

| G.S. 150B-21.3A Report for 10A NCAC 09, CHILD CARE RULES | | | | | | | | | | | | |
|--|--|-------------------|---|---|--|---|---|--|--|---|--|---------------------------------|
| Agency - Child Care Commission | | | | | | | | | | | | |
| Comment Period -October 2-January 22, 2025 | | | | | | | | | | | | |
| Date Submitted to APO - March 28, 2025 | | | | | | | | | | | | |
| Subchapter | Rule Section | Rule Citation | Rule Name | Date and Last Agency Action on the Rule | Agency Determination [150B-21.3A(c)(1)a] | Required to Implement or Conform to Federal Regulation [150B-21.3A(d1)] | Federal Regulation Citation | Public Comment Received [150B-21.3A(c)(1)] | Agency Determination Following Public Comment [150B-21.3A(c)(1)] | RRC Determination of Public Comments [150B-21.3A(c)(2)] | RRC Final Determination of Status of Rule for Report to APO [150B-21.3A(c)(2)] | OAH Next Steps |
| | SECTION .0100 DEFINITIONS | 10A NCAC 09 .0102 | DEFINITIONS | Amended Eff. January 1, 2024 | Necessary | Yes If yes, include the citation to the | 45 CFR 98.16 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | SECTION .0200 - GENERAL REQUIREMENTS | 10A NCAC 09 .0201 | INSPECTIONS OF CHILD CARE FACILITIES | Readopted Eff. October 1, 2017 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.42 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .0204 | CHANGES REQUIRING ISSUANCE OF A NEW LICENSE FOR A CHILD CARE CENTER | Readopted Eff. October 1, 2017 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .0205 | ACCESS TO CHILD CARE CENTER | Readopted Eff. October 1, 2017 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45CFR 98.15, 98.31 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | SECTION .0300 - PROCEDURES FOR OBTAINING A LICENSE | 10A NCAC 09 .0301 | PRE-LICENSING REQUIREMENTS FOR CHILD CARE CENTERS | Readopted Eff. October 1, 2017 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.44 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .0302 | APPLICATION FOR A LICENSE FOR A CHILD CARE CENTER | Amended Eff. February 1, 2021 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.41, 98.42, 98.68 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .0304 | ON-GOING REQUIREMENTS FOR A LICENSE | Amended Eff. June 1, 2018 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.41, 98.42, 98.68 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | SECTION .0400 ISSUANCE OF PROVISIONAL AND TEMPORARY LICENSES | 10A NCAC 09 .0403 | TEMPORARY LICENSES FOR CENTERS | Amended Eff. February 1, 2021 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | SECTION .0500 – SCHEDULES AND ACTIVITIES | 10A NCAC 09 .0505 | DEVELOPMENTAL DAY CENTERS | Transferred from 10A NCAC 09 .2512 Eff. August 28, 2019 | Unnecessary | No | | No | Unnecessary | No comments with merit | Unnecessary and should expire on the first day of the month following the consultation | Rule expired - remove from Code |
| | | 10A NCAC 09 .0508 | ACTIVITY SCHEDULES AND PLANS | Readopted Eff. October 1, 2017 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.15, 98.41 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .0509 | LEARNING ENVIRONMENT | Readopted Eff. October 1, 2017 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.15, 98.41 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .0510 | ACTIVITY AREAS | Readopted Eff. October 1, 2017 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.15, 98.41 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .0511 | DAILY ROUTINES FOR CHILDREN UNDER TWO YEARS OF AGE | Readopted Eff. October 1, 2017 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 9858e | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .0513 | ADMINISTRATIVE POLICIES | Readopted Eff. March 1, 2019 (Transferred from 10A NCAC 09 .2804) | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.41 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .0514 | OPERATIONAL AND PERSONNEL POLICIES | Readopted Eff. March 1, 2019 (Transferred from 10A NCAC 09 .2805) | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.41 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .0515 | PARENT PARTICIPATION | Readopted Eff. March 1, 2019 (Transferred from 10A NCAC 09 .2807) | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.1, 98.16 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .0516 | NIGHT CARE | Readopted Eff. March 1, 2019 (Transferred from 10A NCAC 09 .2808) | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.41 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | SECTION .0600 SAFETY REQUIREMENTS FOR CHILD CARE CENTERS | 10A NCAC 09 .0601 | SAFE ENVIRONMENT | Amended Eff. January 1, 2024 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.41 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .0604 | SAFETY REQUIREMENTS FOR CHILD CARE CENTERS | Readopted Eff. October 1, 2017 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.41 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .0605 | OUTDOOR LEARNING ENVIRONMENT IN CHILD CARE CENTERS | Amended Eff. September 1, 2019 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.41 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .0606 | SAFE SLEEP PRACTICES | Amended Eff. February 1, 2021 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.41 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |

