



**FOR YOUTH DEVELOPMENT™
FOR HEALTHY LIVING
FOR SOCIAL RESPONSIBILITY**

May 13, 2025

Administrative Procedures Coordinator
Division of Child Development
2201 Mail Service Center
Raleigh, NC 27699-2201

To Whom It May Concern:

On behalf of the 28 YMCA Associations across North Carolina, the NC Alliance of YMCAs, Inc. respectfully submits this petition to request the establishment of a distinct set of licensing rules tailored to the developmental needs of school-age children. Several states—including Arkansas, Vermont, Oregon, Texas, and Colorado—have successfully adopted similar approaches.

North Carolina's YMCAs are the state's largest nonprofit provider of child care, serving both preschool and school-age children. In 2024 alone, our Ys supported more than 63,000 young children in licensed preschool programs, over 535,000 in before- and after-school care, and 593,000+ in summer day camps.

While our preschool and Head Start programs are licensed, most school-age programs are not. This is due to:

1. Licensing rules being designed primarily for children ages 0–5;
2. Programs being located in schools or Y facilities not built as child care centers;
3. Part-time staffing models for before/after school and seasonal programs.

Licensure brings important benefits:

- Greater access to child care subsidies for families;
- Reassurance for parents through consistent safety and quality standards;
- Lower liability insurance costs due to regulatory oversight.

Given that every YMCA in NC offers school-age programs, aligning licensure rules with school-age developmental needs would unlock access for more families and children. We're also working with fellow advocates to expand child care subsidy funding so that more working families can benefit.

Our programs nurture social-emotional growth, enrich learning beyond the classroom, and foster lasting relationships with caring adults—goals not easily met within current licensing constraints. For instance, the YMCA of Western NC consistently sees higher parent satisfaction in unlicensed programs, due to the flexibility they provide.

Enclosed in this packet are:

1. Chapter 9 licensing rules with proposed edits and comments;
2. A clean, revised version of Chapter 9 starting at .2500 for standalone use; and
3. A "Basic Information for School-Age Providers" guide reflecting proposed rules.



**FOR YOUTH DEVELOPMENT™
FOR HEALTHY LIVING
FOR SOCIAL RESPONSIBILITY**

We are committed to collaborating with the Division to create practical, developmentally appropriate licensing standards for school-age care. With our expertise and statewide reach, we stand ready to be part of the solution. Thank you for considering this petition.

In Health,

Sheree Thaxton Vodicka, President & CEO
NC Alliance of YMCAs, Inc.

**MINIMUM LICENSING
REQUIREMENTS
FOR
Out-of-School
Time Facilities**



**ARKANSAS DEPARTMENT OF HUMAN SERVICES
DIVISION OF CHILD CARE AND EARLY CHILDHOOD EDUCATION
CHILD CARE LICENSING UNIT
P. O. BOX 1437, SLOT S150
LITTLE ROCK, ARKANSAS 72203-1437
(501) 682-8590**



TABLE OF CONTENTS

100	OUT-OF-SCHOOL TIME LICENSING	7
	101 Related Laws and Requirements	7
	102 General Requirements	8
	103 Licensing Procedures	9
	104 License Fee	12
	105 Appeal of Licensing Actions	13
	106 Alternative Compliance	14
	107 Church-Operated Exemption	15
	108 Licensing Investigations	16
	109 Child Maltreatment Record Checks	16
	110 Criminal Records Check	17
200	ORGANIZATION AND ADMINISTRATION	21
	201 Administrative Procedures	21
300	PERSONNEL	22
	301 Staff/Participant Ratio	22
	302 Maximum Group Size	23
	303 Director	23
	304 Staff Requirements	25
	305 Volunteer Requirements	25
	306 Student Observers	26
	307 Professional Development	26
400	PROGRAM	28
	401 Program Requirements	28
	402 Outdoor Time	30
	403 Screen Time	30
	404 Field Trips	31
500	BEHAVIOR GUIDANCE	31
	501 Behavior Guidance Requirements	31
600	RECORDS	33
	601 Record Requirements	33
	602 Facility Records	34
	603 Staff Records	34
	604 Participants' Records	35

700	NUTRITION	35
	701 Nutrition Requirements	35
800	BUILDINGS	36
	801 Building Requirements	36
900	PLAYGROUNDS/OUTDOOR LEARNING ENVIRONMENT	38
	901 Layout and Design	39
	902 General Hazards	39
	903 Balance Beams	41
	904 Slides	41
	905 Swings	41
	906 Climbing Equipment	41
	907 Merry-Go-Round	41
	908 Seesaws	41
	909 Protective Surfacing	42
1000	FURNITURE AND EQUIPMENT	43
	1001 Furniture and Equipment Requirements	43
	1002 Sleeping Equipment	44
1100	HEALTH	44
	1101 General Health Requirements	44
	1102 Hand Washing	48
	1103 Drinking Facilities	48
	1104 Toilet Facilities	48
	1105 Diaper Changing	49
1200	SAFETY	49
	1201 Safety Requirements	49
	1202 Swimming Pools	52
1300	TRANSPORTATION	52
	1301 Transportation Requirements	52
1400	SPECIAL NEEDS	55
	PROGRAM SPECIFIC VARIATIONS	55

1500	DAY CAMP	55
	401 Program Requirements	56
	603 Participants' Records	56
	701 Nutrition Requirements	56
	901 Grounds	56
	1104 Drinking Facilities	56
1600	EVENING & NIGHT CARE VARIATIONS	56
	301 Staff/Participant Ratio	56
	401 Program Requirements	56
	701 Nutrition Requirements	56
	1002 Sleeping Arrangements	57
	1105 Toilet Facilities	57
1700	PART-TIME PROGRAM VARIATIONS	57
	701 Nutrition Requirements	57
1800	SICK CARE COMPONENT	57
	301 Staff/Participant Ratio	57
	302 Director	58
	401 Program Requirements	58
	603 Participants' Records	58
	801 Building Requirements	58
	1001 Furniture & Equipment Requirements	59
	1101 General Health Requirements	59
	APPENDIX A: DEFINITIONS	61
	APPENDIX B: LIST OF REPORTABLE DISEASES	64
	APPENDIX C: USDA CHILD CARE MEAL PATTERN	66
	APPENDIX D: USDA ADULT CARE MEAL PATTERN	67
	APPENDIX E: DISASTER/EMERGENCY PREPAREDNESS	68
	CHILD CARE IMMUNIZATION REQUIREMENTS	69

MINIMUM LICENSING REQUIREMENTS FOR Out-of-School Time Facilities

100 OUT-OF-SCHOOL TIME LICENSING

101 Related Laws and Requirements

1. The "Child Care Facility Licensing Act" Ark. Code Ann. 20-78-201-220, as amended, is the statutory authority for licensing Out-of-School Time (OST) Programs. This act created the Division of Child Care and Early Childhood Education and authorized the Division to establish rules and regulations governing the granting, revocation, denial and suspension of licenses for OST facilities and the operation of OST facilities in this state. The Minimum Licensing Requirements for Out-of-School Time Facilities are the Division's rules and regulations for OST Facilities.
2. The Child Care Facility Licensing Act designates the Arkansas Department of Human Services, Division of Child Care and Early Childhood Education as the administrative agency responsible for administering the Act in accordance with the Minimum Licensing Requirements for Out-of-School Time Facilities. The Division is authorized to inspect and investigate any proposed or operating OST Facilities and any personnel connected with the OST Facilities to determine if the facility will be or is being operated in accordance with the Child Care Facility Licensing Act and the Minimum Licensing Requirements for Out-of-School Time Facilities.
3. The Child Care Licensing Unit will notify the applicable federal agency at any time they become aware of or are advised of violations of any of the following or similar laws. The owner should be aware of applicable federal laws which may affect the operation of the facility, such as, but not limited to:
 - a. Americans with Disabilities Act (ADA).
 - b. Environmental Protection Agency (EPA) regulations to ensure that any renovation or repair work on a home, child care facility, or school that was constructed prior to 1978 shall be completed by a contractor that is certified by the Environmental Protection Agency (EPA), when the repairs and/or renovations consist of any or all of the following: the repair or renovation disturbs six (6) or more square feet of the interior, the repair or renovation disturbs twenty (20) feet or more square feet of the exterior, and/or the repair or renovation involves removing a window.
 - c. Federal civil rights laws state that a facility may not discriminate on the basis of race, color, sex, religion, national origin, physical or mental handicap, or veteran status.
4. The Licensee shall maintain Child Care Liability Insurance (Act 778 of 2009), and comply with the following requirements:
 - a. Prior to the approval of an application, the applicant shall provide verification of the required coverage to the Licensing Specialist and provide subsequent verification when requested. (Facilities licensed prior to the effective date of this revision shall have

ninety (90) days to comply with this requirement.)

- b. The Licensee shall maintain the minimum amount of coverage as follows:

Licensed Capacity of OST Facility	Minimum Child Care Liability Insurance Coverage Required
1-74	\$500,000 per occurrence
75 and up	\$1,000,000 per occurrence

5. Laws relevant to the operation of OST facilities are available upon request.
6. The following standards are the minimum licensing requirements which shall be met by persons or organizations which operate an OST facility. In recommending a license be issued, the Division of Child Care and Early Childhood Education works in coordination with the local and state Health Departments, Fire Departments, City Planning or Zoning Departments and the Boiler Division of the Department of Labor. Persons considering opening or expanding an OST facility shall immediately contact these individual departments for inspection and information on their separate regulations.

A prospective Licensee should request clarification regarding the codes or covenants enforced by these departments as some may prevent the operation of OST facility at a particular location, may limit the number of participants in care or may impose additional safety requirements.

7. The Licensing Unit shall share information on the location and status of new applicants applying for a license and on facilities holding a license when a city or county requests the information.

102 General Requirements

1. OST Facilities shall maintain compliance with the licensing requirements at all times. To be in substantial compliance, the OST Facility shall meet all essential standards necessary to protect the health, safety and welfare of the participants attending the OST Facility. Essential standards include but are not limited to those relating to issues involving fire, health, safety, nutrition, discipline, staff/participant ratio and space. Failure to comply with any of the licensing requirements for OST Facilities may result in any of the following adverse actions:
- a. Denial of an application for a license or for church exempt status
 - b. Revocation or suspension of a license or church exempt status
 - c. Issuance of a provisional license or provisional church exempt status
2. The following factors may be considered when determining the appropriate adverse action:
- a. Severity of the deficiency cited
 - b. Number of violations cited
 - c. Frequency of violations cited

- d. Past history of compliance
 - e. Willingness/ability to correct violations
3. Each OST Facility shall be reviewed by the Child Care Licensing Unit to determine whether the facility is in compliance with all the Minimum Licensing Requirements for OST Facilities. Child Care Licensing staff shall have access to OST Facilities for the purpose of conducting inspections, reviews and complaint investigations. (**Clarification:** In addition to rooms used for care, Child Care Licensing Staff must also be given access to all other rooms or spaces not used for care. Any rooms or areas that are not accessible to participants in care will only be viewed briefly for major health and safety issues and will not be routinely monitored for general licensing compliance. This is to help insure that there are no dangers such as fire hazards, which could impact the safety of the entire structure.)
 4. Denial of access to the facility or to interview participants may result in any of the adverse action described above.
 5. Any facility that has not provided care to participants for a period of one year shall be closed unless a written request is made by the licensee stating why closure should not take place. If the licensee requests that the license remain open, license fees and required annual inspections shall be kept current.
 6. Falsification of any document or the submission of false information to the Child Care Licensing Unit or any other unit of the Division may constitute grounds for revocation of the license. (Falsification means the submission of untrue information, whether by statement or omission.)

103 Licensing Procedures

1. Application- An application shall be obtained from the Child Care Licensing Unit. The completed application packet shall be submitted to the Child Care Licensing Unit for review and approval. A completed application packet shall consist of:
 - a. A signed application form with a designated person who assumes legal responsibility for operation of the OST facility
 - b. Name of proposed director and their qualifications
 - c. Names, addresses and telephone number of Board of Directors, if applicable
 - d. Clear written guidelines of responsibility for the Board of Directors, if applicable
 - e. Building/facility diagram
 - f. Description of the services that will be provided to the participants
 - g. Verification that criminal record checks and child maltreatment central registry checks have been initiated on all owners, operators and staff members of the OST Facility.
 - h. Boiler inspection, or verification that inspection has been scheduled
 - i. Fire Department approval
 - j. Health Department approval
 - k. Zoning approval
 - l. Verification of Child Care Liability Insurance (if Child Care Liability Insurance cannot be obtained before application, it must be obtained with proof provided to the Child Care

Licensing Unit **before** care of participants can be provided)

- m. A reasonable plan with a proposed budget for the financial support of the program covering costs of staffing, building (including rent or mortgage and repairs), utilities, equipment, safety, and nutrition. (This is a one-time only requirement that applies to new applicants for a license.)
2. Time for processing: The Licensing Specialist has sixty days to submit a recommendation to the Division.
 3. A pre-approval consultation meeting shall be required for all applicants for a license prior to the approval of the application. This meeting shall be offered to the applicant prior to application or within 30 days of the receipt of the application.
 4. License: The Child Care Licensing Unit shall conduct a licensing study of each OST Facility to determine eligibility for a license. The facility shall be approved by the Child Care Licensing Unit before a license may be issued by the Division. A license for a OST Facility shall specify:
 - a. The name and address of the facility
 - b. The owner/operator of the OST Facility
 - c. The number of participants authorized for care at the OST Facility
 - d. The expiration of any provisional licenses
 - e. The type of care the OST Facility will be providing
 5. License—Non-transferable: A license for an OST Facility or approval for a church-operated exempt status shall apply only to the address and location stated on the license or approval issued. It shall not be transferable from one holder of the license or approval to another or from one place to another. If the location of an OST Facility is changed, or the operator of the OST Facility is changed, then the license or approval for that OST Facility shall be automatically closed on such a change. The OST Facility shall notify the Licensing Unit of a change of location or ownership.
 6. Compliance: On-site inspections of OST Facilities are conducted by the Child Care Licensing Unit on a routine basis to determine a facility's continued compliance with the standards. The caregivers shall cooperate with licensing staff during licensing visits and investigations.

Violations of rules are documented in writing by use of the licensing compliance record. Documentation shall include:

- a. Reference to the specific rule violated
 - b. A factual description of the nature of the violation and how the OST Facility failed to comply
 - c. A date of expected corrections
7. If video recordings are made by the facility and maintained for viewing as part of a continuous monitoring system, they shall be made available to licensing staff as needed upon request. This does not include video recordings of special events, etc.

8. The Child Care Licensing Unit shall have the authority to make both scheduled and unscheduled visits to:
 - a. Conduct inspections and reviews to determine compliance with the licensing requirements.
 - b. Investigate complaints involving possible violations of licensing requirements.
 - c. Offer consultation and technical assistance.
9. The Child Care Licensing Specialist may increase unscheduled monitor visits where numerous or severe violations of standards are cited.
10. If a violation is of imminent threat to the health, safety, and welfare of the participants attending the OST Program, corrective action or compliance shall be obtained within 24 hours in order to insure the health, safety and welfare of the participants in care. If an OST Facility violates an administrative standard or standard that does not directly threaten the immediate health, safety or welfare of the participants in care, these violations shall be corrected within a reasonable time as mutually agreed upon by the Child Care Licensing Unit and the OST Facility.

Once a violation has been corrected, the correction will be documented on the Licensing Compliance Record and a copy provided to the OST Facility.

11. New Provisional License- The Child Care Licensing Specialist shall recommend a new provisional license when the facility is newly opened or a facility has been acquired by new owners whose compliance history has not been determined. A new provisional license shall not exceed twelve (12) months in length.

At the end of the provisional license, the Division may in its discretion:

- a. Issue a regular license
 - b. Revoke the license
 - c. Suspend the license
 - d. Issue a successive provisional license
12. Regular License: The Child Care Licensing Specialist will recommend a regular license when the facility has demonstrated substantial compliance, or when an existing Licensee with a Regular license relocates their facility and their past demonstrates a substantial level of compliance.
13. Probationary Provisional License- The Licensing Unit may issue a Probationary Provisional license when the OST facility is not maintaining substantial compliance due to deficiencies which are so numerous, frequent or severe as to potentially jeopardize the health, safety and welfare of participants. The facility and Licensing Unit shall have a corrective action plan in place addressing the issues.

Based on the level of compliance during the period of the Probationary Provisional license,

the Licensing Unit may:

- a. Issue a Regular license
- b. Suspend the license
- c. Revoke the license

14. Suspension of License- The Division may suspend a license when the Licensing Unit determines that the facility has serious areas of non-compliance, but the facility would be able to resume normal operation when the harmful conditions are eliminated.

If granted, the suspension order remains in effect until the order expires or until the Division determines that the problem necessitating the suspension order have been resolved. The suspension of a license may not exceed twelve (12) months. If the Division finds that the terms of the suspension order have been met prior to the expiration of the suspension period, the Division retains the discretion to reinstate the license. If the terms of the order have not been met, the Division may revoke the license.

15. Revocation of License-The Division may revoke a license when any of the following situations occur:

- a. The facility fails to maintain substantial compliance with licensing requirements.
- b. The facility fails or refuses to correct cited deficiencies in a timely manner.
- c. The facility fails to insure the health, safety and welfare of participants in care.

16. The revocation of a license nullifies and cancels the license. At the time of a final determination of revocation of the license by the Division, the Division shall specify in the revocation letter the terms of the revocation. The licensee shall not be eligible to reapply for a license for a minimum of one (1) year or longer, if specified in the revocation order. Related parties shall not be eligible to apply for a license for the same specified period. (Related parties are defined as immediate family members, member of Board of Directors, persons or entities associated or affiliated with, or which share common ownership, control, or common board members or which have control of or is controlled by the licensee. An immediate family member is defined as a spouse, step and in-law relationships, a child, a natural or adoptive parent, a sibling, a grandparent, a grandchild or a son or daughter-in-law.) (Applicants who are denied a license or registration due to this requirement may appeal the denial to the Child Care Facility Review Panel.) Facilities wishing to be re-licensed must submit a new application for licensure for review and approval by the Division. Approval must be obtained and a new license issued before the facility provides care to a licensable number of participants.

104 License Fee

1. Each facility shall submit an annual license fee as long as the facility is in compliance with the Minimum Licensing Requirements for OST Facilities. A facility license fee is determined by combining the maximum license capacity of all licenses located within the same premises.

- a. Facilities serving up to 17 participants- \$15 per year
 - b. Facilities serving 17 to 99 participants- \$50 per year
 - c. Facilities serving 100 or more participants- \$100 per year
2. Upon review and determination of a licensing recommendation by the Child Care Licensing Specialist, the Specialist shall issue a Notice of License Fee Due to the facility.
3. The Division shall not issue a license unless the required license fee has been paid.
4. A copy of the license fee notice shall be submitted, licensure recommendation.
5. The fee schedule shall apply to all OST facility recommendations for licensure as follows:
 - a. New Provisional License-(Provisional License for new operation to be issued for a period of twelve (12) months.) A one-year license fee shall be paid prior to the issuance of a provisional license.
 - b. New Regular License or Conversion from provisional to regular status-A license fee shall be paid prior to the issuance of a new license.
 - c. Conversion to Provisional Status-No license fee is due for licenses converted to provisional status during the term of a regular license.
6. A second notice of license fee due will be sent to facilities failing to submit the required license fee (Notice of License Fee Past Due). This notice will be sent 20 days after the initial notice of fee due. Failure to submit a license fee within 20 days of receipt of the past due notice will result in action to suspend the license until such time as the fee is paid.
7. Refunds of license fees paid are made only when the Division does not approve issuance of a license. There shall be no refunds of license fees paid for voluntary closure of a facility or for Division action to revoke or suspend a license.
8. All license fees paid to the Division shall be deposited in a special Child Care Provider's Fund. This fund shall be used to meet the cost of conducting statewide criminal record checks, with the remaining money used for training or materials to be loaned to child care providers.

105 Appeal of Licensing Actions

1. A licensee or applicant for license may request an appeal of any of the following licensing actions:
 - a. Adverse licensing actions (revocation or suspension of a license, conversion to a provisional license or denial of an application for a license)
 - b. Founded licensing complaints
 - c. Denials of alternative compliance requests
 - d. Cited noncompliance with the published standards

2. An appeal may be initiated on any of the above actions by requesting an appeal in writing to the Licensing Specialist or Licensing Supervisory Staff. Requests to appeal adverse licensing actions must be mailed within ten (10) calendar days of the receipt of the notice of the adverse action. Requests to appeal licensing actions, other than adverse, must be mailed within twenty (20) calendar days from receipt of the notification of the action. The request to appeal shall include a statement of the action(s) taken by the Division and the reason(s) the licensee or applicant for license disagrees with that action. The request to appeal will be reviewed by the Licensing Supervisor and the Licensing Administrator. If the appeal is not resolved to the satisfaction of the licensee or applicant for license, the matter will be referred to the Child Care Appeal Review Panel for hearing. (This appeal process also applies to Church Operated exempt facilities.) **(Additional information regarding the appeal procedures and the Child Care Appeal Review Panel is available on request.)**

106 Alternative Compliance

1. The Division may grant alternative compliance with the Minimum Licensing Requirements for Out-of-School Time Facilities if the Division determines that the alternative form of compliance offers equal protection of health, safety and welfare to participants and meets the basic intent of the requirements for which the program is making the request.
2. The Division shall consider all requests for alternative compliance with the Licensing requirements except those requirements that are enforced by the Department of Health, Local Fire Marshal or State Fire Marshal's office and applicable city ordinances including zoning.
3. To request alternative compliance, the following procedure shall be initiated by the person responsible for the operation of the facility.
4. The applicant/licensee shall submit the request for alternative compliance in writing.
5. The request shall include:
 - a. The specific standards for which alternative compliance is sought.
 - b. An explanation of how the alternative form of compliance is equal to or exceeds the stated requirements.
 - c. Full justification and description of what the alternative compliance method will be and the method by which the facility will carry out this plan to continue to provide for the health, safety and welfare of participants as intended by the requirements.
 - d. The applicant/licensee shall provide clear and supportive evidence and upon request of the Division, and expert's opinion on the effect of the request on health, safety and welfare of the participants.
6. A separate written request shall be submitted for each requirement of which alternative compliance is sought. The approved alternative compliance is effective for the duration of the license unless a shorter time frame is specified.

7. The granting of alternative compliance for a requirement shall in no way constitute a precedent. If an alternate means of complying with the requirement is granted by the Division and the facility fails to satisfactorily implement this alternate means, the original requirement for which alternative compliance was sought shall become immediately enforceable.
8. The Division shall have the right to obtain an expert opinion to corroborate expert opinions provided by the applicant/licensee.
9. The Division shall have the right to deny requests for alternative compliance when it finds that such requests do not adequately protect the health, safety and welfare of participants and do not meet the intent of the requirements.
10. All requests for alternative compliance shall be answered in writing by the Division.

107 Church-Operated Exemption

Please note that all regulations included in this manual also apply to Church Operated Exempt (COE) OST facilities.

1. Act 245 of 1983 defines those facilities that may apply for an exemption from obtaining of license to operate a child care facility and the process through which such exemption may be granted. The facility must be operated by a church or group of churches and be exempt from the State Income Tax levied by Act 118 of 1929, as amended. The person or persons in charge of such a facility shall submit a written request to the Division for such exemption along with the following:
 - a. Verification of Tax ID ownership by the church
 - b. Verification that the facility is operated by a church or group of churches
 - c. Verification that the facility has been inspected annually and meets the applicable fire safety and health standards
 - d. Certification from the facility that it is in substantial compliance with published standards that similar nonexempt OST facilities are required to meet
2. The Division shall review each request for a church-operated exemption and reply in writing within 60 days from receipt of such request.
3. The facility shall be visited by Division staff to verify the facility's substantial compliance with the published standards prior to the consideration and review by the Division.
4. The Division shall consider each request for exemption and shall review the Division staff's written report in determining a facility's substantial compliance with published standards.
5. If a facility claims and states the belief that a particular standard is of a religious nature, the Division shall consider and make a determination on the statements that shall then be a final action subject to review under the Administrative Procedures Act.

6. Written notification of an exemption shall be made to the facility stating the maximum number of participants allowable, the dates of exemption and any other conditions by which an exemption is granted.
7. Division staff shall have the authority to visit any church-operated exempt facility to review, advise and verify the maintenance of substantial compliance at the direction of the Division.

108 Licensing Investigations

1. Child Care Licensing staff shall investigate all complaints involving the possible violation of licensing requirements.

109 Child Maltreatment Checks

1. The following persons shall be required to have their background reviewed through an Arkansas Child Maltreatment Central Registry Check. A check or money order made out to Department of Human Services (DHS) must be attached to each form.

a. Each applicant to own or operate a OST facility	At application and every two years thereafter
b. Staff members and applicants for employment in OST facility	At application or within 10 days of hire/start date and every two years thereafter
c. All volunteers who have routine contact with participants	At application and every two years thereafter
d. Administrative staff and/or members of Board of Directors who have supervisory and/or disciplinary control over participants or who have routine contact with participants	At application and every two years thereafter
e. Student Observers	At beginning of observation or within 10 days of first observation and every two years thereafter if applicable
f. Therapist or other persons who have routine contact with participants	Within 10 days of the time they begin to provide services or begin to participate in program activities and every two years thereafter
2. If a complaint of child maltreatment is filed against any owner/operator, staff or other person in OST Facility, the Child Care Licensing Specialist shall evaluate the risk to participants and determine the suitability of the person(s) to supervise, be left alone with participants, have disciplinary control over participants or remain in the program during hours of care until the allegations have been determined true or unsubstantiated. (Pending

the evaluation of risk to participants by the Child Care Licensing Unit, the person(s) alleged shall not be left alone with participants.)

3. If corrective action is appropriate, the facility shall require all staff members who have had a founded report of child maltreatment to follow the corrective action plan specified by the Child Care Licensing Unit. Corrective action measures may vary from relevant training to reassignment or termination. Failure to comply with corrective action plans may constitute grounds for adverse action against the license.
4. The statewide Child Maltreatment "Hot Line" and the Child Care Licensing Central Office number shall be posted in a conspicuous place in the OST facility. The "Hot Line" number is 1-800-482-5964 and the Licensing Central Office number is (501) 682-8590 or toll free 1-800-445-3316.

110 Criminal Records Check

1. The following persons shall apply to the Identification Bureau of the Arkansas State Police for a nationwide criminal record check, to be conducted by the FBI, which shall include a fingerprint check: (The individual is responsible for the cost of a nationwide check. Each request must be accompanied by a check or money order made out to the Arkansas State Police.)

Fingerprints submitted will be used to check the criminal history records of the FBI. Individuals with results showing a prohibited offense shall be advised to contact the Licensing Unit for procedures to obtain the results and for procedures to update or make corrections to the record of their individual history.

- | | |
|---|--|
| a. Each applicant to own or operate OST facility. | Initial application only |
| b. Staff who have not been a resident of the State of Arkansas for the five (5) preceding years | Within 10 days of hire/start date |
| c. Administrative persons who have direct contact with participants. | If the person has not been a resident of Arkansas for <u>5</u> years. |
| d. Therapist or other persons who have supervisory control, disciplinary control over participants or are left alone with participants. | If the person has not been a resident of Arkansas for 5 years, then at the time they begin to provide services or begin to participate in program activities |
2. The following persons shall be required to have their background reviewed through Criminal Records check (which includes the Arkansas Sexual Offender Registry) conducted by the Arkansas State Police.

a. Each applicant to own or operate OST	At application and every 5 years
---	----------------------------------

facility

thereafter

- b. Staff and applicants for employment in a
an OST facility Within 10 days of hire/start date and
every 5 years thereafter
 - c. Administrative persons who have direct
contact with participants Within 10 days of hire and every 5 years
thereafter
 - d. Therapist or other persons who have
supervisory or disciplinary control over
participants, or are left alone with
participants Within 10 days of the time they begin to
provide services or begin to participate
in program activities and every 5 years
thereafter
3. Criminal records will be returned to the division for review. Any charge/convictions listed in this section (Section 110) that are returned will be considered regardless of whether the record is expunged, pardoned or otherwise sealed.
4. No person shall be eligible to be an OST facility owner, operator, or employee if that person has pled guilty, or been found guilty, of any of the following offenses by any court in the State of Arkansas, any similar offense by a court in another state or any similar offense by a federal court. The following offenses are permanently prohibited:

01. Abuse of an endangered or impaired person, if felony	§5-28-103
02. Arson	§5-38-301
03. Capital Murder	§5-10-101
04. Endangering the Welfare of an Incompetent person- 1 st degree	§5-27-201
05. Kidnapping	§5-11-102
06. Murder in the First degree	§5-10-102
07. Murder in the Second degree	§5-10-103
08. Rape	§5-14-103
09. Sexual Assault in the First degree	§5-14-124
10. Sexual Assault in the Second degree	§5-14-125

5. No person shall be eligible to be an OST facility owner, operator, or employee if that person has pled guilty, or been found guilty, of any of the following offenses by any court in the State of Arkansas, any similar offense by a court in another state or any similar offense by a federal court. The following offenses are prohibited:

01. Criminal Attempt to commit any offenses in MLR Section 100.110	§5-3-201
02. Criminal Complicity to commit any offenses in MLR Section 100.110	§5-3-202
03. Criminal Conspiracy to commit any offenses in MLR Section 100.110	§5-3-401
04. Criminal Solicitation to commit any offenses in MLR Section	§5-3-301

100.110	
05. Assault in the First, Second, or Third degree	§5-13-205 - §5-13-207
06. Assault, Aggravated	§5-13-204
07. Assault, Aggravated on a Family or Household Member	§5-26-306
08. Battery in the First, Second, or Third Degree	§5-13-201 - §5-13-203
09. Breaking or Entering	§5-39-202
10. Burglary	§5-39-201
11. Coercion	§5-13-208
12. Computer Crimes Against Minors	§5-27-601 et. seq.
13. Contributing to the Delinquency of a Juvenile	§5-27-220
14. Contributing to the Delinquency of a Minor	§5-27-209
15. Criminal Impersonation	§5-3-208
16. Criminal Use of a Prohibited Weapon	§5-73-104
17. Death Threats Concerning a School Employee or Students	§5-17-101
18. Domestic Battery in the First, Second, or Third Degree	§5-26-303 - §5-26-305
19. Employing or Consenting to the Use of a Child in a Sexual Performance	§5-27-402
20. Endangering the Welfare of a Minor in the First or Second Degree	§5-27-205 and §5-27-206
21. Endangering the Welfare of an Incompetent Person in the First or Second Degree	§5-27-201 and §5-27-202
22. Engaging Children in Sexually Explicit Conduct for Use in Visual or Print Media	§5-27-303
23. False Imprisonment in the First or Second Degree	§5-11-103 and §5-11-104
24. Felony Abuse of an Endangered or Impaired Person	§5-28-103
25. Felony Interference with a Law Enforcement Officer	§5-54-104
26. Felony Violation of the Uniform Controlled Substance Act	§5-64-101 - §5-64-508 et. seq.
27. Financial Identity Fraud	§5-37-227
28. Forgery	§5-37-201
29. Incest	§5-26-202
30. Interference with Court Ordered Custody	§5-26-502
31. Interference with Visitation	§5-26-501
32. Introduction of Controlled Substance into Body of Another Person	§5-13-210
33. Manslaughter	§5-10-104
34. Negligent Homicide	§5-10-105
35. Obscene Performance at a Live Public Show	§5-68-305
36. Offense of Cruelty to Animals	§5-62-103
37. Offense of Aggravated Cruelty to Dog, Cat, or Horse	§5-62-104
38. Pandering or Possessing Visual or Print Medium Depicting Sexually Explicit Conduct Involving a Child	§5-27-304
39. Patronizing a Prostitute	§5-70-103
40. Permanent Detention or Restraint	§5-11-106

41. Permitting Abuse of a Minor	§5-27-221
42. Producing, Directing, or Promoting a Sexual Performance by a Child	§5-27-403
43. Promoting Obscene Materials	§5-68-303
44. Promoting Obscene Performance	§5-68-304
45. Promoting Prostitution in the First, Second, or Third Degree	§5-70-104 - §5-70-106
46. Prostitution	§5-70-102
47. Public Display of Obscenity	§5-68-205
48. Resisting Arrest	§5-54-103
49. Robbery	§5-12-102
50. Robbery (Aggravated Robbery)	§5-12-103
51. Sexual Offense (any)	§5-14-101 et. seq.
52. Simultaneous Possession of Drugs and Firearms	§5-74-106
53. Soliciting Money or Property from Incompetents	§5-27-229
54. Stalking	§5-71-229
55. Terroristic Act	§5-13-310
56. Terroristic Threatening	§5-13-301
57. Theft by Receiving	§5-36-106
58. Theft of Property	§5-36-103
59. Theft of Services	§5-36-104
60. Transportation of Minors for Prohibited Sexual Conduct	§5-27-305
61. Unlawful Discharge of a Firearm from a Vehicle	§5-74-107
62. Voyeurism	§5-16-102

6. If the licensee wishes to employ an individual with a conviction or plea of guilty or nolo contendere for the following nonviolent offenses, they shall submit a written request for a waiver prior to employment. § 20-38-103 (e) (3) (a) Act 990 of 2013
- Theft by receiving § 5-36-106
 - Forgery § 5-37-201
 - Financial identity fraud § 5-37-227
 - Resisting arrest § 5-54-103
 - Criminal impersonation in the second degree § 5-37-208(b)
 - Interference with visitation § 5-26-501
 - Interference with court-ordered visitation § 5-26-502
 - Prostitution § 5-70-102
 - Patronizing a prostitute § 5-70-203

The waiver may be approved if all of the following conditions are met:

- The individual has completed probation or parole supervision
- The individual has paid all court ordered fees, fines and/or restitution
- The individual has fully complied with all court orders pertaining to the conviction or plea

7. The waiver will be revoked if after employment the individual pleads guilty or nolo contendere or is found guilty of any prohibited offense (including the list above a-i) or has a true or founded report of child maltreatment or adult maltreatment in a central registry.

8. The request for waiver and certification of approval shall be kept in the individual's file for the term of employment and three years after termination of employment.
9. If approved, the waiver is not transferable to another licensed facility.
10. Any person who has pled guilty, nolo contendere, or who has been found guilty of any one of the offenses listed as prohibited above (Section 110.5, 0-62) may not work in child care unless:
 - a. The date of the conviction, plea of guilty or nolo contendere for a misdemeanor offense is at least five (5) years from the date of the request for the criminal history records check and there have been no criminal convictions or pleas of guilty or nolo contendere of any type or nature during the five (5) year period preceding the background check request.
 - b. The date of the conviction, plea of guilty or nolo contendere for a felony offense is at least more than ten (10) years from the date of the request for the criminal history records check and there have been no criminal convictions or pleas of guilty or nolo contendere of any type or nature during the ten (10) year period preceding the background check request.
11. Anyone employed in a licensed center, COE center, licensed child care family home or a registered child care family home prior to 9/1/2009 with a clear background check history may remain eligible for employment unless the employee had a conviction, plead guilty, or plead nolo contendere to an offense listed in the above section (Section 110.6) since 9/1/2009.

200 ORGANIZATION AND ADMINISTRATION

201 Administrative Procedures

1. The Owner and/or Board of Directors shall be responsible for operating the facility and shall have final responsibility to ensure that the facility meets licensing requirements. Names, addresses and telephone numbers of Board members shall be provided to the Licensing Specialist.
2. The facility shall provide a written procedure for reporting suspected of child maltreatment. This procedure shall be followed and a call made to the Hot Line whenever there is a suspicion of child maltreatment (1-800-482-5964). These reports of child maltreatment shall include all allegations made to the licensee by parents, staff members or the general public. The licensee should call Child Care Licensing for guidance if there is any question about whether or not the Hot Line should be called regarding any situation where potential child maltreatment is involved.

3. The facility shall provide a written procedure for reporting suspected licensing violations. Serious licensing violations shall be reported to the Licensing Unit. These include, but are not limited to, violations relating to transportation, inappropriate behavior guidance, inadequate supervision, staff/participant ratio violations or any other violations or any other violation that could imminently affect the health and safety of participants.
4. Parents shall be informed in writing upon enrollment of their child that participants may be subject to interviews by licensing staff, child maltreatment investigators and/or law enforcement officials for the purpose of determining licensing compliance or for investigative purposes. Participant interviews do not require parental notice or consent.

300 PERSONNEL

301 Staff/Participant Ratio

1. A licensee shall not have more participants in care at any one time than the maximum specified on the license.
2. The following staff/participant ratios shall be maintained:

Ages of Participants	Number of Staff	Number of Children
a. Kindergarten and above	1	18

Providers who were licensed to serve school age participants prior to the effective date of this rule will have four years from the implementation of this rule to comply with the new ratio requirement.

3. All participants shall be adequately supervised at all times. Though participants are generally required to be within the sight or hearing of staff, OST participants, second grade and above, may be provided opportunities to take part in short-term activities not within the sight and hearing of OST staff. Such short-term activities include but are not limited to going to a restroom, transitioning to other activities, returning to a classroom within a school building, etc. In order to minimize the risks associated with such short-term activities, the following provisions must be adhered to:
 - a. The appropriateness of the degree of direct staff supervision required shall be based on an individual participant's ability to handle such responsibility. Only participants able to handle such responsibility shall be provided it.
 - b. Participants shall be accompanied at a minimum by another participant when engaging in short term activities (as defined above).
 - c. Systems of monitoring, (ex. use of two-way communication devices) shall be in place.
 - d. Staff shall make contact with the participant at least every ten (10) minutes. If the participant is anticipated being gone longer than ten (10) minutes, prior to releasing the participant , staff should make contact with the responsible adult

(ex. teacher) that will provide supervision during this extended time to ensure that adequate supervision provisions are in place.

4. DDS (Developmental Disabilities Services) staff/ participant ratios shall be maintained in all facilities that are licensed or certified by both Child Care Licensing and DDS.
5. Additional staff provisions shall be made for enrollment of participants with disabilities, or participants who require individual attention.

302 Maximum Group Size

1. Maximum group size limitations do not apply during meal times, rest times, transitions, outdoor time periods, field trips, or the length of a special occasion, including but not limited to celebrations or visits from guest speakers.
2. Group size shall be limited to 2 times the number of children allowed with one staff member. This does not apply to periodic or special group activities. Existing structures licensed prior to November 1, 2002 are exempt from this requirement. However, any expansions, additions or any newly licensed structures effective November 1, 2002 shall be in compliance.

303 Director

1. There shall be a Director/Site Supervisor who shall be responsible for:
 - a. Administering, planning, managing and controlling the daily activities of the OST facility
 - b. Ensuring that the facility meets licensing requirements
 - c. Ensuring the health and safety of participants
 - d. Providing prudent supervision of all staff and volunteers
2. Directors shall be age twenty-one or older, and provide documentation of one of the following educational levels:
 - a. Bachelor's Degree or higher Degree in Early Childhood, Elementary Education, Child/Youth Development or a related field from a regionally accredited college or university. (Determination of "related field" shall be made by the Division of Child Care & Early Childhood Education.)
 - b. Bachelor's Degree in a non-related field from a regionally accredited college or university plus one of the following:
 - Four years of experience in early childhood education or elementary education
 - Child Development Associate Credential (CDA) or Out of School Time Credential
 - Nine college hours of credit in child/youth development
 - c. Associate's Degree in Early Childhood, Child or Youth Development or a related field, plus six years of experience in Early Childhood Education or Elementary Education
 - d. Eight years of experience in Early Childhood or Elementary Education and completion of one of the following, within two years of employment:
 - Out of School Time Credential

- Child Development Associate Credential
- Director's Credential or the equivalent
- Technical Certificate in Early Childhood Education

Individuals who have been employed in the position of Director prior to implementation of this rule will not be required to meet the new director's qualifications. These individuals may change employers after this date and still qualify as director.

3. A director or assistant director/site supervisor, who meets director qualifications, must be present at each licensed site a minimum of 50% of the center's primary operational day, on a routine basis.
4. When the director and assistant director/site supervisor are away from the center, there shall be a person in charge who shall have the ability and authority to carry out daily operations. The person in charge shall be age twenty-one (21) or older.
5. All new directors and assistant directors/site supervisors shall attend New Director's Orientation, PAS (Program Administration Scale) or YPQA form B, and ERS (Environment Rating Scale) training or introduction to YPQA (Youth Program Quality Assessment) within six months of employment. Programs operating seasonally (90 days or less within a calendar year) must, at a minimum, have Directors/Site Directors attend OST Director's "Essentials" within the first thirty (30) days. This is an orientation class sponsored by the Division. Proof of attendance shall be maintained in the director's file.
6. The director and assistant director/site supervisor shall obtain fifteen (15) clock hours in early childhood education or child/youth development each year. Training shall be registered with the Division of Child Care and Early Childhood Education Professional Development Registry or Department of Education or Department of Higher Education approved. Documentation of training shall be maintained and available for review.
7. Topics appropriate for continuing early childhood education or child/youth development shall include, but are not limited to the following:
 - a. Child growth and development;
 - b. Nutrition and food service;
 - c. Family communication and involvement;
 - d. Curriculum development and implementation;
 - e. Developmentally appropriate practice and learning environments;
 - f. Behavior guidance and positive interaction;
 - g. Emergency care and first aid;
 - h. OST Program planning, management and leadership of early childhood/OST programs.
 - i. Building partnerships with schools and the larger community
 - j. Creating a culturally competent OST Program
8. The Licensee shall notify the Licensing Unit of any change in the person named as director and/or assistant director/site supervisor within five (5) calendar days.

304 Staff Requirements

1. A person shall be considered a staff member if they have disciplinary or supervisory control over participants, is left alone with participants at any time, or is counted in staff/participant ratio, regardless if they are paid by the facility or not.
2. Staff members in an OST facility shall be age 18 years or older. Exceptions may be allowed for individuals sixteen (16) or seventeen (17) years of age to work in an OST facility if they meet all of the following criteria:
 - a. The individual shall not have disciplinary control over participants.
 - b. The individual shall not be left alone with participants at any time.
 - c. The individual shall be under the direct supervision of an adult (18 years of age or older) staff member at all times.
 - d. The individual shall meet all other requirements.
 - e. The individual shall be a high school graduate, have a GED or be enrolled in a high school or GED curriculum.
3. All staff members who work directly with participants shall have a high school diploma or GED or shall be enrolled in a high school or GED curriculum and complete the curriculum within one year of hire.
4. All staff members who work directly with participants shall obtain at least fifteen (15) hours of training registered with the Division of Child Care and Early Childhood Education Professional Development Registry or Department of Education or Department of Higher Education approved training each year in continuing Early Childhood Education or child/youth development. This training shall be appropriate for working with school age children/youth.
5. All staff members caring for participants shall be able to perform necessary job functions.
6. Staff shall not engage in behavior that could be viewed as sexual, dangerous, exploitative or physically harmful to participants. A caregiver shall not use profanity or speak in an abusive manner when participants are present.
5. No caregiver shall consume or be under the influence of illegal drugs. (A drug test may be required if there is reasonable cause to suspect violation of this requirement and the issue cannot otherwise be resolved.) No caregiver shall consume or be under the influence of alcohol while delivering care. No caregiver shall consume or be under the influence of medications (prescription or non-prescription) which impair their ability to provide care.

305 Volunteer Requirements

1. Volunteers are those individuals who have routine contact with participants and assist staff in the facility. If they are left alone with participants considered in the staff/participant ratios or given supervisory/disciplinary control over participants they shall be considered staff and must meet the requirements for personnel (Section 300) and staff requirements (Section 303).

2. All volunteers in an OST Facility shall be 18 years or older unless the volunteer is under the direct supervision of the director or site supervisor and has been approved on an individual basis by the Child Care Licensing Unit.
3. Volunteers, who have routine contact with children, shall have on file a child-maltreatment Central Registry check. An exception shall be given to parents who volunteer to assist on field trips, but are not left alone with participants. Child maltreatment Central Registry checks for volunteers under age 18 must include a parent's signature.
4. Volunteers who are left alone with children must have an orientation regarding program policies and practices that are related to the scope of the services they will be providing at the facility.
5. Individuals who provide health services or program enrichment activities on a limited basis are not considered volunteers. The facility shall retain a register of such persons listing name, organization, address, telephone number, date and time in the center. (Note: This section does not apply to therapists or others who have routine contact with participants. Therapists who are not left alone with participants are required to have child maltreatment background checks. Therapists who are left alone with participants at any time are subject to all background check required for personnel. The therapist is entitled to a copy of the initial background/maltreatment check results, and may share a copy with other facilities the therapist may be working in.)

306 Student Observers

1. Students visiting the OST Facility on a regular or periodic basis to **observe** program activities, or for similar purposes, shall not be counted in the staff/participant ratio, shall not have disciplinary control over participants and shall not be left alone with participants. These individuals shall have a Child Maltreatment background check on file.
2. Students that are conducting practicum, student teaching, or working in the same capacity as a staff member or volunteer must meet the criteria in the appropriate section. (Sections 304 and 305)

307 Professional Development

1. All directors, site supervisors, and staff who provide direct care to participants shall be registered with the Division of Child Care and Early Childhood Education Professional Development Registry within 30 days of hire and all training shall be registered with the Division of Child Care and Early Childhood Education Professional Development Registry or Department of Education or Department of Higher Education approved.
2. All new staff shall have a probationary period of at least 30 days, but no more than six months, during which they are closely supervised, mentored, and evaluated. Evaluations shall be documented and maintained in the employee file.

3. All new staff members who provide direct care to children shall receive a basic orientation to facility management policies, center schedules, minimum licensing standards, and emergency procedures prior to providing care. This shall be documented in the employee file.
4. All new staff, including volunteers who are counted in the ratios shall receive the following orientation (unless the staff has prior documented training in the required areas).
 - a. Introduction (8 clock hours) to include the following, which shall be completed before being left alone with participants:
 - Proper supervision of participants
 - Behavioral guidance practices
 - Shaken baby syndrome; which includes prevention (Carter's Law, Act 1208)
 - Emergency procedures in the event of severe weather, or fire, including evacuation procedures and routes, and location and use of fire extinguishers.
 - Mandated reporter training
 - Administering medication
 - Caring for participants with special needs / care plans
 - Transportation and car seat safety
 - Policies regarding release of participants to authorized individuals

See Division Web Site for a list of courses, that The Division maintains contracts for, which meet the above requirements.

- b. All staff shall have 15 hours of job specific training each calendar year for the ages of participants they work with. This shall be training focused on their job responsibilities.

See Division Web Site for a list of courses, that The Division maintains contracts for, which meet the above requirements.

5. The director, assistant director/site supervisor, and 50% of the facility staff that are on site at any given time shall have a certificate of successful completion of first aid and CPR from an approved organization.
 - a. The curriculum shall conform with current American Heart Association or American Red Cross guidelines.
 - b. The curriculum shall require hands on, skill-based instruction, as well as practical testing. Training and certification that is provided solely "on-line" will not be accepted.

- c. The instructor shall be qualified and authorized to teach the curriculum and shall be certified by a nationally recognized organization. (Including but not limited to: Health and Safety Institute; EMS Safety Services, Inc.)

400 PROGRAM

401 Program Requirements

1. The OST program shall develop a written weekly routine listing developmentally appropriate activities for participants and provide a copy of the routine of weekly activities to parents when they enroll the participants.
2. Each OST Program shall be equipped with supplies, resources and equipment to take care of the needs of the total group and to provide each participant with a variety of activities during program operations.
3. The OST program shall post a daily schedule in each program space that reflects activities that promote physical, social, emotional, cognitive language/literacy, and cultural. Activities shall:
 - a. The program shall organize its environment so that participants may participate in activities individually and in small groups, so that the development of each participant is supported. Be flexible and shall provide some opportunities for a participant to choose how he will spend his time.
 - b. Provide a variety of activities suitable to the ages and interests of the participants.
 - c. Be age and skill level appropriate
 - d. Offer project-based, experiential activities that promote creativity and youth self-expression
 - e. Offer short and long term projects
 - f. Offer opportunities for alternating periods of indoor and outdoor activities, weather permitting
 - g. Offer alternating periods of active and quiet activities
 - h. Offer a balance of large and small muscle activities
 - i. Offer more than one option for an activity including individual, small group or large group activities
4. The OST program shall offer activities that target life skill development that:
 - a. Encourages development of critical thinking skills
 - b. Offers a progression of skill levels within activities
5. The OST program shall offer activities that integrate opportunities throughout the program for the participants to develop personal responsibility, self-direction and leadership by providing opportunities to:
 - a. Work on self-directed projects
 - b. Make content choices

- c. Plan and conduct activities
 - d. Offer opportunities for leadership roles throughout the program
 - e. Support participant leadership through the policies and engagement strategies of the program
 - f. Form special clubs/groups within the program
 - g. Plan and participate in community service
6. The OST program shall provide activities that provide recognition of achievement and participation that:
- a. Promote diversity in cultures, religion, ethnicities, abilities, etc.
 - b. Are representative of the varying ages, cultures, and abilities of the participants
 - c. Are adaptable for different levels of ability
7. School age participants who leave the OST Program to participate in other activities shall have written permission from the parents naming the activity, date, time of leaving and returning and method of transportation.
8. Each facility is required to provide at least four Division approved opportunities to increase parental/family involvement. Examples of approved activities are listed below. (See Better Beginnings website for resources. www.arbetterbeginnings.com)
- Parents are allowed to observe, eat meals or snacks with a participant, or volunteer in the program.
 - Conferences are held at least once a year and at other times, as needed to discuss participant's progress, accomplishments and difficulties.
 - A parent resource area is available with books, pamphlets or articles on parenting and child/youth development.
 - Parent meetings are held with guest speakers or special events, for example, open house or participant's programs.
 - Parents are informed of the facilities programs and activities through a parent's bulletin board or regular newsletter.
 - Parents participate in program and policy development through board involvement, planning meetings or questionnaires.
9. There shall be sufficient lighting to provide adequate supervision of the participants.
10. Parents shall not be denied access to their child/youth at any time during hours of operation. **(Clarification: The intent of this rule is to ensure that the parent(s) or guardian(s) is able to have contact with their child during hours of care. It is not intended to be a determining factor in child custody/visitation matters, nor should it be used to circumvent court ordered custody/visitation rights or schedules. Facilities should encourage parents to resolve custody/visitation issues outside of the care environment. Parents should be informed that continuing problems could result in the dismissal of their child.)**
11. Staff shall not release a participant to anyone who is not immediately recognized as the

participant's parent or as someone on the authorized pick- up list unless:

- a. The individual can provide an official picture ID AND
 - b. The person in charge can match the ID to the individual named on the participant's data sheet
12. Verification of permission for persons not on the authorized list shall be obtained by the person in charge by calling the parent at a number listed in the participant's record. The person in charge shall view an official picture ID of the individual to verify identity.
 13. Photos or video recordings shall not be made of any participant without prior written permission from the parent or guardian.
 14. Photos or video recordings of participants shall not be placed on social media or other websites without prior written parental permission.

402 Outdoor Time

1. For full time programs, there shall be a total of at least one hour of outdoor activity time per day in suitable weather. For programs operating part day schedules (five hours per day or less) a minimum of 30 minutes of outdoor activity shall be provided in suitable weather. Such time shall be under the supervision of an adult to encourage physical activity and the promotion of gross motor skills.
2. When making a determination if participants should have outdoor time, staff shall consider the following environmental factors:
 - a. When the heat index is forecast to be ninety (90) degrees or above, it is recommended that outdoor time be scheduled during early morning hours or the length of time spent outdoors should be reduced to avoid heat stress.
 - b. When outdoor time occurs during the hotter part of the day, it is recommended that participants have shaded area, an ample supply of water and should be monitored closely for signs of heat stress.
 - c. When outdoor time occurs during the winter months and when temperatures are extremely cold, it is recommended that the time scheduled for outdoor time be reduced or suspended depending on the temperature and other weather conditions.

403 Screen Time

1. An OST Program shall ensure that their weekly schedules are constructed in a way that no more than 25% of the program's total weekly program hours of operation allow participants to engage or use electronic media, solely for recreational purposes. (Participants who require use of electronic devices for communication or navigational purposes shall be exempt.)
2. If television programming, videos, DVDs, or computer programs are built into an OST Program as an activity option, the content shall be age-appropriate, non-violent, and should

have educational value.

3. Television and software rating systems shall be used to determine appropriate use.
4. Participants shall not be required to participate in recreational screen time activities and shall be offered other choices.

404 Field Trips

1. The safety and welfare of participants during field trips is in the hands of the staff on the trip. The following shall be met:
 - a. Safety risks, field trip rules, and behavior expectations shall be discussed with participants prior to field trip departure.
 - b. Accountability of children is tightly controlled and frequent "head counts" shall be conducted while on the trip, including loading and unloading upon arrival and departure, and during periods of transition.
 - c. Regardless of which mode of transportation is used, all vehicles shall be kept in proper operating conditions at all times.
 - d. Ratios shall be adjusted to a 1:9 depending on the risk associated with the field trip activity and/or to maintain proper supervision of all participants in attendance on the field trip. Risky activities include but are not limited to rock/mountain climbing, horseback riding, canoeing, etc.
2. Written permission from parents shall be on file for each field trip. If the facility has a scheduled, routine activity planned to the same location a single permission form may be used for each program year. The written permission shall include:
 - a. Name and description of activity
 - b. Date and time of leaving and returning
 - c. Method of transportation to the facility

500 BEHAVIOR GUIDANCE

501 Behavior Guidance Requirements

1. Behavior guidance shall be:
 - a. Individualized and consistent for each participant
 - b. Appropriate to the participant's level of understanding
 - c. Directed toward teaching the participant acceptable behavior and self-control
2. Physical punishment shall not be administered to participants.
3. The Out-of-School Time (OST) Program shall offer a nurturing, respectful, supportive and responsive environment that supports frequent interactions between the participants and staff. Staff shall:

- a. Support participants in developing an understanding of self and others by assisting the participants in sharing ideas, experiences and feelings
 - b. Provide participants age-appropriate opportunities for growth and development of their social and communication skills
 - c. Assist the participants in solving problems
 - d. Foster creativity and independence in routine activities that shall include tolerance for mistakes
 - e. Treat and model equality of all participants regardless of race, religion, culture, gender and ability
 - f. Offer verbal encouragement to the participants during the course of an activity
 - g. Use respectful voice tone and positive guidance practices
 - h. Promote teamwork among participants
3. For behavior guidance practices used by the OST Program, the program shall:
- a. Discuss the behavior guidance practices of the OST Program with the parents of each participant at the time of enrollment
 - b. Provide a copy of the behavior guidance practices in writing to the parents
 - c. Have each parent verify in writing their receipt of a copy of the behavior guidance practices
 - d. Maintain the signed verification in the participant's record
4. The OST Program shall guide the behavior of the participants based on an understanding of the participant's individual needs and stages of development by:
- a. Supporting the participant's developmentally appropriate social behavior, self-control and respect for the rights of others
 - b. Ensuring that the behavior management and discipline practices are fair, reasonable, consistent and related to the participant's behavior
 - c. Ensuring that staff are responsible for implementing the behavior management and discipline practices of the OST Program
 - d. Ensuring that staff do not administer discipline that is cruel, unusual, hazardous, frightening or humiliating
6. Acceptable behavior guidance techniques include:
- a. Look for appropriate behavior and reinforce the participant with praise and encouragement when they are behaving well.
 - b. Remind the participant on a daily basis of the rules by using clear positive statements regarding how they are expected to behave rather than what they are not supposed to do.
 - c. Attempt to ignore minor inappropriate behavior and concentrate on what the participant is doing properly.
 - d. Use brief supervised separation from the group only when the participant does not respond to a verbal command which instructs the participant as to how he or she is supposed to behave.

- e. When a misbehaving participant begins to behave appropriately, encourage and praise small steps rather than waiting until the participant has behaved appropriately for a long period of time.
 - f. Attend to the participants who are behaving appropriately and other participants will follow their example in order to obtain your attention.
7. The following activities or threats of such activities are unacceptable as behavior guidance measures and shall not be used for participants. These include, but are not limited to the following:
- a. Using physical punishment such as biting, or biting back, jerking, swatting, pulling hair, twisting arms, shaking, spanking, slapping, hitting, striking, kicking or exercising other means of inflicting physical or emotional pain or causing bodily harm
 - b. Using a physical restraint method that may cause injury to the participant
 - c. Using mechanical restraint, locked time-out room or closet
 - d. Washing mouth with soap
 - e. Taping or obstructing a participant's mouth
 - f. Placing unpleasant or painful tasting substances in mouth, on lips, etc.
 - g. Profane or abusive language
 - h. Isolation without supervision
 - i. Placing participant in dark area
 - j. Yelling (This does not include a raised voice level to gain a child's attention to protect the participant from risk of harm.)
 - k. Forcing physical activity, such as running laps, doing push-ups, etc. (This does not include planned group physical education activities that are not punitive in nature.)
 - l. Associating punishment with rest, toilet training or illness
 - m. Denying food (lunch or snacks) as punishment or punishing participants for not eating. Participants shall not be forced or bribed to eat.
 - n. Shaming, humiliating, frightening, physically or mentally harming participants or labeling participants
 - o. Covering the faces of participants with blankets or similar items

600 RECORDS

601 Record Requirements

1. All staff, participant and facility records shall be kept and made available to the Child Care Licensing Unit on request. The records shall be maintained for three (3) years unless otherwise indicated.
2. Licensing compliance forms (DCC-521) shall be available at the facility for 3 years. The facility shall advise parents in writing that the compliance forms are available for review upon request.
3. The facility shall maintain daily attendance records on all participants as follows:

- a. Participants shall be signed in and out daily by a parent, guardian, or designee. Electronic sign in and out systems will satisfy this requirement.
- b. The record shall include the date and time of arrival and departure.

602 Facility Records

1. Facility Records shall be maintained on site and include:
 - a. Attendance records on all participants
 - b. Transportation rosters, if applicable (maintained for one year)
 - c. Verification of current vehicle registration, if applicable
 - d. Verification of required commercial vehicle insurance coverage, if applicable
 - e. Verification of required Child Care Liability Insurance
 - f. Verification of current pet vaccinations, if applicable
 - g. Verification of annual fire department approval
 - h. Verification of annual health department approval
 - i. Verification of zoning approval (maintained as part of permanent record)
 - j. Verification of annual approval by the Boiler Inspector Division of the Department of Labor
 - k. Mobile Home Commission approval for double wide manufactured homes, if applicable (maintained as part of permanent record)
 - l. Record of emergency drills
 - m. Plans and procedures of Emergency Preparedness
 - n. Procedures for reporting allegations of child maltreatment
 - o. Procedures for reporting suspected licensing violations
 - p. Licensing compliance forms
 - q. Log of Product Recall and Safety Notices from CPSC or Attorney General's Office
 - r. Articles of Incorporation, if applicable (maintained as part of permanent record)
 - s. Current list of names, addresses and phone numbers of the Board of Directors, if applicable

603 Staff Records

1. Staff records may be maintained off site, unless otherwise noted, and shall contain the following:
 - a. Name, date of birth, address and telephone number
 - b. Education, training and experience, including a copy of the GED or high school diploma (If these documents are no longer available, proof of reasonable effort to obtain the documentation is acceptable.) (**Clarification:** Training hours will be counted on a calendar year basis or by the facility's operating schedule if they do not operate year round.)
 - c. Employment related information for previous six (6) years, with written documentation of verification of employment and reference checks
 - d. Attendance record, listing days and hours worked
 - e. Date of employment and date of separation

- f. Documented training or continuing education; i.e., orientation, in-service training, and workshop documentation, which shall include title of workshop, presenter, hours of training and date
- g. Initiation of Criminal Record Checks and Central Registry Checks and the results obtained when received
- h. Verification of completion of the required transportation training and a readable, current copy of the driver's license for all staff who transport participants (copy must be on site)
- i. Verification of First Aid and/or CPR for applicable staff (copy must be on site)
- j. Documentation of new employee evaluations.

604 Participants' Records

1. The OST Program shall maintain a record for each participant in care which shall be on site. Records for participants no longer enrolled may be maintained off site. Participants' records shall contain the following information:
 - a. Application form which includes participant's name, date of birth and address, name of parent or guardian, telephone numbers (home and business), work hours of parents or guardians, and date of enrollment in facility.
 - b. The name, address, and telephone number (home and business) of a responsible person to contact in an emergency if the parent or guardian cannot be located promptly.
 - c. Name, address and telephone of participant's physician or emergency care facility.
 - d. Written permission of parent or guardian authorizing emergency medical care and transportation of participant for emergency treatment (This authorization shall accompany participants anytime they are transported.)
 - e. Name(s) of persons authorized to pick up participant.
 - f. Permission slips signed by parent or guardian authorizing the participant to be taken on specific field trips.
 - g. Pertinent medical history on the participant.
 - h. An authorized record of up-to-date immunizations or documentation of a religious, medical or philosophical exemption from the Arkansas Department of Health (Updated immunization schedules will be provided as changes are received from the Arkansas Department of Health.)
 - i. A record of all accidents, incidents, or injuries indicating the location, time of day, area or piece of equipment where the incident occurred. A copy of this shall be given to the parent on the day of occurrence.
 - j. Any legal or medical documentation that has been given to the facility, by the parent or legal guardian, regarding the care of the participant.
 - k. Written permission for the facility to photograph or video tape their child, if applicable.
 - l. Written permission for the facility to place photos and video recordings of their child on social media websites, if applicable.

700 NUTRITION

701 Nutrition Requirements

1. The OST Program shall ensure that during all day program operations that a lunch and a

mid-morning and mid-afternoon snack is served to each participant.

2. Breakfast, lunch, snacks and evening meals shall each meet *current* U.S. Department of Agriculture guidelines, including portion size. (See Appendix C) Menus for all food service shall be posted. If sack lunches are utilized, the facility shall ensure that they also meet these requirements. Milk shall be served to each participant during the day. Exceptions may be made for participants who suffer allergies to milk. The facility shall obtain written instructions for allergy substitutions.
3. Breakfast may be served to all participants rather than a morning snack provided there is no more than 3 hours between the beginning of breakfast and the beginning of lunch.
4. All food service surfaces shall be kept sanitary.
5. Food shall be served on individual plates, bowls, or other dishes that can be sanitized or discarded.
6. Food and drinks which are not available to the participants shall not be consumed by staff in the participants' presence.
7. All food brought in from outside sources shall come from Health Department approved kitchens and shall be transported as per Health Department requirements, or the food shall be in an individual, commercially pre-packed container. (This does not include individual sack lunches brought from home.)
8. All refrigerators used for food storage shall be maintained at a temperature of 41 degrees or below, and all freezers used for food storage shall be maintained at a temperature of 0 degrees or below.
9. Vending machines are acceptable provided they are not the only source of snacks/or beverages.
10. Staff shall provide supper to participants during the evening meal hours.
11. Staff shall provide snacks to participants in attendance for more than 2 ½ hours prior to bedtime.

800 BUILDINGS

801 Building Requirements

1. OST Facilities shall comply with the Minimum Requirements of the currently adopted Arkansas Fire Prevention Code as administered by local fire department or by the State Fire Marshal, who has final authority. Written verification of annual approval shall be maintained on file. **(Note that the State and Local Fire Codes may not allow the use of basements or floors above ground level by participants, first grade and younger,**

unless there is a ground level exit.)

2. State Health Department requirements shall be met. Written verification of annual approval shall be maintained on file.
3. Department of Labor, Boiler Inspection Division requirements shall be met. All water heaters and any other boilers in licensed OST Facility settings shall be inspected on an annual basis and/or upon installation. Verification that initial inspection has been scheduled and annual approval shall be maintained on file. Inspection, or proof of attempt to set up initial inspection, shall be completed within six (6) months of licensure. Scheduling and completion of annual inspections will be the responsibility of the Department of Labor, however, the facility is responsible for cooperating and keeping documentation of such inspection on file for review. (AR Code §20-23-101 et. seq.)
4. All space used by the OST Program shall be kept clean and free of hazardous or potentially hazardous objects. (These objects include, but are not limited to, poisonous substances, firearms, explosives, broken toys/equipment, or other objects that could be harmful or dangerous, if they are determined to be accessible to participants.)
5. Twenty-five square feet per participant of usable floor space shall be required for indoor activities. This does not include bathrooms, kitchen and hallways. Usable space in the OST Program shall include areas in the program used for storage of programmatic materials which are accessible to participants. This does not include closets or storage space for equipment that is not in use.
6. If a facility utilizes the out-of doors as its major program component for school-age participants, covered pavilions and other roofed structures shall provide 25 square feet per participant.
7. Separate space shall be provided for the isolation of participants who become ill and shall be located in an area that can be supervised at all times by a staff member.
8. All parts of the OST Facility used by the participants shall be well heated, air conditioned, lighted and ventilated and maintained at a comfortable temperature. Glass doors shall be clearly marked. When windows and doors are used for ventilation, they shall be screened and shall not present a safety hazard.
9. Floor furnaces, gas heaters, electric heaters, hot radiators, water heaters, air conditioners and electric fans shall have guards and shall not present a safety hazard. Portable fuel fired heaters shall not be used.
10. It is recommended that if natural gas or propane is used, the facility's heating & ventilation systems shall be inspected and cleaned (if necessary) before each heating season by a qualified HVAC technician.
11. Carbon monoxide detectors shall be placed in facilities according to manufacturer's recommendations if one of the following situations applies:

- a. Facilities using wood, propane, natural gas or any other product as a heat source that can produce carbon monoxide indoors or in an attached garage.
 - b. Any situations where carbon monoxide detectors are required by state or local law
12. Floors, ceilings and walls shall be in good repair and kept clean. Paints used at the facility shall be lead free.
13. An OST Facility shall have an operable telephone on site all hours participants are in care. The Licensee shall provide the phone number to the Licensing Unit and to the parents. (This phone may be a cell phone if the phone stays operable, stays at the facility during all hours of care, and is the phone number provided to the Licensing Unit and the parents.)
14. The following structures shall not be used as OST Facilities:
 - a. Manufactured homes constructed prior to June, 1976
 - b. Manufactured homes constructed with metal roofs and outside walls
 - c. Single-wide manufactured homes
 - d. Portable storage type buildings
15. Double-wide manufactured homes may be considered provided they are tied down in accordance with the manufacturer's tie down specifications manual. Any new applicant for an OST Facility that requests the use of a manufactured home shall obtain an inspection at the applicant's expense from the Arkansas Manufactured Home Commission.
16. Manufactured homes currently licensed as child care facilities shall be tied down as recommended by the Arkansas Manufactured Home Commission.
17. Portable classroom buildings are not considered manufactured homes, but do require Fire Department approval. Portable classroom buildings installed after 11-1-2002 shall have Fire Department approval prior to purchase and installation.

900 Playgrounds/Outdoor Learning Environment

To provide the safest possible playground environment, you are encouraged to meet Consumer Product Safety Commission's guidelines listed in the "Handbook for Public Playground Safety". However, the following are minimum requirements and shall be met.

Please note that these requirements do not mandate the use of any playground equipment that would require use zones and protective surfacing. Numerous options for suitable playground environments are available and acceptable.

Examples of such activities are:

- Sand boxes
- Activity walls at ground level
- Art easels
- Balls & games

- Play houses
- Nature walks
- Use of the approved natural environment for outdoor learning

The use of public playgrounds and other play environments away from the facility is not recommended as these environments may not meet acceptable safety standards. If these playgrounds are used staff should provide close supervision and not allow children to use any equipment that appears unsafe (eg: broken equipment, sharp objects, strangulations hazards, etc.). Using playgrounds and other play environments away from the facility is considered a field trip and all field trip requirements shall be followed.

901 Layout & Design

1. A diagram of the playground shall be submitted, clearly identifying the perimeter of the playground, with measurements, and identifying each piece of equipment used by the children enrolled at the licensed facility. This documentation shall be in the form of a satellite photo from an internet site such as Google Maps, or a diagram if a satellite photo is not available.
2. Any changes in the playground area boundaries and/or equipment requested must be submitted in writing and approved prior to use.
3. All equipment and protective surfacing shall be installed and maintained according to manufacturer's guidelines.
4. The play area/outdoor learning area shall be fenced or otherwise enclosed and provide at least 75 square feet per child present on the playground at any time.
5. There shall be an outside exit from the play area.
6. The area shall be well drained.
7. There shall be equipment and activities appropriate for the age and number of participants enrolled in the facility.
8. Separate play areas or time schedules shall be provided if, infants and toddlers share playgrounds with older participants.
9. All outdoor areas used by participants shall be properly maintained.

902 General Hazards

1. The area shall be free of hazards or potentially hazardous objects.
2. Equipment that has been determined by the Division to be unsafe for the participants in the licensed facility to use shall be removed from the play area, or enclosed by a fence or

other suitable barrier so the participants will not have access to it.

3. All newly purchased playground equipment designed for participants to play or climb on, such as slides, swings, composite structures, etc., shall be commercially manufactured and certified to meet ASTM or CPSC standards for public playgrounds. Equipment in place prior to January 1, 2014 may continue to be used provided it meets all other licensing requirements.
4. Equipment, which is designed to be anchored, shall be properly anchored so that the anchoring devices are below ground level.
5. Sand for playing shall be kept safe and clean.
6. Paint on equipment shall be lead free.
7. All fasteners, including S-hooks, shall be securely tightened or closed.
8. There shall be no sharp points, corners, edges, or splinters.
9. Equipment shall not have protrusion hazards. (A protrusion is a projection which, when tested, is found to be a hazard having the potential to cause bodily injury to a user who impacts it.)
10. Equipment shall not have entanglement hazards. (An entanglement is a condition in which the user's clothes or something around the user's neck becomes caught or entwined on a component of playground equipment.)
11. Trampolines shall not be used. (Therapeutic use of trampolines is acceptable if supervised by the therapist on a one-on-one basis.)
12. Ball pits shall not be used. (Ball pits are large areas or "pits" filled with balls intended for children to jump in and play. Therapeutic use of ball pits is acceptable if supervised by the therapist on a one-on-one basis.)
13. Wading pools shall not be used. This does not prohibit the use of sprinklers and water play.
14. To prevent entrapment, there shall be no opening(s) between any interior opposing surfaces between 3.5 and 9 inches. (Openings in equipment that might allow a child's body to pass through, but not their head.) Ground bounded openings are exempt.
15. Providers/caregivers shall be aware of and remove when possible any hazardous items children may wear on play equipment such as helmets, drawstrings, and other accessories around the neck that may cause a strangulation/entanglement hazard.
16. All participants shall wear properly fitted and approved helmets while riding on bicycles and when using roller skates, skate boards, roller blades and scooters. Helmets shall be removed as soon as participants stop riding this equipment. Helmets shall meet CPSC standards.

