REQUEST FOR TECHNICAL CHANGE

AGENCY: NC CHILD CARE COMMISSION

RULE CITATION: 10A NCAC 09 .0102

DEADLINE FOR RECEIPT: TUESDAY, NOVEMBER 15, 2011

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

The Rules Review Commission staff has completed its opinion review of this rule or set of rules your agency filed with the RRC for review by the RRC at its next meeting. The Commission has not yet met 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 one or more technical changes need to be made. Approval of any rule is contingent on making this technical change as set out in G.S. 150B-21.10.

***Please note that the deadline above for submitting technical changes is proposed to be changed to the earlier of 10 business days after transmission of the request or the Friday before the RRC meeting. (If that Friday is a holiday, then the change is due the last business day before the holiday.) If that rule were in effect now the deadline would be Thursday, November 10.***

*In line 5 it seems to me that “content” should probably be “context.”*

*In (3) line 15 please either change “Other” to “Equivalent” or insert “as equivalent” after “shall be approved” to match its use in other rules.*

*In item (15) page 2 line 24 please delete the comma following “including,”.*

*In item (21) please inform me by phone call or email* ***no later than Monday, November 7*** *who the author of the “N.C. Early Childhood Instructor Manual” is.*

*In item (22) page 4 line 4 please delete the comma following “however,”.*

*In (22) page 4 line 6 if “involved in day-to-day operations of the child care facility” is the same as someone who is a “child care provider” in item (5) then change that phrase to “child care provider.” If it is not the same thing then you need to define that term.*

*In item (32) page 4 line 30 delete “temporarily.” The meaning of “temporary” is defined in the rule as “for a time period not to exceed two consecutive months.”*

Please retype or otherwise correct the rule(s) or submission form(s) as necessary and deliver it to our office at 1711 New Hope Church Rd, Raleigh, North Carolina 27609.

If you have any questions or problems concerning this request, please contact me.

Joseph J. DeLuca, Jr.

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC CHILD CARE COMMISSION

RULE CITATION: 10A NCAC 09 .2819

DEADLINE FOR RECEIPT: TUESDAY, NOVEMBER 15, 2011

The Rules Review Commission staff has completed its opinion review of this rule or set of rules your agency filed with the RRC for review by the RRC at its next meeting. The Commission has not yet met 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 one or more technical changes need to be made. Approval of any rule is contingent on making this technical change as set out in G.S. 150B-21.10.

*This rule should be broken into multiple rules and the portions common or applicable to many, if not all, of the seven point levels put into a separate part or rule. I am considering a recommendation to the RRC to object based on ambiguity in that the rule is difficult to follow and perhaps unclear in determining the standards that set each point level apart. (Please see the related RRC Staff Opinion.) The rule is especially difficult to follow in the last sub-sub-paragraphs because they are formatted as lengthy run on sentences with confusing semicolons and commas rather than formatted as lists.*

*I recognize that because of the length of this rule it is difficult to be consistent in the style for word usages, sentence structure, punctuation, and rule format. It is also at the same time difficult to do the same in reviewing it and remaining consistent in all those areas. If you believe I have not been consistent in some aspect, please let me know and I’m sure we can agree on some common approaches. I also am requesting this notification as one of my technical change requests.*

*In (b)(5) – (g)(5) change “may count” to “shall count” or “counts,” or designate what the standards are for determining when it “may” (and not “shall”) count.*

*In (b)(1)(B) line 10 please delete the semicolon following “experience,” or at least change it to a comma.*

*In (b)(3)(A) line 16 delete “at least.” That request also applies in the following instances:*

 *Page 1 lines 27 and 28;*

 *Page 2 lines 18, 28, 34 and 35;*

 *Page 3 lines 3, 5 (change “at least” to “have”), 6, 14, 15 and 17;*

*Page 4 lines 12, 16, 17, 22 (change “shall have at least” to “have”), 25, 26, 28, 29, and 30-31;*

 *Page 5 lines 3, 4, 18, 27, 33 and 37;*

 *Page 6 lines 4, 5, 14-15, 23, 25, 28 and 29;*

 *Page 7 lines 17, 20, 27, 31 and 37;*

 *Page 8 lines 4, 6, 7, 9, 10, 17, 18, 20, 21, 24 and 25;*

 *Page 9 lines 1-2, 7, 10, 17, 21, 26, 27-28, 32, 34, and at the end of line 36; and*

 *Page 10 lines 1, 3, 6, 7, 10, 17, 18, 20, and 21.*

*In (c)(1)(C) page 2 line 12 please delete the semicolon following “experience,” or at least change it to a comma.*

