

G.S. 150B-21.3A Report for 10A NCAC Chapter 09, CHILD CARE RULES								
Agency - DHHS/Division of Child Development								
Comment Period - September 12-November 11, 2014.								
Date Submitted to APO - Filled in by RRC staff								
Rule Section	Rule Citation	Rule Name	Date and Last Agency Action on the Rule	Agency Determination [150B-21.3A(c)(1)a]	Implements or Conforms to Federal Regulation [150B-21.3A(d1)]	Federal Regulation Citation	Public Comment Received [150B-21.3A(c)(1)]	Agency Determination Following Public Comment [150B-21.3A(c)(1)]
SECTION .0100 - DEFINITIONS	10A NCAC 09 .0102	DEFINITIONS	Amended Eff. May 1, 2013	Necessary with substantive public interest	No		Yes	Necessary with substantive public interest
SECTION .0200 - GENERAL PROVISIONS RELATED TO LICENSING	10A NCAC 09 .0201	INSPECTIONS	Amended Eff. July 1, 1998	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .0204	CHANGES REQUIRING ISSUANCE OF A NEW LICENSE	Amended Eff. July 1, 1998	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .0205	PARENTAL ACCESS	Amended Eff. July 1, 1998	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .0206	CAPACITY OF THE CENTER	Amended Eff. July 1, 1998	Unnecessary	No		Yes	Unnecessary
SECTION .0300 - PROCEDURES FOR OBTAINING A LICENSE	10A NCAC 09 .0301	PRE-LICENSING REQUIREMENTS	Amended Eff. January 1, 2006	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .0302	APPLICATION FOR A LICENSE FOR A CHILD CARE CENTER	Amended Eff. March 1, 2014	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .0304	ON-GOING REQUIREMENTS FOR A PERMIT	Amended Eff. July 1, 2010	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .0305	REQUIREMENTS FOR A ONE-STAR RATED LICENSE FOR A CHILD CARE CENTER	Amended Eff. May 1, 2006	Unnecessary	No		No	Unnecessary
SECTION .0400 - ISSUANCE OF PROVISIONAL AND TEMPORARY LICENSES	10A NCAC 09 .0401	PROVISIONAL LICENSES FOR FACILITIES	Amended Eff. July 1, 1998	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .0403	TEMPORARY LICENSES FOR CENTERS	Amended Eff. July 1, 1998	Necessary with substantive public interest	No		No	Necessary with substantive public interest
SECTION .0500 - AGE AND DEVELOPMENTALLY APPROPRIATE ENVIRONMENTS FOR CENTERS	10A NCAC 09 .0501	STAFF/CHILD INTERACTIONS	Eff. July 1, 2010	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .0505	DEVELOPMENTAL DAY CENTERS	Amended Eff. July 1, 2010	Necessary with substantive public interest	No		No	Necessary with substantive public interest

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	10A NCAC 09 .0508	ACTIVITY SCHEDULES AND PLANS FOR CENTERS	Amended Eff. July 1, 2010	Necessary with substantive public interest	No		Yes	Necessary with substantive public interest
	10A NCAC 09 .0509	ACTIVITIES: GENERAL REQUIREMENTS FOR CENTERS	Amended Eff. July 1, 2010	Necessary with substantive public interest	No		Yes	Necessary with substantive public interest
	10A NCAC 09 .0510	ACTIVITY AREAS: PRESCHOOL CHILDREN TWO YEARS AND OLDER	Amended Eff. July 1, 2010	Necessary with substantive public interest	No		Yes	Necessary with substantive public interest
	10A NCAC 09 .0511	ACTIVITIES FOR CHILDREN UNDER TWO YEARS OF AGE	Amended Eff. August 1, 2010	Necessary with substantive public interest	No		Yes	Necessary with substantive public interest
	10A NCAC 09 .0512	OFF PREMISE ACTIVITIES	Eff. November 1, 2007	Necessary with substantive public interest	No		No	Necessary with substantive public interest
SECTION .0600 - SAFETY REQUIREMENTS FOR CHILD CARE CENTERS	10A NCAC 09 .0601	SAFE ENVIRONMENT	Amended Eff. January 1, 1996	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .0602	CONDITION OF INDOOR EQUIPMENT AND FURNISHINGS	Amended Eff. July 1, 1998	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .0603	OVERNIGHT FURNISHINGS	Amended Eff. January 1, 1991	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .0604	GENERAL SAFETY REQUIREMENTS	Amended Eff. February 1, 2012	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .0605	CONDITION OF OUTDOOR LEARNING ENVIRONMENT	Amended Eff. November 1, 2007	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .0606	SAFE SLEEP POLICY	Amended Eff. July 1, 2010	Necessary with substantive public interest	No		No	Necessary with substantive public interest
SECTION .0700 - HEALTH AND OTHER STANDARDS FOR CENTER STAFF	10A NCAC 09 .0701	HEALTH STANDARDS FOR STAFF	Amended Eff. July 1, 2010	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .0702	STANDARDS FOR SUBSTITUTES AND VOLUNTEERS	Amended Eff. July 1, 2010	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .0703	GENERAL STATUTORY REQUIREMENTS	Amended Eff. May 1, 2013	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .0704	PRESERVICE REQUIREMENTS FOR ADMINISTRATORS	Amended Eff. October 29, 1998	Necessary with substantive public interest	No		No	Necessary with substantive public interest