17. All soccer goals shall be commercially manufactured and installed and anchored according to manufacturer's guidelines.

903 Balance Beams

1. Balance beams shall not be higher than 12 inches.
2. Balance beams shall have use zones with protective surfacing.

904 Slides

1. Slides shall not have any spaces or gaps between the platform and the slide surface.
2. Slides shall have a transition platform of at least 14 inches deep for school age participants.

905 Swings

1. The following swings shall not be used for any ages:
 - a. Multi-occupancy swings designed to hold more than one participant, except tire swings
 - b. Heavy molded swings such as animal figure swings
 - c. Free swinging rope (Tarzan ropes)
 - d. Swinging exercise rings
 - e. Trapeze bars
 - f. Swings attached to a composite structure (Composite Structure is defined by CPSC as, "Two or more play structures attached or functionally linked, to create one integral unit that provides more than one play activity.")
2. There shall be no wood or metal swing seats.

906 Climbing Equipment

1. Flexible grid climbing devices, such as rope or chain ladders, climbing ropes, etc., shall be securely anchored at both ends.
2. Sliding poles shall have no protruding welds or seams along the sliding surface and the pole shall not change directions.

907 Merry Go Rounds

1. The only merry-go-rounds allowed are portable merry-go-rounds not designed to be anchored.
2. Merry-go-rounds shall have handgrips or other secure means of holding on.

908 Seesaws

1. Seesaws without spring centering devices shall have shock absorbing materials, such as partial tires embedded in the ground underneath the seats or secured to the underside of the seats.
2. Hand holds shall be provided for both hands at each seating position and shall not turn when grasped.
3. Hand holds shall not protrude beyond the sides of the seat on seesaws.

909 Protective Surfacing

1. There shall be use zones and protective surfacing under and around all equipment that is over 18 inches in height at the highest accessible point. The highest accessible point is defined as the highest surface on the piece of equipment where participants will sit or stand when the equipment is used as intended. Use zones shall extend a minimum of 6' in all directions (unless otherwise specified) from the perimeter of the equipment. (Playground equipment that is between 18 inches and 24 inches at the highest accessible point and that was installed prior to the enforcement date of this revision is allowable without protective surfacing, as long as it meets all other requirements.)
2. Swings require use zones and protective surfacing regardless of height.
3. Use zone protective surfacing depths shall be as follows:

Minimum compressed loose-fill protective surfacing depths

	Inches	Loose-Fill Material	Protects to Fall Height of:
a.	6*	Shredded/recycled rubber	10 feet
b.	9	Sand	4 feet
c.	9	Pea Gravel	5 feet
d.	9	Wood mulch (non-CCA)	7 feet
e.	9	Wood chips	10 feet

*Shredded/recycled rubber loose-fill protective surfacing does not compress in the same manner as other loose-fill materials. However, it is recommended that, care be taken to maintain a constant depth as displacement may still occur

4. Shock absorbent material such as sand, pea gravel, wood chips, wood mulch, shredded tires, etc., shall be used in use zone areas under and around playground equipment which requires a use zone.
 - a. When purchasing gravel, care should be taken prior to purchase to insure that the gravel is actually pea gravel that is smooth and rounded, and not crushed rock or gravel with sharp edges. Crushed rock and sharp gravel will not be approved.

- b. Pea gravel used for use zones shall not be over ½ inch in diameter.
 - c. Different types of protective surfacing materials shall not be combined within the same use zone area.
5. Hard surface materials, such as asphalt and concrete shall not be used as base surfaces in the use zones except under commercial matting or other systems/products designed to be installed over hard surfaces as directed by the manufacturer.
 6. SLIDES: The use zone for slides measuring 6 feet or over, measured from the slide platform to the ground, shall extend 8 feet from the exit end of the slide. Use zones for slides measuring under 6 feet from the platform to the ground shall extend 6 feet from the exit end of the slide.
 7. SWINGS: The use zone for single-axis swings (standard swings) (except toddler swings) shall extend to the front and to the rear of the swing a minimum distance of two times the height of the pivot point (where the chain attaches to the frame) above the playing surface. The use zone for toddler swings shall extend to the front and rear of the swing a minimum of two times the distance from the pivot point to the swing seat. Use zones shall also extend 6 feet to the sides of the swing set.
 8. SWINGS: The use zone for multi-axis swings (such as tire swings or others with three or more suspending chains) shall extend in all directions a minimum of six feet, plus the height of the suspending rod or chain. The use zone from the end of the structure must also extend a minimum of 6 feet in all directions.
 9. Use zones shall be free of obstacles onto which participants may fall.

1000 FURNITURE & EQUIPMENT

1001 Furniture & Equipment Requirements

1. All manufacturer guidelines shall be followed for furniture and equipment that is used by, or around, participants.
2. All equipment shall be sturdy, clean, and safe.
3. Paint on toys, equipment and other materials shall be lead free.
4. Chairs and tables shall be size-appropriate for participants.
5. The OST Program shall provide individualized space for storing personal belongings.
6. There shall be storage space for extra materials and other equipment when not in use.
7. Outdoor equipment that requires use zones and protective surfacing shall require the same use zones and protective surfacing if used inside the facility. (This does not apply to equipment specifically designed for indoor use only.)

1002 Sleeping Equipment

1. There shall be a labeled, individual cot or mat, bottom sheet, and adequate cover for each participant in care during rest time.
2. The use of mats shall be acceptable if they are at least 2 inches thick, washable, waterproof, and size-appropriate for participants.
3. All sleeping equipment shall be kept at least one foot apart to prevent cross-contamination and ease of access in an emergency.
4. Sheets and covers shall be washed at least once a week. Once a sheet/cover/blanket has been used by a participant, it shall not be used by another participant until it has been washed.

1100 HEALTH

1101 General Health Requirements

1. No participant or staff shall be admitted who has a contagious or infectious disease.
2. The parent or legal guardian shall be notified as soon as possible when a participant has any symptom that requires exclusion from the facility. The participant shall be separated from other participants and closely monitored until the parent arrives to pick the participant up.
3. The caregiver should determine if the illness prevents the participant from participating comfortably in activities, results in a greater need for care than the child care staff can provide without compromising the health and safety of the other participants, or poses a risk of spread of harmful diseases to others.
4. The caregiver shall temporarily exclude the participant from care if the participant has:
 - a. Sudden change in behavior, such as:
 - lethargy or lack of responsiveness
 - unexplained irritability or persistent crying
 - difficult breathing
 - a quickly-spreading rash
 - b. Fever over 101 degrees/oral, 100/axillary (or equivalent method) in a participant who also has pain, behavior changes, or other symptoms of illness.
 - c. Diarrhea, defined as watery/runny stools, if frequency exceeds 2 or more stools above normal for that participant, and is not related to a change in diet or medication.
Exclusion from the OST program is required if diarrhea cannot be contained in the diaper or if diarrhea is causing soiled clothing in toilet-trained participants

- d. Blood or mucus in stools (unless caused by hard stools)
 - e. Vomiting illness (2 or more episodes of vomiting in the previous 24 hours)
 - f. Abdominal pain which lasts more than 2 hours
 - g. Mouth sores with drooling
 - h. Rash with fever or behavior change
 - i. Conjunctivitis or "pink eye" – with white, yellow, or green eye discharge and red ("bloodshot") eyes, exclude only if participant has:
 - fever,
 - eye pain
 - redness and/or swelling of the skin around the eyes, or
 - if more than one participant in the program has symptoms
 - j. Pediculosis (head lice), until after the first treatment.
 - k. Active tuberculosis, until a health care provider or health official states that the participant is on appropriate therapy and can attend the OST program.
 - l. Impetigo, until treatment has been started;
 - m. Strep throat, until 24 hours after antibiotic treatment has been started
 - n. Chicken pox, until all lesions have crusted (usually 6 days after the rash appears)
 - o. Rubella, until 6 days after onset of rash
 - p. Pertussis (whooping cough); until 5 days of antibiotic treatment
 - q. Mumps, until 5 days after onset of gland swelling
 - r. Measles, until 4 days after onset of rash
 - s. Hepatitis A, until 1 week after onset of illness or as directed by the health department
5. Any participant who is injured shall have immediate attention. Parents shall be notified of all injuries. Injuries that require the attention of medical personnel shall be reported to the parent immediately and to the Licensing Unit within one business day.
 6. Parents or guardians of all participants shall be notified of contagious illness as soon as possible.
 7. If the policy of an OST Program authorizes staff to administer prescription medications, staff shall do so only:
 8. Medication shall be given to participants only with signed parental permission which includes date, type, drug name, time and dosage, length of time to give medication, and what the medication is being given for. It shall be in the original container with a child resistant cap, not have an expired date, and be labeled with the participant's name. (Aspirin substitutes, such as ibuprofen and acetaminophen, may be provided by the facility if parental permission has been granted. These medications shall be in the original container.) Staff shall not dispense medications in dosages that exceed the recommendations stated on the medication bottle.
 9. Participants with special health care needs (ex. asthma, seizures, diabetes, etc.) who require scheduled daily medications or medications to be given on an emergent basis (Benadryl, EpiPen, rescue asthma medication, etc.) shall have a care plan. Care plans shall

have clearly stated parameters, directions, and symptoms for giving the medications. Care plans shall be updated as needed, but at least yearly.

10. The facility shall share information with families regarding medical homes for participants.
11. The staff person who administers the medication shall initial the permission slip and record the date, time and dosage the medication was administered.
12. Medication shall be returned to the parent or disposed of properly when a participant withdraws from the program or when the medication is out of date.
13. Medicine shall be stored at the proper temperature, separately from food at all times.
14. A first aid supply shall be kept out of reach of the participant. A first aid kit containing medications shall be locked. This kit shall include the following:
 - a. Adhesive Band-Aids (various sizes)
 - b. Sterile gauze squares
 - c. Adhesive tape
 - d. Roll of gauze bandages
 - e. Antiseptic
 - f. Thermometer
 - g. Scissors
 - h. Disposable gloves
 - i. Tweezers
15. Medicine shall be kept out of the reach of the participants when dispensing and shall be stored in a locked area at all other times.
16. Facilities shall comply with the Clean Indoor Air Act of 2006. Smoking in an OST Program is prohibited at all times. This includes:
 - a. All areas of the facility, regardless of whether participants are in care (includes time periods such as nights, weekends, holidays, etc., also includes office areas or other areas of the facility that share the same ventilation systems)
 - b. Outdoor play area(s)
 - c. Other outdoor areas when participants are present
 - d. In any vehicle used to transport participants, whether participants are present in the vehicle or not
17. The facility shall follow any health or medical care plans and/or medical documentation as provided by the participant's physician, parent, or guardian.
18. Universal precautions shall be used when handling items contaminated by blood. These items shall be disposed of separately and by using rubber gloves that shall be properly disposed of after each use. (Note: hands must be washed even after gloves are used.) It is recommended that universal precautions be used when handling and disposing of materials

containing bodily secretions, such as wet or soiled diapers, fecal matter, etc.

19. Garbage shall be kept in closed containers. Garbage and trash shall be removed from the program daily and from the grounds at least once a week.
20. The facility shall be free of insects, rodents, and pests.
21. There shall be no pets or animals allowed that present a health and safety threat. Certification from a licensed veterinarian shall be maintained on site verifying that dogs and cats have a current vaccination against rabies.
22. The communicable diseases listed in Appendix B, whether suspected in a participant or adult shall be reported within 24 hours to either the local County Health Unit or the toll free Reporting System (800-482-8888). Immediate notification is recommended for the following:
 - a. Hepatitis
 - b. Rash illness (including MEASLES & RUBELLA)
 - c. WHOOPING COUGH(pertussis)
 - d. MENINGITIS
 - e. MUMPS
 - f. Tuberculosis
 - g. Salmonellas (including typhoid).
 - h. E-coli
23. Reporting data should include:
 - a. The reporter's name, location, and phone number
 - b. The name of the disease reported and the date of onset
 - c. The patient's name, address, phone number, age, sex and race (Please spell the patient's name)
 - d. The attending physician's name, location and phone number
 - e. Any pertinent clinical and laboratory information used in the diagnosis (Please give the laboratory name)
 - f. Any treatment information, if known
24. Immunization records shall be required for OST participants.
25. It is recommended that all staff members who have direct contact with participants receive annual Influenza (flu) immunizations.
26. It is recommended that all staff members who have direct contact with participants receive a one-time Tdap (Diphtheria, Tetanus & Pertussis) immunization.
27. It is recommended that all staff members who have direct contact with participants receive the recommended series of immunizations for chicken pox, mumps, measles and rubella or evidence of immunity.

28. Participants shall be protected from overexposure to the sun. Sunscreen shall be used if needed and as directed by the parent. OST participants may apply sunscreen to themselves with supervision. A blanket permission may be obtained annually.
29. It is recommended that the facility have an automated external defibrillator on site and have a staff member(s) on-site who is trained in the proper use of this device.

1102 Hand Washing

1. Individual towels, paper towels or forced air dryers shall be within the reach of participants.
2. A liquid soap shall be accessible in the hand washing area and used by caregivers and participants.
3. Running water shall be available in all lavatories.
4. All staff and participants shall wash their hands with soap and water at the following times:
 - a. Before meals and snacks
 - b. Before preparing meals
 - c. After toileting
 - d. After each diaper change (if applicable)
 - e. After contact with bodily fluids
 - f. After outdoor time
 - g. After coming in contact with animals
 - h. Other times as needed
5. Alternative methods of hand washing shall be provided if running water is not available.
6. The use of hand sanitizer shall not be a replacement for soap and running water.
7. A wash cloth or towel shall not be used more than one time before laundering.

1103 Drinking Facilities

1. The water supply shall be approved by the Arkansas Department of Health.
2. Drinking water shall be provided to the participants.
3. Drinking water shall not be obtained from the hot water supply.

1104 Toilet Facilities

1. There shall be 1 toilet and 1 sink available for each group of 30 participants.
2. Separate toilet facilities for boys and girls shall be provided.

3. Clean clothes shall be available for participants who might soil themselves.
4. Each OST Program licensed or approved for more than thirty (30) participants shall have a separate rest room for staff.
5. Toilet tissue shall be located within reach of the participants when toileting.
6. Staff shall assist participants in toilet routines and hygiene practices as needed.
7. Toileting equipment shall be safe and sanitary.

1105 Diaper Changing

1. When participants require diapering, there shall be a safe diaper changing area which meets the following criteria:
 - a. Impervious (non-absorbent) smooth surfaces that do not trap soil and are easily disinfected
 - b. There shall be a changing pad capable of being sanitized used as a cushion between the child and the changing surface.
2. Participants shall always be attended during diapering.
3. Soiled or wet diapers shall be removed and replaced with clean, dry diapers. The caregiver shall ensure that participants are properly cleaned and dried.
4. Soiled cloth diapers or clothing shall not be rinsed. If a participant's own diapers are used, they shall be sanitarily bagged to be taken home daily.
5. Diaper covers or plastic pants shall be handled in the same manner as cloth diapers.
6. All diapering preparations shall be placed out of the reach of participants. The use of all diapering preparations shall be agreed upon by the caregiver and parent.

1200 SAFETY

1201 Safety Requirements

1. Within 30 days of licensure and within 30 days of any change or modification of the floor plan the facility shall file a copy of their floor plan with the local Office of Emergency Management including the following (§ 20-78-228 Act 1159 of 2013):
 - a. A schematic drawing of the facility and property used by the child care facility including the configuration of rooms, spaces, and other physical features of the building
 - b. The location or locations where children enrolled in child care spend time regularly
 - c. The escape routes approved by the local fire department for the child care facility

- d. The licensed capacity and ages of children per room at the facility
 - e. The contact information for at least two emergency contacts for the facility
 - f. An aerial view of the child care facility and property used by the child care facility shall be included with the floor plan if available
2. The OST Facility shall have a written plan detailing the procedures to follow in the event of emergencies (fires, floods, tornadoes, utility disruptions, bomb threats, etc.) (Act 801 of 2009). The plan and procedures are required for emergencies that could cause structural damage to the facility, be identified as a threat by the Arkansas Department of Emergency Management or pose a health and/or safety hazard to the participants and staff.
3. The written plan shall include the following information:
- a. Designated relocation site and evacuation route
 - b. Procedures for notifying parents of relocation
 - c. Procedures for ensuring family reunification
 - d. Procedures to address the needs of individual participants, including participants with special needs
 - e. Procedures and documentation for annual training of staff regarding the plan and possible reassignment of staff duties in an emergency
 - f. Plans to ensure that all staff and volunteers are familiar with the components of the plan
3. The facility shall coordinate with local emergency management officials to plan for emergencies.
4. Written procedures and evacuation diagrams for emergency drills shall be posted in each program space.
5. Fire and tornado drills shall be practiced as follows:
- a. Monthly
 - b. Fire and tornado drills shall be practiced on separate days and at different times of the day.
 - c. Everyone in the facility, at the time of the drill shall participate.
 - d. Staff, including volunteers and substitutes, shall be trained in emergency drill procedures.
 - e. Drills shall be conducted during all hours when participants are in care (evenings, nights, weekends, etc.)
6. The facility shall maintain a record of emergency drills. This record shall include:
- a. Date of drill
 - b. Type of drill
 - c. Time of day
 - d. Number of participants participating in the drill
 - e. Length of time taken to reach safety
 - f. Notes regarding things that need improved upon.

7. The OST Facility shall maintain an evacuation pack that shall be taken on all drills and during actual emergency evacuations. The pack shall be easily accessible in an emergency and all staff shall know the location of the pack. The evacuation pack shall include, but is not limited to the following:
 - a. List of emergency numbers
 - b. List of all emergency and contact information for participants
 - c. List of all emergency and contact information for staff
 - d. First aid kit (requirement 1101.6) with extra gloves
 - e. Kleenex
 - f. Battery powered flashlight and extra batteries
 - g. Battery powered radio and extra batteries
 - h. Hand sanitizer
 - i. Notepad and pens/pencils
 - j. Whistle
 - k. Disposable cups
 - l. Wet wipes
 - m. Emergency survival blanket
8. The facility shall immediately notify the Licensing Unit of any extended utility outages or significant damage to the building and/or grounds. If phone service is not available, notification shall be as soon as service is restored or available.
9. OST Facilities shall maintain a log of all child product recalls and safety notices issued by CPSC or distributed by the Attorney General's Office and shall post or otherwise make these notices available for parents to review on site. The facility director shall certify, on an annual basis, that these notices have been maintained and reviewed and that any identified items have been removed from the facility. Forms for self-certification will be provided by the Licensing Specialist and shall be submitted annually. (Act 1313 of 2001).
10. There shall be no alcoholic beverages in any part of the facility during hours of care. Illegal drugs/paraphernalia shall not be in any part of the facility or on the premises, regardless if participants are present or not.
11. All medications and poisonous substances shall be kept in separately locked areas.
12. Rescue medications such as inhalers or EpiPens shall be inaccessible to children (kept in a cabinet with a child proof type safety latch or carried by a staff member.)
13. All detergents and cleaning supplies shall be kept out of the reach of participants. (This does not include hand soap in participants' or staff bathrooms.)
14. Supplies used for participants' activities shall be carefully supervised.
15. All bags belonging to participants shall be checked on arrival to eliminate possible hazards. Purses and bags belonging to staff shall be stored out of reach of participants.

16. Balloon use shall be carefully supervised.
17. Staff shall be instructed in the use of fire extinguishers.
18. The facility shall maintain smoke detectors/fire extinguishers as required by the Fire Department. Smoke detectors shall be kept in working order at all times.
19. Chemicals and toxins shall not be stored in the food storage area.

1202 Swimming Pools

1. Swimming pools and natural pools of water may be used for water play if the following requirements are met:
 - a. Health Department approval where applicable
 - b. Written parental permission
 - c. One person present at all times who has current certification in Red Cross Life Saving, Y.M.C.A. aquatic instruction or other industry recognized certification entity.
2. Adult supervision of the children shall be provided at all times, with grouping based on a 1:8 staff/participant ratio. (Unless participants are participating in an authorized swimming instruction program.)
3. Lifeguards, swimming instructors or any other swimming pool staff may be counted in the ratio when the OST Facilities' participants are the only occupants of the pool and these persons have completed criminal and child maltreatment background checks and have a current health card.
4. Swimming pools located within the play area of the OST Facility ~~center~~ shall be enclosed. The enclosure shall consist of a locked gate and a fence that is at least four feet high.

1300 TRANSPORTATION

1301 Transportation Requirements

1. The requirements in this section apply to all transportation provided by the licensee, including transportation provided by any person on behalf of the licensee, regardless of whether the person is employed by the licensee. Periodic transportation, such as a parent requesting that their child be picked up at school due to the parent's work schedule or other conflicts, is also covered by these requirements, whether a fee is charged for this service or not.
2. When participants are transported emergency contact information shall be maintained on the vehicle at all times.
3. Staff transporting participants shall meet the following requirements:

- a. Be at least twenty-one (21) years old or the minimum age required by the Licensee's commercial auto insurance
 - b. Hold a current valid driver's license or commercial driver's license as required by state law, and a readable copy shall be maintained in the staff's record
 - c. Successfully completed the training course in Driver Safety that is offered or approved by the Division prior to transporting participants. Verification of the completed course in Driver Safety (when available) shall be maintained on site in the staff's record.
 - d. At least one adult on the vehicle shall be certified in CPR and First Aid.
4. The vehicle(s) used for the transportation of participants shall be in compliance with Arkansas state laws on transportation of participants.
5. Vehicles shall be licensed and maintained in proper working condition including air conditioning and heating systems.
6. Commercial insurance coverage shall be maintained for any vehicle used for transportation by the facility. Verification of commercial insurance coverage shall be provided to the Licensing Specialist prior to transportation of participants. (Facilities licensed prior to the effective date of these regulations shall obtain required coverage within ninety (90) days.) Required coverage amounts to be maintained are:
 - a. Minimum coverage of \$100,000 Combined Single Limit (CSL)
 - b. Minimum coverage of \$100,000 for both Uninsured Motorist (UM) and Under Insured Motorist (UIM)
 - c. Minimum coverage of \$5,000 Personal Injury Protection (PIP) for each passenger (based on the number of passengers the vehicle is manufactured to transport)
7. During routine transporting of participants to and from an OST Program, a ratio of 1:18 does not need to be maintained as long as there is one additional adult present in the vehicle besides the driver. When transporting participants for non-routine purposes (ex. field trip) a ratio of 1:18 needs to be maintained at all times. The driver may be counted in staff/participant ratio.
8. Any participant who is less than 6 years old or weighs less than 60 pounds shall be restrained in a child passenger safety seat. Any participant who is at least 6 years or weighs at least 60 pounds must be restrained by a safety belt. (Act 470 of 2001). Conventional school busses are exempt from this requirement except for the transportation of infants/toddlers. (See#1302.2) Child passenger safety seats shall be used in accordance with manufacturer's guidelines.
9. There shall be a seating space and an individual, appropriate restraint system provided for each participant transported.
10. Rosters listing the date, the names and ages/date of birth of all participants being transported as well as the name of the driver and any other staff member on the vehicle shall be maintained. These rosters shall be used to check participants on and off the vehicle

when they are picked up and dropped off at home, school, etc. and when they arrive at and leave the facility. Transportation rosters shall be kept by the facility and available for review for one year.

11. To insure that no participants are left on the vehicle, the driver or a staff member must walk through the vehicle and physically inspect each seat before leaving the vehicle. The driver or the staff member, who conducted the walk through inspection, must sign the transportation roster to verify that all participants have exited the vehicle.
12. To insure that participants have safely arrived in the appropriate program space, the transportation roster shall be reviewed by the Director or designee and compared with attendance records. The Director or designee shall sign off on the transportation roster to verify that all participants have safely transitioned from the vehicle to the program.
13. Any vehicles designed or used to transport more than seven (7) passengers and one (1) driver must have approved child safety alarm devices installed. These devices must be properly maintained in working order at all times.

Vehicles in service at licensed facilities prior to July 1, 2005, shall have the alarm installed by a qualified technician or mechanic no later than December 31, 2005. On or after July 1, 2005, all vehicles at newly licensed facilities and newly acquired vehicles at existing facilities shall have a child safety alarm installed before placing the vehicle in service.

The Child Care Licensing Unit shall maintain a list of approved alarm systems.

Clarification –

- The alarm system shall be installed so that the driver must walk to the very back of the vehicle to reach the switch that deactivates the alarm. Alarm switches installed in locations that do not require the driver to walk to the back of the vehicle and view all seating areas will not be acceptable.
- The alarm system may be installed by any certified technician or mechanic employed by a recognized electronics or automotive business in accordance with the devices manufacturer's recommendations.
- The time delay from activation of the alarm until the alarm sounds shall be no longer than one minute. **Any of the following three options are acceptable to meet the intent of Act 1979 when participants are being delivered at the facility. Other options must be approved by the Licensing Unit.**

Options

1. Unload all of the participants, walk through the vehicle to ensure that no participants remain on board and deactivate the alarm. (This option will only work if you are able to unload all participants in less than one minute.)

2. Upon arrival, have one staff member immediately walk through the vehicle to deactivate the alarm system. That staff member will remain near the alarm switch at the back of the vehicle until all participants have been unloaded to ensure that no participant is left on board. (This option will require at least two staff members, one to supervise the participants and one to remain inside the vehicle.)
3. Upon arrival, deactivate the alarm and unload the participants. Immediately after unloading, start the vehicle and move it to a different location for final parking. (This will reactivate the alarm and require a final walk through.)

1400 SPECIAL NEEDS

1. Participants with disabilities should be included, in the same general activities as their same-age peers. Certain accommodations for their disability and some modifications to activities may be necessary and these should be determined on an individual basis and be related to the specific needs of the individual. Out of School Time providers are encouraged to make available additional staff training in the area of disability awareness. Such training would/might encompass the use of people-first language, general communication strategies, and disability etiquette. In general, it is desirable to treat an individual with a disability in the same way one would treat an individual of the same age but without a disability.
2. Additional information from the parent/caregiver of a child with a disability may be necessary. Questions that cover usual routines, special instructions for care and interaction, the child's interests, and things or situations to avoid are important; as is determining what kinds of things will motivate the child. If there are individualized requirements for rest, nutrition, hydration, etc. these should be noted. Emergency contact information—with back up contacts—may be essential
3. Consideration should be given to special needs related to medical as well as developmental, social/emotional, and mental health/behavioral concerns.
4. While IDEA is specific to educational needs, consideration should also include cooperation with 504 and Medical Plans to best meet the needs of the individual child.

PROGRAM SPECIFIC VARIATIONS

PROGRAM-SPECIFIC VARIATIONS ARE NUMBERED ACCORDING TO THE REGULATION WITH WHICH IT VARIES. UNLESS A VARIANCE IS LISTED BELOW, ALL BASIC REQUIREMENTS APPLY.

1500 DAY CAMP

401 Program Requirements

1. If hazardous items (ex. archery equipment) are used during activities offered, such equipment must be used under close supervision and must be safely stored.
2. If specialized activities take place such as, but not limited to horseback riding, water activities, rock climbing, and other adventure based activities, supervision of such activities must be provided by qualified staff that have received the proper training in the activity's guidelines, safety regulations, and emergency procedures.

603 Participants' Records

1. Permission for specialized summer activities shall be maintained.
2. Emergency information and medical permission sheet shall be maintained at day camp site.

701 Nutrition Requirements

1. Milk is not required to be served in day camp settings.

901 Grounds

1. Outdoor day camps need to have a shelter or permanent building for protection from inclement weather.
2. An outdoor day camp shall perform daily visual inspections of the outdoor space and facilities prior to the arrival of participants to ensure all buildings, structures, and activity areas are in good repair and free of hazards.

1104 Drinking Facilities

1. Water that is transported to the camp sites for drinking purposes shall be in enclosed containers. Fresh water shall be provided each day.

1600 EVENING & NIGHT CARE VARIATIONS

Night care is any care provided after midnight.

301 Staff/Participant Ratio

1. Staff members shall be awake at all times and shall have participants in view at all times.

401 Program Requirements

1. Evening quiet time activity shall be provided to each participant arriving before bedtime.

701 Nutrition Requirements

1. Participants who are in care overnight shall be provided with a breakfast prior to leaving for school or other activities.
2. Snacks meeting the current U.S. Department of Agriculture guidelines shall be provided to participants in attendance for more than 2 ½ hours prior to bedtime.

1002 Sleeping Arrangements

1. Bedtime schedules shall be established for participants in consultation with the participant's parent(s).
2. Storage space for clothing and personal belongings shall be provided within easy reach of the participant.
3. Individual beds or cots equipped with comfortable mattresses, sheets, pillows, pillow cases and blankets shall be provided for participants in all-night care. Bed linens shall be changed at least once a week or daily when wet or soiled.
4. Mats may be used for participants in evening care.
5. The upper level of double deck beds shall be allowed for participants 10 years or older if a bed rail and safety ladder are provided.
6. Participants shall have clean and comfortable sleeping garments for their individual use.

1105 Toilet Facilities

1. There shall be age appropriate bathing facilities available for all participants including a bathtub or shower available. Bathtubs and showers shall be equipped to prevent slipping.
2. Bathrooms shall be located near the sleeping areas.
3. No participant under 6 years of age shall be left alone or with another participant while in the bathtub or shower.

1700 PART-TIME PROGRAM VARIATIONS

701 Nutrition Requirements

1. Facilities in operation for more than 3 hours per day shall provide a snack that meets current U.S. Department of Agriculture Guidelines.

1800 SICK CARE COMPONENT

301 Staff/Participant Ratio

1. The following ratios shall be maintained at all times:
 - a. OST Participant 1:5, Maximum group size 10
2. Staff shall be separated in the same manner participants are separated to prevent cross infection.

302 Director

1. If the component is part of an OST Facility, the program director shall be accountable to the facility director. If the component is an entity unto itself the program director may also be the facility director.
2. The program director shall have completed the following training:
 - a. Communicable disease control
 - b. Recognition and care of usual childhood illness
 - c. CPR certification
 - d. First Aid certification

401 Program Requirements

1. Participants shall be provided with quiet activities according to their age and abilities.
2. Caregivers shall:
 - a. Administer medicine according to prescribed instructions
 - b. Take temperature frequently or as needed
 - c. Monitor any changes in condition
 - d. Record necessary medical or physiological data or changes
 - e. Notify parents immediately if their child's condition changes significantly for the worse, especially if the condition meets one of the excludable diseases or symptoms
3. The participant shall be removed immediately from sick care when his/her condition meets one of the excludable diseases or symptoms.
4. Participants may be returned to the regular OST Program when a doctor's statement has been obtained or when the participant is free of symptoms for 24 hours.

603 Participants' Records

1. The record shall contain information on the specific condition or illness placing the participant in sick care.
2. The record shall contain any recommendations for needed medical treatment and/or program or environment modifications that the participant needs.

801 Building Requirements

1. If located in the same facility as OST Program, sick care shall be separate with a separate entrance and separate ventilation system.
2. Participants with respiratory illnesses shall be cared for in separate space from participants with gastrointestinal illness. Any participant with an undiagnosed condition shall be separated from other participants to prevent cross infection. A separate area can be defined by curtains; partitions etc. if airborne transmission is not likely.
3. A hand-washing sink shall be available in each room.
4. To prevent cross contamination, a designated toilet shall be available to each sick care room.
5. The facility shall be self-contained, i.e. food, water, bedding, toileting (no potty chairs) etc.

1001 Furniture & Equipment Requirements

1. No furniture, fixtures, equipment and supplies designated for use in the sick care component shall be used or shared by well participants.
2. All laundry shall be washed each day. The items shall be placed in a plastic bag and labeled "contaminated" so necessary precautions can be taken.
3. All toys and equipment shall be disinfected after every use.

1101 General Health Requirements

TABLES OF COMMUNICABLE DISEASES AND SYMPTOMS THAT EXCLUDE CHILDREN FROM SICK CARE: (asterisk denotes reportable diseases)

1. Communicable Diseases:

a. RESPIRATORY ILLNESS

Chicken Pox
German Measles
Hemophilus influenza
Measles*
Meningococcus*
Mumps*
Strep throat
Tuberculosis*
Whooping Cough*

b. GASTROINTESTINAL ILLNESS

Giardia Lamblia*
Hepatitis A*
Salmonella*
Shigella*

c. CONTACT

Impetigo
Lice
Scabies

2. Symptoms that Exclude Participants from Sick Care:

A symptom is a condition that indicates an illness that may not be identifiable by one of the above listed names but presents a situation where the participant shall not be admitted to or remain in sick care and should be seen by the family physician.

- a. Diarrhea
 - Accompanied by evidence of dehydration for excessive fluid loss
 - Accompanied by history of poor fluid intake and/or marked lethargy
 - With blood or mucous in the stool unless at least one stool culture shows the absence of Salmonella, Shigella, Campylobacter or E-Coli
 - That exceeds 5 bowel movements in an 8 hour period of is continued over 3 or 4 days unless the participant is under the supervision of a physician with written documentation
- b. Vomiting for over a 6 hour period
- c. Difficult or rapid breathing
- d. Severe coughing: episodes of coughing which may lead to gagging, vomiting, or difficulty breathing
- e. Mucous (phlegm) that is foul smelling, yellow or green and the participant has a fever over 102
- f. Asthmatics with severe upper respiratory infections who have not been seen by a physician or whose distress is not controlled by medication
- g. Sore throat and fever greater than 103 or confirmed Strep throat until treated with antibiotics for over 24 hours
- h. Skin conditions that have not been diagnosed as noncontiguous by a physician; including but not limited to:
 - Yellow (jaundiced) eyes or skin
 - Child in contagious stages of chicken pox, measles, mumps or rubella
 - Untreated impetigo
 - Untreated scabies or head lice
 - Blood-red rashes and skin conditions with spontaneous bruising
- i. Participants who are in the contagious states of Pertussis, diphtheria, or tuberculosis
- j. Pink or red eye(s) which may be swollen with white or yellow discharge until on antibiotics for over 24 hours
- k. Abdominal pain that is intermittent or persistent
- l. Fever over 102 for greater than 24 hours, or any fever over 103 unless the participant has been evaluated and treated by a physician and does not have other exclusion criteria.

APPENDIX A: DEFINITIONS

1. **"Act"** means the Child Care Facility Licensing Act as amended.
2. **"Assistive electronic device"** means any electronic device that is used/needed by a child or youth with a disability. Such a device might be used for communication, for environmental manipulation, to keep a schedule or checklist of activities, or for other specific and generalized therapeutic activities that promote independence. The device may be used at all times or at the discretion of the user, but has a functional application for the user.
3. **"Child Care Center"** means any Child Care Facility conducted under public or private auspices on a profit or nonprofit basis providing direct care and protection for children. Any facility that is open more than five (5) hours during any 24 hour period or more than a total of ten (10) hours during a seven (7) day period is considered a Child Care Center and shall be subject to the provisions of the Child Care Facility Licensing Act. Those facilities meeting the above definitions but operating no more than three (3) weeks per calendar year are not required to comply with the licensing requirements, i.e.: Summer Bible Schools and Camps.

For purposes of determining the need for a license, all care provided at the site of a licensed program is considered a part of the licensed program and therefore subject to licensing requirements. This includes separate buildings located on the same property or any other property under the same ownership. However, Mother's Day Out and other part time programs serving children not participating in the licensed program are exempt as long as they operate no more than 5 hours per day or 10 hours per week.

A public or private school which operates a Kindergarten (K5) in conjunction with grades one and above, or for grades one and above only and provides short-term custodial care (not to exceed 20 hours weekly) prior to and/or following classes for those students, is not required to comply with licensing requirements for the short-term custodial care provided.

4. **"Child Care Licensing Unit"** means the unit within the Department of Human Services, Division of Child Care and Early Childhood Education, that inspects and investigates any proposed or operating Child Care Center and any personnel connected with the center to determine if the facility will be or is being operated in accordance with the Child Care Facility Licensing Act and the Licensing Requirements for the Child Care Centers.
5. **"Child Maltreatment Central Registry Check"** means a check of the Arkansas Child Maltreatment Central Registry for any record of founded child abuse and neglect or maltreatment.
6. **"Criminal Record Check"** means a statewide criminal record check conducted by the Identification Bureau of the Arkansas State Police.
7. **"Criminal FBI Check"** means a nationwide criminal record check conducted by the Federal Bureau of Investigation that conforms to the applicable federal standards and includes the

taking of fingerprints. Application for a nationwide criminal check shall be made to the Identification Bureau of the Department of the Arkansas State Police.

8. **"Department"** means the Arkansas Department of Human Services.
9. **"Division"** means the Division of Child Care and Early Childhood Education.
10. **"Employee"** or **"Staff"** means all full or part-time employees or any person(s) who perform services under the direction and control of the OST Facility, regardless if they are paid or not. This includes any person(s) that has supervisory or disciplinary control over participants, is at any point left alone with participants, or is counted in staff/_participant ratios.
11. **"Evening and Night Care"** means participant-care provided between 7:00 p.m. and 6:00 a.m.
12. **"Kindergarten"** means a school based program offered for children five (5) years of age (**K5**) during the school year prior to their entry into the first grade.
13. **"Medical Home"** is the Doctor that you and your child see for routine medical care. This is your "Primary Care Physician" (PCP).
14. **"Operator"** means any person or entity exercising any measure of supervision or control over an OST Facility.
15. **"Out-of-School Time Program"** means a child care/school-age or youth development program caring for children who are in kindergarten (K-5 years of age) and above. OST care includes before and after school care, extended care during the school holiday, summer day camps, and youth development programs. OST Programs which operate with children arriving and leaving voluntarily for scheduled classes, activities, practice, games, and meetings are defined as recreational programs, and do not fall under the definition of requiring licensure as an OST Program.
16. For purposes of determining the need for a license, all care provided at the site of a licensed OST program is considered a part of the licensed program and therefore subject to licensing requirements. This includes separate buildings located on the same property or any other property under the same ownership. Part time programs serving participants not participating in the licensed OST program are exempt as long as they operate no more than 5 hours per day or 10 hours per week.
17. A public or private school which operates a Kindergarten (K5) in conjunction with grades one and above, or for grades one and above only and provides short-term custodial care (not to exceed 20 hours weekly) prior to and/or following classes for those students, is not required to comply with licensing requirements for the short-term custodial care provided.
18. **"Owner"** means any person who assumes the legal responsibility for operation of an OST facility.

19. **"Participant"** refers to a child who is enrolled in kindergarten or a higher grade. If the OST Program provides care to children over 13 years of age, the program must meet all regulatory standards in regard to such children just as if the children were under 13 years of age. Children may receive care through the conclusion of high school.
20. **"Part-time Care"** means care provided no longer than four (4) hours per day or not to exceed a maximum of 20 hours per week.
21. **"Personnel"** is defined as the facility owner or operator, staff or volunteer.
22. **"Program"** is defined as all activities that comprise the participant's day at the center.
23. **"Screen time"** refers to the amount of time that a participant uses or is engaged with electronic media. Electronic media includes but is not limited to television, videos, DVDs, computers, portable electronic devices, etc.
24. **"Sick Care"** is defined as a separate service providing care for participants who are too sick to attend the OST Program as stated in Section 1000 but who do not exhibit any of the excludable diseases as defined in Section 1500. The primary objective of this service is to insure that participants in care receive the required attention necessary for moderately ill participants.
25. **"Staff"** or **"Employee"** means all full or part-time employees/staff or any person(s) who perform services under the direction and control of the OST Facility, regardless if they are paid or not. This includes any person(s) that has supervisory or disciplinary control over participants, is at any point left alone with participant, or is counted in staff/participant ratios.
26. **"Substantial Compliance"** means compliance with all **essential standards** necessary to protect the health, safety and welfare of the participants-attending the OST Program. Essential standards include **but are not limited to** those relating to issues involving fire, health, safety, nutrition, discipline, staff/participant ratio and space.
27. **"Swimming Pool"** means any pool of water in excess of 12 inches deep. This does not include natural pools of water such as lakes, ponds and rivers.
28. **"Volunteer"** means a person who provides services to an OST Program, but has no supervisory or disciplinary control over participants, is not left alone with participants, and is not counted in staff/participant ratios.

APPENDIX B: LIST OF REPORTABLE DISEASES

The following are the more common reportable diseases which occur with moderate frequency in Arkansas:

Gonorrhea	Salmonellosis (including typhoid)
Hepatitis (A, B, Non-A, Non-B	Shigellosis
Unspecified and results of serologies)	Syphilis
Rash illnesses (including	Tuberculosis
*MEASLES & RUBELLA)	MUMPS
*WHOOPING COUGH (pertussis)	
MENINGITIS	

The following are less common reportable diseases that occur with low frequency in Arkansas

*AIDS (Acquired Immune Deficiency Syndrome)	* Leprosy
Amebiasis	* Leptospirosis
ANTHRAX	* Lyme Disease
*Aseptic Meningitis	Lymphogranuloma Venereum
Blastomycosis	* Malaria
BOTULISM	* Meningitis, <u>Hemophilus</u>
*Brucellosis	Influenza Type B
Campylobacter Interitis	* Meningococcal infection
Chancroid	Mumps
CHOLERA	Pesticide Poisoning
Coccidioidomycosis	PLAGUE
*Congenital Rubella Syndrome	* POLIOMYELITIS
DIPHTHERIA	* Psittacosis (Ornithosis)
Encephalitis (all types)	Q Fever
FOOD POISONINGS (all types)	RABIES
Giardiasis	* Relapsing Fever
Gonococcal Ophthalmia	* Reyes Syndrome
Granuloma Inguinale	Rheumatic Fever
*Guillain - Barre Syndrome	* Rocky Mountain Spotted Fever
Histoplasmosis	SMALL POX
HIV [Human Immuno Deficiency Virus by (name & address)]	* Tetanus
**Influenza	* Toxic Shock Syndrome
*Kawasaki Disease	Toxoplasmosis
*Legionellosis	* Trichinosis
	* Tularemia
	TYPHUS FEVER
	YELLOW FEVER

*The reporting physician will be contacted for additional information.

**Individual cases to be reported only when laboratory testing has determined the viral type.

The diseases in capital letters are to be brought to the immediate attention of the State Epidemiologist when suspected.

Reporting data shall include:

- a) Name and location of reporting person
- b) Disease or suspected disease and date of onset
- c) Name, age, sex, address and phone number of patient (please spell patient's name)
- d) Name of patient's physician

The following diseases are also of public health importance and should be reported whenever there is an unusual incidence or outbreak (including seasonal). It is necessary to report 1) the physician's name and location, 2) the suspected disease and 3) the number of cases and interval during which the cases were seen:

Acute respiratory disease	Hospital acquired infections
Chicken pox	Infectious Mononucleosis
Conjunctivitis	Influenza (estimate number)
Dermatophytosis (ringworm)	Pediculosis
Enteropathogenic E. Coli Diarrhea	Pleurodynia
Epidemic Diarrhea of unknown cause	Pneumonia (bacterial, Mycoplasma, viral)
Gastroenteritis	Staphylococcal-Infections
Herpangina	Streptococcal-Infections

The following occupational diseases also shall be reported:

Asbestosis	Mesothelioma
Silicosis	Coal Workers Pneumoconiosis
Byssinosis	

FOR FURTHER ASSISTANCE CONTACT THE LOCAL COUNTY HEALTH UNIT.

APPENDIX C: CHILD CARE MEAL PATTERN

When children over age one participate in the Program, the total amount of food authorized in the meal pattern set forth below shall be provided in order to qualify for reimbursement. Children age 12 and up may be served adult-size portions based on the greater food needs of older children, but shall be served not less than the minimum quantities specified in this section for children age 6 through 12 years. For purposes of the requirements outlined in this paragraph, a cup means a standard measuring cup.

Bread, pasta or noodle products, and cereal grains shall be whole grain or enriched; cornbread, biscuits, rolls, muffins, etc. shall be made with whole grain or enriched meal or flour; cereal shall be whole grain or enriched or fortified.

Breakfast	Children 1 and 2 years	Children 3 through 5 years	Children 6 through 12 years
Milk, fluid Juice or fruit or vegetable Bread, bread alternate**** and/or cereal enriched or whole grain Bread or Cereal: Cold dry or Hot cooked	½ cup (4 oz) ¼ cup ½ slice (½ oz.) ¼ cup* ¼ cup	¾ cup (6 oz.) ½ cup ½ slice (½ oz.) 1/3 cup** ¼ cup	1 cup (8 oz.) ½ cup 1 slice (1 oz.) ¾ cup*** ½ cup
AM or PM snack (supplement)			
(select 2 of these 4 components) Milk, fluid Meat or meat alternate Juice or fruit or vegetable Bread, bread alternate**** and/or cereal enriched or whole grain Bread or Cereal: Cold dry or Hot cooked	½ cup (4 ounces) ½ ounce ½ cup ½ slice (½ oz.) ¼ cup* ¼ cup	½ cup (4 ounces) ½ ounce ½ cup ½ slice (½ oz.) 1/3 cup** ¼ cup	1 cup (8 ounces) 1 ounce ¾ cup 1 slice (1 oz.) ¾ cup*** ½ cup
Lunch or Supper			
Milk, fluid Meat or meat alternate (lean meat or poultry or fish) Cheese Egg Cooked dry beans or peas Peanut butter Yogurt (plain or flavored) (Or an equivalent quantity of any combination of the above meat/meat alternates) Vegetable and/or fruit (total of <u>two</u> or more) Bread or bread alternate**** enriched or whole grain	½ cup (4 oz.) 1 ounce 1 ounce ½ large egg ¼ cup 2 tbsps. ½ cup ¼ cup ½ slice (½ oz.)	¾ cup (6 oz.) 1 ½ ounces 1 ½ ounces ¾ large egg 3/8 cup 3 tbsps. ¾ cup ½ cup ½ slice (½ oz.)	1 cup (8 oz.) 2 ounces 2 ounces 1 large egg ½ cup 4 tbsps. 1 cup ¾ cup 1 slice (1 oz.)

* ¼ cup (volume) or 1/3 ounce (weight)

** 1/3 cup (volume) or ½ ounce (weight)

*** ¾ cup (volume) or 1 ounce (weight)

**** Refer to Food Buying Guide “Grains and Breads” for equivalent quantities

APPENDIX D: ADULT CARE MEAL PATTERN

The meals served to adult participants in the Child and Adult Care Food Program shall contain the indicated meal pattern quantities and food components in order to qualify for reimbursement. Adult centers may choose to implement the “offer vs. serve” option (as described on following page).

Breakfast		Adult Participants	
Milk, fluid Juice or fruit or vegetable Bread and/or cereal* enriched or whole grain Bread or Cereal: Cold dry or Hot cooked		1 cup (8 ounces) ½ cup 2 slices (or 2 servings the equivalent quantity of 2 ounces) 1½ cups (or 2 ounces) 1 cup	
AM or PM snack (supplement) (select 2 of these 4 components) Milk, fluid Meat or meat alternate Juice or fruit or vegetable Bread and/or cereal* enriched or whole grain Bread or Cereal: Cold dry or Hot cooked		1 cup (8 ounces) 1 ounce ½ cup 1 slice (1 ounce) ¾ cup (or 1 ounce) ½ cup	
Lunch or Supper			
Milk, fluid Meat or meat alternate (lean meat or poultry or fish) Cheese Egg Cooked dry beans or peas Peanut butter Yogurt (plain or flavored) (Or an equivalent quantity of any combination of the above meat/meat alternates) Vegetable and/or fruit (total of <u>two</u> or more) Bread or bread alternate* enriched or whole grain		1 cup (8 ounces) - (none required at supper meal) 2 ounces 2 ounces 1 large egg ½ cup 4 tablespoons 1 cup 1 cup 2 slices (or 2 servings the equivalent quantity of 2 ounces)	

* Refer to Food Buying Guide “Grains and Breads” for equivalent quantities

APPENDIX E: DISASTER/EMERGENCY PREPAREDNESS

DISASTER/EMERGENCY NUMBERS	CONTACT/TOWN	TELEPHONE NUMBER
AMBULANCE		
APPLIANCE REPAIR		
BUILDING INSPECTOR		
CHILD ABUSE HOT LINE		1-800-482-5964
CHILD CARE LICENSING UNIT	Little Rock	1-800-445-3316 or 501-682-8590
CLEANING/MAINTENANCE		
ELECTRIC COMPANY		
ELECTRICIAN		
EMERGENCY CHILD LOCATOR		1-866-908-9572
FACILITY DIRECTOR		
FIRE DEPARTMENT		
FIRE DEPARTMENT (Non-Emergency)		
GAS COMPANY		
GLASS COMPANY		
HEALTH DEPARTMENT (Local)		
HEATING/AIR CONDITIONING		
INSURANCE AGENT AND POLICY NUMBER		
LICENSING SPECIALIST		
LOCKS		
NATIONAL EMERGENCY FAMILY REGISTRY AND LOCATOR		1-800-588-9822
PLUMBER		
POISON CONTROL		1-800-376-4766
POLICE		
POLICE (Local Non-Emergency)		
RED CROSS (Local)		
SHERIFF		
TRASH REMOVAL		
WATER DEPARTMENT		

Table I:**Immunization Requirements for Child Care and Early Childhood Education Facilities**

Instructions for utilizing Table I: Table I is not a recommendation of vaccines to get, but of doses required to already have at that age. To determine what vaccines are required for a child to attend a licensed child care facility, refer to Column 1 on the left to see what age range is correct for the child. Then all the vaccines on the same row as the child's age are required for attendance in a licensed child care facility. Vaccines are required based on the current age of the child. Column 1 is not an age range for when a child can be vaccinated.

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7	Column 8	Column 9
Current AGE of child	DTaP DTP/DT	POLIO	Hib **	HEPATITIS B	MMR ****	VARICELLA ****	PNEUMOCOCCAL **	HEPATITIS A
1-2 Months	None	None	None	None (1-2 doses possible)	None	None	None	
3-4 Months	1 dose	1 dose	1 dose	1 dose (1-2 doses possible)	None	None	1 dose	
5-6 Months	2 doses OR 1 dose within last 8 weeks	2 doses OR 1 dose within last 8 weeks	2 doses OR 1 dose within last 8 weeks	2 doses OR 1 dose within last 8 weeks	None	None	2 doses OR 1 dose within last 8 weeks	
7-12 Months	3 doses OR 1 dose within last 8 weeks	2 doses OR 1 dose within last 8 weeks (3 doses possible)	2-3 doses OR 1 dose within last 8 weeks	2 doses OR 1 dose within last 8 weeks (3 doses possible)	None	None	2-3 doses OR 1 dose within last 8 weeks	
13-15 Months	3 doses OR 1 dose within last 8 weeks	2 doses OR 1 dose within last 8 weeks (3 doses possible)	2-3 doses OR 1 dose within last 8 weeks (4 doses possible)	2 doses OR 1 dose within last 8 weeks (3 doses possible)	None (1 dose possible)	None (1 dose possible. A medical professional history of disease may be accepted in lieu of receiving vaccine.)	2-3 doses OR 1 dose within last 8 weeks (4 doses possible)	
16-18 Months	3 doses or 1 dose within last 8 weeks	2 doses or 1 dose within last 8 weeks (3 doses possible)	3-4 doses with last dose on/after 1 st birthday OR 2 doses if first dose is administered at age 12 - 14	2 doses OR 1 dose within the last 8 weeks (3 doses possible)	1 dose	1 dose A medical professional history of disease may be accepted in lieu of receiving vaccine.	3-4 doses with last dose must be on/after 1 st birthday OR 2 doses on/after 1 st birthday	

			months and doses are at least 8 weeks apart OR 1 dose on/after 15 months of age if no prior doses					
19-48 months	4 doses OR 3rd dose within last 6 months OR 1 dose within last 8 weeks	3 doses OR 1 dose within last 8 weeks	3-4 doses with last dose on/after 1 st birthday OR 2 doses if first dose is administered at age 12 - 14 months and doses are at least 8 weeks apart OR 1 dose on/after 15 months of age if no prior doses	3 doses *** OR 1 dose within last 8 weeks	1 dose	1 dose A medical professional history of disease may be accepted in lieu of receiving vaccine.	3-4 doses with last dose must be on/after 1st birthday OR 1 dose on/after 24 months of age if no prior doses OR 2 doses on/after 1 st birthday	For 19-24 months: 1 dose on or after first birthday (2 doses possible) For 25-48 months: 2 doses with one dose on or after 1st birthday and at least 6 months from first dose
≥49 months	5 doses * OR 4 th dose within last 6 months OR 1 dose within last 8 weeks OR 4 doses with last dose on/after 4 th	4 doses with a minimum interval of 6 months between the 3 rd and 4 th dose OR 1 dose within last 8 weeks	3-4 doses with last dose on/after 1 st birthday OR 2 doses if first dose is administered at age 12 - 14 months and doses are at least 8	3 doses *** OR 1 dose within the last 8 weeks	1 dose	1 dose A medical professional history of disease may be accepted in lieu of receiving vaccine.	3-4 doses with last dose on/after 1 st birthday OR 1 dose on/after 24 months of age if no prior doses OR 2 doses on/after 1 st birthday Not required on/after 5th birthday	2 doses with one dose on or after 1st birthday and at least 6 months from first dose

	birthday		weeks apart OR 1 dose on/after 15 months of age if no prior doses Not required on/after 5th birthday					
--	----------	--	---	--	--	--	--	--

*5th DTaP/DTP/DT (Pre-school dose) must be given on/after the child's 4th birthday. Interval between 4th DTaP/DTP/DT and 5th DTaP/DTP/DT should be at least 6 months. If a child is currently ≥ 49 months of age and does not meet the above criteria or is in process within 15 days, they are not up-to-date and should be scheduled for immunization.

** For Hib and Pneumococcal, children receiving the first dose of vaccine at age 7 months or older require fewer doses to complete the series.

*** 3rd dose of hepatitis B should be given at least 8 weeks after the 2nd dose, at least 16 weeks after the 1st dose, and it should not be administered before the child is 24 weeks of age.

**** Vaccine doses administered up to 4 days before the minimum interval or minimum age can be counted as valid for doses already administered. Exception: The minimum interval between doses of live vaccines (such as MMR and Varicella) must be 28 days.

*****A medical professional is a medical doctor (MD), advanced practice nurse (APN), doctor of osteopathy (DO), or physician assistant (PA). No self or parental history of disease will be accepted.

TABLE II: KINDERGARTEN THROUGH GRADE TWELVE IMMUNIZATION REQUIREMENTS*

Vaccine ► ----- Grade ▼	Diphtheria, Tetanus, Pertussis (DTP/DT/Td/DT aP/Tdap)	Polio (OPV – Oral or IPV – Inactivated)	MMR*** ** (Measles, Mumps, and Rubella)	Hep B	Meningococcal (MCV4)	Varicella	Hepatitis A
Kindergarten	4 doses (with 1 dose on or after 4 th birthday)	3 doses (with 1 dose on or after 4 th birthday and a minimum interval of 6 months between the 2 nd and 3 rd dose) OR 4 doses with 1 dose on or after 4 th birthday and a minimum interval of 6 months between the 3 rd and 4 th dose	2 doses (with dose 1 on or after 1 st birthday and dose 2 at least 28 days after dose 1)	3 doses	None	2 doses (with dose 1 on or after 1 st birthday and dose 2 at least 28 days after dose 1) *****A medical professional history of disease may be accepted in lieu of receiving vaccine.	1 dose on or after 1 st birthday
Grades 1 – 12	4 doses (with 1 dose on or after 4 th birthday) AND 1 dose of Tdap for ages 11 years (as of September 1 st each year) and older OR 3 doses***** for persons 7 years of age or older who are not fully vaccinated (including persons who cannot document prior vaccination)	3 doses doses (with 1 dose on or after 4 th birthday with a minimum interval of 6 months between the 2 nd and 3 rd dose) OR 4 doses with 1 dose on or after 4 th birthday and a minimum interval of 6 months between the 3 rd and 4 th dose	2 doses (with dose 1 on or after 1 st birthday and dose 2 at least 28 days after dose 1)	2** or 3*** doses (11-15 year olds could be on a 2- dose schedule)	Second dose at age 16 years (as of September 1 st each year) with a minimum interval of 8 weeks since 1 st dose OR 1 dose if not vaccinated prior to age 16 years (If first dose is administered at age 16 years or older, no second dose required.)	2 doses (with dose 1 on or after 1 st birthday and dose 2 at least 28 days after dose 1) OR *****A medical professional history of disease may be accepted in lieu of receiving vaccine.	Grade 1 only: 1 dose on or after 1 st birthday

Vaccine ► Grade ▼	Diphtheria, Tetanus, Pertussis (DTP/DT/Td/DT aP/Tdap)	Polio (OPV – Oral or IPV – Inactivated)	MMR*** ** (Measles, Mumps, and Rubella)	Hep B	Meningococcal (MCV4)	Varicella	Hepatitis A
Grade 7	<p>4 doses (with 1 dose on or after 4th birthday)</p> <p>AND</p> <p>1 dose of Tdap ****</p> <p>OR</p> <p>3 doses***** for persons 7 years of age or older who are not fully immunized (including persons who cannot document prior vaccination)</p>	<p>3 doses (with 1 dose on or after 4th birthday with a minimum interval of 6 months between the 2nd and 3rd dose)</p> <p>OR</p> <p>4 doses with 1 dose on or after 4th birthday and a minimum interval of 6 months between the 3rd and 4th dose</p>	<p>2 doses (with dose 1 on or after 1st birthday and dose 2 at least 28 days after dose 1)</p>	<p>2** or 3*** doses (11-15 year olds could be on a 2- dose schedule)</p>	<p>1 dose</p>	<p>2 doses (with dose 1 on or after 1st birthday and dose 2 at least 28 days after dose 1) OR *****A medical professional history of disease may be accepted in lieu of receiving vaccine.</p>	<p>None</p>

*Doses of vaccine required for school entry may be less than the number of doses required for age-appropriate immunization.

**An alternative two-dose hepatitis B schedule for 11-15 year-old children may be substituted for the three-dose schedule. Only a FDA-approved alternative regimen vaccine for the two-dose series may be used to meet this requirement. If you are unsure if a particular child's two-dose schedule is acceptable, please contact the Immunization Section for assistance at 501-661-2169.

*** 3rd dose of hepatitis B should be given at least 8 weeks after the 2nd dose, at least 16 weeks after the 1st dose, and it should not be administered before the child is 24 weeks (168 days) of age. (All 3rd doses of hepatitis B vaccine given earlier than 6 months of age before 6/21/96 are valid doses and should be counted as valid until 6/21/2014.)

**** Tdap vaccine can be administered regardless of the interval since the last tetanus and diphtheria toxoid-containing vaccine.

***** Exception: If a student has previously received two doses of measles, one dose of mumps and one dose of rubella before January 1, 2010, the doses will be accepted as compliant to immunization requirements and 2 MMRs are not required.

*****A medical professional is a medical doctor (MD), advanced practice nurse (APN), doctor of osteopathy (DO), or physician assistant (PA). No self or parental history of disease will be accepted.

***** For unvaccinated persons 7 years of age and older (including persons who cannot document prior vaccination), the primary series is 3 doses. The first two doses should be separated by at least 4 weeks, and the third dose at least 6 months after the second. One of these doses (preferably the first) should be administered as Tdap and the remaining two doses administered as Td.

CHAPTER 09 - CHILD CARE RULES

EFFECTIVE NOVEMBER 1, 2024

SECTION .0100 - DEFINITIONS

10A NCAC 09 .0101 RESERVED FOR FUTURE CODIFICATION

10A NCAC 09 .0102 DEFINITIONS

The terms and phrases used in this Chapter are defined as follows:

- (1) ~~"Activity area" means a space that is accessible to children and where related equipment and materials are kept in accordance with G.S. 110-91(12).~~
- (2) "Agency" as used in this Chapter means Division of Child Development and Early Education, Department of Health and Human Services located at 333 Six Forks Road, Raleigh, North Carolina 27609.
- (3) "Appellant" means the person or persons who request a contested case hearing.
- (4) "Asbestos hazard" means a condition that results in exposure to asbestos in excess of the standards set forth in 10A NCAC 41C .0607(a) or to a category of asbestos containing material defined at 40 C.F.R. 763.88(b)(1)-(6).
- (5) "Basic School-Age Care" training (BSAC training) means the training on the elements of quality afterschool care for school-age children, developed by the North Carolina State University Department of 4-H Youth Development and subsequently revised by the North Carolina School-age Quality Improvement Project.
- (6) "Biocontaminant" means blood, bodily fluids, or excretions that may spread infectious disease.
- (7) "Child Care Center" means an arrangement where, at any one time, there are three or more preschool-age children or nine or more school-age children receiving child care. This does not include arrangements described in Item (18) of this Rule regarding Family Child Care Homes.
- (8) "Child Care Facility" means child care centers, family child care homes, and any other child care arrangement not excluded by G.S. 110-86(2) that provides child care, regardless of the time of day, wherever operated, and whether or not operated for profit.
- (9) "Child care provider" as defined by G.S. 110-90.2(a)(2) includes the following employees who have contact with the children in a child care program:
 - (a) facility directors;
 - (b) child care administrative staff;
 - (c) teachers;
 - (d) teachers' aides;
 - (e) substitute providers;
 - (f) uncompensated providers;
 - (g) cooks;
 - (h) maintenance personnel; and
 - (i) drivers.
- (10) "Child Development Associate Credential" means the national early childhood credential administered by the Council for Early Childhood Professional Recognition.
- (11) "Curriculum" means a curriculum that has been approved as set forth in these Rules by the NC Child Care Commission as comprehensive, evidenced-based, and with a reading component.
- (12) "Developmentally appropriate" means suitable to the chronological age range and developmental characteristics of a specific group of children.
- (13) "Division" means the Division of Child Development and Early Education within the Department of Health and Human Services.
- (14) ~~"Domains" means the developmental areas of learning described in the North Carolina Foundations for Early Learning and Development © 2013, available on the Division's website at https://ncechildcare.nc.gov/providers/pv_foundations.asp. This instrument is incorporated by reference and does not include subsequent editions. The domains address children's emotional and social development, health and physical development, approaches to play and learning, language development, and communication and cognitive development.~~
- (15) ~~"Drop-in care" means a child care arrangement where children attend on an intermittent, unscheduled basis.~~

Commented [SV1]: School Age Rules Edits made throughout. Justification noted in Comments.

Commented [SV2]: This definition could be deleted since activity areas are specific for preschool and different for school-age.

Commented [SV3]: May not be necessary to define for school-age care. This credential is specific to ages 0-5.

Commented [SV4]: Offer alternative definition for school age: A planned set of activities and experiences consistent with the developmental needs of school-age children.

Commented [SV5]: Not applicable to School-Age child care.

Commented [SV6]: Not necessary to define for school age licensing requirements.

(16) ~~"Early Childhood Environment Rating Scale—Revised Edition" (Harms, Clifford, and Cryer, 2005, published by Teachers College Press, New York, NY) is the instrument used to evaluate the quality of care received by a group of children in a child care center, when the majority of children in the group are two and a half years old through five years old, to achieve three or more points for the program standards of a rated license. This instrument is incorporated by reference and does not include subsequent editions. A copy of the scale is available for purchase on the Teachers College Press website at https://www.tcpres.com/search?search_term=assessment+materials. The cost of this scale is twenty-five dollars and ninety-five cents (\$25.95). A copy of this instrument is on file at the Division at the address given in Item (2) of this Rule and is available for public inspection during regular business hours. For the purposes of this Rule, "regular business hours" for the Division means 8 a.m. to 5 p.m. during weekdays, excluding state holidays.~~

(17)(14) "Experience working with school-age children" means working with school-age children as a child care administrator, program coordinator, group leader, assistant group leader, lead teacher, teacher or aide.

(18)(15) ~~"Family Child Care Environment Rating Scale – Revised Edition" (Harms, Cryer and Clifford, 2007, published by Teachers College Press, New York, NY) is the instrument used to evaluate the quality of care received by children in family child care homes to achieve three or more points for the program standards of a rated license. This instrument is incorporated by reference and does not include subsequent editions. A copy of the scale is available for purchase on the Teachers College Press website at https://www.tcpres.com/search?search_term=assessment+materials. The cost of this scale is twenty-five dollars and ninety-five cents (\$25.95). A copy of this instrument is on file at the Division at the address given in Item (2) of this Rule and is available for public inspection during regular business hours.~~

(19)(16) ~~"Family Child Care Home" means a child care arrangement located in a residence where, at any one time, more than two children, but less than nine children, receive child care. Family child care home operators must reside at the location of the family child care home.~~

(20)(17) "First aid kit" is a collection of first aid supplies (such as bandages, tweezers, disposable nonporous gloves, micro shield or face mask, liquid soap, cold pack) for treatment of minor injuries or stabilization of major injuries.

(21)(18) "Group" means the children assigned to a specific caregiver or caregivers, to meet the staff/child ratios set forth in G.S. 110-91(7) and in this Chapter, using space the Division has identified for each group.

(22)(19) "Health care professional" means:

- (a) a physician licensed in North Carolina;
- (b) a nurse practitioner approved to practice in North Carolina; or
- (c) a licensed physician assistant.

(23) ~~"Household member" means a person who resides in a family home as evidenced by factors including maintaining clothing and personal effects at the household address, receiving mail at the household address, using identification with the household address, or eating and sleeping at the household address on a regular basis.~~

(24)(20) "If weather conditions permit" means:

- (a) temperatures that fall within the guidelines developed by the Iowa Department of Public Health and specified on the Child Care Weather Watch chart. These guidelines shall be used when determining appropriate weather conditions for taking children outside for outdoor learning activities and playtime. This chart may be downloaded free of charge from <http://idph.iowa.gov/Portals/1/Files/HCCI/weatherwatch.pdf>; and is incorporated by reference and includes subsequent editions and amendments;
- (b) following the air quality standards as set out in 15A NCAC 18A .2832(d). The Air Quality Color Guide can be found on the Division's web site at <https://www.deq.nc.gov/mitigation-services/publicfolder/library/news/brochures/air-quality-color-guide/download>; and
- (c) no active precipitation. Caregivers may choose to go outdoors when there is active precipitation if children have appropriate clothing such as rain boots and rain coats, or if they are under a covered area.

(25) ~~"Infant" means any child from birth through 12 months of age.~~

Commented [SV7]: Applicable only to children 0-5

Commented [SV8]: Unsure if this is necessary for school-age child care. Is it common to have Family Child Care Homes that focus on school-age care?

Commented [SV9]: Not necessary to define for School-Age care.

Commented [SV10]: GS110-91(7) does not mention ratios for school-age care.

Commented [SV11]: Not necessary to define for School-Age child care.

Commented [SV12]: Unnecessary to define for school age care.

- (26) ~~"Infant/Toddler Environment Rating Scale—Revised Edition" (Harms, Cryer, and Clifford, 2003, published by Teachers College Press, New York, NY) is the instrument used to evaluate the quality of care received by a group of children in a child care center, when the majority of children in the group are younger than 30 months old, to achieve three or more points for the program standards of a rated license. This instrument is incorporated by reference and does not include subsequent editions. A copy of the scale is available for purchase on the Teachers College Press website at http://www.tepress.com/search?search_term=assessment+materials. The cost of this scale is twenty-five dollars and ninety-five cents (\$25.95). A copy of this instrument is on file at the Division at the address given in Item (2) of this Rule and is available for public inspection during regular business hours.~~
- (27) ~~"ITS-SIDS Training" means the Infant/Toddler Safe Sleep and SIDS Risk Reduction Training developed by the NC Healthy Start Foundation and administered by the North Carolina Child Care Health and Safety Resource Center for the Division of Child Development and Early Education for caregivers of children ages 12 months and younger. Information regarding trainer and training availability can be found on the Division's website at http://ncchildcare.ncdhhs.gov/providers/pv_itsidsproject.asp.~~
- (28)(21) ~~"Lead Teacher" means an individual who is responsible for planning and implementing the daily program of activities for a group of children in a child care facility. A lead teacher is counted in staff/child ratio, has unsupervised contact with children, and is monetarily compensated by the facility.~~
- (29)(22) ~~"Licensee" means the person or entity that is granted permission by the State of North Carolina to operate a child care facility. The owner of a facility is the licensee.~~
- (30)(23) ~~"Lockdown drill" means an emergency safety procedure in which occupants of the facility remain in a locked indoor space and is used when emergency personnel or law enforcement determine a dangerous person is in the vicinity.~~
- (31)(24) ~~"North Carolina Early Childhood Administration Credential" means the state early childhood administration credential that is based on completion of required early childhood coursework taken at any NC Community College. Other post-secondary curriculum coursework shall be approved as equivalent if the Division determines that the content of the other post-secondary curriculum coursework offered is substantially equivalent to the NC Early Childhood Administration Credential Coursework. A copy of the North Carolina Early Childhood Administration Credential requirements is on file at the Division at the address given in Item (2) of this Rule and is available for public inspection or copying at no charge during regular business hours. This information can be found on the Division's website at <http://ncchildcare.ncdhhs.gov/providers/credent.asp>.~~
- (32)(25) ~~"North Carolina Early Educator Certification (certification)" is an acknowledgement of an individual's verified level of educational achievement based on a standardized scale. The North Carolina Institute for Child Development Professionals certifies individuals and assigns a certification level on two scales:~~
- (a) ~~the Early Care and Education Professional Scale (ECE Scale) in effect as of July 1, 2010;~~
 - ~~or~~
 - (b) ~~the School Age Professional Scale (SA Scale) in effect as of May 19, 2010. Each scale reflects the amount of education earned in the content area pertinent to the ages of children served. The ECE Scale is designed for individuals working with or on behalf of children ages birth to five. The SA Scale is designed for individuals working with or on behalf of children ages 5 to 12 who are served in school age care settings. Information on the voluntary certification process can be found on the North Carolina Institute for Child Development Professionals website at <http://ncicdp.org/certification-licensure/eec-overview/>.~~
- (33)(26) ~~"North Carolina Early Childhood Credential" means the state early childhood credential that is based on completion of required early childhood coursework taken at any North Carolina Community College. Other equivalences shall be approved by the Division if the Division determines that the content of other coursework or other pathways are substantially equivalent to the North Carolina Early Childhood Credential coursework. Substantially equivalent coursework shall include, but not be limited to:~~

Commented [SV13]: Unnecessary to define for school age care.

