

## Burgos, Alexander N

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**Subject:** FW: RFC for Child Care Commission- June 2025

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**From:** Peck, Julie C <julie.peck@dhhs.nc.gov>  
**Sent:** Wednesday, June 25, 2025 9:14 AM  
**To:** Ascher, Seth M <seth.ascher@oah.nc.gov>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Tackett, Sarah <stackett@ncdoj.gov>; Johnson, Cheryl L <cheryl.johnson@dhhs.nc.gov>  
**Subject:** RE: RFC for Child Care Commission- June 2025

Great, thank you for letting us know.

**Julie Peck**

Lead Policy Advisor  
Division of Child Development and Early Education, Office of the Director  
[NC Department of Health and Human Services](#)  
[julie.peck@dhhs.nc.gov](mailto:julie.peck@dhhs.nc.gov)

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333 Six Forks Road  
Raleigh, NC 27609

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**From:** Ascher, Seth M <[seth.ascher@oah.nc.gov](mailto:seth.ascher@oah.nc.gov)>  
**Sent:** Wednesday, June 25, 2025 9:13 AM  
**To:** Peck, Julie C <[julie.peck@dhhs.nc.gov](mailto:julie.peck@dhhs.nc.gov)>  
**Cc:** Burgos, Alexander N <[alexander.burgos@oah.nc.gov](mailto:alexander.burgos@oah.nc.gov)>; Tackett, Sarah <[stackett@ncdoj.gov](mailto:stackett@ncdoj.gov)>; Johnson, Cheryl L <[cheryl.johnson@dhhs.nc.gov](mailto:cheryl.johnson@dhhs.nc.gov)>  
**Subject:** Re: RFC for Child Care Commission- June 2025

Thanks for your prompt response.

With that change, I will be recommending approval of the final revised rules.

**Seth Ascher**

Counsel to the North Carolina Rules Review Commission  
Office of Administrative Hearings  
(984) 236-1934

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## Burgos, Alexander N

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**Subject:** FW: RFC for Child Care Commission- June 2025  
**Attachments:** 10A NCAC 09 .3224.docx; RFC Childcare June 2025.docx

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**From:** Peck, Julie C <julie.peck@dhhs.nc.gov>  
**Sent:** Wednesday, June 25, 2025 8:49 AM  
**To:** Ascher, Seth M <seth.ascher@oah.nc.gov>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Tackett, Sarah <stackett@ncdoj.gov>; Johnson, Cheryl L <cheryl.johnson@dhhs.nc.gov>  
**Subject:** RE: RFC for Child Care Commission- June 2025

Good Morning Mr. Ascher,

Thank you for this additional follow up.

The link on page 5, line 6 did work for me when I tested and tried again just now, but I removed and added back in and tested again to see if that helps address the issue. Please let me know if the link still does not work for you.

I have also made the recommended edits on page 5, lines 6 and 9.

Please let us know if anything additional is needed or recommended.

Thank you for your guidance and assistance,

**Julie Peck**

Lead Policy Advisor  
Division of Child Development and Early Education, Office of the Director  
[NC Department of Health and Human Services](#)  
[julie.peck@dhhs.nc.gov](mailto:julie.peck@dhhs.nc.gov)

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1 **10A NCAC 09 .3224 is adopted with changes as published in 39:15 NCR 1030-1032 as follows:**

2  
3 **10A NCAC 09 .3224 RECOGNITION OF QUALITY INITIATIVES**

4 (a) A child care operator may choose to request one or more areas of recognition to accompany the issuance of a two  
5 through five-star rated license earned through compliance with any licensure pathway requirement of this Section.  
6 Quality initiatives shall not be used to earn a star rating. Verification of requirements for each recognition shall be  
7 reassessed at least every three years, at the time of reassessment for a two through five-star rated license.

8 (b) The Division shall issue recognition of quality initiatives upon verification of the requirements set forth in this  
9 Rule.

10 (c) An Education Recognition may be requested when at least one of the following requirements are met:

11 (1) 75 percent of teachers employed by a child care facility have earned an AAS degree or higher in early  
12 childhood education, child development or related field.

13 (2) 75 percent of lead teachers employed by a child care facility have earned a BA/BS degree or higher in  
14 early childhood education, child development, or related field.

15 (3) All lead teachers employed by a child care facility have earned an AAS degree or higher in early childhood  
16 education, child development or related field.

17 (4) The operator of a family child care home has earned a BS/BS degree in early childhood education, child  
18 development or related field.

19 (5) The operator of a family child care home has earned an AAS degree in early childhood education, child  
20 development or related field and is enrolled in a BA/BS degree program in early childhood education or child  
21 development.

22 (6) 75 percent of teachers employed by a child care facility have an active Child Development Associate  
23 (CDA).

24 (7) The operator of a child care facility participates in the T.E.A.C.H. program or other education initiative  
25 that supports employed staff that want to enroll in or who are enrolled in college coursework.

26 (8) 75 percent of lead teachers and educators, as defined in this Section, have an active certification in the  
27 NC Early Care and Education Professional Certification Scale at  
28 [https://www.ncidp.org/documents/EEC\\_EDE\\_Scale.pdf](https://www.ncidp.org/documents/EEC_EDE_Scale.pdf).

29 (9) The operator of a family child care home has an active certification in the NC Early Care and Education  
30 Professional Certification Scale at [https://www.ncidp.org/documents/EEC\\_ECE\\_Scale.pdf](https://www.ncidp.org/documents/EEC_ECE_Scale.pdf).

31 (d) A Professional Development Recognition may be requested when at least one of the following requirements is  
32 met:

33 (1) The operator of a family child care home completes 20 training hours annually, in addition to training  
34 hours required for their licensure level as set forth in this Section and in addition to ongoing training  
35 requirements set forth in Rule .1703 of this Chapter and education requirements set forth in Rule .3217 of  
36 this Section.

37 (2) The operator of a family child care home is an approved trainer for an established course as set forth in  
38 Rule .1703 of this Chapter and provides at least one training course for early childhood professionals in their

community annually or when the operator develops a training course, obtains approval for training as set forth in Rule .1703 of this Chapter, and provides at least one training course for early childhood professionals in their community annually.

(3) A center administrator or operator of a family child care home provides evidence of active membership in a professional or community organization.

(4) A child care facility operator compensates staff members for time spent completing professional development activities.

(5) A child care facility operator compensates staff members for the cost of professional development activities.

(6) A child care center operator pays for at least 50 percent of staff members to have an active membership in a professional or community organization and provides evidence of the paid costs and memberships.

(7) A child care center operator employs at least one staff member who is an approved trainer for an established training course as set forth in Rule .1103 of this Chapter and the approved trainer provides at least one training course for all employees annually or when the child care center operator, administrator or staff member develops a training course, obtains approval for training as set forth in Rule .1103 of this Chapter, and provides at least one training course annually for employed staff members.

(8) A child care facility allows early childhood education practicum students to complete required activities in their facility when the individuals are not employed by the facility.

(e) A Longevity and Experience Recognition may be requested when at least one of the following requirements is met:

(1) The operator of a family child care home has been in operation for at least five years with a compliance history score of 90 percent or higher.

(2) The operator of the family child care home has been in operation for at least five years with a four or five-star rated license.

(3) A center administrator has at least 10 years of child care administrative work experience in a licensed child care facility.

(4) 75 percent of lead teachers and teachers have at least 10 years of early childhood work experience in a licensed child care facility.

(5) All lead teachers and teachers have at least five years of early childhood work experience in a licensed child care facility and have been employed by no more than two different child care facilities.

(6) The child care center has a combined turnover rate of 20 percent or less for the administrator, lead teacher and teacher positions over the last 12 months.

(7) In stand-alone school age care facilities, 75 percent of group leaders have at least five years of school age care work experience in a licensed or unlicensed school age program and have been employed by no more than two different child care facilities.

(f) A Staff Supports and Benefits Recognition may be requested when at least one of the following requirements is met:

- (1) A child care facility offers a staff benefits package that includes at least three of the following benefits:  
paid time off for vacation, sick and/or personal leave, paid family and medical leave, fully or partially paid health insurance, retirement contribution or annual bonuses.
  - (2) A child care facility offers two hours of paid planning time for lead teachers on a weekly basis, during a time when the lead teacher is not responsible for supervising children.
  - (3) A child care facility offers at least two mental health supports such as training offered on-site, paid time off for wellness, mental health coverage as part of health benefits or assistance in obtaining access to other services as requested.
  - (4) A child care center pays for costs associated with enrolling in and completing early childhood education or child development coursework.
- (g) A Program Features Recognition may be requested when at least one of the following requirements is met:
- (1) A child care facility implements an approved curriculum for all age groups served as defined in Rule .0102(11) of this Chapter when not required for licensure level or pathway.
  - (2) A child care facility uses a program assessment tool for self-study, self-assessment and continuous quality improvement when not required for licensure level or pathway.
  - (3) A child care center earns a 5.0 on every classroom assessed with ERS-3 and SACERS-U.
  - (4) A child care facility uses an approved formative assessment tool for all age groups served as defined in Rules .3205 or .3206 of this Section when not required for licensure level or pathway.
  - (5) A child care facility implements all family and community engagement practices as set forth in Rules .3219 and .3220 of this Section, rather than only the practices required for licensure level or pathway.
  - (6) A child care administrator or operator of a family child care home participates in a coaching or mentoring process as set forth in Rules .3205 and .3206 of this Section when not required for licensure level or pathway.
- (h) A Health & Wellness Opportunities Recognition may be requested when at least one of the following requirements is met:
- (1) A child care facility provides support to staff members and families regarding challenging behaviors using community, regional or state resources.
  - (2) A child care center has a licensed or registered nurse on staff for at least half of the operating hours of the program.
  - (3) A child care facility offers oral health education and opportunities such as dental screenings and outreach with community, regional and state resources.
  - (4) A child care facility offers supplemental programs or contracts with external vendors to provide opportunities for growth in specialty areas, including but not limited to tumbling, art, bookmobile, sports, dance, music or yoga.
  - (5) A child care facility completes REACH Healthy Child Care recognition. Information for this program is Available at <https://reach-recognition.org/>.
  - (6) A child care facility completes Be Active Kids/Go NAPSACC Program. Information for this program is available at <https://www.beactivekids.org/>.

- 1 (7) A child care facility participates in Farm to Early Education. Information for this program is available at  
2 <https://cefs.ncsu.edu/food-system-initiatives/nc-farm-to-early-care-and-education/>.
- 3 (8) A child care facility engages with a Child Care Health Consultant by participating in one cycle of  
4 assessments using the NC Health and Safety Assessment Tool annually.
- 5 (9) A child care facility implements five of six of the following educational opportunities regarding green  
6 environment practices:
- 7 (A) Provides outdoor learning environments that have areas of shade provided by trees that use heat  
8 tolerant /drought resistant plant material.
- 9 (B) Provides an indoor play space allowing gross motor play, running, jumping and physically active  
10 games in an air conditioned/heated environment.
- 11 (C) Paints walkways and pavement in heat reflecting colors in an effort to decrease surface  
12 temperatures and associated burn hazards.
- 13 (D) Ensure use of non-toxic cleaning products throughout the facility
- 14 (E) Creates and maintains a pollinator and/or a vegetable garden as a method to educate and  
15 emphasize ecofriendly change and lifestyle.
- 16 (F) Implement teaching practices that support reducing and recycling such as ensuring use of  
17 recyclable products when reusable products are unavailable, providing reusable food service  
18 products for meals and/or snacks, and installing a system of recycling in the facility where trash  
19 and recyclables are in separate containers and disposed of properly.
- 20 (i) A Language Concentration Recognition may be requested when at least one of the following requirements is met:
- 21 (1) Children enrolled in a child care facility are participating in use of languages other than English on a  
22 regular basis.
- 23 (2) A child care facility is a language immersion program.
- 24 (3) A child care facility is a bilingual program.
- 25 (j) A Culinary Emphasis Recognition may be requested when at least one of the following requirements is met:
- 26 (1) An operator of a family child care home has completed a food handler program training or certification,  
27 such as ServSafe.
- 28 (2) A chef or cook position at a child care center has completed culinary classes or has completed food  
29 handler program training or certification, such as ServSafe.
- 30 (3) A child care facility utilizes farm-to-table practices as part of their food and nutrition program.
- 31 (k) A Ratio, Group Size, and Enrollment Practices Recognition may be requested when at least one of the following  
32 requirements is met:
- 33 (1) A child care center reduces staff to child ratios or group sizes when not required for licensure level or  
34 pathway.
- 35 (2) An operator of a family child care home voluntarily reduces enrollment when not required for licensure  
36 level or pathway.



1 (l) A Supplemental Environments Recognition may be requested when at least one of the following areas are provided  
2 within a child care center or family child care home: gyms, active play area, sensory focused environments, gardens  
3 or naturalized outdoor play environments.

4 (m) A NC Breastfeeding-Friendly Child Care Designation Program Recognition may be requested when this  
5 designation is earned by meeting program requirements set forth at  
6 <https://fs27.formsite.com/nutritionnc/xghrnuq0td/index.html>, incorporated by reference and available for free.

7 (n) A Military Child Care in Your Neighborhood – PLUS Recognition may be requested by child care facilities  
8 participating in the free assistance program for military families after meeting the eligibility requirements set forth at  
9 <https://www.childcareaware.org/fee-assistancerespice/feeassistancerespiceproviders/feeassistance>, incorporated by  
10 reference and available for free. ~~Information for this program is available at~~  
11 ~~<https://necchildcare.nedhhs.gov/Provider?Child-Care-Fee-Assistance-for-Military-Families>.~~

12  
13 *History Note:* Authority G.S. 110-85(3); 110-88(7); 110-90(4); 143B-168.3; S.L. 2024-34; 42 USCS 9858e; 45  
14 CFR 98.45;  
15 Eff. July 1, 2025.

## **Request for Changes Pursuant to N.C. Gen. Stat. § 150B-21.10**

Staff reviewed these Rules to ensure that each Rule is within the agency's statutory authority, reasonably necessary, clear and unambiguous, and adopted in accordance with Part 2 of the North Carolina Administrative Procedure Act. Following review, staff has issued this document that may request changes pursuant to G.S. 150B-21.10 from your agency or ask clarifying questions.

If the request includes questions, please contact the reviewing attorney to discuss.

In order to properly submit rewritten rules, please refer to the following Rules in the NC Administrative Code:

- Rule 26 NCAC 02C .0108 – The Rule addresses general formatting.
- Rule 26 NCAC 02C .0404 – The Rule addresses changing the introductory statement.
- Rule 26 NCAC 02C .0405 – The Rule addresses properly formatting changes made after publication in the NC Register.

### **Note the following general instructions:**

1. You must submit the revised rule via email to [oah.rules@oah.nc.gov](mailto:oah.rules@oah.nc.gov). The electronic copy must be saved as the official rule name (XX NCAC XXXX).
2. For rules longer than one page, insert a page number.
3. Use line numbers; if the rule spans more than one page, have the line numbers reset at one for each page.
4. Do not use track changes. Make all changes using manual strikethroughs, underlines and highlighting.
5. You cannot change just one part of a word. For example:
  - Wrong: “~~a~~Association”
  - Right: “~~association~~ Association”
6. Treat punctuation as part of a word. For example:
  - Wrong: “day;, and”
  - Right: “~~day,~~ day, and”
7. Formatting instructions and examples may be found at:  
<https://www.oah.nc.gov/rule-format-examples>

**If you have any questions regarding proper formatting of edits after reviewing the rules and examples, please contact the reviewing attorney.**

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Child Care Commission

RULE CITATION: 10A NCAC 09 .2905

**DEADLINE FOR RECEIPT: Friday, June 20, 2025**

**PLEASE NOTE:** *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*On lines 4 and 5, I do not think the phrasing of “meeting” the following “activities” makes sense grammatically. Consider:*

“The center shall facilitate family involvement as evidenced by meeting ~~at least four of the following~~ requirements. ~~[activities.] six activities: [These]~~ The activities used to meet these requirements may not be used to meet the requirements set forth in Rule .3219 of this Chapter.

Thank you for the recommendation. The rule has been updated.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Seth Ascher  
Commission Counsel  
Date submitted to agency: June 10, 2025

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Child Care Commission

RULE CITATION: 10A NCAC 09 .3009

**DEADLINE FOR RECEIPT: Friday, June 20, 2025**

**PLEASE NOTE:** *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*It is unclear what the second sentence of this rule, lines 5 and 6, is meant to do. If the intention is that a classroom of 10 or less children is not required to have a TA, say that more directly. Consider: "A classroom of 10 children or less is not required to have a teacher assistant." If that is not your intention, what does the second sentence mean?*

Yes, this is the intention of this sentence. Thank you for the recommendation. The rule has been updated.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Child Care Commission

RULE CITATION: 10A NCAC 09 .3010

**DEADLINE FOR RECEIPT: Friday, June 20, 2025**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*On line 12 “to set goals [~~a goal(s)~~].”*

Thank you for the recommendation. The rule has been updated.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Child Care Commission

RULE CITATION: 10 NCAC 09 .3201

**DEADLINE FOR RECEIPT: Friday, June 20, 2025**

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The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*The title of section .3200 seems overly complicated for the rules (though perfectly appropriate for a website, manual, or other publications.) Consider simplifying: "Pathways to Two Through Five Star Rated Licenses" or "Standards for Two Through Five Star Rated Licenses".*

Thank you for this recommendation. We have updated the title to: Standards for Two Through Five Star Rated Licenses.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Child Care Commission

RULE CITATION: 10A NCAC 09 .3202

**DEADLINE FOR RECEIPT: Friday, June 20, 2025**

**PLEASE NOTE:** *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*Regarding lines 7 and 8, are the contents or substantive requirements of this form prescribed by rule or statute? Where? See 150B-2(8a)d.*

It is prescribed by statute. GS 110-93 requires the application to be “in the form required by the Department.”