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	10A NCAC 09 .0705	SPECIAL TRAINING REQUIREMENTS	Amended Eff. July 1, 2008	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .0707	IN-SERVICE TRAINING REQUIREMENTS	Amended Eff. January 1, 2006	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .0708	IN-SERVICE TRAINING APPROVAL	Amended Eff. November 1, 2007	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .0709	DOCUMENTATION OF IN-SERVICE TRAINING	Amended Eff. July 1, 1998	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .0710	PRESERVICE REQUIREMENTS FOR LEAD TEACHERS, TEACHERS AND AIDES	Amended Eff. January 1, 2005	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .0711	PRESERVICE REQUIREMENTS FOR OTHER STAFF	Amended Eff. July 1, 1998	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .0712	STAFF/CHILD RATIOS FOR CENTERS WITH A LICENSED CAPACITY OF LESS THAN 30 CHILDREN	Amended Eff. January 1, 2006	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .0713	STAFF/CHILD RATIOS FOR CENTERS WITH A LICENSED CAPACITY OF 30 OR MORE CHILDREN	Amended Eff. January 1, 2006	Necessary with substantive public interest	No		Yes	Necessary with substantive public interest
	10A NCAC 09 .0714	OTHER STAFFING REQUIREMENTS	Amended Eff. July 1, 2012	Necessary with substantive public interest	No		No	Necessary with substantive public interest
SECTION .0800 - HEALTH STANDARDS FOR CHILDREN	10A NCAC 09 .0801	APPLICATION FOR ENROLLMENT	Amended Eff. November 1, 1989	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .0802	EMERGENCY MEDICAL CARE	Amended Eff. July 1, 2010	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .0803	ADMINISTERING MEDICATION	Amended Eff. May 1, 2004	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .0804	INFECTIOUS AND CONTAGIOUS DISEASES	Amended Eff. July 1, 1998	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .0806	TOILETING, CLOTHING AND LINENS	Amended Eff. July 1, 1998	Necessary with substantive public interest	No		No	Necessary with substantive public interest
SECTION .0900 - NUTRITION STANDARDS	10A NCAC 09 .0901	GENERAL NUTRITION REQUIREMENTS	Amended Eff. December 1, 2012	Necessary with substantive public interest	No		Yes	Necessary with substantive public interest
	10A NCAC 09 .0902	GENERAL NUTRITION REQUIREMENTS FOR INFANTS	Amended Eff. December 1, 2012	Necessary with substantive public interest	No		No	Necessary with substantive public interest

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	10A NCAC 09 .0903	REQUIREMENTS FOR CHILDREN AGED 24 MONTHS AND OLDER	Amended Eff. November 1, 1989	Necessary with substantive public interest	No		No	Necessary with substantive public interest
SECTION .1000 - TRANSPORTATION STANDARDS	10A NCAC 09 .1001	SEAT RESTRAINTS	Amended Eff. July 1, 1998	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .1002	SAFE VEHICLES	Amended Eff. July 1, 1998	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .1003	SAFE PROCEDURES	Amended Eff. November 1, 2007	Necessary with substantive public interest	No		Yes	Necessary with substantive public interest
	10A NCAC 09 .1004	STAFF/CHILD RATIOS	Amended Eff. July 1, 1998	Necessary with substantive public interest	No		No	Necessary with substantive public interest
SECTION .1300 - BUILDING CODE REQUIREMENTS FOR CHILD CARE CENTERS	10A NCAC 09 .1301	BUILDING CODE REQUIREMENTS IN OPERATION PRIOR TO 4/1/72	Amended Eff. July 1, 1998	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .1302	BUILDING CODE REQUIREMENTS FOR CHILD CARE CENTERS	Amended Eff. July 1, 1998	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .1303	BUILDING CODE REQUIREMENTS FOR SMALL GROUP FACILITIES LICENSED PRIOR TO 7/1/88	Amended Eff. July 1, 1998	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .1304	REQUIREMENTS FOR CHILD CARE CENTERS LICENSED IN A RESIDENCE	Amended Eff. April 1, 2001	Necessary with substantive public interest	No		No	Necessary with substantive public interest
SECTION .1400 - SPACE REQUIREMENTS	10A NCAC 09 .1401	INDOOR SPACE	Amended Eff. July 1, 1998	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .1402	OUTDOOR SPACE	Amended Eff. January 1, 1996	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .1403	AQUATIC ACTIVITIES	Amended Eff. July 1, 2010	Necessary with substantive public interest	No		Yes	Necessary with substantive public interest
SECTION .1700 -FAMILY CHILD CARE HOME REQUIREMENTS	10A NCAC 09 .1701	GENERAL PROVISIONS RELATED TO LICENSURE OF HOMES	Amended Eff. May 1, 2013	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .1702	APPLICATION FOR A LICENSE FOR A FAMILY CHILD CARE HOME	Amended Eff. March 1, 2014	Necessary with substantive public interest	No		No	Necessary with substantive public interest