Commented [SV14]: Unnecessary to define for school age care.

Commented [SV15]: Unnecessary to define for school age care.

- (a) a currently active Child Development Associate Credential from the Council for Professional Recognition, a Certified Child Care Professional Credential from the National Early Childhood Program Accreditation, or a Montessori Credential from any of the Montessori Accreditation Council for Teacher Education, American Montessori Society, National Center for Montessori Education, or Association Montessori Internationale; or
- (b) a passing score on a test developed by the early childhood faculty of the North Carolina Community College System designed to demonstrate an individual's mastery of the concepts taught in early childhood coursework taken at any North Carolina community college.

A copy of the North Carolina Early Childhood Credential requirements is on file at the Division at the address given in Item (2) of this Rule and is available for public inspection or copying at no charge during regular business hours. This information can be found on the Division's website at <http://ncchildcare.ncdhhs.gov/providers/credent.asp>.

- ~~(34)~~(27) "Operator" means the owner, director, or other person having responsibility for operation of a child care facility subject to licensing.
- ~~(35)~~(28) "Owner" means any person with a five percent or greater equity interest in a child care facility; however, stockholders of corporations who own child care facilities shall not be subject to mandatory criminal history checks pursuant to G.S. 110-90.2 unless they are a child care provider.
- ~~(36)~~(29) "Parent" means a child's parent, legal guardian, or full-time custodian.
- ~~(37)~~(30) "Passageway" means a hall or corridor.
- ~~(38)~~(31) "Person" means any individual, trust, estate, partnership, corporation, joint stock company, consortium, or any other group, entity, organization, or association.
- ~~(39)~~(32) "Premises" means the entire child care building and grounds including natural areas, outbuildings, dwellings, vehicles, parking lots, driveways and other structures located on the property.
- ~~(40) "Preschooler" or "preschool-age child" means any child who is at least three years of age and does not fit the definition of school-age child in this Rule.~~
- ~~(41) "Reside" refers to any person that lives at a child care facility location. Factors for determining residence include:~~
 - ~~(a) use of the child care facility address as a permanent address for personal identification or mail delivery;~~
 - ~~(b) use of the child care facility to store personal belongings such as furniture, clothing, and toiletry items; and~~
 - ~~(c) names listed on official documents such as criminal records or property tax records.~~
- ~~(42)~~(33) "School-Age Care Environment Rating Scale, Updated Edition" (Harms, Jacobs, and White, 2014, published by Teachers College Press) is the instrument used to evaluate the quality of care received by a group of children in a child care center, when the majority of the children in the group are older than five years, to achieve three or more points for the program standards of a rated license. This instrument is incorporated by reference and does not include subsequent editions. A copy of the scale is available for purchase on the Teacher College Press website at https://www.tcpress.com/search?search_term=assessment+materials. The cost of this scale is twenty-five dollars and ninety-five cents (\$25.95). A copy of this instrument is on file at the Division at the address given in Item (2) of this Rule and is available for public inspection during regular business hours.
- ~~(43)~~(34) "School-age child" means any child who is attending or who has attended a public or private grade school or kindergarten and meets age requirements as specified in G.S. 115C-364.
- ~~(44)~~(35) "Seasonal Program" means a recreational program as set forth in G.S. 110-86(2)(b).
- ~~(45)~~(36) "Shelter-in-Place drill" means staying in place to take shelter rather than evacuating. It involves selecting a small interior room, with no or few windows, and used when emergency personnel or law enforcement determine there is a threat.
- ~~(46)~~(37) "Staff" or "staff member" as used in this Chapter includes child care providers, substitute providers, and uncompensated providers. Volunteers, as defined in this Rule, are not staff members.
- ~~(47)~~(38) "Substitute provider" means any person who temporarily assumes the duties of a staff person for a time period not to exceed two consecutive months and may or may not be monetarily compensated by the facility. Any substitute provider must be at least 18 years of age and literate.

Commented [SV16]: Unsure if this is necessary to define for school age care.

Commented [SV17]: Unnecessary to define for school age care.

Commented [SV18]: Unnecessary to define for School-Age Child Care.

Commented [SV19]: This tool is 11 years old now and does not perform well as an assessment tool for After School Child Care being implemented in school buildings.

- (48)(39) "Teacher" means an individual who assists the Lead Teacher in planning and implementing the daily program of activities for a group of children in a child care facility. A teacher is counted in staff/child ratio, has unsupervised contact with children, and is monetarily compensated by the facility.
- (49)(40) "Teacher's aide" or "Aide" means a person who assists the lead teacher or the teacher in planning and implementing the daily program. A teacher's aide shall be at least 16 years old and less than 18 years old, shall be literate, and may count in staff/child ratio as long as there is also a credentialed staff person who is at least 21 years of age present in the room and available to respond to the needs of the teacher's aide and children in care.
- (50) ~~"Toddler" means any child ages 13 months to 35 months of age.~~
- (51)(41) "Track-Out Program" means any child care provided to school-age children when they are out of school on a year-round school calendar.
- (52)(42) "Uncompensated provider" means a person who works in a child care facility and is counted in staff/child ratio or has unsupervised contact with children, but who is not monetarily compensated by the facility. Any uncompensated provider must be at least 18 years of age and literate.
- (53)(43) "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. A person who is at least 13 years of age, but less than 16 years of age, may work on a volunteer basis, as long as he or she is supervised by and works with a staff person who is at least 21 years of age and meets staff qualification requirements.

Commented [SV20]: The YMCA employs youth staff 16-years of age that we want to be able to have count toward ratios as long as there is a teacher 18-years of age or older within earshot to assist as needed.

Commented [SV21]: Unnecessary to define for school age care.

History Note: Authority G.S. 110-85; 110-88; 110-90.2; 143B-168.3; 45 CFR 98.41; S.L. 2021-180; S.L. 2022-71;
Eff. January 1, 1986;
Amended Eff. April 1, 1992; October 1, 1991; October 1, 1990; November 1, 1989;
Temporary Amendment Eff. January 1, 1996;
Amended Eff. March 1, 2015; May 1, 2013; September 1, 2012; July 3, 2012; July 1, 2012;
November 1, 2007; May 2006; May 1, 2004; April 1, 2003; July 1, 2000; April 1, 1999; July 1, 1998; April 1, 1997;
Readopted Eff. October 1, 2017;
Amended Eff. January 1, 2024; July 1, 2023; February 1, 2022; February 1, 2021; September 1, 2019.

SECTION .0200 - GENERAL REQUIREMENTS

10A NCAC 09 .0201 INSPECTIONS OF CHILD CARE FACILITIES

The Division shall visit and inspect all child care facilities to ensure compliance with G.S 110, Article 7 and 10A NCAC 09.

- (1) The Division shall make at least one unannounced visit annually to ensure compliance with the licensure statutes and as identified in this Rule.
- (2) The Division shall make an unannounced visit when the Division receives a complaint alleging a violation of licensure statutes or rules or if the Division has cause to believe an emergency exists at the facility in accordance with G.S. 110-105.
- (3) The Division shall conduct an announced visit prior to the initial issuance of a license. The prospective licensee shall be notified in advance about the visit.
- (4) This Rule shall not apply to the investigation of child care facilities that are operating without a license in violation of the statute.

History Note: Authority G.S. 110-105; 143B-168.3;
Eff. January 1, 1986;
Amended Eff. July 1, 1998;
Readopted Eff. October 1, 2017.

10A NCAC 09 .0202 RESERVED FOR FUTURE CODIFICATION

10A NCAC 09 .0203 RESERVED FOR FUTURE CODIFICATION

10A NCAC 09 .0204 CHANGES REQUIRING ISSUANCE OF A NEW LICENSE FOR A CHILD CARE CENTER

(a) When the ownership of a child care center changes, the prospective new owner shall apply for a new license in accordance with Rule .0403 of this Chapter at least 30 days before acquiring ownership of the center. A child care center license shall not be bought, sold, or transferred by one person or entity to another.

(b) When a licensed child care center is to be moved from one location to another, the licensee shall apply for and receive a license for the new location before the licensee provides child care services at the new location. A child care center license shall not be transferable from one location to another.

(c) When a licensee desires to change the licensed capacity of a center, the licensee shall notify the Division of the following:

- (1) If the licensee wishes to increase the licensed capacity by using space not currently approved for child care, the licensee shall obtain inspections of the unapproved space by the local health, building, and fire inspectors in accordance with G.S. 110-91(1), (4), and (5). Once the licensee documents that the unlicensed space conforms to all applicable sanitation, building, and fire standards, and if all applicable requirements of G.S. 110, Article 7 and this Chapter are met, the Division shall issue a new license to reflect the increase in licensed capacity.
- (2) If a licensee wishes to increase the center's licensed capacity by using space that is already approved for child care, the Division shall, upon request, issue a new license showing the increase in accordance with applicable requirements of G.S. 110, Article 7 and this Chapter.
- (3) If a licensee wishes to decrease the center's licensed capacity, the Division shall, upon request, issue a new license reflecting the decrease.

(d) When a licensee decides to conform with requirements in order to remove a restriction on the age or number of children who can be served in the center, the licensee shall arrange for inspections of the center by the Division and the local health, building, and fire inspectors in accordance with G.S. 110-91(1), (4), and (5). Once the licensee submits documentation that the center conforms to all applicable sanitation, building, and fire standards, and if all applicable requirements of G.S. 110, Article 7 and this Chapter are met, the Division shall issue a new license without the restriction.

History Note: Authority G.S. 110-88(8); 110-93; 143B-168.3;
Eff. January 1, 1986;
Amended Eff. July 1, 1998; July 1, 1988; January 1, 1987;
Readopted Eff. October 1, 2017.

10A NCAC 09 .0205 ACCESS TO CHILD CARE CENTER

(a) The parent of a child enrolled in a child care center shall be allowed access to the center during its operating hours for the purposes of contacting the child or evaluating caregiving space at the center and the care provided by the center for the child. The parent shall notify the on-site administrator of his or her presence upon entering the premises.

(b) Parents subject to court orders related to custody of a child enrolled in a child care center shall only be allowed access to the center in accordance with the court order.

(c) The child care operator shall not knowingly permit a person on the premises of a child care center who has been convicted of a "reportable conviction" as defined in G.S. 14-208.6(4).

History Note: Authority G.S. 110-85; 110-91; 143B-168.3;
Eff. July 1, 1988;
Amended Eff. July 1, 1998; November 1, 1989;
Readopted Eff. October 1, 2017.

10A NCAC 09 .0206 CAPACITY OF THE CENTER

History Note: Authority G.S. 110-88(1a); 110-91(6); 143B-168.3;
Eff. January 1, 1991;
Amended Eff. July 1, 1998;
Pursuant to G.S. 150B-21.3A, rule Expired June 1, 2015.

10A NCAC 09 .0207 SCHOOL-AGE CHILDREN OF THE OPERATOR

History Note: Authority G.S. 110-86(3); 143B-168.3;
Eff. October 1, 1991;
Repealed Eff. July 1, 1998.

SECTION .0300 - PROCEDURES FOR OBTAINING A LICENSE

10A NCAC 09 .0301 PRE-LICENSING REQUIREMENTS FOR CHILD CARE CENTERS

- (a) A prospective licensee who has not previously operated a child care center in North Carolina shall attend a pre-licensing workshop provided by the Division before the Division schedules a pre-licensing visit. This includes persons seeking to operate a child care center pursuant to a Notice of Compliance. A schedule of these workshops provided by the Division may be found online at http://ncchildcare.dhhs.state.nc.us/pdf_forms/prelicworkshop.pdf.
- (b) Prospective licensees shall download, complete, and submit the pre-licensing registration form to the Division. The pre-licensing registration form contains demographic information and workshop location preferences. The pre-licensing registration form may be found online at http://ncchildcare.dhhs.state.nc.us/pdf_forms/prelicworkshop.pdf.
- (c) Upon completion of the pre-licensing workshop the prospective licensee shall submit an application for a license to the Division. The application can be found online at http://ncchildcare.nc.gov/PDF_forms/FacilityProfileApp.pdf.
- (d) Upon receipt of the child care application the Division shall contact the prospective licensee to discuss Rule 10A NCAC 09 .0302. A pre-licensing visit will be scheduled with the prospective licensee, when they are ready to demonstrate compliance with G.S. 110, Article 7 and this Chapter.

History Note: Authority G.S. 110-88(1); 110-88(5); 143B-168.3;
Eff. January 1, 1986;
Amended Eff. January 1, 2006; July 1, 1998;
Readopted Eff. October 1, 2017.

10A NCAC 09 .0302 APPLICATION FOR A LICENSE FOR A CHILD CARE CENTER

(a) An application for a license for a child care center shall be submitted on the form provided by the Division, which may be found online at http://ncchildcare.ncdhhs.gov/PDF_forms/FacilityProfileApp.pdf. The application for a child care center license shall include the following information:

- (1) owner name;
- (2) center name, address, phone number, and location address;
- (3) center contact information;
- (4) requested age range of children in the child care center;
- (5) hours of operation;
- (6) type of care to be provided;
- (7) type of building;
- (8) type of center;
- (9) proposed opening date;
- (10) proposed number of children to be served;
- (11) type of business operation;
- (12) history of operation or licensing of child care facilities; and
- (13) signature of applicant of either:
 - (A) the individual who will be responsible for the operation of the center and for assuring compliance with G.S. 110, Article 7 and this Chapter; or
 - (B) an officer of an entity who will be responsible for the operation of the center and for ensuring compliance with G.S. 110, Article 7 and this Chapter.

Upon receipt of the application, the Division shall assess the information provided to determine if the prospective licensee may be denied a license for one or more of the reasons set forth in 10A NCAC 09 .2215.

~~(b) Any building and grounds which are currently approved for school occupancy and which house a public or private elementary or middle school shall be deemed to have met the space and equipment, sanitation, fire, and building code requirements for a licensed child care facility when the building and grounds are serving the same, or a subset of the same, school-age children in an out-of-school child care program.~~

(b) In addition to the application, an applicant shall submit the following documentation:

- (1) the required criminal background check qualification letter as set forth in 10A NCAC 09 .2703;
- (2) ~~inspection reports required by~~ If a center does not conform with a building, fire, or sanitation standard, the Division shall accept an inspector's determination that equivalent, alternative

Formatted: Numbered + Level: 1 + Numbering Style: a, b, c, ... + Start at: 1 + Alignment: Left + Aligned at: -0.1" + Indent at: 0.15"

Commented [SV22]: Inserted language from H412

|

protection is provided;

~~(3) measurements of all rooms to be used for child care and a sketch of the center's floor plan, including ceiling height, location of bathrooms, doors, and required exits; and When a licensed child care provider operates within a public or private school building, the provider is not required to submit a floor plan sketch showing ceiling heights, bathroom locations, or required exits as part of the child care licensure application, provided that the building is already approved for educational use and maintains a valid certificate of occupancy for its intended purpose.~~

~~(4)~~(2) written information to verify compliance with G.S. 110, Article 7 and the Rules in this Chapter as follows:

- (A) emergency medical plan;
- (B) activity plans;
- (C) discipline policy;
- (D) incident reports; and
- (E) incident logs.

(c) During the pre-licensing visits, the applicant or the operator shall be able to describe the plans for the daily program, including room arrangement, staffing patterns, equipment, and supplies, in sufficient detail to show that the center shall comply with applicable requirements for activities, equipment, and staff-child ratios for the capacity of the center and type of license requested.

(d) During the pre-licensing visit the applicant shall have the following available for review pursuant to 10A NCAC 09 .0304(g) available in hard copy or accessible and printable from an online location:

- (1) staff records that include:
 - (A) an application for employment and date of birth;
 - (B) documentation of education, training, and experience;
 - (C) medical and health records;
 - (D) documentation of staff orientation, participation in training, and staff development activities; and
 - (E) required criminal history background check documentation;
- (2) children's records that include an application for enrollment, medical and immunization records, and permission to seek emergency medical care;
- (3) daily attendance records;
- (4) daily records of arrival and departure times at the center for each child which shall be maintained as children arrive and depart;
- (5) records of monthly fire drills documenting the date and time of each drill, the length of time taken to evacuate the building, and the signature of the person who conducted the drill as required by NC Fire Code 405.5; A copy of the form may be found on the Division's website at http://ncchildcare.ncdhhs.gov/pdf_forms/EPR_EmergencyDrillLog_Centers.pdf;
- ~~(6)~~ records of monthly playground inspections documented on a checklist provided by the Division; A copy of the form may be found on the Division's website at http://ncchildcare.ncdhhs.gov/pdf_forms/playground.pdf; For school-age child care programs operated within a public or private school building, documentation of playground inspections conducted by the school shall be deemed sufficient to meet the playground inspection requirements provided that such documentation is current and available for review.
- ~~(7)~~(6) records of administered medications;
- ~~(8)~~(7) records of lockdown or shelter-in-place drills as defined in 10A NCAC 09 .0102, giving the date each drill was held, the time of day, the length of time taken to get into designated locations and the signature of the person who conducted the drill. A copy of the form may be found on the Division's website at https://ncchildcare.ncdhhs.gov/pdf_forms/EPR_EmergencyDrillLog_Centers.pdf; and
- ~~(9)~~(8) an electronic mail address for the center.

(e) The Division shall make one or more inspections of the center and premises to assess compliance with all applicable licensure statutes and rules and either:

- (1) issue a single license for the address of the center if all applicable requirements of G.S. 110, Article 7 and this Section are met;
- (2) issue a provisional license pursuant to 10A NCAC 09 .2204; or
- (3) deny the application in accordance with 10A NCAC 09 .2215.

History Note: Authority G.S. 110-85; 110-86; 110-88(2); 110-88(5); 110-91; 110-91(1), (4) and (5); 110-92;

Commented [SV23]: Unnecessary if the school building is already in use for school children during the school day.

Commented [SV24]: On school locations makes having physical copies of all of these documents nearly impossible and not secure. Allowing school age sites to have electronic records ensures privacy, security, and accessibility.

Commented [SV25]: School age programs need to be able to use existing playground inspections conducted by the school.

110-93; 110-99; 143B-168.3;
Eff. January 1, 1986;
Amended Eff. July 1, 2015; March 1, 2014; August 1, 2011; July 1, 2010; April 1, 2003; April 1,
2001; July 1, 1998; January 1, 1996; November 1, 1989; July 1, 1988; January 1, 1987;
Readopted Eff. October 1, 2017;
Amended Eff. February 1, 2021; September 1, 2019.

10A NCAC 09 .0303 RESERVED FOR FUTURE CODIFICATION

10A NCAC 09 .0304 ON-GOING REQUIREMENTS FOR A LICENSE

(a) Each operator shall schedule and obtain a fire inspection within 12 months of the center's previous fire inspection. The operator shall notify the local fire inspector when it is time for the center's annual fire inspection. The operator shall submit the original of the approved annual fire inspection report to the Division within one week of the inspection visit on the form provided by the Division.

(b) Each center shall be inspected annually by an Environmental Health Specialist and receive an approved or superior rating in accordance with applicable sanitation requirements adopted by the Commission for Public Health as described in 15A NCAC 18A .2800.

~~(c)~~ A new building inspection shall not be required unless the operator plans to begin using space not previously approved for child care, has made renovations to the building, has added new construction, or wants to remove any restriction related to building codes on the permit.

~~(e)(d)~~ Any building and grounds which are currently approved for school occupancy and which house a public or private elementary or middle school shall be deemed to have met the space and equipment, sanitation, fire, and building code requirements for a licensed child care facility when the building and grounds are serving the same, or a subset of the same, school-age children in an out-of-school child care program.

~~(d)(e)~~ When the Division documents noncompliance with G.S. 110, Article 7 or this Chapter during a visit, the Division may do any one or more of the following:

- (1) require the operator to notify the Division in writing when the noncompliance has been corrected;
- (2) return to the center for an unannounced visit to determine whether the noncompliance has been corrected; or
- (3) take any administrative action in accordance with G.S. 110, Article 7 or 10A NCAC 09 .2200.

~~(e)(f)~~ The Division shall calculate the visit compliance score by taking the total possible points for items monitored at a visit and calculating the percentage of compliance based upon the actual points awarded. The compliance history of a center shall be calculated by averaging each visit compliance score over the previous 18 months. Points shall be awarded for compliance with items monitored as follows:

- (1) supervision of children (6 points);
- (2) staff/child ratio (6 points);
- (3) staff qualifications and training (2 to 5 points);
- (4) health and safety practices (3 to 6 points);
- (5) discipline (6 points);
- (6) developmentally appropriate activities (2 to 4 points);
- (7) adequate space (6 points);
- (8) nutrition and feeding practices (1 to 3 points);
- (9) program records (1 to 3 points); and
- (10) transportation (1 to 3 points), if applicable.

~~(f)(g)~~ A sample of the Division's compliance history score sheet can be viewed online at http://ncchildcare.nc.gov/PDF_forms/Compliance_History_Sample_415.pdf.

~~(g)(h)~~ Each center shall maintain records as described in 10A NCAC 09 .0302(d) and shall make them available to the Division for review.

History Note: Authority G.S. 110-85; 110-88(5); 110-93; 143B-168.3; 150B-3;
Eff. July 1, 1998;
Amended Eff. July 1, 2010; May 1, 2006;
Readopted Eff. October 1, 2017;
Amended Eff. June 1, 2018.

10A NCAC 09 .0305 REQUIREMENTS FOR A ONE-STAR RATED LICENSE FOR A CHILD CARE CENTER

History Note: Authority G.S. 110-90; 110-91; 143B-168.3;
Eff. April 1, 1999;
Amended Eff. May 1, 2006;
Pursuant to G.S. 150B-21.3A, rule Expired June 1, 2015.

SECTION .0400 - ISSUANCE OF PROVISIONAL AND TEMPORARY LICENSES

Commented [SV26]: Inserted H412 language here to eliminate confusion about need for the school age program to duplicate inspections beyond what the school must undergo to remain open as a public school.

10A NCAC 09 .0401 PROVISIONAL LICENSES FOR FACILITIES

History Note: Authority G.S. 110-88(6); 110-99; 143B-168.3;
Eff. January 1, 1986;
Amended Eff. July 1, 1998; April 1, 1992; August 1, 1990; July 1, 1988; January 1, 1987;
Repealed Eff. February 1, 2019.

10A NCAC 09 .0402 RESERVED FOR FUTURE CODIFICATION

10A NCAC 09 .0403 TEMPORARY LICENSES FOR CENTERS

- (a) When an operator proposes to open a new center or to change the ownership or location of an existing center, the Division shall issue the operator a temporary license upon the receipt of a license application pursuant to 10A NCAC 09 .0204 or .0302 and the documents specified in 10A NCAC 09 .0301 and .0302.
- (b) The temporary license shall be posted in a prominent place in the center that parents are able to view daily.
- (c) The temporary license shall remain in effect for six months or until the issuance of a star-rated license, a special provisional license, provisional license, probationary license, summary suspension, suspension, or a denial of a rated license to the operator.

History Note: Authority G.S. 110-88(10); 110-99; 143B-168.3;
Eff. July 1, 1988;
Amended Eff. July 1, 1998; April 1, 1992; November 1, 1989;
Readopted Eff. October 1, 2017;
Amended Eff. February 1, 2021.

SECTION .0500 – SCHEDULES AND ACTIVITIES

10A NCAC 09 .0501 STAFF/CHILD INTERACTIONS (TRANSFERRED TO 10A NCAC 09 .1802)

10A NCAC 09 .0502 RESERVED FOR FUTURE CODIFICATION

10A NCAC 09 .0503 RESERVED FOR FUTURE CODIFICATION

10A NCAC 09 .0504 RESERVED FOR FUTURE CODIFICATION

10A NCAC 09 .0505 DEVELOPMENTAL DAY CENTERS

Child care centers which meet the criteria for developmental day centers, as defined in 10A NCAC 09 .2901, shall be in compliance with the provisions of Rules. 0508 through .0511 of this Chapter by complying with the requirements for activities for developmental day centers set forth in 10A NCAC 09 .2904.

History Note: Authority G.S. 110-85; 110-88(14); 110-91(2),(12); 143B-168.3;
Eff. January 1, 1987;
Amended Eff. July 1, 2010; July 1, 1998; July 1, 1988;
Readopted Eff. October 1, 2017 (Transferred from 10A NCAC 09 .0505);
Transferred from 10A NCAC 09 .2512 Eff. August 28, 2019.

10A NCAC 09 .0506 RESERVED FOR FUTURE CODIFICATION

10A NCAC 09 .0507 RESERVED FOR FUTURE CODIFICATION

10A NCAC XX .XXXX SCHOOL AGE CURRICULUM AND PROGRAM IMPLEMENTATION

Developmentally appropriate activities shall be planned intentionally in advance to reflect the program's philosophy, goals for children and the varying needs of school age children.

The program curriculum shall provide for the following activities every day:

- **inside and outside choices (weather permitting)**
- **quiet and active choices**

Formatted: Font: 10 pt, Bold

Formatted: List Paragraph, Bulleted + Level: 1 +
Aligned at: 0.4" + Indent at: 0.65"

- individual and group activities
- cognitive and physical opportunities
- child-initiated and Staff-directed activities
- activities that allow children to express themselves creatively: i.e. dramatic play, creative arts, etc.

Materials shall be varied, age-appropriate and available in sufficient quantity to meet the needs of children in the program.

Activities shall be aligned with the styles, abilities and interests of the children in the program.

Opportunities for children to offer input into the program activities shall be provided.

Each child shall be treated equally with regard to respect, consideration, and opportunity to take part in all developmentally appropriate activities.

The environment shall be respectful and reflect an understanding of the diversity of families, cultures, and ethnicities attending the program and those persons in the surrounding communities.

Materials and experiences provided to children shall reflect the diversity found in society including gender, family composition, age, language, and abilities.

Staff shall consult with parents about care practices specific to their children's culture and community and provide as much consistency as possible in program practices for each child.

An activity guide for the day/week related to the curriculum shall be posted in a conspicuous place or otherwise made available to parents.

Program Staff shall follow modifications in curriculum, environment, routine and emergency procedures related to enrolled children with special needs that shall be developed in consultation with the child's parents.

Unless integral to part of an enrichment or educational activity, screen time (the time spent watching television, playing video games, using computers including hand held devices and surfing the internet) shall:

- not exceed 2 hours per week
- be in the presence of Staff
- be designed for the age of the engaged children.

Written parental permission from all parents shall be required for each child to view PG- Rated movies shown in the program.

Program Staff shall provide a welcoming and supportive environment and engage children in positive ways. Staff shall:

- greet children as they arrive or at the start of the session
- be available and responsive to children at all times
- use a warm tone of voice and respectful language during activities
- generally smile, use friendly gestures, and make eye contact during activities
- consistently interact with children in positive ways (e.g., discuss or explain rules and limits, model positive affect, follow children's leads)

Formatted: Font: 10 pt, Bold

Formatted: List Paragraph, Bulleted + Level: 1 +
Aligned at: 0.4" + Indent at: 0.65"

Formatted: Font: 10 pt, Bold

Formatted: List Paragraph, Bulleted + Level: 1 +
Aligned at: 0.4" + Indent at: 0.65"

- offer assistance to a child or group of children in ways that support social competence and initiative to encourage informed, responsible choices
- explain and apply rules, expectations, and limits in a clear, positive and consistent manner
- listen and respond to children in ways that encourage them to share experiences, ideas and feelings.

Formatted: Font: 10 pt, Bold

At least one adult shall sit with children during snacks and meals.

Staff shall not use profane language or make derogatory or humiliating remarks in the presence of children and families.

Staff shall not use electronic devices including cellphones for personal use when in ratio with children unless there is an emergency or to take photos.

Staff shall observe confidentiality in regard to child/family records and family information. Confidential conversations regarding children/families or collaborating agencies shall take place in private.

The Afterschool Child Care Program shall develop and implement a written plan to support two-way communication between Staff and parents.

~~10A-NCAC 09.0508~~ ACTIVITY SCHEDULES AND PLANS

~~(a) All centers shall have a current schedule and activity plan for each group of children posted for reference by parents and by caregivers. The schedule and activity plan may be combined in a single document.~~

~~(b) For each group of children in care, the activity plan shall include activities intended to stimulate the following developmental domains, in accordance with North Carolina Foundations for Early Learning and Development, available on the Division's website at http://ncchildcare.nc.gov/providers/pv_foundations.asp:~~

- ~~(1) emotional and social development;~~
- ~~(2) health and physical development;~~
- ~~(3) approaches to play and learning;~~

Commented [SV27]: See .2508 Age Appropriate Activities in School Age Section Below. That is what applies for school age child care.

- (4) ~~language development and communication; and~~
- (5) ~~cognitive development.~~

(c) ~~When children are in care and weather conditions permit, there shall be outdoor time, either as part of a small group, a whole group, or individual activity, for no less than the following durations:~~

Program Operating Hours	Ages of Children	Minimum Daily Outdoor Time
All Programs	Under 2 years	30 Minutes
Less than 5 hours	0-12 years	30 Minutes
5 hours or more	2-12 years	60 minutes

(d) ~~When children three years old or older are in care, the schedule shall include the following:~~

- (1) ~~blocks of time assigned to types of activities, including periods of time for active play, quiet play, or rest;~~
- (2) ~~times and activities that are developmentally appropriate for the children in care; and~~
- (3) ~~daily opportunities indoors and outdoors for:~~
 - (A) ~~free choice activities; and~~
 - (B) ~~teacher directed activities.~~

(e) ~~For children under two years old, interspersed among the daily events shall be individualized caregiving routines such as eating, napping, and toileting.~~

(f) ~~When children under three years old are in care, the schedule shall include regular daily events such as the arrival and departure of the children, free choice times, outside time, and teacher directed activities.~~

(g) ~~The activity plan shall:~~

- (1) ~~identify activities that allow children to choose to participate with the whole group, part of the group, or independent of the group;~~
- (2) ~~reflect that the children have four different activities daily, at least one of which is outdoors, if weather conditions permit, as listed in G.S. 110-91(12) as follows:~~
 - (A) ~~art and other creative play;~~
 - (B) ~~children's books;~~
 - (C) ~~blocks and block building;~~
 - (D) ~~manipulatives; and~~
 - (E) ~~family living and dramatic play; and~~
- (3) ~~include a daily gross motor activity that may occur indoors or outdoors.~~

*History Note: Authority G.S. 110-85; 110-91(2); (12); 143B-168.3;
Eff. July 1, 1988;
Amended Eff. July 1, 2010; July 1, 1988;
Readopted Eff. October 1, 2017.*

10A-NCAC 09.0509 — LEARNING ENVIRONMENT

~~The learning environment consists of the indoor and outdoor area which encourages child-initiated and teacher supported activities as follows:~~

- (1) ~~each center shall have developmentally appropriate equipment and materials accessible on a daily basis;~~
- (2) ~~the materials and equipment indoors and outdoors shall be sufficient to provide a variety of play experiences that promote the children's emotional and social development, health and physical development, approaches to play and learning, language development, and communication and cognitive development;~~
- (3) ~~teacher-made and home-made equipment and materials may be used. Materials and equipment that are accessible to children shall not be coated or treated with, nor shall they contain, toxic materials~~

Commented [SV28]: This entire few sections (Activities Schedules and Plans, Learning Environment, and Activity Areas) applies primarily to children ages 0-5; School-Age Care needs rules that are more developmentally appropriate and that reduce confusion among consultants who are working with School Age Programs so the program and facilities can be properly assessed for compliance with Rules.

- such as creosote, pentachlorophenol, tributyl tin oxide, dislodgeable arsenic, or and any finishes that contain pesticides; and
- (4) ~~developmentally appropriate equipment and materials shall be provided for a variety of outdoor activities that allow for active play and large muscle development. The center shall provide space and time for active indoor activities when children cannot play outdoors.~~

*History Note: Authority G.S. 110-85; 110-91(2),(12); 143B-168.3;
Eff. July 1, 1988;
Amended Eff. July 1, 2010; July 1, 1998; January 1, 1996;
Readopted Eff. October 1, 2017.*

10A NCAC 09 .0510 — ACTIVITY AREAS

(a) ~~For each group of children in care, the center shall provide daily four of the five activity areas listed in G.S. 110-91(12) as follows:~~

- (1) ~~Centers with a licensed capacity of 30 or more children shall have at least four activity areas available in the space occupied by a group of children.~~
- (2) ~~Centers with a licensed capacity of less than 30 children shall have at least four activity areas available. Separate groups of children may share use of the same activity areas.~~
- (3) ~~Centers with a licensed capacity of 3 to 12 children located in a residence shall have at least four types of activities available.~~

(b) ~~In addition to the four activity areas that are available each day, each center shall have materials and equipment in sufficient quantity, as described in Subparagraph (d)(1) of this Rule, to ensure that the fifth activity area listed in G.S. 110-91(12) is made available at least once per month.~~

(c) ~~Each center shall provide materials and opportunities for each group of children at least weekly, indoors or outdoors, for the following:~~

- (1) ~~music and rhythm;~~
- (2) ~~science and nature; and~~
- (3) ~~sand and water play.~~

(d) ~~When preschool children three years old and older are in care the following shall apply:~~

- (1) ~~the materials and equipment in an activity area shall be in sufficient quantity to allow at least three children to use the area regardless of whether the children choose the same or different activities; and~~
- (2) ~~when screen time is provided on any electronic media device with a visual display, it shall be:~~
 - (A) ~~offered to stimulate a developmental domain in accordance with the North Carolina Foundations for Early Learning and Development as referenced in Rule .0508 of this Section;~~
 - (B) ~~limited to 30 minutes per day and no more than a total of two and a half hours per week, per child; and~~
 - (C) ~~documented on a cumulative log or the activity plan that shall be available for review by the Division.~~

(e) ~~When children under three years old are in care the following apply:~~

- (1) ~~each center shall have developmentally appropriate toys and activities for each child to promote the child's emotional and social development, health and physical development, approaches to play and learning, language development, and communication and cognitive development, including:~~
 - (A) ~~books;~~
 - (B) ~~blocks;~~
 - (C) ~~dolls;~~
 - (D) ~~pretend play materials;~~
 - (E) ~~musical toys;~~
 - (F) ~~sensory toys; and~~
 - (G) ~~fine motor toys;~~
- (2) ~~materials shall be kept in a space where related equipment and materials are kept in accordance with G.S. 110-91(12) and shall be made available to the children on a daily basis;~~
- (3) ~~materials shall be offered in sufficient quantity to allow all children to use them at some time during the day and to allow for a range of choices;~~

- ~~(4) on a daily basis caregivers shall provide developmentally appropriate activities that support health and physical development. An open area that allows freedom of movement shall be available, both indoors and outdoors, for infants and for toddlers;~~
 - ~~(5) hands-on experiences, including both familiar and new activities, shall be provided to enable the infant or toddler to learn about himself and the world both indoors and outdoors; and~~
 - ~~(6) each child under the age of 12 months shall be given supervised tummy time positioned on his or her stomach while awake and alert each day.~~
- ~~(f) Screen time, including television, videos, video games, and computer usage, shall be prohibited for children under three years of age.~~

History Note: Authority G.S. 110-85; 110-91(6),(12); 143B-168.3;
Eff. July 1, 1988;
Amended Eff. July 1, 2010; July 1, 1998; October 1, 1991;
Readopted Eff. October 1, 2017.

10A NCAC 09 .0511 DAILY ROUTINES FOR CHILDREN UNDER TWO YEARS OF AGE

~~(a) Children under two years of age shall require individualized daily routines based on their specific developmental needs. The center shall provide time and space for sleeping, eating, toileting, diaper changing, and playing according to each child's individual needs.~~

~~(b) The caregivers shall interact in a positive manner with each child every day, as follows:~~

- ~~(1) caregivers shall respond at the earliest opportunity to an infant or toddler's physical and emotional needs, especially when indicated by crying, through actions such as feeding, diapering, holding, positive touching, smiling, talking, and eye contact;~~
- ~~(2) the caregiver shall recognize the special difficulties of infant and toddler separations and assist families, infants, and toddlers to ease the transition from home to center such as a phased-in orientation process to allow infants and toddlers to experience limited amounts of time at the center before becoming integrated;~~
- ~~(3) a caregiver or team of caregivers shall be assigned to each infant or toddler as the primary caregiver(s) who is responsible for care the majority of the time; and~~
- ~~(4) the caregiver shall make provision for constructive guidance and setting limits that the child can understand and that foster the infant's or toddler's ability to be self-disciplined, as appropriate to the child's age and development.~~

History Note: Authority G.S. 110-85; 110-91(2),(12); 143B-168.3;
Eff. July 1, 1988;
Amended Eff. August 1, 2010; May 1, 2004; July 1, 1998; October 1, 1991; January 1, 1991;
Readopted Eff. October 1, 2017.

10A NCAC 09 .0512 OFF PREMISE ACTIVITIES (TRANSFERRED TO 10A NCAC 09 .1005)

10A NCAC 09 .0513 ADMINISTRATIVE POLICIES

Centers shall have administrative policies and practices that provide for:

- (1) selection and training of staff;
- (2) communication with and opportunities for participation by parents;
- (3) operational and fiscal management; and
- (4) objective evaluation of the program, management, and staff in accordance with the rules of this Section.

History Note: Authority G.S. 110-88(7); 110-90(4); 143B-168.3;
Eff. April 1, 1999;
Amended Eff. July 1, 2000;
Prior to amendment of May 1, 2006 this language was located in Rule .1601;
Amended Eff. May 1, 2016;
Readopted Eff. March 1, 2019 (Transferred from 10A NCAC 09 .2804).

10A NCAC 09 .0514 OPERATIONAL AND PERSONNEL POLICIES

Commented [SV29]: Not applicable to school age child care.

(a) Each center shall have written policies that describe the operation of the center and the services that are available to parents and their children. The operational policies shall include at least the following information:

- (1) the days and hours the center operates;
- (2) the age range of the children served;
- (3) admission requirements and enrollment procedures;
- (4) parent fees and payment plan;
- (5) information about services provided by the center, such as number of meals served, before and after school care, and transportation;
- (6) items, if any, to be provided by parents;
- (7) a schedule of daily, weekly, and monthly cleaning duties;
- (8) written procedures for reporting suspected child abuse and neglect;
- (9) the center's discipline policy for behavior management;
- (10) a description of opportunities for parent participation; and
- (11) nutrition policies.

(b) Operational policies shall be discussed with parents on or before the child's first day of attendance in the center. A copy of the policies shall be given to the parents on or before the child's first day of attendance and the parents shall be notified in writing of all changes in policy.

(c) Copies of operational policies and any subsequent changes to those policies shall be distributed to the staff.

(d) Each center in which more than two staff are required to meet staff/child ratios shall have a written personnel policy that includes at least the following information:

- (1) job descriptions for each position;
- (2) minimum qualifications for each position, including reference checks;
- (3) health and medical requirements;
- (4) requirements and provisions for in-service training;
- (5) provisions for leave time and other absences;
- (6) procedures for on-going supervision and regular evaluation of work performance; and
- (7) resignation and termination procedures.

(e) Personnel policies shall be discussed with each employee at the time of employment and a copy of the policies shall be available to all staff. Staff shall be notified in writing of all changes in personnel policies.

(f) In addition to all records required in Rule .0302(d) of this Chapter, each employee's personnel file shall contain an annual staff evaluation and staff development plan.

(g) All personnel files of employees hired after April 1, 1999, shall also include a signed and dated statement verifying that the employee received a copy of his or her job description and has reviewed the personnel and operational policies.

*History Note: Authority G.S. 110-88(7); 110-90(4); 143B-168.3;
Eff. April 1, 1999;
Prior to amendment of May 1, 2006 this language was located in Rule .1602;
Amended Eff. May 1, 2006;
Readopted Eff. March 1, 2019 (Transferred from 10A NCAC 09 .2805).*

10A NCAC 09 .0515 PARENT PARTICIPATION

(a) Each center shall have a plan that will encourage parent participation and inform parents about the program and its services. The plan shall be discussed with parents on or before the child's first day of attendance and shall be posted in the center or a copy shall be given to parents on or before the child's first day of attendance.

(b) The plan shall include the following:

- (1) a procedure for registering a child for child care that involves both parents when possible and that encourages a visit to the center by the child and the child's parents before the child begins attending the center;
- (2) opportunities for caregiving staff to meet with parents on a regular basis to discuss their child's needs and progress and to exchange information about the program;
- (3) activities that provide parents opportunities to participate in the center's program on an individual basis and as a group;
- ~~(4)~~ a procedure for parents who need information or have complaints about the child care program.
- ~~(4)(5)~~ A school-age program shall develop and maintain a Parent Participation Plan that includes:
 - (a) a procedure for registering children into the program;
 - (b) methods to encourage and facilitate parental visits to the program when feasible; and
 - (c) a process for staff to communicate regularly with parents regarding their child's development and

Commented [SV30]: This section is difficult for programs offered at school locations, where parents are already familiar with the school property by way of first week of school orientations and regular parent-teacher meetings on a child's progress; in after school, we need to have a registration process, an open invitation for parents to engage, and a way to communicate with parents - even if that's just a quick talk during rides in and rides out - to give updates on a child's development or challenges in the program.

Formatted: Not Expanded by / Condensed by

| participation in the enrichment activities offered by the program.

History Note: Authority G.S. 110-88(7); 110-90(4); 143B-168.3;

Eff. April 1, 1999;
Prior to amendment of May 1, 2006 this language was located in Rule .1613;
Amended Eff. May 1, 2006;
Readopted Eff. March 1, 2019 (Transferred from 10A NCAC 09 .2807).

10A NCAC 09 .0516 — NIGHT CARE

- (a) ~~Developmentally appropriate activities shall be available for children during the evening hours. Quiet activities shall be planned just before bedtime. Children shall have opportunities to develop good personal care and health habits through routines.~~
- (b) ~~Schedules for the children receiving nighttime care shall be individually planned.~~
- (c) ~~When possible, children shall be left for care before, and picked up after, their normal sleeping period.~~

*History Note: — Authority G.S. 110-88(7); 110-90(4); 143B-168.3;
Eff. April 1, 1999;
Prior to amendment of May 1, 2006 this language was located in Rule .1615;
Amended Eff. May 1, 2006;
Readopted Eff. March 1, 2019 (Transferred from 10A NCAC 09 .2808).*

SECTION .0600 - SAFETY REQUIREMENTS FOR CHILD CARE CENTERS

~~10A NCAC 09 .0601 — SAFE ENVIRONMENT~~

- (a) ~~All child care centers shall provide a safe indoor and outdoor environment for the children in care.~~
- (b) ~~All equipment and furnishings shall be in good repair. All commercially manufactured equipment and furnishings shall be assembled and installed according to procedures specified by the manufacturer. For equipment and furnishings purchased after September 1, 2017, that include instructions from the manufacturer, those manufacturer's instructions shall be kept on file at the center, unless they are available electronically for review.~~
- (c) ~~Equipment and furnishings shall be sturdy, stable, and free of hazards that may injure children including sharp edges, lead-based or peeling paint, rust, loose nails, splinters, protrusions (excluding nuts and bolts on sides of fences), and pinch and crush points.~~
- (d) ~~Staff of the center shall immediately remove all equipment and furnishings that do not meet the requirements of Paragraphs (b) and (c) of this Rule from the premises or make the equipment or furnishings inaccessible to the children.~~
- (e) ~~Each child care center shall provide equipment and furnishings that are child-size or that can be adapted for use by children. Chairs and tables shall be of appropriate height for the children who will be using them.~~

Commented [SV31]: Not sure if there is such a thing as school age night care.

Commented [SV32]: Specifically addressed for School Age Care in Section .2506. Deleted because of that. It is confusing to have to go back and forth between these two sections to understand the requirements.

Formatted: Heading 1, Indent: First line: 0.87", Right: 1.1", Space Before: 0.3 pt, Line spacing: At least 23 pt, No bullets or numbering, Tab stops: 1.65", Left + Not at 0.38"

~~(f) — Each child care center shall be free of lead poisoning hazards as defined in G.S. 130A-131.7(7) and asbestos hazards.~~

~~History Note: — Authority G.S. 110-91(3),(6); 143B-168.3; Eff. January 1, 1986;~~

~~Amended Eff. January 1, 1996; January 1, 1991;~~

~~Readopted Eff. October 1, 2017;~~

~~Amended Eff. January 1, 2024; February 1, 2021.~~

10A NCAC 09 .0602 CONDITION OF INDOOR EQUIPMENT AND FURNISHINGS
10A NCAC 09 .0603 OVERNIGHT FURNISHINGS

History Note: Authority G.S. 110-91(6); 143B-168.3;
Eff. January 1, 1986;
Amended Eff. January 1, 1996; January 1, 1991;
Temporary Amendment Eff. October 1, 1997;
Amended Eff. July 1, 1998;
Repealed Eff. October 1, 2017.

10A NCAC 09 .0604 SAFETY REQUIREMENTS FOR CHILD CARE CENTERS

Commented [SV33]: This entire section deleted because Safety Requirements for School Age Care are defined in .2506.

(a) In child care centers, potentially hazardous items, including power tools, nails, chemicals, propane stoves, lawn mowers, and gasoline or kerosene, whether or not intended for use by children, shall be stored in locked areas, removed from the premises, or otherwise inaccessible to children.

(b) Firearms and ammunition are prohibited in a licensed child care center unless carried by a law enforcement officer.

(c) When not in use, electrical outlets and power strips located in space used by children shall have safety outlets or be covered with safety plugs unless located behind furniture or equipment that cannot be moved by a child.

(d) Electric fans shall be mounted out of the reach of children or shall be fitted with a mesh guard to prevent access by children.

(e) All electrical appliances shall be used only in accordance with the manufacturer's instructions. For appliances with heating elements, such as bottle warmers, crock pots, irons, coffee pots, or curling irons, neither the appliance nor any cord shall be accessible to preschool-age children.

(f) Electrical cords shall not be accessible to infants and toddlers. Extension cords, except as approved by the local fire inspector, shall not be used. Frayed or cracked electrical cords shall be replaced.

(g) All materials used for starting fires, such as matches, lighters, and accelerants shall be kept in locked storage.

(h) Children shall be in a smoke free and tobacco free environment. Smoking and the use of any product containing, made or derived from tobacco, including e-cigarettes, cigars, little cigars, smokeless tobacco, and hookah, shall not be permitted on the premises of the child care center, in vehicles used to transport children, or during any off-premise activities. All smoking materials shall be kept in locked storage. For child care centers in an occupied residence that are licensed for 3 to 12 children when any preschool-age children are in care, or for 3 to 15 children when only school-age children are in care, the premises shall be smoke free and tobacco free during operating hours.

(i) Signage regarding the smoking and tobacco restriction shall be posted at each entrance to the center and in vehicles used to transport children.

(j) The operator shall notify the parent of each child enrolled in the center, in writing, of the smoking and tobacco restriction.

(k) Fuel burning heaters, fireplaces, and floor furnaces, if applicable, shall be fitted with a protective screen attached to supports to prevent access by children and to prevent objects from being thrown into them.

(l) Toxic plants shall be inaccessible to children. A list of toxic plants may be found on the Division's website at http://ncchildcare.nc.gov/pdf_forms/form16b-bb.pdf.

(m) Air conditioning units shall be located so that they are not accessible to children or shall be fitted with a mesh guard to prevent objects from being thrown into them.

(n) Gas tanks and gas or charcoal grills shall be inaccessible to children or shall be in a protective enclosure.

(o) Cribs and playpens shall be placed so that the children occupying them shall not have access to cords or ropes, such as venetian blind cords.

(p) Once a day, prior to initial use, the indoor and outdoor premises shall be checked for debris, vandalism, and broken equipment. Debris shall be removed and disposed of.

(q) Plastic bags, toys, toy parts small enough to be swallowed, and materials that can be torn apart, such as foam rubber and styrofoam, shall not be accessible to children under three years of age. However, styrofoam plates and larger pieces of foam rubber may be used for supervised art activities and styrofoam plates may be used for food service. Jump ropes and rubber bands shall not be accessible to children under five years of age without adult supervision. Balloons shall be prohibited for children of all ages.

(r) When non-ambulatory children are in care, a crib or other device shall be available for evacuation in case of fire or other emergency. The crib or other device shall be fitted with wheels in order to be moveable, have a reinforced bottom, and shall be able to fit through the designated fire exit. For centers that do not meet NC Building Code for institutional occupancy as described in 10A NCAC 09-1301, and have an exit more than eight inches above grade, the center shall develop a written plan to ensure a safe evacuation of the crib or other device. The operator shall submit the plan to the Division for review. The Division shall approve the plan and shall require a demonstration of the center implementing the plan during a drill. During the required fire, lockdown, or shelter-in-place drills, an evacuation crib or other device shall be used in the manner described in the Emergency Preparedness and Response Plan as defined in 10A NCAC 09-0607(e).

(s) A First Aid kit shall be available on-site and accessible to staff. Each staff member shall be aware of the location of the First Aid kit.

(t) Fire drills shall be practiced monthly and records shall be maintained as required by 10A NCAC 09-0302(d)(5).

(u) A "shelter in place drill" or "lockdown drill" as defined in 10A NCAC 09-0402 shall be conducted at least every three months and records shall be maintained as required by 10A NCAC 09-0302(d)(8).

(v) In child care centers, biocontaminants shall be:

Commented [SV34]: Unnecessary for school age children and impossible to do if operating a school age program in a school building not owned and operated by the school age child care provider. We have programs that install these and they are removed by the next program day.

Commented [SV35]: Unnecessary for school age children.

Commented [SV36]: Unnecessary for school age children.

- (1) ~~stored in locked areas;~~
- (2) ~~removed from the premises;~~
- (3) ~~inaccessible to children; or~~
- (4) ~~shall be disposed of in a covered, plastic-lined receptacle.~~

History Note: ~~Authority G.S. 110-88; 143B-168.3;
Eff. January 1, 1991;
Amended Eff. January 1, 1996; November 1, 1991;
Temporary Amendment Eff. October 1, 1997;
Amended Eff. July 1, 2015; February 1, 2012; July 1, 2010; December 1, 2007; April 1, 2001;
July 1, 1998;
Temporary Amendment Eff. September 23, 2016;
Readopted Eff. October 1, 2017.~~

10A NCAC 09-0605 — OUTDOOR LEARNING ENVIRONMENT IN CHILD CARE CENTERS

- (a) ~~Outdoor play equipment shall be age and developmentally appropriate.~~
- (b) ~~For outdoor play structures purchased or installed on or after September 1, 2017 the provider shall maintain manufacturer's instructions on file electronically or in paper format.~~
- (c) ~~Separate play areas or time schedules shall be provided for children under two years of age unless fewer than 15 children of any age are in care.~~
- (d) ~~If a center shares playground space with another center that serves children, a separate play area or time schedule shall be provided for each center.~~
- (e) ~~Children shall not be allowed to play on outdoor equipment that is too hot to touch.~~
- (f) ~~Children shall not be allowed to be bare footed while outdoors if equipment or surfacing is too hot to touch.~~
- (g) ~~Any openings in equipment, steps, decks, handrails, and fencing shall be smaller than 3 1/2 inches or greater than 9 inches to prevent entrapment.~~
- (h) ~~All upright angles shall be greater than 55 degrees to prevent entrapment and entanglement.~~
- (i) ~~The outdoor play area shall be protected by a fence. The height shall be a minimum of four feet and the top of the fence shall be free of protrusions. The requirement disallowing protrusions on the tops of fences shall not apply to fences six feet high or above. The fencing shall exclude fixed bodies of water such as ditches, quarries, canals, excavations, and fish ponds. Gates to the fenced outdoor play area shall remain closed while children occupy the area.~~
- (j) ~~All stationary outdoor equipment more than 18 inches high shall be installed over protective surfacing. Footings which anchor equipment shall not be exposed. Protective surfacing shall be either:~~
 - (1) ~~loose surfacing material, including wood mulch, double shredded bark mulch, uniform wood chips, fine sand, coarse sand, and pea gravel, except that pea gravel shall not be used if the area will be used by children under three years of age. Loose surfacing material shall not be installed over concrete; or~~
 - (2) ~~other materials that have been certified by the manufacturer to be shock absorbing protective material in accordance with the American Society for Testing and Materials (ASTM) Standard F 1292, may be used if installed, maintained, and replaced according to the manufacturer's instructions. This standard is incorporated by reference and does include subsequent editions. This standard may be found online at <https://www.astm.org/Standards/F1292.htm> for a cost of sixty-five dollars (\$65.00).~~
- (k) ~~The depth of the loose surfacing material shall be based on the critical height of the equipment, which is defined as the maximum height that a child may sit, or stand, as follows:~~
 - (1) ~~equipment with a critical height of 5 feet or less shall have 6 inches of loose surface materials;~~
 - (2) ~~equipment with a critical height of more than 5 feet, but less than 7 feet, shall have 6 inches of loose surfacing material, except for sand;~~
 - (3) ~~equipment with a critical height of 7 feet to 10 feet shall have 9 inches of any of the loose surfacing material, except for sand; and~~
 - (4) ~~when sand is used as a surfacing material for equipment with a critical height of more than 5 feet, 12 inches shall be required.~~
- (l) ~~Protective surfacing shall cover the area under and around equipment where a child may fall, referred to as the fall zone. The area for fall zones is as follows:~~

Commented [SV37]: This entire section is unnecessary for school age child care operated in a school building.

- (1) ~~for stationary outdoor equipment used by children under two years of age, the protective surfacing shall extend beyond the external limits of the equipment for a minimum of three feet, except that protective surfacing shall be required at all points of entrance and exit for any structure that has a protective barrier; and~~
- (2) ~~for stationary outdoor equipment used by children two years of age or older, the protective surfacing shall extend beyond the external limits of the equipment for six feet;~~
- (m) ~~Exceptions to Paragraph (l) of this Rule are as follows:~~
 - (1) ~~Fall zones may overlap around spring rockers, and around equipment that is more than 18, but less than 30 inches in height. If there are two adjacent structures and one is more than 18, but less than 30 inches in height, the protective surfacing shall extend a minimum of nine feet between the two structures.~~
 - (2) ~~Swings shall have protective surfacing that extends two times the length of the pivot point to the surface below. The surfacing shall be to the front and rear of the swing.~~
 - (3) ~~Tot swings shall have protective surfacing that extends two times the length of the pivot point to the bottom of the swing seat. The surfacing shall be to the front and rear of the swing. Tot swings are defined as swings with enclosed seats.~~
 - (4) ~~Tire swings shall have protective surfacing that extends a distance of six feet plus the measurement from the pivot point to the swing seat and six feet to the side of the support structure.~~
- (n) ~~Swing seats shall be made of plastic or soft or flexible material.~~
- (o) ~~Elevated platforms shall have a guardrail or a protective barrier, depending upon the height of the platform and the age of children in accordance with this Paragraph that will have access to the piece of equipment. Guardrails shall prevent inadvertent or unintentional falls off the platform. The critical height for a platform with a guardrail is the top of the guardrail. Protective barriers shall prevent children from climbing over or through the barrier. The critical height for a platform with a protective barrier is the platform surface. All sides of platforms shall be protected except for the area which allows entry or exit. Measurements for the guardrails and protective barriers are as follows:~~
 - (1) ~~Equipment used exclusively by children under two years of age:~~
 - (A) ~~Protective Barriers—an elevated surface that is more than 18 inches above the underlying surface shall have a protective barrier. The minimum height of the top surface of the protective barrier shall be 24 inches.~~
 - (B) ~~Critical Height—the maximum critical height of a platform or elevated play surface shall be no greater than 32 inches.~~
 - (2) ~~Equipment used exclusively by children two years of age up to school age:~~
 - (A) ~~Guardrails—an elevated surface that is more than 20 inches and no more than 30 inches above the underlying surface shall have a guardrail. The minimum height of the top surface of the guardrail shall be 29 inches and the lower edge shall be no more than 23 inches above the platform.~~
 - (B) ~~Protective Barriers—an elevated surface that is more than 30 inches above the underlying surface shall have a protective barrier. The minimum height of the top surface of the protective barrier shall be 29 inches.~~
 - (3) ~~Equipment used by children two years of age and older:~~
 - (A) ~~Guardrails—an elevated surface that is more than 20 inches and no more than 30 inches above the underlying surface shall have a guardrail. The minimum height of the top surface of the guardrail shall be 38 inches and the lower edge shall be no more than 23 inches above the platform.~~
 - (B) ~~Protective Barriers—an elevated surface that is more than 30 inches above the underlying surface shall have a protective barrier. The minimum height of the top surface of the protective barrier shall be 38 inches.~~
 - (4) ~~Equipment used exclusively by school-age children:~~
 - (A) ~~Guardrails—an elevated surface that is more than 30 inches and no more than 48 inches above the underlying surface shall have a guardrail. The minimum height of the top surface of the guardrail shall be 38 inches and the lower edge shall be no more than 26 inches above the platform.~~
 - (B) ~~Protective Barriers—an elevated surface that is more than 48 inches above the underlying surface shall have a protective barrier. The minimum height of the top surface of the protective barrier shall be 38 inches.~~

(p) ~~Composite structures that were installed between January 1, 1989 and January 1, 1996 according to manufacturer's instructions that met existing safety standards for playground equipment at the time of installation and received approval from the Division, may continue to be used.~~

(q) ~~Following completion of playground safety training as required by Rule .1102(e) of this Chapter, a monthly playground inspection shall be conducted by an individual trained in playground safety requirements. A trained administrator or staff person shall make a record of each inspection using a playground inspection checklist provided by the Division. The checklist shall be signed by the person who conducts the inspection and shall be maintained for 12 months in the center's files for review by a representative of the Division. The playground inspection checklist may be found online at <https://necchildcare.nedhhs.gov/providers/credent.asp>. The playground inspection includes a checklist of items related to safety, surfacing, and equipment quality.~~

(r) ~~Trampolines shall be prohibited, except for supervised use of a mini-fitness trampoline for single person use.~~

(s) ~~Inflatables shall be prohibited except when used during a special event such as a celebration, festival, party, or family engagement event. A staff member shall be able to hear and see all children using inflatables at all times. For purposes of this Rule, an inflatable shall mean an air-filled structure designed to allow users to bounce, slide, or climb in. The inflatable device uses air pressure from one or more blowers to maintain its shape. Examples include bounce houses, moon-walkers, giant slides, and bouncers.~~

*History Note: — Authority G.S. 110-85; 110-91(6); 143B-168.3;
Temporary Adoption Eff. October 1, 1997;
Eff. October 29, 1998;
Amended Eff. November 1, 2007;
Readopted Eff. October 1, 2017;
Amended Eff. September 1, 2019.*

10A NCAC 09.0606 — ~~SAFE~~ SLEEP PRACTICES

(a) ~~Each center licensed to care for infants aged 12 months or younger shall develop, adopt, and comply with a written safe sleep policy that:~~

- (1) ~~specifies that caregivers shall place infants aged 12 months or younger on their backs for sleeping, unless:
(A) — for an infant aged six months or less, the center receives a written waiver of this requirement from a health care professional; or
(B) — for an infant older than six months, the center receives a written waiver of this requirement from a health care professional, or a parent or a legal guardian;~~
- (2) ~~specifies no pillows, wedges or other positioners, pillow-like toys, blankets, toys, bumper pads, quilts, sheepskins, loose bedding, towels and washcloths, or other objects may be placed with a sleeping infant aged 12 months or younger;~~
- (3) ~~specifies that children shall not be swaddled;~~
- (4) ~~specifies that nothing shall be placed over the head or face of an infant aged 12 months or younger when the infant is laid down to sleep;~~
- (5) ~~specifies that the temperature in the room where infants aged 12 months or younger are sleeping does not exceed 75° F;~~
- (6) ~~specifies that caregivers shall visually check, in person, sleeping infants aged 12 months or younger at least every 15 minutes;~~
- (7) ~~specifies how caregivers shall document compliance with visually checking on sleeping infants aged 12 months or younger;~~
- (8) ~~specifies that pacifiers that attach to infant clothing shall not be used with sleeping infants;~~
- (9) ~~specifies that infants aged 12 months or younger sleep alone in a crib, bassinet, play pen, mat, or cot;~~
- (10) ~~specifies that infants aged 12 months or younger are prohibited from sleeping in sitting devices, including car safety seats, strollers, swings, and infant carriers. Infants that fall asleep in sitting devices shall be moved to a crib, bassinet, play pen, mat, or cot; and~~
- (11) ~~specifies any other steps the center shall take to provide a safe sleep environment for infants aged 12 months or younger.~~

(b) ~~The center shall post a copy of its safe sleep policy about infant safe sleep practices in a prominent place in the infant room where parents and caregivers are able to view daily.~~

Commented [SV38]: This section unnecessary for school age child care.

~~(e) A copy of the center's safe sleep policy shall be given and explained to the parents of an infant aged 12 months or younger on or before the first day the infant attends the center. The parent shall sign a statement acknowledging the receipt and explanation of the policy. The acknowledgement shall contain:~~

- ~~(1) the infant's name;~~
- ~~(2) the date the infant first attended the center;~~
- ~~(3) the date the center's safe sleep policy was given and explained to the parent; and~~
- ~~(4) the date the parent signed the acknowledgement.~~

~~The center shall retain the acknowledgement in the child's record as long as the child is enrolled at the center.~~

~~(d) If a center amends its safe sleep policy, it shall give written notice of the amendment to the parents of all enrolled infants aged 12 months or younger at least 14 days before the amended policy is implemented. Each parent shall sign a statement acknowledging the receipt and explanation of the amendment. The center shall retain the acknowledgement in the child's record as long as the child is enrolled at the center.~~

~~(e) A caregiver shall place a child age 12 months or younger on the child's back for sleeping, unless for a child age 6 months or younger, the operator obtains a written waiver from a health care professional; or for a child older than 6 months, the operator obtains a written waiver from a health care professional or parent. Waivers shall include the following:~~

- ~~(1) the infant's name and birth date;~~
- ~~(2) the signature and date of the infant's health care professional or parent;~~
- ~~(3) if a wedge is needed specify why it is needed and how it is to be used; and~~
- ~~(4) the infant's authorized sleep positions.~~

~~The center shall retain the waiver in the child's record as long as the child is enrolled at the center.~~

~~(f) For each infant with a waiver on file at the center as specified in Paragraph (e) of this Rule, a notice shall be posted for quick reference near the infant's crib, bassinet, play pen, cot or mat that shall include:~~

- ~~(1) the infant's name;~~
- ~~(2) the infant's authorized sleep position; and~~
- ~~(3) the location of the signed waiver.~~

~~No confidential medical information, including an infant's medical diagnosis, shall be shown on the notice.~~

~~(g) Documents that verify staff member's compliance with visual checks on infants shall be maintained for a minimum of one month.~~

~~(h) A bed, crib, or cot, equipped with a firm waterproof mattress at least four inches thick and a fitted sheet shall be provided for each child who remains in the center after midnight. The top of bunk beds shall be used by school-age children only.~~

~~(i) A caregiver shall not place anything over the face of a child during rest time.~~

History Note: Authority G.S. 110-85; 110-91(15); 143B-168.3;

Eff. May 1, 2004;

Amended Eff. July 1, 2010;

Readopted Eff. October 1, 2017;

Amended Eff. February 1, 2021.

10A NCAC 09 .0607 EMERGENCY PREPAREDNESS AND RESPONSE IN CHILD CARE CENTERS

(a) For the purposes of this Rule, the Emergency Preparedness and Response in Child Care is a session training developed by the North Carolina Child Care Health and Safety Resource Center for child care operators and providers on creating an Emergency Preparedness and Response Plan and practicing, responding to and recovering from emergencies in child care centers.

(b) Existing child care centers shall have one person on staff who has completed the Emergency Preparedness and Response in Child Care training. New centers shall have one person on staff who has completed the Emergency Preparedness and Response in Child Care training within one year of the effective date of the initial license. When the trained staff member leaves employment, the center shall ensure that another staff member completes the required training within four months of the vacancy. Documentation of completion of the training shall be maintained in the individual's personnel file or in a file designated for emergency preparedness and response plan documents.

(c) Upon completion of the Emergency Preparedness and Response in Child Care training, the trained staff shall develop the Emergency Preparedness and Response Plan. The Emergency Preparedness and Response Plan means a written plan that addresses how a child care center will respond to both natural and man-made disasters, such as fire, tornado, flood, power failures, chemical spills, bomb threats, earthquakes, blizzards, nuclear disasters, or a

dangerous person or persons in the vicinity, to ensure the safety and protection of the children and staff. This Plan must be on a template provided by the Division available at <https://rmp.nc.gov/portal/#> and completed within four months of completion of the Emergency Preparedness and Response in Child Care training.

(d) The Emergency Preparedness and Response Plan shall include:

- (1) written procedures for accounting for all in attendance including:
 - (A) the location of the children, staff, volunteer and visitor attendance lists; and
 - (B) the name of the person(s) responsible for bringing the children, staff, volunteer and visitor attendance lists in the event of an emergency.
- (2) a description for how and when children shall be transported;
- (3) methods for communicating with parents and emergency personnel or law enforcement;
- (4) a description of how children's nutritional and health needs will be met;
- (5) the relocation and reunification process;
- (6) emergency telephone numbers;
- (7) evacuation diagrams showing how the staff, children, and any other individuals who may be present will evacuate during an emergency;
- (8) the date of the last revision of the plan;
- (9) specific considerations for non-mobile children and children with special needs; and
- (10) the location of a Ready to Go File. A Ready to Go File means a collection of information on children, staff and the facility, to utilize, if an evacuation occurs. The file shall include, a copy of the Emergency Preparedness and Response Plan, contact information for individuals to pick-up children, each child's Application for Child Care, medication authorizations and instructions, any action plans for children with special health care needs, a list of any known food allergies of children and staff, staff contact information, Incident Report forms, an area map, and emergency telephone numbers.

(e) The trained staff shall review the Emergency Preparedness and Response Plan annually, or when information in the plan changes, to ensure all information is current.

(f) All staff shall review the center's Emergency Preparedness and Response Plan during orientation and on an annual basis with the trained staff. Documentation of the review shall be maintained at the center in the individual's personnel file or in a file designated for emergency preparedness and response plan documents.

(g) All substitutes and volunteers counted in ratio shall be informed of the child care center's Emergency Preparedness and Response Plan and its location. Documentation of this notice shall be maintained in the individual personnel files or in a file designated for emergency preparedness and response plan documents.

(h) Centers operated by a Local Education Agency that have completed critical incident training and a School Risk Management Plan as set forth by the Department of Public Instruction shall be exempt from Paragraphs (a) through (e) of this Rule. When a School Risk Management Plan has been completed, the requirements of Paragraphs (f) and (g) of this Rule shall be applicable. The School Risk Management Plan shall be available for review by the Division.

More information regarding the School Risk Management Plan is located online at <https://sera.nc.gov/srmp/>. School-age child care programs operating within a public or private school building shall participate in and collaborate with the Local Education Agency's (LEA) School Risk Management Plan, in accordance with G.S. 115C-105.49 and other applicable laws. Such participation shall include cooperation in emergency preparedness planning, response drills, and communication protocols to ensure the safety and welfare of all children enrolled in the program.

Commented [SV39]: School age programs should not have to create their own Risk Management Plan but rather collaborate with the LEA to participate in theirs.

History Note: Authority G.S. 110-85; 143B-168.3;
Eff. July 1, 2015;
Amended Eff. August 1, 2015;
Readopted Eff. October 1, 2017;
Amended Eff. February 1, 2021.

~~10A NCAC 09.0608 — PREVENTION OF SHAKEN BABY SYNDROME AND ABUSIVE HEAD TRAUMA~~

~~(a) Each child care center licensed to care for children up to five years of age shall develop and adopt policies to prevent shaken baby syndrome and abusive head trauma prior to licensure. The policy shall include the following:~~

- ~~(1) How to recognize, respond to, and report the signs and symptoms of shaken baby syndrome and abusive head trauma. Signs and symptoms include: irritability, difficulty staying awake, difficulty breathing, inability to lift the head, seizures, lack of appetite, vomiting, and bruises;~~
- ~~(2) Strategies to assist staff members in coping with a crying, fussing, or distraught child;~~
- ~~(3) Strategies to assist staff members in understanding how to care for infants;~~
- ~~(4) Strategies to ensure staff members understand the brain development of children up to five years of~~

Commented [SV40]: Delete for school age child care.

|

age;

- (5) ~~A list of prohibited behaviors that shall include, but not be limited to, shaking a child, tossing a child into the air or into a crib, chair, or car seat, and pushing a child into walls, doors, and furniture; and~~
- (6) ~~Resources to assist staff members and families in preventing shaken baby syndrome and abusive head trauma.~~

~~(b) Within 30 days of adopting the policy, the child care center shall review the policy with parents of currently enrolled children up to five years of age. A copy of the policy shall be given and explained to the parents of newly enrolled children up to five years of age on or before the first day the child receives care at the center. The center shall obtain the parent's signature on the statement acknowledging the receipt and explanation of the policy. The acknowledgement shall contain the following and be maintained in the child's file for review by the Division:~~

- ~~(1) The child's name;~~
- ~~(2) The date the child first attended the center;~~
- ~~(3) The date the operator's policy was given and explained to the parent;~~
- ~~(4) The parent's name;~~
- ~~(5) The parent's signature; and~~
- ~~(6) The date the parent signed the acknowledgment.~~

~~(c) If a child care center changes the policy at any time, the child care center shall give written notice of the change to the child's parent 14 days prior to the implementation of the new policy and the parent shall sign a statement that attests that a copy of the new policy was given to and discussed with him or her. The center shall obtain the parent's signature acknowledging the receipt of the new policy and this statement shall be maintained in the child's file for review by the Division.~~

~~(d) Within 30 days of adopting the policy, the child care center shall review the policy with existing staff members who provide care for children up to five years of age. Each child care center shall review the policy with new staff members prior to the individual providing care to children. The acknowledgement of this review shall contain:~~

- ~~(1) the individual's name;~~
- ~~(2) the date the center's policy was given and explained to the individual;~~
- ~~(3) the individual's signature; and~~
- ~~(4) the date the individual signed the acknowledgment.~~

~~The child care center shall retain the acknowledgement in the staff member's file.~~

~~(e) If a child care center changes the policy at any time, the child care center shall review the revised policy with staff members 14 days prior to the implementation of the new policy. The individual shall sign a statement that attests that a copy of the new policy was given to and discussed with him or her. This statement shall be kept in the staff member's file.~~

*History Note: Authority G.S. 143B-168.3;
Temporary Adoption Eff. September 23, 2016;
Eff. October 1, 2017.*

SECTION .0700 - STAFF **QUALIFICATIONS**

10A NCAC 09 .0701 **HEALTH STANDARDS FOR CHILD CARE PROVIDERS, SUBSTITUTE PROVIDERS, VOLUNTEERS, AND UNCOMPENSATED PROVIDERS**

(a) Health and emergency information shall be obtained for staff members as specified in the chart below:

Required for:	Item Requirements:	Due Date:
Child care providers and uncompensated providers who are not substitute providers or volunteers as defined in 10A NCAC 09 .0102, including the director.	Medical Report A statement signed by a health care professional that indicates that the person is emotionally and physically fit to care for children.	Prior to employment. When submitted, the medical statement shall not be older than 12 months.
All staff, including the director and individuals who volunteer more than once per week.	Tuberculin (TB) Test or Screening The results indicating the individual is free of active tuberculosis shall	On or before first day of work.

