smokeless tobacco, and hookah, shall not be permitted on the premises of the child care center, in vehicles used to transport children, or during any off premise activities. All smoking materials shall be kept in locked storage. For child care centers in an occupied residence that are licensed for 3 to 12 children when any preschool-age children are in care, or for 3 to 15 children when only school-age children are in care, the premises shall be smoke free and tobacco free during operating hours.
(i) Signage regarding the smoking and tobacco restriction shall be posted at each entrance to the center and in vehicles used to transport children.
(j) The operator shall notify the parent of each child enrolled in the center, in writing, of the smoking and tobacco restriction.
(k) Fuel burning heaters, fireplaces, and floor furnaces, if applicable, shall be fitted with a protective screen attached to supports to prevent access by children and to prevent objects from being thrown into them.
(l) Toxic plants shall be inaccessible to children. A list of toxic plants may be found on the Division's website at http://ncchildcare.nc.gov/pdf_forms/form16b_bb.pdf.
(m) 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.
(n) Gas tanks and gas or charcoal grills shall be inaccessible to children or shall be in a protective enclosure.
(o) 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.
(p) 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 of.
(q) Plastic bags, toys, toy parts small enough to be swallowed, and materials that can be torn apart, such as foam rubber and styrofoam, shall not be accessible to children under three years of age. However, styrofoam plates and larger pieces of foam rubber may be used for supervised art activities and styrofoam plates may be used for food service. Jump ropes and rubber bands shall not be accessible to children under five years of age without adult supervision. Balloons shall be prohibited for children of all ages.
(r) 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 moveable, have a reinforced bottom, and shall be able to fit through the designated fire exit. For centers that do not meet NC Building Code for institutional occupancy as described in 10A NCAC 09 .1301, and have an exit more than eight inches above grade, the center shall develop a written plan to ensure a safe evacuation of the crib or other device. The operator shall submit the plan to the Division for review. The Division shall approve the plan and shall require a demonstration of the center implementing the plan during a drill. 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).
(s) A First Aid kit shall be available on site and accessible to staff. Each staff member shall be aware of the location of the First Aid kit.
(t) Fire drills shall be practiced monthly and records shall be maintained as required by 10A NCAC 09 .0302(d)(5).
(u) 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(d)(8).
(v) In child care centers, biocontaminants shall be:

(1) stored in locked areas;
(2) removed from the premises;
(3) inaccessible to children; or
(4) shall be disposed of in a covered, plastic lined receptacle.

History Note: Authority G.S. 110-88; 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;
Temporary Amendment Eff. September 23, 2016;
Readopted Eff. October 1, 2017.

10A NCAC 09 .0605 OUTDOOR LEARNING ENVIRONMENT IN CHILD CARE CENTERS

(a) Outdoor play equipment shall be age and developmentally appropriate.
(b) For outdoor play structures purchased or installed on or after September 1, 2017 the provider shall maintain manufacturer's instructions on file electronically or in paper format.
(c) Separate play areas or time schedules shall be provided for children under two years of age unless fewer than 15 children of any age are in care.
(d) If a center shares playground space with another center that serves children, a separate play area or time schedule shall be provided for each center.
(e) Children shall not be allowed to play on outdoor equipment that is too hot to touch.
(f) Children shall not be allowed to be bare-footed while outdoors if equipment or surfacing is too hot to touch.
(g) Any openings in equipment, steps, decks, handrails, and fencing shall be smaller than 3 ½ inches or greater than 9 inches to prevent entrapment.
(h) All upright angles shall be greater than 55 degrees to prevent entrapment and entanglement.
(i) The outdoor play area shall be protected by a fence. 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 closed while children occupy the area.
(j) All stationary outdoor equipment more than 18 inches high shall be installed over protective surfacing. Footings which anchor equipment shall not be exposed. Protective surfacing shall be either:

(1) loose surfacing material, including wood mulch, double shredded bark mulch, uniform wood chips, fine sand, coarse sand, and pea gravel, except that pea gravel shall not be used if the area will be used by children under three years of age. Loose surfacing material shall not be installed over concrete; or

(2) 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 F 1292, may be used if installed, maintained, and replaced according to the manufacturer's instructions. This standard is incorporated by reference and does include subsequent editions. This standard may be found online at https://www.astm.org/Standards/F1292.htm for a cost of sixty-five dollars ($65.00).

(k) The depth of the loose surfacing material shall be based on the critical height of the equipment, which is defined as the maximum height that a child may child, sit, or stand, as follows:

(1) equipment with a critical height of 5 feet or less shall have 6 inches of loose surface materials;

(2) equipment with a critical height of more than 5 feet, but less than 7 feet, shall have 6 inches of loose surfacing material, except for sand;

(3) equipment with a critical height of 7 feet to 10 feet shall have 9 inches of any of the loose surfacing material, except for sand; and

(4) when sand is used as a surfacing material for equipment with a critical height of more than 5 feet, 12 inches shall be required.

(l) Protective surfacing shall cover the area under and around equipment where a child may fall, referred to as 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 shall be required at all points of entrance and exit for any structure that has a protective barrier; and

(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 six feet;

(m) Exceptions to Paragraph (l) 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.

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

(o) Elevated platforms shall have a guardrail or a protective barrier, depending upon the height of the platform and the age of children in accordance with this Paragraph 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 as follows:

(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. The minimum height of the top surface of the protective barrier shall be 24 inches.
  (B) Critical Height – the maximum critical 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.

(p) 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.

(q) Following completion of playground safety training as required by Rule .1102(e) of this Chapter, a monthly playground inspection shall be conducted by an individual trained in playground safety requirements. 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. The playground inspection checklist may be found online at http://ncchildcare.nc.gov/pdf_forms/playground.pdf . The playground inspection includes a checklist of items related to safety, surfacing, and equipment quality.

(r) Trampolines shall be prohibited, except for supervised use of a mini fitness trampoline for single person use.

(s) Inflatables shall be prohibited except when used during a special event such as a celebration, festival, party, or family engagement event. A staff member shall be able to hear and see all children using inflatables at all times. For purposes of this Rule, an inflatable shall mean an air-filled structure designed to allow users to bounce, slide, or climb in. The inflatable device uses air pressure from one or more blowers to maintain its shape. Examples include bounce houses, moon walkers, giant slides, and bouncers.

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;
Readopted Eff. October 1, 2017.

10A NCAC 09 .0606 SAFE SLEEP PRACTICES

(a) Each center licensed to care for infants aged 12 months or younger shall develop, adopt, and comply with 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 no pillows, wedges or other positioners, pillow-like toys, blankets, toys, bumper pads, quilts, sheepskins, loose bedding, towels and washcloths, or other objects may be placed with a sleeping infant aged 12 months or younger;

(3) specifies that children shall not be swaddled;

(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 that caregivers shall visually check, in person, sleeping infants aged 12 months or younger at least every 15 minutes;

(7) specifies how caregivers shall document compliance with visually checking on sleeping infants aged 12 months or younger;

(8) specifies that pacifiers that attach to infant clothing shall not be used with sleeping infants;

(9) specifies that infants aged 12 months or younger sleep alone in a crib, bassinet, mat, or cot;

(10) specifies that infants aged 12 months or younger are prohibited from sleeping in sitting devices, including car safety seats, strollers, swings, and infant carriers.

Infants that fall asleep in sitting devices shall be moved to a crib, bassinet, mat, or cot; and

(11) 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 about infant safe sleep practices in the infant room where it can be easily seen by parents and caregivers.

(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 caregiver shall place a child age 12 months or younger on the child's back for sleeping, unless for a child age 6 months or younger, the operator obtains a written waiver from a health care professional; or for a child older than 6 months, the operator obtains a written waiver from a health care professional or parent. Waivers shall include the following:

(1) the infant's name and birth date;
(2) the signature and date of the infant's health care professional or parent;
(3) if a wedge is needed specify why it is needed and how it is to be used; and
(4) 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, play pen, cot or mat 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.

(g) Documents that verify staff member's compliance with visual checks on infants shall be maintained for a minimum of one month.

(h) A bed, crib, or cot, equipped with a firm waterproof mattress at least four inches thick and a fitted sheet shall be provided for each child who remains in the center after midnight. The top of bunk beds shall be used by school-age children only.

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

Amended Eff. July 1, 2010;
Readopted Eff. October 1, 2017.

10A NCAC 09 .0607 EMERGENCY PREPAREDNESS AND RESPONSE IN CHILD CARE CENTERS

(a) For the purposes of this Rule, the Emergency Preparedness and Response in Child Care is a session training developed by the Division of Public Health for child care operators and providers on creating an Emergency Preparedness and Response Plan and practicing, responding to and recovering from emergencies in child care centers.

(b) Existing child care centers shall have one person on staff who has completed the Emergency Preparedness and Response in Child Care training. New centers shall have one 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. When the trained staff member leaves employment, the center shall ensure that another staff member completes the required training within four months of the vacancy. Documentation of completion of the training shall be maintained in the individual's personnel file or in a file designated for emergency preparedness and response plan documents.

(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 center 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 children, staff, volunteer and visitor attendance 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, 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 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 or in a file designated for emergency preparedness and response plan documents.

(h) Centers operated by a Local Education Agency that have completed critical incident training and a School Risk Management Plan as set forth by the Department of Public Instruction shall be exempt from Paragraphs (a) through (e) of this Rule. When a School Risk Management Plan has been completed, the requirements of Paragraphs (f) and (g) of this Rule shall be applicable. The School Risk Management Plan shall be available for review by the Division. More information regarding the School Risk Management Plan is located online at https://sera.nc.gov/srmp/.

History Note: Authority G.S. 110-85; 143B-168.3;
Eff. July 1, 2015;
Amended Eff. August 1, 2015;
Readopted Eff. October 1, 2017.

10A NCAC 09 .0608 PREVENTION OF SHAKEN BABY SYNDROME AND ABUSIVE HEAD TRAUMA

(a) Each child care center licensed to care for children up to five years of age shall develop and adopt policies to prevent shaken baby syndrome and abusive head trauma prior to licensure. The policy shall include the following:

(1) How to recognize, respond to, and report the signs and symptoms of shaken baby syndrome and abusive head trauma. Signs and symptoms include: irritability, difficulty staying awake, difficulty breathing, inability to lift the head, seizures, lack of appetite, vomiting, and bruises;

(2) Strategies to assist staff members in coping with a crying, fussing, or distraught child;

(3) Strategies to assist staff members in understanding how to care for infants;

(4) Strategies to ensure staff members understand the brain development of children up to five years of age;

(5) A list of prohibited behaviors that shall include, but not be limited to, shaking a child, tossing a child into the air or into a crib, chair, or car seat, and pushing a child into walls, doors, and furniture; and

(6) Resources to assist staff members and families in preventing shaken baby syndrome and abusive head trauma.

(b) Within 30 days of adopting the policy, the child care center shall review the policy with parents of currently enrolled children up to five years of age. A copy of the policy shall be given

and explained to the parents of newly enrolled children up to five years of age on or before the first day the child receives care at the center. The center shall obtain the parent's signature on the statement acknowledging the receipt and explanation of the policy. The acknowledgement shall contain the following and be maintained in the child's file for review by the Division:

(1) The child's name;
(2) The date the child first attended the center;
(3) The date the operator's policy was given and explained to the parent;
(4) The parent's name;
(5) The parent's signature; and
(6) The date the parent signed the acknowledgment.

(c) If a child care center changes the policy at any time, the child care center shall give written notice of the change to the child's parent 14 days prior to the implementation of the new policy and the parent shall sign a statement that attests that a copy of the new policy was given to and discussed with him or her. The center shall obtain the parent's signature acknowledging the receipt of the new policy and this statement shall be maintained in the child's file for review by the Division.

(d) Within 30 days of adopting the policy, the child care center shall review the policy with existing staff members who provide care for children up to five years of age. Each child care center shall review the policy with new staff members prior to the individual providing care to children. The acknowledgement of this review shall contain:

(1) the individual's name;
(2) the date the center's policy was given and explained to the individual;
(3) the individual's signature; and
(4) the date the individual signed the acknowledgment.

The child care center shall retain the acknowledgement in the staff member's file.

(e) If a child care center changes the policy at any time, the child care center shall review the revised policy with staff members 14 days prior to the implementation of the new policy. The individual shall 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 staff member's file.

History Note: Authority G.S. 143B-168.3;
Temporary Adoption Eff. September 23, 2016;
Eff. October 1, 2017.

SECTION .0700 STAFF QUALIFICATIONS

10A NCAC 09 .0701 HEALTH STANDARDS FOR CHILD CARE PROVIDERS, SUBSTITUTE PROVIDERS, VOLUNTEERS, AND UNCOMPENSATED PROVIDERS

(a) Health and emergency information shall be obtained for staff members as specified in the chart below:

Required for:	Item Requirements:	Due Date:
Child care providers and uncompensated providers who are not substitute providers or volunteers as defined in 10A NCAC 09 .0102, including the director.	Medical Report A statement signed by a health care professional that indicates that the person is emotionally and physically fit to care for children.	Within 60 days of employment. When submitted, the medical statement shall not be older than 12 months.
All staff, including the director and individuals who volunteer more than once per week.	Tuberculin (TB) Test or Screening The results indicating the individual is free of active tuberculosis shall be obtained within the 12 months prior to the date of employment.	On or before first day of work.
Child care providers, including the director, uncompensated providers, substitute providers, and volunteers.	Emergency Information Form, including 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, any chronic illness, any medication taken for that illness, and any other information that has a direct bearing on ensuring safe medical treatment for the individual.	On or before the first day of work. The emergency information shall be updated as changes occur and at least annually.
All staff, including the director.	Health Questionnaire A statement signed by the staff member that indicates that the person is emotionally and physically fit to care for children.	Annually following the initial medical statement.

Substitute providers and volunteers.	Health Questionnaire A statement signed by the substitute provider or volunteer that indicates that the person is emotionally and physically fit to care for children.	On or before first day of work and annually thereafter.

(b) The Division, or the director of the child care center, may request an evaluation of a staff member's emotional and physical fitness to care for children when there is reason to believe that there has been deterioration in the staff member's emotional or physical fitness to care for children. This request may be based upon factors such as observations by the director or center staff, reports of concern from family, reports from law enforcement or reports from medical personnel.
(c) A copy of the forms in the chart in Paragraph (a) of this Rule may be found on the Division's website at http://ncchildcare.nc.gov/providers/pv_provideforms.asp.
(d) Staff medical statements, proof of a tuberculosis test or screening, and completed health questionnaires shall be included in the staff member's individual personnel file in the center.

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;
Readopted Eff. October 1, 2017.

10A NCAC 09 .0702 STANDARDS FOR SUBSTITUTES, VOLUNTEERS

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;
Repealed Eff. October 1, 2017.

10A NCAC 09 .0703 GENERAL STATUTORY REQUIREMENTS
(a) Child care providers, substitute providers, and uncompensated providers counted toward meeting the staff/child ratio requirements set forth in Rule .0713 of this Section shall meet the requirements of G.S. 110-91(8). No one under 18 years of age shall have responsibility for or be left in charge of a group of children.
(b) On or before the first day of work, the operator shall verify the age of substitute providers and volunteers and documentation of the substitute provider or volunteer's date of birth shall be maintained in the individual's personnel file in the center. Age shall be verified with any official document that provides a date of birth, such as a driver's license or birth certificate.
(c) 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
(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 to the Division documentation of completion of the coursework or credential to be considered for equivalency within six months of assuming the duties.

(f) For child care centers in an occupied residence that are licensed for 3 to 12 children when any preschool-age children are in care, or for 3 to 15 children when only school-age children are in care, 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 Rule .0710 of 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.

(g) Equivalency standards in this Section may be found online at http://ncchildcare.nc.gov/providers/credent.asp.

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;
Readopted Eff. October 1, 2017.

10A NCAC 09 .0704 PRESERVICE REQUIREMENTS FOR CHILD CARE 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 as follows:

(1) have either a high school diploma or its equivalent;
(2) have two years of full-time work experience in a child care center or early childhood work experience; or an undergraduate, graduate, or associate degree, with 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 child care or early childhood work experience and a North Carolina Early Childhood Credential; and
(3) have verification of having 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.

(b) A child care 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 Chapter shall be a full-time staff member 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 child care 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. 110-85; 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;
Readopted Eff. October 1, 2017.

10A NCAC 09 .0705 SPECIAL TRAINING REQUIREMENTS

History Note: Authority G.S. 110-88; 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;
Temporary Amendment Eff. September 23, 2016;
Repealed Eff. October 1, 2017.

10A NCAC 09 .0706 HEALTH AND SAFETY TRAINING REQUIREMENTS

History Note: Authority G.S. 110-88; 110-91(11); 143B-168.3;
Temporary Adoption Eff. September 23, 2016;
Temporary Adoption Expired July 14, 2017.

10A NCAC 09 .0707 IN-SERVICE AND ORIENTATION TRAINING REQUIREMENTS

History Note: Authority G.S. 110-88; 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;
Temporary Amendment Eff. September 23, 2016;
Repealed Eff. October 1, 2017.

10A NCAC 09 .0708 IN-SERVICE TRAINING APPROVAL (TRANSFERRED TO 10A NCAC 09 .1105)

10A NCAC 09 .0709 DOCUMENTATION OF IN-SERVICE TRAINING (TRANSFERRED TO 10A NCAC 09 .1106)

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

(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 18 years of age, have a high school diploma or its equivalent, and have one of the following:

(1) One year of 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) 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 shall include the North Carolina Early Childhood Credential coursework, within the first six months of employment in addition to the number of on-going training hours required in Rule .1103 of this Chapter.

(c) 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. 110-85; 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;
Readopted Eff. October 1, 2017.

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 Chapter.

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

History Note: Authority G.S. 110-85; 110-91(8); 143B-168.3;
Eff. July 1, 1988;
Amended Eff. July 1, 1998; October 1, 1991; November 1, 1989.
Readopted Eff. October 1, 2017.

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

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;
Repealed Eff. October 1, 2017.

10A NCAC 09 .0713 STAFF/CHILD RATIOS FOR CENTERS

(a) The staff/child ratios and group sizes for single-age groups of children in centers 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

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

(2) 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;

(3) 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;

(4) 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;

(5) except as provided in Subparagraphs (2) and (3) of this Paragraph, children under one year of age shall be kept separate from children two years of age and over;

(6) when only one caregiver is required to meet the staff/child ratio and no children under two years of age are in care, that caregiver may concurrently perform food preparation or other duties that are not direct child care responsibilities as long as supervision of the children as specified in 10A NCAC 09 .1801 is maintained;

(7) except as provided in Subparagraph (6) of this Paragraph, staff members and child care administrators who are counted in meeting the staff/child ratios as stated in this Rule shall not concurrently perform food preparation or other duties that are not direct child care responsibilities; and

(8) 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; 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 3 to 12 children when any preschool-age child is enrolled, or with a licensed capacity of 3 to 15 children when only school-age children are enrolled, are as follows:

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

(c) The staff/child ratio applicable to a classroom for a center located in a residence as described in Paragraph (b) of this Rule shall be posted in that classroom in an area that parents are able to view at all times.
(d) When only one caregiver is required to meet the staff/child ratio for a center located in a residence, as described in Paragraph (b) of this Rule and children under two years of age are in care, that person shall not concurrently perform food preparation or other duties that are not direct child care responsibilities.
(e) When only one caregiver is required to meet the staff/child ratio for a center located in a residence, as described in Paragraph (b) of this Rule 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.

History Note: Authority G.S. 110-85; 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;
Readopted Eff. October 1, 2017.

10A NCAC 09 .0714 OTHER STAFFING REQUIREMENTS

(a) Each child care center shall have a child care administrator who 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 a child care administrator as set forth in G.S. 110-91(8) and according to the licensed capacity of the center. The child care administrator shall be on-site in accordance with the following chart:

Licensed Capacity	**Weekly On-Site Hours**
Less than 30 children	20
30-79 children	25
80-199 children	30
200 or more children	40

The child care administrator's required weekly hours may include those hours that he or she is off-site due to administrative duties, illness or vacation.

(b) One person who meets the requirements for a child care administrator or lead teacher as set forth in G.S. 110-91(8) 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 three months; and
(3) the staff person has completed the orientation training required in Rule .1101 of this Section.

(c) One person who meets the requirements for a lead teacher shall be responsible for each group of children 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) No aide shall have responsibility for a group of children except as provided in Paragraph (b) of this Rule.

(e) Nothing contained in this Chapter 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.

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;
Readopted Eff. October 1, 2017.

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, as defined in 10A NCAC 09 .0102. The completed, signed application shall be on file in the center on the first day the child attends and shall include the following information:

(1) emergency medical information as set forth in Rule .0802(b) of this Section;
(2) the child's full name and the name the child is to be called;
(3) the child's date of birth;
(4) any allergies and the symptoms and type of response required for allergic reactions;
(5) any health care needs or concerns, symptoms of and the type of response required for these health care needs or concerns;
(6) fears or behavior characteristics that the child has; and
(7) the names of individuals to whom the center may release the child, as authorized by the person who signs the application.

(b) For any child with health care needs such as allergies, asthma, or other chronic conditions that require specialized health services, a medical action plan shall be attached to the application. The medical action plan shall be completed by the child's parent or a health care professional and may include the following:

(1) a list of the child's diagnosis or diagnoses including dietary, environmental, and activity considerations that are applicable;
(2) contact information for the child's health care professional(s);
(3) medications to be administered on a scheduled basis; and
(4) medications to be administered on an emergency basis with symptoms, and instructions.

The medical action plan shall be updated on an annual basis. Sample medical action plans may be found on the Division's website at http://ncchildcare.nc.gov/providers/pv_provideforms.asp;

(c) Center administrators and staff shall release a child only to an individual listed on the application.

(d) The information contained in Subparagraphs (a)(1) through (a)(7) and Paragraph (b) of this Rule, shall be accessible to caregiving staff during the time the child is in care.

(e) Center administrators and staff shall use the information provided on the application to ensure that each individual child's needs are met during the time the child is in care.

History Note: Authority G.S. 110-88; 143B-168.3;
Eff. January 1, 1986;
Amended Eff. November 1, 1989;
Temporary Amendment Eff. September 23, 2016;
Readopted Eff. October 1, 2017.

10A NCAC 09 .0802 EMERGENCY MEDICAL CARE

(a) Each child care center shall have a written plan that sets forth in the steps to follow in the event of a child medical emergency. The plan shall be reviewed with all staff annually and whenever the plan is revised. This plan shall give the procedures to be followed to ensure that any child who becomes ill or is injured and requires medical attention while in care at the center

receives appropriate medical attention. The following information shall be included in the center's emergency medical care plan:

(1) The name of the person and at least one alternate, responsible for carrying out that plan of action, ensuring that appropriate medical care is given, and determining which of the following is needed:
   (A) first aid given at the center for an injury or illness needing only minimal attention; and
   (B) calling 911 in accordance with CPR or First Aid training recommendations.

(2) The name of the person and one alternate, at the center responsible for:
   (A) ensuring that the signed authorization described in Paragraph (d) 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) obtaining substitute staff, if needed, to maintain required staff/child ratio and adequate supervision of children who remain in the center; and

(3) A statement giving the location of the telephone located on the premises available for use in case of emergency. 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) One person identified as the person or alternate responsible for carrying out the emergency medical care plan and ensuring that appropriate medical care is given shall:

(1) be on the premises at all times; and

(2) accompany children for off premise activities.

(c) Emergency medical care information shall be on file for each child. That information shall include:

(1) the name, address, and telephone number of the parent or other person to be contacted in case of an emergency;

(2) the responsible party's choice of health care professional;

(3) any chronic illness and any medication taken for that illness; and

(4) any other information that has a direct bearing on ensuring 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.

(d) 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.

(e) The child care provider shall complete an incident report each time a child is injured as a result of an incident occurring while the child is in care. 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 form may be found on the Division's website at http://ncchildcare.nc.gov/pdf_forms/DCDEE-0058.pdf.

(f) When medical treatment is required by a health care professional, community clinic, or local health department as a result of an incident occurring while the child is in care, a copy of the incident report shall be mailed to a representative of the Division within seven calendar days after the incident.

(g)An incident log shall be completed any time an incident report is completed. This log shall:

(1) include the name of the child;
(2) include the date of the incident;
(3) include the date the incident report was submitted to the Division, if applicable;
(4) include the name of the staff member who complete the incident report;
(5) be cumulative and maintained in a separate file and;
(6) be available for review by a representative of the Division.

This log shall be completed on a form provided by the Division. A copy of the log may be found on the Division's website at http://ncchildcare.nc.gov/pdf_forms/incident_log_i.pdf.

(g) A First Aid information sheet shall be posted in a place for referral. The information sheet shall include first aid guidance regarding burns, scalds, fractures, sprains, head injuries, poisons, skin wounds, stings and bites. An information sheet may be requested free of charge from the North Carolina Child Care Health and Safety Resource Center at 1-800-367-2229.

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;
Readopted Eff. October 1, 2017.

10A NCAC 09 .0803 ADMINISTERING MEDICATION IN CHILD CARE CENTERS

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, fluoridated toothpaste, 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;
  (e) for non-medical reasons, such as to induce sleep; or
  (f) with a known allergy to the medication.
(2) Prescribed medications:
  (a) shall be stored in the original containers in which they were dispensed with the pharmacy labels;
  (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;

(c) shall be administered only to the child for whom they were prescribed; and
(d) shall be administered according to the prescription, using amount and frequency of dosage specified on the label.

(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, which shall not exceed the amount and frequency of the dosages on the manufacturer's label;
(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, such as asthma, 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, fluoridated toothpaste, 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, fluoridated toothpaste, and powders;
(c) the criteria for the administration of the ointments, repellents, lotions, creams, fluoridated toothpaste, and powders;
(d) the manner in which the ointments, repellents, lotions, creams, fluoridated toothpaste, 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; and
(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, and 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 written authorization for the administration of medications at any time in writing.

(12) Any medication remaining after the course of treatment is completed, after authorization is withdrawn or after authorization has expired 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, the following information shall be recorded:

(a) the child's name;
(b) the date the medication was given;

(c) the time the medication was given;
(d) the amount and the type of medication given; and
(e) the name and signature of the person administering the medication.

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 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.

(14) If medication is administered in error, whether administering the wrong dosage, giving to the wrong child, or giving the incorrect type of medicine, the child care center shall:
(a) call 911 in accordance with CPR or First Aid training recommendations;
(b) notify the center director;
(c) contact the child's parent;
(d) observe the child; and
(e) document the medication error in writing, including:
(i) the child's name and date of birth;
(ii) the type and dosage of medication administered;
(iii) the name of the person who administered the medication;
(iv) the date and time of the error;
(v) the signature of the child care administrator, the parent and the staff member who administered the medication;
(vi) the actions taken by the center following the error; and
(vii) the actions that will be taken by the center to prevent a future error.

This documentation shall be maintained in the child's file.

History Note: Authority G.S. 110-85; 110-91(1),(9); 110-102.1A; 143B-168.3;
Eff. January 1, 1986;
Amended Eff. May 1, 2004; April 1, 2001; July 1, 1998; January 1, 1996;
Readopted Eff. October 1, 2017.

10A NCAC 09 .0804 INFECTIOUS AND CONTAGIOUS DISEASES

(a) Centers may provide care for a mildly ill infant or child older than two months who has a Fahrenheit temperature less than 101 degrees and for infants younger than two months who have a Fahrenheit temperature of less than 100.4 by any method including axillary or orally, so long as the child does not have any of the following:

(1) more than two stools above the child's normal pattern and diarrhea is not contained by a diaper or when toilet-trained children are having accidents;
(2) two or more episodes of vomiting within a 12 hour period;
(3) lice, until completion of first treatment;
(4) scabies;
(5) chicken pox or a rash suggestive of chicken pox;
(6) tuberculosis, until a health professional provides a written statement that the child is not infectious;
(7) strep throat, until 12 hours after antibiotic treatment has started and no fever is present;

(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;
(11) a physician's or other health professional's written order that the child be separated from other children; or
(12) exclusion for symptoms not included in this list shall be required if the symptoms prevent the child from participating comfortably in activities as determined by staff members of the program or the symptoms result in a need for care that is greater than the staff members can provide without compromising the health and safety of 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 mildly ill child in care if the child's condition worsens while the child is in care.