*In lines 12 and 13 of that same place change “one year experience” to “one year’s experience” or “one year of experience.” The latter would match the usage in other places but I don’t have a preference.*

*In (c)(4) page 2 line 30 there is the same correction needed to make “two years” possessive: either “two years’” or “two years of.”*

*In (c)(5) page 2 line 33 change the semicolon to a colon.*

*In (c)(5)(D) page 3 line 13 change “as allowed in Rule .2510” to “as set out [or ‘designated’ or similar language; the rule referred to is not “allowing” someone to designate a group leader but setting the requirements for a group leader] in Rule .2510(c)” or delete the language entirely including “of this Chapter” since it does not seem entirely necessary. Of course if you rewrote the rule and did not have to keep repeating this language then you might choose to refer to it more completely. If I am incorrect in my interpretation or my paragraph reference, please notify me ASAP. Make the same change wherever else it occurs in this rule.*

*In (d)(1)(B) page 3 line 24 make “one year” possessive by either of the methods previously shown.*

*The same applies with “10 years” in line 27.*

*In (d)(4)(A) page 4 line 7 make “three years” possessive and in line 8 the same applies for “five years.”*

*In (d)(5)(B) lines 25, 27, 29, and 30 please delete the semicolons following “setting;” or “program;” or at least change them to commas.*

*In (d)(5)(D) page 5 line 2 change “as allowed in Rule .2510.”*

*In (e)(4)(A) line 34 please delete the semicolon following “scale;” or at least change it to a comma.*

*In (e)(5)(B) page 6 lines 11 and 13 please delete the semicolons following “coursework;” or “program;” or at least change them to commas.*

*In (e)(5)(D) page 6 line 21 change “as allowed in Rule .2510.”*

*In (f)(1)(C) page 7 line 5 should “administrative experience” be “child care administrative experience” or does any sort of administrative experience satisfy the requirement?*

*In (f)(3) page 7 line 11 delete “shall have at least.” It would also be a bit easier to understand the requirement if you put a period after “scale” and began the next sentence with “Fifty percent ….”*

*In that same sub-paragraph line 12 change “shall:” to “shall have:” and delete “have” at the beginning of lines 13, 17 and 20.*

*In (f)(3)(A) page 7 line 15 delete “shall have” and in line 16 change the comma to a semicolon.*

*In (f)(3)(B) page 7 line 18 make “one year” possessive.*

*The same request applies in (c) line 20.*

*In (f)(4)(A) either delete the semicolon after “equivalent” or change it to a comma. Change the semicolons to commas in lines 28 and 30 (after “coursework);” and not in line 30 after “experience”).*

*In (f)((5)(B) page 8 line 8 either delete the semicolon following “coursework;” or change it to a comma.*

*In (f)(5)(D) page 8 line 16 change “as allowed in Rule .2510.”*

*In (g)(1)(B) page 8 line 33 should “administrative experience” be “child care administrative experience” or does any sort of administrative experience satisfy the requirement?*

*In (g)(3)(A) page 9 line 9 either delete the semicolon after “development;” or delete the word “and” and change the sentence fragment “two years of full-time … experience;” into a complete thought expressing who must have that experience. The rule is not clear about whether that experience applies to those with either of the degrees or only to one of those degrees.*

*In (g)(4)(B) page 9 line 21 I believe that “viable” should probably be “verifiable.”*

*In (g)(5)(B) page 9 lines 35 and 36 delete “shall have completed at least” and in line 36 either delete the semicolon following “coursework;” or change it to a comma.*

*In (g)(5)(B) page 10 line 2 delete “shall have completed at least” and in line 3 either delete the semicolon following “coursework;” or change it to a comma.*

*At the end of line 10 in that same sub-sub-paragraph change the period to a semicolon.*

*In (g)(5)(D) page 10 line 16 change “as allowed in Rule .2510.”*

*In (g)((5)(D) page 10 line 18 either delete the semicolon following “program;” or change it to a comma. The same request applies to “setting;” in line 20 and “completed;” in line 21*

*Please move the definition found in (i) of this rule to the definitions rule and rewrite as necessary.*

Please retype or otherwise correct the rule(s) or submission form(s) as necessary and deliver it to our office at 1711 New Hope Church Rd, Raleigh, North Carolina 27609.

If you have any questions or problems concerning this request, please contact me.

Joseph J. DeLuca, Jr.

Commission Counsel

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC CHILD CARE COMMISSION

RULE CITATION: 10A NCAC 09 .2820

DEADLINE FOR RECEIPT: TUESDAY, NOVEMBER 15, 2011

The Rules Review Commission staff has completed its opinion review of this rule or set of rules your agency filed with the RRC for review by the RRC at its next meeting. The Commission has not yet met 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 one or more technical changes need to be made. Approval of any rule is contingent on making this technical change as set out in G.S. 150B-21.10.