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| | | 10A NCAC 09 .0607 | EMERGENCY PREPAREDNESS AND RESPONSE IN CHILD CARE CENTERS | Amended Eff. February 1, 2021 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.41 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .0608 | PREVENTION OF SHAKEN BABY SYNDROME AND ABUSIVE HEAD TRAUMA | Eff. October 1, 2017 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.41 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | SECTION .0700 - STAFF QUALIFICATIONS | 10A NCAC 09 .0701 | HEALTH STANDARDS FOR CHILD CARE PROVIDERS, SUBSTITUTE PROVIDERS, VOLUNTEERS, AND UNCOMPENSATED PROVIDERS | Amended Eff. February 1, 2021 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.16, 98.41, 98.44 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .0703 | GENERAL STATUTORY REQUIREMENTS | Amended Eff. September 1, 2019 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.16, 98.41, 98.44 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .0704 | PRESERVICE REQUIREMENTS FOR CHILD CARE ADMINISTRATORS | Readopted Eff. October 1, 2017 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.16, 98.44 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .0710 | PRESERVICE REQUIREMENTS FOR LEAD TEACHERS AND TEACHERS | Readopted Eff. October 1, 2017 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.16, 98.44 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .0711 | PRESERVICE REQUIREMENTS FOR OTHER STAFF | Readopted Eff. October 1, 2017 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.16, 98.44 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .0713 | STAFF/CHILD RATIOS FOR CENTERS | Amended Eff. July 1, 2023 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.41 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .0714 | OTHER STAFFING REQUIREMENTS | Readopted Eff. October 1, 2017 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | SECTION .0800 - HEALTH STANDARDS FOR CHILDREN | 10A NCAC 09 .0801 | APPLICATION FOR ENROLLMENT | Amended Eff. February 1, 2021 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.41 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .0802 | EMERGENCY MEDICAL CARE | Amended Eff. February 1, 2021 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.41 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .0803 | ADMINISTERING MEDICATION IN CHILD CARE CENTERS | Readopted Eff. October 1, 2017 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.41 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .0804 | INFECTIOUS AND CONTAGIOUS DISEASES | Readopted Eff. October 1, 2017 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.41 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .0806 | TOILETING, CLOTHING AND LINENS | Readopted Eff. October 1, 2017 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.41 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | SECTION .0900 NUTRITION STANDARDS | 10A NCAC 09 .0901 | GENERAL NUTRITION REQUIREMENTS | Readopted Eff. October 1, 2017 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.41 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .0902 | REQUIREMENTS FOR INFANTS | Readopted Eff. October 1, 2017 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.41 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .0903 | REQUIREMENTS FOR CHILDREN AGED 15 MONTHS AND OLDER | Readopted Eff. October 1, 2017 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.41 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | SECTION .1000 TRANSPORTATION STANDARDS | 10A NCAC 09 .1001 | SEAT AND CHILD SAFETY SEATS IN CHILD CARE CENTERS | Readopted Eff. October 1, 2017 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.41 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .1002 | SAFE VEHICLES | Readopted Eff. October 1, 2017 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.41 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .1003 | SAFE PROCEDURES | Readopted Eff. October 1, 2017 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.41 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .1004 | STAFF/CHILD RATIOS | Readopted Eff. October 1, 2017 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.41 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |

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| | | 10A NCAC 09 .1005 | OFF PREMISE ACTIVITIES IN CHILD CARE CENTERS | Readopted Eff. October 1, 2017 (Transferred from 10A NCAC 09 .0512) | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.41 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | SECTION .1100 – CONTINUING EDUCATION AND PROFESSIONAL DEVELOPMENT | 10A NCAC 09 .1101 | NEW STAFF ORIENTATION REQUIREMENTS | Amended Eff. March 1, 2019 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.41 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .1102 | HEALTH AND SAFETY TRAINING REQUIREMENTS | Eff. October 1, 2017 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.15, 98.41 | Yes | Necessary | One or more comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .1103 | ON-GOING TRAINING AND PROFESSIONAL DEVELOPMENT | Amended Eff. February 1, 2021 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 9858e, 45 CFR 98.41, 98.44 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .1104 | PROFESSIONAL DEVELOPMENT PLAN | Eff. October 1, 2017 