

G.S. 150B-21.3A Report for 10A NCAC Chapter 10, SUBSIDIZED CHILD CARE

Agency - Social Services Commission

September 17-November 17, 2015

Date Submitted to APO - February 22, 2016

Rule Section	Rule Citation	Rule Name	Date and Last Agency Action on the Rule	Agency Determination [150B-21.3A(c)(1)a]	Required to Implement or Conform to Federal Regulation [150B-21.3A(d1)]	Federal Regulation Citation	Public Comment Received [150B-21.3A(c)(1)]	Agency Determination Following Public Comment [150B-21.3A(c)(1)]	RRC Determination of Public Comments [150B-21.3A(c)(2)]	RRC Final Determination of Status of Rule for Report to APO [150B-21.3A(c)(2)]	OAH Next Steps
SECTION .0100 - IDENTIFYING AND GENERAL INFORMATION	10A NCAC 10 .0101	SCOPE	Amended Eff. April 1, 2001	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	10A NCAC 10 .0102	DEFINITIONS	Amended Eff. December 1, 2011	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
SECTION .0200 - REQUIREMENTS FOR THE PURCHASE OF CHILD CARE	10A NCAC 10 .0201	APPLICABILITY	Amended Eff. April 1, 2001	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	10A NCAC 10 .0202	PAYMENT RATES	Amended Eff. April 1, 2001	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	42 USC § 9858 (2014)	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
SECTION .0300 - REQUIREMENTS FOR CHILD CARE SERVICE FUNDS	10A NCAC 10 .0203	RATES FOR SUBSIDIZED CHILD CARE	Amended Eff. March 1, 2012	Necessary with substantive public interest	No		Yes	Necessary with substantive public interest	RRC not required to review comment(s)	Necessary with substantive public interest and must be readopted	Agency must readopt
	10A NCAC 10 .0301	DEFINITION OF FUND	Amended Eff. April 1, 2001	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	10A NCAC 10 .0302	DEFINITION OF SERVICES	Amended Eff. April 1, 2001	Unnecessary	No		No	Unnecessary	No comments with merit	Unnecessary and should expire on the first day of the month following the consultation	Rule expired - remove from Code
	10A NCAC 10 .0303	ELIGIBILITY	Amended Eff. April 1, 2001	Unnecessary	No		No	Unnecessary	No comments with merit	Unnecessary and should expire on the first day of the month following the consultation	Rule expired - remove from Code
	10A NCAC 10 .0304	FEES	Amended Eff. April 1, 2001	Unnecessary	No		No	Unnecessary	No comments with merit	Unnecessary and should expire on the first day of the month following the consultation	Rule expired - remove from Code
	10A NCAC 10 .0305	PROGRAM POLICIES AND STANDARDS	Amended Eff. April 1, 2001	Unnecessary	No		No	Unnecessary	No comments with merit	Unnecessary and should expire on the first day of the month following the consultation	Rule expired - remove from Code
	10A NCAC 10 .0306	ALLOCATION	Amended Eff. April 1, 2001	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	10A NCAC 10 .0307	REIMBURSEMENT	Amended Eff. April 1, 2001	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	10A NCAC 10 .0308	SANCTIONS AND APPEALS FOR FRAUDULENT MISREPRESENTATION	Amended Eff. December 1, 2011	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	10A NCAC 10 .0309	CORRECTION OF OVERPAYMENTS AND UNDERPAYMENTS	Amended Eff. December 1, 2011	Necessary with substantive public interest	No		Yes	Necessary with substantive public interest	RRC not required to review comment(s)	Necessary with substantive public interest and must be readopted	Agency must readopt
10A NCAC 10 .0310	REQUIREMENTS FOR THE ADMINISTRATION OF THE SUBSIDIZED CHILD CARE PROGRAM	Amended Eff. December 1, 2011	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt	
10A NCAC 10 .0311	PROVIDER APPEAL TO LOCAL PURCHASING AGENCY	Eff. December 1, 2011	Necessary with substantive public interest	No		No	Yes	Necessary with substantive public interest	RRC not required to review comment(s)	Necessary with substantive public interest and must be readopted	Agency must readopt
10A NCAC 10 .0312	APPEAL TO DIVISION OF CHILD DEVELOPMENT AND EARLY EDUCATION SUBSIDY SERVICES REVIEW PANEL	Eff. December 1, 2011	Necessary with substantive public interest	No		No	Yes	Necessary with substantive public interest	RRC not required to review comment(s)	Necessary with substantive public interest and must be readopted	Agency must readopt