6/24/2025 Update: For form referenced in 10A NCAC 09 .3202(b), on line 8, rule has been updated as recommended to clearly state that the substance of the form is the requirements of the rules and statute.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Child Care Commission

RULE CITATION: 10A NCAC 09 .3203

**DEADLINE FOR RECEIPT: Friday, June 20, 2025**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*On line 16, you have left in [insert weblink].*

Thank you. This has been corrected and the weblink added.

*Regarding lines 18 and 19, are the contents or substantive requirements of this form prescribed by rule or statute? Where? See 150B-2(8a)d.*

It is not prescribed by statute. To address any issue, we have updated the language to reflect that the form will be available as a sample.

*On p. 3, what is the significance of the January 1, 2028 change to assessment standards? Meaning, was this a requirement of statute or something the Commission determined was appropriate?*

The Commission was focused on being provider friendly and determined a three-year transition plan was appropriate to ensure providers were prepared for changes in the required scores.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.



REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Child Care Commission

RULE CITATION: 10A NCAC 09 .3204

**DEADLINE FOR RECEIPT: Friday, June 20, 2025**

**PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*Fix the typo on line 14: "Crae".*

Thank you for this recommendation, the typo has been corrected.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Child Care Commission

RULE CITATION: 10 NCAC 09 .3205

**DEADLINE FOR RECEIPT: Friday, June 20, 2025**

**PLEASE NOTE:** *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*On line 25 (and throughout the rule and following rules), what are the “North Carolina Foundations for Early Learning and Development”?*

*Are these Foundations in rule or statute? Or incorporated somewhere?*

The North Carolina Foundations for Early Learning and Development (Foundations) is a document that describes children’s development and learning from birth to age five that was developed by North Carolina’s Early Childhood Advisory Committee, Division of Child Development and Early Education, and Department of Public Instruction Office of Early Learning. This resource sets out standards for early childhood development and learning to ensure children are prepared for kindergarten.

The Child Care Commission have identified Foundations as setting forth minimum standards for developmentally appropriate activities for child care facilities pursuant to G.S. 110-91(12) and the intention is to incorporate the material in this rule by reference.

*On p. 3, the link on line 13 does not appear to be correct.*

Thank you. The link has been updated.

*On p. 4, the link on line 27 does not appear to be correct.*

Thank you. The link has been updated.

*On p. 5, line 24 “pf” appears to be a typo.*

Thank you. The typo has been corrected.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Seth Ascher  
Commission Counsel

Date submitted to agency: June 10, 2025

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Child Care Commission

RULE CITATION: 10A NCAC 09 .3206

**DEADLINE FOR RECEIPT: Friday, June 20, 2025**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*On p. 2, lines 23 through 25, the rule referenced is a definition that does not appear to relate to curriculum.*

Thank you. The reference has been updated to reflect 10A NCAC 09 .0102(13).

*What are the processes and standards by which the Commission approves a curriculum?*

Pursuant to S.L. 2011-45, section 10.7(b) and (d), the Child Care Commission is responsible for approving curricula. The review process includes a committee of reviewers (Commissioners, early childhood educators and administrators from various settings, partner agencies across the state and Division staff) and communication to publishers about the review schedule. More information regarding the process is located on the Division website at: NC Curriculum and Formative Assessment Review Process - Curriculum.

*On p. 3, lines 29-30, the rule referenced is a definition that does not appear to relate to curriculum.*

Thank you. The reference has been updated to reflect 10A NCAC 09 .0102(13).

Additionally, on p.3, published rule lines 30-31, a typo in the weblink address has been corrected as follows:

~~<http://ncchildcare.ncdhhs.gov/Services/Licensing/Star-Rated-License/Curriculum>~~  
<http://ncchildcare.ncdhhs.gov/Services/Licensing/Star-Rated-License/Curriculum>.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Seth Ascher  
Commission Counsel

Date submitted to agency: June 10, 2025

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Child Care Commission

RULE CITATION: 10A NCAC 09 .3207

**DEADLINE FOR RECEIPT: Friday, June 20, 2025**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*On line 14, add "based on programmatic standards:".*

Thank you for this recommendation, we have updated the rule.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Child Care Commission

RULE CITATION: 10A NCAC 09 .3208

**DEADLINE FOR RECEIPT: Friday, June 20, 2025**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*On line 5, add "sizes for a rated license".*

Thank you for this recommendation, we have updated the rule.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Child Care Commission

RULE CITATION: 10 NCAC 09 .3210

**DEADLINE FOR RECEIPT: Friday, June 20, 2025**

**PLEASE NOTE:** *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*As written, these would be standards that would apply to all child care centers, and not just those qualifying for “enhanced space requirements”. You cannot rely on the title to communicate that this is a standard for enhanced space requirements. It needs to be in the text of the rule itself.*

*For example, you could add introductory language: “In order for a child care center to meet enhanced space requirements.” If you go this route, you would need an and at the end of line 5. There are other ways to rewrite to address this issue.*

Thank you for this recommendation, we have updated the rule.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Child Care Commission

RULE CITATION: 10A NCAC 09 .3216

**DEADLINE FOR RECEIPT: Friday, June 20, 2025**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

On line 25, "Level I [~~Ne~~] **NC**".

Thank you for this recommendation, we have updated the rule.

Additionally, on p. 1, line 36, the following typo has been corrected as shown:

~~approved~~ approved

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Child Care Commission

RULE CITATION: 10 NCAC 09 .3217

**DEADLINE FOR RECEIPT: Friday, June 20, 2025**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*Where are the requirements for NC Family Child Care Credential spelled out? Is it in rule or statute?*

The North Carolina Family Child Care Credential (NCFCCC) certificate is completion of EDU 111 and 113 OR EDU 119 and EDU 113 OR EDU 114 curriculum course(s) with a grade of "C" or better. Completion of this coursework through the NC Community College system meets the requirements to obtain the NCFCCC. Individuals who want to earn a NC credential certificate and qualify for a specific position must complete the required credential coursework at a NC community college. Currently an individual can complete credential coursework for the following: the NC Early Childhood Credential, the NC Family Child Care Credential, the NC School-age Credential certificate, and the NC Early Childhood Administrators Credential. The NCFCCC is an industry familiar term. Early educators, to include family child care home operators, and early childhood professionals are familiar with the NCFCCC and it is similar to the NC Early Childhood Credential, but more appropriate for a family child care home setting.

G.S. 110-91(8) outlines the minimum staff qualification for a family child care home provider. Rules in Section .3200 outline standards for a two to five star license. Rule .3217 outlines the enhanced education standards for family child care home operators.

SL2024-34.pdf provides the authority for the Commission to adopt standards to include the education levels of staff.

*Who approves equivalents to the NC Family Child Care Credential? By what process and standards?*

The Division approves equivalents to the NCFCCC. Consistent with G.S. 110-91(8). The NC Early Childhood Credential is an equivalency to the NC FCCC for a family child care home operator. Family Child Care Home Provider Position Requirements are available on the DCDEE Workforce Education Unit Webpage.

Seth Ascher  
Commission Counsel

Date submitted to agency: June 10, 2025



Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Seth Ascher  
Commission Counsel  
Date submitted to agency: June 10, 2025

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Child Care Commission

RULE CITATION: 10A NCAC 09 .3218

**DEADLINE FOR RECEIPT: Friday, June 20, 2025**

**PLEASE NOTE:** *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*What is the North Carolina Foundations for Early Learning and Development? Is it spelled out in rule or statute?*

The North Carolina Foundations for Early Learning and Development (Foundations) is a document that describes children's development and learning from birth to age five that was developed by North Carolina's Early Childhood Advisory Committee, Division of Child Development and Early Education, and Department of Public Instruction Office of Early Learning. This resource sets out standards for early childhood development and learning to ensure children are prepared for kindergarten.

The Child Care Commission have identified Foundations as setting forth minimum standards for developmentally appropriate activities for child care facilities pursuant to G.S. 110-91(12) and the intention is to incorporate the material in this rule by reference.

*On line 8, "North [Caolina] Carolina"*

Thank you for this recommendation, we have updated the rule.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Child Care Commission

RULE CITATION: 10A NCAC 09 .3221

**DEADLINE FOR RECEIPT: Friday, June 20, 2025**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*On line 26, I find the phrase “center administrator of a child care center” confusing. Unless there is some nuance I am missing, consider either “center administrator” or “administrator of a child care center”.*

Thank you for this recommendation, we have updated the rule to clarify.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Child Care Commission

RULE CITATION: 10A NCAC 09 .3224

**DEADLINE FOR RECEIPT: Friday, June 20, 2025**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*On p. 5, lines 4 and 5, are the program requirements set out on the website specified in rule or statute? Where?*

The North Carolina Breastfeeding-Friendly Child Care Designation (NC BFCCD) is administered at the NC Division of Public Health and recognizes licensed child care programs that promote, protect, and support breastfeeding. Child care programs are awarded the NC BFCCD for achieving five standards for breastfeeding-friendly child care: 1) written policy; 2) community connections; 3) professional development; 4) environment; and 5) curriculum. The NC BFCCD integrates the Ten Steps to Breastfeeding-Friendly Child Care from the Carolina Global Breastfeeding Institute (CGBI) at UNC-Chapel Hill into the five standards.

The Child Care Commission determined that Breastfeeding-Friendly Child Care was an appropriate voluntary designation that the Division has the authority to recognize pursuant to G.S. 110-90(4)(e) and the intention is to incorporate the material in this rule by reference.

6/24/2025 Update: The rule has also been updated to revise referenced weblink to weblink which includes program requirements.

*On p. 5, lines 6 through 8, are the program requirements set out on the website specified in rule or statute? Where?*

Military Child Care in Your Neighborhood–PLUS is an initiative launched by the Department of Defense and Child Care Aware of America and provides financial assistance to help military families access and afford quality child care from community providers when on-base child care isn't available.

The Child Care Commission determined that the Military Child Care In Your Neighborhood-PLUS was an appropriate voluntary designation for programs that choose to participate that the Division has the authority to recognize pursuant to G.S. 110-90(4)(e) and the intention is to incorporate the material in this rule by reference.

Seth Ascher  
Commission Counsel

Date submitted to agency: June 10, 2025

On p. 5, lines 8-9, a typo in the weblink address was also corrected as follows:

~~<https://ncchildcare.ncdhhs.gov/Provider?Child-Care-Fee-Assistance-for-Military-Families>~~  
<https://ncchildcare.ncdhhs.gov/Provider/Child-Care-Fee-Assistance-for-Military-Families>.

6/24/2025 Update: The Rule has also now been updated to revise referenced weblink to weblink which includes program requirements.

6/25/2025 Update: The Rule has also been updated as recommended on page 5, lines 6 and 9 to explicitly include a reference to incorporation in the text of the rule and to the cost of the material, as required by G.S. 150B-21.6.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

## **Burgos, Alexander N**

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**Subject:** FW: RFC for Child Care Commission- June 2025

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**From:** Ascher, Seth M <seth.ascher@oah.nc.gov>

**Sent:** Wednesday, June 25, 2025 8:25 AM

**To:** Peck, Julie C <julie.peck@dhhs.nc.gov>

**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Tackett, Sarah <stackett@ncdoj.gov>; Johnson, Cheryl L <cheryl.johnson@dhhs.nc.gov>

**Subject:** Re: RFC for Child Care Commission- June 2025

Julie,

For rule .3224,

1. The link on the breastfeeding standards does not appear to work (p. 5 line 6).
2. Explicitly include a reference to incorporation in the text of the rule and to the cost of the material, as required by G.S. 150B-21.6. Easiest way I can think to do this is to just tag it on and the end of both items (p. 5. line 6 and line 9). Something like ",incorporated by reference and available for free."

**Seth Ascher**

Counsel to the North Carolina Rules Review Commission

Office of Administrative Hearings

(984) 236-1934

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## Burgos, Alexander N

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**Subject:** FW: RFC for Child Care Commission- June 2025  
**Attachments:** 10A NCAC 09 .3010.docx; 10A NCAC 09 .3202.docx; 10A NCAC 09 .3224.docx; RFC  
Childcare June 2025.docx

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**From:** Peck, Julie C <julie.peck@dhhs.nc.gov>  
**Sent:** Tuesday, June 24, 2025 6:06 PM  
**To:** Ascher, Seth M <seth.ascher@oah.nc.gov>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Tackett, Sarah <stackett@ncdoj.gov>; Johnson, Cheryl L <cheryl.johnson@dhhs.nc.gov>  
**Subject:** RE: RFC for Child Care Commission- June 2025

Mr. Ascher,

Sorry you were impacted by the DIT technical issue and thank you for reviewing and sending these additional recommendations. The revised Rules and updated Request for Changes document addressing the recommended changes are attached.

Please let us know if you have any additional concerns or questions.

Thank you,

**Julie Peck**

Lead Policy Advisor  
Division of Child Development and Early Education, Office of the Director  
[NC Department of Health and Human Services](#)  
[julie.peck@dhhs.nc.gov](mailto:julie.peck@dhhs.nc.gov)

DCDEE Office  
333 Six Forks Road  
Raleigh, NC 27609

Mailing Address  
2201 Mail Service Center  
Raleigh, NC 27699-2200

**Don't wait to vaccinate. Find a COVID-19 vaccine location near you at [MySpot.nc.gov](https://www.myspot.nc.gov).**

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[Learn more about our values.](#)

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## **Request for Changes Pursuant to N.C. Gen. Stat. § 150B-21.10**

Staff reviewed these Rules to ensure that each Rule is within the agency's statutory authority, reasonably necessary, clear and unambiguous, and adopted in accordance with Part 2 of the North Carolina Administrative Procedure Act. Following review, staff has issued this document that may request changes pursuant to G.S. 150B-21.10 from your agency or ask clarifying questions.

If the request includes questions, please contact the reviewing attorney to discuss.

In order to properly submit rewritten rules, please refer to the following Rules in the NC Administrative Code:

- Rule 26 NCAC 02C .0108 – The Rule addresses general formatting.
- Rule 26 NCAC 02C .0404 – The Rule addresses changing the introductory statement.
- Rule 26 NCAC 02C .0405 – The Rule addresses properly formatting changes made after publication in the NC Register.

### **Note the following general instructions:**

1. You must submit the revised rule via email to [oah.rules@oah.nc.gov](mailto:oah.rules@oah.nc.gov). The electronic copy must be saved as the official rule name (XX NCAC XXXX).
2. For rules longer than one page, insert a page number.
3. Use line numbers; if the rule spans more than one page, have the line numbers reset at one for each page.
4. Do not use track changes. Make all changes using manual strikethroughs, underlines and highlighting.
5. You cannot change just one part of a word. For example:
  - Wrong: “~~a~~Association”
  - Right: “~~association~~ Association”
6. Treat punctuation as part of a word. For example:
  - Wrong: “day;, and”
  - Right: “~~day,~~ day, and”
7. Formatting instructions and examples may be found at:  
<https://www.oah.nc.gov/rule-format-examples>

**If you have any questions regarding proper formatting of edits after reviewing the rules and examples, please contact the reviewing attorney.**

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Child Care Commission

RULE CITATION: 10A NCAC 09 .2905

**DEADLINE FOR RECEIPT: Friday, June 20, 2025**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*On lines 4 and 5, I do not think the phrasing of “meeting” the following “activities” makes sense grammatically. Consider:*

“The center shall facilitate family involvement as evidenced by meeting ~~at least four of the following~~ requirements. ~~[activities.] six activities: [These]~~ The activities used to meet these requirements may not be used to meet the requirements set forth in Rule .3219 of this Chapter.

Thank you for the recommendation. The rule has been updated.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Child Care Commission

RULE CITATION: 10A NCAC 09 .3009

**DEADLINE FOR RECEIPT: Friday, June 20, 2025**

**PLEASE NOTE:** *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*It is unclear what the second sentence of this rule, lines 5 and 6, is meant to do. If the intention is that a classroom of 10 or less children is not required to have a TA, say that more directly. Consider: "A classroom of 10 children or less is not required to have a teacher assistant." If that is not your intention, what does the second sentence mean?*

Yes, this is the intention of this sentence. Thank you for the recommendation. The rule has been updated.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Child Care Commission

RULE CITATION: 10A NCAC 09 .3010

**DEADLINE FOR RECEIPT: Friday, June 20, 2025**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*On line 12 “to set goals [~~a goal(s)~~].”*

Thank you for the recommendation. The rule has been updated.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Child Care Commission

RULE CITATION: 10 NCAC 09 .3201

**DEADLINE FOR RECEIPT: Friday, June 20, 2025**

**PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*The title of section .3200 seems overly complicated for the rules (though perfectly appropriate for a website, manual, or other publications.) Consider simplifying: "Pathways to Two Through Five Star Rated Licenses" or "Standards for Two Through Five Star Rated Licenses".*

Thank you for this recommendation. We have updated the title to: Standards for Two Through Five Star Rated Licenses.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Child Care Commission

RULE CITATION: 10A NCAC 09 .3202

**DEADLINE FOR RECEIPT: Friday, June 20, 2025**

**PLEASE NOTE:** *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*Regarding lines 7 and 8, are the contents or substantive requirements of this form prescribed by rule or statute? Where? See 150B-2(8a)d.*

It is prescribed by statute. GS 110-93 requires the application to be “in the form required by the Department.”

6/24/2025 Update: For form referenced in 10A NCAC 09 .3202(b), on line 8, rule has been updated as recommended to clearly state that the substance of the form is the requirements of the rules and statute.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Child Care Commission

RULE CITATION: 10A NCAC 09 .3203

**DEADLINE FOR RECEIPT: Friday, June 20, 2025**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*On line 16, you have left in [insert weblink].*

Thank you. This has been corrected and the weblink added.