Commented [SV41]: See Section .2510 for School Age Staff Qualifications.

	be obtained within the 12 months prior to the date of employment.	
Child care providers, including the director, uncompensated providers, substitute providers, and volunteers.	Emergency Information Form, including the name, address, and telephone number of the person to be contacted in case of an emergency, and the responsible party's choice of health care professional.	On or before the first day of work. The emergency information shall be updated as changes occur and at least annually.
All staff, including the director.	Health Questionnaire A statement signed by the staff member that indicates that the person is emotionally and physically fit to care for children.	Annually following the initial medical statement.
Substitute providers and volunteers.	Health Questionnaire A statement signed by the substitute provider or volunteer that indicates that the person is emotionally and physically fit to care for children.	On or before first day of work and annually thereafter.

(b) The Division, or the director of the child care center, may request an evaluation of a staff member's emotional and physical fitness to care for children when there is reason to believe that there has been deterioration in the staff member'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.

(c) A copy of the forms in the chart in Paragraph (a) of this Rule may be found on the Division's website at http://ncchildcare.ncdhhs.gov/providers/pv_provideforms.asp.

(d) Staff medical statements, proof of a tuberculosis test or screening, and completed health questionnaires shall be included in the staff member's medical file, which must be maintained separately from the staff member's individual personnel file in the center.

History Note: Authority G.S. 110-85; 110-91(1),(8),(9); 143B-168.3;
Eff. January 1, 1986;
Amended Eff. July 1, 2010; July 1, 1998;
Readopted Eff. October 1, 2017;
Amended Eff. February 1, 2021.

10A NCAC 09 .0702 STANDARDS FOR SUBSTITUTES, VOLUNTEERS

History Note: Authority G.S. 110-85; 110-91(1),(8),(9); 143B-168.3;
Eff. January 1, 1986;
Amended Eff. July 1, 2010; July 1, 1998; October 1, 1991;
Repealed Eff. October 1, 2017.

10A NCAC 09 .0703 GENERAL STATUTORY REQUIREMENTS

(a) Child care providers, substitute providers, and uncompensated providers counted toward meeting the staff/child ratio requirements set forth in Rule .0713 of this Section shall meet the requirements of G.S. 110-91(8). No one under 16 years of age shall have responsibility for or be left in charge of a group of children.

(b) On or before the first day of work, the operator shall verify the age of substitute providers and volunteers and documentation of the substitute provider or volunteer's date of birth shall be maintained in the individual's personnel file in the center. Age shall be verified with any official document that provides a date of birth, such as a driver's license or birth certificate.

(c) Within six months of an individual assuming lead teacher or child care administrator duties, each center shall maintain the following information in the individual's staff record:

- (1) a copy of the credential certificate;

Commented [SV42]: The YMCA provides leadership and career opportunities for youth and we'd like to see this modified to allow us to employ 16 year olds and offer training and the ability for them to count in staff/child ratios. How might we develop a career development opportunity for young people? Community college credit for youth development might apply as well.

- (2) a copy of notification from the Division that the individual meets the equivalency or that the individual does not meet the equivalency and must enroll in coursework;
 - (3) a dated copy of the request submitted by the individual to the Division for the assessment of equivalency status; or
 - (4) documentation of enrollment in credential coursework.
- (d) If the individual does not yet meet the staff qualifications required by [G.S. 110-91\(8\)](#) when assuming lead teacher or administrative duties, the individual shall submit to the Division documentation of completion of the coursework or credential to be considered for equivalency within six months of assuming the duties.
- (e) For child care centers in an occupied residence that are licensed for 3 to 12 children when any preschool-age children are in care, or for 3 to 15 children when only school-age children are in care, when an individual has responsibility both for administering the child care program and for planning and implementing the daily activities of a group of children, the requirements for lead teacher in Rule .0710 of this Section shall apply to this individual. If the program has more than one group of children, the requirement regarding lead teacher shall apply to each group of children.
- (f) Equivalency standards in this Section may be found online at <https://ncchildcare.ncdhhs.gov/providers/credent.asp>.

History Note: Authority G.S. 110-85; 110-91(8); 143B-168.3;
 Eff. January 1, 1986;
 Amended Eff. May 1, 2013; October 29, 1998; January 1, 1990; July 1, 1988; January 1, 1987;
 Readopted Eff. October 1, 2017;
 Amended Eff. September 1, 2019.

10A NCAC 09 .0704 PRESERVICE REQUIREMENTS FOR CHILD CARE ADMINISTRATORS

- (a) A child care administrator who has not met the staff qualifications required by G.S. 110-91(8) shall meet the requirements in this Rule prior to exercising any child caring responsibilities as follows:
- (1) have either a high school diploma or its equivalent;
 - (2) have two years of full-time work experience in a child care center or early childhood work experience; or an undergraduate, graduate, or associate degree, with 12 semester hours in child development, child psychology, early childhood education or directly related field; or a Child Development Associate Credential; or completion of a community or technical college curriculum program in the area of child care or early childhood; or one year of full-time child care or early childhood work experience and a North Carolina Early Childhood Credential; and
 - (3) have verification of having completed, or be currently enrolled in, two semester credit hours, or 32 clock hours, of training in the area of early childhood program administration; or, have one year experience performing administrative responsibilities.
- (b) A child care administrator who does not meet the requirements of Paragraph (a) of this Rule may share the requirements in Paragraph (a) of this Rule with another individual, provided that prior to exercising child caring responsibilities, the individual who is responsible for planning and implementing the daily program at the center to comply with Sections .0500 and .0600 of this Chapter shall be a full-time staff member on-site who meets Subparagraphs (a)(1) and (2) of this Rule, and the other individual shall meet Subparagraph (a)(3) of this Rule and be either on-site or off-site.
- (c) Any person who is at least 21 years old and literate who was employed as an on-site child care administrator in a child care program on or before September 1, 1986, shall be exempt from the provisions of Paragraphs (a) and (b) of this Rule, as long as the person is employed by the same operator.

History Note: Authority G.S. 110-85; 110-91(8); 143B-168.3;
 Eff. January 1, 1986;
 Amended Eff. October 29, 1998; April 1, 1997; November 1, 1989; July 1, 1988; January 1, 1987;
 Readopted Eff. October 1, 2017.

10A NCAC 09 .0705 SPECIAL TRAINING REQUIREMENTS

History Note: Authority G.S. 110-88; 110-91(1),(8); 143B-168.3;
 Eff. January 1, 1986;
 Amended Eff. January 1, 1996; January 1, 1992; January 1, 1991; January 1, 1987;

*Temporary Amendment Eff. October 1, 1997;
Amended Eff. July 1, 2008; November 1, 2005; May 1, 2004; July 1, 1998;
Temporary Amendment Eff. September 23, 2016;
Repealed Eff. October 1, 2017.*

10A NCAC 09 .0706 HEALTH AND SAFETY TRAINING REQUIREMENTS

*History Note: Authority G.S. 110-88; 110-91(11); 143B-168.3;
Temporary Adoption Eff. September 23, 2016;
Temporary Adoption Expired July 14, 2017.*

10A NCAC 09 .0707 IN-SERVICE AND ORIENTATION TRAINING REQUIREMENTS

*History Note: Authority G.S. 110-88; 110-91(11); 143B-168.3;
Eff. January 1, 1986;
Amended Eff. July 1, 2015; January 1, 2006; May 1, 2004; October 29, 1998; October 1, 1991;
November 1, 1989; July 1, 1988; January 1, 1987;
Temporary Amendment Eff. September 23, 2016;
Repealed Eff. October 1, 2017.*

10A NCAC 09 .0708 IN-SERVICE TRAINING APPROVAL (TRANSFERRED TO 10A NCAC 09 .1105)

10A NCAC 09 .0709 DOCUMENTATION OF IN-SERVICE TRAINING (TRANSFERRED TO 10A NCAC 09 .1106)

10A NCAC 09 .0710 PRESERVICE REQUIREMENTS FOR LEAD TEACHERS AND TEACHERS

(a) If an individual already has a North Carolina Early Childhood Credential or its equivalent, none of the requirements of this Rule shall apply. If an individual does not have a North Carolina Early Childhood Credential or its equivalent, the requirements of this Rule shall be met.

(b) An afterschool teacher's aide that works in an afterschool child care program shall be 16 years of age or older and be in eyesight or ear shot of an afterschool child care program staff or lead teacher.

(b)(c) A lead teacher or a teacher shall be 18 years of age, have a high school diploma or its equivalent, and have one of the following:

- (1) One year of child care experience working in a child care center or two years of verifiable experience as a licensed family child care home operator; or
- (2) Completion of a two year high school program of Early Childhood Education in Family and Consumer Sciences Education; or
- (3) Twenty hours of training in child development, which shall include the North Carolina Early Childhood Credential or the North Carolina School Age Credential coursework, within the first six months of employment in addition to the number of on-going training hours required in Rule .1103 of this Chapter.

(e)(d) Individuals employed prior to July 1, 1998 are exempted from the requirements of this Rule, as long as they remain employed by the same operator.

*History Note: Authority G.S. 110-85; 110-91(8); 143B-168.3;
Eff. July 1, 1988;
Amended Eff. January 1, 2005; October 29, 1998; April 1, 1997; October 1, 1991; November 1, 1989;
Readopted Eff. October 1, 2017.*

10A NCAC 09 .0711 PRESERVICE REQUIREMENTS FOR OTHER STAFF

(a) Any person whose job responsibility includes driving a vehicle to transport children, including any substitute driver, shall meet the requirements in Rule .1003 of this Chapter.

(b) Non-care giving staff or any person providing support to the operation of the program such as cooks, or office staff, shall be at least 16 years of age and meet the requirements of the local health department for food handlers when duties are related to food preparation or food service.

Commented [SV43]: Add school age credential being developed by the Community College system right now.

History Note: Authority G.S. 110-85; 110-91(8); 143B-168.3;

Eff. July 1, 1988;
 Amended Eff. July 1, 1998; October 1, 1991; November 1, 1989;
 Readopted Eff. October 1, 2017.

10A NCAC 09 .0712 STAFF/CHILD RATIOS FOR CENTERS WITH A LICENSED CAPACITY OF LESS THAN 30 CHILDREN

History Note: Authority G.S. 110-91(7); 143B-168.3;
 Eff. December 1, 1988;
 Amended Eff. January 1, 2006; July 1, 1998; July 1, 1994; January 1, 1992; August 1, 1990;
 Repealed Eff. October 1, 2017.

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

Commented [SV44]: We can adjust this to 1/19 IF we can have 16 year olds in a training program count toward ratios.

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

(b) The staff/child ratios for a center located in a residence with a licensed capacity of 13 to 15 children are as follows:

Age of Children	Ratio Staff/Children	Maximum Group Size
0 to 12 Months	1/5	10

Commented [SV45]: School age programs struggle to post materials such as this in school buildings that they do not occupy until after school. These materials get removed and program staff are constantly having to replace them.

12 to 24 Months	1/6	12
2 to 13 Years	1/10	15
3 to 13 Years	1/15	15

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

Age of Children	Ratio Staff/Children	(1)
0 to 12 Months	1/5 preschool children plus three additional school-age children, as defined in 10A NCAC 09 .0102(43)	
12 to 24 Months	1/6 preschool children plus two additional school-age children, as defined in 10A NCAC 09 .0102(43)	
2 to 13 Years	1/10	
3 to 13 Years	1/15	

- The staff/child ratio applicable to a classroom for a center located in a residence as described in Paragraph (b) and (c) of this Rule shall be posted in that classroom in an area that parents are able to view at all times;
- (2) When only one caregiver is required to meet the staff/child ratio for a center located in a residence, as described in Paragraph (b) and (c) of this Rule and children under two years of age are in care, that person shall not concurrently perform food preparation or other duties such as cleaning, activity planning and set up, or communication with families that are not direct child care responsibilities; and
 - (3) When only one caregiver is required to meet the staff/child ratio for a center located in a residence, as described in Paragraph (b) or (c) of this Rule, the center shall post the name, address, and telephone number of an adult who has agreed in writing to be available to provide emergency relief.

(d) A center may choose to group children in multi-age groups rather than single-aged groups. The staff/child ratios and group sizes for multi-age groups of children in centers shall be as follows:

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

- (1) Before meeting the ratios outlined in this Paragraph or before changing from multi-age group ratios to single-age group ratios, the operator must notify the Division in writing by mailing a notice to the Division at 2201 Mail Service Center, Raleigh, North Carolina 27699-2200;
- (2) Paragraphs (a) through (c) of this Rule do not apply to centers that choose to meet the ratios outlined in this Paragraph, with the exception of Subparagraphs (a)(7), (8) and (9) of this Rule;
- (3) Children 36 months through 47 months may remain in the classroom with infants, as defined in 10A NCAC 09 .0102(25), provided there is an agreed upon plan between the child care facility, the child's parents or legal guardian, and a local early childhood partner, such as Head Start, public school, or family engagement coordinator, for transitioning the child to future care outside of the center. This plan for future care must be initiated at least six months prior to a child's third birthday, maintained in each child's file, and be available for review by the Division. When a child age 35 through 47 months remains in the classroom pursuant to this subparagraph, the staff/child ratio for the youngest child in the group shall be maintained for the entire group; and
- (4) The staff/child ratio applicable for a multi-age group as described in this Paragraph shall be posted in that classroom in an area that parents are able to view at all times.

History Note: Authority G.S. 110-85; 110-91(7); 143B-168.3;

Eff. December 1, 1988;
 Amended Eff. January 1, 2006; July 1, 1998; July 1, 1994; January 1, 1992; August 1, 1990;
 November 1, 1989;
 Readopted Eff. October 1, 2017;
 Amended Eff. November 1, 2024; July 1, 2023; February 1, 2021.

10A NCAC 09 .0714 OTHER STAFFING REQUIREMENTS

(a) Each child care center shall have a child care administrator who shall be responsible for monitoring the program and overseeing administrative duties of the center. For school-age child care programs operating within public or private school buildings, the designated child care administrator may be located off-site and/or may provide oversight by traveling between multiple program locations, provided that adequate supervision is maintained and the administrator is available to assist with staffing, compliance, and operational needs as required by the Division of Child Development and Early Education (DCDEE) regulations. This requirement may be met by having one or more persons on site who meet the requirements for a child care administrator as set forth in G.S. 110-91(8) and according to the licensed capacity of the center. The child care administrator shall be on-site in accordance with the following chart:

Commented [SV46]: We need this flexibility, as multiple sites may fall under one administrator who needs to be able to fill in where needed, and visit multiple sites in a day to oversee programs.

Licensed Capacity	Weekly On-Site Hours
Less than 30 children	20
30-79 children	25
80-199 children	30
200 or more children	40

The child care administrator's required weekly hours may include those hours that he or she is off-site due to administrative duties, illness or vacation.

(b) One person who meets the requirements for a child care administrator or lead teacher as set forth in G.S. 110-91(8) shall be on site during the center's operating hours, except that a person who is at least 18 years old with at least a high school diploma or its equivalent and who has a minimum of one year's experience working with children in a child care center may be on duty at the beginning or end of the operating day provided that:

- (1) no more than 10 children are present;
- (2) the staff person has worked in that center for three months; and
- (3) the staff person has completed the orientation training required in Rule .1101 of this Section.

(c) One person who meets the requirements for a lead teacher shall be responsible for each group of children except as provided in Paragraph (b) of this Rule. This requirement may be met by having one or more persons who meet the requirements for a lead teacher responsible for the same group of children. Each lead teacher shall be responsible for only one group of children at a time. Each group of children shall have a lead teacher in attendance for at least two-thirds of the total daily hours of operation, based on a normal working schedule, and may include times when the lead teacher may not be in attendance due to circumstances such as illness or vacation.

(d) No aide shall have responsibility for a group of children except as provided in Paragraph (b) of this Rule.

(e) Nothing contained in this Chapter shall be construed to preclude a "qualified person with a disability," as defined by G.S. 168A-3(9), or a "qualified individual with a disability," as defined by the Americans With Disabilities Act at 42 U.S.C. 12111(8), from working in a licensed child care facility.

History Note: Authority G.S. 110-85(1); 110-91(7),(8); 143B-168.3;
 Eff. July 1, 1988;
 Amended Eff. July 1, 2012; May 1, 2004; July 1, 1998; January 1, 1996; October 1, 1991;
 November 1, 1989;
 Readopted Eff. October 1, 2017.

SECTION .0800 - HEALTH STANDARDS FOR CHILDREN

10A NCAC 09 .0801 APPLICATION FOR ENROLLMENT

(a) Each child in care shall have an individual application for enrollment completed and signed by the child's parent, as defined in 10A NCAC 09 .0102 The enrollment application shall be maintained in either a hard copy format or a readily accessible and printable electronic format that is available for review by regulatory authorities upon request. The completed, signed application shall be on file in the center on the first day the child attends and shall include the following information:

- (1) emergency medical information as set forth in Rule .0802(c) of this Section;

Commented [SV47]: This is necessary for school age programs to not have the files carried to the location in physical format which is not secure.

- (2) the child's full name and the name the child is to be called;
- (3) the child's date of birth;
- (4) any allergies and the symptoms and type of response required for allergic reactions;
- (5) any health care needs or concerns, symptoms of and the type of response required for these health care needs or concerns;

- (6) fears or behavior characteristics that the child has; and
 - (7) the names of individuals to whom the center may release the child, as authorized by the person who signs the application.
- (b) For any child with health care needs such as allergies, asthma, or other chronic conditions that require specialized health services, a medical action plan shall be attached to the application. The medical action plan shall be completed by the child's parent or a health care professional and may include the following:
- (1) a list of the child's diagnosis or diagnoses including dietary, environmental, and activity considerations that are applicable;
 - (2) contact information for the child's health care professional(s);
 - (3) medications to be administered on a scheduled basis; and
 - (4) medications to be administered on an emergency basis with symptoms, and instructions.

For school-age programs operating within public and private school buildings, the child care program shall coordinate with the school's health team to ensure continuity and consistency with the Medical Action Plan already on file with the school, and shall maintain a copy readily accessible to program staff. The medical action plan shall be updated on an annual basis and when changes to the plan are made by the child's parent or health care professional. Sample medical action plans may be found on the Division's website at http://ncchildcare.ncdhhs.gov/providers/pv_provideforms.asp;

- (c) Center administrators and staff shall release a child only to an individual listed on the application.
- (d) The information contained in Subparagraphs (a)(1) through (a)(7) and Paragraph (b) of this Rule, shall be accessible to caregiving staff during the time the child is in care.
- (e) Center administrators and staff shall use the information provided on the application to ensure that each individual child's needs are met during the time the child is in care.

*History Note: Authority G.S. 110-88; 143B-168.3;
Eff. January 1, 1986;
Amended Eff. November 1, 1989;
Temporary Amendment Eff. September 23, 2016;
Readopted Eff. October 1, 2017;
Amended Eff. February 1, 2021; September 1, 2019.*

10A NCAC 09 .0802 EMERGENCY MEDICAL CARE

(a) Each child care center shall have a written plan that sets forth the steps to follow in the event of a child medical emergency. For school-age programs operating within public and private school buildings, the child care program shall coordinate with the school's health team to ensure continuity with the Medical Action Plan maintained by the school, and incorporate the relevant procedures into the center's Emergency Medical Care Plan to provide a consistent and effective response. The plan shall be reviewed with all staff annually and whenever the plan is revised. This plan shall give the procedures to be followed to ensure that any child who becomes ill or is injured and requires medical attention while in care at the center receives appropriate medical attention. The following information shall be included in the center's emergency medical care plan:

- (1) The name of the person and at least one alternate, responsible for carrying out that plan of action, ensuring that appropriate medical care is given, and determining which of the following is needed:
 - (A) first aid given at the center for an injury or illness needing only minimal attention; and
 - (B) calling 911 in accordance with CPR or First Aid training recommendations.
 - (2) The name of the person and one alternate, at the center responsible for:
 - (A) ensuring that the signed authorization described in Paragraph (d) of this Rule is taken with the ill or injured child to the medical facility;
 - (B) accompanying the ill or injured child to the medical facility;
 - (C) notifying a child's parents or emergency contact person about the illness or injury and where the child has been taken for treatment;
 - (D) obtaining substitute staff, if needed, to maintain required staff/child ratio and adequate supervision of children who remain in the center; and
 - (3) A statement giving the location of the telephone located on the premises available for use in case of emergency. A telephone located in an office in the center that is sometimes locked during the time the children are present shall not be designated for use in an emergency.
- (b) One person identified as the person or alternate responsible for carrying out the emergency medical care plan and ensuring that appropriate medical care is given shall:
- (1) be on the premises at all times; and
 - (2) accompany children for off-premises activities.

Commented [SV48]: School age programs must coordinate with schools to ensure a child's medical needs are met consistently across the school day and into after school care.

Commented [SV49]: Similar to the change suggested for Medical Action Plans, the after school program in public and private school buildings would coordinate with the school's process and procedures for ensuring proper care in a medical emergency.

- (c) Emergency medical care information shall be on file for each child. That information shall include:
- (1) the name, address, and telephone number of the parent or other person to be contacted in case of an emergency;
 - (2) the responsible party's choice of health care professional;

- (3) any chronic illness and any medication taken for that illness; and
- (4) any other information that has a direct bearing on ensuring safe medical treatment for the child.

This emergency medical care information shall be on file in the center on the child's first day of attendance and shall be updated as changes occur and at least annually.

(d) Each child's parent, legal guardian, or full-time custodian shall sign a statement authorizing the center to obtain medical attention for the child in an emergency. That statement shall be on file on the first day the child attends the center. It shall be easily accessible to staff so that it can be taken with the child whenever emergency medical treatment is necessary.

(e) The child care provider shall complete an incident report each time a child is injured as a result of an incident occurring while the child is in care. This incident report shall include:

- (1) facility identifying information;
- (2) the child's name;
- (3) date and time of the incident;
- (4) witness to the incident;
- (5) time the parent is notified of the incident and by whom;
- (6) piece of equipment involved, if applicable;
- (7) cause of injury, if applicable;
- (8) type of injury, if applicable;
- (9) body part injured, if applicable;
- (10) where the child received medical treatment, if applicable;
- (11) description of how and where the incident occurred, and the First Aid received; and
- (12) steps taken to prevent recurrence.

This report shall be signed by the person completing it and by the parent, a copy given to the parent or the parent declining a copy and the report maintained in the child's file. A copy of the form may be found on the Division's website at http://ncchildcare.ncdhhs.gov/pdf_forms/DCDEE-0058.pdf.

(f) When medical treatment is required by a health care professional, community clinic, or local health department as a result of an incident occurring while the child is in care, a copy of the incident report shall be mailed to a representative of the Division within seven calendar days after the incident.

(g) An incident log shall be completed any time an incident report is completed. This log shall:

- (1) include the name of the child;
- (2) include the date of the incident;
- (3) include the date the incident report was submitted to the Division, if applicable;
- (4) include the name of the staff member who complete the incident report;
- (5) be cumulative and maintained in a separate file; and
- (6) be available for review by a representative of the Division.

This log shall be completed on a form provided by the Division. A copy of the log may be found on the Division's website at https://ncchildcare.ncdhhs.gov/Portals/0/documents/pdf/I/incident_log_i.pdf?ver=2017-05-16-105723-723.

(h) A First Aid information sheet shall be posted in a place for referral. The information sheet shall include first aid guidance regarding burns, scalds, fractures, sprains, head injuries, poisons, skin wounds, stings and bites. An information sheet may be requested free of charge from the North Carolina Child Care Health and Safety Resource Center at 1-800-367-2229.

*History Note: Authority G.S. 110-85; 110-91(1),(9); 143B-168.3;
Eff. January 1, 1986;
Amended Eff. July 1, 2010; July 1, 1998; January 1, 1996; October 1, 1991; November 1, 1989;
Readopted Eff. October 1, 2017;
Amended Eff. February 1, 2021; September 1, 2019.*

10A NCAC 09 .0803 ADMINISTERING MEDICATION IN CHILD CARE CENTERS

The following provisions apply to the administration of medication in child care centers:

- (1) No prescription or over-the-counter medication and no topical, non-medical ointment, repellent, lotion, cream, fluoridated toothpaste, or powder shall be administered to any child:
 - (a) without written authorization from the child's parent;
 - (b) without written instructions from the child's parent, physician or other health professional;

- (c) in any manner not authorized by the child's parent, physician or other health professional;
 - (d) after its expiration date;
 - (e) for non-medical reasons, such as to induce sleep; or
 - (f) with a known allergy to the medication.
- (2) Prescribed medications:
- (a) shall be stored in the original containers in which they were dispensed with the pharmacy labels;
 - (b) if pharmaceutical samples, shall be stored in the manufacturer's original packaging, shall be labeled with the child's name, and shall be accompanied by written instructions specifying:
 - (i) the child's name;
 - (ii) the names of the medication;
 - (iii) the amount and frequency of dosage;
 - (iv) the signature of the prescribing physician or other health professional; and
 - (v) the date the instructions were signed by the physician or other health professional;
 - (c) shall be administered only to the child for whom they were prescribed; and
 - (d) shall be administered according to the prescription, using amount and frequency of dosage specified on the label.
- (3) A parent's written authorization for the administration of a prescription medication described in Item (2) of this Rule shall be valid for the length of time the medication is prescribed to be taken.
- (4) Over-the-counter medications, such as cough syrup, decongestant, acetaminophen, ibuprofen, topical antibiotic cream for abrasions, or medication for intestinal disorders shall be stored in the manufacturer's original packaging on which the child's name is written or labeled and shall be accompanied by written instructions specifying:
- (a) the child's name;
 - (b) the names of the authorized over-the-counter medication;
 - (c) the amount and frequency of the dosages, which shall not exceed the amount and frequency of the dosages on the manufacturer's label;
 - (d) the signature of the parent, physician or other health professional; and
 - (e) the date the instructions were signed by the parent, physician or other health professional.
- The permission to administer over-the-counter medications is valid for up to 30 days at a time, except as allowed in Items (6), (7), (8) and (9) of this Rule. Over-the-counter medications shall not be administered on an "as needed" basis, other than as allowed in Items (6), (7), (8) and (9) of this Rule.
- (5) When questions arise concerning whether any medication should be administered to a child, the caregiver may decline to administer that medication without signed, written dosage instructions from a licensed physician or authorized health professional.
- (6) A parent may give a caregiver standing authorization for up to six months to administer prescription or over-the-counter medication to a child, when needed, for chronic medical conditions, such as asthma, and for allergic reactions. The authorization shall be in writing and shall contain:
- (a) the child's name;
 - (b) the subject medical conditions or allergic reactions;
 - (c) the names of the authorized over-the-counter medications;
 - (d) the criteria for the administration of the medication;
 - (e) the amount and frequency of the dosages;
 - (f) the manner in which the medication shall be administered;
 - (g) the signature of the parent;
 - (h) the date the authorization was signed by the parent; and
 - (i) the length of time the authorization is valid, if less than six months.
- (7) A parent may give a caregiver standing authorization for up to 12 months to apply over-the-counter, topical ointments, topical teething ointment or gel, insect repellents, lotions, creams, fluoridated toothpaste, and powders, such as sunscreen, diapering creams, baby lotion, and baby powder, to a child, when needed. The authorization shall be in writing and shall contain:
- (a) the child's name;

- (b) the names of the authorized ointments, repellents, lotions, creams, fluoridated toothpaste, and powders;
 - (c) the criteria for the administration of the ointments, repellents, lotions, creams, fluoridated toothpaste, and powders;
 - (d) the manner in which the ointments, repellents, lotions, creams, fluoridated toothpaste, and powders shall be applied;
 - (e) the signature of the parent;
 - (f) the date the authorization was signed by the parent; and
 - (g) the length of time the authorization is valid, if less than 12 months.
- (8) A parent may give a caregiver standing authorization to administer a single weight-appropriate dose of acetaminophen to a child in the event the child has a fever and a parent cannot be reached. The authorization shall be in writing and shall contain:
- (a) the child's name;
 - (b) the signature of the parent;
 - (c) the date the authorization was signed by the parent; and
 - (d) the date that the authorization ends or a statement that the authorization is valid until withdrawn by the parent in writing.
- (9) A parent may give a caregiver standing authorization to administer an over-the-counter medication as directed by the North Carolina State Health Director or designee, when there is a public health emergency as identified by the North Carolina State Health Director or designee. The authorization shall be in writing, may be valid for as long as the child is enrolled, and shall contain:
- (a) the child's name;
 - (b) the signature of the parent;
 - (c) the date the authorization was signed by the parent; and
 - (d) the date that the authorization ends or a statement that the authorization is valid until withdrawn by the parent in writing.
- (10) Pursuant to G.S. 110-102.1A, a caregiver may administer medication to a child without parental authorization in the event of an emergency medical condition when the child's parent is unavailable, and providing the medication is administered with the authorization and in accordance with instructions from a bona fide medical care provider.
- (11) A parent may withdraw written authorization for the administration of medications at any time in writing.
- (12) Any medication remaining after the course of treatment is completed, after authorization is withdrawn or after authorization has expired shall be returned to the child's parents. Any medication the parent fails to retrieve within 72 hours of completion of treatment, or withdrawal of authorization, shall be discarded.
- (13) Any time prescription or over-the-counter medication is administered by center personnel to children receiving care, the following information shall be recorded:
- (a) the child's name;
 - (b) the date the medication was given;
 - (c) the time the medication was given;
 - (d) the amount and the type of medication given; and
 - (e) the name and signature of the person administering the medication.
- This information shall be noted on a medication permission slip, or on a separate form developed by the provider which includes the required information. This information shall be available for review by a representative of the Division during the time period the medication is being administered and for six months after the medication is administered. No documentation shall be required when items listed in Item (7) of this Rule are applied to children.
- (14) If medication is administered in error, whether administering the wrong dosage, giving to the wrong child, or giving the incorrect type of medicine, the child care center shall:
- (a) call 911 in accordance with CPR or First Aid training recommendations;
 - (b) notify the center director;
 - (c) contact the child's parent;
 - (d) observe the child; and
 - (e) document the medication error in writing, including:

- (i) the child's name and date of birth;
- (ii) the type and dosage of medication administered;
- (iii) the name of the person who administered the medication;
- (iv) the date and time of the error;
- (v) the signature of the child care administrator, the parent and the staff member who administered the medication;
- (vi) the actions taken by the center following the error; and
- (vii) the actions that will be taken by the center to prevent a future error.

This documentation shall be maintained in the child's file.

History Note: Authority G.S. 110-85; 110-91(1),(9); 110-102.1A; 143B-168.3; Eff. January 1, 1986; Amended Eff. May 1, 2004; April 1, 2001; July 1, 1998; January 1, 1996; Readopted Eff. October 1, 2017.

10A NCAC 09 .0804 INFECTIOUS AND CONTAGIOUS DISEASES

(a) Centers may provide care for a mildly ill infant or child older than two months who has a Fahrenheit temperature less than 101 degrees and for infants younger than two months who have a Fahrenheit temperature of less than 100.4 by any method including axillary or orally, so long as the child does not have any of the following:

- (1) more than two stools above the child's normal pattern and diarrhea is not contained by a diaper or when toilet-trained children are having accidents;
- (2) two or more episodes of vomiting within a 12 hour period;
- (3) lice, until completion of first treatment;
- (4) scabies;
- (5) chicken pox or a rash suggestive of chicken pox;
- (6) tuberculosis, until a health professional provides a written statement that the child is not infectious;
- (7) strep throat, until 12 hours after antibiotic treatment has started and no fever is present;
- (8) pertussis, until five days after treatment has started;
- (9) hepatitis A virus infection, until one week after onset of illness or jaundice;
- (10) impetigo, until 24 hours after treatment has started;
- (11) a physician's or other health professional's written order that the child be separated from other children; or
- (12) exclusion for symptoms not included in this list shall be required if the symptoms prevent the child from participating comfortably in activities as determined by staff members of the program or the symptoms result in a need for care that is greater than the staff members can provide without compromising the health and safety of other children.

(b) Centers that choose to provide care for mildly ill children shall:

- (1) follow all procedures to prevent the spread of communicable diseases described in 15A NCAC 18A .2800, "Sanitation of Child Care Centers", as adopted by the Commission for Public Health;
- (2) separate from the other children any child who becomes ill while in care or who is suspected of having a communicable disease or condition other than as described in Paragraph (a) of this Rule until the child leaves the center;
- (3) notify all parents at enrollment that the center will be providing care for mildly ill children;
- (4) notify the parent of any child who becomes ill or who is suspected of being ill with a communicable condition other than as described in Paragraph (a) of this Rule that the child is ill and shall leave the center;
- (5) notify the parent of any mildly ill child in care if the child's condition worsens while the child is in care.

History Note: Authority G.S. 110-85; 110-91(1); 143B-168.3; Eff. January 1, 1986; Amended Eff. December 1, 2014; July 1, 1998; November 1, 1991; November 1, 1989; Readopted Eff. October 1, 2017.

10A NCAC 09 .0805 SANITARY FOOD SERVICE

History Note: Authority G.S. 110-91(1); 143B-168.3;
Eff. January 1, 1986;
Amended Eff. November 1, 1989;
Repealed Eff. December 1, 2007.

~~10A NCAC 09 .0806 — TOILETING, CLOTHING AND LINENS~~

- ~~(a) Diapers shall be changed whenever they become soiled or wet and not on a shift basis.~~
~~(b) The center shall ensure that clean clothes are available in the event that a child's clothes become wet or soiled. The change of clothing may be provided by the center or by the child's parents.~~
~~(c) A supply of clean linens must be on hand so that linens can be changed whenever they become soiled or wet.~~
~~(d) Staff shall not force children to use the toilet and staff shall consider the developmental readiness of each child when toilet training.~~
~~(e) Staff shall provide assistance to each child to ensure good hygiene.~~

Commented [SV50]: Unnecessary for school age child care

~~History Note: Authority G.S. 110-85; 110-91(1); 143B-168.3;
Eff. January 1, 1986;
Amended Eff. July 1, 1998; November 1, 1989;
Readopted Eff. October 1, 2017.~~

SECTION .0900 - NUTRITION STANDARDS

10A NCAC 09 .0901 GENERAL NUTRITION REQUIREMENTS

(a) Meals and snacks served to children in a child care center shall comply with the Meal Patterns for Children in Child Care Programs from the United States Department of Agriculture (USDA) which are based on the recommended nutrient intake judged by the National Research Council to be adequate for maintaining good nutrition. The types of food, number and size of servings shall be appropriate for the ages and developmental levels of the children in care. The Meal Patterns for Children in Child Care Programs are incorporated by reference and include subsequent amendments. A copy of the Meal Patterns for Children in Child Care Programs is available online at <https://www.fns.usda.gov/cacfp/meals-and-snacks>.

Formatted: Font: 10 pt

- (b) Meals and snacks shall be planned according to the number of hours a child is in the center. Children shall be provided a meal or snack a minimum of every three hours.
- (c) The licensee shall ensure that all on-site meal preparation shall have approval by the Division. The on-site preparation of snacks only does not require approval by the Division.
- (1) The program Staff shall follow food safe practices when preparing and serving food.
 - (2) Live animals shall not be kept or allowed in any rooms where food or drink is being prepared.
 - (3) Kitchen facilities shall be maintained in a sanitary condition, free of dust, insects and other contaminants.
 - (4) Monthly snack menus shall be posted or sent home. Monthly snack menus shall be kept on file for the preceding three months.
- (d) When a child has a medically diagnosed food allergy, a special care plan from the child's health care provider shall be readily available and describe steps to take in the event of exposure.
- (e) Children with food sensitivities or allergies shall be offered an alternative snack. All Staff and Volunteers shall be aware of a child's food allergy and of the emergency steps to be taken should an allergic child be exposed to the problem food.
- (f) All readily perishable food or drink, including that brought by children or parents, shall be refrigerated at or below forty-five (45) degrees Fahrenheit, (seven [7] degrees Celsius), except when being prepared or served.
- (g) When provided by parents, food items which are subject to rapid deterioration or spoilage shall be refrigerated upon arrival at the facility.
- (h) All readily perishable food shall not be kept at room temperature for more than one hour.
- (i) Refrigerated foods shall be labeled and dated.
- (j) Fresh fruits and vegetables shall be thoroughly washed before use.
- (k) All non-perishable foods shall be stored in plainly labeled, dated and rodent proof containers.
- (l) All utensils, equipment and food shall be stored in a clean, dry place, free from insects, dust and other contamination, and shall be handled in such a manner as to prevent contamination.
- (m) All containers and utensils shall be stored eighteen inches off the floor if stored on open shelves. Dishes shall be stored in closed space. Cupboards shall be clean.

Formatted

- ~~(n) Utensils shall be covered or inverted in a container when not in use.~~
- ~~(o) Containers and utensils shall not be handled on the surfaces which come in contact with food or drink.~~
- ~~(p) Paper cups, plates, straws, spoons, forks, and other single service containers and utensils shall be purchased in sanitary cartons and stored in a clean and dry place until used. After removal from the cartons, these articles shall be placed in dispensers or stored so that the food contact surfaces are not exposed to sources of contamination. Single service utensils shall be used only once.~~
- ~~(q) All machinery and equipment in connection with the operation of the kitchen shall be so constructed and arranged so as to be easily cleanable and shall be kept in good repair.~~
- ~~(r) Enamelware and cracked or chipped china or glassware shall not be used.~~
- ~~(s) All foods that are contaminated shall be disposed of promptly. Swelled, rusty, dented or leaky canned food or drink shall be disposed of promptly.~~
- ~~(t) When multi-services utensils are used a mechanical dishwasher shall be equipped with a rinse cycle of 140 degrees Fahrenheit (57 degrees Celsius). This shall be installed and operated according to the manufacturer's recommendations.~~
- ~~(u) When a dishwasher is not available and single service items are not used; a three- compartment sink with adequate space for drain boards shall be required for the dishwashing, rinsing and sanitizing of dishes and utensils. Dishes shall be washed in hot, clean water at 120 degrees Fahrenheit (49 degrees Celsius), rinsed in hot, clean water and immersed for 2 minutes in sanitizing rinse. Bleach solution shall be used following the instruction of the manufacturer regarding sanitizing. Hand washed dishes shall be air-dried.~~
- ~~(v) When food is prepared by or provided by the center, menus for nutritious meals and snacks shall be planned at least one week in advance. At least one dated copy of the current week's menu shall be posted where it can be seen by parents and food preparation staff when food is prepared or provided by the center. A variety of food shall be included in meals and snacks. Any substitution shall be of comparable food value and shall be recorded on the menu prior to the meal or snack being served.~~
- ~~(e) When children bring their own food for meals or snacks to the center, if the food does not meet the nutritional requirements specified in Paragraph (a) of this Rule, the center must provide additional food necessary to meet those requirements.~~
- ~~(d) A child's parent may opt out of the supplemental food provided by the center as set forth in G.S. 110-91(2)h.1. When a child's parent opts out of the supplemental food provided by the center, the parent shall sign a statement acknowledging the parental decision shall be kept in the child's file at the center and a copy provided to the parent. A child's parent may opt out of the supplemental food provided by the center, subject to the following:~~
 - ~~(1) the center shall not provide any food or drink so long as the child's parent or guardian provides all meals, snacks, and drinks scheduled to be served at the center's designated times;~~
 - ~~(2) the ability to opt out of specific meals or days based on menu options is not available;~~
 - ~~(3) if a child requests specific foods being served to other children, but the parent has opted out, the center shall not serve supplemental food; and~~
 - ~~(4) if the child's parent or guardian has opted out, but does not provide all meals and snacks for the child, the center shall replace the missing meal or snack as if the child's parent or guardian had not opted out of the supplemental food program.~~
- ~~(e) Drinking water shall be freely available to children of all ages. Drinking fountains or individual drinking utensils shall be provided. When a private water supply is used, it must be tested by and meet the requirements of the Commission for Public Health as set forth in 15A NCAC 18A .2800.~~
- ~~(f) The child care provider shall serve only the following beverages:~~
 - ~~(1) breast milk, as specified in Paragraph (k) of this Rule;~~
 - ~~(2) formula;~~

Commented [SV51]: Food preparation for school age programs is very different than food prep for 0-5 child care. First, most programs only offer a snack after school; if they offer more, it is directed by the Child and Adult Care Food Program and falls under those guidelines. Most school-age programs operated at YMCAs or in school building do not have access to kitchens - schools do not permit most after school programs to access their kitchens. This just needs to be simplified to cover basic food service safety and nutrition guidelines for snacks.

- (3) ~~water;~~
- (4) ~~unflavored whole milk, for children ages 12-23 months;~~
- (5) ~~unflavored skim or lowfat milk for children 24 months through five years;~~
- (6) ~~unflavored skim milk, unflavored low-fat milk, or flavored skim milk for children six years and older; or~~
- (7) ~~100 percent fruit juice, limited to 6 ounces per day, for all ages.~~

(g) ~~Children's special diets or food allergies shall be posted where they can be seen in the food preparation area and in the child's eating area.~~

(h) ~~The food required by special diets for medical, religious, or cultural reasons, or parental preferences, may be provided by the center or may be brought to the center by the parents. If the diet is prescribed by a health care professional, a statement signed by the health care professional shall be on file at the center and written instructions shall be provided by the child's parent, health care professional, or a licensed dietitian/nutritionist. If the diet is not prescribed by a health care professional, written instructions shall be provided by the child's parent and shall be on file at the center.~~

(i) ~~Food that does not meet the nutritional requirements specified in Paragraph (a) of this Rule, such as cupcakes, cakes, and donuts shall only be offered for special occasions such as holidays and birthdays.~~

(j) ~~Staff shall role model appropriate eating behaviors by consuming only food or beverages that meet the nutritional requirements specified in Paragraph (a) of this Rule in the presence of children in care.~~

(k) ~~Parents shall be allowed to provide breast milk for their children. Accommodations for breastfeeding mothers shall be provided that include seating and an electrical outlet in a place other than a bathroom that is shielded from view by staff and the public which may be used by mothers while they are breastfeeding or expressing milk.~~

History Note: Authority G.S. 110-85; 110-91(2); 143B-168.3;

Eff. January 1, 1986;

Amended Eff. December 1, 2012; July 1, 2010; July 1, 1998; October 1, 1991; November 1, 1989;

Readopted Eff. October 1, 2017.

10A NCAC 09 .0902 — REQUIREMENTS FOR ~~INFANTS~~

(a) ~~The parent or health care provider of each child under 15 months of age shall provide the center an individual written feeding plan for the child. This plan shall be followed at the center. This plan shall include the child's name, be signed by the parent or health care provider, and be dated when received by the center. Each infant's plan shall be modified in consultation with the child's parent or health care provider to reflect changes in the child's needs as he or she develops. The feeding instructions for each infant shall include the type and amount of milk, formula and food, the frequency of feedings and be posted for reference by the caregivers.~~

(b) ~~Each infant shall be held for bottle feeding until able to hold his or her own bottle. Bottles shall not be propped. Each child shall be held or placed in feeding chairs or other age appropriate seating apparatus to be fed. The feeding chair or other seating apparatus shall be disassembled for cleaning purposes.~~

(c) ~~Infants shall not be served juice in a bottle without a prescription or written statement on file from a health care professional or licensed dietitian/nutritionist.~~

(d) ~~Each infant shall be served only bottles labeled with their individual name.~~

History Note: Authority G.S. 110-85; 110-91(2); 143B-168.3;

Eff. January 1, 1986;

Amended Eff. December 1, 2012; July 1, 1998; October 1, 1991; November 1, 1989;

Readopted Eff. October 1, 2017.

10A NCAC 09 .0903 — REQUIREMENTS FOR CHILDREN AGED 15 MONTHS ~~AND OLDER~~

~~Meals and snacks shall be planned according to the number of hours a child is in the center. Children shall be provided a meal or snack a minimum of every four hours. These rules apply in all situations except during sleeping hours and nighttime care:~~

Hours Child Is In Care	Age of Child	Snack and Meal Requirement
At least 2 hours but less than 4 hours	Preschool-age children	1 snack, unless child is present during the time a meal is being served
Any hours in care	School-age	1 snack, unless child is present during the time a meal is being

Commented [SV52]: Not applicable to school age children.

Commented [SV53]: See insertion for General Nutrition Requirements above that will cover this section.

	children	served
At least 4 hours but less than 6 hours	All Children	1 meal equal to 1/3 of the child's daily food needs
At least 6 hours but less than 12 hours	All Children	2 meals and 1 snack OR 2 snacks and 1 meal equal to 1/2 of the child's daily food needs
More than 12 hours	All Children	2 snacks and 2 meals equal to 2/3 of the child's daily food needs
Second Shift (approximately 3:00 p.m. to 11:00 p.m.)	All Children	1 meal

History Note: Authority G.S. 110-85; 110-91(2); 143B-168.3; Eff. January 1, 1986; Amended Eff. November 1, 1989; January 1, 1987; Readopted Eff. October 1, 2017.

SECTION .1000 - TRANSPORTATION STANDARDS

TRANSPORTATION FOR SCHOOL AGE CHILD CARE

The Program Administrator or Site Director shall ensure that written permission is obtained from parents prior to providing transportation of children. Parents shall also be notified when someone not employed by the program may transport their child. This written permission shall be retained in each child's file.

Any vehicles used for transporting children shall be registered, inspected and insured according to North Carolina State Law.

The operator of any motor vehicle who is transporting children shall hold a valid operator's license that is appropriate for that vehicle. The Licensee shall ensure that the driver obeys all traffic laws.

When transporting sixteen (16) or more persons at one time, including the driver, the driver shall hold a valid Commercial Driver's License (CDL) with a passenger (P) endorsement, in accordance with North Carolina General Statutes and Department of Motor Vehicles requirements. Children in vehicles shall not be left unsupervised or unattended at any time.

Staff/child ratios are as follows for transporting ambulatory children:

Two Staff persons shall be present in addition to the driver when fourteen or more children are transported.

The Program Administrator or Site Director shall ensure that when there are three or more non-ambulatory children in the vehicle, there must be at least two staff members present. When there are more than six non-ambulatory children in the vehicle a one: four staff/child ratio shall apply in addition to the driver.

When being transported in a motor vehicle smaller than a large school bus, all passengers, except children who have physical conditions which prevent the use of a child safety seat or seat belt, shall be properly restrained in accordance with North Carolina State Law.

The number of children within the school bus shall not be more than the number of seating spaces provided.

10A NCAC 09 .1001 SEAT AND CHILD SAFETY SEATS IN CHILD CARE CENTERS

- (a) When children enrolled in a child care center are being transported, each adult and child shall be restrained with an individual seat belt or child safety seat appropriate to the child's age or weight in accordance with G.S. 20-135.2A located at <http://www.buckleupnc.org/occupant-restraint-laws/seat-belt-law-summary/>.
- (b) Only one person shall occupy each seat belt or child safety seat.

Commented [SV54]: Added school-age appropriate transportation standards as the ones for children ages 0-5 are unrealistic for school age children. After school programs often transport children to activities that include swimming lessons, visits to parks, etc. After school programs often use school buses which do not have individual seat belts, for example.

*History Note: — Authority G.S. 110-85; 110-91(13); 143B-168.3;
Eff. January 1, 1986;
Amended Eff. July 1, 1998; July 1, 1995; November 1, 1989; July 1, 1988; January 1, 1987;
Readopted Eff. October 1, 2017.*

10A NCAC 09.1002 — SAFE VEHICLES

- (a) Vehicles used to transport children enrolled in child care centers shall be free of hazards such as, but not limited to, torn upholstery that allows children to remove the interior padding, broken windows, holes in the floor or roof, or tire treads of less than 2/32 of an inch.
- (b) Vehicles used to transport children enrolled in child care centers shall comply with all applicable State and federal laws and regulations.
- (c) Vehicles shall be insured for liability as required by State laws governing transportation of passengers pursuant to G.S. 20-279.21.
- (d) Vehicles used to transport children in snowy, icy, and other hazardous weather conditions must be equipped with snow tires or chains as appropriate.

*History Note: — Authority G.S. 110-85; 110-91(13); 143B-168.3;
Eff. January 1, 1986;
Amended Eff. July 1, 1998;
Readopted Eff. October 1, 2017.*

10A NCAC 09.1003 — SAFE PROCEDURES

- (a) The driver or other staff member in the vehicle shall ensure that all children are transferred to an individual who is indicated on the child's application as specified in Rule .0801(a)(7) of this Chapter or as authorized by the parent.
- (b) Each center shall establish procedures for pick-up and delivery of children to ensure children are protected from danger and not exposed to risk of harm. These procedures shall be communicated to parents, and a copy shall be posted in the center where they can be seen by the parents.
- (c) A First Aid kit and fire extinguisher shall be located in each vehicle used to transport children. The First Aid kit and fire extinguisher shall be mounted or secured if kept in the passenger compartment.
- (d) For each child being transported, identifying information, including the child's name, photograph, emergency contact information, and a copy of the emergency medical care information form required by Rule .0802(c) of this Chapter, shall be in the vehicle.
- (e) The driver shall:

- (1) ~~be 21 years old or a licensed bus driver;~~
- (2) ~~have a valid driver's license of the type required under North Carolina Motor Vehicle Law for the vehicle being driven or comparable license from the state in which the driver resides; and~~
- (3) ~~have no convictions of Driving While Impaired (DWI) or any other impaired driving offense within the previous three years.~~

~~(f) Each person in the vehicle shall be seated in the manufacturer's designated areas. No child shall ride in the load carrying area or floor of a vehicle.~~

~~(g) Children shall not be left in a vehicle unattended by an adult.~~

~~(h) Children shall be loaded and unloaded from curbside or in a safe, off-street area, out of the flow of traffic, so that they are protected from all traffic hazards.~~

~~(i) Before children are transported, written permission from a parent shall be obtained that shall include when and where the child is to be transported, expected time of departure and arrival, and the transportation provider.~~

~~(j) Parents may give standing permission, valid for up to 12 months, for transport of children to and from the center not including off premise activities as described in Rule .1005 of this Section.~~

~~(k) When children are transported, staff in each vehicle shall have a functioning cellular telephone or other functioning two-way voice communication device. Staff shall not use cellular telephones or other functioning two-way voice communication devices except in the case of an emergency and only when the vehicle is parked in a safe location.~~

~~(l) For routine transport of children to and from the center, staff shall have a list of the children being transported. Staff members shall use this list to document attendance as children board the vehicle and as they depart the vehicle. A list of all children being transported shall also be available at the center.~~

History Note: Authority G.S. 110-85; 110-91(13); 143B-168.3;

Eff. January 1, 1986;

Amended Eff. December 1, 2014; November 1, 2007; July 1, 1998; October 1, 1991; January 1, 1987;

Readopted Eff. October 1, 2017.

10A NCAC 09 .1004 — STAFF/CHILD RATIOS

~~(a) When children aged two years and older are being transported, the staff/child ratios required for compliance with child care center rules as set forth in Rule .0713 of this Chapter shall apply. The driver may be counted in the staff/child ratio.~~

~~(b) When three or more children under the age of two years are being transported, the staff/child ratio requirements for child care centers set forth in Rule .0713 of this Chapter for children under age two shall be maintained. The driver shall not be counted in the staff/child ratio.~~

~~(c) When less than three children under the age of two years are being transported, the staff/child ratio requirements for child care centers set forth in Rule .0713 of this Chapter for children under age two shall be maintained. The driver may be counted in the staff/child ratio.~~

History Note: Authority G.S. 110-85; 110-91(13); 143B-168.3;

Eff. January 1, 1986;

Amended Eff. July 1, 1998; July 1, 1988;

Readopted Eff. October 1, 2017.

10A NCAC 09 .1005 — OFF PREMISE ACTIVITIES IN CHILD CARE CENTERS

~~(a) Off premise activities refer to any activity that takes place away from a child care center's licensed and approved space. Licensed and approved space includes "primary space" as described in 10A NCAC 09 .1401(a), outdoor space as described in 10A NCAC 09 .1402, single use rooms, or other administrative areas.~~

~~(b) When children participate in off premise activities the following shall apply:~~

- (1) ~~Children under the age of three shall not participate in off premise activities that involve children being transported in a motor vehicle.~~
- (2) ~~When children are transported in a motor vehicle for off premise activities, the provisions in Rule .1003(c) through (i) and (k) of this Chapter shall apply.~~
- (3) ~~Before staff members walk children off premises for play or outings, the center shall obtain written permission from the parent of each child to be included in such activities.~~

- (4) ~~Parents may provide a written statement giving standing permission which may be valid for up to 12 months for participation in off premise activities that occur on a regular basis.~~
- (5) ~~The center shall post a schedule of off premise activities in each participating classroom where it can be viewed by parents, and a copy shall be given to parents. The schedule shall be current and shall include the:~~
- ~~(A) location of the activity;~~
 - ~~(B) purpose of the activity;~~
 - ~~(C) time the activity will take place;~~
 - ~~(D) date of the activity; and~~
 - ~~(E) name of the person(s) to be contacted in the event of an emergency.~~
- (6) ~~Each time that children are taken off the premises, staff shall take a list of the children participating in the activity with them. Staff members shall use this list to check attendance when leaving the center, periodically when the children are involved in the activity, before leaving the activity to return to the child care center, and upon return to the center. A list of all children participating in the off premise activity shall also be available at the center.~~
- (c) ~~The provisions of Subparagraphs (b)(1) and (5) of this Rule shall be waived to implement any child's Individualized Family Service Plan (IFSP) or Individualized Education Program (IEP).~~

*History Note: Authority G.S. 110-85; 110-91(9),(12); 143B-168.3;
Eff. November 1, 2007;
Readopted Eff. October 1, 2017 (Transferred from 10A NCAC 09 .0512).*

SECTION .1100 – CONTINUING EDUCATION AND PROFESSIONAL DEVELOPMENT

10A NCAC 09 .1101 NEW STAFF ORIENTATION REQUIREMENTS

- (a) Each center shall ensure that each new employee 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 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 with age and developmentally appropriate content:

Commented [SV55]: Requirements for school age children will not include safe sleep for infants

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
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
	Review of the child care licensing law and rules
	Review of 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

New staff orientation within first two (2) weeks of employment	New staff orientation within first six (6) weeks of employment
	with representatives of State and local government agencies during visits and investigations
	Prevention of and response to emergencies due to food and allergic reactions
	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.*

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 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 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/rccourse>. 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.*

10A NCAC 09 .1103 ON-GOING TRAINING AND PROFESSIONAL DEVELOPMENT

(a) After the first year of employment, the child care administrator and any staff who have responsibility for planning and supervising a child care center, and staff who work with children, shall participate in on-going training activities annually, as follows:

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

(b) Health and safety training shall be completed as part of on-going training so that every five years, all of the topic areas set forth in 10A NCAC 09 .1102(b) will have been covered.

(c) Completion of cardiopulmonary resuscitation (CPR) and First Aid training shall not be counted toward meeting annual on-going training requirements.

(d) Any staff working less than 40 hours per week may choose to complete on-going training requirements as outlined in Paragraph (a) 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 Paragraph (a) of this Rule, not to exceed 50 percent of the total required so long as:

- (1) the child care center has a 3-5 star rated license; and
- (2) the participating administrator or staff member has earned at least 18 semester hours in early childhood education.

(g) For purposes of this Section, "countable technical assistance" means technical assistance provided to administrative or caregiving staff members at a child care center 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 classroom; 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 Paragraph (a) of this Rule.

*History Note: Authority G.S. 110-85; 110-91(11); 143B-168.3;
Eff. October 1, 2017;
Amended Eff. February 1, 2021.*

10A NCAC 09 .1104 PROFESSIONAL DEVELOPMENT PLAN

All center administrators and staff members shall complete a professional development plan within one year of employment and review the plan annually. 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 administrator 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.

*History Note: Authority G.S. 110-85; 110-91(9); 110-91(11);
Eff. October 1, 2017.*

10A NCAC 09 .1105 TRAINING APPROVAL

Staff may meet the 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 shall not be 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 Item (1) of this Rule 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), First Aid, and playground safety training.
- (4) The Division shall approve training based upon the following factors:
 - (a) The trainer's education, training, and experience relevant to the training topic;
 - (b) Content that is in compliance with G.S. 110-91(11); and
 - (c) Contact hours for the proposed content and scope of the training session.
- (5) The Division shall deny approval of training to:
 - (a) Agencies, organizations, or individuals not meeting the standards listed in this Rule and in G.S. 110-91(11); and
 - (b) Agencies, organizations, or individuals who intentionally falsify any information submitted to the Division.
- (6) 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.
- (7) 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; 110-91(11); 143B-168.3;
 Eff. January 1, 1986;
 Amended Eff. November 1, 2007; October 29, 1998; November 1, 1989; July 1, 1988; January 1, 1987;
 Readopted October 1, 2017 (Transferred from 10A NCAC 09 .0708).

10A NCAC 09 .1106 DOCUMENTATION OF ON-GOING TRAINING AND PROFESSIONAL DEVELOPMENT

- (a) Each center shall have a record of training activities in which each staff member participates, including copies of training certificates or official documentation provided by the ~~Records may be maintained in either hard copy format or in a readily accessible and printable electronic format, and shall be available for review by the Division of Child Development and Early Education (DCDEE) upon request.~~ 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.
- (b) Each center shall have a record of countable technical assistance in which 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 staff, names of all participating staff members and the name of the technical assistance provider. This documentation shall be on file and current.

History Note: Authority G.S. 110-85; 110-91(9),(11); 143B-168.3;
 Eff. January 1, 1986;

Commented [SV56]: Again, necessary as most school age programs are not based in one location and it's nearly impossible to ensure private information remains secure in portable boxes.

Amended Eff. July 1, 1998; July 1, 1988;
Readopted Eff. October 1, 2017 (Transferred from 10A NCAC 09 .0709);
Amended Eff. February 1, 2021.

SECTION .1300 - BUILDING CODE REQUIREMENTS FOR CHILD CARE CENTERS

10A NCAC 09 .1301 BUILDING CODE REQUIREMENTS FOR CENTERS

The North Carolina State Building Code standards for child care facilities is hereby incorporated by reference, including subsequent amendments and editions. The current Code may be found online at http://www.ncdoi.com/OSFM/Engineering_and_Codes/Default.aspx?field1=Codes_-_Current_and_Past&user=State_Building_Codes.

History Note: Authority G.S. 110-91(4); 143B-168.3;
Eff. January 1, 1986;
Amended Eff. July 1, 1998;
Readopted Eff. October 1, 2017.

10A NCAC 09 .1302 BUILDING CODE REQUIREMENTS FOR CHILD CARE CENTERS 10A NCAC 09 .1303 BUILDING CODE REQUIREMENTS FOR SMALL GROUP FACILITIES LICENSED PRIOR TO 7/1/88

History Note: Authority G.S. 110-91(4); 143B-168.3;
Eff. January 1, 1986;
Amended Eff. July 1, 1998; January 1, 1987;
Repealed Eff. October 1, 2017.

10A NCAC 09 .1304 REQUIREMENTS FOR CHILD CARE CENTERS LICENSED IN A RESIDENCE

History Note: Authority G.S. 110-91(4); 143B-168.3;
Eff. July 1, 1998;
Amended Eff. April 1, 2001;
Repealed Eff. October 1, 2017.

SECTION .1400 - SPACE REQUIREMENTS

~~10A NCAC 09 .1401 INDOOR SPACE~~

- ~~(a) As used in this Rule, the term "Primary Space" means the indoor space designated by the operator that will be used by children who attend the center. It shall be used to calculate a center's licensed capacity.~~
- ~~(b) The Division shall calculate the total area of the Primary Space by measuring the Primary Space or by reviewing current drawings of the space that have been signed and sealed by an architect or engineer licensed to practice in the State of North Carolina.~~
- ~~(c) All measurements of the Primary Space shall be rounded to the nearest inch.~~
- ~~(d) For child care centers in an occupied residence that are licensed for 3 to 12 children when any preschool-age children are in care, or for 3 to 15 children when only school-age children are in care the dining area of a kitchen may be counted as Primary Space if it is used for children's activities in addition to eating.~~
- ~~(e) The following spaces shall not be included in the designation or measurement of Primary Space:~~
- ~~(1) closets;~~
 - ~~(2) hallways;~~
 - ~~(3) storage areas;~~
 - ~~(4) kitchens;~~
 - ~~(5) bathrooms;~~
 - ~~(6) utility areas;~~
 - ~~(7) thresholds;~~
 - ~~(8) foyers;~~
 - ~~(9) space used for administrative activities;~~
 - ~~(10) space occupied by adult-sized desks, cabinets, file cabinets, and other office equipment;~~

Commented [SV57]: Moved indoor and outdoor space square footage requirements to Section .2504 for simplicity sake.

Formatted: Indent: First line: 0"

~~(11) any floor space occupied by or located under structures, equipment, and furniture not used by children; and~~

~~(12) any floor space occupied by or located under built-in equipment or furniture.~~

~~(f) No room may be occupied by more than one child per 25 square feet of floor space, provided that a room may be occupied by a larger group of children for special activities so long as such occupancy does not violate the State fire code.~~

~~(g) During rest periods any room used by children shall have no less than 200 cubic feet of air space per child.~~

~~(h) Paragraphs (a) through (e) and (e) through (g) of this Rule shall only apply to centers initially licensed on or after February 1, 1985.~~

History Note: Authority G.S. 110-91(6); 143B-168.3;

Eff. January 1, 1986;

Amended Eff. July 1, 1998; November 1, 1989;

Readopted Eff. October 1, 2017.

10A NCAC 09.1402 — OUTDOOR SPACE

~~(a) The outdoor play area shall be no smaller than 75 square feet for each child using the outdoor learning environment at any one time.~~

~~(b) Paragraph (a) of this Rule apply only to child care centers initially licensed after April 1, 1984.~~

~~(c) The outdoor play area shall provide an area that is shaded by a building, awnings, trees, or other methods.~~

~~(d) The outdoor area shall be designed so that staff is able to adequately supervise the entire area in accordance with 10A NCAC 09.1801(a).~~

History Note: Authority G.S. 110-85(1),(2); 110-91(6); 143B-168.3;

Eff. January 1, 1986;

Amended Eff. January 1, 1996;

Readopted Eff. October 1, 2017;

Amended Eff. February 1, 2021.

10A NCAC 09.1403 [ACTIVITIES INVOLVING WATER IN CHILD CARE CENTERS]

~~(a) The requirements in this Rule apply to child care center "aquatic activities," which are defined as activities that take place in or around a body of water such as swimming, swimming instruction, wading, and visits to water parks. Aquatic activities do not include water play activities such as water table play, slip and slide activities, or playing in sprinklers.~~

~~(b) Aquatic activities involving the following are prohibited:~~

~~(1) hot tubs;~~

~~(2) spas;~~

~~(3) saunas or steam rooms;~~

~~(4) portable wading pools; and~~

~~(5) natural bodies of water and other unfiltered, nondisinfected containments of water.~~

~~(c) For every 25 children in care participating in aquatic activities, there shall be at least one person who has a life guard training certificate issued by the Red Cross or other training determined by the Division to be equivalent to the Red Cross training, appropriate for both the type of body of water and type of aquatic activity. These lifeguards shall not be counted in the required staff/child ratios referenced in Paragraph (e) of this Rule.~~

~~(d) Children under the age of three shall not participate in aquatic activities except to the extent necessary to implement any child's Individualized Family Service Plan (IFSP) or Individualized Education Program (IEP).~~

~~(e) The following staff/child ratios shall be maintained whenever children participate in aquatic activities:~~

~~Age of Children Ratio Staff/Children~~

~~3 to 4 Years 1/8~~

~~4 to 5 Years 1/10~~

~~5 Years and Older 1/13~~

~~Notwithstanding the staff/child ratios, at no time shall there be fewer than two staff members supervising the aquatic activity.~~

~~(f) Children shall be adequately supervised by center staff at all times while participating in aquatic activities. For purposes of this Rule, "Adequate supervision" means that half of the center staff needed to meet the staff/child ratios in Paragraph (e) of this Rule is in the water and the other half is out of the water. If an uneven number of staff are~~

Commented [SV58]: Replace with SWIMMING inserted below for school-age children.

Formatted: Condensed by 0.1 pt

needed to meet the required staff/child ratios, the majority shall be in the water. Staff shall be stationed in pre-assigned areas that will enable them at all times to hear, see, and respond to the children whether in or out of the water. Children shall not enter the water before center staff are stationed in their pre-assigned areas. Center staff shall devote their full attention to supervising the children in their pre-assigned areas of coverage and shall communicate with one another about children moving from one area to another area.

(g) Prior to children participating in aquatic activities, the center shall develop policies that address the following:

- (1) aquatic safety hazards;
- (2) pool and aquatic activity area supervision including restroom or changing room use;
- (3) how discipline will be handled during aquatic activities;
- (4) the facility's off-premises and transportation policies and procedures; and
- (5) that children shall be directed to exit the water during an emergency.

(h) Before staff first supervise children on an aquatic activity, and annually thereafter, staff shall sign and date statements that they have reviewed:

- (1) the center policies as specified in Paragraph (g) of this Rule;
- (2) any guidelines provided by the pool operator or other off-site aquatic facility; and
- (3) the requirements of this Rule.

The statement shall be maintained in the staff person's personnel file for one year or until it is superseded by a new statement.

(i) Centers shall obtain written permission from parents for participation in aquatic activities. The written permission shall include a statement that parents are aware of the center's aquatic policies specified in Paragraph (g) of this Rule. The center shall maintain copies of written parental permission in each child's file.

(j) Any outdoor swimming pool located on the child care center premises shall be enclosed by a fence that is at least four feet high, separated from the remaining outdoor play area by that fence, and locked and inaccessible to children when not in use.

(k) Swimming pool safety rules shall be posted and visible to children and staff for any swimming pool located on the child care center premises. These rules shall state:

- (1) the location of a First Aid kit;
- (2) that only water toys are permitted;
- (3) that children are not allowed to run or push one another;
- (4) that swimming is allowed only when at least two adults are present; and
- (5) that glass objects are not allowed.

(l) All swimming pools used by children shall meet the "Rules Governing Public Swimming Pools" in accordance with 15A NCAC 18A .2500 which are incorporated by reference, including subsequent amendments. A copy of these Rules can be found at <http://ehs.ncpublichealth.com/docs/rules/294306-9-2500.pdf> and is available at no charge.

(m) Educational activities, such as observing tadpoles, exploring mud, or learning about rocks and vegetation shall be permitted.

(n) Boating, rafting, and canoeing activities are permitted. Prior to participating in recreational activities conducted on the water, children shall wear an age or size appropriate personal flotation device approved by the United States Coast Guard. This personal flotation device shall be worn for the duration of the activity.

History Note: Authority G.S. 110-85; 110-88(5); 110-91(1),(6); 143B-168.3;

Eff. January 1, 1986;

Amended Eff. July 1, 2010; November 1, 2007; January 1, 1996; January 1, 1992; January 1, 1987;

Readopted Eff. October 1, 2017;

Amended Eff. February 1, 2021.

SWIMMING

Each child shall have written permission from her/his parent prior to participating in a wading or swimming activity.

Swimming facilities shall be protected and pools fenced so that no child may gain access without Staff approval, observation and supervision.

For each group of 26 children, the Licensee shall ensure that a lifeguard with current certification from a nationally recognized organization is supervising the swimming area.

The minimum ratio of Staff to children participating in a swimming activity shall be 1:13

When lifeguards are on duty supervising the swimming area, they shall not be counted in the staff/child ratios for swimming.

When swimming lessons are being provided, the lessons shall be provided by a certified instructor.

The Staff of the licensed program is responsible for supervising the children in their care when the children are

Formatted: Font: Bold, Not Italic

engaged in swimming activities regardless of who employs the lifeguard(s) on duty. Staff/child ratios shall also apply when a lifeguard is on duty.

The Licensee or the Licensee's designee shall develop a written aquatic safety plan addressing supervision and safety of all swimming activities. This plan shall:

- be reviewed annually
- be updated as needed
- be known by program Staff persons present at the swimming facility
- include the location of the first aid and emergency supplies, and
- be kept on file at the licensed program facility with a copy available where swimming occurs.

The written aquatic safety plan shall include:

- an assessment of each child's swimming ability, performed by a person who holds a valid American Red Cross Water Safety Instructor certificate or current certificate issued by an approved certifying agency providing for equivalent levels of training.
- a system whereby each child's designation of swimmer or non-swimmer shall be predetermined, documented and on file. When all bathers are in water less than knee deep on them, swimming ability assessment is not required.
- a system whereby non-swimmers are restricted to areas where the water is less than knee deep on them (except for learn to swim programs or when shallow water is in a non-swimming area).
- the emergency plan should a child be missing or in distress in the water. The plan shall include supervising children during times of emergency.

Swimmers shall be assigned to specific Staff members who will monitor their activities.

Swimmers shall be accounted for at least every ten minutes.

Swimming is prohibited during the hours of darkness unless adequate lighting is provided and swimming is restricted to shallow water.

If diving is permitted, the minimum water depth shall be clearly marked. The minimum water depth for a one-meter board shall be at least ten feet and free from stumps, rocks, or other debris.

When children in care share swimming areas with other bathers, a visible system of identification shall be in place to distinguish children in care. Personal flotation devices of any kind shall not be used as identifiers.

