Burgos, Alexander N

Subject: FW: [External] RE: Child Care Commission RFC July 2026

From: Ascher, Seth M <seth.ascher@oah.nc.gov>
Sent: Friday, August 21, 2026 2:59 PM
To: Tackett, Sarah <stackett@ncdoj.gov>; Johnson, Cheryl L <cheryl.johnson@dhhs.nc.gov>; Mallady, Kimberly L <kimberly.mallady@dhhs.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Keisler, Alison <alison.keisler@dhhs.nc.gov>
Subject: Re: [External] RE: Child Care Commission RFC July 2026

Sarah,

Thank you. I currently anticipate recommending approval of the final revised version of the rules.

I will bring the memo you sent to the attention of the Commissioner who raised the question. I'll keep you posted if there is anything further in that regard.

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

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Burgos, Alexander N

Subject: FW: [External] RE: Child Care Commission RFC July 2026
Attachments: DCDEE Memo re Statutory Authority (Rule 10A NCAC .1101).pdf

From: Tackett, Sarah <stackett@ncdoj.gov>
Sent: Friday, August 21, 2026 12:30 PM
To: Ascher, Seth M <seth.ascher@oah.nc.gov>; Johnson, Cheryl L <cheryl.johnson@dhhs.nc.gov>; Mallady, Kimberly L <kimberly.mallady@dhhs.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Keisler, Alison <alison.keisler@dhhs.nc.gov>
Subject: [External] RE: Child Care Commission RFC July 2026

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Seth,

Thanks for reaching out. We do not have any additional changes to the rules but did want to submit the attached memo addressing the Child Care Commission's statutory authority to amend 10A NCAC 09 .1101 to include volunteers based on the potential concern you've noted below.

Please let me know if you need anything else from us in advance of the hearing next week.

Sarah

Sarah N. Tackett
Assistant Attorney General
North Carolina Department of Justice
c/o Division of Child Development and Early Education
2201 Mail Service Center
Raleigh, NC 27699
Phone: 919-814-6378
stackett@ncdoj.gov

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To: All Rules Review Commissioners ("RRC")
From: Sarah N. Tackett, Counsel for the Division of Child Development and Early Education ("DCDEE")
In Re: 10A NCAC 09 .1101 – statutory authority to include "volunteer"
Date: August 21, 2026

As set forth in Chapter 10 of Article 7 of the North Carolina General Statutes, our General Assembly has established the State's overarching purpose in regulating child care, that is, to protect the health, safety, and developmental well-being of children in care, and has specifically authorized the North Carolina Child Care Commission ("Commission") to adopt rules necessary to carry out and implement the child care statutes. *See* N.C.G.S. §§ 143B-168.3; 110-85; 110-88; 110-91. Collectively, these statutes vest the Commission with broad authority to adopt rules that govern the operation of child care facilities and address core components of child care oversight. *See id.* Specifically, N.C.G.S. § 110-91 directs the Commission to establish minimum standards regarding, among other things, staff-child ratios, staff health assessments and medical care procedures, sanitation standards for personnel, staff educational and credentialing requirements, and mandatory staff training and ongoing professional development. *See e.g.*, N.C.G.S. § 110-91(1), (7), (8), (11), (15).

Historically, the statutory directives in N.C.G.S. § 110-91 have been interpreted broadly as applicable to all caregivers. In North Carolina, this includes "[t]he operator of a licensed child care facility or religious-sponsored child care facility, a child care provider, as defined in G.S. 110-90.2(a)(2), a *volunteer*, or any person who has the approval of the provider to assume responsibility for children under the care of the provider." N.C.G.S. § 110-105.3(b)(1) (emphasis added). Although the term "volunteer" is defined in the child care rules rather than statute, 10A NCAC 09 .0102(56)[1] makes clear that volunteers in licensed facilities may provide direct care to children, even though they may not be left alone and are not compensated.

Because volunteers may engage in caregiving duties, they are required to have the same preservice requirements as other caregiving staff. For example, child care rule 10A NCAC 09 .0701, titled "Health Standards for Child Care Providers, Volunteers, and Uncompensated Providers", requires staff members and volunteers to provide tuberculous test results and a health questionnaire verifying that they are emotionally and physically fit to care for children before they begin providing care. *See also* N.C.G.S. § 110-91(1). Likewise, child care rule 10A NCAC 09 .1729 requires all caregivers in a family child care home, including specifically volunteers, to complete 16 hours of orientation training before providing care.

1 "'Volunteer' means a person who works in a child care facility and is not counted in staff/child ratio, does not have unsupervised contact with children, and is not monetarily compensated by the facility."

In line with these requirements and in accordance with federal regulations, the Commission is proposing amendments to 10A NCAC 09 .1101 to add volunteers working in licensed child care centers to the list of individuals who must complete orientation training. Significantly, because North Carolina participates in the Child Care and Development Fund ("CCDF"), it must comply with the Child Care and Development Block Grant Act, which requires states receiving CCDF funds to establish mandatory pre-service/orientation health and safety training and ongoing professional development for all "caregivers, teachers, and directors." *See* 45 CFR 98.44(b). Under CCDF regulations, a "caregiver" includes "an individual who provides child care services directly to an eligible child on a person-to-person basis" – that is, anyone with caregiving responsibility. 45 CFR 98.2. Accordingly, because North Carolina law expressly includes volunteers within its definition of caregiver, the proposed amendment to rule 10A NCAC 09 .1101 is necessary to comply with federal mandates.

As required by N.C.G.S. § 150B-21.9(a), the proposed amendments to 10A NCAC 09 .1101 are within the statutory authority delegated to the Commission by the General Assembly; are clear and unambiguous; are reasonably necessary to implement or interpret other State and federal laws; and have been adopted in accordance with the North Carolina Administrative Procedures Act. For these reasons, the Commission and DCDEE respectfully request that the RRC approve adoption of these rule amendments as well as the proposed amendments to child care rules 10A NCAC 09 .1102, 10A NCAC 09 .1703, 10A NCAC 09 .1729, and 10A NCAC 09 .2101.

Sincerely,

Sarah N. Tackett

Sarah Tackett
Assistant Attorney General
North Carolina Department of Justice

Burgos, Alexander N

Subject: FW: Child Care Commission RFC July 2026
Attachments: Fw_ Child Care Commission RFC July 2026.zip

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Sent: Friday, August 21, 2026 11:15 AM
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Subject: Re: Child Care Commission RFC July 2026

Cheryl,

Have you decided what you would like to do with these rules for next week's meeting?

To remind you, my recommendation was going to be approve the revised rules attached (along with any other unchanged rules) and a question from a Commissioner came up about authority (see the emails below).

If you are not making further changes to these rules, I would like to get the revisions up as final revised rules today. If you are making changes, if I don't have them today, we may need to consider another extension.

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

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SECTION .1100 – CONTINUING EDUCATION AND PROFESSIONAL DEVELOPMENT

10A NCAC 09 .1101 is amended as published in NCR 10:14 1198-1200 as follows:

10A NCAC 09 .1101 NEW STAFF ORIENTATION REQUIREMENTS

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

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

New staff orientation within first two (2) weeks of employment	New staff orientation within first six (6) weeks of employment
Information regarding recognizing, responding to, and reporting child abuse, neglect, or maltreatment pursuant to G.S. 110-105.4 and G.S. 7B-301	~~Firsthand observation of the center's daily operations~~ Overview of child development, including the five major domains of learning: Approaches to Play and Learning. Emotional and Social Development, Health and Physical Development, Language Development and Communication, and Cognitive Development.
Review of the center's operational policies, including the center's safe sleep policy for infants, the center's policy for transportation, the center's identification of building and premises safety issues, the Emergency Preparedness and Response Plan, and the emergency medical care plan	Instruction in the employee's assigned duties
Adequate supervision of children in accordance with 10A NCAC 09 .1801	Instruction in the maintenance of a safe and healthy environment
Information regarding prevention of shaken baby syndrome and abusive head trauma and child maltreatment	Instruction in the administration of medication to children in accordance with 10A NCAC 09 .0803
Prevention and control of infectious diseases, including immunization	Review of the center's purposes and goals
Firsthand Observation of the center's daily operations	Review of the child care licensing law and rules
	Review of Quality Rating Improvement System standards ~~Section .2800 of this Chapter~~ if the center has a two- through five- star license at the time of employment
	An explanation of the role of State and local government agencies in the regulation of child care, their impact on the operation of the center, and their availability as a resource
	An explanation of the employee's obligation to cooperate with representatives of State and local government agencies during visits and investigations
	Prevention of and response to emergencies due to food and allergic reactions

~~New staff orientation within first two (2) weeks of employment~~	~~New staff orientation within first six (6) weeks of employment~~
	Review of the center's handling and storage of hazardous materials and the appropriate disposal of biocontaminants

History Note: *Authority G.S. 110-85; 110-91(11); 143B-168.3;*
Eff. October 1, 2017;
Amended Eff. March 1, 2019; August 1, 2026.