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SECTION .0500 - REQUIREMENTS FOR CONTRACTS WITH PRIVATE AGENCIES	10A NCAC 10.0313	EFFECT OF ADMINISTRATIVE ACTION ISSUED AGAINST PROVIDER	Eff. December 1, 2011	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	10A NCAC 10.0501	SCOPE	Amended Eff. April 1, 2001	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	10A NCAC 10.0502	APPROVAL	Amended Eff. April 1, 2001	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	10A NCAC 10.0503	LENGTH OF CONTRACT	Amended Eff. April 1, 2001	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	10A NCAC 10.0504	ADMINISTRATION OF FUNDS	Amended Eff. April 1, 2001	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	10A NCAC 10.0505	ADMINISTRATION OF PROGRAM	Amended Eff. April 1, 2001	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	10A NCAC 10.0506	RECORDS	Amended Eff. December 1, 2011	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
SECTION .0600 - REQUIREMENTS FOR CHILD CARE CENTERS	10A NCAC 10.0601	STANDARDS FOR CENTERS PARTICIPATING IN THE SUBSIDIZED CHILD CARE PROGRAM	Amended Eff. April 1, 2001	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	10A NCAC 10.0602	APPROVAL AND CONTINUED PARTICIPATION IN THE SUBSIDIZED CHILD CARE PROGRAM	Amended Eff. April 1, 2001	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
SECTION .0700 - REQUIREMENTS FOR FAMILY CHILD CARE HOMES	10A NCAC 10.0701	STANDARDS FOR FAMILY CHILD CARE HOMES PARTICIPATING IN THE SUBSIDIZED CHILD CARE PROGRAM	Amended Eff. April 1, 2001	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	10A NCAC 10.0702	APPROVAL AND CONTINUED PARTICIPATION IN THE SUBSIDIZED CHILD CARE PROGRAM	Amended Eff. April 1, 2001	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
SECTION .0800 - REQUIREMENTS FOR NONLICENSED CHILD CARE HOMES	10A NCAC 10.0801	DEFINITION	Amended Eff. April 1, 2001	Unnecessary	No		Yes	Unnecessary	No comments with merit	Unnecessary and should expire on the first day of the month following the consultation	Rule expired - remove from Code
	10A NCAC 10.0802	DIVISION RESPONSIBILITY	Amended Eff. April 1, 2001	Unnecessary	No		Yes	Unnecessary	No comments with merit	Unnecessary and should expire on the first day of the month following the consultation	Rule expired - remove from Code
	10A NCAC 10.0803	LOCAL PURCHASING AGENCY RESPONSIBILITY	Amended Eff. December 1, 2011	Unnecessary	No		Yes	Unnecessary	No comments with merit	Unnecessary and should expire on the first day of the month following the consultation	Rule expired - remove from Code
	10A NCAC 10.0804	INITIAL APPROVAL	Amended Eff. April 1, 2001	Unnecessary	No		Yes	Unnecessary	No comments with merit	Unnecessary and should expire on the first day of the month following the consultation	Rule expired - remove from Code
	10A NCAC 10.0805	MAINTAINING APPROVAL	Amended Eff. April 1, 2001	Unnecessary	No		Yes	Unnecessary	No comments with merit	Unnecessary and should expire on the first day of the month following the consultation	Rule expired - remove from Code
	10A NCAC 10.0806	PAYMENT REQUIREMENTS	Amended Eff. April 1, 2001	Unnecessary	No		Yes	Unnecessary	No comments with merit	Unnecessary and should expire on the first day of the month following the consultation	Rule expired - remove from Code
	10A NCAC 10.0807	APPEALS	Amended Eff. April 1, 2001	Unnecessary	No		Yes	Unnecessary	No comments with merit	Unnecessary and should expire on the first day of the month following the consultation	Rule expired - remove from Code

