

REQUEST FOR TECHNICAL CHANGE

AGENCY: Child Care Commission

RULE CITATION: 10A NCAC 09 .0102

DEADLINE FOR RECEIPT: Friday, February 6, 2015

NOTE WELL: This request when viewed on computer extends several pages. Please be sure you have reached the end of the document.

The Rules Review Commission staff has completed its review of this rule prior to the Commission's next meeting. The Commission has not yet reviewed this rule and therefore there has not been a determination as to whether the rule will be approved. You may call this office to inquire concerning the staff recommendation.

In reviewing these rules, the staff determined that the following technical changes need to be made:

In Item (3), how is this determined? Is it on a case-by-case basis, or will it be added to the Rules once determined the training is determined equivalent?

In Item (4), line 14, I recommend stating, "...a single center or home, a group of centers or homes, or both,..."

In Items (5) and (12), I take it your regulated public knows what the terms "administrator," "program coordinator," "group leader," "assistant group leader," and "lead teacher" mean?

How does the credentialing in Item (6) occur? I take it your regulated public knows? (I note the term is only used in Rule .0704 of the Chapter as an equivalency, so I could not find information on this elsewhere in the Chapter.)

In Item (7), line 29, please insert a comma after "evidence-based"

On Page 2, what is the difference between a "child care center" (Item 11) and "family child care home" (Item 13)? I see that family child care homes are licensed under Section .1700, but since the term isn't defined that I can find within Chapter 09, I wanted to inquire. I take it your regulated public knows?

In Item (11), what are "regular business hours" on line 8?

I note that Items (11), (13), (19), and (31) are available online at http://www.teacherscollegepress.com/assessment_materials.html. You may wish to include the url in the Rule instead of the phone number.

In Item (15), the space will be identifiable to whom?

On Page 3, Item (20), where does one get this training or information?

Amanda J. Reeder
Commission Counsel
Date submitted to agency: January 26, 2015

In Item (22), line 27, do you mean “in which all people ..”?

Also in Item (22), line 28, define “usually” and “near the facility”

In Item (23), what is “The North Carolina Institute for Child Development Professionals”? How does one get this certification?

On Page 4, Item 24, what is “substantially equivalent” on line 7? Further, is information this not on the Division’s website?

In Item (25), lines 11-12, please state, “in a child care facility; however, stockholders...”

In Item (32), line 31, delete the comma after “attended”

In Item (35), replace “where you are” with “in place”

In Item (35), line 36, define “usually” and “hazardous materials”

Also on line 36, state “to take refuge when there is a threat of tornado...” And so that I am clear, this is only for tornadoes, not hurricanes or other natural disaster?

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

Amanda J. Reeder
Commission Counsel
Date submitted to agency: January 26, 2015

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, means Division of Child Development and
7 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 or both, that
15 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, includes the following employees who have contact with the children in a child care
18 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 and with a reading component.
- 30 (8) "Developmentally appropriate" means suitable to the chronological age range and developmental
31 characteristics of a specific group of children.
- 32 (9) "Division" means the Division of Child Development and Early Education within the Department
33 of Health and Human Services.
- 34 (10) "Drop-in care" means a child care arrangement where children attend on an intermittent,
35 unscheduled basis.
- 36 (11) "Early Childhood Environment Rating Scale - Revised Edition" (Harms, Clifford, and Cryer,
37 2005, published by Teachers College Press, New York, NY) is the instrument used to evaluate the

1 quality of care received by a group of children in a child care center, when the majority of children
2 in the group are two and a half years old through five years old, to achieve three or more points for
3 the program standards of a rated license. This instrument is incorporated by reference and includes
4 subsequent editions. Individuals wishing to purchase a copy may call Teachers College Press at 1-
5 800-575-6566. The cost of this scale in ~~June 2012 is twenty-one dollars and ninety-five cents~~
6 ~~(\$21.95).~~ February 2014 is twenty-two dollars and ninety-five cents (\$22.95). A copy of this
7 instrument is on file at the Division at the address given in Item (1) of this Rule and is available
8 for public inspection during regular business hours.