Formatted: Indent: Left: 0.5"

Formatted: Indent: Left: 0.5"

Formatted: Indent: Left: 0"

SECTION .1500 - TEMPORARY CARE REQUIREMENTS

10A NCAC 09 .1501	SCOPE
10A NCAC 09 .1502	MEDICAL EXAMINATION
10A NCAC 09 .1503	BEDS, COTS, MATS AND LINENS
10A NCAC 09 .1504	ATTENDANCE RECORDS

History Note: Authority G.S. 110-91; 143B-168.3;

*Eff. January 1, 1986;
Amended Eff. November 1, 1989;
Repealed Eff. July 1, 2012.*

10A NCAC 09 .1505 BUILDING APPROVAL FOR SCHOOL-AGED CARE

*History Note: Authority G.S. 110-92; 143B-168.3;
Eff. January 1, 1986;
Repealed Eff. July 1, 2010.*

10A NCAC 09 .1506 OUTDOOR PLAY AREA

*History Note: Authority G.S. 110-91; 143B-168.3;
Eff. January 1, 1986;
Amended Eff. November 1, 1989;
Repealed Eff. July 1, 2012.*

SECTION .1600 - REQUIREMENTS FOR VOLUNTARY ENHANCED PROGRAM STANDARDS

**10A NCAC 09 .1601 ADMINISTRATIVE POLICIES REQUIRED
10A NCAC 09 .1602 OPERATIONAL AND PERSONNEL POLICIES**

*History Note: Authority G.S. 110-88(7); 143B-168.3;
Eff. January 1, 1986;
Amended Eff. April 1, 1999; January 1, 1991; July 1, 1988;
Repealed Eff. May 1, 2006.*

10A NCAC 09 .1603 RESERVED FOR FUTURE CODIFICATION

10A NCAC 09 .1604 SPACE REQUIREMENTS

*History Note: Authority G.S. 110-88(7); 143B-168.3;
Eff. January 1, 1986;
Amended Eff. April 1, 2001; July 1, 1998;
Repealed Eff. May 1, 2006.*

10A NCAC 09 .1605 RESERVED FOR FUTURE CODIFICATION

10A NCAC 09 .1606 STAFF/CHILD RATIOS

*History Note: Authority G.S. 110-88(7); 143B-168.3;
Eff. January 1, 1986;
Amended Eff. January 1, 2006; April 1, 2001; April 1, 1999; August 1, 1990; July 1, 1988;
Repealed Eff. May 1, 2006.*

10A NCAC 09 .1607 RESERVED FOR FUTURE CODIFICATION

10A NCAC 09 .1608 RESERVED FOR FUTURE CODIFICATION

10A NCAC 09 .1609 RESERVED FOR FUTURE CODIFICATION

10A NCAC 09 .1610 RESERVED FOR FUTURE CODIFICATION

10A NCAC 09 .1611 RESERVED FOR FUTURE CODIFICATION

10A NCAC 09 .1612 CAREGIVING ACTIVITIES FOR PRESCHOOL-AGED CHILDREN

10A NCAC 09 .1613 PARENT PARTICIPATION

History Note: Authority G.S. 110-88(7); 143B-168.3;
Eff. January 1, 1986;
Amended Eff. April 1, 1999; October 1, 1991; November 1, 1989; July 1, 1988;
Repealed Eff. May 1, 2006.

10A NCAC 09 .1614 RESERVED FOR FUTURE CODIFICATION

10A NCAC 09 .1615 NIGHT CARE

History Note: Authority G.S. 110-88(7); 143B-168.3;
Eff. January 1, 1986;
Amended Eff. January 1, 1991;
Repealed Eff. May 1, 2006.

SECTION .1700 – FAMILY CHILD CARE HOME REQUIREMENTS

10A NCAC 09 .1701 GENERAL PROVISIONS RELATED TO LICENSURE OF HOMES

History Note: Authority G.S. 110-85; 110-86(3); 110-88(1); 110-91; 110-99; 110-105; 143B-168.3;
Eff. January 1, 1986;
Amended Eff. July 1, 2015; May 1, 2013; November 1, 2006; April 1, 2003; April 1, 1999; July 1, 1998; January 1, 1991; January 1, 1990; July 1, 1988; January 1, 1987;
Temporary Amendment Eff. September 23, 2016;
Repealed Eff. October 1, 2017.

10A NCAC 09 .1702 APPLICATION FOR A LICENSE FOR A FAMILY CHILD CARE HOME

(a) Any person who plans to operate a family child care home (FCCH) shall apply for a license using a form provided by the Division. Only one licensed family child care home shall operate at the location address of any home. The form can be found on the Division's website at https://ncchildcare.nc.gov/PDF_forms/Family_Child_Care_Home_Application_Packet.pdf. The application for a family child care home license shall include the following information:

- (1) owner name;
- (2) facility name, address, phone number, email address, and location address;
- (3) facility contact information;
- (4) requested age range of children in the child care center;
- (5) hours of operation;
- (6) type of care to be provided;
- (7) type of building;
- (8) type of family child care home;
- (9) proposed opening date;
- (10) proposed number of children to be served;
- (11) type of business operation;
- (12) history of operation or licensing of child care facilities; and
- (13) signature of applicant of either:
 - (A) the individual who will be responsible for the operation of the family child care home and for assuring compliance with G.S. 110, Article 7 and this Chapter; or
 - (B) an officer of an entity who will be responsible for the operation of the family child care home and for ensuring compliance with G.S. 110, Article 7 and this Chapter.

Upon receipt of the application, the Division shall assess the information provided to determine if the prospective licensee may be denied a license for one or more of the reasons set forth in 10A NCAC 09 .2215.

(b) The applicant for a family child care home license shall also submit supporting documentation with the application for a license to the Division. The supporting documentation shall include:

- (1) a copy of a non-expired qualification letter in accordance with 10A NCAC 09 .2702;

Commented [SV59]: We have not reviewed this section pertaining to Family Child Care Homes for updating.

- (2) a copy of documentation of completion of a First Aid and cardiopulmonary resuscitation (CPR) course within 12 months prior to applying for a license;
- (3) a copy of documentation of completion of ITS-SIDS training within 12 months prior to applying for a license, if requesting a license to care for infants ages 12 months and younger;
- (4) proof of negative results of the applicant's tuberculosis test or screening completed within the past 12 months;
- (5) a completed health questionnaire; a copy of the health questions can be found on the Division's website, http://ncchildcare.nc.gov/pdf_forms/emergency_information_health_questionnaire_i.pdf and includes a statement signed by the staff member that indicates that the person is emotionally and physically fit to care for children;
- (6) a copy of non-expired pet vaccinations for any pet in the home;
- (7) if a home has a private well, a negative well water bacteriological analysis;
- (8) copies of any inspections required by local ordinances; and
- (9) any other documentation required by the Division according to the rules in this Section to support the issuance of a license.

(c) Upon receipt of a complete application for a family child care home and supporting documentation, a Division representative shall make an announced visit to each home. An announced visit shall not be required by a Division representative if the applicant is subject to the circumstances in 10A NCAC 09 .2214. The issuance of a license applies as follows:

- (1) if all applicable requirements of G.S. 110, Article 7 and this Section are met, a six month temporary license shall be issued;
- (2) a one- star rated license shall be issued to a family child care home operator who complies with the minimum standards for a license contained in this Section and G.S. 110-91 at the end of the six month temporary time period;
- (3) a two- through five- star rated license shall be issued to a family child care home operator who complies with minimum and voluntary standards for a license contained in this Section, Section .2800 of this Chapter and G.S. 110-91, at the end of the six month temporary time period;
- (4) if the applicable requirements of G.S. 110, Article 7 and this Section are not met, the Division representative shall establish with the applicant a time period for the home to achieve compliance. If the Division representative determines that all applicable requirements of G.S. 110, Article 7 and this Section are met within the established time period, a license shall be issued; or
- (5) The temporary license shall remain in effect for six months or until the issuance of a star-rated license, a special provisional license, provisional license, summary suspension, suspension, probationary license, or a denial of a rated license to the operator.

(d) A family child care home operator shall notify the Division no later than 30 calendar days prior to relocation of a family child care home. The operator must apply for a license for the new physical location as described in Paragraph (a) of this Rule. An operator requesting relocation of the family child care home shall not operate until he or she has received a license from the Division for the new location.

(e) When a family child care home operator wants to change ownership of the program, the prospective new operator shall apply for a new license in accordance with Paragraph (a) of this Rule, at least 30 days before the change occurs. The family child care home license shall not be bought, sold, or transferred from one individual to another.

(f) The family child care home license shall be valid only for the location address listed on it.

(g) The family child care home license shall be returned to the Division in the event of termination, revocation, suspension, or summary suspension.

(h) A family child care home licensee shall notify the Division in writing if a change occurs that affects the information shown on the license. The Division shall issue a new license upon verification of the operator's compliance with all applicable requirements in this Section for the change. This includes the following:

- (1) decreasing the capacity of the family child care home;
- (2) increasing the capacity of the family child care home;
- (3) changes to shifts of care;
- (4) requests to change the age range of the family child care home;
- (5) requests to remove a restriction from the license, including documentation of steps taken by the operator to comply with requirements which resulted in the licensure restriction; and
- (6) changes to the operator's legal name.

(i) The family child care home license shall be posted in a place in the home that parents are able to view daily.

History Note: Authority G.S. 110-88(5); 110-86; 110-91; 110-93; 110-99; 143B-168.3; Eff. January 1, 1986; Amended Eff. March 1, 2014; December 1, 2012; August 1, 2011; July 1, 2010; April 1, 2003; April 1, 2001; July 1, 1998; January 1, 1991; November 1, 1989; January 1, 1987; Temporary Amendment Eff. September 23, 2016; Readopted Eff. October 1, 2017; Amended Eff. February 1, 2021; September 1, 2019.

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 and staff members shall complete health and safety training within one year of employment, 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 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:
- (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	5 clock hours

care related field of study from a regionally accredited college or university	
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.

10A NCAC 09 .1704 CAREGIVER INTERACTIONS IN A FAMILY CHILD CARE HOME

- (a) Family child care home operators shall interact with children in positive ways by helping them feel welcome and comfortable, treating them with respect, listening to what they say, responding to them with acceptance and appreciation and participating in activities with the children. For example, family child care home operators shall:
- (1) make eye contact when speaking to a child;
 - (2) engage children in conversation to share experiences, ideas and opinions;
 - (3) help children develop problem-solving skills; and
 - (4) facilitate learning by providing positive reinforcement, encouraging efforts and recognizing accomplishments.
- (b) Family child care home operators shall respond to an infant or toddler's physical and emotional needs, especially when indicated by crying through actions such as feeding, diapering, holding, positive touching, smiling, talking and eye contact.
- (c) The family child care home operator shall recognize the special difficulties of infant and toddler separations and assist families, infants, and toddlers to make the transition from home to the program as gently as possible.

History Note: Authority G.S. 110-85; 110-91(8),(11); 143B-168.3;
Eff. July 1, 2010;
Readopted Eff. October 1, 2017 (Transferred from 10A NCAC 09 .1703).

10A NCAC 09 .1705 HEALTH AND TRAINING REQUIREMENTS FOR FAMILY CHILD CARE HOME OPERATORS (TRANSFERRED TO 10A NCAC 09 .1703)

10A NCAC 09 .1706 NUTRITION STANDARDS

- (a) Meals and snacks served to children in a Family Child Care Home shall comply with the Meal Patterns for Children in Child Care Programs from the United States Department of Agriculture (USDA) which are based on the recommended nutrient intake judged by the National Research Council to be adequate for maintaining good nutrition. The types of food, number, and size of servings shall be appropriate for the ages and developmental levels of the children in care. The Meal Patterns for Children in Child Care Programs are incorporated by reference and include subsequent amendments. A copy of the Meal Patterns for Children in Child Care Programs is available online at <https://www.fns.usda.gov/cacfp/meals-and-snacks> at no cost.
- (b) When children bring their own food for meals and snacks to the program, if the food does not meet the nutritional requirements specified in Paragraph (a) of this Rule, the operator must provide additional food necessary to meet those requirements.
- (c) A child's parent may opt out of the supplemental food provided by the operator as set forth in G.S. 110-91(2) h.1. When a child's parent opts out of the supplemental food provided by the family child care home, the operator shall obtain the parents signature acknowledging the parental decision and shall maintain the acknowledgment in the child's file at the home and provide a copy to the parent. A child's parent may opt out of the supplemental food provided by the family child care home, subject to the following:
- (1) the operator shall not provide any food or drink so long as the child's parent or guardian provides all meals, snacks, and drinks scheduled to be served at the program's designated times;
 - (2) the opt out ability is not available for specific meals or days based on menu options;

- (3) if a child requests specific foods being served to other children, but the parent has opted out, the operator shall not serve supplemental food; and
- (4) if the child's parent has opted out, but does not provide all meals and snacks for the child, the operator shall replace the missing meal or snack as if the child's parent or guardian had not opted out of the supplemental food program.

(d) The food required by special diets for medical, religious or cultural reasons, or parental preferences, may be provided by the operator or may be brought to the program by the parents. If the diet is prescribed by a health care professional, a statement signed by the health care professional shall be on file at the program and written instructions must be provided by the child's parent, health care professional or a licensed dietitian/nutritionist. If the diet is not prescribed by a health care professional, written instructions shall be provided by the child's parent and shall be on file at the program.

(e) Children's special diets or food allergies shall be posted in the food preparation area and in the child's eating area.

(f) Food that does not meet the nutritional requirements specified in Paragraph (a) of this Rule, such as cupcakes, cakes, and donuts shall only be offered for special occasions such as holidays and birthdays.

(g) The operator, additional caregivers, and substitute providers shall role model appropriate eating behaviors by consuming only food or beverages that meet the nutritional requirements specified in Paragraph (a) of this Rule in the presence of children in care.

(h) Meals and snacks shall be planned according to the number of hours a child is in care. For children ages 15 months and older a meal or snack must be provided at least every four hours. These Rules shall apply in all situations except during sleeping hours and nighttime care:

Hours Child Is in Care	Age of Child	Snack and Meal Requirement
At least 2 hours but less than 4 hours	Preschool-age children	1 snack, unless child is present during the time a meal is being served
Any hours in care	School-age children	1 snack, unless child is present during the time a meal is being served
At least 4 hours but less than 6 hours	All Children	1 meal equal to 1/3 of the child's daily food needs
At least 6 hours but less than 12 hours	All Children	2 meals and 1 snack OR 2 snacks and 1 meal equal to 1/2 of the child's daily food needs
More than 12 hours	All Children	2 snacks and 2 meals equal to 2/3 of the child's daily food needs
Second Shift (approximately 3:00 p.m. to 11:00 p.m.)	All Children	1 meal

(i) The parent or health care professional of each child under 15 months of age shall provide the operator an individual written feeding plan for the child. This plan shall be followed at the home. This plan shall include the child's name, be signed by the parent or health care professional, and be dated when received by the operator. Each infant's plan shall be modified in consultation with the child's parent or health care professional to reflect changes in the child's needs as he or she develops. The feeding plans for each infant shall include the type and amount of milk, formula and food, the frequency of feedings and be available for reference by the operator.

(j) Parents shall be allowed to provide breast milk for their children. Accommodations for breastfeeding mothers shall be provided that include seating and an electrical outlet, in a place other than a bathroom, that is shielded from view by staff and the public, which may be used by mothers while they are breastfeeding or expressing milk.

(k) Each infant shall be held for bottle feeding until able to hold his or her own bottle. Bottles shall not be propped. Each child shall be held or placed in feeding chairs or other age-appropriate seating apparatus to be fed. The feeding chair or other seating apparatus shall be disassembled for cleaning purposes.

- (l) Breast milk, formula, and other bottled beverages sent from home shall be fully prepared, dated, and labeled with individual child names. All beverages shall be returned to the child's parent or discarded at the end of each day.
- (m) Frozen breast milk that is sent from home may be stored frozen for up to seven days. Frozen breast milk shall be labeled with the date received, date thawed for use, and individual child name. Once thawed, the breast milk shall be refrigerated for no more than 24 hours. Thawed breast milk shall not be refrozen. The thawed breast milk shall be returned to the child's parent or discarded at the end of each day.
- (n) Any formula that is prepared by the operator shall be prepared according to the instructions on the formula package or label, or according to written instructions from the child's health care professional.
- (o) Baby food, snack items, and meal items sent from home shall be dated and labeled with individual child names.
- (p) Microwaves shall not be used to thaw or warm breast milk, baby food, formula, or other bottled beverages. Bottle warming equipment and power cords shall be inaccessible to children when in use. Bottle warming equipment shall be emptied and cleaned daily.
- (q) Infants shall not be served juice in a bottle without a prescription or written statement on file from a health care professional or licensed dietitian/nutritionist.
- (r) Each infant shall be served only formula, breast milk, and bottles labeled with their individual name.
- (s) Drinking water shall be freely available and offered to children on a frequent basis. Individual drinking utensils shall be provided by the parent or operator.
- (t) When milk, milk products, or fruit juices are provided by the operator, only pasteurized products or products that have undergone an equivalent process to pasteurization shall be used.
- (u) The operator shall serve only the following beverages:
 - (1) breast milk, as specified in Paragraph (k) of this Rule;
 - (2) formula;
 - (3) water;
 - (4) unflavored whole milk, for children ages 12-23 months;
 - (5) unflavored skim or lowfat milk for children 24 months through five years;
 - (6) unflavored skim milk, unflavored low-fat milk, or flavored skim milk for children six years and older; or
 - (7) 100 percent fruit juice, limited to 6 ounces per day, for all ages.

History Note: Authority G.S. 110-85; 110-91(2); 143B-168.3;
 Eff. December 1, 2012;
 Temporary Amendment Eff. September 23, 2016;
 Readopted Eff. October 1, 2017;
 Amended Eff. February 1, 2021.

10A NCAC 09 .1707 BUILDING REQUIREMENTS

The applicant shall ensure that the family child care home complies with the following requirements:

- (1) all children are kept on the ground level of exit discharge;
- (2) all family child care homes must be free of lead poisoning hazards as defined in G.S. 130A- 131.7(7) and asbestos hazards;
- (3) all homes are equipped with an electrically operated (with a battery backup) smoke detector, or one electrically operated and one battery operated smoke detector located next to each other;
- (4) all homes are provided with at least one five pound 2-A: 10-B: C type extinguisher for every 2,500 square feet of floor area;
- (5) heating appliances shall be installed and maintained according to any North Carolina Building Code provisions governing the building;
- (6) all indoor areas used by children are heated when the indoor temperature is below 65 degrees and ventilated when the indoor temperature is above 85 degrees;
- (7) pipes or radiators that are hot enough to be capable of burning children and are accessible to the children are covered or insulated; and
- (8) children are cared for in space designated as the caregiving area on a floor plan provided by the operator to the Division as specified in 10A NCAC 09 .1709. Changes to the designated caregiving space shall be submitted to the Division 30 days prior to the new space being used by children.

History Note: Authority G.S. 110-85; 110-91; 143B-168.3; S.L. 2021-180; 45 CFR 98.41;

Eff. October 1, 2017;
Amended Eff. January 1, 2024; February 1, 2021.

10A NCAC 09 .1708 PRE-LICENSING REQUIREMENTS FOR FAMILY CHILD CARE HOMES

(a) The prospective operator of the family child care home shall complete the pre-licensing workshop provided by the Division prior to the Division issuing an initial license. The Division shall provide workshops for new family child care home applicants. Prospective licensees shall download, complete, and submit the pre-licensing registration form to the Division. The pre-licensing registration form contains demographic information and workshop location preferences. A schedule of these workshops and the pre-licensing registration form may be obtained from the Division at http://ncchildcare.nc.gov/pdf_forms/prelicworkshop.pdf.

(b) After completing the pre-licensing workshop, the prospective family child care home operator shall submit an application for a family child care home license and all supporting documentation as specified in 10A NCAC 09 .1702.

History Note: Authority G.S. 110-85; 110-88; 110-91; 143B-168.3;
Eff. October 1, 2017.

10A NCAC 09 .1709 INSPECTIONS

(a) To ensure compliance with G.S. 110, Article 7 and this Chapter, inspections shall be conducted as follows:

- (1) The Division shall conduct at least one announced visit prior to the initial issuance of license.
- (2) The Division shall make at least one unannounced visit annually to ensure compliance with the licensure statutes and rules.
- (3) The Division shall make at least one unannounced visit when the Division receives a complaint alleging a violation of licensure statutes or rules, or if the Division has cause to believe an emergency exists at the facility.

(b) After initial issuance of the license the Division shall inspect additional caregiving space specified in Rule .1708 of this Section. The Division may only inspect the entire premises of the family child care home as follows:

- (1) Prior to issuance of the initial license;
- (2) If the Division has cause to believe an emergency exists at the facility in accordance with G.S. 110-105(a);
- (3) During an unannounced visit when the Division receives a complaint alleging a violation of licensure statute or rules in accordance with G.S. 110-105(a);
- (4) During an unannounced visit when the Division receives a complaint alleging possible child maltreatment in accordance with G.S. 110-105(a);
- (5) When there is evidence that children are being cared for in an undesignated space in accordance with G.S. 110-105(a1); or
- (6) When the Division has cause to believe conditions in undesignated spaces pose a risk to the health, safety, or well-being of children in care in accordance with G.S. 110-105(a1) such as hear a child cry in an undesignated space or observing a child going into an undesignated space.

History Note: Authority G.S. 110-85; 110-105; 143B-168.3
Eff. October 1, 2017.

10A NCAC 09 .1710 PARENTAL ACCESS TO THE FAMILY CHILD CARE HOME

(a) The family child care home operator shall not knowingly permit a person on the premises of a family child care home who has been convicted of a "reportable conviction" as defined in G.S. 14-208.6(4).

(b) The parent of a child enrolled in a family child care home shall be allowed access to the home during its operating hours for the purposes of contacting the child or evaluating caregiving space at the home and the care provided by the operator for the child. The parent shall notify the operator of his or her presence upon entering the premises.

(c) Parents subject to court orders related to custody of a child enrolled in a family child care home shall only be allowed access to the home in accordance with the court order.

History Note: Authority 110-85; 110-90.2; 110-91; 143B-168.3;
Eff. October 1, 2017.

10A NCAC 09 .1711 SUPERVISION OF CHILDREN IN A FAMILY CHILD CARE HOME

(a) Children shall be adequately supervised at all times in a family child care home. "Adequate supervision" shall mean that:

- (1) For pre-school age children, the family child care home operator shall be positioned in the indoor and outdoor environment to maximize his or her ability to hear and see the children at all times and render immediate assistance;
- (2) For school-age children, the operator shall be positioned in the indoor and outdoor environment to maximize his or her ability to hear or see the children at all times and render immediate assistance;
- (3) The operator shall interact with the children while moving about the indoor or outdoor area; and
- (4) For children of all ages:
 - (A) the operator shall know where each child is located and be aware of children's activities at all times;
 - (B) the operator shall provide supervision according to the individual age, needs, and capabilities of each child;
 - (C) all of the conditions in this Paragraph shall apply except when emergencies necessitate that adequate supervision is impossible. Written documentation of emergencies stating the date, time, and reason shall be maintained and available for review by Division representatives upon request; and
 - (D) for children who are sleeping or napping, the operator shall not be required to visually supervise them, but shall be able to hear and respond without delay to them. Children shall not sleep or nap in a room with a closed door between the children and the operator. The operator shall be on the same level of the home where children are sleeping or napping.

(b) Nothing contained in this Rule shall be construed to preclude a "qualified person with a disability," as defined by G.S. 168A-3(9), or a "qualified individual," as defined by the Americans With Disabilities Act at 42 U.S.C. 12111(8), from working in a licensed child care facility.

*History Note: Authority 110-85; 110-88; 143B-168.3;
Eff. October 1, 2017.*

10A NCAC 09 .1712 WRITTEN PLAN OF CARE

(a) Each family child care home operator (operator or operators) who intends to complete routine tasks while children are in care shall develop and adopt a written plan of care for completing routine tasks. For purposes of this Rule, routine tasks includes running errands, meeting personal and family demands, attending classes, and attending medical appointments.

(b) Operators who complete routine tasks with enrolled children shall limit these tasks to no more than two hours per week.

(c) Children shall not attend classes or medical appointments, with the family child care home operator, as described in Paragraph (a) of this Rule.

(d) Operators who attend classes, medical appointments, or who must complete routine tasks in excess of two hours per week, shall ensure that a qualified additional caregiver or substitute provider who meets the requirements of 10A NCAC 09 .1729, cares for enrolled children during these times.

(e) The written plan of care shall:

- (1) specify times for completing routine tasks and include those times on the written schedule;
- (2) specify the names of any individuals, such as additional caregivers or substitute providers, who will be responsible for the care of children when the operator is attending to routine tasks;
- (3) specify how the operator shall maintain compliance with transportation requirements specified in 10A NCAC 09 .1723 if children are transported;
- (4) specify how parents will be notified when children accompany the operator off premises for routine tasks not specified on the written schedule;
- (5) specify any other steps the operator shall take to ensure routine tasks will not interfere with the care of children; and
- (6) be provided and explained to parents of children in care on or before the first day the child attends the home. Parents shall sign a statement acknowledging the receipt and explanation of the plan. Parents shall also give written permission for their child to be transported by the operator for specific routine tasks that are included on the written schedule. The acknowledgment and written

parental permission shall be retained in the child's record as long as the child is enrolled at the home and a copy of each document shall be maintained on file for review by the Division.

(f) If the operator amends the written plan, the operator shall give written notice of the amendment to parents of all enrolled children at least 30 days before the amended plan is implemented. Each parent shall sign a statement acknowledging the receipt and explanation of the amendment. The operator shall retain the acknowledgement in the child's records as long as the child is enrolled in the home and a copy shall be maintained on file for review by the Division.

History Note: Authority G.S. 110-85; 110-86(3); 110-91; 143B-168.3;
Eff. October 1, 2017.

10A NCAC 09 .1713 EMERGENCY MEDICAL CARE

The family child care home operator (operator) shall have a written plan that sets forth the steps to follow in the event of a child medical emergency. This plan shall give the procedures to be followed to ensure that any child who becomes ill or is injured and requires medical attention while in care receives appropriate medical attention. The operator shall be responsible for:

- (1) ensuring appropriate medical care is given, and determining which of the following is needed:
 - (a) First Aid for an injury or illness needing only minimal attention; or
 - (b) calling 911 in accordance with CPR or First Aid training recommendations.
- (2) ensuring that the signed authorization described in 10A NCAC 09 .1721(a)(3) is taken with the ill or injured child to the medical facility;
- (3) notifying a child's parents or emergency contact person about the illness or injury and where the child has been taken for treatment; and
- (4) obtaining substitute providers, if needed, to maintain adequate supervision of children who remain in care.

This plan shall be reviewed with all additional caregivers and substitute providers prior to caring for children and whenever the plan is revised. The plan shall be available for review by the Division during the Family Child Care Home's operating hours.

History Note: Authority 110-85; 110-91; 143B-168.3;
Eff. October 1, 2017.

10A NCAC 09 .1714 EMERGENCY PREPAREDNESS AND RESPONSE

(a) For purposes of this Rule, the Emergency Preparedness and Response in Child Care is a training developed by the North Carolina Child Care Health and Safety Resource Center for child care operators and providers on creating an Emergency Preparedness and Response Plan and practicing, responding to, and recovering from emergencies in child care facilities.

(b) Existing family child care home operators (operator or operators) shall complete the Emergency Preparedness and Response in Child Care training. Within one year of the effective date of a new license, the operator of a new family child care home shall have completed the Emergency Preparedness and Response in Child Care training. When the trained staff member leaves employment, the family child care home shall ensure that another staff member completes the required training within four months of the vacancy. Documentation of completion of the training shall be maintained in the operator's personnel file.

(c) Upon completion of the Emergency Preparedness and Response in Child Care training, the operator shall develop the Emergency Preparedness and Response Plan. The Emergency Preparedness and Response Plan means a written plan that addresses how a child care facility will respond to both natural and man-made disasters, such as fire, tornado, flood, power failures, chemical spills, bomb threats, earthquakes, blizzards, nuclear disaster, or a dangerous person in the vicinity, to ensure the safety and protection of the children and additional caregivers. This Plan shall be on a template provided by the Division available at <https://rmp.nc.gov/portal/#> completed within four months of completion of the Emergency Preparedness and Response in Child Care training, and available for review.

(d) The Emergency Preparedness and Response Plan shall include the following:

- (1) written procedures for accounting for all in attendance, including:
 - (A) the location of the children, staff, volunteer and visitor attendance lists; and
 - (B) the name of the person(s) responsible for bringing the children, staff, volunteer and visitor attendance lists in the event of an emergency.

- (2) a description for how and when children shall be transported;
- (3) methods for communicating with parents and emergency personnel or law enforcement;
- (4) a description of how children's nutritional and health needs will be met;
- (5) the relocation and reunification process;
- (6) emergency telephone numbers;
- (7) evacuation diagrams showing how the operator, family members, children and any other individuals who may be present will evacuate during an emergency;
- (8) the date of the last revision of the plan;
- (9) specific considerations for non-mobile children and children with special needs; and
- (10) the location of the Ready to Go File. A Ready to Go File means a collection of information on children, additional caregivers and the facility, to utilize, if an evacuation occurs. The file shall include a copy of the Emergency Preparedness and Response Plan, contact information for individuals to pick-up children, each child's Application for Child Care, medication authorizations and instructions, any action plans for children with special health care needs, a list of any known food allergies of children and additional caregiver, additional caregiver contact information, Incident Report forms, an area map, and emergency telephone numbers.

(e) The operator shall review the Emergency Preparedness and Response Plan annually, or when information in the plan changes, to ensure all information is current.

(f) The operator shall review the Family Child Care Home's Emergency Preparedness and Response Plan with additional caregivers prior to the individual caring for children and on an annual basis.

(g) All substitute providers and volunteers who provide care to children shall be informed of the Emergency Preparedness and Response Plan and its location. Documentation of this notice shall be maintained in the individual personnel files.

*History Note: Authority 110-85; 110-88; 110-91; 143B-168.3;
Eff. October 1, 2017;
Amended Eff. February 1, 2021.*

10A NCAC 09 .1715 OPERATIONAL POLICIES

(a) Each operator shall have written operational policies that include at least the following information:

- (1) the days and hours of operation;
- (2) the age range of the children served;
- (3) admission requirements and enrollment procedures;
- (4) parent fees and payment plan;
- (5) information about services provided by the operator, such as number of meals served, before and after school care, and transportation;
- (6) items, if any, to be provided by parents;
- (7) a schedule of daily, weekly, and monthly cleaning duties;
- (8) written procedures for reporting suspected child abuse and neglect;
- (9) the operator's discipline policy for behavior management;
- (10) a description of opportunities for parent participation; and
- (11) nutrition policies.

(b) Operational policies shall be discussed with parents on or before the child's first day of attendance in the home. A copy of the policies shall be given to the parents on or before the child's first day of attendance and the parents shall be notified in writing of any changes in policy.

*History Note: Authority G.S. 110-85; 110-88; 110-91; 143B-168.3;
Eff. March 1, 2019.*

10A NCAC 09 .1716 FAILURE TO MAINTAIN REQUIREMENTS

If the Division determines that a family child care home operator (operator) fails to maintain compliance with the requirements for licensure, the Division may establish a time period to allow the operator to achieve compliance or recommend issuance of an administrative action and civil penalty in accordance with 10A NCAC 09 .2200.

History Note: Authority G.S. 110-85; 110-86(3); 110-88(1),(5),(6a); 110-91; 110-98; 110-103.1; 110-105; 110-105.2; 110-106; 143B-168.3; 150B-23;

*Eff. January 1, 1986;
Amended Eff. July 1, 1998; January 1, 1991; January 1, 1987;
Readopted October 1, 2017.*

10A NCAC 09 .1717 RESERVED FOR FUTURE CODIFICATION

10A NCAC 09 .1718 REQUIREMENTS FOR DAILY OPERATIONS

(a) The family child care home operator (operator or operators) shall provide the following on a daily basis for all children in care:

- (1) Developmentally appropriate equipment and materials for a variety of outdoor activities that allow for vigorous play, large and small muscle development, and social, emotional, and intellectual development. For purposes of this Rule "vigorous" means done with force and energy. Each child shall have the opportunity for a minimum of one hour of outdoor play each day that weather conditions permit. The operator shall provide space and time for vigorous indoor activities when children cannot play outdoors;
- (2) Individual sleep requirements for infants aged 12 months or younger shall be provided for as specified in 10A NCAC 09 .1724(a)(2). A supply of clean linens must be on hand so that linens can be changed whenever they become soiled or wet. Linens shall be changed weekly or whenever they become soiled or wet. An individual sleeping space such as a bed, crib, play pen, cot, mat, or sleeping bag with individual linens shall be provided for each pre-school age child in care for four hours or more, or for all children if overnight care is provided, to rest;
- (3) A safe sleep environment by ensuring that when a child is sleeping or napping, bedding or other objects shall not be placed in a manner that covers the child's face;
- (4) A separate area that can be supervised pursuant to 10A NCAC 09 .1720(a) for children who become ill to the extent that they can no longer participate in group activities. Parents shall be notified if their child becomes too sick to remain in care;
- (5) The opportunity each day for each child under the age of 12 months for supervised play while awake and alert while positioned on his or her stomach;
- (6) Developmentally appropriate activities as planned on a written schedule and activity plan. The schedule and activity plan may be combined as one document. Materials or equipment shall be available indoors and outdoors to support the activities listed on the written schedule and activity plan;
- (7) A written schedule that shall:
 - (A) Show blocks of time assigned to types of activities and include periods of time for both active play and quiet play or rest;
 - (B) Show times and activities that are developmentally appropriate for the ages of children in care;
 - (C) Reflect daily opportunities for both free choice and guided activities;
 - (D) Include a minimum of one hour of outdoor play throughout the day, if weather conditions permit;
 - (E) Include a daily gross motor activity that may occur indoors or outdoors; and
 - (F) For children under two years old, interspersed among the daily events shall be individualized caregiving routines such as eating, napping, and toileting;
- (8) A written activity plan that shall:
 - (A) Include activities intended to stimulate the following developmental domains, in accordance with North Carolina Foundations for Early Learning and Development, available on the Division's website at https://www.ncchildcare.ncdhhs.gov/pdf_forms/nc_foundations.pdf:
 - (i) emotional and social development;
 - (ii) health and physical development;
 - (iii) approaches to play and learning;
 - (iv) language development and communication; and
 - (iv) cognitive development.
 - (B) Identify activities that allow children to choose to participate with the whole group, part of the group, or independent of the group;

- (C) Reflect that children have at least four different activities daily, at least one of which is outdoors, if weather conditions permit, as specified in G.S. 110-91(12) as follows:
 - (i) art and other creative play;
 - (ii) children's books;
 - (iii) blocks and block building;
 - (iv) manipulatives; and
 - (v) family living and dramatic play.
- (D) Provide materials and opportunities at least weekly, indoors or outdoors, for the following:
 - (i) music and rhythm;
 - (ii) science and nature; and
 - (iii) sand and water play.
- (9) A clean and open area that allows freedom of movement shall be available, both indoors and outdoors; and
- (10) Operators who provide care to school-age children shall provide a balance of activities appropriate to the age, needs and interests of the school-age children.
- (b) When screen time is provided on any electronic media device with a visual display, it shall be:
 - (1) offered to stimulate a developmental domain in accordance with the North Carolina Foundations for Early Learning and Development as referenced in this Section;
 - (2) limited to a maximum of 30 minutes per day and no more than a total of two and a half hours per week per child; and
 - (3) documented on a cumulative log or activity plan, and shall be available for review by the Division.
- (c) Screen time is prohibited for children under the age of three years. The operator shall offer alternate activities for children under the age of three years.
- (d) When needed to complete homework assignments, screen time for school-age children may exceed 30 minutes.

History Note: Authority G.S. 110-85; 110-88; 110-91(12); 143B-168.3;
Eff. July 1, 1998;
Amended Eff. May 1, 2016; December 1, 2012; July 1, 2010; March 1, 2006; May 1, 2004;
Readopted October 1, 2017;
Amended Eff. February 1, 2021; September 1, 2019.

10A NCAC 09.1719 REQUIREMENTS FOR A SAFE INDOOR/OUTDOOR ENVIRONMENT

- (a) The operator of a family child care home (operator) shall provide a physically safe and healthy indoor and outdoor environment that meets the developmental needs of children in care, including but not limited to the following:
 - (1) keep all areas used by the children, both indoors and outdoors, clean and orderly and free of items that are potentially hazardous to children. Potentially hazardous items including but not limited to, power tools, nails, chemicals, propane stoves, lawn mowers, and gasoline or kerosene whether or not intended for use by children, shall be stored in locked areas, removed from the premises, or otherwise inaccessible to children. This includes the removal of items that a child can swallow. In addition, loose nails or screws and splinters shall be removed on inside and outside equipment;
 - (2) empty firearms of ammunition and keep both in separate, locked storage;
 - (3) keep all materials used for starting fires, such as matches, lighters, and accelerants in locked storage;
 - (4) store all combustible materials that may create a fire hazard according to the instructions on the product label;
 - (5) medications including prescription and non-prescription items shall be stored in a locked cabinet or other locked container. Designated emergency medications shall be stored out of reach of children at least five feet high, but are not required to be in locked storage. For purposes of this Rule, designated emergency medications are those that are used or needed for the immediate recovery from a life-threatening event and include Glucagon, epinephrine auto-injector, diazepam rectal installation and albuterol;
 - (6) keep hazardous cleaning supplies and other items that might be poisonous, e.g., toxic plants, out of reach or in locked storage when children are in care; A list of toxic plants may be found on the Division's website at https://ncchildcare.ncdhhs.gov/pdf_forms.form16b_bb.pdf;

- (7) keep all corrosive agents, pesticides, bleaches, detergents, cleansers, polishes, any product that is under pressure in an aerosol dispenser, and any substance which may be hazardous to a child if ingested, inhaled, or handled shall be kept in its original container or in another labeled container, used according to the manufacturer's instructions, and stored in a locked area when not in use. Locked areas shall include those that are unlocked with a combination, electronic, or magnetic device, key, or equivalent locking device. These unlocking devices shall be kept out of the reach of a child and shall not be stored in the lock. Toxic substances shall be stored below or separate from medications and food. Any product not listed in this Paragraph that is labeled "keep out of reach of children" without any other warnings shall be kept inaccessible to children when not in use, but is not required to be kept in locked storage. The product shall be considered inaccessible to children when stored on a shelf or in an unlocked cabinet that is mounted a minimum vertical distance of five feet above the finished floor;
- (8) ensure potential biocontaminants are stored in locked areas, or removed from the premises or otherwise inaccessible to children, or disposed of in a covered, plastic-lined receptacle;
- (9) keep First Aid supplies in a place accessible to the operator;
- (10) keep tobacco products in locked storage when children are in care. Children shall be in a smoke free and tobacco free environment. The operator and staff shall not smoke or use any product containing, made or derived from tobacco, including cigarettes, e-cigarettes, cigars, little cigars, smokeless tobacco, and any device used to inhale or ingest tobacco products at any time during operating hours on the premises of the family child care home, on vehicles used to transport children, or during any off premise activities;
- (11) notify the parent of each child enrolled in the facility, in writing, of the smoking and tobacco restriction;
- (12) have a working telephone within the family child care home. A telephone located in an area of the family child care home that is sometimes locked during the time the children are present shall not be the only phone available during operating hours. Telephone numbers for the fire department, law enforcement office, emergency medical service, and poison control center shall be posted in a location visible in the home;
- (13) have access to a means of transportation that is available for emergency situations;
- (14) have a First Aid information sheet posted in a place for quick referral by staff members. The information sheet shall include First Aid guidance regarding burns, scalds, fractures, sprains, head injuries, poisons, skin wounds, stings and bites. A child care operator may request a First Aid information sheet from the North Carolina Child Care Health and Safety Resource Center at 1- 800-367-2229;
- (15) conduct a monthly fire drill;
- (16) conduct a "shelter-in-place drill" or "lockdown drill" as defined in 10A NCAC 09 .0102 every three months and records shall be maintained as required by 10A NCAC 09 .1721(e)(7);
- (17) check the indoor and outdoor environment daily for debris, vandalism, broken equipment and animal waste. The operator shall keep all areas used by the children, indoors and outdoors, clean and orderly and free of items which are potentially hazardous to children. This includes the removal of items that a child can swallow and use of outdoor play equipment that is too hot to touch. In addition, loose nails or screws and splinters shall be removed on inside and outside equipment;
- (18) not have plastic bags, toys, and toy parts small enough to be swallowed accessible to children under three years of age. This includes materials that can be easily torn apart such as foam rubber and Styrofoam, except that Styrofoam plates may be used for food service and larger pieces of foam rubber may be used for supervised art activities;
- (19) ensure that jump ropes and rubber bands are not accessible to children under five years of age without adult supervision. Balloons shall be prohibited for children of all ages;
- (20) teacher-made and home-made equipment and materials may be used if they are safe and functional. Materials and equipment that are accessible to children shall not be coated or treated with, nor shall they contain, toxic materials such as creosote, pentachlorophenol, tributyl tin oxide, dislodgeable arsenic and any finishes which contain pesticides;
- (21) ensure the equipment and toys are in good repair and are developmentally appropriate for the children in care;

- (22) ensure that all stationary outdoor equipment is anchored and is not installed over concrete or asphalt. Footings that anchor the equipment shall not be exposed;
 - (23) ensure that any openings in equipment, steps, decks, and handrails shall be smaller than 3½ inches or greater than 9 inches to prevent entrapment;
 - (24) ensure that all commercially manufactured equipment and furnishings shall be assembled and installed according to procedures specified by the manufacturer;
 - (25) ensure that a shaded area is available to children in the outdoor learning environment. The shade may be provided by a building, awnings, trees, or other methods;
 - (26) mount electric fans out of the reach of children or have a mesh guard on each fan;
 - (27) cover all electrical outlets not in use and remove cracked, or frayed cords in occupied outlets;
 - (28) ensure that, for appliances with heating elements, such as bottle warmers, crock pots, irons, coffee pots, or curling irons, neither the appliance nor any cord, is accessible to children;
 - (29) indoor and outdoor stairs with more than two steps that are used by the children shall be railed. Indoor stairs with more than two steps shall be made inaccessible to children in care who are two years old or younger; and
- (b) When animals are on the premises, the following shall apply:
- (1) all household pets shall be vaccinated with up-to-date vaccinations as required by North Carolina law and local ordinances. Rabies vaccinations are required for cats and dogs;
 - (2) animal cages shall be kept free of animal waste; and
 - (3) prior to enrollment of children in a family child care home, and before new animals come into the family child care home, the family child care home operator shall obtain each parent's signature on a form acknowledging the type of animal located on the premises and where the animal will be kept during operating hours. This documentation shall be maintained in each child's file.

History Note: Authority G.S. 110-85; 110-88; 110-91(3),(4),(5),(6);
 Eff. July 1, 1998;
 Amended Eff. May 1, 2012; April 1, 2001;
 Temporary Amendment Eff. September 23, 2016;
 Readopted Eff. October 1, 2017;
 Amended Eff. September 1, 2019.

10A NCAC 09 .1720 MEDICATION REQUIREMENTS

- (a) The family child care home operator may provide care for a mildly sick infant or child older than two months who has a Fahrenheit temperature less than 101 degrees and for infants younger than two months who have a Fahrenheit temperature of less than 100.4 any method including axillary or orally, and who remains capable of participating in routine group activities; so long as the child does not have any of the following:
- (1) more than two stools above the child's normal pattern and diarrhea is not contained by a diaper or when toilet-trained children are having accidents;
 - (2) two or more episodes of vomiting within a 12 hour period;
 - (3) lice, exclusion shall begin immediately upon identification until completion of first treatment;
 - (4) scabies;
 - (5) known chicken pox or a rash suggestive of chicken pox;
 - (6) tuberculosis, until a health professional provides a written statement that the child is not infectious;
 - (7) strep throat, until 12 hours after antibiotic treatment has started and no fever is present;
 - (8) pertussis, until five days after appropriate antibiotic treatment;
 - (9) hepatitis A virus infection, until one week after onset of illness or jaundice;
 - (10) impetigo, exclusion may begin at the end of the program day until treatment has started;
 - (11) a physician's or other health professional's written order that the child be separated from other children; or
 - (12) exclusion for symptoms not included in this list shall be required if the symptoms prevent the child from participating comfortably in activities as determined by staff members of the program or the symptoms result in a need for care that is greater than the staff members can provide without compromising the health and safety of other children.
- (b) The following provisions apply to the administration of medication in family child care homes:

- (1) No prescription or over-the-counter medication and no topical, non-medical ointment, repellent, lotion, cream, fluoridated toothpaste or powder shall be administered to any child:
 - (A) without written authorization from the child's parent;
 - (B) without written instructions from the child's parent, physician or other health professional;
 - (C) in any manner not authorized by the child's parent, physician or other health professional;
 - (D) after its expiration date;
 - (E) for non-medical reasons, such as to induce sleep; or
 - (F) with a known allergy to the medication.
- (2) Prescribed medications:
 - (A) shall be stored in the original containers in which they were dispensed with the pharmacy labels;
 - (B) if pharmaceutical samples, shall be stored in the manufacturer's original packaging, shall be labeled with the child's name, and shall be accompanied by written instructions specifying:
 - (i) the child's name;
 - (ii) the names of the medication;
 - (iii) the amount and frequency of dosage;
 - (iv) the signature of the prescribing physician or other health professional;
 - (v) the date the instructions were signed by the physician or other health professional; and
 - (vi) shall be administered according to the prescription, using amount and frequency of dosage specified on the label; and
 - (C) shall be administered only to the child for whom they were prescribed.
- (3) A parent's written authorization for the administration of a prescription medication described in Subparagraph (b)(2) of this Rule shall be valid for the length of time the medication is prescribed to be taken.
- (4) Over-the-counter medications, such as cough syrup, decongestant, acetaminophen, ibuprofen, topical antibiotic cream for abrasions, or medication for intestinal disorders shall be stored in the manufacturer's original packaging on which the child's name is written or labeled and shall be accompanied by written instructions specifying:
 - (A) the child's name;
 - (B) the names of the authorized over-the-counter medication;
 - (C) the amount and frequency of the dosages, which shall not exceed the amount and frequency of the dosages on the manufacturer's label;
 - (D) the signature of the parent, physician or other health professional; and
 - (E) the date the instructions were signed by the parent, physician or other health professional.

The permission to administer over-the-counter medications is valid for up to 30 days at a time, except as allowed in Subparagraphs (b)(6), (7), (8), and (9) of this Rule. Over-the-counter medications shall not be administered on an "as needed" basis, other than as allowed in Subparagraphs (b)(6), (7), (8), and (9) of this Rule.
- (5) When questions arise concerning whether any medication should be administered to a child, the caregiver may decline to administer the medication without signed, written dosage instructions from a licensed physician or authorized health professional.
- (6) A parent may give a caregiver standing authorization for up to six months to administer prescription or over-the-counter medication to a child, when needed, for chronic medical conditions such as asthma, and for allergic reactions. The authorization shall be in writing and shall contain:
 - (A) the child's name;
 - (B) the subject medical conditions or allergic reactions;
 - (C) the names of the authorized over-the-counter medications;
 - (D) the criteria for the administration of the medication;
 - (E) the amount and frequency of the dosages;
 - (F) the manner in which the medication shall be administered;
 - (G) the signature of the parent;
 - (H) the date the authorization was signed by the parent; and

- (I) the length of time the authorization is valid, if less than six months.
- (7) A parent may give a caregiver standing authorization for up to 12 months to apply over-the-counter, topical ointments, topical teething ointment or gel, insect repellents, lotions, creams, fluoridated toothpaste, and powders, such as sunscreen, diapering creams, baby lotion, and baby powder, to a child, when needed. The authorization shall be in writing and shall contain:
- (A) the child's name;
 - (B) the names of the authorized ointments, repellents, lotions, creams, fluoridated toothpaste, and powders;
 - (C) the criteria for the administration of the ointments, repellents, lotions, creams, fluoridated toothpaste, and powders;
 - (D) the manner in which the ointments, repellents, lotions, creams, fluoridated toothpaste, and powders shall be applied;
 - (E) the signature of the parent;
 - (F) the date the authorization was signed by the parent; and
 - (G) the length of time the authorization is valid, if less than 12 months.
- (8) A parent may give a caregiver standing authorization to administer a single weight-appropriate dose of acetaminophen to a child in the event the child has a fever and a parent cannot be reached. The authorization shall be in writing and shall contain:
- (A) the child's name;
 - (B) the signature of the parent;
 - (C) the date the authorization was signed by the parent;
 - (D) the date that the authorization ends or a statement that the authorization is valid until withdrawn by the parent in writing.
- (9) A parent may give a caregiver standing authorization to administer an over-the-counter medication as directed by the North Carolina State Health Director or designee, when there is a public health emergency as identified by the North Carolina State Health Director or designee. The authorization shall be in writing, may be valid for as long as the child is enrolled, and shall contain:
- (A) the child's name;
 - (B) the signature of the parent;
 - (C) the date the authorization was signed by the parent; and
 - (D) the date that the authorization ends or a statement that the authorization is valid until withdrawn by the parent in writing.
- (10) Pursuant to G.S. 110-102.1A, a caregiver may administer medication to a child without parental authorization in the event of an emergency medical condition when the child's parent is unavailable, and providing the medication is administered with the authorization and in accordance with instructions from a health care professional as defined in Rule .0102(21) of this Chapter.
- (11) A parent may withdraw written authorization for the administration of medications at any time in writing.
- (12) Any medication remaining after the course of treatment is completed, after authorization is withdrawn or after authorization has expired shall be returned to the child's parents. Any medication the parent fails to retrieve within 72 hours of completion of treatment, or withdrawal of authorization, shall be discarded.
- (13) Any time prescription or over-the-counter medication is administered by a caregiver to children receiving care, the following information shall be recorded:
- (A) the child's name;
 - (B) the date medication given;
 - (C) the time medication given;
 - (D) the amount and type of medication given; and
 - (E) the name and signature of the person administering the medication.
- This information shall be noted on a medication permission slip, or on a separate form developed by the operator which includes the required information. This information shall be available for review by the Division during the time period the medication is being administered and for six months after the medication is administered. No documentation shall be required when items listed in Subparagraph (b)(7) of this Rule are applied to children.

- (14) if medication is administered in error, whether administering the wrong dosage, giving to the wrong child, or giving the incorrect type of medicine, the operator shall:
- (A) call 911 in accordance with CPR or First Aid training recommendations;
 - (B) contact the child's parent;
 - (C) observe the child; and
 - (D) document the medication error in writing, including:
 - (i) the child's name and date of birth;
 - (ii) the type and dosage of medication administered;
 - (iii) the name of the person who administered the medication;
 - (iv) the date and time of the error;
 - (v) the signature of the operator and the parent;
 - (vi) the actions taken by the operator following the error; and
 - (vii) the actions that will be taken by the operator to prevent a future error.

This documentation shall be maintained in the child's file.

History Note: Authority G.S. 110-85; 110-88; 110-91(6); 110-102.1A; 143B-168.3; Eff. July 1, 1998; Amended Eff. July 1, 2015; May 1, 2004; April 1, 2003; April 1, 2001; Temporary Amendment Eff. September 23, 2016; Readopted Eff. October 1, 2017.

10A NCAC 09 .1721 REQUIREMENTS FOR RECORDS

(a) The family child care home operator shall maintain the following health records for each enrolled child, including his or her own child(ren) who are not school-age:

- (1) a copy of the child's health assessment as required by G.S. 110-91(1);
- (2) a copy of the child's immunization record;
- (3) an application for enrollment that includes information set forth in this Subparagraph provided by the Division that is completed and signed by a child's parent, as defined in 10A NCAC 09 .0102. A copy of the form may be found on the Division's website at https://ncchildcare.ncdhhs.gov/pdf_forms/DCD-0377.pdf. The completed form shall be on file the first day the child attends. An operator may use another form other than the one provided by the Division, as long as the form includes the following information:
 - (A) the child's full name and the name the child is to be called;
 - (B) the child's date of birth;
 - (C) any allergies and the symptoms and type of response required for allergic reactions;
 - (D) any health care needs or concerns, symptoms of and the type of response required for these health care needs or concerns;
 - (E) fears or behavior characteristics that the child has;
 - (F) the names of individuals to whom the operator may release the child as authorized by the person who signs the application;
 - (G) the names and phone numbers of persons to be contacted in an emergency situation;
 - (H) the name and phone number of the child's physician; and
 - (I) authorization for the operator to seek emergency medical care in the parent's absence.
- (4) For any child with health care needs such as allergies, asthma, or other chronic conditions that require specialized health services, a medical action plan shall be attached to the application. The medical action plan shall be updated on an annual basis and when changes to the plan are made by the child's parent or health care professional. Sample medical action plans may be found on the Division's website at https://ncchildcare.ncdhhs.gov/providers/pv_provideforms.asp. The medical action plan shall be completed by the child's parent or a health care professional and may include the following:
 - (A) a list of the child's diagnosis or diagnoses including dietary, environmental, and activity considerations that are applicable;
 - (B) contact information for the health care professional(s);
 - (C) medications to be administered on a scheduled basis; and
 - (D) medications to be administered on an emergency basis with symptoms, and instructions.

- (5) when medication is administered, authorization for the operator to administer the specific medication according to the parent's or physician's instructions.
- (b) The family child care home operator and staff shall release a child only to an individual listed on the application.
- (c) The information contained in Parts (a)(3)(A) through (a)(3)(J) and Subparagraph (a)(4) of this Rule, shall be accessible to caregiving staff during the time the child is in care at the family child care home.
- (d) The family child care home operator and staff shall use the information provided on the application to ensure that individual child's needs are met during the time the child is in care.
- (e) The family child care home operator shall complete and maintain other records that include:
 - (1) documentation of the operator's Emergency Preparedness and Response Plan on a template provided by the Division of Emergency Management at <http://rmp.nc.gov/portal/#>;
 - (2) documentation that monthly fire drills are practiced. The documentation shall include the date each drill is held, the time of day, the length of time taken to evacuate the home, and the operator's signature;
 - (3) incident reports that are completed each time a child is injured or when a child receives medical treatment by a health care professional, community clinic, or local health department as a result of an incident occurring while the child is in care. The incident report shall include:
 - (A) facility identifying information;
 - (B) the child's name;
 - (C) date and time of the incident;
 - (D) witness to the incident;
 - (E) time the parent is notified of the incident and by whom;
 - (F) piece of equipment involved, if applicable;
 - (G) cause of injury, if applicable;
 - (H) description of injury or incident;
 - (I) body part injured, if applicable;
 - (J) where the child received medical treatment, if applicable;
 - (K) description of how and where the incident occurred and First Aid received; and
 - (L) steps taken to prevent reoccurrence.

This report shall be signed by the person completing it and by the parent, a copy given to the parent, and the report maintained in the child's file. When medical treatment is required, a copy of the incident report shall be mailed to a representative of the Division within seven calendar days after the incident. A copy of the form can be found on the Division's website at https://ncchildcare.ncdhhs.gov/pdf_forms/DCDEE-0058.pdf;
 - (4) an incident log that is filled out any time an incident report is completed. This log shall be cumulative and maintained in a separate file and shall be available for review by the Division. This log shall be completed on a form supplied by the Division. A copy of the form can be found on the Division's website at https://ncchildcare.ncdhhs.gov/pdf_forms/incident_log_i.pdf;
 - (5) documentation that a monthly check for hazards on the outdoor play area is completed. This form shall be supplied by the Division and shall be maintained in the family child care home for review by the Division. The form shall include the following information:
 - (A) Name of facility, time and date the form was completed;
 - (B) Signature of individual completing form;
 - (C) General inspection items;
 - (D) Surfacing;
 - (E) General hazard items; and
 - (F) Deterioration of equipment.

For items on the checklist the operator has to check if pass or fail, if fail identify the problem and solution. A copy of the form can be found on the Division's website at https://ncchildcare.ncdhhs.gov/pdf_forms/fcch_outdoor_inspection_checklist.pdf;
 - (6) daily attendance records for all children in care, including the operator's own preschool children. The attendance record shall indicate the date and time of arrival and departure for each child and shall be maintained as children arrive and depart; and
 - (7) documentation of lockdown or shelter-in-place drills giving the date each drill is held, the time of day, the length of time taken to get into designated locations and the signature of the person who conducted the drill.
- (f) Written records shall be maintained as follows in a family child care home:

- (1) All children's records as required in this Section, except medication permission slips as required in Rule .1720(b)(13) of this Section, shall be kept on file as long as the child is enrolled and for one year from the date the child is no longer enrolled.
- (2) Records regarding administration of medications required by Rule .1720(b)(13) of this Section shall be maintained during the time period the medication is being administered and for six months after the medication is administered.
- (3) Additional caregiver and substitute provider records as required in this Section shall be maintained on file for as long as the individual is employed and for one year from the employee's last date of employment.
- (4) All program records, including documentation of operator qualifications, as required in this Section shall be maintained on file for as long as the license remains valid except as follows:
 - (A) A minimum of 30 days from the revision or replacement date:

Record	Rule
Daily Schedule	.1718(a)(6)
Activity Plan	.1718(a)(6)
Infant Feeding Plan	.1706(i)
Allergy Posting	.1706(e)
SIDS Sleep Chart/Visual Check	.1724(a)(8)

- (B) A minimum of one year from the revision or replacement date:

Record	Rule
Attendance	.1721(e)(6)
Emergency Numbers	.1719(a)(12)
Safe Sleep Policy	.1724(c) and (d)
Written Plan of Care	.1712
Emergency Medical Care Plan	.1713
Emergency Preparedness and Response Plan	.1721(e)(1)
Off-Premises and routine Transportation Permission	.1723(5), .1723(15)(a) and .1723(b)
List and Identifying Information for Children being Transported	.1723(13) and .1723(15)(c)
Fire Drill Log	.1721(e)(2)
Lockdown or Shelter-in-Place Drill Log	.1721(e)(7)
Incident Log	.1721(e)(4)
Outdoor Play Area Inspection	.1721(e)(5)
Pet Vaccinations	.1719(b)(1)
Medication Error Log	.1720(b)(14)

- (5) Well-water analysis, pool inspection and inspections for local ordinances as referenced in Rules .1702(b)(7), .1730(i), and .1725(a)(1), of this Section and G.S. 110-91 shall remain on file at the family child care home for as long as the license remains valid.
- (6) Records may be maintained in a paper format or an electronic format, provided that all required signatures are preserved in a paper format, PDF, or other graphic format.
- (7) All records required in this Chapter shall be available at the family child care home for review by the Division during the hours of operation listed on the child care license.

*History Note: Authority G.S. 110-88; 110-91(1),(9);
 Eff. July 1, 1998;
 Amended Eff. July 1, 2015; July 1, 2010; July 1, 2008; April 1, 2003; April 1, 2001;
 Temporary Amendment Eff. September 23, 2016;
 Readopted Eff. October 1, 2017;*

Amended Eff. February 1, 2021; September 1, 2019.

10A NCAC 09 .1722 PROHIBITED DISCIPLINE

(a) No child shall be subjected to any form of corporal punishment by the family child care home operator, additional caregiver, substitute provider, or any other person in the home, whether or not these persons reside in the home as follows:

- (1) No child shall be handled roughly in any way, including shaking, pushing, shoving, pinching, slapping, biting, kicking, or spanking;
- (2) No child shall ever be placed in a locked room, closet, or box, or be left alone in a room separated from staff;
- (3) No discipline shall ever be delegated to another child;
- (4) No food shall be withheld or given as a means of punishment or reward;
- (5) No child shall ever be disciplined for toileting accidents;
- (6) No child shall ever be disciplined for not sleeping during rest period;
- (7) No child shall be disciplined by assigning chores that require contact with or use of hazardous materials, such as cleaning bathrooms or floors, or emptying diaper pails;
- (8) Physical activity, such as running laps and doing push-ups, shall not be withheld or required as punishment;
- (9) No child shall ever be yelled at, shamed, humiliated, frightened, threatened, or bullied; and
- (10) No child shall be restrained as a form of discipline unless the child's safety or the safety of others is at risk. For purposes of this Rule, "restraining" shall mean that a caregiver physically holds a child in a manner that restricts the child's movement, for a minimum amount of time necessary to ensure a safe environment. Children shall not be restrained through the use of heavy objects, including a caregiver's body, or any device such as straps, blankets, car seats, or cribs.

(b) Discipline practices shall be age and developmentally appropriate.

*History Note: Authority G.S. 110-85; 110-91(10); 143B-168.3;
Eff. July 1, 1998;
Amended Eff. April 1, 2003; April 1, 2001;
Readopted Eff. October 1, 2017.*

10A NCAC 09 .1723 TRANSPORTATION REQUIREMENTS

To assure the safety of children whenever they are transported, the operator, or any other transportation provider, shall:

- (1) ensure that vehicles used to transport children are free of hazards such as but not limited to, torn upholstery that allows children to remove the interior padding, broken windows, holes in the floor or roof, or tire treads of less than 2/32 of an inch;
- (2) ensure that vehicles used to transport children comply with all applicable State and federal laws and regulations;
- (3) ensure that vehicles are insured for liability as required by State laws governing transportation of passengers pursuant to G.S. 20-279.21;
- (4) ensure that vehicles used to transport children in snowy, icy, and other hazardous weather conditions are equipped with snow tires, or chains;
- (5) have written permission from a parent to transport his or her child and notify the parent when and where the child is to be transported, and the name of the transportation provider. Parents may give standing permission, valid for up to 12 months, for transport of children to and from the home;
- (6) ensure that all children are transferred to an individual who is indicated on the child's application for enrollment as specified in Rule .1721(a)(3) of this Section or as authorized by the parent;
- (7) load and unload children from curbside or in a safe, off-street area, out of the flow of traffic, so that they are protected from all traffic hazards;
- (8) ensure that all children regardless of age or location in the vehicle shall be restrained with an individual seat belt or child safety seat appropriate to the child's age or weight in accordance with G.S. 20-135.2A located at <http://www.buckleupnc.org/occupant-restraint-laws/seat-belt-law-summary/>. Only one person shall occupy each seat belt or child safety seat;
- (9) be at least 21 years old, and have a valid driver's license of the type required under the North Carolina Motor Vehicle Law for the vehicle being driven, or comparable license from the state in

- which the driver resides, and no convictions of Driving While Impaired (DWI), or any other impaired driving offense, within the last three years;
- (10) ensure that each child is seated in a manufacturer's designated area. No child shall ride in the load carrying area or floor of a vehicle;
- (11) have a First Aid kit and fire extinguisher located in the vehicle used to transport children;
- (12) never leave children in a vehicle unattended by an adult;
- (13) have identifying information in the vehicle about each child being transported, including the child's name, photograph, emergency contact information, and a copy of the emergency medical care information form required by Rule .1721(a)(3) of this Section; and
- (14) have a functioning cellular telephone or other functioning two-way voice communication device with them for use in an emergency. The transportation provider shall not use cellular telephones or other functioning two-way communication devices except in the case of an emergency and only when the vehicle is parked in a safe location; and
- (15) conduct off-premise activities as follows:
 - (a) before the operator walks children off premises for play or outings, the parent of each child shall give written permission for the child to participate in such activities;
 - (b) parents may provide a written statement giving standing permission which may be valid for up to 12 months for participation in off premise activities that occur on a regular basis; and
 - (c) each time the children are taken off premises, the operator shall take identifying information about each child including the child's name, photograph, emergency contact information, a copy of the emergency medical care information form required by 10A NCAC 09 .1721(a)(3) of this Section.

History Note: Authority G.S. 110-91; 110-91(13); 143B-168.3;
 Eff. July 1, 1998;
 Amended Eff. December 1, 2014; April 1, 2003;
 Readopted Eff. October 1, 2017.

10A NCAC 09 .1724 SAFE SLEEP PRACTICES

(a) Each operator licensed to care for infants aged 12 months or younger shall develop, adopt, and comply with a written safe sleep policy that:

- (1) specifies that the operator shall place infants aged 12 months or younger on their backs for sleeping, unless:
 - (A) for an infant aged six months or less, the operator receives a written waiver of this requirement from a health care professional; or
 - (B) for an infant older than six months, the operator receives a written waiver of this requirement from a health care professional, or a parent or a legal guardian;
- (2) specifies that infants aged 12 months or younger shall be placed in a crib, bassinet or play pen, mat, or cot with a firm padded surface when sleeping;
- (3) specifies no pillows, wedges or other positioners, pillow-like toys, blankets, toys, bumper pads, quilts, sheepskins, loose bedding, towels and washcloths, or other objects may be placed in a crib with a sleeping infant aged 12 months or younger;
- (4) specifies that children shall not be swaddled;
- (5) specifies that nothing shall be placed over the head or face of an infant aged 12 months or younger when the infant is laid down to sleep;
- (6) specifies that the temperature in the room where infants aged 12 months or younger are sleeping does not exceed 75°F;
- (7) specifies the operator shall visually check sleeping infants aged 12 months or younger at least every 15 minutes;
- (8) specifies how the operator shall document compliance with visually checking on sleeping infants aged 12 months or younger;
- (9) specifies that pacifiers that attach to infant clothing shall not be used with sleeping infants;
- (10) specifies that infants aged 12 months or younger sleep alone in a crib, bassinet, play pen, mat, or cot;

- (11) specifies that infants aged 12 months or younger shall be prohibited from sleeping in sitting devices, including car safety seats, strollers, swings, and infant carriers. Infants that fall asleep in sitting devices shall be moved to a crib, bassinet, play pen, mat, or cot; and
- (12) specifies any other steps the operator shall take to provide a safe sleep environment for infants aged 12 months or younger.

(b) The operator shall post a copy of the safe sleep policy and poster about safe sleep practices in a prominent place in the infant sleeping room or area where parents and caregivers are able to view daily.

(c) A copy of the operator's safe sleep policy shall be given and explained to the parents of an infant aged 12 months or younger on or before the first day the infant attends the home. The parent shall sign a statement acknowledging the receipt and explanation of the policy. The acknowledgement shall contain:

- (1) the infant's name;
- (2) the date the infant first attended the home;
- (3) the date the operator's safe sleep policy was given and explained to the parent; and
- (4) the date the parent signed the acknowledgement.

The operator shall retain the acknowledgement in the child's record as long as the child is enrolled at the home.

(d) If an operator amends a home's safe sleep policy, the operator shall give written notice of the amendment to the parents of all enrolled infants aged 12 months or younger at least 14 days before the amended policy is implemented. Each parent shall sign a statement acknowledging the receipt and explanation of the amendment. The operator shall retain the acknowledgement in the child's record as long as the child is enrolled at the home.

(e) The operator shall place a child aged 12 months or younger on the child's back for sleeping, unless for a child aged 6 months or younger, the operator obtains a written waiver from a health care professional; or for a child older than 6 months, the operator obtains a written waiver from a health care professional or parent. Waivers shall include the following:

- (1) the infant's name and birth date;
- (2) be signed and dated by the infant's health care professional or parent;
- (3) if a wedge is needed, specify why it is needed and how it should be used; and
- (4) the infant's authorized sleep positions.

The operator shall retain the waiver in the child's record as long as the child is enrolled at the home.

(f) Documents that verify staff member's compliance with visual checks on infants shall be maintained for a minimum of one month.

(g) For each infant with a waiver on file at the home as specified in Paragraph (e) of this Rule, a notice shall be posted for quick reference near the infant's crib, bassinet, play pen, or mat that shall include:

- (1) the infant's name;
- (2) the infant's authorized sleep position; and
- (3) the location of the signed waiver.

No confidential medical information, including an infant's medical diagnosis, shall be shown on the notice.

*History Note: Authority G.S. 110-85; 110-91(15); 143B-168.3;
Eff. May 1, 2004;
Amended Eff. July 1, 2010;
Readopted Eff. October 1, 2017;
Amended Eff. February 1, 2021.*

10A NCAC 09 .1725 SANITATION REQUIREMENTS FOR FAMILY CHILD CARE HOMES

(a) To assure the health of children through proper sanitation, the family child care home operator shall:

- (1) collect and submit samples of water from each well used for the children's water supply for bacteriological analysis to the local health department or a laboratory certified to analyze drinking water for public water supplies by the North Carolina State Laboratory of Public Health every two years. Results of the analysis shall be on file in the home;
- (2) collect and submit samples of water from each water outlet used for drinking or food preparation for lead analysis to the local health department or a laboratory certified to analyze for lead in drinking water by the North Carolina State Laboratory of Public Health. Results of the analysis shall be on file in the home. For operators that submit an application for licensure after the effective date of this Rule, water samples shall be collected by the operator and tested during the application process. For all other family child care homes, water samples shall be collected by the operator and tested within 12 months of the effective date of this Rule;

- (3) wash his or her hands prior to caring for children each day;
 - (4) ensure that each child's hands are washed upon arrival at the home each day;
 - (5) have sanitary toilet, diaper changing, and hand washing facilities as follows:
 - (A) diaper changing areas shall be separate from food preparation areas;
 - (B) toileting areas shall have toilet tissue available at all times;
 - (C) all toilet fixtures shall be cleanable and in good repair;
 - (D) handwashing areas shall have soap and paper towels or other drying devices available at all times;
 - (E) diapering surfaces shall be smooth, intact, nonabsorbent, and cleanable; and
 - (F) potty chairs and diapering surfaces shall be cleaned after each use.
 - (6) use sanitary diapering procedures. Diapers shall be changed whenever they become soiled or wet. The operator shall:
 - (A) gather all supplies before placing a child on the diapering surface;
 - (B) wash his or her hands before, as well as after, diapering each child;
 - (C) ensure the child's hands are washed after diapering the child; and
 - (D) place soiled diapers in a covered, leak proof container which is emptied and cleaned daily;
 - (7) use sanitary procedures when preparing and serving food. The operator shall:
 - (A) wash his or her hands before and after handling food and feeding the children; and
 - (B) ensure the child's hands are washed before and after the child is fed;
 - (8) wash his or her hands, and ensure the child's hands are washed, after toileting or handling bodily fluids;
 - (9) handwashing procedures shall include:
 - (A) using liquid soap and water;
 - (B) rubbing hands vigorously with soap and water for 15 seconds;
 - (C) washing all surfaces of the hands, to include the backs of hands, palms, wrists, under fingernails and between fingers;
 - (D) rinsing well for 10 seconds;
 - (E) drying hands with a paper towel or other hand drying device; and
 - (F) turning off faucet with a paper towel or other method without recontaminating hands;
 - (10) refrigerate all perishable food and beverages. The refrigerator shall be in good repair and maintain a temperature of 45 degrees Fahrenheit or below. A refrigerator thermometer is required to monitor the temperature;
 - (11) have a house that is free of rodents;
 - (12) screen all windows and doors used for ventilation; and
 - (13) store garbage in waterproof containers with tight fitting covers.
- (b) If reusable, cloth diapers are used, place soiled cloth diaper, after disposing of feces in toilet without rinsing, in a tightly closed plastic bag or other equivalent container approved by the Division, stored out of reach of children and sent daily to the child's home to be laundered or to a laundry service.
- (c) The operator shall not force children to use the toilet and the operator shall consider the developmental readiness of each child when toilet training. The operator shall provide assistance to each child to ensure proper hygiene, as needed.
- (d) The operator shall ensure that clean clothes are available in the event that a child's clothes become wet or soiled. The change of clothing may be provided by the operator or by the child's parents.