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	10A NCAC 09 .1703	CAREGIVER INTERACTIONS	Eff. July 1, 2010	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .1705	HEALTH AND TRAINING REQUIREMENTS FOR FAMILY CHILD CARE HOME OPERATORS	Amended Eff. July 1, 2008	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .1706	NUTRITION STANDARDS	Eff. December 1, 2012	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .1716	FAILURE TO MAINTAIN REQUIREMENTS	Amended Eff. July 1, 1998	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .1718	REQUIREMENTS FOR DAILY OPERATIONS	Amended Eff. December 1, 2012	Necessary with substantive public interest	No		Yes	Necessary with substantive public interest
	10A NCAC 09 .1719	REQUIREMENTS FOR A SAFE INDOOR/OUTDOOR ENVIRONMENT	Amended Eff. May 1, 2012	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .1720	SAFETY, MEDICATION, AND SANITATION REQUIREMENTS	Amended Eff. May 1, 2004	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .1721	REQUIREMENTS FOR RECORDS	Amended Eff. July 1, 2010	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .1722	DISCIPLINE POLICY	Amended Eff. April 1, 2003	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .1723	TRANSPORTATION REQUIREMENTS	Amended Eff. April 1, 2003	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .1724	SAFE SLEEP POLICY	Amended Eff. July 1, 2010	Necessary with substantive public interest	No		No	Necessary with substantive public interest
SECTION .1800 - DISCIPLINE	10A NCAC 09 .1801	DISCIPLINE POLICY	Amended Eff. April 1, 2001	Necessary with substantive public interest	No		No	Necessary with substantive public interest
SECTION .1900 - SPECIAL PROCEDURES CONCERNING ABUSE/NEGLECT IN CHILD CARE	10A NCAC 09 .1901	NOTIFICATION TO COUNTY DEPARTMENTS OF SOCIAL SERVICES	Amended Eff. April 1, 2001	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .1903	INVESTIGATION PROCEDURES	Amended Eff. April 1, 2001	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .1904	ADMINISTRATIVE SANCTIONS	Amended Eff. April 1, 2001	Necessary with substantive public interest	No		No	Necessary with substantive public interest
SECTION .2000 - RULEMAKING AND CONTESTED CASE PROCEDURES	10A NCAC 09 .2001	PETITIONS FOR RULEMAKING	Eff. November 1, 1989	Necessary without substantive public interest	No		No	Necessary without substantive public interest

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	10A NCAC 09 .2002	RULEMAKING PROCEDURES	Eff. November 1, 1989	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	10A NCAC 09 .2003	DECLARATORY RULINGS	Eff. November 1, 1989	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	10A NCAC 09 .2004	CONTESTED CASES: DEFINITIONS	Eff. November 1, 1989	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	10A NCAC 09 .2005	CONTESTED CASES: REQUEST FOR DETERMINATION	Eff. November 1, 1989	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	10A NCAC 09 .2006	CONTESTED CASES: RECORD	Eff. November 1, 1989	Necessary without substantive public interest	No		No	Necessary without substantive public interest
	10A NCAC 09 .2007	CONTESTED CASES: EXCEPTIONS TO RECOMMENDED DECISION	Eff. November 1, 1989	Necessary without substantive public interest	No		No	Necessary without substantive public interest
SECTION .2100 - RELIGIOUS-SPONSORED CHILD CARE CENTER REQUIREMENTS	10A NCAC 09 .2101	CENTERS OPERATING UNDER G.S. 110-106	Amended Eff. August 1, 2011	Necessary with substantive public interest	No		No	Necessary with substantive public interest
SECTION .2200 - ADMINISTRATIVE ACTIONS AND CIVIL PENALTIES	10A NCAC 09 .2201	ADMINISTRATIVE PENALTIES: GENERAL PROVISIONS	Amended Eff. July 1, 2010	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .2202	WRITTEN REPRIMANDS	Amended Eff. April 1, 2001	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .2203	WRITTEN WARNINGS	Amended Eff. April 1, 2001	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .2204	PROBATIONARY LICENSE	Amended Eff. April 1, 2001	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .2205	SUSPENSION	Amended Eff. April 1, 2001	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .2206	REVOCATION	Amended Eff. April 1, 2001	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .2207	SUMMARY SUSPENSION	Amended Eff. April 1, 2001	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .2208	CIVIL PENALTIES: SCOPE AND PURPOSE	Amended Eff. April 1, 2001	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .2209	AMOUNT OF PENALTY	Eff. January 1, 1986	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .2210	NOTICE OF ASSESSMENT OF PENALTY	Amended Eff. July 1, 1988	Unnecessary	No		No	Unnecessary
	10A NCAC 09 .2211	RIGHT TO A HEARING	Amended Eff. January 1, 1987	Unnecessary	No		No	Unnecessary

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	10A NCAC 09 .2212	FAILURE TO PAY ASSESSED PENALTY	Amended Eff. July 1, 1988	Unnecessary	No		No	Unnecessary
	10A NCAC 09 .2213	SCHEDULE OF CIVIL PENALTIES FOR CHILD CARE CENTERS	Amended Eff. April 1, 2001	Necessary with substantive public interest	No		No	Necessary with substantive public interest
SECTION .2300 - FORMS	10A NCAC 09 .2318	RETENTION OF FORMS AND REPORTS BY A CHILD CARE OPERATOR	Amended Eff. July 1, 2010	Necessary with substantive public interest	No		No	Necessary with substantive public interest
SECTION .2400 - CHILD CARE FOR MILDLY ILL CHILDREN	10A NCAC 09 .2401	SCOPE	Amended Eff. April 1, 2003	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .2402	DEFINITIONS	Eff. April 1, 2003	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .2403	SPECIAL PROVISIONS FOR LICENSURE	Eff. April 1, 2003	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .2404	INCLUSION/EXCLUSION REQUIREMENTS	Eff. April 1, 2003	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .2405	ADMISSION REQUIREMENTS	Eff. April 1, 2003	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .2406	STAFF/CHILD RATIOS	Eff. April 1, 2003	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .2407	SPACE REQUIREMENTS	Eff. April 1, 2003	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .2408	STAFF QUALIFICATIONS	Eff. April 1, 2003	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .2409	CHILDREN'S RECORDS	Eff. April 1, 2003	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .2410	CHILDREN'S ACTIVITIES	Eff. April 1, 2003	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .2411	NUTRITION REQUIREMENTS	Eff. April 1, 2003	Necessary with substantive public interest	No		No	Necessary with substantive public interest
SECTION .2500 - CARE FOR SCHOOL-AGE CHILDREN	10A NCAC 09 .2501	SCOPE	Amended Eff. July 1, 2010	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .2502	SPECIAL PROVISIONS FOR LICENSURE	Amended Eff. July 1, 2010	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .2503	BUILDING CODE REQUIREMENTS	Amended Eff. July 1, 2010	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .2504	SPACE REQUIREMENTS	Amended Eff. July 1, 2010	Necessary with substantive public interest	No		No	Necessary with substantive public interest