*Regarding lines 18 and 19, are the contents or substantive requirements of this form prescribed by rule or statute? Where? See 150B-2(8a)d.*

It is not prescribed by statute. To address any issue, we have updated the language to reflect that the form will be available as a sample.

*On p. 3, what is the significance of the January 1, 2028 change to assessment standards? Meaning, was this a requirement of statute or something the Commission determined was appropriate?*

The Commission was focused on being provider friendly and determined a three-year transition plan was appropriate to ensure providers were prepared for changes in the required scores.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Child Care Commission

RULE CITATION: 10A NCAC 09 .3204

**DEADLINE FOR RECEIPT: Friday, June 20, 2025**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*Fix the typo on line 14: "Crae".*

Thank you for this recommendation, the typo has been corrected.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.



REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Child Care Commission

RULE CITATION: 10 NCAC 09 .3205

**DEADLINE FOR RECEIPT: Friday, June 20, 2025**

**PLEASE NOTE:** *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*On line 25 (and throughout the rule and following rules), what are the “North Carolina Foundations for Early Learning and Development”?*

*Are these Foundations in rule or statute? Or incorporated somewhere?*

The North Carolina Foundations for Early Learning and Development (Foundations) is a document that describes children’s development and learning from birth to age five that was developed by North Carolina’s Early Childhood Advisory Committee, Division of Child Development and Early Education, and Department of Public Instruction Office of Early Learning. This resource sets out standards for early childhood development and learning to ensure children are prepared for kindergarten.

The Child Care Commission have identified Foundations as setting forth minimum standards for developmentally appropriate activities for child care facilities pursuant to G.S. 110-91(12) and the intention is to incorporate the material in this rule by reference.

*On p. 3, the link on line 13 does not appear to be correct.*

Thank you. The link has been updated.

*On p. 4, the link on line 27 does not appear to be correct.*

Thank you. The link has been updated.

*On p. 5, line 24 “pf” appears to be a typo.*

Thank you. The typo has been corrected.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Seth Ascher  
Commission Counsel

Date submitted to agency: June 10, 2025

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Child Care Commission

RULE CITATION: 10A NCAC 09 .3206

**DEADLINE FOR RECEIPT: Friday, June 20, 2025**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*On p. 2, lines 23 through 25, the rule referenced is a definition that does not appear to relate to curriculum.*

Thank you. The reference has been updated to reflect 10A NCAC 09 .0102(13).

*What are the processes and standards by which the Commission approves a curriculum?*

Pursuant to S.L. 2011-45, section 10.7(b) and (d), the Child Care Commission is responsible for approving curricula. The review process includes a committee of reviewers (Commissioners, early childhood educators and administrators from various settings, partner agencies across the state and Division staff) and communication to publishers about the review schedule. More information regarding the process is located on the Division website at: NC Curriculum and Formative Assessment Review Process - Curriculum.

*On p. 3, lines 29-30, the rule referenced is a definition that does not appear to relate to curriculum.*

Thank you. The reference has been updated to reflect 10A NCAC 09 .0102(13).

Additionally, on p.3, published rule lines 30-31, a typo in the weblink address has been corrected as follows:

~~<http://ncchildcare.ncdhhs.gov/Services/Licensing/Star-Rated-License/Curriculum>~~  
<http://ncchildcare.ncdhhs.gov/Services/Licensing/Star-Rated-License/Curriculum>.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Seth Ascher  
Commission Counsel

Date submitted to agency: June 10, 2025

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Child Care Commission

RULE CITATION: 10A NCAC 09 .3207

**DEADLINE FOR RECEIPT: Friday, June 20, 2025**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*On line 14, add "based on programmatic standards:".*

Thank you for this recommendation, we have updated the rule.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Child Care Commission

RULE CITATION: 10A NCAC 09 .3208

**DEADLINE FOR RECEIPT: Friday, June 20, 2025**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*On line 5, add "sizes for a rated license".*

Thank you for this recommendation, we have updated the rule.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Child Care Commission

RULE CITATION: 10 NCAC 09 .3210

**DEADLINE FOR RECEIPT: Friday, June 20, 2025**

**PLEASE NOTE:** *This request may extend to several pages. Please be sure you have reached the end of the document.*

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*As written, these would be standards that would apply to all child care centers, and not just those qualifying for “enhanced space requirements”. You cannot rely on the title to communicate that this is a standard for enhanced space requirements. It needs to be in the text of the rule itself.*

*For example, you could add introductory language: “In order for a child care center to meet enhanced space requirements.” If you go this route, you would need an and at the end of line 5. There are other ways to rewrite to address this issue.*

Thank you for this recommendation, we have updated the rule.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Child Care Commission

RULE CITATION: 10A NCAC 09 .3216

**DEADLINE FOR RECEIPT: Friday, June 20, 2025**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

On line 25, "Level I [~~Ne~~] **NC**".

Thank you for this recommendation, we have updated the rule.

Additionally, on p. 1, line 36, the following typo has been corrected as shown:

~~approved~~ approved

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Child Care Commission

RULE CITATION: 10 NCAC 09 .3217

**DEADLINE FOR RECEIPT: Friday, June 20, 2025**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*Where are the requirements for NC Family Child Care Credential spelled out? Is it in rule or statute?*

The North Carolina Family Child Care Credential (NCFCCC) certificate is completion of EDU 111 and 113 OR EDU 119 and EDU 113 OR EDU 114 curriculum course(s) with a grade of "C" or better. Completion of this coursework through the NC Community College system meets the requirements to obtain the NCFCCC. Individuals who want to earn a NC credential certificate and qualify for a specific position must complete the required credential coursework at a NC community college. Currently an individual can complete credential coursework for the following: the NC Early Childhood Credential, the NC Family Child Care Credential, the NC School-age Credential certificate, and the NC Early Childhood Administrators Credential. The NCFCCC is an industry familiar term. Early educators, to include family child care home operators, and early childhood professionals are familiar with the NCFCCC and it is similar to the NC Early Childhood Credential, but more appropriate for a family child care home setting.

G.S. 110-91(8) outlines the minimum staff qualification for a family child care home provider. Rules in Section .3200 outline standards for a two to five star license. Rule .3217 outlines the enhanced education standards for family child care home operators.

SL2024-34.pdf provides the authority for the Commission to adopt standards to include the education levels of staff.

*Who approves equivalents to the NC Family Child Care Credential? By what process and standards?*

The Division approves equivalents to the NCFCCC. Consistent with G.S. 110-91(8). The NC Early Childhood Credential is an equivalency to the NC FCCC for a family child care home operator. Family Child Care Home Provider Position Requirements are available on the DCDEE Workforce Education Unit Webpage.

Seth Ascher  
Commission Counsel

Date submitted to agency: June 10, 2025

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Seth Ascher  
Commission Counsel  
Date submitted to agency: June 10, 2025



REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Child Care Commission

RULE CITATION: 10A NCAC 09 .3218

**DEADLINE FOR RECEIPT: Friday, June 20, 2025**

**PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.**

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*What is the North Carolina Foundations for Early Learning and Development? Is it spelled out in rule or statute?*

The North Carolina Foundations for Early Learning and Development (Foundations) is a document that describes children's development and learning from birth to age five that was developed by North Carolina's Early Childhood Advisory Committee, Division of Child Development and Early Education, and Department of Public Instruction Office of Early Learning. This resource sets out standards for early childhood development and learning to ensure children are prepared for kindergarten.

The Child Care Commission have identified Foundations as setting forth minimum standards for developmentally appropriate activities for child care facilities pursuant to G.S. 110-91(12) and the intention is to incorporate the material in this rule by reference.

On line 8, "North [~~Carolina~~] Carolina"

Thank you for this recommendation, we have updated the rule.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

Seth Ascher  
Commission Counsel  
Date submitted to agency: June 10, 2025

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Child Care Commission

RULE CITATION: 10A NCAC 09 .3221

**DEADLINE FOR RECEIPT: Friday, June 20, 2025**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*On line 26, I find the phrase “center administrator of a child care center” confusing. Unless there is some nuance I am missing, consider either “center administrator” or “administrator of a child care center”.*

Thank you for this recommendation, we have updated the rule to clarify.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: Child Care Commission

RULE CITATION: 10A NCAC 09 .3224

**DEADLINE FOR RECEIPT: Friday, June 20, 2025**

***PLEASE NOTE: This request may extend to several pages. Please be sure you have reached the end of the document.***

The Rules Review Commission staff has completed its review of this Rule prior to the Commission's next meeting. The Commission has not yet reviewed this Rule and therefore there has not been a determination as to whether the Rule will be approved. You may email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*On p. 5, lines 4 and 5, are the program requirements set out on the website specified in rule or statute? Where?*

The North Carolina Breastfeeding-Friendly Child Care Designation (NC BFCCD) is administered at the NC Division of Public Health and recognizes licensed child care programs that promote, protect, and support breastfeeding. Child care programs are awarded the NC BFCCD for achieving five standards for breastfeeding-friendly child care: 1) written policy; 2) community connections; 3) professional development; 4) environment; and 5) curriculum. The NC BFCCD integrates the Ten Steps to Breastfeeding-Friendly Child Care from the Carolina Global Breastfeeding Institute (CGBI) at UNC-Chapel Hill into the five standards.

The Child Care Commission determined that Breastfeeding-Friendly Child Care was an appropriate voluntary designation that the Division has the authority to recognize pursuant to G.S. 110-90(4)(e) and the intention is to incorporate the material in this rule by reference.

6/24/2025 Update: The rule has also been updated to revise referenced weblink to weblink which includes program requirements.

*On p. 5, lines 6 through 8, are the program requirements set out on the website specified in rule or statute? Where?*

Military Child Care in Your Neighborhood–PLUS is an initiative launched by the Department of Defense and Child Care Aware of America and provides financial assistance to help military families access and afford quality child care from community providers when on-base child care isn't available.

The Child Care Commission determined that the Military Child Care In Your Neighborhood-PLUS was an appropriate voluntary designation for programs that choose to participate that the Division has the authority to recognize pursuant to G.S. 110-90(4)(e) and the intention is to incorporate the material in this rule by reference.

Seth Ascher  
Commission Counsel

Date submitted to agency: June 10, 2025

On p. 5, lines 8-9, a typo in the weblink address was also corrected as follows:

~~<https://ncchildcare.ncdhhs.gov/Provider?Child-Care-Fee-Assistance-for-Military-Families>~~  
<https://ncchildcare.ncdhhs.gov/Provider/Child-Care-Fee-Assistance-for-Military-Families>.

6/24/2025 Update: The rule has also now been updated to revise referenced weblink to weblink which includes program requirements.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609.

10A NCAC 09 .3010 is amended with changes as published in NCR 39:15 1004 as follows:

**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 shall include:

- (1) ~~Allowing Pre-K program teachers the opportunity for home visits;~~ An enrollment orientation that includes an opportunity for families and child(ren) to visit the assigned classroom and lead teacher prior to the first day of enrollment.
- (2) ~~Formal and informal parent/teacher conferences;~~ Family and teacher conferences are offered at least twice annually to discuss child needs and progress toward individual goals and to receive feedback from families regarding their child(ren)'s experiences at home and at the child care facility. During each conference, families are offered an opportunity to set goals [a goal(s)] for their child. Conferences shall be conducted in a manner that is convenient for the family such as by telephone, virtually or in-person.
- (3) Classroom visits and options for parents and families to participate in classroom activities;
- (4) ~~Parent education;~~ At least one family event annually that includes an educational opportunity for staff and families to learn together.
- (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, including at least two family events annually.

Items (1)(2)(4) and (6) may be used to meet requirements set forth in Rule .3219 of this Chapter regarding family and community engagement.

*History Note: Authority G.S. 110-85; 110-88; S.L. 2011-145, s. 10.7(a); 42 USCS 9858c; 45 CFR 98.1; 45CFR 98.16; S.L. 2024-34;*  
*Eff. November 1, 2012;*  
*Readopted Eff. October 1, 2017.*  
*Amended Eff. July 1, 2025.*

10A NCAC 09 .3202 is adopted with changes as published in 39:15 NCR 1005 as follows:

**10A NCAC 09 .3202 APPLICATION FOR A TWO THROUGH FIVE STAR RATED LICENSE**

(a) After a licensed child care facility has demonstrated compliance with applicable child care requirements while operating with a temporary license as set forth in Rules .0403 and .1701 of this Chapter, 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. The substance of the form shall cover requirements established by statute and the rules of this Chapter.

(c) An operator may select one of three licensure pathways in order to earn a two through five-star rated license. The operator shall meet the requirements set forth in this Section for the star rating desired within the selected licensure pathway. Requirements for licensure pathways may not be combined. The three licensure pathways are as follows:

(1) Program Assessment Pathway as set forth in Rules .3203 and .3204 of this Section;

(2) Classroom and Instructional Quality Pathway as set forth in Rules .3205 and .3206 of this Section: and

(3) Accreditation and Head Start Pathway as set forth in Rule .3207 of this Section.

(d) A Division representative shall assess a facility requesting a two through five-star rated license to determine if all applicable requirements have been met to achieve the requested star rating. The assessment shall include a review of Division records and site visits.

(e) Upon completion of the Divisions assessment:

(1) If the assessment indicates all the applicable requirements to achieve the requested rating have been met, the Division shall issue the rating.

(2) If the assessment indicates all the applicable requirements to achieve 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 requested rating have been met; or

(C) appeal the denial of the requested rating as provided in G.S. 110-91.

*History Note: Authority G.S. 110-85(3); 110-88(7); 110-90(4); 143B-168.3; S.L. 2011-145, s.10.7(b); 42 USCS 9858e; 45 CFR 98.45; Eff. July 1, 2025.*

1 **10A NCAC 09 .3224 is adopted with changes as published in 39:15 NCR 1030-1032 as follows:**

2  
3 **10A NCAC 09 .3224 RECOGNITION OF QUALITY INITIATIVES**

4 (a) A child care operator may choose to request one or more areas of recognition to accompany the issuance of a two  
5 through five-star rated license earned through compliance with any licensure pathway requirement of this Section.  
6 Quality initiatives shall not be used to earn a star rating. Verification of requirements for each recognition shall be  
7 reassessed at least every three years, at the time of reassessment for a two through five-star rated license.

8 (b) The Division shall issue recognition of quality initiatives upon verification of the requirements set forth in this  
9 Rule.

10 (c) An Education Recognition may be requested when at least one of the following requirements are met:

11 (1) 75 percent of teachers employed by a child care facility have earned an AAS degree or higher in early  
12 childhood education, child development or related field.

13 (2) 75 percent of lead teachers employed by a child care facility have earned a BA/BS degree or higher in  
14 early childhood education, child development, or related field.

15 (3) All lead teachers employed by a child care facility have earned an AAS degree or higher in early childhood  
16 education, child development or related field.

17 (4) The operator of a family child care home has earned a BS/BS degree in early childhood education, child  
18 development or related field.

19 (5) The operator of a family child care home has earned an AAS degree in early childhood education, child  
20 development or related field and is enrolled in a BA/BS degree program in early childhood education or child  
21 development.

22 (6) 75 percent of teachers employed by a child care facility have an active Child Development Associate  
23 (CDA).

24 (7) The operator of a child care facility participates in the T.E.A.C.H. program or other education initiative  
25 that supports employed staff that want to enroll in or who are enrolled in college coursework.

26 (8) 75 percent of lead teachers and educators, as defined in this Section, have an active certification in the  
27 NC Early Care and Education Professional Certification Scale at  
28 [https://www.ncidp.org/documents/EEC\\_EDE\\_Scale.pdf](https://www.ncidp.org/documents/EEC_EDE_Scale.pdf).

29 (9) The operator of a family child care home has an active certification in the NC Early Care and Education  
30 Professional Certification Scale at [https://www.ncidp.org/documents/EEC\\_ECE\\_Scale.pdf](https://www.ncidp.org/documents/EEC_ECE_Scale.pdf).

31 (d) A Professional Development Recognition may be requested when at least one of the following requirements is  
32 met:

33 (1) The operator of a family child care home completes 20 training hours annually, in addition to training  
34 hours required for their licensure level as set forth in this Section and in addition to ongoing training  
35 requirements set forth in Rule .1703 of this Chapter and education requirements set forth in Rule .3217 of  
36 this Section.

37 (2) The operator of a family child care home is an approved trainer for an established course as set forth in  
38 Rule .1703 of this Chapter and provides at least one training course for early childhood professionals in their

community annually or when the operator develops a training course, obtains approval for training as set forth in Rule .1703 of this Chapter, and provides at least one training course for early childhood professionals in their community annually.

(3) A center administrator or operator of a family child care home provides evidence of active membership in a professional or community organization.

(4) A child care facility operator compensates staff members for time spent completing professional development activities.

(5) A child care facility operator compensates staff members for the cost of professional development activities.

(6) A child care center operator pays for at least 50 percent of staff members to have an active membership in a professional or community organization and provides evidence of the paid costs and memberships.

(7) A child care center operator employs at least one staff member who is an approved trainer for an established training course as set forth in Rule .1103 of this Chapter and the approved trainer provides at least one training course for all employees annually or when the child care center operator, administrator or staff member develops a training course, obtains approval for training as set forth in Rule .1103 of this Chapter, and provides at least one training course annually for employed staff members.

(8) A child care facility allows early childhood education practicum students to complete required activities in their facility when the individuals are not employed by the facility.

(e) A Longevity and Experience Recognition may be requested when at least one of the following requirements is met:

(1) The operator of a family child care home has been in operation for at least five years with a compliance history score of 90 percent or higher.

(2) The operator of the family child care home has been in operation for at least five years with a four or five-star rated license.

(3) A center administrator has at least 10 years of child care administrative work experience in a licensed child care facility.

(4) 75 percent of lead teachers and teachers have at least 10 years of early childhood work experience in a licensed child care facility.