History Note: Authority G.S. 110-85; 110-88; 110-91; S.L. 2021-180; 45 CFR 98.41; Eff. October 1, 2017; Amended Eff. January 1, 2024; September 1, 2019.

10A NCAC 09 .1726 PREVENTION OF SHAKEN BABY SYNDROME AND ABUSIVE HEAD TRAUMA

- (a) The operator of a family child care home licensed to care for children up to five years of age shall develop and adopt policies to assist staff in preventing shaken baby syndrome and abusive head trauma. For purposes of this Rule, "staff" includes the operator, additional caregivers, substitute providers, and uncompensated providers. The policy shall include:

- (1) how to recognize, respond to, and report the signs and symptoms of shaken baby syndrome and abusive head trauma. Signs and symptoms include: irritability, difficulty staying awake, difficulty breathing, inability to lift the head, seizures, lack of appetite, vomiting, and bruises;
 - (2) strategies to assist staff in coping with a crying, fussing, or distraught child;
 - (3) strategies to ensure staff members in understanding how to care for infants;
 - (4) strategies to ensure staff understand the brain development of children up to five years of age;
 - (5) a list of prohibited behaviors shall include, but not be limited to, shaking a child, tossing a child into the air or into a crib, chair, or car seat, and pushing a child into walls, doors, and furniture; and
 - (6) resources to assist staff and families in preventing shaken baby syndrome and abusive head trauma.
- (b) A copy of the policy shall be given and explained to the parents of children up to five years of age on or before the first day the child receives care at the home. The operator shall obtain the parent's signature. The acknowledgement shall contain the following and be maintained in the child's file for review by the Division:
- (1) the child's name;
 - (2) the date the child first attended the home;
 - (3) the date the operator's policy was given and explained to the parent;
 - (4) the parent's name;
 - (5) the parent's signature; and
 - (6) the date the parent signed the acknowledgment.
- (c) If an operator changes the policy at any time, the operator shall give written notice of the change to the child's parent 14 days prior to the implementation of the new policy and the parent shall sign a statement that attests that a copy of the new policy was given to and discussed with him or her. The operator shall obtain the parent's signature and this statement shall be maintained in the child's file for review by the Division.
- (d) The operator shall review the policy with staff prior to the individual providing care to children. The acknowledgement of this review shall contain the following:
- (1) the individual's name;
 - (2) the date the operator's policy was given and explained to the individual;
 - (3) the individual's signature; and
 - (4) the date the individual signed the acknowledgment.
- The operator shall retain the acknowledgement in the staff member's file.
- (e) If an operator changes the policy at any time, the operator shall review the revised policy with staff 14 days prior to the implementation of the new policy. The individual shall sign a statement that attests that a copy of the new policy was given to and discussed with him or her. This statement shall be kept in the staff member's file.

*History Note: Authority G.S. 143B-168.3;
Temporary Adoption Eff. September 23, 2016;
Eff. October 1, 2017;
Amended Eff. September 1, 2019.*

10A NCAC 09 .1727 DISCIPLINE POLICY

- (a) The family child care home operator shall provide a written copy of and explain the operator's discipline practices to each child's parent at the time of enrollment.
- (b) The operator shall obtain a statement signed and dated by the parent that attests that a copy of the written discipline policy was given to, and discussed with him or her.
- (c) That statement shall include the following:
 - (1) the child's name;
 - (2) the date of enrollment; and
 - (3) if different, the date the parent signs the statement.

The signed, dated statement must be in the child's record and must remain on file as long as the child is enrolled.

- (d) If an operator changes the discipline policy at any time, the operator must give written notice of such a change to the child's parent, guardian, or full-time custodian 14 days prior to the implementation of the new policy and the parent, guardian or full-time custodian must sign a statement that attests that a copy of the new policy was given to and discussed with him or her. This statement shall be kept in the child's file.

History Note: Authority G.S. 110-85; 110-91(8), (11); 143B-168.3;

Eff. October 1, 2017.

10A NCAC 09 .1728 OVERNIGHT CARE

(a) A safe and comfortable bed, crib, or cot, equipped with a firm waterproof mattress at least four inches thick and a fitted sheet shall be provided for each child who remains in the home after midnight. The top of bunk beds shall be used by school-age children only.

(b) A supply of clean linen must be on hand so that linens can be changed whenever they become soiled or wet. Linens shall be changed weekly or whenever they become soiled or wet.

(c) An operator licensed to care for children overnight may sleep during the nighttime hours when all the children are asleep, provided:

- (1) the operator and the children in care, excluding the operator's own children, are on ground level;
- (2) the operator can hear and respond to the children; and
- (3) a battery operated smoke detector or an electrically operated (with a battery backup) smoke detector is located in each room where children are sleeping.

History Note: Authority G.S. 110-85; 110-88; 110-91(6);
Eff. October 1, 2017.

10A NCAC 09 .1729 ADDITIONAL CAREGIVER AND SUBSTITUTE PROVIDER QUALIFICATIONS

(a) An individual who provides care for five hours or more in a week during planned absences of the family child care home operator shall:

- (1) be 21 years old;
- (2) have a high school diploma or GED;
- (3) have completed a First Aid and cardiopulmonary resuscitation (CPR) course within 12 months prior to caring for children;
- (4) have completed a health questionnaire;
- (5) have proof of negative results of a tuberculosis test or screening completed within 12 months prior to the first day of providing care;
- (6) have submitted criminal background check forms as required in Rule .2703 of this Chapter;
- (7) have documentation of annual on-going training as described in Rule .1703(d) of this Section after the first year of employment;
- (8) have completed ITS-SIDS training, if licensed to care for infants;
- (9) have completed Recognizing and Responding to Suspicions of Child Maltreatment training; and
- (10) have documentation that the operator has reviewed the requirements found in this Chapter, including the Emergency Preparedness and Response Plan, and in G.S. Chapter 110, Article 7.

While the individual provides care at a family child care home, copies of information required by Subparagraphs (1) through (10) of this Paragraph shall be on file in the home and available for review by the Division.

(b) An individual who provides care for less than five hours in a week during planned absences of the operator shall be literate and meet all requirements listed in Paragraph (a) of this Rule except the requirements for annual training and a high school diploma or GED.

(c) The operator shall conduct 16 hours of orientation with all caregivers, prior to the individual caring for children, including substitute providers, volunteers, and uncompensated providers, who are providing care. The orientation shall include an overview of the following topics, specifically focusing on the operation of the facility:

- (1) recognizing, responding to, and reporting child abuse, neglect, or maltreatment pursuant to G.S. 110-105.4 and G.S. 7B-301;
- (2) review of the home's operational policies, including the written plan of care, safe sleep policy, the transportation policy, identification of building and premises safety issues, the emergency medical care plan, and the Emergency Preparedness and Response Plan;
- (3) adequate supervision of children in accordance with Rule .1711(a) of this Section;
- (4) information regarding prevention of shaken baby syndrome, abusive head trauma, and child maltreatment;
- (5) prevention and control of infectious diseases, including immunization;
- (6) firsthand observation of the home's daily operations;
- (7) instruction regarding assigned duties;
- (8) instruction in the maintenance of a safe and healthy environment;

- (9) instruction in the administration of medication to children in accordance with Rule .1720(b) of this Section;
- (10) review of the home's purposes and goals;
- (11) review of G.S. 110, Article 7 and 10A NCAC 09;
- (12) review of Section .2800 of this Chapter if the operator has a two- through five- star license at the time of employment;
- (13) 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;
- (14) an explanation of the individual's obligation to cooperate with representatives of State and local government agencies during visits and investigations;
- (15) prevention of and response to emergencies due to food and allergic reactions; and
- (16) review of the home's handling and storage of hazardous materials and the appropriate disposal of biocontaminants.

The operator and individual providing care shall sign and date a statement that attests that this review was completed. This statement shall be kept on file in the home and available for review by the Division.

(d) An individual who provides care during unplanned absences of the operator, such as medical emergencies, shall be 18 years old and submit criminal records check forms as required in Rule .2703(j) of this Chapter. The children of an emergency caregiver shall not be counted in the licensed capacity for the first day of the emergency caregiver's service.

*History Note: Authority G.S. 110-85; 110-88; 110-91; 143B-168.3;
Eff. October 1, 2017;
Amended Eff. February 1, 2021; March 1, 2019.*

10A NCAC 09 .1730 ACTIVITIES INVOLVING WATER

(a) The requirements in this Rule apply to "aquatic activities," which are defined as activities that take place in a body of water such as swimming, swimming instruction, wading, and visits to water parks. Aquatic activities do not include water play activities such as water table play, slip and slide activities, or playing in sprinklers.

(b) Aquatic activities involving the following are prohibited:

- (1) hot tubs;
- (2) spas;
- (3) saunas or steam rooms;
- (4) portable wading pools; and
- (5) natural bodies of water and other unfiltered, nondisinfected containments of water.

(c) When children enrolled in a family child care home participate in aquatic activities, there shall be at least one person who has a life guard training certificate issued by the Red Cross or other training determined by the Division to be equivalent to the Red Cross training, appropriate for both the type of body of water and type of aquatic activity. Verification of the operator's completion of this course from an approved training organization shall be maintained in their personnel file in the family child care home. The Division shall post a list of approved training organizations on its website at http://ncchildcare.ncdhhs.gov/providers/pv_sn2_ov_pd.asp.

(d) The family child care home operator shall be responsible for adequately supervising the aquatic activity for the duration of the activity. For purposes of this Rule, "Adequate supervision" means that the operator shall be able to hear, see, and respond to the children whether in or out of the water.

(e) Prior to children participating in aquatic activities, the operator shall develop policies that address the following:

- (1) aquatic safety hazards;
- (2) pool and aquatic activity area supervision, including restroom or changing room use;
- (3) how discipline will be handled during aquatic activities;
- (4) the operator's off premise and transportation policies; and
- (5) that children shall be directed to exit the water during an emergency.

The policies shall be reviewed with additional caregivers and substitute providers prior to caring for children participating in aquatic activities.

(f) Family child care home operators shall obtain written permission from parents for participation in aquatic activities. The written permission shall include a statement that parents are aware of the operator's aquatic policies specified in Paragraph (f) of this Rule. The operator shall maintain copies of written parental permission in each child's file.

(g) Any outdoor swimming pool located on the family child care home premises shall be enclosed by a fence that is at least four feet high, separated from the remaining outdoor play area by that fence, and locked and inaccessible to children when not in use.

(h) Swimming pool safety rules shall be posted and visible to children and staff for any swimming pool located on the child care facility premises. These rules shall state:

- (1) the location of a First Aid kit;
- (2) that only water toys are permitted;
- (3) that children are not allowed to run or push one another;
- (4) that swimming is allowed only when the operator is present; and
- (5) that glass objects are not allowed.

(i) All swimming pools used by children in care shall meet the "Rules Governing Public Swimming Pools" in accordance with 15A NCAC 18A .2500 which are incorporated by reference, including subsequent amendments. A copy of these Rules can be found at <http://ehs.ncpublichealth.com/docs/rules/294306-9-2500.pdf> and is available at no charge.

(j) Educational activities, such as observing tadpoles, exploring mud, or learning about rocks and vegetation shall be permitted.

(k) Boating, rafting, and canoeing activities are permitted. Prior to participating in recreational activities conducted on the water, children shall wear an age or size appropriate personal floatation device approved by the United States Coast Guard. This personal floatation device shall be worn for the duration of the activity.

History Note: Authority G.S. 110-88; 110-91(1),(3),(6); 143B-168.3;
Temporary Adoption Eff. September 23, 2016;
Eff. October 1, 2017;
Amended Eff. February 1, 2021.

10A NCAC 09 .1731 ADDITIONAL HEALTH AND SAFETY TRAINING REQUIREMENTS

History Note: Authority G.S. 110-88; 110-91(11); 143B-168.3;
Temporary Adoption Eff. September 23, 2016;
Temporary Adoption Expired July 14, 2017.

SECTION .1800 - STAFF/CHILD INTERACTIONS AND BEHAVIOR MANAGEMENT

10A NCAC 09 .1801 SUPERVISION IN CHILD CARE CENTERS

(a) Children shall be adequately supervised at all times in child care centers. Adequate supervision shall mean that:

- (1) staff must be positioned in the indoor and outdoor environment to maximize their ability to hear or see the children at all times and render assistance;
- (2) staff must interact with the children while moving about the indoor or outdoor area;
- (3) staff must know where each child is located and be aware of the children's activities at all times;
- (4) staff must provide supervision appropriate to the individual age, needs, and capabilities of each child; and
- (5) ~~staff must be able to see and hear children aged birth to five years old while the children are eating.~~

All of the conditions in this Paragraph shall apply except when emergencies necessitate that adequate supervision is impossible. Documentation of emergencies shall be maintained and available for review by Division representatives upon request.

~~(b) For groups of children aged two years or older, the staff/child ratio during nap time shall comply with the requirements of this Chapter if at least one person remains in the room, all children are visible to that person, and the total number of required staff are on the premises and within calling distance of the rooms occupied by children.~~

History Note: Authority G.S. 110-85; 110-91(7); 143B-168.3;
Eff. October 1, 2017.

10A NCAC 09 .1802 STAFF/CHILD INTERACTIONS

Commented [SV60]: Not applicable to school age children.

Commented [SV61]: Not applicable to school age programs.

Staff shall interact with children in positive ways by helping them feel welcome and comfortable, treating them with respect, listening to what they say, responding to them with acceptance and appreciation, and participating in activities with the children. For example, staff shall:

- ~~(1)(5)~~ make eye contact when speaking to a child;
- ~~(2)(6)~~ engage children in conversation to share experiences, ideas, and opinions;
- ~~(3)(7)~~ help children develop problem-solving skills; and
- ~~(4)(8)~~ facilitate learning by providing positive reinforcement, encouraging efforts, and recognizing accomplishments.

History Note: Authority G.S. 110-85; 110-91(8),(11); 143B-168.3;
Eff. July 1, 2010;
Readopted Eff. October 1, 2017 (Transferred from 10A NCAC 09 .0501).

10A NCAC 09 .1803 PROHIBITED DISCIPLINE IN CHILD CARE CENTERS

(a) No child shall be subjected to any form of corporal punishment by the owner, operator, director, or staff of any child care center. For purposes of this Rule, "staff" shall mean any regular or substitute caregiver, any volunteer, and any auxiliary personnel, including cooks, secretaries, janitors, maids, or vehicle drivers. The following shall apply at all child care centers:

- (1) no child shall be handled roughly in any way, including shaking, pushing, shoving, pinching, slapping, biting, kicking, or spanking;
- (2) no child shall be placed in a locked room, closet, or box or be left alone in a room separated from staff;
- (3) no discipline shall be delegated to another child;
- (4) no food shall be withheld as punishment or given as a means of reward;
- (5) no child shall be disciplined for toileting accidents;
- (6) no child shall be disciplined for not sleeping during rest period;
- (7) no child shall be disciplined by assigning chores that require contact with or use of hazardous materials, such as cleaning bathrooms, floors, or emptying diaper pails;
- (8) physical activity, such as running laps and doing push-ups, shall not be withheld as punishment or required as punishment;
- (9) no child shall be yelled at, shamed, humiliated, frightened, threatened, or bullied; and
- (10) no child shall be restrained as a form of discipline unless the child's safety or the safety of others is at risk. For purposes of this Rule, "restraining" shall mean that a caregiver physically holds a child in a manner that restricts the child's movement, for a minimum amount of time necessary to ensure a safe environment. Notwithstanding any other provision of this Rule, no child shall be restrained through the use of heavy objects, including a caregiver's body, or any device such as straps, blankets, car seats, or cribs.

(b) Discipline practices shall be age and developmentally appropriate.

History Note: Authority G.S. 110-85; 110-91(10); 143B-168.3;
Eff. January 1, 1986;
Amended Eff. April 1, 2001; November 1, 1989;
Readopted Eff. October 1, 2017 (Transferred from 10A NCAC 09 .1801).

10A NCAC 09 .1804 DISCIPLINE POLICY FOR CHILD CARE CENTERS

(a) The person who conducts the enrollment conference shall provide a written copy of and explain the center's discipline policies to each child's parents at the time of enrollment.

(b) The child care center shall obtain from each parent, legal guardian, or full-time custodian a statement that attests that a copy of the center's written discipline policies was given to and discussed with him or her. That statement shall include the following:

- (1) the child's name;
- (2) the date of enrollment; and
- (3) if different, from the enrollment date the date the parent, legal guardian, or full-time custodian signed the statement.

(c) The signed, dated statement must be in the child's record and shall remain on file in the center as long as the child is enrolled. If a center changes its discipline policy at any time, it must give written notice of such a change to

the child's parent, guardian, or full-time custodian 14 days prior to the implementation of the new policy. The center shall obtain the parent's signature on a statement that attests that a copy of the new policy was given to and discussed with him or her. This statement shall be kept in the child's file as long as the child is enrolled.

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

SECTION .1900 - SPECIAL PROCEDURES CONCERNING ABUSE/NEGLECT IN CHILD CARE

10A NCAC 09 .1901 NOTIFICATION TO COUNTY DEPARTMENTS OF SOCIAL SERVICES

History Note: Authority G.S. 110-88(5); 143B-168.3;
Eff. January 1, 1986;
Amended Eff. April 1, 2001; November 1, 1989;
Repealed Eff. October 1, 2017.

10A NCAC 09 .1902 RESERVED FOR FUTURE CODIFICATION

10A NCAC 09 .1903 INVESTIGATION PROCEDURES

History Note: Authority G.S. 7B-301; 110-88(5); 110-105; 143B-168.3;
Eff. January 1, 1986;
Amended Eff. April 1, 2001; October 1, 1991; July 1, 1988; January 1, 1987;
Repealed Eff. October 1, 2017.

10A NCAC 09 .1904 ADMINISTRATIVE SANCTIONS

History Note: Authority G.S. 110-88(5); 110-88(6a); 110-102.2; 110-103.1; 143B-168.3; 150B-3; 150B-23;
Eff. January 1, 1986;
Amended Eff. April 1, 2001; August 1, 1990; November 1, 1989; July 1, 1988;
Repealed Eff. February 1, 2019.

SECTION .2000 - RULEMAKING AND CONTESTED CASE PROCEDURES

10A NCAC 09 .2001 PETITIONS FOR RULEMAKING

(a) Any person wishing to request the adoption, amendment, or repeal of a rule made by the Child Care Commission (hereinafter referred to as the Commission) shall make the request in a written petition to:

Rulemaking Coordinator
Division of Child Development and Early Education
2201 Mail Service Center
Raleigh, North Carolina 27699-2200

(b) Petitions for adoption or amendment of a rule shall include a draft of the proposed rule, and the name and address of the petitioner. The petition may also include any of the following items known to the petitioner:

- (1) the statutory authority for the Commission to promulgate the rule;
- (2) the effect on existing rules;
- (3) any data supporting the proposal;
- (4) the effect of the proposed rule on existing practices in the area involved, including cost factors;
- (5) the names and addresses of those most likely to be affected by the proposed; and
- (6) the reasons for the proposal.

(c) The Division Director or designee shall present the petition to the Commission to determine whether the Commission has statutory authority to grant the petition.

(d) The Commission shall render a decision as to whether to deny or approve the petition at its next scheduled meeting, which may be no later than 120 days after submission of the petition. If the decision is to deny the petition,

the Division Director or designee shall notify the petitioner in writing, stating the reasons for the denial. If the decision is to approve the petition, the Commission shall initiate rulemaking in accordance with G.S. 150B-21.2.

History Note: Authority G.S. 110-85; 143B-168.3; 150B-20;
Eff. November 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23, 2015;
Amended Eff. February 1, 2016.

10A NCAC 09 .2002 RULEMAKING PROCEDURES

(a) The rulemaking procedures for the Secretary of the Department of Health and Human Services codified in 10A NCAC 01A .0104 are hereby incorporated by reference including subsequent amendments and editions, with the following modifications:

- (1) Correspondence related to the Commission's rulemaking actions shall be submitted to:
Rulemaking Coordinator
Division of Child Development and Early Education
2201 Mail Service Center
Raleigh, North Carolina 27699-2200
- (2) "Hearing officer" shall mean the Chairman of the Child Care Commission or the Chairman's designee.

(b) Copies of 10A NCAC 01A .0104 may be inspected in the Division at the address given in Subparagraph (a)(1) of this Rule. A copy of this Rule may be found on the Office of Administrative Hearings website at <http://reports.oah.state.nc.us/ncac.asp>.

History Note: Authority G.S. 110-85; 143B-168.3; 150B-20;
Eff. November 1, 1989;
Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23, 2015;
Amended Eff. February 1, 2016.

10A NCAC 09 .2003 DECLARATORY RULINGS

(a) All requests for declaratory rulings shall be by written petition as described in Paragraph (b) of this Rule and shall be submitted to:

Rulemaking Coordinator
Division of Child Development and Early Education
2201 Mail Service Center
Raleigh, North Carolina 27699-2200

(b) Every request for a declaratory ruling shall include the following information:

- (1) the name and address of the petitioner;
- (2) the statute or rule to which the petition relates;
- (3) a statement of the manner in which the petitioner is aggrieved by the rule or statute or its potential application to him or her; and
- (4) the consequences for the petitioner of a failure to issue a declaratory ruling.

(c) When a request for a declaratory ruling meets the requirements of Paragraph (b) of this Rule, the Commission shall determine whether it has the statutory authority to grant the declaratory ruling and if so, grant the request for a declaratory ruling within 30 days of the receipt of the petition.

(d) A declaratory ruling procedure shall consist of written submissions, oral hearings, and such other procedures as the Commission deems necessary to understand the issues involved in the particular case.

(e) If the Commission grants the declaratory ruling request, the Commission shall issue notice by posting on the Division's website at <http://ncchildcare.dhhs.state.nc.us/general/whatsnew.asp> that written comments may be submitted or oral presentations received at a scheduled hearing.

(f) A record of all declaratory ruling proceedings shall be maintained by the Division and shall be available for public inspection during regular business hours. This record shall contain:

- (1) the original request;

- (2) the reasons for refusing to issue a ruling;
- (3) all written memoranda and information submitted;
- (4) any written minutes or audio tape or other record of the oral hearing; and
- (5) a statement of the ruling.

History Note: Authority G.S. 110-85; 143B-168.3; 150B-4;
 Eff. November 1, 1989;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23, 2015;
 Amended Eff. February 1, 2016.

10A NCAC 09 .2004 CONTESTED CASES: DEFINITIONS

The following terms shall have the following meaning for this Section:

- (1) "Department" means the Department of Health and Human Services;
- (2) "Hearing" means a contested case hearing as provided in G.S. 150B-2(2) and 150B-23;
- (3) "OAH" means the Office of Administrative Hearings.

History Note: Authority G.S. 110-85; 110-94; 150B-23;
 Eff. November 1, 1989;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23, 2015;
 Amended Eff. February 1, 2016.

10A NCAC 09 .2005 CONTESTED CASES: REQUEST FOR DETERMINATION

- (a) In accordance with G.S. 150B-22, any person may request a determination of his or her legal rights, privileges, or duties as they relate to laws or rules administered by the Department.
- (b) All petitions for hearings regarding matters under the control of the Department shall be filed with the OAH in accordance with G.S. 150B-23 and 26 NCAC 03 .0103. In accordance with G.S. 1A-1, Rule 4(j)4, the petition shall be served on a registered agent for service of process for the Department. A list of registered agents may be obtained from the Office of General Counsel, 2001 Mail Service Center, Raleigh, NC 27699-2001.

History Note: Authority G.S. 150B-22; 150B-23;
 Eff. November 1, 1989;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23, 2015;
 Amended Eff. February 1, 2016.

10A NCAC 09 .2006 CONTESTED CASES: RECORD

10A NCAC 09 .2007 CONTESTED CASES: EXCEPTIONS TO RECOMMENDED DECISION

History Note: Authority G.S. 143B-10; 143B-10(j)(3); 150B-11; 150B-23(e); 150B-29(b); 150B-36; 150B-37;
 Eff. November 1, 1989;
 Pursuant to G.S. 150B-21.3A, rule is necessary without substantive public interest Eff. May 23, 2015;
 Repealed Eff. December 1, 2015.

SECTION .2100 - RELIGIOUS-SPONSORED CHILD CARE CENTER REQUIREMENTS

10A NCAC 09 .2101 CENTERS OPERATING UNDER G.S. 110-106

- (a) At least 30 days prior to the first day of operation of a new religious-sponsored child care center, the prospective operator shall send a "Letter of Intent to Operate" to the Division. That letter shall include the following:
 - (1) the name, address, and telephone number of the operator and the center, if known;
 - (2) the proposed number and age range of children to be served;
 - (3) the center's scheduled opening date; and
 - (4) required criminal history records check documentation for the prospective operator and all known staff members as set forth in G.S. 110-90.2.

Commented [SV62]: We have not reviewed this section for modification for school-age child care.

A representative of the Division shall contact the prospective operator no later than seven calendar days after the Letter of Intent is received to advise the prospective operator of the applicable requirements and procedures in G.S. 110, Article 7 and this Chapter.

(b) A prospective operator who has not previously operated a religious-sponsored child care center in North Carolina shall attend a pre-licensing workshop provided by the Division before the center's opening date. Prospective operators shall download, complete, and submit the pre-licensing registration form to the Division. The Division provides regularly scheduled pre-licensing workshops for potential operators. A schedule of these workshops may be found online at https://ncchildcare.ncdhhs.gov/Portals/0/documents/pdf/P/Prelicensing_Workshops_Child_Care_Centers.pdf?ver=2019-06-05-112026-907. The pre-licensing registration form contains demographic information and workshop location preferences. The pre-licensing registration form can be found online at https://ncchildcare.ncdhhs.gov/Portals/0/documents/pdf/P/Prelicensing_Workshops_Child_Care_Centers.pdf?ver=2019-06-05-112026-907.

(c) The Division shall conduct an announced pre-licensing visit prior to the opening of the center, an unannounced visit within 30 days after the facility opens, and unannounced visits annually thereafter in order to ensure compliance with applicable requirements in G.S. 110, Article 7 and this Section.

(d) Within 30 days of opening, the prospective operator shall submit reports indicating that the facility meets the minimum standards for facilities as specified in G.S. 110-91 regarding local ordinances, including a building inspection, a fire inspection, and a sanitation inspection.

(e) The Division shall send a Notice of Compliance letter to the prospective operator when compliance with minimum standards for facilities as specified in G.S. 110, Article 7 has been determined. The Notice of Compliance letter shall be issued instead of a star rated license. The Notice of Compliance is not required to be posted at the child care facility.

(f) Religious-sponsored child care centers shall comply with all child care center requirements in this Chapter except as follows:

Age Appropriate Activities	Rules .0508, through .0510 and .2508
Staff Qualifications and Training Requirements	Rules .0703(c) through (f), .0704, .0710, .0711, .0714(a) through (d) and .1101, .1102(a), (b), (e), and (g), and .1103 through .1106.
Staff Qualifications if working with school aged children only	Rule .2510

Compliance shall be documented annually using the same forms and in the same manner as for all other centers.

(g) The Division shall notify the prospective operator in writing as to whether the facility complies or does not comply with the requirements.

History Note: Authority G.S. 110-85; 110-88; 110-106; 143B-168.3;
Eff. January 1, 1986;
Amended Eff. August 1, 2011; April 1, 2001; April 1, 1992; January 1, 1991; November 1, 1989;
July 1, 1988;
Readopted Eff. October 1, 2017;
Amended Eff. September 1, 2109.

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.

(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 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;
Eff. October 1, 2017.

SECTION .2200 - ADMINISTRATIVE ACTIONS AND CIVIL PENALTIES

10A NCAC 09 .2201 ADMINISTRATIVE ACTIONS GENERAL PROVISIONS

(a) Upon a finding that a child care facility operator has violated any provision of G.S. 110, Article 7, the rules of this Chapter, or 10A NCAC 10, the Secretary or his or her designee may order one or more administrative actions. The administrative actions include:

- (1) a written reprimand as set forth in Rule .2202 of this Section;
- (2) a written warning as set forth in Rule .2203 of this Section;
- (3) a provisional child care facility license or provisional notice of compliance not to exceed 12 months as set forth in Rule .2204 of this Section;
- (4) a special provisional child care facility license or special provisional notice of compliance not to exceed six months and may include a limited enrollment restriction as set forth in Rule .2207 of this Section;
- (5) a probationary child care facility license or probationary notice of compliance not to exceed 12 months as set forth in Rule .2205 of this Section;
- (6) revocation of the child care facility license, or an order to cease operation to operate a child care facility as set forth in Rule .2209 of this Section;
- (7) summary suspension of the child care facility license, notice of compliance, or other permit to operate a child care facility that results in immediate closure of the facility as set forth in Rule .2213 of this Section;
- (8) denial of an application or child care facility license as set forth in Rule .2215 of this Section; and
- (9) suspension of the child care facility license, notice of compliance, or other permit to operate a child care facility not to exceed 12 months and results in closure of the facility on the date of the order as set forth in Rule .2206 of this Section.

(b) The Division shall consider the following factors when determining whether to issue an administrative action or what type of administrative action to be issued, including:

- (1) the severity of the violation or incident;
- (2) the probability of recurrence of the violation or incident;
- (3) all prior administrative actions issued to the facility;
- (4) all prior incidents where the Division has determined that abuse, neglect, or child maltreatment occurred at the facility;
- (5) the operator's response to the violation or incident, including actions taken to prevent recurrence, such as revision to facility policies and procedures or additional staff training;
- (6) a self-report of the violation or incident was submitted to the Division by the operator; and
- (7) information or records received from local, State, or federal agencies relevant to the violation or incident.

(c) For purposes of this Section, the following definitions shall apply:

- (1) "Pattern of noncompliance" means violations of G.S. 110, Article 7, this Chapter, or 10A NCAC 10 documented during a time period of 18 months or less involving situations or incidents for which technical assistance has been provided and the operator continues to demonstrate noncompliance.
- (2) "Harm" as referenced in G.S. 110-105.3(b)(3) means:
 - (A) physical, psychological, or emotional injury to a child by a caregiver;
 - (B) an act of omission or commission to a child by a caregiver that is likely to result in or that results in permanent limitations or disability;
 - (C) sexual abuse; or
 - (D) the death of a child.

(d) In accordance with G.S. 150B-3(b) the Division shall issue a prior notice of administrative action to the operator or prospective operator regarding the determination to issue a provisional child care facility license or notice of compliance, special provisional child care facility license or notice of compliance, probationary child care facility license or notice of compliance, revocation of the child care facility license, order to cease operation, suspension of the child care facility license or notice of compliance, or denial of a child care facility license or notice of compliance. The operator or prospective operator shall be given an opportunity to respond in writing as to why the administrative action should not be taken. The written response shall be submitted to the Division within 15 days of receiving the prior notice of administrative action. Upon receiving a written request from an owner or operator, the Division shall grant an extension of time not to exceed an additional 15 days, so long as the request is received before the initial response time has ended.

(e) The Division may issue a different type of administrative action based upon the operator's or prospective operator's written response in accordance with Paragraph (d) of this Rule.

(f) The Division shall issue a final notice of administrative action to the operator or prospective operator. The final notice of administrative action shall describe the reasons for its issuance including identification of the statutes or rules violated.

(g) When a corrective action plan is included in the notice of administrative action, it shall describe those actions necessary for the operator to be in full compliance with requirements of G.S. 110, Article 7, this Chapter, or 10A NCAC 10, and shall specify a time period for completion of additional requirements that may prevent recurrence, such as training or policy implementation. Corrective action plans may be issued only with a written warning, provisional child care facility license or notice of compliance, special provisional child care facility license or notice of compliance, and probationary child care facility license or notice of compliance. Subject to the exceptions in Paragraph (i) of this Rule, corrective action plans are stayed during the pendency of an appeal.

(h) Protection plans and immediate corrective action plans as set forth in G.S. 110-105.3(e) and (f) and restrictions that prohibit new enrollment as set forth in G.S. 110-105.6(f) shall not be stayed during the pendency of an appeal.

(i) Following the issuance of any administrative action the operator shall post the administrative action, cover letter, and corrective action plan, if applicable, received from the Division in a location visible to parents and visitors near the entrance of the child care facility during the pendency of an appeal and throughout the effective time period of an administrative action. The effective time period shall end as follows:

- (1) three months from receipt of a final notice of administrative action containing a written reprimand;
- (2) three months and upon receipt of a closure letter from the Division stating that the corrective action plan has been completed for a final notice of administrative action containing a written warning;
- (3) upon issuance of a star rated license following a final notice of administrative action containing a special provisional child care facility license, a provisional child care facility license, or a probationary child care facility license; or
- (4) upon re-issuance of a notice of compliance following a final notice of administrative action containing a special provisional notice of compliance, a provisional notice of compliance, or a probationary notice of compliance.

(j) Following the issuance of an administrative action other than a written reprimand, the Division shall monitor the child care facility for compliance with:

- (1) the following health and safety requirements:
 - (A) supervision of children;
 - (B) discipline, nurture, or care of children;
 - (C) staff/child ratio;
 - (D) group size;
 - (E) licensed capacity;
 - (F) permit restriction;
 - (G) CPR training;
 - (H) First Aid training;
 - (I) ITS-SIDS training; and
 - (J) criminal record check requirements regarding pre-service and three-year reassessments in accordance with G.S. 110-90.2(b).
- (2) protection plans and immediate corrective action plans as set forth in G.S. 110-105.3(e) and (f), restrictions that prohibit new enrollment as set forth in G.S. 110-105.6(f), and license restrictions during the time period of the administrative action, including administrative actions that may be stayed pending appeal; and

- (3) the terms of the administrative action, including license restrictions and completion of the corrective action plan, except for administrative actions that are stayed pending appeal.

(k) If the operator fails to achieve compliance during the specified time period of an administrative action, the Division may assess a civil penalty or take additional administrative action to achieve compliance.

History Note: Authority G.S. 110-85; 110-88; 110-90; 110-102.2; 110-103.1; 110-105.3; 110-105.5; 110-105.6; 143B-168.3; 150B-3;
Eff. July 1, 1988;
Amended Eff. July 1, 2010; January 1, 2006; April 1, 2001, November 1, 1989;
Readopted Eff. February 1, 2019.

10A NCAC 09 .2202 WRITTEN REPRIMANDS

A written reprimand may be issued to an operator for any of the criteria set forth in Rule .2203 of this Section for which the Division has determined that no corrective action plan is required using the factors contained in Rule .2201(b) of this Section.

History Note: Authority G.S. 110-88; 110-90; 110-102.2; 143B-168.3;
Eff. July 1, 1988;
Amended Eff. April 1, 2001; August 1, 1990; November 1, 1989;
Readopted Eff. February 1, 2019.

10A NCAC 09 .2203 WRITTEN WARNINGS

A written warning, which shall include a corrective action plan, may be issued to an operator in regard to any violation including, but not limited to, these situations:

- (1) a substantiation of one or more violations as a result of a complaint that do not meet the criteria for a maltreatment finding in accordance with G.S. 110-105.3(b)(3) but for which corrective action is needed;
- (2) citation of 16 or more violations of separate rules in a single visit where the operator does not meet the criteria of other administrative actions set forth in this Section; or
- (3) citation of one of the following violations on two consecutive visits:
 - (a) supervision of children;
 - (b) discipline, nurture, or care of children;
 - (c) staff/child ratio;
 - (d) group size;
 - (e) licensed capacity;
 - (f) permit restriction;
 - (g) CPR training;
 - (h) First Aid training;
 - (i) ITS-SIDS training; and
 - (j) criminal record check requirements regarding pre-service and three-year reassessments in accordance with G.S. 110-90.2(b).

History Note: Authority G.S. 110-88; 110-90; 110-102.2; 143B-168.3;
Eff. July 1, 1988;
Amended Eff. April 1, 2001; November 1, 1989;
Readopted Eff. February 1, 2019.

10A NCAC 09 .2204 PROVISIONAL CHILD CARE FACILITY LICENSE OR PROVISIONAL NOTICE OF COMPLIANCE

A provisional child care facility license or provisional notice of compliance may be issued to an operator for any period of time not to exceed 12 months in accordance with the factors listed in 10A NCAC 09 .2201(b) for, among other things, the following reasons:

- (1) a substantiation of one or more violations of the child care requirements set forth in this Chapter as a result of a complaint that does not meet the criteria for a maltreatment finding pursuant to G.S. 110-105.3(b)(3) but for which more than three months is needed to monitor for corrective action implementation;

- (2) to allow a time period for correcting a violation of the building, fire, or sanitation requirements;
- (3) to allow a time period for remediation of an identified lead poisoning hazard as defined in G.S. 130A-131.7(7) or remediation of an asbestos hazard, regardless of whether a provisional sanitation classification has been issued;
- (4) to allow a time period for correction of an administratively dissolved corporation status from the North Carolina Secretary of State;
- (5) when the compliance history of the facility drops below the minimum requirement set forth in G.S. 110-90;
- (6) change of location of a child care facility without proper notification to the Division as specified in Rules 10A NCAC 09 .0204(b), .0403(a), and .1702(d); or
- (7) pattern of noncompliance.

History Note: Authority G.S. 110-88(6); 110-90; 110-99; 143B-168.3;
 Eff. February 1, 2019;
 Amended Eff. January 1, 2024; February 1, 2021.

10A NCAC 09 .2205 PROBATIONARY LICENSE OR PROBATIONARY NOTICE OF COMPLIANCE

A probationary license or probationary notice of compliance may be issued to an operator for any period of time not to exceed 12 months in accordance with the factors listed in 10A NCAC 09 .2201(b) for the following reasons:

- (1) a violation of any section of the G.S. 110, Article 7 of this Chapter that has been willful, continual, or hazardous to the health or safety of children;
- (2) the operator has failed to comply with the terms of a corrective action plan issued with a written warning or provisional license or notice of compliance; or
- (3) when, in accordance with G.S. 110-105.3, the Division determines that child maltreatment occurred in a child care facility and there is a pattern of noncompliance.

History Note: Authority G.S. 110-88; 110-90; 110-102.2; 143B-168.3;
 Eff. July 1, 1988;
 Amended. Eff. April 1, 2001; November 1, 1989;
 Readopted Eff. February 1, 2019 (Transferred from 10A NCAC 09 .2204).

10A NCAC 09 .2206 SUSPENSION

A suspension of a license or suspension of a notice of compliance may be issued to an operator in accordance with the factors listed in 10A NCAC 09 .2201(b) for a time period not to exceed one year for the following reasons:

- (1) the operator of the child care facility is a corporate entity that has been placed under revenue suspension by the North Carolina Secretary of State;
- (2) when the Division has issued a provisional child care facility license or notice of compliance related to building, fire, or sanitation requirements and the operator has failed to comply;
- (3) to allow a specific time period for correcting a violation of building, fire, or sanitation requirements, provided that the appropriate inspector documents that closure of the child care facility is necessary to protect health or safety of children during correction;
- (4) when a facility is required to test for lead poisoning hazards as defined in G.S. 130A-131.7(7) or asbestos hazards or the Division has requested such testing to determine compliance with 10A NCAC 09 .0601(f) or 10A NCAC 09 .1707(2) and an operator has failed to test for lead poisoning hazards as defined in G.S. 130A-131.7(7) or asbestos hazards; or
- (5) when a disapproved sanitation classification is issued to a child care facility. The suspension of a child care facility license or suspension of a notice of compliance shall not be stayed during the pendency of an appeal.

History Note: Authority G.S. 110-88; 110-90; 110-102.2; 143B-168.3; 150B-3;
 Eff. July 1, 1988;
 Amended Eff. April 1, 2001; November 1989;
 Readopted Eff. February 1, 2019 (Transferred from 10A NCAC 09 .2205);
 Amended Eff. January 1, 2024; February 1, 2021.

10A NCAC 09 .2207 SPECIAL PROVISIONAL CHILD CARE FACILITY LICENSE OR SPECIAL PROVISIONAL NOTICE OF COMPLIANCE

(a) When the Division determines that child maltreatment has occurred in accordance with G.S. 110-105.3, the Division may issue a special provisional license or special provisional notice of compliance to an operator for a period not to exceed six months.

(b) A limited enrollment restriction may be included on the special provisional child care facility license or special provisional notice of compliance that prevents new children from being enrolled during the special provisional time period until the Division is satisfied that unsafe conditions no longer exist.

History Note: Authority G.S. 110-88; 110-90; 110-105.3; 110-105.6; 143B-168.3;
Eff. February 1, 2019.

10A NCAC 09 .2208 CIVIL PENALTIES: SCOPE AND PURPOSE

History Note: Authority G.S. 110-90(9); 110-103.1; 143B-168.3;
Eff. January 1, 1986;
Amended Eff. April 1, 2001; November 1, 1989; January 1, 1987;
Repealed Eff. February 1, 2019.

10A NCAC 09 .2209 REVOCATION OF A CHILD CARE FACILITY LICENSE OR AN ORDER TO CEASE OPERATION

Revocation of a child care facility license or an order to cease operation may be issued to an operator in accordance with the factors listed in 10A NCAC 09 .2201(b) for the following reasons:

- (1) child maltreatment has occurred in a child care facility and harm occurred as set forth in Rule .2201(c)(2) of this Section;
- (2) more than two determinations of child maltreatment have occurred at a child care facility within three years;
- (3) violation of any section of G.S. 110, Article 7 or the Rules of this Chapter or 10A NCAC 10 has been willful or continual as evidenced by:
 - (a) a pattern of noncompliance, and the operator has not made efforts to correct repeated violations or is unable to comply; or
 - (b) the operator has failed to comply with the terms of a corrective action plan issued with a special provisional or probationary license or notice of compliance;
- (4) violation of any section of G.S. 110, Article 7 or the Rules of this Chapter or 10A NCAC 10 is hazardous to the health or safety of children;
- (5) the operator fails to comply with an implemented protection plan as set forth in G.S. 110-105.3(e);
- (6) the operator falsifies information in violation of G.S. 110-91(14);
- (7) the compliance history of the facility drops below the minimum requirement set forth in G.S. 110-90 and the conditions at the facility are hazardous to the health and safety of the children or staff;
- (8) receipt of a disapproved sanitation classification that is not corrected with a superior or approved sanitation classification within 12 months of issuance of a Suspension as set forth in Rule .2206 of this Section;
- (9) the operator of the child care facility is a corporate entity that has been placed under revenue suspension from the North Carolina Secretary of State that has not been corrected within one year of issuance of a Suspension as set forth in Rule .2206 of this Section; or
- (10) the Division has suspended the child care license or notice of compliance and the violation has not been corrected after 12 months. The revocation of a child care facility license or a notice of compliance pursuant to this Section shall not be stayed during the pendency of an appeal.

History Note: Authority G.S. 110-88; 110-90; 110-102.2; 143B-168.3; 150B-3;
Eff. July 1, 1988;
Amended Eff. April 1, 2001; August 1, 1990; November 1, 1989;
Readopted Eff. February 1, 2019 (Transferred from 10A NCAC 09 .2206);
Amended Eff. January 1, 2024; February 1, 2021.

10A NCAC 09 .2210 NOTICE OF ASSESSMENT OF PENALTY

10A NCAC 09 .2211 RIGHT TO A HEARING
10A NCAC 09 .2212 FAILURE TO PAY ASSESSED PENALTY

History Note: *Authority G.S. 110-90(9); 110-103.1; 143B-168.3;*
 Eff. January 1, 1986;
 Amended Eff. July 1, 1988;
 Pursuant to G.S. 150B-21.3A, rules Expired June 1, 2015.

10A NCAC 09 .2213 SUMMARY SUSPENSION

The Division may issue a summary suspension of a child care facility license or notice of compliance to an operator if the agency finds that the public health, safety, or welfare requires emergency action. The order shall be effective on the date on the date specified in the order or on service of the certified copy of the order, whichever is later, in accordance with G.S. 150B-3. The order shall be effective during proceedings to suspend or revoke the child care facility license or during proceedings to cease operation of a facility with a notice of compliance. Administrative actions summarily suspending a child care facility license, notice of compliance, or other permit to operate a child care facility shall not be stayed during the pendency of an appeal pursuant to G.S. 150B-3(c).

History Note: *Authority G.S. 110-88; 110-90; 110-105.6; 143B-168.3; 150B-3;*
 Eff. July 1, 1988;
 Amended Eff. April 1, 2001; November 1, 1989;
 Readopted Eff. February 1, 2019 (Transferred from 10A NCAC 09 .2207).

10A NCAC 09 .2214 SCHEDULE OF CIVIL PENALTIES FOR FAMILY CHILD CARE HOMES

Penalties may be assessed against family child care homes as defined in G.S. 110-86(3)(b) as follows:

- (1) A civil penalty in an amount up to one thousand dollars (\$1,000) may be imposed for the following violations:
 - (a) When the Division has determined that child maltreatment occurred while a child was in care at the family child care home; or
 - (b) Willful, repeated pattern of non-compliance with any requirement.
- (2) A civil penalty in an amount up to two hundred dollars (\$200.00) may be imposed for the following violations:
 - (a) Non-compliance with the standards of G.S. 110, Article 7 and this Chapter for:
 - (i) Licensed capacity;
 - (ii) Supervision of children;
 - (iii) Administration of medication to children;
 - (iv) Emergency medical care plan;
 - (v) Discipline of children;
 - (vi) Transportation of children; or
 - (vii) Use of swimming pools and other swim areas;
 - (b) Disapproved fire safety, building or sanitation inspection reports;
 - (c) Relocation of the family child care home without prior notification to the Division;
- (3) A civil penalty in an amount up to one hundred dollars (\$100.00) may be imposed for the following violations:
 - (a) Non-compliance with the standards of G.S. 110, Article 7 and this Chapter for:
 - (i) Staff health requirements;
 - (ii) Staff qualifications;
 - (iii) Staff training;
 - (iv) Children's health requirements;
 - (v) Proper nutrition;
 - (vi) Sanitation and personal hygiene practices;
 - (vii) Age-appropriate activities;
 - (viii) Posting current license;
 - (ix) Maintaining accurate records; or
 - (x) Safe environment;
 - (b) Failure to comply with a corrective action plan; and
 - (c) Denial of entry to a representative of the Department or Division.

- (4) Violation of other standards of G.S. 110, Article 7 and this Chapter that are not specifically referenced elsewhere in this Rule may result in the assessment of a penalty according to the effect or potential effect of the violation on the safety and well-being of the child.

History Note: Authority G.S. 110-85; 110-86(3); 110-88(1),(5),(6a); 110-91; 110-98; 110-103.1; 110-105; 110-105.2; 110-105.6; 110-106; 143B-168.3; 150B-23;
Eff. October 1, 2017.

10A NCAC 09 .2215 DENIAL OF A LICENSE

(a) The Secretary may deny an application for a child care facility license or the issuance of any permit to operate a child care facility under the following circumstances:

- (1) if the applicant owned or operated a licensed child care facility that was issued a denial, revocation, or summary suspension by the Division;
- (2) if the applicant owned or operated a licensed child care facility against which the Division initiated denial, revocation, or summary suspension proceedings and the applicant voluntarily relinquished the license prior to the issuance of a final action;
- (3) during the pendency of an appeal of a denial, revocation, or summary suspension of any other licensed child care facility license owned or operated by the applicant;
- (4) if the applicant owned or operated a facility that received a sanction for fraudulent misrepresentation pursuant to 10A NCAC 10 .0308 of the Subsidized Child Care Rules;
- (5) if the applicant owned or operated a facility that was issued a Notice of Termination and Disqualification by the Child and Adult Care Food Program (CACFP);
- (6) if the Division determines that the applicant has a relationship with an operator or former operator who owned or operated a regulated child care facility as described in Subparagraphs (1) through (5) of this Paragraph. As used in this Rule, an applicant has a relationship with a former operator if the former owner or operator would be involved with the applicant's child care facility in one or more of the following ways:
 - (A) would participate in the administration or operation of the facility;
 - (B) has a financial interest in the operation of the facility, as evidenced by, among other things, a familial relationship with the former owner or operator, employment at the new facility, and ownership of the building or property where the facility is located; or entering into a lease for the building;
 - (C) provides care to children at the facility, even as a volunteer;
 - (D) resides in the facility;
 - (E) has an ownership interest in the facility as defined in 10A NCAC 09 .0102(33); or
 - (F) would serve on the facility's board of directors, be a partner of the corporation, or otherwise have responsibility for the administration of the business;
- (7) based on the applicant's previous non-compliance as an operator with the requirements of G.S. 110, Article 7, 10A NCAC 10, or this Chapter;
- (8) based on the operator's non-compliance with the requirements of G.S. 110, Article 7, 10A NCAC 10, or this Chapter, during a temporary licensure period;
- (9) if abuse or neglect or child maltreatment has been substantiated against the applicant pursuant to G.S. 7B-101 or G.S. 110-105.5; or
- (10) if the applicant is a disqualified child care provider or has a disqualified household member residing in the child care facility pursuant to G.S. 110-90.2.

(b) In determining whether denial of the application for a license is warranted pursuant to Paragraph (a) of this Rule, the Division shall consider:

- (1) any documentation provided by the applicant that describes the steps the applicant will take to prevent reoccurrence of noncompliance with the requirements of G.S. 110, Article 7, 10A NCAC 10, or this Chapter;
- (2) training certificates or original transcripts for any coursework from a nationally recognized regionally accredited institution of higher learning related to providing quality child care, and that was taken subsequent to any prior administrative action against a license previously held by the applicant. "Nationally recognized" means that every state in this nation acknowledges the validity of the coursework taken at higher education institutions that meet the requirements of one of the accrediting bodies;

- (3) proof of employment in a licensed child care facility and references from the administrator or licensee of the child care facility regarding work performance;
- (4) documentation of collaboration or mentorship with a licensed child care provider to obtain additional knowledge and experience related to operation of a child care facility; or
- (5) documentation explaining relationships with persons meeting the criteria listed in Subparagraph (a)(6) of this Rule.

(c) Operators who held a child care facility license or permit that was denied, revoked, subject to a cease operation order, or summarily suspended within the past five years shall be ineligible to apply for a new child care license.

History Note: Authority G.S. 110-85; 110-86; 110-88; 110-91; 110-92; 110-93; 110-99;
Eff. October 1, 2017.

10A NCAC 09.2216 AMOUNT OF CIVIL PENALTIES FOR CHILD CARE FACILITIES

(a) The amount of the penalty assessed to an operator shall be based upon the following:

- (1) willful or negligent noncompliance by the operator;
- (2) extent of deviation from the rule or law;
- (3) evidence of effort to comply;
- (4) harm or risk of harm to children; and
- (5) any other factors relevant to the situation.

(b) A separate penalty may be imposed for each violation.

(c) A civil penalty in an amount up to one thousand dollars (\$1,000) may be imposed for the following violations:

- (1) Noncompliance with the rules and laws for:
 - (A) staff-child ratios;
 - (B) adequate supervision of children;
 - (C) transportation of children;
 - (D) use of swimming pools and other swim areas;
 - (E) administration of medication;
 - (F) discipline, nurture, or care of children; or
 - (G) medical action plan requirements;
- (2) Disapproved fire safety, building or sanitation inspection reports;
- (3) Exceeding licensed capacity of center, or use of unauthorized space;
- (4) Change of ownership or relocation of center without prior notification to the Division;
- (5) Determination of child maltreatment at the center as set forth in G.S. 110-105.3;
- (6) Willful, repeated noncompliance with any requirement; or
- (7) Denial of entry to a representative of the Department or Division.

(d) A civil penalty in an amount up to five hundred dollars (\$500.00) may be imposed for the following violations:

- (1) Noncompliance with the rules and laws for:
 - (A) staff health requirements;
 - (B) staff qualifications;
 - (C) children's health requirements;
 - (D) proper nutrition;
 - (E) sanitation and personal hygiene practices;
 - (F) indoor or outdoor space;
 - (G) emergency medical plan; or
- (2) Failure to comply with a corrective action plan.

(e) A civil penalty in an amount up to two hundred fifty dollars (\$250.00) may be imposed for the following violations:

- (1) Noncompliance with the rules and laws for:
 - (A) safe environment;
 - (B) age-appropriate activities; or
 - (C) staff development;
- (2) Failure to post current child care license or notice of compliance to operate a child care center; or
- (3) Failure to maintain records as set forth in Rule .2318 of this Chapter.

History Note: Authority G.S. 110-88; 110-90(9); 110-103.1; 143B-168.3;
Eff. January 1, 1989;

Readopted Eff. February 1, 2019 (Transferred from 10A NCAC 09 .2209).

10A NCAC 09 .2217 SCHEDULE OF CIVIL PENALTIES FOR CHILD CARE CENTERS

History Note: Authority G.S. 110-88; 110-90(9); 110-103.1; 143B-168.3;
Eff. January 1, 1986;
Amended eff. April 1, 2001, October 1, 1991;
Repealed Eff. February 1, 2019 (Transferred from .2213).

SECTION .2300 - FORMS

- 10A NCAC 09 .2301 RESERVED FOR FUTURE CODIFICATION**
- 10A NCAC 09 .2302 RESERVED FOR FUTURE CODIFICATION**
- 10A NCAC 09 .2303 RESERVED FOR FUTURE CODIFICATION**
- 10A NCAC 09 .2304 RESERVED FOR FUTURE CODIFICATION**
- 10A NCAC 09 .2305 RESERVED FOR FUTURE CODIFICATION**
- 10A NCAC 09 .2306 RESERVED FOR FUTURE CODIFICATION**
- 10A NCAC 09 .2307 RESERVED FOR FUTURE CODIFICATION**
- 10A NCAC 09 .2308 RESERVED FOR FUTURE CODIFICATION**
- 10A NCAC 09 .2309 RESERVED FOR FUTURE CODIFICATION**
- 10A NCAC 09 .2310 RESERVED FOR FUTURE CODIFICATION**
- 10A NCAC 09 .2311 RESERVED FOR FUTURE CODIFICATION**
- 10A NCAC 09 .2312 RESERVED FOR FUTURE CODIFICATION**
- 10A NCAC 09 .2313 RESERVED FOR FUTURE CODIFICATION**
- 10A NCAC 09 .2314 RESERVED FOR FUTURE CODIFICATION**
- 10A NCAC 09 .2315 RESERVED FOR FUTURE CODIFICATION**
- 10A NCAC 09 .2316 RESERVED FOR FUTURE CODIFICATION**
- 10A NCAC 09 .2317 RESERVED FOR FUTURE CODIFICATION**

10A NCAC 09 .2318 CHILD CARE CENTER RECORD RETENTION

All records required in this Chapter shall be maintained for review by representatives of the Division as specified in G.S. 110-91(9), Rule .0304(g) of this Chapter, and as follows:

- ~~(1)~~ The records shall be available at the center during the hours of operation listed on the child care license ~~For school-age programs, training records shall be maintained either in hard copy or in a readily accessible and printable electronic format.~~
- ~~(2)~~(1) Records may be maintained in a paper format or an electronic format, provided that all required signatures are preserved in a paper format, PDF or other used graphic format.
- ~~(3)~~(2) Records regarding administration of medications required by Rules .0302(d)(7) and .0803(13) of this Chapter shall be maintained during the time period the medication is being administered and for six months after the medication is administered.

Commented [SV63]: Again, for the issues previously mentioned of securing records on location at school buildings.

- ~~(4)~~(3) All building inspections as referenced in G.S. 110-91, and in Rule .0302 of this Chapter shall remain on file at the center for as long as the license remains valid.
- ~~(5)~~(4) All fire, sanitation, and pool, inspections as referenced in G.S. 110-91, and Rules .0302 and .1403 of this Chapter shall remain on file at the center for a minimum of three years.
- ~~(6)~~(5) Each child care center shall retain records for children as follows:

Type of Child Record	In each child's file, for as long as the child is enrolled	For 1 year after the child is no longer enrolled
Child Medical Report Rule .0302(d)(2)	X	X
Immunization Record Rule .0302(d)(2)	X	X
Child Application Rules .0302(d)(2) and .0801(a)	X	X
Child Emergency Medical Care Information Rules .0302(d)(2), .0801(a)(1) and .0802(c) through (d)	X	X
Safe Sleep Policy Rule .0606(c)	X	X
Notice of Amendment to Safe Sleep Policy Rule .0606(d)	X	X
Safe Sleep Waiver Rule .0606(e)	X	X
Child Medical Action Plan Rule .0801(b)	X	X
Incident Report Rule .0802(e)	X	X
Parental Permission for Administration of Medication Rules .0803(3), (4), (6) through (9) and (11)	X	X
Supplemental Food "Opt Out" Statement Rule .0901(d)	X	X
Parental Permission for Transportation and Off-Premises Activities Rules .1003(i) and (j), .1005(b)(3) and (4)	X	X
Parental Permission for Aquatic Activities Rule .1403(i)	X	X
Discipline Policies Rule .1804(a)	X	X
Notice of Change to Discipline Policies Rule .1804(b)	X	X
Shaken Baby Syndrome and Abusive Head Trauma Policy Rule .0608	X	X

- ~~(7)~~(6) Each child care center shall retain records for personnel as follows:

Type of Personnel Record	For at least 1 year after employee is no longer employed	For 1 Year After Record Created	Until the record is superseded by a new statement	In each personnel file or designated emergency preparedness file
Application for Employment Rule .0302(d)(1)(A)	X			
Staff Medical Report Rules .0302(d)(1)(C) and .0701(a)	X			
Health Questionnaire Rules .0302(d)(1)(C) and .0701(a)	X			
Proof of Tuberculosis Test or Screening Rules .0302(d)(1)(C) and .0701(a)	X			
Staff Emergency Medical Care Information Rules .0302(d)(1)(C) and .0701(a)	X			
Evaluation of Emotional and Physical Fitness (as applicable) Rule .0701(b)	X			
Verification of Age Rules .0302(d)(1)(A), .0703, and .0704	X			
Criminal Record Check Information Rules .0302(d)(1)(E);	X			
Education and Equivalency Forms Rules .0302(d)(1)(B), .0703, .0704 and .2510	X			
Record of On-going Training Rules .0302(d)(1)(D), and .1103(a)	X			
Documentation of Staff Orientation Rules .0302(d)(1)(D), and .1101(a)	X			
Documentation of Emergency Preparedness and Response in Child Care Training Rule .0607(b)				X
Documentation of Review of Emergency Preparedness and Response Plan Rules .0607(e), (f) and (g)				X
Documentation of First Aid training Rule .1102(c)	X			
Documentation of CPR training	X			

Type of Personnel Record	For at least 1 year after employee is no longer employed	For 1 Year After Record Created	Until the record is superseded by a new statement	In each personnel file or designated emergency preparedness file
Rule .1102(d)				
Documentation of Playground Safety Training if applicable Rule .1102(e)	X			
Documentation of ITS-SIDS Safe Sleep Training if applicable Rule .1102(f)	X			
Documentation of Aquatic Activities Policy Receipt Rule .1403(h)		X	X	
Documentation of BSAC training if applicable Rule .2510	X			

~~(8)~~(7) Each child care center shall retain records for the program as follows:

Type of Program Record	As long as the license remains valid	A minimum of 30 days after record revised or replaced	A minimum of 1 year after record created, revised or replaced
Attendance Rule .0302(d)(3)			X
Daily record of arrival and departure times for children Rule .0302(d)(4)			X
Fire Drill Log .0604(t) Rule .0302(d)(5)			X
Playground Inspection Rules .0302(d)(6) and .0605(q)			X
Lockdown or Shelter-In-Place Drill Record Rules .0302(d)(8) and .0604(u)			X
Daily Schedule Rule .0508(a)			X
Activity Plan Rule .0508(a)		X	
Manufacturer's Instructions for equipment and furnishings Rules .0601(b) and .0605(b)	X		
Fire Evacuation Procedures Rule .0604(r)	X		
Written plan for evacuation in centers that do not meet institutional building code Rule .0604(r)			X
Safe Pick-Up and Delivery Procedures Rule .1003			X
Safe Sleep Policy	X		

Type of Program Record	As long as the license remains valid	A minimum of 30 days after record revised or replaced	A minimum of 1 year after record created, revised or replaced
Rule .0606(a)			
SIDS Sleep Chart/Visual Check Rule .0606(a)(7)		X	
Emergency Preparedness and Response Plan Rules .0607(c) and (d)			X
Shaken Baby Syndrome and Abusive Head Trauma Policy Rule .0608	X		
Emergency Medical Care Plan Rule .0802(a)			X
Incident Log Rule .0802(f)			X
Menu Rule .0901(b)		X	
Allergy Postings Rule .0901(g)		X	
Infant Feeding Plan Rule .0902(a)		X	
Identifying Information for Children being Transported Rule .1003(d)			X
List of children being transported Rules .1003(l) and .1005(b)(6)			X
Schedule of Off-Premises Activities Rule .1005(b)(5)			X
Aquatic Activity Policies Rule .1403(g)	X		
Documentation of emergency situation that necessitated a lack of direct supervision Rule .1801(a)	X		
Discipline Practices Rules .1803 and .1804	X		

History Note: Authority G.S. 110-85; 110-91(9); 143B-168.3;
Eff. January 1, 1986;
Amended Eff. July 1, 2015; July 1, 2010; July 1, 2008;
Readopted Eff. October 1, 2017;
Amended Eff. February 1, 2021; September 1, 2019.

SECTION .2400 - CHILD CARE FOR MILDLY ILL CHILDREN

10A NCAC 09 .2401 SCOPE

The rules in this Section apply to all child care centers offering short term care to children who are mildly sick and who would otherwise be excluded from care as required by Rule .0804(a) of this Chapter. Care may be provided as a component of a child care center that provides child care to well children, or may be provided as a separate stand alone program. All rules in this Chapter shall apply except as provided in this Section.

History Note: Authority G.S. 110-88(11); 143B-168.3;
Eff. July 1, 1988;
Amended Eff. April 1, 2003; November 1, 1989;

Readopted Eff. October 1, 2017.

10A NCAC 09 .2402 DEFINITIONS

- (a) "Child care for mildly sick children" is defined as the care of children who are not able to attend their regular school or child care arrangement due to inability to participate in activities and requirements set forth in 10A NCAC 09 .0804.
- (b) "Health care professional" is defined as:
- (1) a licensed physician;
 - (2) the physician's authorized agent who is currently approved by the North Carolina Medical Board, or comparable certifying board in any state contiguous to North Carolina;
 - (3) a certified nurse practitioner;
 - (4) a nurse rostered with the Office of Public Health Nursing and Professional Development as required by the Division of Medical Assistance;
 - (5) a registered nurse (RN); or
 - (6) a certified physician assistant.
- (c) "Short term care" is defined as attending for no more than three consecutive days, or for more than three consecutive days with written permission from a physician which was obtained prior to the fourth consecutive day of attendance.

*History Note: Authority G.S. 110-88(11); 143B-168.3;
Eff. April 1, 2003;
Readopted Eff. October 1, 2017.*

10A NCAC 09 .2403 SPECIAL PROVISIONS FOR LICENSURE

- (a) A center that enrolls mildly sick children as a component of a child care center shall have approval for short term care for mildly sick children indicated on their license. A copy of the license shall be posted in the area used by mildly sick children so that it is seen by the public.
- (b) A center that enrolls mildly sick children as a component of a child care center may admit mildly sick children only who otherwise attend the center.
- (c) A child care center operated as a separate stand alone program shall be issued a license restricting services to short term care for mildly sick children.
- (d) Any center that enrolls mildly sick children shall develop written policies that contain the following:
- (1) admission requirements;
 - (2) inclusion and exclusion criteria;
 - (3) preadmission health assessment procedures as set forth in 10A NCAC 09 .2409(a)(1); and
 - (4) plans for staff training and communication with parents and health care professionals.

These policies shall be reviewed by a child care health consultant or other health care professional prior to licensure to ensure compliance with health care practices for mildly sick children.

*History Note: Authority G.S. 110-88(11); 143B-168.3;
Eff. April 1, 2003;
Readopted Eff. October 1, 2017.*

10A NCAC 09 .2404 INCLUSION AND EXCLUSION REQUIREMENTS

- (a) Centers may provide care for mildly sick children over three months of age who meet the following inclusion criteria and staff qualifications described in Rule .2408 of this Section:
- (1) Centers may provide care for children with Level One symptoms as follows:
 - (A) children who meet the guidelines for attendance in 10A NCAC 09 .0804, except that they are unable to participate in group activities and are in need of increased rest time or less vigorous activities; or
 - (B) children with fever controlled with medication of 101° or less axillary or 102° or less orally;
 - (2) Centers may provide care for children with Level Two symptoms as follows:
 - (A) inability to participate in group activity while requiring extra sleep, clear liquids, light meals, and passive activities such as stories, videos or music, as determined by a health care professional;

- (B) fever controlled with medication of 103° maximum orally, or 102° maximum axillary, with a health care professional's written screening;
- (C) vomiting fewer than three times in any eight hour period, without signs of dehydration;
- (D) diarrhea without signs of dehydration and without blood or mucus in the stool, fewer than five times in any eight hour period; or
- (E) with written approval from a child's physician and preadmission screening by an on-site health care professional prior to the current day's attendance unless excluded by Subparagraphs (b)(1), (2), (3), (4), (6), or (7) of this Rule.

(b) Any child exhibiting the following symptoms shall be excluded from any care by the on-site administrator or the on-site health care professional:

- (1) temperature unresponsive to control measures;
- (2) undiagnosed or unidentified rash;
- (3) respiratory distress as evidenced by an increased respiratory rate and unresponsiveness to treatment, flaring nostrils, labored breathing, or intercostal retractions;
- (4) major change in condition requiring further care or evaluation;
- (5) contagious diseases required to be reported to the health department, except as provided in Part (a)(2)(E) of this Rule;
- (6) other conditions as determined by a health care professional or on-site administrator; or
- (7) mental status such as decreased awareness or change in mood.

(c) Once admitted, children shall be assessed and evaluated every four hours, or more frequently if warranted based on medication administration or medical treatment, to determine if symptoms continue to meet inclusion criteria as set forth in this Rule.

*History Note: Authority G.S. 110-88(11); 143B-168.3;
Eff. April 1, 2003;
Amended Eff. December 1, 2014;
Readopted Eff. October 1, 2017.*

10A NCAC 09 .2405 ADMISSION REQUIREMENTS

(a) Written permission from a parent is required for admission of a mildly sick child. If a child is assessed to need care because he or she is mildly sick, permission may be given by telephone and documented if a child is to be moved from the well child component of the center to the mildly sick area, as long as written permission is received prior to the second day of attendance.

(b) Each parent shall sign a statement that attests that a copy of the policies described in Rule .2403(d) of this Section were given to and discussed with him or her prior to a mildly sick child's attendance.

(c) The on-site administrator or on-site health care professional may require a written medical evaluation for a child to include diagnosis, treatment and prognosis, if the evaluation is necessary to determine the appropriateness of a child's attendance prior to admission or upon worsening of the child's symptoms.

(d) A parent shall remain on the premises until the preadmission health assessment and individualized plan of care has been completed by center staff who have completed the training described in Rule .2408(a)(3), and the child has been approved for attendance.

(e) No child shall be admitted unless staff who meet the qualifications in Rule .2408 of this Section are on site and available to provide care.

*History Note: Authority G.S. 110-88(11); 143B-168.3;
Eff. April 1, 2003;
Readopted Eff. October 1, 2017.*

10A NCAC 09 .2406 STAFF/CHILD RATIOS

The staff to child ratio and group size of mildly sick children shall be determined based on the age of the youngest child in the group and shall be as follows:

Age of Child	No. of Children	No. of Staff	Max. Group Size	No. of Staff
3 Months to 2 Years	3	1	6	2
2 to 5 Years	4	1	8	2

5 Years and older	5	1	10	2
-------------------	---	---	----	---

History Note: Authority G.S. 110-88(11); 143B-168.3;
Eff. April 1, 2003;
Readopted Eff. October 1, 2017.

10A NCAC 09 .2407 SPACE REQUIREMENTS FOR MILDLY SICK CHILDREN

(a) There shall be at least 45 square feet of inside space per child present. When space is measured the following shall not be included: closets, hallways, storage areas, kitchens, bathrooms, utility areas, thresholds, foyers, space or rooms used for administrative activities or space occupied by adult-sized desks, cabinets, file cabinets, etc.; any floor space occupied by or located under equipment, furniture, or materials not used by children; and any floor space occupied by or located under built-in equipment or furniture.

(b) A center that enrolls mildly sick children as a component of a child care center shall:

- (1) ensure that if the outdoor play area is shared by both well and mildly sick children, ensure that there are separate areas of play; and
- (2) ensure that the indoor area used by the mildly sick children is separated by an interior or exterior entrance.

(c) An outdoor play area shall not be required for children who are mildly sick. If a child is in care for more than three consecutive days, however, he or she must have the opportunity to go outside for play or leisure activities.

History Note: Authority G.S. 110-88(11); 143B-168.3;
Eff. April 1, 2003;
Readopted Eff. October 1, 2017.