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	10A NCAC 09 .2505	HEALTH REQUIREMENTS FOR CHILDREN	Amended Eff. July 1, 2010	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .2506	GENERAL SAFETY REQUIREMENTS	Amended Eff. March 1, 2014	Necessary with substantive public interest	No		Yes	Necessary with substantive public interest
	10A NCAC 09 .2507	OPERATING POLICIES	Eff. July 1, 1988	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .2508	AGE APPROPRIATE ACTIVITIES	Amended Eff. July 1, 2010	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .2509	ACTIVITIES: OFF PREMISES	Amended Eff. September 1, 1990	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .2510	STAFF QUALIFICATIONS	Amended Eff. August 1, 2010	Necessary with substantive public interest	No		Yes	Necessary with substantive public interest
SECTION .2600 – CHILD CARE FOR CHILDREN WHO ARE MEDICALLY FRAGILE	10A NCAC 09 .2601	SCOPE	Eff. October 1, 2005	Unnecessary	No		No	Unnecessary
	10A NCAC 09 .2602	DEFINITIONS	Eff. October 1, 2005	Unnecessary	No		No	Unnecessary
	10A NCAC 09 .2603	SPECIAL PROVISIONS FOR LICENSURE	Eff. October 1, 2005	Unnecessary	No		No	Unnecessary
	10A NCAC 09 .2604	OPERATIONAL POLICIES	Eff. October 1, 2005	Unnecessary	No		No	Unnecessary
	10A NCAC 09 .2605	STAFF/CHILD RATIOS	Eff. October 1, 2005	Unnecessary	No		No	Unnecessary
	10A NCAC 09 .2606	SPACE REQUIREMENTS	Eff. October 1, 2005	Unnecessary	No		No	Unnecessary
	10A NCAC 09 .2607	STAFF QUALIFICATIONS	Eff. October 1, 2005	Unnecessary	No		No	Unnecessary
	10A NCAC 09 .2608	CHILDREN'S PLAN OF CARE	Eff. November 1, 2005	Unnecessary	No		No	Unnecessary
	10A NCAC 09 .2609	NUTRITION REQUIREMENTS	Eff. October 1, 2005	Unnecessary	No		No	Unnecessary
	10A NCAC 09 .2610	TRANSPORTATION	Eff. October 1, 2005	Unnecessary	No		No	Unnecessary
SECTION .2700 - CRIMINAL RECORDS CHECKS	10A NCAC 09 .2701	SCOPE	Eff. March 1, 2014	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .2702	DEFINITIONS	Amended Eff. March 1, 2014	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .2703	CRIMINAL HISTORY RECORD CHECK REQUIREMENTS FOR CHILD CARE PROVIDERS	Amended Eff. March 1, 2014	Necessary with substantive public interest	No		Yes	Necessary with substantive public interest
	10A NCAC 09 .2704	CRIMINAL HISTORY RECORD CHECK REQUIREMENTS FOR NONLICENSED HOME PROVIDERS	Amended Eff. March 1, 2014	Necessary with substantive public interest	No		No	Necessary with substantive public interest



G.S. 150B-21.3A Report for 10A NCAC Chapter 09, CHILD CARE RULES								
Agency - DHHS/Division of Child Development								
Comment Period - September 12-November 11, 2014.								
Date Submitted to APO - Filled in by RRC staff								
Rule Section	Rule Citation	Rule Name	Date and Last Agency Action on the Rule	Agency Determination [150B-21.3A(c)(1)a]	Implements or Conforms to Federal Regulation [150B-21.3A(d1)]	Federal Regulation Citation	Public Comment Received [150B-21.3A(c)(1)]	Agency Determination Following Public Comment [150B-21.3A(c)(1)]
SECTION .2800 - VOLUNTARY RATED LICENSES	10A NCAC 09 .2801	SCOPE	Amended Eff. July 1, 2010	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .2802	APPLICATION FOR A VOLUNTARY RATED LICENSE	Amended Eff. September 1, 2012	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .2804	ADMINISTRATIVE POLICIES	Amended Eff. May 1, 2006	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .2805	OPERATIONAL AND PERSONNEL POLICIES	Amended Eff. May 1, 2006	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .2806	CAREGIVING ACTIVITIES FOR PRESCHOOL-AGED CHILDREN	Amended Eff. May 1, 2013	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .2807	PARENT PARTICIPATION	Amended Eff. May 1, 2006	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .2808	NIGHT CARE	Amended Eff. May 1, 2006	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .2809	SPACE REQUIREMENTS	Amended Eff. May 1, 2006	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .2817	PROGRAM STANDARDS FOR A TWO COMPONENT RATED LICENSE FOR CHILD CARE CENTERS	Eff. May 1, 2006	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .2818	STAFF/CHILD RATIOS FOR A TWO COMPONENT RATED LICENSE FOR CHILD CARE CENTERS	Eff. May 1, 2006	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .2819	EDUCATION STANDARDS FOR ON-SITE ADMINISTRATORS FOR A RATED LICENSE FOR CHILD CARE CENTERS	Amended Eff. August 1, 2012	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .2820	EDUCATION STANDARDS FOR LEAD TEACHERS FOR A RATED LICENSE FOR CHILD CARE CENTERS	Eff. August 1, 2012	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .2821	EDUCATION STANDARDS FOR TEACHERS FOR A RATED LICENSE FOR CHILD CARE CENTERS	Eff. August 1, 2012	Necessary with substantive public interest	No		No	Necessary with substantive public interest