History Note: Authority G.S. 110-85; 110-91(1); 143B-168.3;
Eff. January 1, 1986;
Amended Eff. December 1, 2014; July 1, 1998; November 1, 1991; November 1, 1989;
Readopted Eff. October 1, 2017.

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 shall be changed whenever they become soiled or wet and not on a shift basis.
(b) The center shall ensure that clean clothes are available in the event that a child's clothes become wet or soiled. The change of clothing may be provided by the center or by the child's parents.
(c) A supply of clean linens 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 child when toilet training.

(e) Staff shall provide assistance to each child to ensure good hygiene.

History Note: Authority G.S. 110-85; 110-91(1); 143B-168.3;
Eff. January 1, 1986;
Amended Eff. July 1, 1998; November 1, 1989;
Readopted Eff. October 1, 2017.

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 online at https://www.fns.usda.gov/cacfp/meals-and-snacks.

(b) When food is prepared by or provided by the center, 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 by parents and food preparation staff when food is prepared or provided by the center. 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 prior to the meal or snack being served.

(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.

(d) A child's parent may opt out of the supplemental food provided by the center as set forth in G.S. 110-91(2)h.1. When a child's parent opts out of the supplemental food provided by the center, the parent shall sign a statement acknowledging the parental decision shall be kept in the child's file at the center and a copy provided to the parent. A child's parent may opt out of the supplemental food provided by the center, subject to the following:

(1) the center shall 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;
(2) the ability to opt out of specific meals or days based on menu options is not available;
(3) if a child requests specific foods being served to other children, but the parent has opted out, the center shall not serve supplemental food; and
(4) if the child's parent or guardian has opted out, but does not provide all meals and snacks for the child, the center shall replace the missing meal or snack as if the child's parent or guardian had not opted out of the supplemental food program.

(e) Drinking water shall 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 as set forth in 15A NCAC 18A 2800.

(f) The child care provider shall serve only the following beverages:

(1) breast milk, as specified in Paragraph (k) of this Rule;
(2) formula;
(3) water;
(4) unflavored whole milk, for children ages 12-23 months;
(5) unflavored skim or lowfat milk for children 24 months through five years;
(6) unflavored skim milk, unflavored low-fat milk, or flavored skim milk for children six years and older; or

(7) 100 percent fruit juice, limited to 6 ounces per day, for all ages.

(g) Children's special diets or food allergies shall be posted where they can be seen in the food preparation area and in the child's eating area.

(h) The food required by special diets for medical, religious, or cultural reasons, or parental preferences, 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.

(i) Food that does not meet the nutritional requirements specified in Paragraph (a) of this Rule, such as cupcakes, cakes, and donuts shall only be offered for special occasions such as holidays and birthdays.

(j) 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.

(k) 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.
Readopted Eff. October 1, 2017.

10A NCAC 09 .0902 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 plan for the child. This plan shall be followed at the center. This plan shall 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 plan 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 include the type and amount of milk, formula and food, the frequency of feedings and be posted for reference by the caregivers.

(b) 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. The feeding chair or other seating apparatus shall be disassembled for cleaning purposes.

(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.

(d) Each infant shall be served only bottles labeled with their individual name.

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;

Readopted Eff. October 1, 2017.

10A NCAC 09 .0903 REQUIREMENTS FOR CHILDREN AGED 15 MONTHS AND OLDER

Meals and snacks shall be planned according to the number of hours a child is in the center. Children shall be provided a meal or snack a minimum of every four hours. These rules apply in all situations except during sleeping hours and nighttime care:

Hours Child Is In Care	Age of Child	Snack and Meal Requirement
At least 2 hours but less than 4 hours	Preschool-age children	1 snack, unless child is present during the time a meal is being served
Any hours in care	School-age children	1 snack, unless child is present during the time a meal is being served
At least 4 hours but less than 6 hours	All Children	1 meal equal to 1/3 of the child's daily food needs
At least 6 hours but less than 12 hours	All Children	2 meals and 1 snack OR 2 snacks and 1 meal equal to ½ of the child's daily food needs
More than 12 hours	All Children	2 snacks and 2 meals equal to 2/3 of the child's daily food needs
Second Shift (approximately 3:00 p.m. to 11:00 p.m.)	All Children	1 meal

History Note: Authority G.S. 110-85; 110-91(2); 143B-168.3;
Eff. January 1, 1986;
Amended Eff. November 1, 1989; January 1, 1987;
Readopted Eff. October 1, 2017.

SECTION .1000 - TRANSPORTATION STANDARDS

10A NCAC 09 .1001 SEAT AND CHILD SAFETY SEATS IN CHILD CARE CENTERS

(a) When children enrolled in a child care center are being transported, each adult and child shall be restrained with an individual seat belt or child safety seat appropriate to the child's age or weight in accordance with G.S. 20-135.2A located at http://www.buckleupnc.org/occupant-restraint-laws/seat-belt-law-summary/.
(b) Only one person shall occupy each seat belt or child safety seat.

History Note: Authority G.S. 110-85; 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;
Readopted Eff. October 1, 2017.

10A NCAC 09 .1002 SAFE VEHICLES

(a) Vehicles used to transport children enrolled in child care centers shall be free of hazards such as, but not limited to, torn upholstery that allows children to remove the interior padding, broken windows, holes in the floor or roof, or tire treads of less than 2/32 of an inch.
(b) Vehicles used to transport children enrolled in child care centers shall comply with all applicable State and federal laws and regulations.
(c) Vehicles shall be insured for liability as required by State laws governing transportation of passengers pursuant to G.S. 20-279.21.
(d) Vehicles used to transport children in snowy, icy, and other hazardous weather conditions must be equipped with snow tires or chains as appropriate.

History Note: Authority G.S. 110-85; 110-91(13); 143B-168.3;
Eff. January 1, 1986;
Amended Eff. July 1, 1998;
Readopted Eff. October 1, 2017.

10A NCAC 09 .1003 SAFE PROCEDURES

(a) The driver or other staff member in the vehicle shall ensure that all children are transferred to an individual who is indicated on the child's application as specified in Rule .0801(a)(7) of this Chapter or as authorized by the parent.
(b) Each center shall establish procedures for pick-up and delivery of children to ensure children are protected from danger and not exposed to risk of harm. These procedures shall be communicated to parents, and a copy shall be posted in the center where they can be seen by the parents.
(c) A First Aid kit and fire extinguisher shall be located in each vehicle used to transport children. The First Aid kit and fire extinguisher shall be mounted or secured if kept in the passenger compartment.
(d) For each child being transported, identifying information, including the child's name, photograph, emergency contact information, and a copy of the emergency medical care information form required by Rule .0802(c) of this Chapter, 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 transport of children to and from the center not including off premise activities as described in Rule .1005 of this Section.
(k) When children are transported, staff in each vehicle shall have a functioning cellular telephone or other functioning two-way voice communication device. 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 document 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(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;
Readopted Eff. October 1, 2017.

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 rules as set forth in Rule .0713 of this Chapter shall apply. The driver may be counted in the staff/child ratio.
(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 Rule .0713 of this Chapter for children under age two shall be maintained. The driver shall not be counted in the staff/child ratio.
(c) When less than three children under the age of two years are being transported, the staff/child ratio requirements for child care centers set forth in Rule .0713 of this Chapter for children under age two shall be maintained. The driver may be counted in the staff/child ratio.

History Note: Authority G.S. 110-85; 110-91(13); 143B-168.3;
Eff. January 1, 1986;
Amended Eff. July 1, 1998; July 1, 1988;
Readopted Eff. October 1, 2017.

10A NCAC 09 .1005 OFF PREMISE ACTIVITIES IN CHILD CARE CENTERS

(a) Off premise activities refer to any activity that takes place away from a child care center's 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 center shall obtain written permission from the parent of each 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 center shall post a schedule of off premise activities in each participating classroom where it can be 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 center, periodically when the children are involved in the activity, before leaving the activity to return to the child care center, and upon return to the center. 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 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;
Readopted Eff. October 1, 2017 (Transferred from 10A NCAC 09 .0512).

SECTION .1100 – CONTINUING EDUCATION AND PROFESSIONAL DEVELOPMENT

10A NCAC 09 .1101 NEW STAFF ORIENTATION REQUIREMENTS

(a) Each center shall ensure that each new employee who is expected to have contact with children receives 16 hours of on-site orientation within the first six weeks of employment. As part of this orientation, each new employee shall complete six hours of orientation within the first two weeks of employment.

(b) New staff orientation shall include an overview of the following topics, focusing on the operation of the center:

New staff orientation within first two (2) weeks of employment	New staff orientation within first six (6) weeks of employment
Information regarding recognizing, responding to, and reporting child abuse, neglect, or maltreatment pursuant to G.S. 110-105.4 and G.S. 7B-301	Firsthand observation of the center's daily operations
Review of the center's operational policies, including the center's safe sleep policy for infants, the center's policy for transportation, the center's identification of building and premises safety issues, the Emergency Preparedness and Response Plan, and the emergency medical care plan	Instruction in the employee's assigned duties
Adequate supervision of children in accordance with 10A NCAC 09 .1801	Instruction in the maintenance of a safe and healthy environment
Information regarding prevention of shaken baby syndrome and abusive head trauma and child maltreatment	Instruction in the administration of medication to children in accordance with 10A NCAC 09 .0803
Prevention and control of infectious diseases, including immunization	Review of the center's purposes and goals
	Review of the child care licensing law and rules
	Review of Section .2800 of this Chapter if the center has a two- through five- star license at the time of employment
	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
	An explanation of the employee's obligation to cooperate with representatives of State and local government agencies during visits and investigations
	Prevention of and response to emergencies due to food and allergic reactions
	Review of the center's handling and storage of

New staff orientation within first two (2) weeks of employment	New staff orientation within first six (6) weeks of employment
	hazardous materials and the appropriate disposal of biocontaminants

History Note: Authority G.S. 110-85; 110-91(11); 143B-168.3;
Eff. October 1, 2017;
Amended Eff. March 1, 2019.

10A NCAC 09 .1102 HEALTH AND SAFETY TRAINING REQUIREMENTS

(a) Child care administrators and staff members shall complete health and safety training within one year of employment, unless the staff member has completed the training within the year prior to beginning employment. Health and safety training shall be in addition to the new staff orientation requirements set forth in Rule .1101 of this Section. The following persons shall be exempt from this requirement:

(1) staff members that do not have caregiving responsibilities for a child or group of children;
(2) service providers such as speech therapists, occupational therapists, and physical therapists; and
(3) substitute providers who provide services for less than 10 days in a 12-month period.

(b) The health and safety training shall include the following topic areas:

(1) Prevention and control of infectious diseases, including immunization;
(2) Administration of medication, with standards for parental consent;
(3) Prevention of and response to emergencies due to food and allergic reactions;
(4) Building and physical premises safety, including identification of and protection from hazards that can cause bodily injury such as electrical hazards, bodies of water, and vehicular traffic;
(5) Emergency preparedness and response planning for emergencies resulting from a natural disaster, or a man-caused event;
(6) Handling and storage of hazardous materials and the appropriate disposal of biocontaminants;
(7) Precautions in transporting children, if applicable;
(8) Prevention of shaken baby syndrome, abusive head trauma, and child maltreatment;
(9) CPR and First Aid training as required in Paragraphs (c) and (d) of this Rule;
(10) Recognizing and reporting child abuse, child neglect, and child maltreatment; and
(11) Prevention of sudden infant death syndrome and use of safe sleeping practices.

(c) All staff who provide direct care or accompany children when they are off premises shall successfully complete certification in First Aid appropriate to the ages of children in care. The training shall be completed by June 30, 2018, or for new staff hired on or after September 1, 2017, training must be completed within 90 days of employment. Distance learning shall not be permitted for First Aid training. At all times when children are in care at least one staff member present must have successfully completed First Aid training, as evidenced by a certificate or card from an approved training organization. First Aid training shall be renewed on or before expiration of the certification. "Successfully completed" is defined as demonstrating competency, as evaluated by the instructor. Verification of each required staff member's

completion of this course from an approved training organization shall be maintained in the staff member's file in the center. The Division shall post a list of approved training organizations on its website at http://ncchildcare.nc.gov/providers/pv_sn2_ov_pd.asp.
(d) All staff who provide direct care or accompany children when they are off premises shall successfully complete certification in a cardiopulmonary resuscitation (CPR) course appropriate to the ages of children in care. At all times when children are in care one staff member present must have successfully completed CPR training. The training shall be completed by June 30, 2018 or for new staff hired on or after September 1, 2017 training must be completed within 90 days of employment. Distance learning shall not be permitted for CPR training. CPR training shall be renewed on or before the expiration of the certification. Verification of each staff member's completion of this course from an approved training organization shall be maintained in the staff member's file in the center. The Division shall post a list of approved training organizations on its website at http://ncchildcare.nc.gov/providers/pv_sn2_ov_pd.asp.
(e) One staff member shall complete training in playground safety. This training shall address playground safety hazards, playground supervision, maintenance and general upkeep of the outdoor learning environment, and age and developmentally appropriate playground materials and equipment. Distance learning shall not be permitted for playground safety training. Completion of playground safety training shall be included in the number of hours needed to meet annual on-going training requirements in this Section. 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. A certificate of each designated staff member's completion of this course shall be maintained in the staff member's file in the center.
(f) In centers that are licensed to care for infants, the child care administrator and any child care provider scheduled to work in the infant room shall complete ITS-SIDS training. ITS-SIDS training shall be completed within two months of an individual assuming responsibilities in the infant room and every three years thereafter. Child care administrators, as defined in G.S. 110-86(2a), shall complete ITS-SIDS training within 90 days of employment and every three years thereafter. Completion of ITS-SIDS training shall be included once every three years in the number of hours needed to meet on-going training requirements in this Section. At all times, one child care provider who has completed ITS-SIDS training shall be present in the infant room while children are in care. A certificate of each staff member's completion of this course shall be maintained in the staff member's file in the center.
(g) The child care administrator and all staff members shall complete Recognizing and Responding to Suspicions of Child Maltreatment training within 90 days of employment. This training shall count toward requirements set forth in Rule .1103 of this Section. Recognizing and Responding to Suspicions of Child Maltreatment training is available at https://www.preventchildabusenc.org/services/trainings-and-professional-development/rrcourse. A certificate of each staff member's completion of this course shall be maintained in the staff member's file in the center.

History Note: Authority G.S. 110-85; 110-91(1),(8), (11); 143B-168.3;
Eff. October 1, 2017.

10A NCAC 09 .1103 ON-GOING TRAINING REQUIREMENTS
(a) After the first year of employment, the child care administrator and any staff who have responsibility for planning and supervising a child care center, and staff who work with children, shall participate in on-going training activities annually, as follows:

Education and Experience	Required Training
Four-year degree or higher advanced degree in a child care related field of study from a regionally accredited college or university	5 clock hours
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	8 clock hours
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	10 clock hours
10 years documented experience as a teacher, director, or caregiver in a licensed child care arrangement	15 clock hours
If none of the other criteria in this chart apply	20 clock hours

(b) Health and safety training shall be completed as part of on-going training so that every five years, all of the topic areas set forth in 10A NCAC 09 .1102(b) will have been covered.
(c) Completion of cardiopulmonary resuscitation (CPR) and First Aid training shall not be counted toward meeting annual on-going training requirements.
(d) A combination of college coursework, Continuing Education Units (CEU's) or clock hours shall be used to complete the requirements in Paragraph (a) of this Rule.
(e) Any staff working less than 40 hours per week may choose to complete on-going training requirements as outlined in Paragraph (a) of this Rule, 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

(f) For purposes of this Rule, "regionally accredited" means a college or university accredited by one of the following accrediting bodies:

(1) Middle States Association of Colleges and Schools;
(2) New England Association of School and Colleges;
(3) North Central Association of Colleges and Schools;
(4) Northwest Accreditation Commission;
(5) Southern Association of Colleges and Schools; or
(6) Western Association of Schools and Colleges.

History Note: Authority G.S. 110-85; 110-91(11); 143B-168.3;
Eff. October 1, 2017.

10A NCAC 09 .1104 PROFESSIONAL DEVELOPMENT PLAN

All center administrators and staff members shall complete a professional development plan within one year of employment and review the plan annually. The plan shall:

(1) document the individual's professional development goals;
(2) be appropriate for the ages of children in their care;
(3) include the continuing education, coursework, or training needed to meet the individual's planned goals;
(4) be completed by the administrator and staff member in a collaborative manner; and
(5) be maintained in their personnel file.

Sample professional development plan templates may be found on the Division's website at http://ncchildcare.nc.gov/providers/pv_provideforms.asp. Another form may be used other than the sample templates provided by the Division as long as the form includes the information set forth in this Rule.

History Note: Authority G.S. 110-85; 110-91(9); 110-91(11);
Eff. October 1, 2017.

10A NCAC 09 .1105 TRAINING APPROVAL

Staff may meet the on-going 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 shall not be required for training offered by a college or university with nationally recognized regional accreditation, a government agency, or a state, or international 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 for review by the Division. The plan shall not be required for any state, national, or international conferences sponsored by a professional child care organization.
(2) Prior approval from the Division shall be 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:
    (a) complete and submit on-going training approval forms provided by the Division 15 business days prior to the training event that includes the name and qualifications of the trainer, name of training, target audience and content of the training;
    (b) submit a training roster, to the Division, listing the attendees' name, the county of employment, and day time phone number no later than 15 days after the training event;
    (c) provide training evaluations to be completed by attendees; and
    (d) keep the training rosters and evaluations on file for two years.
(3) Distance learning shall be permitted from trainers approved by the Division or offered by an accredited post-secondary institution, as listed on the United States Department of Education's Database of Accredited Post-Secondary Institutions and Programs at http://ope.ed.gov/accreditation/. Distance learning shall not be

permitted for Cardiopulmonary Resuscitation (CPR), First Aid, and playground safety training.

(4) The Division shall approve training based upon the following factors:
   (a) The trainer's education, training, and experience relevant to the training topic;
   (b) Content that is in compliance with G.S. 110-91(11); and
   (c) Contact hours for the proposed content and scope of the training session.

(5) The Division shall deny approval of training to:
   (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.

(6) Agencies, organizations, or individuals who intentionally falsify any information submitted to the Division pursuant to this Rule shall be permanently ineligible to apply for approval of training.

(7) Denial of approval of training or a determination of falsification is appealable pursuant to G.S. 110-94 and the North Carolina Administrative Procedure Act, G.S. 150B-23.

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, 2988; January 1, 1987;
Readopted October 1, 2017 (Transferred from 10A NCAC 09 .0708).

10A NCAC 09 .1106 DOCUMENTATION OF TRAINING

Each center shall have a record of training activities in which each staff member participates, including copies of training certificates or official documentation provided by the trainer. 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. 110-85; 110-91(9),(11); 143B-168.3;
Eff. January 1, 1986;
Amended Eff. July 1, 1998; July 1, 1988;
Readopted Eff. October 1, 2017 (Transferred from 10A NCAC 09 .0709).

SECTION .1300 - BUILDING CODE REQUIREMENTS FOR CHILD CARE CENTERS

10A NCAC 09 .1301 BUILDING CODE REQUIREMENTS FOR CENTERS

The North Carolina State Building Code standards for child care facilities is hereby incorporated by reference, including subsequent amendments and editions. The current Code may be found online at http://www.ncdoi.com/OSFM/Engineering_and_Codes/Default.aspx?field1=Codes_-_Current_and_Past&user=State_Building_Codes.

History Note: Authority G.S. 110-91(4); 143B-168.3;
Eff. January 1, 1986;
Amended Eff. July 1, 1998;
Readopted Eff. October 1, 2017.

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

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

History Note: Authority G.S. 110-91(4); 143B-168.3;
Eff. January 1, 1986;
Amended Eff. July 1, 1998; January 1, 1987;
Repealed Eff. October 1, 2017.

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

History Note: Authority G.S. 110-91(4); 143B-168.3;
Eff. July 1, 1998;
Amended Eff. April 1, 2001;
Repealed Eff. October 1, 2017.

SECTION .1400 - SPACE REQUIREMENTS

10A NCAC 09 .1401 INDOOR SPACE

(a) As used in this Rule, the term "Primary Space" means the indoor space designated by the operator that will be used by children who attend the center. It shall be used to calculate a center's licensed capacity.

(b) The Division shall calculate the total area of the Primary Space by measuring the Primary Space or by reviewing current drawings of the space that have been signed and sealed by an architect or engineer licensed to practice in the State of North Carolina.

(c) All measurements of the Primary Space shall be rounded to the nearest inch.

(d) For child care centers in an occupied residence that are licensed for 3 to 12 children when any preschool-age children are in care, or for 3 to 15 children when only school-age children are in care the dining area of a kitchen may be counted as Primary Space if it is used for children's activities in addition to eating.

(e) The following spaces shall not be included in the designation or measurement of Primary Space:

(1) closets;
(2) hallways;
(3) storage areas;
(4) kitchens;
(5) bathrooms;
(6) utility areas;
(7) thresholds;
(8) foyers;
(9) space used for administrative activities;
(10) space occupied by adult-sized desks, cabinets, file cabinets, and other office equipment;
(11) any floor space occupied by or located under structures, equipment, and furniture not used by children; and
(12) any floor space occupied by or located under built-in equipment or furniture.

(f) No room may be occupied by more than one child per 25 square feet of floor space, provided that a room may be occupied by a larger group of children for special activities so long as such occupancy does not violate the State fire code.

(g) During rest periods any room used by children shall have no less than 200 cubic feet of air space per child.

(h) Paragraphs (a) through (c) and (e) through (g) of this Rule shall only apply to 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;
Readopted Eff. October 1, 2017.

10A NCAC 09 .1402 OUTDOOR SPACE

(a) When a center is licensed for 6 to 29 children, the outdoor play area shall be no smaller than 75 square feet times the total number of children for which the center is licensed.

(b) When a center is licensed for 30 or more children, the outdoor play area shall be no smaller than 75 square feet times one-half of the total number of children for which the center is licensed or shall be 2,250 square feet, whichever is larger.
(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 is able to adequately supervise the entire area in accordance with 10A NCAC 09 .1801(a).

History Note: Authority G.S. 110-85(1),(2); 110-91(6); 143B-168.3;
Eff. January 1, 1986;
Amended Eff. January 1, 1996;
Readopted Eff. September 1, 2017.

10A NCAC 09 .1403 ACTIVITIES INVOLVING WATER IN CHILD CARE CENTERS
(a) The requirements in this Rule apply to child care center "aquatic activities," which are defined as activities that take place in or around a body of water such as swimming, swimming instruction, wading, and visits to water parks. Aquatic activities do not include water play activities such as water table play, slip and slide activities, or playing in sprinklers.
(b) Aquatic activities involving the following are prohibited:
(1) hot tubs;
(2) spas;
(3) saunas or steam rooms;
(4) portable wading pools; and
(5) natural bodies of water and other unfiltered, nondisinfected containments of water.
(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 activity. These lifeguards shall not be counted in the required staff/child ratios referenced in Paragraph (e) 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. For purposes of this Rule, "Adequate supervision" means that half of the center staff needed to meet the staff-child ratios in Paragraph (e) 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 water. Staff shall be stationed in pre-assigned areas that will enable them at all times to hear, see, and respond to the children whether in or 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 will be handled during aquatic activities;
(4) the facility's field trip and transportation policies and procedures; and
(5) that children shall be directed to exit the water during an emergency.

(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 (g) of this Rule;
(2) any guidelines provided by the pool operator or other off-site aquatic facility; and
(3) the requirements of this Rule.

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

(i) Centers shall obtain written permission from parents for participation in aquatic activities. The written permission shall include a statement that parents are aware of the center's aquatic policies specified in Paragraph (g) of this Rule. The center shall maintain copies of written parental permission in each child's file.

(j) Any outdoor swimming pool located on the child care center premises shall be enclosed by a fence that is at least four feet high, separated from the remaining outdoor play area by that fence, and locked and inaccessible to children when not in use.

(k) Swimming pool safety rules shall be posted and visible to children and staff for any swimming pool located on the child care center premises. These rules shall state:

(1) the location of a First Aid kit;
(2) that only water toys are permitted;
(3) that children are not allowed to run or push one another;
(4) that swimming is allowed only when at least two adults are present; and
(5) that glass objects are not allowed.

(l) 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 can be found at http://ehs.ncpublichealth.com/docs/rules/294306-9-2500.pdf and is available at no charge.

(m) Educational activities, such as observing tadpoles, exploring mud, or learning about rocks and vegetation shall be permitted.

(n) Boating, rafting, and canoeing activities are permitted. Prior to participating in recreational activities conducted on the water, children shall wear an age or size appropriate personal floatation device approved by the United States Coast Guard. This personal floatation device shall be worn for the duration of the activity.

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;
Readopted Eff. October 1, 2017.

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

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;
Temporary Amendment Eff. September 23, 2016;
Repealed Eff. October 1, 2017.

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. Only one licensed family child care home shall operate at the location address of any home. The form can be found on the Division's website at http://ncchildcare.nc.gov/pdf_forms/FaciltyProfileApp.pdf. The application for a family child care home license shall include the following information:

(1) owner name;
(2) facility name, address, phone number, and location address;
(3) facility contact information;
(4) requested age range of children in the child care center;
(5) hours of operation;
(6) type of care to be provided;
(7) type of building;
(8) type of family child care home;
(9) proposed opening date;
(10) proposed number of children to be served;
(11) type of business operation;
(12) history of operation or licensing of child care facilities; and
(13) signature of applicant of either:
    (A) the individual who will be responsible for the operation of the family child care home and for assuring compliance with G.S. 110, Article 7 and this Chapter; or
    (B) an officer of an entity who will be responsible for the operation of the family child care home and for ensuring compliance with G.S. 110, Article 7 and this Chapter.

Upon receipt of the application, the Division shall assess the information provided to determine if the prospective licensee may be denied a license for one or more of the reasons set forth in 10A NCAC 09 .2215.

(b) The applicant for a family child care home license 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 within 12 months prior to applying for a license;
(3) a copy of documentation of completion of ITS-SIDS training within 12 months prior to applying for a license, if requesting a license to care for infants ages 12 months and younger;
(4) proof of negative results of the applicant's tuberculosis test completed within the past 12 months;
(5) a completed health questionnaire; a copy of the health questions can be found on the Division's website at http://ncchildcare.nc.gov/pdf_forms/emergency_information_health_questionnaire_i.pdf and includes a statement signed by the staff member that indicates that the person is emotionally and physically fit to care for children;
(6) a copy of non-expired pet vaccinations for any pet in the home;
(7) if a home has a private well, a negative well water bacteriological analysis;
(8) copies of any inspections required by local ordinances; and
(9) any other documentation required by the Division according to the rules in this Section to support the issuance of a license.

(c) Upon receipt of a complete application for a family child care home and supporting documentation, a Division representative shall make an announced visit to each home. An announced visit shall not be required by a Division representative if the applicant is subject to the circumstances in 10A NCAC 09 .2214. 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 six month temporary license shall be issued;
(2) 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 at the end of the six month temporary time period;
(3) a two- through five- star rated license shall be issued to a family child care home operator who complies with minimum and voluntary standards for a license contained in this Section, Section .2800 of this Chapter and G.S. 110-91, at the end of the six month temporary time period;
(4) if the applicable requirements of G.S. 110, Article 7 and this Section are not met, 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
(5) 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.

