

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Child Care Commission

RULE CITATION: 10A NCAC 09 .2902

DEADLINE FOR RECEIPT: September 8, 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. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Page 1, line 4: By "5 days" do you mean any five days in a week? If you mean to require Monday through Friday (at a minimum), please say so.

Page 1, line 6: Please replace "community-based" with "Community-Based" to conform with new Paragraph (b).

Page 1, lines 18-24: Please consider adding a reference to 10A NCAC 09 .2800 to one or both of these paragraphs unless your regulated public is familiar enough with the voluntary rated license to make such a reference superfluous.

Please add a citation to G.S. 110-88(5) and 110-88(10) as Authority in your History Note.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609-6700.

Jason S. Thomas
Commission Counsel
Date submitted to agency: August 24, 2015

1 **10A NCAC 09 .2902 has been amended as published in 29:24 NCR 2783-2784 as follows:**

2

3 **10A NCAC 09 .2902 LICENSE**

4 (a) Developmental Day services shall be available for preschool children for a minimum of 8 hours per day, 5 days
5 per week, and 12 months per year except in the following circumstances:

6 (1) In counties where no community-based Developmental Day Center operates, a
7 Developmental Day program operated by the Local Education Agency may provide
8 services for the 10 month school year (as defined by the State Board of Education).

9 (2) If a Community-Based Developmental Day center opens in a county where
10 Developmental Day services are only provided by a Developmental Day program
11 operated by the Local Education Agency, the Developmental Day program operated by
12 the Local Education Agency may continue to provide services for the 10 month school
13 year until the end of the following school year. At the end of the following school year,
14 all Developmental Day services in the county shall be available as described in Paragraph
15 (a) of this Rule.

16 (b) For purposes of this Rule, a “Community-Based Developmental Day Center” means a Developmental Day
17 Center not operated by the Local Education Agency.

18 ~~(c)~~ Developmental Day Centers shall maintain a four or five star rated license with an average score of 5.0 on the
19 appropriate environment rating scale in each classroom evaluated.

20 ~~(d)~~ A child care center with a temporary license may receive certification status if all rules in this Section are met,
21 except for Paragraph ~~(c)~~ (c) of this Rule, and an application for a two to five star rated licensed has been submitted.
22 At the end of the temporary license period the child care center must receive a four or five star rated license as
23 specified in Paragraph ~~(c)~~ (c) of this Rule. Failure to receive a four or five star rated license shall result in the
24 removal of certification status as a Developmental Day Center.

25 ~~(e)~~ The license shall indicate certification as a Developmental Day Center.

26 ~~(f)~~ The center shall comply with the staff-child ratio and maximum group size as follows:

27

			MAXIMUM GROUP SIZE
29	AGE	RATIO STAFF/CHILDREN	
30	0-12 Months	1/4	8
31	1 to 2 Years	1/5	10
32	2 Years and Older	1/6	18

33

34 ~~(g)~~ A minimum of two staff members shall be on site at all times while children are in attendance at the facility.

35 ~~(h)~~ A child care center may appeal the removal of certification status in accordance with G.S. 110-94; however,
36 an appeal does not preclude a Local Education Agency from removing contracted children from the program before
37 a final decision on the appeal is reached.

1

2 *History Note: Authority G.S. 110-85; 110-88(14);*

3 *Eff. July 1, ~~2010~~ 2010;*

4 *Amended Eff. November 1, 2015.*

REQUEST FOR TECHNICAL CHANGE

AGENCY: North Carolina Child Care Commission

RULE CITATION: 10A NCAC 09 .2903

DEADLINE FOR RECEIPT: September 8, 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. Approval of any rule is contingent upon making technical changes as set forth in G.S. 150B-21.10.

Line 20: the term “[.2902(a),]” should also be stricken, as follows: “[~~.2902(a),]~~”

Please add a citation to G.S. 110-88(5) as Authority in your History Note.

Please retype the rule accordingly and resubmit it to our office at 1711 New Hope Church Road, Raleigh, North Carolina 27609-6700.

Jason S. Thomas
Commission Counsel
Date submitted to agency: August 24, 2015

1 **10A NCAC 09 .2903 has been amended with changes as published in 29:24 NCR 2785 as follows:**

2

3 **10A NCAC 09 .2903 STAFF QUALIFICATIONS**

4 (a) Each center serving children ages birth to three years shall have a minimum of one staff who holds an Infant
5 Toddler Family Specialist certification issued from the North Carolina Division of Public Health; Birth-through-
6 Kindergarten (B-K) Standard Professional I licensure; or provisional licensure in B-K issued from the Department of
7 Public Instruction. This staff shall provide program oversight and supervision for any caregivers in classrooms with
8 children ages birth to three years.

9 (b) In accordance with G.S. 115C-84.2(a)(1), during the 185 day school year (as defined by the State Board of
10 Education), each child aged three years old and older on or before the initial school entry date specified in G.S. 115C-
11 364 (school entry date) shall be served in a classroom with at least one lead teacher who holds a B-K Standard
12 Professional I licensure or provisional licensure in B-K, or Preschool Add-on licensure issued from the Department
13 of Public Instruction.

14 (c) Children who turn three years old after the school entry date who are identified as a child with a disability as
15 evidenced by an Individualized Education Program (IEP), shall be served in a classroom with a B-K licensed teacher.

16 (d) ~~During the time when school is not in session,~~ For centers operating for 12 months as specified by 10A NCAC 09
17 .2902(a) of this Section, during the two additional months of operation each group of preschool children shall have at
18 least one lead teacher with a minimum of an A.A.S. degree in early childhood education or child development, or an
19 A.A.S. degree in any major with 12 semester hours in early childhood education or child development.

20 (e) For centers operating for 10 months as specified by 10A NCAC 09 [2902(a), 2902(a) of this Section, during
21 ~~During~~ the 10 month school year, (as defined by the State Board of Education), each group of school-age children
22 shall have at least one teacher who holds State certification as a Special Education Teacher. ~~During the time when~~
23 ~~school is not in session,~~ For centers operating for 12 months as specified by 10A NCAC 09 .2902(a) of this Section,
24 during the two additional months of operation each group of school-age children shall have at least one teacher who
25 has completed at least two semester hours of school-age care related coursework and has completed or is enrolled in
26 at least two additional semester hours of school-age related coursework.

27 (f) Center administrators shall have a Level III North Carolina Early Childhood Administration Credential and two
28 years of verifiable work experience with children with developmental delays or disabilities.

29

30 *History Note:* Authority G.S. 110-85; 110-88(14);
31 Eff. July 1, 2010;
32 Amended Eff. November 1, 2015; March 1, 2014.