**G.S. 150B-21.3A Report for 10A NCAC Chapter 09, CHILD CARE RULES**

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	10A NCAC 09 .2822	EDUCATION STANDARDS FOR PROGRAM COORDINATORS FOR A RATED LICENSE FOR CHILD CARE CENTERS	Eff. August 1, 2012	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .2823	EDUCATION STANDARDS FOR GROUP LEADERS AND ASSISTANT GROUP LEADERS FOR A RATED LICENSE FOR CHILD CARE CENTERS	Eff. August 1, 2012	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .2824	EDUCATION STANDARDS FOR A RATED LICENSE FOR ADMINISTRATORS FOR CENTERS THAT PROVIDE CARE ONLY TO SCHOOL-AGED CHILDREN	Eff. August 1, 2012	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .2825	EDUCATION STANDARDS FOR PROGRAM COORDINATORS FOR A RATED LICENSE FOR CENTERS THAT PROVIDE CARE ONLY TO SCHOOL-AGED CHILDREN	Eff. August 1, 2012	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	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	Eff. August 1, 2012	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .2827	EDUCATION STANDARDS FOR OPERATORS FOR A RATED LICENSE FOR FAMILY CHILD CARE HOMES	Amended Eff. August 1, 2012	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .2828	PROGRAM STANDARDS FOR A RATED LICENSE FOR FAMILY CHILD CARE HOMES	Recodified from Rule .2821 Eff. August 1, 2012	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .2829	QUALITY POINT OPTIONS	Amended Eff. September 1, 2012	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .2830	MAINTAINING THE STAR RATING	Recodified from Rule .2824 Eff. August 1, 2012	Necessary with substantive public interest	No		No	Necessary with substantive public interest

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	10A NCAC 09 .2831	HOW AN OPERATOR MAY REQUEST OR APPEAL A CHANGE IN RATING	Recodified from Rule .2825 Eff. August 1, 2012	Necessary with substantive public interest	No		No	Necessary with substantive public interest
SECTION .2900 - DEVELOPMENTAL DAY SERVICES	10A NCAC 09 .2901	SCOPE	Eff. July 1, 2010	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .2902	LICENSE	Eff. July 1, 2010	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .2903	STAFF QUALIFICATIONS	Amended Eff. March 1, 2014	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .2904	PROGRAM REQUIREMENTS	Amended Eff. July 1, 2012	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .2905	FAMILY SERVICES	Eff. July 1, 2010	Necessary with substantive public interest	No		No	Necessary with substantive public interest
SECTION .3000 - NC PRE-KINDERGARTEN SERVICES	10A NCAC 09 .3001	SCOPE	Eff. November 1, 2012	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .3002	FACILITY REQUIREMENTS	Eff. November 1, 2012	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .3003	PROGRAM ATTENDANCE POLICY	Eff. November 1, 2012	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .3005	CHILD HEALTH ASSESSMENTS	Eff. November 1, 2012	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .3006	DEVELOPMENTAL SCREENING	Eff. November 1, 2012	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .3007	EARLY LEARNING STANDARDS AND CURRICULA	Eff. January 1, 2013	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .3008	FORMATIVE ASSESSMENTS	Eff. March 1, 2013	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .3009	STAFF-TO-CHILD RATIO AND CLASS SIZE	Eff. November 1, 2012	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .3010	FAMILY ENGAGEMENT	Eff. November 1, 2012	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .3011	NC PRE-K SITE-LEVEL ADMINISTRATOR QUALIFICATIONS	Eff. November 1, 2012	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .3012	NC PRE-K TEACHER EDUCATION, LICENSURE AND CREDENTIALS	Eff. November 1, 2012	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .3013	NC PRE-K TEACHER ASSISTANT EDUCATION AND CREDENTIALS	Eff. November 1, 2012	Necessary with substantive public interest	No		No	Necessary with substantive public interest

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	10A NCAC 09 .3014	NC PRE-K SUBSTITUTE STAFF	Eff. November 1, 2012	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .3015	INSTRUCTIONAL STAFF STANDARDS	Eff. November 1, 2012	Necessary with substantive public interest	No		No	Necessary with substantive public interest
	10A NCAC 09 .3016	PROFESSIONAL DEVELOPMENT REQUIREMENTS	Eff. November 1, 2012	Necessary with substantive public interest	No		No	Necessary with substantive public interest

# **Comments for Periodic Review of Rules**

**Comment Period September 12 – November 11, 2014**

This is a general comment for **10A NCAC 09**

Dear Child Care Commission,

By this email, I want to thank you for your diligent review of the existing rules and strongly encourage you to maintain your commitment to the quality that has been instilled in the rules in North Carolina to date. I work all over the country with states that are developing quality rating and improvement systems and often direct them to the work in North Carolina as a model to be replicated. North Carolina has created rules and requirements that are reasonable. They did not start with the unattainable but supported the field in improving quality and changed the rules and regulations as the field attained those quality levels. You have steadily improved the quality of child care in the state and are a model for the nation. More importantly, you are seeing the results of this improved quality in better child outcomes. North Carolina's young children are arriving at school at a higher level of readiness and sustaining that readiness through their school years. You have much to be proud of and it has been possible through the diligence of the Child Care Commission in making rules that assured the state's commitment to high quality early care and education.