(d) A family child care home operator shall notify the Division no later than 30 calendar days prior to relocation of a family child care home. The operator must apply for a license for the new physical location as described in Paragraph (a) of this Rule. An operator requesting relocation of the family child care home shall not operate until he or she has received a license from the Division for the new location.

(e) The family child care home license shall not be bought, sold, or transferred from one individual to another.

(f) The family child care home license shall be valid only for the location address listed on it.
(g) The family child care home license shall be returned to the Division in the event of termination, revocation, suspension, or summary suspension.
(h) A family child care home licensee shall notify the Division in writing if a change occurs that affects the information shown on the license. The Division shall issue a new license upon verification of the operator's compliance with all applicable requirements in this Section for the change. This includes the following:

(1) decreasing the capacity of the family child care home;
(2) increasing the capacity of the family child care home;
(3) changes to shifts of care;
(4) requests to change the age range of the family child care home;
(5) requests to remove a restriction from the license, including documentation of steps taken by the operator to comply with requirements which resulted in the licensure restriction; and
(6) changes to the operator's legal name.

(i) The family child care home license shall be posted in a place in the home that parents are able to view daily.

History Note: Authority G.S. 110-88(5); 110-86; 110-91; 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;
Temporary Amendment Eff. September 23, 2016;
Readopted Eff. October 1, 2017.

10A NCAC 09 .1703 ON-GOING REQUIREMENTS FOR FAMILY CHILD CARE HOME OPERATORS

(a) After receiving a license, family child care home operator shall:

(1) Update the health questionnaire annually. The Division may request an evaluation of the operator's emotional and physical fitness to care for children when there is reason to believe that there has been a deterioration in the operator's emotional or physical fitness to care for children. This request may be based upon factors such as observations by the director or center staff, reports of concern from family, reports from law enforcement or reports from medical personnel. The Division may require the operator to obtain written proof that he or she is free of active tuberculosis when the Division determines that the operator was exposed to a person with active tuberculosis;
(2) Renew First Aid training on or before expiration of the certification appropriate for the ages of children in care;
(3) Renew CPR course on or before the expiration of the certification appropriate for the ages of children in care;
(4) Renew ITS-SIDS training every three years from the completion of previous ITS-SIDS training; and
(5) Complete Recognizing and Responding to Suspicions of Child Maltreatment training within 90 days of licensure. This training shall count toward requirements

set forth in Paragraph (d) of this Rule. Recognizing and Responding to Suspicions of Child Maltreatment training is available at https://www.preventchildabusenc.org/.

(b) Family child care home operators and staff members shall complete health and safety training within one year of employment, unless the operator or staff member has completed the training within the year prior to beginning employment or within the year prior to receiving a license. Health and safety training shall be in addition to the pre-licensing visit and new staff orientation requirements set forth in Rules .1702(d) and .1729(c) of this Section. The following persons shall be exempt from this requirement:

(1) service providers such as speech therapists, occupational therapists, and physical therapists; and
(2) substitutes who provide services for less than 10 days in a 12-month period.

(c) The health and safety training shall include the following topic areas:

(1) Prevention and control of infectious diseases, including immunization;
(2) Administration of medication, with standards for parental consent;
(3) Prevention of and response to emergencies due to food and allergic reactions;
(4) Building and physical premises safety, including identification of and protection from hazards that can cause bodily injury such as electrical hazards, bodies of water, and vehicular traffic;
(5) Emergency preparedness and response planning for emergencies resulting from a natural disaster, or a man-caused event;
(6) Handling and storage of hazardous materials and the appropriate disposal of biocontaminants;
(7) Precautions in transporting children, if applicable;
(8) Prevention of shaken baby syndrome, abusive head trauma, and child maltreatment;
(9) CPR and First Aid training as required in Rule .1102(c) and (d) of this Chapter;
(10) Recognizing and reporting child abuse, child neglect, and child maltreatment; and
(11) Prevention of sudden infant death syndrome and use of safe sleeping practices.

(d) After the first year of employment, the family child care home operator, and staff who work with children shall complete on-going training activities as follows:

(1)

Education and Experience	Required Training
Four-year degree or higher advanced degree in a child care related field of study from a regionally accredited college or university	5 clock hours
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	8 clock hours
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	10 clock hours
10 years documented experience as a teacher, director, or caregiver in a licensed child care arrangement	15 clock hours

If none of the other criteria in this chart apply	20 clock hours

(2) complete health and safety training as part of on-going training so that every five years, all the topic areas set forth in Paragraph (c) of this Rule will have been covered;
(3) cardiopulmonary resuscitation (CPR) and First Aid training shall not be counted toward meeting annual on-going training activities in Subparagraph (d)(1) of this Rule;
(4) a combination of college coursework, Continuing Education Units (CEU's) or clock hours shall be used to complete the requirements in Subparagraph (d)(1) of this Rule; and
(5) any staff working less than 40 hours per week may choose to complete on-going training requirements as outlined in Paragraph (d)(1) of this Rule 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

(e) For purposes of this Rule, "regionally accredited" means a college or university accredited by one of the following accrediting bodies:
(1) Middle States Association of Colleges and Schools;
(2) New England Association of School and Colleges;
(3) North Central Association of Colleges and Schools;
(4) Northwest Accreditation Commission;
(5) Southern Association of Colleges and Schools; or
(6) Western Association of Schools and Colleges.

(f) The family child care home operator and staff members shall complete a professional development plan within one year of employment and at least thereafter. The plan shall:
(1) document the individual's professional development goals;
(2) be appropriate for the ages of children in their care;
(3) include the continuing education, coursework or training needed to meet the individual's planned goals;
(4) be completed by the operator and staff member in a collaborative manner; and
(5) be maintained in their personnel file.

Sample professional development plan templates may be found on the Division's website at http://ncchildcare.nc.gov/providers/pv_provideforms.asp. Another form may be used other than the sample templates provided by the Division as long as the form includes the information set forth in this Rule.

(g) Each family child care home operator shall have a record of training activities in which each staff member participates, including copies of training certificates or official documentation provided by the trainer. 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.

(h) The family child care home operator and staff members may meet on-going 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 shall not be required for training offered by a college or university with nationally recognized regional accreditation, a government agency, or a state, or international 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 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 shall be required for any agencies, organizations, or individuals not specified in Subparagraph (1) of this Paragraph who wish to provide training for child care operators and staff. To obtain such approval, the agency, organization, or individual shall:

(A) complete and submit on-going training approval forms provided by the Division 15 business days prior to the training event that includes the name and qualifications of the trainer, name of training, target audience and content of the training;

(B) submit a training roster, to the Division, listing the attendees' name, the county of employment, and day time phone number no later than 15 days after the training event;

(C) provide training evaluations to be completed by attendees; and

(D) keep the training rosters and evaluations on file for two years.

(3) Distance learning shall be permitted from trainers approved by the Division or offered by an accredited post-secondary institution, as listed on the United States Department of Education's Database of Accredited Post-Secondary Institutions and Programs at http://ope.ed.gov/accreditation/. Distance learning shall not be permitted for Cardiopulmonary Resuscitation (CPR) and First Aid.

(i) The Division shall approve training based upon the following factors:

(1) the trainer's education, training, and experience relevant to the training topic;

(2) content that is in compliance with G.S. 110-91(11); and

(3) contact hours for the proposed content and scope of the training session.

(j) The Division shall deny approval of training to:

(1) Agencies, organizations, or individuals not meeting the standards listed in this Rule and in G.S. 110-91(11); and

(2) Agencies, organizations, or individuals who intentionally falsify any information submitted to the Division.

(k) Agencies, organizations, or individuals who intentionally falsify any information submitted to the Division pursuant to this Rule shall be permanently ineligible to apply for approval of training.

(l) Denial of approval of training or a determination of falsification is appealable pursuant to G.S. 110-94 and the North Carolina Administrative Procedure Act, G.S. 150B-23.

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;
Temporary Amendment Eff. September 23, 2016;
Readopted Eff. October 1, 2017 (Transferred from 10A NCAC 09 .1705).

10A NCAC 09 .1704 CAREGIVER INTERACTIONS IN A FAMILY CHILD CARE HOME

(a) Family child care home operators shall interact with 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 activities with the children. For example, family child care home operators 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.

(b) Family child care home operators shall respond 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.

(c) The family child care home operator shall recognize the special difficulties of infant and toddler separations and assist families, infants, and toddlers to make the transition from home to the program as gently as possible.

History Note: Authority G.S. 110-85; 110-91(8),(11); 143B-168.3;
Eff. July 1, 2010;
Readopted Eff. October 1, 2017 (Transferred from 10A NCAC 09 .1703).

10A NCAC 09 .1705 HEALTH AND TRAINING REQUIREMENTS FOR FAMILY CHILD CARE HOME OPERATORS (TRANSFERRED TO 10A NCAC 09 .1703)

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 online at https://www.fns.usda.gov/cacfp/meals-and-snacks.

(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 additional food necessary to meet those requirements.

(c) A child's parent may opt out of the supplemental food provided by the operator as set forth in G.S. 110-91(2) h.1. When a child's parent opts out of the supplemental food provided by the center, the operator shall obtain the parents signature acknowledging the parental decision and

shall maintain the acknowledgment in the child's file at the home and provide a copy to the parent. A child's parent may opt out of the supplemental food provided by the center, subject to the following:

(1) the operator shall 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;

(2) the opt out ability is not available for specific meals or days based on menu options;

(3) if a child requests specific foods being served to other children, but the parent has opted out, the operator shall not serve supplemental food; and

(4) If the child's parent has opted out, but does not provide all meals and snacks for the child, the operator shall replace the missing meal or snack as if the child's parent or guardian had not opted out of the supplemental food program.

(d) The food required by special diets for medical, religious or cultural reasons, or parental preferences, 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.

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

(f) Food that does not meet the nutritional requirements specified in Paragraph (a) of this Rule, such as cupcakes, cakes, and donuts shall only be offered for special occasions such as holidays and birthdays.

(g) The operator, additional caregivers, and substitute providers 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.

(h) Meals and snacks shall be planned according to the number of hours a child is in care. For children ages 15 months and older a meal or snack must be provided at least every four hours. These Rules shall apply in all situations except during sleeping hours and nighttime care:

Hours Child Is in Care	**Age of Child**	**Snack and Meal Requirement**
At least 2 hours but less than 4 hours	Preschool-age children	1 snack, unless child is present during the time a meal is being served
Any hours in care	School-age children	1 snack, unless child is present during the time a meal is being served
At least 4 hours but less than 6 hours	All Children	1 meal equal to 1/3 of the child's daily food needs
At least 6 hours but less than 12 hours	All Children	2 meals and 1 snack OR 2 snacks and 1 meal equal to ½ of the child's daily food needs
More than 12 hours	All Children	2 snacks and 2 meals equal to 2/3 of the child's daily food needs
Second Shift (approximately 3:00 p.m. to 11:00 p.m.)	All Children	1 meal

(i) The parent or health care professional of each child under 15 months of age shall provide the operator an individual written feeding plan for the child. This plan shall be followed at the home. This plan 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 plan 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. The feeding plans for each infant shall include the type and amount of milk, formula and food, the frequency of feedings and be available for reference by the operator.
(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.
(k) 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. The feeding chair or other seating apparatus shall be disassembled for cleaning purposes.
(l) Breast milk, formula and other bottled beverages sent from home shall be fully prepared, dated, and labeled with individual child names. All beverages shall be returned to the child's parent or discarded at the end of each day.
(m) Frozen breast milk that is sent from home may be stored frozen for up to seven days. Frozen breast milk shall be labeled with the date received, date thawed for use and individual child name. Once thawed, the breast milk shall be refrigerated for no more than 24 hours. Thawed breast milk shall not be refrozen. The thawed breast milk shall be returned to the child's parent or discarded at the end of each day.
(n) 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.
(o) Baby food, snack items and meal items sent from home shall be dated and labeled with individual child names.
(p) Microwaves shall not be used to thaw or warm breast milk, baby food, formula or other bottled beverages. Bottle warming equipment and power cords shall be inaccessible to children when in use. Bottle warming equipment shall be emptied and cleaned daily.
(q) 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.
(r) Each infant shall be served only formula, breast milk and bottles labeled with their individual name.
(s) Drinking water shall be freely available and offered to children on a frequent basis. Individual drinking utensils shall be provided by the parent or operator.
(t) 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.
(u) The operator shall serve only the following beverages:

(1) breast milk, as specified in Paragraph (k) of this Rule;
(2) formula;
(3) water;
(4) unflavored whole milk, for children ages 12-23 months;
(5) unflavored skim or lowfat milk for children 24 months through five years;

(6) unflavored skim milk, unflavored low-fat milk, or flavored skim milk for children six years and older; or
(7) 100 percent fruit juice, limited to 6 ounces per day, for all ages.

History Note: Authority G.S. 110-85; 110-91(2); 143B-168.3;
Eff. December 1, 2012;
Temporary Amendment Eff. September 23, 2016;
Readopted Eff. October 1, 2017.

10A NCAC 09 .1707 BUILDING REQUIREMENTS

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

(1) all children are kept on the ground level with an exit at grade;
(2) 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;
(3) 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;
(4) heating appliances shall be installed and maintained according to the NC Building Code;
(5) all indoor areas used by children are heated when the temperature is below 65 degrees and ventilated when the temperature is above 85 degrees;
(6) pipes or radiators that are hot enough to be capable of burning children and are accessible to the children are covered or insulated; and
(7) children are cared for in space designated as the caregiving area on a floor plan provided by the operator to the Division as specified in 10A NCAC 09 .1709. Changes to the designated caregiving space shall be submitted to the Division 30 days prior to the new space being used by children. For family child care homes licensed prior to October 1, 2017, the floor plan showing designated caregiving space shall be submitted to the Division by November 30, 2017 or the next annual inspection, whichever is sooner. For family child care homes licensed after October 1, 2017, the floor plan showing designated caregiving space shall be submitted to the Division prior to licensure.

History Note: Authority G.S. 110-85; 110-86(3); 110-91; 143B-168.3;
Eff. October 1, 2017.

10A NCAC 09 .1708 PRE-LICENSING REQUIREMENTS FOR FAMILY CHILD CARE HOMES

(a) The prospective operator of the family child care home shall complete the pre-licensing workshop provided by the Division prior to the Division issuing an initial license. The Division shall provide workshops for new family child care home applicants. Prospective licensees shall download, complete, and submit the pre-licensing registration form to the Division. The pre-licensing registration form contains demographic information and workshop location preferences. A schedule of these workshops and the pre-licensing registration form may be obtained from the Division at http://ncchildcare.nc.gov/pdf_forms/prelicworkshop.pdf. After completing the pre-licensing workshop, the prospective family child care home operator shall

submit an application for a family child care home license and all supporting documentation as specified in 10A NCAC 09 .1702.

History Note: Authority G.S. 110-85; 110-88; 110-91; 143B-168.3;
Eff. October 1, 2017.

10A NCAC 09 .1709 INSPECTIONS

(a) To ensure compliance with G.S. 110, Article 7 and this Chapter, inspections shall be conducted as follows:

(1) The Division shall conduct at least one announced visit prior to the initial issuance of license.
(2) The Division shall make at least one unannounced visit annually to ensure compliance with the licensure statutes and rules.
(3) The Division shall make at least one unannounced visit when the Division receives a complaint alleging a violation of licensure statutes or rules, or if the Division has cause to believe an emergency exists at the facility.

(b) After initial issuance of the license the Division shall inspect additional caregiving space specified in Rule .1708 of this Section. The Division may only inspect the entire premises of the family child care home as follows:

(1) Prior to issuance of the initial license;
(2) If the Division has cause to believe an emergency exists at the facility in accordance with G.S. 110-105(a);
(3) During an unannounced visit when the Division receives a complaint alleging a violation of licensure statute or rules in accordance with G.S. 110-105(a);
(4) During an unannounced visit when the Division receives a complaint alleging possible child maltreatment in accordance with G.S. 110-105(a);
(5) When there is evidence that children are being cared for in an undesignated space in accordance with G.S. 110-105(a1); or
(6) When the Division has cause to believe conditions in undesignated spaces pose a risk to the health, safety, or well-being of children in care in accordance with G.S. 110-105(a1) such as hear a child cry in an undesignated space or observing a child going into an undesignated space.

History Note: Authority G.S. 110-85; 110-105; 143B-168.3
Eff. October 1, 2017.

10A NCAC 09 .1710 PARENTAL ACCESS TO THE FAMILY CHILD CARE HOME

(a) The family child care home operator shall not knowingly permit a person on the premises of a family child care home who has been convicted of a "reportable conviction" as defined in G.S. 14-208.6(4).

(b) The parent of a child enrolled in a family child care home shall be allowed access to the home during its operating hours for the purposes of contacting the child or evaluating caregiving space at the home and the care provided by the operator for the child. The parent shall notify the operator of his or her presence upon entering the premises.

(c) Parents subject to court orders related to custody of a child enrolled in a family child care home shall only be allowed access to the home in accordance with the court order.

History Note: Authority 110-85; 110-90.2; 110-91; 143B-168.3;
Eff. October 1, 2017.

10A NCAC 09 .1711 SUPERVISION OF CHILDREN IN A FAMILY CHILD CARE HOME

(a) Children shall be adequately supervised at all times in a family child care home. "Adequate supervision" shall mean that:

(1) For pre-school age children, the family child care home operator shall be positioned in the indoor and outdoor environment to maximize his or her ability to hear and see the children at all times and render immediate assistance;

(2) For school-age children, the operator shall be positioned in the indoor and outdoor environment to maximize his or her ability to hear or see the children at all times and render immediate assistance;

(3) The operator shall interact with the children while moving about the indoor or outdoor area; and

(4) For children of all ages:

(A) the operator shall know where each child is located and be aware of children's activities at all times;

(B) the operator shall provide supervision according to the individual age, needs, and capabilities of each child;

(C) all of the conditions in this Paragraph shall apply except when emergencies necessitate that adequate supervision is impossible. Written documentation of emergencies stating the date, time, and reason shall be maintained and available for review by Division representatives upon request; and

(D) for children who are sleeping or napping, the operator shall not be required to visually supervise them, but shall be able to hear and respond without delay to them. Children shall not sleep or nap in a room with a closed door between the children and the operator. The operator shall be on the same level of the home where children are sleeping or napping.

(b) 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," as defined by the Americans With Disabilities Act at 42 U.S.C. 12111(8), from working in a licensed child care facility.

History Note: Authority 110-85; 110-88; 143B-168.3;
Eff. October 1, 2017.

10A NCAC 09 .1712 WRITTEN PLAN OF CARE

(a) Each family child care home operator (operator or operators) who intends to complete routine tasks while children are in care shall develop and adopt a written plan of care for completing routine tasks. For purposes of this Rule, routine tasks includes running errands, meeting personal and family demands, attending classes, and attending medical appointments.

(b) Operators who complete routine tasks with enrolled children shall limit these tasks to no more than two hours per week.

(c) Children shall not attend classes or medical appointments, with the family child care home operator, as described in Paragraph (a) of this Rule.

(d) Operators who attend classes, medical appointments, or who must complete routine tasks in excess of two hours per week, shall ensure that a qualified additional caregiver or substitute provider who meets the requirements of 10A NCAC 09 .1729, cares for enrolled children during these times.

(e) The written plan of care shall:

(1) specify times for completing routine tasks and include those times on the written schedule;

(2) specify the names of any individuals, such as additional caregivers or substitute providers, 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 provided 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.

(f) 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); 110-91; 143B-168.3;
Eff. October 1, 2017.

10A NCAC 09 .1713 EMERGENCY MEDICAL CARE

The family child care home operator (operator) shall have a written plan that sets forth the steps to follow in the event of a child medical emergency. This plan shall give the procedures to be followed to ensure that any child who becomes ill or is injured and requires medical attention while in care receives appropriate medical attention. The operator shall be responsible for:

(1) ensuring appropriate medical care is given, and determining which of the following is needed:

(a) First Aid for an injury or illness needing only minimal attention; or

(b) calling 911 in accordance with CPR or First Aid training recommendations.

(2) ensuring that the signed authorization described in 10A NCAC 09 .1721(a)(3) is taken with the ill or injured child to the medical facility;

(3) notifying a child's parents or emergency contact person about the illness or injury and where the child has been taken for treatment; and
(4) obtaining substitute providers, if needed, to maintain adequate supervision of children who remain in care.

This plan shall be reviewed with all additional caregivers and substitute providers prior to caring for children and whenever the plan is revised. The plan shall be available for review by the Division during the Family Child Care Home's operating hours.

History Note: Authority 110-85; 110-91; 143B-168.3;
Eff. October 1, 2017.

10A NCAC 09 .1714 EMERGENCY PREPAREDNESS AND RESPONSE

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

(b) Existing family child care home operators (operator or operators) shall complete the Emergency Preparedness and Response in Child Care training. Within one year of the effective date of a new license, the operator of a new family child care home shall have completed the Emergency Preparedness and Response in Child Care training. When the trained staff member leaves employment, the center shall ensure that another staff member completes the required training within four months of the vacancy. Documentation of completion of the training shall be maintained in the operator's personnel file.

(c) Upon completion of the Emergency Preparedness and Response in Child Care training, the operator 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 disaster, or a dangerous person in the vicinity, to ensure the safety and protection of the children and additional caregivers. This Plan shall 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.

(d) The Emergency Preparedness and Response Plan shall include the following:
(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 children, staff, volunteer and visitor attendance 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 operator, family members, 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 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 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.

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

(f) The operator shall review the Family Child Care Home's Emergency Preparedness and Response Plan with additional caregivers prior to the individual caring for children and on an annual basis.

(g) All substitute providers and volunteers who provide care to children shall be informed of the Emergency Preparedness and Response Plan and its location. Documentation of this notice shall be maintained in the individual personnel files.

History Note: Authority 110-85; 110-88; 110-91; 143B-168.3;
Eff. October 1, 2017.

10A NCAC 09 .1715 OPERATIONAL POLICIES

(a) Each operator shall have written operational policies that include at least the following information:

(1) the days and hours of operation;
(2) the age range of the children served;
(3) admission requirements and enrollment procedures;
(4) parent fees and payment plan;
(5) information about services provided by the operator, such as number of meals served, before and after school care, and 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 operator'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 on or before the child's first day of attendance in the home. A copy of the policies shall be given to the parents on or before the child's first day of attendance and the parents shall be notified in writing of any changes in policy.

History Note: Authority G.S. 110-85; 110-88; 110-91; 143B-168.3;
Eff. March 1, 2019.

10A NCAC 09 .1716 FAILURE TO MAINTAIN REQUIREMENTS
If the Division determines that a family child care home operator (operator) fails to maintain compliance with the requirements for licensure, the Division may establish a time period to allow the operator to achieve compliance or recommend issuance of an administrative action and civil penalty in accordance with 10A NCAC 09 .2200.

History Note: Authority G.S. 110-85; 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;
Readopted October 1, 2017.

10A NCAC 09 .1717 RESERVED FOR FUTURE CODIFICATION

10A NCAC 09 .1718 REQUIREMENTS FOR DAILY OPERATIONS
(a) The family child care home operator (operator or operators) 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 that allow for vigorous play, large and small muscle development, and social, emotional, and intellectual development. For purposes of this Rule "vigorous" means done with force and energy. Each child shall have the opportunity for a minimum of one hour of 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) Individual sleep requirements for infants aged 12 months or younger shall be provided for as specified in 10A NCAC 09 .1724(a)(2). A supply of clean linens must be on hand so that linens can be changed whenever they become soiled or wet. Linens shall be changed weekly or whenever they become soiled or wet;
(3) 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;
(4) A separate area that can be supervised pursuant to 10A NCAC 09 .1720(a) for children who become ill to the extent that they can no longer participate in group activities. Parents shall be notified if their child becomes too sick to remain in care;
(5) The opportunity each day for each child under the age of 12 months for supervised play while awake and alert while positioned on his or her stomach;
(6) Developmentally appropriate activities as planned on a written schedule and activity plan. The schedule and activity plan may be combined as one document. Materials or equipment shall be available indoors and outdoors to support the activities listed on the written schedule and activity plan;
(7) A written schedule that shall:
    (A) Show blocks of time assigned to types of activities and include periods of time for both active play and quiet play or rest;
    (B) Show times and activities that are developmentally appropriate for the ages of children in care;
    (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;

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

(F) For children under two years old, interspersed among the daily events shall be individualized caregiving routines such as eating, napping, and toileting;

(8) A written activity plan that shall:

(A) Include activities intended to stimulate the following developmental domains, in accordance with North Carolina Foundations for Early Learning and Development, available on the Division's website at http://ncchildcare.nc.gov/providers/pv_foundations.asp:

(i) emotional and social development;

(ii) health and physical development;

(iii) approaches to play and learning;

(iv) language development and communication; and

(iv) cognitive development.

(B) Identify activities that allow children to choose to participate with the whole group, part of the group, or independent of the group;

(C) Reflect that children have at least four different activities daily, at least one of which is outdoors, if weather conditions permit, as specified in G.S. 110-91(12) as follows:

(i) art and other creative play;

(ii) children's books;

(iii) blocks and block building;

(iv) manipulatives; and

(v) family living and dramatic play.

(D) Provide materials and opportunities at least weekly, indoors or outdoors, for the following:

(i) music and rhythm;

(ii) science and nature; and

(iii) sand and water play.

(9) A clean and open area that allows freedom of movement shall be available, both indoors and outdoors; and

(10) Operators who provide care to school-age children shall provide a balance of activities appropriate to the age, needs and interests of the school-age children.

(b) When screen time is provided on any electronic media device with a visual display, it shall be:

(1) offered to stimulate a developmental domain in accordance with the North Carolina Foundations for Early Learning and Development as referenced in this Section;

(2) limited to a maximum of 30 minutes per day and no more than a total of two and a half hours per week per child; and

(3) documented on a cumulative log or activity plan, and shall be available for review by the Division.

(c) Screen time is prohibited for children under the age of three years. The operator shall offer alternate activities for children under the age of three years.

History Note: Authority G.S. 110-85; 110-88; 110-91(12); 143B-168.3;
Eff. July 1, 1998;
Amended Eff. May 1, 2016; December 1, 2012; July 1, 2010; March 1, 2006; May 1, 2004;
Readopted October 1, 2017.