10A NCAC 09 .1102 is amended as published in NCR 10:14 1200-1201 as follows:

10A NCAC 09 .1102 HEALTH AND SAFETY TRAINING REQUIREMENTS

(a) Child care administrators and staff members shall complete health and safety training within one year of employment. ~~unless the staff member has completed the training~~ Any administrator or staff member who has completed the health and safety trainings as a result of prior employment, and can show proof of completion, shall not be required to repeat the health and safety trainings, except as required by 10A NCAC 09 .1103. Any administrator or staff who has completed some, but not all, trainings due to prior employment or as part of the ongoing training requirements set forth in 10A NCAC 09.1103(b), and can provide proof of completion, shall not be required to repeat the course already completed.~~1103.~~ ~~within the year prior to beginning employment~~. Health and safety training shall be in addition to the new staff orientation requirements set forth in Rule .1101 of this Section. ~~The following persons~~ Service providers such as speech therapists, occupational therapists, and physical therapists shall be exempt from this requirement~~:~~ .

~~(1) staff members that do not have caregiving responsibilities for a child or group of children;~~

~~(2) service providers such as speech therapists, occupational therapists, and physical therapists; and~~

~~(3) substitute providers who provide services for less than 10 days in a 12-month period.~~

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

(1) Prevention and control of infectious diseases, including immunization;

(2) Administration of medication, with standards for parental consent;

(3) Prevention of and response to emergencies due to food and allergic reactions;

(4) Building and physical premises safety, including identification of and protection from hazards that can cause bodily injury such as electrical hazards, bodies of water, and vehicular traffic;

(5) Emergency preparedness and response planning for emergencies resulting from a natural disaster, or a man-caused event;

(6) Handling and storage of hazardous materials and the appropriate disposal of biocontaminants;

(7) Precautions in transporting children, if applicable;

(8) Prevention of shaken baby syndrome, abusive head trauma, and child maltreatment;

(9) CPR and First Aid training as required in Paragraphs (c) and (d) of this Rule;

(10) Recognizing and reporting child abuse, child neglect, and child maltreatment; and

(11) Prevention of sudden infant death syndrome and use of safe sleeping practices.

(c) All staff who provide direct care or accompany children when they are off premises shall successfully complete certification in First Aid appropriate to the ages of children in care. The training shall be completed ~~by June 30, 2018, or for new staff hired on or after September 1, 2017, training must be completed~~ within 90 days of employment. Distance learning shall not be permitted for First Aid training. At all times when children are in care at least one staff member present must have successfully completed First Aid training, as evidenced by a certificate or card from an approved training organization. First Aid training shall be renewed on or before expiration of the certification. "Successfully completed" is defined as demonstrating competency, as evaluated by the instructor. Verification of each required staff member's completion of this course from an approved training organization shall be maintained in the staff member's file in the center. The Division shall post a list of approved training organizations on its website at http://ncchildcare.nc.gov/providers/pv_sn2_ov_pd.asp.

(d) All staff who provide direct care or accompany children when they are off premises shall successfully complete certification in a cardiopulmonary resuscitation (CPR) course appropriate to the ages of children in care. At all times when children are in care one staff member present must have successfully completed CPR training. The training shall be completed ~~by June 30, 2018 or for new staff hired on or after September 1, 2017 training must be completed~~ within 90 days of employment. Distance learning shall not be permitted for CPR training. CPR training shall be renewed on or before the expiration of the certification. Verification of each staff member's completion of this course from an approved training organization shall be maintained in the staff member's file in the center. The Division shall post a list of approved training organizations on its website at http://ncchildcare.nc.gov/providers/pv_sn2_ov_pd.asp.

(e) One staff member shall complete training in playground safety. This training shall address playground safety hazards, playground supervision, maintenance and general upkeep of the outdoor learning environment, and age and developmentally appropriate playground materials and equipment. Distance learning shall not be permitted for playground safety training. Completion of playground safety training shall be included in the number of hours needed to meet annual on-going training requirements in this Section. Staff counted to comply with this Rule shall have six months from the date of employment, or from the date a vacancy occurs, to complete the required safety training. A certificate of each designated staff member's completion of this course shall be maintained in the staff member's file in the center.

(f) In centers that are licensed to care for infants, the child care administrator and any child care provider scheduled to work in the infant room shall complete ITS-SIDS training. ITS-SIDS training shall be completed within two months of an individual assuming responsibilities in the infant room and every three years thereafter. Child care administrators, as defined in G.S. 110-86(2a), shall complete ITS-SIDS training within 90 days of employment and every three years thereafter. Completion of ITS-SIDS training shall be included once every three years in the number of hours needed to meet on-going training requirements in this Section. At all times, one child care provider who has completed ITS-SIDS training shall be present in the infant room while children are in care. A certificate of each staff member's completion of this course shall be maintained in the staff member's file in the center.

(g) The child care administrator and all staff members shall complete Recognizing and Responding to Suspicions of Child Maltreatment training within 90 days of employment. This training shall count toward requirements set forth in

Rule .1103 of this Section. Recognizing and Responding to Suspicions of Child Maltreatment training is available at https://www.preventchildabusenc.org/services/trainings-and-professional-development/rrcourse. A certificate of each staff member's completion of this course shall be maintained in the staff member's file in the center.

History Note: *Authority G.S. 110-85; 110-91(1),(8), (11); 143B-168.3;*
Eff. October 1, 2017.
Amended Eff. August 1, 2026

10A NCAC 09 .1703 is amended as published on NCR 10:14 1201-1203 as follows:

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

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

(1) Update the health questionnaire annually. The Division may request an evaluation of the operator's emotional and physical fitness to care for children when there is reason to believe that there has been a deterioration in the operator's emotional or physical fitness to care for children. This request may be based upon factors such as observations by the director or center staff, reports of concern from family, reports from law enforcement or reports from medical personnel. The Division may require the operator to obtain written proof that he or she is free of active tuberculosis when the Division determines that the operator was exposed to a person with active tuberculosis;

(2) Renew First Aid training on or before expiration of the certification appropriate for the ages of children in care;

(3) Renew CPR course on or before the expiration of the certification appropriate for the ages of children in care;

(4) Renew ITS-SIDS training every three years from the completion of previous ITS-SIDS training; and

(5) Complete Recognizing and Responding to Suspicions of Child Maltreatment training within 90 days of licensure. This training shall count toward requirements set forth in Paragraph (d) of this Rule. Recognizing and Responding to Suspicions of Child Maltreatment training is available at https://www.preventchildabusenc.org/.

(b) Family child care home operators, additional caregivers and substitutes ~~and staff members~~ shall complete health and safety training within one year of employment. Any family child care home operator or staff member who has completed the health and safety trainings as a result of prior employment and can show proof of completion, shall not be required to repeat the health and safety trainings, except as required by 10A NCAC 09 .1703. Any family child care home operator, additional caregiver or substitute who has completed some, but not all, trainings due to prior employment or as part of the ongoing training requirements set forth in 10A NCAC 09 .1703(d)(2), and can provide proof of completion, shall not be required to repeat the courses already completed, except as required by .1703. ~~unless the operator or staff member has completed the training within the year prior to beginning employment or within the~~

~~year prior to receiving a license.~~ Health and safety training shall be in addition to orientation topics reviewed during the pre-licensing visit and new staff orientation requirements set forth in Rules~~ .1702(d) and~~ .1729(c) of this Section. The following persons shall be exempt from this requirement: service providers such as speech therapists, occupational therapists and physical therapists.

~~(1) service providers such as speech therapists, occupational therapists, and physical therapists; and~~

~~(2) substitutes who provide services for less than 10 days in a 12-month period.~~

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

(1) Prevention and control of infectious diseases, including immunization;

(2) Administration of medication, with standards for parental consent;

(3) Prevention of and response to emergencies due to food and allergic reactions;

(4) Building and physical premises safety, including identification of and protection from hazards that can cause bodily injury such as electrical hazards, bodies of water, and vehicular traffic;

(5) Emergency preparedness and response planning for emergencies resulting from a natural disaster, or a man-caused event;

(6) Handling and storage of hazardous materials and the appropriate disposal of biocontaminants;

(7) Precautions in transporting children, if applicable;

(8) Prevention of shaken baby syndrome, abusive head trauma, and child maltreatment;

(9) CPR and First Aid training as required in Rule .1102(c) and (d) of this Chapter;

(10) Recognizing and reporting child abuse, child neglect, and child maltreatment; and

(11) Prevention of sudden infant death syndrome and use of safe sleeping practices.

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

(1)

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

(2) complete health and safety training as part of on-going training so that every five years, all the topic areas set forth in Paragraph (c) of this Rule will have been covered;

(3) cardiopulmonary resuscitation (CPR) and First Aid training shall not be counted ~~toward meeting~~ toward meeting annual on-going training activities in Subparagraph (d)(1) of this Rule;

(4) any staff working less than 40 hours per week may choose to complete on-going training requirements as outlined in Paragraph (d)(1) of this Rule or the training requirement may be prorated as follows:

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

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

(1) Middle States Association of Colleges and Schools;

(2) New England Association of School and Colleges;

(3) North Central Association of Colleges and Schools;

(4) Northwest Accreditation Commission;

(5) Southern Association of Colleges and Schools; or

(6) Western Association of Schools and Colleges.

(f) For every three hours of countable technical assistance provided, one hour may be counted toward annual training requirements set forth in Subparagraph(d)(1) of this Rule, not to exceed 50 percent of the total required so long as:

(1) the family child care home has a 3-5 star rated license; and

(2) the participating operator or staff member has earned at least 18 semester hours in early childhood education.