As you go through the current rules review process, I urge you to maintain your commitment to quality and the integrity of the system in mind and use that as the top standard for all your decisions. Thank you for all your great work.

Gerry Cobb  
State Services Director  
BUILD Initiative  
2506 Blooming Street  
Raleigh, NC 27612  
[www.buildinitiative.org](http://www.buildinitiative.org)

## **Commission's Response:**

**The Commission appreciates your comment. Thank you for your interest.**

This is a comment for: **10A NCAC 09 .0102 DEFINITIONS**

Comment: There is an inconsistency in the Child Care Licensing Requirements for school age children during planned breaks from school. Most children in NC follow a traditional calendar schedule with a ten week break in the summer, a two week break at Christmas and a one week break in the spring. A wide variety of good organizations provide positive activities for school aged children during each of those breaks. Summer day camps, winter sports camps, and vacation bible schools are not required to be licensed. There are thousands of such programs across the state and it would be an unmanageable and unnecessary administrative challenge for them to be required to be licensed.

In a few NC Counties, the school calendar is year round, with students attending school for nine weeks and then taking three weeks off. In effect, the summer break is staggered in four three week sessions through the year. When the school is out of session, (Tracked Out) many of those same organizations that provide day camps in the summer offer similar day camp programs commonly called Track Out. They are essentially staggered summer Day Camp.

**Simply because of the language used to describe the calendar, "track out" camps are defined as child care, requiring compliance with all the rules and regulations for licensed child care programs that were originally designed for preschool programs.** Summer day camps that school-age children attend on a traditional school calendar are defined as "recreation" and therefore do not require the same compliance. This is a challenge for many organizations who provide the services and does not improve the quality of the programs. Many organizations are providing Track Out Programs and ignore the regulations, or get past needing to comply by not providing care during all four tracks as defined in the rules.

Consistency across all school aged programs would be ideal, and the recommendation would be to make track out camps consistent with summer day camps because they serve the same population. The only difference is the arrangement of the calendar.

Sheree Vodicka, YMCA of the Triangle - NC Alliance of YMCAs,  
[sheree.vodicka@ymcatriangle.org](mailto:sheree.vodicka@ymcatriangle.org)

**Commission's Response:**

**The Commission is not certain that it has authority to make the requested change. The Commission will investigate this issue during the re-adoption process.**

This is a comment for: **10A NCAC 09 .0206     Capacity of the Center**

This is an important rule because it is the only rule that addresses staff child-interactions.

Norma Honeycutt, Partners In Learning  
[norma@epartnersinlearning.org](mailto:norma@epartnersinlearning.org)

**Commission's Response:**

**The rule referenced (10A NCAC 09 .0206) has been documented as unnecessary because it duplicates NCGS 110-91(6).**

This is a comment for the following rules in **10A NCAC 09**:

**.0508 Activity Schedules and Plans for Centers,  
.0509 Activities: General Requirements for Centers,  
.0510 Activity Areas: Preschool Children Two Years and Older  
.0511 Activities for Children Under Two Years of Age**

Dear Commissioners,

Let me start by thanking each of you for your service to the young children in our great state. As a past commissioner, I know first hand the importance of and the challenges of your position. Your upcoming task with the rules review is one of the most important task you have been assigned. The decisions you make can ensure continued quality and safe environments for the young children in early care and education programs across North Carolina. When reviewing each rule and deciding if it is important to continue or not, please think about what would happen without them. Also, take into consideration current research. I began my work in this field 33 years ago, before many of these rules were in effect. I have witnessed first hand how the rules have increased safety and quality. In this email, I would like to address the below rules specifically. It is important that we continue to have activity areas that are well defined and provide opportunities for intentional learning and engagement. Thank you for your consideration to my request

**.0508 Activity Schedules and Plans for Centers  
.0509 Activities: General Requirements for Centers  
.0510 Activity Areas: Preschool Children Two Years and Older  
.0511 Activities for Children Under Two Years of Age**

Norma Honeycutt  
Partners In Learning  
2386 Robin Rd.  
Salisbury, NC 28144  
[norma@partnersinlearning.org](mailto:norma@partnersinlearning.org)

**Commission's Response:**

**The Commission appreciates your comment. Thank you for your interest. These rules are already marked Necessary with Substantive Public Interest.**



This is a comment for **10A NCAC 09 .0510 ACTIVITY AREAS: PRESCHOOL CHILDREN TWO YEARS AND OLDER**

Smart Start of Mecklenburg County would like to submit a comment on Rule 10A NCAC09 .0510 ACTIVITY AREAS: PRESCHOOL CHILDREN TWO YEARS AND OLDER specifically section 7:

- (7) When “non-interactive” screen time, including television, videos, video games, and computer usage is provided, it shall be:
  - (a) Offered only as a free-choice activity,
  - (b) Used to meet a developmental goal, and
  - (c) Limited to no more than a total of two and a half hours per week, per child.

Usage time periods may be extended for specific special events, projects, on-site computer classes, or occasions such as a current event, holiday, or birthday celebration.

We are recommending that the word “non-interactive” be added as seen above. This addition would serve to differentiate non-interactive - which is described as television, videos, video games and computers - from interactive media which is defined as follows in a 2012 joint position statement by the National Association for the Education of Young Children and the Fred Rogers Center for Early Learning and Children’s Media at Saint Vincent College: ***interactive media refers to digital and analog materials, including software programs, applications (apps), broadcast and streaming media, some children’s television programming, e-books, the Internet and other forms of content designed to facilitate active and creative use by young children and to encourage social engagement with other children and adults.***

The position statement, “Technology and Interactive Media as Tools in Early Childhood Programs Serving Children from Birth through Age 8” referenced above, can provide a wealth of additional information on this topic.