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

(a) The operator of a family child care home (operator) shall provide a physically safe and healthy indoor and outdoor environment that meets the developmental needs of children in care, including but not limited to the following:

(1) keep all areas used by the children, both indoors and outdoors, clean and orderly and free of items that are potentially hazardous to children. Potentially hazardous items including but not limited to, 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, removed from the premises, or otherwise inaccessible 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) empty firearms of ammunition and keep both in separate, locked storage;

(3) keep all materials used for starting fires, such as matches, lighters, and accelerants in locked storage;

(4) store all combustible materials that may create a fire hazard according to the instructions on the product label;

(5) medications including prescription and non-prescription items shall be stored in a locked cabinet or other locked container. Designated emergency medications shall be stored out of reach of children at least five feet high, but are not required to be in locked storage. For purposes of this Rule, designated emergency medications are those that are used or needed for the immediate recovery from a life-threatening event and include Glucagon, epinephrine auto-injector, diazepam rectal installation and albuterol;

(6) 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; A list of toxic plants may be found on the Division's website at http://ncchildcare.nc.gov/pdf_forms.form16b_bb.pdf;

(7) keep all corrosive agents, pesticides, bleaches, detergents, cleansers, polishes, any product that is under pressure in an aerosol dispenser, and any substance which may be hazardous to a child if ingested, inhaled, or handled shall be kept in its original container or in another labeled container, used according to the manufacturer's instructions, and stored in a locked area when not in use. Locked areas shall include those that are unlocked with a combination, electronic, or magnetic device, key, or equivalent locking device. These unlocking devices shall be kept out of the reach of a child and shall not be stored in the lock. Toxic substances shall be stored below or separate from medications and food. Any product not listed in this Paragraph of this Rule that is labeled "keep out of reach of children" without any other warnings shall be kept inaccessible to children

when not in use, but is not required to be kept in locked storage. The product shall be considered inaccessible to children when stored on a shelf or in an unlocked cabinet that is mounted a minimum vertical distance of five feet above the finished floor;

(8) ensure potential biocontaminants are stored in locked areas, or removed from the premises or otherwise inaccessible to children, or disposed of in a covered, plastic-lined receptacle;

(9) keep First Aid supplies in a place accessible to the operator;

(10) keep tobacco products in locked storage when children are in care. Children shall be in a smoke free and tobacco free environment. The operator and staff shall not smoke or use any product containing, made or derived from tobacco, including cigarettes, e-cigarettes, cigars, little cigars, smokeless tobacco, and any device used to inhale or ingest tobacco products at any time during operating hours on the premises of the family child care home, on vehicles used to transport children, or during any off premise activities;

(11) notify the parent of each child enrolled in the facility, in writing, of the smoking and tobacco restriction;

(12) have a working telephone within the family child care home. A telephone located in an area of the family child care home that is sometimes locked during the time the children are present shall not be the only phone available during operating hours. Telephone numbers for the fire department, law enforcement office, emergency medical service, and poison control center shall be posted in a location visible in the home;

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

(14) have a First Aid information sheet posted in a place for quick referral by staff members. The information sheet shall include First Aid guidance regarding burns, scalds, fractures, sprains, head injuries, poisons, skin wounds, stings and bites. A child care operator may request a First Aid information sheet from the North Carolina Child Care Health and Safety Resource Center at 1-800-367-2229;

(15) conduct a monthly fire drill;

(16) conduct a "shelter-in-place drill" or "lockdown drill" as defined in 10A NCAC 09 .0102 every three months and records shall be maintained as required by 10A NCAC 09 .0302(f)(8);

(17) check the indoor and outdoor environment daily for debris, vandalism, broken equipment and animal waste. The operator shall 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 and use of outdoor play equipment that is too hot to touch. In addition, loose nails or screws and splinters shall be removed on inside and outside equipment;

(18) not have plastic bags, toys, and toy parts small enough to be swallowed accessible to children under three years of age. This includes materials that can be easily torn apart such as foam rubber and Styrofoam, except that Styrofoam plates may be used for food service and larger pieces of foam rubber may be used for supervised art activities;

(19) ensure that jump ropes and rubber bands are not accessible to children under five years of age without adult supervision. Balloons shall be prohibited for children of all ages;

(20) 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;

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

(22) ensure that all stationary outdoor equipment is anchored and is not installed over concrete or asphalt. Footings that anchor the equipment shall not be exposed;

(23) ensure that any openings in equipment, steps, decks, and handrails shall be smaller than 3½ inches or greater than 9 inches to prevent entrapment;

(24) ensure that all commercially manufactured equipment and furnishings shall be assembled and installed according to procedures specified by the manufacturer;

(25) ensure that a shaded area in available to children in the outdoor learning environment. The shade may be provided by a building, awnings, trees, or other methods;

(26) mount electric fans out of the reach of children or have a mesh guard on each fan;

(27) cover all electrical outlets not in use and remove cracked, or frayed cords in occupied outlets;

(28) ensure that, for appliances with heating elements, such as bottle warmers, crock pots, irons, coffee pots, or curling irons, neither the appliance nor any cord, is accessible to children;

(29) indoor and outdoor stairs with more than two steps that 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; and

(b) When animals are on the premises, the following shall apply:

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

(2) animal cages shall be kept free of animal waste; and

(3) prior to enrollment of children in a family child care home, and before new animals come into the family child care home, the family child care home operator shall obtain each parent's signature on a form acknowledging the type of animal located on the premises and where the animal will be kept 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;
Temporary Amendment Eff. September 23, 2016;
Readopted Eff. October 1, 2017.

10A NCAC 09 .1720 MEDICATION REQUIREMENTS

(a) The family child care home operator may provide care for a mildly sick infant or child older than two months who has a Fahrenheit temperature less than 101 degrees and for infants younger than two months who have a Fahrenheit temperature of less than 100.4 any method including axillary or orally, and who remains capable of participating in routine group activities; so long as the child does not have any of the following:

(1) more than two stools above the child's normal pattern and diarrhea is not contained by a diaper or when toilet-trained children are having accidents;
(2) two or more episodes of vomiting within a 12 hour period;
(3) lice, exclusion shall begin immediately upon identification until completion of first treatment;
(4) scabies;
(5) known chicken pox or a rash suggestive of chicken pox;
(6) tuberculosis, until a health professional provides a written statement that the child is not infectious;
(7) strep throat, until 12 hours after antibiotic treatment has started and no fever is present;
(8) pertussis, until five days after appropriate antibiotic treatment;
(9) hepatitis A virus infection, until one week after onset of illness or jaundice;
(10) impetigo, exclusion may begin at the end of the program day until treatment has started;
(11) a physician's or other health professional's written order that the child be separated from other children; or
(12) exclusion for symptoms not included in this list shall be required if the symptoms prevent the child from participating comfortably in activities as determined by staff members of the program or the symptoms result in a need for care that is greater than the staff members can provide without compromising the health and safety of other children.

(b) 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, fluoridated toothpaste 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;
    (E) for non-medical reasons, such as to induce sleep; or
    (F) with a known allergy to the medication.
(2) Prescribed medications:
    (A) shall be stored in the original containers in which they were dispensed with the pharmacy labels:
    (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;
(v) the date the instructions were signed by the physician or other health professional; and
(vi) shall be administered according to the prescription, using amount and frequency of dosage specified on the label; 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 (b)(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, which shall not exceed the amount and frequency of the dosages on the manufacturer's label;
(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 (b)(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 (b)(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 such as asthma, 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, fluoridated toothpaste, 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, fluoridated toothpaste, and powders;
   (C) the criteria for the administration of the ointments, repellents, lotions, creams, fluoridated toothpaste, and powders;
   (D) the manner in which the ointments, repellents, lotions, creams, fluoridated toothpaste, 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, and providing the medication is administered with the authorization and in accordance with instructions from a health care professional as defined in Rule .0102(21) of this Chapter.

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

(12) Any medication remaining after the course of treatment is completed, after authorization is withdrawn or after authorization has expired 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, the following information shall be recorded:

(A) the child's name;
(B) the date medication given;
(C) the time medication given;
(D) the amount and type of medication given; and
(E) the name and signature of the person administering the medication.

This information shall be noted on a medication permission slip, or on a separate form developed by the operator 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 six months after the medication is administered. No documentation shall be required when items listed in Subparagraph (b)(7) of this Rule are applied to children.

(14) if medication is administered in error, whether administering the wrong dosage, giving to the wrong child, or giving the incorrect type of medicine, the operator shall:
(A) call 911 in accordance with CPR or First Aid training recommendations;
(B) contact the child's parent;
(C) observe the child; and
(D) document the medication error in writing, including:
(i) the child's name and date of birth;
(ii) the type and dosage of medication administered;
(iii) the name of the person who administered the medication;
(iv) the date and time of the error;
(v) the signature of the operator and the parent;
(vi) the actions taken by the operator following the error; and
(vii) the actions that will be taken by the operator to prevent a future error.

This documentation shall be maintained in the child's file.

History Note: Authority G.S. 110-85; 110-88; 110-91(6); 110-102.1A; 143B-168.3;
Eff. July 1, 1998;
Amended Eff. July 1, 2015; May 1, 2004; April 1, 2003; April 1, 2001;
Temporary Amendment Eff. September 23, 2016;
Readopted Eff. October 1, 2017.

10A NCAC 09 .1721 REQUIREMENTS FOR RECORDS

(a) The family child care home 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) an application for enrollment that includes information set forth in this Subparagraph provided by the Division that is completed and signed by a child's parent, as defined in 10A NCAC 09 .0102. A copy of the form may 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 full name and the name the child is to be called;

(B) the child's date of birth;
(C) any allergies and the symptoms and type of response required for allergic reactions;
(D) any health care needs or concerns, symptoms of and the type of response required for these health care needs or concerns;
(E) fears or behavior characteristics that the child has;
(F) the names of individuals to whom the operator may release the child as authorized by the person who signs the application;
(G) the names and phone numbers of persons to be contacted in an emergency situation;
(H) the name and phone number of the child's physician; and
(J) authorization for the operator to seek emergency medical care in the parent's absence.

(4) For any child with health care needs such as allergies, asthma, or other chronic conditions that require specialized health services, a medical action plan shall be attached to the application. The medical action plan shall be completed by the child's parent or a health care professional and may include the following:
(A) a list of the child's diagnosis or diagnoses including dietary, environmental, and activity considerations that are applicable;
(B) contact information for the health care professional(s);
(C) medications to be administered on a scheduled basis; and
(D) medications to be administered on an emergency basis with symptoms, and instructions.

The medical action plan shall be updated on an annual basis. Sample medical action plans may be found on the Division's website at http://ncchildcare.nc.gov/providers/pv_provideforms.asp;

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

(b) The family child care home operator and staff shall release a child only to an individual listed on the application.

(c) The information contained in Parts (a)(3)(A) through (a)(3)(J) and Subparagraph (a)(4) of this Rule, shall be accessible to caregiving staff during the time the child is in care at the family child care home.

(d) The family child care home operator and staff shall use the information provided on the application to ensure that individual child's needs are met during the time the child is in care.

(e) The family child care home operator shall complete and maintain other records that include:

(1) documentation of the operator's Emergency Preparedness and Response Plan on a template provided by the Division of Emergency Management 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 is injured or when 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 in care. The form shall contain the following information:
(A) facility identifying information;

(B) date and time of the incident;
(C) witness to the incident;
(D) time the parent is notified of the incident and by who;
(E) piece of equipment involved;
(F) cause of injury;
(G) type of injury;
(H) body part injured;
(I) where the child received medical treatment;
(J) description of how and where the incident occurred and pediatric First Aid received;
(K) steps taken to prevent reoccurrence;
(L) signature of staff member and date form completed; and
(M) signature of parent and date.

This report shall be signed by the person completing it and by the parent, and maintained in the child's file. When medical treatment is required, a copy of the incident report shall be mailed to a representative of the Division within seven calendar days after the incident. A copy of the form can be found on the Division's website at http://ncchildcare.nc.gov/pdf_forms/DCDEE-0058.pdf;

(4) an incident log that 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. The form shall include the following information:
(A) Name of facility, time and date the form was completed;
(B) Signature of individual completing form;
(C) General inspection items;
(D) Surfacing;
(E) General hazard items; and
(F) Deterioration of equipment.

For items on the checklist the operator has to check if pass or fail, if fail identify the problem and solution. 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) 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.

(f) Written records shall be maintained as follows in a family child care home:

(1) All children's records as required in this Section, except medication permission slips as required in Rule .1720(b)(13) of this Section, shall be kept on file as long

as the child is enrolled and for one year from the date the child is no longer enrolled.

(2) Records regarding administration of medications required by Rule .1720(b)(13) of this Section shall be maintained during the time period the medication is being administered and for six months after the medication is administered.

(3) Additional caregiver and substitute provider records as required in this Section shall be maintained on file for as long as the individual is employed and for one year from the employee's last date of employment.

(4) All program records, including documentation of operator qualifications, as required in this Section shall be maintained on file for as long as the license remains valid except as follows:

(A) A minimum of 30 days from the revision or replacement date:

Record	Rule
Daily Schedule	.1718(a)(6)
Activity Plan	.1718(a)(6)
Infant Feeding Plan	.1706(j)
Menu	.1706(b)
Allergy Posting	.1706(f)
SIDS Sleep Chart/Visual Check	.1724(a)(8)

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

Record	Rule
Attendance	.1721(e)(6)
Emergency Numbers	.1719(a)(14)
Safe Sleep Policy	.1724(c) and (d)
Written Plan of Care	.1712
Emergency Medical Care Plan	.1713
Emergency Preparedness and Response Plan	.1721(e)(1)
Field Trip/Transportation Permission	.1723(5)
List and Identifying Information for Children being Transported	.1723(14)
Fire Drill Log	.1721(e)(2)
Lockdown or Shelter-in-Place Drill Log	.1721(e)(7)
Incident Log	.1721(e)(4)
Playground Inspection	.1721(e)(5)
Pet Vaccinations	.1719(b)(1)
Medication Error Log	.1720(14)

(5) Well-water analysis, pool inspection and inspections for local ordinances as referenced in Rules .1730(j), .1725(a)(1), and .1702(b)(7), of this Section and

G.S. 110-91 shall remain on file at the family child care home for as long as the license remains valid.

(6) Records may be maintained in a paper format or an electronic format, provided that all required signatures are preserved in a paper format, PDF, or other graphic format.

(7) All records required in this Chapter shall be available at the family child care home for review by the Division during the hours of operation listed on the child care license.

History Note: Authority G.S. 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;
Temporary Amendment Eff. September 23, 2016;
Readopted Eff. October 1, 2017.

10A NCAC 09 .1722 PROHIBITED DISCIPLINE

(a) No child shall be subjected to any form of corporal punishment by the family child care home operator, additional caregiver, substitute provider, or any other person in the home, whether or not these persons reside in the home as follows:

(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) No food shall be withheld or given as a means of punishment or reward;

(5) No child shall ever be disciplined for toileting accidents;

(6) No child shall ever be disciplined for not sleeping during rest period;

(7) 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;

(8) Physical activity, such as running laps and doing push-ups, shall not be withheld or required as punishment;

(9) No child shall ever be yelled at, shamed, humiliated, frightened, threatened, or bullied; and

(10) No child shall be restrained as a form of discipline unless the child's safety or the safety of others is at risk. For purposes of this Rule, "restraining" shall mean that a caregiver physically holds a child in a manner that restricts the child's movement, for a minimum amount of time necessary to ensure a safe environment. Children shall not be restrained through the use of heavy objects, including a caregiver's body, or any device such as straps, blankets, car seats, or cribs.

(b) Discipline practices shall be age and developmentally appropriate.

History Note: Authority G.S. 110-85; 110-91(10);143B-168.3
Eff. July 1, 1998;
Amended Eff. April 1, 2003; April 1, 2001;

Readopted Eff. October 1, 2017.

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) ensure that vehicles used to transport children are free of hazards such as but not limited to, torn upholstery that allows children to remove the interior padding, broken windows, holes in the floor or roof, or tire treads of less than 2/32 of an inch;

(2) ensure that vehicles used to transport children comply with all applicable State and federal laws and regulations;

(3) ensure that vehicles are insured for liability as required by State laws governing transportation of passengers pursuant to G.S. 20-279.21;

(4) ensure that vehicles used to transport children in snowy, icy, and other hazardous weather conditions are equipped with snow tires, or chains;

(5) 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 the name of the transportation provider. Parents may give standing permission, valid for up to 12 months, for transport of children to and from the home;

(6) ensure that all children are transferred to an individual who is indicated on the child's application for enrollment as specified in Rule .1721(a)(3) of this Section or as authorized by the parent;

(7) load and unload children from curbside or in a safe, off-street area, out of the flow of traffic, so that they are protected from all traffic hazards;

(8) ensure that all children regardless of age or location in the vehicle shall be restrained with an individual seat belt or child safety seat appropriate to the child's age or weight in accordance with G.S. 20-135.2A located at http://www.buckleupnc.org/occupant-restraint-laws/seat-belt-law-summary/. Only one person shall occupy each seat belt or child safety seat;

(9) be at least 21 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;

(10) ensure that each child is seated in a manufacturer's designated area. No child shall ride in the load carrying area or floor of a vehicle;

(11) have a First Aid kit and fire extinguisher located in the vehicle used to transport children;

(12) never leave children in a vehicle unattended by an adult;

(13) have identifying information in the vehicle about each child being transported, including the child's name, photograph, emergency contact information, and a copy of the emergency medical care information form required by Rule .1721(a)(3) of this Section; and

(14) have a functioning cellular telephone or other functioning two-way voice communication device with them for use in an emergency. The transportation provider shall not use cellular telephones or other functioning two-way

communication devices except in the case of an emergency and only when the vehicle is parked in a safe location; and

(15) conduct off-premise activities as follows:

(a) before the operator walks children off premises for play or outings, the parent of each child shall give written permission for the child to participate in such activities;

(b) 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; and

(c) each time the children are taken off premises, the operator shall take identifying information about each child including the child's name, photograph, emergency contact information, a copy of the emergency medical care information form required by 10A NCAC 09 .1721(a)(3) of this Section.

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;
Readopted Eff. October 1, 2017.

10A NCAC 09 .1724 SAFE SLEEP PRACTICES

(a) Each operator licensed to care for infants aged 12 months or younger shall develop, adopt, and comply with 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 no pillows, wedges or other positioners, pillow-like toys, blankets, toys, bumper pads, quilts, sheepskins, loose bedding, towels and washcloths, or other objects may be placed in a crib with a sleeping infant aged 12 months or younger;

(4) specifies that children shall not be swaddled;

(5) 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;

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

(7) specifies the operator shall visually check sleeping infants aged 12 months or younger at least every 15 minutes;

(8) specifies how the operator shall document compliance with visually checking on sleeping infants aged 12 months or younger;

(9) specifies that pacifiers that attach to infant clothing shall not be used with sleeping infants;

(10) specifies that infants aged 12 months or younger sleep alone in a crib, bassinet, mat, or cot;
(11) specifies that infants aged 12 months or younger shall be prohibited from sleeping in sitting devices, including car safety seats, strollers, swings, and infant carriers. Infants that fall asleep in sitting devices shall be moved to a crib, bassinet, mat, or cot; and
(12) 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 and poster about safe sleep practices in the infant room where it can be easily seen by parents and caregivers.

(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) The operator shall place a child aged 12 months or younger on the child's back for sleeping, unless for a child aged 6 months or younger, the operator obtains a written waiver from a health care professional; or for a child older than 6 months, the operator obtains a written waiver from a health care professional or parent. Waivers shall include the following:
(1) the infant's name and birth date;
(2) be signed and dated by the infant's health care professional or parent;
(3) if a wedge is needed, specify why it is needed and how it should be used; and
(4) 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) Documents that verify staff member’s compliance with visual checks on infants shall be maintained for a minimum of one month.

(g) 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, play pen, or mat 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;
Readopted Eff. October 1, 2017.

10A NCAC 09 .1725 SANITATION REQUIREMENTS FOR FAMILY CHILD CARE HOMES

(a) To assure the health of children through proper sanitation, the family child care home operator (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) wash his or her hands prior to caring for children each day;

(3) ensure that each child's hands are washed upon arrival at the home each day;

(4) have sanitary toilet, diaper changing and hand washing facilities as follows:

(A) diaper changing areas shall be separate from food preparation areas;

(B) toileting areas shall have toilet tissue available at all times;

(C) all toilet fixtures shall be cleanable and in good repair;

(D) handwashing areas shall have soap and paper towels or other drying devices available at all times;

(E) diapering surfaces shall be smooth, intact, nonabsorbent and cleanable; and

(F) potty chairs and diapering surfaces shall be cleaned after each use.

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

(A) gather all supplies before placing a child on the diapering surface;

(B) wash his or her hands before, as well as after, diapering each child;

(C) ensure the child's hands are washed after diapering the child; and

(D) place soiled diapers in a covered, leak proof container which is emptied and cleaned daily;

(6) 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;

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

(8) handwashing procedures shall include:

(A) using liquid soap and water;

(B) rubbing hands vigorously with soap and water for 15 seconds;

(C) washing all surfaces of the hands, to include the backs of hands, palms, wrists, under fingernails and between fingers;

(D) rinsing well for 10 seconds;

(E) drying hands with a paper towel or other hand drying device; and

(F) turning off faucet with a paper towel or other method without recontaminating hands;

(9) 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;
(10) have a house that is free of rodents;
(11) screen all windows and doors used for ventilation; and
(12) store garbage in waterproof containers with tight fitting covers.

(b) If reusable, cloth diapers are used, place soiled cloth diaper, after disposing of feces in toilet without rinsing, in a tightly closed plastic bag or other equivalent container approved by the Division, stored out of reach of children and sent daily to the child's home to be laundered or to a laundry service.

(c) The operator shall not force children to use the toilet and the operator shall consider the developmental readiness of each child when toilet training. The operator shall provide assistance to each child to ensure proper hygiene, as needed.

(d) The operator shall ensure that clean clothes are available in the event that a child's clothes become wet or soiled. The change of clothing may be provided by the operator or by the child's parents.

History Note: Authority G.S. 110-85; 110-88; 110-91; 143B-168.3;
Eff. October 1, 2017.

10A NCAC 09 .1726 PREVENTION OF SHAKEN BABY SYNDROME AND ABUSIVE HEAD TRAUMA

(a) The operator of a family child care home licensed to care for children up to five years of age shall develop and adopt policies to assist staff in preventing shaken baby syndrome and abusive head trauma. For purposes of this Rule, "staff" includes the operator, additional caregivers, substitute providers, and uncompensated providers. The policy shall include:

(1) how to recognize, respond to, and report the signs and symptoms of shaken baby syndrome and abusive head trauma. Signs and symptoms include: irritability, difficulty staying awake, difficulty breathing, inability to lift the head, seizures, lack of appetite, vomiting, and bruises;
(2) strategies to assist staff in coping with a crying, fussing, or distraught child;
(3) strategies to ensure staff members in understanding how to care for infants;
(4) strategies to ensure staff understand the brain development of children up to five years of age;
(5) a list of prohibited behaviors shall include, but not be limited to, shaking a child, tossing a child into the air or into a crib, chair, or care seat, and pushing a child into walls, doors, and furniture; and
(6) resources to assist staff and families in preventing shaken baby syndrome and abusive head trauma.

(b) A copy of the policy shall be given and explained to the parents of children up to five years of age on or before the first day the child receives care at the home. The operator shall obtain the parent's signature. The acknowledgement shall contain the following and be maintained in the child's file for review by the Division:

(1) the child's name;
(2) the date the child first attended the home;
(3) the date the operator's policy was given and explained to the parent;
(4) the parent's name;

(5) the parent's signature; and
(6) the date the parent signed the acknowledgment.

(c) If an operator changes the policy at any time, the operator shall give written notice of the change to the child's parent 14 days prior to the implementation of the new policy and the parent shall sign a statement that attests that a copy of the new policy was given to and discussed with him or her. The operator shall obtain the parent's signature and this statement shall be maintained in the child's file for review by the Division.

(d) The operator shall review the policy with staff prior to the individual providing care to children. The acknowledgement of this review shall contain the following:

(1) the individual's name;
(2) the date the operator's policy was given and explained to the individual;
(3) the individual's signature; and
(4) the date the individual signed the acknowledgment.

The operator shall retain the acknowledgement in the staff member's file.

(e) If an operator changes the policy at any time, the operator shall review the revised policy with staff 14 days prior to the implementation of the new policy. The individual shall 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 staff member's file.

History Note: Authority G.S. 143B-168.3;
Temporary Adoption Eff. September 23, 2016;
Eff. October 1, 2017.

10A NCAC 09 .1727 DISCIPLINE POLICY

(a) The family child care home operator shall provide a written copy of and explain the operator's discipline practices to each child's parent at the time of enrollment.

(b) The operator shall obtain a statement signed and dated by the parent that attests that a copy of the written discipline policy was given to, and discussed with him or her.

(c) That statement shall include the following:

(1) the child's name;
(2) the date of enrollment; and
(3) if different, the date the parent signs the statement.

The signed, dated statement must be in the child's record and must remain on file as long as the child is enrolled.

(d) If an operator changes the discipline policy at any time, the operator must give written notice of such a change to the child's parent, guardian, or full-time custodian 14 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.

History Note: Authority G.S. 110-85; 110-91(8), (11); 143B-168.3;
Eff. October 1, 2017.

10A NCAC 09 .1728 OVERNIGHT CARE

(a) A safe and comfortable bed, crib, or cot, equipped with a firm waterproof mattress at least four inches thick and a fitted sheet shall be provided for each child who remains in the home after midnight. The top of bunk beds shall be used by school-age children only.

(b) A supply of clean linen must be on hand so that linens can be changed whenever they become soiled or wet. Linens shall be changed weekly or whenever they become soiled or wet.
(c) 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 to the children; 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.

History Note: Authority G.S. 110-85; 110-88;110-91(6);
Eff. October 1, 2017.

10A NCAC 09 .1729 ADDITIONAL CAREGIVER AND SUBSTITUTE PROVIDER QUALIFICATIONS

(a) An individual who provides care for five hours or more in a week during planned absences of the family child care home operator shall:

(1) be 21 years old;
(2) have a high school diploma or GED;
(3) have completed a First Aid and cardiopulmonary resuscitation (CPR) course within 12 months prior to caring for children;
(4) have completed a health questionnaire;
(5) have proof of negative results of a tuberculosis test completed within 12 months prior to the first day of providing care;
(6) have submitted criminal background check forms as required in Rule .2703 of this Chapter;
(7) have documentation of annual on-going training as described in Rule .1703(d) of this Section after the first year of employment;
(8) have completed ITS-SIDS training, if licensed to care for infants;
(9) have completed Recognizing and Responding to Suspicions of Child Maltreatment training; and
(10) have documentation that the operator has reviewed the requirements found in this Chapter, including the Emergency Preparedness and Response Plan, and in G.S. Chapter 110, Article 7.

While the individual provides care at a family child care home, copies of information required by Subparagraphs (1) through (10) of this Paragraph shall be on file in the home and available for review by the Division.
(b) An individual who provides care for less than five hours in a week during planned absences of the operator shall be literate and meet all requirements listed in Paragraph (a) of this Rule except the requirements for annual training and a high school diploma or GED.
(c) The operator shall conduct 16 hours of orientation with all caregivers, prior to the individual caring for children, including substitute providers, volunteers, and uncompensated providers, who are providing care. The orientation shall include an overview of the following topics, specifically focusing on the operation of the facility:

(1) recognizing, responding to, and reporting child abuse, neglect, or maltreatment pursuant to G.S. 110-105.4 and G.S. 7B-301;

(2) review of the home's operational policies, including the written plan of care, safe sleep policy, the transportation policy, identification of building and premises safety issues, the emergency medical care plan, and the Emergency Preparedness and Response Plan;
(3) adequate supervision of children in accordance with Rule .1711(a) of this Section;
(4) information regarding prevention of shaken baby syndrome, abusive head trauma, and child maltreatment;
(5) prevention and control of infectious diseases, including immunization;
(6) firsthand observation of the home's daily operations;
(7) instruction regarding assigned duties;
(8) instruction in the maintenance of a safe and healthy environment;
(9) instruction in the administration of medication to children in accordance with Rule .1720(b) of this Section;
(10) review of the home's purposes and goals;
(11) review of G.S. 110, Article 7 and 10A NCAC 09;
(12) review of Section .2800 of this Chapter if the operator has a two- through five-star license at the time of employment;
(13) 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;
(14) an explanation of the individual's obligation to cooperate with representatives of State and local government agencies during visits and investigations;
(15) prevention of and response to emergencies due to food and allergic reactions; and
(16) review of the home's handling and storage of hazardous materials and the appropriate disposal of biocontaminants.

The operator and individual providing care shall sign and date a statement that attests that this review was completed. This statement shall be kept on file in the home and available for review by the Division.

(d) An individual who provides care during unplanned absences of the operator, such as medical emergencies, shall be 18 years old and submit criminal records check forms as required in Rule .2703(j) of this Chapter. The children of an emergency caregiver shall not be counted in the licensed capacity for the first day of the emergency caregiver's service.