(g) For purposes of this Rule, "countable technical assistance" means technical assistance provided to operator or caregiving staff members at a family child care home by a person who has been endorsed by the NC Institute for Child Development Professionals as a technical assistance provider and shall include:

(1) a cycle of observation;

(2) identified goals based on the observation;

(3) a timeline for completion of identified goals;

(4) evaluation and feedback for each participant;

(5) technical assistance time in the family child care home; and

(6) one-on-one consultation with each participant at a time when they are not responsible for a child or group of children.

(h) A combination of college coursework, Continuing Education Units (CEU's), clock hours, or countable technical assistance shall be used to complete the requirements in Subparagraph (d)(1) of this Rule.

(i) The family child care home operator and staff members shall complete a professional development plan within one year of employment and at least thereafter. The plan shall:

(1) document the individual's professional development goals;

(2) be appropriate for the ages of children in their care;

(3) include the continuing education, coursework or training needed to meet the individual's planned goals;

(4) be completed by the operator and staff member in a collaborative manner; and

(5) be maintained in their personnel file.

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

(j) Each family child care home operator shall have a record of training activities in which each staff member participates, including copies of training certificates or official documentation provided by the trainer. That record shall include the subject matter, topic area in G.S. 110-91(11), training provider, date provided, hours, and name of staff who completed the training. This documentation shall be on file and current.

(k) Each family child care home operator shall have a record of countable technical assistance in which the operator and each staff member participates, including copies of documentation, observations and evaluations provided by the person who has been endorsed by the NC Institute for Child Development Professionals as a technical assistance provider. That record shall include the dates and times of technical assistance with the operator or staff, names of all participating staff members and the name of the technical assistance provider. This documentation shall be on file and current.

(l) The family child care home operator and staff members may meet on-going training requirements by attending child-care workshops, conferences, seminars, or courses, provided each training activity satisfies the following criteria:

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

(2) Prior approval from the Division shall be required for any agencies, organizations, or individuals not specified in Subparagraph (1) of this Paragraph who wish to provide training for child care operators and staff. To obtain such approval, the agency, organization, or individual shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

History Note: *Authority G.S. 110-85; 110-88; 110-91; 143B-168.3;*
Eff. January 1, 1986;
Amended Eff. July 1, 2015; July 1, 2008; May 1, 2004; July 1, 1998; November 1, 1989; January 1, 1987;
Temporary Amendment Eff. September 23, 2016;
Readopted Eff. October 1, 2017 (Transferred from 10A NCAC 09 .1705);
Amended Eff. February 1, 2021; August 1, 2026.

Burgos, Alexander N

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Sent: Tuesday, July 28, 2026 4:15 PM
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I will recommend that the Commission grant an extension until August.

Seth Ascher

Counsel to the North Carolina Rules Review Commission

Office of Administrative Hearings

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Good afternoon,

Thank you for sharing this Commissioner question. Given the timing of these last-minute changes and potential concerns regarding authority, we respectfully request an extension until August.

Thank You,

CJ

Cheryl Johnson, MPA
Rulemaking and Title VI Coordinator
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Cheryl,

Thank you for your prompt updates to correct the formatting issues. You have addressed the concerns I raised.

One Commissioner has asked me about the authority to add "volunteer" to the staff orientation requirements in 10A NCAC 09 .1101. They were concerned that the statutes primarily refer to rulemaking authority over staff and child caregivers, and were unsure whether volunteer fit within that authority. This may be a topic of conversation when the Commission considers these rules. You are welcome to respond in writing or just respond to questions that come up at the meeting.

In terms of the extension, I will be prepared to recommend approval of the final revised rules at the July meeting. However, that is contingent on the RRC comisssioners feeling like they had sufficient time to review the rules with the last minute changes. If there are concerns about needing more time for review, I will recommend extension until August.

Let me know if you have any questions.

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

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

Burgos, Alexander N

Subject: FW: Child Care Commission RFC July 2026

From: Ascher, Seth M <seth.ascher@oah.nc.gov>
Sent: Monday, July 27, 2026 5:19 PM
To: Johnson, Cheryl L <cheryl.johnson@dhhs.nc.gov>; Mallady, Kimberly L <kimberly.mallady@dhhs.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Keisler, Alison <alison.keisler@dhhs.nc.gov>
Subject: Re: Child Care Commission RFC July 2026

Cheryl,

Substantively, these changes resolve my concerns. However, there are some formatting issues that need to be addressed.

1. 10A NCAC 09 .1703 is an .rtf file instead of a .docx file. Please resend it as a .docx file to avoid problems with our publication system.
2. Throughout, the post-publication changes need to be highlighted. See the examples here for post-publication here: https://www.oah.nc.gov/rule-format-examples#RuleFormatExamplesforPublicationintheNCAdministrativeCode-6063
3. In 10A NCAC 09 .1703, on p. 3 line 1, you need to indicate that you removed the extra space. That will look like this: "~~toward meeting~~ toward meeting".

If you can get these to me updated by the end of the day tomorrow, I will be able to recommend that they be approved at the July meeting (with the caveat that the Chair or other Commission members may want there to be an extension if they have not had time to review the final rules.) If not, I will recommend these be extended to the August meeting.

Thanks,

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

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

Burgos, Alexander N

Subject: FW: Child Care Commission RFC July 2026
Attachments: 10A NCAC 09 .1102.docx; 10A NCAC 09 .1101.docx; 10A NCAC 09 .1703.rtf; Child Care Commission RFC July 2026 7.24.26.docx

From: Johnson, Cheryl L <cheryl.johnson@dhhs.nc.gov>
Sent: Friday, July 24, 2026 4:28 PM
To: Ascher, Seth M <seth.ascher@oah.nc.gov>; Mallady, Kimberly L <kimberly.mallady@dhhs.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Keisler, Alison <alison.keisler@dhhs.nc.gov>
Subject: RE: Child Care Commission RFC July 2026

Good afternoon

Attached are the requested edits. We appreciate your follow up and we will support your decision regarding this being an agenda item for the July or August RRC meeting.

Thank you,
CJ

Cheryl Johnson, MPA
Rulemaking and Title VI Coordinator
Division of Child Development and Early Education, Office of the Director
NC Department of Health and Human Services
Cheryl.Johnson@dhhs.nc.gov

DCDEE Office
1915 Health Services Way
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http://ncchildcare.ncdhhs.gov

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

AGENCY: Child Care Commission

RULE CITATION: 10A NCAC 09 .1101

DEADLINE FOR RECEIPT: July 17, 2026

***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:

I find the table in this rule difficult to read. You can use the table if you want, but I'd consider reformatting to be subparagraphs and parts with the same content. I.e.
"(1) New staff orientation within the first two weeks of employment:
(A) Information regarding…
…
(2) New staff orientation with first six weeks of employment:
(A) Overview of…
…"

If you do decide to keep the table, delete that repeated line at the top of the second page. I spoke with publications, and this should fit on one page in the code in the final version so the repeated header will be confusing.

DCDEE Response: This rule will be coming back to RRC as part of the periodic review of rules so we will consider changing the format to subparagaphs at that time. For now, the repeated line (header of the table) has been deleted.

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: July 6, 2026

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

AGENCY: Child Care Commission

RULE CITATION: 10A NCAC 09 .1102

DEADLINE FOR RECEIPT: July 17, 2026

***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. 1 line 15, I think the ".1103" after "completed" is a typo, or something else was inadvertently deleted. Done

On p. 1 line 18, based on your edits, there shouldn't be a colon after requirement. Done

On p. 1 lines 19 through 21, parenthetical numbers also should be deleted. Done

On p. 2, lines 3 and 4, do you still need the two deadlines? Or at this point could it just be "The training shall be completed within 90 days of employment." Edited

On p. 2, line 15, same as previous comment, could this just be "The training shall be completed within 90 days of employment." Edited

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: July 6, 2026

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

AGENCY: Child Care Commission

RULE CITATION: 10A NCAC 09 .1703

DEADLINE FOR RECEIPT: July 17, 2026

***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 3 and 4, it looks like you amended these lines when you removed the subparagraphs on line 5 and 6. Please format to indicate the changes. *Done*

On p. 3, line 1, you appear to have an extra space between "toward" and "meeting". *Deleted*

On p. 4, on lines 9 through 11, this strikes me as an excellent way to handle what you are doing here form-wise. No request for change, just noting it and will likely mention it at the meeting as something other agency's could consider. *Thank you for this feedback!*

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: July 6, 2026

SECTION .1100 – CONTINUING EDUCATION AND PROFESSIONAL DEVELOPMENT

10A NCAC 09 .1101 is amended as published in NCR 10:14 1198-1200 as follows:

10A NCAC 09 .1101 NEW STAFF ORIENTATION REQUIREMENTS

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

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

New staff orientation within first two (2) weeks of employment	New staff orientation within first six (6) weeks of employment
Information regarding recognizing, responding to, and reporting child abuse, neglect, or maltreatment pursuant to G.S. 110-105.4 and G.S. 7B-301	~~Firsthand observation of the center's daily operations~~ Overview of child development, including the five major domains of learning: Approaches to Play and Learning. Emotional and Social Development, Health and Physical Development, Language Development and Communication, and Cognitive Development.
Review of the center's operational policies, including the center's safe sleep policy for infants, the center's policy for transportation, the center's identification of building and premises safety issues, the Emergency Preparedness and Response Plan, and the emergency medical care plan	Instruction in the employee's assigned duties
Adequate supervision of children in accordance with 10A NCAC 09 .1801	Instruction in the maintenance of a safe and healthy environment
Information regarding prevention of shaken baby syndrome and abusive head trauma and child maltreatment	Instruction in the administration of medication to children in accordance with 10A NCAC 09 .0803
Prevention and control of infectious diseases, including immunization	Review of the center's purposes and goals
Firsthand Observation of the center's daily operations	Review of the child care licensing law and rules
	Review of Quality Rating Improvement System standards ~~Section .2800 of this Chapter~~ if the center has a two- through five- star license at the time of employment
	An explanation of the role of State and local government agencies in the regulation of child care, their impact on the operation of the center, and their availability as a resource
	An explanation of the employee's obligation to cooperate with representatives of State and local government agencies during visits and investigations
	Prevention of and response to emergencies due to food and allergic reactions

~~New staff orientation within first two (2) weeks of employment~~	~~New staff orientation within first six (6) weeks of employment~~
	Review of the center's handling and storage of hazardous materials and the appropriate disposal of biocontaminants

History Note: *Authority G.S. 110-85; 110-91(11); 143B-168.3;*
Eff. October 1, 2017;
Amended Eff. March 1, 2019; August 1, 2026.

10A NCAC 09 .1102 is amended as published in NCR 10:14 1200-1201 as follows:

10A NCAC 09 .1102 HEALTH AND SAFETY TRAINING REQUIREMENTS

(a) Child care administrators and staff members shall complete health and safety training within one year of employment. ~~unless the staff member has completed the training~~ Any administrator or staff member who has completed the health and safety trainings as a result of prior employment, and can show proof of completion, shall not be required to repeat the health and safety trainings, except as required by 10A NCAC 09 .1103. Any administrator or staff who has completed some, but not all, trainings due to prior employment or as part of the ongoing training requirements set forth in 10A NCAC 09.1103(b), and can provide proof of completion, shall not be required to repeat the course already completed.~~1103.~~ ~~within the year prior to beginning employment~~. Health and safety training shall be in addition to the new staff orientation requirements set forth in Rule .1101 of this Section. ~~The following persons~~ Service providers such as speech therapists, occupational therapists, and physical therapists shall be exempt from this requirement~~:~~ .

~~(1) staff members that do not have caregiving responsibilities for a child or group of children;~~

~~(2) service providers such as speech therapists, occupational therapists, and physical therapists; and~~

~~(3) substitute providers who provide services for less than 10 days in a 12-month period~~.

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

(1) Prevention and control of infectious diseases, including immunization;

(2) Administration of medication, with standards for parental consent;

(3) Prevention of and response to emergencies due to food and allergic reactions;

(4) Building and physical premises safety, including identification of and protection from hazards that can cause bodily injury such as electrical hazards, bodies of water, and vehicular traffic;

(5) Emergency preparedness and response planning for emergencies resulting from a natural disaster, or a man-caused event;

(6) Handling and storage of hazardous materials and the appropriate disposal of biocontaminants;

(7) Precautions in transporting children, if applicable;

(8) Prevention of shaken baby syndrome, abusive head trauma, and child maltreatment;

(9) CPR and First Aid training as required in Paragraphs (c) and (d) of this Rule;

(10) Recognizing and reporting child abuse, child neglect, and child maltreatment; and

(11) Prevention of sudden infant death syndrome and use of safe sleeping practices.

(c) All staff who provide direct care or accompany children when they are off premises shall successfully complete certification in First Aid appropriate to the ages of children in care. The training shall be completed ~~by June 30, 2018, or for new staff hired on or after September 1, 2017, training must be completed~~ within 90 days of employment. Distance learning shall not be permitted for First Aid training. At all times when children are in care at least one staff member present must have successfully completed First Aid training, as evidenced by a certificate or card from an approved training organization. First Aid training shall be renewed on or before expiration of the certification. "Successfully completed" is defined as demonstrating competency, as evaluated by the instructor. Verification of each required staff member's completion of this course from an approved training organization shall be maintained in the staff member's file in the center. The Division shall post a list of approved training organizations on its website at http://ncchildcare.nc.gov/providers/pv_sn2_ov_pd.asp.

(d) All staff who provide direct care or accompany children when they are off premises shall successfully complete certification in a cardiopulmonary resuscitation (CPR) course appropriate to the ages of children in care. At all times when children are in care one staff member present must have successfully completed CPR training. The training shall be completed ~~by June 30, 2018 or for new staff hired on or after September 1, 2017 training must be completed~~ within 90 days of employment. Distance learning shall not be permitted for CPR training. CPR training shall be renewed on or before the expiration of the certification. Verification of each staff member's completion of this course from an approved training organization shall be maintained in the staff member's file in the center. The Division shall post a list of approved training organizations on its website at http://ncchildcare.nc.gov/providers/pv_sn2_ov_pd.asp.

(e) One staff member shall complete training in playground safety. This training shall address playground safety hazards, playground supervision, maintenance and general upkeep of the outdoor learning environment, and age and developmentally appropriate playground materials and equipment. Distance learning shall not be permitted for playground safety training. Completion of playground safety training shall be included in the number of hours needed to meet annual on-going training requirements in this Section. Staff counted to comply with this Rule shall have six months from the date of employment, or from the date a vacancy occurs, to complete the required safety training. A certificate of each designated staff member's completion of this course shall be maintained in the staff member's file in the center.

(f) In centers that are licensed to care for infants, the child care administrator and any child care provider scheduled to work in the infant room shall complete ITS-SIDS training. ITS-SIDS training shall be completed within two months of an individual assuming responsibilities in the infant room and every three years thereafter. Child care administrators, as defined in G.S. 110-86(2a), shall complete ITS-SIDS training within 90 days of employment and every three years thereafter. Completion of ITS-SIDS training shall be included once every three years in the number of hours needed to meet on-going training requirements in this Section. At all times, one child care provider who has completed ITS-SIDS training shall be present in the infant room while children are in care. A certificate of each staff member's completion of this course shall be maintained in the staff member's file in the center.

(g) The child care administrator and all staff members shall complete Recognizing and Responding to Suspicions of Child Maltreatment training within 90 days of employment. This training shall count toward requirements set forth in

Rule .1103 of this Section. Recognizing and Responding to Suspicions of Child Maltreatment training is available at https://www.preventchildabusenc.org/services/trainings-and-professional-development/rrcourse. A certificate of each staff member's completion of this course shall be maintained in the staff member's file in the center.

History Note: *Authority G.S. 110-85; 110-91(1),(8), (11); 143B-168.3;*
Eff. October 1, 2017.
Amended Eff. August 1, 2026

10A NCAC 09 .1703 is amended as published on NCR 10:14 1201-1203 as follows:

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

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

(1) Update the health questionnaire annually. The Division may request an evaluation of the operator's emotional and physical fitness to care for children when there is reason to believe that there has been a deterioration in the operator's emotional or physical fitness to care for children. This request may be based upon factors such as observations by the director or center staff, reports of concern from family, reports from law enforcement or reports from medical personnel. The Division may require the operator to obtain written proof that he or she is free of active tuberculosis when the Division determines that the operator was exposed to a person with active tuberculosis;

(2) Renew First Aid training on or before expiration of the certification appropriate for the ages of children in care;

(3) Renew CPR course on or before the expiration of the certification appropriate for the ages of children in care;

(4) Renew ITS-SIDS training every three years from the completion of previous ITS-SIDS training; and

(5) Complete Recognizing and Responding to Suspicions of Child Maltreatment training within 90 days of licensure. This training shall count toward requirements set forth in Paragraph (d) of this Rule. Recognizing and Responding to Suspicions of Child Maltreatment training is available at https://www.preventchildabusenc.org/.

(b) Family child care home operators, additional caregivers and substitutes ~~and staff members~~ shall complete health and safety training within one year of employment. Any family child care home operator or staff member who has completed the health and safety trainings as a result of prior employment and can show proof of completion, shall not be required to repeat the health and safety trainings, except as required by 10A NCAC 09 .1703. Any family child care home operator, additional caregiver or substitute who has completed some, but not all, trainings due to prior employment or as part of the ongoing training requirements set forth in 10A NCAC 09 .1703(d)(2), and can provide proof of completion, shall not be required to repeat the courses already completed, except as required by .1703. ~~unless the operator or staff member has completed the training within the year prior to beginning employment or within the~~

~~year prior to receiving a license.~~ Health and safety training shall be in addition to orientation topics reviewed during the pre-licensing visit and new staff orientation requirements set forth in Rules~~ .1702(d) and~~ .1729(c) of this Section. The following persons shall be exempt from this requirement: service providers such as speech therapists, occupational therapists and physical therapists.