Please contact Jane Meyer, Executive Director, if you require further information. Her email address is” [jmeyer@smartstartofmeck.org](mailto:jmeyer@smartstartofmeck.org)

**Commission’s Response:**

**The Commission appreciates your comment and will consider your comment during the re-adoption process. Thank you for your interest.**

**Dear Commissioners,**

**I am writing concerning the upcoming rules review. One of the most important rules that will be reviewed is: 10A NCAC 09 .0713 STAFF/CHILD RATIOS FOR CENTERS WITH A LICENSED CAPACITY OF 30 OR MORE CHILDREN. This rule sets the ratio standard for classrooms across the state. Lower ratios and group sizes are clearly linked to improved quality.**

**Our current standards are:**

<u>Age of Children</u>	<u>Ratio Staff/Children</u>	<u>Maximum Group Size</u>
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

**NAEYC is the National Association for the Education of Young Children. NAEYC is the nation's largest organization of early childhood professionals dedicated to the education of young children. NAEYC began in 1985 with a goal to provide a system that would raise the level of quality in early childhood programs. Based on research on the development and education of young children, NAEYC recommends the following ratios and group sizes.**

<b><i>For further clarification, please also see notes below.</i></b>	<b>GROUP SIZE</b>									
<b>AGE GROUP</b>	<b>6</b>	<b>8</b>	<b>10</b>	<b>12</b>	<b>14</b>	<b>16</b>	<b>18</b>	<b>20</b>	<b>22</b>	<b>24</b>
<b>Infants</b> (birth to 15 months) <sup>2</sup>	1:3	1:4								

<b>Toddler/Twos</b> (12 to 36 months) <sup>2</sup>										
12-28 months	1:3	1:4	1:4 <sup>3</sup>	1:4						
21-36 months		1:4	1:5	1:6						
<b>Preschool<sup>2</sup></b>										
2.5-year-olds to 3-year-olds (30 - 48 months)				1:6	1:7	1:8	1:9			
4-year-olds						1:8	1:9	1:10		
5-year-olds						1:8	1:9	1:10		
<b>Kindergarten</b>								1:10	1:11	1:12

As you can see after reviewing the above information, our current rules for ratios and group size does not meet the recommended standard based on research. I would ask that you consider lowering the ratios especially for the infants and toddlers across the state. If you are unable to do so, please do not raise the ratios or group sizes. This would be detrimental to the young childrne in our state. Thank you for your consideration to this important issue.

*Blessings,*

*Norma W. Honeycaut, M.Ed.*

#### **Commission's Response:**

The Commission appreciates your comment and will consider your comment during the re-adoption process. Thank you for your interest.

This is a comment for: **10A NCAC 09 .0901 GENERAL NUTRITION REQUIREMENTS**

Comment: The rule contradicts itself. USDA Child and Adult Care Food Program allows flavored milk to be served. This rule states that providers will follow USDA guidelines but then states unflavored milk is not allowed. This isn't following USDA guidelines. It also leaves little option for providers to encourage children opposed to drinking milk. I have administered the CACFP for 18 years and I have never witnessed a child care provider abusing flavored milk. Normally, it is used as a treat or to inspire a child to drink milk.

Tammie Martin, Partners for Children & Families

[tmartin@pfcfmc.org](mailto:tmartin@pfcfmc.org)

**Commission's Response:**

**The Commission appreciates your comment and will consider your comment during the re-adoption process. Thank you for your interest.**

First Flight After  
School Enrichment  
Program  
Kathy Duncan – Site Coordinator  
Phone: 252-449-7058

10/23/14

I am writing this letter to ask that you please consider making a change to the rule in Nutrition: Section .900 rule 10A NCAC 09.09.2(e). This rule is concern the requirement that children must receive only low fat/skim unflavored milk.

I am site coordinator of an after school program. The children in the program will not drink the white milk. My program is on the Federal food program and as you know the requirement with some foods is a required component.

This is a waste of money for my program. It also states in the rules that you follow the USDA requirements. No where does the USDA say that milk cannot be flavored. It states that it must be low fat milk or skim milk. To make sure that I was correct. I personally contacted Ms. Lori Carol who is with the USDA in Washington, DC. She is the consultant for this state.

I beg you to please change this if not for the pre-school age children for the school age children. Is it not better for the children to receive some sort of milk to get the nutrients than not to drink any at all? Please also know that some of the children only receive milk at school and not at home.

This is a grave concern to me as a provider, parent and grandparent and most of all as a taxpayer to see this waste.

I realize that law and rule changes take a while to happen but I ask that this be done immediately. I have enclosed a picture of the milk that I have left over from today's snack of apples and milk. I will be looking to hear from the commission on this issue and hopefully changes in the very near future.

Respectfully,  
Kathy Duncan  
FFES Site Coordinator

**Commission's Response:**

**The Commission appreciates your comment and will consider your comment during the re-adoption process. Thank you for your interest.**

This is a comment for **10A NCAC 09 .1003 SAFE PROCEDURES**

I have a comment on Rule **10A NCAC 09 .1003 (I), Safe Procedures**. The standard does not state for how long a seating chart/list of children being transported during routine or field trip travel must be kept. It has been explained to us by our licensing consultants that if it does not say how long, the document should be kept for the life of the license. A set time period for this type of documentation would be beneficial. We believe a time period for retention of this documentation corresponding to attendance record keeping would be appropriate.