History Note: Authority G.S. 110-85; 110-88; 110-91; 143B-168.3;
Eff. October 1, 2017;
Amended Eff. March 1, 2019.

10A NCAC 09 .1730 ACTIVITIES INVOLVING WATER

(a) The requirements in this Rule apply to "aquatic activities," which are defined as activities that take place in a body of water such as swimming, swimming instruction, wading, and visits to water parks. Aquatic activities do not include water play activities such as water table play, slip and slide activities, or playing in sprinklers.

(b) Aquatic activities involving the following are prohibited:
(1) hot tubs;
(2) spas;
(3) saunas or steam rooms;
(4) portable wading pools; and

(5) natural bodies of water and other unfiltered, nondisinfected containments of water.

(c) When children enrolled in a family child care home participate 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 activity. Verification of the operator's completion of this course from an approved training organization shall be maintained in their personnel file in the family child care home. The Division shall post a list of approved training organizations on its website at http://ncchildcare.nc.gov/providers/pv_sn2_ov_pd.asp.

(d) The family child care home operator shall be responsible for adequately supervising the aquatic activity for the duration of the activity. For purposes of this Rule, "Adequate supervision" means that the operator shall be able to hear, see, and respond to the children whether in or out of the water.

(e) Prior to children participating in aquatic activities, the operator 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 will be handled during aquatic activities;
(4) the operator's field trip and transportation policies; and
(5) that children shall be directed to exit the water during an emergency.

(f) Family child care home operators shall obtain written permission from parents for participation in aquatic activities. The written permission shall include a statement that parents are aware of the operator's aquatic policies specified in Paragraph (f) of this Rule. The operator shall maintain copies of written parental permission in each child's file.

(g) Any outdoor swimming pool located on the family child care home premises shall be enclosed by a fence that is at least four feet high, separated from the remaining outdoor play area by that fence, and locked and inaccessible to children when not in use.

(h) Swimming pool safety rules shall be posted and 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 are not allowed to run or push one another;
(4) that swimming is allowed only when the operator is present; and
(5) that glass objects are not allowed.

(i) All swimming pools used by children in care 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 can be found at http://ehs.ncpublichealth.com/docs/rules/294306-9-2500.pdf and is available at no charge.

(j) Educational activities, such as observing tadpoles, exploring mud, or learning about rocks and vegetation shall be permitted.

(k) Boating, rafting, and canoeing activities are permitted. Prior to participating in recreational activities conducted on the water, children shall wear an age or size appropriate personal floatation device approved by the United States Coast Guard. This personal floatation device shall be worn for the duration of the activity.

History Note: Authority G.S. 110-88; 110-91(1), (3), (6); 143B-168.3;

Temporary Adoption Eff. September 23, 2016;
Eff. October 1, 2017.

10A NCAC 09 .1731 ADDITIONAL HEALTH AND SAFETY TRAINING REQUIREMENTS

History Note: Authority G.S. 110-88; 110-91(11); 143B-168.3;
Temporary Adoption Eff. September 23, 2016;
Temporary Adoption Expired July 14, 2017.

SECTION .1800 - DISCIPLINE

SECTION .1800 - STAFF/CHILD INTERACTIONS AND BEHAVIOR MANAGEMENT

10A NCAC 09 .1801 SUPERVISION IN CHILD CARE CENTERS

(a) Children shall be adequately supervised at all times in child care centers. 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 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 the children's activities at all times;
(4) staff must provide supervision appropriate to the individual age, needs, and capabilities of each child; and
(5) staff must be able to see and hear children aged birth to five years old while the children are eating.

All of the conditions in this Paragraph shall apply except when emergencies necessitate that adequate supervision is impossible. Documentation of emergencies shall be maintained and available for review by Division representatives upon request.

(b) For groups of children aged two years or older, the staff/child ratio during nap time shall comply with the requirements of this Chapter if at least one person remains in the room, all children are visible to that person, and the total number of required staff are on the premises and within calling distance of the rooms occupied by children.

History Note: Authority G.S. 110-85; 110-91(7); 143B-168.3;
Eff. October 1, 2017.

10A NCAC 09 .1802 STAFF/CHILD INTERACTIONS

Staff shall interact with 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 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;
Readopted Eff. October 1, 2017 (Transferred from 10A NCAC 09 .0501).

10A NCAC 09 .1803 PROHIBITED DISCIPLINE IN CHILD CARE CENTERS

(a) No child shall be subjected to any form of corporal punishment by the owner, operator, director, or staff of any child care center. For purposes of this Rule, "staff" shall mean any

regular or substitute caregiver, any volunteer, and any auxiliary personnel, including cooks, secretaries, janitors, maids, or vehicle drivers. The following shall apply at all child care centers:

(1) no child shall be handled roughly in any way, including shaking, pushing, shoving, pinching, slapping, biting, kicking, or spanking;
(2) no child shall be placed in a locked room, closet, or box or be left alone in a room separated from staff;
(3) no discipline shall be delegated to another child;
(4) no food shall be withheld as punishment or given as a means of reward;
(5) no child shall be disciplined for toileting accidents;
(6) no child shall be disciplined for not sleeping during rest period;
(7) no child shall be disciplined by assigning chores that require contact with or use of hazardous materials, such as cleaning bathrooms, floors, or emptying diaper pails;
(8) physical activity, such as running laps and doing push-ups, shall not be withheld as punishment or required as punishment;
(9) no child shall be yelled at, shamed, humiliated, frightened, threatened, or bullied; and
(10) no child shall be restrained as a form of discipline unless the child's safety or the safety of others is at risk. For purposes of this Rule, "restraining" shall mean that a caregiver physically holds a child in a manner that restricts the child's movement, for a minimum amount of time necessary to ensure a safe environment. Notwithstanding any other provision of this Rule, no child shall be restrained through the use of heavy objects, including a caregiver's body, or any device such as straps, blankets, car seats, or cribs.

(b) Discipline practices shall be age and developmentally appropriate.

History Note: Authority G.S. 110-85; 110-91(10); 143B-168.3;
Eff. January 1, 1986;
Amended Eff. April 1, 2001; November 1, 1989;
Prior to readoption of September 1, 2017 this language was located in Rule .0801;
Readopted Eff. October 1, 2017 (Transferred from 10A NCAC 09 .0801).

10A NCAC 09 .1804 DISCIPLINE POLICY FOR CHILD CARE CENTERS

(a) The person who conducts the enrollment conference shall provide a written copy of and explain the center's discipline policies to each child's parents at the time of enrollment.

(b) The child care center shall obtain from each parent, legal guardian, or full-time custodian a statement that attests that a copy of the center's written discipline policies was given to and discussed with him or her. That statement shall include the following:

(1) the child's name;
(2) the date of enrollment; and
(3) if different, from the enrollment date the date the parent, legal guardian, or full-time custodian signed the statement.

(c) The signed, dated statement must be in the child's record and shall 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 14 days prior to the implementation of the new policy. The center shall obtain the parent's signature on 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 as long as the child is enrolled.

History Note: Authority G.S. 110-85; 110-91(8),(11); 143B-168.3;
Eff. October 1, 2017.

SECTION .1900 - SPECIAL PROCEDURES CONCERNING ABUSE/NEGLECT IN CHILD CARE

10A NCAC 09 .1901 NOTIFICATION TO COUNTY DEPARTMENTS OF SOCIAL SERVICES

History Note: Authority G.S. 110-88(5); 143B-168.3;
Eff. January 1, 1986;
Amended Eff. April 1, 2001; November 1, 1989;
Repealed Eff. October 1, 2017.

10A NCAC 09 .1902 RESERVED FOR FUTURE CODIFICATION

10A NCAC 09 .1903 INVESTIGATION PROCEDURES

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;
Repealed Eff. October 1, 2017.

10A NCAC 09 .1904 ADMINISTRATIVE SANCTIONS

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;
Repealed Eff. February 1, 2019.

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:

Rulemaking Coordinator
Division of Child Development and Early Education
2201 Mail Service Center
Raleigh, North Carolina 27699-2200

(b) Petitions for adoption or amendment of a rule shall include a draft of the proposed rule, and the name and address of the petitioner. The petition may 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;
(5) the names and addresses of those most likely to be affected by the proposed; and
(6) the reasons for the proposal.

(c) The Division Director or designee shall present the petition to the Commission to determine whether the Commission has statutory authority to grant 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 rulemaking in accordance with G.S. 150B-21.2.

History Note: Authority G.S. 110-85; 143B-168.3; 150B-20;
Eff. November 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest
Eff. May 23, 2015;
Amended Eff. February 1, 2016.

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 01A .0104 are hereby incorporated by reference including subsequent amendments and editions, with the following modifications:

(1) Correspondence related to the Commission's rulemaking actions shall be submitted to:
Rulemaking Coordinator
Division of Child Development and Early Education
2201 Mail Service Center
Raleigh, North Carolina 27699-2200

(2) "Hearing officer" shall mean the Chairman of the Child Care Commission or the Chairman's designee.

(b) Copies of 10A NCAC 01A .0104 may be inspected in the Division at the address given in Subparagraph (a)(1) of this Rule. A copy of this Rule may be found on the Office of Administrative Hearings website at http://reports.oah.state.nc.us/ncac.asp.

History Note: Authority G.S. 110-85; 143B-168.3; 150B-20;
Eff. November 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest
Eff. May 23, 2015;
Amended Eff. February 1, 2016.

10A NCAC 09 .2003 DECLARATORY RULINGS

(a) All requests for declaratory rulings shall be by written petition as described in Paragraph (b) of this Rule and shall be submitted to:

Rulemaking Coordinator
Division of Child Development and Early Education
2201 Mail Service Center
Raleigh, North Carolina 27699-2200

(b) Every request for a declaratory ruling shall include the following information:

(1) the name and address of the petitioner;
(2) the statute or rule to which the petition relates;
(3) a 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 for the petitioner of a failure to issue a declaratory ruling.

(c) When a request for a declaratory ruling meets the requirements of Paragraph (b) of this Rule, the Commission shall determine whether it has the statutory authority to grant the declaratory ruling and if so, grant the request for a declaratory ruling within 30 days of the receipt of the petition.

(d) A declaratory ruling procedure shall consist of written submissions, oral hearings, and such other procedures as the Commission deems necessary to understand the issues involved in the particular case.

(e) If the Commission grants the declaratory ruling request, the Commission shall issue notice by posting on the Division's website at http://ncchildcare.dhhs.state.nc.us/general/whatsnew.asp 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. 110-85; 143B-168.3; 150B-4;
Eff. November 1, 1989;

Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest
Eff. May 23, 2015;
Amended Eff. February 1, 2016.

10A NCAC 09 .2004 CONTESTED CASES: DEFINITIONS

The following terms shall have the following meaning for this Section:

(1) "Department" means the Department of Health and Human Services;
(2) "Hearing" means a contested case hearing as provided in G.S. 150B-2(2) and 150B-23;
(3) "OAH" means the Office of Administrative Hearings.

History Note: Authority G.S. 110-85; 110-94; 150B-23;
Eff. November 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest
Eff. May 23, 2015;
Amended Eff. February 1, 2016.

10A NCAC 09 .2005 CONTESTED CASES: REQUEST FOR DETERMINATION

(a) In accordance with G.S. 150B-22, any person may request a determination of his or her legal rights, privileges, or duties as they relate to laws or rules administered by the Department.
(b) 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 .0103. 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, 2001 Mail Service Center, Raleigh, NC 27699-2001.

History Note: Authority G.S. 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;
Amended Eff. February 1, 2016.

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 following:

(1) the name, address, and telephone number of the operator and the center, if known;
(2) the proposed number and age range of children to be served;
(3) the center's scheduled opening date; and
(4) required criminal history records check documentation for the prospective operator and all known staff members as set forth in G.S. 110-90.2.

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 prospective operator of the applicable requirements and procedures in G.S. 110, Article 7 and this Chapter.

(b) A prospective operator who has not previously operated a religious-sponsored child care center in North Carolina shall attend a pre-licensing workshop provided by the Division before the center's opening date. Prospective operators shall download, complete, and submit the pre-licensing registration form to the Division. The Division provides regularly scheduled pre-licensing workshops for potential operators. A schedule of these workshops may be found online at http://ncchildcare.dhhs.state.nc.us/pdf_forms/prelicworkshop.pdf. The pre-licensing registration form contains demographic information and workshop location preferences. The pre-licensing registration form can be found online at http://ncchildcare.dhhs.state.nc.us/pdf_forms/prelicworkshop.pdf.

(c) The Division shall conduct an announced pre-licensing visit prior to the opening of the center, an unannounced visit within 30 days after the facility opens, and unannounced visits annually thereafter in order to ensure compliance with applicable requirements in G.S. 110, Article 7 and this Section.

(d) Within 30 days of opening, the prospective operator shall submit reports indicating that the facility meets the minimum standards for facilities as specified in G.S. 110-91 regarding local ordinances, including a building inspection, a fire inspection, and a sanitation inspection.

(e) The Division shall send a Notice of Compliance letter to the prospective operator when compliance with minimum standards for facilities as specified in G.S. 110, Article 7 has been determined. The Notice of Compliance letter shall be issued instead of a star rated license. The Notice of Compliance is not required to be posted at the child care facility.

(f) Religious-sponsored child care centers shall comply with all child care center requirements in this Chapter except as follows:

Age Appropriate Activities	Rules .2512, .0508, through .0510 and .2508
Staff Qualifications and Training Requirements	Rules .0703(d) through (f), .0704, .0714(a) through (d) and .1101, .1102(a), (b), (e), and (g), and .1103 through .1106.
Staff Qualifications if working with school aged children only	Rule .2510

Compliance shall be documented annually using the same forms and in the same manner as for all other centers.

(g) The Division shall notify the prospective operator in writing as to whether the facility complies or does not comply with the requirements.

History Note: Authority G.S. 110-85; 110-88; 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;
Readopted Eff. October 1, 2017.

10A NCAC 09 .2102 USE OF CORPORAL PUNISHMENT

(a) Corporal punishment may be used in religious-sponsored child care facilities in accordance with G.S. 110-91(10), if:

(1) the religious-sponsored child care facility files a notice with the Division stating that corporal punishment is part of the religious training of its program; and

(2) the religious-sponsored child care facility states in its written policy of discipline that corporal punishment is part of the religious training of its program.

(b) The discipline policy shall state when corporal punishment is used, what type of punishment is used, and who will be administering the punishment.

(c) The discipline policy shall be shared with all parents that have children enrolled at the facility and the facility shall provide parents a copy of the policy for their records.

(d) If the facility's discipline policy changes, the new policy shall be shared with parents 14 days prior to the change becoming effective. A copy of the revised discipline policy shall be submitted to the Division within 30 days of the effective date of the revised policy.

(e) A discipline policy that meets the requirements of this Rule shall not preclude the investigation of a complaint alleging inappropriate discipline of a child or child maltreatment as specified in G.S 110-105.3.

History Note: Authority G.S. 110-91(10); 110-106;
Eff. October 1, 2017.

SECTION .2200 - ADMINISTRATIVE ACTIONS AND CIVIL PENALTIES

10A NCAC 09 .2201 ADMINISTRATIVE ACTIONS GENERAL PROVISIONS

(a) Upon a finding that a child care facility operator has violated any provision of G.S. 110, Article 7, the rules of this Chapter, or 10A NCAC 10, the Secretary or his or her designee may order one or more administrative actions. The administrative actions include:

(1) a written reprimand as set forth in Rule .2202 of this Section;
(2) a written warning as set forth in Rule .2203 of this Section;
(3) a provisional child care facility license or provisional notice of compliance not to exceed 12 months as set forth in Rule .2204 of this Section;
(4) a special provisional child care facility license or special provisional notice of compliance not to exceed six months and may include a limited enrollment restriction as set forth in Rule .2207 of this Section;
(5) a probationary child care facility license or probationary notice of compliance not to exceed 12 months as set forth in Rule .2205 of this Section;
(6) revocation of the child care facility license, or an order to cease operation to operate a child care facility as set forth in Rule .2209 of this Section;
(7) summary suspension of the child care facility license, notice of compliance, or other permit to operate a child care facility that results in immediate closure of the facility as set forth in Rule .2213 of this Section;
(8) denial of an application or child care facility license as set forth in Rule .2215 of this Section; and
(9) suspension of the child care facility license, notice of compliance, or other permit to operate a child care facility not to exceed 12 months and results in closure of the facility on the date of the order as set forth in Rule .2206 of this Section.

(b) The Division shall consider the following factors when determining whether to issue an administrative action or what type of administrative action to be issued, including:

(1) the severity of the violation or incident;
(2) the probability of recurrence of the violation or incident;
(3) all prior administrative actions issued to the facility;
(4) all prior incidents where the Division has determined that abuse, neglect, or child maltreatment occurred at the facility;
(5) the operator's response to the violation or incident, including actions taken to prevent recurrence, such as revision to facility policies and procedures or additional staff training;
(6) a self- report of the violation or incident was submitted to the Division by the operator; and
(7) information or records received from local, State, or federal agencies relevant to the violation or incident.

(c) For purposes of this Section, the following definitions shall apply:

(1) "Pattern of noncompliance" means violations of G.S. 110, Article 7, this Chapter, or 10A NCAC 10 documented during a time period of 18 months or less involving situations or incidents for which technical assistance has been provided and the operator continues to demonstrate noncompliance.
(2) "Harm" as referenced in G.S. 110-105.3(b)(3) means:
    (A) physical, psychological, or emotional injury to a child by a caregiver;

(B) an act of omission or commission to a child by a caregiver that is likely to result in or that results in permanent limitations or disability;
(C) sexual abuse; or
(D) the death of a child.

(d) In accordance with G.S. 150B-3(b) the Division shall issue a prior notice of administrative action to the operator or prospective operator regarding the determination to issue a provisional child care facility license or notice of compliance, special provisional child care facility license or notice of compliance, probationary child care facility license or notice of compliance, revocation of the child care facility license, order to cease operation, suspension of the child care facility license or notice of compliance, or denial of a child care facility license or notice of compliance. The operator or prospective operator shall be given an opportunity to respond in writing as to why the administrative action should not be taken. The written response shall be submitted to the Division within 15 days of receiving the prior notice of administrative action. Upon receiving a written request from an owner or operator, the Division shall grant an extension of time not to exceed an additional 15 days, so long as the request is received before the initial response time has ended.

(e) The Division may issue a different type of administrative action based upon the operator's or prospective operator's written response in accordance with Paragraph (d) of this Rule.

(f) The Division shall issue a final notice of administrative action to the operator or prospective operator. The final notice of administrative action shall describe the reasons for its issuance including identification of the statutes or rules violated.

(g) When a corrective action plan is included in the notice of administrative action, it shall describe those actions necessary for the operator to be in full compliance with requirements of G.S. 110, Article 7, this Chapter, or 10A NCAC 10, and shall specify a time period for completion of additional requirements that may prevent recurrence, such as training or policy implementation. Corrective action plans may be issued only with a written warning, provisional child care facility license or notice of compliance, special provisional child care facility license or notice of compliance, and probationary child care facility license or notice of compliance. Subject to the exceptions in Paragraph (i) of this Rule, corrective action plans are stayed during the pendency of an appeal.

(h) Protection plans and immediate corrective action plans as set forth in G.S. 110-105.3(e) and (f) and restrictions that prohibit new enrollment as set forth in G.S. 110-105.6(f) shall not be stayed during the pendency of an appeal.

(i) Following the issuance of any administrative action the operator shall post the administrative action, cover letter, and corrective action plan, if applicable, received from the Division in a location visible to parents and visitors near the entrance of the child care facility during the pendency of an appeal and throughout the effective time period of an administrative action. The effective time period shall end as follows:

(1) three months from receipt of a final notice of administrative action containing a written reprimand;
(2) three months and upon receipt of a closure letter from the Division stating that the corrective action plan has been completed for a final notice of administrative action containing a written warning;
(3) upon issuance of a star rated license following a final notice of administrative action containing a special provisional child care facility license, a provisional child care facility license, or a probationary child care facility license; or

(4) upon re-issuance of a notice of compliance following a final notice of administrative action containing a special provisional notice of compliance, a provisional notice of compliance, or a probationary notice of compliance.

(j) Following the issuance of an administrative action other than a written reprimand, the Division shall monitor the child care facility for compliance with:

(1) the following health and safety requirements:
  (A) supervision of children;
  (B) discipline, nurture, or care of children;
  (C) staff/child ratio;
  (D) group size;
  (E) licensed capacity;
  (F) permit restriction;
  (G) CPR training;
  (H) First Aid training;
  (I) ITS-SIDS training; and
  (J) criminal record check requirements regarding pre-service and three-year reassessments in accordance with G.S. 110-90.2(b).

(2) protection plans and immediate corrective action plans as set forth in G.S. 110-105.3(e) and (f), restrictions that prohibit new enrollment as set forth in G.S. 110-105.6(f), and license restrictions during the time period of the administrative action, including administrative actions that may be stayed pending appeal; and

(3) the terms of the administrative action, including license restrictions and completion of the corrective action plan, except for administrative actions that are stayed pending appeal.

(k) If the operator fails to achieve compliance during the specified time period of an administrative action, the Division may assess a civil penalty or take additional administrative action to achieve compliance.

History Note: Authority G.S. 110-85; 110-88; 110-90; 110-102.2; 110-103.1; 110-105.3; 110-105.5; 110-105.6; 143B-168.3; 150B-3;
Eff. July 1, 1988;
Amended Eff. July 1, 2010; January 1, 2006; April 1, 2001, November 1, 1989;
Readopted Eff. February 1, 2019.

10A NCAC 09 .2202 WRITTEN REPRIMANDS

A written reprimand may be issued to an operator for any of the criteria set forth in Rule .2203 of this Section for which the Division has determined that no corrective action plan is required using the factors contained in Rule .2201(b) of this Section.

History Note: Authority G.S. 110-88; 110-90; 110-102.2; 143B-168.3;
Eff. July 1, 1988;
Amended Eff. April 1, 2001; August 1, 1990; November 1, 1989;
Readopted Eff. February 1, 2019.

10A NCAC 09 .2203 WRITTEN WARNINGS

A written warning, which shall include a corrective action plan, may be issued to an operator in regard to any violation including, but not limited to, these situations:

(1) a substantiation of one or more violations as a result of a complaint that do not meet the criteria for a maltreatment finding in accordance with G.S. 110-105.3(b)(3) but for which corrective action is needed;

(2) citation of 16 or more violations of separate rules in a single visit where the operator does not meet the criteria of other administrative actions set forth in this Section; or

(3) citation of one of the following violations on two consecutive visits:

(a) supervision of children;

(b) discipline, nurture, or care of children;

(c) staff/child ratio;

(d) group size;

(e) licensed capacity;

(f) permit restriction;

(g) CPR training;

(h) First Aid training;

(i) ITS-SIDS training; and

(j) criminal record check requirements regarding pre-service and three-year reassessments in accordance with G.S. 110-90.2(b).

History Note: Authority G.S. 110-88; 110-90; 110-102.2; 143B-168.3;
Eff. July 1, 1988;
Amended Eff. April 1, 2001; November 1, 1989;
Readopted Eff. February 1, 2019.

10A NCAC 09 .2204 PROVISIONAL CHILD CARE FACILITY LICENSE OR PROVISIONAL NOTICE OF COMPLIANCE

A provisional child care facility license or provisional notice of compliance may be issued to an operator for any period of time not to exceed 12 months for, among other things, the following reasons:

(1) a substantiation of one or more violations as a result of a complaint that do not meet the criteria for a maltreatment finding pursuant to G.S. 110-105.3(b)(3) but for which more than three months is needed to monitor for corrective action implementation;

(2) to allow a time period for correcting a violation of the building, fire, or sanitation requirements, provided that the inspector documents that the violation is not hazardous to the health or safety of the children, including lead hazard remediation;

(3) to allow a time period for correction of an administratively dissolved corporation status from the North Carolina Secretary of State;

(4) when the compliance history of the facility drops below the minimum requirement set forth in G.S. 110-90;

(5) change of location of a child care facility without proper notification to the Division as specified in Rules 10A NCAC 09 .0204(b), .0403(a), and .1702(d); or

(6) pattern of noncompliance.

History Note: Authority G.S. 110-88(6); 110-90; 110-99; 143B-168.3;
Eff. February 1, 2019.

10A NCAC 09 .2205 PROBATIONARY LICENSE OR PROBATIONARY NOTICE OF COMPLIANCE

A probationary license or probationary notice of compliance may be issued to an operator for any period of time not to exceed 12 months in accordance with the factors listed in 10A NCAC 09 .2201(b) for the following reasons:

(1) a violation of any section of the G.S. 110, Article 7 of this Chapter that has been willful, continual, or hazardous to the health or safety of children;
(2) the operator has failed to comply with the terms of a corrective action plan issued with a written warning or provisional license or notice of compliance; or
(3) when, in accordance with G.S. 110-105.3, the Division determines that child maltreatment occurred in a child care facility and there is a pattern of noncompliance.

History Note: Authority G.S. 110-88; 110-90; 110-102.2; 143B-168.3;
Eff. July 1, 1988;
Amended. Eff. April 1, 2001; November 1, 1989;
Readopted Eff. February 1, 2019 (Transferred from 10A NCAC 09 .2204).

10A NCAC 09 .2206 SUSPENSION

A suspension of a license or suspension of a notice of compliance may be issued to an operator for a time period not to exceed 12 consecutive months for the following reasons:

(1) the operator of the child care facility is a corporate entity that has been placed under revenue suspension by the North Carolina Secretary of State;
(2) when the Division has issued a provisional child care facility license or notice of compliance related to building, fire, or sanitation requirements and the operator has failed to comply; or
(3) to allow a specific time period for correcting a violation of building, fire, or sanitation requirements, provided that the appropriate inspector documents that closure of the child care facility is necessary to protect health or safety of children during correction.

The suspension of a child care facility license or suspension of a notice of compliance shall not be stayed during the pendency of an appeal.

History Note: Authority G.S. 110-88; 110-90; 110-102.2; 143B-168.3; 150B-3;
Eff. July 1, 1988;
Amended Eff. April 1, 2001; November 1989;
Readopted Eff. February 1, 2019 (Transferred from 10A NCAC 09 .2205).

10A NCAC 09 .2207 SPECIAL PROVISIONAL CHILD CARE FACILITY LICENSE OR SPECIAL PROVISIONAL NOTICE OF COMPLIANCE

(a) When the Division determines that child maltreatment has occurred in accordance with G.S. 110-105.3, the Division may issue a special provisional license or special provisional notice of compliance to an operator for a period not to exceed six months.

(b) A limited enrollment restriction may be included on the special provisional child care facility license or special provisional notice of compliance that prevents new children from being enrolled during the special provisional time period until the Division is satisfied that unsafe conditions no longer exist.

History Note: Authority G.S. 110-88; 110-90; 110-105.3; 110-105.6; 143B-168.3;
Eff. February 1, 2019.

10A NCAC 09 .2208 CIVIL PENALTIES: SCOPE AND PURPOSE

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;
Repealed Eff. February 1, 2019.

