

REQUEST FOR CHANGES PURSUANT TO G.S. 150B-21.10

AGENCY: N.C. Child Care Commission

RULE CITATION: 10A NCAC 09 .2102

**DEADLINE FOR RECEIPT: April 21, 2026**

***PLEASE NOTE: This request may extend to 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 email the reviewing attorney to inquire concerning the staff recommendation.

In reviewing this Rule, the staff recommends the following changes be made:

*(a): Why is this necessary? This paragraph (and its subparagraphs) seems to word-for-word restate the requirements set forth in G.S. 110-91(10).*

*(b), lines 11-18: Where does the Commission's authority to set and define the exact contents of facility disciplinary policies and practices come from? The limitations in your rule seem to go beyond the statutory requirements for religious sponsored child care facilities in G.S. 110-91(10). The statute appears to allow for the facility to create its own policy so long as it files with the Department and provides notice in its written policy.*

*(b), line 12: "and who will be administering the punishment." is redundant. You already state this on lines 10-11.*

*(b), line 15: Consider adding "on the skin" or something similar after "mark".*

*(b), line 15: Is there any limitation on who can serve as a "witness" in this instance?*

*(d): How could the facility's policy change now that you've set forth the requirements for the policy in (b)? Wouldn't any change be in violation of your rule?*

*(e): An investigation by whom?*

*History Note, Authority: Consider adding § 110-88, which appears to include the Commission's general rulemaking authority.*

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

Christopher S. Miller  
Commission Counsel

Date submitted to agency: April 15, 2026

1 **10A NCAC 09 .2102 is amended as published in 40:06 NCR 505-506 as follows:**

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3 **10A NCAC 09 .2102 USE OF CORPORAL PUNISHMENT**

4 (a) Corporal punishment may be used in religious-sponsored child care facilities in accordance with G.S. 110-91(10),  
5 if:

- 6 (1) the religious-sponsored child care facility files a notice with the Division stating that corporal  
7 punishment is part of the religious training of its program; and  
8 (2) the religious-sponsored child care facility states in its written policy of discipline that corporal  
9 punishment is part of the religious training of its program.

10 (b) The discipline policy shall state when corporal punishment is used, what type of punishment is used, and who will  
11 be administering the punishment. The discipline policy shall state that parents will be informed before and by the end  
12 of the day after their child has received corporal punishment and who will be administering the punishment. The  
13 facility shall comply with their written discipline policy. If administered by facility staff, corporal punishment shall  
14 be limited to one swat by the hand on the buttocks of a child over the child's normal mode of dress that does not result  
15 in any mark that lasts more than two hours or bruising. A witness shall be present when corporal punishment is  
16 administered and shall be administered by the administrator or other designated staff member. A facility shall not  
17 administer corporal punishment more than once a day per child. The facility's administrator shall complete an incident  
18 report whenever corporal punishment is administered at the facility.

19 (c) The discipline policy shall be shared with all parents that have children enrolled at the facility and the facility shall  
20 provide parents a copy of the policy for their records.

21 (d) If the facility's discipline policy changes, the new policy shall be shared with parents 14 days prior to the change  
22 becoming effective. A copy of the revised discipline policy shall be submitted to the Division within 30 days of the  
23 effective date of the revised policy.

24 (e) A discipline policy that meets the requirements of this Rule shall not preclude the investigation of a complaint  
25 alleging inappropriate discipline of a child or child maltreatment as specified in G.S 110-105.3.

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27 *History Note: Authority G.S. 110-91(10); 110-106;*

28 *Eff. October 1, 2017.*

29 *Amended Eff. May 1, 2026.*