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	10A NCAC 10 .0808	APPLICABILITY OF RULES	Amended Eff. April 1, 2001	Unnecessary	No		Yes	Unnecessary	No comments with merit	Unnecessary and should expire on the first day of the month following the consultation	Rule expired - remove from Code
	10A NCAC 10 .0809	PARENT-PROVIDER CHECKLIST	Amended Eff. April 1, 2001	Unnecessary	No		Yes	Unnecessary	No comments with merit	Unnecessary and should expire on the first day of the month following the consultation	Rule expired - remove from Code
	10A NCAC 10 .0810	HEALTH AND SAFETY STANDARDS	Amended Eff. April 1, 2001	Unnecessary	No		Yes	Unnecessary	No comments with merit	Unnecessary and should expire on the first day of the month following the consultation	Rule expired - remove from Code
	10A NCAC 10 .0811	PROVIDER REQUIREMENTS	Amended Eff. April 1, 2001	Unnecessary	No		Yes	Unnecessary	No comments with merit	Unnecessary and should expire on the first day of the month following the consultation	Rule expired - remove from Code
SECTION .0900 - GENERAL POLICIES FOR PROVISION OF SUBSIDIZED CHILD CARE SERVICES	10A NCAC 10 .0901	SCOPE	Amended Eff. April 1, 2001	Necessary without substantive public interest	No		No	Necessary without substantive public interest	No comments with merit	Necessary without substantive public interest and should remain in effect without further action	Keep in Code - Update History Note
	10A NCAC 10 .0902	METHODS OF SERVICE PROVISION	Amended Eff. April 1, 2001	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	10A NCAC 10 .0903	DEFINITION OF SERVICE	Amended Eff. April 1, 2001	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	10A NCAC 10 .0904	OPTIONAL PROVISION OF SERVICES	Amended Eff. April 1, 2001	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	10A NCAC 10 .0905	SUPPORT TO EMPLOYMENT: TRAINING FOR EMPLOYMENT	Amended Eff. April 1, 2001	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	42 USC § 9858 (2014)	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	10A NCAC 10 .0906	SUPPORT FOR PROTECTIVE AND CHILD WELFARE SERVICES	Amended Eff. April 1, 2001	Necessary with substantive public interest	Yes If yes, include the citation to the federal law	42 USC § 9858 (2014)	No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	10A NCAC 10 .0907	PROMOTE CHILD'S DEVELOPMENT	Amended Eff. April 1, 2001	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	10A NCAC 10 .0908	LIMITATIONS	Amended Eff. April 1, 2001	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	10A NCAC 10 .0909	PARENTAL FREEDOM OF CHOICE	Amended Eff. April 1, 2001	Necessary with substantive public interest	No		Yes	Necessary with substantive public interest	RRC not required to review comment(s)	Necessary with substantive public interest and must be readopted	Agency must readopt
SECTION .1000 - ELIGIBILITY FOR SERVICES	10A NCAC 10 .0910	DEFINITION OF SPECIAL NEEDS CHILD	Amended Eff. December 1, 2011	Necessary with substantive public interest	No		Yes	Necessary with substantive public interest	RRC not required to review comment(s)	Necessary with substantive public interest and must be readopted	Agency must readopt
	10A NCAC 10 .1001	BASIC ELIGIBILITY CRITERIA	Amended Eff. April 1, 2001	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	10A NCAC 10 .1002	INCOME ELIGIBLE STATUS	Amended Eff. April 1, 2001	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	10A NCAC 10 .1003	INCOME ELIGIBILITY LEVELS	Amended Eff. April 1, 2001	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	10A NCAC 10 .1004	WITHOUT REGARD TO INCOME	Amended Eff. April 1, 2001	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	10A NCAC 10 .1005	RESPONSIBILITY FOR ELIGIBILITY DETERMINATION	Amended Eff. April 1, 2001	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	10A NCAC 10 .1006	DETERMINATION OF INCOME ELIGIBILITY	Amended Eff. April 1, 2001	Necessary with substantive public interest	No		Yes	Necessary with substantive public interest	RRC not required to review comment(s)	Necessary with substantive public interest and must be readopted	Agency must readopt