10A NCAC 09 .2209 REVOCATION OF A CHILD CARE FACILITY LICENSE OR AN ORDER TO CEASE OPERATION

Revocation of a child care facility license or an order to cease operation may be issued to an operator for the following reasons:

(1) child maltreatment has occurred in a child care facility and harm occurred as set forth in Rule .2201(c)(2) of this Section;
(2) more than two determinations of child maltreatment have occurred at a child care facility within three years;
(3) violation of any section of G.S. 110, Article 7 or the Rules of this Chapter or 10A NCAC 10 has been willful or continual as evidenced by:
    (a) a pattern of noncompliance, and the operator has not made efforts to correct repeated violations or is unable to comply; or
    (b) the operator has failed to comply with the terms of a corrective action plan issued with a special provisional or probationary license or notice of compliance;
(4) violation of any section of G.S. 110, Article 7 or the Rules of this Chapter or 10A NCAC 10 is hazardous to health or safety of children;
(5) the operator fails to comply with an implemented protection plan as set forth in G.S. 110-105.3(e);
(6) the operator falsifies information in violation of G.S. 110-91(14);
(7) the compliance history of the facility drops below the minimum requirement set forth in G.S. 110-90 and the conditions at the facility are hazardous to the health and safety of the children or staff;
(8) receipt of a disapproved sanitation classification that is not corrected with a provisional or approved sanitation classification; or
(9) the operator of the child care facility is a corporate entity that has been placed under revenue suspension from the North Carolina Secretary of State that has not been corrected within one year of issuance of a Suspension as set forth in Rule .2206 of this Section.

History Note: Authority G.S. 110-88; 110-90; 110-102.2; 143B-168.3; 150B-3;
Eff. July 1, 1988;

Amended Eff. April 1, 2001; August 1, 1990; November 1, 1989;
Readopted Eff. February 1, 2019 (Transferred from 10A NCAC 09 .2206).

10A NCAC 09 .2210 NOTICE OF ASSESSMENT OF PENALTY
10A NCAC 09 .2211 RIGHT TO A HEARING
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; January 1, 1987;
Pursuant to G.S. 150B-21.3A, rule Expired June 1, 2015.

10A NCAC 09 .2213 SUMMARY SUSPENSION

The Division may issue a summary suspension of a child care facility license or notice of compliance to an operator if the agency finds that the public health, safety, or welfare requires emergency action. The order shall be effective on the date on the date specified in the order or on service of the certified copy of the order, whichever is later, in accordance with G.S. 150B-3. The order shall be effective during proceedings to suspend or revoke the child care facility license or during proceedings to cease operation of a facility with a notice of compliance. Administrative actions summarily suspending a child care facility license, notice of compliance, or other permit to operate a child care facility shall not be stayed during the pendency of an appeal pursuant to G.S. 150B-3(c).

History Note: Authority G.S. 110-88; 110-90; 110-105.6; 143B-168.3; 150B-3;
Eff. July 1, 1988;
Amended Eff. April 1, 2001; November 1, 1989;
Readopted Eff. February 1, 2019 (Transferred from 10A NCAC 09 .2207).

10A NCAC 09 .2214 SCHEDULE OF CIVIL PENALTIES FOR FAMILY CHILD CARE HOMES

Penalties may be assessed against family child care homes as defined in G.S. 110-86(3)(b) as follows:

(1) A civil penalty in an amount up to one thousand dollars ($1,000.00) may be imposed for the following violations:
  (a) When the Division has determined that child maltreatment occurred while a child was in care at the family child care home; or
  (b) Willful, repeated pattern of non-compliance with any requirement.
(2) A civil penalty in an amount up to two hundred dollars ($200.00) may be imposed for the following violations:
  (a) Non-compliance with the standards of G.S. 110, Article 7 and this Chapter for:
    (i) Licensed capacity;
    (ii) Supervision of children;
    (iii) Administration of medication to children;
    (iv) Emergency medical care plan;
    (v) Discipline of children;
    (vi) Transportation of children; or

(vii) Use of swimming pools and other swim areas;

(b) Disapproved fire safety, building or sanitation inspection reports;

(c) Relocation of the family child care home without prior notification to the Division;

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

(a) Non-compliance with the standards of G.S. 110, Article 7 and this Chapter for:

(i) Staff health requirements;

(ii) Staff qualifications;

(iii) Staff training;

(iv) Children's health requirements;

(v) Proper nutrition;

(vi) Sanitation and personal hygiene practices;

(vii) Age-appropriate activities;

(viii) Posting current license;

(ix) Maintaining accurate records; or

(x) Safe environment;

(b) Failure to comply with a corrective action plan; and

(c) Denial of entry to a representative of the Department or Division.

(4) Violation of other standards of G.S. 110, Article 7 and this Chapter that are not specifically referenced elsewhere in this Rule 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. 110-85; 110-86(3); 110-88(1),(5),(6a); 110-91; 110-98; 110-103.1; 110-105; 110-105.2; 110-105.6; 110-106; 143B-168.3; 150B-23; Eff. October 1, 2017.

10A NCAC 09 .2215 DENIAL OF A LICENSE

(a) The Secretary may deny an application for a child care facility license or the issuance of any permit to operate a child care facility under the following circumstances:

(1) if the applicant owned or operated a licensed child care facility that was issued a denial, revocation, or summary suspension by the Division;

(2) if the applicant owned or operated a licensed child care facility against which the Division initiated denial, revocation, or summary suspension proceedings and the applicant voluntarily relinquished the license prior to the issuance of a final action;

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

(4) if the applicant owned or operated a facility that received a sanction for fraudulent misrepresentation pursuant to 10A NCAC 10 .0308 of the Subsidized Child Care Rules;

(5) if the applicant owned or operated a facility that was issued a Notice of Termination and Disqualification by the Child and Adult Care Food Program (CACFP);

(6) if the Division determines that the applicant has a relationship with an operator or former operator who owned or operated a regulated child care facility as described in Subparagraphs (1) through (5) of this Paragraph. As used in this Rule, an applicant has a relationship with a former operator if the former owner or 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, as evidenced by, among other things, a familial relationship with the former owner or operator, employment at the new facility, and ownership of the building or property where the facility is located; or entering into a lease for the building;
    (C) provides care to children at the facility, even as a volunteer;
    (D) resides in the facility;
    (E) has an ownership interest in the facility as defined in 10A NCAC 09 .0102(33); or
    (F) would serve on the facility's board of directors, be a partner of the corporation, or otherwise have responsibility for the administration of the business;
(7) based on the applicant's previous non-compliance as an operator with the requirements of G.S. 110, Article 7, 10A NCAC 10, or this Chapter;
(8) based on the operator's non-compliance with the requirements of G.S. 110, Article 7, 10A NCAC 10, or this Chapter, during a temporary licensure period;
(9) if abuse or neglect or child maltreatment has been substantiated against the applicant pursuant to G.S. 7B-101 or G.S. 110-105.5; or
(10) if the applicant is a disqualified child care provider or has a disqualified household member residing in the child care facility pursuant to G.S. 110-90.2.

(b) In determining whether denial of the application for a license is warranted pursuant to Paragraph (a) 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 with the requirements of G.S. 110, Article 7, 10A NCAC 10, or this Chapter;
(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; or
(5) documentation explaining relationships with persons meeting the criteria listed in Subparagraph (a)(6) of this Rule.

(c) Operators who held a child care facility license or permit that was denied, revoked, subject to a cease operation order, or summarily suspended within the past five years shall be ineligible to apply for a new child care license.

History Note: Authority G.S. 110-85; 110-86; 110-88; 110-91; 110-92; 110-93; 110-99; Eff. October 1, 2017.

10A NCAC 09 .2216 AMOUNT OF CIVIL PENALTIES FOR CHILD CARE FACILITIES

(a) The amount of the penalty assessed to an operator shall be based upon the following:
- (1) willful or negligent noncompliance by the operator;
- (2) extent of deviation from the rule or law;
- (3) evidence of effort to comply;
- (4) harm or risk of harm to children; and
- (5) any other factors relevant to the situation.

(b) A separate penalty may be imposed for each violation.

(c) A civil penalty in an amount up to one thousand dollars ($1,000) may be imposed for the following violations:
- (1) Noncompliance with the rules and laws for:
  - (A) staff-child ratios;
  - (B) adequate supervision of children;
  - (C) transportation of children;
  - (D) use of swimming pools and other swim areas;
  - (E) administration of medication;
  - (F) discipline, nurture, or care of children; or
  - (G) medical action plan requirements;
- (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) Determination of child maltreatment at the center as set forth in G.S. 110-105.3;
- (6) Willful, repeated noncompliance with any requirement; or
- (7) Denial of entry to a representative of the Department or Division.

(d) A civil penalty in an amount up to five hundred dollars ($500.00) may be imposed for the following violations:
- (1) Noncompliance with the rules and laws for:
  - (A) staff health requirements;
  - (B) staff qualifications;
  - (C) children's health requirements;
  - (D) proper nutrition;
  - (E) sanitation and personal hygiene practices;
  - (F) indoor or outdoor space;
  - (G) emergency medical plan; or
- (2) Failure to comply with a corrective action plan.

(e) A civil penalty in an amount up to two hundred fifty dollars ($250.00) may be imposed for the following violations:
- (1) Noncompliance with the rules and laws for:

(A) safe environment;
(B) age-appropriate activities; or
(C) staff development;

(2) Failure to post current child care license or notice of compliance to operate a child care center; or

(3) Failure to maintain records as set forth in Rule .2318 of this Chapter.

History Note: Authority G.S. 110-88; 110-90(9); 110-103.1; 143B-168.3;
Eff. January 1, 1989;
Readopted Eff. February 1, 2019 (Transferred from 10A NCAC 09 .2209).

10A NCAC 09 .2217 SCHEDULE OF CIVIL PENALTIES FOR CHILD CARE CENTERS

History Note: Authority G.S. 110-88; 110-90(9); 110-103.1; 143B-168.3;
Eff. January 1, 1986;
Amended Eff. April 1, 2001, October 1, 1991;
Repealed Eff. February 1, 2019 (Transferred from .2213).

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 CHILD CARE CENTER RECORD RETENTION

All records required in this Chapter shall be maintained for review by representatives of the Division as specified in G.S. 110-91(9), 10A NCAC 09 .0304(g) of this Chapter, and as follows:

(1) The records shall be available at the center during the hours of operation listed on the child care license.

(2) Records may be maintained in a paper format or an electronic format, provided that all required signatures are preserved in a paper format, PDF or other used graphic format.

(3) Records regarding administration of medications required by Rules .0302(f)(7) and .0803(13) of this Chapter shall be maintained during the time period the

medication is being administered and for six months after the medication is administered.

(4) All building inspections as referenced in G.S. 110-91, and in Rule .0302 of this Chapter shall remain on file at the center for as long as the license remains valid.

(5) All 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 a minimum of three years.

(6) Each child care center shall retain records for children as follows:

Type of Child Record	**In each child's file, for as long as the child is enrolled**	**For 1 year after the child is no longer enrolled**
Child Medical Report Rule .0302(f)(2)	X	X
Immunization Record Rule .0302(f)(2)	X	X
Child Application Rules .0302(f)(2) and .0801(a)	X	X
Child Emergency Medical Care Information Rules .0302(f)(2), .0801(a)(1) and .0802(c) through (d)	X	X
Safe Sleep Policy Rule .0606(c)	X	X
Notice of Amendment to Safe Sleep Policy Rule .0606(d)	X	X
Safe Sleep Waiver Rule .0606(e)	X	X
Child Medical Action Plan Rule .0801(b)	X	X
Incident Report Rule .0802(e)	X	X
Parental Permission for Administration of Medication Rules .0803(3), (4), (6) through	X	X

Type of Child Record	In each child's file, for as long as the child is enrolled	For 1 year after the child is no longer enrolled
(9) and (11)		
Supplemental Food "Opt Out" Statement Rule .0901(d)	X	X
Parental Permission for Transportation Rules .1003(i) and (j), .1005(b)(3) and (4)	X	X
Parental Permission for Aquatic Activities Rule .1403(i)	X	X
Discipline Policies Rule .1804(a)	X	X
Notice of Change to Discipline Policies Rule .1804(b)	X	X

(7) Each child care center shall retain records for personnel as follows:

Type of Personnel Record	For at least 1 year after employee is no longer employed	For 1 Year After Record Created	Until the record is superseded by a new statement	In each personnel file or designated emergency preparedness file
Application for Employment Rule .0302(d)(1)(A)	X			
Staff Medical Report Rules .0302(d)(1)(C) and .0701(a)	X			
Health Questionnaire Rules .0302(d)(1)(C) and .0701(a)	X			

Type of Personnel Record	For at least 1 year after employee is no longer employed	For 1 Year After Record Created	Until the record is superseded by a new statement	In each personnel file or designated emergency preparedness file
Proof of Tuberculosis Test Rules .0302(d)(1)(C) and .0701(a)	X			
Staff Emergency Medical Care Information Rules .0302(d)(1)(C) and .0701(a)	X			
Evaluation of Emotional and Physical Fitness (as applicable) Rule .0701(b)	X			
Verification of Age Rules .0302(d)(1)(A), .0703, and .0704	X			
Criminal Record Check Information Rules .0302(d)(1)(E);	X			
Education and Equivalency Forms Rules .0302(d)(1)(B), .0703, .0704 and .2510	X			
Record of On-going Training Rules .0302(d)(1)(D), and .1103(a)	X			
Documentation of Staff Orientation Rules .0302(d)(1)(D),	X			

Type of Personnel Record	For at least 1 year after employee is no longer employed	For 1 Year After Record Created	Until the record is superseded by a new statement	In each personnel file or designated emergency preparedness file
and .1101(a)				
Documentation of Emergency Preparedness and Response in Child Care Training Rule .0607(b)				X
Documentation of Review of Emergency Preparedness and Response Plan Rules .0607(e), (f) and (g)				X
Documentation of First Aid training Rule .1102(c)	X			
Documentation of CPR training Rule .1102(d)	X			
Documentation of Playground Safety Training if applicable Rule .1102(e)	X			
Documentation of ITS-SIDS Safe Sleep Training if applicable Rule .1102(f)	X			
Documentation of Aquatic Activities Policy Receipt Rule .1403(h)		X	X	

Type of Personnel Record	For at least 1 year after employee is no longer employed	For 1 Year After Record Created	Until the record is superseded by a new statement	In each personnel file or designated emergency preparedness file
Documentation of BSAC training if applicable Rule .2510	X			

(8) Each child care center shall retain records for the program as follows:

Type of Program Record	As long as the license remains valid	A minimum of 30 days after record revised or replaced	A minimum of 1 year after record created, revised or replaced
Attendance Rule .0302(d)(3)			X
Daily record of arrival and departure times for children Rule .0302(d)(4)			X
Fire Drill Log Rules .0302(d)(5) and .0604(t)			X
Playground Inspection Rules .0302(d)(6) and .0605(q)			X
Lockdown or Shelter-In-Place Drill Record Rules .0302(d)(8) and .0604(u)			X
Daily Schedule Rule .0508(a)			X
Activity Plan Rule .0508(a)		X	
Manufacturer's Instructions for equipment	X		

Type of Program Record	As long as the license remains valid	A minimum of 30 days after record revised or replaced	A minimum of 1 year after record created, revised or replaced
and furnishings Rules .0601(b) and .0605(b)			
Fire Evacuation Procedures Rule .0604(r)	X		
Written plan for evacuation in centers that do not meet institutional building code Rule .0604(r)			X
Safe Pick-Up and Delivery Procedures Rule .1003			X
Safe Sleep Policy Rule .0606(a)	X		
SIDS Sleep Chart/Visual Check Rule .0606(a)(7)		X	
Emergency Preparedness and Response Plan Rules .0607(c) and (d)			X
Emergency Medical Care Plan Rule .0802(a)			X
Incident Log Rule .0802(f)			X
Menu Rule .0901(b)		X	
Allergy Postings Rule .0901(g)		X	
Infant Feeding Plan Rule .0902(a)		X	

Type of Program Record	As long as the license remains valid	A minimum of 30 days after record revised or replaced	A minimum of 1 year after record created, revised or replaced
Identifying Information for Children being Transported Rule .1003(d)			X
List of children being transported Rules .1003(l) and .1005(b)(6)			X
Schedule of Off Premise Activities Rule .1005(b)(5)			X
Aquatic Activity Policies Rule .1403(g)	X		
Documentation of emergency situation that necessitated a lack of direct supervision Rule .1801(a)	X		
Discipline Practices Rules .1803 and .1804	X		

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. 2008;
Readopted Eff. October 1, 2017.

SECTION .2400 - CHILD CARE FOR MILDLY ILL CHILDREN

10A NCAC 09 .2401 SCOPE

The rules in this Section apply to all child care centers offering short term care to children who are mildly sick and who would otherwise be excluded from care as required by Rule .0804(a) of this Chapter. 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;
Readopted Eff. October 1, 2017.

10A NCAC 09 .2402 DEFINITIONS

(a) "Child care for mildly sick children" is defined as the care of children who are not able to attend their regular school or child care arrangement due to inability to participate in activities and requirements set forth in 10A NCAC 09 .0804.

(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;
Readopted Eff. October 1, 2017.

10A NCAC 09 .2403 SPECIAL PROVISIONS FOR LICENSURE

(a) A center that enrolls mildly sick children as a component of a child care center shall have approval for short term care for mildly sick children indicated on their license. A copy of the license shall be posted in the area used by mildly sick children so that it is seen by the public.

(b) A center that enrolls mildly sick children as a component of a child care center may admit mildly sick children only who otherwise 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 sick children.

(d) Any center that enrolls mildly sick children shall develop written policies that contain the following:

(1) admission requirements;

(2) inclusion and exclusion criteria;
(3) preadmission health assessment procedures as set forth in 10A NCAC 09 .2409(a)(1); 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 to ensure compliance with health care practices for mildly sick children.

History Note: Authority G.S. 110-88(11); 143B-168.3;
Eff. April 1, 2003;
Readopted Eff. October 1, 2017.

10A NCAC 09 .2404 INCLUSION AND EXCLUSION REQUIREMENTS

(a) Centers may provide care for mildly sick children over three months of age who meet the following inclusion criteria and staff qualifications described in Rule .2408 of this Section:

(1) Centers may provide care for 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 in 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 provide care for children with Level Two symptoms as follows:
  (A) inability to participate in 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 by the on-site administrator or the on-site health care professional:

(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 on-site administrator; or
(7) mental status such as decrease awareness or change in mood.

(c) Once admitted, children shall be assessed and evaluated every four hours, or more frequently if warranted based on medication administration or medical treatment, to determine if symptoms continue to meet inclusion criteria as set forth in this Rule.

History Note: Authority G.S. 110-88(11); 143B-168.3;
Eff. April 1, 2003;
Amended Eff. December 1, 2014;
Readopted Eff. October 1, 2017.

10A NCAC 09 .2405 ADMISSION REQUIREMENTS

(a) Written permission from a parent is required for admission of a mildly sick child. If a child is assessed to need care because he or she is mildly sick, 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 sick area, as long as written permission is received prior to the second day of attendance.

(b) Each parent shall sign a statement that 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 sick child's attendance.

(c) The on-site administrator or on-site health care professional may require a written medical evaluation for a child to include diagnosis, treatment and prognosis, if the 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 shall 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;
Readopted Eff. October 1, 2017.

10A NCAC 09 .2406 STAFF/CHILD RATIOS

The staff to child ratio and group size of mildly sick children 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;
Readopted Eff. October 1, 2017.

10A NCAC 09 .2407 SPACE REQUIREMENTS FOR MILDLY SICK CHILDREN

(a) There shall be at least 45 square feet of inside space per child present. When space is measured the following shall 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 sick children as a component of a child care center shall:

(1) ensure that if the outdoor play area is shared by both well and mildly sick children, ensure that there are separate areas of play; and

(2) ensure that the indoor area used by the mildly sick children is separated by an interior or exterior entrance.

(c) An outdoor play area shall not be required for children who are mildly sick. If a child is in care for more than three consecutive days, however, he or she must have the opportunity to go outside for play or leisure activities.

History Note: Authority G.S. 110-88(11); 143B-168.3;
Eff. April 1, 2003;
Readopted Eff. October 1, 2017.

10A NCAC 09 .2408 STAFF QUALIFICATIONS

(a) All staff working with the mildly sick children shall complete all requirements in this Chapter pertaining to preservice training in 10A NCAC 09 .0704, .0701 and .0711, orientation in 10A NCAC 09 .1101, on-going training in 10A NCAC 09 .1103, and staff records in 10A NCAC 09 .0701. 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(a), (b), and (d). This may be the same individual referenced in Subparagraph (a)(1) of this Rule.

(3) In addition to staff orientation requirements in Section .1103 of this Chapter prior to assuming care giving duties all caregivers shall complete 10 hours of training 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, and communication with family and physicians;

(G) recognizing when to stop, increase, or decrease oral intake of fluids;

(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 training and equipment prior to caring for the child.

(5) Completion of the training required by Subparagraph (a)(3) of this Rule shall count toward meeting one year's annual on-going training requirements in Section .0700 of this Chapter.

(6) When a center cares for mildly sick 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).

(b) In addition to the staffing requirements listed in Subparagraphs (a)(1) through (a)(5) of this Rule, if children with Level Two symptoms as described in Parts (a)(2)(A) through (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	an RN, or a LPN with a health care professional in the immediate vicinity
10 to 20	an RN
20 to 40	an RN and an additional LPN

Each medical staff shall have 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;
Readopted Eff. October 1, 2017.

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 sick 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 Subparagraphs (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; and

(4) A daily written record shall be maintained and a copy given to parents of the child's eating, sleeping, and toileting patterns; medications administered; activity levels; changes in symptoms; and any additional information that the provider deems relevant such as child’s temperament.

(b) All records shall be on file in the mildly sick area prior to admittance of the mildly sick child to the mildly sick area. 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 Chapter. The records specified in Subparagraphs (a)(1) through (a)(4) of this Rule shall be kept in the mildly sick area.

History Note: Authority G.S. 110-88(11); 143B-168.3;
Eff. April 1, 2003;
Readopted Eff. October 1, 2017.

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 shall not be required, but developmentally appropriate equipment and materials must be available daily for mildly sick 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;
Readopted Eff. October 1, 2017.

10A NCAC 09 .2411 NUTRITION REQUIREMENTS

Meals and snacks shall be provided in accordance with Section .0900 of this Chapter 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;
Readopted Eff. October 1, 2017.

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;
Readopted Eff. October 1, 2017.

10A NCAC 09 .2502 SPECIAL PROVISIONS FOR SUMMER DAY CAMPS

(a) 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.

(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 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; or

(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.

(c) For the purpose of carrying out the provisions of G.S. 110-91(4) for summer day camps not covered by 10A NCAC 09 .2503(a)(1), the following North Carolina Building Codes apply to the structure described in Paragraph (b) of this Rule shall apply;

(1) 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 one grade level exit;

(2) 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; or

(3) 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.

(d) 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.
(e) 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.
(f) Staff in summer day camp programs required to complete Basic School-Age Care (BSAC) training as defined in Rule .0102 of this Chapter shall do so within four weeks of becoming employed.

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;
Readopted Eff. *October 1, 2017.*

10A NCAC 09 .2503 BUILDING CODE REQUIREMENTS
(a) Building code requirements incorporated by reference in Section .1300 of this Chapter apply for a facility providing care to school-age children except that any building that 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. The North Carolina State Building Code is hereby incorporated by reference, inclusive of subsequent amendments. The current Code can be found online at http://www.doi.com/OSFM/Engineering_and_Codes/Default.aspx?field1=Codes_-_Current_and_Past&user=State_Building_Codes at no cost.

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;
Readopted Eff. October 1, 2017.

10A NCAC 09 .2504 SPACE REQUIREMENTS
All space requirements specified in Section .1400 shall apply when a facility provides care for school-age children and any preschool child is also in care, or when a program that provides care exclusively for school-age children 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.

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;
Readopted Eff. October 1, 2017.

10A NCAC 09 .2505 HEALTH REQUIREMENTS FOR CHILDREN
(a) All requirements of Section .0800 of this Chapter shall apply to school-age child care arrangements with the following exceptions:
(1) a medical examination report shall not be required for any child enrolled in a public school or private school as described in G.S. 110-86(2)f; and

(2) Rule .0806 of this Chapter shall not apply.

(b) All requirements specified in Section .0900 of this Chapter shall apply.

(c) If food is brought from home by children or catered, the following requirements shall 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;
Readopted Eff. October 1, 2017.

10A NCAC 09 .2506 GENERAL SAFETY REQUIREMENTS

(a) First Aid equipment shall be available regardless of where activities are provided.

(b) All requirements in Rule .1403 of this Chapter regarding activities involving water shall 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;
Readopted Eff. October 1, 2017.

10A NCAC 09 .2507 OPERATING POLICIES

History Note: Authority G.S. 110.91; 143B-168.3;
Eff. July 1, 1988;
Repealed Eff. October 1, 2017.

10A NCAC 09 .2508 AGE APPROPRIATE ACTIVITIES

(a) Child care facilities that 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 that operate a school-age component for three or fewer hours per day shall make three of the following activities available daily; those that operate a school-age component for more than three hours per day shall make 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 is provided on any electronic device with a visual display, it shall be:

(1) offered as a free choice activity;
(2) used to meet a developmental goal;
(3) limited to a maximum of 30 minutes per day and no more than two and a half hours per week, per child;
(4) documented on a cumulative log or activity plan, available for review by a representative of the Division; and
(5) usage time periods may be extended for school assigned homework.

(f) 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. 110-85; 110-91(6),(12); 143B-168.3;
Eff. July 1, 1988;
Amended Eff. July 1, 2010; October 1, 1991; September 1, 1990;
Readopted Eff. October 1, 2017.

10A NCAC 09 .2509 ACTIVITIES: OFF PREMISES

(a) The requirements of this Rule and Section .1000 of this Chapter shall apply when activities for school-age children are conducted outdoors or off the premises for 75 percent of each day.

(b) The facility shall develop a plan of activities which is posted in a place in the home base or given to the parents. The plan shall include the location, purpose, time and date, person in charge, and telephone number or method for contacting the person in charge.

(c) Activities shall be planned to accommodate a variety of individual interests and shall provide opportunities for choice.

(d) Written permission from parents shall be obtained before transporting children on field trips or leaving the premises.

(e) Blanket permissions from parents for field trips or leaving the premises shall be acceptable only when a plan of activities to be conducted off the premises is posted in a place for review by parents and staff in advance on a weekly basis.

History Note: Authority G.S. 110-91(6), (12); 143B-168.3;
Eff. July 1, 1988;
Amended Eff. September 1, 1990;
Readopted Eff. October 1, 2017.

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:
  (A) 400 hours of experience working with school-age children in a licensed child care program;
  (B) 600 hours of verifiable experience working with school-age children in an unlicensed school-age care or camp setting; or
  (C) 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 as defined in 10A NCAC 09 .0102(4) of this Chapter, and

(3) Be on site when children are in care for programs offering before and after school care only. For a full day program, the program coordinator shall 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.
(d) Staff who assist group leaders (assistant group leaders) shall be at least 16 years of age and shall complete the BSAC training.
(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 Rule .0704 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.
(g) Completion of the BSAC training course, shall count toward meeting five hours of one year's annual on-going training requirements in Rule .1103 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) recognizing, responding to, and reporting child abuse, neglect or maltreatment pursuant to G.S. 110-105.4 and G.S. 7B-301;
    (B) the center's operational policies, including the transportation policy, identification of building and premises safety issues, Emergency Preparedness and Response Plan and the emergency medical care plan;
    (C) adequate supervision of children, taking into account their age, emotional, physical, and cognitive development; and
    (D) prevention and control of infectious diseases, including immunization; 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:
    (A) maintaining a safe and healthy environment and developmentally appropriate activities for school-age children;
    (B) firsthand observations of the program's daily operations and instruction in the employee's assigned duties;
    (C) instruction in the administration of medication to children in accordance with 10A NCAC 09 .0803;
    (D) successfully complete CPR and First Aid training appropriate for the ages of children in care;
    (E) prevention of and response to emergencies due to food and allergic reactions;
    (F) review of the program's handling and storage of hazardous materials and the appropriate disposal of biocontaminants; and
    (G) review of child care licensing law and rules, including an explanation of the role of State and local government agencies in the regulation of child care and the employee's obligation to cooperate with representatives of State and local government agencies during visits and investigations.

