

1 **10A NCAC 09 .0102 has been amended with changes as published in 28:19 NCR 2295-2298 as follows:**

2
3 **10A NCAC 09 .0102 DEFINITIONS**

4 The terms and phrases used in this Chapter are defined as follows except when the context of the rule requires a
5 different meaning. The definitions prescribed in G.S. 110-86 also apply to these Rules.

- 6 (1) "Agency" as used in Section .2200 of this ~~Chapter,~~ **Chapter** means Division of Child Development
7 and Early Education, Department of Health and Human Services located at ~~319 Chapanoke Road,~~
8 ~~Suite 120, 820 South Boylan Avenue,~~ Raleigh, North Carolina 27603.
- 9 (2) "Appellant" means the person or persons who request a contested case hearing.
- 10 (3) "Basic School-Age Care" training (BSAC training) means the training on the elements of quality
11 afterschool care for school-age children, developed by the North Carolina State University
12 Department of 4-H Youth Development and subsequently revised by the North Carolina School-
13 age Quality Improvement Project. ~~Other equivalent training shall be approved by the Division.~~
- 14 (4) "Child Care Program" means a single center or home, or a group of centers or ~~homes~~ **homes,** or
15 both, that are operated by one owner or supervised by a common entity.
- 16 (5) "Child care provider" as defined by G.S. 110-90.2(a)(2)a. and used in Section .2700 of this
17 ~~Chapter,~~ **Chapter** includes the following employees who have contact with the children in a child
18 care program:
- 19 (a) facility directors;
 - 20 (b) administrative staff;
 - 21 (c) teachers;
 - 22 (d) teachers' aides;
 - 23 (e) cooks;
 - 24 (f) maintenance personnel; and
 - 25 (g) drivers.
- 26 (6) "Child Development Associate Credential" means the national early childhood credential
27 administered by the Council for Early Childhood Professional Recognition.
- 28 (7) "Curriculum" means a curriculum that has been approved as set forth in these Rules by the NC
29 Child Care Commission as comprehensive, ~~evidence based~~ **evidenced-based,** and with a reading
30 component.
- 31 (8) "Developmentally appropriate" means suitable to the chronological age range and developmental
32 characteristics of a specific group of children.
- 33 (9) "Division" means the Division of Child Development and Early Education within the Department
34 of Health and Human Services.
- 35 (10) "Drop-in care" means a child care arrangement where children attend on an intermittent,
36 unscheduled basis.

- 1 (11) "Early Childhood Environment Rating Scale - Revised Edition" (Harms, Clifford, and Cryer,
2 2005, published by Teachers College Press, New York, NY) is the instrument used to evaluate the
3 quality of care received by a group of children in a child care center, when the majority of children
4 in the group are two and a half years old through five years old, to achieve three or more points for
5 the program standards of a rated license. This instrument is incorporated by reference and includes
6 subsequent editions. ~~Individuals wishing to purchase a copy may call Teachers College Press at 1~~
7 ~~800-575-6566.~~ ~~A copy of the scale is available for purchase on the Teachers College Press~~
8 ~~website at http://www.teacherscollegepress.com/assessment_materials.html.~~ The cost of this
9 scale in ~~June 2012 is twenty-one dollars and ninety-five cents (\$21.95).~~ ~~February [2014]~~ ~~2015 is~~
10 ~~twenty-two dollars and ninety-five cents (\$22.95).~~ A copy of this instrument is on file at the
11 Division at the address given in Item (1) of this Rule and is available for public inspection during
12 regular business hours. ~~For the purposes of this Rule, "regular business hours" for the Division~~
13 ~~means 8 a.m. to 5 p.m. during weekdays, excluding state holidays.~~
- 14 (12) "Experience working with school-aged children" means working with school-age children as an
15 administrator, program coordinator, group leader, assistant group leader, lead teacher, teacher or
16 aide.
- 17 (13) "Family Child Care Environment Rating Scale – Revised Edition" (Harms, Cryer and Clifford,
18 2007, published by Teachers College Press, New York, NY) is the instrument used to evaluate the
19 quality of care received by children in family child care homes to achieve three or more points for
20 the program standards of a rated license. This instrument is incorporated by reference and includes
21 subsequent editions. ~~Individuals wishing to purchase a copy may call Teachers College Press at 1~~
22 ~~800-575-6566.~~ ~~A copy of the scale is available for purchase on the Teachers College Press~~
23 ~~website at http://www.teacherscollegepress.com/assessment_materials.html.~~ The cost of this
24 scale in ~~June 2012 is twenty-one dollars and ninety-five cents (\$21.95).~~ ~~February [2014]~~ ~~2015 is~~
25 ~~twenty-two dollars and ninety-five cents (\$22.95).~~ A copy of this instrument is on file at the
26 Division at the address given in Item (1) of this Rule and is available for public inspection during
27 regular business hours.
- 28 (14) "First aid kit" is a collection of first aid supplies (such as bandages, tweezers, disposable
29 nonporous gloves, micro shield or face mask, liquid soap, cold pack) for treatment of minor
30 injuries or stabilization of major injuries.
- 31 (15) "Group" means the children assigned to a specific caregiver or caregivers, to meet the staff/child
32 ratios set forth in G.S. 110-91(7) and ~~in~~ this Chapter, using space ~~which is identifiable the~~
33 ~~Division has identified~~ for each group.
- 34 (16) "Health care professional" means:
35 (a) a physician licensed in North Carolina;
36 (b) a nurse practitioner approved to practice in North Carolina; or
37 (c) a licensed physician assistant.