(5) All lead teachers and teachers have at least five years of early childhood work experience in a licensed child care facility and have been employed by no more than two different child care facilities.

(6) The child care center has a combined turnover rate of 20 percent or less for the administrator, lead teacher and teacher positions over the last 12 months.

(7) In stand-alone school age care facilities, 75 percent of group leaders have at least five years of school age care work experience in a licensed or unlicensed school age program and have been employed by no more than two different child care facilities.

(f) A Staff Supports and Benefits Recognition may be requested when at least one of the following requirements is met:



1 (1) A child care facility offers a staff benefits package that includes at least three of the following benefits:  
2 paid time off for vacation, sick and/or personal leave, paid family and medical leave, fully or partially paid  
3 health insurance, retirement contribution or annual bonuses.

4 (2) A child care facility offers two hours of paid planning time for lead teachers on a weekly basis, during a  
5 time when the lead teacher is not responsible for supervising children.

6 (3) A child care facility offers at least two mental health supports such as training offered on-site, paid time  
7 off for wellness, mental health coverage as part of health benefits or assistance in obtaining access to other  
8 services as requested.

9 (4) A child care center pays for costs associated with enrolling in and completing early childhood education  
10 or child development coursework.

11 (g) A Program Features Recognition may be requested when at least one of the following requirements is met:

12 (1) A child care facility implements an approved curriculum for all age groups served as defined in Rule  
13 .0102(11) of this Chapter when not required for licensure level or pathway.

14 (2) A child care facility uses a program assessment tool for self-study, self-assessment and continuous quality  
15 improvement when not required for licensure level or pathway.

16 (3) A child care center earns a 5.0 on every classroom assessed with ERS-3 and SACERS-U.

17 (4) A child care facility uses an approved formative assessment tool for all age groups served as defined in  
18 Rules .3205 or .3206 of this Section when not required for licensure level or pathway.

19 (5) A child care facility implements all family and community engagement practices as set forth in Rules  
20 .3219 and .3220 of this Section, rather than only the practices required for licensure level or pathway.

21 (6) A child care administrator or operator of a family child care home participates in a coaching or mentoring  
22 process as set forth in Rules .3205 and .3206 of this Section when not required for licensure level or pathway.

23 (h) A Health & Wellness Opportunities Recognition may be requested when at least one of the following requirements  
24 is met:

25 (1) A child care facility provides support to staff members and families regarding challenging behaviors using  
26 community, regional or state resources.

27 (2) A child care center has a licensed or registered nurse on staff for at least half of the operating hours of the  
28 program.

29 (3) A child care facility offers oral health education and opportunities such as dental screenings and outreach  
30 with community, regional and state resources.

31 (4) A child care facility offers supplemental programs or contracts with external vendors to provide  
32 opportunities for growth in specialty areas, including but not limited to tumbling, art, bookmobile, sports,  
33 dance, music or yoga.

34 (5) A child care facility completes REACH Healthy Child Care recognition. Information for this program is  
35 Available at <https://reach-recognition.org/>.

36 (6) A child care facility completes Be Active Kids/Go NAPSACC Program. Information for this program is  
37 available at <https://www.beactivekids.org/>.

- 1 (7) A child care facility participates in Farm to Early Education. Information for this program is available at  
2 <https://cefs.ncsu.edu/food-system-initiatives/nc-farm-to-early-care-and-education/>.
- 3 (8) A child care facility engages with a Child Care Health Consultant by participating in one cycle of  
4 assessments using the NC Health and Safety Assessment Tool annually.
- 5 (9) A child care facility implements five of six of the following educational opportunities regarding green  
6 environment practices:
- 7 (A) Provides outdoor learning environments that have areas of shade provided by trees that use heat  
8 tolerant /drought resistant plant material.
- 9 (B) Provides an indoor play space allowing gross motor play, running, jumping and physically active  
10 games in an air conditioned/heated environment.
- 11 (C) Paints walkways and pavement in heat reflecting colors in an effort to decrease surface  
12 temperatures and associated burn hazards.
- 13 (D) Ensure use of non-toxic cleaning products throughout the facility
- 14 (E) Creates and maintains a pollinator and/or a vegetable garden as a method to educate and  
15 emphasize ecofriendly change and lifestyle.
- 16 (F) Implement teaching practices that support reducing and recycling such as ensuring use of  
17 recyclable products when reusable products are unavailable, providing reusable food service  
18 products for meals and/or snacks, and installing a system of recycling in the facility where trash  
19 and recyclables are in separate containers and disposed of properly.
- 20 (i) A Language Concentration Recognition may be requested when at least one of the following requirements is met:
- 21 (1) Children enrolled in a child care facility are participating in use of languages other than English on a  
22 regular basis.
- 23 (2) A child care facility is a language immersion program.
- 24 (3) A child care facility is a bilingual program.
- 25 (j) A Culinary Emphasis Recognition may be requested when at least one of the following requirements is met:
- 26 (1) An operator of a family child care home has completed a food handler program training or certification,  
27 such as ServSafe.
- 28 (2) A chef or cook position at a child care center has completed culinary classes or has completed food  
29 handler program training or certification, such as ServSafe.
- 30 (3) A child care facility utilizes farm-to-table practices as part of their food and nutrition program.
- 31 (k) A Ratio, Group Size, and Enrollment Practices Recognition may be requested when at least one of the following  
32 requirements is met:
- 33 (1) A child care center reduces staff to child ratios or group sizes when not required for licensure level or  
34 pathway.
- 35 (2) An operator of a family child care home voluntarily reduces enrollment when not required for licensure  
36 level or pathway.

1 (l) A Supplemental Environments Recognition may be requested when at least one of the following areas are provided  
2 within a child care center or family child care home: gyms, active play area, sensory focused environments, gardens  
3 or naturalized outdoor play environments.

4 (m) A NC Breastfeeding-Friendly Child Care Designation Program Recognition may be requested when this  
5 designation is earned by meeting program requirements set forth at <https://www.ncdhhs.gov/ncbfecdesignations>.  
6 <https://fs27.formsite.com/nutritionnc/xghrnuq0td/index.html>.

7 (n) A Military Child Care in Your Neighborhood – PLUS Recognition may be requested by child care facilities  
8 participating in the free assistance program for military families after meeting the eligibility requirements set forth at  
9 <https://www.childcareaware.org/fee-assistancerespice/feeassistancerespiceproviders/feeassistance>. ~~Information for~~  
10 ~~this program is available at~~ [https://ncchildcare.ncdhhs.gov/Provider?Child-Care-Fee-Assistance-for-Military-](https://ncchildcare.ncdhhs.gov/Provider?Child-Care-Fee-Assistance-for-Military-Families)  
11 [Families](https://ncchildcare.ncdhhs.gov/Provider?Child-Care-Fee-Assistance-for-Military-Families).

12  
13 *History Note:* Authority G.S. 110-85(3); 110-88(7); 110-90(4); 143B-168.3; S.L. 2024-34; 42 USCS 9858e; 45  
14 CFR 98.45;  
15 Eff. July 1, 2025.

## Burgos, Alexander N

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**Subject:** FW: RFC for Child Care Commission- June 2025

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**From:** Ascher, Seth M <seth.ascher@oah.nc.gov>

**Sent:** Tuesday, June 24, 2025 12:09 PM

**To:** Peck, Julie C <julie.peck@dhhs.nc.gov>

**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Tackett, Sarah <stackett@ncdoj.gov>; Johnson, Cheryl L <cheryl.johnson@dhhs.nc.gov>

**Subject:** Re: RFC for Child Care Commission- June 2025

Julie,

Apologies for the delayed response. I was caught in the DIT technical issue removing my access to my computer yesterday, and lost some work. You have addressed almost everything I had a concern about, but there are still a couple of small changes I recommend. Given the timing of the meeting, I would need these resolved by tomorrow morning at the latest to recommend approval. Otherwise, I would recommend we hold over until the July meeting, which is no problem on our end.

In rule 10A NCAC 09 .3010, the bracketed change on line 12 is struckthrough and underlined. Remove the underline.

In rule 10A NCAC 09 .3202(b) it needs to be clear that the substance of the form is the requirements of the rules and statute. The easiest way I can think to do this is to add a sentence to line 8 that says something like "The substance of the form shall cover requirements established by statute and the rules of this subchapter." For context, changes to the form don't come before the RRC, so the rule needs to lock in the substantive requirements. Otherwise future agency action could circumvent the APA.

In rule 10A NCAC 09 .3224, if the standards for items (m) and (n) are not already incorporated somewhere else, they need to be incorporated here in accordance with G.S. 150B-21.6. It is entirely possible I have missed where these standards are incorporated elsewhere, as I did with the Foundations for Early Learning and Development in 10A NCAC 09 .0102(16). Note that you need to incorporate the standards themselves adopted by the other agency, you cannot just rely on link to your own website.

### Seth Ascher

Counsel to the North Carolina Rules Review Commission  
Office of Administrative Hearings  
(984) 236-1934

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## Burgos, Alexander N

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**Subject:** FW: RFC for Child Care Commission- June 2025  
**Attachments:** RFC Childcare June 2025.docx; 10A NCAC 09 .2905.docx; 10A NCAC 09 .3009.docx; 10A NCAC 09 .3010.docx; 10A NCAC 09 .3201.docx; 10A NCAC 09 .3202.docx; 10A NCAC 09 .3203.docx; 10A NCAC 09 .3204.docx; 10A NCAC 09 .3205.docx; 10A NCAC 09 .3206.docx; 10A NCAC 09 .3207.docx; 10A NCAC 09 .3208.docx; 10A NCAC 09 .3210.docx; 10A NCAC 09 .3216.docx; 10A NCAC 09 .3217.docx; 10A NCAC 09 .3218.docx; 10A NCAC 09 .3221.docx; 10A NCAC 09 .3224.docx

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**From:** Peck, Julie C <julie.peck@dhhs.nc.gov>  
**Sent:** Friday, June 20, 2025 10:04 AM  
**To:** Ascher, Seth M <seth.ascher@oah.nc.gov>  
**Cc:** Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Tackett, Sarah <stackett@ncdoj.gov>; Johnson, Cheryl L <cheryl.johnson@dhhs.nc.gov>  
**Subject:** RE: RFC for Child Care Commission- June 2025

Good morning Mr. Ascher,

The updated Request for Changes document and revised Rules are attached. Please let us know if you have additional questions or concerns.

Thank you,

**Julie Peck**  
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1 10A NCAC 09 .2905 is amended with changes as published in 39:15 NCR 1003-1004 as follows:

2  
3 10A NCAC 09 .2905 FAMILY SERVICES

4 The center shall facilitate family involvement as evidenced by meeting ~~at least four of the following~~ requirements.  
5 ~~[activities.] six activities: [These]~~ The activities used to meet this requirement may not be used to meet the  
6 requirements set forth in Rule .3219 of this Chapter.

- 7 (1) Providing quarterly parent education sessions;
- 8 ~~(2) Holding parent/teacher conferences at least twice a year;~~
- 9 ~~(3)(2) Communicating on an individual basis with parents via daily; and notes, progress reports, or~~  
10 ~~surveys;~~
- 11 ~~(4)(3) Having parents as members of a center advisory board. board;~~
- 12 ~~(5) Providing opportunities for parent volunteers to assist with special classroom activities, field trips,~~  
13 ~~and other learning experiences for children; or~~
- 14 ~~(6) Providing parents with referral information about other community programs and resources serving~~  
15 ~~young children.~~

16  
17 *History Note: Authority G.S. 110-85(3); 110-88(14); 42 USCS 9858; 45 CFR 98.1; 45 CFR 98.16; S.L. 2024-34*  
18 *Eff. July 1, 2010;*  
19 *Readopted Eff. October 1, 2017;*  
20 *Amended Eff. July 1, 2025.*

1 10A NCAC 09 is amended with changes as published in 39:15 NCR 1004 as follows:

2  
3 10A NCAC 09 .3009 STAFF-TO-CHILD RATIO AND CLASS SIZE

4 The classroom shall not exceed a maximum staff-to-child ratio of one to ~~nine~~ 10 with a maximum class size of ~~18~~ 20  
5 children, with at least one teacher and one teacher assistant per classroom. A classroom of ~~nine~~ 10 children or less  
6 ~~shall have at least one~~ is not required to have a teacher assistant.

7  
8 *History Note: Authority G.S. 110-85; 110-88; S.L. 2011-145, s. 10.7(a); S.L. 2023-134;*

9 *Eff. November 1, 2012;*

10 *Readopted Eff. October 1, 2017;*

11 *Amended Eff. July 1, 2025.*



10A NCAC 09 .3010 is amended with changes as published in NCR 39:15 1004 as follows:

**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 shall include:

- (1) ~~Allowing Pre-K program teachers the opportunity for home visits;~~ An enrollment orientation that includes an opportunity for families and child(ren) to visit the assigned classroom and lead teacher prior to the first day of enrollment.
- (2) ~~Formal and informal parent/teacher conferences;~~ Family and teacher conferences are offered at least twice annually to discuss child needs and progress toward individual goals and to receive feedback from families regarding their child(ren)'s experiences at home and at the child care facility. During each conference, families are offered an opportunity to set goals [a goal(s)] for their child. Conferences shall be conducted in a manner that is convenient for the family such as by telephone, virtually or in-person.
- (3) Classroom visits and options for parents and families to participate in classroom activities;
- (4) ~~Parent education;~~ At least one family event annually that includes an educational opportunity for staff and families to learn together.
- (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, including at least two family events annually.

Items (1)(2)(4) and (6) may be used to meet requirements set forth in Rule .3219 of this Chapter regarding family and community engagement.

*History Note: Authority G.S. 110-85; 110-88; S.L. 2011-145, s. 10.7(a); 42 USCS 9858c; 45 CFR 98.1; 45CFR 98.16; S.L. 2024-34;*  
*Eff. November 1, 2012;*  
*Readopted Eff. October 1, 2017.*  
*Amended Eff. July 1, 2025.*

1 **SECTION .3200** **~~PATHWAYS TO THE STARS: WHERE QUALITY AND CHOICE MEET~~**  
2 **STANDARDS FOR TWO THROUGH FIVE STAR RATED LICENSES**  
3

4 **10A NCAC 09 .3201 is adopted with changes as published in 39:15 NCR 1004-1005 as follows:**  
5

6 **10A NCAC 09 .3201 SCOPE**

7 (a) This Section shall apply to all child care facilities that have met requirements for a one-star rated license and choose  
8 to apply for and earn a rated license of two-stars or higher.

9 (b) A child care facility shall be eligible for a rated license of two through five-stars upon application and assessment  
10 of compliance with the requirements of this Section.

11 (c) No requirement in any component of a two-star or higher rating shall be less than the requirements for a one-star  
12 rating described in G.S. 110-91 and this Chapter. Prior to issuance of an initial two through five-star rating, all  
13 requirements in G.S. 110-91 and this Chapter shall be met at the time the program is assessed for a higher rating. The  
14 requirements for a rated license of two-stars or higher shall be in addition to the standards found in G.S 110-91 and  
15 this Chapter.

16 (d) Nothing in this Section shall preclude or interfere with the issuance of an administrative action as allowed by G.S.  
17 110, Article 7 and this Chapter.  
18

19 *History Note: Authority G.S. 110-85(3); 110-88(7); 110-90(4); 143B-168.3; 42 USCS 9858e; 45 CFR 98.45;*  
20 *Eff. July 1, 2025.*

10A NCAC 09 .3202 is adopted as published in 39:15 NCR 1005 as follows:

**10A NCAC 09 .3202 APPLICATION FOR A TWO THROUGH FIVE STAR RATED LICENSE**

(a) After a licensed child care facility has demonstrated compliance with applicable child care requirements while operating with a temporary license as set forth in Rules .0403 and .1701 of this Chapter, 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 select one of three licensure pathways in order to earn a two through five-star rated license. The operator shall meet the requirements set forth in this Section for the star rating desired within the selected licensure pathway. Requirements for licensure pathways may not be combined. The three licensure pathways are as follows:

(1) Program Assessment Pathway as set forth in Rules .3203 and .3204 of this Section;

(2) Classroom and Instructional Quality Pathway as set forth in Rules .3205 and .3206 of this Section; and

(3) Accreditation and Head Start Pathway as set forth in Rule .3207 of this Section.

(d) A Division representative shall assess a facility requesting a two through five-star rated license to determine if all applicable requirements have been met to achieve the requested star rating. The assessment shall include a review of Division records and site visits.

(e) Upon completion of the Divisions assessment:

(1) If the assessment indicates all the applicable requirements to achieve the requested rating have been met, the Division shall issue the rating.

(2) If the assessment indicates all the applicable requirements to achieve 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 requested rating have been met; or

(C) appeal the denial of the requested rating as provided in G.S. 110-91.

*History Note: Authority G.S. 110-85(3); 110-88(7); 110-90(4); 143B-168.3; S.L. 2011-145, s.10.7(b); 42 USCS 9858e; 45 CFR 98.45; Eff. July 1, 2025.*

10A NCAC 09 .3203 is adopted with changes as published in 39:15 NCR 1005-1007 as follows:

**10A NCAC 09 .3203      PROGRAM ASSESSMENT PATHWAY FOR CHILD CARE CENTERS**

(a) This Rule shall apply to child care centers, including centers located in a residence, that choose to earn a two through five-star rated license using the program assessment licensure pathway.

(b) As used in this Rule, “educators” shall mean teachers, group leaders, and administrative staff, including directors, assistant directors, program coordinators, education coordinators, curriculum specialists, and other staff that have responsibility for planning, caregiving, mentoring or training on-site in a child care center. Educators shall meet the education standards of a position as set forth in Rules .3211, .3213, .3214, .3215, .3216 and .3218 of this Section and work full-time. If a program operates less than 40 hours per week, full-time shall mean the hours the program is in operation.