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 9858e, 45 CFR 98.44 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .1105 | TRAINING APPROVAL | Readopted October 1, 2017 (Transferred from 10A NCAC 09 .0708) | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 9858e, 45 CFR 98.44 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .1106 | DOCUMENTATION OF ON-GOING TRAINING AND PROFESSIONAL DEVELOPMENT | Amended Eff. February 1, 2021 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 9858e, 45 CFR 98.44 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | SECTION .1300 - BUILDING CODE REQUIREMENTS FOR CHILD CARE CENTERS | 10A NCAC 09 .1301 | BUILDING CODE REQUIREMENTS FOR CENTERS | Readopted Eff. October 1, 2017 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.42 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | SECTION .1400 SPACE REQUIREMENTS | 10A NCAC 09 .1401 | INDOOR SPACE | Readopted Eff. October 1, 2017 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .1402 | OUTDOOR SPACE | Amended Eff. February 1, 2021 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .1403 | ACTIVITIES INVOLVING WATER IN CHILD CARE CENTERS | Amended Eff. February 1, 2021 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.41 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | SECTION .1700 – FAMILY CHILD CARE HOME REQUIREMENTS | 10A NCAC 09 .1702 | APPLICATION FOR A LICENSE FOR A FAMILY CHILD CARE HOME | Amended Eff. February 1, 2021 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.41, 98.42, 98.68 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .1703 | ON-GOING REQUIREMENTS FOR FAMILY CHILD CARE HOME OPERATORS | Amended Eff. February 1, 2021 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.41 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .1704 | CAREGIVER INTERACTIONS IN A FAMILY CHILD CARE HOME | Readopted Eff. October 1, 2017 (Transferred from 10A NCAC 09 .1703) | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.41 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .1706 | NUTRITION STANDARDS | Amended Eff. February 1, 2021 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.41 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .1707 | BUILDING REQUIREMENTS | Amended Eff. January 1, 2024 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.41 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .1708 | PRE-LICENSING REQUIREMENTS FOR FAMILY CHILD CARE HOMES | Eff. October 1, 2017 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.41 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .1709 | INSPECTIONS | Eff. October 1, 2017 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.42 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .1710 | PARENTAL ACCESS TO THE FAMILY CHILD CARE HOME | Eff. October 1, 2017 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.15, 98.31 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .1711 | SUPERVISION OF CHILDREN IN A FAMILY CHILD CARE HOME | Eff. October 1, 2017 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.41 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |

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| | | 10A NCAC 09 .1712 | WRITTEN PLAN OF CARE | Eff. October 1, 2017 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.41 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .1713 | EMERGENCY MEDICAL CARE | Eff. October 1, 2017 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.41 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .1714 | EMERGENCY PREPAREDNESS AND RESPONSE | Amended Eff. February 1, 2021 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.41 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .1715 | OPERATIONAL POLICIES | Eff. March 1, 2019 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.41 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .1716 | FAILURE TO MAINTAIN REQUIREMENTS | Readopted October 1, 2017 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.15, 98.33, 98.40, 98.42 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .1718 | REQUIREMENTS FOR DAILY OPERATIONS | Amended Eff. February 1, 2021 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.15, 98.41 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .1719 | REQUIREMENTS FOR A SAFE INDOOR/OUTDOOR ENVIRONMENT | Amended Eff. September 1, 2019 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.41 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .1720 | MEDICATION REQUIREMENTS | Readopted Eff. October 1, 2017 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.41 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .1721 | REQUIREMENTS FOR RECORDS | Amended Eff. February 1, 2021 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.41 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .1722 | PROHIBITED DISCIPLINE | Readopted Eff. October 1, 2017 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.41 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .1723 | TRANSPORTATION REQUIREMENTS | Readopted Eff. October 1, 2017 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.41 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .1724 | SAFE SLEEP PRACTICES | Amended Eff. February 1, 2021 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.41 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .1725 | SANITATION REQUIREMENTS FOR FAMILY CHILD