~~(1) service providers such as speech therapists, occupational therapists, and physical therapists; and~~

~~(2) substitutes who provide services for less than 10 days in a 12-month period.~~

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

(1) Prevention and control of infectious diseases, including immunization;

(2) Administration of medication, with standards for parental consent;

(3) Prevention of and response to emergencies due to food and allergic reactions;

(4) Building and physical premises safety, including identification of and protection from hazards that can cause bodily injury such as electrical hazards, bodies of water, and vehicular traffic;

(5) Emergency preparedness and response planning for emergencies resulting from a natural disaster, or a man-caused event;

(6) Handling and storage of hazardous materials and the appropriate disposal of biocontaminants;

(7) Precautions in transporting children, if applicable;

(8) Prevention of shaken baby syndrome, abusive head trauma, and child maltreatment;

(9) CPR and First Aid training as required in Rule .1102(c) and (d) of this Chapter;

(10) Recognizing and reporting child abuse, child neglect, and child maltreatment; and

(11) Prevention of sudden infant death syndrome and use of safe sleeping practices.

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

(1)

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

(2) complete health and safety training as part of on-going training so that every five years, all the topic areas set forth in Paragraph (c) of this Rule will have been covered;

(3) cardiopulmonary resuscitation (CPR) and First Aid training shall not be counted toward meeting annual on-going training activities in Subparagraph (d)(1) of this Rule;

(4) any staff working less than 40 hours per week may choose to complete on-going training requirements as outlined in Paragraph (d)(1) of this Rule or the training requirement may be prorated as follows:

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

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

(1) Middle States Association of Colleges and Schools;

(2) New England Association of School and Colleges;

(3) North Central Association of Colleges and Schools;

(4) Northwest Accreditation Commission;

(5) Southern Association of Colleges and Schools; or

(6) Western Association of Schools and Colleges.

(f) For every three hours of countable technical assistance provided, one hour may be counted toward annual training requirements set forth in Subparagraph(d)(1) of this Rule, not to exceed 50 percent of the total required so long as:

(1) the family child care home has a 3-5 star rated license; and

(2) the participating operator or staff member has earned at least 18 semester hours in early childhood education.

(g) For purposes of this Rule, "countable technical assistance" means technical assistance provided to operator or caregiving staff members at a family child care home by a person who has been endorsed by the NC Institute for Child Development Professionals as a technical assistance provider and shall include:

(1) a cycle of observation;

(2) identified goals based on the observation;

(3) a timeline for completion of identified goals;

(4) evaluation and feedback for each participant;

(5) technical assistance time in the family child care home; and

(6) one-on-one consultation with each participant at a time when they are not responsible for a child or group of children.

(h) A combination of college coursework, Continuing Education Units (CEU's), clock hours, or countable technical assistance shall be used to complete the requirements in Subparagraph (d)(1) of this Rule.

(i) The family child care home operator and staff members shall complete a professional development plan within one year of employment and at least thereafter. The plan shall:

(1) document the individual's professional development goals;

(2) be appropriate for the ages of children in their care;

(3) include the continuing education, coursework or training needed to meet the individual's planned goals;

(4) be completed by the operator and staff member in a collaborative manner; and

(5) be maintained in their personnel file.

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

(j) Each family child care home operator shall have a record of training activities in which each staff member participates, including copies of training certificates or official documentation provided by the trainer. That record shall include the subject matter, topic area in G.S. 110-91(11), training provider, date provided, hours, and name of staff who completed the training. This documentation shall be on file and current.

(k) Each family child care home operator shall have a record of countable technical assistance in which the operator and each staff member participates, including copies of documentation, observations and evaluations provided by the person who has been endorsed by the NC Institute for Child Development Professionals as a technical assistance provider. That record shall include the dates and times of technical assistance with the operator or staff, names of all participating staff members and the name of the technical assistance provider. This documentation shall be on file and current.

(l) The family child care home operator and staff members may meet on-going training requirements by attending child-care workshops, conferences, seminars, or courses, provided each training activity satisfies the following criteria:

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

(2) Prior approval from the Division shall be required for any agencies, organizations, or individuals not specified in Subparagraph (1) of this Paragraph who wish to provide training for child care operators and staff. To obtain such approval, the agency, organization, or individual shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

History Note: *Authority G.S. 110-85; 110-88; 110-91; 143B-168.3;*
Eff. January 1, 1986;
Amended Eff. July 1, 2015; July 1, 2008; May 1, 2004; July 1, 1998; November 1, 1989; January 1, 1987;
Temporary Amendment Eff. September 23, 2016;
Readopted Eff. October 1, 2017 (Transferred from 10A NCAC 09 .1705);
Amended Eff. February 1, 2021; August 1, 2026.

Burgos, Alexander N

Subject: FW: Child Care Commission RFC July 2026

From: Ascher, Seth M <seth.ascher@oah.nc.gov>
Sent: Friday, July 24, 2026 3:44 PM
To: Johnson, Cheryl L <cheryl.johnson@dhhs.nc.gov>; Mallady, Kimberly L <kimberly.mallady@dhhs.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>
Subject: Re: Child Care Commission RFC July 2026

Cheryl,

I have not heard back from you on these rules yet and the original deadline (July 17th) has passed. Are you planning to request an extension to the period of review (to either the August or September meeting)? If so, I will have no problem recommending that it be granted.

If you are still planning to get me a response before the July meeting, be aware that the Commission may still want to extend the period of review to make sure they have time to review the rules. It is not always possible to adequately review updates that come in the week of the meeting.

Thanks,

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

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized state official.

Burgos, Alexander N

Subject: FW: [External] RE: Child Care Commission: Final Rule for April 2026 RRC Meeting

From: Miller, Christopher S <christopher.miller@oah.nc.gov>
Sent: Monday, June 1, 2026 1:25 PM
To: Tackett, Sarah <stackett@ncdoj.gov>; Johnson, Cheryl L <cheryl.johnson@dhhs.nc.gov>
Cc: Mallady, Kimberly L <kimberly.mallady@dhhs.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>; Miller, Christopher S <christopher.miller@oah.nc.gov>
Subject: RE: [External] RE: Child Care Commission: Final Rule for April 2026 RRC Meeting

Correct – within 10 days after that meeting, you need to either (1) change the rule to satisfy the Commission's objection and submit the revised rule to me, or (2) submit a response indicating that the agency has decided not to change the rule.

Thanks,
Chris

Chris Miller
Rules Review Commission Counsel
North Carolina Office of Administrative Hearings | Rules Division
1711 New Hope Church Road
Raleigh, NC 27609
(984) 236-1935

NOTICE: E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by authorized State officials.

Burgos, Alexander N

Subject: FW: [External] RE: Child Care Commission: Final Rule for April 2026 RRC Meeting

From: Tackett, Sarah <stackett@ncdoj.gov>
Sent: Monday, June 1, 2026 12:36 PM
To: Miller, Christopher S <christopher.miller@oah.nc.gov>; Johnson, Cheryl L <cheryl.johnson@dhhs.nc.gov>
Cc: Mallady, Kimberly L <kimberly.mallady@dhhs.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>
Subject: [External] RE: Child Care Commission: Final Rule for April 2026 RRC Meeting

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Thanks Chris, we will share this with the Child Care Commission for consideration at their next regularly scheduled meeting on August 3rd. As I read NCGS 150B-21.12(b), the Commission is required to inform RRC within 10 days after that meeting of its intent to either change and revise the proposed rule or not. Am I understanding that timeline correctly?

Sarah N. Tackett
Assistant Attorney General
North Carolina Department of Justice
c/o Division of Child Development and Early Education
2201 Mail Service Center
Raleigh, NC 27699
Phone: 919-814-6378
stackett@ncdoj.gov

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Burgos, Alexander N

Subject: FW: Child Care Commission: Final Rule for April 2026 RRC Meeting

---

From: Johnson, Cheryl L <cheryl.johnson@dhhs.nc.gov>
Sent: Friday, May 29, 2026 2:26 PM
To: Miller, Christopher S <christopher.miller@oah.nc.gov>; Tackett, Sarah <stackett@ncdoj.gov>
Cc: Mallady, Kimberly L <kimberly.mallady@dhhs.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Miller, Christopher S <christopher.miller@oah.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>
Subject: Re: Child Care Commission: Final Rule for April 2026 RRC Meeting

Thank you Mr. Miller

We will follow up with a response shortly.

Thanks,
CJ

From: Miller, Christopher S <christopher.miller@oah.nc.gov>
Sent: Friday, May 29, 2026 1:25:21 PM
To: Johnson, Cheryl L <cheryl.johnson@dhhs.nc.gov>; Tackett, Sarah <stackett@ncdoj.gov>
Cc: Mallady, Kimberly L <kimberly.mallady@dhhs.nc.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Miller, Christopher S <christopher.miller@oah.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>
Subject: RE: Child Care Commission: Final Rule for April 2026 RRC Meeting

Good afternoon,

Following up on yesterday's meeting – please see attached an Objection Letter regarding rule 10A NCAC 09 .2102.

Let me know if you have any questions.

Best,
Chris

Chris Miller
Rules Review Commission Counsel
North Carolina Office of Administrative Hearings | Rules Division
1711 New Hope Church Road
Raleigh, NC 27609
(984) 236-1935

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Burgos, Alexander N

Subject: FW: Child Care Commission: Final Rule for April 2026 RRC Meeting

From: Miller, Christopher S <christopher.miller@oah.nc.gov>
Sent: Tuesday, May 26, 2026 1:04 PM
To: Johnson, Cheryl L <cheryl.johnson@dhhs.nc.gov>
Cc: Mallady, Kimberly L <kimberly.mallady@dhhs.nc.gov>; Tackett, Sarah <stackett@ncdoj.gov>; Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Miller, Christopher S <christopher.miller@oah.nc.gov>
Subject: RE: Child Care Commission: Final Rule for April 2026 RRC Meeting

Thank you for this, Cheryl.