(c) As used in this Rule, “structured self-study” shall mean the process used to reflect on current teaching practices and educational environments, and identify areas of strength, needs, and action steps required to achieve the standards of the applicable program assessment tool(s) as set forth in (d) of this Rule, based on the age of the children served. A structured self-study shall be completed over a minimum of three consecutive months and include a self-assessment using the appropriate program assessment tool and additional resources located at ~~insert weblink.~~ <https://ncrlap.org/Resources/>, a written reflection of the self-assessment, including identification of goals for continuous quality improvement, and documentation of the structured ~~self-study~~ self-study. Sample self-study using forms may be found on the Division’s website at <http://ncchildcare.ncdhhs.gov/Provider/Provider-Documents-and-Forms>.

(d) Child care centers shall be evaluated using “Infant/Toddler Environment Rating Scale, Third Edition” (ITERS-3), “Early Childhood Environment Rating Scale, Third Edition” (ECERS-3), and “School-Age Care Environment Rating Scale, Updated Edition” (SACERS-U), based on the ages of children served. Centers located in a residence, as described in Rule .0102 of this Chapter, shall be evaluated using “Family Child Care Environment Rating Scale, Third Edition” (FCCERS-3). Alternatively, the Commission may approve additional program assessment tools that meet the following criteria:

- (1) the program assessment tool is research-based;
- (2) the program assessment tool has demonstrated reliability and validity;
- (3) the program assessment tool has been developed and validated for the intended population;
- (4) the standards being evaluated by the program assessment tool are measurable;
- (5) the program assessment tool is published or otherwise publicly available;
- (6) the program assessment tool assesses and supports early childhood environments in a way that is sensitive and responsive to the needs of all children and families from culturally, linguistically, economically, and ability diverse backgrounds; and
- (7) the program assessment tool and training for its use has a process to reduce bias.

1 Upon approval of additional program assessment tools, a child care center may choose which assessment tool they  
2 utilize to earn a star rating in this licensure pathway, as long as their choice is applicable to the ages of children served,  
3 the type of facility in operation, or other criteria specified by the Commission in its approval.

4 (e) For a child care center to earn a two-star rated license, the following requirements shall be met:

- 5 (1) The child care center shall meet either the enhanced ratio requirements set forth in Rule .3208 of  
6 this Section or the enhanced space requirements set forth in Rule .3210 of this Section.
- 7 (2) At least fifty percent of lead teachers and at least fifty percent of educators shall meet the individual  
8 education standards at the two-star level, as set forth in Rules .3211, .3212, .3213, .3214, .3215,  
9 .3216 and .3218 of this Section, or higher.
- 10 (3) The child care center shall implement family and community engagement foundational practices set  
11 forth in Rule .3219 of this Section.
- 12 (4) The child care center shall implement the continuous quality improvement standards set forth in  
13 Rule .3221 of this Section.
- 14 (5) All administrators and lead teachers shall complete a structured self-study.

15 (f) For a child care center to earn a three-star rated license, the following requirements shall be met:

- 16 (1) The child care center shall meet either the enhanced ratio requirements set forth in Rule .3208 of  
17 this Section or the enhanced space requirements set forth in Rule .3210 of this Section.
- 18 (2) At least fifty percent of lead teachers and at least fifty percent of educators shall meet the  
19 individual education standards at the three-star level, as set forth in Rules .3211, .3212, .3213,  
20 .3214, .3215, .3216 and .3218 of this Section, or higher.
- 21 (3) The child care center shall implement the family and community engagement standards set forth in  
22 Rule .3219 of this Section for a three-star rated license.
- 23 (4) The child care center shall implement the continuous quality improvement standards set forth in  
24 Rule .3221 of this Section.
- 25 (5) All administrators and lead teachers shall complete a structured self-study.
- 26 (6) The child care center shall request and complete an external program assessment and use the results  
27 of the assessment in the continuous quality improvement plan set forth in Rule .3221 of this Section.

28 (g) For a child care center to earn a four-star rated license, the following requirements shall be met:

- 29 (1) The child care center shall meet either the enhanced ratio requirements set forth in Rule .3208 of  
30 this Section or the enhanced space requirements set forth in Rule .3210 of this Section.
- 31 (2) At least fifty percent of lead teachers and at least fifty percent of educators shall meet the individual  
32 education standards at the four-star level, as set forth in Rules .3211, .3212, .3213 .3214, .3215,  
33 .3216 and .3218 of this Section, or higher.
- 34 (3) The child care center shall implement the family and community engagement standards set forth in  
35 Rule .3219 of this Section for a four-star rated license.
- 36 (4) The child care center shall implement the continuous quality improvement standards set forth in  
37 Rule .3221 of this Section.

- 1 (5) All administrators and lead teachers shall complete a structured self-study.
- 2 (6) The child care center shall request and complete an external program assessment:
- 3 (A) For any assessment that occurs prior to January 1, 2028, the child care center must earn an
- 4 average score of 3.5 or higher for its ITERS-3 and ECERS-3 classrooms and an average
- 5 score of 4.0 or higher for its SACERS-U classrooms. When calculating an average score
- 6 for ITERS-3 and ECERS-3 or SACERS-U, the child care center may drop one classroom's
- 7 assessment score, so long as there is at least one additional classroom serving the same age
- 8 children and that classroom's score is included in the average score. A child care center
- 9 using an alternative approved program assessment tool shall earn a comparable assessment
- 10 score based on the tool's scoring scale, as determined by the Commission.
- 11 (B) For any assessment that occurs on or after January 1, 2028, a child care center using the
- 12 ITERS-3, ECERS-3, or SACERS-U assessments must earn an average score of 4.0 or
- 13 higher by averaging all classroom scores. The child care center may drop one classroom's
- 14 assessment score, so long as there is at least one additional classroom serving the same age
- 15 children and that classroom's score is included in the average score. A child care center
- 16 using an alternative approved program assessment tool shall earn a comparable score based
- 17 on the tool's scoring scale, as determined by the Commission.
- 18 (7) Child care centers that are licensed to serve four-year-old children shall implement a curriculum as
- 19 defined in Rule .0102(11) of this Chapter in any classroom serving four-year-old children and older.
- 20 (h) For a child care center to earn a five-star rated license, the following requirements shall be met:
- 21 (1) The child care center shall meet the enhanced ratio requirements set forth in Rule .3208 of this
- 22 Section. Meeting the enhanced space requirements set forth in Rule .3210 of this Section is optional.
- 23 (2) At least fifty percent of all lead teachers and at least fifty percent of educators shall meet the
- 24 individual education standards at the five-star level, as set forth in Rules .3211, .3212, .3213, .3214,
- 25 .3215, .3216 and .3218 of this Section, or higher.
- 26 (3) The child care center shall implement the family and community engagement standards set forth in
- 27 Rule .3219 of this Section for a five-star rated license.
- 28 (4) The child care center shall implement the continuous quality improvement standards set forth in
- 29 Rule .3221 of this Section.
- 30 (5) All administrators and lead teachers shall complete a structured self-study.
- 31 (6) The child care center shall request and complete an external program assessment:
- 32 (A) For any assessment that occurs prior to January 1, 2028, the child care center must earn an
- 33 average score of 4.0 or higher for its ITERS-3 and ECERS-3 classrooms and an average
- 34 score of 5.0 or higher for its SACERS-U classrooms. When calculating an average score
- 35 for the ITERS-3 and ECERS-3 or SACERS-U, the child center may drop one classroom's
- 36 assessment score, so long as there is at least one additional classroom serving the same age
- 37 children and that classroom's score is included in the average score. A child care center

1 using an alternative approved program assessment tool shall earn a comparable assessment  
2 score based on the tool's scoring scale, as determined by the Commission.

3 (B) For any assessment that occurs on or after January 1, 2028, a child care center using the  
4 ITERS-3, ECERS-3, or SACERS-U assessments must earn an average score of 5.0 or  
5 higher by averaging all classroom scores. The child care center may drop one classroom's  
6 assessment score, so long as there is at least one additional classroom serving the same age  
7 children and that classroom's score is included in the average score. A child care center  
8 using an alternative approved program assessment tool shall earn a comparable score based  
9 on the tool's scoring scale, as determined by the Commission.

10 (7) Child care centers that are licensed to serve four-year-old children shall implement a curriculum as  
11 defined in Rule .0102(11) of this Chapter in any classroom serving four-year-old children and older.

12 (i) For any child care center serving pre-school age children, the following shall also apply:

13 (1) Each child care center shall comply with the requirements set forth in Rule .0508 of this Chapter for  
14 written activity schedules and plans and Rule .0509 of this Chapter for general activity requirements;

15 (2) Each child care center shall comply with the requirements for activity areas for preschool-age  
16 children as set forth in Rule .0510 of this Chapter, expect that all five of the activity areas listed in  
17 G.S. 110-91(12) shall be available each day and the activities listed in Rule .0510© of this Chapter  
18 shall be offered for each group of children at least once per week; and

19 (3) The requirements for activities for infants and toddlers set forth in Rule .0511 of this Chapter shall  
20 apply for children under three years of age.

21 (j) For child care centers with a licensed capacity of 200 or more, there shall be a second administrator on-site for a  
22 minimum of 20 hours per week who shall have the Level I North Carolina Early Childhood Administration Credential  
23 or its approved equivalent.

24 (k) For child care centers providing school-age care with 200 or more school-aged children enrolled, there shall be  
25 two program coordinators on-site, one of whom shall not have concurrent group leader responsibilities. The additional  
26 program coordinator shall have completed all the applicable staff requirements in Rule .2510(b) of this Chapter.

27 (l) The above requirements shall apply to centers located in a residence, as described in Rule .0102 of this Chapter,  
28 expect that the following shall apply when determining individual staff education standards;

29 (1) If the operator is the only lead teacher, the operator shall meet the individual education standards at  
30 the desired star level, as set forth in Rule .3212 of this Section, or higher.

31 (2) If additional lead teachers are employed by the operator, at least fifty percent of all lead teachers,  
32 including the operator, shall meet the individual education standards at the desired star level, as set  
33 forth in Rule .3212, or higher.

34  
35 *History Note: Authority G.S. 110-85(3); 110-88(7); 110-90(4); 143B-168.3; S.L 2011-145, s.10.7(b) and (d); 42*  
36 *USCS 9858e; 45 CFR 98.45;*  
37 *Eff. July 1, 2025.*

10A NCAC 09 .3204 is adopted with changes as published in 39:15 NCR 1008-1009 as follows:

**10A NCAC 09 .3204      PROGRAM ASSESSMENT PATHWAY FOR FAMILY CHILD CARE HOMES**

(a) This Rule shall apply to operators of family child care homes that choose to earn a two through five-star rated license using the program assessment licensure pathway.

(b) For purposes of this Rule, “structured self-study” shall mean the process that family child care home operators use to reflect on current teaching practices and educational environments, and identify areas of strength, needs and action steps required to achieve the standards of the program assessment tool as set forth in (c) of this Rule. A structured self-study shall be completed over a minimum of three consecutive months and include a self-assessment using the appropriate program assessment tool and additional resources located at [insert weblink], a written reflection of the self-assessment, including identification of goals for continuous quality improvement, and documentation of the structured self-study using forms found on the Division’s website at <http://ncchildcare.ncdhhs.gov/Provider/Provider-Documents-and-Forms>.

(c) Family child care homes shall be evaluated using “Family Child ~~Care~~ Care Environment Rating Scale, Third Edition” (FCCERS-3). Alternatively, the Commission may approve additional program assessment tools that meet the following criteria:

- (1) the program assessment tool is research-based;
- (2) the program assessment tool has demonstrated reliability and validity;
- (3) the program assessment tool has been developed and validated for the intended population;
- (4) the standards being evaluated by the program assessment tool are measurable;
- (5) the program assessment tool is published or otherwise publicly available;
- (6) the program assessment tool assesses and supports early childhood environments in a way that is sensitive and responsive to the needs of all children and families from culturally, linguistically, economically, and ability diverse backgrounds; and
- (7) the program assessment tool and training for its use has a process to reduce bias.

Upon approval of additional program assessment tools, the operator of a family child care home may choose which assessment tool they utilize to earn a star rating in this licensure pathway, as long as their choice is applicable to the ages of children served, the type of facility in operation, or other criteria specified by the Commission in its approval.

(d) For a family child care home to earn a two-star rated license, the following requirements shall be met:

- (1) The operator shall meet education standards at the two-star level set forth in Rule .3217 of this Section or higher.
- (2) The operator shall implement the family and community engagement foundational practices set forth in Rule .3220 of this Section.
- (3) The operator shall implement the continuous quality improvement standards set forth in Rule .3221 of this Section.
- (4) The operator shall complete a structured self-study.

(e) For a family child care home to earn a three-star rated license, the following requirements shall be met:



- (1) The operator shall meet education standards at the three-star level set forth in Rule .3217 of this Section or higher.
  - (2) The operator shall implement the family and community engagement standards set forth in Rule .3220 of this Section for a three-star rated license.
  - (3) The operator shall implement the continuous quality improvement standards set forth in Rule .3221 of this Section.
  - (4) The operator shall complete a structured self-study.
  - (5) The operator shall request and complete an external program assessment and use the results of the assessment in the continuous quality improvement plan set forth in Rule .3221 of this Section.
- (f) For a family child care home to earn a four-star rated license, the following requirements shall be met:
- (1) The operator shall meet education standards at the four-star level set forth in Rule .3217 of this Section or higher.
  - (2) The operator shall implement the family and community engagement standards set forth in Rule .3220 of this Section for a four-star rated license.
  - (3) The operator shall implement the continuous quality improvement standards set forth in Rule .3221 of this Section.
  - (4) The operator shall complete a structured self-study.
  - (5) The family child care home operator shall request and complete external program assessment:
    - (A) For any assessment that occurs prior to January 1, 2028, the family child care home must earn a score of 3.5 or higher on its FCCERS-3 assessment. An operator using an approved alternative program assessment tool shall earn a comparable score based on the tool's scoring scale, as determined by the Commission.
    - (B) For any assessment that occurs on or after January 1, 2028, the family child care home shall earn a score of 4.0 or higher on its FCCERS-3 assessment. An operator using an alternative approved program assessment tool shall earn a comparable score based on the tool's scoring scale, as determined by the Commission.
  - (6) Operators that are licensed to serve four-year-old children shall implement a curriculum as defined in Rule .0102(11) of this Chapter for use with children four years old and older.
- (g) For a family child care home to earn a five-star rated license, the following requirements shall be met:
- (1) The operator shall meet education standards at the five-star level set forth in Rule .3217 of this Section, or higher.
  - (2) The operator shall implement the family and community engagement standards set forth in Rule .3220 of this Section for a five-star rated license.
  - (3) The operator shall implement the continuous quality improvement standards set forth in Rule .3221 of this Section.
  - (4) The operator shall complete a structured self-study.
  - (5) The operator shall request and complete an external program assessment:

1 (A) For any assessment that occurs prior to January 1, 2028, the family child care home must  
2 earn a score of 4.0 or higher on its FCCERS-3 assessment. An operator using an approved  
3 alternative program assessment tool shall earn a comparable score based on the tool's  
4 scoring scale, as determined by the Commission.

5 (B) For any assessment that occurs on or after January 1, 2028, the family child care home  
6 shall earn a score of 5.0 or higher on its FCCERS-3 assessment. An operator using an  
7 alternative approved program assessment tool shall earn a comparable score based on the  
8 tool's scoring scale, as determined by the Commission.

9 (6) Operators that are licensed to serve four-year-old children shall implement a curriculum as defined  
10 in Rule .0102(11) of this Chapter for use with children four years old or older.

11  
12 *History Note: Authority G.S. 110-85 (3); 110-88(7); 110-90(4); 143B-168.3; S.L. 2011-145, s.10.7(b) and (d);*  
13 *42USCS 9858e; 45 FR 98.45;*  
14 *Eff. July 1, 2025.*

10A NCAC 09 .3205 is adopted with changes as published in 39:15 NCR 1009-1012 as follows:

**10A NCAC 09 .3205 CLASSROOM AND INSTRUCTIONAL QUALITY PATHWAY FOR CHILD CARE CENTERS**

(a) This Rule shall apply to child care centers that choose to earn two through five star rated license using the classroom and instructional quality licensure pathway.

(b) As used in this Rule, “educators” shall mean teachers, group leaders, and administrative staff, including directors, assistant directors, program coordinators, education coordinators, curriculum specialists, and other staff that have responsibility for planning, caregiving, mentoring or training on-site in a child care center. Educators shall meet the education standards of a position as set forth in Rules .3211, .3213, .3214, .3214, .3216 and .3218 of this Section and work full-time. If a program operates less than forty hours per week, full-time shall mean the hours the program is in operation.

(c) For a child care center to earn a two-star rated license, the following requirements shall be met:

- (1) The child care center shall meet either the enhanced ratio requirements set forth in Rule .3208 of this Section or the enhanced space requirements set forth in Rule .3210 of this Section.
- (2) A least fifty percent of lead teachers and at least fifty percent of educators shall meet the individual education standards at the two-star level as set forth in Rules .3211, .3212, .3213, .3214, .3215, .3216 and .3218 of this Section or higher.
- (3) The child care center shall implement the family and community engagement foundational practices set forth in Rule .3219 of this Section.
- (4) The child care center shall implement the continuous quality improvement standards set forth in Rule .3221 of this Section.
- (5) The child care center shall implement a curriculum for all ages served that is:
  - (A) aligned with the North Carolina Foundations for Early Learning and Development;
  - (B) child focused;
  - (C) developmentally appropriate; and
  - (D) culturally and linguistically appropriate.
- (6) In curriculum planning, the child care center shall ensure modifications and adaptations are made to involve all children with special health and developmental needs.