CARE HOMES | Amended Eff. January 1, 2024 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.41 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .1726 | PREVENTION OF SHAKEN BABY SYNDROME AND ABUSIVE HEAD TRAUMA | Amended Eff. September 1, 2019 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.41 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .1727 | DISCIPLINE POLICY | Eff. October 1, 2017 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .1728 | OVERNIGHT CARE | Eff. October 1, 2017 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.41 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .1729 | ADDITIONAL CAREGIVER AND SUBSTITUTE PROVIDER QUALIFICATIONS | Amended Eff. February 1, 2021 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.16, 98.41, 98.44 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .1730 | ACTIVITIES INVOLVING WATER | Amended Eff. February 1, 2021 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.41 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | SECTION .1800 - STAFF/CHILD INTERACTIONS AND BEHAVIOR MANAGEMENT | 10A NCAC 09 .1801 | SUPERVISION IN CHILD CARE CENTERS | Eff. October 1, 2017 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.41 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .1802 | STAFF/CHILD INTERACTIONS | Readopted Eff. October 1, 2017 (Transferred from 10A NCAC 09 .0501) | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.41 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .1803 | PROHIBITED DISCIPLINE IN CHILD CARE CENTERS | Readopted Eff. October 1, 2017 (Transferred from 10A NCAC 09 .1801) | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.41 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |

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| Agency - Child Care Commission | | | | | | | | | | | | |
| Comment Period -October 2-January 22, 2025 | | | | | | | | | | | | |
| Date Submitted to APO - March 28, 2025 | | | | | | | | | | | | |
| Subchapter | Rule Section | Rule Citation | Rule Name | Date and Last Agency Action on the Rule | Agency Determination [150B-21.3A(c)(1)a] | Required to Implement or Conform to Federal Regulation [150B-21.3A(d1)] | Federal Regulation Citation | Public Comment Received [150B-21.3A(c)(1)] | Agency Determination Following Public Comment [150B-21.3A(c)(1)] | RRC Determination of Public Comments [150B-21.3A(c)(2)] | RRC Final Determination of Status of Rule for Report to APO [150B-21.3A(c)(2)] | OAH Next Steps |
| | | 10A NCAC 09 .1804 | DISCIPLINE POLICY FOR CHILD CARE CENTERS | Eff. October 1, 2017 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.41 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | SECTION .2000 - RULEMAKING AND CONTESTED CASE PROCEDURES | 10A NCAC 09 .2001 | PETITIONS FOR RULEMAKING | Amended Eff. February 1, 2016 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .2002 | RULEMAKING PROCEDURES | Amended Eff. February 1, 2016 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .2003 | DECLARATORY RULINGS | Amended Eff. February 1, 2016 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .2004 | CONTESTED CASES: DEFINITIONS | Amended Eff. February 1, 2016 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .2005 | CONTESTED CASES: REQUEST FOR DETERMINATION | Amended Eff. February 1, 2016 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | SECTION .2100 RELIGIOUS-SPONSORED CHILD CARE CENTER REQUIREMENTS | 10A NCAC 09 .2101 | CENTERS OPERATING UNDER G.S. 110-106 | Amended Eff. September 1, 2019 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .2102 | USE OF CORPORAL PUNISHMENT | Eff. October 1, 2017 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.41 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | SECTION .2200 - ADMINISTRATIVE ACTIONS AND CIVIL PENALTIES | 10A NCAC 09 .2201 | ADMINISTRATIVE ACTIONS GENERAL PROVISIONS | Readopted Eff. February 1, 2019 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.15, 98.33, 98.40, 98.42 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .2202 | WRITTEN REPRIMANDS | Readopted Eff. February 1, 2019 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.15, 98.33, 98.40, 98.42 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .2203 | WRITTEN WARNINGS | Readopted Eff. February 1, 2019 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.15, 98.33, 98.40, 98.42 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .2204 | PROVISIONAL CHILD CARE FACILITY LICENSE OR PROVISIONAL NOTICE OF COMPLIANCE | Amended Eff. January 1, 2024 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.15, 98.33, 98.40, 98.42 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .2205 | PROBATIONARY LICENSE OR PROBATIONARY NOTICE OF COMPLIANCE | Readopted Eff. February 1, 2019 (Transferred from 10A NCAC 09 .2204) | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.15, 98.33, 98.40, 98.42 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .2206 | SUSPENSION | Amended Eff. January 1, 2024 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.15, 98.33, 98.40, 98.42 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .2207 | SPECIAL PROVISIONAL CHILD CARE FACILITY LICENSE OR SPECIAL PROVISIONAL NOTICE OF COMPLIANCE | Eff. February 1, 2019 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.15, 98.33, 98.40, 98.42 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .2209 | REVOCATION OF A CHILD CARE FACILITY LICENSE OR AN ORDER TO CEASE OPERATION | Amended Eff. January 1, 2024 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.15, 98.33, 98.40, 98.42 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .2213 | SUMMARY SUSPENSION | Readopted Eff. February 1, 2019 (Transferred from 10A NCAC 09 .2207) | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.15, 98.33, 98.40, 98.42 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .2214 | SCHEDULE OF CIVIL PENALTIES FOR FAMILY CHILD CARE HOMES | Eff. October 1, 2017 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.15, 98.33, 98.40, 98.42 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .2215 | DENIAL OF A LICENSE | Eff. October 1, 2017 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.15, 98.33, 98.40, 98.42 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .2216 | AMOUNT OF CIVIL PENALTIES FOR CHILD CARE FACILITIES | Readopted Eff. February 1, 2019 (Transferred from 10A NCAC 09 .2209) | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.15, 98.33, 98.40, 98.42 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | SECTION .2300 FORMS | 10A NCAC 09 .2318 | CHILD CARE CENTER RECORD RETENTION | Amended Eff. February 1, 2021 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | SECTION .2400 CHILD CARE FOR MILDLY ILL CHILDREN | 10A NCAC 09 .2401 | SCOPE | Readopted Eff. October 1, 2017 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |

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| Subchapter | Rule Section | Rule Citation | Rule Name | Date and Last Agency Action on the Rule | Agency Determination [150B-21.3A(c)(1)a] | Required to Implement or Conform to Federal Regulation [150B-21.3A(d1)] | Federal Regulation Citation | Public Comment Received [150B-21.3A(c)(1)] | Agency Determination Following Public Comment [150B-21.3A(c)(1)] | RRC Determination of Public Comments [150B-21.3A(c)(2)] | RRC Final Determination of Status of Rule for Report to APO [150B-21.3A(c)(2)] | OAH Next Steps |
| | | 10A NCAC 09 .2402 | DEFINITIONS | Readopted Eff. October 1, 2017 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .2403 | SPECIAL PROVISIONS FOR LICENSURE | Readopted Eff. October 1, 2017 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.41 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .2404 | INCLUSION AND EXCLUSION REQUIREMENTS | Readopted Eff. October 1, 2017 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .2405 | ADMISSION REQUIREMENTS | Readopted Eff. October 1, 2017 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.41 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .2406 | STAFF/CHILD RATIOS | Readopted Eff. October 1, 2017 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.41 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .2407 | SPACE REQUIREMENTS FOR MILDLY SICK CHILDREN | Readopted Eff. October 1, 2017 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .2408 | STAFF QUALIFICATIONS | Amended Eff. February 1, 2021 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.16, 98.41, 98.44 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .2409 | CHILDREN'S RECORDS | Readopted Eff. October 1, 2017 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .2410 | CHILDREN'S ACTIVITIES | Amended Eff. February 1, 2021 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.15, 98.41 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .2411 | NUTRITION REQUIREMENTS | Readopted Eff. October 1, 2017 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.41 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | SECTION .2500 - CARE FOR SCHOOL-AGE CHILDREN | 10A NCAC 09 .2501 | SCOPE | Readopted Eff. October 1, 2017 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .2502 | SPECIAL PROVISIONS FOR SUMMER DAY CAMPS | Amended Eff. September 1, 2019 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.41 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .2503 | BUILDING CODE REQUIREMENTS | Amended Eff. September 1, 2019 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.41 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .2504 | SPACE REQUIREMENTS | Readopted Eff. October 1, 2017 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .2505 | HEALTH REQUIREMENTS FOR CHILDREN | Amended Eff. September 1, 2019 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.41 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .2506 | GENERAL SAFETY REQUIREMENTS | Readopted Eff. October 1, 2017 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.41 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .2508 | AGE APPROPRIATE ACTIVITIES | Readopted Eff. October 1, 2017 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.41 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .2509 | ACTIVITIES: OFF-PREMISES | Amended Eff. February 1, 2021 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.41 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .2510 | STAFF QUALIFICATIONS | Readopted Eff. October 1, 2017 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.16, 98.41, 98.44 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .2513 | COOPERATIVE ARRANGEMENT FOR INSTRUCTIONAL NEEDS | Eff. July 1, 2023 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | SECTION .2600 -- MULTI-UNIT CHILD CARE CENTERS | 10A NCAC 09 .2611 | SCOPE | Eff. January 1, 2024 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .2612 | DEFINITION OF MULTI-UNIT CHILD CARE CENTERS | Eff. January 1, 2024 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .2613 | LICENSURE | Eff. January 1, 2024 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.41, 98.42, 98.68 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .2614 | OUTDOOR SPACE | Eff. January 1, 2024 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |

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| Subchapter | Rule Section | Rule Citation | Rule Name | Date and Last Agency Action on the Rule | Agency Determination [150B-21.3A(c)(1)a] | Required to Implement or Conform to Federal Regulation [150B-21.3A(d1)] | Federal Regulation Citation | Public Comment Received [150B-21.3A(c)(1)] | Agency Determination Following Public Comment [150B-21.3A(c)(1)] | RRC Determination of Public Comments [150B-21.3A(c)(2)] | RRC Final Determination of Status of Rule for Report to APO [150B-21.3A(c)(2)] | OAH Next Steps |
| | | 10A NCAC 09 .2615 | STAFF/CHILD RATIOS | Eff. January 1, 2024 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.41 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .2616 | PROVIDER QUALIFICATIONS | Eff. January 1, 2024 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.16, 98.41, 98.44 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | SECTION .2700 - CRIMINAL BACKGROUND CHECKS | 10A NCAC 09 .2701 | SCOPE | Readopted Eff. January 1, 2019 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858f, 45 CFR 98.43 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .2702 | DEFINITIONS | Readopted Eff. January 1, 2019 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858f, 45 CFR 98.43 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .2703 | CRIMINAL HISTORY RECORD CHECK REQUIREMENTS FOR CHILD CARE PROVIDERS | Amended Eff. December 1, 2023 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858f, 45 CFR 98.43 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .2704 | CRIMINAL HISTORY RECORD CHECK REQUIREMENTS FOR NONLICENSED CHILD CARE PROVIDERS | Readopted Eff. January 1, 2019 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858f, 45 CFR 98.43 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | SECTION .2800 - TWO THROUGH FIVE STAR RATED LICENSES | 10A NCAC 09 .2801 | SCOPE | Readopted Eff. March 1, 2019 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858e, 45 CFR 98.45 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .2802 | APPLICATION FOR A TWO THROUGH FIVE STAR RATED LICENSE | Readopted Eff. March 1, 2019 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858e, 45 CFR 98.45 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .2806 | CAREGIVING ACTIVITIES FOR PRESCHOOL-AGED CHILDREN | Readopted Eff. March 1, 2019 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858e, 45 CFR 98.45 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .2809 | ENHANCED SPACE REQUIREMENTS | Amended Eff. July 1, 2023 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858e, 45 CFR 98.45 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .2817 | ENHANCED PROGRAM STANDARDS FOR CHILD CARE CENTERS | Amended Eff. February 1, 2021 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858e, 45 CFR 98.45 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .2818 | ENHANCED STAFF/CHILD RATIOS FOR A RATED LICENSE FOR CHILD CARE CENTERS | Readopted Eff. March 1, 2019 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858e, 45 CFR 98.45 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .2819 | ENHANCED EDUCATION STANDARDS FOR ON-SITE ADMINISTRATORS FOR A RATED LICENSE FOR CHILD CARE CENTERS | Readopted Eff. March 1, 2019 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858e, 45 CFR 98.45 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .2820 | ENHANCED EDUCATION STANDARDS FOR LEAD TEACHERS FOR A RATED LICENSE FOR CHILD CARE CENTERS | Readopted Eff. March 1, 2019 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858e, 45 CFR 98.45 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .2821 | ENHANCED EDUCATION STANDARDS FOR TEACHERS FOR A RATED LICENSE FOR CHILD CARE CENTERS | Readoption Eff. March 1, 2019 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858e, 45 CFR 98.45 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .2822 | ENHANCED EDUCATION STANDARDS FOR PROGRAM COORDINATORS FOR A RATED LICENSE FOR CHILD CARE CENTERS | Readopted Eff. March 1, 2019 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858e, 45 CFR 98.45 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |

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| Date Submitted to APO - March 28, 2025 | | | | | | | | | | | | |
| Subchapter | Rule Section | Rule Citation | Rule Name | Date and Last Agency Action on the Rule | Agency Determination [150B-21.3A(c)(1)a] | Required to Implement or Conform to Federal Regulation [150B-21.3A(d1)] | Federal Regulation Citation | Public Comment Received [150B-21.3A(c)(1)] | Agency Determination Following Public Comment [150B-21.3A(c)(1)] | RRC Determination of Public Comments [150B-21.3A(c)(2)] | RRC Final Determination of Status of Rule for Report to APO [150B-21.3A(c)(2)] | OAH Next Steps |