I raised your response and the updated rule with the Commissioner, and he had the following thoughts and concerns:

- On line 14, what is meant by a "swat"? Does this term have a special definition or meaning?
- On line 14, what is meant by "normal mode of dress"? This language is potentially unclear and vague.
- For statutory authority, the Commissioner still has concerns over how narrow the new definition is for "corporal punishment" and questions whether the CCC has the authority to define the term in this manner. It seems as if the statute may give some discretion to the facilities to set their own policies.

If the CCC wants to, you can provide me with additional responses and/or rule edits before Thursday's meeting to address these comments. Otherwise, please be prepared to discuss on Thursday.

Let me know if you have any questions.

Regards,
Chris

Burgos, Alexander N

Subject: FW: Child Care Commission: Final Rule for April 2026 RRC Meeting
Attachments: Rule 10A NCAC .2102 - Statutory Authority.docx

From: Johnson, Cheryl L <cheryl.johnson@dhhs.nc.gov>
Sent: Friday, May 22, 2026 10:46 AM
To: Miller, Christopher S <christopher.miller@oah.nc.gov>
Cc: Mallady, Kimberly L <kimberly.mallady@dhhs.nc.gov>
Subject: Child Care Commission: Final Rule for April 2026 RRC Meeting

Good morning Mr. Miller

Please find attached a written response that addresses the Commissioner's question.

Thanks,
CJ

Cheryl Johnson, MPA
Rulemaking and Title VI Coordinator
Division of Child Development and Early Education, Office of the Director
NC Department of Health and Human Services
Cheryl.Johnson@dhhs.nc.gov

DCDEE Office
1915 Health Services Way
Raleigh, NC 27607

Mailing Address
2201 Mail Service Center
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To: All RRC Commissioners
From: Sarah N. Tackett, Counsel for the Division of Child Development and Early Education
In Re: 10A NCAC 09 .2102
Date: May 22, 2026

As set forth in Chapter 10 of Article 7 of the North Carolina General Statutes, our General Assembly has established the State's overarching purpose in regulating child care, that is, to protect the health, safety, and developmental well-being of children in care, and has specifically authorized the North Carolina Child Care Commission ("Commission") to adopt rules necessary to carry out and enforce the child care statutes. *See* N.C.G.S. §§ 110-85; 110-88. Together, these statutes vest the Commission with broad authority to adopt rules that ensure clarity, safety, and consistent regulation across all child care settings.

Pursuant to N.C.G.S. § 110-106, a "religious-sponsored child care facility" may operate pursuant to a notice of intent, instead of a child care license issued by the Division of Child Development and Early Education ("Division"), but must comply with some of the minimum licensing standards established by N.C.G.S. § 110-91. While otherwise prohibited as a form of discipline in licensed child care, corporal punishment may be used in a religious sponsored facility if the facility notifies the Division and states in its written policy that corporal punishment is a part of its religious training. *See* N.C.G.S. § 110-91(10).

While recognizing and respecting the authority of religious-sponsored facilities to use corporal punishment as a form of discipline, the Commission is proposing amendments to 10A NCAC 09 .2102 that directly implement N.C.G.S. §§ 110-85 and 110-88 by defining what constitutes permissible corporal punishment, clarifying who may administer it, and identifying the required elements of written discipline policies for these programs. These revisions are necessary and reasonable to ensure compliance with those statutory requirements and to establish clear procedural safeguards. Adding these clarifications reduces ambiguity, promotes consistent enforcement, and strengthens child safety—especially where physical discipline is permitted under statute. The amendments also support consistent application of related statutory requirements, including investigations into inappropriate discipline or child maltreatment.

As required by N.C.G.S. § 150B-21.9(a), this amendment is within the authority delegated by the General Assembly, is clear and unambiguous, reasonably necessary to implement or interpret other State laws, and has been adopted in accordance with the North Carolina Administrative Procedures Act. For these reasons, the Commission and the Division respectfully request that the Rules Review Commission approve its adoption.

Sincerely,

Sarah Tackett
Assistant Attorney General
North Carolina Department of Justice

Burgos, Alexander N

Subject: FW: Child Care Commission: Final Rule for April 2026 RRC Meeting

From: Peck, Julie C <julie.peck@dhhs.nc.gov>
Sent: Monday, May 18, 2026 4:20 PM
To: Miller, Christopher S <christopher.miller@oah.nc.gov>; Johnson, Cheryl L <cheryl.johnson@dhhs.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Mallady, Kimberly L <kimberly.mallady@dhhs.nc.gov>; Tackett, Sarah <stackett@ncdoj.gov>; Council, ASHLEY C <acouncil@ncdoj.gov>
Subject: RE: Child Care Commission: Final Rule for April 2026 RRC Meeting

Thank you and we will either send you a written response by EOD this Friday or let you know the agency intends to wait and address in person to the Commission.

Julie

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

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Burgos, Alexander N

Subject: FW: Child Care Commission: Final Rule for April 2026 RRC Meeting

From: Peck, Julie C <julie.peck@dhhs.nc.gov>
Sent: Sunday, May 17, 2026 12:55 PM
To: Miller, Christopher S <christopher.miller@oah.nc.gov>; Johnson, Cheryl L <cheryl.johnson@dhhs.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Mallady, Kimberly L <kimberly.mallady@dhhs.nc.gov>; Tackett, Sarah <stackett@ncdoj.gov>; Council, ASHLEY C <acouncil@ncdoj.gov>
Subject: RE: Child Care Commission: Final Rule for April 2026 RRC Meeting

Thank you for the good wishes!

And I also appreciate the additional information about the option to submit information in written response to you in advance of the meeting and will follow up with others about providing this. How far in advance of the May 28 meeting would you need the written response to provide sufficient time for review and to determine if adequate to address the Commissioner's question?

Thank you,

Julie

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

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From: Miller, Christopher S <christopher.miller@oah.nc.gov>
Sent: Friday, May 15, 2026 1:59 PM
To: Peck, Julie C <julie.peck@dhhs.nc.gov>; Johnson, Cheryl L <cheryl.johnson@dhhs.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Mallady, Kimberly L <kimberly.mallady@dhhs.nc.gov>; Tackett, Sarah <stackett@ncdoj.gov>; Council, ASHLEY C <acouncil@ncdoj.gov>; Miller, Christopher S <christopher.miller@oah.nc.gov>
Subject: RE: Child Care Commission: Final Rule for April 2026 RRC Meeting

Thank you, Julie! Good luck with the new position.

As an FYI, you all are welcome to submit a written response to me that addresses the Commissioner's question. This type of back-and-forth is pretty common before our meetings, and if your response is deemed to be sufficient, then the Commissioner may not raise anything at the meeting regarding your rule. But you're also welcome to wait and address the question in-person at the meeting on the 28th if that is your preference. Totally up to you.

Best,
Chris

Chris Miller
Rules Review Commission Counsel
North Carolina Office of Administrative Hearings | Rules Division
1711 New Hope Church Road
Raleigh, NC 27609
(984) 236-1935

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From: Peck, Julie C <julie.peck@dhhs.nc.gov>
Sent: Friday, May 15, 2026 1:32 PM
To: Miller, Christopher S <christopher.miller@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Johnson, Cheryl L <cheryl.johnson@dhhs.nc.gov>; Mallady, Kimberly L <kimberly.mallady@dhhs.nc.gov>; Tackett, Sarah <stackett@ncdoj.gov>; Council, ASHLEY C <acouncil@ncdoj.gov>
Subject: RE: Child Care Commission: Final Rule for April 2026 RRC Meeting

Good Afternoon, Mr. Miller,

Thank you for reaching out about this and my apologies that I had not yet notified you. Cheryl Johnson will be the new rulemaking coordinator for the Child Care Commission due to my resignation to transition to a position with county government. She is copied on this email (cheryl.johnson@dhhs.nc.gov) and her phone number is 919-814-6392. I am also copying our supervisor, Kimberly Mallady, and Child Care Commission Counsel Ashley Council and Division of Child Development and Early Education Counsel Sarah Tackett for awareness.

We have met and discussed further and will be prepared to address the additional questions from the Rules Review Commission at the May 28 meeting. Ms. Tackett and Commissioner Beth Messersmith will speak on behalf of the Child Care Commission and an expert who spoke to the Child Care Commission concerning the amendments to this rule under consideration, Tom Vitaglione, has indicated he plans to request in advance to

speak to the Rules Review Commission in support of the proposed amended rule. Ms. Messersmith and Mr. Vitaglione should be contacting you about their requests to speak at the May 28 meeting if they have not already done so.

Please let us know if you have any questions or if there is any additional information helpful for you to have in advance.

Thank you,

Julie

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

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From: Miller, Christopher S <christopher.miller@oah.nc.gov>
Sent: Friday, May 15, 2026 11:36 AM
To: Peck, Julie C <julie.peck@dhhs.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Johnson, Cheryl L <cheryl.johnson@dhhs.nc.gov>; Miller, Christopher S <christopher.miller@oah.nc.gov>
Subject: RE: Child Care Commission: Final Rule for April 2026 RRC Meeting

Good morning, Julie,

Brian informed me that there may soon be a new rulemaking coordinator for the Child Care Commission. If so, is there someone else that I should be coordinating with on this request and the rules for the May 28th meeting?