- 1 (17) "Household member" means a person who resides in a family home as evidenced by factors
2 including maintaining clothing and personal effects at the household address, receiving mail at the
3 household address, using identification with the household address, or eating and sleeping at the
4 household address on a regular basis.
- 5 (18) "If weather conditions permit" means:
- 6 (a) temperatures that fall within the guidelines developed by the Iowa Department of Public
7 Health and specified on the Child Care Weather Watch chart. These guidelines shall be
8 used when determining appropriate weather conditions for taking children outside for
9 outdoor learning activities and playtime. This chart may be downloaded free of charge
10 from <http://www.idph.state.ia.us/hcci/common/pdf/weatherwatch.pdf>, and is incorporated
11 by reference and includes subsequent editions and amendments;
- 12 (b) following the air quality standards as set out in 15A NCAC 18A .2832(d). The Air
13 Quality Color Guide can be found on the Division's web site at
14 <http://xapps.enr.state.nc.us/aq/ForecastCenter> <https://xapps.ncdenr.org/aq/ForecastCenter>
15 or call 1-888-RU4NCAIR (1-888-784-6224); and
- 16 (c) no active precipitation. Caregivers may choose to go outdoors when there is active
17 precipitation if children have appropriate clothing such as rain boots and rain coats, or if
18 they are under a covered area.
- 19 (19) "Infant/Toddler Environment Rating Scale - Revised Edition" (Harms, Cryer, and Clifford, 2003,
20 published by Teachers College Press, New York, NY) is the instrument used to evaluate the
21 quality of care received by a group of children in a child care center, when the majority of children
22 in the group are younger than thirty months old, to achieve three or more points for the program
23 standards of a rated license. This instrument is incorporated by reference and includes subsequent
24 editions. ~~Individuals wishing to purchase a copy may call Teachers College Press at~~
25 ~~1-800-575-6566. A copy of the scale is available for purchase on the Teachers College Press~~
26 ~~website at http://www.teacherscollegepress.com/assessment_materials.html.~~ The cost of this
27 scale in ~~June 2012~~ is ~~twenty one dollars and ninety five cents (\$21.95).~~ ~~February [2014]~~ ~~2015~~ is
28 ~~twenty-two dollars and ninety-five cents (\$22.95).~~ A copy of this instrument is on file at the
29 Division at the address given in Item (1) of this Rule and is available for public inspection during
30 regular business hours.
- 31 (20) "ITS-SIDS Training" means the Infant/Toddler Safe Sleep and SIDS Risk Reduction Training
32 developed by the NC Healthy Start Foundation for the Division of Child Development and Early
33 Education for caregivers of children ages 12 months and younger. ~~Information regarding trainer~~
34 ~~and training availability can be found on the Division's website at~~
35 ~~http://ncchildcare.nc.gov/providers/py_itssidsproject.asp.~~
- 36 (21) "Licensee" means the person or entity that is granted permission by the State of North Carolina to
37 operate a child care facility. The owner of a facility is the licensee.