(d) For a child care center to earn a three-star rated license, the following requirements shall be met:

- (1) The child care center shall meet either the enhanced ratio requirements set forth in Rule .3208 of this Section or the enhanced space requirements set forth in Rule .3210 of this Section.
- (2) At least fifty percent of the lead teachers and fifty percent of the educators shall meet the individual education standards at the three-star level as set forth in Rules .3211, .3212, .3213, .3214, .3215, .3216 and .3218 of this Section or higher.
- (3) The child care center shall implement the family and community engagement standards set forth in Rule .3219 of this Section for a three-star rated license.

- (4) The child care center shall implement continuous quality improvement standards set forth in Rule .3221 of this Section.
- (5) The child care center shall implement a curriculum for all ages served that is:
- (A) aligned with the North Carolina Foundations for Early Learning and Development;
  - (B) child focused;
  - (C) developmentally appropriate; and
  - (D) culturally and linguistically appropriate.
- (6) In curriculum planning, the child care center shall ensure modifications and adaptations are made to involve all children with special health and developmental needs.
- (7) The child care center shall ensure child observations are conducted for each child enrolled in the facility. Child observations shall include evidence of the child's activities and may include the following:
- (A) anecdotal notes;
  - (B) portfolio of child's work samples;
  - (C) developmental screenings
  - (D) formative assessment tools; or
  - (E) photographs, audio, or video recordings with permission from the child's family.
- (8) The administrator participates in one of the following activities regarding classroom and instructional quality practices:
- (A) annual completion of five hours of coaching or mentoring by another administrator of a licensed child care center with a star rating of three stars or higher, or a community resource partner;
  - (B) annual completion of five on-going training hours, in addition to applicable requirements in Rule .1103 of this Chapter and Rules .3211, .3212, .3213, .3214, .3215, .3216 and .3218 of this Section; or
  - (C) annual completion of 0.5 continuing education unit, in addition to applicable requirements in Rule .1103 of this Chapter and Rules .3211, .3212, .3213, .3214, .3215, .3216 and .3218 of this Section.
- (e) For a child care center to earn a four-star rated license, the following requirements shall be met:
- (1) The child care center shall meet the enhanced ratio requirements set forth in Rule .3208 of this Section. The child care center may choose to meet the enhanced space requirements set forth in Rule .3210 of this Section.
  - (2) At least fifty percent of lead teachers and at least fifty percent of educators shall meet the individual education standards at the four-star level as set forth in Rules .3211, .3212, .3213, .3214, .3215, .3216 and .3218 of this Section or higher.
  - (3) The child care center shall implement the family and community engagement standards set forth in Rule .3219 of this Section for a four-star license.

- 1 (4) The child care center shall implement the continuous quality improvement standards set forth in  
2 Rule .3221 of this Section.
- 3 (5) The child care center shall implement a curriculum that has been approved by the Commission as  
4 defined in Rule .0102(11) of this Chapter for all ages served. A list of curricula that has been  
5 approved by the Commission is available at [http://ncchildcare.ncdhhs.gov/Services/Licensing/Star-](http://ncchildcare.ncdhhs.gov/Services/Licensing/Star-Rated-License/Curriculum)  
6 [Rated-License.Curriculum](http://ncchildcare.ncdhhs.gov/Services/Licensing/Star-Rated-License/Curriculum).
- 7 (6) In curriculum planning, the child care center shall ensure modifications and adaptations are made to  
8 involve all children with special health and developmental needs.
- 9 (7) The child care center shall conduct on-going formative assessments to gather information about  
10 each child's growth and skill development based on individual development and learning needs and  
11 maintain evidence of each child's on-going assessment. The child care center shall use a formative  
12 assessment(s) that has been approved by the Commission, available at  
13 ~~<http://ncchildcare.ncdhhs.gov/Services/Licensing/Star-Rated-License/Curriculum>~~  
14 <https://ncchildcare.ncdhhs.gov/Services/Licensing/Star-Rated-License/Curriculum>. Evidence of  
15 formative assessments shall include documentation required or contemplated by the approved  
16 formative assessment and may also include:
- 17 (A) anecdotal notes;  
18 (B) portfolio of child's work samples;  
19 (C) developmental screenings; or  
20 (D) photographs, audio, or video recordings with permission from the child's family.
- 21 (8) The lead teacher shall share the results of the formative assessment with families at least once  
22 annually. The manner in which the results are shared shall be convenient for the family such as by  
23 telephone, email, virtually, or in-person.
- 24 (9) The administrator shall complete training related to the approved curriculum and formative  
25 assessment tool that is used by center staff with children, in addition to applicable requirements in  
26 Rule .1103 of this Chapter. Verification of this training shall be maintained in the administrator's  
27 personnel file.
- 28 (10) The administrator shall participate in one of the following activities regarding classroom and  
29 instructional quality practices:
- 30 (A) annual completion of five hours of coaching or mentoring by another administrator of a  
31 licensed child care facility with a star-rating of four or five stars or a community resource  
32 partner;  
33 (B) annual completion of five on-going training hours, in addition to applicable requirements  
34 in Rule .1103 of this Chapter and Rules .3211, .3212, .3213, .3214, .3215, .3216 and .3218  
35 of this Section; or

- (C) annual completion of 0.5 continuing education unit, in addition to applicable requirements in Rule .1103 of this Chapter and Rules .3211, .3212, .3213, .3214, .3215, .3216 and .3218 of this Section.
- (11) All lead teachers shall participate in one of the following activities regarding classroom and instructional quality practices:
- (A) annual completion of five hours of coaching or mentoring by the administrator, another lead teacher in the center, a lead teacher in another licensed child care center with a star-rating of four or five stars, an administrator of another licensed child care center with a star-rating of four or five stars, or a community resource partner;
- (B) annual completion of five on-going training hours, in addition to applicable requirements in Rule .1103 of this Chapter and Rules .3211, .3212, .3213, .3214, .3215, .3216 and .3218 of this Section; or
- (C) annual completion of 0.5 continuing education unit, in addition to applicable requirements in Rule .1103 of this Chapter and Rules .3211, .3212, .3213, .3214, .3215, .3216 and .3218 of this Section.
- (f) For a child care center to earn a five-star rated license, the following requirements shall be met:
- (1) The child care center shall meet the reduced, enhanced ratio requirements set forth in Rule .3209 of this Section. The child care center may choose to meet the enhanced space requirements set forth in Rule .3210 of this Section.
- (2) At least fifty percent of lead teachers and at least fifty percent of educators shall meet the individual education standards at the five-star level as set forth in Rules .3211, .3212, .3213, .3214, .3215, .3216 and .3218 of this Section, or higher.
- (3) The child care center shall implement the family and community engagement standards set forth in Rule .3219 of this Section for a five-star rated license.
- (4) The child care center shall implement the continuous quality improvement standards set forth in Rule .3221 of this Section.
- (5) The child care center shall implement a curriculum that has been approved by the Commission as defined in Rule .0102(11) of this Chapter for all ages served. A list of curricula that has been approved by the Commission is available at ~~<http://ncchildcare.ncdhhs.gov/Services/Licensing/Star-Rates-License/Curriculum>~~ <https://ncchildcare.ncdhhs.gov/Services/Licensing/Star-Rated-License/Curriculum>.
- (6) In curriculum planning, the child care center shall ensure modifications and adaptations are made to involve all children with special health and developmental needs.
- (7) The child care center shall conduct on-going formative assessments to gather information about each child's growth and skill development based on individual development and learning needs and maintain evidence of each child's on-going assessment. The child care center shall use a formative assessment(s) that has been approved by the Commission, available at

<http://ncchildcare.ncdhhs.gov/Services/Licensing/Star-Rated-License/Curriculum>. Evidence of formative assessments shall include documentation required or contemplated by the approved formative assessment and may also include:

- (A) anecdotal notes;
- (B) portfolio of child's work samples;
- (C) developmental screenings; or
- (D) photographs, audio, or video recordings with permission from the child's family.

(8) The lead teacher shall share the results of the formative assessment with families at least twice annually. While sharing the results, the lead teacher shall provide an opportunity for families to contribute additional information to the formative assessment. The manner in which the results are shared shall be convenient for the family such as by telephone, email, virtually, or in-person.

(9) The administrator and all lead teachers shall complete training related to the curriculum and formative assessment tool that is used by the center with children, in addition to applicable requirements in Rule .1103 of this Chapter. Verification of this training shall be maintained in the individual's personnel file.

(10) The administrator participates in one of the following activities regarding classroom and instructional quality practices:

- (A) annual completion of five hours of coaching or mentoring by an administrator of another licensed child care center with a star-rating of five stars, or a community resource partner;
- (B) annual completion of five on-going training hours, in addition to applicable requirements in Rule .1103 of this Chapter and Rules .3211, .3212, .3213, .3214, .3215, .3216 and .3218 of this Section; or
- (C) annual completion of 0.5 continuing education unit, in addition to applicable requirements in Rule .1103 of this Chapter and Rules .3211, .3212, .3213, .3214, .3215, .3216 and .3218 of this Section.

(11) All lead teachers participate in one of the following activities regarding classroom and instructional quality practices:

- (A) annual completion of five hours ~~per~~ of coaching or mentoring by the administrator, another lead teacher in the center, a lead teacher in another licensed child care center with a star-rating of five stars, an administrator of another licensed child care center with a star-rating of five stars, or a community resource partner;
- (B) annual completion of five on-going training hours, in addition to applicable requirements in Rule .1103 of this Chapter and Rules .3211, .3212, .3213, .3214, .3215, .3216 and .3218 of this Section; or
- (C) annual completion of 0.5 continuing education unit, in addition to applicable requirements in Rule .1103 of this Chapter and Rules .3211, .3212, .3213, .3214, .3215, .3216 and .3218 of this Section.

(g) For any child care center serving pre-school age children, the following shall also apply:

- (1) Each child care center shall comply with the requirements set forth in Rule .0508 of this Chapter for written activity schedules and plans and Rule .0509 of this Chapter for general activity requirements;
- (2) Each child care center shall comply with the requirements for activity areas for preschool-age children as set forth 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; and
- (3) 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.

(h) For centers with a licensed capacity of two hundred or more, there shall be a second administrator on-site for a minimum of twenty hours per week who shall have the Level I North Carolina Early Childhood Administrator Credential or its approved equivalent.

(i) For centers providing school-age care with two hundred 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.

(j) The above requirements shall apply to centers located in a residence, as describes in Rule .0102 of this Chapter, except that the following shall apply when determining individual staff education standards:

- (1) If the operator is the only lead teacher, the operator shall meet the individual education standards at the desired star level, as set forth in Rule .3212 of this Section, or higher.
- (2) If additional lead teachers are employed by the operator, at least fifty percent of all lead teachers, including the operator, shall meet the individual education standard at the desired star level, as set forth in Rule .3212, or higher.

*History Note:* Authority G.S. 110-85(3); 110-88(7); 110-90(4); 143B-168.3, S.L. 2011-145, s.10.7(b) and (d); S.L. 2024-34; 42 USCS 9858e; 45 CFR 98.45; Eff. July 1, 2025.



1 **10A NCAC 09 .3206 is adopted with changes as published in 39:15 NCR 1012-1014 as follows as follows:**

2  
3 **10A NCAC 09 .3206 CLASSROOM AND INSTRUCTIONAL QUALITY PATHWAY FOR FAMILY**  
4 **CHILD CARE HOMES**

5 (a) This Rule shall apply to family child care homes that choose to earn two through five-star rated license using the  
6 classroom and instructional quality licensure pathway.

7 (b) For a family child care home to earn two-star rated license, the following requirements shall be met:

- 8 (1) The operator shall meet education standards at the two-star level as set forth in Rule .3217 of this  
9 Section or higher.
- 10 (2) The operator shall implement the family and community engagement foundational practices set  
11 forth in Rule .3220 of this Section for a two-star rated license.
- 12 (3) The operator shall implement the continuous quality improvement standards set forth in Rule .3221  
13 of this Section.
- 14 (4) The operator shall implement a curriculum for all ages served that is:
  - 15 (A) aligned with the North Carolina Foundations for Early Learning and Development;
  - 16 (B) child focused;
  - 17 (C) developmentally appropriate; and
  - 18 (D) culturally and linguistically appropriate.
- 19 (5) In curriculum planning, the operator shall ensure modifications and adaptations are made to involve  
20 all children with special health and developmental needs.

21 (c) For a family child care home to earn a three-star rated license, the following requirements shall be met:

- 22 (1) The operator shall meet education standards at the three-star level as set forth in Rule .3217 of this  
23 Section or higher.
- 24 (2) The operator shall implement the family and community engagement standards set for in Rule .3220  
25 of this Section for a three-star rated license.
- 26 (3) The operator shall implement the continuous quality improvement standards set forth in Rule .3221  
27 of this Section.
- 28 (4) The operator shall implement a curriculum for all ages served that is:
  - 29 (A) aligned with the North Carolina Foundations for Early Learning and Development;
  - 30 (B) child focused;
  - 31 (C) developmentally appropriate; and
  - 32 (D) culturally and linguistically appropriate.
- 33 (5) In curriculum planning the operator shall ensure modifications and adaptations are made to involve  
34 all children with special health and developmental needs.
- 35 (6) The operator shall ensure child observations are conducted for each child enrolled in the family  
36 child care home. Child observations shall include evidence of the child's activities and may include  
37 the following:
  - 38 (A) anecdotal notes;

- 1 (B) portfolio of child's work samples;  
2 (C) developmental screenings;  
3 (D) formative assessment tools; or  
4 (E) photographs, audio, or video recordings with permission from the child's family.
- 5 (7) The operator participates in one of the following activities regarding classroom and instructional  
6 quality practices:
- 7 (A) annual completion of five hours of coaching or mentoring by a center administrator of a  
8 licensed child care center with a star-rating of three stars or higher, an operator of another  
9 licensed family child care home with a star-rating of three stars or higher, or a community  
10 resource partner;
- 11 (B) annual completion of five on-going training hours, in addition to applicable requirements  
12 in Rule .1703(f) of this Chapter and Rule .3217 of this Section; or
- 13 (C) annual completion of 0.5 continuing education unit, in addition to applicable requirements  
14 in Rule .1703(f) of this Chapter and Rule .3217 of this Section.
- 15 (d) For a family child care home to earn a four-star rated license, the following requirements shall be met:
- 16 (1) The operator shall meet education standards at the four-star level as set forth in rule .3217 of this  
17 Section or higher.
- 18 (2) The operator shall implement the family and community engagement standards set forth in Rule  
19 .3220 of this Section for a four-star rated license.
- 20 (3) The operator shall implement the continuous quality improvement standards set forth in Rule .3221  
21 of this Section.
- 22 (4) The operator shall implement a curriculum that has been approved by the Commission as defined  
23 in Rule 10A NCAC 09 .0102(11)(13) of this Chapter for all ages served. A list of curricula that has  
24 been approved by the Commission is available at  
25 <http://ncchildcare.ncdhhs.gov/Services/Licensing/Star-Rated-License/Curriculum>.
- 26 (5) In curriculum planning, the operator shall ensure modifications and adaptations are made to involve  
27 all children with special health and developmental needs.
- 28 (6) The operator shall conduct on-going formative assessments to gather information about each child's  
29 growth and skill development based on individual development and learning needs and maintain  
30 evidence of each child's on-going assessment. The operator shall use a formative assessment(s) that  
31 has been approved by the Commission, available at  
32 <http://ncchildcare.ncdhhs.gov/Services/Licensing/Star-Rated-License/Curriculum>. Evidence of  
33 formative assessments shall include documentation required or contemplated by the approved  
34 formative assessment and may also include:
- 35 (A) anecdotal notes;  
36 (B) portfolio of child's work samples;  
37 (C) developmental screenings; or

- (D) photographs, audio, or video recordings with permission from the child's family.
- (7) The operator shall share the results of the formative assessment with families at least once annually. The manner in which the results are shared shall be convenient for the family such as by telephone, email, virtually, or in-person.
- (8) The operator shall complete training related to the curriculum and formative assessment tool that is used by center staff with children, in addition to applicable requirements in Rule .1703(f) of this Chapter. Verification of this training shall be maintained in the operator's personnel file.
- (9) The operator participates in one of the following activities regarding classroom and instructional quality practices:
- (A) annual completion of five hours of coaching or mentoring by a center administrator of a licensed child care center with a star-rating of four or five stars, an operator of another licensed family child care home with a star-rating of four or five stars, or a community resource partner;
- (B) annual completion of five on-going training hours, in addition to applicable requirements in Rule .1703(f) of this Chapter and Rule .3217 of this Section; or
- (C) annual completion of 0.5 continuing education unit, in addition to applicable requirements in Rule .1703(f) of this Chapter and Rule .3217 of this Section.
- (e) For a family child care home to earn a five-star rated license, the following requirements shall be met:
- (1) If the family child care home is meeting license capacity requirements in G.S. 110-91(7)(b)(1), no more than four children shall be under the age of twenty-four months of the children who are birth to five years of age. This requirement shall not reduce the licensed capacity of the family child care home.
- (2) The operator shall meet the education standards at the five-star level set forth in Rule .3217 of this Section, or higher.
- (3) The operator shall implement the family and community engagement standards set forth in Rule .3220 of this Section for a five-star rated license.
- (4) The operator shall implement the continuous quality improvement standards set forth in Rule .3221 of this Section.
- (5) The operator shall implement a curriculum that has been approved by the Commission as defined in Rule 10A NCAC 09 .0102(11) (13) of this Chapter for all ages served. A list of curricula that has been approved by the Commission is available at ~~<http://ncchildcare.ncdhhs.gov/Services/Licensing/Star-Rated-License/Curriculum>~~.  
<http://ncchildcare.ncdhhs.gov/Services/Licensing/Star-Rated-License/Curriculum>.
- (6) In curriculum planning, the operator shall ensure modifications and adaptations are made to involve all children with special health and developmental needs.
- (7) The operator shall conduct on-going formative assessments to gather information about each child's growth and skill development based on individual development and learning needs and maintain

evidence of each child's on-going assessment. The operator shall use a formative assessment(s) that has been approved by the Commission, available at <http://ncchildcare.ncdhhs.gov/Services/Licensing/Star-Rated-License/Curriculum>. Evidence of formative assessments shall include documentation required or contemplated by the approved formative assessment and may also include:

- (A) anecdotal notes;
- (B) portfolio of child's work samples;
- (C) developmental screenings; or
- (D) photographs, audio, or video recordings with permission from the child's family.

