

10A NCAC 09 .0713 is amended as published in 39:01 NCR 14-16 as follows:

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

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

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

- (1) when combining age groups, the staff/child ratio for the youngest child in the group shall be maintained for the entire group;
- (2) children of all ages may be cared for together in groups for the first and last operating hour of the day, provided the staff/child ratio for the youngest child in the group is maintained;
- (3) a child two years of age and older may be placed with children under one year of age when a physician certifies that the developmental age of the child makes this placement appropriate;
- (4) when determined to be developmentally appropriate by the operator and parent, a child age two or older may be placed one age level above his or her chronological age without affecting the staff/child ratio for that group. This provision shall be limited to one child per group;
- (5) except as provided in Subparagraphs (2) and (3) of this Paragraph, children under one year of age shall be kept separate from children two years of age and over;
- (6) except as provided in Subparagraph (2) of this Paragraph, children between the ages of 12 months and 24 months shall not be grouped with older children unless all children in the group are less than three years of age;
- (7) when only one caregiver is required to meet the staff/child ratio and no children under two years of age are in care, that caregiver may concurrently perform food preparation or other duties such as cleaning, activity planning and set up, or communication with families, that are not direct child care responsibilities as long as supervision of the children as specified in 10A NCAC 09 .1801 is maintained;
- (8) except as provided in Subparagraph (7) of this Paragraph, staff members and child care administrators who are counted in meeting the staff/child ratios as stated in this Rule shall not

concurrently perform food preparation or other duties that are not direct child care responsibilities;

and

- (9) when only one caregiver is required to meet the staff/child ratio, the center shall post the name, address, and telephone number of an adult who has agreed in writing to be available to provide emergency relief; and the operator shall select one of the following options for emergency relief:

(A) the center shall post the name, address, and telephone number of an adult who has agreed in writing to be available to provide emergency relief; or

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

- (10) the staff/child ratio applicable to a classroom as described in this Paragraph shall be posted in that classroom in an area that parents are able to view at all times.

(b) The staff/child ratios for a center located in a residence with a licensed capacity of 3 to 12 children when any preschool age child is enrolled, or with a licensed capacity of 3 13 to 15 children when only school age children are enrolled, are as follows:

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

~~(b) (1) (c)~~ The staff/child ratios for a center located in a residence with a licensed capacity of 3 to 12 children are as follows:

Age of Children	Ratio Staff/Children
<u>0 to 12 Months</u>	<u>1/5 preschool children plus three additional school-age</u> <u>[children] children, as defined in 10A NCAC 09 .0102(43)</u>
<u>12 to 24 Months</u>	<u>1/6 preschool children plus two additional school-age</u> <u>[children] children, as defined in 10A NCAC 09 .0102(43)</u>
<u>2 to 13 Years</u>	<u>1/10</u>
<u>3 to 13 Years</u>	<u>1/12</u>

(e) (1) The staff/child ratio applicable to a classroom for a center located in a residence as described in Paragraph (b) and (c) of this Rule shall be posted in that classroom in an area that parents are able to view at all times.

(d) (2) When only one caregiver is required to meet the staff/child ratio for a center located in a residence, as described in Paragraph (b) and (c) of this Rule and children under two years of age are in care, that person shall not concurrently perform food preparation or other duties such as cleaning, activity planning and set up, or communication with families that are not direct child care responsibilities; and

(e) (3) When only one caregiver is required to meet the staff/child ratio for a center located in a residence, as described in Paragraph (b) or (c) of this Rule, the center shall post the name, address, and telephone number of an adult who has agreed in writing to be available to provide emergency relief. Rule the operator shall select one of the following options for emergency relief:

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

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

(f) (d) Upon the Division's receipt of a written request, a center may choose to group children in multi-age groups rather than single-aged groups. The staff/child ratios and group sizes for multi-age groups of children in centers shall be as follows:

Age of Children	Ratio Staff/Children	Maximum Group Size
0 to 36 months	1/4	8
12 months to 36 months	1/5	10
24 months to 47 months	1/6	10
4 years of age to 6 years of age	1/9	18
6 years of age through 12 years of age	1/19	25

(1) Before meeting the ratios outlined in this Paragraph or before changing from multi-age group ratios to single-age group ratios, the operator must notify the Division in writing by mailing a notice to the Division at 2201 Mail Service Center, Raleigh, North Carolina 27699-2200; Division must be notified in writing;

(2) Paragraphs (a) through (e) (c) of this Rule do not apply to centers that choose to meet the ratios outlined in this Paragraph, with the exception of Subparagraphs (a)(7), (8) and (9) of this Rule;

(3) Children 36 months through 47 months may remain in the classroom with infants infants, as defined in 10A NCAC 09 .0102(25), provided there is an agreed upon transition plan between the child care facility, the child's parents or legal guardian, and a local partners early childhood partner, such as Head Start, public school, or family engagement coordinator, for transitioning the child to if the

1 ~~plan includes~~ future care outside of the center. ~~Transition plans~~ This plan for future care must be  
2 initiated at least six months prior to a child's third birthday, maintained in each child's file, and be  
3 available for review by the ~~Division;~~ Division. When a child age 35 through 47 months remains in  
4 the classroom pursuant to this subparagraph, the staff/child ratio for the youngest child in the group  
5 shall be maintained for the entire group; and

- 6 (4) The staff/child ratio applicable for a multi-age group as described in this Paragraph shall be posted  
7 in that classroom in an area that parents are able to view at all times.  
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9 *History Note: Authority G.S. 110-85; 110-91(7); 143B-168.3;*

10 *Eff. December 1, 1988;*

11 *Amended Eff. January 1, 2006; July 1, 1998; July 1, 1994; January 1, 1992; August 1, 1990;*  
12 *November 1, 1989;*

13 *Readopted Eff. October 1, 2017;*

14 *Amended Eff. November 1, 2024; July 1, 2023; February 1, 2021.*  
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