- 9 (12) "Experience working with school-aged children" means working with school-age children as an
10 administrator, program coordinator, group leader, assistant group leader, lead teacher, teacher or
11 aide.
- 12 (13) "Family Child Care Environment Rating Scale – Revised Edition" (Harms, Cryer and Clifford,
13 2007, published by Teachers College Press, New York, NY) is the instrument used to evaluate the
14 quality of care received by children in family child care homes to achieve three or more points for
15 the program standards of a rated license. This instrument is incorporated by reference and includes
16 subsequent editions. Individuals wishing to purchase a copy may call Teachers College Press at 1-
17 800-575-6566. The cost of this scale in ~~June 2012 is twenty-one dollars and ninety-five cents~~
18 ~~(\$21.95).~~ February 2014 is twenty-two dollars and ninety-five cents (\$22.95). A copy of this
19 instrument is on file at the Division at the address given in Item (1) of this Rule and is available
20 for public inspection during regular business hours.
- 21 (14) "First aid kit" is a collection of first aid supplies (such as bandages, tweezers, disposable
22 nonporous gloves, micro shield or face mask, liquid soap, cold pack) for treatment of minor
23 injuries or stabilization of major injuries.
- 24 (15) "Group" means the children assigned to a specific caregiver or caregivers, to meet the staff/child
25 ratios set forth in G.S. 110-91(7) and this Chapter, using space which is identifiable for each
26 group.
- 27 (16) "Health care professional" means:
28 (a) a physician licensed in North Carolina;
29 (b) a nurse practitioner approved to practice in North Carolina; or
30 (c) a licensed physician assistant.
- 31 (17) "Household member" means a person who resides in a family home as evidenced by factors
32 including maintaining clothing and personal effects at the household address, receiving mail at the
33 household address, using identification with the household address, or eating and sleeping at the
34 household address on a regular basis.
- 35 (18) "If weather conditions permit" means:
36 (a) temperatures that fall within the guidelines developed by the Iowa Department of Public
37 Health and specified on the Child Care Weather Watch chart. These guidelines shall be

1 used when determining appropriate weather conditions for taking children outside for
2 outdoor learning activities and playtime. This chart may be downloaded free of charge
3 from <http://www.idph.state.ia.us/hcci/common/pdf/weatherwatch.pdf>, and is incorporated
4 by reference and includes subsequent editions and amendments;

5 (b) following the air quality standards as set out in 15A NCAC 18A .2832(d). The Air
6 Quality Color Guide can be found on the Division's web site at
7 <http://xapps.enr.state.nc.us/aq/ForecastCenter> <https://xapps.ncdenr.org/aq/ForecastCenter>
8 or call 1-888-RU4NCAIR (1-888-784-6224); and

9 (c) no active precipitation. Caregivers may choose to go outdoors when there is active
10 precipitation if children have appropriate clothing such as rain boots and rain coats, or if
11 they are under a covered area.

12 (19) "Infant/Toddler Environment Rating Scale - Revised Edition" (Harms, Cryer, and Clifford, 2003,
13 published by Teachers College Press, New York, NY) is the instrument used to evaluate the
14 quality of care received by a group of children in a child care center, when the majority of children
15 in the group are younger than thirty months old, to achieve three or more points for the program
16 standards of a rated license. This instrument is incorporated by reference and includes subsequent
17 editions. Individuals wishing to purchase a copy may call Teachers College Press at 1-800-575-
18 6566. The cost of this scale in ~~June 2012 is twenty one dollars and ninety five cents (\$21.95).~~
19 February 2014 is twenty-two dollars and ninety-five cents (\$22.95). A copy of this instrument is
20 on file at the Division at the address given in Item (1) of this Rule and is available for public
21 inspection during regular business hours.

22 (20) "ITS-SIDS Training" means the Infant/Toddler Safe Sleep and SIDS Risk Reduction Training
23 developed by the NC Healthy Start Foundation for the Division of Child Development and Early
24 Education for caregivers of children ages 12 months and younger.

25 (21) "Licensee" means the person or entity that is granted permission by the State of North Carolina to
26 operate a child care facility. The owner of a facility is the licensee.

27 (22) "Lockdown drill" means an emergency safety procedure in which people remain in a locked indoor
28 space and is usually used when threats of a dangerous person near the vicinity occur.