Ryan P. Wilson  
YMCA OF WESTERN NORTH CAROLINA  
(E) [rwilson@ymcawnc.org](mailto:rwilson@ymcawnc.org)

**Commission's Response:**

**The Commission appreciates your comment and will consider your comment during the re-adoption process. Thank you for your interest.**

This is a comment for: **10A NCAC 09 .1403 AQUATIC ACTIVITIES**

I have a comment on Rule **10A NCAC 09 .1403 (b), Aquatic Activities**. The standard does not include a complete list of what the term “body of water” encompasses and what water features are excluded. Additionally, the rule does not give a depth of what is considered to be a “body of water.” It has been explained to us by our licensing consultants that children doing science activities along a creek bank is considered water play. However, if a child steps into the creek, even though the water may not cover their shoes, it constitutes an aquatics activity and since there is no language stating what depth constitutes a body of water. Programs are regularly left open to violations due to lack of comprehensive rules. We would like a minimum water depth of natural bodies of water defined that would allow school age children to participate in science and nature activities without the aquatics standards.

Ryan P. Wilson  
YMCA OF WESTERN NORTH CAROLINA  
(E) [rwilson@ymcawnc.org](mailto:rwilson@ymcawnc.org)

**Commission’s Response:**

**The Commission appreciates your comment and will consider your comment during the re-adoption process. Thank you for your interest.**

This is a comment for: **10A NCAC 09 .1403 AQUATIC ACTIVITIES**

I have a comment on Rule **10A NCAC 09 .1403 (f), Aquatic Activities**. According to this rule, staff-child ratios are listed as being in paragraph (d) when they are actually found in paragraph (e). Secondly, with regards to the rule's language, it regularly refers to staff in the "water" and then switches to the word "pool." Given that aquatics activities can take place in bodies of water besides pools continuity of the word "water" would be preferable.

Ryan P. Wilson  
YMCA OF WESTERN NORTH CAROLINA  
(E) [rwilson@ymcawnc.org](mailto:rwilson@ymcawnc.org)

**Commission's Response:**

**The Commission appreciates your comment and will consider your comment during the re-adoption process. Thank you for your interest.**



This is a comment for: **10A NCAC 09 .1403 AQUATIC ACTIVITIES**

I have a comment on Rule **10A NCAC 09 .1403 (f), Aquatic Activities**. This rule calls for the ability to hear and see, "...at all times to hear, see, and respond quickly..." In light of other rule changes that have been modified to "hear or see" for accessibility of staff, we feel this should be changed as well.

Ryan P. Wilson  
YMCA OF WESTERN NORTH CAROLINA  
(E) [rwilson@ymcawnc.org](mailto:rwilson@ymcawnc.org)

**Commission's Response:**

**The Commission appreciates your comment. In this case the Commission is unlikely to make the requested change because this requirement is important for safety concerns. Thank you for your interest.**

This is a comment for **10A NCAC 09 .1718 REQUIREMENTS FOR DAILY OPERATIONS**

I have a comment on Rule **10A NCAC 09 .1718 (a)(4)(A), Requirements for Daily Operations**. This rule calls for the ability to hear and see children. In light of other rule changes that have been modified to “hear or see” for accessibility of staff, we feel this should be changed as well.

Ryan P. Wilson  
YMCA OF WESTERN NORTH CAROLINA  
(E) [rwilson@ymcawnc.org](mailto:rwilson@ymcawnc.org)

**Commission’s Response:**

**The Commission appreciates your comment and will consider your comment during the re-adoption process. Thank you for your interest.**

This is a comment for **10A NCAC 09 .2506 GENERAL SAFETY REQUIREMENTS**

I have a comment on Rule **10A NCAC 09 .2506 (b), General Safety Requirements**. The language of this rule references .1403 on Aquatic Activities as if the aforementioned rule only refers to swimming pools and not all bodies of water.

Ryan P. Wilson  
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**Commission's Response:**

**The Commission appreciates your comment and will consider your comment during the re-adoption process. Thank you for your interest.**

This is a comment for **10A NCAC 09 .2510 STAFF QUALIFICATIONS**

I have a comment on Rule **10A NCAC 09 .2510 (b)(2), Staff Qualifications**. The current class that is offered to meet the two semester credit hours in child and youth development is EDU 119, which focuses on center-based care for children ages 0-5. Our program has seen licensed teachers not qualify as program coordinators for school-age programs because they do not have EDU 119 or its equivalent. We would like teacher licensure included as an avenue to program coordinator qualification.

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**Commission's Response:**

**The Commission appreciates your comment and will consider your comment during the re-adoption process. Thank you for your interest.**

This is a comment for **10A NCAC 09 .2703 CRIMINAL HISTORY RECORD CHECK**

I have a comment on Rule **10A NCAC 09 .2703 (e), Criminal History Record Check Requirements for Child Care Providers**. Child care providers who also work within a school system are allowed to bypass the Criminal History Record Check requirement by providing a copy of their school system background check. We believe a similar provision entitling child care providers with an exemption if they are being employed by an organization that provides nationwide background checks comparable to the DHHS Criminal History Record Check should also be included.

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**Commission's Response:**

**The Commission appreciates your comment. In this case the Commission is unlikely to make the requested change because this requirement is important for safety concerns and is highly regulated by Statute. Thank you for your interest.**

This is a comment for **10A NCAC 09 .2703 CRIMINAL HISTORY RECORD CHECK**

I have a comment on Rule **10A NCAC 09 .2703 (e), Criminal History Record Check Requirements for Child Care Providers**. Child care providers are continuing to not receive qualifying letters in the mail even after repeated requests for letters. If a staff member is qualified, but a letter has not been obtained for their file, this should not continue to be a violation.

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**Commission's Response:**

**The Commission appreciates your comment. In this case the Commission is unlikely to make the requested change because this requirement is important for safety concerns. Thank you for your interest.**