(8) The operator shall share the results of the formative assessment with families at least twice annually. While sharing the results, the operator shall provide an opportunity for families to contribute additional information to the formative assessment. The manner in which the results are shared shall be convenient for the family such as by telephone, email, virtually, or in-person.

(9) The operator shall complete training related to the curriculum and formative assessment tool that is used, in addition to applicable requirements in Rule .1703(f) of this Chapter. Verification of this training shall be maintained in the operator's personnel file.

(10) The operator participates in one of the following activities regarding classroom and instructional quality practices:

- (A) annual completion of five hours of coaching or mentoring by a center administrator of a licensed child care center with a star-rating of five stars, an operator of another licensed family child care home with a star-rating of five stars, or a community resource partner;
- (B) annual completion of five on-going training hours, in addition to applicable requirements in Rule .1703(f) of this Chapter and Rule .3217 of this Section; or
- (C) annual completion of 0.5 continuing education unit, in addition to applicable requirements in Rule .1703(f) of this Chapter and Rule .3217 of this Section.

*History Note: Authority G.S. 110-85(3); 110-88(7); 110-90(4); 143B-168.3; S.L. 2011-145, s.10.7(b) and (d); S.L. 2024-32; 42 USCS 9858e; 45 CFR 98.45; Eff. July 1, 2025.*

1 **10A NCAC 09 .3207 is adopted with changes as published in 39:15 NCR 1014-1015 as follows:**

2  
3 **10A NCAC 09 .3207 ACCREDITATION AND HEAD START PATHWAY FOR CHILD CARE**  
4 **FACILITIES**

5 (a) This Rule shall apply to child care facilities that choose to earn a two through five-star rated license using the  
6 accreditation and Head Start licensure pathway.

7 (b) As used the Rule, “educators” shall mean teachers, group leaders, and administrative staff, including directors,  
8 assistant directors, program coordinators, education coordinators, curriculum specialists, and other staff that have  
9 responsibility for planning, caregiving, mentoring or training on-site in a child care center. Educators shall meet the  
10 education standards of a position as set forth in Rules .3211, .3213, .3214, .3215, .3216 and .3218 of this Section and  
11 work full-time. If a program operates less than forty hours per week, full-time shall mean the hours the program is in  
12 operation.

13 (c) When a child care facility is accredited by one of the following organizations, a three-star license may be issued  
14 based on programmatic standards:

- 15 (1) National Association for Family Child Care (NAFCC)
- 16 (2) National Early Childhood Program Accreditation (NECPA)
- 17 (3) American Montessori Society (AMS)
- 18 (4) International Montessori Council (IMC)

19 (d) A child care facility accredited by one of the organizations listed in (c) of this Rule may increase its star rating to  
20 a four- star rated license, by requesting an evaluation of its education standards and be issued a four-star rated license  
21 if the following applicable standard is met:

- 22 (1) For child care centers, at least fifty percent of lead teachers and at least fifty percent of educators  
23 shall meet the individual education standards at the four-star level, as set forth in Rules .3211, .3212,  
24 .3213, .3214, .3215, .3216 and .3218 of this Section or higher.
- 25 (2) For a family child care home, the operator shall meet education standards at the four-star level, as  
26 set forth in Rule .3217 of this Section or higher.

27 (e) A child care facility accredited by one of the organizations listed in (c) of this Rule may increase its star rating to  
28 a five-star rated license, by requesting an evaluation of its education standards and be issued a five-star rated license  
29 if the following applicable standard is met:

- 30 (1) For child care centers, at least fifty percent of all lead teachers and at least fifty percent of all other  
31 educators shall meet individual education standards at the five-star level, as set forth in Rules .3211,  
32 .3212, .3213, .3214, .3215, .3216 and .3218 of this Section or higher.
- 33 (2) The operator of a family child care home shall meet education standards at the five-star level, as set  
34 forth in Rule .3217 of this Section or higher.

35 (f) When a child care facility is accredited by one of the following organizations, a five-star rated license may be  
36 issued based on educational and programmatic standards:

- 37 (1) National Association for the Education of Young Children (NAEYC)
- 38 (2) National Accreditation Commission for Early Care and Education Programs (NAC)

- (3) Cognia, that includes early learning standards
- (4) Cognia, that includes extended learning standards for school age care only programs
- (g) When a child care facility is designated as Head Start or Early Head Start, a five-star rated license may be issued based on educational and programmatic standards,
- (h) Verification of accreditation status, Head Start designation or Early Head Start designation shall be maintained at the child care facility at all times and be provided to the Division on request.
- (i) Accredited, Head Start and Early Head Start facilities shall meet the staff/child ratio requirements of the organization when required to obtain and maintain the accreditation or designation. If a facility may receive an accreditation award or Head Start designation without adhering to the accreditation standards or Head Start performance standards, the facility shall meet the organization's staff/child ratio standard or enhanced staff/child ratio requirements specified in Rule .3208 of this Section.
- (j) Accredited facilities, Head Start facilities and Early Head Start facilities are not required to meet additional programmatic requirements described in this Section when in good standing with accreditation or performance standards. Programmatic requirement topics include curriculum, continuous quality improvement, and family and community engagement.
- (k) For any child care center serving pre-school age children, the following shall also apply:
- (1) Each child care center shall comply with the requirements set forth in Rule .0508 of this Chapter for written activity schedules and plans and Rule .0509 of this Chapter for general activity requirements;
- (2) Each child care center shall comply with the requirements for activity areas for preschool-age children as set forth 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; and
- (3) 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.
- (l) 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 approved equivalent.
- (m) For centers providing school-age care with two hundred or more school-age 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(3); 110-88(7); 110-90(4); 143B-168.3; S.L. 2011-145, s.10.7(b) and (d); S.L. 2024-34; 42 USCS 9858e; 45 CFR 98.45;  
Eff. July 1, 2025.

10A NCAC 09 .3208 is adopted with changes as published in 39:15 NCR 1015-1016 as follows:

**10A NCAC 09 .3208      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) Enhanced staff/child ratio means that 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) 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.

(d) Enhanced staff/child ratios shall not apply to facilities who choose to use multi-age group staff child ratios as set forth in Rule .0713(f) of this Chapter.

(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; 42 USCS 9858e; 45 CFR 98.45;  
Eff. July 1, 2025.*

1 10A NCAC 09 .3210 is adopted with changes as published in 39:15 NCR 1016 as follows:

2  
3 **10A NCAC 09 .3210 ENHANCED SPACE REQUIRMENTS FOR CHILD CARE CENTERS**

4 In order for a child care center to meet enhanced space requirements:

5 (a) There shall be at least 30 square feet inside space per child per the total licensed capacity and 100 square feet  
6 outside space for each child using the outdoor learning environment at any one time; and

7 (b) There shall be an area that can be arranged for administrative and private conference activities.

8  
9 *History Note: Authority G.S. 110-88(7); 143B-168.3; 42 USCS 9858e; 45 CFR 98.45;*

10 *Eff. July 1, 2025.*



10A NCAC 09 .3216 is adopted with changes as published in 39:15 NCR 1022 as follows:

**10A NCAC 09 .3216      ENHANCED EDUCATION STANDARDS FOR ADMINISTRATORS OF CHILD  
CARE CENTERS THAT ONLY PROVIDE CARE FOR SCHOOL-AGE  
CHILDREN**

(a) This Rule and not 10A NCAC 09 .3211 shall apply when evaluating the education of an administrator, as defined by G.S. 110-86(2a), for a child care center that only provides care to school-age children.

(b) A child care provider meets the two-star education standard for administrators if the provider meets, at minimum, the requirements set forth in Option One or Option Two as follows:

(1) Option One:

(A) Completed or be enrolled in coursework for the NC Early Childhood Administration Credential; and

(B) Have at least one year licensed or unlicensed school-age care experience.

(2) Option Two:

(A) Level I NC Early Childhood Administration Credential or its approved equivalent or higher; and

(B) Have at least three months licensed or unlicensed school-age care experience.

(c) A child care provider meets the three-star education standard for administrators if the provider meets, at minimum, the requirements set forth in Option One or Option Two as follows:

(1) Option One:

(A) Level I NC Early Childhood Administration Credential or its approved equivalent or higher; and

(B) Have at least six months licensed or unlicensed school-age care experience.

(2) Option Two:

(A) Level I ~~NC~~ NC Early Childhood Administration Credential or its approved equivalent or higher; and

(B) Have at least three months licensed or unlicensed school-age care experience; and

(C) Successful completion of BSAC training.

(d) A child care provider meets the four-star education standard for administrators if the provider meets, at minimum, the requirements set forth in Option One or Option Two as follows:

(1) Option One:

(A) Level I NC Early Childhood Administration credential or its approved equivalent or higher; and

(B) Have at least one year licensed and unlicensed school-age care experience.

(2) Option Two:

(A) Level II NC Early Childhood Administration Credential or its ~~approved~~ approved equivalent or higher; and

(B) Have at least six months licensed or unlicensed school-age care experience.

(e) A child care provider meets the five-star education standard for administrators if the provider meets, at minimum, the requirements set forth in Option One or Option Two as follows:

(1) Option One:

- (A) Level II NC Early Childhood Administration Credential or its approved equivalent or higher; and
- (B) Have at least one year experience licensed or unlicensed school-age care experience; and
- (C) Successful completion of BSAC training.

(2) Option Two:

- (A) Level III NC Early Childhood Administration Credential or its approved equivalent; and
- (B) Have at least six months licensed school-age care experience or have eight months unlicensed school-age care experience.

*History Note: Authority G.S. 110-85(3); 110-88(7); 110-90(4); 143B-168.3; S.L. 2023-40; S.L. 2024-34; 42 USCS 9858e, 45CFR 98.45; Eff. July 1, 2025.*

10A NCAC 09 .3217 is adopted as published in 39:15 NCR 1022-2024 as follows:

**10A NCAC 09 .3217      ENHANCED EDUCATION STANDARDS FOR FAMILY CHILD CARE HOME OPERATORS**

(a) This Rule shall apply when evaluating the education of a family child care home operator.

(b) A child care provider meets the two-star education standard for a family child care home operator if the provider meets, at minimum, the requirements set forth in Option One, Option Two, Option Three, or Option Four as follows:

(1) Option One: Completion of a Child Development Associate (CDA) that is active with no credit for prior learning.

(2) Option Two: Successful completion of at least four semester hours in early childhood education or child development coursework at an accredited college or university.

(3) Option Three: NC Family Child Care Credential or its approved equivalent.

(4) Option Four:

(A) Have at least three years of early childhood work experience; and

(B) Annual completion of at least 0.5 continuing education credit specific to the ages and needs of children in care, in addition to applicable requirements in Rule .1703 of this Chapter; or successful completion of a competency evaluation as set forth in Rule .3218 of this Section.

(c) A child care provider meets the three-star education standard for a family child care home operator if the provider meets, at minimum, the requirements set forth in Option One, Option Two, or Option Three as follows:

(1) Option One: Completion of a Child Development Associate (CDA) that is active with credit for prior learning.

(2) Option Two:

(A) NC Family Child Care Credential or its approved equivalent; and

(B) Successful completion of at least six semester hours in early childhood education or child development coursework at an accredited college or university.

(3) Option Three:

(A) Have at least five years of early childhood work experience; and

(B) Annual completion of at least 1.0 continuing education credit specific to the ages and needs of children in care, in addition to applicable requirements in Rule .1703 of this Chapter; or successful completion of a competency evaluation as set forth in Rule .3218 of this Section.

(d) A child care provider meets the four-star education standard for a family child care home operator if the provider meets, at minimum, the requirements set forth in Option One, Option Two, Option Three, or Option Four as follows:

(1) Option One:

(A) NC Family Child Care Credential or its approved equivalent; and

(B) Successful completion of at least 12 semester hours in early childhood education or child development coursework at an accredited college or university; and

(C) Have at least one year early childhood work experience.

1           (2)     Option Two:

2                (A)     NC Family Child Care Credential or its approved equivalent; or

3                (B)     Successful completion of at least 15 semester hours in early childhood education or child  
4                        development coursework at an accredited college or university; and

5                (C)     Have at least one year early childhood work experience.

6           (3)     Option Three: Completion of an Early Childhood Certificate.

7           (4)     Option Four:

8                (A)     Have at least eight years of early childhood work experience; and

9                (B)     Annual completion of at least 1.5 continuing education credits specific to the ages and  
10                       needs of children in care, in addition to applicable requirements in Rule .1703 of this  
11                       Chapter; or successful completion of a competency evaluation as set forth in Rule .3218 of  
12                       this Section.

13 (e) A child care provider meets the five-star education standard for a family child care home operator if the provider  
14 meets, at minimum, the requirements set forth in Option One, Option Two, Option Three, Option Four, or Option Five  
15 as follows:

16           (1)     Option One:

17                (A)     Completion of an AAS degree in early childhood education or child development at an  
18                        accredited college or university; and

19                (B)     Have at least eighteen months early childhood work experience.

20           (2)     Option Two:

21                (A)     Successful completion of all required early childhood education coursework for an AAS  
22                        degree program an individual is enrolled in at an accredited college or university, without  
23                        full completion of the degree; and

24                (B)     Have at least three years of early childhood education work experience.

25           (3)     Option Three:

26                (A)     Completion of an AAS degree or higher in any major with at least 12 semester hours in  
27                        early childhood education or child development coursework at an accredited college or  
28                        university; and

29                (B)     Have at least two years of early childhood work experience.

30           (4)     Option Four:

31                (A)     NC Family Child Crae Credential or its approved equivalent; and

32                (B)     Successful completion of at least 18 semester hours in early childhood education or child  
33                        development coursework at an accredited college or university; and

34                (C)     Have at least four years early childhood work experience.

35           (5)     Option Five:

36                (A)     Have at least 10 years of early childhood work experience; and

1           (B)     Annual completion of at least 2.5 continuing education credits specific to the ages and  
2                   needs of children in care, in addition to applicable requirements in Rule.1703 of this  
3                   Chapter; and

4           (C)     Successful completion of a competency evaluation as set forth in Rule .3218 of this  
5                   Section.

6     (f) Semester hours in early childhood education or child development coursework required to meet the standards set  
7     forth in this Rule shall not include the coursework necessary for the North Carolina Family Child Care Credential.

8  
9     History Note:     Authority G.S. 110-85(3); 110-88(7); 110-90(4); 143B-168.3; S.L. 2023-40; S.L. 2024-34; 42 USCS  
10                   9858e; 45 CFR 98.45;  
11                   Eff. July 1, 2025.

10A NCAC 09 .3218 is adopted with changes as published in 39:15 NCR 2024-2025 as follows:

**10A NCAC 09 .3218      COMPETENCY EVALUATIONS**

(a) This Rule shall apply to operators of a family child care home, lead teachers, and teachers that choose an education standard option in this Section that requires successful completion of a competency evaluation.

(b) Successful completion of a competency evaluation means that an individual has demonstrated the knowledge, skills, and abilities set forth in (c) of this Rule.

(c) Competency evaluations shall align with the developmental domains described in the North ~~Carolina~~ Carolina Foundations for Early Learning and Development and address an individual's knowledge, skills, and abilities to provide developmentally, linguistically, and culturally appropriate experiences and interactions that support children's development and learning by:

(1) supporting children's approaches to learning by providing engaging experiences and interactions that nurture:

- (A) curiosity, information-seeking, and eagerness;
- (B) play and imagination;
- (C) risk-taking, problem-solving, and flexibility; and
- (D) attentiveness, effort, and persistence.

(2) engaging in responsive, respectful interactions with each child and offering guidance that supports children's emotional and social development including:

- (A) developing a sense of self;
- (B) developing a sense of self with others; and
- (C) learning about feelings.

(3) providing developmentally appropriate learning opportunities to promote children's health and physical development including:

- (A) physical health and growth;
- (B) motor development;
- (C) self-care; and
- (D) safety awareness.

(4) facilitating verbal and non-verbal communication through back-and-forth exchanges and use developmentally appropriate, play-based experiences to promote language development and foundational emergent literary skills such as:

- (A) learning to communicate;
- (B) foundations for reading; and
- (C) foundations for writing.

(5) fostering children's cognitive development by providing experiences and interactions that support children's exploration, thinking, and knowledge of the world around them including:

- (A) construction of knowledge;

- (B) thinking and reasoning;
- (C) creative expression;
- (D) social connections;
- (E) mathematical thinking and expression; and
- (F) scientific exploration and knowledge.

(d) An initial competency evaluation shall be completed by individuals approved by the Division to perform the evaluation and shall include:

- (1) One in-person unannounced observation of the family child care home operator, lead teacher or teacher performing the duties of their position. The evaluator shall provide written notification to the individual requesting the competency evaluation regarding the unannounced observation to be conducted during operating hours; and
- (2) A review of documentation submitted by the family child care home operator, lead teacher or teacher that provides evidence of each applicable competency for their employment position, age range of children served, and education standards as set forth in this Rule. Evidence may include:
  - (A) sample activity plans written by the individual requesting a competency evaluation;
  - (B) anecdotal notes regarding how competencies are implemented;
  - (C) observation of the individual by a center administrator or other licensed family child care home operator;
  - (D) surveys or other type of feedback from families of children enrolled in the individual's classroom or family child care home;
  - (E) audio or video recordings of activities with permission from families of children who are participants;
  - (F) self-assessment of the classroom or program using a program assessment tool;
  - (G) performance-based evaluations; and
  - (H) participation in apprenticeships, technical assistance, coaching, or mentoring processes.