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SECTION .1100 CLIENT FEES FOR CHILD CARE SERVICES	10A NCAC 10 .1007	REQUIREMENTS FOR DETERMINATION AND REDETERMINATION OF ELIGIBILITY	Amended Eff. April 1, 2001	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	10A NCAC 10 .1101	GENERAL FEE POLICY	Amended Eff. April 1, 2001	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	10A NCAC 10 .1102	AMOUNT AND COLLECTION OF CLIENT FEES	Amended Eff. April 1, 2001	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt
	10A NCAC 10 .1103	ADJUSTMENTS IN FEES	Amended Eff. April 1, 2001	Necessary with substantive public interest	No		No	Necessary with substantive public interest	No comments with merit	Necessary with substantive public interest and must be readopted	Agency must readopt

Comments for Periodic Review of Rules
Comment Period September 17, 2015 through November 17, 2015

10A NCAC 10 Subsidized Child Care Rules

This is a general comment for **10A NCAC 10 .0910 DEFINITION OF SPECIAL NEEDS CHILD**

9/16/2015

jeannie_reardon@unc.edu

The title of the rule and terminology used is inappropriate and dated. We recommend that 'child-first' language be used. When talking about a special need, put the child first, before the disability. Talking about a 'child with a special need' is more appropriate than a 'special-needs child,' because it emphasizes that he or she is a child first.

Commission's Response:

Thank you for your comment. The Commission will take this under review as part of the rules review process.

Nov. 5, 2015

This is a general comment for **10A NCAC 10**

Periodic Review of Existing Rules
10A NCAC 10 Subsidized Child Care Rules

10A NCAC 10.0203 Rates for Subsidized Child Care

(e) – *No policy to allow usage of rule*

10A NCAC 10.0309 Correction of Overpayments and Underpayments

(a)(2) (B) & (C) – *No policy to allow usage of rule*

10A NCAC 10.0311 Provider Appeal to Local Purchasing Agency

(f) – *Rule refers to “State Subsidy Services Appeals Panel.” Policy in Chapter 24 of the Subsidized Child Care Services Manual refers to “Subsidy Services Appeals Panel.”*

For consistency, name should be the same in both rule and policy.

10A NCAC 10.0312 Appeal to Division of Child Development and Early Education Subsidy Services Review Panel

(3) & (3) (b) – *ibid. 10A NCAC 10.0311*

Section .0800 Requirements for Non-licensed Child Care Homes

Entire section can be eliminated due to 2011-2012 State Budget Bill that states; “subsidized child care funds can only be used in child care programs with a three to five star license rate.”

10A NCAC 10.0909 Parental Freedom of Choice

(a) – *Remove reference to section .0800 as it will no longer apply.*

10A NCAC 10.1006 Determination of Income Eligibility

Do sources need to be changed to be consistent with streamlining of policies in the North Carolina Integrated Eligibility Manual, Section 4050.1?

Patti Stowe

VP of Child Care Financial Aid

Child Care Resources Inc.

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Charlotte, NC 28209

Direct Phone: 704 348-2197

Fax: 704 376-7865

Commission’s Response:

Thank you for your comments. The Commission will take this under review as part of the rules review process.