| | | 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 | Readopted Eff. March 1, 2019 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858e, 45 CFR 98.45 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .2824 | ENHANCED EDUCATION STANDARDS FOR A RATED LICENSE FOR ADMINISTRATORS FOR CENTERS THAT PROVIDE CARE ONLY TO SCHOOL-AGE CHILDREN | Readopted Eff. March 1, 2019 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858e, 45 CFR 98.45 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .2825 | ENHANCED EDUCATION STANDARDS FOR PROGRAM COORDINATORS FOR A RATED LICENSE FOR CENTERS THAT PROVIDE CARE ONLY TO SCHOOL-AGE CHILDREN | Readopted Eff. March 1, 2019 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858e, 45 CFR 98.45 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .2827 | ENHANCED EDUCATION STANDARDS FOR OPERATORS FOR A RATED LICENSE FOR FAMILY CHILD CARE HOMES | Readopted Eff. March 1, 2019 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858e, 45 CFR 98.45 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .2828 | ENHANCED PROGRAM STANDARDS FOR A RATED LICENSE FOR FAMILY CHILD CARE HOMES | Amended Eff. July 1, 2021 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858e, 45 CFR 98.45 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .2829 | QUALITY POINT OPTIONS | Readopted Eff. March 1, 2019 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858e, 45 CFR 98.45 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .2830 | MAINTAINING THE STAR RATING | Readopted Eff. March 1, 2019 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858e, 45 CFR 98.45 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .2831 | HOW AN OPERATOR MAY REQUEST OR APPEAL A CHANGE IN RATING | Readopted Eff. March 1, 2019 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | SECTION .2900 - DEVELOPMENTAL DAY SERVICES | 10A NCAC 09 .2901 | SCOPE | Readopted Eff. October 1, 2017 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .2902 | LICENSE | Readopted Eff. October 1, 2017 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.41, 98.68 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .2903 | STAFF QUALIFICATIONS | Amended Eff. February 1, 2021 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.41 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .2904 | PROGRAM REQUIREMENTS | Amended Eff. September 1, 2019 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.41 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .2905 | FAMILY SERVICES | Readopted Eff. October 1, 2017 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.1, 98.16 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | SECTION .3000 NC PRE-KINDERGARTEN SERVICES | 10A NCAC 09 .3001 | SCOPE | Readopted Eff. October 1, 2017 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .3002 | FACILITY REQUIREMENTS | Readopted Eff. October 1, 2017 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .3003 | PROGRAM ATTENDANCE POLICY | Readopted Eff. October 1, 2017 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |

| G.S. 150B-21.3A Report for 10A NCAC 09, CHILD CARE RULES | | | | | | | | | | | | |
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| Agency - Child Care Commission | | | | | | | | | | | | |
| Comment Period -October 2-January 22, 2025 | | | | | | | | | | | | |
| Date Submitted to APO - March 28, 2025 | | | | | | | | | | | | |
| Subchapter | Rule Section | Rule Citation | Rule Name | Date and Last Agency Action on the Rule | Agency Determination [150B-21.3A(c)(1)a] | Required to Implement or Conform to Federal Regulation [150B-21.3A(d1)] | Federal Regulation Citation | Public Comment Received [150B-21.3A(c)(1)] | Agency Determination Following Public Comment [150B-21.3A(c)(1)] | RRC Determination of Public Comments [150B-21.3A(c)(2)] | RRC Final Determination of Status of Rule for Report to APO [150B-21.3A(c)(2)] | OAH Next Steps |
| | | 10A NCAC 09 .3005 | CHILD HEALTH ASSESSMENTS | Readopted Eff. October 1, 2017 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.41 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .3006 | DEVELOPMENTAL SCREENING | Readopted Eff. October 1, 2017 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.41 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .3007 | EARLY LEARNING STANDARDS AND CURRICULA | Readopted Eff. October 1, 2017 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858e, 45 CFR 98.45 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .3008 | FORMATIVE ASSESSMENTS | Readopted Eff. October 1, 2017 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858e, 45 CFR 98.45 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .3009 | STAFF-TO-CHILD RATIO AND CLASS SIZE | Readopted Eff. October 1, 2017 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.41 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .3010 | FAMILY ENGAGEMENT | Readopted Eff. October 1, 2017 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.1, 98.16 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .3011 | NC PRE-K SITE-LEVEL ADMINISTRATOR QUALIFICATIONS | Readopted Eff. October 1, 2017 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.16, 98.41, 98.44 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .3012 | NC PRE-K TEACHER EDUCATION, LICENSURE AND CREDENTIALS | Amended Eff. February 1, 2021 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.16, 98.41, 98.44 