- 1 (22) "Lockdown drill" means an emergency safety procedure in which occupants of the facility [people]
2 remain in a locked indoor space and is [usually] used when [threats of a] emergency personnel or
3 law enforcement determine a dangerous person is in the vicinity. [near the vicinity occur.]
- 4 ~~(22)~~(23) "North Carolina Early Educator Certification (certification)" is an acknowledgement of an
5 individual's verified level of educational achievement based on a standardized scale. The North
6 Carolina Institute for Child Development Professionals certifies individuals and assigns a
7 certification level on two scales:
- 8 (a) the Early Care and Education Professional Scale (ECE Scale) in effect as of July 1, 2010;
9 or
10 (b) the School Age Professional Scale (SA Scale) in effect as of May 19, 2010.
- 11 Each scale reflects the amount of education earned in the content area pertinent to the ages of
12 children served. The ECE Scale is designed for individuals working with or on behalf of children
13 ages birth to five. The SA Scale is designed for individuals working with or on behalf of children
14 ages 5 to 12 who are served in school age care settings. Information on the voluntary certification
15 process can be found on the North Carolina Institute for Child Development Professionals website
16 at <http://ncicdp.org/certification-licensure/eec-overview/>.
- 17 ~~(23)~~(24) "North Carolina Early Childhood Credential" means the state early childhood credential that is
18 based on completion of required early childhood coursework taken at any NC Community
19 College. Other post secondary curriculum coursework shall be approved as equivalent if the
20 Division determines that the content of the other post secondary curriculum coursework offered is
21 substantially equivalent to the NC Early Childhood Credential Coursework. A copy of the North
22 Carolina Early Childhood Credential requirements is on file at the Division at the address given in
23 Item (1) of this Rule and is available for public inspection or copying at no charge during regular
24 business hours. This information can be found on the Division's website at
25 <http://ncchildcare.nc.gov/providers/credent.asp>.
- 26 ~~(24)~~(25) "Owner" means any person with a five percent or greater equity interest in a child care facility,
27 however facility; however, stockholders of corporations who own child care facilities are not
28 subject to mandatory criminal history checks pursuant to G.S. 110-90.2 unless they are a child
29 care provider.
- 30 ~~(25)~~(26) "Parent" means a child's parent, legal guardian, or full-time custodian.
- 31 ~~(26)~~(27) "Part-time care" means a child care arrangement where children attend on a regular schedule but
32 on less than a full-time basis.
- 33 ~~(27)~~(28) "Passageway" means a hall or corridor.
- 34 ~~(28)~~(29) "Person" means any individual, trust, estate, partnership, corporation, joint stock company,
35 consortium, or any other group, entity, organization, or association.
- 36 ~~(29)~~(30) "Preschooler" or "preschool-age child" means any child who does not fit the definition of school-
37 age child in this Rule.

1 ~~(30)~~(31) "School-Age Care Environment Rating Scale" (Harms, Jacobs, and White, 1996, published by
2 Teachers College Press) is the instrument used to evaluate the quality of care received by a group
3 of children in a child care center, when the majority of the children in the group are older than five
4 years, to achieve three or more points for the program standards of a rated license. This instrument
5 is incorporated by reference and includes subsequent editions. Individuals wishing to purchase a
6 copy may call Teachers College Press at 1-800-575-6566. A copy of the scale is available for
7 purchase on the Teachers College Press website at
8 http://www.teacherscollegepress.com/assessment_materials.html. The cost of this scale in ~~June~~
9 2012 is ~~twenty one dollars and ninety five cents (\$21.95)~~. ~~February [2014]~~ 2015 is twenty-two
10 dollars and ninety-five cents (\$22.95). A copy of this instrument is on file at the Division at the
11 address given in Item (1) of this Rule and is available for public inspection during regular
12 business hours.

13 ~~(31)~~(32) "School-age child" means any child who is attending or who has attended, attended a public or
14 private grade school or kindergarten and meets age requirements as specified in G.S. 115C-364.

15 ~~(32)~~(33) "Seasonal Program" means a recreational program as set forth in G.S. 110-86(2)(b).

16 ~~(33)~~(34) "Section" means Division of Child Development and Early Education.

17 (35) "Shelter-in-Place drill" means staying where you are in place to take shelter rather than trying to
18 evacuate. It usually involves selecting a small interior room, with no or few windows, used when
19 emergency personnel or law enforcement determine there is an environmental or weather related
20 threat. [to take refuge when threat of tornado or where hazardous materials have been released in
21 the atmosphere.]

22 ~~(34)~~(36) "Substitute" means any person who assumes the duties of a staff person for a time period not to
23 exceed two consecutive months.

24 ~~(35)~~(37) "Track-Out Program" means any child care provided to school-age children when they are out of
25 school on a year-round school calendar.

26 ~~(36)~~(38) "Volunteer" means a person who works in a child care facility and is not monetarily compensated
27 by the facility.

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29 *History Note:* Authority G.S. 110-85; 110-88; 143B-168.3;
30 Eff. January 1, 1986;
31 Amended Eff. April 1, 1992; October 1, 1991; October 1, 1990; November 1, 1989;
32 Temporary Amendment Eff. January 1, 1996;
33 Amended Eff. March 1, 2015; May 1, 2013; September 1, 2012; July 3, 2012; July 1, 2012;
34 November 1, 2007; May 2006; May 1, 2004; April 1, 2003; July 1, 2000; April 1, 1999; July 1,
35 1998; April 1, 1997.