10A NCAC 09 .2408 STAFF QUALIFICATIONS

(a) All staff working with the mildly sick children shall complete all requirements in this Chapter pertaining to preservice training in 10A NCAC 09 .0704, .0710 and .0711, orientation in 10A NCAC 09 .1101, health and safety training requirements in 10A NCAC 09 .1102, on-going training in 10A NCAC 09 .1103, and staff records in 10A NCAC 09 .0701. In addition, the requirements for staff who care for children with Level One symptoms as described in Rule .2404, Paragraphs (a)(1)(A) and (B) of this Section shall be as follows:

- (1) Each group of children shall have a lead teacher present who has the North Carolina Early Childhood Credential or its equivalent prior to assuming care giving responsibilities.
- (2) In addition to staff orientation requirements in 10A NCAC 09 .1101 of this Chapter prior to assuming care giving duties all caregivers shall complete 10 hours of training on the following:
 - (A) storage and administration of medication;
 - (B) infection control procedures;
 - (C) aspiration of nasal secretions;
 - (D) positioning for sleeping and eating;
 - (E) temperature and respiratory rate taking;
 - (F) documentation of signs, symptoms, physical appearance, intake and output, and communication with family and physicians;
 - (G) recognizing when to stop, increase, or decrease oral intake of fluids;
 - (H) recognizing signs and symptoms associated with the increased severity of illness including behavioral changes, changes in bowel movements, increased sluggishness, etc.;
 - (I) developing individualized plans of care;
 - (J) special dietary requirements and maintaining hydration; and
 - (K) emergency procedures, including notification of a parent, should a child's condition worsen.
- (3) Any caregiver caring for a child whose illness requires special knowledge, skills, or equipment shall have training and equipment prior to caring for the child.
- (4) Completion of the training required by Subparagraph (a)(2) of this Rule shall count toward meeting one year's annual on-going training requirements in 10A NCAC 09 .1103.
- (5) When a center cares for mildly sick children as a component of a child care center, the administrator shall meet the education requirements for administrators as required by G.S. 110-91(8).

(b) In addition to the staffing requirements listed in Subparagraphs (a)(1) through (a)(4) of this Rule, if children with Level Two symptoms as described in Parts (a)(2)(A) through (a)(2)(E) of Rule .2404 of this Section are in care, the following number of medical staff shall be on site based upon the total number of children in care:

No. of Children	Type of Medical Staff
1 to 10	an RN, or a LPN with a health care professional in the immediate vicinity
10 to 20	an RN
20 to 40	an RN and an additional LPN

Each medical staff shall have one year of full-time pediatric nursing experience, and may count in staff/child ratio. Medical staff may also act as lead teachers if they have the North Carolina Early Childhood Credential or equivalent.

History Note: Authority G.S. 110-88(11); 143B-168.3;
Eff. April 1, 2003;
Readopted Eff. October 1, 2017;
Amended Eff. February 1, 2021; September 1, 2019.

10A NCAC 09 .2409 CHILDREN'S RECORDS

(a) In addition to all other children's records required in G.S. 110 and this Chapter, the following shall be completed for the children admitted to the mildly sick area:

- (1) Preadmission health assessment which includes documentation of health status, current symptoms, baseline temperature and respiratory rate, and any medications administered in the last 24 hours;
- (2) General admission information which includes information about the child's typical behavior, activity level, patterns of eating, sleeping, and toileting;
- (3) An individualized plan of care describing how the child's needs shall be met, based upon Subparagraphs (a)(1) and (a)(2) of this Rule, shall be developed by the parent and a staff member who has completed training described in Subparagraph (a)(3) of Rule .2408 of this Section; and
- (4) A daily written record shall be maintained and a copy given to parents of the child's eating, sleeping, and toileting patterns; medications administered; activity levels; changes in symptoms; and any additional information that the provider deems relevant such as child's temperament.

(b) All records shall be on file in the mildly sick area prior to admittance of the mildly sick child to the mildly sick area. If a child is enrolled in the well child care component of a child care center, records may be maintained in the well child care area, along with a copy of the child's enrollment application as required in Rule .0801 of this Chapter. The records specified in Subparagraphs (a)(1) through (a)(4) of this Rule shall be kept in the mildly sick area.

History Note: Authority G.S. 110-88(11); 143B-168.3;
Eff. April 1, 2003;
Readopted Eff. October 1, 2017.

10A NCAC 09 .2410 CHILDREN'S ACTIVITIES

(a) Daily activities shall be provided in accordance with Section .0500 of these Rules and in accordance with each child's individualized plan of care. Activity areas shall not be required, but developmentally appropriate equipment and materials must be available daily for mildly sick children in care.

(b) Eating, toileting, sleeping, resting, and playing shall be individually determined and flexible to allow each child to decide when and whether to participate in available activities, and to nap or rest at any time.

(c) Daily outdoor time shall be available for children with Level One symptoms, as set forth in Rule .0508(c) of this Chapter, who are present more than three consecutive days unless deemed inappropriate by the child's attending health care professional.

History Note: Authority G.S. 110-88(11); 143B-168.3;
Eff. April 1, 2003;
Readopted Eff. October 1, 2017;
Amended Eff. February 1, 2021.

10A NCAC 09 .2411 NUTRITION REQUIREMENTS

Meals and snacks shall be provided in accordance with Section .0900 of this Chapter unless a child's individualized plan of care specifies otherwise.

History Note: Authority G.S. 110-88(11); 143B-168.3;
Eff. April 1, 2003;
Readopted Eff. October 1, 2017.

SECTION .2500 - CARE FOR SCHOOL-AGE CHILDREN

10A NCAC 09 .2501 SCOPE

The rules in this Section apply to all child care centers offering care to three or more school-age children exclusively or as a component of any other program. All rules in this Chapter pertaining to care for school-age children apply except as provided in this Section.

History Note: Authority G.S. 110-85; 110-86(3); 110-91; 143B-168.3;
Eff. July 1, 1988;
Amended Eff. July 1, 2010; July 1, 2000; September 1, 1990;
Readopted Eff. October 1, 2017.

10A NCAC 09 .2502 SPECIAL PROVISIONS FOR SUMMER DAY CAMPS

(a) A center providing care for school-age children exclusively on a seasonal basis between May 15 and September 15 shall be licensed as a summer day camp.

(b) A facility licensed as a summer day camp shall have a permanent structure located at the home base, which is the primary site of the summer day camp activities. The permanent structure may be a building or permanent roofed shelter with overhang. The summer day camp shall meet one of the following space requirements:

- (1) when activities for children are conducted outdoors or off the premises for at least 75 percent of each day, a minimum of 10 square feet per child of indoor space, exclusive of kitchens, hallways, restrooms, closets, and storage areas, shall be provided; or
- (2) when the camp's home base does not provide 10 square feet of primary space indoors, the camp shall provide notarized copies of all letters, agreements, or contracts with other facilities to the Division which guarantee that children will be accommodated comfortably indoors in the event of inclement weather.

(c) For the purpose of carrying out the provisions of G.S. 110-91(4) for summer day camps not covered by 10A NCAC 09 .2503(a), the following North Carolina Building Codes apply to the structure described in Paragraph (b) of this Rule shall apply;

- (1) when the authorized capacity of the facility is less than 30 children, the structure shall meet the requirements for residential occupancy as prescribed in the North Carolina Building Code. Children may use only those floors which have one grade level exit;
- (2) when the authorized capacity of the facility is more than 29 children, but less than 100 children, the structure shall meet the North Carolina Building Code requirements for business occupancy; or
- (3) when the authorized capacity of the facility is more than 99 children, the structure shall meet the North Carolina Building Code requirements for assembly occupancy, or educational occupancy or institutional occupancy.

(d) If a summer day camp maintains its master records for children and staff in a central location, emergency information for each staff person and child shall always be on site. The emergency information on site shall include the name and telephone numbers of the child's parent or other responsible person, the child's or staff person's health care professional or preferred hospital, any chronic illnesses and medication taken for that illness, any allergy and recommended treatment for that allergy, and any other information that has a direct bearing on medical treatment and safe care. The parent's signed permission to obtain medical attention must also be on site with the child.

(e) If food is prepared at the summer day camp, the rules regarding sanitary facilities, food preparation and service for summer camps as adopted by the Commission for Public Health and codified in 15A NCAC 18A .1000 apply.

(f) Staff in summer day camp programs required to complete Basic School-Age Care (BSAC) training as defined in Rule .0102 of this Chapter shall do so within four weeks of becoming employed.

History Note: Authority G.S. 110-85; 110-88(1); 110-91; 143B-168.3;

Commented [SV64]: Could we not put all rules that apply to school age care in this section so it can be lifted out? Or create a new section that contains only rules that apply to school-age child care?

Eff. July 1, 1988;
Amended Eff. July 1, 2010; July 1, 2000; September 1, 1990;
Readopted Eff. October 1, 2017;
Amended Eff. September 1, 2019.

10A NCAC 09 .2503 BUILDING CODE REQUIREMENTS

(a) Building code requirements incorporated by reference in Section .1300 of this Chapter apply for a facility providing care to school-age children except that any building that is approved for school occupancy and which houses a public or private school during the school year shall be considered an approved building to house a facility serving school-age children exclusively. The operator shall obtain and submit copies of all applicable inspection reports to the Division.

(b) The North Carolina State Building Code is hereby incorporated by reference, inclusive of subsequent amendments. The current Code can be found online at http://www.ncdoi.com/OSFM/Engineering_and_Codes/Default.aspx?field1=State_Building_Codes_USER&user=State_Building_Codes at no cost.

History Note: Authority G.S. 110-85; 110-88(2); 110-91(4); 143B-168.3;
Eff. July 1, 1988;
Amended Eff. July 1, 2010; September 1, 1990;
Readopted Eff. October 1, 2017;
Amended Eff. September 1, 2019.

10A NCAC 09 .2504 SPACE REQUIREMENTS

- The licensed space shall provide at least thirty-five (35) square feet of safe, usable space per child inside the facility, excluding areas where children's personal belongings are stored and areas primarily used for hallways, bathrooms, offices and the food preparation area in the kitchen.
- There shall be a safe outdoor play area which provides a minimum of seventy-five (75) square feet of space per child. The play area shall include provision for shade and be fenced or otherwise separated from traffic and other hazards.

~~All space requirements specified in Section .1400 shall apply when a facility provides care for school-age children and any preschool child is also in care, or when a program that provides care exclusively for school-age children operates indoors in a permanent structure for more than 25 percent of each day. A gymnasium or other single use room may be included in the space measured for licensed capacity when used as primary space.~~

History Note: Authority G.S. 110-85; 110-91(3),(6); 143B-168.3;
Eff. July 1, 1988;
Amended Eff. July 1, 2010; September 1, 1990;
Readopted Eff. October 1, 2017.

10A NCAC 09 .2505 HEALTH REQUIREMENTS FOR CHILDREN

(a) All requirements of Section .0800 of this Chapter shall apply to school-age child care arrangements with the following exceptions:

- (1) a medical examination report shall not be required for any child enrolled in a public school or private school as described in G.S. 110-86(2)(e); and
- (2) Rule .0806 of this Chapter shall not apply.

(b) All requirements specified in Section .0900 of this Chapter shall apply.

(c) If food is brought from home by children or catered, the following requirements shall apply:

- (1) sanitary cold storage shall be provided for perishable snacks or lunches brought from home.

- (2) safe drinking water shall be available at all times regardless of where activities are provided.

History Note: Authority G.S. 110-85; 110-91(1),(2); 143B-168.3;
Eff. July 1, 1988;
Amended Eff. July 1, 2010; September 1, 1990;
Readopted Eff. October 1, 2017;
Amended Eff. September 1, 2019.

10A NCAC 09 .2506 GENERAL SAFETY REQUIREMENTS

- (a) First Aid equipment shall be available regardless of where activities are provided.
- (b) All requirements in Rule .1403 of this Chapter regarding activities involving water shall apply with the exception of educational and recreational activities conducted on or near natural bodies of water where proper supervision is provided and the water does not rise above knee level.
- (c) Potentially hazardous items, such as archery equipment, hand and power tools, nails, chemicals, or propane stoves, shall be used by children only when adult supervision is provided. Such potentially hazardous items, whether

Commented [SV65]: Removed SECTION .0600 - SAFETY REQUIREMENTS FOR CHILD CARE CENTERS above because of this section that applies to school age only.

Commented [SV66]: Water activities that are STEAM related should be allowed for school-age children. For example, studying tadpoles or crayfish in a creek. Creeks run through many parks in different parts of the state and offer an opportunity to educate kids and allow them to wade.

or not intended for use by the children, shall be stored in locked areas or with other safeguards, or shall be removed from the premises.

(d) All children shall be adequately supervised. Adequate supervision means staff shall be with the group of children and able to hear or see each child in his or her care, except:

- (1) Children who are developmentally able may be permitted to go to the restroom independently, provided that:
 - (A) staff members' proximity to children assures immediate intervention to safeguard a child from harm;
 - (B) individuals who are not staff members may not enter the restroom area while in use by any child; and
 - (C) children up to nine years of age are supervised by staff members who are able to hear the child. Children nine years of age and older are not required to be directly supervised, however, staff members shall know the whereabouts of children who have left their group to use the restroom;
- (2) Adequate supervision for children nine years of age and older means that staff are with the group of children and able to hear or see each child in his or her care. A staff member shall accompany any children who leave the group to go indoors or outdoors; and
- (3) When emergencies necessitate that direct supervision is impossible for brief periods of time.

(e) Children riding bicycles must wear safety helmets.

History Note: Authority G.S. 110-85; 110-91; 143B-168.3;
Eff. July 1, 1988;
Amended Eff. March 1, 2014; July 1, 2010; July 1, 1998; September 1, 1990;
Readopted Eff. October 1, 2017.

10A NCAC 09 .2507 OPERATING POLICIES

History Note: Authority G.S. 110.91; 143B-168.3;
Eff. July 1, 1988;
Repealed Eff. October 1, 2017.

10A NCAC 09 .2508 AGE APPROPRIATE ACTIVITIES

(a) Child care facilities that provide care to school-age children shall provide a balance of teacher directed and free choice activities appropriate to the age, needs, and interests of the children.

(b) Opportunities must be provided for children to participate in the planning and the implementation of activities.

(c) Facilities that operate a school-age component for three or fewer hours per day shall make three of the following activities available daily; those that operate a school-age component for more than three hours per day shall make four of the following activities available daily:

- (1) career development activities;
- (2) community awareness activities;
- (3) creative arts activities;
- (4) cultural activities;
- (5) games or manipulatives;
- (6) hands-on academic enrichment activities including language, math, science, social studies, or foreign language activities;
- (7) health education or wellness activities;
- (8) homework with assistance available as needed from center personnel;
- (9) reading activities;
- (10) sand or water play;
- (11) social skills, life skills or problem-solving activities;
- (12) structured or unstructured physical activities; or
- (13) technology skill-building activities.

(d) All equipment and materials used by school-age children shall be appropriate for the age and size of the children using the items.

(e) When screen time is provided on any electronic device with a visual display, it shall be:

- (1) offered as a free choice activity;

- (2) used to meet a developmental goal;
 - (3) limited to a maximum of 30 minutes per day and no more than two and a half hours per week, per child;
 - (4) documented on a cumulative log or activity plan, available for review by a representative of the Division; and
 - (5) usage time periods may be extended for school assigned homework.
- (f) Cots, beds, or mats with linens shall not be required for school-age children. However, provision shall be made for children who wish to rest or who are sick to rest in a comfortable place.

History Note: Authority G.S. 110-85; 110-91(6),(12); 143B-168.3;
 Eff. July 1, 1988;
 Amended Eff. July 1, 2010; October 1, 1991; September 1, 1990;
 Readopted Eff. October 1, 2017.

10A NCAC 09 .2509 ACTIVITIES: OFF-PREMISES

- (a) The requirements of this Rule and Section .1000 of this Chapter shall apply when activities for school-age children are conducted outdoors or off the premises for 75 percent of each day.
- (b) The facility shall develop a plan of activities which is posted in a place in the home base or given to the parents. The plan shall include the location, purpose, time and date, person in charge, and telephone number or method for contacting the person in charge.
- (c) Activities shall be planned to accommodate a variety of individual interests and shall provide opportunities for choice.
- (d) Written permission from parents shall be obtained before transporting children on off-premises activities.
- (e) Blanket permissions from parents for off-premises activities shall be acceptable only when a plan of activities to be conducted off the premises is posted in a place for review by parents and staff in advance on a weekly basis.

History Note: Authority G.S. 110-91(6),(12); 143B-168.3;
 Eff. July 1, 1988;
 Amended Eff. September 1, 1990;
 Readopted Eff. October 1, 2017;
 Amended Eff. February 1, 2021.

10A NCAC 09 .2510 STAFF QUALIFICATIONS

- (a) The individual who is responsible for ensuring the administration of the program, whether on-site or off-site, shall:
 - (1) Prior to employment, have at least:
 - (A) 400 hours of experience working with school-age children in a licensed child care program;
 - (B) 600 hours of verifiable experience working with school-age children in an unlicensed school-age care or camp setting; or
 - (C) have an undergraduate, graduate, or associate degree, with at least 12 semester hours in school-age care related coursework; and
 - (2) Meet the requirements for a child care administrator in G.S. 110-91(8).
- (b) At least one individual who is responsible for planning and ensuring the implementation of daily activities for a school-age program (program coordinator) shall:
 - (1) Be at least 18 years old and have a high school diploma or its equivalent prior to employment;
 - (2) Have completed two semester credit hours in child and youth development and two semester credit hours in school-age programming. Each individual who does not meet this requirement shall enroll in coursework within six months after becoming employed and shall complete this coursework within 18 months of enrollment. An individual who meets the staff requirements for administrator or lead teacher shall be considered as meeting the requirements for program coordinator, provided the individual completes Basic School-Age Care (BSAC) training as defined in 10A NCAC 09 .0102(4) of this Chapter, and
 - (3) Be on site when children are in care for programs offering before and after school care only. For a full day program, the program coordinator shall be on site for two thirds of the hours of operation. This includes times when the individual is off site due to illness or vacation.

Commented [SV67]: The Transportation Section above includes some of the provisions listed here but does not address transportation specifics. s

(c) Staff who are responsible for supervising groups of school-age children (group leaders) shall be at least 16 years of age and have a high school diploma or its equivalent prior to employment, and shall complete the BSAC training.

(d) Staff who assist group leaders (assistant group leaders) shall be at least 16 years of age and shall complete the BSAC training.

(e) The individual who is on-site and responsible for the administration of the school-age component of a center which also provides care to preschool-age children, shall meet the requirements for child care administrator in G.S. 110-91(8) and Rule .0704 of this Chapter.

(f) When an individual has responsibility for both administering the program and planning and ensuring the implementation of the daily activities of a school-age program, the individual shall meet the staff requirements for an administrator and shall complete the BSAC training.

(g) Completion of the BSAC training course, shall count toward meeting five hours of one year's annual on-going training requirements in Rule .1103 of this Chapter.

(h) As used in this Rule, the term "experience working with school-age children" means experience working with school-age children as an administrator, program coordinator, group leader, assistant group leader, lead teacher, teacher, or aide.

(i) All staff shall receive on-site training and orientation as follows:

- (1) Within the first two weeks of assuming responsibility for supervising a group of children, each employee shall complete at least six clock hours of training on:
 - (A) recognizing, responding to, and reporting child abuse, neglect or maltreatment pursuant to G.S. 110-105.4 and G.S. 7B-301;
 - (B) the center's operational policies, including the transportation policy, identification of building and premises safety issues, Emergency Preparedness and Response Plan and the emergency medical care plan;
 - (C) adequate supervision of children, taking into account their age, emotional, physical, and cognitive development; and
 - (D) prevention and control of infectious diseases, including immunization; and
- (2) Within the first six weeks of assuming responsibility for supervising a group of children, each employee shall complete at least three additional clock hours of training on:
 - (A) maintaining a safe and healthy environment and developmentally appropriate activities for school-age children;
 - (B) firsthand observations of the program's daily operations and instruction in the employee's assigned duties;
 - (C) instruction in the administration of medication to children in accordance with 10A NCAC 09 .0803;
 - (D) successfully complete CPR and First Aid training appropriate for the ages of children in care;
 - (E) prevention of and response to emergencies due to food and allergic reactions;
 - (F) review of the program's handling and storage of hazardous materials and the appropriate disposal of biocontaminants; and
 - (G) review of child care licensing law and rules, including an explanation of the role of State and local government agencies in the regulation of child care and the employee's obligation to cooperate with representatives of State and local government agencies during visits and investigations.

(j) Staff in part-time, full day, or track-out school-age care programs required to complete BSAC training shall do so within three months of becoming employed.

History Note: Authority G.S. 110-85; 110-91(8),(11); 143B-168.3;
Eff. July 1, 1988;
Amended Eff. August 1, 2010; November 1, 2007; July 1, 2000; July 1, 1998; January 1, 1992;
September 1, 1990;
Readopted Eff. October 1, 2017.

10A NCAC 09 .2511 OTHER STAFF REQUIREMENTS

History Note: Authority G.S. 110-91(8),(11); 143B-168.3;
Eff. September 1, 1990;

Commented [SV68]: The YMCA employs youth staff who could be supervising groups of children with supervision from teachers.

Repealed Eff. July 1, 2008.

10A NCAC 09 .2512 DEVELOPMENTAL DAY CENTERS (TRANSFERRED TO 10A NCAC 09 .0505)

10A NCAC 09 .2513 COOPERATIVE ARRANGEMENT FOR INSTRUCTIONAL NEEDS

(a) For purposes of this Rule, "cooperative arrangement for instructional needs" means an arrangement between a group of parents to provide care for their school-age children in one of the parent's homes for the purpose of supervising and facilitating the children's online, virtual, or remote elementary or secondary education instruction.

(b) Pursuant to G.S. 110-86(2)(i), cooperative arrangements for instructional needs are not child care and therefore are exempt from licensure.

*History Note: Authority G.S. 110-85; 110-86; 110-88; 110-91;
Eff. July 1, 2023.*

SECTION .2600 – MULTI-UNIT CHILD CARE CENTERS

10A NCAC 09 .2601	SCOPE
10A NCAC 09 .2602	DEFINITIONS
10A NCAC 09 .2603	SPECIAL PROVISIONS FOR LICENSURE
10A NCAC 09 .2604	OPERATIONAL POLICIES
10A NCAC 09 .2605	STAFF/CHILD RATIOS
10A NCAC 09 .2606	SPACE REQUIREMENTS
10A NCAC 09 .2607	STAFF QUALIFICATIONS

*History Note: Authority G.S. 110-88(13); 110-91;
Eff. October 1, 2005;
Pursuant to G.S. 150B-21.3A, rule Expired June 1, 2015.*

10A NCAC 09 .2608 CHILDREN'S PLAN OF CARE

*History Note: Authority G.S. 110-88(13);
Eff. November 1, 2005
Pursuant to G.S. 150B-21.3A, rule Expired June 1, 2015.*

10A NCAC 09 .2609 NUTRITION REQUIREMENTS

10A NCAC 09 .2610 TRANSPORTATION

*History Note: Authority G.S. 110-88(13); 110-91;
Eff. October 1, 2005;
Pursuant to G.S. 150B-21.3A, rules Expired June 1, 2015.*

10A NCAC 09 .2611 SCOPE

The rules in this Section apply to child care centers with multiple units, licensed individually, in one building. All rules within this Chapter shall apply except as provided in this Section.

*History Note: Authority G.S. 110-85; 110-86; 110-88; 110-91;
Eff. January 1, 2024.*

10A NCAC 09 .2612 DEFINITION OF MULTI-UNIT CHILD CARE CENTERS

A "multi-unit child care center" is one building with multiple licensed units, each with a separate owner and entrance and each having its own physical and mailing address.

*History Note: Authority G.S. 110-85; 110-86; 110-88; 110-91;
Eff. January 1, 2024.*

10A NCAC 09 .2613 LICENSURE

Commented [SV69]: We have not reviewed this section for school age child care.

The Division shall make one or more inspections to inspect each unit within the building and issue individual licenses if all applicable requirements of G.S. 110, Article 7, this Chapter, and this Section are met.

History Note: Authority G.S. 110-85; 110-86; 110-88; 110-91; 110-105;
Eff. January 1, 2024.

10A NCAC 09 .2614 OUTDOOR SPACE

Subject to the requirements in 10A NCAC 09 .0605, .1402, and .2809, the licensed units within the multi-unit child care center may share outdoor space provided the staff/child ratios and group sizes in 10A NCAC 09 .2615 are maintained.

History Note: Authority G.S. 110-85; 110-86; 110-88; 110-91;
Eff. January 1, 2024.

10A NCAC 09 .2615 STAFF/CHILD RATIOS

Each unit in a multi-unit child care center shall meet the following staff/child ratios and group sizes for children:

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 5 Years	1/15	25
5 Years and Older	1/25	25

- (1) when combining age groups, the staff/child ratio for the youngest child in the group shall be maintained for the entire group;
- (2) when only one caregiver is required to meet the staff/child ratio and children under two years of age are in care, that person shall not concurrently perform food preparation or other duties which are not direct child care responsibilities;
 - (a) The unit shall post the name, address, and telephone number of an adult who has agreed in writing to be available to provide emergency relief and who can respond within a reasonable period of time; or
 - (b) There shall be a second adult on the premises who is available to provide emergency relief. This second adult may be a person in another licensed unit within the multi-unit center or support staff within the building.

History Note: Authority G.S. 110-85; 110-86; 110-88; 110-91;
Eff. January 1, 2024.

10A NCAC 09 .2616 PROVIDER QUALIFICATIONS

- (a) The person who has the responsibility for administration of the program and planning and implementing daily activities for the group of children in their care shall meet the requirements for an administrator and lead teacher as outlined in G.S. 110-91(8).
- (b) When meeting enhanced standards, the person who has responsibility for administration of the program and planning and implementing daily activities shall meet the lead teacher requirements outlined in 10A NCAC 09 .2819.
- (c) When meeting enhanced standards, additional staff within the licensed unit shall meet lead teacher or teacher requirements in Section .2800 of this Chapter as determined by their caregiving role.
- (d) The person responsible for the administration of the program and program planning does not have to meet administrative hours as required in 10A NCAC 09 .0714(a).

History Note: Authority G.S. 110-85; 110-86; 110-88; 110-91;
Eff. January 1, 2024.

SECTION .2700 - CRIMINAL BACKGROUND CHECKS

10A NCAC 09 .2701 SCOPE

The rules in this Section shall apply to all child care providers as defined in G.S.110-90.2. The Division, in accordance with G.S.110-90.2, shall determine if an individual is a qualified child care provider. An individual may work or be present in any child care facility during the time the individual holds a valid qualification letter from the Division.

*History Note: Authority G.S. 110-85; 110-90.2;
Eff. March 1, 2014;
Readopted Eff. January 1, 2019.*

10A NCAC 09 .2702 DEFINITIONS

For purposes of this Section:

- (1) a "qualified child care provider" means an individual who is fit to have responsibility for the safety and well-being of children based on their criminal history and all other requirements in accordance with G.S. 110-90.2.
- (2) a "disqualified child care provider" means an individual who is not fit to have responsibility for the safety and well-being of children based on their criminal history and all other requirements in accordance with G.S. 110-90.2.
- (3) a "provisional child care provider" means an individual who:
 - (a) resides outside the State of North Carolina or has resided outside the State of North Carolina at any time during the five years prior to submitting documents for a criminal history record check in accordance with 10A NCAC 09 .2703;
 - (b) has provided a copy of the county criminal history from the county where they reside outside the State of North Carolina or from the county or counties where they have resided outside the state of North Carolina in the past five years; and
 - (c) is fit to have responsibility for the safety and well-being of children based on their criminal history and all other requirements in accordance with G.S. 110-90.2(b), but the Division has not yet received the results of the state sex offender registry check, the state abuse and neglect registry, or the state criminal history check from the state or states in which the individual resides or has resided at any time during the five years prior to submitting documents for a criminal history check in accordance with 10A NCAC 09 .2703.
- (4) a "qualification letter" or "qualifying letter" means the letter issued by the Division notifying an individual that he or she is a qualified child care provider;
- (5) a "conviction" includes when a plea of guilty or no contest is accepted by the trial court or a court enters an order granting a prayer for judgment continued; and
- (6) a "pending criminal charge" includes, but is not limited to, a charge that has been deferred pursuant to G.S. 15A-1341(a1).

*History Note: Authority G.S. 110-85; 110-90.2; 110-90.2(a)(3); 114-19.5; 143B-168.3; S.L. 1995, c. 507, s.23.25;
Temporary Adoption Eff. January 1, 1996;
Eff. April 1, 1997;
Amended Eff. March 1, 2014; November 1, 2007; April 1, 2003;
Readopted Eff. January 1, 2019.*

10A NCAC 09 .2703 CRIMINAL HISTORY RECORD CHECK REQUIREMENTS FOR CHILD CARE PROVIDERS

(a) In addition to the requirements in Rules .0302 and .1702 of this Chapter, a child care provider, as defined in G.S. 110-90.2, shall submit the following to the Division prior to the issuance of a license or prior to beginning employment:

- (1) any forms required by the State Bureau of Investigation or Federal Bureau of Investigation to process a state and national fingerprint check as required by G.S. 110-90.2; and
- (2) fingerprint impressions submitted on an FD-258 applicant fingerprint card or other form required by the Division and State Bureau of Investigation;

- (3) any applicant who has lived outside of North Carolina in the previous five years, shall submit an affidavit attesting that the applicant has requested a background check from:
 - (A) the state criminal registry or repository, with use of fingerprints,
 - (B) the state sex offender registry or repository, and
 - (C) the state-based child abuse and neglect registry and database for each state in which the applicant has lived, at any time and for whatever length of time, within the five years preceding the application.

All forms referenced in this Paragraph are available through the Automated Background Check Management System (ABCMS) at <https://ncabcms.nc.gov/DCDEE/Applicant/>

(b) If the child care provider has a criminal history of convictions, pending indictment of a crime, or pending criminal charges, they may submit to the Division additional information concerning the conviction or charges the Division shall use in making the determination of the child care provider's qualification. The Division shall also consider the following in making its decision:

- (1) the length of time since conviction;
- (2) whether the child care provider is currently on probation;
- (3) the nature of the offense;
- (4) the circumstances surrounding the commission of the offense or offenses;
- (5) the evidence of rehabilitation;
- (6) the number and type of prior offenses;
- (7) the age of the child care provider at the time of occurrence; and
- (8) any additional information the applicant wishes the Division to consider regarding the applicant's criminal history.

(c) If the owner of a child care license is a firm, partnership, association, or corporation, the chief executive officer or other person serving in like capacity or a person designated by the chief executive officer as responsible for the operation of the facility, shall complete the criminal history record check as specified in Paragraph (a) of this Rule.

(d) If a Letter of Intent to Operate pursuant to G.S. 110-106 is submitted to the Division, the person signing the Letter of Intent shall submit all forms as required in Paragraph (a) of this Rule.

(e) Child care providers, as defined in G.S. 110-90.2(a), shall have a valid qualification letter prior to employment or living in a child care facility and the qualification letter shall be kept on file at the facility for review by representatives of the Division.

(f) Provisional child care providers are eligible for employment at a child care facility and are eligible to reside in a family child care home, nonlicensed home, or child care center in a residence and shall be counted in staff/child ratio. Provisional child care providers shall be supervised at all times by an individual who received a qualifying result on a criminal background check within the past five years and may not be left alone with children. Child care facilities found to be in violation of this Paragraph may be issued an administrative action up to and including revocation of their child care license or notice of compliance in accordance with Section .2200 of this Chapter.

(g) When applying for provisional status, the applicant shall complete and submit any documents specific to their former state(s) of residence that are necessary to complete the out-of-state portion of their background check. When requested by the Division, the applicant shall submit a copy and proof of submission of the documents necessary to complete the out-of-state portion of their background check. The Division shall provide to the applicant the necessary information to make these requests, if applicable.

(h) Within 45 days of issuing a provisional status to an applicant, the Division shall issue a qualification letter to a provisional child care provider if no criminal background check results that would disqualify the applicant are returned or if there is no response to the applicant's or the Division's request for the state sex offender registry check, the state abuse and neglect registry, or the state criminal history check from the state or states in which the provisional provider currently resides or has resided at any time during the preceding five years.

(i) Child care providers found to be disqualified pursuant to G.S. 110-90.2, G.S. 110-105.6, or 10A NCAC 09 .2703 by the Division shall not be eligible for employment in child care until a qualification letter has been issued by the Division.

(j) A child care facility shall terminate the employment of any child care provider upon receipt of a notice of disqualification of the provider from the Division notwithstanding any appeal by provider of the disqualification.

(k) Disqualification of a child care provider living in a child care facility shall be grounds for issuance of a summary suspension of the license in accordance with 10A NCAC 09 .2213.

(l) Refusal on the part of the employer to dismiss a child care provider who has been found to be disqualified shall be grounds for suspension, denial, or revocation of the license or any other administrative action or civil penalty

permitted by Section .2200 of this Chapter. If an applicant appeals the disqualification, the child care provider shall not be employed during the appeal process.

(m) Operators, as defined by G.S. 110-86(7), shall include the criminal history mandatory reporting requirement in all new employee orientation information. All child care providers, as defined in G.S. 110-90.2(a)(2), who have incurred any pending charges, indictments, or convictions (other than minor traffic offenses) since the last qualification letter was issued by the Division shall notify the operator of such charges within five business days or before returning to work, whichever comes first. The operator shall notify the Division of any such pending charges, indictments, or convictions within one business day of being notified.

(n) The qualification letter shall be valid for a maximum of five years from the date of issuance.

(o) Prior to the expiration date of the qualification letter, the child care provider shall complete and submit the forms listed in Paragraph (a) of this Rule.

(p) After a child care provider has been qualified, the Division shall complete a new criminal history record check if the Division of Child Development and Early Education conducts an investigation in accordance with G.S. 110-90.2, G.S. 110-105.3, or 10A NCAC 09 .0201 involving alleged criminal activity by the child care provider.

(q) Any individual over the age of 15 who resides, as defined in 10A NCAC 09 .0102(40), in a child care facility on either a temporary or permanent basis shall comply with the requirements of Paragraph (a) of this Rule within 5 days of either moving into the facility or within 5 days after their 16th birthday.

(r) Operators shall notify the Division of all new child care providers, as defined in G.S. 110-90.2(a)(2), who are hired or have moved into the child care facility within five business days.

(s) Any application for a criminal background check that is not complete, including the required components in Paragraph (a) of this Rule, within 30 days of beginning the application, will expire and be withdrawn by the Division.

(t) The Division shall not issue, and shall revoke any previously issued, qualification letters to an individual who fails to comply with Paragraph (g) of this Rule, or if the Division determines that the individual provided false information in connection with either an application or a criminal background check required by this Rule, or if the Division determines that the individual is not qualified to be a child care provider pursuant to G.S. 110-90.2 or 42 USC 9858f.

*History Note: Authority G.S. 110-85; 110-86(7); 110-90.2; 110-106; 114-19.5; 143B-168.3;
Temporary Adoption Eff. January 1, 1996;
Eff. April 1, 1997;
Amended Eff. March 1, 2014; November 1, 2007;
Readopted Eff. January 1, 2019;
Amended Eff. December 1, 2023; October 1, 2023; February 1, 2021.*

10A NCAC 09 .2704 CRIMINAL HISTORY RECORD CHECK REQUIREMENTS FOR NONLICENSED CHILD CARE PROVIDERS

(a) A nonlicensed child care provider shall submit the following to the local purchasing agency prior to caring for children and receiving subsidy payments:

- (1) a signed Authority for Release of Information using the form provided by the Division;
- (2) fingerprint impressions submitted on the forms required by the Division and State Bureau of Investigation; and
- (3) if a prospective child care provider is an out-of-state resident, he or she shall also submit a certified local history from the Clerk of Superior Court in his or her county of residence.

This Rule applies to any individual over 15 years old who moves into the household, or any individual who lives in the household who has had his or her 16th birthday whichever is earlier after the initial approval, including family members and non-family members who use the home either on a permanent or temporary basis as their primary residence. The individual shall submit the items in this Paragraph to the local purchasing agency within five business days of moving into the home or their 16th birthday.

(b) New nonlicensed child care providers shall submit a complete and accurate packet no later than five business days after applying for enrollment as a nonlicensed child care provider of subsidized child care. If more than three years have elapsed since a criminal history record check has been completed and subsidy funds were not received, a new criminal history record check shall be submitted by the nonlicensed child care provider and all household member over 15 years old.

(c) Any individual over 15 years old, including family members and non-family members who use the home either on a permanent or temporary basis as their primary residence, shall submit all criminal history record check forms as required in Subparagraphs (a)(1) and (a)(2) of this Rule within five business days of joining the household.

(d) If a nonlicensed child care provider has a criminal history of convictions, pending indictment of a crime, or pending criminal charges, he or she may submit to the Division additional information concerning the conviction or charges that the Division shall use in making the determination of the child care provider's qualification. The Division shall consider the following in making a decision:

- (1) the length of time since conviction;
- (2) whether the nonlicensed child care provider is currently on probation;
- (3) the nature of the offense;
- (4) the circumstances surrounding the commission of the offense or offenses;
- (5) the evidence of rehabilitation;
- (6) the number and type of prior offenses; and
- (7) the age of the nonlicensed child care provider at the time of occurrence.

(e) The local purchasing agency shall mail the Authority for Release of Information, using the form provided by the Division, and fingerprint impressions to the Division no later than five business days after receipt. A copy of the submitted information shall be maintained in the nonlicensed child care provider's file until the notice of qualification is received by the nonlicensed child care provider. The notice of qualification shall be maintained in the nonlicensed child care provider's file. The local purchasing agency shall keep the child care provider's file.

(f) A nonlicensed child care provider shall not receive payment during the period in which the State and federal criminal history record check is being completed.

(g) Disqualification of a nonlicensed child care provider by the Division shall be reasonable cause for the local purchasing agency to deny payment.

(h) If a nonlicensed child care provider disagrees with the decision of disqualification and files a civil action in district court, the provider may continue to operate as a nonlicensed child care provider, but shall not receive payment during the proceedings. If the determination in the civil action is that the nonlicensed child care provider is qualified, the nonlicensed provider shall receive retroactive payment for the uncompensated care provided during the proceedings.

(i) After a nonlicensed child care provider is qualified, the Division shall complete a new criminal history record check if the Division of Child Development and Early Education conducts an investigation involving alleged criminal activity by the child care provider. If the Division requests a new criminal history record check, the child care provider shall complete and submit the forms listed in Paragraph (a) of this Rule to the Division within five business days of the Division's request.

(j) The qualification letter shall be valid for a maximum of three years from the date of issuance.

(k) Prior to the expiration date of the qualification letter, the nonlicensed child care provider shall complete and submit the forms described in Paragraph (a) of this Rule.

(l) Nonlicensed child care providers and household members shall have a valid qualification letter prior to receiving subsidy payments.

History Note: Authority G.S. 110-90.2; 114-19.5; 143B-168.3; S.L. 2012-160, s. 1; Temporary Adoption Eff. January 1, 1996; Eff. April 1, 1997; Amended Eff. March 1, 2014; December 1, 2007; April 1, 2003; Readopted Eff. January 1, 2019.

SECTION .2800 - TWO THROUGH FIVE STAR RATED LICENSES

10A NCAC 09 .2801 SCOPE

(a) This Section shall apply to all child care facilities that have achieved or wish to achieve a rated license of two stars or higher.

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

(c) A one-star rated license shall be issued to a child care facility if it complies with G.S. 110-91 and this Chapter.

(d) No requirement in any component of a two-star or higher rating shall be less than the requirements for a one-star rating described in G.S. 110-91 and this Chapter. Prior to issuance of an initial two through five-star rating, all requirements in G.S. 110-91 and this Chapter shall be met at the time the program is assessed for a higher rating.

The requirements for a rated license of two stars or higher shall be in addition to the standards found in G.S. 110-91 and this Chapter.

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

History Note: Authority G.S. 110-85; 110-88(7); 110-90(4); 143B-168.3;
Eff. April 1, 1999;
Amended Eff. July 1, 2010; May 1, 2006;
Readopted Eff. March 1, 2019.

10A NCAC 09 .2802 APPLICATION FOR A TWO THROUGH FIVE STAR RATED LICENSE

(a) After a licensed child care center or home has been in operation for a minimum of six consecutive months, the operator may apply for an initial two- through five-star rated license.

(b) The operator shall submit a completed application to the Division for a two- through five-star rated license on the form provided by the Division.

(c) An operator may apply for a star rating based on the total number of points achieved for each component of the two- through five-star rated license. In order to achieve a two- through five-star rating, the minimum score achieved shall be a least four points as follows:

Total Number of Points	Star Rating
4 through 6	Two Stars
7 through 9	Three Stars
10 through 12	Four Stars
13 through 15	Five Stars

(d) Facilities with a four or five-star rated license that are licensed to serve four-year-old children shall implement a curriculum as defined in 10A NCAC 09 .0102(10) with their four year olds.

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

(f) Operators requesting an initial three or more points for program standards shall request an Environment Rating Scale assessment from the Division. The Division shall arrange for the Infant/Toddler Environment Rating Scale Revised Edition, Early Childhood Environment Rating Scale - Revised Edition, School-Age Care Environment Rating Scale, or Family Child Care Environment Rating Scale - Revised Edition assessments to be completed, as appropriate for the program, free of charge. Centers located in a residence with a licensed capacity of 3 to 12 children shall complete a Family Child Care Rating Scale- Revised Edition assessment.

(g) Upon completion of the Division's assessment:

- (1) If the assessment indicates all the applicable requirements to achieve the score for the requested rating have been met, the Division shall issue the rating.
- (2) If the assessment indicates all the applicable requirements to achieve the score for the requested rating have not been met, the Division shall notify the operator of the requirements that were not met and the requested two- through five-star rating shall not be issued. The operator may:
 - (A) accept the rating for which the Division has found the operator to be eligible;
 - (B) withdraw the request and reapply when the identified requirements to achieve the score for the requested rating have been met; or
 - (C) appeal the denial of the requested rating as provided in G.S. 110-94.

History Note: Authority G.S. 110-85; 110-88(7); 110-90(4); 143B-168.3; S.L. 2011-145, s.10.7(b);
Eff. April 1, 1999;
Amended Eff. September 1, 2012; July 1, 2010; May 1, 2006;
Readopted Eff. March 1, 2019.

10A NCAC 09 .2803 PROGRAM STANDARDS FOR A THREE COMPONENT RATED LICENSE FOR CHILD CARE CENTERS

History Note: Authority G.S. 110-88(7); 110-90(4); 143B-168.3;

Eff. April 1, 1999;
Amended Eff. May 1, 2006; January 1, 2006;
Repealed Eff. July 1, 2010.

10A NCAC 09 .2804 ADMINISTRATIVE POLICIES (TRANSFERRED TO 10A NCAC 09 .0513 MARCH 1, 2019)

10A NCAC 09 .2805 OPERATIONAL AND PERSONNEL POLICIES (TRANSFERRED TO 10A NCAC 09 .0514 MARCH 1, 2019)

10A NCAC 09 .2806 CAREGIVING ACTIVITIES FOR PRESCHOOL-AGED CHILDREN

- (a) Each center shall comply with the requirements in Rule .0508 of this Chapter for written activity schedules and plans and in Rule .0509 of this Chapter for general activity requirements.
- (b) Each center providing care to preschool-age children shall comply with the requirements for activity areas for preschool-age children in Rule .0510 of this Chapter, except that all five of the activity areas listed in G.S. 110- 91(12) shall be available each day and the activities listed in Rule .0510(c) of this Chapter shall be offered for each group of children at least once per week.
- (c) The requirements for activities for infants and toddlers set forth in Rule .0511 of this Chapter shall apply for children under three years of age.

History Note: Authority G.S. 110-85; 110-88(7); 110-90(4); 143B-168.3;
Eff. April 1, 1999;
Prior to amendment of May 1, 2006 this language was located in Rule .1612;
Amended Eff. May 1, 2013; May 1, 2006;
Readopted Eff. March 1, 2019.

10A NCAC 09 .2807 PARENT PARTICIPATION (TRANSFERRED TO 10A NCAC 09 .0515 MARCH 1, 2019)

10A NCAC 09 .2808 NIGHT CARE (TRANSFERRED TO 10A NCAC 09 .0516 MARCH 1, 2019)

10A NCAC 09 .2809 ENHANCED SPACE REQUIREMENTS

- (a) There shall be at least 30 square feet inside space per child per the total licensed capacity and 100 square feet outside space for each child using the outdoor learning environment at any one time.
- (b) There shall be an area that can be arranged for administrative and private conference activities.

History Note: Authority G.S. 110-88(7); 110-90(4); 143B-168.3;
Eff. April 1, 1999;
Prior to amendment of May 1, 2006 this language was located in Rule .1604;
Amended Eff. May 1, 2006;
Readopted Eff. March 1, 2019;
Amended Eff. July 1, 2023; February 1, 2021.

10A NCAC 09 .2810 STAFF/CHILD RATIOS FOR A THREE COMPONENT RATED LICENSE
10A NCAC 09 .2811 EDUCATION STANDARDS FOR A RATED LICENSE FOR CHILD CARE CENTERS

History Note: Authority G.S. 110-88(7); 110-90(4); 143B-168.3;
Eff. April 1, 1999;
Amended Eff. January 1, 2006; July 1, 2000;
Prior to amendment of May 1, 2006 this language was located in Rule .1606 and .2803 (Rule .2810);
Recodified from Rule .2804 Eff. May 1, 2006 (Rule .2811);
Amended Eff. May 1, 2006;
Repealed Eff. July 1, 2010.

10A NCAC 09 .2812 EDUCATION STANDARDS FOR CENTERS THAT PROVIDE CARE ONLY TO SCHOOL-AGED CHILDREN

History Note: Authority G.S. 110-88(7); 110-90(4); 110-91; 143B-168;
Eff. July 1, 2000;
Recodified from Rule .2811 Eff. May 1, 2006;
Repealed Eff. July 1, 2010.

10A NCAC 09 .2813 COMPLIANCE HISTORY STANDARDS FOR A RATED LICENSE FOR CHILD CARE CENTERS

10A NCAC 09 .2814 PROGRAM STANDARDS FOR A RATED LICENSE FOR FAMILY CHILD CARE HOMES

10A NCAC 09 .2815 EDUCATION STANDARDS FOR A RATED LICENSE FOR FAMILY CHILD CARE HOMES

10A NCAC 09 .2816 COMPLIANCE HISTORY STANDARDS FOR A RATED LICENSE FOR FAMILY CHILD CARE HOMES

History Note: Authority G.S. 110-88(7); 110-90(4); 143B-168.3;
Eff. April 1, 1999;
Amended Eff. April 1, 2003;
Recodified from Rule .2805 Eff. May 1, 2006 (Rule .2813);
Recodified from Rule .2806 Eff. May 1, 2006 (Rule .2814);
Recodified from Rule .2807 Eff. May 1, 2006 (Rule .2815);
Recodified from Rule .2808 Eff. May 1, 2006 (Rule .2816);
Repealed Eff. July 1, 2010.

10A NCAC 09 .2817 ENHANCED PROGRAM STANDARDS FOR CHILD CARE CENTERS

(a) To achieve one point for program standards, the center shall be in compliance with all applicable requirements in Rules .0513-.0516 of this Chapter.

(b) To achieve two through seven points for program standards, the center shall meet all the applicable requirements in Rule .2806 of this Section and the criteria listed in the following chart:

Program Standards (.2817) Point Level	Staff/Child Ratio Requirement	Space Requirement	Environment Rating Scale (ERS) Requirements (as referenced in Rule .2802(f) of this Section)
2 Points	Meets enhance Staff/Child Ratio in Rule .2818(b), OR	Meets Enhanced Space in Rule .2809	N/A
3 Points	Meets enhance Staff/Child Ratio in Rule .2818(b), OR	Meets Enhanced Space in Rule .2809; AND	Each classroom has at least a score of 4.0 or higher
4 Points	Meets enhanced Staff/Child Ratio in Rule .2818(b), AND	N/A	Have an average combined score of 4.5, with no one classroom score lower than 4.0 in each classroom evaluated
5 Points	Meets enhanced Staff/Child Ratio in Rule .2818(b), AND	N/A	Have an average combined score of 4.75, with no one classroom score lower than 4.0 in each classroom evaluated
6 Points	Meets enhanced Staff/Child Ratio in Rule .2818(b), AND	Meets Enhanced Space in Rule .2809; AND	Have an average combined score of 5.0, with no one classroom score lower than 4.0 in each classroom evaluated
7 Points	Meets enhanced Staff/Child Ratio in	Meets Enhanced Space in Rule .2809;	Have a score of 5.0 in each classroom evaluated

	Rule .2818(b), and (c) AND	AND	
--	-------------------------------	-----	--

History Note: Authority G.S. 110-88(7); 110-90(4); 143B-168.3;
Eff. May 1, 2006;
Readopted Eff. March 1, 2019;
Amended Eff. February 1, 2021.

10A NCAC 09 .2818 ENHANCED STAFF/CHILD RATIOS FOR A RATED LICENSE FOR CHILD CARE CENTERS

- (a) This Rule shall apply to evaluating the staff/child ratios and maximum group sizes for a rated license for child care centers.
(b) The center shall comply with the following staff/child ratios and maximum group sizes.

Age	Ratio Staff/Children	Maximum Group Size
0 to 12 Months	1/5	10
1 to 2 Years	1/6	12
2 to 3 Years	1/9	18
3 to 4 Years	1/10	20
4 to 5 Years	1/13	25
5 to 6 Years	1/15	25
6 Years and Older	1/20	25

- (c) To earn seven points for program standards, the center shall comply with the following staff/child ratios and maximum group sizes.

Age	Ratio Staff/Children	Maximum Group Size
0 to 12 Months	1/4	8
1 to 2 Years	1/5	10
2 to 3 Years	1/8	16
3 to 4 Years	1/9	18
4 to 5 Years	1/12	24
5 to 6 Years	1/14	25
6 Years and Older	1/19	25

- (d) The provisions of rules 10A NCAC 09 .0713(a) through (e) shall apply in evaluating the staff/child ratios and maximum group sizes within this Rule.
(e) The staff/child ratio applicable to a classroom shall be posted in that classroom in an area that parents are able to view at all times.

History Note: Authority G.S. 110-88(7); 143B-168.3;
Eff. May 1, 2006;
Readopted Eff. March 1, 2019.

10A NCAC 09 .2819 ENHANCED EDUCATION STANDARDS FOR ON-SITE ADMINISTRATORS FOR A RATED LICENSE FOR CHILD CARE CENTERS

- (a) This Rule shall apply to evaluating the education standards for an on-site administrator for child care centers. The points for education standards shall be determined by applying this Rule and Rules .2820, .2821, .2822 and .2823 of this Section. To determine the points attained for meeting the education standards, the lowest number of points attained pursuant to each Rule shall be the point used to meet Rule .2802 of this Section.
(b) To achieve two through seven points for education standards, the on-site administrator shall meet the applicable requirements in the following chart:

On-Site Administrator (.2819) Point Level	NC Early Childhood Administration Credential or its equivalent	Semester Hours and Type of Work Experience	If providing school-age care
2 Points	Level I; and	2 years of full-time, verifiable early childhood experience; or 1 year of child care administration experience; and	150 hours of verifiable time in a licensed child care program; or 300 hours of verifiable time in an unlicensed school-age care or camp setting; or BSAC training.
3 Points	Level I; and	6 hours in early childhood education or child development; and either 2 years of full-time, verifiable early childhood experience; or 1 year of child care administration experience; and	300 hours of verifiable time in a licensed child care program; or 450 hours of verifiable time in an unlicensed school-age care or camp setting; or BSAC training.
4 Points	Level I; and	18 hours in early childhood education or child development; and 1 year of child care administration experience; or 6 hours in early childhood education or child development and 10 years of child care administration experience; and	450 hours of verifiable time in a licensed child care program; or 600 hours of verifiable time in an unlicensed school-age care or camp setting; or BSAC training.
5 Points	Level II; and	2 years of full-time, verifiable early childhood experience; and	600 hours of verifiable time in a licensed child care program; or 900 hours of verifiable time in an unlicensed school-age care or camp setting; or BSAC training or its equivalent.
6 Points	Level II; and	18 hours in early childhood education or child development; and either 3 years of full-time verifiable early childhood experience in an early childhood center teaching young children; or 3 years of child care administration experience; or 3 years of a combination of both types of experience; and	750 hours of verifiable time in a licensed child care program; or 1150 hours of verifiable time in an unlicensed school-age care or camp setting; or BSAC training.
7 Points	Level III; and either	4 years of full-time verifiable early childhood experience in	900 hours of verifiable time in a licensed child care program; or

On-Site Administrator (.2819) Point Level	NC Early Childhood Administration Credential or its equivalent	Semester Hours and Type of Work Experience	If providing school-age care
		an early childhood center teaching young children; or 4 years of child care administration experience; or 4 years of a combination of both types of experience; and	1350 hours of verifiable time in an unlicensed school-age care or camp setting; or BSAC training.

(c) Semester hours in early childhood education or child development shall not include the coursework necessary for the North Carolina Early Childhood Administration Credential (NCECAC).

(d) Completion of school-age experience requirements shall count toward meeting work experience requirements.

(e) For centers with a licensed capacity of 3 to 12 children located in a residence, if an individual has responsibility both for administering the child care program and for planning and implementing the daily activities of a group of children, the educational requirements for lead teacher in Rule .2820 of this Section shall apply. All other teachers shall follow the educational requirements for teachers in this Section.

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

*History Note: Authority G.S. 110-85; 110-88(7); 110-90(4); 143B-168.3;
Eff. May 1, 2006;
Amended Eff. August 1, 2012;
Readopted Eff. March 1, 2019.*

10A NCAC 09 .2820 ENHANCED EDUCATION STANDARDS FOR LEAD TEACHERS FOR A RATED LICENSE FOR CHILD CARE CENTERS

(a) This Rule shall apply to evaluating all lead teachers in child care centers. The points for education standards shall be determined by applying this Rule and Rules .2819, .2821, .2822 and .2823 of this Section. To determine the points attained for meeting the education standards, the lowest number of points attained pursuant to each Rule shall be the point used to meet Rule .2802 of this Section.

(b) To achieve two through seven points for education standards, the lead teachers shall meet the applicable requirements in the following chart:

Lead Teacher (.2820) Point Level	NC Early Childhood Credential or its equivalent	Certification on the NC Early Care and Education Professional Scale	Other Education and Experience Requirements
2 Points	75 percent of lead teachers; or	75 percent of lead teachers at Level I or higher; and	75 percent of lead teachers have completed or are enrolled in 3 semester hours in early childhood education or child development.
3 Points	All lead teachers; or	All lead teachers at a Level I or higher; and either	75 percent of the lead teachers shall have: (1) completed 3 semester hours in early childhood education and have completed or are enrolled in 3 additional semester hours in early childhood education or child development; or (2) completed 1 year full-time verifiable early childhood work experience; or

Lead Teacher (.2820) Point Level	NC Early Childhood Credential or its equivalent	Certification on the NC Early Care and Education Professional Scale	Other Education and Experience Requirements
			(3) have a Level II or higher certification on the ECE scale; or (4) Any combination of (1), (2), and (3) of this requirement.
		OR 50 percent of the lead teachers at a Level II or higher.	
4 Points	All lead teachers; or	All lead teachers at a Level I or higher; and either	75 percent of the lead teachers shall have: (1) completed 6 semester hours in early childhood education or childhood development and have completed or are enrolled in 3 additional semester hours in early childhood education; or (2) completed 3 semester hours of early childhood education and have 3 years of full-time verifiable early childhood work experience; or (3) completed 5 years of full-time verifiable early childhood work experience; or (4) Any combination of (1), (2), and (3) of this requirement.
		OR 50 percent of the lead teachers shall have a Level III or higher certification on the ECE scale.	
5 Points	All lead teachers; or	All lead teachers at a Level I or higher; and	75 percent of the lead teachers shall have: (1) completed 9 semester hours in early childhood education or childhood development and have completed or are enrolled in 3 additional semester hours in early childhood education; and have 1 year of full-time verifiable early childhood work experience; or (2) have a Level IV or higher certification on the ECE scale and have 1 year of full-time verifiable early childhood work experience; or (3) Any combination of (1) and (2) of this requirement.
6 Points	All lead teachers; or	All lead teachers at a Level I or higher; and	50 percent of the lead teachers shall have either: (1) An A.A.S. degree in early childhood education or child development or an A.A.S. degree in any major with 12 semester hours in early childhood education or child development and 1 year of full-time verifiable early childhood work experience; or (2) Completed 60 semester hours

Lead Teacher (.2820) Point Level	NC Early Childhood Credential or its equivalent	Certification on the NC Early Care and Education Professional Scale	Other Education and Experience Requirements
			towards a BA/BS degree program with 12 semester hours in early childhood education and 1 year of full-time verifiable early childhood work experience; or (3) A Level VI certification on the ECE scale and 1 year of full-time verifiable early childhood work experience; or (4) Any combination of (1), (2) and (3) of this requirement.
7 Points	All lead teachers; or	All lead teachers at a Level I or higher; and	75 percent of the lead teachers shall have either: (1) An A.A.S. degree in early childhood education or child development or an A.A.S. degree in any major with 12 semester hours in early childhood education or child development and 2 years of full-time verifiable early childhood work experience; or (2) A Level VI certification on the ECE scale and 2 years of full-time verifiable early childhood work experience; or (3) Any combination of (1) and (2) of this requirement.

(c) Semester hours in early childhood education or child development shall not include the coursework necessary for the North Carolina Early Childhood Credential.

*History Note: Authority G.S. 110-85; 110-88(7); 110-90(4); 143B-168.3;
 Eff. August 1, 2012;
 Readopted Eff. March 1, 2019.*

10A NCAC 09 .2821 ENHANCED EDUCATION STANDARDS FOR TEACHERS FOR A RATED LICENSE FOR CHILD CARE CENTERS

(a) This Rule shall apply to evaluating all teachers in child care centers. The points for education standards shall be determined by applying this Rule and Rules .2819, .2820, .2822, and .2823 of this Section. To determine the points attained for meeting the education standards, the lowest number of points attained pursuant to each Rule shall be the point used to meet Rule .2802 of this Section.

(b) To achieve two through seven points for education standards, teachers counted in staff/child ratios shall meet the applicable requirements in the following chart.

Teacher (.2821) Point Level	NC Early Childhood Credential or its equivalent	Certification on the NC Early Care and Education Professional Scale	Other Education and Experience Requirements
2 Points			50 percent of the teachers shall: (1) Have 1 year of full-time verifiable early childhood work experience; or (2) Be enrolled in 3 semester hours in early

Teacher (.2821) Point Level	NC Early Childhood Credential or its equivalent	Certification on the NC Early Care and Education Professional Scale	Other Education and Experience Requirements
			childhood education or child development; or (3) Have any combination of (1) and (2) of this requirement.
3 Points			50 percent of the teachers shall have: (1) 3 semester hours in early childhood education or child development; or (2) 2 years of full-time verifiable early childhood work experience; or (3) Any combination of (1) and (2) of this requirement.
4 Points	50 percent of teachers; or	50 percent of teachers at a Level I or higher.	
5 Points	50 percent of teachers; or	50 percent of teachers at a Level I or higher; and	3 semester hours in early childhood education or child development; or
		50 percent of teachers at a Level II or higher; or	
		Any combination of the two options.	
6 Points	50 percent of teachers; or	50 percent of teachers at a Level I or higher; and either	(1) 3 semester hours in early childhood education or child development and 1 year of full-time verifiable early childhood work experience; or (2) A Level II or higher certification on the ECE scale and 1 year of full-time verifiable early childhood work experience; or (3) Any combination of (1) and (2) of this requirement.
7 Points	50 percent of teachers; or	50 percent of teachers at a Level I or higher; and either	(1) 6 semester hours in early childhood education or child development and 2 years of full-time verifiable early childhood work experience; or (2) A Level III or higher certification on the ECE scale and 2 years of full-time verifiable early childhood work experience; or (3) Any combination of (1) and (2) of this requirement.

(c) Semester hours in early childhood education or child development shall not include the coursework necessary for the North Carolina Early Childhood Credential.

History Note: Authority G.S. 110-85; 110-88(7); 110-90(4); 143B-168.3;
Eff. August 1, 2012;
Readoption Eff. March 1, 2019.

**10A NCAC 09 .2822 ENHANCED EDUCATION STANDARDS FOR PROGRAM COORDINATORS
FOR A RATED LICENSE FOR CHILD CARE CENTERS**

(a) This Rule shall apply to evaluating program coordinators in child care centers. The points for education standards shall be determined by applying this Rule and Rules .2819, .2820, .2821, and .2823 of this Section. To determine the points attained for meeting the education standards, the lowest number of points attained pursuant to each Rule shall be the point used to meet Rule .2802 of this Section.

(b) To achieve two through seven points for education standards, the program coordinator shall meet the applicable requirements in Rule .2510(b) of this Chapter and the following chart:

Program Coordinator (.2822) Point Level	Type of Degree	Certification on the NC School Age Professional Scale	Semester Hours of school-age care related coursework	Hours of verifiable experience working with school-aged children in a licensed child care program	Hours of verifiable experience working with school-aged children in an unlicensed school-age care or camp setting
2 Points			Enrolled in 3 additional hours; or	200; or	300.
3 Points		Level I or higher; or	Completed 3 additional hours; or	300; or	450.
4 Points			Completed 3 additional hours; and	200; or	300; or
		Level I or higher; and		200; or	300; or
				450; or	600.
5 Points		Level II or higher; or	Completed 3 additional semester hours and be enrolled in 3 additional semester hours; or	600; or	750.
6 points	BA/BS; and		Completed 3 additional hours; or		
		Level IV or higher; or			
			Completed 6 additional hours and	750; or	900.
7 Points	BA/BS; and		Completed 6 additional hours; and	300; or	450; or
		Level IV or higher; and		300; or	450; or
			Completed 9 additional hours; and	600; or	900; or
			Completed 6 additional hours; and	900; or	1350.

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

History Note: Authority G.S. 110-85; 110-88(7); 110-90(4); 143B-168.3;
Eff. August 1, 2012;
Readopted Eff. March 1, 2019.

10A NCAC 09 .2823 ENHANCED EDUCATION STANDARDS FOR GROUP LEADERS AND ASSISTANT GROUP LEADERS FOR A RATED LICENSE FOR CHILD CARE

CENTERS AND FOR CENTERS THAT PROVIDE CARE ONLY TO SCHOOL-AGE CHILDREN

(a) This Rule shall apply to evaluating group leaders and assistant group leaders in child care centers and for centers that provide care only to school-age children. The points for education standards shall be determined by applying this Rule and Rules .2819, .2820, 2821, .2822, .2824, and .2825 of this Section. To determine the points attained for meeting the education standards, the lowest number of points attained pursuant to each Rule shall be the point used to meet Rule .2802 of this Section.

(b) To achieve two through seven points for education standards, group leaders and assistant group leaders shall meet the applicable requirements in the following chart.

Group Leader/Assistant Group Leader (.2823) Point Level	Age of Assistant Group Leaders	BSAC	Semester hours of school-age care related coursework	Hours of verifiable experience working with school-aged children in a licensed child care program	Hours of verifiable experience working with school-aged children in an unlicensed school-age care or camp setting
2 Points		All group leaders.			
3 Points		All group leaders; and	25 percent of group leaders enrolled in or completed 2 additional hours.		
4 Points	All at least 16 years of age; and	All group leaders; and	25 percent of group leaders completed 2 additional hours; or	100; or	150.
5 Points		All group leaders; and	50 percent of group leaders completed 2 additional hours; or	300; or	450; and
	All at least 16 years of age; and	All assistant group leaders; or		250; or	400.
6 points		All group leaders; and	50 percent of group leaders completed 2 hours and completed or be enrolled in 2 additional hours; or	600; or	900; and
	All at least 17 years of age; and	All assistant group leaders; or		250; or	400.
7 Points	All at least 18 years of	All group leaders and	75 percent of group leaders completed 2	600; or	900.

Group Leader/Assistant Group Leader (.2823) Point Level	Age of Assistant Group Leaders	BSAC	Semester hours of school-age care related coursework	Hours of verifiable experience working with school-aged children in a licensed child care program	Hours of verifiable experience working with school-aged children in an unlicensed school-age care or camp setting
	age; and	assistant group leaders; and	hours and completed or be enrolled in 2 additional hours; or		

History Note: Authority G.S. 110-85; 110-88(7); 110-90(4); 143B-168.3;
Eff. August 1, 2012;
Readopted Eff. March 1, 2019.

10A NCAC 09 .2824 ENHANCED EDUCATION STANDARDS FOR A RATED LICENSE FOR ADMINISTRATORS FOR CENTERS THAT PROVIDE CARE ONLY TO SCHOOL-AGE CHILDREN

(a) This Rule shall apply to evaluating the education standards for administrators for centers that provide care only to school-age children. The points for education standards shall be determined by applying this Rule and Rules .2825 and .2826 of this Section. To determine the points attained for meeting the education standards, the lowest number of points attained pursuant to each rule shall be the point used to meet Rule .2802 of this Section.

(b) To achieve two through seven points for education standards, the administrator of a school-age only program shall meet the applicable requirements in the following chart.

Administrator (.2824) Point Level	NC Early Childhood Administration Credential, its equivalent,	Hours of verifiable experience performing administrative duties in a licensed child care program	Hours of verifiable experience performing administrative duties in an unlicensed school-age care or camp setting
2 Points	Level I or have enrolled in coursework as required in G.S. 110-91(8); and	1600.	
3 Points	Level I; and either	300; or	450.
4 Points	Level I; and either	450; or	600.
5 Points	Level II; and either	600; or	750.
6 Points	Level II; and either	750; or	1150.
7 Points	Level III; and either	900; or	1350.

(c) As used in this Rule, the definition of the term "experience working with school-aged children" in Rule .2510(h) of this Chapter shall apply.

History Note: Authority G.S. 110-85; 110-88(7); 110-90(4); 143B-168.3;
Eff. August 1, 2012;
Readopted Eff. March 1, 2019.

10A NCAC 09 .2825 ENHANCED EDUCATION STANDARDS FOR PROGRAM COORDINATORS FOR A RATED LICENSE FOR CENTERS THAT PROVIDE CARE ONLY TO SCHOOL-AGE CHILDREN

(a) This Rule shall apply to evaluating the education standards for program coordinators for centers that provide care only to school-age children. The points for education standards shall be determined by applying this Rule and Rules .2824 and .2826 of this Section. To determine the points attained for meeting the education standards, the lowest number of points attained pursuant to each Rule shall be the point used to meet Rule .2802 of this Section.

(b) To achieve two through seven points for education standards, the program coordinator shall meet the applicable requirements in Rule .2510(b) of this Chapter and the following chart.

Program Coordinator (.2825) Point Level	Type of Degree	Certification on the NC School Age Professional Certification Scale	Semester Hours of school-age care related coursework	Hours of verifiable experience working with school-age children in a licensed child care program	Hours of verifiable experience working with school-age children in an unlicensed school-age care or camp setting
2 Points			Enrolled in 3 additional hours; or	200; or	300.
3 Points		Level I or higher; or	Completed 3 additional hours; or	300; or	450.
4 Points			Completed 3 additional hours; and	200; or	300; or
		Level I or higher; and		200; or	300; or
				450; or	600.
5 Points		Level II or higher; or	Completed 3 additional semester hours and be enrolled in 3 additional semester hours; or	600; or	750.
6 points				750; or	900; and
			Completed 6 additional hours; or		
	BA/BS; and		Completed 3 additional hours; or		
		Level III or higher.			
7 Points			Completed 6 additional hours; and	900; or	1350; or
			Completed 9 additional hours; and	600; or	900; or
	BA/BS; and		Completed 6 additional hours; and	300; or	450; or
		Level IV or higher; and		300; or	450; or

(c) As used in this Rule, the definition of the term "experience working with school-age children" in Rule .2510(h) of this Chapter shall apply.

(d) For programs with a licensed capacity of 200 or more school-age children, there shall be two program coordinators on site, one of whom shall not have concurrent group leader responsibilities. The additional program coordinator shall have completed the applicable staff requirements in Rule .2510(b) of this Chapter.

History Note: Authority G.S. 110-85; 110-88(7); 110-90(4); 143B-168.3; Eff. August 1, 2012; Readopted Eff. March 1, 2019.

10A NCAC 09 .2826 EDUCATION STANDARDS FOR GROUP LEADERS AND ASSISTANT GROUP LEADERS FOR A RATED LICENSE FOR CENTERS THAT PROVIDE CARE ONLY TO SCHOOL-AGED CHILDREN

*History Note: Authority G.S. 110-85; 110-88(7); 110-90(4); 143B-168.3;
Eff. August 1, 2012;
Repealed Eff. March 1, 2019.*

10A NCAC 09 .2827 ENHANCED EDUCATION STANDARDS FOR OPERATORS FOR A RATED LICENSE FOR FAMILY CHILD CARE HOMES

- (a) This Rule shall apply to evaluating the operator of family child care homes.
(b) To achieve two through seven points for education standards, the operator shall meet the applicable requirements in the following chart:

FCCH Operator (.2827) Point Level	Degree	NC Family Child Care Credential or its equivalent	Certification on the NC Early Care and Education Professional Scale	Semester Hours	Verifiable Early Childhood Work Experience	Additional Clock Hours of On-going Training
2 Points				4 hours in early childhood education or child development; or	5 years; and	8 annually.
3 Points		√; or	Level I or higher.			
4 Points			Level II or higher; or			
		√; or	Level I or higher; and	6 hours in early childhood education or child development.		
5 Points			Level IV or higher; and		1 year; or	
		√; or	Level I or higher; and	12 hours in early childhood education or child development and either 2 of the 12 hours shall include child care administration; or	1 year.	
6 Points			Level VI or higher; and		1 year; or	
		√; or	Level I or higher; and	18 hours in early childhood education or child development and either 5 of the 18 hours shall include child care administration; or	2 years.	

FCCH Operator (.2827) Point Level	Degree	NC Family Child Care Credential or its equivalent	Certification on the NC Early Care and Education Professional Scale	Semester Hours	Verifiable Early Childhood Work Experience	Additional Clock Hours of On-going Training
7 Points	A.A.S. in any major; and			A minimum of 12 hours in early childhood education or child development; and	2 years; or	
	A.A.S. degree in early childhood education or child development; and				18 months; or	
			A Level VI; and		2 years.	

(c) Semester hours in early childhood education or child development shall not include the coursework necessary for the North Carolina Family Child Care Credential.

History Note: Authority G.S. 110-85; 110-88(7); 110-90(4); 143B-168.3;
Eff. May 1, 2006;
Amended Eff. August 1, 2012;
Readopted Eff. March 1, 2019.

