

Rulemaking Coordinator  
Division of Child Development and Early Education  
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**Petitioner-** Dennette Bailey  
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**Petition Rule for Review:**

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

Section (b) centers in residence

Age of Children    Ratio Staff/Children

0 to 12 Months    1/5 preschool children plus three additional school-age children

12 to 24 Months    1/6 preschool children plus two additional school-age children

2 to 13 Years        1/10

3 to 13 Years        1/12

All school-age        1/15

**Effects/Grievances**

In section (a) of this rule please note that centers in a residence (see chart below) are allowed to care for up to 15 children if they are all school age. Thus, the capacity for 15 is already approved. The grievance is that centers are already allowed to have up to 15 children 3-year-old children, but there is currently a rule which discriminates against centers in located in a residence and only allows 12, instead of the already approved 15 number for that age range. (See chart Below)

While centers are allowed 20 four-year-olds, Centers in a residence are not requesting more than 15 because the city codes stop at the number 16 for centers

in a residence. Centers in a residence are suffering discrimination on already allowable child/staff ratios and thus suffering financially.

### **Comparable Child Care Center Staff/Child Ratios**

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

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

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

### **Consequences to Bailey Preschool and Centers in a Residence**

Bailey Preschool (licensed for preschool age children) has spent considerable time and incurred significant debt to achieve center in a residence status. Bailey Preschool was required to install an additional bathroom, remove current concrete parking, and install a large concrete driveway and parking lot to accommodate the center in a residence status. In addition, Bailey Preschool is required to have environmental and fire inspections twice a year as a result of the center status. Center status is now only 2 children more than a family childcare status (10 children). It would not be financially beneficial to incur such debt for an increase of only 2 children. Moreover, for locations already licensed as center in a residence before the new law allowing family childcare homes to have 10 children, it would not be beneficial to maintain this license as it is considerably more expensive and laborious to maintain the above inspections during the year.

Having the requested rule change to accommodate 15 preschoolers instead of 12 preschoolers allows Bailey Preschool, as well as other centers in a residence, to

afford to continue to maintain the labor and cost associated with running a center. Please note that although these are in residences, costs associated with being a center do not lessen. For example, the fire inspections and items to maintain passing grades for these inspections are not cheaper for center in a residence compared to centers not in a residence. In addition, centers in a residence that have combined ages for example, still must have other employees and thus suffer the same plights as non-residential centers in regard to being able to afford to pay employees a livable wage.

Being allowed to have a capacity of 15 instead of 12 is already in line with what the ratios are for a non-residential center. We are asking that this consideration be reviewed, as it is outdated as what Family childcare homes suffered in being able to take 8 children during the summer but only 5 during the school year. **Please allow centers in a residence to have their full capacity of 15 children meeting child/staff ratios already in place for centers.**

**Petition Rule Revisions**

(b) The staff/child ratios for a center located in a residence with a licensed capacity of thirteen to fifteen are as follows:

| <b>Age of Children</b> | <b>Ratio Staff/Children</b> | <b>Maximum Group Size</b> |
|------------------------|-----------------------------|---------------------------|
| 0 to 12 Months         | 1/5                         | 10                        |
| 12 to 24 Months        | 1/6                         | 12                        |
| 2 to 13 Years          | 1/10                        | 15                        |
| 3 to 13 Years          | 1/15                        | 15                        |

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

| <b>Age of Children</b> | <b>Ratio Staff/Children</b>                                      |
|------------------------|--|
| 0 to 12 Months         | 1/5 preschool children plus three additional school age children |
| 12 to 24 Months        | 1/6 preschool children plus two additional school age children   |
| 2 to 13 years          | 1/10   |
| 3 to 13 years          | 1/12   |

We are asking to make the ratios in regulation to the center capacity that already exist with the ratios that already exists without discrimination to the center being in a residence. Centers in residence operate just like a nonresidential center. They have their centers usually on the bottom floor separate from living spaces or in an approved added on space, again separate from the family's space. Their square footage for this reason is always at required amounts but often they have even more space because of the uniqueness of the location, being originally a home.

Lastly, having this change would aid in making centers in a residence respected as centers, as the last outdated rule separating them from centers would be extinguished. Centers in a residence continually must explain to entities working with centers that, although we are located in a residence, we are centers following all the rules centers follow. We only reside in our homes while many of the centers -that are located in houses just do not have anyone who sleeps in the location. Please keep in mind this requirement to live in the home is also a rule and should not be used as retaliation against centers in a residence in considering their status as centers since centers in a residence follow all the rules of centers that are not in residences.

Another consideration, in researching how many licensed childcare centers in a residence are in NC, this number is difficult to ascertain because they are listed under childcare centers-yet they are being shorted capacity by 3 children when caring for preschool aged children.