(j) Staff in part-time, full day, or track-out school-age care programs required to complete BSAC training shall do so within three months 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;
Readopted Eff. October 1, 2017.

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.

10A NCAC 09 .2512 DEVELOPMENTAL DAY CENTERS

Child care centers which meet the criteria for developmental day centers, as defined in 10A NCAC 09 .2901, shall be in compliance with the provisions of Rules. 0508 through .0511 of this Chapter 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;
Readopted Eff. October 1, 2017 (Transferred from 10A NCAC 09 .0505).

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 BACKGROUND CHECKS

10A NCAC 09 .2701 SCOPE

The rules in this Section shall 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 from the Division.

History Note: Authority G.S. 110-85; 110-90.2;
Eff. March 1, 2014;
Readopted January 1, 2019.

10A NCAC 09 .2702 DEFINITIONS

For purposes of this Section:

(1) a "qualified child care provider" means an individual who is fit to have responsibility for the safety and well-being of children based on their criminal history and all other requirements in accordance with G.S. 110-90.2.

(2) a "disqualified child care provider" means an individual who is not fit to have responsibility for the safety and well-being of children based on their criminal history and all other requirements in accordance with G.S. 110.90.2.

(3) a "provisional child care provider" means an individual who:

  (a) resides outside the State of North Carolina or has resided outside the State of North Carolina at any time during the five years prior to submitting documents for a criminal history record check in accordance with 10A NCAC 09 .2703;

  (b) has provided a copy of the county criminal history from the county where they reside outside the State of North Carolina or from the county or counties where they have resided outside the state of North Carolina in the past five years; and

  (c) is fit to have responsibility for the safety and well-being of children based on their criminal history and all other requirements in accordance with G.S. 110-90.2(b), but the Division has not yet received the results of the state sex offender registry check, the state abuse and neglect registry, or the state criminal history check from the state or states in which the individual resides or has resided at any time during the five years prior to submitting documents for a criminal history check in accordance with 10A NCAC 09 .2703.

(4) 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;

(5) a "conviction" includes when a plea of guilty or no contest is accepted by the trial court or a court enters an order granting a prayer for judgment continued; and

(6) 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;
Readopted Eff. January 1, 2019.

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 forms 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) the length of time since conviction;
(2) whether the child care provider is currently on probation;
(3) the nature of the offense;
(4) the circumstances surrounding the commission of the offense or offenses;
(5) the evidence of rehabilitation;
(6) the number and type of prior offenses; and
(7) the 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 shall have a valid qualification letter prior to employment or living in the family child care home, and the qualification letter shall be kept on file at the facility for review by representatives of the Division.

(f) Provisional child care providers may be employed at a child care facility or reside in a family child care home, nonlicensed home, or child care center in a residence and shall be counted in staff/child ratio. Provisional child care providers shall be supervised at all times by an individual who received a qualifying result on a criminal background check within the past three years and may not be left alone with children. Owners found to be in violation of this Paragraph may be issued an administrative action up to and including revocation of their child care license or notice of compliance in accordance with Section .2200 of this Chapter.

(g) After six months, the Division shall issue a qualification letter to a provisional child care provider if the Division does not receive a response to its request for the state sex offender registry check, the state abuse and neglect registry, or the state criminal history check from the state or states in which the provisional provider currently resides or has resided at any time during the five years prior to submitting documents for a criminal history check. However, nothing in this Rule shall prevent the Division from disqualifying a provisional child care provider at a later date based upon information received from any other state after six months have elapsed.
(h) Child care providers found to be disqualified shall not be eligible for employment in child care until a qualification letter has been issued by the Division.
(i) 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.
(j) Disqualification of a child care provider living in a family child care home or a center located in a residence shall be grounds for issuance of a summary suspension of the license in accordance with 10A NCAC 09 .2213.
(k) 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.
(l) Operators, as defined by G.S. 110-86(7), shall include the criminal history mandatory reporting requirement in all new employee orientation information. 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 shall 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.
(m) The qualification letter shall be valid for a maximum of three years from the date of issuance.
(n) 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.
(o) After a child care provider has been qualified, the Division shall complete a new criminal history record check if the Division of Child Development and Early Education conducts an investigation involving alleged criminal activity by the child care provider.
(p) 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 of their 16th birthday.
(q) Child care operators shall notify the Division of all new child care providers who are hired or have moved into the home or center located with a residence 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); 110-106; 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; November 1, 2007;
Readopted Eff. January 1, 2019.

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 forms 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 individual over 15 years old who moves into the household, or any individual who lives in the household who has had his or her 16th birthday whichever is earlier 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 a 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 a criminal history record check has been completed and subsidy funds were not received, a new criminal history record check shall be submitted by the nonlicensed child care provider and all 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 the Division shall use in making the determination of the child care provider's qualification. The Division shall consider the following in making a decision:

(1) the length of time since conviction;

(2) whether the nonlicensed child care provider is currently on probation;

(3) the nature of the offense;

(4) the circumstances surrounding the commission of the offense or offenses;

(5) the evidence of rehabilitation;

(6) the number and type of prior offenses; and

(7) the 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 shall complete a new criminal history record check if the Division of Child Development and Early Education conducts an investigation involving alleged criminal activity by 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 shall be 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 shall 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;
Readopted Eff. January 1, 2019.

SECTION .2800 - TWO THROUGH FIVE STAR RATED LICENSES

10A NCAC 09 .2801 SCOPE

(a) This Section shall apply to all child care facilities that have achieved or wish to achieve a rated license of two stars or higher.
(b) A child care facility shall be eligible for a rated license of two through five stars upon application and assessment of compliance with the requirements of this Section.
(c) A one-star rated license shall be issued to a child care facility if it complies with G.S. 110-91 and this Chapter.
(d) 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 shall be met at the time the program is assessed for a higher rating. The requirements for a rated license of two stars or higher shall be in addition to the standards found in G.S. 110-91 and this Chapter.
(e) Nothing in this Section shall preclude or interfere with issuance of an administrative action as allowed by G.S. 110, Article 7 and this Chapter.

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;
Readopted Eff. March 1, 2019.

10A NCAC 09 .2802 APPLICATION FOR A TWO THROUGH FIVE STAR RATED LICENSE

(a) After a licensed child care center or home has been in operation for a minimum of six consecutive months, the operator may apply for an initial two- through five-star rated license.
(b) The operator shall submit a completed application to the Division for a two- through five-star 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 two- through five-star rated license. In order to achieve a two- through five-star rating, the minimum score achieved shall be a least four points as follows:

Total Number of Points	Star 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 shall implement a curriculum as defined in 10A NCAC 09 .0102(10) with their four year olds.
(e) A Division representative shall assess the facility requesting a two- through five-star rated license to determine if all applicable requirements have been met to achieve the score for the requested star rating. The assessment shall include a review of Division records and site visits.
(f) Operators requesting an initial three or more points for program standards shall request an Environment Rating Scale assessment from the Division. The Division shall arrange for the 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. Centers located in a residence with a licensed capacity of 3 to 12 children shall complete a Family Child Care Rating Scale- Revised Edition assessment.

(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 have not been met, the Division shall notify the operator of the requirements that were not met and the requested two- through five-star 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;
Readopted Eff. March 1, 2019.

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 (TRANSFERRED TO 10A NCAC 09 .0513)

10A NCAC 09 .2805 OPERATIONAL AND PERSONNEL POLICIES (TRANSFERRED TO 10A NCAC 09 .0514)

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 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(c) 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 three 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;
Readopted Eff. March 1, 2019.

10A NCAC 09 .2807 PARENT PARTICIPATION (TRANSFERRED TO 10A NCAC 09 .0515)

10A NCAC 09 .2808 NIGHT CARE (TRANSFERRED TO 10A NCAC 09 .0516)

10A NCAC 09 .2809 ENHANCED SPACE REQUIREMENTS

(a) There shall be at least 30 square feet inside space per child per the total licensed capacity and 75 square feet outside space for each child using the outdoor learning environment at any one time. In the alternative there shall be at least 35 square feet inside space per child per the total licensed capacity and 75 square feet outside space per child for at least 50 percent of the total licensed capacity.

(b) There shall be an area that 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;
Readopted Eff. March 1, 2019.

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 ENHANCED PROGRAM STANDARDS FOR CHILD CARE CENTERS

(a) To achieve one point for program standards, the center shall be in compliance with all applicable requirements in Rules .0513-.0516 of this Chapter.

(b) To achieve two through seven points for program standards, the center shall meet all the applicable requirements in Rule .2806 of this Section and the criteria listed in the following chart:

Program Standards (.2817) Point Level	Staff/Child Ratio Requirement	Space Requirement	Environment Rating Scale (ERS) Requirements (as referenced in Rule .2802(f) of this Section)
2 Points	Meets Enhanced Staff/Child Ratio in Rule .2818(b), OR	Meets Enhanced Space in Rule .2809	N/A
3 Points	Meets Enhanced Staff/Child Ratio in Rule .2818(b), OR	Meets Enhanced Space in Rule .2809; AND	Each classroom has at least a score of 4.0 or higher
4 Points	Meets Enhanced Staff/Child Ratio in Rule .2818(b), AND	Meets Enhanced Space in Rule .2809; AND	Have an average combined score of 4.5, with no one classroom score lower than 4.0 in each classroom evaluated
5 Points	Meets Enhanced Staff/Child Ratio in Rule .2818(b),	Meets Enhanced Space in Rule .2809; AND	Have an average combined score of 4.75, with no one classroom score lower than 4.0 in each

Program Standards (.2817) Point Level	Staff/Child Ratio Requirement	Space Requirement	Environment Rating Scale (ERS) Requirements (as referenced in Rule .2802(f) of this Section)
	AND		classroom evaluated
6 Points	Meets Enhanced Staff/Child Ratio in Rule .2818(b), AND	Meets Enhanced Space in Rule .2809; AND	Have an average combined score of 5.0, with no one classroom score lower than 4.0 in each classroom evaluated
7 Points	Meets Enhanced Staff/Child Ratio in Rule .2818(b), and (c) AND	Meets Enhanced Space in Rule .2809; AND	Have a score of 5.0 in each classroom evaluated

History Note: Authority G.S. 110-88(7); 110-90(4); 143B-168.3;
Eff. May 1, 2006;
Readopted Eff. March 1, 2019.

10A NCAC 09 .2818 ENHANCED STAFF/CHILD RATIOS FOR A RATED LICENSE FOR CHILD CARE CENTERS

(a) This Rule shall apply to evaluating the staff/child ratios and maximum group sizes for a rated license for child care centers.

(b) 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	1/5	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 .0713(a) through (e) 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;
Readopted Eff. March 1, 2019.

10A NCAC 09 .2819 ENHANCED EDUCATION STANDARDS FOR ON-SITE ADMINISTRATORS FOR A RATED LICENSE FOR CHILD CARE CENTERS

(a) This Rule shall apply to evaluating the education standards for an on-site administrator for child care centers. The points for education standards shall be determined by applying this Rule and 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 pursuant to each Rule shall be the point used to meet Rule .2802 of this Section.
(b) To achieve two through seven points for education standards, the on-site administrator shall meet the applicable requirements in the following chart:

On-Site Administrator (.2819) Point Level	NC Early Childhood Administration Credential or its equivalent	Semester Hours and Type of Work Experience	If providing school-age care
2 Points	Level I; and	2 years of full-time, verifiable early childhood experience; or 1 year of child care administration experience; and	150 hours of verifiable time in a licensed child care program; or 300 hours of verifiable time in an unlicensed school-age care or camp setting; or BSAC training.
3 Points	Level I; and	6 hours in early childhood education or child development; and either 2 years of full-time, verifiable early childhood experience; or 1 year of child care administration experience; and	300 hours of verifiable time in a licensed child care program; or 450 hours of verifiable time in an unlicensed school-age care or camp setting; or BSAC training.
4 Points	Level I; and	18 hours in early childhood education or	450 hours of verifiable time in a licensed child care program; or

On-Site Administrator (.2819) Point Level	NC Early Childhood Administration Credential or its equivalent	Semester Hours and Type of Work Experience	If providing school-age care
		child development; and 1 year of child care administration experience; or 6 hours in early childhood education or child development and 10 years of child care administration experience; and	600 hours of verifiable time in an unlicensed school-age care or camp setting; or BSAC training.
5 Points	Level II; and	2 years of full-time, verifiable early childhood experience; and	600 hours of verifiable time in a licensed child care program; or 900 hours of verifiable time in an unlicensed school-age care or camp setting; or BSAC training or its equivalent.
6 Points	Level II; and	18 hours in early childhood education or child development; and either 3 years of full-time verifiable early childhood experience in an early childhood center teaching young children; or 3 years of child care administration experience; or 3 years of a combination of both types of experience; and	750 hours of verifiable time in a licensed child care program; or 1150 hours of verifiable time in an unlicensed school-age care or camp setting; or BSAC training.
7 Points	Level III; and either	4 years of full-time verifiable early childhood experience in an early childhood center teaching young children; or	900 hours of verifiable time in a licensed child care program; or 1350 hours of verifiable time in an unlicensed school-age care or

On-Site Administrator (.2819) Point Level	NC Early Childhood Administration Credential or its equivalent	Semester Hours and Type of Work Experience	If providing school-age care
		4 years of child care administration experience; or 4 years of a combination of both types of experience; and	camp setting; or BSAC training.

(c) Semester hours in early childhood education or child development shall not include the coursework necessary for the North Carolina Early Childhood Administration Credential (NCECAC).
(d) Completion of school-age experience requirements shall count toward meeting work experience requirements.
(e) For centers with a licensed capacity of 3 to 12 children located in a residence, if 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.
(f) 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;
Readopted Eff. March 1, 2019.

10A NCAC 09 .2820 ENHANCED EDUCATION STANDARDS FOR LEAD TEACHERS FOR A RATED LICENSE FOR CHILD CARE CENTERS

(a) This Rule shall apply to evaluating all lead teachers in child care centers. The points for education standards shall be determined by applying this Rule and 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 pursuant to each Rule shall be the point used to meet Rule .2802 of this Section.
(b) To achieve two through seven points for education standards, the lead teachers shall meet the applicable requirements in the following chart:

Lead Teacher (.2820) Point Level	NC Early Childhood Credential or its equivalent	Certification on the NC Early Care and Education Professional Scale	Other Education and Experience Requirements
2 Points	75 percent of lead teachers; or	75 percent of lead teachers at Level I or higher; and	75 percent of lead teachers have completed or are enrolled in 3 semester hours in early childhood education or child development.
3 Points	All lead teachers; or	All lead teachers at a Level I or higher; and either	75 percent of the lead teachers shall have: (1) completed 3 semester hours in early childhood education and have completed or are enrolled in 3 additional semester hours in early childhood education or child development; or (2) completed 1 year full-time verifiable early childhood work experience; or (3) have a Level II or higher certification on the ECE scale; or (4) Any combination of (1), (2), and (3) of this requirement.
		OR 50 percent of the lead teachers at a Level II or higher.	
4 Points	All lead teachers; or	All lead teachers at a Level I or higher; and either	75 percent of the lead teachers shall have: (1) completed 6 semester hours in early childhood education or childhood development and have completed or are enrolled in 3 additional semester hours in early childhood education; or (2) completed 3 semester hours of early childhood education and have 3 years of full-time verifiable early childhood work experience; or (3) completed 5 years of full-time verifiable early childhood work experience; or (4) Any combination of (1), (2), and (3) of this requirement.

Lead Teacher (.2820) Point Level	NC Early Childhood Credential or its equivalent	Certification on the NC Early Care and Education Professional Scale	Other Education and Experience Requirements
		OR 50 percent of the lead teachers shall have a Level III or higher certification on the ECE scale.	
5 Points	All lead teachers; or	All lead teachers at a Level I or higher; and	75 percent of the lead teachers shall have: (1) completed 9 semester hours in early childhood education or childhood development and have completed or are enrolled in 3 additional semester hours in early childhood education; and have 1 year of full-time verifiable early childhood work experience; or (2) have a Level IV or higher certification on the ECE scale and have 1 year of full-time verifiable early childhood work experience; or (3) Any combination of (1) and (2) of this requirement.
6 Points	All lead teachers; or	All lead teachers at a Level I or higher; 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 1 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 1 year of full-time verifiable early childhood work experience; or (3) A Level VI certification on the

Lead Teacher (.2820) Point Level	NC Early Childhood Credential or its equivalent	Certification on the NC Early Care and Education Professional Scale	Other Education and Experience Requirements
			ECE scale and 1 year of full-time verifiable early childhood work experience; or (4) Any combination of (1), (2) and (3) of this requirement.
7 Points	All lead teachers; or	All lead teachers at a Level I or higher; 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 2 years of full-time verifiable early childhood work experience; or (2) A Level VI certification on the ECE scale and 2 years of full-time verifiable early childhood work experience; or (3) Any combination of (1) and (2) of this requirement.

(c) Semester hours in early childhood education or child development shall not include the coursework necessary for the North Carolina Early Childhood Credential.

History Note: Authority G.S. 110-85; 110-88(7); 110-90(4); 143B-168.3;
Eff. August 1, 2012;
Readopted Eff. March 1, 2019.

10A NCAC 09 .2821 ENHANCED EDUCATION STANDARDS FOR TEACHERS FOR A RATED LICENSE FOR CHILD CARE CENTERS

(a) This Rule shall apply to evaluating all teachers in child care centers. The points for education standards shall be determined by applying this Rule and 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 pursuant to each Rule shall be the point used to meet Rule .2802 of this Section.

(b) To achieve two through seven points for education standards, teachers counted in staff/child ratios shall meet the applicable requirements in the following chart.

Teacher (.2821) Point Level	NC Early Childhood Credential or its equivalent	Certification on the NC Early Care and Education Professional Scale	Other Education and Experience Requirements
2 Points			50 percent of the teachers shall: (1) Have 1 year of full-time verifiable early childhood work experience; or (2) Be enrolled in 3 semester hours in early childhood education or child development; or (3) Have any combination of (1) and (2) of this requirement.
3 Points			50 percent of the teachers shall have: (1) 3 semester hours in early childhood education or child development; or (2) 2 years of full-time verifiable early childhood work experience; or (3) Any combination of (1) and (2) of this requirement.
4 Points	50 percent of teachers; or	50 percent of teachers at a Level I or higher.	
5 Points	50 percent of teachers; or	50 percent of teachers at a Level I or higher; and	3 semester hours in early childhood education or child development; or
		50 percent of teachers at a Level II or higher; or	
		Any combination of the two options.	
6 Points	50 percent of teachers; or	50 percent of teachers at a Level I or higher; and either	(1) 3 semester hours in early childhood education or child development and 1 year of full-time verifiable early childhood work experience; or (2) A Level II or higher certification on the ECE scale and 1 year of full-time verifiable early childhood work experience; or (3) Any combination of (1) and (2) of this requirement.
7 Points	50 percent of teachers; or	50 percent of teachers at a Level I or higher; and	(1) 6 semester hours in early childhood education or child development and 2 years of full-

Teacher (.2821) Point Level	NC Early Childhood Credential or its equivalent	Certification on the NC Early Care and Education Professional Scale	Other Education and Experience Requirements
		either	time verifiable early childhood work experience; or (2) A Level III or higher certification on the ECE scale and 2 years of full-time verifiable early childhood work experience; or (3) Any combination of (1) and (2) of this requirement.

(c) Semester hours in early childhood education or child development shall not include the coursework necessary for the North Carolina Early Childhood Credential.

History Note: Authority G.S. 110-85; 110-88(7); 110-90(4); 143B-168.3;
Eff. August 1, 2012;
Readoption Eff. March 1, 2019.

10A NCAC 09 .2822 ENHANCED EDUCATION STANDARDS FOR PROGRAM COORDINATORS FOR A RATED LICENSE FOR CHILD CARE CENTERS

(a) This Rule shall apply to evaluating program coordinators in child care centers. The points for education standards shall be determined by applying this Rule and 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 pursuant to each Rule shall be the point used to meet Rule .2802 of this Section.

(b) To achieve two through seven points for education standards, the program coordinator shall meet the applicable requirements in Rule .2510(b) of this Chapter and the following chart:

Program Coordinator (.2822) Point Level	Type of Degree	Certification on the NC School Age Professional Scale	Semester Hours of school-age care related coursework	Hours of verifiable experience working with school-aged children in a licensed child care program	Hours of verifiable experience working with school-aged children in an unlicensed school-age care or camp setting
2 Points			Enrolled in 3 additional hours; or	200; or	300.
3 Points		Level I or higher; or	Completed 3 additional hours;	300; or	450.

Program Coordinator (.2822) Point Level	Type of Degree	Certification on the NC School Age Professional Scale	Semester Hours of school-age care related coursework	Hours of verifiable experience working with school-aged children in a licensed child care program	Hours of verifiable experience working with school-aged children in an unlicensed school-age care or camp setting
			or		
4 Points			Completed 3 additional hours; and	200; or	300; or
		Level I or higher; and		200; or	300; or
				450; or	600.
5 Points		Level II or higher; or	Completed 3 additional semester hours and be enrolled in 3 additional semester hours; or	600; or	750.
6 points	BA/BS; and		Completed 3 additional hours; or		
		Level IV or higher; or			
			Completed 6 additional hours and	750; or	900.
7 Points	BA/BS; and		Completed 6 additional hours; and	300; or	450; or
		Level IV or higher; and		300; or	450; or
			Completed 9 additional hours; and	600; or	900; or
			Completed 6 additional hours; and	900; or	1350.

(c) 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;
Readopted Eff. March 1, 2019.

10A NCAC 09 .2823 ENHANCED EDUCATION STANDARDS FOR GROUP LEADERS AND ASSISTANT GROUP LEADERS FOR A RATED LICENSE FOR CHILD CARE CENTERS AND FOR CENTERS THAT PROVIDE CARE ONLY TO SCHOOL-AGE CHILDREN

(a) This Rule shall apply to evaluating group leaders and assistant group leaders in child care centers and for centers that provide care only to school-age children. The points for education standards shall be determined by applying this Rule and Rules .2819, .2820, 2821, .2822, .2824, and .2825 of this Section. To determine the points attained for meeting the education standards, the lowest number of points attained pursuant to each Rule shall be the point used to meet Rule .2802 of this Section.

(b) To achieve two through seven points for education standards, group leaders and assistant group leaders shall meet the applicable requirements in the following chart.

Group Leader/Assistant Group Leader (.2823) Point Level	Age of Assistant Group Leaders	BSAC	Semester hours of school-age care related coursework	Hours of verifiable experience working with school-aged children in a licensed child care program	Hours of verifiable experience working with school-aged children in an unlicensed school-age care or camp setting
2 Points		All group leaders.			
3 Points		All group leaders; and	25 percent of group leaders enrolled in or completed 2 additional hours.		
4 Points	All at least 16 years of age; and	All group leaders; and	25 percent of group leaders completed 2 additional hours; or	100; or	150.

Group Leader/Assistant Group Leader (.2823) Point Level	Age of Assistant Group Leaders	BSAC	Semester hours of school-age care related coursework	Hours of verifiable experience working with school-aged children in a licensed child care program	Hours of verifiable experience working with school-aged children in an unlicensed school-age care or camp setting
5 Points		All group leaders; and	50 percent of group leaders completed 2 additional hours; or	300; or	450; and
	All at least 16 years of age; and	All assistant group leaders; or		250; or	400.
6 points		All group leaders; and	50 percent of group leaders completed 2 hours and completed or be enrolled in 2 additional hours; or	600; or	900; and
	All at least 17 years of age; and	All assistant group leaders; or		250; or	400.
7 Points	All at least 18 years of age; and	All group leaders and assistant group leaders; and	75 percent of group leaders completed 2 hours and completed or be enrolled in 2 additional hours; or	600; or	900.

History Note: Authority G.S. 110-85; 110-88(7); 110-90(4); 143B-168.3;
Eff. August 1, 2012;
Readopted Eff. March 1, 2019.

10A NCAC 09 .2824 ENHANCED EDUCATION STANDARDS FOR A RATED LICENSE FOR ADMINISTRATORS FOR CENTERS THAT PROVIDE CARE ONLY TO SCHOOL-AGE CHILDREN

(a) This Rule shall apply to evaluating the education standards for administrators for centers that provide care only to school-age children. The points for education standards shall be determined by applying this Rule and Rules .2825 and .2826 of this Section. To determine the points attained for meeting the education standards, the lowest number of points attained pursuant to each rule shall be the point used to meet Rule .2802 of this Section.

(b) To achieve two through seven points for education standards, the administrator of a school-age only program shall meet the applicable requirements in the following chart.

Administrator (.2824) Point Level	NC Early Childhood Administration Credential, its equivalent,	Hours of verifiable experience performing administrative duties in a licensed child care program	Hours of verifiable experience performing administrative duties in an unlicensed school-age care or camp setting
2 Points	Level I or have enrolled in coursework as required in G.S. 110-91(8); and	1600.	
3 Points	Level I; and either	300; or	450.
4 Points	Level I; and either	450; or	600.
5 Points	Level II; and either	600; or	750.
6 Points	Level II; and either	750; or	1150.
7 Points	Level III; and either	900; or	1350.

(c) 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;
Readopted Eff. March 1, 2019.

10A NCAC 09 .2825 ENHANCED EDUCATION STANDARDS FOR PROGRAM COORDINATORS FOR A RATED LICENSE FOR CENTERS THAT PROVIDE CARE ONLY TO SCHOOL-AGE CHILDREN

(a) This Rule shall apply to evaluating the education standards for program coordinators for centers that provide care only to school-age children. The points for education standards shall be determined by applying this Rule and Rules .2824 and .2826 of this Section. To determine the points attained for meeting the education standards, the lowest number of points attained pursuant to each Rule shall be the point used to meet Rule .2802 of this Section.

(b) To achieve two through seven points for education standards, the program coordinator shall meet the applicable requirements in Rule .2510(b) of this Chapter and the following chart.

Program Coordinator (.2825) Point Level	Type of Degree	Certification on the NC School Age Professional Certification Scale	Semester Hours of school-age care related coursework	Hours of verifiable experience working with school-age children in a licensed child care program	Hours of verifiable experience working with school-age children in an unlicensed school-age care or camp setting
2 Points			Enrolled in 3 additional hours; or	200; or	300.
3 Points		Level I or higher; or	Completed 3 additional hours; or	300; or	450.
4 Points			Completed 3 additional hours; and	200; or	300; or
		Level I or higher; and		200; or	300; or
				450; or	600.
5 Points		Level II or higher; or	Completed 3 additional semester hours and be enrolled in 3 additional semester hours; or	600; or	750.
6 points				750: or	900; and
			Completed 6 additional hours; or		
	BA/BS; and		Completed 3 additional hours; or		
		Level III or higher.			

Program Coordinator (.2825) Point Level	Type of Degree	Certification on the NC School Age Professional Certification Scale	Semester Hours of school-age care related coursework	Hours of verifiable experience working with school-age children in a licensed child care program	Hours of verifiable experience working with school-age children in an unlicensed school-age care or camp setting
7 Points			Completed 6 additional hours; and	900; or	1350; or
			Completed 9 additional hours; and	600; or	900; or
	BA/BS; and		Completed 6 additional hours; and	300; or	450; or
		Level IV or higher; and		300; or	450; or

(c) As used in this Rule, the definition of the term "experience working with school-age children" in Rule .2510(h) of this Chapter shall apply.
(d) For programs with a licensed capacity of 200 or more school-age 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;
Readopted Eff. March 1, 2019.

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

History Note: Authority G.S. 110-85; 110-88(7); 110-90(4); 143B-168.3;
Eff. August 1, 2012;
Repealed Eff. March 1, 2019.