10A NCAC 09 .2828 ENHANCED PROGRAM STANDARDS FOR A RATED LICENSE FOR FAMILY CHILD CARE HOMES

- (a) This Rule shall apply to evaluating the program standards for a rated license for family child care homes.
(b) To achieve two through seven points for program standards, the operator shall meet the criteria listed in the following chart:

FCCH Program Standards (.2828) Point Level	Criteria
2 points	Operator provides documentation of self-study and self-assessment using the Family Child Care Rating Scale over a 3-month time period. Documentation such as an ERS book with score sheets, self-assessments and program adjustments shall be reviewed by the Division as part of the rated license assessment.
3 points	Provide documentation of the 3-month self-study AND have a score of 4.0 or higher on the Family Child Care Rating Scale
4 points	Provide documentation of the 3-month self-study AND have a score of 4.25 or higher on the Family Child Care Rating Scale
5 points	Provide documentation of the 3-month self-study AND have a score of 4.5 or higher on the Family Child Care Rating Scale
6 points	Provide documentation of the 3-month self-study AND have a score of 4.75 or higher on the Family Child Care Rating Scale AND of the five preschoolers allowed to be enrolled, no more than four children shall be under one year of age
7 points	Provide documentation of the 3-month self-study AND have a score of 5.0 or higher on the Family Child Care Rating Scale AND of the five preschoolers allowed to be enrolled, no

FCCH Program Standards (.2828) Point Level	Criteria
	more than three children shall be under one year of age

History Note: Authority G.S. 110-88(7); 110-90(4); 143B-168.3;
Eff. May 1, 2006;
Recodified from Rule .2821 Eff. August 1, 2012;
Readopted Eff. March 1, 2019;
Amended Eff. July 1, 2021.

10A NCAC 09 .2829 QUALITY POINT OPTIONS

Operators may choose to earn one additional quality point toward a rated license as described in Rule .2802 of this Section as follows:

(1) Education options:

Quality Point Education Options (.2829)	
75 percent of infant/toddler teachers have obtained an Infant and Toddler Certificate;	OR
All teachers have the North Carolina Diploma in Early Childhood (1 year) from a regionally accredited college or university as defined in Rule .1103 of this Chapter;	OR
75 percent of teachers have an AAS or higher in early childhood education or child development;	OR
75 percent of lead teachers have a BA/BS or higher in early childhood education or child development;	OR
All lead teachers have an AAS or higher in early childhood education or child development;	OR
75 percent of group leaders have a North Carolina School-Age Care Credential or 6 semester hours in school-age coursework;	OR
A Family Child Care Home operator has an Infant and Toddler Certificate or a BA/BS or higher in early childhood education or child development;	OR
Completing 20 additional annual on-going training hours for full-time lead teachers and teachers, and staff working part-time;	OR
Completing 20 additional annual on-going training hours for family child care home operators;	OR
The child care administrator has at least 10 years of documented child care administrative work experience in a licensed program that can be verified by the Division;	OR
75 percent of lead teachers and teachers have at least 10 years of documented early childhood work experience that can be verified by the Division;	OR
All lead teachers and teachers have at least 5 years of documented early childhood work experience that can be verified by the Division and have been employed by no more than 2 different employers;	OR
When the program has earned at least 4 points in education and the program has a combined turnover rate of 20 percent or less for the administrator, program coordinator, lead teacher, teacher, and group leader positions over the last 12 months;	OR
In a stand-alone school age program, 75 percent of group leaders have at least 5 years of documented school-age work experience that can be verified by the Division and have been employed by no more than 2 different employers.	

(2) Programmatic options:

Quality Point Programmatic Options (.2829)	
Using a curriculum as defined in Rule .0102(10) of this Chapter. This programmatic option is not available to facilities that are required to use an approved curriculum in accordance with Rule .2802(d) of this Section;	OR
Having reduced group sizes decreased by at least one child per age group from the seven point level as described in Rule .2818(c) of this Section;	OR

Quality Point Programmatic Options (.2829)	
Having staff/child ratios decreased by at least one child per age group from the seven point level as described in Rule .2818(c) of this Section;	OR
Meeting the following program standards: (1) Having a staff benefits package that offers at least four of the following benefits: paid leave for professional development, paid planning time, vacation, sick time, retirement, or health insurance; and (2) Having evidence of an infrastructure of parent involvement that includes at least two of the following: parent newsletters offered at least quarterly, parent advisory board, periodic conferences for all children, or parent information meetings offered at least quarterly	OR
A Family Child Care Home operator has completed a 30 hour or longer business training course;	OR
A center administrator has completed a business training course and a wage and hour training course that is at least 30 hours of total training time;	OR
Restricting enrollment to four preschool children in a Family Child Care Home;	OR
Reducing infant capacity by at least one child from the seven point level for a Family Child Care Home as described in Rule .2828(g)(3) of this Section.	

History Note: Authority G.S. 110-85; 110-88(7); 110-90(4); 143B-168.3; S.L. 2011-145, s. 10.7(b); Eff. May 1, 2006;
Amended Eff. December 1, 2006;
Recodified from Rule .2823 Eff. August 1, 2012;
Amended Eff. July 1, 2015; September 1, 2012;
Readopted Eff. March 1, 2019.

10A NCAC 09 .2830 MAINTAINING THE STAR RATING

(a) A representative of the Division may make announced or unannounced visits to facilities to assess on-going compliance with the requirements of a star rating after it has been issued. When the Division representative documents violations with the standards that determine a rating, the representative shall take one or more of the following actions:

- (1) advise the operator to submit written verification that the violations have been corrected;
- (2) return to the facility for an unannounced visit at a later date to determine if compliance has been achieved;
- (3) recommend an Environmental Rating Scale assessment be conducted;
- (4) recommend a complete reassessment of requirements of the star rating issued to the facility;
- (5) recommend that the star rating be reduced; or
- (6) recommend administrative action in accordance with G.S. 110, Article 7 and this Chapter.

(b) If changes unrelated to employment occur at a facility that result in the operator not complying with the standards in this Section for the star rating issued, the operator shall correct the noncompliance within 30 days. If the operator does not correct the noncompliance within 30 days, the operator shall notify the Division. Based upon the information obtained, the Division shall take any of the actions described in Paragraph (a) of this Rule.

(c) If employment-related changes occur at a facility that result in the operator not complying with the standards in the Section for the star rating issued, the operator shall correct the noncompliance within 120 days. If the operator does not correct the noncompliance within 120 days, the operator shall notify the Division. Based upon the information obtained, the Division shall take any of the actions described in Paragraph (a) of this Rule.

(d) A complete assessment of requirements for a rated license of two stars or higher shall be conducted at least once every three years. The Division shall provide for one evaluation of program standards using the environment rating scales referenced in Rule .2802(e), free of charge, once every three years when reassessing the ratings of operators with three to five points for program standards.

History Note: Authority G.S. 110-88(7); 110-90(4); 143B-168.3;
Eff. April 1, 1999;
Recodified from Rule .2809 Eff. May 1, 2006;
Recodified from Rule .2824 Eff. August 1, 2012;
Readopted Eff. March 1, 2019.

10A NCAC 09 .2831 HOW AN OPERATOR MAY REQUEST OR APPEAL A CHANGE IN RATING

- (a) An operator may request a change in the star rating by following the procedures in Rule .2802 of this Section.
- (b) After an initial three- through five-star rating is issued, the Division shall provide one evaluation of program standards using the environment rating scales referenced in Rule .2802(e) of this Section during each three year period thereafter at no cost to the operator. An operator may have extra rating scale assessments, as referenced in Rule .2802(e) of this Section, performed at his or her own expense in addition to the free one performed by the Division. The additional rating scale assessments shall be completed by individuals approved by the Division to perform them. Approval shall be based upon the individual's successful completion of training designated or authorized by the authors of the environment rating scales.
- (c) An operator may appeal the reduction of a star rating as provided in G.S. 110-94.

*History Note: Authority G.S. 110-88(7); 110-90(4); 143B-168.3;
Recodified from Rule .2810 Eff. May 1, 2006;
Amended Eff. May 1, 2006;
Recodified from Rule .2825 Eff. August 1, 2012;
Readopted Eff. March 1, 2019.*

SECTION .2900 - DEVELOPMENTAL DAY SERVICES

10A NCAC 09 .2901 SCOPE

- (a) The rules in this Section apply to all certified Developmental Day Centers, or to all child care centers requesting to be certified as a Developmental Day Center. A Developmental Day Center offers specialized developmental day services to children who:
- (1) are diagnosed with developmental delays or developmental disabilities; or
 - (2) have been identified with a diagnosed physical or mental condition that has a high probability of resulting in a developmental delay as defined in 10A NCAC 43G .0110(b).
- (b) The diagnosis or identification shall be completed by a licensed professional through a comprehensive clinical assessment. Developmental day services are designed to meet individualized needs of children in the following skill areas:
- (1) Self-help;
 - (2) Physical (gross/fine motor);
 - (3) Language and speech; and
 - (4) Cognitive and psychosocial skills.
- (c) A team of health and education professionals shall put together a plan of care in place for each child who is diagnosed with, or at risk for, a developmental delay, developmental disabilities, or atypical development. The goal is to assist exceptional children in preparing for on-going growth and learning in less restrictive, inclusive environments.
- (d) All rules in this Chapter apply except as provided in this Section.
- (e) Nothing in this Section precludes the enrollment of typically developing children in a Developmental Day Center.

*History Note: Authority G.S. 110-85; 110-88(14);
Eff. July 1, 2010;
Readopted Eff. October 1, 2017.*

10A NCAC 09 .2902 LICENSE

- (a) Developmental Day services shall be available for preschool children for a minimum of 8 hours per day, 5 days per week, Monday through Friday, and 12 months per year except in the following circumstances:
- (1) in counties where no Community-Based Developmental Day Center operates, a Developmental Day program operated by the Local Education Agency may provide services for the 10 month school year (as defined by the State Board of Education); or
 - (2) if a Community-Based Developmental Day center opens in a county where Developmental Day services are only provided by a Developmental Day program operated by the Local Education Agency, the Developmental Day program operated by the Local Education Agency shall continue to provide services for the 10 month school year until the end of the following school year. At the

end of the following school year, all Developmental Day services in the county shall be available as described in Paragraph (a) of this Rule.

- (b) For purposes of this Rule, a "Community-Based Developmental Day Center" means a Developmental Day Center not operated by the Local Education Agency.
- (c) Developmental Day Centers shall maintain a four or five star rated license with an average score of 5.0 on the appropriate environment rating scale in each classroom evaluated as defined in 10A NCAC 09 .0102(15), (25) and (40).
- (d) A child care center with a temporary license may receive certification status if all rules in this Section are met, except for Paragraph (c) of this Rule, and an application for a two to five star rated licensed has been submitted in accordance with Section .2800 of this Chapter. At the end of the temporary license period the child care center shall obtain a four or five star rated license as specified in Paragraph (c) of this Rule. Failure to receive and maintain a four or five star rated license shall result in the removal of certification status as a Developmental Day Center.
- (e) The child care center license shall indicate certification as a Developmental Day Center.
- (f) The center shall comply with the staff-child ratio and maximum group size as follows:

MAXIMUM AGE	RATIO STAFF/CHILDREN	GROUP SIZE
0-12 Months	1/4	8
1 to 2 Years	1/5	10
2 Years and Older	1/6	18

- (g) A minimum of two staff members shall be on site at all times while children are in attendance at the facility.
- (h) A child care center may appeal the removal of certification status in accordance with G.S. 110-94; however, an appeal shall not preclude a Local Education Agency from removing contracted children from the program before a final decision on the appeal is reached.

*History Note: Authority G.S. 110-85; 110-88(5); 110-88(10); 110-88(14);
Eff. July 1, 2010;
Amended Eff. August 1, 2016;
Readopted Eff. October 1, 2017.*

10A NCAC 09 .2903 STAFF QUALIFICATIONS

- (a) Each center serving children ages birth to three years shall have:
 - (1) one staff who holds a NC Birth-through-Kindergarten (B-K) Continuing or Initial License issued by the North Carolina Department of Public Instruction;
 - (2) a NC Initial or Continuing Professional License with a B-K or Preschool Add-on issued by the North Carolina Department of Public Instruction;
 - (3) a NC Lateral Entry B-K License issued by the North Carolina Department of Public Instruction;
 - (4) a NC Residency B-K License issued by the North Carolina Public Instruction; or
 - (5) a NC Emergency B-K License issued by the North Carolina Department of Public Instruction as determined by the Early Educator Support, (EES) Unit.

This staff shall provide program oversight and supervision for any caregivers in classrooms with children ages birth to three years.

- (b) In accordance with G.S. 115C-84.2(a)(1), during the 185 day school year as defined by the State Board of Education, each child aged three-years-old and older on or before the initial school entry date specified in G.S. 115C-364 (school entry date) shall be served in a classroom with at least one lead teacher who holds an Initial or Continuing Professional B-K License or a NC Professional Educator's License with a Provisional B-K or Preschool Add-on license issued from the Department of Public Instruction.
- (c) Children who turn three-years-old after the school entry date who are identified as a child with a disability as evidenced by an Individualized Education Program (IEP), shall be served in a classroom by a teacher who holds a NC Continuing B-K or Initial B-K License; or a NC Professional Educator's License with a Provisional B-K or Preschool Add-on License or NC Lateral Entry B-K License or a Residency B-K License.
- (d) Teachers who are required to hold a NC Initial or Continuing B-K License issued by the North Carolina Department of Public Instruction as specified in Paragraph (a) of this Rule shall be enrolled with the Early Educator Support Unit of the Division of Child Development and Early Education. The enrollment application may be found online at https://ncchildcare.ncdhhs.gov/Portals/0/documents/pdf/N/NCPre-K_EESLPD_Enrollment_Application_REV_JUL2019.pdf?ver=2019-08-16-135555-313.

- (e) For centers operating for 12 months as specified by Rule .2902(a) of this Section, during the two additional months of operation each group of preschool children shall have at least one lead teacher with a minimum of an A.A.S. degree in early childhood education or child development, or an A.A.S. degree in any major with 12 semester hours in early childhood education or child development.
- (f) For centers operating for 10 months as specified by Rule .2902(a) of this Section, during the 10-month school year, as defined by the State Board of Education, each group of school-age children shall have at least one teacher who holds State certification as a Special Education Teacher. For centers operating for 12 months as specified by Rule .2902(a) of this Section, during the two additional months of operation each group of school-age children shall have at least one teacher who has completed at least two semester hours of school-age care related coursework and has completed or is enrolled in at least two additional semester hours of school-age related coursework.
- (g) Center administrators shall have a Level III North Carolina Early Childhood Administration Credential and two years of work experience with children with developmental delays or disabilities.

History Note: Authority G.S. 110-85; 110-88(5); 110-88(14);
 Eff. July 1, 2010;
 Amended Eff. August 1, 2016; March 1, 2014;
 Readopted Eff. October 1, 2017;
 Amended Eff. February 1, 2021.

10A NCAC 09 .2904 PROGRAM REQUIREMENTS

- (a) Children shall participate in daily activities outlined in a plan of care such as an Individualized Family Service Plan (IFSP), Individualized Education Program (IEP), Person Centered Plan (PCP), or for children who are typically developing, an activity plan developed by the center. Activities shall allow children to participate in whole group, as part of a group, or independently.
- (b) In addition to the restrictions specified in 10A NCAC 09 .0713 regarding ages and grouping of children, preschool children aged three and older shall not be grouped with school aged children except for special events or activities such as birthday, holiday, or cultural celebrations and special presentations such as puppet or magic shows, a special story teller, or a discussion of safety practices by a fireman or nurse. Children aged birth to five years may be cared for in groups with older children for the first and last operating hour of the day provided the staff/child ratio for the youngest child in the group is maintained.
- (c) In addition to operational policies required by 10A NCAC 09 .0514(a), Developmental Day Center policies shall also include a description of the ways that children with special needs have opportunities for inclusion with children who are typically developing.

History Note: Authority G.S. 110-85; 110-88(14);
 Eff. July 1, 2010;
 Amended Eff. July 1, 2012;
 Readopted Eff. October 1, 2017;
 Amended Eff. September 1, 2019.

10A NCAC 09 .2905 FAMILY SERVICES

The center shall facilitate family involvement as evidenced by meeting at least four of the following six activities:

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

History Note: Authority G.S. 110-85; 110-88(14);
 Eff. July 1, 2010;
 Readopted Eff. October 1, 2017.

SECTION .3000 NC PRE-KINDERGARTEN SERVICES

10A NCAC 09 .3001 SCOPE

The Rules in this Section apply to all licensed programs that serve children in the North Carolina Pre-Kindergarten (NC Pre-K) Program. The NC Pre-Kindergarten Program Rules in G.S. 110, Article 7 and this Chapter shall apply except as provided in this Section. The NC Pre-K Program is intended to provide high-quality educational experiences to enhance school readiness for at-risk-four-year olds.

History Note: Authority G.S. 110-85; 110-88; S.L. 2011-145, s. 10.7(a)-(f);
Eff. November 1, 2012;
Readopted Eff. October 1, 2017.

10A NCAC 09 .3002 FACILITY REQUIREMENTS

- (a) Programs serving NC Pre-K children shall maintain a four-or five-star rated license in accordance with G.S. 110-90(4) and Section .2800 of this Chapter.
- (b) All NC Pre-K licensed programs shall have an assessment completed every three years using the Early Childhood Environment Rating Scale-Revised Edition assessment tool as a part of the rated license reassessment process as defined in Rule .0102(15), (25) and (40) of this Chapter. Classrooms that score below 5.0, shall be reassessed the following year and a minimum score of 5.0 must be achieved in order to continue to be approved as a NC Pre-K site. At least one NC Pre-K classroom shall be selected for an assessment during the reassessment process.
- (c) During the NC Pre-K day, classrooms serving NC Pre-K children shall provide outdoor time, either as part of a small group, whole group, or individual activity, for no less than 45 minutes per day when weather conditions permit as defined in Rule .0102 of this Chapter.

History Note: Authority G.S. 110-85; 110-88; S.L. 2011-145, s. 10.7(a);
Eff. November 1, 2012;
Readopted Eff. October 1, 2017.

10A NCAC 09 .3003 PROGRAM ATTENDANCE POLICY

When a child is absent for more than three consecutive days, the site-level administrator shall contact the child's parent to discuss the absences and determine whether the parent wishes the child to remain in the NC Pre-K Program. The site-level administrator shall document each attempt to contact the family and include decisions the child's parent makes regarding the child's continued participation in the program. The site-level administrator shall contact the local NC Pre-K contractor to share information related to the child's absence and to collaboratively determine what further actions may be necessary to maintain the child's attendance in the program. The site-level administrator shall not terminate a child's participation in the NC Pre-K program before determining if barriers to the child's attendance exist and can be remedied through assistance such as access to transportation or additional educational activities in the case of a child's illness or disability.

History Note: Authority G.S. 110-85; 110-88; S.L. 2011-145, s. 10.7(a);
Eff. November 1, 2012;
Readopted Eff. October 1, 2017.

10A NCAC 09 .3005 CHILD HEALTH ASSESSMENTS

(a) A health assessment shall be on file at the NC Pre-K site within 30 days after a child enters the NC Pre-K program and the assessment may be no more than 12 months old at the time of program entry. The health assessment shall include the following:

- (1) physical examination;
- (2) updated immunizations;
- (3) vision screening;
- (4) hearing screening; and
- (5) dental screening.

(b) Site-level administrators shall review all health assessment results at the time of the child's entry into the program to determine whether the assessment includes specific instructions for identified health needs that may require physical or occupational or other therapies to support the child's development and learning goals.

History Note: Authority G.S. 110-85; 110-88; S.L. 2011-145, s. 10.7(a);
Eff. November 1, 2012;
Readopted Eff. October 1, 2017.

10A NCAC 09 .3006 DEVELOPMENTAL SCREENING

(a) All children enrolled in the NC Pre-K program shall receive a screening assessing the development of each child, across all domains, to ensure the child is growing and developing according to developmental milestones, unless the child has an existing Individualized Education Program (IEP). The developmental screening shall be conducted by a health care, community or school professional trained in administering the screening tool. Children shall be screened within 90 days after the first day of attendance in the program or within six months prior to the first day of attendance. The screenings shall be used for the purpose of identifying children to be referred for further evaluation and testing based on concerns in one or more developmental domains.

(b) Site-level administrators shall review all developmental screening results and shall share results with families when results indicate a need for further evaluation of the child in one of the domains of development: health and physical, emotional and social, cognitive, language/communication and approaches to play and learning. The site-level administrator will work with the family to contact the local school system's Exceptional Children Program or other qualified resources to determine if a child is eligible for special education, related services or other supports for modifications in the classroom.

History Note: Authority G.S. 110-85; 110-88; S.L. 2011-145, s. 10.7(a);
Eff. November 1, 2012;
Readopted Eff. October 1, 2017.

10A NCAC 09 .3007 EARLY LEARNING STANDARDS AND CURRICULA

(a) NC Pre-K programs shall use North Carolina's Early Learning and Development Standards (and subsequent editions), as developed by a group of state and national early childhood experts. The Early Learning and Development Standards can be found on the Division of Child Development and Early Education's website at http://ncchildcare.dhhs.state.nc.us/providers/pv_foundations.asp.

(b) Each NC Pre-K classroom shall use a curriculum as defined in 10A NCAC 09 .0102.

History Note: Authority G.S. 110-85; 110-88; S.L. 2011-145, s. 10.7(a);
Eff. January 1, 2013;
Readopted Eff. October 1, 2017.

10A NCAC 09 .3008 FORMATIVE ASSESSMENTS

Classroom staff shall be required to conduct on-going formative assessments to gather information about each child's growth and skill development, and how each child processes information and solves problems during the learning process. Classroom staff shall use this information to plan and deliver instruction, and review each child's progress with his or her family, based on each child's development and learning needs. All formative assessments used by the NC Pre-K Program must be approved by the NC Child Care Commission.

History Note: Authority G.S. 110-85; 110-88; S.L. 2011-145, s. 10.7(a),(b);
Eff. March 1, 2013;
Readopted Eff. October 1, 2017.

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

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

History Note: Authority G.S. 110-85; 110-88; S.L. 2011-145, s. 10.7(a);
Eff. November 1, 2012;
Readopted Eff. October 1, 2017.

10A NCAC 09 .3010 FAMILY ENGAGEMENT

NC Pre-K programs shall develop a plan for family engagement consisting of strategies designed to develop partnerships with families that promote shared decision-making opportunities. These opportunities include:

- (1) Allowing Pre-K program teachers the opportunity for home visits;
- (2) Formal and informal parent/teacher conferences;
- (3) Classroom visits and options for parents and families to participate in classroom activities;
- (4) Parent education;
- (5) Allowing family members the opportunity for involvement in decision making about their own child and about their child's early childhood program; and
- (6) Opportunities to engage families outside of the regular school day.

History Note: Authority G.S. 110-85; 110-88; S.L. 2011-145, s. 10.7(a);
Eff. November 1, 2012;
Readopted Eff. October 1, 2017.

10A NCAC 09 .3011 NC PRE-K SITE-LEVEL ADMINISTRATOR QUALIFICATIONS

(a) Administrators of NC Pre-K sites shall have:

- (1) A NC Principal's License, or
- (2) A North Carolina Early Childhood Administrator Credential (NCECAC) Level III, or
- (3) hold a Bachelor's Degree in any field with 18 semester hours in early childhood education and child development, and complete six semester hours in child care administration or nine semester hours in business administration or a combination of child care administration and business administration.
- (4) If the site-level administrator does not meet Subparagraphs (a)(1), (2), or (3) of this Rule, the following shall apply:
 - (A) provisional approval shall be given for four years from the time the site began participation with the NC Pre-K program for the administrator to attain a NC Principal's License, or a NCECAC III, or complete a Bachelor's Degree in any field with 18 semester hours in early childhood education and child development, and complete six semester hours in child care administration or nine semester hours in business administration or a combination of child care administration and business administration; and
 - (B) progress toward this requirement shall be considered a minimum of six documented semester hours per year in early childhood education, child development, child care administration and business administration course work.

(b) When the site administrator is unable to work due to illness, other health related conditions, disability, death, or natural or man-made disasters, the interim site-level administrator shall be employed not to exceed 12 weeks and have the following:

- (1) NCECAC I Credential; or
- (2) the equivalent as follows:
 - (A) NC Early Childhood Credential plus three years of experience as a director, co-director, or assistant director; and
 - (B) Early Childhood Administration I (EDU 261) and Early Childhood Administration II (EDU 262); or
 - (C) six semester hours of child care administration coursework; or
 - (D) nine semester hours of business administration coursework; or
 - (E) a combination of Parts (2)(B), (C), or (D) of this Paragraph that equals nine semester hours.
- (3) NC Principal's License.

(c) In determining whether to approve an extension request, the Division shall consider the following:

- (1) the number of children and families who may lose services if the classroom is not approved for the extension;
- (2) the effect upon children and families if children are relocated to another Pre-K site;
- (3) documentation of the Pre-K program's efforts to secure a permanent site-level administrator for the vacancy;
- (4) availability of funding sources other than Pre-K funds to support affected children;
- (5) reasons for the vacancy, including:

- (A) maternity leave;
 - (B) death, disability, or illness; and
 - (C) natural or man-made disasters.
- (d) Administrators of NC Pre-K sites shall not serve as the NC Pre-K teacher or teacher assistant.

History Note: Authority G.S. 110-85; 110-88; S.L. 2011-145, s. 10.7(a);
 Eff. November 1, 2012;
 Readopted Eff. October 1, 2017.

10A NCAC 09 .3012 NC PRE-K TEACHER EDUCATION, LICENSURE AND CREDENTIALS

(a) All teachers shall hold, or be eligible to hold a North Carolina (NC) Birth through Kindergarten (B-K) Initial or Continuing License or a NC Professional Educator's Initial or Continuing License with a B-K or Preschool Add-on License issued by the North Carolina Department of Public Instruction. Teachers working toward the required education and license shall meet one of the following requirements:

- (1) a NC B-K Initial License;
- (2) a NC Lateral Entry B-K License;
- (3) a NC Residency B-K License;
- (4) a NC Emergency B-K License as determined by the Early Educator Support (EES) Unit;
- (5) a NC Professional Educator's License with a Provisional B-K or Preschool Add-On;
- (6) another state's license; or
- (7) a BA/BS degree and be eligible for a NC Residency B-K License.

(b) Pre-K teachers with a NC Lateral Entry B-K License as specified in Subparagraph (a)(2) of this Rule shall make progress toward the NC Professional Educator's B-K Continuing License by:

- (1) obtaining and following an official Lateral Entry B-K Plan of Study issued by an accredited college or university with a North Carolina Department of Public Instruction approved B-K Teacher Education Program;
- (2) submitting to the Division, college or university transcripts verifying the completion of a minimum of six semester credit hours per school year in accordance with Subparagraph (1) of this Paragraph;
- (3) completing the three-year North Carolina State Board of Education Beginning Teacher Support Program in accordance with G.S. 115C-300.1 and North Carolina State Board of Education Policy LICN-004; TCED-0016; and
- (4) achieving the NC B-K Initial or Continuing Professional License issued by the North Carolina Department of Public Instruction within three years.

(c) Pre-K teachers with a NC Residency B-K License as specified in Subparagraph (a)(3) of this Rule shall make progress toward the NC B-K Initial or Continuing Professional License by:

- (1) obtaining and following an official Residency B-K Plan of Study issued by an approved North Carolina Department of Public Instruction (NCDPI) Educator Preparation Program (EPP) based on:
 - (A) submission of all college transcripts to the EPP;
 - (B) overall GPA of 2.7 or higher on the undergraduate degree or as determined by the EPP; and
 - (C) employment as a Lead Teacher in a non-public NC Pre-K or Developmental Day Preschool classroom;
- (2) submitting to the Division, college or university transcripts verifying the completion of a minimum of six semester credit hours per school year in accordance with Subparagraph (1) of this Paragraph;
- (3) meet the Division's and EPP's requirements to renew the Residency B-K License no more than two times within a three-year period; and
- (4) achieving the NC B-K Initial or Continuing License issued by the North Carolina Department of Public Instruction within three years.

(d) Pre-K teachers with a NC Emergency License shall make progress toward the Residency B-K License by:

- (1) obtaining and following an official Plan of Study prepared by an EPP. This official Plan of Study must specify how to qualify for a Residency B-K License during the upcoming school year.

- (2) submitting to the Division, college or university transcripts verifying the completion of a minimum of six semester credit hours or less per school year in accordance with Subparagraph (1) of this Paragraph; and
 - (3) holding an Emergency License does not guarantee conversion to a Residency B-K License the following school year.
- (e) Pre-K teachers with a NC Professional Educator's License with a Provisional B-K or [Preschool] Add-on shall make progress towards clearing the Licensure Add-On provisions by:
- (1) obtaining and following a Plan of Study issued by an accredited college or university with a North Carolina Department of Public Instruction approved B-K or Preschool Add-On Teacher Education Program;
 - (2) submitting to the Division college or university transcripts verifying the completion of a minimum of six semester credit hours per year in accordance with Subparagraph (1) of this Paragraph;
 - (3) completing the three-year North Carolina State Board of Education Beginning Teacher Support Program in accordance with G.S. 115C-300.1 and North Carolina State Board of Education Policy TCED-0016; and
 - (4) completing all coursework required as prescribed by the official BK Add-On or Licensure Only Plan of Study within five years from the initial effective date of the BK provisional licensure area established by North Carolina Department of Public Instruction.
- (f) Teachers not meeting the annual minimum semester hours as set forth in Subparagraphs (b)(1), (c)(1) and (d)(1) of this Rule shall submit a written request to the Division of Child Development and Early Education Early Educator Support Unit requesting an extension to complete the requirement. Teachers shall submit a written request to the Division of Child Development and Early Education Early Educator Support Unit. The written request shall include the reason for not meeting the provisions of this Rule, a list of the required coursework and semesters hours to be completed as prescribed by the Plan of Study, a timeline for completing the required semester hours, and documentation supporting course enrollment and expected completion dates.
- (g) In determining whether to approve less than the annual minimum required semester hours, the Division shall consider reasons, including:
- (1) parental or family leave;
 - (2) death, disability, or illness; and
 - (3) natural or man-made disasters.
- (h) Teachers shall maintain the B-K or Pre-K/K Add-on Continuing License in accordance with G.S. 115C-296(b)(1)b.4. 115C-296 (II). and NC State Board of Education Policy LICN-005. These policies can be found at <https://simbli.eboardsolutions.com/ePolicy/policy.aspx?PC=LICN-005&Sch=10399&S=10399&C=LICN&RevNo=1.03&T=A&Z=P&St=ADOPTED&PG=6&SN=true>.
- (i) Teachers with expired B-K Continuing licenses shall meet the provisions set forth in G.S. 115C-296(II). which can be found at <https://simbli.eboardsolutions.com/ePolicy/policy.aspx?PC=LICN-005&Sch=10399&S=10399&C=LICN&RevNo=1.03&T=A&Z=P&St=ADOPTED&PG=6&SN=true> and North Carolina State Board of Education Policy LICN-005. These policies can be found at <https://simbli.eboardsolutions.com/ePolicy/policy.aspx?PC=LICN-005&Sch=10399&S=10399&C=LICN&RevNo=1.03&T=A&Z=P&St=ADOPTED&PG=6&SN=true>.
- (j) The site-level administrator shall maintain documentation available for review by the Division, of the progress toward the requirements as specified in this Rule.
- (k) All NC Pre-K lead teachers employed by nonpublic schools must be enrolled with the Early Educator Support Unit of the Division of Child Development and Early Education. The enrollment application may be found online at https://ncchildcare.ncdhhs.gov/Portals/0/documents/pdf/N/NCPre-K_EESLPD_Enrollment_Application_REV_JUL2019.pdf?ver=2019-08-16-135555-313.

History Note: Authority G.S. 110-85; 110-88; S.L. 2011-145, s. 10.7(a);
 Eff. November 1, 2012;
 Readopted Eff. October 1, 2017;
 Amended Eff. February 1, 2021.

10A NCAC 09 .3013 NC PRE-K TEACHER ASSISTANT EDUCATION AND CREDENTIALS

- (a) All teacher assistants shall have a high school diploma or its equivalent and shall either:
- (1) hold a Child Development Associate (CDA) credential; or

- (2) hold or be working toward an Associate Degree or higher in birth-through-kindergarten, child development, early childhood education, or an early childhood education related field. Teacher assistants working toward the Associate Degree shall make progress by completing a minimum of six semester hours per year.
- (b) All teacher assistants shall complete a minimum of 15 hours of annual in-service professional development. A combination of college coursework, Continuing Education Units (CEUs), or clock hours may be used to complete the requirements of this Rule.
- (c) The site-level administrator shall document the progress of any teacher assistants who are working toward the required education. This documentation must be maintained in the individual's staff record available for review by the Division.

History Note: Authority G.S. 110-85; 110-88; S.L. 2011-145, s. 10.7(a);
 Eff. November 1, 2012;
 Readopted Eff. October 1, 2017;
 Amended Eff. April 1, 2022.

10A NCAC 09 .3014 NC PRE-K SUBSTITUTE STAFF

(a) When a member of the NC Pre-K teaching staff is unable to work, due to illness, other health related conditions, disability, death or natural or man-made disasters, a substitute staff person shall be provided to maintain the staff-to-child ratio as specified in Rule .3009 of this Section and shall be able to implement the curriculum and formative assessments in accordance with Rules .3007 and .3008 of this Section. Substitute staff shall be at least 18 years of age and meet the following minimum qualifications:

- (1) When teachers are absent from the Pre-K classroom for 15 or fewer days, substitute staff shall meet one of the following:
 - (A) Nonpublic Schools (Private Child Care/Pre-K Settings): Substitutes in private settings shall have a high school diploma or a GED, and completed one course in early childhood education or child development, such as the North Carolina Early Childhood Credential; or
 - (B) Public School Settings: Substitutes shall meet the requirements of the substitute policy consistent with the local education agency (LEA).
- (2) when teachers are absent from the Pre-K classroom for 16 or more attendance days, substitute staff hold an Associate Degree in birth-through-kindergarten, child development, early childhood education or an early childhood education related field.

(b) Substitutes for teacher assistants shall be at least 18 years of age and have a high school diploma or a GED.

(c) Substitute staff shall not exceed 12 weeks without approval from the Division of Child Development and Early Education NC Pre-K Unit. Upon written request of the NC Pre-K Contract Administrator, the Division may grant an extension of the 12-week vacancy. The request shall include why an extension beyond 12 weeks is needed and a timeline for employing a permanent teacher or assistant teacher. In determining whether to approve substitute staff to work beyond 12 weeks, the Division shall consider the following:

- (1) the number of children and families who may lose services if the classroom is not approved for the extension;
- (2) the effect upon children and families if children are relocated to another Pre-K site;
- (3) documentation of the Pre-K program's efforts to secure a permanent teacher for the vacancy;
- (4) availability of funding sources other than Pre-K funds to support affected children;
- (5) reasons for the vacancy, including:
 - (A) maternity leave;
 - (B) death, disability, or illness; and
 - (C) natural or man-made disasters.

History Note: Authority G.S. 110-85; 110-88; S.L. 2011-145, s. 10.7(a);
 Eff. November 1, 2012;
 Readopted Eff. October 1, 2017.

10A NCAC 09 .3015 NC PRE-K TEACHER AND TEACHER ASSISTANT STANDARDS

NC Pre-K teachers and teacher assistants shall provide child-directed and teacher-directed instructional day-to-day learning activities for children enrolled in the NC Pre-K program for at least 32.5-hours a week. In addition to these

day-to-day instructional experiences, the Pre-K program shall provide adequate additional time for the teacher and teacher assistant staff for planning, scheduling and conducting home visits, meeting with children's families, or attending required professional development activities as set forth in Rule .3016 of this Section. These related activities shall take place outside of the 32.5-hour work week of direct teacher-child contact.

*History Note: Authority G.S. 110-85; 110-88; S.L. 2011-145, s. 10.7(a);
Eff. November 1, 2012;
Readopted Eff. October 1, 2017.*

10A NCAC 09 .3016 PROFESSIONAL DEVELOPMENT REQUIREMENTS

North Carolina licensed administrators, teachers, and teacher assistants employed by public and nonpublic schools shall participate in professional development consistent with the level of education and type of educator licensure required for employment in accordance with 10A NCAC 09 .3011, .3012, and .3013. The policy can be found on the North Carolina Department of Public Instruction's website at <http://www.ncpublicschools.org/profdev/>.

*History Note: Authority G.S. 110-85; 110-88; S.L. 2011-145, s. 10.7(a);
Eff. November 1, 2012;
Readopted Eff. October 1, 2017.*

10A NCAC 09 .3017 CHILDREN WITH UNIQUE NEEDS AND CHALLENGING BEHAVIORS

(a) For purposes of this Rule, "challenging behavior" shall mean any repeated pattern of behavior, or perception of behavior, that interferes with or is at risk of interfering with optimal learning or engagement in pro-social interactions with peers and adults that interferes with children's learning, development, and success at play, is harmful to the child, other children, or adults, that put a child at high risk for later social problems or school failure (<http://challengingbehavior.fmhi.usf.edu/explore/glossary.htm>).

(b) When a child demonstrates challenging behaviors that prevent his or her progress in any developmental domain as referenced in the "North Carolina Foundations for Early Learning and Development" impeding the child's access to and participation in the assigned NC Pre-K classroom learning activities, the following shall apply:

- (1) The Site Administrator shall notify the NC Pre-K Contract Administrator and the local school system's Preschool Exceptional Children Program for assistance if a child's cognitive, language and communication, emotional, social, health and physical needs exceed the program's capacity to address as indicated by one or more of the following:
 - (A) developmental needs assessments;
 - (B) home visits;
 - (C) consultations with the family members;
 - (D) daily recorded classroom teacher observations; and
 - (E) modified instructional plans and differentiated lessons based on the child's individual goals.
- (2) The NC Pre-K Contract Administrator, Site Administrator, teacher, and family members in consultation with the school system's Preschool Exceptional Children Program and other available community and state resources, such as Birth-through-Kindergarten licensed mentors, evaluators, Healthy Social Behavioral specialists, child care health consultants, mental health specialists, social workers, and other local child developmental experts, shall develop a coordinated support plan to support the NC Pre-K child's placement and participation in the NC Pre-K Program.
- (3) The Division of Child Development and Early Education shall be notified when support plans recommended by the local school system's Exceptional Children Program require an alternative placement and support services for a child.
- (4) A site administrator shall not suspend or expel a child from a NC Pre-K Program until the site administrator has completed the requirements of Subparagraphs (1), (2), and (3) of this Paragraph.
- (5) Unless the operator determines the child poses a risk of harm to himself or herself or others, and has completed the requirements of Subparagraphs (1), (2), and (3) of this Paragraph, no child shall receive less than the 6.5-hour NC Pre-K day. Risk of harm to oneself or others includes:
 - (A) physical aggression such as hitting, kicking, punching, spitting, throwing objects pinching, pushing, and biting;
 - (B) destroying property;

- (C) tantrum behaviors that might include behaviors such as kicking, screaming, pushing an object or person, stomping feet, or head banging;
- (D) verbal aggression including yelling, threats, and screaming;
- (E) persistent or prolonged crying that is loud or disruptive or crying that interferes with the child's engagement in activities; and
- (F) touching other children's private areas, and removing clothing from themselves or others.

History Note: Authority G.S. 110-85; 110-88; S.L. 2011-145, s. 10.7(a);
Eff. October 1, 2017.

SECTION .3100 – CARE FOR SCHOOL-AGE CHILDREN DURING STATE OF EMERGENCY

10A NCAC 09 .3101 SCOPE

The rules in this Section apply to care for school-age children, as defined by 10A NCAC 09 .0102(42), during the declared State of Emergency to coordinate the State's response and protective actions to address the Coronavirus Disease 2019 (COVID-19) public health emergency and to provide for the health, safety, and welfare of residents and visitors located in North Carolina ("Declaration of a State of Emergency") and any subsequent declared State of Emergency arising out of or related to the COVID-19 public health emergency. All rules in Section .2500 of this Chapter shall apply, except as provided in this Section.

History Note: Authority G.S. 110-85; 110-88; 110-91;
Emergency Adoption Eff. August 13, 2020;
Temporary Adoption Eff. October 23, 2020;
Eff. October 1, 2021.

10A NCAC 09 .3102 DEFINITIONS

The terms and phrases used in this Section are defined as follows:

- (1) "Public schools" means:
 - (a) any building that is approved for school occupancy and that houses school-age children as part of the public school system during the school year; or
 - (b) a remote learning facility.
- (2) "Remote learning facility" means any building that is used by a public school system, pursuant to a contractual arrangement, to house school-age children enrolled in that public school system during the school year for the purpose of facilitating online or remote learning programs, and that follows any and all guidance or considerations offered by the Centers for Disease Control and Prevention related to mitigation strategies, the protection of students, teachers, and staff, or slowing the spread of COVID-19 in K-12 schools. The guidance and considerations are hereby incorporated by reference, including subsequent amendments and editions, and may be accessed at <https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/schools.html> at no cost.
- (3) "Contractual arrangement" means a written agreement wherein the public school unit, as defined in G.S. 115C-5(7a), agrees as follows:
 - (a) to be responsible for the enrollment and attendance of school-age children at a remote learning facility; and
 - (b) that it shall be liable for any incidents or occurrences at the remote learning facility in the same way it would be liable if the school-age child(ren) were in a building that is approved for school occupancy and that houses any part of the public school system. This provision shall not prohibit the public school unit from obtaining liability insurance or from contracting with the remote learning facility regarding indemnification or other terms regarding the apportionment of liability between themselves for incidents or occurrences.

History Note: Authority G.S. 110-85; 110-86; 110-88; 110-91;
Emergency Adoption Eff. August 13, 2020;
Temporary Adoption Eff. October 23, 2020;
Eff. October 1, 2021.

10A NCAC 09 .3103 PUBLIC SCHOOLS

Pursuant to G.S. 110-86(2)(e), public schools are not child care and are, therefore, exempt from licensure. Notwithstanding any other provision of this Section, all NC Pre-K programs, as defined in Section .3000 of this Chapter, and Developmental Day Services, as defined in Section .2900 of this Chapter, and any program or arrangement housed in a public school that is not operated by the public school unit and provides care to three or more infants, toddlers, or preschoolers on a regular basis of at least once per week for more than four hours from persons other than their guardians or full-time custodians or from persons not related to them by birth, marriage, or adoption are child care as defined in G.S. 110-86(2) and requires a child care license.

*History Note: Authority G.S. 110-85; 110-86; 110-88; 110-91;
Emergency Adoption Eff. August 13, 2020;
Temporary Adoption Eff. October 23, 2020;
Eff. October 1, 2021.*

10A NCAC 09 .3104 ADDING SPACE AT LICENSED CENTERS FOR CARE OF SCHOOL-AGE CHILDREN

If an operator of a licensed child care center wishes to use additional space not previously approved for child care, regardless of location, to care for school-age children during the Declaration of a State of Emergency, the operator shall notify the Division of the desired change pursuant to 10A NCAC 09 .0204, but shall have six months to obtain any required inspections of the additional space by the local health, building, and fire inspections in accordance with G.S. 110-91(1), (4), and (5). If all other standards set forth in G.S. 110-91 and this Chapter are met, the operator may provide care to school-age children in the additional space and the Division shall document the same in a manner that will notify parents and the public of the change. Once the operator provides documentation that the additional space conforms to all applicable sanitation, building, and fire standards, and if all applicable requirements of G.S. 110, Article 7 and this Chapter are met, the Division shall issue a new license pursuant to 10A NCAC 09 .0204. If a health, building, or fire inspection reveals that the additional space does not conform to the required standards, the Division may issue a provisional license as set forth in 10A NCAC 09 .2204. Any space that the operator desires to use as additional space for care of school-age children that is not located within the currently licensed facility shall not be required to meet the outdoor space and fencing requirements of G.S. 110-91(6). If there is no outdoor space at the additional space to be used for care of school-age children that is not located within the currently licensed facility, operators shall not be required to meet the requirements of 10A NCAC 09 .0508(c). Notwithstanding any other provision in this Section, operators shall provide indoor space for daily gross motor activities when outdoor space is not available.

*History Note: Authority G.S. 110-85; 110-88; 110-91;
Emergency Adoption Eff. August 13, 2020;
Temporary Adoption Eff. October 23, 2020;
Eff. October 1, 2021.*

SECTION .2500 – SCHOOL-AGE CHILD CARE PROGRAM REQUIREMENTS

10A NCAC 09 .2501 DEFINITIONS

- (a) "Basic School-Age Care (BSAC) training" means training on the elements of quality afterschool care for school-age children, developed by the North Carolina State University Department of 4-H Youth Development and updated by the North Carolina School-Age Quality Improvement Project.
- (b) "Curriculum" means a curriculum approved by the NC Child Care Commission as comprehensive, evidence-based, and including a reading component.
- (c) "Developmentally appropriate" means suitable to the chronological age range and developmental characteristics of school-age children.
- (d) "Division" means the Division of Child Development and Early Education within the Department of Health and Human Services.
- (e) "Experience working with school-age children" means working with school-age children as a child care administrator, program coordinator, group leader, assistant group leader, lead teacher, teacher or aide.
- (f) "If weather conditions permit" means:
 - 1. temperatures that fall within the guidelines developed by the Iowa Department of Public Health and specified on the Child Care Weather Watch chart. These guidelines shall be used when determining appropriate weather conditions for taking children outside for outdoor learning activities and playtime. This chart may be downloaded free of charge from <http://idph.iowa.gov/Portals/1/Files/HCCI/weatherwatch.pdf>; and is incorporated by reference and includes subsequent editions and amendments;
 - 2. following the air quality standards as set out in 15A NCAC 18A .2832(d). The Air Quality Color Guide can be found on the Division's web site at <https://www.deq.nc.gov/mitigation-services/publicfolder/library/news/brochures/air-quality-color-guide/download>; and
 - 3. no active precipitation. Caregivers may choose to go outdoors when there is active precipitation if children have appropriate clothing such as rain boots and rain coats, or if they are under a covered area.
- (g) "Lead Teacher" means an individual who is responsible for planning and implementing the daily program of activities for a group of school-age children. A lead teacher is counted in staff/child ratio, has unsupervised contact with children, and is monetarily compensated by the facility.
- (h) "Licensee" means the person or entity that is granted permission by the State of North Carolina to operate a child care facility. The owner or operator of a facility is the licensee.

- (i) "Lockdown drill" means an emergency safety procedure in which occupants of the facility remain in a locked indoor space and is used when emergency personnel or law enforcement determine a dangerous person is in the vicinity.
- (j) "Operator" means the owner, director, or other person having responsibility for operation of a child care facility subject to licensing.
- (k) "Owner" means any person with a five percent or greater equity interest in a child care facility; however, stockholders of corporations who own child care facilities shall not be subject to mandatory criminal history checks pursuant to G.S. 110-90.2 unless they are a child care provider.
- (l) "Parent" means a child's parent, legal guardian, or full-time custodian.
- (m) "Passageway" means a hall or corridor.
- (n) "Person" means any individual, trust, estate, partnership, corporation, joint stock company, consortium, or any other group, entity, organization, or association.
- (o) "Premises" means the entire child care building and grounds including natural areas, outbuildings, dwellings, vehicles, parking lots, driveways and other structures located on the property.
- (p) "School-age child" means any child attending or who has attended public or private grade school or kindergarten and meets age requirements as specified in G.S. 115C-364.
- (q) "School-age child care program" means a child care program providing care for school-age children before or after school hours, or during periods when school is not in session, operated by a public or private organization.
- (r) "Staff" or "staff member" as used in this Chapter includes child care providers, substitute providers, and uncompensated providers. Volunteers, as defined in this Rule, are not staff members.
- (s) "Substitute provider" means any person who temporarily assumes the duties of a staff person for a time period not to exceed two consecutive months and may or may not be monetarily compensated by the facility. Any substitute provider must be at least 18 years of age and literate.
- (t) "Teacher" means an individual who assists the Lead Teacher in planning and implementing the daily program of activities for a group of children. A teacher is counted in staff/child ratio, has unsupervised contact with children, and is monetarily compensated by the facility.
- (u) "Teacher's aide" or "Aide" means a person who assists the lead teacher or the teacher in planning and implementing the daily program. A teacher's aide shall be at least 16 years old and less than 18 years old, shall be literate, and may count in staff/child ratio as long as there is also a credentialed staff person who is at least 18 years of age present in the room and available to respond to the needs of the teacher's aide and children in care.
- (v) "Track-Out Program" means any child care provided to school-age children when they are out of school on a year-round school calendar.

- (w) "Uncompensated provider" means a person who works in a child care facility and is counted in staff/child ratio or has unsupervised contact with children, but who is not monetarily compensated by the facility. Any uncompensated provider must be at least 16 years of age and literate.
- (x) "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. A person who is at least 13 years of age, but less than 16 years of age, may work on a volunteer basis, as long as he or she is supervised by and works with a staff person who is at least 18 years of age and meets staff qualification requirements.

10A NCAC 09 .2502 FACILITIES

- (a) Any building and grounds which are currently approved for school occupancy and which house a public or private elementary or middle school shall be deemed to have met the space and equipment, sanitation, fire, and building code requirements for a licensed child care facility when the building and grounds are serving the same, or a subset of the same, school-age children in an out-of-school child care program.
- (b) When a licensed child care provider operates within a public or private school building, the provider is not required to submit a floor plan sketch showing ceiling heights, bathroom locations, or required exits as part of the child care licensure application, provided that the building is already approved for educational use and maintains a valid certificate of occupancy for its intended purpose.

10A NCAC 09 .2503 ADMINISTRATION

- (a) Each program shall have a child care administrator responsible for administrative duties, including off-site supervision for programs operating within school buildings.
- (b) Operational policies must include hours, fees, enrollment, and communication plans provided to parents.
- (c) Personnel policies shall include staff qualifications, job descriptions, health, training requirements, evaluations, and resignation or termination processes.
- (d) Programs shall maintain written Emergency Preparedness and Response Plans addressing evacuation, transportation, reunification processes, and accommodations for children with special needs.
- (e) Compliance documentation shall be maintained annually using standardized forms.
- (f) Licensing procedures including application submission, required approvals (Fire Department, Health Department, Zoning), building and facility diagrams, boiler inspection, and verification of child care liability insurance must be clearly documented and maintained.

(g) Programs must cooperate fully with routine and unscheduled inspections by the Division to determine compliance and document corrective actions for any violations.

10A NCAC 09 .2504 STAFF QUALIFICATIONS

(a) Lead Teachers must be 18 years or older with a high school diploma or equivalent, and meet one of the following:

- One year relevant experience;
- Completion of two-year high school program in Early Childhood Education or North Carolina School Age Credential;
- Twenty hours of child development training, including BSAC, within six months of employment.

(b) Aides must be at least 16 years old, literate, and supervised by credentialed staff aged 21 or older.

(c) All staff must complete BSAC training within three months of employment.

(d) Staff training records and qualifications must be documented and maintained.

(e) Criminal background checks and child maltreatment central registry checks are mandatory for all staff, volunteers, and administrators, and must be updated regularly.

10A NCAC 09 .2505 HEALTH STANDARDS FOR STAFF

(a) Health and emergency information shall be obtained for staff members as specified in the chart below:

Required for:	Item Requirements:	Due Date:
All staff, including the director and individuals who volunteer more than once per week.	Tuberculin (TB) Test or Screening The results indicating the individual is free of active tuberculosis shall be obtained within the 12 months prior to the date of employment.	On or before first day of work.
Child care providers, including the director, uncompensated providers, substitute providers, and volunteers.	Emergency Information Form, including the name, address, and telephone number of the person to be contacted in case of an emergency, and the responsible party's choice of health care	On or before the first day of work. The emergency information shall be updated as changes occur and at least annually.

	professional.	
All staff, including the director.	Health Questionnaire A statement signed by the staff member that indicates that the person is emotionally and physically fit to care for children.	Annually following the initial medical statement.
Substitute providers and volunteers.	Health Questionnaire A statement signed by the substitute provider or volunteer that indicates that the person is emotionally and physically fit to care for children.	On or before first day of work and annually thereafter.

(b) The Division, or the administrator may request an evaluation of a staff member's emotional and physical fitness to care for children when there is reason to believe that there has been deterioration in the staff member'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.

(c) Staff medical statements, proof of a tuberculosis test or screening, and completed health questionnaires shall be included in the staff member's medical file, which must be maintained separately from the staff member's individual personnel file.

10A NCAC 09 .2506 STAFF CONTINUING EDUCATION AND PROFESSIONAL DEVELOPMENT

(a) Each new employee who is expected to have contact with children receives 16 hours of on-site orientation within the first six weeks of employment.

(b) Employee orientation shall consist of

- 1) Firsthand observation of the program's daily operations
- 2) Instruction in assigned duties
- 3) Instruction in the maintenance of a safe and healthy environment
- 4) Instruction in medication administration
- 5) Review of the program's purposes and goals
- 6) Review of applicable licensing rules and regulations

- 7) An explanation of the role of state and local government in regulation of child care and their impact on the operation of the program and the resources available through the Division.

(c) Staff shall complete health and safety training within one year of employment unless the staff member has completed the training in the year prior to employment. The health and safety training shall include the following components:

- (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
- (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) CPR and First Aid training
- (9) Recognizing and reporting child abuse, child neglect, and child maltreatment.

(d) All administrators and staff members shall complete a professional development plan within one year of employment and review the plan annually. 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 administrator and staff member in a collaborative manner; and
- (5) be maintained in their personnel file.

(e) Staff may meet the 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 shall not be 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 Item (1) of this Rule 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), First Aid, and playground safety training.
- (4) The Division shall approve training based upon the following factors:
 - (a) The trainer's education, training, and experience relevant to the training topic;
 - (b) Content that is in compliance with G.S. 110-91(11); and
 - (c) Contact hours for the proposed content and scope of the training session.
- (5) The Division shall deny approval of training to:

- (a) Agencies, organizations, or individuals not meeting the standards listed in this Rule and in G.S. 110-91(11); and
 - (b) Agencies, organizations, or individuals who intentionally falsify any information submitted to the Division.
- (6) 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.
- (7) 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.
- (8) Records of training activities in which each staff member participates, including copies of training certificates or official documentation provided by the Records may be maintained in either hard copy format or in a readily accessible and printable electronic format, and shall be available for review by the Division of Child Development and Early Education (DCDEE) upon request.

10A NCAC 09 .2507 STAFF-CHILD RATIOS AND SUPERVISION

- (a) Maintain a staff-child ratio of 1:25 with a maximum group size of 25.
- (b) Children must be supervised at all times with at least one adult during meals and snacks.

10A NCAC 09 .2508 PROGRAM REQUIREMENTS

- (a) Developmentally appropriate activities shall be planned intentionally in advance to reflect the program's philosophy, goals for children and the varying needs of school age children.
- (b) The program curriculum shall provide for the following activities every day:
 - 1) inside and outside choices (weather permitting)
 - 2) quiet and active choices
 - 3) individual and group activities
 - 4) cognitive and physical opportunities
 - 5) child-initiated and Staff-directed activities
 - 6) activities that allow children to express themselves creatively: i.e. dramatic play, creative arts, etc.
- (c) Materials shall be varied, age-appropriate and available in sufficient quantity to meet the needs of children in the program.

(d) Activities shall be aligned with the styles, abilities and interests of the children in the program.

(e) Opportunities for children to offer input into the program activities shall be provided.

(f) Each child shall be treated equally with regard to respect, consideration, and opportunity to take part in all developmentally appropriate activities.

(g) The environment shall be respectful and reflect an understanding of the diversity of families, cultures, and ethnicities attending the program and those persons in the surrounding communities.

(h) Staff shall consult with parents about care practices specific to their children's culture and community and provide as much consistency as possible in program practices for each child.

(i) An activity guide for the day/week related to the curriculum shall be posted in a conspicuous place or otherwise made available to parents.

(j) Program Staff shall follow modifications in curriculum, environment, routine and emergency procedures related to enrolled children with special needs that shall be developed in consultation with the child's parents.

(k) Unless integral to part of an enrichment or educational activity, screen time (the time spent watching television, playing video games, using computers including hand held devices and surfing the internet) shall:

- 1) not exceed 2 hours per week
- 2) be in the presence of Staff
- 3) be designed for the age of the engaged children.

(l) Written parental permission from all parents shall be required for each child to view PG-Rated movies shown in the program.

(m) Program Staff shall provide a welcoming and supportive environment and engage children in positive ways. Staff shall:

- 1) greet children as they arrive or at the start of the session
- 2) be available and responsive to children at all times
- 3) use a warm tone of voice and respectful language during activities
- 4) generally smile, use friendly gestures, and make eye contact during activities
- 5) consistently interact with children in positive ways (e.g., discuss or explain rules and limits, model positive affect, follow children's leads)

- 6) offer assistance to a child or group of children in ways that support social competence and initiative to encourage informed, responsible choices
- 7) explain and apply rules, expectations, and limits in a clear, positive and consistent manner
- 8) listen and respond to children in ways that encourage them to share experiences, ideas and feelings.
- 9) At least one adult shall sit with children during snacks and meals.

(n) Staff shall not use profane language or make derogatory or humiliating remarks in the presence of children and families.

(o) Staff shall not use electronic devices including cellphones for personal use when in ratio with children unless there is an emergency or to take photos.

(p) Staff shall observe confidentiality in regard to child/family records and family information. Confidential conversations regarding children/families or collaborating agencies shall take place in private.

(q)The Afterschool Child Care Program shall develop and implement a written plan to support two-way communication between Staff and parents.

10A NCAC 09 .2509 SPACE REQUIREMENTS

(a) Provide at least 35 square feet per child indoors, excluding storage and non-usable areas.

(b) Outdoor space must have at least 75 square feet per child, shaded areas, and be free from hazards.

10A NCAC 09 .2510 SAFETY AND EMERGENCY PROCEDURES

(a) School-age child care programs operating within a public or private school building shall participate in and collaborate with the Local Education Agency's (LEA) School Risk Management Plan, in accordance with G.S. 115C-105.49 and other applicable laws. Such participation shall include cooperation in emergency preparedness planning, response drills, and communication protocols to ensure the safety and welfare of all children enrolled in the program.

(b) Ensure safe drinking water and sanitary cold storage.

(c) Swimming pool areas must meet public safety standards.

(d) Maintain written transportation safety plans.

(e) Aquatic activities require documented parental permission, certified lifeguards, and clear emergency plans.

10A NCAC 09 .2511 SWIMMING

(a) Each child shall have written permission from her/his parent prior to participating in a wading or swimming activity.

(b) Swimming facilities shall be protected and pools fenced so that no child may gain access without Staff approval, observation and supervision.

(c) For each group of 26 children, the Licensee shall ensure that a lifeguard with current certification from a nationally recognized organization is supervising the swimming area.

(d) The minimum ratio of Staff to children participating in a swimming activity shall be 1:13

(e) When lifeguards are on duty supervising the swimming area, they shall not be counted in the staff/child ratios for swimming.

(f) When swimming lessons are being provided, the lessons shall be provided by a certified instructor.

(g) The Staff of the licensed program is responsible for supervising the children in their care when the children are engaged in swimming activities regardless of who employs the lifeguard(s) on duty. Staff/child ratios shall also apply when a lifeguard is on duty.

(h) The Licensee or the Licensee's designee shall develop a written aquatic safety plan addressing supervision and safety of all swimming activities. This plan shall:

- 1) be reviewed annually
- 2) be updated as needed
- 3) be known by program Staff persons present at the swimming facility
- 4) include the location of the first aid and emergency supplies, and
- 5) be kept on file at the licensed program facility with a copy available where swimming occurs.

(i) The written aquatic safety plan shall include:

- 1) an assessment of each child's swimming ability, performed by a person who holds a valid American Red Cross Water Safety Instructor certificate or current certificate issued by an approved certifying agency providing for equivalent levels of training.
- 2) a system whereby each child's designation of swimmer or non-swimmer shall be predetermined, documented and on file. When all bathers are in water less than knee deep on them, swimming ability assessment is not required.

- 3) a system whereby non-swimmers are restricted to areas where the water is less than knee deep on them (except for learn to swim programs or when shallow water is in a non-swimming area).
- 4) the emergency plan should a child be missing or in distress in the water. The plan shall include supervising children during times of emergency.

(j) Swimmers shall be assigned to specific Staff members who will monitor their activities.

(k) Swimmers shall be accounted for at least every ten minutes.

(l) Swimming is prohibited during the hours of darkness unless adequate lighting is provided and swimming is restricted to shallow water.

(m) If diving is permitted, the minimum water depth shall be clearly marked. The minimum water depth for a one-meter board shall be at least ten feet and free from stumps, rocks, or other debris.

(n) When children in care share swimming areas with other bathers, a visible system of identification shall be in place to distinguish children in care. Personal flotation devices of any kind shall not be used as identifiers.

10A NCAC 09 .2512 HEALTH REQUIREMENTS

(a) For school-age programs operating within public and private school buildings, the child care program shall coordinate with the school's health team to ensure continuity and consistency with the Medical Action Plan already on file with the school, and shall maintain a copy readily accessible to program staff.

(b) Implement individualized health plans for special medical conditions.

(c) Staff must be trained to administer medication properly.

10A NCAC 09 .2513 PARENT PARTICIPATION

(a) Implement and maintain an active Parent Participation Plan for enrollment, visitation, and communication.

(b) Regular parent interaction about children's progress is required.

10A NCAC 09 .2514 DISCIPLINE AND BEHAVIOR MANAGEMENT

(a) Written discipline policies must explicitly exclude corporal punishment unless under religious exemption.

(b) Policy changes require parental notification at least 14 days in advance.

10A NCAC 09 .2515 RECORDS AND DOCUMENTATION

- (a) Annual compliance documentation is mandatory.
- (b) Maintain comprehensive records for each child, including health assessments, emergency contacts, and care plans.
- (c) Secure, accessible storage of records on-site is required.
- (d) Incident and medication administration logs must be kept and available for review.

10A NCAC 09 .2516 GENERAL NUTRITION REQUIREMENTS

- (a) Meals and snacks served to children shall comply with the Meal Patterns for Children in Child Care Programs from the United States Department of Agriculture (USDA) which are based on the recommended nutrient intake judged by the National Research Council to be adequate for maintaining good nutrition. The types of food, number and size of servings shall be appropriate for the ages and developmental levels of the children in care. The Meal Patterns for Children in Child Care Programs are incorporated by reference and include subsequent amendments. A copy of the Meal Patterns for Children in Child Care Programs is available online at <https://www.fns.usda.gov/cacfp/meals-and-snacks>.
- (b) Meals and snacks shall be planned according to the number of hours a child is in program (after school versus full day). Children shall be provided a meal or snack a minimum of every three hours.
- (c) All on-site meal preparation shall have approval by the Division. The on-site preparation of snacks only does not require approval by the Division.
- (d) The program Staff shall follow food safe practices when preparing and serving food.
- (e) Live animals shall not be kept or allowed in any rooms where food or drink is being prepared.
- (f) Kitchen facilities, if available, shall be maintained in a sanitary condition, free of dust, insects and other contaminants.
- (g) Monthly snack menus shall be sent home.
- (h) When a child has a medically diagnosed food allergy, a special care plan from the child's health care provider shall be readily available and describe steps to take in the event of exposure.
- (i) Children with food sensitivities or allergies shall be offered an alternative snack.

(f) All readily perishable food or drink, including that brought by children or parents, shall be refrigerated at or below forty-five (45) degrees Fahrenheit, (seven [7] degrees Celsius), except when being prepared or served.

(g) All readily perishable food shall not be kept at room temperature for more than one hour.

(h) Refrigerated foods shall be labeled and dated.

(i) Fresh fruits and vegetables shall be thoroughly washed before use.

(j) All non-perishable foods shall be stored in plainly labeled, dated and rodent proof containers.

(k) All utensils, equipment and food shall be stored in a clean, dry place, free from insects, dust and other contamination, and shall be handled in such a manner as to prevent contamination.

(l) All containers and utensils shall be stored eighteen inches off the floor if stored on open shelves. Dishes shall be stored in closed space. Cupboards shall be clean.

(m) Utensils shall be covered or inverted in a container when not in use.

(n) Containers and utensils shall not be handled on the surfaces which come in contact with food or drink.

(o) Paper cups, plates, straws, spoons, forks, and other single service containers and utensils shall be purchased in sanitary cartons and stored in a clean and dry place until used. After removal from the cartons, these articles shall be placed in dispensers or stored so that the food contact surfaces are not exposed to sources of contamination. Single service utensils shall be used only once.

(p) All machinery and equipment in connection with the operation of the kitchen, if applicable, shall be so constructed and arranged so as to be easily cleanable and shall be kept in good repair.

(q) Enamelware and cracked or chipped china or glassware shall not be used.

(r) All foods that are contaminated shall be disposed of promptly. Swelled, rusty, dented or leaky canned food or drink shall be disposed of promptly.

(s) When multi-services utensils are used a mechanical dishwasher shall be equipped with a rinse cycle of 140 degrees Fahrenheit (57 degrees Celsius). This shall be installed and operated according to the manufacturer's recommendations.

(t) When a dishwasher is not available and single service items are not used; a three-compartment sink with adequate space for drain boards shall be required for the dishwashing, rinsing and sanitizing of dishes and utensils. Dishes shall be washed in hot, clean water at 120 degrees Fahrenheit (49 degrees Celsius), rinsed in hot, clean water and immersed for 2 minutes in sanitizing rinse. Bleach solution shall be used following the instruction of the manufacturer regarding sanitizing. Hand washed dishes shall be air-dried.

10A NCAC 09 .2517 TRANSPORTATION STANDARDS

(a) The Program Administrator or Site Director shall ensure that written permission is obtained from parents prior to providing transportation of children. Parents shall also be notified when someone not employed by the program may transport their child. This written permission shall be retained in each child's file.

(b) Any vehicles used for transporting children shall be registered, inspected and insured according to North Carolina State Law.

(c) The operator of any motor vehicle who is transporting children shall hold a valid operator's license that is appropriate for that vehicle. The Licensee shall ensure that the driver obeys all traffic laws.

(d) When transporting sixteen (16) or more persons at one time, including the driver, the driver shall hold a valid Commercial Driver's License (CDL) with a passenger (P) endorsement, in accordance with North Carolina General Statutes and Department of Motor Vehicles requirements.

(e) Children in vehicles shall not be left unsupervised or unattended at any time.

(f) When being transported in a motor vehicle smaller than a large school bus, all passengers, except children who have physical conditions which prevent the use of a child safety seat or seat belt, shall be properly restrained in accordance with North Carolina State Law.

(g) The number of children within the school bus shall not be more than the number of seating spaces provided.

10A NCAC 09 .2518 ADMINISTRATIVE ACTIONS AND PENALTIES

(a) Violations can result in penalties, administrative actions such as reprimands, provisional licenses, probationary licenses, or revocation of licenses.

(b) Facilities must comply promptly with corrective actions as mandated by the Division.

BASIC INFORMATION FOR SCHOOL-AGE CHILD CARE PROVIDERS

North Carolina Department of Health and Human Services - Division of Child Development and Early Education

Introduction

Thank you for your interest in providing quality school-age child care. Operating a licensed program for school-age children is an opportunity to support youth development and working families. This guide is intended to support individuals or organizations seeking to open or operate a school-age child care program in North Carolina.

What is a School-Age Child Care Program?

A school-age child care program is a licensed child care program that provides care to children five years and older who are attending or have attended school or kindergarten. These programs may operate before and after school, during school breaks, or year-round as part of a track-out schedule.

Licensing Overview

- **Licensure Required:** Any program caring for three or more unrelated school-age children on a regular basis must be licensed.
 - **Operating in a School:** Facilities within public or private schools are presumed to meet fire, sanitation, and space standards if serving the same or a subset of enrolled students.
-

Staff Qualifications

- **Lead Teachers:** Must be 18+, have a high school diploma or equivalent, and one of the following: one year experience with school-age children, a North Carolina School-Age Credential, or 20 hours of child development training including BSAC within 6 months of hire.
- **Aides:** Must be at least 16 years old, literate, and supervised by a credentialed adult.

- **All Staff:** Must complete BSAC training within 3 months of hire and maintain current background checks and health screenings.
-

Staff Orientation and Training

- 16 hours of orientation within first 6 weeks
 - Health and safety training within the first year
 - CPR/First Aid, Child Maltreatment, Emergency Preparedness required
 - Ongoing annual professional development with documented plan
-

Staff-Child Ratios and Supervision

- Maximum ratio: 1 staff to 25 children
 - Group size may not exceed 25
 - Staff must supervise at all times, including during meals, snacks, and outdoor time
-

Space Requirements

- **Indoor:** Minimum of 35 square feet per child of usable space
 - **Outdoor:** Minimum of 75 square feet per child, shaded areas, and hazard-free environment
-

Health and Safety

- Participate in school's Risk Management Plan if located in a school
 - Emergency Preparedness and Response Plan required
 - Safe drinking water, cold storage, and hazard-free environment required
-

Program Requirements

- Daily schedule must include a balance of:
 - Indoor/outdoor activities

- Quiet/active play
 - Individual/group activities
 - Child-initiated/staff-led choices
 - Creative expression (art, drama, etc.)
 - Screen time limited to 2 hours per week
 - PG movies require written parental permission
-

Nutrition

- Meals/snacks must meet USDA Meal Patterns for Child Care Programs
 - Portion sizes appropriate to age and development
 - Special diets and allergies accommodated with documentation
-

Parent Engagement

- Written Parent Participation Plan required
 - Regular updates on child progress encouraged
 - Policies and changes communicated in writing with advance notice
-

Transportation and Swimming (if applicable)

- Written transportation safety plan
 - Swimming activities require:
 - Certified lifeguards
 - Staff supervision (1:13 ratio minimum)
 - Written aquatic safety plan
 - Parental permission
-

Records and Documentation

- Required for staff and children:
 - Emergency contacts
 - Medical and immunization records
 - Training records
 - Discipline policy acknowledgment
 - Medication logs
 - Incident reports
-

Steps to Licensure

1. Review Rules in Section .2500 of NC Child Care Rules
2. Attend Pre-Licensing Workshop (if required)
3. Prepare licensing application including required forms
4. Ensure all inspections and documentation are complete
5. Submit application and prepare for Division inspection

For more information and resources, visit:

<https://ncchildcare.ncdhhs.gov/services/licensing/getting-a-license>