29 ~~(22)~~(23) "North Carolina Early Educator Certification (certification)" is an acknowledgement of an
30 individual's verified level of educational achievement based on a standardized scale. The North
31 Carolina Institute for Child Development Professionals certifies individuals and assigns a
32 certification level on two scales:

33 (a) the Early Care and Education Professional Scale (ECE Scale) in effect as of July 1, 2010;
34 or

35 (b) the School Age Professional Scale (SA Scale) in effect as of May 19, 2010.

36 Each scale reflects the amount of education earned in the content area pertinent to the
37 ages of children served. The ECE Scale is designed for individuals working with or on

1 behalf of children ages birth to five. The SA Scale is designed for individuals working
2 with or on behalf of children ages 5 to 12 who are served in school age care settings.

3 ~~(23)~~(24) "North Carolina Early Childhood Credential" means the state early childhood credential that is
4 based on completion of required early childhood coursework taken at any NC Community
5 College. Other post secondary curriculum coursework shall be approved as equivalent if the
6 Division determines that the content of the other post secondary curriculum coursework offered is
7 substantially equivalent to the NC Early Childhood Credential Coursework. A copy of the North
8 Carolina Early Childhood Credential requirements is on file at the Division at the address given in
9 Item (1) of this Rule and is available for public inspection or copying at no charge during regular
10 business hours.

11 ~~(24)~~(25) "Owner" means any person with a five percent or greater equity interest in a child care facility,
12 however stockholders of corporations who own child care facilities are not subject to mandatory
13 criminal history checks pursuant to G.S. 110-90.2 unless they are a child care provider.

14 ~~(25)~~(26) "Parent" means a child's parent, legal guardian, or full-time custodian.

15 ~~(26)~~(27) "Part-time care" means a child care arrangement where children attend on a regular schedule but
16 less than a full-time basis.

17 ~~(27)~~(28) "Passageway" means a hall or corridor.

18 ~~(28)~~(29) "Person" means any individual, trust, estate, partnership, corporation, joint stock company,
19 consortium, or any other group, entity, organization, or association.

20 ~~(29)~~(30) "Preschooler" or "preschool-age child" means any child who does not fit the definition of school-
21 age child in this Rule.

22 ~~(30)~~(31) "School-Age Care Environment Rating Scale" (Harms, Jacobs, and White, 1996, published by
23 Teachers College Press) is the instrument used to evaluate the quality of care received by a group
24 of children in a child care center, when the majority of the children in the group are older than five
25 years, to achieve three or more points for the program standards of a rated license. This instrument
26 is incorporated by reference and includes subsequent editions. Individuals wishing to purchase a
27 copy may call Teachers College Press at 1-800-575-6566. The cost of this scale in ~~June 2012 is~~
28 ~~twenty one dollars and ninety five cents (\$21.95).~~ February 2014 is twenty-two dollars and
29 ninety-five cents (\$22.95). A copy of this instrument is on file at the Division at the address given
30 in Item (1) of this Rule and is available for public inspection during regular business hours.

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

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

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

35 (35) "Shelter-in-Place drill" means staying where you are to take shelter rather than trying to evacuate.
36 It usually involves selecting a small interior room, with no or few windows, to take refuge when
37 threat of tornado or where hazardous materials have been released in the atmosphere.

1 ~~(34)~~(36) "Substitute" means any person who assumes the duties of a staff person for a time period not to
2 exceed two consecutive months.

3 ~~(35)~~(37) "Track-Out Program" means any child care provided to school-age children when they are out of
4 school on a year-round school calendar.

5 ~~(36)~~(38) "Volunteer" means a person who works in a child care facility and is not monetarily compensated
6 by the facility.

7
8 *History Note:* *Authority G.S. 110-85; 110-88; 143B-168.3;*
9 *Eff. January 1, 1986;*
10 *Amended Eff. April 1, 1992; October 1, 1991; October 1, 1990; November 1, 1989;*
11 *Temporary Amendment Eff. January 1, 1996;*
12 *Amended Eff. March 1, 2015; May 1, 2013; September 1, 2012; July 3, 2012; July 1, 2012;*
13 *November 1, 2007; May 2006; May 1, 2004; April 1, 2003; July 1, 2000; April 1, 1999; July 1,*
14 *1998; April 1, 1997.*