10A NCAC 09 .2827 ENHANCED EDUCATION STANDARDS FOR OPERATORS FOR A RATED LICENSE FOR FAMILY CHILD CARE HOMES

(a) This Rule shall apply to evaluating the operator of family child care homes.
(b) To achieve two through seven points for education standards, the operator shall meet the applicable requirements in the following chart:

FCCH Operator (.2827) Point Level	Degree	NC Family Child Care Credential or its equivalent	Certification on the NC Early Care and Education Professional Scale	Semester Hours	Verifiable Early Childhood Work Experience	Additional Clock Hours of On-going Training
2 Points				4 hours in early childhood education or child development; or	5 years; and	8 annually.
3 Points		√; or	Level I or higher.			
4 Points			Level II or higher; or			
		√; or	Level I or higher; and	6 hours in early childhood education or child development.		
5 Points			Level IV or higher; and		1 year; or	
		√; or	Level I or higher; and	12 hours in early childhood education or child development and either 2 of the 12 hours shall include child care administration; or	1 year.	
6 Points			Level VI or higher; and		1 year; or	
		√; or	Level I or higher; and	18 hours in early childhood education or child development and either 5 of	2 years.	

FCCH Operator (.2827) Point Level	Degree	NC Family Child Care Credential or its equivalent	Certification on the NC Early Care and Education Professional Scale	Semester Hours	Verifiable Early Childhood Work Experience	Additional Clock Hours of On-going Training
				the 18 hours shall include child care administration; or		
7 Points	A.A.S. in any major; and			A minimum of 12 hours in early childhood education or child development; and	2 years; or	
	A.A.S. degree in early childhood education or child development; and				18 months; or	
			A Level VI; and		2 years.	

(c) Semester hours in early childhood education or child development shall not include the coursework necessary for the North Carolina Family Child Care Credential.

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;
Readopted Eff. March 1, 2019.

10A NCAC 09 .2828 ENHANCED PROGRAM STANDARDS FOR A RATED LICENSE FOR FAMILY CHILD CARE HOMES

(a) This Rule shall apply to evaluating the program standards for a rated license for family child care homes.

(b) To achieve two through seven points for program standards, the operator shall meet the criteria listed in the following chart:

FCCH Program Standards (.2828) Point Level	Criteria
2 points	Operator provides documentation of self-study and self-assessment using the Family Child Care Rating Scale over a 3-month time period. Documentation such as an ERS book with score sheets, self-assessments and program adjustments shall be reviewed by the Division as part of the rated license assessment.
3 points	Have a score of 4.0 or higher on the Family Child Care Rating Scale
4 points	Have a score of 4.25 or higher on the Family Child Care Rating Scale
5 points	Have a score of 4.5 or higher on the Family Child Care Rating Scale
6 points	Have a score of 4.75 or higher on the Family Child Care Rating Scale AND of the five preschoolers allowed to be enrolled, no more than four children shall be under one year of age
7 points	Have a score of 5.0 or higher on the Family Child Care Rating Scale AND 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;
Readopted Eff. March 1, 2019.

10A NCAC 09 .2829 QUALITY POINT OPTIONS

Operators may choose to earn one additional quality point toward a rated license as described in Rule .2802 of this Section as follows:

(1) Education options:

Quality Point Education Options (.2829)	
75 percent of infant/toddler teachers have obtained an Infant and Toddler Certificate;	OR
All teachers have the North Carolina Diploma in Early Childhood (1 year) from a regionally accredited college or university as defined in Rule .1103 of this Chapter;	OR
75 percent of teachers have an AAS or higher in early childhood education or child development;	OR
75 percent of lead teachers have a BA/BS or higher in early childhood education or child development;	OR
All lead teachers have an AAS or higher in early childhood education or child development;	OR
75 percent of group leaders have a North Carolina School-Age Care Credential or 6 semester hours in school-age coursework;	OR
A Family Child Care Home operator has an Infant and Toddler Certificate or a BA/BS or higher in early childhood education or child development;	OR
Completing 20 additional annual on-going training hours for full-time lead	OR

Quality Point Education Options (.2829)	
teachers and teachers, and staff working part-time;	
Completing 20 additional annual on-going training hours for family child care home operators;	OR
The child care administrator has at least 10 years of documented child care administrative work experience in a licensed program that can be verified by the Division;	OR
75 percent of lead teachers and teachers have at least 10 years of documented early childhood work experience that can be verified by the Division;	OR
All lead teachers and teachers have at least 5 years of documented early childhood work experience that can be verified by the Division and have been employed by no more than 2 different employers;	OR
When the program has earned at least 4 points in education and the program has a combined turnover rate of 20 percent or less for the administrator, program coordinator, lead teacher, teacher, and group leader positions over the last 12 months;	OR
In a stand-alone school age program, 75 percent of group leaders have at least 5 years of documented school-age work experience that can be verified by the Division and have been employed by no more than 2 different employers.	

(2) Programmatic options:

Quality Point Programmatic Options (.2829)	
Using a curriculum as defined in Rule .0102(10) 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;	OR
Having reduced 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;	OR
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;	OR
Meeting the following program standards: (1) Having a staff benefits package that offers at least four of the following benefits: paid leave for professional development, paid planning time, vacation, sick time, retirement, or health insurance; and (2) 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	OR
A Family Child Care Home operator has completed a 30 hour or longer business training course;	OR
A center administrator has completed a business training course and a wage and hour training course that is at least 30 hours of total training time;	OR
Restricting enrollment to four preschool children in a Family Child Care Home;	OR
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;
Readopted Eff. March 1, 2019.

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 shall take one or more of the following actions:

(1) advise the operator to submit written verification that the violations 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; or
(6) recommend administrative action in accordance with G.S. 110, Article 7 and this Chapter.

(b) If changes unrelated to employment occur at a facility that 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 shall take any of the actions described in Paragraph (a) of this Rule.

(c) If employment-related changes occur at a facility that result in the operator not complying with the standards in the Section for the star rating issued, the operator shall correct the noncompliance within 120 days. If the operator does not correct the noncompliance within 120 days, the operator shall notify the Division. Based upon the information obtained, the Division shall take any of the actions described in Paragraph (a) of this Rule.

(d) A complete assessment of requirements for a 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;
Readopted Eff. March 1, 2019.

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 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;
Readopted Eff. March 1, 2019.

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 that has a high probability of resulting in a developmental delay as defined in 10A NCAC 43G .0110(b).

(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 shall put together 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 on-going growth and learning in less restrictive, inclusive environments.

(d) All rules in this Chapter apply except as provided in this Section.

(e) 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;
Readopted Eff. October 1, 2017.

10A NCAC 09 .2902 LICENSE

(a) Developmental Day services shall be available for preschool children for a minimum of 8 hours per day, 5 days per week, Monday through Friday, and 12 months per year except in the following circumstances:

(1) in counties where no Community-Based Developmental Day Center operates, a Developmental Day program operated by the Local Education Agency may provide services for the 10 month school year (as defined by the State Board of Education); or

(2) if a Community-Based Developmental Day center opens in a county where Developmental Day services are only provided by a Developmental Day program operated by the Local Education Agency, the Developmental Day program operated by the Local Education Agency shall continue to provide services for the 10 month school year until the end of the following school year. At the end of the following school year, all Developmental Day services in the county shall be available as described in Paragraph (a) of this Rule.

(b) For purposes of this Rule, a "Community-Based Developmental Day Center" means a Developmental Day Center not operated by the Local Education Agency.

(c) 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 as defined in 10A NCAC 09 .0102 (15), (25) and (40).
(d) A child care center with a temporary license may receive certification status if all rules in this Section are met, except for Paragraph (c) of this Rule, and an application for a two to five star rated licensed has been submitted in accordance with Section .2800 of this Chapter. At the end of the temporary license period the child care center shall obtain a four or five star rated license as specified in Paragraph (c) of this Rule. Failure to receive and maintain a four or five star rated license shall result in the removal of certification status as a Developmental Day Center.
(e) The child care center license shall indicate certification as a Developmental Day Center.
(f) The center shall comply with the staff-child ratio and maximum group size as follows:

MAXIMUM AGE	RATIO STAFF/CHILDREN	GROUP SIZE
0-12 Months	1/4	8
1 to 2 Years	1/5	10
2 Years and Older	1/6	18

(g) A minimum of two staff members shall be on site at all times while children are in attendance at the facility.
(h) A child care center may appeal the removal of certification status in accordance with G.S. 110-94; however, an appeal shall 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(5); 110-88(10); 110-88(14);
Eff. July 1, 2010;
Amended Eff. August 1, 2016;
Readopted Eff. October 1, 2017.

10A NCAC 09 .2903 STAFF QUALIFICATIONS
(a) Each center serving children ages birth to three years shall have:
(1) one staff who holds a NC Birth-through-Kindergarten (B-K) Continuing or Initial License issued by the North Carolina Department of Public Instruction;
(2) a NC Provisional Preschool Add-on License issued by the North Carolina Department of Public Instruction; or
(3) a NC Lateral Entry B-K License issued by the North Carolina 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 by a teacher who holds a NC B-K Continuing or Initial License; or a NC Provisional Preschool Add-on License; or a NC Lateral Entry B-K License.
(d) Teachers who are required to hold a NC B-K Continuing or Initial License issued by the North Carolina Department of Public Instruction as specified in Paragraph (a) of this Rule shall be enrolled with the Early Educator Support, Licensure & Professional Development Unit of the Division of Child Development and Early Education. Enrollment procedures may be found online at http://ncchildcare.dhhs.state.nc.us/general/mb_eeslpd.asp.
(e) For centers operating for 12 months as specified by Rule .2902(a) of this Section, during the two additional months of operation 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.
(f) For centers operating for 10 months as specified by Rule .2902(a) of this Section, 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. For centers operating for 12 months as specified by Rule .2902(a) of this Section, during the two additional months of operation 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.
(g) Center administrators shall have a Level III North Carolina Early Childhood Administration Credential and two years of work experience with children with developmental delays or disabilities.

History Note: Authority G.S. 110-85; 110-88(5); 110-88(14);
Eff. July 1, 2010;
Amended Eff. August 1, 2016; March 1, 2014;
Readopted Eff. October 1, 2017.

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;
Readopted Eff. October 1, 2017.

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;
Readopted Eff. October 1, 2017.

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-Kindergarten Program Rules in G.S. 110, Article 7 and Chapter 9 shall apply except as provided in this Section. The NC Pre-K Program is intended to provide high-quality educational experiences to enhance school readiness for at-risk-four-year olds.

History Note: Authority G.S. 110-85; 110-88; S.L. 2011-145, s. 10.7(a)-(f);
Eff. November 1, 2012;
Readopted Eff. October 1, 2017.

10A NCAC 09 .3002 FACILITY REQUIREMENTS

(a) Programs serving NC Pre-K children shall maintain a four-or five-star rated license in accordance with G.S. 110-90 (4) and Section .2800 of this Chapter.
(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 as defined in 10A NCAC 09 .0102(15), (25) and (40). Classrooms that score below 5.0, shall be reassessed the following year and a minimum score of 5.0 must be achieved in order to continue to be approved as a NC Pre-K site. At least one NC Pre-K classroom shall be selected for an assessment during the reassessment process.
(c) During the NC Pre-K day, classrooms serving NC Pre-K children shall provide outdoor time, either as part of a small group, whole group, or individual activity, for no less than 45 minutes per day when weather conditions permit as defined in Rule .0102 of this Chapter.

History Note: Authority G.S. 110-85; 110-88; S.L. 2011-145, s. 10.7(a).
Eff. November 1, 2012;
Readopted Eff. October 1, 2017.

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 child's parent to discuss the absences and determine whether the parent wishes the child to remain in the NC Pre-K Program. The site-level administrator shall document each attempt to contact the family and include decisions the child's parent makes 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 collaboratively determine what further actions may be necessary to maintain the child's attendance in the program. The site-level administrator shall not terminate a child's participation in the NC Pre-K program before determining if barriers to the child's attendance exist and can be remedied through assistance such as access to transportation or additional educational activities in the case of a child's illness or disability.

History Note: Authority G.S. 110-85; 110-88; S.L. 2011-145, s. 10.7(a);
Eff. November 1, 2012;
Readopted Eff. October 1, 2017.

10A NCAC 09 .3005 CHILD HEALTH ASSESSMENTS

(a) A health assessment shall 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 shall 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 at the time of the child's entry into the program to determine whether the assessment includes specific instructions for identified health needs that may require physical or occupational or other therapies to support the child's development and learning goals.

History Note: Authority G.S. 110-85; 110-88; S.L. 2011-145, s. 10.7(a);
Eff. November 1, 2012;
Readopted Eff. October 1, 2017.

10A NCAC 09 .3006 DEVELOPMENTAL SCREENING

(a) All children enrolled in the NC Pre-K program shall receive a screening assessing the development of each child, across all domains, to ensure the child is growing and developing according to developmental milestones, unless the child has an existing Individualized Education Program (IEP). The developmental screening shall be conducted by a health care, community or school professional trained in administering the screening tool. Children shall 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 for the purpose of identifying children to 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 when results indicate a need for further evaluation of the child in one of the domains of development: health and physical, emotional and social, cognitive, language/communication and approaches to play and learning. The site-level administrator will work with the family to contact the local school system's Exceptional Children Program or other qualified resources to determine if a child is eligible for special education, related services or other supports for modifications in the classroom.

History Note: Authority G.S. 110-85; 110-88; S.L. 2011-145, s. 10.7(a);
Eff. November 1, 2012;
Readopted Eff. October 1, 2017.

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://ncchildcare.dhhs.state.nc.us/providers/pv_foundations.asp.

(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;
Readopted Eff. October 1, 2017.

10A NCAC 09 .3008 FORMATIVE ASSESSMENTS

Classroom staff shall be required to conduct on-going formative assessments to gather information about each child's growth and skill development, and how each child processes information and solves problems during the learning process. Classroom staff shall use this information to plan and deliver instruction, and review each child's progress with his or her family, based on each child's development and learning needs. All formative assessments used by the NC Pre-K Program must be approved by the NC Child Care Commission.

History Note: Authority G.S. 110-85; 110-88; S.L. 2011-145, s. 10.7(a),(b);
Eff. March 1, 2013;
Readopted Eff. October 1, 2017.

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 teacher assistant per classroom. A classroom of nine children or less shall have at least one teacher.

History Note: Authority G.S. 110-85; 110-88; S.L. 2011-145, s. 10.7(a);
Eff. November 1, 2012;
Readopted Eff. October 1, 2017.

10A NCAC 09 .3010 FAMILY ENGAGEMENT

NC Pre-K programs shall develop a plan for family engagement consisting of strategies designed to develop partnerships with families that promote shared decision-making opportunities. These opportunities include:

(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 school day.

History Note: Authority G.S. 110-85; 110-88; S.L. 2011-145, s. 10.7(a);
Eff. November 1, 2012;
Readopted Eff. October 1, 2017.

10A NCAC 09 .3011 NC PRE-K SITE-LEVEL ADMINISTRATOR QUALIFICATIONS

(a) Administrators of NC Pre-K sites shall have:

(1) A NC Principal's License, or
(2) A North Carolina Early Childhood Administrator Credential (NCECAC) Level III, or

(3) hold a Bachelor's Degree in any field with 18 semester hours in early childhood education and child development, and complete six semester hours in child care administration or nine semester hours in business administration or a combination of child care administration and business administration.

(4) If the site-level administrator does not meet Subparagraphs (a)(1), (2), or (3) of this Rule, 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 to attain a NC Principal's License, or a NCECAC III, or complete a Bachelor's Degree in any field with 18 semester hours in early childhood education and child development, and complete six semester hours in child care administration or nine semester hours in business administration or a combination of child care administration and business administration; and

(B) progress toward this requirement shall be considered a minimum of six documented semester hours per year in early childhood education, child development, child care administration and business administration course work.

(b) When the site administrator is unable to work due to illness, other health related conditions, disability, death, or natural or man-made disasters, the interim site-level administrator shall be employed not to exceed 12 weeks and have the following:

(1) NCECAC I Credential or;

(2) the equivalent as follows:

(A) NC Early Childhood Credential plus three years of experience as a director, co-director, or assistant director; and

(B) Early Childhood Administration I (EDU 261) and Early Childhood Administration II (EDU 262); or

(C) six semester hours of child care administration coursework; or

(D) nine semester hours of business administration coursework; or

(E) a combination of Parts (2)(B), (C), or (D) of this Paragraph that equals nine semester hours.

(3) NC Principal's License.

(c) In determining whether to approve an extension request, the Division shall consider the following:

(1) the number of children and families who may lose services if the classroom is not approved for the extension;

(2) the effect upon children and families if children are relocated to another Pre-K site;

(3) documentation of the Pre-K program's efforts to secure a permanent site-level administrator for the vacancy;

(4) availability of funding sources other than Pre-K funds to support affected children;

(5) reasons for the vacancy, including:

(A) maternity leave;

(B) death, disability, or illness; and

(C) natural or man-made disasters.

(d) Administrators of NC Pre-K sites shall not serve as the NC Pre-K teacher or teacher assistant.

History Note: Authority G.S. 110-85; 110-88; S.L. 2011-145, s. 10.7(a);
Eff. November 1, 2012;
Readopted Eff. October 1, 2017.

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) Continuing License or B-K or Preschool Add-on License issued by the North Carolina Department of Public Instruction. Teachers working toward the required education and license shall meet one of the following requirements:

(1) a North Carolina B-K Initial License; or
(2) a North Carolina K-6 license and a Provisional Preschool Add-on license;
(3) another North Carolina or another state's license and a NC Provisional B-K license; or
(4) a BA/BS degree in B-K, child development, early childhood education, or an early childhood education related field, and be eligible for a NC Lateral Entry B-K License.

(b) Pre-K teachers with a NC Lateral Entry B-K License as specified in Subparagraph (a)(4) of this Rule shall make progress toward the B-K Continuing License by:

(1) obtaining a Plan of Study issued by an accredited college or university with a North Carolina Department of Public Instruction approved teacher education program;
(2) submitting to the Division college or university transcripts verifying the completion of a minimum of six semester credit hours per year in accordance with Subparagraph (1) of this Paragraph;
(3) completing the three-year North Carolina State Board of Education Beginning Teacher Support Program in accordance with G.S. 115C-296(e) and North Carolina State Board of Education Policy LICN-004; and
(4) achieving the NC B-K Initial or Continuing License issued by the North Carolina Department of Public Instruction within three years.

(c) Pre-K teachers with a NC Provisional B-K or Preschool Add-on License shall make progress toward the B-K Continuing License by:

(1) obtaining a Plan of Study issued by an accredited college or university with a North
Carolina Department of Public Instruction approved teacher education program;
(2) submitting to the Division college or university transcripts verifying the completion of a minimum of six semester credit hours per year in accordance with Subparagraph (1) of this Paragraph;
(3) completing the three-year North Carolina State Board of Education Beginning Teacher Support Program in accordance with G.S. 115C-296(e) and North Carolina State Board of Education Policy LICN-004; and
(4) achieving the NC B-K Initial or Continuing License issued by the North Carolina Department of Public Instruction within five years.

(d) Teachers not meeting the annual minimum semester hours as set forth in Subparagraphs (b)(2) and (b)(3) of this Rule shall submit a written request to the Division of Child Development and Early Education Early Educator Support, Licensure and Professional Development Unit requesting an extension to complete the requirement. Teachers shall submit a written request to the Division of Child Development and Early Education Early Educator Support, Licensure and Professional Development Unit. The written request shall include the reason for not meeting the provisions of this Rule, a list of the required coursework and semesters hours to be completed as prescribed by the Plan of Study, a timeline for completing the required semester hours, and documentation supporting course enrollment and expected completion dates.
(e) In determining whether to approve less than the annual minimum required semester hours, the Division shall consider reasons, including:

(1) maternity or family leave;
(2) death, disability, or illness; and
(3) natural or man-made disasters.

(f) Teachers shall maintain the B-K or Preschool Add-on Continuing License in accordance with G.S. 115C-296(b)(1)b.(4). and NC State Board of Education Policy LICN-005. These policies can be found at
http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter_115C/GS_115C-296.html
(g) Teachers with expired B-K Continuing licenses shall meet the provisions set forth in G.S. 115C-296(b)(1)b.(4). which can be found at
http://www.ncga.state.nc.us/EnactedLegislation/Statutes/HTML/BySection/Chapter_115C/GS_115C-296.html
and North Carolina State Board of Education Policy LICN-005. These policies can be found at
https://stateboard.ncpublicschools.gov/policy-manual/licensure/copy2_of_licensure-renewal-requirements.
(h) The site-level administrator shall maintain documentation available for review by the Division, of the progress toward the required standard as specified in this Rule.
(i) All NC Pre-K lead teachers employed by nonpublic schools must be enrolled with the Early Educator Support, Licensure & Professional Development Unit of the Division of Child Development and Early Education. Enrollment requirements may be found on the Division of Child Development and Early Education website at
http://ncchildcare.dhhs.state.nc.us/general/mb_eeslpd.asp.

History Note: Authority G.S. 110-85; 110-88; S.L. 2011-145, s. 10.7(a);
Eff. November 1, 2012;
Readopted Eff. October 1, 2017.

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, an Associate Degree in birth-through-kindergarten, child development, early childhood education, or an early childhood education related field or a Child Development Associate (CDA) credential. Teacher assistants working toward the minimum of an 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 Every Student Succeeds Act (ESSA), Pub.L. 114-95, 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 in accordance with this Rule.

History Note: Authority G.S. 110-85; 110-88; S.L. 2011-145, s. 10.7(a);
Eff. November 1, 2012;
Readopted Eff. October 1, 2017.

10A NCAC 09 .3014 NC PRE-K SUBSTITUTE STAFF

(a) When a member of the NC Pre-K teaching staff is unable to work, due to illness, other health related conditions, disability, death or natural or man-made disasters, a substitute staff person shall be provided to maintain the staff-to-child ratio as specified in Rule .3009 of this Section and shall be able to implement the curriculum and formative assessments in accordance with Rules .3007 and .3008 of this Section. Substitute staff shall be at least 18 years of age and meet the following minimum qualifications:

(1) When teachers are absent from the Pre-K classroom for 15 or fewer days, substitute staff shall meet one of the following:
    (A) Nonpublic Schools (Private Child Care/Pre-K Settings): Substitutes in private settings shall have a high school diploma or a GED, and completed one course in early childhood education or child development, such as the North Carolina Early Childhood Credential; or
    (B) Public School Settings: Substitutes shall meet the requirements of the substitute policy consistent with the local education agency (LEA).
(2) when teachers are absent from the Pre-K classroom for 16 or more attendance days, substitute staff hold an Associate Degree in birth-through-kindergarten, child development, early childhood education or an early childhood education related field.

(b) Substitutes for teacher assistants shall be at least 18 years of age and have a high school diploma or a GED.

(c) Substitute staff shall not exceed 12 weeks without approval from the Division of Child Development and Early Education NC Pre-K Unit. Upon written request of the NC Pre-K Contract Administrator, the Division may grant an extension of the 12-week vacancy. The request shall include why an extension beyond 12 weeks is needed and a timeline for employing a permanent teacher or assistant teacher. In determining whether to approve substitute staff to work beyond 12 weeks, the Division shall consider the following:

(1) the number of children and families who may lose services if the classroom is not approved for the extension;
(2) the effect upon children and families if children are relocated to another Pre-K site;
(3) documentation of the Pre-K program's efforts to secure a permanent teacher for the vacancy;
(4) availability of funding sources other than Pre-K funds to support affected children;

(5) reasons for the vacancy, including:
(A) maternity leave;
(B) death, disability, or illness; and
(C) natural or man-made disasters.

History Note: Authority G.S. 110-85; 110-88; S.L. 2011-145, s. 10.7(a);
Eff. November 1, 2012;
Readopted Eff. October 1, 2017.

10A NCAC 09 .3015 NC PRE-K TEACHER AND TEACHER ASSISTANT STANDARDS

NC Pre-K teachers and teacher assistants shall provide child-directed and teacher-directed instructional day-to-day learning activities for children enrolled in the NC Pre-K program for at least 32.5-hours a week. In addition to these day-to-day instructional experiences, the Pre-K program shall provide adequate additional time for the teacher and teacher assistant staff for planning, scheduling and conducting home visits, meeting with children's families, or attending required professional development activities as set forth in Rule .3016 of this Section. These related activities shall take place outside of the 32.5-hour work week 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;
Readopted Eff. October 1, 2017.

10A NCAC 09 .3016 PROFESSIONAL DEVELOPMENT REQUIREMENTS

North Carolina licensed administrators, teachers, and teacher assistants employed by public and nonpublic schools shall participate in professional development consistent with the level of education and type of educator licensure required for employment in accordance with 10A NCAC 09 .3011, .3012, and .3013. The policy can be found on the North Carolina Department of Public Instruction's website at http://www.ncpublicschools.org/profdev/.

History Note: Authority G.S. 110-85; 110-88; S.L. 2011-145, s. 10.7(a);
Eff. November 1, 2012;
Readopted Eff. October 1, 2017.

10A NCAC 09 .3017 CHILDREN WITH UNIQUE NEEDS AND CHALLENGING BEHAVIORS

(a) For purposes of this Rule, “challenging behavior” shall mean any repeated pattern of behavior, or perception of behavior, that interferes with or is at risk of interfering with optimal learning or engagement in pro-social interactions with peers and adults that interferes with children’s learning, development, and success at play, is harmful to the child, other children, or adults, that put a child at high risk for later social problems or school failure (http://challengingbehavior.fmhi.usf.edu/explore/glossary.htm).

(b) When a child demonstrates challenging behaviors that prevent his or her progress in any developmental domain as referenced in the "North Carolina Foundations for Early Learning and Development" impeding the child's access to and participation in the assigned NC Pre-K classroom learning activities, the following shall apply:

(1) The Site Administrator shall notify the NC Pre-K Contract Administrator and the local school system's Preschool Exceptional Children Program for assistance if a child's cognitive, language and communication, emotional, social, health and physical needs exceed the program's capacity to address as indicated by one or more of the following:
   (A) developmental needs assessments;
   (B) home visits;
   (C) consultations with the family members;
   (D) daily recorded classroom teacher observations; and
   (E) modified instructional plans and differentiated lessons based on the child's individual goals.

(2) The NC Pre-K Contract Administrator, Site Administrator, teacher, and family members in consultation with the school system's Preschool Exceptional Children Program and other available community and state resources, such as Birth-through-Kindergarten licensed mentors, evaluators, Healthy Social Behavioral specialists, child care health consultants, mental health specialists, social workers, and other local child developmental experts, shall develop a coordinated support plan to support the NC Pre-K child's placement and participation in the NC Pre-K Program.

(3) The Division of Child Development and Early Education shall be notified when support plans recommended by the local school system's Exceptional Children Program require an alternative placement and support services for a child.

(4) A site administrator shall not suspend or expel a child from a NC Pre-K Program until the site administrator has completed the requirements of Subparagraphs (1), (2), and (3) of this Paragraph.

(5) Unless the operator determines the child poses a risk of harm to himself or herself or others, and has completed the requirements of Subparagraphs (1), (2), and (3) of this Paragraph, no child shall receive less than the 6.5-hour NC Pre-K day. Risk of harm to oneself or others includes:
   (A) physical aggression such as hitting, kicking, punching, spitting, throwing objects pinching, pushing, and biting;
   (B) destroying property;
   (C) tantrum behaviors that might include behaviors such as kicking, screaming, pushing an object or person, stomping feet, or head banging;
   (D) verbal aggression including yelling, threats, and screaming;
   (E) persistent or prolonged crying that is loud or disruptive or crying that interferes with the child's engagement in activities; and
   (F) touching other children's private areas, and removing clothing from themselves or others.

History Note: Authority G.S. 110-85; 110-88; S.L. 2011-145, s. 10.7(a); Eff. October 1, 2017.