*This rule, just as the previous one, should be broken into multiple rules and the portions applicable to many, if not all, of the point levels put into a separate part or rule. I am considering a recommendation to the RRC to object based on ambiguity in that the rule is difficult to follow and perhaps unclear in determining the standards that set each point level apart. (Please see the related RRC Staff Opinion.) The rule is especially difficult to follow in the last sub-sub-paragraphs because they are formatted as lengthy run on sentences with confusing semicolons and commas rather than formatted as lists.*

*I recognize that because of the length of this rule it is difficult to be consistent in the style for word usages, sentence structure, punctuation, and rule format. It is also at the same time difficult to do the same in reviewing it and remaining consistent in all those areas. If you believe I have not been consistent in some aspect, please let me know and I’m sure we can agree on some common approaches. I also am requesting this notification as one of my technical change requests.*

*Many of the same comments and requests that were made in relation to rule .2819 apply here as well, including the ones about restructuring this rule into multiple rules and consolidating repetitive instructions.*

*It seems to me that (a) and (b) are both stating the same thing in slightly different terms. The only difference seems to me that (a) refers to “education standards” and (b) refers to “staff education requirements.” Please consolidate the two and rewrite as necessary.*

*Please go through this rule and eliminate “at least” (except for where it relates to age; for some reason it does not bother me quite so much – I guess that seems a more acceptable colloquialism).*

*In (c)(1) it is not clear if the requirement for 1600 hours of experience applies only to an administrator who is using the enrollment in required coursework as the qualifier or applies to anyone who is designated as an administrator. Please restructure to reflect the current interpretation.*

*It seems to me that in (c)(2)(A) line 18 the comma should be a semicolon. In (B) line 20 the comma in “program, or” is not necessary. This formatting should apply in most cases throughout this rule.*

 *In (d)(3) page 2 line 2 change “as allowed in Rule .2510” to “as set out [or ‘designated’ or similar language; the rule referred to is not “allowing” someone to designate a group leader but setting the requirements for a group leader] in Rule .2510(c)” or delete the language entirely including “of this Chapter” since it does not seem entirely necessary. Of course if you rewrote the rule and did not have to keep repeating this language then you might choose to refer to it more completely. If I am incorrect in my interpretation or my paragraph reference, please notify me ASAP. Make the same change wherever else it occurs in this rule.*

*In (e)(3)(D) page 2 line 27 change “as allowed in Rule .2510.”*

*In (f)(3) page 3 line 15 change “as allowed in Rule .2510.”*

*In (g)(3) page 4 line 6 change “as allowed in Rule .2510.”*

*In (h)(3) page 5 line 8 change “as allowed in Rule .2510.”*

Please retype or otherwise correct the rule(s) or submission form(s) as necessary and deliver it to our office at 1711 New Hope Church Rd, Raleigh, North Carolina 27609.

If you have any questions or problems concerning this request, please contact me.

Joseph J. DeLuca, Jr.

Commission Counsel

REQUEST FOR TECHNICAL CHANGE

AGENCY: NC CHILD CARE COMMISSION

RULE CITATION: 10A NCAC 09 .2822

DEADLINE FOR RECEIPT: TUESDAY, NOVEMBER 15, 2011

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In reviewing these rules, the staff determined that one or more technical changes need to be made. Approval of any rule is contingent on making this technical change as set out in G.S. 150B-21.10.

*In (b)(1) line 8 delete the comma in “equivalent, or.”*

*In that same line and wherever else it occurs in this rule delete “at least.”*

*In (b)(3) line 12 “five years … experience” should be “five years’ … experience” or “five years of … experience.”*

*In (b)(3) please verify that the requirement is eight hours of additional training in a five-year period. If that is not the requirement then the rule is unclear.*

*In (d)(1) line 20 delete the comma in “equivalent, or.”*

*In (e)(1) line 30 delete the comma in “equivalent, or.”*

*In (e)(1) line 33 it seems to me that “are in child care administration” should be “or in ….”*

*In that same line “one year” should be either “one year’s” or “one year of.”*

*In (f)(1) page 2 line 10 correct “two years verifiable” in the same manner.*

*In (g)(3) page 2 line 18 “two years experience” should be “two years’ experience” or “two years of experience.*

Please retype or otherwise correct the rule(s) or submission form(s) as necessary and deliver it to our office at 1711 New Hope Church Rd, Raleigh, North Carolina 27609.

If you have any questions or problems concerning this request, please contact me.

Joseph J. DeLuca, Jr.

Commission Counsel