(e) The evaluator shall document the individual's competency evaluation using a form approved by the Division that includes all applicable competencies and documents how each competency was met or not met.

(f) If the evaluator determines that the provider meets the competencies set forth in (c) of this Rule, the provider will be notified in writing, and the successful completion determination shall be valid for a period of three years.

(g) To renew a competency evaluation determination, the provider shall submit updated evidence of each applicable competency for their employment position and education standards as set forth in (d)(2) of this Rule at least thirty days prior to expiration of the determination.

(h) If the evaluator determines that the provider does not meet the competencies in subsection (c) of this rule, the provider shall be notified in writing and have an opportunity to provide additional information within 30 days regarding the competency evaluation before a final decision is made by a different evaluator.

(i) When an individual does not meet the requirements for successful completion of the competency evaluation, whether or not they submit additional information for a record review, they may resubmit for a competency evaluation

1 six months after the letter notifying them of their unsuccessful evaluation is issued, or when the second review decision  
2 is issued, whichever is later.

3 (j) Competency evaluation standards and forms may be found on the Division's website at  
4 <http://ncchildcare.ncdhhs.gov/Provider/Provider-Documents-and-Forms>.

5  
6 *History Note:* Authority *G.S. 110-85(3); 110-88(7); 110-90(4); 143B-168.3; S.L. 2023-40; S.L. 2024-34; 42 USCS*  
7 *9858e; 45 CFR 98.45;*  
8 *Eff. July 1, 2025.*



1 **10A NCAC 09 .3221 is adopted with changes as published in 39:15 NCR 1028-1029 as follows:**

2  
3 **10A NCAC 09 .3221 CONTINUOUS QUALITY IMPROVEMENT (CQI) STANDARDS**

4 (a) This rule shall apply to child care facilities that have earned a two through five star rated license using the program  
5 assessment licensure pathway or the classroom and instructional quality licensure pathway in Rules .3203, .3204,  
6 .3205 and .3206 of this Section. Child care facilities that have earned a two through five star rated license using the  
7 accreditation and Head Start licensure pathway in Rule .3207 of this Section shall comply with standards set forth by  
8 those organizations for continuous quality improvement.

9 (b) Continuous Quality Improvement (CQI) means a process that individuals and facilities shall use to identify areas  
10 of growth and determine a path toward enhanced teaching, learning and practices to achieve better outcomes for  
11 children, staff, and programs. The CQI process builds over time, using established goals to support individuals and  
12 facilities in achieving and sustaining continual improvements.

13 (c) All administrators and other staff members with caregiving responsibilities on a routine schedule of at least once  
14 per week shall complete an individual continuous quality improvement plan. This shall also apply to operators of  
15 centers located in a residence, as described in Rule .0102 of this Chapter, and their employed staff members. Each  
16 individual continuous quality improvement plan shall be reviewed annually, accompany the professional development  
17 plan required in Rule .1104 of this Chapter, be maintained in the individual's personnel file, and include:

18 (1) Identification of the resources or supports needed by the individual to achieve the established goal(s) of  
19 the professional development plan, including but not limited to, the time estimated to achieve the goal and  
20 specific support needed from the operator to complete the goal;

21 (2) Documentation of the individual's efforts toward completion of the established goal(s), changes to the  
22 established goal and challenges experienced;

23 (3) Development of a new goal during the annual review if established goal is achieved or changed; and

24 (4) Documentation from the individual regarding how their progress or completion of a goal has enhanced  
25 their knowledge, skills, and abilities.

26 (d) ~~The center administrator of a~~ A child care ~~center~~ center's administrator shall also complete a continuous quality  
27 improvement plan that addresses programmatic goals. The programmatic continuous quality improvement plan shall  
28 be updated annually, maintained on file at the center, and include:

29 (1) Identification of at least one programmatic goal, the timeframe estimated to achieve the goal and the  
30 steps that will be taken by the center administrator to complete the goal;

31 (2) Documentation of the reason or source of need for each goal, such as sustaining programmatic  
32 achievements, feedback received from staff or families, or licensure pathway requirements;

33 (3) Identification of resources needed by the center administrator to achieve the programmatic goal, including  
34 but not limited to materials, technical assistance, participation of staff, or other items specific to the  
35 goal;

36 (4) Documentation of supports offered by the program to encourage longevity and retention of staff;

37 (5) Documentation of efforts toward completion of the established goal, changes to the established goal and  
38 challenges experienced; and

1 (6) Development of a new goal during the annual review if established goal is achieved or changed.

2 (e) The operator of a family child care home and any additional caregivers, as set forth in Rule .1729, shall complete  
3 a continuous quality improvement plan that addresses professional goals. The continuous quality improvement plan  
4 shall be updated annually, accompany the professional development plan required in Rule .1703(f) of this Chapter, be  
5 maintained in the operators personnel file, and include:

6 (1) Identification of at least one professional goal, the timeframe estimated to achieve the goal, the resources  
7 needed to achieve the goal, and the steps that will be taken by the operator to complete the goal;

8 (2) Documentation of the reason or source of need for the goal, such as sustaining programmatic  
9 achievements, feedback received from families, or licensure pathway requirements;

10 (3) Documentation of efforts toward completion of the established goal, changes to the established goal and  
11 challenges experienced;

12 (4) Development of a new goal during the annual review if the established goal is achieved or changed; and

13 (5) Documentation from the operator regarding how progress toward or completion of a goal has enhanced  
14 their knowledge, skills, and abilities.

15 (f) Sample continuous quality improvement plan templates may be found on the Division's website at  
16 <https://ncchildcare.ncdhhs.gov/Provider/Provider-Documents-and-Forms>. Another form may be used other than the  
17 sample template provided by the Division as long as the form includes the information set forth in this Rule.

18  
19 *History Note:* Authority G.S. 110-85(3); 11088(7); 110-90(4); 143B-168.3; S.L. 2024-34; 42 USCS 9858e; 45  
20 CFR 98.45;  
21 Eff. July 1, 2025.

1 **10A NCAC 09 .3224 is adopted with changes as published in 39:15 NCR 1030-1032 as follows:**

2  
3 **10A NCAC 09 .3224 RECOGNITION OF QUALITY INITIATIVES**

4 (a) A child care operator may choose to request one or more areas of recognition to accompany the issuance of a two  
5 through five-star rated license earned through compliance with any licensure pathway requirement of this Section.  
6 Quality initiatives shall not be used to earn a star rating. Verification of requirements for each recognition shall be  
7 reassessed at least every three years, at the time of reassessment for a two through five-star rated license.

8 (b) The Division shall issue recognition of quality initiatives upon verification of the requirements set forth in this  
9 Rule.

10 (c) An Education Recognition may be requested when at least one of the following requirements are met:

11 (1) 75 percent of teachers employed by a child care facility have earned an AAS degree or higher in early  
12 childhood education, child development or related field.

13 (2) 75 percent of lead teachers employed by a child care facility have earned a BA/BS degree or higher in  
14 early childhood education, child development, or related field.

15 (3) All lead teachers employed by a child care facility have earned an AAS degree or higher in early childhood  
16 education, child development or related field.

17 (4) The operator of a family child care home has earned a BS/BS degree in early childhood education, child  
18 development or related field.

19 (5) The operator of a family child care home has earned an AAS degree in early childhood education, child  
20 development or related field and is enrolled in a BA/BS degree program in early childhood education or child  
21 development.

22 (6) 75 percent of teachers employed by a child care facility have an active Child Development Associate  
23 (CDA).

24 (7) The operator of a child care facility participates in the T.E.A.C.H. program or other education initiative  
25 that supports employed staff that want to enroll in or who are enrolled in college coursework.

26 (8) 75 percent of lead teachers and educators, as defined in this Section, have an active certification in the  
27 NC Early Care and Education Professional Certification Scale at  
28 [https://www.ncidp.org/documents/EEC\\_EDE\\_Scale.pdf](https://www.ncidp.org/documents/EEC_EDE_Scale.pdf).

29 (9) The operator of a family child care home has an active certification in the NC Early Care and Education  
30 Professional Certification Scale at [https://www.ncidp.org/documents/EEC\\_ECE\\_Scale.pdf](https://www.ncidp.org/documents/EEC_ECE_Scale.pdf).

31 (d) A Professional Development Recognition may be requested when at least one of the following requirements is  
32 met:

33 (1) The operator of a family child care home completes 20 training hours annually, in addition to training  
34 hours required for their licensure level as set forth in this Section and in addition to ongoing training  
35 requirements set forth in Rule .1703 of this Chapter and education requirements set forth in Rule .3217 of  
36 this Section.

37 (2) The operator of a family child care home is an approved trainer for an established course as set forth in  
38 Rule .1703 of this Chapter and provides at least one training course for early childhood professionals in their

community annually or when the operator develops a training course, obtains approval for training as set forth in Rule .1703 of this Chapter, and provides at least one training course for early childhood professionals in their community annually.

(3) A center administrator or operator of a family child care home provides evidence of active membership in a professional or community organization.

(4) A child care facility operator compensates staff members for time spent completing professional development activities.

(5) A child care facility operator compensates staff members for the cost of professional development activities.

(6) A child care center operator pays for at least 50 percent of staff members to have an active membership in a professional or community organization and provides evidence of the paid costs and memberships.

(7) A child care center operator employs at least one staff member who is an approved trainer for an established training course as set forth in Rule .1103 of this Chapter and the approved trainer provides at least one training course for all employees annually or when the child care center operator, administrator or staff member develops a training course, obtains approval for training as set forth in Rule .1103 of this Chapter, and provides at least one training course annually for employed staff members.

(8) A child care facility allows early childhood education practicum students to complete required activities in their facility when the individuals are not employed by the facility.

(e) A Longevity and Experience Recognition may be requested when at least one of the following requirements is met:

(1) The operator of a family child care home has been in operation for at least five years with a compliance history score of 90 percent or higher.

(2) The operator of the family child care home has been in operation for at least five years with a four or five-star rated license.

(3) A center administrator has at least 10 years of child care administrative work experience in a licensed child care facility.

(4) 75 percent of lead teachers and teachers have at least 10 years of early childhood work experience in a licensed child care facility.

(5) All lead teachers and teachers have at least five years of early childhood work experience in a licensed child care facility and have been employed by no more than two different child care facilities.

(6) The child care center has a combined turnover rate of 20 percent or less for the administrator, lead teacher and teacher positions over the last 12 months.

(7) In stand-alone school age care facilities, 75 percent of group leaders have at least five years of school age care work experience in a licensed or unlicensed school age program and have been employed by no more than two different child care facilities.

(f) A Staff Supports and Benefits Recognition may be requested when at least one of the following requirements is met:

- (1) A child care facility offers a staff benefits package that includes at least three of the following benefits:  
paid time off for vacation, sick and/or personal leave, paid family and medical leave, fully or partially paid health insurance, retirement contribution or annual bonuses.
  - (2) A child care facility offers two hours of paid planning time for lead teachers on a weekly basis, during a time when the lead teacher is not responsible for supervising children.
  - (3) A child care facility offers at least two mental health supports such as training offered on-site, paid time off for wellness, mental health coverage as part of health benefits or assistance in obtaining access to other services as requested.
  - (4) A child care center pays for costs associated with enrolling in and completing early childhood education or child development coursework.
- (g) A Program Features Recognition may be requested when at least one of the following requirements is met:
- (1) A child care facility implements an approved curriculum for all age groups served as defined in Rule .0102(11) of this Chapter when not required for licensure level or pathway.
  - (2) A child care facility uses a program assessment tool for self-study, self-assessment and continuous quality improvement when not required for licensure level or pathway.
  - (3) A child care center earns a 5.0 on every classroom assessed with ERS-3 and SACERS-U.
  - (4) A child care facility uses an approved formative assessment tool for all age groups served as defined in Rules .3205 or .3206 of this Section when not required for licensure level or pathway.
  - (5) A child care facility implements all family and community engagement practices as set forth in Rules .3219 and .3220 of this Section, rather than only the practices required for licensure level or pathway.
  - (6) A child care administrator or operator of a family child care home participates in a coaching or mentoring process as set forth in Rules .3205 and .3206 of this Section when not required for licensure level or pathway.
- (h) A Health & Wellness Opportunities Recognition may be requested when at least one of the following requirements is met:
- (1) A child care facility provides support to staff members and families regarding challenging behaviors using community, regional or state resources.
  - (2) A child care center has a licensed or registered nurse on staff for at least half of the operating hours of the program.
  - (3) A child care facility offers oral health education and opportunities such as dental screenings and outreach with community, regional and state resources.
  - (4) A child care facility offers supplemental programs or contracts with external vendors to provide opportunities for growth in specialty areas, including but not limited to tumbling, art, bookmobile, sports, dance, music or yoga.
  - (5) A child care facility completes REACH Healthy Child Care recognition. Information for this program is Available at <https://reach-recognition.org/>.
  - (6) A child care facility completes Be Active Kids/Go NAPSACC Program. Information for this program is available at <https://www.beactivekids.org/>.

- 1 (7) A child care facility participates in Farm to Early Education. Information for this program is available at  
2 <https://cefs.ncsu.edu/food-system-initiatives/nc-farm-to-early-care-and-education/>.
- 3 (8) A child care facility engages with a Child Care Health Consultant by participating in one cycle of  
4 assessments using the NC Health and Safety Assessment Tool annually.
- 5 (9) A child care facility implements five of six of the following educational opportunities regarding green  
6 environment practices:
- 7 (A) Provides outdoor learning environments that have areas of shade provided by trees that use heat  
8 tolerant /drought resistant plant material.
- 9 (B) Provides an indoor play space allowing gross motor play, running, jumping and physically active  
10 games in an air conditioned/heated environment.
- 11 (C) Paints walkways and pavement in heat reflecting colors in an effort to decrease surface  
12 temperatures and associated burn hazards.
- 13 (D) Ensure use of non-toxic cleaning products throughout the facility
- 14 (E) Creates and maintains a pollinator and/or a vegetable garden as a method to educate and  
15 emphasize ecofriendly change and lifestyle.
- 16 (F) Implement teaching practices that support reducing and recycling such as ensuring use of  
17 recyclable products when reusable products are unavailable, providing reusable food service  
18 products for meals and/or snacks, and installing a system of recycling in the facility where trash  
19 and recyclables are in separate containers and disposed of properly.
- 20 (i) A Language Concentration Recognition may be requested when at least one of the following requirements is met:
- 21 (1) Children enrolled in a child care facility are participating in use of languages other than English on a  
22 regular basis.
- 23 (2) A child care facility is a language immersion program.
- 24 (3) A child care facility is a bilingual program.
- 25 (j) A Culinary Emphasis Recognition may be requested when at least one of the following requirements is met:
- 26 (1) An operator of a family child care home has completed a food handler program training or certification,  
27 such as ServSafe.
- 28 (2) A chef or cook position at a child care center has completed culinary classes or has completed food  
29 handler program training or certification, such as ServSafe.
- 30 (3) A child care facility utilizes farm-to-table practices as part of their food and nutrition program.
- 31 (k) A Ratio, Group Size, and Enrollment Practices Recognition may be requested when at least one of the following  
32 requirements is met:
- 33 (1) A child care center reduces staff to child ratios or group sizes when not required for licensure level or  
34 pathway.
- 35 (2) An operator of a family child care home voluntarily reduces enrollment when not required for licensure  
36 level or pathway.

1 (l) A Supplemental Environments Recognition may be requested when at least one of the following areas are provided  
2 within a child care center or family child care home: gyms, active play area, sensory focused environments, gardens  
3 or naturalized outdoor play environments.

4 (m) A NC Breastfeeding-Friendly Child Care Designation Program Recognition may be requested when this  
5 designation is earned by meeting program requirements set forth at <https://www.ncdhhs.gov/ncbfccdesignation>.

6 (n) A Military Child Care in Your Neighborhood – PLUS Recognition may be requested by child care facilities  
7 participating in the free assistance program for military families. Information for this program is available at  
8 ~~<https://ncchildcare.ncdhhs.gov/Provider?Child-Care-Fee-Assistance-for-Military-Families>~~  
9 ~~<https://ncchildcare.ncdhhs.gov/Provider/Child-Care-Fee-Assistance-for-Military-Families>~~.

10  
11 *History Note:* Authority G.S. 110-85(3); 110-88(7); 110-90(4); 143B-168.3; S.L. 2024-34; 42 USCS 9858e; 45  
12 CFR 98.45;  
13 Eff. July 1, 2025.

## **Burgos, Alexander N**

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**From:** Ascher, Seth M  
**Sent:** Tuesday, June 10, 2025 3:36 PM  
**To:** Peck, Julie C; Johnson, Cheryl L  
**Cc:** Burgos, Alexander N  
**Subject:** RFC for Child Care Commission- June 2025  
**Attachments:** RFC Childcare June 2025.docx

Good afternoon,

I'm the attorney who reviewed the Rules submitted by the Child Care Commission for the June 2025 RRC meeting. The RRC will formally review these Rules at its meeting on Thursday, June 26, 2025, at 10:00 a.m. The meeting will be a hybrid of in-person and WebEx attendance, and an evite should be sent to you as we get close to the meeting. If there are any other representatives from your agency who want to attend virtually, let me know prior to the meeting, and we will get evites out to them as well.

Attached is the Request for Changes Pursuant to G.S. 150B-21.10. Note that a number of the errors I found were typos or apparent website errors. I encourage you to make an additional pass and check for any that I may not have caught. Please submit your responses, the revised Rules, and forms to me via email, no later than 5 p.m. on June 20, 2025.

Please let me know if you have any questions of concerns.

### **Seth Ascher**

Counsel to the North Carolina Rules Review Commission  
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