Thanks in advance.

Best,
Chris

Chris Miller
Rules Review Commission Counsel
North Carolina Office of Administrative Hearings | Rules Division
1711 New Hope Church Road
Raleigh, NC 27609
(984) 236-1935

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Burgos, Alexander N

Subject: FW: Child Care Commission: Final Rule for April 2026 RRC Meeting

---

From: Miller, Christopher S <christopher.miller@oah.nc.gov>
Sent: Monday, April 27, 2026 1:42 PM
To: Peck, Julie C <julie.peck@dhhs.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Johnson, Cheryl L <cheryl.johnson@dhhs.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>; Miller, Christopher S <christopher.miller@oah.nc.gov>
Subject: RE: Child Care Commission: Final Rule for April 2026 RRC Meeting

Hi Julie,

I am fine with recommending an extension if you need more time to consider and respond to the Commissioner's question.

Thanks,
Chris

From: Peck, Julie C <julie.peck@dhhs.nc.gov>
Sent: Monday, April 27, 2026 12:48 PM
To: Miller, Christopher S <christopher.miller@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Johnson, Cheryl L <cheryl.johnson@dhhs.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>
Subject: RE: Child Care Commission: Final Rule for April 2026 RRC Meeting

Good afternoon, Mr. Miller,

Following further agency consultation with counsel, we wanted to ask if you would be willing to (re)consider recommending the initially requested extension for this rule until the May 2026 RRC meeting. Having been made aware of questions concerning the proposed amendments from a Rules Review Commissioner, a Commissioner from the Child Care Commission would like the opportunity to speak to the Rules Review Commission to address questions and an extension would also be beneficial to allow more time to thoroughly address the questions received on Friday in consultation with Child Care Commission Counsel from DOJ.

Thank you in advance for your consideration,

Julie

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

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Burgos, Alexander N

Subject: FW: Child Care Commission: Final Rule for April 2026 RRC Meeting

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From: Miller, Christopher S <christopher.miller@oah.nc.gov>
Sent: Monday, April 27, 2026 1:42 PM
To: Peck, Julie C <julie.peck@dhhs.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Johnson, Cheryl L <cheryl.johnson@dhhs.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>; Miller, Christopher S <christopher.miller@oah.nc.gov>
Subject: RE: Child Care Commission: Final Rule for April 2026 RRC Meeting

Hi Julie,

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Thanks,
Chris

From: Peck, Julie C <julie.peck@dhhs.nc.gov>
Sent: Monday, April 27, 2026 12:48 PM
To: Miller, Christopher S <christopher.miller@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Johnson, Cheryl L <cheryl.johnson@dhhs.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>
Subject: RE: Child Care Commission: Final Rule for April 2026 RRC Meeting

Good afternoon, Mr. Miller,

Following further agency consultation with counsel, we wanted to ask if you would be willing to (re)consider recommending the initially requested extension for this rule until the May 2026 RRC meeting. Having been made aware of questions concerning the proposed amendments from a Rules Review Commissioner, a Commissioner from the Child Care Commission would like the opportunity to speak to the Rules Review Commission to address questions and an extension would also be beneficial to allow more time to thoroughly address the questions received on Friday in consultation with Child Care Commission Counsel from DOJ.

Thank you in advance for your consideration,

Julie

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

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Burgos, Alexander N

Subject: FW: Child Care Commission: Final Rule for April 2026 RRC Meeting

From: Peck, Julie C <julie.peck@dhhs.nc.gov>
Sent: Friday, April 24, 2026 2:42 PM
To: Miller, Christopher S <christopher.miller@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Johnson, Cheryl L <cheryl.johnson@dhhs.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>
Subject: RE: Child Care Commission: Final Rule for April 2026 RRC Meeting

Good afternoon, Mr. Miller,

Thank you for notifying us of the preliminary question received and the possibility of questions on this at next week's Rules Review Commission meeting. The agency will consult with Child Care Commission Counsel and we will provide further follow up response to you on Monday.

Best,
Julie

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

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From: Miller, Christopher S <christopher.miller@oah.nc.gov>
Sent: Friday, April 24, 2026 2:00 PM
To: Peck, Julie C <julie.peck@dhhs.nc.gov>

Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Johnson, Cheryl L <cheryl.johnson@dhhs.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>; Miller, Christopher S <christopher.miller@oah.nc.gov>
Subject: RE: Child Care Commission: Final Rule for April 2026 RRC Meeting

Good afternoon, Julie,

I did receive a preliminary question from one of the Commissioners on rule 10A NCAC 09 .2102. To summarize, he wanted to know which statute(s) give the Commission authority to define and limit the term "corporal punishment" as proposed in the rule. He also wanted to know where the Commission's proposed definition comes from.

If possible, please provide me with a response before Tuesday's meeting. You may also receive questions on this at the meeting.

Best,
Chris

Burgos, Alexander N

Subject: FW: Child Care Commission: Final Rule for April 2026 RRC Meeting
Attachments: 10A NCAC 09 .2102_v2.docx

From: Miller, Christopher S <christopher.miller@oah.nc.gov>
Sent: Wednesday, April 22, 2026 9:41 AM
To: Peck, Julie C <julie.peck@dhhs.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Johnson, Cheryl L <cheryl.johnson@dhhs.nc.gov>; Miller, Christopher S <christopher.miller@oah.nc.gov>; Rules, Oah <oah.rules@oah.nc.gov>
Subject: RE: Child Care Commission: Final Rule for April 2026 RRC Meeting

Thank you! Looks good. The attached version will be used for RRC review next week (I added "with changes" to the introductory statement), and I will be recommending approval.

Let me know if you have any questions before the meeting.

Best,
Chris

Chris Miller
Rules Review Commission Counsel
North Carolina Office of Administrative Hearings | Rules Division
1711 New Hope Church Road
Raleigh, NC 27609
(984) 236-1935

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10A NCAC 09 .2102 is amended with changes as published in 40:06 NCR 505-506 as follows:

10A NCAC 09 .2102 USE OF CORPORAL PUNISHMENT

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

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

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

(b) The facility's discipline policy shall state when corporal punishment is used, what type of punishment is used, ~~and~~ who will be administering the punishment~~.~~ ~~[The discipline policy shall state]~~ and that parents will be informed before and by the end of the day after their child has received corporal punishment [~~and who will be administering the punishment~~]. The facility shall comply with their written discipline policy. If administered [~~by facility staff~~], corporal punishment shall be limited to one swat by the hand on the buttocks of a child over the child's normal mode of dress that does not result in any mark on the skin that lasts more than two hours or bruising. [~~A~~]An additional staff member [~~witness~~] shall be present when corporal punishment is administered. [~~and~~] Corporal punishment shall be administered by the administrator or other designated staff member. A facility shall not administer corporal punishment more than once a day per child. The facility's administrator shall complete an incident report whenever corporal punishment is administered at the facility.

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

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

(e) A discipline policy that meets the requirements of this Rule shall not preclude the investigation of a complaint by the Department of Health and Human Services, Division of Child Development and Early Education, alleging inappropriate discipline of a child or child maltreatment as specified in G.S 110-105.3.

History Note: *Authority G.S. 110-91(10); 110-106; 110-88; 110-85;*
Eff. October 1, 2017.
Amended Eff. May 1, 2026.

Burgos, Alexander N

Subject: FW: Child Care Commission: Final Rule for April 2026 RRC Meeting
Attachments: 10A NCAC 09 .2102.docx

From: Peck, Julie C <julie.peck@dhhs.nc.gov>
Sent: Tuesday, April 21, 2026 3:44 PM
To: Miller, Christopher S <christopher.miller@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Johnson, Cheryl L <cheryl.johnson@dhhs.nc.gov>
Subject: RE: Child Care Commission: Final Rule for April 2026 RRC Meeting

Great, and thank you for the additional review, feedback, and suggestion. The attached rule has been revised to include this recommendation.

Thanks,
Julie

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

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Our mailing address will not change: **2201 Mail Service Center | Raleigh, NC 27699-2200.**

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10A NCAC 09 .2102 is amended as published in 40:06 NCR 505-506 as follows:

10A NCAC 09 .2102 USE OF CORPORAL PUNISHMENT

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

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

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

(b) The facility's discipline policy shall state when corporal punishment is used, what type of punishment is used, [~~and~~] who will be administering the punishment[~~.~~]. [~~The discipline policy shall state~~] and that parents will be informed before and by the end of the day after their child has received corporal punishment [~~and who will be administering the punishment~~]. The facility shall comply with their written discipline policy. If administered [~~by facility staff~~], corporal punishment shall be limited to one swat by the hand on the buttocks of a child over the child's normal mode of dress that does not result in any mark on the skin that lasts more than two hours or bruising. [~~A~~]An additional staff member [~~witness~~] shall be present when corporal punishment is administered. [~~and~~] ~~-~~Corporal punishment shall be administered by the administrator or other designated staff member. A facility shall not administer corporal punishment more than once a day per child. The facility's administrator shall complete an incident report whenever corporal punishment is administered at the facility.