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .3013 | NC PRE-K TEACHER ASSISTANT EDUCATION AND CREDENTIALS | Amended Eff. April 1, 2022 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.16, 98.41, 98.44 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .3014 | NC PRE-K SUBSTITUTE STAFF | Readopted Eff. October 1, 2017 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.16, 98.41, 98.44 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .3015 | NC PRE-K TEACHER AND TEACHER ASSISTANT STANDARDS | Readopted Eff. October 1, 2017 | Necessary | Yes If yes, include the citation to the federal law | 42 USCS 9858c, 45 CFR 98.16, 98.41, 98.44 | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .3016 | PROFESSIONAL DEVELOPMENT REQUIREMENTS | Readopted Eff. October 1, 2017 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .3017 | CHILDREN WITH UNIQUE NEEDS AND CHALLENGING BEHAVIORS | Eff. October 1, 2017 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | SECTION .3100 -- CARE FOR SCHOOL-AGE CHILDREN DURING STATE OF EMERGENCY | 10A NCAC 09 .3101 | SCOPE | Eff. October 1, 2021 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .3102 | DEFINITIONS | Eff. October 1, 2021 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .3103 | PUBLIC SCHOOLS | Eff. October 1, 2021 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |
| | | 10A NCAC 09 .3104 | ADDING SPACE AT LICENSED CENTERS FOR CARE OF SCHOOL-AGE CHILDREN | Eff. October 1, 2021 | Necessary | No | | No | Necessary | No comments with merit | Necessary and must be readopted | Agency must readopt |

| Type of Comment | Comment | Agency Response |
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| Other Statement | <p>From: Jacquie Simmons Sent: Wednesday, January 22, 2025 11:14 am To: Julie Peck cc: Tanner, Alicia; Fennell, Vickie ; Summey, Courtney Lianne; Tanner, Alicia Subject: Public Comment - Periodic Review of Existing Child Care Rules</p> <p style="text-align: right;">Greetings,</p> <p>Attached is a letter for public comment on the initial determinations on whether each child care rule is necessary or unnecessary.</p> <p>Thank you!</p> <p>Jacquie</p> <p>Jacqueline Simmons, MScPH MCHES Project Director NC Child Care Health and Safety Resource Center UNC Gillings School of Global Public Health, Department of Maternal and Child Health</p> <p>Attachment: NC Child Care Commission 2201 Mail Service Center Raleigh, NC 27699-2201 Attn: Julie Peck</p> <p>Greetings members of the North Carolina Child Care Commission, These comments are written on behalf of the North Carolina Child Care Health and Safety Resource Center whose mission is to promote healthy and safe indoor and outdoor environments in early care and education settings through child care health consultation.</p> <p>The current NC Child Care Rules that address the health and safety of children, staff, and volunteers in child care are not only necessary, but critical to maintaining safe and healthy child care environments. The Rules provide a minimum standard for staff-to-child ratios, environmental health practices, health and safety training requirements for early educators, and disease and injury control and prevention. The Rules help protect children from harm and promote consistent and high-quality care across the state. The Rules provide instruction and reference on the following to create a safe and secure environment for both children and early educators:</p> <ul style="list-style-type: none"> • preventing the spread of disease • reducing the risk of injury and death • implementing emergency preparedness measures | <p>Thank you for submitting your comment to the NC Child Care Commission as part of the Periodic Review of Existing Rules for Child Care Rules 10A NCAC 09 required by NC Session Law 2013-413.</p> <p>Reporting Initial Determinations as to whether the Commission believes an existing rule is “necessary” or “unnecessary” and receiving and reporting public comment received to the Office of Administrative Hearings (OAH) is the first step of the Periodic Review of Rules process as required by NCGS 150B-21.3A which mandates that state agencies shall review their rules every 10 years. Your comment will be taken under advisement. Please note that there will be an additional</p> |

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| | <ul style="list-style-type: none"> • supporting children with special health care and medication needs • reinforcing environmental health standards • promoting safe nutrition and physical activity • fostering staff wellness <p>The public health professionals that make up the NC Child Care Health and Safety Resource Center agree with the NC Division of Child Development and Early Education regarding which rules are necessary. However, we also look forward to embarking on a review process of the rules so that appropriate and necessary updates are made that will create even healthier and safer environments for everyone in the child care setting.</p> <p>Thank you for your consideration and we welcome any questions or discourse regarding the included recommendations.</p> | <p>opportunity for you to submit public comment as part of the rules review process. More information about the Administrative Procedure Act can be found in NC General Statute 150B.</p> |
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