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

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

(e) A discipline policy that meets the requirements of this Rule shall not preclude the investigation of a complaint by the Department of Health and Human Services, Division of Child Development and Early Education, alleging inappropriate discipline of a child or child maltreatment as specified in G.S 110-105.3.

History Note: *Authority G.S. 110-91(10); 110-106; 110-88; 110-85;*
Eff. October 1, 2017.
Amended Eff. May 1, 2026.

Burgos, Alexander N

Subject: FW: Child Care Commission: Final Rule for April 2026 RRC Meeting
Attachments: 10A NCAC 09 .2102.docx

From: Miller, Christopher S <christopher.miller@oah.nc.gov>
Sent: Tuesday, April 21, 2026 3:14 PM
To: Peck, Julie C <julie.peck@dhhs.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Johnson, Cheryl L <cheryl.johnson@dhhs.nc.gov>; Miller, Christopher S <christopher.miller@oah.nc.gov>
Subject: RE: Child Care Commission: Final Rule for April 2026 RRC Meeting

Thanks for the responses and revisions. One last suggestion – for (b), line 10, consider adding "facility's" before "discipline policy". Otherwise, I think the rule looks to be in good shape.

Chris

Chris Miller
Rules Review Commission Counsel
North Carolina Office of Administrative Hearings | Rules Division
1711 New Hope Church Road
Raleigh, NC 27609
(984) 236-1935

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Burgos, Alexander N

Subject: FW: Child Care Commission: Final Rule for April 2026 RRC Meeting
Attachments: Request for Changes - 10A NCAC 09 .2102 - 4.21.2026.docx; 10A NCAC 09 .2102.docx

From: Peck, Julie C <julie.peck@dhhs.nc.gov>
Sent: Tuesday, April 21, 2026 10:58 AM
To: Miller, Christopher S <christopher.miller@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Johnson, Cheryl L <cheryl.johnson@dhhs.nc.gov>
Subject: RE: Child Care Commission: Final Rule for April 2026 RRC Meeting

Thank you, Mr. Miller, for your willingness to recommend approval of an extension until May. The agency was fortunately able to consult with counsel this morning and complete responses and revisions to the rule.

The updated Request for Changes document and revised Rule are attached. The agency defers to whether you would recommend continuing with the extension approval recommendation at this time or proceeding with the rule for RRC's consideration at the April 28, 2026 meeting next week.

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

Thank you,

Julie

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

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

AGENCY: N.C. Child Care Commission

RULE CITATION: 10A NCAC 09 .2102

DEADLINE FOR RECEIPT: April 21, 2026

***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:

(a): Why is this necessary? This paragraph (and its subparagraphs) seems to word-for-word restate the requirements set forth in G.S. 110-91(10).

Thank you for this correction. The agency agrees that this is unnecessary and the rule language has been revised to address.

(b), lines 11-18: Where does the Commission's authority to set and define the exact contents of facility disciplinary policies and practices come from? The limitations in your rule seem to go beyond the statutory requirements for religious sponsored child care facilities in G.S. 110-91(10). The statute appears to allow for the facility to create its own policy so long as it files with the Department and provides notice in its written policy.

The Commission is relying on its general rulemaking authority in §110-88 and in §110-85, and these have been added to the rule History Note, Authority.

(b), line 12: "and who will be administering the punishment." is redundant. You already state this on lines 10-11.

Thank you for this correction. The agency agrees this language is redundant and the rule language has been revised to address.

(b), line 15: Consider adding "on the skin" or something similar after "mark".

Thank you for this suggestion. The rule language has been revised to include "on the skin."

(b), line 15: Is there any limitation on who can serve as a "witness" in this instance?

Thank you for this clarifying question. The Commission intended for witnesses to be limited to staff members. The rule language has been revised to address.

Christopher S. Miller
Commission Counsel
Date submitted to agency: April 15, 2026

(d): How could the facility's policy change now that you've set forth the requirements for the policy in (b)? Wouldn't any change be in violation of your rule?

Thank you for this clarifying question. There are several potential situations in which a facility could change their policy and would not be in violation of the rule, including: specifying who informs the parent, who administers the punishment, and under what circumstances the punishment is administered. A facility could also have an existing policy to update or have no existing policy and decide to develop and implement one in accordance with this rule.

(e): An investigation by whom?

Thank you for this clarifying question. The investigation would be conducted by the Department of Health and Human Services, Division of Child Development and Early Education. The rule language has been revised to include this information.

History Note, Authority: Consider adding § 110-88, which appears to include the Commission's general rulemaking authority.

Thank you for this guidance. This reference, along with § 110-85, has been added to the History Note, Authority.

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

Christopher S. Miller
Commission Counsel
Date submitted to agency: April 15, 2026

10A NCAC 09 .2102 is amended as published in 40:06 NCR 505-506 as follows:

10A NCAC 09 .2102 USE OF CORPORAL PUNISHMENT

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

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

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

(b) The discipline policy shall state when corporal punishment is used, what type of punishment is used, [~~and~~] who will be administering the punishment~~[.]~~.[~~The discipline policy shall state~~] and that parents will be informed before and by the end of the day after their child has received corporal punishment [~~and who will be administering the punishment~~]. The facility shall comply with their written discipline policy. If administered [~~by facility staff~~], corporal punishment shall be limited to one swat by the hand on the buttocks of a child over the child's normal mode of dress that does not result in any mark on the skin that lasts more than two hours or bruising. [~~A~~]An additional staff member [~~witness~~] shall be present when corporal punishment is administered. [~~and~~] ~~C~~Corporal punishment shall be administered by the administrator or other designated staff member. A facility shall not administer corporal punishment more than once a day per child. The facility's administrator shall complete an incident report whenever corporal punishment is administered at the facility.

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(e) A discipline policy that meets the requirements of this Rule shall not preclude the investigation of a complaint by the Department of Health and Human Services, Division of Child Development and Early Education alleging inappropriate discipline of a child or child maltreatment as specified in G.S 110-105.3.

History Note: *Authority G.S. 110-91(10); 110-106; 110-88; 110-85;*
Eff. October 1, 2017.
Amended Eff. May 1, 2026.

Burgos, Alexander N

Subject: FW: Child Care Commission: Final Rule for April 2026 RRC Meeting
Attachments: Request for Changes - 10A NCAC 09 .2102 - 4.21.2026.docx; 10A NCAC 09 .2102.docx

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From: Miller, Christopher S <christopher.miller@oah.nc.gov>
Sent: Tuesday, April 21, 2026 10:31 AM
To: Peck, Julie C <julie.peck@dhhs.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Johnson, Cheryl L <cheryl.johnson@dhhs.nc.gov>; Miller, Christopher S <christopher.miller@oah.nc.gov>
Subject: RE: Child Care Commission: Final Rule for April 2026 RRC Meeting

Thank you, Julie. Your request has been noted. I will be recommending approval of an extension until May at the meeting next week to provide the Commission with sufficient time to respond to our questions/requests.

Let me know if you have any questions in the meantime.

Regards,
Chris

Chris Miller
Rules Review Commission Counsel
North Carolina Office of Administrative Hearings | Rules Division
1711 New Hope Church Road
Raleigh, NC 27609
(984) 236-1935

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From: Peck, Julie C <julie.peck@dhhs.nc.gov>
Sent: Monday, April 20, 2026 4:51 PM
To: Miller, Christopher S <christopher.miller@oah.nc.gov>
Cc: Burgos, Alexander N <alexander.burgos@oah.nc.gov>; Johnson, Cheryl L <cheryl.johnson@dhhs.nc.gov>
Subject: RE: Child Care Commission: Final Rule for April 2026 RRC Meeting

Hello Mr. Miller,

Thank you for your review and the Request for Changes for this rule submitted by the Child Care Commission for the April 28, 2026 RRC meeting.

I wanted to see if you would possibly be amenable to recommending the RRC grant an extension on the consideration of this rule. Given the need to consult further with Division and Agency Counsel to provide a

complete and thorough response and the available time, it would be beneficial to the agency if an extension could be granted and this rule rescheduled for the May 2026 RRC meeting.

Please let me know if you have any questions or if any additional information would be helpful related to this request. Thank you in advance for your consideration.

Best,
Julie

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

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Burgos, Alexander N

From: Miller, Christopher S
Sent: Wednesday, April 15, 2026 3:47 PM
To: Peck, Julie C
Cc: Burgos, Alexander N; Miller, Christopher S; Johnson, Cheryl L
Subject: Child Care Commission: Final Rule for April 2026 RRC Meeting
Attachments: Request for Changes - 10A NCAC 09 .2102.docx

Hello,

I'm the staff attorney who reviewed the rule submitted by the Child Care Commission for the April 2026 RRC meeting. The RRC will formally review the rule at its meeting on Tuesday, April 28, 2026, 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, please let me know prior to the meeting, and we will get evites out to them as well.

Attached is my Request for Changes Pursuant to G.S. 150B-21.10. Please submit the response and revised rule to me via email, no later than **5 p.m. on April 21, 2026**.

Let me know if you have any questions.

Best,
Chris

Chris Miller
Rules Review Commission Counsel
North Carolina Office of Administrative Hearings | Rules Division
1711 New Hope Church Road
Raleigh, NC 27609
(984) 236-1935

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